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Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Wednesday, February 2, 1983*

(Legislative day of Tuesday, January 25, 1983)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

O praise the Lord, all ye nations: praise Him, all ye people.

For His merciful kindness is great toward us, and the truth of the Lord endureth forever.—Psalm 117.

Almighty God of the nations, we pray for the National Prayer Breakfast to be held tomorrow morning. We ask that Thy Holy Spirit will brood over the place of meeting. As President and Mrs. Reagan are joined by Members of Congress, the Supreme Court, various departments of Government, people of all walks of life from every State in the Union and over 150 countries of the world, let Thy blessing fall upon them.

Gracious Father, gathered in one place will be a microcosm of the world. Guide the program, inspire all who participate, so that the peoples of the world will hear God's voice and feel God's presence at this time of international crisis. May there be a sense of mankind's oneness and a baptism of love which each one present will feel. Infuse their hearts with an irresistible longing for and will to peace. We pray this in the name of the Prince of Peace who came into history to unite all things. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time for the two leaders under the standing order and the special order for Senator SPECTER, there be a period for the transaction of routine morning business, not to exceed 30 minutes, in which Senators may make speeches for not to exceed 3 minutes each.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

LEADERSHIP TIME RESERVED

Mr. STEVENS. Mr. President, I ask unanimous consent that the leadership time on this side be reserved for the use of the majority leader later today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I make the same request for both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, appoints the Senator from Vermont (Mr. STAFFORD) as chairman of the Senate delegation to the Interparliamentary Union during the 98th Congress in accordance with 22 U.S.C. 276.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. The Senator from Pennsylvania (Mr. SPECTER) is recognized for not to exceed 15 minutes.

Mr. SPECTER. Thank you, Mr. President.

S. 374—AGENT ORANGE RELIEF ACT

Mr. SPECTER. Mr. President, I rise today to reintroduce the Vietnam Veterans' Agent Orange Relief Act. I originally introduced this legislation in the 1st session of the 97th Congress. Eighteen months have passed since then and the Veterans' Administration is no closer to resolving this human tragedy today than it was at that time. In my judgment, a legislative solution is imperative.

The pain and suffering inflicted by the Vietnam war continues to this day. The purpose of this bill is to give belated recognition and relief to the thousands of brave men and women who have suffered physical harm because of their exposure to the defoliant agent orange and other toxic herbicides during the Vietnam war.

The solemn pledge of the Veterans' Administration is "to care for him who has borne the battle, and for his widow and his orphan." If the pledge of care is to have real meaning, it must be fulfilled willingly, fairly, and expeditiously. This pledge has not been kept for the veterans of the Vietnam war who suffer from being exposed to agent orange more than a decade ago.

Attention is only now being given to the plight of the Vietnam veterans. It is attention that is long overdue, for in our ambivalence, or guilt, about the Vietnam war, we allowed these veterans to return to us without fanfare, without thanks, and without concern for the special problems that might plague their lives.

I have conducted a series of hearings throughout Pennsylvania during the course of the 97th Congress to exam-

ine the readjustment problems of Vietnam veterans. Almost 500,000 Vietnam-era veterans live in Pennsylvania. The focus of their concerns has been the perceived Government disinterest, if not hostility, to veterans who claim to have been seriously injured by their exposure to agent orange. We are all by now familiar with the commonly cited injuries of these veterans. They include tumors, debilitating stomach ailments, skin rashes, and genetic damage.

However, it is impossible to gage the frustration and rage felt by many of these veterans unless you hear their stories, face to face. Several veterans testified that they were treated as "the enemy" when seeking help for their injuries. Most disturbingly, many veterans who served our country out of a profound sense of duty and patriotism said they would not let their children serve in the Armed Forces because of the Government's handling of the agent orange question.

Presently, the Veterans' Administration recognizes only a skin rash known as chloracne as having been caused by agent orange exposure and, therefore, eligible for compensation as a service-connected injury. No compensation is available for the other injuries because of the alleged lack of proven service connection. Vietnam veterans who claim to have been harmed by agent orange are given an examination and entered into the agent orange registry. Medical attention is now available. But, there is no prospect of compensation granted by the VA.

The Federal Government has imposed an impossible burden of proof on Vietnam veterans to establish service connection for their injuries. It is a burden of proof that far exceeds any imposed on litigants in civil trials who must establish liability for injuries far less serious than those involved in veterans' cases. It is difficult to understand why these veterans, to whom we owe so great a debt, are subjected to such a singularly difficult legal barrier to just compensation.

There is little, if any, solace in the impressive array of tests, studies, and experiments being conducted on the effects of exposure to agent orange. No clear deadline has been announced for when the debate will be ended and compensation paid. Veterans wait with mounting anger and frustration.

The Veterans' Administration and the Department of Health and Human Services recently negotiated the transfer of the epidemiological study to the Center for Disease Control. The VA will have the oversight role, but the CDC will have the full responsibility for conducting the study. This transfer was long overdue, but it may cause even further delays. Three years after Congress instructed the Veterans' Administration to undertake this study, its methodological design has still not been approved. The National Academy of Science's review sharply criticized the protocol submitted by UCLA. The CDC may have to rewrite the protocol to assure reliable results. The process is seemingly endless.

The Government of Australia is already awarding disability benefits to the majority of Vietnam veterans that filed for agent orange-related compensation. It is unconscionable that American veterans, many of whom face life-threatening ailments, should have to wait so much longer for a resolution of their claims.

The legislation which I propose will provide compensation for an ailment caused by exposure to agent orange as established by credible medical opinion. This is similar to the standard of proof in civil litigation where a single doctor's testimony may be sufficient evidence.

It is long past time that the Vietnam veterans received the help they need; the help they have asked for. That is the only way to put the Vietnam war behind us and to fulfill our pledge to the men and women who bravely served their country in a difficult time.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Veterans Agent Orange Relief Act."

SEC. 2. Section 312 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who served in Southeast Asia during the Vietnam era and who (A) after such service, developed a disability of 20 per centum or more as a result of a disease which is determined under paragraph (2)(A) of this subsection to be a disease which could be caused by exposure to phenoxy herbicides, and (B) during such service, was exposed to phenoxy herbicides, as determined in accordance with rules prescribed by the Administrator under paragraph (3) of this subsection, such disease shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of service.

"(2) The Administrator shall determine—

"(A) the diseases which could be caused, according to credible medical opinion, by exposure to phenoxy herbicides; and

"(B) the conditions of service in Southeast Asia during the Vietnam era which are sufficient to establish exposure to phenoxy herbicides for the purposes of paragraph (1) of this subsection.

"(3)(A) The Administrator shall prescribe rules for the administration of this subsection. Such rules shall set forth—

"(i) the diseases which have been determined by the Administrator under paragraph (2) of this subsection to be diseases which could be caused, according to credible medical opinion, by exposure to phenoxy herbicides;

"(ii) the conditions of service in Southeast Asia during the Vietnam era which are sufficient to establish exposure to phenoxy herbicides for the purposes of paragraph (1) of this subsection; and

"(iii) the factors considered and the standards used by the Administrator in making the determinations required by paragraph (2) of this subsection.

"(B) The rules prescribed under subparagraph (A)(ii) of this paragraph—

"(i) may not include a requirement that a veteran provide any information to the Veterans' Administration in connection with a claim for compensation based on paragraph (1) of this subsection other than the information included in such veteran's military service records; and

"(ii) shall include a rule establishing a presumption that a veteran was exposed to phenoxy herbicides in Southeast Asia during the Vietnam era if the information included in the veteran's military service records, information provided by the veteran, and any other information available to the Administrator establish a reasonable possibility that such veteran was exposed to phenoxy herbicides in Southeast Asia during the Vietnam era.

"(4) Notwithstanding any other provision of law, section 553 of title 5 shall apply to the promulgation of rules under paragraph (3) of this subsection, and such rules shall be made on the record after opportunity for a hearing in accordance with sections 556 and 557 of such title. Such rules shall be subject to judicial review in accordance with the provisions of chapter 7 of such title.

"(5) Not later than ninety days after the date of the enactment of the Vietnam Veterans Agent Orange Relief Act, the Administrator shall complete final agency action to promulgate the rules required to be promulgated by paragraph (3) of this subsection. The initial rules shall be promulgated simultaneously and as one set of rules.".

Mr. SPECTER. Mr. President, I thank the Chair.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STENNIS. Mr. President, I wish to address the body for a short time, something like 10 minutes in all.

The PRESIDING OFFICER. The Chair will inform the distinguished Senator from Mississippi that the limitation on morning business was 3 minutes. Does the Senator wish to extend that?

Mr. STENNIS. Yes, Mr. President. I ask unanimous consent that that 3-minute limitation be suspended. We are here to serve the Senate, of course,

but there is no one else asking for the floor, as I understand it, and the Senator from New York (Mr. D'AMATO) and I would like to use a total of 12 minutes.

Mr. BYRD. Mr. President, do I still have 10 minutes of the minority leader's time?

The PRESIDING OFFICER. The distinguished minority leader has 10 minutes.

Mr. BYRD. I thank the Chair and I yield my 10 minutes to Senator STENNIS.

Mr. STENNIS. I thank the Senator very much, and I hope someone else will cooperate and yield some time to my colleague from New York and, if not, I will yield part of my time to him.

(The remarks of Mr. STENNIS relating to the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

HONORING DR. FRANK J. MACCHIAROLA

Mr. D'AMATO. Mr. President, I wish to take a few moments today to comment on the departure of Dr. Frank J. Macchiarola from his post as chancellor of the New York City Board of Education.

Dr. Macchiarola has been a dynamic and productive leader during his 5-year tenure as chief administrator of the largest school system in the country. He has shown extraordinary concern for the problems, and enthusiasm for the capabilities, of the more than 900,000 youngsters attending the city's schools. His rare ability to translate his faith in student's capabilities into practical results is evidenced by the marked rise in reading and math scores we have witnessed while he has been in office.

I had the opportunity of working with Dr. Macchiarola toward resolving longstanding differences between the board of education and the U.S. Office of Civil Rights on the issue of faculty desegregation in the city's schools. This had been a thorny and complex problem for a number of years, and agreement was finally reached in large part due to Dr. Macchiarola's appreciation for the realities of the city and his genuine commitment to fair treatment of school staff and equal opportunity for all students.

For all of us who are concerned with the quality of education in New York City, Dr. Macchiarola has revitalized our pride in the accomplishments and potentials of the city's schools and their students. His energetic and imaginative approach has worked wonders in the school system and will be sorely missed.

Dr. Macchiarola will soon be assuming a new position as president of the New York City Partnership, a coalition of city businesses and organizations dedicated to improving the quality of life for all New Yorkers. I am confident that the outstanding qualities he has exhibited as chancellor of the New York City schools will serve the city equally well through the Partnership.

I wish him well, and look forward to further opportunities to work with him on behalf of New York.

NEVADA REPRESENTED IN SUPER BOWL XVII BY DOUG BETTERS AND TODD LIEBENSTEIN

Mr. HECHT. Mr. President, it is with great pride and pleasure that I extend congratulations to two young men who distinguished themselves Sunday by representing the State of Nevada in Super Bowl XVII.

I am referring to No. 75, Doug Betters of the Miami Dolphins, a 5-year veteran defensive end from the University of Nevada-Reno and No. 79, Todd Liebenstein, a rookie member of the Washington Redskins special teams who is from the University of Nevada-Las Vegas.

No matter which team Nevadans were rooting for, we were all extremely proud to be represented in this national championship event which drew the attention of the Nation and the world.

I am sure all Nevadans join me in extending warm congratulations to these two fine athletes on behalf of their respective football teams.

NATIONAL WAR ON VIOLENT CRIME AND ABC BROADCAST

Mr. HEFLIN. Mr. President, when I arrived in the U.S. Senate in 1979, I introduced a crime-fighting package I called a war on violent crime. I believe that second only to addressing the problems of our economy, an assault on violent crime and crime fighting aid to our local law enforcement agencies should be our No. 1 priority.

I have again introduced in the 98th Congress a crime fighting package. I am hopeful that our efforts to combat the growing rate of crime in America will receive a high priority by this body. Each Member of the Senate should become aware of the effects crime is inflicting on the American society.

To this end, Mr. President, I would like to share with my colleagues advance notice of a special network series on this topic. ABC news will devote 2 weeks of programing to the subject of crime in America beginning Sunday, February 13, with a special edition of "This Week With David Brinkley."

Throughout the 2-week period, ABC will examine the myths and realities surrounding law enforcement, criminal justice, and the prison system on all of their regularly scheduled news broadcasts. In addition, the network will report the results of a special national poll dealing with public opinion on crime, law enforcement, and criminal justice.

The final day of the series will explore what has failed, what has succeeded and what can be done in the future to deter crime in our country. And on February 24, "Viewpoint," the ABC news program which provides a forum for criticism of television reporting, will focus on whether there is a relationship between crime portrayed in television or in the print media and crime in the streets.

Often we are critical of this news media for one reason or another and perhaps, often with good reason. However, Mr. President, I find it quite encouraging, indeed, that one of the three major network news organizations in this country has had the foresight and good judgment to undertake a project such as this. I hope to have the opportunity to watch portions of the ABC news series and I encourage my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

SOVIETS NOT AHEAD IN "VIRTUALLY EVERY MEASURE OF MILITARY POWER"

Mr. LEVIN. Mr. President, yesterday, Secretary of Defense Weinberger displayed a number of charts in front of the Senate Armed Services Committee. These charts compared United States and Soviet military capabilities and, in every instance, showed the Soviet Union ahead. His distorted and one-sided presentation was the visual counterpart of President Reagan's recent widely publicized statement that "today, in virtually every measure of military power, the Soviet Union enjoys a decided advantage."

That is a statement he made at his November 22 news conference.

Mr. President, I recently asked the independent and nonpartisan Library of Congress whether the President's statement was accurate. The answer of the Library of Congress Senior Specialist in National Defense was that Soviet military power is superior in some respects, and parity or U.S. superiority prevails in other respects and that "neither nation is likely to attain total military preeminence in the near future."

The Library followed up by stating that "it is not the case that the Soviet Union is militarily superior to the

United States in virtually every respect."

I ask unanimous consent that the correspondence between myself and the Library of Congress be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., January 24, 1983.

Col. JOHN M. COLLINS, USA (ret.),
Senior Specialist in National Defense, Congressional Research Service, Library of Congress, Washington, D.C.

DEAR COLONEL COLLINS: In a recent speech and press conference, President Reagan told the American people the following:

"Today, in virtually every measure of military power, the Soviet Union enjoys a decided advantage." (November 22, 1982)

". . . in constant dollars the defense budget is just about the same as it's been all the way back to 1962." (January 5, 1983)

Are these statements accurate?

Thank you in advance for answering this question.

Sincerely,

CARL LEVIN.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., January 24, 1983.

Hon. CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEVIN: Correspondence from you this date, supplemented by a telephone conversation with Peter Lennon, posed two questions, and asked for one- or two-line responses:

Q-1. Did the Soviet Union enjoy a decided advantage over the United States in virtually every measure of military power on November 22, 1982?

A-1. Soviet military power was superior in some respects on that date. Parity or U.S. superiority prevailed in others. Neither nation is likely to attain total military preeminence in the near future.

Q-2. Has the U.S. defense budget been just about the same in constant dollars since 1962?

A-2. The U.S. defense budget in constant dollars showed few sharp fluctuations (except for the Vietnam War) between 1962 and 1980. Sharp increases since that time already are being contested.

Sincerely,

JOHN M. COLLINS,
Senior Specialist in National Defense.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., February 1, 1983.

To: Hon. CARL LEVIN, Russell Building, U.S. Senate.

From: John Collins, Senior Specialist in International Affairs (National Defense).

Subject: United States-Soviet Military Balance.

My analysis of the current United States-Soviet military balance—built upon my study, "U.S.-Soviet Military Balance: Concepts and Capabilities, 1960-1980"—demonstrates that it is not the case that the Soviet Union is militarily superior to the United States in virtually every respect.

Mr. LEVIN. Mr. President, the President's and the Secretary of Defense's distorted and one-sided arguments, which they use to justify the huge increase in military spending in fiscal 1984, are simply not accurate. There are many military areas in which we are superior to the Soviets.

There are many areas in which we are inferior to them which need strengthening. We should concentrate on that effort and not be driven to huge increases which produce little additional military capability in the areas we need it most, and at great expense to the Treasury.

I thank the Chair and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MATHIAS relating to the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

(Mrs. KASSEBAUM assumed the Chair.)

THE DOMESTIC CONTENT BILL

Mr. CHAFEE. Madam President, during the last session of Congress, the House of Representatives passed the Fair Practices in Automotive Products Act, known as the domestic content bill.

That bill, which I consider to be a disaster, promptly excited a great deal of attention in the press, particularly among editorialists who saw the dangers of that legislation.

I invite the attention of my colleagues to a selection of editorials from major newspapers throughout the country which condemn, in strong terms, the domestic content bill.

I ask unanimous consent that these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 14, 1982]

THE JOB-KILLER BILL

"Why not a Datsun made in Detroit?" So ask the newspaper ads taken by the United Automobile Workers to press for the "domestic content" bill expected to come up in the House tomorrow. The theory of the bill is that by requiring cars sold in this country to be at least partly made in this country, Congress would save jobs in this country. Many Congressmen, sympathetic to the plight of unemployed auto workers and angry at Japan for its protectionist policies, are tempted to go along. It would be a self-defeating mistake.

Forcing big foreign car companies to manufacture here or get out might generate a modest number of jobs in the auto industry, but at a staggering cost to consumers. Worse, it would probably destroy more jobs than it creates, while crippling efforts to make American business more competitive in the world economy.

The U.A.W. bill would require "domestic content" in cars sold here; the more sold, the more American parts and labor required. Thus, if Toyota wished to maintain its current sales of 700,000 cars a year, Toyotas would have to be 70 percent "made in U.S.A." Peugeot, by contrast, would be unaffected because its share of the market is small. The overall effect, the U.A.W. contends, would be 800,000 more jobs.

That claim is a wild exaggeration. The estimate offered by the Congressional Budget Office is 38,000. And those 38,000 jobs, the C.B.O. reckons, would come at great cost. Tens of thousands of jobs in export industries would be lost, either because foreigners would retaliate with their own trade restrictions or because foreigners couldn't earn the dollars needed to buy American.

Consumers, moreover, would be forced to foot a hefty bill. The Commerce Department estimates that the resulting increase in production costs and reduction in competition would raise car prices by about 10 percent. To put it another way, each job created in the auto industry by domestic content legislation could cost American car buyers about $100,000 a year.

If domestic content legislation is no solution, what is? A bit of realism on wages could slow the economic tide now engulfing the U.A.W. An average auto worker earns $13.15 an hour, not counting fringes—53 percent more than the typical industrial worker. Such wages contribute to sticker shock, reducing car sales. And they encourage manufacturers to substitute robots for labor.

A return to prosperity, aided by less stringent monetary policy, would help too. Many Americans can't afford new cars now because interest rates are so high; many others can't afford to go into debt regardless of interest rates because they fear for their own jobs.

The hard truth, though, is that even these short-term steps can't do much to improve long-term employment in the auto industry. Legislators who are serious about improving the lives of jobless auto workers should be trying to ease their transition to productive employment. Stopgap measures to preserve auto jobs are a pointless drain on the rest of the economy and a terrible precedent for other industries under stress. A vote for domestic content would be a vote to kill jobs, not save them.

[From the Washington Post, Dec. 9, 1982]

THE ANTI-JOBS BILL

Hardly anybody but its authors believes that the local content bill would actually save jobs for American workers. The idea is to protect jobs in the auto factories by prohibiting the sale of foreign cars if their local content—that is, American components and labor—is below a certain level. How high a level? It rises with the number of cars that each company sells, the formula having been carefully calculated to force Toyota and Datsun out of the American market. It's doubly bad legislation. Not only is its purpose wrong in principle, but as a practical matter, its effect will be precisely the opposite of its sponsors' intention. It will preserve fewer jobs than it destroys.

It will destroy jobs in several ways. Removing two strong competitors from the market will result in higher prices for cars, and fewer sales. But that's the least of it.

Americans, including those in Congress, keep forgetting that the rules of the game changed in fundamental ways in the early 1970s, when the trading nations began to let their currencies float up and down. If the United States passes a law to cut off a flow of imports, the effect is to raise the exchange rate of the dollar—which is already high. A higher dollar means fewer American exports, and cheaper foreign imports. The drop in sales abroad destroys jobs in American export industries, while the rise in imports destroys jobs in the domestic industries that compete with them here at home.

This misguided legislation is being pushed mainly by the United Auto Workers. As President Reagan's trade representative, William E. Brock, correctly argues in a letter to congressmen, "Imports have not been the root cause of the industry's problems." Most of the unemployment in the automobile industry has been the consequence of a long, severe recession and the general drop in demand for cars. But, as Mr. Brock also points out, new jobs have opened up in American manufacturing in recent years and most of them are in the export industries. Legislation that reduces imports will also, indirectly but inevitably, reduce exports—and the jobs that depend on them.

The local content bill is about to come to the floor of the House of Representatives. A vote for it is a vote for a low-growth economy. It is a vote for an attempt to shore up the less competitive industries at the expense of the most competitive. It's a vote for the kind of industrial policy that gives priority to the status quo with continuing high unemployment, inflation and stagnant income. It's an attempt to offer a friendly gesture to those thousands of unemployed auto workers—but it's a gesture that won't do them much good, despite the extremely heavy costs to the country.

[From the Wall Street Journal, Sept. 17, 1982]

LOCO CONTENT

Want to throw a monkeywrench into the U.S. auto industry's efforts to turn around? Want to throw Americans and foreigners alike out of work? Want to accelerate protectionist pressures around the world? Then support the local-content legislation picking up momentum on Capitol Hill.

The local-content bill came out of the House Energy and Commerce Committee Wednesday night in even worse shape than when it went in. As revised it would require that automakers selling over 900,000 cars a year in the U.S. manufacture domestically 90 percent of the value of their cars, including engines and parts, by model year 1986. Those building between 100,000 and 900,000 cars would set the local content percentage by dividing their sales figure by 10,000—thus a builder of 500,000 cars would need 50 percent local content.

The bill is the top political priority this year for the United Auto Workers, and being marketed as a "jobs-preservation" act. But it will take away jobs, not preserve them. It is one of the most self-destructive pieces of legislation to come down the pike in recent years.

It should be clear by now that the quota on Japanese cars, in force since April last year, has not enabled Detroit to reopen plants. The quota has raised prices and limited choices for car buyers. But it has not moved U.S. cars out of showrooms. On the contrary, it has accelerated the transition of Toyota, Nissan and other Japanese carmakers into the higher-priced models that compete more directly with Chrysler, Ford and GM. The local-content bill, which slaps on more restrictive quotas, would strengthen these trends.

But local content is more damaging than a mere quota. For one thing, it would drive out investment by foreign makers in the U.S. Certainly Nissan has been having second thoughts about a proposed plant in Britain since the local-content ante there was upped to 80 percent.

The bill would foul up the "world-car" production strategies of U.S. makers by restricting their flexibility in "sourcing" components abroad. It would destroy Detroit's close relationships with Canadian parts makers. And ironically, the bill's sliding scale, which bases local-content requirements on sales, would put U.S. car companies at a competitive disadvantage relative to any Japanese company selling fewer than 900,000 cars a year in the U.S.

The bill would also be destructive to the multi-billion-dollar export business of U.S. auto parts manufacturers, as well as U.S. tractor, office equipment and other capital goods manufacturers that export knocked-down equipment for assembly abroad. These exports are already jeopardized by the growth of local-content legislation around the world. An endorsement of the local-content idea by the U.S., traditionally its principal opponent, would speed the balkanization of international production, to everybody's detriment.

The proponents of local content cite similar rules in other countries. It is certainly true that Mexico, Brazil and Argentina, for example, have stiff local-content requirements. But such countries are now paying the price for having artificially stimulated inefficient local industries. The only way for Detroit to turn around is for U.S. makers to produce cars customers want at prices they are willing to pay. Local content, like all protectionism, will make the task harder.

[From the Christian Science Monitor, Sept. 16, 1982]

MADE-IN-AMERICA MADNESS

Back in the early 1930s, when the world was in the grip of depression, nation after nation slammed shut its doors against overseas imports. Instead, political leaders sought to protect domestic industries, in part by encouraging citizens to "buy American," "buy French," "buy German," and so on. Such policies, of course, worked against the very upturn in world economic conditions sought by everyone concerned.

In light of this historical experience, one cannot but be disturbed by the misguided and potentially dangerous trade legislation now working its way through the US House of Representatives—and likely to be passed by that chamber. Called the Fair Practices in Automotive Products Act and sponsored by the United Automobile Workers union, the act is neither fair to consumers nor likely to encourage production of auto parts or stimulate world trade in general. The legislation would require that cars of foreign firms selling 100,000 or more vehicles in the US contain US-made parts. In short, in order to be marketed in the US, an overseas-owned car would have to be substantially built in the US.

The legislation should be rejected out of hand. That is not to say that overseas producers should not build factories in the US, as Volkswagen has done, as Honda is on the verge of doing, and as Datsun has promised to do. Or that the US should not build plants abroad. Nor is it to imply that quotas against foreign-made car products (such as the self-imposed quotas on Japanese imports) are necessarily unwise. But to in effect limit the US market only to domestic-made products is to invite the protectionism of the 1930s.

Washington is justifiably concerned, of course, that Japan—at whom the made-in-America legislation is basically aimed—still has far to go in carrying out the trade-liberalization measures announced by Tokyo last May. There have also been hints that Japan may abrogate the current quotas on car exports to the US when that agreement comes up for review next March.

At talks to be held this fall, the US should do all it can to prod Japan into fulfilling its promises to reduce trade barriers to US imports. Failure to do so will simply encourage such unwise measures as the "made in America" legislation. With such a law in place, both nations would be the losers.

[From the Boston Globe, Sept. 30, 1982]

THE WRONG AUTO OVERHAUL

Anyone who knows anything about the American auto industry feels sympathy for the perhaps 800,000 persons who have lost their jobs in recent years. Congress is considering legislation that attempts to counteract that trend but falls sadly short and presages worse problems. Congress should abandon the effort.

The long-term problem in the auto industry has been its failure. Starting in the mid-1960s, to recognize the challenge of foreign competition, American-designed cars were less appropriate for the energy-conscious markets of the 1970s and today. By the time Detroit moved toward smaller and more efficient designs, it had lost markets to Japan and Europe; in recent years, a staggering recession has dried up demand, forcing consumers to hold onto older cars and to look for less-expensive, more efficient cars. Imports continued to offer more attractive models; last year, imports constituted more than 25 percent of total sales.

As a counter to these two trends, legislative momentum has built up for rules that would require large-volume sellers of cars to provide, by stages, that up to 70 percent of the content of the cars is of American origin.

The theory behind this bill was that overseas manufacturers would shift manufacturing to the United States, filling empty plants and rehiring unemployed auto workers. Advocates assert that as many as 800,000 jobs would be recovered under such a system.

As protectionist legislation goes, the attempt has been serious and well thought out. Rules in the amended version now in the House allow a liberal definition of domestic content—including utilities, taxes and other expenses in meeting the requirement. The most drastic elements of the bill, moreover, would not come into play until the 1986 model year, allowing time for adjustment and transfer of operations to this country.

The problems are still multitudinous. Any ban on imports—there is no other way of describing the impact of the bill—would cost Americans more money for the cars they buy. The U.S. Commerce Department, which opposes the bill, puts the annual cost to consumers at $3 billion to $5 billion. Proponents put the figure lower but concede that prices would rise. The Consumer Federation of America, which supports the bill, argues that the increase is justified because

it would improve competition in the industry.

The impact of the bill would fall heavily on those Americans who now earn their living in the import markets, primarily in transportation and retail sales. Each of those jobs lost would have to be deducted from increases in manufacturing jobs in determining the value of the bill as a means of stimulating employment. The net does not appear to be a large gain.

The deeper danger in the bill is that it threatens to precipitate retaliation by other countries. The hazard in all foreign trade is that restrictions in one industry provoke counterbarriers in others. Exports of U.S. products exceed $250 billion a year, providing about one job in 10 in the work force. Reduction of imports in a trade war provoked by competitive restrictions would inevitably cost some of those jobs, too.

The auto industry deserves support from American consumers and from government. It won, through the efforts of trade negotiators, voluntary quotas on Japanese cars, for instance. These quotas may have contributed to the rescue of Chrysler Corp. The real requirement of the auto industry and those who work for it is a return to a vigorous economy that will benefit everyone. A ban on imported autos is a way of filling one hole by digging a bunch of others.

[From the Los Angeles Times, Dec. 17, 1982]

FLUFFY WARNING

How many of the 215 House members who voted this week for "domestic-content" legislation to restrict auto imports truly believe that the bill would create jobs? The number probably would not fit comfortably into a small Toyota. No matter. It was politics, not sound economic thinking, that gave this protectionist measure life.

As much of the accompanying oratory made clear, the House was really voting for a strong warning to Japan to liberalize its own import policies, or else. The alleged job-creation purpose of the bill that the United Auto Workers union has been touting so heavily is just fluff, and most House members know it. Every auto industry job that might be restored would be more than offset by jobs lost in import-related industries or export businesses subjected to retaliation.

Such counter-protectionism would by no means be limited to Japan. Let the United States, the world's largest trading nation, move to insulate one of its major industries from foreign competition, and a signal would be flashed that would open the floodgates of protectionism in every recession-hit country around the globe.

The House is aware of that danger. It is also frustrated over high unemployment, impatient with Japan's own continuing import-limiting policies and, in the case of many of its Democratic members, indebted to the UAW for political support. And so the domestic-content legislation was passed, requiring that a rising percentage of American parts and labor be included in Japanese cars sold in the United States beginning in 1984. The choice that this gives Japanese auto makers is either to build enormously expensive plants in the United States or see their American markets vastly reduced.

The Senate, for now, seems dead set against adopting domestic-content legislation of its own, and President Reagan has already threatened to veto any such bill. These considerations no doubt induced some House members who might otherwise have yielded to wiser thoughts to vote for protectionism. For all that, the House vote should not be dismissed as effectively meaningless, for it is an unmistakable storm warning.

The dollar effect on American exports of Japan's non-tariff trade barriers is not great in overall terms of trade. The fact remains that these barriers do significantly reduce potential American markets for beef, citrus fruits, cigarettes and other products, and in so doing they cost Americans jobs. The Reagan Administration has already told Japan bluntly that it must liberalize its import policies quickly or see protectionist sentiment in the United States swell. This week's House vote underscores the seriousness of that admonition. Domestic politics in Japan will not make it easy for Prime Minister Yasuhiro Nakasone to lower trade barriers. Domestic politics in the United States could make it enormously harmful to both countries if he does not.

[From the Baltimore Sun, Dec. 17, 1982]

FOOT-SHOOTERS

"To use a terrible cliche, this bill shoots us in the foot."

That is what Sam Gibbons (D, Fla.), chairman of the House trade subcommittee, said about the local content bill that passed the House Wednesday with the support of six of Maryland's eight representatives.

Mr. Gibbons's cliche may be terrible, but it couldn't be more appropriate. Nowhere is the wound more obviously self-inflicted than here.

Baltimore is one of the nation's great ports. An estimated 80,000 jobs depend on its export-import activities. Yet, every member of the delegation except Marjorie Holt and Beverly Byron chose to ignore or reject the fact that trade-related jobs would be adversely affected by such a blatantly protectionist measure.

The initial appeal of this bill is understandable. Auto workers and steelmakers need jobs. It is a local and a national goal to regain jobs lost in those basic industries, and to facilitate a transition for those whose jobs are lost forever. The United Auto Workers decided the solution is to try to force foreign automakers to use mostly U.S. parts and labor in cars sold in this country. But the narrowness of that view might be seen by looking at a list of those who fear the effects: manufacturers, importers, exporters, car dealers, farmers, retailers, port authorities, computer companies, aerospace companies, Ford, Chrysler and many more.

Though proponents of the bill claim it will save and create jobs, many critics say the cost will be the loss of jobs (perhaps more than are gained) in other sectors. The U.S. Commerce Department, the Congressional Budget Office and the Maryland Port Administration are in the second group.

No matter. The UAW is a powerful lobbying force. It made local content its top legislative priority, and Japan its prime target. Japan should be—and is—a target of U.S. fair trade efforts, but this measure does not qualify as one.

Many House members voted for the bill secure in the knowledge the Senate would never let it pass. That way they could show support for auto workers and anger at Japan without actually endangering the economy, which this bill could do if it passed. The word for that is hypocrisy.

Maryland delegation members who voted contrary to this state's world trade interests and traditions were Clarence Long, Parren Mitchell, Barbara Mikulski, Michael Barnes, Roy Dyson and Steny Hoyer. They shot us in the foot.

[From the Detroit Free Press, Sept. 29, 1982]

LOCAL CONTENT: SUCH A STRATEGY COULD BACKFIRE FOR U.S. AUTO INDUSTRY

The local content bill being pressed on Congress by the UAW is designed to limit foreign "outsourcing" and save American jobs by requiring auto companies to manufacture up to 90 percent of their components in the United States. For a work force decimated by layoffs, local content has enormous appeal; it is impossible to live in Detroit and not sympathize with the motives behind it.

But enactment would, we think, be a mistake, not only because it invites immediate retaliation by other countries, but because it is doubtful local content can save many American jobs.

The increasing share of the market captured by imports has been a near-catastrophe for domestic automakers. But behind the market share figures, something equally important is happening: Dismayed by high sticker prices, Americans are buying fewer cars and keeping them longer. The percentage of two-car families is also shrinking. Insofar as local content laws raise the price of cars, they will depress the market even more.

Economist David Verway, head of the Bureau of Business Research at Wayne State University, points out the local content will probably work to Michigan's particular disadvantage. Since import penetration is highest on the East and West Coasts. Toyota and Datsun are more likely to build plants there than in the Midwest, and to pull supplier jobs after them.

But by far the greatest danger of local content laws is the retaliation they invite. The continuing rise in counter-trade, tariffs, quotas and other trade barriers hurts the growing number of Americans whose jobs are tied to exports, from farmers to aircraft builders. By its very size, the United States wields an enormous impact on world trade; the virtual closing of the American auto market could cause a massive tilt toward protectionism, perhaps even on a scale like that which triggered a worldwide depression in the 1930s.

That the Japanese have erected simply indefensible trade barriers themselves is not in dispute. They inspect, with maddening care, every American-made aluminum baseball bat that arrives on their shores. They require pharmaceuticals that have been tested beyond doubt in the United States to be retested in Japan. The list of modifications they require on American cars, from new locks to fresh paint jobs, is legend in Detroit.

Japan must be pressed vigorously to mend its ways, and perhaps even to maintain for another year the "voluntary" quota on auto exports to the United States, the least objectionable of all the protectionist ideas currently floating about. Japan also must be pushed to revalue the yen; GM's Roger Smith says Japan's artificial exchange rate alone gives them a $1,500 price advantage per car.

Meanwhile, the plight of the laid-off auto workers is desperately real. We need better retraining programs, extended benefits, efforts to attract new jobs and industry to Michigan, better lobbying for the state's share of the defense budget, the continuation of the massive retooling and reshaping

of the auto industry. The degree to which the American economy can provide jobs will depend upon the ability of older industries to adapt, upon the encouragement of new industries at the cutting edge of technology, upon keeping world trade as barrier-free as possible.

Local content legislation might have saved the New England footwear and textile factories when foreign imports first cut into their markets. But New England is far better off as a center of the electronics industry than of shoemaking and spinning, just as Americans in general are better off with higher-wage industries and lower-priced consumer goods.

As a big stick with which to scare the Japanese out of their predatory trade practices, the threat of local content legislation may have some value. But enactment, attractive though it might seem, offers few guaranteed benefits and far too much risk.

[From the Detroit News, Sept. 30, 1982]

LOCAL CONTENT AND MYOPIA

The UAW's ardent support of the Fair Practices in Automotive Products Act, better known as the local-content bill, is an astounding example of economic myopia.

The UAW claims that the measure would create or save more than 800,000 jobs in the auto and related industries, would prevent U.S. company outsourcing, and would prod foreign auto makers into building plants in the United States.

In reality, however, the bill could cut American jobs, discourage foreign investment, and encourage foreign trade barriers.

The version of local-content legislation approved by the House Energy and Commerce Committee would require GM, Ford, and Chrysler to build cars and trucks with 90 percent American content by 1986.

Japanese and other foreign auto makers would be held to a lower standard based on a formula that adds 1 percentage point of domestic content for each 10,000 units sold in the United States, starting at 10 percent for 100,000 units. Thus, Toyota and Nissan would have to use more than 70 percent American-generated content or be forced to cut their U.S. sales.

The U.S. Commerce Department estimates that the bill will increase auto prices by about $1,000 per car. Higher auto prices are bound to have a negative impact on auto sales—and auto jobs.

Too, the legislation would lock domestic auto makers into the present cost structure, preventing competitive pricing through use of cheaper foreign components. Obviously, it would wreck "world car" production strategies.

Local-content requirements would also create more costly government red tape for domestic auto makers.

The foreign auto makers, of course, particularly the larger Japanese exporters, would be faced with the choice of cutting exports or building plants in the United States. Won't that mean jobs?

First, it is questionable whether European and Japanese manufacturers would decide to build large-scale plants in America. Many would probably refuse because the plant size required by production economics would be far larger than their U.S. sales justify. American-foreign joint ventures and production facilities also would be discouraged.

The proposed content restrictions definitely would cut auto imports. A study, by the independent Congressional Research Service, of the House bill in an earlier form, which had stricter standards for foreign firms and thus greater import-reducing impact, estimated a 810,000 unit annual reduction in imports. Yet the study also estimated that, even if the domestic auto makers took over all this production, the number of jobs created would have been only 276,000.

The Commerce Department also estimates auto-related job increases in the 200,000 range, but adds that those new jobs would be offset by the jobs lost by dock workers, import dealers, and export industries hit by foreign trade retaliation.

And foreign retaliation is very likely. Domestic content legislation violates the General Agreement on Tariffs and Trade (GATT). By breaking GATT rules in the auto sector, the United States leaves itself open to retaliation in other sectors, such as electronics or chemicals.

Between 1977 and 1980, four out of five new manufacturing jobs were created in export industries. Such export-related jobs could be imperiled by foreign reaction to local content.

Demanding that European and Japanese trading partners lower their trade barriers while we raise ours is the first shot in a trade war that will injure every U.S. consumer and industry—including the auto industry.

Local content is protectionism with a capital P, and it spells economic poison.

[From the Milwaukee Journal, Mar. 28, 1982]

DEFANGING A CONGRESSIONAL COBRA

The White House is trying anxiously to cool a congressional fever to pass protectionist trade legislation under the innocuous label of "reciprocity." The exercise in mislabeling is similar to sticking a cobra in a doghouse and calling it Lassie. We hope the administration's corrective effort is successful.

There are, of course, very real problems with some of America's trading partners, Japan, Taiwan, France among them. There also are strong sentiments among recession-battered Americans to do something.

However, the US is a nation crucially involved in world commerce and committed to the principle of free trade. To venture into protectionism, call it what you will, would be a self-inflicted wound.

No such thing, claim proponents of reciprocity. They say the legislation would apply only to specific sectors of trade in specific circumstances, punishing foreign countries only to the degree that they discriminate against US exports.

That beguiling sort of precision simply is not possible in the intricate global marketplace. And once formally begun, the practice would lead inevitably to retaliatory barriers to US exports. Reciprocity involves a classic "slippery slope."

Commerce Secretary Malcolm Baldrige and the US trade representative, William Brock, recognize that reciprocity advocates are feeling heat from home and need to vent their frustration. So the two administration representatives told Sen. John Danforth, the Missouri helmsman of the International Trade Subcommittee, that the White House would endorse reciprocity as a policy "goal." In other words, the administration would accept a legislative declaration that says the US is mad as hell and isn't going to take it anymore—without defining by statute what the country will do.

That should send a glaring signal abroad that trade barriers have got to be lowered. Yet a reckless plunge into protectionism would be avoided for now. Anger in the US already has had effect. Japan has rectified a number of its aggravating trade practices, for instance, and is thinking about relaxing others.

The administration is correctly emphasizing bilateral discussions and trade negotiations within broader frameworks, such as the General Agreement on Tariffs and Trade. That is the most sensible, if not the most dramatic, strategy.

[From the Omaha World-Herald, Aug. 1, 1982]

PROTECTIONISM NOT ANSWER FOR AUTO INDUSTRY'S WOES

Legislation is pending in Congress that would, in effect, require major foreign car manufacturers to build most of their vehicles for the American market in this country.

The Reagan administration properly warns that passage of this so-called local-content legislation would touch off trade wars and raise auto prices.

"I believe the evidence is overwhelming that these bills, attractive as they may seem, would greatly harm the American economy, the consumer and the flow of world trade, without helping the American auto industry in any substantial way," said Commerce Secretary Malcolm Baldrige, a former Omahan.

While several proposals are pending, the Fair Practices in Automotive Products Act is the one building considerable support. It has 218 sponsors in the House, enough for passage, and 17 sponsors in the Senate. Action is expected in a few weeks.

The bill would require that 90 percent of parts and labor be supplied domestically for automakers selling more than 500,000 vehicles a year in the United States; 75 percent for those selling 200,000 to 500,000; and 25 percent for those delivering smaller numbers.

A main supporter is Douglas A. Fraser, president of the United Auto Workers, who argues that "passage would result in protecting nearly 941,000 jobs."

Baldrige believes, however, that the legislation would be counterproductive and inflationary. Car prices would go up, the auto industry's ability to seek low-cost sources of supply would be restricted (many now use foreign-made parts) and international trade agreements would be violated.

The commerce secretary added: "The problems of the United States auto industry will not be solved by enacting trade barriers. Those problems would be solved by providing an economic climate in which the United States auto companies could become more productive and competitive. Government subsidies which are obviously protectionist are not the answer.

"The way to shore up our auto industry is through competition. American cars and trucks must become competitive in the world marketplace appropriately, not through legislation that artificially helps auto employment at the cost of the consumer and other industries."

One of every seven manufacturing jobs and one of every three farmland acres in this country are dependent on exports. The United States is recognized as the leader of the world in assuring a free and open trading system. Every administration since World War II, including the Reagan White House, has defended the free trade principle.

Abandonment of this position would end American efforts to open other overseas markets. There would undoubtedly be retaliation.

Particularly vulnerable to any trade backlash would be aircraft, office equipment, electrical components, corn, wheat and soybeans.

Opponents of local-content legislation contend that auto prices would increase about 10 percent and drive up the Consumer Price Index by about three-tenths of a percentage point. This would hamper inflation-fighting efforts. Inflation is currently in the 5 percent to 6 percent range.

"The administration's programs of economic incentives, regulatory relief and voluntary trade liberalization are aimed at giving both the auto industry specifically, and the American industries generally, the sound footing they need to do the job," Baldridge said.

This is another well-intentioned legislative proposal. But the cure would be worse than the disease.

Improved productivity in American auto plants would make American vehicles more competitive at home and in world markets. Fraser could help with that. No one minimizes the problems of the domestic auto industry. Only the prescriptions for treatment vary. Sticking with a free market will pay off over the long pull.

TRADE BARRIERS NO SOLUTION

The U.S. automotive industry is in trouble.

That's not news. It has been for some time. Neither is it news that a big part of Decatur's unemployment problems are rooted in Detroit, in the lagging sales of American-made new cars.

Pressure is increasing on Congress to do something. Specifically, the United Auto Workers union wants a law to guarantee jobs. House Bill 5133, proposed last winter and gathering steam in both houses, would require that cars sold in America be built with American-made parts. Aimed at Toyota and Nissan (Datsun), the bill would put into effect a sliding scale so that best-selling models would have to be 90 percent American-made.

In addition to trying to force Japanese automakers to follow Volkswagen's lead in building its cars here, the UAW hopes to stop American firms from farming out auto production to Brazil and other nations with lower wages and other production costs. Proponents claim it is needed because America cannot afford to keep losing jobs to cheap labor markets. For decades, they say, the United States has preached free trade and unrestricted markets while other nations have erected barriers. They think the time has come to fight back, before the highest living standard in the world becomes an impossible dream for the bulk of American workers.

We share this concern. One might think that managers of Decatur-based industries like Firestone and Borg-Warner would agree with the UAW's view of, and answer to, the problem. But, one would be wrong.

As quoted on the front page of this section, Robert C. Hange of Borg-Warner's York Automotive Division sees the UAW-bill as the wrong answer. Spokesmen for U.S. industry generally agree. They do not want legislative solutions which create more problems over the long haul. As an aide to Rep. Paul Findley commented: "You do not expand world trade by cutting off world trade."

The UAW is right in its concern for its members and for the whole American economy. But, other solutions must be found. Banning imports, restricting trade, will only complicate an already confounding puzzle.

Beyond that, imported competition is only part of Detroit's—and therefore, Decatur's—problems. High interest rates, inflated car prices, rising automobile insurance costs, inflation in general (which has meant more pressure on consumer dollars) and unemployment all have affected new car sales.

Making Japanese cars less available, or more costly, would change only minimally the demand for American cars.

The problem with erecting trade barriers—with fighting fire with fire—is that everyone gets burned. We have consistently opposed restriction of trade. We have opposed and still oppose using trade policy to deal with political problems. Banning grain sales to the Soviet Union as punishment for the invasion of Afghanistan was a bad response, not because the Soviets should not have been censured, but because American farmers paid the price. Halting the sale of pipe-laying equipment to the Soviet Union is hurting Caterpillar more than the Kremlin's masters, who can still get what they need from a Japanese competitor.

Japan has many trade barriers now which America needs to work harder to break down. Erecting barriers of our own will not open Japanese markets for American agricultural or other products for which potential markets exist.

We have no easy solution to offer as an alternative to the UAW's magic bill. There is no "quick fix."

[From the Pittsburgh Press, July 22, 1982]

ANTI-IMPORT BILL

United Auto Workers President Douglas Fraser and a sizable number of congressmen have the notion that the American auto industry can be fixed by requiring foreign manufacturers to install up to 90 percent U.S.-made parts on cars they sell in this country.

The auto-parts legislation, in support of which Mr. Fraser has launched a nationwide petition drive, is defective in most of its parts.

For one thing, it is anti-competitive.

It would amount to a quota system on imports—the fewer U.S. parts, the fewer sales allowed. Most foreign manufacturers couldn't and probably wouldn't want to meet the parts requirement and therefore their sales would be restricted.

It is also anti-consumer.

By clamping down hard on imports, there would be less incentive for American manufacturers to hold the line on prices. So American car buyers would get stuck with higher bills.

Instead of trying to get the government to keep out foreign autos, Mr. Fraser would do better to launch a drive among American automakers and auto workers to put out better and cheaper cars.

U.S. motorists who buy imports don't do it because they are against buying American. They buy foreign cars because they are less expensive or because they are perceived to be of superior quality.

[From the St. Louis Post-Dispatch, Aug. 8, 1982]

MORE PROTECTIONISM, HIGHER PRICES

Whether it's steel, autos, textiles or shoes, the rationale for protectionism is always the same—preserving jobs—and so is the result: higher prices for consumers. There is no reason to think that the latest exercise in protectionism—a bill to require a certain percentage of American-made parts in cars sold in this country—would be any different. Indeed, the American International Automobile Dealers Association estimates that the requirement would add $1,300 to the price of foreign cars and $1,000 to the price of American cars.

Even if one accepts the United Auto Workers Union's extravagant claim that the legislation would save or create several hundred thousand jobs, a premium of at least $1,000 a car is a bit much to expect consumers to pay. But Sen. Thomas F. Eagleton, for one, thinks it would be worth it. He is a sponsor of the domestic content bill, as are, on the House side, Reps. Gephardt and Young of St. Louis. It would require companies selling more than 100,000 automobiles a year in the U.S. to increase gradually the American-made components of their cars so that by 1985 the proportion would range from 25 percent to 90 percent, depending on sales.

The measure is the antithesis of the ethic of competition because it would guarantee that foreign cars would be higher priced and it would remove much of the incentive for cost-saving in building and buying parts. And while it was saving jobs for workers in auto plants—assuming it did—it would be taking them away from Americans employed in this country by foreign car dealers. Finally, the legislation would force American manufacturers to accelerate the construction of plants abroad to remain competitive in markets outside the U.S.

[From the Kansas City Times, Feb. 13, 1982]

PROTECTIONISM

The Reciprocal Trade and Investment Act of 1982, introduced in the Senate Wednesday by Sen. John C. Danforth of Missouri, may carry a lot of emotional appeal in an election year. The nation is in recession, with high unemployment and a declining industrial output.

But in practice this potentially dangerous piece of legislation could signal the rebirth of protectionism and the opening of a trade war with devastating consequence for everyone. Senator Danforth has been joined by nine co-sponsors, including Sen. Bob Dole of Kansas.

In essence this plan would provide the administration with the authority to identify tariff and non-tariff barriers that keep U.S. exports, including manufactured products, services and investments, out of foreign markets. Once that is done the U.S. could then retaliate by erecting similar barriers to freeze imports out of our market.

Senator Danforth calls this "reciprocity." Others have been quick to call it "protectionism" and a first step to returning to the cripling trade wars of the Great Depression. While it is true the U.S. market is perhaps the most open in the world, it is not nearly so wide open as Mr. Danforth and others would have us believe. The U.S. imposes barriers, too, which interrupt the free flow of many imports to these shores.

To suggest the United States could identify its grievances with other nations—and there are many legitimate ones—and then move unilaterally to impose offsetting measures without foreign retaliation staggers the imagination. Obviously other nations would respond in kind for political as well as eco-

nomic reasons. The U.S. would be hurt along with everyone else.

That's why The Wall Street Journal believes "a reciprocity policy would be foolishly self-destructive," adding that it would "wreak havoc on our economy as well as the delicate balance of international trade."

Certainly the lowering of tariff and nontariff barriers is in the interest of everyone. particularly consumers who benefit through lower prices, more competition, a wider choice in the marketplace and increased innovation. Japan is obviously the senator's primary target, although in his Senate speech, explaining reciprocity, he also touched on the sins of Canada and the European Common Market.

There is no denying his central point that other nations have import barriers that restrict the inflow of U.S. goods, services and investments. Japan, for one, has already decided to remove some of them. Intense pressure, negotiations and bargaining won't get the job done quickly enough to please Senator Danforth and those who share his protectionist views. But they would surely be a safer course for the United States than a rash policy which could upset the balance of world trade.

[From the Des Moines Tribune, Feb. 17, 1982]

"RECIPROCITY"

With the economy mired in recession, with unemployment rising, politicians are looking for a scapegoat. A growing number think they have found one in Japan and other nations.

The politicians argue that this country is being hurt in international trade because other nations don't always play fair: They don't allow U.S. products the same kind of access to their markets as their products are allowed in the United States. It is time, therefore, the argument goes, to insist on trade "reciprocity."

Commerce Secretary Malcolm Baldrige said recently that he would support the movement in Congress for reciprocity unless Japan opened its markets to a greater extent. U.S. Trade Representative William Brock warned in a speech in Europe that neither the Reagan administration nor Congress will "continue to tolerate unfair trading practices. . . ."

"Reciprocity" sounds great. A closer look shows, however, as The Wall Street Journal warned in an editorial, that ". . . it's hard to imagine a surer recipe for trade wars and resulting world depression."

It is far from easy to enforce "fair trade," because different countries try to protect different industries. The Japanese protect their inefficient farmers; the United States is worried about its inefficient auto industry. If Japan makes it unreasonably hard for Americans to sell it beef or citrus fruit, does this country crack down on agricultural imports from Japan or go for one that hurts: the Japanese auto industry?

Once the United States starts imposing trade restraints in the name of "fair trade," other nations are likely to retaliate. This would hurt those successful American enterprises that can compete in world markets.

Trade restraints hurt American consumers, too, because they usually buy imported products because of either quality or economy (often both). In such cases, "buy American" can mean paying more for less.

The United States has long been a leader in free trade. Great pressures are being felt by other nations, especially in Europe, to resort to protectionism. If America gave in to the pressure for trade "reciprocity," these nations would likely match the U.S. restrictions, and then some. The result would be a shrinking of world trade, higher inflation, growing unemployment and a prolonged recession.

[From the Indianapolis Star, March 1982]

TOWARD FREE TRADE

There may be no better way to show that foreign trade is a two-way proposition than to note that some 80,000 jobs in Indiana depend on exports. Approximately $3 billion is generated here by shipments abroad of industrial goods and services and agricultural commodities "made in Indiana."

The recent opening of the Greater Indianapolis Foreign Trade Zone at Indianapolis International Airport is one sign that such trade is expected to grow. Indeed exports are anticipated to represent 20 percent of the Indiana economy by the end of the 1980s.

The facts do not support those who would argue that Americans need to throw up permanent trade barriers to keep out imports. Nor can they be used to shore up the mood of protectionism, particularly in the auto and steel industries, that seems to be gaining some political support from the Reagan administration.

Historically the United States has argued for a freer world economy and there is nothing in the mix of foreign business that should change that goal. Indeed, as the service component of our foreign trade grows, it is to our distinct overall advantage to tear down, not reinforce obstacles to freer trade within the Western world.

Despite the attention to manufactured and agricultural products, it is in the export of these "invisible" services that the United States leads the world. More importantly, such services make up 23 percent of all U.S. exports and are growing at a rate of about 10 percent faster than other kinds of exports.

Already there are numerous barriers being erected by various governments. Germany says U.S. advertisers who photograph or film in certain U.S. locations must employ German models. Austria forces U.S. copyright holders to accept a government licensing fee for their intellectual property. Argentina insists U.S. firms use a local underwriter for maritime insurance. The European Common Market nations refuse to connect U.S. data retrieval firms to Euronet, the local interconnect information system.

In what may be regarded as a bargaining move, the office of William Brock, the President's special trade adviser, is suggesting that the U.S. propose reciprocal rules of behavior so that no nation can unilaterally impose unreasonable and discriminatory barriers to international trade in services. Perhaps such a move would be a mixed blessing at best.

It might eventually make the system more effective if all the industrialized countries would work together to reach an increasingly free trade system through the Organization for Economic and Community Development or some similar organization.

But the administration should tread cautiously in setting up more barriers to offset other barriers. It may make better longterm sense to follow the advice of the Washington-based Council for a Competitive Economy, whose leaders have noted that bilateral agreements smack of 18th century mercantilism.

"Some of our members are hard pressed to compete with foreign competition," says Richard W. Wilcke, president of that national business association, "but we believe in free trade, meaning unilateral lowering of U.S. restrictions."

"We harm only our own economy and our own people when we close our markets in an attempt to retaliate against the restrictions of other countries. There is no way that one interference can be neutralized or 'countervailed' by adding another. We simply lessen freedom and multiply the economic distortion," says Wilcke.

[From the Chicago Tribune, Sept. 4, 1982]

AUTOMOBILE NATIONALISM

For three years, the United Auto Workers union has been trying to get something done to reduce auto imports into this country. Except for a promise of "voluntary restraint" extracted from the Japanese by the Reagan administration, they have had no luck. But a bill representing economic nationalism at its worst now has a reasonable chance of enactment.

The bill, which has attracted more than half the members of the House as cosponsors, would require foreign autos to have a substantial "domestic content"—American parts and labor. The biggest importer, Toyota, would have to sell cars that are 90 percent American-made by 1985. Other foreign auto makers would have to meet lower but still stringent rules.

The likely result of such a law would be to raise the prices of the imports, and particularly of Japanese cars. One reason for their popularity is that the Japanese can build cars more cheaply than we can—about $1,500 less, even with the cost of shipping and duties. That is largely because of the lower labor costs, about half those of the Big Three. Forced to pay higher wages, Toyota and Datsun will have to charge higher prices—penalizing Americans who want Japanese cars and giving Detroit the opportunity to raise its price too.

The idea here is to put some of the 250,000 unemployed American auto workers back to work. That is a worthy goal. But in this case any new jobs for auto workers would come at the expense of other workers. Americans who are forced to pay higher prices for cars will have less money to buy other goods, causing unemployment among workers producing those goods. It isn't clear why car buyers and other workers, should make sacrifices for auto workers, who in general are already better paid than the average American.

In any case, there are finally signs that the auto industry's worst problems may be behind it. The main source of its is slump is high interest rates, which have persisted for more than two years. If rates continue to decline, the Big Three—and all those unemployed auto workers—undoubtedly will benefit. In this instance patience is a better prescription than protectionism.

[From the Chicago Sun-Times, Feb. 13, 1982]

Congressional anger at Japanese trading practices is growing, given Japan's $18.1 billion trade surplus with the United States in 1981. That motivated this week's Senate call for hearings in March on "reciprocity" bills aimed chiefly at forcing Japan to open its markets to more U.S. sales.

The move is understandable. It's also irresponsible, to echo Robert S. Ingersoll, a director at Chicago's First National Bank and former U.S. ambassador to Japan.

Reciprocity would require the president to list unfair barriers by others and then act to eliminate them. Given our own trade fences, that could cause retaliation against U.S. companies that are succeeding abroad.

Before Congress stumbles to the brink of a world trade war, it should heed Ingersoll and Jiro Aikoh, Japan's minister of economic affairs in Washington. Reciprocity sounds good, Aikoh said in Chicago this week, but "sector-by-sector reciprocity is simply not possible in the real world." He's right.

What's more, the latest figures on U.S. trade show that we suffered deficits with most of our "top 10" trading partners.

That results partly from a strong dollar, which makes U.S. goods costly abroad. It's also a result of our weak trade efforts. For example, we still lack export-trading companies—so successful in Japan—despite the administration's promise to push for them.

We lack patience, too. Aikoh noted that it took Sony Corp. 20 years of study to understand and penetrate U.S. markets. Our companies usually demand faster payoffs.

The Council of Economic Advisers said in its annual report this week that trade deficits don't matter as long as our over-all current account—including investment and capital flows—remains healthy. It warned rightly that protectionism could hurt "the economic well-being" of this country, as well as others.

Congress, take heed.

[From the Louisville Courier-Journal, Apr. 9, 1982]

ANTI-JAPAN BILL NO FAVOR TO CONSUMERS

Last April, Japan reluctantly agreed to ship no more than 1.68 million passenger cars to the United States for 12 months. The year is up, Detroit remains in serious trouble, and Japan has imposed the same quota on itself for the current year.

But this Japanese exercise in "voluntary" restraint hasn't appeased would-be protectionists on Capitol Hill. There the talk is of "reciprocity"—curbing imports from countries that don't open their markets eagerly enough to U.S. exports—and of other devices to save American jobs at the expense of free-flowing world trade. One variant is a bill, being pushed by Senator Wendell Ford of Kentucky, that would require American-made parts in imported autos.

This "Auto Content" bill is clearly designed to stifle our car imports—especially of those makes and models most popular with American consumers. The more cars a foreign automaker sold here, the more American-made parts would have to be in each car. Thus an automaker that sold 100,000 cars here would have to buy American-made parts worth 25 percent of its U.S. sales. The percentage would rise to 90 percent for automakers selling more than 500,000 cars.

Naturally, this legislation is strongly supported by the United Auto Workers. Though automakers in various nations, including the United States, routinely use parts made elsewhere, the onerous requirements of Senator Ford's bill would force foreign carmakers either to build plants here or forgo large sales in the U.S. market. Either way, the UAW would benefit—or so its leaders believe.

More likely, foreign automakers would shift their strategy by selling only their more expensive models here and appealing to that sector of the U.S. market where Detroit always has been strongest. Some Japanese companies already have done this. U.S. sales of the most luxurious models of Toyota and Datsun rose sharply last year, as the Japanese sought maximum profits under their self-imposed quota.

The American consumer looking for bargain transportation would be hurt in two ways: (1) there would be fewer lowcost imported cars available; and (2) American automakers, facing less competition, doubtless would boost prices for their bottom-of-the-line models. Beyond that, American workers could be hurt, too, if Japan and other countries retaliated by requiring that parts made by their workers be included in, say, Boeing jetliners. Even worse, an international wave of protectionism could trigger another depression, as in the 1930s. If that happened, Detroit's woes would be a drop of pain in a sea of economic calamity.

[From the Denver Post, Apr. 15, 1982]

WENDELL FORD'S NEW EDSEL

Sen. Wendell Ford, D-Ky., has fired the opening shot in a new trade war that could claim hard-pressed U.S. farmers as victims.

Ford wants Congress to cultivate a particularly nasty strain of the "beggar thy neighbor" virus which triggered a worldwide depression in the '30s. A major U.S. contribution to the Great Depression, the Smoot-Hawley Tariff tried to price foreign manufacturers out of U.S. markets. Ford's bill would flatly outlaw the sale of large numbers of foreign-built automobiles in this country at any price.

Ford's bill is called a "local content" law. Common in economically backward Third World countries, such laws are a key reason such countries tend to stay backward. In Ford's version, any company selling more than 100,000 cars in the United States would have to produce 25 percent of the value of those cars here. The "local content" requirement jumps to 50 percent at 150,000 units, 75 percent at 200,000 units, and 90 percent over 500,000 units.

The bill is a top priority of the United Auto Workers Union, which wants to retain U.S. auto assembly jobs even if the American firms themselves collapse. Volkswagen is the only foreign-based manufacturer assembling automobiles in this country. But Honda will open an auto assemblyplant in Marysville, Ohio, later this year with a projected capacity of 10,000 units a month. Most Honda and Kawasaki motorcycles sold in this country are already assembled here. Datsun is building a light truck assembly plant in Tennessee. General Motors and Toyota are considering a joint venture and Japanese television manufacturers have several U.S. plants.

As all this activity shows, there is nothing necessarily bad about foreign firms assembling products in this country. But substituting the coercion of Ford's "local content" bill for those voluntary arrangements is a very different matter. Suddenly, foreign firms aren't being wooed on terms of mutual advantage but being handed a one-sided ultimatum. That puts pressure on their own governments to retaliate.

In Japan's case, there already is a lot of pressure, since Japanese farmers are a key constituency for the ruling Liberal Democrats. Colorado wheat farmers and cattlemen are the equivalent on this side of the Pacific of Japan's automakers—fierce competitors who enjoy major productivity advantages compared with Japanese farmers.

It's true that there are some Japanese restrictions on importing U.S. farm products—just as this country limits meat and dairy imports. But even if the Japanese market isn't perfect for U.S. farmers, it's very good. Japan is by far the largest customer for U.S. farm products, buying $7.8 billion worth in 1981. From 1975 to 1980, U.S. agricultural exports to Japan doubled, while exports to the European Community rose only 60 percent.

Japanese farmers aren't any happier about their Colorado competitors than Detroit autoworkers are about Japanese automakers. And Ford is either being foolish or disingenuous to argue that erecting trade barriers in this country won't trigger retaliation against U.S. exports. If cars sold in America have to be manufactured here, why shouldn't food sold in Japan be grown in Japan?

If Ford succeeds in starting his trade war, every job saved in Detroit would be offset by another farmer going bankrupt in Colorado or Iowa. So there would be no gain in U.S. employment. The only real change would be that Japanese consumers would pay more for poorer food while U.S. consumers paid more for poorer cars.

Ford's bill is an economic Edsel.

[From the Charleston Gazette, Mar. 19, 1982]

HOW JAPAN DOES IT

Even American automobile workers seem to have accepted the proposition that Japanese cars are produced less expensively than American cars because American auto workers earn an average of $8 an hour more than their Japanese counterparts. The new United Auto Workers contracts reflect such a concession.

But a Harvard Business School study contradicts the complaint that high wages put Detroit at a competitive disadvantage. Wages account for about a third of the difference in the cost of production, says the study. The rest of the Japanese advantage may be attributed to superior management practices and better relations with labor. Better relations with labor means assurances of lifetime employment and unceasing efforts on the part of Japanese management to humanize factory work.

One Detroit complaint is justified. The Japanese manufacturers have a greater measure of support from government in the form of tariffs and other devices to inhibit importation of American cars into Japan. But the barriers are coming down as the U.S. rightfully insists that they should.

It is far wiser, we think, to ask Japan to abandon a policy of protectionism than to adopt such a policy for America. To counter a bad idea with a bad idea makes no sense. In this particular case it could lead only to a trade war that would be harmful to both sides. In any event, protectionism won't make American industry more productive.

It might be a good idea, however, to adopt—steal, if you will—some of the practices that have allowed Japanese production to surge ahead of Detroit's. The Harvard study observes that a constant effort is made to keep Japanese workers happy on the assembly lines, that fringe benefits give their families a sense of security and that workers are not confined to single boring operations such as attaching door handles but may undertake other assignments. They are provided ample rest periods and a cozy, clublike work atmosphere. Detroit should take notice.

[From the Atlanta Constitution, Aug. 10, 1982]

PROPOSED AUTO BILL A LEMON

American autoworkers and manufacturers will begin winning the auto war with Japan when they stop looking in the rear-view mirror and stomp hard instead on the accelerator of quality and productivity.

The latest wrong-way U.S. action is the proposed Fair Practices in Automotive Products Act, protectionist legislation supported by the United Auto Workers. Congress should stop the measure before it wrecks trade with Japan and Europe—trade that, in the main, is to our benefit.

The act now being considered in the House, would require that foreign autos sold in the United States use a percentage of American-made parts and labor. The current goal is 75 to 90 percent within three years of the act's passage.

The act is aimed primarily at Japan, since Japanese automakers have captured a substantial share of the U.S. market. The only effective way the Japanese could meet the 75-90 percent requirement would be to build plants in this country.

Supporters of the act contend it would provide new jobs for about 200,000 Americans. But what they don't mention is that it would largely displace the 160,000 Americans whose jobs now depend on importing cars from Japan. They also don't mention that requiring such a high percentage of American parts and labor would ensure that U.S. consumers would pay higher prices for all autos.

U.S. automakers need to begin believing their own advertising about building autos for the world. They need to build cars that will compete in a world market, with the U.S. market only a part—although a major part—of that.

American auto companies and autoworkers will have nothing to fear from Japan when they match the quality and productivity of the Japanese.

There are important considerations beyond the auto competition. Japan and the United States are major trade partners in numerous other areas. How long would it take before strong protectionist legislation, such as the proposed auto bill, would spread to other products made or imported by both nations? Trade restrictions, given time to fester, hurt all nations involved.

[From the Atlanta Journal-Constitution, Oct. 9 1982]

AUTO PROPOSAL IS QUITTER'S WAY OUT

U.S. autoworkers are balking at meeting the competition of the world. And their refusal could cost all other Americans plenty.

The autoworkers—as represented by the United Auto Workers unions—are seeking government endorsement of their failure in the form of a bill called the Fair Practices in Automotive Products Act. There's nothing fair about the legislation.

It would require that most autos and light trucks sold in the nation have a certain amount of their value added in the United States. This "domestic content" bill specifies that the amount range from 50-to-90 percent, depending on the number of cars and trucks that a manufacturer sells in the nation.

To meet the 50-to-90 percent quota, Japanese (and other) manufacturers would have to use U.S.-made parts or assemble units in the United States.

In effect, U.S. autoworkers are saying through this bill that they won't even try to compete.

U.S. parts and labor are considerably more expensive than foreign equivalents. The results of this protectionist legislation would be higher-priced autos for American consumers and the effective banning of large numbers of low-cost, fuel efficient foreign imports.

UAW president Douglas Fraser says that what's good for auto jobs is good for America. That's true to a degree, but not if auto jobs in the United States are artificially protected from basic economic realities.

About 714,000 workers (out of roughly 100 million) are employed in the U.S. auto industry. The UAW's "sweetheart" legislation might create a few thousand more auto jobs. But our foreign trading partners would retaliate with their own protective legislation—jeopardizing thousands more jobs than would be spared. There are more than 2 million Americans employed, for example, in the electric and electronics industry, one of our major exports.

Irrational trade restrictions such as the so-called Fair Practices legislation lead only to trade wars in which all are losers. Congress must reject the bill. It's not only unfair and costly, it's also the quitter's way out.

[From the Nashville Banner, Aug. 24, 1982]

"LOCAL CONTENT" WOULD HURT TRADE

"Local content" legislation is the catchy name of the latest device to be put forward by the protectionist element in this country seeking to dull the edge of competition from foreign automobile manufacturers.

By whatever name it goes, the principle of "local content" is shortsighted and not in the best interests of United States industry, including the carmakers and those who work for them. It is good to see that Secretary of Commerce Malcolm Baldrige labeled the proposed legislation for what it is, "a new threat to U.S. world trade markets."

Simply put, the plan, which is being pushed by the United Automobile Workers with strong support in the House of Representatives, would require that 90 percent of the components of each automobile manufactured in this country be domestic rather than foreign.

Mr. Baldrige says the Reagan administration believes this approach, rather than providing an answer to basic industry problems, would greatly harm the flow of world trade, the American economy and the consumer.

It is important to understand, he says, that one of every seven manufacturing jobs in the United States depends on exports, as does one of every three acres of producing farmland.

While American industrialists often accuse foreign nations of competing unfairly with us, and occasionally with justification, it is interesting to note that no major industrialized nation has even enacted local content legislation against the United States.

A federal government task force that studied the implications of local content concluded that if auto sales in the United States approached previous peak levels by 1985 (the year local content proposals are targeted to become fully effective) local content would add no more than 200,000 jobs for U.S. auto workers. And the study concluded that such employment gains would be offset by job losses at U.S. assembly plants of foreign manufacturers and in the foreign car shipping and distribution network.

And this does not allow for the no doubt substantial losses that would accrue in the United States employment picture as this country's trading partners took retaliatory steps.

Local content legislation would furthermore hurt the American consumer through sizable increases in car-buying costs, estimated by the study at an extra 10 percent.

The erection of trade barriers, favoring one industry and financed by the consumer, is not the way to solve the automobile industry's problems. They can be solved only by providing an economic climate in which U.S. companies can become more productive and competitive.

We hope that members of Tennessee's delegation in Congress will become aware of the hazards of this proposed legislation and will do all within their power to see that it is defeated.

[From the Arizona Republic, Oct. 29, 1982]

TAKING A WRONG TURN

Once a stalwart advocate of free trade, the United Auto Workers has made a U-turn and come out for protectionism.

This is understandable because scores of thousands of UAW members have been made jobless by foreign competition.

It's also deplorable.

the UAW is sponsoring a bill in Congress that would compel foreign automakers to produce cars in the United States or be shut out of the U.S. market by stringent component requirements.

The bill has about 200 sponsors in the House and the support of the two leading candidates for the Democratic presidential nomination, Sen. Edward M. Kennedy and former Vice President Walter F. Mondale.

They should know better, but they're both angling for the endorsement of the AFL-CIO.

The bill would have the effect of creating a few jobs for UAW members at the uneconomic average wage of $20 an hour.

But it would do this at the expense of consumers.

Consumers would be forced to buy American cars they didn't especially like instead of the foreign cars they preferred, and to pay more.

In the long run, jobs the bill created would disappear because higher prices would shrink the auto market.

Expect to see more bills like the UAW bill come up before Congress next year.

The unions are becoming increasingly protectionist.

They seem incapable of understanding that foreign competition did not create the ills that afflict U.S. industries.

Foreigners were able to cut into their markets because they were sick already.

This is true of autos. It's also true of steel, textiles and shoes.

In the case of steel, the United Steel Workers union is partly responsible for the inroads made by foreigners.

Over the past decade, the USW has managed to drive up wages at the annual average of 12.4 percent. Meanwhile, productivity has gone up only 2 percent a year.

In all fairness, management and government policies are equally responsible for the industry's troubles.

Management has been slow in modernizing and in shutting down obsolete plants.

The industry also has problems in competing with foreign companies on the world market because the dollar is overvalued as the result of high interest rates.

In the case of textiles and shoes, the unions might just as well face it.

Those are labor-intensive industries.

Given the high standard of living in this country, there's no way U.S. companies can compete with companies in coolie countries like South Korea and Hong Kong.

Even Japan can't compete with them.

High tariffs cannot possibly save those industries. They are doomed.

High tariffs can only make textiles and shoes more expensive.

[From the Santa Ana Register, Apr. 5, 1982]

A BAD IDEA, SENATOR

It is hard to imagine a more shortsighted approach to the problems of the domestic auto industry than the one espoused in a bill by Sen. Wendell Ford (D-Ky.) and reportedly endorsed by Sen. Richard Lugar (R-Ind.). The idea is to require all auto manufacturers who sell more than 100,000 cars per year in the United States to produce in this country enough cars to equal 25 percent of its U.S. automotive sales.

In other words, manufacturers like Toyota, Datsun, Honda, and Volkswagen would have to open assembly plants in the United States, or (maybe) let contracts with existing U.S. plants to produce their cars stateside.

One is hard pressed to know whether the chief characteristic of such an approach is its arrogance, its ignorance or its failure to acknowledge reality.

Do the good senators really believe that other governments in the world are less regulation-happy than ours? Can they imagine for a moment that such a law won't invite retaliatory legislation in other countries? At a time when domestic manufacturers are touting their ability to produce a "world car" and asking revenues from export sales, will this do them a great deal of good?

There may not really be any such thing as a domestic car any more anyway. Most "domestic" manufacturers buy parts from subsidiaries or independent companies in Japan, Korea, Spain, Ireland, Israel and South Africa now, even if the final product is assembled in the United States. Some foreign manufacturers buy parts from other countries. The manufacturers do this because it makes economic sense. The world is growing smaller and technology in some other countries is improving. As knowledge and communications expand, it becomes increasingly feasible to build cars of mixed origins, and any manufacturer seeking to build autos of some quality at a price consumers are willing to pay would be crazy not to seek the best opportunities available.

Ford's bill virtually ignores the complexities of the world market. If the bill passed, it would require such a complex set of regulations to interpret its meaning and make some effort to enforce compliance that the paperwork costs would be staggering. All those costs, of course, would be passed along to consumers, just as all the previous federally-mandated paperwork costs have been passed along.

Volkswagen has already built a plant in the United States, and some other foreign manufacturers have given the matter serious thought. As economic conditions change and transportation costs rise, this may become sensible to an increasing number of foreign companies. A new law to require them to do so, however, would be more likely to retard than accelerate this process. Instead of making decisions on the basis of economic considerations, the companies would have to bring in platoons of lawyers and specialists in regulatory jargon before they could make a move. That would mean delay and (of course) higher costs for consumers.

If they wanta sell 'em here they gotta build 'em here, says Senator Ford, no doubt content that his simple-minded notions can prevail over the complexity of the real world. Apparently reactionary jingoism didn't go out of style with the passing of the nineteenth century.

[From the Seattle Times, Aug. 1, 1982]

PROTECTIONISM WOULD INVITE RETALIATION

For a bad example of protectionist legislation—and there are scads of such bills in Congress these days—it's hard to beat the so-called "domestic content" measure being lobbied heavily by, naturally, the United Auto Workers.

Companion Senate and House bills would require that up to 90 percent of the parts in autos and trucks bearing foreign labels be produced by American workers in U.S. factories.

A manufacturer in, say, Japan would face severe restrictions on the number of vehicles that could be marketed in this country if the domestic-content limits were not met.

On its face, the legislation is one more well-intentioned but misguided attempt to meet the threat of foreign competition through self-defeating controls on imports.

The domestic-content bill, according to a recent analysis by The Wall Street Journal, is gaining momentum largely because many congressmen perceive it mistakenly as a bill wanted by "labor."

Labor's support, however, does not include thousands of workers, especially on the Pacific Coast, employed in jobs related to the processing and handling of imported vehicles.

Nor should the measure escape the notice of those with a broader interest in free-trade issues. That is because enactment of restrictive legislation of this type almost certainly would invite retaliation from abroad.

One easily could visualize other nations taking a retaliatory stance against all manner of American-made goods headed for the foreign market. Not the least of them might well be Boeing jetliners. Imagine the uproar that would occur here if Japan decreed that Boeing planes sold in that country must consist largely of parts and other items produced in Japanese factories by Japanese workers.

Obviously, much remains to be done toward helping America obtain a bigger share of the international marketplace. Nothing along that line is to be accomplished, however, by legislation that might bring short-term relief to Detroit auto workers but create long-term damage to this country's trading position and—raise costs and limit product availability to American consumers.

[From the Dallas Morning News, Dec. 8, 1982]

DOMESTIC CONTENT BILL: TO THE JUNKYARD

The automotive "domestic content" bill now before Congress needs a head-on collision with reality.

The bill's authors, Reps. Ottinger of New York and Dingell of Michigan, want sharp increases in the U.S.-produced content of cars made and sold here; whereby they expect to cut down on imports, stimulate the sale of American cars and put American workers back on the assembly lines.

The bill is far likelier to abolish than to create jobs, in the time-honored manner of "protectionist" legislation. The protected do all right. The unprotected are the ones left to fend, often unsuccessfully, for themselves.

The unprotected here are numerous. Start with car-buyers, who demonstrably like the products of foreign carmakers. Nobody *compels* Americans to buy foreign cars. They do so because they perceive foreign cars to be a better deal, as to price, workmanship or both.

The domestic content bill would not make American cars more attractive; it would make them more expensive—$330 per vehicle is the Congressional Budget Office's estimate. How is this supposed to produce frenzied mobs in auto showrooms?

The bill would certainly create jobs in the auto and auto-supply industries. But in case Ottinger and Dingell haven't noticed, these aren't the only industries that exist. The jobs of 80,000 Americans who staff 2,000 import dealerships would be at risk should the domestic content bill pass. Likewise more than 90,000 jobs in 14 East, West and Gulf ports, according to a Commerce Department estimate.

And if Japan retaliates with restrictions against American imports, what then? More unemployment for Americans in the agricultural, coal, timber, aircraft, chemical and machinery industries: perhaps a net *loss* of 66,000 jobs by 1990.

The domestic content bill is the worst kind of special-interest legislation. Tow it to the junkyard. Walk away. Don't look back.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAOUL WALLENBERG'S UNFINISHED ODYSSEY

Mr. PROXMIRE. Madam President, just over 38 years ago, an extraordinary Swede named Raoul Wallenberg disappeared in Budapest. Since that time, the name Wallenberg has come to symbolize romance and mystery: romance, because his courage and audacity preserved over 100,000 Jewish lives in Nazi-occupied Hungary; and mystery, because he is believed to be alive today in the penal system of the Soviet Union.

A brief recounting of this remarkable man's unfinished odyssey only begins to explain why Wallenberg was the second of two men named honorary citizens of the United States—the first was Winston Churchill. As George F. Will reports in a recent article,

At 32, representing neutral Sweden, Wallenberg was in Budapest at America's request, working with breathtaking bravery and saving scores of thousands of Jews from Adolf Eichmann's final chapter of the 'final solution,' the destruction of Hungarian Jews. He bought buildings and draped them

with Swedish flags as diplomatically protected territory. He dressed 'Aryan-looking' Jewish men in SS uniforms to protect Jewish havens. He distributed fake passports, and used sheer audacity to intimidate Nazi soldiers into opening the doors of cattle cars. Thanks to him, the 120,000 Jews in Budapest were the most substantial Jewish community surviving in Europe when the war ended.

And what became of this intrepid man after the war? We do know he was seized by Soviet forces and placed in a Moscow prison where Russian authorities claim he died of a heart attack in 1974. However, numerous reports from prisoners in the gulag system provide evidence to the contrary. These reports are too many in number to list, but I can say that several of these released Soviet prisoners were reincarcerated after their news leaks on Wallenberg reached Western correspondents.

Madam President, Raoul Wallenberg has given his freedom and perhaps his life to prevent the Nazi genocide of thousands of Hungarian Jews. That he is the victim of the Soviet regime is not a question. That the Soviets chose to incarcerate Wallenberg is a matter for questioning. One may interpret Russia's abuse of this freedom fighter as indicative of a larger intent to harm those who would think or act on behalf of oppressed, Eastern bloc Jews. One may further construe this intent to mean the intent to undermine the well-being of an entire religious group.

I ask the Senate to demonstrate its support for the oppressed Jews in Communist countries and for oppressed groups everywhere. Let us make it possible for heroes such as Wallenberg to be remembered not only for their bravery, but for the human rights they sought to uphold. Wallenberg knew firsthand of the outright horror of genocide and he took steps to prevent it. We should follow his example. By approving the Genocide Convention, the United States can more fully participate in the fight to secure a minimum of human rights for people everywhere. Let us take that important action.

NO SECOND USE OF NUCLEAR WEAPONS

Mr. PROXMIRE. Madam President, former Secretary of Defense Robert McNamara has proposed a new and critically important addition to our policy to prevent nuclear war. The McNamara proposal will be highly controversial, but it merits the most thorough and thoughtful consideration. In a column in the New York times this morning he calls on this country and NATO to adopt "a policy of no second use of nuclear weapons—that is 'no second use until . . .'" McNamara proposes that:

• • • we would not authorize the launching of nuclear weapons, even in response to an assumed nuclear attack, until we could determine whether a reported attack was real or imagined and if real, deliberate or accidental. The purpose of the change in policy would be to minimize the immense dangers of a hair-trigger strategy—for example, a strategy of launch-on-warning—that could begin a nuclear war for the wrong reasons.

Secretary McNamara also writes:

We have learned • • • that there is immense danger in launch-on-warning strategy. It clearly carries the high risk of a spasm-like response to a false warning, or to a human or mechanical error, and thus risks the unleashing of a chain of events that would lead to mutual annihilation.

Madam President, there are obvious problems with the McNamara proposal. But let us not forget that for many years to come we will have to live in a world with tens of thousands of nuclear weapons. And once a nuclear war starts, it would be exceedingly difficult, perhaps impossible to stop it until civilization had been totally destroyed.

If we cannot accept the McNamara proposal, it can at least start us thinking in the direction of what safeguards we can accept to prevent this most terrible of all imaginable disasters.

I ask unanimous consent that the article by former Secretary of Defense McNamara be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO SECOND USE—UNTIL

(By Robert S. McNamara)

WASHINGTON.—The United States and its North Atlantic Treaty Organization allies should adopt a policy of "no second use" of nuclear weapons—that is, "no second use until . . ." Under this policy, we would not authorize the launching of nuclear weapons, even in response to an assumed nuclear attack, until we could determine whether a reported attack was real or imagined and, if real, deliberate or accidental. The purpose of the change in policy would be to minimize the immense dangers of a hair-trigger strategy—for example, a strategy of launch-on-warning—that could begin a nuclear war for the wrong reason.

I advance this proposal for many of the same reasons that last April I joined McGeorge Bundy, Gerald K. Smith and George Kennan in urging the North Atlantic Treaty Organization to move to a policy of "no first use" under which we would pledge not to use nuclear weapons as a response to a conventional attack and would rely instead on improved conventional forces as a deterrent.

The underlying message of both proposals is basically the same: Once a nuclear war started, there would be no way to contain it. Indeed, the response to the "no first use" proposal indicated that most military and civilian commentators agree that nuclear war, once begun, is unlikely to remain limited and that unlimited war will destroy civilization. What the experts cannot agree on is whether NATO has the ability or willingness to strengthen is conventional forces and thus make unnecessary the first use of nuclear force. Although former Secretary of State Alexander M. Haig, Jr. said that such a policy would require reintroducing the draft, tripling manpower in the armed forces and placing the economy on a war footing, Gen. Bernard Rogers, NATO's commander, believes more modest expenditures can insure an adequate deterrent.

But what I want to stress is that no first use is only one of a series of actions that must be taken to reduce the risk of the use of nuclear weapons.

The recent antinuclear protests in America and Western Europe have focused on first limiting, and then reducing, the number of nuclear weapons. Such action is essential, of course.

The Soviet and American nuclear inventories contain a total of some 40,000 to 50,000 warheads. Clearly, the nuclear balance—the essential equivalence of force that exists today—can be maintained at lower levels. But even the most optimistic among us can hardly hope for reductions beyond the 50 percent that Mr. Kennan proposed in 1981. That means that for decades ahead we'll have to live in a world armed with tens of thousands of nuclear warheads. Each warhead, on average, has a destructive power 30 times as great as the Hiroshima bomb.

It is therefore obvious that reducing the risk of the use of these weapons should receive as much attention as reducing their number. But it is not.

I believe, then, that it is essential that the Warsaw Pact and NATO not only adopt strategies based on no first use of nuclear weapons but that they state unequivocally that there will be "no second use"—until it has been determined, beyond any possible doubt, that the nuclear explosion to which the second use responds was in fact intentional and purposeful.

This would require communication at the highest political levels. Such communication can be assured if provision has been made, in war plans and in physical facilities, for the protection and survival of high-level authorities, as well as fail-safe means of communication. Washington and Moscow have neglected both of these matters.

I have been deeply disturbed by the implication of some of the arguments recently put forward by Soviet commentators in opposition to NATO deployment of Pershing 2 missiles in Europe. They have stressed the great danger to the Soviet Union resulting from a reduction in missile flight time from 30 minutes for the United States-based Minuteman to six minutes for the European-based Pershings. My question is: What can be done in 30 minutes that cannot be done in six minutes? If the answer is—as would seem to be the implication—that a 30-minute fight time permits launch-on-warning, while six minutes does not, then I am shocked and deeply worried.

We have learned (although it is not clear that we have applied our knowledge)—and I would have thought that the Russians by now would have learned as well—that there is immense danger in launch-on-warning strategy. It clearly carries the high risk of a spasmlike response to a false warning, or to a human or mechanical error, and thus risks the unleashing of a chain of events that would lead to mutual annihilation. I cannot overemphasize the importance of both sides publicly stating that they firmly reject any such strategy.

Having spent seven years as Secretary of Defense dealing with the problems unleashed by the initial nuclear chain reaction 40 years ago, I do not believe we can avoid

serious and unacceptable risk of nuclear war until we recognize, and base all our military plans, defense budgets, weapons deployments and arms negotiations on the recognition, that nuclear weapons serve no military purpose whatsoever. They are totally useless—except only to deter one's opponent from their use.

Mr. NUNN. Madam President, will the Senator yield for a brief comment?

Mr. PROXMIRE. I am happy to yield to my good friend from Georgia.

Mr. NUNN. Madam President, I am delighted that the Senator from Wisconsin is printing that article in the RECORD. I read it this morning myself, and though I would disagree with some of the points made in that article, certainly I think that there are two points that should be made very vividly and I think made very well.

I think the former Secretary did make it clear that he felt we had to have a much stronger conventional defense in order to facilitate the kind of policy he advocated on nuclear weapons.

I think that is enormously important. I think it is important not to get the nuclear horse in front of the conventional cart, so to speak. It should be the other way around.

We in the Western World, particularly in the United States for years, beginning in the 1950's, have relied so much on nuclear weapons, including the possibility of first use of nuclear weapons in NATO where we had very pronounced conventional disadvantages following World War II, that we have sometimes forgotten that if we are going to move away from nuclear weapons, if we are going to move away from the first use of nuclear weapons as advocated by Secretary McNamara, we do have to pay a great deal of attention to conventional defense so we are not left in the situation where the Soviet Union or the Warsaw Pact would recognize that the West is reluctant to use nuclear weapons and pronounced inferior conventional weapons.

So I think that article does serve a very useful purpose in both framing the debate and also in pointing out that there is an interrelationship between the ability to move away from the use of nuclear weapons and the very strong necessity for having a very strong conventional defense.

Mr. PROXMIRE. I thank my good friend from Georgia. As we all know he is in my judgment the outstanding expert in this body on our defense and no one speaks with more authority or with more respect than the Senator from Georgia.

I think he is exactly right in the caveat he has suggested which Secretary McNamara also subscribes to, as I understand it, and that is that if we are going to move away from nuclear weapons we do have to have a much stronger conventional force in place in Europe. That is part of it.

The other part of it is a far more difficult and dangerous concept to accept, and that is in this letter today. That is the notion that even if the other side should launch an attack, a nuclear attack, that we should first make sure that that attack is premeditated. We should know that the attack was not an accident. We should know that attack was the real thing before we retaliate.

It is extraordinarily difficult for me to accept that notion. My reaction would be if they attack us, we have no choice, none, except to make it clear. That is the essence of deterrence, that we hit back.

On the other hand, I think the Secretary makes a very good point in this imperfect world of ours that there is at least a very strong possibility with so many people responsible here, with hair-trigger reaction, where it is possible for computers to go wrong, and so forth, we might have the absolutely cataclysmic tragedy of a nuclear war set off strictly by accident because we did not take time, even though time would be painful and handicap us, to make sure that this attack was a deliberate attack.

Mr. NUNN. I would share the Senator from Wisconsin's skepticism about going to what the former Secretary has called no second use. I think the way you frame that and address the issue is crucial in deterrence. But I do agree with the point the Senator from Wisconsin made on the point the former Secretary made as we are moving into an era where both sides have what we would call a prompt response type, even first strike, capability, and both sides are moving into a situation where their own systems are becoming vulnerable. We are already in that position with the Soviet Union's huge megatonnage and more accurate missiles, and the Soviets, by the time we develop the Trident II missile, the MX, and others, if we do, that their land-based missiles will again be in that position.

So the former Secretary is anticipating a point in time where both sides begin to think they are so vulnerable they may have a hair trigger and feel they may have to turn to what he calls "launch on warning" which some people call "launch on attack." But that is the kind of posture the world would be much better off with if we can find a way to avoid it, and I think we have to avoid that kind of posture by working toward having strategic forces that are not vulnerable to that kind of posture, and also in arms control.

One of the failures of arms control so far is that it has not been able to successfully avoid that kind of posture for both sides.

So he is correct, I think, in warning this country, and I also believe the Soviet Union, that we are moving into an era of more danger because we are both making the other side more vulnerable to a first strike and, therefore, moving closer to a hair trigger, and that is a policy we need to avoid at all costs if it is avoidable both by our weapons development, by our basing mode, and by our arms control policy.

Mr. PROXMIRE. Madam President, I want to thank the Senator from Georgia. I think this kind of practical realistic discussion of the very valid point raised by Secretary McNamara is most useful. I just hope this kind of debate and discussion will go on.

As he indicated, we have to cope with this through arms control and through our own defense development, and I think it is very useful that the Senator from Georgia has made such an excellent contribution.

Mr. NUNN. I would just like to add one other thing to my friend from Wisconsin. The Secretary did point out even in the most hopeful of all arms control proposals, that is about a 50-percent cut on both sides, even if that were to be agreed to by both sides and even if it would be verifiable; in other words, even in almost a dream of arms control that we can envision we would still have a large number of weapons. We would still both have a danger, and the world would have a danger and, therefore, we have to start thinking in terms of arms control that gets to the question of whether we are going to ever use those weapons as opposed to simply thinking we can arrive at some kind of safe ground if we simply cut numbers.

I think we need to cut numbers, but cutting numbers is not going to eliminate the danger in the world, and even if we had the best arms control proposals we still need to begin to think about that kind of use.

One of the things I proposed, and the administration is supposed to come up with an analysis on that and present it to Congress within the next 30 days, as a matter of fact, is what I call a risk reduction center or a crisis control center jointly manned by United States and Soviet personnel 24 hours a day, every minute of every hour, so that if there was a nuclear explosion in the world, for whatever the cause, we would begin immediately working together to make sure that the superpowers did not find themselves drawn into some form of conflict by miscalculation or even by a third country or a terrorist group launching an attack against one superpower and the other superpower immediately believing they are under all-out attack, and retaliating.

We are beginning to move into an era where we do have, in spite of our profound differences with the Soviet

Union, we both have, mutual interests in being able to work together to ward off that kind of attack, and as nuclear proliferation begins to be more and more of a danger around the world, I am hoping the leaders in both this country and the Soviet Union will begin to realize in spite of our profound differences, in spite of our distrust, that we have certain areas where for our own survival and for their survival we need to begin to work and think together.

I thank the Senator from Wisconsin.

Mr. PROXMIRE. Madam President, will the Senator simply permit me to conclude by reading the last paragraph which, I believe, bears exactly on what the Senator from Georgia said? He says:

Having spent seven years as Secretary of Defense dealing with the problems unleashed by the initial nuclear chain reaction 40 years ago, I do not believe we can avoid serious and unacceptable risk of nuclear war until we recognize, and base all our military plans, defense budgets, weapons deployments and arms negotiations on the recognition, that nuclear weapons serve no military purpose whatsoever. They are totally useless—except only to deter one's opponent from their use.

That concept should help us greatly, too, in achieving a more prudent and rational policy.

Mr. NUNN. I think that point which the Secretary is making needs to begin to be thought about. But I will have to add to that a caveat that we in this country and in the Western World, particularly in the NATO alliance, have relied on nuclear weapons for deterring both nuclear and conventional attack, and if we move away, as he is suggesting, from using nuclear weapons to deter or prevent a conventional attack, then we have to have something else to deter that conventional attack, and that means to me we have to have a much stronger conventional capability.

I do not think that necessarily means we have to have the same number of tanks and the same number of artillery tubes, but we in the Western Alliance sometimes spend more than the Warsaw Pact countries, and sometimes less, and we do not get all we can from our allies. We have to get more from our allies with respect to conventional deterrence, as we begin to think down the years about arms control.

SEQUENTIAL REFERRAL OF S. 338

Mr. STEVENS. Madam President, I do have a specific request on a sequential referral of S. 338

I ask unanimous consent that when the Committee on Governmental Affairs has reported S. 338, a bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes, the bill shall be sequentially referred to the Committee on Armed Services for that committee's consideration of any provisions of S. 338, which amend title 10 of the United States Code.

Further, I ask unanimous consent that the Committee on Armed Services shall be automatically discharged from further consideration of the bill if it is not reported to the Senate within 60 calendar days of the date on which the bill is reported by the Committee on Governmental Affairs, but in no event shall such discharge occur before June 15, 1983. In the calculation of said 60 days, any period of 7 or more calendar days during which the Senate is in recess shall not be counted.

Also, I ask unanimous consent that if S. 338 shall be passed by the Senate and there is a difference between the two Houses which must be resolved by conference, the conferees from the Senate shall consist of an equal number of members of the Committee on Governmental Affairs and the Committee on Armed Services, though the conferees who are members only of the Committee on Armed Services shall be appointed only for the consideration of amendments to title 10 of the United States Code.

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Hearing no objection to the unanimous-consent request, it is so ordered.

U.S. SENATE YOUTH PROGRAM DAY

Mr. STEVENS. Madam President, on behalf of myself, the distinguished President pro tempore, the majority leader, and the minority leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 44) designating February 3, 1983, as U.S. Senate Youth Program Day.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. BYRD. There is no objection, but I would like to have it read.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

S. RES. 44

Whereas the strength of our nation is a function of a competent and intelligent understanding of our political processes and the purpose of our National Government by all citizens; and

Whereas knowledge and appreciation of our Constitution is derived from vigorous study and energetic leadership; and

Whereas the Senate of the United States has always looked upon the youth of the United States as its most precious resource; and

Whereas the United States Senate Youth Program offers young citizens of America the chance to learn more about our Republic and foundation through first hand experience in our nation's capital,

Resolved, That the Senate recognize the day of Thursday, February 3 as United States Senate Youth Program Day.

Further resolved, That the Senate encourage all participants in the program to share this knowledge and experience with their family and friends.

Mr. BYRD. I thank the Chair.

Mr. STEVENS. Madam President, it is with great honor that I offer this resolution today to recognize the U.S. Senate youth program. Over the years I have observed the positive results of this program. It is appropriate that the Senate recognize February 3, 1983, as U.S. Senate Youth Program Day.

The idea behind this resolution is not new. Senate leaders in the past have noted the importance of this program. In 1962, Senators Dirksen, Mansfield, Kuchel, and Humphrey sponsored a resolution similar to the one I offer today.

There is no doubt in my mind that our Nation's most precious resource is our youth. Keeping that in mind, we should all endeavor to improve our knowledge about our Government. This includes the participants, issues, philosophies, needs, and goals of our country.

We must always remember that our Government is made of the people. It is not a government run only by a few. The input of individual citizens can ignite a public spirit that encourages and enables change to take place. I believe this program gives a clear demonstration that Senators, Representatives, and those in the executive branch do listen and do care about the concerns of individual citizens. I think it emphasizes that positive change occurs due to hard work and perseverance.

I am hopeful that the U.S. Senate youth program will continue for many years to come and enjoy the degree of success it has had in the past. The program this year is only half over in its weeklong schedule of intensive meetings, lectures, and seminars. The Senate, as well as the participants in the program, are thankful for the perennial support given to the U.S. Senate youth program by the William Randolph Hearst family and the William Randolph Hearst Foundation.

Therefore, it is timely and appropriate for the Senate to recognize Thursday, February 3, 1983, as U.S. Senate Youth Program Day.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 44) was agreed to.

The preamble was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. POSTAL SERVICE

Mr. STEVENS. Madam President, on January 17, Postmaster General William Bolger spoke before the Conference of State Chapter Officers of the National Association of Postmasters of the United States here in Washington. In that speech, he outlined some very solid accomplishments of the U.S. Postal Service.

For those who have concerns that the Postal Service is about to collapse or, in fact, should collapse because of alleged poor performance, I urge them to read his remarks. If some people are still concerned that a Federal agency is incapable of operating on a sound businesslike basis, I again urge them to read Mr. Bolger's speech.

The U.S. Postal Service is an example of an organization whose product cost has increased less than inflation, whose records for increased productivity are extremely important in these times of budget deficits. The USPS no longer requires taxpayer funds for its operation.

These solid accomplishments do not mean that the system is perfect and there is no room for improvement. There is a great deal more than needs to be done, especially in improving the speed and consistency in mail delivery. I have always maintained, however, that we should give credit where credit is due. The Postal Service employees and those who use this vital service can be proud of its accomplishments.

Madam President, I ask unanimous consent to insert in the RECORD at the end of my remarks a copy of the Postmaster General's speech.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY WILLIAM F. BOLGER, POSTMASTER GENERAL

Ladies and gentleman, good afternoon. It is a welcome break from my normal duties here in Washington to join this group of fellow postmasters. And it's a delight to be able to bring you good news about the Postal Sevice.

I don't have to tell you that this is a very dramatic and pivotal time here in Washington. In fact, it seems to me these days that there is more tension and anxiety per square foot in this town than there is in a dentist's office on a busy morning.

Exactly two weeks ago, a new Congress was sworn in—the 98th Congress. It came to Washington with 5 new senators, no fewer than 81 freshman representatives, and an urgent mandate to work with President Reagan in solving the budget crisis that confronts the Federal Government. And close to the top of the new Congress's agenda is Social Security—an issue of deep concern to all of us in this room.

Of course, the Postal Service is not isolated from these great issues. I like to think, however, that we present a refreshing counterpoint to some of the bad news you have been hearing recently.

On the one hand, the Postal Service's successes have offered the public a sterling example of how a government agency can be operated according to rigorous and efficient business principles. Moreover, at a time when Congress and the President are battling a prospective $200 billion Federal deficit, the public—no less than Congress—has been heartened by news of the Postal Service's very substantial 1982 operating surplus. And finally, at a time when so many Government agencies are fighting for a fat slice of the Treasury's budget pie, the Postal Service has gone on a permanent fiscal diet. The Public Service Subsidy has been terminated; and I personally pledge to refrain from requesting taxpayer dollars to subsidize postal operations in the future.

Of course, we would be foolish to be smug about these achievements. And with a probable deficit facing us at the end of this fiscal year, we certainly cannot afford to rest on our laurels. Nevertheless, there is a continuing need for each and every one of us to inform the American public of the Postal Service's performance. For if we are going to ask the public and Congress to support us on automation and ZIP + 4, and if we are going to ask them to support the Private Express Statutes, then the Postal Service must make a case that we are worthy of the public confidence.

So, in your talks before local organizations and community groups, and on your visits while you are here in Washington, I urge you to review the Postal Service's performance over the last 12 years. You might start by mentioning our record on productivity—which, when you get down to it, is the ultimate measure of any business's ability to manage effectively.

I don't have to remind you that in the five years preceding Reorganization our productivity actually fell by 2.5 percent. In contrast, over the first twelve years since Reorganization, 1971 through 1982, our productivity shot up over 40 percent. During that period, we handled a massive 30 percent increase in mail volume—not with more employees but with a workforce reduced by 10 percent.

Those extraordinary productivity gains, in turn, have allowed us to keep our prices well below the national inflation rate. No less than other businesses, the Postal Service was hit hard by inflation throughout the 1970s. But even in the teeth of that inflation, we were able to hold down our rates. From May 1978 to November 1981, the price of a First-Class stamp rose from 15 to 20 cents, an increase of 33 percent. Over that same period, the Consumer Price Index rose by 45 percent. That's a full 12 points higher. In short, so far as inflation is concerned, the Postal Service has been a tortoise compared to the CPI's hare—and that's one race we have no intention of winning.

In addition to these successes on the productivity and rate fronts, there are two more achievements of the Postal Service that you should bring to the attention of the public.

First, there is the matter of our $1.08 billion surplus for 1982. Actually, if you make a couple of accounting adjustments, particularly for the unexpected bonanza of reduced Workers' Compensation claims from the Department of Labor, then you are left with our real surplus—our operating surplus of $710 million. Whichever figure you want to go with, it is impressive evidence that the Postal Service is not just living within its means, but is also building a solid financial base for the future.

Incidentally, when you match that 1982 surplus with our 1979 surplus of $470 million, it makes the first time since 1945 that the Postal Service has finished two fiscal years out of four in the black. Of course, the most important consequence of these surpluses is that we will now be able to defer our next rate increase from late 1983 until early 1984.

Second, there is the matter of the Public Service Subsidy. Or, should I say, the end of that subsidy. The Postal Reorganization Act authorized for the Postal Service a subsidy to cover (Quote) "public service costs incurred by it in providing a maximum degree of effective and regular service nationwide." (End quote) Frankly, the assumption was that we would never be able to stand on our own feet without the subsidy. From 1972 through 1979, we received close to a billion dollars each year from the Treasury. But it dropped in 1980 and 1981, and last year—with no objection from me—Congress whittled it down from the authorized $670 million to $12 million.

This year—several years ahead of schedule—our subsidy has been ended entirely. That's good news for Mr. Stockman over at the Office of Management and Budget. And it's one more measure of our coming of age as a business-like government service.

While I'm on the subject of our achievements since Reorganization, I can't resist mentioning the Postal Service's performance during the past Christmas season. We all remember how the Post Office used to handle the influx of Christmas mail in the old days. More often than not, it was a very unpretty exercise in crisis management and damage control.

But in recent years, the story has been very different. And this year stands out in particular. Despite a record volume of Christmas mail and unusually disruptive weather in parts of the West, Midwest, and South, our overnight service performance for stamped mail averaged 94 percent—up 1 percent from 1981.

I'd like to point out that we handled that record volume with the help of only 8,000 casuals nationwide. In the days before Reorganization, the Washington, D.C. City Post Office alone would have hired at least that many Christmas casuals. So the eventual thing about this Christmas season was its very uneventfulness. That's directly attributable to the sound planning and exceptional management skills of the Service's postmasters. And it's also a tribute to the very fine service rendered by the hundreds of thousands of postal workers throughout the United States.

Of course, all of these factors are tied together and mutually reinforcing: the productivity increases, the stable rates, the volume increases and the surpluses. They add up to a performance record that would be the envy of any private corporation, and one that is unprecedented for a major government agency.

I think the independent National Academy of Public Administration put it best in its much-publicized evaluation of the Postal Service released last July. (Quote) "The history of [the Postal Service's] accomplishment [since Reorganization] clearly demonstrates that good and innovative legislation,

accompanied by intelligent and forceful management, can result in better delivery of government services." (End quote)

(PAUSE)

Now, I realize, and I hope you do, that today's achievements are no guarantee of tomorrow's success. There are no guarantees. We'll face serious challenges in 1983—primary among them a lack of understanding of our continued need to implement ZIP + 4 and to retain the Private Express Statutes. There are several points that need to be made strongly and confidently on each of those issues, and I hope you will join me in driving those points home to the public we serve.

First, on automation and ZIP + 4, you need to debunk any misconceptions the public might have about ZIP + 4 being compulsory or being something that might befuddle Aunt Minnie. Make it clear that ZIP + 4 is targeted primarily for business mailers and that, even for them, it will be entirely voluntary. And above all, emphasize that ZIP + 4 will be critical to the full success of our automation efforts—efforts which will benefit all of our customers in the form of more reliable and consistent service, as well as even greater rate stability.

A while back, a reporter for the Washington Post asked me to comment on the January 6 General Accounting Office report on postal automation. She quoted the GAO report as saying that the return on investment from automation would be as low as 16 percent. Well, I told her that we believe it will be significantly higher, and that we disagree with GAO's method of calculation. But I also told her that if a 16 percent return on investment is a worst-case scenario, I'll gladly take it. If only we could have a few more worst-case scenarios like that, then the Postal Service could look forward to constantly achieving our financial goal of living within our income.

By the way, don't be distracted by the complicated debate over the prospective return on investment. Remind people that the GAO report had a simple message, and that message is nicely captured in the GAO report's very title: (Quote) "Conversion to Automated Mail Processing Should Continue; Nine-Digit ZIP Code Should Be Adopted If Conditions Are Met." (End quote)

I believe the report was very thorough and very fair. Its recommendations that we conduct more extensive tests to ensure the reliability of our optical-character-reading equipment is well taken. And GAO is absolutely correct in saying that business mailers' acceptance of ZIP + 4 will be critical to its success.

But we are confident that ZIP + 4 will catch on very fast within the mailing industry. Our market research indicates that approximately 12 billion pieces of mail—one out of every five pieces entering the First-Class mailstream—can be expected to qualify for ZIP + 4 rates within one year of the price incentive's implementation.

The fact is that the cost to mailers of converting to ZIP + 4 will be minimal when compared to the savings they can realize through the proposed price incentive, longer-term rate stability, and more accurate and consistent mail service.

A second major postal concern—one that will no doubt be raised in the new Congress—is the Private Express Statutes. We must always emphasize that our support for retention of the statutes is not based on the self-interest of the Postal Service. Their purpose is not to protect us, but to protect the American public. For it is only under the umbrella of the Private Express Statutes that this nation can be assured of a universal delivery system and a uniform structure of rates.

You know, there is a passage in Chapter One of the Reorganization Act that I like very much. The legislation states that the United States Postal Service is a basic and fundamental service that is (Quote) "authorized by the Constitution, created by Act of Congress, and supported by the people." (End quote)

Well, all of that would change if the Private Express Statutes were repealed. The Postal Service as the American public knows it today would be seriously handicapped unless one of two things happened. One, we would have to be allowed to compete head to head—and unfettered—in the deregulated arena. Or two, our competitors would have to be required to compete head to head with us—as fettered as we are—in a tightly regulated atmosphere. If the statutes were repealed without one of those conditions being met, then the Postal Service would be forced once again to feed heavily at the public trough. But since the public trough itself is going dry, the more likely outcome is that we would have to push our rates to exorbitant levels. That would be very bad public policy indeed.

I have yet to mention the one issue that I know is high on the priority list of subjects to be discussed in your meeting here in Washington. That issue is Social Security. I will make no comment on the recommendations of the President's Commission report on this subject until I have had a chance to study it in detail. Also, I shall not speculate on possible legislation which may result in the Social Security System being extended to employees of the Postal Service. I'll reserve my views until legislation is introduced, and will make any necessary and appropriate remarks at that time.

However, I will say one thing in regard to the Social Security issue: Whatever legislation Congress may eventually pass, that legislation may not be the final word on retirement benefits for USPS employees. One of the key features of the Reorganization Act is that is gives the Postal Service the express authority to determine salaries and benefits for its employees. We are very unusual among Federal agencies in having such authority.

Therefore, there is nothing to prevent us from considering the creation of our own supplemental retirement program if we determine that one is needed. Through collective bargaining with craft employees and through consultation with our supervisors and postmasters, we are free to decide for ourselves what benefits are necessary in order to attract and retain the kind of quality workforce we now have.

I must emphasize, though, that any supplemental retirement program we might institute would have to be fully funded by employer and employee contributions plus the earnings on those contributions. And any supplemental fund would have to start off actuarially sound and remain that way. God knows, if we've learned anything from the massive revenue shortfalls of the Social Security System, it's that there is no such thing as a free lunch when it comes to retirement benefits.

The report I have made to you today on the Postal Service's performance since Reorganization is very, very positive. We have come a long way together.

But I don't intend to leave you on that backward-looking note. Instead, my concluding message to you is that however good our record has been in recent years, we can't let up now.

Preliminary figures show that we achieved a net income of $195 million in Accounting Period 3, ending December 24. That's $63 million better than we expected. And it would bring our year-to-date surplus to $293.5 million—considerably ahead of plan.

But I should remind you that we have projected a potential deficit for Fiscal Year 1983 of $285 million. We face increased costs for salaries, benefits and cost-of-living payments, and there will be several entirely new expenses this year. The Postal Service's share of the new Medicare tax will be $170 million. Health insurance costs will be $141 million higher than last year—that's an increase of 21 percent. And, of course, there is the new 5-cent-a-gallon gasoline tax, which will be a drain on our revenues.

Despite that negative forecast, nothing is cast in concrete. If we can continue the strong performance of the first three accounting periods, we have a fighting chance at breaking even this year and avoiding a deficit. That is my goal. And I am challenging you to help me reach it.

Quite simply, what it comes down to is doing more of what you have done so well in the past: processing a greater volume of mail without incurring a proportionate increase in costs. In other words, achieving continued gains in productivity.

That has always been our bottom-line goal as managers. And on that score you have already proved your mettle as good and demanding managers. In fact, that is precisely why my expectations of you for the coming year are so high.

I wish you luck, and thank you for inviting me to join you today.

ROUTINE MORNING BUSINESS

(During the day routine morning business was transacted and additional statements were submitted, as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

U.S. ACTIVITIES IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompany-

ing report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies, as required by the United Nations Participation Act (Public Law 264, 79th Congress). The report covers calendar year 1981, the first year of my Administration.

During this first year we devoted much time and effort to making our participation in the organizations of the United Nations system more effective and to rendering the system more efficient. We have urged the United Nations and its affiliated agencies to slow budget growth, define priorities, upgrade personnel, and purge debate of irrelevant and divisive rhetoric. We have pursued these changes in order to strengthen the United Nations and help it realize its enormous potential for maintaining international peace and security and for contributing to the economic and social betterment of the world's peoples.

The year 1981 saw the United Nations constructively engaged in a number of important areas. United Nations peacekeeping forces have helped prevent serious fighting in Cyprus and the Golan Heights; the United Nations General Assembly called for an end to Soviet and Vietnamese aggression in Afghanistan and Kampuchea; and several United Nations organizations and agencies continued their valuable humanitarian and technical work around the world. The year also saw the election of a new United Nations Secretary General, Javier Perez de Cuellar, an experienced and able international diplomat.

At the same time, the United Nations' 1981 performance left much room for improvement. Extreme United Nations resolutions on the Middle East and Southern Africa often increased tensions rather than promoted solutions. The General Assembly called for the Government of El Salvador to negotiate with the guerrillas opposing it, discounting in advance the value of elections which proved a resounding success. Resolutions on arms control were often propagandistic and worked against the goal of genuine, balanced, and verifiable arms reductions. The General Assembly approved an unjustifiably large biennial budget in the face of United States opposition.

My Administration will continue to work strenuously and constructively to defend United States interests in the United Nations setting and to make the Organization itself increasingly more responsive to global problems and needs.

RONALD REAGAN.

THE WHITE HOUSE, *February 2, 1983.*

FOURTEENTH ANNUAL REPORT OF THE NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to submit to the Congress the Fourteenth Annual Report of the National Science Board entitled *University-Industry Research Relationships: Myths, Realities and Potentials.* This report focuses on the mutual exchanges and interactions between private industry and research universities and how these cooperative relationships relate to the health, welfare, and defense of our society.

I commend *University-Industry Research Relationships: Myths, Realities and Potentials* to the attention of the Congress and those in the scientific community.

RONALD REAGAN.

THE WHITE HOUSE, *February 2, 1983.*

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

Two years ago, I came to Washington with a deep personal commitment to change America's economic future. For more than a decade, the economy had suffered from low productivity growth and a rising rate of inflation. Government spending absorbed an increasing share of national income. A shortsighted view of economic priorities was destroying our prospects for long-term prosperity.

The economic program that I proposed shortly after I took office emphasized economic growth and a return to price stability. My tax proposals were designed to encourage private initiative and to stimulate saving and productive investment. I have supported and encouraged the Federal Reserve Board in its pursuit of price stability through sound monetary policy. My Administration has slowed the growth of Federal regulation, strengthening the forces of competition in a number of economic sectors. And I have worked with the Congress to enact legislation that has reversed or limited the growth of government programs that have become too large or outlasted their usefulness.

Although the full effect of these changes in government policy will take time to develop, some of the benefits have already become apparent. The rate of consumer price inflation between December 1981 and December 1982 was only 3.9 percent, about one-third of the rate in the year before I took office. Interest rates are now lower than when I took office, and have fallen rapidly during the last 6 months.

The Administration will propose many additional measures over the next several years to strengthen economic incentives, reduce burdensome regulations, increase capital formation, and raise our standard of living. It is easy to lose sight of these long-term goals in a year, like 1982, when the economy was in an extended recession. I am deeply troubled by the current level of unemployment in the United States and by the suffering and anxiety that it entails for millions of Americans. The unemployment that many of our citizens are experiencing is a consequence of the disinflation that must necessarily follow the accelerating inflation of the last decade. Allowing the upward trend of inflation to continue would have risked even greater increases in unemployment in the future. In spite of the present high unemployment rate and the accompanying hardships, it is essential that we maintain the gains against inflation that we have recently achieved at substantial cost. Continuing success in restraining inflation will provide a stronger foundation for economic recovery in 1983 and beyond.

REDUCING UNEMPLOYMENT

The Federal Government can play an important role in reducing unemployment. I believe, however, that the government should focus its attention on those groups that will continue to face high unemployment rates even after the recovery has begun. By helping them to develop their job-related skills, we will foster productive careers in the private sector rather than dead-end jobs. This emphasis on training and private sector employment is the focus of the Jobs Training Partnership Act that I supported and signed into law in 1982. I am proposing additional steps this year to strengthen Federal training and retraining programs and to help the structurally unemployed find lasting jobs.

It is understandable that many well-meaning members of the Congress have responded to the current high unemployment rate by proposing various public works and employment programs. However, I am convinced that such programs would only shift unemployment from one industry to another at the cost of increasing the Federal budget deficit.

Although programs to help the structurally unemployed are important, only a balanced and lasting recovery can achieve a substantial reduc-

tion in unemployment. There are now over four million more unemployed people than there were at the peak of the last business cycle. Nine million new workers are expected to join the labor force by 1988. Only a healthy and growing economy can provide the more than 13 million jobs needed to achieve a progressively lower level of unemployment over the next 5 years.

THE PROSPECTS FOR ECONOMIC RECOVERY

There are now signs that an economic recovery will begin soon. By December 1982 the index of leading economic indicators had risen in 7 of the last 8 months. Housing starts have risen substantially over the last year, and by December 1982 were 39 percent higher than 12 months earlier. Inventory levels have fallen sharply, so that increased sales should translate quickly into increased production and employment. Both long-term and short-term interest rates have fallen substantially. The Administration's economic forecast predicts that the gross national product will begin to rise in the first quarter of 1983 and will then rise more quickly as the year continues. Most private forecasters also predict a recovery in 1983.

Monetary policy will play a critical role in achieving a sound and sustainable economic recovery. If the monetary aggregates grow too slowly, the economy will lack the level of financial resources needed for continued economic growth. But if these aggregates are allowed to expand too rapidly, an increase in inflation and a short-lived recovery will result. I recognize the difficulties that the Federal Reserve has faced and will continue to face in guiding the growth of the money supply at a time when major regulatory changes have made it difficult to rely on old guidelines. I expect that in 1983 the Federal Reserve will expand the money supply at a moderate rate consistent with both a sustained recovery and continued progress against inflation.

INVESTMENT AND ECONOMIC GROWTH

An economic recovery beginning in 1983 should bring not only a reduction in unemployment but also an increase in business investment over the next several years. A higher level of investment is an important ingredient in raising productivity and economic growth. The Accelerated Cost Recovery System that I proposed and that the Congress enacted in 1981 was designed to encourage a substantial expansion of business investment above the relatively low levels of the 1970s. Since that time the adverse effects of the recession have outweighed the positive effects of the new tax rules. As the economy turns from recession to recovery, however, incentives to invest will become more powerful. But business investment may not grow rapidly unless measures proposed by the Administration to reduce potentially large Federal budget deficits are enacted.

Federal borrowing competes with private investment for available savings. If the government continues to borrow large amounts to finance its deficit, the real interest rate will remain high and discourage private investment. This process of "crowding out" will tend to depress private investment in the years ahead unless the budget deficit is progressively reduced.

FISCAL YEAR 1984 BUDGET PROPOSALS

It is important to distinguish the cyclical part of the budget deficit from the structural part, which would remain even at the peak of the business cycle. Approximately one-half of the 1983 budget deficit is due to the depressed state of the economy. With earnings and profits reduced, tax receipts have significantly decreased, and expenditures have increased. As the economy recovers, the cyclical part of the deficit will shrink. But cyclical recovery alone will not bring the deficit down to an acceptable size.

In the budget I am now submitting to the Congress, I am proposing the dramatic steps needed to reduce Federal budget deficits in future years. My budget proposals are designed to reduce the deficit by dealing directly with the rapid growth of the domestic spending programs (apart from interest payments) of the Federal Government. In 1970 these programs accounted for 10 percent of the gross national product and 48 percent of Federal spending. By 1980 these programs had grown to 14 percent of gross national product and 63 percent of the budget. I remain committed to the idea that we can reduce budget deficits without increasing the burden on the poor, without weakening our national defense, and without destroying economic incentives by counterproductive tax increases.

Rapid congressional enactment of the budget would provide clear and credible evidence that the Federal Government intends not to place heavy burdens on the capital markets in future years. Such reassurance should hasten the decline in interest rates, especially long-term interest rates on bonds and residential mortgages, and improve prospects for the recovery of the housing, automobile, and capital investment sectors of the economy.

I recognize the special importance of protecting the social security and medicare programs for aged retirees and their dependents. These programs now face very serious financial problems. The bipartisan National Commission on Social Security Reform has recently recommended a series of measures, which I have endorsed, to eliminate the cumulative deficiency of $150 billion to $200 billion projected for the social security system in the years 1983 through 1989. It is critically important at this time to make changes in the social security programs that will protect their solvency and financial viability for the years to come.

THE REMAINING BURDEN OF FEDERAL ECONOMIC REGULATION

For many decades, the Federal Government has regulated the price and entry conditions affecting several sectors of the American economy. Much of this regulation is no longer appropriate to the conditions of the contemporary economy. Over time, most of the this regulation—by restraining competition and the development of new services and technologies—has not served the interests of either consumers or producers. Since deregulation of some markets began several years ago, the experience has been almost uniformly encouraging. My Administration has supported these step-by-step efforts to reduce these regulations in markets that would otherwise be competitive. It is now time to consider broad measures to eliminate many of these economic regulations especially as they affect the natural gas, transportation, communications, and financial markets.

INTEREST RATES AND THE U.S. TRADE DEFICIT

The very high levels of real interest rates over the last several years are a principal cause of the sharp rise in the exchange value of the dollar relative to foreign currencies. This rise has reduced the ability of American exporters to compete in foreign markets and increased the competitiveness of imports in the domestic market. Largely as a result, the U.S. merchandise trade balance showed a substantial deficit in 1982.

Our current trade deficit is a reminder of the importance of international trade to the American economy. The export share of U.S. gross national product has more than doubled over the last three decades. American workers, businesses, and farmers suffer when foreign governments prevent American products from entering their markets, thus reducing U.S. export levels. While the United States may be forced to respond to the trade distorting practices of foreign governments through the use of strategic measures, such practices do not warrant indiscriminate protectionist actions, such as domestic content rules for automobiles sold in the United States. Widespread protectionist policies would hurt American consumers by raising prices of the products they buy, and by removing some of the pressures for cost control and quality improvement that result from international competition. Moreover, protectionism at home could hurt the workers, farmers, and firms in the United States that produce goods and services for export, since it would almost inevitably lead to increased protectionism by governments abroad. I am commit-

ted to a policy of preventing the enactment of protectionist measures in the United States, and I will continue working to persuade the other nations of the world to eliminate trade distorting practices that threaten the viability of the international trading system upon which world prosperity depends.

Trade in goods and services is only one aspect of our economic relations with the rest of the world. The international flow of capital into the United States and from the United States to other countries is also of great importance. The United States should play a primary role in preserving the vitality of the international capital market. Severe strains on that market developed in 1982 as several nations found it difficult to service their overseas debt obligations. In 1982, the Federal Government worked closely with debtor and creditor nations and the major international lending agencies to prevent a disruption in the functioning of world capital markets. Now, with the cooperation of a wide variety of creditors, countries with especially severe debt-servicing difficulties are establishing economic and financial programs that will permit them to meet their international obligations.

THE YEARS AHEAD

We are now at a critical juncture for the American economy. The recession has led to strong pressures from some members of the Congress and from others to abandon our commitment to a policy that is aimed at long-term economic growth, capital accumulation, and price stability. There are many who urge new government spending programs and forcing the Federal Reserve to raise monetary growth rates to levels that would rekindle inflation.

I am convinced that such policies would prove detrimental to the long-run interests of the American people. Our economy, despite the recession, is extraordinarily resilient and is now on the road to a healthy recovery. It is essential in the year ahead that the Administration and the Congress work together, take a long-term perspective, and pursue economic policies that lead to sustained economic growth and to greater prosperity for all Americans.

RONALD REAGAN.
THE WHITE HOUSE, *February 2, 1983.*

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a), I hereby transmit the first annual report of the Tourism Policy Council covering fiscal year 1982.

RONALD REAGAN.
THE WHITE HOUSE, *February 2, 1983.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-129. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics) transmitting, pursuant to law, a report on the conversion of the custodial function at the U.S. Naval Academy, Annapolis, Md. to contractor performance; to the Committee on Armed Services.

EC-130. A communication from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management) transmitting, pursuant to law, the fiscal year 1982 report on certain personnel in the submarine service; to the Committee on Armed Services.

EC-131. A communication from the Deputy Assistant Secretary of the Air Force (Logistics and Communications) transmitting, pursuant to law, a report on the conversion of the technical order and decal distribution function at McClellan Air Force Base to contractor performance; to the Committee on Armed Services.

EC-132. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on loan, guarantee and insurance transactions supported by Eximbank during November 1982 to Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-133. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on an export transaction to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-134. A communication from the Secretary of Commerce transmitting, pursuant to law, a report entitled "Export Administration Annual Report" for fiscal year 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-135. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on regional petroleum reserves and a report on strategic alcohol fuel reserve; to the Committee on Energy and Natural Resources.

EC-136. A communication from the Director of the Minerals Management Service, Department of the Interior transmitting, pursuant to law, a request for a refund of excess royalty payment by Phillips Petroleum Co., General American Oil Co. of Texas, and Gulf Oil Exploration & Production Co.; to the Committee on Energy and Natural Resources.

EC-137. A communication from the President of the United States transmitting, pursuant to law, the Comprehensive Energy Emergency Response Procedures Report; to the Committee on Energy and Natural Resources.

EC-138. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, a report on a proposed prospectus; to the Committee on Environment and Public Works.

EC-139. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a report on the Calapooya Creek watershed, Oregon; to the Committee on Environment and Public Works.

EC-140. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, a report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-141. A communication from the Assistant Secretary of the Treasury for Tax Policy transmitting, pursuant to law, the final report on the administration and compliance burdens arising under the highway excise tax structure; to the Committee on Finance.

EC-142. A communication from the U.S. Trade Representative transmitting, pursuant to law, copies of agreements entered into under the Trade Act of 1974; to the Committee on Finance.

EC-143. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Legislation Needed to Improve Administration of Tax Exemption Provisions for Electric Cooperatives"; to the Committee on Finance.

EC-144. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-145. A communication from the Secretary of Education transmitting, pursuant to law, a report on surplus real property disposed of to educational institutions; to the Committee on Governmental Affairs.

EC-146. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on a review of a request by Mayor to borrow $150 million in repayable advances from the U.S. Treasury; to the Committee on Governmental Affairs.

EC-147. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Conversion to Automated Mail Processing Should Continue; Nine-Digit Zip Code Should Be Adopted if Conditions Are Met"; to the Committee on Government Affairs.

EC-148. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on surplus real property transferred for public health purposes; to the Committee on Governmental Affairs.

EC-149. A communication from the Secretary of the Postal Rate Commission transmitting, pursuant to law, an errata notice to accompany the opinion on Mail Classification Schedule, 1983 Uniform Parcel Size and Weight Limitations; to the Committee on Governmental Affairs.

EC-150. A communication from the Director of the Federal Judicial Center transmitting, pursuant to law, the annual report of the Center; to the Committee on the Judiciary.

EC-151. A communication from the Chairman of the Copyright Royalty Tribunal transmitting, pursuant to law, the annual

report of the Tribunal; to the Committee on the Judiciary.

EC-152. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 1981 annual report on occupational safety and health; to the Committee on Labor and Human Resources.

EC-153. A communication from the Executive Director, Advisory Council on Developing Institutions, Department of Education transmitting, pursuant to law, the annual report of the Advisory Council on Developing Institutions; to the Committee on Labor and Human Resources.

EC-154. A communication from the Secretary of Labor transmitting, pursuant to law, a report on second career training and placement of older persons in private sector employment; to the Committee on Labor and Human Resources.

EC-155. A communication from the Secretary of Education transmitting, pursuant to law, the annual report of the International Research and Studies Program; to the Committee on Labor and Human Resources.

EC-156. A communication from the Secretary of Health and Human Services, Labor and Human Resources transmitting, pursuant to law, a report on two studies examining Head Start costs; to the Committee on Labor and Human Resources.

EC-157. A communication from the Administrator of the Veterans' Administration transmitting, pursuant to law, a report on the sharing of medical resources of the Veterans' Administration; to the Committee on Veterans Affairs.

EC-158. A communication from the Deputy Administrator, Environmental Protection Agency transmitting, pursuant to law, a report on a 1982 water pollution survey; to the Committee on Environment and Public Works.

EC-159. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on a rescission, two deferrals, and a revision to a previously reported deferral; jointly, pursuant to the order of January 30, 1975, to the Committee on the Budget, the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, the Committee on Agriculture, Nutrition, and Forestry, the Committee on the Judiciary, and the Committee on Energy and Natural Resources.

EC-160. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Federal Agricultural Research Facilities are Underused"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-161. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a report on a plan for the Elm Creek watershed, Texas; to the Committee on Agriculture, Nutrition, and Forestry.

EC-162. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on 13 deferrals and revisions to 3 previously reported deferrals; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Armed Services, Energy and Natural Resources, Banking, Housing, and Urban Development, Finance, Commerce, Science, and Transportation, Veterans Affairs, and Foreign Relations.

EC-163. A communication from the Executive Associate Director for Budget, Office of Management and Budget transmitting, pursuant to law, a request for a supplemental appropriation for the Department of Labor; to the Committee on Appropriations.

EC-164. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Assessment of Admiral Rickover's Recommendations to Improve Defense Procurement"; to the Committee on Armed Services.

EC-165. A communication from the Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on a decision to convert the laundry and drycleaning function at Walter Reed Army Medical Center, Washington, D.C., to performance under contract; to the Committee on Armed Services.

EC-166. A communication from the Secretary of Defense transmitting, pursuant to law, a report relative to DOD technology transfer activities; to the Committee on Armed Services.

EC-167. A communication from the Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision to convert the technical order and decal distribution function at Hill Air Force Base to performance under contract; to the Committee on Armed Services.

EC-168. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the laundry service function at the Navy Regional Medical Center, Portsmouth, Va., to performance under contract; to the Committee on Armed Services.

EC-169. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the custodial services function at the Naval Shipyard, Mare Island, Calif., to performance under contract; to the Committee on Armed Services.

EC-170. A communication from the Deputy Secretary of Defense transmitting pursuant to law, a report on officers and employees of Federal Contract Research Centers paid with Federal funds at rates in excess of Executive Schedule Level II; to the Committee on Armed Services.

EC-171. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Army Should Confirm Sergeant York Air Defense Gun's Reliability and Maintainability Before Exercising Next Production Option"; to the Committee on Armed Services.

EC-172. A communication from the Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on a decision to convert the directorate of industrial operations activity at Fort Eustis, Va., to performance under contract; to the Committee on Armed Services.

EC-173. A communication from the Secretary of Defense transmitting, pursuant to law, two reports on various aspects of Department efforts to improve the efficiency of the Department of Defense; to the Committee on Armed Services.

EC-174. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the extension of certain export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-175. A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, the budget request of the Commission for fiscal year 1984; to the Committee on Commerce, Science, and Transportation.

EC-176. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a regulation promulgated by the Commission relating to the funeral industry; to the Committee on Commerce, Science, and Transportation.

EC-177. A communication from the Secretary of Energy transmitting, pursuant to law, the second annual report on the Methane Transportation Research, Development, and Demonstration Project; to the Committee on Energy and Natural Resources.

EC-178. A communication from the Secretary of Energy transmitting, pursuant to law, notice of a series of meetings related to development of the fourth national energy policy plan; to the Committee on Energy and Natural Resources.

EC-179. A communication from the Secretary of Energy transmitting, pursuant to law, the sixth semiannual report on activities undertaken by the Department of Energy to implement the alternative fuels production program; to the Committee on Energy and Natural Resources.

EC-180. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, a report on activities under the Architectural Barriers Act of 1968; to the Committee on Environment and Public Works.

EC-181. A communication from the Deputy Administrator of the Environmental Protection Agency transmitting, pursuant to law, the Agency's Science Advisory Board's comments on the 1982 5-year research plan, the "Research Outlook"; to the Committee on Environment and Public Works.

EC-182. A communication from the Chairman of the Federal Communications Commission transmitting two legislative draft revisions of sections 48(c) and 1071(a) of the Internal Revenue Code of 1954; to the Committee on Finance.

EC-133. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on State compliance with section 1903(g) of the Social Security Act, the medicaid utilization control requirements; to the Committee on Finance.

EC-184. A communication from the State Department transmitting, pursuant to law, a report on the situation in El Salvador; to the Committee on Foreign Relations.

EC-185. A communication from the Acting Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States within the last 60 days; to the Committee on Foreign Relations.

EC-186. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to January 18, 1983; to the Committee on Foreign Relations.

EC-187. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day

period prior to January 27, 1983; to the Committee on Foreign Relations..

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WEICKER, from the Committee on Small Business, with an amendment:

S. 273. A bill to amend section 8(a)(1) of the Small Business Act.

● Mr. WEICKER. Mr. President, an explanation of S. 273, the Minority Small Business Pilot Procurement Act of 1983, and its legislative history, follows:

I. COMMITTEE CONSIDERATION

S. 273. A bill to amend the Small Business Act to extend for an additional 18 months the SBA 8(a) pilot procurement authority which expired on September 30, 1981, was introduced by Senator LOWELL WEICKER, JR., on January 27, 1983, and referred to this committee.

On February 2, 1983, the committee held a legislative hearing on S. 273. The SBA Administrator, James C. Sanders, and an association representing minority contractors testified in support of S. 273 and the reauthorization of the pilot program. The committee also received written statements from minority business associations in favor of the legislation.

On February 2, 1983, the committee unanimously ordered S. 273 favorably reported with one amendment as follows:

SECTION 1. That this Act may be cited as the "Minority Small Business Pilot Procurement Act of 1983".

SEC. 2. (a) Clause (B) of the first sentence of section 8(a)(1) of the Small Business Act is amended by striking out "as shall be designated by the President within 60 days after the effective date of this paragraph," and inserting in lieu thereof "(other than the Department of Defense or any component thereof) as shall be designated by the President".

(b) The designation of an agency pursuant to the amendment made by subsection (a) shall be made not later than sixty days after the date of enactment of this Act.

SEC. 3. The last sentence of section 8(a)(1) of the Small Business Act is amended to read as follows: "No contract may be entered into under subparagraph (B) after the expiration of 18 months following 60 days after the enactment of the Minority Small Business Pilot Procurement Act of 1983."

II. LEGISLATIVE HISTORY

Section 8(a) of the Small Business Act authorizes the Administrator of SBA to enter into contracts with Federal agencies and to subcontract the work to socially and economically disadvantaged small business. Prior to 1978, the 8(a) program was administered by SBA primarily to provide minority business with an opportunity to contract with the Government. The program lacked any specific mission beyond contract assistance to minority business. Public Law 95-507, enacted on October 24, 1978, among other things, gave a statutory structure to the 8(a) program, created the Office of Associate Administrator for Minority Small Business and Capital Ownership Development, and placed greater emphasis upon the business development of minority firms certified for inclusion in the program.

Public Law 95-507 also authorized the President to designate an agency with which SBA would have the increased authority to select and negotiate any contract requirements that SBA deemed appropriate for inclusion in the 8(a) program. This pilot authority was granted for a 2-year period. The significant language of Public Law 95-507, section 202(a), which established this program states:

It shall be the duty of the Administration (SBA) and it is hereby empowered whenever it determines that such action is necessary or appropriate . . . to enter into contracts with such agency, as shall be designated by the President . . . to furnish articles, equipment, supplies or to perform construction work for such agency. In any case in which the administration certifies, to any officer of such agency having procurement powers that the Administration is competent and responsible to perform any specific procurement contract to be let by any such officer, such officer shall let such procurement contract to the Administration upon such terms and conditions as may be agreed upon between the Administration and the procurement officer.

Under the regular 8(a) procurement program, a procuring agency is given full discretion to "volunteer" requirements to SBA for use in the 8(a) program. Under the pilot program, SBA is given the authority to select and negotiate any requirement from the designated agency that it deems appropriate for inclusion in the 8(a) program. The head of the participating agency, however, retains authority over the final terms and conditions under which the contract will be awarded to SBA for subcontracting to the socially and economically disadvantaged firm selected by SBA to perform the contract.

On January 10, 1979, the President designated the Department of the Army as the pilot agency. However, SBA and the Department of Army were unable to enter into an interagency agreement setting forth the formal terms and arrangements for their joint implementation of the pilot program until May 24, 1979—nearly 5 months later. Thereafter, the first contract was not signed under the program until September 27, 1979, nearly 1 year after enactment of the pilot authority.

Because of the delays in implementation of the pilot program and the Congress concern that the program had not been fully tested, the program was extended by Public Law 96-481 until September 30, 1981.

On September 15, 1981, Senator WEICKER introduced S. 1620 which would have extended the program for 18 months, until March 31, 1983, and would have required the President to designate within 60 days of enactment a civilian agency for the pilot. Legislative hearings were held on September 21, 1981, and on September 22, 1981, and the committee unanimously ordered S. 1620 favorably reported without amendment. Unfortunately, the full Senate was unable to consider the bill before the end of the 97th Congress.

On January 27, 1983, Senator WEICKER introduced S. 273, the Minority Small Business Pilot Procurement Act of 1983. S. 273 contains essentially the same provisions as S. 1620. It would have authorized the pilot program for 18 months after enactment and would have required, within 60 days of enactment, that the President designate a civilian agency for the pilot.

By an amendment offered by Senator CARL LEVIN, which the committee agreed to, the 18-month period would begin 60 days after enactment of the bill. The purpose of the amendment is to allow a period of time, 60 days, after enactment during which the President can designate an agency and the SBA and the designated agency can begin to establish the administrative framework for operation of the program. By adopting this amendment the committee hopes that the long delays that occurred during prior implementation of the pilot authority can be avoided. The committee believes that the SBA should have a full 18 months in which to test the concept and the Levin amendment reasonably achieves that purpose.

REASONS AND NEED FOR EXTENSION OF THE PILOT PROGRAM

During committee oversight hearings on the operation of the pilot program in Army and legislative hearings on S. 1620, it was recognized that the track record of the pilot concept had left much to be desired. Many of the problems in program operation were attributable to SBA's implementation of the authority. Despite the problems cited, the committee received testimony that the pilot program should be further tested.

For example, although the GAO report to Congress raised questions about SBA's management of the program, it also recommended that the program be extended. GAO found that SBA had not adequately assessed the capabilities of the firms chosen to perform the contracts under the pilot program and had made little use of its field offices and personnel in selecting or analyzing requirement for the program. The GAO report made specific recommendation to the Administrator of SBA on changes needed in the management of the program before SBA reserved further procurement require-

ments or awarded additional contracts to 8(a) firms.

The GAO report and testimony on S. 1620 also pointed out, however, that part of the difficulty with implementation of the program came from SBA's and Army's differing views on the purpose of the pilot authority. SBA's stated objective for the pilot program was to upgrade the quality of contracts available for 8(a) portfolio firms through the selection of nontraditional, high-technology contracts. According to GAO, however, the Army viewed the pilot authority as a means of increasing the number of contracts going to 8(a) firms. In addition, because of its past support of the 8(a) program, the Army felt that it should not have been chosen as the pilot agency. Given these difficulties in implementing the program, and because the legislative objective of the program had not been fully tested, GAO recommended to Congress that the authorizing legislation for the pilot authority be amended to allow further testing of the program in another agency.

At the February 2, 1983, legislative hearing on S. 273, the SBA Administrator, James Sanders, stated the SBA's view of the authority as follows:

> The concept behind the pilot program is to test whether SBA can accelerate the development of 8(a) concerns by awarding non-traditional, technically sophisticated, high volume, long-term contracts. Additionally, the pilot program will enable us to determine whether providing SBA the authority to select contracts is a viable way of modifying the procurement practices of Federal agencies with respect to minority firms. It will also give SBA the opportunity to demonstrate that 8(a) concerns can—with targeted SBA assistance—overcome specific impediments that would prevent these concerns from successfully completing more difficult projects.

Mr. Sanders further expressed concern that:

> The authority given SBA in the pilot program will not work if it is used as a club. I am concerned that pressures will cause our position to be used in that manner. For the 8(a) program to be successful, procuring agencies must be provided incentives to award 8(a) contracts in non-traditional areas. If this legislation is enacted, I will endeavor to establish a cooperative relationship with the head of the designated agency necessary to ensure a positive rather than contrary experience.

Mr. Sanders supported reauthorization of the program and concluded that "the Administration supports passage of S. 273, just as we supported passage of S. 1620 last year. I am committed to ensuring it receives a fair test and evaluation."

Also at the February 2 hearing, the committee received testimony from Paul Brown, of the National Association of Minority Contractors, who recommended that the pilot program be reauthorized. Mr. Brown stated:

> We believe the purpose of the pilot program was to help SBA increase its ability to assist disadvantaged firms over and beyond what the Agency was doing through the regular 8(a) program . . . The National Association of Minority Contractors (NAMC) endorse and strongly recommend the reauthorization of the SBA's 8(a) Pilot Procurement program as proposed by S. 273 . . .

Although he supported reauthorization of the program, Mr. Brown also recommended that the Department of Defense or its components not be exempted from being designated as the pilot agency under the bill. The same concern was raised in written testimony from the Black President's Roundtable and the Latin American Manufacturers Association during committee consideration of S. 273. While understanding this concern, the committee believes that there is a sufficient number of quality procurements, including high-technology contracts, in civilian agencies with which to test the viability of the 8(a) pilot program.

CONCLUSION

SBA has been partially inhibited in meeting the congressionally mandated mission of using the 8(a) program to assist socially and economically disadvantaged small businesses to compete in the free enterprise system because of SBA's forced reliance on procuring agencies' offers of "traditional"—that is, service or low dollar value—requirements for minority business. The committee believes that an 18-month extension of the pilot program authority is necessary before Congress can fully determine whether shifting the selection of procurement opportunities from the procuring agency to the Small Business Administration can increase SBA's ability to more rapidly develop the competitive viability of 8(a) program participants.

Within the context of the comprehensive business development plan for each firm eligible to participate in the 8(a) program, the committee expects SBA to use this additional authority to select nontraditional procurement requirements, including, when appropriate, more sophisticated opportunities such as high technology, which offer the potential for increasing an 8(a) firm's technical capability and business growth. The Administrator of SBA has assured the committee that his agency will put forth their best effort to insure that the pilot concept is fully tested.●

By Mr. PRESSLER, from the Committee on Small Business, with an amendment:

S. 272. A bill to improve small business access to Federal procurement information.

● Mr. PRESSLER. Mr. President, I ask unanimous consent that the accompanying explanation of S. 272, to improve small business access to Federal procurement information and its legislative history, be inserted in the record at this point.

WRITTEN EXPLANATION OF S. 272

I. COMMITTEE CONSIDERATIONS

S. 272, a bill to amend Section 8(e) of the Small Business Act to improve small business access to Federal procurement information, was introduced by Senator Larry Pressler on January 27, 1983. Senator Lowell Weicker, Jr., Chairman of the Committee on Small Business, Senator Sam Nunn, Ranking Minority Member and seven other Members of this Committee were original co-sponsors of the legislation.

As reported, S. 272 is almost identical to legislation (S. 1947), favorably reported by this Committee and passed by the Senate on May 27, 1982. Therefore, much of the information in this report is duplicative of that contained in Senate Report 97-399, issued during the preceding Congress. If enacted, the Committee urges those charged with implementing this proposal, and other interested parties, to thoroughly review Senate Report 97-399 for additional background information.

A. Consideration by the 97th Congress

On December 11, 1981, Senator Lowell Weicker, Senator Nunn, and several other Members of the Committee introduced S. 1947.

On February 17, 1982, the Subcommittee on Advocacy and the Future of Small Business, chaired by Senator S. I. Hayakawa, conducted a hearing on S. 1947 in San Diego, California. The full Committee conducted a further hearing on the bill in Washington on March 4, 1982.

The Committee met in Executive Session on May 13, 1982. With a quorum present, it adopted two amendments and ordered favorably reported S. 1947 with an amendment in the nature of a substitute.

Senators Levin and Nunn proposed, and the Committee agreed to, an amendment to require that the head of a procuring activity approve the commencement of sole source negotiations for procurements in excess of $100,000. The amendment also requires the procuring agency to consider any and all responses received within the time limits set by this bill to the published Commerce Business Daily notice of intent to contract on a sole source basis. The amendment was adopted by voice vote.

Senator Levin offered a second amendment to strike two proposed exemptions from the time limits established in the Committee's amendment relating to professional service contracts, or contracts awarded to educational institutions. Both of these exemptions are part of current law. This amendment was adopted by a role call vote.

The full Senate considered and passed S. 1947 on May 27, 1982 by voice vote.

The House of Representatives considered similar legislation, H.R. 5551, during the 97th Congress. The House Committee on Small Business incorporated the provisions of H.R. 5551, relating to the Commerce Business Daily, into an omnibus committee bill, H.R. 6086, on April 6, 1982. Due to differences between the House and Senate proposals, not relating the Commerce Business Daily provisions, no final action was taken on this legislation.

B. Consideration by the 98th Congress

On January 27, 1983, 15 members, including nine members of the Committee, introduced S. 272. With two minor exceptions, this bill was identical to S. 1947, as passed the Senate during the last Congress.

One difference from the previous proposal in S. 272 was a new subparagraph ((e)(4)(B))

which clarified that contracts awarded pursuant to section 8 of the Small Busines Act (primarily relating to awards made for the minority business development program) or section 9 of the Small Business Act (relating to awards under the Small Business Innovation Research (SBIR) program) are not subject to the bill's provision requiring agency heads to approve the commencement of sole source negotiations in excess of $100,000.

S. 272 also provided that the Tennessee Valley Authority (TVA) must comply with the Act to the extent it deems practicable.

All other provisions of S. 272 were identical to those contained in the Senate-passed version of S. 1947.

On February 2, 1983, the full Committee, chaired by Senator Pressler, conducted a hearing on S. 272. A small business owner and the Administrator of the Small Business Administration testified on the bill.

Following the hearing, the Committee met in Executive Session. During Committee consideration of the bill, Senator Boschwitz offered an amendment to strike the existing exemption from advertising when only foreign sources are to be solicited. The Committee adopted his amendment by a voice vote.

The purpose of the amendment is to discourage Federal procuring agencies from procuring only from foreign sources at the expense of American businesses. While this amendment does not alter the generic decision of a procuring agency to buy overseas and unless covered by some other exemption, it will make all such notices subject to notice in the Commerce Business Daily, which the Committee hopes will discourage the procurement of goods or services from foreign sources only.

By a unanimous vote, the Committee ordered favorably reported S. 272 with one amendment.

The legislation, as reported, is as follows:

II. LEGISLATIVE HISTORY

A. Public Law 87-305

Public Law 87-305, enacted on September 26, 1961, amended section 8 of the Small Business Act by adding a new subsection (e). That law empowers the Secretary of Commerce to obtain and publish notice of all proposed defense procurement actions in excess of $10,000, and all civilian procurement actions above $5,000. The statute further directs the Secretary to publish these procurement notices daily in the "United States Department of Commerce Synopsis of the United States Government Proposed Procurements, Sales and Contract Awards" a publication now known as the Commerce Business Daily or "CBD". The law also enumerates ten exceptions to the requirements for publication of those procurement actions.

By enacting Public Law 87-305, the Congress clearly expressed its interest in having Federal procuring agencies provide the business community with information concerning upcoming government contracting opportunities. The provisions contained in subsection 8(e) are fully consistent with Congressional policy contained in section 2(a) of the Small Business Act, which states:

It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as possible, the interests of small-business concerns in order to preserve free competitive enterprise, *to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the government . . . be placed with small business enterprises, to insure that a fair proportion of the total sales of government property be made to such enterprises,* and to maintain and strengthen the overall economy of the Nation. (Emphasis added)

This Committee repeatedly has concurred with these findings, and reaffirmed its commitment to these principles from the outset of its consideration of S. 1947 in 1982.

B. Evolution of the Commerce Business Daily

Consistent with the objectives of Public Law 87-305, the purpose of the Commerce Business Daily is to provide U.S. business in general, and small business in particular, with pertinent information about federal procurement actions, which will total more than $110 billion in fiscal year 1982.

Prior to the enactment of Public Law 87-305 in 1961, the Commerce Business Daily was primarily used as an administrative tool, designed to assist Department of Commerce personnel in keeping the business community informed about federal procurement actions. It was originally produced in mimeograph form, and distributed at no cost through Department of Commerce field offices on an ad hoc basis. The Government Printing Office (GPO) eventually assumed the publication and distribution functions related to the Commerce Business Daily, although all editorial functions have remained within the jurisdiction of the Department of Commerce.

Currently, the Commerce Business Daily editorial staff process an average of 800 procurement actions each business day, or about 200,000 procurement notices per year. Annual subscriptions have steadily increased over the years and today number approximately 40,000.

Currently, the annual Commerce Business Daily subscription rate is $175.00 for first class or priority mail, and $100.00 for regular or domestic mail. Subscription fees cover all direct and administrative costs incurred by the GPO in publishing and mailing the Commerce Business Daily, including a fifty percent surcharge imposed by the Public Printer. The annual Department of Commerce administrative and editorial costs of approximately $1 million are not covered by subscription fees, but are included in that agency's Congressional appropriated funds.

In recent years, the format of the Commerce Business Daily has also been expanded to include notice of Congressionally-sponsored procurement seminars and other general business news.

C. Procurement Agency Compliance with Commerce Business Daily Regulations

The Federal Procurement Regulations (FPR Section 1, Part 10) and the Defense Acquisition Regulations (DAR Section 1, Part 10) govern advertising in the Commerce Business Daily and provide for the regulatory implementation of Public Law 87-305.

Like the statute, these regulations delineate ten exemptions to the general requirement for publishing advance notice of procurement actions in the Commerce Business Daily. For all procurements that require advance notice, however, the regulations state, as a general rule, that procuring activities should publicize proposed procurements ten calendar days before issuance of the invitations for bids or request for proposals.

The regulations also require that after solicitations have been made available, bidding time should not be less than twenty calendar days for the procurement of standard commercial articles or services. For other than standard commercial items, the regulations require that bidding time be not less than thirty calendar days from the time a solicitation is issued. These minimum bidding regulations apply only to formally-advertised contracts; there are no time limits established in regulations for negotiated contracts, even though such contracts represent the bulk of federal purchases.

The Defense Acquisition Regulations and the Federal Procurement Regulations also govern other aspects of advertising in the Commerce Business Daily, by providing guidelines to agencies on the preparation and transmittal of procurement synopses, and by specifying the classification codes used in synopses to identify and compartmentalize broad procurement categories.

Each procuring agency is responsible for complying with the regulations in their entirety. Yet, during several Committee hearings in 1982, witnesses (from the Federal agencies and the small business community) repeatedly noted that the regulations are only partially complied with, or at times, are totally ignored, by procuring agencies. Several small business owners who regularly use the Commerce Business Daily informed the Committee that, all too often, synopses appear too late to permit an interested company to prepare and submit a timely bid or proposal. They added that this problem is compounded when synopses contain inadequate information, or are "misfiled" in the Commerce Business Daily. As one small business contractor summarized at the San Diego field hearing:

"If published synopses contain insufficient information, then the time required to make further inquiries of the procuring agency can consume bidding deadlines. If I have to hunt through the entire publication, instead of the sections that pertain to my line of business, the value of the CBD to my company is greatly reduced."

The Committee also learned that even when notices are complete and "proper," mail delays further reduce the time bidders have to respond. This problem is particularly acute for companies located great distances from Chicago, where the Commerce Business Daily is printed and mailed. While some delays can be attributed to those subscribers who choose to have mail delivered by other than first class, even "priority" subscribers have expressed similar concern about the "timeliness" of notices that are contained in the CBD.

Another common complaint centered around agency abuse of the exemptions from required advertising in the Commerce Business Daily. Several small business witnesses testified that they believed many more procurements should be advertised under the provisions of the law than actually appear. These witnesses also expressed the view that many more procurements would be advertised if agencies followed the existing law.

When questioned by the Committee about synopses that violate the minimum time periods, the senior Department of Commerce official responsible for the preparation of the Commerce Business Daily attributed the variation between regulatory policy and agency practice to "time escape clauses" which are also provided for in the regulations. He added that, in his view, the Department has no "enforcement" authority over the procuring agencies to compel adherence to the regulatory timetables, and that the Commerce Business Daily staff has no actual control over procuring agency notices that are submitted beyond the regulatory guidelines established.

Another witness reported that although the Small Business Administration (SBA) periodically issues surveillance reports on agency compliance with the Commerce Business Daily requirements, these reports are ignored as often as the regulations themselves.

The Administrator of the Office of Federal Procurement Policy (OFPP) admitted that enforcement of the Commerce Business Daily regulations was indeed difficult. Yet, he advocated administratively strengthening the existing regulations as the best method for improving the "timeliness" problems described by the small business witnesses.

D. Need for Legislative Changes

Small businesses continue to experience difficulty in obtaining their fair share of the federal procurement dollar. Unable to support large marketing staffs to deal with geographically dispersed government purchasing offices, most small firms are almost totally dependent on the synopses published in the Commerce Business Daily as their means of obtaining procurement information. The synopses of contracting opportunities published by the Government are a vital source of information for small businesses, but only if received in sufficient time, and with sufficient detail.

However, as previously discussed, the Committee heard from witness after witness during its hearings on S. 1947, that current regulatory guidelines are not sufficient to ensure either the timeliness, or the accuracy, of information published in the Commerce Business Daily. Unlike the Administration, this Committee views further regulatory requirements as ineffective unless they are backed by statute. Accordingly, the Committee believes it is necessary to enact legislation establishing new minimum time periods for publication of, and bidding on, all federal contracts. The Committee also maintains that it is necessary to clarify the existing statutory exemptions to publication of synopses in the Commerce Business Daily, so as to maximize the usefulness of the document to the procurement community at large, and decrease the likelihood of the misuse of the exemptions by procuring agencies.

In the Committee's view, the small business person who is ready, willing, and able to participate in the Federal procurement process will benefit from an improved and expanded version of the Commerce Business Daily because it should open up additional procurement opportunities for that business. The Government will benefit because of the increased participation by small business in federal procurement, and because it will have the opportunity to increase its sources of supply. The taxpayer will benefit because increased competition in Federal purchases increases the likelihood that high quality goods and services will be procured at the lowest possible price.

The Committee is of the opinion that S. 272, as reported, would not unnecessarily delay procurements, if properly implemented. Adequate advance procurement planning by Federal agencies should enable synopses to be transmitted for publication in the Commerce Business Daily sufficiently early to avoid potential delays, or to avoid any complications with the time periods established in this legislation.

III. EXPLANATION OF S. 272

A. Publication

S. 272, as reported, basically restates existing law concerning the publication of proposed procurement actions in the Commerce Business Daily. Specifically, it empowers the Secretary of Commerce to obtain and publish all proposed competitive and noncompetitive procurements for property, supplies and services by the United States Government. The Committee retains the current advertising threshholds of $10,000 for defense procurements and $5,000 for civilian procurements. S. 272, as reported, then enumerates five instances where federal agencies would not be required to advertise procurement actions in the Commerce Business Daily. The provisions relating to the publication of proposed federal procurement actions differ only slightly from existing law.

The Committee has added the words "competitive and noncompetitive" to modify the term "procurement actions" in order to clarify that all federal procurement actions are subject to publication. In the Committee's view, the addition of these words is necessary to clarify that its publication requirements extend to both formally advertised and negotiated procurement actions. Testimony received during the hearings on S. 1947 revealed that some federal procuring agencies interpret the existing law to apply only to formally-advertised procurements. Neither the existing statute, the regulations, or the Committee's proposal support this view.

The legislation also adds the word "property" to the list of procurements that must be advertised. This action simply standardizes the publication provisions contained in section 8(e) of the Small Business Act with the two major federal procurement statutes (the Armed Services Procurement Act and the Federal Property and Administrative Services Act), and the current implementing regulations relating to the Commerce Business Daily and those two laws.

The Committee retained four exemptions to publication in the Commerce Business Daily. In the Committee's view, there are legitimate circumstances under which any notice could either be harmful to the government's interest, or provide no real contracting or subcontracting opportunities for the private business sector to warrant publication.

The first exemption contained in S. 272, as reported, refers to procurements that, for security reasons, are classified. The Committee intends the term "for security reasons" to mean both the nation's military security and the personal security of the nation's inhabitants, or where disclosure of the government's interest in the property, supply or service would compromise the national security. This exemption is identical to that contained in existing law.

The second exemption from advertising contained in S. 272, as reported, refers to the procurement of utility services where, based on applicable law, the procuring agency has predetermined the utility to whom the award will be made. The Committee does not believe that there is a necessity for advertising procurements that must legally be awarded to predetermined sources. This exemption is identical to that contained in existing law.

The third exemption from the publication of notice refers to procurement actions between federal agencies or from a mandatory source of supply. Again, the Committee does not believe that there is any special advantage to publishing these procurement actions since there is no likelihood of significant contracting or subcontracting opportunities for the private sector. This exemption is identical to existing law.

The last exemption from publication contained in S. 272, as reported, permits the head of an agency to determine in writing that it is not appropriate or reasonable to publish notice for a specific procurement action. That procurement then would be exempt from the advertising requirement only if the Administrator of the Small Business Administration (SBA) concurs that it is indeed unreasonable or inappropriate to publish the notice of the procurement action in question. According to the SBA, this exemption, which is virtually identical to existing law, has been used only four times in the last ten years. On three of those occasions, the SBA did not concur with the procuring agency in its request for a waiver of the advance notice of the procurement action, and the notice was published. On the only other occasion, relating to a Justice Department contract to transfer federal prisoners, the SBA agreed that notice was inappropriate and gave its concurrence to forego public notice of the procurement.

The Committee does not believe that the last exemption will be, or should be, widely used. Rather, the exemption has been maintained to cover highly unusual procurement situations that have not been specifically exempted elsewhere, but for which a legitimate exemption could be, and under this exemption would be, documented, and subsequently granted.

This provision differs from current law only in the requirement that the "head of the agency" as opposed to the "procuring agency" make the request for an exemption to the SBA Administrator.

S. 272, as reported, does not contain the five additional exemptions from publication in the Commerce Business Daily which exist in current law. However, the Committee does address these exemptions under the section of the bill that establishes minimum time periods for advertising in the Commerce Business Daily.

B. Time limits

S. 272, as reported, establishes minimum time periods for those procurement actions that must be advertised in the Commerce Business Daily. It also provides five instances where a procurement could be exempt from the time periods established by this legislation. However, an exemption from the time periods does not equate to an exemption from the requirement to publish the notice of the procurement action in the Commerce Business Daily, even on a post-award basis.

S. 272, as reported, establishes a statutory time period for advance notice of procurement actions. Specifically, it provides a fifteen day time period from the date on which a synopsis appears in the Commerce Business Daily to the date on which solicitations can be made available to prospective bidders. The fifteen day time period represents a 5-day increase over the current practice of providing 10 days between the date of synopsis and the date that the solicitations are made available to the public.

In the 1982 hearings, a considerable amount of testimony was received by the Committee from government and public sector witnesses alike, who acknowledged that procuring agencies tend to ignore the current ten day regulatory requirement. Given the additional time problems regularly caused by delays in the receipt of the Commerce Business Daily, the Committee believes that the additional five-day period is necessary to provide small firms with ade-

quate time to review the Commerce Business Daily for potential opportunities and to request appropriate documents from the agency. In the Committee's view, the addition of 5 days between notice and issuance of a solicitation will not negatively impact on the federal procurement process; potential problems which may arise because of the application of the minimum time periods to any particular procurement action can be accommodated by an agency's use of one of the exemptions from the time requirements provided for in the amendment.

Even within the general rule of providing a 15-day interval between publication of a notice of procurement action and the issuance of a solicitation, this bill recognizes that when a solicitation is for procurements that can be categorized (the use of the term "classified" in the text of the amendment does not refer to any prohibition from disclosure) as "research or development efforts," the interval between publication of a proper notice and the issuance of the solicitation shall be at least 45 days. In the Committee's view, and based on discussions with many senior procurement officials in those agencies that contract extensively for research and development work, the 45 day minimum will not present any problem in meeting such needs. Frequently, in fact, agencies' research efforts are known months, and even years, in advance. Of course, in that most highly unusual of circumstances where the 45-day period might present difficulties for a particular research or development procurement action, the exemptions from the time limits provided for in the Committee amendment would still be available.

The second time limit established in S. 272, as reported, generally provides for a 30-day time period between the date that a solicitation is made available and the date on which bidding can be foreclosed. Unlike existing regulations, this legislation does not differentiate between standard commercial and non-standard procurements; unless otherwise exempted by S. 272, as reported, all competitive procurements requiring publication under this provision must provide at least 30 days for a prospective bidder to prepare and submit a bid or offer.

While the Committee recognizes that advertising for, and procurement of, architect-engineer services operates somewhat differently from that of other competitively negotiated procurements, it intends that the notice provisions of this legislation fully apply to the procurement of architect-engineer services.

Of course, to the extent possible, the Committee would encourage agencies to make a considerably longer period of time available between publication of notice and issuance of a solicitation or between the time a solicitation is made available and the date on which bidding can be foreclosed. Rarely does an agency's procurement requirement not lend itself to sufficient lead time to provide the maximum practicable opportunities for competition.

Since increased competition on government contracts is essential to economic stability and the national security, the Committee intends to review, in a larger context than permitted by this legislation, whether federal agencies' actions are providing a greater, fairer and more open procurement process for the small business community in particular, and the entire procurement sector generally.

1. Basic Ordering Agreements

S. 272, as reported, provides that an agency may not foreclose competition for orders placed against basic ordering agreements and similar arrangements for thirty days after the date of publication of a notice of intent to place the order. Basic ordering agreements are open-ended agreements between a Government agency and a contractor against which specific orders for specific items and services may be placed. They are entered into for the mutual convenience of the Government and the contractor.

Current procurement regulations caution that such arrangements should not be used to avoid the requirement for maximum competition. However, during the Committee's consideration of S. 1947 in 1982, witnesses pointed out that there is great potential for using such agreements to circumvent the mandates of the legislation. The Committee believes that a 30-day time limit between publication of a synopsis and placement of an order will permit other potential suppliers to make their existence, interest and capabilities known to the procuring activity.

There appears to be some confusion in administrative practice concerning whether and when orders against basic ordering agreements are to be synopsized in the Commerce Business Daily. Basic ordering agreements and similar arrangements are not contracts. (See Defense Acquisition Regulation 3-410.1 and 3-410.2). Therefore, they do not qualify for the existing statutory exemption for procurement actions "which are made by an order placed under an existing contract." Under current regulations, orders under these agreements can be synopsized in the Commerce Business Daily only ten days before competition is foreclosed. The Committee believes that this is too little time. By specificially addressing them, S. 272, as reported, clarifies that basic ordering agreements and similar arrangements should be synopsized and when that synopsis should appear.

2. Noncompetitive Procurement Actions

With the inclusion of the requirement that procuring activities publish notice of all competitive and non-competitive procurement actions in the Commerce Business Daily unless otherwise exempt, the Committee recognized that separate treatment for sole-source awards had to be provided for in its legislation.

Under the terms of this legislation, where a procuring activity is required to publish notice of a procurement action, it may not commence negotiations for the award of a sole-source contract until at least 30 days have elapsed from the date of publication notice of intent to contract. The 30-day time period here is intended to serve the same purpose as the 30-day time period provided for competitive procurements.

The notice of intent to contract that is to be published in the Commerce Business Daily is to include, in addition to such other information as the Secretary of Commerce determines to be appropriate for all other such notices, such specifications and information as practicable regarding the service or performance to be procured.

Without such information, the procuring community has no basis for determining the nature and needs of the federal agency, or to learn whether business concerns may have the capacity and interest to participate in future, similar procurements.

S. 272, as reported, further provides that, with respect to a proposed sole source negotiation, the notice to be included in the Commerce Business Daily shall also state, in addition to the requirements established by the Secretary or other provisions of this paragraph, that interested parties are invited to respond, or submit proposals in response to such notice, within the agency's time periods established in accordance with this legislation.

In the Committee's view, this provision will have at least two salutory effects. First, it will provide the procurement community with notice that the Federal Government is involved in a certain type of procurement. Under current law, many of these procurement actions are not publicly advertised. Disclosure will assist potential suppliers by giving them notice of possible subcontracting opportunities on this or future requirements.

For the Government, it will provide a means for simple outreach to the private sector to inquire about the interest capability of other firms to meet the procurement needs of the agency. Increased competition, or multiple sources for federal use, will help reduce the relative cost of federal procurement activities.

C. Exemptions from time limits

The Committee recognizes that not all federal procurement actions can be dealt with in the general 45-day time period provided for in S. 272, as reported, i.e., 15 days for the general solicitation process (except for research and development) and 30 days for the bidding process or before commencing negotiations for the award of a sole-source contract. Therefore, the Committee has provided several exemptions applicable to either competitive or non-competitive procurements from the time limits contained in S. 272, as reported, and has established general procedures for using them.

First, S. 272, as reported, provides that, if an action is to be made by an order placed under an existing contract, the procuring activity need not adhere to either the time limits applicable for the issuance of a solicitation, or the time limits for foreclosing competition, or the time limits for commencing negotiations. Simply, the Committee recognizes that it is unlikely that such a procurement action would provide any reasonable competitive contracting opportunities, or serve a public benefit to draw attention to the specific contract.

However, the Committee would expect that the procurement action to enter into the initial contractual relationship would, unless otherwise exempt by the terms of this legislation, be subjected to full compliance with the minimum time periods established by this proposal.

S. 272, as reported, establishes a second set of exemptions from the general time limits established by the bill, and outlines procedures for their use.

When a procuring activity determines that one of these exemptions applies, and an agency determines that it intends to take advantage of such an exemption, the contracting officer must so determine in writing and place the written determination in the contract or negotiation file. The agency may then proceed with that single procurement action according to the time frame suitable to it. However, the agency must still publish the synopsis in the Commerce Business Daily, stating that the time periods required cannot or will not be complied with, and then identify the time the agency has determined to be made available, for bids or negotiation. In the event a procurement is extremely urgent, the synopsis may

appear after the contract has been awarded, but the Committee intends that this procedure be used only in the most extreme situations.

The Committee does not believe it necessary to further burden the procurement system with filings and published notices of this determination. But, the Committee expects that the written determination and justifications for claiming the exemption would be readily available to any interested person (regardless of their apparent capability to perform). Access to the documentation, in lieu of a more onerous procedure, should provide a sufficient oversight mechanism to determine the adequacy and appropriateness of agencies' utilization of the exemptions.

The first exemption established by the Committee in this part provides that when the procuring activity determines that the procurement is of such unusual and compelling emergency that the government would be harmed if either of the time limits were observed, neither of the time periods need be observed. The Committee cautions the procuring agencies to use this exemption only when absolutely needed, to engage in sufficient procurement planning to enable the agency to comply with the time periods provided in this bill, and to permit the procurement community and the public to benefit from the increased competition expected to be generated by the Committee amendment.

The second exemption from the new minimum time periods contained in this part is for the procurement of perishable goods. The Committee recognizes that perishable goods cannot always be subjected to the time periods established in S. 272, as reported. However, the Committee also realizes that many procuring agencies contract for perishable goods on a yearly basis, and then place orders against those annual contracts. In this latter case, the contract itself is certainly not perishable, and because substantial savings could be realized if such contracts were advertised annually, and the bids entered into competitively, the Committee has maintained this exemption as an exception only from the time limits, and not from publication. Except for the application of the time periods, the language is similar to existing law.

During the Committee's original consideration of this legislation, it deleted two exemptions in current law: the exemption for personal and professional services, and the exemption for awards made to educational institutions. The Committee believes that many of the contracts awarded in these two categories can and should be let competitively, and, therefore, made the decision not to exempt these provisions from publication. The Office of Federal Procurement Policy concurs with the Committee's decision in these instances, stating in its "Proposal for a Uniform Federal Procurement Policy":

The provision which exempt the procurement of personal or professional services or services from educational institutions from the notice requirement are deleted because experience has shown that such procurements are appropriate for notice.

This legislation also includes a provision that prohibits a procuring activity from entering into a sole source contract in excess of $100,000 unless the head of the procuring activity approves the proposal to negotiate such a contract, and the procuring activity has considered all responses to the notice of procurement action which the legislation establishes.

The effect of this provision is to provide greater internal agency review of significant sole source awards to insure that the use of a non-competitive process is in the best interest of the Government.

However, the provision makes clear that negotiations for award of sole source contracts in excess of $100,000 are permissible without prior approval of the agency head, if such negotiation is conducted pursuant to section 8 of the Small Business Act or section 9 of the same Act. The Committee believes that because sole source awards made under the auhtority of either section already have the express approval of Congress in so authorizing each law, it is not necessarily for the head of the procuring agency to further approve such negotiation. Nor is it the Committee's interest to impede the expeditious award of these contracts by compliance with the advertising required. Congress has clearly defined the parameters of each program, and separately provided the mechanisms for determining the award of contracts under these programs.

A provision similar to this, less the exemptions, passed the Senate in 1981, and was again included by the Senate Armed Services Committee in the 1983 Department of Defense Authorization bill for the military services. A recent GAO study has shown that sole source contracting is a government-wide problem affecting both the civilian and the defense agencies.

The bill, as reported also provides a definition of the term "sole source contract."

S. 272, as reported, then provides that is provisions shall apply only with respect to procurements actions initiated forty-five days after the date of enactment of these changes. Such delay in implementation should permit sufficient time for procurement authorities to inform the procurement officials of the requirements contained in this proposal.

Finally, S. 272, as reported, provides that the Tennessee Valley Authority need not comply with its provisions if it is not practicable for it to do so, and then, when it is consistent with the Authority's purposes and programs and the policies of the Small Business Act.

The Committee recognizes that TVA operates in essentially the same business environment as do invester-owned electric utilities. Since, for the most part, TVA's ratepayers, not the Federal Government, fund its procurements, the Committee believes it is preferable to make the provisions of S. 272, as reported, advisory rather than mandatory. However, to the extent practicable and consistent with the conduct of its programs and the policies of the Small Business Act, the Committee urges TVA to voluntarily comply with S. 272.

IV. SECTION-BY-SECTION ANALYSIS

S. 272, reported, consists of two new subsections which amend section 8(e) of the Small Business Act.

New paragraph (e)(1) empowers the Secretary of Commerce to obtain and publish advance notice of all competitive and noncompetitive defense procurement actions in excess of $10,000 and all competitive and non-competitive civilian procurement actions above $5,000 in the "Commerce Business Daily."

This new paragraph also provides four exemptions (subparagraphs (A) thru (D) from the requirement to publish advance notice of procurement actions. The new provision: (A) exempts procurement actions that are classified for security reasons; (B) exempts procurement actions for utility services, which in accordance with applicable laws, have been predetermined; (C) exempts procurement actions between government agencies or those procurement actions that must be procured from a mandatory source of supply; and (D) exempts procurement actions that the head of an agency, with the concurrence with the Administrator of the Small Business Administration, determines are inappropriate or unreasonable to publish.

New paragraph (e)(2) establishes two time periods to which agencies must adhere when they are required to publish procurement notices pursuant to paragraph (e)(1). Subparagraph (A) stipulates that a federal agency may not issue a solicitation until at least fifteen days have elapsed from the date of publication of the procurement action in the Commerce Business Daily; or, in the case of research and development efforts, the agency may not issue a solicitation until at least 45 days have elapsed from the date of such publication.

Subparagraph (e)(2)(B) provides that an agency cannot foreclose competition until at least 30 days have elapsed (i) from the date of issuance of the solicitation or (ii) in the case of basic ordering agreements, at least 30 days have elapsed from the date of publication of a proper notice of intent to place an order.

Subparagraph (e)(2)(C) provides that an agency cannot commence negotiations for the award of a sole source contract until at least thirty days have elapsed from the date of publication of the notice of intent to contract. This subparagraph also provides that the notice shall also provide such specifications and information as practicable regarding the agency's intentions to contract, and state that all interested persons are invited to respond or submit proposals within the specified time period.

New paragraph (e)(3) stipulates that the time periods specified in paragraph (e)(2) shall not apply if (A) the procurement action is to be made by an order placed under an existing contract; or (B) if the procuring agency determines in advance, in writing, on a case-by-case basis, that such procurements are (i) of such an unusual or compelling emergency that the government's interests would be harmed if the time periods were observed; or (ii) the procurement action involves perishable subsistence supplies and it is impracticable to comply with the minimum time periods.

New subparagraph (e)(4) provides that a procuring activity may not enter into negotiations for the award of a sole source contract in excess of $100,000 unless the head of the procuring agency approves the proposal to negotiate. It also requires the procuring activity to consider all responses to procurement notices established in the legislation before awarding sole source contracts in excess of $100,000. However, (e)(4)(B) provides that negotiations for the award of sole source contracts let pursuant to section 8 or section 9 of the Small Business Act are not affected by the requirements of this paragraph.

New paragraph (e)(5) defines a sole source contract for purposes of this section.

Section (b)(1) of S. 272, as reported, provides that the amendments made by this legislation to the Small Business Act shall only apply to procurement actions initiated 45 days after enactment.

Section (b)(2) provides that the Tennessee Valley Authority (TVA) must comply with the Act only to the extent it deems practicable and consistent with the conduct of its

procurement programs and the policies of the Small Business Act.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 374. A bill to amend title 38, United States Code, to provide a presumption of service connection for the occurrence of certain diseases in veterans who were exposed to phenoxy herbicides while serving in the Armed Services in Southeast Asia during the Vietnam era; to the Committee on Veterans Affairs.

By Mr. MATTINGLY:

S. 375. A bill to extend the temporary moratorium prohibiting the issuance of regulations concerning the taxation of fringe benefits; to the Committee on Finance.

By Mr. PERCY:

S. 376. A bill to amend the Debt Collection Act of 1982 to eliminate the requirement that contracts for collection services to recover indebtedness owed the United States be effective only to the extent and in the amount provided in advance appropriation Acts; to the Committee on Governmental Affairs.

By Mr. STENNIS:

S. 377. A bill to make applicable to the Tennessee-Tombigbee Waterway certain provisions of law relating to taxation of fuel used in commercial transportation on inland waterways; to the Committee on Finance.

By Mr. GRASSLEY:

S. 378. A bill to increase the penalties for smuggling quantities of marihuana exceeding 1,000 pounds; to the Committee on the Judiciary.

By Mr. STENNIS (for himself and Mr. COCHRAN):

S. 379. A bill to cancel certain indebtedness in connection with disaster relief activities; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. LAXALT, and Mr. DECONCINI):

S. 380. A bill to provide for contribution of damages attributable to an agreement by two or more persons to fix, maintain, or stabilize prices under section 4, 4A, or 4C of the Clayton Act; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 381. A bill to establish a Federal Courts Study Commission and a Federal Oversight Council on the Future of the Judiciary; to the Committee on the Judiciary.

S. 382. A bill to establish a National Court of Appeals, and for other purposes; to the Committee on the Judiciary.

S. 383. A bill to amend title 28 of the United States Code to request the Chief Justice of the United States to give an annual address to the Congress on the state of the judiciary; to the Committee on the Judiciary.

S. 384. A bill to aid State and local governments in strengthening and improving their judicial systems through the creation of a State Justice Institute; to the Committee on the Judiciary.

S. 385. A bill to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes; to the Committee on the Judiciary.

S. 386. A bill to amend the Federal Rules of Criminal Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

S. 387. A bill to amend title 18 of the United States Code regarding the robbery of a controlled substance from a pharmacy; to the Committee on the Judiciary.

S. 388. A bill to create an offense for aggravated property destruction; to the Committee on the Judiciary.

S. 389. A bill to provide that district courts shall have jurisdiction in Department of Labor Employees' Compensation Appeals Board actions; to the Committee on the Judiciary.

S. 390. A bill for the relief of Frank L. Hulsey; to the Committee on the Judiciary.

By Mr. STENNIS (for himself, Mr. D'AMATO, Mr. HEFLIN, Mr. SASSER, Mr. DENTON, Mr. RANDOLPH, Mr. MURKOWSKI, Mr. COCHRAN, Mr. STEVENS, and Mr. WEICKER):

S. 391. A bill to repeal the denial of the use of the accelerated cost recovery system with respect to tax-exempt obligations, and the expiration of the authority to issue such obligations; to the Committee on Finance.

By Mr. LEVIN:

S. 392. A bill for the relief of Nabil Yaldo; to the Committee on the Judiciary.

S. 393. A bill for the relief of Teur-Swen Lin; to the Committee on the Judiciary.

S. 394. A bill for the relief of Fernando Chau Kiok, doctor of medicine, his wife, Soledad chute, and their child Richard Kiok; to the Committee on the Judiciary.

S. 395. A bill for the relief of Nathan M. Bluestein; to the Committee on the Judiciary.

S. 396. A bill for the relief of Hyong Cha Kim Kay; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 397. A bill to amend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABDNOR:

S. 398. A bill to promote additional export sales of agricultural commodities, through an export credit revolving fund, in at least direct proportion to acreage reduction efforts and to establish authority for bonus commodity export sales; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEPSEN:

S. 399. A bill to establish a Presidential Advisory Panel for Coordination of Government Debt Collection and Delinquency Prevention Activities; to the Committee on Governmental Affairs.

By Mr. MATHIAS (for himself, Mr. KENNEDY, Mr. BAUCUS, Mr. BIDEN, Mr. BRADLEY, Mr. CHILES, Mr. CRANSTON, Mr. DANFORTH, Mr. EAGLETON, Mr. GLENN, Mr. HART, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. LEVIN, Mr. LUGAR, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PERCY, Mr. RIEGLE, Mr. SARBANES, Mr. SPECTER, Mr. STAFFORD, Mr. TSONGAS, Mr. WEICKER, Mr. LAUTENBERG, Mr. HUDDLESTON, and Mr. DODD):

S. 400. A bill to designate the birthday of Martin Luther King, Junior, a legal public holiday; to the Committee on the Judiciary.

By Mr. DODD: (for himself, Mr. CRANSTON, Mr. HUDDLESTON, Mr. BENTSEN, Mr. MELCHER, Mr. METZENBAUM, Mr. RANDOLPH, Mr. PELL, Mr. MATSUNAGA, Mr. JOHNSTON, Mr. HOLLINGS, Mr. INOUYE, Mr. SARBANES, Mr. SASSER, Mr. BURDICK, Mr. RIEGLE, and Mr. LEVIN.)

S. 401. A bill to authorize financial assistance for a continuing education program to secondary school teachers of science and mathematics designed to increase their competency, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 402. A bill to reenact the Emergency School Aid Act; to the Committee on Labor and Human Resources.

By Mr. DODD:

S. 403. A bill to require the Secretary of Housing and Urban Development to administer a demonstration program for assisting communities and nonprofit organizations in providing emergency shelter; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ZORINSKY:

S. 404. A bill to permit the importation of leopard skin; to the Committee on Finance.

By Mr. MELCHER:

S. 405. A bill for the relief of Aleksander Perovic; to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. DECONCINI):

S. 406. A bill to strengthen bail requirements for individuals charged with drug offenses and to coordinate the national and international drug enforcement efforts of the Federal Government, in order to reduce drug trafficking and drug-related crime; to the Committee on the Judiciary.

By Mr. NUNN (for himself and Mr. CHILES):

S. 407. A bill to improve the enforcement of export administration laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 408. A bill to control the distribution of sensitive technical research reports, to protect technical data from theft under certain circumstances, and for other purposes; to the Committee on the Judiciary.

S. 409. A bill to limit the Freedom of Information Act to United States citizens and certain others; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER (for himself, Mr. PERCY, Mr. PELL, Mr. MATHIAS, Mr. CRANSTON, Mr. PROXMIRE, and Mr. D'AMATO):

S. Res. 43. Resolution expressing the sense of the Senate that the President of the United States invite the Soviet Union to negotiate a verifiable ban on anti-satellite weapons as a first step toward prohibiting all space-based and space-directed weapons; to the Committee on Foreign Relations.

By Mr. STEVENS (for himself, Mr. THURMOND, Mr. BAKER, and Mr. BYRD):

S. Res. 44. Resolution designating February 3, 1983 as "U.S. Senate Youth Program Day"; considered and agreed to.

By Mr. GRASSLEY (for himself and Mr. PERCY):

S. Res. 45. Resolution to express the sense of the Senate concerning tax treatment of payment-in-kind commodity payments; to the Committee on Finance.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. BIDEN, and Mr. TSONGAS):

S. Con. Res. 9. Concurrent resolution calling upon the Government of the United

Kingdom to outlaw the Ulster Defense Association, its membership, activities, and any like terrorist organzation; to the Committee on Foreign Relations.

S. Con. Res. 10. Concurrent resolution calling upon the Government of the United Kingdom to ban the use of plastic and rubber bullets against civilians; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 374. A bill to amend title 38, United States Code, to provide a presumption of service connection for the occurrence of certain diseases in veterans who were exposed to phenoxy herbicides while serving in the Armed Forces in Southeast Asia during the Vietnam era; to the Committee on Veterans' Affairs.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. MATTINGLY:

S. 375. A bill to extend the temporary moratorium prohibiting the issuance of regulations concerning the taxation of fringe benefits; to the Committee on Finance.

TAXATION OF FRINGE BENEFITS

Mr. MATTINGLY. Mr. President, last Congress I was successful in having an amendment attached to the Economic Recovery Tax Act of 1981, which extended a temporary moratorium prohibiting the Internal Revenue Service from issuing regulations concerning the taxation of fringe benefits until December 31, 1983.

Today I rise to introduce S. 375. This legislation will further extend the temporary moratorium on this subject until December 31, 1985.

In 1981, I, along with 63 other Senators from both political parties, wrote Secretary of the Treasury Regan requesting that he halt the publication of such regulations. In response to that effort, Secretary Regan decided that "* * * no regulations or rulings altering the tax treatment of fringe benefits will be issued by the Treasury prior to July 1, 1982." I was pleased by his decision. However, I remind my colleagues that that period of safeguard has passed, and the expiration date of the temporary moratorium is quickly approaching.

While the search goes forward for simplification of the Tax Code and discussion of the flat rate tax continues, no drastic changes in the Tax Code should be made. Taxation of fringe benefits would be a drastic change. Therefore, as the Tax Code simplification discussion continues, I believe we need to extend the temporary moratorium from December 31, 1983, to December 31, 1985. Such action would allow time for Finance Committee hearings and the airing of public opinion.

I would like to point out that enactment of this legislation would not cause a net revenue loss. It would only prevent the Congress from increasing the already too high tax liability.

I encourage my colleagues to join me in this effort.

By Mr. STENNIS:

S. 377. A bill to make applicable to the Tennessee-Tombigbee Waterway certain provisions of law relating to taxation of fuel used in commercial transportation on inland waterways; to the Committee on Finance.

INLAND WATERWAY FUEL TAXATION

Mr. STENNIS. Mr President, I send to the desk a bill and ask for its appropriate referral. I originally introduced this bill on June 8, 1981. The purpose of this bill is to amend section 206 of the Inland Waterways Revenue Act of 1978 to make the user tax established by that act applicable to the Tennessee-Tombigbee Waterway.

The application of the users tax to the Tennessee-Tombigbee was discussed during hearings conducted by my good friend and distinguished colleague from New York (Mr. MOYNIHAN). At that time, I knew nothing about it, being exempt, but said at the hearing that it was certainly my position that the waterway should be included as a waterway subject to user charges, as are all other waterways when it goes into real operation. The law levying user taxes listed only the waterways that were in operation at the time the user tax was enacted. At that time, the Tennessee-Tombigbee Waterway was not one that was in operation and was not listed solely for that reason.

My statement before the Subcommittee on Water Resources on July 25, 1980, was as follows:

As one of the delegation, one of the Senators from Mississippi, I know nothing about it being exempt. I made no effort to get it such. It will have to ride with the law, whatever it is.

But as I recall, the law listed the ones that were subject to the tax, and at that time the Tennessee-Tombigbee was not one that was in operation. So it is not named.

But it is certainly my position that it shall be included when it goes into real operation, yes.

The Inland Waterways Revenue Act of 1978 established a tax on fuel used in commercial transportation on inland waterways. The tax is 6 cents a gallon to October 1, 1983, and from that date to October 1, 1985, it is increased to 8 cents a gallon, and finally, after September 30, 1985, to 10 cents a gallon. This tax is to be applied to the fuel used by any commercial vessel on the inland or intracoastal waterways of the United States which have been designated in the act.

The proceeds of this tax are deposited in the Treasury of the United States in a trust fund for inland waterways. This fund, which was named the "Inland Waterways Trust Fund," is available for appropriation by the Congress for construction and improvements to the inland and intracoastal waterways of the United States as described in section 206 of the act.

Mr. President, these are simple statements of existing law, and I put these in the RECORD because there was some misunderstanding about the original action of this law. But there is really no basis because it just pertained to a waterway and the Tennessee-Tombigbee as such was not in being and not in operation. I really thought that there was a provision there saying that all waterways, when they came into being, would automatically become subject to the tax. That is a provision that I would have approved of, even though I did not approve of the bill as a whole.

When the Inland Waterways Revenue Act of 1978 was passed, the Tennessee-Tombigbee Waterway project was under construction and was not open to commercial navigation. That is the real and the only reason it was not named in the act. Since that time, the Tennessee-Tombigbee Waterway has been partially open, for a limited mileage, to commercial traffic from the mouth of the Luxapalila River just south of Columbus, Miss., to Demopolis, Ala., a distance of 115 miles. It is, of course, only proper that the same user tax applied to other waterways be applied to the Tennessee-Tombigbee Waterway. Therefore, I offer this bill to amend section 206 of the Inland Waterways Revenue Act by adding a new subsection (27) as follows:

(27) Tennessee-Tombigbee Waterway: From the Pickwick Pool on the Tennessee River at RM 215 to Demopolis on the Tombigbee River at RM 215.4.

The effect of this amendment will be to apply the presently applicable user tax from the date of enactment of this legislation to the portion of the Tennessee-Tombigbee Waterway now open to commercial traffic and to the remainder of the waterway when it opens to traffic, as I have just described. By offering this amendment, I am merely acting to insure equality in application of the waterways user's tax.

This does not constitute an endorsement of the waterways user tax, which I opposed when it was considered by the Senate in 1978.

I reserve judgment, of course, Mr. President, as to my position in the future as to any proposed increase in the present user tax.

I ask unanimous consent that for the information of the membership, this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 206 of the Inland Waterways Revenue Act of 1978 is amended by adding at the end thereof the following:

"(27) Tennessee-Tombigbee Waterway: From the Pickwick Pool on the Tennessee River at RM 215 to Demopolis, Alabama, on the Tombigbee River at RM 215.4.".

By Mr. GRASSLEY:

S. 378. A bill to increase the penalties for smuggling quantities of marihuana exceeding 1,000 pounds; to the Committee on the Judiciary.

MARIHUANA SMUGGLING CONTROL ACT OF 1983

● Mr. GRASSLEY. Mr. President, while the 96th Congress deemed a harsher penalty for persons convicted for trafficking in large amounts of marihuana as a necessary deterrent to individuals and major criminal organizations involved in extensive marihuana trafficking operations, some loopholes still remain. Congress raised the penalties in the Controlled Substances Act (21 U.S.C. 841) but left the penalties of the Controlled Substances Import and Export Act (21 U.S.C. 960) unchanged.

The Controlled Substances Act was amended to distinguish between large and small drug trafficking violations. The amended act raised the penalty for persons convicted of trafficking in over 1,000 pounds of marihuana from a maximum 5-year prison sentence and/or $15,000 fine to a maximum 15-year prison sentence and/or $125,000 fine. The penalties under the amended act double in the case of convictions involving a second offense. Nevertheless, no amendments were made to the international counterpart of the Controlled Substances Act, the Controlled Substances Import and Export Act, even though the sanction schemes of the bills were identical.

While Congress initiative strengthened penalties for domestic marihuana trafficking violations, it fails to hold international marihuana trafficking accountable to the same extent. The irony of this situation is that if one attempts to manufacture, distribute, or dispense marihuana in the United States, he or she will receive a substantially higher penalty than one who smuggles marihuana across a border.

The legislation I introduce today follows up on the initiative of the former Senator from New Mexico, Harrison Schmitt, by closing the loophole that exists in our drug enforcement laws. This bill remedies the existing situation by conforming the Controlled Substances Import and Export Act to the same penalty provisions now contained in the Controlled Substances Act.

The message that we are sending to the criminal element in our society will be clear. We know that the financial benefits of large-scale marihuana trafficking are so lucrative that current criminal sanctions are viewed as an acceptable cost of doing business. If we intend to disrupt or eradicate supplies of this drug, then we must fashion a penalty that drives the message home. I urge my colleagues to close the loophole that exists in the case of marihuana trafficking by supporting enactment of this legislation.●

By Mr. STENNIS (for himself and Mr. COCHRAN):

S. 379. A bill to cancel certain indebtedness in connection with disaster relief activities; to the Committee on Environment and Public Works.

DISASTER RELIEF ACTIVITIES

● Mr. STENNIS. Mr. President, the bill that I am introducing today is to correct a situation that has developed as a result of the disastrous Easter 1979 flood in the city of Jackson, Miss.

Among many facilities and equipment suffering damage were those of the Jackson Junior Achievement, the Jackson Symphony Orchestra, and the Mississippi Museum of Art.

Subsequent to the disaster declaration, the Federal Emergency Management Agency officials at the site, working closely with the State and city disaster relief officials, determined that the subject organizations, being nonprofit in nature and closely involved in the public school system, are eligible for assistance. There is no evidence but that all parties acted in the best of faith; professionals in the business of disaster relief who interpreted the regulations to allow reimbursement to these organizations for repairs and damage.

Some 2½ years later, the headquarters here in Washington says no, the interpretation by the field officials was wrong and that the moneys must be refunded.

Although the amounts may not seem great, in terms of the billions of dollars spent by the Federal Government, $105,000 for the Junior Achievement, $29,500 for the Museum of Art, and $3,500 for the Jackson Symphony would create an intolerable burden on these nonprofit organizations which are dependent to a great extent on private donations.

Mr. President, while not necessarily in agreement, I am not being critical of the Federal Disaster Assistance Administration in their final interpretation of the regulations in this instance. I can only say, after reading the regulations, that I understand why the field officials felt these organizations were eligible for this reimbursement. I ask that my colleagues support this bill and provide for the continued operation of these organizations.●

By Mr. HATCH (for himself, Mr. THURMOND, Mr. LAXALT, and Mr. DECONCINI):

S. 380. A bill to provide for contribution of damages attributable to an agreement by two or more persons to fix, maintain, or stabilize prices under section 4, 4A, or 4C of the Clayton Act; to the Committee on the Judiciary.

CONTRIBUTION OF DAMAGES UNDER THE CLAYTON ACT

Mr. HATCH. Mr. President, the antitrust laws of the United States are an essential, practical expression of our concern for democracy. It is their function to prevent any business or group of businesses from so controlling a part of commerce that it is able to substitute that control for the independent, efficient allocation of resources achieved by a competitive marketplace. The primary purpose of these laws is to insure competition, to foster competition, and to benefit consumers.

Our national economic policy rejects the equally offensive notion of giving control of business enterprise either to Government or to private cartels. we must also reject the current judicially created rules that permit allocation of damages in the hundreds of millions or billions of dollars to be dictated by members of the private bar.

In massive, nationwide class actions, we are beginning to see cases in which the shape of an industry can be dictated by a small group of private lawyers. As they evolved in recent years, several unrelated legal decisions have so distorted antitrust remedies that they can actually be used as a destructive weapon against competition, usually with the greatest harm falling upon businesses with small market shares.

The compelling need for legislation has been dramatically demonstrated during the 97th Congress before the Committee on the Judiciary, by the facts in a number of cases pending in U.S. courts. In the Plywood antitrust cases, it was fundamentally unfair for the plaintiffs to settle with half of the industry for $8 million and then be permitted to seek hundreds of millions of dollars against the three nonsettling defendants. On September 7, 1982, a company involved in the Corrugated litigation announced that it had approved a settlement of the Corrugated case for $45 million plus $10 million in interest to be paid on the unpaid balance over a period of 6 years. This company had a 3-percent market share and had been acquitted after a full trial on the merits in the preceding criminal case. Its potential exposure, however, based on transferred liability from its competitors that had settled, was in the hundreds of millions. This transferred potential liability became too great a burden to carry through lengthy and costly litigations, even though that company

maintains to this day that it injured no one.

Submitted with Judge Renfrew's written statement to the Judiciary Committee on a February 10, 1982 hearing on this issue was a list of over 900 companies involved in over 100 pending antitrust price-fixing cases, all of which are exposed to damages disproportionate to any possible actual liability. The same potential for injustice exists in the health care, cement, steel, construction, aluminum, food, entertainment, petroleum products, liner board, corrugated containers, and dozens of other industries.

Mr. President, during those same Judiciary Committee hearings which I have previously mentioned, a former Attorney General of the United States, The Honorable Griffin Bell, observed that, "No law is effective that is unfair." Witness after witness in those hearings agreed that this aspect of U.S. antitrust law is unfair. And to the extent it is unfair, its ineffectiveness jeopardizes its ability to insure and foster competition and to protect the economic rights of American consumers.

As my colleagues will recall, these issues were addressed in the last Congress through the vehicle of S. 995. That bill sought to remedy the inequities which exist in our current laws which permit unjust allocation of damages in antitrust cases. My colleagues will also recall the tremendous controversy which existed over the applicability of S. 995 to pending cases. The Senate Judiciary Committee reported out a compromise version of the bill which I felt adequately and justly addressed the pending case issue by allowing the courts to apply the claim reduction sections of the bill to pending cases in which they found that it would be inequitable not to do so. The Senate never had an opportunity to vote on the merits of that proposal due to the pressing time constraints of the lameduck session last year.

Nonetheless, the inequities still exist as does the need for remedial legislation to correct these inequities. Therefore, I am today introducing the Antitrust Equal Enforcement Act of 1983.

I believe that the great majority of my colleagues agree with me that there is an urgent need for this legislation. By introducing this bill as it was passed by the Judiciary Committee, it is my hope that we will be able to act promptly and swiftly in order that the antitrust laws of our Nation may be fully and equitably enforced.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clayton Act (15 U.S.C. 12 et seq.) is amended by inserting after section 4H the following new section:

"SEC. 4I. (a) Two or more persons who are subject to liability for damages attributable to an agreement to fix, maintain, or stabilize prices under section 4, 4A, or 4C of this Act may claim contribution among them according to the damages attributable to each such person's sales or purchases of goods or services. A claim for contribution by such person or persons against whom an action has been commenced may be asserted by cross-claim, counterclaim, third-party claim, or in a separate action, whether or not an action has been brought or a judgment has been rendered against the persons from whom contribution is sought.

"(b) A release or a covenant not to sue or not to enforce a judgment received in settlement by one of two or more persons subject to contribution under this section shall not discharge any other persons from liability unless its terms expressly so provide. The court shall reduce the claim of the person giving the release or covenant against other persons subject to liability by the greatest of: (1) any amount stipulated by the release or covenant, (2) the amount of consideration paid for it, or (3) treble the actual damages attributable to the settling person's sales or purchases of goods of services. Under item (3) above, actual damages shall not be trebled in proceedings under section 4A of this Act.

"(c) A release or covenant, or an agreement which provides for a release or covenant, entered into in good faith, relieves the recipient from liability to any other person for contribution, with respect to the claim of the person giving the release or covenant, or agreement, unless the settlement provided for in any such release, covenant, or agreement is not consummated.

"(d) Nothing in this section shall affect the joint and several liability of any person who enters into an agreement to fix, maintain, or stabilize prices.

"(e) This section shall apply to all actions under section 4, 4A, or 4C of this Act commenced after the date of enactment of this section.

"(f)(1) The claim reduction principle of subsection (b) of this section shall also apply to actions alleging an agreement to fix, maintain, or stabilize prices under section 4, 4A, or 4C of this Act which are pending on the date of enactment of this section, if upon proof by any party subject to liability for damages in such an action, the court determines that it would be inequitable, in light of all the circumstances and notwithstanding subsection (f)(2), not to apply the principle in that action. In ruling on a request to apply claim reduction, the court shall find the facts specially.

"(f)(2) No agreement to settle, compromise, or release a claim under section 4, 4A, or 4C of this Act which has been signed by the parties prior to the date of enactment of this section may be rescinded, disapproved, reformed, or modified by the parties or by the court because of the application of the claim reduction principle, except upon the written consent of all the parties thereto.

"(g) Each subsection of this section is severable from all other subsections, and the invalidity of any subsection for any reason shall not affect the validity of the remaining subsections: Provided, That subsections (f)(1) and (f)(2) are not severable from each other, and the invalidity of any provision of those subsections as applied in an action shall render the remainder of those subsections inapplicable in that action.".

By Mr. HEFLIN:

S. 381. A bill to establish a Federal Courts Study Commission and a Federal Oversight Council on the Future of the Judiciary; to the Committee on the Judiciary.

FEDERAL COURTS STUDY ACT

Mr. HEFLIN. Mr. President, today, I am introducing legislation designed to improve our Federal court system and the administration of justice in America. The courts are increasingly being overwhelmed with cases. Recent statistics indicate that in the face of burgeoning litigation and increased reliance on the court system to resolve a vast array of disputes, there is no relief in sight. The number of civil and criminal cases filed has increased, as well as the number of appeals.

It is a well-known fact that the volume of litigation has increased tremendously over the past decades. In its 1982 term, the Supreme Court's docket swelled to 5,311 cases. Recent studies indicate that by the year 2010 there will be 1 million cases pending in the Federal appellate system and 10 million pending at the Federal level. This increased volume will also create a need for more court personnel.

Something must be done if the judiciary is to continue to fulfill its constitutional duty to the citizens of this country. The future of the effective administration of justice is uncertain unless Congress seeks resolutions and assesses alternatives now. If the court system falters and Americans cannot get justice, Congress has to be responsible.

The Federal Jurisdiction Review and Revision Act, the bill I am introducing today is the result of the outstanding work of Judge Clifford Wallace of the Ninth Circuit Court of Appeals. To help assure an effective and efficient judicial system, this bill will establish a 14-member Federal Courts Study Commission on the future of the judiciary whose purpose will be to stimulate the evaluation of, and provide an eventual solution to, the problems currently facing the courts; make a complete study of the jurisdiction of the courts of the United States and of the several States; recommended revisions to the Constitution and laws of the United States as the Commission deems advisable on the basis of such study; collect and review studies on the effectiveness of the courts; develop a long-range plan for the judicial system; and submit a written report to the President and the Congress on the findings of the Commission.

Mr. President, such studies are absolutely necessary if we are to solve the problems facing the judiciary now and

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in the future. While we all too frequently avoid solving problems by appointing commissions to "study" them, a panel to comprehensively and dispassionately study the delicate question of the proper role and scope of the Federal judiciary is something which is worthwhile and long overdue.

By Mr. HEFLIN:

S. 382. A bill to establish a National Court of Appeals, and for other purposes; to the Committee on the Judiciary.

NATIONAL COURT OF APPEALS

Mr. HEFLIN. Mr. President, today, I rise to introduce legislation to establish a National Court of Appeals. As my colleagues are no doubt aware, an explosion of litigation has virtually clogged all levels of our Federal court system, including the U.S. Supreme Court. This burgeoning litigation has come in the face of increased reliance on the court system to resolve a vast array of disputes. There appears to be no sign of a tapering off or decline in the volume of judicial business. Thus, it is recognized that the existing judicial structure is not designed to handle this increased docket load.

I think that it is significant to point out that in 1982 the Supreme Court decided 275 cases. In the past term of the Supreme Court, the docket had swelled to 5,311 cases, which included 4,114 petitions for writ of certiorari. Of these, 126 were summarily decided and only 184 were scheduled for oral argument for a total of 310 cases. Note that this approximates the 275 cases heard in 1892. Clearly, more than 6 or 7 percent of the cases filed deserved to be heard, but our highest Court has little choice.

A National Court of Appeals will relieve the burden of the Supreme Court by resolving conflicts arising from the Federal circuits and promoting the uniformity that is imperative in our Federal court system. Such a court will clarify and stabilize the national law with a minimum amount of delay, and its decisions would constitute binding precedents on Federal and State courts' considerations of Federal questions, unless modified or overruled by the Supreme Court.

The National Court of Appeals will be headed by a Chancellor who will serve as both judge and administrator and will be directly responsible to the Chief Justice of the United States. The Supreme Court will be able to closely monitor and review the docket, decisions and administration of the National Court of Appeals, under their authorization to refer to the new court any case before it on petition for certiorari. The Supreme Court could direct the court either to decide the case on the merits or to exercise its own discretion on whether to review the case. The Supreme Court will retain the power to modify or overrule all decisions made by the National Court of Appeals, and therefore will maintain its obligations as the highest Court in the land.

I firmly believe that the continued existence of our individual liberties and right to self-government depend on the strength of our judicial system. This measure would be a great help in improving the administration of justice in America by giving badly needed and long-delayed assistance to the Supreme Court so that it can continue to fulfill its constitutional duty to the citizens of this country. The very future of the effective administration of justice in this country is uncertain unless Congress seeks solutions and alternatives now.

Mr. President, the legislation I offer today is merely an initial step to improvement of our judicial system. I ask unanimous consent that the text of this bill be printed in the RECORD in order that my colleagues in the Senate may read it and, hopefully, join me in seeking to improve our judicial system.

By Mr. HEFLIN:

S. 383. A bill to amend title 28 of the United States Code to request the Chief Justice of the United States to give an annual address to the Congress on the state of the judiciary; to the Committee on the Judiciary.

STATE OF THE JUDICIARY ADDRESS

Mr. HEFLIN. Mr. President, I rise today to reintroduce a bill which would give legislators a greater opportunity to deal directly with the Federal judiciary. This legislation would request the Chief Justice of the United States to address on a periodic basis a joint session of Congress on the State of the U.S. Judiciary.

Under the Constitution of the United States, the responsibilities for governing this Nation are divided among three coequal branches: The legislative branch, the executive branch, and the judicial branch. Members of Congress are, of course, familiar with the intricacies and working of the legislative branch, as well as the problems that Congress faces. Moreover, through numerous contacts at the committee and subcommittee level, Members of Congress are informed of the many-faceted activities of the executive branch of the Government. Also, Congress is given the Chief Executive's plan of action on an annual basis by means of a state of the Union address given by the President before a joint session of Congress. It is my judgment, however, that outside of the House and Senate Judiciary Committees, Congress has given little attention to the third coequal branch of Government, the U.S. judiciary.

This legislation would provide at least a partial remedy to this situation by requesting the Chief Justice to either deliver in person or submit in writing, an annual address on the state of the Federal judiciary upon the mutual agreement of the Chief Justice and the leadership of Congress.

The common responsibilities for many aspects of the administration of justice require good communications between the judiciary and Congress. An address by the Chief Justice would aid Congress in developing a more responsive understanding of the needs of the judiciary by providing Congress with new insight into the complexity of the judicial branch and the intricate relationships between its various parts. Following the advice of Chief Justice Burger to the Conference of Chief Justices in 1969, approximately half of the State legislatures throughout the country receive a state of the judiciary message from the highest judicial officer in their respective States.

A state of the judiciary message by the Chief Justice of the United States would be meaningful and proper in a number of ways. First, such an address would be an appropriate method for the head of one coequal branch of Government to coordinate and communicate its activities and recommendations for legislation to another branch of Government. It would bring to the attention of a wider segment of Congress problems facing the judiciary, enabling Congress to meet its responsibilities to the judicial branch more adequately.

Second, a state of the judiciary message would raise the visibility of the problems of the administration of justice, thereby raising the level of their priority.

Third, such an address would bring to public attention the many problems facing the judiciary, making the functioning of the courts more open and accessible to the public. Moreover, by conveying directly the priorities of the judicial system seen by the public official with major responsibility on judicial improvement, the public will be brought into the process of modernizing the judiciary.

Finally, a state of the judiciary message would provide a forum and an opportunity to demonstrate the necessity for strengthening our Federal court system and would highlight the important role that an independent judiciary plays in protecting the rights and freedoms which are so much enjoyed by the people of this country.

As Congress considers new initiatives to meet the challenges facing the Nation, high priority must be given to the urgent needs of the third coequal branch of the Federal Government. A state of the judiciary address or written message to Congress by the Chief Justice of the United States will be a major step in better informing the Congress and the public on the functions and problems facing the Federal judiciary, thereby insuring this Nation's judicial future.

Mr. President, I deeply appreciate the support this bill enjoyed when I introduced it in the 97th Congress, as well as the 96th at which time it was passed by the Senate on August 25, 1980. I wish, also, to thank Senator KENNEDY who introduced similar legislation in the 94th and 95th Congresses, for his assistance and guidance in this measure. I would solicit support of this legislation by Members of the U.S. Senate in an effort to acknowledge our responsibility to the Federal judiciary.

By Mr. HEFLIN:

S. 384. A bill to aid State and local governments in strengthening and improving their judicial systems through the creation of a State Justice Institute; to the Committee on the Judiciary.

STATE JUSTICE INSTITUTE ACT

Mr. HEFLIN. Mr. President, I rise to introduce the State Justice Institute Act. The State Justice Institute Act would establish a nonprofit national institute to provide technical and financial assistance to State courts. The need for such an Institute was well established during extensive hearings held on this legislation both in the 96th Congress and 97th Congress. This legislation has passed the Senate and the House Subcommittee on Courts. Additionally, Civil Liberties and the Administration of Justice has unanimously approved the measure.

There are several important reasons for providing financial assistance to State courts. First, State courts share with the Federal courts the awesome responsibility of enforcing the rights and duties of the Constitution and laws of the United States. However, in recent years the workload of our State courts has significantly increased due to a number of factors, including decisions of the U.S. Supreme Court, wide-reaching social legislation by Congress and a diversion of cases from the Federal courts. It has been determined that State courts decide approximately 95 percent of all lawsuits tried. It is, therefore, appropriate and necessary that the Federal Government provide financial and technical assistance to State courts to help alleviate many of the administrative problems which these actions at the Federal level have exacerbated. This legislation would help insure that our State courts remain strong and effective.

A second reason for providing financial assistance to State courts is the problem of crime in this country. It has long been my belief that if we are to significantly reduce crime, the Federal Government must share the responsibility of improving the administration of justice with State and local governments. The State Justice Institute would be immensely beneficial to State and local governments in their attempts to control crime and in their efforts to streamline the administration of justice once a criminal has been apprehended.

The third reason has to do with the changing role of judges, generally. Earlier in this century there was much argument as to whether or not a judge's function included an obligation to see that cases in their courts moved toward disposition in a regular and efficient manner. Today, however, problems of adminstration have taken their place along side problems of adjudication as primary responsibilities of judges. Nearly everyone has come to acknowledge that today's judges have a duty to insure that their cases do not simply languish on the docket, but instead are moved to a conclusion with as much dispatch and economy of time and effort as practicable. This, along with a heightened interest in continuing legal education, generally, has resulted in thousands of judges attending intensive orientations of refresher courses offered by such organizations as the National Judicial College, and the American Academy of Judicial Education.

The concept of a State Justice Institute has been endorsed by such organizations as the Conference of Chief Justices, the Appellate Judges Conference, and the Council of the American Bar Association's Division of Judicial Administration.

I was encouraged last year when the State Justice Institute Act received wide, bipartisan support in both the House and the Senate and I am pleased that it has done so again this year. I urge my colleagues on this committee to give favorable consideration to this legislation.

Thank you Mr. Chairman.

By Mr. HEFLIN:

S. 385. A bill to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes; to the Committee on the Judiciary.

MANDATORY SUPREME COURT JURISDICTION

Mr. HEFLIN. Mr. President, in a continuing effort to insure the effective functioning of our judicial system, I would like to introduce another piece of court reform legislation.

It is a basic fact that the administration of justice in the United States depends in large part on the ability of the U.S. Supreme Court to manage its own docket, to review cases of national importance, and to provide discernible precedents. With the explosion in litigation, this has become more difficult for the Court to do.

The bill that I am proposing will afford the Supreme Court greater discretion in selecting the cases it will review by eliminating mandatory Supreme Court review by appeal for several classes of Federal court cases. Included among these classes would be those Federal district court decisions which invalidate acts of Congress in a case where the United States is a party; those decisions of U.S. courts of appeals where a State statute has been held invalid as being repugnant to the Constitution, treaties or laws of the United States; and those cases where the highest court of a State has either invalidated a treaty or statute of the United States, or validated a State statute, the validity of which has been questioned under the standard of repugnancy to the Constitution laws, or treaties of the United States.

It is important to note that Supreme Court review of all these types of cases may still be had by writ of certiorari, and that all mandatory Supreme Court jurisdiction is not eliminated.

These steps in relieving part of the mandatory review of the Supreme Court could only help to relieve the heavy load with which the Justices are burdened and offer them more of an opportunity to choose cases of national importance for review.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD after my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1252 of title 28, United States Code, and all references to such section are amended—

SEC. 2. Section 1254 of title 28, United States Code, and all references to such section are amended—

(1) by repealing subsection (2);

(2) by redesignating subsection (3) as subsection (2); and

(3) by striking out "appeal;" from the title.

SEC. 3. Section 1257 of title 28, United States Code, is amended to read as follows:

§ 1257. State courts; certiorari

"(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the grounds that it is repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution, treaties, or statutes of, or commission held or authority exercised under, the United States.

"(b) For the purposes of this section, the term 'highest court of a State' includes the District of Columbia Court of Appeals.".

SEC. 4. Section 1258 of title 28, United States Code, is amended to read as follows:

"§ 1258. Supreme Court of Puerto Rico; certiorari

"Final judgments or decrees rendered by the Supreme Court of the Commonwealth of Puerto Rico may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the va-

lidity of a statute of the Commonwealth of Puerto Rico is drawn in question on the grounds that it is repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution, treaties, or statutes of, or commission held, or authority exercised under, the United States.".

SEC. 5. The table of sections for chapter 81 of title 28, United States Code, is amended to read as follows:

"CHAPTER 81—SUPREME COURT

"Sec.
"1251. Original jurisdiction.
"1252. Repealed.
"1253. Direct appeals from decisions of three-judge courts.
"1254. Court of appeals; certiorari; certified questions.
"1255. Court of Claims; certiorari; certified questions.
"1256. Court of Customs and Patent Appeals; certiorari.
"1257. State courts; certiorari.
"1258. Supreme Court of Puerto Rico; certiorari.".

SEC. 6. Section 310 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437h) is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 7. Section 2 of the Act of May 18, 1928 (25 U.S.C. 652) is amended by deleting ", with the right of either party to appeal to the Supreme Court of the United States.".

SEC. 8. Subsection (d) of section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652 (d)) is amended by deleting the last sentence and inserting in lieu thereof the following: "Any review of the interlocutory or final judgment, decree, or order of such district court may be had only upon direct review by the Supreme Court by writ of certiorari.".

SEC. 9. This Act shall take effect ninety days after the date of enactment, however, it shall not affect cases then pending in the Supreme Court, nor shall it affect the right to review, or the method of reviewing, the judgment or decree of a court when the judgment or decree sought to be reviewed was entered prior to the effective date of this Act.

By Mr. HEFLIN:

S. 386. A bill to amend the Federal Rules of Civil Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

VOIR DIRE EXAMINATION

Mr. HEFLIN. Mr. President, today I am introducing a bill to amend both the Federal Rules of Criminal Procedure and the Federal Rules of Civil Procedure with respect to the examination of prospective jurors. These amendments would provide a more functional procedure in the voir dire examinations of jurors in the U.S. district courts.

The single most fundamental aspect of the American system of justice is a fair and impartial jury. Every human has some predisposition or bias and the voir dire procedure is essential to identifying which prospective jurors are controlled or influenced by their bias.

Currently, such examinations are governed by the practically identical provisions of the Federal Rules of Criminal Procedure 24(a). These rules permit trial judges to conduct the voir dire examinations or to allow counsel to do so. At present, when the court undertakes voir dire, counsel may either engage in such supplemental examination as the court deems proper or submit additional questions for the jury to the court. The scope of counsel's participation in this process is wholly within the discretion of the court under the current rules.

This legislation would amend these rules to require the court to permit counsel to particpate directly in the examination of prospective jurors, if counsel so requests. The judge's role as the preeminent figure in the trial and as principal coordinator of the questioning of the prospective jurors would be preserved by this legislation. The judge will still define the scope of the examination and supplement counsel's examination. I would also like to point out that in the interest of judicial efficiency, this bill provides each side in the litigation a minimum participation time of 30 minutes, and with multiple parties 1 hour.

This concept has been considered by previous Congresses with strong bipartisan support. I am pleased that these amendments have been supported by the American Bar Association and the Association of Trial Lawyers of America. Rules similar to this measure have been adopted in various jurisdictions and have proved to be extremely beneficial to the fair, impartial, and expeditious administration of justice.

Mr. President, I ask that my colleagues support this bill and that the text of the bill be printed in the RECORD for their consideration.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Rule 47(a) of the Federal Rules of Civil Procedure is amended to read as follows:

"(a) EXAMINATION OF JURORS.—The court shall permit the parties or their attorneys to conduct the oral examination of prospective jurors, and may, in addition to such examination, conduct its own examination. The court may impose such reasonable limitations as it deems proper with respect to the examination of prospective jurors by the parties or their attorneys, except that the defendant or his attorney and the plaintiff or his attorney may each request, and shall be granted not less than thirty minutes for such examination. In a case where there is more than one plaintiff or defendant, the court shall allow the attorneys for such parties an additional ten minutes for each additional party, except that the total minimum time allowed each side shall not exceed one hour.".

By Mr. HEFLIN:

S. 387. A bill to amend title 18 of the United States Code regarding the robbery of a controlled substance from a pharmacy; to the Committee on the Judiciary.

PHARMACY THEFT ACT

Mr. HEFLIN. Mr. President, today, I introduce legislation to help arm our law enforcement officials in their continuing war on crime in America. This bill will amend title 18 of the United States Code to make the robbery of controlled substances from drugstores a Federal crime.

For many years now, our Federal agents from the Drug Enforcement Administration and the Federal Bureau of Investigation have waged an increasingly effective campaign to halt the flow of illegal drugs in our Nation's cities and suburbs.

However, because our Federal agents have made such progress in disrupting the illegal drug trade on our streets, the drug pushers have now begun to turn to our local retail drugstores to fill their supplies. These drug traffickers have found an outpost to continue their illegal dealings where our Federal agents are not legally authorized to tread. The drug-related robbery of a pharmacy is neither an isolated nor a unique crime in our country today. It is, rather, a serious, widespread, and ever-growing phenomena.

Failure to act will mean a heavy cost to society; not only the continued marketing of illegal drugs, but also the death and injury of our Nation's pharmacists will result. Our pharmacists, their employees, and their customers, the endangered victims of this new assault, need the able protection of our Federal crime fighters. It is up to Congress to see that these increasingly victimized citizens receive their protection.

This measure is not the first attempt at passing legisaltion to extend Federal jurisdiction to this area, but efforts in previous Congresses have been bogged down in our legislative process. I introduced a similar bill in the 97th Congress, as did several of my distinguished colleagues. The bill I am introducing today will make the theft from a pharmacy of any substance listed in schedules I through IV of the Controlled Substance Act a Federal crime subject to a prison term of 10 years, a fine of $5,000, or both.

For the sake of our pharmacists, who literally live in daily fear of these drugpushers roaming our streets, I believe it is imperative that we move this bill through as quickly as possible. It will close one of the weak points in our battle against drugs, and it will help save the lives of our Nation's druggists. I urge each of you to study this measure carefully, and therefore ask, Mr. President, unanimous consent that the text of the bill be printed in

the RECORD at the conclusion of my remarks.

Fellow Senators, I think all of us in this body are concerned about the high crime rate in this country. It is paramount that we act now to return our streets and neighborhoods to the decent, hard-working people of this Nation.

I believe this bill is an important step in that direction. I ask each of you to take a look at this legislation, as well as examine the alarming trend of drug thefts from our Nation's pharmacies. I hope that many of you will join in cosponsoring this measure and that all of you will add your support to this crime-fighting legislation.

Thank you, Mr. President.

By Mr. HEFLIN:

S. 388. A bill to create an offense for aggravated property destruction; to the Committee on the Judiciary.

ELECTRIC POWERPLANT SABOTAGE

Mr. HEFLIN. Mr. President, electric powerplant sabotage presents a serious and immediate danger to our Nation's well-being and security. I am reintroducing today a measure to create a Federal offense for the aggravated property destruction of an energy facility. This proposal was passed last Congress as an amendment to the Violent Crime and Drug Enforcement Improvement Act.

Historically, threats against, and damage to, utility facilities have come under the jurisdiction of local law enforcement agencies. Often, however, these agencies have not had the manpower or time to properly investigate and prosecute such cases. Any involvement of Federal agencies in these cases has usually been based on national defense or security where a facility was on the "Key Facilities List."

The growing occurrences of acts of violence, especially against federally funded and operatd Rural Electrification Administration facilities, emphasizes the need for Federal intervention. On one project alone in Minnesota, some 10,000 insulators were shot out and over 15 towers toppled. The total cost of the damage was over $7 million, which translates into higher electric rates for the consumer.

This bill will provide that anyone who knowingly and willfully damages the property of an energy facility in any amount that, in fact, exceeds $5,000 shall be punished by a fine of up to $50,000, or imprisonment up to 10 years, or both, or anyone who knowingly and willfully damaged the property of an energy facility in any amount and causes a significant interruption or impairment of a function of an energy facility shall be punished by a fine of not more than $25,000, or imprisonment of not more than 5 years, of both.

For purposes of this bill, the term "energy facility" means a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy, or research, development, or demonstration facilities relating thereto, regardless of whether such facility is still under construction or is otherwise not functioning, except for a facility under the administration of the Nuclear Regulatory Commission.

Mr. President, this vandalism and sabotage must be stopped and the offenders punished. It is imperative that our industries, hospitals, and homes have an uninterrupted source of power. It is time that we end this destruction that has gone on for too long. I urge my colleagues to study this measure and give their support to this bill, which will help to greatly reduce the increasing number of acts of sabotage and vandalism of energy facilities.

By Mr. HEFLIN:

S. 389. A bill to provide that district courts shall have jurisdiction in Department of Labor Employees' Compensation Appeals Board actions; to the Committee on the Judiciary.

COMPENSATION BOARD REVIEW

Mr. HEFLIN. Mr. President, I rise today to introduce legislation to reform the appeals procedure for Federal employees' workers compensation actions. This bill would provide that Federal district courts would be given appellate jurisdiction over Department of Labor Employees' Compensation Appeals Board actions. Under current law, the determination made by the Employees Compensation Appeals Board is final.

Without a provision for final review in a judicial forum, this system could easily fall prey to decisions made in an abuse of discretion.

Hearings held on this legislation in the 97th Congress revealed that delays and such decisions made in abuse of discretion have inflicted unnecessary hardships on deserving claimants. This has especially been true for the many individuals from my home State of Alabama who have been injured while working for the Tennessee Valley Authority.

I believe it is a serious flaw and unfair to Federal employees for there to be no appeal beyond the administrative level.

Mr. President, I ask unanimous consent that the text of the bill introduced today be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 85 of title 28, United States Code, is amended—

(1) by adding at the end thereof the following:

"§ 1367. Employees' Compensation Appeals Board of the Department of Labor

"The district courts shall have jurisdiction of any civil action to enforce, in whole or in part, any order of the Employees' Compensation Appeals Board, established pursuant to section 8149 of title 5, United States Code, and to enjoin or suspend, in whole or in part, any decision or order of such Board."; and

(2) by adding at the end of the table of sections the following item:

"1367. Employees' Compensation Appeals Board of the Department of Labor.".

SEC. 2. Section 8127 of title 5, United States Code, is amended by—

(1) redesignating subsection (b) as subsection (d); and

(2) inserting after subsection (a) the following new subsections:

"(b) The Secretary may, by rule or regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Secretary under this subchapter. Any agreement in violation of such rules and regulations shall be void. Whenever the Secretary, in any claim before him for benefits under this subchapter, makes a determination favorable to the claimant, he may, if the claimant was represented by an attorney in connection with such claim, fix a reasonable fee to compensate such attorney for the services performed by him in connection with such claim. Upon making a determination favorable to such claimant, the Secretary shall set aside, out of the award to be made to such claimant, 25 per centum of such award, until such time as the Secretary certifies the amount of fees to be granted to such attorney. If, as a result of a determination by the Secretary, such claimant is entitled to past-due benefits under this subchapter, the Secretary shall make a determination regarding such fees and certify for payment (out of such past-due benefits) to such attorney an amount equal to—

"(1) 25 per centum of the total amount of such past-due benefits,

"(2) the amount of the attorney's fee so fixed, or

"(3) the amount agreed upon between the claimant and such attorney as the fee for such attorney's services,

whichever is the least, within 60 days after the date of the determination made regarding such claimant.

"(c) Whenever a court renders a judgment favorable to a claimant under this subchapter who was represented before the court by an attorney, the court may determine and allow as part of its judgment, a reasonable fee for such representation, not in excess of 25 per centum of the total of the past-due benefits to which the claimant is entitled by reason of such judgment. The court shall set aside, out of such award, 25 per centum of such award until such time as the court makes a judgment regarding such fees and the Secretary certifies for disbursement the amount of fees to be granted by the court to such attorney. The Secretary shall certify the amount of such fee for payment to such attorney out of, and not in addition to, the amount of such past-due benefits and such amount shall be disbursed directly to such attorney within 60 days after the courts judgment regarding the claimant. In case of any such judgment, no other fee may be payable or certified for payment for such representation except as provided in this section.".

SEC. 3. (a) The first sentence of section 8128(b) of title 5, United States Code, is amended to read as follows:

"(b) The action of the Secretary or his designee in allowing or denying a payment under this subchapter is a final action with respect to all questions of law and fact and is reviewable only by the commencement of a civil action in a United States district court as provided in this section.".

"(b) Section 8128 of title 5 of the United States Code is amended by adding at the end thereof the following:

"(c)(1) Any individual, after a final decision of the Secretary made after a hearing to which he was a party, irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within 60 days after the mailing to him of notice of such decision, or within such further time as the Secretary may allow. Such action shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has his principal place of business, or in the District Court of the United States for the District of Columbia. As part of his answer the Secretary shall file a certified copy of the transcript of the record including evidence upon which the findings and decision complained of are based. The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Secretary, with or without remanding the case for rehearing. The findings of the Secretary as to any fact, if supported by substantial evidence, shall be conclusive. The court shall, on motion of the Secretary made before he files his answer, remand the case to the Secretary for further action by the Secretary, and may, at any time, on good cause shown, order additional evidence to be taken before the Secretary, and the Secretary shall after hearing such additional evidence, if so ordered, modify or affirm his findings of fact or his decision, or both, and shall file with the court any such additional and modified findings of fact and his decision, and a transcript of the additional record and testimony upon which his action in so modifying or affirming was based. Such additional or modified findings of fact and decision shall be reviewable only to the extent provided for review of the original findings of fact and decision. The judgment of the court shall be final except that it shall be subject to review in the same manner as a judgment in other civil actions. Any action instituted in accordance with this subsection shall survive notwithstanding any vacancy in the office of the Secretary or any change therein.

"(2) The Secretary is authorized to delegate to any member, officer, or employee of the Department of Labor designated by him, any of the powers conferred upon him by this section, and is authorized to be represented by his own attorney in any court in any case or proceeding arising under the provision of this section.

"(3) The findings and decision of the Secretary after a hearing shall be binding upon all individuals who were parties to such hearing. No findings of fact or decision of the Secretary shall be reviewed by any person, tribunal, or governmental agency except as herein provided.".

SEC. 4. (a) Section 8130 of title 5, United States Code is repealed.

(b) Chapter 81 of title 5, United States Code, is amended in the chapter analysis by repealing the item relating to section 8130.

By Mr. HEFLIN:

S. 390. A bill for the relief of Frank L. Hulsey; to the Committee on the Judiciary.

FRANK L. HULSEY

Mr. HEFLIN. Mr. President, I rise today to speak on behalf of Frank L. Hulsey and to again introduce legislation providing for his relief.

Frank Hulsey, age 63, was inoculated with a swine flu vaccine on October 12, 1976, during a Government-sponsored campaign to inoculate the public against this disease.

According to his records, Mr. Hulsey was in good health prior to his inoculation. However, approximately 11 days after receiving the shot, he began showing signs of weakness and an inability to carry out simple daily functions such as walking up a flight of stairs.

His condition continued to deteriorate until 30 days after receiving the vaccine he was admitted to the intensive care unit at the University Hospital. A rare lung infection was at first considered the cause of Mr. Hulsey's condition.

After 5 weeks on a respirator, he was left with 50 percent impairment to his lungs and a further weakened condition throughout his muscular system. Other complications continued to arise due to the disease itself and due to the side effects of treatment.

Mr. Hulsey suffered vision impairment due to cataracts and secondary glaucoma and also had a lipoma removed from his hip. Moreover, traces of tuberculosis were found in his body.

After frequent hospitalization, medical officials determined the fundamental problem underlying Mr. Hulsey's condition to be a rare immunological disorder similar to other documented disorders caused by the swine flu shot. Mr. Hulsey's extensive hospital confinement, and the initial inability of doctors to diagnose his illness, precluded him from filing a claim against the United States before the statute of limitations.

As you may recall, on February 24, 1981, I introduced a bill for the relief of Frank L. Hulsey. This bill only grants Mr. Hulsey the opportunity to have his case considered by the courts. It does not require the appropriation of any funds by Congress.

The bill was referred to the Judiciary Committee from which it was favorably reported. On October 1, 1982, the bill was passed without amendment by a voice vote in the Senate. It was then referred to the House Judiciary Committee which was unable to address the legislation before the close of the 97th Congress.

I am hopeful that this legislation can receive prompt and favorable consideration by this Congress.

By Mr. STENNIS (for himself, Mr. D'AMATO, Mr. HEFLIN, Mr. SASSER, Mr. DENTON, Mr. RANDOLPH, Mr. MURKOWSKI, Mr. STEVENS, Mr. WEICKER, and Mr. COCHRAN):

S. 391. A bill to repeal the denial of the use of the accelerated cost recovery system with respect to tax-exempt obligations, and the expiration of the authority to issue such obligations; to the Committee on Finance.

ACCELERATED COST RECOVERY SYSTEM WITH RESPECT TO TAX EXEMPT OBLIGATIONS

Mr. STENNIS. Mr. President, for myself, Mr. D'AMATO, Mr. HEFLIN, Mr. SASSER, Mr. DENTON, Mr. RANDOLPH, Mr. MURKOWSKI, Mr. STEVENS, Mr. WEICKER, and Mr. COCHRAN, I am today introducing legislation to eliminate two of the most severe restrictions placed on the use of tax-exempt industrial development bonds by the Tax Equity and Fiscal Responsibility Act of 1982.

This bill to which I refer today is simple. It does two things, and two things only: First, it removes the provisions which would prohibit the issuance of small tax-exempt industrial development bonds after December 31, 1986.

Second, it removes the prohibition against the use of the full accelerated cost recovery system in connection with facilities financed by industrial development bonds. No other provision of the Tax Equity and Fiscal Responsibility Act is affected.

Mr. President, I will address myself now only briefly to the expiration date of December 31, 1986, the impact of which is clear. If this or similar legislation is not enacted, the use of the tax-exempt industrial development bonds will terminate on December 31, 1986. This must not be allowed to happen.

Mr. President, industrial development bonds have been one of the most valuable tools for local economic development and have made capital available to thousands of small and medium businesses which might otherwise have been unable to secure adequate and affordable financing. The purpose of these bonds is to stimulate the economy, expand industry, and create jobs. Certainly, in this time of excessive high unemployment the creation of additional jobs is an absolute necessity.

The Treasury Department and others have asserted that compelling a choice between accelerated depreciation and industrial development bonds will prevent what they call "double dipping." The fact is—and this should be clearly recognized—that preventing the use of accelerated depreciation by companies financed by industrial development bonds will significantly curtail expansion by very small firms. In times of tight credit, such as we now face, it is no secret that funds for small businesses dry up before they do for their larger competitors.

Congress adopted the industrial development bond program and accelerated depreciation to achieve the same objections, that is, to create jobs and stimulate private investment in new productive assets. Considerable evidence exists to show that small business has been the most significant source of new jobs in the country in recent years. Small firms need and deserve economic assistance and incentives. In fact they would not have it.

In 1936 Mississippi was the pioneer in the use of tax-exempt industrial development bonds. Now, however, all 50 States make use of this financing tool in one form or anther. The aggregate amount of tax exempt industrial bonds issued nationwide in 1980 was estimated by the Congressional Budget Office to be approximately $8.4 billion.

In addition, the Congressional Budget Office found in a 1981 study that industrial development bonds have been issued overwhelmingly for small businesses. In that year more than 90 percent of all industrial development bonds were issued for closely held companies not listed on any stock exchange and, therefore, dependent on local sources of financing. Only 7 percent of the industrial development bond issues were for Fortune 1000 companies.

There were clear abuses of the tax-exempt industrial bond program prior to the passage of the 1982 Tax Act. Some States used these tax exempt obligations to finance retail food and beverage services, private and commercial golf clubs, country clubs, massage parlors, and many other purposes not related to industry and having very little relation to the creation of jobs. We corrected this when we passed the Tax Equity and Fiscal Responsibility Act last year and my bill leaves the corrective provisions intact.

It has also been asserted that industrial development bonds are costly to the Federal Government. On the question of revenue losses to the Treasury, a study made by the Mississippi Research and Development Center, a State agency, shows that industrial development bonds in Mississippi "pay their own way." This study shows that during the past 5 years the tax-exempt status of industrial development bonds cost the Federal Treasury approximately $29 million. However, employees' payroll taxes alone from the small companies financed by industrial development bonds produced $32 million in revenues for the Federal Treasury in the same 5-year period.

The small issue industrial development bond program is tailored for small businesses. It gives local communities the opportunity to attract such business. This creates additional jobs and that is the primary purpose of the program. Big business does not need this program. It can obtain financing from other sources. Small businesses on the other hand, need both the industrial development bond program and legal authority to utilize the accelerated cost recovery system.

A study by the University of Chicago for the Small Business Foundation of America shows that the revenue losses are much lower than the the Treasury or the Congressional Budget Office estimates.

The concept that industrial development bonds actually increase tax revenues has some impressive support. In 1980, economist Dr. Norman Ture, formerly the U.S. Treasury's Under Secretary for Tax and Economic Affairs, studied industrial development bonds and concluded:

> IRBs are productive instruments for promoting economic development by making saving and investment more attractive to individuals and businesses. . . . The resulting expansion of tax bases—individual and corporate income and payroll taxes—would generate net gains in tax revenues for the federal government and for the state and local governments of the issuing jurisdictions.

However, looking at alleged revenue losses under previous industrial bond issues does not put this bill in proper perspective. The 1982 law prohibits the use of these tax-exempt bonds for certain purposes. This bill proposes no change in this. Therefore, if the removal of the December 31, 1986, expiration date did not exist, the only revenue loss caused by this bill would be the difference between the use of the accelerated cost recovery system and the straight-line method of depreciation on a lesser amount of bonds. I believe this loss would be relatively insignificant.

My information, which I consider reliable, is that the gross revenue loss from this bill for fiscal 1983 would be approximately $50,000; for fiscal 1984, about $200 million; for fiscal 1985 about $400 million; for fiscal 1986 about $500 million. These are certainly not shocking or overwhelming figures. I do not believe that there is any net loss, in any event.

Let me say again, Mr. President, with all the emphasis I can command, that the principal purpose of industrial development bonds is to produce industrial growth, enhance productivity, and create new jobs. It is a jobs bill pure and simple and I believe that we must take action to relieve the excessive unemployment which now prevails. Industrial development bonds constitute one of the few economic and community development tools available to the States in this time when Federal development assistance tools are being sharply curtailed or eliminated.

The accelerated cost recovery system was enacted in 1981. It was based on the concept that it would further and enhance investment by the private sector in a very unstable economic climate. No reference whatsoever was then made to the possibility of withdrawing other industrial revenue development or investment incentives which existed. If the proponents of the 1982 tax incentives package had known that existing industrial development incentives would be placed on an "either/or" basis if the accelerated cost recovery system was used, a large number of supporters of the 1982 tax package would possibly have withdrawn their support. A requirement that small industries choose between using industrial development bonds or the accelerated cost recovery system denies many companies access to the industrial development bond program and thus diminishes the use of industrial development bonds as an effective financing tool.

As I have said, all 50 States now use tax-exempt industrial development bonds in some form. Thus all 50 States are affected by this legislation. The small issue development bond program has been an overwhelming success. It has generated tens of billions of dollars for economic activity and has been responsible for the creation of tens of thousands of jobs. I can testify from my own knowledge that this program has had significant and beneficial impact on my own State of Mississippi. Without industrial development bonds many rural communities and economically distressed areas in my State could not possibly compete for industrial development. The well-demonstrated success of this program is one of the strongest arguments for its continuance.

I believe that what I have said emphasizes the need to allow industries to utilize both the accelerated cost recovery system and tax-exempt industrial development bonds. This will optimize this important economic tool, will create additional jobs, and will further contribute to the economic growth and development of the Nation. Certainly, the expiration date of December 31, 1986, must be eliminated. Small industries and local communities need the break this bill would give them.

Mr. President, today, in these Halls, in this Chamber, and on the other side of the Capitol, we talk and read about the creation of jobs. Additional employment is needed indeed. Unemployment is costing the Treasury, costing private industry, and costing everybody. During the last session we on this side of the aisle proposed a bill to create jobs, and the other side said, "No, we will not pass such a bill." The bill did not pass.

Now, the only active tool for creating new enterprises and new jobs is the industrial development bond program. It does not take a large corporate organization. Even a small municipality or supervisor districts can,

under State law, attract industry by issuing IDB's. The people that live in those and surrounding communities who are familiar with the industry involved will step up and buy those bonds, and they are glad to get them. They are the ones who take action, after all, when the powerful Federal Government is standing by and marking time, so to speak. These little folks are creating the jobs and they do it through this instrumentality of IDB's.

Do not say it will not work. It has worked for almost 50 years. I have personal knowledge of that and everybody that looks into it knows that. Maybe it has been abused, but that has been remedied. We can pass other laws here cutting out any abuse that might occur. Unless we remove the expiration date, in just 3 more years, I believe, the program will be dead, dead, dead.

Now, we must not let that happen, Mr. President. I do not know, and I challenge anyone to put their hand on a real program that is out there in the field meeting those local needs, creating those local jobs, paying off those bonds, and making a splendid record of it. So I say we must bear down here as hard as may be necessary to keep this program alive.

The proof will show, when fully examined, that for the group that has taken advantage of these kinds of bonds, there is no "double dip." They are not getting any kind of a dip, unless we let them act in their own way and under their own responsibility and issue these bonds to attract small- and medium-size industries.

Why pick on the local people? They are the ones that are really carrying on this kind of a progressive program at that lower level of small enterprise.

Now, the accelerated cost recovery system helps the larger organizations and groups that can get out and attract the money from conventional sources in the money markets. We are giving them certain advantages. Some of these people that I have been talking about may be large enough to get into that, but many of them are not.

There is not anything the matter with this program anyway, Mr. President. The Treasury, I suppose in good faith—and I do not accuse them of bad faith—has been after this program for a long time. Now there is a lot of confusion, turning right, turning left, and we do not know what to do. We ought to have encouraged the program to create new jobs.

Certainly, until we get some kind of a program that serves some kind of a purpose in this field, I think it is time for the Treasury to relax and restrain themselves in their determined drive to abolish this bond program. Let a little time pass until people can catch their breath and we can come up with a plan.

Mr. President, we are going to fight this thing to the limit. We have a strong case. Once it is fully explained, support will gather rapidly. This is not anything special for Mississippi or for New York. It will be a strange combination in the financial world if Mississippi and New York get together. They could almost pass a bill, but I do not think we can quite do it. We will find a great deal of interest in this program when we get down to publicizing the real facts and catching the ears of our colleagues. That is exactly what we propose to do. We have a number of cosponsors already.

In time, we will ask for hearings on this measure. I know they will be gladly granted. We will try to present all the facts, all the case, and all the need, and I believe we will get a vote that is favorable as we did last fall, though not boasting of that at all.

I know they brought out this huge tax bill on the floor one night. Time after time after time every amendment offered was defeated. But on this one, though there were two or three different versions of it, changing it a little bit, managers of the bill accepted it. Of course, the trouble was we had to concede a part of it and say that the program would be allowed to live only 3 more years.

That shows how willing the Senate was to approve the principle. I know what they wanted. They wanted time to look at it a little more closely.

Mr. President, I will not take further time of the Senate now.

Mr. President, I ask that this bill be appropriately referred and express the sincere hope that the committee will give it its immediate attention and report it favorably to the Senate.

I ask unanimous consent that this bill be printed in the RECORD immediately after the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 216 of the Tax Equity and Fiscal Responsibility Act of 1982, and the amendment in addition made by such section, are hereby repealed.

(b)(1) The provisions of subsection (a) shall apply to all taxable years and periods to which the provisions repealed by subsection (a), and the amendment made by those provisions, would have applied.

(2) The Internal Revenue Code of 1954 shall be applied and administered as if the provisions repealed by subsection (a), and the amendment made by those provisions, had not been enacted.

(c) Paragraph (6) of section 103(b) of the Internal Revenue Code of 1954 (relating to exemption for certain small issues) is amended—

(1) by striking out subparagraph (N), and

(2) by redesignating subparagraph (O) and subparagraph (N).

Mr. STENNIS. As I have noted, I see my colleague, the Senator from New York (Mr. D'AMATO), who has been highly instrumental in effectively presenting this problem and proposed remedy. He is a coauthor of this bill. I ask unanimous consent that I may yield to him for 3 minutes at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. D'AMATO. Mr. President, I thank my distinguished colleague.

Mr. President, I am pleased to join my colleague, the distinguished senior Senator from the State of Mississippi, in the introduction of this legislation which is so necessary for economic recovery and the small business community. Few, if any, of my colleagues in this Chamber are unaware of my strong and continued support for the industrial development bond program. During my years as a town official on Long Island, prior to becoming a U.S. Senator, I saw firsthand precisely how worthwhile this program is.

The IDB program is a jobs program. The IDB program is an economic development program. The IDB program is a small business program. The IDB program expands the tax base at both the local and Federal level. The IDB program pays for itself: Revenue lost through the tax exemption on IDB interest is more than paid back through increased business expansion, job creation, and general economic development.

A further advantage of the IDB program is that it is the essence of federalism. Local officials determining how they can best stimulate their local economy. Any economic development program is far more beneficial when the decisions are made within local communities. In this way, job creation and business expansion can be optimally targeted to those areas of the community most in need of the stimulus provided by industrial development bond financing.

I have spoken often on IDB's and I will not repeat here the various and oft-cited statistics that constitute the irrefutable case in support of this program. What I will say, however, is that the IDB program is a valuable program. It is precisely the type of program that the Federal Government should be expanding, rather than contracting. The hundreds of thousands of jobs created across this Nation as a direct result of IDB financed expansions by small business provide ample testimony for the merits of my argument that IDB's must be preserved.

It is for these reasons that I am offering this vital legislation for Senate consideration. Our bill does two things. First, and most importantly, it eliminates the sunset date currently imposed on the small issue IDB program. This legislation will insure that

the IDB program continues, rather than die at the end of the 99th Congress as it is now scheduled to do.

The second thing our bill does is eliminate the restriction on the full use of the accelerated cost recovery system now imposed on small businesses using IDB financing. This restriction is unfair and it is highly discriminatory against the small business community. This restriction stands in the way of much needed economic development. It must be removed.

Every State in the Union has a stake in this legislation because IDB's are authorized for use in every State. With today's high unemployment, sluggish economic growth, and depressed small business community we cannot ignore programs such as this: Programs which will spur our economic recovery at no net cost to the Treasury. Enacting this legislation forthwith and insuring a strong and continuing industrial development bond program will be an important step on our road to reduced unemployment and a strong economic recovery.

Mr. President, I thank my distinguished colleague from Mississippi for joining with me and for spearheading this effort, because I believe it can be part of the essence and an integral part of our economic recovery, creating jobs at no cost to the Treasury and creating a balanced approach to an economic recovery that is so vital to this Nation

I thank my distinguished colleague from Mississippi for yielding to me.

By Mr. HEINZ:

S. 397. A bill to amend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT ACT ADMINISTRATION ACT AMENDMENTS OF 1983

● Mr. HEINZ. Mr. President, today I am introducing a bill which both extends and makes several significant amendments to the Export Administration Act.

As my colleagues know, the Export Administration Act of 1979 expires at the end of this fiscal year. The Senate Banking Committee's Subcommittee on International Finance and Monetary Policy, which I chair, has primary jurisdiction over the act. Beginning in early March, the subcommittee plans to have a series of hearings on specific Presidential powers, such as national security and foreign policy export controls, authorized by the act. It is my intention that the amendments I am introducing today serve as an important part of the discussion over renewal and revision of those powers.

Mr. President, I can think of no more important issue for the 98th Congress than the Export Administration Act. Our Nation's ability to protect its technological lead over its potential adversaries, the strength and economic viability of some of our most productive and innovative high technology companies, and the question of Presidential prerogative and ability to pursue foreign policy and national security goals, all will come together as part of the debate over the act's renewal. In looking at these issues, I cannot help but be struck by a sense of déjà vu. Four years ago when the Export Administration Act of 1979 was being debated, witnesses at the hearings pointed to many of the same problems which we still have with us today. Indeed, some of these issues have histories which date back for decades.

In 1979, we heard Government reports and private sector complaints about the inadequacies and inefficiencies of the export control process. We heard complaints that the process was inconsistent, plagued by uncertainty and vagueness, and that the combination of those problems plus the seemingly random use of foreign policy controls by the executive branch was threatening to undermine our reputation as a reliable supplier in the world marketplace.

I am well aware, Mr. President, of the importance of economic sanctions to the President's arsenal of foreign policy tools. There are times when there are simply no alternatives to the application of those sanctions. But there is no denying that there have been significant costs to our exporting community in terms of lost markets and diminished competitive position. Moreover, we have had the infuriating experience of our closest allies not only refusing to cooperate but profiting from our unilateral imposition of export controls for foreign policy purposes. Many critics of the system are phrasing the question in terms of how long the American business community can continue to pay the price for unilaterally applied foreign policy export controls.

The bill I am introducing today would respond to that question in several ways. First, the bill provides for sanctity of existing contracts already in force at the time of the imposition of foreign policy controls. Such a provision was already passed by the Congress at the end of the 97th Congress, but it applied only to agricultural products and then only for a period of 270 days. This would broaden that coverage to all sectors, as long as the contract had been signed prior to the imposition of controls. Of course, the International Emergency Economic Powers Act would still allow the President to cut across existing contracts in times of war or national emergency, but the Export Administration Act would no longer confer that power. The vast majority of the complaints arising out of the imposition of controls on the Siberian natural gas pipeline would have been obviated by such a provision.

Second, my bill would strengthen the criteria regarding foreign policy controls by changing them from a "consider" format to a "determine" one. Foreign policy export controls are of such significance to the U.S. economy and to our Nation's reputation as a reliable supplier of goods that it is reasonable to put the burden of proof on the administration. The executive branch should be asked to do more than to merely consider factors such as foreign availability, extraterritoriality, and adverse economic impact. The impact on these criteria should be determined prior to imposition of controls. This bill would provide for such a determination in terms of six explicit criteria and then repeat the process on a biannual cycle.

Foreign availability, one of the six factors on which the President must make a determination, has long been a sore spot for U.S. exporters. The Commerce Department was directed to develop a capability to assess foreign availability in the 1979 act. To date that capability has not been developed on an adequate basis, this despite the earmarking of $1.25 million in the act.

Mr. President, my bill would require the Commerce Department's Office of Export Administration and the Defense Department to report on a quarterly basis on the operation and improvement of their foreign availability assessment capability.

Moreover, with regard to foreign availability policy, the strict foreign availability provisions of the foreign policy section of the act would be made comparable to the national security section. This would create a far more rigorous test for the application of foreign policy controls in the face of credible evidence of foreign availability. In addition the burden of proof on availability would be placed on the Government. Business assertions will no longer be simply dismissed.

Another frequently heard complaint of the exporting community is that the imposition of foreign policy controls damages U.S. firms far more than the intended targets of the controls. Particularly in the face of foreign availability, the U.S. exporters face the loss of sales and even entire markets while their foreign competitors happily take advantage of the windfall of a forfeited market. My bill would address that problem in two ways. First, it directs the President to enter into negotiations to raise CoCom—the Coordinating Committee, which includes the NATO countries, plus Japan, minus Iceland—to treaty status. The objective would be to not only strengthen the administration of national security controls on a multilateral basis but also to provide a vehi-

cle for the multilateral agreements on the imposition of foreign policy controls. Obviously, it is not only costly, it is self-defeating to impose foreign policy controls on a unilateral basis. Second, the President would be required to impose import controls on countries on which export controls are being applied. Exemptions for specific goods and technology would be allowed. This would mean that, at the very best, the burden of U.S. export controls would be shared by the exporters of the target nation.

Mr. President, such burden sharing strikes me as eminently fair.

Finally, to assure that U.S. exporters, who are asked to bear so much of the burden for foreign policy controls, will, to the extent possible, be heard prior to the imposition of export controls, my bill authorizes the Secretary of Commerce to consult with the industry sector advisory committees on a continuing basis. In that way, industry advisory groups could provide not only technical but policy advice as well. This feedback and advisory structure would be particularly useful prior to major decisions on the imposition of new foreign policy controls.

Mr. President, my bill also recognizes the critical need for efficient and effective enforcement of the act. The American exporting community is law abiding and patriotic. It abhors those few among its numbers who refuse to abide by the law regarding export controls. Moreover, I am sure that American exporters would gladly cooperate with efforts designed to punish and to deter those who would flout the export control statute for personal gain.

The amendments to the act proposed in my bill would do several things to enhance the enforcement effort. First, while the Commerce Department would retain the licensing authority, the Customs Service would be given enforcement authority for criminal violations of the act. Under current practice, the Customs Service is enforcing the act through a delegation of power by the Commerce Department. The proposed amendment would grant that enforcement authority directly. It would also end needless duplication by the Commerce Department of the enforcement activities of the Customs Service. With hundreds of well-trained agents already in place at our Nation's exit points, with its long history of effective law enforcement, and with the interchangeability of skills for import and export inspection and investigation, the Customs Service is uniquely qualified to assume the sole responsibility for Export Administration Act criminal enforcement.

This transfer of enforcement authority from the Commerce Department to the Customs Service was one of the many fine recommendations which was made by the minority staff report of the Permanent Subcommittee on Investigations of the Senate Committee on Government Affairs. Those recommendations were made on the basis of 5 days of extensive hearings and exhaustive investigative work under the direction of Senator NUNN's minority staff. Readers of that report will see its influence on the enforcement provisions of my bill.

The provisions providing the denial of U.S. exports as a possible penalty of any Federal law, such as the Espionage Act, and the adding to the act conspiracy and possession with intent to export also owe their inspiration to the fine work of the Permanent Subcommittee on Investigations.

Finally, I would note that along with the new and stricter provisions for enforcement, there is also a new set of deadlines to speed up the licensing process. The fine work of the Commerce Department in clearing up the licensing backlog which it inherited from its predecessor demonstrates that effective licensing need not be slow and cumbersome. I have been assured by experts on the licensing process that it is possible to speed up the process even more, and the new deadlines which cut one-third off the current deadlines will do just that.

Mr. President, I feel that the package of amendments to the Export Administration Act which I am proposing today offer a careful balance between the need to control exports for national security and foreign policy purposes and the need to deter and indeed prevent violations of the act through the enhancement of law enforcement regarding the act. I urge my colleagues to consider this proposal carefully, to read the hearings on these proposals which will be beginning soon, and to join with me in crafting an Export Administration Act which will serve the interests of national security, foreign policy, and the interest of our Nation's economic well being.

Mr. President, I ask unanimous consent that the bill and the section-by-section analysis be printed in full following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Act Amendments of 1983".

FOREIGN AVAILABILITY

SEC. 2. (a) Section 14 of the Export Administration Act of 1979 is amended—

(1) by inserting "AND QUARTERLY" after "ANNUAL" in the section heading; and

(2) by adding at the end thereof the following:

"(d) FOREIGN AVAILABILITY REPORT.—The Secretary and the Secretary of Defense shall jointly prepare and transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives quarterly reports on the operation and improvement of the Government's ability to assess foreign availability, including training of personnel, use of computers, and utilization of Foreign Commercial Service Officers.".

(b) Section 4(c) of such Act is amended by adding at the end thereof the following: "The Secretary and the Secretary of Defense shall cooperate in the gathering and assessment of information relating to foreign availability, including the establishment and maintenance of a jointly operated computer system.".

(c) Section 6(g) of such Act is amended—

(1) by inserting "(1)" after "FOREIGN AVAILABILITY.—"; and

(2) by adding at the end thereof the following:

"(2) The Secretary, in consultation with appropriate Government agencies and with appropriate technical advisory committees established pursuant to section 5(h), shall review, on a continuing basis, the availability, to countries to which exports are controlled under this section, from sources outside the United States, including countries which participate with the United States in multilateral export controls, of any goods or technology the export of which requires a validated license under this section. In any case in which the Secretary determines, in accordance with procedures and criteria which the Secretary shall by regulation establish, that any such goods or technology are available in fact to such destinations from such sources in sufficient quantity and of sufficient quality so that the requirement of a validated license for the export of such goods or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, the Secretary may not, after the determination is made, require a validated license for the export of such goods or technology during the period of such foreign availability, unless the President determines that the absence of export controls under this section would prove detrimental to the foreign policy of the United States. In any case in which the President determines that export controls under this section must be maintained notwithstanding foreign availability, the Secretary shall publish that determination together with a concise statement of its basis, and the estimated economic impact of the decision.

"(3) The Secretary shall approve any application for a validated license which is required under this section for the export of any goods or technology to a particular country and which meets all other requirements for such an application, if the Secretary determines that such goods or technology will, if the license is denied, be available in fact to such country from sources outside the United States, including countries which participate with the United States in multilateral export controls, in sufficient quantity and of sufficient quality so that denial of the license would be ineffective in achieving the purpose set forth in subsection (a) of this section, subject to the exception set forth in paragraph (2) of this subsection. In any case in which the Secretary makes a determination of foreign availability under this paragraph with respect to any goods or technology, the Secretary shall determine whether a determination of foreign

availability under paragraph (2) with respect to such goods or technology is warranted.

"(4) With respect to export controls imposed under this section, in making any determination of foreign availability, the Secretary shall accept the representations of applicants unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information.".

(d) Section 5(f)(3) of such Act is amended to read as follows:

"(3) With respect to export controls imposed under this section, in making any determination of foreign availability, the Secretary shall accept the representations of applicants unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information.".

VIOLATIONS

SEC. 3. Section 11(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410(b)(1)) is amended by inserting ", or possesses or attempts to possess anything with an intent to export such thing, or conspires to export," after "anything".

ENFORCEMENT OF EXPORT CONTROLS

SEC. 4. (a) Section 12 of the Export Administration Act of 1979 (50 U.S.C. App. 2411) is amended—

(1) by striking out "head" and all that follows through "thereof)" and inserting in lieu thereof "Commissioner of the United States Customs Service of the Department of the Treasury (and officers or employees of the Service specifically designated by the Commissioner)" in subsection (a); and

(2) in the first sentence of subsection (c)(3), by striking out "department or agency with enforcement responsibilities under this Act" and inserting in lieu thereof "United States Customs Service of the Department of the Treasury".

(b) The amendments made by subsection (a) shall become effective six months after the date of enactment of this Act. After the date of enactment of this Act, the Secretary of Commerce and the Commissioner of the United States Customs Service of the Department of the Treasury shall consult with each other to effect an orderly transfer of responsibility for the enforcement of the Export Administration Act of 1979 pursuant to this section.

DENIAL OF LICENSES

SEC. 5. Section 11(c) of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(3) In addition to any other authority under this Act, the Secretary may revoke or suspend the authority to export of any person convicted of a violation of any other provision of Federal law arising out of the export of goods or technology prohibited by or under this Act.".

IMPORT CONTROLS

SEC. 6. Section 6(a) of the Export Administration Act of 1979 is amended by inserting after the first sentence the following: "Whenever the authority conferred by this section is exercised with respect to a country, the President shall prohibit all imports from that country to the United States and its territories and possessions, subject to such exemptions for specified goods and technology as the President may prescribe.".

FOREIGN POLICY CONTROL CRITERIA

SEC. 7. Section 6(b) of the Export Administration Act of 1979 is amended to read as follows:

"(b) CRITERIA.—The President may impose, expand, or extend export controls under this section only if he determines that—

"(1) such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

"(2) the proposed controls are compatible with the foreign policy objectives of the United States, including the effort to counter international terrorism, and with overall United States policy toward the country which is the proposed target of the controls;

"(3) other countries support the imposition or expansion of such export controls by the United States;

"(4) the proposed controls will not have an adverse extraterritorial effect on countries friendly to the United States;

"(5) the proposed controls will not have an adverse effect on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a supplier of goods and technology, and on individual United States companies and their employees and communities, taking into account the effects of the controls on existing contracts; and

"(6) the United States has the ability to enforce the proposed controls effectively.

A report setting forth such determinations shall be transmitted to the Congress not later than the date on which controls are imposed.".

DENIAL OF IMPORT AUTHORITY

SEC. 8. Section 11(c) of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(4) The Secretary may prohibit any person found to have violated this Act or any regulation, order, or license issued under this Act from importing goods or technology into the United States or its territories and possessions.".

ADVISORY COMMITTEES

SEC. 9. Section 4(f) of the Export Administration Act of 1979 is amended—

(1) by inserting "(1)" after "Business.—"; and

(2) by adding at the end thereof the following:

"(2) In carrying out the provisions of this Act, the Secretary shall consult on a continuing basis with the advisory committees established under section 135 of the Trade Act of 1974.".

LICENSING PROCEDURE

SEC. 10. Section 10 of the Export Administration Act of 1979 is amended—

(1) by striking out "90" each place it appears and inserting in lieu thereof "60";

(2) by striking out "30" each place it appears and inserting in lieu thereof "20"; and

(3) by striking out "60" and inserting in lieu thereof "40".

SECURITY MEASURES

SEC. 11. Section 5 of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(m) SECURITY MEASURES.—The Commissioner of Customs, in consultation with the Secretary and the Director of the Federal Bureau of Investigation, shall provide advice and technical assistance to persons engaged in the manufacture or handling of goods or technology subject to controls under this section to develop security systems to prevent violations or evasion of controls imposed under this section.".

SHORT SUPPLY CONTROLS

SEC. 12. Section 7 of the Export Administration Act of 1979 is amended by striking out subsections (i) and (j).

AVAILABILITY OF INFORMATION

SEC. 13. (a) Section 12(c)(3) of the Export Administration Act of 1979 is amended—

(1) by inserting ", including information pertaining to subjects of ongoing investigations," after "enforcement of this Act" in the first sentence; and

(2) by adding at the end thereof the following: "The Secretary shall consult on a continuing basis with the Attorney General, the Commissioner of Customs, and the heads of other departments and agencies which obtain information subject to this paragraph to facilitate the sharing of such information.".

NEGOTIATIONS

SEC. 14. The President shall enter into negotiations—

(1) with the governments which are participants in the group known as the Coordinating Committee in order to reach agreement on a multilateral treaty among the participants; and

(2) with the governments of other countries in order to achieve bilateral agreements;

to provide for improved enforcement and administration of export control laws.

SANCTITY OF CONTRACTS

SEC. 15. Section 6 of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(l) EFFECT ON EXISTING CONTRACTS.—Export controls imposed under this section shall not apply to exports pursuant to a contract or other agreement entered into prior to the imposition of such controls.".

EXPIRATION OF FOREIGN POLICY CONTROLS

SEC. 16. Section 6(a)(2) of such Act is amended—

(1) by striking out "1979, or one year" and inserting in lieu thereof "1983, or six months"; and

(2) by striking out "one year" and inserting in lieu thereof "six months".

SPECIAL LICENSING PROCEDURES

SEC. 17. Section 5(e) of the Export Administration Act of 1979 is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) To the maximum extent practicable, consistent with the national security of the United States, the Secretary shall—

"(A) require a qualified general license in lieu of a validated license under this section for the export of goods or technology if the export of such goods or technology is restricted pursuant to a multilateral agreement, formal or informal, to which the United States is a party, but such export does not require the specific approval of the parties to such multilateral agreement;

"(B) develop and encourage the use of special licensing procedures under which qualified exporters receive approval to conduct a series of transactions under which goods or technology may be exported or reexported to approved consignees outside the United States without having to apply for and re-

ceive individually validated export licenses; and

"(C) exempt transactions of limited value from individually validated license requirements.

The Secretary shall periodically review the various special licensing procedures taking appropriate action to increase utilization by reducing qualification requirements or lowering minimal thresholds, to combine procedures which overlap, and to eliminate those procedures which appear to be of marginal utility."; and

(2) by striking out paragraph (4).

AUTHORIZATION

SEC. 18. Section 18(b)(1) of the Export Administration Act of 1979 is amended to read as follows:

"(1) $ for each of the fiscal years 1982 through 1989, of which $ shall be available each year for foreign availability assessment; and".

EXTENSION OF ACT

SEC. 19. Section 20 of the Export Administration Act of 1979 is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1989".

PRINCIPAL PROVISIONS OF HEINZ EXPORT ADMINISTRATION ACT AMENDMENTS BILL

The intention of the bill is that it be a discussion draft. Its principal provisions include the following:

Section 1 indicates that the Act may be cited as the Export Administration Act Amendments of 1983.

Section 2, Foreign Availability, requires OEA and DOD to report quarterly on operation and improvement of the Government's ability to assess foreign availability, including training of personnel, use of computers, utilization of FCS officers. Mandates OEA and DOD cooperation in information gathering and assessment, including a jointly operated computer system.

The foreign availability provisions of foreign policy controls are strengthened by making them comparable to foreign availability provisions governing national security export controls. With regard to export license applications under both national security and foreign policy controls, the Secretary of Commerce shall accept applicants' assertions of foreign availability unless able to present evidence to the contrary.

Section 3, Violations, adds to the statute provisions making it a criminal offense to possess restricted items with the intent to illegally export, and to conspire to illegally export resticted items.

Section 4, Enforcement, gives enforcement to the Customs Service, as is done with the enforcement of the Arms Export Control Act, while leaving licensing with the Commerce Department.

Section 5 provides denial of U.S. exports as a possible penalty for violation of any Federal law, such as the Espionage Act, arising out of the export of goods or technology prohibited by or under the EAA. There seems to be a loophole in current law in that this penalty cannot be applied when a conviction is made under another act (e.g. espionage statutes), even though the export of controlled items may have been involved, either actual or intended. This penalty would be expanded to cover such cases.

Section 6, Import Controls, expands foreign policy controls by requiring the imposition of import controls on a country whenever foreign policy export controls are imposed. Such import controls are subject to such exemptions for specified goods and technology as the President may describe.

Section 7 strengthens the criteria for foreign policy controls by changing them from a "consider" format to a "determine" one. Thus, for example, the President would have to determine that the controls will achieve the intended foreign policy purposes, thus putting the burden of proof on the President for justifying controls. The report on this criteria must be submitted to the Congress at the time that controls are to enter into effect.

Section 8 authorizes the Secretary to prohibit offenders of the Act from importing goods or technology into the United States.

Section 9 authorizes the Secretary, in carrying out the provisions of the Act, to consult with the industry, labor, and other sector advisory committees established under the Trade Act of 1974.

Section 10 reduces the time allocated to the various stages of the licensing procedure, e.g. 90 days reduced to 60 days, 60 to 40, 30 to 20.

Section 11 directs the Customs Commissioner, in consultation with the FBI and the Commerce Department, to provide advisory assistance to industries to develop adequate systems of internal security.

Section 12 repeals controls on the export of unprocessed red cedar and horses.

Section 13 requires greater consultation and information sharing by the intelligence community, the Commerce Department, and the Customs Service.

Section 14 directs the President to enter into negotiations to raise CoCom to treaty status and to conclude similar bilateral treaties with other friendly nations.

Section 15 provides for sanctity of existing contracts at the time of the imposition of foreign policy controls.

Section 16 reduces the duration of foreign policy controls from one year to six months. Renewal procedures are unaltered.

Section 17 calls for maximum use of a qualified general license for intra-CoCom trade, as provided for in current law. In addition it provides instructions for the development and use of special licensing procedures whereby qualified exporters would be able to conduct a series of export transactions with approved consignees without requiring individual validated export licenses. Moreover, the section calls for the Secretary to exempt transactions of limited value from individually validated license requirements. The Secretary shall periodically review these procedures with an eye to enhancing their use by reducing qualification requirements, lowering minimal thresholds, combining and eliminating procedures where appropriate.

Section 18 authorizes appropriations for the purposes of the Act for fiscal years 1982 through 1989, including additional funds for foreign availability assessment.

Section 19 renews the Act for six years.●

By Mr. ABDNOR:

S. 398. A bill to promote additional export sales of agricultural commodities, through an export credit revolving fund, in at least direct proportion to acreage reduction efforts and to establish authority for bonus commodity export sales; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL EXPORT MARKET RECOVERY ACT OF 1983

Mr. ABDNOR. Mr. President, it is high time the Reagan administration and the Members of this Congress take a clear and firm stand on agricultural export policy. It is time to send a strong, positive, and confident signal to U.S. farmers and our competitors in international agricultural markets that this country will aggressively meet all market challenges and pursue every market opportunity.

Compared to 2 years ago, U.S. grain exports are down 6 percent while the grain exports of our competitors have increased almost 4 percent. The European Economic Community has increased its wheat exports during this period by more than 12 percent. Similarly, U.S. red meat exports are down 3 percent, poultry down 17 percent, eggs down 35 percent, cotton down 9 percent, and rice down 27 percent.

While it is true that the global recession has dampened the demand for agricultural products, we must not use that as an excuse to do less in the international trade arena than we are capable of. In fact, given the relatively strong economic condition of this country, this is precisely the time to aggressively advance on all international market fronts, particularly agriculture.

The global recession has not made the world any less hungry, Mr. President—quite the opposite. Starvation is not an acceptable alternative to feeding people, and because we can do it cheaper, agriculture is a U.S. international advantage which must be defended not only in our interest but in the interest of the entire world. U.S. agriculture is as much an obligation as it is an opportunity.

Mr. President, the bill I am introducing today, the Agricultural Export Market Recovery Act, is designed to provide the essential missing ingredient to a full and lasting agricultural economic recovery. Our efforts to encourage and assist farmers to reduce production are comprehensive and innovative and will, in my judgment, be effective. However, our success at curbing production can be offset by our failure to at least maintain our exports.

Discouragingly, the Department of Agriculture continues to revise downward its grain export projections. The Department's December export projection for all grains was almost 4 million metric tons less than its November projection. As a result, grain farmers will have to reduce production an additional 150 million bushels just to keep price-depressing stocks from increasing.

The effect of our farm policy is comparable to a dog chasing its tail. Our success at reducing production can also be offset within the world market by our competitors increasing their production. No other grain supplier in the world has implemented programs to constrain production in 1983. In fact, our unilateral decision to cut grain production has provided encour-

agement to competitive suppliers to expand output. We desperately need to send our competition a clear signal now of our export intentions.

The Agricultural Export Market Recovery Act does just that in language and action that should leave no doubt in the minds of either U.S. farmers or their foreign competition of this country's commitment to international agricultural trade.

The bill will establish a direct and vital link between crop production and the Government's effort to expand exports. It recognizes the mutual obligation of farmers and the Government to contribute to the reduction of price-depressing surplus grain stocks. Clearly, the quickest and most effective way to eliminate burdensome and costly surpluses is to simultaneously reduce production and expand exports.

The act calls upon the Secretary of Agriculture to draw upon funds already appropriated to the Commodity Credit Corporation for export promotion activities but as yet unexpended. The act causes funds to be drawn from this CCC account in the same amount as payments are made to farmers participating in the 1983 paid land diversion program. That is, for every dollar paid to farmers to divert land out of production, a dollar will be used to promote and expand commercial export sales. Importantly, the magnitude of the Government's export market promotion resources will be in direct proportion to farmers' participation in supply control programs.

In addition to the export sales fund being a needed further incentive for farmers to reduce output, our foreign competitors will view our unilateral decision to reduce production in a totally different light—the more successful we are at reducing production, the greater our capability to respond to market opportunities and challenges.

The bill, in combination with current farm programs, constitutes the fundamental elements of a much overdue U.S. international farm policy—a policy which recognizes and is designed to effectively deal with the realities of world agricultural markets during the decade of the 1980's.

Mrs. SMITH, my dear friend and well-respected colleague, has joined me in sponsorship of the bill in the House, and I urge that my colleagues give this important issue their full attention.

By Mr. JEPSEN:

S. 399. A bill to establish a Presidential Advisory Panel for coordination of Government debt collection and delinquency prevention activities; to the Committee on Governmental Affairs.

PRESIDENTIAL ADVISORY PANEL FOR COORDINATION OF GOVERNMENTAL DEBT COLLECTION AND DELINQUENCY PREVENTION ACTIVITIES

● Mr. JEPSEN. Mr. President, I, once again, rise to introduce a bill to establish a Presidential Advisory Panel for coordination of Government debt collection and delinquency prevention activities. This legislation is similar to that which I introduced in the second session of the 97th Congress.

There is no doubt about the need for improved debt collection by our Government. Indeed, time and time again, studies by numerous Federal agencies have pointed out the shortcomings and poor record of current Government debt collection procedures.

Some 24 agencies have not, according to the General Accounting Office, rigorously collected the billions of dollars owed to the Government. As I noted last fall, as of September 30, 1979, over $175 billion was owed to the United States. This figure included $25 billion in delinquent or defaulted payments and $13 billion in tax delinquencies. Another $12 billion represented delinquent or defaulted loans and other borrowings. Unconscionably, over $1 billion was written off in fiscal year 1979.

As I have said many times, it is unacceptable for the Government to ignore or to write off these debts at a time when the public expects, deserves, and demands that the Government follow sound business practices and balance the budget.

My proposal would create a panel of experts from the private sector to study Government debt collection practices and to make recommendations for increased efficiency and uniformity in those collection activities.

It is important to remember that the Government has begun to contract with private agencies to collect delinquent accounts. As we watch these efforts with interest, now is the time to take that idea another step forward by consulting with private industry on Federal collections efforts overall.

It is my belief that this panel will offer much-needed advice on this serious problem at a time of great need for Government to heed the wisdom of the private sector.●

By Mr. MATHIAS (for himself, Mr. KENNEDY, Mr. BAUCUS, Mr. BIDEN, Mr. BRADLEY, Mr. CHILES, Mr. CRANSTON, Mr. DANFORTH, Mr. DODD, Mr. EAGLETON, Mr. GLENN, Mr. HART, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. LEVIN, Mr. LUGAR, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PERCY, Mr. RIEGLE, Mr. SARBANES, Mr. SPECTER, Mr. STAFFORD, Mr. TSONGAS, Mr. WEICKER, Mr. LAUTENBERG, and Mr. HUDDLESTON):

S. 400. A bill to designate the birthday of Martin Luther King, Jr., a legal public birthday; to the Committee on the Judiciary.

MARTIN LUTHER KING, JR., NATIONAL HOLIDAY

Mr. MATHIAS. Mr. President, I send a bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. MATHIAS. Mr. President, I send this bill to the desk on behalf of myself and the very distinguished Senator from Massachusetts (Mr. KENNEDY) and 26 other Senators. It is a bill to designate the birthday of Dr. Martin Luther King, Jr., as a national holiday.

Mr. President, we have had this legislation before us continuously since Dr. King's death in 1968. In my judgment, its enactment is long overdue. I am encouraged, however, by the fact that in the 97th Congress, a resolution was adopted to place a statue of Dr. King in the halls of the Capitol. I believe that, having taken that step, Congress will act soon to memorialize his birthday as 19 State governments have already done, including, I am glad to say, the State of Maryland.

A nation's character is reflected in its choice of heroes. Every nation has holidays that commemorate the lives of its founders or early leaders, but it is a curious thing that very few nations have had the courage or the wisdom to honor their prophets. Rare indeed is a nation which pauses to pay tribute to one who brought honor to the country, not by war, not by conquest, not by violence, but by love and nonviolence.

Dr. Martin Luther King, Jr., was such a man. He was a major figure in the prophetic tradition. In a short career, he achieved much that affected the course of our Nation's history. As with the accomplishments of our Nation's founders, Dr. King's achievements can be recalled with pride and admiration.

But Dr. King gave us something more. He cried out against injustice, but he also testified to a stirring ideal of justice. He castigated America for what it had become, but he also inspired it with a vision of what it could yet be. His dream, of a nation where black and white would live together in harmony and equality, was not his dream alone. It was the dream of millions of Americans of all colors who came together in the civil rights movement for the advancement of human dignity.

Of course Dr. King was angered by the injustices which American society had heaped upon his people. But he was not embittered by this history. He loved America and longed to see it redeemed and restored to righteousness. Dr. King knew that "the festering sore of segregation debilitates the white man as well as the Negro." His aim was to reconcile the differences between the races, to work with white

Americans in a spirit of cooperation. He viewed nonviolent protest as the most effective and most practical way to apply the redemptive power of love to social and historical ills.

Martin Luther King did not plan to devote his life to politics and social change. Ordained into the Baptist ministry at 19, his intention had been a life of study and preaching to his own congregation. In the mid-1950's, however, he began to feel called upon to lead a larger flock. He was catapulted suddenly into national prominence by the rush of historic events. His life would never be the same after December 5, 1955, when Mrs. Rosa Parks of Montgomery, Ala. refused to give up her seat and move to the back of the bus. That adamant refusal launched a year-long non-violent protest by the blacks of Montgomery, led by Dr. King. Thus began a period of tumultuous change in the South, and Martin Luther King's career as the emblem of the American freedom movement and the voice of its participants.

After the bus boycott in Montgomery succeeded in desegregating the city's buses, the nonviolent crusade spread throughout the Nation, to Selma, Albany, Birmingham and eventually to the urban slums of the North. King and his followers marched, staged sit-ins and freedom rides, in their struggle for the elimination of segregation at lunch counters, interstate buses, and all public facilities. They also struggled for full participation for black people in all aspects of American life: for freedom from employment discrimination, for fair access to housing, and, most importantly, for the right to vote which had for so long been denied them.

When I first met Dr. King in Selma, Ala., he was leading the freedom movement from a jail cell. He was paying the penalty for a civil disobedience charge arising from his historic campaign for the right to vote. Dr. King and his followers endured repeated threats of violence as they worked for full equality under the law. Their homes and churches were attacked and destroyed; many of them were beaten; some of them were killed. The opponents of the civil rights movement did not let the law stand in their way. Dr. King's practice of civil disobedience, by contrast, manifested respect for the law. He and his followers openly defied unjust laws, whether those ordinances enforced racial segregation, or restricted the right of peaceful protest against segregation. But, as Dr. King wrote, "I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for the law."

Martin Luther King's contribution to the progress of freedom was internationally recognized when he was awarded the Nobel Peace Prize in 1964. At 35, he was the youngest person ever to receive that award. He accepted it on behalf of all those who were devoting their lives to the cause of civil rights in America. He called himself the "trustee for the achievements of scores of dedicated men and women * * *" The prize made manifest the widespread influence of the man whose struggle for justice had touched the conscience of the world. Four years later, when the assassin's bullet cut down Martin Luther King, Jr., not America alone, but the entire world, lost a great spiritual leader.

The prophets of the Old Testament days were without honor in their own country. To some extent, that is true also of Dr. Martin Luther King, Jr. At least on the national level, we have yet to recognize the contributions of this great spirit. In that sense we have also failed to comprehend fully the challenge with which his memory confronts all of us: the challenge to translate into reality the dream of love and equality to which he dedicated his life.

A national holiday in Dr. King's honor will give us a time every year to reassess our commitment to this challenge. It will be a time each year to chart our progress in freeing our Nation of intolerance and prejudice. Let us rededicate ourselves as a nation each January 15 to the task of fulfilling the dream which Martin Luther King described so eloquently:

> Let us all hope that the dark clouds of racial prejudice will soon pass away, that the deep fog of misunderstanding will be lifted from our fear-drenched communities, and that in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great Nation with all of their scintillating beauty.

I yield to the cosponsor of the bill, the Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, I welcome the opportunity today to join with my good friend and colleague, Senator MATHIAS, and others in introducing the legislation to designate January 15, Martin Luther King, Jr.'s birthday, as a national holiday.

This legislation honors Dr. King not only for the strength of his leadership and the courage of his commitment to human rights, but also for his unique contributions to the fundamental principle that all people are created equal.

Similar legislation has been introduced in every Congress since Dr. King's death in 1968. It is long past time for our Nation to observe not only the birthday of one of the greatest men in our history, but the contributions of the members of an entire race, brought here not in hope but in chains—who built so much of this land—and who in their own liberation have lifted the shadow of prejudice from so many of their fellow citizens. Martin Luther King's birthday must be a day of all Americans, because Martin Luther King's dream is the American dream.

National recognition of Dr. King is expecially timely now, when fundamental rights such as the right to vote, the right to open housing, and the right to integrated schools—issues for which Dr. King literally gave his life—are threatened more seriously than at any time in the modern history of this land. In the struggle of this time, let us recall the words of Dr. King himself: "However difficult the moment, however frustrating the hour, it will not be long, because truth pressed to Earth will rise again."

In Dr. King's last address, the day before his death, he said that he had been "to the mountain top." He spoke of his vision that true equality for all people in America could be achieved.

In honoring Dr. King, we bring that vision a little closer to fulfillment. By establishing a national holiday to commemorate his name, we create a greater national awareness of his life and a greater national commitment to the achievement of his dream.

I look forward to working with the Senator from Maryland to see that there is speedy action on this measure in the Judiciary Committee and on the floor of the Senate.

Mr. MATHIAS. Mr. President, I welcome the participation of the Senator from Massachusetts in seeking this goal of making Martin Luther King's birthday a national holiday. The Senator from Massachusetts has been in the forefront of the civil rights battle since he first came to the Senate. I know that he will be a great force in finally completing this action.

Last year, when the Congress had adopted the resolution authorizing the bust of Martin Luther King, I called Coretta King to tell her of that event. "Thank goodness," she said, "But I hope this is not a substitute for the holiday bill."

I assured her at that time that it was not, and the action of the Senator from Massachusetts and the 26 others who have cosponsored the bill I think gives proof that we do not consider that placing the bust of the first black American to be so memorialized in the Capitol is a substitute for the holiday bill.

Mr. KENNEDY. If the Senator will yield, as the Senator from Maryland knows full well, this legislation has been examined in very careful detail already by the Judiciary Committee. There have been hours of hearings. Each feature of the particular proposal has been gone into in very careful detail.

There are those who talk about the economic impact of creating an addi-

tional holiday and what that would mean particularly at a time of economic strife and challenge. But I believe, as does the Senator from Maryland, that each one of those issues has been responded to and the case has been made of the importance of this holiday to all Americans and what it means to them.

I remind particularly our new colleagues who follow these events in the RECORD that there has been a very complete and extensive, and I consider it to be exhaustive, examination of the implications of this issue, and they can familiarize themselves with that record. It has been done. It has been made. It does not seem to me that the Judiciary Committee should have to take a great deal of time to review this legislation.

I join again with my colleague from Maryland in saying that I look forward to working with him and with all of our colleagues in the Judiciary Committee and on the floor of the Senate in the bipartisan way that this has been expressed here today and at other times to insure that we will have successful passage of this legislation.

I thank the Senator.

Mr. CRANSTON. Mr. President, I am deeply proud to join as an original cosponsor of a bill paying tribute to Dr. Martin Luther King, Jr., declaring his birthday a national holiday. Our country's official honor to this great man is long overdue.

Dr. King has made greater contributions toward achieving equality and justice in this century than has any other American. The architect of our nonviolent revolution in civil rights and one of the most inspiring leaders of any era, he occupies a unique place in American history. He has touched the hearts of all men, around the globe, who cherish freedom and liberty, peace, and the dignity of man.

Mr. SARBANES. Mr. President, I am honored to join today with my colleagues in the Senate in introducing legislation to designate January 15, Martin Luther King, Jr.'s birthday, as a legal public holiday. I have been a longtime supporter of efforts to designate Dr. King's birthday a national holiday and have cosponsored this legislation in the 97th Congress and in previous Congresses. Many cities and States observe the birthday of Martin Luther King, Jr., as a time of commemoration, reflection, and peace for all of their citizens. I am proud that my own State of Maryland has celebrated January 15 as a legal holiday since 1974.

Dr. Martin Luther King, Jr., was one of our Nation's greatest leaders in the ongoing struggle to achieve full equality for all citizens. The 13 years of his leadership in this struggle for civil and human rights—from the beginning in Montgomery, Ala., in 1955, to the end in Memphis, Tenn., in 1968—changed and continue to affect the life of our Nation. That time saw a massive upsurge in public support for and participation in the civil rights movement, and witnessed great strides in the areas of voting rights, fair housing, and equal employment opportunity. Dr. King's courageous stands and his unyielding belief in the power of nonviolence reawakened the consciousness of our Nation to the continuation of injustice and racial discrimination in America, 100 years after the Emancipation Proclamation and the enactment of the guarantees of the 14th and 15th amendments to the Constitution. All Americans owe Martin Luther King a debt for his willingness to take personal risks, and ultimately to pay the price with his life, in order that the affirmation "with liberty and justice for all" might become a reality.

Dr. King dreamed of an America in which our children will not be judged by the color of their skin, but by the content of their character. Nearly 15 years after his death, America is still striving toward the fulfillment of his vision. The designation of January 15 as a national holiday not only pays tribute to this great man, but would also set aside time for all Americans to reflect on and rededicate themselves to the principles of justice and equality which Dr. King's life exemplified. I urge my colleagues to join me in sponsoring this important and long-overdue measure, and to work for its swift enactment in the 98th Congress.

Mr. LEVIN. Mr. President, I am honored to join my colleagues in sponsoring legislation to designate January 15, the birthday of Dr. Martin Luther King, Jr., as a national holiday. By so doing, we honor not only the man but the cause for which he stood and fought and died—the cause of the justice and equality for all. By awakening a nation's conscience, as he did, Dr. King brought closer to realization the dreams of millions of people who have looked on America as a land of liberty and justice. Declaring his birthday a national holiday will help us remember and allow us to rededicate ourselves to the principles for which he stood and for which this Nation must forever stand.

During the 200-plus years that the United States has existed as a nation, many great and courageous men and women have fought—and some have died—for their beliefs in equality. Dr. King, who was assassinated in Memphis on April 4, 1968, would have been 54 this year, had he lived.

Dr. King first came to national prominence following the 1955 bus boycott in Montgomery, Ala. This nonviolent protest of discrimination, which culminated in the desegregation of Montgomery's public transportation system, was the springboard from which Dr. King rallied millions of Americans of all creeds and colors against injustice in America.

In his 1964 book entitled "Why We Can't Wait," Dr. King explained his strategy of nonviolent protest in the following manner:

> In any non-violent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self-purification; and direct action . . . in Birmingham . . . there can be no gainsaying the fact that racial injustice engulfs this community . . . Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good-faith negotiation . . . certain promises were made by merchants—for example, to remove the stores' humiliating racial signs . . . As the weeks went by, we realized that we were the victims of a broken promise . . . we had no alternative except to prepare for direct action [and] undertake a process of self-purification . . . we repeatedly asked ourselves: "Are you able to accept blow without retaliating?" "Are you able to endure the ordeal of jail?" . . . We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. . . . For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

The nonviolent demonstrations for justice and freedom by Dr. King and his followers and the violent reactions of those determined to maintain and defend bigotry and racism received worldwide attention. No longer could this crisis of injustice and inequality be dismissed or ignored. Who among us can erase the memory of 5-year-olds marching outside of segregated public facilities being viciously attacked by police dogs, elderly women being hosed down while trying to register to vote, of a burning bus of freedom riders and of civil rights demonstrators being beaten, kicked, and spat upon?

Despite the attempts to turn Dr. King and his followers back, they journeyed onward toward the goal of eradicating racial injustice in our society. His determination to insure that his "dream" would become reality was a motivating force behind the passage of critical legislation such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Is it now time we help renew our dedication to his goals of freedom and equality and honor him for his many contributions to our society by enacting legislation to designate his birthday, January 15, as a national holiday?

Mr. President, there are many who have argued, and will continue to argue, that if a national holiday is declared for Dr. King's birthday, other minority groups will expect the same for their "heroes." Such an argument ignores the fact that the racially integrated crusade which he led was to

benefit all Americans. White as well as black freedom riders, marchers, and so forth, gave their lives in the war against racial injustice.

Martin Luther King, Jr., had a cause he believed in so strongly that it cost him his life. It is a sad but true fact that his dream of equality and freedom for all of us has yet to be achieved. Let us pay him the tribute that is long overdue by enacting this legislation.

● Mr. HEINZ. Mr. President, I am pleased to join with so many of my colleagues from both sides of the aisle in cosponsoring this legislation to establish January 15 as a national holiday in honor of the birthday of the Reverend Martin Luther King, Jr.

Dr. King was a man who stirred this country to action to correct injustice in a manner consistent with America's principles. Through nonviolent demonstrations, he focused national attention on a travesty that too many would have preferred not to see: the pervasiveness of racism in our society. Often at great risk to himself, he persistently challenged all Americans, black and white, to practice our national virtues of justice and equality for all. Because he risked so much, so often, he paid the highest price for his vision, and his work was cut short.

Creating a national holiday in honor of Dr. King does more than just pay homage to his courage and his commitment. It also serves as a constant reminder that Dr. King's work—indeed, the Nation's work—remains unfinished. His life was an example of how any American can learn to live up to our national principles.

Just as for our other national holidays in honor of great American individuals, the importance of a day of remembrance is not so much in recognizing the man, but in acknowledging what one man can do, and come to symbolize. In the case of George Washington, we memorialize his devotion to country. For Jefferson, it is his articulation of principle. In Dr. King's case, a national holiday is a reminder that every American can put principles into practice to better our country.

Mr. President, I fully support the establishment of a national holiday in honor of Dr. King, and I urge my colleagues to support swift enactment of this legislation.●

● Mr. LUGAR. Mr. President, today I am pleased to join the Senator from Maryland, Mr. MATHIAS, in introducing legislation to proclaim January 15, the birthday of Martin Luther King, Jr., as a national holiday.

Dr. King, winner of the Nobel Peace Prize, was one of the towering figures in recent American History. His advocacy of nonviolence and peaceful change and his leadership in the cause of equality and civil rights in the 1950's and 1960's are familiar not only in this country but also throughout the world.

As we attempt to meet the complex social and economic challenges facing us in the next decade, we should honor the man who was so successful in achieving major social change through peaceful means.

I have consistently cosponsored legislation to amend the United States Code making January 15 a national holiday, and I believe that it is important to continue the effort to make this legislation a reality in the 98th Congress.●

● Mr. TSONGAS. Mr. President, I am deeply honored to join Senators KENNEDY and MATHIAS as an original cosponsor of legislation to declare the birthday of Dr. Martin Luther King, Jr., a national holiday. The struggle of black Americans to overcome bigotry and oppression has been founded on faith, education, and commitment, the tools of equality and freedom. The gains in the moral fight against slavery, discrimination, and poverty can only be sustained and enhanced through example. In this regard, Dr. Martin Luther King, Jr., was one of the great world leaders of all time. He was a tireless advocate for the poor and the oppressed. He dedicated his life to the struggle for equal rights, social justice, and political opportunity for all. He gave his life in a fight for justice, and his loss is still deeply mourned by all peoples, for he touched our lives with leadership, guidance, and compassion.

Dr. King's courage and unswerving commitment to social justice and racial equality has certainly changed the course of history. It is this same legacy of courage that we must draw on to combat fear and racial unrest in our Nation and throughout the world. If there is one gift that we can dedicate to Dr. King and each other, it is for people of decency and good will of all ages, races, and ethnic origins to commit themselves to this challenge.

The importantance of declaring Dr. King's birthday a national holiday cannot be overestimated. It will serve as a constant reminder to our youth, the poor, and the oppressed that change through faith, education, and commitment is not only possible, it is inevitable.

Mr. President, I request unanimous consent that the editorial, "Dr. King's Enduring Message," from the January 15 issue of the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. KING'S ENDURING MESSAGE

For many Americans, the remembrances remain vivid, but the years are making a difference: though Martin Luther King Jr. would have been only 54 today, it has been nearly two decades now—time enough for an entire generation to reach adulthood—since that famous electrifying yesterday in Washington when the voice and the message boomed out from the base of the Lincoln Memorial, all about a man's dream. There was a magnificent clarity in this man's hopes and demands for justice, and if the full measure of his presence is lost on those born since, his vision should not be, because it is ever clear.

What gave that speech its lasting power was only in part the resonance of the speaker; there was force that made you want to speak along, to reaffirm a commitment to some old-fashioned values having to do with humanity and letting freedom ring. At that time the evidence of ugly prejudice, intolerance and physical violence may have been far more obvious and prevalent in the land—but does anyone today suggest that it has all gone away?

Despite what he saw around him, Dr. King insisted on a faith that "unconditional love will have the final word in reality." At the same time, he made a distinction between pacifism and passivity, noting that solutions will come "when men develop the type of discontent which says, within, 'We will take it no longer!' "

The words were not merely those of a "black leader" about civil rights for people of color; the "dream" was that of an American for all Americans—patriotism at its finest. This is why the sentiment runs deep and arguments are strong for making Dr. King's birthday an official national holiday. Granted, the act of remembering Dr. King does not in itself require a holiday; nor should the declaration of this day as a holiday set off a chain of calls for more such observances for narrow reasons. The honoring of Dr. King's birthday has become far more than a symbolic issue for many people who see it as an exceptional, formal, nationwide recognition of the goals of his struggle and the hopes in his dream.

"All that I have said boils down to the point of affirming that mankind's survival is dependent upon man's ability to solve the problems of racial unjustice, poverty and war. The solution . . . is in turn dependent upon man squaring his moral progress with his scientific progress, and learning the practical art of living in harmony.●

● Mr. HART. Mr. President, I am proud to join my colleagues in cosponsoring legislation to make the birthday of the late Dr. Martin Luther King, Jr., a national holiday. Dr. King used his life not only to secure fundamental constitutional and economic rights for minority Americans, but he worked to preserve these rights for all Americans.

Dr. King's work is most deserving of this honor, at the very least. Those who supported him and shared his commitment also deserve this tribute. And his widow, Coretta, her colleagues and supporters should be assured that we are committed to her work to fulfill Dr. King's dream further.

Mr. President, I urge my colleagues to join in cosponsorship of this legislation. The battle for civil rights and civil liberties is never over. It is never won because we keep putting it off and turning back the progress we have made. Let us start again with this bill that symbolizes so much for all Americans—minority Americans, our youth,

our elderly. And more importantly, Mr. President, let us get on with the job we are here to do—to promote the well-being of the people of the United States, and to enact legislation which reflects this mandate.●

● Mr. MOYNIHAN. Mr. President, I am pleased to join with my distinguished colleague, Senator KENNEDY, in introducing legislation establishing a national holiday commemorating the birth of Martin Luther King, Jr. This is a most fitting tribute to a great man who dedicated himself—and indeed, gave his life—to the struggle for racial equality and social justice. By adopting this measure, we would make manifest our commitment to the spirit and vision of Dr. King, and to the achievement of a society that he so boldly and eloquently championed, one free of prejudice and unjustness.

Dr. King's life was truly an inspiration; his words a beacon of hope; his actions an exemplar of steadfastness and determination; his death a national tragedy. Many who scarcely knew him are daily influenced for the better by what he did, what he said, what he stood for.

For Dr. King achieved something that few others have. He created a movement that was both visionary and pragmatic, spiritual and political, vigorous yet nonviolent. It has succeeded. It is succeeding. It confounded those who thought segregation and discrimination to be immutable facts of American life. It struck down century-old barriers. It gave hope and concrete improvement to millions. It proved that oppressed persons can organize themselves, and advance themselves. It gave new meaning to equality as it eroded the walls of inequality. And it demonstrated that this could be accomplished without violence or hatred.

Martin Luther King, Jr., was a force for reconciliation. Just as his memory endures undiminished, so does the need for the force it evokes. Walter Lippman wrote:

> The final test of a leader is that he leave behind him in other men the conviction and the will to carry on.

By that standard and by others, Dr. King was a remarkable leader.

As with all things, time will be the true measure of his greatness. Martin Luther King, Jr.'s legacy—the ideals he so cherished, the dedication with which he strove for a social and moral awakening of America, and his ability to instill in millions of disadvantaged black Americans a new sense of hope and pride—shall forever remain a part of this country's heritage. That we, as a people, should take so long to formally recognize his lasting contributions, is most unfortunate. To let pass by, once again, the opportunity to declare Martin Luther King, Jr.'s birthday a national holiday, would be more so.●

● Mr. LAUTENBERG. Mr. President, a couple of weeks ago, I joined members of the NAACP of Newark and the YMCA and YWCA in that city, to celebrate Martin Luther King, Jr. Day. In New Jersey, it is a State holiday. But, close to 15 years after his death, our Nation has not yet seen fit to establish a national holiday to honor the work and the ideals of the Reverend Dr. Martin Luther King, Jr. I pledged to join the effort to change that. So, I am pleased to join many of my colleagues in sponsoring legislation to make Martin Luther King, Jr. Day a national holiday—for all Americans.

Now, someone may say, "Why bother?" A man or woman out of work does not need another holiday. He or she has been on a forced holiday long enough. And a man or woman who suffers injustice all year long, needs more than a day's worth of commitment to justice.

That may be true. But there is another more salient point. People need to be reminded of Martin Luther King, Jr. Schoolteachers should have an occasion to impress upon schoolchildren the ideals of the man. He stood for justice—not just legal justice, but economic justice. And, lest we forget, we need a national reminder. Because if we do not carry his goals—of peace and justice—fresh in our minds, we will not achieve them in the everyday world.

Our Nation should remember his long fight for justice. It is a struggle that continues. We should recall the march on Washington and the dream he so eloquently expressed. We should recall the long march from Selma to Montgomery and the need to continue to protect the unfettered right to vote. We should recall his commitment to nonviolent change. And we should recall his commitment to social justice.

For these reasons, I join in sponsoring legislation to designate the birthday of Martin Luther King, Jr., a national public holiday.●

By Mr. DODD (for himself, Mr. CRANSTON, Mr. HUDDLESTON, Mr. BENTSEN, Mr. MELCHER, Mr. METZENBAUM, Mr. RANDOLPH, Mr. PELL, Mr. MATSUNAGA, Mr. JOHNSTON, Mr. HOLLINGS, Mr. INOUYE, Mr. SARBANES, Mr. SASSER, Mr. BURDICK, Mr. RIEGLE, and Mr. LEVIN):

S. 401. A bill to authorize financial assistance for a continuing education program to secondary school teachers of science and mathematics designed to increase their competency, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL SCIENCE AND MATHEMATICS TEACHERS DEVELOPMENT ACT

● Mr. DODD. Mr. President, the legislation I am introducing today, the National Science and Mathematics Teachers Development Act, will help address a serious national problem, the critical shortage of secondary science and mathematics teachers.

The changing technological world in which we live demands more than just a rudimentary knowledge of science and mathematics. The military, the marketplace, the workplace, our homes, and many education curricula are becoming increasingly technically oriented. To meet growing demands for science and mathematics knowledge and skills will depend, for a large part, upon adequate instruction by qualified teachers.

Unfortunately, at the same time demands for science and mathematics skills are increasing, national surveys and reports indicate a critical shortage of qualified science and mathematics teachers.

According to a 1982 report of the National Science Teachers Association (NSTA), 50.2 percent of the Nation's newly hired secondary school science and mathematics teachers are not qualified to teach. The new staff is teaching by virtue of "emergency certificates" simply because qualified teachers are not available.

To further complicate matters, the NSTA report also suggests that fewer students are entering the science and mathematics teaching areas. Moreover, one in four of the younger faculty plans to leave the teaching profession completely. The report projects that if the present rate of teachers leaving academe continues, the Nation will have a net loss in science and mathematics teachers of 35 percent between now and 1992.

The decline in numbers of qualified teachers has had a profound effect on the scientific and mathematical knowledge and skills of American students.

For example, science and mathematics high school achievement scores and college entrance exam performances have been tagged as inadequate for several years. To make matters worse, test scores in science and mathematics have been dropping continually while improving in other subject areas. The American Academy of Sciences, at a recent convocation labeled the lack of science and mathematics knowledge as "scandalous."

Dr. Frank Press, president of the American Academy of Sciences, stated:

> The danger is not in failing to train the gifted who wish to be scientists and engineers; they still seem to receive the requisite education and opportunities. • • •

Many high technology and defense-related industries echo Dr. Press' concerns. They have expressed skepticism about filling high technology vacancies within their firms.

For example, Michael Hateley, vice president of Human Resources and Administration of the Northrop Corp., stated that his firm faced difficulties

in locating experienced persons with the skills needed for manufacturing many high tech items. According to Mr. Hateley, Northrop would be forced to expand on-the-job training for current and new employees.

In addition, John Tormey, director of corporate technology for Rockwell International, declares that many new employees have surprisingly poor skills and proclaims an existing "crisis of quality" in certain high technology areas.

Those assessments are borne out in our daily newspapers in their burgeoning sections of advertisements for high technology positions. The future certainly seems bright for those persons with the required science and mathematics background and skills who can take advantage of these opportunities.

The California Commission on Industrial Innovation has recently published a brochure entitled "Winning Technologies: a New Industrial Strategy for California and the Nation," according to this report:

> The potential market for these new technologies is enormous. The Congressional Office of Technology Assessment, for example, has cited figures indicating that the U.S. Electronics market alone will grow 250 percent from 1978 to 1987. The personal computer market, according to industry analysts, is expected to grow 700 percent during the next 5 years—from 500,000 units sold in 1980 to 3.7 million units in 1985.

The introduction and increasing use of cat scanners, ultrasound, nuclear scans, and fiberoptic instruments will mean more and more new technical jobs in medicine.

Yet, without a concentrated effort to improve science and mathematics in our secondary schools, it is unlikely that America's future work force will be able to take advantage of these technological innovations.

One example of the success of such concentrated effort is displayed in a statement I inserted in the CONGRESSIONAL RECORD on December 20, 1982, entitled "*calculus whizzes.*"

The statement recounts the accomplishments of Mr. Jaime Escalante, a dedicated mathematics teacher, who has proved that the Nation's educational problems can be solved by dedication and hard work.

Mr. Escalante took a group of problem students, encouraged them, exhibited faith in them, worked diligently with them, and turned them into Olympic stars of mathematics. Many students who graduated from his classes received a full semester of college credit after having passed the advanced placement calculus test.

American history is replete with stories of dedicated, tireless teachers who have had similar successes. Although contributions of teachers have been important in the past, the need for dedicated, qualified teachers has become increasingly more important.

Teachers have been, and will continue to be invaluable to society; yet, they are rarely financially compensated accordingly. Although teachers should be paid on a salary scale comparable to other professionals of similar education backgrounds, in my opinion, it is unlikely that the public school system will be able to compete with the salary scale of private industry.

The National Science and Mathematics Teachers Development Act does not address the teacher equity pay issue. This is a separate issue which deserves special attention and should be reviewed by educational leaders at all levels of Government. The bill does, however, provide a means to decrease the critical science and mathematics teacher shortage by offering continuing education programs supplemented by the Federal Government.

The National Science and Mathematics Teachers Development Act does this by establishing a new program within the Department of Education. This program will provide continuing education for those teachers presently responsible for teaching science and mathematics in secondary schools. It thereby creates a mechanism to improve teacher competency and enable teachers to develop new teaching strategies.

This is not the whole answer to the Nation's science and mathematics secondary school science and mathematics problems. It is, in my judgment, the basis upon which the rest can be built.

Surely, better motivated, prepared, and competent teachers are more likely to attract and sufficiently train students for positions in high technology firms and other businesses upon which the future of this Nation will ultimately depend.

Mr. President, the Congress of the United States cannot afford to ignore the crucial need to upgrade the Nation's secondary school science and mathematics education systems.

The National Science and Mathematics Teachers Development Act should be part of a comprehensive national commitment to strengthen the quality of science and mathematics education, insure our national research potential, provide for qualified industrial and Armed Forces personnel, protect U.S. competition in the international marketplace, and provide for a stable and healthy national economy.

Mr. President, I ask unanimous consent that the full text of the National Science and Mathematics Teachers Development Act be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science and Mathematics Teachers Development Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) a program of science and mathematics education and research is essential in order to provide a strong economy, to contribute to ensuring national security, and to contribute to the future development of advanced technology;

(2) the strength and independence of the United States depends on the ability of the Nation to furnish adequately trained personnel in the field of advanced technology to implement the new systems of our increasingly sophisticated technological society;

(3) presently, large numbers of inadequately trained individuals are applying for advanced technological positions in private industry, including defense-related industries, and the Armed Forces, and there is an increasing difficulty in filling vacancies in such positions with qualified personnel;

(4) in order to remedy these problems, it is essential that secondary school students have better training in science and mathematics;

(5) yet, there is a serious shortage of qualified secondary school teachers in science and mathematics;

(6) one-half of the Nation's newly employed secondary school science and mathematics teachers are unqualified to teach these disciplines;

(7) moreover, fewer secondary school graduates are entering the field of teaching science and mathematics;

(8) one in four of the younger secondary school faculty in the science and mathematics fields is planning to leave teaching for a better paying position in private industry and defense-related industry; and

(9) by contrast, many industrialized countries place stronger emphasis on science and mathematics at all levels of education than does the United States and, as a result, compete more effectively in the fields of advanced technology and international trade.

(b) It is the purpose of this Act to authorize a program for full time and part time workshops for secondary school science teachers and secondary school mathematics teachers designed to increase their teaching skills and thereby encourage better science and mathematics instruction for secondary school students, increase the research potential of the United States, and provide increased numbers of qualified personnel for private industry, defense-related industries, and the Armed Forces.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Board" means the National Mathematics and Science Teachers Development Board established under section 4;

(2) the term "institution of higher education" means any such institution as defined in section 1201(a) of the Higher Education Act of 1965;

(3) the term "Secretary" means the Secretary of Education; and

(4) the term "State" means each of the several States and the District of Columbia.

NATIONAL SCIENCE AND MATHEMATICS TEACHERS DEVELOPMENT BOARD ESTABLISHED

SEC. 4. (a)(1) There is established in the Department of Education the National Science and Mathematics Teachers Development Board.

(2) The functions of the Secretary under this Act shall be carried out through the Board established under this section.

(b) The Board shall be composed of—

(1) seven individuals appointed by the President, by and with the advice and consent of the Senate—

(A) one of whom shall be appointed from among individuals representative of institutions of higher education;

(B) one of whom shall be appointed from among individuals representative of the scientific community;

(C) one of whom shall be appointed from among individuals representative of secondary school mathematics teachers;

(D) one of whom shall be appointed from among individuals representative of secondary school science teachers;

(E) one of whom shall be appointed from among individuals who are representative of vocational education teachers;

(F) one of whom shall be appointed from among individuals who are representative of secondary school science and math teachers teaching in urban schools; and

(G) one of whom shall be appointed from among individuals who are representative of private industry specializing in the application of advanced technology;

(2) the Secretary of Education;

(3) the Director of the National Science Foundation;

(4) the Chairman of the National Science Board;

(5) the Director of the National Academy of Sciences;

(6) the Director of the Office of Science and Technology Policy;

(7) the Under Secretary of Defense for Research and Engineering; and

(8) the Assistant Secretary of Labor for Employment and Training.

(c) The members of the Board who are designated under clauses (2) through (8) in subsection (b) shall serve for as long as they hold the appointment by virtue of which they serve on the Board.

(d)(1) The members of the Board shall select a Chair from among the members of the Board.

(2) The members of the Board shall determine the general policies governing the operation of the Board.

(e)(1) The Board shall meet at the call of its Chair or at the request of ten or more of its members, but the Board shall meet at least four times in each calendar year.

(2) Any vacancy in the Board shall not affect its power, but shall be filled in the same manner in which the original appointment was made.

(f)(1) The members of the Board who are not otherwise employed by the Federal Government shall receive compensation at a rate equal to the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Board and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board.

(2) The members of the Board who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, or other necessary expenses incurred by them in carrying out the functions of the Board.

PROGRAM AUTHORIZED

SEC. 5. (a)(1) The Secretary shall, in accordance with the provisions of this Act, make grants to institutions of higher education for continuing education programs for secondary school teachers of science and mathematics designed to improve the skills and competency of such teachers.

(2) Grants under this section may be made to consortia of institutions of higher education, in the same manner as a single institution of higher education.

(b)(1) There are authorized to be appropriated $50,000,000 for fiscal year 1985 to carry out the provisions of this Act.

(2) Funds appropriated pursuant to paragraph (1) of this subsection shall remain available until expended.

(c) There are authorized to be appropriated such sums as may be necessary for administrative expenses related to carrying out the provisions of this Act.

APPLICATIONS

SEC. 6. (a) Each institution of higher education in any State desiring to participate in the program authorized by this Act shall prepare and submit an application at such time, in such manner, and containing or accompanied by such information as the Secretary deems reasonably necessary. Each such application shall—

(1) provide for continuing educational programs consisting of full-time summer and part-time school year workshops for secondary school teachers of science and mathematics, together with such followup courses of instruction as the institution of higher education determines are consistent with the purposes of this Act;

(2) provide that the continuing education program assisted under this Act will be designed to improve the skills and competency of secondary school teachers of science and mathematics, including improved knowledge of the subject matter, communication skills, effective use of resources in the teaching of science and mathematics to secondary school students;

(3) provide that workshops and courses offered with assistance under this Act will be conducted at locations within commuting distance of a substantial number of the secondary school teacher participants;

(4) provide procedures for identifying secondary school science and mathematics teachers who will participate in the continuing educational program assisted under this Act;

(5) provide assurances that, in the preparation of the application, the institution of higher education considered available and appropriate statewide educational needs analysis and pertinent national reports having application within the appropriate State;

(6) provide a description of the matching grant program designed to qualify for a supplemental matching grant under section 8; and

(7) provide such fiscal control and such accounting procedures as may be necessary to insure a proper accounting of Federal funds paid to the applicant under this Act, and to insure the verification of the costs of the continuing education program furnished by the applicant.

Each application shall be accompanied by a program outline which—

(A) identifies secondary school teacher shortages;

(B) specific areas of secondary school teacher deficiencies;

(C) the proportion of the assistance sought under the application which is to be expended on secondary school teachers who are teaching in an area other than their area of expertise; and

(D) a plan to increase skills and competency of secondary school teachers in the area served by the applicant.

(b) No application may be approved under this section unless the application has been assessed in accordance with peer review procedures.

(c) The Secretary shall expeditiously approve any application that meets the requirements of this section.

EQUITABLE DISTRIBUTION; LIMITATIONS

SEC. 7. (a) The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this Act among the States and areas within each State.

(b) Subject to section 8 no grant made to a single institution of higher education, or to a single consortium of such institutions, under this Act may exceed $200,000.

SUPPLEMENTARY MATCHING GRANTS

SEC. 8. (a) The Secretary is authorized to make a supplementary matching grant to any institution of higher education (including any consortium of such institutions) if—

(1) the institution (or consortium) has an approved application under this Act containing provision for a matching grant program for the purposes described in the application consistent with section 2(b) which encourages the contribution of funds by private nonprofit organizations, private business concerns and individuals; and

(2) the institution (or consortium) submits an amendment to its application submitted under section 6(a), which contains such information as the Secretary may reasonably require to assure that the matching grants have been made and that the requirements of this section are met.

(b) The maximum amount of each supplemental grant under this Act is $250,000.

PAYMENTS

SEC. 9. (a) From amounts appropriated under section 5(b), the Secretary shall pay, in accordance with the provisions of this Act, to each institution of higher education which has an application approved under section 6 an amount equal to the amount needed for the purposes set forth in the application.

(b)(1) Payments under this Act shall be made as soon after approval of the application as practicable.

(2) Payments under this Act may be made in installments, in advance or by way of reimbursement with necessary adjustments on account of overpayments and underpayments.

REPORTS

SEC. 10. The Secretary shall not later than December 31, 1985 prepare and submit a report to the Congress which shall include—

(1) a statement of expenditures under this Act;

(2) a description of the activities of the Board under this Act, including the types of grants made; and

(3) recommendations, including recommendations for legislation, designed to develop adequate science and mathematics teacher training to meet the needs of the Nation.

By Mr. MOYNIHAN:

S. 402. A bill to reenact the Emergency School Aid Act; to the Committee on Labor and Human Resources.

EMERGENCY SCHOOL AID ACT

● Mr. MOYNIHAN. Mr. President, I am today introducing legislation to reverse the decision made during consideration of the Omnibus Reconciliation Act of 1981 to include the emergency school aid program in the President's education block grant proposal. My bill would separate the emergency school aid program from the block grant thereby reestablishing it as title VI of the Elementary and Secondary Education Act, a categorical program specifically designed to assist local communities with their efforts to desegregate public schools. I recommend Congress take this remedial step because I view the decision to include this program in the block grant as ill-advised, contrary to the objectives of the block grant and, most importantly, because I believe we will have hampered the effort to desegregate the public schools if the decision made 2 years ago is allowed to stand.

I have a history with this program. In 1970, I was a member of President Nixon's administration and was much involved in education matters for the President when he first proposed the creation of a program to assist local communities to voluntarily desegregate their schools. He recommended that $1 billion be provided for that purpose and directed, by Executive order, the creation of the emergency school aid program. Two years later, Congress adopted the Emergency School Aid Act, later to become title VI of the Elementary and Secondary Education Act of 1965. The purpose of the 1972 act was to encourage communities to voluntarily adopt desegregation programs. Federal funds to assist local school districts with desegregation have been made available ever since.

In fiscal year 1981 there was $561.7 million available for all programs folded into the education block grant. In fiscal year 1982, however, this amount declined to $483.84 million. Funding for the block grant contained in the most recent continuing appropriations bill, House Joint Resolution 631, is $479.42 million for fiscal year 1983.

With respect to emergency school aid assistance, school districts in 43 States received $149.2 million in fiscal year 1981. Such assistance has not been forthcoming under the block grant. This is due in part to the formula embodied in the block grant which had the effect of increasing the number of school districts eligible to receive Federal education assistance at a time when the level of funding was reduced. In addition, desegregation is far down on the list of priorities specified in the block grant.

In New York State, for example, the Buffalo public schools, operating one of the largest and most successful court-ordered, voluntary desegregation plans in the Nation, received over $46 million in emergency school aid in 1981–82. In 1982–83, Buffalo received only $956,867, a drop of almost 86 percent. Thirty other school districts in New York—including those encompassing the cities of Rochester, Syracuse, and New York—faced similar reductions in ESAA funding for this school year.

One purpose of the education block grant is to allow local officials greater flexibility in determining where education dollars can best be spent. Local control of education is a well-established principle in this Nation. In the area of desegregation, however, the Federal Government has played a major role. Desegregation has been a national effort and over the past 13 years Federal funds have assisted local communities with this task. Under the block grant approach, however, the Federal Government is, in effect, removed from this effort. More importantly, encouraging school districts to voluntarily desegregate their schools by providing Federal funds would appear to me to involve exactly the type of local decisionmaking which the education block grant was designed to encourage.

By sharply curtailing the amount of funds to be made available for desegregation I fear we shall realize two results which were not intended by the enactment of the education block grant. First, the loss of Federal funds will seriously hamper local efforts to desegregate, making it more difficult for some communities to comply with the law. Second, without funds for desegregation efforts, schools may find themselves ordered to desegregate by Federal judges, regardless of whether the school districts have the resources available to do so. Finally, some communities, in reliance on the continued availability of Federal funds, embarked on desegregation plans designed to take effect over several years. These districts now find themselves in the second or third year of a multiyear plan facing the loss of Federal funds which they relied on and for which there may well be no replacement.

I urge my colleagues to give serious consideration to the proposal which I offer today. The funding level authorized by my legislation for fiscal year 1984 equals the real dollar 1981 appropriation—the appropriation figure adjusted by the rate of inflation—or $177.9 million. Surely, the proven benefits of the emergency school aid program, as a fulfillment of the Federal Government's commitment to school desegregation, and as a means for providing millions of American schoolchildren with better educational opportunities, warrant this expenditure, at the very least.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by inserting at the appropriate place in the Act the following title:

"TITLE VI—EMERGENCY SCHOOL AID

"SHORT TITLE

"SEC. 601. This title may be cited as the 'Emergency School Aid Act'.

"FINDINGS AND PURPOSE

"SEC. 602. (a) The Congress finds that the process of eliminating or preventing minority group isolation and improving the quality of education for all children often involves the expenditure of additional funds to which local educational agencies do not have access.

"(b) The purpose of this title is to provide financial assistance—

"(1) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools; and

"(2) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students.

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 603. (a) It is the policy of the United States that guidelines and criteria established pursuant to this title shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

"(b) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

"AUTHORIZATION

"SEC. 604. (a) The Secretary shall, in accordance with the provisions of this title, carry out a program designed to achieve the purpose set forth in section 602(b).

"(b)(1) There are authorized to be appropriated for the purposes of this title, to be apportioned among the States in accordance with section 605, $39,800,000 for fiscal year 1984 and such sums as may be necessary for each of the three succeeding fiscal years.

"(2) There are further authorized to be appropriated for the purpose of this title $132,100,000 for fiscal year 1984 and such sums as may be necessary for each of the three succeeding fiscal years for special programs and projects under section 608 (except subsection (b) thereof) and under section 611, and for evaluations under sec-

tion 613. From the amount appropriated under this subsection for any fiscal year, the Secretary shall reserve $20,000,000 or 25 per centum of such sums appropriated under this title, whichever is greater, for the purpose of carrying out programs and projects described in section 608(a) (1) through (3) and shall reserve 7 per centum for the projects described in section 611.

"(3) There are further authorized to be appropriated for the purpose of this title $6,000,000 for the fiscal year 1984 and such sums as may be necessary for each of the three succeeding fiscal years for programs and projects designed to support the development or implementation of plans under section 608(b).

"APPORTIONMENT AMONG STATES

"SEC. 605. (a) From the sums appropriated pursuant to section 604(b)(1) for any fiscal year, the Secretary shall apportion to each State for grants and contracts within the State $75,000 plus an amount which bears the same ratio to such sums as the number of minority group children aged five through seventeen, inclusive, in that State bears to the number of such children in all States, except that the amount apportioned to any State shall not be less than $100,000. The number of such children in each State and in all of the States shall be determined by the Secretary on the basis of the most recently available satisfactory data.

"(b)(1) The amount by which any apportionment to a State for a fiscal year under subsection (a) exceeds the amount which the Secretary determines will be required for that fiscal year for programs and projects within that State shall be available either—

"(A) for reapportionment to other States for which the amount so apportioned is insufficient for approvable programs or projects for that fiscal year, or

"(B) for special programs and projects under section 608(a),

whichever the Secretary determines will best achieve the purposes of this title, the Secretary shall distribute any amounts reapportioned among the States pursuant to clause (A) in proportion to the need of eligible applicants in each such State for approvable programs or projects.

"(2) The Secretary shall not fix a date for reapportionment, pursuant to this subsection, of any portion of any apportionment to a State for a fiscal year which date is earlier than one hundred and twenty days prior to the end of such fiscal year.

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, no portion of any apportionment to a State for a fiscal year shall be available for reapportionment pursuant to this subsection unless the Secretary determines that the application for assistance under this title which have been filed by eligible applicants in that State for which a portion of such apportionment has not been reserved (but which would necessitate use of that portion) are applications which do not meet the requirements of this title, as set forth in sections 606, 607, and 610, or which set forth programs or projects of such insufficient promise for achieving the purposes of this title stated in section 602(b) that their approval is not warranted.

"ELIGIBILITY FOR ASSISTANCE

"SEC. 606. (a)(1) The Secretary is authorized to make a grant to, or a contract with, a local educational agency—

"(A) which is implementing a plan—

"(i) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools, and which may, in addition, require educational activities in minority group isolated schools not affected by the reassignment of children or faculty under the plan in order to remedy the effects of illegal segregation; or

"(ii) which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools; or

"(B) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan for the complete elimination of minority group isolation in all the minority group isolated schools of such agency; or

"(C) which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement a plan—

"(i) to eliminate or reduce minority group isolation in one or more of the minority group isolated schools of such agency;

"(ii) to reduce the total number of minority group children who are in minority group isolated schools of such agency; or

"(iii) to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this title) in any school in such district in which school at least 20 per centum, but not more than 50 per centum, of the enrollment consists of such children; or

"(D) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement a plan to enroll and educate in the schools of such agency children who should not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing minority group isolation in one or more of the school districts; or

"(E) which is developing a plan of desegregation—

"(i) issued by a court of the United States or a court of any State, or any other State agency or official of competent jurisdiction; or

"(ii) undertaken by such agency voluntarily; and

which plan will require the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise will require the elimination or reduction of minority group isolation in such schools, or which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools, and the period for such planning does not exceed two years.

Grants under clause (E) shall be from funds appropriated to carry out the purposes of section 608, and not more than one grant for the development of a plan under clause (E) of this paragraph may be made to any local educational agency. Receipt of a grant or contract under clause (E) of this paragraph shall not be used as an absolute defense in any court of the United States or a court of any State, or before any other State agency or official of competent jurisdiction.

"(2)(A) The Secretary is authorized, in accordance with special eligibility criteria established by regulation for the purposes of this paragraph, to make grants to, and contracts with, local educational agencies for the purposes of section 609(a)(1).

"(B) A local educational agency shall be eligible for assistance under this paragraph only if—

"(i) such agency is located within, or adjacent to, a Standard Metropolitan Statistical Area;

"(ii) the schools of such agency are not attended by minority group children in a significant number or proportion; and

"(iii) such local educational agency has made joint arrangements with a local educational agency, located within that Standard Metropolitan Statistical Area, and the schools of which are attended by minority group children in a significant proportion, for the establishment or maintenance of one or more integrated schools as provided in section 617(3).

"(b) No local educational agency making application under this section shall be eligible to receive a grant or contract in an amount in excess of the amount determined by the Secretary, in accordance with regulations setting forth criteria established for such purpose, to be the additional cost to the applicant arising out of activities normally carried out by the local educational agency.

"(c)(1) Except as provided in paragraph (2), no educational agency shall be eligible for assistance under this title if it has, after June 23, 1972—

"(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to, any transferee which it knew or reasonably should have known to be a nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

"(B) had in effect any practice, policy, or procedure which results in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the implementation of any plan or the conduct of any activity described in this section, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

"(C) in conjunction with desegregation or the conduct of an activity described in this section, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day, except that this clause does not prohibit the use of bona fide ability grouping by a local educational agency as a standard pedagogical practice; or

"(D) had in effect any other practice, policy, or procedure, such as limiting cur-

ricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group children in such activities, which discriminates among children on the basis of race, color, or national origin,

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

"(2) Whenever a local educational agency applies for assistance under clause (E) of section 606(a)(1), the provisions of clauses (C) and (D) of paragraph (1) of this subsection shall not apply if the local educational agency provides assurances in the application for assistance that the development of the plan for which assistance is sought will address the conditions described in such clauses (C) and (D).

"(3)(A) Applications for waivers under paragraph (1) may be approved only by the Secretary. The Secretary's functions under this paragraph shall, notwithstanding any other provision of law, not be delegated.

"(B) Application for waiver shall be granted by the Secretary upon determination that any practice, policy, procedure or other activity resulting in ineligibility has ceased to exist, and that the applicant has given satisfactory assurance that the activities prohibited in this subsection will not reoccur.

"(4) No application for assistance under this title shall be approved prior to a determination by the Secretary that the applicant is not ineligible by reason of this subsection.

"(5) All determinations pursuant to this subsection shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

"(6) All determinations and waivers pursuant to this subsection shall be in writing.

"(7) The Secretary shall prepare and include in the annual report required by section 422(a)(4) of the General Education Provisions Act a list of all the waivers granted under this subsection for the preceding fiscal year.

"AUTHORIZED ACTIVITIES

"SEC. 607. (a) The Secretary shall make sums appropriated under section 604(a) for any fiscal year available for programs and projects designed to meet educational needs that arise from the development of or the implementation of a plan described in section 606(a). Those programs and projects may include, but are not limited to—

"(1) the training of school staff and local educational agency staff in the handling of problems incident to the implementation of a qualifying plan;

"(2) the provision of additional staff members (including teacher aides) to assist in meeting educational needs that arise from the implementation of the plan;

"(3) the development or acquisition of new curricula, methods, practices, techniques, or materials to support a program of instruction, for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups;

"(4) innovative educational activities, including extracurricular activities, which involve the joint participation of minority group children and other children;

"(5) community relations activities, including public information efforts, in support of the implementation of a qualifying plan;

"(6) planning, evaluation, dissemination, and other administrative activities directly related and necessary to other activities in the program or project;

"(7) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of instructional equipment) and the lease or purchase of mobile classroom units or other mobile education facilities, where necessary to carry out other activities in the program or project;

"(8) the provision of compensatory services to children who have received such services under title I but who are no longer eligible to receive those services as a result of attendance area changes under a qualifying plan;

"(9) activities to prevent or eliminate recurring or continuing problems resulting from the implementation of a qualifying plan;

"(10) planning to implement or carry out a plan of desegregation issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools or which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools; and

"(11) in the case of an applicant implementing a court-ordered desegregation plan under section 606(a)(1)(A)(i), the conduct of educational activities in one or more minority group isolated schools which are not affected by the reassignment of children or faculty under the plan, where the activities have been required by the court to remedy the effects of illegal segregation.

"(b) In recruiting and hiring teacher aides to assist in carrying out a program or projects under this section the local educational agency shall give preference to parents of children affected by the implementation of a qualifying plan.

"SPECIAL PROGRAMS AND PROJECTS

"SEC. 608. (a) From the amount appropriated for any fiscal year under section 604(b), the Secretary is authorized to make grants to, and contracts with, State and local educational agencies, and other public and private nonprofit agencies and organizations (or a combination of such agencies and organizations) for the purpose of carrying out activities which the Secretary determines will make substantial progress toward achieving the purposes of this title, including, but not limited to—

"(1) the planning for, design of, and conduct of programs in magnet schools;

"(2) the pairing of schools and programs with institutions of higher education and with businesses;

"(3) the development of plans for neutral site schools;

"(4) activities designed to meet the needs of minority group children of limited English language proficiency enrolled in the schools of a local educational agency eligible for assistance under section 606; and

"(5) the development and production of integrated children's television and radio programs of cognitive and effective educational value, as described in section 611.

"(b) From the amount appropriated for any fiscal year under section 604(b)(3), the Secretary, in cases in which it would effectively carry out the purpose of this title stated in section 602(b), may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) in any State to carry out programs or projects designed to support the development or implementation of a plan described in section 606(a).

"(c)(1) From the amount available for the purposes of this section for each fiscal year, the Secretary shall carry out a program of making grants to State educational agencies, or other State agencies involved in or responsible for the desegregation of public elementary and secondary schools, to pay a portion of the cost of State activities related to—

"(A) planning (i) for the implementation of voluntary plans to eliminate or reduce minority group isolation in those schools, and (ii) to assess future needs, and to develop further strategies to meet those needs;

"(B) providing technical assistance to encourage local educational agencies or groups of those agencies to develop or implement voluntary plans to eliminate or reduce minority group isolation in those schools; and

"(C) providing training for educational personnel involved in developing or carrying out a voluntary plan to eliminate or reduce minority group isolation in those schools.

"(2) The amount of assistance made available to a State under this subsection for any fiscal year shall be twice the amount of State funds expended in the preceding fiscal year for the activities listed in paragraph (1). The amount provided to a State under this section for any fiscal year shall not exceed—

"(A) 10 per centum of the amount apportioned to the State for that fiscal year under section 605, or

"(B) $500,000,

whichever is greater.

"(3) No grant may be made to a State under this subsection unless the application for that grant has been developed in consultation with teachers, educators, parents (including parents of minority group children), and representatives of the general public (including representatives of minority groups), of whom the proportion of minority group individuals shall be approximately the same as the proportion of minority group children enrolled in the elementary and secondary schools in the State.

"METROPOLITAN AREA PROJECTS

"SEC. 609. (a) Sums available to the Secretary under section 608 for metropolitan area projects shall be available for the following purposes:

"(1) A program of grants to, and contracts with local educational agencies which are eligible under section 606(a)(2), in order to assist them in establishing and maintaining integrated schools as defined in section 617(3).

"(2) A program of grants to groups of local educational agencies located in a Standard Metropolitan Statistical Area for the joint development of a plan to reduce and eliminate minority group isolation, to

the maximum extent possible, in the public elementary and secondary schools in the Standard Metropolitan Statistical Area, which shall, as a minimum, provide that by a date certain, but in no event later than July 1, 1983, the percentage of minority group children enrolled in each school in the Standard Metropolitan Statistical Area shall be at least 50 per centum of the percentage of minority group children enrolled in all the schools in the Standard Metropolitan Statistical Area. No grant may be made under this paragraph unless—

"(A) two-thirds or more of the local educational agencies in the Standard Metropolitan Statistical Area have approved the application; and

"(B) the number of students in the schools of the local educational agencies which have approved the application constitutes two-thirds or more of the number of students in the schools of all the local educational agencies in the Standard Metropolitan Statistical Area.

"(b) In making grants and contracts under this section, the Secretary shall insure that at least one grant shall be for the purposes of paragraph (2) of subsection (a).

"APPLICATIONS

"SEC. 610. (a) Any local educational agency desiring to receive assistance under this title shall submit to the Secretary, at such time, in such form, and containing only such information as the Secretary deems necessary to carry out their functions under this title, an application describing the activities to be carried out under the application during the period, not to exceed five academic years, for which assistance is being sought. That application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Secretary. The Secretary may approve an application only upon a determination that such application—

"(1) has been developed—

"(A) in open consultation with parents, teachers and, where applicable, secondary school students, including at least one public hearing at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereupon, and

"(B) with the participation of a committee composed of parents of children enrolled in the applicant's schools, teachers and, where applicable, secondary school students, of which at least half the members shall be such parents and at least half shall be persons from minority groups;

"(2) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and with the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (1)(B);

"(3) sets forth such policies and procedures, and contains such information, as will insure that funds paid to the applicant under the application will be used solely to pay the additional cost to the applicant in carrying out the programs described in the application;

"(4) contains such assurances and other information as will insure that the program for which assistance is sought will be administered by the applicant, and that any funds received by the applicant, and any property derived therefrom, will remain under the administration and control of the applicant;

"(5) provides that the plan with respect to which such agency is seeking assistance (as specified in section 606(a)(1)(A)) does not involve freedom of choice as a means of desegregation, unless the Secretary determines that freedom of choice has achieved, or will achieve, the complete elimination of a dual school system in the school district of such agency;

"(6) provides assurances that such agency will carry out, and comply with, all provisions, terms, and conditions of any plan, as described in section 606, upon which a determination of its eligibility for assistance under this title is based;

"(7) sets forth such policies and procedures, and contains such information, as will insure that funds made available to the applicant (A) under this title will be so used (i) as to supplant the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the program for which assistance is sought, and for promoting the integration of the schools of the applicant, and for the education of children participating in such program, and (ii) in no case, as to supplant such funds from non-Federal sources, and (B) under any other law of the United States will, in accordance with standards established by regulation, be used in coordination with such programs to the extent consistent with such other law, except that nothing in this clause shall prohibit the use of funds under this title for otherwise authorized activities required under a court-ordered plan described in section 606(a)(1)(A)(i);

"(8) provides that (A) to the extent consistent with the number of minority group children in the area to be served who are enrolled in private nonprofit elementary and secondary schools which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools, whose participation would assist in achieving the purpose of this title stated in section 602(b), provides assurance that such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis, and (B) to the extent consistent with the number of children, teachers, and other educational staff in the school district of such agency enrolled or employed in private nonprofit elementary and secondary schools whose participation would assist in achieving the purpose of this title stated in section 602(b), such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis;

"(9) provides that the applicant has not reduced its fiscal effort per student or the aggregate expenditure for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under this title to less than that of the second preceding fiscal year;

"(10) provides that the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

"(11) sets forth effective procedures, including provisions for objective measurement of change in educational achievement and other change to be effected by programs conducted under this title, for the continuing evaluation of programs under this title, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the community served, and their structure and mechanisms for the delivery of services, and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs or projects;

"(12) provides (A) that the applicant will make periodic reports at such time, in such form, and containing such information as the Secretary may prescribe, including, in the case of reports relating to performance, that the reports be consistent with specific criteria related to the program objectives and (B) that the applicant will keep such records and afford such access thereto as—

"(i) will be necessary to insure the correctness of such reports and to verify them, and

"(ii) will be necessary to insure the public adequate access to such reports and other written materials; and

"(13) provides that the applicant, in developing the program or project for which it seeks assistance, has considered the need for compensatory services for children who received those services under title I of this Act, but who are no longer eligible to receive those services as a result of attendance area changes under a qualifying plan.

"(b) Except in the case of applications for assistance under section 608(a), the Secretary shall determine whether the applicant is eligible under section 606(c), and notify the applicant in writing of any determination of ineligibility under that subsection, including in detail the relevant information on which the determination of ineligibilty is based, not later than March 1 of the year in which the academic year or other period for which the assistance is sought begins. Not later than June 30 of that year, the Secretary shall notify the applicant of the approval or disapproval of the application and the amount of its award, if any.

"(c) No application under this section may be approved which is not accompanied by the written comments of a committee established pursuant to clause (2)(B) of subsection (a). The Secretary shall not approve an application without first affording the committee an opportunity for an informal hearing if the committee requests such a hearing.

"(d) In approving applications submitted under this title (except for those submitted under sections 608(b) and 613) the Secretary shall apply the following criteria:

"(1) the need for assistance based on the expense or difficulty of effectively carrying out a plan described in section 606(a) and the program or projects for which assistance is sought;

"(2) the degree to which implementation of the plan described in section 606(a) has effected or will effect a decrease in minority group isolation in minority group isolated schools;

"(3) the recentness of the implementation of the plan described in section 606(a);

"(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title; and

"(5) the degree to which the plan described in section 606 involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

"(e)(1) An application of a local educational agency for assistance under this title may cover a period of from one to five years. A new application shall be required for any as-

sistance under this title for years subsequent to that period. The Secretary shall base the decision as to the length of time for which an application will be approved on—

"(A) the severity of the problems addressed by the program or project for which assistance is being sought;

"(B) the nature of the activities proposed in the application;

"(C) the likely duration of the problems addressed by the application; and

"(D) such other criteria, established by the Secretary as will assure the most effective use of this title.

"(2) If the Secretary approves an application of a local educational agency under this title for a period covering more than one fiscal year, no subsequent application shall be required from that agency in any fiscal year during that period unless the agency proposes to carry out, in any such fiscal year, activities not included in the approved application. However, payments to any such agency for any fiscal year subsequent to the first fiscal year for which the application has been approved shall be made only if—

"(A) sufficient appropriations are available for making payments in each such subsequent fiscal year; but such payments to applicants which are approved for a period of more than one year shall be made prior to any approval of funding requests from other applicants unless the Secretary finds that the urgency of needs elsewhere requires a reduction of the level of support for the applicants first approved;

"(B) the Secretary determines that the agency is not ineligible for assistance under section 606(d) in each subsequent fiscal year; and

"(C) the agency demonstrates, by such means as the Secretary may prescribe, that satisfactory progress is being made toward achieving the objectives of the program or projects for which assistance has been made available under this title.

"(f)(1) The Secretary shall not give less favorable consideration to the application of a State or local educational agency (including an agency currently classified as legally desegregated by the Secretary) which has voluntarily adopted a plan qualified for assistance under this title (due only to the voluntary nature of the action) than to the application of a local educational agency which has been legally required to adopt such a plan.

"(2) The Secretary shall not finally disapprove in whole or in part any application for funds submitted by a State or local educational agency without first notifying the agency of the specific reasons for his disapproval and without affording the agency an appropriate opportunity to modify its application.

"(g) The Secretary may, from time to time, set dates by which applications shall be filed.

"(h) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this title, at least one such agency shall be a local educational agency described in section 606(a) and any one or more of such agencies joining in such application may be authorized to administer such program or project.

"(i) No State shall reduce the amount of State aid with respect to the provision of free public education in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title.

"EDUCATIONAL TELEVISION AND RADIO

"SEC. 611. (a)(1) The Secretary shall carry out a program of making grants to, or contracts with, public or private nonprofit agencies, institutions, or organizations with the capability of providing expertise in the development of high-quality television and radio programing, in sufficient number to assure diversity, to pay the cost of development and production of integrated children's television and radio programs of cognitive and affective educational value.

"(2) Television and radio programs developed in whole or in part with assistance provided under this title shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship.

"(3) The Secretary may approve an application under this section only if he determines that the applicant—

"(A) will employ members of minority groups in responsible positions in development, production, and administrative staffs;

"(B) will assure the development of productions having a substantial artistic or educational significance;

"(C) will use modern television and radio techniques of research and production; and

"(D) has adopted effective procedures for evaluating educational and other changes achieved by children viewing the program.

"(b) Grants and contracts pursuant to subsection (a) may be made from funds available to carry out section 604(b)(2) of this Act.

"(c) Not to exceed 10 per centum of the amounts available for this section shall be used for grants and contracts for development and production of radio programing.

"PAYMENTS

"SEC. 612. (a) Upon his approval of an application for assistance under this title, the Secretary shall reserve from the applicable apportionment (including any applicable reapportionment) available therefor the amount fixed for such application.

"(b) The Secretary shall pay to the applicant such reserved amount, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine. Payments under this title for a fiscal year shall remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

"(c)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (8) of section 610(a), the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title stated in section 602(b). The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application. The Secretary shall pay the cost of such arrangements from such State's allotment or, in the case of an application under section 608(a), from the sums available to the Secretary under section 604(b) for the purpose of that subsection.

"(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

"(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (8) of section 610(a), he shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

"(d) After making a grant or contract under this title, the Secretary shall notify the appropriate State educational agency of the name of the approved applicant and of the amount approved.

"EVALUATIONS

"SEC. 613. From the amount appropriated under section 604(b) for any fiscal year, the Secretary is authorized to reserve for the purpose of this section not to exceed 1 per centum of the amount appropriated under this title for that fiscal year. From such reservation, the Secretary is authorized to make grants to, and contracts with, State educational agencies, institutions of higher education and private organizations, institutions, and agencies, including committees established pursuant to section 610(a)(1) for the purpose of evaluating specific programs and projects assisted under this title.

"JOINT FUNDING

"SEC. 614. Pursuant to regulations prescribed by the President, where funds are advanced under this title, and by one or more other Federal agencies for any project or activity, funded in whole or in part under this title, any one of such Federal agencies may be designated to act for all in administering the funds advanced. In such cases any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose. Nothing in this section shall be construed to authorize (1) the use of any funds appropriated under this title for any purpose not authorized herein, (2) a variance of any reservation or apportionment under section 604 or 605, or (3) waiver of any requirement set forth in sections 606 through 611.

"ATTORNEY FEES

"SEC. 615. Upon the entry of a final order by a court of the United States against a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof), for failure to comply with any provision of this title or for dis-

crimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or the fourteenth amendment to the Constitution of the United States as they pertain to elementary and secondary education, the court, in its discretion, upon a finding that the proceedings were necessary to bring about compliance, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

"NEIGHBORHOOD SCHOOLS

"SEC. 616. Nothing in this title shall be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis to adopt any other method of student assignment.

"DEFINITIONS

"SEC. 617. Except as otherwise specified, the following definitions shall apply to the terms used in this title:

"(1) The term 'equipment' includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

"(2) The term 'institution of higher education' means an educational institution in any State which—

"(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

"(B) is legally authorized within such State to provide a program of education beyond high school;

"(C) provides an educational program for which it awards a bachelor's degree; or provided not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

"(D) is a public or other nonprofit institution; and

"(E) is accredited by a nationally recognized accrediting agency or association listed by the Secretary for the purpose of this paragraph.

"(3) For the purpose of section 606(a)(2) and section 609(a)(1), the term 'integrated school' means a school with an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, in which the proportion of minority group children is at least 50 per centum of the proportion of minority group children enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area, and which has a faculty and administrative staff with a substantial representation of minority group persons.

"(4) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a federally recognized Indian reservation, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school and where responsibility for the control and direction of the activities in such schools which are to be assisted under this title is vested in an agency subordinate to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for the purposes of this title.

"(5) The term 'magnet school' means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"(6) The term 'minority group' refers to (A) persons who are American Indians and Alaskan Natives; Asians and Pacific Islanders; blacks, not of Hispanic origin; Hispanics; Franco-Americans; and Portuguese; and (B) (except for purposes of section 605), as determined by the Secretary, persons who are from environments in which the dominant language is other than English and who, as a result of language barriers and cultural differences, do not have an equal educational opportunity.

"(7) The terms 'minority group isolated school' and 'minority group isolation' in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 per centum of the enrollment of a school.

"(8) The term 'neutral site school' means a school that is located so as to be accessible to substantial numbers of students of different racial backgrounds.

"(9) The term 'Standard Metropolitan Statistical Area' means the area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget.

"(10) The term 'State' means one of the fifty States or the District of Columbia, and for purposes of section 608 (a) and (b), Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be deemed to be States.".

SEC. 2. (a) Section 561 of the Education Consolidation Improvement Act of 1981 is amended by striking out "VI,".

(b) Section 576 of such Act is amended by striking out "title VI, relating to emergency school aid, of the Elementary and Secondary Education Act of 1965,".

(c) Section 577 of such Act is amended—

(1) by striking out clause (3); and

(2) by redesignating clauses (4), (5), (6), and (7) as clauses (3), (4), (5), and (6), respectively.

(d) Section 587(a)(1) is amended by striking out "VI,".●

By Mr. DODD:

S. 403. A bill to require the Secretary of Housing and Urban Development to administer a demonstration program for assisting communities and nonprofit organizations in providing emergency shelter; to the Committee on Banking, Housing, and Urban Affairs.

TEMPORARY EMERGENCY SHELTER DEMONSTRATION PROGRAM ACT 1983

● Mr. DODD. Mr. President, today I am introducing a bill to provide emergency shelters for homeless Americans.

The need for temporary housing for homeless children and adults in this country has never been greater since the era of the Great Depression. Community leaders from my State of Connecticut across to the State of California decry the plight of hundreds of thousands of citizens who have no place else to sleep except beneath park benches, abandoned cars, and plastic bags draped like tents. Government and private sources estimate that the number of homeless persons this winter may reach close to 2 million.

Mr. President, there can be no doubt about it: Homelessness has reached crisis proportions in our Nation. Neither can there be any doubt about the fact that this crisis has been exacerbated by our skyrocketing unemployment rate coupled with recent severe cutbacks in social services.

It is a national disgrace that we have not yet enacted any Federal legislation to assist private groups and local authorities desperately attempting to shelter the homeless. The problem is of such a magnitude that dangerously crowded rescue missions are still not able to accommodate the majority of those who seek sleeping space. As a result, American men, women, and children must sleep outside, exposed to all the elements.

This bill authorizes $50 million to allow nonprofit organizations to convert abandoned buildings into temporary shelters for the homeless. HUD will administer this demonstration program, awarding grants to areas with the greatest number of homeless people. The nonprofit organizations receiving grants will have a responsibility to operate the emergency shelters for a period of from 3 to 10 years, depending upon the amount of the award. Congressman VENTO and I introduced identical legislation last session.

Mr. President, the underlying causes of homelessness vary from city to city. Boston estimates that the majority of their homeless are runaway youth. Cities as diverse as Portland, Oreg., and Lincoln, Nebr., in contrast, have seen a big increase in the number of homeless families. In turn, New York City reports that one-third of all homeless residents suffer from some form of mental illness. While we must work hard to erase all underlying causes of homelessness, we must also act immediately to provide those wandering in our streets with a place to sleep.

I urge my colleagues to join me in sponsoring this legislation as a first step toward doing just that.

I ask unanimous consent that the full text of the "Temporary Emergency Shelter Act of 1983" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Temporary Emergency Shelter Demonstration Program Act of 1983".

DEMONSTRATION PROGRAM

SEC. 2. (a) The Secretary of Housing and Urban Development (hereafter in this Act referred to as the "Secretary") shall, to the extent provided in section 5, carry out a demonstration program for the purpose of assisting communities or nonprofit organizations in providing shelter for individuals who are subject to life-threatening situations because of their lack of housing.

(b) The demonstration program referred to in subsection (a) shall provide that—

(1) the Secretary shall make grants to communities or nonprofit organizations for the purpose described in subsection (a);

(2) any nonprofit organization may apply for such assistance only on the basis of an application approved by the community in which the project involved is, or is to be, located;

(3) such grants shall be made on a competitive basis, taking into consideration—

(A) the extent of need for emergency housing in the area where the project involved is, or is to be, located;

(B) in the case of any nonprofit organization, the extent of the need for funding by such organization;

(C) the extent of non-Federal assistance to be provided with respect to the project involved, including in-kind contributions by volunteers;

(D) in the case of any nonprofit organization, the demonstrated capacity of such organization to establish and maintain the project involved; and

(E) any other terms and conditions prescribed by the Secretary to carry out the project involved in an effective, expeditious, and efficient manner;

(4) such grants may be used for the purpose of rehabilitating existing structures in order to provide basic shelter, maintaining structures providing such shelter, and paying for utilities of such structures, and for other purposes (other than salaries and administrative expenses) prescribed by the Secretary consistent with the purpose of this Act; and

(5) in the case of any structure that is rehabilitated with assistance under this Act, such structure shall be used for emergency housing for at least three years, or at least ten years in any case in which the rehabilitation involved is substantial.

REGULATIONS

SEC. 3. The Secretary shall issue regulations with respect to the demonstration program established in section 2 not later than ninety days after the date of the enactment of this Act.

REPORT TO CONGRESS

SEC. 4. The Secretary shall submit to the Congress (1) not later than April 1, 1983, an interim report concerning the demonstration program established in section 2; and (2) not later than December 1, 1983, a final report concerning such program.

FUNDING OF DEMONSTRATION PROGRAM

SEC. 5. Of the additional authority approved in appropriation Acts and made available during fiscal year 1983 pursuant to section 5(c) of the Housing Act of 1937, the Secretary shall utilize $50,000,000 to carry out the provisions of this Act.●

By Mr. PELL (for himself and Mr. DECONCINI):

S. 406. A bill to strengthen bail requirements for individuals charged with drug offenses and to coordinate the national and international drug enforcement efforts of the Federal Government, in order to reduce drug trafficking and drug-related crime; to the Committee on the Judiciary.

BAIL REQUIREMENTS FOR INDIVIDUALS CHARGED WITH DRUG OFFENSES

Mr. PELL. Mr. President, I introduce for appropriate referral a bill on behalf of the Senator from Arizona (Mr. DECONCINI) and myself.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. PELL. Mr. President, today Senator DECONCINI and I are introducing the National and International Drug Operations and Policy Act of 1983. I have been pleased to work closely with Senator DECONCINI in developing the ideas for this legislation, which was included as an amendment to the Violent Crime and Drug Enforcement Improvement Act. That bill was vetoed by President Reagan, despite its overwhelming passage in both the Senate and House during the 97th Congress.

Because Senator DECONCINI and I believe that a Cabinet-level "drug czar" is vital to an effective national attack on drug abuse and trafficking, we are reintroducing this legislation at the beginning of the 98th Congress. To the "drug czar" bill we have two other long overdue reforms of the criminal justice system which have been championed by Senator DECONCINI in past Congresses.

I know every Member of the Senate is deeply concerned about the mounting crime epidemic confronting our society today. In the course of 1 year, 1 out of every 3 households in the United States is touched in some form by this crime epidemic.

Much of the mounting crime rate can be directly traced to the recent unprecedented increase in illegal drug trafficking throughout the United States. We are literally being engulfed by a flood of illegal drugs that are entering the country by sea, by air, and at our borders. And we see the byproducts of this problem daily in our own communities: In the stores and homes burglarized by addicts supporting their drug habit, and the innocent citizens who are victimized by muggings, assaults, and other violent drug related crimes.

Law enforcement officials estimate that between 40 and 60 percent of all serious crimes that occurred in the United States in 1981 were drug-related.

Drug trafficking has become an $80 billion a year untaxed big business in the United States, producing an alarming increase in drug overdose deaths and addiction rates. We have an estimated 492,000 heroin addicts in this country, 90 percent of whom are believed to support their habit through criminal activity. Moreover, the Drug Enforcement Administration estimates that there are 15 million cocaine users in the United States consuming approximately 60 metric tons of the drug each year.

This is a problem that—by its very nature—local law enforcement is virtually powerless to control. Nearly all the dangerous drugs consumed in the United States are smuggled into the country from other nations, notably from South America and the Caribbean area, as well as the "Golden Crescent" of Southwest Asia and the "Golden Triangle" of Southeast Asia. Earlier this week a United Nations Agency, the International Narcotics Control Board in Vienna, reported that the production of illegal drugs is growing throughout most of the world, overwhelming the resources presently devoted to containing the problem.

Despite the best efforts of a number of agencies—and successful initiatives such as the Florida task force—we are losing the battle against drug traffickers. Efforts to curb drug trafficking in some areas have simply forced well-financed smugglers to find more ingenious methods and new routes. The best estimates are that we are stopping no more than 10 to 15 percent of all the dangerous drugs being smuggled into the United States, despite the fact that the money spent by the Federal Government to intercept drugs tripled from 1977 to 1981.

Perhaps our most important failure has been the lack of a consistent and well-coordinated national strategy. No high-level official presently has the authority to set overall policy and to coordinate the many departments and agencies—spread throughout the Government—with responsibilities in this area. Moreover, no official has the lead responsibility for overseas drug enforcement and spearheading greater international efforts to reduce drug trafficking.

Besides the Justice Department, which includes the FBI and the Drug Enforcement Administration, the other principal departments involved in drug enforcement are the State Department, the Transportation Department, which includes the Coast Guard, the Treasury Department, which includes the IRS, the Customs Service and the Bureau of Alcohol, Tobacco, and Firearms, and the CIA.

The bill Senator DECONCINI and I are introducing would provide the policy direction and coordination between agencies that has been sorely lacking. It would establish within the executive branch a Cabinet-level position of the Director of National and International Drug Operations and Policy. The Director would report directly to the President and be responsible for the development, review, implementation, and enforcement of all U.S. Government policy with respect to illegal drugs. He or she would have the authority to bring the various agencies together, pooling their staffs and resources where appropriate, to act with a single voice and authority against drug traffickers.

I would emphasize that this position does not entail additional bureaucracy, something we all want to avoid. There is nothing in our bill to prevent the President from designating someone already at the Cabinet level to fill this new position.

Our bill will provide the leadership we must have to win the war against drug-related crime. We cannot rely on short-term success as we have had recently in Florida. We need a consistent attack on this problem at the highest levels of our Government, starting with a clearcut strategy for combating drug trafficking to all regions of the country. A Cabinet-level Director of National Drug Operations and Policy will provide the high-level, responsible and effective leadership that is presently lacking in the war on crime and drugs. I urge my colleagues to join Senator DECONCINI and me in supporting the establishment of this badly needed position.

Section 1 of this bill is a provision developed last year by Senator DECONCINI. It requires that bail bonds for drug dealers and traffickers be set, at a minimum, at the street value of the drugs seized at the time of the arrest. This change in our criminal laws is necessary to strengthen the hand of prosecutors against drug traffickers who are readily able to meet current bail bond requirements and flaunt the judicial system. The final section of the bill is Senator DECONCINI's Federal Diversion Act, establishing a Federal pretrial diversion program for nonviolent first-time offenders.

I ask unanimous consent that the full text of the bill be printed in the RECORD following the remarks of Senator DECONCINI.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DECONCINI. Mr. President, I am pleased to join my colleague, Mr. PELL, in reintroducing a bill that was overwhelmingly and repeatedly approved by this body last year. The bill would create an Office of National and International Drug Operations and Policy. The Director of this Office would have the responsibility for developing and coordinating the drug enforcement activities of all Federal agencies.

It is absolutely necessary that the United States have a coordinated and consistent direction to its drug enforcement efforts. It is clear that we do not have this unified approach at present and I do not believe that we can until one individual is given the responsibility to develop strategy and then monitor its implementation with authority to demand compliance to it. Establishment of a single responsible high-level official in the Government to provide leadership is the most constructive step we can take to reduce the rampant criminal activity which results from the trafficking of drugs.

The origin of this concept was the 1979 GAO report to Congress, "Gains Made in Controlling Illegal Drugs, Yet the Drug Trade Flourishes." In that report, the GAO found that organization difficulties between Federal agencies diluted our law enforcement efforts and that inconsistent and sometimes conflicting drug policies resulted in no clear overall direction to our drug enforcement activities. The 1979 report stated:

> If any improvement is to be made in coordinating Federal drug control efforts, someone is needed who has a clear delegation of authority from the President to monitor activities and demand corrective activities.

A soon-to-be-released GAO report indicates that little progress has been made since the 1979 report. Only 16 percent of the marihuana and less than 10 percent of the heroin, cocaine, and dangerous drugs that are entering this country are seized through total drug enforcement efforts. The draft GAO report indicates that the Federal Government's fragmented system of drug enforcement and interagency competition has limited the effectiveness of drug interdiction efforts. The 1983 GAO report reaffirms its above-quoted recommendation of 1979 and further recommends that "the President make a clear delegation of responsibility to one group to monitor and evaluate activities (in drug law enforcement) and demand corrective actions."

The bill we are introducing today would simply codify the GAO recommendation and grant this responsibility to a new and unalined executive branch official.

The bill also includes the provisions of two bills that I introduced in the 97th Congress. One provision, which is also aimed at fighting drug trafficking, would require that bail bonds for drug dealers and traffickers be set, at a minimum, at the street value of the drug seized at the time of arrest. The street value of the drug would be determined at the detention hearing at which bail would be set.

The drug dealer and trafficker is the linchpin in these smuggling operations. However, once apprehended the dealer or trafficker can often draw on larger financial resources to meet the bail bond imposed with very little effect on those resources. Once on the street, the dealer disappears or promptly returns to his former business. With this proposed legislation, we hope to end the outrageous flaunting of our bail bond system. We are proposing a realistic approach to insure that the purposes of the bail bonding system, assurance of appearance and protection of the community, are truly met.

The only constitutional right conferred by the bail provision of the eighth amendment is that bail not be excessive. Bail is not excessive when the amount set is reasonable under the circumstances to guarantee the appearance of the accused at trial. With large resources at his command, the dealer and trafficker can easily meet large bonds, even those in excess of $1 million.

Mr. President, the struggle against drug smuggling has been long and expensive, and it will continue to be long and expensive until we begin to control aspects of this insidious traffic with practical and direct devices like those embodied in this proposed legislation.

Mr. President, in addition to the two provisions I have already discussed, as has been pointed out by the distinguished Senator from Rhode Island, this bill includes the Federal Diversion Act of 1983. This legislation was passed by the Senate on two occasions and permits the prosecutor's office to have some procedure set up to divert certain offenders who are nonviolent offenders who have no record of past criminal participation. The concept is known as the "diversion project" in many States, including the State of Arizona, where it has been used most successfully. It has operated successfully in Michigan and several other States.

I hope the Judiciary Committee will give prompt attention to this entire package which has been introduced by the Senator from Rhode Island. It is long overdue.

We were most dismayed that the President vetoed the crime package that Congress passed in the waning days of the 97th Congress. It was the only major legislation dealing with crime and the prevention of crime that came out of the 97th Congress, and the President elected to veto it.

We are now seeking and searching for leadership. I hope the administration will look at this piece of legislation carefully and will reassess its objections to the Office of National and International Drug Operations and Policy. I think that if they will take

the time to read the 1979 GAO report to Congress, entitled "Gains Made in Controlling Illegal Drugs, Yet, the Drug Traffic Flourishes," they will learn a lot about the coordination problems and will decide to support this legislation. The Senator from Rhode Island and 62 other Members of the Senate voted for this provision last September, and it also was passed by the House of Representatives.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3146 of title 18, United States Code, is amended by adding at the end thereof the following: "Notwithstanding subsection (a), in a case that involves an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of Public Law 96-350 (21 U.S.C. 955a), the judicial officer shall require the execution of a bail bond in an amount equal to or above the street value of the drugs seized incident to the arrest. The street value of the drugs shall be determined at a detention hearing by the judicial officer and subject to verification by expert testimony.".

SEC. 2. Sections 2 through 8 of this Act may be cited as the "National and International Drug Operations and Policy Act of 1983".

SEC. 3. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be an $80,000,000,000 a year industry in the United States.

(4) The annual consumption of heroin in the United States is in the range of four metric tons, and annual domestic consumption of cocaine is estimated to be sixty metric tons. Moreover, there are estimated to be about four hundred and ninety-two thousand known heroin addicts in the United States and about fifteen million cocaine users.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 10 to 15 per centum of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, and hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 per centum of heroin users rely upon criminal activity as a means of income. It is estimated that between 40 and 60 per centum of all serious crimes that occurred in the United States in 1981 were drug related.

(8) Much of the drug trafficking is handled by organized crime networks and syndicates which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires a Cabinet-level Director of National and International Drug Operations and Policy with the responsibility for the coordination and direction of all Federal efforts by the numerous agencies.

(11) Such a Director must have broad authority and responsibility for making management, policy, and budgetary decisions with respect to all Federal agencies involved in attacking this problem so that a unified and efficient effort can be made to eliminate the illegal drug problem.

(b) It is the purpose of this Act to insure—

(1) the development of a national policy with respect to illegal drugs;

(2) the direction and coordination of all Federal agencies involved in the effort to implement such a policy; and

(3) that a single, competent, and responsible Cabinet-level official of the United States Government, who is appointed by the President, by and with the advice and consent of the Senate, and who is accountable to the Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to the illegal drug problem.

SEC. 4. There is established in the executive branch of the Government a Cabinet-level office to be known as the "Office of the Director of National and International Drug Operations and Policy" (hereinafter in this Act referred to as the "Office of the Director"). There shall be at the head of the Office of the Director a Director of National and International Drug Operations and Policy (hereinafter in this Act referred to as the "Director"). There shall be a Deputy Director of National and International Drug Operations and Policy (hereinafter in this Act referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this Act.

SEC. 5. (a)(1) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall each serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than four years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. The Director shall be entitled to the compensation provided for in section 5311, title 5, United States Code. The Deputy Director shall be entitled to the compensation provided for in section 5313, title 5, United States Code.

(2) Nothing in this Act or any other provision of law shall prohibit the appointment as Director or Deputy Director of any person whom the President has previously appointed, by and with the advice and consent of the Senate, to another Cabinet-level office. Any such person shall serve as Director or Deputy Director without compensation.

(b) The Director shall serve as the principal director and coordinator of United States operations and policy on illegal drugs.

(c) The Director shall have the responsibility, and is authorized to—

(1) develop, review, implement, and enforce United States Government policy with respect to illegal drugs;

(2) direct and coordinate all United States Government efforts to halt the flow into, and sale and use of illegal drugs within the United States;

(3) develop in concept with governmental entities budgetary priorities and budgetary allocations of entities of the United States Government with respect to illegal drugs; and

(4) coordinate the collection and dissemination of information necessary to implement United States policy with respect to illegal drugs.

(d) In carrying out his responsibilities under subsection (c) the Director is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the temporary reassignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drugs;

(2) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(3) accept and use donations of property from all government agencies; and

(4) use the mails in the same manner as any other department or agency of the executive branch.

(e) Notwithstanding any other provision of law, rule, or regulation to the contrary, the Director shall have the authority to direct each department or agency with responsibility for drug control to carry out the policies established by the Director consistent with the general authority of each agency or department.

(f) The Administrator of the General Services Administration shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

SEC. 6. The Director shall submit to the Congress, within nine months after enactment of this Act, and annually thereafter, a full and complete report reflecting United States policy with respect to illegal drugs, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

SEC. 7. For the purpose of carrying out this Act, there are authorized to be appropriated $500,000 for fiscal year 1984, and such sums as may be necessary for each of the four succeeding fiscal years, to be available until expended.

SEC. 8. This title may be cited as the "Federal Diversion Act of 1983."

SEC. 102. The Congress finds and declares that:

(1) in the interest of operating the Federal criminal justice system efficiently, protecting society, and deterring individuals charged with violating criminal laws from future criminal acts can be served by creating alternatives to prosecution; and

(2) such alternatives can be accomplished in appropriate cases without losing the gen-

eral deterrent effect of the criminal justice system.

SEC. 103. (a) Title 18 of the United States Code is amended by adding immediately after chapter 209 the following new chapter:

"CHAPTER 210—DIVERSION

"Sec.
"3201. Definitions.
"3202. Admission to diversion program.
"3203. Voluntariness of waiver of rights.
"3204. Inadmissibility of diversion information.
"3205. Constitution and dismissal of charges.
"3206. Termination; review; completion; withdrawal.
"3207. District panel.
"3208. Authority of the Attorney General.

"§ 3201. Definitions

"As used in this chapter, the term—

"(1) 'eligible individual' means any person against whom a prosecutable case exists for an offense against the United States where—

"(A) the alleged offense did not involve the threat or infliction of serious bodily injury to other persons;

"(B) it is reasonably foreseeable that the person will not commit violent acts if admitted to a diversion program;

"(C) the person has not exhibited a continuing pattern of criminal behavior;

"(D) the person meets the criteria established by regulations issued by the Attorney General and guidelines established by the attorney for the Government in the district where the indictment, information, or complaint is filed; and

"(E) the person is admitted to participation in a diversion program by the attorney for the Government in the district in which the indictment, information, or complaint is filed;

"(2) 'diversion program' may include, but is not limited to, medical, educational, vocational, social, and psychological services; corrective and preventative guidance, training, and counseling; provision for residence in a halfway house or other suitable place; other services designed to protect the public and benefit the individual; restitution to victims of the offense or offenses charged; and uncompensated service to the community;

"(3) 'diversion plan' means a written agreement, signed by the eligible individual, defense counsel, diversion administrator, and the attorney for the Government, that states those elements of a diversion program in which the eligible individual will participate to assure that he will lead a lawful life, and states the length of time required to complete the plan; but in no event shall a diversion plan exceed twelve months except to allow the person admitted sufficient time to make restitution; and

"(4) 'diversion administrator' means a person designated by the Attorney General, after consultation with the district planning group, as administrator of the diversion program; except that in those districts in which a chief pretrial services officer has been appointed by a panel consisting of the chief judge of the circuit, the chief judge of the district, and a magistrate of the district (or their respective designees), the chief pretrial services officer shall also serve as the diversion administrator.

"§ 3202. Admission to diversion program

"(a) The diversion administrator or his assistants shall, to the extent possible, upon arrest or the issuance of a summons or as soon thereafter as possible, review the allegations against each person charged with a criminal offense against the United States and interview each person who he believes may be eligible for diversion. The diversion administrator shall then make a report to the attorney for the Government on the eligibility of each person charged. A person who has not had the allegations against him reviewed may request to be considered for admission by application to the diversion administrator. The attorney for the Government may require further investigation by the diversion administrator of a person being considered for admission with the consent of that person. If the attorney for the Government determines that a person is suitable, the diversion administrator shall prepare a diversion plan. Upon agreement of the attorney for the Government, diversion administrator, eligible person, and defense counsel about the elements of the plan, the attorney for the Government shall assign supervision of the plan to the diversion administrator. A determination of eligibility or suitability by the attorney for the Government shall not be subject to review except as otherwise provided by law.

"(b) The diversion administrator shall report to the attorney for the Government on the progress of the person in carrying out his plan in a manner and at times the attorney for the Government and diversion administrator deem appropriate and shall at the same time provide a copy of each such report to the person and defense counsel.

"§ 3203. Voluntariness of waiver of rights

"No person shall be admitted to a diversion program unless he has voluntarily agreed to participate and has received a copy of his diversion plan, and has voluntarily waived, in the presense of a judge or magistrate and with the advice of counsel (except in a case where counsel has been voluntarily waived), all applicable statutes of limitations and his right to a speedy trial for the period of diversion.

"§ 3204. Inadmissibility of diversion information

"Whenever a person is admitted to a diversion program and his diversion plan is later terminated or the person withdraws and prosecution is resumed, any statement made or other information given by the person in connection with the determination of his eligibility or suitability for the program, any statement made by the person while participating in an activity of the program, and any statement, report or other information concerning his participation in the program shall not be admissible against the person on the issue of his guilt of the offense that was the basis for diversion in any judicial proceeding in which he is accused of the offense. This section shall not be construed to limit the admissibility of any information for purposes of impeachment.

"§ 3205. Continuation and dismissal of charges

"In each case involving a person who is admitted to a diversion program under this chapter, the criminal charges against the person shall be continued without final disposition for the period agreed upon in the diversion plan, unless the admission is terminated, completed earlier, or the person withdraws pursuant to section 3206 of this chapter. Upon the expiration of the diversion period, the attorney for the Government shall file a dismissal with prejudice as provided in section 3206(C). Nothing in this paragraph shall be construed to limit further investigation of the offense charged or presentation of evidence to a grand jury during the diversion period.

"§ 3206. Termination; review; completion; withdrawal

"(a) If the attorney for the Government finds the person is not fulfilling his obligations under the plan, or has discovered facts previously unknown to him demonstrating that the person is not suitable for diversion, the attorney for the Government may resume prosecution. The attorney for the Government shall make a written statement of the factual basis for his determination to resume prosecution and transmit copies to the person and to defense counsel. The person and defense counsel shall thereafter be notified of their opportunity to appear before the attorney for the Government and the diversion administrator to contest the determination within a reasonable time as established by the Attorney General.

"(b) If the person fails to contest the determination of the attorney for the Government within the time specified, no further review of the determination shall be granted. If, on the appearance of the person and defense counsel before the attorney for the Government and the diversion administrator, the attorney for the Government determines that prosecution shall be resumed, the person may petition the court for review. If the court finds that no fact exists upon which the attorney for the Government could base a determination to resume prosecution, the court shall order that the person be allowed to fulfill his obligations under the plan or shall dismiss the charges if the court finds that all such obligations have been fulfilled. In a proceeding under the provisions of this subsection, evidence shall be admissible regardless of its admissibility in a trial on the offense.

"(c) If the diversion administrator certifies to the attorney for the Government at any time during the period of diversion that the person has fulfilled his obligations and successfully completed the plan, and if the attorney for the Government concurs, the attorney for the Government shall file, by leave of court, a dismissal with prejudice of the indictment, information, or complaint against the person.

"(d) A person participating in a diversion plan may withdraw at any time, and the attorney for the Government may resume prosecution.

"(e) Whenever a diversion plan is terminated or the person withdraws before completion of the plan and the prosecution is resumed resulting in a conviction, the court shall consider the length and nature of the defendent's participation in the plan and may credit such participation as time served toward any sentence of probation or incarceration.

"§ 3207. District panel

"(a) The panel established by section 3153 (b) of this title, together with the diversion administrator and such other individuals as the panel may appoint, shall constitute a diversion advisory committee. The panel may appoint individuals representing agencies to which persons are referred under a diversion program pursuant to this chapter. The group shall plan the implementation of the diversion program for the district and review on a regular basis the administration and progress of such program. The group shall report to the Attorney General at times and in a manner as the Attorney General shall prescribe.

"(b) Members of the group shall not be compensated, but may be reimbursed pursuant to section 3208 for reasonable expenses

incurred by them in carrying out their duties as members of the committee.

"§ 3208. Authority of the Attorney General

"(a) In carrying out the provisions of this chapter, the Attorney General shall—

"(1) reimburse agencies of the judicial branch of the Government for the cost of services of United States probation officers, pretrial service officers, and employees other than judges, magistrates, or Federal public defenders, necessary to carry out the purposes of this chapter;

"(2) employ and fix the compensation of such persons as he determines necessary to carry out the purposes of this chapter, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive services and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(3) acquire such facilities, services, and materials as he determines necessary to carry out the purposes of this chapter; and

"(4) enter into contracts and other agreements without regard to advertising requirements for the acquisition of such personnel, facilities, services, and materials which he determines necessary to carry out the purposes of this chapter.

"(b) In addition to the responsibilities described in subsection (a), the Attorney General shall—

"(1) issue, within one hundred and eighty days after the effective date of this section, regulations for use by the United States attorneys governing recommendations of persons to diversion programs;

"(2) conduct research and prepare concise annual reports for the President, the Congress, and the Judicial Conference showing the progress of all diversion programs in fulfilling the purposes set forth in this chapter;

"(3) provide for the audit of any funds expended under the provisions of this chapter other than funds expended to provide for defense counsel;

"(4) be authorized to accept voluntary and uncompensated services; and

"(5) promote the cooperation of the Department of Justice, local diversion programs, and all agencies which provide education, training, counseling, legal, employment, or other social services under any Act of Congress to assure that eligible individuals admitted to diversion programs can benefit to the extent possible."

(b) The table of chapters for title 18, United States Code, and for part II of title 18, United States Code, are each amended by inserting immediately after the item relating to chapter 209 the following:

"210. Diversion ..... 3201.".

SEC. 9. This Act shall be effective October 1, 1983.

By Mr. NUNN (for himself and Mr. CHILES):

S. 407. A bill to improve the enforcement of export administration laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 408. A bill to control the distribution of sensitive technical research reports, to protect technical data from theft under certain circumstances, and for other purposes; to the Committee on the Judiciary.

S. 409. A bill to limit the Freedom of Information Act to U.S. citizens and certain others; to the Committee on the Judiciary.

LEGISLATION TO HALT THE FLOW OF U.S. TECHNOLOGY ABROAD

Mr. NUNN. Mr. President, on behalf of myself and Senator CHILES, I am today introducing three bills designed to halt the flow of American high technology and defense secrets to the Soviet Union and other Communist bloc countries. The bills that I now propose in an attempt to blunt the Soviet's drive to acquire U.S. technology are entitled, "The Export Administration Enforcement Act of 1983," "The Technology Security Enforcement Act of 1983," and "The Citizens Information Act of 1983."

This legislative package is the outgrowth of extensive hearings held by the Senate Permanent Subcommittee on Investigations resulting from an 18-month investigation by the minority staff of the subcommittee under my direction as ranking minority member. In 5 days of hearings in May 1982, some 26 witnesses testified and 38 exhibits were received, resulting in a hearing record of more than 600 pages.

The central point of the staff investigation and subcommittee hearings was that the Soviet Union and its satellite states were unable to develop and manufacture sufficient quantities of high-technology equipment to support their military and industrial needs. As a consequence of this deficiency, we learned that the Soviets rely extensively on high technology from the United States and its major trading partners.

Information developed in the investigation indicated that the Soviets have made the acquisition of U.S. technology, both classified and unclassified, an important priority. Their effort to obtain American microelectronic, laser, radar, and precision manufacturing technologies is massive, well planned and well managed. The Soviets technology acquisition program has a high priority within the Kremlin and has been approved by senior Communist Party and government officials.

The testimony and evidence at the subcommittee hearings indicated that the Soviets are increasingly adept at obtaining American technical know-how, while all too often the U.S. response has been inadequate to the challenge. I must say, Mr. President, that this inadequate response has been bipartisan in nature. We are talking about a problem not just of this current administration but of prior administrations.

One of the first improvements the Government must make is to strengthen its intelligence capabilities. The way high-technology export controls are administered now, too many items are controlled, and because the Government tries to control too many commodities, it fails to keep track of those products the Soviets desire most. These bills I propose today should be the first step toward a greater awareness of the problem of coordinating our intelligence to respond to the specific thrusts of the Soviets acquisition scheme.

Through this legislation we call upon the President to respond to the current threat of Soviet technology acquisition by improving the way high-technology controls are currently administered. Frequently, the assertion was made at the hearings that the United States may be trying to control too many commodities. Because it tries to do too much, the Government actually ends up controlling fewer goods. An improved system of export regulations would focus on only those high-technology items the Soviets want and must have. Mr. President, that is what this legislation calls for. Through such a system, the number of controlled items would be reduced as the protection increases since the law enforcement response would not be spread as thin. At the same time, foreign commerce would improve with the elimination of the needless redtape and regulations.

Witnesses from the defense and intelligence communities testified that the Soviets view American technology as their own resources, to be utilized whenever needed. By relying on American technical development, the Soviets save time, resources, and tremendous amounts of research and development costs. If they used our technology to enhance the lives of their people, the problem would not be so serious. But what we have learned is that the Soviets devote very little of our technology to consumer products. Instead, they make military applications of it in virtually every instance. Little of it benefits the Soviet consumer or private citizen. This total emphasis upon their war-making capabilities forces us to upgrade our own military capability. Like a "Catch-22," we thereby end up competing with our own technology.

Mr. President, this vicious and costly circle must be broken. The three bills I now introduce can play a significant role in breaking such a vicious circle.

The thrust of the first bill I propose today, the Export Administration Enforcement Act of 1983, is to correct some of the problems now facing the U.S. law enforcement community in its attempt to check the illegal flow of high technology. It amends the Export Administration Act of 1979 in certain specific areas that our investigation showed were critical for improvement of our law enforcement response.

Specifically, the bill makes unlawful the possession, or attempted possession, of restricted technological goods

with an intent to export those goods. Hearing evidence established the many difficulties law enforcement authorities encounter in the prosecution and investigation of export offenses. One of the main problems lies in the absence of any criminal offense until a suspect actually "exports" the technology in question. This part of the legislation would finally give the criminal law enforcement community a realistic tool to fight the criminal exporter who utilizes all of the advantages of our highly mobile 20th century to evade detection and apprehension.

Second, this bill would transfer the criminal enforcement component of the Export Administration Act from the Departmnent of Commerce to the Customs Service. The Department of Commerce presently maintains primary law enforcement responsibility, with secondary jurisdiction resting in the Customs Service. However, evidence developed at the hearings, and through the detailed minority staff investigation, revealed a lack of traditional law enforcement capabilities at the Department of Commerce. These include shortages in manpower, equipment, fundamental law enforcement training, and experience.

It was the finding of the minority staff of the Permanent Subcommittee on Investigations that the national security implications of enforcement of the Export Administration Act are too important to be entrusted any longer to the Commerce Department as presently organized. For three decades this important enforcement function has resided with the Commerce Department. Three decades is sufficient time to allow reasonably capable officials to perfect the most challenging task. But in this case, after three decades, serious procedural and operational problems still exist in the Commerce Department.

Mr. President, the evidence strongly suggests that the Commerce Department to date has been unable to enforce the Export Administration Act in the face of mounting Soviet efforts to secure sensitive American technology. This bill would place the enforcement of this most serious defense of our Nation's security in the Customs Service which has established a noteworthy track record in their enforcement of the similar Arms Export Control Act and other criminal statutes.

Additionally, this bill broadens the enforcement tools currently available to the U.S. Customs Service. It gives our customs officers the express authority for warrantless arrest and search and seizure in cases of outbound cargo and persons where they have reasonable cause to believe high technology is about to be smuggled out of the country. I should emphasize that this new section is equivalent to that authority which customs agents now possess in cases of inbound persons and cargoes. Moreover, the authority granted by this bill has been already implied in a number of Federal courts. By including an express statutory grant of authority, the bill merely definitively states what already has been inferred by the courts.

Last, this first of the three bills I propose today calls upon all of the appropriate agencies exercising authority under the Export Administration Act to monitor the performance of contracts between American companies and Communist countries in consultation with the Secretary of State. We found that all too often, by oversight or accident, goods that individually would not be granted an export license leave our borders and slip into Communist hands as part of a larger contract or shipment. This bill will attempt to close this loophole.

The second piece of proposed legislation, the Technology Security Enforcement Act of 1983, will serve to further upgrade the arsenal of tools available to law enforcement in their task of preventing the theft of American technology. This bill proposes to amend the racketeering statute, commonly referred to as RICO, to include violations of the export laws as predicate offenses in pursuing racketeering activity.

Export violations often have been treated as "minor" offenses in the past. Our hearings and investigation have shown that we are indeed deceived if we believe them to be minor in nature. These offenses are "major" crimes and deserve and require the higher civil and criminal penalties that the RICO statute provides.

In addition, under this proposal, the Government will be able to use the electronic surveillance statutes, under court authorization and after probable cause has been shown, to gather evidence in the prosecution of and prevention of these illegal exports. By amending the electronic surveillance statutes to include violations of our technology export statutes as areas where court-authorized surveillance is permitted, we intend to again bring our beleaguered law enforcement agents into the 20th century. They now find themselves confronted by highly trained and sophisticated criminals, many of whom have been employed and equipped for their activities here in the United States by the KGB and other foreign espionage agencies. We believe that our agents deserve and need all of the modern tools of law enforcement that we can provide them.

Moreover, Mr. President, this proposal creates a new Federal criminal violation in the field of high-technology theft and commercial bribery. Up to now, these have been basically local violations even though they infringe upon our most basic Federal interest: our Nation's defense. We believe that, by enacting this legislation and introducing a Federal law enforcement presence into the area of high-technology theft and commercial bribery, we will further thwart this Soviet threat to our Nation's defense.

Last, Mr. President, in the third piece of legislation I propose, the Citizens Information Act of 1983, we seek to address one of the most glaring deficiencies in the Freedom of Information Act. To the chagrin and surprise of the members of the subcommittee, we came to the realization that foreign nationals as well as foreign governments had full access to information under the present Freedom of Information Act. We heard testimony that a "cottage" industry has sprung up among foreign intelligence agents and nationals to facilitate their access under the act to technological and military information. Consider the absurdity of a law which would permit individuals such as Fidel Castro, Mu'ammar Qadhafi, or the Ayatollah Khomeini to obtain on request as many unclassified documents as they wish from agencies such as the Department of Defense, NASA, and others. Unbelievably, that is the present state of the law.

Mr. President, we merely seek to return reason to our statutes by this proposed amendment to the Freedom of Information Act. This proposal would merely limit application of the act to American citizens or lawfully admitted aliens. Surely it was for these people and not the Qadhafi's of the world that the act was originally intended.

In short, these bills will protect our Nation's security from a most serious threat. They provide a thorough and forthright response to the brazen activities of the Soviet Union and its satellite states in taking the best of American technology and using it against us in their weapons that they now array before us.

Mr. President, I ask unanimous consent that the text of our bills and the section-by-section analysis be printed in the RECORD at this point.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Administration Enforcement Act of 1983."

SEC. 2. Section 11(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410(b)(1)) is amended by inserting ", or possesses or attempts to possess anything with an intent to export such thing," after "anything."

ENFORCEMENT OF EXPORT CONTROLS

SEC. 3. (a) Section 12 of the Export Administration Act of 1979 (50 U.S.C. App. 2411) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "General Authority.—";

(B) by striking out "head" and all that follows through "thereof)" and inserting in lieu thereof "Commissioner of the United States Customs Service of the Department of the Treasury (and officers or employees of the Service specifically designated by the Commissioner)"; and

(C) by adding at the end of subsection (a) the following new paragraphs:

"(2) An officer of the United States Customs Service of the Department of the Treasury or other person authorized to board or search vessels who has reasonable cause to suspect that any goods or technology have been or will be exported from the United States in violation of this Act, may—

"(i) stop, search, and examine, within or without his district, a vehicle, or person, on which or whom he has reasonable cause to suspect there are any such goods or technology, whether by the person in possession or charge or by, in, or upon such vehicle or vessel, or otherwise;

"(ii) search, wherever found, any package or container in which he has reasonable cause to suspect there are any such goods or technology;

"(iii) seize and secure for trial any such goods or technology on or about such vehicle, vessel, or person, or in such package or container; and

"(3)(A) An officer of the United States Customs Service of the Department of the Treasury or other person authorized to board or search vessels may, while in the performance of, and in connection with, official duties, make arrests without warrant in the enforcement of the provisions of this Act. The arrest authority conferred by this subsection is in addition to any arrest authority under other laws.

"(B) If such officer or person has reasonable cause to suspect that any goods or technology have or would have been exported from the United States in violation of this Act, the officer or person shall refer such matter to the Secretary of the Treasury, or his designee, or the Attorney General for civil or criminal action, respectively, in accordance with this section."; and

(b) Section 12(c)(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)(3)), is amended by striking out "department or agency with enforcement responsibilities under this Act" and inserting in lieu thereof "United States Customs Service of the Department of the Treasury (and officers or employees of the Service specifically designated by the Commissioner).".

(c) Section 11(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2410(c)) is amended by striking out "head" and all that follows through "thereof" and inserting in lieu thereof "Commissioner of the United States Customs Service of the Department of the Treasury (and officers or employees of the Service specifically designated by the Commissioner).".

(d) The amendments made by subsections (a), (b), and (c) shall become effective six months after the date of enactment of this Act. After the date of enactment of this Act, the Secretary of Commerce and the Commissioner of the United States Customs Service of the Department of the Treasury shall consult with each other to effect an orderly transfer of responsibility for the enforcement of the Export Administration Act of 1979 pursuant to this section.

CONTRACTS BETWEEN UNITED STATES PERSONS AND COMMUNIST COUNTRIES

SEC. 4. Section 12(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(a)) (as amended by section (3) of this Act) is amended by adding at the end thereof the following new paragraph:

"(4) The United States Department of Commerce shall, in consultation with the Commissioner of the United States Customs Service and the Secretary of State, monitor the performance of contracts between the United States persons and Communist countries, as defined in the last sentence of section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)), to assure compliance with the requirements of this Act.".

THE EXPORT ADMINISTRATION ENFORCEMENT ACT OF 1983—SECTION-BY-SECTION ANALYSIS

This bill is aimed at correcting the enforcement problems presently facing United States law enforcement in attempting to check the flow of high technology. Briefly, the proposed legislation would eliminate the requirement that the technology must cross the borders prior to criminal penalties being invoked. It also gives criminal enforcement to the Customs Service which has shown the willingness and capability to thwart the exodus of high technology. It also gives the Customs Service the right to make arrests and seizures of the shipment of goods out of the country which to date is lacking in any clear legislation though at times has been inferred by courts.

Section 1 states the title of the bill.

Section 2 amends the Export Administration Act of 1979 (50 U.S.C. App. 2401(b)(1)) to make it a crime to "possess or attempt to possess (restricted goods) with an intent to export" such goods. The current law mandates that the goods or technology must actually cross the border before there is a criminal violation. This section would permit a criminal prosecution without requiring the unrealistic technicality that the smuggled goods cross the border.

Section 3 is the new enforcement provision of this legislation. In subsection (a), which adds a subparagraph (1) to 50 U.S.C. App. 2411(a), the Export Administration Act of 1979 is amended to transfer the general criminal enforcement of the Act of the U.S. Customs Service. This subsection removes Commerce from criminal enforcement by giving enforcement authority to Customs without reference to any other agency or department, which is how the Act now reads. Thus, the Customs Service will have criminal enforcement power over dual-use technology under the Export Administration Enforcement Act as they now do under their agreement with the State Department for military technology under the Arms Export Control Act (22 U.S.C. 2571 et seq.).

Subsection 3(a) also broadens enforcement tools currently available to the U.S. Customs Service. In the new subparagraphs 2, 3(A) and 3(B) of 50 U.S.C. App. 2411(a), it gives Customs officers express statutory authority for warrantless arrest and search and seizure in cases of outbound cargo and persons. This new section is equivalent to the statutory authority which Customs now possesses in cases of inbound cargoes and persons (See 19 U.S.C. 482 and 1981). Express statutory authority would enhance Customs' effectiveness in full enforcement of the export laws. Prior to now, this authority has been implied by the federal courts in the two circuits where the question has arisen. In these cases the courts have clearly held that outbound and inbound goods and travelers are legally the same. In neither instance is there an expectation of privacy at the borders of the United States or their functional equivalents. See *U.S.* v. *Duncan*, —— F 2d —— (9th Cir., decided December 3, 1982); *U.S.* v. *Stanley*, 545 F 2d 661 (9th Cir. 1976), cert. den. 436 U.S. 917 (1978); *U.S.* v. *Swarovski*, 592 F 2d 131 (2d Cir. 1979); *U.S.* v. *Ajluny*, 629 F 2d 830 (2d Cir. 1980), cert. den. 101 S. Ct. 920 (1981).

Subsection 3(b) amends 50 U.S.C. 2411(c)(3) by providing that any agency which obtains information pursuant to this Act which is relevant to its criminal enforcement must provide said material to the Customs Service to aid their criminal enforcement responsibilities. This section merely clarifies what is already implied in the current statute concerning assistance to the agency with law enforcement responsibility.

Subsection 3(c) amends 50 U.S.C. App. 2410(c) by providing the U.S. Customs Service with general civil enforcement of the Act (e.g., imposition of fines, revocation or suspension of licenses). Commerce will continue to issue licenses and compile the restricted exports list, but Customs will enforce the administrative sanctions for violations of the Act.

Subsection 3(c) provides that the amendments made by subsections (a), (b) and (c) will become effective six months after enactment. It also requires the Secretary of Commerce and the Commissioner of the U.S. Customs Service to effect an orderly transfer of responsibility.

Section 4 requires the appropriate agencies exercising authority under the Act to monitor the performance of contracts between U.S. companies and Communist countries. It amends 50 U.S.C. App. 2411(a) by adding a new paragraph (4) which contains the monitoring provisions. This monitoring is required to be done in consultation with the Secretary of State. The purpose of this section of the proposed legislation is to insure that restricted technology does not slip out of the country because of accidental oversight. As developed in the hearings, the problem exists that although a license may not be granted for an individual piece of technology, it could inadvertently be released as part of a larger contract.

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technology Security Enforcement Act of 1983."

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

SEC. 2. Section 1961 (1) of title 18, United States Code, is amended—

(1) at the end of subparagraph (C), by striking out "or"; and

(2) by inserting before the semicolon at the end of subparagraph (D), the following: ", (E) any act which is indictable under Title 22, United States Code, section 2278(c) (dealing with the control of arms export and imports), (F) any act which is indictable under Title 50, United States Code, section 2410(b) (relating to the control of technology exports), or (G) any act which is indictable under Title 18, United States Code, section 852 (dealing with the export of technical data)."

INTERCEPTION OF WIRE AND ORAL COMMUNICATIONS

SEC. 3. Section 2516(1) of Title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (f);

(2) by redesignating clause (g) as clause (j); and

(3) by inserting after clause (f) the following new clauses:

"(g) any offense punishable under section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c));

"(h) any offense punishable under section 11(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2410(b));

"(i) any offense punishable under section 852 of this title; or".

ARMS EXPORT CONTROL ACT PENALTIES

SEC. 4. Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended to read as follows:

"(c) A person who willfully violates this section or section 39 (22 U.S.C. 2779) of this title, or any rule or regulation issued under either section, or who willfully, in a registration or license application or required report, makes an untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statement therein not misleading—

"(1) except in the case of an individual, shall be fined not more than five times the value of the exports involved or $1,000,000, whichever is greater; and

"(2) in the case of an individual, shall be fined not more than $250,000, or imprisoned not more than ten years, or both.".

INTERNATIONAL ENFORCEMENT OF EXPORT LAWS

SEC. 5. (a) The Congress hereby urges the President to enter into negotiations with foreign countries which are allied with or neutral to the United States to promote greater cooperation between officials of the United States and officials of such countries in enforcing compliance with export laws while fostering the continued trade in technological goods and services.

SEC. 5. (b) It is not the intention of this Act or any other Act of Congress to in any manner impede any legitimate activity fostering greater cooperation in military interoperability and standardization between the United States and its allies either through government or industrial agreements.

SEC. 5. (c) The Congress hereby urges the President to develop an improved system of export regulations that are limited to those high technology items that would significantly contribute to the military potential or capabilities of nations unfriendly to the interests of the United States, thereby reducing the number of controlled items, fostering increased international trade and focusing the attention of law enforcement agencies to safeguard those technological items most critical to our national security.

EXPORT OF TECHNICAL DATA

SEC. 6. (a) Part I of Title 18, United States Code, is amended by inserting after chapter 40 the following new chapter:

"Chapter 40A—EXPORT OF TECHNICAL DATA

"Sec. 851. Definitions.
"Sec. 852. Violations.
"Sec. 853. Penalties.

"DEFINITIONS

"SEC. 851. As used in this chapter, unless the context clearly requires otherwise—

"(1) the term 'Communist country' has the same meaning given to such term by the last sentence of section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370 (f));

"(2) the term 'goods' or 'good' means any goods listed on the commodity control list established and maintained under section 4(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2403(b));

"(3) the term 'munitions' means defense articles and defense services listed on the United States Munitions List established and maintained under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1));

"(4) The term 'technical data' means—

"(A) with respect to goods or technology, any information which may be used, or adapted for use, in the design, production, manufacture, utilization, or reconstruction of goods or technology, including information which is in a tangible form (such as a model, a prototype, a blueprint, or an operating manual) or in an intangible form (such as a technical service); and

"(B) with respect to munitions—

"(i) any information which has been classified to protect national security;

"(ii) any information which has not been classified to protect national security but which may be used, or adapted for use, in the design, production, manufacture, repair, overhaul, processing, engineering, development, operation, maintenance, or reconstruction of munitions; or

"(iii) any technology which advances the state-of-the-art or establishes a new art in an area of significant military application to the United States; and

"(5) the term 'technology' means any technology listed on the commodity control list established and maintained under section 4(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2403(b)).

"VIOLATIONS

"SEC. 852. (a) It shall be unlawful to embezzle, steal, take, carry away, conceal, or obtain goods, technology, munitions, or technical data relating to such item, with an intent to unlawfully export such item.

"(b) It shall be unlawful to receive, purchase, or agree to receive or purchase goods, technology, munitions, or technical data relating to such item, with an intent to unlawfully export such item.

"(c) It shall be unlawful to confer, offer, or agree to confer or offer a benefit upon an employee, agent, or fiduciary without the consent of such person's employer or principle, with an intent to obtain actual or constructive control over goods, technology, munitions, or technical data relating to such item, and to unlawfully export such item.

"(d) It shall be unlawful to travel in interstate or foreign commerce or to use any facility in interstate or foreign commerce, including the mail, with the intent to:

"(1) embezzle, steal, unlawfully take, carry away, conceal, or obtain goods, technology, munitions, or technical data relating to such item; or

"(2) confer, offer, or agree to confer or offer a benefit upon an employee, agent, or fiduciary without the consent of such person's employer or principal, with an intent to obtain actual or constructive control over goods, technology, or munitions, or technical data relating to such item.

"PENALTIES

"SEC. 853. (a) A person who violates subsection (a), (b), or (c) of section 852 with an intent to unlawfully export such goods, technology, munitions, or technical data relating to such item, to—

"(1) a Communist country, shall be fined not more than five times the value of the item involved or $100,000, whichever is greater, or imprisoned not more than ten years, or both; or

"(2) a country which is not a Communist country, shall be fined not more than five times the value of the item involved or $50,000, whichever is greater, or imprisoned not more than five years, or both.".

(b) A person who violates subsection (d) of section 852 shall be fined not more than five times the value of the item involved or $50,000, whichever is greater, or imprisoned not more than five years, or both

(c) The table of contents for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 40 the following new item:

"40A. Export of technical data ..... 851.".

THE TECHNOLOGY SECURITY ENFORCEMENT ACT OF 1983—SECTION-BY-SECTION ANALYSIS

This bill is intended to further enhance the enforcement capabilities of federal law enforcement agencies in their task of combating the theft of American high technology.

Sec. 1. States the title of the bill.

Sec. 2. Amends the Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 et seq. It adds to 18 U.S.C. § 1961(1) language that would include, as predicate offenses in providing a racketeering enterprise, violations of the Export Administration Act of 1979 (50 U.S.C. App. 2410(b)) and the Arms Export Control Act of 1979 (22 U.S.C. 2778(c)). It also adds our new technology theft statute (18 U.S.C. 851 et. seq.) found in Section 6 of this bill to predicate offenses of RICO. Currently, export violations often have been treated as "minor" offenses, resulting in minimal sentences. A RICO prosecution will expose defendants to a possible twenty year prison sentence. It will also permit the government in appropriate circumstances to seize as forfeitable assets any monies, security, profits or other valuables utilized to carry out the criminal technology transfer activities. Moreover, 18 U.S.C. § 1964, provides jurisdiction for the government to seek appropriate civil remedies restraining the criminal enterpriser's activities pending the criminal prosecution. These added law enforcement tools would follow from this bill's inclusion of the technology transfer statutes as predicate offenses.

Sec. 3. Amends the electronic surveillance statutes (18 U.S.C. 2510 et seq.) to permit court-authorized surveillance where there is probable cause to believe that a violation of either the Export Administration Act, the Arms Export Control Act or the new technology theft statute is being committed. As with the recommendations of Customs' authority, this revision would enhance law enforcement's ability to investigate complex export cases.

Sec. 4. Raises the penalties for violation of the Arms Export Control Act to be equal to those imposed by the Export Administration Act (for entities, a fine of $1,000,000 or five times the value of the exports, whichever is greater; for persons, 10 years or $250,000, or both).

Sec. 5(a). Urges the President to enter into negotiations with foreign countries which are allied with the United States to promote greater cooperation in the control of export control violators. This section is based upon the lack of cooperation so far encountered in attempting to extradite individuals who

have been indicted in the United States on charges that they conspired to ship military technology to the Soviet Union. None have been prosecuted because they fled to their native lands and remain beyond our powers of extradition. However, within the context of NATO and other alliances, the U.S. and its allies can devise mutually agreeable procedures for dealing with Soviet surrogates like those individuals. This section merely calls upon the President to seek such accommodations that would not only bring these individuals to justice but strengthen our mutual defense policies while fostering international trade.

Sec. 5(b). Clearly states the intention of Congress that nothing in this Act or any other Act of Congress is meant to impeded greater military cooperation between the United States and its allies.

Sec. 5(c). Urges the President to develop an improved system of export controls which focuses on those items sought by the Soviets. It would lessen the number of controlled items, thereby increasing foreign trade while enabling the government to utilize its resources in safeguarding only the most critical products.

Sec. 6. Creates a new federal criminal offense in the area of high technology. This section of the legislation established a new chapter of Title 18 of the United States Code entitled Export of Technical Data (18 U.S.C. 851 et seq.).

It makes it a federal felony to:

Sec. 852(a)—steal technology with the intent to unlawfully export it;

Sec. 852(b)—receive or purchase technology with the intent to unlawfully export it;

Sec. 852(c)—engage in commercial bribery to secure technology with the intent to unlawfully export it;

Sec. 852(d)—use interstate or foreign commerce to steal technology or engage in commercial bribery to secure technology regardless of the intent to export it.

Sec. 853.—The penalties for violating this statute are $50,000 or five years, or both; but if the export is to a Communist nation, the penalty is $100,000 or 10 years, or both.

S. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Citizens Information Act of 1983."

SEC. 2. Subsection (e) of section 552 of title 5, United States Code, is amended by adding ": (1)" after "terms," and by adding the following new provision after "regulatory agency.":

"(2) "person" means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(20)), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation which is incorporated in the United States, but does not include a corporation or an association that is a foreign power, as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)).".

THE CITIZENS INFORMATION ACT OF 1983—SECTION-BY-SECTION ANALYSIS

This bill amends the Freedom of Information Act, 5 U.S.C. § 552, by defining "person" in the same way as it is defined in the Foreign Intelligence Surveillance Act (50 U.S.C. 1801(i)), i.e., as "a citizen of the U.S., an alien lawfully admitted for permanent residence . . ., an unincorporated association, a substantial number of members of which are citizens of the U.S. or aliens lawfully incorporated in the U.S., but does not include a corporation or an association which is a foreign power. . . ."

Mr. CHILES. Mr. President, I am pleased to join Senator NUNN in introducing this package of bills to beef up our enforcement efforts in export administration. The time has come to attack the flow of sensitive American technology to our adversaries, and we feel this legislation provides an effective solution.

The fact that the Soviets are making a concerted effort to acquire American high technology products began to surface a few years ago. The extent of this effort, though, has not been recognized until recently. Now, it is common knowledge that the Soviets have gotten away with an amazing amount of critical American know-how, a lot of it defense-related.

The truth is that the Soviet bloc relies heavily on the United States and our Western allies for large quantities of high technology equipment, in particular for military use, and also for industrial applications. Investigations over the past couple of years have revealed that this is a major priority in the Kremlin, that it is coordinated at the highest levels of the Soviet Government, and that any and all means are used—from legal purchases, to theft, bribery, and espionage.

The moving force behind the investigations has been the Senate Permanent Subcommittee on Investigations, under the leadership of its ranking minority member, Senator NUNN. With the cooperation of the Intelligence Committee, the CIA, FBI, and other agencies, the subcommittee made investigations leading to 5 days of hearings last year. The hearings gave us an opportunity to evaluate the effectiveness of the executive branch in stopping the flow of critical technology to the Soviets. The end result was the legislation we are introducing today.

The vast majority of the Soviet effort is concentrated on obtaining high technology equipment and information on how to use it. The U.S.S.R. is far behind us in high-tech, and the scientific community there is not really up to the task of catching up on its own. So the Soviets do everything they can to get it from the United States and other Western countries. They try to copy some of the products, but they are far enough behind that they have trouble copying accurately and putting the duplicates to use. According to a former Soviet engineer who testified for the subcommittee, by far the most important thing to the Soviets is actually using the Western equipment.

In this legislation, therefore, we focus on halting the flow of sensitive equipment and related information.

The issues of information flow raised by academic exchanges, publications on basic research, and similar activities, are more complex and controversial. They involve constitutional questions and issues such as academic freedom and the progress of science in a free society. In the legislation we are introducing today, we have tried to stay clear of these issues.

The main thrust of these bills is enforcement. We have had an export administration apparatus in place for years. But if we are really going to mount an effective attack on Soviet acquisition of American high technology, we need to bring that apparatus up to date and improve it.

Since World War II, the U.S. Government has exercised controls over exports, for reasons of national security, foreign policy, and domestic economic objectives. Export controls have been used primarily for national security purposes, mainly to restrict exports to the Soviet Union and other Communist countries. Over the past few decades, controls have gradually been relaxed, to promote trade.

Nonclassified exports generally come under the jurisdiction of the Export Administration Act of 1979. Under the act, the Commerce Department is responsible for the administration of export controls. The PSI hearings, though, showed that Commerce is not doing a very effective job of halting technology transfer to the Soviet bloc. This can be attributed to several factors, ranging from inexperience in enforcement to the fact that the Commerce Department does not assign a high priority to these efforts.

Our package transfers the criminal enforcement duties of export administration to the Customs Service, which has a better record in this kind of work. It leaves the licensing responsibilities with the Commerce Department. In addition, it requires increased cooperation among the involved Government agencies.

The bills create a new Federal criminal offense in the area of high technology exports, and make the law easier to enforce.

They also urge the President to keep an up-to-date shopping list of items the Soviets are looking for. This would allow the administration to focus its efforts on the right products and to drop unimportant items from the list. It should make things clearer and easier for American exporters.

Our subcommittee investigations demonstrated that the Soviets know a good thing when they see it. They recognize that U.S. technology is superior, and are trying to take full advantage of it. Unfortunately, they are not using American know-how for noble

causes—our technology, in the hands of the Soviets, is being used to support their massive arms buildup. From the standpoint of U.S. security interests, it is vital that we take the steps outlined in this legislation to stop the flow of sensitive technology into Soviet hands.

ADDITIONAL COSPONSORS

S. 24

At the request of Mr. HUDDLESTON, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 24, a bill to provide emergency credit assistance to farmers, and for other purposes.

S. 29

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 29, a bill to strengthen law enforcement in the areas of child exploitation and pornography, and for other purposes.

S. 75

At the request of Mr. MELCHER, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 75, a bill to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends.

S. 113

At the request of Mr. ABDNOR, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 113, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in heavy trucks.

S. 144

At the request of Mr. DANFORTH, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

S. 209

At the request of Mr. INOUYE, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 209, a bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients.

S. 216

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 216, a bill to amend title 18, United States Code, to combat, deter, and punish individuals who adulterate or otherwise tamper with food, drug, cosmetic, and other products with intent to cause personal injury, death, or other harm.

S. 222

At the request of Mr. KASTEN, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 222, a bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends.

S. 272

At the request of Mr. PRESSLER, the names of the Senator from Utah (Mr. HATCH), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 272, a bill to improve small business access to Federal procurement information.

SENATE JOINT RESOLUTION 5

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Joint Resolution 5, a joint resolution proposing an amendment to the Constitution relating to Federal budget procedures.

SENATE JOINT RESOLUTION 15

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Joint Resolution 15, a joint resolution designating the month of March 1983 as National Eye Donor Month.

SENATE JOINT RESOLUTION 16

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Indiana (Mr. QUAYLE), the Senator from North Carolina (Mr. EAST), the Senator from Illinois (Mr. DIXON), the Senator from Nebraska (Mr. ZORINSKY), the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Joint Resolution 16, a bill to provide for the designation of the 65th anniversary of the renewal of Lithuanian independence, February 16, 1983, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 20

At the request of Mr. INOUYE, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from New York (Mr. D'AMATO), the Senator from Florida (Mrs. HAWKINS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maryland (Mr. MATHIAS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maryland (Mr. SARBANES), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Joint Resolution 20, a joint resolution to authorize and request the President to designate March 27, 1983, as "National Recovery Room Nurses Day."

SENATE JOINT RESOLUTION 21

At the request of Mr. DECONCINI, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Illinois (Mr. DIXON), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate April 1983, as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 23

At the request of Mr. DECONCINI, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of Senate Joint Resolution 23, a joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office which Members of the Senate and the House of Representatives may serve.

SENATE CONCURRENT RESOLUTION 9—RELATING TO THE ULSTER DEFENSE ASSOCIATION

Mr. DODD (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. BIDEN, and Mr. TSONGAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 9

Whereas a delegation from the United States Congress representing the "Friends of Ireland" traveled to Ireland, visiting Dublin, Belfast, and Derry, from May 29 to June 2, 1982;

Whereas serious concern was expressed to the delegation about the continued unchecked operations of the Ulster Defense Association;

Whereas the Ulster Defense Association is the largest paramilitary organization in Northern Ireland;

Whereas the Ulster Defense Association has clearly shown itself to be a terrorist organization responsible for the murder of innocent civilians, bombings in the Irish Republic, and for the illegal importation and stockpiling of arms;

Whereas over four hundred members of the Ulster Defense Association have been jailed for serious offenses and some of these have been members of the Ulster Defense Regiment which is an integral part of the security forces in Northern Ireland;

Whereas the Ulster Defense Association is allowed to operate openly in Northern Ireland, to recruit members and to raise funds, despite its crimes against the people of Northern Ireland; and

Whereas the Ulster Defense Association and other loyalist terrorist organizations have been responsible for more than six hundred deaths in Northern Ireland: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress condemns all acts of violence in Northern Ireland and calls upon the Government of the United Kingdom to outlaw the Ulster Defense Association, its membership, activities, and any like terrorist organization.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the

President for the purpose of informing the Government of the United Kingdom.

SENATE CONCURRENT RESOLUTION 10—RELATING TO PLASTIC AND RUBBER BULLETS

Mr. DODD (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. BIDEN, and Mr. TSONGAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 10

Whereas a delegation of United States Congressmen representing "Friends of Ireland" traveled to Ireland, visiting Dublin, Belfast and Derry between May 29 and June 2, 1982;

Whereas serious concern about the continued use of plastic bullets by British security forces was strongly expressed to this delegation;

Whereas the delegation was disappointed by the negative response of the British authorities to their representations on the use of plastic bullets in Northern Ireland;

Whereas the European Parliament has voted overwhelmingly in favor of a ban on the use of plastic bullets against civilians in the member states of the European Community;

Whereas in recent years eleven people, many of them children under fifteen, have been killed in Northern Ireland by plastic bullets fired by British security forces and over one hundred and sixty people have sustained injuries, including brain damage, loss of eyes, and total blindness;

Whereas all of the injuries have been suffered by civilians, many of them in nonriot situations;

Whereas according to official statistics from the Northern Ireland administration thirty-six thousand plastic bullets have been used in Northern Ireland, of which approximately twenty-six thousand were used during the first seven months of 1981;

Whereas the British Home Secretary has described plastic bullets as "lethal";

Whereas in serious rioting last year in fourteen British cities, during which gasoline bombs and other potentially lethal missiles were used against police, plastic bullets were not used in any instance; and

Whereas the use of plastic bullets in the United Kingdom has been restricted to Northern Ireland alone; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress condemns the use of plastic or rubber bullets in Northern Ireland and calls upon the Government of the United Kingdom to ban the use of plastic or rubber bullets against civilians.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President for the purpose of informing the Government of the United Kingdom.

● Mr. DODD. Mr. President, I am submitting today two concurrent resolutions by whose adoption the Senate would urge important steps toward a peaceful resolution of the conflict in Northern Ireland. The first calls upon the Government of the United Kingdom to prohibit the use of plastic or rubber bullets against civilians there. The second encourages that government to outlaw the so-called Ulster Defense Association and similar terrorist organizations. I am joined in this effort by Senators KENNEDY, MOYNIHAN, BIDEN and TSONGAS.

Identical legislation has been introduced in the House of Representatives by Representative SHANNON of Massachusetts.

Bitterness and violence continue to divide the people of Northern Ireland and scar their cities and countryside. Americans who care about peace would be troubled by such outbreaks of hatred and terrorism wherever they might occur. But the special relationship we have with the Irish people makes the situation all the more disturbing. Fully one-third of the signers of the Declaration of Independence were of Irish ancestry; four were actually born in Ireland. Today some 40 million Americans are descended from Irish parentage. I count myself among them.

Each country has given much to the other. The United States offered economic and political opportunity often tragically lacking in Ireland in earlier times. In return Ireland gave this land the human resources that helped build our cities, enlivened our cultural lives, and enriched our political traditions.

Those facts make it almost inevitable for Americans of good will to want to help resolve the divisiveness. Any role we might play is, to be realistic, limited. To the people of the six counties of Ulster will fall the overwhelming share of that burden. Obviously the governments in Dublin and Ireland will be important of actors as well.

But given our close connections with the governments and peoples involved, Americans can have a part as well. We can and should, at a minimum, lend our support to responsible measures to lessen the chances of violence.

On St. Patrick's Day, 1981, I was one of a number of Senators and Representatives of both parties who formed an organization called the Friends of Ireland. Our goal is the unification of all the peoples of Ireland—peacefully and with their consent.

In June 1982, a delegation of the Friends of Ireland visited that country and talked with leaders and people across the political spectrum. Many of us returned from that visit convinced that two small steps toward peace would be an end to the use of plastic bullets by security forces in the north and the outlawing of the UDA. Resolutions to that effect were introduced in the 97th Congress. They are still necessary and that is why we are reintroducing them today.

The 36,000 rounds of plastic bullets fired in Ulster in recent years have killed 11 people and maimed, blinded, or otherwise injured 160 others. Many of the victims were taking no part whatsoever in riots which are, ostensibly, the reason for which the plastic bullets are said to be necessary. Women and children as young as 9 are among them. One man was actually killed in his own kitchen.

In serious riots in Britain itself, when confronted with gasoline bombs and other lethal weapons, police maintained crowd control without resource to plastic bullets. It is hard to believe that they are needed to counter stone throwing by 10-year-old boys in Ulster. Yet such youngsters have in fact been killed by them in such incidents. In May 1982, the European Parliament formally called for an end to their use of plastic bullets. The Congress of the United States should take an equally forthright stand.

The second resolution we are offering today calls for the outlawing of the terrorist Ulster Defense Association.

Other terrorist organizations on both sides have been banned by the British Government. That makes eminent sense: There is little question that these organizations are the driving force behind the bombings, assassinations, kidnapings, and other acts of violence that mar the daily lives of the people of Northern Ireland. The UDA claims for official purposes to be a legitimate, peaceful political association. Many of its members, however, make no excuses that it is, in fact, a paramilitary one, and count gunrunning and bomb making among their activities.

The Congress ought to be on record that, in its judgment, an association carrying out such functions, whether in the open, or clandestinely, has no place in a modern civilized state. This resolution will make that clear.●

SENATE RESOLUTION 43—RELATING TO A BAN ON ANTI-SATELLITE WEAPONS

Mr. PRESSLER (for himself, Mr. PERCY, Mr. PELL, Mr. MATHIAS, Mr. CRANSTON, Mr. PROXMIRE, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 43

Whereas the United States depends upon satellites for preserving the peace through command and control of United States forces worldwide and through early warning of strategic attack, among other functions;

Whereas satellites are vital for verification of arms control agreements;

Whereas the safety of such important missions including those performed by the Space Shuttle would be compromised by the threat posed by killer satellites;

Whereas a space arms race would undermine strategic stability;

Whereas a military space race would add to the uncertainties faced by military planners and thereby complicate the task of designing an effective military force structure;

Whereas an arms race in space would be a drain on the American taxpayer and would undermine our ability to correct current deficiencies in our military posture;

Whereas the United States and other nations rely increasingly on space-based systems for weather forecasting, communications, natural resource exploration and other important commercial activities;

Whereas the maximum utilization of space technology for commerce and science is assured only under peaceful conditions;

Whereas the unregulated deployment of hazardous space systems, even if intended for non-weapons purposes, poses a serious danger to human life; and

Whereas the present pace of military space developments will soon reduce the prospects of avoiding the weaponization of outer space; Now, therefore, be it

Resolved, That it is the sense of the Senate that:

(a) The President should immediately prepare a proposal and invite the Soviet Union to negotiate a verifiable ban on the development, testing, production and deployment of anti-satellite weapons as a first step towards prohibiting all space-based and space-directed weaponry;

(b) That these negotiations should also seek to restrict to the extent consistent with U.S. national interest the deployment of hazardous objects and materials, such as nuclear materials in outer space; and

(c) That in pursuing agreement with the Union of Soviet Socialist Republics on anti-satellite weapons, the President should agree to no provision that would in any manner restrict the development and operation of the Space Shuttle or impede legitimate activities permitted under the SALT I ABM Treaty.

BANNING ANTI-SATELLITE WEAPONS THE FIRST STEP IN BANNING SPACE WEAPONS

Mr. PRESSLER. Mr. President, I rise today to introduce a sense of the Senate resolution calling on the President to prepare a proposal and invite the Soviet Union to negotiate a verifiable ban on the development, testing, production and deployment of antisatellite weapons as a first step toward prohibiting all space-based and space-directed weaponry. Joining me as original cosponsors of this resolution are Senators PERCY, PELL, MATHIAS, PROXMIRE, CRANSTON, and D'AMATO.

Mr. President, 25 years ago this week, the United States entered the space age with its launch of the first American satellite, Explorer I, on a Jupiter C rocket. In these 20 years, we have used space to the benefit of mankind. Satellites have enhanced security and they have also begun to improve the way we communicate and conduct business.

In the military area, satellites and other space systems have become an important element in keeping the peace. Satellites allow us to command and control U.S. forces dispersed throughout the globe, they allow us to keep track of Soviet military developments that could undermine stability, and they would provide us with warning in the event of a strategic attack.

Let us remember that in these and in other ways the military has a vital role in play in space. For instance, the missile gap of the late 1950's ended only after our first reconnaissance satellites provided a clearer picture of the Soviet missile force. The hostage rescue attempt of 2 years ago would have been nearly impossible without direct satellite links.

Were it not for space systems, arms control agreements might be impossible to achieve. Let me note that even if we manage to improve arms control verification through onsite inspection, space systems will remain a vital element in assuring compliance with treaties. Inspectors on the ground will need space systems to identify events and locations that require inspection.

After a quarter century of serving the common good through the exploration and utilization of space, we are now at an ominous crossroad. Since the early 1970's, the Soviets have maintained an antisatellite (ASAT) weapon that they continue to test. In 1978, the United States decided to develop an ASAT weapon as a counter. This response was designed as much to draw the Soviets into negotiations as it was designed to counter the Soviet threat. We, therefore, entered into negotiations in the hope of making an ASAT deployment unnecessary.

The United States and the Soviet Union engaged in three rounds of ASAT negotiations between 1978 and 1979. Those talks were broken off, not for lack of progress but, because the Soviet invasion of Afghanistan caused suspension of all arms control negotiations. While talks on strategic and theater weapons have resumed, the administration has shown little interest in ASAT talks.

I strongly believe that this situation must change. The U.S. ASAT is approaching the testing phase. Once testing and deployment occurs, it will be increasingly difficult to produce a verifiable ban on ASAT's and on space weapons in general.

In my view, the testing and deployment of the U.S. ASAT will mark the start of a very risky and costly space weapons race in which the United States has little to gain and a great deal to lose.

Mr. President, this is why today I, together with other distinguished Members of the Senate, am introducing this resolution. Indeed, this is the third resolution that I have submitted to the Senate since May of 1981. In that time, I have seen little or no movement to the negotiating table and a great deal of activity suggesting that we and the Soviet Union are about to enter an unbridled space weapons competition.

Such a competition does not reflect U.S. security interests nor does it demonstrate much concern for taxpayers who wish to have the best defense at an affordable cost.

Let me note, that we far more than the Soviets are dependent upon space systems for our security. The huge Soviet landmass provides the Kremlin with direct land lines of communication to much of the world's trouble spots. For the United States, achieving the same degree of command and control of U.S. forces requires satellites. I am told that the Pentagon is already concerned with the threat posed by Soviet space weapons and is looking into reconstituting older land lines which would have to pass through foreign capitals. The reliability of these lines would be overly dependent upon the state of U.S. relations with foreign governments.

Also in the area of reconnaissance, we are more dependent upon free access to space than are the Soviets. The open nature of our society gives the Soviets great access to U.S. military developments. Given the closed and highly secretive Soviet system, we must often rely upon satellites to gain access to important information that they can read in the American press or hear at Senate hearings.

It is not in our interest to jeopardize these capabilities which the Soviets can more easily do without. Moreover, judging from the large appropriations currently devoted to space weapons development even before a space race seriously gets off the ground, a full-fledged space weapons competition will compromise our ability to correct deficiencies in our current military posture.

Given the current and potential costs of a space weapons race and of the strategic impact of a decision to proceed with space-based and space-directed weaponry, ASAT weapons deserve the same close and careful examination as the decision on the basing plan for the MX missile. In the next few decades alone, space weaponry could begin to demand hundreds of billions of U.S. taxpayers' dollars. The price tag for MX would seem like a bargain when compared to the cost of a space weapons race.

In the scientific and commercial area, space systems are playing an increasingly important role in weather forecasting. In my home State of South Dakota, satellite forecasting is leading to increased farm production—production that is at the heart of a healthy economy in South Dakota and a favorable balance of payments situation for the U.S. communications satellites are enhancing the efficiency of American business and reconnaissance satellites are important in the exploration for natural resources which can lead to decreased dependence on foreign sources of energy. The threat of space weapons could well reverse these valuable trends just when scientific and commercial space systems have become technically and economically feasible. The Pentagon already is asking commercial satellite operators to harden their systems against the potential threat. This will add to the weight of these space systems while

reducing the space available for equipment directed at the satellite's primary mission. The result will be increased cost and reduced efficiency.

Mr. President, in my view, it is far easier to stop arms races before they occur rather than after. I ask that Senators give serious attention to this resolution. What it seeks to do is to begin a process of negotiations which would stop these dangerous developments now when stopping them is still possible.

I believe that a space weapons race serves no nation's interests. Before we join this deadly road, we must give arms control a serious try. We are in a far better position to succeed than in the earlier rounds of space weapons talks. Should arms control fail, it should not be for lack of a serious American effort but from a Soviet desire to gain an inequitable agreement. With the U.S. ASAT as a backdrop to negotiations, the Soviets may well prove more flexible today then they might have appeared when Moscow had a weapon and we possessed little more than a concept on the drawing board. We must test the waters and see whether arms control can now succeed in producing a verifiable agreement.

I believe that only if negotiations fail can we in any way feel justified to engage in this dangerous and costly competition. But first we must give arms control a chance.

SENATE RESOLUTION 45—TREATMENT OF PAYMENT-IN-KIND AGRICULTURAL PRODUCTS

Mr. GRASSLEY (for himself and Mr. PERCY); submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 45

Whereas, the agriculture sector is strapped with a severe recession due to weak worldwide demand for farm commodities falling well short of supply;

Whereas, the administration has proposed a payment-in-kind farm program aimed at reducing farm production, surplus stock holdings, and federal budget outlays;

Whereas this new farm program may create significant unintended income tax consequences in the timing of income for farmers participating in this and other farm programs;

Whereas, the crop land deferral from production under this new program will adversely affect a taxpayer's eligibility to qualify for special use valuation tax provisions to protect the family farm;

Resolved, That it is the sense of the Senate that these tax issues be comprehensively addressed and resolved with the enactment of legislation that adopts the conceptual approach that the payment-in-kind commodity payments should be treated as commodities produced on the farm for purposes of tax treatment.

Be it further resolved, That Congress act with all due speed to enact legislation at the earliest possible date in order to allow sufficient time prior to the March 11, 1983 sign-up deadline for participating members.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold hearings on national defense and the President's fiscal year 1984 budget submission on February 3, at 10 a.m. and 2 p.m. in room 608 of the Senate Dirksen Office Building.

Witnesses for the 10 a.m. hearing are the Honorable Caspar W. Weinberger, Secretary of Defense, and Gen. John W. Vessey, Jr., Chairman of the Joint Chiefs of Staff.

Witnesses for the 2 p.m. hearing are Dr. Jacques S. Gansler, former Deputy Assistant Secretary of Defense; Gen. David C. Jones (retired), former Chairman of the Joint Chiefs of Staff; and Dr. Robert J. Pranger, American Enterprise Institute.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy and Mineral Resources regarding the abandoned mined land fund. The hearing will be held on Thursday, February 24, beginning at 10 a.m. In room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy and Mineral Resources, room SD-360, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-4236.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Committee on Energy and Natural Resources regarding the world petroleum outlook for 1983. The first day of hearings will be held in closed session on Friday, February 18, beginning at 9 a.m. in room S-407 of the Capitol; the second day of hearings will be open to the public and will be held on Monday, February 21, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-360, Washington, D.C. 20510.

For further information regarding these hearings, you may wish to contact Mr. Howard Useem at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 3, at 10 a.m., to consider the nomination of Ambassador Kenneth L. Adelman, to be Director of the Arms Control and Disarmament Agency, and to hold a business meeting to vote on treaties and nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. STEVENS. Madam President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate to hold a hearing on the payment-in-kind program, at 9 a.m., Thursday, February 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RESIGNATION OF RICHARD SCHWEIKER AS SECRETARY OF HEALTH AND HUMAN SERVICES

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. ANDREWS. Mr. President, I want to take this opportunity to pay tribute to the Secretary of the Department of Health and Human Services, Richard Schweiker, who has decided to leave Government after 22 years for a position in the private sector.

I was born 13 days before Dick Schweiker was. But he made it to Congress 3 years before I did. He served in the House as a Representative from Pennsylvania from 1960 to 1969, when he was elected Senator. In 1976, Dick became Ronald Reagan's Vice Presidential running mate in their unsuccessful bid for the Republican nomination. When Ronald Reagan was elected President in 1980, he appointed Dick Secretary of HHS.

For the past 2 years, Secretary Schweiker has been responsible for managing the largest and one of the most controversial agencies of the Federal Government. Because of the wide-ranging programs the department administers—programs such as social security, medicare, and medic-

aid, and various nutrition and welfare programs—the Department is constantly fighting the battle of the budget. As a member of the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, I would like specifically to cite Secretary Schweiker's defense of adequate funding for health and medical research, Federal programs that I also strongly support.

As Dick Schweiker leaves the public sector after 20 years in the Congress and 2 years in the executive branch, I want to commend him for his dedicated public service and wish him well in his new career as president of the American Council of Life Insurance.

I ask that editorials from the Washington Post and New York Times of January 13 be printed in the RECORD.

The editorials follow:

[From the Washington Post, Jan. 13, 1983]

SECRETARY SCHWEIKER LEAVES

Richard S. Schweiker now leaves the most exasperating job in Washington. He has resigned from the Department of Health and Human Services to join the life insurance industry, ending a long and useful political career. It was an unlucky time to be secretary of HHS, for the two great overriding issues there—the financing of Social Security and the restraint of health care costs—were both placed beyond his reach. His department could, and did, send volleys of recommendations to the White House. But neither of those billowing quarrels lent itself to a quick, decisive solution. The president referred Social Security to an independent commission that now seems to be in the final stages of working out a compromise of its own. The perennial campaign to hold down hospital costs seems, for the present, to have sunk from sight altogether.

As secretary, Mr. Schweiker's greatest service doubtless lay in his careful responses to the unremitting pressure from the White House to keep cutting the budget. His department includes much of that small fraction of the federal budget that goes neither for pensions nor for military spending, and consequently is most vulnerable to budget-cutting raids from the Office of Management and Budget. In particular, he strongly defended the federal funds for health and medical research. There he was certainly upholding the more enlightened definition of the national interest.

Margaret M. Heckler, who is Mr. Reagan's choice to succeed him, will, if she is confirmed, inherit the duty of standing sentry at the doors of HHS against the budget raiders. The department carries much of the federal responsibility for the basic minimum of aid to the very poor—and for those people who are suffering most severely from this deep and prolonged recession. The amounts of money are small in comparison with the gigantic outlays for Social Security and Medicare, and the names of the programs are not always familiar. They are not defended so vigorously as the larger and more widely distributed benefits. They are things like the child welfare grants, Medicaid for the poor, supplemental security income for those whose Social Security is too little to feed them—aid delivered in small amounts to people with no other resources whatever.

Mrs. Heckler, an energetic and capable lawyer, will bring to the department the considerable skill and experience she acquired in 16 years in Congress. She will need them.

[From the New York Times, Jan. 13, 1983]

WHO RUNS HEALTH AND WELFARE?

By reading between the lines, one can make a pretty good guess as to why Richard Schweiker has resigned as Secretary of Health and Human Services: frustration.

The lines in question are in a Washington Post story yesterday about a high-level meeting on Social Security. The participants, the story said, included Senators Dole and Moynihan, members of the current commission on Social Security—and four White House officials. But not Mr. Schweiker.

As H.H.S. Secretary, his responsibilities have included, obviously, Social Security. The solvency of Social Security is, obviously, one of the Administration's most pressing problems. Yet, insiders say, the White House has not even included Mr. Schweiker in the struggle for a solution.

That might be understandable if Mr. Schweiker had done a limp job running the $270 billion department. In fact, he was a conscientious, able administrator. We have challenged his efforts to reduce nursing home and hospital regulation and his insistence on promulgating a rule requiring family planning clinics to squeal on teen-age patrons to their parents. But in his priority concern, health care cost control, he has championed sensible reforms.

Students of the department credit him with making excellent appointments and with battling internally against crippling changes proposed by social welfare theorists in the White House. "The country may never know," says Senator Kennedy from a Democrat's perspective, "how much greater the damage to social programs would have been without Dick Schweiker as secretary."

There's a larger point about Mr. Schweiker's departure after only two years in office, and it lies in the word "only." He was the 14th secretary since the Department of Health, Education and Welfare was created in April 1953; only one predecessor, Anthony Celebrezze, served as long as three years. The consistently rapid turnover consistently damages the department's efficiency and morale.

All the more reason to choose someone well-equipped at the outset. Mr. Schweiker, for example, came to the job as a national political figure, well-schooled from years on Congressional committees overseeing health and welfare issues.

Margaret Heckler, the defeated Massachusetts Congresswoman whom the President has chosen to succeed him, has little such schooling or managerial experience. Perhaps she can somehow avoid being run over regularly by the White House theorists. The more likely result for Mr. Reagan's second Secretary of H.H.S. will be the same as that for the first: frustration.

SOCIAL SECURITY DISABILITY

● Mr. LEVIN. Mr. President, in the fall of last year WBZ-TV, channel 4 in Boston, Mass., ran a two-part news item on the inequitable consequences of the continuing disability reviews being conducted by the Social Security Administration of persons who are presently receiving disability benefits. The individual examples uncovered by channel 4 depict well the degree of hardship that unjust terminations from the disability program can cause. Mr. President, I ask that the following transcripts from that two-part news item as well as the transcripts from three editorials on the same subject be placed in the RECORD at this time.

The material follows:

TROUBLE FOR THE DISABLED, PART 1

A state agency is using questionable methods to terminate Social Security benefits to hundreds of disabled people in Massachusetts.

Our state disability service, like others across the country, is under federal orders to review all Social Security disability grants. The review is to make sure that only people too disabled to work get benefits.

Federal experts estimated that 20 percent would be found ineligible nationwide. However, in Massachusetts, almost 40 percent are being cut off by the state.

A month-long investigation by the WBZ I-Team and our editorial department reveals the need for an immediate probe into state agency practices that include:

Paying some medical consultants for superficial examinations.

Refusing to consider pain in evaluating disability—despite federal regulations to the contrary.

Workers' claims that pressure to process large numbers of cases produces inaccurate decisions.

And, reports that some agency doctors take only 15 minutes to review a case.

Governor King should appoint a 90-day Task Force to conduct hearings and recommend changes. Members should include: disability and Social Security officials; Ways and Means and Human Services Committee Chairmen; judges and legal service attorneys; the Secretary of Human Services; and disability rights organizations.

WBZ challenges state disability services director, Lorraine Cronin's statement that, "nothing is wrong" with current agency procedures. If that's the case, why were 74 percent of the agency's decisions recently appealed in Boston, reversed by judges?

TROUBLE FOR THE DISABLED, NO. 4

(Delivered by George Miles, Station Manager, WBZ-TV; Rick Starr, Program Manager, WBZ-Radio)

Hundreds of disabled people in our state, like Don Cook of East Boston, have lost their Social Security disability benefits. A state agency has terminated benefits for 1,352 Baystaters. Yet in recent months, judges have overturned 74 percent of the state's decisions.

Judge Chester Shatz told WBZ the state's procedures deny people their legal rights to a fair review:

"Just looking at them and you see how they walk and you know, reviewing that medical file. You scratch your head and wonder how the state agency could ever have determined they're not disabled."

Every state uses federal guidelines to decide whether people receiving disability benefits could go back to work. The aim is to reduce fraud. But WBZ has learned that when your case is reviewed:

You are not advised that you must reprove total disability.

And you often don't get a thorough medical review of your case by a qualified expert.

As one long-time agency supervisor told WBZ:

"The statements we're making about people and their ability to work are not true statements."

Three weeks ago, WBZ asked Attorney General Bellotti to investigate these questionable procedures. The Attorney General's Office says they are "reviewing" material. We hope they don't take too long to decide whether to investigate. We know of men and women who have died before judges could consider their appeals.

TROUBLE FOR THE DISABLED, No. 5

(Delivered by Sy Yanoff, Vice President and General Manager, WBZ-TV; Rick Starr, Program Manager, WBZ-Radio)

For the past 5 weeks, the WBZ-I-Team and our editorial department have focused attention on questionable procedures used to terminate Social Security benefits to the disabled in Massachusetts. WBZ editorials have called for a legislative investigation. Yesterday, lawmakers responded. But, the management of WBZ warns that yesterday's action was just the first step in the lengthy process it will take to reform the Social Security Disability review program.

"I can't take it anymore . . . there's people dying out there."

That's what a disabled man from Waltham and others like him told lawmakers this week at a public hearing. Senator Backman and Representative DeNucci held the hearing on their bill to create a special commission. The commission would investigate questionable procedures being used to terminate Social Security benefits to the disabled. An investigative commission is badly needed. There are many questions it should ask:

Are state medical consultants qualified?

Are medical reviews of cases thorough?

Why are so many state decisions to terminate benefits reversed by judges?

What is the state doing to re-train the disabled who could work?

Does the state clearly explain the review process to the disabled?

Are state examiners' caseloads dangerously high?

Are examiners properly trained?

Are federal guidelines fair?

Over one thousand disabled people in Massachusetts have been cut off Social Security disability by the State. Many, like Judy Fittery of Tewksbury, are desperate. Some, like Michael Ferriter of Dorchester, are in pain—unable to pay for medical care.

WBZ commends the Human Services Committee for supporting the bill to create an investigative commission. But, Co-chairman DeNucci warns that because it is late in the legislative session, it will take a lot of public support to persuade the legislature to pass the bill this year. Tell your legislators to pass Senate bill 2058 without delay!

I-TEAM REPORT: SOCIAL SECURITY DISABILITY

PART I

For Donald Cook of East Boston, these home movies are just fond memories . . . Being up at bat at Beachmont Park in Revere . . . Tossing pebbles in the Sacco River while on a trip to the White Mountains of New Hampshire. The year was 1966.

But Don Cook's life changed drastically after an accident on the job here at Logan Airport in 1973. He was hauling luggage onto an airport bus, when he ruptured two discs in his back.

(Go to ambulance scene)

Today, Cook spends much of his time in local hospitals. His back injury has resulted in serious nerve damage. He's lost much of the use of his back, and has limited use of his legs. He says he's been hospitalized at least 15 times since his accident. Both he and his doctors agree he is totally disabled and unemployable.

DON COOK.

"I can't lift. I can't bend. I can't sit too long, I can't stand too long. You're in pain all the time, sometimes more severe than others. When it gets too severe you require more medication."

WBZ. Is there any way you could work?

"No, because there are days I can't even get out of bed."

Since 1975, Cook, his wife and daughter have survived on a monthly check from the Social Security Disability program. That's the program most of us contribute to through paycheck deductions. Only those totally incapable of working because of an unexpected accident or crippling illness are eligible for benefits. The average is about $442 a month.

Despite his worsening condition, Donald Cook has been told he no longer qualifies and is capable of going back to work.

DON COOK.

WBZ. What is your most serious concern?

DON. Survival . . . That means moving out of where I am."

WBZ. Could you survive without the $550 a month?

DON. "No . . . no way."

The people here at the state's Disability Determination Service refused to tell us why they stopped Don Cook's benefits. But a month-long I-Team investigation has found problems at this agency . . . an agency that is cutting off benefits to hundreds of disabled men and women here in Massachusetts.

One reason for the cuts . . . Workers here at the state disability service are under orders from Washington to conduct a speedy review of every disability case on the books. The goal is to eliminate a 20% fraud rate. But in the process almost 40% of those on disability in Massachusetts are being cut off the rolls.

ED KELLNER (DDS examiner).

"I've been with the agency almost 8 years now. It's amazing to see cases of people who were automatically given disability before and are now just being denied left and right."

WBZ. These are people who are disabled?

"Without a doubt . . . We're asking people to go back to work who just can't work."

Ed Kellner is among a group of disability service workers who agreed to talk with us. From conversations with these workers, with judges, with disability claimants, and with access to confidential documents, the I-Team has uncovered some startling facts.

The fact that the state is paying out millions of dollars to consulting physicians, some of whom are performing only brief and superficial examinations on the disabled.

The fact that the state doesn't consider pain as a factor in evaluating disability.

The fact that state workers feel pressure to process large numbers of cases, and as a result, make inaccurate decisions.

And most startling of all . . . the fact that state staff doctors might take as little as 10 to 15 minutes to review complex cases and decide if a claimant is disabled . . . and that decision is made without ever seeing the patient.

CHESTER SCHATZ, ALJ.

"The staff physician of the state agency, his opinion controls whether the claimant is found disabled or not . . . he never sees the patient . . . He ignores the treating physician's report, he ignores the impartial examining doctor's report and he comes up with a different conclusion without explaining it away."

Administrative Law Judge Chester Schatz hears the appeal cases of claimants cut off the disability rolls.

"The average time a state agency doctor spends reviewing a person's file, at least in Massachusetts, is between 15 and 20 minutes. Some of these files are an inch thick."

Albert Locke's files are six volumes thick. Since 1972, he has spent a total of 2 years in the hospital for a variety of medical problems. That's where he got word he was being cut off the disability rolls, because he was found fit to return to work.

ALBERT LOCKE.

"It shook me. I couldn't believe it."

Dr. JOSEPH WHELAN.

"I can't think of a single major company that would hire Al."

Dr. Joseph Whelan of Waltham has been Locke's personal physician for the past 10 years.

WBZ. Why can't he work?

WHELAN. "His constant pain, the bleeding from the ulcers. His absentee record would be terrible. There's no chance he'll ever get better."

WBZ. How long would it take to make an accurate decision in his case?

WHELAN. "An eight hour working day."

Both Al Locke and Don Cook hope they can get more accurate decisions on their cases here at an appeals hearing like this one. In recent months, judges here have reversed 74 percent of the state's decisions to cut claimants off the rolls.

JUDGE SCHATZ.

"We're seeing such horror stories. Just looking at them you scratch your head and wonder how the state agency could have ever determined they're not disabled."

DON COOK.

"I've worked all my life. I used to work two jobs. I was like a workaholic. It was a real adjustment going from 90 miles to zero."

ROSE COOK.

"I knew what he was like before. And now he can't do anything. Oh, I don't mean he can't breathe, have a cup of coffee, exist. Yes, he can exist, but not in the fashion, the style we used to."

LORRAINE CRONIN.

WBZ. Is there anything wrong with your agency?

CRONIN. "No . . . nothing at all."

Tomorrow we'll get some answers from those in charge of the agency about why so many disabled people are losing their only income.

PART II

From the candidate Ronald Reagan, the promise in 1980 was a stern and popular one—to kick the cheaters off the welfare rolls, food stamp lines and the disability rolls. Who could disagree?

But for some that promise is turning into a nightmare. In neighborhoods all across Massachusetts, hundreds of truly disabled are getting word they're being cut off the Social Security disability rolls.

It happened here in Revere, to a 48-year-old man with a wife and two children . . . a proud and self-reliant carpenter until he was injured on the job. A few months after he was cut, he went down into his basement

with a .45 and shot himself in the head. His wife told us he didn't want to live knowing he couldn't contribute to his family's income.

Judy Fittery of Tewksbury has thought about suicide. The government stopped her benefits despite an ever-worsening back injury which doctors say prevents her from holding a job.

JUDY FITTERY.

"My spine feels like there's a hot rod in my spine—the pain runs through my legs, down the backs of my legs."

WBZ. How will you survive?

"Emotionally with a lot of help from my friends and family. Financially, I don't know."

Judy Fittery has no income to support herself or her 17-year-old daughter, Cheryl. Her pain is so intense she's forced to spend most of her day on the floor of her parent's living room.

So, why would the government cut her—and others like her—off the disability rolls?

The I-Team has found that much of the problem lies here in the state agency that decides whether or not someone is disabled.

Our month long investigation has found that the states Disability Determination Service is using highly questionable procedures to come up with its decisions.

One questionable procedure—the state's reliance on medical reports from consulting physicians. The government will pay out $2.4 million dollars this year for reports from those doctors who are considered the chief objective source of information on whether a claimant is disabled.

Lorraine Cronin directs the state's Disability Determination Service.

CRONIN.

"Our consultant will spend as much time as any ordinary doctor will spend with a patient . . . None of our doctors rush through any exam."

But after spending a day outside the office of one consulting physician recently, the I-Team found a somewhat different story.

Some of the patients sent here for an objective examination were not at all satisfied. Dean Kent says he suffers from a serious back injury.

DEAN KENT.

"He didn't have me bend over. There were no tests done on my spine. I just walked up and down the room."

Roland Joley has a long history of heart disease.

JOLEY.

"I saw the doctor for ten minutes."

Roland Joley told us about Marie Young, another claimant with a heart condition. She visited the consulting physician's office last March and soon afterward get word her benefits were being stopped.

MARIE YOUNG.

"I was weighed, they measured my height, they took my blood pressure and was told I would have an EKG. I sat there waiting to see what would happen next, and then I was told I could leave . . . that was it."

LORRAINE CRONIN.

"Accuracy has never been sacrificed for timeliness. I can assure you that we are doing quality work. Accurate work. And we're very proud of it."

ED DONNELLY, DDS examiner.

"When you talk about production you talk about denials."

ED KELLNER, DDS examiner.

"The statements we're making about people and their ability to work are not true statements."

LORRAINE CRONIN.

WBZ. We're talking to the workers here and they're saying they know, they know deep in their heart that they're denying people benefits who are truly disabled.

CRONIN. "Those workers are following the rules set down by our agency and the Social Security Administration."

WBZ. Well, is there something wrong with the rules?

CRONIN. "No."

WBZ. Do you think there's anything wrong with your program?

CRONIN. "No."

WBZ. Nothing at all?

CRONIN. "No, I don't."

Mark Coven is the Boston Legal Service attorney who produced a critical report of Cronin's agency 2 years ago, a report that backed up many of the complaints we heard from the disability service workers.

MARK COVEN.

"There's a real policy . . . they want to terminate as many people as possible. These are people who 6 months ago were disabled, then they turn around and say they're not . . . yet there's no improvement in their condition."

Coven has testified at these Senate hearings in Washington, where an investigation is underway to find out why so many truly disabled are being cut off the rolls.

Here in Massachusetts, 1352 people have lost their disability benefits so far . . . the state's Disability Determination Service wants to review 14,000 cases over the next year.

A TRIBUTE TO ROBERT C. COPLAN

● Mr. METZENBAUM. Mr. President, it is with great pride and pleasure that I take this opportunity to pay tribute to a fellow native of Cleveland, and a lifelong friend of mine, Robert C. Coplan. Bob Coplan is a man of many accomplishments, who has achieved success in a variety of fields. But perhaps his crowning achievement has been the establishment of the Cleveland Scholarship Programs (CSP), which has provided higher education opportunities for thousands of worthy young men and women. On October 23, 1982, Bob received the first CSP Trustee of the Year Award for his devotion and commitment to making CSP the success that it is. I know my colleagues will join me in extending to Bob Coplan our congratulations and appreciation for his truly outstanding accomplishment.

During the late 1960's, Bob Coplan founded the Cleveland Scholarship Programs, in response to the fact that many inner-city, financially disadvantaged youth were not attending college. He devised what I believe is the key to the program's success—a combination of financial assistance and a unique system of advisers in the high schools. Under the program, CSP advisers meet with high school seniors to provide assistance in choosing the appropriate college. The adviser helps the student and his or her family to obtain information on available financial aid and how to apply for it. The CSP then provides the "last dollar" that is needed, over and above other aid received, to meet college costs. The CSP continues to provide counseling for students while they are in college and helps them to find employment upon graduation.

Over the years, under the persistent guidance of Bob Coplan, CSP has grown to become the largest and most successful program of its type in the country, helping thousands of youth and adults obtain a higher education which otherwise might not have been possible. CSP has received numerous awards for its work, including the Anisfield-Wolf Award from the Cleveland Welfare Federation in 1973 and the Isaiah Award of the American Jewish Committee in 1974.

Bob has also worked to share the success of the Cleveland program throughout the country, and similar programs have been started in Miami, Fla., for the Dade County schools; Naples, Fla.; Chicago, Ill.; and Richmond, Va.

In 1969, Bob was instrumental in founding the Ohio Law Opportunity Fund (OLAF), which like the CSP, assists financially disadvantaged youth to attend law school. He is a past president of the OLAF.

Bob Coplan was born and raised in Cleveland. He attended Lakewood High School, graduated from Ohio State University College of Art and Sciences, and received his law degree from the Ohio State University College in 1942. After graduation, he served in the U.S. Navy Reserve-Navy Air Corps until 1945, when he joined the firm of Benesch, Friedlander, Coplan & Aronoff, where he is currently a partner. Bob and his lovely wife, Shirley, have three children.

In addition to his work with the CSP, Bob has devoted countless hours of service to his community. He is a life member of the National Council of the College of Law of Ohio State University and the Ohio State Alumni Association. He has served as a trustee for the Jewish Community Federation; Bellefaire School, a residential treatment center for emotionally disturbed children; the Cleveland Cancer Society; and as captain of United Appeal of Cleveland.

Mr. President, through his vision, persistence, and dedication, Bob Coplan has affected the lives of thousands of young people, opening up for them opportunities which might otherwise never have been possible. It is an honor and a very real pleasure to bring to the attention of my colleagues and the Nation his remarkable achievement.●

BAY AREA CHAMBER OF COMMERCE CELEBRATES 100 YEARS

● Mr. LEVIN. Mr. President, I call attention to a very special event to be celebrated in Bay City, Mich., in mid-February. The Bay Area Chamber of Commerce will be celebrating its 100th anniversary: 100 years of continuous and industrious community service.

Founded in February of 1883 by a group of dedicated and conscientious business people, the Bay Area Chamber of Commerce distinguishes itself by being one of the oldest such organizations in the Nation. For 100 years it has continuously provided a forum for bay area business people so they can better the economic climate and serve their community, citizens, and social agencies in countless ways.

I congratulate the members of the Bay Area Chamber of Commerce on their fine achievements and wish them another century of valued service to their community.●

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. McCLURE. Mr. President, the Committee on Energy and Natural Resources, at its organizational meeting on January 31, 1983, adopted the committee rules for the 98th Congress.

I submit the committee's rules for printing in the RECORD.

The rules referred to are as follows:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule. 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARING AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), seven Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless eleven Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A roll call of the Members shall be taken upon the request of any Member. Any member who does not vote on any roll call at the time the roll is called may vote (in person or by proxy) on that roll call at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any member who did not vote on any roll call shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of members assigned to each Subcommittee and the division between majority and minority members shall be fixed by the Chairman in consultation with the ranking minority member.

(b) Assignment of members to subcommittees shall, insofar as possible, reflect the preferences of the members. No member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form re-

quired in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.●

NUCLEAR WEAPONS FREEZE AND REDUCTIONS

● Mr. DODD. Mr. President, I was proud to join Senators KENNEDY and HATFIELD last week as one of the original cosponsors of Senate Joint Resolution 2 on nuclear weapons freeze and reductions.

This resolution succeeds Senate Joint Resolution 163 in the 97th Congress that I also cosponsored. In spite of its solid rationale and the urgency attached to the subject, that resolution never made it to the Senate floor.

If that resolution had rationality, logic, and urgency behind it, the present one, its successor, has even more of these attributes to support it. The reason for this increased importance is the simple fact that every year, every opportunity we miss to put a freeze on the nuclear arms race results in the accumulation of even more weapons of mass destruction. The further this accumulation goes, the more cumulative the logic of a nuclear arms freeze becomes.

Mr. President, I am dedicated to a strong American military force and I studied carefully the arguments opposing the freeze. I have found them hollow. It is true Congress cannot negotiate a freeze with the Soviets; this is a task for the President to do through his emissaries. Our involvement with the technical details also has its limits. Congress, on the other hand, is the most important channel of popular input into our national security policies. It is Congress' task to establish the broad framework for the direction of our policies, consistent with the values, concerns, and aspirations of millions of ordinary Americans. This resolution does no more and no less. It contains nothing the administration should not be able to support in good conscience. All it requires is a good faith effort to negotiate agreements for a mutual and verifiable nuclear freeze followed by mutual and verifiable reductions in nuclear weapons. It does not foreclose changes in our force structure if such is desirable, and it does not foreclose negotiated corrections in strategic imbalances if such are needed to arrive to an agreement. Unless one is of the mistaken belief that further accumulation of nuclear redundancies will provide even a tiny margin of additional security, I fail to see what serious objections can be raised against the freeze and reductions resolution.

Any freeze and/or reductions agreement will have to pass the most detailed and careful scrutiny of the Senate as a condition of the Senate giving its advice and consent to its ratification. I do not think recent history would justify any fears that the Senate is too eager to approve arms control agreements that are not in the national interest.

Mr. President, I think this resolution represents a significant national consensus on a matter of overwhelming importance. Instead of fearing it, the administration would be wise to take strength from it in pursuing a vigorous negotiating strategy aiming at a comprehensive arms control treaty. The President ought to be riding this wave instead of trying to resist it.

I urge my colleagues to join us in supporting Senate Joint Resolution 2.●

JIMMY THE GROUNDHOG PREDICTS AN EARLY SPRING

● Mr. KASTEN. Mr. President, I have good news for Congress and the American people today—Sun Prairie, Wisconsin's Jimmy the Groundhog did not see his shadow at 7:12 a.m. this morning, so we should all get ready for an early spring.

Jimmy the Groundhog has been predicting the coming of spring since 1948. Records of his predictions have been kept since 1948, and Jimmy's record is an amazing 20 out of 24—a much better track record than his rival, Punxsutawney Phil.

The Sun Prairie Chamber of Commerce sponsors an annual event on Groundhog Day. Postmaster Margaret McGonigle helped organize the first celebration. Today, Jimmy the Groundhog arrived in a $135,000 Rolls-Royce.

The chamber of commerce also provides any person born on February 2 with Groundhog Birth Certificates, for a $3 charge. They are an 8x10 copyrighted document suitable for framing. There are nearly 2,000 requests for these certificates each year.

Mr. President, I salute the town of Sun Prairie, Wis., Groundhog Capital of the World, and I thank Jimmy the Groundhog for the encouraging news.●

ORDERS FOR THURSDAY

ORDER FOR RECESS

Mr. STEVENS. Madam President, is there an order for convening tomorrow?

The PRESIDING OFFICER. No. there is not.

Mr. STEVENS. Madam President, I ask unanimous consent that, when the Senate stands in recess today, it convene tomorrow at the hour of 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HEINZ AND SENATOR GORTON

Mr. STEVENS. Madam President, I ask unanimous consent that, after the time for the two leaders under the standing order, there be special orders entered for the Senator from Pennsylvania (Mr. HEINZ) and the Senator from Washington (Mr. GORTON) for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that, following the time set aside for the special orders, there be a period for the transaction of routine morning business not to extend beyond 1 p.m. with Senators being permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT—S. 271

Mr. STEVENS. Madam President, with the consent of my distinguished friend, the Democratic leader, I ask unanimous consent that, at 1 p.m. on tomorrow, the Senate turn to the consideration of Calendar Order No. 2, S. 271, the trails bill, and that the bill be considered under the following time agreement:

That there be 20 minutes on the bill, equally divided between the chairman of the Energy Committee and the ranking minority member, or their designees; that no amendments be in order to the bill except for the amend-

ment reported by the Energy Committee; and that the agreement be in the usual form.

Mr. BYRD. Madam President, this matter has been cleared on this side of the aisle and we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 273 AND S. 272

Mr. STEVENS. Madam President, let me state that following the disposition of Calendar Order No. 2, S. 271, it would be the intention of the leadership to turn to the consideration of Calendar Order No. 3, which is Senate bill 273, the Minority Small Business Pilot Procurement Act, on which there is a request for a time agreement at the present time; and that we would then ask the Senate to turn to the consideration of Calendar Order No. 4, S. 272, a bill to improve small business access to Federal procurement information, on which we are also attempting to work out a time agreement.

RECESS

Mr. STEVENS. Madam President, if there be no further business to come before the Senate, I move that the Senate stand in recess in accordance with the order previously entered.

The motion was agreed to: and, at 4:48 p.m., the Senate recessed until Thursday, February 3, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 2, 1983:

DEPARTMENT OF THE INTERIOR

J. J. Simmons III, of Oklahoma, to be Under Secretary of the Interior, vice Donald P. Hodel, resigned.

DEPARTMENT OF STATE

Morton I. Abramowitz, of Massachusetts, a career member of the Senior Foreign Service, Class of Career Minister, for the rank of Ambassador during the tenure of his service as the Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations.

DEPARTMENT OF DEFENSE

Vincent Puritano, of Virginia, to be an Assistant Secretary of Defense, vice Jack R. Borsting, resigned.

IN THE ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3019, for a period of 4 years beginning 1 June 1983, to be reappointed as Chief, Army Reserve:

To be Chief, Army Reserve, U.S. Army

Maj. Gen. William R. Berkman, [redacted] U.S. Army Reserve.

IN THE MARINE CORPS

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard E. Carey [redacted], U.S. Marine Corps.

HOUSE OF REPRESENTATIVES—*Wednesday, February 2, 1983*

The House met at 3 p.m.

The Very Reverend Etuale Lealofi, rector of the St. Peter Chanel Pacific Regional Seminary, Suva, Fiji, American Samoa, offered the following prayer:

All-powerful and ever-living God, Creator of the universe, You filled our world with Your riches, and put us over them as stewards and dispensers of Your goodness.

You also showed us in Your Son, Jesus, that You are our Father, and we are all brothers and sisters.

We, therefore, gather before You now in the spirit of brotherhood and sisterhood to ask for Your continued inspiration and guidance: Help us bring about peace through the realization of justice among all peoples, to promote good will and foster harmony through the achievement of human aspirations, especially among our less privileged brothers and sisters.

This, our prayer, we make through our Brother and Saviour, Your Son, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 8. Concurrent resolution to provide for an adjournment of the Senate for more than 3 days.

THE VERY REVEREND ETUALE LEALOFI

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, I join my colleagues today in welcoming the Very Reverend Etuale Lealofi to provide the opening prayer for today's session of Congress.

It gives me pleasure to introduce this representative of Samoan church people because of his many distinctions.

Father Etuale was ordained a priest on December 8, 1969. He subsequently pursued graduate studies at Ateneo of Manila and received a master's degree in religious education from that university in 1973. In 1975 he began studies in Rome at the Pontifical Urban University from which he received a doctorate in canon law in 1978. Father Etuale is presently the rector of the St. Peter Chanel Pacific Regional Seminary in Suva, Fiji, which is the center for priestly formation in the South Pacific.

After attending the National Prayer Breakfast tomorrow, Father Etuale will return to paradise, where he will continue his prayers for yourself, sir, Mr. Speaker, and all our colleagues in this Chamber.

We are extremely honored that Reverend Etuale has joined us today, leaving behind him clear blue waters, and the warmth of the South Pacific sun. A huge sacrifice for anyone to make.

H.R. 1097, TO AMEND THE CONTROLLED SUBSTANCES ACT

(Mr. ROWLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND. Mr. Speaker, this week I introduced legislation which moves the drug methaqualone from schedule II to schedule I of the Controlled Substances Act.

While in the Georgia General Assembly, I successfully sponsored a bill to amend the Georgia Code in a similar fashion. This put methaqualone beyond the reach of normal prescription writing. The legislation was advocated by the State board of medical examiners.

At this time, three States have enacted legislation to restrict the availability of methaqualone, and two more States have proposals under consideration.

As a family physician, I became aware of methaqualone's potential for abuse over a decade ago. The potential very quickly became a reality with the appearance of so-called stress clinics. Unfortunately as States enact legislation to restrict methaqualone, the problem merely shifts into neighboring States.

In my experience, the legitimate medical community has moved away from methaqualone as a drug of choice due to the high level of abuse.

I do not believe that the law of the land should reflect the acceptance of a substance by profiteers who stand to benefit from its continued abuse.

I strongly urge your support of H.R. 1097.

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND LABOR

The SPEAKER laid before the House the following resignation as a member of the Committee on Education and Labor:

HOUSE OF REPRESENTATIVES,
February 2, 1983.

Hon. THOMAS P. O'NEILL,
Speaker, House of Representatives.

DEAR MR. SPEAKER: I hereby request that you accept my resignation from the Committee on Education and Labor.

Sincerely,

TED WEISS,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following resignation as a member of the Committee on Merchant Marine and Fisheries:

WASHINGTON, D.C., *February 1, 1983.*

The SPEAKER,
House of Representatives,
The Capitol.

DEAR MR. SPEAKER: I respectfully request that you accept my resignation from the Committee on Merchant Marine and Fisheries.

Sincerely,

BRIAN DONNELLY,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

WIDESPREAD ABUSE OF THE DRUG METHAQUALONE

(Mr. McDONALD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDONALD. Mr. Speaker, as a physician from the State of Georgia, I rise in support of H.R. 1097 as a means of calling attention to the widespread abuse of the drug methaqualone.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Substantial amounts of legally prescribed methaqualone are being diverted for illicit purposes. Many physicians who prescribe the drug are unwittingly contributing to widespread quaalude abuse. Consequently, illicit use of methaqualone is generally difficult to prosecute.

Moving methaqualone from schedule II to schedule I of the Controlled Substances Act is perhaps the most effective means of checking the widespread abuse that exists today without disrupting medical practice since most physicians, who at one time prescribed methaqualone, no longer do so. Instead, they are opting for other drugs that are superior and less susceptible to abuse.

The American Medical Association Drug Evaluations indicate that rarely, if ever, should methaqualone be a drug of choice for the treatment of insomnia. Within 2 weeks of regular use, the effects of methaqualone wear off, charting an easy path to addiction. Withdrawal, at this point, can cause a comatose state or death.

Therefore, as long as there are Federal drug laws designed to prevent drug abuse, we should take the steps necessary to carry out that intent. One such step should be to examine the problems created by the widespread availability of methaqualone and act to move this drug to schedule I of the Controlled Substances Act.

DESIGNATING MEMBERSHIP ON CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 51) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 51

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives;

Committee on Foreign Affairs: Ted Weiss, New York, to rank following Representative Feighan;

Committee on Merchant Marine and Fisheries: Brian J. Donnelly, Massachusetts (effective only for the First Session, 98th Congress);

Committee on Public Works and Transportation: Brian J. Donnelly, Massachusetts, to rank following Representative Ferraro.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAJOR REDUCTIONS AND PROGRAMS ELIMINATED IN THE PRESIDENT'S BUDGET

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WRIGHT. Mr. Speaker, I seek this opportunity in order that I may present for the consideration of the Members two charts, one depicting major programs eliminated by the terms of the President's 1984 budget recommendation and the other showing major reductions which would be proposed in domestic programs by this budget. Among those programs to be completely eliminated if that budget were adopted as presented are the rural development insurance fund, the work incentives program, the Legal Services Corporation, energy conservation grants for low-income weatherization, and the Economic Development Administration.

Among those reductions in major domestic programs which are embodied in that budget recommendation are the suggestion that we reduce by one and a half billion dollars our commitment to the strategic petroleum reserve, or reduction of 72 percent below last year; a reduction of 72 percent in geothermal energy research and development, and reductions in the range of upward of 50 percent in fossil energy, solar energy and energy conservation.

Low-income energy assistance would be reduced by $675 million, or 34 percent, at a time when many of our elderly and low-income Americans are having a very difficult time meeting the increasing costs of fuel; and a reduction of some $324 million, or 39 percent below last year's level in vocational and adult education, at a time when we are attempting to increase the capacity of America's work force.

I urge my colleagues to look carefully at these proposed reductions

1984 PRESIDENT'S BUDGET—MAJOR REDUCTIONS IN DOMESTIC PROGRAMS

[In millions of dollars]

	Fiscal year 1983 appropriation level	Fiscal year 1984 President's budget	Percentage reduction
Assisted housing	8,651	−2,319	−127
Employment and training programs	4,343	3,557	−18
Rural housing to be replaced by a new block grant:			
Direct loan level	3,377	308	−91
Block grant		850	NA
Compensatory education	3,168	3,014	−5
Rural Electrification Administration:			
Guaranteed loans	4,745	3,360	−29
Electric insured loans	850	500	−41
Telephone insured loans	250	75	−70
Energy:			
Strategic petroleum reserve—Oil acquisition	2,074	583	−72
Fossil energy R&D	311	138	−56
Solar energy R&D	202	87	−57
Energy conservation R&D	133	71	−47
Geothermal energy R&D	50	14	−72
EPA research and development	98	92	−6
Salaries and expenses	549	540	−2
Abatement, control and compliance	369	294	−20
Buildings and facilities	3	3	
Total EPA operations	1,019	929	−9
Low-income energy assistance	1,975	1,300	−34
National forest system	1,092	873	−20

1984 PRESIDENT'S BUDGET—MAJOR REDUCTIONS IN DOMESTIC PROGRAMS—Continued

[In millions of dollars]

	Fiscal year 1983 appropriation level	Fiscal year 1984 President's budget	Percentage reduction
Vocational rehabilitation	1,037	1,012	−2
Older Americans Act activities (excludes cash-out of USDA nutrition program)	954	898	−6
NOAA operations	939	834	−11
Mass transit operating assistance	875	275	−69
Vocational and adult education	824	500	−39
Postal subsidies	789	400	−49
HUD Housing for the elderly—Direct loan level	634	476	−25
Ch. 2 block grants to States	535	451	−16
Extension Service	329	287	−13
Animal and Plant Health Inspection Service	277	230	−17
Land acquisition and land and water conservation fund	257	65	−75
Agricultural conservation program, forestry incentive program, and water bank	237	56	−76
Small business assistance—Direct loan level	210	41	−80
Watershed and flood prevention	194	97	−50
Bureau of Mines	143	118	−17
Bilingual education	138	95	−31
St. Elizabeths Hospital	82	63	−23
State and private forestry	62	25	−60
Indian health—Preventive services	53	28	−47
Nurse training	49	13	−73
Health maintenance organizations (HMO's)	46	11	−76

1984 PRESIDENT'S BUDGET—MAJOR PROGRAMS ELIMINATED

[In millions of dollars]

	Fiscal year 1983 appropriated level	Fiscal year 1984 President's budget
Community Services block grant	348	
Rural development insurance fund (industrial development loans—Obligations)	300	
Work incentives	271	
Legal Services Corporation	241	
Energy conservation grants (low-income weatherization, school and hospital State planning grants)	234	3
Economic Development Administration (terminated by transfer of funds in fiscal year 1983)	193	
Repayable advances to the District of Columbia general fund	86	
Public libraries support	80	
Appalachian Regional Commission (nonhighway program)	75	
Juvenile justice assistance	73	
Indian education (Department of Education)	67	1
Health planning	57	
Professional standards review	50	
Indian facilities and sanitation construction	28	
Historic preservation fund	26	
National Health Service Corps scholarships	11	
Indian urban health centers	6	
Government National Mortgage Association (GNMA) mortgage purchases—Direct loan level	500	

INTRODUCTION OF LEGISLATION TO IMPROVE ENFORCEMENT OF CHILD SUPPORT LAWS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, last Thursday I introduced H.R. 1014, a bill aimed at improving our enforcement of child support laws. I have sponsored this bill because the nonpayment of child support represents both a legal travesty and human trag-

edy affecting more than 8 million women with dependent children.

At the centerpiece of my legislation, is the creation of the National Commission on Improved Child Support Enforcement. This 11-member Commission will have as its main purpose, to investigate the current system on the Federal level aimed at collecting delinquent child support payments from not only those families on public assistance but those non-AFDC families as well.

At this point we know that the Federal Office of Child Support Enforcement is only collecting 10 percent among the 5.5 million nonpayers on AFDC and only 29 percent of the more than 1.1 million nonpayers among non-AFDC families.

This nonpayment of child support has grown to such magnitude that the President last week in his state of the Union address pledged to the American people that:

> We intend to strengthen enforcement of child support laws and to insure that single parents, most of whom are women do not suffer any unfair financial hardship.

I have introduced this bill so we may accomplish the important goal the President has identified. I would note that nonpayment of child support not only affects families, it also costs the Government money. It is estimated that 87 percent of the children receiving benefits under AFDC qualified for the program because an absent parent is not providing adequate support.

As my legislation states:

> The nonpayment of child support undermines people's confidence in the law and it is important that the responsibility for dependent children be shifted from the Federal Government to the absent parent.

It is in that spirit and to achieve that goal that I put forth this resolution and ask for my colleagues' support.

TRA TRAINING FOR DISPLACED INDUSTRIAL WORKERS

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, yesterday President Reagan compared economic recovery to a seedling, while claiming economic recovery has begun. Apparently, he cannot see the forest for the trees.

In my district, the unemployment rate is averaging 16.8 percent. Anybody who thinks the Reagan program is working should ask one of the more than 12 million Americans who is not.

We must retrain our industrial labor force for America to regain its competitive edge. I urge you to cosponsor H.R. 925 to guarantee employment training funds for displaced industrial workers. The funding will come from customs duties on imports, not from new taxes.

□ 1515

REPEAL WITHHOLDING OF DIVIDEND AND INTEREST INCOME

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, today I am introducing legislation to repeal the withholding provisions the Congress enacted last year in the Tax Equity and Fiscal Responsibility Act. As many of my colleagues know, these provisions impose an unfair burden on our fellow citizens and on our Nation's financial institutions by requiring such institutions to withhold 10 percent of interest and dividend income from nearly every individual account.

These provisions are unfair because they reduce the amount of cash people have during the year, cash which could be further invested in productive enterprise. The provisions are unfair because they penalize savers by reducing the interest earned on their accounts through compounding. The provisions are unfair because the amount withheld may be incorrect for a person's tax bracket, thus requiring a new tax filing for a refund. Lastly, the provisions are unfair because they impose enormous costs on both the consumer and the financial industry, particularly on the smaller institutions which are already reeling under adverse economic conditions.

Oddly, the reason offered by the administration for including these provisions in the tax bill was that they would improve taxpayer compliance. A 1981 study by the IRS, however, showed that there already was a 97.6-percent rate of taxpayer compliance in reporting interest and dividend income. I contend that these withholding provisions yield only a marginal improvement in the rate of compliance while imposing a huge and disproportionate burden on our citizens.

The repeal of these provisions must be achieved quickly. If left standing, withholding will go into effect July 1. If left standing, they will penalize savings and create further disincentives for investment. I urge my colleagues to join me in support of this bill to repeal these unfair and counterproductive withholding provisions.

PRESIDENT REAGAN "EXCOMMUNICATED" BY WALL STREET JOURNAL

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, it is no great surprise that we Democrats in Congress have taken issue with President Reagan's proposed new budget. It is our constitutional duty, after all, to apply our critical judgement to its flaws and suggest our own options and alternatives.

What is surprising, however, is that adverse criticism of the budget in the Nation at large has become so widespread and so nonpartisan. Just yesterday the Wall Street Journal, traditionally supportive of Mr. Reagan and his party, published no less than three critical appraisals which found the President's budget to be unsatisfactory.

One of these, written by Journal analyst Norman C. Miller, referred to what it called the President's Rube Goldberg Scheme, and attacked the budget as being "indiscriminate" and "cruel" and "threatening to the innocent needy."

The article further called for the abandonment of what it termed "the free-lunch promise of supply-side tax cuts."

Clearly, Mr. Speaker, the President's budget has caused a crisis of confidence in the business community and in the land when the Wall Street Journal, generally referred to as the bible of the businessman, goes so far toward excommunicating a President whom it once viewed as a disciple of fiscal responsibility.

A NOBEL PEACE PRIZE NOMINATION

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I have nominated Anatoly Shcharansky for the 1983 Nobel Peace Prize.

Anatoly Shcharansky is a man of peace. A very symbol of peace and human rights. It is because of his insistence that the Soviet Union accord those rights to all its citizens, that he now sits in prison, at 35 years of age, guilty of nothing more than striving for his rights as a human being.

Anatoly Shcharansky is a founding member of the Soviet Committee for the Implementation of the Helsinki Accords, and he worked tirelessly to achieve the open communication called for in those accords which have been signed by 35 countries, including the United States and the Soviet Union.

Shcharansky asked to emigrate to Israel to join his wife in 1974. He persisted in pursuing his request after being denied. He was arrested, charged with treason and after a closed 5-minute trial was sentenced to 13 years in prison.

For 5 years he has maintained his innocence and as a result has been held in solitary confinement and has been

refused medical treatment. He embarked on a hunger strike to underscore his plight.

Shcharansky worked within the law, trying to avoid a confrontation with the Soviet Government. But a confrontation came about because he will not succumb to injustice.

It is my great hope that Mr. Shcharansky wins the Nobel Peace Prize as a symbol that human rights must be the centerpiece of humankind.

JOSEPH LUCA—CONNECTICUT'S FORGOTTEN HERO

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. RATCHFORD. Mr. Speaker, I rise today on behalf of Mr. Joesph Luca. He is Connecticut's forgotten hero. A man who did more than simply risk his life for his country and his fellow marines in Vietnam. His repeated acts of exceptional bravery prompted the recommendation for the Congressional Medal of Honor by his commanding officer. Despite almost universal agreement that Joe Luca deserves the Medal of Honor, he has not yet received it.

Our former colleague in the House, Toby Moffett, worked diligently to have this award granted. As originally introduced, this legislation waives the time limitations on the granting of such an award, and authorizes the President to award the Medal of Honor to Joe Luca, after due consideration.

This case must be moved legislatively as well as administratively. In reintroducing this private legislation, I will continue to work in support of awarding the Congressional Medal of Honor to one of our Nation's most deserving Vietnam Veterans: Mr. Joseph Luca.

A PLEA TO MEMBERS TO JOIN THE CONGRESSIONAL SPACE CAUCUS

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, the Congressional Space Caucus, a broad-based, bipartisan organization, now has a roster of 80 Members of the House. While the No. 80 is a nice round figure, we will not be satisfied until every Member of this body has made a firm commitment to our Nation's space program by joining the Congressional Space Caucus. We will not rest until every Member of Congress is on record as actively supporting the high technology which has traditionally been driven by our Nation's space program.

I want to take this opportunity to remind my colleagues just how important I think our Nation's space program really is.

History has shown that an investment in space and space-related technologies has been one of the best investments we have made in our country's future. When Apollo landed on the surface of the moon on July 20, 1969, we were the envy of every nation in the world. The world respected and admired our achievement.

Our space program and the technology we have developed for our space program have driven our technology base during the last two decades.

During the 97th Congress, many of our colleagues have recognized the vital importance of our space program. It was, thus, in the 97th Congress that the Congressional Space Caucus was born.

Starting with a small band of stouthearted supporters, the Congressional Space Caucus now boasts a membership of 80 Members of the House. Our membership has more than doubled in the last 6 months alone. I am confident that it will continue to grow in the course of the 98th Congress.

To all those who are members of the Congressional Space Caucus, I offer you my heartfelt thanks and congratulations. You have already taken a leading role in shaping the future of our Nation's space effort.

For those of you who have not yet joined, let me take this opportunity to encourage you to do so. There is an added benefit to joining the Congressional Space Caucus—membership is free, for there are no dues. I encourage all Members of the House to take full advantage of this opportunity.

Some of my colleagues have told me that, although they certainly support a strong space program, they are reluctant to join yet another caucus. For those who may feel this way, let me offer you counsel: Just consider the fact that the Congressional Space Caucus could just as easily be called the congressional space commitment. The Congressional Space Caucus is committed to a strong national space effort, driven by the kind of high technology which has made us a world leader in the past.

To my colleagues, I say: If you like caucuses, please join the Congressional Space Caucus today. If you do not, then please join the congressional space commitment today. Either way, we welcome your membership.

I am inserting the names of the members of the Congressional Space Caucus in the RECORD at this point:

CONGRESSIONAL SPACE CAUCUS

Daniel K. Akaka, Bill Alexander, Mike Andrews, Herb Bateman, Douglas K. Bereuter, Tom Bevill, Thomas Bliley, George Brown, Tom Coleman, Silvio Conte, Baltasar Corrada, Dan Daniel, Thomas Daschle, Norman Dicks, David Dreier, Mervyn Dymally, Roy Dyson, Don Edwards, Cooper Evans, Vic Fazio.

Jack Fields, Ron Flippo, Tom Foley, Don Fuqua, Robert Garcia, Newt Gingrich, George Hansen, Charles Hatcher, Augustus Hawkins, Cec Heftel, Frank Horton, Steny Hoyer, Jerry Huckaby, Duncan Hunter, Dale Kildee, Ken Kramer, Dan Lungren, Tom Lantos, Mickey Leland, Mel Levine.

Bob Livingston, Clarence D. Long, Manuel Lujan, Dan Marriott, Raymond McGrath, Robert Matsui, Nick Mavroules, Dan Mica, Norm Mineta, Joe Moakley, Austin Murphy, Steve Neal, Bill Nelson, Mary Rose Oakar, George O'Brien, Mike Oxley, Leon Panetta, John Porter, Robert Roe, Harold Rogers.

Edward Roybal, Eldon Rudd, Jim Scheuer, Claudine Schneider, Norman Shumway, Joe Skeen, Fofo Sunia, W. J. Tauzin, Mo Udall, Harold Volkmer, Doug Walgren, Bob Walker, Wes Watkins, Henry Waxman, Bill Whitehurst, Tim Wirth, Frank Wolf, Robert A. Young, C. W. Young.

BAN METHAQUALONE

(Mr. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOWLER. Mr. Speaker, I rise in support of H.R. 1097, a bill to reclassify the drug methaqualone, introduced by my colleague from the Eighth Congressional District, the Honorable ROY ROWLAND.

As a Representative of Atlanta, I am well aware of the proliferation of so-called stress clinics in my congressional district. Until legislation was passed last year in the Georgia General Assembly, all a person had to do to obtain methaqualone was to say he had difficulty sleeping, pay a certain fee, and he could walk out with a month's supply of the drug.

Investigations by Georgia law enforcement officials showed that 90 percent of all patients entering stress clinics were receiving quaaludes, the tablet form of methaqualone. Stress clinics in the Atlanta area accounted for 70 percent of the prescription problem. As a matter of fact, one pharmacy in Atlanta was dispensing more methaqualone than the total in each of 20 States and 2 U.S. territories.

By the end of 1981, Georgia ranked seventh nationally in total base weight of quaaludes prescribed, and eighth in prescriptions on a per capita basis. The problem was clearly out of hand.

Although Georgia now has legislation to stem this flow of legal methaqualone into our streets, unfortunately our loss is our neighbors' gain. The stress clinics have merely relocated in other States.

I urge support of national legislation to ban methaqualone. The State-by-State piece-by-piece approach cannot do the job.

PUNXSUTAWNEY PHIL PREDICTS EARLY SPRING

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLINGER. Mr. Speaker, in my view, the greatest benefit of congressional reapportionment is the fact that I now represent the weather capital of the world, Punxsutawney, Pa. This being the appointed day for the greatest of all pronouncements of a meteorological sort issued from Punxsutawney, I have the high and distinct honor of reporting to Congress on the prediction of Punxsutawney Phil, the only reliable weather forecasting groundhog as relayed to me by the president of the Punxsutawney Groundhog Club:

Here ye! Hear ye! To all faithful followers assembled here on Gobbler's Knob, and to all believers around the world—I, James H. Means, President of the Punxsutawney Groundhog Club, hereby proclaim that His Imperial Majesty, King Philip, emerged from his snow-covered burrow at 7:29 this morning. In the dimness of the early dawn, he stood for a moment tall and proud. Then he looked around cautiously over his right shoulder, but he failed to see his shadow.

His movements indicated that just like the economy of the nation, the worst is over and better days are on the way. Phil wants all of his loyal subjects to know we have weathered the storm this winter and spring is on its way. Having made his infallible prediction, His Majesty quickly scampered into the warmth of his burrow.

That is the official word today, February 2, 1983, from Punxsutawney, Pa. the Weather Capital of the world and the home of the only reliable weather forecasting groundhog, Punxsutawney Phil.

AGRICULTURAL EXPORT RECOVERY ACT OF 1983

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, today I join with my good friend in the other body, the gentleman from South Dakota, Mr. ABDNOR, to introduce the Agricultural Export Recovery Act of 1983.

The purpose of this bill is to promote additional export sales of agricultural commodities, through an export credit revolving fund, in at least direct proportion to acreage reduction efforts and to establish authority for bonus commodity export sales.

The need for a bill to strengthen our exports is exemplified by the fact that last year marked the first time agricultural exports dropped. The value of exports dipped 11 percent to $39.1 billion while volume dropped 3 percent overall. The volume of wheat and soybean exports, however, rose to a record high. The projections for 1983 are not any better. USDA projects that export value will fall another 4 percent in the face of a continued strong U.S. dollar, a weak global economic recovery, and small Soviet grain imports.

While I commend the administration for their bold efforts to come up with a solution to our oversupply and low-price situation through the domestic payment-in-kind (PIK) program, we can not forget that exports are the key to long-range prosperity in agriculture. Stocks should be required by both cutting production—and increasing exports.

In this light, I am including clear authority for a bonus commodity export program. Export arrangements of this type could be referred to as "ExPIK" or export payment in kind. In other words, when a country reaches their normal purchase level they would then be eligible to receive extra Commodity Credit Corporation-owned stocks free or at reduced prices.

The need for this program is twofold. First, we can not unilaterally cut production in the United States while our competitors continue expanding acreage and taking our markets. We must send a signal that we intend to protect our market share with established customers and take a lead in developing additional markets.

Second, it is the norm in other industries that are experiencing slack sales, such as housing and automobiles, to offer creative financing or special deals. Agriculture should be no different. The already successful blended credit programs offer some creative financing, and an ExPIK program will offer the special deals.

This bill would also set up a special export credit revolving fund within the Commodity Credit Corporation. This fund would be credited with at least as much money as will be spent for acreage diversion programs in 1983. Funds could be drawn from CCC funds already allocated by Congress for export promotion through the Omnibus Reconciliation Act of 1982 (Public Law 97-253) and the agricultural appropriation for 1983 (Public Law 97-370). Repayments of export loan principal and interest will also be credited to the revolving fund.

In short the bill I am introducing today represents an effort to make sure our export promotion programs are given as much attention as our acreage reduction efforts. I hope you will join with me in cosponsorship.

INCLUDE MEMBERS OF CONGRESS IN SOCIAL SECURITY SYSTEM

(Mr. GRADISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRADISON. Mr. Speaker, as a member of the Social Security Subcommittee, I have for some time advocated coverage of all Members of Congress as part of any overall plan to restore public confidence in the social security system. I was delighted that the distinguished majority leader, in testimony before the Ways and Means Committee this morning, supported including Congress. For Members of the House, this is a logical step—consistent with coverage of new Federal hires—since our terms expire every 2 years, and in a sense we are "new hires" if chosen by our constituents to remain in this body. While some Members pay more in social security taxes now than they would if covered as Federal employees, it is likely that most Members of the House do not. Certainly my constituents believe that it is only fair for the Congress which writes the laws to abide by the same rules that they do.

We must be cautious about making changes in the balanced package recommended by the National Commission on Social Security. Coverage of Members would strengthen, not weaken, public support for the bipartisan compromise.

□ 1530

PRESENTATION TO THE HOUSE OF REPRESENTATIVES OF 73D ANNUAL REPORT OF THE BOY SCOUTS OF AMERICA

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, it is my privilege and honor to present to the House of Representatives the 73d annual report of the Boy Scouts of America. I am extremely pleased to inform this body that Scouting today is stronger than at any time in recent history. I know the Members of the House share my belief that this news bodies well for the future of our Nation.

It was my great pleasure to have been presented this report earlier today, in this Chamber, by an outstanding young man from my congressional district, David A. Greenfield. David is the elected national Explorer president. David was accompained by six other outstanding Scouts, Cub Scout Michael B. Wilson of Bamberg, S.C.; Eagle Scout Michael B. Vaughn of Tulsa, Okla.; and National Order of the Arrow Chief Robert Wade of Delta, Ohio; the two top recipients of the Scouting Youth Leadership in America Award, Juan-Payton Menendez of Sacramento, Calif., and Erik Simula of Duluth, Minn., and the 1,000,000th Eagle Scout Alexander M. Holsinger of Normal, Ill.

The 1982 report shows the third consecutive membership gain for the Boy Scouts. At the end of 1982, 3,340,685 Cub Scouts, Boy Scouts, and Explorers were enjoying Scouting in 132,360 packs, troops, and posts. In addition, 84,039 boys registered as Tiger Cubs. Once again, I know the Members of this House join me in saluting and congratulating the millions of Scouts and their adult leaders nationwide during the 73d anniversary of this outstanding youth organization.

The 73d annual report presented to me today by David A. Greenfield on behalf of the Boy Scouts of America is as follows:

THE 1982 REPORT TO THE NATION BY BOY SCOUTS OF AMERICA

In 1982, the Boy Scouts of America showed a gain in membership that was the largest since 1968 and the third consecutive year of gain. At the end of the year, 3,340,685 Cub Scouts, Boy Scouts, and Explorers were enjoying Scouting in 132,360 packs, troops, and posts. In addition, there were 84,039 boys registered as Tiger Cubs.

All units are chartered to a community organization that provides qualified leaders, meeting facilities, and program direction for young people. Major users of the Scouting program are religious bodies, civic and community organizations, schools, and PTA's.

One of the highlights of the year was the Foundations for Growth program that was kicked off in the fall. The four phases of this program are:

Tiger Cubs, BSA. This new program brings Scouting to the second-grade, 7-year-old boys and an adult family member. The Tiger Cub and his partner work on projects together and get together monthly with their group for sharing and a group project.

Bear enrichment. New excitement and flexibility for the second year of Cub Scouting is found in 12 new achievements added to the Bear Cub Scout Book. The 9-year-old boy can choose 12 achievements from among the 24 now offered.

Today's family. This program improves Scouting's service to youth from single-parent or dual-earner families. It also extends Scouting's impact beyond those served by the regular Scouting program. Today's Family includes the Prepared for Today activity book designed to help 6- to 11-year-olds be more self-reliant in their home and neighborhood, particularly when adults are not present. Prepared for Today is for non-Scouts as well as Scouts.

Explorer marketing. Expands awareness of Exploring and its values to teens, counselors, teachers, potential Advisors, and chartered organizations through special presentations.

Another highlight was the awarding of the millionth Eagle badge in September. The recipient was 13-year-old Alexander M. Holsinger, Normal, Ill. He is a member of Chiddix Junior High School Troop 29. Earned by only 2.5 percent of the young men who enroll as Boy Scouts, the Eagle Award was first presented in 1912.

A total of 5,516 Eagle Scouts joined the National Eagle Scout Association, bringing the membership to 66,841 on December 31. Also, during 1982, NESA presented 36 Scoutmaster Awards to recognize outstanding Scoutmasters who guide youth members to the rank of Eagle Scout.

During 1982, the National Court of Honor recognized the heroic, lifesaving, and meritorious acts of youth and adult members. Five persons were recognized for unusual heroism in saving or attempting to save life with the Honor Medal With Crossed Palms, 18 Honor Medals were presented for heroism in saving lives at risk of their own, 51 Heroism Awards were presented for heroic acts, and 137 Medals of Merit were presented for outstanding acts of service of exceptional character. Forty-one distinguished citizens received the Distinguished Eagle Scout Award and 22,868 youth members achieved the rank of Eagle Scout. Local councils presented 2,553 Silver Beaver Awards, the six regions presented 43 Silver Antelope Awards, and the National Council presented 15 Silver Buffalo Awards.

Outdoor activity is the backbone of Scouting. Youth enjoy the hiking, camping, swimming, boating, canoeing, and touring. More than 600 local council camps were open last summer to accommodate 440,935 Boy Scouts from 32,109 troops in long-term camping experiences. Another 21,822 older Scouts and Explorers participated in special experiences at the Boy Scouts of America's high-adventure bases in New Mexico, Minnesota, Wisconsin, Maine, and Florida.

Membership in the Order of the Arrow, a brotherhood of honor campers, reached 144,965 in 1982. At the planning meeting in December, National Chief Robert Wade, Delta, Ohio, and National Vice-Chief William O'Tuel, Harleyville, S.C., were elected.

In 1982, the Youth Leadership in America Award program was instituted. It is designed to recognize the youth leaders of Boy Scout troops and Explorer posts. It is awarded based on the fulfillment of leadership requirements. A nationwide competition was held to select the outstanding senior patrol leader and Explorer post president. The first to win this competition are Post President Erik Simula, Duluth, Minn., and Senior Patrol Leader Juan-Peyton Menendez, Sacramento, Calif.

Some of the national events conducted in 1982 were: the 1982 National Council Meeting, May 20–22 in Atlanta; the 12th National Explorer Congress, March 23–26, in Philadelphia; the National Explorer Olympics, July 11–17, at Colorado State University, Fort Collins; National Invitational White River Canoe Race, Little Rock Ark.; National Explorer Sailing Championships, held at BSA's Florida Gateway High Adventure Base; National Explorer Air Rifle Championships, at the United States Military Academy; National Invitational Surfing Conference, Honolulu; National Explorer Winter Games, Duluth, Minn.; and the Reader's Digest Association-Boy Scouts of America National Public Speaking Contest.

There are 33 religious emblems available to youth members through their churches. During 1982, 58,741 Cub Scouts, Boy Scouts, and Explorers earned the religious emblems of their faith. Also, 4,751 adult Scouter recognitions were approved.

The George Meany Award for outstanding service to youth through Scouting was presented to 89 adult leaders who are members of organized labor. The Whitney M. Young, Jr., Service Award was presented to 34 community leaders and organizations for outstanding work in bringing Scouting to low-income areas.

Local Boy Scouts of America councils utilized the theme "Footsteps of the Founder," the 75th anniversary celebration of world Scouting, as part of the programs in summer camps, Cub Scout day camps, district and local camporees, and Scouting shows. Members, leaders, and the public were able to reflect on the tremendous progress of world Scouting since its founding at Brownsea Island in 1907.

About 4,000 American youth and leders are preparing for the XV World Scout Jamboree to be held July 4–14, 1983, in Kananaskis Country, a provincial park in the Canadian Rockies. The jamboree will be an encampment of 15,000 Scouts and leaders representing virtually all of the 117 Scout associations or countries in the free world.

A new *Cub Scout Leader Book* was published in 1982. It replaces five books for Cub Scout leaders and provides a wealth of information combined into one volume.

Scouting would not be possible if it were not for its more than a million committed volunteers. These leaders are appreciated for the countless hours which are devoted to our youth week in and week out. Their work is especially appreciated in these troubled times when we know that a youth with a Scouting background is more likely to be an asset to his community. If the efforts of a leader, who was important in the life of a boy, can divert him from a life of crime or dependence on welfare, then that leader has made an important contribution that cannot be described in words or statistics.

It is the purpose of the Boy Scouts of America to provide for youth members an effective program designed to build desirable qualities of character, to train in the responsibilities of participating citizenship, and to help them develop in personal fitness—mental, moral, physical, and spiritual.

J. L. TARR,
Chief Scout Executive.
EDWARD C. JOULLIAN III,
President.

COLEMAN INTRODUCES BILL TO DEFER PAYMENTS ON FARMERS' LOANS

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Today I am introducing the Emergency Agricultural Credit Act of 1983 that would defer farmer's principal and interest payments on Federal loans through September 1984.

This legislation allows farmers a grace period on loans that they simply cannot repay at this time. Congress and the Department of Agriculture must respond to the emergency on the farm, and I believe this legislation does that in large measure.

The legislation responds to the problems of farmers who are trying to find ways to plant another crop this spring and, in some cases, avoid foreclosure of their farms.

In addition to the loan deferral provisions, the bill:

Authorizes new lending limits for insured and guaranteed operating loans;

Extends maturity dates on outstanding emergency loans;

Requires the Secretary of Agriculture to make limited resource loans available, and to inform farmers of their availability;

Authorizes an additional $200 million in farm operating credit for new borrowers;

Allows for a minimum 15-year repayment for operating loans, and other provisions.

The farm economy is not in good shape. There are things we can do here in Congress, such as deferring payments for financially strapped farmers, but in the long run the only thing that will get American agriculture back on its feet is fair prices.

As we consider the Emergency Agricultural Credit Act of 1983, I will also be proposing ways to reduce our huge surpluses, expand farm export programs, and other ways to bolster prices paid to our most productive economic sector, American agriculture.

OVERSIGHT HEARINGS ON THE ADMINISTRATION OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, I wish to announce that the Subcommittee on Health and Safety, on which I have the honor to serve as chairman, will conduct a series of oversight hearings on the Federal Mine Safety and Health Act of 1977.

The dates and places of the hearings, and the witnesses, are as follows:

Tuesday, February 22, 1983, at 9:30 a.m., in room 2261, Rayburn House Office Building, Mr. Richard Trumka, the president of the United Mine Workers will appear.

Tuesday, March 1, 1983, at 9:30 a.m., in room 2257, Rayburn House Office Building, Assistant Secretary of Labor for Mine Safety and Health Ford B. Ford will appear.

Tuesday, March 8, 1983, at 9:30 a.m., in room 2257, Rayburn House Office Building, representatives of the Bituminous Coal Operators' Association will appear.

Tuesday, March 15, 1983, at 9:30 a.m., in room 2261, Rayburn House Office Building, representatives of the American Mining Congress will appear.

COMMUNICATION FROM THE HONORABLE ANDY IRELAND, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. HARRISON) laid before the House the following communication from the Honorable ANDY IRELAND, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 6, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In compliance with Rule L(50) of the Rules of the House of Representatives, I am informing you that Glenda Wright of my Lakeland, Florida office has been served with a Subpoena To Testify Before Grand Jury from the United States District Court For The Middle District of Florida Tampa Division regarding records and correspondence maintained in my office.

I will consult with the General Counsel to the Clerk of the House and make the necessary determinations required under paragraph three (3) of the Rule.

Sincerely,

ANDY IRELAND.

LITHUANIAN INDEPENDENCE DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 60) to direct the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Mr. Speaker, reserving the right to object, and I will not object, I would like to say that the minority has had a chance to review this joint resolution. I have spoken to the gentleman from Illinois and to the gentleman from New York. We are very much in favor of it.

Mr. Speaker, I rise in support of House Joint Resolution 60, a resolution which directs the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day."

I would like to join my colleagues and the Lithuanian-American community in commemorating the 65th anniversary of Lithuanian Independence Day. It is my wish that one day Lithuania will again be a free and autonomous nation and that her heritage of heroism, bravery, and dedication to the right of freedom will continue to be a source of inspiration for all of the oppressed people of the world.

It was after World War I that an independent Lithuania emerged as a free nation and declared her independence from a long history of Russian and German rule. The small country's declaration marked the beginning of a fight for freedom and resulted in an independent nation, truly capable of achieving tremendous social and economic strides.

Today no flags of independence are flying. The country's independence was seized in 1940 by the Soviet Union and she has remained under Communist dominance for the past 43 years without any opportunity for self-government she once enjoyed and prospered under. Lithuanians still remember their freedom and they have continually resisted Soviet attempts to destroy their strong unity and identity.

As our Nation champions the cause of freedom and human rights throughout the world, let all Americans show compassion to the Lithuanians and hope that some day they will be allowed to realize their God given rights we enjoy and they once declared.

By adopting this resolution the House will bring the attention and recognition to this important day and what it means as a symbol for freedom.

I urge my colleagues to adopt this measure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. RUSSO. Mr. Speaker, reserving the right to object, I do so to take this time to commend the gentleman from New York and the gentleman from New Jersey for the help they have been to myself and to my colleague, the gentleman from Illinois (Mr. DURBIN) who has coauthored this joint resolution.

Mr. Speaker, it was on February 16, 1918 that the people of Lithuania, after centuries of domination, united and declared themselves to be a free and independent nation. This assertion of self-determination by the people of Lithuania is a declaration dear to the hearts of Americans. We know the sound of it, the courage of it, from our own history.

In the years that followed, Lithuanian society advanced in many areas. Only 5 years after independence, Lithuania had raised the standard of living above its pre-1914 level without assistance from foreign countries. A permanent constitution was adopted on August 22, 1922, which provided for freedom of speech, freedom of communication, and freedom of assembly. Social reforms enacted provided for an 8-hour working day, land reform sought an equitable distribution of land among the people, and various public works projects saw the number of secondary schools increase at a dramatic rate. The rebirth of Lithuanian social-governmental structure made it possible for a cultural renaissance; resulting in great accomplishments in music and opera. Lithuanian literature flourished as native writers were inspired to pen many works rich in national folklore and history.

Unfortunately, after 22 years of independence and progress, the Lithuanian free nation was brutally halted in 1940 when a Soviet-staged election led, despite international condemnation, to the annexation of Lithuania into the Soviet Union. The U.S. Government has never recognized this intolerable disregard of Lithuanian national sovereignty and self-determination. To

this day we continue to maintain diplomatic relations with representatives of the former independent government.

Under the Soviet-controlled government the people of Lithuania have suffered many hardships. Mass deportations took place in an attempt to break the national resolve. Civil and human liberties have been denied and cultural literature has been suppressed in an effort to destroy the sense of national identity. The only solace we have in the face of these indignities and injustices is the continuing determination of the Lithuanian people to be free.

I feel honored to have the opportunity to speak in recognition of the Lithuanian story of courage and to speak on their behalf. In a world beset by doubts and struggles, their resolve is a source of inspiration and a reminder of the indomitable human spirit; a spirit that struggles for liberty and justice even under the oppressive yoke of an unyielding totalitarian authority. What we can give to the brave people of Lithuania in return is the acknowledgement that we are with them as they hold to the cherished hope of an independent Lithuania.

Mr. RUSSO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 60

Whereas February 16, 1983, marks the sixty-fifth anniversary of the declaration of independence of Lithuania;

Whereas on February 16, 1918, the Council of Lithuania, the sole representative of the Lithuanian people, in conformity with the recognized right to national self-determination, proclaimed the restitution of the independent and democratic state of Lithuania and declared rupture of all ties which formally bound Lithuania to other nations;

Whereas a free Lithuania existed until the Soviet takeover in 1940;

Whereas the United States oppose tyranny and injustice in all forms and supports the cause of a free Lithuania;

Whereas all Americans of Lithuania descent protest the Soviet presence in the land of their ancestors; and

Whereas the oppressed people currently living in Lithuania should keep the flame of freedom forever burning in their hearts: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day" and calling on the people of the United States to celebrate such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request to the gentleman from New York?

There was no objection.

DESIGNATING "NANCY HANKS CENTER" AND "OLD POST OFFICE BUILDING" IN WASHINGTON, D.C.

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 61) to designate a "Nancy Hanks Center" and the "Old Post Office Building" in Washington, District of Columbia, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. SHAW. Mr. Speaker, reserving the right to object, I do not intend to object but I would like to take this time for the purpose of asking the distinguished chairman of the subcommittee to give the House an explanation of the bill.

Mr. YOUNG of Missouri. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Florida.

Mr. YOUNG of Missouri. Mr. Speaker, on January 27, last, the other body passed S. 61. This legislation honors the late Nancy Hanks, who served with distinction as the second Chairman of the National Endowment for the Arts from 1969 to 1977. During her tenure as chairman, she was instrumental in elevating the arts to national prominence and established a vocal constituency for the arts. She made possible the opportunity for all Americans to participate in arts festivals, dance workshops, or symphony concerts made possible through support from NEA.

S. 61 has the support of the administration and passed the other body by unanimous consent. It would designate the "Nancy Hanks Center" in Washington, D.C. comprising the Old Post Office Building on Pennsylvania Avenue, the plaza adjoining the building and public use spaces within the building, which include the pavilion and the clock-observation tower, as well as designate the building as the "Old Post Office Building." It would authorize not to exceed $50,000 for the General Services Administration to erect appropriate markers or displays commemorating the accomplishments of Nancy Hanks. And, finally, it would turn the operation of the clock-observation tower in the Old Post Office Building over to the National Park Service for use as a public observation tower. Funds to operate the tower would be made available from rents paid to GSA from tenants to the building.

Mr. Speaker, this legislation has bipartisan support and is quite appropriate in view of the fact Nancy Hanks was an ardent supporter of preserving the Old Post Office Building for use to house culture agencies, as well as provide a center for cultural and commercial enterprises.

To name the Old Post Office Building in honor of Nancy Hanks, at this time, is appropriate since renovation of the facility is almost completed and the building will be officially dedicated in the spring of this year.

Mr. Speaker, to conclude, I include an editorial printed in the Washington Post on January 11, 1983, entitled "Nancy Hanks" for printing in the RECORD following my remarks since it very clearly epitomizes her life:

The article follows:

[From the Washington Post, Jan. 11, 1983]

NANCY HANKS

The National Endowment for the Arts was created in 1965, and in 1969 Nancy Hanks became its second chairman. For most of the next decade, the time of the Endowment's phenomenal growth and its establishment as a consequential force in the country's artistic life, Miss Hanks was in charge. A Nelson Rockefeller protegé, a Richard Nixon appointee (who worked on through the Ford administration and into the Carter years), Miss Hanks was that most unusual of public figures: a woman who could sustain her position through several changes of administration, even though she was working in a field that was by nature suspect in Washington. Miss Hanks died on Friday, and the outpouring of tributes to her from all over the political and cultural worlds says much about the kind of person she was and the kind of job she did.

Hers was a class act—an act of astonishing skill. For Miss Hanks did not manage to acquire all those admirers by being politic or submissive or sycophantic. She was energetic, outspoken, fervid in her commitment to the arts and relentless in her pursuit of a better break for the arts in American society—which generally meant in her pursuit of money. To this end she was especially relentless, chivvying corporations, hounding congressmen and importuning skinflint budget directors, who tended eventually to give in or at least to make a deal. In this day of administration appointees who come to town with a passion only for phasing out the agency they have been named to lead, Miss Hanks' accomplishment seems all the more impressive, not to say startling.

Nancy Hanks was a champion of the arts. She was also a woman who understood how politics and government work and one who knew when she had the best deal she was going to get and, so, one who knew when to settle. In an environment full of artists and performers and intellectuals who do not always want for pride or self-confidence or, in certain cases, even monumental vanity

and who can be truly murderous in their competitiveness with one another, she nonetheless flourished and was widely respected. It couldn't have been strictly for the money she supplied. It was preeminently for the sincerity and strength of her commitment. Nancy Hanks made an almost impossible job seem possible; she did it well and she earned much affection in the process.

Mr. SHAW. Mr. Speaker, I rise in support of S. 61, a bill designating a "Nancy Hanks Center" at the Old Post Office Building in Washington, and concur with the remarks of my distinguished colleague from Missouri (Mr. YOUNG). I think it is only appropriate that the first bill of this session to pass both bodies of Congress pays tribute to Americas' "First Lady of the Arts." As my colleague has pointed out, we have here a bill which will designate the Old Post Office on Pennsylvania Avenue as the "Old Post Office Building" and the environs surrounding it as the "Nancy Hanks Center." The Old Post Office, having survived the wrecking ball of the 1930's with its discordant design and height in excess of that permitted, stands as a city landmark in the Federal Triangle tying the White House with the Capitol.

This building, when constructed, was an original in our Nation with its unique artistic design and none other were meant to be like it. The clock-observation tower provided, and will again, a panoramic view of our Nation's city and a vantage point from which to observe our country's government.

And, so too, I feel it is fitting that the environs of this prominent edifice be dedicated as a memorial to the distinguished achievements of Nancy Hanks who worked so hard for the arts and the artistic community of this country. Her accomplishments with the arts was the most visable of her achievements, but by no means her only. The American public has been richly rewarded by her presence.

Nancy Hanks brings great honor to my home State, Florida, and the city of Miami in which she was born. She was raised in New Jersey, attended Duke University and lived in Texas for a while. By far, she spent most her adult life in New York where she spent countless hours developing and cultivating our Nation's interest in the arts and cultural activities.

In her service to Governors and Presidents, she strove constantly to safeguard the creative integrity of artists and art institutions from Government interference.

Miss Hanks was a leading and effective advocate for the preservation and renovation of the Old Post Office and its use as the headquarters for Federal cultural agencies. It is indeed unfortunate that her untimely death earlier this year will prevent her from seeing her vision come true. For, later this spring, the Old Post Office Building will become the home for the National Endowment of the Arts, other Federal cultural agencies and commercial enterprises.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. LEVITAS. Mr. Speaker, reserving the right to object, I do so first of all to take the occasion to commend the new chairman of the Subcommittee on Public Buildings and Grounds and the new ranking minority member for bringing this legislation before the House this afternoon, because it is very important to recognize those people who have made a contribution to the lasting spirit of this Nation.

A civilization, a nation, is more than simply an accumulation of bricks and mortar. Without the uplifting spirit that the arts and humanities bring to a nation, we are little more than beasts.

Nancy Hanks was not only the embodiment of that spirit, but was also a person who made it possible for countless millions of others in our country to share in the spirit of enjoying and appreciating the arts. Today being the occasion of a memorial service for Nancy Hanks here in the Nation's Capitol, it is altogether fitting that this type of commemoration also be made.

Mr. Speaker, at this time I would like to ask the distinguished chairman of the subcommittee a question under my reservation of objection.

The question I would like to ask, is to make certain that it is clear that the designation of the Nancy Hanks Center does not relate to the changing of the name of the Old Post Office Building itself, is that the case?

I would be happy to yield to the gentleman.

Mr. YOUNG of Missouri. Mr. Speaker, I appreciate the gentleman's remarks relative to the memorial for Mrs. Hanks. I do want to say to him that I was cautious of that particular item also. It will just be the observation area, the plaza adjoining the public building. The building will be named the "Old Post Office Building," which I think the gentleman would probably agree with.

I appreciate his remarks very much.

Mr. LEVITAS. I certainly appreciate the gentleman's response. Further reserving the right to object, I think the clarification is important.

I also want to commend again the ranking minority member and the chairman of the subcommittee for being successful in passing the first piece of legislation I am aware of through both Houses of this Congress during the 98th Congress.

● Mr. VALENTINE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise in support of a bill designating a "Nancy Hanks Center" at the Old Post Office Building in Washington. Though I did not know her personally, her unrelenting and untiring effort to increase the arts and humanities have enriched every life in this great Nation.

Nancy Hanks served with great distinction under three Presidents as the second Chairwoman of the National Endowment for the Arts from 1969 through most of 1977. She provided strong leadership for the Arts and Endowment at a very important point in the development of the agency.

In fact, under her able leadership of the NEA, from 1965 to 1980 the number of persons attending dance performances grew from 1 million to 16 million, quite an extraordinary improvement. In addition, appropriations for the Arts Endowment rose from $8 million when she began, to $100 million when she left, and the United States entered the modern age as a society in which the fine arts enjoy public support.

Ms. Hanks was a graduate of Duke University, Durham, N.C., in the district that I have the honor to represent.

An unselfish pioneer in her own regard, she wanted to share with all of us the experience of the arts, and her dedication was rewarded by the added numbers of Americans who have participated in arts festivals, dance workshops, and symphony performances made possible through support from NEA.

Ms. Hanks was an early and effective advocate for the preservation of the Old Post Office Building and its use as the headquarters of the Federal cultural agencies. It will soon be the home of these agencies, including the home of the National Endowment for the Arts, as well as a center of other cultural activities and commercial enterprises. The Old Post Office will be a fine demonstration of a mixed-use building, a concept she envisioned for this historic, monumental building.

It is, therefore, appropriate that Nancy Hanks' memory be honored in this way in the building she so admired and fought to preserve. I am happy to be a party to this endeavor and I ask Members of this distinguished body to support this effort.●

● Mr. HOWARD. Mr. Speaker, I rise in support of S. 61, a bill designating a "Nancy Hanks Center" at the Old Post Office Building located at Pennsylvania Avenue in Washington, D.C.

Passage of this legislation is a fitting tribute to Nancy Hanks who served admirably as Chairman of the National Endowment for the Arts from 1969 to 1977. During her term as Chairman, she provided wise leadership in defining a proper role for the Federal Government in the cultural life of the

Nation. Nancy Hanks devoted her life to the promotion of the fine arts and was successful in allowing the arts to touch the lives of millions of Americans across the Nation.

Designation of the "Nancy Hanks Center" is particularly appropriate since she was an early and vigorous supporter of preservation of the Old Post Office Building. Unfortunately, she will not be able to attend the dedication of the building in the early spring of this year, due to her untimely death, however, passage of this legislation will serve as a fine tribute to the memory of Nancy Hanks.●

Mr. LEVITAS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill as follows:

S. 61

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and declares—

(1) Nancy Hanks served as Chairman of the National Endowment for the Arts from 1969 to 1977 and during that period presided with distinction over a substantial increase in support for the arts in the United States;

(2) she provided wise leadership in defining a proper role for the Federal Government in the cultural life of the Nation, and safeguarding the creative integrity of artists and arts institutions against Government interference;

(3) her wide-ranging interests in the arts, including architecture, led her to promote initiatives to improve the quality of Federal buildings and to work tirelessly to secure the preservation and renovation of the Old Post Office Building as a headquarters for Federal cultural agencies and as a site for cultural and commercial activities that would enliven the building and its surroundings; and

(4) the renovation of the Old Post Office Building, its occupancy in this year 1983 by Federal cultural agencies and commercial enterprises and its impending use for public performances and exhibits are due in large measure to the foresightedness, persuasiveness, intellect, and vigor of Nancy Hanks.

SEC. 2. There is hereby designated the "Nancy Hanks Center" in Washington, District of Columbia, comprising the building located on the south side of Pennsylvania Avenue, Northwest, between Eleventh and Twelfth Streets which is known as and hereby designated the "Old Post Office Building", the plaza adjoining said building to the east and other immediately adjacent grounds, and the public use spaces within the Old Post Office Building, which include but are not limited to the commercial and performing areas known as the Pavilion and the clock observation tower.

SEC. 3. (a) The Administrator of General Services, in consultation with the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, shall erect at suitable locations at the Nancy Hanks Center appropriate markers of displays commemorating the accomplishments of Nancy Hanks in the fields of government and culture and describing her actions and those of others in Government and private life that led to the renovation and mixed-use development of the Old Post Office Building.

(b) The Administrator of General Services is authorized to expend for the purposes of subparagraph (a) of this section a sum not to exceed $50,000 available in any fiscal year out of revenues and collections deposited into the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, and any additional contributions of money provided to him by private individuals or organizations for these purposes within six months of enactment of this Act.

SEC. 4. The Administrator of General Services shall execute an agreement with the Secretary of the Interior providing for operation of the observation tower in the Old Post Office Building by the National Park Service and further providing, if necessary, for transfer to the National Park Service in fiscal year 1983 and each succeeding fiscal year, out of revenues and collections from the Old Post Office Building deposited into the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, such sums as may be necessary to operate the observation tower.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR THE ESTABLISHMENT OF A SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution (H. Res. 16) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 16

Whereas Congress finds that strong family relationships are crucial to the health and optimal development of children;

Whereas there are approximately sixty-four million children in the United States, and the number of children under age ten may increase by 20 per centum in the next decade;

Whereas decisions of the Federal Government involving education, employment, health and nutrition, law enforcement, or economic policy have a substantial effect upon the well-being of American children and their families;

Whereas a combination of governmental and private sector efforts are necessary to provide services and support for families and children; and

Whereas the House of Representatives lacks the capacity to conduct comprehensive oversight affecting our Nation's children, youth, and families: Now, therefore, be it

Resolved, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Children, Youth, and Families (hereinafter referred to as the "select committee").

FUNCTIONS

SEC. 2. (a) The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of children, youth, and families, including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment, and recreation;

(2) to study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist American children and youth in taking a full part in national life and becoming productive citizens; and

(3) to develop policies that would encourage the coordination of both governmental and private programs designed to address the problems of childhood and adolescence.

(b) Nothing contained in this resolution shall be construed to limit or alter the legislative and oversight jurisdiction of any standing committee of the House under rule X of the Rules of the House of Representatives.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of no more than thirty Members of the House, who shall be appointed by the Speaker, and one of whom he shall designate as chairman.

(b) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For the purpose of carrying out its responsibilities under this resolution the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

(c) Nothing contained in subsection (a) of this section shall be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House of Representatives to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to utilize the services of the staffs of those committee of the House from which Members have been selected for membership on the select committee;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(5) to terminate the employment of any such staff as the select committee considers appropriate; and

(6) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS AND RECORDS

SEC. 6. (a) The select committee shall report to the House as soon as practicable during the present Congress, the results of its investigation and study, together with such recommendations as it deems advisable.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) Any such report shall be referred to the committee or committees having jurisdiction over the subject matter thereof.

(d) The records, files, and materials of the select committee shall be transferred to the Clerk of the House.

Mr. HALL of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HALL) is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 16 establishes a Select Committee on Children, Youth, and Families. It is a matter of original jurisdiction of the Committee on Rules, and as a privileged resolution is now being considered in the House under the 1 hour rule.

The resolution authorizes the establishment of a temporary Select Committee on Children, Youth, and Families which would have no legislative jurisdiction. This resolution is identical to House Resolution 421, which was adopted by the House by voice vote on September 29, 1982.

Due to the time constraints in the closing days of the 97th Congress, no Members were appointed to the select committee and no funds were authorized for its activities. Since the authority granted by House Resolution 421 expired at the end of the 97th Congress, House Resolution 16 renews the mandate for creation of the select committee in the 98th Congress.

It should be noted that House Resolution 16 conforms to the language of the model resolution appearing in "Guidelines for the Establishment of Select Committees," a subcommittee print approved by the Committee on Rules. The resolution proposes a select committee to be composed of no more than 30 Members of the House to be appointed by the Speaker, and one of whom the Speaker shall designate as chairman.

To insure that the select committee will operate under the same provisions which apply to all standing committees under clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives, these clauses are made applicable to the select committee. Clauses 1, 2, and 3 of House rule XI relate to procedures for committees, adoption of written rules, committee meetings, committee records, quorum requirements, travel limitations, and broadcasting of committee hearings.

The resolution provides the customary authority to the select committee to sit, act, and hold hearings. The authority would be granted without regard to whether the House is in session, has adjourned, or has recessed, and without geographic limitation. The select committee would, of course, be prohibited from sitting while the House is considering a measure for amendment under the 5-minute rule.

House Resolution 16 further authorizes the select committee to incur expenses in connection with its duties, subject to the adoption of expense resolutions as required by clause 5 or rule XI of the rules of the House. No funds for the activities of the select committee would be available except by House approval of a funding resolution reported by the Committee on House Administration.

Under the resolution, the select committee is directed to report to the House, as soon as practicable during the present Congress, the results of its investigation and study, together with such recommendations as it deems advisable. Any report will be referred to the appropriate committee or committees having jurisdiction over the subject matter.

Mr. Speaker, decisions and policies of the Federal Government involving education, employment, health and nutrition, law enforcement, and economic policy have a serious impact upon the 64 million children in this country and their families. Children and their families are the principal beneficiaries of many of the Federal programs such as fuel assistance, public housing, food stamps, AFDC, and school nutrition. Children comprise over 70 percent of the AFDC beneficiaries and over 50 percent of the food stamp recipients.

Unfortunately, there is no single congressional committee which focuses on the diverse and complex issues affecting children, youth, and families. Jurisdiction over these issues is shared by at least 13 of the 22 House standing committees. The select committee will provide the much-needed mechanism to coordinate congressional action to address the problems of childhood and adolescence.

The family is the most important unit of society. Therefore, it is appropriate that the House have the means to study and recommend Federal policies that will contribute to the well-being of American children and their families. I believe that the select committee can provide the oversight and coordination that have been missing. House Resolution 16 was approved unanimously by the House Rules Committee, and I urge my colleagues to adopt it.

□ 1545

Mr. Speaker, I defer to the gentleman from Tennessee (Mr. QUILLEN), for purposes of debate only.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, an identical resolution passed in September last year in this body. While the select committee received great support in the last Congress, it was too late for Members to be appointed. The matter is on the floor here today as a privileged resolution from the Committee on Rules.

I feel that this is a good resolution. There are some 64 million children in the United States, and in the next 10 years it is predicted that there will be a 20-percent increase in children under 10 years of age.

The great thing about this committee is that it is a temporary committee to study the problems of children, of youth, and of families. As to committee jurisdiction, no one single committee has jurisdiction over the problems involved, but some 13 committees are involved in the legislative process dealing with the problems of our children, our youth, and our families. So the select committee will have a job to do, and I think, the way that it is set up, it will get that job done and make some recommendations that will be helpful and productive.

Mr. Speaker, I urge the adoption of the resolution and the creation of this committee. I challenge them to do the job that they have set out to do, and I believe they will.

Mr. Speaker, let me say to the gentleman from Ohio (Mr. HALL) that I do have some requests for time, and at this time I yield 4 minutes to the gentleman from New Hampshire (Mr. GREGG).

Mr. GREGG. Mr. Speaker, I was wondering if I might ask the gentleman from Ohio (Mr. HALL) some questions regarding this proposal.

Mr. HALL of Ohio. Mr. Speaker, if the gentleman will yield, I will be glad to try to answer some of his questions, and if they are substantive questions I will defer to the gentleman from California (Mr. MILLER), who is the original cosponsor.

Mr. GREGG. Mr. Speaker, I would be happy to receive comment from either the gentleman from California (Mr. MILLER) or the gentleman from Ohio (Mr. HALL).

First, I was wondering what the budget is. I do not see a dollar figure in this proposal or in the report. What is going to be the budget of the committee?

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, the figure we have been discussing is somewhere right around $500,000, which I understand is somewhat comparable to what we receive for our congressional offices. In a sense we are talking about dedicating the resources of one office to children, youth, and families.

The matter of the budget is a question to be negotiated obviously between the minority and the majority, but the resources do not exist right now for this committee and they will be taken up by the Committee on House Administration. I think, if we look at what other budgets of select committees have reflected over the last couple of years, committees such as the current Select Committee on Narcotics, which has a somewhat larger budget than this committee, it is in that range.

Mr. GREGG. Mr. Speaker, if the gentleman will accept a further inquiry, can he tell me whether or not he plans to have subcommittees within this committee?

Mr. MILLER of California. Mr. Speaker, it is currently the feeling that if we have subcommittees on that kind of a subject, we start to have a rather serious duplication of services, and right now we are looking at operating the committee without subcommittees, but obviously with staff allocations to the minority.

Mr. GREGG. Mr. Speaker, I thank the gentleman for that information.

Mr. Speaker, I realize that it is certainly not politically expedient that anyone should rise in opposition to a proposal which is so full of good intentions as this one, and I recognize fully that the gentleman from California (Mr. MILLER), in making this proposal, has those intentions in mind, as we all do.

Certainly all of us are very concerned about children. I myself am extremely concerned about children, having two myself who are under 5. But it seems to me that one thing that is not going to address the issue of children or any other issue in this Congress is to spend more money on the creation of another committee. This Congress, as has been noted already in the prior remarks, has 13 committees which address the issue of children and youth. I find it ironic that in the report it calls for this committee to be created in order to reduce the overlapping of various other committees in the area of children and youth, and our response in Congress to reducing the overlap is that we will create another committee, another level of bureaucracy.

The tradition of select committees is that they start off at a low-funded position, although this one is at $500,000 and is going to start off in a moderate position in the frame work of other committees. However, as we look at the history of select committees, they have all increased their funding requirements astronomically, and furthermore, we find almost all these select committees, whether temporary or permanent, continue to exist interminably.

I do not believe personally that we are going to help the children of this country or that we are going to help the people of this Nation by adding to this Congress another level of bureaucracy which is going to spend a great deal of taxpayers' money and probably come to no definitive results which would not have been reached by the 13 committees that have already addressed this issue.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. MCKERNAN).

Mr. MCKERNAN. Mr. Speaker, I rise as a cosponsor of this legislation, to join with my colleagues in expressing support for the reconstitution of the House Select Committee on Children, Youth, and Families. This is my first opportunity to address the 98th Congress as its Representative from the First District of Maine, and it is a great honor to be speaking in support of House Resolution 16. I commend the gentleman from California (Mr. MILLER) for recognizing early the need for this special forum in the Congress and for his tireless dedication and continued commitment to that aim.

The importance of establishing a select committee to comprehensively review the many policies and programs affecting our children was recognized by the previous Congress. Until then, the congressional committee system had allowed a fragmented approach to children's problems and needs. However, with the close of the 97th Congress, so went the opportunity to deal with these problems comprehensively. There presently exists no means to oversee the programs affecting our children which are developed by our various standing committees and subcommittees. This oversight can be truly accomplished only by a special committee which is not restricted by jurisdictional lines, and which has the single, awesome duty of insuring that the actions of this body affecting children, youth, and families are responsible.

The needs of families, and of youth and children, are changing. There are many more single parents and many more two-income households. These changes in family structure are a fact of life, and are important to consider when assessing the impact of Government policies on the family. As we have sought spending reductions in domestic programs, we have seen far too many unanticipated consequences of these reductions on children and families. The House select committee will be able to take a comprehensive view of the effects of budget reductions, and of all Federal policy and program changes, on children and families.

In the State of Maine, there are many special family needs and problems because of our large rural population. For example, transportation problems can restrict accessibility to family health care. Additionally, personal isolation and the limited resources available to rural citizens suggests another set of problems. And lastly, Maine has one of the lowest per-capita incomes in the United States and, consequently, the impact of spending reductions and policy changes on the family is great. We no doubt share these problems in common with other States, and would benefit from the select committee's oversight.

Therefore, I will be voting in favor of the reconstitution of the House Select Committee on Children, Youth, and Families because I believe we have a moral responsibility to exercise with care the power we hold over this silent constituency. I strongly urge my colleagues to lend their support as well.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I rise in strong support of House Resolution 16 to establish a Select Committee on Children, Youth, and Families. This bipartisan resolution, endorsed by nearly 150 national and State organizations, passed the House unanimously last September. I urge my colleagues to once again stand united behind this effort to create a voice in Congress that champions the need and hope of our Nation's children and families.

At the outset I want to commend Mr. MILLER for his leadership on this issue and his dedication to Federal

policies that enhance the well-being of our children and youth.

I became an original cosponsor of this resolution because I believe that the Congress is not addressing the needs of our Nation's 64 million children in a systematic or integrated manner. Unfortunately, because national policy decisions that affect children are fragmented among a myriad of congressional committees and Federal agencies, the needs and welfare of this vast, but powerless, constituency are often underserved or completely ignored. I fear that the Nation will suffer if serious consideration is not given to how Federal policies are affecting our children, our greatest resource and hope for the future.

The need for the Select Committee on Children, Youth, and Families is unique and compelling. Although children comprise more than one-fourth of our population, they constitute our country's least influential political force. They are not partisan. They cannot vote. They do not organize PAC's nor do they speak out for themselves. Children are essentially invisible in the political process even though the dictates of Government decisionmakers affect children more than other groups. Our judgments can make the crucial difference in the lives and futures of children, particularly those who are poor, disadvantaged, minority, or handicapped.

Moreover, investing in children requires extraordinary faith and patience. Some harvests may not be reaped for a decade or more. Helping today's children to grow up strong, healthy, and well-educated will enable them, as tomorrow's adults, to cope and excel when faced with the challenges of the future. All too often, however, long range, comprehensive planning is obscured by the fragmented and immediate demands of our current budget process. We have become obsessed with numbers; we talk almost exclusively about year to year expenditures, budget authority, and deficits.

These political realities and processes frequently permit the interests of children to slip through the cracks. They reveal the need for a new forum in which we can carefully consider and review policy decisions that best meet the needs and rights of young Americans.

Our longstanding commitment to our youngsters has resulted in the development of an important framework or programs which protect the health and welfare of millions of children. Many of these programs have been highly successful in meeting basic human needs and in providing opportunities that would otherwise not be afforded the most vulnerable in our society.

For example, title I compensatory education, serving over 5 million children, has been found to be effective in increasing educational achievement in math and reading for disadvantaged children. Preschoolers enrolled in Head Start are less likely to drop out of school and need special educational services as they mature. The women's, infant's, and children's nutrition program has helped prevent infant mortality, birth defects, and subnormal development in babies and children. The accomplishments of dozens of Federal programs, in the areas of health, education, welfare, nutrition, job training, employment, and housing, need to be recognized and evaluated in light of current and projected social factors that influence the nuturing of our children.

While our efforts have been of tremendous benefit to children and families, they have fallen short of meeting basic social, economic, and human needs of many in this constituency. In the last few years, the mood of fiscal restraint that now pervades the Congress and the Nation has resulted in drastic cutbacks in Federal social programs. The severity and pervasiveness of those cuts that have been enacted and others being proposed are likely to have profound and long-lasting effects on children and their families. Many people do not realize that children are the main beneficiaries of many of the programs that have been cut most dramatically. Indeed, children comprise 70 percent of aid to families with dependent children (AFDC) recipients, 55 percent of food stamp beneficiaries, and 50 percent of medicaid patients.

According to the children's defense fund, one out of five children in our Nation is born poor; more children live below the poverty line than any other age group. In spite of this stark reality, meager AFDC and medicaid benefits have been eliminated for over 1 million children. One in seven children has no regular source of health care yet funding for maternal and child health care has been cut by over 20 percent. One in four children drops out of school, yet funds have been slashed for title I and other Federal education programs. Even though the infant mortality rate in the United States is higher than in many other industrialized nations; the highly effective WIC program only services, one-fourth of the eligible population and funding reductions have once more been proposed by the administration.

In addition, we are all painfully aware that during the past few years unemployment has been tearing at the social fabric of our Nation. The jobless rate, coupled with cuts in Federal assistance, has engendered fear, confusion, and rage in American families. They are cutting corners on food and clothing and many have lost health insurance. They are doubling up with relatives and friends in cramped quarters and standing in evergrowing lines for emergency food and shelter. Young workers are often the last hired and first fired; their children suffer the grave consequences of this massive social and economic dislocation. Across the country health and social services departments and organizations are reporting increases in infant mortality rates and premature births, new evidence of malnutrition, and a rise in the incidence of child abuse and neglect. A caring and compassionate Federal Government cannot allow this victimization of children to continue and possibly increase. The Select Committee on Children, Youth, and Families can play a vital role in keeping Congress apprised of the ways in which the recession economy impacts children and in developing proposals for ameliorating its detrimental influence on them.

It is my fervent hope that the establishment of a select committee will provide a much needed opportunity for the Congress to learn how our decisions address the problems of children and youth. I would hope that the work of such a committee would help shed light upon why the infant mortality rate is so much higher here than in other industrialized nations, what can be done to lower the infant mortality rate of minority children (which is twice that of white infants), how society will be affected by recent reductions in aid to education, to what degree can we actually depend upon the private sector to step in where social programs have been cut, and what will be the impact on children of the increasing migration of families who are looking for employment. The list of questions goes on and on. There is much to be learned.

The Congress has allowed its disjointed approach to children's programs to persist for too long. Child nutrition and education programs are the province of the Committee on Education and Labor, while jurisdiction over AFDC belongs to the Committee on Ways and Means, food stamps to the Committee on Agriculture, and medicaid to the Committee on Energy and Commerce. The establishment of a Select Committee on Children, Youth, and Families would enable the Congress to vault the procedural and structural hurdles created by our committee system and allow consideration in one forum of the multiplicity of Federal programs and their effect on children.

I urge my colleagues to join with the 225 cosponsors of this effort and vote for this important resolution.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the original cosponsor of this resolution, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, let me say to the Members of the House that I rise in very strong

support of House Resolution 16 to establish this temporary Select Committee on Children, Youth, and Families, and I ask for the support of the entire House.

Before continuing with my remarks, I want to thank the Speaker and the leadership of the House for their support of this resolution. I want to thank the chairman of the Committee on Rules, Mr. PEPPER, for bringing this so quickly to the Committee on Rules, and I want to thank the gentleman from Louisiana, Mr. GILLIS LONG, for making sure that this select committee resolution was set out in proper form to meet the mandates of the Committee on Rules for the creation of select committees. I also wish to give my thanks to the gentleman from Ohio, Mr. TONY HALL, for managing this resolution on the floor.

Last year the 97th Congress overwhelmingly approved an identical resolution. At that time there was strong bipartisan support for the creation of a forum to enable the Congress to study and review the special problems which face America's children and youth and their families. However, because the resolution was passed at the end of the regular session, there was insufficient time to constitute the committee and to proceed with the committee's responsibilities.

This committee is every bit as important today as it was nearly a year ago when we first proposed it. As the 98th Congress begins its work, the need for this select committee has been reaffirmed by 230 Members of Congress—Republican and Democrat, conservative and liberal alike—who have joined as cosponsors of this resolution. Another 25 national and State organizations have joined with the 150 law enforcement, labor, health and nutrition, child welfare, parent and child advocacy groups, and disability, business, education, and religious groups that had previously endorsed this effort. A partial list of endorsing organizations follow:

LIST OF SUPPORTERS FOR H. RES. 16, PROPOSAL TO CREATE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

1. Advocates for Children of New York.
2. American Academy of Child Psychiatry.
3. American Academy of Pediatrics.
4. American Association for Marriage and Family Therapy.
5. American Association of Psychiatric Services for Children.
6. American Association of School Administrators.
7. American Bar Association.
8. American Camping Association.
9. American Citizens Concerned for Life, Inc.
10. American Coalition of Citizens with Disabilities.
11. American Council of the Blind.
12. American Education Research Association.
13. American Federation of State, County and Municipal Employees.
14. American Federation of Teachers.
15. American Foundation for the Blind.
16. American Home Economics Association.
17. American Humane Association.
18. American Orthopsychiatric Association.
19. American Psychiatric Association.
20. American Psychological Association.
21. American Public Health Association.
22. American School Food Service Association.
23. American Society for Training and Development.
24. American Vocational Association.
25. Association for the Advancement of Psychology.
26. Association for Children of New Jersey.
27. Association of Junior Leagues, Inc.
28. Association of Retarded Citizens.
29. Bay Area Child Care Law Project.
30. Boys Clubs of America.
31. Bread for the World.
32. California Association of Children's Hospitals.
33. The California Children's Lobby.
34. Camp Fire Incorporated.
35. Candlelighters Foundation.
36. Center for Public Advocacy Research.
37. Children's Defense Fund.
38. Children's Foundation.
39. Children's Hospital National Medical Center, Child Protection Unit.
40. Children's Rights, Inc.
41. Child Welfare League of America.
42. Citizens' Committee for Children of New York, Inc.
43. Colorado Child Care Coalition.
44. Contra Costa (California) Children's Council.
45. Convention II Inc.
46. Corporate Child Development Fund for Texas.
47. Council for Exceptional Children.
48. Council of Great City Schools.
49. Council of Jewish Federations.
50. Covenant House.
51. Day Care Council of America.
52. D.C. Action for Foster Children.
53. Down's Syndrome Congress.
54. The Episcopal Church, Committee on Families.
55. The Episcopal Church, Office of Social Ministries.
56. Family Impact Seminar.
57. Family Resource Coalition.
58. Family Service Association of America.
59. Food Research and Action Center.
60. Friends Committee on National Legislation.
61. Gerber Products Company.
62. Girls Clubs of America.
63. Governor's Advisory Committee on Child Development Programs (California).
64. High/Scope Educational Research Foundation.
65. Industrial Union Department, AFL-CIO.
66. Interreligious Task Force on U.S. Food Policy.
67. Jewish Child Care Association of New York.
68. Juvenile Justice Center of Pennsylvania.
69. Lutheran Council in the USA, Office of Governmental Affairs.
70. March of Dimes.
71. Maryland Committee for Children, Inc.
72. Maryland Office for Children and Youth.
73. Mental Health Law Project.
74. Michigan Association for the Education of Young Children.
75. Michigan Association of Children's Agencies.
76. Michigan Federation of Private Child and Family Agencies.
77. NAACP Legal Defense and Educational Fund, Inc.
78. National Association for Child Care Management.
79. National Association for the Deaf.
80. National Association for the Education of Young Children.
81. National Association of Homes for Children.
82. National Association of Secondary School Principals.
83. National Association of Social Workers, Inc.
84. National Association of State Boards of Education.
85. National Association of State Mental Health Program Directors.
86. National Black Child Development Institute.
87. National Black Nurses Association.
88. National Center for Clinical Infant Programs.
89. National Center for Youth Law.
90. National Coalition of Advocates for Students.
91. National Coalition of ESEA Title I Parents.
92. National Coalition of Hispanic Mental Health and Human Services Organizations (COSSMHO).
93. National Committee for Adoption.
94. National Committee for Citizens in Education.
95. National Committee for Prevention of Child Abuse.
96. National Conference of Catholic Charities.
97. National Congress of Parents and Teachers.
98. National Consortium on Alternatives to Incarceration.
99. National Council of Catholic Women.
100. National Council of Churches, Child Advocacy Working Group.
101. National Council of Community Mental Health Centers, Inc.
102. National Council of Jewish Women.
103. National Council of Juvenile and Family Court Judges.
104. National Council of Negro Women.
105. National Council on Crime and Delinquency.
106. National Council on Family Relations.
107. National Easter Seal Society.
108. National Education Association.
109. National Exchange Club Foundation.
110. National Football League Players Association.
111. National Head Start Association.
112. National Mental Health Association.
113. National Milk Producers Federation.
114. National Network of Runaway Youth.
115. National Organization Advisory Council for Children.
116. National PTA.
117. National Society for Children and Adults with Autism.
118. National Youth Work Alliance.
119. North American Council on Adoptable Children.
120. North Carolina Association for the Education of Young Children.
121. Ohio Association of Child Caring Agencies.
122. Orphan Foundation.
123. Parents Anonymous.
124. Parents United.
125. People for the American Way.
126. Philadelphia Child Guidance Clinic.

127. Reading is Fundamental, Inc.
128. The Salvation Army.
129. Save the Children.
130. SCAN America, Inc.
131. Society for Research in Child Development.
132. Southeastern Public Education Program.
133. Southern Association of Children Under Six.
134. Tennessee Children's Services Commission.
135. Today's Unified Nutrition Advocates.
136. Union of American Hebrew Congregations.
137. United Auto Workers.
138. United Church of Christ Commission for Racial Justice.
139. The United Presbyterian Church in the USA.
140. U.S. Catholic Conference.
141. U.S. Committee for UNICEF.
142. United States Conference of Mayors.
143. WAIF, Inc.
144. Wisconsin Council on Developmental Disabilities.
145. National Nutritional Foods Association.
146. National Urban League.
147. Girl Scouts of the USA.
148. American Society for Psychoprophylaxis in Obstetrics/Lamaze.
149. Boy Scouts of America.
150. National Associations of Children Hospitals.
151. Association for the Care of Children's Health.
151a. R.E.A.C.H Project.
152. Alliance for Perinatal Research.
153. Women & Health Roundtable.
154. National Nutritional Foods Association.
155. International Association of Pupil Personnel Workers, Inc.
156. Boys Town.
157. M.A.V.S.S.A (Minn. Association of Voluntary Social Service Agencies).
158. Mendocino County Youth Project.
158a. Aunt Martha's Youth Service Center, Inc.
159. Youth Law Center.
160. University of California, San Francisco.
161. Tahoe Human Services, Inc.
162. Winooski Youth Development Commission.
163. South Carolina Perinatal Association.
164. Alliance for Perinatal Research and Services, Inc.
165. United Church Board for Homeland Ministries.
166. Perinatal Association of Michigan.
167. Louisville Parent Child Center, Inc.
168. Center for the Development of Non-Formal Education.
169. Yale University.
170. National Center for Clincal Infant Programs.
171. University of California, Los Angeles.
172. Center for Policy Research, Inc.
173. Ohio Perinatal Association.
174. The Children's Bureau of Indianapolis.

In spite of their divergent views on many other issues, these organizations agree on the need for a congressional forum which will focus on the range of concerns and opinions about policies affecting children, youth, and families, and where this constituency will not be forced to compete for attention.

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This continued expression of support is deeply gratifying. And it has reinforced my belief that the Congress has an obligation to give immediate attention to what is happening to the children and youth of this country, and how to assure them a secure future.

Our Nation's children currently number 64 million—one-third of our country's population. We can take pride in our many accomplishments for children: More and more infants born in this country are healthy; more and more children in this country grow up well nourished; more and more children in this country go to school and enroll in college; there is a well-established network of voluntary and religious agencies providing support to families under stress.

Yet not all of our children have enjoyed these successes: 10 million children have no regular source of health care; for every 100 high school graduates, 25 drop out of school; the unemployment rate for high school dropouts is at least 50 percent greater than for high school graduates.

Now we are receiving reports that some of our achievements may be slipping. More children are in poverty today than were in poverty more than a decade ago, and child malnutrition and high rates of infant mortality are reappearing in many economically hard-pressed communities.

Our Nation has reached a critical juncture: It is facing serious economic dislocation, dramatic technological change, and greater interdependence with other nations. As we develop policies to address these national concerns it is essential for Congress to understand and be able to make informed judgments about how these policies will affect our young people.

Among the changes which have occurred include a changing relationship between the government as trustee for those who cannot help themselves—the children—and an expectation that other sectors of this society—especially the charitable and religious organizations, foundations, and most of all, the American family—will be able to shoulder this responsibility themselves.

It is not the purpose of a new Select Committee on Children, Youth, and Families to pass judgment on this change, but to more carefully understand its impact on our children and families.

We are beginning to gather pieces of information about this impact but it is important to look comprehensively and sensitively at the evidence.

I share many of my colleagues' concern that Congress should not set up select committees on a whim. Nor do I believe that once Congress has identified the need for a select committee it should exist indefinitely. But select committees do provide a timely and effective mechanism for Congress to take an assessment, to make a comprehensive review, and to bring findings and recommendations back to standing committees and to this body for consideration.

The Select Committee on Children, Youth, and Families, in conformance with this resolution, will report to the Congress and the Nation on the status of this special constituency.

After 8 years' service in the Congress, dedicating much of my time to the problems of families and their young, it is my strong conviction that this assessment can only be taken by crossing committee lines and jurisdictions. Currently in the Congress more than 13 of the 22 standing committees have some jurisdiction over children and family issues, making coordinated and comprehensive attention virtually impossible.

I need not remind you that children and youth have become barely visible in the legislative process, obscured by the myriad committees which oversee them as well as the elaborate budget process where numbers take precedence over people.

Children and youth are also less visible in the policy process because we as legislators hear less from them—children are not partisan, nor are they powerful even though they comprise one-third of our population. They do not lobby; they do not make campaign contributions. And most of all, they do not vote. As they grow, children face problems they did not create, and which they cannot control.

Children's needs are subordinated to the major concerns of each of our committees. For example, the Armed Services Committee has responsibility for policies affecting the welfare of military families. But the committee, necessarily, spends most of its time overseeing the vast array of defense matters rather than on the health and educational well-being of children of those in military service.

Energy and Commerce provides another example. Clean air policy and trucking regulations consume most of the committee's time, leaving little time to oversee the health care of mothers and infants.

In addition, you are all too familiar with the problem of congressional oversight. Routine legislative business, including regular reauthorization of programs, limits standing committees' opportunities for extensive oversight activities.

When committees do exercise their oversight function, existing Federal programs or immediate crises frequently draw the boundaries of their inquiry. Too often, this approach leads to narrow constituencies and defensive program analysis. Consequently, even when a problem—such as infant

health and development or juvenile crime—cuts across several committee jurisdictions, rarely does our committee structure or legislative process promote discussion and debate across the committee and constituency lines.

Unfortunately, the structural obstacles to addressing the concerns of children, youth, and families do not make these problems disappear. On the contrary, we are all too aware that a wide range of governmental and private sector policies—whether employment, health and safety, housing, education, recreation or economic policies—affect the lives of all our children.

Mr. Speaker, I want to reiterate my thanks and appreciation for the continued bipartisan efforts of the original cosponsors of this resolution—Mrs. BOGGS of Lousiana, Mr. JEFFORDS of Vermont, Mr. HYDE of Illinois, Mr. WAXMAN of California, and Mr. WEISS of New York—to bring children and family issues to the attention of the Congress by strongly supporting creation of a House panel which can give coordinated and concentrated focus to these concerns.

Congressman MARRIOTT of Utah and Congresswoman MIKULSKI of Maryland also provided valuable support for this resolution.

The Congressional Caucus on Women's Issues also has endorsed this effort because of its concern that Congress give more serious review to the needs of this Nation's women and their children.

Many individuals and organizations have worked tirelessly during the past year to petition this Congress to create the Select Committee on Children, Youth, and Families. They have identified for us, and for many of you, just how the children and families they serve, whether through delivery of services, research, or advocacy, manage on a day-to-day basis.

I would like to thank especially William W. Harris, who played a critical role in generating broad national support for this effort.

The Speaker's staff, Billie Gay Larson, gave special assistance in shepherding this resolution to the House floor.

I am indebted to all of them for their efforts and look forward to working closely and cooperatively with them, as well as with the members of the new committee and the standing committees with jurisdiction over children, youth, and family policies.

It is my hope that a temporary Select Committee on Children, Youth, and Families, which will have this constituency as its sole focus, will draw on the research, experience, and dedication of the vast number of individuals and organizations, both on Capitol Hill and not, who see the effects of those policies. We are beginning to understand the magnitude of these effects—including the long-range impacts even on the youngest children.

If we are to have a strong and productive society in the year 2000, we must examine the policies we have in place, and determine others which may be essential to get us there. We cannot fashion this effort piecemeal. And we do not have the luxury to wait.

I urge you to vote for House Resolution 16.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, sometimes, as the saying goes, we cannot see the forest for the trees. Whenever the pollsters survey the American public and we go to our constituencies to sample opinion about the most serious problems facing the Nation, the answers are almost always the same. We are all familiar with them because daily we debate them endlessly—unemployment, deficits, energy costs; the list is long. And the respondents are right, these are serious problems of monumental proportions.

But an equally serious problem of equally monumental proportions often is overlooked or does not readily come to mind. I am talking about that oh so basic problem of the deterioration of the family as unquestionably our greatest source of strength in handling our problems, as we try to cope. Or, to put it another way, too many children miss out on regular contact with grandparents and vice versa. That is an over simplification but it is to the point.

We do not like to admit it, but it is true—the family unit just is not what it used to be. And as a result, we all suffer, but most particularly our young people. We all know what caused the situation—our mobile society, a more complex lifestyle, technology, and, as the King of Siam once told Anna, et cetera, et cetera. No one wants to reverse progress, but we do have to come to grips with one of the byproducts.

If the Congress can do something to focus attention on the problems of families, most particularly as they affect our children and young people, we will be performing a valuable public service. We have the vehicle here, in the creation of a Select Committee on Children, Youth, and Families, to carry the effort forward. Let us do it for all the right reasons.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. Mr. Speaker, I am speaking today on behalf of the Congressional Caucus on Women's Issues to talk about the future of our most important resource—the children and young people of this Nation.

That future, to a large extent, is shaped by the policies and programs that are formed and administered by this Congress. That is an awesome responsibility. It is a responsibility that demands vigilance and oversight.

But it is difficult to oversee, to evaluate, and to coordinate when the policies and programs that affect children are dispersed among 13 different committees and subcommittees. And that number does not even include the Appropriations Committee, the Government Operations Committee, or the Defense Committee.

Even closely allied programs are dealt with in different committees. For instance, one prenatal nutrition program is in the Education and Labor Committee, while others are in the Health Committee.

Mr. Speaker, I am not suggesting that each of these 13 entities is not doing their job, not making initiatives, or not dealing with the issues that affect children with sensitivity and responsibility.

But as each of us works to establish policy, as each committee deals with the issues before it, we also need a central place for the main issue—the issue of children, of their future.

With a central point of coordination, we are never able to see the whole picture. We are never able to determine the net effect of the separate efforts of each committee dealing with issues that affect our young people.

The Select Committee on Children, Youth, and Families that you have before you will watch that picture, to make sure that it is not damaged, that it can not disappear, that it is not fragmented to the point where it loses focus.

The Select Committee on Children, Youth, and Families can provide the coordination and oversight for the many policies and programs that affect our young people every day—that will affect them for the rest of their lives.

The lives of children today are different than they were when I was young. Times have changed. There are more single parent households. Not every home is like a Norman Rockwell painting. Child abuse is on the rise, there are more teenage pregnancies, more latchkey children, and more suicides among our young people.

The economy, too, has taken its toll on our young. Recreation centers are closing from lack of funding. There are no longer the resources for community centers and many child care centers. Doors have closed.

Through the work of this committee, we can assess the problem and suggest ways to open new doors. We can provide a place where children are taken seriously.

The committee we propose does not create a new bureaucracy, but rather,

streamlines and centralizes an existing bureaucracy. The committee would be limited in scope and duration, and the funds spent for administration can be more than made up by careful planning and distribution of program resources.

We need a one-stop-shop for children's issues. There are 217 cosponsors for this legislation who agree, and more than 150 National and State groups as well. If we are truly the leaders of this Nation, we must take this opportunity to nurture the leaders of tomorrow.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman form Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I rise today in strong support of House Resolution 16, creating a Select Committee on Children, Youth, and Families.

I want to begin by congratulating Mr. MILLER for his leadership and perseverence in this effort, and by commending each of my colleagues involved in it. And I thank the Rules Committee for handling this matter so expeditiously.

My remarks will be brief, as the overwhelming arguments in favor of this resolution are by now familiar to my colleagues.

The Federal Government's response to the needs of children and families has too often been slow, slapdash, and shortsighted. This is true not just in this or the last Congress, but throughout our history. We did not secure a Federal child labor law until 1938, decades after the curse of sweatshops was widely recognized. The first child nutrition programs did not come until years later, in part a response to the signs of malnutrition appearing in recruits for World War II.

Our approach to the problems of children and families has generally come only after we have been slapped in the face with a crisis. Our hands are now tied, to a certain extent, by the fragmentation and diffusion of responsibility among the many House committees. The select committee, I hope, will provide a forum for the comprehensive study of the problems of children and their families.

As elected Representatives, one of our highest priorities is to represent the interests of those who cannot represent themselves—whether it be through a lobby, a campaign contribution, or a direct mail campaign. The third of our Nation who are children are also silent. We have a special responsibility to them.

From an economist's standpoint, the perfect tax structure is one that does not distort economic decisions. Each year, every one of us spends hours upon hours cogitating on how our efforts to promote public policy are affecting economic decisions.

But how does Federal policy distort the structure of families? We spend precious little time on this question. But it comes back to us every time we hear another story of a family disrupted by Federal tax, welfare, or medicaid policy. We need to thoroughly examine the impact of our decisions on children and families. And we must eradicate those policies that run counter to the support of strong and stable families.

By no means do I want to imply that the Federal presence is uniformly invidious. To the contrary, the evidence of success is widespread. Oppressive child labor is largely a thing of the past. Malnutrition had disappeared for the most part, though this may be changing. Many other needs, for health care, foster homes, and education have been responsibly addressed by the Federal Government.

Our commitment and attention to these programs must not be sporadic. In the women, infants, and children feeding program, in the immunization programs, and in others, we have found conclusive evidence that by paying prompt attention to the needs of children, we spare both them from future suffering and the taxpayer from later and greater costs.

There are limits to what we can do. We cannot legislate good families. But we can insure that there are no Federal impediments to these families. And we can offer a helping hand to those children and families in need.

To do this, we need to take a thorough look at the complex problems faced by families and at their alternative solutions. The Select Committee on Children, Youth, and Families will be instrumental in this process.

I am proud to be a part of this effort, and I think that each of my colleagues should take heart in the broad support this resolution has received, both in Congress and across the United States. I hope we can continue to comport ourselves in the same responsible and bipartisan fashion I see exhibited today. I urge my colleagues to give this resolution their full support. And I wish great success to the Select Committee on Children, Youth, and Families.

□ 1610

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Speaker, I am pleased that my first opportunity to speak on the floor of the House relates to children, a topic of major concern during much of my professional and personal life.

During my years in the State senate of Michigan and, more recently, in the Agency for International Development, I have had the opportunity to see how government can relate to the role of family life and opportunities for children.

Clearly, conditions differ dramatically between our country and other nations, especially those in the developing world. Everywhere, though, I have seen how vital are the levels of opportunity for youth and the importance of sustaining and strengthening the family unit. I have seen that while there are clear limits to the role which government can and should play, effective government action can be crucial to creating new horizons for the ill, the poor, the handicapped, the abused, and many other children and youths. Good government can provide meaningful opportunities for these and other children and youths, thereby helping family units to flourish. To do this, however, legislators must know where the problems are.

For example, in 1965 in the State of Michigan, I helped to coordinate a study which found that fewer than one-half of the children with a physical, mental, or emotional handicap had a single hour of education or training opportunity available to them in a given year. Several of us in the State legislature then initiated an effort which was joined by local school officials and private citizens throughout the State leading eventually to a dramatic turnaround in opportunities for handicapped children.

Later, as I visited community after community, I was struck by the open pride of parents of handicapped children, by the opportunities their children now have, and by the accomplishments they have made.

In more recent years, as Assistant Administrator of the Agency for International Development, I saw in other countries what, for example, elementary and secondary education, immunization, and nutrition programs have meant for the survival and the attainments of children and for the integrity of family life.

In so many ways, however, there is an unfinished agenda. That is true in this country, as it is in others. Infant mortality is rising in many areas of the United States. In Detroit, part of which is in the 17th District that I represent, infant mortality is twice the national average. Within some Detroit census tracts, as many children die before their first birthday, per thousand born, as die in Honduras, the poorest country in Central America.

Over 800,000 children under 6 years old in this country pass part of the day without adult supervision. Unemployment is especially severe, as we all know, among youth. It has been over 30 percent throughout Michigan and Detroit this past year. Further, some of our laws discourage, rather than encourage, the integrity of family life. For example, I understand that in the new budget, there is a proposal that would eliminate aid for dependent

children payments when a parent is out of the State looking for work.

I found that what was needed in both Michigan and at AID was not only the leadership that we can provide, but also information—information which can be used to evaluate the effects of existing legislation; information which can impel effective legislation; information which can direct private initiatives where they will be most effective.

I believe that the establishment of this select committee will help significantly in coordinating and focusing the information Congress already has, and that the select committee will be the most appropriate recipient for the information gathered by research foundations, local and State agencies, and universities.

I am honored to be able to join in this effort more than 220 of my colleagues who have joined as cosponsors, led by Mr. MILLER of California, Mrs. BOGGS, Mr. HYDE, Mr. JEFFORDS, Mr. WAXMAN, and Mr. WEISS. Sensitive to the limited purposes of a select committee in the House, I am persuaded that this select committee can perform a valuable function on behalf of the children, youth, and families of America.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. SIKORSKI).

Mr. SIKORSKI. Mr. Speaker, as the economy slumps and unemployment rises dramatically, so does the rate of drug abuse, child abuse, family violence, divorce rates; and as the infant mortality rate in some parts of America goes beyond that of India, as the youth on the Minnesota reservations, in the California barrios, the boroughs of New York, and the West Virginia hollows languish without jobs and without help and without hope, and as heads of households all across America, especially women heads of households, are laid off and lose their benefits and are left futureless, we sorely need this committee to signify our concern and identify and develop solutions.

Mr. Speaker, the Speaker and the gentleman from California (Mr. MILLER) are to be commended for their concern and action.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Speaker, I rise in support today of the establishment of a Select Committee on Children, Youth, and Families. I do so after great consideration, and the conviction that Congress must begin to focus its efforts on the welfare of our Nation's youth and families.

As my record on the House Administration Committee attests, I have opposed all new select or ad hoc committees. I also voted against extending most select or ad hoc committees, with the exception of the Select Committee on Aging. It was clear that the elderly of this Nation needed and warranted a special committee in Congress to insure that attention and effective oversight were given to their unique needs. I believe that the proposed Select Committee on Children, Youth, and Families falls into the same category of need.

The establishment of this select committee will help focus the spotlight on the health, the nutrition, the well-being of this country's youth. At a time when severe budget constraints and economic hardship are overwhelming, it is the responsibility of this Congress to insure that the most in need, and those least able to fend for themselves, are not forgotten. This committee will help provide the vital oversight necessary to fully assess the needs of this segment of our population, and the advocacy to see that those needs are not ignored.

Mr. QUILLEN. Mr. Speaker, I am cognizant of the fact that there are 225 Members of this body who have cosponsored this measure. I am also cognizant of the fact that more than 150 organizations support this measure. And I would hope that the House would speedily pass it.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding this time, especially since I had already informed him that I would probably be opposing his view on the matter.

I wonder if the gentleman from California (Mr. MILLER) will stand for just a few questions to place a focus on my remarks.

Mr. Speaker, would the gentleman explain to me that if this committee were to be formed, what would happen to the program that now conducts the affairs of aid to dependent children? Let us start by asking: Which committee, in the gentleman's judgment, now handles the issues revolving around aid to dependent children?

Mr. MILLER of California. Ways and Means.

Mr. GEKAS. If that be so, would the adoption of this resolution and the formation of this new committee strip Ways and Means of its power to deal with this problem?

Mr. MILLER of California. No, not at all.

Mr. GEKAS. That is exactly my point. Thank you very much.

Mr. Speaker, I think this points up that, no matter how many issues involving children we now delegate to a new committee, the final determination of what this committee can do about the particular issues that come before them will go back to other committees, most especially that which was just uttered by the gentleman, the Ways and Means Committee; we are now creating a committee and thereby abandoning the jurisdiction of other committees over the very same issues which this committee is supposed to assume.

It seems to me that we are not only going to have duplication and overlapping but excessive costs involved, and perhaps we will be putting a committee directly in the way of trying to help our children.

Mr. Speaker, I began this whole debate with being a proponent and a supporter of the concept, and I must now say to all of those who feel otherwise that debate on the floor of the House, remarks made under our rules, do help to sway Members—at least this Member. I am convinced now that we will be doing our children a great service if we leave the structure as it is and hone in where necessary on their problems, rather than to waste time now and perhaps money—not perhaps, but actually money—by setting up a new committee and thereby postponing action on issues that are relevant to the children and youth of our country and, at the same time, with the knowledge that if we do so we are not going to cut out jurisdiction over these matters from committees already working on these subjects. We will have two committees working on many of the issues.

Ms. MIKULSKI. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentlewoman from Maryland.

Ms. MIKULSKI. Mr. Speaker, I understand what the gentleman's concern is. But I would like to bring to the gentleman's attention two points: No. 1, to give the Members an example of where we really do not have coordination, the nutrition programs affecting children—which are really a very important humanitarian and national financial resource commitment—are in three separate committees.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. GEKAS) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

□ 1620

Mr. GEKAS. Mr. Speaker, I yield to the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. I just wanted to bring out the fact that if one takes a look at the nutrition programs, they are in three different committees: Agriculture, Education, and Health.

In the area of health, one part is in the Committee on Ways and Means and another part is over in the Committee on Energy and Commerce.

What this would do would be to coordinate and hold hearings more in an oversight capacity to be sure that we are getting a dollar's worth of services

for a dollar's worth of taxes and making sure the needs of the kids are being met and not the needs of the bureaucracies.

Mr. GEKAS. Mr. Speaker, is there any time left yielded back? If the gentlewoman yields back to me the minute that was yielded to me by the gentleman from Tennessee, which I yield to the gentlewoman who is now yielding to me, or is the time over?

The SPEAKER pro tempore. After that question, I think the time is probably over.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of House Resolution 16.

I think select committees can be a tremendous help. I serve on one of the select committees and what we do is synthesize and focus in on the problems of a group. There is no more important issue facing the American people than what we do about the plight of our children and our families. Our children are the hope of our tomorrows and it seems to me that we have not, as a Congress, addressed the needs of our people in a very, very particular way. We have the leisure to talk about bullets and tanks and all kinds of other budget priorities. Is it not about time that we see what we are doing in terms of our own Government's priorities for its children, its youth, and its families?

The resolution we are once again considering today is long overdue. During the last Congress, we agreed—by passage of this resolution—that the present congressional committee structure disperses programs affecting children and families throughout a myriad of committees—some of which should never intervene in this area.

The children of this country are our most precious resource. They are the leaders of tomorrow. At a time when economic decline is causing an erosion of the family unit, we need to look at ways in which we can strengthen programs to enhance our American families and to strengthen our children and youth. The establishment of this select committee would provide us with a forum for doing just that.

A Select Committee on Children, Youth, and Families would permit us to look at programs directly affecting these viable and vulnerable segments of our society with their recipients and participants in mind—not merely by looking at the programs as dollar figures as part of a Federal budget. We cannot continue to allow the legislative system to chisel away at essential programs for our Nation's children and families in the name of balancing the budget. We cannot ask our children, youth, and families to suffer because of a poorly formulated committee system.

We need to streamline our House now. We need to look at these people-programs in an overall, comprehensive fashion. We need to pass this resolution today and mobilize to insure that public and private sector policies affecting young people in America do not get left by the wayside because of congressional inefficiency. I urge my colleagues to pass House Resolution 16 and establish a Select Committee on Children, Youth, and Families.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to speak in favor of House Resolution 16 to establish a Select Committee on Children, Youth, and Families.

Before my election to this Congress, I worked for 10 years as a practicing attorney at the New Haven Legal Assistance Association. During those years, I represented thousands of children and youths and their families. In that representation, I saw firsthand the countless ways that Federal policies and programs affect the lives of children and their families every day. Many of those programs and policies, such as in the areas of health, nutrition, and education, are effective and efficient and make a positive difference in children's lives. On the other hand, some Federal programs can definitely be improved in their impact on children and their families. In fact, some policies and programs have very unexpected, detrimental effects on children and families.

In recent years, more and more courts, recognizing that the decisions they make about children's lives are some of their most difficult, have appointed attorneys or guardians to represent the interests of children apart from those of the adults involved. Such a role can be played by the select committee in this House—to look closely at Federal policies and programs from one perspective alone: Their impact on children and youth and their families. The 13 committees that make the decisions that so vitally affect their lives can only benefit from the work of a body that speaks with one voice on behalf of children and youths and their families.

We need this select committee to answer some very important, very difficult questions: First, what do we really know about how Federal programs and policies affect children and youth? What have we learned? What works and what does not work?

Second, where is our national consensus on the role of the Federal Government in promoting and protecting the interests of children and families? What are the broad principles, the basic standards of health, nutrition, education, well-being, and opportunity for children on which we can all agree?

I know that I speak on behalf of many others in urging the creation of this select committee. There has been a groundswell of interest and activity in Connecticut focused on the changing Federal role in promoting the interests of children and families. The entire Connecticut congressional delegation has been involved on a nonpartisan, cooperative basis. There is a tremendous range of expertise on these issues in Connecticut which I know would be available to the select committee. The Connecticut Justice for Children Collaboration serves over 500 community based children and youth serving agencies across the State.

The Third District, which I am proud to represent, has become a national center for children and youth studies. We are proud to have world-renowned research institutions, such as Yale Child Studies Center and the Gesell Institute of Human Development, pioneering treatment facilities including the Grove School, the Clifford Beers Center, Ben Haven, and the Elizabeth O'Hara Walsh School, and innovative community based programs like the Coordinating Committee for Children in Crises and New Haven Legal Assistance's Child Law Unit. I know as well that concern and involvement in these problems is not limited to professionals and children's advocates. From my work with business leaders in the Third District, I know that there is an interest in new ways to involve the business community in promoting the interests of children and families. Similarly, many of my individual constituents remind me regularly of their concern for a coherent Federal approach to the problems of families and children.

It goes without saying that nothing is more important to the future of our Nation than the well-being of our children and youth. The Federal Government's role in promoting that well-being is an issue that must transcend party politics and competing short-term interests. I believe that the creation of the Select Committee on Children, Youth, and Families will be an important step in moving toward a national consensus on this critically important question.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I rise with some reluctance to oppose what other Members would like to carry forward. I appreciate their motivation and their interest in the subject and I do not call that into question; however, Mr. Speaker, it is well to remember that no select committee of this House has legislative jurisdiction, and so we are creating another forum, a crowd of judges for a beauty contest, an ability

to send out press releases about how much we are concerned about problems; but we are not creating any ability to solve those problems; rather, we are telling the people on the committees who have original jurisdiction that they can rest now, they can take a walk, they can worry about other things instead of worrying about what is actually their obligation.

Mr. Speaker, we now have two committees, two select committees, one on aging and one on narcotics. Together they chew up nearly $2 million of staff funds. Those dollars come from taxpayers who work hard for their money, who do not like to surrender it to the Government under any circumstances and are particularly bitter about surrendering it for committees which simply make reports, speeches, press releases and no legislation.

We are contemplating the addition of a third select committee. I do not have any objection to the subject matter. I think it is of some interest; however, I would say that this is not the only subject matter whose jurisdiction is scattered among a number of committees. I suppose energy and health are pretty good examples of rather important subjects, the jurisdiction of which is scattered among the standing committees of the House.

A House that creates committees for no good purpose and especially not for the purpose of legislating is a House that is squandering the people's money.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. QUILLEN. Mr. Speaker, I yield 1 additional minute to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is serious business that the House has embarked on. None of us wants to say that we are not against narcotics. None of us wants to say we are not for the elderly or for family values or for children; but this is improper use of the taxpayers' money.

I am told that the original staff request will be somewhere in the half-million-dollar range. That is a minor sin by congressional standards. Normally we spill that much long before breakfast. Nevertheless, it is unnecessary use of the taxpayers' funds and I would seriously request my colleagues to think seriously before they cast this vote and remember, it is more than a symbolic vote in favor of the family. It is a vote to waste the taxpayers' money.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Speaker, I would like to express my appreciation to the gentleman from Ohio for yielding me this time.

I rise in support of this resolution to create a select committee with respect to children, youth, and families. It demonstrates to me and I think to the American people that we are getting our priorities straight. Indeed, as many have urged us, we are getting back to basics, because we are devoting our attention, by the creation of this select committee, truly to the Nation's future.

As we wrestle with the problems, which are titanic, of social security, of budget deficits, of defense priorities, of the structure of our governmental processes, why are we doing it? We are doing it for our children, who are the future; and yet in this shuffle sometimes and somehow they seem to be overlooked and lost. Because the problems that deal with and affect families and children and youth are so diverse and so scattered throughout jurisdictions of various committees of the Congress, it is difficult to focus attention on these concerns as a whole and that is what this select committee will do.

□ 1630

I think it is also important that we recognize the hundreds of organizations and agencies around the country that are looking to the work of this select committee to bring into focus their efforts and their works.

The thousands, yes, millions of volunteers across this country who are working in programs dealing with children, families, and youth will be able to bring their collective concerns to the forefront.

It will also give us an opportunity to deal with the prevention of problems, not merely seeking cures after the problems have occurred. If we do not begin to focus on prevention, we are going to have to deal with cures.

The SPEAKER pro tempore. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 additional minute to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman.

Mr. Speaker, the reason prevention is important is for the same reason that the development of the Salk vaccine and the Sabin vaccine were important. If not, we would still be dealing with iron lungs, not with being able to prevent polio.

So, Mr. Speaker, I urge my colleagues to support this. It is important legislation. It is not merely symbolic.

The select committees that we have seen in the past do their work well have made a difference. Not every committee needs to provide legislation. Oversight itself is an important role for this Congress in providing a focal point for consideration of problems that deal with the elderly, deal with narcotics, and now the problems that affect children, youth, and our families will be brought into focus.

I commend the Committee on Rules for bringing this resolution forward, and I urge my colleagues to join with me in voting for it.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I rise in support of the resolution, and I ask unanimous consent to revise and extend my remarks.

We have before us today a resolution establishing a new Select Committee on Children, Youth, and Families. I am pleased to support the establishment of the committee, and I am certain that it will be approved by an overwhelming margin.

I want to address my remarks in support of the committee to those among us who consider themselves, as I do, conservatives. As a conservative I initially had some reservations about this new committee. I am generally wary of new Government programs. I know that all too often the outcome of studies and investigations will be a recommendation for a new Federal agency which will certainly raise the problem to a new and higher level of complication.

I was concerned that the committee, or the projects it began, would meddle in the family and increase Government control over the lives of our children. But as I gave more serious thought to the nature of the problems facing our children today, and as I speculated on the possible causes, I realized that we face a very serious and growing set of problems. In short, since we were children, life has changed, and drastically. Children's conceptions of themselves and the world are largely shaped by television, and to a lesser extent, movies. These media were unknown or in their infancy when we were growing up. The messages carried on the electronic media are quite different than those presented to us 20, 30, 40, or 50 years ago.

Beyond the world of television, children today face real threats that were unknown and unheard of only a few years ago. The stories you have heard about drug use by 10- or 12-year-old elementary school students are not just myths. The problem may not be pervasive, but it is there, and it is frightening just to contemplate it.

Often, civil libertarians have dismissed complaints about pornography by calling it a victimless crime. But today, we see that in an alarming number of cases, children are becoming victims of a booming market in "kiddie porn." Conflicting court decisions and an imagined constitutional right to any form of license should not be allowed to trample, abuse and consume our children. In too many instances, it is parents and guardians

who exploit children for pornography. In other cases, runaways and others are taken advantage of.

A compassionate society and a conscientious legislator cannot simply dismiss these problems. Like it or not, if society is to address these problems, the Government must be involved in some fashion. Certainly, at the very least, the pornography problems I mentioned involve Federal activities on the first amendment. It is the Government that regulates broadcasting and the mails, as well as the interstate shipments of films and other materials. To some extent the Government may have contributed to the problems children and families face today, and it may be in our power to resolve the problems, not by creating a new agency, but by altering current activities.

Even if no new programs result from this committee, surely we would all benefit by the public concern generated and expressed through the committee. The information we gather may be helpful to private groups, churches and individual parents in addressing the real threats that do exist to their children and their families.

In short, the problems our children and families face are real and we as legislators have a responsibility to address them. This new committee will give a structured framework to examine the problems of children in various areas of government and society. I know that some of the solutions proposed will not relieve these problems, but I believe that overall the committee's work can help our children lead safer, better lives.

Mr. QUILLEN. Mr. Speaker, I have one last speaker. I yield 2 minutes to the gentleman from Indiana (Mr. COATS).

Mr. COATS. Mr. Speaker, I rise in support of this resolution.

A great deal has been said today as to why it would be proper and necessary for us to authorize a Select Committee on Children, Youth, and Families. A great deal has been said about the role of children, the strains and stresses that currently face our children in this modern society.

We also need to consider that an important part of this committee, an important function of this committee, will be to stress the role of the family, to determine what their proper role should be and to analyze and study the strains and stresses on the family.

Today's society is a difficult one for families. Yet few would doubt that the family is the basic building block of society, the basic structure under which this society operates.

I think it is entirely proper that this body intelligently and wisely look at the entire situation. Some have suggested legitimate concerns regarding the funding of this committee and the use of this committee and how it will be structured.

However, the way that the current jurisdiction is spread among various committees, I am afraid, does not adequately address the many concerns that ought to be focused in one particular body.

So I would rise in support of this resolution and hope that my colleagues recognize the value that can come from this committee if it is addressed in a proper way and used in a proper way, and the contributions we can make to a further understanding of the role of the family, the role of children and youth in this particular society.

Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. HALL of Ohio. Mr. speaker, I yield 2 minutes to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. Mr. Speaker, I strongly support the establishment of a House Select Committee on Children, Youth, and Families for two Congresses.

Two hearings scheduled yesterday in House committees reflected the need for a select committee that will give us a forum for consideration of family needs. First, the House Ways and Means Committee will begin a series of hearings on the recommendations made by the National Commission on Social Security Reform. This bipartisan panel was needed to make recommendations that will help to shore up the social security system—a system that was formed in 1935, and based upon family and work patterns that are no longer viable. In the same vein, many of our Federal programs no longer reflect the diversity of American families or the work patterns that affect children's formative years. The Select Committee on Children, Youth, and Families could play an important role in congressional efforts to restructure some of these projects.

Second, the House Appropriations Committee is conducting oversight hearings on the fiscal 1984 budget proposal, delivered by the administration to Congress yesterday. Just as there is no line item in the budget for waste, fraud, and abuse, there is no line item for children, youth, and families. During our lengthy considerations on the budget, it would be excellent if we could have the wisdom and guidance of a select committee to advise us on how various budget proposals will affect our youth and families now, and in the long run.

Mr. Speaker, I served for about 12 years on the Family and Child Services Board in the District of Columbia. This organization encompassed over 40 groups dedicated to serving children. Through it, I learned the value of sharing information and forming coalitions of private and public groups. I urge you to favorably consider House Resolution 16 so that the U.S. Congress can accomplish the same goal within a limited timeframe.

□ 1640

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, I thank my colleague from Ohio for yielding to me. I simply want to say, as one of the cosponsors of this legislation, that I think it is important that we focus in this area. I hope the House does the same thing we did not too many months ago, and authorize this, and that we go ahead.

Let me add my commendation to my colleague from California, GEORGE MILLER, who has really provided exceptionally fine leadership on this issue.

I am pleased to support this resolution.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, obviously this select committee is going to be approved this afternoon. I think there are many important issues and some important coordination that can result from this select committee, but I would like to raise a couple of concerns right here at the outset.

As a general rule, I think we should stay away from select committees, so we are violating that general rule by setting up this select committee. Second, select committees have a way of developing an extended life of their own, and they never seem to go away even though they are supposed to be very limited in age.

I would like to urge this select committee, as I did in the Rules Committee, to set an agenda, to see what it is that they are going to try to do, in coordination with the various committees, then to do their job and—hopefully—go out of existence. If there is a need at the end of 2 years or at the end of 4 years, at a maximum, for a permanent committee, then do so, but I would hope that this select committee would get quickly about its job and that it will do that job and go out of business, as select committees should.

Also, I would like to suggest to those Members who do get appointed to this committee to please make sure that the job is done in a bipartisan way; that it does not become a traveling show around the country; that it does direct its attention to those Government agencies and departments that really can do more, and that they not get into it just to deliver speeches and have a good time. It is too important, it is too serious. It should be bipartisan, and it should be nonpolitical and nondemagogic.

I hope that the members of the select committee will heed this request.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I would be delighted to yield.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for yielding. The urgency of the needs for coordination are so great that I can assure the gentleman that the committee that will be put into place to address those needs will act with great alacrity, and I am certain will do it in the most effective, partisan way, and will indeed complete its job as soon as it is humanly possible.

If indeed there is a need for a permanent committee, it will mean that the work of this committee has been so expeditiously accomplished and so well done that the need for a permanent committee will be indicated.

Mr. LOTT. I am sure that if the gentlewoman heads the select committee, that will be the case.

● Mr. WAXMAN. Mr. Speaker, I would like to express my strong support for House Resolution 16, which would establish a Select Committee on Children, Youth, and Families.

The select committee would have three principal functions: First, to study and review the problems facing children, youth, and families; second, to study public and private programs affecting children; and third, to develop policies to coordinate public and private efforts to address the problems of children and youth.

Such a committee is long overdue. Children and youth are nearly 30 percent of the population. They and their families are facing serious problems—lack of access to needed health care, inadequate nutrition, and unequal educational opportunities, to mention but a few. Yet there is no institution in the House to study these problems and develop solutions. Individual legislative committees, such as the Health Subcommittee that I chair, make every effort to anticipate the impact of policy changes on children and youth, but we have neither the resources nor the mandate to concern ourselves exclusively with their problems.

One of the other select committees in the House—the Select Committee on Aging—offers an instructive precedent. As a member of the select committee, I am well aware of the contributions it has made since its creation in 1975 to the ability of the Congress to respond to the needs of the elderly. I believe that a Select Committee on Children, Youth, and Families would make a similar contribution.

Under the vigorous leadership of Chairman PEPPER, the Select Committee on Aging has played an important role in the House. It has worked closely with legislative committees to assure that they recognize the impact of their work on the elderly. It oversees the implementation of legislation affecting the elderly by the executive branch. It develops policy recommendations for improvements in public and private programs addressed to the elderly. And it serves as a resource to Members of Congress and the public on the problems facing the elderly.

These functions are as important to children and youth and their families as they are to the elderly. Legislative committees, as well as the executive agencies, should be sensitized to the implications of their actions for children. Members of Congress, as well as the general public, would be well served by the information and policy recommendations that a select committee could develop on problems facing children.

I do not know any Member who regrets the establishment of the Select Committee on Aging. I believe that, once a Select Committee on Children, Youth, and Families is established, even those Members who do not now recognize its importance will come to understand that it is filling a critical institutional vacuum.

I would note in closing that support on the Rules Committee for House Resolution 16 was unanimous. I would urge my colleagues to affirm the judgment of the committee and vote in support of this resolution.●

● Mr. SOLARZ. Mr. Speaker, the House is performing a notable public service by voting to create the Select Committee on Children, Youth, and Families.

As a cosponsor of Congressman MILLER's resolution, which is being voted on today, I would like to commend him for his foresight: Now, more than ever before, we need a single panel to oversee the impact of Federal legislation, regulations, and the programs promulgated by the National Government which affect the lives of our families and their children.

Families are the very building blocks of society. The family setting provides the love, nurturing, moral and emotional support that makes it possible for us to live in our fast changing society. But equally important, families are economic units which must provide for the basic material needs of their members—food, clothing, shelter, health care and education—without which we cannot prosper and grow.

If Congress, as a policymaking body, lacks sufficient awareness and insight regarding the position and plight of America's families, we cannot legislate properly.

Sixty-seven million Americans are children; their direct well being depends upon the condition in which their families find themselves. Over the past 2 years, we have reduced critical Federal funding for social programs by 20 percent. We have made it harder for families to qualify for food stamps, aid to families with dependent children (ADC), extended unemployment benefits, or even guaranteed student loans (GSL), or Pell grants for higher education.

At a time when 12 million Americans are unemployed—and an additional 6 million are underemployed—and at a time when the nightly news programs and daily newspapers carry stories on families camping along streams and highways, wondering when the breadwinners will finally find work, it is obvious that a panel such as the select committee we are creating today must be established.

This committee can set a new direction for Federal policy that will be responsive to the needs of our families during the eighties.

It is important that we, as a nation, not waste nor squander our precious resources—our children, their energies, their potential. The work of this select committee could help insure that our other legislative committees—those responsible for food stamps, education programs and the like—will be better able to fulfill their responsibilities in shaping programs for children.

Finally, the creation of this Select Committee on Children, Youth, and Families will remind us of the supreme importance of the family, and of the fact that we are all a part of the family of man. As the poet put it so well: "the child is father to the man."●

● Mr. LEHMAN of Florida. Mr. Speaker, I strongly support the establishment of the Select Committee on Children, Youth, and Families, and I commend the hard work of our colleague, the gentleman from California, who originated this idea and gathered the support of a majority of the Members of the House.

Jurisdiction over programs affecting our children is spread thoughout the committees of the House of Representatives. The select committee can serve as a focal point for the debate on our national policy toward children.

During the past 2 years, domestic programs have had to bear the brunt of budget cuts, and too many of these cuts have hurt children. AFDC, school nutrition programs, child-care services, and the maternal and child health program are among the many child-related programs that have been reduced.

It is my hope that the select committee will examine and evaluate these policy decisions in terms of their overall effect on children. While it will not be a committee with legislative responsibilities, the select committee will be able to recommend new policies designed to address the problems of children and families.

Mr. Speaker, I am proud to be a cosponsor of House Resolution 16 and I urge my colleagues to give their wholehearted approval to the Select Committee on Children, Youth, and Families.●

● Mr. LOWERY of California. Mr. Speaker, as a cosponsor of House Resolution 421 in the 97th Congress and a cosponsor of House Resolution 16 in this Congress, I rise to urge the support of all of my colleagues for this legislation, which would establish a Select Committee on Children, Youth, and Families. This bipartisan resolution has been endorsed by almost 150 national and State organizations, including the California Association of Children's Hospitals, the California Children's Lobby, and the California Governor's Advisory Committee on Child Development Programs.

I hope that the work of this select committee will help all of us in the House of Representatives focus in a more direct manner on the special problems of children, as the Select Committee on Aging has helped us focus on the special problems of our senior citizens.

Fully one-quarter of the population of my congressional district is under 18 years of age—and the majority of these children are fortunate enough to have the protection and advocacy of their families. Certainly the Government should not interfere in these families. We should, however, be aware of what effect any given piece of legislation will have on both the child and the family unit as a whole. The creation of a select committee will assist us all in gaining this necessary insight.

Even children in their own families sometimes face problems which certainly warrant the comprehensive study and review of the select committee—problems such as drug and alcohol abuse, serious health problems, needs for special education, or adjusting to the divorce of their parents. One subject in which I have a strong interest is violence in our schools—not only robbery and assault during school hours, but also vandalism of schools and school property after hours. I will shortly be introducing a resolution to bring this serious problem to the attention of the general public.

There are, tragically, children who are very vulnerable, with very special needs—those children who are abused by their parents or others, those who are runaway or "throwaway" children, and those in foster care or institutions who have no family or permanent home. I hope that the select committee will give particular attention to these children, and the best way to meet their needs, be the means public or private or a combination of both.

Again, I urge the support of all of my colleagues for this important legislation.●

● Mr. MARRIOTT. Mr. Speaker, I rise in support of House Resolution 16, a measure which addresses a matter of prime importance to the American people, namely our children. Children represent one-third of our country's population, but this special constituency lacks adequate attention in our legislative process. This can be attributed to the fragmented congressional committee system and complex budget process which work to prevent the needs of children and families from being adequately heard in Congress. Additionally, there are only a few organizations which advocate the needs of the American family and children.

Along with a bipartisan group of Members of Congress, I have cosponsored a resolution (H. Res. 16) to create a Select Committee on Children, Youth, and Families. The object of this committee would be to concentrate on the needs, status, and the quality of life of children and family in our country.

While many of us serving in the Congress have families and often consider ourselves to be familiar with the problems of children from firsthand experience, we just are not aware of all of the problems of children from many various segments of our society—yet we are being asked to legislate governmental policies directly affecting children and families.

When drafting tax legislation—legislation that affects each and every American citizen and corporation—the members and staff assistants on the Ways and Means Committee look to the Joint Committee on Taxation for their expert advice. It is this oversight committee, a nonlegislative committee, which provides the foundation for the committee bills.

The Ways and Means Committee also handles certain issues affecting our children, youth, and families. Yet the committee must rely on its own committee hearings and testimony to receive the information upon which to base its legislation. While other committees have jurisdiction over complementary programs, there is often a lack of coordination, a loss of interest, and a delay in the hearing process. An example of this is seen in the AFDC—aid to families with dependent children—and medicaid programs.

However, Mr. Speaker, and this is my point: While the full Ways and Means Committee must consider tax legislation, unemployment problems, social security reform issues, medicare measures, trade barriers and tariffs, as well as various business trust funds such as the airport and airways development trust fund or the highway trust fund, and many other miscellaneous revenue matters, quite frankly, their time is limited. I would hate to see the hard work of every member of this committee go down the drain simply because this issue was edged out of importance in balance with the other restraints on that committee.

And this is not only true with the House Ways and Means Committee. Presently, children and family matters are divided among various committees and subcommittees such as education, nutrition, health care, juvenile justice, and employment. But by establishing one oversight committee, the concerns of children and family will be given a fresh and comprehensive review.

While many of the governmental policies established by the Congress directly affect children and families, often their concerns are not given a fair hearing. For this reason, the establishment of this select committee is long overdue.

Among the organizations endorsing the resolution are the American Academy of Child Psychiatry, American Academy of Pediatrics, Children's Defense Fund, Child Welfare League, Council of Jewish Federations, Family Service Association, March of Dimes, National Black Child Development Institute, National Committee for the Prevention of Child Abuse, National Council of Negro Women, National Easter Seal Society, National PTA, U.S. Catholic Conference, and the Lutheran Council. I am sure there are many others that I have not listed.

Mr. Speaker, many of us here today feel that this is important legislation, legislation which should be addressed before this Congress adjourns. This oversight committee will provide Congress a tool to assure accountability and reduce overlap among current programs and policies affecting children and their families. The committee will have no legislative jurisdiction, but will provide continuing review of the status, needs, and success of this special constituency. The Select Committee on Children, Youth, and Families will offer an essential forum during this Congress and the next for consideration of public and private sector policies affecting generations to come. I urge that my colleagues join me in voting for this legislation.

It is important to discuss funding for this committee. But I wish to talk about funding in two steps: First, why budgetary restraints now dictate a need for this select committee; and second, why this committee would not unduly strain the operating budget.

First, as I am sure all of you here know, I have long been a proponent of restrained Federal spending. Deficit spending has only hurt our Nation and brought us the economic ills from which we are suffering today. But, during the cutback process at all levels of Government, Federal, State, and local, it is essential that the welfare of our young be protected and supported. We have legislative committees fighting reduced spending the many areas—agriculture, labor, the courts, defense,

education, health, community services, public jobs, water projects, transportation, energy, national parks, and veterans.

Mr. Speaker, if we have one whole legislative committee looking after the special needs of our veterans, and one whole legislative committee looking after the special needs of the residents of the District of Columbia, does it not seem logical that we should have an oversight committee specializing on the needs of our children—the future of America?

Let us look at the costs of long-term human damage versus the small costs of preventive services. It is important for one committee to look at these differences and look for the methods that are most cost-effective.

Changes in national trends and policies can affect families directly. While I have never advocated nor do I now support further Federal intervention in areas that affect the responsibility of the family, it would be helpful in drafting legislation to understand the growing trends to see what is occurring in our Nation today in relation to children and families. Perhaps we will find that too much Government interference has caused family disruptions.

Statistics show us that today many of our families are headed by a single parent. Many married couples are both working in an effort to meet their monthly bills. More and more youth are becoming "latch-key" children and are often left unsupervised or on the streets.

Many of our children are missing—either through crime or another increasing phenomenon, parental kidnaping. Legislation has already been passed by the Congress, and signed into law—the Missing Children's Act—which asks for very little Federal money but which would allow States the use of FBI computers to locate missing children. This situation must be looked at in greater depth.

Gang crime is increasing. Children are not only the primary victims, but often the criminals as well. Child pornography is increasing. Child abuse is increasing. In fact, the Reagan administration has recently substantiated the fact that child abuse has increased 17 percent. We are suddenly aware of the problems of the American children of our servicemen.

In 1980, some alarming statistics regarding our Nation's children showed that half a million children were in foster care homes. Of these, almost half had been there for 2 years, roughly 100,000 had spent more than 6 years in foster homes and 25 percent were waiting to be adopted with no homes to be found. With the implementation of the Adoption Assistance and Child Welfare Act, these statistics are improving. But they are far from satisfactory.

So let us go back to talking dollars. The second point I wish to make today is that this committee would not unduly strain the operating budget.

The Select Committee on Children, Youth, and Families, which we propose, will be limited to two Congresses. It will not be open-ended legislation, not open funded.

It is anticipated that we can organize a lean staff and run a committee, a competent committee, for less than we appropriated for the Select Committee on Narcotics, which is the select committee with the lowest budget here in the House of Representatives.

The dollars we may be able to save in the long term are well worth an investment by this Congress in a committee whose sole responsibility is the assessment of the needs and interests of the children and families of this country.

I am not an advocate of the school of thought that one should throw more Federal dollars at a problem just to solve it. History shows that this simply does not work. I am in full agreement with the need to reform our bureaucracy and streamline Federal spending.

I believe that we will save more Federal dollars, ease more Federal regulations and assist a greater number of American families and children by concentrating on their special needs and exposing these needs to the public and private segments of our society. Further, we will cease unnecessary rules and regulations and terminate senseless duplication.

Therefore, I urge that the Members here today give serious consideration to the need for this legislation.

For the past 7 years, I have either sponsored or cosponsored legislation designating the week of Thanksgiving as National Family Week. Setting aside 1 week for national observance affords everyone the opportunity to reflect upon their relationship with their families. I feel that my colleagues and I have the additional responsibility of continuing to reflect upon the problems and needs of children, youth, and families in our country, the remaining 51 weeks of the year.

It is incumbent upon the legislators of this age to draw new legislation to continue the rights and privileges envisioned in an earlier, simpler age when our Constitution was drafted. It is my hope that the new oversight Committee on Children, Youth, and Families will meet the challenge of protecting our families in an age when the foundation of our society, the family, can be easily destroyed.

I will certainly cast my vote in favor of final passage of this measure and I look forward to working with this Select Committee on Children, Youth, and Families during the 98th Congress in the House of Representatives.

I urge you to join with me in casting a "yea" vote. Thank you.●

● Mr. DOWNEY. Mr. Speaker, I want to express my support for authorization to establish a Select Committee on Children, Youth and Families, authored by my distinguished colleague, GEORGE MILLER.

This committee was created in the 97th Congress, but, unfortunately, was unable to meet before the end of that Congress.

This committee must be established so that we can study the problems of children and families. It is my hope that this committee would bring these problems to the fore, so that the attention of this Congress and the present administration might be drawn to them, and to possible solutions for them.

Along with other draconian cuts in programs that benefit children and their families, this administration has proposed in its current budget a cut of 15 percent in funds for child nutrition. In addition, the proposal to incorporate child nutrition programs in block grants to our economically troubled States, who probably will not be able to fund such programs, is the kiss of death. This is not the direction in which we should be moving.

We need the Select Committee on Children, Youth and Families. The children of this country, who someday will be sitting where we are today, deserve this. This are our only hope, and our true defense.●

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time.

Mr. HALL of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 69, not voting 50, as follows:

[Roll No. 6]

YEAS—312

Addabbo	AuCoin	Bevill
Akaka	Barnes	Biaggi
Albosta	Bateman	Bilirakis
Alexander	Bates	Bliley
Anderson	Bedell	Boehlert
Andrews (NC)	Beilenson	Boggs
Annunzio	Bennett	Boland
Anthony	Bereuter	Boner
Applegate	Berman	Bonior
Aspin	Bethune	Borski

Boucher	Hoyer	Pepper
Bouquard	Hubbard	Perkins
Boxer	Huckaby	Petri
Breaux	Hughes	Porter
Britt	Hunter	Price
Brooks	Hutto	Pritchard
Brown (CA)	Hyde	Quillen
Bryant	Ireland	Rahall
Burton (IN)	Jacobs	Rangel
Byron	Johnson	Ratchford
Campbell	Kaptur	Ray
Carper	Kasich	Regula
Carr	Kazen	Reid
Chandler	Kemp	Richardson
Chappie	Kennelly	Ridge
Clarke	Kildee	Rinaldo
Clay	Kogovsek	Rodino
Clinger	Kolter	Roe
Coats	Kostmayer	Rogers
Coelho	LaFalce	Rose
Coleman (MO)	Lagomarsino	Roth
Coleman (TX)	Lantos	Roukema
Collins	Latta	Rowland
Conte	Leach	Roybal
Cooper	Lehman (CA)	Russo
Courter	Lehman (FL)	Sabo
Coyne	Leland	Savage
Daub	Lent	Sawyer
Davis	Levin	Scheuer
de la Garza	Levine	Schneider
Dellums	Levitas	Schroeder
Derrick	Lewis (CA)	Schumer
DeWine	Lewis (FL)	Seiberling
Dickinson	Long (MD)	Sensenbrenner
Dingell	Lott	Shannon
Dixon	Lowery (CA)	Sharp
Donnelly	Lowry (WA)	Shaw
Dorgan	Lujan	Shelby
Dowdy	Luken	Sikorski
Downey	MacKay	Simon
Duncan	Madigan	Sisisky
Durbin	Markey	Skelton
Dwyer	Martin (NC)	Slattery
Dymally	Martinez	Smith (FL)
Early	Matsui	Smith (IA)
Eckart	Mavroules	Smith (NE)
Edgar	Mazzoli	Smith (NJ)
Edwards (AL)	McCain	Snowe
Emerson	McCandless	Snyder
Erdreich	McCloskey	Solarz
Evans (IL)	McCollum	Spence
Fascell	McCurdy	Spratt
Fazio	McDade	St Germain
Feighan	McEwen	Staggers
Ferraro	McGrath	Stark
Fiedler	McHugh	Stratton
Fish	McKernan	Studds
Flippo	Mica	Swift
Foglietta	Mikulski	Synar
Ford (MI)	Miller (CA)	Tallon
Ford (TN)	Mineta	Tauzin
Forsythe	Minish	Taylor
Fowler	Mitchell	Thomas (GA)
Frank	Moakley	Torres
Franklin	Mollohan	Torricelli
Frost	Montgomery	Udall
Fuqua	Moody	Valentine
Garcia	Morrison (CT)	Vandergriff
Gaydos	Morrison (WA)	Vento
Gejdenson	Mrazek	Volkmer
Gephardt	Murphy	Vucanovich
Gilman	Murtha	Walgren
Gingrich	Natcher	Watkins
Glickman	Neal	Waxman
Gonzalez	Nelson	Weaver
Gore	Nichols	Weiss
Gradison	Nielson	Wheat
Gray	Nowak	Whitehurst
Guarini	O'Brien	Whitten
Hall (IN)	Oakar	Williams (MT)
Hall (OH)	Oberstar	Williams (OH)
Hamilton	Obey	Wilson
Hammerschmidt	Olin	Wirth
Harkin	Ortiz	Wise
Harrison	Ottinger	Wolf
Hatcher	Owens	Wortley
Hawkins	Oxley	Wright
Hefner	Packard	Wyden
Heftel	Panetta	Wylie
Hertel	Parris	Yates
Hiler	Patman	Yatron
Hillis	Patterson	Young (AK)
Horton	Pease	Young (MO)
Howard	Penny	Zablocki

NAYS—69

Archer	Gregg	Moorhead
Badham	Gunderson	Pashayan
Barnard	Hall, Ralph	Paul
Bartlett	Hall, Sam	Pickle
Brown (CO)	Hance	Ritter
Broyhill	Hansen (ID)	Roberts
Cheney	Hansen (UT)	Robinson
Conable	Hartnett	Roemer
Corcoran	Holt	Rostenkowski
Coughlin	Hopkins	Shumway
Craig	Jenkins	Shuster
Crane, Philip	Jones (OK)	Siljander
Daniel	Kindness	Skeen
Dannemeyer	Kramer	Smith, Denny
Dreier	Leath	Smith, Robert
Dyson	Livingston	Solomon
Edwards (OK)	Loeffler	Stump
English	Lungren	Sundquist
Erlenborn	Mack	Tauke
Fields	Marlenee	Thomas (CA)
Frenzel	McDonald	Walker
Gekas	Miller (OH)	Weber
Green	Moore	Whittaker

NOT VOTING—50

Andrews (TX)	Gibbons	Myers
Bonker	Goodling	Pursell
Bosco	Hightower	Rudd
Broomfield	Jeffords	Schulze
Burton (CA)	Jones (NC)	Stangeland
Carney	Jones (TN)	Stenholm
Chappell	Kastenmeier	Stokes
Conyers	Lipinski	Towns
Crane, Daniel	Long (LA)	Traxler
Crockett	Lundine	Vander Jagt
D'Amours	Marriott	Washington
Daschle	Martin (IL)	Whitley
Dicks	Martin (NY)	Winn
Edwards (CA)	McKinney	Wolpe
Evans (IA)	McNulty	Young (FL)
Florio	Michel	Zschau
Foley	Molinari	

□ 1700

Mr. PASHAYAN and Mr. EDWARDS of Oklahoma changed their votes from "yea" to "nay."

Mr. COYNE changed his vote from "nay" to "yea."

So the resolution was agreed to.

A motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER. Pursuant to the provisions of section 3 of House Resolution 16, 98th Congress, the Chair appoints as members of the Select Committee on Children, Youth, and Families the following Members of the House:

Mr. MILLER of California, chairman;
Mr. LEHMAN of Florida;
Mrs. SCHROEDER of Colorado;
Mrs. BOGGS of Louisiana;
Mr. MCHUGH of New York;
Mr. PATTERSON of California;
Ms. MIKULSKI of Maryland;
Mr. WEISS of New York;
Mr. ANTHONY of Arkansas;
Mrs. BOXER of California;
Mr. LEVIN of Michigan;
Mr. MORRISON of Connecticut;
Mr. RICHARDSON of New Mexico;
Mr. ROWLAND of Georgia;
Mr. SIKORSKI of Minnesota;
Mr. WHEAT of Missouri;
Mr. MARRIOTT of Utah;
Mr. FISH of New York;
Mr. COATS of Indiana;
Mr. BLILEY of Virginia;
Mr. WOLF of Virginia;
Mr. BURTON of Indiana;
Mrs. JOHNSON of Connecticut;
Mr. MCKERNAN of Maine; and
Mrs. VUCANOVICH of Nevada.

GENERAL LEAVE

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 16, the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT AS MEMBERS OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. Pursuant to clause 6(f), rule X and clause 1, rule XLVIII, the Chair appoints as members of the Permanent Select Committee on Intelligence the following Members of the House:

Mr. BOLAND of Massachusetts, chairman;
Mr. ZABLOCKI of Wisconsin;
Mr. MAZZOLI of Kentucky;
Mr. MINETA of California;
Mr. FOWLER of Georgia;
Mr. HAMILTON of Indiana;
Mr. GORE of Tennessee;
Mr. STOKES of Ohio;
Mr. MCCURDY of Oklahoma;
Mr. ROBINSON of Virginia;
Mr. WHITEHURST of Virginia;
Mr. YOUNG of Florida;
Mr. STUMP of Arizona; and
Mr. GOODLING of Pennsylvania.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following communication from the Committee on Merchant Marine and Fisheries:

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C., January 25, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy for the year 1983.

The Honorable Gerry E. Studds of Massachusetts.

The Honorable William J. Hughes of New Jersey.

The Honorable Don Young of Alaska.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex offico member of the Board.

Sincerely,

WALTER B. JONES,
Chairman.

FURTHER COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C., February 1, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Public Law 453 of the 96th Congress, as amended, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Merchant Marine Academy for the year 1983.

The Honorable Mario Biaggi of New York.

The Honorable Brian J. Donnelly of Massachusetts.

The Honorable Gene Snyder of Kentucky.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am,

Sincerely,

WALTER B. JONES,
Chairman.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of section 194(a), title 14 of the United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House:

Mr. GEJDENSON of Connecticut and Mr. MCKINNEY of Connecticut.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of section 2, Public Law 96-453, as amended, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House:

Ms. FERRARO of New York and Mr. CARNEY of New York.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of title 10 United States Code 4355(a), the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House:

Mr. DIXON of California, Mr. HEFNER of North Carolina, Mr. ROTH of Wisconsin, and Mr. FISH of New York.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of title 10 United States Code 6968(a), the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House:

Mr. LONG of Maryland, Mr. MURTHA of Pennsylvania, Mrs. HOLT of Maryland, and Mr. SPENCE of South Carolina.

MESSAGE FROM THE SENATE

The SPEAKER. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

S. CON. RES. 8

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, February 3, 1983, or Friday, February 4, 1983, pursuant to a motion of the majority leader or his designee, pursuant to this resolution, it stand adjourned until 12 noon on Monday, February 14, 1983.

The SPEAKER. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

□ 1710

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee:

(For message, see proceedings of the Senate of today, Wednesday, February 2, 1983.)

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL COVERING FISCAL YEAR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, February 2, 1983.)

REPORT OF ACTIVITIES OF U.S. GOVERNMENT IN THE UNITED NATIONS AND AFFILIATED AGENCIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, Wednesday, February 2, 1983.)

ANNUAL REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. WEISS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, Wednesday, February 2, 1983.)

□ 1720

TRIBUTE TO SECRETARY OF HEALTH AND HUMAN SERVICES RICHARD S. SCHWEIKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COUGHLIN) is recognized for 60 minutes.

GENERAL LEAVE

Mr. COUGHLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COUGHLIN. Mr. Speaker, just a week ago it was my privilege to pay tribute to outgoing Secretary of Transportation Drew Lewis. Today I am deeply honored to pay tribute to another departing Cabinet officer who is also a Pennsylvanian from Montgomery County and a longtime personal friend—Health and Human Services Secretary Richard Schweiker. After 22 year of Federal service, Dick Schweiker will be leaving Government service within the next few days to become president of the American Council of Life Insurance.

Appointed by President Ronald Reagan 2 years ago, Dick Schweiker brought to his post at HHS a unique set of qualifications: Intelligence, business sense, political savvy, and legisla-

tive experience with complex health care and social service issues. Dick was valedictorian of his class at Norristown, Pa., high school and Phi Beta Kappa at Penn State. He served for 10 years as president of American Olean Tile Co. of Lansdale, Pa., the Nation's leading manufacturer of ceramic tile. A founder of the Montgomery County Young Republican Club, Dick launched a winning political career in 1960 when at age 34 he was elected U.S. Congressman from the 13th District of Pennsylvania. He served four terms in the House and followed these with two terms in the U.S. Senate. While in the Senate, Dick served on both the authorizing and appropriations committees for HHS programs.

This considerable experience has enabled Dick Schweiker to be one of the most effective and capable HHS Secretaries of any administration. The job is generally acknowledged to be one of the toughest in the world. As head of the mammoth Department of Health and Human Services, Dick administered the third largest budget in the world, ranking only behind the total U.S. Federal budget and that of the Soviet Union.

Undeterred by the view of many that HHS was uncontrolled and to a large extent uncontrollable, Dick has used his impressive credentials to accomplish what many had considered "undo-able." During the sixties and seventies the HHS budget ballooned as many social programs were enacted or expanded—medicare, medicaid, social security, and mental health programs to mention only a few. HHS spending and staff increased rapidly. Yet, in just 2 years at HHS, Secretary Schweiker has reduced the staff by 10,500 and cut the annual growth rate of the Department's budget from 16 to 10.5 percent. While social service spending has increased under Dick Schweiker in order to meet human needs, the rate of increase has been brought under greater control.

The Schweiker years at Health and Human Services have been marked by a combination of tighter fiscal management tempered by a sensitivity to compelling social needs of the poor, the sick, the aged, and the young. In the management areas, Dick Schweiker has improved the Department's debt collection record, reduced paperwork burdens, eliminated unnecessary payments, attacked fraud, and reformed programs to make them more responsive to the needs of the States.

Most notably, under Secretary Schweiker, 25 previously categorical HHS grant programs were consolidated into seven block grants in record time following enactment of the Omnibus Reconciliation Act of 1981. In the process, substantial savings were realized and over 300 pages of Federal regulations were reduced to just 6. More recently Dick Schweiker has moved ahead with an important cost-saving change in the medicare program—prospective hospital reimbursement.

At the same time that costs have been more tightly controlled, Dick Schweiker has worked hard to make sure that necessary budget restraint and regulatory relief did not overshadow his Department's responsibility to meet basic health and social service needs as well as respond to crises. Special initiatives have been undertaken by the Secretary to encourage the development of orphan drugs, to undertake a major study of the health effects of agent orange exposure on Vietnam veterans, and to protect the rights of handicapped infants.

Efforts to examine the problem of teenage alcohol abuse, to reduce high blood pressure by increased sodium labeling on processed foods, to assist in the settlement of Cuban and Haitian refugees, and the 1981 White House Conference on Aging have also been among Dick Schweiker's special interests and concerns.

Last year Dick played a leading role in the Government's quick response to the Tylenol contamination tragedies. Within months a new requirement for tamper-resistant drug packaging had been implemented.

As a department head, Dick Schweiker has had the opportunity to do what many of us would like to be able to do, that is, carry out some of his own personal legislative proposals. In the Senate, Dick succeeded in having his bill passed to create the National Commission on Diabetes and the National Diabetes Advisory Board. In addition, Dick pushed hard in Congress for increased preventive health care, greater funding for cancer and heart disease research, sickle cell anemia programs, and efforts to combat lead paint poisoning. It is not surprising that the National Institutes of Health have received such strong support from the Secretary during the past 2 years and that the NIH budget has increased under his leadership.

Dick Schweiker's contributions to the Department of Health and Human Services and to the entire Federal Government will be felt for many years to come. I congratulate Dick on his long and outstanding record of service to the Nation. I wish Dick success in his new role and the very best for both he and Claire in the future.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

We as Pennsylvanians are certainly proud of the record that Dick Schweiker has compiled in his service to his Nation, as a Congressman, as a Senator, as a Vice-Presidential candidate, and as Secretary of the Department of Health and Human Services. In many of these assignments, Dick Schweiker was confronted with difficult choices and very difficult situations. He came through those situations as an independent thinker and as an independent decisionmaker, not willing to be intimidated and perfectly willing to do the unpopular thing when he thought it was necessary.

His service as Secretary of Health and Human Services exemplified those qualities. He was more than a good soldier within this administration. He was a commander assigned the tough job of maintaining the integrity of our Nation's health and human services efforts at the same time we face crucial budget decisions which cut the rate of growth of many of those programs.

Dick Schweiker took that case to the country and though that case was controversial, he won the battle in the Congress in large part by convincing the country that we could do more with less growth. Then he was able to put those policies into action and showed that they could work within his Department.

Secretary Schweiker's successor has a big job ahead of her to continue to lead the fight for reform while administering the agency in a way to insure that those reforms are not at the expense of the people.

The Nation is going to miss the leadership of Dick Schweiker in the weeks and months ahead.

Mr. COUGHLIN. Mr. Speaker, I thank my colleague.

Certainly Dick Schweiker is a person of monumental independence and integrity, and he will be sorely missed.

I yield to my colleague, the gentleman from Pennsylvania (Mr. CLINGER).

Mr. CLINGER. Mr. Speaker, I thank my colleague for yielding. I would like to commend him very much for bringing this special order to honor a really outstanding public servant.

I first met Dick Schweiker at the Pennsylvania Constitutional Convention in 1968. I was a delegate; Dick was finishing 8 years in the House of Representatives and was about to begin his 12-year career in the U.S. Senate.

In both Houses, Dick was a loyal member of the Pennsylvania delegation. Pennsylvania Senators have a tradition of moderation. Dick Schweiker embodied that tradition while also earning a reputation as a strong supporter of educational research and programs for the handicapped. Penn State University, which lies in my district and from which Dick Schweiker received the Distinguished Alumnus Award in 1970, is a prime example of Dick Schweiker's efforts to support education research.

As Secretary of Health and Human Services, Dick Schweiker took on perhaps the most challenging job in Government. In assuming responsibility

over most entitlement programs, Dick's job was to find a way to control the growth of these programs—which were the fastest growing part of the budget during the seventies—while also maintaining our commitment to social well-being.

I believe Dick labored long and hard in his Cabinet post. He approached his job as a concerned civil servant. And for his sincere efforts in Congress and the Cabinet, I believe our country is a better place in which to live.

Mr. COUGHLIN. Mr. Speaker, I thank my colleague. I certainly know of no more dedicated and hard-working public servant than Dick Schweiker has been in his service to the country and to Pennsylvania.

Mr. Speaker, I yield to my other colleague, the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. Mr. Speaker, I thank the gentleman for yielding and again commend him for taking this special order on behalf of a distinguished Pennsylvanian.

Unfortunately for the State of Pennsylvania and for this Congress, for this administration and for the American people, we are seeing the second very distinguished Pennsylvanian depart the executive branch in a very short period of time.

□ 1730

I think we all are the losers, but we can all recognize the contribution that these gentlemen have made.

I first met Dick Schweiker when I was running for Congress, and he surprised me. He surprised me because he seemed to have so much time to spend with someone who was running for a seat that was considered safe on the other side, and yet he tutored me and gave me the benefit of his long experience as if the race was thought to be neck and neck. I will never forget that.

As a Member of this House and a member of the Subcommittee on Health and Environment, I had the pleasure and the opportunity to work with the then-Secretary Schweiker and found him to be extremely knowledgeable, extremely hard working, and yet a man, although spending enormous hours in his job, always capable of a smile, a joke, a personal concern for other people.

Dick is an honest man, a man of integrity, the likes of which we can only take great pride in when they serve us and they serve their country.

Dick Schweiker is still a very young man, and I assume we will see his influence—we will feel his influence in Washington and throughout this country, working on behalf of issues of utmost interest to the people of this country, as well as issues of deep professional interest to Dick Schweiker.

As I think many of us recognized with Drew Lewis, Dick Schweiker may be stepping down from this particular position in the Federal Government and going into the private sector, but he will continue to act on behalf of high performance in Government, high integrity in Government, and I do not think by any means we have seen, here in Washington, whether in public office or without, the last of Dick Schweiker.

I wish him and Claire all the very best in the new directions their lives are taking.

Mr. COUGHLIN. I thank my colleague from Pennsylvania.

Mr. Speaker, one of the things that I have always said about Dick is, despite the fact that he was administering this huge Department, he was the fastest man on returning a phone call. He was better than any Cabinet Secretary I have ever known in returning phone calls, better than Deputy Secretaries and Under Secretaries. He would call you right back.

Mr. RITTER. Exactly. One of the innovations that was not mentioned—I do not believe was mentioned—that he brought to HHS was a new concern for health as opposed to sickness, wellness as opposed to sickness, and the whole field of preventive health received a tremendous boost with the secretaryship of Dick Schweiker.

His legacy remains today in the Department in terms of the Department committed to fostering preventive health care and wellness and good health on the part of the American people, not just attention to people after they have gotten ill.

Mr. COUGHLIN. I thank my colleague, the gentleman from Pennsylvania.

Mr. Speaker, I yield to another colleague, the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, I, too, appreciate the special effort that the gentleman has put forth to announce formally and to help ease the path out of Government for Richard Schweiker, but the gentleman is to be commended for something beyond the accolades which we so properly cast toward Richard Schweiker, for I endorse wholeheartedly all that my senior colleagues from Pennsylvania have said about that good public servant.

I believe that his record will live for a long time, not just in the hearts of his fellow Pennsylvanians, but also where it has touched all America.

But the added service that the gentleman does in bringing this particular special order to the attention of the House of Representatives is, I hope, a new awareness, a higher level of thrust, so to speak, on the role that a Cabinet official plays in our form of government.

Throughout history, only a sprinkling of Cabinet members have made the frontlines and the front pages of our historic annals, only because of great wars in which a Secretary of State might have played an important part, or other greater issues in which the times called for focusing in on someone or other of the hundreds of people who have served in the various Cabinet positions since our beginnings.

But I believe that every Member of this House would be doing a solid service to his constituents if he or she would simply relate back to his constituents that person from his home or home area who really did serve in a Cabinet of one of the previous administrations, because we all owe a debt of gratitude to those who left private life, as I mentioned during accolades for Drew Lewis, and who have played an important role in their country's history by coming to answer the call of a President to serve in his Cabinet.

We in Pennsylvania, in the history of Cabinet members, go as far back as Abraham Lincoln, whose Secretary of War came from our Commonwealth. But I venture to say that when we in later years look back on our service in the House of Representatives and at the history of these times, the names of Drew Lewis and now Richard Schweiker will loom high in our recollections of the history of the seventies and the eighties.

Mr. COUGHLIN. I thank my colleague. He is always very thought-provoking in his comments and very eloquent in his comments. I certainly appreciate them.

Mr. Speaker, let me just say that I will miss Dick Schweiker as a personal friend as he goes into the private sector. I know that he will be very successful. He and Claire and their wonderful family, I know, have many years of joy and happiness and success ahead of them. Let me just wish them Godspeed.

● Mr. GAYDOS. Mr. Speaker, the approach to high public service of the Pennsylvanian most recently to decide to leave it is best explained by a remark of the first Pennsylvanian to render it.

"Look before you," Benjamin Franklin said in 1735, "or you will find yourself behind."

Former Congressman, former Senator, Secretary of Health and Human Services Richard S. Schweiker almost never found himself behind, to my knowledge.

For example, one of my early experiences working with him was in establishing through the Brewston Bureau of Mines a pilot synfuels plant in Pennsylvania, and this was in the early seventies before OPEC became a household epithet.

The Schweiker touch meant looking ahead to see the problems that were out there, and then trying to find a better way.

Nationally he will be remembered for his legislative efforts to eliminate fraud and waste in medicare and in the armed services, for his compassion and his interest in health, for his leadership in the fight against diabetes.

But we in Pennsylvania—on both sides of the aisle—who were fortunate enough to work with him during his 22 years of public service also will remember him for his cooperation and his abiding interest in seeing that things came out right in Pennsylvania.

The following is a summary of his illustrious background.

RICHARD S. SCHWEIKER

SECRETARY OF HEALTH AND HUMAN SERVICES

Born: June 1, 1926 (Norristown, Pa.).

Education: 1944, Norristown High School (Valedictorian); 1950, B.A. Pennsylvania State University (Phi Beta Kappa).

Military Service: 1944-46, served as electronics technician aboard aircraft carrier.

Married: 1955, to Claire Coleman (five children).

Business Experience: 1950 to 1960, president of nation's largest ceramic tile manufacturer.

House of Representatives: 1961 to 1969 (13th District, Pa.).

Senate: 1969 to 1981.

With 20 years Congressional experience in federal health and welfare policy, Richard Schultz Schweiker was sworn in Jan. 22, 1981, as the 14th Secretary of Health and Human Services (formerly Health, Education and Welfare).

Schweiker had served eight years representing Pennsylvania's 13th District in the House of Representatives, and two six-year terms in the Senate. As senator, Schweiker was ranking Republican member of the Labor and Human Resources Committee, ranking Republican member of the Senate Health and Scientific Research Subcommittee, and ranking member on the Appropriations Subcommittee on Labor-Health and Human Services. He was in the unique position of dealing with both authorizing legislation and yearly appropriations in the areas of health, education, welfare, labor and aging, and his expertise in these areas was well-known.

An acknowledged leader in the fight against diabetes, Schweiker was the author of legislation creating the National Commission on Diabetes and the National Diabetes Advisory Board. In addition, the 96th Congress enacted his Medicaid anti-fraud amendment requiring states to use a sophisticated computer system to detect abuse in the Medicaid program.

Schweiker was also the author of comprehensive health care reform legislation introduced, in the 96th Congress, designed to both increase health care coverage and promote cost sharing and increased choice among competitive health insurance plans.

Among Schweiker's other primary legislative concerns in the health field: preventive health care, cancer and heart disease research, reform of the nation's blood program, halting federal support for abortions, legislation combating sickle cell anemia and lead paint poisoning.

Schweiker was born June 1, 1926, in Norristown, Pa. to Malcolm Alderfer and Blanche Schultz Schweiker. He attended elementary and junior high schools in Worcester, Pa., and was Norristown High School valedictorian in 1944. He enlisted in the Navy at the age of 17 and served as an electronics technician aboard an aircraft carrier in World War II.

He received his B.A. degree from Pennsylvania State University in 1950, graduating Phi Beta Kappa.

IN 1955, he married Claire Coleman (the original "Miss Claire" of the children's TV program "Romper Room"). They have five children: Malcolm C., 23; Lani Lynne, 20; Kyle Claire, 16; Richard S. Jr., 14; Lara Kristi, 11; and one grandchild.

A businessman from 1950 to 1960, he rose to president in the American Olean Tile Co. in Lansdale, Pa., the country's leading manufacturer of ceramic tile. He was active in the local Republic Party as precinct worker and committeeman, and he founded the Montgomery County (Pa.) Young Republican Club.

In 1960, when he was 34, he won election to the House of Representatives, where he served on the Government Operations and Armed Services Committees. He co-authored a book, "How to End the Draft," which presented the formula later used in creating the Volunteer Army. In addition, the "Schweiker Act" of 1965 provided for cash awards to military personnel who suggested money-saving ideas. The Schweiker Act has resulted in savings of more than $1 billion to taxpayers. He was re-elected in 1962, 1964 and 1966.

Schweiker ran for the Senate in 1968 and defeated incumbent Joseph S. Clark. He was re-elected in 1974. In addition to his service on the Labor and Human Resources Committee and the Appropriations Committee, Schweiker served on the Senate Armed Services Committee, the Senate Rules Committee, Joint Economic Committee, Select Committee on Intelligence Activities, Select Committee on Nutrition and Human Needs, and the Technology Assessment Board.

He was selected by President Reagan to be his running mate in the 1976 GOP presidential campaign. In the 1980 race he served as President Reagan's northeast states campaign chairman.

Schweiker has received seven honorary doctoral degrees. Among other honors he has received are: National Association for Mental Health Award (1974); Opportunities Industrialization Centers Key Award (1974, 1977); OIC's Legislative Pathfinder Award (1980); National Society for the Prevention of Blindness Award (1974); Council of Jewish Federations Distinguished Service Award (1978); Pennsylvania Pro-Life Convention Award (1978); the National Association of Independent Colleges and Universities Distinguished Service Award (1980); Dr. Charles H. Best Award, American Diabetes Association (1974); Humanitarian Award, Juvenile Diabetes Foundation (1974, 1977); Juvenile Diabetes Foundation "Man of the Year" Award (1980); PA/Conservative Union "Appreciation Award" (1978); Distinguished Alumnus Award, Pennsylvania State University (1970); Volunteers of American Booth Award (1980); and Honorary Member, Slumbering Groundhog Lodge, Quarryville, Pa. (1970).

And in all of this, the Secretary came as close as is humanly possible to the mark set by Benjamin Franklin.

Dick Schweiker almost never found himself behind.●

● Mr. MURTHA. Mr. Speaker, I happen to know that Secretary Schweiker recently received a football shirt from his alma mater—Penn State—with a big No. 1 on the front. As that shirt signifies the outstanding achievement of a football team he followed closely, so too, can a record of quality and achievement be brought to any recounting of Dick Schweiker's years of service in Washington.

While he was a U.S. Senator, I had the opportunity to work with him on many projects. Dick Schweiker cared deeply about Pennsylvania, and he showed it in his commitment to projects like the Keystone Synthetic Fuels Plant, the Homer City Coal Gasification Plant, and highway projects such as Route 219.

Dick Schweiker had a deserved reputation for studying the issues, working hard, and developing creative, progressive solutions to problems facing our State and our Nation. For the past 2 years, he presided over the Department of Health and Human Services during one of its most controversial and difficult periods. As always, Dick Schweiker brought to the job a calm, reasonable approach that helped the agency deal with issues and overcome obstacles.

Maybe one of the most enduring memories I have of Senator Schweiker involved an aged immigrant woman who lived in Cambria County. In the closing days of the 1978 session, I was able with the help of Judiciary Committee Chairman PETER RODINO to get legislation through the House granting this woman citizenship. With many national issues still pending in the Senate, it could have been easy for Senator Schweiker to overlook an issue like this—but he was determined to see it passed, and in the final moments, late at night, he was able to help this woman obtain her citizenship.

Whether you agreed or disagreed with Dick Schweiker on individual issues, everyone agrees he is a gentleman, a man with compassion, and a man who cares deeply for the future of his Nation. Individuals like that are always missed in Government, but I wish Dick success in his future endeavors, and hope he has a bit more time to spend with his family. On behalf of the citizens of Pennsylvania's 12th Congressional District, I thank him for all his help.●

● Mr. SHELBY. Mr. Speaker, I am pleased today to say a few words on behalf of Secretary Richard Schweiker, an able administrator for the last 2 years of the Department of Health and Human Services. His resignation from that post and the political arena as a whole takes many of us by surprise—it is truly a great loss to those whom he has served long and conscientiously, the American public.

On several occasions, Secretary Schweiker has appeared before my Committee on Energy and Commerce, presenting testimony which called for reductions in domestic social programs under his department's purview; he

faced an increasingly unsympathetic and unresponsive audience.

As a former Member of the U.S. House of Representatives and U.S. Senate, he was familiar with the ways of Capitol Hill and was eminently qualified for the demanding role as domestic diplomat he was called upon to assume.

His was a particularly tough job during the present administration, for as the Director of the agency which includes that portion of the Federal budget not earmarked for pensions or military spending, it was consequently a natural for sustaining the largest budget-cutting blows.

As head of the Department of Health and Human Services, Secretary Schweiker was the pivotal point of the most controversial deliberations between the administration and Congress. He worked for the tightening of welfare eligibility and cuts in medicare and medicaid that were among the key goals of the administration, but were met with stiff opposition here in the House.

Dick Schweiker has been characterized as compassionate—he justifies this designation by his strong defense of Federal funding for valuable health and medical research. In addition, he has upheld the merits of further support of the National Institutes of Health and the Public Health Service.

The administration loses a most capable Cabinet member while private industry gains a skillful businessman. Upon his departure from public service, we wish him continued success as president of the American Council on Life Insurance—a position for which he has surely proven himself deserving and worthy.●

● Mr. WOLF. Mr. Speaker, I commend the gentleman from Pennsylvania (Mr. COUGHLIN) for arranging this special order to pay tribute to an outstanding Cabinet officer who is leaving Government service for a new role in the private sector.

With a budget that ranks the Department of Health and Human Services as the third largest Government entity in the world, behind only the total United States and Soviet Union budgets, the Secretary of HHS has an awesome responsibility to the American taxpayer. With 20 years congressional experience in both the House and Senate in Federal health and welfare policy, Richard S. Schweiker was a natural choice by President Reagan to lead that agency and is leaving an impressive list of accomplishments after just 2 years at the helm of the Department of Health and Human Services. Dick Schweiker has been an outstanding administrator producing significant successes in reversing years of runaway costs in many programs and stretching tax dollars to deliver services more efficiently while making new gains in meeting the needs of Americans. Under Secretary Schweiker's leadership, HHS has cooperated extensively with States to bring about savings in federally supported programs while continuing to serve needy Americans. Partnerships with the private sector and volunteer programs have also been forged to improve services. He has also guided health improvements through HHS public health and health research measures.

I would like to take this opportunity to express appreciation to Dick Schweiker for his dedicated service and contributions to the American people. He has served with distinction and I wish him continued success in the years ahead.●

● Mr. ERLENBORN. Mr. Speaker, after more than two decades of serving the public, Dick Schweiker has decided to become the chief national spokesman for the life insurance industry. I have every confidence that Dick will bring the same competence and dedication to his new endeavors as he has given to the American people all these years.

Dick Schweiker has had a varied Government career. It began with his tour in the Navy during World War II. Then, in 1960, the people of his home district in Pennsylvania recognized his talents and elected him to the House of Representatives. He was reelected three times, and in 1968, the people of the Commonwealth of Pennsylvania sent him to the Senate. After 12 years in the other body, he was appointed Secretary of Health and Human Services by President Reagan. Anyone who can run a $200 billion Department and manage 160,000 employees for 2 years ought to be able to do just about anything.

Dick Schweiker has been a man of principle and a most able administrator. I join others of my colleagues in saluting him.●

● Mr. CLINGER. Mr. Speaker, I first met Dick Schweiker at the Pennsylvania Constitutional Convention in 1968. I was a delegate; Dick was finishing 8 years in the House of Representatives and was about to begin his 12-year career in the U.S. Senate.

In both Houses, Dick was a loyal member of the Pennsylvania delegation. Pennsylvania Senators have a tradition of moderation. Dick Schweiker embodied that tradition while also earning a reputation as a strong supporter of educational research and programs for the handicapped. Penn State University, which lies in my district and from which Dick Schweiker received the Distinguished Alumnus Award in 1970, is a prime example of Dick Schweiker's efforts to support education research.

As Secretary of Health and Human Services, Dick Schweiker took on perhaps the most challenging job in Government. In assuming responsibility over most entitlement programs, Dick's job was to find a way to control the growth of these programs—which were the fastest growing part of the budget during the seventies—while also maintaining our commitment to social well-being.

I believe Dick labored long and hard in his Cabinet post. He approached his job as a concerned civil servant. And for his sincere efforts in Congress and the Cabinet, I believe our country is a better place in which to live.●

● Mr. CONTE. Mr. Speaker, I wish to commend my colleague from Pennsylvania (Mr. COUGHLIN) and to join with my colleagues in wishing Dick Schweiker well upon his resignation as Secretary of Health and Human Services, and upon his return to the private sector after serving the public good for 22 years. His departure ends—for the moment, only, I hope—a most distinguished career in Government, which can truly serve as an example of the qualities to which all leaders should aspire—honesty, decency, and a deep concern for the rights and needs of others.

Having served with Dick during his 8 years in the House of Representatives, and having sat across the table from him over many an appropriations measure during his 12 years in the Senate, I know with what degree of seriousness he took his responsibilities, and with what conscientiousness he sought to accomplish his goals. His commitment to the National Institutes of Health while he served on both the Appropriations and Labor and Human Resources Committees in the Senate is one of the reasons that NIH is now the world's foremost center for medical research. I still remember his commitment to diabetes research, which led to the enactment of two pieces of legislation he introduced, creating the National Commission on Diabetes and the National Diabetes Advisory Board. He was a proponent of reforming our health care system long before it became the major issue it is today.

As Secretary of Health and Human Services, Dick took over one of the toughest jobs in the world. In 2 years, he has left an indelible mark upon the Department. His proposed reforms to moderate the cost of health care could revolutionize our health care system and guarantee that the availability of health care will not fall beyond the reach of those least able to afford it. His continued strong support for the National Institutes of Health has served to maintain it as the best in the world. His initiative in preventive health care had led the way in focusing the Nation's attention on the importance of preserving health as the best way to combat disease. With his daily lunchtime jog around the Mall, he led by deed as well as by word.

I certainly look forward to my continued friendship with Dick. His departure from the public scene certainly leaves a gap. He has done an excellent job as Secretary and deserves our and the Nation's thanks for all of his efforts on our behalf.●

● Mr. PASHAYAN. Mr. Speaker, I should like to join my colleagues today in honoring Secretary Schweiker. Mr. Schweiker has devoted over two decades of his career to public service as a Representative in this body, as a Senator, and as Secretary of the Department of Health and Human Services.

His accomplishments in Federal health and welfare policy certainly speak for themselves. This administration has been fortunate to have this dedicated man serve as a member of the Cabinet. In his service as Secretary of Health and Human Services he has been successful in efforts to streamline and simplify the complex array of health and social programs as well as to meet the goal of curbing the growth of these programs.

I wish to extend my warmest wishes to Mr. Schweiker for success in his future endeavors and express my appreciation for the invaluable service he has given to his countrymen.●

● Mr. WAXMAN. Mr. Speaker, I would like to take this opportunity to note that a well-known public institution in Washington is, tomorrow, to become a part of Washington's private sector. Secretary Richard Schweiker has been a Member of Congress, a Senator, and a Cabinet officer. Tomorrow he will leave these offices to take up a career outside of Government. I am sure that all of us can expect that he will remain a part of our public lives, but today I want to thank him for his service and note his leaving.

Since Mr. Schweiker has been interested in health policy throughout his career, I have had frequent cause to work closely with him. When he represented Pennsylvania in the Senate he was an ardent supporter of public health programs—particularly working on a reform of Federal mental health programs and Federal programs for health services delivery. At those times, I happily found him a frequent and helpful ally in working to improve the health of the Nation.

Since he has become Secretary of the Department of Health and Human Services, we have had more frequent differences of opinion on health programs. But it has always been clear to me that he is knowledgeable about health programs and willing to defend them. He has on a regular basis worked to protect important initiatives and longstanding commitments from those of his administration colleagues who have less concern and less understanding of such efforts.

He has been dedicated to the National Institutes of Health and to improvement in the uniquely Federal programs for biomedical research.

He has been a vocal advocate for preventive health measures that will—if enacted—someday save the Nation millions of lives and millions of dollars in health care.

He has been a strong supporter of children's health programs and has understood the long-term consequences of short-term savings.

And most recently, he has again worked with me toward the enactment of the Orphan Drug Act, to provide hope of cures and treatments to victims of rare diseases.

In his roles as Representative, Senator, and Secretary, Mr. Schweiker has understood that ideology is not the solution to all political problems. His long experience on the Hill has made him a realistic negotiator for the administration. He has brought a spirit of negotiation to confrontations and conferences.

I am sorry that Mr. Schweiker has decided to leave HHS. I wish him the best in his career and I look forward to the reforms of the private sector that his leadership will now certainly begin.●

● Mr. MAZZOLI. Mr. Speaker, Secretary Richard Schweiker has done much for the well-being of our Nation's health and health care programs.

Throughout his years of service, Dick has fairly and conscientiously presided over the Federal programs which so many Americans depend upon for assistance and support. His job has not been an easy one, but he has served with dedication and commitment. I wish Dick much success as he returns to the private sector.●

● Mr. YATRON. Mr. Speaker, I want to take this opportunity to join with my colleagues and pay tribute to an outstanding Cabinet officer and former Member of Congress, Richard Schweiker. I am especially pleased to honor this exceptional individual, as he is a fellow Pennsylvanian and has contributed a great deal toward the welfare of the Commonwealth.

As a former Member of both the House and Senate, Richard Schweiker was an extremely capable and accomplished legislator. His knowledge of, and expertise in, the area of health and related subjects was widely known and well respected. His appointment as Secretary of Health and Human Services, the largest department in the Federal Government, was a testimony to his extraordinary skills and abilities. During his stewardship of HHS, Secretary Schweiker served his country and President admirably.

Unquestionably, Richard Schweiker was a dedicated and sincere public servant who should serve as an example to all of us in public life. I wish him the very best in all of his future endeavors.●

● Mr. MONTGOMERY. Mr. Speaker, I want to join with my colleagues in this special order on Hon. Richard Schweiker, who will soon be leaving his post as Secretary of Health and Human Services.

I have known Dick Schweiker for a long time. We served together here on Capitol Hill in the House of Representatives and then he went on to serve his home State of Pennsylvania in the U.S. Senate.

He has had what many people call the second toughest job in Washington. Certainly the programs and large budget at Health and Human Services require a strong and effective leader. Dick Schweiker has been just that and I know the President was sorry to see him leave.

Certainly I want to wish for Dick the very best as he moves to the private sector. He has a great many friends here on Capitol Hill and he can be proud of the job he has done in serving this country.●

● Mr. McDADE. Mr. Speaker, you are aware, of course, that this is the second special order in a week on the occasion of a Pennsylvanian leaving the administration. I am always glad to tip my hat when a friend from Pennsylvania leaves government for an exciting new challenge. But this question must be asked: How will the administration—no, the Republic—prosper without its mainstays from the Keystone State. The question becomes especially grave when one of those individuals is Richard S. Schweiker, who is stepping down as the Secretary of Health and Human Services to become the president of the American Council of Life Insurance.

Dick was already well on his way to building a solid career in Congress when he welcomed me to the House of Representatives in 1963. He has been my friend ever since. He had been elected from Montgomery County in 1960 and remained four terms until he was elected to the Senate in 1968. In this House, those of us who worked closely with Dick well remember his book, "How to End the Draft," which sketched out what would become the formula for the creation of the Volunteer Army. There was also the Schweiker amendment, a cash awards program for military personnel who made moneysaving suggestions. The savings for the American taxpayer? More than $1 billion. During two terms in the Senate, Dick applied these same talents to master health and welfare legislation, becoming the ranking member on the Labor and Human Resources Committee, the Health and Science Research Subcommittee and the Health and Human Services panel of the Senate Appropriations Committee. He saw to it that a sophisticated computer system was

installed nationwide to help ferret out medicaid abuse.

The Senate's "Mr. Health" was therefore a natural when Ronald Reagan needed a Secretary of Health and Human Services, the third largest Government entity in the world. And Dick Schweiker did not disappoint, I have not agree with all administration stands on health and human service issues, but I have admired the compassion with which Dick oversaw these policies and the excellent manner in which he articulated those policies before the Congress.

This Nation has lost a great public servant with Dick Schweiker's departure from public life. I wish my friend good luck as president of the American Council of Life Insurance.●

● Mr. HORTON. Mr. Speaker, I rise to pay tribute to a longtime friend and colleague, and a man for whom I have the deepest respect, Richard S. Schweiker. Dick Schweiker has been a tireless, dedicated and responsible public servant for more than 22 years.

Dick first came to Washington in 1961 as the elected Representative from Pennsylvania's 13th Congressional District. He and I served together in the House on the Government Operations Committee, of which I am now ranking minority member. It was here that we became friends and close working colleagues. Together, we coauthored a book "How to End the Draft." This book presented the formula that was later used to create today's volunteer Army. Another of my colleague's legislative accomplishments was the "Schweiker Act," which first provided for cash awards to military personnel who suggested money saving ideas. This legislation has saved taxpayers more than $1 billion.

In 1968 Dick was elected Senator from Pennsylvania. It was here that he developed his solid expertise in the field of health care and public assistance programs. He was ranking minority member of the Senate Labor and Human Resources Committee, the ranking minority member of the Health and Scientific Research Subcommittee, and ranking Republican on the Labor, Health and Human Services Appropriations Subcommittee.

President Reagan selected Dick Schweiker to be his running mate in his 1976 presidential bid. After Mr. Reagan's successful 1980 Presidential campaign, Dick left the Senate to become his Secretary for Health and Human Services. Here, he combined his commitment to streamlining the bureaucracy—gained during his years on the House Government Operations Committee—with his commitment to quality health and public assistance programs to execute his Cabinet responsibilities in an efficient and effective manner. His performance has been a credit to this administration and a blessing to the citizens of this Nation. He has shown both compassion and strong administrative skills in making this large bureaucracy a more responsive institution.

Dick Schweiker will be sorely missed by all those in Government who have worked for him, with him, and who have relied on his knowledge and experience. However, I know that Dick's return to the private sector does not represent a conclusion to his work on behalf of the public or the issues for which he has worked so hard. I expect to see him and receive his counsel as Congress considers legislation in the areas of health and health sciences. Dick Schweiker is an outstanding individual and a close personal friend. I wish him well in all his future endeavors.●

● Mr. LATTA. Mr. Speaker, I welcome the opportunity provided by the gentleman from Pennsylvania, to pay tribute to a distinguished public servant, Health and Human Services Secretary Richard Schweiker.

Dick leaves his Cabinet post after 2 years to join the private sector—for the first time in 22 years—culminating a brilliant career in the service of this Nation.

I am sure I speak for my colleagues when I say we will miss Dick. He was an extremely capable, effective, tough and fair leader and a credit to this administration. He brought with him to this Cabinet post both business acumen and political savvy.

Mr. Speaker, before Dick came to the 87th Congress, he spent 10 years in his family's business. He also served in the Navy during World War II. In 1950, he graduated Phi Beta Kappa from Penn State, and in 1955, was selected Pennsylvania's "Outstanding Jaycee President."

Dick was elected to the House of Representatives in 1960, and to the U.S. Senate in 1968. Near the conclusion of his second Senate term, he announced he would not seek reelection, that he would retire from public service after two decades. His decision was premature, though. When his friend President Reagan asked him to head up the largest Government agency, Dick heeded the call.

He was imminently qualified to direct the Department of Health and Human Services. During his tenure in the Senate, he served on the Senate Appropriations Committee and was ranking Republican on the Labor/HEW Subcommittee. He was also ranking Republican on the Labor and Human Resources Committee.

As a Cabinet member and as a Congressman, Dick never lost sight of the plight of Pennsylvanians—and all Americans. He became a banner-bearer for the disadvantaged, the infirm, the elderly. He toured numerous coal mines, is an honorary member of the Pennsylvania Antracilicosis League; and he traveled through the neighborhoods of his home State, visiting the poor, the sick, and the old. He knew only too well that human suffering is indeed debilitating, and set a course which led to the apex of his Government career.

His accomplishments during the 2 years he was HHS Secretary and during his two decades in the Congress are too many to enumerate, but let it suffice to say this Nation has profited from his years of professional and political leadership.

Mr. Speaker, we will miss Dick. Here is a man who has weathered many a political storm. He is also a man of compassion, a family man, an asset to his State and country, and a good Republican. In 1972, he represented the State of Pennsylvania at the Republican National Convention as a delegate.

In his personal life, Dick was a staunch devotee of humanitarian causes like the Juvenile Diabetes Foundation; he was active in civic and veterans' organizations, and he even has the proud distinction of being an honorary member of the Slumbering Groundhog Lodge of Quarryville, Pa.

I would be remiss if I did not mention how capably Dick Schweiker handled the Three Mile Island crisis. When Pennsylvanians needed Dick on the scene, he was there, and when Americans needed Dick at HHS he was there.

We regret Dick is leaving his Cabinet post, and know there will be a void to fill. We are fortunate indeed to have someone of the caliber of our former colleague Mrs. Margaret Heckler to fill that void.

In such a short time, we have paid tribute to two outstanding Pennsylvanians—Secretary of Transportation Drew Lewis and HHS Secretary Dick Schweiker. My compliments to the State of Pennsylvania for producing such men of distinction and dedication—and that includes my colleagues here in this Chamber. Dick will now set a new course, and we wish him good health, happiness, and success in all future endeavors.●

● Mr. SHUSTER. Mr. Speaker, I rise today to join with my colleagues in tribute to the Honorable Richard S. Schweiker, who is leaving his post as Secretary of Health and Human Services.

Dick Schweiker brought a unique mix of experience to his position as Secretary of H&HS. For 10 years, he was a businessman, rising to become the president of a major manufacturing company. He then represented the Commonwealth of Pennsylvania in the U.S. House of Representatives for 8 years, and in the U.S. Senate for 12 years. While he served in the Senate he was the ranking Republican member of the Labor and Human Resources Committee, ranking Republican member of the Senate Health and

Scientific Research Subcommittee, and ranking member on the Appropriations Subcommittee on Labor—Health and Human Services. His background made him an extraordinarily well qualified individual for this important Cabinet post.

His expertise in health issues served him well in his 2 years as Secretary. During his service, the Department of Health and Human Services was put on a more efficient and effective footing. Waste and duplication were largely eliminated, with the Department staff being reduced by over 10,000 excess positions, and the growth in spending being cut by a third. He achieved these reductions while maintaining necessary services in health care and social programs.

Dick Schweiker is a compassionate man, a trusted colleague, and an able Secretary. In and out of government, he has been a leader in the fight against diabetes, authoring legislation creating the National Commission on Diabetes. He has been an advocate of cancer and heart disease research and an opponent of Federal funding for abortions. His accomplishments are many, and the Nation has been well served by his efforts in public office.

I wish Dick Schweiker the best of success in his new position, and I am certain that he will continue to make important contributions to the well being of his Nation and his fellow man.●

● Mr. ADDABBO. Mr. Speaker, I am honored to join my colleagues today in honoring Secretary Schweiker and recognizing some of his outstanding accomplishments as Secretary of the Department of Health and Human Services and as a former Member of the House of Representatives and the U.S. Senate.

I have had the pleasure to work with the Honorable Richard Schweiker in the House and had watched his tremendous accomplishments in the Senate, which can be duly characterized by his reputation on voting prolabor and support for medical research programs.

As Secretary of the Department of Health and Human Services under the present administration, this man must be admired for his continued fight against many of the budget cuts in various fields of our health services.

Secretary Schweiker, despite pressure from the White House on several occasions, had realized the tremendous need for the thousands of services his department provides and therefore was able to protect millions of Americans throughout the United States during these budget cut years.

I think that it is fair to say that Secretary Schweiker had been able to lessen some of the great harm that would have been felt by our Nation if he had not stood strong against many of the proposed OMB cuts in our social programs.

His past record depicts him as an advocate of medical research, the Head Start program, the National Institute of Health and the Public Health Service and has recently blocked attempts to alter the all important division of HHS; the Alcohol, Drug Abuse and Mental Health Administration.

During these hard times, our country is going to suffer a loss as Secretary Schweiker steps down from his Cabinet position. He is a man to be admired for backing his convictions and heading off many cutbacks, while most in the current administration have not had the courage to do so. I wish him luck in his future endeavors and hope he will continue many of his efforts on behalf of protecting many of the well-needed health programs in the United States.●

● Mr. GOODLING. Mr. Speaker, I am proud to join my colleagues today in this testimonial to Health and Human Services Secretary Richard Schweiker. I have great respect and high regard for Dick Schweiker because of his faithful service to the public and especially to Pennsylvanians over the last 22 years.

As a fellow Pennsylvanian, I appreciate his very able service to our State. He was probably one of the most committed Members of Congress the State has been fortunate to have had. I represent the 19th District of the Keystone State, where Dick Schweiker made the difference in getting the original Gettysburg Address returned to Gettysburg, and my constituents really appreciated his efforts. My father also had the privilege of serving with Dick as a fellow Member of the delegation when at that time Dick represented Pennsylvania's 13th District in the House.

Certainly, we can attribute many achievements in the field of health and human services to Dick Schweiker. An acclaimed leader in the fight against diabetes, he created the National Commission on Diabetes and the National Diabetes Advisory Board. His expertise in the area of health care has been demonstrated throughout his 2 years as Secretary of the Department of Health and Human Services during which time he has demonstrated the unique qualities that are needed in Government and thus served millions of Americans.

In reviewing his years as a public servant, I must commend his leadership and guidance in numerous legislative efforts. These contributions no doubt are familiar to all of us. Dick Schweiker is a distinguished humanitarian. I commend him for his dedicated public service and I wish he and his family the very best as he embarks on his new career.●

LEGISLATION RESTORING TAX-EXEMPT STATUS OF POLLUTION CONTROL BONDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 10 minutes.

● Mr. CONTE. Mr. Speaker, today I am introducing a bill to restore the tax-exempt status of pollution control bonds for small businesses.

This bill is designed to achieve the same goals of a bill I introduced last year—H.R. 6189. H.R. 6189 was cosponsored by the entire membership of the Small Business Energy and Environment Subcommittee. It provided that: First, the SBA shall consider all applications for pollution control loan guarantees without regard to the tax status of the financing; second, all applications pending as of the end of fiscal year 1981 shall be reconsidered without prejudice; and third, all loan guarantee authority made available by Congress for this program shall be used, subject only to the insufficiency of qualified applications.

The Small Business Committee incorporated all of these provisions in Chairman MITCHELL'S package of amendments to H.R. 6068, which was passed unanimously by the committee and by voice vote in the House.

The bill I am introducing today is again cosponsored by all the members of the Small Business Energy and Environment Subcommittee. The only changes I have made in this bill are some technical changes designed to avoid impoundment problems with the executive branch.

Mr. Speaker, I cannot emphasize strongly enough the need for a tax-exempt status for small business pollution control bonds. We, as Members of Congress have mandated that all business, including small business, must follow certain procedures to protect our environment. That is a solid mandate on our part. But these environmental protections are very capital intensive. Now, if you are a big business, you have the capital available for these investments. But if you are a small company, you may not have the capital. A long-term, low-payment method of financing is a necessity. When Congress passed the original legislation authorizing pollution control bonds, tax-exempt financings were included in the legislation and implementing regulations. But OMB and the Tresuary Department have now forbidden the SBA to guarantee any tax-exempt financings. The executive branch has taken actions that directly contradict the wishes of Congress.

It is the purpose of the bill I am introducing now to return this pollution control bond program to the status and function we, as Members of Congress, had originally intended it to be.●

● Mr. BEDELL. Mr. Speaker, I am pleased to join with SILVIO CONTE in reintroducing legislation to restore the Small Business Administration's pollution control loan guarantee program. Passage of this bill will be one of the first items on the agenda on the Small Business Committee.

That committee has not formally organized yet, but I note that the entire membership of its Subcommittee on Energy and Environment, which I chaired in the 97th Congress, has returned in 1983. And every one of those Members is an original cosponsor of this bill. This includes, in addition to Mr. CONTE and myself, NICHOLAS MAVROULES, JOHN HILER, CHARLES HATCHER, GUY MOLINARI, and DENNIS ECKART.

This serves to underscore the broad, bipartisan support that exists for the small business pollution control financing program. In fact, in three separate hearings in 1981-82, we were unable to find anyone who agreed with the administration's decision to kill this program.

The SBA's program, which consists solely of authority to issue off-budget loan guarantees, was created by Congress in 1976. Its purpose is to help small businesses meet the costs of compliance with environmental protection laws.

Such a program was required in order to overcome the unique problems small businesses face in financing pollution control equipment. Both government and private witnesses say there is no adequate substitute for the SBA program as it was established by Congress.

Mr. Speaker, according to every witness we heard, and by any measure one can apply, the small business pollution control loan guarantee program has been a great success. It met its objective of helping small business finance the cost of complying with environmental protection laws and it actually earns the Government a net profit because of interest earned on escrow funds. The SBA's pollution control loan guarantee program probably was among the best-run, most cost-effective programs in the Federal Government.

The problem is that the program was effectively shut down on January 1, 1982. Acting on orders from the Office of Management and Budget, the SBA changed the regulations governing the pollution control loan guarantee program so that it is no longer of any use to the people it is supposed to help.

What they did was to bar the use of the SBA loan guarantee in conjunction with tax-exempt financing, even though that linkage is specifically authorized by the 1976 statute and even though that linkage has been integral to the program since its inception.

Mr. Speaker, in the first quarter of fiscal year 1982, the SBA completed 18 deals, providing loan guarantees totaling $39.6 million under this program. All involved tax-exempt financing.

Then, on January 1, 1982, they changed the rules. In the last three quarters of fiscal year 1982, the SBA was able to conclude only one deal, involving the guarantee of $500,000 in taxable financing. Beyond that, they could not find anyone who wanted to participate in the revised program.

This does not mean, however, that there are no small businesses who need help in financing Government-required pollution control equipment. Our subcommittee has been besieged by these people, and by numerous State agencies who also argue on their behalf. It is simply that the new rules have rendered a helpful program unusable.

Indeed, at the time of the rules change, the agency had about 100 applications pending, totaling $180.9 million in guarantees sought. None of those projects have gone forward and the program contained almost $210 million in unobligated authority at the close of the year.

We can only lament the delays in new construction and the resulting inability of these firms to upgrade their level of environmental compliance.

There have been bipartisan protests from both sides of Capitol Hill, asking that the SBA program be restored to its pre-1982 status. But these pleas have fallen on deaf ears, so it is necessary for us to introduce this legislation and move it quickly to passage.

Last year, Mr. CONTE and I introduced a similar bill, H.R. 6189. It, too, was cosponsored by every member of the Subcommittee on Energy, Environment, and Safety Matters Affecting Small Business.

We skipped subcommittee markup and took it straight to the full committee where it was incorporated in an omnibus small business bill. That legislation, H.R. 6086, was reported by a unanimuous vote in May 1982. In June its text was substituted for that of S. 1947 and it was sent to the Senate by a voice vote.

The Senate declined to act on S. 1947 as amended, because of differences over unrelated portions of the legislation. We have been told that the Senate is in full agreement with the House on the matter of small business pollution control financing.

Mr. Speaker, we intend to move this legislation quickly, because an injustice has been done and the remedy is close at hand. Nonetheless, we wish we did not have to do this.

By a simple administrative act, the bureaucrats at OMB and SBA could—on their own authority—restore this worthy program just as surely and just as quickly as they crippled it a year ago. If they would just comply with the stated intent of Congress, it would save everyone a lot of trouble and we could get on with helping small businesses meet their Government-imposed obligations to improve the environment.●

A TRIBUTE TO THE LATE COACH PAUL "BEAR" BRYANT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Alabama (Mr. SHELBY) is recognized for 60 minutes.

Mr. SHELBY. Mr. Speaker, today, joined by my Alabama colleagues Congressman TOM BEVILL, Congressman BILL NICHOLS, Congressman RONNIE G. FLIPPO, Congressman BEN ERDREICH, Congressman JACK EDWARDS, and Congressman WILLIAM DICKINSON, I introduced a bill in the House of Representatives which would authorize the striking of a special congressional gold medal to the widow of Coach Paul "Bear" Bryant in recognition of Coach Bryant's unprecedented ascension to the pinnacle of achievement in the annals of collegiate football.

At this time I would like to pay tribute and honor the football legend whose recent death was mourned throughout the State of Alabama and the entire Nation.

Coach Paul William "Bear" Bryant was a man of great dimension—a man who embodied the traditional American values of dedication, hard work, honesty, and above all, success.

Coach Bryant was an American sports legend. As opposing coaches stared across the sidelines at the man in the houndstooth hat, they knew they were facing the man many people believed to be the greatest coach of all time.

He always contended that players won games, not coaches—he credited the many thousands of players, assistant coaches, support staff, and mamas and papas with playing the key roles in each victory along his way. But regardless of his feelings, the limelight shone solely on Coach Bryant, and everyone who has ever played, coached or worked for him has felt a part of his great record and is proud to have been involved in his life's achievements.

Coach Bryant's list of accomplishments, honors, charity work, and time devoted to his profession is endless and quite impressive in itself.

My deepest sympathy is extended to his wife, Mary Harmon Bryant, and the other members of his fine family. They shared him with us, and for this we are truly grateful

It is with the greatest honor that I join my fellow colleagues from Alabama in the House of Representatives, in paying tribute to this giant of a man. Bear Bryant will forever live in

the hearts of the players he touched and of the fans who basked in his success.

Paul "Bear" Bryant—the coach, the leader, the father, the husband, the winner, the legend, a true American hero who permitted all of us to share in his crowning accomplishments and the exhilaration of his victories.

Mr. Speaker, I want to share the podium with some of my colleagues, and I will first yield to my colleague, the gentleman from Alabama (Mr. BEVILL).

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Mr. BEVILL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the death of America's premier football coach, Paul "Bear" Bryant, came as a shocking blow to those who knew him best; the students and his colleagues at the University of Alabama and the people of Alabama. But his death also saddened millions of ardent admirers throughout the Nation.

It was terribly difficult for this dedicated man to give up his lifelong career and step down from coaching, just a few short weeks ago. His players and his fans were sad to see him leave a profession to which he had given so much. But we all thought he would have ample time to enjoy his retirement and to relax after 38 long years of coaching. Unfortunately, that was not to be the case.

With his passing, Alabama and the Nation have lost a remarkable legend—not only a consistently victorious sports figure, but a man who became the consummate teacher, father, disciplinarian, philosopher, and yes, coach to his players.

As I look back, just a few games ago, I can remember when Paul Bryant and his players were marching confidently toward his 315th victory in college football. They were led by the cheers of an enthusiastic Nation filled with supporters. The cheers were not just for a coach's skill or a team's ability, they were for a man's lifelong dedication to finding the best in a young man and teaching him to let his own abilities develop to their full potential.

I remember that momentous game and the great anxiety which all of the spectators, players, and coaches had in watching history take place on the field. I was one of the first people to congratulate Coach Bryant in the locker room, following the historical victory, and I could see the deep personal humility which this great man had at one of the high points in his life. Bear's pride was not in his own accomplishments, it was in his players.

And when Bear Bryant and I both received honorary doctor of laws degrees, from the University of Alabama, I remember him joking about the surprise his former classmates would register at his having a doctorate. He was truly a man who could make you feel at ease in his presence. And yet you knew you were with a great person.

Bear Bryant gave us a great deal. And although he is with us no longer, he endures in the lives of those he coached.

Mr. SHELBY. Mr. Speaker, I next yield to my colleague, the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I appreciate our colleague, RICHARD SHELBY, taking the lead in introducing legislation which would authorize the striking of a congressional gold medallion to honor a greate Alabamian and, as Coach Bum Phillips properly expressed it, "the John Wayne of college football."

If there was ever any one individual who was memorialized in the hearts of football fans in the Deep South, it was Coach Paul "Bear" Bryant. Coach Bryant came to Alabama on a football scholarship from a very humble background in the State of Arkansas and to his credit he never forgot from whence he came. His image is today indelibly implanted in the hearts and lives of hundreds of young men whom he coached during a career that stretched from the University of Maryland, to Kentucky, to Texas A&M, but when his alma mater, the University of Alabama, called a quarter of a century ago, he came home to coach the Crimson Tide to so many successful seasons which included national championships.

We in Alabama remember Coach Bryant as perhaps the greatest recruiter the game has ever known. He demanded excellence of his players and he instilled in them the desire to win—the necessity to make whatever sacrifices are necessary to achieve it. To Coach Bryant, football was brutal and beautiful, and many have said that he perhaps ran off more good football players—because of his insistence on discipline—than most coaches ever recruited in a lifetime.

Coach Bryant was the head man on the practice field as well as on the playing field, and he watched the action of his blockers, tacklers, and pass receivers from the high tower where he could oversee the entire practice session. The story is told that one day the line coach was teaching the finer details of pass blocking to his big line. Two of the biggest players were pushing and shoving when "the Bear" growled down, "Coach, make sure they are doing it right."

Somewhat confused, the line coach gave a few more tips and the two linemen had at it again. A few minutes later Bryant called out again, "Coach, make sure they do it right."

Not really sure what was wrong, the line coach barked more orders at the two and said, "OK, now get to it."

Grunting and growling the two linemen were kicking up dust and causing all sorts of commotion when the ominous voice of the Bear came down, "Coach, I am on my way down." And slowly Coach Bryant started his walk down the tower stairs.

Quickly the young line coach got his troops together and said, "Look, fellows, I am not sure what you are doing wrong, but I know one thing and that is, before Coach Bryant gets over here you had better be doing it right."

The moral to the story is very simply this—despite his slow shuffling walk, his deep gravel voice, and his painful expressions on the sidelines during a game, Coach Bryant saw things that were overlooked by the rest of us—not just in football but in life—individual character and the inner motivation that separates the winners from the losers.

But my own lasting memory of Coach Paul Bryant is not the vision of him leaning against the goal post during pregame practice. I am certain, however, that many opposing coaches wondered and worried what weaknesses Bryant was observing in their team and how he would exploit them during the game.

My memory is that of his own silent tribute for the coach of my school, Auburn University, and Alabama's most fierce opponent, Coach Ralph "Shug" Jordan. When Coach Jordan and Coach Bryant played each other it was a "give no quarry, take no prisoners" engagement. Yet when Coach Jordan died just a couple of years ago, it was a humble Coach Bryant, a gentleman coach, a man of dignity, who came to pay his last respects to his fallen adversary. Forgotten were the long Saturday afternoons at Legion Field—the bitter battles for the State's finest athletes behind us—there were more important memories at that funeral—respect, challenge, and honor. Coach Bryant represented all those memories on that July afternoon.

Coach Bryant will be remembered as a winner. He instilled in his players and in his coaches the desire to achieve and he was able to get more than 100 percent out of the young men he coached. For all of these reasons, there will forever be a deep-rooted respect for that man, the wily fox in the hounds tooth hat, Coach Paul Bryant.

He produced strong sturdy football teams and instilled a sense of high moral values and dedication in those whom he coached. History will record, in my judgment, that future generations will view Coach Bryant in the same light as they immortalized the likes of Coaches Vince Lombardi and the legendary Knute Rockne.

Coach Bryant, if you are listening to me up there, you will understand that what I am about to say is meant to

honor your achievement, recognize your contributions to young men across the Nation, and to express my own appreciation for so many wonderfully exciting Saturday afternoons—roll Tide, Coach, roll Tide.

Mr. SHELBY. Mr. Speaker, I will next yield to my colleague from Alabama (Mr. ERDREICH).

Mr. ERDREICH. Mr. Speaker, I appreciate my colleague's giving all of us from Alabama an opportunity to come together on this occasion.

Mr. Speaker, on Friday, January 28, 1983, the State of Alabama laid to rest a great hero and a great American. On Friday, Alabama fell silent. The stillness in our hearts was like the stillness in the air, as we all paused to reflect on the passing of a legend. On Friday, men, women, and children came from every corner of Alabama and from all corners of the United States to pay their last respects to a man whose life had touched their lives so deeply. On Friday, this Nation paid tribute to the greatest college football coach of all time. On Friday, we bid farewell to coach Paul William "Bear" Bryant.

Coach Bryant's accomplishments are well known. He began his football coaching career at the University of Maryland in 1945. He later moved to the University of Kentucky and to Texas A&M University before he returned to his alma mater, the University of Alabama, to accept the job as head football coach in 1957. He will always be remembered as the coach of Alabama's Crimson Tide.

In his 38 years as a head football coach his teams won a record 323 games. His football teams went to 29 postseason bowl games, including 24 consecutive bowl appearances by Alabama. His teams won or shared 6 national championships and 12 Southeastern Conference championships. Eighteen of his players were all-American. Coach Bryant was named National Coach of the Year three times and Southeastern Conference Coach of the Year eight times.

In short, Paul "Bear" Bryant was regarded by his players, by his peers and by football fans everywhere as the greatest college football coach of all time.

But Coach Bryant was more than a football coach. An editorial in the Birmingham News reflected upon how a coach of a "sometimes despised macho sport commanded so much love and loyalty?" Its answer:

He was real. Not perfect, but real. And it was this quality that opened him to people and people to him. There was a kind of coherence and wholeness to his life that people from all walks of life recognized instinctively. There was also grace, a grace that was a rare mixture of humility and pride and which allowed him to accept both victory and defeat philosophically.

His life was the embodiment of the American dream: Through hard work, dedication, pride, and honesty, he reached the pinnacle of his profession, because he believed so deeply in these virtues, his teaching—his philosophy—vehemently rejected the idea that winning was everything. Coach Byrant emphasized discipline, pride, dedication, and hard work. He demanded that everyone constantly give his very best effort. But as the Birmingham Post Herald pointed out in its editorial on "The Bear," coach Bryant "never forgot that it is a coach's job to help young men develop into responsible adults and that football is only a part of life, a part of a college education."

He believed that if everyone maintained and acted upon his philosophy, then success—whether it was success in football, in business, or in one's professional life—would necessarily follow. His teachings have served his students well, both on the field of athletic competition and in other endeavors.

Fortunately, Coach Bryant shared this philosophy of life with everyone, through personal appearances, television programs and radio interviews, we all fell under the compelling influence of this man. We first came to respect a football coach who held fundamental values. Then we came to admire a coach who consistently maintained these values. Bryant practiced what he preached; winning was not everything; discipline, hard work, and pride were.

When his teams won, Bryant gave all the credit to his players. When his teams played poorly or lost, he blamed himself for poor coaching. More importantly, however, he taught his teams the difference between losing and being beaten.

A note he wrote to a former player just after he retired tells a lot about the man:

As I contemplate my many years as a football coach during the post-retirement period, it is not surprising that my former players and my former associates are the first people that come to my mind. Since you are one of those people, I want to personally thank you for the contributions you have made to my happy, rewarding career.

Also, I want to tell you how proud I am of you and I want to challenge you to become an even bigger winner in life.

Frankly, I am sometimes embarrassed by the accolades that have been given to me, because never is enough said about the people who worked so hard for me, individuals like you.

Coach Bryant gave advice and discipline to all his players and, in so doing, he gave guidance to us all. If it is held that valor is the greatest virtue, there never was a worthier man.

At the funeral last Friday—the number in attendance, and the thousands who have since come to pay respects—attest to how many people Coach Bryant touched.

We all share in this loss—but the memories he made for so many of us will live on. He was, indeed a great Alabamian and a great American.

Mr. Speaker, I include at this point in the RECORD two editorials, one from the Birmingham Post-Herald of January 27, 1983, entitled "Paul 'Bear' Bryant"; and the other from the Birmingham News of January 31, 1983, entitled "Reflections on a Hero":

[From the Birmingham Post-Herald, Jan. 27, 1983]

PAUL "BEAR" BRYANT

There will never be another like Paul "Bear" Bryant, who died unexpectedly yesterday at age 69.

Someday, a football coach may surpass the 323 victories that his teams put in the record books, or the 24 consecutive appearances in bowl games by Bryant-coached University of Alabama teams. It may be that some coach will match his record for producing coaches at all levels of the game. And, no doubt, other coaches will do as well economically as Bryant did in non-football ventures.

But it is extremely unlikely that any individual can combine all of these achievements, produce the deep personal loyalty found among his former players, assistants, and fans and acquire the legendary status that the Bear assumed years ago.

This adulation—at times it even bordered on deification—was a source of embarrassment to the Crimson Tide coach and athletic director. But everything Bryant did and said contributed to the furthering of the legend.

Even when he confessed to what he considered mistakes in his early years of coaching—his first year at Texas A&M when he drove several players away from football—or in the latest game that Alabama lost, the Bear's followers took it as evidence of the man's greatness. Which it was. No man was a harsher critic of himself than Bryant.

Paul Bryant didn't start out at the top. The path from a boyhood on an Arkansas farm—during which he acquired his nickname by wrestling a carnival bear—to the riches and acclaim of his later years at the University of Alabama was filled with hard work and dedication.

Bryant joked about being not very talented as a player or a coach. He was the "other end" during his playing days with the Crimson Tide and All American Don Hutson. And it is true that the football formations and plays his teams used were often adapted from the innovations of others.

But nobody could match him in getting the best possible performance out of young men. Nor could any coach see as clearly the strengths and weaknesses of both his own team and their opponent and adapt the game plan accordingly.

The Bear didn't always feel that his teams had reached their full potential. When that happened, he always assumed the blame himself, never allowing it to fall on the players, and he always gave full credit to opponents. There were no alibis.

But the Bryant legend is more than what took place between the goalposts on a Saturday afternoon.

Off the field he fostered a remarkable loyalty among those who had played or worked for him. His former players and assistants kept in touch to a far greater degree than many at other schools do with their former coaches. Even the players he felt obligated to discipline at one time or another have this loyalty.

While he achieved a considerable measure of personal fame and fortune from football, Coach Bryant never forgot that it is a coach's job to help young men develop into responsible adults and that football is only a part of life, a part of a college education. His players were not allowed to neglect their scholastic work.

He even returned some of the money his fame had earned to his alma mater for academic purposes.

Whether it was a premonition or as he said, that he had lost the extra spark needed to coach young men. Bryant retired from coaching after the Liberty Bowl game. Despite some disappointments earlier in the season, he left the playing field a winner with the Tide's decisive triumph over Illinois in that last game.

And that's how we will always remember the Bear, as a winner.

No other word is needed to describe Paul "Bear" Bryant.

[From the Birmingham News, Jan. 31, 1983]

REFLECTIONS ON A HERO

The body of Paul Bryant rests in Elmwood and his spirit is caught up in the great promise.

Now it's possible to reflect on both the man and the impact he had on all who knew him in the many ways there are to know a man.

The outpouring of love, affection, respect and grief for the Bear was a human phenomenon not often witnessed in this day of cynicism, avarice and anxiety.

How is it, you may ask, that the coach of a sometimes despised macho sport commanded so much love and loyalty? Was it real or was it sheer gossamer? Was the outpouring for a real human being or for a straw figure, created by a slavish devotion to sport and effective imagemakers?

He was real. No perfect, but real. And it was this quality that opened him to people and people to him. There was a kind of coherence and wholeness to his life that people from all walks of life recognized instinctively. There was also grace, a grace that was a rare mixture of humility and pride and which allowed him to accept both victory and defeat philosophically.

He was one of the most successful coaches of all time, but he did not abandon the principles that were central to his understanding of life to obtain success.

He raised coaching men to the level of art. In so doing, he demonstrated to young and old that the principles which win football games are the same ones that win worthwhile goals and struggles in the larger world.

He was a hero. He did not slay dragons, but he conquered the biggest opponent he probably ever met—himself—and was set free to become the real human being he was.

One can say all this, and still the mystery remains. How one man could touch the hearts and imaginations of so many.

But of one aspect, we are sure: The outpouring of love and grief for the Bear has to say something good about the thousands of Alabamians who feel his loss. All those who mourn his death have something of his quality, too, else they may not have recognized it in him.

□ 1750

Mr. FLIPPO. Mr. Speaker, will the gentleman yield?

Mr. SHELBY. I am happy to yield to my colleague, the gentleman from Alabama.

Mr. FLIPPO. Mr. Speaker, having stood on the sidelines and observed Coach Bryant admonish Joe Namath without speaking a single word, I am not about to make a long speech here today. I am afraid the Bear would rise up and smite me. Coach Bryant was a man of few words and mighty deeds.

All of the superlatives have been used up on this great man.

No really great man ever thought himself so.

Coach Bryant did not think he was great.

He did not even believe it, when hundreds wrote it and thousands more agreed.

It may sound trite to say, "he was in a class by himself."

But "class" is the right word, because Paul William "Bear" Bryant personified class on and off the field.

Coach Bryant taught more than football. He taught us to live, he taught us to die, and how to win humbly and how to lose gracefully.

Some day, some where, some one may win more than 323 football games.

But no coach ever meant more to the game?

No coach ever had more respect and admiration—and yes, love for his players?

No coach ever contributed more to his school, his team, his State, and his Nation.

Someone has asked whether he will be remembered for "his godlike image or the human virtues" he taught.

He would approach it just like he did the game of football and settle for the best of everything.

There was—and is—no man in Alabama more loved and respected. Indeed, there may never be.

His death diminishes us all.

May God grant that we shall see his likes again:

How shall we rank thee upon glory's page?
Thou more than soldier, and just less than sage!
And the tear that we shed, though in secret it rolls,
Shall long keep his memory green in our souls.

I support the bill of my colleague from Alabama and call upon the President to strike a gold medal in honor of Paul William "Bear" Bryant.

● Mr. DICKINSON. Mr. Speaker, it is with deep sorrow and shock that I received the sad news of Coach Bryant's death. As with all Alabamians and Americans who knew him, he was bigger than life, a seemingly permanent fixture—a genuine folk hero who can never be replaced.

with the death of Coach Paul William Bryant, perhaps the greatest football coach who ever lived, an incredible era in American sports ha ended.

A singular, one of a kind, giant, Coach Bryant was more than a master of the game of football—he was a skillful and matchless builder of character in the thousands of young men who played football under this tutelage over a period of more than 40 years.

With his passing, football has lost its premier coach; Alabama, its most famous and beloved citizen, and America, a sports legend.

An unusual man of rare spirit and skill, no other quite like him will ever come our way again. We are all the richer for his having been a part of our lives.

Such a familiar and beloved figure, he will be sorely missed by all Alabamians and the millions who enjoyed the perfection that he brought to the game of football.

Though I grieve at his death, and sorrow at his family's loss, at our loss and Alabama's and collegiate football's loss. I consider it a high honor and privilege to have personally known him and to have shared an Alabama identity with him. Yes; it was always with pride that I could say, "Yes, I'm an Alabama alumnus and he's my coach."

Though I present these words in pride for the life he lived and for the contributions he made to Alabama, to the Nation, to his players, and to all the institutions where he coached football, I wish this occasion for my words had never come.

However, as the Scripture says, just as there is "a time to be born, to live, and to laugh—there is also a time to die and a time to cry." This is a time to cry and a time to remember one of the most remarkable Americans who ever lived. I count it a sad privilege and responsibility to eulogize the remembrance of this great man.

I wholeheartedly recommend that the Congress commission the striking of a special congressional gold medal by the U.S. mint honoring Coach Bryant's life and his contributions to football, to people and to our Nation. As an original sponsor of this legislation, I urge my colleagues to pass this measure which will provide a lasting physical memorial to the life of this great Alabamian.●

Mr. SHELBY. Mr. Speaker, I want to thank all my colleagues for joining in this tribute to Coach Paul William "Bear" Bryant because, as I said earlier and as my colleagues have reiterated, Coach Bryant will go down in history, and he will live in history not only as a great Alabamian but as a great American.

GENERAL LEAVE

Mr. SHELBY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. (Mr. WISE). Is there objection to the request of the gentleman from Alabama?

There was no objection.

REAGAN'S COLOSSAL FAILURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, in just the first 3 months of this fiscal year, the Reagan administration piled up a deficit of $69.4 billion; that is 50 percent more than Lyndon Johnson rang up in all 6 years of his Presidency. In terms of gross national product, the Reagan deficit is 500 percent higher than Johnson ran. It is 300 percent higher than what Reagan predicted would be the deficit for the entire 1983 fiscal year. Reagan asked to be measured on his success as a budget balancer, and now it is clear that he not only cannot keep his original promise, but that he could not do so even if he served a full 8 years. The Reagan program is a colossal failure, and it is also a national tragedy. It has made our economic problems worse, and it has immensely compounded our social and human problems. The only change for the better has been a slowdown in the rate of inflation—which, of course, is inevitable when the economy is in a state of depression. The depression itself is something that Reagan said would never happen. The human tragedy is also a case that Reagan said would never happen. But the old saying, "The triumphs of a demagog are fleeting; the ruins eternal," is so true.

It is a great irony that throughout the decade of the seventies, Lyndon Johnson was blamed for sowing the seeds of inflation. Yet the Johnson budget deficits were lower, as a percentage of the gross national product, than any of his successors. In point of fact, in 6 years, the Johnson deficits amounted to $42 billion. By contrast, in just 3 months of this year, the Reagan deficit was half again as great as that total, 6-year experience.

Ronald Reagan likes to say that he is in a jam because of what he inherited from Carter. But on the basis of 1983 alone, Reagan's deficit will exceed the total that Carter ran up in 4 years. And in terms of percentage of gross national product, the Reagan deficit is 2½ times as great as the Carter experience.

This is not just a fiscal problem; it is a blueprint of the economic disaster that Reagan has produced for our country. The truth is that there would be a monstrous deficit even if the economy were moving ahead at full throttle, so poor has the Reagan progam been, and so tattered it will remain.

This year, the Treasury will have to borrow $215 billion. Last year, Treasury borrowing soaked up almost half the entire savings of this country. That represented a 15-percent increase in just 1 year, and the prospect is for more of the same. It is little wonder then that economists ask, what will happen if the economy gets moving again? Where would the credit to stoke the furnace come from? And Reagan has no answer.

Two years ago, Reagan told us that budget deficits on the order of $50 billion a year were harmful. Yet he is running deficits four times that size. He told us that his program would end the "alarming trends" of deficits that were miniscule compared to his own. There are reasons for this, not least of which was the Federal Reserve's policy of choking the money supply and inducing depression. The truly frightening thing is that he has no plan for what to do if the economy actually recovers. It is painfully clear that the world does not work on the lines of the Reagan vision—and yet he does not propose a change in his course.

We have millions of people who are out of work and out of luck. For them, the Reagan program has been a disaster. They are not lazy, they are not unwilling, and they are not ignorant. At a time when only one out of four unemployed workers is getting any kind of compensation, and at a time when the "quit" rate is lower than it has been in decades, it is clear that we don't have a case of mass malingering. What we have is a case of not enough jobs to go around, no matter how much you want to work, and no matter how hard you try to find work.

Yet the Reagan budget does not call for a jobs program. It does not call for relief in the form of food or shelter. It calls for a reduction in these and other programs to meet basic human needs.

Franklin D. Roosevelt faced the greatest of all economic challenges—depression and war. His government ran immense deficits, but those deficits were for a purpose. They met basic human needs. They met the challenge of survival in a world drowning in its own blood. Yet the Roosevelt deficits did not trigger inflation, did not render the economy helpless. They revitalized the Nation, and we emerged stronger than ever. I believe that this was because Roosevelt's programs met genuine needs, had specific objectives, and represented realistic economic thought. But look at what we have today. A callous, uncaring administration that seeks to hack away at programs for human needs, rather than programs to meet those needs. An administration locked in a vision of the world according to Coolidge, which was a world headed for disaster. An administration frozen in its own bankruptcy.

Now we have come to the time when slogans don't work. We have come to a time when real programs are called for. What we are getting is nothing—just a new slogan. This one says, "we're on the mend." It sounds very much like, "prosperity is just around the corner." Cheerleading did not work in 1930 and it will not work today.

We have an opportunity and a responsibility to act. People are hungry, people are homeless, and people are jobless—more so than at any time in the past 45 years. We are faced with a budget proposal that does not respond to the need, that does not have any basis in reality, and will not help.

We have heard the slogans. Now it is up to us to produce a real program, one that works, and one that helps the people who need help. Captain Reagan has steered us into an iceberg. It is up to us to find a means of rescue. He has earned the right to sink with the ship.

□ 1800

Mr. Speaker, at this time, I insert in the RECORD an article appearing in the U.S. News & World Report for February 7, which is out in the mail for subscribers, entitled, "Budget Deficits: The Endless River of Red Ink," and has comparisons on the deficits and also surpluses from Franklin Roosevelt's administration to Mr. Reagan's present administration.

I also submit an article for the RECORD, a small news report from yesterday's Washington Post entitled "U.S. Expected To Borrow $215 Billion During Year."

Also, I submit a third article quoting the Congresssional Quarterly entitled "Projecting the Deficit."

The articles referred to follow:

[From the U.S. News & World Report, Feb. 7, 1983]

BUDGET DEFICITS: THE ENDLESS RIVER OF RED INK

When Ronald Reagan campaigned for the Presidency, he promised to balance the federal budget by the end of his term in the White House.

Now Reagan has given up. Not only that, his projected deficits, if they happen as expected, will go down in history as the largest total every recorded by a President.

The budget sent by the President to Congress on January 31 proposes a deficit of 189 billion dollars for the 1984 fiscal year that begins October 1. If that estimate proves accurate, the cumulative deficit of the Reagan years, fiscal 1981-84, will total about 570 billion dollars.

COMPARISONS

That's more than triple the total deficit of the four Jimmy Carter years and more than 2½ times the 12-year deficit of Franklin D. Roosevelt's New Deal.

What's more, if re-elected, Reagan sees no hope of balancing the budget during his second term.

At best, the President said in his January 25 state-of-the-union address, the deficit can be narrowed—to 117 billion dollars in 1988—but not eliminated. Failure to control the deficits, he said, "could mean as much as a trillion dollars more in national debt in the next four years alone."

Because the economy is larger today, many budget experts prefer to measure the size of deficits as a percentage of the gross national product.

Even by that yardstick, the Reagan deficits are huge. They will amount to 4.5 percent of the total national product over four years, second only to the mammoth 14 percent of GNP racked up by Roosevelt during the Depression and World War II.

The Reagan deficits, however, come at a time when the nation is hobbled by recession, rather than by depression or war. Unless Congress acts to narrow them, warns Martin Feldstein, the President's chief economic adviser, the deficits could rise to an average of 5 to 6 percent of GNP during a second Reagan term.

"Peacetime deficits of that magnitude are unknown in the United States," says Feldstein.

Such a prospect sends shivers throughout the political and financial communities.

Senator Paul Laxalt (R-Nev.), a close Reagan ally, has called the red ink "a little terrifying." Paul Volcker, chairman of the Federal Reserve Board, says that fear of deficits "clouds the future and contributes to market uncertainties, adding to the burdens of monetary policy."

BIPARTISAN WARNING

A group of former cabinet members—the Bipartisan Appeal to Resolve the Budget Crisis—warns that the "senseless" budget policy "threatens to lock the economy in stagnation for the remainder of this century."

The concern is that a continuous string of large deficits will absorb private capital and thus push interest rates up once again to abort an economic recovery.

The Reagan red ink means that the nation is likely to go through its second straight decade without a budget surplus. The last surplus came in fiscal 1969, a Lyndon Johnson budget, which was the only surplus since the one achieved in 1960 under Dwight D. Eisenhower.

A study of the spending score card by U.S. News & World Report's Economic Unit shows that neither of the political parties has an exemplary record of fiscal responsibility.

Since 1930, the Republican administrations of Herbert Hoover, Eisenhower, Richard M. Nixon, Gerald Ford and Reagan chalked up 19 deficits while bringing about only four surpluses. During the same period, the Democratic administrations of Roosevelt, Harry Truman, John F. Kennedy, Johnson and Carter had 27 deficits and five surpluses.

As a percentage of the total national product, Roosevelt's efforts to spend the country out of the Depression and fight World War II rank as the largest cumulative deficit.

But now Ronald Reagan, who campaigned for office by pledging to balance the budget, is putting himself firmly in second place in the history books.

[From the Washington Post, Feb. 1, 1982]

U.S. EXPECTED TO BORROW $215 BILLION DURING YEAR

The government is expected to borrow a record $215 billion in capital markets this year to finance government spending and lending programs and to borrow $203 billion of new money in fiscal 1984, according to President Reagan's budget released yesterday.

The administration projects a budget deficit of $207.7 billion with "off-budget" spending of $17 billion on top of that in 1983, the budget says. All but $10 billion of this will be financed through public borrowing.

For 1984, the federal government must raise an additional $14 billion to cover the cost of credit programs, on top of the $188.8 billion "on-budget" deficit, administration officals said.

In fiscal 1982, federal borrowing totalled 48.9 percent of the funds raised in credit markets, up from 33.3 percent the year before, the budget says.

Credit programs were depressed in 1982 because of the weakness in housing, which cut back demand for federal housing programs. The 1984 budget calls for a 9.4 percent cut in federal loan and guarantee programs from $151.8 billion to $137.6 billion.

[From the Washington Post, Jan. 31, 1983]

THE U.S. BUDGET BLOOMS AS AZALEAS ARE DORMANT

(By Felicity Barringer)

A bespectacled economist, tie askew and skin a stranger to the sun, walked into Larry Breese's office on the sixth floor of the New Executive Office Building last Thursday. He was carrying a pile of paper covered with figures.

"I'm ready with part six," the economist said.

"I'll get back to you in 15 minutes," Breese replied.

A young woman in tennis shoes came in. Breese directed her to an adjoining room. "Can you get that over to North Capitol Street now?" he asked.

She left and the telephone rang. "Joe? . . . part three? . . . It's on its way."

On the desk in front of him were pictures of the Scottish terriers his wife raises and the azaleas he tends in his Rockville garden in the spring. He does not see much of the Scotties or his wife these days. The azaleas are dormant, but the federal budget is in bloom.

From mid-December until this past weekend, Breese, a GS15 printer in OMB's budget preparation branch, serves as the traffic cop on the pieces of paper that will become the fiscal 1984 budget proposal.

"You want to know who forces everyone in government to make decisions? Who forces the president to make decisions?" asked one high-ranking OMB official. "Larry Breese."

In fact, Breese, who stands 6 feet-and-change tall and wears argyle sweater vests, is the personification of two unchanging principles: the law of the land, which sets the date by which the president has to send his budget proposal to Congress, and the laws of physics, which limit the speed with which paper can pass through a printing press.

He gets figures from OMB's budget examiners, ships them to the Government Printing Office, gets galley proofs back and ships them to the budget examiners, who ship them back to the agencies for review.

While agency officials and the budget examiners—and eventually the bosses of both—fight, Breese waits. But he can wait only so long.

* * * * *

PROJECTING THE DEFICIT

President Reagan's new budget says the deficit will be $189 billion in fiscal 1984—but don't count it. Over the years, the budgeteers have had a tough time taking projected economic conditions, spending and revenues and coming up with a deficit for the coming fiscal year that's on target. Last year, for instance, the president's budget predicted a deficit of $91.5 billion for fiscal 1983. The new budget now says that figure should hit $208 billion. In years when administrations changed, the chart shows both the projection of the outgoing president and the revised projection of the new president.

[Dollars in billions]

Fiscal year	President	Projected deficit (−) or surplus (+)	Actual deficit (−) or surplus (+)
1983	Reagan	−$91.5	[1] −$208
1982	Reagan	−45.0	−110.7
1982	Carter	−27.5	
1981	Carter	−15.8	54.5
1980	Carter	−29.0	59.6
1979	Carter	−60.6	−27.7
1978	Carter	−57.7	−48.8
1978	Ford	−47.0	
1977	Ford	−43.0	−44.9
1976	Ford	−51.9	−66.4
1975	Nixon	−9.4	−45.2
1974	Nixon	−12.7	−4.7
1973	Nixon	−38.8	−14.8
1972	Nixon	−11.6	−23.4
1971	Nixon	+1.3	−23.0
1970	Nixon	+5.8	−2.8
1970	Johnson	−3.4	
1969	Johnson	−8.0	−3.2
1968	Johnson	−2.1	−25.2
1967	Johnson	−1.8	−8.7
1966	Johnson	−5.3	−3.8
1965	Johnson	−4.9	−1.6
1964	Kennedy	−11.9	−5.9
1963	Kennedy	−7.0	−4.8
1962	Kennedy	+1.5	−7.1

[1] Latest projection, from fiscal 1984 budget.

Sources: Congressional Quarterly and the Statistical Abstract of the United States.

Mr. GONZALEZ. Mr. Speaker, I yield back the balance of my time.

RIDICULE OF ETHNIC GROUPS IN THE BROADCAST MEDIA MUST STOP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on the first day of this new 98th Congress, I introduced House Concurrent Resolution 2, which would put the Congress of the United States on record in opposition to films and television or radio broadcasts which defame, stereotype, demean, or degrade ethnic, racial, or religious groups.

Denigrating remarks about any group in society concerning characteristics over which they have no control, such as race and ethnicity, and those which are associated with the very beginning and ending of life, such as religion, are immoral in themselves. But in addition—and this is the special concern of Congress—they strike at the heart of a healthy and wholesome political system. While the immorality

of such expressions concerns each of us personally, this resolution recognizes that the vitality of our political institutions and our values is dependent upon harmonious relations among various ethnic groups. From the mutual respect accorded these groups will grow a stronger and more dynamic democracy.

The motion picture, radio, and television industries have been deficient in their responsibility to help create a society in which individuals can respect their heritage and its institutions, and I call upon the Congress to take a stand against such abuse.

The members of our minority and ethnic groups should not have to witness their portrayal as criminals, idiots, or other undesirable characters. Each minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to American society. When this self-pride is threatened, we jeopardize the human qualities which have most contributed to America's greatness.

Stereotypes as presented on television can be particularly influential to the young child. To a great degree, we become what we see, whether in life or in the media. Thus the challenge to the media is very great indeed, since modeling implies that children will be influenced not only by being told what they should be like but by observing what people with whom they can identify are actually like or portrayed as being.

When the media allows and encourages aspersions to be cast upon groups, portraying them as "superstitious" Catholics, "dumb Polacks," or part of the "yellow peril," or as "welfare blacks," or as "Italian criminals," or as the "lazy bandito," or the "racist hardhat," or the "Jewish loan shark," then social harmony becomes a political concern. The denigrated groups become defensive and hostile to other groups and to institutions which appear to be controlled by others. Such groups cannot help but question the worth of their allegiance to a political system which seems to affirm attacks upon them.

The motion picture and broadcast media have become central to the American way of life and have profound influence, particularly on children. The television set is a perfect instrument for those who would spawn prejudice against and prejudgment of our fellow human beings.

In such a situation, democracy and respresentative government do not have a chance. Insulted groups harden hearts and minds to others and freedom of speech becomes a monolog rather than a dialog. Supporters of this resolution do not want Government censorship; they want the leaders in the electronic media industry to exercise a social conscience in human relationships just as they want industries to exercise a social conscience in matters of employment, pollution abatement, and pricing policies.

When private industry defaulted in their social responsibility, they were subjected to governmental regulation. My resolution calls for an evaluation and an accounting by the media industry a year after congressional passage to determine the adequacy of the code of ethics or the guidelines which they develop and supply under the legislation.

I would like to quote a statement of mine made during hearings on a similar resolution:

Polish-Americans, Greek-Americans, Italian-Americans, Mexican-Americans, black-Americans, and members of every other minority and ethnic group, who by their vigor and pride have contributed so much to America's strength and greatness—have every right to be free from the harm directed at them by thoughtless panderers of hatred and discord. Every minority group is justsifiably proud of its ancestry, its accomplishments, and its contributions to the advancement of world civilization. When we destroy this pride in "self"—we destroy the very quality Americans possess that has made America great.

Mr. Speaker, I urge the support of all of my colleagues for House Concurent Resolution 2.●

SONG OF THE NARRAGANSETTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, the United States is in the process of recognizing the Narragansett Indians as a tribe. This claim to tribal status is supported by 15 volumes of information on the tribe submitted to the Department of the Interior. The Narragansetts' existence has been documented from 1614 to the present.

I would like to mark this occasion by placing in the RECORD the following poem by Virginia Louise Doris, historian of Pawtucket, R.I., who has done much research on the Narragansetts and has been named an associate member of the tribe.

SONG OF THE NARRAGANSETTS

We will speak of "First Americans" tonight
For what our Narragansetts did bring
Of larger floods on history's land and light,
Surrounding these camp-fire songs to sing!

We will not drown in wordy praise
The yesteryear thoughts which rise;
If friendship own one prideful phrase
They read it in our eyes.

We need not subdue our admiring art
To laud this Isle of Rhodes time;
Forgive us if our o'erflow heart
Is throbbing in present clime.

Enough for us the ceremony grasp
That knits us hand in hand,
And they the wrist-blood radiant clasp
That locks a brother's circling band.

Strength to their hours of tribal toil!
Peace to their star-drift dreams!
They love alike the furrowed soil,
The music-haunted streams!

White moons to keep forever harvest bright
The sacred prayers upon their lips,
And ritual faith that sees the ring of light
Round Nature's heavenly candling eclipse!

It is an honor to recognize in this way the long history of the Narragansetts and to extend congratulations to Virginia Louise Doris on her fine poem of appreciation.●

A BRIDGE OF CONTINUITY BETWEEN THE PAST AND FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I rise today to share the thoughtful comments of Mr. David T. Yamada, a constituent and friend. His remarks were presented at a dinner honoring the 50th anniversary of the Monterey Peninsula Japanese-American Citizens League.

With the findings and recommendations of the Commission on Wartime Relocation and Internment of Civilians expected shortly, I believe it is important that we give pause both to reflect upon events in this country during World War II and to examine our own attitudes today toward Americans of Japanese ancestry.

Mounting domestic economic problems have spilled forth an ugly wave of anti-Japanese sentiment in this country. Increasingly this prejudice, born from frustration, has been directed at Americans of Japanese heritage. The question of social justice is as appropriate today as it was in the 1940's when mass hysteria swept this country and led to the internment of thousands of Japanese Americans.

But David's words are not steeped in dark recriminations. Instead he has chosen to focus on the hopes and challenges of building toward a better future. I urge my colleagues to heed these words as we address the business of the 98th Congress:

FIFTIETH ANNIVERSARY OF THE MONTEREY PENINSULA JACL (JAPANESE AMERICAN CITIZENS LEAGUE)

Honored guests, friends, and members of the Monterey JACL—we thank all of you for taking the time this evening to join us in celebrating our 50th Anniversary.

I have accepted the task tonight of challenging us to think about the future of the Monterey JACL.

Carl Sagan, professor of astrophysics at Cornell and host of the TV series, "Cosmos," recently wrote a book entitled "The Dragons of Eden." In this book, Professor Sagan argues that animal organisms need to adapt to rapid environmental changes if they are to survive.

Sagan's message is the theme I want to develop with you tonight to raise some questions about our future. I want to suggest that if the JACL does not adapt to important changes in our social environment, we

will be brushed aside by the forces of change and imperil our survival.

What then are these changes that all of us need to think about if we are to have a future? And what new goals and means might help us to chart a pathway?

First, it is important to say that adapting to change does not necessarily mean abandoning tradition. Our local tradition reveals fifty years of service to members, fifty years of service to community, and fifty years of commitment to social justice in America. We have a right to be proud of that record.

But my task tonight is not to dwell on the past. Rather it is to look to the future. I see a bridge of continuity between past and future built on three elements: (1) service to members; (2) service to local community; and (3) search for social justice. Let me take each of these three categories and raise some ideas about how our JACL can adapt to change.

I. SERVICE TO MEMBERS

The Leadership Dilemma. We need to find a way to pass on leadership and decision-making to the next generation. Making way for the sansei and yonsei is not easy. Our leadership dilemma is in part a generation gap and in part an ideological gap. Young and old, progressive and moderate, do not see eye to eye and mostly we see through a glass darkly. Should we seek money as part of redress and justice? Should we speak out on public issues like the nuclear freeze? Should we join hands with our Asian brothers and sisters? Should we pass judgment on or listen to a disillusioned generation of youth seeking alternatives through a world of rock music and drugs?

If we are to find workable and meaningful answers to this problem of leadership transition, we need to know more clearly what our young people are thinking and feeling—we need to know their needs and their interests. I would therefore propose a systematic survey of our membership—young and old alike. We need that kind of information to build relevant programs for the future that will attract and challenge the younger generation.

Health Care. Insuring health care and services to our members finds us face-to-face with the challenge of rapidly inflating costs in the medical sector—something on the order of 25-35 percent per year. Rising insurance and medical costs will impose more anxiety and financial burden—especially on our members with fixed and limited incomes. Our local JACL members have, in recent years, organized excellent health-care clinics and we need to continue those programs. But we also need to examine insurance carriers and new concepts such as self-insurance and search for alternatives that might deliver to our members, equivalent coverage, at minimal risk, and cheaper cost.

Role of Women in JACL. David Broder, political editor for the Washington Post, advances the idea that the feminist movement may be one of the most revolutionary forces to be unleashed in American society during the 20th century. I tend to agree. From top to bottom in our local JACL, we need to adapt to the feminist force in America. Next year, a woman will serve for the first time in our chapter's post-1945 history as our JACL chapter president. That is all for the good. But we also need to change in more fundamental ways: we need to listen to their ideas; we need to change our attitudes about women in society; we need to stop making sexist jokes about women; we need to accept them as equals. Then, maybe, women in the local community will want to play a more active role in the chapter's future.

II. SERVICE TO COMMUNITY

The geographical isolation of the four main islands in Japan's history has created what some scholars call an attitude of "insularity." Insularity suggests that an organization or people can go-it-alone, that they do not need contact with the outside. Some of that insularity came to America with the first Japanese immigrants and to a degree, we still reflect that insularity in our thought and action. But the environment around us has changed in important ways. Perhaps now is the time to see these changes, to move outside the "insularity" framework and into the larger community.

Community Outreach. We need to get out actively into the community more than we have in the past. We cannot always expect the local community to come to us and ask for our help or participation. We should initiate that help and participation. We need to initiate programs that will reach out to the community and thereby extend benefits and good will. Consider some of the following proposals:

(a) We could establish scholarships in the name of JACL at each of our local high schools and at Monterey Peninsula College. By specifying guidelines and conditions, we can retain some desired control over the selection process, but leave the actual selection to each educational institution.

(b) We could use the rich talent and skills of our JACL members and friends and share our culture and heritage with the general community. We could offer classes in origami, ikebana, bonsai, classical dance, or sumi-e. We could coordinate these classes through the Lyceum for young children—or through the school districts and MPC for the general community.

Culture and History. Part of the value of history is to learn from the past to avoid committing mistakes in the future. To this end, we could establish a permanent exhibit at the JACL Hall, open to members and the public. We could place on exhibit, photographs and memorabilia that would tell the story of our local, pioneering Issei, the story of the war years, and the story of the Monterey Peninsula JACL.

We could undertake an oral history project to preserve for posterity on tape and film, the ideas and memories of our Issei and Nisei—before that opportunity is lost. Such a project might prove to be of sufficient worth and importance to engage the interests of young and old working together.

Culture and Art. We can participate in community projects that promote and preserve the richness of Japanese culture expressed through her artists. We might contribute financially to the Monterey Peninsula Museum of Art to help them in their building project that would add a new Asian Art wing to the existing museum. Last spring, the Directors of the Museum set aside one night solely for JACL members and friends to view a magnificent collection of Japanese, Chinese, and Korean ceramics and art. Surely, such a collection of Asian art would provide lasting and priceless value to our community.

Endowment Fund. To pay for some of these projects, we will of course need money. In recent years many of you have been asked to stretch your pockets of charity and compassion to the limit. But we could initiate a special Endowment Fund and ask members, friends, and foundations to make yet another sacrifice. If the redress campaign were to lead to some form of monetary compensation, we could urge recipients to contribute five percent of the money received to our local Endowment Fund. We could then turn this money around and create a portfolio of investments, managed by a special JACL Committee, to generate additional revenues to redirect to worthy public programs.

All of these proposals have the potential of reaching out and providing services to the larger community while at the same time increasing the positive image of our local JACL.

III. SEARCH AND JUSTICE

Let me now move on to the third category—the search for social justice.

Many of us live our lives assuming that the Horatio Alger syndrome works in America—that is, a combination of educational achievement, hard work, and a little bit of luck leads to material success and status.

But how equal is opportunity and social justice in this nation of immigrants? Are Asian citizens and new immigrants really assimilated here on the Peninsula and able to lead lives with dignity and self-respect?

In 1963, Dr. Martin Luther King delivered his famous speech in front of the Washington Memorial telling the world that he had a dream—a dream that someday all children in America, regardless of race, creed, or national origin, would be free to attend the same public schools. Dr. King's ideas made such good sense because treating people equally seems so intrinsically right. Yet the gap today between principle and practice remains painfully wide for many Asian Americans and other minorities—as it did for many of us in this room, during the first half of the 20th century.

Let me ask you some questions to think about social justice in America by comparing the past with the present.

Do you remember that in the early 1900's, in and around San Francisco, laws were passed that prohibited Japanese and Chinese children from attending white schools? The *Crawford* ruling, decided by our California courts in 1976, consistent with the *Brown* desegregation ruling in 1954, defined our Monterey schools in 1979 as racially imbalanced.

Do you remember that during the 1920's, national laws first restricted, then prohibited, immigration of people from Japan? Consider a bill now pending before Congress that would restrict certain immigration quotas and thus prevent Asian immigrants from re-uniting with their families here in America. Or have we really left discrimination behind when we ask ourselves how we feel about the plight of our Mexican and Vietnamese immigrants?

Do you remember the California laws in the early part of this century that prohibited alien residents from owning land and machinery essential to farming and fishing? Why today do we pass laws—sometimes under the veil of environmental sysmbols and sometimes even with good intentions—that nevertheless deny Asian immigrants their traditional fishing techniques essential to their livelihood and survival?

Do you remember that in the 1942 climate of war, few people bothered to make any distinction between Japanese in Japan on one hand, and Americans of Japanese ancestry on the other? Today, in a climate of economic trade war, do we see this same failure to make important distinctions leading to growing anti-Asian opinion?

Why do I raise these questions? Because they serve to remind us of two realities.

First, discrimination and prejudice directed against Asians and other minorities, remain a part of our everyday life. Second, our JACL history here on the Peninsula reveals a continuous commitment in support of social justice.

To continue that commitment in the 1980's, we come now to an important cross-road in our lives. That cross-road may force us to choose which pathway to social justice we are to take. Do we assimilate as "Quiet Americans" into orthodox America—or, do we join hands with other minorities in a just struggle for equal rights?

If some of us are comfortable today, both material and psychologically, I would ask whether that very comfort makes us sometimes forget that many of our lives have been diminished and saddened by the racial discrimination we faced in earlier decades?

We have marched through the battlefield of racism and on many issues we have won. But precisely because we have been there before, we owe it to a more decent future to join hands with all who would stand together to unmask the ugly face of discrimination.

Consider for a moment the rapidly changing face of population in the nation, the state, and the Peninsula. Nationwide, the Asian population doubled between 1970 and 1980 (1.8 to 3.5 million). Today, Asians are 5 percent of California's 23 million people. And today, Asians are 8.2 percent of the Monterey Peninsula's 130,000 people. Asian-Pacific Islanders are the fastest growing ethnic group in the nation. And when we think about California's combined minority population of Asians, Hispanics, and Blacks, we can say that, in one sense, California will soon become a Third World nation.

Today, many of our Asian people on the Peninsula are facing some of the same kinds of hardships and problems that the Issei and Nisei faced earlier. They face complex problems: language barriers; inadequate health and social services; the anguish of loneliness because visa restrictions prevent their families from being reunited; miseducation; lack of job training programs; underemployment and unemployment; inadequate legal assistance. They face, in other words, the same anxieties and frustrations of isolation in an alien culture that our Issei and Nisei faced.

Has the time come for an Asian alliance on the Peninsula to help us achieve some worthy human goals? We must be realistic about long-standing differences rooted in ethnicity, culture, and wartime mistrust. But across this divide, new realities must forge common ground and replace old myths. We need to work hard together to learn that in collective numbers and trust there is more power to achieve equality and social justice.

An Asian-Pacific coalition here on the Peninsula could recruit and support our own candidates for local and county office, make donations to friendly candidates, and actively seek Asian appointments to key positions. Over time, our collective presence could be influential in shaping important decisions on the Peninsula that determine the distribution of benefits and the quality of life.

I have tried to raise some ideas—and perhaps a few eyebrows too—that need to be addressed for the future of the Monetary Peninsula JACL. The road ahead is strewn with pebbles and rocks that are part of social change and organizational transition. If we are to negotiate that road smoothly and wisely, the bridge from the past must be connected and adapted to the forces of change in the future.

The torch of civilization is carried by those who would enrich it, not with weapons and war, but with liberty and justice. We have carried that torch for a brief moment in history—that is an important chapter in our fifty year legacy. Let us now pass on that torch to the next generation and they will keep the flame of justice burning.●

CONTINUE HOUSING BONDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DOWNEY) is recognized for 5 minutes.

● Mr. DOWNEY of New York. Mr. Speaker, today my colleague, BILL FRENZEL, and I are introducing legislation which eliminates the sunset on mortgage revenue bonds.

We feel that continuing the single family housing bond program is important in today's housing climate—especially since the program is designed primarily to benefit first-time home buyers.

In 1980, Congress enacted legislation to target tax-exempt financing for housing. For example, the mortgage financing was limited to first-time homeowners, home purchase price limitations were instituted to assure that the bonds were used for low-and moderate-income housing, a distressed area criterion was designed to facilitate neighborhood renewal, and finally, a national volume cap was set allowing each State to issue bonds in an amount not to exceed the greater of $200 million or 9 percent of the total mortgage activity in that State averaged over 3 years. Also included in this 1980 act is a provision that sunsets the tax exemption necessary for the use of this type of financing for owner-occupied housing on December 31 of this year. As the author of much of the 1980 legislation, I can say that the sunset provision was designed largely to force oversight of the new targetting procedures we were enacting at that time.

During the 1983 hearings which will be held in the Ways and Means Committee, I believe that the case will be made easily for continuing the mortgage revenue bond program. Right now, it is the only major housing bill on the table. Mortgage revenue bonds have provided a needed source of affordable financing for families who found themselves hopelessly priced out of the homeownership market. Especially during these times of high interest rates, a needed flow of mortgage capital has been available to an otherwise dormant housing industry. When interest rates fall and conditions in the housing market improve, mortgage revenue bonds continue to provide assistance to families on the lower levels of the income scale. In my State, they have been used to house people who would never have a chance to become homeowners otherwise. Across the country, the bonds have proved their worth as financing tools for neighborhood rehabilitation. While we have imposed Federal targeting criteria, there remains sufficient flexibility for States and local governments to tailor these programs to local needs.

In 1983, for example, mortgage revenue bonds financed 150,000 single family units of which 70,000 were new starts. Conservative estimates of the jobs created by these new units directly financed by mortgage revenue bonds ranges from 76,000 to 89,000.

The most startling statistic about this program, however, is the fact that in 1982, one-third of all first-time homeowners in this country received financing for that home through the use of mortgage revenue bonds. Perhaps this is more a comment on the sorry state of the housing industry during that time than an illustration of how pervasive these bond programs are, but it does prove one thing. This is not the time to be phasing out a successful, if limited, housing program.

Mr. Speaker, I welcome the oversight of this program as brought about by the 1983 sunset date, and I feel sure that when my colleagues study the data of the past 2 years they will agree with the majority of the members of the Ways and Means Committee who are consponsoring this bill today that this program should be continued.

Because of the widespread interest in this bill, I am inserting a copy here:

H.R. 1176

To amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds for single family housing to be issued

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Finance Opportunity Act of 1983."

SEC. 2. REQUIREMENTS FOR MORTGAGE SUBSIDY BONDS.

(a) IN GENERAL.—Section 103A(c)(1) of the Internal Revenue Code of 1954 (relating to the definition of a qualified mortgage bond) is amended to read as follows:

"(1) QUALIFIED MORTGAGE BONDS DEFINED.—

"IN GENERAL.—For purposes of title, the term "qualified mortgage bond" means an obligation which is issued as part of a qualified mortgage issue."

(b) The amendment made by this section applies to obligations issued after December 31, 1983.●

SUSPEND MILITARY AID TO EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, despite overwhelming evidence to the contrary, the Reagan administration has once again certified that the Government of El Salvador has met the conditions laid down by Congress in the

Foreign Assistance Act of 1981 and can continue to receive U.S. military assistance.

As you know, current law requires that the President certify every 180 days that the Government of El Salvador is making progress in respecting the basic human rights of its citizens, exercising control over its military forces, implementing the land reform program and finding and implementing an equitable solution to the conflict. Additionally, Congress required that the President certify that the Salvadoran Government is making a good faith effort to investigate and bring to justice those responsible for the 1980 murders of four U.S. churchwomen and two agrarian reform workers.

It is clear to me and other close observers of the situation in El Salvador that none of these conditions has been met. The Salvadoran Government continues to display a blatant disregard for the human rights of its citizens and its military forces continue to operate with little restraint. To quote a recent press release from Amnesty International, "Testimonies received by Amnesty International suggest unequivocally that all branches of the Salvadoran security forces, whether nominally military, military police, or paramilitary, have been implicated in human rights violations on a large scale."

The land reform program is nearly at a standstill and the trial of the national guardsmen charged with killing the U.S. churchwomen has been postponed indefinitely, while those who directed the killing of the agrarian reform workers have been set free. Is this progress? I think not.

The Reagan administration's decision to certify El Salvador's eligibility for military aid, regardless of abundant evidence to the contrary is, in my view, a dangerous indulgence in wishful thinking. Certification amounts to an endorsement of the Salvadoran Government's policies and additionally serves to undermine our international credibility as a champion of human rights and democracy.

Therefore, Congress must act to suspend military assistance to El Salvador. I urge my colleagues to join me in cosponsoring legislation to be introduced later this week which would declare this certification null and void. This legislation will suspend military assistance to El Salvador until Congress, acting by joint resolution, determines that the conditions have been met. This will not only give meaning to the certification process, but will also provide incentives for the Governments of El Salvador and the United States to abide by the conditions laid down by Congress.●

A TRIBUTE TO JOHN P. LINSTROTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

● Mr. MICA. Mr. Speaker, I wish to take a few minutes today to commend an outstanding citizen from West Palm Beach, Fla., for his outstanding contributions to his own community and his unique and humane perspective on the role of business leaders in our Nation. John P. Linstroth, president of Perini Land & Development in West Palm Beach, was recently awarded the Palm Beach Post's Business Leader of the Year Award, and he is richly deserving.

John Linstroth emphasizes a new dimension when he talks about the role of business leaders in our Nation. He talks about more than business and profits; he talks about people. He talks about the responsibility of leaders "to give hope to the people and to lead the people to achieve effectively a real improvement in human conditions." His vision is broad. It includes the well-being of the people who live on and around the land to be developed or the business to be expanded. It is a vision that involves those people in the very planning and process that lead to the development of communities. In commenting on the interaction between the people and business, Linstroth said, "Perhaps the greatest impediment to solving many of our Nation's problems has been a lack of effective communication between the business community and the people we serve." He urges more communication and a responsiveness to the wishes and needs of the people on the part of business leaders.

That is why John Linstroth is unique. Many business men and women are successful, as is John. But few share the insight, humanity, and vision that he has demonstrated in his 10 years as president of Perini in West Palm Beach. Few take the time to become so deeply involved in their community's affairs. John Linstroth is president of the United Way, vice chairman of the Palm Beach Festival, and a member of the Community Relations Board of Palm Beach County. He is a man who lives according to his ideals.

I speak of John Linstroth—not simply to add to his honors—but to bring public attention to a man whose philosophy of business is sensitive, bold, humane—and successful. And John Linstroth's philosophy of life is also worthy of admiration. He is a man devoted to his family—to Carol, his wife, who has supported his efforts so positively through the years—and to his children John, Jr., Molly, and Michael. John Linstroth has combined private business, public service, and personal strength to achieve his goals. I congratulate him and look forward to the fruits of his fine leadership in the West Palm Beach area.●

SENATOR PATRICK J. LEAHY, RECIPIENT OF FIRST AMENDMENT AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, last week the Society of Professional Journalists honored Senator PATRICK J. LEAHY with the Society's First Amendment Award. Americans who treasure our first amendment protections for freedom of speech and press will appreciate Senator LEAHY's address to the society, which I share with my colleagues:

ADDRESS BEFORE THE SOCIETY OF PROFESSIONAL JOURNALISTS ON RECEIPT OF THE FIRST AMENDMENT AWARD, JANUARY 27, 1983

It is a great pleasure to be here today and a great honor to receive this award from a group whose efforts I respect so deeply. To me the working of the city room of a newspaper is the heartbeat of our democracy.

We are facing a year when it will become something of a cliche to discuss whether the government and technology will prevail over the individual mind and human spirit.

I can note with great satisfaction that 1984 will not mark the beginning of Big Brother and the end of free expression, but rather the tenth anniversary of amendments to FOIA securing in practice rights that had been established in theory eight years earlier.

So important has the Freedom of Information Act become in an age when complexity can make secrecy pose as a virtue, that it is difficult for me to remember that FOIA is only a statute and not a part of the Constitution. But the Act is only another statute on the books, and the current Administration has given ample warning that it is one statute it would like to see weakened or even crippled.

It is truly sad that the President's most profound statement to date on openness in government appeared a short time ago in one statement: "I've had it up to my keister with these leaks."

I know it must be terrible to have your policies leaked to the press in advance, but his problems aren't really so bad. He has to live with a lot of leaks. Some of us feel we have it much worse. We have to live with the policies.

President Reagan would be in a lot better frame of mind if he understood that FOIA strengthens the people's faith in their government. This one Act has proved to be an invaluable tool for turning government accountability from a catchphrase to a reality. It has led to public disclosure of government waste and wrongdoing, as well as expanding public knowledge of health, safety and environmental matters. Through FOIA, the press revealed discrimination in the administration of federal contracts, major medicare fraud by private health organizations, defective and unsafe consumer products, and harmful drugs and medical devices.

But FOIA is more than the sum of its specific achievements. It puts a mammoth government on the same plane as any citizen it

serves. It makes available to that citizen the information to deal with the complexity of government and to understand its actions and purposes. The Act is one of the most stablizing forces in our democracy. It is not to be tampered with casually.

In the 97th Congress the Reagan Administration, along with its Senate allies, presented the Congress with a set of proposals which would have gutted the Act. Working with a broad coalition of public interest groups—and with special help from the press groups—I was able to convince my colleagues on the Senate Judiciary Committee to accept a substitute for the Reagan-Hatch bill which left the essential features of the law intact. Once that substitute was accepted, those whose agenda was to destroy, and not improve the Act, lost interest.

But if I was unconvinced by President Reagan's arguments on amending FOIA, I'll admit that his actions have done a good job of convincing, where his words have failed. I now agree that FOIA needs to be amended. It needs to be more resistent to obstruction from within by a government hostile to its purposes:

The Department of Justice recently adopted a stringent—perhaps I should say stingy—policy on fee waivers, after the Senate Judiciary Committee rejected a similar proposal in the Administration bill.

EPA has undertaken a policy to restrict the release of industry data that would help expose pesticide threats to workers and others, after the House rejected a similar proposal and Senator Helms failed in his effort to include it in legislation before the Senate.

President Regan's Executive Order on classification swept away a trend of nearly three decades aimed at better informing the American public about national defense and foreign policy issues.

More than any one of these examples, I am concerned that all of them together reflect a policy that promotes secrecy as the norm dominating transactions with the government. It was not a momentary lapse when former Secretary of Health and Human Services Schweiker—faced with a mountain of public criticism on the so-called birth control squeal rule—threatened to repeal an agency procedure instituted by Elliott Richardson promoting free and open comment. While this does not concern FOIA, it reflects the same penchant for action out of the view of public scrutiny that made FOIA necessary.

The Congress did not take action on any FOIA bill in the 97th Congress, and I think that the 98th Congress is ready for an affirmative FOIA bill, and not just a response to legislation designed to limit access. I will be introducing a bill to amend the Act entitled "The Freedom of Information Improvement Act of 1983," and I truly hope that the word "improvement" will not bear the ironic tinge that characterized so many "improvement" bills in the 97th Congress.

Briefly my bill would do the following:

The fee waiver standard will be strengthened for members of the news media, nonprofit groups who intend to make the information available to the public, and persons engaged in non-commercial scholarly research.

Requesters will be able to challenge a denial of a fee waiver in court under a standard which permits the court to take a fresh look at whether the waiver standard has been met.

Time limits will be made enforceable by creating economic penalties for an agency that does not meet, the time limits, while giving economic incentives for timely compliance.

The tide of special interest withholding statutes we have seen recently will be stemmed by requiring that new withholding statutes come before the Senate Judiciary Committee and House Government Operations Committee, which have legislative jurisdiction over FOIA.

The delicate balance between the national security and the need to know will be restored by requiring agencies to consider whether the need to protect classified national defense and foreign policy information outweighs the public interest in disclosure. Senator Durenberger and I introduced this proposal in the last Congress and I intend to continue to work with him and my other colleagues on the Senate Intelligence Committee to ensure that we can restore a presumption of openness while at the same time strengthening the protection required for documents which legitimately require classification on security grounds.

These changes will make disclosure under FOIA fairer, faster, and more certain.

And yes, there are some changes that should be made to FOIA because it isn't working as well and as fairly as it should.

The protection of law enforcement information sources can be strengthened.

Fair procedures allow submitters of information a reasonable opportunity to object to release of data must be established. This change would benefit submitters, requesters, and the agency involved.

Commercial users, who account for two-thirds of the costs to the government in processing FOIA requests, must bear their fair share for access.

Agency time limits under FOIA should be made more realistic and enforced more vigorously.

Perhaps in the longer run the most serious problems with FOIA will be to reconcile its vital purposes with the growing threat to personal privacy evident everywhere in our culture, as a direct consequence of the information technology revolution. Increasingly, the government has been breaking down the legal and policy barriers designed to stop the use of one set of computer information collected by the government for a different purpose. Computer matching has become the favorite law enforcement tool of the Reagan Administration.

What we are witnessing is a trend toward making government information less accessible to citizens, and information about citizens more accessible to government and businesses. If information is properly gathered and maintained, there is little potential for abuse of the privacy right in the Freedom of Information Act. But I have little reason to be complacent about the treatment of privacy within government, and consequently the two important rights will have to be scrutinized together as we venture headlong into the age of the computer chip.

In the coming years, you in the press will have to convince the wider community that you have carefully measured your need for access against the right of individual privacy. And all of us concerned with the future of FOIA must be equally vigilant in preventing the advocacy of privacy from serving as an excuse to hobble openness.

In closing I can think of no more appropriate words than those used by the Senate Judiciary Committee in the 89th Congress in reporting the original Freedom of Information Act:

A government by secrecy benefits no one. It injures the people it seeks to serve; it injures its own integrity and operation.

It breeds mistrust, dampens the favor of its citizens, and mocks their loyalty.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I am informing the House today of the U.S. Export-Import Bank's proposal to guarantee a loan of $127.5 million to enable Mexico to purchase two U.S.-made communications satellites and related equipment.

The guarantee would be for 85 percent of the $150 million price of two satellites manufactured by Hughes Communications, launch services by the National Aeronautics and Space Administration (NASA), launch insurance and related goods and services.

This equipment would be purchased by Mexico's development agency, National Financiera, S.A. (NAFINSA), to improve Mexican telephone services and other communications systems. The satellite program would be operated by the Mexican Government's Ministry of Communications and Transporation.

Eximbank officials regard this financial guarantee as part of an international effort by the United States and other industrialized nations, as well as by commercial banks and the International Monetary Fund, to help Mexico weather its current debt crisis and keep its economy functioning. In return, Mexico has agreed to an IMF economic stabilization program that will enable the country to get its finances in order.

Mexico can generate an economic recovery and pay its international debts only if its economic development is allowed to continue and if it has enough credit to continue to trade with the United States and other countries.

It is estimated that the Mexican satellite purchases would result in 2,140 man-years of employment in U.S. firms including Hughes Communications and McDonnell-Douglas. The U.S. Government would also benefit from the sale because of NASA's involvement.

The Eximbank guarantee was sought because of stiff competition from suppliers in France, Germany, and the United Kingdom, all offering similar products with attractive financing terms. An earlier Eximbank effort to achieve a common line on financing terms among the suppliers was unsuccessful.

This Eximbank notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment, and

Monetary Policy. Under section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, the Eximbank must notify Congress of proposed loans or guarantees involving $100 million or more. Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress after notification.

Because of the deep concern about Mexico's international debt and the future of its economy, I have asked the Eximbank to provide more detailed justification for this proposed guarantee than it normally does in a congressional notification. I am submitting for the RECORD the full Eximbank notification, as well as a letter from Charles E. Lord, the Bank's First Vice President and Vice Chairman, explaining the Mexican satellite transaction.

I would welcome any comments or questions my colleagues might have. The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., February 1, 1983.

STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives Washington, D.C.

DEAR MR. CHAIRMAN: On January 13, 1983, Eximbank Chairman William Draper referred to Congress, pursuant to Sec. 2(b)(ii) of the Export-Import Bank Act, details of Eximbank support for the sale to Mexico of U.S. equipment and services for a satellite communications system to be supplied by Hughes Aircraft Company, McDonnell-Douglas, NASA, and other U.S. suppliers. Following the reciept of that letter you have raised certain issues to which we are pleased to respond.

The U.S. Government has been a leading participant in the international arrangements which have been concluded this month to assist Mexico in overcoming serious short term liquidity problems. These arrangements are dependent upon inter-related commitments by the IMF, commerical banks and a number of governments. The continued availability of Eximbank financing for Mexico is a key element of the U.S. government commitment, without which other international participants would not proceed with their own commitments. These international commitments only occurred in conjunction with major domestic stabilization measures by Mexico that give external lenders sufficient confidence that Mexico, with its extensive economic resources and infrastructure, has a real prospect of recovery to normal external debt service within a reasonable time.

External events which cannot be anticipated at this time also could influence the pace of Mexican economic recovery. Two are particularly significant: the price of oil and global interest rates. It is difficult to predict the course of either of these two factors over the repayment period of the loan which we are making. While a decline in the price of oil in the immediate future may reduce Mexican foreign exchange revenues, the decline in interest rates will save Mexico significant foreign exchange costs.

Eximbank was approached initially in late 1981 for a preliminary commitment to support U.S. bidders for this project. The project, both satellite supply and launch, was the subject of intense biddiing competition by U.S. (Hughes, RCA, McDonnell-Douglas, Ford Aerospace, and NASA), French (Ariane, Aerospatiale), British (British Aerospace) and German (Messerschmidt) respective official export agencies. The U.S faces particularly viable competition for France which is attempting, with some success, to make inroads into commercial satellite supply and launch markets with its aggressive, European-led space applications consortium.

Regarding this specific project, we believe that the Mexican government is the appropriate party to determine its investment priorities, consistent with the obligation to improve its domestic economy which it has undertaken in conjunction with the extraordinary external assistance arrangements. Technically, the Ministry of Communications and Transportation has approached this project in a competent manner. Given the size of the country, population densities of various regions and the increasing necessity to provide reliable telecommunications links, this project is warranted. Mexico currently leases transponders from INTELSAT for their domestic communications uses. Within several years the availability of leased transponders is questionable. With its own satellites, however, specifically designed to provide domestic telecommunication signal relaying, smaller and less expensive ground stations can be erected. The possibility further exists that some $20 million in foreign exchange could be generated through contracts whereby the Mexican government would lease two transponders to U.S. or Canadian users. Any delay would increase costs to the Mexican government since NASA shuttle fees will double beginning in 1986, less than three months after the projected date of the second satellite launch.

Finally, there are major economic benefits to the U.S. The project will have a significant impact on U.S. employment in the aerospace industry. It is estimated that 2,140 man-years of employment will be generated with 733 man-years accruing to various Hughes Aircraft plants, 257 man-years divided among McDonnell-Douglas facilities in California, Florida, and Maryland, and with some 1,150 man-years of employment divided among several other suppliers including NASA. Any delays in the contract implementation would result in considerable financial hardship to these suppliers.

I hope that you will find this further information useful and would be pleased to provide any further information you may wish.

Sincerely,

CHARLES E. LORD.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., January 13, 1983.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Speaker's Room, U.S. Capitol
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States Senate with respect to the following transaction involving U.S. exports to Mexico.

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to authorize a financial guarantee in the amount of $127,500,000 for Nacional Financiera, S.A. (NAFINSA) to assist in financing the export to Mexico of goods and services of United States manufacture or origin totaling $150 million for use in the Mexican national domestic communications satellite project, to be operated by the Ministry of Communications and Transportation of the Government of Mexico (MCT). The U.S. goods and services will consist of two Hughes Communications International, Inc. satellites, NASA launches, launch services, launch insurance, and related goods and services.

2. Background

The new Mexican Domsat system, designated "Ihuicahua" or MEXSAT, was officially proposed in mid-1981. Currently, Mexico is leasing five satellite transponders from INTELSAT for the relaying of televison signals nationwide via thirty existing small earth stations located throughout the country. This usage of satellite transponders for TV allowed MCT to dedicate virtually all of its ground microwave network to the transmission of the country's burgeoning telephone and telex traffic. The purchase of two national domestic communications satellites will allow MCT to further expand telephone coverage to hundreds of isolated communities throughout the country. The Domsat system will enable MCT to erect smaller, less sophisticated satellite earth stations in remote areas due to the inherent features of the proposed satellites as compared with similar applications using circuits rented from INTELSAT satellites. The size, geography and population distribution characteristics of Mexico together warrant the purchase of a Domsat system as an integral part of the country's expanding telecommunications network.

Competition has been intense from official foreign export credit agencies to induce the Government of Mexico to source equipment from their respective suppliers. Consortiums of companies from France, Germany, and the U.K. were supported by their respective Government export credit agencies in offering highly competitive financing terms. Earlier Eximbank efforts to achieve a common line on terms were unsuccessful.

Eximbank issued a preliminary commitment on March 9, 1982, as amended on May 14, 1982, June 17, 1982, and October 27, 1982, to support several potential U.S. suppliers of $202 million of U.S. exports. Several alternative financing plans were offered involving different percentages of Eximbank direct credits or financial guarantees. In response to those offers, MCT has applied for Eximbank's financial guarantee of loans to be arranged based on $150 million of U.S. procurement.

NAFINSA, the principal institution of the Mexican Federal Government for financing the development of the country, will be the obligor for the transaction. The obligation of NAFINSA will commit the full faith and credit of the Government of Mexico on the transaction.

3. Identity of Parties

NAFINSA's Organic Law requires that the Federal Government must own at least 51 percent of its capital stock, and it also requires that "the Nation shall be responsible at all times . . . for the operations entered into by NAFINSA with foreign, private, governmental and intergovernmental institutions." The Mexican Minister of Finance and Public Credit, Mr. Silva Herzog, is Chairman of the Board of NAFINSA, and three of the other six directors are government officials.

4. Nature and Use of Goods and Services

A summary of the U.S. goods and services for which Eximbank's finanical guarantee has been requested is attached to this letter as Appendix A. The dominant U.S. supplier will be Hughes Communications International, Inc., which wil provide the two flight spacecraft, ground control equipment, training and other services. NASA will provide space on its shuttle launches scheduled for April 18, 1985, and September 28, 1985, for the satellites and the McDonnell-Douglas Corporation will supply payload assist modules. In addition, hundreds of smaller U.S. suppliers will be involved in the project.

Since procurement involves several U.S. suppliers in different locations, the resulting effect on employment in the United States can only be estimated. Our best estimate is that 300 man years of direct employment are created over a 30-month period by the U.S. suppliers' portion of the subject project.

B. EXPLANATION OF FINANCING

1. Reasons

The proposed Eximbank financial guarantee of $127,500,000 will facilitate the export of $150 million of U.S. goods and services. The favorable impact on U.S. employment resulting from these exports would not be possible without the Eximbank financing terms offered to meet intensive foreign competition.

2. The Financing Plan

The total cost of U.S. goods and services to be exported from the United States for the project is estimated to be $150 million, which will be financed as follows:

		Percent of U.S. costs
Cash payment	$22,500,000	15
Financial guarantee	127,500,000	85
Total	150,000,000	100

The financial guarantee of Eximbank will be made available to a financial institution chosen by NAFINSA and acceptable to Eximbank.

a. A guarantee commitment fee will be charged on the undisbursed portion of the credit guaranteed by Eximbank at the rate of one-eighth of 1 percent per annum. A guarantee fee of one-half of 1 percent per annum will be charged on the disbursed and outstanding amount of the credit guaranteed by Eximbank.

b. Principal indebtedness incurred by NAFINSA under the credit guaranteed by Eximbank will be repaid by NAFINSA in twenty approximately equal semiannual installments beginning March 31, 1986.

Attached as Appendix B is additional information on Eximbank activity in and economic data on Mexico.

Sincerely,

WILLIAM H. DRAPER III.

APPENDIX A

Potential U.S. supplied equipment and services

Hughes Aircraft:	
Two flight spacecraft with warranty	$75,493,000
Ground control equipment and software, including freight	8,041,000
Installation of ground control system	223,000
Launch site services	2,370,000
Transfer orbit and post launch services	4,032,000
Spacecraft—payload integration services	246,000
Training	602,000
Documentation	473,000
Contingencies	500,000
Subtotal	92,980,000
NASA Shuttle launches (4/85 and 9/85): Fee charged by NASA for shuttle launch which partially covers numerous contracts between U.S. suppliers and NASA for shuttle related equipment and services	24,000,000
McDonnell-Douglas: PAM-D Boosters	11,263,000
Launch insurance: Premiums paid for insurance (or reinsurance) in the U.S. market	10,000,000
Project consulting services: Supplier not yet selected (includes ground communication network interface, transfer orbit monitoring, quality control and other related system engineering)	6,000,000
Project contingency total...	150,000,000

APPENDIX B

MEXICO—ECONOMIC DATA AND EXIMBANK ACTIVITY

[All values in U.S. billions of dollars unless otherwise indicated]

	1980	1981	1981/80 (percent)
Income, investment, production:			
GDP at current prices	$186.0	$239.0	28.2
Real GDP growth rate (percent change)	8.3	8.1	
Per capita GDP, current prices	$2,765	$3,443	24.5
Fixed capital formation at constant (1970) prices	$8.6	9.3	7.8
Production growth rates (percent change):			
Agriculture	7.1	6.4	
Oil and Byproducts	23.5	17.6	
Manufacturing	7.0	7.2	
Construction	12.3	11.5	
Electricity	6.5	9.0	
Money and prices:			
Money supply	$56.4	$74.9	32.8
Treasury bill rate (percent)	29.25	33.90	
Whole prices (1975=100)	$294.3	$366.3	24.5
Consumer prices (1975-100)	$262.1	$335.2	27.9
Balance of trade and payments and debt:			
Current account balance	−$7.5	−$12.9	72.0
Balance of trade	−$1.6	−$2.3	43.7
Exports, F.o.b.	−$16.9	−$20.9	23.7
Imports, F.o.b.	$18.5	$23.2	25.4
Foreign debt	$51.4	$75.1	46.1

Eximbank exposure

Eximbank exposure in Mexico:	*Millions*
Short term	$387.7
Medium term	402.7
Credits and financial guarantees (Includes $635 undisbursed)	1,929.6
Total	2,720.0
Additional credit and financial guarantee potential:	
Pending applications	62.7
Outstanding PC's	129.2
Pending PC applications	120.8
Referenced transaction	127.5
Total	440.2
Estimated total potential	3,160.2●

CONGRESSIONAL DELEGATION DISCUSSES ARMS CONTROL WITH TOP SOVIET NEGOTIATORS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on January 11, in Moscow, members of a House delegation visiting the Soviet Union met with the two top Soviet nuclear arms control negotiators, Ambassadors V. P. Karpov and Yuliy Kvitsinsky.

The principal purpose of the meeting was to get a firsthand impression of the status of the nuclear arms control negotiations, from the Soviet perspective. I was a member of the congressional delegation, and today I am offering for printing in the RECORD following these remarks the notes I took in the discussion and also my notes on a subsequent discussion between members of the congressional delegation and Vadim Zagladin, Member of the Supreme Soviet and First Deputy Chief, International Relations Department of the Central Committee of the Communist Party of the U.S.S.R.

Of course, the actual negotiations on intermediate and strategic nuclear weapons will provide the ultimate test as to the degree of commitment either side has to genuine nuclear arms reduction. Nevertheless, I believe we got from our discussions the strong impression that the Soviet negotiators are in earnest about achieving meaningful arms reductions that both sides can live with.

I think it is also safe to say that we were impressed by some of the objections the Soviet officials raised concerning the initial proposals made by the United States and by the professed willingness of the Soviet negotiators to consider compromises.

Valid objections, of course, can be raised against some of the Soviet proposals, but it does appear that the door remains open, as surely it must, for some real give-and-take negotiations.

Accordingly, we can hope, and indeed should insist, that both sides will exhibit more flexibility and seriousness in the secret bargaining sessions now underway than has been evident in their public posturing.

The discussions with Mr. Zagladin were of a general nature and, in addition to disarmament, also dealt with trade and human rights issues. On the latter subject, it is apparent that there is still a great disparity between Soviet and American positions.

While my notes are not, and were not intended to be, a verbatim transcript of the discussions, they contain the core and, I believe, give an accurate impression of what was said.

As far as I know, the congressional representatives present all felt that the discussions were helpful in understanding the Soviet viewpoint. For our part, we tried to convey to the Soviets the seriousness and sincerity of congressional support for mutual arms reductions, for human rights, and for improved relations between our two countries.

If I were to pick out the most striking feature of our discussions, it would be the clear concern, expressed both by the congressional delegation and the Soviet officials, that both countries are at a turning point, where we have a "window of opportunity" to control the weapons race, and that if we fail to make the most of this opportunity, a new and even more dangerous weapons race will follow.

From the Soviet Union, the congressional delegation proceeded to Budapest, Hungary; and Belgrade, Yugoslavia, where we met with top members of the respective parliaments and officials having jurisdiction over foreign affiars and trade. In private discussions several of them expressed the view that the most fruitful way of obtaining better Soviet behavior on human rights is not through sanctions and other forms of pressure but rather through the reduction of tensions likely to flow from mutual reduction of armaments and increases in trade and personal contacts. Some observed that such external pressure actually provides the Soviet regime with a means of justifying to its people the imposition of internal restrictions.

Mr. Speaker, the texts of my notes of the meetings in the Soviet Union follow below:

OUTLINE OF DISCUSSION BETWEEN MEMBERS OF U.S. CONGRESSIONAL DELEGATION AND SOVIET ARMS CONTROL EXPERTS

(January 11, 1983, at the Soviet Foreign Ministry, Moscow; taken from notes by Rep. John F. Seiberling)

U.S. Congressional Delegation: Hon. Tom Lantos, Chairman; Hon. Jim Jones, Hon. J. J. Pickle, Hon. John F. Seiberling, Hon. Tom Coleman, Hon. Norman Lent.

Soviet Arms Control Experts: Ambassadors-at-large V. P. Karpov, Yuliy Kvitsinsky, Chief Soviet negotiators for START and INF, respectively.

Also Present: Don Fortier, National Security Council, and William Courtney, U.S. Embassy, Moscow.

Representative LANTOS. Arms control is the most important issue of our generation. Our diverse congressional delegation agrees that the Congress and the Administration are dedicated to meaningful arms control. We are interested not in a propaganda ploy, but in achieving the full range of arms reductions. The President's "Zero Option" is not a negotiating ploy, but is instead a serious option for consideration. Are the weapons which would be removed as a result of the proposed Soviet Intermediate Range Nuclear Force (INF) reductions to be destroyed or merely moved and stored somewhere else?

INF

YULIY KVITSINSKY. The Soviet INF proposal is absolutely clear on this point, as has been stated by (Soviet Premier) Yuri Andropov. The Soviet view is that the Zero Option is absolutely one-sided and is not a productive way to proceed. It would require the USSR to do away with all its (intermediate range) missiles, while NATO would not have to do away with its existing nuclear weapons in Western Europe. It does not settle anything from the standpoint of reducing nuclear confrontation. INF also includes medium range bombers; therefore, a proposal eliminating only missiles does not eliminate all nuclear weapons in Europe.

Rep. LANTOS. This would be a first step only, and would at least eliminate the most destabilizing weapons at the outset.

KVITSINSKY. Your draft treaty does not contain a termination date, but would be permanent. It would increase the danger of war in Europe. We are trying to structure our approach to achieve a permanent basis for stability. This required a comprehensive approach to all medium-range systems—air-launched, sea-launched, and ground-based. So we propose to reduce by two-thirds the INF on each side, down from 1,000 units to 300. We also propose a sub-level for missiles to the levels possessed by Britain and France, with equal sub-levels on air- and sea-launched missiles of intermediate range. Your proposal only reduces our ground-based missiles, while continuing the arm race at sea and in the air.

Rep. SEIBERLING. Will you please clarify the Soviet position as to whether you will remove or destroy INF missiles removed under your proposal?

KVITSINSKY. This is a question to be answered at the negotiating table. Per our agreement with (U.S. negotiator Paul) Nitze, it is not to be discussed with non-parties to the negotiations. The missiles could, however, be destroyed or moved beyond an agreed line. We have an American proposal which is not acceptable to the Soviets, and a Soviet proposal which the United States does not wish to discuss. First, we must get down to an agreed set of negotiating points.

If we were negotiating with you, we would ask what is there beyond your proposal, since your side has made no follow-up with any other proposals beyond eliminating missiles. Until that is clear, there is nothing to negotiate.

Rep. LANTOS. Are you saying that if the United States coupled the Zero Option with proposals on other types of weapons it would be an acceptable negotiating basis?

KVITSINSKY. The Zero Option is unfair. It would have been fair if the U.K. and France did not have any missiles. But since that is not the case, and since the U.S. proposal does not deal with British and French missiles, it is meaningless.

We are prepared to have a Zero Option between the U.S. and the U.S.S.R. if there were some offset by reducing British and French missiles.

Rep. LANTOS. No one rationally argues that British and French missiles are a threat to the Soviet Union.

KVITSINSKY. Isn't NATO a coordinated defense organization? The balance of forces has always taken into account the total forces on both sides. (French President Francois) Mitterand himself said that the French INF missiles are an addition to the NATO forces. It would be hard to imagine that in any European war, France would be on the side of the Soviet Union.

STRATEGIC NUCLEAR WEAPONS

V. P. KARPOV. It is important not merely to show an interest but to search for mutually acceptable solutions that reduce the risk of nuclear war. The essence of the U.S. proposals and the way they are presented gives cause for serious doubt as to whether they are serious and not a propaganda ploy.

For a year and a half, the United States has been procratinating. Then, on May 9, President Reagan makes a high-sounding declaration. Is this a business-like approach? To be business-like, one would come quietly to the negotiating table without a big public fanfare.

As to the essence of the U.S. proposals, the United States proposes, in essence, that the USSR scrap 90 percent of its ICBM's—the backbone of the Soviet strategic force—yet the U.S. is not supposed to scrap its bomber and Trident (submarine) programs. The recent letter from President Reagan to Representative (Jack) Kemp makes clear that U.S. is not prepared to scrap any of its programs in order to reach agreement with the USSR on strategic weapons.

By proposing to reduce the number of warheads on both sides from 7,500 to 5,000, the U.S. would actually keep 10,000 warheads, as one must add the number of cruise missiles planned for the next ten years. This was officially announced by (Defense) Secretary Weinberger and other U.S. officials. (The U.S. wants to deploy) 4,000 cruise missiles on bombers alone, plus sea- and ground-based cruise missiles in Western Europe. Is this disarmament? Telling the Soviet Union it can build other missiles does not overcome the proposal that the USSR scrap 90 percent of its existing (land-based) missiles. Moreover, it says that the USSR would have to rearm and be forced to compete with the U.S. in this new arms race.

Representative LANTOS. Let's discuss budgetary issues, and the burden of the arms race on both countries.

Rep. JONES. At a time of strategic inferiority, it may have made sense for the USSR to build up in Europe. But now there is strategic parity, so why not reduce forces to, say, 100 IRBM's in Europe?

KVITSINSKY. We are prepared to have the same number as Britain and France have. This involves risks, since the United States is going to supply Trident to Britain and the French are planning to MIRV their missiles.

Rep. JONES. Why not 100 missiles everywhere? Including those facing China?

KVITSINSKY. How does this add up?

Rep. JONES. We are looking for a dramatic breakthrough, for it is becoming too dangerous and too costly to continue the arms race. Otherwise, the United States must continue rearming.

KARPOV. We must seek a breakthrough, but the Soviet Union cannot unilaterally disarm either. So let's not even talk about unilateral disarmament. We should instead focus on achieving agreement to bring about a real (arms) reduction. Let's do this on a comprehensive basis, on all forms of strategic arms.

Rep. SEIBERLING. In May, 1981, George Kennan suggested an immediate mutual freeze and an agreed percentage reduction across-the-board on all weapons systems. What is the Soviet view of this proposal?

KARPOV. The USSR supports an immediate freeze, followed by negotiations on reductions. As to Kennan's proposed 50% reduction, we believe one has to act gradually in this area. The USSR has proposed a 25% reduction.

Rep. SEIBERLING. Would this be across-the-board?

KARPOV. It would include the totality of strategic weapons. It is possible that sublevels would be established for certain types of systems, and the USSR's proposal does not rule this out. The specifics would have to be agreed upon.

As for other systems, e.g. long-range cruise missiles, the Soviet Union proposes to ban them and to scrap existing ones. Also, the USSR proposes to ban long-range SAM's, as well as certain other new types of weapons.

We could, after the 25% cut, consider further reductions and thus gradually reduce the threat of nuclear war. The Soviet Union does not seek any military advantage from these negotiations. The USSR wishes guarantees of stability of balance, which the parity of recent years provided. But we must reduce the huge stockpiles and, in the course of doing this, maintain the balance of forces and parity and stability.

Rep. J. J. PICKLE. This is my first time in Russia. I came to see if we could be better friends. Within the next two years, the United States and Russia might be able to take meaningful steps toward nuclear disarmament. Within five years, however, the USA and Russia may no longer have that chance alone, since others—Japan, France, China and others—may have strong strategic capabilities. The United States will probably make some further military cuts on its own, but if this is done and if this is not matched by the USSR, then we will probably see an arms race like we have never seen before.

You Russians had better understand this, that while we may be willing to cut back now, unless you do also, we are going to double our expenditures. If this happens, that may be bad for the world, because all then can be kaput!

Rep. NORM LENT. I voted against the MX too, not because I was against a new missile, but because I did not think the basing mode has been worked out. I will, however, support the MX if a START treaty is not worked out at Geneva within a reasonable time.

Rep. LANTOS. Two days ago, we were in Leningrad, and paid tribute to the people who defended it so heroically in World War II. At the memorial, we had tears in our eyes and realized we could not even imagine the suffering of those people.

We now have a window of opportunity. One factor is the assumption of office by Chairman Andropov, which provides an opportunity to "wipe the slate clean." I wish I could convey how serious we are. We must all show some creativity and be willing to take risks.

OUTLINE OF DISCUSSIONS BETWEEN MEMBERS OF U.S. CONGRESSIONAL DELEGATION AND VADIM ZAGLADIN

(January 11, 1983, at the Kremlin; taken from notes by Rep. John F. Seiberling)

U.S. Representatives: Hon. Tom Lantos, Chairman; Hon. Don Bonker; Hon. Sam Gibbons; Hon. Jim Jones; Hon. Don Pease; Hon. J. J. Pickle; Hon. John Seiberling; Hon. William Clinger; Hon. Tom Coleman; Hon. Bill Frenzel; Hon. Norman Shumway; Hon. William Thomas.

Soviet Representative: Vadim Zagladin, Member, Supreme Soviet, and First Deputy Chief, International Relations Department of the Central Committee of the Communist Party of the USSR.

ZAGLADIN. The sole basis of relations between the U.S. and the Soviet Union should be peaceful coexistence. By this I mean not simply the absence of war, but "good neighbor" relations. There are many subjects to discuss. These include economic relations ("great potential"), cultural and human contacts between our peoples, and joint U.S.-Soviet efforts aimed at security. Nowadays, we can't insure the security of one country without insuring the security of the other. Joint security must be achieved on basis of parity, constantly decreasing levels of armaments, and increasing levels of security.

Our relations are not developing as we would like, or as we think you would like, at the present time. We have heard the appeal from your side that we should abandon our system and that the only way to influence us is through pressure. We do not demand that of you. It is our view that the U.S. and the USSR should be partners, and behave accordingly.

We face a crossroads: either to control the arms race, and thereafter to develop normal relations, or to accelerate the arms race. The latter course will be even more dangerous in the future than it has been up to now. As we each develop new types of weapons, control is more difficult. We do not have an unlimited amount of time to achieve arms control. We should try to do so now.

I read a recent Gallup poll showing a 7-2 majority in America favoring improvement of Soviet-American relations. This is reciprocated among Soviet people, but there is also widespread distrust of America in the USSR. I think you understand why.

Do you agree that efforts should be made to try to insure our mutual security, and, if so, what do you recommend?

LANTOS. We, too, are committed to peaceful coexistence. In the nuclear age, the alternative is extermination.

We also feel that relations between the U.S. and the USSR are at a low ebb, and we hope to find out what can be done to improve relations. To that end, we believe there should be an increase in the intensity of the dialogue between our leaders on both sides. Our delegation, by 13-0, favors improved relations. We also feel that assumption of the chairmanship by Mr. Andropov gives us a window of opportunity to improve relations.

Our delegation would like to discuss arms control, economic issues, and human rights.

This delegation is a cross-section of America and of political views, but as with the American people as a whole there is harmony on the basic principles. Although we don't all agree with the present U.S. Administration in all details, we believe that it is committed to peace and disarmament.

With regard to arms control, there is widespread support in the U.S. for the "zero option" proposal as an effort for a general breakthrough in arms control.

GIBBONS. With regard to trade relations, U.S.-Soviet trade is now limited. I see no change in that until we resolve some more fundamental problems. All our relations are poisoned by suspicion. The intelligence data I see "scare the hell out of me." I think we need to change this.

One of the first things we could do would be to open up travel to senior members of both governments on an unrestricted basis. Next, we should invite our business leaders to travel on an unrestricted basis. Then we could begin to work together on an unrestricted basis. It is futile to discuss disarmament as long as we are both suspicious and fear each other.

FRENZEL. We were pleased when meetings of the U.S.-Soviet Economic Council resumed. We take it as a favorable sign. There are many other obstacles (e.g. human rights problems), but we should move ahead. We should increase trade between our two countries.

ZAGLADIN. We are happy to hear your words of goodwill and there is not a single word that will not bear fruit. We, too, have our differences of opinion, but that does not preclude dialogue.

Regarding arms control: I am aware today that you met with my friends (Soviet Ambassadors-at-Large) Yuriy Kvitsinsky and V. I. Karpov. We agree that the vicious circle of the arms race should be broken, but the question is how to do this. Any solution should not impair either country's security or create the feeling of danger to either country. We should not underestimate the latter. We do not believe that either of your government's arms control proposals ("zero option", or reduction of strategic warheads) will increase mutual security or diminish feelings of danger.

Regarding "zero option": it is our view that this would leave American nuclear weapons-carrying aircraft and the aircraft and missiles of France and the United Kingdom. France and Britain already have 290 warheads, and they are about to be expanded to 1,200-1,700 warheads by the late 1980's. The zero option proposal does not cover them, yet they are aimed against us.

In the Warsaw alliance, only the Soviets have nuclear weapons, while in NATO, three countries do. Is the way out to give two other Warsaw Pact countries nuclear weapons? We don't think so.

The real zero option is to do away with all nuclear weapons in Europe, including tactical weapons.

In the past, your side in the INF talks either said nothing or launched a propaganda campaign, but this time you at least proposed something. While we don't agree with it, at least it's something, and we think the coming negotiations may lead somewhere.

With regard to strategic nuclear weapons, your Administration's proposal to reduce only ground-based missiles gives us concern. The 2,500 missiles that would be reduced would be 70 percent ground-based on our side, and only 20 percent ground-based on yours. That is not just a coincidence. You have access easily to oceans, while our submarines can be easily blocked. You have air bases all over the world, while we do not. So your proposal would make a basic change in the balance. Is the solution to arms control for us to build up a new SLBM and bomber force?

By contrast, our proposal is to reduce by 25 percent the capacity of both countries. Since we have more delivery vehicles (as distinct from warheards), we would be willing to reduce even more of them. But the reductions should be in such a manner as to preserve parity in delivery vehicles and warheads. That would be a first step only, and should lead to additional reductions.

I know the arguments advanced against our proposals. It is argued that our ICBM's are the most dangerous and destabilizing. Yet the range is the same as yours. Your experts say that the accuracy of Trident II, your ICBM's, and your cruise missiles is the same as ours. Your experts claim that the most vulnerable missiles are ground-based, and therefore they should be replaced by aircraft and submarines.

The time of flight is the same for our missiles and yours—30 minutes. However, a Trident II would have much less flight time, and that would be very dangerous. The same would be true of Soviet SLBM's. The two negotiating teams should try to resolve these problems.

We do not think the U.S. does not need security. It is a legitimate concern. Unfortunately, if your Administration is seeking peace, it is very talented in concealing this. When it says its goal is military superiority, it does not produce a better climate.

Regarding trade issues: we have no legislation that would limit trade with the U.S. So far as we are concerned, everything is in order for an increase in trade with the U.S. Nor do we know of any case where we are not in compliance with every trade agreement with the U.S.

We agree that contacts with American businessmen should be encouraged. We create no obstacles to travel by your businessmen in the USSR. However, your government interferes with their travel to the USSR.

As to distrust and fear, one answer is to curb the arms race. The other is something your country can't be blamed for, and that is your mass media. We have a law to punish reporters who write untruths to inflame the public. Please judge us by our actions and official statements. Anyway, we agree that we should try to increase trust.

BONKER. Regarding human rights, we understand that our human rights policy has complicated relations between our countries. However, you should understand that it is institutionalized in our law, and enjoys widespread public support. It is not directed solely at the USSR, but all countries including our allies, and has resulted in actions against such countries as South Korea and countries in Latin America.

We are especially concerned with problems of immigration, family reunification, and such groups as the "refuseniks" and the pentecostals. We are especially concerned over the recent drastic reductions in emigration of Jewish people by the Soviet Union.

The imposition of (U.S.) sanctions following events in Afghanistan and Poland also arose out of human rights issues. Trade is the currency of peace. Restrictions on trade impair peace and our businessmen's ability to compete. Nevertheless, they are broadly supported where based on human rights considerations.

LANTOS. We are all realists. We would all like to improve relations. To some extent, this is out of our control. However, we can do some things to improve relations. Symbols are very important. A great deal could be achieved if your government would make a few symbolic moves, such as improving the conditions of (Soviet dissidents) Sakharov and Scharansky and the pentecostals in the American Embassy in Moscow. It would make a great contribution if the pentecostals were allowed to leave (the Soviet Union). If the new government under Chairman Andropov would make some symbolic gestures of goodwill, we would surely reciprocate.

ZAGLADIN. Our impression is that the U.S. Administration wants to prolong the Afghanistan conflict. The Polish situation is internal and not our affair. We have different approaches to human rights, although we have tried to resolve these problems. They are a proper subject for discussions by scientists and politicians. However, they are not different concepts in all respects.

We have discussed problems of emigration and the pentecostals with your Administration. However, that is not the basic problem. The right of an individual (in the USSR) to leave his homeland exists only within the framework of our law. Reunification of families has been accomplished in hundreds of thousands of cases. There are sometimes problems of national security, when a person is on trial or in prison, or when his parents are dependent on him.

Scharansky was convicted of espionage. He cannot be released until he has completed his sentence. His health is not in danger. The pentecostals have not been refused permission to emigrate, but the exit laws must be complied with.

The most important human right is the right to peace and security. Also, economic and social rights are important. All these rights are in our Constitution. Suppose we said we should have no dealings with the U.S. on disarmament until the U.S. solves all its social problems, such as unemployment, and complies with the principles in the Soviet Constitution?

I do not mean we should not discuss such matters between us, but they should not, in the end, determine the fate of our two countries or the fate of the world.

GIBBONS. The pentecostals have become our problem. Why can't we just put them on an airplane and take them with us, if they have not been denied the right to emigrate?

ZAGLADIN. They are Soviet citizens and not foreign nationals. If the Soviet emigration law is complied with, they can leave. I will give it serious thought.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SKEEN) to revise and extend his remarks and include extraneous material:)

Mr. BEREUTER, for 10 minutes, on February 3.

Mr. CONTE, for 10 minutes, today.

(The following Members (at the request of Mr. FEIGHAN) to revise and extend their remarks and include extraneous material):

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. DOWNEY of New York, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, on February 3.

Mr. STRATTON, for 60 minutes, on February 15.

Mr. OTTINGER, for 60 minutes, on March 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SKEEN) and to include extraneous matter:)

Mr. MCGRATH.

Mr. PHILIP M. CRANE in two instances.

Mr. YOUNG of Alaska in three instances.

Mr. MADIGAN.

Mr. DREIER of California.

Mr. DANIEL B. CRANE.

Mr. LUNGREN.

Mr. SHAW.

Mr. LOEFFLER.

Mr. TAUKE.

Mr. GILMAN.

Mr. GRADISON.

Mr. CONTE.

Mr. HILER.

Mr. FRENZEL in five instances.

Mr. DAUB in two instances.

Mr. PAUL.

Mr. ERLENBORN.

Mr. LAGOMARSINO

Mrs. SNOWE.

Mr. FISH.

Mr. EDWARDS of Oklahoma.

(The following Members (at the request of Mr. FEIGHAN) and to include extraneous matter:)

Mr. MINETA.

Mr. PEPPER.

Mr. STARK in four instances.

Mr. RICHARDSON.

Mr. WHEAT.

Mr. MINISH.

Mr. SIKORSKI.

Mrs. SCHROEDER.

Mr. SISISKY.

Mr. LEHMAN of Florida in three instances.

Mr. ZABLOCKI.

Mr. FRANK.

Mr. FLORIO.

Mr. OBERSTAR in two instances.

Ms. FERRARO in two instances.

Mr. ADDABBO.

Mr. WYDEN.

Mr. RATCHFORD.

Mr. HAMILTON.

Mr. GUARINI.

Mr. WEISS in five instances.

Mr. EDGAR.

Mr. FASCELL in six instances.

Mr. MCDONALD in five instances.

Mr. LANTOS in two instances.

Mr. DOWNEY of New York in two instances.
Mr. BORSKI.
Mr. TRAXLER.
Mr. NOWAK.
Mr. CLAY.
Mr. SOLARZ.
Mr. WAXMAN.
Mr. SIMON.
Mr. SHELBY in two instances.
Ms. OAKAR.
Mr. YATES.
Mr. HUBBARD.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 6 minutes p.m.) the House adjourned until tomorrow, Thursday, February 3, 1983, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

264. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a final supplemental environmental statement and supplemental information report on the proposed solution for downstream flooding at the Stockton Lake project, Sac River, Mo., pursuant to public law; to the Committee on Appropriations.

265. A letter from the Secretary of Defense, transmitting the Department of Defense annual report for fiscal year 1984, pursuant to 10 U.S.C. 133(c); to the Committee on Armed Services.

266. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense equipment to the United Kingdom (Transmittal No. 83-15), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

267. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting a report on the performance of Defense Department commercial and industrial-type functions, pursuant to section 502(c) of Public Law 96-342; to the Committee on Armed Services.

268. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the inactive ship maintenance function at the Inactive Ship Maintenance Facility, Bremerton, Wash., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

269. A letter from the Assistant Attorney General, Civil Rights Division, transmitting the annual report for calendar year 1982 on the administration of the Equal Credit Opportunity Act, pursuant to section 707 of Public Law 90-321, as amended; to the Committee on Banking, Finance and Urban Affairs.

270. A letter from the Director, Office of Congressional Relations, U.S. Consumer Product Safety Commission, transmitting notice of the Commission's issued amendments to its requirements for full-size and non-full-size baby cribs, promulgated pursuant to section 2(q)(1) or subsection (e) of section 3 of Public Law 86-613; to the Committee on Energy and Commerce.

271. A letter from the Director, Office of Congressional Relations, U.S. Consumer Product Safety Commission, transmitting text of proposed final rule on the safety standard for omni-directional citizens band base station antennas, promulgated pursuant to section 9(a) of Public Law 92-573; to the Committee on Energy and Commerce.

272. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to the United Kingdom (Transmittal No. 83-15), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

273. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Saudi Arabia for permission to transfer certain U.S. origin defense equipment to the Government of Bahrain, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

274. A letter from the President, Inter-American Foundation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1969 to authorize the sum of $10,705,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985; to the Committee on Foreign Affairs.

275. A letter from the Comptroller General of the United States, transmitting the audit of the Government Printing Office for the fiscal years ended September 30, 1982, and 1981, pursuant to 44 U.S.C. 309(c); (GAO/AFMD-83-50; January 28, 1983); to the Committee on Government Operations.

276. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the 24th annual report of the Commission's activities covering the year 1982, pursuant to section 5(3) of Public Law 86-380; to the Committee on Government Operations.

277. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice that during calendar year 1982 there were no scientific and professional positions established, pursuant to 5 U.S.C. 3104(b); to the Committee on Post Office and Civil Service.

278. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the second annual report on significant actions of the Office of Personnel Management, pursuant to 5 U.S.C. 1209(b); to the Committee on Post Office and Civil Service.

279. A letter from the Secretary of Transportation, transmitting notice of a final rule that establishes criteria that States must meet in order to receive basic and supplemental alcohol traffic safety program incentive grants, pursuant to Public Law 97-364; to the Committee on Public Works and Transportation.

280. A letter from the Secretary of Energy, transmitting the annual report of the Office of Alcohol Fuels for the fiscal year 1982, pursuant to section 218(c)(1) of Public Law 96-294; jointly, to the Committees on Agriculture and Energy and Commerce.

281. A letter from the Secretary of Labor, transmitting the Department's annual report of black lung benefits for the year 1981, pursuant to section 203(c) of Public Law 97-119; jointly, to the Committees on Education and Labor and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of the rule X and clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. COLLINS:

H.R. 1155. A bill to amend the Communications Act of 1934 to provide for greater participation of minorities in telecommunications; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ADDABBO:

H.R. 1156. A bill to amend the Small Business Investment Act of 1958; to the Committee on Small Business.

H.R. 1157. A bill to amend the Small Business Act to restrict the authority of the Small Business Administration to deny financial assistance to small business concerns solely because the primary business operations of such concerns relate to the communication of ideas; to the Committee on Small Business.

By Mr. ADDABBO (for himself and Mr. MITCHELL):

H.R. 1158. A bill to establish a Minority Business Development Administration in the Department of Commerce, to clarify the relationship between such Administration and the Small Business Administration, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Small Business.

By Mr. ALEXANDER:

H.R. 1159. A bill to promote interstate commerce by regulating the contractual arrangements between suppliers and retailers in the office machine and equipment industry; to the Committee on Energy and Commerce.

By Mr. BENNETT:

H.R. 1160. A bill to amend title 10, United States Code, to provide for the funding of military retired pay and survivor benefits on an actuarially sound basis; to the Committee on Armed Services.

H.R. 1161. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 1162. A bill to amend the National School Lunch Act to require that the Secretary provide cash assistance for distribution, processing, and handling of agricultural commodities made available under section 14(a)(2) of such act, and for other purposes; jointly, to the Committees on Education and Labor and Agriculture.

By Mr. BONER of Tennessee:

H.R. 1163. A bill to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends; to the Committee on Ways and Means.

By Mr. BORSKI:

H.R. 1164. A bill to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends; to the Committee on Ways and Means.

By Mrs. BOUQUARD:

H.R. 1165. A bill to designate the Federal building in Oak Ridge, Tenn., as the "Joe L. Evins Federal Building," to direct the Administrator of General Services to administer 12.5 acres of land adjacent to the build-

ing in the same manner as the Administrator administered that land before November 30, 1982, and to designate that land as the "Sam Rayburn Recreational Area"; to the Committee on Public Works and Transportation.

H.R. 1166. A bill to amend title II of the Social Security Act to exclude the social security trust funds from the unified budget of the U.S. Government; to the Committee on Ways and Means.

H.R. 1167. A bill to amend the Social Security Act to provide for improved management of the social security trust funds and increase the return on investments to those funds; to the Committee on Ways and Means.

H.R. 1168. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide social security coverage for Members of Congress; to the Committee on Ways and Means.

H.R. 1169. A bill to amend title 11, United States Code, to establish an improved basis for providing relief under chapter 7, and for other purposes; to the Committee on the Judiciary.

By Mr. BROOKS:

H.R. 1170. A bill to amend section 218 of the Social Security Act to provide that the termination by a State of social security coverage for State or local employees within any coverage group (otherwise than as part of the complete termination of the State's agreement under that section) shall not apply with respect to the members of such group who desire to continue their social security coverage under the agreement; to the Committee on Ways and Means.

By Mr. BREAUX:

H.R. 1171. A bill to provide authority for activities to develop and expand export markets for U.S. agricultural commodities, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. CLAY:

H.R. 1172. A bill to amend the Internal Revenue Code of 1954 to allow individuals to elect a refundable credit against income tax equal to 20 percent of their medical expenses in lieu of the deduction for the excess of such expenses over 5 percent of adjusted gross income; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. BEDELL, Mr. MOLINARI, Mr. MAVROULES, Mr. HATCHER, and Mr. ECKART):

H.R. 1173. A bill to amend the Small Business Investment Act to provide for the issuance of tax exempt bonds for pollution control purposes; to the Committee on Small Business.

By Mr. PHILIP M. CRANE:

H.R. 1174. A bill to repeal the Davis-Bacon Act, and for other purposes; to the Committee on Education and Labor.

By Mr. DOWNEY of New York:

H.R. 1175. A bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to exclude public employee pension benefit plans from the operation of section 235; to the Committee on Ways and Means.

By Mr. DOWNEY of New York (for himself, Mr. FRENZEL, Mr. HEFTEL of Hawaii, Mr. DUNCAN, Mr. GEPHARDT, Mr. GUARINI, Mr. ANTHONY, Mr. FORD of Tennessee, Mrs. KENNELLY, Mr. VANDER JAGT, Mr. THOMAS of California, Mr. JENKINS, Mr. PEASE, Mr. CAMPBELL, Mr. MATSUI, Mr. CONABLE, Mr. MARTIN of North Carolina, Mr. DORGAN, Mr. FLIPPO, Mr. FOLEY, and Mr. LOTT):

H.R. 1176. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage revenue bonds to be issued; to the Committee on Ways and Means.

By Mr. DREIER of California:

H.R. 1177. A bill to repeal the withholding on interest, dividends and patronage dividends enacted by the Tax Equity and Fiscal Responsibility Act of 1982 and to require, in lieu of such withholding, the Secretary of the Treasury to use existing information returns to insure that the proper amount of tax is collected with respect to interest, dividends, and patronage dividends; to the Committee on Ways and Means.

By Mr. DWYER of New Jersey (for himself, Mr. BEDELL, Mr. BARNES, Mrs. COLLINS, Mr. CONYERS, Mr. CORRADA, Mr. EDGAR, Mr. FAZIO, Mr. FLORIO, Mr. FORSYTHE, Mr. GARCIA, Mr. GINGRICH, Mr. GORE, Mr. HOWARD, Mr. RAHALL, Mr. ROE, Mr. SCHEUER, Mr. STOKES, Mr. VENTO, and Mr. WAXMAN):

H.R. 1178. A bill to amend the Internal Revenue Code of 1954 to provide that handicapped individuals will be eligible for the one-time exclusion of gain from the sale of a principal residence; to the Committee on Ways and Means.

By Mr. ERLENBORN, (for himself, Mr. CONABLE, Mr. PICKLE, Mr. REGULA and Mrs. ROUKEMA):

H.R. 1179. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to permit the investment by employee benefit plans in residential mortgages; jointly, to the Committee on Education and Labor and Ways and Means.

By Mr. FOWLER (for himself, Mr. JENKINS, Mr. MCEWEN, Mr. MATSUI, and Mrs. KENNELLY):

H.R. 1180. A bill to amend the Internal Revenue Code of 1954 to provide additional financing for the railroad retirement system by increasing the railroad retirement taxes on employers, employees, and employee representatives; to the Committee on Ways and Means.

By Mr. GARCIA (for himself, Mr. ADDABBO, Mr. BONIOR of Michigan, Mr. CHANDLER, Mr. CORRADA, Mr. CROCKETT, Mr. FAUNTROY, Mr. FAZIO, Mr. FORSYTHE, Mr. FRANK, Mr. FROST, Mr. HORTON, Mr. HYDE, Mr. KOGOVSEK, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LEVINE of California, Mr. MAVROULES, Ms. MIKULSKI, Mr. MCKINNEY, Mr. MINISH, Mr. MRAZEK, Mr. OBERSTAR, Mr. OTTINGER, Mr. OWENS, Mr. RANGEL, Mr. ROE, Mr. SCHEUER, Mr. SCHUMER, Mr. SOLARZ, Mr. STOKES, Mr. TOWNS, Mr. WEISS, Mr. WILSON, and Mr. WYDEN):

H.R. 1181. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income interest on certain reparation payments received by individuals persecuted under the German National Socialist regime; to the Committee on Ways and Means.

By Mr. GINGRICH:

H.R. 1182. A bill to provide mandatory social coverage for Members of Congress; to the Committee on Way and Means.

By Mr. GUARINI (for himself, Mr. WRIGHT, Mr. FOLEY, Mr. ALEXANDER, and Mr. GEPHARDT):

H.R. 1183. A bill to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981; to the Committee on Ways and Means.

By Mr. SAM B. HALL, JR.:

H.R. 1184. A bill to amend the Diplomatic Relations Act to limit immunity from criminal prosecution for families of foreign diplomats; to the Committee on Foreign Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 1185. A bill to repeal the restrictions imposed by the Mortgage Subsidy Bond Tax Act of 1980 on the issuance of tax-exempt obligations for housing purposes; to the Committee on Ways and Means.

By Mr. HEFTEL of Hawaii:

H.R. 1186. A bill to amend the Congressional Budget Act of 1974 to establish a Council on Economic Indicators and to provide for House and Senate approval of economic assumptions underlying the budget; to the Committee on Rules.

H.R. 1187. A bill to amend the Congressional Budget Act of 1974 to make first concurrent resolutions on the budget binding, to eliminate second concurrent resolutions on the budget, and for other purposes; to the Committee on Rules.

H.R. 1188. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide social security coverage for Members of Congress; to the Committee on Ways and Means.

By Mr. JEFFORDS:

H.R. 1189. A bill to amend the Internal Revenue Code of 1954 to require the Internal Revenue Service to make reasonable efforts to locate persons to whom unclaimed tax returns are owed, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES of Tennessee (for himself and Mr. COLEMAN of Missouri):

H.R. 1190. A bill to provide emergency credit assistance to farmers, and for other purposes; to the Committee on Agriculture.

By Mr. KOGOVSEK:

H.R. 1191. A bill to convey full title for lands granted to the town of Olathe, Colo., by act of Congress, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LENT:

H.R. 1192. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for commuting expenses incurred on public mass transit; to the Committee on Ways and Means.

By Mr. LENT (for himself and Mr. MCGRATH):

H.R. 1193. A bill to amend the Internal Revenue Code of 1954 to lower the limitation on defined benefit plans established for policemen and firemen; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.R. 1194. A bill to amend title II of the Social Security Act to insure that the Secretary of Health and Human Services is provided adequate information concerning the death of individuals necessary for determining benefits under such title; to the Committee on Ways and Means.

By Mr. LOEFFLER (for himself, Mr. COELHO, Mr. CRAIG, Mr. HIGHTOWER, Mr. MARLENEE, and Mr. SKEEN):

H.R. 1195. A bill to increase temporarily the duty on certain wool that is the product of Argentina or Uruguay; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. GLICKMAN, and Mr. SAM B. HALL, JR.):

H.R. 1196. A bill to modify the insanity defense in the Federal courts; to the Committee on the Judiciary.

By Mr. McKINNEY (for himself and Mr. WOLPE):

H.R. 1197. A bill to amend the Export Administration Act of 1979 to extend the provisions relating to the export of domestically produced crude oil; to the Committee on Foreign Affairs.

By Mr. MADIGAN:

H.R. 1198. A bill to amend the Internal Revenue Code of 1954 to add a method of valuing farm land owned by a private foundation for purposes of determining whether the foundation is an operating foundation; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 1199. A bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 1200. A bill to amend the title VII of the Civil Rights Act of 1964 to make discrimination against handicapped individuals an unlawful employment practice; to the Committee on Education and Labor.

By Mr. MOLLOHAN:

H.R. 1201. A bill to repeal the provisions of the Tax Equity and Fiscal Responsibility Act of 1982 which require withholding on interest and dividends; to the Committee on Ways and Means.

By Mr. MRAZEK:

H.R. 1202. A bill to redesignate the Department of Commerce as the Department of Trade and Commerce to consolidate all functions relating to international trade in the Department of Trade and Commerce, and for other purposes; to the Committee on Government Operations.

By Mr. OBERSTAR:

H.R. 1203. A bill to amend the Internal Revenue Code of 1954 to make certain local organizations of police and firefighters exempt from taxation; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1204. A bill to restore the rule of law; to the Committee on the Judiciary.

H.R. 1205. A bill to repeal certain provisions of law relating to the private carriage of letters, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1206. A bill to repeal the provisions of the Tax Equity and Fiscal Responsibility Act of 1982 which require employer reporting with respect to tips; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 1207. A bill to authorize the States to regulate the interstate transfer of water to insure that Federal regulation pursuant to the commerce clause does not impair or impede the efforts of the States to protect and control this resource; jointly, to the Committees on Interior and Insular Affairs and Public Works and Transportation.

By Mr. ROEMER:

H.R. 1208. A bill to repeal the withholding on interest and dividends enacted by the Tax Equity and Fiscal Responsibility Act of 1982; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 1209. A bill to amend the Internal Revenue Code of 1954 to provide that expenditures for wood burning stoves shall be eligible for the residential energy credit for energy conservation expenditures; to the Committee on Ways and Means.

H.R. 1210. A bill to establish a New England Regional Power Planning and Distribution Authority, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

H.R. 1211. A bill to establish a Federal nonprofit corporation as the importing agent for the crude oil and petroleum products imported into the United States; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 1212. A bill to amend the Small Business Act to provide special loan guarantees to small business concerns for the acquisition of motor fuel service stations, to require the divorcement of such stations from operation by certain producers and refiners of motor fuels, to control sales by producers and refiners of motor fuels, and for other purposes; jointly, to the Committees on Small Business and Energy and Commerce.

By Mr. SEIBERLING:

H.R. 1213. A bill to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1214. A bill to provide for the transfer of administrative jurisdiction of certain public lands and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHELBY:

H.R. 1215. A bill to amend section 8312 of title 5, United States Code, to provide that a Member of Congress may not be paid an annuity under the civil service retirement system for service as a Member if convicted of any felony which occurred in connection with his employment as a Member and is punishable by imprisonment for 2 or more years, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1216. A bill to change the name of the China Bluff Access Area being constructed by the Army Corps of Engineers as part of the Tennessee-Tombigbee Waterway near Warsaw in Sumter County, Ala., to the "S. W. Taylor Memorial Park"; to the Committee on Public Works and Transportation.

H.R. 1217. A bill to provide relief from honey imports by increasing the duty thereon; to the Committee on Ways and Means.

H.R. 1218. A bill to repeal the recently enacted elimination of child's insurance benefits under title II of the Social Security Act for postsecondary school students; to the Committee on Ways and Means.

By Mr. SHELBY (for himself, Mr. BEVILL, Mr. NICHOLS, Mr. FLIPPO, Mr. ERDREICH, Mr. DICKINSON, and Mr. EDWARDS of Alabama):

H.R. 1219. A bill to award a special congressional gold medal to the widow of Paul W. "Bear" Bryant; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SIMON (for himself and Mr. HAMILTON):

H.R. 1220. A bill to establish the Soviet Union and Eastern Europe Exchange Commission to provide additional financial support for exchange programs between the United States and the Soviet Union and countries of Eastern Europe; to the Committee on Foreign Affairs.

By Mrs. SMITH of Nebraska:

H.R. 1221. A bill to promote additional export sales of agricultural commodities, through an export credit revolving fund, in at least direct proportion to acreage reduction efforts and to establish authority for bonus commodity export sales; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. WALGREN:

H.R. 1222. A bill to prevent the foreclosure of mortgages on single-family homes by requiring the Secretary of Housing and Urban Development to provide immediate financial assistance to eligible homeowners whose mortgage payments are delinquent due to adverse economic conditions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1223. A bill to amend the Railroad Unemployment Insurance Act to provide that certain amendments made by the Omnibus Budget Reconciliation Act of 1981 to the extended unemployment compensation program shall not affect the amount of benefits payable under the Railroad Unemployment Insurance Act; to the Committee on Ways and Means.

By Mr. WASHINGTON:

H.R. 1224. A bill to repeal certain changes made by the Omnibus Budget Reconciliation Act of 1981 to the extended unemployment compensation program, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 1225. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for payments into retirements savings on the basis of the compensation of their spouses, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITTEN (for himself, Mr. GIBBONS, and Mr. RAY):

H.R. 1226. A bill to temporarily reduce the duty on certain disposable surgical drapes and sterile gowns; to the Committee on Ways and Means.

By Mr. WYDEN:

H.R. 1227. A bill to amend title XVIII of the Social Security Act to provide for alternative methods for the prospective payment of hospitals under the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 1228. A bill relating to the factors used in determining the allocation of the total allowable levels of foreign fishing permitted in the U.S. fishery conservation zone; to the Committee on Merchant Marine and Fisheries.

H.R. 1229. A bill to repeal title III, marine sanctuaries, of the Marine Protection, Research and Sanctuaries Act; to the Committee on Merchant Marine and Fisheries.

H.R. 1230. A bill to allow the continuation of commercial fishing in certain Federal waters off Alaska; to the Committee on Interior and Insular Affairs.

By Mr. OTTINGER (for himself, Ms. MIKULSKI, Mr. PEASE, Mr. SHARP, Mr. GEPHARDT, Mr. CARR, and Mr. DINGELL):

H.R. 1234. A bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States; referred to the Committee on Energy and Commerce, and concurrently to the Committee on Ways and Means for a period ending not later than 30 calendar days following the date on which the Committee on Energy and Commerce files its report in the House.

By Mrs. COLLINS:

H.J. Res. 117. Joint resolution to provide for the designation of the month of February 1983, as "National Black History Month"; to the Committee on Post Office and Civil Service.

By Mr. GUARINI:

H.J. Res. 118. Joint resolution proposing an amendment to the Constitution of the United States to provide for a single 6-year term for President and Vice President, and to repeal the 22d article amendment to the

Constitution; to the Committee on the Judiciary.

By Mr. HANCE:

H.J. Res. 119. Joint resolution to provide for the designation of the month of April 1983, as "National Residence Hall Month"; to the Committee on Post Office and Civil Service.

By Mr. MOAKLEY (for himself, Mr. BROWN of California, Mr. GREEN, Mr. JEFFORDS, Mr. BEDELL, Mr. MAVROULES, Mr. FORD of Tennessee, Mr. DOWNEY of New York, Mr. CARR, Mrs. SCHROEDER, Mr. LONG of Maryland, Mr. WOLPE, Mr. PRITCHARD, Mr. EDGAR, Mr. SHANNON, Mr. LOWRY of Washington, Mr. WEISS, Mr. SCHEUER, Mr. WYDEN, Mr. BEILENSON, Mr. SEIBERLING, Mr. CROCKETT, Mr. OTTINGER, Mr. MARKEY, Mr. FAUNTROY, Mr. EDWARDS of California, Mr. WIRTH, Mr. GARCIA, Mr. LAFALCE, Mr. MATSUI, Mr. STARK, Mr. KASTENMEIER, Mr. LEACH of Iowa, Mr. BATES, Mr. MCNULTY, Mr. COYNE, Mr. FAZIO, Ms. KAPTUR, Mr. SMITH of Florida Mr. FRANK, Mr. DELLUMS, Mr. OBERSTAR, Mr. WASHINGTON, Mr. RATCHFORD, Mr. DYMALLY, Mr. GEPHARDT, Mr. BONIOR of Michigan, Mr. MORRISON of Connecticut, Mr. DONNELLY, Mr. LELAND, Mr. OWENS, Mr. MILLER of California, Mr. ADDABBO, Mr. RAHALL, Mr. WALGREN, Mr. ROE, Mr. KILDEE, Mr. MRAZEK, Mr. HUGHES, Mr. HOYER, Mr. WEAVER, Mr. GLICKMAN, Mr. MITCHELL, Mr. BARNES, Mr. GEJDENSON, Mr. ECKART, Mrs. BOXER, Ms. MIKULSKI, Mr. CONYERS, Mrs. KENNELLY, Mr. HARRISON, Mr. MCKINNEY, Mrs. SCHNEIDER, Mr. STUDDS, Mr. DWYER of New Jersey, Mr. MINETA, and Mr. WILLIAMS of Montana):

H.J. Res. 120. Joint resolution calling for immediate negotiations for a ban on weapons of any kind in space; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H.J. Res. 121. Joint resolution designating February 1984 as "American History Month"; to the Committee on Post Office and Civil Service.

By Mr. STUDDS:

H.J. Res. 122. Joint resolution proposing an amendment to the Constitution of the United States to limit to 18 the number of years Senators and Representatives may serve; to the Committee on the Judiciary.

H.J. Res. 123. Joint resolution proposing an amendment to the Constitution of the United States to provide for single 6-year terms for the President and Vice President, and to repeal the 22d article amendment to the Constitution; to the Committee on the Judiciary.

H.J. Res. 124. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President; to the Committee on the Judiciary.

By Mr. COYNE:

H. Con. Res. 42. Concurrent resolution expressing the sense of the Congress with respect to honorary South African consulates in the United States; to the Committee on Foreign Affairs.

By Mr. GRAY (for himself, Mr. CONTE, and Mr. PANETTA):

H. Con. Res. 43. Concurrent resolution expressing the sense of the Congress that funding for community service employment programs for senior citizens for fiscal year 1984 and subsequent fiscal years should be provided at levels sufficient to maintain or increase the number of employment positions provided under such program; to the Committee on Education and Labor.

By Mr. GUARINI:

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress that the President should seek the support of other nations for the establishment of an International Office of Diplomatic Security within the Secretariat of the United Nations; to the Committee on Foreign Affairs.

By Mr. BIAGGI (for himself, Mr. MURPHY, Mr. MOAKLEY, Mr. WEISS, Mr. DONNELLY, Mr. OBERSTAR, Mr. SHANNON, Mrs. KENNELLY, Mr. BONER of Tennessee, Mr. DYMALLY, Mr. FORD of Tennessee, Mr. NOWAK, Mr. STUDDS, Mr. GARCIA, Mr. TOWNS, Mr. MCKINNEY, Mr. WORTLEY, Mr. JACOBS, Mr. HOWARD, Ms. MIKULSKI, Mr. WILLIAMS of Montana, Mr. STOKES, Mr. FAZIO, Mr. ROE, Mr. GRAY, Mr. DOWNEY of New York, Mr. FAUNTROY, Mr. HOPKINS, Mr. BURTON of California, Mr. WEAVER, Mr. FORD of Michigan, Mr. PORTER, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. MINETA, Mr. MCNULTY, Ms. KAPTUR, Mr. FEIGHAN, Mr. BONIOR of Michigan, Mr. D'AMOURS, Mrs. HOLT, Mr. HEFTEL of Hawaii, Mr. FOGLIETTA, Mr. SMITH of Florida, Mr. SEIBERLING, Mr. FRANK, Mr. COYNE, Mr. SPENCE, Mr. BERMAN, Mr. GEJDENSON, Mr. FLIPPO, Mr. OLIN, Mr. CLINGER, Mr. WISE, Mr. EDWARDS of California, Mr. LOWRY of Washington, Mr. QUILLEN, Mr. OWENS, Mr. MILLER of California, Mr. WYDEN, Mr. RATCHFORD, Mr. MATSUI, Mr. LANTOS, Mr. CORRADA, Mr. YATRON, Mr. BEDELL, Mr. LEHMAN of Florida, Mr. MAVROULES, Mr. DE LUGO, Mr. CONYERS, Mr. MITCHELL, Mr. TALLON, Mr. HORTON, Mrs. HALL of Indiana, Mr. MCGRATH, Mr. RANGEL, Mr. LENT, Mr. ECKART, Mr. BARNES, Mr. LONG of Maryland, Mr. LEVINE of California, Mr. EDGAR, Mr. LONG of Louisiana, Mr. LELAND, Mr. BROWN of California, Mr. RUSSO, and Mrs. COLLINS):

H. Res. 52. Resolution expressing the sense of the House of Representatives that regulations proposed by the Secretary of Education under the Education of the Handicapped Act should not be permitted to take effect; to the Committee on Education and Labor.

By Mr. DREIER of California:

H. Res. 53. Resolution to amend the Rules of the House of Representatives to require a two-thirds vote on legislation which increases the statutory limit on the public debt; to the Committee on Rules.

By Ms. OAKAR:

H. Res. 54. Resolution expressing the sense of the House of Representatives with respect to the administration's proposal to tax employees' health benefits; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H. Res. 55. Resolution expressing the sense of the House of Representatives with respect to the acceleration of wellhead natural gas prices; to the Committee on Energy and Commerce.

By Mrs. SNOWE (for herself, Mr. HAMMERSCHMIDT, Mr. LAGOMARSINO, Mr. MCKERNAN, Mrs. SCHNEIDER, Mr. O'BRIEN, Mr. WYDEN, Mr. MILLER of Ohio, Mr. JEFFORDS, Mr. GEPHARDT, Mr. WOLPE, Mr. MCKINNEY, Mrs. BOUQUARD, Mr. TAUKE, Mr. EVANS of Iowa, Mr. BEDELL, Mr. RATCHFORD, Mr. DICKS, and Mrs. ROUKEMA):

H. Res. 56. Resolution to amend the Rules of the House of Representatives to require a recorded vote upon final passage of legislation that adjusts the pay of Members, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

6. The SPEAKER presented a memorial of the Legislature of the State of Indiana, relative to an accounting of veterans of the Vietnam War who are prisoners in Southeast Asia or missing in action; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUCOIN:

H.R. 1231. A bill for the relief of Menno Swart; to the Committee on the Judiciary.

By Mr. BREAUX:

H.R. 1232. A bill for the relief of Fulton Battise, chief of the Tribal Council of the Alabama Coushatta Tribes of Texas and Enest Sickey, chairman of the Tribal Council of the Coushatta Tribe of Louisiana, and all other enrolled members of the Alabama Tribes of Texas and the Coushatta Tribe of Louisiana, respectively; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 1233. A bill for the relief of Reynaldo B. Nidoy and Bella Anderson Nidoy; to the Committee on the Judiciary.

H.R. 1235. A bill for the relief of Demetrios Theodoropulos; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 1236. A bill for the relief of Andrew and Julia Lui; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 1237. A bill for the relief of Gramercy Machine Corp.; to the Committee on the Judiciary.

By Mr. RATCHFORD:

H.R. 1238. A bill for the relief of Joseph Luca; to the Committee on the Armed Services.

By Mr. VANDER JAGT:

H.R. 1239. A bill for the relief of Lt. Col. Matt Urban; to the Committee on the Judiciary.

By Mr. STUMP:

H. Res. 57. Resolution to refer H.R. 744 to the chief judge of the U.S. Claims Court; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. ANDERSON, Mr. HUGHES, Mr. ERLENBORN, Mr. GUARINI, Mr. MADIGAN, Mrs. SCHROEDER, Mr. YATRON, Mr. MINISH, and Mr. VENTO.

H.R. 72: Mr. COLEMAN of Missouri.

H.R. 194: Mr. FRANK, Mr. ROE, Mr. HORTON, Mr. KOGOVSEK, Mr. KINDNESS, Mr.

RAHALL, Mr. SMITH of Florida, Mr. RATCHFORD, Mr. SUNIA, and Mr. FORSYTHE.

H.R. 221: Mr. GINGRICH. Mr. SMITH of New Jersey, Mr. DAUB, Mr. COLEMAN of Texas, Ms. MIKULSKI, and Mr. HANSEN of Utah.

H.R. 223: Mr. FIELDS, Mr. CORCORAN, Mr. DORGAN, and Mr. DAUB.

H.R. 233: Mr. GEJDENSON, Mr. EDGAR, Ms. MIKULSKI, Mr. GAYDOS, and Mr. NOWAK.

H.R. 408: Mr. LOWRY of Washington, Mr. PORTER, Mr. HOYER, Mr. FEIGHAN, Mr. WEISS, Mr. FRENZEL, Mr. MARKEY, Mr. YATRON, Mr. SEIBERLING, Mr. WOLPE, Mr. LAGOMARSINO, Mr. MINETA, Mr. HUGHES, Mr. BARNES, Mr. LUNDINE, Mr. EDGAR, Mr. FAUNTROY, and Mr. SMITH of Florida.

H.R. 430: Mr. WOLF, Mr. DAVIS, Mr. ROE, Mr. DUNCAN, and Mr. MITCHELL.

H.R. 475: Mr. FORSYTHE, Mr. RATCHFORD, Mr. OBERSTAR, Mr. KOGOVSEK, Mr. CONYERS, Mr. RINALDO, and Mrs. HALL of Indiana.

H.R. 476: Mr. TAUZIN.

H.R. 566: Mr. JONES of North Carolina and Mr. VALENTINE.

H.R. 622: Mr. BONER of Tennessee and Mr. HOYER.

H.R. 624: Mr. BONER of Tennessee.

H.R. 703: Mrs. SCHNEIDER.

H.R. 804: Mr. MILLER of Ohio.

H.R. 834: Mr. ROE and Mr. WILLIAMS of Ohio.

H.R. 927: Mr. TOWNS, Mr. OBERSTAR, Mr. FRANK, Mr. COYNE, Mr. ROYBAL, Mr. HERTEL of Michigan, Mr. WYDEN, Mr. MCNULTY, Mr. FORD of Tennessee, Mr. WALGREN, Mr. MITCHELL, Mr. EDWARDS of California, Mr. STUDDS, Mr. CLAY, Mr. BARNES, Mr. PRICE, Mr. MARKEY, Mr. SEIBERLING, Mr. LEHMAN of Florida, Mr. FAZIO, Mr. MRAZEK, Mr. BONIOR of Michigan, Mr. STOKES, Mr. SUNIA, Mr. MINISH, and Mr. LELAND.

H.R. 1011: Mr. DREIER of California, Mr. FRENZEL, Mr. HORTON, Mr. HYDE, Mr. DAUB, and Mr. TAUZIN.

H.R. 1031: Mr. WHITLEY.

H.R. 1084: Mr. FORSYTHE, Mr. HORTON, Mr. SUNIA, Mr. ROTH, Mr. ROBERTS, Mrs. HALL of Indiana, Mr. SAM B. HALL, Jr., Mr. DANIEL, Mr. FEIGHAN, Mr. STOKES, Mr. HARRISON, Mr. IRELAND, and Mr. SILJANDER.

H.R. 1096: Mr. CROCKETT, Mr. DE LA GARZA, Mr. DWYER of New Jersey, Mr. MINETA, and Mr. SABO.

H.R. 1136: Mr. HARKIN, Mr. FRENZEL, Mr. TORRES, Mr. ADDABBO, Mr. SMITH of Iowa, Mr. GARCIA, and Mr. SIMON.

H.J. Res. 22: Mr. VENTO, Mr. LEACH of Iowa, Mr. BLILEY, Mr. LELAND, Ms. MIKULSKI, Mr. MAZZOLI, Mr. FIELDS, Mr. BEREUTER, Mr. KASICH, Mr. BORSKI, Mr. HOPKINS, Mr. VANDERGRIFF, Mr. LUNDINE, Mr. DEWINE, Mr. GUNDERSON, Mr. LAFALCE, Mrs. COLLINS, Mr. BOUCHER, and Mr. BEVILL.

H.J. Res. 60: Mr. FRANK.

H. Con. Res. 28: Mr. STARK, Mr. GAYDOS, Ms. MIKULSKI, Mr. WHITTAKER, Mr. YATRON, Mr. MARKEY, Mr. ROEMER, Mr. LANTOS, Mr. MITCHELL, Mr. MOLLOHAN, Mr. SUNIA, Mr. FAUNTROY, Mr. SIMON, Mr. MURTHA, Mr. DANIEL, Mr. STOKES, Mr. OBERSTAR, Mr. SABO, and Mr. FORD of Michigan.

H. Con. Res. 40: Mr. CONYERS, Mrs. HOLT, Mr. BARNES, Mr. DERRICK, Mr. SUNIA, Ms. OAKAR, Mr. HUCKABY, Mr. CARR, Mr. FORD of Michigan, Mr. HUGHES, Mr. HAMILTON, Mr. WAXMAN, Mr. SCHUMER, Mr. FORD of Tennessee, Mrs. BOGGS, Mr. KAZEN, Mr. ECKART, Mr. EDGAR, Mr. STUDDS, Mr. LELAND, Mr. SEIBERLING, Mr. TOWNS, and Mr. DONNELLY.

H. Res. 21: Mr. BEILENSON, Mr. ST GERMAIN, and Mr. FROST.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

18. By the SPEAKER: Petition of the Ambassador, British Embassy, Washington, D.C., relative to the report of the Falkland Islands review; to the Committee on Foreign Affairs.

19. Also, petition of the Association of American Colleges, Washington, D.C., relative to draft registration and eligibility for Federal aid for higher education; jointly, to the Committees on Armed Services and Education and Labor.

EXTENSIONS OF REMARKS

PREVENTING THE SPREAD OF NUCLEAR WEAPONS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. RICHARDSON. Mr. Speaker, I wish to bring to the attention of my colleagues an article on nonproliferation by J. M. de Montmollin, a distinguished New Mexico scientist.

In his article, which follows, Mr. de Montmollin talks about a new approach to U.S. nonproliferation policies. I strongly recommend a careful review of what Mr. de Montmollin has to say.

The article follows:

NONPROLIFERATION POLICY: THE NEED FOR A FRESH APPROACH

Ever since 1945 the spectre of nuclear weapons has loomed in the American consciousness. Progress in applying nuclear energy to peaceful uses has been haunted by ever-present fears of nuclear war. Yet, the vast potential of nuclear energy drives the world relentlessly to seek benefits in spite of the attendant dangers. We cannot deny the benefits, nor can we forget the dangers; all we can hope to do is to curb the growth of nuclear weapons and strengthen the barriers that we have erected to keep peaceful uses separate.

The two aspects of nuclear-weapons control—in jargon terms horizontal and vertical proliferation—are generally separate policy issues, although they interact in important ways. Here we address only one aspect of the former: how to keep the peaceful use of nuclear energy from increasing the risk that additional countries will acquire nuclear weapons. That problem has been a principal concern of U.S. policy since the beginning, with major shifts in approach at two points in the long history. The first was in 1953, when we abandoned the policy of secrecy and denial, turning to peaceful-use commitments verified by safeguards. The last shift, following the 1974 Indian explosion, was a return to a heavy emphasis on denial. It resulted from the sincere and dedicated efforts of individuals in Congress who have specialized on this issue, supported by actions taken by the Nixon and Ford Administrations, and especially by President Carter. The effect has been a pronounced shift in the strategy for the control of proliferation, supported by a cohesive group of policymakers who have made it their specialty, and which has led to a body of conventional wisdom that is seldom questioned as to its underlying premises. The Reagan policy differs only marginally from the policy that has prevailed since 1974, mainly with regard to U.S. reprocessing and the selective application of the NNPA.

Unfortunately, those premises are faulty, and the policy is ineffective and even counterproductive. There are many who continue to point out the defects, fallacies, and misapprehensions of the conventional wisdom embodied in the policy. However, these are too often rearguard tactical skirmishes by those who are perceived to have special interests at stake. Those in Congress who have shown a continuing interest in controlling horizontal proliferation all hold similar views, they have an active constituency, and they have taken such strong and long-standing positions that their views are difficult to change. The country is thereby denied the benefit of healthy debate on this crucial issue. Meanwhile, the prospects for controlling the spread of nuclear weapons continue to diminish, in large part because of the lack of positive world leadership by the United States, as well as the effects of U.S. policy that are actually counterproductive.

What is badly needed is an informed coalition of sincere and dedicated individual senators and representatives to formulate a new bipartisan nonproliferation policy that is comprehensive and coherent, and that can be debated on equal terms, to provide an alternative to the deeply rooted conventional wisdom that currently goes without effective challenge. The group should include both Democrats and Republicans, so as to prevent nonproliferation from becoming a partisan issue. New players are needed, especially ones who have been active in foreign relations and arms control, and who are not perceived as promoters of nuclear energy.

FALLACIES AND CONTRADICTIONS OF THE PRESENT POLICY

The controversy that has raged over nuclear power in recent years has polarized positions along ideological lines. Environmental issues, social preferences, ideological goals, emotional fears, frustrations over technology, ignorance of history and technology, and delusions over U.S. omnipotence have all combined to obscure what is a pragmatic, simply stated problem of foreign relations: How to influence countries to do what we would like them to do. With regard to the acquisition of nuclear weapons by additional states, there are two possible approaches: Persuasion and denial of technical capability. The latter is the most certain, but only if it can be done. Persuasion depends on cooperation, and hence a community of interests, and not coercion.

Beginning in 1945, U.S. policy was based on denial. Even at that early date it is doubtful that denial was effective. We excluded our own Manhattan-project partners, but that did not prevent the United Kingdom from exploding a device in 1952. The Soviet Union did it earlier, in 1949. Whether the Soviets were able to accomplish that through indpendent effort or with the assistance of espionage is irrelevant; the point is that the attempted denial failed. Even during the Manhattan project, the Canadians and collaborating French scientists were excluded in January 1944 from participating in fuel-reprocessing development. Nevertheless, by 1945 they had independently developed their own solvent-extraction process, 4 years before the present Purex process was developed. By 1953 it had become apparent that many advanced countries had the technical potential to produce weapons and that many more would in time achieve it, if only incidentally in connection with peaceful uses of nuclear energy, and that continued attempts at denial would only lead to national self-sufficiency, with no means of assurance that peaceful uses would not be associated with weapon development.

The only other avenue to reducing the risks of horizontal proliferation in connection with peaceful uses is cooperation and persuasion: Cooperation in the extension of peaceful uses and persuasion to renounce nuclear weapons and to accept safeguard verification of peaceful uses. Persuasion and cooperation are each essential elements: Countries must be persuaded that it is in their own broader interest to abstain from nuclear armament, and that their peaceful nuclear activities must be visible so as to assure others that they are not a cover for military programs. Beyond that, many developing countries must be offered something in return—earlier access to peaceful uses—in exchange for formally renouncing the latent weapons option and permitting safeguards inspection. Each is a substantial surrender of national sovereignty that in most cases, especially the states of greatest concern, will not be made unless there are accompanying direct benefits to them.

The policy of denial is based on the continuing myth that there is a technological barrier that prevents most countries from reprocessing spent fuel to separate the plutonium. There is no "reprocessing secret." Any of dozens of countries have long been technically capable of separating enough plutonium for at least a few weapons. Beginning in the late 1950's , techniques for separation on an industrial scale have been widely disseminated. The alleged technical barrier has little to do with reprocessing on a commercial scale. What makes the latter a more difficult technical problem is that it is constrained by other factors that have nothing to do with production for weapons: Commercial profitability, high decontamination and recovery factors, waste disposal, and regulatory requirements. Reprocessing technology was never a barrier to the attainment of an explosive capability by any of the countries thus far, nor is it a barrier to preventing any in the future that are otherwise capable. Yet, the NNPA and proposed amendments to it put great emphasis on denial of technical capability to those countries "not possessing reprocessing technology."

A policy of technology denial, for technology not specific to weapons, is in violation of obligations that we, the principal architect of the Nonproliferation Treaty of 1968, undertook at the time. The Federal Republic of Germany signed the Treaty only after asking the U.S. for reconfirmation that the Treaty would in no way limit access to all peaceful uses by nonweapon Parties, including specifically the use of plutonium fuels. They, and others, accepted the Treaty only after that understanding was expressly reaffirmed by the U.S. With the reversion of U.S. policy back to denial, beginning in 1974, we have tried to impose a revisionist refinition of "proliferation" to mean the spread

of plutonium peaceful-use technology rather than nuclear weapons. It is symptomatic of the unreality of U.S. nonproliferation policy that we, at the same time, reaffirm continued support of the NPT while legislating requirements that it be unilaterally abrogated in certain essential terms that we solemnly accepted. Such is a consequence of the return to a policy of denial, long after it had become ineffective and a structure of international cooperative arrangements had been erected to replace it.

The myth of U.S. dominance as a supplier, the second foundation of current U.S. policy, is no more real than the technological barrier. Many advanced countries, now joined by India, Brazil, and Argentina, export nuclear materials and equipment. The United States had a monopoly only in enriched uranium, and only up to about 1970. By 1981 the U.S. share of exports to Western Europe had dropped to 13 percent. Projections of plutonium in spent fuel subject to U.S. control under export agreements show a steady decline over the next 15 years, especially with countries not party to the NPT. U.S. influence through export control, the basis of the strategy legislated by the NNPA, is a depleting as well as a declining resource. It is depleting because attempts to apply it more aggressively result in further loss of export markets, with clients considering the United States to be the source only of last resort.

Worst of all, the present policy has contributed greatly to the growing controversy that threatens the structure of international arrangements upon which everything depends. The prospect is that the NPT may not survive beyond its expiration in 1995, unless there is positive and constructive leadership to reverse the present trend. U.S. policy is of central importance to that end.

THE BASIS FOR A NEW POLICY

A policy based on denial is doomed to failure because the necessary conditions for it no longer exist. We must return to a policy of cooperation and persuasion, strengthening and extending the structure of international arrangements that includes the IAEA and the NPT. The policy must provide incentives for increased international interdependence in peaceful nuclear activities, and disincentives for national self-sufficiency. The present policy does just the opposite.

A characteristic of the world nuclear economy is that it has developed with a large degree of interdependence and international trade. At the same time, sources of natural uranium are widespread, and it is within the technical capability of many countries to achieve complete nuclear independence, using natural-uranium reactors where necessary. Self-sufficiency comes at a higher economic cost, but security of supply is an even more dominant consideration. States will be inclined toward greater interdependence for economic reasons, but not at the expense of a secure supply of nuclear materials and equipment.

The present international structure, based on the IAEA and NPT, fosters interdependence. Our policy should be to strengthen them: Not merely with technical assistance and professions of support, but by moves with real substance. We must renew our commitment under Article IV of the NPT by renouncing our revisionist definitions of peaceful uses. Our export policy should make a sharp distinction between NPT parties and nonparties. Our obligations to NPT parties in good standing are a commitment made when we signed the treaty, and there have been no actions by NPT parties that justify our changing them unilaterally. At the same time, non-parties to the NPT obtain exports from us under more favorable terms than those sometimes offered by the States that are bound by the treaty.

We should take the lead in extending the web of interdependence through such measures as International Plutonium Storage and supply assurances, recognizing that any international arrangements must offer direct benefits to each prospective member State. We must work to restore the confidence in our good-faith intentions that has been badly damaged by our policies since 1974. We must explore innovative ideas such as uranium/plutonium exchange, perhaps in connection with plutonium storage, to allow all States to recover plutonium values without increasing proliferation risks. In short, we must reclaim our role of international leadership, and abandon attempts at coercion and denial.

THE NEED TO CONSIDER A NEW CONGRESSIONAL POLICY

If a reappraisal of US policy is to begin, it must be in Congress. The present Administration, in spite of its criticism of past policy, accepts the denial policy without questioning its fundamental flaws. It proposes only lifting the ban on US reprocessing and selective non-enforcement of NNPA. In Congress no alternative policy that would avoid the faulty premises under which we have labored since 1974 has ever been formulated and developed as a clearly understood alternative. Whatever any Administration may do, the policy must remain consistent over a period of decades, commensurate with the lifetime operational cycle of nuclear commitments and operations. The responsibility thus falls on Congress, to anchor a new policy in some revised form of the NNPA that will assure both effectiveness and constancy. New initiatives are needed to subject the conventional wisdom that obscures present thinking to open and constructive debate. We are badly in need of leadership that will take that initiative.●

A BILL TO MODIFY THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing today a bill that would modify the Marine Protection, Research, and Sanctuaries Act of 1972 by deleting title III of that act. I am doing so in order to call attention to a law which has the potential to disrupt all maritime activities within 200 miles of our shores.

When this act was passed in 1972, title III was included to set up a small system of marine sanctuaries which would be designed to preserve or restore certain ocean areas for conservation, recreational, ecological, or esthetic values. Unfortunately, like many other well-intentioned programs, this one is showing signs of turning into a monster. For example, last year a private contractor working for the National Oceanic and Atmospheric Administration proposed the establishment of 18 marine sanctuaries off Alaska that would have nearly surrounded Alaska's coast. Although the Alaska proposal was dropped temporarily, NOAA is continuing to work on numerous sanctuaries throughout the rest of the country. Obviously, instead of looking at discrete areas that might merit some protection, NOAA is interested in creating a huge new Federal enclave, complete with attendant bureaucracy.

Title III of the act will be up for reauthorization this year, so it is appropriate that the Congress address the problems with this program. While I am willing to discuss constructive amendments, I do not believe that the act should be reauthorized without amendments and if any attempt is made to do so I will push for complete termination.●

RAOUL WALLENBERG—THE LOST HERO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. BIAGGI. Mr. Speaker, syndicated columnist George F. Will recently wrote an article, entitled "a Question for Andropov: Where Is Raoul Wallenberg?" I wish to join Mr. Will in demanding a full accounting of the Raoul Wallenberg case from new Soviet leader Yuri V. Andropov.

Raoul Wallenberg, often referred to as "the lost hero of the Holocaust," singlehandedly saved over 100,000 Hungarian Jews from Nazi death squads during World War II. Tragically, this Swedish-born hero was later taken prisoner by the Soviet Union in 1945 and has never been heard from again.

Instead, we have been forced to endure what Mr. Will refers to as "a long series of tormenting reports" about Mr. Wallenberg's fate. At first, the Soviet Union denied that Wallenberg was ever taken prisoner. In 1957, the story changed. Soviet Foreign Minister Andrei Gromyko admitted that Mr. Wallenberg had been imprisoned in the Soviet Union, but that he had died of a heart attack in 1947.

For good reason, the Soviet Union's claim that Raoul Wallenberg died long ago is viewed with much skepticism. In fact, many former Soviet prisoners have reported meeting Raoul Wallenberg in prison well beyond the 1947 date Soviet officials say he died. A report out of Eastern Europe indicates that Mr. Wallenberg was alive in a Soviet prison hospital near Leningrad just 2 years ago.

In 1981, I joined a number of my congressional colleagues in cosponsor-

ing a law (Public Law 97-54) making Raoul Wallenberg an honorary citizen of the United States and requesting the President to determine his whereabouts and secure his freedom. But, unfortunately, there are still no answers to the question, where is Raoul Wallenberg? I urge my colleagues to join me in continuing to press for those answers.

At this time, Mr. Speaker, I wish to insert the text of Mr. Will's column about "the lost hero of the Holocaust," Raoul Wallenberg:

A QUESTION FOR ANDROPOV: WHERE IS RAOUL WALLENBERG?

(By George F. Will)

The gauze of lies that the Soviet regime wraps around reality has never been thick enough to muffle this question: Where is Raoul Wallenberg?

Now it is asked again, in the wake of the most recent in a long series of tormenting reports. A Russian immigrant in Israel says that when he was hospitalized in 1972 on the way to prison, he met a man who "looked Jewish, so I asked who he was. He answered in accented Russian that he was Swedish and was there because he helped the Jews. He said his name was Raoul Wallenberg." That occurred a quarter of a century after 1947, the year the Kremlin says Wallenberg died.

Last May, when tardily releasing documents about the Wallenberg case, a Swedish official said, "We are working on the supposition that he is still alive." (Sweden's lethargy concerning the case—lethargy born of cowardice—hardly constitutes "working.") If alive, he is 70. It is 38 years since he disappeared from Hungary into the Soviet Union.

On Jan. 17, 1945, he was seized by Soviet forces that were "liberating" Hungary from their former allies, the Nazis. Three weeks later he was in the emblematic institution of the Soviet regime, Moscow's Lubyanka prison.

At 32, representing neutral Sweden, Wallenberg was in Budapest at America's request, working with breathtaking bravery and saving scores of thousands of Jews from Adolf Eichmann's final chapter of the "final solution," the destruction of Hungarian Jews. He bought buildings and draped them with Swedish flags as diplomatically protected territory. He dressed "Aryan-looking" Jewish men in SS uniforms to protect Jewish havens. He distributed fake passports, and used sheer audacity to intimidate Nazis soldiers into opening the doors of cattle cars. Thanks to him, the 120,000 Jews in Budapest were the most substantial Jewish community surviving in Europe when the war ended.

One certainty is that Andrei Gromyko lied in the 1957 memorandum asserting that Wallenberg's "sojourn in the Soviet Union"—Gromyko's words—ended with a heart attack in prison in 1947. This memorandum came after 12 years of Kremlin denials that Wallenberg had ever been in Soviet hands. Gromyko cited the evidence of two Soviet functionaries, both conveniently dead, and said the body had been cremated—a transparent fabrication, given Soviet practices.

There has been a steady trickle of reports about Wallenberg, first from returning German prisoners of war, then from released political prisoners and Jewish emigrants. The reports give dates and places—prisons, cell numbers—that trace a tantalizing trail across the years and through the gulags.

For example, in 1961 a Soviet professor of medicine told a visiting Swedish physician that he had recently examined Wallenberg in a "mental hospital." In 1977 a Muscovite just released from the gulag called his daughter in Israel and mentioned meeting in a Moscow prison a Swede "who had served 30 years." Two years later the Muscovite was back in prison because, his wife said, he wrote a letter about Wallenberg. Sources in Eastern Europe report that in 1981 Wallenberg was moved to a prison hospital near Leningrad.

Why was he arrested in the first place? The Soviet machinery of brutality operates so automatically it leaves little room for, and certainly does not require, much mind. But Soviet repressors certainly did not want brave witnesses to the breaking of Eastern Europe. Why was he kept? Perhaps, in part, to show contempt for Western disapproval. Why did Soviet troops using horses and ropes drag away the statue erected to him in Budapest in 1948? Because the Kremlin disapproved of what he did.

It is prudent that we insistently ask what happened when Wallenberg ended his dance of death with the Third Reich and fell into the hands of its moral twin. When the Soviet Union gets away with such acts—acts that are as contemptuous as they are contemptible—it gets the idea that it can unleash "yellow rain" and can shoot the pope with little to fear from the West's fitful disapproval.

Besides, if this case is not America's business, what is? On Oct. 5, 1981, Wallenberg became only the second person (Winston Churchill was the first) to be made an honorary American citizen.

Signing the bill conferring this honor, President Reagan said "we're going to do everything in our power" to locate Wallenberg. But we have not done that. So before Reagan agrees to meet with Yuri Andropov, he should receive an answer, beyond the routine mendacities, to this question: Where is Raoul Wallenberg?

STATEMENT ON PRIVACY OF TELEPHONE RECORDS LEGISLATION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. WEISS. Mr. Speaker, there have been a number of reports that the Department of Justice has subpenaed the telephone toll records of newspaper reporters without the knowledge or consent of the reporters. In no case did it appear that the reporters or the newspapers were suspected of any crime. Even Justice Department officials involved in the subpenas called the Department's actions a "misjudgment," "in violation of the spirit" of Department regulations, and something that the Department "absolutely ought not to do."

After revelation of this activity, the Department changed its regulations to provide some protection for the news media from compulsory process for its telephone toll records. While these regulations represent a first step in the protection of telephone toll records, they do not and cannot go far enough to protect the privacy of this increasingly sensitive category of records. The regulations offer only a modicum of protection for the privacy of reporters and offer no protection for the privacy of others. The necessary protection can only come through Federal legislation.

Americans believe that they have a right to conduct their private affairs by telephone without fear of Government surveillance, and we have long recognized the need for protection of the content of telephone conversations. Telephone toll records can provide information about a citizen's social, business, and political contacts that can be just as sensitive in many cases as the content of the conversations. This is more true today than ever before, principally because of the extension of usage-sensitive pricing of telephone services to local as well as long-distance service. This requires the recording by the telephone company of the number called along with the date, time, place, and duration of call.

In order to protect telephone toll records from unwarranted intrusion, I am reintroducing the Federal Privacy of Telephone Records Act.

The bill restricts disclosure of an individual's telephone toll records by the telephone company. It permits access by Government agents only through use of a subpena or through an ex parte court order. If a subpena is employed to gain access to the records, the Government must notify an individual that it is seeking his records. After he is notified, the individual may go to court and challenge the request for his records.

Where the Government believes that notice to the individuals will harm its investigation, it may apply for a court order similar to the order required to tap a phone. The procedures in the bill for access to toll records, however, are less restrictive than those of the current wiretap statutes. In particular, the showing that the Government must make to obtain an order is one of "reasonable cause"—a standard less than the "probable cause" required for a search warrant but more than an allegation, suspicion, or mere belief. At the same time, the bill's requirements for obtaining an order for telephone records are substantially higher than the showing which is required to sustain a subpena or similar form of legal process.

Besides giving an individual the right to challenge a subpena for his records, the bill establishes civil liabilities of its provisions.

Finally, the bill provides strict limitations on the subsequent use and redisclosure of telephone toll records obtained by a Government agency, insur-

ing that the records will not simply become information available for general Government use.

I urge my colleagues to join me in supporting this legislation to protect reporters and other citizens from unnecessary Government encroachments on their privacy.●

AN INCENTIVE FOR SAVERS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. LEHMAN. Mr. Speaker, I have recently introduced legislation, H.R. 1037, which would permanently increase to $500 the amount of dividends and interest an individual may exclude from gross income on an individual tax return. For married persons filing jointly, the amount would be $1,000. Currently the exclusion is $100, or $200 on a joint return.

My legislation would provide more of an incentive to save, particularly since the all-savers certificate will no longer be available to savers. Although in these times of economic hardship it is difficult for many people to save, I believe that increased savings will serve the long-range interests of our country.

More savings means more private money for investment, which in turn should result in higher productivity. The accumulation of funds by savings institutions can also lead to the lowering of mortgage rates. Families who cannot now afford houses because of high interest rates would be able to enter the housing market.

The elderly of our society would also benefit since they are the ones who primarily depend upon their savings and dividends to pay for everyday necessities. By increasing the exclusion, we would be helping our elderly to survive in these difficult economic times.

Mr. Speaker, I believe that this legislation is not only beneficial to the individual but to our economy as a whole. I am confident that my colleagues will agree with me concerning the continued need for savings incentives such as I have proposed.●

LEGISLATION TO FACILITATE FISHERIES DEVELOPMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing today a bill which will make a very small change in the Fishery Conservation and Management Act which could have a major impact on future development of our Nation's fishing industry.

Under existing law, allocations of fishing privileges to foreign nations operating in our 200-mile fishery conservation zone are based on certain criteria established by Congress. These criteria reflect the need to maintain our fisheries resources at optimal levels and, more importantly, the need to develop our domestic fishing industry. Under the "fish and chips" policy mandated by the Congress and actively pursued by the present administration, allocations to foreign nations are granted to the extent that those allocations result in benefits to our fishing industry.

Unfortunately, there is one criterion that can negate the benefits provided by the others. In addition to matters affecting our fishing industry, the Secretary of State may consider other matters as he deems appropriate. Thus, when the Government of Japan agreed to support the U.S. Government in a boycott of the Moscow Olympic games, Japan received an increased allocation in our 200-mile zone, even though Japanese fishing vessels had the worst record of complying with our laws. When Soviet forces marched into Afghanistan, Soviet fishing privileges were suspended—and remain suspended at this time—even though this meant a loss to American fishermen. I note that farmers can still sell grain to the Soviet Union and that equipment is being sent to the Soviet Union to build the gas pipeline. Only the U.S. fishing industry is forced to suffer.

My amendment, which is nearly identical to one I offered in the Merchant Marine and Fisheries Committee last year, provides that the Secretary of State may consider other fishery matters as he deems appropriate when he is granting fishing privileges. In other words, this amendment will conform the final criterion to the rest of our domestic law governing fisheries and especially to the policy mandated by Congress.

This will not tie the Secretary's hands completely; if he decides not to grant any allocations to a foreign nation, he has that privilege, although I am certain that a refusal to grant an allocation will be looked at closely by the Congress. However, if an allocation is granted, then the amount of that allocation will be based on matters affecting the fisheries, not on obscure or controversial policy goals developed by internationalists in the State Department or others who would trade away our valuable fisheries resources for dubious benefits.●

THE CASE AGAINST FOREIGN AID

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. PAUL. Mr. Speaker, the following article by Peter Bauer, renowned author and professor of economics at the London School of Economics, refutes the fallacious arguments used to justify foreign aid giveaways. According to Bauer, the rulers of less developed countries actually have a vested interest in preventing development and prosperity within their countries, since the amount of aid rulers receive depends on the poverty of their subjects.

Mr. Bauer's arguments against foreign aid are concise and persuasive, and I present them for consideration by my colleagues. The article follows:

[From Chief Executive, Winter 1982-83]

DOES FOREIGN AID DO ANY GOOD?

(By Peter T. Bauer)

Americans like to think of themselves as idealists. This is why foreign aid advocates insist that their policy is to help people who help themselves. Americans, notably including businessmen, think of themselves as both humane and realistic. This too has long been recognized by the aid lobby, the arguments of which have always been double-barreled, appealing both to charity and to self-interest. Foreign aid breaks the vicious cycle of Third World poverty but it also promotes exports, keeps Communism at bay and rescues the banks from the threat of insolvency.

These ideas should be familiar to readers of the New York Times, the Washington Post and the network news. They have been a leading theme of the Observer, the British Sunday newspaper rescued from closure in 1975 by Robert O. Anderson, CEO of Atlantic Richfield.

Since President Truman inaugurated development aid in 1949, the central, core argument of the aid lobby has been that aid is both indispensable and insufficient for Third World progress; that the Third World is desperately poor but craves for economic advance and possesses its prerequisites except for capital. Professor Paul A. Samuelson wrote in 1951: "They (the backward nations) cannot get their heads above water because their production is so low that they can spare nothing for capital formation by which their standard of living could be raised." In 1981, Dr. Hollis B. Chenery said: "Foreign aid is the central component of world development."

How many CEOs would persist in giving money to materially unsuccessful and unambitious people on the grounds that the handouts are helpful or even necessary for the recipient's progress? Yet for decades now leaders of American industry have endorsed a policy the central argument for which they would not countenance for a moment as guide to their own actions. How has this come about?

Foreign aid is the transfer of Western taxpayers' money to distant foreign governments and the official international organizations. It has been a major accomplish-

ment of the aid lobby to secure the term "aid" for these transfers. From modest beginning soon after World War II, the foreign aid lobby has grown into one of the most powerful pressure groups in the world, perhaps the most powerful. It now comprises the international organizations, one or more government departments in every Western country, articulate export interest, international banks, academics, media men, churchmen, and associated professional and professional humanitarians.

In some instances the stance of its members may reflect adjustment to changed circumstances. Thus many churchmen seek a new role for themselves in the face of a loss of their clientele; like Othello, many clerics seem to dread the loss of their occupation with its attendant pomp and circumstance, and are looking for a second occupation. Such attitudes are readily understandable. What is much more surprising is that these allegations of the aid lobby should have been accepted so readily by many businessmen and executives in the U.S., a country built on successive waves of penniless immigrants, often with little or no formal education.

The most articulate aid advocates depict the world as one-third rich, namely the West, and two-thirds destitute and stagnant, namely the Third World. The world is not like this at all. The Third World ranges from millions of aborigines, pygmies and tribal people to the OPEC countries and to prosperous and rapidly advancing societies where many people employ sophisticated technologies and advanced business methods, most obviously in the Far East (South Korea, Taiwan, Hong Kong, Malaysia, Singapore) and in Latin America (Mexico, Venezuela, Brazil, Colombia). The Third World is not, and never was, caught in a vicious circle of poverty and stagnation. Nor are its peoples separated from the West by a wide or widening gap in incomes and living standards.

The aid lobby suggests that the world has somehow been created in two parts. There is a prosperous developed world with a ready-made infrastructure of railways, roads, utilities, ports and with advanced health, education and clean water; and another part which the creator neglected to endow with these benefits. Reference to Genesis and to other up-to-date but also readily accessible sources, makes it clear that this is not how things have happened.

The linchpin of the advocacy of foreign aid that external handouts are necessary for emergence from poverty is palpably untrue. If it were true, originally very poor individuals, societies and countries could not have progressed from backwardness and penury to comfort and prosperity without such doles. Yet they have done so in the distant as well as in the recent past in the West and in the Third World. If foreign aid were necessary for development there would be no developed countries today; indeed, the world would still be in the Stone Age. Much of the Third World progressed extremely rapidly in the 19th and 20th centuries long before foreign aid was invented, notably in Southeast Asia, much of the Middle East, Africa and Latin America. In many of these areas hundreds of thousands of originally extremely poor immigrants advanced from destitution to prosperity within a few decades—the Chinese of Southeast Asia being perhaps the most striking instance.

Economic achievement depends on people, including governments. It depends on man, his culture and his political arrangements. Peoples' aptitudes, attitudes, motivations, mores and the policies of their governments also count. They do not depend on external doles. No country or society ever required foreign aid for its development. This is as true in the Third World today as it was in the West.

These basic factors of economic performance have brought about the recent rapid advance in Far Eastern countries, where industry is so competitive in Western markets. For instance, practically every Western country imposes severe restrictions against unsubsidized imports from Hong Kong, an extremely densely populated very distant Asian country which is totally without natural resources.

The market system and private enterprise, both foreign and domestic, have been the prime agents of Third World progress. In less developed countries (ldcs) huge industries such as petroleum, copper, tin, sugar, rubber, tea, textiles and engineering were pioneered and developed by corporations and merchant firms, often in difficult and unpropitious conditions. The plantation rubber industry established and developed long before foreign aid, provides an instructive example.

There are now millions of acres of rubber in Southeast Asia. Before the end of the 19th century there was not a single rubber tree in Asia. Local labor in Southeast Asia was extremely scarce. But it was possible to attract many hundreds of thousands of workers from India and China. There was little local capital but enterprising trading companies found capital in the West to finance the opening up and equipping of estates, and for the recruiting of managers and workers to operate these properties. The activities of these trading companies were soon followed by those of Chinese traders who brought rubber estates and consumer goods to thousands of small landholders which enabled and encouraged the rural population to plant rubber.

The owners and managers of the enterprises made their decisions in the light of actual and prospective market conditions for the product, for labor costs and their assessment of government policies and technical conditions. In other words, they were guided by considerations not all that different from those behind the decisions of CEOs in the U.S. decisions of this kind, not foreign aid, transformed the conditions of millions of people in Southeast Asia and elsewhere in the Third World.

Foreign aid is thus evidently not essential for development. Indeed it is more likely to obstruct it than to promote it. This may sound paradoxical since foreign aid represents a net inflow of subsidized or even gratis resources. It is nevertheless true.

When the prerequisites of economic progress are present the necessary funds will be generated locally, or can be borrowed abroad. When they are not present, development aid is ineffective and therefore wasted. There is no way out of this dilemma.

The absolute maximum contribution of aid to development is therefore the avoided cost of borrowing (amortization and interest) as a percentage of gross domestic product. For large aid recipients this is negligible, a fraction of 1 percent of gross domestic product at most. The maximum benefit for development is thus a tiny reduction in the cost of investible funds. Moreover, the volume of these funds is not a crucial determinant of development; it is more nearly an effect rather than a cause of material progress.

This tiny maximum benefit is likely to be far more than offset by a long list of adverse repercussions that affect the basic determinants of development, such as political arrangements and the direction of people's activities. The most important of these adverse repercussions is the effect aid has in reinforcing the politicization of life in the Third World. Aid goes to governments and increases their resources relative to the private sector. It increases the money and patronage of the rulers. By increasing the prizes of political power it intensifies the struggle for them, thereby exacerbating conflict, especially so in multi-racial and multi-cultural societies such as those of many less developed countries. These results in turn divert attention and energy from productive economic activity to the political arena.

There are other adverse effects, almost all of which derive from the fact that the recipients are governments and not the population at large. The adverse repercussions are set up by amounts of money which are a small percentage of gross domestic product, but are a significant proportion of government revenue and foreign exchange earnings.

These various considerations refute the idea that aid, even if it does not do much good, can at least never do any harm. They explain why aid has never been necessary for development anywhere. They explain further the plight of many aid recipient governments after decades of aid, and the difficulties, or the outright inability, of many recipient governments to service their debts, including soft loans.

What about relief of Third World poverty? This declared objective of aid differs altogether from development, in the same way as alms to a beggar, or help to a cripple, differ from scholarships to promising youngsters or loans to start up a business. In fact, official aid has nothing to do with relief of poverty, distress or starvation. Aid does not go to the skeletal figures and pot bellied children so familiar in aid propaganda.

Aid goes to the rulers. In the Third World few of them are much concerned with the poorest. That this is so is clear from their lavish spending on the most varied prestige items such as uneconomic industries, petrochemical complexes, steel works, state airlines, satellite communications and nuclear projects. These activities financed by aid directly or at one remove, often represent a net drain on local resources and have to be subsidized by local taxes, including levies on the poor. The construction of vastly expensive and brand new capitals is instructive: Brasilia, Islamabad, Lilongwe in Malawi, and more recently Dodoma in Tanzania and Abuja in Nigeria. The cost of Abuja to be built from scratch in the Nigerian bush is now estimated at $20 billion. A dispatch in the London Times, December 23, 1981, presented a graphic account of the hopeless situation in Dodoma, another city being constructed from scratch in the bush, and on which some $17 million have already been spent. The best hope is that if President Nyerere "steps down, the idea may be quietly folded away." The dispatch quotes an Australian aid official, who is the business manager of the project: "We cannot get enough cement, enough steel, enough diesel to run the trucks. But it is not only a question of financial resources and building materials, the country basically does not have enough skilled people to properly run the place." Tanzania is one of the poorest coun-

tries in Africa. How do its poor benefit from such extravagance?

Quite apart from their spending patterns, the policies of major aid recipients directly aggravate the lot of the poorest by the suppression of private trade (as in many African countries); persecution and even expulsion of the most productive groups (the Chinese in Vietnam and elsewhere in Southeast Asia, Asians in East Africa); forced collectivization (e.g. Tanzania). Apart from the suffering of the immediate victims, such policies exacerbate poverty, and may cause famines by undermining or even destroying the exchange economy.

Dr. Nyerere is a special favorite of Western donors. Besides enforced collectivization, he has herded millions of people into so-called collectivization villages. The World Bank's Dr. W. D. Hopper has noted some results of these policies and the relation of foreign aid to them. "As long as food aid (or long-term loans for food purchases) is supplied to Tanzania by the industrial nations, the social experiment will continue."

There are many instances in which Western aid has made it easier for governments to pursue policies directly impoverishing their people. Indeed to give money to rulers on the basis of the poverty of their subjects can easily encourage policies of impoverishment.

So much for aid as relief of poverty.

There are three arguments for aid which are aimed directly at businessmen, particularly chief executive officers.

According to the first of these, aid benefits the donor countries by promoting exports, and therefore activity and employment. Some exporters may indeed benefit if aid recipients buy their products. But exports bought with aid, i.e., taxpayers' money, are in effect given away. A corporation does not prosper by giving away its money in the hope that the beneficiaries will spend some of it on its products. Nor does a burglary benefit a store even if some of the loot is spent in it. If more government spending can boost the economy, the appropriate course is to spend more at home.

The second argument is that foreign aid is necessary to contain the spread of Communism and to keep the Third World out of the Soviet orbit. But aid does not promote prosperity in the Third World. And in any case the appeal of Communism does not depend on the level of income—witness the large Communist parties in France and northern Italy. Nor is aid generally helpful to American and Western political strategy. About one-third of Western aid goes through the international organizations. In distributing this aid they are not permitted to consider the political interests of the Western donors even if they wish to do so, which is doubtful. In practice, the political interests of the West are rarely served by direct government to government aid either. Much of this aid goes to countries of no political and military significance. Many recipients are openly hostile to the U.S., as evidenced for instance by their record in the United Nations and at other international gatherings. And as an organized and articulate group, the Third World is always hostile to the West, even though as a group it is a progeny of Western aid.

It is now urged that further aid is required to prevent large scale default by Third World countries on their debts to the international banks, which would allegedly much damage the financial system.

In fact, the involvement of the banks, especially the U.S. banks, in the Third World is relatively modest and most of it is in comparatively prosperous Latin American countries. Even if it were much larger it is certainly questionable whether taxpayers' money should be used to bail out the large international banks.

Finally, if such a bail out were necessary, it should clearly take the form of a direct rescue operation of the banks, and not that of further subsidies to their debtors, who may not even use these subsidies to service their debts.

This particular argument is but the latest version of the advocacy of foreign aid. Many more can be confidently expected to follow.

Many U.S. businessmen think that U.S. aid is so small in relation both to gross domestic product and to total government spending that the issue is not worth bothering about. They are mistaken. To begin with, U.S. aid has often been a significant proportion both of the federal deficit and of the U.S. current account, including periods such as 1977–78 when the weakness of the dollar exacerbated the problem.

Finally, there is yet a much more important result. It is official foreign aid which has brought about the Third World as a pressure group. In practice, the Third World is the aggregate of countries the governments of which, with few exceptions, demand and receive Western aid. This is the only unifying and common characteristic of the utterly diverse, and often mutually antagonistic or even openly hostile countries of Asia, Africa and Latin America which have come to be lumped together first as the underdeveloped world, and now as the Third World or the South. By creating this otherwise spurious collectivity, foreign aid has been responsible for the so-called North-South conflict or confrontation. Foreign aid is thus the source of this conflict, not its resolution.

Like most other people, CEOs do not want to appear hard-nosed, lacking in compassion. What should be their stance toward foreign aid?

They should take a much more critical attitude toward these transfers. Foreign aid at best can do little or nothing either for Third World development or for relief of poverty there; and in practice it can do and has done much damage. CEOs should therefore dispute the claims of aid advocates and guilt merchants that they have a monopoly on compassion, and that those who disagree with this are ignorant backwoodsmen.

U.S. businessmen can contribute most to Third World development by working toward a reduction of the often severe trade barriers against Third World exports. Importers might be more effective in pressing for a reduction of trade barriers if they insisted that their activities served not only their own interests and those of U.S. consumers, but represented also the most effective Western contribution to Third World advance.

Relief of acute poverty and distress in the Third World is best left to voluntary agencies, notably nonpolitical charities. Their work is far more likely to relieve persistent distress than can official aid. This word is also far more in the spirit and tradition of Americans' concern for their fellow man.

This stance accords with common sense, with the interests of most businessmen, and with traditional American attitudes both to self help and to charity. But it is not an easy one to maintain in the face of the formidable interest groups behind foreign aid, and the climate of opinion these have created. But the effort may be worth a try.●

THE EXILE OF KIM DAE JUNG

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. OBERSTAR. Mr. Speaker, during the past several years, many of the Members of this House and I have served on the Committee To Free Kim Dae Jung.

We joined this committee because of our deep concern for the personal well-being of Mr. Kim as well as the future of United States-Korean relations.

The release of Mr. Kim just before Christmas was very welcome. Two years ago, our committee, church leaders, and human rights activists throughout the world worked to save Mr. Kim's life.

While I am tremendously relieved at the decision of the government of Chun Doo Hwan to release Mr. Kim, we cannot forget that government's treatment of Mr. Kim and the deplorable record of human rights violations symbolized by that treatment.

I would like to share with my colleagues a perceptive analysis of Mr. Kim's case written by Mr. Donald L. Ranard, Director of the Center for International Policy in Washington. I urge my colleagues to consider implications for the future of U.S. policy with respect to South Korea.

[From the Los Angeles Times, Dec. 24, 1982]

HUMAN RIGHTS, SOUTH KOREAN STYLE

RELEASE OF DISSIDENT KIM DAE JUNG HARDLY QUALIFIES AS JUSTICE

(By Donald L. Ranard)

With the arrival of Kim Dae Jung in the United States, a sad chapter in the life fo South Korea's most prominent dissident has ended. For almost 10 years, Kim has been the vicitim of perhaps the worst persecution seen outside the communist world. His case has been the rallying point in both South Korea and the United States for those concerned about democracy in the "land of the morning calm."

Kidnaped by the South Korean Central Intelligence Agency in 1973, Kim was first placed under strict house arrest, then terrorized, imprisoned, hospitalized, freed, reimprisoned, tried on fraudulent charges and sentenced to death. Subsequently, his sentence was commuted to life, then reduced to 20 years, and now he has been released.

These bizarre developments best summarize the capricious status of justice and due process of law in a country that the United States supports with all-out military aid in an effort to develop stability and security in the Pacific.

The State Department believes that Kim's release signals "an important contribution to political harmony in Korea." Certainly, Kim's freedom must be greeted with relief, and some hope that his agony is over. But, although Kim is no doubt physically safer in the United States than in South Korea, the decision to free him raises as many questions for the future as it answers. The most important, of course, is whether, as

our State Department seems to believe, his release will in fact contribute to South Korea's internal stability. The likelihood is that it will not.

To begin with, the South Korean action was taken in an atmosphere of increasing bitterness that shows little hope of subsiding without fundamental changes in how the government treats dissidents and, more important, the root causes of that dissidence. Human rights in South Korea—as measured by freedom of the press, universities, labor unions and the church—are as restricted as ever. While there is hope that Kim's release will also lead to the freedom of others, more than 400 political prisoners are still in jail. Most critics consider the status of human dignity in South Korea today under Gen. Chun Doo Hwan worse than it was under Syngman Rhee, whose presidency terminated with civil revolt, or under the notorious late Gen. Park Chung Hee, whose oppressive rule finally resulted in his assassination.

Adding to the tension between the government and those who seek liberalization is the way Kim's release has been handled. According to press reports from Seoul, Kim was released to a hospital and given one week's notice to leave the country with his family. If so, he is being booted out by the South Korean government, presumably in the hope that it will be rid of a thorn in its side. To be sure, Seoul has put a better face on it, claiming that the decision is based on "President Chun's humanitarian concerns and on a desire to promote a sense of national unity." It will not. Kim will undoubtedly continue speaking out for democratization, using Washington as his platform, as he did courageously in Seoul. So the confrontation will continue.

Regrettably, there are continuing implications for the United States in Chun's so-called humanitarian gesture. Two years ago, the Reagan Administration took credit for the commutation of Kim's death sentence through an exchange that brought Chun to Washington on a state visit. Subsequently, that deal backfired. The American Cultural Center in Pusan was sacked, the American flag was burned and other unprecedented acts of anti-Americanism were committed by South Korean students, who saw the visit as an example of U.S. support of a ruthless leader. The students see Chun as inextricably linked to the bloody suppression in May, 1980, of a rebellion in Kwangju responded with a savagery unparalleled since the Korean War.

Now our State Department has approved Kim's visit ostensibly for "continuing medical treatment." But, in doing so while knowing that Kim is in fact being deported, our State Department could be open to further criticism as an accessory to Kim's exile.

Although it is difficult for Washington to extricate itself from a dilemma that past insensitivities have brought about, the U.S. government should respond compassionately. After almost 10 years of uninterrupted harassment, Kim needs medical care. At the least, we can afford to provide him with treatment at a government hospital. This would be a generous act, not without precedent or symbolism, for this friend who, had it not been for the fraudulent election of 1971, would have become president of South Korea.

Kim's freedom will be hailed as a victory for quiet diplomacy. Certainly prodding by Washington helped. But, without the active and vocal support by American church leaders, human-rights activitis on both sides of the Pacific, congressional hearings and the press (notably the Japanese press), Kim's fate would long ago have been sealed.●

DISABILITY INSURANCE FOR THE BLIND

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, on January 27, I reintroduced legislation that would liberalize disability benefits for the blind. This bill, H.R. 1039, would permit a blind person who has worked six quarters in social security-covered employment to qualify for disability benefits as long as the blindness lasts. Under present law, benefits are cut off when earnings reach $550 a month.

There are several reasons why the Congress should liberalize the eligibility requirements for blind persons, even at a time when the budget-cutters look to entitlement programs as prime areas for trimming costs.

First, reducing the work requirement to six quarters recognizes the difficulty that blind persons have getting hired in the first place. Because they are usually the last hired and the first fired, many are not able to acquire the necessary quarters of coverage.

Second, current law discourages many blind people from even seeking employment. Those who have managed to qualify for disability benefits are afraid to take jobs. The risk of losing the benefits is too great when compared to the low wages and lack of job security they would have back in the work force.

Third, we must keep in mind the added economic burden the blind are forced to bear. Because of employers' reluctance to give them more responsible and better paying jobs, the earnings of blind people are usually quite low. The blind must also bear the costs of hiring readers and drivers, or buying special equipment to enable them to fully participate in modern society.

Finally, in addressing the costs of liberalizing disability benefits for the blind, we should keep in mind that a considerable burden would be lifted from the supplemental security income (SSI) program. The National Federation of the Blind has estimated that as many as 75,000 persons would leave the SSI rolls. Given the incentive to find work, many blind persons will no longer be dependent on welfare and instead will contribute to our Nation's economy. I am confident that much of the cost of this legislation will be made up in reduced SSI expenditures and increased revenues through income and social security taxes.

Similar legislation was first offered in the 88th Congress by Senator Hubert Humphrey. It passed the Senate several times since then, but has failed to gain approval by both Houses. The reasons for adopting this legislation have remained valid throughout the past two decades. We need to encourage people to work and we need to recognize the unique circumstances facing the blind in the workplace.

Over the years, some progress has been made, but we have stopped short of enacting this most effective way to create real economic opportunities for the blind. I urge my colleagues to carefully examine this legislation and respond to the needs of the blind by supporting H.R. 1039.●

MAKING DETERRENCE WORK

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. EDWARDS of Oklahoma. Mr. Speaker, we have heard a great deal about the morality of the nuclear freeze movement. Many leading clergymen have supported the nuclear freeze on the grounds that the United States is morally responsible to end the nuclear arms race.

All of us in this Chamber would agree that nuclear weapons are a terrible thing, and that we should make every effort to eliminate them from the face of the Earth. But what morality is there in disarming ourselves before an enemy intent on destroying us?

I recommend to my colleagues the following remarks by Michael Novak. They appeared in the November 1982 issue of Catholicism in Crisis.

MAKING DETERRENCE WORK

(By Michael Novak)

The effort by the National Conference of Catholic Bishops to go into strategic specifics on questions of nuclear war may have consequences far different from those the bishops intend. It is not always those who cry "Peace, peace!" who actually bring peace. The opposite has frequently been the case.

The second draft of the statement prepared by the bishops (October 1982) is very long, and searching objections to it cry out to be made on nearly every page.

I cannot be certain that my own vision of reality is correct. Yet if it is, then this draft statement moves the world very close to war. That is not its motive, clearly. But it may well be its effect.

This judgment is based on two main strategic considerations. The first concerns the deterrence of conventional warfare in Europe over the next twenty years. The second concerns the deterrence of a Soviet ballistic missile attack on the United States.

I. On the first point, the bishops claim it is immoral to deter attacks even by overwhelmingly superior Soviet forces upon

Western Europe with a (tactical) nuclear deterrent. They may have forgotten that in World War I, 15 million Europeans died in conventional warfare. In World War II, 51 million Europeans died. Since that time conventional warfare has increased in horror. (The largest conventional explosives are now more destructive than the smaller nuclear weapons.) Conventional warfare in Western Europe almost certainly means terror and destruction far in excess of that of World War II. Some estimate 100 million dead.

Scores of conventional wars have broken out since World War II. Leaders do not seem to fear conventional warfare, as they properly fear nuclear war. The absence of a nuclear deterrent against Soviet conventional forces in Europe may, sooner or later, bring on a holocaust of a conventional war.

The bishops' current draft is abstract and rational. It overlooks probable real occurrences. Imagine three conditions: (1) the U.S.S.R. offers West Germany the prospect of unification with East Germany, and succeeds in getting German voters to weaken NATO; (2) in frustration, U.S. voters demand withdrawal of U.S. support from NATO; (3) an economic and political crisis in the U.S.S.R.—perhaps during the struggle of succession—tempts the more militant Soviet faction to seize the opportunity to take Berlin and invade West Germany. Another great European war could break out before this century's end.

Current NATO strategy is defensive. (The configuration of Soviet forces is offensive. The Soviets need no defensive preparations. The West lacks airplanes, tanks, and troops offensively armed.) It contemplates surrender of perhaps one-third of Germany before being able to halt a Soviet advance. A further Soviet breakthrough might evoke panic in Europe. The clamor for a tactical nuclear response against Soviet rear elements would be acute. As the bishops do note, nuclear war is most likely to erupt from conventional war. The absence of European nuclear deterrent may, in this way, precipitate the very nuclear war the bishops desire to prevent.

Much depends on how the bishops understand Soviet reality. The present draft interprets Soviet necessities and imperative far less cynically than it interprets U.S. government actions. The bishops are making a bet on Soviet peacefulness and reasonableness. Many have lost that bet.

The London Economist (July 31 and October 30) has been far more clear sighted on European security than the U.S. bishops. A conventional deterrent, The Economist says, does not now exist, but could exist with significantly higher military spending—but only if a nuclear deterrent is kept in working order, too.

II. On strategic weapons, further, the U.S. bishops have either made a semantic mistake or cut the heart out of nuclear deterrence. They argue that a deterrent is morally permissible, but only if one never intends or threatens to use it. Nuclear weapons they say—may never be used (in any of the most likely cirumstances of use). Possibly this is a semantic mistake. Perhaps the bishops mean by intention and threat words or thoughts only. In an architectonic system of readiness, however, there is another sort of intention and threat far more credible than mind-reading. Readiness itself is the only real intention, the only real threat, which a distant adversary can take seriously. Adversaries ignore words.

But if the bishops intend to produce an empty shell of deterrence—a set of weapons manned by persons who are pledged never to use them—they do invite a daring opponent to call the bluff. Deterrence is primarily a commitment of will. Erode the moral will and deterrence is no more than useless missiles rusting in the ground or under water. Under such conditions, uncertainty is bound to grow. Probes are far more likely to occur—perhaps only a single salvo, destroying (say) Minneapolis, meant to force instant surrender. A nation with no will to respond will not respond.

Not at first, perhaps, but over a decade or more, such teaching by the Catholic bishops will make Catholic political leaders and military men suspect, as being, in effect, unreliable in time of crisis. The Catholic church will be acting as a sect. Paul Blanshard should have lived to see this hour.

The point of deterrence is to deter. If one's aim is to prevent any use of nuclear weapons ever, one cannot begin by saying "We won't ever reply against aggressive nuclear force." This is to surrender in advance.

The ultimate logic of the bishops' second draft is unilateral disarmament. If it is immoral ever to use a deterrent force, the deterrent force no longer exists. By its very existence, a deterrent force is an intention, a threat. Possibly, the bishops mean that U.S. leaders should be liars and hypocrites: maintaining a bluff. In that case, U.S. policy is a lie. If the bishops really mean that a deterrent cannot be used as a deterrent, they are actually demanding unilateral disarmament. First, spiritual, moral disarmament. Then, the removal of weapons. They avoid the policital consequences of this recommendation, but by a kind of doubletalk. This is casuistry at its worst.

Nuclear warfare does demand an "entirely new" kind of thinking. Those who intend nver to use a deterrent force must intend to use it, if necessary. Only in this way can a deterrent truly deter. Thus, if the bishops do approve of deterrence, they must approve of the intention to use it. Only in this way is there a chance of nuclear weapons never being used. This is one of the paradoxes of nuclear strategy. The successful nuclear weapons systems—there have by now been three generations of such—are those which become obsolete without ever having been used.

Why have the bishops not seen that their present position entails unilateral disarmament? One presumes that they have not forced themselves to face it. The more thoroughly pacifist among them do grasp the logic, however. They celebrate this draft as the indispensable pillar of their ultimate goal: pacifist surrender before aggression, which they hold is to follow the example of Christ. (It is one thing for individuals to hold this view; another to impose it on a pluralist state.)

Nowhere in the bishops' draft do the bishops voice the by now classical Christian arguments against pacifism. They list none of the Christian reasons for rejecting pacifism—theological arguments, moral arguments, and political arguments. They give pacifism a free ride.

In all arguments there is a "slippery slope." This draft gives away the top of that slope; the rest is downhill.

How did the bishops get into this predicament? As John Langan, S.J., has recently pointed out in The Washington Quarterly, they did not do so because a flood-tide of theological writing in this area obliged them to. Quite the contrary. They have been moved by very recent popular opinion. This is a dangerous motor force. Everyone desires peace. That is why the Soviets since Lenin have always conducted campaigns for "Peace" in public opinion as a main force in strategic warfare. The popular desire for peace is always genuine. To attain peace vis-a-vis the Soviets, however, vigilance in distinguishing false peace from true is always necessary.

The bishops give U.S. governments since 1968 little or no credit for ceasing to maintain U.S. nuclear superiority. Secretary McNamara froze land-based missiles at 1,054 in 1968, where still they remain. No new U.S. strategic bomber has been built: B-52s, which once numbered 1300 are now 316, every one of them older than the young men who fly them. Total U.S. nuclear megatonnage has shrunk by more than half since 1968; warheads are less numerous, and also smaller and more accurate. Polaris submarines are becoming obsolete. A breakthrough in anti-submarine technology could make the U.S. submarine fleet—the third leg of the triad of deterrence—as vulnerable as the first two legs now are.

Secretary Harold Brown once described the U.S. experience with the Soviets: "When we build, they build. When we stop building, they build." The bishops fail to study Soviet arms, their number, their configuration, and their intention (discerned not by reading minds but by describing the correlation and the structure of forces).

For all these reasons, and many more, the bishops are unwittingly leading the U.S. down the road, not of peace, but of appeasement and surrender. They fail to show how the U.S. military—on the narrow strategic ground the bishops leave them to stand on—can deter Soviet power. It is as if the bishops care nothing about an accurate assessment of power. Abstractly, their arguments make sense. Concretely, concerning the real nature of the Soviet Union and the present strategic balance, they do not make sense.

Nor is it sound Christian theology to hold that U.S. power comes from God, from Christ. Christian faith does not teach us to rely on the miraculous.

If the strategic thinking of the U.S. Catholic bishops leads to war—conventional, or nuclear, or both—they will have assumed responsibility for millions of victims. It will be no defense to say they "trusted in God," or acted from "faith in Christ." They may well think they are acting as "prophets" but most who claim in history to be prophets are false prophets. The record of bishops in worldly affairs is not a happy one.

It seems a sin, an outrage, to divide the Catholic people on strategic considerations. Holding to orthodox Catholic faith and a profound interior life in these times are difficult enough. The vocation of bishops gives them no special authority in temporal matters, particularly not of this type. There is more than a hint of clericalism in the expressed desire of the bishops to set themselves up as strategic thinkers. Their goal is to prevent nuclear war. Their method of attaining this goal is seriously flawed.

This summer, I have read at least three articles on the moral questions of nuclear deterrence—by laymen, even non-Catholics—far more sophisticated than the bishops' draft: the articles in The Economist referred to above; Theodore Draper in The New York Review of Books (July 15); and Edward Luttwak in Commentary (August). The writings of laymen like James Finn, William V. O'Brien, George Weigel, and others seem to me far more perceptive.

The bishops, of course, must follow their consciences. But so must laymen and

laywomen. The bishops urged the laity to question the policies of their government, and of course they not only should do so but have long done so, in this democracy. Now laymen and laywomen are also in the position of following their consciences against their own bishops—and less on theological grounds than on political and military grounds. The bishops have overreached. They invite not only dissent but proper resentment.

Absolutism in politics is a serious danger to democracy. When the bishops speak as citizens, they invite all citizens, whose fate is at stake, to reject and to oppose them.

The ecclesiology of the bishops' draft is weak: it yields far too much authority to clergymen in areas beyond their vocational calling. The biblical theology is weak. It leaps from true peace as conversion of the heart to Christ (where does this leave Jews, atheists and others?) to political peace and nuclear peace. The theology of pacifism is extremely weak.

But most remarkable of all, the itch of the bishops to attack their own government is transparent. There is hardly a shred of testimony in this article to the role the U.S. has played in the world since 1945, both as a political and humane ideal, and as an umbrella of liberty. After World War II, in what Winston Churchill has described as the most generous deed by any state in history to its foes, America rebuilt war-ravaged Europe (especially Germany) and Japan, and has provided for most of its defense needs. Never in history have so many former colonies become dependent nations—more than 100 since 1948—as during the period of American power. Moreover, since 1962, in constant dollars, as the New York times dramatically graphed (October 24, 1982), U.S. defense spending has remained remarkably constant. The proportion of defense spending devoted to nuclear forces has stayed at 9-10 percent. The U.S. for many years allowed the Soviets to "catch up" in nuclear power, only to see Soviet trend lines continue sharply upwards.

The hostility toward American government in the bishops' draft is muted but evident. Bishop Leroy Matthiessen, however, told Life, "The Catholic church is on a direct collision course with the United States government, and I'll be right out there taking the brunt of it." Tom Fox, editor of The National Catholic Reporter, told Time: "This will place U.S. Catholics in a confrontation with American policies . . ." The Jesuit Father F. X. Winters wrote with satisfaction that Catholics in the nuclear chain of command "will have to choose between apparent loyalty to [their] country and obedience to the church . . . There may ensue a great schism." The itch for confrontation is not admirable. It is sectarian and self-righteous. It indicates a surprising immaturity, on the one hand, and a dramatic failure to appreciate the blessings of governance in the United States. Which sort of government in Catholic history would the bishops prefer for the United States? Would they like to control U.S. policies? What role do they seek for themselves in a pluralist, free society? What role do they leave for laymen and laywomen—to follow their sense of reality, or that of the bishops?

Twenty years ago, I looked forward to dissent in the Church. I still do. The bishops are still, however, in the new style of a new generation, playing an authoritarian, heavily clericalized role. Their politics may now be that of the left. They may be acting more as a sect and a political party than they ought. But they are still carriers of clerical presumption and aggrandizement. Dissent remains the order of the day—dissent in conscience and theology, as well as in strategic and military judgment.

THE TRANSITION TO A PEACE ECONOMY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. WEISS. Mr. Speaker, issues of peace and economy are now joined. Because of the immense quantities of labor and materials that have been lavished on armed forces by virtually all governments, the credibility of proposals for reversing the arms race hinges on the parallel availability of workable plans for converting military, industrial, and allied resources to civilian use. At the same time, the massive scale of military expenditures during the last quarter century has been a major source of slowdown in economic productivity and general economic growth in all participating countries. There is virtually no disagreement with the proposition that the vast production resources used up in the arms race would, if applied to civilian economy, give a powerful spur to productive development of every sort.

Prof. Seymour Melman, of Columbia University, has called attention to the following:

First. From 1946 to 1986 the actual and planned budgets of the Department of Defense totaled $3,601 billion. This immense capital fund may be compared with the money value of the reproducible national wealth of the United States—as of 1975—$4,302 billion. Hence, the military budgets of the United States have preempted resources approximately equivalent to those required for renewing the largest part of manmade physical facilities and tangible goods of all sorts on the surface of the United States.

Second. For 1977—last year of available data compiled by the U.N.—we observe that for every $100 of gross fixed capital formation in the United States, $46 was separately expended for military purposes. The ratio of military spending for each $100 of new fixed capital formation was $18.90 in Germany and $3.70 in Japan. Obviously, the German and Japanese economies have reaped a benefit from the concentration of their capital-type resources in civilian capital formation.

Third. Every year from 1951 through 1981 the budgets of the Department of Defense have exceeded the net profits of all corporations.

These resources now lavished on the arms race are indispensable for carrying out any meaningful repair and renewal of the great array of lagging industries in the United States.

I am reintroducing legislation for facilitating economic conversion. This bill includes the following key elements:

First. Alternative use committees in every military-serving factory and base must be set up as a condition of fulfilling their contractual obligations. These committees, half from management and the other half named by employees, have the responsibility of formulating blueprint-ready plans for utilizing the manpower and physical resources of the industry or base in the contingency that they are no longer required by the Department of Defense.

Second. Provision is made for income support during a period of conversion when that must take place.

Third. Retraining support is made available so that engineers and administrators in particular can be formally retrained into the skills that are required in civilian enterprise, as against the abilities that are valued in the service of the Department of Defense.

Fourth. The new legislation provides for early notification of contract and base termination.

Fifth. A national economic conversion commission is established to encourage conversion planning and to cooperate with other agencies of Government with respect to the availability of finance capital needed for major new productive undertakings. It is reasonable to expect that the range of this activity will extend from major industrial renewal to reconstruction of important parts of the economic infrastructure.

The larger strategy of this conversion legislation is to encourage a highly decentralized operation with responsibility and authority for the detailed planning in the hands of the people on the spot. I am convinced that this is both the economic and technically efficient procedure.

It is my judgment that the Members of the Congress will perform a major service for the American people as these related proposals for arms race reversal and for economic conversion are given the benefit of widespread discussion and formal hearings.●

FEDERAL LAW ENFORCEMENT GETS A MUCH NEEDED BOOST

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. BIAGGI. Mr. Speaker, a year ago I stood on the House floor and expressed a deep concern about plans to reduce Federal law enforcement funding at a time when our Nation's crime rate was on the rise. Today, I am

pleased to report that President Reagan's budget proposal for fiscal year 1984 more accurately reflects our Nation's serious crime problem.

In general terms, the Justice Department budget would be increased by 10 percent—from just under $3 billion to $3.3 billion. This represents the largest increase for Federal law enforcement in more than a decade. Specific budget proposals include:

Raising the Federal Bureau of Investigation budget by nearly 25 percent;

Creating a highly trained, 25-member FBI "hostage rescue team";

A major increase in the number of FBI foreign counterintelligence agents;

The necessary funding to hire 1,600 new Justice and Treasury Department employees to bolster the crackdown on high-level drug and organized crime operations;

A total of $96 million for new prison construction, and another $10 million for expanding the prisoner capacity of existing Federal correctional facilities;

A total of $175 million on new computer technology at the FBI, the Drug Enforcement Administration, and the Immigration and Naturalization Service; and

Ninety million dollars for a new criminal justice matching grant program for States and localities.

These budget increases are more than justified. Violent crime has risen an average of 5 percent per year since 1971. In my home city of New York, there were over 430 violent crimes per day in 1981, including 5 murders per day, 10 rapes per day, and 119 aggravated assaults per day.

In addition, drug trafficking and terrorist activities have reached startling levels during recent years. Meanwhile, our Nation's prisons are overcrowded and unable to meet the demands of our rising crime problem.

President Reagan's proposed budget increases for Federal law enforcement would help to improve this dangerous situation. I applaud him not only for his stated concern about crime, but for backing it up with increased resources so vital to fighting the war against crime.

Mr. Speaker, at this time I wish to insert an article which appeared in the Washington Post today discussing the President's Federal law enforcement budget proposal in more detail.

[From the Washington Post, Feb. 2, 1982]

BUDGET BRIEFING—LAW ENFORCEMENT PROGRAMS ARE BIG WINNERS

(By Mary Thorton)

While the Reagan administration's fiscal 1984 budget would leave most domestic agencies struggling to keep up with inflation, the Justice Department budget would be increased by 10 percent, with most of the increases assigned to the president's war on drugs and organized crime, additional federal prisons and new computer technology.

In seeking the largest increase for federal law enforcement in more than a decade, Reagan would raise the total Justice Department budget from just under $3 billion to $3.3 billion. The FBI budget would go up by nearly 25 percent to over $1 billion for the first time.

Included in the FBI increase is $800,000 and 25 new positions for a "hostage rescue team," which Justice officials described as a highly trained unit with capabilities far beyond those of existing FBI special weapons and tactics (SWAT) teams. It would be a mobile unit, based in Washington, and could be used in hostage or terrorist situations.

The FBI also would get a major increase in agents and funding in the area of foreign counterintelligence, but the exact numbers are classified.

The administration has asked for about $185 million—with some of the money in the Treasury Department budget—for the 12 regional task forces being set up to investigate and prosecute high-level drug and organized crime operations. That funding would allow the hiring of 1,600 new employes at Justice and Treasury, including agents, prosecutors and support staff.

The proposed budget also seeks $96 million for new prison construction. Justice officials say that they plan to build two new 500-prisoner facilities in the Northeast, but the sites have not been determined. In addition, there is a provision for a new prison for 500 inmates in Los Angeles. Another $10 million is included for renovating existing federal prisons to expand their capacity by 340.

The department wants to spend $175 million on new technology, much of it for new computer systems at the FBI, the Drug Enforcement Administration and the Immigration and Naturalization Service. The FBI also has funding for a new secure communication system that will prevent outsiders from listening in. The budget also includes $90 million for a new state and local matching grant program in the area of criminal justice.

SELECTED JUSTICE DEPARTMENT OUTLAYS

[In fiscal years; in millions of dollars]

	1980	1981	1982	1983 [1]	1984 [2]
Civil rights matters	14.9	16.1	17.5	19.2	21.3
Antitrust Division	49.4	49.4	42.6	43.9	45.1
DEA	204.0	216.8	224.6	250.5	269.1
FBI	609.2	691.2	737.0	855.6	1,021.2
INS	336.3	390.5	416.7	499.3	534.9
Community Relations Service	4.9	5.7	5.5	5.9	6.3

[1] Smaller estimate.
[2] Proposed.
Source: Budgets for Fiscal 1982–84.●

AID TO EL SALVADOR

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. OBERSTAR. Mr. Speaker, in 1981, Congress imposed several conditions upon continued military aid to El Salvador. We did so as a compromise between the Reagan administration, which favored unrestricted aid, and those of us who would have terminated all military aid. While the substance of those conditions is quite sound, the certification process is deficient in that it includes no mechanism for congressional approval or rejection of the certification.

I have joined as a cosponsor of legislation introduced by the gentleman from Massachusetts (Mr. STUDDS) which would terminate military aid until Congress had passed a joint resolution indicating that the human rights conditions we imposed in 1981 had been met.

I first opposed military aid to El Salvador 3 years ago during the Carter administration. Since that time, I have been heartened by the growing public awareness of the significance of this issue and opposition to continued U.S. support for the military in El Salvador.

On January 24, the Duluth News-Tribune published a perceptive editorial criticizing the most recent certification by the Reagan administration.

Mr. Speaker, I ask that the editorial, "Human Rights Sham," be included in the RECORD. I very much hope that it and similar expressions throughout the Nation will increase support for enactment of legislation to suspend aid.

HUMAN RIGHTS SHAM

Protecting human rights in El Salvador is a charade; the Reagan administration continues to play this life-and-death game in order to foster its broad foreign policy objectives in Central America.

Again on Friday, as required by Congress, the White House certified that the military junta in El Salvador "has made progress' in stemming human rights abuses by its own citizens. That certification allows the Pentagon to supply another $26 million in military assistance to the ruling regime during the next six months.

What a joke, what a tragic joke. By our administration's own estimates government forces were responsible for the deaths of 2,630 civilians in the past year. Administration sources admit that total woefully understates the actual count as it is based on reports garnered from progovernment newspapers in El Salvador. And the White House report does not document reports of political torture, truly terrorist acts which have left thousands maimed and prompted tens of thousands of other Salvadorans to flee their homeland to preserve the very lives.

We believe protection of human rights is a basically meaningless concept in the Central American republic. The military rulers there will apparently stop at nothing to preserve their control of the country's government. And we believe our government really doesn't care.

The Reagan administration has committed itself to stomping out communist and leftist expansion in our hemisphere. If that has to be done by supporting rightest terrorism and violence, then so be it. But the certification of human rights improvements is a sham . . . and a revolting and deadly shame.●

UNITED STATES-MOROCCAN RELATIONS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues an interesting and useful discussion of United States-Moroccan relations over the past year. The comments are those of U.S. Ambassador to the Kingdom of Morocco, Joseph Verner Reed.

ADDRESS BY AMBASSADOR JOSEPH VERNER REED BEFORE THE MOROCCAN NATIONAL COMMITTEE OF THE INTERNATIONAL CHAMBER OF COMMERCE, CASABLANCA, NOVEMBER 23, 1982

REFLECTIONS OF UNITED STATES-MOROCCAN RELATIONS AFTER A YEAR IN THE KINGDOM

I am deeply honored to have been invited by President Tazi to participate in this "de jeuner-debat" organized by the Moroccan National Committee of the International Chamber of Commerce. As a former banker, I am a very old friend of the International Chamber of Commerce and am proud of its important and active role in facilitating international economic development and in promoting free enterprise and the market economy. As you would imagine, by philosophy, as well as experience, I believe that only through private initiative and liberal trade can national economies develop and generate the increased resources necessary for the well-being of their populations.

I am also proud to be addressing a pioneer committee of the I.C.C. The Moroccan National Committee was founded in 1957, just one year after Independence, and was the first national committee established in Africa. The Moroccan National Committee now has 160 members, the most numerous in the region and among the top 20 of the 57 national committees of the International Chamber of Commerce.

I would like to compliment President Tazi on his outstanding leadership and guidance of the International Chamber of Commerce. Abderrahman Tazi is a friend of 20 years, and I remember him as the most brilliant young director at the World Bank. He has served his country with great distinction and continues to devote his extraordinary talent to the economic development of the Kingdom.

The International Chamber of Commerce National Committee over which he presides brings together the principal professional associations and enterprises that provide the strength of the Moroccan economy and the hopes for its future. As you shall hear in my speech, I am counting heavily on those of you gathered here today to contribute even more to the economic development of Morocco and our bilateral relations.

BETTER RELATIONS BETWEEN NATIONS

Although this analysis may be less scholarly than you deserve—I would characterize relations between nations as falling into several categories: Allies, where there are formal ties; close relations but not based on formal ties; friendly relations; and poor relations.

With over 150 nations in the world today, I suppose it fair to say the most frequent category is that of friendly relations. Contacts are infrequent; one country asks little of the other; cordiality is the keynote; each country is seen more as a member of a group than as a country with individual interests; the closest ties are frequently related to trade.

During the past two hundred years the United States and Morocco have often been very important to each other: when Morocco recognized the United States at the end of the 18th century; when we worked together in the early days of the U.S. Republic to deal with the problem of piracy; when President Roosevelt met privately with the late King Mohammed V in Anfa during the Casablanca Conference in 1943; when the United States helped ensure regional security through the Strategic Air Command bases in Morocco after World War II. Our relationship in the recent past, however, has been warm but not close. For a variety of historical reasons the interests of neither party seemed to require the deep and close cooperation or collaboration of the other. And yet I am sure that everyone in this room knows, or at least feels, that something constructive has happened between us in the past year.

I often use an expression "getting on the radar screen". The first point is that Morocco is on the radar screens in Washington. It has much to do with perceptions of national interest, it has a lot to do with the character of the Reagan Administration and, most importantly, it has to do with His Majesty's perceptions of the U.S.-Moroccan relationship.

One of our tasks over the past year has been to make Morocco better known to American decision-makers. Let us look at our visitors: the Secretaries of State, Defense, and Commerce, the Chairman of the Senate Foreign Relations Committee, distinguished military figures and dozens of important officials in all branches of the Government, including the first woman Justice of the Supreme Court and several senior White House officials. I am very pleased to say that on every visit the Government of His Majesty and often His Majesty personally, received the American visitors with the most gracious hospitality and engaged them in a meaningful substantive dialogue. Our high-level visitors have gone back to Washington with a better understanding of the importance to the United States of Morocco. In the inevitable policy and resource battles in Washington these visitors have spoken up on behalf of the Kingdom.

However, the most important events in this new recognition of the importance of Morocco have been the two visitis of His Majesty to Washington. The May visit, during which King Hassan met at great length with President Reagan, laid the foundation for a better appreciation of the commonality of interests of the two countries and the similarity of their world views. In October, when King Hassan led an Arab Delegation to Washington, my Government fully understood the depth of the King's desire for peace in the Middle East and the leadership role the King has assumed. The King's performance in Washington was a tour de force!

In summary, a year ago Morocco was just a country with whom we had a long history of friendly relations. Today Morocco is both a very good friend and a far more important country in the eyes of the policy makers in Washington. It is a country whose role in international affairs and whose well being make a difference. And of course, we have to thank His Majesty, King Hassan II for what has been achieved.

WHAT HAS BEEN ACCOMPLISHED IN THE PAST YEAR

I would like to talk about the four instruments of foreign policy—political, military, economic and cultural. Let us measure where we have come in these four areas.

Political.—There are two problems which are of great concern to Morocco and the United States; the quests for peace with justice in the Middle East and for stability in this northwest corner of Africa. I have said many time, both publicly and privately, that King Hassan demonstrated courage and brilliance at Fez as He led the Arab countries to develop the first agreed Arab plan for Mideast peace in 35 years. While there are some clear differences with the elements for peace outlined in President Reagan's September 1st speech, the common and critically important area of agreement is that a just and lasting peace must be created soon and it can only be accomplished through diplomacy. The new moderation in the Arab position was not lost on President Reagan and Secretary Shultz who expressed their appreciation to King Hassan for His outstanding leadership at Fez and as head of the delegation in Washington. As we move forward on the long and difficult trail towards a Middle East peace, my Government has confidence that King Hassan will continue to provide the constructive leadership He has so ably demonstrated.

The Maghreb should be an area of harmony and cooperation. Sadly, that is not the case. The major problem is the continuing conflict in the Western Sahara. At the Nairobi Summits in June and August of 1981, King Hassan said unequivocally that he accepted the principle of a ceasefire and an OAU-supervised referendum of the inhabitants of the territory. The United States fully agrees with this position and has supported Morocco most recently in the United Nations and elsewhere. Not being an African nation, the role of the United States in helping resolve this conflict must be limited. We nevertheless believe it should be resolved in the peaceful manner that Morocco has accepted and we will do what we can to further progress toward a referendum that is the responsibility of the Organization of African Unity and its Implementation Committee.

Military.—Two weeks ago I stood on a hill overlooking a beach at Al Hoceima and watched waves of landing craft hitting the beach and discharging Moroccan infantrymen and U.S. Marines. Helicopters were zooming overhead and several U.S. warships stood by. It wasn't Normandy, but it was an impressive military exercise that demonstrated the rapid development of our military relationship. In the past year we have had the visits of the Secretary of Defense; General Smith, Deputy Commander in Chief Europe; LtG. Williams, Director of the Defense Intelligence Agency; LtG Ahman, Director, Defense Security Assistance Agency; Vice Admiral Hays, Commander-in-Chief U.S. Navy Europe; Vice Admiral Rowden, Commander 6th Fleet; and the Assistant Secretary of Defense for International Security Affairs. We have established a Joint Military Commission, and signed an Access and Transit Agreement. When SAM 6 missiles shot down your planes at Guelta Zemmour last October, we responded in appropriate ways. We are supplying F-5s, M-48 tanks, and other equipment that help Morocco to meet its legitimate defensive requirements and to prevent the spread of warfare in the Sahara which would under-

mine the efforts of the OAU to bring about a ceasefire and referendum. Although the attempted seating of the so-called Saharan Democratic Arab Republic at Addis Ababa in February proved to be a grave mistake for the OAU and the search for a peaceful solution to the conflict, Morocco's strong defensive posture gives it the confidence to move forward toward the ceasefire and referendum.

Economic.—This is the area of my greatest concern and it is here that I am going to call upon you to become partners in the growing relationship between Morocco and the United States. It is hardly my role to tell the Casablanca business leaders about the Moroccan economy. I read about it—you live it. We all know that there is insufficient economic development, a mounting trade deficit, a heavy and growing external debt. The problems come in large part from last year's disastrous drought, a depressed world economy, a painful energy bill, and high interest rates. I understand Morocco is withstanding the crisis better than many countries and with Morocco's natural and human resources, there is great confidence that the Moroccan economy will take off anew. This is demonstrated by the extensive support Morocco receives from the IMF and the World Bank.

What has the United States done on the economic side? Our AID program here is not as large as I would like it to be. There are very difficult budgetary constraints in Washington and the demands on resources, both domestic and foreign, are enormous. Nevertheless our program here is impressive and serious. In 1981, to help Morocco cope with the drought, we provided $25 million in PL-480 wheat on a very soft loan basis and made available an additional $35 million in early 1982. We also continued to provide about $15 million in specially fortified foods under a grant food aid program plus an additional $5 million used in Food-for-Work projects for areas hardest hit by the drought. Our technical assistance program in FY 1982 is roughly $12 million. This year we are sending over 100 Moroccan students to American Universities for graduate degrees. I won't detail all our AID projects, but I would like you to know that in energy we are helping Morocco develop the Renewable Energy Center in Marrakech and several senior U.S. petroleum engineers are working with ONAREP to help with the research for and development of oil and gas. We have, for some time, been providing assistance to your government in the delicate but important area of family planning.

Our most important effort, which is still on the drawing boards, is a multi-year $200 million program to increase rainfed cereal production. Nothing would make the U.S. Government happier than to see Morocco reduce its requirements for imported grains. We already have many American agronomists in the Kingdom working on agricultural research and we are providing the Moroccan weather service with daily and medium-term weather reports.

Now I am coming to a central theme of my talk—private sector economics. There is not, repeat not, enough interaction between our respective private sectors. This is precisely what Secretary of Commerce Baldrige said when he was here in January. I do not believe the Moroccan economy is on our private sector's radar screen. For most American businessmen, this is the land of Fez and Marrakech and Casablanca is a Humphrey Bogart movie. The U.S. Government has tried to make the introductions. Our Joint Committee for Economic Relations, led by Secretary Baldrige and Minister Guessous, met in Rabat last January and will meet again this spring in Washington. We have sent a group of geologists and mining engineers to look at possibilities for U.S. mining companies in Morocco. A group of agricultural experts has recently visited the Kingdom to look at possibilities in grain storage and agrobusiness. The U.S. and the Ministry of Marine Fisheries will join forces to hold a symposium in January on opportunities for the U.S. industry to collaborate with Morocco in the development of its rich fishing resources. Three U.S. major oil companies, Atlantic Richfield, AMOCO and Mobil, are now or soon will be drilling offshore. I invited the President of one of the most important U.S. Travel Agencies to visit the Kingdom and he came away very impressed with all that Morocco has to offer to American tourists.

My dear friends—you must play a much greater role than you have until now. You must let American importers know that you have products to sell at competitive prices. We encourage it and will try to help. For example, in September, the head of our office on the Generalized System of Preferences, Tom St. Maxens, spent three days in the Kingdom explaining how to take advantage of GSP. We have welcomed Mohammed Guedira, Director of the CMPE, to our Department of Commerce and told him we will do what we can to help Moroccans export to the United States. The United States Secretary of Commerce knows that Mr. Ben Moussa, your new Economic Counselor, is now in New York, and the Department of Commerce offers its support. The ball is in your court. You will have to fly to the United States—visit exporters and distributors—and sell. The market is there and with the dollar-dirham ratio what it is, it should not be hard to penetrate our market. The U.S. is the world's largest market for products from developing countries and there is a place for Moroccan goods.

Finally I come to U.S. investments in Morocco. We have set up a working group of the Joint Committee on Economic Relations that is waiting for your projects. Earlier this month, a Moroccan team led by the Ministry of Foreign Affairs was in Washington at the first round of negotiations of a bilateral investment treaty. Last year our Senate ratified a Double Taxation Treaty. This spring The Chase Manhattan Bank will hold a Moroccan Investment Forum. Key U.S. corporate executives will come to learn what Morocco has to offer investors. Again, my private sector friends—the ball is in your court. If there ever was a time that this country needed the dynamism and willingness to take risks that are the great attributes of free enterprise—this is it. America is waiting for your proposals. The Embassy and Consulate General will do all they can to help you.

Culture.—Since my arrival in the Kingdom in October of 1981, I have lent my full support to revitalizing the educational and cultural exchange programs between the United States and Morocco. Last February in Marrakech Secretary of State Alexander Haig and Moroccan Foreign Minister M'Hamed Boucetta signed the agreement creating the Moroccan-American Commission for Educational and Cultural Exchange. The Agreement was implemented by an exchange of notes between our two Governments witnessed by His Majesty King Hassan II in Washington, last spring. This year, 39 Moroccan students are studying in the United states under Commission auspices, and three American professors are teaching in Moroccan institutions of higher learning. It is the Commission, through a budget provided by both governments, that will be able to offer student counseling and scholarships for Moroccan students.

There was a second very important event during the King's visit to the United States in May, when distinguished Moroccans and Americans joined together in announcing the formation of the Moroccan-American Foundation. This is a private initiative devoted to strengthening cooperation and understanding between the United States and Morocco. In late November, the Trustees of the Foundation will meet under the able leadership of Othman Benjelloun and Dr. Henry Kissinger to develop ideas for fostering increased contacts between Moroccans and Americans in all sectors, whether they be cultural, educational, technological, or governmental in nature.

I believe that in the past year our Embassy cultural and exchange programs have made great progress. Dar America now has an active program which I hope you and your families are enjoying. The Dar America library has been reopened which I consider very important. Recently you may have heard the sixth Fleet Band and the Billy Taylor Jazz Trio. The Embassy has also assisted in the development of a university-to-university program such as those which exist between Mohammed V University and a growing number of universities in the United States. But of course I would like to see more cultural and educational programs. I plan to take this matter up with USIA Director Charles Wick when he is in the Kingdom in early December.

I hope that between our government programs and the active participation of business and private citizens in organizations like the Moroccan-American Foundation and the Moroccan-American Commission, cultural and educational exchanges will begin to develop at a more rapid pace than they have in the past. As I see more young Moroccans studying English, I know the demand for training in the United States will increase enormously.

I believe the direction in which we are going—closer and deeper relations and cooperation in the areas of politics, military, economics and culture is clear from all that has been accomplished in the past year. The course is set, the will is there—what is left is the execution, creativity and very hard work.

Thank you again for the honor you have given me of addressing such a distinguished organization—the International Chamber of Commerce. Thank you, President Tazi.●

A BILL TO ALLOW THE CONTINUATION OF COMMERCIAL FISHING IN CERTAIN WATERS OFF ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, the bill that I am introducing today makes a correction to the Alaska National Interest Lands Conservation Act to solve a problem that inadvertently resulted from passage of the act.

When ANILCA was passed, provision was made for the continuation of certain activities within wilderness areas. In Glacier Bay Wilderness, some of the areas included portions of the bay itself which have long been used by commercial fishermen and designated tour boat operators. ANILCA would seem to allow both types of activity to continue.

Unfortunately, the wording of the Wilderness Act creates a complication. Under the terms of the Wilderness Act, commercial activity is not allowed in a wilderness area unless such activity contributes to the recreation and wilderness properties of the area. Thus, tour boats, which allow visitors to see and enjoy the park and the wilderness, are allowed to operate in the bay; commercial fishermen are not allowed to operate, even though the Congress, in passing ANILCA, provided for the continuation of commercial fishing.

Let me make it clear that the fishing activities being conducted are not large scale, do not require the construction of large processing facilities and do not in any way denigrate the wilderness values which led to the establishment of the Glacier Bay Wilderness. Commercial fishermen have been operating in the bay for many years, and their presence precedes the establishment of the wilderness. In addition, the areas which are now placed off limits are important for safety reasons—they provide an area where fishermen can pursue their livelihood during inclement weather.

In sum, this bill is necessary to correct a mistake that we in the Congress made. It will have no impact on the environment, on the wilderness area, or on any other concerns. It simply allows the continuation of activities which have been occurring for a number of years.●

LUCILLE KILGORE: SERTOMA MANKIND AWARD

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. DAUB. Mr. Speaker, please join me in honoring Lucille Kilgore on her selection as recipient of the prestigious Service to Mankind Award for 1983 by the West Omaha Sertoma Club.

Lucille has operated the Dominican Assistance and Referral Service since June of 1979. She provides emergency and advocacy services for families in crisis, and she performs all of her duties without any salary or financial compensation.

Lucille receives a small disability check from a local firm and dispenses almost all of those moneys to individuals and families in need. She has always been a person who is willing to be of help to those around her and is never too busy to listen to someone's problems and give them any assistance she can.

During the years of 1973–79, while serving as housekeeper at Sacred Heart Rectory, Lucille began to work closely with people in need. She developed a thorough and consistent approach in dealing with those burdened by poverty, alcoholism, and family instability. In 1979 she decided to devote herself full-time to this work for those in need. She established the Dominican Assistance and Referral Service and during the 1982 fiscal year dispensed over $16,000 worth of direct services to her clients.

For those who doubt the ability of a single individual to make a difference in their community, we need only call their attention to the outstanding work of Lucille Kilgore. I ask my colleagues to join me and the Omaha community in honoring her today.●

REPEAL THE DAVIS-BACON ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, the Davis-Bacon Act was introduced in 1931 to assist Depression-era workers then unprotected by labor laws. The act requires payment of the highest prevailing wage in a geographic region on federally funded construction projects. This measure has long since outlived its purposes, as economic conditions have changed since the 1930's with the enactment of numerous worker protection laws. Furthermore, the Davis-Bacon Act is unfair since it stipulates unreasonably high wage rates for a few privileged workers while discouraging minority groups and younger workers from entering the construction industry.

As the Davis-Bacon Act restricts competitive bidding, it causes an inflationary impact on the construction industry and the Nation's economy as a whole. A 1976 study by the Department of Housing and Urban Development (HUD) indicated that this provision boosts construction costs anywhere from 5 percent to 15 percent over equivalent private contracts. In 1979, the U.S. Chamber of Commerce determined that repeal of Davis-Bacon would generally result in the creation of approximately 150,000 jobs nationwide. Here, in Washington, the Davis-Bacon Act pushed up the cost of building the Metro subway system an extra $149 million (6.8 percent), according to a 1980 study by the General Accounting Office (GAO). It is estimated that repeal of the law would save the American taxpayers $1.5 billion annually.

The GAO has recommended repeal of the Davis-Bacon Act. In a 1979 study presented to Congress, the GAO urged repeal "because: (1) there have been significant changes in the economy since 1931 which we believe make continuation of the act unnecessary, (2) after nearly 50 years, the Department of labor has yet to develop an effective program an effective program to issue and maintain accurate wage determinations, and it may be impractical to ever do so, and (3) the act is inflationary, and results in unnecessary construction and administrative costs of several hundred million dollars annually."

Given the economic and employment problems we currently face, it is indeed timely that I introduce the following bill to repeal the Davis-Bacon Act.

H.R. 1174

A bill to repeal the Davis-Bacon Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 3, 1931, entitled "An Act relating to the rate of wages of laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes" (40 U.S.C. 276a—276a-5), is repealed.

SEC. 2. Any provision of law requiring the payment of wages at prevailing rates determined by reference to determinations of the Secretary of Labor under the Act of March 3, 1931, shall cease to be effective on the effective date of this Act.

SEC. 2. This Act shall take effect upon enactment except that nothing in this Act shall be construed to impair or otherwise affect rights and duties under contracts entered into prior to such date.●

HOUSING TAX CREDIT FOR THE ELDERLY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, I recently reintroduced legislation which allows for a refundable credit against Federal income taxes for the amount of State and local real property taxes paid by persons over 65. This credit could be taken for taxes paid directly or indirectly through rent.

Elderly homeowners often have their homes paid for, and in most cases they do not have the opportunity to deduct real estate taxes from their incomes. Because of their reduced incomes, a credit will be more beneficial to older taxpayers than a deduction. For many elderly homeowners, real estate taxes are a major expense and often can force them to

sell their homes as inflation pushes property values, and therefore property taxes, higher and higher.

Our present tax policies have a definite bias toward homeownership. In an attempt to assist elderly renters, however, my legislation will permit eligible persons to take a credit for the portion of their rents which are used to pay property taxes. As defined in the bill, rent constituting property taxes shall equal 25 percent of the rent paid during a taxable year.

Tax credits are especially helpful to low-income persons who usually do not minimize their deductions. In order to insure that the tax credits allowed by this legislation go to those most in need, there is a limit to the credit based on the adjusted gross incomes of the eligible persons. The credit will be reduced by the amount by which the taxpayers' adjusted gross income exceeds $10,000. In addition, there is an absolute limit of $300 on the credit itself.

Mr. Speaker, I believe this legislation merits the serious attention of the Congress. It will provide some real assistance to our elderly homeowners and renters alike.●

THE 83D BIRTHDAY CELEBRATION OF THE MIAMI WOMAN'S CLUB, MIAMI, FLA.

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. PEPPER. Mr. Speaker, I would like to take this opportunity to share with you and the community at large a speech given by Mrs. D. Knox Van Scoyoc, chairman of the historical and preservation committee, The Miami Woman's Club, Miami, Fla. Her speech was given at the observance of the 83d anniversary of the Miami Woman's Club on January 11, 1983. Her remarks, which I include herewith, should serve as an inspiration to all:

REMARKS OF MRS. D. KNOX VAN SCOYOC

Madam President, members, distinguished guest and friends.

Yes, I am pleased to have the privilege to say publicly to so many to whom I am indebted, "Thank you."

Before I begin I wish to bring to the attention of Senator Claude Pepper that this lush setting of flowering trees and Malayian palms you see here are the direct result of your wife, Mildred Pepper's inspirational efforts through the city of Miami beautification program. She was so distressed over the coconut palm virus that destroyed the major part of the city's palms . . . we cooperated by planting about 32 trees. It is quite beautiful in early spring. See how they have grown.

It was a lovely afternoon in June of 1973 that Mrs. J. Barco Bishop, chairman of the board of trustees, and my advisor met with Ms. Mary Evans, a writer with the secretary of state office who interviewed those who felt their site was worthy of national historical registry recognition. Mary was impressed with our history and began the process.

Mrs. Edgar Dixon Pearce, a member of the Florida Bicentennial Commission and past president of the General Federation of Women's Clubs wrote the historical significance and Mr. Alfred Browning Parker, noted architect wrote the architectural significance.

To the Honorable Bruce Smathers, secretary of state of Florida (who's maternal grandmother, Mrs. John Townley was a charter member of the Miami Woman's Club) . . . Mr. Robert Williams, of Florida State Archives Office . . . Mr. Randy Nimnicht, executive director of the Historical Association of Southern Florida, Mr. Daniel O. Markus, Curator of collections, our two mayors, the Honorable Maurice Ferre, mayor of the city of Miami, and the Honorable Steve Clark, mayor of Metro, both sent letters of commendation. (Remember Mayor Clark's was hand-delivered). To all those named and to all who have supported this effort I say, "thank you."

On December 27, 1974, Mr. Robert Williams called from Tallahassee telling us the Miami Woman's Club had been listed as of that date as a national historical registry site.

Now . . . nine years later this marker has been installed with the cooperation of the Historical Association of Southern Florida, Mr. James W. Apthorp, president. It will be dedicated today. It is fitting this site be thusly honored.

The legend wrought thereon is a small part of our endeavors. It will stand as a reminder of the past 83 years the women of the Miami Woman's Club with their lofty and discerning hearts sought to preserve and cherish a way of life for all women, who are not afraid to voice their opinion for good and to stand united for the preservation of dignity, grace and culture.

This marker was made possible by the generous contributions from the women of the present historical and preservation committee and the historical artificats and records committee. They have supported with interest this inspiration program.

Now, today we rekindle our pledge to foster creativity, for the aim of this club is to continue with zeal creating a workable system with leaders showing strength, moral courage and high ideals. Working not only for this community but for the world at large.●

SOCIAL SECURITY

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. HUBBARD. Mr. Speaker, I have received an excellent and thought-provoking letter from my good friend and constituent, Jimmie L. Mitchell, of Princeton, Ky. As we are all aware, hearings relative to social security's problems began yesterday in the House Committee on Ways and Means. Indeed, I feel certain that every Member of Congress knows social security's financial solvency must be restored. Mr. Mitchell's comments are sound and interesting. His letter follows:

Congressman CARROLL HUBBARD,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HUBBARD: I am writing in regard to Social Security. I am opposed to any cutting of cost-of-living adjustments or tax on Social Security benefits. As I am retired myself, I know this would place a burden on elderly people.

Why not tax the people who like the luxury of fine whiskey and beer? They are the ones who can pay it. Put a 5 cent tax per can on beer and double the tax on whiskey, wines and liquors of all kinds, and on cigarettes.

Whiskey, liquor, wine and beer do nothing but cause people to cripple and kill themselves and innocent people. They break up homes, cause murders and starvation in thousands of homes. Think how much revenue that beer alone would bring in at 5 cents per can.

I was a tobacco farmer most of my life, but I know that cigarettes have no food value. They are good for nothing but to cause cancer and other diseases; but if people want these "luxuries", tax them, not the poor and elderly people.

Think how much money taxes on the above-mentioned luxuries would bring in to the government. It will work if you people in Washington want it to work.

Thank you for your time and consideration of these proposals.

Yours sincerely,

JIMMIE L. MITCHELL,
Princeton, Ky.●

THE EMERGENCY HOMEOWNERS RELIEF ACT OF 1983

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. WALGREN. Mr. Speaker, today many of our fellow citizens are experiencing a tragedy not known since the days of the Great Depression. Last year 170,000 families were subjected to the forced sale of their homes because of an inability to meet mortgage payments. Thousands of other families, whose numbers will never be recorded, sold their homes under financial pressure. Across the Nation the imminent threat of mortgage foreclosure faces many Americans.

Only a heartless government would permit the tragedy of mortgage foreclosure caused by the tremendous stress that 10-percent unemployment has put on our society.

Today, I am introducing the Emergency Homeowners Relief Act of 1983, a compromise piece of legislation which deserves bipartisan support from both the administration and congressional leaders.

Under this relief legislation, the Secretary of Housing and Urban Development would be empowered to provide mortgage assistance to qualified homeowners in States where unemployment is 8 percent or more for 3 consecutive months. Essentially, for qualified homeowners, the Federal Government

will assume partial payment of a citizen's mortgage payment for a 2-year period. The homeowner then will have 10 years to repay the Federal Government the money it has paid to the lending institution on behalf of the homeowner. Numerous safeguards have been provided to guarantee that the Government's financial interest is protected. Criminal penalties will be imposed on anyone who fraudulently seeks assistance under this program.

The problem of mortgage foreclosures is of staggering proportions. The threat of losing your home grows worse every day as persons, young and old, are terminated from unemployment compensation. Patriotic citizens, many of whom committed their working lives to our great industrial centers, are now faced with the loss of an essential part of the American dream—the family home.

The need for action is urgent. The current emergency facing mortgageholders stems from circumstances of an unprecedented nature. Over 14,000,000 Americans are out of work, and 1 of every 3 American families has experienced unemployment. The sharp decline of whole sectors of our economy like the steel and auto industries mandates decisive action.

In the legislation that I am introducing today, we seek to establish a limited 2-year program to safeguard the conventional mortgageholder. Over 75 percent of all home mortgages are "conventional mortgages" contracted between the homeowner and an independent lending institution. The Government has no part of these mortgages, and these mortgages generally provide none of the safeguards against foreclosure that are provided in FHA or VA mortgage programs. Under this bill, $1 billion is authorized to allow qualified individuals to save their homes in economically distressed areas.

Payments from the fund would be made directly to the lending institutions with the homeowner incurring a debt in the form of a loan to be paid back over a 10 year period at a modest rate of interest. This is similar to the kind of loan assistance we currently provide students in American colleges and universities. What we do for students, we should be equally willing to do for our unemployed homeowners. With the Government's financial interest secured by a lien against the property and targeting this assistance to only areas of greatest need, we hope to insure that only those persons actively seeking employment would receive assistance under the program.

Clearly this Nation faces a mortgage crisis. Clearly the Congress must act quickly. Clearly that action must be bi-partisan. This is a modest proposal. It does not go as far as the program offered by the Democratic leadership in creating a full-scale, permanent mortgage assistance program. This is a limited relief bill, 2-years in duration, and targeted to areas of severe unemployment. While the President and the Congress may not be able to agree on the need for a permanent mortgage assistance program, surely we can agree on the need for immediate relief during these months of double-digit unemployment.

Together we can prevent deserving Americans from losing their homes. The Emergency Homeowners Relief Act will enable Americans to continue to live in the homes they have worked for while our Nation tries to restore and create viable employment to all sectors of our economy.

This plan is not a bailout or a quick fix. It is a step down that necessary road to maintain family stability, to protect lending institutions, and to preserve part of the American dream. I ask my colleagues to join me today in this bold initiative to achieve a workable solution for Americans facing mortgage foreclosures.●

NARCOTICS HEAD RETIRING AFTER 25 YEARS

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. SHELBY. Mr. Speaker, I would like to recognize Capt. Loyd Russell who has just recently retired after serving 25 years with the Tuscaloosa Police Department and 12 of those as director of the West Alabama Narcotics Squad.

Russell was instrumental in establishing the narcotics squad in June 1971, and he directed it until April 1982, when he stepped down to become training coordinator. Following is part of an article written by Mandy Ochoa of the Tuscaloosa News staff in interviewing Captain Russell on his retirement:

Looking back on his years in narcotics enforcement, Russell said, "Sometimes I wished I was someplace else. My general thinking is that through the years I enjoyed it, especially when you'd catch a crook or a drug pusher. And he'd catch a green bus going south (to prison)."

Russell laughed and said, "Man, we used to have some fun in narcotics."

The unit was formed in reaction to drug problems evolving in the Tuscaloosa area in the late 1960s. Russell said the main drug making the rounds in those days were LSD, marijuana, hashish and amphetamines such as "speed."

"There were a lot of young folks who wanted to experiment with it. There was a lot of publicity about drugs in California and other places. That was the era of long hair and beards. You couldn't hardly tell the boys from the girls."

Assistant Chief Jerry O. Fuller, who was present at the interview, said, "In 1968, there was a house on University Boulevard called 'Haight Hut.' It was a house where drug users and pushers hung out. A guy overdosed, and that was when the city became aware of the drug problem."

Russell said area law enforcement agencies combined forces because previously each department could be investigating a certain drug seller without the knowledge of the others.

Louis H. Lackey Jr., then Tuscaloosa County district attorney, was instrumental in getting the squad formed, along with Tuscaloosa County Sheriff Beasor Walker and former Public Safety Commissioner Jim Chancy, Russell said.

"At that time (June 1971) it was just kind of a cooperative effort," Russell said. "In 1972, the county was able to get federal funding. We started increasing personnel and got some needed equipment. We had five city officers, one investigator."

Narcotics enforcement was conducted then much as it is now.

"We went for the people that sold it—the pushers. We had to rely on information, and you know that comes from many different places. We've always used undercover agents, people that would infiltrate the drug scene and buy from the people that were selling," Russell said.

"We couldn't pull off some of the big buys we would like to have, but I understood. One thing I can look back and say is, in Tuscaloosa, we've always had good support from the city and county officials," Russell said.

Due to changes in the law, Russell said, narcotics investigation became more difficult.

"The whole time some of the laws changed, and we're governed by the laws the people pass in Montgomery and by the way the high courts interpret the law," Russell said.

Russell's "pet peeve" is the state law prohibiting issuance of nighttime search warrants without showing positive cause that the law is being broken. Russell said as long as he was in drug enforcement that law hampered law enforcement.

"The way the law reads now, we've got to be positive to go in. That's tough. Those cases are few and far between," Russell said.

When asked why lawmakers passed the act, Russell said, "That's liberal folks. Liberal thinking among our legislators caused that. There were possibly abuses of warrants (by narcotics agents), but the big thing is that drug smugglers and your big people know what states to fly into at night. They get the stuff stored in a warehouse or house, and they stand a good chance of getting by.

"Mostly planes with large amounts of drugs come in at night. There's not a whole lot an officer can do at night. It makes the job frustrating."

Russell said 28 states do not have laws prohibiting raids at night, 14 others leave the decision up to a judge or magistrate and six states, including Alabama, have laws distinguishing between daytime and nighttime searches.

"Maybe in some instances, law enforcement agents might abuse nighttime warrants, but we shouldn't take that to say we're not gonna have it at all in our state where crooks can bring drugs in and get by with it," Russell said.

Since he started enforcing the drug laws over a decade ago, Russell said illicit drug activity has gotten worse rather than better.

"It's gotten worse because drugs are big business. We have more cocaine on the

market now, more Quaaludes and Talwin. Talwin is a substitute for heroin—poor people will buy it and use it."

Russell said he is proud that there has been little heroin trade in Tuscaloosa.

The former narcotics squad chief believes the job of a narcotics investigator is often very difficult.

"A narcotics agent has a tough job because in that division the agents will serve more search warrants than any other part of law enforcement. When you knock on a door and announce you're a police officer with a search warrant, some of these people strung out on drugs are subject to do anything. In my opinion, narcotics enforcement is more dangerous than any other part of law enforcement," Russell said.

When asked if he considered himself a controversial law enforcement figure, Russell said "Well, 95 percent of the drug dealers don't like me. But the first University (of Alabama) student I ever sent to the penitentiary came by when he got out and shook my hand."

"If you're a good narcotics agent, crooks will try to set you up from time to time," Russell said. "Over the years, they tried to set me up a few times."

Though he declined to specify what a setup entails, Russell said it could be any activity to convince the public an officer has low moral standards, thus making him less effective as a law enforcement agent.

A group at the University had an underground newspaper during the early 1970s, Russell said.

"They wrote about me a lot. It just made me work harder," he said.

"One time a group of them got together and had a meeting. One of them called me afterward and said they were talking about putting poison in my well. I got concerned enough to put a padlock on my well," Russell said.

He praised the narcotics agents he worked with as well as city officials.

"I think we've got some of the best officers in that squad you could ask for. I think they're the best," Russell said.

The public overall has been supportive of the narcotics squad, Russell said.

"I believe law enforcement in Tuscaloosa has better public support than any city its size in the country. The people here will support law enforcement, and that's what it takes. If you have good law enforcement, the people are going to support it.

"One thing I need to mention is that an understanding wife is very important to an officer working in narcotics. My wife ought to have some kind of medal for putting up with me, especially the last 12 years. The hours are uncertain, you'd make plans and have to change them if information would come."

Russell and his wife have been married 27 years, he said.

After his retirement Monday, he plans to stay active. He will continue working at his business of two years, Mattress Factory Outlet, and on the security force at K-Mart, he said.

"I hope to have a better garden this year and have more time to fish," he said.

In behalf of the Tuscaloosa Police Department, Fuller said, "Captain Russell's impact in the area of drug enforcement, both locally and statewide, will be sorely missed."

"The many letters he has received from kids involved in drugs at one time thanking him for helping them to straighten out their lives reflects upon his work with the younger generation.

"Threats on his life, on the other hand, reflect upon his relentless determination to make himself hated by drug dealers. In his retirement, he can have the satisfaction of knowing he succeeded at both ends. I personally wish him well in the years ahead."

As one can tell from this story, Captain Russell certainly deserves many congratulations for being an outstanding public servant. His devotion and service to the people of Tuscaloosa, Tuscaloosa County, and the State of Alabama are just excellent records.

Many times his achievements were often thankless when it came to job performance. His behind-the-scenes energy and consistent pursuit to enforce the law were often unnoticed by many citizens. Because of his unfailing attitude and sincere desire to help those who needed help, Captain Russell will always be remembered for his fine public service efforts.

I am honored to be able to share this exceptional story with my colleagues in the House of Representatives, and I certainly wish Capt. Loyd Russell well in his future endeavors.●

LEAGUE OF WOMEN VOTERS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. McDONALD. Mr. Speaker, the President of the United States addressed this body a few days ago and told us of his belief that we in Government must take the lead in cutting Government expenses. The people of Georgia would like to know how we propose to do that when we are the very authors of the mushrooming expense from the public treasury to pay for the political activities of the Left.

Let me bring to my colleagues' attention, a situation that would be laughable were it not so sad. It is something that has my fellow Georgians a bit irate. I am referring to the recent announcement by the League of Women Voters that they simply could not keep their mouth shut any longer and felt compelled to declare themselves foursquare behind abortion rights. The question here is not whether abortion—the murder of the unborn child—is right or wrong. It definitely is in my view as a physician and as a Member of this body. But the most important issue here is, are we as legislators to continue to fund this group? The criteria of impartiality they so often paint of themselves—is definitely a thing of the past.

Throughout its long history, the league has always maintained that it was nonpartisan and therefore entitled to public support of its activities. The league is now taking a position on the murder of the unborn child. Is it not too bad their parents did not think the same way? The issue here, however, is definite. They are not affirming a position to influence this body. They are in fact—lobbyists—and should register as such. It is no longer incumbent on this body to pay for their activities when they have an ax to grind. Let it be done at their own expense.

I would encourage my colleagues to halt this practice. No longer should this body be given hard earned taxpayers' dollars to support any interest group.

So that my colleagues can have the "proof" I submit an article affirming the stand of the League of Women Voters from the Washington Post of January 21, 1983.

The article follows:

[From the Washington Post, Jan. 21, 1983]

LEAGUE BACKS WOMEN'S RIGHT FOR ABORTIONS

The League of Women Voters, after years of avoiding a stance on the issue of abortion, announced Wednesday that it officially supports American women's right to have the operation ending pregnancy.

"The League of Women Voters believes that public policy in a pluralistic society must affirm the constitutional right of the individual to make reproductive choices," a league statement said.

League President Dorothy S. Ridings said the league is not endorsing abortion. "This is not a statement that implies moral approval or disapproval of the procedure of abortion," she said in an interview.

Instead, she said, the league believes that the government should leave the question of abortion and other matters dealing with reproduction to the conscience of each person.

League officials said the organization's board adopted the position at its meeting Tuesday.●

TRIBUTE TO DREW LEWIS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1983

● Mr. ERLENBORN. Mr. Speaker, Drew Lewis has served for 2 years as Secretary of Transportation. As he returns to the private sector, I want to join my colleagues in the House on thanking him for a job well done.

Drew Lewis was a Secretary who was open to all points of view, but one who studied the issues and the law and then acted. He will probably be remembered most for his effective handling of the illegal strike by the Professional Air Traffic Controllers Organization in the summer of 1981, but Secretary Lewis was equally effective in matters of transportation safety and persevered in seeking and securing a means to rebuild the Interstate Highway System.

Secretary Lewis performed as ably as a member of the Cabinet in areas that were only peripherally related to transportation. He was a working partner on economic issues and understood

the importance of communicating with the legislative branch.

In brief, Drew Lewis can be proud of his service to the American people in this administration. I expect he will be just as successful in private industry, and I doubt that we have heard the last of him.●

FOREIGN LANGUAGE STUDY

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. SIMON. Mr. Speaker, the low level of foreign language ability among Americans is a cause for real concern because of the limits it places on U.S. commerce and industry, on U.S. science and educational endeavor, and on U.S. diplomacy and intelligence-gathering.

The more we can speak the languages of others, the greater our opportunity to ease international tensions and to lessen the prospects for conflict. The more we can speak the languages of others, the greater our ability to sell our manufactured and farm goods overseas. But we are far, far behind our Japanese, West German, and French competitors in the export markets. They understand that you can buy in any language, but you cannot sell in any language. That also holds true in the marketplace of ideas, as the Soviets can demonstrate.

In the 98th Congress, the House Postsecondary Education Subcommittee will again examine this problem and seek remedies to strengthen our Nation's foreign language teaching programs.

An article in the February-March 1982 edition of Today's Education highlights foreign language instruction benefits to our students and our society.

The article follows:

THE CASE OF LEARNING FOREIGN LANGUAGES

(By Florence Barkin and Gail Guntermann)

An educated person should know more than one language. This is a truth seldom questioned in other parts of the world. When educators from other countries convene, they do not ask, Why should Johnny/Juanito/Jean/Johann study another language? They ask, When should he begin this study?

The argument that Americans don't need to speak other languages is no longer justified—if, indeed, it ever was. The United States can no longer afford to ignore multilingual and multicultural realities. Millions of U.S. citizens speak languages other than English natively, and most people of the world have little or no knowledge of English.

In 1979, the President's Commission on Foreign Language and International Studies reported—

"Americans' incompetence in foreign language is nothing short of scandalous, and it is becoming worse. Historically, to be sure, America's continental position between vast oceans was a basis for linguistic as well as political isolation, but rocketry as well as communications satellites render such a moat mentality obsolete."

The implications of American education are compelling. A survey of the educational literature of this decade disclose general agreement on one major goal: Education in the 1980's must prepare learners for a changed and interdependent future world. New citizens must know "the basics," be open to learning new ideas and skills, be able to communicate with other languages (both in English and in other languages), have a sensitivity to and understanding of cultural differences, and be able to contribute to the economy of the country.

Language study can play an important role in meeting these requirements.

Educators agree that a major objective of basic education is preparation for a changing world—one in which nations and peoples will be increasingly interdependent.

June K. Phillips, editor of the American Council on the Teaching of Foreign Languages' Foreign Language Education Series, explores the role of foreign languages in global education:

"Linguistically, interdependence stresses the give-and-take of real communication. Foreign language learning is a vital connection in the interdependent relationships of the next century, since true interaction can occur only when each community experiences the language and lifestyle of the other, where no group achieves dominance by imposing its language structure on the other."

Good will that leads to cooperation does not result from the let-them-learn-English attitude; witness Americans' bewilderment in the face of anti-Americanism around the world. Even our representatives abroad have typically been unfamiliar with the language and culture of their host countries and are often unprepared for the sometimes violent results of their ignorance.

As George Bonham, editor-in-chief of *Change* magazine, has aptly written—

"We are all neighbors in the world. Afghanistan, Dubai, and Sinkiang are at our back door. We can no longer shut them out or claim that what divides us are our differences, our cultures. What divides us now is our inability to connect cause with event, action with reaction, to relate the haves to the have-nots, the South to the North. The world is closing in on us. If our new generation fails to see the revolutionary implication of these events, that failure will have largely been our own for not having fully equipped our progeny to face the new day of an indivisible world."

It is encouraging to note that colleges and universities across the country are beginning to reinstate language requirements for graduation. In addition, languages are increasingly included among the "basics" in American education. Recently, a group of educators representing English, mathematics, science, art, music, foreign languages, and social studies, in specifying the essentials of education, recommended that students acquire the ability "to use language, to think, and to communicate," and "to understand other languages and cultures."

Another important "basic" for preparing learners for a changing world is developing the ability to meet new challenges. Because languages other than English are indeed *foreign* to Americans, learning another language requires the development of whole new approaches and strategies for learning.

Recent research has shown the positive effects of bilingualism and learning a second language on cognitive development. Numerous studies have acknowledged the important impact of acquiring a second language on the learning of English vocabulary, reading skills, self-concept, cultural enrichment, creativity, and communication skills.

One classic study by Peal and Lambert, which aimed at duplicating previous studies that claimed bilingualism had a negative effect, found the opposite to be true. The researchers found, much to their surprise, that French-English bilingual children in Montreal scored higher than monolinguals on both verbal and nonverbal measures of intelligence.

Other studies confirmed these conclusions. These were made in Singapore, Switzerland, South Africa, Israel and New York, western Canada, and Montreal.

Still other writers have shown how studying a foreign language helps develop inference skills and teaches students how to cope with unfamiliar surroundings.

Students must display problem-solving skills and adaptability to "function" in a new language, since the sociocultural situation as well as the linguistic forms are unfamiliar, complex, and often ambiguous to the learner. Nothing is so totally new to an American as is a foreign language.

Studying a second language also stimulates creativity. Numerous research projects support the relationship between second language study and verbal creativity. Learning a foreign language forces students to analyze the structure of a language and to choose from among numerous options in order to express themselves.

In his interesting study of U.S. college students in a beginning French class, Albert Valdman notes that even when presented with a native pattern, students do not always imitate the model. Rather, what they say indicates they have creatively constructed the message in their own way.

In addition, in learning a second language, students must master the rules of sociolinguistic appropriateness. They learn where, how, when, and with whom to use which forms effectively. Therefore, learning a second language encourages and perhaps even forces students to enter another world, a world in which old patterns, both social and linguistic, may not be appropriate. Students must acquire new patterns through observation of minute details in the speaking and gestural mannerisms of the model (the teacher). Communicative competence becomes far more important than correctness. Factors such as how long to pause, when to laugh, and which person to address first in a group are important in certain crosscultural interactions.

Other studies suggest still more possible benefits from the study of a second language. In "Foreign Languages and the Basics," the American Council on the Teaching of Foreign Languages Committee on the Basics describes studies that say students increase their English vocabulary, reading comprehension, and reading speed due to foreign language study.

Dulay and Burt posit that just as children follow certain stages in learning their native language, so do students who are learning a second language. If this is indeed the case, individuals may have an innate capacity for acquiring a second language. This capacity, once tapped, may activate creative abilities as well as problem-solving skills which might otherwise remain dormant.

For learners themselves, the most important reasons for studying languages may be their future careers. Today's students are

career-oriented, and they must not overlook jobs that require second languages. Teaching and interpreting are only two of many options available to those proficient in a foreign language.

In the private sector, international business is an expanding and promising field. As U.S. markets shrink and foreign markers expand, increasing numbers of businesses are reaching out to other parts of the world. At the same time, foreign companies are developing their interests in this country at what many economists consider to be an alarming rate.

U.S. and foreign businesses are often unable to recruit Americans with the necessary language skills. In 1977, for example, 75 percent of the German companies hiring in this country filled the 9,000 positions available with German nationals. In addition, the newspapers have reported major business failures due to linguistic and cultural gaffes made by Americans (e.g., General Motors was unable to sell its Nova in Spanish-speaking countries, where no va means "it doesn't go").

Foreign tourists to the United States now number in the millions every year; in fact, the numbers increased by more than 1,000 percent in 20 years. Simultaneously, the U.S. population is changing rapidly, gaining more and more people who speak languages other than English natively.

As a result, perhaps Americans will choose to learn the languages of other people, a phenomenon that will lead to a need for more teachers of languages. The need is not only for specialists in foreign language teaching, however. Since teachers serve as models for students, all teachers, particularly at the elementary level, should be knowledgeable about other languages and cultures.

As the nation awakens to its own economic and social needs in the years to come, career opportunities for those who command more than one language will expand. Guidebooks on careers involving languages are available to teachers and counselors.

In a rapidly changing world, links among people who make up the world community are both desirable and essential. The world becomes smaller when people build bridges toward friendship, understanding, and respect. Such relationships cannot develop when language serves as a barrier to communication. The future of the world may lie not with political decisions, but with individuals communicating with each other.

Among our nation's goals should be a strong commitment to fostering the teaching of languages. We all look forward to the day when we are able to respect cultural and linguistic differences, while truly attempting to understand and learn about them.●

HEALTH CARE INDUSTRY SELF-HELP TO QUALITY CARE

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. DAUB. Mr. Speaker, I commend leaders in the health care industry who have contributed to the recent publication entitled "Quest for Quality." This book is a self-appraisal guide for long-term care facilities. It represents a significant effort by the leadership of the health care industry toward assuring quality care in nursing homes and long-term care facilities. These are the best judges of quality care: Those people who are inextricably involved in the nursing home on a daily basis.

This self-appraisal is peer assistance at its finest—a guidebook for nursing home people by nursing home people. It reflicts good standards set by providers for themselves based upon years of experience. Through this guide, members of the health care industry that deal with long-term care challenge their own people to take a critical look at what is happening in their facilities, the reasons for it, and what improvements can be made. The book contains a series of evaluation forms on all aspects relating to long-term care and long-term care facilities.

Special commendation for the outcome of this book go to John Snyder, Louisville, Ky.; Bruce Bonsel, Clarence, N.Y.; Alan Laites, New Britain, Conn.; Judith Brown, Sandra Benedict, Jack Vetter, Omaha, Nebr.; Eric Johnston, Scottsdale, Ariz.; Keith Holloway, Boise, Idaho; Henry Adams, Fort Worth, Tex., and Paul Ade, Carmel, Ind.

I urge my colleagues to support the long-term health care providers in their efforts at self-control of their industry.●

TENTH ANNIVERSARY OF SIGNING OF PARIS PEACE ACCORDS

HON. BEMJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. BENJAMIN. Mr. Speaker, last week marked the 10th anniversary of the signing of the Paris peace accords, a day of great joy for the thousands of Americans fighting in Vietnam. But for the families of the 2,500 Americans missing in action, whose loved ones are still unaccounted for, the Paris peace accords anniversary came and went without any further information on their kin.

Hundreds of the families gathered in Washington to mark this anniversary and to petition their Government for increased efforts on the MIA-POW issue. We were fortunate and honored to have two of the most influential and responsive Government officials address the MIA family gathering at the Hyatt Regency in Crystal City—our Commander in Chief, President Ronald Reagan, and his Adviser for National Security, William Clark.

I am including their remarks in the RECORD so that all of my colleagues will fully comprehend the importance of this issue. President Reagan has pledged to the families of our missing in action that resolution of this issue is both a personal and official goal. Judge Clark was specific in administering initiatives to seek a full and final accounting of our missing in action.

I would like to take this opportunity to commend the National League of Families for their excellent work in bringing together the MIA families from across the Nation. George Brooks, chairman of the board of the national league, and Ann Mills Griffiths, executive director of the league are dedicated and special people who have worked so hard toward a resolution of the issue. I know that many of my colleagues will agree with me that their efforts have borne fruit in the past by working together with them, hopefully, we will continue to make a significant impact on our Nation's policies on our missing in action.

Mr. Speaker, I insert the remarks of President Reagan and Judge Clark:

ADDRESS BY THE PRESIDENT TO THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

The PRESIDENT. Thank you. (Applause.) You've done that already. George Brooks, Ann Griffiths, members of the Board and family members and members of Congress, I think most of you know that during the course of any given day, we meet with an assortment of groups who represent a cross section of interests and causes.

None of those meetings are routine, but I must tell you that this meeting today is more than special. The anguish you've suffered, the families of brave men of listed prisoners of war or missing in action, the misery of anguish is unspeakable, something the rest of us can really never know even in a partial measure. Twelve years ago, I said something to a group of you in California that I believe is even more true today. If they could be here today, millions of Americans, from every corner of this land, who have only a glimmer of your pain, would say to you, "We want with all our hearts to share your burden."

And what a burden you've had to bear. You watched as we disengaged from Vietnam and many of our prisoners of war returned for an emotional homecoming. You've seen task forces and committees hold hearings and issue reports that attempted to foreclose hope. But as the tragic flow of refugees from Indochina began a few years ago, those columns of humanity who had suffered hunger and thirst and disease and piracy, brought with them firsthand, "live sighting" reports of American prisoners held captive after 1973. As this information was investigated, respected figures in the intelligence community reached personal conclusions that these reports were credible, even though the circumstance of the sightings prevented confirmation.

But with these refugees and the news they brought, another tragedy was unfolding here at home. You, the families of our missing men, were trying to be heard, and yet, you were sometimes unfairly and cruelly branded as emotionally distraught groups that ignored reality and simply hoped against hope.

Government and public attention began to wane. And instead of being a full partner with your government in attempts to learn the fates of loved ones, you were confronted

with legal rulings that presumed the loved ones were dead. You found yourselves quite literally on the outside, driven in some cases to demonstrate for attention in front of the White House gates.

Well, today I want you to know that your vigil is over. Your government is attentive and intelligence assets of the United States are fully focused on this issue. (Applause.) Furthermore, I pledge to you, we will take decisive action on any live sighting report that can be confirmed.

We're also working to achieve the accounting of our missing men. I'm sure you understand that some of these approaches must be done quietly. As Judge Clark told you yesterday, despite the differences between our governments, we have followed up encouraging Lao response to the recent visit by the League's delegation. We are fully prepared to take additional, concrete steps with the Lao government to improve relations. I pledge to you that the progress on the POW/MIA issue will be the principle measure of their sincerity. I wish to recognize publicly their positive steps to date, and call upon them to continue with us in this humanitarian effort to end the years of uncertainty that you have endured.

I, also, called on the government in Hanoi to honor their pledges to the American people on the POW/MIA issue. Not for me, not for our government, but for our missing men and those of you that did nothing to deserve the terrible emotional ordeal that you have endured.

Now, these steps are an indication of how things are changing for the better, and how the work of those of you in the National League of Families has helped bring about this change.

You are the ones who have forged a partnership to realize our common quest—the return of all POWs, the fullest possible accounting for the still missing, and the repatriation of the remains of those who died serving our nation. The myth that this effort is partisan or needlessly raises your hopes has now been dashed.

The government bureaucracy now understands that these goals are the highest national priority. And there is strong, bipartisan support in the Congress. (Applause.) Those Americans who attempted to discharge government responsibilities through private efforts should now understand that the full resources of our government are now committed to these goals.

Today is a time for remembering many—the private donors, the Congressmen, and the government employees—all those who are dedicated to organizing and supporting a variety of projects to achieve our goals. Because of the very nature of the work, they must shun publicity. But I want them to know that their quiet and responsible efforts represent the highest patriotic humanitarian values. I urge them to continue on with their work, regardless of the obstacles and frustrations, for the return home of only one of our men will be a personal reward of far greater value than any words spoken here today.

But beyond all this, I have mentioned that there are, of course, those of you here today. Today, this is a room of heroes who kept a vigil of unprecedented faith and devotion. Through all the years of heartbreak and mistrust, you have been the ones who have cared. You are the ones who asked for justice—for deeds, not words.

The membership of the National League of Families, past and present board members, and your national office staff deserve the gratitude and accolades of this nation. And I think I should mention other individuals who share our goals such as Fred Travelena, a returned POW Captain Jerry Coffee—who have, also, given without regard to personal gain.

So all of us can be gratified that progress is being made, but never satisfied. We need greater public awareness from the American people. So I ask each American who hears or reads of this to find a way to help. No matter how small each individual effort may seem, it is needed.

I ask too that you continue to provide us with positive suggestions through your Washington office. We welcome and solicit your help and cooperation as well as the criticism when you feel we deserve it. It's possible there will be differences from time to time on tactics and strategy, but I repeat: We are heartfelt allies and friends. Our goals are the same.

The government is large. It's possible sometimes you'll hear voices that will sound contradictory or insensitive, but we're doing what we can to eliminate that. So, please, don't let it shake our larger faith. Only if we're united, only if we have faith in each other, can we finally hope to end the tragic ordeal that you've endured with such steadfast and wondrous courage.

I know I've spoken before and told of when the POWs did return immediately after the agreement. Nancy and I were fortunate enough—I was Governor then in Sacramento—to have several hundred of them, not all at once, of course—couldn't get them in—but in groups, in our home. One who is here at this table this morning was one of those. We heard such stories. We saw then such courage. And one night afterward, I said to Nancy, "Where did we find such men?" And the answer came almost as quickly as I'd asked it. We found them where we've always found them—on the farms, in the shops, in the offices, on the streets, in towns and cities in America and farms. They're just the product of the greatest, freest system man has ever known. (Applause.)

Speaking for Nancy and myself, you and they will be in our prayers. God bless you all. (Applause.)

Address by William P. Clark Assistant to the President for National Security Affairs to the National League of Families

George Brooks, Ann Griffiths, Ladies and Gentlemen, President Reagan will be speaking with you tomorrow. I cannot overstate his personal and abiding commitment to our missing men and to you, their families. His deep personal involvement extends back many years and has been translated into policies, programs, and priorities which give all of us hope that seemingly impenetrable barriers to progress may yet be overcome. I know these barriers have been the cause of years of personal frustration and heartbreak. While we cannot begin to experience the collective pain you have endured, you should know we are acutely aware of your added burdens with each passing day without progress.

We recognize that with our higher priority and our greater emphasis, there will be increased public awareness and greater demands for immediate, sometimes irresponsible, action. We accept this willingly and in clear conscience, because we are committed to responsible, effective action in the shortest possible timeframe.

I will be as specific as possible today, trusting you will understand that we cannot publicly reveal all our initiatives. Hopefully, what I can say will provide clear evidence that your government recognizes its responsibility and is faithfully discharging it.

First, I would like to restate this Administration's policy positions.

Resolution of the issues involving our missing men is a matter of highest national priority.

This Administration will work unceasingly for the fullest possible accounting.

Information now in our possession precludes ruling out the possibility that Americans are still being detained against their will.

Investigations of live sighting reports are assigned, and will continue to be assigned, highest priorities and necessary resources, based on the assumption that some Americans are still being held captive.

We are firmly committed to the closest cooperation with the National League of Families.

These policy positions are more than mere words. In implementing them, we are simultaneously pursuing a number of initiatives. Actions I report to you today have all occurred since your July meeting.

First, intelligence collection priorities on the POW/MIA issue were once again raised late last year. Last month, a secretarial position was added to the Joint Casualty Resolution Center in Bangkok to free professional staff from administrative duties.

This month, the addition of a language-capable interviewer to the staff for a minimum period of 90 days, will augment JCRC capability to debrief refugees.

We are in the midst of a review of overall needs of JCRC at the present time.

Last July, your Board of Directors and Ann Griffiths met with my deputy, Bud McFarlane, and identified areas of specific concern to the families. Each was seriously addressed. Several of these concerns needed attention and became priority interagency action items. Although I reported separately by memo to the League, I will briefly review the status of some of the major concerns expressed by your Board.

IMPROVED CONTACT WITH NEXT OF KIN

The Department of Defense and the individual services have given high priority to updating the next of kin address records. To complete this task, we will need the help of the families. A total of 2,857 letters have been mailed with a positive response rate of 79 percent. Follow-up action on over 400 undelivered letters is underway with attempts to update addresses through other government agencies such as the Social Security and Veterans Administrations. The first issue of next-of-kin newsletters from the Defense Department has been mailed, and others will follow to advise family members on significant development. We would appreciate your assistance in obtaining information concerning families who have not responded to the Department of Defense letter.

EXPLOITATION OF REFUGEES

In addition to the JCRC augmentation mentioned earlier, a complete review of our procedures and policies on refugee exploitation was conducted, first, at each Embassy in the appropriate country followed by consolidation of results and interagency review. My original informational memo to the League indicated that we had confidence in the developed procedures. Subsequently we learned of problems not identified in the first review. We have made significant progress in resolving these problems and re-

alize that they will require continuous review.

The Department of Health and Human Services has taken action to assist in contacting Indochinese refugees who have resettled in the United States and may have access to information on POWs and MIAs. On December 7, HHS sent almost 500 letters to refugee mutual assistance associations in the United States, requesting their cooperation in contacting their members for information on POWs and MIAs. The HHS letter was the most likely means of reaching refugees, as HHS no longer publishes a refugee newsletter and inclusion of a flyer of welfare checks has proved unworkable for a variety of reasons. Refugee organizations contacted were very sympathetic from a humanitarian point of view to the need for POW/MIA information, but they did not wish their cooperation to appear to be linked to the receipt of public assistance.

DIPLOMATIC ACTIONS

In our regular contacts with officials of friendly foreign governments, we now emphasize the need that they raise the POW/MIA issue in their contacts with the concerned governments. We believe that approaches from such countries make the Vietnamese and Lao aware that the POW/MIA issue is of interest to other countries as well as the United States. We will continue to seek the assistance of countries having diplomatic relations with Vietnam.

INCREASED PUBLIC AWARENESS

The Department of Defense has developed two television public service announcements which have been distributed to over 400 stations. Additional such announcements will be developed and distributed. In addition, we are actively supporting privately developed television public service announcements and public awareness activities by veterans groups and others. A new Department of Defense Fact Book has now been published and is available. Public statements by the President and other Administration officials have been made and will continue. Both the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have asked the individual services to actively support awareness by publicizing the issue throughout all major commands. In addition, the Defense Department is regularly distributing POW/MIA articles for publication in the magazines of major veterans groups.

TALKS WITH THE LAO GOVERNMENT

We were gratified to note the positive reception by the Lao Government to the League delegation in September, and are very grateful to the League for its most responsible role in aiding the dialogue. This was followed in October with a visit to Vientiane by a senior State Department official. We are hopeful of further substantive progress, and have proposed specific, positive steps we are prepared to take in response to concrete action by the Lao Government. We have told them we are prepared to move toward improved relations but that concrete action by each side is necessary. These actions must involve a sustained pattern of progress on the POW/MIA issue.

STRENGTHENING THE INTERAGENCY GROUP

The POW/MIA issue cuts across many agencies of government, and thus requires close and full interagency coordination. Our review of the POW/MIA Interagency Group, which includes State, Defense, the Defense Intelligence Agency, the Joint Chiefs of Staff, Congressional, League and National Security Council representation, concluded that the Group is the most effective forum for such coordination. Your League representative is a full participant in all discussions. I assure you that her views are actively solicited, and her representation of your concerns acts as a conscience for us all.

In addition to the Lao initiative, we are pursuing contacts with the Vietnamese. In September the Vietnamese agreed to our longstanding request for regular technical discussions on POW/MIA matters. They have agreed to four sessions a year, the first of which was held in Hanoi in December.

Although no major breakthroughs occurred, the discussions were productive and the US delegation was taken to a reported crash site. The League proposal to be included in these discussions was given serious consideration by the Interagency Group and was again reviewed at the White House. We are firmly convinced government-to-government channels are the most effective way to resolve the accounting issue, but we are acutely aware of the need to keep the League informed on our progress in these sessions. As I pledged in a letter to your Board Chairman George Brooks, we have consulted and will continue to consult with Ann Griffiths, your representative on the Interagency Group. These discussions will cover our talking points and objectives prior to these meetings and full and candid debriefings afterwards. If the current government-to-government process slows, we will expect to call on the League to aid in restoring momentum.

We hope these meetings will move us forward. Vietnamese cooperation in fulfilling the humanitarian obligation is mandatory. Their past refusal to cooperate is the primary obstacle to progress on the accounting issue. The importance we attach to resolution of the POW/MIA issue has been repeatedly impressed upon the Vietnamese—there is no question they understand our priority and commitment. In August we met in Hawaii with the Vietnamese and renewed our offers to assist them in searching for missing Americans. We will continuously and relentlessly press for progress and cooperation.

The Vietnamese, while publicly agreeing that this is a humanitarian issue, unconnected wth policy considerations, consistently attempt linkage to questions of their perceived national interest. We consider such tactics brutally cruel and unfair to our missing men and to you, the families. I say to them today that it is in their national interest to respond positively and fully on this issue. Without such a response, the Vietnamese are engendering a perception of incredible cruelty in the hearts of the families of our missing men and the American people. Continued violations of this most fundamental of moral principles can lead them only further into international isolation. I appeal to them to begin the process of rejoining the family of man by responding positively on this issue. You are running out of patience, the American people are running out of patience and so is your government. The time is now here for the Government in Hanoi to respond before they inflict upon themselves the long-term indignation of the traditionally warm and caring American people.

We are encouraged to see the developing consensus that we are serious about our goal to resolve the POW/MIA issue. Well intentioned citizens have heretofore mounted private operations in the belief government inaction demanded such activity. We willingly receive information concerning POW/MIAs from any source, but are resolutely opposed to private cross-border forays. Such actions interfere with and damage legitimate efforts on a number of fronts. Our experience has been that such private initiatives operate with faulty or fabricated intelligence and lack even marginally adequate operational capabilities. We are aware that in many instances, private citizens have been approached to contribute funds to finance these efforts. Some of you may have contributed even large sums, and this has resulted only in increased frustration. We must work together to ensure that the current visibility of this issue, achieved by our collective effort to generate public awareness, does not bring to the fore irresponsible individuals whose interest may lie in other than valid resolution or bring forth reckless claims of guaranteed results. We appeal to you, the families—should you be approached with POW/MIA information—to provide that information to the government for evaluation and follow up. You have been assured by the President and the Secretary of Defense that upon confirmation of Americans held in captivity, appropriate action will be taken to ensure their return. I assure you that this pledge was not made lightly.

I am as forthcoming as possible with you today, knowing you realize that all our efforts cannot be reported. Hopefully, what you have heard today and will hear tomorrow from the President, will convince you that we not only care deeply about our missing men and you, their families, but that we are devoting highest priority resources to the task of obtaining the release of any prisoners who may still be held, the fullest possible accounting of those still missing, and the repatriation of remains of those who died serving our nation. The tools we need are active and in-place and public awareness is growing. Let us hope and pray together that the new year will give us the results you have worked for all these years. While each day we await results adds to your burden, it also adds to our determination to succeed.●

AMERICAN CONSERVATION CORPS ACT OF 1983

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. CONTE. Mr. Speaker, last week Mr. SEIBERLING and I, along with many of our colleagues, introduced the "American Conservation Corps Act of 1983." As of today, there are approximately 141 House cosponsors. The identical Senate version was introduced by Senators MOYNIHAN and MATHIAS on the same day, January 26, 1983.

The bill cleared the House during the 97th Congress by a wide margin, with bipartisan support, 291 to 101. Unfortunately, the bill died in the Senate during the rush of the lame-duck session.

Every Member of this Congress knows the economic problems we face

as a Nation. Unemployment—by far the most pressing and most devastating element of a recession—is still a major concern. The jobless rate today remains unacceptably high.

When the program is in full swing, the American Conservation Corps could employ 100,000 young men and women, including summer jobs. Also, the corps program could be implemented in time to help the growing number of jobless. Some estimate that youth could be put to work in 30 to 60 days from the time of enactment.

Besides increasing employment in a group that is experiencing the highest annual rate of unemployment, the work of the corps is worthwhile and needed. This is not a make-work program. Some of the projects that could be undertaken by ACC include conservation of forests and rangelands; revitalization of urban areas; preservation of historic and cultural sites; development and maintenance of recreational areas, roads, trails, and so forth. The ACC will serve a productive and useful purpose.

The end results of such a program are certainly important, but, as Members of Congress, we must consider the cost effectiveness of each and every proposal brought before us. This bill is no different. Programs like the ACC have a clear and demonstrated record of success. During the last Congress, administration officials testified before a House subcommittee that for each dollar spent in the YCC program, $1.04 was returned in the value of the work, averaged nationwide. In the case of the YACC, the cost/benefit ratio is even higher; the average return was $1.20. In fact, for some individual cases, the value of the work reached over $7 per dollar expended.

Mr. Speaker, I urge my colleagues to support this legislation as it proceeds through the House. The establishment of an American Conservation Corps will provide jobs for youth in a troubled economy while at the same time addressing legitimate conservation needs.●

THE RESIDENTIAL MORTGAGE PENSION INVESTMENT ACT OF 1983

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. ERLENBORN. Mr. Speaker, today my colleagues (Mr. CONABLE, Mr. PICKLE, Mr. REGULA, and Mrs. ROUKEMA) and I are introducing legislation designed to place residential mortgage investments on a more equal footing with other investments available to private pension funds. Our objective is to remove barriers that may exist to such pension fund investments while retaining necessary protections for pension plan participants and beneficiaries as is the basic intent of the underlying ERISA statute (Employee Retirement Income Security Act of 1974).

We are hopeful that during the course of consideration of our bill, the Residential Mortgage Pension Investment Act of 1983, the $500-plus billion private pension industry will awaken to those characteristics of residential mortgage investments which make them a suitable vehicle to meet the investment goals of private pension funds. Even an additional 1 percent commitment by our Nation's private pension plans would mean over $5 billion in new funds for housing which would aid in restoring the health of the housing industry and help put the dream of a home within the reach of the people of this country.

The impediment to residential mortgage investment which our bill seeks to relieve relates to ERISA's so-called prohibited transaction provisions. In the past, the statutory scheme under which exemptions from the prohibited transactions can be obtained has proven to be an overly cumbersome one which is fraught with delay. In the fall of 1981, my colleague, J. J. PICKLE, and I wrote to Labor Secretary Donovan urging him to give consideration to the pending class exemption applications which had been made by, among others, the National Association of Home Builders, the National Coordinating Committee for Multiemployer Pension Plans, and the United States League of Savings Associations. In May of 1982, a final exemption for transactions involving certain residential mortgage financing arrangements was issued by the Department of Labor.

Since the time the class exemption was issued, the National Association of Home Builders and others have brought to the attention of the Department of Labor and the Congress certain provisions of the exemption which may be overly restrictive and which could, thus, defeat the intent of the exemption. In response, Labor Secretary Donovan has made public the administration's views as to the elements that should be present in any statutory replacement for the earlier issued administrative class exemption. We are of the understanding that our bill meets the principles enunciated by the Secretary and, therefore, we look forward to the support of the administration in this legislative effort.

Our bill meets the Secretary's first requirement that any legislative change would have to be accomplished by means of an amendment to ERISA's prohibited transaction provisions, and the corresponding provisions under the Internal Revenue Code, and would not affect the fiduciary responsibility provisions under ERISA section 404 or the prohibitions against self-dealing under section 406(b).

The bill also meets the second requirement that there be an objective arms-length standard which would apply to every transaction covered by the exemption.

In accordance with the third requirement, the legislation provides that only those mortgages which are eligible for purchase through an established FNMA, GNMA, or FHLMC program can qualify for an exemption, except that the dollar limit that may otherwise be applicable to the purchase of individual mortgages under these programs may be ignored. We agree with the Secretary's reasons for insisting on this safeguard in that, without an independent fiduciary to scrutinize the specifics of such transactions, there is a strong need for independent objective, and verifiable standards. The standards which these programs provide are ones that have stood the test of the marketplace.

The bill includes a definition of eligible residential dwelling unit which encompasses multifamily housing.

In summary, the Residential Mortgage Pension Investment Act of 1983 will enable prudent investments to be made in residential mortgages by employee benefit plans covered under ERISA. The relaxation of existing regulatory barriers will open up a new source of long-term capital for mortgage investment which can simultaneously benefit plan participants, the housing industry, and the Nation's prospective homeowners.●

A TRIBUTE TO SELMA'S LEGEND

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. SHELBY. Mr. Speaker, Dallas County in Alabama's Seventh Congressional District, suffered a great loss recently with the death of Paul Malone Grist, 84, of Selma.

Grist died of a heart attack following the Alabama-Illinois football game in the Liberty Bowl on December 29, 1982.

"Mr. Grist was one of the finest gentlemen I have ever known," said University of Alabama athletic director Paul "Bear" Bryant. "I had the greatest respect for Mr. Grist. He was a great man. He did an awful lot for young people for as long as I can remember. He had a lot of class. We'll all miss him," Bryant said.

Not many people achieve the measure of admiration and respect that Grist enjoyed. He earned that admiration and respect because he genuinely cared about people and about the welfare of his community.

A Marietta, Ga., native, Grist came to Selma in 1919 as physical director of the YMCA and never left. He was probably most famous in sports circles for being the first coach and lifetime friend of another Selma legend, the late Ralph "Shug" Jordan, Auburn University's football coach.

Grist was best known as a basketball coach but also coached wrestling, swimming, volleyball, gymnastics, boxing, football, and baseball.

The list of Grist's honors is long, topped by his induction into the Alabama Sports Hall of Fame in 1975 and the Alabama Academy of Honor in 1973. He served annually on the staff of the YMCA Blue Ridge Assembly at Black Mountain, N.C., and in 1969, was honored there when a room in Lee Hall was dedicated to him. In 1964, the University of Alabama bestowed on Grist the honorary degree of doctor of humanities. An Exchange club of Selma, Book of Golden Deeds award recipient, Grist was further honored in 1973 when the Alabama Legislature renamed Valley Creek State Park the Paul M. Grist State Park.

Grist's active work at the Selma YMCA ended when he retired as general secretary in 1964, but his influence and dedication remained strong to the city's two YMCA's, that were named for him and Brown.

Selma's annual "Boy of the Year" trophy is also named for him. Grist's service to Selma includes work with the local Heart Fund campaign and service as past district governor of Rotary International, being made a "Paul Harris Fellow" by the Selma Rotary Club in 1975. He has also served with the American Red Cross, Salvation Army, State 4-H Club Foundation, and the Dallas County Ministerial Association.

Grist said, in a profile article about him in April 1980, that he attributed all his accomplishments to "the women in my life." His late wife, Tiny, the former Frances Hobbs Morrison, "was the backbone of anything I ever did," he said then. "My mother set a good Christian example * * * my mother-in-law was like having another mother." Grist and his wife were married in 1924. She died 37 years later.

Grist's survivors include two sisters-in-law in Selma, Mrs. Frank Hardy and Mrs. Baker Riddle; a nephew, Ralph Hinman of Columbus, Ga., and a niece, Martha Sue Bone, of Georgia.

Paul Malone Grist's life should serve as a memorial to him for all time in Selma, for he truly devoted it to serving the people that he loved and cared for. He left many fond memories and I am sure that this fine gentleman will never be forgotten.

Known for his positive philosophy on life and living, Grist had a favorite quote:

For life is a mirror of king and slave, 'tis just what we are and do. So give to the world what you have and the best will come back to you.●

MORE CHRISTIANS IN LABOR CAMPS IN THE U.S.S.R.

HON. LARRY McDONALD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. McDONALD. Mr. Speaker, however westernized Mr. Andropov is supposed to be, no one has accused him of any mass release of Russian Christians from jail. In fact, the latest news from the Soviet Union has him arresting housewives who are out shopping for scarce items when they are supposed to be at work. The list that follows represents many more Christians presently gracing the Soviet gulags who are in need of our concern and prayers, and who probably would appreciate a change in U.S. foreign policy to reflect greater concern over this blatant repression of religion. The list follows:

Kinas, Ivan Ervinovich. Home address: Erna Avgustovna Kinas (wife), ul. Fabrichnaya, 34, g. Tokmak, Kirghizskaya SSR 722200, Soviet Union, b. July 5, 1951, 5 children. Arrested: February 13, 1982. Sentence: (2nd) 5 years strict plus confiscation.

Kirilyuk, Anatoli Prokofyevich. Home address: Nadezhda Nikitichna Kirilyuk, ul. Chernomorskaya, 79, g. Voroshilovgrad 348003, Soviet Union, b. August 18, 1944, 7 children. Camp address: 317/16 otr. 4, p/o Kryukovo OP, Poltavskaya obl. 315040, Soviet Union. Arrested: October 2, 1980. Sentence: 3 years ordinary.

Klassen, Roman (Rudolph) Davidovich. Home address: Talita Voldemarovna Klassen (wife), ul. Maly proyezd, 19a, g. Karaganda, Karagandinskaya oblast, Kazakhskaya SSR 470015, Soviet Union, b. September 24, 1931. Camp address: uchr. NK 159/7 otr. 9, Malena Dolenka, Karagandinskaya oblast, Kazakhskaya SSR 472360, Soviet Union. Arrested: June 20, 1980, Sentence: (2nd) 3 years strict.

Klimoshenko, Nikolai Stepanovich. Home address: Vera Gavrilovna Klimoshenko (wife), ul. Dm. Ulyanova, 150, g. Kherson 325001, Soviet Union, b. February 16, 1937, 7 children. Camp address: p/ya YuZ 17/7 br. 22, s. Staraya Zburevka, g. Kherson-Gopri 326244, Soviet Union. Arrested: August 18, 1980, Sentence: 2 years ordinary.

Klyatt, Daniil Leonardovich. Home address: Margarita Geingoldova Klyatt (wife), ul. Lugovaya, 10, g. Shuchinsk, Kokchetavskaya oblast, Kazakhskaya SSR 476410, Soviet Union, b. June 21, 1952, 3 children. Camp address: OK 166/1 8-80, pos. Granitny, Kokchetavskaya oblast 476120, Soviet Union. Arrested: June 27, 1980, Sentence: 2.5 ordinary.

Kosachevich, Lubov Mkhailovna. Home address: Nadezhda Vladimirovna Kosachevich (mother), ul. Nadezhdinskaya, 24, g. Ivangorod, Leningradskaya obl., Soviet Union, b. January 8, 1952. Camp address: YuL 34/5 "K" otr. 10, g. Kozlovka, Chuvashskaya ASSR 429430, Soviet Union. Arrested: January 5, 1980, Sentence: 3 years ordinary.

Kostenyuk, Viktor Iosifovich, Home address: Vyacheslav Kostenyuk (son), ul. Gailara, 1-b. kv. 44, g. Chernovtsy, Chernovitskaya oblast 274029, Soviet Union, b. December 6, 1935. Camp address: S/K 15, Krasny Yar TETs-2, g. Volgodonsk-9, Rostovskaya oblast 347346, Soviet Union. Arrested: January 5, 1980, Sentence: 3 years ordinary.

Kostyuchenko, Grigory Vasilievich. Home address: Lubov Fyodorevna Kostyuchenko (wife), ul. Bratskaya, 219, g. Timoshevsk, Krasnodarsky krai 353760, Soviet Union, b. October 6, 1934, 10 children. Camp address: spetsgorodok, ul. Promyshlennaya 4, kom. 11, g. Usinsk, Komi ASSR 169706, Soviet Union. Arrested: April 7, 1981, Sentence: (4th) 2 years strict.

Kozorezov, Aleksei Timofeyevich. Home address: Aleksandra Timofeyevna Kozorezova (wife), ul. Oboronnaya, 92, g. Voroshilovgrad 348047, Soviet Union, b. July 18, 1933, 10 children. Camp address: uchr. YeCh 325/92 3-31, s. Stariye Babany, Umansky raion, Cherkasskaya oblast 258915, Soviet Union. Arrested: December 26, 1980, Sentence: (3rd) 3 years strict.

Kozorezova, Aleksandra Timofeyevna. Home address: ul. Oboronnaya 92, g. Voroshilovgrad 348037, Soviet Union, b. January 25, 1936, 10 children. Arrested: August 29, 1981, Sentence: 3 years conditional.

Kruchinin, Nikolai Nikolayevich. Home address: Ludmila Vasilievna Kruchinina (wife), ul Grazhdanskaya, 19, g. Dedovsk, Moskovskaya obl. 143530, Soviet Union, b. February 1, 1943, 7 children. Camp address: p/ya YaU-114/I otr. 5, g. Tomsk 634062, Soviet Union. Arrested: June 4, 1980, Sentence: (2nd) 3 years strict.

Kurs, Lubov Sergeyevna. Home address: ul. Dashkovskaya, 11, g. Mogilev 212012, Soviet Union, b. November 10, 1958, 1 child. Arrested: August 18, 1981, Sentence: 1 year forced labor.

Lakotosh, Pavel Vasilevich. Home address: Pavlina Vasilievna Lakotosh (mother), s. Deshkovitsa, 89, Irshavsky raion, Zakarpatskaya oblast 295205, Soviet Union, b. June 1952. Camp address: uchr. YaE 308/26 14-143, g. Zheltiye Vody, Dnepropetrovskaya oblast 322530, Soviet Union. Arrested: July 7, 1981, Sentence: 3 years ordinary.

Lamert, Nikolai Andreyevich. Home address: Ekaterina Abramovna Lamert (wife), ul. Urozhainaya, 55-b, g. Issyk, Enbekshikazakhsky raion, Alma-Atinskaya oblast, Kazakhstan, Soviet Union, b. April 6, 1953, 2 children. Unrestricted Settlement: pos. Zhairem-1 obshch. 4 kom. 5, Dzhezkazganskaya oblast, Kazakhskaya SSR 472751, Soviet Union. Arrested: February 11, 1980, Sentence: 3 years ordinary.

Lavrents, Arthur Efremovich. Home address: Lidia Yemelyanovna Lavrents (wife), ul. Kirova, 28, pos. Maryanovka, Omskaya obl. 646040, Soviet Union, b. May 25, 1935, 4 children. Arrested: June 17, 1981, Sentence: 2 years conditional.

Lebzak, Aleksandr Viktorovich. Home address: Ella Yakovlevna Lebzak (mother), ul. Kolkhoznaya, 19, g. Berislav, Khersonskaya oblast 326860, Soviet Union, b. January 18, 1963. Camp address: p/ya YuZ 17/7 92, s. Staraya Zburevka, Kherson-Gopri 326244, Soviet Union. Arrested: May 18, 1981, Sentence: 3.5 years ordinary.

Leven, Genrikh Genrikhovich. Home address: ul. Tsentralnaya, 138, s. Lugovsk, p/o Podolsk, Krasnogvardeisky r-n, Orenburgskaya oblast, Soviet Union, b. April 23, 1963. Camp address: p/ya 25/6-3, st. Stenkino, Ryazanskaya oblast. Arrested: January 19, 1982, Sentence: 4 years ordinary.

Levtsenyuk, Nikolai Dmitrievich. Home address: Lidia Ivanovna Levtsenyuk (wife), ul. Pionerskaya, 42, g. Chervonoarmeisk,

Rovenskaya oblast 265000, Soviet Union, b. April 10, 1936, 7 children. Arrested: 1982, Sentence: 2 years conditional.

Loginova, Nadezhda Nikolayevna. Home address: Anatoly Gennadievich Loginov (son), ul. Mayakovskogo, 21a, kv. 3, g. Magnitogorsk, Chelyabinskaya oblast, Soviet Union, b. March 30, 1943, 2 children. Arrested: March 13, 1982.

Lovkaitis, Vatslava Osipovna. Home Address: Zhdanovich Taresa Stepanovna (mother), ul. Mikronnaya, 79 kv. 2, g. Barnaul, Altaisky krai 656041, Soviet Union, b. November 18, 1932. Camp address: UN 1612/35 otr. 11, g. Mariinsk, Kemerovskaya oblast, Soviet Union. Arrested: November 26, 1981, Sentence: 1 year ordinary.

Lyashchenko, Boris Vladimirovich. Home address: Anna Ivanovna Lyashchenko (wife), Bulvar Gvardeisky, 22 kv. 20, g. Zaporozhye 330099, Soviet Union, b. April 6, 1959. Arrested: June 10, 1982, Sentence: 1 year forced labor.

Malkhov, Gennady Demidovich. Home address: Nadezhda Mikhailovna Malakhov (wife), ul. Admirala Makarova, 5, g. Militopol, Zaporozhskaya oblast 332311, Soviet Union, b. July 31, 1938. Camp address: YaYa 310/20 A-8, g. Volnyansk, Zaporozhskaya oblast 332000, Soviet Union. Arrested: May 11, 1981, Sentence: 3 years ordinary.

Marchenko, Stanislav Pavlovich. Home Address: Maria Mikhailovna Marchenko (mother), ul Volynskaya, 7, g. Zaporozhye 330026, Soviet Union, b. 1960. Arrested: June 8, 1982.

Markevich, Veniamin Aleksandrovich. Home Address: Lubov Ilyevna Markevich (wife), ul. Dalnaya, 22, pos. Zavodskoi, g. Ordzhonikidze 362907, Soviet Union, b. April 19, 1938, 11 children. Camp address: p/ya YaN 68/4, p. Dachny, g. Ordzhonikidze 362907, Soviet Union. Arrested: August 2, 1981, Sentence: 1 year ordinary.

Mashnitsky, Nikolai Alekseyevich. Home address: Leonida Antonovna Mashnitskaya (wife), pl. 8 Marta d. 9, Vinitsa, Vinitskaya obl. 286003, Soviet Union, b. December 18, 1927, 7 children. Camp address: uch. IV 301-59 otr. 10 br. 102, p. Trudovoi, Pischansky r-n, Vinitskaya obl. 288371, Soviet Union. Arrested: March 5, 1980, Sentence: (2nd) 2.5 years strict.

Mashnitsky, Pyotr Nikolayevich. Home address: Leonida Antonovna Mashnitskaya (mother), Ploshchad 8-go Marta 9, g. Vinnitsa, Vitnnitskaya oblast 286003, Soviet Union, b. April 30, 1956. Arrested: April 29, 1982, Sentence: 1.5 years ordinary.

Matveichuk, Ivan Zotovich. Home address: Lubov Stepanovna Matveichuk (wife), ul. Shkolnaya, 20, g. Zdolbunovo, Rovenskaya oblast 265670, Soviet Union, b. April 27, 1917, 4 children. Camp address: MKh 324/78 otr. 3 br. 32, s. Raikovtsy, Khmelnitskaya oblast 281428, Soviet Union. Arrested: March 17, 1981, Sentence: 3 years ordinary.

Meged, Vasily Karpovich. Home address: Klavdiya Makarovna Meged (wife), ul. Novoselovskaya, 44, g. Kizlyar, Dagestanskaya ASSR 368800, Soviet Union, b. August 15, 1923, 7 children. Arrested: April 6, 1982.

Meshko, Yuri Vasilievich. Home address: Anna Mikhailovna Meshko (mother), S. Kinchash 1, Uzhgorodsky r-n, Zakarpatskaya obl., Soviet Union, b. June 10, 1949, 1 child. Arrested: February 9, 1982, Sentence: (2nd) 3 years ordinary.

Minayev, Nikolai Ivanovich. Home address: Iroida Filippovna Minayeva (wife), ul. Novoselskaya, 19, g. Orel, Orlovskaya oblast 302004, Soviet Union, b. April 14, 1929. Arrested: February 21, 1982.

Mikhailenko, Sergei Vasilievich. Home address: Raisa Yakovlevna Mikhailenko (mother), ul. Mukasha Abdrayeva 80, g. Frunze, Kirghizskaya SSR 420046, Soviet Union, February 28, 1962. Camp address: p/ya 36/1 1-13, s. Moldavanovka, Alamedinsky raion, Kirghizskaya SSR 722179, Soviet Union. Arrested: August 6, 1981, Sentence: 1.5 years ordinary.

Mikhailenko, Yakov Vasilievich. Home address: Vera Leotievna Mikhailenko (wife), ul. Leningradskaya 122, g. Frunze, Kirghizskaya SSR 420014, Soviet Union, b. September 22, 1951, 2 children. Camp address: p/ya 36/1 1-13, s. Moldavanovka, Alamedinsky raion, Kirghizskyaa SSR 722179, Soviet Union. Arrested: August 6, 1981, Sentence: 2 years ordinary.

Minyakov, Dmitri Vasilievich. Home address: Valdimir Dmitrievich Minyakov (son), ul. Sugise, 3, g. Valga, Estonia, Soviet Union, b. February 18, 1922, 5 children. Camp address: uchr. AB 261/4, pos. Upmar, g. Magadan 685025, Magdanskaya oblast, Soviet Union. Arrested: January 21, 1981, Sentence: 5 years strict plus confiscation.

Missiruk, Stepan Nikitovich. Home address: Lubov Petrovna Missiruk (wife), ul. Rudneva, 19, g. Beltsy, Moldavskaya SSR, Soviet Union, b. June 6, 1931. Arrested: June 6, 1982.

Mosha, Viktor Kuzmich. Home address: Nina Mikhailovna Mosha (wife), ul. Lermontova-1, g. Dergachi, Kharkovskaya oblast, Soviet Union, b. November 9, 1935. Camp address: OR 318/46, s. Yekaterinovka, g. Sarny, Rovenskaya oblast 265452, Soviet Union. Arrested: November 10, 1981, Sentence: 3 years strict.

Makhovitsky, Fyodor Mikhailovich. Home address: Klavdia Aleksandrovna Makhovitskaya (wife), ul. Podvodnika Kuzmina, 20-1, g. Leningrad 198215, Soviet Union, b. October 5, 1930, 7 children. Camp address: K 231/1-43-8, p/o Krutoborka, Verkhnekamsky raion, Kirovskaya oblast 168233, Soviet Union. Arrested: August 14, 1981, 8 Sentence: (2nd).

Nagorny, Anatoli Konstantinovich. Home address: M. Kh. Nagornaya (mother), ul. Istoricheskaya 38, kv. 53, g. Zaporozhye 330009, Soviet Union, b. November 14, 1956. Arrested: April 20, 1982, Sentence: 3 years ordinary.

Nazarevich, Anton Antonovich. Home address: Sofia Timofeyevna Nazarevich (wife), ul. Mayakovskaya, 31 kv. 7, g. Lutsk, Volynskaya oblast 263002, Soviet Union, b. July 18, 1945. Camp address: uchr. IV 301/59 br. 143, s. Trudovoye, Peschansky raion, Vinnitskaya oblast 288700, Soviet Union. Arrested: January 8, 1982, Sentence: 3 years ordinary.

Neufeld, Heinrich Ivanovich. Home address: Lilia Ivanovna Neufeld (wife), ul. Krupskaya, 11, g. Makinsk, Tselinogradskaya obl., Kazakhskaya SSR 474010, Soviet Union, b. August 1, 1930, 6 children. Camp address: ICh 167/5 4-42, g. Turkestan, Chimketskaya oblast, Kazakhskaya SSR 487010, Soviet Union. Arrested: March 24, 1981, Sentence: 3 years ordinary.

Nikita, Georgi Andryevich. Home address: Elizaveta Mefodievna Nikita (wife), ul. Borisa Glavana, 27, pos. Strasheny, Moldavskaya SSR 278250, Soviet Union, b. December 5, 1947, 5 children. Camp address: p/ya OShch 29/5 "d", g. Kagul 278830, Moldavskaya SSR, Soviet Union. Arrested: December 16, 1980, Sentence: 4 years ordinary plus confiscation.

Nikitkov, Aleksandr Valentinovich. Home address: Zinaida Vasilievna Nikitokova (wife), ul. Chapeyeva, 113, Kanishchevo, Ryzanskaya obl. 391001, Soviet Union, b. August 3, 1934, 6 children. Camp address: p/ya 288/1 10-30, Nizhny Ingash, Krasnoyasky krai 663850, Soviet Union. Arrested: September 3, 1979, Sentence: 3 years construction.

Oleinik, Pyotr Ivanovich. Home address: Lidia Mikhailovna Oleinik (wife), ul. Vatutina, 9 kv. 4, g. Lvov 290005, g. Lvov 290005, Soviet Union, b. April 10, 1932, 7 children. Arrested: February 23, 1982.

Oselsky, Ivan Zakharovich. Home address: Maria Filippovna Oselskaya (wife), ul. S. Lazo, 5, P. Krikovo, Kriulyansky raion, Moldavskaya SSR 278336, Soviet Union, b. July 22, 1939, 7 children. Camp address: p/ya OShch 29/3 "D", pos. Broneshty, Orgeyevsky raion, Moldavskaya SSR 278421, Soviet Union. Arrested: August 30, 1980, Sentence: 5 years ordinary.

Otmakhov, Vladimir Valerianovich. Home address: Lidia Otmakhova (mother), ul. Uglerazvedki, 7, g. Angren, Tashkentskaya oblast, Uzbekskaya SSR 702500, Soviet Union, b. March 10, 1960. Camp address: komendatyra 6, pos. Morzhebulak, g. Gallioral, Dzhezkazganskaya oblast, Soviet Union. Arrested: August 1, 1980, Sentence: 2 years ordinary.

Panina, Elizaveta Abramovna. Home address: Sergei Panina (son), s. Appollonovka, p/o Yevsyukov, Isilkulsky raion, Omskaya oblast 646013, Soviet Union, b. June 23, 1950, 1 child. Camp address: p/ya YaV 48/5 otr. 1 br. 11, g. Chelyabinsk 454014, Soviet Union. Arrested: March 17, 1981, Sentence: 4 years ordinary.

Pashko, Nikolai Pavlovich. Home address: Valentina Petrovna Pashko (wife), ul. Liskonozhenko, 70, g. Militopol, Zaporozhskaya oblast 332306, Soviet Union, b. March 17, 1941, 7 children. Camp address: uchr. YaYa 310-77 "B", g. Berdyansk 19, Zaporozhskaya oblast 332440, Soviet Union. Arrested: May 12, 1981, Sentence.

Pauls, Ivan Yakovlevich. Home address: ul. Donskaya, 25, g. Shakhtinsk, Karagandinskaya oblast, Kazakhskaya SSR 472350, Soviet Union, b. June 2, 1947, 4 children. Camp address: uchr. NK 159/7 otr. 5, Malena Dolenka, Karagandinskaya obl. 472350, KazSSR, Soviet Union. Arrested: August 11, 1981, Sentence: 4 years strict.

Perebikovsky, Oleg Vasilievich. Home address: Tatyana Perebikovsky (wife), Krasnodolskaya, 37, g. Kishinev 277002, Moldavskaya SSR, Soviet Union, b. September 6, 1954. Arrested: December 12, 1981, Sentence: 2 years ordinary.

Peredereyev, Viktor Vasilievich. Home Address: Efrosinya Ivanovna Peredereyeva (mother), ul. Esenina, 43, g. Shakhty, Rostovskaya oblast 346000, Soviet Union, b. 1958. Arrested: March 19, 1982, Sentence: (2nd) 2.5.

Peters, Daniil Daniilovich. Home address: Ekaterina Petrovna Peters (wife), ul. Ukainskaya, 53, s. Martuk, Aktyubinskaya oblast, Kazakhskaya SSR 464020, Soviet Union, b. March 25, 1915, 5 children. Camp address: otr. 10 br. 91, ICH-167/5, Turkistan-10, Chimkentskaya oblast 487010, Soviet Union. Arrested: June 9, 1980, Sentence: 5 years strict.

Peters, Genrikh Daniilovich. Home address: Elizaveta Abramovna Peters (wife), ul. Sovietskaya, 5, s. Martuk, Aktyubinskaya oblast 464020, Kazakhskaya SSR, Soviet Union, b. June 18, 1947, 4 children. Camp address: otr. 8 br. 83, UK 161/2, g. Kustanai 458012, Soviet Union. Arrested: June 9, 1980, Sentence: 3 years.

Peters, Peter Abramovich. Home address: Yadviga Yakovlevna Peters (wife), ul. Aktyubinskaya, 27, s. Martuk, Aktyubinskaya oblast, Kazakhskaya SSR 464020, Soviet Union, b. July 29, 1955, 1 child. Camp ad-

dress: uchr. LA-155/2 "Zh", p. Zarechny, Ilisky raion, Alma-Atinskaya oblast 483333, Soviet Union. Arrested: June 9, 1980, Sentence: 3.5 years ordinary.

Plett, Ivan Petrovich. Home address: Frida Yakovlevna Plett (wife), ul. Kovalya, 1/1 kv. 3, g. Dushanbe, Tadzhikskaya SSR 734057, Soviet Union, b. March 16, 1937, 9 children. Camp address: p/ya 68/4 "B", g. Armavir, Krasnodarsky krai 352900, Soviet Union. Arrested: June 18, 1980, Sentence: 4 years strict plus confiscation.

Polushin, Leonty Nikolayevich. Home address: Valentina Aleksandrovna Polushina (wife), ul. Filatova, 96, g. Voroshilovgrad 348036, Soviet Union, b. July 17, 1938, 7 children. Camp address: VL 315/30, otr. 10 br. 102, GSP-7, g. Lvov 290631, Soviet Union. Arrested: September 18, 1980, Sentence: (2nd) 3 years strict.●

LEGISLATION TO ASSURE THE FINANCIAL HEALTH OF THE RAILROAD RETIREMENT SYSTEM

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. FOWLER. Mr. Speaker, as we all know, the effects of the current deep recession are widespread, hitting virtually every family and business in the Nation. The railroad industry is especially hard hit.

Unemployment among railroad workers is over 20 percent. This not only causes serious financial problems for younger rail workers who are either unemployed or daily fear for their jobs, but also wreaks havoc on the railroad retirement system which derives its funds from taxes levied on labor and management.

In 1981, Congress enacted far-reaching tax and benefit changes in the railroad retirement system to keep it solvent throughout the 1980's. One element of that legislation was a fail-safe mechanism, section 22 of the Railroad Retirement Act. Section 22 was supposed to guarantee that if employment or economic assumptions turned out to be too optimistic, railroad retirement system funds would be automatically reduced in order to bring outlays and revenues in line. Such cuts would be imposed by regulation and would take effect on the first day of the fiscal year during which the shortfall would occur.

Employment in the railroad industry, however, has fallen much more rapidly than even the pessimistic forecasters in 1981 foresaw. Instead of roughly 500,000 railroad workers in 1982, actual employment was only 442,000. Latest estimates for 1983 put railroad employment at 385,000, 20 percent below estimates of only 1 year ago.

Recent projections from the Railroad Retirement Board now indicate that a major shortfall will occur May 1, 1984, under current law provisions. That means section 22 will require the Board to reduce the industry pension component beginning October 1 of this year. The reduction may be, if the situation does not worsen, 25 percent of the industry pension component.

Benefit reductions of this magnitude are unthinkable. That is why Representatives JENKINS, MCEWEN, MATSUI, KENNELLY, and I are today introducing legislation to provide the necessary additional revenue to preclude such a drastic benefit reduction. The burden of this legislation falls equally on labor and management by increasing by 2.5 percent of taxable payroll the tax each pays in support of the industry pension component.

Beneficiaries as well as current workers, however, must be called on to share in the sacrifices needed to solve the problems our depressed economy continues to inflict on all Federal retirement programs. This is, in fact, going to happen because railroad retirement beneficiaries already on the rolls will be affected by the cost-of-living delays and taxing provisions proposed for social security.

We must be sure, however, that we have reliable figures for several years in the future to avoid the uncertainty of last-minute benefit reductions or hastily considered tax increases. That is why I am strongly encouraging the Railroad Retirement Board to make annual projections as to the anticipated revenue to and payments from the railroad retirement account to determine the ability of the account to pay benefits in each of the succeeding 5 years.

The projections should be made on or before April 1 of each year and should take into account the anticipated experience with respect to factors which the Board deems appropriate, including, but certainly not limited to:

The level of railroad employment;

The increase in the taxable compensation base;

The rate of increase in wages in the railroad industry;

The rate of interest which the Board will earn on its funds or pay on borrowed funds;

The percentage increase in the Consumer Price Index;

The rate of entitlement to annuities under the Railroad Retirement Act;

The rate of termination of annuities under the Railroad Retirement Act;

The amount of annuities payable under sections 3(a), 3(b), 4(a), 4(b), 4(f), and 4(g) of the Railroad Retirement Act;

The amount to be borrowed by, and the outstanding obligation of, the railroad unemployment insurance account; and

The amount of administrative expenses of the Board attributable to administration of the Railroad Retirement Act.

Further, by June 1 of each year the Board should submit to Congress the results of these projections as well as the rate of tax which would assume full payment of benefits over the projection period without borrowing an amount greater than 75 percent of the amount available in any one fiscal year under the financial interchange with the social security trust funds.

Finally, the tax adjustments recommended in this report should be borne equally by employees, employers, and employee representatives, except that no tier II tax should be proposed for employees whenever the tier II tax rate for employers and employee representatives is, or would be proposed to be, 9.75 percent or less.

The legislation my colleagues and I are introducing is simple, evenhanded, and fair. We urge labor and management to continue their efforts to come to a satisfactory agreement on the issue of financing the railroad retirement system. If that is not possible, however, our legislation will prevent the unthinkable—a massive benefit reduction. This has never happened before, and this Congress should not let it happen now.

A copy of the bill follows.

H.R. 1180

A bill to amend the Internal Revenue Code of 1954 to provide additional financing for the railroad retirement system by increasing the railroad retirement taxes on employers, employees, and employee representatives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASES IN RAILROAD RETIREMENT TAXES.

(a) TAX ON EMPLOYEES.—Subsection (a) of section 3201 of the Internal Revenue Code of 1954 (relating to rate of tax on employees) is amended by striking out "2.0 percent" and inserting in lieu thereof "4.5 percent".

(b) TAX ON EMPLOYEE REPRESENTATIVES.—Subsection (a) of section 3211 of such Code (relating to tax on employee representatives) is amended by striking out "11.75 percent" and inserting in lieu thereof "14.25 percent".

(c) TAX ON EMPLOYERS.—The first sentence of section 3221(a) of such Code (relating to tax on employers) is amended by striking out "11.75 percent" and inserting in lieu thereof "14.25 percent".

(d) CONFORMING AMENDMENT.—The last sentence of section 230(c) of the Social Security Act is amended by striking out "11.75 percent" and inserting in lieu thereof "14.25 percent".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to compensation paid for services rendered after March 31, 1983.●

CRAVANE M. GIVENS HONORED IN BUFFALO

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. NOWAK. Mr. Speaker, recently, the Dr. Martin Luther King Jr. Multi-Cultural Institute in Buffalo honored a distinguished Buffaloian, Lt. Col. Cravane M. Givens USAF (Ret.), by dedicating their library media center in his name.

I would like to join Colonel Givens' many friends and well-wishers in western New York in congratulating him on this honor.

Dr. John Ross Dixon, principal of the King Institute, provided me with the following biographical information on Colonel Givens, which details the outstanding military career and community service activities underlying this honor:

DISTINGUISHED AMERICAN: LT. COL. CRAVANE M. GIVENS, USAF

The King Institute honored Lt. Col. Cravane Givens, USAF (Ret.) by dedicating the library media center to him on November 17, 1982.

Colonel Givens was selected because of his outstanding military career and his contributions to the Buffalo community.

Colonel Givens was educated in the Buffalo Public Schools, where he was treasurer of his junior class, president of his senior class, and captain of the football, basketball and baseball teams. He graduated cum laude from North Carolina A & T College where he was captain of the football team and an organizer of the Lettermen's Club of which he became president.

In 1954, upon graduation he was commissioned Second Lieutenant in the United States Air Force and after graduation from pilot school he flew 13-29, C-97 and KC 97 aircraft.

During this period, his duty was performed in direct support of the Southeast Asia operation, KC-135 Combat Crews. In 1971-72, he served as Chief Instructor Pilot for two KC-135 Squadrons at Beale Air Force Base.

In 1972, he was assigned to the Base Commander Staff as Chief of Special Services. He was responsible for the direction, supervision and administration of the Officer's Club the Non-Commissioned Officer's Club, the Base Recreation Program, Aero Club, Library and all funds not appropriated by the Congress of the United States. The budgets for all these activities was $1,410,000 with usage by more than 10,000 people a year.

Colonel Givens' outstanding military career is highlighted by his military awards and decorations. These include Command Pilot, The Air Medal, 3 Air Force Commendation Medals, National Defense Service Medal, 4 Air Force Outstanding Unit Awards, Southeast Asia Service Medal with two Battle Stars and the Republic of Vietnam Commendation Medal.

Since his retirement, Colonel Givens has been active in the Buffalo community. He has served as superintendent of the Niagara Frontier Transportation Authority and superintendent of the Metropolitan Transportation Center.

Colonel Givens was instrumental in reestablishing the Canisius College varsity football program. He is Basileus of Phi Omega Chapter of Omega Psi Phi Fraternity, a trustee and vice chairman of 100 Black Men of Buffalo, a member of the Air Force Association, Retired Officers Association and the Buffalo Aero Club. He is chairman of the William Emslie Y.M.C.A. Board of Managers and Chairman of the Martin Luther King Memorial Trust Fund.

Colonel Givens has had the loving support of his wife Rhudine since 1955, and the admiration of his children, Robert and Dawn.

Because of Col. Cravane M. Givens' many outstanding military and community contributions, it is easily understood why the school chose to name their library the Col. Cravane M. Givens Library Media Center.●

THE STATE OF THE REGION: 1983

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. EDGAR. Mr. Speaker, recently our colleague, JIM OBERSTAR, released a report titled "The State of the Region: 1983." This report, produced by the staff of the Northeast-Midwest Congressional Coalition, reviews the social, economic, and demographic trends taking place in the 18 Northeastern and Midwestern States. The report's highlight include:

Between 1970 amd 1980, the Northeast-Midwest region's population growth was only 2.2 percent, compared to 20.4 percent for the South and West: This slower growth cost our region 15 seats in the U.S. House of Representatives as a result of reapportionment;

For the first time in the history of the census, an entire census region—the Middle Atlantic states, lost population;

Between 1976 and 1981, the gap between the region in both personal and disposable income narrowed. Average per capita income in the Northeast-Midwest region increased by 58.4 percent compared to a 63.4 percent rise for the South and West;

In 1981, the Northeast and Midwest, with 45 percent of the nation's population, had over 58 percent of the long-term unemployed;

Investments in non-residential construction in the Northeast-Midwest region increased by 75.6 percent between 1976 and 1981, well below the national average of 124 percent;

The Northeast-Midwest region produces less than one-third of the coal it uses, less than three percent of the gas and oil and none of the uranium. In 1980, household energy bills in the region averaged $1,190, compared to $775 for the South and West;

In fiscal 1982, the Army Corps of Engineers and the Bureau of Reclamation spent only $6 per capita in the Northeast-Midwest region, compared to $20 per capita in the South and West;

Over the six-year period from fiscal 1975 through fiscal 1980, the 18 states of the Northeast and Midwest sent $201 billion more in taxes to Washington than they got back in federal spending. In fiscal 1980 alone, the regional deficit was $36 billion; and

In 1982, 80 percent of defense installations, 75 percent of personnel, and 60 percent of prime contracts went to Southern and Western states.

In an articulate statement accompanying the report, Representative OBERSTAR begins to lay out a positive agenda for the Northeast-Midwest region—an agenda that builds on the enormous strengths of our region and one that should receive broad bipartisan support. The agenda is not a grab for a larger share of the Federal pie for the States in our region; rather it is a sensible program that recognizes that the entire Nation's economic recovery will be impeded as long as one of its major regions is mired in economic distress.

Representative JIM OBERSTAR will be in an unique position to lead this effort. Not only does he chair the Public Works and Transportation Committee's Subcommittee on Economic Development, but last week he was elected cochair of the Northeast-Midwest Congressional Coalition. He has consistently demonstrated during his 8 years in Congress a firm grasp of the problems facing our older cities and the political skill necessary to continue being one of our region's leading advocates for public policies that insure balanced national growth. I am pleased to submit this statement for the RECORD and urge my colleagues to give it the serious consideration it deserves.

STATEMENT OF HON. JAMES L. OBERSTAR, COCHAIR, NORTHEAST-MIDWEST CONGRESSIONAL COALITION ON STATE OF THE REGION

In 1976, I joined with Congressmen Mike Harrington, Frank Horton, Bob Edgar and a number of other Members from Northeastern and Midwestern states to form the Northeast-Midwest Congressional Coalition.

We acted not in the spirit of fomenting sectionalism and disharmony. Rather, we formed the Coalition in response to the decades-long pattern of federal policies which discriminated against the economic interests of the people we represented in the House.

In the past six years, while working to change those policies, we have been successful in avoiding the trap of devisive sectionalism.

We make the distinction between sectionalism and regionalism. The former undercuts national values while the latter holds that national policies must (1) recognize the reality of differences among the regions of the country; and (2) respond equitably to those differences.

We are meeting with you today to discuss the state of the region. Ideally, the State of the Union message, to be given on Tuesday, would recognize that there are differences among regions, and those differences are affected by national policy—negatively in the case of the Northeast-Midwest region.

As those of us who represent this region in the Congress are too well aware, the state of our region is not good. Job losses in the Midwest have been the heaviest in the nation. Agricultural receipts grew slower in the Midwest than in the South and the West. Auto production in 1982 dropped even below the levels for 1981. The steel industry produced at less than 45 percent of capacity.

On October 31, 1982, the states of our region owed $8.6 billion to the federal unemployment insurance trust fund, an amount likely to grow before the end of the recession.

I am very much concerned that Tuesday's State of the Union, and the President's budget message due the following week, will present policy and budget proposals unresponsive to not only the actual state of the union, but particularly to the state of our region.

I represent a Congressional district which contains a metropolitan area with the second highest unemployment rate in the nation. The entire Midwest, and especially those areas heavily reliant on steel and automobile industries, has borne the heaviest burden of the current recession. In October, five of seven Midwestern states had unemployment rates above the national average.

The purpose of this meeting today, however, is not merely to catalogue the economic indicators of our regional depression. Rather, the Coalition's purpose is to work positively and actively for changes in federal policy.

The policies of the present Administration ignore fundamental economic differences between our region and the rest of the nation. Proposed reductions in social programs would hit our region hardest while increases in defense spending to benefit our region least.

The Northeast-Midwest Coalition last week released "The Pentagon Tilt," a comprehensive study of regional biases and defense spending and strategy. Per capita defense spending in fiscal year 1983 in the Northeast and Midwest is $279; in the South and West, it is $754; for the nation as a whole, it is $539. The defense policies of the Reagan Administration will only exacerbate the regional discrepancies and the corresponding effect on local economies.

Similar discrepancies exist in allocation of spending for water resource projects and for energy and synthetic fuels development.

While increasing defense spending and drawing revenues away from our region, the Administration has consistently proposed abolishing those programs most essential to meeting the particular needs of an older, energy dependent, industrialized region of the country.

If the fiscal year 1984 budget priorities continue the trends of the previous Reagan Administration budgets, we may see such proposals as 95 percent reduction in energy conservation programs, the elimination of the Economic Development Administration, and severe reductions in education programs, mass transit and low-income fuel assistance.

In 1981, President Reagan proposed, and unfortunately, Congress approved, tremendous reductions in the federal unemployment compensation program. Since that time, unemployment has risen 3 percentage points to post-depression record levels, with the highest unemployment rates in the Midwest.

Reductions in the unemployment compensation program have made the federal government unable to respond adequately to the needs of our region's unemployed. The emergency, temporary federal supplemental compensation program passed by Congress last summer and extended in the Surface Transportation Act of 1982, will expire on March 31, 1983. If the Administration continues its policy of limiting the federal role in providing relief to the unemployed, and if Congress were to fail to reverse that policy, most of the states of our region, as well as the entire nation, would be without any unemployment compensation program beyond the basic state program.

These reductions have had a particular influence on the state of the region because 60% of those workers unemployed for 26 weeks or more are in the Northeast and the Midwest, a region with only 45% of the nation's population.

In the short-term, the state of the region will require an unemployment compensation policy which is more responsive to real needs than that of the present Administration.

Similarly, the Coalition must continue in the 98th Congress those efforts which in the 97th Congress resulted in: restoration of funds for the low-income energy assistance program; retention of the urban development action grant program as a separate entity, rather than as part of the Community Development Block Grant program as proposed by the Administration; and preservation of education funding and expansion of innovative job creation programs. Our region needs a major jobs program this year.

In addition to serving as co-chair of the Northeast-Midwest Congressional Coalition, I Chair the House Economic Development Subcommittee. Our Subcommittee has been instrumental in preserving the Economic Development Administration, which the Reagan Administration has proposed abolishing. EDA has provided essential funding for local community economic development efforts; our state governments lack the budget surpluses enjoyed by energy-rich states in the south and west necessary to assume EDA's role.

In August, the House passed the National Development Investment Act written by our Subcommittee. It would re-write the Economic Development Act of 1965. Aimed at rebuilding the economic base of our nation's distressed areas, the bill is of great importance to communities in the northeast and midwest regions. It puts added emphasis on infrastructure repair and rehabilitation instead of new construction.

This legislation, with an annual authorization of $500 million, received the support of 85 percent of the Coalition's bipartisan membership.

Out state of the region message today, I hope, presents a realistic assessment of not only the economic condition of our region, but of the kind of activities that the Coalition has and will continue to undertake and respond to that assessment. Our Coalition is bipartisan. We are to some extent limited in that we act through consensus—a factor which has proven to be a source of strength. Nevertheless, as the Coalition has in the past put partisan differences aside in the interests of the region, we will, I am confident, continue to do that in the 98th Congress.

Our region has been hurt by those Administration policies which do not reflect the region's economic realities of high unemployment and of financially strapped state and local governments. Budgets which call for substantial reductions in community development, low-income fuel assistance, caps on Medicaid, are anathema to the needs of our people.

Budgets which shift federal spending from domestic programs to defense spending exacerbate existing inequities in the distribution of defense expenditures. We are a region where only two states have per capita defense spending above the national average, New Hampshire and Maryland; a region where per capita defense expenditure in one state, Wisconsin, is one-tenth of the average per capita spending in the west. The state of the region requires the Coalition to work to modify that pattern of government spending. In a region that is virutally totally dependent on outside sources of natural gas and fuel oil, the Coalition must beware of proposals calling for accelerated decontrol of natural gas, imposition of oil import fees, and the use of Synthetic Fuels Corporation funds for technologies inappropriate to the northeast and the midwest.

I very much wish that the President on Tuesday would provide a realistic assessment of the State of the Union, and its regions, and that the budget message presented six days later would be based upon that realistic assessment.

It is the Coalition's objective to insure that the budget and energy policies approved by Congress will reflect the assessment of the state of the region which we have given today.●

THE 11TH ANNUAL FESTIVAL OF WHALES

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. BADHAM. Mr. Speaker, 8 years ago, while a member of the California Legislature it was my privilege to sponsor legislation which designated the California gray whale as the official State marine mammal, which will be honored at Dana Point, Calif., starting February 18, 1983, during the 11th Annual Festival of Whales.

This unusual celebration is the only one of its kind in the United States honoring the "Eschrichtius Robustus," as the gray whale is known among biologists, the great beast which spends half its life traveling to and from Mexico and Alaska.

For those in this body who are not acquainted with the life of the whale, and I suspect that this might include a high percentage of the membership, the gray whale can attain a length of up to 50 feet and weigh as much as 40 tons, living an estimated 40 years—20 of those years passing up and down the California coastline.

At Dana Point the whales come unusually close to the shore, providing a close look from shore or from sightseeing boats, of the massive mammals as they pass by in leisurely fashion.

The gray whale spends about 3 months each year in the frigid waters of Alaska where it gorges itself on the abundant supply of sea life, building a large protective layer of blubber for protection against the cold. When the ice begins to form in the Bering Sea the whales begin their migration south, spending 3 months moving along the coast of North America at speeds up to 100 miles a day.

Their destination is the lagoons of Baja California, where the calving grounds are located and the newborn whales learn to survive in the warm, salty water before they must begin their trek northward in the spring.

The annual migration is not a precise function, causing both northward-bound and southbound whales to pass Dana Point at the same time in mid-winter. For this reason, the Festival of Whales is held for three weekends in late February and early March.

Local residents and vacationers in California will not spend their entire time at Dana Point watching the whales pass by. There will be a parade on February 26, there will be a salute to the heritage of Dana Point Habor, a geology walk, introduction of a bluff-top view park, a tour of the tidepools, and visits to the new Nautical Heritage Museum.

It has been my pleasure to be a part of California gray whale lore and to take this opportunity to salute Dana Point, its citizens, and its Festival of Whales.●

JOSEPH LUCA: MEDAL OF HONOR CHRONOLOGY OF EVENTS

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. RATCHFORD. Mr. Speaker, I am very proud today to be reintroducing a private bill on behalf of Mr. Joseph Luca, a Vietnam veteran, a forgotten hero. Mr. Luca's exceptional acts of bravery prompted a recommendation by his commanding officer for the Congressional Medal of Honor. While there is almost universal agreement that Joe Luca is deserving of this medal, it has yet to be awarded.

Our former colleague in the House, Representative Toby Moffett, spent several years working toward the granting of this award. The legislation he originally introduced waives the time limitations on the granting of such an award, and authorizes the President to award Joseph Luca the Medal of Honor. This legislation is not enough, however, the case must still be moved administratively.

In reintroducing this legislation, I will continue to work on behalf of Joe Luca. To provide some background on the complexities of these proceedings, I would like to share with my colleagues a chronology of events regarding the Luca case.

The chronology follows:

JOSEPH LUCA, MEDAL OF HONOR CASE, CHRONOLOGY

3/5/67—Corporal Joseph Luca, serving as runner and interpreter with Company F, 2nd Battalion, 7th Marines attached to the 3rd Battalion, 7th Marines performs acts of conspicuous bravery. Description of action made by commanding officer (then) Capt. O.M. Whipple. Shortly thereafter, Capt. Whipple recommends that the Medal of Honor be awarded Corporal Luca and the recommendation proceeds up the chain of command. 2nd Battalion Commanding Officer Warren P. Kitterman, recommends Navy Cross and this award is approved by all except Commander, U.S. Military Assistance Group (General W.C. Westmoreland). In December 1967, the Navy Cross was bestowed on Joseph Luca.

7/14/79—Joseph Luca, now a resident of New Britain, Connecticut, contacts Congressman Toby Moffett's district office requesting the Congressman's assistance to upgrade the Navy Cross award to the Medal of Honor.

7/20/79—Moffett's district staff contacts (then) Lt. Colonel Oliver Whipple to discuss the Luca case. Whipple's strong statement of conviction about the original Medal of Honor recommendation persuades Moffet to commit himself to seeking the upgrading of the Luca award.

Moffett writes to Lt. Col. M.L. Hefti, U.S. Marine Corps Liaison Officer, requesting an inquiry into the downgrading of the Medal of Honor recommendation.

8/2/79—Response received from Decorations and Medals Branch, USMC, that Joseph Luca's files would have to be pulled from the Records Center in St. Louis.

8/21/79—Further response from Colonel R.L. Belli, Director of Personnel Services USMC, to the effect that a review of the Luca case shows that Mr. Luca's "service did not meet the very rigid criteria for the Medal of Honor but could be properly recognized by the award of the Navy Cross." In the absence of new and material evidence to the case, consideration of the Medal of Honor is precluded.

9/21/79—Letter received from (then) Lt. Col. Whipple with enclosures: his rough draft of the Medal of Honor recommendation and other medal recommendations submitted from the same battle. Also reiterated was (then) Lt. Colonel Whipple's commitment to Mr. Luca's case: "There is absolutely no question in my own mind that Joe deserved the Congressional Medal of Honor for his conspicuous gallantry on 5 March. His acts of bravery were far and above that which could be expected of a Marine in combat."

10/11/79—Moffett writes to Commandant of USMC requesting reconsideration of the Luca case, specifying (then) Lt. Col. Whipple's strong convictions as evidence in the letter of 9/21/79.

11/19/79—Response received from Colonel Belli, including the names of the officers who signed off on the original Luce award recommendation, a list of Medal of Honor winners who were foreign born (Mr. Luca was an Italian citizen at the time of the battle), and a copy of the policy for processing Medal of Honor recommendations. Whipple's statements are not considered to be evidence in support of Mr. Luca's case.

11/28/79—Moffett's district staff discusses the USMC response with Colonel Whipple. It is decided that Colonel Whipple will review his files, maps, etc. on the battle to reconstruct the action and develop new and material evidence.

1/25/80—Letter received from Whipple, stating that his exhaustive reconstruction and reconsideration of the battle do not render any additional significant facts that could be considered new and different. Again stating his convictions in this matter, he pledges his support for any action Congressman Moffett can take on Mr. Luca's behalf.

5/8/80—Congressman Moffett introduces HR 7324, a private bill which waives time limitations and authorizes the President to award Joseph Luca the Medal of Honor. The bill is "cosponsored" (i.e. strongly supported, private legislation cannot be cosponsored) by Reps. Jim Lloyd, William Ratchford, and Chris Dodd; it is referred to the Subcommittee on Military Personnel and Compensation of the Armed Services Committee.

This legislation is supported and endorsed by various state veterans groups and state officials.

8/19/80—The Veterans of Foreign Wars, at its 81st National Convention in Chicago, approves Resolution 301 in support of a Medal of Honor for Joseph Luca, prompted by Moffett's legislation.

9/3/80—Moffett writes to Commandant of the USMC, informing him of HR 7324, and requesting a copy of the minutes of the Awards Board which recommended the Navy Cross to SecNav.

10/9/80—VFW Legislation Director writes to Rep. Richard White, Chairman of the Subcommittee on Military Personnel and Compensation, in support of HR 7234.

10/20/80—Moffett writes to President Jimmy Carter, requesting his consideration of the Luca case.

10/30/80—Acknowledgement received from the White House, promising a Defense Department review and further response.

11/4/80—Response received from Colonel Belli in regard to request for Awards Board minutes: "The Navy Board does not maintain a record of discussions at Board meetings." Enclosed with response are an extract from the Board citing the recommendation of the Navy Cross for Joseph Luca and the recommendations made by the entire chain of command on the Luca award.

11/20/80—Response received from J. A. Doyle, Assistant Secretary of the Navy (Manpower, Reserve Affairs and Logistics) following up on White House acknowledgement. A complete reply is promised after a review of the Luca case is performed.

11/24/80—Further response received from Mr. Doyle: new and substantial evidence has not been brought to the Luca case and therefore the case cannot be reopened.

4/30/81—Congressman Moffett reintroduces the Medal of Honor legislation for Joseph Luca, this time numbered HR 3366. Prominent supporters are Reps. Ratchford, Jack Brinkley, and Nicholas Mavroules. Again, the bill is referred to the Personnel Subcommittee.

5/12/81—VFW Legislative Director again writes letter of endorsement to Subcommittee Chairman, now Rep. Bill Nichols, and requests advancement of HR 3366.

7/27/81—Letter received from retired Lt. Col. Warren Kitterman, commanding officer of the 2nd Battalion, 7th Marines, during the time that Joseph Luca performed his acts of bravery. Lt. Col. Kitterman had been contacted by Colonel Whipple via telephone and was requested to reconsider the events which occurred on March 5, 1967 and the subsequent Medal of Honor recommendation.

Lt. Col. Kitterman states that he was convinced by the verbal accounts of the Battle that Joseph Luca should receive the Medal of Honor. However, he downgraded that award recommendation for two reasons: concern for the stability of Joseph Luca in regard to the considerable publicity surrounding his actions in the battle and a

sense that the written award recommendation was not as convincing as "my conversations with members of Company "F" immediately after the action."

Furthermore, upon returning home from Vietnam, Lt. Col. Kitterman spoke with the Head of the Decorations and Medals Branch of the USMC, Mrs. Virginia White. Mrs. White indicated to Lt. Col. Kitterman that Joseph Luca would have received the Medal of Honor if he had been endorsed for such.

8/3/81—Moffett writes to thank Lt. Col. Kitterman for his statements and requests his future assistance to reopen the Luca case.

8/11/81—Moffett writes to the Commandant of USMC requesting a complete copy of Joseph Luca's Marine Corps file and the names and rank of the Awards Board membership which decided Joseph Luca's case.

8/14/81—The VFW, at its 82nd National Convention in Philadelphia, approves resolution 306 in support of a Medal of Honor for Joseph Luca.

8/17/81—Moffett writes to Lt. Col. Kitterman, Commandant Robert Barrow, and Assistant Secretary J. A. Doyle, requesting their attendance at an informal meeting to discuss the Luca case, Warren Kitterman's statements, and avenues to pursue in formally requesting the Awards Board to reconsider the case on the strength of Kitterman's statements.

9/1/81—As of today, Congressman Moffett has heard from all parties contacted. Col. Whipple has, as always, voiced great interest and commitment to the proposed meeting and is available to meet at any time; Lt. Col. Kitterman has also voiced equally strong interest and commitment; General Edward Bronars, Deputy Chief of Staff for Manpower USMC, will be available to meet as the representative of the Commandant; the Navy Department has excused itself from the meeting, on the grounds that it does not wish to prejudice in any way Mr. Luca's case by early involvement in the Marine Corps area. A written response has been promised.

A meeting has been planned for Monday, Septemter 21, at 8:30 in the Members Dining Room; attending: Moffett, Bronars, Whipple, Kitterman.

Throughout the entire length of Congressman Moffett's involvement in the Luca case, Colonel Whipple has been an active source of support, information, and advice.

9/9/81—Response received from the Navy Department, J. Ronald Denney, Principal Deputy to Assistant Secy. of Navy, explaining the review process and abstaining from any involvement in the Luca case before the Marine Corps has the opportunity to act.

9/21/81—Meeting at the Members Dining Room at the Capitol with Moffett, Kitterman, Whipple, Bronars, and Moffett staffer Anne Radigan.

General Bronars, who is head of the Marine Corps Awards Board, explains that the statements in Lt. Col. Kitterman's letter do not constitute new and material evidence to reopen the case. He cannot recommend to the Commandant that the Luca case be reopened on the basis of the Kitterman statements. The issue of a possibly prejudicial response to the original award recommendation after Kitterman's downgrading of the award cannot be construed to imply that the chain of command would have responded any differently to the original recommendation. Further, the statements of Mrs. Virginia White cannot be construed to imply that the Awards Board actually debated awarding Luca the Medal of Honor. Bronars does not think that Mrs. White could have been present at the Awards Board meetings, in the first place.

All the same, General Bronars voices interest in the Luca case and suggests that the other living members of Company "F" be contacted to determine whether they have recollections of Luca's actions that may shed new light on the case. Col. Whipple is appointed to track down the 6 living ex-Marines and request their assistance. Moffett's office will aid Col. Whipple in any way possible.

1/82—Letter received from Corporal Brian T. Daly, an eyewitness of Mr. Luca's actions in the battle of 3/5/67. Mr. Daly submits his own recollections of that day.

1/15/82—Moffett writes to USMC Commandant Robert H. Barrow requesting that the Daly letter be reviewed as new and material evidence in the Luca case.

2/9/82—General Bronars responds to Moffett letter regarding Daly account. He states that the Daly information is neither new or material and therefore cannot be considered as justification for reopening Mr. Luca's case. The General requests a meeting with Moffett and Colonel Whipple, at the Congressman's convenience, to further discuss the Luca case.

11/9/82—Moffett writes to W. Dean Pfeifer, Executive Director of Board for Correction of Naval Records, requesting the Board to review the case under the authority of Title 10 of the U.S. Code which states that a military record can be corrected if necessary "to correct an error or remove an injustice." Moffett's contention: that Lt. Col. Kitterman's downgrading of the Medal of Honor, which even he believed to be justified, resulted in an error and injustice to Mr. Luca.

11/22/82—At the request of Moffett staff, Board Executive Director responds in writing that the Luca case cannot be opened for review unless the legislation waiving time limitations is enacted. A copy is sent to Rep. Nichols of the Armed Services subcommittee with jurisdiction over the Moffett bill. The Board's approach to Moffett's request for a review of the case is contrary to the administrative avenue pursued for past three years. Subsequent phone conversation with staff from the subcommittee makes two things clear: the subcommittee remains cautious about moving on Moffett bill and the bill need not move before a Board review of the Luca case. Subcommittee staff suggests that Rep. Nichols might be convinced to assist Moffett in petitioning the case with the Board.●

RESTORING UNEMPLOYMENT BENEFITS FOR RAILROAD WORKERS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. WALGREN. Mr. Speaker, today I am introducing a bill to restore extended benefits under the railroad unemployment insurance program for railroad employees with less than 10 years service. Under the railroad unemployment program, all employees receive 26 weeks of regular benefits. Employees with more than 10 years of service receive an additional 13 weeks of extended benefits; employees with 15 years of service get an additional 26 weeks in extended benefits. Employees with less than 10 years of service receive no extended benefits.

Prior to 1981, employees with less than 10 years service received 13 weeks of extended benefits, like employees with over 10 years service. Extended benefits were inadvertently eliminated by the Omnibus Reconciliation Act of 1981—which I opposed—by a provision that repealed the national trigger.

The national trigger was a mechanism which would automatically make extended benefits start for covered individuals when unemployment nationally reached a certain level. Prior to 1981, and enactment of the Reconciliation Act, the railroad unemployment insurance program was tied to the national trigger—extended benefits would become available to railroad employees with less than 10 years service if the national trigger went into effect. Agreeing to the administration's proposal, Congress put in instead a State-by-State trigger that would activate extended benefits for the general—nonrailroad—unemployment program, but failed to do so for the railroad unemployment program.

Therefore, for railroad employees with less than 10 years service, the national trigger, triggering their extended benefits, is now nonexistent.

My bill would restore extended benefits up to 13 weeks for unemployed railroad employees with less than 10 years service. This is a particularly vulnerable group of people. Many employees with under 10 years of service are people in the 20 to 35 age bracket, with young children and mortgages. Unemployment comes at a particularly difficult time in their lives. Unemployment is a scary prospect for anyone, but for a young person with young children it is especially harsh.

I see few hopeful signs that our economy is picking up. For the railroad industry, vigorous economic activity across the board means more railroad business. I sincerely hope we can enact policies in this Congress that put the unemployed back to work and revitalize our stagnant economy.

I would like to share with my colleagues at this point a letter I received from one of my constituents who poignantly describes his plight:

PITTSBURGH, *December 24, 1982.*

DEAR SIR: I, and my friends, are unemployed from the railroad. We have families to feed and bills to pay; this is a time when we need these benefits the most. Now they are being cut. The current amount is $125.00 per week maximum with no extensions. This comes at a very bad time. Because of this depression, my friends are losing their families and possessions.

I hope you will support our views on a greater amount of unemployment, and an extension of benefits, for "We are our brothers' keeper."

Thank you for your time and God bless.
Sincerely,

RONALD R. MALLOY.●

EXCLUSIONARY IMMIGRATION LAWS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. WEISS. Mr. Speaker, each year thousands of lesbian and gay visitors are denied entry into the United States because of an exclusionary provision in our immigration laws.

This exclusionary policy, which is based on a person's sexual orientation, violates the fundamental human rights that this country was founded on. I am deeply concerned that the United States, which should be a "guardian of basic human and civil rights," is the only country with this abhorrent policy of excluding lesbian and gay foreigners.

At recent hearings on the effects of U.S. immigration measures on homosexuals, I found the testimonies of two Dutch citizens—Rob Pistor and Sylvia Borren—to be particularly illuminating, and wish to submit them for the RECORD.

AMSTERDAM, THE NETHERLANDS,
June 20, 1982.

Mr. CRAIG HOWELL,
Immigration Project Coordinator, Gay Rights National Lobby, P.O. Box 1892, Washington, D.C., U.S.A.

Testimony on the effects of U.S. immigration measures against homosexuals on Individuals, the Press, Parliament and the Government in The Netherlands.

By Rob Pistor, member and former International Secretary of the Dutch Society for the Integration of Homosexuality COC, Rozenstraat 8, 1016 NX Amsterdam, The Netherlands, tel: (020) 231192/234596. COC is founding member of the IGA, the International Gay Association, and hosts its Action and Women Secretariat.

INTRODUCTION

The reaction in The Netherlands to the tightening up on the immigration regulations that ban homosexuals from the United States was fierce. The entire press, newspapers, radio and television spoke out against the measures. So did Parliament in a unique, almost unanimously supported letter of protest to U.S. Congress, and so did the Dutch Government. Public opinion in general was appalled and the gay and lesbian community demonstrated.

U.S. reputation, especially as human rights advocate, suffered a severe blow.

The reason for all this is twofold. Most important is that this country still lives with a deep trauma, left over from the period of the occupation in 1940–1945. This causes a high sensitivity to any form of legal discrimination. Secondly, the Dutch people in general feel a close bond with the U.S., with whom we maintained 200 years of uninterruped diplomatic relationship, whereto hundreds of thousands of Dutch people immigrated, on who's history Holland sometimes put such a distinguished mark, with whom Holland shared a common interest in free traffic and trade, and, last but certainly not least, who liberated us from German occupation and helped to rebuild the country by means of Marshall Aid.

THE PRESS

The highly respected newspaper NRC/Handelsblad wrote on January 3, 1980 in an editorial comment: "The American immigration measures, that discriminate against homosexuals, are, of course, on strained terms with the freedom of traffic of people. That is an international principle that got new impulse by the Helsinki agreement. As advocate of this agreement, the U.S. are the first to take it at heart." In a letter to the editor of the influential De Volkskrant, former labour M. P. Mr. Koos Huysen wondered how seriously the Dutch Government should take the boycott of the Moscow Olympic Games, as proposed by the Carter Administration because of the bad human rights situation in the Soviet Union, the treatment of dissidents in general and Mr. Sakharov in particular, wheresas the U.S. itself violates human rights by discriminating homosexuals with its immmigration regulations.

There has been a wave of demonstrations, all extensively and widely covered by the press. This in itself is an exception, since demonstrations are so common, that the press hardly pays any attention to them and something very special must be going on to reach the headlines.

THE DEMONSTRATIONS

December 21, 1979: The Dutch Society for the Integration of Homosexuality COC wrote a letter of protest to the U.S. Ambassador in The Hague. This letter was followed by protest letters from the gay caucuses in the Labour Party (PvdA) and Liberal Party (VVD) and from the Executive of the Democratic Party (D'66). These parties are all potential government parties.

January 19, 1980: Mr. Benno Premsela, a world famous architect with business connections in the U.S.A., former chairman of COC, wrote an open letter to the Ambassador of the United States, which was quoted in the newspapers: "Letting to survive any kind of discrimination, he wrote, is extremely dangerous. To my opinion, which I always tried to propagate, discrimination inevitably leads to murder. There can be no doubt about that. It starts with some words. Next there will be a law and it ends with destruction, physically and mentally. (. . .) As a Jew and as a homosexual, after a holocaust and after a by large not yet finished struggle for homosexual rights in Holland, I know very well what I am talking about. (. . .) The law in your country forces people to do the worst possible: to hide and to deny their identity."

January 24, 1980: Lesbian women picketed in front of the U.S. Consulate in Amsterdam, to protest against the expulsion of Canadian lesbians from the U.S.

March 30, 1980: Two reporters of a Dutch gay radio program, Ms. Diane de Coninck and Mr. Reijer Breed went to the U.S. to make a report on the immigration situation for gays and lesbians. They announced their homosexuality to the immigration officer who allowed them on parole in the country. After two days of interrogation they were expelled. But the authorities were too relieved to be able to use a nonpolitical argument. Since they intended to do a report, the tourist visa they had, was not sufficient. Because making a report means work, and that requires a business visa. Both reporters got facilities on radio and television to testify their experiences and to explain their action.

In March, the Dutch National Council for Social Welfare, a Christian Democratic dominated overall organization, called upon her sister organizations in the U.S. to oppose the immigration law, because it is based on the assumption that homosexuality is a disease. The American Psychiatric Association however denounced this assumption already years ago. The Council points at the timing of the re-enacting of the anti gay regulations. It says that it is always in times of economic crisis that the rights of minorities are under attack.

FINALLY

By letting the existence continue of anti homosexual immigration regulations, to be gay or lesbian is, in the eyes of the U.S. legislator somehow less than fully human. Any authority, finding itself capable of drawing the line between human and less then fully human, bears much remembrance to a period, when a criminal and oppressive regime defined the difference between Ubermensch and Untermensch. With all the results it had and which may well be known. I end this testimony with an appeal to all members of Congress to be aware of the dangers that any discriminative measure involves. They have to guard a tremendous heritage of freedom, that the United States means. For their own benefit, but also for others, also for ours. If they are not aware of the impact anti gay measures have, I would like to ask them: "Whenever you express your opinion on homosexuals or on what they should do, please repeat what you have said, but change the word homosexual into the word Jew or Jewish. It all of a sudden becomes clearer than. And if not . . ."

Testimony on the effect's of U.S. immigration measures against homosexuals on individuals, the Press, Parliament and the Government in New Zealand—in comparison to the effects in The Netherlands. By: Sylvia Borren, member and International Secretary of the Dutch Society for the Integration of Homosexuality COC, Rozenstraat 8, 1016 NX Amsterdam, The Netherlands, tel. (020) 231192/234596. Overseas representative of the National Gay Rights Coalition (NGRC) New Zealand, PO Box 350, Wellington, New Zealand, Tel. 728-609. The COC is founding member of the IGA, the International Association of Lesbians Gay Women and Gay Men, of which the NGRC is also a member. Both the COC and the NGRC were founding members of the International Lesbian Information Service (ILIS) of which the COC ran the secretariat in its first year. The COC now holds the Action—and the Woman's secretariat of the IGA.

Being of Dutch extraction, but having lived in New Zealand from my twelfth until my twenty-fifth year, and holding both Dutch and New Zealand nationalities, this testimony is an addition to that of Rob Pistor and refers to the effects of U.S. immigration measures against homosexuals in New Zealand—in comparison to the effects in The Netherlands.

In 1977 the New Zealand Parliament accepted the Human Rights Commission Act 1977 which had as purpose "the advancement of human rights in New Zealand in general accordance with the United Nations International Covenants on Human Rights". The Human Rights Commission was instated and claimed that "the Commission in discharging its general functions must look to international instruments on

human rights for guidance". It will not be surprising that the Human Rights Commission turned to International Covenants, but also to countries such as for instance the U.S.A. with her tradition of developing policy in matters of civil and human rights for insight and support.

In August 1979 the NGRC made submissions to the Human Rights Commission asking the Human Rights Commission to carry out its functions and powers to recommend to Parliament that the Human Rights Commission Act be amended to include "sexual orientation" as a ground on which discrimination is illegal, and to amend the Crimes Act 1961 to remove all distinctions between sexual acts done by men or by women, by homosexuals or by heterosexuals.

On 22 December 1980 the Human Rights Commission reported on the submissions made by the NGRC (which were fully supported by case histories). It found that the New Zealand legislation does at present make a distinction between males and females: male homosexuality is illegal and provides for a term of imprisonment not exceeding 5 years, while female homosexuality is not recognized in the law. But the Human Rights Commission states that it does not consider discrimination on the grounds of homosexuality a matter of human rights or fundamental freedoms.

In the wave of actions and reactions which followed the decision of the Human Rights Commission it became clear for the New Zealand public that this was an issue in which the U.S. was unable to fulfill its role as guardian of basic human—and civil rights—and worse, that New Zealand homosexuals would not be able to apply for refugee status—or even take a holiday—in the U.S. For what the New Zealand government chooses to call "criminal" is according to the U.S. immigration laws a "pathological conditions".

In the early months of 1981 it appeared clear that the New Zealand criminal law and the U.S. Immigration laws had in common their discriminatory position against homosexuals—with countries such as Iran and Russia showing clearly where such a position leads.

Let me review what my personal situation is in the face of this mish-mash of contradictory policies.

My Dutch citizenship should ensure my full human rights—in The Netherlands. My sexual orientation is not relevant. Should I wish to enter the U.S. under my Dutch Citizenship, then I can have myself registered as lesbian, receive a special waiver, and thus pass the U.S. Immigration laws—as a Dutch lesbian. Should I travel on my New Zealand passport, then there would be no registration, no waiver—and no entering the U.S. If I were a homosexual man, not woman, than I would be allowed into the U.S. But the registration necessary for this would brandmark me a criminal within my New Zealand nationality. Once I have a visa I can best enter the U.S. in the Northern California Court District for there the INS cannot prevent me entering. Which they can elsewhere in the U.S. If I do reach San Francisco I am likely to be told at length about the pro-gay policies and the full democratic rights that lesbians and homosexual men enjoy there. However if I happen to travel on to other states of the U.S. the practice—and the preaching—which I can encounter will be of a very different sort.

It is clear that this amounts to a case of discrimination on the grounds of sexual orientation, of nationality, of sex and finally of geographical position of entering the U.S.

By allowing this situation to continue, by allowing the antihomosexual immigration laws to continue to exist, the U.S. is guilty of discrimination, of conscious discrimination, in all the above mentioned ways.

I appeal to the members of Congress to ensure that the U.S. begins to practice what she preaches—by removing these laws.●

INTERNATIONAL TRADING POLICIES

HON. TOM LOEFFLER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. LOEFFLER. Mr. Speaker, we are now witnessing, in every sector of our economy, a growing concern over international trading policies. Nonetheless, many of us continue to strongly support the concept of free trade, so long as it is fair trade.

It is clear that one area where free trade is no longer fair trade relates to the wool industry.

Presently, domestic production of wool is experiencing very trying times, both as a result of a drop in our prices and unfair trade practices by such countries as Argentina and Uruguay. Argentina and Uruguay are able to dump millions of pounds of wool into the United States at a price below our domestic prices because of the heavy Government subsidies paid to their producers and exporters. This blatantly unfair trade advantage has a devastating effect on our domestic industry.

The situation has become so severe that the Department of Commerce has initiated a countervailing duty investigation against Argentina, and one against Uruguay is sure to follow soon.

If we desire to restore balance to the international system of trade, we must let our resolve be known and we must send a message to those countries which are playing fast and loose with the rules. I cannot think of a better place to start that message than with imported wool and I am today introducing with Congressmen COELHO, CRAIG, HIGHTOWER, MARLENEE, and SKEEN, legislation which would, for 1 year, increase the import tariff on wool from Argentina and Uruguay by 10 percent. This will allow the Department of Commerce and the International Trade Commission time to continue their investigation, while temporarily bringing balance back to our wool market.

Mr. Speaker, what we in the wool business are seeking is not a handout, but rather a secure future based on fair profits and fair treatment in international trade.●

IN RECOGNITION OF THE AMERICAN BUSINESSWOMAN

HON. THOMAS J.TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. TAUKE. Mr. Speaker, the activities of American women have been going through a dramatic transition in recent years. More and more of the housewives of yesterday are becoming the businesswomen of today. Since 1940, the number of women in the work force has more than tripled, and today more than a million women are entering the work force each year. Fifty-three percent of mothers with children are finding themselves also taking on the role of businesswoman.

According to the Department of Labor, the actual number of working American women in 1981 was over 45 million—approximately 42 percent of this Nation's workers and over 50 percent of all women in America. Many women are seeking careers that in the past only men would have pursued. They are employed in nearly every public and private sector job across the Nation—ranging from teachers, nurses, secretaries, legislative advisers, and social workers to engineers, attorneys, factory technicians, and religious leaders, plus many, many more.

Working women have created a new dimension for today's society and have begun to develop an outlook for the women of tomorrow. They are deserving of our respect and recognition.

To that end, I am today introducing legislation to proclaim September 22, 1983, as American Businesswomen's Day. I call upon my colleagues in the House to join me in recognizing the many contributions of the millions of fine workingwomen in America.●

HOW LONG WILL IT TAKE TO REPAIR THE DAMAGE OF THE 1981 TAX ACT?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. STARK. Mr. Speaker, as one studies the President's fiscal year 1984 budget requests, it becomes clearer and clearer that we will be spending another year just repairing the damage caused by the 1981 Tax Act. That tax act damaged the progressivity and fairness of the country's tax laws; it damaged the economy; and it destroyed the ability of the Federal Government to provide needed services.

At the rate we are going, it will take a decade to recover from the "Great

Potlatch" and "Midsummer's Night Fantasy" of 1981.

One of the best descriptions I have seen of the damage caused by that act is contained in a column, in today's paper, by David Broder, entitled "The Missing Trillion Dollars":

[From the Washington Post, Feb. 2, 1983]

THE MISSING TRILLION DOLLARS

(By David S. Broder)

In the mass of numbers that fill the budget President Reagan sent Congress on Monday, one statistic stands out—so much so that even the unemotional green-eyeshade people who work for budget director David Stockman put it in italics.

Overall, they said, the tax cut that the president cheered through Congress in the summer of 1981 has "reduced revenues as projected under current economic assumptions by more than one trillion dollars over 1984-88."

That is quite a sum. It amounts to about $1,000 a year for every man, woman and child in this country. Back in 1972, when George McGovern proposed writing everybody a $1,000 check every year—in lieu of the existing welfare programs—he was laughed out of town and trounced for the presidency. Reagan has done the equivalent of what McGovern only talked about—and is kind of bragging about it.

But, of course, Reagan's benefaction was not shared out equally. The richer you are, the more you have gotten from what can accurately be called the most effective welfare program for the wealthy—the most deliberate effort to increase America's financial disparities and inequities—in a half-century of this country's history.

The Congressional Budget Office estimate that the original tax bill would save the $10,000 family $120 in 1983 but the $80,000 family a nice $15,250. I hope you enjoyed your share of the loot and what it has bought you.

But you might ask yourself what that money might have bought if the government had not abandoned its claim to collecting it.

Well, if Reagan had been as persuasive in holding down federal spending as he was in urging Congress to give up the money, the trillion dollars would have erased the total federal debt he inherited from Jimmy Carter and all the other presidents who preceded him. It would even have taken a big bite out of the $1.6 trillion debt we are looking at by the end of next year, when the bills are in on Reagan's latest budget proposal.

Think for a moment what it would mean for the federal government to be debt-free or, at least, well on the way to erasing its red ink. Think what that would do to bring down interest rates, revive housing and autos and send the stock market soaring. They you can measure what you have paid, and will pay, for your share of the trillion-dollar giveback.

Another way of asking the question is to consider what could have been bought with that trillion dollars if some of it had been used by the government itself. A tiny fraction of that trillion dollars would eliminate the need for the government to try to shift $58 billion of health-care costs onto the backs of the ill, the aged and their families in the next five years, as Reagan is proposing. A tinier fraction would space the child-nutrition programs from planned cuts—and the special-feeding programs for pregnant women and their infants.

The list could go on and on, but there is no need to belabor the point. The president himself acknowledged in an interview last week that there is "no way" to balance the budget, now or in the future, at the levels of taxation that were mandated by the 1981 tax law.

To hear him and Stockman tell it now, it was wretched excess on the part of Congress in that summer of 1981 that drove the tax base well below the target Reagan originally had set—20.6 percent of gross national product. It's a nice story, but it doesn't wash.

The charts in Reagan's own budget show the tax burden was barely higher than that level—just over 21 percent—when he whipped up the great tax-cutting fever in 1981. A modest change in individual or corporate rates would have offset the scheduled increases in Social Security taxes and the effects of "bracket creep."

But Reagan in 1981 was not interested in modest changes of the kind advocated by Fritz Hollings, Jim Jones, Dan Rostenkowski and most of the other congressional Democrats.

You may recall that on July 27, 1981, when the alternative tax bills were ready for a vote, Reagan went on television and used those clever charts to ridicule the "so-called" tax cut that came out of the Ways and Means Committee and to point with pride at the "real" tax cut in what he called "our bipartisan bill"—the same bill he and Stockman now complain was excessive.

"The lines on these charts," he said, "say a lot about who is fighting for whom. On the one hand, you see a genuine and lasting commitment to the future of working Americans; on the other, just another empty promise."

Eighteen months later, the perspective is different. Faced with these staggering deficits, even Reagan has become a tax-raiser. But the damage has been done, and the steps he is recommending even now to repair it are woefully inadequate for the task at hand. Restoring the economy and rebuilding the tax base are the urgent needs of this country.●

COMMENDING HOFSTRA UNIVERSITY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. McGRATH. Mr. Speaker, I have recently learned that Hofstra University, which is located in my congressional district on Long Island, is celebrating the attainment of the 1 million volume mark in its libraries collections. This is an impressive achievement, a mark of quality reached over almost 50 years of careful selection and determined development of resources.

I take deep pride in Hofstra's accomplishment. It is another milestone indicative of the development of Hofstra into a major university of national and international stature.

To give some perspective to this achievement, I would like to point out that only 5 percent of the Nation's colleges and universities have collections of 1 million volumes or more. Thus, Hofstra now joins a select circle of only about 100 institutions of higher learning in our country that have rather impressive library resources.

Hofstra's libraries, with their modern, technologically equipped facilities, are a boon to the university's students and faculty. But they are also important research resources that serve the business, legal, and general communities of the Greater New York metropolitan region. In fact, they are among the most heavily used libraries in the world of higher education.

Mr. Speaker, I cite this special milestone in the life of Hofstra University because I believe it merits the attention and commendation of the Nation. We are a people that reveres education and we are a people that values good books and good reading. Thus, we ought to heartily applaud the strengthening of our educational resources as reflected by the 1 million volumes in the collections of the Hofstra University libraries, a repository of knowledge and significant importance to our Nation.●

HENRY CARREIRO HONORED ON MARTIN LUTHER KING DAY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. FRANK. Mr. Speaker, it is, in my judgment, a grave error for Congress to have refused for so long to have declared Martin Luther King, Jr.'s birthday a national holiday. I believe that recognition of the enormous contribution Dr. King made to this country is widespread throughout the United States and it would be wholly appropriate for us to take note of that by declaring his birthday a national holiday.

Recently, on January 14, 1983, in my district in Fall River, Mass., the Bristol County Division of Juvenile Court held its seventh annual Martin Luther King Jr. memorial observance. I congratulate Judge Thomas M. Quinn, Jr., for this observance. It was a well-presented and well-attended event which paid thoughtful tribute to Dr. Martin Luther King and to the ideals he fought so hard to achieve.

One of those honored at the event was Henry Carreiro, who hosts a lively and informative talk show on WSAR radio, headquartered in Somerset, Mass. The decision to honor Mr. Carreiro on Martin Luther King Day was an extraordinarily good one. I know few people who have worked and fought harder day after day for the principles that Martin Luther King stood for than Henry Carreiro for his continuing fight against injustice and for genuine equality of opportunity in America, I and many others are very

grateful. Too often, people such as Henry Carreiro work hard for other people and causes, but get little recognition for their own efforts. I am delighted that the Bristol County Juvenile Court Division observance of Martin Luther King Day included Henry Carreiro among those honored for their work on behalf of the ever-important movement to make the ideals of this Nation's Constitution a daily reality.

My congratulations go to Judge Quinn, to the Fall River branch of the NAACP, to Henry Carreiro, and to all of those involved in this important event.●

EXPERTS AT OTA ENDORSE STARK BILL

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. STARK. Mr. Speaker, on January 6, Representatives GORE, SHANNON, and I introduced H.R. 701 the Computer Contribution Act of 1983. This important legislation provides tax incentives to encourage firms to donate personal computers to both public and private elementary schools. This measure applies to all computer companies and represents a quick and cost-efficient way of providing computers to school systems, which in may cases cannot afford to purchase this expensive equipment on their own.

H.R. 701, the Computer Contribution Act of 1983, is a reintroduction of H.R. 5573, the Technology Education Act of 1982. H.R. 5573 passed the House of Representatives last session by a vote of 321 to 62. It was reported by the Senate Finance Committee, but failed to reach the Senate floor during the final hours of the lameduck session. The Computer Contribution Act of 1983 will result in slightly lesser contributions than the original legislation, but these contributions will still be quite significant.

I am very pleased to report that the bipartisan Office of Technology Assessment (OTA) in its report titled, "Information Technology and Its Impact on American Education," strongly endorses my original proposal. They point out that this legislation provides tax incentives for donations of computers and other information technology. They state that this bill is intended to accelerate the rate at which schools install computer hardware, and to respond to possible inequities in the abilities of school districts to direct funds to equipment acquisition.

The need for legislation such as the Computer Contribution Act is reflected in the following statement by the OTA:

> The information age is having a profound effect on American education, increasing the need and the demand for a broad variety of educational services. The Nation's educational needs are not now being met, creating a situation that could impede the Nation's economic growth, undermine its international competitive position, and increase and excerbate the socio-economic divisions within society. The new information technologies offer a promising mechanism, and in some cases the only mechanism, for responding to these educational needs. Their widescale application will significantly affect how and to whom educational services are provided. Such changes will present both challenges to and opportunities for American education. Congress could take a number of specific actions to affect the development, educational application, and distribution of information technologies.

Research suggests that students learn as well or better from education technology than from conventional means. There is relatively little evidence refuting these findings. Consistent with these conclusions, the OTA reports that:

> Information technology is capable of becoming a major resource for the delivery of educational services over the next decade. It can be an effective delivery mechanism for most existing forms of education. It provides capabilities for responding to new demands that traditional schoolroom education cannot meet adequately.

It is evident that the use of computers and other forms of technology is not effectively being institutionalized at this time. It is also becoming increasingly clear that our economic viability rests upon this Nation's ability to compete successfully in the ever-expanding market for computers and other forms of high technology equipment. We must take action now. The longer we wait to initiate technological advances such as this one, the farther we will fall behind, and the more difficult it will be to catch up and move ahead. As the OTA further suggests:

> If these technologies fulfill their educational potential the Nation as a whole would benefit from the widespread adoption of educational technology by both schools and other education providers. The Federal Government might decide to take an active part in the adoption of these technologies in order to assure their equitable distribution, to overcome barriers to their use, and to support the national dissemination of information.

The studies and evidence in support of technological advances in education resulting from the increased use of computers in the classroom is quite convincing. It is now up to us to get this whole idea moving. The OTA agrees with this need for action and argues that:

> Whether or not the new information technologies fulfill their educational potential will depend, in part, on the kinds of actions that the Federal Government takes to assure that these technologies are used effectively and are made accessible to all.

I ask all my colleagues for their support, and invite their cosponsorship of H.R. 701, which will meet the recommendations of OTA and result in a better-educated nation.●

OUR FUTURE IN SPACE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 2, 1983 into the CONGRESSIONAL RECORD:

OUR FUTURE IN SPACE

At recent high school convocations in Indiana, I have found increased interest in our future in space. This newsletter responds to questions the students have asked me most often.

1. How much are we spending on space, compared to previous years?

Our space program is carried out jointly by the National Aeronautics and Space Administration (NASA) and the Department of Defense (DOD). NASA develops civilian space technology with a broad, long-term outlook, while DOD concerns itself primarily with specific applications of space technology to national defense. NASA's spending peaked in the mid-1960's at nearly $6 billion, almost 4 percent of the fedeal budget. It dropped to about $3 billion in the early 1970's, but has risen again to almost $7 billion today, not quite 1 percent of the federal budget. These figures look encouraging, but NASA's spending, when adjusted for inflation, is less than one third what it was 15 years ago. DOD's spending for space has traditionally lagged far behind NASA's. However, it has increased sharply in recent years, surpassing NASA's level for the first time in 1982. The Reagan Administration's goal is to boost the military space budget even faster than the rest of the military budget. The reported goal is $14 billion by 1988.

2. Why should we spend money on space when there are so many pressing social needs in America today?

Few would claim that our space program should have the highest budget priority, and the priority it has in fact is quite low. Total spending during NASA's entire 25-year history would equal no more than a few months of current spending by the Pentagon. Nonetheless, congressional and administration leaders believe that the space program is still significant for several reasons: It yields important military information, useful civilian applications, basic scientific knowledge, and no small measure of national prestige. Although the prestige attached to the space program was considered crucial during the Kennedy Administration, the military motivation is the most powerful nowadays. Also, it should be kept in mind that the advances in knowledge and technology made possible by the space program make it one of the few federal initiatives to generate much more money than it costs. For these and other reasons, public opinion polls show that support for NASA is greater than ever.

3. What have been the major scientific and economic benefits of NASA's program?

The most profitable use of civilian space technology to date has taken place in the area of satellite communications, a multi-billion dollar industry. In addition, the computer owes its development largely to the

billions of dollars NASA poured into a then-infant industry in the 1960's, as do biomedical devices such as pacemakers and remote monitoring systems. If the focus is on scientific breakthroughs, NASA's studies in comparative planetology could have significant impact on our own long-range planning for Earth. Those studies may eventually tell us why Venus, our sister planet, became an inferno.

4. What is the current outlook for the civilian space program?

Because of increased foreign competition, tighter budgets, confusion about government and private-sector roles, and the lack of a consistent, comprehensive national strategy, many experts have questioned whether America will continue to lead in civilian space technology in the years ahead. A recent congressional report concluded that the United States could fall behind other nations in several fields, including satellite communications, orbital surveys of resources on the Earth's surface, facilities to launch satellites, and the manufacture of materials in space. Although the Soviets have never challenged our leadership in civilian space technology, stiff competition recently has arisen from elsewhere, most notably from the European Space Agency (ESA), France, and Japan. For example, ESA is already taking away from our space shuttle some of the business of launching satellites, and many of the new developments in satellite communications have come from the French and the Japanese. The report recommends that a special presidential commission be formed to determine what our national space goals should be, and how we should pursue them.

5. What are the major military uses of space?

Currently, space systems are used primarily to gather military information and to provide communications and support for military operations. Sensors on satellites provide early warning of missile attack, monitor compliance with arms control agreements, and give us invaluable information on enemy activities. Likewise, satellites enable us to utilize our armed forces better by improving military communications, weather forecasting, navigation, and mapping. For example, our new satellite navigation system will enable ship captains, airplane pilots, and tank commanders to know within 50 feet their exact longitude, latitude, and altitude. However, the emphasis is starting to shift to space weapons, and there the Soviets hold the edge. The Soviets now have a "killer satellite" which can destroy our low-orbiting satellites; the system we have developed in response will be tested only this year. Both sides are developing whole arsenals of new weapons, including lasers to be used against satellites, aircraft, or missiles.

6. What are NASA's main goals in the immediate future?

Our civilian space program has changed from one of spectacular aims and big successes to one of tight budgets and few new projects. The primary focus today is the space shuttle, which should dominate the picture for the next few years. However, there has been no other vast project in more than a decade. When it comes, it will probably be the construction of a permanent space station in orbit around the Earth. The station would help us to do better the experiments now done on the space shuttle. Also, it would provide a platform far more complex missions in space. It could be aloft in the 1990's.●

COMMUNITY SERVICES DEPARTMENT OF SAN BERNARDINO COUNTY'S TRANSPORTATION PROGRAM

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. DREIER. Mr. Speaker, I would like to take this opportunity to commend the Community Services Department (CSD) of San Bernardino County for their cost-effective, people-oriented transportation program.

Since 1980, CSD's transportation program has served 456,758 clients—medical trips, social service, et cetera—including homebound meal deliveries to senior citizen shut-ins.

CSD's transportation program operates in the largest county in the continental United States—20,167 square miles.

I congratulate the following staff for their excellent work over the years: Rodolfo H. Castro, CSD executive director; Patricia L. Nickols, director of program operations; Herman Pena, transportation manager; Susan M. Campos, Kathy Valadez-Hall, Mark E. Norby, Tha Le, Betty Bustamante, Maxine Hickman, Alfredo Morales, Paul Roll, Herb Rounds, Dominic Roma, and Helen Calhoun.●

FEDERAL AND STATE CUTS IN HUMAN SERVICES PROGRAMS

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. YATES. Mr. Speaker, at a time when unemployment is at its most severe level since the Great Depression, and the level of suffering among the poor and middle classes in Chicago and other parts of the Midwest is unmatched in our Nation's history, President Reagan tells us that we are "on the mend" and recommends further cuts in domestic spending. Obviously, the President is still out of touch with the gaping holes in the so-called safety net.

Last summer, the United Charities of Chicago and the Public Welfare Coalition held a public hearing on the effects of Federal and State budget cuts on human services programs. A summary of testimony from a number of people affected by the President's irrational and inhumane budgetary policies has just been published, and I think it should be required reading at 1600 Pennsylvania Avenue.

AGING

George Simmons

My name is George Simmons. I am 64 years old. I started receiving Social Security at 62. In June, I was receiving $145 a month and I was informed that my rent would be raised to $160 per month. As of July 1st of this year, my Social Security has been raised to $156. And with my Social Security I was receiving food stamps of $70 a month which put me in a very comfortable position until my rent was raised to $160 a month. Since I was only receiving $156 from Social Security I didn't know how to make ends meet.

When I realized my rent would be more than my income I knew I had to find more money or a cheaper apartment. I went to the Public Aid office to discuss my situation. They listened very sympathetically but they told me there was nothing they could do, that I was $12 over the limit to receive General Assistance. That level is $144.

I was feeling very discouraged knowing it would be almost impossible to find an apartment for less than $160 per month. Thinking that I might not have a place to live in a short time, I went to the Northeast Information & Referral office at the Levy Center on Damen and Lawrence. I spoke to one of the social workers who called the Social Security office to see if I was eligible for SSI. We were informed that I could not receive SSI until I was 65 in December. She set up an appointment for me to apply.

The caseworker at the Levy Center also called my landlord and explained my situation. My landlord said he would be willing to wait for the additional four months increase in my rent. The caseworker was pretty certain I would get the SSI. As a young person he had all the faith in the world. But as Congressman Yates will tell you or anyone who is retired, that until you get that actual check in your hand, you don't know what is coming and what is going.

Now, as far as my food stamps, I just pray that they are never cut because I have just enough to make ends meet and to buy toilet paper and bars of soap. I am lucky. The reason I am able to pay $160 a month for rent is because I am not a big eater. I go to one store and buy a certain amount of items. If I have 75 cents or 90 cents left over, then I can buy a roll of toilet paper.

I haven't bought a newspaper in a year and a half, so I don't know what is going on out there except by my radio. But I am satisfied. I want to just stress that there are a lot of people like me. So as far as our cuts, please help us with our food stamps and please help us with our Social Security so that we can have certain things to give us the privilege of just caring for ourselves. We have worked many years; I have been paying into Social Security since 1935 when it first came in. Thank you.

Yetta Marcus

I just turned 65 years old. Lord knows, I never thought things would get this bad. My income was $370 a month from Social Security. That's all. I have no other money. The building I live in is a two-flat purchased by myself and my husband. My brother lives downstairs and my 28 year old daughter lives with me. In 1980, my husband died. He was disabled since 1971 with crippling strokes and diabetes. Prior to that time, he had worked for 25 years as a receiving clerk. I raised our two children and was a housewife for that period.

Even though I have managed fairly well since my husband's death, now my grip on things is slipping. Unfortunately, I have numerous medical problems, a pacemaker, a hernia, dizziness from a nervous problem, and degenerative osteo-arthritis.

Many of these problems occasionally require immediate attention from a doctor and continuous checkups. Further, I need several types of medication in order to keep these conditions under control. Well, this Medicaid spend down is doing just the opposite. From my meager monthly check of $370, I am required to spend $107 each month in order to receive a medical card. I do have other bills. My electric is $47 per month; my gas is nearly $25 per month. I spend approximately $100 to $120 each month on food. Add to these costs, enormous fuel bills in the winter—it costs $550 to fill our oil tank—property taxes of $860 per year, insurance costs, and general maintenance for upkeep on this building. My husband and I worked very hard for this building and I don't know how much longer my brother and I can hang on to it. But living somewhere else would be just as costly.

Besides the fact that the house needs general repair and the roof leaks, I am terrified that I cannot get the medical care that I need. I have to visit my ophthalmologist once a month for him to open defective tear ducts in my eyes. I have no medical card or money to see him this month. The chronic bladder infection that afflicts me requires continuous medication. I pay for that or else I will end up in the hospital.

Even with medication, I am supposed to see my urologist after each prescription runs out. That visit costs $26, if there are no extra tests involved, so I would just skip seeing him until it is an emergency. An internist checked my throat a month ago. He wanted to put me in the hospital for tests and a biopsy. I refused to go. If I did, I would have to pay the first $260 in hospital costs before Medicare would begin to cover my stay. I can't afford it. It is very difficult for me to get around. It is $16 one way to use a Medicar, and impossible to travel by bus without help from the driver.

I am afraid. I am afraid to spend money on anything and then not have it if some medical problem pops up. Medicare is now proposing to cut out coverage for pacemakers. What will I do? I have begun taking less medication than is prescribed for me to see if I can make it stretch until I get my medical card. Getting my medical card at the end of the month does not ease my anxiety about any problem during the month.

Two of my medications will not even be covered by Medicaid anymore, one for the pain in my arthritis and the other for my throat. I have to give these up. All of this is very hard on my nerves. It is constant stress and anxiety. This is my health. I have to have that. I can live without some material things, but not without my health. This is what I am fighting for. They all think we get medical care easy and free when we are old. That's not true. I go to a medical doctor, I go to a psychologist, I go to a urologist, I have a pacemaker, and the money that I have to spend on the house, I don't have much left for medical bills. But the spend down allows you to incur the bills for your six months, so I have made it this month. But that does not mean I don't have to pay it back because I just came out of the hospital today. I was brought here right from the hospital, but I am worried how I am going to get that $360 back.

Anna Baker

I am Anna Baker, and I am 62 years old and I am here to tell you about my hardships, about the Medicare card. This year, I have been hospitalized four times, two times with cataracts, and one time when I got out of the hospital, about a week later I got pneumonia and had to go back. Then I got my second cataract, I fell down and hurt my right eye. I had to have an emergency operation, or I would have been blind. Well anyway, I have been disabled for eight years. I have chronic lung disease and heart trouble. And now, I am breaking out with a rash and I have two doctor bills to pay besides my eye doctor.

My medical bills are about $42 a month. One month I didn't have enough money so I cut down on pain killers for my lungs. But many a night, I walked the floor because I have such pain—until I get sleepy and go to bed. My income is now $377 of which I pay $225 for rent. My telephone bill is very high because I have to have a special hearing device. So anyway, they forget that we have to have house utensils and our food, and this leaves me with $152 dollars in which once in awhile, we have to buy clothes, you know. I got the Medicare card twice, and it was always in the middle of the month. I got it July 21st and had to pay the doctor the first two weeks. Now I lost my right eye and I can't see and I am waiting for Medicare to give me the okay to get glasses for my left eye. So I am waiting for Medicare to answer my letter, whether I get glasses or not, or I will have to pay for that.

But I think us people would like to have our pride and our self-respect. We don't like to ask for all this and you know, I am just asking—my spend down $126 a month, but sometimes, I can't make it because tomorrow I am supposed to go to a skin specialist or my regular doctor, for which I cannot afford because I already put out $70 this month, between the eye doctor and the going back and forth which I have been taking that bus for the handicapped because I can't see to get off and on the bus.

PHYSICAL/MENTAL DISABILITY

Verian Flagg

My name is Verian Flagg. I am 33 years old, I am single, I live with my elderly aunt and I have been disabled since 1978 due to a disease known as interstitial fibrosis, which is caused by a rare connective tissue disorder. There is no known cure for this disease. Some of my symptoms are difficult breathing, fatigue, persistent cough, crippling severe pain in my joints. I rely on a wheelchair to get around. I require expensive medications for relief of my symptoms and must use oxygen continuously. I have been hospitalized nine times since being forced to quit my job four years ago. I was employed as a terminal operator for the Postal Service. My federal pension is $649 monthly. I am not eligible for Medicare or any other type of medical insurance. I received Medicaid which covered all of my medical expenses until December of 1981. However, according to regulations, I must incur $386 in medical expenses each month before I am eligible for Medicaid.

In other words, I am responsible for paying $386 a month for my medical care. I am presently paying for all of my medications, but I am not able to afford doctor visits, lab fees and my oxygen. When my expenses exceed $386 per month, I then become eligible for a green card in that current month. I am asked to pay out almost 60% of my income monthly for essential medical care. I have exhausted all of my resources and I receive assistance from no one.

The company that supplies my oxygen has continued to supply despite my inability to pay. I was informed by them on Wednesday of this month that beginning the 18th of August, public aid would no longer pay for the oxygen. My supplier then told me that on Wednesday, which was yesterday the 25th, they would have to pick up the equipment because they could no longer carry me.

I then called a social worker at Michael Reese who was very helpful in obtaining coverage for me for the rest of this month. I would like to be considered for what I can comfortably pay monthly without sacrificing one need for the other. Thank you.

Lori Cruse (represented by Sara Sutchliffe because Ms. Cruse was ill)

I am 26 years old, single. My testimony today concerns the many problems I have had with the SSI program, now culminating with the letter I have received this month stating that I have been cut off the program. The only income I have is from SSI, $238 a month. I also received a green medical card but no food stamps. I was told I might be eligible for food stamps, but I'm afraid to deal with Public Aid after the way they embarrassed me the last time I was there. The reason I am involved in the SSI program is that I have psychiatric difficulties. I have tried to support myself, but working is very stressful for me, too stressful. It is hard for me to say this, but I hallucinate at times. And sometimes, I become very panicky. The last time I tried to work, I lasted about two days at McDonald's, but the pressure was too great. Since I was 21, I would guess I have been hospitalized over 20 times. The longest period I have managed on my own during that time is about eight months.

I am getting help with my problems and really hope to be independent in the future. I am involved in the counseling program at a clinic that I attend. I feel like I am doing the best that I can with my problems and I have these programs to thank for the progress I am making. The Edgewater program has been particularly helpful. They encourage personal responsibility but are still very supportive. My income problems really set me back, though. SSI regularly asks me to come in for redetermination, and I cooperate faithfully.

But when I received that cutoff letter last Saturday, August 14th, it scared me. I would have been glad to see someone if they had asked me. My rent is $145, electric is $10 a month, the phone bill is $20 a month and food is approximately $35 a week. I learned to economize with food and by buying clothes at Amvets. It is a tight budget. Items like toothpaste are difficult to budget. There is a lot of pressure for me to cope with this income, and now I will have nothing. What am I going to do? I have no money set aside, no money, relatives or friends to support me. I would take care of myself if I could but I am not able now. I am trying but time seems to be running out. Thank you.

Loretta Gawel

My name is Loretta Gawel. I am 20 years old. I have a psychiatric disability which was so severe I could not work. About five years ago, I started receiving Social Security disability and I received a green card to help me with my medical bills. But a month ago, I stopped getting my green card based on the spend down program.

According to that program, because my income is over $238 a month, I should be able to pay my own medical bills. My monthly check from Social Security is $365. My rent is $219. I live by myself in a studio apartment. Over half of my check goes for

rent alone. The rest, $146, goes for food, transportation, the phone bill and other necessities.

I haven't any money left over for my medical bills. I appealed the decision of the spend down program but lost because spend down program is now law. Mostly, my medical bills consist of out-patient therapy which is costly. My psychiatrist charges $40 a session and I see him twice a month. Also, I see a therapist at Edgewater Uptown Mental Health Center, and I go to group therapy once a week. The green card is to cover these medical costs. Plus, the green card pays of my medical care, my dental bills and ICR. My therapy is crucial and extremely necessary for me to continue to improve and recover so I may be a well-adjusted healthy individual and once again become a productive person who can hold down a job and contribute to society. I am currently in a vocational rehabilitation program at the Mental Health Association of Greater Chicago being retrained for secretarial and receptionist work. I need my green card back to help pay for my medical bills.●

REPEAL WITHHOLDING PROVISION ON INTEREST AND DIVIDENDS

HON. CLAY E. SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. SHAW. Mr. Speaker, last week, I introduced legislation calling for the repeal of the 10-percent withholding provision on interest and dividends which was part of the Tax Equity and Fiscal Responsibility Act of 1982. American taxpayers, financial officers, and many Members of this body are all working feverishly to effect the repeal of this provision before it becomes effective July 1 of this year.

Bankers, in particular, have launched a national effort to repeal the 10-percent withholding tax, and I would like to call to the Members' attention an article which appeared in the January 1983 issue of the Florida Banker, the Southeast's financial services and general business magazine. The article, which appears on page 16, outlines the efforts taking place nationally by the American Bankers Association in cooperation with the Florida Bankers Association and banking associations in other States to implement the repeal efforts. Following is the text of the article:

BANKERS LAUNCH NATIONAL EFFORT TO REPEAL 10% WITHHOLDING TAX

Bankers throughout the country are working feverishly to effect repeal of the 10% withholding tax on savings and interest before it becomes effective JL 1, 1983. The fundamental objective of the effort is to generate widespread grassroots mail from bank depositors and stockholders to Congress urging repeal of the tax.

The repeal effort is being implemented in various ways around the nation, but the basic strategy consists of the following specific objectives, all of which carry significant implications in the depositor and stockholder relationships:

(1) Alerting depositors and stockholders about this new law which, it is safe to assume, most do not know exists;

(2) Explaining clearly this it is the Federal Government—and not banks—that wants to begin withholding interest earned on savings and dividends JL 1, 1983;

(3) Informing depositors and stockholders that banks strongly oppose the 10% withholding tax and that, on their behalf, banks are working vigorously to bring about Congressional repeal of the law;

(4) Making depositors fully aware that the Federal law also requires money market funds, credit unions, corporations that pay dividends, etc., to withhold 10% from their customers earnings.

The Florida Bankers Association is working with the American Bankers Association (ABA) to coordinate the national effort at the state level. Florida bank chief executive officers have already received the SWATS (Stop Withholding At The Source) Newsletter, a special bulletin created expressly for transmission of repeal campaign information to FBA member banks. All members have been asked to submit to the FBA office information, Orlando, FL, plans and creative ideas for obtaining public participation in the "stop withholding" effort.

Included with the first SWATS Newsletter, sent out recently by FBA, was an order form for the ABA's free "Bankers' Repeal Kit," which includes sample press releases, camera-ready advocacy ads, speeches, sample letters to congressmen, and other materials to get the maximum number of people involved in the campaign.

The national "stop withholding" campaign is a product of extensive research and planning. Following are some of the questions bankers may be asked by customers about the new law. The questions and answers were prepared by ABA:

Q. What does withholding on interests and dividends mean?

A. It is part of last summer's tax reform legislation, and it requires banks and other financial institutions and corporations that pay interest dividends to begin withholding 10% of most interest and dividend earnings JL 1, 1983. The money that is withheld will be sent to the IRS for tax payments.

Q. Does withholding affect the amount of money a person earns from interest and dividends?

A. Yes, and 10% of accrued interest and dividend earnings that would otherwise be compounded would be withheld instead. For example, if a person was due a $200 interest payment JL 1983, and planned to leave this payment in his bank to compound, he would have the use of only $180 in that account because the other 10% ($20) would be withheld for the IRS.

Q. What will withholding of interest and dividends cost savers and investors?

A. It will cost them collectively at least $1.5 billion in foregone earnings on interest and dividends. Here's how the figure breaks down: There are 80 million savers in the U.S. The government estimates that $300 billion in interest and dividends will be subject to withholding in 1983. A 10% withholding rate would bring the government about $30 billion by the end of the year. If people reinvested this at 10% they would collect $1.5 billion in additional income from their investment earnings.

Q. Are there exemptions to withholding?

A. Yes. Senior citizens with a tax liability of $1,500 (or $2,500 on a joint return) and citizens under age 65 with a tax liability of $600 (or $1,000 on a joint return) may apply for an exemption from withholding, however, each person will have to file an exemption form for each amount.

Q. Is exemption automatic?

A. No. In order to be exempt, a person must file an exemption form swearing that he or she falls under the tax liability limitation.

Q. Where do I file the exemption form?

A. The exemption form must be filed with each institution where the person has an account.

For example, if you have a bank savings account, a six-month certificate of deposit from an S&L or a money market mutual fund, and you receive dividends from two corporations in which you own stock, then you must file five exemption certificates—one at each institution.

Q. If you earn less than $150 a year in interest, will 10% of your earnings be withheld?

A. Under the IRS regulations, a bank or other financial institution can choose not to withhold interest on accounts earning less than $150.00 per year, but because there is such active turnover in so many accounts, it may be impossible to judge just what the final interest earnings might be for some accounts; therefore, financial institutions may decide to deduct on all non-exempt accounts.

Q. What if I'm eligible for an exemption but fail to apply for it? Can I get back the money my bank has withheld?

A. Not from the bank and not until the end of the year when you file your tax return. If you fail to apply for an exemption, the bank is required by law to withhold 10% of your interest earnings.

Q. Will I have to file a new exemption certificate every time I open a new savings account or buy new stock from a different company?

A. Yes, otherwise, the 10% interest and dividend withholding provision will apply.

Q. Is there any way to stop the 10% interest and dividend withholding from going into effect?

A. Congress has the power to repeal this law before it goes into effect JL 1, 1983. Bills have been introduced already that would repeal the 10% withholding of interest and dividends. If you believe that the 10% withholding provision is unfair and unnecessary, you should write to your US congressman and US senators and urge them to vote for repeal of the law.

Charles E. Buker, Jr., president of the Florida Bankers Association and vice chairman, Barnett Bank of South Florida, Miami, commented: "Fortunately, our political system allows its citizens to remedy mistakes in hurriedly-passed legislation. There is no reason why the new Congress elected this fall can't repeal this withholding tax on savings and investments before it becomes effective JL 1, 1983. Florida bankers are optimistic that the outcome of this 'stop withholding' campaign will reflect the wishes of the majority of our nation."●

COL. MITCHELL WOLFSON

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. FASCELL. Mr. Speaker, one of south Florida's pioneers and leading citizens passed away last Friday, and his death marks the end of an era for our community. Mitchell Wolfson suffered a fatal heart attack on January 28.

Colonel Wolfson—as he liked to be known because he felt great pride over his wartime service and rank—was the founder and driving force behind the Miami-based Wometco Enterprises. Established in 1925, Wometco became one of the State's leading companies. Its holdings include WTVJ-TV, Florida's first television station; five other television stations; a cable television operation; the Miami Seaquarium; the Key West Conch Train; vending machine and video game operations; a soft drink company; and other properties.

Born in Key West in 1900, young Wolfson and his family moved to Miami in 1917 and he began work as an assistant shipping clerk in the family dry goods business. In 7 years, he was treasurer of the company and his dynamic career was well underway.

The energy and vitality that he gave to his business were also evident in his contributions to the community. His membership and leadership in various civic and charitable organizations are too numerous to mention. However, he never forgot his native Key West and was instrumental in sparking a restoration drive there and also saved from destruction and restored the historical Audubon House.

He held public office as a three-term commissioner and mayor of the city of Miami Beach, resigning as mayor to enlist in the Army during World War II. His patriotism was strong and he frequently stated his gratitude to his Nation for making his kind of success possible.

His wife, Frances, passed away in 1980, and he is survived by a daughter, Frances Carey; a son, Mitchell, Jr.; and five grandchildren. I know our colleagues will want to join with me in expressing our deepest symathy to his family. He will be sorely missed.●

ACCOMPLISHMENTS OF THE 26TH STREET BUSINESSMEN'S ASSOCIATION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to present before this distinguished body, a resolution acknowledging the accomplishments of a group of my constituents who are members of the 26th Street Businessmen's Association. I am sure that my esteemed colleagues will join me in this recognition of the businessmen of the Little Village Community.

RESOLUTION

Whereas, The Little Village Community on Chicago's west side is proud of its flourishing 26th Street business district, and

Whereas, The businessmen of the Little Village 26th Street business district have joined together to form the 26th Street Businessmen's Association to foster community pride, as well as, to improve the local business climate, and

Whereas, The 26th Street Businessmen's Association sponsors the annual gala parade, along 26th Street on September 16th, in recognition and celebration of Mexican Independence Day, and

Whereas, The 26th Street Businessmen's Association co-sponsors the four day Little Village Fair, locally known as the Fiesta de "La Villita", which draws over 150,000 people which promotes community solidarity and pride, and

Whereas, The 26th Street Businessmen's Association has recently elected and installed a new Board of Directors, and

Whereas, Mr. Guadalupe Martinez, the owner of La Justicia Inc. of 3638 West 26th Street and 3435 West 26th Street, is now the new President of the 26th Street Businessmen's Association; Eleazar Martinez, owner of Zapateria Ama, 3744 West 26th Street, is Vice-President; Hugo Hernandez, owner of Banos Azteca, 2459 South Pulaski Road, is Treasurer; Raynaldo Villarreal, owner of Modas Raquel, 3836 West 26th Street, is Assistant Treasurer; and Pedro A. Vignettes, owner of Mexico Driving School, is Secretary.

Now therefore be it resolved and submitted by the Honorable William O. Lipinski, M.C. of the 5th Congressional District of the State of Illinois, that the 98th Congress of the United States of America in a meeting assembled this —— day of ————, 1983, do hereby congratulate the 26th Street Businessmen's Association and wish them continued success, and

Be it further resolved the Congress of the United States of America wishes to congratulate Guadalupe Martinez, President; Eleazar Martinez, Vice-President; Hugo Hernandez, Treasurer; Raynaldo Villarreal, Assistant Treasurer; and Pedro A. Vignettes, Secretary on the election to their new offices.●

MORE THAN SOCIAL SECURITY WAS AT STAKE

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Ms. FERRARO. Mr. Speaker, on Tuesday, January 18, the Washington Post carried an excellent op ed piece by Senator DANIEL PATRICK MOYNIHAN on the important work of the National Commission of Social Security Reform. As a member of that Commission, Senator MOYNIHAN was privileged to participate in the difficult negotiations which resulted in the Commission's recent agreement.

Senator MOYNIHAN thoughtfully articulates the great significance of the Commission's product in providing reassurances to the American people that we as a nation continue to have the capacity to govern. For the more than 50 percent of the American people who in 1979 expressed little or no confidence that social security benefits would be there when their time came, the Commission's agreement represents a very vital accomplishment. I commend the article by Senator MOYNIHAN entitled "More Than Social Security Was at Stake" which follows to my colleagues:

MORE THAN SOCIAL SECURITY WAS AT STAKE

The success of the National Commission on Social Security Reform in reaching an agreement that The Post generously describes as being "as close to absolute fairness as any Social Security revision can ever be," raises the possibility of further successes, equally important.

This requires some further description of how the agreement came about. Next it will help to recognize how much we needed such a success.

As The Post has reported, it is the judgment of Sen. Bob Dole that the commission was just about resigned to failure when, on Jan. 3, in the course of opening ceremonies of the new Congress, I came over, tapped him on the shoulder and asked: "Are we going to let this commission die without giving it one more try?" The rest of the story has been well reported. What I would like to explain is why I suggested one more try. It is because that morning a newspaper article written by Sen. Dole had suggested that such an effort could succeed. His theme was that the president and the Republican leadership in the Congress were working well together and would continue to do so:

"Social Security is a case in point. With 116 million workers supporting it and 36 million beneficiaries relying on it, Social Security overwhelms every other domestic priority. Through a combination of relatively modest steps, including some acceleration of already scheduled taxes and some reduction in the rate of future benefit increases, the system can be saved. When it is, much of the credit, rightfully, will belong to this president and his party."

Note well: "relatively modest steps." This was the first statement by a prominent Republican leader that the sky was not falling, the system was not "bankrupt," was not a "giant Ponzi scheme," and nationwide "chain letter."

At a meeting of the commission on Dec. 10, Alan Greenspan, the incomparably gifted chairman of the commission, had commented that the problem of Social Security "seems to be unsurmountable, but in reality is not all that big." But the remark was not reported, and in any event it had to come from such as Dole.

There being nothing in Tocqueville to explain this, I will turn to Henry Kissinger, who was wont to break conferences and meetings by declaring: "Agreed. It's a good argument. And it has the further advantage of being true."

Just so Sen. Dole's remark. From the onset of the Social Security crisis, Democrats in the main have agreed—how could

we not?—that the system had run into a sharp short-term problem in the aftermath of something that "couldn't happen" and surely was not foreseen, an inflationary recession (roughly during the years 1980–82). But starting in 1990, barring worldwide catastrophe, the system goes into surplus and stays that way for a generation.

The commission proposals will raise or save $169 billion in the seven years 1983–89. At the end of the period there will be, or at least we and the White House project, $100 billion in the Old Age, Survivors and Disability Insurance fund. In other words, the "shortfall" in the short term appears to be in the $60 billion to $70 billion range. Not a small sum, but not an overwhelming one either. Later, new difficulties appear, but as a proportion of gross national product, the actuaries agree that Social Security in 2050—at 5.62 percent—will not be much more than it is today—at 5.16 percent.

All true—and anyone who troubles to read the commission report will find it there. But the truth is only a "further advantage." The decisive issue is the import of the argument.

Social Security, as Sen. Dole wrote, "overwhelms every other domestic priority." The Democrats began Social Security, true enough. But the triumph of the American political system came when the Republicans not only continued it, but expanded it. President Eisenhower added Disability Insurance, and President Nixon added Supplementary Security Income.

After nearly a half-century, the matter had seemed resolved. Then it turned out it wasn't.

There had begun what Sylvia Porter has called "a scare campaign of vicious proportions" to convince the American people that Social Security was a fraud, that they would never get their benefits. (Leaving Blair House Saturday at about 1:30 in the afternoon, I got a cab, explained to the driver what was going on, and was told I was wasting my time, that the Social Security money had been given away as foreign aid. He—age 59—was sure he would never get any of his promised benefits.)

In 1979, an earlier Social Security commission had a poll done by Peter D. Hart and Associates on attitudes toward the system. To the utter confoundment of those of us who had thought the matter settled, Hart reported that more than half the populace expressed little or no confidence that Social Security benefits would be there when their time came.

Think a moment. Half the population doesn't think it is going to have retirement benefits that are desperately needed by most. Not the cheeriest of thoughts. But think further to what is further implied. That government is lying. That government is stealing. That government cannot be trusted.

That is what the Social Security argument of the past two years has been about. If so large a portion of our people could be brought to believe something so utterly subversive of self-government, we are in trouble indeed. Especially as it was not so.

Then Sen. Dole said as much. Meetings began on our side of the Capitol. Barber C. Conable joined us from the House. All of a sudden the invitation came for all of us to go out to the home of the White House chief of staff, James Baker. By the end of that meeting, it was clear that a long negotiation was ahead, but also what was at stake. Someone had said that what was really involved was our capacity to govern. We begin to accept the idea that there are fundamental issues that our system cannot resolve.

We have got to stop that. There is a center in American politics. It can govern. The commission is just an example of what can be done. First, get your facts straight. Everyone is entitled to his own opinion, but not his own facts. Second, decide to live with the facts. Third, resolve to surmount them. Because, fourth, what is at stake is our capacity to govern.

(The writer, a Democratic senator from New York, is a member of the National Commission on Social Security Reform.)●

TRIBUTE HONORING THE 100TH ANNIVERSARY OF THE BAY AREA CHAMBER OF COMMERCE

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. TRAXLER. Mr. Speaker, I feel privileged to have the opportunity to pay tribute to a fine community organization from Michigan's Eighth Congressional District, the Bay Area Chamber of Commerce, on the occasion of their 100th anniversary.

Through the Bay Area Chamber of Commerce, the entire community of Bay City, Mich., is directing its course toward steady, healthy, well-balanced progress, and the worthwhile dividends of diversified community development. The chamber has continuously served the bay area for 100 years; the community's first board fo trade was established in 1883. Founded by a coalition of concerned citizens who were dedicated to the improvement and promotion of the bay area, the chamber went on to become one of the most well-respected chambers in the State of Michigan.

Over the past 100 years, this organization has been known under five different names: Bay City Board of Trade, Bay City Businessmen's Association, Bay City Board of Commerce, Bay City Chamber of Commerce, Greater Bay City Chamber of Commerce, and finally, the Bay Area Chamber of Commerce.

The Bay Area Chamber of Commerce has supported local businesses and assisted other local organizations in a variety of community projects without interruption for one century. The Bay Area Chamber of Commerce has always been in the forefront of economic change and progress in Bay City, and is greatly respected by all. The chamber offers the Bay City business community the opportunity to grow and expand in order to meet the many demands currently facing small businesses in Michigan through seminars, speakers, trips, and programs. The Bay Area Chamber of Commerce is indeed looked upon as a leader in shaping the community's economic future.

I am truly honored to represent one of the few chambers that have been in operation for 100 continuous years. Please join with me in congratulating the Bay Area Chamber of Commerce, its executive director, Fran Braman, along with the board of directors, both past and present, for a job well done.●

CAMPBELL SOUP PRESIDENT NAMED ADMAN OF THE YEAR

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. FLORIO. Mr. Speaker, I would like to take this opportunity to congratulate R. Gordon McGovern, president of Campbell Soup Co., on his being named 1982 Adman of the Year.

Making this announcement was Advertising Age magazine, which recognized that Mr. McGovern has greatly expanded Campbell's marketing abilities during his 2 years at the helm of the company, which is based in the First Congressional District of New Jersey.

Mr. McGovern is an able administrator and is highly respected by his peers in the food manufacturing industry. I believe that he is a truly worthy recipient of this prestigious award.

The accomplishments of Mr. McGovern and Campbell Soup were recently noted by the Newark Star-Ledger. I would like to share with my colleagues the following article:

[From the Star-Ledger, Jan. 5, 1983]

CAMPBELL SOUP CHIEF WINS ADMAN OF YEAR

R. Gordon McGovern, who in two years as president of Campbell Soup Co. has successfully repositioned the company as an aggressive marketer, is the 1982 Adman of the Year.

Advertising Age bestowed the m-m-m good honor on McGovern for transforming Camden-based Campbell Soup "from a stodgy, production-oriented canning operation" into a company with marketing muscle.

McGovern 56, formerly headed the company's Pepperidge Farm subsidiary. In April, he became a management cult hero of sorts after taking the company's board of directors on a shopping trip to a local supermarket. McGovern says he does the family grocery shopping on Saturdays as a method of keeping abreast of the Campbell's marketplace.

Paul Mulcahy, managing director of the soup company's in-house CSC Advertising agency, said the McGovern regime has doubled its advertising budget in the last two years, while increasing its marketing expenditures by 72 percent. Campbell's spends well over $100 million on media advertising to support its brands, according to Marketing & Media Decisions.

Soup accounts for only 30 percent of the company's revenues. Other product lines include Pepperidge Farm, Swanson TV dinners, Mrs. Paul's Kitchens, Prego Spaghetti Sauce, Franco-American, Vlasik Pickles,

Snow King Frozen Foods, Godiva Chocolatier and Juice Bowl Products.

Earnings in the fiscal year ended Aug. 31 increased 15 percent from a year earlier to $149.6 million. Sales totaled $2.94 billion. Fiscal 1983 revenues easily will exceed $3 billion and profits should soar at least 10 percent.

Campbell's employs 10 advertising companies, which are managed by the in-house agency. BBDO places all prime time sports, cable and half of the spot television for Campbell's Ogilvy & Mather is repsonsible for the other half of spot TV, plus daytime and early morning television. Backer & Spielvogel has late night TV and print, while Needham, Harper & Steers buys all radio time. Nearly 70 percent of the media dollars are invested in television.

Campbell's shocked the advertising world in May of 1981, when it shifted the Red & White soup account from BBDO to Backer & Spielvogel.

Among the company's marketing innovations are an 11-page cover gatefold advertising placed in the yearend issue of People magazine and implementation of the David Ogilvy award for its top brand management team.

Meanwhile, McGovern's mission continues. He has designed an acquisition program designed to add a minimum of $200 million to the Company's sales every two years.

It's clear the acquisition strategy will center on product lines that cater to the ever-changing eating habits of the American consumer. The addition of Mrs. Paul's Kitchens (a leader in frozen fish) and the introduction of the Pepperidge Farm Deli's line are prime examples of McGovern's philosophy.●

IN HONOR OF BLACK HISTORY MONTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. LANTOS. Mr. Speaker, I am proud to join my colleagues in commemorating Black History Month. One can only speculate as to how many accomplishments by American blacks have gone unrecognized. When we honor the famous leaders who have helped make our Nation great, such as Martin Luther King, Jr., Booker T. Washington, and W. E. B. Dubois, it is essential that we not forget the unsung heroes and heroines whose names we will never know. We can only wonder how many accomplishments by black inventors, black writers, or black scientists have gone unrecognized by society. The famous black leaders who we honor this month represent only a minute fraction of the unsung heroes whose accomplishments remain a mystery. It is truly unfortunate that this gaping hole in American cultural, scientific, and intellectual history remains.

Black History Month was established by Dr. Carter G. Woodson, 58 years ago. Although he was born into a prejudiced society, he grew to become one of this century's great leaders. Woodson brought a long overdue beacon of light to the study of black history. In order to pursue his goal, he founded the Association for the Study of Negro Life and History, and for 35 years he remained the association's director.

Although blacks have had to spend much time fighting the current in an ocean of unpopular public opinion, many have taken their rightful place as great forerunners in the sciences and the arts. Since 1800, when Dr. James Durham became America's first black physician, blacks have been a guiding force in the fields of medicine and chemistry. Dr. Charles Drew, who developed the Nation's first blood plasma bank, was responsible for saving thousands of lives. It is ironic and tragic that Drew died because he was turned away from a near hospital due to the color of his skin. Open heart surgery has become routine thanks to Dr. Daniel Hale Williams, who was instrumental in perfecting the procedure. Chemist Percy Julian, through his invention of cortisone, has relieved the agony of enumerable suffers of rheumatoid arthritis.

When blacks from Africa were brought to America as slaves, we not only shackled their bodies, we also shackled our own potential as a society. We are fortunate, however, that the black people would not let their souls and ambitions be bound. Although we cannot compensate for past injustices, we must continue to strive for total equality. Black History Month is a tribute to those Americans who have fought so long and worked so hard to make the dream of equality a reality.●

TAXING OF HEALTH INSURANCE BENEFITS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Ms. OAKAR. Mr. Speaker, today I am introducing a resolution regarding the President's budget proposal to tax employees' health benefits.

The President proposes that effective January 1, 1984, employees be required to pay social security and income taxes on employer-paid health insurance premiums in excess of $175 per month or $2,100 per year for a family plan, and $70 per month or $840 a year for a single plan. The $175 and $70 amounts will be indexed to rise with inflation.

This proposal is just another cruel and heartless blow to the American people.

We are all aware of the incredibly spiraling cost of health care. In 1981, the United States spent an estimated $287 billion for health care, an amount equal to 9.8 percent of the gross national product. We all acknowledge that steps must be taken to curb these high costs, but is the President's proposal the proper step to take?

In 1981, consumers of health care paid out $255 billion in total personal health care expenditures, up 16.2 percent from spending in 1980. On a per capita basis, $1,090 was spent in 1981, an increase of 15.1 percent from the 1980 level. In 1981, over $70 billion was paid out in health insurance premiums.

If this proposal is enacted, the already financially beleaguered consumer will be forced to pay out yet another health care expenditure. Consumers cannot withstand any more financial hardship.

This year, due to the passage of the Tax Equity and Fiscal Responsibility Act, taxpayers will no longer be able to deduct one-half of their medical insurance premiums up to a maximum of $150. What is more, the floor for allowable medical deductions was raised from 3 to 5 percent of adjusted gross income. If this proposal is enacted, taxpayers will suffer yet another health care financial loss. Taxpayers cannot withstand any more financial hardship.

If this proposal is enacted, not only will it be unjust, but it will be inequitable as well. The proposed nationwide limit on tax-free employer contributions would discriminate against the working aged, handicapped, and chronically ill whose health insurance premiums are more costly than those for younger, healthier workers. It would discriminate against employees who live in high medical-cost areas—such as New York, Los Angeles, and Cleveland—where health insurance premiums are more costly.

It would discriminate against all employees because while they will be forced to pay taxes on a portion of these benefits, corporations and businesses will still be permitted to deduct the expense from their taxes—that is if they still have corporate taxes. Employees cannot withstand any more financial hardship. We in Government can and must take action to protect these groups from this tax.●

CONCERNED CITIZEN HELPS FLOOD VICTIMS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. CHAPPELL. Mr. Speaker, recently, Mr. Rick Mattson of Orange Park, Fla., was the subject of a laudatory news article which appeared in the Jacksonville Journal.

Mr. Mattson, a businessman and concerned citizen, had learned of the terrible devastation which had occurred in Times Beach, Mo. That city was ravished by a December flood that left toxic chemicals in its wake, and caused the evacuation of its residents.

Reading of this catastrophe, Mr. Mattson, at his own expense, delivered a semitrailer load of clothing, food, and even some financial donations, gathered from residents of Orange Park, a city in my Fourth Congressional District.

The actions on the part of Mr. Mattson are worthy of the honor of national recognition and appreciation. It is a privilege to represent a district in which such selfless and concerned individuals reside.

I submit the article in its entirety, as a thought provoking and necessary reading for us all.

A HELPING HAND FOR A FLOODED LITTLE TOWN

(By Kevin Bezner)

ORANGE PARK.—Residents of tiny Times Beach, Mo., which was ravaged last month by a flood that left toxic chemicals in its wake, say they're grateful to a local businessman for filling his 40-foot semi-trailer with clothing, canned food and other household goods for the victims.

Rick Mattson, owner of Tallman Pools of Jacksonville Inc. and Mattson Pool Manufacturers, delivered the semi-trailer to Times Beach City Marshal Ralph Case the week before Christmas.

Many of the city's citizens—who number between 2.500 and 2,800—benefited from the goods collected by Mattson at a dropoff point at the Orange Park Mall.

"The clothes he brought are probably all gone," said Case, who is in charge of law enforcement for the city. "He really helped us a lot."

Mattson appealed to the citizens of Orange Park to help flood victims in three states after he watched a Dec. 8 CBS television news account of their plight.

"It wasn't junk. People brought good things. One box had new sheets in it. They weren't even out of the plastic," said Mattson, who expressed his gratitude to area residents.

Times Beach residents who received one of three checks and a $20 bill donated by Jacksonville-area residents were especially grateful, Case said.

"I picked those individuals out who got them checks and they had nothing, not a penny in their pocket," Case said. "It wasn't a large amount, but it was enough to help somebody who needed money."

Missouri, Arkansas and Illinois were hard hit by floodwaters when heavy rains last month drove the waters of the Meramec and Missouri rivers over their banks and into thousands of homes and businesses.

The Meramec sent crushing waters through Times Beach, which is about 30 miles west of St. Louis, at a speed of 45 mph, Case said.

The city was completely under water. Some 360 trailers in two trailer parks were destroyed, Case said.

Walls of houses were ripped out, and other houses floated down the streaming water. "It was just chaos. You couldn't hardly handle it," Case said.

Mattson, who spent about $1,000 of his own money on the trip, chose Times Beach after reading news reports of its struggle to cope with the flood's aftermath.

"It was just something that hit me in the heart. I felt we had to do something for those people out there," said Mattson, explaining why he set off to help flood victims.

He said he was overwhelmed by what he saw when he visited Times Beach: smashed trailers, trailers in ditches, the muddy waters of the river and homes streaked with mud. "The people were out in their yards trying to hose it (the mud) off their furniture," he said.

Some residents have returned to their homes and begun the long process of rebuilding, Case said.

But adding to the city's woes was debris contaminated with dioxin, an extremely toxic substance. Residents were told not to clear away the debris after tests showed that dioxin was in the city's soil.

Times Beach residents are now mostly in need of building supplies, Case said.

"We're hanging in there," he said.●

LYNDHURST HONORS MAYOR JAMES M. GUIDA

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. MINISH. Mr. Speaker, on January 28, the people of Lyndhurst, N.J., paid tribute to their distinguished native son and public servant, Mayor Michael Guida. I would like to share with you part of the tribute to that fine man, who is an inspiration to all public-spirited citizens:

OUR HONORED GUEST

Mayor James Michael Guida is a life-long resident of Lyndhurst and a graduate of the Lyndhurst School system. He received a Bachelor of Science Degree from Seton Hall University in 1954 and later attended St. Louis University on five consecutive National Science grants completing thirty graduate credits in mathematics. In 1974, a Masters Degree in Education was conferred upon him from Seton Hall University. Courses completed at Montclair State University also earned him a Principal's Certification in 1974.

"Jim" is married to the former Mary Ann Tuzzio and they have three children, James an attorney, Christine a secretary, and Mary Jo a senior at Lyndhurst High School.

Mayor Guida began his teaching career at Don Bosco High School in Ramsey in 1955 where he taught Math and was also appointed the head football coach and later the head baseball coach and faculty moderator.

In 1960 he returned to Lyndhurst High School where he has been teaching for the past twenty-two years. He has also served three years as assistant baseball and assistant basketball coach and was head basketball coach in 1966 and 1967, and also served as Class Advisor for the past fourteen years. He's been involved as a coach for Babe Ruth (4 years), American Legion Baseball (2 years), Lyndhurst Giants (3 years) and Midget Football (12 years).

Jim Guida has been an active member of many civic and fraternal organizations such as Lyndhurst Elks, AMVETS, Lyndhurst Teachers Association, N.E.A., and St. Michael's Holy Name Society. He's been a library trustee (1977/81); Joint Sewer Chairman (1977/81); Senior Building chairman (1978/82); Planning Board member (1983); member of South Bergen Mayors' Association (1983); and the Hackensack Meadowlands Mayors' Committee (1983). He has also served as a Committeeman for the Bergen County Democratic Association, and as Legislative Aide to Senator Joseph Hirkala. In addition he is a member of the New Jersey Mayors Association, and has served as a chairman for the Ileitis Fund (1982/83.)

In May 1977 he was elected as an independent to the Lyndhurst Board of Commissioners serving as Director of Finance, during which term he revamped the Finance Department and initiated a new auditing system. He was reelected in May of 1981 and is now serving as Director of Parks and Public Property. On Tuesday, January 4th, 1983, James M. Guida became the twentieth Mayor of the Township of Lyndhurst.

Mayor Guida has contributed towards the development of our community's youth, the improvement of our seniors golden years and the betterment of the quality of life for all our citizens.

A MOTHER'S TOAST

I have been blessed with two fine sons who have given me many happy and prideful memories. Both have been a credit to their families and to their communities as well. I conceive them to be my finest contribution to the world.

Tonight the stars shine for my oldest son, James. Once again, I am filled with love for him and pride for his accomplishments.

I know that he will not rest on his laurels and that he will continue to do his very best for the Township of Lyndhust and its residents. I wish his father could be present to raise his glass with me to toast our son, Mayor James Guida.

May he lead our community with wisdom, patience and understanding, and may he be blessed with good health and happiness for his efforts.—Mrs. TERESA GUIDA.●

CONGRESSIONAL ACCOUNTABILITY ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mrs. SNOWE. Mr. Speaker, since the close of the last session, Congress has been fiercely criticized—and with good reason—for granting itself a pay raise. Lifting the pay cap through an unusual parliamentary procedure was an irresponsible, inappropriate act and I am proud to report that I voted against removing the cap. To think of giving ourselves a pay raise at a time when economic conditions make life difficult for many Americans, is not only an embarrassment, but a disgrace. To prevent such action from taking place in the future, I am today introducing legislation which will insure that changes effecting congressional compensation are made in a straightforward manner. The Congres-

sional Accountability Act is simple and consists of the following three parts:

First. It requires that a record vote be taken on any bill or resolution that adjusts the rate of pay for Members, affects the limitations on outside earnings, or provides Members with income tax credits or deductions. Only standard cost-of-living adjustments will be permitted without a vote under this provision.

Second. It provides that such changes in compensation be the only item considered, thereby avoiding the type of confusion caused when a congressional pay increase is included with other important legislation.

Third. Finally, it provides that any changes in compensation enacted only become effective in the Congress following their enactment. I hope that my colleagues will join me in making the necessary changes to correct the inappropriate manner in which congressional pay has been considered.●

AN INTERNATIONAL RESPONSE FOR DIPLOMATIC SECURITY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. GUARINI. Mr. Speaker, I have introduced legislation today which seeks to establish an International Office of Diplomatic Security with the United Nations.

According to the Central Intelligence Agency there were 6,714 terrorist incidents around the world between 1968 and 1980. Since 1980 the number has grown so quickly that the 1980's may come to be known as the "Decade of International Terrorism." Almost one-third of all terrorist activities are directed at Americans or American installations. In recent years we have seen the hostage crisis in Iran, the burning of the American Embassy in Pakistan, and the assassination and kidnaping of American diplomatic and military personnel. The situation has grown to the point where Ambassador Robert M. Sayre reports that 15 percent of the operating budget of the Department of State goes to pay for the protection of our personnel and facilities overseas.

In a speech given before the International Civil Aviation Security Conference in July of last year, Ambassador Sayre, Director of the Department of State's Office for Combating Terrorism stated:

[W]e must have an international consensus, and cooperation on security threats to our operation.

This is what my concurrent resolution seeks to do. It expresses the sense of the Congress that the President act to see established in the United Nations an International Office of Diplomatic Security to monitor compliance by all nations in protecting personnel and missions. This Office would work with the governments of the world to insure adequate protection measures for diplomatic corps stationed in that country.

It is hard to believe that in the face of growing international terrorism there is no international body that specifically deals with the problem. I urge all Members to support my resolution. Establishing an International Office of Diplomatic Security with the United Nations would offer a realistic beginning in dealing with the growing problem of international terrorism.●

OPPORTUNITY FOR PROGRESS IN NUCLEAR ARMS CONTROL: RATIFY THE TTB AND PNE TREATIES

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. ZABLOCKI. Mr. Speaker, during the last Congress, the Committee on Foreign Affairs and the Subcommittee on International Security and Scientific Affairs, which I also chair, held extensive hearings on the role of arms control as an integral and legitimate component of U.S. national security policy. Those hearings examined NATO nuclear strategy and arms control efforts in Europe, the strategic arms reduction talks (START), and the arms control implications of the administration's strategic modernization program.

Over the next few months, the Subcommittee on International Security and Scientific Affairs will continue its oversight of U.S. nuclear arms control policy through a series of briefings and hearings on key arms control and security issues. One such issue, which appears to demand particular attention, is the question of the disposition of the signed but unratified Threshold Test Ban (TTB) and Peaceful Nuclear Explosions (PNE) treaties.

The Threshold Test Ban Treaty, which was negotiated and signed by President Richard Nixon in 1974, prohibits underground nuclear weapons tests greater than 150 kilotons. Its companion pact, the Peaceful Nuclear Explosions Treaty, was negotiated and signed by President Gerald Ford in 1976, and prohibits individual peaceful nuclear explosions of greater than 150 kilotons, and aggregate PNE's of greater than 1,500 kilotons.

Ratification of the TTB and PNE treaties was one of the earliest arms control questions confronting the new Carter administration in 1977. Unfortunately, just as the Senate Foreign Relations Committee was about to vote in favor of ratification, the Carter administration pulled the treaties from the Senate because of a fear that ratification would divert from efforts to get a comprehensive test ban treaty, banning all tests of all sizes.

Upon entering into office, the Reagan administration carried out its own review of U.S. arms control policy. After nearly a year of uncertainty about U.S. interest in pursuing meaningful nuclear arms reductions, President Reagan announced his zero option proposal for the intermediate nuclear force talks. This was followed 6 months later by the resumption of strategic arms reduction talks.

However, 18 months after assuming office the Reagan administration still had no established policy concerning the TTB and PNE treaties. Finally, on July 20, 1982, administration officials announced that they would seek modifications in the verification provisions of these two valuable treaties.

This decision was puzzling to many defense and arms control experts in light of the unique verification provisions contained in both the TTB and PNE treaties. In the TTB Treaty, the Soviets have agreed to the exchange of information on their nuclear weapons testing program. The PNE Treaty's verification requirements are even more far-reaching.

In addition to the exchange of weapons testing data and important geological data, the PNE Treaty contains the only negotiated authority for each nation to send nuclear observers to each other's territory under established conditions. This means that the Soviets have, for the first time ever, agreed to on-site inspection on Soviet territory.

These unprecedented verification concessions could have lasting effects on future United States-Soviet arms control efforts. Recognition of this fact has led a bipartisan group of security experts to call for ratification of the TTB and PNE treaties, including former Secretary of Defense Harold Brown, former Secretary of Energy James Schlesinger, former CIA Director William Colby, and former Chairman of the Joint Chiefs of Staff, David Jones. During their confirmation hearings, both Eugene Rostow and START negotiator Rowney—neither of whom could be viewed as being "soft" on arms control—expressed support for the unratified treaties.

The Reagan administration's decision to renegotiate the TTB and PNE treaties has triggered the introduction of resolutions in both Houses which call upon the administration to submit these treaties to the Senate for ratification. The House resolution is pending before the Committee on Foreign Affairs and will be considered during hearings on this issue in the months ahead.

Mr. Speaker, the Reagan administration has before it a unique opportunity to restore confidence both here and abroad in the United States as a reliable, consistent, and responsible negotiating partner. The failure of the United States to ratify the TTB, PNE, SALT II and Law of the Sea Treaties has worked to undermine U.S. credibility concerning arms control. Ratification of the TTB and PNE treaties would help to restore faith in the Reagan administration's commitment to arms control at a critical point in time.

I urge my colleagues to join me in support of the ratification of these two treaties, and pledge to assist the Reagan administration in realizing the importance to U.S. national security interests of this goal.●

YEAR OF THE BIBLE—1983

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, during our colonial period the Bible was the basic text for American school children. Today, the Bible is still unsurpassed as a single-volume source from which a teacher can select a wealth of material including short stories, poetry, parables, history, philosophy, ethics, and law.

Recently, the U.S. Senate and House of Representatives passed House Joint Resolution 487 authorizing and requesting the President to proclaim 1983 as the "Year of the Bible."

H. J. RES. 487

Resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible"

Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people;

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas many of our great national leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is "the rock on which our Republic rests";

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies;

Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a Nation and a people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate 1983 as a national "Year of the Bible" in the recognition of both the formative influence the Bible has been for our nation, and our national need to study and apply the teaching of the Holy Scriptures.

Furthermore, President Reagan has emphasized how fundamental and important the Ten Commandments are to any system of just law:

"They say that man in his entire history has written about four billion laws, and with all the four billion they haven't improved on the Ten Commandments one bit".

THE TEN COMMANDMENTS

1. I am the Lord thy God, thou shalt have no other gods before me.
2. Thou shalt not make unto thee any graven image.
3. Thou shalt not take the name of the Lord thy God in vain.
4. Remember the Sabbath day to keep it holy.
5. Honor thy father and thy mother.
6. Thou shalt not kill.
7. Thou shalt not commit adultery.
8. Thou shalt not steal.
9. Thou shalt not bear false witness.
10. Thou shalt not covet.

The historical importance of the Ten Commandments is even captured in the architecture of the U.S. Supreme Court Building. Directly above the bench in the Courtroom is a marble sculpture of the Ten Commandments tablet between two central figures depicting Majesty of the Law and Power of Government.

I believe that it would serve an educational purpose for our citizens to become familiar with the important role which the Bible and the Ten Commandments have played in molding our American traditions and laws.●

TAX CREDIT FOR MEDICAL COSTS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. CLAY. Mr. Speaker, today I have introduced legislation which would ease the burden of the spiraling cost of health care upon low- and middle-income taxpayers by entitling taxpayers to claim a refundable tax credit equal to 20 percent of their medical expenses. Under current law, taxpayers are limited to deducting only those medical expenses which exceed 5 percent of their adjusted gross income.

Despite the rising costs of health care, our system of taxation makes it increasingly difficult for low- and middle-income taxpayers to claim this deduction from their Federal income tax. Indeed, the recently enacted tax reform bill of 1982 increases the amount by which taxpayers deductable medical expenses must exceed their adjusted gross income from 3 to 5 percent.

As a result, those who pay little or no taxes get no tax benefit for health care expenses. One must be in that relatively small class of taxpayers who itemize deductions, to benefit by the existing provisions of the law. Our tax system reimburses poor- and middle-income taxpayers for only about 20 percent of their health care costs while the wealthy benefit by 50 percent or more. This is a regressive system of taxation which soaks those who can least afford to bear this unconscionable burden.

Enactment of my legislation would go a long way toward relieving poor- and middle-class Americans of the burden of the rising cost of health care. I invite my colleagues to join me in cosponsoring this legislation.●

PUBLIC EMPLOYEES AND THE PENSION PROVISIONS OF TEFRA

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. DOWNEY of New York. Mr. Speaker, today I am introducing a bill which exempts public employees from certain pension provisions of the Tax Equity and Fiscal Responsibility Act (TEFRA).

TEFRA sought to limit the maximum benefit and maximum contributions of employees and employers under the terms of qualified pension plans. In too many cases under prior law, qualified plans had been used primarily as shelters for the large salaries of employers, rather than as pension benefit programs with fair benefits flowing to employees.

While I support TEFRA fully in its attempt to close down on these unfair private sector shelters, I do not agree that the law should cover the pension plans of public employees.

The reasons are simple. First, in the case of qualified public plans, the employer is a public entity, not a private—and hopefully taxable—corporation. The incentive in such cases simply does not exist to shelter the incomes of the corporation owner and/or manager.

Second, the basis of much of the problem for public employees which has been caused by the enactment of TEFRA centers on early retirement. There are public employees of certain classifications who work under "20 and out" rules. This means that the employee is required to retire after 20 years of service. Typically, this situation is found in the police and firefighting services.

While I agree that early retirement should be deemphasized as a matter of national policy, I understand and agree with the special condition of police officers and firefighters. In my opinion, the new TEFRA disincentives for this type of retirement system undermines an important and proven

tool for staffing our police and fire-fighting needs.

In my district, I have talked with several such public employees for whom the new limitations on early retirement and annual contributions pose greater financial burden and a rather sudden change in benefits. These are not people looking to evade fair rates of taxation. These are public employees who have entered into pension agreements with certain specifications and now they see this changing, sometimes just before retirement.

Since the proposals of last year were explicit in their intent to clamp down on blatant income tax sheltering, I see no valid reason that public employees should have been included in the first place and, with this legislation, I seek to have them excluded.

The text of my bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 235 of the Tax Equity and Fiscal Responsibility Act of 1982 is amended by inserting immediately after part (e)(iii) the following:

(e)(iv) Qualified pension benefit plans whose participants are employees of Federal, local, State, or municipal governments shall be excluded from the operation of the actuarial adjustments contained in this section.●

REPEAL INTEREST AND DIVIDEND WITHHOLDING

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. SISISKY. Mr. Speaker, today I join with other Members of this Congress in cosponsoring H.R. 500, legislation which will repeal the interest and dividend withholding provisions contained in the Tax Equity and Fiscal Responsibility Act of 1982.

Those who proposed the automatic withholding of 10 percent of interest and dividends characterized it as a way of catching tax evaders and of bringing in more Federal revenues. No one will disagree that the Federal Government needs to collect as much tax money as it is owed. But after reviewing the facts which follow, I do not see how anyone can argue in good faith that this proposal is a fair or efficient way to meet this goal.

Banks and other financial institutions already file annual reports with the Internal Revenue Service which include the amount of interest and dividend income earned by individual citizens on most investments. As of January of this year, those annual reports to the Internal Revenue Service will also include interest and dividends earned on U.S. Government securities and other similar investments which had been previously exempt.

Even with this exemption and without any withholding requirement, the Internal Revenue Service itself reports that it achieved a 97.3-percent voluntary compliance rate on taxes owed on interest and dividends. Now that earnings on these additional investments will also be reported, the Internal Revenue Service's success with voluntary compliance should increase even more. It makes little sense then that the Federal Government should impose this burdensome and harmful withholding law on millions of law-abiding taxpayers, in an attempt to get at the less than 2.7 percent of taxpayers who cheat on paying taxes on their interest and dividend earnings.

The implementation of this law will require that financial institutions spend $1.5 billion this year just to implement the administration of this withholding program. As if that is not bad enough, those same institutions will need to spend another $1 billion each year just to maintain it.

The individual citizens who are trying to save money, or who are trying to live off the earnings from money they have saved or invested over the years, are the ones ultimately who will be hurt the most. Financial institutions will likely be forced to pass the massive costs of implementing and administering the program on to their customers. The taxpayers' available interest and dividend earnings will be cut automatically by 10 percent. Their total interest earnings will also fall due to losses in reinvestment and compounding.

The withholding law does include certain exemptions for elderly and low-income citizens. But many, particularly those most dependent on interest and dividend income, will find the complicated regulations and the exemption process very, very confusing. The resulting additions to Federal tax forms will complicate the form further, and cost taxpayers and the Internal Revenue Service in trouble and expense.

Perhaps the only good thing that can be said about the 10-percent withholding is that it does not go into effect until July 1, 1983. That gives us time to act and to prevent the implementation of this harmful and unnecessary law. It is with that goal in mind that I am cosponsoring this legislation to repeal this law before it goes into effect.

It should be clear to all of us that now, more than ever, we need to protect the investment and savings incomes of low- and moderate-income Americans, particularly our elderly. At the same time, we also need to stimulate continued savings and investment, so that private capital will be available to help our economy recover. This withholding law works against both of these needs. It was not what was needed when it passed and it is not what is needed now.

I urge my colleagues to join those of us who are working to repeal this unfair and harmful law.●

EMIGRATION OF SOVIET JEWS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. GRADISON. Mr. Speaker, the Soviet Union recently celebrated its 60th anniversary as a closed, Communist state. For the past 60 years, it has withheld from its citizens their basic human rights and has done its best to ignore pressure from the West to recognize these rights. Jews, in particular, have suffered greatly as they strive to salvage their identity and culture in face of Soviet pressure and discrimination.

In the last few years, anti-Semitism has intensified. There has been a major crackdown on Judaic study groups and Hebrew classes and officially sanctioned anti-Semitic propaganda has been stepped up. Discrimination against the Jews is evident in both education and employment criteria. Entrance exams are noticeably more difficult for Jewish students and several Jewish scientists have been stripped of their degrees.

More and more Jews are asking permission to leave as the Soviets steadily repress the Jewish culture and way of life. Yet the level of Soviet Jewish emigration has dropped by 95 percent since 1979, when more than 51,000 Jews were permitted to leave the country. In 1982, only 2,670 Jews emigrated. Although thousands apply for exit visas each year, they are denied permission for a variety of reasons. Often they become targets of harassment. They are fired from their jobs and expelled from universities and professional institutions. Moreover, many refuseniks, such as Anatoly Shcharansky and Alexsandr Paritsky, are arrested and sentenced to harsh prison terms in labor camps on fabricated charges of "defamation of the Soviet state", "treason," and "anti-Soviet agitation and propaganda." For most Jews, the selected terror of today is as horrifying as the mass terror of Stalin's time. They do not know when, or if, the Soviet authorities will come for them. Their only hope to live a normal, free life without fear or discrimination is the chance to leave the Soviet Union and to join their people in Israel or other free nations.

The Soviet Jews see the administration and Congress as a lifeline to freedom. Unfortunately, it seems as though the level of emigration is directly linked to the general state of East-West relations. Both emigration

and East-West relations are currently at a very low point in contrast to the 1970's, when relations were marked by eased tensions and détente and the level of emigration was unprecedently high. Although an improvement in human rights must most likely await a general improvement in our relations with the Soviet Union, we cannot be deterred. We must strengthen our resolve to fight for the Jews' human rights in general and specifically for their right to emigrate. The 98th Congress should mark the beginning of a renewed drive to help the Soviet Jews in their efforts to emigrate so that they too will be able to enjoy the personal freedoms that are a basic right of all people.●

IN HONOR OF THE 50TH BIRTHDAY OF WGNY RADIO STATION: NEWBURGH, N.Y.

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. FISH. Mr. Speaker, I would like to take this opportunity to recognize the outstanding achievements of a radio station in my congressional district.

WGNY was established in 1923, in Goshen, N.Y., and has been a great service to the community for 50 years. Longevity is the test of good quality and WGNY has proven its broadcasting proficiency by consistently presenting excellence in programing to its listeners.

I would like to congratulate the president of the station, Joel Harnett, and the general manager, Charles Stewart, as well as all of the staff on this special occasion, and wish them another 50 years of success.●

DISCRIMINATION ON THE BASIS OF SEX, RACE, OR RELIGION

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Ms. FERRARO. Mr. Speaker, a few weeks ago I declined an invitation from the Center for the Study of the Presidency to honor Presidential Adviser Ed Meese. I refused to attend for one reason, and one reason only: The reception was to be held at the Metropolitan Club, a Washington club which does not permit women to become members.

I have been gratified by the response I have received from individuals and groups who feel as I do—that clubs which discriminate on the basis of sex, race, religion, or nationality should not be the setting for public events and tax-deductible activities.

The Commission on Human Rights of the City of New York has advised me that a bill will soon be introduced in the city council forbidding discrimination in clubs that are not truly private.

And the New York Metropolitan Council of the American Jewish Congress passed a resolution on this subject at its meeting last June. I would like to enter their resolution in the RECORD:

AMERICAN JEWISH CONGRESS RESOLUTION ON DISCRIMINATION AT PRIVATE CLUBS, HOTELS, ETC.

(Approved by the Resolutions Committee at the Biennial Convention, Grossinger, N.Y., April 25-28, 1982, and adopted by the Governing Council, June 6, 1982)

Whereas, some offices, hotels, restaurants and social private clubs discriminate in their admission of members and/or guests on the basis of sex, race, religion or national origin;

Now, therefore, be it resolved, That it is the policy of American Jewish Congress that none of its meetings and no meetings of its officers, committees, sub-committees, commissions, staff, ad hoc groups or intergroup meetings be held at such clubs, hotels, offices or restaurants whose admission or membership policy is known or is publicly acknowledged to be discriminatory on the basis of sex, race, religion or national origin.●

EMERGENCY AGRICULTURAL CREDIT ACT OF 1983

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. JONES of Tennessee. Mr. Speaker, today I am introducing the Emergency Agricultural Credit Act of 1983, and I am pleased to have joining me as original cosponsor Congressman TOM COLEMAN who serves as the ranking minority member of the House Agriculture Subcommittee on Conservation, Credit, and Rural Development, which I chair.

Mr. Speaker, American farmers today are at a crossroads. They are facing the worst economic crisis since the agricultural depression of the 1920's. The condition of today's farm economy conjures the solemn reminder that the agricultural depression of the 1920's played a large role in propelling America, and indeed the World, into the Great Depression of the 1930's.

Farmers constitute less than 4 percent of the American population, and only about half of this number farm full time. But what is often overlooked is that agriculture is our Nation's largest industry. American agriculture puts about $140 billion a year into goods and services. The agriculture and food industry generates one out of every five jobs in private industry, and it accounts for 20 percent of our gross national product. Even though the value of U.S. agricultural exports is expected to decline another 4 percent in 1983 after falling 11 percent last year, the fact is that our 1982 agricultural exports brought in $39.1 billion and a $23.7 billion surplus in foreign exchange. This farm export activity went a long way toward offsetting the $57.2 billion deficit in our nonagricultural trade.

Despite the fact that the U.S. farmer has contributed so much to our country's balance of payments, and is responsible for America being the best fed and best clothed nation on Earth, he is now up against an economic crisis which may very well jeopardize the underpinnings of our society.

While food prices have risen over the past several years, most of the increase has come at the processing, transportation, wholesale and retail levels of our nationally distributed food supply. In almost every major category, farm commodity carryover surpluses are expected to set new records this year. This factor, together with our lagging farm exports, has resulted in severely depressed prices farmers are receiving for their commodities. As a matter of fact, the farm parity ratio dropped to 54 percent in December 1982—the lowest of any month since April 1933. Overall, the parity ratio averaged 57 percent for 1982, and set an all-time low on records that go all the way back to 1910. Just to point out how bad this really is, the previous low parity average on record was set in 1932—the height of the Great Depression.

Agriculture is a capital intensive industry, and while prices have fallen through the floor, farmers' costs have skyrocketed. Fully three-quarters of our farmers must borrow in order to produce their next crop. In 1982, farmers' interest costs were about $23 billion, and this is compared to a net farm income of only $19 billion.

At the beginning of the 1970's, total farm debt was only about $50 billion. By 1975, it had risen to over $80 billion, and in 1982 (when interest exceeded income) the amount of farm debt reached over $200 billion. Estimates for 1983 indicate that farm debt will surpass the $215 billion mark.

With these factors in mind, the mission of the Farmers Home Administration becomes all the more important. It is imperative that the FmHA continue to provide the much needed credit to farmers who are unable to secure operating loans from commercial and cooperative lending institutions. At this time, not only must the FmHA continue this role, but it must do more. And because of the pressures of current conditions, it must be done quickly.

Recent reductions in Federal agricultural credit programs, record high interest rates, low commodity prices,

areawide natural disasters and crop failures, and increasing costs of production have made it difficult for farmers to obtain credit, and impossible for many of them to meet existing financial obligations.

This is why I have set about to put together what I believe to be a package of reasonable and effective legislative solutions to the credit problems in our farm sector. The Emergency Agricultural Credit Act which I am introducing today has to move on a fast track if it is to be of assistance in this current crop year. Otherwise, I am not at all certain that the American farmer can be expected to weather another year like the one just passed.

At this point, I will briefly summarize the provisions of the Emergency Agricultural Credit Act of 1983.

OPERATING LOAN LIMITS AND AUTHORIZATION

The current limitation on the size of FmHA's direct operating loans would be raised from $100,000 to $200,000, and the limit on guaranteed loans would be raised from $200,000 to $400,000. The current limitations of $100,000 (direct loan) and $200,000 (guaranteed loan) were set in statute in 1978. Farm operating costs have increased dramatically since then, thus making those limits out of date and unrealistic.

The bill also provides for an additional $200 million in direct operating loan funds to bring the total amount available in this program in fiscal year 1983 to $1.66 billion. This additional $200 million would be specifically earmarked for new borrowers who did not receive FmHA loans in fiscal year 1982 or during that part of fiscal year 1983 ending before enactment of this bill.

LIMITED RESOURCE FARMERS

The bill requires that at least 20 percent of FmHA's operating and ownership loans in fiscal year 1983 be made to borrowers eligible under the low income, limited resource loan program through which a special class of borrowers received loans at a reduced rate of interest.

The bill also requires that all FmHA borrowers be notified of the existence and procedures for qualifying for the limited resource loan program.

CONSOLIDATION AND RESCHEDULING OF OPERATING LOANS

The bill increases from 7 to 15 years the period of time over which the FmHA may reschedule and reamortize operating loans. It also requires that the interest rate on rescheduled, reamortized, or consolidated loans must be set at the interest rate on the prior loan or at the current interest rate, whichever is lower.

ELIGIBILITY FOR EMERGENCY LOANS

The bill makes it clear that eligibility for emergency (natural) disaster loans shall be based only on factors concerning the production losses of individual farmers, and not on the basis of whether or not the Secretary of Agriculture has designated a county or counties eligible for disaster loans.

EXTENSION OF TIME FOR ADDITIONAL EMERGENCY LOANS

FmHA's emergency (natural) disaster loan program provides operating loans to eligible farmers to assist in recovering from losses due to crop failure. Prior to 1980 farmers were eligible to receive subsequent operating loans for up to 5 years in an effort to recover from the disaster.

Legislative changes were made in 1980 which allowed farmers receiving a disaster loan prior to December 15, 1979, to remain eligible to receive subsequent loans for up to 5 years with no ceiling on the amount. However, those farmers obtaining a disaster loan after December 15, 1979, were eligible for only two subsequent loans with limitations of $1.5 million for fiscal year 1980, $1.0 million for fiscal year 1981, and $500,000 for fiscal year 1982. Under current law these farmers are not eligible for subsequent loans during fiscal year 1983 and fiscal year 1984 while those farmers who had a disaster loan on or before December 15, 1979, would continue to be eligible for the full 5-year period.

The bill provides that subsequent loans would be available in fiscal year 1983 and fiscal year 1984 for those farmers obtaining disaster loans since December 15, 1979. However, the current loan limitation of $500,000 would continue for these subsequent loans.

LOAN DEFERRALS

Under existing law, the Farmers Home Administration has authority to grant deferrals on repayment of farm loans to avoid foreclosures. Under present stated policies, the FmHA indicates that it will not foreclose on borrowers who: first, have acted in good faith, second, have made an honest effort to pay, third, are applying recognized successful management practices, fourth, have accounted for all loan security, and fifth, have a reasonable chance to repay their loan.

This bill puts into law what the FmHA says is its policy. Specifically, the Secretary of Agriculture would be required, through September 30, 1984, to grant deferrals and forgo foreclosures on FmHA farm loans made to operators of family size farms when the borrower shows that he: first, has exercised good management practices, second, due to circumstances beyond his control, is temporarily unable to continue making payments on the principal and interest of the loan when due, and third, has a reasonable chance of repayment of the loan after the deferral period ends.

The Secretary would apply these criteria on a case-by-case basis, and therefore this would not result in an outright blanket moratorium on foreclosures being imposed on the Farmers Home Administration.

Although they did not become law, similar proposals were approved, separately, by the Senate and House last year.

The bill also provides that the interest that accrues during the deferral period would bear no interest.

ADMINISTRATION OF GUARANTEED FARM LOAN PROGRAMS

For many years the Congress has tried to design a guaranteed farm loan program which would combine an FmHA guarantee with the resources, ability, and efficiency of private sector lenders, both commercial banks and the farm credit system. To date we have had little success with the implementation of such a program.

The bill would try to solve the guaranteed loan problem by moving the authority to guarantee the loans out of the FmHA county offices to a special FmHA guaranteed farm loan program unit to be established in each FmHA State office. This would put the maximum responsibility for processing and servicing the loan on the private lender and would streamline the FmHA approval procees.

ECONOMIC EMERGENCY LOAN PROGRAM

The bill would reactivate the Emergency Agricultural Credit Adjustment Act of 1978 by making the economic energency (EE) loan program mandatory, and would extend the act through September 30, 1984. The act provides authority for insured and guaranteed loans to farmers and ranchers who need the credit in order to maintain a viable agricultural production operation and are not able to obtain sufficient credit elsewhere, due to economic stresses such as a general tightening of agricultural credit or an unfavorable relationship between production costs and prices received for agricultural commodities. The applicant, of course, must have a reasonable prospect for a successful operation with the assistance of the loan.

The House passed a similar measure to mandate the implementation of the EE loan program last year as a part of a comprehensive bill to reauthorize the lending ceilings of FmHA's farm programs. The Senate failed to act on similar reauthorization legislation, but it did adopt a similar EE loan proposal in the final days of the 97th Congress as an amendment to the fiscal year 1983 Agriculture Appropriation Act. However, the EE provision of the appropriations legislation was modified in conference committee to provide authority for $600 million in loan guarantees to be made available in fiscal year 1983 for the economic emergency loan program.

Unfortunately for thousands of American farmers, the Secretary still has not implemented the economic emergency loan program.

The bill requires that the EE program be implemented, and sets an

annual limit of $600 million in direct loans and $600 million in guaranteed loans.

A copy of the bill follows:

H.R. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Agricultural Credit Act of 1983".

OPERATING LOAN LIMITS AND AUTHORIZATION; LIMITED RESOURCE FARMERS

SEC. 2. (a) Section 313 of the consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended by striking out "$100,000, or, in the case of a loan guaranteed by the Secretary, $200,000" and inserting in lieu thereof "$200,000, or, in the case of a loan guaranteed by the Secretary, $400,000".

(b) Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended by adding at the end thereof the following new subsections:

"(e) Notwithstanding any other provision of law, there are hereby authorized to be insured, or made to be sold and insured, from the Agricultural Credit Insurance Fund during fiscal year 1983, insured operating loans in an aggregate amount of $1,660,000,000. Of that amount, $200,000,000 shall be for new borrowers. As used in the preceding sentence, the phrase 'new borrowers' means agricultural producers who did not receive any farm operating credit from the Farmers Home Administration during fiscal year 1982 or that part of fiscal year 1983 ending on the date of enactment of this subsection.

"(f)(1) Notwithstanding any other provision of law, not less than 20 per centum of the loans for farm ownership purposes under subtitle A of this title, and not less than 20 per centum of the loans for farm operating purposes under subtitle B of this title, authorized to be insured, or made to be sold and insured, from the Agricultural Credit Insurance Fund during fiscal year 1983 shall be for low-income, limited-resource farmers.

"(2) The Secretary shall provide written notification to all farm borrowers and applicants for farm loans under this Act, as soon as practicable after the date of enactment of the Emergency Agricultural Credit Act of 1983, of the provisions of this title relating to low-income, limited-resource farmers and the procedures by which persons may apply for loans under the low-income, limited resource farmer program."

CONSOLIDATION AND RESCHEDULING OF OPERATING LOANS

SEC. 3. Section 316(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(b)) is amended by—

(1) in the second sentence, striking out "seven years" and inserting in lieu thereof "fifteen years"; and

(2) revising the fifth sentence to read as follows: "The interest rate on such consolidated or rescheduled loans, other than guaranteed loans, shall be the lower of (1) the rate charged under the prior loans so consolidated or rescheduled, or (2) or the rate being charged for loans made under this subtitle at the time of the consolidation or rescheduling.".

ELIGIBILITY FOR EMERGENCY LOANS

SEC. 4. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following new sentence: "Eligibility of an applicant for assistance under this subtitle based upon production losses shall be determined solely on the basis of the factors designated in this section and shall not be affected by the Secretary's designation of, or failure to designate, a county or counties for emergency loan purposes.".

EXTENSION OF TIME FOR ADDITIONAL EMERGENCY LOANS

SEC. 5. (a) Notwithstanding the provisions of section 330 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1971), subsequent loans to continue a farming, ranching, or aquaculture operation may be made under subtitle C of such Act on an annual basis—

(1) in the case of borrowers who have outstanding loans approved by the Secretary of Agriculture under such subtitle after December 15, 1979, and before October 1, 1982, for not to exceed four additional years; and

(2) in the case of borrowers who have outstanding loans approved by the Secretary of Agriculture under such subtitle after September 30, 1981, and before October 1, 1982, for not to exceed three additional years.

(b) Subsequent loans made pursuant to the authority of subsection (a) shall be subject to the limits on loans and rates of interest established under section 324 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964).

LOAN DEFERRALS

SEC. 6. Section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) is amended by—

(1) inserting the designation "(a)" before the existing text thereof;

(2) in the second sentence, striking out "section" and inserting in lieu thereof "subsection"; and

(3) adding at the end thereof the following new subsections:

"(b) During the period beginning with the date of enactment of this subsection and ending September 30, 1984, the Secretary shall permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary for farm ownership purposes under subtitle A of this title, farm operating purposes under subtitle B of this title, disaster emergency purposes under subtitle C of this title, or economic emergency purposes under the Emergency Agricultural Credit Adjustment Act of 1978, and shall forgo foreclosure of any such loan, in both cases on a showing by the borrower that the borrower (1) has followed good management practicies, (2) due to circumstances beyond the borrower's control, is temporarily unable to continue making payment on such principal and interest when due, and (3) has a reasonable chance of repayment of the loan after the deferral of principal and interest and foregoing of foreclosure. The Secretary shall waive the payment of interest that accrues during the deferral period on any loan deferred under the provisions of this subsection. The provisions of this subsection shall be applicable only to borrowers who own or operate family-size farms, as certified by the county committee.

"(c) Upon the expiration of any period of deferral of payment of principal and interest and foregoing of foreclosure by the Secretary under subsection (b) of this section, the Secretary shall make available to the borrower, at the borrower's request, procedures whereby the loan may be consolidated, rescheduled, or reamortized to provide equitable repayment terms consistent with the borrower's farm and financial situation, and any loan so consolidated, rescheduled, or reamortized shall bear interest at a rate not in excess of the rate of interest on the original loan.

"(d) The Secretary shall promulgate regulations that provide (1) for notification of all farm borrowers under this title and the Emergency Agricultural Credit Adjustment Act of 1978 of the provisions of this section and all other servicing alternatives offered by the Secretary, (2) clear procedures by which borrowers may petition the Secretary for relief under such provisions and alternatives, and (3) for appeal within the Department of Agriculture from a decision that denies relief under such provisions and alternatives.

"(e) Any farm loan deferred, consolidated, rescheduled, or reamortized under any authority of the Secretary under this title other than under subsections (b) and (c) of this section shall, notwithstanding any other provision of this title, bear interest on the balance of the original loan and for the term of the original loan at a rate not in excess of the rate of interest on the original loan.".

ADMINISTRATION OF GUARANTEED FARM LOAN PROGRAMS

SEC. 7. (a) The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 note) is amended by adding at the end thereof the following new section:

SEC. 349. Notwithstanding any other provision of this title—

"(a) the Secretary shall establish, in each State office of the Farmers Home Administration organized by the Secretary under the authority of section 331(a) of this title, a Guaranteed Farm Loan Program Unit (referred to in this section as 'the Unit'). The Unit shall operate and administer within the area for which the State office is responsible the programs for guarantees of farm-type loans for farm ownership purposes under subtitle A, farm operating purposes under subtitle B, and disaster emergency purposes under subtitle C of this title, and economic emergency purposes under the Emergency Agricultural Credit Adjustment Act of 1978. Such programs may not be operated or administered by county or district offices of the Farmers Home Administration.

"(b) The Secretary shall ensure—

"(1) that each Unit has sufficient staff to carry out its responsibilities promptly, efficiently and effectively;

"(2) within the limits of authorizations therefor, make available to each Unit funds adequate to meet the demands in the area for which it is responsible for loan guarantees for each of the purposes enumerated in section (a) of this section; and

"(3) that the Unit informs all private agricultural lenders in the area for which it is responsible of the existence of such loan guarantees and how they may be utilized by lenders and borrowers.".

(b) The Secretary shall issue regulations to implement the provisions of subsection (a) of this section which shall include adjustments of the administrative structure of the Farmers Home Administration necessary to accommodate such provisions.

(c) The provisions of subsection (a) of this section shall become effective 90 days after enactment and shall apply to applications for guarantees filed and guarantee commitments made on and after such effective date.

ECONOMIC EMERGENCY LOAN PROGRAM

SEC. 8. (a) Section 202 of the Emergency Agricultural Credit Adjustment Act of 1978

(7 U.S.C. prec. 1961 note) is amended by striking out "The Secretary of Agriculture may" and inserting in lieu thereof "The Secretary of Agriculture shall".

(b) Section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) is amended by—

(1) striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984"; and

(2) immediately after "$600,000,000", inserting a comma and "except that, in fiscal year 1983, such $600,000,000 shall be in addition to the total amount of money borrowed under contracts of guarantee entered into under the authorization provided in the Act of December 18, 1982 (Public Law 97-370, 96 Stat. 1799)".

EFFECTIVE DATE

SEC. 9. Except as otherwise provided herein, the provisions of this Act shall become effective upon enactment.●

REPEAL WITHHOLDING TAX

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. BORSKI. Mr. Speaker, today I am introducing legislation to repeal the 10-percent withholding tax on interest and dividend income. As you know, this tax will take effect on July 1, 1983, unless this Congress takes early action to repeal it. I urge my colleagues to join with me in ending this burdensome tax.

I was not serving in Congress in 1982 when President Reagan signed this tax into law but if I had been a Member of the House, I would have opposed it. It is a disincentive for savers and a nightmare for financial institutions. The overwhelming majority of Americans pay their share of income taxes. The Internal Revenue Service tells us that there is a taxpayer compliance rate of 96.7 percent. Yet the IRS wants this tax in order to catch the few cheaters who do not report interest income. The IRS already has this information and only has to cross-check its records to determine who is not paying taxes on interest. We should go after the tax cheaters vigorously but we should not penalize the majority of honest people in order to catch a few tax dodgers.

Many senior citizens are terribly confused by the complicated exemption process. They would be required to file new exemption request forms every year for every account. Some are thinking of taking their money out of the bank in order to avoid the troublesome paperwork.

For the banks, savings and loans, and other financial institutions, the tax is a tremendous burden. Industry experts estimate that it will cost more in the first year to set up the withholding plan than it will yield in new taxes to the Treasury.

Mr. Speaker, public opinion polls show that 70 percent of the American people oppose withholding. I have received thousands of letters, postcards, and phone calls from my Philadelphia constituents urging an end to this tax. I agree with them and will work to see that withholding is repealed.●

NATIONAL BLACK HISTORY MONTH

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. WHEAT. Mr. Speaker, February is National Black History Month, and I am taking this opportunity to bring to the attention of my colleagues an event in Kansas City sponsored by the Black Archives of mid-America. To kick off the celebration of National Black History Month, the Black Archives is honoring a group of 12 black ministers for their contributions to the community.

I am taking this opportunity to congratulate all 12 ministers for the recognition they are receiving. My personal thanks go to the ministers for their commitment of time and service to the community in addition to their spiritual support and guidance for elected officials.

My sincerest best wishes to Rev. Preston Allen, Jr., Dr. John W. Williams, Rev. John Shaw, Rev. S. S. Myers, Rev. Earl Abel, Rev. A. L. Johnson, Rev. Wallace S. Hartsfield, Dr. I. H. Henderson, Dr. W. H. White, Rev. Grady R. Brown, Rev. E. Woody Hall, and Dr. Edward E. Fields, each and every one of whom I am proud to have as a friend.

In addition I want to commend the Black Archives for its choice of this occasion to honor the 12 ministers. The Black Archives, through the vision of its executive director, Horace Peterson, is an organization dedicated to the preservation of black history through the collection of photographs, documents, and other items of historical interest. The Black Archives has compiled a photographic exhibit to be displayed at various locations throughout the Kansas City area to highlight moments of significance in local black history.●

TAX RULES FOR PRIVATE FOUNDATIONS

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. MADIGAN. Mr. Speaker, I am pleased to introduce today a measure to assist small private charitable foundations in their efforts to serve the needs of their local communities. In agricultural States such as Illinois, it is common for people to donate farmland to small charitable foundations for the support of local libraries, parks, recreation facilities, and other community service projects.

Under current law, in order to qualify as a tax-exempt private operating foundation, a foundation must annually distribute, for charitable purposes, an amount equal to a percentage of the value of its assets. If a foundation does not distribute the necessary amount, the Internal Revenue Service will assess a tax penalty equal to the difference between the amount distributed and an amount equal to a percentage of the value of the income-producing assets.

In 1969, when the distribution requirement was added to the Internal Revenue Code, small private foundations, supported primarily by agricultural holdings, had no problem meeting the distribution requirements. However, since that time the value of an acre of farmland has increased much faster than the per acre gross return. In Illinois, since 1969, the average value of farmland has increased by 333 percent while the per acre gross return for corn and soybeans has increased by only 231 percent and 235 percent respectively. As land values outpace income, the distribution requirement for qualifying as a private operating foundation becomes more difficult to meet for small foundations whose primary income-producing resource is farmland. One bad growing season due to drought or flood or the continued escalation of farmland values could result in a foundation being forced to sell a portion of its farmland and distribute the proceeds in order to avoid the imposition of the tax penalty. Such a result would be counterproductive as it would reduce the ability of the foundation to fulfill its charitable purpose in future years.

The bill I am introducing today will insure that these foundations will not suffer a diminished capacity to perform their vital community functions due to a bad crop or the further extraordinary escalation of farmland values. This measure will allow small private foundations to determine the value of their farmland for distribution requirements by using a valuation method currently used for valuing inherited farmland—section 2032A(e) of the Internal Revenue Code.

At a time when we are asking the private sector to shoulder more responsibility for community services, we need to encourage the continuation of generous and caring local charitable activity. This bill will assist that effort by assuring potential donors of agricultural land that their charitable intentions will not be frustrated due to an outdated and inflexible tax formula.●

AMERICANS BUILDING SOVIET ARSENAL

HON. DANIEL B. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, "The solution to the Soviet threat is not to keep increasing our own defense spending, but rather, not to make it easier for the Soviet Union to increase and improve its arsenal."

This truth is contained in the following article published in the February, 1983 issue of Reason magazine. The author, Dr. Juliana Geran Pilon, is a brilliant scholar who has brought to light many of the reasons for the extraordinary growth of the Soviet war machine.

I strongly urge my colleagues to read and act upon this information.

The article follows:

DOUBLE DEALING

(By Juliana Geran Pilon)

Unsuspecting Americans may have thought they had tuned in to a new episode of Star Wars, made more horrifying for mass consumption, when they heard in 1980 that the Soviets were developing a fantastic brand of laser weapons called killer satellites. The arms race having thereby escalated into the higher reaches of the stratosphere, US taxpayers soon learned that they would now have to foot an even more extravagant defense bill, required to meet the new Soviet challenge.

How could it have happened? A planned economy that cannot even deliver bread to its people seems hardly capable of outdoing the free world in strategic warfare. A few years earlier, when government officials were warned by General George Keegan that the Soviets were on the threshold of developing weapons capable of obliterating incoming missiles by throwing giant lightning bolts at them, the idea seemed altogether too unlikely. Met with skepticism bordering on ridicule, General Keegan had little choice but to resign from his post as head of Air Force Intelligence. Yet in 1980 *Aviation Week & Space Technology* published the news of the Soviets' killer satellites, essentially vindicating General Keegan. A new era in defense technology had thus begun • • •

But even with its more than $100-billion investment lead during the '70s, the Soviet military could never have achieved such success without help from the United States. Both illegally, and what is even more disturbing, legally—indeed, with government approval and aid—US companies have for years been supplying the Soviet war machine with sophisticated technology and equipment. Usually on credit—at times from the Export-Import Bank (Ex-Im Bank), the government agency originally set up specifically to help finance US trade with the USSR—the products of US research in high-technology areas have been flowing to the Communist bloc and helping to improve its strategic capability.

• • • After all, rather than continually raising the federal defense bill, it would seem much wiser to apply the proverbial ounce of prevention and simply monitor, intelligently and consistently, the sale of those items that demonstrably contribute to advancing the Soviet military. To cite William Simon's book *A Time for Action*, "We must stop building the Soviet war machine with critical infusions of our technology." As it is, we now find ourselves in "the lunatic posture creating a balance of power *against ourselves.*"

Whether to control strategic trade seems hardly worth debating when one considers the military significance of strategic items compared with their negligible impact on the US balance of trade • • •.

A good many economists, even those who concede that the US defense budget might be lower if the Soviets were denied access to technology from the industrialized Western countries, are nevertheless opposed to any US embargoes. Free trade, they argue, is as a rule the most profitable policy. If we don't sell, our European competitors will, and we will lose a lucrative market. As we shall see, however, in many areas US firms do still have a monopoly.

The free-trade proponent, moreover, has to confront a few other facts. In the first place, many strategic goods are properly subject to government authority because they were developed with taxpayers' money. • • • at bottom the crucial issue is national security. For, useful as economic calculations may be in this discussion, a more fundamental consideration is the government's quintessential duty to protect its citizens. Because of this duty, if the sale of high-technology goods poses a clear and present danger to its citizens, the government must see to it that such traffic is curtailed.

Is there really any point in discussing the financial advantages of helping our principal adversary destroy us? With characteristic directness, the father of the free market, Adam Smith, wrote in his Wealth of Nations in 1776: "Defense . . . is of much more importance than opulence." The statement appears to have impressed Smith as self-evident.

Vladimir Bukovsky said it brilliantly in his article "The Peace Movement and the Soviet Union," published in Commentary magazine in May 1982: "The issue now is not 'peace versus war,' but rather 'freedom versus slavery.' Peace and freedom appear to be inseparable, and the old formula 'Better red than dead' is simply fatuous. Those who live by it will be both red and dead." The solution to the Soviet threat is not to keep increasing our own defense spending, but rather, not to make it easier for the Soviet Union to increase and improve its arsenal.

Several new events in the past few years have focused the spotlight on US firms or individuals conducting illegal trade with the Soviet Union. For example, according to a document obtained by the Los Angeles Times in early 1980, investigators for the Department of Commerce had discovered that several companies were illegally exporting to the USSR equipment of use to the Soviet military. Spawr Optical Research, Inc., of Corona, California, was convicted on December 13, 1980, of using a West German intermediary to sell the Soviets laser mirrors despite warnings that such equipment would be used in killer satellites. Two northern California companies pleaded guilty to the charge that they shipped semiconductor equipment to dummy firms in Canada, then had it reexported to Switzerland for eventual receipt by Moscow.• • •

In testimony before the House Armed Services Committee in May 1979, Brady (Lawrence J. Brady, former director of the Office of Export Administration) explicitly charged the Commerce Department with failing to adequately protect the national security interests of the United States by neglecting to conduct full investigations of persistent reports of Soviet diversion of our technology to military uses. These charges came shortly after the appearance of a report from the Defense Intelligence Agency citing massive transfer of U.S. and other Western technology to the Communists.

Brady's charges also corroborated testimony by a CIA official regarding the military use of the largest truck plant in the world, Kama River, built in the U.S.S.R. largely by American companies (with the help, incidentally, of taxpayer-funded Ex-Im Bank credits). Astonishingly calm, then-Commerce Secretary Juanita Kreps responded to these charges by disclaiming responsibility on the ground that "military use of that plant would not constitute a diversion or violation of the law because the licenses contained no restrictions to the use of those trucks or engines."

There was evidence, however, indicating that U.S. companies did specify in their contracts that the Kama plant would be used only for civilian purposes. When confronted with two such contracts, the Commerce Department then backed off a bit and countered that only 19 of the 150 licenses reviewed for the plant had "end-use" clauses. So it seems that the Nixon administration—which made the original decisions concerning the plant—had indeed contemplated the plant's military use but had decided to keep this quiet. The blame, evidently, went considerably beyond the Commerce Department.

But Brady wasn't through. He came up with another explosive item: an internal Carter administration memorandum dated February 3, 1977, involving a similar American-built Soviet truck plant, the ZiL factory. The memo, concerning the approval of a $6.1-million computer to be used by the factory, reads as follows:

"Problem is that a quarter of the 200,000 trucks [the plant] produces annually goes to the military, including 100 missile launchers. State and Commerce support approval, on grounds that U.S. government, aware of [its] military production, has licensed exports to it several times during the 1970's, that [the number of missile launchers] is small, and that the remaining trucks for the military are basically no different from heavy duty civilian trucks."

The evidence is irrefutable: neither the Commerce nor the State department objected to the military use of the ZiL factory. And their willing accomplice was none other than Jimmy Carter, his noisy anti-Soviet rhetoric notwithstanding. For a full story of executive culpability we would have to have access to mostly classified documents. But one thing is clear: the White House knew it was helping to strengthen the Soviet war machine.

Strategic trade with the Soviet bloc virtually mushroomed during the Nixon era and continued to proliferate no less promiscuously during the Carter years. Shortly after the Republican victory of 1968, Congress had liberalized the Export Control Act, thus making it much easier to trade with the Soviets. By the time of the Soviet invasion of Afghanistan in late 1979, the list of strategic items sold to the Russians by US firms had become truly staggering. According to the testimony of Lawrence Brady, who had been working in the Commerce Department,

the list includes "semi-conductors, array transform processors, computers, machine tools, chemical processes, and turnkey projects combining non-strategic and strategic technology."

But even among those who find the situation deplorable, many come back to the old lament that if U.S. companies don't sell someone else will and that embargoes are therefore useless. The flaws of that argument, however, especially when considered together with the reality of Communist countries; indebtedness, should give them pause.

In the first place, the data base for deciding foreign availability is, according to Lawrence Brady and other experts as well, often "weak to nonexistent." But it is certainly noteworthy that the U.S. government rather than its Western allies has become the chief offender in seeking waivers of the CoCom (Coordinating Committee for Multilateral Export Controls) embargo against strategic traffic with Soviet bloc nations. In 1962, out of 124 requests for exceptions, the United States was responsible for only 1.6 percent; by 1978, that number had escalated to 62.5 percent of a total of 1,050. (A cutback since that time is a matter of too little too late.)

But these figures are merely indicative. And no system for determining foreign availability is currently available. A study by a private research group submitted to the Department of Commerce in 1980 concluded that "a system for making foreign availability assessments during the decade of the 1970's did not exist and such assessments were made on an ad-hoc basis." Moreover, the report said that interviews with government administrators and industry representatives indicated that determination of foreign availability was not a significant factor in reaching decisions on export licensing cases. As a matter of fact, U.S. firms still have the competitive edge over other Western producers in several areas, such as computers, machine tools, radar components, jet engines, satellite reconnaissance systems, and myriad seismic tools used in oil exploration, of which underwater listening devices are the most sensitive.

Another interesting fact is that the Soviet government often prefers to do business with U.S. giants like IBM and Control Data, sometimes even when a European competitor offers them a lower price. * * *

The foreign availability argument is at times so thin as to raise serious suspicions about its validity when applied in other, less easily verifiable, instances. President Carter used it, for example, in the summer of 1978 to justify his approval of a controversial sale by Dresser Industries of a $144-million plant for the manufacture of deep-well oil-drilling equipment, even though a Defense Science Board task force headed by Texas Instruments president J. Fred Bucy had declared categorically that the technologies involved were "solely concentrated in the United States." Sen. Henry Jackson (D-Wash.) charged that the president, in ignoring the opposition of a National Security Council (NSC) task force, had succumbed to pressure from both the Commerce Department and Dresser Industries. The NSC opposition, by the way, was due partly to the fact that the Dresser sale included the transfer of a computerized electronic beam-welding machine that can be used to manufacture jet aircraft—to say nothing of its nuclear and even laser applications.

A good many corporate leaders appear quite ready to concede the shakiness of the foreign availability argument in many cases—computers, for example—but claim nonetheless that we should sell the Russians such sophisticated items because it will be profitable in the long run. After all, the Soviets, so the thinking goes, will need to buy maintenance equipment from us, and we well have a corner on that market for years to come.

The evidence, however, seems to point to an altogether different scenario. According to an article in the February 1980 issue of High Technology, for example, the Soviets had so far bought from US firms over 50 different models of computers, but most of them included the technological know-how enabling the Soviets to build their own. The amount of Western spare parts bought for those computers had been outright negligible. The reason is simply that the Soviets are, in fact, copying our machines. When some up-to-date integrated circuits exhibited by the Soviet Ministry of Electronics were examined closely a few years ago, they proved to be virtual copies of those made by Mostek Corp., an American pioneer in the business.

Nor are these computers insignificant to the Soviet military. The Eastern bloc's air defense system is believed to be built around IBM 360 and 370 computers. With an air traffic control system based on Western-manufactured radar devices and computers, the Soviets have air-defense control capabilities made possible by Western technology. We nevertheless go on supplying the Communist bloc with computers. Control Data alone has sold $50 million worth and is continuing to push vigorously for increased East-West trade.

Let not the idea of trade, however, obscure the highly singular character of commercial relations with the so-called nonmarket countries, whose ability to pay for the goods they need is, to put it mildly, very much wanting. Much of Eastern trade with Western firms, in fact, is subsidized by the taxpayers—this despite the already alarming debt of the Soviet bloc. It was alarming as far back as 1977 when its indebtedness to Western sources was only $40-$45 billion, as opposed to almost $90 billion today. The Wall Street Journal reported in February 1977 that many observers were becoming concerned about the possibility of Soviet blackmail. Today, the debt issue is clearly explosive.

And the USSR knows exactly what it is doing. The Soviet news agency TASS, on February 2, 1982, suggested that the Soviet block and the USSR had both the United States and Western Europe over a barrel on the debt repayment issue. * * * The Times of London called on December 17 for displaying realism dictated by the West's own interests, for banks were "hostages" to their debtors.

These Western credits, of course, are not simply private. Even when they are not explicitly guaranteed by the government, when crisis threatens the government steps in with taxpayers' funds. In the wake of the US government's bailout of banks over the Polish debt crisis in January 1982, it would be worth considering American investment specialist Felix G. Rohatyn's suggestion:

"We should put the economic burden of the satellite states squarely back on the Soviet Union and point up the bankruptcy of the Communist system by declaring bankrupt one of its units. When the economic burden grows sufficiently heavy, the Soviet Union may become more accommodating and, together with the United States, may find it in its self-interest to reduce drastically defense budgets neither can really afford."

For surely it is bizarre for us to help the USSR in its aggressive designs—with obvious implications for our own safety, let alone our freedom.

* * * US firms, for example, have trained hundreds of Soviet technicians in the United States. Teams of Soviet specialists—ostensibly looking into possible purchases—have been allowed to tour defense-related US plants. A member of one such group, which closely inspected the Boeing, Lockheed, and McDonnell-Douglas factories in 1973 and 1974, admitted privately to a Boeing official that purchases had never been contemplated—meaning, of course, that the group's real purpose had been industrial spying. Need we mention, too, those so-called student exchanges? In the words of a recent Office of Technology Assessment report, Technology and East-West Trade, "Since 1972, Soviet 'students,' who are usually experienced engineers, scientists, and managers of R&D establishments, have concentrated on study programs in the U.S. in semiconductor technology, computers, and other fields of applied research."

But if Soviet behavior is readily explicable, the same cannot be said for ours. Why do Western businesses and government seem so anxious to overlook the cost of strategic trade with the Communist bloc? Part of the answer is that not quite everyone is losing—not, at least, losing equally—in this game. To be sure, the higher defense budget prompted by more sophisticated Soviet technology is borne by every taxpayer, individual and corporate, but companies like Control Data and Dresser Industries still appear to come out ahead, at least in the short run. As for government help with financing, many an American business owner has been known to overlook the source of his income. Should it surprise anyone that the U.S. Chamber of Commerce is warmly in favor of increasing the budget of Ex-Im Bank?

What is less clear is why taxpayers are putting up with all of this. The most likely explanation is that they are not really aware of what is going on. * * *

In 1980, Congress carried off a maneuver to keep the lid on data concerning East-West trade. The National Journalism Center had attempted to obtain precise information—collected by the Commerce Department—on who is selling what to the Russians. When the Commerce Department balked, the center, invoking the Freedom of Information Act, took the case to court. Consistently enough, the courts declared that, absent legislation to the contrary, the Commerce Department had to open its files. Not unexpectedly, Congress obliged and came up with the required cover-up legislation. The bill, touted as a "compromise," permits access to only the most general data about what is being shipped East and allows shippers to conceal their identity by requesting confidential treatment. U.S. firms do not have to worry now about irksome protests from mere taxpayers nosy about their national security.

Notwithstanding their legitimate quest for profit, one might think that business owners would be no less concerned than anyone else about contributing to the growing power of a nation whose leader announced less than a decade ago that by 1985 "the Soviet bloc countries will have achieved most of their objectives in Western Europe and reached a decisive shift in the

correlation of forces so that they will be able to exert their will wherever they need to." But it seems that US business executives do not believe such statements of Soviet goals.

On the contrary, it appears that some of our own *weapons* manufacturers are eager, even impatient, to do business with the Soviet government. According to John Markoff, writing in *Inquiry* magazine in July 1980, "Some of the corporations at the very heart of the defense establishment" were angry at Jimmy Carter's embargo on strategic goods to the USSR because they found themselves "having to forgo lucrative trade opportunities in the name of national defense." Lucrative indeed, when the United States in turn must improve its own defense capabilities to catch up with the Soviets who—with our help—keep updating their war machine. The full picture apparently escaped Markoff, who saw a paradox where none exists. Puzzled, he continued: "The development of socialist high-technology markets has given rise to wonderful ironies: Major U.S. multinationals have set up pro-trade, pro-detente groups like the US-USSR Trade Council and the American Committee for East-West Accord, while at the same time retaining their charter memberships in anti-Communist defense spending organizations." • • •

The problem is actually of enormous proportions. According to a Washington-based confidential source, for example, one of the largest transnational corporations (for which he works) has been engaged in direct sales of electronic equipment to anti-West regimes. In one case, transmitting equipment was supplied to the Soviet puppet government in Afghanistan. It is no exaggeration to claim that the dimensions of this explosive item of information are immense.

It was John Locke who stated most plainly and eloquently, before this country was born, the principal reason why people form governments. "The great and chief end of men uniting into commonwealths and putting themselves under government, is the preservation of their property"—meaning, specifically, their "lives, liberties and and estates, which I call by the general name—property." Life, evidently, came first.

In truth, a great number of people would undoubtedly go along with the principle of an embargo on the sale of high-technology goods to the Communist countries were it possible to demonstrate beyond refutation that such a move would be absolutely effective in protecting our national security at a reasonable cost. Such rigid demonstration, of course is impossible. All the evidence already adduced to illustrate the US contribution to the Soviet military cannot possibly provide proof of what would happen in the absence of that contribution. Yet to dismiss the evidence as irrelevant would be to abandon rationality altogether.

Opting for an embargo, however, is still a long way from imposing it effectively. The first problem is to determine with some degree of accuracy what items qualify as strategically significant enough to warrant controls. It has been argued, for example, that everything we sell, including wheat, contributes to the growth of the Soviet military insofar as assistance from us frees up funds for the Soviet war machine. While that argument is not without some merit, particularly if the wheat sales, for example, are subsidized, it is possible to make distinctions. Some items are clearly useful to the Soviets solely for military purposes (laser mirrors, for example). Others have a combined military and civilian usefulness (a truck plant, for example), and the strategic element must be carefully weighed. Still others contribute to the well-being of the Soviet population but are not of strategic significance.

It is high time we broke the vicious cycle of contributing to the Soviets' defense buildup and boosting our own defense spending to meet the challenge; of allowing, even encouraging, US firms to profit with the left hand from selling strategic technology to the Soviet government and with the right hand from building weapons for the US government. As American taxpayers face yet another grossly imbalanced federal budget in which defense appropriations are held sacred, the issue of strategic trade with the Soviet bloc cannot be ignored.●

SAVING MEDICARE DOLLARS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. WYDEN. Mr. Speaker, today I am introducing a bill that will strengthen our health care delivery system by changing the way the government pays hospitals under medicare.

This bill, which requires hospitals to agree upon a reasonable payment schedule up front instead of sending Government a bill after the fact, builds on H.R. 5084, which I introduced during the 97th Congress.

I am reintroducing this legislation today because the need for getting health care costs under control is even greater today then it was 1½ years ago when I introduced H.R. 5084. And I intend to keep pushing this legislation until it becomes law.

The need for enactment of this kind of legislation—called prospective payment—is crystal clear. Health care costs—and particularly hospital costs—have shot through the roof over the past decade. In 1982 alone, health care cost the Government and private industry $287 billion, twice as much as 5 years ago.

With the Federal deficit expected to top $200 billion this year, and the economy on the skids, this is a cost neither the Government nor individuals can afford. That means we must come up with workable solutions—and soon.

Unfortunately, achieving that goal is no easy task—as we have seen. For 6 years the Government has tried to find solutions to soaring hospital costs, and for 6 years we have failed.

First, there was cost-containment, proposed in 1977. This approach was strongly opposed by the hospital industry—and not surprisingly, it failed.

Then there was the so-called voluntary effort—which did not work either. Although some facilities participated to the best of their ability, others did not—and in the long run, very little changed.

Last year, as part of the Tax Equity and Fiscal Responsibility Act [TEFRA], Congress approved a plan to place a lid on reimbursement for routine hospital costs. But virtually everyone agrees that this is not really a change, just the capping of costs. We need to go much farther—and I believe prospective payment is the ticket.

Today, medicare utilizes a cost-based reimbursement system—under which hospitals are paid after-the-fact a percentage of what they claim a service cost. Cost-based reimbursement gives hospitals incentives to keep costs high because the more a hospital charges, the more money it is reimbursed.

Prospective payment would change all this by giving hospitals incentives to sit down with the Government before services are provided and work out a reasonable payment schedule for those services.

We know prospective payment works because it has been proven to work. Seven States and 30 municipalities have prospective payment plans, and most, if not all, have been able to reduce the annual rate of increase in hospital cost from 2 to 6 percent below the national average.

The reason prospective payment has worked is because States and local entities have been allowed to develop their own plans that address the needs of the local area. New Jersey and Maryland have developed prospective payment plans that are based on diagnostic related groupings [DRG's], and cover all payors. Rhode Island negotiates to establish what is called a maxicap, or a maximum increase in the statewide budget for all hospital care for the coming year.

Because I believe that this flexibility is critical to the success of a national prospective payment system, my legislation would allow States to tailor their prospective payment plan to the unique needs of their area.

I am not alone in this belief. Alice Rivlin, Director of the Congressional Budget Office [CBO], has come out in support of a State role in the establishment of prospective payment.

It does not take a genius to figure out that not all health care providers are cut from the same mold, and Government makes a mistake to try as a matter of health policy to put square pegs into round holes. What is good for consumers and providers in Orgeon is not necessarily good for those in New York or Texas. And what is good for those in New York or Texas is not necessarily good for those in Michigan or California.

My plan does recognize the need for establishment of basic guidelines. By preventing cost shifting, dumping of medically needy patients, and cost overruns, it provides a core of basic protections for senior citizens under medicare. Ever since I was the director

of the Oregon Gray Panthers, I have been convinced that these protections were a must if we were to lay a foundation for responsible reform of our health care system.

Finally, my bill goes one step further—it provides all-payor coverage for States that opt to develop a State prospective payment plan.

All-payor coverage is important, as Alice Rivlin of CBO has acknowledged. All-payor coverage recognizes that in order to win the war, we must do battle with all the sources of increased hospital costs—including medicaid and other third-party payors, as well as medicare.

My bill also recognizes that cost shifting inflates the cost of private insurance plans, and that means more costs for the patient, the insurance companies, and the employer. In my State alone, third-party payors were forced to pay an additional $120 million in hospital costs last year due to cost overruns imposed by medicare, medicaid, bad debt, and charity care.

Mr. Speaker, I am aware that my bill is not the only prospective payment plan that has been offered. The administration has also proposed a prospective payment system—albeit one that differs significantly from my own. I welcome the opportunity to work with the administration and others to work out those differences and come up with a plan that will garner the kind of bipartisan support it needs to make it through the Congress and into law.

But I must confess to having some reservations about some of the specifics of the administration's plan as it presently stands.

For one, I am concerned whether it contains a realistic proposal for dealing with the issue of capital. We cannot allow capital costs to go absolutely unchecked when capital investments mean an additional 30 cents of cost per dollar annually for medicare.

I also am concerned that the administration's DRG proposal does not include a provision for States to develop their own prospective payment plan.

Most important, I am concerned that the administration's DRG proposal is a medicare-only plan, while the model that it is supposedly based on—the New Jersey model—is an all-payors plan. While the New Jersey program has worked well using the DRG set up, there are no assurances that the administration's plan will work as well—or at all—when it is limited to medicare.

Nevertheless, there are a number of features in the administration's plan I support. For example, it continues the practice of hospitals being forced to accept medicare assignment as the total amount receivable from beneficiaries, it attempts to guard against widespread dumping and skimming of undesirable patients, and it encourages cost efficiency.

Most important, the administration's plan like mine, is a good first step toward changing the existing cost-based reimbursement system—a system which rewards inefficiency—to a prospective payment system—a system that rewards efficiency and honors quality health care.

I am hopeful that prospective payment will become a reality during this Congress, and I look forward to working with the administration and my colleagues on both sides of the aisle to see that it does.

The bill follows:

H.R. 1227

A bill to amend title XVIII of the Social Security Act to provide for alternative methods for the prospective payment of hospitals under the medicare program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Medicare Payment Reform Act of 1983".

ALTERNATIVE HOSPITAL STATE PROSPECTIVE PAYMENT PROGRAMS

SEC. 2. (a) Paragraph (1) of section 1886(c) of the Social Security Act is amended—

(1) by striking out "may provide, in his discretion," and inserting in lieu thereof "shall provide";

(2) in subparagraph (A), by redesignating clauses (i) and (ii) as clauses (I) and (II), respectively, by striking out "(A)" and inserting in lieu thereof "(A)(i)", and by adding at the end the following new clause:

"(ii) the Secretary determines that the system (I) is operated directly by the State or by an entity designated pursuant to State law, (II) provides for payment of hospitals covered under the system under a methodology (which sets forth exceptions and adjustments, as well as any method for changes in the methodology) by which rates or amounts to be paid for hospital services during a specified period are established under the system prior to the defined rate period, and (III) hospitals covered under the system will make such reports (in lieu of cost and other reports, identified by the Secretary, otherwise required under this title) as the Secretary may require in order to properly monitor assurances provided under this subsection;";

(3) in subparagraph (B), by striking out "(B)" and inserting in lieu thereof "(B)(i)", by striking out "and" at the end, and by adding at the end the following new clause:

"(ii) the State has provided the Secretary with assurances that operation of the system will not result in any change in hospital admission practices which result in—

"(I) a significant reduction in the proportion of patients (receiving hospital services covered under the system) who have no third-party coverage and who are unable to pay for hospital services,

"(II) a significant reduction in the proportion of individuals admitted to hospitals for inpatient hospital services for which payment is (or is likely to be) less than the anticipated charges for or costs of such services,

"(III) the refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital, or

"(IV) the refusal to provide emergency services to any person who is in need of emergency services if the hospital provides such services; and";

(4) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and", and

(5) by adding at the end the following:

"(D) any change by the State in the system which has the effect of materially reducing payments to hospitals can only take effect upon 6 months notice to the Secretary and to the hospitals the payment to which is likely to be materially affected by the charge; and

"(E) the system meets such other requirements as the Secretary has established by regulation.

No regulation under subparagraph (E) shall take effect until 60 days after the date the text of the final regulation has been transmitted to the appropriate committees of Congress.".

(b) Paragraph (3) of such section is amended—

(1) by inserting ", upon six months notice to the chief executive officer of the State" after "if the Secretary", and

(2) by striking out "requirement of paragraph (1)(A)" in subparagraph (A) and inserting in lieu thereof "requirements of subparagraphs (A), (D), and (F), of paragraph (1)".

(c) Such section is further amended by adding at the end the following new paragraph:

"(4) The Secretary shall respond to requests of States under this subsection within 60 days of the date the request is submitted to the Secretary. If the Secretary does not approve such a request of a State, the Secretary shall inform the State, and the Congress, of the reasons for denial of the request. In the case of an application filed under this subsection which would apply to services for which payment is being made in accordance with a system under subsection (b), such application may not be approved so as to take effect with respect to services furnished before the beginning of the fiscal year after the date the application is approved.

"(5) The Secretary, not later than 90 days after the date of the enactment of this section, shall provide for the establishment of guidelines respecting the method for determining under paragraph (1)(C) the amount of expenditures that would (in the absence of a system approved under this section) otherwise have been made under this title or under State plans approved under title XIX of this Act. These guidelines shall provide for taking account of inflation and demonstrated changes in patient case load or case mix.

"(6)(A) States may apply to the Secretary for a one-time grant which covers technical assistance and initial administrative costs associated with the establishment of an alternative hospital payment system which can be approved under this subsection. A State is eligible for only one grant under this paragraph.

"(B) Payments under grants made under this paragraph shall be made in appropriate part from the Federal Hospital Insurance Trust Fund (established by section 1817) and the Federal Supplementary Medical Insurance Trust Fund (established by section 1841) and from the funds appropriated under title XIX. Grants may be made either

in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purposes of this section.". ●

CHILD ABUSE

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. HILER. Mr. Speaker, on January 5, I introduced commemorative legislation which seeks to designate April as National Child Abuse Prevention Month. I am pleased to report that the response of my colleagues to this bill, House Joint Resolution 22, has been tremendous. As of Tuesday, it had 147 cosponsors.

The reason I introduced this bill was to help create awareness of just how serious child abuse is in this Nation. In Wednesday's New York Times, Mr. Glenn Collins wrote an excellent and revealing story on the tragic prevalence of child sexual abuse, and I respectfully request that it be printed in the CONGRESSIONAL RECORD.

I hope after reading this article, the majority of my colleagues who have not yet cosponsored House Joint Resolution 22 will be inspired to help in the cause to end this national tragedy.

[From the New York Times, Feb. 2, 1983]

CHILD SEXUAL ABUSE PREVALENT, STUDY FINDS

NEARLY HALF THE PARENTS QUERIED KNEW ABOUT A VICTIMIZED CHILD

(By Glenn Collins)

An ambitious study of 521 Boston families presents new evidence of the prevalence of child sexual abuse and offers the first detailed portrait of parents' knowledge and attitudes about the problem.

The research finds that the majority of parents have the misconception that child sexual abuse is committed primarily by strangers and shows that most parents cannot bring themselves to warn their children appropriately about the potential hazards of child abuse.

However, the investigators found that parents are surprisingly well informed about the existence of child sexual abuse, believing it to be alarmingly common. The parents interviewed overwhelmingly supported education in their children's schools about such victimization.

The two-year, $210,000 study, directed by Dr. David Finkelhor of the Family Violence Research Program at the University of New Hampshire, was financed by the National Center for the Prevention and Control of Rape, a branch of the National Institute of Mental Health. The interviews were conducted by the Center for Survey Research, an organization sponsored jointly by Harvard University, the Massachusetts Institute of Technology and the University of Massachusetts. Among the key findings were these:

Nearly one parent in 10—9 percent—said that their own children had been the victims of abuse or attempted abuse. Four of the parents interviewed had had two children abused.

Nearly half of all the parents studied, or 47 percent, knew of a child—a family member, acquaintance or neighbor—who had been a victim of sexual abuse. The age of the victim was 6 or younger in 37 percent of these cases.

Many of the parents in the study had themselves been sexually abused as children, 15 percent of the women and 6 percent of the men. Of parents who had been victimized, a third were abused before the age of 9.

The parents interviewed rated sexual abuse a more harmful experience for a child than the death of a friend or a divorce in the household. Some 93 percent of the parents had been exposed to a discussion of sexual abuse in the previous year, primarily on television and in newspapers.

Fifty percent of the parents still believe that the abuser is usually a stranger. Previous studies have estimated that between 60 and 75 percent of child sexual abuse is committed by relatives, neighbors or acquaintances.

Incidents of abuse or attempted abuse were reported to someone outside the family by slightly more than half of the parents surveyed. Seventy-four percent of those reports went to the police, rather than social agencies.

The parents interviewed in the study had a total of 1,428 children living with them, all between the ages of 6 and 14. The subjects were selected from 4,344 households chosen at random in the Boston metropolitan area. Of these, 700 households fit the study requirements, and 521 parents agreed to be interviewed in sessions lasting from one to several hours.

Although the study found that 9 percent of the parents had children who had been sexually abused, Dr. Finkelhor estimated that the total of victims might be double the number reported.

"Close to two-thirds of all children who are victimized may not tell their parents or anyone else about it," he said. Some children fear being blamed, being punished by the abuser or not being believed. Previous estimates of the prevalence of sexual abuse, derived from retrospective studies of adults, have ranged as high as 34 percent of all girls and 9 percent of all boys.

Dr. Finkelhor said: "None of the parents in our study revealed that they themselves had abused their children. Yet we believe that a considerable number of children are abused by their own parents."

Although children of both sexes were abused, 94 percent of the abusers were male. A woman or girl was implicated in only three of the parents' accounts of abuse that they had suffered personally. Dr. Finkelhor believes this finding offers new evidence to dispel the idea that there is a considerable amount of abuse by women that never comes to public attention.

Only 29 percent of the parents said they had talked explicitly about sexual abuse or child molestation with their youngsters. Only 25 percent of those parents mentioned that abuse could be initiated by a member of their own family. Few parents discussed the subject with children under the age of 9, although this and other studies show that a sizable number of children under that age are abused.

"Parents seem to be telling their children too little, too late," Dr. Finkelhor said. "Kids need to know they can tell parents and other adults about it. Often they can only do this if it is first brought up by parents. Kids may not have the vocabulary for discussing it."

Clinicians who treat sexually abused children have suggested that youngsters are confused by the offender's insistence that the sexual activity is proper. In addition, they are often unaware that they have the right to refuse such advances, and they are often uncertain about whether they would be chastised if they reported the behavior to other adults.

Dr. Finkelhor said that a very common pattern among the parents interviewed was to talk to their children about kidnapping and to think that they were warning a child about sexual abuse at the same time.

Yet strangers were the abusers in only 33 percent of the cases among the parents interviewed who reported having been abused themselves as children; 67 percent of the abusers were relatives, acquaintances or their own parents.

PARENTS SEEM TO BE TELLING CHILDREN TOO LITTLE, TOO LATE

"Since many parents talked about kidnapping with their children," Dr. Finkelhor said, "it's obvious that they're not afraid to bring up potentially frightening subjects. But sex is embarrassing, and parents may feel that once they bring up the subject of abuse, they need to talk about many complex value issues involving sex."

However, he said, parents can discuss such abuse without having to impart a great deal of sexual information. "For example," said Dr. Finkelhor, "you can discuss the 'body zones' concept: that certain parts of children's bodies are off limits to other people, and that there are types of touches that make you feel good versus those that make you feel bad. Parents can tell children that they have the right to say no to Uncle Joe if he touches them in this way. Kids often sense something in abusers' furtiveness that they might describe as 'yucky.' "

Although children from every social class, ethnic and racial background seemed equally vulnerable to abuse, there is a higher incidence of it among children whose parents had remarried. Seventeen percent of parents who had stepparent partners reported that their children had been abused. "This does not imply that the stepparent was doing the abusing," said Dr. Finkelhor. "This may have something to do with the courtship process, where the child's mother, before she remarries, may unwittingly bring sexually opportunistic men into the home. There may also be the feeling that since stepchildren are not blood relatives, the people in their new social network may be more predatory toward these children."

Only 56 percent of those interviewed had actually reported the abuse, and many of those who did seemed to be ignorant of public agencies and social programs that exist to help sexually victimized children.

"Parents did not spontaneously mention child protection, mental-health agencies or physicians as possible sources of assistance," Dr. Finkelhor said. "This is one of the most significant implications of this study for education: It's important for agencies to try to get the word out to the people."

The study did find that parents were eager for help in making children aware of the problem: 87 percent of those questioned agreed that education about sexual abuse should take place in the schools.

"We also found it reassuring," Dr. Finkelhor said, "to see that so many parents did take the problem seriously and that they re-

alized how widespread it is. Those attitudes could form a good basis for parents to be educators about the subject. The home is an important place for early preventive education."●

CIVIL SERVICE PAY SYSTEM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mrs. SCHROEDER. Mr. Speaker, the President's budget would slash the retirement benefits of civil servants and would freeze their pay. For a better understanding of this issue, I commend to my colleagues the following article from the Washington Post, by Paul Taylor, dealing with the pay and benefit issue:

THE SORRY STATE OF UNCLE SAM'S PAY SYSTEM

(By Paul Taylor)

To get from Paul Beckman's place in the civil service system to Jim Owen's, you have to travel half of the country, which isn't so rough, and scale seven rungs of the bureaucracy, which is.

Beckman is Dallas branch manager of the Internal Revenue Service's Examination Division. It's a pretty big job; he supervises a staff of 100 auditors and computer specialists who pore over tax returns of Dallas area corporations. At 47, Beckman is two years younger than Owens, and both have been with the IRS since 1957.

But Owens has moved up much further. In 1980, he was named southwest regional commissioner for the IRS, putting him four tiers above Beckman on an organization chart. Then in 1981, Owens was brought here to take over the whole shebang as deputy commissioner. That's the top career job at IRS, giving Owens direct responsibility for 88,000 employes and a $2.5 billion budget.

And now the rub: until last month, Beckman's salary was $57,500, while Owens' was $58,500.

The denizens of the six bureaucratic layers in between also were all jammed into the same salary closet.

This phenomenon has been around long enough to have a name—"executive pay compression"—and is by no means limited to the IRS.

At various times over the last decade, as many as 45,000 of the nation's top civil servants in every part of the federal government have had their pay bunched like this, their incentives to climb the topmost rungs of the career ladder restrained by the stark fact that, as Beckman notes, "after a certain point, there's no more money in it."

In a nation where 12 million people can't find a job, much less a $57,500 salary, this tale of pay compression in bureaucracy's stratosphere is not going to put lumps in a lot of throats.

But as a parable for the way the federal government goes about the business of compensating its employes, it could not be more apt.

The system is out of whack. Of its many problems, three stand out:

After years of tinkering, Congress and the president still haven't developed a credible mechanism for balancing political and budgetary pressures to hold down government salaries against the management imperatives to attract a competent work force. The most widely accepted wage mechanism in the private sector, collective bargaining, is not permitted in the federal government, except for the quasi-independent Postal Service.

The last major pass at the problem came in 1970, when Congress enacted a pay comparability law designed to keep civil service salaries on a par with equivalent jobs in the private sector. But presidents have routinely ignored the law and, as budgetary presures grew, have declared annual "emergencies" that have allowed government pay to lag a record 13.9 percent behind that of the private sector.

Political leaders have created salary distortions within the bureaucracy that weigh most heavily on those most important to its effective functioning—managers who have made it to the top, and professionals such as accountants, engineers, scientists and lawyers with skills marketable in the private sector. In a nutshell, federal pay is good at the lower levels, but becomes steadily worse on the way up.

Most ominous of all, the government has not struck a happy balance between its pay and its pensions. Pay lags behind private sector comparability, pensions exceed it. Moreover, within the pension system, the vast bulk of benefits go to the 25 percent of the work force that stays in the system long enough to retire, while the short-service worker pays proportionately far more into the system than he or she takes out.

None of these distortions is new, but racehorse inflation in the last decade has made all three much worse. It has dramatically enhanced benefits to federal retirees, whose pensions are fully indexed, while eroding purchasing power of federal workers, whose salaries are not.

That, in turn, has put all of the wrong incentives in all of the wrong places. It makes unassailable bottom-line sense these days, and has for quite a while, that seasoned bureaucrats at the height of their productive years should retire from government jobs while they are in their mid-50s—old enough to qualify for full retirement benefits but young enough to seek work on the outside.

The brief second careers launched or resumed by these early retirees are, in turn, tailor-made to provide a windfall from a redistributive Social Security system that delivers its greatest proportional benfits to those who participate in the system for the shortest time.

Thus, the shrewd bureaucrat winds up in his golden years with two bites at the federal apple—Social Security and a civil service pension, both fully indexed against inflation.

According to the Social Security Administration, 73 percent of all federal civil service annuitants age 62 and over are receiving Social Security benefits and their federal pension.

More on Social Security in a moment. First, some figures that show what's been happening to federal employe pay and pension over the last 13 years:

IN 1969, the average monthly annuity for retired civil servants was $260. By 1982, thanks mainly to a succession of lavish cost-of-living indexing provisions, it had risen to $1,047 per month, a fourfold increase. Some of the provisions, such as twice-a-year COLA adjustments and an inflation-plus-1-percent kicker, have been repealed.

Meanwhile, in the same period, the consumer price index rose by 162 percent while the salary of all government employes at the GS15 level—the top of the middle-range managers—and below increased by just 118 percent. Thus, purchasing power of the entire general schedule system, as a system, has actually been eroding over the last 13 years. This is not necessarily the case for individual employes, who have also had salary adjustments for longevity and/or promotions.

For the top-level careerist, the salary situation is even more stark. Since 1969, their pay has increased just 75 percent. The earning power of top executives who reached the system-wide pay cap, a level pegged slightly below that of congressional salaries, a decade ago has since eroded by about one-third.

"When you see that in 1972 at the pay cap you're making $36,000 a year, and in today's economy with those equivalent dollars, you're making $23,000, it becomes difficult after a while to explain to your friends why you are such a failure," James Colvard, a physicist who supervises 200,000 civilians as deputy chief of Navy materiel, told Congress nearly two years ago.

Since then, Congress lifted the pay cap once in late 1981 and again last month, but even with those increases, top bureaucrats still have seen their purchasing power decrease by one-third over a 13-year span.

How did this fix come about? Raising government pay is always a briar patch for politicians, and over the years, the predictable response has been to hold back salary increases and make up the difference with hidden and/or delayed forms of compensation, for instance, pension benefits.

Eventually, though, the piper must be paid. In the military pay system, where tendencies to delay compensation have been even more exaggerated, the annual budget of the pay-as-you-go pension system exceeds the annual budget of the Army.

Now the demands of the Civil Service Retirement System (CSRS) are reaching those same budget-gobbling dimensions. In fiscal 1981, government workers paid $3.8 billion into their pension system, but the government had to add another $18.4 billion from its operating budget—a thirteenfold increase over the 1968 budget outlay of $1.4 billion. A part of this increase is to make up for earlier underfunding of the system.

By 1986, budget outlays to fund the CSRS are expected to balloon to more than $30 billion. They are growing at six times the rate of growth of employe contributions.

Budgetary pressure to break this cycle is enormous. The administration's new budget is expected to propose heavy cuts in retirement benefits: shifting from 55 to 65 the minimum age at which federal employes can retire without penalty, raising the employe contribution from 7 to 9 percent of salary next year and as high as 11 percent by 1985, and basing future annuities on a high-five-year salary average rather than a high-three.

Such proposals will meet stiff resistance in Congress where federal workers get a friendlier ear than in the White House, but they are not the only forces threatening the retirement system.

Other external pressures are coming from big brother—Social Security, which is having a notorious bout with short-term insolvency and is on the prowl for quick fixes.

Among the quickest and likeliest fixes is forcing all new federal employes to join the Social Security System. This proposal, which already has the approval of the bipartisan Social Security Task Force, would

bring a much-needed short-term infusion of money into the system by adding a new group of taxpayers to the rolls without immediately adding beneficiaries.

Over the long haul, of course, universal coverage would not be a moneymaker for Social Security, but it would bring some savings to government by, among other things, eliminating the double-dipping windfalls.

Federal employe and retiree groups will fight strongly against such universal coverage. Why should it matter to current employes what retirement arrangements are made for future employes? They fear that the creation of a dual work force, one with a more generous retirement system than the other, will mean that benefits of the better-off group will always be politically vulnerable. They're probably correct.

When Social Security was enacted in 1935, federal workers were exempted because it was thought unnecessary and redundant; they already had a mandatory contribution pension plan. In fact, they've had it for 62 years now, and they like it just fine.

The two systems have grown on somewhat parallel tracks over the years but do not share the same basic premise. One is a deferred compensation system designed to provide career employees with a livable wage in retirement; the other is a social insurance program designed to provide a floor of benefits to the elderly. If federal workers went on Social Security, their retirement system would be turned into a supplemental one, with greatly reduced benefits.

Comparing federal workers' current annuity benefits with what the typical private sector employe receives from Social Security and pensions is difficult, because private plans vary so widely. But it's fair to say that the CSRS is generous by any standards. Even though government workers must pay 7 percent of their wages (more than most private sector pension plans) into the system, their benefits more than make up for the contribution.

The typical federal employe replaces a higher percentage of his salary in retirement than the average private sector worker does from Social Security and a pension. The government annuitant is fully indexed to inflation, while only 3 percent of private-sector pension plans are. And, because of liberal early-out features, nearly half of all government workers retire by age 60, compared to 7 percent in the private sector.

Government workers do not want to give this up. They are especially bitter at the prospect of being asked to rescue Social Security from problems they had no hand in creating. L. J. (Lud) Andolsek, president of the National Association of Retired Federal Employees, has called those who would tamper with the civil service retirement system "jackals of the forest."

Somewhat more soberly, James Lantonio, assistant IRS commissioner for human resources, says: "We view our retirement as a reward for putting up with low pay."

From the other side, John W. Macy Jr., a former chairman of the U.S. Civil Service Commission, believes federal employes would be better off without such good benefits. He says they create resentments among the general public that make it harder for government workers to lobby for better pay.

Actually, though, there doesn't seem to be much resentment about federal employe pensions, according to a Washington Post poll taken earlier this month. Asked what they thought of federal employe retirement benefits, 33 percent of those polled said they were too high, 31 percent the right amount, 9 percent too low and the rest had no opinion.

On a pay question, 56 percent said they believed federal workers were paid more than those in equivalent private-sectors jobs, while 10 percent said they were paid less. So some misconceptions abound.

Macy's perspective on the pay-and-pension dilemma is intriguing. In 1962, he was among proponents of the "reform" that for the first time indexed federal pension benefits. But instead of indexing them to salary increases, which good-government advocates of the time said would make them too vulnerable to political vagaries, he advocated indexing them to inflation—at the time, 2 percent.

"I've had a guilty conscience ever since," Macy said. "I just wasn't bright enough to foresee double-digit inflation." As penance, Macy heads a private citizens lobby, the National Committee on Public Employee Pension System, that has been calling for a major scaling back of benefits.

His co-chairman is former representative Hastings Keith of Massachusetts, a triple-dipper at the federal pension trough. Twenty years service in the military, Congress and the executive branch, and a long career in the private sector bring Keith combined annual payments from the government of more than $65,000.

He has been trying to give the government back some of his checks, but the government wants no part of it. So he goes around the country shocking people at how liberal the benefits can be.

This irks the public employe lobby. "Keith represents absolutely no one except a handful of people who contrive to manipulate the system," said Stephen Skardon, legislative director of NARFE.

Actually, there are other isolated cases of retirees trying to return portions of their pensions, contending not that they've manipulated anything but that their COLA overcompensates them for inflation's effect on the elderly.

While pensions will clearly dominate federal employe compensation issues in coming months, other, structural matters cry out for attention.

The comparability law, enacted in 1970 to establish a mechanism for equal pay for equal work, has been ignored by presidents in eight of the years since. Employe confidence in the system's equity is at a low. The employes believe, correctly, that in budget crunches, comparability is first to go.

But administration officials say the comparability mechanism has flaws that make it worth ignoring. The Carter and Reagan administrations have called for a total compensation comparability system in which benefits and salaries are calculated into the formula. The current system calculates only salaries.

Donald J. Devine, director of the Office of Personnel Management, says the comparability formulas are technically imperfect, doing a poor job of measuring government and private-sector pay.

Devine has another complaint about the current system: "grade creep." OMB studies show that about 13 percent of federal civilian jobs, including about 30 percent in this area, are overgraded. Their job description and corresponding salary rates are inflated above their real value. Devine is developing a program to attack this, although it will run into obvious resistance from employe groups.

Another structural problem is the linkage of congressional salaries to the pay for top-level career jobs. Informally observed for decades, that linkage was written into law in 1978 and has created the caps that put Owens and Beckman so uncomfortably close on the salary schedule.

The Senior Executives Association, which represents about 6,700 top career executives, thinks its people would be better off without such linkage. Nothing could be worse, the association believes, than to be tied to the contortions of Congress each time it goes through the political agony of raising its own salary.

Others, such as former OPM director Alan K. Campbell, believe senior executives are better off linked. Erratic as the current system may be, he argues, at least it puts top careerists' salary levels in the hands of a legislative body with a self-interest in raising them.

This argument goes back and forth and maybe always will. Fixing the pay of those who work for the sovereign has never been a job the nation has handled with particular grace. A century and a half ago, Alexis de Tocqueville may have rendered the last word on the matter.

"A Democratic state is most parsimonious toward its principal agents. In America, the secondary officers are much better paid, and the dignitaries of the administration much worse, than they are elsewhere."

In other words, 'twas ever thus.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 3, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 4

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Helen M. Taylor, of Virginia, Richard Brookhiser, of New York, Karl Eller, of Arizona, and Sharon P. Rockefeller, of West Virginia, each to be a member of the Board of Directors of the Corporation for Public Broadcasting.

235 Russell Building

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 144, to establish the concept of reciprocity of market access as an objective for U.S. trade policy where American products are competitive.
2221 Dirksen Building
Joint Economic
To hold hearings on the employment/unemployment situation for the month of January.
318 Russell Building
10:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
6202 Dirksen Building
* Special on Aging
To hold hearings on the quality of health care and prospective reimbursement procedures to medical facilities.
5302 Dirksen Building
2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
6202 Dirksen Building

FEBRUARY 8

10:00 a.m.
Judiciary
To resume oversight hearings on organized crime in the United States.
2228 Dirksen Building

FEBRUARY 10

10:00 a.m.
Judiciary
To resume oversight hearings on organized crime in the United States.
2228 Dirksen Building

FEBRUARY 14

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the status of the housing sector.
5302 Dirksen Building

FEBRUARY 15

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on the status of the international debt.
5302 Dirksen Building
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to receive legislative recommendations for fiscal year 1984 from the Disabled American Veterans.
345 Cannon Building
10:00 a.m.
Environment and Public Works
To hold hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building
10:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
4232 Dirksen Building
1:00 p.m.
Finance
To hold hearings on recommendations of the National Commission on Social Security Reform.
2221 Dirksen Building
*2:00 p.m.
Rules and Administration
To hold hearings on committee resolutions requesting funds for operating expenses for 1983.
301 Russell Building

FEBRUARY 16

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
5302 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 66, to create a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and to provide for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building
Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1983.
301 Russell Building
10:00 a.m.
Veterans' Affairs
To hold hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Veterans' Administration.
412 Russell Building

FEBRUARY 17

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To resume oversight hearings on the status of the international debt.
5302 Dirksen Building
Commerce, Science and Transportation
Communications Subcommittee
To continue hearings on S. 66, to create a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and to provide for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building
Finance
Health Subcommittee
To continue hearings on a proposal to develop a medicare prospective payment system for hospitals, skilled nursing facilities, and other providers.
2221 Dirksen Building
Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1983.
301 Russell Building
10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 251, to provide for fair trade practices in the agricultural market, and to encourage and expand the export volume and value of agricultural commodities and products, and other related measures.
324 Russell Building
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the American Battle Monuments Commission, Army cemeterial expenses, and the Selective Service System.
1224 Dirksen Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Secretary of Transportation.
1318 Dirksen Building
Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine the nature of organized crime as it exists today in the Middle Atlantic region of the United States.
3302 Dirksen Building
1:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on automobile safety, focusing on the durability of car bumpers.
235 Russell Building
Finance
Health Subcommittee
To continue hearings on a proposal to develop a medicare prospective payment system for hospitals, skilled nursing facilities, and other providers.
2221 Dirksen Building

FEBRUARY 18

9:00 a.m.
Energy and Natural Resources
To hold oversight hearings, in closed session, on the world petroleum outlook for 1983.
S-407, Capitol
9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
5302 Dirksen Building

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings on U.S. Attorney General's new domestic security investigating guidelines.
2228 Dirksen Building

FEBRUARY 21

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the world petroleum outlook for 1983.
3110 Dirksen Building

FEBRUARY 22

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
4232 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
5302 Dirksen Building
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal year 1984 for the National Bureau of Standards, Department of Commerce, and the U.S. Fire Administration, Federal Emergency Management Agency.
235 Russell Building
Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1983, and proposed regulations for Senate mass mailings.
301 Russell Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1984 which fall within the committee's jurisdiction, with a view toward submitting its views and budgetary recommendations to the Committee on the Budget.
4200 Dirksen Building
Finance
To resume hearings on recommendations of the National Commission on Social Security Reform.
2221 Dirksen Building

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration of the Department of Transportation.
1223 Dirksen Building
Governmental Affairs
To hold hearings on the nominations of Barbara J. Mahone, of New York, to be a member, and John C. Miller, of Ohio, to be General Counsel, both of the Federal Labor Relations Authority.
3302 Dirksen Building

FEBRUARY 23

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittees
To continue hearings of S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
4232 Dirksen Building

10:00 a.m.
Finance
To continue hearings on recommendations of the National Commission on Social Security Reform.
2221 Dirksen Building
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the nature of organized crime as it exists today in the Mid-Atlantic region of the United States.
3302 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of vocational education programs.
4232 Dirksen Building

FEBRUARY 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds through fiscal year 1988 for the Office of Government Ethics, Office of Personnel Management, and to review the financial disclosure provisions of the Ethics in Government Act of 1978.
5110 Dirksen Building
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (Public Law 93-415).
2228 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Consumer Affairs, Consumer Information Center, and the Consumer Product Safety Commission.
1224 Dirksen Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Highway Traffic Safety Administration, Department of Transportation.
1318 Dirksen Building
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the status of the abandoned mine land fund, Department of the Interior.
3110 Dirksen Building
Finance
To continue hearings on recommendations of the National Commission on Social Security Reform.
2221 Dirksen Building
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the nature of organized crime as it exists today in the mid-Atlantic region of the United States.
3302 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
4232 Dirksen Building

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings to review the general agricultural outlook, and the overall budget for the Department of Agriculture.
1318 Dirksen Building
Select on Ethics
To hold a general business meeting.
S-126, Capitol

FEBRUARY 28

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on ocean and coastal programs.
235 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review foreign assistance programs of the Department of State.
1114 Dirksen Building

MARCH 1

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agenices Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Cooperative Service, Agricultural Marketing Service, Office of Transportation, and the Packers and Stockyards Administration, Department of Agriculture.
1224 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of State, focusing on international security assistance, international narcotics control, migration and refugee assistance, and antiterrorism.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Transportation Safety Board.
1318 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Paralyzed Veterans of America, Military Order of the Purple Heart, and World War I Veterans.
318 Russell Building

MARCH 2

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
4232 Dirksen Building
Veterans Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and recommendations which it will make thereon to the Committee on the Budget.
412 Russell Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Peace Corps, and the Inter-American Foundation.
S-126, Capitol

MARCH 3

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and the Federal Grain Inspection Service, Department of Agriculture.
1224 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.
S-126, Capitol
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Coast Guard, Department of Transportation.
1318 Dirksen Building
Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the indemnification of and contributions to government contractors.
5110 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
4232 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.
S-126, Capitol

MARCH 7

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Representative to the United Nations, and voluntary contributions to international organizations and programs of the United Nations.
1114 Dirksen Building

MARCH 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Export-Import Bank of the United States.
1114 Dirksen Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Railway Association, and Conrail.
1318 Dirksen Building

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Veterans of Foreign Wars.
318 Russell Building

MARCH 9

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review the current status of the multilateral development banks of the Department of the Treasury.
1114 Dirksen Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Architectural and Transportation Barriers Compliance Board, and the Office of the Inspector General and the Office of the Secretary, Department of Transportation.
1318 Dirksen Building
Veterans' Affairs
To hold hearings on proposed legislation providing for veterans' health care services.
412 Russell Building

MARCH 10

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on fisheries programs.
235 Russell Building

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Employee Retirement Income Security Act.
4232 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Veterans Administration.
1224 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol

MARCH 14

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on weather and satellite programs.
235 Russell Building

MARCH 15

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
1224 Dirksen Building
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 336, to revise prohibitions against persons guilty of criminal offenses holding specified offices or positions, and clarifying the jurisdiction of the Department of Labor relating to the detection of and investigation of criminal violations relating to ERISA.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Interstate Commerce Commission.
1318 Dirksen Building

10:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Commodity Credit Corporation, Foreign Agricultural Service (including Public Law 480), Office of Internation-

al Cooperation and Development, Department of Agriculture.
1224 Dirksen Building

MARCH 16

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Civil Aeronautics Board.
1318 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on issues related to math and science education in elementary and secondary schools.
4232 Dirksen Building
Veterans' Affairs
To hold hearings on proposed legislation providing educational assistance for certain members of the Armed Forces.
412 Russell Building

MARCH 17

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agriculture Library, Department of Agriculture.
1224 Dirksen Building
10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Railroad Administration of the Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
1318 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue hearings on issues related to math and science education in elementary and secondary schools.
4232 Dirksen Building
10:30 a.m.
Veterans Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from AMVETS and the Blinded Veterans Association.
6226 Dirksen Building

MARCH 22

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Economic Research Service, Statistical Research Service, and the World Agricultural Outlook Board, Department of Agriculture.
1224 Dirksen Building
10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Highway Administration, Department of Transportation.
1318 Dirksen Building

MARCH 23

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Panama Canal Commission, and the St. Lawrence Seaway Development Corporation of the Department of Transportation.
1318 Dirksen Building
Veterans' Affairs
To hold oversight hearings to review the status of construction of certain veterans facilities.
412 Russell Building

MARCH 24

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Governmental and Public Affairs, Office of the General Counsel, Office of the Inspector General, Office of the Secretary, and departmental administration, Department of Agriculture.
1318 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Science and Technology Policy, and the Council on Environmental Quality.
1224 Dirksen Building

APRIL 5

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.
1318 Dirksen Building

APRIL 7

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Farmers Home Administration, Federal Crop Insurance Corporation, Office of Rural Development Policy, and the Rural Electrification Administration, Department of Agriculture.
1318 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Environmental Protection Agency.
1224 Dirksen Building

APRIL 12

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Food and Drug Administration, Department of Health and Human Services, the Farm Credit Administration, and the Commodity Futures Trading Commission.
1318 Dirksen Building
10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Aviation Administration, Department of Transportation.
1114 Dirksen Building

APRIL 13

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
4232 Dirksen Building

APRIL 14

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Science Foundation.
1224 Dirksen Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Urban Mass Transportation Administration, Department of Transportation.
1114 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
4332 Dirksen Building

APRIL 20

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs by the Department of Education.
4232 Dirksen Building
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' health care services, and proposed legislation providing educational assistance for certain members of the Armed Forces.
412 Russell Building

APRIL 21

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of bilingual education programs by the Department of Education.
4232 Dirksen Building

APRIL 25

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
1114 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
1114 Dirksen Building

Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to radiation, and other related matters.
412 Russell Building

APRIL 28

10:00 a.m.
Appropriations
Hud-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

MAY 5

10:00 a.m.
Appropriations
Hud-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
1224 Dirksen Building

MAY 12

10:00 a.m.
Appropriations
Hud-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
1224 Dirksen Building

MAY 18

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
412 Russell Building

MAY 23

10:00 a.m.
Appropriations
Hud-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

JUNE 8

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
412 Russell Building

JUNE 22

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
412 Russell Building

JUNE 29

10:00 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
412 Russell Building

JULY 13

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
412 Russell Building

JULY 20

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the role of management in implementing automated data processing systems at multiple VA hospital sites.
412 Russell Building

CANCELLATION

FEBRUARY 3

2:00 p.m.
Foreign Relations
To hold hearings on the Lebanon situation and proposed U.S. assistance.
4221 Russell Building

HOUSE OF REPRESENTATIVES—*Thursday, February 3, 1983*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we thank You for the good blessings that You have given us as a nation and as a people. We are conscious of all the gifts of life that You have bestowed upon us—the gifts of love and hope, the gifts of joy and celebration. The gifts of faith and trust, the gifts of friendship and caring, the gifts of healing and service. Help us to be more aware of how each of us can use our talents in ways that bring renewed hope and confidence to all in need. Open our eyes and hearts with compassion and make us wise stewards of the opportunities we have that in all things we may do justice, love mercy, and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the Senate of the following title, in which the concurrence of the House is requested.

S. 312. An act to change the name of the Talladega National Forest in Alabama to the Bear Bryant National Forest.

The message also announced that the Vice President, pursuant to section 276 of title 22, United States Code, appointed Mr. STAFFORD as chairman of the Senate delegation to the Interparliamentary Union during the 98th Congress.

WHY NOT A DATSUN MADE IN DETROIT? OR A TOYOTA FROM TAYLOR?

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, yesterday I reintroduced, together with cosponsors, the Fair Practices in Automotive Products Act, known popularly as the domestic content bill, as H.R. 1234. Joining me in cosponsoring the legislation this year are the gentleman from Indiana (Mr. SHARP), the gentleman from Ohio (Mr. PEASE), the gentleman from Michigan (Mr. CARR), the gentleman from Michigan (Mr. DINGELL), chairman of the Energy and Commerce Committee; the gentlewoman from Maryland (Ms. MIKULSKI), and the gentleman from Missouri (Mr. GEPHARDT).

As my collegues recall, last year's bill was cosponsored by over 225 Members of the House and over 20 Senators. The bill was passed by the House on December 15 by a vote of 215 to 188. It was not considered on the Senate floor.

The conditions which require my legislation continue to become more aggravated. We continue to see Japan consume most of our automobile industry. We continue to see our industrial base eroded. We continue to see our country fail to assure that we have fair trade, not just the United States standing alone as the champion of free trade.

I hope that we will have even more cosponsors of this legislation, and that we pass it early in this session.

Mr. Speaker, our bill reads as follows:

H.R. 1234

A bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Practices in Automotive Products Act".

SEC. 2. PURPOSE.

The purpose of this Act is to encourage the production in the United States by American workers of automotive products which are sold or distributed in interstate commerce.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—As used in this Act—

(1) The term "automotive products" means motor vehicles and parts for use in the production of new motor vehicles.

(2) The term "added domestic value", when used with respect to a vehicle manufacturer for any model year, means the aggregate of—

(A) the production costs of all automotive products sold by the vehicle manufacturer in the United States, other than for export, during that model year, and

(B) the export value of all automotive products that were either—

(i) manufactured by the vehicle manufacturer in the United States and exported from the United States by, or on behalf of, such manufacturer during that model year, or

(ii) manufactured in the United States by any other person and purchased by the vehicle manfacturer and exported from the United States by, or on behalf of, such manufacturer during that model year, but only to the extent that the export value of such automotive products is not included in automotive products to which clause (i) applies;

reduced by the aggregate appraised value, as determined for purposes of the customs laws, of all automotive products that were entered by, or on behalf of, the vehicle manufacturer during that model year.

(3) The term "domestic content ratio" means, with respect to a vehicle manufacturer for any model year, the percentage determined by multiplying by one hundred the factor obtained by dividing—

(A) the added domestic value determined for that manufacturer for that model year under paragraph (2); by

(B) the production costs determined, for purposes of paragraph (2)(A), for that manufacturer for that model year.

(4) The term "entered" means entered, or withdrawn from warehouse for consumption, within the customs territory of the United States.

(5) The term "model year" means a vehicle manufacturer's annual production period (as determined by the Secretary) which includes Janaury 1 of a calander year, or if a vehicle manufacturer does not have an annual production period, the calendar year. A model year shall be designated by the year in which January 1 occurs.

(6) The term "motor vehicle" means any three-wheeled or four-wheeled vehicle propelled by fuel which is manufactured primarily for use on the public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails), and which is rated at ten thousand pounds gross vehicle weight or less. Such term does not include (A) any motorcycle, or (B) any vehicle determined by the Secretary to be an automobile capable of off-highway operation within the meaning of section 501(3) of the Motor Vehicle Information and Cost Savings Act.

(7) The term "production cost" means, with respect to an automotive product, the wholesale price to dealers in the United States for that product as set forth in the vehicle manufacturer's official dealer price list that is in effect at the time the product is sold at wholesale.

(8) The term "Secretary" means the Secretary of Transportation.

(9) The term "vehicle manufacturer" means any person engaged in the business of producing motor vehicles for ultimate retail sale in the United States and includes as one entity all persons who control, are controlled by, or are in common control with, such person. Such term also includes any predecessor or successor of such a vehicle manufacturer.

(b) DETERMINATION OF ADDED DOMESTIC VALUE.—For purposes of applying paragraph (2) of subsection (a)—

(1) Two or more vehicle manufacturers may not include, for purposes of determining their respective added domestic values, the value of the same automotive product; but such manufacturers may, under rules prescribed under section 4(b), apportion the

value of that automotive product among them.

(2) The term "export value" means, with respect to an automotive product—

(A) the free-on-board price for which the vehicle manufacturer sells the product for exportation from the United States; or

(B) if the vehicle manufacturer sells the product for such exportation to a buyer that controls, is controlled by, or is under common control with, such manufacturer, the price at which such or similar products are freely offered for free-on-board sale to all purchasers in the principal markets of the United States in the usual wholesale quantities and in the ordinary course of trade for such exportation.

SEC. 4. DOMESTIC CONTENT RATIOS FOR MODEL YEAR 1985 AND THEREAFTER.

(a) RATIOS.—In order to carry out the purpose of this Act, for each model year beginning after January 1, 1984, the minimum domestic content ratio for a vehicle manufacturer shall not be less than the higher of—

(1) the domestic content ratio achieved by the vehicle manufacturer in model year 1984 reduced by 10 per centum; or

(2) the applicable minimum content ratio specified in the following table:

Model year 1985

Number of motor vehicles produced by the manufacturer and sold in the United States during such year:	Minimum domestic content ratio:
Not over 100,000	0 percent.
Over 100,000 but not over 900,000.	The number, expressed as a percentage, determined by dividing the number of vehicles sold by 30,000.
Over 900,000	30 percent.

Model year 1986

Number of motor vehicles produced by the manufacturer and sold in the United States during such year:	Minimum domestic content ratio:
Not over 100,000	0 percent.
Over 100,000 but not over 900,000.	The number, expressed as a percentage, determined by dividing the number of vehicles sold by 15,000.
Over 900,000	60 percent.

Each model year after model year 1986

Number of motor vehicles produced by the manufacturer and sold in the United States during such year:	Minimum domestic content ratio:'
Not over 100,000	0 percent.
Over 100,000 but not over 900,000.	The number, expressed as a percentage, determined by dividing the number of vehicles sold by 10,000.
Over 900,000	90 percent.

(b) ALLOCATION OF AUTOMOTIVE PRODUCTS AMONG MANUFACTURERS.—In order to carry out the purpose of this Act, the Secretary shall prescribe rules for allocating automotive products among vehicle manufacturers in appropriate cases such as where—

(1) a vehicle manufacturer sells automotive products manufactured by it in the United States to another vehicle manufacturer;

(2) two or more vehicle manufacturers in joint venture produce automotive products in the United States; and

(3) a vehicle manufacturer produces motor vehicles for ultimate retail sale in the United States, some of which will be sold by that manufacturer and some by another vehicle manufacturer.

SEC. 5. INFORMATION AND REPORTS.

(a) VEHICLE MANUFACTURERS RECORDS AND INFORMATION.—Each vehicle manufacturer that produces more than one hundred thousand motor vehicles for sale in the United States during any model year after model year 1983 must establish and maintain such records, and provide such information, regarding the production and sale of automotive products by it as the Secretary by rule shall require for purposes of carrying out section 4(a) and the enforcement provisions of section 6.

(b) AUTHORITY TO OBTAIN INFORMATION.—(1) The authority granted to the Secretary under subsection (b)(1) of section 505 of the Motor Vehicle Information and Cost Saving Act (as in effect on the date of the enactment of this Act) to obtain information and data, and access thereto, that is deemed advisable by him for purposes of carrying out part V of that Act may be used by the Secretary for purposes of obtaining the information and data, and access thereto, that is necessary or appropriate to carry out section 4(a) and section 6.

(2) The authority granted to the district courts of the United States under subsection (b)(2) of auch section 505 to enforce compliance with action taken by the Secretary under subsection (b)(1) of such section may be used by such courts to enforce actions taken by the Secretary pursuant to paragraph (1) for purposes of carrying out this Act.

(3) The Secretary shall disclose any information and data obtained under this subsection and subsection (a) to the public only in accordance with section 552 of title 5, United States Code; and any matter described in subsection (b)(4) of such section shall not be disclosed to the public, except that where such matter may be relevant to any administrative or judicial proceeding to enforce this Act, such matter may be disclosed in such proceeding only in a manner which would not result in competitive damage or disadvantage, as determined by the Secretary or a court, because of such disclosure.

(c) ANNUAL REPORTS.—As soon as practicable after the close of each model year after January 1, 1984, the Secretary shall prepare and make available to the public a report setting forth the domestic content ratio achieved by each vehicle manufacturer during such model year.

(a) PENALTY FOR FAILURE TO MEET DOMESTIC CONTENT RATIOS.—(1) In furtherance of the purpose of this Act, it is unlawful for a vehicle manufacturer to fail to meet for any model year the applicable minimum domestic content ratio required under section 4(a).

(2) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that a vehicle manufacturer has violated paragraph (1), the Secretary shall issue an order prohibiting the vehicle manufacturer from entering, or having entered on its behalf, during the twelve-month period beginning on the date on which the finding becomes final—

(A) a quantity of motor vehicles that exceeds the total quantity of motor vehicles that was entered by, or on behalf of, that manufacturer during the model year in which such violation occurred reduced by the number of motor vehicles that bears to such total quantity the same percentage by which the vehicle manufacturer failed to meet the domestic content ratio for that model year; and

(B) parts for motor vehicles in an aggregate value (as appraised for purposes of the customs laws) that exceeds the total aggregate appraised value of parts for motor vehicles that were entered by, or on behalf of, that manufacturer during the model year in which such violation occurred reduced by parts of an aggregate value that bears to such total aggregate value the same percentage by which the vehicle manufacturer failed to meet the domestic content ratio for that model year.

(3) An order issued pursuant to paragraph (2) shall specify the total number of motor vehicles and the aggregate appraised value of parts for motor vehicles that may be entered during the applicable twelve-month period by, or on behalf of, the vehicle manufacturer.

(4) Any person against whom an order is issued under paragraph (2) may, within sixty calendar days after the date of the order, institute an action in the United States court of appeals for the appropriate judicial circuit for judicial review of such order in accordance with chapter 7 of title 5, United States Code. The court shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, the order of the Secretary, or the court may remand the proceeding to the Secretary for such further action as the court may direct.

(b) OTHER VIOLATIONS.—(1) Any person who knowingly violates any provision of this Act (other than failure to meet the applicable domestic content ratio for any model year) or any rule or regulation issued under this Act shall be liable, after notice and opportunity for a hearing, to the United States for a civil penalty of not more than $10,000. Each day of a continuing violation under this subsection shall constitute a separate offense.

(2)(A) Before issuing an order assessing a civil penalty against any person for violation of paragraph (1), the Secretary shall provide to such person written notice of the proposed penalty.

(B) The Secretary shall promptly assess such penalty, by order, after the date of the receipt of the notice under subparagraph (A) of the proposed penalty.

(C) If the penalty has not been paid within sixty calendar days after the assessment order has been made under subparagraph (B), the Secretary shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review de novo the law and the facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, such assessment.

(D) If any person fails to pay an assessment of a civil penalty after the appropriate district court has entered final judgment in favor of the Secretary under subparagraph (C), the Secretary shall institute an action to recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of such final assessment order or judgment shall not be subject to review.

(3) The Secretary may compromise, modify, or remit, with or without conditions, any penalty that is subject to imposition or that has been imposed under this subsection.

SEC. 7. STUDY OF DISCRIMINATORY PRACTICES AFFECTING DOMESTIC PRODUCTION OF MOTOR VEHICLE PARTS.

Within one year after the date of the enactment of this Act, the Secretary and the Federal Trade Commission shall jointly undertake an investigation, and submit to Congress a written report, regarding those policies and practices of vehicle manufacturers that are used to persuade United States motor vehicle dealers, in chosing replacement parts for motor vehicles, to favor foreign-made parts rather than domestically produced parts. Such report shall include, but not be limited to, recommended administrative or legislative action that the Secretary and the Federal Trade Commission consider appropriate to assure that domestic producers of replacement parts are accorded fair access to the United States market for such parts.

Mr. Speaker, I would like to join Ms. MIKULSKI, Mr. SHARP, Mr. PEASE, Mr. GEPHARDT, Mr. CARR, and Mr. DINGELL in bringing to our colleagues' attention our "Dear Colleague" letter that is being delivered today concerning H.R. 1234. That letter reads as follows:

DEAR COLLEAGUE: As original cosponsors of The Fair Practices in Automotive Products Act, we are asking you to join with us this year in the reintroduction of the "domestic content" bill, H.R. 1234 which was introduced yesterday.

As you will recall, last year's bill was cosponsored by over 225 Members of the House, and over 20 Senators. The bill was passed by the House on December 15th by a vote of 215 to 188, but was not considered on the Senate floor.

These are tough times in our country. Much of our industrial base has been eroded. Without this base, our national security is jeopardized and economic recovery will be stifled. We must act to preserve this base. Over a million jobs have been lost in the auto industry and its supplier industries in just the last four years. In 1978, the auto industry employed a million workers and its supplier industries another 2.4 million workers, for a total of 3.4 million jobs. Today, total employment in these industries has now fallen to 2.4 million. In many parts of our country, this has contributed to unemployment rates unheard of since the Great Depression.

A sharp increase in auto imports by foreign companies and American multinationals has aggravated this terrible situation. While the stagnant overall economy has reduced total car sales, import sales have grown rapidly. The import share of the American market has risen from 18% in 1978 to over 30% this year. The auto deficit with Japan alone was $13 billion last year, or a total U.S. deficit with Japan of $16 billion. Meanwhile, U.S. companies have been making plans for substantially increasing their imports of parts and vehicles. U.S. companies how have annual imports of over 2 million engines and 1.7 million transmissions. If this pattern is allowed to continue unchecked, further massive job displacement is in store.

But what about "free trade?" Let us point out some startling facts:

Every other major auto-producing country has taken stiff measures to defend its domestic production of autos and parts. All of the major countries of Europe have auto import *quotas*. Italy restricts Japanese imports to 2,200 cars per year—a fraction of 1% of that market. France held the Japanese share to just 3% until 1981, and has since cut back further to a current level of 2.5%. Great Britain and Germany each limit foreign cars to 11% of its market. In Japan, the foreign market share is less than 1%. Over thirty other countries in the world have automobile domestic content laws.

"Free trade?" Only in the U.S.A.

Our bill requires that the more cars a company wants to sell in our country, the more they would be required to build here. We feel it is only fair that if a company takes advantage of the biggest automobile market in the world, it ought to make an effort to put some of its manufacturing in the market. The economic times demand it, and so does the American worker. Time is short. The economic survival of an estimated 1 million American workers is at stake. We must act, and act now.

If you need additional information about H.R. 1234, or have any questions at all, please contact Lee Godown at X56506. We urge your early cosponsorship, and look forward to working with you in the months ahead.

Sincerely,

JOHN D. DINGELL,
Chairman, Energy and Commerce Committee.
RICHARD L. OTTINGER,
PHIL SHARP.
DONALD PEASE.
BARBARA MIKULSKI.
RICHARD GEPHARDT.
BOB CARR.

CRISIS IN FARM CREDIT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, there is a gathering bipartisan consensus, even among those who were formerly committed to the social experiment of Reaganomics, that we must take immediate action to avert another Great Depression, with resultant farm flight, and to alleviate the misery that already exists in America. The sense of emergency is especially felt among our Nation's farmers, who already experience depression and who hope that we have the good sense to act now to relieve their plight.

I have spoken before about the crisis in farm credit which annually sees hundreds of thousands of American farmers faced with foreclosure and bankruptcy. These numbers are increasing at an alarming rate which we cannot afford, for reasons of either compassion or public policy.

Accordingly, I am introducing today a bill which would provide debt relief for the American farmer for at least the next year. After all, Mr. Speaker, if the Congress can roll over the debts of Communist Poland and Communist Yugoslavia, as it has already done, then the Congress can help the American farmer by providing emergency relief, which our own people need to continue their task at which they are irreplaceable, that of feeding this Nation and much of the rest of the world.

I have asked permission and have sought a special order this afternoon to discuss this bill, and I invite those concerned Members of this body to join me in that debate.

U.S. ACADEMY OF PEACE AND RESOLUTION OF INTERNATIONAL CONFLICTS PROPOSED

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, nearly 20 years ago President John F. Kennedy observed that the pursuit of peace is not as dramatic as the pursuit of war, but we have no more urgent task, recognizing that the expensive and threatening global arms buildup makes that task even more urgent.

I am reintroducing legislation to establish a U.S. Academy of Peace and Conflict Resolution. Over 80 of my colleagues, spanning the ideological and geographic spectrum, have joined me in proposing this institution dedicated to research, education, and public information and ways and means of peace. I am particularly glad to have the leadership of my friend, SILVIO CONTE of Massachusetts, as my chief cosponsor.

In this area of uncertainty, of nuclear arms buildup, there probably is no more urgent task than the pursuit of peace. I say that it is time that the world's strongest military power, the United States of America, also become the world's strongest peacemaking power, and by having a U.S. Academy of Peace dedicated to resolution of international conflicts, we just might move toward that era of the elimination of war and the threat of war.

A TRIBUTE TO JACK HENTERLY

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Today, Mr. Speaker, Jack Henterly is leaving his position as an official reporter of the House after 10½ years of service. With his retirement, the number of House reporters who use a manual system of shorthand—a vanishing breed—is reduced to three.

A native of Ohio, Jack received his early education in Cleveland and Akron schools and attended the University of Akron. He is married to Barbara Plageman Henterly and has six children—five daughters and one son—the youngest of whom attends the University of Virginia.

In 1942 Jack enlisted in the U.S. Army and received his discharge as a first lieutenant in 1945. It was his talent for keen observation that helped him secure his Army commission. Once in basic training at Fort Forrest, Tenn., the captain of his platoon became hopelessly disoriented after a 2-day march and sought help. Jack volunteered and unerringly led the platoon back to its base. That exercise led to a recommendation that he attend officers' candidate school. Of such things are born leaders in the public and private sectors—and, yes, even official reporters of the House of Representatives.

His elevation to officer status was a mixed blessing, though. Assigned to the 30th Infantry Division, he participated in the Battle of the Bulge and other military operations in the Allied thrust into Germany after D-Day. He was wounded twice. Among his military decorations were the Purple Heart and the Bronze Star, but the award he prized most was his expert rifleman's medal.

After World War II, Jack received his training to become a shorthand reporter at Gregg College, Chicago. He began his reporting career with a freelance firm in Detroit and later became an official reporter for the Probate Court of Wayne County, Detroit. He returned to Akron in 1956, and there he was, first, an official reporter, and later, chief official reporter of the Court of Common Pleas of Summit County. For about a year and a half immediately prior to his appointment in 1972 on the staff of the Official Reporters of Debates of the House, he had conducted his own free-lance reporting business in Akron. In the late 1960's, some of his more interesting experiences as a shorthand reporter in northeastern Ohio were in connection with investigations and charges emanating from the Kent State University riots.

Jack's work as a congressional reporter, which has consisted mainly of covering proceedings on the House floor—although he served briefly in the 1960's with the corps of official reporters in the other body and has done some reporting of committee hearings for the House in the past 2 years—engendered in him a special interest in parliamentary forms of government as they relate to their records of proceedings. Consequently, he became a member of Intersteno, an international group of parliamentary reporters, and attended their convention in Mannheim, Germany, in 1981. As a member of the National Shorthand Reporters Association, Jack has written articles for its publication about Intersteno, among other subjects of interest to the reporting profession.

Among his hobbies, Jack includes carpentry and restoration of antiques; he is a history buff and loves to travel. Upon his retirement, he will continue, for the time being at least, to live at his home in Vienna, Va., where he will offer his services as a free-lance reporter to other reporters and the legal profession. He plans to spend some time in Ohio and at Columbia, S.C., where he and Barbara maintain residential property. He plans to travel, and he indicates a trip to Switzerland may soon be in the offing. Those who know Jack can be sure that, with his varied interests, he will never suffer the indignities of boredom.

Mr. Speaker, our best wishes go to him upon his retirement. I am sure all the Members will join me in saying, "Thanks, Jack, for your valuable service. You and your trusty fountain pen will be missed."

The SPEAKER. The Chair would like to thank the gentleman from Ohio for taking the time today to honor Jack Henterly, a familiar face to so many of our people. I believe he is the senior person who has been taking the transcription of the Members, and has done an excellent job. His devotion and love of the House, his expertise, and the manner in which he has handled his position certainly is a credit to this great institution of ours. So we thank the gentleman from Ohio for making the Congress aware of the fact that one of our favorite and most beloved and talented people, after years of beautiful service to this body, is leaving.

We wish for him success as he commences a new life, and we trust that his future will be happy.

Mr. SEIBERLING. If the Speaker will yield, I thank him for those kind words. They are certainly merited, and I know Jack leaves with the best wishes of all the Members, for whom he has been most accurate in reporting everything that they have said.

UNIFORM GRANDPARENTS RIGHT TO VISITATION ACT INTRODUCED

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, it is said that when a child is born—a grandparent is created. Grandparents and grandchildren have been called the vital connection. Today in this Nation 75 percent of all older Americans are grandparents.

Yet, imagine if you will, a situation under which a grandparent would be denied the ability to even visit a grandchild. Imagine the personal trauma of a grandchild being denied the love and affection of a grandparent. Sadly this happens in America today.

On December 16, 1982, I conducted a hearing of the Subcommittee on Human Services, House Select Committee on Aging. The topic was grandparents—the other victims of divorce and marital dissolution. At this hearing we received testimony from grandparents some of whom had spent as much as $60,000 in legal fees to gain visitation privileges to their grandchildren only to have them moved to another State where the order was not valid.

In response to this problem I am today together with 35 of my colleagues introducing a House concurrent resolution calling on all 50 States to adopt a Uniform Grandparents Right to Visitation Act. I will explain the legislation in greater detail in another statement but I would say to my colleagues, that while we in Congress cannot legislate love between people we have a right to protect it where it exists.

CAPITAL BUDGET

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, this Chamber will be debating shortly not only the budget for the 1984 fiscal year but also major reforms to the budget process, itself. Among the major issues in the latter case, I wish to bring to the attention of my colleagues legislation which would place a special emphasis on our physical civilian facility investments. With the gentleman from Pennsylvania (Mr. EDGAR) I have coauthored legislation to provide the first capital investment budget for the U.S. Government.

America's public facilities, our infrastructure, is wearing out faster than it is being replaced. This bill would provide us with an inventory and assessment of the condition of our public infrastructure investments. Together

with estimates of the impact of various levels and types of spending allocations, we could better establish responsibility among each level of government and prioritize our present spending based on legitimate needs.

In times of shrinking revenues, we must restore the people's faith in Government by getting away from the pork barrel practices of the past. Capital budgeting is that rationale answer to the critic's charges.

PERMISSION TO FILE REPORTS ON H.R. 861 AND H.R. 1043

Mr. MITCHELL of Maryland. Mr. Speaker, I ask unanimous consent that the Committee on Small Business have until midnight tonight to file two reports.

The first is on H.R. 861, a bill to extend through fiscal year 1985 SBA pilot programs under section 8 of the Small Business Act.

The second is on H.R. 1043, a bill to amend section 8(e) of the Small Business Act.

This has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

LEGISLATION INTRODUCED TO REPEAL PAY INCREASE FOR MEMBERS OF HOUSE

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. PETRI. Mr. Speaker, I hate to come back to an old subject, and I am sure I will not win any popularity contests in this House by bringing it up again, but I still think Congress was wrong to raise our congressional pay during a recession. I was against the pay raise last year, and I am still against it today.

Accordingly, I am cosponsoring H.R. 223, legislation to repeal the recently passed pay increase for Members of the House and to limit the outside earned income of Senators.

In order to restore the confidence of the American people in their elected Members of Congress, I am asking you all to join me in cosponsoring H.R. 223.

In the meantime, I am donating my pay raise to charity for the next 2 years. I want to give my constituents an opportunity to rehire me at the new rate of pay before I accept it.

A GHOST OF CONGRESSES PAST

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, a number of Americans are asking why the majority party in this House, with a 2-to-1 ratio in the House to govern with, has resorted to stacking the subcommittees of the House in order to gain even more advantage. On what conceivable basis are they justifying such a stacking procedure? Clearly, it is not in line with the democratic principle which demands one man, one vote, but I think maybe I have now found the justification for it.

They have now resorted to using ghosts of Congresses past as a way of running the House. One former Member of Congress, it turns out, has sponsored legislation, H.R. 984, sponsored by a Member who is not here any longer, Mr. Speaker—a ghost of Congresses past.

□ 1115

So I assume now that the reason for the unconscionable committee ratios is that these "ghosts of Congresses past" are even being used in determining the numbers. Sixty-one percent of the House, nearly a 2-to-1 margin, is not enough. Now we have to use "ghosts" right here in the House.

AN OPERATIONAL SPACE SHUTTLE PROGRAM

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, our Space Shuttle program has run so smoothly during the course of the last 2 years, that we take it for granted that we have an operational system. We take it for granted that our Space Shuttle fleet is capable of meeting current and near-term demand for launches. Unfortunately, nothing could be further from the truth. The evidence for this statement is right before our eyes, and we have apparently chosen to ignore it.

The fact is that right now, not one of our Space Shuttles is in operating condition. *Columbia*, that marvelous machine which served us so well during the course of five launches, is in the shop for repairs. *Atlantis* and *Discovery* are in the process of being built. *Challenger*, which was to have flown its maiden voyage in January of 1983, is in the shop for repair of a hydrogen leak caused by a cracked engine. The fact is that not one of our shuttles can fly right now.

"Well," you may ask, "just why is that so bad?" We have a space program, and have had one, long before we had the Space Shuttle. "The fact that the shuttle does not fly right now does not affect our launch capability," you might say.

Again, I say, nothing could be further from the truth. Nothing could be further from the truth for the simple reason that, under the terms of our space program, we have come to rely far too heavily on the Shuttle for our launch capability.

It is ironic that, instead of further strengthening our launch capability, the Shuttle appears to be weakening this capability, for we seem to be relying on the Shuttle while allowing our expendable launch vehicle program to virtually disappear.

It is NASA's policy to phase out all expendable launch vehicles, with a few minor exceptions. This means elimination of our Delta, Titan, and Atlas-Centaur expendable vehicles. Deltas, used primarily to launch communications satellites, will be eliminated. Several classes of Titans, used primarily by the Air Force to launch classified satellites, will be eliminated. And, we are in the process of phasing out the Atlas-Centaur. According to the January 31 issue of Aerospace Daily, NASA has issued a stop work order to all Delta contractors. The last Delta is to come off the production line in November of 1983.

To phase out production of expendable launch vehicles for a fleet of orbiters which have no current launch capability is, at very best, shortsighted. At worst, this is a reckless course of action which may well do serious damage to our long-term capability to provide reliable launch services.

As a result of the fact that we currently have no Shuttle launch capability, launch of TDRS–A, the first tracking and data relay satellite, will be delayed. This satellite is one of three which NASA will use to replace our worldwide ground-based tracking network for Earth orbiting satellites. TDRS–B, the second of the satellites, will be launched by STS–8.

While the TDRS satellites are best suited to launch by the Shuttle, this is not the case for all Shuttle payloads. If we are to have a strong space program, we must have a reliable system of launch services. A reliable system of launch services means that, as a matter of national policy, we continue to develop the launch capability offered us by expendable launch vehicles, as a backup to the Shuttle, if nothing else.

I call on my colleagues to urge NASA not to abandon our expendable launch vehicle capability. I also call on my colleagues to examine this issue carefully in light of our obvious need for a fifth orbiter.

While the answer to our current lack of shuttle launch capability does not rest with continued production of expendable launch vehicles, this is an issue, which, in conjunction with the need for a fifth orbiter, must be considered in the coming months. The future of our space program depends on it.

CONCRETE STEPS TO IMPROVE UNITED STATES-CHINA RELATIONS

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, the Pacific Northwest and the Nation as a whole are reaping major benefits from trade with China. While the precise figure has not been released yet by the Commerce Department, the balance of trade with China was more than $700 million in our favor last year.

Recently, however, the enormous benefits of trade with China have been threatened. A dispute over U.S. textile imports has brought our two nations to the brink of a damaging trade war.

If we cannot offer the Chinese everything they want and need in the way of textiles and apparel, we should take other steps to preserve and expand the China trade.

I propose two initiatives:

First, we should reduce Government restrictions on exports to China, except in the sensitive area of nuclear technology.

Second, I propose that hereafter we extend our most favorable tariff rates to China not for just 1 year at a time, as present law requires, but for 3 years at a time.

As chairman of the House export task force and the Foreign Affairs Subcommittee on International Economic Policy and Trade, I am prepared to press for such steps. Our plants and workers need the China trade now, more than ever. If the President is sincere in wanting to promote jobs and exports, he will support these proposals.

THE TEXTILES IMPASSE

The current deadlock in negotiations on textile imports from China under the multi-fiber agreement puts us at yet another critical juncture in our economic relations with that country. Unfortunately, the mutual concessions that will be required to resolve the deadlock do not come easily.

The textile and apparel industries in the United States have been hard hit by increasing imports from China and many other nations. They cannot easily absorb increased import quotas.

At the same time, textiles and apparel are among the relatively few commodities China has been able to market effectively in the United States, thereby generating dollars it can use to buy U.S. goods. All things considered, however, the administration should not jeopardize the benefits of trade with China, and I hope that Secretary Schultz will make new and more generous offers to the Chinese during his current visit to China.

REDUCING EXPORT CONTROLS

U.S. policy since 1981 has been to license, on a case-by-case basis, exports to China of advanced technology up to roughly twice the capacity and sophistication of the technology licensed for export to the Soviet Union.

This "China differential," however, has been frustrated by Defense Department resistance, and has therefore never been effectively implemented. Legislation is apparently necessary to make it effective, and to truly remove China from the same category with the Soviet Union for purposes of export licensing. I plan to give sympathetic consideration to such legislation as part of the Subcommitee on International Economic Policy and Trade's revision of the Export Administration Act this year.

THREE-YEAR MOST FAVORED NATION STATUS

The extension of most-favored-nation status to China on a 3-year basis would require amendment of the so-called Jackson-Vanik provision of the Trade Act of 1974. Far from weakening that provision, however, I believe such a step would strengthen it.

Jackson-Vanik was originally directed at the deplorable emigration policies of the Soviet Union. Several Presidents and Congresses have granted MFN to Communist countries that have pursued more reasonable emigration policies, including China.

I believe that to renew MFN to China on a 3-year basis, rather than annually, would further demonstrate the responsiveness of the United States to cooperative governments. It would further dramatize and penalize the Soviet Union for being out of compliance with their international obligations and out of step with even most of the rest of the Communist world with respect to emigrations and family reunification. In short, it would reaffirm the intent of the Jackson-Vanik amendment, while at the same time improving our crucial trade ties with China.

MORE ACCESS TO U.S. PORTS BY FOREIGN-FLAG PASSENGER SHIPS WOULD SPUR ECONOMIC ACTIVITY

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, spurring economic activity is a top priority for all of us here in Congress. Recently, it has come to my attention that a law passed in the 1880's is significantly crippling economic growth in our coastal cities.

The Jones Act prohibits foreign-flag cruise ships from transporting passengers between U.S. ports. In addition, foreign-flag cruise ships are not allowed to stop more than twice on one coast.

Coastal cities, such as San Diego which already have docking facilities, would derive numerous economic benefits from a change in this antiquated law. The increased revenue and the additional construction that would result from the influx of tourists, may well provide many localities with a boost that will aid them in these difficult times.

That is why I am cosponsoring H.R. 1139 which would allow foreign-flag passenger ships access to many more U.S. ports. At the same time, it is important to note that this bill will never involve direct competition with any of our domestic industry. Responsibility rests with the Commissioner of Customs, after notice and hearings, to determine whether any proposed itinerary of a foreign-flag cruise vessel involves direct competition with any U.S.-flag vessel. If direct competition is involved, then, of course, that itinerary would be disapproved.

In short, this measure would create jobs and expand business at a time when both are desperately needed, while at the same time insuring absolute protection of our domestic industry.

I urge my colleagues to support this important measure as well.

PROPOSED CONSTITUTIONAL AMENDMENT FROM 1789 LOOKS GOOD TODAY

(Mr. ROBERT F. SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERT F. SMITH. Mr. Speaker, I rise before you today to introduce legislation which may qualify as one of the oldest "new" bills to come before us in these 2 years.

I am asking you today to approve an amendment to the Constitution which was written by the same Founding Fathers who drafted the larger, original document. The Bill of Rights' original second article, in just 24 words, provided for a deferral of any increase in compensation for Members of Congress until after an election of the House.

The legislation was intended at its writing in 1789 to instill a sense of responsibility in the process, as well as the removal of personalities from this difficult, all-too-frequent chore.

One of the most gratifying aspects of America is its total lack of a statute of limitations on good ideas. While 1789 may not have been the right time for this idea, 1983 certainly is. Ratification, even 200 years later, is a worthwhile goal.

Thank you.

RESIGNATION AS MEMBER OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE

The SPEAKER laid before the House the following resignation as a member of the Committee on Post Office and Civil Service.

HOUSE OF REPRESENTATIVES,
January 26, 1983.

Hon. THOMAS P. O'NEILL, JR.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to action taken in the Majority Caucus of the Armed Services Committee, I am pleased to accept the additional responsibility of Subcommittee Chair on the Armed Services Committee. As I will be needing to focus additional attention on my duties there, I ask that you kindly accept my resignation from the Post Office and Civil Service Committee.

It has been my pleasure to serve on this Committee and I am particularly appreciative of the kind assistance that Chairman Ford and my colleagues on the Committee has accorded me during my tenure there.

Sincerely,

RONALD V. DELLUMS,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. MOAKLEY) laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 2, 1983.

Hon. THOMAS P. O'NEILL,
Speaker, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Because of my assignment on the newly formed Select Committee on Children, Youth and Families, I hereby submit my resignation from the Small Business Committee.

With kind regards, I am,

Sincerely,

DAN MARRIOTT,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ADJOURNMENT TO MONDAY, FEBRUARY 7, 1983

Mr. WISE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous matter, on the subject of the special order today by the gentleman from New York (Mr. FISH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

SRI LANKAN INDEPENDENCE, PRESIDENTIAL INAUGURATION DAY, FEBRUARY 4, 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, February 4 is a very special day in the history of the country of Sri Lanka. On this day, Sri Lanka will celebrate its 35th anniversary of independence as well as the inauguration of its first directly elected President.

I have had the privilege of meeting with the President of Sri Lanka, the Honorable J. R. Jayewardene. He is a friend of the United States and I know he is committeed to preserving and expanding the principles of democracy for his people. After serving as Prime Minister, he was overwhelmingly elected the country's first President in elections held on October 1982.

The country's constitution of 1978 is an ambitious document. It guarantees human rights, gives recognition to the country's two languages—Sinhala and Tamil—as national languages, introduces proportional representation for future parliamentary elections, insures judicial independence and prohibits the Government from continuing its operations without the specific consent of the people through referendums.

Industrialization and job creation have been spurred by incentives and guarantees aimed at both the local private sector and the foreign private sector. Free market incentives and enhanced price supports were adopted to expand food production. Homes were provided for the homeless through a nationwide housing program. This was undertaken through the public sector as well as the private sector.

The country has a literacy rate of 80 percent and the average life expectancy is 65 years. These accomplishments will be strengthened by the preservation of subsidies on education (free public education through the university level) and health care, which also is free.

The economy has grown impressively due to these stimulants and others. The farming sector has responded quite well, bringing the country from a net importer of rice to near self-sufficiency in 3 years. Rice is the staple cereal of Sri Lanka.

Weather conditions hampered the effort to make 1982 the first year that rice would not be imported. In the future, as a result of the river valley basin development programs, bad weather will not play such a role in the crop picture. About 22,000 acres of land now poorly fed by water will be fully irrigated. Another 220,000 acres will be made arable.

Regarding the foreign private sector, incentives from the Government have led to joint ventures all across the country. The impact on employment from this activity has been dramatic. The unemployment rate dropped from 25 percent in 1978 to 12 percent in 1982. Over 75,000 new homes were constructed during that time. Housing operations of the public sector are designed to be self-financing in the shortest possible time.

The country of Sri Lanka has come a long way in a short time. I am impressed with this progress. The leaders of Sri Lanka have promised to continue to build economic prosperity on a strong base of democracy. I am confident the strong leadership will guide this country on a steady course in the years ahead.●

THE FAIR TRADE FOR AGRICULTURE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 10 minutes.

Mr. BEREUTER. Mr. Speaker, the gentleman from South Dakota (Mr. DASCHLE) and I are today reintroducing legislation which will require the President to take action in response to quotas and other unfair trade barriers which some of our trading partners continue to maintain against U.S agricultural products. We urge our colleagues to join with us in this important effort.

The United States, foremost among the most active trading nations, has the fewest restrictions on import access to its markets, often to the detriment of our own domestic industries. Imports of automobiles, electronics and speciality steel products from Japan have lately had a particularly severe impact upon the producers of similar goods in the United States, resulting in the loss of hundreds of thousands of jobs and a corresponding slump in the gross national product. Simply put, many sectors of the American economy are no longer working as a direct result of a flood of Japanese imports.

At the same time, the Nation's agricultural producers are suffering through a period of the lowest net income on the farm since 1934. The dire economic situation of American agriculture is largely the result of price-depressing surpluses of the major commodities, commodities for which there would be additional markets in other countries were it not for their restrictive trade policies. For ex-

ample, Japanese consumers eagerly pay an average of $12 to $14 per pound, and up to $28 to $30 in restaurants, for prime beef, when it is available, but the strict quotas imposed by that country on imports of red meats result in severely curtailed availability of these products in Japanese supermarkets and eating establishments. It would clearly be to the benefit of both the Japanese consumer and the American producer if we were allowed to export more beef and pork to meet the growing Japanese demand.

Specifically regarding Japanese domestic beef production, it should be noted that Japan currently subsidizes its beef industry and fosters small-scale operations, enabling the nation to provide 75 percent of its own undeveloped, stunted market for beef. Although the average Japanese herd size is 5 to 6 head, a complicated system of prices, supports, import quotas, feeder-calf stabilization schemes, direct grants, and low-interest loans for capital and operating expenses, and direct breeding assistance sustain the Japanese beef producers. Costs are high. By comparison, the average cost of production per hundredweight of slaughtered cattle in the United States in 1979 was $65.74; it was $140.91 for a Japanese dairy steer and $218.27 for a Japanese breed Wagyu steer. As a result, the average retail price of beef in Japan was $6.77 per pound in 1981 compared to $2.40 in the United States. Retail prices for boneless sirloin averaged $14.40 during 1979–81 compared to $3.50 in the United States. High demands and artificial limitations on supply, coupled with small scale production, inefficient feeding practices and high livestock mortality keep Japanese beef expensive.

Mr. Speaker, a resolution of the import restriction-farm protection conflict, would be for the Japanese to eliminate all quantitative restrictions on beef imports, leaving intact only the 25-percent duty. Under such a system, Fred Sanderson, noted expert on Japanese food security issue, that domestic market price would fall 50 percent, consumption increase 70 percent, and imports rise 250 percent, of which half could be expected to be supplied by U.S. farmers and ranchers who now have roughly 27 percent of the import market.

Of course, such a drastic price drop would have a devastating impact on Japanese beef producers. Deficiency payments, however, could easily remedy that problem. Proceeds from the remaining 25-percent duty would cover 30 percent of the cost of the deficiency program. The remainder of the program expenditures could be financed directly by the Government or through a temporary 50-percent surcharge. Under the latter approach, Sanderson still expects prices would drop 30 percent, consumption rise 42 percent and imports climb 150 percent. Increased foreign competition would also push Japanese producers to improve the efficiency of their own operations, where much improvement is possible. Under such a system all parties, the Japanese consumer, the Japanese farmer and the American farmer, would benefit and United States-Japanese trade relations would improve markedly.

I believe a similar drop in orange quotas would enable both foreign and domestic producers to tap an as yet underdeveloped market for orange juice, allowing the United States to reap about half of the expected $300 to $400 million sales increase. Although Japanese consumption of fresh oranges is twice that per capita as the United States, total fresh orange and orange juice consumption per capita in the United States doubles that of Japan. Japanese oranges do not produce high quality juice, thus accounting for the current limited market. Increased customs receipts could then be channeled into diversification of the industry.

In addition to the restrictions on red meat imports, other nontariff barriers are imposed on citrus fruits, rice, lumber, and other agricultural products of the United States. The relaxation of these restrictions would result in greatly expanded markets for our goods and a significant reduction in the $16 billion balance of trade deficit with Japan.

While I am encouraged by some of the statements of the new Prime Minister of Japan and his apparent resolve to begin addressing some of these trade imbalances, I believe it is necessary to continue and, in fact, redouble our efforts to secure freer access to the Japanese market. Mr. Nakasone, during his recent visit to the United States, stated:

> On the question of opening the market for agricultural products, there are things that can be accomplished fairly early, there are things that need to be solved step-by-step, and there is room for improvement in the procedures and standards.

He expressed a keen understanding of the importance which these trade issues have for the American people, and stated his intentions to make his "best efforts" to address our concerns on trade matters.

Actions taken by the Japanese Government just prior to Mr. Nakasone's visit represented a gesture to U.S. concerns. Now we must demonstrate even more clearly the continuing concern. No one wants a trade war, but the time for action is running short. Patience in the United States is wearing thin. Pressures are mounting. If we are yet to avert a trade war, some substantial movement toward liberalization of trade relations must be undertaken by Japan.

Although directed mainly toward the European Community, the recent U.S.-subsidized sale of wheat flour to Egypt should be seen as an indication of American intentions to fight fire with fire on the trade front. We simply no longer can afford the luxury of gentle pressure. Whether it be in the form of subsidized sales or retaliatory import restrictions, we are on the verge of taking further strong action, and our trading partners must be made aware of that.

I want to stress that I and, I believe, the majority of my colleagues, are strong supporters of free trade. But that free trade must be suffused with a sense of equity and fairness. The United States will no longer play a patsy for its trading partners.

Again, I urge my colleagues to join with us in this strong message in support of free and fair trade.

● Mr. DASCHLE. Mr. Speaker, in an article written for the February 6, 1982, issue of the National Journal the noted economist Robert Samuelson makes the following prophetic statement:

> It is difficult to leave this country (Japan) with a good feeling about the prospects for a sensible resolution for the trade conflicts between Japan and the West. The root causes are Japan's phenomenal success—and the envy it stirs in the West—and the shortsightedness and insensitivity of the Japanese. Neither seem likely to disappear soon.
>
> Trade conflicts between the West—particularly the United States—and Japan seem to follow a set script, and the current combat is no exception. First there are vague rumblings in Congress that "something" must be done. The Administration then disavows protectionism, but subtly encourages Congressional discontent. Finally, it uses that discontent to wheedle concessions from the Japanese, who resist all the way.

The process that Dr. Samuelson prophesies can be seen to be working again. For instance, in his state of the Union address, the President made these comments:

> One out of every five jobs in our country depends on trade. So I will propose a broader strategy in the field on international trade—one that increases the openness of our trading system and is fairer to America's farmers and workers in the world marketplace. We must have adequate export financing to sell American products overseas. I will ask for new negotiating authority to remove barriers and get more of our products into foreign markets. We must strengthen the organization of our trade agencies and make changes in our domestic laws and international trade policy to promote free trade and the increased flow of American goods, services, and investments.

A week after the President made this statement, the Council of Economic Advisers issued its annual report for 1983. After issuing several warnings about the dangers of "trade distorting measures," the Council then went on to say the following:

Intervention in international trade by the U.S. Government, even though costly to the U.S. economy in the short run, may, however, be justified if it serves the strategic purpose of increasing the cost of interventionist policies by foreign governments. Thus, there is a potential role for carefully targeted measures, explicitly temporary, aimed at convincing other countries to reduce their trade distortions.

Coupled with the recent discussions the President has had with Japanese Prime Minister Nakasone, these statements indicate that the administration, to its credit, is making a strong attempt to negotiate away many of the more burdensome trade restrictions imposed by the Japanese, particularly on American agricultural products. The scope of these restrictions is such, however, that substantive reductions will not immediately be forthcoming. Some idea of these restrictions is given by Murray Weidenbaum, in a study published by the Center for the Study of American Business. Although the thrust of Weidenbaum's position is that free trade must in no way be impaired by American actions, even he recognizes that the catalog of protective barriers erected by the Japanese is a formidable one:

Japan currently maintains 27 separate product restrictions that have been illegal since 1963, according to the General Agreement on Tariffs and Trade (GATT), because they can no longer be justified on the basis of a trade balance deficit. At the time of this writing, talks are being conducted between Japan and the U.S. to attempt to liberalize or remove these restrictions, but at the present time Japan maintains quantitative import restrictions on: meat of bovine animals; milk and cream; processed cheese; meat of pigs, shore fish and cod roe; scallops, squid, shellfish edible seaweeds; citrus fruits; pineapples; fruit juices; tomato juices, ketchup or sauce; starch and insulin; grape sugar; various types of flour, including wheat, rice, and groats; beans, peas, peanuts; coal; and many leather products.

Although this catalog of items may seem entirely unreasonable to us, to the Japanese, for a variety of reasons, they all make perfect sense. Japan is a country that has faced food shortages in the past, and it is extremely conscious of the results of protracted food shortages. Therefore, it has a tendency to protect its food producing industry almost beyond all reason. Another factor that contributes heavily to this is the inordinate power in the Japanese political arena of its agricultural sector. Although less than 10 percent of Japanese are directly involved in agriculture, a combination of political unity and over-representation of rural areas in the Japanese Diet has made them a powerful political force, intent on preserving the protectionist policies currently in place.

Perhaps more than any statement by Japanese statesmen, the attitude of the agricultural forces in Japan can best be summed up by the following incident, reported in the January 31, 1983 issue of "Forbes magazine:"

In late 1982, U.S. trade negotiators began getting tough in their 15 year old campaign to lift Japanese import quotas on beef and citrus fruits. Reacting bitterly, Zenchu, the organization representing Japan's politically powerful and heavily subsidized farmers, produced a remarkable piece of poster art that delineates more than its protectionist position. The poster depicts an amiable, patriotic Japanese version of the Hulk defending the home islands against the menace of Ronald Reagan dressed as Superman, coming out of the sky with a horde of oranges, lemons, and mean-looking steers at his back.

The staunchly protectionist attitude that this incident displays goes a long way toward explaining why Japanese political leaders have a difficult time implementing the rollbacks of trade barriers to agricultural products that our American producers find so unfair. Even when tentative commitments are made, as in the recent visit of Mr. Nakasone, national political pressures often result in either a retraction of the commitments, or an implementation policy which is so painfully slow as to be almost nonexistent. This is so even though some Japanese leaders realize that their protectionist policies toward agriculture are hurting Japan as much, if not more, than its trading partners. The following statement from the House Ways and Means Trade subcommittee report (97-27) of January 21, 1982 illustrates this recognition:

A recent study by the Mitsubishi Corporation, for example, reported that a kilogram of chicken sells for about $2.19 in New York but $5.35 in Tokyo. Even Japan's heavily subsidized staple of rice costs about 50 cents more per kilo than in America.

A Japanese Cabinet Minister stated to the Delegation that if all agricultural quotas were eliminated, food prices would drop in Japan by 90 percent.

It is food barriers which explain, in large part, the fact that while Japan has a per capita GNP approximately equal to the United States, its standard of living is calculated to be only 60 to 70 percent of America's.

Thus we seem to have an almost classic dilemma. The United States has an administration which, justifiably, sees free and open world markets as beneficial to all countries, including the United States. It is for this reason that we have kept our markets open to Japanese products like automobiles, televisions, computers, and cameras. Unfortunately, Japanese political leaders are being hamstrung in their attempts to remove their own trade barriers because of the protectionist traditions of their country, and the powerful political forces which are pushing for retention of these barriers.

American frustration at the apparent inability of Japanese leaders to overcome these protectionist forces produces protectionist sentiments of our own, and a distrust of negotiations as a way of breaking the impasse. The leadership of both countries is thus backed into respective corners, Americans still believing in free trade, but forced by political pressures to institute barriers of their own, and Japanese wanting to hold on to their protectionist barriers, but realizing that such a posture will only worsen their relations with their natural allies and trading partners.

Unless and until the Japanese truly believe that the United States is determined to bring equity to their trading partnership, their leadership will continue to pursue a tactic of delay, and give ground only grudgingly, if at all. If, however, the Japanese see that we are serious about enforcing this equity, their leaders may be able to use this as a lever to reduce the level of opposition in their own country. In other words, if the Japanese leaders can tell their countrymen that, unless they are more forthcoming at the bargaining table, they risk retaliation of a greater magnitude than they could otherwise expect, these leaders may find it possible to mute criticism of the trade barrier reductions that are in both countries' mutual interest.

It is to provide such leverage to our negotiators, and to the Japanese leadership, that Congressman BEREUTER and I are today introducing agriculture reciprocity legislation. This legislation will direct the administration to determine which of our trading partners have, by the imposition of trade barriers, effectively limited the level of American agricultural products which would otherwise be sold in their markets. After this determination is made, reciprocal trade barriers would be put in place on items we import from those countries, to the amount necessary to offset the economic losses to our agricultural sector. It is not my intent that any specific American industry be protected by the imposition of these reciprocal barriers. To the contrary, it is my sincere hope that the mere threat of these measures being enforced will have the effect of bringing our trading partners to the bargaining table in good faith, and also provide their leadership with a bargaining chip of their own to placate the protectionist forces in their own countries.

The "set script" that Dr. Samuelson described in his comments on American-Japanese trade negotiations has been played too many times in the past, and those of us who truly do believe in free trade for our agricultural products do not want to see it replayed again. Somehow, some way, we must create a climate that convinces our trading partners we are dead serious about free trade, and that for trade to be free, it must be a two-way street. It is my hope that the legislation Congressman BEREUTER and I are introduc-

ing today will help to create that climate.●

□ 1130

FARM CREDIT NOW!

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

● Mr. ALEXANDER. Mr. Speaker, I rise to announce that I am introducing emergency legislation designed to forestall a disaster threatening to overwhelm the American farmer. As the depression in American agriculture has deepened in the last year, I have become increasingly concerned that a crisis point would come when too many farmers could no longer finance their crop production needs. We have already arrived at that crisis point.

Each year for the last several, hundreds of thousands of American farmers have been faced with foreclosure and bankruptcy, and many—too many—have gone under. These catastrophes are increasing at a rate which we cannot afford, for reasons of either compassion or public policy.

Last month, I appointed, from among leading citizens in my district, a farm credit advisory committee to assist me in determining a practical program of relief. The committee was composed of farmers, bankers, agribusinessmen, and others familiar with the credit needs of agriculture. The chairman, Ed Cherry of Jonesboro, Ark., is an active farmer himself and a former State director of the Farmers Home Administration in Arkansas.

The committee has recently concluded deliberations. The members were virtually unanimous on the point that today's crisis is the outcome of misguided Government policies and that, therefore, Government must participate in a solution to the crisis.

Essentially, today's crisis is twofold: A failure of credit confidence by private lenders and a failure of credit delivery by the Government. The farmer is squeezed between the two. Private lenders, including bankers and members of the Farm Credit System, are fearful that they cannot get repayment. On the other hand, the Farmers Home Administration has become less and less reliable as a source of credit and relief.

I have seen estimates of total farm debt well in excess of $200 billion. Farm debt of this magnitude cannot be retired at a time when farm income has shrunk well below $20 billion for the last years, with no improvement in sight. Add the fact of interest payments at the extraordinary high interest rates of recent years, and the problem is compounded.

As the agricultural depression has deepened, the loan portfolio of the Farmers Home Administration has mushroomed. We have reached a point at which FmHA cannot handle any new administrative responsibilities while serving their existing clientele. Yet the uneasiness and caution which now afflict private lenders leave farm borrowers almost nowhere else to go except to FmHA.

As my advisory committee reported to me, FmHA in Arkansas can no longer realistically be thought of as a "lender of last resort" for farmers whose requests for credit have been denied by private lenders. FmHA county supervisors simply do not have the time nor the capability to take on an increase in their workload.

Furthermore, I was advised by a number of farmers on the committee that FmHA lending limits on insured loans were insufficient to finance their total productions needs of fuel, fertilizer, pesticides, labor, and other necessities.

In order to compensate for this twofold squeeze—an excess of caution on the part of private lenders and declining responsiveness by FmHA—the committee urged that a form of guaranteed credit be made available which would allow private lenders to stay with their existing borrowers, thus avoiding a situation which would leave them completely outside either the private credit system or governmental credit possibilities.

One mechanism has already been provided by Congress in the fiscal 1983 agriculture appropriations bill. The FmHA has authority to issue loan guarantees up to $600 million under the economy emergency loan program. I urge the Administration to approve regulations quickly and to make this program available now.

My advisory committee told me, however, that even more must be done. They urged that a temporary, alternative delivery system for Government guarantees be devised to back up the Farmers Home Administration. I am persuaded that the gravity of the situation requires this additional approach as a means of forestalling widespread credit termination by private lenders.

The legislation I am proposing would authorize the Secretary of Agriculture to contract with the Farm Credit System to provide loan guarantees to private lenders. As a Government-sponsored agency, the Farm Credit System has direct links to local production credit associations and Federal Land Banks around the country. These offices have a demonstrated record of successful delivery of farm credit.

My legislation would also provide for a freeze on FmHA loan foreclosures through September 30, 1984. At that time, FmHA would be expected to schedule and re-amortize delinquent loans in a manner consistent with the goal of keeping productive farmers in business.

Other aspects of this bill would clarify questions about the domestic payment-in-kind program and would authorize export payments in kind for market development and for humanitarian purposes. The administration requested this authority last year, and the House approved it. Unfortunately, final passage by the Senate was not achieved before the end of the 97th Congress.

Finally, the existing limit on price supports is increased. This, too, was advised by my committee as a practical means of accomplishing the Department of Agriculture's program for putting agricultural supply and demand in balance.

Mr. Speaker, I urge my colleagues to study this proposal to prevent a tragic exodus of productive people out of agriculture and into the quandaries and pains and uprootedness brought on by deep recession. I am pleased to learn that our distinguished chairman of the Subcommittee on Conservation and Credit, Hon. ED JONES of Tennessee, will meet on February 14 for hearings on the credit crisis. This will offer members an opportunity to report on the situation in their areas.

In summary, I would say that, if we can consistently roll over the debts of foreign nations like Poland and Yugoslavia, then we have an obligation to provide the relief and practical aid which our own people need to continue at the task, at which they are irreplaceable, of feeding this Nation and much of the rest of the world.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Agricultural Act of 1983".

Title I—Emergency Loan Guarantees

AGREEMENTS BETWEEN SECRETARY AND PRIVATE LENDERS

SEC. 101. (a) Except as provided in subsection (c) of this section, the Secretary shall, at the request of a private lender, enter into an agreement with respect to any loan made by the lender to a farmer before the date of the enactment of this title and with respect to any subsequent loan made by the lender to such farmer before October 1, 1984, for any of the purposes specified in section 312(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942(a)) If the Secretary finds that—

(1) because of circumstances beyond the farmer's control, the farmer is temporarily unable to make payments of principal and interest due on such loan;

(2) the private lender is unwilling to defer such payments and forgo foreclosure of such loan in the absence of such an agreement;

(3) in the absence of such an agreement, the farmer is unable to obtain sufficient credit at reasonable rates and terms to refinance the outstanding indebtedness on such loan or to obtain new farm operating loans, taking into consideration prevailing private

and cooperative rates and terms in the community in which the farmer resides for loans for similar purposes and period of time;

(4) foreclosure or liquidation of such loan would seriously impair the economic viability of the farming, ranching, or aquaculture operation of the farmer; and

(5) the farmer is reasonably likely to be able to repay such loan after September 30, 1984, if such agreement is made.

(b) Any agreement entered into under subsection (a) of this section shall include the following terms—

(1) The private lender with whom such agreement is made shall—

(A) during the period beginning on the date such agreement is made and ending on September 30, 1984, defer the payment by the farmer involved of principal and interest due on, and forgo foreclosure of, the loan made to such farmer;

(B) modify, after such period, the terms of such loan to provide equitable repayment terms consistent with the financial situation of the farmer and agreeable to the Secretary; and

(C) not charge any interest on any interest which accrues on such loan during such period.

(2) The Secretary shall guarantee the payment of not to exceed 90 per centum of the principal and interest payable with respect to such loan after such period.

(c) The Secretary may not enter into an agreement under subsection (a) of this section—

(1) which would cause the total principal amount outstanding on loans of any farmer—

(A) guaranteed under this title to exceed $500,000; or

(B) guaranteed under this title and made, insured or guaranteed under any law administered by the Farmers Home Administration to exceed a total of $1,000,000; or

(2) which would require the Secretary to guarantee any loan with respect to which the interest rate is determined by the Secretary to be excessive, taking into consideration prevailing private and cooperative rates and terms in the community in which the farmer involved resides for loans for similar purposes and periods of time.

(d) The Secretary may not impose any fee or charge on a private lender or a farmer in connection with an agreement under subsection (a) of this section.

ADMINISTRATIVE PROVISIONS

SEC. 102. (a)(1) Notwithstanding any other provision of law, moneys in the Agricultural Credit Insurance Fund described in section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) shall be used—

(A) for the discharge of obligations of the Secretary resulting from agreements entered into under this title, and

(B) for the payment of administrative expenses incurred in carrying out this title.

(2) Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) and any other provision of law limiting the availability of moneys from such Fund shall not apply with respect to the use of such moneys under paragraph (1) of this subsection.

(3) Any notes and security acquired by the Secretary in connection with agreements under this title shall be treated in the same manner as is provided in section 309(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(d)).

(b)(1) The Secretary may purchase the guaranteed portion of any loan with respect to which an agreement is entered into under this title and may pay any expense or fee incident to such purchase.

(2) Section 310B(d)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(d)(6)) shall apply with respect to notes acquired by the Secretary in connection with agreements under this title in the same manner as such section applies with respect to notes insured or guaranteed under such Act.

(c)(1) The Secretary shall, by contract or agreement, provide for the administration of the loan guarantee program established by this title by the Federal intermediate credit banks in conjunction with the production credit associations operating under their supervision pursuant to the Farm Credit Act of 1971. The Secretary shall, by fee or otherwise, reimburse such banks and associations for reasonable expenses incurred by them in performing their functions under such contracts or agreements. The Secretary shall consult with and utilize the assistance of the Farm Credit Administration in carrying out the provisions of this paragraph.

(2) The Federal intermediate credit banks and production credit association are authorized to perform the functions specified by paragraph (1) of this subsection.

(3) The Secretary shall issue such regulations as may be necessary to carry out the provisions of this title.

DEFINITIONS

SEC. 103. For purposes of this title—

(1) the term "farmer" means any person who satisfies the eligibility requirements specified in section 311(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(a)), other than the requirements relating to clause (4) of such section;

(2) the term "private lender" means any lending institution legally organized in the United States, including any institution of the Farm Credit System described in section 1.2 of the Farm Credit Act of 1971;

(3) the term "Secretary" means the Secretary of Agriculture; and

(4) the term "United States" shall have the meaning given to it in section 343(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(6)).

Title II—Loan Deferrals

PAYMENT DEFERRALS: FORECLOSURE

SEC. 210. Section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) is amended by—

(1) inserting the designation "(a)" before the existing text thereof;

(2) in the second sentence, striking out "section" and inserting in lieu thereof "subsection"; and

(3) adding at the end thereof the following new subsection:

"(b) During the period beginning with the date of enactment of this subsection and ending September 30, 1984, the Secretary shall permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary for farm ownership purposes under subtitle A of this title, farm operating purposes under subtitle B of this title, disaster emergency purposes under subtitle c of this title, or economic emergency purposes under the Emergency Agricultural Credit Adjustment Act of 1978, and shall forego foreclosure of any such loan, in both cases on a showing by the borrower that the borrower (1) has followed good management practices, (2) due to circumstances beyond the borrower's control, is temporarily unable to continue making payment on such principal and interest when due, and (3) has a reasonable chance of repayment of the loan after the deferral of principal and interest and foregoing of disclosure. The Secretary shall waive the payment of interest that accrues during the deferral period on any loan deferred under the provisions of this subsection. The provisions of this subsection shall be applicable only to borrowers who own or operate family-size farms, as certified by the county committee.

"(c) Upon the expiration of any period of deferral of payment of principal and interest and forgoing of foreclosure by the Secretary under subsection (b) of this section, the Secretary shall make available to the borrower, at the borrower's request, procedures whereby the loan may be consolidated, rescheduled, or reamoritized to provide equitable repayment terms consistent with the borrower's farm and financial situation, and any loan so consolidated, rescheduled, or reamortized shall bear interest at a rate not in excess of the rate of interest on the original loan.

"(d) The Secretary shall promulgate regulations that provide (1) for notification of all farm borrowers under this title and the Emergency Agricultural Credit Adjustment Act of 1978 of the provisions of this section and all other servicing alternatives offered by the Secretary, (2) clear procedures by which borrowers may petition the Secretary for relief under such provisions and alternatives, and (3) for appeal within the Department of Agriculture from a decision that denies relief under such provisions and alternatives.

"(e) Any farm loan deferred, consolidated, rescheduled, or reamortized under any authority of the Secretary under this title other than under subsections (b) and (c) of this section shall, notwithstanding any other provision of this title, bear interest on the balance of the original loan and for the term of the original loan at a rate not in excess of the rate of interest on the original loan.".

Title III—Domestic Payments in Kind

SEC. 301. Effective for the 1983, 1984, and 1985 crops, the Agricultural Act of 1949 is amended by adding at the end thereof a new section as follows:

"EXEMPTION OF PAYMENTS IN KIND FROM PAYMENT LIMITATION AND SALES PRICE RESTRICTIONS: ADMINISTRATION

"SEC. 423. (a) Any land diversion payments made by the Secretary of Agriculture to assist in adjusting the planted acreage of the 1983, 1984, and 1985 crops of wheat, feed grains, upland cotton, and rice pursuant to this Act, other than the diversion payments mandated by sections 107B(e), 105B(e), and 101 (i)(5) of this Act as amended by the Omnibus Budget Reconciliation Act of 1982, may be in kind, shall not be sales for purposes of section 110 and 407 of this Act, and shall not be payments for purposes of section 1101 of the Agriculture and Food Act of 1981.

"(b) Under any land diversion payment in kind program carried out pursuant to subsection (a)—

(1) in cases in which a producer practices double cropping, and in which participation in such program for one commodity reduces the acreage that may be planted to the second commodity, the Secretary shall make equitable adjustments in the payment made under this section to account for the

reduction in the production of the second commodity; and

(2) the Secretary shall not permit soybeans to be produced on acreage required to be devoted to conservation uses."

Title IV—Exports

EXPANSION OF UNITED STATES AGRICULTURAL MARKETS

SEC. 401. The Agriculture and Food Act of 1981 is amended by inserting after section 1209 a new section as follows:

"EXPANSION OF UNITED STATES AGRICULTURAL MARKETS THROUGH THE USE OF COMMODITIES ACQUIRED BY THE COMMODITY CREDIT CORPORATION.

"SEC. 1209A. (a) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to formulate and carry out a program under which commodities acquired by the Commodity Credit Corporation through price support operations may be tendered at no cost to United States exporters, United States users, and foreign purchasers to encourage development, maintenance, and expansion of markets for United States agricultural commodities and the products thereof.

"(b) In carrying out the program authorized by this section, the Secretary shall—

"(1) take such action as may be necessary to ensure that the program provides equal treatment both to domestic and foreign purchasers and users of United States agricultural commodities in any case where an imported manufactured product made, in whole or in part, from a commodity made available for export under this section, would place domestic users of the commodity at a competitive disadvantage;

"(2) ensure insofar as possible that any use of Commodity Credit Corporation stocks for the purposes of the program authorized herein be made in such manner as to encourage increased utilization and avoid displacing current marketings; and

"(3) take reasonable precautions to prevent the resale or transshipment to other nations, or use for other than domestic use in the nation to which stocks of the Commodity Credit Corporation are shipped, of the stocks of the Commodity Credit Corporation made available to export participants in the program.

"(c) The Secretary of Agriculture shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(d) The Secretary of Agriculture may issue such regulations as the Secretary deems necessary to carry out this section.

"(e) Notwithstanding any other provision of this section, the Secretary of Agriculture shall not tender any commodities of the Commodity Credit Corporation under this section to United States exporters or foreign nations for use in any nation not eligible to receive nondiscriminatory trading treatment with respect to its products (most-favored-nation treatment).

"(f) The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary of Agriculture of the Commodity Credit Corporation under any other provision of law.".

EXPANDED AUTHORITY FOR THE USE ABROAD OF COMMODITY CREDIT CORPORATION STOCKS

SEC. 402. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by striking out the last two sentences and inserting in lieu thereof the following: "Such diary products and other agricultural commodities and products thereof acquired by the Commodity Credit Corporation may also be donated through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, and the Commodity Credit Corporation may pay, with respect to commodities and products thereof so donated, reprocessing, packaging, transporting, handling, and other charges, including the cost of overseas delivery. To ensure that any such donations for use outside the United States complement, and are coordinated with, other United States foreign assistance, such donations shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act. Agricultural commodities acquired by the Commodity Credit Corporation may also be used to increase the level of agricultural exports under titles I and III of the Agricultural Trade Development and Assistance Act of 1954 consistent with the purposes of that Act and shall be in addition to the level of assistance programmed under that Act.".

Title V—Payment Limitations

INCREASE IN LIMITATIONS

SEC. 501. Section 1101 of the Agriculture and Food Act of 1981 (7 U.S.C. 1308) is amended—

(1) in paragraph (1) by striking out "each of the 1982 through 1985 crops." and inserting in lieu thereof "the 1982 crop and $150,000 for each of the 1983 through 1985 crops.", and

(2) in paragraph (2) by striking out "each of the 1982 through 1985 crops." and inserting in lieu thereof "the 1982 crop and $200,000 for each of the 1983 through 1985 crops.".●

EQUAL ACCESS TO VOTING RIGHTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman form New York (Mr. FISH), is recognized for 30 minutes.

● Mr. FISH. Mr. Speaker, today I am introducing the Equal Access to Voting Rights Act. Mr. WALGREN, Mr. COYNE, and 90 of our colleagues have joined in sponsoring this legislation.

The Equal Access to Voting Rights Act will insure that all handicapped and elderly Americans are provided access to registration sites and polling places in order to fully exercise their right to vote. Despite Congress recognition of the fundamental nature of the right to vote, voting can be a difficult and sometimes impossible task for handicapped and elderly citizens in many Federal and State elections. Architectural barriers such as steps or inadequate doorways often prevent persons in wheelchairs from reaching the voting booth. Oral instructions for the blind and written instructions for the deaf are provided in few jurisdictions in the United States. And the elderly, many of whom are disabled, are discouraged form exercising their right to vote for many of the same reasons.

The Equal Access to Voting Rights Act will provide access at a minimal cost. Federal law now requires that buildings which house Federal progams or are built with Federal funds be accessible to the handicapped. Simply by moving registration sites and polling places to these buildings, a State could comply with the requirements of the act. State officials are given sufficent flexibility to provide accessibility. Nine States have already been successful in implementing similar legislation.

The handicapped and the elderly should be provided every opportunity to exercise their right to vote. My bill would remove the unnecessary and complicated obstacles to voting for these individuals, further expanding the fundamental right of all Americans to express their views in the voting booth.

Mr. Speaker, the Equal Access to Voting Rights Act is a major priority of civil rights, handicapped, and elderly groups across this country. The strong bipartisan support this measure has already received is an indication that the Congress may grant full access to registration and polling places for all voters in time for the 1984 Presidential election.

An explanation of the need for and the provisions of the Equal Access to Voting Rights Act follows, along with a list of the groups and organizations endorsing this vital legislation:

Voting is a fundamental right constitutionally guaranteed to all American citizens. Yet, because of inaccessible registration and polling places, many disabled and elderly Americans are precluded from exercising this treasured right. The Equal Access to Voting Rights Act seeks to provide barrier-free access to registration and polling places.

The Act requires that all registration sites, other than those in private residences or temporary, one-time places, and all polling places, be located in facilities that provide temporary or permanent access by ramps or other means to individuals in wheelchairs. The exception for private residences and one-time official registration sites exists as long as other, accessible facilities are available for handicapped and elderly individuals to register for Federal elections.

The Act mandates that supplemental voting and registration aids be made available to handicapped and elderly individuals. Briefly, such aids include, but are not limited to, written instructions for the deaf, paper ballots for those unable to operate a voting machine, and absentee ballots for those unable to travel to a polling site. Finally, the Act allows individuals who require assistance in casting their votes to designate individuals of their choice to assist them in casting their ballots.

There are several reasons why legislation that would open the electoral process to all handicapped and elderly individuals is especially desirable at the present time. A few of these reasons are as follows:

Over thirty-five million disabled and elderly Americans face innumerable barriers when they attempt to exercise their fundamental right to vote. For these persons, the right to vote is virtually abrogated; their absence from the political process is all too

frequent. For example, it is not uncommon for individuals in wheelchairs to arrive at polling sites only to find that architectural barriers physically bar them from the polling place doors. Similarly, oral directions typically provided at voter registration centers are of no use to deaf individuals who would benefit greatly from written instructions. Finally, the voting ballot is itself often an obstacle to effective political participation by the 1,300,000 individuals who are severely visually impaired. For these populations, the need for legislation which would allow the effective exercise of their franchise cannot be overstated.

A most compelling reason for passage of federal voter accessibility legislation is the confusion among state laws regarding voting assistance for the handicapped and the elderly. Currently, lengthy, expensive and complex absentee voting procedures in some states serve only to discourage, and sometimes eliminate the voice of the handicapped person in the political process. While all states permit physically handicapped voters to vote by absentee ballot, the inconveniences and expenses often associated with casting these ballots have frequently been equated with a poll tax. For example, some states require the submission of doctor's statements with absentee ballots; others mandate that the ballots be notarized; still others require that the ballots be cast so early that the voter is deprived of the right to make decisions based on last minute information and impressions. In all of these states, the handicapped voter is often unaware that the polling place is inaccessible until Election Day, when it is too late to obtain an absentee ballot.

State laws also vary widely in their requirements for structural accessibility. As many as thirty states do not provide for special consideration by election officials for the needs of handicapped voters, and only nine states have provisions for mandatory accessibility to polling and registration sites. Finally, provisions for registration and curbside voting are equally varied across the states. Enactment of the proposed legislation would eliminate the need for many of these conflicting statutes, thereby increasing the degree of uniformity among state voting processes. Furthermore, easier accessibility that cuts through these varied and burdensome procedures is certain to increase the number of votes cast—a result that is obviously desirable at a time when so few eligible voters choose to exercise their franchise.

Federal courts are unlikely to strike down the practice of locating polling places in buildings with architectural barriers. In declining to enjoin this practice on constitutional grounds, the most recent court which reviewed this issue restated a previous holding that it is not "the province of a Court to weigh the relative ease or difficulty with which the state could accommodate its voting procedures to meet the ends of various handicapped voters. These are policy questions to be resolved by legislators". *Selph* v. *Council of City of Los Angeles,* 390 F. Supp. 58, 61 (C.D. Cal. 1975), citing *Whalen* v. *Heinman,* 373 F. Supp. 353, 357 (D. Conn. 1974) (emphasis added). The *Selph* decision demonstrates the great need for legislation to protect the voting rights of handicapped and elderly populations. If Congress now fails to assume its responsibility in this area, disabled and elderly Americans will be left with virtually no recourse to obtaining full access to the voting process.

The benefits to be gained through enactment of the Equal Access to Voting Rights Act overwhelmingly outweigh the negligible costs of its implementation. Section 504 of the Rehabilitation Act of 1973 requires that all federally-funded programs be housed in facilities which are accessible to handicapped persons. Additionally, the Arichitectural Barriers Act of 1968 mandates that buildings financed with federal funds be accessible to physically handicapped persons. Among the public facilities covered by these Acts are schools, libraries and community centers, any of which can serve as appropriate polling and registration sites. With the availability of these numerous accessible locations, there is very little need to alter existing facilities to accommodate the disabled voter. Additionally, because temporary adjustments may be made to those voting facilities which are normally inaccessible, election officials may take measures which involve nominal costs to provide accessibility only on Election Days. Utilization of temporary ramps is just one such measure that can open the polling places to thousands of potential voters.

Additionally, implementation of the Act would, while requiring mandatory accessibility, would still allow for great state discretion and flexibility. State officials would be given broad leeway in choosing both the means by which they make registration and polling places accessible and the facilities to which voters are relocated. No provisions of this Act conflicts in any manner with the Voting Rights Act of 1965, as amended.

Throughout the years, continual progress has been made in extending voting rights to groups traditionally excluded from the political process. It is now time that an equal opportunity to these fundamental rights—an opportunity free of burdensome and confusing procedures—be given to our handicapped and elderly populations. My bill, in providing mandatory accessibility to registration and polling places will, for the first time, provide these individuals with the means by which they can effectively take part in the democratic process.

The following groups and organizations support the enactment of legislation designed to provide accessible registration and polling places:

Affiliated Leadership League of and for the Blind of America.
American Association of Retired Persons/National Retired Teachers Association.
American Civil Liberties Union.
American Coalition of Citizens with Disabilities.
American Council of the Blind.
American Foundation for the Blind.
American Speech Language and Hearing Association.
Association for Retarded Citizens.
Blinded Veterans Association.
Consumer Federation of America
Disability Rights Center.
Disability Rights Education and Defense Fund.
Independent Living Center of Northern Virginia.
Epilepsy Foundation of America.
Equal Justice Foundation.
Gallaudet College.
Goodwill Industries.
Handicaps Unlimited of Virginia, Inc.
Institute for Public Representation.
Leadership Conference on Civil Rights.
League of Disabled Voters.
League of Women Voters.
Metropolitan Washington Gray Panthers.
Montgomery County Association of Children and Adults with Learning Disabilities.
National Association of Social Workers.
National Center for Handicapped Rights.
National Center for Law and the Deaf.
National Council of Senior Citizens.
National Easter Seal Society.
National Network of Learning Disabled Adults.
National Rehabilitation Association.
National Society for Children and Adults with Autism.
Paralyzed Veterans of America.
Spinal Cord Injury Network.
United Cerebral Palsy Association.●

● Mr. WALGREN. Mr. Speaker, today, I, along with Congressman FISH and 85 of my colleagues, am introducing the Handicapped and Elderly Voting Rights Act. This bill would require, to the extent possible, that all registration and polling places for Federal elections be readily accessible to handicapped and elderly individuals. In addition, the bill provides for supplemental voting and registration aids, such as large print instructions and paper ballots.

The implementation of this bill would not be difficult or expensive. Since the Rehabilitation Act of 1973, and the Architectural Barriers Act of 1968, require that buildings which house Federal programs and federally funded buildings be accessible to the handicapped and the elderly, these places could be used for voting in many cases. In other places temporary accommodations could be made such as ramps or aids.

The elderly and the handicapped often have difficulty in registering and voting, which has hindered their participation in the American political process. Inaccessible polling and registration sites can unintentionally discourage people from voting. We must do all that we can to insure that all citizens have the opportunity to exercise their constitutional right to vote.

The right to vote is one of the most important rights given to American citizens in the Constitution. We must do all that we can to preserve that right and to encourage all citizens to participate fully in their Government. I hope the Congress will give its full attention to this important bill.●

● Mr. COYNE. Mr. Speaker, I am pleased to join my colleagues Representative HAMILTON FISH and Representative DOUG WALGREN in introducing the Equal Access to Voting Rights Act.

The right to vote is taken for granted by many citizens without physical handicaps. However, 35 million elderly and disabled individuals across the country experience innumerable barriers when trying to exercise their right to vote. These individuals find polling and registration places off limits due to physical barriers. I strongly believe that persons who find it difficult or impossible to obtain access to buildings due to a disability should not be denied the right to vote on election day.

The Equal Access to Voting Rights Act would require the Attorney General to set standards for all polling places used in Federal elections which would assure access to such facilities for elderly and handicapped voters. Federal law requires that buildings used for Federal programs and those funded by Federal dollars be accessible to the handicapped. The act would be satisfied by moving registration and polling places to buildings which have such facilities or by providing temporary ramps at present polling places. This legislation also provides for supplemental voting and registration aids such as large print instructions and paper ballots. The expense for the States would be minimal. The benefits to the handicapped great.

Currently State laws vary greatly in their provisions for structural accessibility and the use of absentee ballots. Some States require the submission of doctors certificates or notarized ballots, both of which require extra trips and expense for voters with mobility problems. Furthermore, absentee ballots generally must be submitted long before the actual election, depriving voters of the ability to base their decisions on crucial last minute information. Our legislation would reduce the redtape involved in absentee ballots and would increase the degree of uniformity among States, which would insure access for the handicapped and elderly. However, this bill would not interfere with the States which now guarantee disabled and elderly voters equal access to polling places and would provide necessary flexibility for those States which have not yet addressed this issue.

The enactment of the Equal Access to Voting Rights Act would increase voter participation. Many individuals who do not presently utilize absentee ballot procedures would be more inclined to vote at the polling place. Further, allowing the handicapped and elderly to more visibly participate in our democratic process would enhance this country's commitment to end the isolation and dependence of many of these individuals. It would create an environment in which persons with handicaps could live with dignity and diminish the attitudinal barriers toward handicaps which, unfortunately, do exist in our society.

I have included a list of organizations that endorse the Equal Access to Voting Rights Act. I urge my colleagues to support this important legislation.

ORGANIZATIONS ENDORSING THE VOTING RIGHTS FOR THE HANDICAPPED AND ELDERLY ACT

Affiliated Leadership League of and for the Blind of America.
American Association of Retired Persons/National Retired Teachers Association.
American Civil Liberties Union.
American Coalition of Citizens with Disabilities.
American Council of the Blind.
American Foundation for the Blind.
American Speech Language and Hearing Association.
Association for Retarded Citizens.
Blinded Veterans Association.
Consumer Federation of America.
Disability Rights Center.
Disability Rights Education and Defense Fund.
Independent Living Center of Northern Virginia.
Epilepsy Foundation of America.
Equal Justice Foundation.
Gallaudet College.
Goodwill Industries.
Handicaps Unlimited of Virginia, Inc.
Institute for Public Representation.
Leadership Conference on Civil Rights.
League of Disabled Voters.
League of Women Voters.
Metropolitan Washington Gray Panthers.
Montgomery County Association of Children and Adults with Learning Disabilities.
National Association of Social Workers.
National Center for Handicapped Rights.
National Center for Law and the Deaf.
National Council of Senior Citizens.
National Easter Seal Society.
National Network of Learning Disabled Adults.
National Rehabilitation Association.
National Society for Children and Adults with Autism.
Paralyzed Veterans of America.
Spinal Cord Injury Network.
United Cerebral Palsy Associations.●

CONGRATULATIONS TO JOSEPH CARDINAL BERNARDIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to extend my warmest congratulations to Joseph Cardinal Bernardin, spiritual leader of the Archdiocese of Chicago, whom Pope John Paul II elevated to cardinal, along with 17 others from 16 countries, in a day-long ceremony that took place yesterday in the Vatican's Paul VI Hall before more than 8,000 spectators from all over the world.

Cardinal Bernardin is a most worthy recipient of this investiture by the Pope, for he has demonstrated that he is a prelate of exceptional ability, compassion, and kindness. He has an outstanding record of dedicated service to the church over the past 30 years, since he was ordained as a priest in 1952, and he is, without question, one of the most influential and important members of the Catholic hierarchy in the United States.

The people of Chicago are most fortunate that Cardinal Bernardin was appointed to their archdiocese last summer, and over these past few months, he has developed a close relationship with his new flock. The cardinal's benevolence, his love, and his faith have been truly inspirational to all of his church members.

Mr. Speaker, as the Congressman for the 11th District of Illinois, where many of Cardinal Bernardin's church members live, I extend to him my best wishes on his new appointment, and I offer to him my continued support, as he continues to serve the church and our community, working toward the betterment of all mankind.●

RULES OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS FOR THE 98TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, pursuant to rule XI, clause 2(a), of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Banking, Finance and Urban Affairs for the 98th Congress, adopted by the committee on February 2, 1983:

COMMITTEE RULES OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, 98TH CONGRESS, 1983–84

RULE NO. 1.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committees and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under rule X of House Rules and (subject to the adoption of expense resolutions as required by rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection herewith. The ranking minority member of the full committee or the relevant subcommittee shall be notified in advance at such times as any committee funds are expended for investigations and studies involving international travel.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under rules X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. 2.—REGULAR AND SPECIAL MEETINGS: OPEN COMMITTEE MEETINGS

(a) Regular meetings of the committees shall be held on the first Tuesday of each month while the Congress is in session. When the chairman believes that the committee will not be considering any bill or resolution before the full committee and

that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meetings as the circumstances makes practicable, a written notice to that effect and no committee meeting shall be held on that day.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule.

(f)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day be closed to the public: Provided, however, that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony, (A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate subparagraph (g)(5) of Rule 7; or (B) may vote to close the hearing, as provided in subparagraph (g)(5) of Rule 7. The committee or subcommittee may, by the same procedures specified in this paragraph, vote to close one subsequent day of hearing.

(g) No person other than a Member of Congress, committee staff, or a person from a Member's staff when that Member has an amendment under consideration, may walk in or be seated at the rostrum area of the committee unless the chairman, the chairman of the subcommittee, or a majority of the committee determines otherwise.

RULE NO. 3.—RECORDS AND ROLLCALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. A record vote may be demanded by any three of the members present or, in the apparent absence of a quorum, by any one member.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

RULE NO. 4.—PROXIES

(a) No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of the day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

(b) Proxies shall be in the following form:

Hon. .....,
House of Representatives,
Washington, D.C.

DEAR .....: I will be absent on official business/due to personal illness and thus unable to be present at the meeting of the committee or subcommittee. I hereby authorize you to vote in my place and stead in the consideration of ..... and any amendments or motions pertaining thereto. The official business that necessitates my absence is .....

——— ———,
Member of Congress.

Executed this the ..... day of ....., 19..... at the time of ..... p.m./a.m.

RULE NO. 5—POWER TO SIT AND ACT; SUBPENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and,

(2) to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Any subpena issued to carry out the authority of this paragraph shall be issued in accordance with the procedures specified in subparagraph (b)(1). The chairman of the committee or any member designated by the chairman may administer oaths to any witness.

(b)(1) Any subpena issued to carry out any investigation or activity, or any series of investigations or activities, described in (a) shall be issued by the committee, upon the recommendation of a subcommittee or upon the committee's initiative, and any such subpena may only be authorized by a majority of the members of the committee voting, a majority being present. The power to authorize and issue subpenas under this subparagraph may be delegated to the chairman of the committee pursuant to such limitations as the committee may prescribe. Authorized subpenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpena issued by the committee under this subparagraph may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpenaed, upon the completion of this testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the committee, or his representative, prior to leaving the hearing room.

RULE NO. 6.—QUORUMS

A majority of the members of the full committee or subcommittees shall constitute a quorum of the full committee or subcommittees for the reporting of a measure or recommendation: Provided, that the number of members constituting a quorum for the taking of any action other than reporting of a measure or recommendation shall be one-third of the members of the committee or subcommittee, and any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. 7.—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announce-

ment of the date, place, and subject matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify all members of the committee, the Daily Digest Clerk of the Congressional Record and the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(b) Each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 24 hours in advance of his appearance, 100 copies of his proposed testimony if the appearance is before a subcommittee, and 175 copies of his proposed testimony if the appearance is before the committee, and the witness may be required to limit his oral presentation to a summary of his statement. This requirement may be waived by the chairman of the committee or appropriate subcommittee, after consultation with the appropriate ranking minority member, when it is deemed by said chairman to be in the best interest of the committee or subcommittee. This requirement shall not be mandatory if a witness is given less than seven days' notice prior to the hearing.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, the Clerk and Staff Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other material) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of a hearing and subsequently as they are received, the chairman shall make available to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations after members of the subcommittee have been given an opportunity to participate, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(g) The following additional rules shall apply to investigative hearings:

(1) The chairman at any investigative hearing shall announce in an opening statement the subject of this investigation.

(2) A copy of the committee rules and clause 2 of Rule XI of the House Rules shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person it shall—

(A) receive such evidence or testimony in executive session;

(B) afford such person an opportunity voluntarily to appear as a witness; and

(C) receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may review and photostat a copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 8.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each record vote by the committee to report any bill or resolution, the name of each member voting for and voting against the motion to report, and whether by proxy or in person, and the names of those members present but not voting, and the names of those members absent, shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure, matter or any report or submission to be made to the House or to the Committee on the Budget under subclauses (g), (h), and (i) of clause 4 of Rule X of the Rules of the House of Representatives by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. No report shall be filed until the chairman has consulted with the ranking minority member of the committee and the chairman of the subcommittee from which the legislation emanated or would have emanated. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the

correction of any technical error in a previous report made by that committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(1) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(2) any decision, determination, or action by a Government agency which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

For the purposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

RULE NO. 9.—OVERSIGHT SUBCOMMITTEE

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modification or changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be established in conformity with rule 15 an Oversight Subcommittee.

(b) The Oversight Subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities which have responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Oversight Subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Oversight Subcommittee shall in no way limit the responsibilities of the subcommittees from carrying out their oversight responsibilities.

(c) The Oversight Subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. 10.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of the House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) The committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget in accordance with the Congressional Budget Act of 1974.

RULE NO. 11.—BROADCASTING OF COMMITTEE HEARINGS

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him/her.

RULE NO. 12.—COMMITTEE AND SUBCOMMITTEE BUDGETS

(a) The chairman, in consultation with the majority members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel for necessary travel, investigation, and other expenses of the full committee, and after consultation with the minority membership, the chairman shall include amounts budgeted to the minority members for staff personnel to be under the direction and supervision of the minority, travel expenses of minority members and staff, and minority office expenses. All travel expenses of minority members and staff shall be paid for out of the amounts so set aside and budgeted.

(b)(1) The chairman of each subcommittee, in consultation with the majority members thereof, shall prepare a budget to include funds for staff, travel, investigations, and miscellaneous expenses as may be required for the work of the subcommittee.

(2) The chairman of each subcommittee shall control the funds provided for in the subcommittee budget.

(c) The chairman shall combine the proposals of each subcommittee with the preliminary budget of the full committee into a consolidated committee budget, and shall present the same to the committee for its approval. The chairman shall then take all action necessary to bring about its approval by the Committee on House Administration and by the House.

(d) Authorization for the payment of additional or unforeseen committee and subcommittees' expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(e) The chairman, the ranking minority member of the full committee, or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule 14 within the limits of their portion of the consolidated budget as approved by the House, and the chairman may execute necessary vouchers thereof.

RULE NO. 13.—COMMITTEE AND SUBCOMMITTEE STAFF

(a) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority members of the committee shall determine within the budget approved for such purposes by the committee; provided, however, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not assigned to a subcommittee or to the minority under the above provision shall be appointed, and may be removed, and their remuneration determined by the chairman in consultation with and with the approval of the majority members of the committee within the budget approved for such purposes by the committee.

(c) The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee who may delegate such authority as they determine appropriate.

(d) The professional and clerical staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(e) It is intended that the skills and experience of all members of the committee staff be available to all members of the committee.

(f)(1) The chairman of each standing subcommittee of this committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority member of each standing subcommittee on this committee is

authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 of the House Rule XI; provided, however, a staff person appointed by a ranking minority member shall be compensated at a rate not to exceed that paid his or her majority party staff counterpart.

(4) Subparagraphs (1) and (2) and (3) shall apply to six subcommittees only, and no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairmen and ranking minority party members pursuant to subparagraphs (1) and (2) shall be made available from the staff positions provided under clause 6 of House Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(6) Except as provided by the above provisions, the professional and clerical members of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of a majority of the majority members of the full committee, within the budget approved for the subcommittee.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the chairman of that subcommittee.

RULE NO. 14.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance at hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is being made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman, the ranking minority member of the full committee whenever minority staff is involved, and the chairman of the full committee. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expense of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the chairman or, in the case of a subcommittee from the subcommittee chairman and the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the chairman or the chairman of a subcommittee (except that individuals may submit a request to the chairman for the purpose of attending a conference or meeting).

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (members and staff attending meetings or conferences) shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and the Committee on House Administration pertaining to such travel.

RULE NO. 15.—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be eight standing subcommittees as follows: Subcommittee on Domestic Monetary Policy; Subcommittee on Housing and Community Development; Subcommittee on Economic Stabilization; Subcommittee on Consumer Affairs and Coinage; Subcommittee on International Development Institutions and Finance; Subcommittee on Financial Institutions Supervision, Regulation and Insurance; Subcommittee on International Trade, Investment and Monetary Policy; and Subcommittee on General Oversight and Renegotiation. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees respectively. In carrying out any of the jurisdiction specified in the following paragraphs, each subcommittee, to the extent it deems appropriate, may examine into the impact of any aspect of such jurisdiction on employment.

Subcommittee on Domestic Monetary Policy

The jurisdiction of the Subcommittee on Domestic Monetary Policy extends to all matters relating to monetary policy and agencies which directly or indirectly affect monetary policy, including the effect of such policy and other financial actions on interest rates, allocation of credit, and the structure and functioning of domestic and foreign financial institutions.

Further, the jurisdiction of the Subcommittee on Domestic Monetary Policy extends to all private foundations and charitable trusts.

Subcommittee on Housing and Community Development

The jurisdiction of the Subcommittee on Housing and Community Development extends to all matters relating to housing and mortgage credit (except programs administered by the Veterans' Administration), including mortgage and loan insurance pursuant to the National Housing Act; FHA mortgage interest rates; rural housing; housing assistance programs; secondary mortgage market programs and all other activities of FNMA, GNMA, and FHLMC; private mortgage insurance; housing construction and design standards; housing related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; counseling and technical assistance; regulation of the housing industry (including landlord-tenant ralations); real estate lending powers of financial institutions (including regulation of settlement costs); and interest charges for members of the Federal Home Loan Bank System.

The jurisdiction of the subcommittee further extends to matters relating to community development and community planning, training and research, including community development block grants; urban renewal; model cities; rehabilitation loans and grants; neighborhood facilities grants; open space land and urban beautification grants; water and sewer facilities grants; public facilities loans; national, urban or community development banks; advance acquisition of land programs; new communities assistance programs; national urban growth policies; comprehensive planning (including land use and areawide programs); community development training and fellowships; and urban research and technologies.

Further, jurisdiction of the subcommittee extends to flood insurance and related land use controls, urban property protection and reinsurance, crime insurance, and regulation of interstate land sales.

Also, the jurisdiction of the subcommittee includes FHA property improvement loans under title I of the National Housing Act which can be used to finance the preservation of historic structures; community development block grant funds authorized under title I of the 1974 Housing Act which can be used to finance the acquisition and preservation of historic properties; and section 701 comprehensive planning grants to public bodies which can be used to finance surveys of historic sites and structures.

Subcommittee on Economic Stabilization

The jurisdiction of the Subcommittee on Economic Stabilization shall extend to all matters relating to financial aid to all sectors and elements within the economy, all matters relating to economic stabilization,

and all defense production matters as contained in the Defense Production Act of 1950, as amended, and all related matters thereto.

Subcommittee on Consumer Affairs and Coinage

The jurisdiction of the Subcommittee on Consumer Affairs and Coinage shall include all matters relating to consumer credit, including those matters in the Consumer Credit Protection Act dealing with truth-in-lending, extortionate credit transactions, restrictions on garnishments, reports of the National Commission on Consumer Finance, and fair credit reporting. The jurisdiction shall further include collection practices, discrimination in the extension of consumer credit, creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, and credit cards.

The jurisdiction of the subcommittee shall further extend to matters relating to the price of consumer goods, services and commodities; the rationing of consumer products; and hoarding.

Further, the subcommittee's jurisdiction extends to all matters relating to coins, coinage, currency and medals, including commemorative coins, and commemorative medals, proof and mint sets and other special coins, Coinage Act of 1965, gold and silver, including coinage thereof (but not the par value of gold), gold medals, counterfeiting, and currency denominations and designs.

Subcommittee on International Development Institutions and Finance

The jurisdiction of the Subcommittee on International Development Institutions and Finance extends to all matters relating to all multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto; and monetary and financial developments as they relate to the activities and objectives of such institutions.

Subcommittee on Financial Institutions Supervision, Regulation and Insurance

The jurisdiction of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance extends to all agencies which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit or other insurance for, financial or other institutions, the establishment of interest rate ceilings on deposits, and all auxiliary matters affecting or arising in connection with the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the National Credit Union Share Insurance Fund, the Federal Home Loan Bank Board, The Federal Reserve Board and System, the National Credit Union Administration, and the Comptroller of the Currency, together with those activities and operations of any other Agency or department which relate to both domestic or foreign financial institutions.

Further, jurisdiction extends to and includes, with respect to financial institutions and the department and agencies which regulate or supervise them, all activities relating to and arising in connection with the matters of chartering, branching, mergers and acquisitions, consolidations, and conversions.

Subcommittee on International Trade, Investment and Monetary Policy

The Subcommittee on International Trade, Investment and Monetary Policy shall have jurisdiction over all matters within the jurisdiction of the committee relating to international trade, including but not limited to the activities of the Export-Import Bank.

Further, the jurisdiction of the subcommittee shall extend to international investment policies, both as they relate to U.S. investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

Further, the subcommittee shall have jurisdiction over the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto.

Subcommittee on General Oversight and Renegotiation

The Subcommittee on General Oversight and Renegotiation shall assist the House Committee on Banking, Finance and Urban Affairs in appraising the administration of the laws and regulations under the jurisdiction of the committee and present such recommendations as deemed necessary to the appropriate subcommittee(s) of the committee.

Further, the subcommittee shall exercise continuing oversight of the execution by the administrative agencies concerning any of the laws the subject matter of which reside within the jurisdiction of the committee and shall study all pertinent reports, documents and data pertinent to the jurisdiction of the committee and make the necessary recommendations or reports thereon to the appropriate subcommittee(s) of the committee.

Further, the subcommittee shall have full jurisdiction over the Renegotiation Act of 1951, as amended.

(b) The committee may provide for such additional subcommittees as determined to be appropriate; Provided, however, that such additional subcommittees are approved by a majority of the majority members on the committee.

(c) A member serving as chairman of any subcommittee on this committee shall not also serve as the chairman of a subcommittee on any other full committee or select committee with legislative jurisdiction; *Provided, however,* That this provision shall not apply to a member serving as subcommittee chairman on the Budget Committee; House Administration Committee; Joint Committees; Standards of Official Conduct Committee; or House Recording Committee.

RULE NO. 16.—POWERS AND DUTIES OF SUBCOMMITTEE

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen and with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) No bill or joint resolution approved by a subcommittee shall be considered by the committee unless such measure, as approved, has been made available to all members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure. The provisions of this paragraph may be suspended by the committee by a two-thirds vote or by the chairman, with the concurrence of the ranking minority member of the full committee.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report.

"This report has not been officially adopted by the Committee on Banking, Finance and Urban Affairs (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed on the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the chairman after consultation with the ranking minority member and appropriate subcommittee chairman, otherwise directs; Provided that no bill reported by a subcommittee shall be considered by the full committee unless each member has been provided with reasonable time prior to the meeting to analyze such bill, together with a comparison with present law and a section-by-section analysis of the proposed change, and a section-by-section justification.

(f) No bill or joint resolution may be considered by a subcommittee unless such measure has been made available to all members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure. The provisions of this paragraph may be waived following consultation with the appropriate ranking minority member.

RULE NO. 17.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule 15 referred to or initiated by the full committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until 3 days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to all subcommittees of proper jurisdiction without regard to whether the author is or is not a member of the subcommittees. A bill, reso-

lution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) Committee reports shall be filed at such time as the committee shall determine with reasonable time allowed for members to file supplemental, individual, dissenting or other views.

(d) In carrying out this rule with respect to any matter, the chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule 15, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter to a special ad hoc committee appointed by the chairman (from the members of the subcommittee(s) having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. 18.—SIZES AND PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party members of the committee have an equal number of subcommittee assignments: *Provided, however,* That a member may waive his or her right to an equal number of subcommittee assignments on the committee: *And provided further,* That the majority party members may limit the number of subcommittee assignments of the chairman and the subcommittee chairmen and the minority party members may limit the number of subcommittee assignments of ranking minority party members in order to equalize committee workloads.

(b) Following shall be the sizes and majority/minority ratios for subcommittees:

(1) Subcommittee on Domestic Monetary Policy: Total—14. Majority—9. Minority—5.

(2) Subcommittee on Housing and Community Development: Total—36. Majority—23. Minority—13.

(3) Subcommittee on Economic Stabilization: Total—25. Majority—16. Minority—9.

(4) Subcommittee on Consumer Affairs and Coinage: Total—11. Majority—7. Minority—4.

(5) Subcommittee on International Development Institutions and Finance: Total—11. Majority—7. Minority—4.

(6) Subcommittee on Financial Institutions Supervision, Regulation and Insurance: Total—27. Majority—17. Minority—10.

(7) Subcommittee on International Trade, Investment and Monetary Policy: Total—20. Majority—13. Minority—7.

(8) Subcommittee on General Oversight and Renegotiation: Total—16. Majority—10. Minority—6.

(c) The full committee chairman, or a member designated by a majority of the majority members on the committee, shall recommend to the Speaker as conferees the names of those members (1) selected by the majority party members of the committee in a manner determined by them, and (2) selected by the minority party members of the committee in a manner determined by them.●

U.S. ACADEMY OF PEACE AND CONFLICT RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, nearly 20 years ago, President John F. Kennedy observed, "the pursuit of peace is not as dramatic as the pursuit of war, but we have no more urgent task."

Recognizing that the expensive and threatening global arms buildup makes that task even more urgent, I am reintroducing legislation to establish a U.S. Academy of Peace and Conflict Resolution. Over 80 of my colleagues, spanning the ideological and geographical spectrum, have joined me in proposing this institution dedicated to research, education, and public information in the ways and means of peace. I am particularly glad to have the leadership of my friend, SILVIO CONTE of Massachusetts, as my chief cosponsor.

The establishment of a Peace Academy was recommended in 1981 by the congressionally created Commission on Proposals for the National Academy of Peace and Conflict Resolution. I had the privilege of serving on that Commission which determined, after exhaustive hearings, that a centralized institution was needed to coordinate our Nation's fragmented efforts in peace and conflict resolution. The Commission concluded that a Peace Academy would strengthen our own national security and reduce the complexity and cost of settling international differences while advancing the national interest by reducing the chance that this Nation or any other would breach the peace and risk the escalation of conflicts into violence and even nuclear war.

As proposed, the Academy would be an interdisciplinary institution devoted to international peace studies and research to advance conflict resolution methods and skills. It would not be an interventionistic or policymaking agency. The Academy's specific mandate would be threefold:

First, to conduct and assist in research into international peacemaking;

Second, to educate and train individuals from Government, private enterprise, and voluntary associations about peacemaking skills; and

Third, to serve as a clearinghouse and resource center to provide state-of-the-art information to policymakers, practitioners, existing institutions, and other interested parties.

The Academy would be a federally created, nonprofit, independent corporation, much like the Smithsonian Institution. Its core budget would come from Federal appropriations, but it would also rely on private financial support.

The establishment of an Academy is a pragmatic move which recognizes that the answer to growing world tension is not limited to military might alone. Certainly we need to guarantee our citizens a national defense which protects them and serves as a deterrent, but this gives us no assurance of lasting peace. Supporting an Academy, however, does not require one to renounce military sufficiency. Indeed, the establishment of the Academy would not be a denial of war, but rather an acknowledgement that a conflict can and should be managed to minimize that risk. As the Commission report also noted: "Peace requires knowledge, judgment, and skill no less complex than that which is required for war."

Understandably, some persons have questioned the costs of establishing a Peace Academy given current and projected budget deficits. I maintain, however that the $18 million 2-year authorization provided in my bill is a small price to pay for both the substantive and the symbolic contribution the Academy could make toward the reduction of international conflicts. Consider these figures: The Peace Academy as my colleagues and I are proposing, would cost approximately 3.5 cents per American per year compared to around $1,100 a year for each American for our projected military spending under this year's budget. Moreover, the Peace Academy can reasonably be expected to become a moneysaver if, by furthering peace, it makes even a small dent in global military expenditures, which today grow at a staggering rate of a million dollars plus per minute.

During the last Congress, I was joined by over 130 House Members in calling for the establishment of a U.S. Academy of Peace and Conflict Resolution. Last year in the Senate, a similar proposal was reported by the Labor and Human Resources Committee, but unfortunately time ran out before it reached the Senate floor. This Congress, with support both here and at the grassroots level seeming to be strong and growing. I hope that this legislation can be moved to enactment. An Academy of Peace and Conflict Resolution would be a small investment compared to its potentially large return: A better chance at achieving a more stable, peaceful world.●

REVERSE FREEDOM OF INFORMATION PROCEDURE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, today I am reintroducing the Reverse Freedom of Information Procedure Act. The bill is designed to provide fairer

and more efficient procedures for the treatment of freedom of information requests for records submitted by third parties. The bill is identical to a bill that I introduced in the last Congress, and it is based on recommendations made in the 1978 report of the House Committee on Government Operations entitled "Freedom of Information Act Requests for Business Data and Reverse FOIA Lawsuits (H. Rept. 95-1382)."

The text of the bill follows:

H.R. 1247

A bill to amend the Freedom of Information Act with respect to procedures for the disclosure of certain types of information, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reverse Freedom of Information Procedure Act".

SEC. 2. (a) Section 552(a)(4)(A) of title 5, United States Code, is amended—

(1) by inserting "(i)" immediately after "(4)(A)"; and

(2) by adding at the end thereof the following:

"(ii) Each agency shall also promulgate regulations, pursuant to notice and receipt of public comment, specifying procedures by which—

"(I) the agency shall, when requested by a submitter at the time of submission of information to the agency, notify the submitter, within five days of receipt of a request, that such a request for records containing such information has been made under this section; and

"(II) a submitter or requester may submit to the agency written argument regarding a request made for disclosure of records.

"(iii) An agency is not required to notify a submitter of the receipt of a request under division (ii)(I) if—

"(I) the agency determines, prior to giving such notice, that the request for disclosure should be denied;

"(II) the disclosure is pursuant to law (other than this section) or agency rule which requires disclosure of specific records in such a manner as to leave no discretion on the issue; or

"(III) the information has been published or otherwise made available to the public.".

(b) Section 552(a)(4) of title 5, United States Code, is further amended—

(1) by striking out subparagraph (b) and inserting in lieu thereof the following:

"(B)(i) The district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction—

"(I) on complaint by a requester, to enjoin the agency from withholding agency records and to order the production of any agency records withheld from the requester; and

"(II) on complaint by a submitter, to order an agency to notify a submitter of a request as required by subparagraph (A)(ii), to enjoin the agency from disclosing agency records obtained from the submitter, and to order the withholding of any such records.

"(ii) The agency which is the subject of a complaint under this section shall promptly, upon service of a complaint—

"(I) seeking the production of records, notify each submitter (of information contained in the records which are sought by the requester) that the complaint was filed; and

"(II) seeking the withholding of records, notify each requester of the records that the complaint was filed.

"(iii) In an action based on a complaint—

"(I) by a requester, the court shall have jurisdiction over any submitter of information contained in the records which are sought by the requester, and any such submitter may intervene as of right or seek to be joined in such action; and

"(II) by a submitter, the court shall have jurisdiction over any requester of information which the submitter seeks to have withheld, and any such requester may intervene as of right or seek to be joined in such action.

"(iv) Unless the court otherwise directs for good cause shown, in an action in which a requester is an intervenor, or is joined, the action shall on motion of the requester be transferred to a district court, designated in the motion, which would have had jurisdiction had the action been brought by the requester.";

(2) by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (D), (E), (F), (G), and (H), and by inserting immediately after subparagraph (B) the following new subparagraph:

"(C)(i) In an action under this section seeking the production of records, the court shall determine the matter de novo, and the burden is on the agency to sustain its determination.

"(ii) In an action under this section seeking the withholding of records, the court shall review the record of the agency's proceeding and shall uphold the agency's determination unless it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(iii) In any action under this section, the court may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section.";

(3) by inserting "and any intervenor" immediately after "the defendant" in subparagraph (D) (as redesignated by paragraph (2)); and

(4) by striking out "in which the complainant has substantially prevailed" in subparagraph (F) (as so redesignated) and inserting in lieu thereof "by a requester and award such fees and costs to a requester who has substantially prevailed".

(c) Section 552(a)(6) of title 5, United States Code, is amended—

(1) by striking out clause (i) of subparagraph (A) and inserting in lieu thereof the following:

"(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the requester, and any submitter of information contained in the records which are the subject of the request, of such determination and the reasons therefor, and of the right of such persons to appeal to the head of the agency any adverse determination; and";

(2) by striking out "or" at the end of clause (ii) of subparagraph (B), by striking out the period at the end of clause (iii) of such subparagraph and inserting in lieu thereof "; or", and by inserting immediately after such clause the following new clause:

"(iv) the need to notify the submitter (in accordance with paragraph (4)(A)(i)) of the receipt of the request."; and

(3) by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C)(i) Any requester under this subsection shall be deemed to have exhausted his administrative remedies with respect to a request if the agency fails to comply with the applicable time limit provisions of this paragraph. If any requester initiates a complaint under paragraph (4)(B), then the administrative remedies of any submitter of information contained in the records which are the subject of such request shall also be deemed to have been exhausted.

"(ii) If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

"(iii) Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to the requester, except that if the disclosure of records was objected to by a submitter of information contained in the records, the agency shall not disclose such records for ten days after notice of the determination required by subparagraph (A)(i) has been received by the submitter.

"(iv) Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.".

(d) Section 552(d) of title 5, United States Code, is amended—

(1) by striking out "subsection (a)(4)(F)" in paragraph (4) and inserting in lieu thereof "subsection (a)(4)(G)"; and

(2) by striking out "subsections (a)(4) (E), (F), and (G)" in the second sentence and inserting in lieu thereof "subsections (a)(4) (F), (G), and (H)".

(e) Section 552 of title 5, United States Code, is further amended by adding at the end thereof the following new subsection:

"(f) For the purposes of this section—

"(1) 'submitter' means a person who voluntarily submits, or is required by rule or law to submit, information to an agency; and

"(2) 'requester' means a person who has made a request for disclosure of records under subsection (a)(3).".

SEC. 3. The amendments made by this Act shall take effect one hundred and eighty days after the date of enactment of this Act, except that any provision in such amendments requiring an agency to promulgate regulations shall be effective upon such date of enactment and such regulations shall be promulgated not later than one hundred and eighty days after such date.●

ECONOMICALLY STRATEGIC INDUSTRIAL RESEARCH AND DEVELOPMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, our national economy is in poor health. We see the symptoms all too clearly—high unemployment, uncontrolled budget deficits, slumping factory utilization, and a depression in major industries such as agriculture, auto, and steel. The U.S. share of

world exports has dropped from 22 percent to less than 16 percent in the past 2 years; during the same period, the portion of our domestic market captured by imported goods has risen from 2.8 percent to over 11 percent. These symptoms reveal fundamental changes that have been taking place in the national and world economies, changes to which we have been slow to respond. To restore good health to our economy, we must correct the course of our economic policies and adjust to the new realities of a competitive international situation and an increasingly technological society.

I am introducing today the Economically Strategic Industrial Research and Development Act. This bill provides for the identification and development of economically strategic technologies. A companion bill is being introduced in the Senate by Senator PAUL TSONGAS, and I thank him for his support of the ideas embodied in this bill.

The international economic leadership enjoyed by the United States in the past has resulted in large part from our lead in technology and in industrial innovation. Now other countries are realizing the important role that technological developments will play in the coming decades. A number of other nations are jumping on what is becoming a crowded high-tech bandwagon. In the United States, national, State, and local leaders are also looking for a high-technology solution to the economic problems of the people they represent.

There are compelling reasons for this increased interest in innovation and productivity. New technologies are essential both to make basic industries more competitive and to expand opportunities in high-technology growth industries. High-technology industries have been responsible for the creation of a higher share of new jobs than low-technology industries. And the development of new technologies promises relief from the current unacceptable levels of unemployment.

While I do believe that innovation and productivity will be a key ingredient to our economic recovery, there are a number of problems that must be overcome in the process. The Committee on Science and Technology, of which I am a member, has been engaged in an ongoing study of the innovation and productivity area. I would like to mention briefly some of the general issues that must be addressed.

BUILDING THE FOUNDATION FOR INNOVATION

In order to realize our national potential in technological areas, we must have a properly educated and trained work force. We need a general public with a better understanding of mathematics and science; and we need an adequate supply of engineers and technicians in all technical areas. It is encouraging to see the growing attention being given to this subject right now, but we must make sure that the current interest is properly directed and sustained in the future.

Technological innovation is the translation of basic scientific knowledge into useful technologies, goods, and services. Therefore, another essential requirement is a healthy and vigorous scientific community to provide for the continued growth of scientific knowledge. This will require broad support on a wide range of scientific fronts, including the physical, biological, and social sciences. A survey of the history of science and technology demonstrates the difficulty in predicting the eventual practical benefits of basic research. Recent cutbacks, for apparently ideological reasons, in funding for the social sciences may very well prove to be an expensive and shortsighted decision over the long run. The best approach is to encourage excellence in all areas of science.

Since World War II, the Federal Government has assumed primary responsibility for funding basic scientific research in this country. It has been a good partnership, and America's scientific community is the envy of the world. The Federal Government has accepted the support of research as one of its functions, because the long-term societal benefits are large, but diffuse. Since the benefits are diffuse, individual companies are often unable to recover their costs and will not take the risk of investing in long-term research. Of course, at some point along the route to commercialization, it does become feasible for individual companies to take over the short-term research and development. In our free enterprise system, we believe that when this stage is reached, it is better for the Government to take a secondary role.

Unfortunately, between the long-term research and the short-term research lies an area where the lines between Government and industry support cannot be clearly drawn. Attempts to draw a sharp line between Government and industry support can sever the crucial linkages between basic and applied research which we need for efficient technology transfer. Therefore, if we wish to facilitate the development of new technologies, special care must be taken to establish and maintain linkages between basic and applied research and between Government, academia, and industry. At the same time, we must be sure to maintain the strengths of our free enterprise system—flexibility, responsiveness to the marketplace, and incentive for personal initiative.

Along with Federal efforts to encourage the development of new technologies, we have a responsibility to assess how those technologies will affect our society. New technologies bring new benefits, but they can also bring new problems. As a government, we will have to formulate new policies to meet the changing needs of society. Today, for example, the computer revolution that has brought us into the so-called information age is forcing us to reconsider a number of old policies and social structures. The information policy area is one where the Federal Government has so far done a poor job in helping society to adjust to the changes taking place around us. I have proposed the Information Research and Development Act of 1983 (H.R. 480) to deal with this great need. As other new technologies begin to transform segments of our society and affect our daily lives, we must be ready with well-formulated new policies.

Any successful economic program in innovation and productivity must address the issues I have just described. Recently enacted statutes, such as the Stevenson-Wydler Innovation Act (Public Law 96-480), deal with some of these areas. We should make sure that these public laws are fully implemented. The problems in science education are addressed by a number of bills currently before the Congress, including among others the National Engineering and Science Personnel Act (H.R. 582) and the Emergency Mathematics and Science Education Act (H.R. 30). The National Technology Foundation Act (H.R. 481), which I introduced earlier this year, would establish a national policy to promote technological innovation. If enacted, these bills would provide and maintain a foundation of scientific and technical excellence. But there is an additional barrier to technological development, and this barrier needs to be addressed directly and quickly. I am referring to the stiff international competition we are now facing in the international marketplace.

MEETING THE INTERNATIONAL CHALLENGE IN TECHNOLOGY

Other countries, such as Japan and France, are using targeted research and development plans to challenge the United States market share for both established industries and high-technology industries. These intensive development efforts rely on a national commitment and a cooperative approach by government and industry, and they are often directed at the type of midterm research which in our country sometimes falls between the clear duties of our public and private sectors. Our national policy for technological development must take this international competition into account.

We face these challenges in a number of technologies. In supercomputer technology, for example, the Japanese Ministry of International Technology and Industry (MITI) has launched ambitious programs to produce high-performance computers

and to incorporate and exploit concepts of artificial intelligence. A recent scholarly article in Science (vol. 218, December 17, 1982, p. 1189) concluded:

If these projects are successful, which appears likely, advanced economic and military research in the United States may become dependent on access to supercomputers of foreign manufacture.

To maintain U.S. leadership, private and government-sponsored research is required to identify areas for development that are likely to yield technical and market success, thereby lowering the investment risk to a point where the private sector will take over. Collaboration among manufacturers, academia, and government laboratories will be necessary.

As these excerpts illustrate, supercomputer technology is an example of an economically strategic technology. There are a number of other economically strategic technologies targeted by foreign countries for intensive research and development efforts. In some of these technologies, the United States currently enjoys a secure lead, but in other technologies, a cooperative research and development effort will be required by the Federal Government and industry. Some additional examples of economically strategic technologies are robotics, materials processing, and biotechnology.

As part of an overall economic program, it is important to identify economically strategic technologies and begin development as soon as possible. If we continue our efforts at the pace we have kept for the past few years, we are likely to be overtaken in some areas by our economic competitors. Worse still, there is a belief on the part of the current administration that we should scale down the Federal role from what it is at the present time. I think this ignores the current economic climate, and it ignores the international competition for trade. Faced with these new realities, we must find a new approach that works well within the framework of the American system.

One approach would be to establish an advisory committee of industry, Government, and academic experts to look pragmatically at a certain technology and determine the proper Federal and industry roles. Senator PAUL TSONGAS has developed a proposal for using this committee model on a wider scale for a number of technologies. Today, he and I are introducing companion bills which would call on the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine to identify economically strategic technologies and propose programs for the development of each technology.

Studies of the sort proposed in this bill would allow an independent committee of experts representing the key partners to look pragmatically at each technology and make recommendations. An example of just such a report is the recently released study on "Aeronautical Research and Technology Policy," ordered by the White House through the Office of Science and Technology Policy. To illustrate how valuable this type of study can be in the formulation of policy, I would like to quote from a speech given on November 9, 1982, at the release of this report by Dr. George A. Keyworth, II, the President's science adviser:

A little over a year ago, when the Administration was putting together its budget for fiscal year 1983, we were confronted with a far-reaching question. It was this: In light of the overwhelming need to contain the size of the federal budget, was there any compelling reason not to drastically reduce the amount of money traditionally allocated to research and technology in aeronautics. Quite honestly, there was a widespread notion that, after decades of federal support we might be at a point of diminishing returns. Perhaps it was time for the federal government to cut back on non-military aeronautics research that might more appropriately be done by industry.

Let me assure you that we were very close to substantially changing the federal role in aeronautics. Inevitably, that change would have been subsequently mirrored in industry as well. We knew those repercussions could be severe in an industry as large as airplane manufacturing, so we decided to delay any major reductions for another year so we could more methodically evaluate the federal role in aero R&D.

It's a good thing we waited. As I'll explain, we came to some quite different conclusions than we had expected.

Dr. Keyworth went on to explain that aeronautics R&D continues to have immense strategic value—both for defense needs and for the economic benefits. He noted that it is very difficult for companies to justify investment in longer term aeronautical research, because they cannot capture the benefits for themselves. The report concluded, and Dr. Keyworth agreed, that it was in the national interest for the Federal Government to continue its support of aero R&D and to a provide a domestic climate that will enable U.S. companies to compete effectively with foreign industry.

I am encouraged by the results of this one study. It shows that even the ideologically committed can be influenced by facts that contradict their bias. It gives me hope that similar revelations can occur in other fields. I would like to broaden this effort to other areas through the bill I am introducing today. A short description of the bill follows.

SUMMARY OF BILL

This bill calls upon the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine to draw upon the expertise of their private industry and academic members to conduct an investigation aimed at identifying technologies which may be called economically strategic technologies. These are technologies which offer great potential economic benefit, but the development of which is endangered by the targeted R&D efforts of our competitors and by an insufficient level of effort here at home.

For each economically strategic technology, a technology development program will be recommended. Such a program will identify the industry, university, and Government resources necessary to enhance the potential for successful development. In essence, an appropriate partnership for development will be recommended for each technology.

Interim reports will be submitted to the President and the Congress. A final report of the study together with recommendations is required not later than 3 years after the date of enactment of this act.

The bill also provides for sufficient budget authority to allow the President to implement the recommended technology development programs as quickly as possible.

SUMMARY

Mr. Speaker, I believe this bill has several important features. It relies on the judgment and expertise of the industrial and academic research communities, those closest to the problem. It provides an opportunity for Government, academic, and industrial institutions to forge new partnerships for cooperative efforts, both in planning and in funding the development of new technologies. It emphasizes the importance of considering international economic competition while planning the best development program for each individual technology. It is a flexible approach which is well suited to our free enterprise system. Most importantly, it establishes a national commitment to invest in those new technologies which will lead to improvement of the economic, environmental, and social well-being of the United States.

Mr. Speaker, I believe the issues addressed by this bill are very important for the future of this country. I hope that we can begin now to debate these timely issues. I welcome the comments and support of other Members of Congress.

SHORTCHANGING REPUBLICANS ON COMMITTEE SLOTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 5 minutes.

Mr. DANNEMEYER. Mr Speaker, it is with sadness that I address the House on this subject this morning. It relates to action that was taken yesterday afternoon in the Energy and Commerce Committee, one of the major policymaking committees of the House on which this Member from California is privileged to serve.

This action took place yesterday and represents what I perceive to be a desperate attempt on the part of those in control of this institution to preserve power whatever the cost may be, in terms of its impact on constitutional rights, rights of the minority Members in this House and, indeed, even at the cost of insulting the Constitution of the United States because it is that document which assures to each member of this country, citizen or Member of this House, equal protection of the law.

What the Democratic majority did yesterday afternoon in organizing the Energy and Commerce Committee is a violation of the constitutional rights not only of the Members who have been elected with the privilege of serving here, but to those millions of Americans around the country who voted for Republican candidates for Congress, because what the majority Democratic Party did yesterday is a travesty, an injustice, an abomination, and a nuisance.

The Republican minority in the House enjoys 38 percent of the Members as a result of the election of November of 1982. The Democratic majority gave to the Republican minority on the Energy and Commerce Committee one less member on that committee than our membership in the whole House entitles us.

We were given 15 of the 42. We should have had 16. We got 35.7 percent of the slots.

On the subcommittees we were given 31 percent of the slots, a total of 28 seats, and the Democrats had 62.

There are six subcommittees on the Energy and Commerce Committee. The division in the Subcommittee on Commerce, Transportation and Tourism was 7 to 3. Republicans were given 30 percent of the slots.

On the Subcommittee on Fossil and Synthetic Fuels, the division is 13 to 6. We were given 31.58 percent of the slots.

On the Subcommittee on Energy Conservation and power we were given 4 out of the 13, or 30.77 percent of the slots.

For the Subcommittee on Health and the Environment we received 31.58 percent, or 6 out of 19.

On the Oversight and Investigations Subcommittee, of the 13 we Republicans were given 4, a percentage of 30.77.

On the Telecommunications, Consumer Protection and Finance Subcommittee we were given 5 of the 16 for a percentage of 31.25 percent.

This averages out to 31 percent. We were shorted in all on the Republican minority side 8 slots.

In the subcommittee this Member from California offered an amendment to say the division of slots on *subcommittees would be consistent* with the membership in the entire House or 38 percent. This I believe the Constitution entitles us to enjoy under the doctrine of equal protection of the law. That motion was lost on a straight party line vote.

This arrogance, desperate power grab on the part of the Democratic majority should not be permitted to stand. It happened in the last Congress and 14 of us went to court and sued the Speaker of the House because of the violation of the rights of the minority. In the 97th Congress we were shorted 30 slots on all of the committees of the House and 37 slots on the subcommittees.

This should not be permitted to continue and ultimately the U.S. Supreme Court will undoubtedly render an opinion as to whether or not the majority in its arrogant grab for power can get away with this.

There are 55 representative democratically elected legislative bodies in the world. Every single one of them except one organizes itself in committees in terms of member division of slots on the basis of the division of the major parties of the whole body. That one exception is the House of Representatives.

The other body, the Senate, where the Republicans control, have given to the Democratic minority their fair share based on the division in the other body between the two major parties. Why we cannot do that here from the standpoint of fairness this Member from California cannot understand.

Is the Democratic majority here so uncertain of the consensus or basis of their huge majority of 269 that from those Members they cannot get enough to put forth those policy alternatives they think the country needs? Do they have to pursue the course of violating the rights of the minority in order to allegedly govern this House?

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Those are real questions I think this body should debate, because it deals with the concept of equal protection of the law, fairness, and equality for all citizens, whether they are here in this House or resident anyplace in our country.

A DEGREE OF EQUALITY

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I am moved to take this time by the eloquent remarks of the gentleman from California (Mr. DANNEMEYER), who just spoke, and I would like to just make the point—and I am sure the gentleman is aware of it—that instead of being an arrogant and desperate grab for power, this may really be a tribute to the Republicans in the House and on the committee. The fact that they can talk for so long, have so many ideas, have such subtle powers of maneuvering, it may be necessary for us to use this minor tactic of slightly increased membership in order to maintain some degree of equality with the superiority represented by these talents that the gentleman has just so well expressed on the floor of the House.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, one thing we learn around here that really counts—I just want to ask the question, to see if the gentleman will agree with me—the first lesson that any Member learns when he walks in these doors, is how to count. If you do not learn how to count, you can do nothing around here.

Does not the gentleman agree that that is a fair statement?

Mr. BROWN of California. I have been talking the merits of science and technology, including the mathematical sciences, for many years around here, and I agree completely with the gentleman. We should learn how to count.

Mr. DANNEMEYER. That is the point I seek to make. We want enough on our side so that the count is fair.

RULES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, 98TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 5 minutes.

● Mr. STOKES. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Standards of Official Conduct for the 98th Congress in the RECORD at this point. These rules were adopted by the committee in open sesssion on January 27, 1983.

RULES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT FOR 98TH CONGRESS

PART I—SCOPE AND AUTHORITY

Scope and authority

Rule 1. (a) These rules govern the procedures to be followed by the Committee on Standards of Official Conduct (hereafter referred to as the "Committee"). So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of each subcommittee of the Committee, but each subcommittee may prescribe additional rules not inconsistent therewith.

(b) These rules are adopted under the authority of clause 2(a) of Rule XI of the Rules of the House of Representatives, 96th Congress.

PART II—GENERAL COMMITTEE RULES

Subcommittees

Rule 2. (a) The Chairman may establish subcommittees and may assign to them such functions as he may deem advisable. The membership of each subcommittee shall provide equal representation for the majority and minority parties. The Chairman may refer any bill, resolution, investigation, or other matter before the Committee to an appropriate subcommittee for consideration and may recall any such bill, resolution, investigation, or other matter from the subcommittee to which it was referred.

(b) Any member of the Committee may sit with any subcommittee, but only regular members of the subcommittee may vote on any matter before the subcommittee.

Meetings

Rule 3. (a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House is not meeting on that day. When the Chairman determines that there is sufficient reason, he may call a meeting on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is no business to be considered.

(b) Insofar as practicable, notice will be provided seven days in advance of meetings. However, the Chairman may, in his discretion, waive such time period for good cause.

Members Required for Quorums and Committee Action

Rule 4. (a)(1) A quorum of the Committee consists of a majority of the members of the Committee.

(2) A quorum of a subcommittee consists of a majority of the members of the subcommittee.

(b) Except as provided in clause 4(e)(2)(A) of Rule X of the Rules of the House of Representatives and rules 5, 8, 12, 16, and 17 of the Committee rules, action may be taken by the Committee by a simple majority, a quorum being present.

Broadcasts of committee proceedings

Rule 5. (a) Whenever any hearing or meeting by the Committee is open to the public, the Committee may permit, except as provided in clause (b) of this rule, by a vote of a majority of the Committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness shall be required against his or her will to be photographed or to otherwise have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio coverage at a hearing, all microphones shall be turned off, at the request of any witness who does not wish to be subjected to television or still photography coverage at a hearing, all lenses shall be covered, and at the request of a witness who does not wish to have a graphic reproduction of his or her image made at a hearing, the making of such a reproduction at the hearing shall not be permitted. This paragraph is supplementary to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in anyway the space between any witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(b) Coverage by radio, television, still camera, or electronic recording device of any disciplinary hearing held under subpart B of part III of the Committee rules is prohibited.

Committee Records

Rule 6. (a) The Chairman of the Committee shall, with the approval of the Committee, establish such procedures as in the Chairman's judgment may be necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Unless otherwise authorized by the Committee, no information received by the Committee respecting any alleged violation by a Member, officer, or employee of the House of Representatives of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities shall be disclosed to the public before the transmittal under rule 11, of the Committee rules to such Member, officer, or employee of a Statement of Alleged Violation in connection with such violation. After the service of such a Statement on the Member, officer, or employee—

(1) the Statement and any other paper filed pursuant to rule 12 of the Committee rules respecting such violation shall be made available for public inspection at reasonable hours, and

(2) any other paper filed with the Committee respecting such violation shall be made available as authorized by the Committee, except that no paper shall be made available if its disclosure would violate any Executive Order or any Federal law or regulation.

Special Procedures

Rule 7. The Committee may adopt by resolution any special procedures deemed necessary to a particular matter before the Committee. Copies of such special procedures shall be furnished to all parties and witnesses in the matter.

Changes in Committee Rules

Rule 8. The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee if before such vote written notice of the proposed modification, amendment, or repeal was provided each member of the Committee.

PART III—COMMITTEE INVESTIGATIVE AUTHORITY

Subpart A—Complaints and committee inquiries

Complaints

Rule 9. (a) A complaint submitted to the Committee under clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives shall be in writing and under oath, setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereafter referred to as the "complainant");

(2) the name and position or title of the Member, officer, or employee of the House of Representatives alleged to be in violation of the Code of Official Conduct or a law, rule, regulation, or other standard of conduct;

(3) the nature of the alleged violation, including, if possible, the specific section of the Code of Official Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated; and

(4) the facts alleged to give rise to the violation. When facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.

(b) All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

(c) A complaint by a Member of the House of Representatives may be transmitted directly to the Committee. A complaint by an individual not a Member of the House may be transmitted through a Member who agrees, in writing, to accept it for that purpose. If a complaint by an individual not a Member of the House is submitted to three Members of the House who refuse, in writing, to transmit the complaint to the Committee, the complainant may transmit the complaint directly to the Committee, provided an affidavit is attached stating, under oath, the names of the Members to whom the complaint was submitted and by whom it was rejected in writing.

Processing of Complaints

Rule 10. (a)(1) The staff of the Committee shall examine each complaint submitted to the Committee for compliance with clause 4(e)(2)(B) of Rule X of the House of Representatives and rule 9 of the Committee rules.

(2) If the staff determines that a complaint does not comply with such House and Committee rules, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such rules and a copy of such rules. A complainant may resubmit a complaint.

(3) If the staff determines that a complaint is in compliance with such House and Committee rules, the complaint shall be filed with the Committee. Within five days of the filing of a complaint (A) a copy of the complaint, showing the date of its filing, shall be transmitted to the Chairman and ranking minority member of the Committee, and (B) every other member of the Committee shall be notified of the filing of the complaint and of its availability for inspection by the member in the Committee offices. Upon the request of any member of the Committee, the staff of the committee shall inform the member of the complaints which have been filed with the Committee

and which are pending before the Committee.

(4) If within thirty days of the date of the filing of a complaint the Chairman and ranking minority member of the Committee jointly—

(A) decide to place the complaint on the Committee agenda for consideration at the next regularly scheduled meeting of the Committee, it shall be so placed on such agenda, or

(B) determine that the complaint be dismissed because it fails to allege facts which constitute a violation of the Code of Official Conduct or applicable law, rule, regulation, or other standard of conduct, the complaint together with the determination that it should be dismissed shall be placed on the Committee agenda for consideration at the next regularly scheduled meeting of the Committee.

Unless the Committee determines under clause (b) that the complaint merits further inquiry, the complaint shall be dismissed and the complainant shall be notified of the dismissal. If upon the expiration of such thirty days, the Chairman and ranking minority members have not taken any joint action respecting the complaint, it shall be placed on the Committee agenda for consideration at the next regularly scheduled meeting of the Committee.

(b) At the meeting at which the Committee is to consider a complaint filed with the Committee, the Committee shall determine whether the violation alleged in the complaint is within the jurisdiction of the Committee and, if so, whether the allegations in the complaint merit further inquiry. The complainant and respondent shall be notified, in writing, of action taken by the Committee respecting the complaint.

Preliminary Inquiry and Statement of Alleged Violation

Rule 11. (a)(1) If the Committee determines under rule 10(b) that the allegations of a violation in a complaint filed with the Committee merit further inquiry, the Committee shall conduct a preliminary inquiry to determine whether such violation occurred.

(2) In the preliminary inquiry—

(A) the Committee shall provide the respondent an opportunity to present to the Committee, orally or in writing, a statement respecting the allegations with respect to which the inquiry is being held,

(B) the staff may interview witnesses and examine documents and other evidentiary matter,

(C) the Committee may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by a member of the Committee or by any person authorized by law to administer oaths,

(D) the Committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other things as it deems necessary to the conduct of the inquiry, and

(E) any probative evidence may be used.

Upon the completion of the preliminary inquiry, the staff of the Committee shall prepare and transmit to the Committee a report containing a comprehensive summary of the information received in the inquiry and may include in the report a recommendation for action by the Committee respecting the alleged violation which was the subject of the inquiry.

(b) If the Committee determines on the basis of the report of the Committee staff on the preliminary inquiry respecting an alleged violation that there is reason to believe that the violation occurred, the Committee may direct the staff to transmit to the respondent a Statement of Alleged Violation. A Statement shall be divided into counts and each count shall relate to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation and include a reference to the provision of the Code of Official Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated.

Answers and Motions and Committee Action

Rule 12. (a) If a Statement of Alleged Violation is transmitted under rule 11(b) of the Committee rules, the respondent receiving the Statement shall have not less than 21 days in which to respond to it. The response shall be by way of answer or motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

(1) An admission to or denial of, under oath, each count set forth in the Statement. A denial may include (A) negative and affirmative defenses to the allegations in a count, and (B) any supportive evidence and any other relevant information which the respondent may desire to submit.

(2) An objection to any count in the Statement on the grounds that it fails to state facts which constitute a violation of the Code of Official Conduct or any other applicable law, rule, regulation, or other standard of conduct.

(3) An objection to the jurisdiction of the Committee to consider the allegations contained in the Statement.

(4) A motion for a bill of particulars.

(5) An objection to the participation of any member of the Committee in the consideration of the allegations contained in the Statement on the grounds that the member cannot render an impartial and unbiased decision. The Committee member against whom the objection is made shall be the sole judge of his qualifications. A motion under this paragraph is not in lieu of an answer.

Any motion submitted pursuant to this clause shall be accompanied by a memorandum of points and authorities. Except for good cause shown, no pleading or motion not described in paragraphs (1) through (5) will be considered by the Committee and the Committee will not consider any answer or motion described in such paragraphs which is submitted under this clause after the expiration of such 21 days.

(b) Within 30 days after the receipt of any motion under clause (a) respecting a Statement, the Committee shall consider such motion. Notice of the decision of the Committee respecting the motion shall be furnished the respondent who submitted it. When the Committee has acted on all motions submitted under paragraphs (2), (3), and (4) of clause (a), the respondent shall, in accordance with paragraph (1) of such clause, submit, within fourteen days of the date of the last Committee action, an answer to each count in the Statement not dismissed by the Committee.

(c) Failure to submit, within the applicable time period, an aswer to a count of a Statement which has not been dismissed by the Committee shall constitute an admission to the violation alleged in the count.

(d) The Chairman, in his discretion, may extend any time limitation imposed by clause (a) or (b) if he determines that the extension would facilitate a fair and complete inquiry and may shorten any such time limitation if he determines that there are special circumstances which require the shortening of such time limitation.

(e)(1) As soon as practicable after the expiration of all applicable time limitations for action under clauses (a) and (b) respecting a Statement of Alleged Violation, the Committee shall act, by the vote of a majority of the members of the Committee, to—

(A) hold a disciplinary hearing on the violation charged in the Statement, or

(B) defer action on the Statement but only if there is a judicial proceeding pending.

Failure to achieve a vote of the majority of the members of the Committee on a motion to take any action described in subparagraph (A) or (B) shall constitute dismissal of the Statement.

(2) The respondent to a Statement of Alleged Violation shall be notified in writing of action taken under paragraph (1) by the Committee respecting the Statement.

Inquiries on the Committee's Initiative

Rule 13. Notwithstanding the absence of a complaint filed with the Committee under rule 10 of the Committee rules, the staff of the Committee shall present to it any evidence available to the staff reasonably indicating that any Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to his conduct in the performance of his duties or in the discharge of his responsibilities. If the Committee determines that the evidence presented by the staff of an alleged violation merits further inquiry, the Committee shall, in accordance with rule 11(a) of the Committee rules, conduct a preliminary inquiry to determine whether such violation occurred. Rules 11 and 12 of the Committeee rules shall apply to further proceedings respecting such alleged violation.

Committee Action After Criminal Convictions

Rule 14. If a Member, officer, or employee of the House is convicted in a Federal, State, or local court of a criminal offense for which a sentence of a term of imprisonment of at least one year may be imposed, the Committee shall conduct, in accordance with rule 11(a) of the Committee rules, a preliminary inquiry to review the evidence of such offense and to determine whether it constitutes a violation over which the Committee is given jurisdiction under clause 4(e) of Rule X of the Rules of the House of Representatives. If on the basis of the report of the Committee staff on the preliminary inquiry the Committee determines that an offense was committed over which the Committee has jurisdiction under such clause, the Committee shall notify the Member, officer, or employee of its determination and shall hold a disciplinary hearing for the sole purpose of determining what action to recommend to the House respecting such offense. Such hearing shall be held in accordance with the requirements of rule 16 of the Committee rules applicable to the second phase of a disciplinary hearing and any recommendation made by the Committee shall be made in accordance with rule 17 of the Committee rules.

Definition

Rule 15. For purposes of this subpart and subpart B, the term "respondent" means a Member, officer, or employee of the House

who is charged in a complaint filed with the Committee under rule 10 of the Committee rules or who is charged in a Statement of Alleged Violation transmitted under rule 12 of the Committee rules.

Subpart B—Disciplinary hearings

Disciplinary Hearings

Rule 16. (a) A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the counts in the Statement have been proved. The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved.

(b) At a disciplinary hearing the Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other things as it deems necessary. Depositions, interrogatories, and sworn statements taken under Committee direction may be accepted into the Committee record. The procedures set forth in clause 2(k) of Rule XI of the Rules of the House of Representatives shall apply to disciplinary hearings.

(c) Prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearing. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearing the Committee may expand or contract the scope in light of evidence received.

(d)(1) The Order of phase one of a disciplinary hearing shall be as follows:

(A) The Chairman shall open the hearing by stating the Committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

(B) Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order whenever possible: (i) witnesses and other evidence offered by the Committee staff, (ii) witnesses and other evidence offered by the respondent, and (iii) rebuttal witnesses.

(C) Witnesses at a hearing shall be examined first by the Committee counsel or authorized staff member. The Committee members may then question the witnesses under the five-minute rule. The respondent or his counsel may then cross-examine the witnesses. Redirect and recross may be permitted in the Chairman's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, and then may be cross-examined by Committee counsel or authorized staff member. Committee members may then question the witness under the five-minute rule. Redirect and recross may be permitted in the Chairman's discretion.

(2) Testimony of all witnesses shall be taken under oath. The form of the oath shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?" The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.

(e) At a disciplinary hearing the burden of proof rests on the staff with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces.

(f) Phase two of a disciplinary hearing shall consist of oral and/or written submission by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to any count of the Statement of Alleged Violation which has been proved. Testimony by witnesses will not be heard at phase two except by a vote of a majority of the Committee.

Recommendations

Rule 17. (a)(1)(A) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement of Alleged Violation, the Committee shall consider each count contained in the Statement and with respect to each count as originally drawn or as amended shall vote on a motion that the count has been proved. A count shall not be proved unless at least a majority of the Committee vote for a motion that the count has been proved. A count which is not proved shall be considered as dismissed by the Committee.

(B) If the Committee votes that a count has been proved, the Committee may upon completion of the second phase of the disciplinary hearing, by a majority vote of the Committee, consider and vote on a motion that a recommendation be made to the House for appropriate action respecting the violation charged in such count.

(2) If in a vote taken under paragraph (1)(A) respecting a count a majority of the Committee does not vote that the count has been proved, a motion to reconsider that vote may only be made by a Member who voted that the count was not proved. If in a vote taken under paragraph (1)(B) to adopt a recommendation to the House respecting a violation charged in a count a majority of the Committee does not vote in favor of the recommendation, a motion to reconsider that vote may only be made by a Member who voted against the recommendation.

(b)(1) With respect to any violation with which a Member of the House was charged in a count which the Committee has voted as proved, the Committee may include in its recommendation to the House one or more of the following sanctions:

(A) Expulsion from the House.

(B) Censure.

(C) Reprimand.

(D) Fine.

(E) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House may impose such denial or limitation.

(F) Any other sanction determined by the Committee to be appropriate.

(2) With respect to any violation with which an officer or employee of the House was charged in a count which which the Committee has voted as proved, the Committee may include in its recommendation to the House one or more of the following sanctions:

(A) Dismissal from employment.

(B) Fine.

(C) Any other sanction determined by the Committee to be appropriate.

(c)(1) The purpose of this clause is to inform the Members of the House of Representatives as to the general guidelines the Committee considers appropriate for determining which, if any, sanctions to recommend to the House respecting violations proved in a disciplinary hearing. This clause does not limit the authority of the Committee to make or not to make recommendations for such sanctions.

(2) For technical violations, the Committee may direct that the violation be reported to the House without a recommendation for a sanction.

(3) With respect to the sanctions which the committee may determine to include in a recommendation to the House respecting a violation, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity.

(d) The Committee report accompanying a recommendation to the House adopted by the Committee under clause (a)(1)(B) respecting a violation charged in a count shall contain a brief but complete statement of the evidence which supported the finding as to that count and a brief statement of the Committee's reasons for the recommendation.

Disclosure of Evidence

Rule 18. Upon the request of a respondent, the Committee may permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects which the Committee intends to use as evidence against the respondent in a disciplinary hearing and which are material to the preparation of the defense of the respondent.

Supart C—Evidence and witnesses

Exculpatory Information

Rule 19. If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation against a Member, officer, or employee of the House of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct, it shall make such information available to such Member, officer, or employee.

Admissibility of Evidence

Rule 20. (a) Any evidence that is relevant and probative shall be admissible in any hearing of the Committee, unless the evidence is privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

(b) The Chairman or other Member presiding at a hearing shall rule upon any question of admissibility at the hearing of testimony or evidence presented to the Committee. The Chairman or other Member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

Witnesses

Rule 21. (a) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

(b) Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before the date of his scheduled appearance.

(c) Witnesses at hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to procedures or to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the committee. After a witness has testified, his counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted at the Committee's discretion.

(d) The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(e) Each witness subpoenaed by the Committee may sign appropriate vouchers for travel allowances and attendance fees, which may be obtained from the Committee staff.

(f) Each witness appearing before the Committee shall be furnished a printed copy of the rules of the Committee and the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses.●

NEEDED: A NATIONAL DEBATE ON NATIONAL SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, we as Americans have set many goals for ourselves which will require a good deal of dedication and hard work to achieve. We are committed to providing assistance for our elderly, ill, and disabled citizens; conserving and protecting our environment and our natural resources; rebuilding our cities; educating our children; and helping educationally disadvantaged adults. Many valuable and worthwhile Government programs exist to help us reach these goals. Yet, the last few years have seen a growing realization that government alone cannot provide all the answers.

I agree with those who say that Federal spending must be contained. I am all too familiar with the painful policy decisions which have been made and which will have to be made in the future in order to move us toward a balanced Federal budget. This process will challenge our ability as public officials to cut programs responsibly and to provide alternative methods for meeting the diverse needs of the American people. As we approach the end of the 20th century, we must expand our horizons; we must draw on all the resources available to us; we must use imagination and innovation, rather than relying on old solutions.

Mr. Speaker, I believe that voluntary public service is one of the most important and promising of our alternatives, a vast natural resource which we have barely begun to tap. We have at our disposal a reservoir of Americans of all ages and all backgrounds who are able—and, I believe, willing—to help provide those services which make life better for all of us. I am today introducing legislation which I hope will help us to make use of this asset.

This bill, which was introduced as H.R. 2500 in the 97th Congress and approved by the House Committee on Education and Labor, would create a Select Commission to study the issues surrounding voluntary national service. This Commission would include 21 members: 11 appointed by the President and 5 each by the Senate majority leader and the Speaker of the House. It would be charged with providing an overview and assessment of existing opportunities for voluntary service and a series of options for a national service program. The Commission's activities would include meetings, hearings, and conferences throughout the United States to gather the opinions of a wide variety of individuals, particularly young people.

The Commission would issue its final report within 15 months of its first meeting. The President would have 90 days from the issuance of the Commission's report to assemble the recommendations of all affected executive agencies and departments and submit an interim report to the Congress, outlining the desirability, feasibility, and cost of implementing the Commission's recommendations. The President would then have an additional 90 days to prepare a final report for Congress detailing any actions taken to implement the Commission's findings and including any further recommendations for legislative or administrative action. The Commission would cease to exist 180 days after transmitting its final report; $750,000 would be authorized for the Commission to fulfill its mandate. Similar legislation also passed the Education and Labor Committee in the 96th Congress and was approved by the full Senate at that time.

I do not think there is any doubt as to the potential of national service. Optimism and a belief in active involvement have always been characteristic of the American spirit. The enterprise of the pioneers who pushed our national boundaries westward; the spirit of sacrifice which surfaces in times of national crisis; the hard work and enthusiasm which landed the first man on the Moon; the generosity of the young people who have taken their knowledge and their good will to underdeveloped nations through the Peace Corps—all are examples of a service ethic which I believe can be rekindled and harnessed to help us to meet the challenges which lie ahead.

Certainly opportunities for public service exist already. Federal programs such as the Peace Corps, VISTA, and senior programs including the senior community service employment program and Senior Companions; State programs like the California Conservation Corps; numerous regional, local, and private volunteer organizations provide avenues through which willing Americans can use their talents and enthusiasm to help others. Indeed, it may well be that creative use of existing public and private service programs is the best option for the Federal Government to pursue. However, it is essential that we develop a coherent and coordinated Federal policy in this area. This is how I believe a Select Commission can help.

The establishment of this Commission can spark a national debate which is long overdue. The Commission is needed to focus national attention on the need for and the potential of national service; on opportunities which already exist for such service; and on alternative service programs which might help us to meet a broad range of national and local needs.

In recent years, our young people have turned progressively inward for satisfaction rather than outward, allowing themselves to be guided by personal motivations rather than trying to make a positive contribution to society. Frankly, my own view is that we have not done enough as a Nation to impress on our young people the idea that they have a responsibility to serve. The Select Commission could contribute immeasurably to our country by raising this concept in the public mind, by elevating the level of discussion, and by making use of the American people's thoughts and ideas on the issue to help us develop effective policies at the Federal level.

There are many questions to be answered before a national service program can be formulated. To what extent do opportunities for public service exist now, and how can they be used best? Should there be some relationship between a national service program and military service? Can national service help to solve some of the problems the All-Volunteer Force will face in the coming decade? How much would a national service program cost? What exactly should the Federal Government's role be? National service is by no means a new idea, but it is an idea which has not received the kind of concentrated study and analysis it merits. We can remedy this problem by providing a forum, an opportunity

to examine the broad concepts of national service and citizen responsibility and to explore these and many other questions relating to national service.

Many other forums have touched on the potential of national service—another indication of the wide range of problems to which a national service program might be applied. However, none has had a real opportunity to delve deeply into the issue. As an example, two very different Government studies, the August 1981 report of the Attorney General's Task Force on Violent Crime and the October 1982 report of the President's Military Manpower Task Force, mentioned the relevance and the potential of national service to the issues under consideration. Both went on to conclude that an examination of national service options was outside the mandate of the studies being conducted. The Select Commission would pick up where these reports left off.

I have discussed the potential of national service to help us in dealing with some of the problems which face us in the years ahead. Equally important is the benefits which national service can confer on its participants. Public service can provide useful on-the-job training, equipping young people with marketable skills. But beyond that, meaningful voluntary service can help our young people during the difficult transition from youth to adulthood, from dependence to making an independent contribution to society, from being passive members of society to taking an active share of responsibility to the other members of that society. Voluntary service can instill in our people, both young and old, a sense of pride, dignity, and self-esteem. The fact is that public service can have unique and invaluable results in terms of the personal growth of its individual participants—growth which reflects back on the society of which those individuals are a part.

Our young people represent our most precious resource, our investment in America's future. We cannot allow an entire generation to become dispirited and demoralized. It is shocking that 24.5 percent of American youth are currently unemployed and it is a national tragedy that almost half, 49.5 percent, of our black teenagers are jobless. Public service can serve as a barrier against the aimlessness and despair these high rates of unemployment can foster, in addition to making constructive use of idle energies and talents. It is unacceptable—economically, morally, politically, and socially—to allow the vitality and creativity of these young people to go to waste.

I continue to believe that we can help to rekindle the spirit and activism which have motivated American youth and Americans of all ages in the past. John Kennedy sent out a call and a challenge, telling Americans to "ask not what your country can do for you, ask what you can do for your country." His call was answered. I believe that the spirit he evoked still exists, and that it can be channeled and cultivated through effective leadership. Such leadership will require a process of examination and debate designed to put into sharper focus the need and the potential of national service and to explore old and new types of service. This, in a nutshell, is the goal of the legislation I propose.

At a time when we are searching for ways to scale back the size and expense of the Federal Government, I believe it is imperative to explore alternative ways of providing vital public services. Voluntary service represents the most viable alternative to direct Federal spending in countless areas, and it has the added benefit of contributing directly to the education and personal development of individual volunteers. A new activism must be sparked and a fresh call to national service must be sounded. An entire generation has not been asked to serve. I believe it is time to ask again.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 30 minutes, today.

(The following Member (at the request of Mr. DANNEMEYER) to revise and extend his remarks and include extraneous material:)

Mr. DANNEMEYER, for 5 minutes, today.

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, February 8.

Mr. STRATTON, for 60 minutes, February 8.

Mr. GLICKMAN, for 60 minutes, February 8.

(The following Members (at the request of Mr. BROWN of California) to revise and extend their remarks and include extraneous material:)

Mr. STOKES, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. CLINGER.

Mr. GOODLING in two instances.

Mr. HYDE in three instances.

Mr. CONTE.

Mrs. SNOWE.

Mr. LENT.

Mr. WHITEHURST.

Mr. FIELDS.

Mr. SOLOMON.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. CLAY.

Mr. OBEY in five instances.

Mrs. SCHROEDER.

Mr. PEASE.

Mr. STUDDS.

Mr. BORSKI.

Mr. FORD of Tennessee.

Mr. DINGELL in two instances.

Mr. WIRTH.

Mr. LEHMAN of Florida.

Mr. MOAKLEY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 312. An act to change the name of the Talladega National Forest in Alabama to the Bear Bryant National Forest; to the Committee on Agriculture.

ADJOURNMENT

Mr. BROWN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 47 minutes a.m.), under its previous order, the House adjourned until Monday, February 7, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

282. Under clause 2 of rule XXIV, a letter from the Chairman, Council of District of Columbia, transmitting election results of Initiative Measure No. 10, the "Nuclear Weapons Freeze Act of 1982," pursuant to section 602(c) of Public Law 93-198, was taken from the Speaker's table and referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MITCHELL of Maryland: Committee on Small Business. H.R. 861. A bill to extend through fiscal year 1984 SBA pilot programs under section 8 of the Small Business Act; with amendments (Rept. No. 98-2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MITCHELL of Maryland: Committee on Small Business. H.R. 1043. A bill to amend section 8(e) of the Small Business Act (Rept. No. 98-3). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEREUTER (for himself and Mr. DASCHLE):

H.R. 1240. A bill to require the President to take certain actions to obtain relief from nontariff trade barriers imposed by foreign countries against agricultural goods produced in the United States; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, and Mr. BREAUX):

H.R. 1241. A bill to extend and make permanent certain temporary laws relating to freight forwarders; to the Committee on Merchant Marine and Fisheries.

By Mrs. BOGGS (for herself, Mr. BIAGGI, Mr. SNYDER, Mr. ANDERSON, Mr. HUBBARD, Mr. BONKER, Mr. D'AMOURS, Mr. HUGHES, Ms. MIKULSKI, Mr. TAUZIN, Mr. DYSON, Mrs. BOXER, Mr. YOUNG of Alaska, Mr. BATEMAN, Mr. ADDABBO, Mr. BARNES, Mr. BENNETT, Mr. BEVILL, Mr. BOLAND, Mr. BROOKS, Mr. CLAY, Mr. DICKS, Mr. ECKART, Mr. EDWARDS of Alabama, Mr. FORD of Tennessee, Mr. GAYDOS, Mr. HARTNETT, Mrs. HOLT, Mr. HOYER, Mr. LANTOS, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. MAVROULES, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MURTHA, Ms. OAKAR, Mr. OWENS, Mr. PEPPER, Mr. PRICE, Mr. STANGELAND, Mr. VENTO, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. WILSON, and Mr. YOUNG of Missouri):

H.R. 1242. A bill to promote increased ocean transportation of bulk commodities in the foreign commerce of the United States in U.S.-flag ships, to strengthen the defense industrial base, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BROWN of California:

H.R. 1243. A bill to provide for a study on economically strategic technologies and to identify and provide for the development of such technologies; to the Committee on Science and Technology.

By Mr. CLINGER (for himself, Mr. EDGAR, Mr. OBERSTAR, Mr. HORTON, Mr. BONIOR of Michigan, Mr. CORRADA, Mr. ECKART, Mr. FISH, Mr. GARCIA, Mr. GOODLING, Mr. HUGHES, Mrs. KENNELLY, Mrs. MARTIN of Illinois, Mr. MOODY, Mr. NOWAK, Mr. PRITCHARD, Mr. RATCHFORD, Mr. WALGREN, Mr. COUGHLIN, Mr. MORRISON of Washington, Mr. MURPHY, Mr. FRENZEL, and Mr. BEREUTER):

H.R. 1244. A bill to amend the provisions of title 31, United States Code, relating to the President's budget to require it to separately identify and summarize the capital investment expenditures of the United States, to amend the Public Works and Economic Development Act of 1965 to require the Secretary of Commerce to conduct an inventory and assessment of the Nation's public facilities, and for other purposes; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mr. CONTE:

H.R. 1245. A bill to amend section 202(a) of the Federal-State Extended Unemployment Compensation Act of 1970 to provide extended benefit payments to certain individuals unable to engage in an "active search for work" as defined in the act, and for other purposes; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama (for himself, Mr. FAUNTROY, and Mr. DIXON):

H.R. 1246. A bill to establish a national historic park at AfricaTown, U.S.A. (Pritchard and Mobile), Ala., to the Committee on Interior and Insular Affairs.

By Mr. ENGLISH:

H.R. 1247. A bill to amend the Freedom of Information Act with respect to procedures for the disclosure of certain types of information, and for other purposes; to the Committee on Government Operations.

By Mr. FRENZEL:

H.R. 1248. A bill to amend the Internal Revenue Code of 1954 relating to certain dividends received by life insurance companies; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. CONTE, Mr. RODINO, Mr. MOAKLEY, Mr. LEHMAN of Florida, Mr. DWYER of New Jersey, Mr. LOWRY of Washington, Mr. EDGAR, Mr. OBERSTAR, Mr. BROWN of California, Mr. FORSYTHE, Ms. OAKAR, Mr. CLAY, Mr. ROYBAL, Mr. SHANNON, Mr. CORRADA, Mr. PANETTA, Mr. MITCHELL, Mr. COELHO, Mr. ROE, Mr. WYDEN, Mr. SIMON, Mr. DELLUMS, Mr. NEAL, Mr. FRANK, Mr. FAZIO, Mr. KILDEE, Mr. WHITTAKER, Mr. HUGHES, Mr. FISH, Mr. WILLIAMS of Montana, Mr. ASPIN, Mr. GINGRICH, Mr. DYMALLY, Mr. GARCIA, Mr. HEFTEL of Hawaii, Mr. ADDABBO, Mr. MATSUI, Mr. HORTON, Mr. WOLPE, Mrs. SCHROEDER, Mr. DOWNEY of New York, Mr. LEACH of Iowa, Mr. CARR, Mr. EDWARDS of California, Mr. WIRTH, Mrs. SCHNEIDER, Mr. WALGREN, Mr. WON PAT, Mr. CROCKETT, Mr. LUNDINE, Mr. RATCHFORD, Mr. STOKES, Mr. RANGEL, Mr. FROST, Mr. DIXON, Mr. DASCHLE, Mr. BARNES, Mr. DORGAN, Mr. MARKEY, Mr. STUDDS, Mr. WAXMAN, Mr. FAUNTROY, Mr. WEISS, Mr. MINETA, Mr. WILSON, Mr. PATTERSON, Mr. HOWARD, Mr. LEVINE of California, Mr. PORTER, Mr. BONIOR of Michigan, Mr. YATES, Mr. BONKER, Mr. HARKIN, Mr. GUARINI, Mr. GEPHARDT, Mr. SAVAGE, Mr. RAHALL, Mr. SCHUMER, Mr. GORE, Mr. SEIBERLING, Mr. PEASE, and Mrs. SNOWE):

H.R. 1249. A bill to establish the U.S. Academy of Peace and Conflict Resolution whose function shall be to develop and implement programs to promote the peaceful resolution of international conflicts through the use of conflict resolution techniques; jointly, to the Committees on Education and Labor and Foreign Affairs.

By Mr. FISH (for himself, Mr. WALGREN, Mr. COYNE, Ms. OAKAR, Mr. RODINO, Mr. EDWARDS of California, Mr. KASTENMEIER, Mr. HYDE, Mr. MAZZOLI, Mrs. SCHROEDER, Mr. WASHINGTON, Mr. CROCKETT, Mr. FRANK, Mr. MCKINNEY, Mr. CONTE, Mr. SCHUMER, Mr. SMITH of Florida, Mr. HORTON, Mr. MADIGAN, Mr. BERMAN, Mrs. SCHNEIDER, Mr. WINN, Mr. WIRTH, Mr. DWYER of New Jersey, Mr. COELHO, Mr. CAMPBELL, Mr. FROST, Mr. BONIOR of Michigan, Mr. WILLIAMS of Montana, Mr. WORTLEY, Mr. STOKES, Mr. FAUNTROY, Mr. MURPHY, Mr. WEISS, Mr. MCNULTY, Mr. LOWRY of Washington, Mr. WHITEHURST, Mr. LEHMAN of Florida, Mr. LONG of Maryland, Mr. LIPINSKI, Mr. JEFFORDS, Mr. KILDEE, Mr. MINISH, Mr. MAVROULES, Mr. LANTOS, Mr. BARNES, Mr. RANGEL, Mr. MITCHELL, Mr. CARR, Mr. SUNIA, Mr. HERTEL of Michigan, Mrs. HALL of Indiana, Mr. BONER of Tennessee, Mr. MARKEY, Mr. OBERSTAR, Mr. DYMALLY, Mr. LEVIN of Michigan, Mr. ROEMER, Mr. EDGAR, Mr. LELAND, Mr. BOLAND, Mr. MINETA, Mr. ADDABBO, Mr. TOWNS, Mr. MRAZEK, Mr. DONNELLY, Mr. VENTO, Mr. SCHEUER, Mr. WISE, Mr. GEJDENSON, Mr. WEAVER, Ms. KAPTUR, Mr. VANDERGRIFF, Mr. GILMAN, Mr. STANGELAND, Mr. SMITH of New Jersey, Mr. GARCIA, Mr. FOGLIETTA, Mr. MILLER of California, Mr. ORTIZ, Mr. HOYER, Mr. CLAY, Mr. SAVAGE, Mr. OTTINGER, Mr. ROE, Ms. FERRARO, Mr. TORRICELLI, Mr. YATRON, Mrs. BOUQUARD, Mr. UDALL, Mr. SEIBERLING, and Mr. GUARINI):

H.R. 1250. A bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly persons, and for other purposes; to the Committee on House Administration.

By Mr. FIELDS:

H.R. 1251. A bill to modify the Houston Ship Channel navigation project to maintain a 40-foot project depth in the Barbour Terminal Channel; to the Committee on Public Works and Transportation.

H.R. 1252. A bill to declare the Port of Houston Authority Bridge over Greens Bayou, Tex., to be for all purposes a "lawful bridge" as defined in "An act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes" approved June 21, 1940 (33 U.S.C. 511 et seq.); to the Committee on Public Works and Transportation.

H.R. 1253. A bill to modify the project for navigation at Houston Ship Channel (Greens Bayou), Tex., to maintain a 40-foot depth in Greens Bayou; to the Committee on Public Works and Transportation.

By Mr. GUNDERSON.

H.R. 1254. A bill to provide for the coordinated use and enhancement of the upper Mississippi River system; jointly, to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. HYDE.

H.R. 1255. A bill to amend title 18 of the United States Code, to provide a criminal penalty for robbery of a controlled substance; to the Committee on the Judiciary.

By Mr. JONES of North Carolina (for himself, Mr. STUDDS, Mr. FORSYTHE, and Mr. YOUNG of Alaska):

H.R. 1256. A bill to amend title 14, United States Code, to provide for selective preappointment travel to the Coast Guard Academy for cadet applicants; to the Committee on Merchant Marine and Fisheries.

By Mr. LAGOMARSINO (for himself and Mr. BENNETT):

H.R. 1257. A bill to amend title 18 of the United States Code to reform the insanity defense, to establish a sentence of guilty but mentally ill, and for other purposes; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 1258. A bill to amend chapter 44 of title 18 of the United States Code to extend the mandatory penalty feature of the prohibition against the use of firearms in Federal felonies, and for other purposes; to the Committee on the Judiciary.

H.R. 1259. A bill to establish a method whereby the Congress (acting in accordance with specified procedures) may prevent the adoption by the executive branch of rules or regulations which are contrary to law or inconsistent with congressional intent or which go beyond the mandate of the legislation which they are designed to implement; jointly, the Committees on the Judiciary and Rules.

By Mr. LONG of Maryland:

H.R. 1260. A bill to prohibit U.S. Government financial assistance and exports of agricultural commodities and high technology to Soviet bloc countries, to require the United States to oppose assistance by the World Bank and the International Monetary Fund to Communist bloc countries, and to require approval and justification for extensions of credit by banks to Communist bloc countries, until there is an agreement between the United States and the Soviet bloc countries on stabilizing nuclear and conventional arms; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. LANTOS:

H.R. 1261. A bill to repeal the withholding of tax from interest and dividends; to the Committee on Ways and Means.

By Mr. MATSUI (for himself and Mr. FAZIO):

H.R. 1262. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to enter into an agreement with the city of Sacramento, Calif., under which the city of Sacramento will reimburse the Secretary for the continued operation and maintenance of the William G. Stone Lock and to authorize the city of Sacramento to collect tolls or other fees for the use of such lock; to the Committee on Public Works and Transportation.

By Mr. MINISH:

H.R. 1263. A bill to grant a Federal charter to the National Opportunity Camps; to the Committee on the Judiciary.

By Mr. PANETTA (for himself, Mr. D'AMOURS, Mr. FAZIO, Mr. COELHO, Mr. DASCHLE, Mr. MITCHELL, Mr. BEILENSON, Mr. SIMON, Mr. WIRTH, Mr. BEDELL, Mr. HUGHES, Mr. ADDABBO, Mr. O'BRIEN, Mr. FROST, and Mr. RATCHFORD):

H.R. 1264. A bill to establish a select commission to examine the issues associated with voluntary service; to the Committee on Education and Labor.

By Mr. RUSSO:

H.R. 1265. A bill to amend the Internal Revenue Code of 1954 to clarify the treatment of outdoor advertising displays for purposes of the accelerated cost recovery system; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 1266. A bill to require the Administrator of General Services to notify States of the availability of surplus real property and to convey at reduced cost certain surplus real property for public park or public recreational use to State and local governments; to the Committee on Government Operations.

By Mr. SHELBY:

H.R. 1267. A bill to repeal the withholding interest on dividends enacted by the Tax Equity and Fiscal Responsibility Act of 1982; to the Committee on Ways and Means.

By Mr. SLATTERY:

H.R. 1268. A bill to deauthorize the Onaga Lake project, Vermillion Creek, Kans.; to the Committee on Public Works and Transportation.

By Mrs. SNOWE:

H.R. 1269. A bill to provide access to trade remedies to small businesses and to certain agricultural sectors, and for other purposes; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mr. EDGAR, Mr. GEJDENSON, Mr. HARKIN, Mr. WOLPE, Mr. DYMALLY, Mr. GARCIA, Mr. YATRON, Mr. CROCKETT, Ms. OAKAR, Mr. DIXON, Mr. LOWRY of Washington, Mr. COYNE, Mr. MOAKLEY, Mr. KASTENMEIER, Mr. DOWNEY of New York, Mr. ROYBAL, Mr. BONIOR of Michigan, Mr. FAUNTROY, Mr. LELAND, Mr. BATES, Mr. OBERSTAR, Mr. MARKEY, Mr. AUCOIN, Mr. TORRES, Mr. EDWARDS of California, Mr. SEIBERLING, Mr. FRANK, Mr. WYDEN, Ms. MIKULSKI, Mr. ST GERMAIN, Mr. STOKES, Mr. VENTO, Mr. SHANNON, Mr. TOWNS, Mr. DONNELLY, Mr. FOGLIETTA, Mr. DELLUMS, Mr. RAHALL, Mr. MINETA, Mr. RATCHFORD, Mr. WIRTH, Mr. WEISS, Mr. KILDEE, Mr. FAZIO, Mr. WEAVER, Mr. OTTINGER, Mr. MAVROULES, Mr. YATES, Mrs. SCHROEDER, Mr. BURTON of California, Mr. WALGREN, Mr. LANTOS, Mr. ECKART, Mr. APPLEGATE, Mr. COELHO, Mr. HERTEL of Michigan, Mr. CARR, Mr. EARLY, Mr. MOODY, Mr. RANGEL, Mr. FORD of Michigan, Mr. DORGAN, Mr. KOGOVSEK, Mr. MITCHELL, Mrs. KENNELLY, Ms. KAPTUR, Mr. MILLER of California, Mr. STARK, Mr. BEILENSON, Mr. DWYER of New Jersey, Mr. MATSUI, Mr. BEDELL, Mr. GRAY, Mr. HALL of Ohio, Mr. PANETTA, Mr. FORD of Tennessee, Mr. SABO, Mr. WILLIAMS of Ohio, Mr. SAVAGE, and Mr. WASHINGTON):

H.R. 1270. A bill declaring the President's January 1983 certification with respect to El Salvador to be null and void; to the Committee on Foreign Affairs.

By Mr. STUDDS (for himself, Mr. BARNES, Mrs. ROUKEMA, Ms. OAKAR, Mr. TORRICELLI, Mr. GARCIA, Mr. SHANNON, Mr. GEJDENSON, and Mr. LEVIN of Michigan):

H.R. 1271. A bill with regard to Presidential certifications on conditions in El Salvador; to the Committee on Foreign Affairs.

By Mr. WHITEHURST (for himself, Mr. DAUB, Mr. HYDE, Mr. JONES of North Carolina, Mr. MCCANDLESS, Mr. HARTNETT, Mr. FORSYTHE, Mr. DURBIN, Mr. MONTGOMERY, Mr. WOLF, Mr. PATMAN, Mrs. HOLT, Mr. DUNCAN, Mr. SUNDQUIST, Mr. SOLOMON, Mr. HATCHER, Mr. MARTIN of North Carolina, Mr. BEVILL, Mr. MCGRATH, Mr. BROYHILL, Mr. QUILLEN, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Alaska, Mr. LONG of Maryland, and Mrs. BOUQUARD):

H.R. 1272. A bill to amend title II of the Social Security Act to limit old-age, survivors, and disability insurance benefits with respect to individuals who are residing abroad or who are not citizens or nationals of the United States; to the Committee on Ways and Means.

By Mr. WILLIAMS of Ohio:

H.R. 1273. A bill to repeal the interest and dividend withholding enacted by the Tax Equity and Fiscal Responsibility Act of 1982; to the Committee on Ways and Means.

By Mr. LAGOMARSINO:

H.J. Res. 125. Joint resolution proposing an amendment to the Constitution of the United States to prohibit any Member of Congress sentenced for conviction of a felony during a session of Congress from continuing to serve as a Member of such Congress after the date of such sentencing; to the Committee on the Judiciary.

By Mr. ROYBAL (for himself, Mr. PEPPER, Mr. RINALDO, Mr. CORRADA, Mr. DAUB, Mr. DOWNEY of New York, Mr. HAMMERSCHMIDT, Mr. LANTOS, Mr. LELAND, Mr. LONG of Maryland, Mr. MCGRATH, Mr. MOAKLEY, Mr. RATCHFORD, Mr. ROE, Mr. SAVAGE, Mr. SMITH of Florida, Mrs. SNOWE, Mr. STANGELAND, Mr. TAUKE, and Mr. WOLF):

H.J. Res. 126. Joint resolution to authorize and request the President to designate the week of March 13–19, 1983 as "National Employ the Older Worker Week"; to the Committee on Post Office and Civil Service.

By Mr. ROBERT F. SMITH:

H.J. Res. 127. Joint resolution proposing an amendment to the Constitution of the United States to deal with compensation for services of Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. BOLAND:

H. Res. 58. Resolution providing for permanent professional and clerical staff of the Permanent Select Committee on Intelligence; to the Committee on Rules.

By Mr. LEHMAN of Florida:

H. Res. 59. Resolution providing for a Peace Corps intern program in the House of Representatives; to the Committee on House Administration.

By Mr. PERKINS (for himself and Mr. ERLENBORN):

H. Res. 60. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. PERKINS (for himself, Mr. BURTON of California, and Mr. ERLENBORN):

H. Res. 61. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Subcommittee on Labor Management Relations of the Committee on Education and Labor in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. STOKES:

H. Res. 62. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the 1st session of the 98th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of Alabama:

H.R. 1274. A bill to confer jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Jack L. Williams; to the Committee on the Judiciary.

By Mr. LEACH of Iowa:

H.R. 1275. A bill for the relief of Lin Fang Su-min (also known as Mrs. Lin Yi-hsiung) and Lin Huan-chun; to the Committee of the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. KEMP and Mr. BURTON of Indiana.

H.R. 30: Mr. CORRADA, Mr. VENTO, Mr. NELSON of Florida, Mr. WYDEN, Mr. RATCHFORD, Mr. MCHUGH, Mr. SIKORSKI, Mr. ROE, Mr. TALLON, Mr. DE LUGO, Mr. PANETTA, Mr. HERTEL of Michigan, Mr. LANTOS, Mrs. HALL of Indiana, Mr. LOWRY of Washington, Mr. CARR, Mr. ECKART, Mr. VANDERGRIFF, Mr. WAXMAN, Mr. LELAND, Mr. GUARINI, Mr. MADIGAN, Mr. VENTO, and Mr. MRAZEK.

H.R. 82: Mr. LOWRY of Washington.

H.R. 174: Mr. AKAKA, Mrs. BOUQUARD, Mr. BURTON of California, Mr. COELHO, Mr. DWYER of New Jersey, Mr. GARCIA, Mr. LEHMAN of Florida, Mr. LOWRY of Washington, Mr. MONTGOMERY, Mr. PRITCHARD, Mr. RATCHFORD, Mr. ROE, Mrs. SCHROEDER, Mr. SUNIA, Mr. WIRTH, Mr. WOLPE, Mr. WON PAT, Mr. ZABLOCKI, Mr. FAUNTROY, Mr. SABO, Mr. CORRADA, Mr. WILSON, Mr. FASCELL, Mr. BROOKS, Mrs. COLLINS, Mr. WOLF, Mr. CORCORAN, Mr. PORTER, Mr. ANNUNZIO, Mr. MATSUI, Mr. LAGOMARSINO, Mr. HUBBARD, Mr. FRANK, Mr. FROST, Mr. CLAY, Mr. FAZIO, Mr. FOGLIETTA, Mr. WORTLEY, Mrs. SCHNEIDER, Mr. DOWNEY of New York, Mr. GEPHARDT, Mr. FORSYTHE, Mr. WHITEHURST, Mr. SCHUMER, Mr. BENNETT, Mr. KOGOVSEK, Mr. ADDABBO, Mr. HIGHTOWER, Mr. MARTIN of New York, Mr. RAHALL, Mr. MITCHELL, Mr. MAVROULES, Mr. HUGHES, Mr. WRIGHT, Mr. BARNARD, Mr. LONG of Louisiana, Mr. EDGAR, Mr. FOLEY, Mr. VENTO, Mr. D'AMOURS, Mr. ROEMER, Ms. MIKULSKI, Mrs. HOLT, Mr. DYSON, Mr. BARNES, Mr. LONG of Maryland, and Mrs. BYRON.

H.R. 646: Mr. TAUZIN.

H.R. 659: Mr. ROE, Mr. HUGHES, Mr. LOWRY of Washington, Mrs. HALL of Indiana, Mr. ROSE, Mr. DIXON, Mr. QUILLEN, Mr. STAGGERS, Mr. HARTNETT, Mr. LAFALCE, Ms. OAKAR, Mr. SMITH of New Jersey, Mr. CARR, and Mrs. BOUQUARD.

H.R. 881: Mr. SIKORSKI, Mr. CARR, and Mr. FEIGHAN.

H.R. 885: Mr. LOWRY of Washington.

H.R. 922: Mr. JONES of Tennessee, Mr. DASCHLE, and Mr. HANCE.

H.R. 950: Mr. YATRON, Mr. TALLON, Mr. THOMAS of Georgia, Mr. PASHAYAN, Mr. YOUNG of Alaska, Mr. HORTON, Mr. SUNIA, Mr. BATEMAN, Mr. FRENZEL, Mr. SKEEN, Mr. MILLER, of Ohio, Mr. WEBER, Mr. JONES of North Carolina, Mr. HYDE, Mr. DANNEMEYER, Mr. HUBBARD, Mr. ROTH, Mr. CHANDLER, Mr. SPENCE, Mr. HUCKABY, Mr. STUMP, and Mr. MONTGOMERY.

H.R. 951: Mr. HATCHER, Mr. LUNGREN, Mr. NICHOLS, Mr. TALLON, Mrs. MARTIN of Illinois, Mr. GINGRICH, Mr. DYMALLY, Mr. ROGERS, Mr. LAGOMARSINO, Mr. OTTINGER, Mr. STOKES, Mr. RODINO, Mr. GEJDENSON, Mr. BIAGGI, Mr. DUNCAN, Mr. HUGHES, Mr. ROE, Mr. WEBER, Mr. PACKARD, Mr. JONES of North Carolina, Mr. LELAND, Mr. DWYER of New Jersey, Mr. COATS, Mr. BORSKI, Mr. DANIEL, and Mrs. COLLINS.

H.R. 1094: Mr. STAGGERS and Mr. ECKART.

H.J. Res. 95: Mr. VENTO, Mr. LUNGREN, Mr. WILSON, Mr. DYSON, Mr. GEKAS, Mr. HOYER, Mr. ANDREWS of North Carolina, Mr. EDWARDS of Alabama, Mr. WILLIAMS of Ohio, Mr. HAMMERSCHMIDT, Mr. HANSEN of Utah, Mr. HOPKINS, Mr. HOWARD, Mr. HUTTO, Mr. JONES of North Carolina, Mr. NIELSON of Utah, Mr. LENT, Mr. SPENCE, Mr. WYLIE, and Mr. YATRON.

H.J. Res. 103: Mr. NEAL, Mr. MCNULTY, Mr. DANIEL, Mr. BADHAM, Mr. OBERSTAR, Mr. DIXON, Mr. CARR, Mr. DANNEMEYER, Mr. DAUB, Mr. WHITLEY, and Mr. GINGRICH.

H. Con. Res. 23: Mr. SENSENBRENNER, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. CONYERS, Mr. COURTER, Mr. D'AMOURS, Mr. DIXON, Mr. FAUNTROY, Mr. GEKAS, Mrs. HALL of Indiana, Mr. HANSEN of Idaho, Mr. HORTON, Mr. HUTTO, Mr. MCDADE, Mr. MCNULTY, Ms. MIKULSKI, Mr. MILLER of California, Mr. MOLLOHAN, Mr. MURPHY, Ms. OAKAR, Mr. OWENS, Mr. WAXMAN, Mr. WEBER, Mr. WHITTAKER, Mr. WISE, Mr. WON PAT, and Mr. YATRON.

H. Con. Res. 39: Mr. HOWARD, Mr. FORD of Tennessee, Mr. DWYER of New Jersey, Mr. STOKES, Mr. OWENS, Ms. MIKULSKI, Mr. MCGRATH, Mr. MINISH, Mr. LAFALCE, Mr. WISE, Mr. WHITEHURST, Mr. HOYER, Mr. FEIGHAN, Mr. LEVIN of Michigan, Mr. YATRON, and Mr. CHAPPIE.

H. Res. 45: Mr. CARNEY, Mr. HERTEL of Michigan, Ms. OAKAR, Mr. MCGRATH, Mr. CORRADA, Mr. WEBER, Mrs. KENNELLY, Mr. ROEMER, Mr. WAXMAN, Mr. JONES of North Carolina, Mrs. SNOWE, Mr. FORD of Tennessee, Mr. FOWLER, Mr. MRAZEK, Mr. FRENZEL, Mr. NCNULTY, and Mr. COURTER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

20. The SPEAKER presented a petition of the Assembly Hall of the Chamber of Senators, Mexico, relative to Mexican migratory workers and immigration legislation; which was referred, jointly, to the Committees on the Judiciary and Foreign Affairs.

SENATE—*Thursday, February 3, 1983*

(Legislative day of Tuesday, January 25, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

O give thanks unto the Lord; call upon His name; make known His deeds among the people.—Psalm 105: 1.

Eternal God of Light and Life and Wisdom, Thou hast spoken through the psalmist that Thou art the Lord who will "* * * teach his senators wisdom." (Psalm 105: 22 KJV). We claim that divine promise for all Senators, but especially for the leadership, Senator BAKER and Senator BYRD. As they work with their colleagues and staffs to set the course of this 98th Congress, may they be given wisdom beyond their years and experience, to guide the Senate through difficult days ahead.

Thou art the same God who opened the Red Sea for Israel's safe crossing, led them through the wilderness, fed them with bread from Heaven and water from a rock in the desert. In circumstances which seem impossible of solution, may the leadership and all Senators find in the Lord God superhuman wisdom and insight to lead our Republic to strength, truth, righteousness and justice. We ask this to the glory of God and the blessing of all people; in the name of Him who never failed to care for the poor, heal the broken hearted, deliver the captives and set at liberty the bruised. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I recall, I believe, that a time for the transaction of routine morning business has already been ordered to extend not past the hour of 1 p.m. Is that correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. At 1 p.m., the Senate will turn to the consideration of S. 271, calendar order No. 2, a bill to amend the National Trails System Act, under a 20-minute time agreement.

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. I thank the Chair.

(Mr. GORTON assumed the chair.)

Mr. BAKER. Mr. President, following the completion of S. 271, if it is possible to clear them, the leadership would like to turn to the consideration of Calendar Order No. 3, S. 273, the Minority Small Business Pilot Procurement Act, and S. 272, Calendar Order No. 4, a bill to improve small business access to Federal procurement information.

It is believed that these items are not highly controversial and that we should be able to deal with them today. I hope so. I have become accustomed to a clean calendar and I would like to see that persist, knowing full well that will not go on very long.

So, Mr. President, I hope we are able to clear those additional items today.

It is hoped as well, Mr. President, that the Senate may take up and consider a resolution dealing with the number of positions on the Labor Committee. I believe that matter has been cleared on both sides of the aisle. It is not the intention of the leadership on this side to present that resolution at this time. It is hoped that we may do so shortly after 3 o'clock this afternoon.

Mr. President, the Senate will not be in session tomorrow. The Lincoln period recess will begin on Monday. The Senate will not be in session all of next week.

WEEK OF FEBRUARY 14

When the Senate returns on Monday, the 14th of February, Mr. President, it is anticipated that there will be a number of nominations that should be available for consideration by the Senate in executive session. The leadership hopes we will receive the nomination of Richard R. Burt and Richard T. McCormack, and perhaps Kenneth I. Adelman, prior to that time—qualify for debate in this Chamber.

Rollcall votes should be anticipated throughout the week of the 14th of February.

Mr. President, I hope as well that during the week of the 14th of February we can turn to the consideration of a resolution authorizing television in the Senate. It is my earnest hope that an arrangement can be made to accommodate the wishes and concerns of all Senators to be dealt with in a short period of time. I have had conversations with a number of Senators who are principally interested in this issue and I am reasonably hopeful that something might be worked out. I certainly am willing.

In any event, Mr. President, I do hope that we can turn to the consideration of that item before the Senate gets deeply involved in the mainstream of its legislative activity in the early part of this season. Therefore, I wish to advise that it is the hope of the leadership that we can turn to the disposition of a resolution dealing with television in the Senate sometime during the week of February 14.

It is anticipated that a shipping bill may reach the calendar during that period. I acknowledge and understand that that is a highly controversial issue, one in which a number of Senators have in the past spoken at length and perhaps will do so again. Senators should be on notice that during the week of the 14th of February it is entirely possible that we will have a shipping bill and will attempt to proceed to the consideration of that measure.

It is anticipated that the week of February 14 will be a full week. I think most Senators would agree, based on the description of it that I have just given. Senators should anticipate that we will be in session 5 days during that week, through the 19th.

WEEK OF FEBRUARY 21

On the 21st of February, Mr. President, the Government will celebrate an official holiday, that of George Washington's birthday. On that day, Mr. President, it is the intention of the leadership to ask the Senate to convene, to ask the distinguished junior Senator from Virginia (Mr. TRIBLE) to deliver President Washington's farewell address, and to recess over without the transaction of any further business until the 22d of February.

I will have other announcements from time to time as I gain further insight into the activities and actions of the committees and the matters which may be available for the Senate to deal with.

I would remind Senators that it is the hope of the leadership that the early part of the session will be active

and productive and we can avoid a pile-up of legislation at the end of the session.

It is also my hope that by advancing the time for the reporting of the budget resolution and encouraging jurisdictional committees to act promptly and soon, that we may be able to complete the authorizing legislation in the Senate, such appropriations measures that appear appropriate, and the budget resolution, all prior to the Fourth of July recess.

Senators should not plan on that at this moment, but that is the objective and the ambition of the leadership. I hope all Members on both sides of the aisle will see it in their hearts to cooperate in that effort.

Mr. President, I have no further announcements to make and no other requests to make at this time.

I am prepared to yield any remaining time I have to any Senator seeking time. I see none.

Mr. President, I yield to the distinguished acting minority leader so he may claim his time under the standing order, if he wishes.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The acting minority leader is recognized.

Mr. BURDICK. Mr. President, I waive the time.

Mr. BAKER. Mr. President, I believe there are special orders today in favor of the distinguished Senator from Pennsylvania (Mr. HEINZ) and the distinguished occupant of the chair, the Senator from Washington (Mr. GORTON). I do not see Senator HEINZ on the floor. I wonder if the occupant of the chair is prepared to proceed at this time out of sequence.

Mr. BURDICK. If the Senator will yield, I ask the majority leader if he will reserve time in case the minority leader may want to use it.

Mr. BAKER. Yes, Mr. President. I ask unanimous consent that the time allocated under the standing order to the minority leader may be reserved for his use at any time today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following remarks by Mr. BYRD occurred later and are printed at this point by unanimous consent:)

S. 454—ACID DEPOSITION MITIGATION AND RESEARCH ACT OF 1983

Mr. BYRD. Mr. President, I introduce today a bill to address the complex issue of acid deposition in a fair and reasonable manner. This legislation is similar to S. 2027, the Acid Precipitation Accelerated Review and Reporting Act, which I introduced on January 28, 1982. Title IV of S. 2266, the Clean Air Reauthorization and Acid Precipitation Study Act, which I introduced on March 24, 1982, contains similar language.

The bill that I introduce today has two major purposes. First, it requires the Administrator of the Environmental Protection Agency to make a report to the Congress and the President on acidic deposition by September 30, 1987. The Administrator's report is to be based upon the annual reports of the Acid Precipitation Task Force.

Created in title VII of the Energy Security Act of 1980, the task force spearheads a comprehensive research and evaluation effort into the nature of the acid deposition phenomenon. The Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration and the Secretary of Agriculture serve as joint chairs of the task force. A 10-year research program, under their leadership, was provided for in the Energy Security Act. The task force was required to submit a comprehensive national acid precipitation assessment plan to the Congress and obtain public comments on the plan.

The plan is a blueprint for the national effort to investigate and mitigate the possible causes and effects of acid precipitation. In March 1982, the final version of the plan was issued by the task force. My legislation requires that the EPA Administrator report in detail to the Congress and the President on the task force findings with respect to acid precipitation within 5 fiscal years of the submission date of the plan. This means that the Administrator would issue the report no later than September 30, 1987.

My bill requires that the report be based on the annual reports issued by the task force, upon studies conducted by the EPA Administrator, and on other information available to the Administrator.

Among the elements that the report must include are:

The effects of acid deposition on the environment;

The areas of the United States affected by acid deposition;

Information on the atmospheric chemistry involved in acid deposition;

Methods to control the presence of precursor chemicals in the atmosphere, such as atmospheric and pressurized fluidized bed coal combustion;

The impact of local sources of precursor chemicals on acid deposition compared to distant sources, and;

The effectiveness of a variety of mitigation and control measures in reducing acid deposition.

In addition to providing detailed information on those items, the report must contain recommendations for methods to reduce the effects of acid deposition on the environment, if such recommendations are appropriate in light of the findings of the task force. The development of such recommendations should take several considerations into account, including:

The location of the sources of acidic deposition precursors;

Future economic growth;

The impact on job displacement and employment;

The protection of public health and welfare;

The costs to consumers;

The need to insure equity among the States;

The actions taken by other countries contiguous to the United States.

The data, views, and comments of State and other Federal agencies conducting research related to acidic deposition shall be actively solicited by the Administrator in preparing his report. During the study and report development period, the Administrator shall also provide an opportunity for State and public participation.

The second major purpose of my bill is to authorize the EPA Administrator to make grants to any State or interstate agency for the purposes of developing, refining, demonstrating, and implementing methods of mitigating the effects of acidic deposition on ecosystems. Grants shall not exceed 75 percent of the costs of projects, including methods for:

Neutralizing or restoring the buffering capacity of bodies of water, the acidity of which endangers game fish species;

Removing toxic metals or other toxic substances mobilized by high acidity from bodies of water;

Reducing or neutralizing acidity which can be shown to be harmful to valuable forest ecosystems or croplands;

Mr. President, my bill recognizes that any program designed to effectively address the problem of acidic deposition must have its basis in the finding of scientific research. Such findings do not come ready made. They are the result of a program of research, such as the one established and initiated by title VII of the Energy Security Act. That program recognizes the complexity of the phenomenon of acid deposition and the incomplete status of scientific research in such important areas as the atmospheric chemistry of sulfate formation, and the transport and deposition of acidic materials.

However, my bill also recognizes that harmful effects associated with acidic deposition are currently being experienced in identifiable regions of the Nation. My bill provides for the implementation of measures to mitigate those effects. Thus, the ecological damage currently experienced is addressed directly in the near term until such time as the result of the acid precipitation research program provide

the basis for an effective long-term strategy.

My bill will effectively address the problem of acid precipitation without disrupting the economies of coal-producing States such as West Virginia. This is in contrast to other proposals introduced in the Senate which threaten the jobs of thousands of West Virginia coal miners. My bill represents a responsible alternative to the hasty imposition of a costly new control program of dubious environmental and economic value. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Acidic Deposition Mitigation and Research Act of 1983".

SEC. 2. Title 1 of the Clean Air Act is amended by adding the following new part:

"PART E.—ACIDIC DEPOSITION ANALYSIS AND MITIGATION

"SEC. 181. (a) The Congress finds and declares that—

"(1) the phenomenon known as acidic deposition appears to be a problem of both national and international scope and interest;

"(2) acidic deposition occurs through both man-made and natural causes;

"(3) acidic deposition occurs in various parts of the world and has the potential to contribute to higher levels of acidity in aquatic systems and terrestrial systems and to the deterioration of buildings and monuments;

"(4) sulfur dioxide and nitrogen oxides from stationary and mobile sources have been identified as possible contributing elements in the creation of acidic deposition;

"(5) the atmospheric chemistry relating to the conversion of sulfur dioxide and nitrogen oxides into sulfates and nitrates is enormously complicated and not well understood and can be influenced by temperature, sunlight, humidity, catalytic particles in the air, and the presence of certain oxidants;

"(6) various techniques of reducing emissions of precursors of acidic deposition, including the development of inherently low-polluting combustion technologies, may prove to be of significant long-range value in reducing the amount of acidic deposition;

"(7) the National Acid Precipitation Assessment Plan established under the Acid Precipitation Act of 1980, and its cooperative links to similar State and international programs concerned with acidic deposition, provide an established framework for integrating existing scientific data and developing additional scientific data relating to acidic deposition and for making recommendations for strategies to limit the harmful effects of acidic deposition;

"(8) the causes and effects of acidic deposition, particularly the atmospheric chemistry and long-range transport of acidic deposition precursors and the influence of local sources of such precursors, as well as the effectiveness of available measures to control acidic deposition and the effect of such controls on the environment should be more fully understood before undertaking complex and potentially costly efforts to further control sulfur dioxide and nitrogen oxide emissions.

"(b) It is the purpose of this part to provide for—

"(1) an accelerated effort to understand the causes and effects of acidic deposition;

"(2) an examination of the feasibility and efficacy of various techniques of reducing the emissions of sulfur dioxide and nitrogen oxides from stationary and mobile sources, including precombustion fuel treatment and inherently low-polluting combustion technologies, and the effectiveness of such techniques in reducing acidic deposition and its harmful effect; and

"(3) grants to States for developing and implementing methods of mitigation at sites where there are harmful effects on ecosystems resulting from high acidity which may be due to acidic deposition.

"SEC. 182. (a) Within the five-fiscal year period following the submission of the final comprehensive National Acid Precipitation Assessment Plan under section 704 of the Energy Security Act of 1980, the Administrator shall report to the Congress and the President of acidic deposition as follows:

"(1) The report shall be based upon the annual reports of the Acid Precipitation Task Force established under the Acid Precipitation Act of 1980 and upon studies conducted by the Administrator under this Act and other information available to the Administrator.

"(2) The report shall consider—

"(A) the environmental effects of acidic deposition;

"(B) the area or areas of the Nation affected by acidic deposition;

"(C) the atmospheric transport and transformation processes of acidic deposition precursors;

"(D) methods for controlling such precursors, including precombustion fuel treatment and inherently low-polluting combustion technologies (such as atmospheric and pressurized fluidized bed combustion);

"(E) the relative impact of local sources of acidic deposition precursors compared to more distant sources of such precursors; and

"(F) the effectiveness of various alternative control measures in reducing acidic deposition and the harmful effects on ecosystems which may result therefrom.

"(3) The report shall also include such recommendations as may be appropriate concerning methods of reducing the harmful effects of acidic deposition on ecosystems. In developing such recommendations, the Administrator shall take into account the location of the sources of acidic deposition precursors, future economic growth, the impact on job displacement and employment, the protection of public health and welfare, the costs to consumers, the need to ensure equity among the States, and the actions taken by other countries contiguous to the United States.

"(b) In preparing the report provided for in subsection (a), the Administrator shall actively solicit data, views, and comments from State and other Federal agencies which are carrying out studies and research relating to acidic deposition. The Administrator shall also provide an opportunity for State and public participation during the study and report development period.

"SEC. 183. (a) The Administrator is authorized to make grants to any State or interstate agency for the purposes of developing, refining, demonstrating, and implementing on-site methods of mitigating the harmful effects on ecosystems resulting from high acidity which may be due to acidic deposition. Such methods may include, but are not limited to, (1) innovative methods of neutralizing or restoring the buffering capacity of bodies of water that have become so acidic as to endanger game fish species, (2) methods of removing from bodies of water toxic metals or other toxic substances mobilized by high acidity, and (3) methods of reducing or neutralizing acidity which can be shown to be harmful to valuable forest ecosystems or cropland.

"(b) Grants under this section shall not be made for any project in any amount exceeding 75 per centum of the costs thereof as determined by the Administrator.

"SEC. 184. There are authorized to be appropriated to the Administrator for the five fiscal years following the date of enactment such sums as may be necessary to prepare the report required by section 182 and to make the grants authorized by section 183.".

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I am advised that the Senator from Pennsylvania will be here momentarily, meaning by 12:15 p.m. Does the occupant of the chair wish to proceed now or would he prefer to wait?

The PRESIDING OFFICER. The occupant of the chair will require more time than that.

Mr. BAKER. In that event, I believe the best thing to do might be to suggest the absence of a quorum.

Mr. PROXMIRE. Mr. President, will the majority leader defer that?

Mr. BAKER. Yes.

Mr. PROXMIRE. I have a little morning business I would like to transact if I may.

Mr. BAKER. We are not yet in morning business, but this would be a good time to do that.

I ask unanimous consent that the Senator from Wisconsin may be recognized as in morning business to extend not past the hour of 12:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

NUCLEAR PROLIFERATION IN BRAZIL

Mr. PROXMIRE. Mr. President, the nuclear clock ticks on relentlessly. Every day, both this country and the Soviet Union add to our mammoth nuclear stockpile. Together we already have the capacity to wipe civilization off the face of the Earth. Who knows how we could ever stop a nuclear war once it starts—and there are so many ways in which this terrible catastrophe could begin. Perhaps the most likely would be from the proliferation of the capacity to wage nuclear war to more and more nations. Certainly, with every new nation that develops this capacity, the prospect of a nuclear catastrophe increases; and certainly we should do everything in our power to stop it.

All this brings us to an article that appeared in this morning's Washington Post headlined, "Brazil Takes Steps Toward Developing Nuclear Weapons Potential." I shall read very briefly from the article.

Brazil has taken a significant step toward developing a nuclear weapons potential by producing its own plutonium in an American-supplied research reactor and reprocessing it in a facility not open to international inspection, according to U.S. intelligence sources.

The article goes on to say:

At the same time, by beginning to gain experience in separating and handling plutonium, Brazil continues to follow the nuclear lead of its regional rival, Argentina.

Mr. President, this is a very sad development. I do hope that we can take more aggressive action in preventing American technology from fueling the proliferation of nuclear weapons.

I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 3, 1983]

BRAZIL TAKES STEP TOWARD DEVELOPING NUCLEAR WEAPONS POTENTIAL

(By Milton R. Benjamin)

Brazil has taken a significant step toward developing a nuclear weapons potential by producing its own plutonium in an American-supplied research reactor and reprocessing it in a facility not open to international inspection, according to U.S. intelligence sources.

The plutonium was produced in the 5-megawatt Babcock and Wilcox reactor at Brazil's leading atomic research center, the government-controlled Instituto de Pesquisas Energeticas e Nucleares (IPEN) on the outskirts of Sao Paulo, according to sources.

Under Brazil's agreement of nuclear cooperation with the United States, the reactor is subject to international inspection. But the plutonium produced in it was put through a laboratory-scale reprocesssing plant at IPEN that Brazil refuses to place under international safeguards, the sources said. The fact that Brazil was able to breed plutonium by placing its natural uranium into an American-supplied research reactor—and irradiating it with American-supplied highly enriched uranium fuel—is certain to arouse new congressional concern over the adequacy of U.S. nuclear export arrangements.

The amount of plutonium reprocessed at IPEN to date was said by sources to be "no more than a few grams," and the sources said Brazil at this point does not have the facilities either to produce or to reprocess the five or six kilograms of plutonium needed for a nuclear weapon.

"Brazil is not building a bomb at IPEN," a State Department official said.

Even if the U.S. reactor at IPEN was in constant operation, which it is not, because its American-supplied fuel is becoming burned up and needs to be replaced, Brazil could produce a maximum of 500 to 750 grams of plutonium in the reactor in a year, intelligence sources said.

At the same time, by beginning to gain experience in separating and handling plutonium, Brazil continues to follow the nuclear lead of its regional rival, Argentina.

Argentina, which long has had the most advanced nuclear facilities in Latin America, has reprocessed laboratory quantities of plutonium and is completing construction of a large unsafeguarded reprocessing plant that some analysts believe could produce enough material for a nuclear weapons program.

Brazil, as part of a comprehensive nuclear pact signed with West Germany in 1975, also is developing plans for a larger reprocessing plant to be completed in the late 1980s. But the agreement requires that the plant and all other imported nuclear equipment and facilities be open to international inspectors.

Brazil, however, refuses to permit international inspection of the small reprocessing facility at IPEN, or of IPEN's uranium conversion and fuel fabrication facilities where it produced the materials irradiated in the American reactor, on the grounds that it built these facilities without assistance.

Neither Brazil nor Argentina is a party to the nuclear Non-Proliferation Treaty.

Brazil's use of its American research reactor to produce plutonium for reprocessing in an unsafeguarded facility is certain to be viewed by congressional non-proliferation leaders as a violation of at least the spirit of that country's nuclear agreements with the United States.

State Department sources, however, said Brazil technically has not violated its agreements with the United States. If it had gained access to plutonium by reprocessing the fuel the United States has supplied over the years for the research reactor without seeking U.S. consent, that would have been a violation.

But the bilateral agreement, sources said, apparently did not specifically foresee the possibility of Brazil producing its own plutonium in the reactor and reprocessing it in its unsafeguarded facility.

The United States is barred by the 1978 Nuclear Non-Proliferation Act from exporting new supplies of enriched uranium fuel to Brazil for its three research reactors and its first nuclear power station because of Brazil's refusal to open all its atomic facilities to international inspection.

The method Brazil used to produce the plutonium is, on a very small scale, similar to the route Israel said it feared Iraq was preparing to follow with the 70-megawatt French research reactor that was being built on the outskirts of Baghdad. Israel destroyed the reactor in a strike in June, 1981.

The Brazilian Embassy in Washington did not respond to a request for information about its nuclear program.

THE GENOCIDE CONVENTION: AN ATROCITY IN TASMANIA

Mr. PROXMIRE. Mr. President, the history of genocide reveals case after case of appalling atrocities. Only infrequently, however, do we recall the terrible lessons that this history reveals. Indeed, the very nature of the genocidal act may cause us to block its ghastly occurrence from our memories and proceed with our lives as if such events never passed. Yet, genocide does happen, it has happened in our lifetimes, and it may, God forbid, happen in the future.

Mr. President, I call attention to an episode from history which few have cared to remember. While not well-known, it is the most complete case of genocide ever recorded, a case where an entire culture was forced into extinction.

After hearing this account, I hope my colleagues will move swiftly toward approving the Genocide Convention. Let us act together to prevent the kind of human slaughter I will describe.

In the early 17th century, European explorers first encountered the aborigines of Tasmania. These nomadic hunters had established a peaceful livelihood on an island where war and hatred were unknown. So peaceful were the aborigines that they welcomed their European visitors with gifts of food and aided them in settling on the island.

But while the aborigines helped sustain the European newcomer for nearly 200 years, by 1800, Tasmania assumed a new importance for the outside world. Enterprising sheep farmers from nearby Australia saw great potential for their businesses on the fertile pastures of Tasmania. These farmers set off for the island in large numbers, and competition for land soon became quite fierce.

The Tasmanian aborigines found themselves expendable. Without restraint, bands of farmers took it upon themselves to rid the island of its natives. Unhampered by any semblance of discipline, absolutely without conscience, these farmers shot down the aborigine like so many vermin. It was as if the renegade farmers enjoyed a license to murder so long as the victim was an aborigine.

Over a period of years, and through a plurality of brutal atrocities, the Tasmanian aborigine was exterminated. The eyewitness accounts of the mass murder, the cold-blooded executions, and the heedless slaughter of a defenseless, primitive people still exist today in a very few archives. The aboriginal people who are the subject of these accounts, however, are extinct.

Mr. President, that few of us know of this event may be due to its having occurred on a small island in a remote part of the world over 120 years ago. Or perhaps this story has been obscured by our willingness to forget the horror that history has revealed. But perhaps most correctly, the legacy of the Tasmanian aborigine has vanished because they also have vanished.

Genocide may be the most evil act ever perpetrated by man upon other men. Let us not forget its lesson. Let us move to prevent genocide from ever occurring unchecked again. We should give our advice and consent to the Genocide Convention now.

I thank the majority leader.

Mr. President, I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to title 15 United States Code 1024 appoints the Senator from New York (Mr. D'AMATO) as a member of the Joint Economic Committee in lieu of the Senator from Florida, (Mrs. HAWKINS) resigned.

Mr. BAKER. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that it not be charged against the special orders heretofore entered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR HEINZ

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

NATIONAL EMPLOY THE OLDER WORKER WEEK

(Introduced by Mr. HEINZ for himself and other Senators.)

Mr. HEINZ. Mr. President, I am pleased to introduce today, along with 44 cosponsors, a joint resolution to authorize and designate the week of March 13 through 19, 1983, "National Employ the Older Worker Week." The chairman and ranking minority members of the House Select Committee on Aging, Representatives ROYBAL and RINALDO, along with Representative PEPPER, are introducing this resolution in the House of Representatives today.

The resolution will call attention to both the potential of older workers and some of the problems which block employment opportunity for them. The American Legion has sponsored such a week for older workers every year since 1959, joining with local American Legion posts, State and area agencies on aging, the National Council on Aging, the American Association of Retired Persons, and Senior Community Service Employment Program sponsors to focus the attention on the advantages of employing older persons. The American Legion has presented citations to employers who have promoted successful programs for hiring and retraining older workers within their organization.

Special programs will be held around the country to mark this important week and to encourage employers to generate employment opportunities for older persons. Employers will become more aware of job opportunities and job retention options.

Admittedly, Mr. President, the recent economic slowdown has created a difficult climate for the full utilization of older workers. There has been a tendency to fall back on traditional retirement and separation procedures. But the trends and the demographics are clear. We need to look beyond the recession and prepare for the inevitable work force changes that will occur. Our Nation will need these productive older workers. As you are aware, Mr. President, the age distribution of the population will be shifting dramatically over the coming decades. The population growth of the younger, 16 to 44, working-age population will cease sometime between now and the year 1990. The Baby Boom Generation will retire with fewer younger people in the work force and fewer to contribute to their support. Unless we convince older workers to stay productive, we will not have the necessary labor force to contribute to a rising standard of living. Not only are we wasting valuable human resources, but failure to adapt work patterns to the needs of older workers will take a serious toll on the economic well-being of our entire society.

Older workers today represent a large but neglected national resource. Only 14 percent of individuals between 55 and 64 are presently in the labor force. More than 770,000 Americans 55 and over are out of work—1.1 million if one adds the "officially" unemployed, those so-called discouraged older workers who have withdrawn from the labor force unwillingly because they simply could not find jobs and eventually gave up looking for them. These unemployed and discouraged older workers often have greater financial obligations than younger workers do. Many workers in their fifties have children in college whom they must support. Mortgage and car payments, as well as other financial commitments, often rise with a worker's age and income. Many older unemployed workers cannot begin to draw a pension because they worked for a company that lacked one or because they have not met the age and service requirements. They do not become eligible for social security early retirement until age 62, nor for medicare until age 65. Once unemployed, the older worker runs the greatest risk of being without work for long periods of time. People 55 and over are out of work on the average nearly 20 weeks before being reemployed. That is 23 percent longer than the 15.5 weeks between jobs, on the average, for all unemployed Americans.

Mr. President, older people want to work. National polls and research findings indicate that many more would like to find full- or part-time jobs, but feel that the opportunity is not there.

Three out of four retirees in a 1981 Harris survey stated that they wished they had never quit work. Further, the poll found that among all those now working in the key preretirement age between 55 and 64, a majority of 79 percent are opposed to stopping work completely when they retire.

Some employers are already recognizing older workers as a resource. They are initiating hiring, retraining, second career, and job retention programs for older workers. These progressive companies, large and small, deserve to be recognized as examples for others to follow. There are still too many other employers who do not perceive older workers in such a positive light and continue to practice, consciously or unconsciously, age discrimination against them.

Mr. President, I realize that this resolution is just a small step, but it is a step that is worth taking now to help dramatize the need for action. As chairman of the Special Committee on Aging, I, along with the members of our committee, will be working toward the development of substantive policies to promote greater employment opportunities. I believe that we can no longer ignore the vast potential contribution of these Americans. They are enormously capable and desirous of making a contribution to our society. It is my hope that the results of this promotional week will benefit older workers, employers, and the Nation as a whole. I ask unanimous consent, Mr. President, that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 27

Whereas individuals aged 55 and over are a major national resource, constitute 22 percent of the population of the United States at the present time, and are likely to constitute a larger percentage of the population in future decades;

Whereas a growing number of such individuals, being willing and able to work, are looking for employment opportunities, want to remain in the work force, or would like to serve their communities and their Nation in voluntary roles;

Whereas such individuals, who have made continuing contributions to the national welfare, should be encouraged to remain in, or resume, career and voluntary roles that utilize their strengths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth, and independence of older individuals by encouraging them to make decisions and to act upon those decisions, by tapping their resources, experience, and knowledge, and by enabling them to contribute to society;

Whereas the operation of title V of the Older Americans Act of 1965 has demonstrated that older workers are extremely capable in a wide variety of job roles;

Whereas recent studies conducted by the United States Department of Labor and the Work in America Institute indicate that, in many cases, employers prefer to retain older workers or rehire former older employees

due to the high quality of their job performance and their low rate of absenteeism; and

Whereas the American Legion has sponsored a "National Employ the Older Worker Week" during the second full week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the week of March 13-19, 1983, as "National Employ the Older Worker Week", and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, with a view toward expanding career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the work force;

(2) voluntary organizations to reexamine the many fine service programs which they sponsor with a view toward expanding both the number of older volunteers and the types of service roles open to older workers;

(3) the United States Department of Labor to give special assistance to older workers by means of job training programs under the Jobs Training and Partnership Act, job counseling through the United States Employment Service, and additional support through its Older Worker Program, as authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe this day with appropriate programs, ceremonies, and activities.

Mr. PROXMIRE. Mr. President, will the Senator from Pennsylvania yield?

Mr. HEINZ. I am very pleased to yield.

Mr. PROXMIRE. I commend the distinguished Senator on what he has said and on his resolution.

I ask the Senator if we do not have to recognize that as fewer people retire, as people work longer, the work force becomes bigger and one of our problems now is that we have such a big work force that we have very heavy unemployment?

I say that because—the Senator knows the statistics—I think that in 1952 we had 3-percent unemployment and a smaller percentage of our adult population working than we have today. Why? Because there were fewer people in the work force.

My question is this: Does the Senator think we should look at other ways of sharing the work? I have heard one suggestion of a 7-hour day, double time for overtime. That has a lot of pain to it, and there are many reasons to oppose it. But I wonder if that kind of proposal, which does not involve a big Federal program and, on the other hand, recognizes the desirability of greater leisure and opportunity for our people, might be something that is worth considering, if not adopting, immediately.

Mr. HEINZ. I believe that every option such as that should be looked at and carefully considered. As I think I made clear in my remarks, I view the effort we want to make on behalf of older workers not as a once-in-a-decade kind of emphasis. I am concerned, as is the Senator from Wisconsin, with the high unemployment we have today—nearly 13 million Americans.

It may seem odd to some that we want to find ways, with so many younger people, middle-aged people, and older people out of work, to improve the quality of life for people who are 60, 62, or 65, in a way that might keep them in the work force. The conventional wisdom for about 20 years has been to get people aged 60, 62, or 65, or even 55, out of the work force, to make room for everybody else.

We have studied this issue very carefully, and we have asked the Labor Department to do so. It turns out—happily, for the consequences of public policy—that the kinds of work that older people can do, and which they do, is rather different qualitatively from the work the younger workers seek or are doing. This stands to reason, when we think of progress in a career path.

I do not know what the Senator from Wisconsin was doing at age 22, but chances are he was not doing exactly what he is doing today.

Mr. PROXMIRE. I was doing the same thing the Senator from Pennsylvania was doing at age 22, at the same institution.

Mr. HEINZ. We were at the Harvard Business School, which most people would say is not exactly ideal training, although I have never had regrets about being a U.S. Senator.

Mr. PROXMIRE. The best training.

Mr. HEINZ. I do not know too many Harvard Business School students, there right now, who we believe should go from the Harvard Business School right into the Senate, although the Senator from Wisconsin may have a view slightly different from mine.

Let me say this, to be serious: I have seen how, in a very short space of time, you can change the attitude of employers and indeed the entire community with respect to someone over age 65. He or she, nonetheless, can be an absolutely remarkable and contributing member of the community.

A few years ago, the area agency on aging in Johnstown, Pa., promoted a program with the employers in Johnstown and the local radio station—WJAC, I think it is—in which, each week, for a series of weeks, the radio station would do a special 3-minute program on a worker over age 65 and what he was doing for one of the employers in the area.

These people were doing absolutely spectacular, marvelous things, things that people aged 45 and 35 wished they knew how to do.

It is the kind of hidden potential that I think we fail to take full advantage of, at our great peril, and that this Senator from Pennsylvania seeks to put to humanitarian as well as economic use.

One of the things that I hope the Senator from Wisconsin feels—I hope I always continue to feel it—is that as one gets older, one may not become physically stronger, but one's judgment improves.

I have worked with the Senator from Wisconsin on the Banking Committee for 6 years, and I always feel that his judgment, which is always good, is always getting better, and I trust that he feels the same way about me.

That is one thing of great value in our society—judgment. How do you deal with the terrible problems of a world recession? How do you deal with the intractable issues of arms control? How do you deal with all the human issues in this country, or in an individual firm, or in an individual community?

The answer is that it will require very good judgment, constantly becoming better, because the world is constantly becoming more complicated, in order for us to make the most of our opportunities and to solve the problems of today so that there are opportunities in the future.

I thank the Senator for his inquiry. I appreciate his being on the floor. As always, I know that I can count on his good advice and counsel in these matters.

(By request of Mr. HEINZ, the following statement was ordered to be printed in the RECORD:)

● Mr. GLENN. Mr. President, I am pleased to join my colleagues in introducing a resolution proclaiming the second full week of each March as "National Employ the Older Worker Week." This resolution recognizes the valuable contributions that older workers have made to our Nation in the past and highlights their great potential as part of the work force in the years to come. I commend the American Legion for sponsoring such a week for older workers since 1959.

Demographic trends will have important implications for employers and policymakers during the next decade. The dominant part of the current work force is the younger workers, aged 16-44, but this group will peak in numbers around 1990 and then begin to decline. In order to continue economic growth and productivity, we must look to middle-aged and older persons to provide needed workers. Current employment and pension policies must also be reexamined to adapt to the demographics of the aging work force. Current policies tend to spur older persons into early retirement while overlooking the capabilities and

valuable skills they possess. Mandatory retirement, nonaccrual of pension benefits, the social security earnings limitation, inflexible full-time work schedules, and suspension of pension benefits are just some of the disincentives now facing older workers.

We do not in any way want to force anyone to work beyond the age that they are capable, but studies and polls indicate that many older persons wish to continue working after age 65 because of financial need or personal fulfillment. During the last decade, inflation has eroded the retirement income base of many older persons and part-time or full-time work has become an economic necessity. Others wish to continue working in order to stay active or because they like their job. We must allow them to compete in the marketplace in a fair position without discrimination.

It is also important to consider the impact of improvements in life expectancy, health condition, and educational attainment among older persons. Life expectancy at age 65 is now an average 16.4 years and can be expected to increase further. The costs of company pension plans and social security will increase as workers continue to retire early and live longer. Instead of paring employment rolls through expensive early retirement policies, employees need to look at workers over age 50 in a more positive manner. The talents of these individuals can be utilized for company profit and worker benefit.

Improvements in health and educational attainment make the older worker well suited for the rapidly growing service sector of our economy. Older persons can be retrained to adapt to the expanding technological base of the business world. In addition, we must explore the "differential" use of older workers. It is not necessary for an aging steelworker to continue laboring in the melting furnaces; perhaps this worker can be of more benefit teaching his trade to a younger worker. Parttime and flexible work schedules must also be explored to offer more options to older workers.

I am pleased to note that some companies are taking the lead in this area. The Senate Special Committee on Aging held a series of hearings in 1980 entitled "Work After 65—Options for the 80's." We received testimony from large companies that included Polaroid, IBM, and Xerox, and from small businesses and State and local government officials. They all emphasized the worth of older workers. Mr. Gerald Maguire, vice president of Corporate Services for Bankers Life & Casualty Co., told the committee:

The real dollars are in people continuing to do that thing they are capable of doing. It is the most economical way of spending any money in this field. Those who are capable of it, who have the experience, the training, are already set up. The fact that on September 14 somebody turns 65 or 70 certainly does not change their physical or mental ability.

Older Americans are a valuable human resource that should be utilized. Let us encourage employers to consider the experienced, skilled labor pool of older Americans when making hiring, promotion, retraining, and retention decisions. I urge my colleagues to adopt this resolution for "Employ the Older Worker Week."●

● Mr. PERCY. Mr. President, I am pleased to join my distinguished colleagues, Senators HEINZ and GLENN, chairman and ranking minority member, respectively, of the Special Committee on Aging, on which I also serve, in introducing this resolution requesting the President to proclaim the second full week of March of each year as "National Employ the Older Worker Week."

This resolution recognizes older workers as capable individuals who have contributed much to our Nation in the past and who can continue to enrich our society through their services to others. The resolution calls upon employers, voluntary organizations, and local communities to promote expanded employment opportunities for older persons who wish to continue working and for those seeking to reenter the work force.

The Aging Committee has for the past few years paid special attention to the problems facing older workers and older persons who wish to return to work. We have held extensive hearings on Government programs for older workers, such as title V of the Older Americans Act (the senior community service employment program), the problems of age discrimination in employment and the demographic changes we will experience in the next century that will require our country to call upon the resources of older workers.

In Chicago, Ill., we have a model program called operation able, which serves as the umbrella organization for a network of community-based senior employment centers. Able acts as a link between the public and private sectors, initiating programs to help unemployed older workers reenter the workplace and helping employers discover that it is good business to hire older workers. Able offers training, consultation, technical assistance, direction, and coordination in the field of elderly employment.

Able operates a job hotline and four major programs which serve the network agencies. Able's hotline takes calls from jobseekers who are referred to the appropriate network agency or job search training program and employers who are listing job orders. Able's Job Club is a counseling program based on behavior modification methods, which helps older adults develop successful jobseeking skills in a group setting. More than 80 percent of its members have found part-time or full-time employment as a result.

Able also operates an older worker specialist aide program through Federal funds provided by the Illinois Department on Aging. Needy older workers, 55 and over, are employed as paraprofessionals to help other older workers find employment.

Able's technical assistance and training (TAT) program, in its third year of operation through the retirement research foundation, supports the basic program of network staff training, job development, and public information. Last, Operation Able administers Project ENABLE, funded by Cook County, which provides 185 economically disadvantaged older workers with 4 months of on-the-job-experience and job-seeking skills training.

Operation Able is an excellent example of what government at all levels can do in conjunction with private business and foundations and I commend Able for its fine work.

Mr. President, I would like to make one final point. At times, those of us who have worked on behalf of older workers have been criticized because our efforts appear to ignore the needs of younger persons who are unemployed. Nothing could be further than the truth. It is a problem to which we all have devoted a great deal of time, and I trust it will be at the top of the congressional agenda again this year.

It is, however, as a longtime member of the Special Committee on Aging that I have gained two insights: First, older workers have different problems than younger workers, problems that are often overlooked by policymakers; and second, labor force projections show declining numbers of younger people entering the work force so that as early as the 1990's, there will be a need to retain the skills of older workers to avert labor shortages.

For these reasons, I urge my colleagues to adopt this resolution and recognize older workers as the great resource they are.●

● Mr. DOMENICI. Mr. President, I am pleased to join my colleagues in sponsoring this important resolution. It focuses public attention on the wealth of talent, experience, and skill that older workers offer to our society. We should take every opportunity to recognize their continued contributions.

All of us would agree that the No. 1 goal for this Congress is putting the economy back on a growth path and putting Americans back to work. We want to expand employment opportunities for all individuals, young and old, who are willing and able to work. There should be options for persons who are 55 and over who wish to remain in their current job, to work

part time or to volunteer their services. We must, however, insure these options without rekindling the inflation which in the past has undermined the quality of life for all—especially older Americans, many of whom live on fixed incomes.

I hope that we will mark the occasion of National Employ the Older Worker Week by a renewed commitment to improvement in the private sector economy and by participation in ceremonies throughout the country during March 13-19.●

● Mr. QUAYLE. Mr. President, it is ironic that over the years we have developed a work ethic which encourages the discarding of older workers. Hiring older workers is good business because they bring a dimension to the job that cannot be bought; experience.

America needs to eliminate the negative stereotypes and biases which discourage continued employment. Older workers are among the most reliable and productive workers in the country. They have a lower rate of absenteeism, and are less likely to leave a job once they take it. In controlled tests, of manual dexterity, speed and mechanical comprehension, there are no differences between performances of older and younger workers.

There should be no avenue of employment closed to the older worker. The desire to be productive is there, often the only thing lacking is the opportunity. This is one reason I included a special set-aside in the Jobs Partnership Training Act, which I introduced last year. Enacted into law, this bill gives States $67 million to operate older workers programs.

We cannot buy what the older worker has—experience—but we can bring them into our businesses and industry. It is an opportunity we cannot afford to miss. I feel this resolution will provide recognition of the older worker, and will promote an expansion of opportunities in the work force for these more than able Americans.●

● Mr. JEPSEN. Mr. President, I am proud to join Senator HEINZ in cosponsoring his resolution designating the second week of March as "National Employ the Older Worker Week."

Within the past year, I have seen a number of articles written about the "Graying of America." Unfortunately, most of these articles were written in specialized publications and very few appeared in the traditional news media.

American workers are basically presented with two options when they reach retirement age: full-time employment or full-time retirement. Many workers, Mr. President, would like some alternatives.

Older workers present a vast reservoir of skill and knowledge. They are a vital natural resource which we cannot afford to let sit idle.

National Employ the Older Worker Week will help to focus national attention on this most serious problem. By adopting this resolution, we will help to stimulate a healthy discussion of the situation and quite possibly develop some new policies aimed at promoting the older worker.

Some employers are already taking steps to encourage the reemployment or continued employment of older workers. These far-sighted companies are developing shared work and part-time employment opportunities for their older employees.

Many companies are also finding that these older workers are valuable teachers for the younger, less skilled worker. This is something that has been talked about but very few companies have utilized this resource in a manner that is consistent with the retirement plans of the older worker.

From the Government's standpoint, there are a number of steps we can take to help promote the older worker. The first step would be adoption of the Heinz resolution. Another would be the repeal of the social security earnings limitation.

Within the elderly community, there is almost universal agreement that the social security earnings limit presents a tremendous barrier for thousands of workers who would like to continue working beyond the age of 65.

The National Commission on Social Security Reform, to its credit, has recommended increasing the delayed retirement incentive which is an important step. Repeal of the earnings limit should go hand in hand with that change.

Let me close, Mr. President, by thanking Senator HEINZ for taking the initiative in this area. I am sure that as chairman of the Senate Aging Committee, he intends to pursue this issue through the hearing process. I look forward to working with Senator HEINZ on this important issue.●

RECOGNITION OF SENATOR GORTON

The PRESIDING OFFICER (Mr. WILSON). Under the previous order, the Senator from Washington (Mr. GORTON) is recognized for not more than 15 minutes.

Mr. GORTON. I thank the Chair.

JOBS AND ECONOMIC RECOVERY—AN ALTERNATIVE FEDERAL BUDGET

Mr. GORTON. Mr. President, while I am here to propose an alternative Federal budget, jobs and economic recovery are the real subject. That must be the goal of all our budget deliberations. All of us in Congress are now familiar with the President's budget proposal. There is a great deal in his proposal which must be taken seriously. Indeed, all Members and their staffs are in the process of giving his budget careful review.

I am certain that there are elements of his proposal that each Member can accept as well as parts with which he or she will differ. Indeed most of the discussion that I have heard is over the particulars of the President's budget.

Today I would like to change the focus of this debate from the particular to the general—by asking the question—Is the President's proposal adequate to the task of bringing about economic recovery? I am sure that all of us will remember the following lines from the President's state of the Union message:

> We who are in Government must take the lead in restoring the economy. The single thing that can start the wheels of industry turning again is further reduction of interest rates. Another one or two points can mean tens of thousands of jobs. Right now, with inflation as low as it is, 3.9 percent, there is room for interest rates to come down.
>
> Only fear prevents their reduction. A lender, as we know, must charge an interest rate that recovers the depreciated value of the dollars loaned. That depreciation is, of course, the amount of inflation. Today, interest rates are based on fear that Government will resort to measures, as it has in the past, that will send inflation zooming again.
>
> We who serve here in this capital must erase that fear by making it absolutely clear that we will not stop fighting inflation; that, together, we will do only those things that will lead to lasting economic growth.

The President is precisely correct. We in Government must take the lead in restoring the economy. The question we must ask of the President's proposal, or any other budget proposal, is simply this: is it adequate to the task of restoring the economy? Almost 12 million Americans, at this very moment, are out of work, looking for a job. Millions more are so discouraged that they no longer even look for work. The return of prosperity is their best hope, indeed their only true hope.

The long awaited economic recovery, I am certain, has already begun. But the nature of the economic recovery we will enjoy is still very much in doubt. Current forecasts by economists in and out of Government are for a slow and mild recovery at best. The real Growth rate of the gross national product is predicted to be between 1 and 2 percent during 1983 and about 4 percent thereafter, which means that unemployment will not for a long time decline significantly from today's intolerable levels. Such a recovery is likely to go almost unnoticed both by the unemployed and by business.

Contrast, however, this predicted limp recovery with just the average historical performance of our economy during recoveries from recessions in the past. During most recovery peri-

ods, the rate of growth of the Nation's output increased by more than 6 percent during the first year. If we could expect just an average recovery this year, the unemployment rate would decline significantly from today's intolerable levels. Just an average recovery would provide our Nation's businesses with the opportunity to repair balance sheets which have been savaged by the current recession. Just an average recovery would be vigorous enough to allow the American economy to serve as an engine of growth that would pull the Western world out of the prolonged economic slump in which it has languished for the last 3 years.

The difference between the predicted recovery and the average recovery is the difference between a recovery which no one notices—in which high unemployment and a high level of business failures become the norm—and a recovery that promotes opportunity, prosperity and a general sense of economic well-being for our citizens. It is the difference between an economy of despair and an economy of hope.

I believe that we have a choice—that we have the opportunity to choose the kind of economic recovery we will have. Moreover, the time for decision is now and will be made when we in Congress adopt the Federal budget for 1984. The main reason that the recovery is expected to be subnormal is to be found within the Federal budget. The precise reason is the threat posed by the staggeringly large projected budget deficits.

The dismal forecasts made for our current recovery are not predicated on the assumption that we in Congress will do nothing about the huge projected budget deficits, but on the belief that we will do too little. In this event the prospect is either for stagnation or the return of inflation. Neither result is acceptable. If we do too little, the Federal Government will continue to absorb a large portion of the Nation's savings, so large a portion that real interest rates will remain high. The recovery, modest as it will be, will eventully stall. So if we do too little, and the Federal Reserve continues its inflation fight, the result will be economic stagnation. In the likely event that the Federal Reserve abandons its inflation fight to deal with the evolving stagnation, then a return of inflation will be the inevitable result. We have all lived through that situation before so I need not belabor what it would mean. If we do too little to deal with the huge future budget deficits, then today's dismal economic forecasts will become a reality.

I personally believe that the President's budget does too little. The modest recovery the administration envisions is the product of a budget which will not reduce future deficits enough to allow real interest rates to fall sufficiently far to stimulate the more rigorous recovery that is so urgently needed. The President's proposal represents a modest step along the road to economic recovery, but I feel that we must move further and faster along that road.

But as I stated earlier, we do have a choice. If budget deficits are the cause of our problem, then squarely facing up to the challenge of reducing them to manageable proportions must be the solution. If we choose to do this, we are choosing to have a vigorous recovery and the return of long-term prosperity. I believe, and I hope that you will agree with me, that the choice between creating a prosperous economy and a stagnating one is really no choice at all. We simply must make the sacrifices required to insure a vigorous recovery and we must do so now.

We must pass a budget for 1984 that will insure that the huge deficits will be reduced to manageable levels, that will cause the deficit to decline in each subsequent year. We must pass a budget that steadily reduces the proportion of our Nation's output that is taken by the Federal Government. We must pass a budget resolution that can be balanced in the foreseeable future. We must do this not because there is any ultimate virtue in a budget that possesses all of these qualities—there is not. We must do this because passing such a budget is the only way to achieve a strong, vigorous recovery. Passing such a budget is the only way to provide the number of jobs needed in our economy and by our society.

To reach this goal I am convinced we must adopt a policy of fiscal austerity; nothing else will do. I am convinced that the American people will support such a policy and are willing to make the required sacrifices, provided—and it is a big provided—that they believe the resulting budget to be fair, that it is widely perceived that everyone, the well-to-do, workers, the retired, business and Government will assume a fair share. Since all will benefit from the return of prosperity, all must share in the sacrifices necessary to create prosperity.

One road to this goal, perhaps the only road, is to freeze the expenditures of the Federal Government for 1 year across the board and then to allow only a partial thaw thereafter. Now, the concept of a freeze of Federal expenditures means different things to different people. Let me explain what I propose.

The budget freeze I propose does not simply freeze the 1984 expenditures of every Government program at the 1983 level. It would be neither responsible nor fair to do this. Rather, it imposes a freeze upon the various spending categories. All budget categories, entitlements, the discretionary spending programs and revenue laws, will be affected, but the Congress would be allowed to make decisions within each category for changes the national interest requires.

I propose, for the discretionary programs, that the total of all nondefense spending be frozen at the 1983 spending levels for the next 4 years. These programs have been severely pruned in the past and should not be subjected, as a group, to future cuts, even to the extent now proposed by the administration but neither do I feel we can allow them to expand further until we have our Nation's financial house in order. The appropriate congressional committees can, under my plan, reallocate among programs, spending more for one by spending less for another so long as overall expenditures do not increase for the next 4 years.

In my plan, the budget authority for national defense for the next year would be frozen at the level we authorized for this year, though commitments already made will result in an increase of outlays of about 7 percent from 1983 to 1984. The level currently proposed for 1984 would be allowed to occur instead in 1985 and so on. In this way our defense buildup, which meets the need for assured national security would be stretched out in a way that makes it affordable. We would still end up with the defenses we need, but the buildup would take 1 year longer.

The entitlement programs would also be included in our effort toward fiscal restraint. The entitlement programs have been growing at a rapid rate for two reasons. The first is that more people are qualifying for these programs. The second is that most entitlement programs are indexed to inflation, or to the costs of medical services, which causes payments to increase automatically with the rise in prices. Indeed, it has been forcefully argued that many of these programs are overindexed so that payments actually increase more rapidly than do prices. I propose that the cost-of-living adjustment for all entitlement programs be frozen for next year and, after skipping that year, that a different and more realistic cost-of-living adjustment formula be adopted. In addition, my plan proposes similar savings for the nonindexed entitlement programs such as medicare and medicaid.

This proposed budget freeze would also extend to the tax laws. I propose that we apply the concept of a freeze to the Tax Code for 1 year. This would require that one-half the scheduled 10-percent reduction in personal income taxes for this year be delayed until next year and the beginning of tax indexing delayed for 2 years until 1987. The need for stimulus at the beginning of a recovery requires some tax cut this year; the need for fairness and equity requires sacrifices by taxpayers and thus demands the post-

ponement I propose. I also propose that imported oil be subject to a tax of $5 per barrel.

I hasten to add, however, that my proposed budget does not foreclose new initiatives in important areas. Indeed, I am proposing that we undertake several important, albeit modestly priced, new initiatives, in the areas of housing, education, scientific research, and urban development.

Mr. President, the net effect of the measures I propose will be to reduce substantially the demands of the Federal Treasury on the Nation's credit markets. Over the 4-year period beginning in 1984, my proposal can reduce Treasury borrowing by $446 billion—an amount equal to approximately 2 years' gross private domestic investment. The impact of this reduced Federal borrowing should be significant. With greater availability of credit, real interest rates will fall. Business will face lower costs of investing. Consumers will increase their demand for houses, automobiles, and other consumer durables. Even the cost of carrying inventories will decline. All of this will translate into new jobs.

Although I assume only an average recovery, the impact on jobs is significant. My proposal would create almost 5 million new jobs between now and 1987, half of them in 1984. Restoring the fundamental health of the economy by reducing the massive deficits which hang over our financial markets is the best jobs bill we can possibly pass.

It is possible to put our fiscal house in order. Although it will not be easy to accept many of these proposals, the rewards of doing so will be great. If we adopt a budget similar to the one I propose, I believe that we will have also chosen a vigorous economic recovery which is the prelude to a long-term prosperity. When this happens, the rise in national income and the fall in unemployment will cause the budget deficits to decline still further. In fact, if a budget similar to mine is adopted and as a result the economy enjoys a just average recovery, then the predicted remaining deficits will not be a problem. We will be close to a balanced budget and our fiscal house in order. Perhaps this is a utopian goal—but it is the only goal worth striving for.

Mr. President, I have a four page summary of my proposal which I ask unanimous consent to be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TABLE 1.—DEFICIT AND EMPLOYMENT EFFECTS OF THE GORTON BUDGET

[Billions of dollars, except as noted]

I. ASSUMING AVERAGE RECOVERY

	1984	1985	1986	1987
Gorton budget deficit	$97	$66	$38	$19
New jobs created each year	2,530,000	880,000	770,000	660,000
Total jobs created	2,530,000	3,410,000	4,180,000	4,840,000

This assumes that enactment of the Gorton Budget will result in a decline in real interest rates sufficient to generate an average economic recovery, instead of the weak recovery now predicted. This will result in a federal budget almost in balance in FY 1987.

II. ASSUMING WEAK RECOVERY

[In billions of dollars]

	1984	1985	1986	1987	Total 1984–87
Current services deficit	$197	$215	$231	$250	$893
Minus Gorton budget deficit	139	119	98	91	447
Equals Reduced Treasury borrowing	58	96	133	159	446

The Gorton Budget significantly reduces the serious outyear deficits. The projected deficit in 1984 is reduced by almost one-third, the projected 1987 deficit by almost two-thirds.

COMPARISON OF ECONOMIC ASSUMPTIONS

[In percent]

	Unemployment rate				Real growth rate			
	1984	1985	1986	1987	1984	1985	1986	1987
Average recovery	8.5	7.7	7.0	6.4	6.0	4.2	4.0	4.0
President's assumption	9.5	8.5	7.8	7.0	4.0	4.0	4.0	4.0
Weak recovery	9.8	9.0	8.4	8.0	4.7	4.1	3.7	3.5

TABLE 2.—OUTLAYS, REVENUES, AND DEFICITS UNDER REAGAN AND GORTON BUDGET, FISCAL YEARS 1984–87 (CBO BASELINE ESTIMATES)

[In billions of dollars]

	1984	1985	1986	1987
Revised current services:				
Outlays	$850	$929	$999	$1,072
Minus receipts	653	715	768	822
Equals deficit	197	215	231	250

Notes: "Revised current services" as estimated by CBO includes President's April defense request. Net proposed deficit reductions reflect both spending and revenue changes; see Table 3 for breakdown. Entries may not sum to totals due to rounding. Reagan outlay estimates calculated by subtracting Reagan outlay reductions from CBO baseline.

TABLE 2.—OUTLAYS, REVENUES, AND DEFICITS UNDER REAGAN AND GORTON BUDGET, FISCAL YEARS 1984–87 (CBO BASELINE ESTIMATES)—Continued

[In billions of dollars]

	1984		1985		1986		1987	
	Reagan	Gorton	Reagan	Gorton	Reagan	Gorton	Reagan	Gorton
Net proposed deficit deductions	$23	$58	$42	$96	$46	$133	$71	$159
Final deficit	$174	$139	$173	$119	$185	$98	$179	$91
Final deficit as percent of GNP	4.9	3.9	4.4	3.0	4.4	2.3	3.9	2.0
Outlays as percent of GNP	23	23	22.5	22	22	21.5	21.5	21

TABLE 3.—GORTON PLAN (PRELIMINARY ESTIMATES)

[In billions of dollars]

	Fiscal years—			
	1984	1985	1986	1987
Baseline deficits	197	215	231	250
Revenue increases:				
Subject one-half of OASDI benefits to income tax	−3	−9	−10	−11
Oil import fee, net ($5 per barrel)	−10	−10	−10	−10
Reduce the July 1983 tax cut to 5 percent allow additional tax cut of 5 percent in July 1984, and delay indexing by 2 years	−12	−10	−26	−33
Total revenue increases (reduction in deficit)	−25	−29	−46	−54
Outlay decreases:				
Freeze defense budget authority for fiscal year 1984 at fiscal year 1983 enacted level; then follow First Budget Resolution plan in out-years (shifted 1 year ahead)	−14	−22	−18	−6
Freeze nondefense discretionary outlays at fiscal year 1983 enacted level in all years	−5	−13	−18	−24
Freeze civilian agency pay raises for 1 year; then allow 4 percent increase in each subsequent year	−2	−2	−3	−3
Freeze all COLAs for 1 year; allow CPI minus 2 percent for each year thereafter (exclude SSI and food stamps from any reduction):				
Social security	−8	−12	−16	−20
All other	−2	−3	−4	−5
Hold medicare to one-half projected increase	−4	−8	−14	−21
Hold medicaid to one-half projected increase	−1	−2	−3	−5
Assume agriculture PIK program	−1	−1		
Savings in net interest due to reduction in deficit	−3	−9	−17	−27
Total outlay decreases	−40	−72	−93	−111
Total deficit reduction	−65	−101	−139	−165
New initiatives:				
Economic stimulus:				
Quayle-Hatch jobs proposal	2			
Housing stimulus program	2.5	2.5	2.5	2.5
Education:				
Science and mathematics education proposal	0.35	0.35	0.35	0.35
Education Savings Act	1.5	1.5	1.5	1.5
Research and development: National research recovery program	.75	.75	.75	.75
Urban development: Enterprise zones (Boschwitz)	.1	.32	.58	.77
Total outlay increases	+7.2	+5.4	+5.7	+5.9
Gorton plan deficit	139	119	98	91

Mr. BAKER. Mr. President, I want to take just a moment to commend my distinguished colleague from Washington (Mr. GORTON) for his tireless efforts in seeking a sound fiscal policy for this country. He has once again prepared a responsible and balanced plan to reduce future deficits while at the same time including several initiatives to address the present unemployment problem.

The Senator's proposal is a modified freeze which recognizes that the budget cannot stand still—that flexibility is needed to address new demands and larger clienteles. This plan represents, as ultimately the budget must, a series of difficult decisions and policy choices. I know that there are many in this Chamber who would make different decisions on some of the components of this package, but our options are limited. It is efforts such as this, representing different points of view, that enlighten us all as to the nature of those options.

This body will, in just a few short weeks, be debating the first concurrent budget resolution, which will outline the congressional strategy for dealing with our fiscal dilemma. The Senator from Washington has today made a major contribution to those upcoming deliberations and I know that he will continue to contribute in both the Budget Committee, of which he is a member, and in this Chamber. I am certain that I speak for many of my colleagues when I congratulate and thank Senator GORTON for developing and sharing with us this thoughtful proposal.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, how much time does the Senator from Washington have remaining under the special order?

The PRESIDING OFFICER. The Senator from Washington has 7½ minutes.

Mr. RUDMAN. I ask the Senator from Washington if I might be yielded 2 minutes of his time under that special order.

Mr. GORTON. This Senator is delighted to yield.

Mr. RUDMAN. Mr. President, I want to comment very briefly on the statement and proposal just entered in the RECORD by my friend, the Senator from Washington.

As we have come to expect from him over the last 2 years, his work on the Budget Committee and his knowledge of this subject are probably not equaled by many among us. This proposal is thoughtful, it is precise, and it directs itself to that problem which has been the national debate for the last 2 years and will be the national debate for the next 2, namely whether or not proposals by the administration, although very well-intended, go far enough to sufficiently reduce these enormous deficits which are, in fact, continuing to retard the kind of healthy growth this economy needs.

As a matter of fact, the administration itself in its projections shows a growth rate which, under any other normal circumstances, would be considered far from satisfactory, and the reason for that, of course, Mr. President, is that the deficits assumed in this proposal are still looming very large.

I believe the Senator from Washington has laid before the Senate this

morning a very viable alternative. There may in fact be those who will differ with some, and some who will differ with most, of the proposals, but the fact is he has shown us a clear roadmap with the characteristics of fairness and equity to move these deficits down considerably lower than they are in the proposal of the administration.

I expect as we start debate on the budget resolution in the coming months, we will find many of the salient points contained within this proposal by my friend from Washington will be eventually adopted in some form by this Congress.

I thank the Senator from Washington for yielding me time.

Mr. DOMENICI subsequently said: Mr. President, earlier today the distinguished Senator from Washington, Senator GORTON, introduced into the RECORD a proposed budget plan, calling it to the attention of the Senate as his approach to a 1984 through 1988 fiscal program for our country.

Mr. President, I want to commend the Senator from Washington for bringing this plan to the attention of the Senate. He is a valued member of the Budget Committee. His commitment to solving the Government's fiscal problems and his diligence are certainly evident in the plan he has put before the Senate today.

His plan involves considerable fiscal austerity, and I am sure it will be fully debated in the Budget Committee. I am sure that individual Senators will raise questions about various elements of the plan. But we will all profit from having the Senator's ideas before us. I think he has done the Senate great service.

For my own part, let me say that I have concerns about some aspects of this plan. I will want to hear more details about the Senator's reasoning behind several elements of his plan. I may want to suggest to him some possible alternatives. But this would no doubt be the case with any plan developed by any Senator—just as any other Senator would have questions, comments, and alternatives to any plan that I might suggest.

None of this, however, detracts from the fact that by bringing this plan to the Senate, the distinguished Senator from Washington has helped start the dialog—the process of suggestion, negotiation, and compromise that will ultimately lead us to a budget plan that a majority of us can support.

The plan of the Senator from Washington is more austere than the President's budget. It contains lower deficits than the President has proposed. If we could agree on a plan with deficits of this size, it would help speed the economic recovery that we all seek. So again, let me commend the Senator for his efforts. I assure him that the Budget Committee will give his plan careful consideration.

Mr. GORTON. Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

THE BOY SCOUTS OF AMERICA'S 73D ANNIVERSARY AND ANNUAL REPORT TO CONGRESS

Mr. THURMOND. Mr. President, this year marks the 73d anniversary of the Boy Scouts of America, and February 6–12 has been designated as the official "Scouting Anniversary Week." This celebration is a significant event for youth members, Scouting units, districts, councils, and the national organization, and it will involve all Cub Scouts, Boy Scouts, Explorers, and adult leaders nationwide.

The 73d anniversary celebration will serve as the kickoff event for the new Boy Scouts of America theme, "Catching the Scouting Spirit." This theme is designed to increase public awareness of Scouting in an effort to stimulate greater participation, as well as encourage community and financial support.

Today, Scouting is recognized as the largest and most influential youth movement in the free world, with over 15 million members in 120 countries. Of those 15 million, 4.7 million are members of the Boy Scouts of America.

Since the founding of this organization in 1910, more than 91 million boys in America have participated as Cub Scouts, Boy Scouts, and/or Explorers. Presently, there are over 1 million individuals serving in leadership capacities in the more than 130,000 packs, troops, and posts across the country.

The purpose of the Boy Scouts of America is "to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness." Scouting is a wholesome experience, and one in which every boy should have the opportunity to participate. Its emphasis on duty to God, loyalty to one's country and respect for its laws, and service to others exemplifies the very essence of the American character.

While Scouting continues to adhere to these fundamental principles, the Boy Scouts of America has proven its adaptability to a changing world. In keeping pace with man's innovations, Scouting provides a diverse educational experience where age-old techniques are taught alongside modern technological advancements. For example, no longer do Scouts look to the stars merely as a means of determining geographical direction. Rather, the study of space exploration has enabled Scouts to better understand our universe and has reminded them that the stars are truly within man's reach. This is just one of the numerous ways in which the total Scouting experience shapes young men to become well-rounded individuals.

The Boy Scouts of America is a strong and viable organization in today's society, and it has improved with age. Its past is glorious, and its future bright. Indeed, there has never been a more exciting time to be a Scout than the present. I realize that many of my colleagues in the U.S. Senate have been involved with the Boy Scouts of America, and I know that they join me in supporting the goals and ideals of this fine organization. Scouting is an organization which represents the highest standards of excellence in all areas of life. For this reason, the Boy Scouts of America deserves our highest praise.

Mr. President, yesterday I met with a delegation representing the Boy Scouts of America to receive, on behalf of the Senate, its annual report to Congress. A copy of this report was also received by Congressman FRANK HORTON of New York on behalf of the House of Representatives. This report is a condensed version of the 1982 report of the Boy Scouts of America, and the full report will be sent to the Senate in May.

At this time, I want to recognize the seven members of this delegation who have been selected as the most outstanding members of the Boy Scouts of America. I am particularly proud of one of the members of this delegation because he is a citizen of the State which I represent. Michael Brian Wilson is a 10 year old from Bamberg, S.C., and of the thousands of Cub Scouts in our State and the over 1.6 million Cub Scouts in America, Brian was chosen as this year's Cub Scout national youth representative. This is a notable honor, and I know that his parents, Jimmy and Garnett Wilson, share in his pride for this distinction.

Likewise, the other members of this delegation can be proud of their respective achievements, and they can take pride in knowing that they have represented well the entire Scouting community. They include: Boy Scouts national youth representative Michael B. Vaughn, 17, of Tulsa, Okla.; national Explorer president David R. Greenfield, 19, of Rochester, N.Y.; Juan-Peyton Menendez, 14, of Sacramento, Calif., and Erik Simula, 17, of Duluth, Minn., recipients of Boy Scouts of America's 1982 Youth Leadership in America Awards; Alexander M. Holsinger, 13, of Normal, Ill., who became the Nation's 1 millionth Eagle Scout;

and Robert A. Wade, 19, of Delta, Ohio, who is the newly-elected national chief of the Order of the Arrow, Scouting's service-oriented fellowship of honor campers.

Mr. President, I congratulate the Boy Scouts of America on its 73d anniversary, and I ask unanimous consent that its Annual Report to Congress appear in the RECORD at the conclusion of my remarks. May we in the Senate offer our deepest appreciation to them for the invaluable service they render to the community and our country.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

1982 REPORT TO THE NATION, BOY SCOUTS OF AMERICA

In 1982, the Boy Scouts of America showed a gain in membership that was the largest since 1968 and the third consecutive year of gain. At the end of the year, 3,340,685 Cub Scouts, Boy Scouts, and Explorers were enjoying Scouting in 132,360 packs, troops, and posts. In addition, there were 84,039 boys registered as Tiger Cubs.

All units are chartered to a community organization that provides qualified leaders, meeting facilities, and program direction for young people. Major users of the Scouting program are religious bodies, civic and community organizations, schools, and PTA's.

One of the highlights of the year was the Foundations for Growth program that was kicked off in the fall. The four phases of this program are:

Tiger Cubs, BSA. This new program brings Scouting to the second-grade, 7-year-old boys and an adult family member. The Tiger Cub and his partner work on projects together and get together monthly with their group for sharing and a group project.

Bear enrichment. New excitement and flexibility for the second year of Cub Scouting is found in 12 new achievements added to the *Bear Cub Scout Book*. The 9-year/old boy can choose 12 achievements from among the 24 now offered.

Today's Family. This program improves Scouting's service to youth from single-parent or dual-earner families. It also extends Scouting's impact beyond those served by the regular Scouting program. Today's Family includes the *Prepared for Today* activity book designed to help 6- to 11-year-olds be more self-reliant in their home and neighborhood, particularly when adults are not present. *Prepared for Today* is for non-Scouts as well as Scouts.

Explorer marketing. Expands awareness of Exploring and its values to teens, counselors, teachers, potential advisors, and chartered organizations through special presentations.

Another highlight was the awarding of the millionth Eagle badge in September. The recipient was 13-year-old Alexander M. Holsinger, Normal, Ill. He is a member of Chiddix Junior High School Troop 29. Earned by only 2.5 percent of the young men who enroll as Boy Scouts, the Eagle Award was first presented in 1912.

A total of 5,516 Eagle Scouts joined the National Eagle Scout Association, bringing the membership to 66,841 on December 31. Also, during 1982, NESA presented 36 Scoutmaster Awards to recognize outstanding Scoutmasters who guide youth members to the rank of Eagle Scout.

During 1982, the National Court of Honor recognized the heroic, lifesaving, and meritorious acts of youth and adult members. Five persons were recognized for unusual heroism in saving or attempting to save life with the Honor Medal With Crossed Palms, 18 Honor Medals were presented for heroism in saving lives at the risk of their own, 51 Heroism Awards were presented for heroic acts, and 137 Medals of Merit were presented for outstanding acts of service of exceptional character. Forty-one distinguished citizens received the Distinguished Eagle Scout Award and 22,868 youth members achieved the rank of Eagle Scout. Local councils presented 2,553 Silver Beaver Awards, the six regions presented 43 Silver Antelope Awards, and the National Council presented 15 Silver Buffalo Awards.

Outdoor activity is the backbone of Scouting. Youth enjoy the hiking, camping, swimming, boating, canoeing, and touring. More than 600 local council camps were open last summer to accommodate 440,935 Boy Scouts from 32,109 troops in long-term camping experiences. Another 21,822 older Scouts and Explorers participated in special experiences at the Boy Scouts of America's high-adventure bases in New Mexico, Minnesota, Wisconsin, Marine, and Florida.

Membership in the Order of the Arrow, a brotherhood of honor campers, reached 144,965 in 1982. At the planning meeting in December, National Chief Robert Wade, Delta, Ohio, and National Vice-Chief William O'Tuel, Harleyville, S.C., were elected.

In 1982, the Youth Leadership in America Award program was instituted. It is designed to recognize the youth leaders of Boy Scout troops and Explorer posts. It is awarded based on the fulfillment of leadership requirements. A nationwide competition was held to select the outstanding senior patrol leader and Explorer post president. The first to win this competition are Post President Erik Simula, Duluth, Minn., and Senior Patrol Leader Juan Peyton Menendez, Sacramento, Calif.

Some of the national events conducted in 1982 were: the 1982 National Council Meeting, May 20-22 in Atlanta, the 12th National Explorer Congress, March 23-26, in Philadelphia; the National Explorer Olympics, July 11-17, at Colorado State University, Fort Collins; National Invitational White River Canoe Race, Little Rock, Ark.; National Explorer Sailing Championships, held at BSA's Florida Gateway High Adventure Base; National Explorer Air Rifle Championships, at the United States Military Academy, National Invitational Surfing Conference, Honolulu; National Explorer Winter Games, Duluth, Minn.; and the Reader's Digest Association-Boy Scouts of America National Public Speaking Contest.

There are 33 religious emblems available to youth members through their churches. During 1982, 58,741 Cub Scouts, Boy Scouts, and Explorers earned the religious emblems of their faith. Also, 4,751 adult Scouter recognitions were approved.

The George Meany Award for outstanding service to youth through Scouting was presented to 89 adult leaders who are members of organized labor. The Whitney M. Young, Jr., Service Award was presented to 34 community leaders and organizations for outstanding work in bringing Scouting to low-income areas.

Local Boy Scouts of America councils utilized the theme "Footsteps of the Founder," the 75th anniversary celebration of world Scouting as part of the programs in summer camps, Cub Scout day camps, district and local camporees, and Scouting shows. Members, leaders, and the public were able to reflect on the tremendous progress of world Scouting since its founding at Brownsea Island in 1907.

About 4,000 American youth and leaders are preparing for the XV World Scout Jamboree to be held July 4, 1983, in Kananaskis County, a provincial park in the Canadian Rockies. The jamboree will be an encampment of 15,000 Scouts and leaders representing virtually all of the 117 Scout associations or countries in the free world.

A new *Cub Scout Leader Book* was published in 1982. It replaces five books for Cub Scout leaders and provides a wealth of information combined into one volume.

Scouting would not be possible if it were not for its more than a million committed volunteers. These leaders are appreciated for the countless hours which are devoted to our youth week in and week out. Their work is especially appreciated in these troubled times when we know that a youth with a Scouting background is more likely to be an asset to his community; if the efforts of a leader, who was important in the life of a boy, can divert him from a life of crime or dependence on welfare, then that leader has made an important contribution that cannot be described in words or statistics.

It is the purpose of the Boy Scouts of America to provide for youth members an effective program designed to build desirable qualities of character, to train in the responsibilities of participating citizenship, and to help them develop in personal fitness—mental, moral, physical, and spiritual.

EDWARD C. JOULLIAN III,
President,
J. L. TARR,
Chief Scout Executive.

THE FAIR INSURANCE PRACTICES ACT

Mr. HOLLINGS. Mr. President, I am pleased to be an original cosponsor of S. 372, the Fair Insurance Practices Act, which was introduced on February 1, 1983. The legislation is similar to S. 2204 which was reported by the Senate Commerce Committee at the end of the 97th Congress.

The purpose of this legislation is to prohibit discrimination in the insurance marketplace. The legislation makes it an unlawful discriminatory action for an insurer, because of race, color, religion, sex, or national origin, to refuse to make or negotiate a contract of insurance of the type ordinarily made by the insurer or to treat an applicant or insured differently than the insurer treats others with respect to the terms, conditions, rates, benefits, or requirements of an insurance contract.

Fundamental to civil rights policy in the United States is that no individual be treated differently because of his or her membership in a racial, sexual, religious, or ethnic group. And certainly serious efforts have been made in combating discrimination in our society over the past decade. Laws have been enacted such as title VII of the Civil Rights Act of 1964, prohibiting discrimination in employment; title VIII

of the Civil Rights Act of 1968, prohibiting discrimination in housing; and the Equal Credit Opportunity Act, prohibiting discrimination in consumer credit and finance. S. 372 follows the pattern of these present laws to prohibit discrimination in insurance and annuities.

Testimony before the Senate Commerce Committee on July 15, 1982, presented evidence that discrimination on the basis of sex in insurance does exist. For example, young men pay higher premiums for auto insurance than young women. Men must pay higher premiums for the same amount of life insurance than do women. Women receive smaller monthly annuity payments than do men. Women receive lower monthly retirement benefits than men who have paid identical premiums. Premium rates in disability insurance are often much higher for women than for men carrying identical coverage. Female policyholders pay considerably more for health insurance than male policyholders.

Members of the insurance industry have opposed the legislation arguing that there is statistical justification for different rates based on sex. But many of these arguments fail upon careful examination. For example, there is no objection to basing a life insurance policy's rates on an individual's expected life span. However, if gender is the only criterion used to determine longevity, it is clearly unfair and relatively unreliable. Instead of considering sex with all the other criteria, industry has chosen to concentrate exclusively on it. The industry has ignored other, more accurate classification criteria, such as family health history, physical condition, recreational and occupational activities.

Let me point out that this legislation would not interfere with any States power to regulate the insurance industry. No new Federal bureaucracy for administration or enforcement is established. Primary jurisdiction is placed in the States to deal with discrimination in insurance and annuities.

Members of the public supporting this legislation are diverse and include the following:

A.F.L.-C.I.O., American Association of Retired Persons, American Association of University Professors, American Association of University Women, American Civil Liberties Union, American Home Economics Association, American Nurses Association, American Veterans Committee, Inc., Anti-Defamation League of B'nai B'rith, Center for National Policy Review, Coal Employment Project, Displaced Homemakers Network, Inc., Jewish War Veterans of the U.S.A., Leadership Conference on Civil Rights.

Mexican-American Legal Defense Fund, N.A.A.C.P., National Association of Farmworkers Organizaitons, National Association of Social Workers, National Catholic Conference for Interracial Justice, National Community Action Agency Directors Association, National Conference of Black Mayors, Inc., National Consumers League, National Council of Jewish Women, National Council of Negro Women, National Council of Senior Citizens, National Federation of Business and Professional Womens Clubs, National Ladies Auxiliary of the Jewish War Veterans of the U.S.A., National Insurance Consumer Organization, National Organization for Women (N.O.W.).

National Urban League, National Women's Party, National Women's Health Network, National Women's Political Caucus, Office of Legislative Affairs, Women's Div., General Board of Global Ministries, United Methodist Church, Older Women's League, Organizaiton of Chinese Americans, Rural American Women, United Automobile, Aerospace and Agricultural Implement Workers of America (U.A.W.), U.S. Commission on Civil Rights, Washington Office, Episcopal Church, Women's Equity Action League (W.E.A.L.), Women's Law Project, Women's Legal Defense Fund, Women, U.S.A.

The Fair Insurance Practices Act is an important step in insuring both equal rights and economic equity for women. I encourage my colleagues to join as cosponsors of this legislation, and look forward to in-depth hearings on this important issue early this session.

TRIBUTE TO MR. EUGENE HENRY RIETZKE

Mr. THURMOND. Mr. President, I was deeply saddened to learn of the recent death of my good friend, Eugene Henry Rietzke, of McLean, Va., an inspirational leader in the field of technical education. To his lovely wife, Lillie Lou, and his fine family, whom he loved so much, Nancy and I offer our deepest sympathy.

Mr. Rietzke was an extremely talented individual and was well known in social and business circles. He has been described as a crusader, a patriot, and an electronic-engineering wizard. Indeed, Eugene Rietzke was all these things and more.

A veteran of World War I, he joined the U.S. Navy at the age of 20. Then, at age 27, Mr. Rietzke began his engineering career in the Nation's Capitol. He did so with no money, but only with the goal of devoting his lifetime to higher education in the field of engineering technology.

The word "first" has always been closely associated with Mr. Rietzke's career. Starting as an amateur wireless operator in high school, he went on to become chief instructor of the U.S. Navy's Advanced Radio Materiel School at the Naval Research Laboratory in Washington, D.C., in 1924. A successful administrator and education enthusiast, Mr. Rietzke, while in the Navy, founded the Capitol Radio Engineering Institute in 1927, which later became the McGraw Hill Continuing Education Center. The Capitol Radio Engineering Institute was oranized as the first educational institution of its kind with the specific objective of providing home study programs in advanced electronics engineering technology.

Throughout the thirties and forties, as the Capitol Radio Engineering Institute expanded, Mr. Rietzke developed special training programs for the military in radio technology. During World War II, the Institute operated a branch in Silver Spring, Md., where approximately 3,000 civilians, under the auspices of the U.S. Office of Education, were trained to work in war industries.

Mr. Rietzke's commitment to the field of electronic engineering was truly evident in his dynamic crusade for one of the most practical and effective means of education: professional development through home study. In 1958, he developed the first advanced home study programs in nuclear-engineering technology. That same year, in an effort to introduce this valuable educational concept to the European Common Market, the Capitol Radio Engineering Institute International was established with its headquarters located in London, England.

Recognizing the need for continuing education in the field of engineering, Mr. Rietzke pioneered special programs to enable graduate engineers to keep pace with rapidly changing technology.

Under the leadership of Eugene Rietzke, the Capitol Radio Engineering Institute met the instructional needs of those in government, private industry, and defense technology. The institute's multifaceted contributions earned the respect of educators and scientists alike.

During the Eisenhower administration, Mr. Rietzke served as a member of a special task force for developing scientific and engineering technicians to work in conjunction with the President's Advisory Committee on Scientists and Engineers. He testified before numerous committees in the U.S. Senate and House of Representatives in support of technical education and veterans educational benefits legislation.

Mr. Rietzke was invited by the Soviet Union to participate as the U.S. representative of Technical Institute Education. While in Moscow, he received the Popov Medal for his outstanding contributions in the field of electronic engineering education.

He also sponsored a study by Oxford University to investigate, test, and compare theories of technological education in England with those in France, Sweden, Holland, Germany, Switzerland, Russia, and the United States. This study resulted in the development of the Open Air University in Great Britain.

Eugene Rietzke's lifelong career of service to his fellow man is a shining example of the American spirit of dedication, determination, and innova-

tion. Upon his receiving the distinguished Gold Medal of Achievement, given by the Veterans Wireless Operators Association, he was quoted as saying, "Only in the United States can a farm boy like me receive a medal bestowed upon two Presidents." This statement accurately summarizes the essence of Eugene Rietzke's character, for he was a pioneer and crusader who not only appreciated the meaning of opportunity, but a man who truly advanced the cause of education and higher technology to benefit mankind.

Mr. President, Eugene Henry Rietzke will be greatly missed by a large circle of friends and coworkers. Yet his invaluable contributions will long be remembered. Most of all, he will be remembered as a man who loved his wife and family, his country, and his God.

TRIBUTE TO PAUL "BEAR" BRYANT, FORMER HEAD FOOTBALL COACH OF THE UNIVERSITY OF ALABAMA

Mr. THURMOND. I rise today to honor a man who will be remembered as one of the greatest collegiate football coaches in the history of the game, Paul William "Bear" Bryant, who died on Wednesday, January 26, 1983, at the age of 69. To his devoted wife, Mary, his two children and five grandchildren, and other family and friends who loved him so dearly, I extend my deepest sympathy.

Coach Bryant began his coaching career in 1945 at the University of Maryland. He later went on to coach at the University of Kentucky and Texas A&M before starting his 25-year career at the University of Alabama.

Few people have earned the respect and admiration in the game as Bear Bryant. In his 38 years as a college football coach, he set a record as the winningest coach in history, with 323 wins, 85 losses, and 17 ties. Additionally, few coaches can boast of accomplishing what Bear Bryant did as head coach of the Crimson Tide. While he coached at Alabama, the team never had a losing season, and they won 5 national championships and participated in a record 24 consecutive bowl games.

Mr. President, it will be a long time before anyone surpasses or even matches Coach Bryant's superlative record of achievement. One of the reasons for his success was because he was a man of great knowledge and perception, both on and off the field. Though he did not necessarily know what the outcome of a game or a season would be, he did know what to expect, and he was rarely caught off guard by anything.

A tremendous void was created when the Bear retired as head coach, even though he was to remain athletic director at Alabama. Now, the void is far greater in his death, and he will be greatly missed by many.

Coach Bryant's impressive career was only surpassed by his outstanding character, for he was a good man who loved people, and was loved in return. It is no overstatement to say that he was truly recognized as a legend in his own time. Today, the legend of Bear Bryant has become a vivid memory in the minds of all football enthusiasts, and his invaluable contributions to the game will be forever preserved in the journals of this American sport.

Mr. President, Coach Bryant was a remarkable man with a deep faith in God, and I am confident that even now he has realized his greatest victory. Paul "Bear" Bryant taught us that success in life cannot always be measured by victories, but that success comes by giving one's best. In victory and defeat, Bear Bryant always remained a winner, and such is the true mark of greatness. Without question, Paul William "Bear" Bryant was truly a great man.

I ask unanimous consent that a recent editorial from the Washington Post be included in the RECORD at the conclusions of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 29, 1983]

PAUL WILLIAM "BEAR" BRYANT, JR.

There is room to argue about what makes a great coach, or how someone becomes "a legend in his own time," but there is no question that Paul W. Bryant, the Bear of Alabama, was both. Mr. Bryant, who died Wednesday in Tuscaloosa at the age of 69, not only won more games than any other coach in the history of college football, but also became, as one of his coach disciples, Bum Phillips, commented, "the John Wayne of football."

The voice, the walk, the face and the famous houndstooth check hat helped make him an institution, of course, but he knew more than a little something special about the game and about inspiring the best in the young men he fielded. They said so at the time, and the tributes we are hearing today from graduates of the School of Bear are too moving not to be from their hearts.

If there was one aspect of his profession and high standing that he was slow to recognize, it was that a great team should be recruited from all the talent, no matter a student's race. But when he did, he did it all-out, with candor and with a fairness and attention to all players. "Times have changed," he said, "and I've matured and changed. People are people, and they can't be treated by the color of their skin."

And this fall, Mr. Bryant decided that in fairness to all his young men, they deserved better coaching than he could give them anymore. That was it, and the man who never had a losing season retired with a 323-85-17 record, and with the fondest farewell any bear ever had—and deserved.

REMEMBERING BERTHA ADKINS

Mr. MATHIAS. Mr. President when our son Rob and Chip Strayer were making a bicycle tour for me during the 1980 senatorial campaign, they pitched their tent on the hospitable lawn of Bertha Adkins in Oxford, Md. As they crawled into their sleeping bags, Miss Adkins promised to call them early to start campaigning in the morning, but warned them that breakfast would be light since she was not a good cook.

If Bertha Adkins was not a good cook, cooking must have been the only thing that she did not do well.

As a teacher, as a public official, as a community leader, and as an active woman she excelled in every field.

Throughout American history women have made enormous contributions to the advancement of our Republic. We are all aware of the special role in our history played by Lucretia Mott and Susan B. Anthony in advancing women's rights, by Eleanor Roosevelt and Clare Booth Luce in advancing human rights, and by Amelia Earhart and our newest astronaut and Space Shuttle crew member, Sally Ride, in advancing our reach into the skies. But with these notable exceptions and a few others, the great majority of the contributions made to our national life by American women have been made quietly and without substantial recognition.

Bertha Sheppard Adkins was such a woman. Miss Adkins served as Under Secretary of Health, Education, and Welfare in President Eisenhower's administration. She was one of the first American women to serve at that level of Government. She also played a major role in the national Republican Party.

Bertha Adkins died last month at the age of 76 in Easton, Md. The story of her career as recounted by Mary Corddry of the Baltimore Sun, sums up a life of manifold contributions of a great Maryland lady.

I ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BERTHA S. ADKINS

(By Mary Corddry)

Born in Salisbury into a family traditionally active in local Republican politics and civic affairs, Miss Adkins advanced from precinct level campaign work for an Eastern Shore congressman in 1946 to Republican national committeewoman in 1948, executive director of the women's division of the party in 1950 and assistant chairman of the national committee in 1952.

When she was appointed undersecretary of health, education and welfare in 1958 she was believed the first woman undersecretary in any government department.

While holding that office she represented the United States at a United Nations seminar in Bogota, Colombia; as speaker at an American Day Festival in Pori, Finland; in a United States delegation to Poland, and as the only woman delegate to a UNESCO meeting in Paris.

She resigned the post in 1961 when President Dwight D. Eisenhower left office and had lived for the last 15 years in a waterfront home overlooking the Tred Avon river in Oxford. But she remained one of the most sought after women for public service at both the national and local levels.

After leaving HEW she became the head of Foxcroft School in Middleburg, Va., staying there until 1967 and serving at the same time on the board of trustees of American University, a national committee for the United Church Women and a national fundraising committee for the American Red Cross.

She had just settled into her Oxford home with a bassett hound named Horatio, a farewell gift from Foxcroft students, when she was asked by New York Governor Nelson D. Rockefeller to work for his nomination as Republican presidential candidate. She became co-chairman of his campaign in 1968.

After Richard M. Nixon won the nomination she again returned to Oxford and channeled her energies into offices on the Talbot County Human Relations Commission, the county Commission on Aging, and other civic and church work.

She was also on the board of the Adkins Company, a family lumber and building supply business with operations throughout the Shore, and was chairman of the board at the time of her death.

With characteristic calm and warmth, and a well-informed concern, she combined community service with her responsibilities at the national level.

In 1974 she was named chairwoman of the Federal Council on Aging, a group of 15 persons nominated by the president and approved by the Senate to advise the president and Congress on the needs of senior citizens.

In that role she was the spokeswoman for the United States at an international conference on the problems of senior citizens in Paris in June 1975.

In an interview in that period Miss Adkins said she had little patience with the growing tendency "to equate active Republican with active conservative." Miss Adkins's political activities were always merged with social concerns.

In 1975 she chaired a series of 10 programs on the problems of the elderly that were televised nationally.

Among the Shore's most respected educators, she served in 1977 as the only woman member of a special task force appointed by the Maryland State Board of Higher Education to study the feasibility of merging Salisbury State College and the University of Maryland Eastern Shore. The task force recommended instead an upgrading of the predominantly black UM campus that continues today.

The same year she was one of a delegation of women invited to visit the People's Republic of China.

Recalling her long involvement in Republican politics, Miss Adkins said in a recent conversation that when she was growing up Republicans were so rare on the Shore that her grandfather ran for office just to see the name of a Republican on the ballot. She came along, she said, with a touch of characteristic wit, "when Roosevelt had made it respectable to be a Republican on the Eastern Shore."

Ironically, the most detailed account of Miss Adkins's career to be found in the Wicomico county public library in Salisbury is in a book called "Ladies of Courage" by the great lady of the Democrats, Eleanor Roosevelt, who describes the impact made on the status of women in politics by "quiet, thoughtful Bertha Adkins" from "the tranquil Eastern Shore."

Miss Adkins entered politics after earning degrees from Wellesley College and Columbia University and serving as dean of women at Western Maryland College. She had returned to her native Salisbury in 1946 to run her father's household after her mother's death and began working for the successful congressional campaign of Edward T. Miller of Easton.

Her gift for organization and leadership so impressed some of the leading Republican men in the state that she was chosen as national committeewoman for Maryland, a move which infuriated some of the veteran women in the party. Only a few weeks ago Miss Adkins recalled for visitors her initial consternation when The Sun ran an article on her appointment under the headline, "Republican Women Shun Miss Adkins."

After that appointment she quickly climbed rapidly to the top of the national party organization.

Miss Adkins has described her association with President Eisenhower as the most satisfying of her life's experiences. "There is no question," she once said, "that a happy marriage and family are the ultimate for a woman in our society. But if that does not occur—I have had a very happy life."

Memorial services for Miss Adkins will be held at 11 a.m. Monday at the Oxford United Methodist Church and at 2 p.m. Monday at Bethesda Methodist Church in Salisbury.

The family suggested that memorial gifts be made to the Bertha Adkins Internship at Wellesley College, Wellesley, Mass. 02181.

TIMELY ENACTMENT OF APPROPRIATIONS BILLS

(By request of Mr. RUDMAN, the following statement was ordered to be printed in the RECORD:)

● Mr. HATFIELD. Mr. President, in the waning days of the last Congress a large number of Members expressed their consternation and concern over the need to take action on the massive continuing resolution. Why can we not pass appropriations bills on a timely basis? Why do we seemingly always close the session with a mad scramble over an enormously complex continuing resolution within time constraints which virtually preclude close examination and consideration? These questions were raised repeatedly, along with a number of statements that we have to change Senate procedures and rules to force timely enactment of individual appropriations bills.

Mr. President, amid this discussion one statement by the senior Senator from New York was especially telling. He said: "Do not look to procedure where the question is substance." I believe this observation is vital to understand the nature of the problem confronting us. There is no magic solution to getting appropriations bills passed before the start of the fiscal year. It is merely a question of substance and priorities. Rather than confront difficult, real-world appropriations issues, we have repeatedly chosen to do other business in the time available to conduct legislation business.

It is instructive to look at this past session, as an example, to see if we can determine what the real problems are. First, the President's budget for fiscal year 1983 which was submitted to Congress on February 8 was widely acclaimed to be "dead as a doornail" almost before it was printed. In the week that followed its near instantaneous death, the country was held in suspense by the resuscitation efforts of the "Gang of 17" which, while not altogether successful, were sufficient to piece together an alternative which served as the basis for the deliberations on the first budget resolution. This initial confusion however, did take its toll in terms of precious time as the budget resolution setting forth the basic framework within which appropriations bills and other spending measures fall was not adopted until June 23, nearly 5 weeks beyond the mandated May 15 deadline. In the meantime Congress was engaged in an altercation with the President which resulted in two vetoes of a supplemental appropriations bill. After a third attempt at passing this supplemental was successful, the Congress began work on the regular "spring" supplemental. This too was vetoed, but Congress finally overrode the President's veto in September. The Congress was also engaged in other business. The debt limit extension bill was debated on the floor from August 17 until September 23, when the Senate finally decided it would pass the one sentence measure without amendment.

The late adoption of the budget resolution and the time consumed by the repeated vetoes of the supplemental appropriations bills took its toll on House action on the regular appropriations bills for fiscal year 1983. The House, which by tradition originates all appropriations bills, was able to pass only one regular fiscal year 1983 bill by September 1, and completed action on only four additional bills and the continuing resolution by September 30. This left eight bills for the lameduck session. In the 5 days of legislative session between September 23, when action on the debt limit extension measure was finally completed, and October 1, the Senate passed four of the appropriations bills received from the House including the continuing resolution. The other two could not be acted upon by the Senate, one because of a "hold" which was placed on its consideration, and the other because the House passed it on the last day of the fiscal year.

Bear in mind that the consideration and enactment of an appropriations bill is no simple task. The passage of appropriations bills is one of the few truly necessary tasks confronting the Congress each year, since under the

Consitution, "no funds can be drawn from the Treasury but in consequence of appropriations passed into law." The committee takes this responsibility very seriously. While in the last few years an increasing amount of attention has been placed on the adoption of the overall budget plan embodied in the concurrent resolutions on the budget, this committee must still exercise its responsibility under the Constitution to carefully review each funding request before funds are actually spent by the Government. We cannot choose not to pass appropriations bills as has been the case with the second budget resolutions for the past 2 years. An appropriation bill becomes a public law while a budget resolution is only an expression of congressional intent binding on Congress only. Aggregate budgetary constraints have made this heavy responsibility all the more difficult. Last year the Committee on Appropriations conducted 194 separate hearings on the fiscal year 1983 budget. These hearings yielded testimony totaling in excess of 25,000 pages not counting the thousands of pages of detailed budget justifications submitted annually by the administration. This body of information is the basis upon which the committee makes it recommendations on the literally thousands of individual budgetary components which make up the portion of the Federal budget under its spending jurisdiction.

The Committee on Appropriations recognizes the disservice to the American taxpayers that a continuing resolution with its broad and imprecise formulas can do to rational budgeting. A former member of the committee staff was fond of expressing this concern in a charge he posed to his colleagues—that was to make sure that each taxpayer's dollar be so spent as if it was their own. A continuing resolution simply does not allow that attention to detail and each member of the Committee on Appropriations recognizes this. We desperately want individual appropriations to be enacted on time, so as to assure that each dollar is spent as wisely as possible. But we cannot fully discharge our responsibilities when we have only 5 days before the start of the fiscal year to pass 13 very complex and detailed appropriations bills, we cannot craft reasonable measures when the aggregate congressional budget plan for the fiscal year is delayed seemingly interminably over economic theories and forecasts which too frequently bear little relation to reality. We cannot pass good, well considered bills when the Congress wastes a month with prolonged debate on extraneous amendments to the debt limit extension, especially in a month just prior to the start of the fiscal year so critical to consideration of appropriations bills.

Mr. President, I would like to impress on my colleagues that the committee has not been sitting on its hands decrying what the rules and the budgetary circumstances have done to our track record. The committee is committed to doing its part in expediting action on the regular appropriations bills, and I know we will be improving on that record this year. While it is traditional that we take no formal action on appropriations bills prior to House passage, increasingly the time constaints confronting the Congress between the time that the first budget resolution is adopted and the start of the fiscal year have forced us to be even more innovative. Last year the committee reported 10 of the 13 regular appropriations bills prior to House passage. Nine appropriations bills were ordered reported before the end of the fiscal year. To further accelerate action, I believe that we may have to proceed with Senate floor consideration of original Senate appropriations bills. By completing all Senate floor consideration, up to third reading of the bill, we can be in a position of continuing to conference with the House almost immediately following passage of the House bill. I do not take this recommendation lightly, it does involve a great deal more work, and it is a radical departure from the traditional legislative procedures for the consideration of appropriations bills, but we are willing to do all we can to facilitate final action on appropriations bills before the start of the fiscal year. Those responsible for floor scheduling, however, would be well advised that should this procedure be adopted, we may be in for a very long and difficult summer. Thirty-six floor amendments were offered to the first continuing resolution last year, and nearly double that number on the last one. These amendments all need a home, a legislative vehicle that has a good chance of being enacted into law, and if it looks like there will be no need for a continuing resolution, these amendments will likely be offered to the relevant appropriations bill. I therefore expect the debate on the regular appropriations bills to be protracted and will require far more time than has been our recent experience.

Mr. President, in addition, there are some appropriate rule changes which can facilitate the consideration of individual appropriations bills. For example, it would be very helpful if Senate procedures were amended so that "holds" preventing the consideration of bills could not be maintained so easily. In fact, I would recommend that no individual member be allowed to prevent floor consideration of any appropriations bill. Another promising approach would be to adopt a procedure whereby special orders governing the consideration of individual bills could be adopted to limit dilatory debate.

These changes could help us move appropriations bills faster, but as I have stated before, the real problem in delaying these bills is not our rules, it is us. Unless each of us resolves to confront the very real and difficult problems inherent to constructing appropriations bills, unless we all agree that it is important to enact these bills by the start of the fiscal year unless we commit ourselves to spending the time and effort to address these issues early in the year, no set rule changes, no artificial deadlines or schedules, and no budget formulation will be of any real help or lasting benefit.

Two-year budgets will probably just mean that the budget will be very late every other year—it may be of interest to Members that in fiscal year 1976, effectively a 15-month fiscal year because of the added transition quarter to change the start of the fiscal year to October 1, two regular appropriations bills for that year were signed into law 12 months late. The notion of a "permanent continuing resolution" would leave us with no deadlines at all, and would likely worsen our record rather than improve it. The repeated attempts, including my own, to keep legislative riders off appropriations bills have proven to be futile.

No, we know too well that the clever minds which promulgate new rules and reforms are cleverer still in negating their effect. While reasonable and prudent procedures can help us, we cannot rely on them to reform our own errant ways. We must look within ourselves if we are to better discharge our responsibilities to the Nation.

Mr. President, I hope we are equal to this challenge.●

NANCY HANKS CENTER

Mr. STAFFORD. Mr. President, I am pleased that the House yesterday passed and sent to the President for signature S. 61, the bill reported by myself from the Committee on Environment and Public Works to name a "Nancy Hanks Center" at the Old Post Office Building in Washington.

Since the bill passed the Senate last Thursday, I have heard from several of our colleagues who indicated that they would like to cosponsor the bill. I would like the RECORD to reflect that in addition to the cosponsors previously announced Senator KENNEDY, Senator GORTON, Senator KASTEN, and Senator ANDREWS also wanted to be recorded as cosponsors.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL TRAILS SYSTEM ACT AMENDMENTS

The PRESIDING OFFICER. The clerk will now report calendar order No. 2.

The legislative clerk read as follows:

A bill (S. 271) to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment.

On Page 26, after line 19, insert the following:

TITLE V—COMMEMORATION OF THE TRAVELS OF WILLIAM BARTRAM

SEC. 501. (a) The Congress finds that—

(1) William Bartram's travels contributed to natural history, literature, and exploration and are of national and regional significance;

(2) a wider segment of the public should be afforded the opportunity to share in Bartram's natural, cultural, and historic resource contributions to America's heritage; and

(3) a segmented William Bartram Heritage Trail would be a practical and appropriate commemoration to a great American naturalist worthy of national recognition.

(b) In order that significant route segments and sites, recognized as associated with the travels of William Bartram may be distinguished by suitable markets, the Secretary of the Interior is authorized to accept the donations of such suitable markers for placement at appropriate locations on lands administered by the Secretary of the Interior and, with the concurrence of the Secretary of Agriculture and other appropriate heads of Federal agencies, on lands under their jurisdiction. The determination of the placement of markers to commemorate the travels of William Bartram shall be made by the Secretary of the Interior in consultation with the Bartram Trail conference and affected local and State governments. Such markers shall be placed by the Secretary of the Interior pursuant to the authority granted by the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 470 et seq.).

(c) The markers authorized by subsection (b) shall be placed in association with the William Bartram Trail segments identified on maps contained in the study entitled "Bartram Trail, National Scenic/Historic Trail Study", dated February 1982, and submitted to the Congress pursuant to the provisions of section 5 of the National Trails Systems Act (16 U.S.C. 1244).

So as to make the bill read:

S. 271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—LIMITATION ON APPROPRIATIONS

SEC. 101. Authorizations of appropriations under this Act shall be effective only for the fiscal year beginning on October 1, 1983, and subsequent fiscal years. Notwithstanding any other provision of this Act, authority to enter into contracts, and to make payments, under this Act shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE II—AMENDMENTS TO THE NATIONAL TRAILS SYSTEM ACT

SEC. 201. This title may be cited as the "National Trails System Act Amendments of 1983".

SEC. 202. Section 2 of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241 et seq.) is amended—

(1) in subsection (b), by striking out "the purpose" and inserting in lieu thereof "The purpose"; and

(2) by adding at the end thereof the following new subsection:

"(c) The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this Act to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.".

SEC. 203. Section 3 of the National Trails System Act is amended—

(1) by striking out "composed of—" and inserting in lieu thereof "composed of the following:";

(2) by redesignating paragraphs (a) through (d) as paragraphs (1) through (4), respectively, and by inserting "(a)" after "SEC. 3.";

(3) in paragraph (2) of subsection (a) (as so redesignated), by adding at the end thereof the following: "National scenic trails may be located so as to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.";

(4) in the fourth sentence of paragraph (3) of subsection (a) (as so redesignated), by striking out "Act, are established as initial" and inserting in lieu thereof "Act are included as";

(5) in the fifth sentence of paragraph (3) of subsection (a) (as so redesignated), by striking out "subsequently"; and

(6) by adding at the end thereof the following new subsections:

"(b) For purposes of this section, the term 'extended trails' means trails or trail segments which total at least one hundred miles in length, except that historic trails of less than one hundred miles may be designated as extended trails. While it is desirable that extended trails be continuous, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least one hundred miles in length.

"(c) On October 1, 1982, and at the beginning of each odd numbered fiscal year thereafter, the Secretary of the Interior shall submit to the Speaker of the United States House of Representatives and to the President of the United States Senate, an initial and revised (respectively) National Trails System plan. Such comprehensive plan shall indicate the scope and extent of a completed nationwide system of trails, to include (1) desirable nationally significant scenic and historic components which are considered necessary to complete a comprehensive national system, and (2) other trails which would balance out a complete and comprehensive nationwide system of trails. Such plan, and the periodic revisions thereto, shall be prepared in full consultation with the Secretary of Agriculture, the Governors of the various States, and the trails community.".

SEC. 204. Section 4(b) of the National Trails System Act is amended—

(1) in clauses (i) and (ii) by striking out "Secretary of the Interior" and inserting in lieu thereof "appropriate Secretary";

(2) in clause (i), by striking out "agencies, and" and inserting in lieu thereof "agencies;";

(3) in clause (ii), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(iii) trails on privately owned lands may be designated 'National Recreation Trails' by the appropriate Secretary with the written consent of the owner of the property involved.".

SEC. 205. (a) Section 5(a) of the National Trails System Act is amended by adding at the end thereof the following:

"(11) The Potomac Heritage National Scenic Trail, a corridor of approximately seven hundred and four miles following the route as generally depicted on the map identified as 'National Trails System, Proposed Potomac Heritage Trail' in 'The Potomac Heritage Trail', a report prepared by the Department of the Interior and dated December 1974, except that no designation of the trail shall be made in the State of West Virginia. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail. The Secretary of the Interior may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of the Interior.

"(12) The Natchez Trace National Scenic Trail, a trail system of approximately six hundred and ninety-four miles extending from Nashville, Tennessee, to Natchez, Mississippi, as depicted on the map entitled 'Concept Plan, Natchez Trace Trails Study' in 'The Natchez Trace', a report prepared by the Department of the Interior and dated August 1979. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

"(13) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in 'The Florida Trail', a national scenic trail study draft report prepared by the Department of the Interior and dated February 1980. The report shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of the owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture.".

(b) Section 5(b) of the National Trails System Act is amended—

(1) by inserting after the second sentence the following: "The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible.";

(2) in paragraph (b)(3), by inserting "16" before "U.S.C."; and

(3) in paragraph (b)(11)(B) by inserting the word "exploration," after "commerce," in the first sentence.

(c) Section 5(c) of the National Trails System Act is amended—

(1) in paragraph (9), by striking out "Sante Fe" and inserting in lieu thereof "Santa Fe"; and

(2) by adding after paragraph (23) the following:

"(24) Juan Bautista de Anza Trail, following the overland route taken by Juan Bautista de Anza in connection with his travels from the United Mexican States to San Francisco, California.

"(25) Trail of Tears, including the associated forts and specifically, Fort Mitchell, Alabama, and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahlequah, Oklahoma.

"(26) Illinois Trail, extending from the Lewis and Clark Trail at Wood River, Illinois, to the Chicago Portage National Historic Site, generally following the Illinois River and the Illinois and Michigan Canal.

"(27) Jedediah Smith Trail, to include the routes of the explorations led by Jedediah Smith—

"(A) during the period 1826-1827, extending from the Idaho-Wyoming border, through the Great Salt Lake, Sevier, Virgin, and Colorado River Valleys, and the Mojave Desert, to the San Gabriel Mission, California; thence through the Tehachapi Mountains, San Joaquin and Stanislaus River Valleys, Ebbetts Pass, Walker River Valley, Bald Mount, Mount Grafton, and Great Salt Lake to Bear Lake, Utah; and

"(B) during 1828, extending from the Sacramento and Trinity River Valleys along the Pacific coastline, through the Smith and Willamette River Valleys to the Fort Vancouver National Historic Site, Washington, on the Columbia River.

"(28) General Crook Trail, extending from Prescott, Arizona, across the Mogollon Rim to Fort Apache.

"(29) Beale Wagon Road, within the Kaibab and Coconino National Forests in Arizona: *Provided*, That such study may be prepared in conjunction with ongoing planning processes for these National Forests to be completed before 1990.".

(d) Section 5(d) of the National Trails System Act is amended—

(1) by inserting after the first sentence the following: "If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate committees of the Congress."; and

(2) by redesignating paragraphs (i) through (iv) as paragraphs (1) through (4), respectively, and by amending paragraph (1) (as so redesignated) to read as follows:

"(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;".

(e) Section 5(f) of the National Trails System Act is amended—

(1) in paragraph (1), by striking out "national recreational" and inserting in lieu thereof "national historic", and by striking out "and" after the semicolon;

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(3) a protection plan for any high potential historic sites or high potential route segments; and

"(4) general and site-specific development plans, including anticipated costs.".

SEC. 206. Section 6 of the National Trails System Act is amended—

(1) in the first sentence, by inserting "by the appropriate Secretary" after "marked"; and

(2) by striking out ": *Provided*" and all that follows through the period and inserting in lieu thereof the following: ", or, where the appropriate Secretary deems necessary or desirable, on privately owned lands with the consent of the landowner. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the appropriate Secretary.".

SEC. 207. (a) Section 7 of the National Trails System Act is amended—

(1) by striking out "SEC. 7. (a)" and inserting in lieu thereof "(2)"; and

(2) by inserting the following immediately after the section heading:

"SEC. 7. (a)(1)(A) The Secretary charged with the overall administration of a trail pursuant to section 5(a) shall, in administering and managing the trail, consult with the heads of all other affected State and Federal agencies. Nothing contained in this Act shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System. Any transfer of management responsibilities may be carried out between the Secretary of the Interior and the Secretary of Agriculture only as provided under subparagraph (B).

"(B) The Secretary charged with the overall administration of any trail pursuant to section 5(a) may transfer management of any specified trail segment of such trail to the other appropriate Secretary pursuant to a joint memorandum of agreement containing such terms and conditions as the Secretaries consider most appropriate to accomplish the purposes of this Act. During any period in which managment responsibilities for any trail segment are transferred under such an agreement, the management of any such segment shall be subject to the laws, rules, and regulations of the Secretary provided with the management authority under the agreement, except to such extent as the agreement may otherwise expressly provide.";

(3) in the first sentence of paragraph (2) of this subsection (a) (as redesignated by paragraph (1) of this subsection), by striking out "thereof", and inserting in lieu thereof "of the availability of appropriate maps or descriptions", and striking out ", together with appropriate maps and descriptions".

(b) Section 7(b) is amended—

(1) by inserting "of the availability of appropriate maps or descriptions" after "notice"; and

(2) by striking out "together with appropriate maps and descriptions,".

(c) Section 7(c) is amended by adding at the end thereof the following: "The appropriate Secretary may also provide for trail interpretation sites, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, at the lowest possible cost, with emphasis on the portion of the trail passing through the State in which the site is located. Wherever possible, the sites shall be maintained by a State agency under a cooperative agreement between the appropriate Secretary and the State agency.".

(d) Section 7(e) of the National Trails System Act is amended by—

(1) deleting reference in the first sentence to "subsection (g)" and substituting, in lieu thereof, "subsection (f)"; and

(2) by deleting the period at the end of the first sentence, and in lieu thereof, substituting a colon and the following proviso: *"Provided further,* That the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities.".

(e) Section 7(f) of the National Trails System Act is amended by inserting "(1)" after "(f)" and by adding at the end thereof the following:

"(2) In acquiring lands or interests therein for a National Scenic or Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this Act, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including: (i) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and (ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this Act. The proceeds from any disposal shall be credited to the appropriation bear-

ing the costs of land acquisition for the affected trail.".

(f) Section 7(g) of the National Trails System Act is amended in the last sentence by striking out "No" and inserting in lieu thereof "Except for designated protected components of the trail, no".

(g) Section 7(h) of the National Trails System Act is amended—

(1) by inserting "(1)" after "(h)";

(2) in the second sentence, by striking out "a national scenic or national historic trail" and inserting in lieu thereof "such a trail";

(3) by inserting after the second sentence the following: "Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 and the Volunteers in the Forests Act of 1972) to individuals, private organizations, or landowners participating in such activities, or provisions of both types. The appropriate Secretary shall also initiate consultations with affected States and their political subdivisions to encourage—

"(A) the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use, and

"(B) the development and implementation by such entities of provisions for land practices, compatible with the purposes of this Act,

for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection."; and

(4) by striking out "Whenever the" in the last sentence of such subsection and inserting in lieu thereof the following:

"(2) Whenever the".

(h) Section 7(i) of the National Trails System Act is amended by adding at the end thereof the following new sentence: "The Secretary responsible for the administration of any segment of any component of the National Trails System (as determined in a manner consistent with subsection (a)(1) of this section) may also utilize authorities related to units of the national park system or the national forest system, as the case may be, in carrying out his administrative responsibilities for such component.".

(i) Section 7 of the National Trails System Act is amended by inserting after subsection (i) the following:

"(j) Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles. In addition, trail access for handicapped individuals may be provided. The provisions of this subsection shall not supersede any other provisions of this Act or other Federal laws, or any State or local laws.

"(k) For the conservation purpose of preserving or enhancing the recreational, scenic, natural, or historical values of components of the national trails system, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with section 170(h)(3) of the Internal Revenue Code of 1954, including, but not limited to, right-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96-541.".

SEC. 208. Section 8 of the National Trails System Act is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) The Secretary of Transportation, the Chairman of the Interstate Commerce Commission, and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory Reform Act of 1976, shall encourage State and local agencies and private interests to establish appropriate trails using the provisions of such programs. Consistent with the purposes of that Act, and in furtherance of the national policy to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use, in the case of interm use of any established railroad rights-of-way pursuant to donation, tranfer, lease, sale, or otherwise in a manner consistent with the National Trails System Act, if such interim use is subject to restoration or reconstruction for railroad purposes, such interim use shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes. If a State, political subdivision, or qualified private organization is prepared to assume full responsibility for management of such rights-of-way and for any legal liability arising out of such tranfer or use, and for the payment of any and all taxes that may be levied or assessed against such rights-of-way, then the Commission shall impose such terms and conditions as a requirement of any transfer or conveyance for interm use in a manner consistent with this Act, and shall not permit abandonment or discontinuance inconsistent or disruptive of such use.".

SEC. 209. Section 10 of the National Trails System Act is amended—

(1) by inserting "(a)(1)" after "SEC. 10.";

(2) by striking out "(a) The" in the second sentence and inserting in lieu thereof "for the";

(3) by striking out "It is the express intent" and inserting in lieu thereof the following:

"(2) It is the express intent";

(4) in subsection (a)(2) (as designated by paragraph (3) of this subsection), by inserting "Appalachian" before "Trail"; and

(5) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by inserting before the period at the end of paragraph (1) (as designated by subparagraph (A) of this paragraph) ", except that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation site, as described in section 7(c), along with such trail in each State crossed by the trail"; and

(C) by adding at the end of each such subsection the following:

"(2) There is hereby authorized to be appropriated for fiscal year 1983 and subsequent fiscal years such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs (9) through (13) of section 5(a) of this Act. Not more than $500,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section 5(a)(12) of this Act, and not more than $2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.".

SEC. 210. The National Trails System Act is amended by adding the following new sections at the end thereof:

"VOLUNTEER TRAILS ASSISTANCE

"SEC. 11. (a)(1) In addition to the cooperative agreement and other authorities contained in this Act, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

"(2) Wherever appropriate in futherance of the purposes of this Act, the Secretaries are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

"(b) Each Secretary or the head of any Federal land managing agency may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing trails. Volunteer work may include, but need not be limited to—

"(1) planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for designation as components of the national trails system; or

"(2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and maintenance.

"(c) The appropriate Secretary or the head of any Federal land managing agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

"SEC. 12. As used in this Act:

"(1) The term 'high potential historic sites' means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

"(2) The term 'high potential route segments' means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.

"(3) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

"(4) The term 'without expense to the United States' means that no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interests in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Fund Act of 1965 or any other provision of law shall not be treated as an expense to the United States.".

TITLE III—DESIGNATION OF THE "BIZZ JOHNSON TRAIL"

SEC. 301. The Congress finds that Harold T. "Bizz" Johnson, for twenty-two years a United States Representative from the State of California, should be afforded recognition for his deep appreciation and respect for the mountains, forests, rivers, and fertile valleys of northern California, and for his sustained efforts to protect areas especially suited to outdoor recreation and the enjoyment of nature, and to assure public access thereto. Bizz Johnson took an early and leading interest in proposals to convert an abandoned railroad right-of-way in Lassen County to a twenty-five-mile trail to provide access to the undeveloped Susan River Canyon in the Sierra Nevada Mountains for hikers, horseback riders, cross-country skiers, handicapped individuals, and others. As Representative for the First Congressional District he worked with, and provided major assistance to, local groups, officials of the city of Susanville and the county of Lassen, the Bureau of Land Management, the Forest Service, and the Trust for Public Land in implementing plans for the project.

SEC. 302. The Susanville-Westwood Rails to Trails project described in a joint Bureau of Land Management/Forest Service Recreation Land Acquisition Composite, converting an abandoned railbed in Lassen County, California, extending from the county seat in Susanville westward twenty-five miles to Mason Junction, four miles from the community of Westwood, and traversing the Susan River Canyon, to a public recreation trail is hereby designated and hereafter shall be known as the "Bizz Johnson Trail". Any law, regulation, record, map, or other document of the United States referring to this trail shall be held to refer to the "Bizz Johnson Trail", and any future regulations, records, maps, or other documents of the United States, in reference to this trail, shall bear the name "Bizz Johnson Trail".

SEC. 303. The Secretary of the Interior is authorized and directed, in cooperation with the city of Susanville and the county of Lassen, State of California, to design and erect at a suitable location along the Bizz Johnson Trail an appropriate marker in commemoration of the outstanding contributions of Harold T. "Bizz" Johnson toward the protection of undeveloped scenic areas of northern California for the use and enjoyment of the American people, in perpetuity.

SEC. 304. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

TITLE IV—ROY TAYLOR FOREST

SEC. 401. The Congress finds and declares that Roy Taylor, for sixteen years a United States Representative from the State of North Carolina, a member of the Committee on Interior and Insular Affairs, and chairman of the Subcommittee on National Parks and Recreation, should be afforded recognition for his deep appreciation, affection and respect for the mountains, forests, and streams of western North Carolina, and for his sustained efforts to protect areas especially suited to outdoor recreation and the enjoyment of nature, and to assure public access thereto.

SEC. 402. The thirty-nine thousand acres of forested mountain land within the Nantahala National Forest in Jackson County, North Carolina, commonly referred to as the Balsam-Bonas Defeat area, are hereby designated and hereafter shall be known as the "Roy Taylor Forest". Any law, regulation, record, map, or other document of the United States referring to this land shall be held to refer to the "Roy Taylor Forest", and any future regulations, records, maps, or other documents of the United States, in reference to this area of the Nantahala National Forest, shall bear the name "Roy Taylor Forest".

SEC. 403. The Secretary of Agriculture is authorized and directed, in cooperation with the county of Jackson, State of North Carolina, to design and erect at a suitable location in the Roy Taylor Forest area an appropriate marker in commemoration of the outstanding contributions of Roy Taylor toward the protection of public lands in western North Carolina and the Nation for the use and enjoyment of the American people.

SEC. 404. The Secretary of the Interior is authorized and directed to make designations regarding the Roy Taylor Forest area in publications produced for the Blue Ridge Parkway. The Secretary is further authorized to erect appropriate signs at a suitable location on the Blue Ridge Parkway to commemorate the contributions of Roy Taylor and the designation of the forest area authorized in this title.

SEC. 405. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

TITLE V—COMMEMORATION OF THE TRAVELS OF WILLIAM BARTRAM

SEC. 501. (a) The Congress finds that—

(1) William Bartram's travels contributed to natural history, literature, and exploration and are of national and regional significance;

(2) a wider segment of the public should be afforded the opportunity to share in Bartram's natural, cultural, and historic resource contributions to America's heritage; and

(3) a segmented William Bartram Heritage Trail would be a practical and appropriate commemoration to a great American naturalist worthy of national recognition.

(b) In order that significant route segments and sites, recognized as associated with the travels of William Bartram may be distinguished by suitable markers, the Secretary of the Interior is authorized to accept the donations of such suitable markers for placement at appropriate locations on lands administered by the Secretary of the Interior and, with the concurrence of the Secretary of Agriculture and other appropriate heads of Federal agencies, on lands under their jurisdiction. The determination of the placement of markers to commemorate the travels of William Bartram shall be made by the Secretary of the Interior in consultation with the Bartram Trail conference and affected local and State governments. Such markers shall be placed by the Secretary of the Interior pursuant to the authority granted by the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 470 et seq.).

(c) The markers authorized by subsection (b) shall be placed in association with the William Bartram Trail segments identified on maps contained in the study entitled "Bartram Trail, National Scenic/Historic Trail Study", dated February 1982, and submitted to the Congress pursuant to the provisions of section 5 of the National Trails System Act (16 U.S.C. 1244).

The PRESIDING OFFICER. There will be 20 minutes debate allowed on this bill.

Mr. McCLURE. Mr. President, the National Trails System Act of 1968 was intended by the Congress to be a generic measure through which the outdoor recreation opportunities of America could be expended by the development of a nationwide program to establish and maintain trails of various kinds. Two national scenic trails—the Appalachian Trail, running from Maine to Georgia and the Pacific Crest Trail, running through California, Oregon, and Washington—were established. Several additional trail routes were designated for study under the terms of the act, with reports to be made to the Congress for possible later designation as national scenic trails. The act also contained provisions for the administrative establishment of national recreation trails.

The 94th Congress conducted oversight hearings on the act, and also enacted legislation designating additional routes for study under the act. The oversight hearings revealed that the Federal agencies were not moving expeditiously to implement the provisions of the original act with respect to the protection of the designated trails. Completion of the required studies was slow, thus frustrating any rapid expansion of the system. Concerns were also expressed that numerous trail routes being studied did not lend themselves to the national scenic trail designation but had significant historical values.

The 95th Congress responded to these concerns with the enactment of amendments to the act which established an expedited program to complete the protection of the Appalachian Trail. Further amendments established a new category of national his-

toric trails under the parent act, and designated several additional components of the national system.

The hearings and related discussions during these recent sessions of Congress brought forth several points from the trails community and agency professionals also responsible for the implementation of National Trails System Act in the Departments of Agriculture and the Interior. There was a consensus that the diverse needs of various types of trail users could not be met by Federal agencies alone. Volunteer efforts by interested trail users themselves, working in concert, with various levels of government, have been highly effective in expanding trail recreation opportunities at low cost. Finally, with a decade of experience under the 1968 act to draw upon, there was a sense that a number of adjustments to the act could be made to enhance the ability to advance trail recreation programs in a variety of ways.

The production of that effort, H.R. 8087, was reported by the House Committee on Interior and Insular Affairs and subsequently adopted by the House of Representatives on September 22, 1980. Although the Senate later approved a modified text of H.R. 8087 as part of another measure, disagreement with other items not relating to the trails measure prevented the final enactment of the legislation.

H.R. 861, as reported last Congress by the Senate Committee on Energy and Natural Resources, was a refinement of the measure which was approved by the House of Representatives during the 96th and 97th Congresses. The bill, as introduced in the House contained the text approved by the Senate in 1980. Following additional hearings in 1981, the House committee recommended a revised text which eliminated most of the items which could require future Federal expenditures. The House-amended text was also more cautious in designating any additional components of the national trails system, deleting several proposed national historic trails in order to permit additional review by the Department of the Interior. Additional recommendations reflected continuing efforts to encourage the expansion of trail recreation opportunities across the Nation at low cost. H.R. 861 placed a greater reliance on citizen participation than ever before to accomplish the purpose of the National Trails System Act of 1968.

Mr. President, H.R. 861, as reported by the Senate Committee on Energy and Natural Resources in the 97th Congress, further amended the House passed act to include: several clarifying and substantive amendments; expansion of the volunteer authority to other land managing agencies besides the NPS and Forest Service; the deletion of a section limiting the imposition of entrance fees or admission to certain Federal areas. H.R. 861 failed to pass in the 97th Congress again due to disagreements with other matters not related to the trails measure.

S. 271 was introduced by myself and Senator WALLOP on January 27, 1983. S. 271 as introduced contained the exact language of H.R. 861 as amended and reported by the committee in the last Congress except that authorization of funds to be appropriated was changed from fiscal year 1982 to fiscal year 1983.

Mr. President, S. 271 as reported, contains an amendment commemorating William Bartram that would authorize the Secretary of the Interior to accept donations of suitable markers for placement on the Bartram Trail segments which cross Federal lands. The Secretary of the Interior is to place the marker after consultation with State and local governments and the Bartram Trail Conference.

Mr. President, I urge my distinguished colleagues to support the passage of S. 271 as reported.

● Mr. WALLOP. Mr. President, S. 271, as reported, establishes three new scenic trails, two of which are to be administered by the National Park Service and one by the U.S. Forest Service. Six trail routes are authorized for study. The bill provides for a mechanism to encourage and assist volunteer groups and citizen involvement in the Nation's trails development program. The bill also provides authority for the Secretary of the Interior to accept donations of suitable markers for the Bartram Trail.

Specifically, S. 271 designates the Potomac Heritage National Scenic Trail in accordance with a Department of the Interior report of December 1974. No part of the trail in the State of West Virginia, however, is included in the designation. The trail shall consist only of a corridor within the exterior boundaries of federally administered areas, such as the C&O National Historical Park. No additional acquisition costs are anticipated.

The Natchez Trace National Scenic Trail also would be designated, in accordance with an August 1979 Department of the Interior report. The act specifically limits appropriations for the Natchez Trace Trail to $500,000 for acquisition and $2 million for development.

Both the Potomac Heritage and Natchez Trace were studied as potential national scenic trails. The studies found them to be qualified for inclusion in the system, and we recommended that they be so designated. Since the Potomac Heritage and Natchez Trace Trails will be located almost entirely within the exterior boundaries of existing Federal areas, no additional land acquisition for these trails is contemplated.

The act also designates the Florida National Scenic Trail in accordance with a February 1982 Department of the Interior report and further provides for administration by the Secretary of Agriculture.

Mr. President, S. 271 also makes other generic amendments to the National Trails System Act.

The Subcommittee on Public Lands and Reserved Water of the Senate Committee on Energy and Natural Resources has been working with the land managing agencies to apply a land protection policy to areas funded by the land and water conservation fund. The thrust of this new policy following the land protection workshops held last year, is the use wherever appropriate of alternatives to fee purchase of land. To implement this policy, some new tools are needed. S. 271 contains several provisions that would give the National Park Service and the Forest Service some new tools to apply protection to units of the National Trails System.

At this year's workshop, the Department of the Interior released reports of certain case studies they had done. These case studies indicated how alternatives to fee simple acquisition could accomplish an appropriate level of protection and at the same time reduce Federal costs. One such study treated the Appalachian National Scenic Trail, one of the first components designated by Congress as part of the National Trails System, S. 271 provides the tools that our case study indicated would be desirable for application to the Appalachian Trail:

1. Disposal of remnant lands. S. 271 authorizes the acquisition of remnants of whole parcels, with the owner's consent, and the sale of the unneeded remnant. Under existing law, the proceeds of such a sale would go into the Land and Water Conservation Fund. Under S. 271, however, the proceeds shall be credited to the appropriation bearing the cost of land acquisition for the particular trail. Thus, these funds become immediately available, without further appropriation, for continued acquisition of needed trail rights-of-way.

2. Tax status of donated interests. S. 271 states that for Federal tax purposes, donations of less-than-fee interests for trail purposes will satisfy the requirement for conservation purposes. This language will clarify the status of donations of easements within as well as near the trail corridor, thus encouraging the cost-effective land protection.

Mr. President, I strongly support these provisions. In addition, I strongly support the provisions in S. 271 which encourage the use of volunteers in the parks and volunteers in the National Forest programs for trail maintenance, and authorize assistance to volunteers with tools and limited financial assistance. Volunteer work is highly cost effective and should be encouraged.

Mr. President, I am pleased that we have come to the point in time where the Senate is in agreement on these additions to the National Trails System and the administrative changes. The Senate amendments have been reviewed by the House and should be acceptable. I urge prompt passage.●

● Mr. DOMENICI. Mr. President, I support S. 271, the National Trails Act of 1983. I believe this is an outstanding piece of legislation. It is a bill that is very important to this Nation and will assist in making our current trails program even better than it is today.

As Senators McCLURE and WALLOP are aware, I have been very concerned over two subjects that have occurred with regards to the Trails Act. One is the subject of eminent domain and the second is the subject of liability of landowners who have adjacent property to national trails.

I think this bill addresses both of those issues in a forthright manner.

Regarding eminent domain, I believe the bill clearly states, along with the report language, that the intent is for the Federal Government to do everything possible to encourage cooperation. I think in recent years people in my State have said the Federal Government has acquired too much land from landowners using condemnation procedures that in essence short changed the property rights of the landowners. It may have been legal but it certainly was not the fair way to do things.

The second problem the bill addresses deals with the question of liability. There have been cases of citizens traveling on a national trail who have wandered off the trail onto private and then in turn been hurt on private property and sued the landowner. Or in other cases they damaged the private property of a landowner. In both situations, the only reason they were there was because of a national trail. Is that really fair to the landowner whose insurance rates must go up or who finds himself in court because we in Congress felt a national trail was needed at a certain area? This bill calls for State and local government to seek ways to alleviate those types of problems and minimize their impact.

I want to say that I support the National Trails System, I will continue to support it and will make this system even stronger than it is today.

Finally, I want to congratulate Senator McCLURE, chairman of the Energy and Natural Resources Committee and Senator WALLOP, chairman of the Subcommittee on Public Lands and Reserved Water, for bringing this bill so quickly to the floor.●

● Mr. JOHNSTON. Mr. President, I want to join the chairman of the Energy and Natural Resources Committee, Senator McCLURE, in urging my colleagues to adopt this legislation. Senator McCLURE should be congratulated for his efforts in bringing this matter before the Senate at this early date.

This measure has been before the Congress in one form or another for over 5 years. While the substance of the bill is and has always been relatively noncontroversial, we have had problems securing enactment of the measure because of repeated attempts in both Houses to use this bill as a vehicle for nongermane amendments.

I am pleased to say that we do not have that problem today, and I am very hopeful that the House will follow our lead and send this important measure to the President for his signature.

The measure before us today, S. 271, includes a number of clarifying and technical amendments to the 1968 National Trails System Act. The bill, as reported from the Senate Committee on Energy and Natural Resources, also expands the role and encourages the use of volunteers to perform trail maintenance activities. The measure also designates three new components of the National Trails System and designates six trail routes for study to determine their suitability for future inclusion in the system.

Finally, Mr. President, I should note that the committee reported bill also includes a provision commemorating the travels of William Bartram, an important American naturalist who traveled extensively in the South and Southeast.

I am pleased to support this bill and encourage my colleagues in the Senate to do the same.●

● Mr. SASSER. Mr. President, I rise in support of S. 271, the National Trails System Act as amended. I commend the Committee on Energy and Natural Resources for its early consideration of this important legislation.

Mr. President, the wealth of a nation is very often measured by its commitment to the maintenance and enhancement of its natural resources.

I am pleased by the efforts to recognize particular areas throughout this Nation which are of noteworthy historical and scenic value. I am especially pleased that the Natchez Trace, a trail which extends from Nashville, Tenn., to Natchez, Miss., was among those trails so designated.

It is my hope that we shall continue our efforts to expand the National Trails System. The National Trails System is a most important recreational program by which all Americans can share in the scenic beauty and natural history of this Nation.●

Mr. McCLURE. Mr. President, I believe there is a committee amendment. If there be no objection, I am prepared to yield back the remainder of my time in general debate and ask for the consideration of the committee amendment.

Mr. LAUTENBERG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. McCLURE. Mr. President, we are ready for a vote on the passage of the bill, as amended.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (S. 271) was passed.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I might just note the presence of the senior Senator from New Jersey (Mr. BRADLEY) on the floor, who is a valued member of our committee, and also the junior Senator from New Jersey (Mr. LAUTENBERG) the acting floor manager on the part of the minority. I think it is perhaps useful to note that the first bill passed in the new session was a real trailblazer, and I hope that pun is not too bad to stand. But I congratulate the minority and our distinguished colleagues.

Mr. LAUTENBERG. I thank the Senator.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFENSE BUDGET

Mr. GOLDWATER. Mr. President, this week, Secretary of Defense Weinberger and the Chairman of the Joint Chiefs, General Vessey, have been appearing before the Armed Services Committee outlining the military budget for the coming year.

Mr. President, I know that there are very few people in this Chamber who are not armed to the teeth to try to destroy what we now have as an effective budget that will produce to some extent an improvement in the miltary, which has been neglected for nearly 25 years in our country.

I stand to defend Mr. Weinberger's presentation and to warn my col-

leagues against the indiscriminate remarks and indiscriminate efforts to use a butcher knife or a meat cleaver on this budget.

I know it is a large one. It is not the largest budget by any means. If we eliminate the entire military budget it would not have much of an effect upon the deficit and probably very little effect upon taxation.

The areas where the budget is vulnerable are areas, frankly, where the Congress does not have the courage to get into. It involves the whole welfare structure. Not that we are opposed to welfare, but we are opposed to the continuing, constant growth of this one facet of our Government against the decreasing expenditures in other parts of our Government.

I remind my colleagues that we have no charge in the Constitution relative to what we spend our money for except to provide for the defense of the American people or to provide for the defense of our freedom. That is obligatory under our Constitution.

Yet we have those who have made suggestions; for example, one Senator has suggested that we cut another $7 billion out of defense. We are already looking at a budget that has been reduced by $8 billion.

I put into the RECORD an article the other day that I hope my colleagues will read, which pointed out that a total of a $15 billion reduction in spending for procurement would not allow any new weapons systems for the Army, the Navy, the Air Force, or the Marines.

If that is not bad enough, we are hearing people talking about cutting the personnel of our Armed Forces after we have been working and working hard to increase in a voluntary way without having to resort to a draft the number of people who are going into our armed services.

I am happy to report that we have had success in this voluntary approach. Never have we had so many young people interested in entering our military academies, which is another good sign of the interest of our young people in their obligations to our country.

I would like to reiterate my warning to my colleagues that indiscriminate cutting of the military budget can result in a continuation of the chaos that our military services have found themselves in over the last 20 or 25 years. In a field that is particularly interesting and of concern to me—aviation—I would remind my colleagues in this Chamber that we have not bought in years enough aircraft to cover those aircraft we lose by normal attrition. In other words, we lost more aircraft last year by accidents, by taxiing accidents, by collisions, by bad piloting, by failure of aircraft, than we purchased. So we are not making any gains in our attempts to build up our tactical air forces against the Soviets, which now outnumber us about 5 to 1. We have not added a new bomber to our strategic air force since the advent of the B-52, which now goes back nearly 25 years. I would remind my friends that we have found grandsons of pilots who flew this airplane that long ago.

It is the only bomber aircraft we have. At the same time, the Soviets are building 30 Backfire bombers a year, a bomber as modern—I do not believe quite as good—as our B-1. Now they have a new one rolling off the line at maybe 12 a year that is superior in speed to what we are trying to produce in the B-1.

My friends in the Senate who recognize a lot of political sex appeal in being able to go home and say, "I am going to cut the budget," ought to start looking around and being a little specific when they make those remarks. If we want to make sure that our military has no bite, has no ability to fight back, has no ability to stand up for the things that we Americans believe in, then a continuation of the downward trend of military spending is the answer.

I am not standing here saying that we cannot save money in a military budget. We can. I have cited time and again my efforts last year in one subcommittee to save $2 billion. But we eliminated the kinds of things that we do not need. We have a lot of fancy gadgets, we have a lot of highly sophisticated equipment that, in this Senator's opinion, we do not need. There is where we ought to make our inroads.

I can give my promise to the Senate that there is where my committees are going to study; there is where the Armed Services will concentrate their efforts. Let us see what we can eliminate without eliminating the ability of our Armed Forces to answer the challenge wherever it might occur.

I repeat what I have often said and throughout a long life I have been taught to believe it: No country which is strong is ever attacked. It is like a man. No man that you know cannot be beaten is going to be attacked by you. You do your best through your life to make sure you are strong enough to resist any challenges that might be made to you.

I am reminded of the days of the thirties as I listen today. In the thirties our Army was low; the Navy hardly existed. We had no Air Force. It took 4 years to build the B-17, which had a large part in winning World War II.

Here we are today playing the same old, tired record.

I do not see any possibilities of war, but, nevertheless, if we stand prepared those possibilities will never exist.

So, Mr. President, I just wanted to take this opportunity while there was a pause in today's occupations to urge my colleagues to approach this military budget not with the idea that a cut can get them a few extra votes, but that helping the Armed Services Committee and the Pentagon to remove unneeded expenditures is a step in the right direction. I do not think that is going to happen. I think we are going to hear unmitigated, uncalled for, prolonged, and uninformed debate on the military budget once it hits this floor.

I hope I am wrong. I have lived too long, though, to believe that anything else is going to happen. I just want to see a strong America. I do not want to see us headed the other way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

TIME LIMITATION AGREEMENT—S. 273

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 3, S. 273, the Minority Small Business Pilot Procurement Act of 1983, under the following time agreement: 20 minutes of the bill to be equally divided between the chairman of the Small Business Committee and the ranking minority member or their designees; that no amendment be in order to the bill except the amendment reported by the Small Business Committee, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection to the agreement. There is no objection on this side to proceeding with the action on the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENTS—S. 272

Mr. WEICKER. Mr. President, I ask unanimous consent that following the disposition of Calendar Order No. 3, S. 273, today, the Senate turn to the consideration of Calendar Order No. 4, S. 272, under the following time agreement: 30 minutes on the bill to be equally divided between the chairman of the Small Business Committee and the ranking minority member or their designees; that the only amendment to be in order, other than the amendment reported by the Small Business Committee, be an amendment to be offered by the Senator from Maine (Mr.

COHEN) dealing with notification requirement, to be limited to 5 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, aside from Mr. COHEN's control of half the time, I assume, on that amendment, what does the distinguished acting Republican leader propose for this side of the aisle?

Mr. WEICKER. I would suggest that there be 5 minutes allocated to that side, Mr. President.

Mr. BYRD. To the minority leader or his designee.

Mr. WEICKER. That is correct.

Mr. BYRD. And I shall designate the time.

Mr. President, there is no objection to the time agreement on this side. There is no objection to proceeding as requested on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINORITY SMALL BUSINESS PILOT PROCUREMENT ACT OF 1983

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 273) to amend section 8(a)(1) of the Small Business Act.

The Senate proceeded to consider the bill, which had been reported from the Committee on Small Business with an amendment:

On page 2, line 9, strike "the", and insert "sixty days following".

Mr. WEICKER. Mr. President, I am delighted that the Senate is today considering S. 273, the Minority Small Business Pilot Procurement Act. This bill would reauthorize the Small Business Administration's 8(a) pilot procurement program, and extend it to run for an 18-month period.

As I noted in previous statements on this legislation, this bill is essentially identical to S. 1620, which I introduced in the last Congress. That measure, although passed unanimously by the Small Business Committee, failed to receive final consideration by the full Senate in the last, hectic days of the session.

Mr. President, a substantial hearing record has been built in support of this legislation in the 97th Congress. In its current form, the legislation was recently the subject of testimony at a hearing of the full committee on February 2, 1983. Following that hearing, the legislation was once again unanimously reported out favorably to this body.

Section 8(a) of the Small Business Act authorizes the Administrator of the SBA to enter into contracts with Federal agencies and to subcontract the work to socially and economically disadvantaged small businesses. Prior to 1978, the 8(a) program was administered by SBA primarily to provide minority businesses with an opportunity to contract with the Government, but lacked any specific mission beyond that simple contract assistance for minority business.

Public Law 95-507, enacted on October 24, 1978, among other things, gave a statutory structure to the 8(a) program, created the Office of Associate Administrator for Minority Small Business, and placed greater emphasis upon the business development of minority firms certified for inclusion in the program.

The law also authorized the President to designate one agency with which the SBA would have the increased authority to select and negotiate contracts that it deemed appropriate for inclusion in the 8(a) program. This was a substantial change from existing procedures, which merely allowed agencies to volunteer contracts to the SBA which they felt were appropriate for the program. Although the new law allowed the head of the participating agency to retain final authority over the terms and conditions of the contract, it did give SBA a greater hand in deciding just what those contracts would be.

The concept behind the new program was this: Over the years, it was becoming increasingly evident that while minority participation in Federal contracting was growing, the contracts being awarded all tended to be of the same nature, that is, service oriented. While these contracts did provide needed business to many firms, the goal of developing these firms' economic potential and bringing them into new, expanding areas, was not being met.

The new pilot authority, the SBA and the Congress reasoned, would provide a way of meeting that desired goal and upgrading the quality of contracts being offered to 8(a) firms. The pilot program was authorized for a 2-year period, beginning on October 24, 1978.

There were problems, however, from the beginning. Although the President was required, under the statute, to designate an agency for participation in the program, he did not do so until January 10, 1979, when he named the Department of Army as the pilot agency.

From there, it was another 5 months—until May 24, 1979—before the Army and SBA worked out the details of their interagency agreement to set forth the terms and arrangements governing the joint implementation of the program.

Even after that was done, it took another 4 months before the first contract under the new program was signed. That signing took place on September 27, 1979, nearly 1 year after the enactment of the pilot authority.

Because of the delays in implementation of the program and the Congress concern that the program had not been fully tested, the program was extended until September 30, 1981.

Still, this was not, in my estimation, a sufficient period of time to test a program of this sort. It was barely enough time to find the bugs—which, as we know from experience, exist in every new program—and weed them out.

Mr. President, the need for this program is as pressing today as it was 5 years ago. Small business, as we know, is at an economic watershed, with signs of recovery only beginning to be felt. For minority-owned small businesses, the situation is worse. We have, in the Federal Government's purchasing offices, the means for bringing economic help to many of these ailing small businesses. The Federal Government is the largest purchaser of goods and services in the world, and a natural source of business for this country's small firms.

By aiding minority businesses in receiving contracts from the Government, we are helping to insure that they will develop and become strong, working partners in our free enterprise system. Equally important, we will be actually helping our national economy and the American taxpayer, since increased competition for contracts traditionally results in lower prices and lower costs for the contracting agency.

The bill before us today, S. 273, would give the 8(a) pilot procurement program another chance to be tested to see if it can meet those desired goals.

Under the legislation, the pilot program would be revived and allowed to run for an additional 18 months. As reported by the committee, there are two important differences in the way the program would operate under S. 273, as compared to the previous statute.

First, the legislation specifies that the agency designated by the President as the pilot agency be a civilian agency not associated with the Department of Defense. This was done to eliminate any past problems that may have occurred with the administration of the program strictly as a result of differing views on the program's objective held by the SBA and the Defense Department.

Second, as reported, S. 273 provides that the 18-month pilot period becomes effective only after the 60 days allotted to the President for designating the participating agency has elapsed. In this way, we hope to avoid the eroding effect which substantial time delays made the last pilot program subject to.

At this point, I ask unanimous consent to have printed in the RECORD a letter which I sent to the chairman of the Budget Committee. As noted in this letter, the reauthorization of this program will not require the appropriation of any additional funds to the SBA budget. Implementation costs are expected to be absorbed by the affected agencies and no additional costs to the Government are anticipated as a result of this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1983.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, Carroll Arms Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Committee today reported out S. 273, the Minority Small Business Pilot Procurement Act of 1983. This bill is virtually identical to S. 1620 which was reported out of the Committee last Congress.

In a report on S. 1620, the Congressional Budget Office estimated that, based on experience with the 8(a) pilot program to date, the agency designated to continue the program would require approximately $300,000 in Fiscal Year 1982 and $200,000 in Fiscal Year 1983 to maintain the current program level. CBO also estimated that the Small Business Administration would require approximately $300,000 in Fiscal Year 1982 and $150,000 in Fiscal Year 1983.

I would like to point out that no provision in S. 273 authorizes the appropriation of new budget authority to cover these costs. The Committee intends that the costs of implementing this bill will be absorbed by the affected agencies. S. 273 is not intended to "drive up" the budget requests of the SBA and the agency designated to continue the 8(a) pilot program.

Sincerely,

LOWELL WEICKER, Jr.,
Chairman.

Mr. WEICKER. Mr. President, as I said before, the support for this program is very strong, both within the executive branch and in the business community. President Reagan, in his December 17, 1982, statement on minority business, pledged to assist in the expansion of over 60,000 minority businesses in the next 10 years. As part of that effort, he said the Federal Government will procure an estimated $15 billion in goods and services from minority businesses in the next 3 years. Extending the authority for this pilot program will certainly enhance the administration's ability to attain those goals.

In addition, SBA Administrator James Sanders has vowed to do everything in his power to insure that the pilot concept is fully tested.

I ask unanimous consent that the statements of Mr. Sanders and Paul Brown of the National Association of Minority Contractors in support of this legislation be printed in the RECORD at this point. I also ask unanimous consent that the statements of the Rev. Leon Sullivan, chairman of the Board of Opportunities Industrialization Centers, Clarence Braddock Jr., president of the Black Presidents' Roundtable; and Maudine Cooper, vice president of the National Urban League, be printed as evidence of the broad support this legislation enjoys in the minority community.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF JAMES SANDERS, ADMINISTRATOR, U.S. SMALL BUSINESS ADMINISTRATION

S. 273: 8(A) PILOT PROCUREMENT PROGRAM

The authority for the experimental 8(A) pilot procurement program is contained in Public Law 95-507, Section 8(A)(1)(B) of the Small Business Act, which was signed into law on October 24, 1978. The law allows SBA to reserve procurement contracts for eligible 8(A) firms from a Federal agency designated by the President.

In January 1979, the President designated the Department of the Army as the agency to participate with SBA under this authority. In 1980, the program was extended for another year. The program's authorization expired on September 30, 1981. S. 273 would extend the authorization for 18 months from the date of enactment, with one change from the previous program. The bill specifies that the President is to designate a non-Defense agency for participation.

The concept behind the pilot program is to test whether SBA can accelerate the development of 8(A) concerns by awarding nontraditional, technically sophisticated, high volume, long-term contracts. Additionally, the pilot program will enable us to determine whether providing SBA the authority to select contracts is a viable way of modifying the procurement practices of Federal agencies with respect to minority firms. It will also give SBA the opportunity to demonstrate that 8(A) concerns can, with targeted SBA assistance, overcome specific impediments that would prevent these concerns from successfully completing more difficult projects.

The administration supports passage of S. 273, just as we supported passage of S. 1620 last year. I am committed to insuring it receives a fair test and evaluation. However, other things must be taken into consideration within the context of our overall goals of increasing total access to Federal procurement dollars through the 8(A) program. I start with the belief that our most important concern in this area has to be the overall direction of the 8(A) program and its participants to insure continued and increased business development assistance. I do not want to do anything through this pilot program that would affect our ability to administer the overall program and provide the greatest assistance to the largest number of firms. The agency's resources currently devoted to 8(A) are already being fully utilized to improve the administration of this complex program.

The authority given SBA in the pilot program will not work if it is used as a club. I am concerned that pressures will cause our position to be used in that manner. For the 8(A) program to be successful, procuring agencies must be provided incentives to award 8(A) contracts in nontraditional areas. If this legislation is enacted. I will endeavor to establish a cooperative relationship with the head of the designated agency necessary to insure a positive rather than contrary experience.

Mr. Chairman, I support the goals of the pilot program—to provide higher volume and higher technology contracts. Let there be no doubt about that. As I said, I will do my best to see that this pilot concept, if enacted, is fully tested. But I feel that I would be remiss if I did not share with you our personal concerns.

STATEMENT OF PAUL BROWN, NATIONAL ASSOCIATION OF MINORITY CONTRACTORS

Mr. Chairman and members of this committee: Mr. Chairman, on behalf of our national membership, it is a pleasure to appear before you this morning to discuss Senate bill S. 273, the Minority Small Business Pilot Procurement Act of 1983, a bill to reauthorize the SBA's section 8(a) pilot procurement program.

Mr. Chairman, on behalf of our national membership, I wish to personally commend you for your personal commitment to assist socially and economically disadvantaged businesses by the introduction of S. 1620, which called for an extension of the 8(a) pilot authority for an additional 18 months in a civilian agency in order to more fully test the concept of the program. Unfortunately, the Senate did not consider this bill during the 97th Congress. Your introduction of S. 273 (which is identical to S. 1620) is to be applauded, and our association fully supports your efforts and those of the committee for the passage of this important legislation.

The National Association of Minority Contractors is a nonprofit, full service membership association with the following objectives:

To act as a national spokesman for minority contractors relating to current and pending Government regulations;

To facilitate the training opportunities for minority contractors in the skilled crafts of the building industry;

To assist in identifying and developing technical, educational, management and financial resources to aid minority contractors;

To assist in identifying resources that will increase the capacity of minority contractors to procure and manage larger contruction projects;

To identify appropriate and viable assistance for minority builders in obtaining bonding, as well as actively initiating and developing alternative methods to meet bonding performance/payment requirements; and,

To provide the strong leadership necessary to bring about industry parity for minority contractors.

BACKGROUND

Congress created the authority for the pilot procurement program in Public Law 95-507, which was signed into law on October 24, 1978. On January 10, 1979, the Department of the Army was designated by the President as the agency to praticipate with SBA in the pilot procurement program. The authority for the program was extended through September 30, 1981, by Public Law 96-481, enacted on October 21, 1980.

We believe the purpose of the pilot program was to help SBA increase its ability to assist disadvantaged firms over and beyond what the agency was doing through the regular 8(a) program. Under the regular 8(a) program, a Federal agency "volunteers" contracts to SBA in behalf of eligible 8(a) firms, offering SBA those projects of construction, goods, or services that the Federal

agency believes the 8(a) program should have or that the 8(a) firms can perform, rather than projects of contruction, goods, or services that SBA believes the 8(a) firms could perform consistent with their business development. We believe Congress created the pilot program to evaluate whether SBA could better control the flow of contracts from Federal agencies which would be more conducive to good business development of the 8(a) firms.

The National Association of Minority Contractors (NAMC) endorse and strongly recommend the reauthorization of the SBA's 8(a) pilot procurement program as proposed by S. 273, with the following recommendations:

(1) Delete the change of wording proposed by S. 273, section 8(a)(1), clause (B), first sentence: . . . "(other than the Department of Defense or any component thereof) as shall be designated by the President."

And reinstate the wording: . . . "as shall be designated by the President within 60 days after the effective date of this paragraph."

NAMC comment: We believe the DOD and its components should be one of the options of the President, along with civilian agencies, in view of the DOD annual domestic construction budget of approximately $3 billion.

(2) NAMC recommends that S. 273 also include an extension of the surety bond provisions of Sec. 8(a)(2), Public Law 95-507, which also expired on September 30, 1981. This provision states in part: . . . "No small business concern shall be required to provide any amount of any bond as a condition of receiving any subcontract under this subsection if the Administrator determines that such amount is inappropriate for such concern in performing such contract: . . ."

NAMC comment: There is a continuing and urgent need to assist socially and economically disadvantaged businesses with this kind of bonding assistance, especially for new startup businesses. We believe a well-structured process for handling the request of local businessmen expeditiously will reveal a strong demand and utilization of this provision by SBA.

Mr. Chairman, according to our records, our NAMC membership has not had the opportunity in the past to participate in pilot projects awarded pursuant to the authority of Public Law 95-507, as extended by Public Law 96-481. We believe the enactment of S. 273, with our recommended revisions, would assure that the legislative objectives of Congress would be fully tested, and many of our members and socially and economically disadvantaged businesses throughout the country would be afforded the opportunity to participate.

This concludes my prepared testimony, Mr. Chairman. If you or the members of this committee have any questions, I would be happy to answer them.

TESTIMONY OF REV. LEON H. SULLIVAN

Mr. Chairman, my name is Leon Sullivan. I wish to give my categorical and unequivocal support to the legislation introduced by Senator Lowell Weicker known as S. 273, the Minority Small Business Pilot Procurement Act of 1983.

The history of this effort by the White House and the Congress to assist Minority and Small Businesses enter the mainstream of the American Economy has led to today's genuine need for this kind of legislation.

Beginning in the years of the Nixon Presidency and continuing through 1983 and the 98th Congress, there has been a gap between the promise and the performance of the Government with regard to Minority and Small Businesses obtaining access to the procurement process.

As in the case of the developing new weaponry for military purposes, the pilot project or prototype development method is unquestionably the best way to proceed if we are serious about a long-term solution to this problem.

I believe that Senator Weicker's bill therefore is a step in the right direction.

Despite the preference of some for targeting the Defense Department as "the pilot," I see no objection to the selection of a nonmilitary agency to demonstrate how it can be done with maximum efficiency and minimum cost.

For example, the Department of Transportation with its myriad functions which require procurements such as the Coast Guard, the Federal Railway, Federal Highway and Federal Aviation agencies provides a great opportunity for R&D and testing in a pilot project.

Mr. Chairman, this bill deserves the full support and enthusiastic acclaim of those of us who have been engaged in the business of helping to create a small minority-owned business in the inner-city.

I, for one, wish to assure you that you have my full support for your bill to reauthorize the extension of the SBA 8A pilot program.

THE BLACK PRESIDENTS' ROUNDTABLE,
Washington, D.C., February 1, 1983.

Hon. LOWELL WEICKER, Jr.,
Chairman, Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR SENATOR WEICKER: The Black President's Roundtable wishes to commend you for the introduction of S. 273 to reauthorize the Small Business Administration's Section 8(a) pilot procurement program and pledge our full support to your efforts.

However, we feel that your bill would be most effective in creating new contract opportunities for minority businesses and the resultant creating of jobs and economic growth if the Department of Defense were not specifically excluded. Given the current economic climate and program reductions in most civilian agencies, the Department of Defense and possibly the Department of Transportation offer the broadest base for accomplishing the original goal of the pilot program, which was to provide minority businesses access to contracts in those high technology areas from which they have been traditionally excluded. Further, the inclusion of the Department of Defense with its very large budget base will maximize the potential for achievement of the goals set forth in the President's policy statement on minority business issued on December 17, 1982.

Again, we pledge our full support of your continuing efforts on behalf of small business in general and minority business in particular.

Very sincerely yours,

CLARENCE H. BRADDOCK, Jr.,
President,
Black President's Roundtable.

NATIONAL URBAN LEAGUE, INC.,
Washington, D.C., February 1, 1983.

Hon. LOWELL WEICKER,
Chairman, Senate Small Business Committee, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR WEICKER: The National Urban League, Inc. is pleased to lend its support to S. 273, which would extend the Small Business Administration's 8(a) pilot procurement authority. Despite the difficulties the program has encountered in its all too brief operating history, the concept remains viable and needed to bring minority businesses into the mainstream of government procurement.

As a non-profit community service organization dedicated to securing equal opportunities for the poor and minorities in all sectors of society, the National Urban League recognizes the tremendous potential in this program. Although the regular 8(a) program has begun to serve the distinct needs of socially and economically disadvantaged small businesses, the pilot program adds a dimension that is essential to ensure that small businesses have access to the full range of government contracts. The "voluntary" nature of the regular 8(a) effort serves to limit the opportunities available to otherwise capable firms. Allowing the SBA to select what it deems to be viable requirements will provide assistance to small businesses that might otherwise be overlooked. Although black businesses are just beginning to break out of their traditional service mold, there are minority firms that are willing and able to compete in the emerging high technology field. These businesses must not be excluded from exploiting this trend, but rather should be encouraged and assisted in its development.

Obviously, small and minority firms are suffering disproportionately during these difficult times. Although the pilot program cannot directly address those problems caused by the vagaries of the economy, it can temper some of the worst effects while attending to some of the more traditional difficulties these businesses face. Under the guidance of the SBA, eligible firms will gain management expertise and general business know-how, often identified as major deficiencies. A further impediment to the flourishing of these businesses is surely the persistent reality of discrimination. Although the 8(a) program does not address this directly, it may begin to erase the misconceptions that constrain minority businesses.

It is unfortunate that in its initial phase the pilot program was not in operation long enough to accurately gauge its effectiveness, and that it suffered from conflicting objectives. Yet, this is certainly no reason to abort the effort; problems are almost unavoidable in any novel and experimental action. In fact, it seems that much has been learned from this experience. The SBA's pledge to review and restructure its own internal operations, coupled with the selection of an appropriate procuring agency will go a long way toward solving some of the initial difficulties. With a clear and consistent purpose, streamlined procedures within SBA, and a strong commitment from the participating agency, the program can succeed.

Given the difficulties that the socially and economically disadvantaged small firm encounters, it is not sufficient to rely on voluntary efforts of Federal departments as provided for in the regular 8(a) program. An assured partnership between a specific agency and the Small Business Administration is essential to guarantee that small and minority businesses have access to a full range of contracts. Further, the pilot nature of the program will allow all those concerned to evaluate its effectiveness and make changes if deemed necessary. The National Urban League stands ready to assist you and the members of the Committee as

deliberations proceed on the continuance of this program.

Sincerely,

MAUDINE R. COOPER,
Vice President.

Mr. WEICKER. Mr. President, our small businesses, and particularly our minority-owned small businesses, need to know that those in Congress understand their situations, and are actively looking for solutions to their problems. This bill clearly demonstrates our concern and our determination to find answers that will help small firms now and in the future. I urge my colleagues to move swiftly on this legislation.

Mr. NUNN. Mr. President, I join with the Senator from Connecticut in urging that the Senate pass this legislation. It would have passed last year except the time element caught up with us. It was unanimously passed by the Small Business Committee last year and has again been unanimously reported. My information is that the administration wants this authority to continue this pilot project in this important area. Rather than go into details at this stage, I join my colleague from Connecticut in urging its passage.

● Mr. LEVIN. Mr. President, I want to indicate my support for S. 273, the Minority Small Business Pilot Procurement Act of 1983. This legislation was previously approved by the Small Business Committee as S. 1620 during the last Congress.

S. 273 would extend for an additional 18 months the SBA 8(a) pilot procurement program. Under this program, SBA is authorized to enter into contracts with Federal agencies and to subcontract the work to socially and economically disadvantaged small business. S. 273 would provide SBA with another opportunity to test its ability to select and negotiate contract requirements with another Federal agency to be designated by the President within 60 days after enactment. However, the newly designated agency cannot be from within the Department of Defense.

With enactment of Public Law 95-507 in 1978, SBA was given statutory authority to operate the pilot procurement program. However, SBA experienced considerable difficulty implementing the program with the Department of Army—the first Federal agency designated by the President. Because if differing opinions over the purpose of the program, SBA and the Army were unable to enter into an interagency agreement setting forth the formal terms and arrangements for their joint implementation of the program until almost 5 months after the Army was designated. As a result, the operation of the pilot program was shortened by the time it took SBA and Army to reach an agreement.

Because if a similar situation could occur once the President designates a new Federal agency, the committee adopted an amendment I proposed to provide that the 18-month duration of the pilot program would not begin until 60 days after enactment of S. 273. In short, this amendment would remove the 60-day period provided to the President from being counted as a portion of the 18 months intended for the operation of the pilot program.

However, this amendment will partially address only one problem likely to hamper successful implementation and operation of the program. Other problems are internal to SBA. Given the administration's emphasis on assisting minority small business through SBA's MESBIC program, plus SBA's current responsibilities to promulgate new size standard regulations, and the resources needed to manage its large portfolio of outstanding direct and guaranteed loans, I am concerned that SBA will not do justice to the pilot program. That is, SBA will not be able to commit sufficient resources and focus sufficient administrative talent on the pilot program to make it a viable development tool for minority small business. I hope SBA will not let this happen.

Again, I urge Senate passage of S. 273.●

Mr. WEICKER. Mr. President, I move passage of the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and to be read the third time. The bill was read the third time.

Mr. WEICKER. I yield back my time.

Mr. NUNN. I yield back my time, Mr. President.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 273) was passed, as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Minority Small Business Pilot Procurement Act of 1983".

SEC. 2. (a) Clause (B) of the first sentence of section 8(a)(1) of the Small Business Act is amended by striking out ", as shall be designated by the President within 60 days after the effective date of this paragraph," and inserting in lieu thereof "(other than the Department of Defense or any component thereof) as shall be designated by the President".

(b) The designation of an agency pursuant to the amendment made by subsection (a) shall be made not later than sixty days after the date of enactment of this Act.

SEC. 3. The last sentence of section 8(a)(1) of the Small Business Act is amended to read as follows: "No contract may be entered into under subparagraph (B) after the expiration of 18 months following 60 days following enactment of the Minority Small Business Pilot Procurement Act of 1983.".

Mr. NUNN. I move to reconsider the vote.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SMALL BUSINESS ACCESS TO FEDERAL PROCUREMENT INFORMATION

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 272) to improve small business access to Federal procurement information.

The Senate proceeded to consider the bill, which had been reported from the Committee on Small Business with an amendment:

On page 2, line 16, strike "in", through and including "(E)" on line 17.

Mr. PRESSLER. Mr. President, I am extremely pleased that today the Senate is considering S. 272, a bill to improve small business access to Federal procurement information. I introduced this legislation because currently small businesses are at a severe disadvantage when it comes to marketing their goods and services to the Federal Government.

I would like to take this opportunity to thank my colleagues on the Small Business Committee, particularly the chairman and ranking minority member, for expediting consideration of this bill.

As a thorough explanation of S. 272 was inserted in the CONGRESSIONAL RECORD on February 2, 1983, I will highlight a few of the bill's key provisions.

First, S. 272 provides a statutory framework of 45 days in most cases, for the advertising of, and bidding on, public contracts. In a rural State like South Dakota, these additional days will make it possible for more small businesses to participate in Federal procurement procedures.

Second, this legislation would increase the number and types of contract advertisements that will appear in the Commerce Business Daily. Currently, too many Federal agencies are evading their responsibility to inform the small business community of procurement opportunities.

Third, my bill would require an agency head to give permission for sole source contracts over $100,000. The effect of this last provision will be to reduce the number of large con-

tracts that are not open for competition to the maximum number of qualified firms.

Mr. President, I know that small business contractors in South Dakota and all across the country will greatly benefit from enactment of this legislation. In addition, the benefits to taxpayers which will result from increased competition for Government contracts is also of vital importance. I urge my colleagues to quickly pass S. 272.

Mr. President, I ask unanimous consent that Senator EAST be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

UP AMENDMENT NO. 1

(Purpose: To improve access to Federal procurement information)

Mr. PRESSLER. Mr. President, I send to the desk an amendment offered by Senator COHEN and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER), on behalf of Mr. COHEN, Mr. LEVIN, Mr. NUNN, Mr. WEICKER, and himself proposes an umprinted amendment numbered 1.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 4, strike "$5,000" and insert in lieu thereof "$10,000".

On page 2, strike lines 11 through 20, and insert in lieu thereof "ments in which is is determined on a case by case basis that (A) the disclosure of the Federal department, establishment, or agency's need for the property, supplies, or services to more than one source would compromise the national security, or (B) the Federal department, establishment, or agency's need for the property, supplies, or services is of such unsual and compelling urgency that the Government would be seriously injured if the time periods, provided for in paragraph 2 were complied with, or (C) a foreign government reimburses the Federal department, establishment or agency for the cost of the procurement of the procurement of the property, supplies, or services for such government, or the terms of an international agreement or treaty between the United States and a foreign government require that all such procurement shall be from sources specified within such international agreement or treaty, or (D) a statute provides that the procurement be made through another Federal department, establishment, or agency, or from a specified source, or (E) it is determined in writing by the head of the Federal department, establishment or agency, with the concurrence of the Administrator, that advance notice is not appropriate or reasonable".

On page 2, line 21, strike "except as provided in paragraph (3), whenever" and insert in lieu thereof "Whoever".

On page 3, line 6, strike "forty-five" and insert in lieu thereof "thirty",

On page 3, strike all beginning on line 22, through line 8 on page 4, and insert in lieu thereof the following;

"(3) Whenever notice is required by paragraph (1), such notice shall include—

(A) a description of the property, supply, or service to be contracted for, which description is too unnecessarily retrictive of competition;

(B) the name and address of the office or employee of the Federal department, establishment or agency who may be contacted for the purpose of obtaining a copy of the solicitation; and

(C) a statement that any person may submit a bid, proposal, or quotation which shall be considered by the Federal department, establishment of agency."

On page 4, between lines 18 and 19 insert the following:

"(5) in the case of all procurement actions in excess of $10,000 in which the award of a contract is likely to result in the award of subcontracts under such contract, unless the disclosure of such contract would compromise the national security, the Federal department, establishment or agency shall promptly furnish for publication by the Secretary of Commerce a notice announcing the award in the Commerce Business Daily.".

On page 4, line 19, strike "(5)" and insert in lieu thereof "(6)".

Mr. COHEN. Mr. President, I am pleased to have the distinguished chairman and ranking minority member, as well as Senators PRESSLER and LEVIN of the Small Business Committee join me in offering a series of amendments to S. 272.

These amendments reflect a compromise between the Commerce Business Daily procurement notice provisions in S. 272 and those included in S. 338, a more comprehensive procurement reform bill I have introduced, which is now before the Governmental Affairs Committee.

Both bills are designed to give businesses—particularly small businesses—greater notice of procurement opportunities with the Federal Government. Notice benefits not only potential contractors, but also the Federal Government which saves money because greater competition results from alerting more bidders. However, S. 272 and the corresponding section of S. 338 differ in several respects, despite their identical goals.

The amendments that we are proposing to S. 272 are a compromise that would make the procurement notice language of the bills much more alike. Conforming amendments will be incorporated into S. 338 when that bill is marked up by the Governmental Affairs Committee.

We have agreed that both bills should establish identical thresholds for requiring publication of procurement notices, the same time periods for publication, a similar set of exceptions to the publication requirement, and identical standards for the composition of the notice.

Our amendment would waive the advance notice requirement for those procurements in which:

First. Disclosure to more than one source of the property, supply or service needed by the agency would compromise the national security;

Second. The agency's need is of such urgency that Government would be seriously injured by the delay involved in complying with the time limits for advance notice;

Third. The terms of an international agreement or treaty require that the procurement be made through a specified source;

Fourth. A statute provides that the procurement be made through another agency or from a specified source; or

Fifth. It is determined in writing by the head of the agency, with the concurrence of the Administrator of the Small Business Administration, that advance notice is not appropriate or reasonable.

Mr. BOSCHWITZ. Will the Senator yield? For myself and Senator HUDDLESTON. I would like to clarify the Senator's intention concerning the exemption from advance notice in the Commerce Business Daily for international agreements or treaties. Is it the Senator's intention that the term "source" means a specifically identified business entity, so that only contracts entered into pursuant to international agreements or treaties that specifically identify the contractors are exempt from advance notice?

Mr. COHEN. The Senator is correct.

Mr. BOSCHWITZ. I thank the Senator.

Mr. COHEN. Our amendment would also specify the information which a proper notice should include: a description of the property, supply, or service needed by the agency, the name and address of the agency official who may be contacted for the purpose of obtaining a copy of the solicitation, and a statement that any person may submit a bid, proposal, or quotation which shall be considered by the agency.

Another amendment would require Federal agencies to publish promptly a postaward notice of all procurement actions in excess of $10,000 which are expected to result in the award of subcontracts, unless disclosure of the contract would compromise national security. This postaward procurement notice would alert small businesses to potential subcontract opportunities. It is, I believe, consistent with the intent of this legislation promoting Federal contract opportunities for small businesses.

Mr. PRESSLER. Mr. President, I am pleased to accept the amendments proposed by the Senator from Maine. He

has been a leader in the effort to expand competition in Government contracting and has proposed reform legislation that will be brought before the Senate later this year.

Mr. WEICKER. Will the Senator yield? I am pleased that a compromise on the procurement notice provisions could be worked out that is acceptable to all concerned. These amendments, in my judgment, combine the best provisions of both S. 272 and S. 338 and will insure that small businesses have ample notification of business opportunities with the Federal Government.

Mr. NUNN. Mr. President, the amendment we are offering, and which I hope the Senate will adopt, represents an excellent accommodation between the Members in fulfilling our mutual goal of making the Commerce Business Daily a more useful source of Federal procurement information.

The Small Business Committee, on which I serve as the ranking Democratic member, has reported a bill virtually identical to the legislation which we reported, and which the Senate passed by voice early last year. It was then, and continues to be, a good bill—updating a law that has been on the books virtually unchanged since 1961. Our inquiry has shown that the law was not working to its fullest potential, in part because of the lack of specificity of some of its requirements, and in part because Federal procurement actions have grown so significantly since then.

Our Small Business Committee took action only in those areas of the Commerce Business Daily statute where we could balance the opportunities for increased business competition in Federal procurement with the recognition of limitations in law for the conduct of that procurement process.

I am also privileged to serve on both the Governmental Affairs and Armed Services Committees. These Senate committees have direct jurisdiction over general procurement matters, and I have been working within them to simplify, strengthen, and improve the procurement process itself.

The amendment which we are offering today are an effort to meld together the Small Business Committee's work on the issue of publication of solicitations with the more comprehensive procurement reform efforts of the Governmental Affairs Committee. The amendments will basically standardize the threshold for procurement notices, reduce the number of permitted exemptions from the general requirement to publish, tighten those areas where exemptions from publications are meritorious, and provide for a postaward notice in those instances where there is a reasonable expectation that subcontracting opportunities may exist.

Mr. President, I want to compliment Senators COHEN and WEICKER for their leadership in bringing this amendment. I want to particularly compliment Senator LEVIN, a Member I am pleased to serve with on the Small Business, Governmental Affairs, and Armed Services Committees. He has been a tireless fighter for increased openness and competition in the Federal procurement process. I believe the adoption of these amendments, and this bill, will put the executive branch on notice that the Senate expects greater attention to be paid to the opportunities for increased private sector participation in Federal contracting through improved, timely, and sufficient notice of its procurement intentions.

Mr. COHEN. I thank the Senators for their comments and for working with me to resolve this issue. Senator WEICKER and Senator NUNN, as well as Senator PRESSLER and Senator LEVIN, have been strong advocates for the small business community, and I am delighted that we were able to reach an agreement on these amendments.

Mr. President, I move that the amendments be adopted en bloc.

Mr. PRESSLER. Mr. President, if this amendment is acceptable on both sides, I yield back my time.

Mr. NUNN. Mr. President, I support the amendment. This is a good amendment. It is a matter that Senator COHEN and Senator LEVIN and others have worked on for some time. It does make considerable improvement in the Federal procurement process and injects an element of competition that is not at the present time available.

It is a good amendment, and I urge the passage of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1) was agreed to.

Mr. NUNN. Mr. President, today the Senate will complete action on S. 272, a bill to improve small business access to Federal procurement information. I would urge my colleagues to support passage of this proposal.

The Senate Small Business Committee has spent well over 1 year reviewing compliance with the 1961 mandate in the Small Business Act that agencies publish notice of all civilian and defense procurement actions that exceed a stated threshold. The overwhelming testimony of the small business representatives that appeared before our committee in three separate days of hearings was that the vehicle for notifying them of proposed Federal procurement actions was deficient. The committee heard common complaints of a lack of information on the nature of the procurement, of insufficient time for potential bidders to become aware of, prepare, and respond to Federal procurements requests, and untold opportunities missed because certain items were not even publicized to begin with.

Even the Federal procurement officials who testified on this bill, both in the last Congress and in this, acknowledged that the current statute and implementing regulations were frequently not followed.

It is in the interest of expanding competition in Federal procurement that this bill deserves prompt congressional and Presidential approval.

Mr. President, the Small Business Committee's report on this legislation in the last Congress (S. Rept. 97-399) succinctly sums up the justification and need for this legislation:

> In the committee's view, the small business person who is ready, willing, and able to participate in the Federal procurement process will benefit from an improved and expanded version of the Commerce Business Daily because it should open up additional procurement opportunities for that business. The Government will benefit because of the increased participation by small business in federal procurement, and because it will have the opportunity to increase its sources of supply. The taxpayer will benefit because increased competition in Federal purchases increases the likelihood that high quality goods and services will be procured at the lowest possible price.

The Senate approved similar legislation reported by the Small Business Committee last year. The House of Representatives last year also approved amendments to the Commerce Business Daily requirements and it is regrettable that collateral issues prevented us from enacting this bill last year. But with the adoption of the amendments which we have offered, on top of the early action that the Senate can take in approving this legislation, we should be able to have a bill on the President's desk shortly.

Mr. President, I urge my colleagues to vote for final passage of S. 272.

Mr. WEICKER. Mr. President, I am delighted that the Senate is considering S. 272 today. Briefly, the purpose of this legislation is to improve small business access to Federal procurement information by improving the procedures for advertising in the Commerce Business Daily and for bidding on public contracts. I would like to point out, Mr. President, that this legislation as reported by the Committee on Small Business, is very similar to S. 1947, a bill that was passed by the full Senate on May 27, 1982.

Specifically, S. 272 seeks to guarantee small business contractors their fair share of the Federal procurement dollar by establishing minimum time periods for advertising Government contracts and for bidding on them. This legislation also eliminates several current statutory exemptions from advertising in the Commerce Business Daily. Finally, S. 272 addresses a longstanding need to make sole-source contracting a more accountable process.

Mr. President, S. 272 enjoys widespread support by this Nation's small business community. As we learned last year and during recent consideration of S. 272, current regulatory guidelines are not sufficient to insure either the timeliness or the accuracy of information published in the Commerce Business Daily. In fact, one small business witness commented that more than 50 percent of all the synopses appearing in the publication, are published too late for his company to submit bids to the Government. I believe that the untimeliness of procurement notices contributes to the unfortunate fact that small firms receive only one-quarter of the total U.S. procurement dollar—a figure that exceeds $115 billion annually.

Unlike administration witnesses, I, along with my colleagues on the Small Business Committee, believe that existing regulations on the Commerce Business Daily are ineffective and virtually unenforceable. We believe it is necessary to enact this legislation to insure that a minimum of 45 days—15 for advertising and 30 for the bidding process—are available to small business owners who seek Federal contract opportunities. And I might add, that the committee believes that this legislation would not cause unnecessary delays in procurement or otherwise inconvenience to procuring agencies in any major way.

Mr. President, in the opinion of the committee, passage of S. 272 will not have any budgetary effect in fiscal year 1983 or fiscal year 1984. I so notified the chairman of the Budget Committee about the budgetary aspects of this legislation and ask unamimous consent that my letter on this subject be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON SMALL BUSINESS,
Washington, D.C., February 2, 1983.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that there may be some concern about the impact of S. 272, a bill to amend Section 8(e) of the Small Business Act to improve small business access to Federal procurement information, on the staffing requirements of procuring agencies.

In my view, which I believe is shared by the Committee Members, any additional workload which may result from the immediate adoption of this legislation should be accommodated within existing personnel ceilings of the procuring agencies. Nothing in this legislation authorizes the enactment of new budget authority for Fiscal Year 1983 or Fiscal Year 1984, and it is the Committee's intention that any additional costs, if any, in Fiscal Year 1983 or Fiscal Year 1984 imposed by the enactment of S. 272 should be borne by the procuring agencies.

Sincerely,

LOWELL WEICKER, Jr.,
Chairman.

Mr. WEICKER. Mr. President, in the committee's view, the small business person who is ready, willing, and able to participate in the Federal procurement process will benefit from an improved and expanded version of the Commerce Business Daily because it should open up additional procurement opportunities for that business. The Government will benefit because of the increased participation by small business in Federal procurement, and because it will have the opportunity to increase its sources of supply. The taxpayer will benefit because increased competition in Federal purchases increases the likelihood that high quality goods and services will be procured at the lowest possible price.

Mr. President, I urge my colleagues to join me in voting in favor of this much-needed small business legislation.

Mr. BOSCHWITZ. Mr. President, I am pleased to join my colleagues on the Small Business Committee as a cosponsor of S. 272—legislation which will improve the ability of small business to compete for Government contracts. We are all aware of the importance of small business to our national economy, and the competitive ability they bring to producing the goods and services that the Government buys.

The Federal Government is a big buyer of goods and services from the private sector—over $100 billion a year. About 25 percent of that goes to small businesses. The primary way the Government advertises its procurement contracts is through its publication, the Commerce Business Daily.

The Commerce Business Daily is used extensively by both large business contractors and small business contractors. Because of their greater resources and sophistication, big businesses are better able to respond to solicitation notices in the Commerce Business Daily in a timely manner. Small businesses, on the other hand, are often unable to prepare and submit timely bids for Government procurement contracts.

This legislation will provide small businesses better access to Government contracts in two ways. First, the bill requires agencies to advertise more contracts in the Commerce Business Daily. Under current law, agencies are not required to advertise contracts if they fall into any 1 of 10 fairly broad exemptions. As introduced, the bill eliminated five of these exemptions thus requiring agencies to advertise contracts unless they are:

First, classified for national security reasons;

Second, contracts for utilities;

Third, contracts with another agency or where there is a mandatory source of supply;

Fourth, contracts where the head of the contracting agency and the Administrator of the Small Business Administration both agree that advertising is not appropriate; and

Fifth, contracts where only foreign suppliers are to be solicited.

While this bill improves current law, I believe that the exemption for foreign suppliers is not needed. When the Small Business Committee considered this bill, I offered an amendment to eliminate this exemption, which I am pleased to say the committee adopted. As a result, agencies must publish contracts that will be awarded to foreign suppliers. Some contracts with foreign suppliers, of course, are simply not available to American businesses because of treaties like NATO and agreements with other countries. I am confident that these instances can and will be addressed.

Still, small businesses will benefit by the mere fact that contracts with foreign suppliers will be published. Small businesses will have greater knowledge of Government contracts and the opportunity to identify potential subcontracts. Small businesses, not a Government agency, will decide whether the contract is worth pursuing. And, perhaps most important, small businesses will have the basic information necessary to challenge the propriety of contracts with foreign suppliers.

This legislation will also provide small business contractors the opportunity to submit timely bids. Small businesses will have 15 days to request copies of the contract. In addition, small buisinesses then have an additional 30 days to submit their bid on a particular contract.

This legislation will allow small businesses a better opportunity to compete for Government contracts. As a result, small businesses will benefit by improving the market for their products and services, while the Government should realize a savings through increased competition for their contracts. I join with my colleagues on the Small Business Committee in urging prompt and favorable consideration of this measure by the full Senate.

Mr. KASTEN. Mr. President, we have an opportunity today to help America's small businesses in a relatively easy, yet significant, way. By passing S. 272, we can increase small business participation in Federal procurement actions and give that segment of our economy a much-needed boost.

As it now stands, small businessmen learn about Government contracts by reading the Commerce Business Daily, published by the Commerce Department. In 1961, Congress mandated that all procurement actions by Federal agencies, within certain guidelines, be announced in that publication in order to give small businesses an opportunity to bid on them. But agency

compliance with the law has been less than perfect.

Businessmen have complained over the years about the lack of detail in the synopses that agencies provide regarding their proposed procurement, the lack of time to respond, and the omission of some procurement proposals altogether. Small businesses were losing the opportunity to bid on millions of dollars of Federal contracts.

Today, we have the chance to correct that. This legislation will insure that Federal procurement proposals are published in a more complete, timely, and effective manner, so that more small businesses can participate in the process.

That is good news for everyone. Small businesses will get more opportunities to sell their goods and services. The Federal Government will get a broader supply base. And taxpayers will see better procurement at possibly lower prices through increased competition.

This is a clear instance where we can, through the simple streamlining and improvement of an existing program, reap significant benefits for agencies and taxpayers alike.

I wholeheartedly endorse this legislation, Mr. President, and I urge the support of the full Senate for this much-needed revision.

Mr. LEVIN. Mr. President, I am pleased today to cosponsor S. 272 and the compromise amendment to it offered by Senator COHEN. I have been involved in both efforts—that of the Small Business Committee and that of the Governmental Affairs Committee—to increase competition in contracting through improved notice in the Commerce Business Daily (CBD), and I am pleased to see the cooperative efforts of both committees to get these important changes enacted into law.

S. 272 is an important bill for both small business and the Federal Government. It makes several changes in the Federal Government's procurement process by extending the length of time available to small businesses to receive Federal procurement information and respond to procurement solicitations. Currently an agency is required by regulation to wait 10 days between the date a synopsis is published in the CBD and the solicitations are made available. This requirement is routinely ignored. It is because of this failure to treat the current notice requirement seriously that this bill is necessary. It establishes a 15-day period for notice prior to the release of a solicitation and a 30-day period for notice between the date a solicitation is made available and the date on which competition can be foreclosed. These time limits will insure that small businesses have sufficient opportunity to prepare and submit bids on Government contracts.

S. 272 would also decrease the number of exceptions to the notice requirement.

I am particularly pleased that the bill contains an amendment I offered in the Small Business Committee markup last year to require the head of the procuring activity to approve any sole source contract exceeding $100,000 and to review all responses to the bid announcement received during the 30-day notice period before commencing negotiations with the sole-source contractor. These provisions increase the likelihood that fewer sole-source contracts will be awarded in the future.

Small business will significantly benefit by the increased access to Federal procurement information provided by S. 272 and will hopefully increase its share of Government contracts. The Government will benefit through increased competition resulting in reduced prices for the goods and services purchased by the Government.

Mr. President, I commend my colleagues and their staffs on the Small Business Committee, Senator WEICKER and Senator NUNN, and my colleague and his staff on the Governmental Affairs Committee, Senator COHEN, for their excellent work on this legislation.

Mr. SASSER. Mr. President, it is with great pleasure that I rise as an original cosponsor of S. 272. This important piece of legislation addresses a vital concern to all small business persons, expanding Federal procurement opportunities. While many small firms desire to do business with the Federal Government, small businesses are not obtaining their fair share of the Federal procurement market. S. 272 is a positive step in redressing this situation.

The problems small businesses face in procuring Government contracts are many. Most small firms are financially unable to maintain a marketing division in their operations. Thus, they are often unaware of the activities of the many Government purchasing offices scattered across our Nation. To obtain such information these establishment have to rely on the procurement information contained in the Commerce Business Daily.

Unfortunately, this reliance has not always proven beneficial. In the 97th Congress during consideration of legislation nearly identical to S. 272, we heard testimony before the Small Business Committee that the current regulatory guidelines for the Commerce Business Daily are not sufficient to provide accurate, up-to-date information on Government procurement. As a result, small business lagged behind in procurement activity.

Some of the problems cited with the current regulatory approach were that some agencies only partially complied with the regulations or completely ignored them. In addition, those synopses that did appear in the Commerce Business Daily were often printed too late to allow interested companies to submit a timely bid. On top of this, the synopses repeatedly contained insufficient information on the bid. Even when these notices were complete, mail delays could cause problems for the small firm attempting to work within the regulatory time constraints.

Small business can use the Commerce Business Daily for procurement information only so long as it provides sufficient time to receive notice of bids and to respond to them. It must also provide enough information about the particular bid. S. 272 addresses many of these concerns in a forthright manner. This bill recognizes that the information contained in this publication is a vital source for expanded business opportunities. The bill stipulates when notice must be given and when bids can be received on that notice in such a way as to clear up many of the previous problems in this area.

S. 272 goes one step further and clears up much of the confusion surrounding which agencies or organizations are exempt from the notice requirements. This step will do much to make the Commerce Business Daily a more viable tool for small business in the area of procurement.

Let me point out Mr. President that it is my belief and the belief of my colleagues on the Small Business Committee that such a statutory approach is necessary given the ineffectiveness of regulatory requirements in the past.

In short, this bill benefits those small businesses which are eager to take an active role in the Federal procurement process. Additional procurement opportunities will become available for these enterprising Americans with the passage of this measure. Such an increase will help stimulate our now stagnant economy and benefit taxpayers since increased competition will drive down the price the Federal Government must pay for its various goods and services. I urge my colleagues to give their support to this important bill.

Mr. HUDDLESTON. Mr. President, I am extremely pleased to be a cosponsor of the bill to improve small business access to procurement information, S. 272, which the Senate is considering today. The Senate Small Business Committee of which I am a member has put a lot to time and effort in on this bill. I commend the chairman, Senator WEICKER, and the ranking minority member, Senator NUNN, for their dedication in following through on this much needed legislation. Although we were prevented during the last Congress from getting floor action on an almost identical bill,

the early action during this session virtually assures us of getting final legislation passed.

The Small Business Act clearly states that "a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government * * * be placed with small business enterprises."

In 1961 we attempted to carry out this requirement by passing a law enpowering the Secretary of Commerce to obtain and publish notices of all proposed defense procurement actions in excess of $10,000 and all civilian procurement actions above $5,000. These notices came to be issued in a publication now known as the Commerce Business Daily or CBD.

However, implementation of these requirements fell far short of the intention of Congress when passed. The regulations were filled with exceptions. Often they were only partially complied with and at other times they were totally ignored. Even when there was compliance the time factors were too short to allow an interested small business to pursue them.

The Small Business Committee held hearings on this process and found that there was a flood of justified complaints about the process. In essence, the committee found that there were many small businesses which were qualified and able to compete for Government procurements but they did not know about them, had incomplete information regarding them or found out about them too late.

The committee concluded that the only way to free up the $110 billion Federal procurement package to fair and open competition is to enact new legislation which establishes a minimum time period for publication and bidding on all Federal contracts and clarifies existing exemptions to publication in the Commerce Business Daily.

By doing this, we accomplish two extremely worthwhile goals: First, small businesses which are ready to participate will have the benefit of an expanded and improved Commerce Business Daily to do so. Second, the Federal Government will benefit because fair competition usually means that better quality goods will be available at the lowest possible price. Or in other words, taxpayers will receive more for less money.

Mr. President, I have been a longtime supporter of this needed legislation and I am proud that the Small Business Committee has been able to act so swiftly during the opening days of this new Congress.

I urge the adoption of this bill as modified.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PRESSLER. I move that the bill be passed, and I yield back all my time.

Mr. NUNN. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8(e) of the Small Business Act is amended to read as follows:

"(e)(1) It shall be the duty of the Secretary of Commerce, and the Secretary is hereby empowered, to obtain notice of all proposed competitive and noncompetitive defense procurement actions of $10,000 and above, and all competitive and noncompetitive civilian procurement actions of $10,000 and above, from any Federal department, establishment or agency engaged in procurement of property, supplies and services in the United States; and to publicize such notices in the daily publication Commerce Business Daily, immediately after the necessity for the procurement is established: *Provided,* That nothing in this paragraph shall require publication of such notices with respect to those procurements in which it is determined on a case-by-case basis that (A) the disclosure of the Federal department, establishment, or agency's need for the property, supplies, or services to more than one source would compromise the national security, or (B) the Federal department, establishment, or agency's need for the property, supplies, or services is of such unusual and compelling urgency that the Government would be seriously injured if the time periods provided for in paragraph 2 were complied with, or (C) a foreign government reimburses the Federal department, establishment, or agency for the cost of the procurement of the property, supplies, or services for such government, or the terms of an international agreement or treaty between the United States and a foreign government require that all such procurement shall be from sources specified within such international agreement or treaty, or (D) a statute provides that the procurement be made through another Federal department, establishment, or agency or from a specified source, or (E) it is determined in writing by the head of the Federal department, establishment or agency, with the concurrence of the Administrator, that advance notice is not appropriate or reasonable.

"(2) Whenever a procuring activity is required to publish notice of procurement actions pursuant to paragraph (1) of this subsection, such activity may not—

"(A) issue a solicitation until at least fifteen days have elapsed from the date of publication of a proper notice of the action in the Commerce Business Daily, except where the solicitation will be for procurement of requirements classified as research or development effort, in which case until at least thirty days have elapsed from the date of such publication;

"(B) foreclose competition until at least thirty days have elapsed from either (i) the date of issuance of the solicitation, or (ii) in the case of orders under a basic agreement, basic ordering agreement, or similar arrangement, the date of publication of a proper notice of intent to place the order; or

"(C) commence negotiations for the award of a sole source contract until at least thirty days have elapsed from the date of publication of a proper notice of intent to contract that provides such specifications and information as practicable regarding the service or performance, and that interested persons are invited to respond or submit proposals in response to such notices within such period of time.

"(3) Whenever notice is required by paragraph (1), such notice shall include—

"(A) a description of the property, supply, or services to be contracted for, which description is not unnecessarily restrictive of competition;

"(B) the name and address of the officer or employee of the Federal department, establishment or agency who may be contacted for the purpose of obtaining a copy of the solicitation; and

"(C) a statement that any person may submit a bid, proposal, or quotation which shall be considered by the Federal department, establishment or agency.

"(4) Notwithstanding any other provision of law, a procuring activity may not enter into negotiations for the award of a sole source contract for more than $100,000 unless—

"(A) the head of the procuring activity has approved the proposal to negotiate such a contract, and the procuring activity has considered all responses to the notice of procurement action as required in paragraph (2) of this subsection; or

"(B) the negotiation would be conducted pursuant to this section or section 9 of this Act.

"(5) In the case of all procurement actions in excess of $10,000 in which the award of a contract is likely to result in the award of subcontracts under such contract, unless the disclosure of such contract would compromise the national security, the Federal department, establishment or agency shall promptly furnish for publication by the Secretary of Commerce a notice announcing the award in the Commerce Business Daily.

"(6) As used in this section, the term 'sole source contract' means a contract for the purchase of property, supplies or services which is entered into or proposed to be entered into by an agency after soliciting or negotiating with only one source.".

(b)(1) The amendments made by this Act shall apply with respect to procurement actions to be initiated forty-five days after the date of enactment of this Act.

(2) The provisions of this Act shall apply to the Tennessee Valley Authority only to the extent it deems practicable, consistent with the purposes and conduct of its programs and the policies of the Small Business Act.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAWKINS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(During the call of the roll Mr. HELMS assumed the chair.)

Mr. TSONGAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHIAS). Without objection, it is so ordered.

Mr. TSONGAS. Mr. President, I have four bills and resolutions which I am introducing on a rather broad range of issues. I wish to have an opportunity to discuss them briefly. One of them involves the issue of providing refuge for the homeless, one involves the issue of economically strategic technologies; one involves rights; and the other involves a ban on weapons in space. Because they do not appeal to everybody, people can tune in to whichever of these they prefer.

(The remarks of Mr. TSONGAS in relation to the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

Mr. TSONGAS. Mr. President, this represents four remarkably different pieces of legislation, and I would hope that my colleagues would see fit to sign on to one of them if not all four posthaste.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I wonder if there is any further need for time now. If no Senator is seeking recognition, it would be my plan to ask the Senate to stand in recess until 3:30 p.m.

There is one other piece of legislative business that I hope can be transacted today in relation to the constitution of a standing committee but it cannot be done before that.

I see no Senator seeking recognition. Therefore, I assume there is no need for the Senate to remain in session at this moment.

RECESS UNTIL 3:30 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate stand in recess until 3:30 p.m. today.

There being no objection, the Senate, at 2:53 p.m., recessed until 3:30 p.m.; whereupon, at 3:30 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. ABDNOR).

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from South Dakota, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO LUCILLE KILGORE

Mr. ZORINSKY. Mr. President, a wise man once said, "You give but little when you give of your possessions. It is when you give of yourself that you truly give."

I want to draw my colleagues' attention today to a resident of my hometown of Omaha who surely exemplifies this thought. Her name is Lucille Kilgore and she is the founder and driving force behind North Omaha's Dominican Assistance and Referral Service, which provides emergency aid to those in need.

Operating in one of Omaha's oldest and poorest neighborhoods, the Dominican Assistance and Referral Service is completely independent and self-sustaining. It receives all its funds from donations and money-raising projects, providing free services on a 24-hour basis. More than 50 percent of its work is accomplished at night and on weekends, when most other services are not available.

Help may be in the form of food, clothing, bus coupons, counseling, or whatever the need might be. Assistance also is provided in obtaining medical care, drug treatment, employment, and legal advice. The underlying effort is always directed to spiritual well-being, as that is the ultimate goal of the service.

Lucille Kilgore operates the Dominican Assistance and Referral Service without a salary or any financial compensation at all. She receives a small disability check from a local firm and dispenses almost all of that money to the individuals and families she helps.

Lucille has always been willing to help the less fortunate around her. She is never too busy to listen to someone's problems and give them what assistance she can.

A lifelong North Omaha resident, Lucille began working closely with the poor and disadvantaged in the mid-1970's while she was serving as a housekeeper at Sacred Heart Rectory in the same neighborhood where she now operates the Dominican Assistance and Referral Service.

A deeply religious person, she developed a thorough and consistent approach to dealing with those burdened by poverty, alcoholism, and family instability. In 1979, she decided to devote herself full time to this work by establishing the Dominican Assistance and Referral Service.

Today, she lives very simply, going to mass daily and saving all her resources for others. In a recent 12-month period, her service provided more than $16,000 in direct aid to 221 people of families.

Mr. President, on February 26, Lucille will be recognized for her efforts by the West Omaha Sertoma Club, which will present her with its annual Service to Mankind Award. I regret deeply that Senate business will keep me from being present when she receives this well-deserved honor.

I do want to take this opportunity to publicly thank Lucille for all she has done in the North Omaha community. I know my colleagues will want to join me in wishing her well and in congratulating her for caring enough to establish and operate the Dominican Assistance and Referral Service. Through her dedicated and selfless efforts, she truly has "given of herself" many times over.

CHANGES IN MAJORITY MEMBERSHIP OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Mr. President, I call the attention of the minority leader to a resolution I propose to introduce at this time dealing with the expansion of the Labor Committee by two members from 16 to 18 and appointing Republican members to the committee.

Mr. BYRD. That is fine, Mr. President.

Mr. BAKER. Mr. President, I sent the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DENTON). The resolution will be stated by title.

The clerk will state the resolution.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 53) to increase the size of the Committee on Labor and Human Resources and to make certain changes in the Majority membership.

Resolved, That Rule XXV, paragraph 2 be amended by striking "16" after "Labor and Human Resources" and inserting in lieu thereof "18".

SEC. 2. The Senator from North Carolina (Mr. EAST) is hereby appointed to the Committee on Labor and Human Resources in lieu of the Senator from New York (Mr. D'AMATO) resigned.

SEC. 3. The Senator from Florida (Mrs. HAWKINS) is hereby appointed to the Committee on Labor and Human Resources.

The resolution (S. Res. 53) was considered and agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion of the table.

The motion to lay on the table was agreed to.

MINORITY PARTY APPOINTMENT TO THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I send to the desk a resolution and ask that it be immediately considered.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 54) making a minority party appointment to the Committee on Labor and Human Resources.

Resolved, That Senator DODD of Connecticut be, and he is hereby, appointed to serve on the Committee on Labor and Human Resources, to fill a Democratic vacancy on that Committee.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the resolution.

The resolution (S. Res. 54) was considered and agreed to.

Mr. BYRD. I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF PARAGRAPH 4 OF RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. BAKER. Mr. President, a resolution dealing with the waiver of provisions with respect to number of committees Senators may have, might be in order at this time. I send such a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 55) to amend paragraph 4 of Rule XXV of the Standing Rules of the Senate.

Mr. BAKER. I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the resolution was considered and agreed to, as follows:

Resolved, That paragraph 4 of Rule XXV of the Standing Rules of the Senate is amended by adding after subdivision (n)(10) the following new subdivisions:

"(11) A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services and on the Committee on the Judiciary may, during the Ninety-eighth Congress, also serve as a member of the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three Committees listed in paragraph 2.

"(12) A Senator who on the date this subdivision is agreed to is serving on the Committee on Agriculture, Nutrition, and Forestry and on the Committee on Banking, Housing, and Urban Affairs may, during the Ninety-eighth Congress, also serve as a member of the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three Committees listed in paragraph 2.".

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF PARAGRAPH 4 OF RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. BYRD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 56) to amend paragraph 4 of Rule XXV of the Standing Rules of the Senate.

Resolved, That paragraph 4 of Rule XXV of the Standing Rules of the Senate is amended by adding after subdivision (n)(12) the following new subdivision:

"(13) A Senator who on the date this subdivision is agreed to is serving on the Committee on Foreign Relations and on the Committee on Banking, Housing, and Urban Affairs may, during the Ninety-eighth Congress, also serve on the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three Committees listed in paragraph 2."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 56) was considered and agreed to.

Mr. BYRD. I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR FEBRUARY 14, 1983

Mr. BAKER. Mr. President, I have a unanimous-consent request I shall put at this time for the consideration of the minority leader and other Senators dealing with the adjournment of the Senate for the Lincoln day recess.

I ask unanimous consent that when the Senate convenes on February 14, 1983, following the adjournment of the Senate today, no resolutions come over under the rule and that there be a period for the transaction of routine morning business on that day of not to exceed 30 minutes in which statements may be made of not more than 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AUTHORIZATION FOR SENATE OFFICIALS TO TAKE CERTAIN ACTIONS

Mr. BAKER. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until February 14, 1983, the Secretary of the Senate be authorized to receive messages from the President of the United States or the House of Representatives, and that they be appropriately referred, and that the Vice President, the President pro tempore, or the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I say for the benefit of Senators that as soon as there is no further need for time this afternoon, it is the intention of the majority leader to ask that the Senate go over, under the resolution previously adopted, until February 14.

COMMITTEE DISCHARGED FROM CONSIDERATION OF SENATE JOINT RESOLUTION 16

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 16, designating February 16, 1983, as Lithuanian Independence Day and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF FEBRUARY 16, 1983, AS LITHUANIAN INDEPENDENCE DAY

Mr. BAKER. Mr. President, I ask unanimous consent for the immediate consideration of the resolution Senate Joint Resolution 16.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A Senate Joint Resolution (S.J. Res. 16) to provide for the designation of the sixty-fifth anniversary of the renewal of Lithuanian independence, February 16, 1983, as "Lithuanian Independence Day".

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length, and the Senate will proceed to its consideration.

Mr. BAKER. I ask unanimous consent that the resolution be advanced to third reading.

The joint resolution (S.J. Res. 16) was ordered to a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate, House Joint Resolution 60, the House companion resolution

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 60) to direct the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day".

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time by title, and without ob-

jection, the Senate will proceed to the immediate consideration of the resolution.

The joint resolution (H.J. Res. 60) was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate resolution, Senate Joint Resolution 16, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at the request of the Senator from New York (Mr. D'AMATO), I ask unanimous consent that the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Ohio (Mr. GLENN) be added as cosponsors of Senate Joint Resolution 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STRUGGLE OF McLOUTH STEEL CORP.

Mr. RIEGLE. Mr. President, just over 1 year ago, the people of the downriver area just south of Detroit received shocking news: one of their major employers, the McLouth Steel Corp., had filed for bankruptcy and could soon be closing its doors for good.

The people of the downriver communities have been foremost among those who have helped make America a great industrial power. They are hard working, dedicated men and women. Their neighborhoods retain the rich cultural heritage and strong ethnic traditions that their ancestors brought to America generations ago. The people of this area can be proud of the contribution they have made to this land.

The downriver area has faced many difficulties over the years. Layoffs and plant closings have hit the area many times in the past. The people overcame great hardship that resulted. But the possible loss of McLouth was devastating.

The collapse of McLouth would bring financial disaster not only to its 2,000 employees, Mr. President. McLouth Steel alone accounted for 10 percent of America's most modern steel production capacity. The University of Michigan estimated that across the State of Michigan it would cause the loss of 14,650 jobs and $280 million in annual income. Local governments and school districts would permanently lose $5 million to $7 million in revenues. The State government, which was already in deep fiscal distress, would have lost another $14 million. Small companies throughout the Detroit area would have been badly hurt—some would have been driven out of business.

This economic devastation was made even more unbearable because it would have occurred in the midst of the greatest crisis in the history of the American auto industry. Plants throughout the Detroit area were closing almost on a weekly basis. Indefinite layoffs were soaring. Downriver was already experiencing one of the highest unemployment rates in the country.

In the face of that potential disaster, the people of the downriver communities pulled together to take effective action. They launched a serious, broad-based, allout effort to save McLouth Steel. An amazing spirit of cooperation was built among McLouth workers, local community leaders, McLouth management and other businesses serving the downriver area. To insure that the State and Federal Governments would respond as effectively as possible, I formed a bipartisan, emergency task force of elected officials. An incredibly complex effort was sustained over many months. Seemingly insurmountable obstacles were overcome time and again.

Today, Mr. President, just over 1 year after the crisis began, I stand here in the Senate Chamber with good news. Through the hard work and sacrifice of thousands of people, McLouth is open for business. A new owner has stepped forward, and McLouth has a good chance to continue as a strong employer for years to come.

The struggle that made that happy news possible has not been easy. Some people doubted that we could win, but others never gave up the fight. They knew deep in their hearts that collective strength and commitment could save thousands of jobs and gain ultimate victory.

It would be impossible for me at this time to recognize all of those who gave much to an endeavor that is truly historic. I would like to mention just a few who led the fight. But many made the effort such a great success.

Mr. Harry Lester, district 29 director of the United Steel Workers, and the hardworking men and women of steelworker locals numbered 2659 and 7990 showed courageous sacrifice and great vision. The leadership that Harry showed during the past year is a true sign of the quality of his abilities and his dedication to the rank and file of his union. I will always treasure the friendship we have shared for so many years.

I also want to thank the members of the emergency task force who worked so hard to make sure that secured creditors around the country were aware of the full impact of a McLouth closing. I am convinced that their efforts were vital to winning the extensions of time that McLouth people needed to work out a rescue plan. My appreciation goes to Senator CARL LEVIN, Congressman WILLIAM FORD, Congressman JOHN DINGELL, Detroit mayor, Coleman A. Young, and former Michigan Governor, William G. Milliken. In addition, several other members of the task force played important roles, and made tough, necessary decisions on the local level. They include, Mayor Robert Bovitz of Trenton, Mayor Larry Wall of Gibraltar, Dr. Donald Van Every, superintendent of Riverview Community Schools, and Mr. Richard Light, superintendent of the Gibraltar School District.

Mr. Marian Krzyzowski, senior research associate at the University of Michigan's Institute of Science and Technology, conducted a powerful analysis of the total economic impact of a McLouth closing.

Mr. Dewitt Henry, executive director and Ms. Mary Jane Hock of the Downriver Community Conference made an important contribution in measuring the economic impact of McLouth Steel on the small businesses and people living downriver. Their work provides a valuable model for community groups throughout Michigan in this time of economic emergency.

Mr. Milton Deaner, president of McLouth Steel and Mr. William Murphy, former vice president of McLouth for government affairs, contributed enormously to the success of this long struggle.

Finally, I would like to express my admiration and thanks to the people and communities of the downriver area. Their faith has been justified by the fact that a major manufacturing plant is open and providing jobs and producing steel.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

NATIONAL HOUSING PRODUCTION REPORT—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I herewith transmit the 1982 National Housing Production Report as required by Section 1603 of the Housing

and Urban Development Act of 1968, as amended (42 U.S.C. 1441c).

RONALD REAGAN.

THE WHITE HOUSE, *February 3, 1983.*

ANNUAL REPORT ON PIPELINE SAFETY—MESSAGE FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of Section 16 of the Natural Gas Pipeline Safety Act of 1968, as amended, and Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979, I hereby transmit the Annual Report on Pipeline Safety for calendar year 1981.

RONALD REAGAN.

THE WHITE HOUSE, *February 3, 1983.*

ANNUAL REPORT ON ACTIVITIES UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT—MESSAGE FROM THE PRESIDENT—PM 12

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 26 of the Occupational Safety and Health Act of 1970 (Public Law 91-596), I transmit herewith the 1981 annual report on the activities under that law of the Department of Labor and the Department of Health and Human Services.

RONALD REAGAN.

THE WHITE HOUSE, *February 3, 1983.*

ANNUAL REPORTS OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION—MESSAGE FROM THE PRESIDENT—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provision of Section 313(d) of Public Law 89-750, as amended, I herewith transmit the 1980 and 1981 annual reports of the National Advisory Council on Adult Education.

RONALD REAGAN.

THE WHITE HOUSE, *February 3, 1983.*

MESSAGES FROM THE HOUSE

At 12:09 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 61. An act to designate a "Nancy Hanks Center" and the "Old Post Office Building" in Washington, District of Columbia, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 8. Concurrent resolution to provide for an adjournment of the Senate for more than 3 days.

The message further announced that pursuant to the provisions of section 2, Public Law 96-453, as amended, the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Ms. FERRARO and Mr. CARNEY.

The chairman of the Committee on Merchant Marine and Fisheries appoints the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Merchant Marine Academy for the year 1983: Mr. BIAGGI, Mr. DONNELLY, Mr. SNYDER, and Mr. JONES of North Carolina, ex officio.

The message also announced that pursuant to the provisions of section 194(a), title 14 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. GEJDENSON and Mr. MCKINNEY.

The chairman of the Committee on Merchant Marine and Fisheries appoints the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the year 1983: Mr. STUDDS, Mr. HUGHES, Mr. YOUNG of Alaska, and Mr. JONES of North Carolina, ex officio.

The message further announced that pursuant to the provisions of 10 United States Code 6968(a), the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. LONG of Maryland, Mr. MURTHA, Mrs. HOLT, and Mr. SPENCE.

The message also announced that pursuant to the provisions of 10 United States Code 4355(a), the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. DIXON, Mr. HEFNER, Mr. ROTH, and Mr. FISH.

At 12:43 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 60. Joint resolution to direct the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day."

ENROLLED BILL SIGNED

At 1:12 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the Speaker has signed the following enrolled bill:

S. 61. An act to designate a "Nancy Hanks Center" and the "Old Post Office Building" in Washington, District of Columbia, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary reported that on today, February 3, 1983, he had presented to the President of the United States the following enrolled bill:

S. 61. An act to designate a "Nancy Hanks Center" and the "Old Post Office Building" in Washington, District of Columbia, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-188. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a report on Federal information collection; to the Committee on Governmental Affairs.

EC-189. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report listing reports of the General Accounting Office from the previous month; to the Committee on Governmental Affairs.

EC-190. A communication from the Deputy Assistant Secretary of Health and Human Services for Health Operations and Director, Office of Management transmitting, pursuant to law, a report on the PHS Commissioned Corps Retirement System; to the Committee on Governmental Affairs.

EC-191. A communication from the Secretary of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the Council Resol. 4-690; to the Committee on Governmental Affairs.

EC-192. A communication from the Secretary of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the Council Resol. 4-692; to the Committee on Governmental Affairs.

EC-193. A communication from the Deputy Assistant Secretary of the Interior for Indian Affairs (Operations) transmitting, pursuant to law, a report on cancellations and adjustments of debts to the U.S. Government against Indians or tribes of Indians; to the Select Committee on Indian Affairs.

EC-194. A communication from the Chief Justice of the Supreme Court of the United States transmitting, pursuant to law, the

Report of the Proceedings of the Judicial Conference of the United States, 1982; to the Committee on the Judiciary.

EC-195. A communication from the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped transmitting, pursuant to law, a report on the committee's activities under the Freedom of Information Act; to the Committee on the Judiciary.

EC-196. A communication from the Clerk of the Court of Claims transmitting, pursuant to law, the final annual report of the Court, 1982; to the Committee on the Judiciary.

EC-197. A communication from the Deputy General Counsel for Corporate Finance and General Corporate, The Mortgage Corporation, transmitting, pursuant to law, the annual report of the Federal Home Loan Mortgage Corporation on activities under the Freedom of Information Act, 1982; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-4. A resolution adopted by the Italian-American Labor Council urging Congress to continue support of NATO and urging the United States to more closely coordinate policy actions with the United States' western allies; to the Committee on Armed Services.

POM-5. A resolution adopted by the American Academy of Religion urging Congress to call an immediate halt to the production and deployment of first-strike weapons and supporting a world-wide freeze on the production of all nuclear weapons; to the Committee on Armed Services.

POM-6. A resolution adopted by the council of the city of New Rochelle, N.Y., urging Congress to continue community development funding for municipalities; to the Committee on Banking, Housing, and Urban Affairs.

POM-7. A resolution adopted by the Italian-American Labor Council urging Congress to support the Competitive Shipping and Shipbuilding Act; to the Committee on Commerce, Science, and Transportation.

POM-8. A resolution adopted by the Biennial National Shipbuilding Conference of the Metal Trades Department, AFL-CIO, urging Congress to continue national support of the private shipbuilding industry at the highest possible levels, by continuing to provide incentives for construction and repair of the merchant marine in American shipyards; to the Committee on Commerce, Science, and Transportation.

POM-9. A resolution adopted by the Italian-American Labor Council urging Congress to adopt alternative economic programs in order to move the Nation in a path to achieve full employment; to the Committee on Environment and Public Works.

POM-10. A resolution adopted by the council of the city of Cleveland, Ohio, urging Congress to enact a public works job program containing certain characteristics and provisions to permit more direct local control; to the Committee on Environment and Public Works.

POM-11. A resolution adopted by the Italian-American Labor Council urging Congress to repeal title IV of the Trade Act, the so-called generalized system of preference; to the Committee on Finance.

POM-12. A resolution adopted by the Italian-American Labor Council urging Congress to bolster the social security system by tapping general revenue funds to supplement the present payroll tax; to the Committee on Finance.

POM-13. A resolution adopted by the American Historical Association calling for a nuclear arms reduction with the Soviet Union and other states; to the Committee on Foreign Relations.

POM-14. A petition from a citizen of Trenton, N.J., relating to the referendum that appeared on the November 2, 1982 general election ballot calling for a freeze on nuclear arms escalation; to the Committee on Foreign Relations.

POM-15. A resolution adopted by the House of Representatives of the State of Michigan; to the Committee on Foreign Relations:

"HOUSE RESOLUTION No. 735

"Whereas, Approximately 2,500 American servicemen and civilians are missing and/or otherwise unaccounted for as a result of the Vietman conflict; and

"Whereas, The conscience of every American should be troubled on behalf of the families of our prisoners of war and those still missing who are subject to unrelenting mental anguish and a sense of futility in their quest for information about their loved ones; and

"Whereas, It is the United States government's statutory responsibility to ensure the return of all prisoners of war and the accounting for missing personnel as well as the repatriation of the remains of those who perished serving our nation; and

"Whereas, An increasing number of eyewitness reports of Americans in captivity in Southeast Asia continue to fill the hopes of the POW/MIA families that a priority effort will be made to exact a precise accounting for these men; and

"Whereas, New initiatives at every level of government should be taken to secure the safe return of these servicemen and civilians; and

"Whereas, It is appropriate that the Michigan Legislature petition the President of the United States and the United States Congress on behalf of our prisoners of war and those servicemen and civilians still missing to ensure that they take whatever steps are necessary to secure the fullest possible accounting of these Americans; now, therefore, be it

"Resolved by the House of Representatives, That the President of the United States and the United States Congress are hereby memorialized to immediately take whatever action is necessary to obtain the identity and seek the release of our prisoners of war and to secure the fullest possible accounting for those still missing as a result of the Vietman conflict by the use of both private and public agencies, be it through national or international auspices; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan Congressional delegation."

Pom-16. A petition from a citizen of Helena, Mont., relating to the MX Missile Initiative approved by voters on November 2, 1982; to the Committee on Foreign Relations.

Pom-17. A memorial from a citizen of Salem, Oreg., supporting an immediate mutual verifiable freeze of United States and Soviet nuclear arms arsenals at current levels, approved by the voters on November 2, 1982; to the Committee on Foreign Relations.

Pom-18. A resolution adopted by the Italian-American labor Council relating to the Immigration Reform Act of 1965; to the Committee on the Judiciary.

Pom-19. A resolution adopted by the council of the city of Lockport, N.Y., urging that legislation be immediately adopted which will exempt municipalities from liability under the Federal antitrust laws in the same manner that States are now exempted; to the Committee on the Judiciary.

Pom-20. A petition from a citizen of San Francisco, Calif., relating to medicine and medical practices; to the Committee on Labor and Human Resources.

Pom-21. A resolution adopted by the Association of American Colleges relating to the issue of penalties for failure to register for the draft; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance, without amendment:

S. Res. 47. An original resolution authorizing expenditures by the Committee on Finance; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Richard T. McCormack, of the District of Columbia, to be an Assistant Secretary of State;

Richard R. Burt, of the District of Columbia, to be an Assistant Secretary of State;

W. Allen Wallis, of New York, to be Alternate Governor of the African Development Bank for the term of five years;

Thomas A. Bolan, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PERCY. Mr. President, also from the Committee on Foreign Relations, I report favorably two nomination lists in the Senior Foreign Service which were printed in full in the CONGRESSIONAL RECORD of January 25, 1983, and, to save the expense of reprinting them on the executive calendar, I ask unanimous consent that these lists lie on the Secretary's desk for the information of Senators.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE (for himself and Mr. PACKWOOD):

S. 410. A bill to amend titles XVII, and XIX of the Social Security Act to provide coverage for community nursing center services under the medicare and medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 411. A bill for the relief of Ms. Shon Ning Lee; to the Committee on the Judiciary.

S. 412. A bill for the relief of Sun Ok Kim, Ok Lyun Kim, Koang Hi Kim, Chin Hi Kim, Hyun Soo Kim; to the Committee on the Judiciary.

By Mr. JACKSON:

S. 413. A bill for the relief of James P. Purvis; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. CHAFEE, Mr. GARN and Mr. D'AMATO):

S. 414. A bill to amend and clarify the Foreign Corrupt Practices Act of 1977; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EAGLETON:

S. 415. A bill to allow the adjudication of claims against the United States for damages from the activities of the Army Corps of Engineers at the Clarence Cannon Dam project on the Salt River in the State of Missouri; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 416. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic River System; to the Committee on Energy and Natural Resources.

By Mr. PROXMIRE (for himself, Mr. BOREN, Mr. BRADLEY, Mr. DECONCINI, Mr. EAGLETON, Mr. HOLLINGS and Mr. JACKSON):

S. 417. A bill to amend the Social Security Act to establish depository accounts in the Treasury for those portions of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund not required to meet current withdrawals, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. COCHRAN, Mr. BYRD, Mr. HEFLIN and Mr. GARN):

S. 418. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief in the event of unfair foreign competition; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 419. A bill to provide that per capita payments to Indians may be made by tribal governments, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. JOHNSTON:

S. 420. A bill to quiet title and possession with respect to a certain private land claim in Livingston Parish, Louisiana; to the Committee on Energy and Natural Resources.

By Mr. PROXMIRE (for himself, Mr. PRYOR and Mr. JEPSEN):

S. 421. A bill to require the Comptroller General of the United States to ascertain increases in the cost of major acquisition programs of the civilian agencies of the executive branch; to limit the obligation and expenditure of Federal funds to carry out any major civil acquisition program after there has been a major increase in the cost of such civil acquisiton program until enactment of a law providing new authority to carry out such acquisition program, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEPSEN (for himself and Mr. THURMOND):

S. 422. A bill to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 423. A bill to restrict the disposal by the Administrator of General Services of certain real property located at the Beltsville Agricultural Research Center; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 424. A bill to authorize the Secretary of the Air Force to enter into long-term contracts for the lease of a limited number of housing units at or near not more than five Air Force installations for the purpose of providing badly needed family housing for Air Force personnel, and for other purposes; to the Committee on Armed Services.

By Mr. DENTON:

S. 425. A bill to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes; to the Committee on Labor and Human Resources.

By Mr. CHILES:

S. 426. A bill to amend title 38, United States Code, to require the Administrator of the Veterans' Administration to consider the number of veterans residing in each State and projected changes in the number of veterans residing in each State in acquiring and operating medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAUCUS (for himself, Mr. COCHRAN, Mr. GOLDWATER, Mr. HEINZ, Mr. KASTEN, Mr. KENNEDY, Mr. LEVIN, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PELL, Mr. PRYOR, Mr. SYMMS, and Mr. TSONGAS):

S. 427. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain literary, musical, or artistic compositions; to the Committee on Finance.

By Mr. TSONGAS (for himself, Mr. RIEGLE, and Mr. GORTON):

S. 428. A bill to provide for a study on economically strategic technologies and to identify and provide for the development of such technologies; to the Committee on Commerce, Science, and Transportation.

By Mr. TSONGAS (for himself, Mr. BRADLEY, Mr. INOUYE, and Mr. RIEGLE):

S. 429. A bill to require the Secretary of Health and Human Services to make grants to States and to local governments for the purpose of providing emergency assistance to the homeless; to the Committee on Labor and Human Resources.

By Mr. TSONGAS (for himself, Mr. CRANSTON, Mr. PACKWOOD, Mr. MOYNIHAN, and Mr. KENNEDY):

S. 430. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

By Mr. CHAFEE (for himself and Mr. RANDOLPH):

S. 431. A bill to amend the Clean Water Act, as amended, to authorize funds for fiscal years 1983, 1984, 1985, 1986, 1987, and for other purposes; to the Committee on Environment and Public Works.

By Mr. RANDOLPH:

S. 432. A bill to amend the Clean Water Act to extend the 1984 compliance date for certain recently established requirements; to the Committee on Environment and Public Works.

By Mr. ROTH (for himself and Mr. BIDEN):

S. 433. A bill to authorize and direct the Secretary of the Army acting through the Corps of Engineers to relocate the Christina River Dredge Spoil Disposal Site; to the Committee on Environment and Public Works.

By Mr. GARN (for himself, Mr. PROXMIRE, Mr. NUNN, Mr. COHEN, Mr. TOWER, Mr. MOYNIHAN, Mr. LAXALT, Mr. THURMOND, Mr. ARMSTRONG, Mr. TRIBLE, Mr. MATTINGLY, Mr. HATCH, Mr. HELMS, Mr. PRESSLER, Mr. ABDNOR, Mr. SYMMS, Mr. EAST, and Mr. WALLOP):

S. 434. A bill to unify the export administration functions of the U.S. Government within the Office of Strategic Trade, to improve the efficiency and strategic effectiveness of export regulation while minimizing interference with the ability to engage in commerce, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCLURE:

S. 435. A bill for the relief of Joseph Antonio Francis; to the Committee on the Judiciary.

S. 436. A bill for the relief of Cesareo Baca-Olivas and Candelaria E. Perez de Baca, husband and wife; to the Committee on the Judiciary.

S. 437. A bill for the relief of Francisco Javier Valera and Sandraa Elena Alvarez Valera, husband and wife; to the Committee on the Judiciary.

S. 438. A bill for the relief of Adan and Sara Ronquillo, husband and wife, and their children Lavina and Marvin Ronquillo; to the Committee on the Judiciary.

S. 439. A bill for the relief of Ashok Amarshi; to the Committee on the Judiciary.

By Mr. BYRD:

S. 440. A bill for the relief of Dr. Rex B. Kare, his wife and children; to the Committee on the Judiciary.

S. 441. A bill for the relief of Prashant Agarwal; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 442. A bill to amend Public Law 89-668 relating to the Pictured Rocks National Lakeshore to require the development of a local land use plan; to the Committee on Energy and Natural Resources.

By Mr. DOLE:

S. 443. A bill to reorganize the court system for cases and proceedings under the bankruptcy laws, and for other purposes; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself, Mr. BIDEN, Mr. DOLE, Mrs. HAWKINS, Mr. HEINZ, Mr. HOLLINGS, Mr. QUAYLE, Mr. RANDOLPH, Mr. BOSCHWITZ, Mr. SPECTER, Mr. INOUYE, Mr. MATSUNAGA, Mr. ANDREWS, Mr. PELL, Mr. BURDICK, Mr. COCHRAN, Mr. CRANSTON, Mr. HART, Mr. BRADLEY, Mr. TSONGAS, Mr. METZENBAUM, Mr.

PERCY, Mr. PACKWOOD, Mr. D'AMATO, Mr. BAUCUS, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. RIEGLE, Mr. DOMENICI, Mr. DECONCINI, Mr. MOYNIHAN, Mr. SARBANES, Mr. HATFIELD, Mr. HELMS, Mr. DIXON, Mr. PRESSLER, and Mr. SIMPSON):

S. 444. A bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE:

S. 445. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. JEPSEN (for himself, Mr. DOLE, and Mr. GRASSLEY):

S. 446. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program; to the Committee on Finance.

By Mr. HELMS:

S. 447. A bill to modify the certification requirements relating to El Salvador contained in the International Security and Development Cooperation Act of 1981; to the Committee on Foreign Relations.

By Mr. ABDNOR (for himself and Mr. PRESSLER):

S. 448. A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOSCHWITZ (for himself, Mr. DANFORTH, Mr. DURENBERGER, Mr. EAGLETON, Mr. PERCY, Mr. JEPSEN, Mr. GRASSLEY, Mr. HUDDLESTON, and Mr. DIXON):

S. 449. A bill to authorize the construction of a lock on the Mississippi River in the vicinity of Alton, Ill. and Mo., and to provide for the coordinated use and enhancement of the Upper Mississippi River system, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself, Mr. STEVENS, Mr. HEINZ, and Mr. GLENN):

S. 450. A bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes; to the Committee on Governmental Affairs.

By Mr. PRYOR (for himself and Mr. SPECTER):

S. 451. A bill to appropriate funds for a food distribution and emergency shelter program; to the Committee on Appropriations.

By Mr. STAFFORD (for himself, Mr. MOYNIHAN, Mr. SIMPSON, and Mr. RANDOLPH):

S. 452. A bill to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WARNER (for himself, Mr. BOSCHWITZ, Mr. EAST, Mr. MURKOWSKI, Mr. SPECTER, and Mr. TRIBLE):

S. 453. A bill to amend the Tariff Schedules of the United States to impose a one-tenth of 1 percent duty on apple and pear juice; to the Committee on Finance.

By Mr. BYRD:

S. 454. A bill to provide for an accelerated study of the causes and effects of acidic deposition during a 5-year period, and to provide for grants for mitigation at sites where there are harmful effects on ecosystems resulting from high acidity; to the Committee on Environment and Public Works.

By Mr. WARNER (for himself and Mr. TRIBLE):

S. 455. A bill to modify the navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia; to the Committee on Environment and Public Works.

S. 456. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to carry out certain erosion control projects in the Chesapeake Bay, Va.; to the Committee on Environment and Public Works.

By Mr. McCLURE (for himself, Mr. SYMMS, Mr. LAXALT, and Mr. WALLOP):

S. 457. A bill to require the protection, management, and control of wild free-roaming horses, and burros on public lands; to the Committee on Energy and Natural Resources.

By Mr. McCLURE:

S. 458. A bill to require a properly executed warrant before an officer or employee of the Immigration and Naturalization Service may enter a farm or other agricultural operation; to the Committee on the Judiciary.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 459. A bill to authorize and direct the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands that were withdrawn or acquired for the purpose of relocating a portion of the city of American Falls out of the area flooded by the American Falls Reservoir; to the Committee on Energy and Natural Resources.

By Mr. EAGLETON:

S. 460. A bill to amend the National Flood Insurance Act of 1968; to the Committee on Environment and Public Works.

By Mr. COHEN:

S. 461. A bill to extend the authorization of appropriations for the Office of Government Ethics for 5 years; to the Committee on Governmental Affairs.

By Mr. GRASSLEY:

S. 462. A bill to amend section 1951 of title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. DIXON:

S. 463. A bill to amend the Internal Revenue Code of 1954 to limit the amount of severance taxes imposed by States on oil, natural gas, and coal; to the Committee on Finance.

By Mr. LONG:

S. 464. A bill to exempt newly discovered oil from the windfall profit tax; to the Committee on finance.

By Mr. CHILES (for himself and Mrs. HAWKINS):

S. 465. A bill to designate components of the National Wilderness Preservation System in the State of Florida; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE (for himself, Mr. BUMPERS, Mr. CRANSTON, Mr. DODD, Mr. INOUYE, Mr. LEVIN, Mr. RANDOLPH, Mr. SARBANES, Mr. SASSER, Mr. STENNIS and Mr. TSONGAS):

S. 466. A bill to authorize assistance to avoid mortgage defaults caused by adverse economic conditions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JEPSEN (for himself, Mr. DENTON and Mr. EAST):

S. 467. A bill to establish U.S. governmental policy with regard to respect for human life; to the Committee on Governmental Affairs.

By Mr. THURMOND:

S. 468. A bill for the relief of Emi Ohta; to the Committee on the Judiciary.

S. 469. A bill for the relief of Frans Nicolaas Mustert; to the Committee on the Judiciary.

By Mr. SYMMS:

S. 470. A bill to provide for the elective payment of benefits under title II of the Social Security Act in the form of social security savings bonds, and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 471. A bill for the relief of Gunter Herbert Kromp and Velma Jean Kromp, his wife; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. GLENN and Mr. HUMPHREY):

S.J. Res. 27. Joint resolution authorizing and requesting the President to designate the week of March 13–19, 1983, as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

By Mr. TSONGAS (for himself, Mr. HATFIELD and Mr. HART):

S.J. Res. 28. Joint resolution calling for immediate negotiations for a ban on weapons of any kind in space; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. MATHIAS, Mr. BAUCUS, Mr. BIDEN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CRANSTON, Mr. DANFORTH, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. EAGLETON, Mr. FORD, Mr. GLENN, Mr. HART, Mr. HATFIELD, Mr. HEINZ, Mr. HUDDLESTON, Mr. INOUYE, Mrs. KASSEBAUM, Mr. LEAHY, Mr. LEVIN, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. PROXMIRE, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, Mr. TSONGAS and Mr. MELCHER):

S.J. Res. 29. Joint resolution to prevent nuclear testing; to the Committee on Foreign Relations.

By Mr. HART:

S.J. Res. 30. Joint resolution to promote extension of the Japanese Auto Restraint Agreement; to the Committee on Finance.

By Mr. THURMOND:

S.J. Res. 31. Joint resolution to authorize and request the President to designate April 23, 1983, as "Army Reserve Day"; to the Committee on the Judiciary.

By Mr. SYMMS (for himself and Mr. DECONCINI):

S.J. Res. 32. Joint resolution to provide for the designation of May 1983, as "National Arthritis Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BAKER, Mr. BOREN, Mr. BUMPERS, Mr. COCHRAN, Mr. D'AMATO, Mr. DURENBERGER, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HEFLIN, Mr. HOLLINGS, Mr. MATTINGLY, Mr. MELCHER, Mr. NUNN, Mr. PRYOR, Mr. RANDOLPH, Mr. SASSER, Mr. STENNIS, Mr. STAFFORD, Mr. TOWER and Mr. LUGAR):

S. Res. 46. A resolution to proclaim "National Circle K Week."; to the Committee on the Judiciary.

By Mr. DOLE:

S. Res. 47. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. JACKSON:

S. Res. 48. A resolution to refer S. 413 to the Chief Judge of the United States Claims Court; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BUMPERS, Mr. HUDDLESTON, Mr. SASSER, Mr. DODD, Mr. RIEGLE, Mr. HATFIELD, Mr. PRYOR, Mr. KENNEDY, Mr. HEINZ, Mr. RANDOLPH, Mr. WEICKER, Mr. BYRD, Mr. LEVIN, Mr. METZENBAUM, Mr. JOHNSTON, Mr. RUDMAN, Mr. PERCY, Mr. BURDICK, Mr. STENNIS, Mr. BRADLEY, Mr. D'AMATO, Mr. DIXON, Mr. EAGLETON, Mr. MITCHELL, Mr. SPECTER, Mr. DECONCINI, Mr. INOUYE, and Mr. HEFLIN):

S. Res. 49. A resolution disapproving deferral D83-43, relating to economic development assistance programs; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of January 30, 1975.

By Mr. BRADLEY:

S. Res. 50. A resolution expressing the sense of the Senate in opposition to cuts in education programs; to the Committee on Labor and Human Resources.

By Mr. RANDOLPH:

S. Res. 51. A resolution to amend rule XII to require Senators to vote from their desks; to the Committee on Rules and Administration.

By Mr. CHAFEE (for himself, Mr. MITCHELL, Mr. STAFFORD, Mr. PELL, Mr. COHEN, Mr. MATSUNAGA, Mr. INOUYE, Mr. LEAHY, RUDMAN, and Mr. TSONGAS):

S. Res. 52. A resolution expressing the Senate's opposition to an imposition of a fee on domestic and imported crude oil and refined products; to the Committee on Finance.

By Mr. BAKER:

S. Res. 53. A resolution to increase the size of the Committee on Labor and Human Resources and to make certain changes in the majority membership; considered and agreed to.

By Mr. BYRD:

S. Res. 54. A resolution making a minority party appointment to the Committee on Labor and Human Resources; considered and agreed to.

S. Res. 55. A resolution to amend paragraph 4 of rule XXV of the Standing Rules of the Senate; considered and agreed to.

S. Res. 56. A resolution to amend paragraph 4 of rule XXV of the Standing Rules of the Senate; considered and agreed to.

By Mr. COHEN (for himself and Mr. NUNN):

S. Res. 57. A resolution expressing the sense of the Senate that the Government of the United States and the Government of the Union of Soviet Socialist Republics should adhere to the principle of a mutual guaranteed build-down of nuclear forces; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself and Mr. PACKWOOD):

S. 410. A bill to amend titles XVIII and XIX of the Social Security Act to provide coverage for community nursing center services under the medicare and medicaid programs, and for other purposes; to the Committee on Finance.

COMMUNITY NURSING CENTERS ACT

Mr. INOUYE. Mr. President, it is with a great deal of pleasure that I introduce today, on behalf of myself and Senator PACKWOOD, a bill to authorize the establishment and designaton of community nursing centers (CNC), under medicare and medicaid.

This legislation has been developed with the full support and assistance of the American Nurses' Association.

It is a proposal carefully designed to moderate the costs of medicare and medicaid without cutting back on vitally needed care and service, through maximizing usage of America's professional nurses in the ongoing struggle.

The principal focus of the CNC legislation is to provide ambulatory care through independent nursing centers as a real alternative to high cost institutional care. It involves careful structuring and safeguards to assure that the program functions as a legitimate professional substitute for far more costly alternatives rather than operating as a new benefit on top of what is already being provided.

Additionally, rather than seeking to stimulate the costly development of a whole new group of provider organizations, the proposal seeks to build upon the known and demonstrated capacity and concern of community-based nursing organizations such as the visiting nurse agencies and the extensive nursing components of municipal and county health departments.

The economic viability of those nursing organizations which generally serve the community as a whole and without regard to ability to pay, is being increasingly threatened because of budgetary cutbacks and a decrease in the proportion of paying patients to nonpaying or part-pay patients. The continued vitality of these agencies is important not only in urban areas but equally so in rural America where they are often the only available resource to much of the population. The incentive payments paid to cost-effective CNC's would undoubtedly be utilized to underwrite free or below-cost care being provided to the poor and near poor.

The emphasis on building upon the existing VNA's and health departments avoids the costs and confusion of establishing overlapping and duplicative organizations while at the same time strengthening the financial soundness of the VNA's and the health departments through expansion of their role in meeting needs in medicare and medicaid which are now often being met in the most costly settings—hospitals, skilled nursing homes, and intermediate care facilities. This would be achieved through provisions of care and service directly by or under the supervision and coordination of professional nurses to patients who would ordinarily, in the absence of such support, be admitted to or retained in hospitals and nursing homes. Formal protocols would assure that a CNC undertook or arranged for any necessary consultation or referrals.

This is not only good cost-saving economics but an infinitely more humane way to proceed.

Further, we are all concerned with State cutbacks in so-called "well-baby" care. The community nursing centers will offer States the option of contracting for that necessary care under medicaid and related programs on the basis of a monthly inclusive fee or capitation amount. A CNC would offer those services both at the center and in a home. It is anticipated that this will result in States getting more "bang for a buck" and hopefully, through this more economical approach serve to avoid denying necessary health supervision to many needy infants and children whose eligibility might otherwise be terminated.

With the sole exception of those community nursing centers which might be sponsored by public or eleemosynary entities, the centers would be independent freestanding organizations. This approach avoids control or domination of the centers by hospitals or nursing homes looking for a mechanism to function as a "way station" to essentially funnel patients into their beds. Independence also avoids artificial manipulation of costs between institutional and noninstitutional settings.

Of great importance, an independent community nursing center would avoid domination by nonprofessional nursing personnel and practitioners with concerns, training, and interests which may well differ from the nursing perspective and commitment to those ambulatory services supportive of maximum independent capacity and living. In this regard, America's professional nurses have been a grossly underutilized and often misutilized resource in terms of employing the scope of their training and capacity to identify and meet patient needs. In our recurring battles of the budget we have, heretofore, seriously neglected bringing into the fight the broad range of service ability coupled with compassion of the Nation's nurses.

The answer to soaring health care costs lies not in reducing the eligibility and benefits of millions of Americans in need but rather in developing better and more economical approaches toward meeting those needs. The CNC proposal represents just such a significant legislative option to the gutting

and cutting of federally supported health care programs.

A CNC would have the basic obligation of serving at least two of three medicare-medicaid population groups:

First, in the medicaid area, the provision of "well-baby" care as defined and contracted for a State.

Second, the offering of home health care as presently authorized under medicare.

Third, under medicare, and under medicaid to the extent a State so elects, the provision of care and service onsite and offsite, to those individuals who, absent that care, would ordinarily be institutionalized and who are expected to require services of a CNC for at least 3 months or longer.

In the latter case, as evidence of the validity of the CNC alternative, the principal test of eligibility would be that a majority of those people with similar diagnoses, of similar severity and other significant related patient characteristics, were in fact in nursing homes or being admitted to those types of facilities.

This criterion, Mr. President, is intended to establish and assure the integrity of the CNC as a legitimate substitute to much more costly admission or retention of patients in hospital or nursing home beds. It is quite similar, in concept to the DRG or diagnosis related groupings which are being employed in reimbursement for hospital care.

While not mandatory under this bill, CNC's will not be precluded and in fact, to the extent of their capacity, are encouraged to meet other legitimate community health care needs in areas such as: Provision of hospice care; the end-stage renal disease program; the early periodic screening, diagnosis and treatment program for children; school health programs; and supportive ambulatory or domiciliary care sponsored by the Veterans' Administration. This listing is simply illustrative and not definitive as to the broad range of service potential of community nursing centers.

As another index of cost effectiveness, the Secretary of HHS may contract with a community nursing center only where the costs of the center are substantially lower than any alternative resources in an area providing a similar type or types of care. In simple fact, Mr. President, this means that any existing VNA, now serving as a medicare home health agency, must come in at rates substantially below its current expense in order to qualify as a community nursing center. That desirable and happy result can be achieved because of the operation of several factors.

First, in the case of long-term patients, the CNC would be paid a monthly inclusive fee covering all services. The amount of the fee would vary depending upon a given patient's classification in terms of diagnosis, severity of illness, age cohort, and other cost-inducing variables.

That fee would be paid monthly, in advance, thereby enhancing the CNC's cash flow and minimizing the need for borrowing and its accompanying expense. While a CNC would maintain appropriate patient records, the monthly fee would relieve it of the costly and nonproductive expense associated with the present need to itemize each bill and submit such bills at frequent intervals, as well as associated time-consuming cost finding.

The inclusive fee will also serve as an incentive to productivity and efficient provision of care as overservicing of patients would not generate any additional income—as it does under the present system. I might add that the bill includes safeguards to avoid any underservicing of patients in order to maximize income.

Second, the fact that a CNC was designated to serve the needs of defined populations in a defined service area would enable it to budget and staff on a considerably more efficient and economical basis than exists today with uncertain patient mix and flow.

Finally, expansion of the scope of the services provided as well as the population groups would enable necessary overhead costs to be spread over a much broader base than can be done today by VNA's and health department home care programs.

With respect to the inclusive fee methodology, the Secretary is also authorized to demonstrate its feasibility, taking into account relative economy and administrative simplification, for patients with short-term care needs. Where he found the approach cost saving he would be authorized to utilize that method and to the extent appropriate.

Mr. President, to assure its integrity the community nursing center legislation incorporates every reasonable safeguard and control we can think of consistent with accountability for proper expenditure of public funds and professionalism.

For example, under our bill, the Comptroller General would regularly evaluate the program and report to the Congress on the extent to which individuals who would have been institutionalized are in fact being kept out of hospitals and nursing homes. He would evaluate the program's cost effectiveness and equitability of its fee structure. He would review the appropiateness of CNC assessments and plans of care developed for individuals. He would be free to make any additional reviews or recommendations he deemed justified.

Under this approach, as well as the normal evaluation activities of the Secretary of HHS, any problems should be identified and remedied in timely fashiion. Thus if the CNC program does not function properly, then Congress would know about it and could act accordingly. Where it works well, as we anticipate, then we ought to know that too.

A CNC would assess each prospective patient and prepare a proposed nursing plan of care based upon individual needs. The patient's physician would then have a reasonable amount of time to review the nursing plan to assure that it was not inconsistent with his understanding of the patient's needs and condition. Following any formal objection by the physician to elements of the proposed plan of care, the services would not be reimbursable unless the CNC agreed to the suggested changes.

That is another safeguard for the patient, the CNC, and the payers.

Another safeguard, incorporated in the bill, is the requirement that the proposed nursing plan of care be reviewed by an independent committee—a majority of whose members would consist of professional nurses who did not have any direct or indirect financial interests in CNC activities.

These committees must approve proposed plans of care, in advance, in order for the services to be reimbursable. The operation of these review committees avoids any problem of giving CNC's a "blank check" which they might otherwise use to unilaterally determine who and what they would be paid for.

The costs of this kind of review should be minimal relative to the costs of patient services. That is because of the requirement that the types of medicare patients served would ordinarily require care of 3 months or longer in duration. Thus the review cost for each patient would be spread over an extended period of service need.

The review committees would also be responsible for making scheduled and unscheduled visits to CNC sites and their patients to assure that necessary care and service was being provided in proper professional fashion.

While the review groups would be independent in terms of their decisionmaking responsibility, it is expected that for logistical purposes they would be lodged in federally funded review organizations, carriers, intermediaries, and similar sites so as to facilitate the handling of paperwork and normal administrative routine in behalf of the review committees by agencies which are already in place.

Mr. President, CNC's will be a different comprehensive mechanism for providing ambulatory services by or under the direction of professional nurses.

A CNC will be considerably more than a home health agency in terms of its independence, nursing focus, provision of on-site care and broader range of populations served. A CNC differs

from hospital outpatient departments and neighborhood health centers because of its professional nursing orientation—in contrast to the medical focus of the others and because of the emphasis on providing necessary service in or out of the home rather than in a single setting.

Mr. President, we need to give America's professional nurses this opportunity to make a maximum contribution toward a better, more responsible and more economic means of meeting the health care needs of millions of Americans.

The legislation we are introducing today presents the Congress with an opportunity to consider a more effective and cost-efficient way of utilizing the skills of the more than 1.6 million registered nurses in this country, and particularly the 14,600 RN's who reside in my own State.

Mr. President, I urge my colleagues and their staffs to carefully read this legislation. We introduce this bill today to allow every office to consider its merit and its uniqueness as they plan for the 98th session of the U.S. Congress.

Finally, I would like to thank the American Nurses' Association for their assistance in developing this legislation—their commitment to strenghtening the health care system and making it work more efficiently and effectively is commendable.

Mr. President, I ask for unanimous consent that a summary of the CNC proposal and the text of the bill appear in the RECORD at the conclusion of these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Nursing Centers Act of 1983".

MEDICARE PROVISIONS

SEC. 2. (a) Section 1861 of the Social Security Act is amended by inserting after subsection (aa) the following new subsection:

"Community Nursing Center Services

"(bb)(1) The term 'community nursing center services' means any of the following items and services which are furnished to an individual by a community nursing center (as defined in paragraph (2)) or by others under arrangements made by such center, which are furnished under a nursing plan of care established and reviewed in accordance with paragraph (3), and which are furnished at the community nursing center, the individual's home, or any other appropriate location:

"(A) part-time or intermittent nursing care furnished by or under the supervision of a registered professional nurse;

"(B) physical, occupational, or speech therapy;

"(C) social services necessary to and supportive of the overall nursing plan of care and included in such plan;

"(D) part-time or intermittent services of a home-health aide who has successfully completed a training program approved by the Secretary;

"(E) medical supplies (other than drugs and biologicals) and the use of medical appliances;

"(F) 'well-baby' and health supervision services for infants and children in accordance with a State plan established under title XIX of this Act; and

"(G) any other related supportive services, from among those listed in section 1915(c)(4)(B) of this Act and available from a community nursing center, which the Secretary does not find inappropriate to prevent the need for institutionalization of the individual, including appropriate patient or family training.

"(2) The term 'community nursing center' means a public or private entity which—

"(A) is a free-standing center primarily engaged in providing nursing services and which furnishes substantially all of its nursing services and at least the major portion of its other services directly, with any balance of services provided through arrangements with others, and which furnishes all the items and services listed in paragraph (1) or a sufficient number of such items and services such that the entity will adequately meet (but is not limited to) the needs, as defined and included in any contract, of two of the following categories of individuals:

"(i) individuals who are eligible for community nursing center services under this title by reason of their need for home health services (as certified under clause (i) of section 1814(a)(8)(C) or clause (i) of section 1835(a)(3)(C));

"(ii) individuals who are eligible for community nursing center services under this title by reason of the fact that they would otherwise require institutionalization (as certified under clause (ii) of section 1814(a)(8)(C) or clause (ii) of section 1835(a)(3)(C)); and

"(iii) infants and other children in need of well-baby or health supervision services;

"(B) in the case of a nongovernmental or noneleemosynary center, is not under common control with any other provider;

"(C) provides that all such items and services are furnished by or under the direct or overall supervision of a registered professional nurse and that all direct skilled or other nursing service is ordinarily provided by regular employees of the center;

"(D) provides that registered professional nurses employed by the center shall have primary responsibility for developing policies to govern the furnishing of such items and services, provides for the carrying out of those policies by a registered professional nurse, and provides that the principal operating officer of such center is a registered professional nurse;

"(E) maintains clinical records on all patients;

"(F) has in effect protocols, which are not found by the Secretary to be inadequate or inappropriate, to assure timely referral to or consultation with other health care providers or professionals when necessary;

"(G) in the case of a center in any State in which State or applicable local law provides specifically for the licensing of 'community nursing centers', as such, is licensed pursuant to such law or is approved by the responsible agency of such State or locality as meeting the standards established for such licensing;

"(H) provides that all personnel employed by the center or otherwise utilized by the center meet any State or local licensing requirements relating to the furnishing of any services actually furnished by such personnel;

"(I) provides for a system of review of nursing plans of care by an independent review committee in accordance with paragraph (3)(C), and for utilization review, including consideration of quality of care, by such committee in accordance with paragraph (6);

"(J) is designated by the Secretary as a community nursing center for a service area pursuant to paragraph (4);

"(K) to the extent of its capacity, as determined by the Secretary, furnishes such items and services to any individual eligible therefor under this title in accordance with the needs of such individual without regard to the frequency or duration of required services for such individual; and

"(L) meets such other requirements, including contract performance reports, as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by the center.

"(3)(A) A nursing plan of care shall be developed for each individual furnished community nursing services under this title. The plan shall be developed, and its implementation shall be supervised by, a registered professional nurse. The plan shall include an initial assessment, and periodic reassessments, of the need of the individual for community nursing center services, and a determination as to whether the individual shall be certified or recertified as eligible for such services under this title or under a State plan approved under title XIX.

"(B) A nursing plan of care for an individual developed under subparagraph (A), and any modification thereof, shall be submitted to the physician or other medical resource identified by such individual as having primary responsibility for the individual's medical care. In the event that an individual does not or cannot so identify his primary source of medical care, the center may, with the approval of the individual and in accordance with appropriate protocols, refer such individual's proposed plan of care to a qualified physician who is not employed by such center and who does not have a direct or indirect financial interest in such center or any other center. No payment shall be made under this title for any item or service furnished under the nursing plan of care if such physician (or other medical entity so designated) disapproves, in writing and with appropriate notification to the center, of the nursing plan of care or modification within 10 days after it is submitted and formally received. Subsequently, if such items or services are furnished after such physician, after the expiration of such 10-day period and based upon changes in a patient's condition or needs, requests in writing a modification or termination of such plan or specific elements thereof, no payment shall be made unless such plan is modified in accordance with such physician's instructions and agreed to by the center.

"(C) No payment shall be made under this title for any item or service furnished under the nursing plan of care or a modification thereof unless such plan of care, or modification thereof, has been approved by an independent review committee having an agreement with the Secretary under subparagraph (D), including approval by such committee of the determination that the in-

dividual involved can reasonably be expected to require community nursing center services for a period of at least three months. Each plan of care, or modification thereof, developed by a community nursing center shall be submitted for approval to the independent review committee designated by the Secretary as having review jurisdiction for such community nursing center. Any such plan or modification shall be deemed to be approved unless it is disapproved within three working days after submittal, unless the independent review committee specifies additional information which must be submitted in order to make a decision. If such additional information is requested, the plan or modification shall be deemed to be approved unless it is disapproved within three working days after submittal of all such information. The review committee may also offer recommendations to the center concerning a given plan of care.

"(D)(i) The Secretary shall enter into contracts with independent review committees for the purpose of providing plan reviews as required under subparagraph (C) and utilization and quality of care reviews under paragraph (6). Any such contract shall specify the review duties of the committee, the community nursing centers over which the committee shall have review jurisdiction, the amount of payment to the committee for such services, and such other matters as the Secretary and the committee may deem appropriate.

"(ii) To the extent feasible and effective and to facilitate economy of operation through shared administrative and financial structures, such review entity shall be situated in the offices of, or may be designated as a component of, organizations established and designated under part B of title XI. However, the review committee established under this subsection shall have sole responsibility for determinations required under this subsection. Such determinations shall not be subject to review or approval, with respect to nursing plans of care, by any intermediary or carrier designated under this title.

"(iii) The duration of a contract under this subparagraph shall be determined under the terms of the contract, except that the Secretary shall have the right to terminate a contract at any time if the Secretary determines that the committee is not fulfilling its duties under such contract.

"(iv) The composition of the membership of the committee shall be determined under the terms of the contract, except that (I) a majority of the membership of the committee shall consist of registered professional nurses in current active practice of their profession, and (II) no individual may serve as a member of a committee if such individual, or any member of such individual's family, has, directly or indirectly, any financial interest in a community nursing center for which that committee has review jurisdiction, or in an institution or entity which is in competition with such community nursing center. For purposes of this clause, the term 'family' includes only an individual's spouse, child, grandchild, parent, or grandparent.

"(v) The Secretary shall appropriately compensate such committees for necessary expenses, including compensation for reviewers which takes into account professional time and effort. Such compensation and other expenses shall not be chargeable to a center.

"(4)(A) The Secretary shall designate community nursing center service areas following consultation with States, and shall designate no more than one community nursing center to serve each such area, except that the Secretary may designate more than one center to serve an area if he determines that one center is not adequate to serve the area, after taking into consideration alternative services available in that area. Only a community nursing center designated under this paragraph may receive payments under this title for the provision of community nursing center services as such. In the case of an applicant center actually providing services, in whole or part, of the types described in paragraph (1) and to the population eligible for such services under this title, the service area shall generally be the area actually and currently substantially served. In other cases, the Secretary shall designate service areas on the basis of assuring reasonable and timely travel and access by patients and center staff for both onsite and offsite services (taking into account rural and urban differences). Such designation shall not preclude a community nursing center from seeking or being determined to be another authorized type of provider to the extent otherwise qualified to be so under provisions of this Act. Such designation as a community nursing center shall not restrict the ability of the center to seek and to serve other public and private program participants or any individual.

"(B) In designating community nursing centers under this paragraph, the Secretary shall give priority to any otherwise qualified entity founded upon or sponsored by a community-based or public organization of recognized standing in and service to the general population of the community in the service area, and which has demonstrated, based upon actual performance over time in health care programs authorized under this Act, the capacity to provide comparable services to comparable patients with comparable needs in a more economical (taking into account frequency and duration of care per patient), timely, and professional manner as compared with alternative or counterpart organizations regardless of locus or sponsorship in such area.

"(5)(A) Reimbursement under this title for community nursing center services shall be made on the basis of a contract entered into with each community nursing center by the Secretary, under which—

"(i) a negotiated monthly per capita fee is paid in advance by the Secretary to the center for each individual entitled to such services under this title from such center for such month;

"(ii) the center provides community nursing center services as specified under its contract for such month to each such individual in accordance with the individual's nursing plan of care, and without regard to amount, duration, or scope of such services;

"(iii) the center performs all required patient assessments, reassessments, and development of nursing plans of care, subject to additional reimbursement by the Secretary for assessments of patients entitled to benefits under this title who are determined to be ineligible for community nursing center services; and

"(iv) in the case of any community nursing center which the Secretary finds has deliberately altered its patient mix, or patient flow, or lowered its quality of patient care with resultant excess and unintended income above expenses, the Secretary shall, in addition to any other remedy, determine, on an estimated basis, the excess income to a center resulting from such deliberate alteration of patient mix, patient flow, or lowered quality of care, and recover such sums from such center as overpayments.

"(B)(i) The fee negotiated under any contract entered into under this paragraph shall be such so as to assure that the total amount of payments made under this title for community nursing center services is significantly less than the amount which would otherwise be paid under this title for comparable services provided to comparable individuals having comparable needs, without regard to the type of provider of care, if community nursing center services were not available to such individuals, taking into account the duration and frequency of similar services provided by efficient and cost-effective alternative sources of such similar services.

"(ii) Such fee may vary among reasonable classifications of individuals to assure adequate and equitable compensation to the center.

"(C) During the first 24 months during which a community nursing center is a party to a contract under this paragraph, such center shall maintain such cost records as the Secretary determines to be necessary in order to evaluate the costs incurred by such center in providing services, the economies which have been achieved in providing such services, and the equitability of the negotiated fee amounts in terms of providing economic incentives while avoiding excessive payments which are unrelated to productivity and reduced administrative costs. The Secretary shall reimburse the center, in a timely manner including estimated interim payments, for the reasonable cost of maintaining such records.

"(D) In the case of classifications of individuals whose needs are such that there is insufficient data available for calculating the monthly fees, interim fees may be established, subject to readjustment as experience-related data becomes available.

"(6)(A) The independent review committee designated by the Secretary as having review jurisdiction over a community nursing center under paragraph (3) shall also perform utilization review, on an adequate sampling basis, of patient care provided by such center to individuals entitled to benefits under this title in terms of quality, appropriateness, and compliance with the nursing plan of care. Such review may be undertaken with or without notice to such center and may be undertaken wherever reimbursable care or service is provided, on or off the premises of such center.

"(B) In any case in which such committee finds that services provided are not of proper quality, are inappropriate, or are not in compliance with the nursing plan of care, the center shall be provided an opportunity for discussion and resolution of such finding with the committee. If a satisfactory resolution is not reached in a timely fashion, the committee shall report such finding to the Secretary for disposition under the provisions of this title.

"(7) The Secretary shall, through appropriate modification of provider agreements under this title, and through other appropriate means, assure that those persons employed by institutions who are responsible for discharge planning or otherwise formally involved in the counseling or referral of patients to noninstitutional care settings, shall, ordinarily, formally and adequately advise patients concerning the availability of the lower cost community nursing center if such center is available and reasonably ac-

cessible to such patients and if the care and services of such center are appropriate to the needs of such patients.

"(8) The Secretary shall conduct demonstration programs under which payment shall be allowed under this title for community nursing center services provided to individuals who require such services for periods of less than three months. To the extent such demonstration programs indicate that inclusion of such short-term care increases the efficiency and cost-effectiveness of the programs under this title, the Secretary may by regulation include such short-term care as community nursing center services under this title, on a general basis, or on a phased-in or partial basis limited to specific geographic areas, specific types of diagnosis or treatment, or type of community nursing center.".

(b) Section 1812(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) community nursing center services.".

(c) Section 1814(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) in the case of community nursing center services, certification is made in accordance with the requirements of section 1861(bb) (or recertification is made in accordance with such requirements where such services are furnished over a period of time, in such cases, with such frequency, as accompanied by such supporting material, appropriate to the case involved, as may be provided in regulations) that—

"(A) such services can reasonably be expected to be required for a period of at least three consecutive months as demonstrated by the presence of a specific diagnosis or combination of diagnoses (including degree of severity where appropriate to proper classification) which create a strong presumption (based upon experience with persons having similar diagnoses) that such services will be required for a period of not less than three months;

"(B) such services are or were furnished in accordance with an approved nursing plan of care; and

"(C) the individual to whom such services were furnished, but for the furnishing of such services would (i) require home health services under the provisions of paragraph (2)(D), or (ii) would require institutionalization in a hospital or skilled nursing facility as demonstrated on the same basis described in subparagraph (A) that a majority of persons having similar diagnoses of similar severity and with similar characteristics are being institutionalized, or as demonstrated by the fact that the individual was institutionalized in a hospital or skilled nursing facility within the 2-year period preceding the initial provision of community nursing center services.".

(d) Section 1814(b) of such Act is amended—

(1) in paragraph (1), by striking out "except as provided in paragraph (3)" and inserting in lieu thereof "except as provided in paragraphs (3) and (4)";

(2) by striking out "or" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in the case of community nursing center services, the applicable fee provided by contract under section 1861(bb).".

(e) Section 1832(a)(2) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) community nursing center services.".

(f) Section 1833(a) of such Act is amended—

(1) in paragraph (2), by striking out "(E), and (F)" and inserting in lieu thereof "(E), (F), and (G)";

(2) by striking out "and" at the end of paragraph (4);

(3) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(6) in the case of community nursing center services described in subparagraph (G) of section 1832(a)(2), the applicable fee provided by contract under section 1861(bb).".

(g) Section 1833(b)(2) of such Act is amended by inserting "or community nursing center services" after "home health services".

(h) Section 1835(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) in the case of community nursing center services, certification is made in accordance with the requirements of section 1861(bb) (or recertification is made in accordance with such requirements where such services are furnished over a period of time, in such cases, with such frequency, as accompanied by such supporting material, appropriate to the case involved, as may be provided in regulations) that—

"(A) such services can reasonably be expected to be required for a period of at least three consecutive months as demonstrated by the presence of a specific diagnosis or combination of diagnoses (including degree of severity where appropriate to proper classification) which create a strong presumption (based upon experience with persons having similar diagnoses) that such services will be required for a period of not less than three months;

"(B) such services are or were furnished in accordance with an approved nursing plan of care; and

"(C) the individual to whom such services were furnished, but for the furnishing of such services would (i) require home health services under the provisions of paragraph (2)(A)(i), or (ii) would require institutionalization in a hospital or skilled nursing facility as demonstrated on the same basis described in subparagraph (A) that a majority of persons having similar diagnoses of similar severity and with similar characteristics are being institutionalized, or as demonstrated by the fact that the individual was institutionalized in a hospital or skilled nursing facility within the 2-year period preceding the initial provision of community nursing center services.".

(i) Section 1861(u) of such Act is amended by inserting "community nursing center," after "skilled nursing facility,".

MEDICAID PROVISIONS

SEC. 3. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) community nursing center services (as defined in subsection (l)); and".

(b) Section 1905 of such Act is amended by adding at the end thereof the following new subsection:

"(l) The term 'community nursing center services' shall have the same meaning as under section 1861(bb) except that—

"(1) the State may expand such definition to include additional services provided by a community nursing center;

"(2) the State shall, in any contract entered into with such a center, define those 'well-baby' and health supervision services for infants and children to be covered under the plan;

"(3) the State may utilize its own review mechanism in lieu of utilizing an independent review committee; and

"(4) any designations of community nursing center services areas made by the Secretary under section 1861(bb)(4) in a State which includes community nursing services under its State plan shall be made in consultation with the State agency.".

(c) Section 1902(a)(10)(C)(iv) of such Act is amended by striking out "paragraphs numbered (1) through (17)" and inserting in lieu thereof "paragraphs numbered (1) through (18)".

(d) Section 1915(c) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) a community nursing center designated in accordance with section 1861(bb) shall be deemed by the Secretary to be an eligible provider of care and services under this subsection where a State so requests and where the other pertinent requirements of this subsection are satisfied.".

COMPTROLLER GENERAL REPORT

SEC. 4. The Comptroller General shall submit an interim report to the Congress within one year after the date of the enactment of this Act, and a final report within two years after the date of the enactment of this Act, evaluating the cost effectiveness of the use of community nursing center services under title XVIII of the Social Security Act, under State plans approved under title XIX of such Act, and under block grant programs under title V of such Act. The reports shall include analyses of—

(1) the extent to which individuals who would otherwise have been institutionalized were able to be cared for at home or at community nursing centers;

(2) the equitability of the fees paid to community nursing centers;

(3) the appropriateness of the assessments and plans of care developed for individuals receiving community nursing center services; and

(4) any recommendations for expanding or otherwise modifying and improving the use

of such centers for furnishing services under such programs.

SUMMARY OF COMMUNITY NURSING CENTERS LEGISLATION

PURPOSE

1. To provide an alternative mechanism for the provision of necessary care and service in more economic fashion to those persons who would otherwise require care in a more costly context or setting.

2. The mechanism is a free-standing "Community Nursing Center" which, under the administration, supervision, provision of and coordination of care by registered nurses in an independent organized setting provides on-site and off-site services.

3. By means of negotiated amounts per individual or family, for periods certain (payable at monthly intervals in advance), covering an inclusive range of specified care and service, without regard to frequency, to offer financial incentives to such centers to provide necessary nursing and related care (including education and training of patients and family members) in the most economic and efficient manner consistent with professional nursing standards and quality applied to patient needs.

REQUIRED CARE AND SERVICE

All skilled and other nursing service must, except under unusual circumstances, be provided by regular employees of a Center. For non-nursing service or care a Center may utilize its own employees or arrange for the provision of such care or service. Similarly, arrangements may be made by a Center for the provision of specialized skilled nursing service where there is an intermittent or part-time need for such service.

In any event, a Center is responsible for assuring that any service provided direct or under arrangement are of proper quality, are provided in timely fashion, and conform to an approved nursing plan of care.

The provision of nursing services by personnel of an accredited school of nursing of a University, under contractual arrangement with a Community Nursing Center shall be deemed provision of services by employees of the CNC.

ELIGIBLE POPULATIONS

I. Home Health—Medicare: Individuals eligible for and in need of home health benefits under Medicare.

II. Child—Health Supervision: "Well-baby" or "health supervision" services for infants and other children as contracted for by a state under its Medicaid program, and when appropriate pre-natal care.

III. Individuals Who Would Otherwise Be Institutionalized: In the case of individuals proposed to be covered under I and III, coverage limited only to those whose condition was such, as demonstrated by the presence of a specific diagnosis or combination of diagnoses (including degree of severity, where appropriate to proper classification), as to create a strong presumption (based upon experience with persons having similar diagnoses) that covered care and service would be required for a period of not less than three months. Further, in the case of persons under category III, that within the 2-year period prior to the initial provision of care by the CNC such individuals were in fact institutionalized or would, in all probability, be institutionalized in the absence of such care or service, and of whom a majority with similar diagnoses of similar severity and with similar patient characteristics are being or are institutionalized.

Above are *statutorily eligible populations.* However, CNC would be free to negotiate and provide services within its capacity under other public or private programs or to self-paying individuals. For example, CNCs might also provide hospice care; end-stage renal disease support; services in VA domiciliary facilities undertake required EPSDT activities; contract with school systems; etc.

ASSESSMENT PROCEDURES

Formal patient assessment (including periodic reassessment), in sufficient and verifiable detail is required to assure that only qualified individuals receive reimbursable services.

DEFINITION OF AND DESIGNATION OF "CNC" AS AUTHORIZED PROVIDER

A CNC would be designated as such by the Secretary upon formal application and upon determination of initial and continued compliance with or fulfillment of the following:

1. It is an independent (except in the case of a governmental center) free-standing organized setting with actual capacity to provide covered care and service, either on-site or off-site.

2. The care and service is provided by or under the supervision and coordination of registered nurses employed by the CNC (except as described on page 3).

3. Care and service provided or arranged by for a Center would be the continuing responsibility, primarily, of registered nurses employed by the Center.

4. The Center would meet the structural, safety, and other related standards generally applicable to free-standing facilities providing similar types of on-site services such as neighborhood health centers and rural clinics.

5. A CNC would have formal protocols, which the Secretary does not find inadequate or inappropriate, to assure necessary referral or consultation in timely fashion.

6. Where professional licensure of personnel is required by a State, any personnel employed by or otherwise utilized by a Center would have to be currently licensed. To the extent that a State, subsequent to enactment of the CNC bill, might specifically act to require formal licensure of Community Nursing Centers, as such, it would have to meet any such licensure requirements. A CNC would have to have satisfactory procedures to assure that only qualified individuals undertook the provision of care or service under the nursing plan.

7. To assure maximum productivity and economy of operation, not more than one CNC would be designated for any given service area,[1] except where the Secretary found that a given Center did not have or would not have in reasonably, timely fashion, sufficient service capacity for its area. In the latter case, the Secretary would take into consideration alternative resources which might be available in a Center's area prior to designation of any additional Center(s) in that area.

8. Priority in designation of an otherwise qualified applicant Center would be given to an entity founded upon or sponsored by a community-based or public organization of recognized standing in and service to the community's population as a whole in the area proposed to be served by the CNC and which, based upon actual performance over time, in health care programs authorized under the Social Security Act, has demonstrated capacity to provide care and service in more economical, timely, and professional fashion as compared with alternative or counterpart organizations.

A CNC may, or course, be designated as a different type of provider (i.e. home health agency) under other provisions and requirements and function in that capacity in addition to the CNC role.

9. Nursing Plan of Care: Following assessment (and periodic reassessment as may be appropriate) the CNC prepares a formal "nursing plan of care" for each eligible individual. The plan of care would be developed and supervised by a registered nurse(s) for those eligible individuals whose primary need is for direct professional services rendered by a registered nurse and, include where appropriate, the complemental or supplemental services of other qualified personnel whose services are part of the overall plan of care.

10. To the extent of its capacity, the CNC undertakes to provide care to all qualified individuals regardless of condition, (does not "skim"), residents in its service area.

A proposed nursing plan of care would ordinarily be submitted to the physician (or other medical resource) identified by an individual as having responsibility for his medical care, for review in terms of consistency with the physician's understanding of the patient's medical history and condition. Services under any nursing plan of care would not be reimbursable where a physician took exception, in writing, to the overall plan, or elements thereof, unless with the agreement of the Center, the nursing plan was appropriately modified. Following transmittal of the nursing plan of care (via receipted mail or other satisfactory proof) the plan would be deemed proper absent formal written communication describing specific medical objections within 10 days of receipt. To facilitate implementation of care, the physician may notify the Center earlier of his judgment that the plan is not inconsistent with his patient's needs.

A proposed patient plan of care, including assessment, would be reviewed, prior to implementation, by an independent entity,[2] designated for that purpose, consisting of registered nurses and other professional personnel (who did not have a direct or indirect financial interest in the activities of a Center and who were not employed by any entity in direct competition with a Center) who would review and approve (or disapprove) the determination of the patient as having a regular need for the service of the Center for a continuous period of 3 months or longer. Members of the review committee would be compensated on a reasonable basis related to professional time and effort.

The approval process would be expeditious, and the Secretary would approve sufficient independent review mechanisms to assure timeliness. Ordinarily, a proposed nursing plan of care would be deemed approved within 72 hours of submittal unless the review entity had, within that time, requested additional substantial information concerning the patient or plan-of-care.

[1] In the case of an applicant center actually providing services, in whole or part, of the types described and to the population(s) described, the service area would generally be the area actually and currently substantially served. In other cases, the Secretary would designate service areas (taking into account rural and urban differences on the basis of assuring reasonable and timely travel and access by patients and center staff for both on-site and off-site services.

[2] Could be established within PSRO framework so as to utilize existing locus and administrative structure. However, the review committee for CNC's would include RN's as a majority. Their decision would not be second-guessed by intermediaries or the PSRO's. * * *

11. The Center agrees, has the capacity, and is willing to provide necessary care or service to at least two of the three classifications of eligible individuals: Medicare home health; "Children under Medicaid", or, "avoidance of probable institutionalization."

REIMBURSEMENT

1. With respect to each individual eligible under Title XVIII of the Social Security Act, and for "well-baby care or child health supervision", the Center would be paid a monthly fee, in advance, covering the contracted-for types of care, service, and supplies (including appropriate patient or family training) to be provided, without regard to frequency, to an eligible individual. Patient classification would be adequate to assure that unusual but qualifying patients were appropriately classified and compensated for.

The monthly fees would be negotiated on a basis assuring that the cost to the program would be significantly less than would ordinarily be incurred in that service area for comparable services provided to comparable patients with comparable needs without regard to type of provider and including consideration of the total duration of care and frequency of service ordinarily provided by the more efficient and cost-effective agencies to their patients.

2. In the case of beneficiaries eligible for negotiated fee reimbursement, a Center would not be required to maintain or submit detailed costs justification. However, during at least the first 24 months of implementation, adequate cost records would be maintained, at federal expense and not counted in determining or evaluating the reimbursement or costs of care of a Center, for purposes of evaluating enhanced economy and to assure that the negotiated fee amounts are equitable in terms of providing legitimate economic incentive while avoiding excessive windfall payments unrelated to productivity and avoidance of paperwork.

3. In the case of eligible patients whose covered needs were such that data adequate to provide an historic and reasonable basis for calculation of the monthly fees were not initially available, interim fees could be paid subject to negotiation and settlement as experience became available.

4. For non-title XVIII patients, reimbursement approaches similar to the above are authorized and encouraged, but not required.

5. Discharge planners (or other persons responsible for the referral of patients) would ordinarily formally advise patients as to the availability of the lower-cost CNC alternative, if available in an area and if appropriate to the patient's needs in terms of care, service and accessibility.

6. The independent review entity, previously described, would also be responsible for undertaking regular sampling of patient care of the Center, both on-and-off-site, and with or without notice, to validate appropriateness, quality, and compliance with the nursing plans-of-care.

To the extent that significant problems were found, in the judgment of the reviewers, either in terms of individual patients or patterns of care, the Center would be provided reasonable, informal opportunity for discussion and satisfactory resolution as an alternative to and prior to any formal notification of alleged deficiencies to the Secretary. The costs of the review activity would be reimbursed and allocated by the Secretary among the several health care programs. They would not be chargeable to the Center.

7. To determine the extent to which further program economies might be achieved through non-itemized inclusive fee reimbursement of CNC's for *short-term care* following hospitalization of Medicare beneficiaries for specified diagnoses, the Secretary would be authorized to demonstrate, and if satisfactory to generally implement (on a phase-in, geographic, type of center, type of diagnosis, or other basis of classification.

An inclusive fee covering all specified services and supplies to given patients with given diagnosis, without regard to frequency, or quantity for a period certain. The fee(s), would be calculated on the same basis as the long-term care fee. Fees might be adjusted to include, in addition to the basic diagnosis and severity of diagnosis factors, and where cost-inducing above the average, verifiable factors such as: functional limitations; availability of in-home assistance; age cohort; and unusual travel.

COMPTROLLER-GENERAL REPORT

The Comptroller-General would report to the Congress at the end of the 1st and 2nd years of general implementation evaluating the cost effectiveness of the program, including the extent to which individuals who otherwise would have been institutionalized avoided such institutionalization by means of the supportive professional services of the CNC's; the validity and equity of the negotiated fees; and, the validity of the assessment procedures to determine that qualified individuals only are provided services.

He would also submit any recommendations he might have concerning expansion, modification, or other improvements in the reimbursement, operation and scope of Community Nursing Centers.●

By Mr. JACKSON:

S. 413. A bill for the relief of James P. Purvis; to the Committee on the Judiciary.

RELIEF OF JAMES P. PURVIS

● Mr. JACKSON. Mr. President, today I have introduced a resolution and private bill for the relief of James P. Purvis of Spokane, Wash. The purpose of this legislation is to refer Mr. Purvis' case to the U.S. Claim Court for findings of fact and recommendations regarding the amount which equitably may be due Mr. Purvis from the United States. This legislation would not require any appropriation at this time; it merely would refer the matter to the Claims Court for a hearing on Mr. Purvis' case.

The General Services Administration awarded Mr. Purvis a contract to build the U.S. exhibit buildings for the 1962 Seattle World's Fair. As a result of Government caused delays and disruptions of his work, Mr. Purvis was required to accelerate his work and expend huge amounts of money, ultimately bankrupting his company and resulting in the loss of his life savings. As a result of an administrative process over which he had no control, which the Congress has since abolished, Mr. Purvis was forced to litigate against the Government for two decades before the Government's liability finally was established by the Court of Claims, now the U.S. Claims Court. During the 20 years his case was litigated, it resulted in two dozen administrative and judicial decisions.

The Court of Claims noted that "* * * the delays in final decision [in Mr. Purvis' case] have become celebrated as among the horribles of [the former administrative] procedure." In 1977, still 4 years before Mr. Purvis was paid, the court emphasized that due to the unconscionable delay in Mr. Purvis' case, "[i]t is clear that, with inflation and the absence of interest, [Mr. Purvis] will at best recover but a small fraction of what [he] was entitled to receive, in 1962 upon completion of the work. We are wholly unable to defend the system this case exemplifies." In 1978, Congress did change that administrative system so that no future Government contractor will suffer the unjustifiable delays which Mr. Purvis endured.

In 1980, the court awarded Mr. Purvis a judgment of $390,208, reduced by stipulation in 1981 to $366,623. In its final order awarding the judgment to Mr. Purvis, the court expressly provided that its judgment "* * * compensates [Mr. Purvis] only to the extent presently permitted by law and is not intended to prejudice nor affect [his] application for or receipt of private relief."

The General Services Administration, which administered Mr. Purvis' contract, has also recognized the uniqueness of Mr. Purvis' celebrated case. In its report regarding a similar bill and resolution for the relief of Mr. Purvis, S. 1970 and Senate Resolution 267, which I introduced in the 97th Congress, the GSA stated "We submit that the Purvis litigation well may constitute the classic situation where 'justice delayed' resulted in 'justice denied.' Accordingly, we do not object to congressional consideration of the relief requested. * * *" The GSA suggested that the language of S. 1970 and Senate Resolution 267, (97th Cong., 2d. Sess.) be changed in the interest of clarity. The bill and resolution I have introduced today accommodates those suggestions.

I believe the unreasonable delays and tortuous litigation Mr. Purvis was forced to endure create a compelling need for favorable consideration of this private legislation I have introduced today. I therefore urge the prompt and favorable consideration of the resolution and bill for the relief of Mr. Purvis.●

By Mr. HEINZ (for himself, Mr. CHAFEE, Mr. GARN, and Mr. D'AMATO):

S. 414. A bill to amend and clarify the Foreign Corrupt Practices Act of 1977; to the Committee on Banking, Housing, and Urban Affairs.

BUSINESS ACCOUNTING AND FOREIGN TRADE SIMPLIFICATION ACT

● Mr. HEINZ. Mr. President, along with Senator CHAFEE, Senator GARN, and Senator D'AMATO, I am today introducing the Foreign Corrupt Practices Act amendments in the same form in which they passed the Senate in the last Congress.

That effort, which culminated in Senate passage of S. 708 on November 23, 1981, was significant for its extensive hearings and bipartisan approach to the problem. That bipartisan spirit has been attributable directly to the efforts of the Senator from Wisconsin (Mr. PROXMIRE) who, despite his misgivings about the bill cooperated with the committee in developing a fair and thoroughly researched compromise.

The committee held 5 days of hearings spanning 3 months and including 29 witnesses. Most significant, every witness requested by the minority was invited to appear. Some declined, but I do not think anyone can argue the hearings did not fully represent all sides of this issue or that the requests of opponents of the bill were not honored.

Additionally, at the request of the minority, we postponed markup on the bill for 6 weeks—over the August recess—to permit all Members to better study the complex issues raised by the bill. During that time, the staff, in consultation with Senator D'AMATO and myself, developed a committee print which made a number of changes in S. 708 to accommodate concerns raised by the minority and correct drafting errors. Ultimately the committee print was adopted—by a bipartisan vote—and the bill reported with an additional clarifying amendment.

Obviously, thoughtful people of good will, will differ on export activities.

Present law defines the company-agent relationship by making the company liable if it knows or has reason to know that the agent has made a corrupt payment. The reason-to-know language has been the source of the greatest uncertainty, complicated by the absence of useful guidance from the SEC or the Justice Department as to what the term might mean. This has led to assertions of breadth of coverage which themselves are breathtaking and which would totally cripple U.S. corporate activities in certain countries, were the law aggressively enforced in that way.

It is of small comfort to an executive when his lawyer tells him he may be liable under the law—personally and corporately—but not to worry because the Government may not prosecute, or if it does, he might not be convicted. The executive's obligation to himself and his company is to avoid uncertainty, avoid publicity, and avoid the time and expense of a lengthy investigation or court case.

Let me say, Mr. President, it would have been far easier to resolve some of these issues with calculated ambiguities but, frankly, if there is one criticism of Congress that probably is valid, it is that too often, Congress, in trying to compose differences, has left areas of ambiguity that have been counterproductive for all side. This bill, Mr. President, instead confronts the issues directly and provides the greatest guidance possible to businesses which have to live with this statute on a day-to-day basis. I think the result will be a clearer law and, because of that, a better law. I believe that to be the case from the viewpoint of people on all sides of this issue. It is my hope that my colleagues the bill's merits, and I have no expectation that this bill will be approved unanimously. I do, however, want to make clear our intent. Very simply, what we are trying to do is not weaken this law but clarify it. We are not reopening the door to corrupt payments. We are eliminating doubt as to what constitutes a corrupt payment and when a corporation is liable.

In that regard, the present law has some serious deficiencies. In the accounting section, present law potentially makes a corporation liable for the smallest accounting error—whether material or not, whether intentional or not, whether related to a corrupt payment or not. In fact, as the legislative history of this section makes clear, it is not an anticorruption section at all, but rather broad authority for the SEC to prosecute books and records errors.

In the words of former SEC Chairman Harold Williams in a policy statement discussing the accounting provisions:

> The anxieties created by the Foreign Corrupt Practices Act—among men and women of utmost good faith—have been, in my experience, without equal.

The other major difficulty of present law relates to its language concerning the relationship between a corporation and a third party, usually an agent, when it is the latter that actually makes the prohibited payment. This is a central issue because in many countries foreign companies are either required by law or encouraged by custom and other means to deal with the government through a national of that country.

In other countries where the bureaucracy is complex or corrupt, or where the language or social customs are difficult for westerners, it is clearly in U.S. company's interest to employ an agent. Smaller businesses tend to be particularly dependent upon agents in their will see it the same way after proper discussion.

As Senators know, this bill, despite our hard work, was not passed by the House, nor even reported by the committee of jurisdiction. Throughout the latter part of 1982, however, a substantial effort was made to reach compromise with Congressman WIRTH, the chairman of the subcommittee to which the bill was referred. That effort, unfortunately was unsuccessful, despite considerable work in proposing various formulations by the Senator from Rhode Island (Mr. CHAFEE). In the end we were unable to convince Congressman WIRTH of the urgency and importance of this matter and of the need to enact amendments free of ambiguous words and concepts. We did, however, have a constructive dialog and were able to narrow our differences. With the help of Senator CHAFEE and Senator D'AMATO I look forward to a continuation of that dialog. I expect a number of the changes we negotiated last year ultimately to find their way into this bill, and I anticipate further changes will be made as well as we attempt to develop the clearest and most precise legislation so as to best guide American businessmen operating abroad.

Our introduction of this bill at this time, Mr. President, signals our commitment to begin this process again. These amendments remain an administration priority, and they remain a business priority. Action on the bill is essential, and we will find a way to act as soon as possible. I expect the committee shortly to schedule a hearing on the bill and to proceed to markup soon afterward. I expect the bill soon to be on the Senate floor.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Business Accounting and Foreign Trade Simplification Act".

FINDINGS AND CONCLUSIONS

SEC. 2. (a) The Congress finds that—

(1) the enactment of the Foreign Corrupt Practices Act of 1977 was a positive and significant step toward the important objective of prohibiting bribery of foreign government officials by United States companies in order to obtain, retain, or direct business;

(2) the Foreign Corrupt Practices Act of 1977 has caused unnecessary concern among existing and potential exporters as to the scope of legitimate overseas business activities;

(3) the accounting standards requirements of the Foreign Corrupt Practices Act of 1977, which apply to all issuers of securities irrespective of whether they have foreign operations, are unclear and excessive and have caused costly and unnecessary paperwork burdens;

(4) United States agencies responsible for enforcement of the Foreign Corrupt Practices Act of 1977 have not sufficiently coordinated interpretation and enforcement

practices with other agencies responsible for international trade policy, export promotion, foreign policy, international monetary policy, and other related civil and criminal statutes; and

(5) it is in the best interests of all countries to maintain responsible standards of coroporate conduct in foreign markets to preserve free and equitable trading practices.

(b) The Congress concludes that—

(1) the principal objectives of the Foreign Corrupt Practices Act of 1977 are desirable, beneficial, and important to our Nation as well as to our relationships with our trading partners, and these objectives should remain the central intent of the Act;

(2) exporters should not be subject to unclear, conflicting, and potentially damaging demands by diverse United States agencies responsible for enforcement of the Foreign Corrupt Practices Act of 1977;

(3) general compliance and enforcement practices associated with the Foreign Corrupt Practices Act of 1977 should be developed in accordance with considerations underlying foreign relations, international trade, export promotion, international monetary policy, and other related civil and criminal statutes; and

(4) a solution to the problem of corrupt payments by firms to obtain or retain business demands an international approach; accordingly, appropriate international agreements should be initiated and sought by the United States agencies responsible for trade agreements and by the President.

AMENDMENT OF SHORT TITLE

SEC. 3. Section 101 of the Foreign Corrupt Practices Act of 1977 is amended to read as follows:

"SHORT TITLE

"SEC. 101. This title may be cited as the 'Business Practices and Records Act'.".

ACCOUNTING STANDARDS

"SEC. 4. (a) Section 13(b)(2) of the Securities Exchange Act of 1934 is amended to read as follows:

"(2) Every issuer which has a class of securities registered pursuant to section 12 of this title and every issuer which is required to file reports pursuant to section 15(d) of this title shall devise and maintain a system of internal accounting controls sufficient to provide reasonable assurances that—

"(A) transactions are executed in accordance with management's general or specific authorization;

"(B) transactions are recorded as necessary (i) to permit preparation of financial statements in conformity with generally accepted accounting principles or any other criteria applicable to such statements, and (ii) to maintain accountability for assets;

"(C) access to assets is permitted only in accordance with management's general or specific authorization;

"(D) the recorded accountability for assets is compared with the existing assets at reasonable intervals and appropriate action is taken with respect to any differences; and

"(E) for the purposes of subparagraphs (A) through (D) of this paragraph, the issuer makes and keeps books, accounting records, and accounts which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the issuer."

(b) Section 13(b) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following:

"(4) No criminal liability shall be imposed for failing to comply with the requirements of paragraph (2) of this subsection.

"(5) No civil injunctive relief shall be imposed with respect to—

"(A) any issuer for failing to comply with the requirements of paragraph—(2) of this subsection if such issuer shall show that it acted in good faith in attempting to comply with such requirements; or

"(B) any person other than an issuer, in connection with an issuer's failure to comply with paragraph (2), unless such person knowingly caused the issuer to fail to devise or maintain a system of internal accounting controls that complies with paragraph (2).

"(6) No person shall knowingly circumvent a system of internal accounting controls established pursuant to paragraph (2) for a purpose inconsistent with paragraph (2).

"(7) Where an issuer which has a class of securities registered pursuant to section 12 of this title or an issuer which is required to file reports pursuant to section 15(d) of this title holds 50 per centum or less of the voting power with respect to a domestic or foreign firms, the provisions of paragraph (2) require only that the issuer proceed in good faith to use its influence, to the extent reasonable under the issuer's circumstances, including the relative degree of its ownership over the domestic or foreign firm and under the laws and practices governing the business operations of the country in which such firm is located, to cause such domestic or foreign firm to devise and maintain a system of internal accounting controls consistent with paragraph (2). Such an issuer shall be conclusively presumed to have complied with the provisions of paragraph (2) by demonstrating good faith efforts to use such influence.".

REPEALER; NEW BRIBERY PROVISION

SEC. 5. (a)(1) Section 30A of the Securities Exchange Act of 1934 is repealed.

(2) Section 32 of such Act is amended—

(A) by striking out "(other than section 30A)" in subsection (a); and

(B) by striking out subsection (c).

(b) Section 104 of the Business Practices and Records Act is amended to read as follows:

"FOREIGN PAYMENTS

"SEC. 104. (a) It shall be unlawful for any domestic concern, or any officer, director, employee, or shareholder thereof acting on behalf of such domestic concern, to make use of the mails or any means or instrumentality of interstate commerce corruptly in furtherance of a payment, gift, offer, or promise, directly or indirectly, of anything of value to any foreign official for the purpose of—

"(1) influencing any act or decision of such foreign official in his official capacity, or inducing such foreign official to do or omit to do any act in violation of his legal duty as a foreign official; of

"(2) inducing such foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality;

in order to assist such domestic concern in obtaining or retaining business for or with, or directing business to, any person.

"(b) It shall be unlawful for any domestic concern, or any officer, director or employee, or shareholder thereof acting on behalf of such domestic concern to make use of the mails or any means of instrumentality of interstate commerce corruptly to direct or authorize, expressly or by a course of conduct, a third party in furtherance of a payment, gift, offer, or promise of anything of value to a foreign official for any of the purposes set forth in subsection (a).

"(c) Subsection (a) and (b) shall not apply to—

"(1) any facilitating or expediting payment to a foreign official the purpose of which is to expedite or to secure the performance of a routine governmental action by a foreign official;

"(2) any payment, gift, offer, or promise of anything of value to a foreign official which is lawful under the law and regulations of the foreign official's country;

"(3) any payment, gift, offer, or promise of anything of value which constitutes a courtesy, a token of regard or esteem, or in return for hospitality;

"(4) any expenditures, including travel and lodging expenses, associated with the selling or purchasing of goods or services or with the demonstration or explanation of products; or

"(5) any ordinary expenditures, including travel and lodging expenses, associated with the performance of a contract with a foreign government or agency thereof.

"(d)(1)(A) Except as provided in subparagraph (B), any domestic concern which violates subsection (a) or (b) shall, upon conviction, be fined not more than $1,000,000.

"(B) Any individual who is a domestic concern and who willfully violates subsection (a) or (b) shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

"(2) Any officer or director of a domestic concern, or stockholder acting on behalf of such domestic concern, who willfully violates subsection (a) or (b) shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) Whenever a domestic concern is found to have violated subsection (a) or (b) of this section, any employee of such domestic concern who is a United States citizen, national, or resident or is otherwise subject to the jurisdiction of the United States (other than an officer, director, or stockholder acting on behalf of such domestic concern), and who willfully carried out the act or practice constituting such violation shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

"(4) Whenever a fine is imposed under paragraph (2) or (3) of this subsection upon any officer, director, employee, or stockholder of a domestic concern, such fine shall not be paid, directly or indirectly, by such domestic concern.

"(e)(1) When it appears to the Attorney General that any domestic concern, or officer, director, employee, or stockholder thereof, is engaged, or is about to engage, in any act or practice constituting a violation of subsection (a) or (b) of this section, the Attorney General may, in his discretion, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing, a permanent or temporary injunction or a temporary restraining order shall be granted without bond.

"(2) For the purpose of all civil investigations which, in the opinion of the Attorney General, are necessary and proper for the enforcement of this Act, the Attorney General or any attorney or attorneys of the Department of Justice designated by him are empowered to administer oaths and affirma-

tions, subpena witnesses, take evidence, and require the production of any books, papers, or other documents which the Attorney General deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States, or any territory, possession, or commonwealth of the United States, at any designated place of hearing.

"(3) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear before the Attorney General or attorney designated by the Attorney General, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The Attorney General shall have the power to make such rules relating to civil investigations as may be necessary or appropriate to implement the provisions of this subsection.

"(f) As used in this section—

"(1) The term 'domestic concern' means (A) any individual who is a citizen, national, or resident of the United States; or (B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship which has its principal place of business in the United States, which is organized under the laws of a State of the United States or a territory, possession, or commonwealth of the United States, which has a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934, or which is required to file reports under section 15(d) of the Securities Exchange Act of 1934.

"(2) The term 'foreign official' means (A) any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality; or (B) any foreign political party or official thereof or any candidate for foreign political office.".

DEFINITIONS

SEC. 6. Section 13(b) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following:

"(6) For the purpose of this section, the terms 'reasonable assurances' and 'reasonable detail' mean such level of detail and degree of assurance as would satisfy prudent individuals in the conduct of their own affairs, having in mind a comparison between benefits to be obtained and costs to be incurred in obtaining such benefits.".

EXCLUSIVITY PROVISION FOR OVERSEAS BRIBERY

SEC. 7. No criminal action pursuant to section 1341 or 1343 of title 18, United States Code, may be brought against a domestic concern, its officers, directors, employees, or any shareholders thereof acting on behalf of such domestic concern for a payment, gift, offer, or promise to a foreign official based upon the theory that the foreign official or the domestic concern violated a duty to or defrauded the foreign government or the citizens of a foreign country.

AUTHORITY TO ISSUE GUIDELINES

SEC. 8. Title I of the Business Practices and Records Act is amended by adding at the end thereof the following:

"GUIDELINES AND GENERAL PROCEDURES FOR COMPLIANCE

"SEC. 105. (a) Not later than six months after the date of enactment of this section, the Attorney General, after consultation with the United States Trade Representative, the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, and after consultation with representatives of the business community and the interested public through public notice and comment and in public hearings, shall determine to what extent the business community would be assisted by further clarification of section 104 of this Act and shall, based on such determination and to the extent necessary and appropriate, have the authority to issue—

"(1) guidelines describing specific types of conduct associated with common types of export sales arrangements and business contracts which the Attorney General determines constitute compliance with the provisions of section 104 of this Act; and

"(2) general precautionary procedures which issuers or domestic concerns may use on a voluntary basis to ensure compliance with this Act, and to create a rebuttable presumption of compliance with this Act.

The guidelines and procedures referred to in the preceding sentence shall be issued in accordance with sections 551 through 557 of title 5, United States Code.

"(b) The Attorney General, after consultation with other Federal agencies and representatives from the business community, shall establish a Business Practices and Records Act Review Procedure for the purposes of providing responses to specific inquiries concerning enforcement intentions under this Act. The Attorney General shall issue opinions, within thirty days, in response to requests from domestic concerns, regarding compliance with the requirements of the provisions of section 104 of this Act. An opinion that certain prospective conduct does not involve a violation shall be final and binding on all parties, subject to the discovery of new evidence. When appropriate, and at reasonable intervals, the responses derived from the review procedure will be reviewed by the Attorney General to determine whether such compilation of responses should be included in a new guideline pursuant to subsection (a).

"(c) Any document or other material provided to, received by, or prepared in the Department of Justice, or any other department or agency of the United States Government, in connection with a request by a domestic concern for a statement or present enforcement intentions under the Business Practices and Records Act Review Procedure pursuant to subsection (b) of this section, or in connection with any investigations conducted to enforce this Act, shall be exempt from disclosure under section 552 of title 5, United States Code, regardless of whether the Department responds to such a request or the applicant withdraws such request prior to receiving a response. The Attorney General shall protect the privacy of each applicant, and shall adopt rules assuring that materials, documents, and information submitted in connection with a review procedure request will be kept confidential and will not be used for any purpose that would unnecessarily discourage use of the review procedure. The review procedure shall be developed and instituted in accordance with section 551 through 557 and 701 through 706 of title 5, United States Code.

"(d) The Attorney General shall make a special effort to provide timely compliance guidance to potential exporters, and small businesses, who as a practical matter are unable to obtain specialized counsel on issues pertaining to this Act. Such assistance shall be limited to requests for enforcement intention disclosurers provided for under this Act, and general explanations of compliance responsibilities and of potential liabilities under the Act.

"(e)(1) On September 1 of each year the Attorney General shall transmit to the Congress and make public a detailed report on all actions which the Department of Justice has taken pursuant to this Act, along with its views on problems associated with implementation, its plan for the next fiscal year to further implement the Act, and recommendations for amendments.

"(2) On September 1 of each year the Chairman of the Securities and Exchange Commission shall file with the Congress a detailed report on all actions which the Commission has taken pursuant to section 13(b) of the Securities Exchange Act, its views on problems associated with implementation, its plans for the next fiscal year to further implement such section, and its recommendations for amendment.".

INTERNATIONAL AGREEMENTS

SEC. 9. (a) It is the sense of the Congress that the President should pursue the negotiation of an international agreement among the largest possible number of nations on illicit payments, including a process by which problems and conflicts associated with such practices could be resolved.

(b) Within one year after the date of enactment of this Act, the President shall report to Congress on—

(1) the progress of the negotiations referred to in subsection (a);

(2) those steps which the administration and Congress should consider taking in the event that these negotiations do not successfully eliminate the competitive disadvantage of United States business; and

(3) possible actions that could be taken to promote cooperation by other nations in international efforts to prevent bribery of foreign officials, candidates, or parties in third countries.

This report shall also include recommendations for any new legislation required to give the President authority to take appropriate action to achieve such objectives. The report shall contain an analysis of the potential effect on the interests of the United States including United States national security of the corruption of foreign officials and political leaders in connection with international business transactions involving persons and business enterprises of other nations. In addition, the report shall assess the current and future rule in curtailing such corruption of private initiatives such as the Recommendations to Government and Rules of Conduct to Combat Extortion and Bribery developed by the International Chamber of Commerce.●

●Mr. D'AMATO. Mr. President, today, the Business Accounting and Foreign Trade Simplification Act, a bill which would amend and clarify

the Foreign Corrupt Practices Act of 1977, is being reintroduced and I am pleased to be an original cosponsor.

The Foreign Corrupt Practices Act was enacted to prevent U.S. corporations from committing acts of bribery outside the boundaries of the United States. Certainly no one will disagree with the spirit of the Foreign Corrupt Practices Act; however, some of the provisions of the act tended to have a chilling effect on legitimate international business operations of some of our domestic companies. At times, the Foreign Corrupt Practices Act has caused confusion when corporations have attempted to comply with its overbroad prohibitions and unclear accounting standards. The Business Accounting and Foreign Trade Simplification Act will remedy this by narrowing some of the prohibitions and by providing a clearer standard regarding the state of mind of the person committing the violative act.

During the 97th Congress, Senator HEINZ held hearings on the Business Accounting and Foreign Trade Simplification Act in the Intenational Finance and Monetary Policy Subcommittee of which he is the chairman, while I conducted hearings in the Securities Subcommittee regarding the enforcement standards for the accounting sections of the FCPA which are administered by the SEC. These hearings made a compelling case for passage of this legislation; and the Senate wisely passed S. 708 in the 97th Congress. I am hopeful that we can expedite consideration and send the bill to the House of Representatives so that the Foreign Corrupt Practices Act no longer puts a damper on American corporations doing business abroad.

In today's economy, we need to encourage international trade rather than hamper it with ambiguous laws.●

● Mr. CHAFEE. Mr. President. I am pleased to join my colleagues, Senators HEINZ, GARN, and D'AMATO in introducing the Business Accounting and Foreign Trade Simplification Act.

This bill is identical to the Senate-passed version of S. 708, a bill which I authored and introduced in the last Congress.

Mr. President, I have been committed to achieving these vital changes in the Foreign Corrupt Practices Act for 3 years now. In the 96th Congress, May 1980, I introduced S. 2703, and again in the 97th Congress, March 1981, I introduced S. 708. If Senate rules had allowed me to remain on the Banking Committee, I would have led this effort again. I remain as firmly committed to its passage as I was in the past.

I am pleased that my distinguished colleague from Pennsylvania, Senator HEINZ, will take the leadership on this bill and in this important cause. As a Banking Committee member, he has been active in support of this legislation in the past, and he will be in a better position to help move this bill quickly through the committee than I would be.

The changes this bill makes in the Foreign Corrupt Practices Act are critical to maintaining our position in the world export market. Ambassador Brock, U.S. Trade Representative, has referred to the need for these changes as being at least as great as the need for addressing foreign subsidies, local content laws, hidden taxes, or nontariff barriers.

Mr. President, this bill is intended to preserve the purposes of the Foreign Corrupt Practices Act—that is, putting an end to large-scale bribery of foreign officials by American corporations. What it does is reduce some of the confusion that the act has generated. The bill has had strong support from the business community, the agencies responsible for its enforcement, the administration, and other Members of Congress from both political parties.

Specifically, the bill would do as follows:

First, change the name of the act. The Foreign Corrupt Practices Act would become the Business Practices and Records Act. This reflects the fact that the accounting standards are not limited to international companies or transactions. It also would not make a presumption that corruption exists.

Second, enforcement: With regard to the bribery provisions, the Department of Justice, which has sole jurisdiction under the FCPA for criminal enforcement of both privately and publicly held companies and civil enforcement of privately held companies, would be given sole jurisdiction of civil enforcement for publicly held companies as well. Thus, any company with questions about the bribery provisions could get them answered in one place. The Securities and Exchange Commission would retain responsibility for civil enforcement of the accounting standards provisions.

Third, bribery provision: Congress made clear its intent to exclude so-called facilitating or grease payments from the reach of the Foreign Corrupt Practices Act. However, the statute is not clear as to what constitutes such payments. Grease payments are defined as payments to secure or expedite the performance of a routine governmental action as distinguished from action involving the exercise of discretion. The reference to the exercise of judgment is also deleted. Payments which are lawful in the country where they are made, and which are intended to secure prompt performance of a foreign official's duties, would not be actionable under this bill. There is also a clarifying exclusion for token courtesy gifts and incidental benefits received by foreign officials in the course of marketing activities or product presentations.

The bill also makes it clear that there is no violation in making payments if they are legal under the laws and regulations of the foreign country involved.

Under the Foreign Corrupt Practices Act, companies are liable if they have a reason to know that a bribe may be paid by a third party or intermediary. This provision was identified in the 1980 executive branch study of export disincentives as the area of greatest concern to business. The bill replaces this provision with language that makes U.S. companies liable if they corruptly pay a bribe directly or if they directed or authorized the bribe expressly or by a course of conduct.

Fourth, accounting standards: The books and records provision is deleted. The bill also defines the terms "reasonable assurances" and "reasonable detail," which exist in the current law. Thus, it is made explicit that the use of cost/benefit evaluation is to be applied to internal accounting controls. This makes it clear that companies are not expected to design control systems whose costs exceed the benefit to the companies and to their stockholders. Currently, the Securities and Exchange Commission says the cost/benefit evaluation is to be applied. But the law does not say so. The bill would put it into the law.

Fifth, international agreement: This bill contains extensive provisions on the desirability of international agreements to establish standards for international business practices. The President would be required to submit a report to Congress within 1 year of enactment of this legislation explaining steps that the United States could take to promote cooperation by other countries to prevent bribery.

I would point out that Senate-House discussions which took place during the fall and early winter of 1982 on this proposal produced some important and worthwhile suggestions. As the author of the original bill, I will go so far as to say that that dialog could lead to some improvements and to some tightening of the Senate bill.

In this regard, I suggest that some of those ideas be considered during the Senate markup of this bill. But let us not waste another Congress, another year, or another month. We are losing overseas business and jobs each day we delay. It is my sincere hope that the Senate Banking Committee will consider this legislation in February and that the Senate will again show the leadership it demonstrated in 1981 and unanimously pass reforms to the FCPA before April 1.

I also do hope that the House Subcommittee on Telecommunications, Consumer Protection, and Finance will produce a bill this spring so as to make

full congressional approval a reality before the summer. Action on this matter is long overdue.

I remain committed to the enactment of this bill and will do all I can to achieve that goal this year.●

By Mr. HATFIELD:

S. 416. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

ILLINOIS AND OWYHEE RIVERS

● Mr. HATFIELD. Mr. President, today I am introducing legislation that adds the Illinois and Owyhee Rivers in Oregon as components of the National Wild and Scenic Rivers System. Both of these rivers have been studied by the U.S. Forest Service and National Park Service, respectfully, and have been recommended for inclusion into the system.

On October 8, 1968, Congress passed Public Law 90-542, the Wild and Scenic Rivers Act. The purpose of this act was to protect certain selected rivers in the Nation in a national free-flowing condition. In passing the act, Congress declared that the established national policy on dam and other river construction needs a complementary policy which would allow for the preservation of other selected rivers or sections thereof, in a free-flowing condition.

This Nation, even during a time of economic hardship, has experienced a continued increase in demand for outdoor public recreation opportunities, and most likely the trend will continue upward. Both the Illinois and Owyhee Rivers are used extensively by white water enthusiasts and others desiring a natural experience, unimpeded by the influence of man. This is a major reason why the rivers should be included in the Wild and Scenic Rivers System, in that river use during peak seasons often causes congestion and spoils the adventure. Placing the rivers in the Wild and Scenic Rivers System will result in the formulation of a management plan by either the Forest Service or National Park Service, or both, that serves to meet the needs and desires of river users. Litter will be reduced and personal property protected under this management plan.

Mr. President, both of these rivers are components of the Oregon scenic waterways program, having been placed there by the Oregon legislature. This designation has provided protection from State government action, but may not preclude the Federal Energy Regulatory Commission from issuing hydroelectric permits on rivers in the program. This session of the Oregon Legislature has seen introduction of a bill memorializing Congress to include the Illinois and Owyhee Rivers in the Wild and Scenic Rivers System, a further indication of support to protect these rivers in their natural free-flowing condition.

The Rogue River was included in the original enacting legislation that created the wild and scenic rivers system program in 1968. Since that time, no Oregon river has been added to the system, while demand for river use has increased. Both the Illinois and Owyhee Rivers are almost totally bounded by either the U.S. Forest Service or Bureau of Land Management properties, so the impact of this legislation will be minimal on private property holders that would be included in the river management plan.

Mr. President, it is my hope that the Energy and Natural Resources Committee will consider and move this legislation to the full Senate in a short period of time. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1271-1287), is further amended as follows:

In section 3(a) after the last paragraph insert the following new paragraphs:

"( ) ILLINOIS, OREGON.—The segment from the boundary of the Siskiyou National Forest downstream to its confluence with the Rogue River as generally depicted on a map entitled "Illinois River Study" and is also part of a report entitled "A Proposal: Illinois Wild and Scenic River"; to be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this Act with respect to the river designated by this paragraph, effective October 1, 1983, there are authorized to be appropriated such sums as necessary for the acquisition of lands or interests in lands, and such sums as necessary for development.

( ) OWYHEE, SOUTH FORK, OREGON.—The main stream from the Oregon-Idaho border downstream to the Owyhee Reservoir as generally depicted on a map entitled "Owyhee South Fork, Oregon"; to be administered by the Secretary of the Interior. After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this Act with respect to the river designated by this paragraph, effective October 1, 1983, there are authorized to be appropriated such sums as necessary for the acquisition of lands or interests and such sums as necessary for development.".●

By Mr. PROXMIRE (for himself, Mr. BOREN, Mr. BRADLEY, Mr. DECONCINI, Mr. EAGLETON, Mr. HOLLINGS, and Mr. JACKSON):

S. 417. A bill to amend the Social Security Act to establish depositary accounts in the Treasury for those portions of the Federal old-age and survivors insurance trust fund, the Federal disability insurance trust fund, the Federal hospital insurance trust fund, and the Federal supplementary medical insurance trust fund not required to meet current withdrawals, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY TRUST FUND REFORM ACT OF 1983

Mr. PROXMIRE. Mr. President, today I am introducing the Social Security Trust Fund Reform Act of 1983. This bill is the direct result of the incredibly low return which has been earned by the social security trust funds since 1960. It follows closely my recommendations of last June to the Senate Finance Committee's Subcommittee on Social Security.

I am pleased that the National Commission on Social Security Reform recommended a new investment procedure along the same lines as I proposed last year.

The Commission recommended that: the investment procedures of the OASI, DI, HI, and SMI Trust Funds be revised so that (1) all future special issues would be invested on a month-to-month basis, (i.e., without fixed maturity dates, as under present law), at an interest rate based on the average market rate of all public-debt obligations with a duration of four or more years until maturity (not including "flower bonds"); (2) all present special issues would be redeemed at their face amounts; (3) all "flower bonds" would be redeemed at their current market values; (4) all other current holdings would be held until maturity (unless disposed of sooner, if needed to meet outgo); and (5) only special issues would be purchased by the trust funds in the future.

The reason that this reform is desperately needed becomes clear when we examine the investment results of the social security trust funds since 1960 when Congress last revised the law.

The average yield earned by the funds was below the current rate on all Treasury securities in 17 of the last 21 fiscal years;

Over the last 21 years, the funds received an average annual yield of 5.2 percent. During the same period, the average rate on all Treasury securities was 6.3 percent;

Had the funds earned interest at the current market rate on all Treasury securities with a duration of 4 or more years to maturity, they would have received more than $15 billion in additional interest payments over the last 21 years;

By not receiving interest at current market rates the funds lost an average of $700 million a year over the last 21 years.

What accounts for these poor results? Are the managers of the funds guilty of incompetence or malfeasance? Or is the system at fault?

REASONS FOR POOR RATE OF RETURN

The managers of the funds must bear some responsibility for the poor investment results. However, much of the blame lies with the system established by the Congress and the executive branch over 20 years ago. Under that system, Congress has given the Secretary of the Treasury the job of investing the reserves of the funds. These reserves are to be invested in special issues of the U.S. Treasury unless the Secretary determines it is in the public interest to invest in marketable securities issued or guaranteed by the United States. In practice, the Secretary has rarely authorized investments in marketable securities—over 93 percent of trust fund assets are currently invested in special issues.

The interest rate on special issues is set by law at the average yield on all outstanding marketable Treasury obligations with maturities greater than 4 years. All special issues earn this rate regardless of maturity. The rate is fixed at the time of issue and does not vary over time.

The law further provides that the maturities of special issues are to be fixed with due regard for the needs of the trust fund. Although the law allows discretion in the selection of maturities, the Secretary of the Treasury has consistently followed a policy of spreading the maturities of special issues as equally as possible over a 15-year period. This system was already in effect in 1960 when Congress last revised the law.

Finally, the law provides that special issues may be redeemed any time at par. While the law is not specific, the Treasury has limited redemptions only when needed to meet current benefit payments. This provision has been advantageous to the funds in recent years when investments had to be redeemed to meet current benefit payments. Without the redemption-at-par feature, the funds would have incurred substantial capital losses. On the other hand, the Treasury has not permitted the funds to use the redemption-at-par authority in order to take advantage of changes in interest rates.

Since the trust funds are essentially limited to investments in special issues with interest rates that are fixed by law, the only way the Secretary of the Treasury can affect the yield received by the funds is by managing the maturities of their investments. Selecting specific maturities does not immediately affect yield since all special issues bear the same rate of interest regardless of maturity. However, the yield earned by the funds over a longer period of time can be affected depending on the maturity structure of its assets and on how interest rates may change.

In general, a policy of investing in longer term securities will cause the yield received by the funds to lag consistently behind current market rates if interest rates are rising over a sustained period of time. This is because the funds are locked into lower yielding investments made in earlier years and are unable to take full advantage of the higher rates currently available. On the other hand, if interest rates persistently decline, a policy of investing in long-term securities will produce yields that consistently exceed current market rates.

A policy of investing only in short-term securities will allow the funds to earn a yield that is always close to the current market rate. This works to the advantage of the funds during periods when interest rates are persistently rising compared to what would have been earned had the funds invested in long-term securities. But it works to the disadvantage of the funds if interest rates persistently decline.

It is legally possible for the Secretary of the Treasury to shift between long-term and short-term investments depending upon the investment outlook. Under a discretionary management approach, the funds would invest in longer term securities whenever the outlook for future rates appeared to be stable or declining. Similarly, the funds would shift to short-term investments whenever interest rates appeared to be headed for an increase. When the outlook was uncertain, a mixed policy might be followed. A discretionary approach could result in yields that are higher or lower than the yields obtained through a fixed policy, depending upon the ability of the Secretary to make correct predictions about the future course of interest rates.

Despite the legal authority to employ discretion, the Secretary of the Treasury has consistently followed a fixed approach of spreading maturities as equally as possible over a 15-year period. Part of the reasoning behind this approach seems to involve a desire to avoid criticism for making potentially wrong predictions about future interest rate developments. The Treasury also seems worried that the exercise of investment discretion might subject it to accusations that it is deliberately selecting the wrong investments in order to hold down the interest cost of the Treasury. As a result, the Treasury has consistently followed the same policy over the last 21 years regardless of current market conditions or interest rate trends. The Treasury apparently believes that if it follows a fixed policy long enough, the gains and losses will balance out and the funds will earn a yield comparable to what could have been obtained under discretionary management.

The 15-year maturity policy may have appeared reasonable in the late 1950's when it was first established. The trust funds were accruing annual surpluses and it seemed logical to invest them in long-term issues since benefit payments would not be needed for many years into the future. Moreover, long-term rates at the time substantially exceeded short-term rates, and no one was predicting a sustained 20-year rise in the level of interest rates.

With the benefit of hindsight, the 15-year maturity policy has proved to be a fiscal disaster for the funds. Interest rates have persistently risen over the last two decades and almost four times higher today than they were 20 years ago. As a result, the yield earned by the funds has almost always lagged behind current market rates. Only maturing investments and new reserves could be invested at the higher current rates. The bulk of the reserves were locked into lower yielding investments made in past years.

The experience over the last 21 years suggests that Congress needs to reconsider the present rigid system which offers no protection to the funds during periods of prolonged inflation and rising interest rates.

THE PROXMIRE-NATIONAL COMMISSION SOLUTION

I recommend that we scrap the present system for investing in specific maturities and simply allow the funds to deposit their reserves in a savings type account maintained at the Treasury. Interest on these deposits would be paid at a rate equal to the current market rate on all Treasury securities with a duration of 4 and more years to maturity. Funds could be deposited in or withdrawn from the account at any time without penalty. This is essentially the system recommended by the General Accounting Office when it studied the issue in 1975 and now supported by the National Commission on Social Security Reform.

Interest on fund deposits should be tied to a composite rate on all Treasury securities with a duration of 4 or more years to maturity rather than to any specific short-term or long-term rate. A composite rate is less volatile than either short-term or long-term rates. It also reflects the Treasury's current cost of funds and is an indirect measure of what the Treasury would have to pay if the social security trust funds were to invest elsewhere.

It could be argued that interest on fund deposits should be paid at the current short-term rate because the deposits would be available for withdrawal at any time. Since a composite rate includes long-term securities, it will average somewhat higher than short-term rates. For example, over the last 21 years, the composite rate on all Treasury securities averaged 17

basis points higher than the average rate on 6-month Treasury bills—a basis point is equal to one one-hundreth of 1 percent. Some might, therefore, conclude that a composite rate constitutes an unwarranted subsidy to the funds.

It is also true, however, that unlike other pension funds, the social security trust funds are severely restricted in their investment opportunities. They are essentially limited to investing in Treasury securities even though higher yields could be obtained elsewhere with virtually no additional risk. Moreover, a savings account approach would deny the funds whatever benefits might be obtained through a discretionary management approach. Therefore, the somewhat higher yield form a composit rate probably only partially compensates the funds for the denial of these benefits.

The advantages of the savings account approach are that it does away with the present complicated procedures for attempting to keep maturities spread equally over a 15-year period. It avoids any argument over which securities to redeem whenever the funds must make a withdrawal to meet current benefit payments. It eliminates any need to try to guess which way interest rates may be heading in the future. And above all, it guarantees that the funds will always earn interest at a rate equal to the Treasury's current cost of money—no more and no less.

In a sense, the present system resembles a savings account since the Treasury stands ready to redeem all special issues at par. However, unlike a true savings account, the rate of interest on special issues is not periodically adjusted to reflect current market rates.

It should be noted that if interest rates decline substantially over the next several years, the savings account approach might earn less interest for the funds compared to the present system. However, the prospect of additional interest profits must be weighed against the risk a further erosion in interest earnings if interest rates continue to increase. There is also a real question whether Congress ever intended that the funds earn speculative interest profits by betting on a favorable downturn in interest rates. The possibility of speculative profits must necessarily include the possiblity of speculative losses. If interest rates do, in fact, decline substantially in the next few years, the funds will be in a much stronger financial condition because of the parallel reduction in inflation.

If the savings account approach had been in effect over the last 21 years ending on June 30, 1981, the funds would have earned more than $15 billion in interest payments. In no year would the interest earned under the savings account approach have been less than the actual interest received under the current system. If preliminary fiscal year 1982 data are included, the cumulative amount of lost interest will exceed $19 billion—an average shortfall of over $800 million a year.

Mr. President, I am certainly not suggesting that a revision to the investment policies will solve all of the financial problems of the social security trust funds. Nonetheless, $19 billion in lost interest payments over 22 years is not exactly a trivial amount. If the reserves of the funds were to be increased by $19 billion, the Congress might not have to consider all of the difficult measures deemed necessary for restoring the solvency of the funds.

It is clear that the present system is not working. Timely action today can lay the groundwork for a more rational investment policy so that we are not faced with the same problems two decades from now.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 201 of the Social Security Act is amended by striking out subsections (d), (e), and (f) and inserting in lieu thereof the following new subsections:

"(d) There are hereby created on the books of the Treasury of the United States an account to be known as the Old-Age and Survivors Insurance Depositary Account and an account to be known as the Disability Insurance Depositary Account.

"(e) The Managing Trustee shall deposit that portion of the Federal Old-Age and Survivors Insurance Trust Fund not required to meet current withdrawals from such Trust Fund in the Old-Age and Survivors Insurance Depositary Account and that portion of the Federal Disability Insurance Trust Fund not required to meet current withdrawals from such Trust Fund in the Disability Insurance Depositary Account.

"(f)(1) The Secretary of the Treasury may apply moneys deposited in an account pursuant to subsection (e) in any way in which he is authorized by law to apply moneys in the general fund of the Treasury.

"(2) Moneys deposited in an account pursuant to subsection (e) shall be treated as indebtedness of the United States for purposes of section 3689 of the Revised Statutes (31 U.S.C. 711) and shall earn interest, payable monthly, in an amount equal to the product obtained by multiplying the average balance of moneys in the account for such month by the average yield (expressed as a percentage) of all actively traded marketable obligations of the United States with a duration of four or more years to maturity (except obligations trading at a substantial discount) held by private investors during such month.

"(3) The Managing Trustee may withdraw moneys deposited in an account pursuant to subsection (e) whenever he determines that such moneys are necessary to meet current withdrawals from the Trust Fund from which such moneys were deposited, and the Secretary of the Treasury may sell obligations of the United States in the market in an amount not to exceed the amount of such withdrawal if he determines that the sale of such securities is necessary to replace moneys withdrawn by the Managing Trustee.".

(b) Section 1817 of such Act is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following new subsections:

"(c) There is hereby created on the books of the Treasury of the United States an account to be known as the Hospital Insurance Depositary Account.

"(d) The Managing Trustee shall deposit that portion of the Federal Hospital Insurance Trust Fund not required to meet current withdrawals from such Trust Fund in the Hospital Insurance Depositary Account.

"(e)(1) The Secretary of the Treasury may apply moneys deposited in the account pursuant to subsection (d) in any way in which he is authorized by law to apply moneys in the general fund of the Treasury.

"(2) Moneys deposited in the account pursuant to subsection (d) shall be treated as indebtedness of the United States for purposes of section 3689 of the Revised Statutes (31 U.S.C. 711) and shall earn interest, payable monthly, in an amount equal to the product obtained by multiplying the average balance of moneys in the account for such month by the average yield (expressed as a percentage) of all actively traded marketable obligations of the United States with a duration of four or more years to maturity (except obligations trading at a substantial discount) held by private investors during such month.

"(3) The Managing Trustee may withdraw moneys deposited in the account pursuant to subsection (d) whenever he determines that such moneys are necesary to meet current withdrawals from the Trust Fund, and the Secretary of the Treasury may sell obligations of the United States in the market in an amount not to exceed the amount of such withdrawal if he determines that the sale of such securities is necessary to replace moneys withdrawn by the Managing Trustee.".

"(c) Section 1841 of such Act is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following new subsections:

"(c) there is hereby established on the books of the Treasury an account to be know as the Supplementary Medical Insurance Depositary Account.

"(d) The Managing Trustee shall deposit that portion of the Federal Supplementary Medical Insurance Trust Fund not required to meet current withdrawals from such Trust Fund in the Supplementary Medical Insurance Depositary Account.

"(e)(1) The Secretary of the Treasury may apply moneys deposited in the account pursuant to subsection (d) in any way in which he is authorized by law to apply moneys in the general fund of the Treasury.

"(2) Moneys deposited in the account pursuant to subsection (d) shall be treated as indebtedness of the United States for purposes of section 3689 of the Revised Statutes (31 U.S.C. 711) and shall earn interest, payable monthly, in an amount equal to the product obtained by multiplying the average balance of moneys in the account for such month by the average yield (expressed as a percentage) of all actively traded mar-

ketable obligations of the United States with duration of four or more years to maturity (except obligations trading at a substantial discount) held by private investors during such month.

"(3) The Managing Trustee may withdraw moneys deposited in the account pursuant to subsection (d) whenever he determines that such moneys are necessary to meet current withdrawals from the Trust Fund, and the Secretary of the Treasury may sell obligations of the United States in the market in an amount not to exceed the amount of such withdrawal if he determines that the sale of such securities is necessary to replace moneys withdrawn by the Managing Trustee.".

"(d)(1) Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall redeem at par all outstanding obligations of the United States issued under the Second Liberty Bond Act exclusively for purchase by the Federal Old-Age and Disability Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund (hereinafter in this subsection referred to as the "Trust Funds").

(2) The Managing Trustee may sell any marketable obligation of the United States held by the Trust Funds at market price at any time.

(3) The proceeds from the redemption and sale of obligations of the United States pursuant to paragraphs (1) and (2) shall be paid to the Trust Fund selling or redeeming such obligations and that portion of such proceeds which is not required to meet current withdrawals from such Trust Fund shall be deposited in the account established with respect to such Trust Fund by subsection (a), (b), or (c) of this Act.

(e) Paragraph (1) of subsection (g) of section 217 of the Social Security Act is amended to read as follows:

"(1) In October of every fifth year beginning with October 1980, up to and including October 2010, the Secretary shall determine the amount which, if paid in equal installments at the beginning of each fiscal year in the period beginning with the beginning of the first fiscal year commencing after the determination, and ending with the close of September 30, 2015, would accumulate, with interest compounded annually, to an amount equal to the amount needed to place each of the Trust Funds and the Federal Hospital Insurance Trust Fund in the same position at the close of September 30, 2015, as he estimates they would otherwise be in at the close of that date if section 210 of this Act as in effect prior to the Social Security Act Amendments of 1950, and this section, had not been enacted. The rate of interest to be used in determining such amount shall be the rate determined under section 201(f)(2) in the September preceding the October in which the determination is made.".

(f) The amendments made by this Act shall take effect on October 1, 1983.

● Mr. BOREN. Mr. President, I am pleased to cosponsor the bill offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE). Improved management of the social security trust fund should be the first step Congress takes before considering any other proposals to change the system.

The management of the social security funds could certainly stand improvement. Past investment decisions of the trustees of the fund have not earned as high a yield as the social security system could be receiving. In 1980, for example, the social security fund could have earned $2 billion more in interest if it had been properly invested.

One cause of this problem is the composition of the board of trustees of the social security funds. Presently there are three trustees—the Secretaries of the Treasury, Labor, and Health and Human Services. The Secretary of the Treasury is a clear position of potential conflict of interest between his duties as Treasury and trustee of the social security fund.

The Secretary of the Treasury has been investing social security funds in Treasury bills which receive the lowest rate of return. It is not right for social security funds to subsidize national debt payments.

This legislation would alleviate this problem by adding four public members to the board of trustees, including a representative of employers, employees, beneficiaries, and a highly knowledgeable investment counselor. These new trustees will be appointed by the President, subject to Senate confirmation.

The bill will also charge all trustees with the duty to maximize the return of the fund and will require fund managers to modernize their equipment and enlist the services of investment experts.

These changes should be enacted immediately in order to strengthen the solvency of the social security system and to assure the total independence of the trustees and their complete loyalty to those who have paid into the system. I urge my colleagues to support this essential legislation.●

By Mr. SPECTER (for himself, Mr. COCHRAN, Mr. BYRD, Mr. HEFLIN, and Mr. GARN):

S. 418. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief of in the event of unfair foreign competition; to the Committee on the Judiciary.

UNFAIR FOREIGN COMPETITION ACT

Mr. SPECTER. Mr. President, I am today reintroducing legislation to grant American industries greater and more direct access to our Federal courts to prevent and compensate for economic injury in antidumping cases. This legislation is urgently needed to curtail the importation of illegally dumped goods now threatening our Nation with increasing unemployment, lower production, and a declining industrial base.

This legislation was originally introduced March 4, 1982, and hearings were held before the Judiciary Committee on May 24 and June 24. I offered this bill in modified form as an amendment to the gas tax bill in conjunction with the "Buy America" amendment. These two provisions were narrowly tabled by a 51 to 47 vote. The bill I introduce today is the same as the amendment I introduced with the gas tax bill just last month.

Recent determinations by the Reagan administration of dumping and subsequent agreements with European nations confirm what many Americans and Members of this body have known for years: Europeans and other foreign producers are illegally subsidizing and dumping steel and other products in American markets. Yet, for over a year and a half, foreign steel producers were able to sell their goods in the U.S. market without fear of any sanction. Such practices are illegal and must be stopped, especially in light of the staggering unemployment level in this country.

This bill will provide more effective and expeditious relief to industries such as steel, which are being seriously injured by the unfair and anticompetitive action of certain of our trading partners. The steel industry has been especially hard hit by dumping and is currently operating at slightly over 30 percent of capacity. Unemployment in this industry alone is well over 125,000 employees.

The ripple effect on the economy has been much more severe than the effect on the steel industry alone. These illegal trading practices have, unfortunately, not been confined to the steel industry. There have been serious allegations in many other industries, including but not limited to, sugar, textiles, leather goods, televisions, typewriters, mushrooms, and cement. I feel that this bill will provide an effective deterrent against illegal trading, for the offending foreign firms will be held accountable for the results of their action.

The recent Commerce Department's determinations to dramatize the glaring deficiencies of the Trade Agreement Act of 1979 illustrate the absolute necessity of amending our present antidumping laws. Under the current laws, it is just too easy for foreign firms to "dump and run," never being held accountable for the results of their actions or the serious injuries sustained by U.S. industries.

Foreign companies, subsidized by their governments, can dump their products on American markets for extended periods of time without being subject to sanction. Once a foreign company commences dumping, it will take the American industry 6 or more months to become aware of and gather evidence concerning this practice. Once the complaint is filed with the administering authorities, it takes an additional 6 months or more before a preliminary determination is made. Thus, over a year transpires before any sanction is imposed on those com-

panies who are illegally dumping products on the American market.

The steel and other industries have been substantially affected by dumping, because there is, at present, no adequate deterrent to unfair trading. This bill is designed to provide a mechanism which will prevent and compensate for such illegal actions.

Mr. President, the severity of the dumping problem has increased greatly over the past several years, and action by this body is imperative to prevent the further exportation of foreign unemployment to this Nation. The U.S. steel industry alone has suffered substantial long-term injury over the period 1976–82 due to the dumping of foreign steel. Estimates of the economic injury to the domestic steel industry vary between $7 and $20 billion; and the loss of the Government in terms of tax revenues may be as high as $9 billion. Twenty thousand steelworkers alone were unemployed in 1981 because of illegal trading, and—as I said before—the impact on U.S. unemployment as a whole has been much more severe because of the ripple effect the loss of U.S. steel production has upon the rest of the economy.

Mr. President, the current situation is clearly unacceptable. If this bill had been in effect during the past year, certain foreign companies would have been subject to damages for illegally exporting to our market. It is evident that many of these companies and countries would never have violated their international agreements and U.S. trade laws.

Mr. President, in introducing this bill I have made several modifications to the original text of my bill which appeared in the March 4, 1982, CONGRESSIONAL RECORD.

The injunctive powers of the court have been somewhat curtailed. Subsection (b)(2) of the bill has been eliminated; however, the court may still enjoin the importation of illegal imports under subsection (a) and under subsection (d) if the accused party does not comply with a discovery order or any other order of the court. District court jurisdiction has been limited to the District of Columbia.

This bill has been altered to limit the court's ability to enjoin importation to instances where there is a flagrant violation or when a request by the court is refused. In certain circumstances, it is entirely appropriate for the court to prevent further dumping.

I urge my fellow colleagues to support this measure, for to delay any longer will only invite further U.S. economic decline and continuing violations of our international trade agreements and U.S. trade laws.

Mr. President, I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Unfair Foreign Competition Act of 1983".

SEC. 2. Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

SEC. 3. (a) Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

"SEC. 801. (a)(1) If—

"(A) any article manufactured or produced in a foreign country is imported or sold within the United States at a United States price which is less than the foreign market value or constructed value of such article,

"(B) such importation or sale—

"(i) causes or threatens material injury to industry or labor in the United States, or

"(ii) prevents, in whole or in part, the establishment or modernization of any industry in the United States and

"(C) any person is injured in his business or property by reason of such importation or sale, such person may bring a civil action against any manufacturer or exporter of such article or any importer of such article into the United States who is related to such manufacturer or exporter in the district court of the District of Columbia.

"(2) In any action brought under paragraph (1), upon a finding of liability on the part of the defendant, the plaintiff shall—

"(A) recover damages for the injury sustained or be granted such equitable relief as may be appropriate, and

"(B) recover the costs of the action, including reasonable attorney's fees.

"(b) The standard of proof in any action filed under subsection (a) is a preponderance of the evidence. Upon a *prima facie* showing of the elements set forth in subsection (a), or upon a final determination by the Department of Commerce or the International Trade Commission under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports of the article in question for the country in which the defendant is located, which final determination shall be considered a *prima facie* case for purposes of this Act, the burden of rebutting such *prima facie* case thus made shall be upon the defendant.

"(c) Whenever it shall appear to the district court of the District of Columbia that justice requires that other parties be brought before the court, the court may cause them to be summoned, whether they reside in the district or not, and the subpoenas to that end may be served and enforced in any district of the United States.

"(d) The acceptance by any foreign manufacturer, producer or exporter of any right or privilege conferred upon him to sell his products or have his products sold by another party in the United States shall be deemed equivalent to an appointment by the foreign manufacturer, producer, or exporter of the District Director of the United States Customs Service of the Department of the Treasury for the port through which the article is commonly imported to be the true and lawful agent upon whom may be served all lawful process in any action brought under this section.

"(e)(1) An action may be brought under this section only if such action is commenced within four years after the date on which the cause of action accrued.

"(2) The running of the statute of limitations provided in paragraph (1) shall be suspended while any administrative proceedings under sections 731, 732, 733, 734, or 735 of the Tariff Act of 1930 (19 U.S.C. 1673–1673d) relating to the importation in question, or any appeal of a final determination in such proceeding, is pending and for one year thereafter.

"(f) If a defendant in any action brought under subsection (a) fails to comply with any discovery order or other order or decree of the court, the court may—

"(1) enjoin the further importation into, or the sale or distribution within, the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such action to have been sold or imported under the conditions described in subsection (a) until such time as the defendant complies with such order or decree, or

"(2) take any other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

"(c)(1) Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be preserved in any action under this section.

"(2) The court in any action brought under this section may—

"(A) examine, in camera, any confidential or privileged materials,

"(B) accept depositions, documents, affidavits, or other evidence under seal, and

"(C) disclose such material under such terms and conditions as the court may order.

"(h) Any action brought under this section shall be advanced on the docket and expedited in every way possible.

"(i) For purposes of this section—

"(1) The terms 'United States price', 'foreign market value', 'constructed value', 'subsidy', and 'material injury', shall have the respective meaning given such terms by title VII of the Tariff Act of 1930.

"(2) If—

"(A) a subsidy is provided to the manufacturer, producer, or exporter of any article, and

"(B) such subsidy is not included in the foreign market value or constructed value of such article (but for this paragraph).

the foreign market value of such article or the constructed value of such article shall be increased by the amount of such subsidy.".

"(b) It is the sense of the Congress that the provisions of this section are consistent with, and in accord with, the General Agreement on Tariffs and Trade (GATT).

By Mr. HATFIELD:

S. 419. A bill to provide that per capita payments to Indians may be made by tribal governments, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN TRIBAL GOVERNMENT PAYMENTS

● Mr. HATFIELD. Mr. President, today I am introducing legislation to enable Indian tribal governments to issue per capita payments directly to

their tribal members. This bill will repeal two provisions in current Federal law that prevent tribes from distributing their own funds to their membership by requiring that such disbursements be carried out by officers of the U.S. Government. This legislation was first introduced by myself in the 96th Congress when I served on the Select Committee on Indian Affairs and was again considered during the 97th Congress where it passed both the House and the Senate but got hung up on a minor amendment during the closing hours of the hectic lameduck session.

The bill I am introducing today is identical to the legislation that passed the Senate last December 22, which except for the addition of the minor amendment suggested by the administration, is as it was passed by the House earlier in the 97th Congress. The administration amendment, clarifying the Federal protection of judgment fund distributions for minors and incompetents, created a small discrepancy between the Senator and House versions which the House, due to the lateness of the hour, did not have an opportunity to accept before adjournment. I am informed that the House has no objection to this small administration amendment, which has no effect on the substance of the bill. With last Congress version of this legislation having received the administration's support and having passed both the House and Senate, I look forward to the smooth and rapid passage and enactment of today's bill.

The need for this legislation first came to light several years ago when the confederated tribes of the Warm Springs Reservation of Oregon began issuing tribal income per capita payments to their members on tribal checks. Initially, this development was welcomed by the local agency of the Bureau of Indian Affairs, which previously had been hand typing the distributions on green Government checks as the money was drawn out of the confederated tribes' Federal trust account. The Federal employees had been using data provided by the confederated tribes to issue the checks anyway, and the tribes' automated system was much quicker. Further, and perhaps more importantly, the tribal checks allowed the funds to be properly recognized in the surrounding communities as income being generated by the confederated tribes and not mistaken as some Federal handout. So, as a matter of relieving the Federal administration of some burden and expense, and as an example of tribal capability and Indian self-determination, as well as a matter of rightful recognition and pride, the tribes' issuing their own checks was a beneficial practice.

However, before too long, the practice had to be stopped. It was found that existing Federal statutes at 29 Stat. 336 and 30 Stat. 502 specifically require that per capita payments of tribal funds be carried out by Federal officials. These laws were enacted in a time when tribes were unable to administer and account for such disbursements. Today, these laws can prove to be an unnecessary hindrance. The bill I am introducing today will repeal those two sections and permit per capita disbursements to be made either by the Secretary of the Interior or, at the election of the tribe and with the approval of the Secretary, by the tribal government itself. Additionally, the bill will continue the exemption of per capita payments from liability for payment of any previously contracted obligation, now provided by 30 Stat. 502 which will be repealed. Any funds distributed per capita would also be subject to section 7 of the Indian Judgment Funds Act of October 19, 1973, as amended. Judgment fund settlements specifically executed under the 1973 Indian Judgment Fund Act, however, would not be effected except to permit their possible tribal distribution. Where a tribe has elected to make its own per capita income distribution, the Secretary shall not be liable for such distributions.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds which are held in trust by the Secretary of the Interior (hereinafter referred to as the "Secretary") for an Indian tribe and which are to be distributed per capita to members of that tribe may be so distributed by either the Secretary or, at the request of the governing body of the tribe and subject to the approval of the Secretary, the tribe. Any funds so distributed shall be paid by the Secretary of the tribe directly to the members involved or, if such members are minors or have been legally determined not competent to handle their own affairs, to a parent or guardian of such members or to a trust fund for such minors or legal incompetents as determined by the governing body of the tribe.

SEC. 2. (a) Funds distributed under this Act shall not be liable for the payment of previously contracted obligations except as may be provided by the governing body of the tribe and distributions of such funds shall be subject to the provisions of Section 7 of the Act of October 19, 1973 (87 Stat. 466), as amended.

(b) Nothing in this Act shall affect the requirements of the Act of October 19, 1973 (87 Stat. 466), as amended, or of any plan approved thereunder, with respect to the use or distribution of funds subject to that Act: *Provided,* That per capita payments made pursuant to a plan approved under that Act may be made by an Indian tribe as provided in Section 1 of this Act if all other provisions of the 1973 Act are met, including but not limited to, the protection of the interests of minors and incompetents in such funds.

(c) Nothing in this Act, except the provisions of Subsection (a) of this section, shall apply to the Shoshone Tribe and the Arapahoe Tribe of the Wind River Reservation, Wyoming.

SEC. 3. (a) The Secretary shall, by regulation, establish reasonable standards for the approval of tribal payments pursuant to Section 1 of this act and, where approval is given under such regulations, the United States shall not be liable with respect to any distribution of funds by a tribe under this Act.

(b) Nothing in this Act shall otherwise absolve the United States from any other responsibility to the Indians, including those which derive from the trust relationship and from any treaties, Executive orders, or agreements between the United States and any Indian tribe.

SEC. 4 (a) The following provision of Section 1 of the Act of June 10, 1896 (29 Stat. 3360), is repealed: "That any sums of money hereafter to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior."

(b) Section 19 of the Act of June 28, 1898 (30 Stat. 502), is repealed.●

By Mr. PROXMIRE (for himself, Mr. PRYOR, and Mr. JEPSEN):

S. 421. A bill to require the Comptroller General of the United States to ascertain increases in the cost of major acquisition programs of the civilian agencies of the executive branch; to limit the obligation and expenditure of Federal funds to carry out any major civil acquisition program after there has been a major increase in the cost of such civil acquisition program until enactment of a law providing new authority to carry out such civil acquisition program, and for other purposes; to the Committee on Governmental Affairs.

CIVILIAN COST OVERRUNS

Mr. PROXMIRE. Mr. President, today Senators PRYOR, JEPSEN, and I are introducing a bill to stop cost overruns on nondefense Government projects. This country's major public works projects have been allowed to run over their estimated cost without restraint, and without justification to Congress.

This bill requires that money to a project be shut off when that project costs 25 percent or more than it was estimated to cost initially. My bill will adjust the initial cost estimate to account for inflation. It will not apply to projects whose costs have risen no higher than the inflation rate. Money will be restored to a project only after Congress holds hearings and passes special legislation to get the project going again.

A look at the April 1982 General Accounting Office report explains the need for this legislation. The report included information on 234 non-Defense Department projects either in development or under construction.

The initial cost—the figure that Congress was given before it approved the projects—was $39.1 billion. The total cost of what it will take to complete those projects is now $106.1 billion—an increase of 173 percent.

GAO did not know how much of this cost growth resulted from inflation, but this bill requires that inflation be taken into account. GAO did report, however, that 186 of those projects—more than half—were 25 percent over their initial estimated cost. And one-third will need 100 percent more money to be completed.

The Army Corps of Engineers probably has a reason why it will cost 87 percent more to bring flood control to the Yazoo River than originally thought. And the Veterans' Administration could probably explain in detail why its medical clinic in Little Rock is costing $69 million more to build. But no law automatically requires those agencies to justify the overruns or stand back and examine the projects in light of their escalated cost. This bill does.

The GAO has urged better reporting and monitoring of Government projects as a means to quell cost growth. Growth would be controlled by this bill because initial estimates on projects would be more accurate. Estimates are often low or optimistic because the agency knows it has a better chance of getting the project approved. And as it stands now, few projects that are approved are stopped, no matter how high costs rise.

This bill provides an incentive for agencies to submit realistic cost estimates, because the agencies know as soon as they spend 25 percent or more above their estimates, their projects will come to a halt.

Mr. President, I am talking about constant dollars, a genuine cost overrun and not one caused by inflation. The Comptroller General would be responsible for accumulating statistics on the cost of civil projects. When any project runs over the 25-percent limit, the Comptroller General would have the power to notify Congress and the agency responsible. From that point on, the money stops until Congress gives the go ahead.

The word must go out to agencies that projects cannot run wild. This bill will help discipline Federal spending and also provide Congress with a check list of projects whose costs are rising rapidly.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act—

(1) the term "agency" shall have the same meaning as provided in section 551(a) of title 5, United States Code;

(2) the term "civil acquisition program" means any construction, acquisition, or procurement program (other than a construction, acquisition, or procurement program of the Department of Defense), including any research, development, test, and evaluation related to such program;

(3) the term "Comptroller General" means the Comptroller General of the United States;

(4) the term "Federal funds" includes funds provided by the Federal Government by grant, but does not include funds allocated to any State or political subdivision thereof under chapter 67 of title 31, United States Code, or any similar law;

(5) the term "initial cost estimate", when used with respect to a civil acquisition program, means the estimated total cost of such civil acquisition program on the basis of which the Congress enacts a law authorizing the appropriation of funds, or, if enacted first, a law appropriating funds, for the first time for such civil acquisition program; and

(6) the term "major civil acquisition program" means any civil acquisition program that (A) is financed entirly with Federal funds, and (B) is estimated to require an eventual total expenditure (including expenditures for research, development, test, and evaluation related to such program) exceeding $50,000,000.

SEC. 2. (a) The Comptroller General shall be responsible for ascertaining increases in the cost of each major civil acquisition program and compiling statistics on such increases. Such statistics shall be compiled from data submitted to the Comptroller General under section 3 and from data collected by the Comptroller General in the process of carrying out audits and reviews authorized by law.

SEC. 3. The head of an agency carrying out any major civil acquisition program shall transmit to the Comptroller General, at such times as the Comptroller General shall require, a report on such civil acquisition program. Such report shall include—

(1) a description of such civil acquisition program in terms of the mission intended to be performed using the property acquired under such civil acquisition program and the expectations for the performance of such property;

(2) the initial cost estimate for such civil acquisition program;

(3) the estimated total cost of such civil acquisition program as of the date on which such report is transmitted to the Comptroller General;

(4) the total amounts of funds authorized, funds appropriated, and funds obligated for such civil acquisition program prior to the date on which such report is transmitted;

(5) (A) the estimated or actual date of completion of such civil acquisition program as of the end of such fiscal year; and

(B) the date by which such civil acquisition program was planned to be completed when the civil acquisition program commenced;

(6) in the case of any such civil acquisition program for which the estimated or actual completion date is more than six months after the date by which such civil acquisition program was planned to be completed when the civil acquisition program commenced, the reasons that such civil acquisition program will not be completed or was not completed by the planned completion date;

(7) all changes in the quantity or size of the property to be acquired under such civil acquisition program from the quantity or size originally planned to be acquired when the civil acquisition program commenced, and the reasons for each such change;

(8) the reasons for any actual or projected increase in the total cost of such civil acquisition program by 25 percent or more over the initial cost estimate for such civil acquisition program; and

(9) actions taken or proposed to be taken to control subsequent increases in the cost of such civil acquisition program.

SEC. 4. (a) (1) Whenever the Comptroller General determines in the case of any major civil acquisition program that the actual or estimated total cost of such civil acquisition program exceeds the initial cost estimate of such civil acquisition program by 25 percent or more, the Comptroller General shall transmit promptly—

(A) notice of the determination to the head of the agency carrying out such civil acquisition program; and

(B) a report on such determination to the Congress.

(2) The report transmitted under paragraph (1) shall include—

(A) a statement of the reasons for the increase in the actual or estimated total cost of such civil acquisition program;

(B) all actions taken or proposed to be taken to control subsequent increases in the cost of such civil acquisition program;

(C) each change made in the schedule milestones or in any estimates of the quantity of the property that the agency is acquiring under such civil acquisition program and a description of the extent to which such changes have contributed to the increase in the actual or estimated total cost of such civil acquisition program; and

(D) an index of all testimony and documents formally provided to the Congress on the estimated total cost of such civil acquisition program.

(b) In the case of any major civil acquisition program with respect to which the Comptroller General transmits a notice under subsection (a)(1)(A), no funds may be obligated or expended on such civil acquisition program after the date on which the head of the agency carrying out such civil acquisition program receives such notice unless a law described in subsection (c) is enacted.

(c) The law referred to in subsection (b) means a law which (1) contains only provisions which provide authority to obligate and expend funds on a major civil acquisition program to which subsection (b) applies, (2) provides such authority for a period of not more than one year beginning on the date of enactment of such law, and (3) is enacted after the date on which the head of the agency referred to in subsection (b) receives the notice referred to in such subsection.

SEC. 5. The Comptroller General shall develop and implement policies and procedures applicable to all agencies for reflecting the effects of general economic inflation on cost data reported to the Comptroller General under section 3.

SEC. 6. This Act shall not apply in the case of any major civil acquisition program for which funds have been appropriated prior to the date of enactment of this Act.

By Mr. JEPSEN (for himself and Mr. THURMOND):

S. 422. A bill to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance; to the Committee on the Judiciary.

PHARMACY ROBBERY

● Mr. JEPSEN. Mr. President, as you know, I have been working on legislation to make the robbery of a controlled substance a Federal offense. For the past 3 years, I have been submitting legislation to address this problem and for the past 3 years, the Senate has seen fit to support my efforts.

Unfortunately, as many of my colleagues know, the House has not always been as willing to act on this legislation. The last days of the lame-duck session were an example of this.

Despite overwhelming support in both the House and the Senate, the pharmacy robbery legislation was never allowed to come before the House for a vote. I think I speak for thousands of pharmacists when I say that this was regrettable.

Fortunately, we now have a commitment from the chairman of the House Crime Subcommittee that he will hold hearings on this issue. In addition, I have been assured by the distinguished chairman of the Senate Judiciary Committee, a cosponsor of this bill, that my pharmacy robbery bill will receive priority attention.

It is with those assurances, Mr. President, that I am today reintroducing my pharmacy robbery legislation.

In national surveys, the American people always list crime as one of the most important issues of the day. More precisely, drug-related crimes are very often listed up at the top.

But despite this widespread concern, little attention is paid this particular aspect of drug-related crimes. Perhaps it is because these types of crimes are more prevalent in the more rural, less populated areas.

Whatever the reason, Mr. President, the fact remains that pharmacists are constantly putting their lives on the line to serve the public. The seriousness of this situation is reflected in the fact that one of the primary reasons prospective pharmacists leave this profession is because of the fear of one day being robbed or murdered by persons trying to obtain controlled substances.

My bill is not a cure-all for the pharmacy robbery problem. No one is arguing that by making the crime a Federal offense we will stop all pharmacy robberies. Just as bank robberies did not cease when bank robbery was made a Federal offense, so too will pharmacy robberies continue to occur after we make them a Federal offense.

I believe, Mr. President, that robbers will think twice about committing these crimes and may in fact be deterred from committing them. If only one pharmacist's life is spared, I will consider my efforts worthwhile.

I urge my colleagues to join Senator THURMOND and me in getting this bill adopted.●

By Mr. MATHIAS:

S. 423. A bill to restrict the disposal by the Administrator of General Services of certain real property located at the Beltsville Agricultural Research Center; to the Committee on Governmental Affairs.

SALE OF BELTSVILLE AGRICULTURAL RESEARCH CENTER

● Mr. MATHIAS. Mr. President, the bill I introduce today is to protect and preserve a national asset. To our shame, the Federal Government is selling our national patrimony.

On February 25, 1982, President Reagan issued Executive Order 12348 to establish the Property Review Board to oversee the administration's program to improve the management of Federal real property. Among these Federal lands is 260 acres at the Beltsville, Md., Agricultural Research Center that has been used for agricultural research for the past 73 years. This land and the facility located on it have been an important part of the Nation's effort to make agriculture more productive, both in the United States and around the world.

It is a national treasure and has produced a rapid succession of agricultural miracles. This land is now hostage to an executive order. Last year, I wrote to Edwin L. Harper, then Chairman of the Property Review Board, to express my objections to the proposed sale of BARC property. I submit for the RECORD the letter which details the objections which I and county officials, employees of the affected Federal agencies and members of the community, all agree invalidate the decision to proceed with this sale to the highest bidder.

I also ask that the text of the bill be printed in the RECORD following the text of the letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 12, 1982.

Mr. EDWIN L. HARPER,
Chairman, Property Review Board,
The White House, Washington, D.C.

DEAR MR. HARPER: Thank you for your recent letter. Many citizens have written me to convey their fear that large sales of federal properties may negatively impact present zoning policies in Maryland communities. Many employees of the affected federal agencies have relayed their concern that proposed land transfers could damage their professional working environment. County officials have reviewed the preliminary inventory developed by the Property Review Board and have concluded that these proposals are not in the public interest. For these reasons, I wish to protest the reported "excess acreage" at the Beltsville Agricultural Research Center (Parcels 5 and 13).

As you know, USDA has "chipped away" more than 1200 acres of the Center over the last twelve years. This must stop if we are to preserve the integrity of BARC.

Prior to your review, GSA's Federal Property Resources Services conducted a utilization survey in October 1978. BARC developed a comprehensive masterplan that was well-received by the National Capital Planning Commission, adjoining federal installations, state and local governments and local community residents.

Parcel 5, an area of about 13 acres, was designated for "turf experiments." The NCPC recommended that the parcel be identified for administrative or more intensive research use, in view of the excellent location of the site on U.S. Route 1, close to the administrative center of BARC and the National Agricultural Library. It is critical that this northern boundary for BARC's landholdings be restricted from detrimental commercial development.

Parcel 13, an area of about 247 acres, was designated in 1979 for a variety of farm research uses, floodplain protection area and future road corridor. This is a very sensitive location. It is within 0.1 miles of herbicide and insecticide research plots; 0.8 miles from the FDA complex; 0.3 miles from the Treasury Department's Security Training Facility; 1.3 miles from the USDA Plant Quarantine and Introduction Station; 0.3 miles from the USDA sewage sludge site; and 1.9 miles from the Goddard Space Flight Centers's optical (laser) site.

The negative impact from incompatible land use to property adjacent to this research campus would be irreversible because:

1. Security to both the facility and local residents would be reduced. Theft and vandalism pose a serious threat to sensitive projects. On the other hand, herbicides and pesticides could pose health problems to those who inadvertently encroach on the research areas.

2. Increased traffic patterns would conversely increase air pollutants and seismic shocks. The Goddard Space Flight Center's optical site is not compatible with even moderate traffic volume.

3. Removal of natural, wooded buffers would permit air pollutants to damage vegetation crops.

4. High-intensity land use causes stream pollution.

This parcel has been defended by those most capable of making such a determination, and they are the scientists and research staff at BARC. The cumulative effect would be an overall decay in the value of BARC for national research purposes.

I have already mentioned several instances where agencies other than BARC have a great interest in adhering to the 1979 masterplan. More specifically, they are: the GSFC which operates three extremely sensitive research facilities—optical site, magnetic test site, antenna range. GSFC's main campus lies at the southern perimeter of the federal complex. Secondly, EPA has facilities and test plots within the campus. The Fish and Wildlife Service operates many sensitive programs, such as endangered species research, studies on pesticide impacts on game and nongame wildlife populations and studies of field populations of game and nongame species.

I believe this "multi-agency" use of land in the Beltsville area is wise and cost-effec-

tive. Research equipment and support services involving high technology have been shared. This pattern of interagency cooperation should be encouraged and expanded.

These relationships were possible due to long-range master-planning by the aforementioned federal agencies, in conjunction with the National Park Service, the City of Greenbelt, the Maryland State Department of Natural Resources and the Maryland National Park and Planning Commission.

I hope you will carefully consider and review all the points I have raised before you propose to alter one acre of a research complex with the proven track record and potential associated with BARC.

With best wishes,

Sincerely,

CHARLES McC. MATHIAS, Jr.,
United States Senator.

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Administrator of General Services shall not sell, convey, lease, or otherwise dispose of real property at the Beltsville Agricultural Research Center, Greenbelt, Maryland, known as Parcel Number 5 (WA Md. 404Y), containing 12.9 acres, more or less, and Parcel Number 13 (WA Md. 404X), containing 247 acres, more or less.●

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 424. A bill to authorize the Secretary of the Air Force to enter into long-term contracts for the lease of a limited number of housing units at or near not more than five Air Force installations for the purpose of providing badly needed family housing for Air Force personnel, and for other purposes; to the Committee on Armed Services.

AIR FORCE FAMILY HOUSING BUILD-LEASE ACT OF 1983

● Mr. MURKOWSKI. Mr. President, today I am introducing legislation which will serve to alleviate severe housing shortages faced by Air Force families in certain areas around the Nation. This legislation proposes a unique coventure between the military and the private sector to respond to a growing housing problem which undermines the morale of our armed services. I introduced this pilot program last year before the Senate, but the constraints on time imposed by other business precluded passage of this act which is now ripe for consideration by the Congress.

In recent years, military construction budgets have been slashed in an effort to reduce short-term outlays. At the same time, a reordering of military force deployment has been undertaken in many instances without providing for required housing as a result of the new Department of Defense priorities. Certainly hundreds, and possibly thousands of U.S. military families are without proper on-base housing at defense installations in several locations around the country.

In my home State of Alaska, at Eielson Air Force Base, near Fairbanks, a critical housing shortfall has generated low morale and high turnover among Air Force personnel, In addition, a shortage of affordable commercial housing has resulted in Fairbanks, causing disruption of the local rental market.

I am informed that there are approximately 2,150 families requiring housing at Eielson now. Unfortunately, there are only 1,163 housing units available on-base. The off-base availability of housing for Eielson families is so limited, that the Department of Defense has estimated that at least 900 eligible families will not be accommodated in on-base housing. Perhaps more troubling, is the fact that some 258 of those Air Force families stationed at Eielson are projected to be unable to find adequate housing in Fairbanks, 26 miles distant.

As a result of the scarcity of housing in and near Eielson, the Air Force must deny 62 percent of the requests by newly assigned personnel for permission to bring their families with them to Eielson. The average waiting time for on-base housing is 4 months, but some eligible personnel have waited for longer that 6 months—and the situation is worsening. This problem is compounded by the presence at Eielson of 165 enlisted personnel who are not considered to be eligible for on-base housing.

It takes little imagination to recognize that a want of housing has a negative impact on military personnel wherever they may be stationed. A decreased retention rate, poorer job performance, high turnover, and related problems must be expected as a result of this situation. These factors all combine to take their toll on mission capability and troop readiness.

Mr. President, the Alaskan Air Command has made requests for new housing construction funding through appropriate Department of Defense channels. I do not know whether the Air Force has passed these requests along to the Congress in their regular budget submittal. However, even if these requests have been made a part of the military construction appropriation requests, and even if we in Congress pass that request unchanged, construction will not likely begin this year, and when it comes, it will be for too few units to alleviate the current shortfall.

The problem exists today. Pursuing a solution through conventional Department of Defense programs will take literally years; 258 families in Alaska, and hundreds of others at different military bases across America cannot wait that long.

There is, in my opinion, a clear need for a new approach to solving the problems of military housing with speed and flexibility. A rapid and adaptable response tailored to the needs of a specific base and locality is simply not possible under the existing military construction budgeting process. I do not propose today that we replace that process, but I suggest we implement a pilot program which follows a new approach to immediate and critical housing shortages at our domestic military installations.

In two of the areas where the housing situation has become most pressing—Fairbanks, Alaska, as I mentioned, and Abeline, Tex.—concerned citizens have joined with local base commanders to explore alternative housing for military families caught without a place to live. I firmly believe that this private initiative should be encouraged as a means of emergency response to specific, limited demands.

This legislation, which, insofar as it pertains to Alaska, I have dubbed "cool home," envisions the construction by private developers of housing built to military specifications, on land leased from the military base. The private builders would thereafter lease the housing back to the Air Force pursuant to agreements which comply with the terms of this legislation. After a specified number of years, the housing so constructed would be transferred to Air Force ownership, and the land lease would terminate. Instead of a single, up-front expenditure, the military will participate in a privately funded venture which results in the spreading of the cost of construction over several years through the lease-back arrangement.

Similar leasing plans are presently used successfully by the Department of Defense at overseas military installations. Current law permits the Air Force to enter into 10-year leases of housing at overseas locations. The "cool home" bill grants authority to the Air Force to undertake a limited pilot program which envisions the utilization of 30-year leases. The Air Force would pay no more than $1,000 per month per unit in shelter rent during the first year of the contract, to the private developers of base housing. Shelter rent is compensation to the developers for the fixed cost of the project, and does not include utility or maintenance expenses.

If local private housing exists which could be leased by the Air Force in lieu of new construction onbase, this legislation provides for the leasing of the housing. In each instance, the Secretary of the Air Force is required to submit a report to the House and Senate Armed Services Committees summarizing the relevant facts bearing upon a proposed build-lease agreement pursuant to this legislation, prior to execution of any contract.

This approach is attractive to me for several reasons. First, it encourages the involvement of local communities

in the development of a mutually beneficial working relationship with the Federal Government. Second, this program can be used to lower short-term military construction outlays while providing badly needed family housing that would otherwise not be built for several years.

In addition, Federal indebtedness accruing from construction contracts would be predictable for many years into the future. The same can rarely be said of current procurement contracts. Finally, it has been frustrating to me, and, I am sure, even more frustrating to those in Alaska and elsewhere without onbase housing, to know that the housing situation as it exists will take years to correct using the normal Department of Defense procedures. The MilCon program is a valuable, prudent manner of handling the routine construction requirements at U.S. military facilities worldwide. However, there is an identified need for an alternative and flexible approach to take care of urgent demands. This legislation which I introduce today lays the groundwork for a program which will give us and the military the experience and the data to determine whether this method of financing military construction is viable on a larger scale, while at once providing much needed housing for members of our armed services and their families.●

By Mr. DENTON:

S. 425. A bill to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes; to the Committee on Labor and Human Resources.

EQUAL ACCESS ACT

Mr. DENTON. Mr. President, I rise today to introduce the Equal Access Act, a bill to clarify and protect the rights of free speech and association of student groups that wish to meet for religious purposes.

The equal access bill requires that public schools receiving Federal funds maintain policies and practices that treat religious student groups the same as any other groups which is permitted to meet during noninstructional periods.

Equal access is a new approach to the school prayer issue that recognizes the reservations that several of my colleagues voiced during the last Congress. For example, some believe that during a teacher-led prayer a student may feel pressured to violate his conscience by participating in a prayer that runs contrary to his beliefs. The equal access bill does not mandate a teacher-led prayer or a State authored prayer, or even a moment of silence. All that would be required is that students of likemind be allowed an equal opportunity to meet during noninstructional periods for voluntary extracurricular activities of a religious nature.

Additionally, many of my colleagues expressed concern about limiting the jurisdiction of Federal courts in cases related to school prayer. I would point out that the equal access approach does not interfere with Federal court jurisdiction. The equal access bill protects the civil rights of students by simply limiting the receipt of Federal funds. This is a remedy commonly applied in instances in which the Federal Government acts to protect the civil liberties of particular groups of citizens.

To illustrate the problem that this bill would remedy, I would ask my colleagues to imagine that a group of students in a typical high school somewhere in the United States sends the following letter to the local board of education:

BOARD OF EDUCATION,
Any Town, U.S.A.

DEAR SCHOOL BOARD MEMBERS: We the undersigned students of Any Town High School, in order to more freely exercise our rights of freedom of speech and freedom of association guaranteed to us by the First Amendment to the United States Constitution, do hereby request that the Board of Education authorize us to form a club called: "Forum on Religious Issues and Answers."

The purposes of the club shall be to encourage the study of various contemporary concerns from a Biblical viewpoint and to give students a place to talk with each other about various ideas, including ideas that originate in the Bible.

Thank you for your consideration.

Very truly yours,

A GROUP OF STUDENTS.

In light of recent first amendment court cases, how should the board of education answer such a request? [1]

As the school board considers court decisions, it will discover that, in the case of *Tinker* v. *Des Moines Community School District*, 393 U.S. 503 (1969) the Supreme Court recognized broad first amendment rights for the student population in our country. The Tinker decision placed restrictions on the ability of teachers and administrators to exercise censorship authority over their students. The Court held that:

A student's rights, therefore, do not embrace merely the classroom hours. When he is in the cafeteria or on the playing field, or on the campus during the authorized hours, he may express his opinions, even on controversial subjects like the conflict in Vietnam, if he does so without "materially and substantially interfer(ing) with the requirements of appropriate discipline in the operation of the school" and without "colliding with the rights of others."

The Tinker holding therefore establishes that students "are possessed of fundamental rights which the State must respect."

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[1] Emory Law Journal, vol. 27, p. 3.

In the case of *Garvin* v. *Rosenau*, 455 F. 2d 233 (1972), a group of students had been denied the opportunity to form a chapter of the Student Mobilization Committee. The school stated that the club's antiwar posture violated official policy because a "partisan point of view was expressed." The Court disagreed with the school, stating that no compelling justification existed for penalizing the group solely because of the content of its ideas.

The recognition of the freedom of speech of public school students has been repeated in numerous other cases. See, for example: *East Meadow Comm. Con. Ass'n.* v. *Board of Ed.*, 272 N.Y.S. 2d 341 (1966); *National Socialist; etc. Party* v. *Ringers*, 473 F. 2d 1010 (1973); *Buckley* v. *Meng*, 230 N.Y.S. 2d. 924 (1962); *Snyder* v. *Board of Trustees*, etc., 286 F. Supp. 927 (1968).

One important case stated the doctrine thus:

It is not for the State to control the influence of a public forum by censoring ideas, the proponents, or the audience; if it could, that freedom which is the life of democratic assembly would be stilled. (*Danskin* v. *San Diego Unified School District*, 28 Cal. 2d 536 (1946).)

Even a "gay rights" club has been afforded access to school facilities to promote curriculum changes which comport with its "lifestyle." (*Gay Students Organization* v. *Bonner*, 509 F, 2d 652, (1974).) In Bonner, the Court stated that, when the school determines the rights of a student club:

It is immaterial whether the beliefs sought to be advanced pertain to political, economic, religious, or cultural matters.

Those examples illustrate a spirit of accommodation toward students desiring to meet and exchange ideas during school hours. The cases recognize that if students are to speak to students they must do so where students gather—at school.

At the very same time that the rights of free speech and association are affirmed for antiwar groups, controversial outside speakers and "gay rights" groups, the right of religious students to assemble and discuss their views has been either ignored or rejected.

In the case of *Lubbock Civil Liberties Union* v. *Lubbock Independent School District*, 669 Fed. Rptr. 2d 1038 (1982) cert. Denied, 459 U.S.—(1983), the Court declared unconstitutional a school policy that allowed students to meet voluntarily for prayer before or after school. Suddenly, we find that it is acceptable to talk about politics or gay rights or stamp collecting, but unconstitutional to talk about religion. The religious student is singled out for discriminatory treatment based on the content of his speech.

I agree with the President's recent assessment of this case made in a speech before the National Religious Broadcasters:

No one must be forced or pressured to take part in any religious exercise. But neither should the freest country on earth ever have permitted God to be expelled from the classroom. When the Supreme Court ruled that school prayer was unconstitutional almost 21 years ago, I believe it ruled wrong. And when a lower court recently stopped Lubbock, Texas, high school students from even holding voluntary prayer meetings on the campus before or after class, it ruled wrong, too.

In the case of *Brandon* v. *Board of Education of Guilderland Central School*, 635 F. 2d 971 (1980), the Court stated:

. . . An adolescent may perceive "voluntary" school prayer in a different light if he were to see the captain of the school's football team, the student body president or the leading actress in a dramatic production participating in communal prayer meetings in the "captive audience" setting of a school. . . . Nothing could be more dangerous.

Now freedom of speech and the opportunity for a student to meet with fellow students for religious purposes is declared "dangerous," presumably because the captain of the football team or a leading actress in a school play may be involved in the meeting. Does the judge who wrote the Brandon decision think that an adolescent perceiving student leaders at a meeting of the gay rights club is not dangerous, not more dangerous than talking about God? Do we allow the promotion of homosexuality by example and deny the promotion of religious values?

Mr. President, today I am introducing legislation that will address the grave inconsistencies that confront a school board trying to make a fair and constitutional decision about a religious club's right to meet. The bill, the Equal Access Act, provides equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.

No longer should the religious student be placed in a second class status.

The bill would require that when a school, through policy or practice, makes its facilities available to groups of students for voluntary extracurricular activities during noninstructional periods, the same opportunity to meet must be accorded to groups of students who wish to meet voluntarily to consider religious matters.

I believe the equal access approach avoids many of the problems about school prayer that some Members of this body raised during the last Congress. It places no limitation on the jurisdiction of Federal courts. It neither mandates nor authorizes any teacher-led or State authored prayer. It provides for no period of silence at the beginning of homeroom.

The necessity for this type of legislation was highlighted by Justice Lewis Powell's decision yesterday to postpone the effect of a Federal district court ruling in Mobile, Ala., which allowed students in Alabama to participate in voluntary prayer while at school.

The Equal Access Act requires only that religious students be treated fairly and on the same basis as other student groups. While it may not entirely resolve the issue, I believe and hope that my colleagues will agree that the equal access approach represents one reasonable and fair approach to the school prayer issue.

Mr. President, I ask unanimous consent that the text of the Equal Access Act appear in the RECORD immediately following my remarks and that the full text of the President's address to the annual convention of National Religious Broadcasters be printed in the RECORD immediately following that text.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Access Act."

SEC. 2. (a) No funds appropriated to the Department of Education to provide financial assistance to State or local educational agencies may be obligated or expended to any State educational agency or to any local educational agency if the State or local educational agency or any public elementary or secondary school for which the State or local educational agency is responsible has a policy or practice described in subsection (b).

(b) The policy or practice referred to in subsection (a) permits students, faculty, or groups of students and faculty, to engage in voluntary extracurricular activities on school premises of a public elementary or secondary school during noninstructional periods, but denies equal access and opportunity to, or discriminates against, students or faculty or both, or groups of students, groups of faculty members, or both, that seek to engage in voluntary prayer, religious discussion or silent meditation on school premises during noninstructional periods.

SEC. 3. As used in this Act—

(1) the term "State educational agency" has the same meaning given that term, by section 1001(k) of the Elementary and Secondary Education Act of 1965;

(2) the term "local educational agency" has the same meaning given that term, by section 1001(f) of the Elementary and Secondary Education Act of 1965;

(3) the term "elementary school" has the same meaning given that term, by section 1001(c) of the Elementary and Secondary Education Act of 1965; and

(4) the term "secondary school" has the same meaning given that term, by section 1001(h) of the Elementary and Secondary Education Act of 1965.

REMARKS OF THE PRESIDENT AT THE ANNUAL CONVENTION OF NATIONAL RELIGIOUS BROADCASTERS

The PRESIDENT. Thank you very much, (Applause.) Thank you. (Applause.) Thank you very much. Please. You did that. (Applause.) Thank you.

Thank you all very much, and thank you, Brandt Gustavson. Ladies and gentlemen, distinguished guests, thank you all very much.

I had a little problem last night myself with regard to my name. (Laughter.) I thought about a week ago that maybe I would persuade someone to change his name from Riggins to Reagan. (Laughter.) But after yesterday afternoon, I thought maybe I ought to change my name to his. (Laughter.)

You all have an expression among you that, first of all, you confess to being poor audiences for others. I haven't found it so. But you also have an expression about preaching to the choir. I don't know just exactly what my address, how that fits under that today. But what a wonderful sight you are.

In a few days I'll be celebrating another birthday which, according to some in the press, puts me on a par with Moses. (Laughter.) That doesn't really bother me because every year when I come here, when I look out at your warm and caring faces, I get a very special feeling, like being born again. (Applause.)

There is something else I've been noticing. In a time when recession has gripped our land, your industry, religious broadcasting, has enjoyed phenomenal growth. Now, there may be some who are frightened by your success, but I'm not one of them. (Applause.) As far as I'm concerned, the growth of religious broadcasting is one of the most heartening signs in America today.

When we realize that every penny of that growth is being funded voluntarily by citizens of every stripe, we see an important truth. It's something that I have been speaking of for quite some time—that the American people are hungry for your message because they are hungry for a spiritual revival in this country. (Applause.) When Americans reach out for values of faith, family and caring for the needy, they're saying, "We want the Word of God. We want to face the future with the Bible."

Facing the future with the Bible—that's a perfect theme for your convention. You might be happy to hear that I have some "good news" of my own. Thursday morning, at the National Prayer Breakfast, I will sign a proclamation making 1983 the Year of the Bible. (Applause.)

We're blessed to have its words of strength, comfort and truth. I'm accused of being simplistic at times with some of the problems that confront us. I've often wondered, within the covers of that single Book are all the answers to all the problems that face us today if we'd only look there. (Applause.) "The grass withereth, the flower fadeth: but the word of our God shall stand forever." I hope Americans will read and study the Bible in 1983. It's my firm belief that the enduring values, as I say, presented in its pages have a great meaning for each of us and for our nation. The Bible can touch our hearts, order our minds, refresh our souls.

Now, I realize it's fashionable, in some circles, to believe that no one in government should order or encourage others to read the Bible. Encourage—I shouldn't have said

order. We're told that will violate the constitutional separation of church and State established by the Founding Fathers in the First Amendment.

Well, it might interest those critics to know that, none other than the Father of our Country, George Washington, kissed the Bible at his inauguration. And he also said words to the effect that there could be no real morality in a society without religion.

John Adams called it "the best book in the world." And Ben Franklin said: ". . . the longer I lived, the more convincing proofs I see of this truth, that God governs in the affairs of men . . . without His concurring aid, we shall succeed in this political building no better than the builders of Babel; we shall be divided by our little, partial, local interests, our projects will be confounded, and we ourselves shall become a reproach, a bye-word down to future ages."

So, when I hear the First Amendment used as a reason to keep the traditional moral values away from policymaking, I'm shocked. The First Amendment was not written to protect people and their laws from religious values. It was written to protect those values from government tyranny. (Applause.)

I've always believed that this blessed land was set apart in a special way, that some divine plan placed this great continent here between the two oceans to be found by people from every corner of the earth—people who had a special love for freedom and the courage to uproot themselves, leave their homeland and friends to come to a strange land and, when coming here, they created something new in all the history of mankind: a country where man is not beholden to government, government is beholden to man. (Applause.)

I happen to believe that one way to promote, indeed to preserve, those traditional values we share is by permitting our children to begin their days the same way the Members of the United States Congress do—with prayer. (Applause.) The public expression of our faith in God through prayer is fundamental—as a part of our American heritage and a privilege which should not be excluded from our schools.

No one must be forced or pressured to take part in any religious exercise. But neither should the freest country on earth ever have permitted God to be expelled from the classroom. (Applause.) When the Supreme Court ruled that school prayer was unconstitutional almost 21 years ago, I believe it ruled wrong. And when a lower court recently stopped Lubbock, Texas, high school students from even holding voluntary prayer meetings on the campus before or after class, it ruled wrong, too. (Applause.)

Our only hope for tomorrow is in the faces of our children. And we know Jesus said: "Suffer the little children to come unto me, and forbid them not for such is the kingdom of God." Last year, we tried to pass an amendment that would allow communities to determine for themselves whether voluntary prayer should be permitted in their public schools. And we failed. But I want you to know something: I am determined to bring that amendment back again, and again, and again, and again until—(applause)—We were frustrated on two other fronts last year. There are five million American children attending private schools today because of emphasis on religious values and educational standards. Their families, most of whom earn less than $25,000 a year, pay private tuition and they also pay their full share of taxes to fund the public schools. We think they're entitled to relief. So, I want you to know that shortly, we'll be sending legislation back up to the Hill and we will begin the struggle all over again to secure tuition tax credits for deserving families. (Applause.)

There is another struggle we must wage to redress a great, national wrong. We must go forward with unity of purpose and will. And let us come together, Christians and Jews, let us pray together, march, lobby and mobilize every force we have, so that we can end the tragic taking of unborn children's lives. (Applause.) Who among us can imagine the excruciating pain the unborn must feel as their lives are snuffed away? And we know medically they do feel pain.

I'm glad that a Respect Human Life bill has already been introduced in Congress by Representative Henry Hyde. Not only does this bill strengthen and expand restrictions on abortions financed by tax dollars, it also addresses the problem of infanticide. It makes clear the right of all children, including those who are born handicapped, to food and appropriate medical treatment after birth and it has the full support of this administration.

I know that many well-intentioned, sincerely-motivated people believe that government intervention violates a woman's right of choice. And they would be right if there were any proof that the unborn are not living human beings. Medical evidence indicates to the contrary and, if that were not enough, how do we explain the survival of babies who are born prematurely, some very prematurely?

We once believed that the heart didn't start beating until the fifth month. But as medical instrumentation has improved, we've learned the heart was beating long before that.

Doesn't the constitutional protection of life, liberty and the pursuit of happiness extend to the unborn unless it can be proven beyond a shadow of a doubt that life does not exist in the unborn? [Applause.]

And I believe the burden of proof is on those who would make that point.

I read in the Washington Post about a young woman named Victoria. She's with child, and she said: "In this society we save whales, we save timber wolves and bald eagles and Coke bottles. Yet everyone wanted me to throw away my baby." Well, Victoria's story has a happy ending. Her baby will be born.

Victoria has received assistance from a Christian couple, and from Sav-A-Life, a new Dallas group run by Jim McKee, a concerned citizen who thinks it's important to provide constructive alternatives to abortion. There's hope for America; she remains powerful and a powerful force for good; and it's thanks to the conviction and commitment of people like those who are helping Victoria. They're living the meaning of the two great commandments: ". . . thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy might;" and "thy shalt love thy neighbor as thyself."

Each year, government bureaucracies spend bills* for problems related to drugs and alcoholism and disease. Has anyone stopped to consider that we might come closer to balancing the budget if all of us simply tried to live up to the Ten Commandments and the Golden Rule? [Applause.]

*Billions.

That's what's happening with CBN and the 700 Club's "Operation Blessing." They've given nearly $2.5 million to more than 8,500 churches and this money is then matched by the local churches. The result has been fantastic: More than 100,000 needy families helped, either through direct or in-kind contributions ranging from food and clothing to education, dental care and housework.

The PTL TV network is carrying out "A Master Plan for People That Love," opening centers all across the country to provide food, clothing, furniture and job bank centers at no cost. Don't listen to those cynics—some of them here in the capital—who would run our country down. America's heart is strong, and its heart is good.

You know, I mentioned drugs a moment ago. And I hope you'll forgive me if I digress just long enough—because I don't often get the chance to say this publicly—how proud I am of Nancy, and the job she's doing helping to fight drug addiction. [Applause.]

I do that every day for her. [Laughter.]

I know that each of you is contributing, in your own way, to rebuilding America, and I thank you. As broadcasters, you have unique opportunities. And all of us, as Protestants, Catholics and Jews, have a special responsibility to remember our fellow believers who are being persecuted in other lands. We're all children of Abraham. We're children of the same God.

You might be interested to know about a few of the changes that we're making at the Voice of America. Our transmissions of Christian and Jewish broadcasts are being expanded and improved. This year, for the first time in history, the Voice of America broadcast a religious service worldwide, Christmas Eve at the National Presbyterian Church in Washington, D.C.

Now, these broadcasts are not popular with governments of totalitarian powers. But make no mistake, we have a duty to broadcast. Alexander Herzen, the Russian writer, warned, "To shrink from saying a word in defense of the oppressed is as bad as any crime." Well, I pledge to you that America will stand up, speak out and defend the values we share. To those who would crush religious freedom, our message is plain. You may jail your believers. You may close their churches, confiscate their Bibles and harrass their rabbis and priests, but you will never destroy the love of God and freedom that burns in their hearts. They will triumph over you. [Applause.]

Malcolm Muggeridge, the brilliant English commentator, has written, "The most important happening in the world today is the resurgence of Christianity in the Soviet Union, demonstrating that the whole effort sustained over 60 years to brainwash the Russian people into accepting materialism has been a fiasco."

Think of it—the most awesome, military machine in history, but it is no match for that one, single man, hero, strong yet tender, Prince of Peace. His name alone, Jesus, can lift our hearts, soothe our sorrows, heal our wounds and drive away our fears. [Applause.] He gave us love and forgiveness. He taught us truth and left us hope. In the Book of John is the promise that we all go by, tells us that "For God so loved the world that He gave His only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life." [Applause.]

With His message, with your conviction and commitment, we can still move mountains. We can work to reach our dreams and

to make America a shining city on a hill. Before I say goodbye, I wanted to leave with you these words from an old Netherlands folk song, because they made me think of our meeting here today. "We gather together to ask the Lord's blessing./ We all do extol Thee, Thou leader triumphant/ And pray that Thou still our defender wilt be./ Let Thy congregation escape tribulation./ Thy name be ever praised! O Lord, make us free!" To which I would only add a line from another song, "America, America, God shed His grace on thee."

Thank you again. [Applause.]

By Mr. CHILES:

S. 426. A bill to amend title 38, United States Code, to require the Administrator of Veterans' Administration to consider the number of veterans residing in each State and projected changes in the number of veterans residing in each State in acquiring and operating medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

DISTRIBUTION OF FEDERAL FUNDS FOR VETERANS MEDICAL FACILITIES

● Mr. CHILES. Mr. President, today I am introducing legislation to provide for a more fair and reasonable distribution of the Federal dollars Congress appropriates each year for VA medical care facilities and services. In this era of budget cutting and belt tightening we cannot realistically expect huge increases in VA medical care funding. In this period of fiscal restraint, it becomes increasingly important to efficiently target VA health care funds so the money goes where the needs exist. In order to make sure health care dollars can go to where the eligible veterans are, we must make sure the VA health care dollars are distributed in a way that reflects the changing veteran population.

This legislation I am introducing today seeks to achieve this goal by requiring the VA Administrator to collect certain veteran demographic information each year and to recommend the apportionment of VA medical care funds on the basis of this information. I am pleased Congressman DAN MICA from Florida is introducing identical legislation today in the House of Representatives.

What we have seen in past years is a tremendous redistribution of the veteran population. I know my State has witnessed an incredible influx of veterans, Florida's veteran population now exceeds 1.3 million and is expected to reach 2 million by 1990. Florida has the fastest growing veteran population in the Nation. We estimate that 5,000 veterans move from other States to Florida each month. The State of Florida of course welcomes these veterans. But you can easily see how this ballooning veteran population strains our medical facilities when you realize that approximately 1 out of every 5 veterans seeks some kind of medical attention from the VA. Florida's VA medical facilities have just about reached the breaking point. It is clear that VA medical care dollars have not increased through the decade in proportion to the population growth and health care demands of the eligible veteran community.

Back in 1981 as a member of the Senate Appropriations Committee, I requested that the committee direct the Veterans' Administration to undertake a study of the veterans' health care situation in Florida. The fiscal year 1982 HUD-independent agencies appropriations bill included such a directive, and the VA has been working for some time now studying where VA health care facilities exist in Florida, and identifying areas where renovations and expansions of existing facilities should take place and where additional health care facilities will be needed in the future to meet projected demands.

Last December the VA released its study findings which clearly point to future expansion of existing medical projects and services in Florida if we are going to meet the needs of the veterans in my State. Meeting these needs will take either additional funds or a major shift in existing resources. Right now, it is unrealistic to hope for huge increases in VA medical care funding. We can, however, take steps to allocate VA health care funds in such a way as to reflect demographic changes in eligible veteran populations.

Florida is not alone in experiencing a heavy influx of veterans each year. Many veterans, particularly older veterans, look to the warmer climates in the southern part of the United States when they think about retiring. Other veterans move to warmer States for health-related reasons. Our major problem right now is we lack current, up-to-date information on where our veterans live and where they have moved from, what health care demands exist, and to what extent existing staff, facilities, and VA services are meeting the needs of eligible veterans. In other words, we cannot say we are putting VA medical care dollars where we most need them because by the time we find out where our veterans are, the information is out of date.

To help address and hopefully resolve this problem I am introducing the Veterans Medical Care Resources Allocation Act of 1983. The purpose of the bill is to put in place a system that makes sure when an area experiences a boom in their veterans population, the money allocated to that area will reflect that change in population.

This legislation will require the VA to compile demographic information and require the VA Administrator to look at this information and to operate and establish VA medical facilities on the basis of this information. The areas where the large veteran population live will start getting funds and facilities to meet the needs of those veterans living there. This kind of system, which cannot be run without the decisionmakers having current data on veterans, is simply the fairest and most reasonable way to go about providing for the health care needs of this country's veterans. This bill has three basic components:

CURRENT VETERANS DEMOGRAPHIC INFORMATION

The first part of this bill requires an annual review of veteran population data. This data would include an accounting of the present number of veterans residing in each State, as well as data on the past and projected changes in the veterans population figures. All of this information is needed to determine where exactly America's veterans are living.

MEDICAL CARE SERVICES ADEQUACY REPORT

The bill next requires an analysis of the adequacy of existing medical care services. This entails a study of admission policies throughout the medical care system. The bill would require a review of records of eligible veterans who apply for hospital care or outpatient care or nursing home care, but are turned down. Right now we have current information on the number of veterans that each facility serves. But we do not have any information that would tell us how many more veterans these facilities could service if the veterans could be accommodated. All of this information that is required in this part of the bill will give the VA Administrator a true picture of veterans health care demands.

VA ADMINISTRATOR'S REPORT TO CONGRESS

Based on the review of information that this bill necessitates, the Administrator must send to Congress an annual report detailing the veterans population data and recommending apportionment of appropriated funds. This recommendation would, of course, take into account the veteran population distribution.

This bill is designed to take a step toward reforming the VA system of allocating VA health care dollars. If we document where the veterans live and what health care needs they have, and then we require the VA Administrator to apportion funds based on all of that information, then I think we are moving closer toward making the VA health care system more responsive to the needs of veterans. I hope we will see favorable action on this proposal by the Senate Veterans' Affairs Committee.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)

section 5002(c) of title 38, United States Code, is amended by inserting "the number of veterans residing in each State, the past and projected changes in the number of veterans residing in each State, and" after "consideration".

SEC. 2. (a) Paragraph (3) of subsection (a) of section 5010 of title 38, United States Code, is amended—

"(3)(A) The Chief Medical Director shall at the end of each fiscal year (i) analyze agencywide admission policies and the records of those eligible veterans who apply for hospital care, medical services, and nursing home care, but are rejected or not immediately admitted or provided such care or services, (ii) review the adequacy of the capacity of the medical facilities (including outpatient facilities), the adequacy of the established operating bed levels, the geographic distribution of operating beds, the number of veterans residing in each State at the end of the fiscal year, the change in the number of veterans residing in each State during the preceding fiscal year, the projected change in the number of veterans residing in each State during the ensuing fiscal year, the demographic characteristics of the population of veterans and the associated need for medical facilities and medical care in each State, and the proportion of the total number of operating beds that are hospital beds and that are nursing home beds, and (iii) make such recommendations to the Administrator as the Chief Medical Director considers appropriate based on the review under clause (ii) of the first sentence of this subparagraph.

"(B) After considering the analysis and recommendations of the Chief Medical Director pursuant to subparagraph (A) of this paragraph, the Administrator shall, on or before December 1 of each year, report to the committees on the results of the analysis and review of the Chief Medical Director under subparagraph (A) of this paragraph, the adequacy of the capacity of medical facilities (including outpatient facilities), and the number of operating beds and level of treatment capacities required to enable the Veterans' Administration to carry out the primary function of the Department of Medicine and Surgery. The Administrator shall include in each such report the number of veterans residing in each State at the end of the preceding fiscal year, the change in the number of veterans residing in each State during such preceding fiscal year, the projected change in the number of veterans residing in each State during the ensuing fiscal year, and recommendations for (i) the number of operating beds and the level of treatment capacities required at medical facilities for the health care of veterans and the maintenance of the contingency capacity referred to in paragraph (1) of this subsection, and (ii) the appropriate staffing of, level of funding for, and apportionment of appropriated funds among medical facilities. In making recommendations relating to the level of funding for and the apportionment of appropriated funds among medical facilities the Administrator shall consider the number of veterans residing in the State or States served by each medical facility, the change in the number of veterans residing in such State or States during the preceding fiscal year, and the projected change in the number of veterans residing in such State or States during the ensuing fiscal year. The Administrator shall describe in the report submitted under the first sentence of this subparagraph how the recommendations with respect to the apportionment of appropriated funds relate to the factors considered under the third sentence of this subparagraph.".

SEC. 3. The amendments made by this Act shall take effect October 1, 1983.●

By Mr. BAUCUS (for himself, Mr. COCHRAN, Mr. GOLDWATER, Mr. HEINZ, Mr. KASTEN, Mr. KENNEDY, Mr. LEVIN, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PELL, Mr. PRYOR, Mr. SYMMS, and Mr. TSONGAS):

S. 427. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain literary, musical, or artistic compositions; to the Committee on Finance.

NATIONAL HERITAGE RESOURCE ACT

Mr. BAUCUS. Mr. President, today Senators COCHRAN, GOLDWATER, HEINZ, KASTEN, KENNEDY, LEVIN, METZENBAUM, MOYNIHAN, PELL, PRYOR, and SYMMS join me to introduce the "National Heritage Resource Act of 1983."

This bill is a revised version of another bill, S. 2225, that I and 26 other Senators sponsored last term. S. 2225 was incorporated into H.R. 1524 and, in that form, favorably reported by the Senate Finance Committee. But it never was voted on by the full Senate.

The bill I introduce today, like S. 2225, is designed to encourage donations to museums and libraries by correcting an inequity in the Tax Code.

That inequity, created by 1969 amendments to the Tax Code, denies authors, poets, musicians, scientists, and artists a fair tax deduction when they donate their creative works to charity.

As a result, contributions to museums and libraries have dramatically declined. For example, before 1969, the Library of Congress Music Division was receiving original manuscripts from about 35 living composers each year. Since 1969, it has received a total of about 30 manuscripts. And two artists have withdrawn their manuscripts; others have threatened to do so.

For another example, before 1969, the Library of Congress Manuscript Division was receiving manuscript collections totaling almost 200,000 manuscripts a year. Since 1969, it has received some bequests and other materials related to manuscripts, but only one major gift of a self-created manuscript from a living author.

The effect on the Library of Congress, of course, is multiplied many times over in smaller libraries, museums, and universities throughout the country. Their acquisition levels have been drastically reduced. Creators now are forced to disperse their collections by selling them on the open market—mostly to individual collectors. The material no longer is available for research in public institutions. Even more alarming, the material often is stored where it deteriorates and is exposed to risks of fire, flood, and theft; it can be lost forever.

This has a profound effect on scholarship and on the study and appreciation of American history. Museum and library visitors are losing the opportunity to view and study works of great beauty and of great spiritual and intellectual value.

In addition, creators are inexplicably treated worse than collectors. The 1969 amendments were intended to prevent political figures from taking large tax deductions when they donated their public papers to charity. But the law did not distinguish between donations by political figures and donations by creators such as authors, poets, musicians, scientists, and artists. The result is that creators who donate their creative work to a library or museum can deduct only the cost of the paper, ink, and paint they use to create the work; not the work's fair market value. In contrast, collectors who donate similar works that they have collected may deduct the work's fair market value. So the bill will put creators back on the same footing as collectors.

The bill we are introducing today differs from the original version of last term's bill, S. 2225. The new bill includes provisions, added to S. 2225 when it was being considered, requiring a written appraisal of the fair market value of the donated property; requiring the donee to confirm that he will use the donated property in accordance with the donee's tax-exempt purposes; and, basically, subjecting the increased deduction to the alternative minimum tax. It also includes a new provision limiting the increased deduction so that it applies only to donations to "50-percent charities"—organizations like public libraries, public museums, and universities. These changes improve the bill. They reconfirm its purpose to preserve America's heritage.

Mr. President, legislation similar to this bill has been supported by many distinguished Senators and by such prestigious groups as the Presidential Task Force on the Arts and Humanities; the American Arts Alliance; the American Association of Museums; the American Council on the Arts; the American Library Association; the Artists Equity Association; the Association of Art Museum Directors; the Association of Research Libraries; the Council of Creative Artists, Libraries, and Museums; the American Association of Universities; the National Association of Independent Colleges and Universities; the National Assembly of State Arts Agencies; and many others.

For years, we all have worked to end the tax inequity that threatens our national heritage. Today, as this legislation and companion legislation sponsored by Mr. DOWNEY in the House is

introduced, I hope we are beginning the last step toward enactment and the achievement of our goal.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Heritage Resource Act of 1983".

SEC. 2. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

Subsection (e) of section 170 of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(5) Special rule for certain contributions of literary, musical, or artistic compositions.—

"(A) In general.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under subparagraph (A) or (B) of paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, or artistic composition, any letter or memorandum, or similar property, but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 1 year prior to such contribution,

"(ii) the taxpayer—

"(I) has received a written appraisal of the fair market value of such property by a person qualified to make such appraisal (other than the taxpayer, donee, or any related person (within the meaning of section 168(e)(4)(D))) which is made within 1 year of the date of such contribution, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subparagraph (A) of subsection (h)(1),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)), and

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv).

"(C) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS BY PUBLIC OFFICIALS.—Subparagraph (A) shall not apply in the case of any charitable contribution of any letter, memorandum or similar property which was written, prepared, or produced by or for an individual while such individual was an officer or employee of the United States or of any State (or political subdivision thereof) if the writing, preparation, or production of such property was related to, or arose out of, the performance of such individual's duties as such an officer or employee".

SEC. 3. TREATMENT OF EXCESS DEDUCTION FOR PURPOSES OF MINIMUM TAX.

Subparagraph (B) of section 55(e)(1) of such Code (relating to alternative itemized deductions) is amended by inserting "determined without regard to section 170(e)(5)" after "deductions)".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to contributions made after December 31, 1983, in taxable years ending after such date.

● Mr. KENNEDY. Mr. President, I am pleased to give my strong support to the National Heritage Resource Act.

This important measure is long overdue and will help to end the flagrant discrimination against artists in our current tax laws.

I am proud to join Senator BAUCUS as a sponsor of this measure in the Senate and I believe that artists, authors, and scientists across the Nation deserve the benefit of this legislation and the fair tax treatment it will mean.

The legislation will put an end to laws which allow collectors of art to qualify for tax deductions for works they contribute to charity but exclude the artists who created these works from taking the same tax deduction. The measure also incorporates oversight provisions which define the use and application of the deduction. Provisions which require a qualified written appraisal and stipulate that such deductions are subject to the alternative minimum tax will insure compliance with Congress' intent to insure equity for artists under the Internal Revenue Code.

The National Heritage Resource Act will also encourage the donation of important cultural and historical manuscripts and works of art to museums and cultural institutions which have the capacity to preserve such works and make them available to the public for exhibition and research. Donation of creative work has diminished since 1969 when the tax laws were changed to include the existing discriminatory provisions. As a result, public access to works by living artists and authors has been greatly limited.

Legislation to correct this inequity in our tax code is long overdue, and I hope that this measure will receive the prompt enactment it deserves.

I also hope that the Senate's action on this measure reflects a new awareness of Federal responsibility to the arts in other critical areas, including adequate funding of the public agencies established to support a full range of artistic endeavors.

True support for the arts requires a breadth of vision adequate to the challenge of preserving the Nation's artistic heritage and encouraging excellence in the arts in the generations to come.

This legislation is an important step in that direction and I urge all members of the Senate to support it.●

● Mr. PELL. Mr. President, I am pleased today to join Senator BAUCUS in sponsoring the National Heritage Resource Act of 1983.

This legislation is essential to assure that the works of artists and authors will be available to the American public in future years in museums, art galleries, and libraries.

This objective would be achieved by permitting authors and artists to claim an income tax deduction for the fair market value of works which they donate to museums, libraries, and similar institutions.

This is not a new or radical idea. Indeed, such tax deductions were permitted until 1969 when the Congress as part of a broad package of tax reforms limited the tax deduction for artists and authors to the cost of the materials used in creating their work. Thus, an author who donated the original manuscript of a major work to the Library of Congress, for the benefit of future scholars, could deduct only the cost of the paper on which he wrote, even though private collectors might pay thousands of dollars for the manuscript.

The impact of the 1969 change in the Tax Code has been dramatic and dreadful. The flow of donated works by authors and artists has almost completely dried up. For example, during the decade of the 1960's, authors donated 1,200 manuscripts to the Library of Congress. During the 1970's, after the change in the tax code, only 50 manuscripts were donated.

The same situation exists in other libraries, galleries, and museums across the country. These institutions, with limited funds, must now compete with private collectors to purchase works of art for the benefit of the public. The result is that much of the cultural heritage of our time, our cultural legacy to future generations, is disappearing, in many cases permanently, into closed private collections.

The current tax law creates a paradoxical situation in which a private collector who pays $20,000 for a work of art may claim the full $20,000 as tax deduction if he donates the work to an institution. But if the artist himself were to donate the work of art he would be permitted to deduct only the few dollars he spent for materials.

There are those who criticize the proposed market-value deduction as an unwarranted Government subsidy to artists and authors. In my view, however, the current tax law imposes an unfair penalty on artists and authors. The real benefit of the proposed fair-market tax deduction would go to the American people who would be given access to the best of cultural works of our time.

This change in the Tax Code was among the principal recommendations of the President's task force on the arts and humanities. The task force concluded that provisions of the Economic Recovery Tax Act of 1981 would result in a continuing decline of private support for cultural institutions. To counter this trend, the task force made several recommendations, including the proposal that artists, writers, and composers should received "the same tax treatment, as a result of the charitable contribution of their work, available to a collector or other donor giving a purchased work or manuscript."

I think it is clear that the 1969 change in the tax law was a mistake. It should be corrected by enactment of the legislation introduced today.●

By Mr. TSONGAS (for himself, Mr. RIEGLE, and Mr. GORTON):

S. 428. A bill to provide for a study on economically strategic technologies and to identify and provide for the development of such technologies; to the Committee on Commerce, Science, and Transportation.

ECONOMICALLY STRATEGIC INDUSTRIAL RESEARCH AND DEVELOPMENT ACT

Mr. TSONGAS. Mr. President, today I introduce a bill that has application to the high technology industry, which is receiving more and more attention. It is referred to as the Economic Strategy Industrial Research and Development Act. I apologize for the title, but we could not do any better. I introduce it on behalf of myself and Senators RIEGLE and GORTON.

Mr. President, this Nation's technological capability has been the key to our economic progress in recent times. Today our continued progress and long-term economic health are in danger. Those of you who remember the story of the grasshopper and the ants should understand why the United States must act now to keep its high technology industry healthy. As you may recall, the ants worked long and hard preparing for the winter. Meanwhile, the grasshopper loafed along, enjoying the good life. When the winter arrived, the ants were ready for it. But the grasshopper found himself out in the cold, hungry and shivering, and depending on the ants' charity for survival.

Today, the Japanese and Europeans are the ants, and we risk becoming the grasshopper. Our auto and steel industries are hurting badly. These once formidable American industries have lost their competitive edge to Japan. This state of affairs is no mere happenstance. For years, the Japanese have been developing their heavy industry as part of a deliberate national strategy. The same thing is true of consumer goods—televisions, radios, cameras, and so on—all markets that the Japanese have captured so devastatingly.

I would guess that 95 percent of the cameras that are precluded from entering this Chamber were built in Japan.

The next arena is high technology. Technology is important as a source of future markets and as a means to turn around basic industry. The Japanese, the French, and many other industrialized nations are vigorously challenging U.S. dominance in high technology markets. They are pooling vast government and industry resources in targeted technology development programs to build new high-tech industries in computers, robotics, fiberoptics, biotechnology, and others.

Yesterday, I was in New York, at a conference sponsored by the Carnegie Foundation, which was looking at the issue of how you get the United States to begin worrying about its competitiveness in high technology. I must say that even though there is a lack of serious movement in Congress, I think the critical mass of concern in the countryside has finally been achieved.

While the competition from abroad intensifies, we have been reducing an already insufficient level of Federal support for industrial R&D here at home. Japan is planning to increase the percentage of its GNP spent on R&D from 1.94 percent in 1974 to 3 percent by 1990. In France, the figure was 2 percent in 1981, but it plans to reach 2.5 percent in 1985. In the United States, our percentage of GNP spent on R&D has dropped from 3.1 percent in 1965 to 2.45 percent today. But only 1.66 percent of our GNP is spent on civilian R&D. In order to reduce current deficits, the administration cut nondefense R&D almost 20 percent in the last 2 years. It does not take much to conclude that the Japanese are going one way and we are going the other.

An American Associate for the Advancement of Science projects a drop of 25 percent in constant dollars between fiscal years 1983 and 1987. The fiscal year 1983 budget called for $624 million in cuts in domestic research and development funding. And this year, in spite of recognition of the needs of hi-tech in his state of the Union address and calls for expanded NSF spending, the President is requesting additional cuts of $123 million overall.

These developments are a matter of concern for the entire economy. They threaten the vitality of our high technology industries and limit the capacity of our basic industries to innovate and improve productivity.

Today I am introducing legislation that would lead to a course of action for meeting these new challenges. Our proposal calls upon the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine to draw upon the expertise of their members, representing both private industry and academics, to identify economically strategic technologies. These are technologies which offer great potential economic benefit, but whose development is endangered by the targeted R&D efforts of our competitors.

For each economically strategic technology, a technology development program would be recommended. Such a program would identify the industry, university and Government resources necessary to maximize the potential for successful development of a particular technology. In effect, the legislation would produce an appropriate partnership for development of each targeted technology.

The bill also would provide budgetary authority so the President could implement recommended technology development programs quickly.

This legislation would achieve several purposes:

First, it would maximize the role of the private and academic research community, the people closest to the problem. This bill is not an effort to substitute a Government decision for that of the marketplace. It is an effort to survey the marketplace and take stock of where we stand. With this knowledge in hand, this group will be ideally situated to recommend an implementation program for the designated technologies that will work.

Second, it would pool the best available data on R&D efforts here and abroad and provide the most comprehensive comparative analysis anywhere of those efforts.

Third, it would emphasize the importance of international competitive strategy in assessing the potential of technology development programs. Such an approach looks at the competitive forces surrounding individual industries and develops an approach that best exploits our own comparative advantages. This bill uses a case-by-case approach for each designated strategic technology, thus avoiding the difficulties of trying to fashion a single government program that would respond to such varied industrial circumstances.

Fourth, it would provide a forum for assessing the best mix of public and private investment to maximize the potential for successful technological development. This feature would further the important goal of developing Government-business partnerships to face economic challenges. This avoids a new bureaucracy. It utilizes existing institutions to begin a process that will both build a consensus on where our efforts should be concentrated, and develop workable implementation programs.

Fifth, by increasing the authorization for nondefense research and de-

velopment funding, the bill would enhance our capacity to implement specific technology development programs quickly while still maintaining congressional and administration oversight.

Industry resources will be identified and the areas where additional effort is necessary pinpointed. Educational institutions can be called on to provide essential laboratory facilities or trained personnel. Government may be required to provide additional R&D funding through one of many existing nondefense industrial R&D programs. The technology development programs may also call for new tax treatment, purchasing procedures, or some other form of policy action. Emphasis on the technology development program will be on what works best.

Most important, this legislation would signal that our country has every intention of exercising technological leadership in the rapidly changing global economy of the future. Clearly, this legislation is badly needed. Consider the case of the GTE laboratories in Waltham, Mass. GTE has been a leading developer of new ceramic technologies that could give birth to a new generation of vehicle engines with higher efficiency and great fuel-saving capability. The United States has been a leader in the development of this technology, with the efforts of private industry supplemented by the research of the Department of Energy and the National Aeronautics and Space Administration.

But the administration has proposed major cutbacks in these Government programs. The timing could not be worse. Japan's Ministry of International Trade and Industry is launching a 10-year, $60 million program in concert with 15 companies that target ceramics R&D as a top national priority.

This story is being repeated in one technological field after another as a result of the estimated 25-percent reduction in civilian R&D advocated by the administration. In the burgeoning industries of robotics, fifth generation computers and biotechnology, among others, we are in danger of forfeiting tremendous technological advantages that could cost our economy greatly. The Japanese have mounted a $500 million alliance between government and industry for developing a fifth-generation computer. Most knowledgeable observers estimate that the Japanese are spending from 3 to 10 times as much as the United States on robotics and related research. The examples go on and on.

I would also like to note that Representative GEORGE BROWN, distinguished member of the House Committee on Science and Technology, today has introduced this bill in the House of Representatives as well. His leadership along with other colleagues in the House, together with our efforts in this Chamber can insure that we take action in this session of Congress to take a big step forward on the path to regaining our technological edge.

Mr. President, to conclude, I ask unanimous consent that several articles adding further documentation on the need for this legislation be printed in the RECORD as well as the bill and a section-by-section analysis of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Oct. 31, 1982]

THE US' BACKSLIDE IN R&D

(By Louis B. Fleming)

Slipping investments in civilian research and development are placing in jeopardy the economic strength and world competitiveness of the United States.

That is the view of many experts in the scientific, engineering and business communities.

"We're laying the groundwork for inferiority," according to Simon Ramo, a founder of TRW Inc. "We are still the strongest in the world, but the margins are slipping."

Paradoxically, the risk is rising at the same time that overall investment in research and development has reached record levels.

"The Reagan Administration is committed to maintaining the world's strongest scientific and technological base," according to the President's science adviser, George A. Keyworth 2d.

That commitment is being backed in the fiscal year that began Oct. 1 with an unprecedented $43 billion in federal funds for research and development, an increase of almost 11 percent over the previous year. That includes $5.8 billion for basic research, an increase of 9 percent. Moreover, since 1980, industry has outspent government for R&D.

Total spending by all sectors in the current fiscal year almost certainly will surpass $80 billion, up from a National Science Foundation estimate of $77.3 billion for the preceding year.

But behind the record figures are facts that have raised concern rather than euphoria:

Federal money, which pays for close to 70 percent of all basic research, is being shifted away from the civilian section with 57 percent of the total R&D money targeted for defense work this year. The American Association for the Advancement of Science has estimated that non defense R&D federal funding will "drop at most 25 percent in constant dollars from fiscal year 1983 to 1987" under the most favorable circumstances.

Industry has focused its R&D funding on short-term, product-oriented work with less than 5 percent going to long-term, basic research, a situation that is improving only slowly, according to Solomon L. Buchsbaum, an executive vice president of Bell Laboratories, the research arm of American Telephone & Telegraph Co.

The United States is lagging in the vitally related area of translating discovery into useful product, a failure that has focused new interest on improving the long-neglected technology of manufacturing engineering.

Most experts agree that the worst is yet to come.

"It is clear to us that nowhere nearly enough is being spent on research and development," commented Norman A. Robins, referring to one of the oldest industries, steelmaking. He is chairman of the research committee of the American Iron & Steel Institute and vice president for research of Inland Steel Co.

American steel companies are buying more and more of their technology overseas, he said.

In robotics, a rapidly growing new industry aimed at improving manufacturing productivity, research also is lagging, according to Roger N. Nagel, chairman of research and development for Robotics International, the professional organization. He is also director of Lehigh University's new robotics institute.

"In mechanical systems, we are not doing as much as we could," he said. "In sensors and complex controls, we are on a par with or ahead of the world, although in some cases we are doing more talking where they do more action," he added, calling particular attention to national R&D programs in France, West Germany and Japan.

If the worst lies ahead, there also are signs of slippage now.

Foreign inventors are accounting for a rising share of patents filed with the U.S. Patent and Trademarks Office, 39 percent in 1981 against 26 percent in 1970. Japan accounts for almost one-third of the foreign patents, according to one study.

Seven of 11 antibiotics developed in 1979 were of Japanese origin. By contrast, pharmaceutical research in the United States has dwindled in recent years from two-thirds of the major world research to one-third, according to the working group on high-technology industries of the Cabinet Council on Commerce and Trade.

Furthermore, impressive as the dollar investment may appear, it represents a declining investment in R&D when measured as a percentage of gross national product, members of Congress were reminded earlier this year by Nobel laureate Torsten Nils Wiesel, chairman of the department of psychiatry at the Harvard Medical School.

Funding fell from 2.94 percent of GNP in 1964 to 2.27 percent in 1981 at the same time that the funding in Germany and Japan was, on the same basis, increasing.

"The obsession with short-term payoff," according to Marvin L. Goldberger, president of the California institute of Technology, "is what is ruining the country."

"The Japanese have honed production techniques, neglecting their R&D, and making much use of American patents and licenses in some areas," another industrial laboratory expert commented.

Part of the problem is a shortage of engineers.

"The shortage is forcing the industry to focus on short-term issues rather than investing in long-term programs," Robert Henderson, president of Itek Corp. in Lexington, Mass., testified in Congress.

"As a result, we are experiencing a narrowing of the technology gap between the United States and its industrial competitors. This is leading to our inability to maintain export markets, as well as increasing the flow of high-technology products into the United States. At a higher level, it raises questions about our ability to maintain a superior technology position for the defense of this country."

"Business can't take advantage of new developments unless it has people on its staff who understand," Buchsbaum of Bell Lab-

oratories said. "If you don't invest in research you can't take advantage of new developments."

There also is a growing appreciation that the United States has been neglecting a critical element of productivity, namely, manufacturing engineering, according to Branscomb at IBM.

IBM recently announced $50 million in equipment and cash grants to universities to try to correct this neglect. Westinghouse gives $1 million a year to the Robotics Institute at Carnegie-Mellon University in Pittsburgh. Lehigh University in Bethlehem, Pa., opened its own robotics laboratory in September.

"If you have really high technology in the factory organization, the engineer in the factory will look at what is being invented and be able to say how it can be put to use," Branscomb explained.

"There's enormous pressure to use R&D to improve productivity to take cost out of manufacturing," said W. Dale Compton, vice president for research of Ford Motor Co.

For American companies in high technology, past investments in R&D appear to have played an important role in current profits. Thus, many try to allocate a certain portion of revenue from existing products to research efforts that they hope will yield new products in the future.

Bell Laboratories put 10 percent of its money into basic research. IBM is investing $1.8 billion in R&D this year, 10 percent of it in the research division for fundamental and long-range work.

[From Business Week, Sept. 21, 1981]

NEW CERAMICS THAT CAN TAKE ON TOUGHER JOBS

The intensifying search for replacements for strategic metals, which are either dwindling in supply or rising in price, or both, is bringing an age-old class of materials into new prominence. Ceramics—made essentially of silica, a ubiquitous sustance that constitutes 90% of the earth's crust—are undergoing a metamorphosis that promises to make them lighter, stronger, and more heat-resistant than many metals.

Until recently ceramics were limited to simple applications—bathroom fixtures, pottery, and cement, among other—because their normally brittle nature makes them susceptible to fracture when subjected to stess. But researchers around the world are now learning how to modify the natural properties of ceramics and made silica combinations that do not occur in nature. These new compounds, in conjunction with new molding techniques, are transforming what once were relatively undistinguished substances into high-performance materials. "Ceramics is becoming much more of a science," says Pellegrino Papa, technical manager of Corning Glass Works Ceramics Products Div.

Industry is anticipating a windfall of new materials for products ranging from energy-efficient auto and aircraft engines to heat exchanges and ball bearings. "Hardly anyone was interested" in ceramics 10 years ago, recalls Roger R. Willis, manager of Batelle Columbus Laboratores' ceramics and materials processing section. "But there are a heck of a lot of people interested now."

The market for ceramic engine components alone would total $10 billion, says James I. Mueller, professor of ceramic engineering at the University of Washington and president of the American Ceramics Society. Demand for industrial heat exchangers, one of the first commercial applications of the new generation of ceramics, is expected to be equally attractive. "The potential is staggering," says Kent H. Kohnken, ceramic product manager at GTE Products Corp.'s Sylvania Chemical & Metallurgical Div., in Towanda, Pa.

Bad strategy

"If we don't get that business," warns Mueller, "somebody else will"—because a global race to develop alternative materials is clearly brewing. "It is obvious that we are going to deplete [metal deposits] in the earth's crust," says Glenn W. Brown, chief of research and development for Garrett Corp.'s Torrance (Calif.) AiResearch Casting Co. So the fact that ceramics are as common as sand makes them almost inexhaustible. "It is very attractive to be able to dig a hole and make a ceramic," says George W. Weiner, manager of the Energy Systems Div. at Westinghouse Electric Corp.

Much to the chagrin of researchers, the Reagan Administration seems bent on squandering the impressive lead that the U.S. has acquired in industrial ceramics. The Administration is tightening the purse strings on nondefense ceramics R&D precisely when other countries are pouring funds into these areas to establish future positions.

Japan, for example, is targeting ceramics development as a major national goal. "Japan is behind other countries because of a lack of government spending" up to now, says Yasukatsu Miyoshi, a technical official in the Ministry of International Trade & Industry's Ceramics Div. So, in October, MITI will launch a 10-year ceramics R&D program under which it will distribute $60 million in subsidies to a consortium of 15 participating companies.

Already, there are early signs that the U.S. is losing momentum. KBI, formerly Kawecki Berylco Industries, pulled out of ceramics R&D last year after being acquired by Cabot Corp. The company had been developing a new ceramic compound but backed off, explains a KBI executive, because "there was more development work necessary than we were prepared for." And Norton Co., a leading ceramics maker, is diverting funds from gasoline turbine engine research to more "commercially viable," short-term applications, such as pump seals for the chemical industry.

High resistance

However, other major U.S. ceramics producers—Carborundum, Corning, and GTE—remain vitally interested in the long-term potential for so-called engineered ceramics. This is actually a family of materials including silicon carbide, silicon nitride, and amalgams of zirconia and magnesia—compounds that generally do not occur in nature and which exhibit high strength and heat-resistant properties.

The term "ceramics" encompasses an array of substances. The National Academy of Sciences broadly defines them as "inorganic, nonmetallic materials processed or consolidated at high temperatures," usually comprising natural silicons or silicon-oxygen-metal compounds fused together with oxides. The definition takes in everything from cement to dinnerware and plate glass.

Up to the time, much of Japan's work has been centered on alumina compounds. These are the most common of the new ceramics, but they are more brittle than the latest engineered grades. Many have already been commercialized in products ranging from semiconductor packages to electronic filters and sensors. For example, Murata Manufacturing Co., in Kyoto, is developing tiny piexoelectric ceramic speakers; because these speakers do not need an amplifier, Murata expects to sell them for use in telephone receivers and computer-controlled synthetic-voice output devices. And nearby Kyoto Ceramic Co. is perfecting single-crystal "bioceramics" for use as bone implants and artificial teeth.

Fuel saving

But Japan is now beginning to focus on the new engineering ceramics. These materials can be so heat-resistant, compared to the strongest superalloys, but engine parts made from such ceramics can run several hundred degrees hotter—up to 2,500 F. Not only does this reduce the need for costly and cumbersome cooling equipment, but it dramatically improves fuel efficiency (page 42J). Japanese government planners think that this could eventually mean a 3% decrease in Japan's annual petroleum consumption, worth $1.6 billion at today's prices.

The U.S. Energy Dept. is just as optimistic. Officials there point out that if an engine runs more efficiently, it also produces less exhaust emissions. And because the new ceramics weigh about one-third as much as the superalloy metals used for aircraft and missile engines—primarily cobalt and nickel-based steels—they are especially suited for aerospace applications.

Heat resistance obviously is a major selling point for ceramic heat exchangers. The Energy Dept. is so excited about the potential that it is pumping $1 million into a Technology Acceleration Program to promote ceramic recuperators for high-temperature furnaces, particularly in the metals industries. Users can get the units—developed by GTE Sylvania with Energy funding—for free. In return, they must pay for installation and auxiliary equipment and promise to monitor energy consumption under controlled conditions for six months.

More than 100 of the recuperators will soon be installed on 30 furnaces. Data for the first unit in operation point to a total 60% energy savings, 40% of which is directly attributable to the use of ceramics—in this case cordierite, a blend of magnesia, alumina, and silica. "So far," says an official at an independent agency monitoring the use of the devices, "they look real promising."

The honeycomb-like recuperators recover heat from furnace exhausts and use this energy to preheat the combustion air flowing into the furnace, thus improving combustion efficiency. Cordierite is an ideal material for heat exchangers because it has outstanding thermal-shock properties; the material can be heated red-hot and then cooled suddenly without danger of fracture.

Pioneer

Hague International, of Portland, Me., began selling huge silicon-carbide recuperators four years ago. Its systems can handle up to 1 billion Btu, compared with only 2 million Btu for the GTE Sylvania model that Energy is promoting. Hague President Paul G. LaHaye points out that a key advantage of ceramics is their ability to withstand the corrosive attack of such substances as the alkalis and ash given off by burning coal and wood chips.

Overseas companies are beginning to exploit the high-strength, wear-resistant properties of the new ceramics, too. Germany's Annawerk Karamische Betriebe and Rosenthal Glas & Porzellan are already turning

out silicon-carbide and silicon-nitride ball bearings and drill sleeves. At least three companies in Japan—Asahi Glass, Toshiba, and NGK Spark Plug Co.—are selling similar items. While Asahi Glass sold just over $500,000 worth of engineered ceramic products last year, it hopes to triple sales this year.

A host of other products are in the works as well. Examples:

Bell Helicopter Textron is experimenting with ceramic roller bearings for helicopter rotors.

For straining impurities from molten metal, Corning has developed ceramic filters able to withstand temperatures up to 3,000 F.

Westinghouse is working on a high-temperature fuel cell that will convert hydrogen—from methane or coal gas—into electricity at 60% efficiency. By comparison, the best conventional generators operate at about 35% efficiency.

For ceramics to live up to their full potential, though, a number of problems must first be overcome. "Ceramics are like a wedding," quips Ludvik F. Koci, general director of engineering at General Motors Corp.'s Detroit Diesel Allison Div., which is working on ceramic truck and car engines. "Everyone has a lot of bated breath because of what it promises, but there is a hell of a long way to go."

Fractures

A traditional weakness of industrial ceramics has been their poor tolerance to thermal shock. In many processes, heat is not uniformly distributed or fluctuates over time. Equipment exposed to such conditions alternatively expands and contracts, creating stress that can cause a component to fracture. Scientists are licking that problem by formulating new ceramics with "low thermal expansion" characteristics. These compounds include silicon carbide, silicon nitride, and cordierite.

Brittleness, however, still remains a problem. "Metal will bend or distort before it fails," notes Brown of Garrett, another company that is experimenting with ceramic engines for autos and aircraft. "But ceramics do not bend very well." At United Technologies Corp.'s Research Center, scientists are working to make ceramics tougher by blending in fibers—of graphite, silicon carbide, and alumina—to form reinforced, or composite, ceramics, much like fiber-reinforced plastics. So much work is being done to perfect the new materials that eventually, says AiResearch's Brown, "We will end up with several alloys in ceramics—very similar to the alloys you have today in supermetals."

One key point of research, therefore is, aimed at determining which ceramics will behave best in a specific environment. At Battelle Memorial Institute in Columbus, researchers are trying to get a fix on ceramics' fracture process in order to develop equations that will allow them to predict with some consistency just how a material will perform in a given situation.

While considerable progress has been made in evolving a science of ceramics materials, the production and fabrication of ceramics remain almost as much art as science. Norton's Alliegro contends that the focus of ceramics research this decade will shift to processing techniques. With various compounds identified, he notes, "now it is a question of how you make them economically."

Complex shapes

Sintering is one method that will play a major role in fabrication. A type of baking technique borrowed from powder metallurgy, sintering can create large and complex shapes. The goal is to come as close as possible to the "near net shape," or final form, during fabrication. This reduces the subsequent machining and grinding required.

All the major U.S. ceramics companies are striving to perfect the sintering process. In Japan, Asahi Glass claims it is among the first to develop a commercial technique in which ceramic powder is shaped and sintered under little more than normal atmospheric pressure. As a result, the company asserts the process is substantially faster than conventional sintering operations, which typically required several hours of processing at pressures up to 1,400 psi.

Another promising technique is injection molding, already being used to produce heat exchanger components, among other items. As with sintering, it offers the advantage of cutting down on expensive machining requirements.

By most people's reckoning, ceramics R&D will continue at a fast clip—especially outside the U.S. And if the future is anything like the recent past, the progress will be remarkable. "In the last two years," says Paul V. Lombardi, director of the Energy Dept.'s Automotive Technology Div., "the state of technology has doubled from what was done in the previous eight years." But some U.S. businessmen worry that cutbacks now in federal support will translate a few years hence into a situation where the U.S. lead in ceramics technology will be slipping into overseas hands.

A RACE TO PUT CERAMICS IN CARS

The biggest foreseeable payoff from industrial ceramics will be in engines, where the materials' heat resistance will allow engines to run hotter, boosting efficiency by as much as one-third. This promise of dramatic fuel savings, along with such auxiliary benefits as cleaner emissions and greater durability, is spawning aggressive ceramic-engine research and development programs around the world. Most of the spending is for development of key ceramics parts for turbine engines. Such powerplants eliminate pistons in favor of jet-engine principles. Experts believe that turbine engines will be used in stationary applications—driving pumps and generators—by the end of this decade and in trucks and autos by the early 1990s.

All the major industrialized nations are racing to get in on the action. The U.S., the world's acknowledged leader in ceramics technology, got an early start with turbine-type engines. The first projects got under way during World War II, after intelligence reports from Germany warned that the Nazis were experimenting with ceramic components for a remarkable new type of aircraft engine—the jet. Interest was rekindled in the early 1970s, when the world woke up to the coming petroleum shortage. Since then Washington has committed $85 million for ceramics R&D.

But the Reagan Administration's determination to cut back some programs and eliminate others could jeopardize America's first-place standing. If Reagan has his way, Washington will stop funding joint government-industry programs aimed at developing commercial products—such as auto engines and heat exchangers—and focus instead on basic research and Defense Dept. applications. "We will have to make major changes in our philosophy," says Paul V. Lombardi, director of the Energy Dept.'s Automotive Technology Div.

Government support

Congress prefers more modest trimming, so the probable outcome will be a compromise when House-Senate conferees meet later this month. Whatever the level of the cuts, the prevailing mood in Washington gives many ceramic proponents the jitters, because the pruning comes at a time when other governments, especially the Japanese, are throwing more muscle than ever into helping industry search for new ceramic products.

Japan's Ministry of International Trade & Industry (MITI) is launching a 10-year, $60 million program in concert with 15 companies that targets ceramics R&D as a top national priority. MITI's planners make no bones about their goal. They intend to catch up to and surpass the U.S. "Generally speaking, the U.S. is far ahead of us," laments Shougo Shimuzu, chief engineer at Toshiba Corp.'s Metal Products Div. "There has been much more money for research."

Even before Japan stamped "priority" on ceramics research, the country had recognized the potential of the materials. Under a six-year project started in 1978, MITI's Agency of Natural Resources & Energy is spending about $100 million on development of a new power-generating turbine, some $9 million of which is earmarked especially for ceramics R&D.

In the U.S., the biggest projects are pointed at a radically new type of jetlike engine for cars and trucks. For decades, U.S. auto and truck makers have been interested in the turbine's potential for quiet, vibration-free, low-maintenance performance. As early as 10 years ago, some even thought it was ready for commercial use. But then fuel economy began to emerge as a key issue, and the turbine engines available then—built entirely of metals—could not begin to compete with diesels on this score.

Enter ceramics, which will allow gas turbines to operate at temperatures so high that their efficiency will approach that of diesels. Conventional "hot parts" made of metal superalloys can operate at temperatures up to only 1,900 F—and then only with the help of costly, heavy cooling systems that reduce performance. The new industrial ceramics—including silicon carbide, silicon nitride, and compounds of zirconia, alumina, and magnesia—can run at about 2,500F and do not need such cooling gear.

Teaming up

Four major government-aided turbine engine programs are under way in the U.S. under the three-year-old Ceramic Applications in Turbine Engines (CATE) project funded by the Energy Dept. and managed by the National Aeronautics & Space Administration. CATE, which is slanted toward development of 300- to 400-hp. engines for heavy-duty vehicles, has even channeled funds from Washington to such foreign companies as Annawerk and Rosenthal in Germany and Toshiba and Kyoto Ceramics in Japan.

Energy and NASA have also teamed up with the three major U.S. auto companies in separate advanced gas turbine (AGT) projects to develop prototype car engines by 1985. These programs aim to create a 100-hp. engine that will deliver 42.5 mpg with a 3,000-lb. auto similar to the Ford Fairmont or Pontiac Phoenix.

Unfortunately, programs aimed at commercial products are under attack by the Reagan Administration, so progress could be slowed. David W. Richerson, ceramics supervisor for Garrett Corp.'s Phoenix (Ariz.)

Garrett Turbine Engine Co., says that the commercial potential of these engines hinges on continued government funding, since there are still many bugs to be worked out. Adds Richerson, "I do not see the necessary level of funding available now."

For example, the White House wants to slash Energy's AGT budget by as much as two-thirds, to $15 million, of which only about $5 million would go for ceramics research. And even that amount would be redirected—to generic R&D rather than commercial products, since the Administration contends that private industry should underwrite development of products with commercial promises and recoup investments through the new tax credits.

However, Energy's Lombardi, among others, thinks the end result will be a drop-off in ceramic auto engine development. If the funding ceases, he warns, "The U.S. leadership role will go down the tubes." Hillard E. Barrett, chief engineer of industrial gas turbines for General Motors Corp.'s Detroit Diesel Allison Div., anticipates that by the end of next year the Energy Dept.'s CATE and AGT programs will be combined into "an obviously reduced effort."

Defense Dept. programs will be spared the ax. Indeed, Defense will spend more than $20 million from 1982 to 1986 on a powerful adiabatic, or heat-stabilized, engine to be built by Cummins Engine Co. around key ceramic components. It will power military vehicles.

The spinoffs

Experts stress that much work remains to be done in ceramic turbines. "These things are still experimental," notes Arthur G. McLean, manager of ceramic materials at Ford Motor Co.'s Scientific Research Laboratory. Although simple working prototypes have been built by several companies, McLean and other specialists list numerous areas where problems remain. Examples: ceramics materials purity, evolving a scientific basis for materials formulations, manufacturing process controls, and general durability and reliability.

Meanwhile, spinoff applications—mainly products that are less critical than a vehicle's main engine parts—seem likely to reach the market much sooner. Auto turbochargers with ceramic parts could be in production within a year. Another near-term application is coating piston rings with ceramics to make them more impervious to the increasing sulfur levels in diesel fuel.

The U.S. is not alone in its ceramic-engine quest. Japan, West Germany, England, Italy, and Sweden all have launched similar projects, most of them subsidized by the government. Kyoto Ceramic Co. and Isuzu Motors Ltd. in Japan, for example, are using MITI funds to develop a ceramic diesel engine. Italy's Fiat already has built bench-scale turbine engines with ceramic pre-combustion chambers and is now developing ceramic piston caps. And in Sweden, Volvo's United Turbine subsidiary plans to have a prototype ceramic gas turbine running by 1983.

So it seems just a matter of time before industrial ceramics help give birth to a new generation of vehicle engines that will save billions of dollars in fuel. The next step will be aircraft engines, where development work has already begun. Britain's Lucas Aerospace Ltd.'s Fabrication Div., for example, is working on a ceramic gas turbine flame tube for the Defense Ministry. Gordon Sedgwick, a Lucas project designer, is confident that ceramics will win out for this and many other engine applications. Says Sedgwick: "The world is spending too much money on this for it not to work out."

[From the New York Times, Jan. 1, 1983]

THE STAKES ARE HIGH IN A RACE FOR SPEED

(By William J. Broad)

The fastest computers in the world are today built in the United States, but these symbols of American ingenuity may soon be found only in museums. The Japanese Government last year unveiled a $200 million program aimed at cornering the world market in supercomputers with machines 1,000 times more powerful.

Predictions of an American decline are voiced by academicians and scientists who fear that the race for supercomputers of the future may be somewhat lopsided. The Reagan Administration, ignoring calls for an expensive crash program, has invoked the magic of the market place and the genius of lone inventors.

The stakes in the gamble are high. No computer is now powerful enough, for example, to simulate the airflow around an entire aircraft, so aerodynamic designs are often put together in piecemeal fashion or by the repeated processing of two-dimensional slices. The first country with computers that can design the plane as a whole, according to a recent report of the National Science Foundation, "will undoubtedly produce planes with superior performance." So too, the Government wants bigger supercomputers for building better weapons, breaking codes, and developing new sources of energy.

BEYOND ALL EXISTING COMPUTERS

Pure research, with its unpredictable rewards, also needs the machines. "The problems we are trying to address could not at this point be calculated by all the computers that have ever existed," says Dr. Bruce Knapp, a physicist at the Nevis laboratory of Columbia University. Dr. Knapp and his colleagues, unable to afford the usual $5 million to $15 million for a supercomputer, are attempting to build their own.

What makes a computer super is speed, not size. A supercomputer is any machine that will perform at peak speeds greater than 20 million operations per second. The best models now available will, for short bursts, perform 400 million operations per second. American manufacturers are aiming at a billion, while the Japanese have set their sights on 10 billion.

The complexity of supercomputers is illustrated by the fact that it usually takes a small army of regular computers to feed them problems and digest the results. And their complexity is increasing. The world's first supercomputer, a custom-built machine financed by the Defense Advanced Research Projects Agency and retired in 1981, once computed the dynamics of airflow around the engine of a rocket. The task took 18 hours. The machines the Japanese want to build would do the job in about 10 seconds.

How America is to retain pre-eminence is currently a topic of hot debate. In an attempt to counter the Japanese offensive, American scientists have written ominous articles and lobbied for creation of a crash program. "Military research," wrote a group from the Los Alamos National Laboratory, "may become dependent on access to supercomputers of foreign manufacture." In January the National Science Foundation released a report which found "alarming" the evidence that the Japanese were headed for world leadership and noted that Government support for supercomputers had waned since the 1970's in the United States.

The response of the Government was less than lukewarm. "The Reagan Administration has concerns about too great an involvement by the Federal Government and about interfering with the private market," said Dr. Douglas Pewitt, an assistant director of the White House Office of Science and Technology Policy. "The pool of talent you can put into supercomputers is very thin," he added. "There are fewer than a dozen people who represent the intellectual kernel in this area."

Such remarks, coming amid the search for hefty cuts in the Federal budget, might seem to be mere rationalization. But the case of Dr. Seymour R. Cray lends weight to that kind of generalization.

FASTEST OF THE FAST

Dr. Cray is the founder and continuing force behind Cray Research, a company in Chippewa Falls, Wis., that currently makes the fastest computers in the world. Dr. Cray's first supercomputer, installed in 1976 and known as the Cray-1, packed 350,000 silicon chips into a space a little bigger than a telephone booth.

During the past quarter century the raw speed of computers has approximately doubled each year, mainly because of the shrinking size of micro-electronic chips. With supercomputers, the trick is to keep the chips close together so as to limit to the lowest possible level the time it takes electric pulses to zip among them. It is literally a struggle with the speed of light. Because of the compact arrangement, supercomputers tend to be smaller than their less powerful cousins. What Dr. Cray accomplished was a unprecedented assault on the speed-of-light barrier by packing more chips into a tinier space than ever before. One result of such dense packing was concentration of the computer's waste heat, which had to be removed by large refrigeration units lest the chips burn up.

The Cray company, which has grown from a homespun operation into a corporate complex of 1,300 people, is watching Japanese progress quite closely. "We are not shaking in our shoes," says Peter A. Gregory, vice president for corporate development; "At the same time we'd be fools to ignore the challenge." Last year Cray spent $25 million on research, about 19 percent of its revenues. Mr. Gregory says that if Cray can keep getting the best silicon chips, it will hold fast to the world title.

Despite the company's multimillion-dollar pursuit of faster machines, the heart of its research empire is occupied by one person. Dr. Cray practices the art of creating supercomputers not with the assistance of a computer or teams of specialists but with pads of 8½ by 11-inch paper. His main requirement is solitude, which he often finds by working from 3 P.M. until midnight.

A HIGH-RISK BUSINESS

Only two American companies make supercomputers, and Cray is the only company in the world that markets them exclusively. Together they have sold some 60 machines. It is a high-risk business, according to the Auerbach Corporation, which publishes reviews of computer technology. "For every new supercomputer vendor," it writes, "there is a new ex-vendor."

Yet demand for new machines is growing. Until a few years ago, the frontiers of science were adequately equipped with fast computers, according to Dr. Leon M. Lederman, director of the Fermi National Accelerator Laboratory in Batavia, Ill. "Suddenly lots of people realized we needed computers

that were not just two or three times but thousands of times more powerful."

Breakthroughs in supercomputing are increasingly based on advances in "architecture," or the way a computer goes about processing its problems. The first computers used sequential processing, in which one part of a problem was finished before the next was started. Today the focus is on parallel processing, in which many computations are performed simultaneously.

An approach even more advanced is being pursued by the Japanese. Known as the Fifth-Generation Computer Project, this $500 million alliance between government and industry aims at innovative developments not just in speed of processing but in computer intelligence. The National Science Foundation report calls it "a revolutionary approach" that would "change the whole domain of the operation of computers in society."

Perhaps the pessimists are correct, and the native genius of America's inventors and the magic of the marketplace will be no match for an organized assault by the Japanese.

QUESTIONS ARE FUNDAMENTAL

Undaunted by such sentiments, Dr. Knapp at Columbia is building his own supercomputer. It will be the size of a refrigerator. The questions he and his physicist colleagues want answered concern the fundamental structure of the universe. Their huge particle accelerators, probing ever more deeply into the heart of the atom, are generating more information than today's computers can digest.

When finished, in about a year, Dr. Knapp's supercomputer will be hooked up to an experiment at Dr. Lederman's Fermi laboratory. With luck, it will perform about 100 billion operations per second. Such blistering speeds are possible only when a supercomputer is "dedicated"—built to solve a specific problem. Dr. Knapp's machine could not handle the diverse tasks of a general-purpose supercomputer.

But with the roving eye of an inventor, Dr. Knapp says the custom-built approach may eventually show up in other areas of supercomputing, such as the prediction of weather or the design and simulation of complex electrical equipment.

"If you tailor the machine yourself," he says, "you can pick up between a thousand and a million times the power for a given investment. That means you can try to answer questions you thought the universe was going to have to do without."

SECTION-BY-SECTION ANALYSIS OF THE ECONOMICALLY STRATEGIC INDUSTRIAL RESEARCH AND DEVELOPMENT ACT

Section 1. Sets forth the title of the Act.

Section 2. Findings—This section finds that:

(1) technology development is vital to the United States economy;

(2) industries engaged in technology development contribute greatly to economic growth, have a growth rate twice the growth rate of total industrial output, and make a positive contribution to an otherwise negative manufacturing trade balance;

(3) technological innovation is the key to the efforts of basic industries to imporve productivity;

(4) United States technology is experiencing strong competitive challenges internationally which have resulted in a world-wide decline in market share for high technology industries in the United States;

(5) intensive targeted research and development plans of other countries are shifting technological advantage overseas in selected fields and may limit development of valuable long-term technology markets by United States industry;

(6) the development of economically strategic technologies, in areas including microelectronics, materials development, biotechnology robotics, manufacturing processes, and artificial intelligence, offers great potential benefits to the economy;

(7) the riskiness of long-term research and development efforts and the growth of foreign research and development programs require a vigorous Federal role in technology development;

(8) assessing the adequacy of current Federal research and development activities and spending priorities requires:

A. identification of economically strategic technologies by the science and engineering community;

B. reliable assessment of research and development activity in other countries on economically strategic technologies;

C. assessment of efforts in the United States, including industrial, academic, nonprofit, State, Federal, defense, and nondefense research and development activity; and

D. consideration of competitive strategy in attaining maximum benefit from development of economically strategic technologies;

(9) a plan for the development of economically strategic technologies can best be developed by industry, the academic community, and government, with each committing appropriate resources to maximize the potential for successful development; and

(10) the National Academy of Sciences, including the Institute of Medicine, and the National Academy of Engineering are representative of the science and engineering community, including members from industry, educational institutions, and government, and are well suited to identify economically strategic technologies and recommend technology development plans.

Section 3. Purpose—This section sets forth five purposes for this act:

(1) develop a widespread consensus within the industrial and academic research community as to what technologies are economically strategic for development;

(2) collect the best available data on research and development efforts on economically strategic technologies in the United States and abroad and provide an authoritative comparative analysis of the efforts;

(3) create a forum for the formulation of technology development programs which will include industry, academic, and governmental efforts and resources;

(4) develop technology development programs that include consideration of the comparative position of the United States and appropriate competitive strategy for development; and

(5) authorize appropriations that are sufficient to implement such programs.

Section 4. Sets forth definitions for this Act.

Section 5. The Study on Economically Strategic Technologies—This section instructs the Director of the Office of Science and Technology Policy to enter into an agreement with the National Academies of Sciences, the National Academy of Engineering, and the Institute of Medicine to conduct a study which will:

(1) designate economically strategic technologies

(2) develop technology development programs for each designated technology

Section 6. Functions of the Research Organizations in Carrying Out the Study. This section sets forth guidelines for the conduct of the study

Section 7. This section sets forth administrative provisions of the act.

Section 8. Authorization of Appropriation: This section calls for authorization of such sums as may be necessary to conduct this study and to implement the technology development programs that may be recommended by the study.

S. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economically Strategic Industrial Research and Development Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) technology development is vital to the United States economy;

(2) industries engaged in technology development contribute greatly to economic growth, have a growth rate twice the growth rate of total industrial output, and make a positive contribution to an otherwise negative manufacturing trade balance;

(3) technology innovation is key to the efforts of basic industries to improve productivity;

(4) United States technology is experiencing strong competitive challenges internationally which have resulted in a world-wide decline in market share for high technology industries in the United States;

(5) intensive targeted research and development plans of other countries are shifting technological advantage overseas in selected fields and may limit development of valuable long-term technology markets by United States industry;

(6) the development of economically strategic technologies, in areas including microelectronics, materials development, biotechnology, robotics, manufacturing processes, and artificial intelligence, offers great potential benefits to the economy;

(7) the riskiness of long-term research and development efforts and the growth of foreign research and development programs require a vigorous Federal role in technology development;

(8) assessing the adequacy of current Federal research and development activities and spending priorities requires—

(A) identification of economically strategic technologies by the science and engineering community;

(B) reliable assessment of research and development activity in other countries on economically strategic technologies;

(C) assessment of efforts in the United States, including industrial, academic, nonprofit, State, Federal, defense, and nondefense research and development activity; and

(D) consideration of competitive strategy in attaining maximum benefit from development of economically strategic technologies;

(9) a plan for the development of economically strategic technologies can best be developed by industry, the academic community, and government, with each committing appropriate resources to maximize the potential for successful development; and

(10) the National Academy of Sciences, including the Institute of Medicine, and the National Academy of Engineering are representative of the science and engineering community, including members from industry, educational institutions, and govern-

ment, and are well suited to identify economically strategic technologies and recommend technology development plans.

PURPOSES

SEC. 3. It is the purpose of this Act to—

(1) develop a widespread consensus within the industrial and academic research community as to what technologies are economically strategic for development;

(2) collect the best available data on research and development efforts on economically strategic technologies in the United States and abroad and provide an authoritative comparative analysis of the efforts;

(3) create a forum for the formulation of technology development programs which will include industry, academic, and governmental efforts and resources;

(4) develop technology development programs that include consideration of the comparative position of the United States and appropriate competitive strategy for development; and

(5) authorize appropriations that are sufficient to implement such programs.

DEFINITIONS

Sec. 4. For purposes of this Act—

(1) the term "Director" means the Director of the Office of Science and Technology Policy;

(2) the term "Academies" means the National Academy of Sciences (including the Institute of Medicine and any other unit of the Academy) and the National Academy of Engineering.

THE STUDY ON ECONOMICALLY STRATEGIC TECHNOLOGIES

SEC. 5. Within six months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into an agreement with the National Academy of Science (including the Institute of Medicine and any other appropriate unit of the National Academy of Sciences) and the National Academy of Engineering under which the Academies shall make a full and complete study that identifies economically strategic technologies and plans for the optimal development of such technologies. The agreement shall include provisions for the coordination of the study between the Academies and a committee for making reports required by section 6(c).

FUNCTIONS OF THE ACADEMIES IN CARRYING OUT THE STUDY

SEC. 6. (a) In designating technologies as economically strategic technologies, the Academies shall—

(1) solicit views of private industry and examine evidence of current industrial initiatives;

(2) assess the economic benefit to be gained from each technology including—

(A) a description and estimate of potential market;

(B) job creation potential;

(C) socioeconomic impact;

(D) potential for declining product cost;

(E) potential for follow-up and spinoff product development;

(F) evidence of potential widespread industrial application; and

(G) potential for new business formation;

(3) determine the current effort for technology development by Federal and State government including spending levels for defense and nondefense research and development, the nature of the development program, and the potential for transfer of defense technologies to nondefense use;

(4) prepare a summary of existing and projected levels of research and development activity by private industry for each technology;

(5) determine current levels of research and development effort by foreign nations for each technology and assess the stage of development and the competitive strategy being employed by other nations;

(6) consider the competitive potential of United States industry for future markets, the relative benefits of lead versus follow-up development, and competitive risks involved such as the potential for development of over capacity or external costs;

(7) assess the technological feasibility of development and the risk for each technology;

(8) consider the necessary time for development of each technology, focusing on technologies with a medium-term development horizon of five to eight years; and

(9) consider the potential economic benefit of the technology and evidence that United States industry will fail to realize such benefits in the absence of an enhanced technology development program.

(b) The Academies shall develop a technology development program for each technology designated as economically strategic. The Academies shall establish an advisory committee composed of industry and academic experts to make recommendations for each such program. The terms of compensation for expenses or service, if any, for such members shall be included in the agreement made pursuant to section 5. Each technology development program shall describe the strategy for development and recommend—

(1) participants in the program and program responsibilities;

(2) levels of effort and financial commitment for each participant and program totals;

(3) timetable of milestones and budget outlays;

(4) appropriate licensing and patent arrangements for participants and nonparticipants, giving equal weight to fair financial return to participants and rapid technology transfer and diffusion;

(5) policy action or spending required of the Federal Government, including recommendations for additional Federal funding financing from private sources and a designation of appropriate Federal agencies to participate in the development program and to dispense Federal funds; and

(6) methods for encouraging participation by small business in the technology development program.

(c) The committee, established in accordance with the agreement made pursuant to section 5, shall submit to the President and to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives interim reports of each technology development program formulated for each designated economically strategic technology, an annual report at the end of each calendar year summarizing the activities of the Academies regarding the study, and not later than three years after the date of enactment of this Act, a final report of the study together with recommendations, including recommendations for legislation.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) The Academies may, for the purpose of carrying out the provisions of this Act, hold such hearings and consult with such representatives in the business community, educational institutions, Federal, State, and local governments, and other organizations, associations, and individuals as the President of the National Academy of Sciences or the President of the National Academy of Engineering deems advisable.

(b) Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Academies, upon request made by the President of the National Academy of Sciences or the President of the National Academy of Engineering any information such President deems necessary to carry out the study.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the study required by this Act and to implement the technology development programs recommended in the study.

By Mr. TSONGAS (for himself, Mr. BRADLEY, Mr. INOUYE, and Mr. RIEGLE):

S. 429. A bill to require the Secretary of Health and Human Services to make grants to States and to local governments for the purpose of providing emergency assistance to the homeless; to the Committee on Labor and Human Resources.

HOMELESS RELIEF ACT OF 1983

Mr. TSONGAS. Mr. President, today I am introducing the Homeless Relief Act of 1983, which authorizes $90 million to States and local municipalities for food, temporary shelter, clothing and minor outpatient care to individuals who are homeless.

The need to discuss homelessness and hunger in the United States is a national disgrace. Yet the need is there whether we like it or not. What we do immediately in Congress and in our local communities can, at best, provide only emergency relief where major surgery is needed.

I hope that after all the discussion in the last couple of months on this issue, there is finally a constituency in the Senate to do something about it.

We used to think of homeless people, as one person described, as sort of a "bag lady" constituency. But, in fact, there are thousands of Americans today who roam our streets looking for shelter and who are in that situation only because of the economy. I think we have a responsibility to do what we can to lessen the situation of despair in which those people find themselves.

I hope that Members of the Senate, whether in my bill or some of the others being proposed, will finally recognize the responsibility to move in this direction, and I hope the Members of the Senate will get in touch with my office to inquire further as to the details of the proposed legislation.

Every winter, thousands of Americans roam the streets of our cities looking for shelter from the cold. We can no longer delude ourselves with the notion that the homeless are a small population of street people who dropped out of society with no desire

to reintegrate into the system. The current economic conditions in our Nation have created a population of new poor and have aggravated the problems of those who were already at the bottom of the economic scale. Furthermore a lack of affordable housing and a change in social policy has resulted in families living in cars, people migrating from place to place looking for work, deinstitutional persons in need of support services and thousands of individuals seeking shelter wherever they can find it.

The increasing severity of homelessness demands the attention of national and local officials, churches and private agencies and the American public at large. Clearly, something has gone wrong in a country that can spend $1.6 trillion in 5 years on its military, but cannot shelter and feed all of its citizens.

The Homeless Relief Act of 1983 has three basic provisions. Title I authorized $50 million for the States to suballocate to local municipalities. Funding is based on a formula which includes the number of individuals below the poverty level, the number of individuals who are unemployed but not receiving unemployment compensation, the number of individuals evicted from residences within a 2-year period, and the number of individuals who have been deinstitutionalized in a State during a 10-year period. Title II is a $40 million matching grant program that local municipalities can apply for directly. The legislation is written with broad flexibility to allow each community to address the problem in their own unique way.

Besides providing a budget to deal with the immediate emergency, the legislation would establish a national advisory council to inquire into the problems of homelessness. The council would report back to Congress after 1 year with recommendations for a long range approach to the problem. For too long we have had to struggle winter after winter with the same problems of how to shelter and feed the homeless and little effort has been given to how to take the homeless off the streets permanently.

This issue is hot now because outside it is cold and every night there is a news story on the plight of the homeless. We must not allow our sense of urgency to lapse during the winter. We must continue to work on this problem in July, so that next January there is no need for emergency hearings and emergency bills. Most of all, we must be prepared for the winters of the future and devise the best policy concerning beings bereft on the streets.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Homeless Assistance Act of 1983".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "assistance to the homeless" means the provision of food, temporary shelter, clothing, and minor outpatient medical care to individuals who are homeless, but does not include the provision of money to such individuals,

(2) the term "Secretary" means the Secretary of Health and Human Services,

(3) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any possession or territory of the United States, and

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the possessions and territories of the United States.

GRANTS FOR ASSISTANCE TO THE HOMELESS

SEC. 3. (a)(1) The Secretary shall prepare and maintain a list which ranks all States according to the extent of States' needs for assistance to the homeless. The Secretary's determination of the extent of a State's need for assistance to the homeless shall be based on—

(A) the magnitude of the sum of—

(i) the number of individuals residing in such State whose incomes are below the current poverty level set by the Office of Management and Budget,

(ii) the number of individuals residing in such State who are unemployed and are not receiving unemployment compensation,

(iii) the number of individuals who have been evicted from residences located in such State during the 2-year period ending on the date such determination is made, and

(iv) the number of individuals who have been released from mental institutions located in such State during the 10-year period ending on such date, and

(B) any special situation or condition existing in such State which affects the extent of such State's need for assistance to the homeless.

(2)(A) Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit such list in proposed form to each State.

(B) During the 20-day period beginning on such date of submission, the Secretary shall accept comments from any State with respect to such State's rank on such proposed list.

(C) After the expiration of such 20-day period, but not later than 60 days after the date of the enactment of this Act, the Secretary shall adopt, taking into consideration any such comment, a list in final form.

(3) With respect to grants made in a fiscal year after fiscal year 1983, the Secretary may modify the list adopted under paragraph (2)(C) if the Secretary—

(A) determines that such modification is necessary because of significant changes in the relative extent of States' needs for assistance to the homeless (measured on the basis of the factors specified in paragraph (1)), and

(B) before making such modification, provides each State with adequate prior notice of, and a reasonable opportunity to submit comments with respect to, such modification.

(b) Not later than 90 days after the date of the enactment of this Act, with respect to grants made in fiscal year 1983, and not later than 90 days before the first day of the fiscal year, with respect to grants made in a fiscal year after fiscal year 1983, the Secretary—

(1) shall determine, on the basis of the list currently in effect under subsection (a), the percentage of any sum appropriated under section 7(a) for the fiscal year involved which each State will be entitled to receive as a grant under subsection (c), and

(2) shall notify such State of such determination.

The Secretary may determine that, with respect to any State, such percentage shall be zero.

(c)(1) As soon as practicable after sums appropriated for a fiscal year under section 7(a) are available, the Secretary shall make a grant to each State in an amount equal to the product of such sums and the percentage determined with respect to such State for such fiscal year under subsection (b)(1) if—

(A) such State submits an application for such grant in the manner prescribed by the Secretary,

(b) such State—

(i) agrees to allocate 70 percent of such amount to cities, if any, in such State with populations over 250,000 on the basis of factors similar to the factors specified in subsection (a)(1), and

(ii) except as provided in paragraph (2), agrees to pay to such cities amounts so allocated to be expended in the discretion of such cities to provide assistance to the homeless, and

(C) such State agrees to expend the portion of such amount not so allocated to provide asistance to the homeless.

(2) The Secretary may exempt a State from the requirement contained in paragraph (1)(B)(ii) with respect to a particular city and permit such State to expend the amount allocated to such city under paragraph (1)(B)(i) in the manner determined by such State for purposes of providing assistance to the homeless in such city, if—

(A) such State demonstrates to the satisfaction of the Secretary that such State assumed, during the 2-year period ending on the date such State requests such exemption, the primary responsibility in such city of financing and administering programs providing assistance to the homeless, and

(B) before approving such exemption, the Secretary provides such city adequate prior notice of, and a reasonable opportunity to submit comments with respect to, such proposed exemption.

(3) If, in a fiscal year, any State fails to comply with the requirements contained in paragraph (1) for receiving a grant, then the amount which such State would have been entitled to receive under such paragraph in such fiscal year shall be—

(A) allocated to States which do so comply in such fiscal year on the basis of the percentages determined for such fiscal year under subsection (b)(1), and

(B) paid to such States as a part of grants made in such fiscal year to such States.

(4) The Secretary shall—

(A) permit States and cities which receive money under this subsection to pay such money to local government and nonprofit organizations to provide assistance to the homeless, and

(B) encourage such States and cities to take the action described in paragraph (1) if such local governments and nonprofits organizations administer programs providing assistance to the homeless.

MATCHING GRANTS FOR ASSISTANCE TO THE HOMELESS

SEC. 4. (a)(1) The Secretary shall make, in accordance with this section, matching grants to States and local governments for the purpose of enabling such States and local governments to provide assistance to the homeless.

(2) Such grants shall be made competitively on the basis of providing assistance to the homeless in areas where the extent of the need for such assistance is greatest, as determined by the Secretary.

(3) The amount of any grant made under this subsection to an applicant in a fiscal year may not exceed the sum of—

(A) the amount of money which such applicant agrees to provide to homeless individuals in such fiscal year, and

(B) the monetary value, as determined by the Secretary, of assistance to the homeless which such applicant agrees to provide in such fiscal year (other than any assistance to the homeless provided with amounts received under section 3).

(b)(1) An application for grant under subsection (a) shall be submitted to the Secretary—

(A) not later than 60 days after the date of the enactment of this Act, with respect to grants made in fiscal year 1983, and

(B) not later than 120 days before the first day of the fiscal year, with respect to grants made in a fiscal year after fiscal year 1983.

(2) Not later than 90 days after the date of the enactment of this Act, with respect to grants made in fiscal year 1983, and not later than 90 days before the first day of the fiscal year, with respect to grants made in a fiscal year after fiscal year 1983, the Secretary shall notify each applicant of—

(A) the approval or disapproval of such applicant's grant application, and

(B) if such applicant's grant application is approved, the percentage of any sum appropriated under section 7(b) for the fiscal year involved which such applicant is entitled to receive.

(3) As soon as practicable after sums appropriated for a fiscal year under section 7(b) are available, the Secretary shall make grants under subsection (a) for such fiscal year.

(c) The Secretary shall—

(1) permit States and local governments which receive money under subsection (a) to pay such money to local governments and nonprofit organizations to provide assistance to the homeless, and

(2) encourage such States and local governments to take the action described in paragraph (1) if the local governments and nonprofits organizations to which such money is paid administer programs providing assistance to the homeless.

EFFECT ON OTHER ASSISTANCE

SEC. 5. Any money received by any State, local government, or nonprofit organization under this Act and any assistance to the homeless received by any individual under this Act shall be in addition to, and not in lieu of, any grant, contract, payment, loan, money, benefit, service, or other assistance available under law.

HOMELESS ASSISTANCE ADVISORY COMMITTEE

SEC. 6. (a) There is established in the Department of Health and Human Services an advisory committee to be known as the Homeless Assistance Advisory Committee (hereinafter in this section referred to as the "Committee").

(b) The Committee shall—

(1) study the problems of the homeless in the United States, and

(2) make recommendations to the Secretary for long term solutions to such problems.

(c) The Committee shall be composed of 5 members as follows:

(1) Two members appointed by the Speaker of the House of Representatives, one of whom shall be a mayor of a city in the United States.

(2) Two members appointed by the President of the Senate, one of whom shall be a chief executive officer of a State.

(3) One member appointed by the President who shall be the head of a nonprofit organization which is directly involved in providing assistance to the homeless.

(d) The Committee shall terminate 1 year after the date of the enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. (a) For purposes of carrying out section 3, there are authorized to be appropriated—

(1) $50,000,000 for fiscal year 1983, and

(2) such sums as may be necessary for fiscal years 1984, 1985, and 1986.

(b) For purposes of carrying out section 4, there are authorized to be appropriated—

(1) $40,000,000 for fiscal year 1983, and

(2) such sums as may be necessary for fiscal years 1984, 1985, and 1986.

(c) For purposes of carrying out section 6, there are authorized to be appropriated such sums as may be necessary.

By Mr. TSONGAS (for himself, Mr. CRANSTON, Mr. PACKWOOD, Mr. MOYNIHAN, and Mr. KENNEDY):

S. 430. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

CIVIL RIGHTS ACT AMENDMENT

Mr. TSONGAS. Mr. President, I rise today on behalf of myself, Senators CRANSTON, PACKWOOD, MOYNIHAN, and KENNEDY, to introduce legislation that will amend title VII of the 1964 Civil Rights Act, which prohibits employment discrimination based on sexual orientation. This law already bans job discrimination on the basis of sex, race, color, religion, and national origin. It does not, however, prohibit discrimination in employment based on sexual orientation. This protection must be a component of the law as a basic and just tenet of civil rights. Discrimination based on sexual orientation had a profound, disrupting effect on the lives of those citizens who have been stigmatized by such bias. It negatively affects our businesses, our municipalities, even our economy. Exclusion from certain kinds of employment based on sexual orientation has resulted in inadequate remuneration for certain jobs; and has prohibited well-qualified individuals from reaching their full potential as members of the work force and as citizens.

Our amendment would redress the arbitrary and deplorable discrimination against gay people in employment. It would prohibit such discrimination and provide appropriate legal recourse. The legislation would not grant any special privileges nor make any moral judgments about homosexuality. Considerations in employment should be affected by discrimination based on irrelevant criteria such as race, creed, color, sex, and so forth. Inclusion of the term "sexual orientation" is a matter of consistency and simple justice.

A study by the National Institute of Mental Health, for example, showed that over 16 percent of all gay people in this country have employment problems and over 9 percent lose their jobs solely because of their sexual orientation. Without legal protections, such a person's livelihood is jeopardized for a lifetime. This causes undue mental anxiety, and robs the community of that individual's talents and productivity. The result is wasteful and unjust, and without appropriate legislation this injustice will continue.

The policy of nondiscrimination against gay people in employment is already a well-tested one. It may come as a surprise to some but the fact is that this issue which has been introduced before by myself is one that has received a surprising amount of support around the country.

Over 40 cities across the country now have local ordinances similar to the legislation you are being asked to consider. And despite the dire predictions of those that oppose the legislation, those ordinances have worked well. Nondiscrimination in employment has also found a wide acceptance within the business community. Among the many firms which have issued nondiscrimination statements are AT&T, Dupont, Ford Motors, and IBM.

Corporations which have stated that they do not discriminate in employment on the basis of sexual orientation:

ACF Industries, Addressograph Multigraph, Allied Chemical, American Airlines, American Brands, Inc., American Broadcasting Co., American Can Co.

American Motors Co., AT&T, AMP Inc., Bank of America, Bell and Howell, Bendix, Bemis, Bethlehem Steel Co.

Boise Cascade Co., Bristol Myers Co., Carnation, Carrier Co., CBS, Celanese, Chesebrough-Ponds Inc., Cincinnati Milacron.

Citicorp, Colgate-Palmolive Co., Collins and Aikman, Conagro, Congoleum, Control Data Co.

Coors Co., Corning, CPC International, Crown Zellerbach, Cutler-Hammer, Inc., American Cyanamid, Cyclops.

Dana, Dart, Dow, duPont de Nemours, Eastern Airlines, Eaton, Exxon, Fairchild, Federal Mogul, Ferro Co., Fieldcrest Mills, Inc.

Firestone, Ford, General Electric, General Foods Co., General Mills, Inc., General Motors Co., General Signal Co., Genesco.

Green Giant Co., Greyhound Co., Gulf Oil Co., Gulf and Western Ind. Inc., Hanna Mining Co., Honeywell, Hoover Universal, IBM.

Inland Steel Co., Joy Manufacturing Co., Kellogg Co., Kimberly-Clark Co., Knight-Ridder Newspaper Inc.

Kodak, Kippers, Levi Strauss and Co., Lilly and Co., Louisiana-Pacific Co., Lowenstein and Sons, Inc.

McDonalds, McDonnell Douglas Co., McGraw-Hill Inc., Merck and Co., Inc., Minnesota Mining and Mfg. (3M), Mobil Oil Co., Monsanto, Multifoods.

NBC, National Can, Natomas Co., Norton Co., Norton Simon Inc., Ogden Co., Olinkraft, Oscar Mayer and Co.

Penn Mutual Life Inc. Co., Philip Morris, Inc., Pillsbury Co., Potlatch Co., PPG Industries, Procter and Gamble, Quaker State Oil, Quaker Oats Co.

Republic Steel, Rockwell International, Rohm & Haas Co., Schering Plough, Scott, Scovill, SCM Co., Staley Mfg. Co.

Standard Brands Inc., Sterling Drug, Inc., Sun Co., Texaco, Time Inc., TRW, Union Carbide, Union Oil/California.

United Merchants, Warner Communications, Inc., Washington Post Co., Western Electric, Weyerhaeuser Co., Williams Co., Witco Chemical, Xerox.

Those are companies which have taken that position.

I make the obvious point that if companies like McDonald's, Levi Strauss, the oil industry, and the airlines can sign on to something like this there is no reason why we could not do so as well.

Support for fair employment for homosexuals has also found wide support among the public. A Gallup poll released in November 1982 indicated that over 59 percent of all Americans favor equal rights for homosexuals in terms of job opportunities.

The issue is very clear. Every American must have an equal right to a job based on his or her ability. Sexual orientation is a constitutionally guaranteed matter of privacy that should have nothing to do with job performance. This legislation is consistent with strong public disapproval of Government intrusion in the private lives of Americans. The issue is fundamentally a matter of equal rights under the law. I invite my colleagues to join Senators CRANSTON, PACKWOOD, MOYNIHAN, KENNEDY, and myself in our effort to end this form of discrimination.

Mr. President, I ask unanimous consent that the text of the bill be printed the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

EQUAL EMPLOYMENT OPPORTUNITIES

SECTION 1. (a) Sections 703(a), 703(b), 703(c), 703(d), 703(e), 703(j), 704(b), 706(g), and 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2 (a), (b), (c), (d), (e), and (j), −3(b), −5(g), and −16(a)) are amended by inserting after "sex" each place it appears a comma and the following: "sexual orientation".

(b) Section 717(c) of such Act (42 U.S.C. 2000-16(c)) is amended by inserting a comma and the following: "sexual orientation" after "sex".

(c)(1) Section 703(h) of such Act (42 U.S.C. 2000e-2(h)) is amended by inserting after "sex" the first place it appears a comma and the following: "sexual orientation".

(2) Such section 703(h) is further amended by inserting after "sex" the second place it appears a comma and the following: "sexual orientation,".

DEFINITION

SEC. 2. Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended by adding at the end thereof the following new subsection:

"(1) The term 'sexual orientation' means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice.".

PROVISION TO PREVENT MISINTERPRETATION

SEC. 3. No amendment made by this Act shall be construed to permit or require—

(1) the determination that discrimination exists to be based on any statistical differences in the incidence of persons of a particular sexual orientation in the general population as opposed to in the activity wherein such discrimination is alleged; or

(2) the fashioning of any remedy requiring any sort of quota for the activity under which such discrimination is alleged for persons of any particular sexual orientation.

RIGHT OF PRIVACY PROTECTED

SEC. 4. Nothing in this Act or any amendment made by this Act shall be construed to require any person to disclose a personal sexual orientation.

● Mr. MOYNIHAN. Mr. President, I am pleased to join Senator TSONGAS in again introducing legislation to prohibit employment discrimination against gay people. The measure we introduce today is identical to that which we proposed during the 96th and 97th Congresses. I would simply reiterate the statement I made on those occasions.

I have always opposed discrimination of any kind. I see no reason why the Federal Government should treat gay men and women differently from anyone else. Guarantees against employment discrimination accorded other citizens should protect all citizens.

My opinions on this matter are long-held ones. However, I would wish to again acknowledge my debt to the insights of an old friend and sometime staff member of mine, Mr. Robert Livingston. He was a most persuasive proponent of ridding the law of any bias against sexual orientation. I ask that a copy of my 1976 letter to Mr. Livingston on this subject be printed in the RECORD. To the sadness of many, Bob Livingston died in 1979. I am pleased to honor his memory by again introducing this legislation and would urge my colleagues to support it.

The letter follows:

U.S. SENATE,
Washington, D.C., October 12, 1976.

ROBERT L. LIVINGSTON, Esq.,
The National Gay Task Force,
New York, N.Y.

DEAR MR. LIVINGSTON: I strongly oppose and have always opposed discrimination of all sorts, including discrimination against gay men and women. That means first that the Federal Government should treat gay people no differently from anyone else; both in its employment practices and in the guarantees extended to other citizens by Federal law. And it means that the right to privacy of all American citizens must be upheld.

Feeling as I do, I therefore endorse the aims of H.R. 5452 and will, at the appropriate time, cosponsor a Senate equivalent which endorses legislation at the Federal level which would prohibit discrimination on the basis of sexual or affectional preference in the areas of employment, housing, public accommodation and all publicly funded programs.

Sincerely yours,

DANIEL PATRICK MOYNIHAN.●

By Mr. CHAFEE (for himself and Mr. RANDOLPH):

S. 431. A bill to amend the Clean Water Act, as amended, to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes; to the Committee on Environment and Public Works.

CLEAN WATER ACT AMENDMENTS OF 1983

● Mr. CHAFEE. Mr. President, today I am introducing amendments to the Clean Water Act. These amendments are the product of a year's work. On February 5, 1982, the Environmental Pollution Subcommittee began oversight hearings on the nonconstruction grant-related portions of the Clean Water Act. Seven subcommittee hearings were held throughout the year. The basic conclusion that the subcommittee was left with is that the Clean Water Act is sound. There have been some problems with time delays, but that is a product of a cumbersome regulatory review process. The problem is not with the statute.

In the last session of Congress I had hoped that the Clean Water Act could be dealt with but unfortunately we ran out of time. This year, however, I have committed myself to moving the

Clean Water Act through the Senate quickly. The chairman of the Environment and Public Works Committee had joined in that commitment.

Two key points are necessary in describing this legislation. The first is that we are seeking a long term reauthorization of the act. This is extremely important because, when coupled with the compliance extensions we are recommending, we are providing much-needed stability to the Clean Water Act. I have long believed that we do more damage to water quality by short authorization periods which send mixed signals to the regulated community as to our intent. It is important that we address the key issues needing attention and continue the momentum of cleaning our Nation's waters.

In the area of pretreatment I am recommending a new approach that would allow municipalities which can demonstrate the existence of toxic pollutant control systems that are equivalent to those mandated by the law, to opt out of the Federal program. Because we are dealing with truly dangerous pollutants, this is not going to be a simple test. This provision is an amalgam of many suggestions we received in our hearings last year. I expect that it will receive much of the attention from those interested in these amendments.

One other provision of note closes a serious loophole in the law which has occurred since passage of the 1981 amendments of the act. Ocean discharge waivers from secondary treatment requirements for municipalities was never viewed by the Senate committee as a tool that would be widely used by the Agency. Unfortunately, however, the Agency has informed us that legislation included in the House passed amendments in 1981, which were incorporated by the conferees in the final package of amendments that year, has opened the floodgates on applications for these waivers.

This provision was never considered by the Senate conferees as a method for reducing the costs of the program. It was intended to allow municipalities with deep ocean outfalls, which could meet a rigorous environmental showing, to avoid unnecessary treatment. The situation is out of hand. I am particularly concerned about the serious ecological impact on the New Jersey-New York coastline if many of the pending applications are granted. The recommended language would remedy this unfortunate situation.

Several issues are occurring in the regulatory process which are troublesome. The first one relates to the effort to revise the water quality standard-setting procedures. Before 1972 the national water pollution control effort was based on water quality standards. It was a total and complete failure for many reasons, and was abandoned by the Congress with passage of the 1972 act.

The 1972 act stated quite clearly and succinctly that the goal of the national effort would be to restore and maintain the physical, chemical, and biological integrity of the Nation's waters. Many provisions in the act complement the notion that Congress did not intend, under any circumstances, to allow any waters of this country to be degraded. It was clear in 1972 and remains clear in 1983 that degradation of the Nation's waters is not permissible.

The new regulatory approach currently being circulated would contradict that intent. Complicated benefit and cost assessments would be performed to determine if a higher use is the correct one for a specific water body. Additionally, for decades the standards have identified waters of national importance within which water quality had to be maintained. This important category of water has disappeared in the latest EPA proposals. This is totally unacceptable.

Fundamental changes in national policy should not be made in Federal Register notices. I have recommended some language that, if passed, would preempt this policy from going into effect. It is unfortunate that we have to reopen debates which were settled years ago. I would hope that we can dispose of this issue quickly so that we an address some of the real problems facing the Clean Water Act.

The other regulatory proposal which is bothersome relates to the Vice Presidential regulatory reform effort on section 404 of the Clean Water Act. I am not introducing any legislation today to amend section 404. It is sound as written and provides a valuable Federal role in determining the future of the diminishing wetland resources of the country. This reform effort has gone beyond the one that was described to me and others who have an interest in this area. Our committee will be conducting oversight hearings on this exercise during the coming months.

Lastly, one area not addressed by these recommendations relates to the so-called Federal common law. This is a very complicated issue and relates to a series of U.S. Supreme Court decisions. Because of the complexity of the issue and the various issues surrounding it, I am not prepared to make recommendations on it at the present time. It is my hope to have a recommendation on this issue in the near future. I will make certain that my proposal receives wide circulation in advance of our hearings.

One item I would like to urge my colleagues to review as we begin the process of amending the act is testimony presented to the Environmental Pollution Subcommittee in December by pollster Louis Harris. Mr. Harris conducted a survey to determine American attitudes toward clean water. Before dismissing this as simply another survey that shows Americans want clean water, please look carefully at the ratios in this poll. They are truly startling. I would ask that Mr. Harris' testimony be included at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

LOUIS HARRIS TESTIMONY, SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION OF THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, WASHINGTON, D.C., DECEMBER 15, 1982

It is a privilege to be here today to report to you on a study of public attitudes toward water pollution control and conservation of water resources our firm conducted for the Natural Resources Council of America. The time spent on the conceptualization, questionnaire development, field work, computerization, and analysis of the study began in June and ended in late November. The survey was basically conducted among a cross-section of 1,253 adults nationwide. This survey was paid for by the Natural Resources Council of America, the Fishing Tackle Manufacturers Association, and the Rockefeller Brothers Fund. In the end, of course, the substance and methodology employed are the full responsibility of the Harris Firm.

One of the most common claims one hears is that while it is desirable to clean up the environment, the Public gives such efforts at best a secondary priority. In times of unemployment, the plea is that an environmental clean-up must wait until there are enough jobs, or the clean-up ought to be delayed or eased to preserve jobs. In times of energy shortages the efforts to clean up the environment are asked to wait once again until enough abundant energy is available.

Well, in this study, we have some definitive light to shed on such claims. Curbing water pollution is named by a substantial 74% of the adult population as "very important" in making the quality of life "better". This is two ponts above a comparable 72% who said the same about curbing air pollution. While a bit lower than the 83% who give high importance to curbing inflation and the 79% who say the same about bringing interest rates down, curbing water pollution is viewed as equal in importance to economic growth, also cited by 74% as very important, and outscores the 65% who felt that way about producing more energy, and the 68% who said the same about making products and services safer.

The inescapable point is that curbing both air and water pollution are given a high priority of importance in their own right by the American people. The basic truth, however, is that by a sizable margin, the American people do not feel they must opt for economic growth, on the one hand, or an environmental clean-up, on the other. Or, of finding jobs to ease unemployment, on the one hand, and an environmental clean-up on the other. Back in 1975, we found that by 64–22%, a solid majority of the public then rejected the notion that it was "necessary to slow down the rate at which we clean up water pollution in order to get the economy moving again and to ease unemployment." Now, some 7 years later, in 1982, sentiment has grown even more overwhelming: by 89–6%, almost all Americans are convinced that

such a trade off is not necessary, because they are firmly convinced that we can "get the economy going again and also clean up water pollution."

Not only are the American people in favor of giving a high priority to an ongoing and tough program to clean up the environment, but they have a whole roster of specific environmental problems they want to see addressed:

By 95–4%, almost everyone feels that disposal of hazardous wastes is a serious problem in America.

By 93–6%, an almost identical majority feels that the pollution of lakes and rivers by toxic substances from factories is a serious national problem.

By 88–10%, another sizable majority views pollution of lakes and rivers by sewage as a serious problem in the country.

By 84–14%, a big majority feel that contaminated drinking water is a serious national problem.

By 88–11%, a decisive majority believes that air pollution by industry is a generally serious problem in this country.

By 73–24%, a clear majority feels that water shortages are a serious problem in America.

By 80–18%, a substantial majority is convinced that air pollution by trucks and automobiles is a serious national problem.

By 70–25%, a majority feel that air pollution by coal-burning electric plants is a serious problem in the nation.

Finally, by 61–28%, a solid majority of Americans feel that damage to the landscape by coal strip mining constitutes a serious national problem.

Obviously, all nine of these specific issues tested in this survey are viewed as being serious in the country today. Four of the nine, however, receive special and urgent singling out by the American people: Disposal of hazardous wastes is seen as "very serious" by 74% of the entire public nationwide; 65% say the same about pollution of lake and rivers by toxic substances; 62% say that pollution of lakes and rivers by sewage is "very serious"; and 56% feel the same about contaminated drinking water. Put it this way, big majorities of the American people are convinced that disposal of hazardous wastes constitutes a very serious hazard anywhere in the U.S., as is the case with toxic waste pollutants, sewage pollution, or water contamination. This does not mean that most people feel the their own home area is necessarily faced with crises such as these. Indeed, 46% feel that pollution of their own lake and rivers is a serious problem, 44% that pollution by toxic wastes is a serious problem where they live, 33% are worried about their own drinking water being polluted, and 28% believe they are beset with water shortages in their home area.

Now, the fact that minorities, not majorities, feel these problems are serious in their area should not be taken to mean that the problems are therefore not serious for the nation. Obviously, when problems as serious as these are believed to exist in their home areas, then it is a matter requiring highly urgent action. The real worry people have is a sense of shock that such pollution can exist anywhere in the U.S. and the overhanging worrying that their area could be afflicted by them next. Indeed, when asked what has happened to their own streams, lakes and rivers over the past 10 years, 46% nationwide report where they live they are *more* polluted now, only 17% say less, and 30% the same. And, looking forward to the next 20 years, 44% feel their own streams, lakes, and rivers will be *more* polluted, only 17% feel they will be less polluted, while 34% anticipate no real change. Such results underscore the concern the American people have that their basic water resources are threatened by pollution and constant and tough measures must be taken to keep them clean or to clean them up.

Significant shifts have taken place just this year in basic attitudes about extension of the Clean Water Act. Last year, only a very small 6% of the public nationwide felt that federal water pollution standards were overly protective. Now, an even smaller 4% feel that way. A year ago, 43% felt that federal water pollution standards were "just about right", but the number who feel that way now has dropped to 34%. The big movement has been on the dimension "not protective enough", which has jumped from 48 to 59%, just in one year. I believe the clear implication from this shift is not simply that the number who reject the claim that the federal law is overly protective has gone from 91.6% to 93.4%, but that there is growing and deep concern that while the standards may be very good, indeed, the enforcement of those standards has deteriorated, as control of the federal establishment has fallen into hands less than fully in accord with the letter and spirit of the Clean Water Act of 1972.

When we ask directly about the Clean Water Act, a 94.3% nearly unanimous majority wants it kept at least as tough and indeed, fully 60% want to make it "stricter." want to make it "stricter." Last year, a comparable 93–4% majority shared the same view, but the number who wanted the law more strict was a lower 52%. Thus, the sentiment for making Clean Water tougher rather than easing it has risen from 52 to 60% in a year. Nor are people in a temporizing mood on environmental matters. Even though not many experts think that all the nation's waters will be made "fishable" and "swimmable" by 1983, as set forth in the original Clean Water Act, by 78–17%, a big majority are convinced that the job can be done. The public has both the faith that the task can be accomplished and is deeply committed to getting the job done.

Thus, make no mistake about it, any effort to weaken or to ease the Clean Water Act will be viewed by the American people as a serious and inexcusable violation of a clearly expressed and deeply felt public mandate.

Now, let's get down to some of the razor's edge issues that are the heart of the battle over Clean Water today. One of the 1977 amendments to the Clean Water Act, as you know, specifies that factories must install the best available pollution control technology (BAT) by 1984. Some industries would like to change the Act so that the government could grant waivers or variances from the BAT requirement under certain circumstances. We asked a question about this matter in a way that bent far over backwards to get the full weight of the opposition to BAT into the query. We asked: "The Clean Water Act now requires factories to install the latest, most effective systems available to clean up their toxic pollutants. Given the high cost of meeting this requirement, which one of the following policies do you think the government should follow—require all factories to install the best anti-pollution systems they say they can afford, or require all factories to install the best anti-pollution system available, except those factories which would be forced to shut down as a result, or require all factories to install the best anti-pollution systems available", the last obviously without any exceptions or exemptions based on cost. Well, no more than 21% opted for installing BAT on the basis of what they can afford, and 23% more opted for BAT, except when it would make the plant close down. A solid 53% majority said it should be mandatory that BAT be installed, regardless of cost or consequences.

We asked much the same type of question, when we queried the cross-section: "Do you think factories should be required to install the best anti-pollution systems available, even if this meant that fewer jobs would be available or not?" By 65–27% nationwide, a big majority said put in BAT, even if that means fewer jobs. All groups favor BAT by margins of 2 to 1 or better. In the West, they support it by 75–18%, among union members a 65–28% majority favor BAT, and skilled labor opts for it by 73–21%.

We then asked another trade-off, offering people a choice between waiving BAT for toxic pollutants or causing the company involved to lose money, shut down the factory, and lay off workers. By an overwhelming 86–12%, people said that the waiver or variance should not be granted.

In this survey, we probed in considerable depth on the issue of cost-benefit analysis, another of the key and pivotal issues at stake in the Clean Water debate. We asked: "Some people feel that the government should not order industries to clean up their water pollution unless it can be shown that the benefits of the cleanup justify the costs involved. Others disagree and say the value of eliminating unsafe pollutants in water can't be measured in dollars. Would you favor changing the Clean Water Act so that the government couldn't order an industry to clean up its water pollution if the costs didn't justify it, or would you oppose such a change in the Clean Water Act?" By a striking 74–23%, a solid majority say they would oppose changes even if the cost didn't justify it. Obviously, people mean business on the subject of cleaning up water pollution.

Or take the case of safe drinking water. By 92–7%, a big majority of the public reports that drinking water that comes out of their tap or faucet in their home is either "very" or "pretty" safe. Despite this confidnence, nontheless, by 65–33% a solid 2 to 1 majority of the public want to follow a policy in the renewal of the Safe Drinking Water Act that is also up for reauthorization which states "contaminants in drinking water supplies ought to be cleaned up if there is any chance that they will be dangerous to human health, regardless of the cost." Even though they think their drinking water supply is safe, people want to take absolutely no chances with their drinking water where human health and safety are concerned. Any provision that requires proof of "clear danger" will meet with stiff public resistance.

Now, by 1987, it is estimated that the total cost of compliance with the current standards of the Clean Water Act will be $20.4 billion, which works out to less than $100 for every person in the country. It is fair to assume that consumers do end up paying much of the cost through higher prices in products and higher taxes. Thus, it is not uncommon to hear this kind of argument, "It's all well and good that the public wants strict anti-pollution laws and regulations, but if they aren't willing to foot the bill for these efforts, they can hardly expect to see the government keep existing laws and regulation as tough as they are now." Further-

more, it's easy for people to say that they are willing to see sacrifices made for the sake of cleaner water—but they'd feel differently if they knew it meant money coming out of their pockets."

In this survey, people were asked bluntly if they would be willing to pay $100 a year more in taxes and higher prices for clean and safe water. By a thumping 70-26%, a solid majority said they were willing to pay the extra $100. Even among the 26% who wouldn't pay the $100, only 11% are diehards who wouldn't pay something less than $100 more to keep water clean and safe.

Another section of this study deals with the roughly 70 million acres of wetlands and their preservation. A substantial 83% of the public nationwide feels it is "very important" to "keep the wetlands free from further destruction." A big 69% want such federal standards over the wetlands made more strict and 22% more want them kept as they have been. Only 3% want them less strict. Thus, by 91-3%, an overwhelming majority in general does not want any easing of standards for the preservation of the wetlands.

However, when asked whom they would trust more to maintain strict standards for preserving the nation's wetlands—government officials at the federal or at the state and local level—the result was a stand-off: 48% preferred federal and 48% preferred state and local standards to prevail.

For many years, it has been assumed in the environmental area that advocacy of federal authority on standards and enforcement meant standing for tough and strict rules governing pollution. Advocacy for state and local control, favored by many industry groups and those opposed to the Clean Air and Clean Water Acts, was taken to mean more variable standards and more diffused enforcement. In this survey, these assumptions may well be cast in doubt. For example, by 55-41%, men who are less inclined toward tougher environmental controls, favor federal rather than state and local enforcement of wetlands standards. On the other hand, women, who are much more proenvironmental controls, favor state and local control by 56-40%. Conservatives favor federal controls, while moderates favor state and local control over wetlands. People in the South, where environmental concerns are not as high as in other regions, favor federal enforcement, while people in the West, where support for tough environmental standards is highest, support state and local control by 51-43%.

I believe the answer may lie in the preceived changing role of the federal government under the Reagan administration. Those in charge of running environmental programs in Washington today are widely viewed as wanting to ease strict enforcement of federal environmental controls. It is evident that the American people want strict environmental controls, but also are fearful that those now vested with responsibility of setting and enforcing standards are quite dedicated to doing just the opposite. In turn, this has mooted and clouded any clear-cut choice in the federal vs. state and local control issue. Obviously, the public would like to have continuation of federal controls, but is worried that those now in authority will not enforce either the spirit or the letter of the law.

As the congressional process deals with renewal of the Clean Water Act, an alert public will be drawing a judgment not only on how well the basic provisions of the act are kept and strengthened, but also what safeguards are included to make certain strict standards are enforced.●

● Mr. RANDOLPH. Mr. President, I join my esteemed colleague and good friend Senator JOHN CHAFEE in cosponsoring the Clean Water Act Amendments of 1983.

It is appropriate to preface these remarks with a brief summary of the background of this legislation. Mr. President, the Committee on Environment and Public Works intended to act on Clean Water Act amendments last year. On behalf of the administration, Senators CHAFEE, STAFFORD, and I introduced S. 2652 on June 18, 1982. This bill contained 14 amendments to the act, and served as the vehicle on which extensive hearings were held, here in Washington and in the field.

In committee deliberations on this measure, it became evident that certain elements were unnecessary or controversial, and that other issues not addressed by the administration bill should perhaps be included in legislation produced by the committee. In the press of legislative business at the end of the 97th Congress, Clean Water Act amendments were not completed by the committee.

This bill further condenses last year's 14 proposed amendments to 8 amendments, and is expanded to include others. I specifically address three of these issues. These are: Extension of certain compliance deadlines; water quality standards; and pretreatment.

The Clean Water Act in its present form mandates that best available technology (BAT) by all industrial direct dischargers of toxic pollutants and best conventional technology for conventional pollutants (BCT) be achieved by July 1, 1984.

Because of failure by the Environmental Protection Agency to promulgate water quality criteria in a timely fashion, industry will be unable to meet these deadlines. This legislation requires dischargers of toxic pollutants to achieve BAT by 3 years after criteria are promulgated, but in no case later than July 1, 1987. The 1984 deadline for BAT for nonconventional pollutants is extended to January 1, 1986, and the 1984 compliance date for conventional pollutants to July 1, 1987.

Mr. President, compliance date extensions are necessary. Although I am introducing my bill today dealing with this issue further, I wish to be recorded in favor of the concept of this section of the legislation.

I state my continuing opposition to any proposed exemptions, waivers, or modifications from BAT requirements for toxic pollutants. This would be contrary to the basic philosophy of the act and the need for a very conservative approach to environment protection. This bill does not provide for such waivers or exemptions, I discourage expected attempts to provide such an amendment.

With regard to water quality standards, on October 29, 1982, the Environmental Protection Agency promulgated proposed revisions to water quality standard regulations. These proposed revisions would have a significant effect on codification of stream uses as previously established by the States. These changes would give State governments less direction in determining the use or desired character of a particular body of water and what criteria for particular pollutants should be applied in determining its acceptable level to support that use. Under certain circumstances, streams previously categorized by a State for fish and wildlife use or recreation or other high quality uses could be reclassified, or downgraded, if the benefits of attaining the use are not concomitant with the costs of such attainment.

The Environmental Protection Agency's proposed revisions in water quality standards are not in accordance with the law or the intent of Congress. They are diametrically opposed to the objective and goal of the Clean Water Act: The restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters and the provision of fishable, swimmable waters for the Nation. Further, there is a very real danger that permitting States to downgrade certain waters would lead to industry shopping around for areas in which water quality standards would be lower.

Mr. President, most of the provisions of this measure were examined in hearings before the Subcommittee on Environmental Pollution in 1982. The water quality standard issue was not so addressed. I urge subcommittee Chairman CHAFEE to schedule hearings as early as possible. In the meantime, I support the section of this bill which maintains as a minimum use the designated uses of bodies of water which currently exist. We will press whatever amendments necessary to correct the Agency's mistaken quality-based approach.

The pretreatment issue has been one of the most difficult to resolve. This relates to treatment of toxic pollutants prior to their discharge into publicly owned treatment works. The Clean Water Act mandates the establishment of national categorical standards for these pollutants, with compliance within 3 years of adoption of such standards.

Arguments have been made for, and last year's administration bill reflected, the concept of national categorical standards for only the major sources of toxic pollutants, with a provision that exemptions would be obtained on certification by a publicly owned treat-

ment works that it has a program adequate to maintain designated uses for receiving waters.

This legislation does not modify the requirement for establishment of national categorical pretreatment standards. It permits local treatment works to establish and implement alternative local pretreatment systems under certain stringent conditions. Such systems would be closely monitored and controlled, and would not be detrimental to current existing designated uses for receiving waters. This approach will serve as a starting point for this year's consideration of the pretreatment issue. I expect further amendments to it to be offered.

Mr. President, I believe this bill to be an important further step in the deliberations of last year. I look forward to working with the Environmental Pollution Subcommittee, chaired by our able colleague, Senator CHAFEE, and the Committee on Environment and Public Works, under the constructive leadership of Chairman STAFFORD, in completing vital action on amendments to the Clean Water Act.●

By Mr. RANDOLPH:

S. 432. A bill to amend the Clean Water Act to extend the 1984 compliance date for certain recently established requirements; to the Committee on Environment and Public Works.

CLEAN WATER COMPLIANCE DATE EXTENSION ACT OF 1983

● Mr. RANDOLPH. Mr. President, today I am introducing the Clean Water Compliance Date Extension Act of 1983. It is my intention that this legislation be considered by the Committee on Environment and Public Works at the same time as the Clean Water Act Amendments of 1983, a measure also intoduced today by my colleague, Senator JOHN CHAFEE.

The measure I introduce is similar to an amendment which I considered offering to the Clean Water Act last year, when the committee was examining possible amendments to that act. I did not offer it at that time because it was apparent that such an amendment, regardless of its merit, would attract a number of other amendments, perhaps not so meritorious.

The Clean Water Act currently mandates that industry achieve effluent limitations based on the best available technology (BAT) for all toxic pollutants no later than July 1, 1984. BAT for nonconventional pollutants must be achieved by 3 years after promulgation but no later than July 1, 1987, and BCT, or the best conventional technology for conventional pollutants, such as biological oxygen-demanding materials, by July 1, 1984. These targets were set in the expectation that the Environmental Protection Agency would promulgate guidelines in a timely fashion for the 26 industrial categories initially to be regulated by the 1977 amendments to the act. The Agency has been unable to conform with this expectation, and is now under court order to promulgate all guidelines by late in 1983.

For most of the 26 industries required to comply with these standards, it will be impossible to meet the July 1984, date for compliance which is mandated by law. Guidelines for most of these industries have not yet been promulgated. Testimony at last year's hearings of the Environmental Pollution Subcommittee demonstrated that 3 years after promulgation would probably be necessary to write permits and design and construct facilities. Such as extension, important to many industries, will be essential to the steel industry, for which guidelines were not promulgated until May 1982. In fact, these guidelines are under litigation and may be revised further. I am not being parochial, Mr. President, when I say that the steel industry, so important to my own State of West Virginia, is equally important to the welfare of the Nation as a whole.

The bill I introduce today would extend these deadlines. Three categories of treatment are addressed in this measure: BAT and BCT deadlines for toxic, nonconventional and conventional pollutants; recently issued BPT (best practicable technology), a minimum requirement for all pollutants—confined to guidelines issued after January 1, 1982, such as those for parts of the steel industry; and permits based on best engineering judgment for pollutants for which guidelines have not been established but which have been granted in lieu or effluent guidelines for BAT, BCT, and BPT since January 1, 1982. These deadlines may be extended to not later than 42 months after the date of enactment of this legislation, or not later than 36 months after the date of promulgation or issuance of the appropriate effluent guidelines or permit, whichever is later.

This extension will give industry a minimum of 3 years after Environmental Protection Agency promulgation of guidelines to comply with requirements, with all industries with previously issued guidelines achieving compliance by 3½ years after the bill is signed into law.

I look forward to working with Environmental Pollution Subcommittee Chairman JOHN CHAFEE and full committee Chairman BOB STAFFORD in the development of this amendment to the Clean Water Act.

Mr. President, the failure of the Environmental Protection Agency to promulgate industrial standards has also had a severe impact on the ability of industry to comply with the pretreatment requirements of the Clean Water Act. Although a provision of the amendment I considered offering last year dealt with this, I have not addressed this issue in the context of the bill which I introduce today. When the Committee on Environment and Public Works considers amendments to the Clean Water Act. however, it may be appropriate to add language which will deal specifically with the problems being encountered by industries in which diverse manufacturing operations require the application of more than one categorical pretreatment standard.

One example of such an industry would be an automotive manufacturing plant, in which waste water from each individual operation is ultimately combined to achieve cost-effective compliance with water quality standards. Such an industry is faced with severe practical problems in complying with the Environmental Protection Agency's categorical pretreatment standards, particulary when they are issued at widely different times. The discharge limits imposed by the combined waste-stream formula will change as subsequent pretreatment standards are promulgated. This means that this industry, as well as others having integrated operations, will be uncertain about the form of future compliance obligations. It will make it impracticable, if not impossible, for such industries to build new treatment plants until all applicable standards are promulgated.

It may be appropriate to incorporate into section 307(b)(3) of the Clean Water Act as designation of an integrated facilities category, to be defined as a facility in which more than one waste stream is subject to categorical standards, issued at different times, entering a publicly owned treatment work. Under the law, compliance with pretreatment standards would be mandatory within 3 years after promulgation of the last categorical standard affecting such a facility.

As I said, Mr. President, I have not included this concept in the legislation which I introduce today. But I believe the committee should give attention to this problem when it considers other amendments to the pretreatment provisions of the Clean Water Act. It is my understanding that Chairman STAFFORD and Subcommittee Chairman CHAFEE are committed to reporting out this legislation by mid-March, and I will support their efforts to do so.●

By Mr. GARN (for himself, Mr. PROXMIRE, Mr. NUNN, Mr. COHEN, Mr. TOWER, Mr. MOYNIHAN, Mr. LAXALT, Mr. THURMOND, Mr. ARMSTRONG, Mr. TRIBLE, Mr. MATTINGLY, Mr. HATCH, Mr. HELMS, Mr. PRESSLER, Mr. ABDNOR, Mr. SYMMS, Mr. EAST, and Mr. WALLOP):

S. 434. A bill to unify the export administration functions of the U.S.

Government within the Office of Strategic Trade, to improve the efficiency and strategic effectiveness of export regulations while minimizing interference with the ability to engage in commerce, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

OFFICE OF STRATEGIC TRADE ACT OF 1983

Mr. GARN. Mr. President, today I am pleased to be joined by the ranking minority member of the Banking Committee (Mr. PROXMIRE) and our colleagues in introducing the Office of Strategic Trade Act of 1983. The bill, in the same form as it was introduced in the 97th Congress, is a working draft, representing our best efforts to date to devise what could be termed a "state of the art" export administration bill.

The control of exports is by no means a science. We are continually learning what can and cannot be done, and I expect and hope that we will continue to learn how better to administer export controls.

This year the Export Administration Act of 1979 is up for renewal. This bill, if adopted, would replace that act. As we consider this legislation in the course of the next few months I hope that the ideas of many of my colleagues can be incorporated, and there certainly may be parts of this bill that will need to be amended. Some of its provisions have been included because they focus on issues that need to be raised; there may be some better alternatives to those presented. I am open to those suggestions, and I hope that all of my colleagues will be openminded on this issue, for it is far too complex, and the potential dangers and costs far too great, for the wisdon of any one Senator.

It is clear, however, that our current export control system is not working at all as it should, and this situation has tended to become more critical over the decade rather than improved. Very significant changes are needed.

The United States entered into the era of improved relations and freer trade with the Soviet Union institutionally unprepared to deal with the inherent dangers of such a policy. In the spring of 1982 the U.S. intelligence community issued a report evaluating the effects of the last 10 years, concluding in part that—

> The Western military expenditures needed to overcome or defend against the military capabilities derived by the acquisition of Western technology far outweigh the West's earnings from the legal sales to the Soviets of its equipment and technology.

Dr. Fred Ikle, Under Secretary for Defense for Policy, has indicated that the price tag could be tens of billions of dollars, if not much more.

What this means, Mr. President, is that an effective export control system, that protects our national interests while allowing the expansion of trade relations, would result in substantially reduced defense costs. Or, another way, if the United States is unable to afford ever-increasing defense costs—and that is clearly the case—then a much more effective export control system will be needed. We cannot preserve our national interests and keep defense costs down while supplying our adversaries with the means to threaten those interests.

In the meantime, U.S. trade with the Soviet bloc is foundering upon the realization of the dangers of East-West trade coupled with the institutional inability to respond adequately to those dangers. Important national interests are at stake, particularly the fostering of economic growth and innovation. But at the same time, we must guard against the use of our own technology against us. Our institutional response to these needs has been insufficient. Today, the highest ranked official in the U.S. Government assigned solely to export administration is a Deputy Assistant Secretary. That is an indication of the low priority given to export administration in our governmental structure.

The intelligence community report that I cited indicates that the Soviets have assigned their highest priority to the acquisition of Western goods and technology.

> Today this Soviet effort is massive, well planned, and well managed—a national-level program approved at the highest party and governmental levels. . . . The manpower levels they allocate to this effort have increased significantly since the 1970's to the point where there are now several thousand technology collection officers at work.

Our bill would elevate the priority given to export administration by placing it in a highly visible, independent Federal agency that would have as its sole responsibility the administration of our export control laws. This agency would be named the Office of Strategic Trade. Its Director would be a member of the National Security Council, where he could insure that attention at the highest levels of Government was being devoted to our export control strategy. It is our belief that the presence of a governmental official with high stature and with day-to-day involvement in export administration would go a long way toward insuring that export control policies accorded with the realities of the international trading environment.

Mr. President, the intelligence community report made the following conclusion:

> The massive, well-planned, and well-coordinated Soviet program to acquire Western technology through combined legal and illegal means poses a serious and growing threat to the mutual security interests of the United States and its Allies. In response, the West will need to organize more effectively than it has in the past to protect its military, industrial, commercial, and scientific communities.

This bill will do that. While enhancing our security, billions of dollars in defense costs will be saved.

Mr. President, there are clear benefits to be gained through the expansion of trade with the Soviet bloc. In addition to increased jobs and enhanced earnings to be reinvested in research and development, trade ties with the Soviet bloc countries can have an important, though limited, effect toward moderating Soviet behavior. It seems clear that one of the factors that thus far has prevented the Soviet Union from invading Poland has been a fear of disrupting trade relations with the West.

This assertion can be exaggerated, however, and often has been. It is undeniable that American trade leverage over the Soviet Union has greatly decreased. In fact, recent history has shown the West to be more economically and financially vulnerable to the Soviets than they seem to be to us. Yet this has not been the result of the inherent nature of trade with the East but rather of our failure to organize adequately to insure that such trade is mutually beneficial.

Export administration, as I have indicated, is far removed from the policymaking levels of Government. So instead of a flexible organization able to respond quickly and adequately to national needs, we have a system that required American exporters to make 76,677 export license applications in fiscal year 1982 and then granted 98.8 percent of those applications. With nearly every application approved, how many of those applications were in fact totally unnecessary in light of our actual export control needs?

At the same time, I ask where our export control efforts have been directed when we receive intelligence reports listing the advances in computer, laser, electronics, antisubmarine warfare, advanced avionics, and many other critical technologies that the Soviet have obtained from Western sources? The intelligence community report states that,

> The Soviets have acquired militarily significant technologies and critically important industrial Western technologies that have benefited every major Soviet industry engaged in the research, development, and production of weapon systems.

This leads me to the final point that I wish to make today, Mr. President, and that is that this is a good Government bill. Generally speaking, we try to avoid conflicts of interest in our system of Government. It is our experience that wherever they occur, bad Government follows. Yet we have utterly failed to follow this key maxim of good Government in this crucial area of national interest. Under our current system the primary responsi-

bility for export control, both licensing and law enforcement, is given to the one agency in the Federal Government whose reason for existence is business promotion, and which has no business being involved in criminal law enforcement. The business of the Commerce Department is business, and rightly so. Yet deep down in the organizational structure of the Commerce Department are two Offices directed by two Deputy Assistant Secretaries with the responsibility for the Export Administration Act of 1979.

I need not go into great detail about the expected failings of such a system. They have been investigated and pointed out many times. Congressional committees first examined the problem in 1948, when the Senate Committee on Expenditures in the Executive Departments and the Special Committee to Study the Problems of Small Business uncovered numerous problems in export licensing and in the investigation and prosecution of widespread violations by businessmen. The direct cause of these problems was found to be insufficient and inadequate personnel.

In 1961 the Senate Judiciary Committee investigated the Commerce Department's activities once again, while the House established a Special Committee on Export Controls to examine the failings at the Commerce Department. The special committee concluded in its report,

> The traditional concern of the Department of Commerce is the facilitation and expansion of trade rather than any policy of control or restriction. The administration of the Export Control Act of 1949 by that department since its adoption has created a paradoxical situation—control of trade on the one hand and expansion on the other. The Select Committee is not convinced that the desire to promote trade did not influence the Department of Commerce to be more liberal in borderline transactions.

Twenty years later, hearings in both the Senate Banking Committee and the Permanent Investigations Subcommittee of the Senate Governmental Affairs Committee discovered the same problems in licensing and enforcement, stemming from the same failure to assign adequate resources and the overall trade promotion bias of the Commerce Department. Each time, the Commerce Department has reported that things will be getting better in the future.

The General Accounting Office has examined the licensing operation at Commerce and found it wanting. In May of last year it issued a report indicating that,

> Almost half the export license applications received each year could be eliminated without affecting national security.

Little has been done in the interim to implement this recommendation.

That same GAO report found that,

> Through errors in judgment and mistakes Commerce has licensed a few high-technology exports without consulting Defense. More significantly, Commerce has given industry authority to export militarily significant items embedded in commercial products without any requirement for Government review.

In spite of this GAO finding, the Deputy Assistant Secretary for Export Administration was recently reported as stating that he had no problem with selling items with embedded technology to the Soviets. That may be expected of someone responsible for export promotion, but it suggests problems specifically assigned to protect American technology from our adversaries.

Finally, the Commerce Department itself has examined its own operation and found it wanting. On June 11, 1982, the Inspector General of the Commerce Department issued a report that listed nine major failings in the Department's operations that "severely hamper its ability to enforce controls on U.S. exports." The problems listed in the report include:

No comprehensive appraisal of, or effective overall strategy to, address the Nation's technology leakage problem;

Insufficient trained personnel;

Inadequate management direction and oversight;

Failure to use modern, state-of-the-art intelligence, investigative, and enforcement techniques and systems;

Lack of strong leadership and clear lines of organizational responsibility;

Unwarranted interference in the detailed conduct of investigative operations;

Inadequate cooperation with the U.S. Customs Service and vital information sources in the U.S. intelligence community;

Inadequate travel funds, law enforcement equipment, and other support resources; and

Use of antiquated or inefficient internal administration and management systems and procedures.

In view of the Inspector General, these inadequacies "raised serious questions about the Department's commitment to, and ability to, enforce the Export Administration Act of 1979." The reason for this failure is also suggested in the comments of the Inspector General's report.

> The inspection team repeatedly was advised that the problems it noted reflect the Department's dual and possibly conflicting missions of trade promotion and export control * * *. Virtually without exception, each of the staff interviewed in the OEA (Office of Export Administration), OEA/CD (OEA's Compliance Division, now the Office of Export Enforcement), the Office of the General Counsel and the U.S. Customs Service referred to this conflict and acknowledged its impact—real or perceived * * *. We found no evidence that the "delicate balance" referred to, or the Department's dual commitment to trade promotion and export control, have yet been translated into adequate staffing resources and management priorities for enforcement of the Export Administration Act. We did find ample evidence that those involved in implementing the Act, both inside and outside the Commerce Department, perceived the long history of inadequate enforcement as a manifestation of a lower priority vis-a-vis export promotion.

Mr. President, that is bad government. For the same reason that we give jurisdication over antitrust laws to the Federal Trade Commission rather than the Department of Commerce, we should place the primary responsibility for export controls in an Office of Strategic Trade. That is the same reason why such an office should not be placed in the Defense Department, or the Department of State. The primary agency for export control should be an agency that has no other purpose—no special constituency—other than the administration of the export control statutes as passed by the Congress.

Mr. President, the time for the establishment of an Office of Strategic Trade is now. The Soviet efforts to obtain critical American goods and technology have never been greater. Our defense costs are at record levels. Our need to expand trade with all sectors is acute. We cannot affort to give the Commerce Department more time to improve an operation for which it has had responsibility for over three decades and for which it is institutionally unfit.

I am grateful to those who have joined me in introducing this bill, particularly to the Senator from Wisconsin, whose assistance in this effort will be very important, and I urge my colleagues to support this legislation.

I ask unanimous consent that a copy of the bill, along with a section-by-section analysis and a brief summary of the bill's provisions, be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Office of Strategic Trade Act of 1983".

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FINDINGS

SEC. 2. The Congress makes the following findings:

(1) The ability of United States citizens to engage in international commerce is a fundamental concern of United States policy.

(2) It is important for the national interest of the United States that both the private sector and the Federal Government place a high priority on exports, which would strengthen the Nation's economy.

(3) Uncertainty of export control policy can inhibit the efforts of American business and work to the detriment of the overall attempt to improve the trade balance of the United States.

(4) The failure to restrict the transfer of national security sensitive technology and goods to the Soviet Union and other countries where actions or policies are adverse to the national security interests of the United States, has led to the significant enhancement of Soviet bloc military-industrial capabilities, thereby creating a greater threat to the security of the United States, its allies, and other friendly nations, and increasing the defense budget of the United States.

(5) The failure to restrict the export of national security sensitive technology and goods is attributable in large part to the diffusion of decisionmaking responsibilities regarding strategic trade matters among several Federal agencies, and the lack of adequately trained and disciplined personnel.

(6) Because of the overlapping and frequently confusing responsibilities of the many Federal agencies that administer controls over strategic trade, the United States export control system has not served national security, foreign policy, or export interests effectively.

(7) It is important that the administration of export controls imposed for national security purposes give special emphasis to the need to control exports of goods and technology and goods which contribute significantly to the transfer of such technology) that could make a significant contribution to the military potential of any country or combination of countries which would be detrimental to the national security of the United States.

(8) Further, the availability of certain materials at home and abroad varies so that the quantity and composition of United States exports and their distribution among importing countries may affect the welfare of the domestic economy and may have an important bearing upon fulfillment of the foreign policy of the United States.

(9) Minimization of restrictions for reasons of national security and/or foreign policy on exports of agricultural commodities and products is of critical importance to the maintenance of a positive balance of payments, to reducing the level of Federal expenditures for agricultural support programs, and to United States cooperation in efforts to eliminate malnutrition and world hunger.

DECLARATION OF POLICY

SEC. 3. The Congress makes the following declarations:

(1) It is the policy of the United States to minimize uncertainties in export control policy and to encourage trade with all countries with which the United States has diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest.

(2) It is the policy of the United States to use export controls only after full consideration of the impact on the economy of the United States—

(A) to restrict the export or re-export of goods and technology which could make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States;

(B) to restrict the export of goods and technology where necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations; and

(C) To restrict the export of goods where necessary to protect the domestic economy from the excessive drain of scarce materials.

(3) It is the policy of the United States (A) to apply any necessary controls to the maximum extent possible in cooperation with all nations, and (B) to encourage observance of a uniform export control policy by all nations with which the United States has defense treaty commitments or common strategic objectives.

(4) It is the policy of the United States to use its economic resources and trade potential to further the sound growth and stability of its economy as well as to further its national security and foreign policy objectives.

(5) It is the policy of the United States—

(A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person;

(B) to encourage and, in specified cases, require United States persons engaged in the export of goods or technology or other information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person; and

(C) to foster international cooperation and the development of international rules and institutions to assure reasonable access to world supplies.

(6) It is the policy of the United States that the desirability of subjecting, or continuing to subject, particular goods or technology or other information to United States export controls should be subjected to review by and consultation with representatives of appropriate United States Government agencies.

(7) It is the policy of the United States to use export controls, including license fees, to secure the removal by foreign countries of restrictions on access to supplies where such restrictions have or may have a serious domestic inflationary impact, have caused or may cause a serious domestic shortage, or have been imposed for purposes of influencing the foreign policy of the United States. In effecting this policy, the President shall make reasonable prompt efforts to secure the removal or reduction of such restrictions, policies, or actions through international cooperation and agreement before imposing controls on exports from the United States. No action taken in fulfillment of the policy set forth in this paragraph shall apply to the export of medicine or medical supplies.

(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territories or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make reasonable and prompt efforts to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before imposing export controls.

(9) It is the policy of the United States to cooperate with other countries with which the United States has defense treaty commitments or common strategic objectives in restricting the export of goods and technology which could make a significant contribution to the military potential of any country or combination of countries which would prove detrimental to the security of the United States and of those countries with which the United States has defense treaty commitments or common strategic objectives.

(10) It is the policy of the United States to minimize restrictions on the export of agricultural commodities and products.

(11) It is the policy of the United States to encourage other friendly countries to cooperate in restricting the sale of goods and technology that can harm the security of the United States.

DEFINITIONS

SEC. 4. As used in this Act—

(1) the term "person" includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof;

(2) the term "United States person" means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President;

(3) the term "good" means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, but excluding technical data;

(4) the term "technology" means technological or technical data, and shall include information or know-how of anything that can be used or adapted for use in the design, production, manufacture, repair, overhaul, processing, engineering, development, operation, maintenance, or restoration of goods or commodities, including computer software. Information or know-how may take tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or take an intangible form, such as training or technical services. Technological data shall also include all goods or commodities that will be used in the industrial application of the technological information, re-

gardless of the end-use classification of the goods or commodities;

(5) the term "export of goods" means—

(A) an actual shipment or transmission of goods out of the United States, or

(B) an actual shipment or transmission of goods, or portions thereof, originally exported from the United States to any destination other than that indicated to the appropriate United State authority as the initial destination of the goods at the time of original export from the United States.

(6) The term "export of technology" means—

(A) an actual shipment or transmission of technology out of the United States; or

(B) any release of technology of United States origin in a foreign country;

(7) the term "Director" means the Director of the Office of Strategic Trade;

(8) the term "Office" means the Office of Strategic Trade; and

(9) the term "United States" means the States of the United States, its commonwealths, territories (leased or owned), its dependencies, and the District of Columbia.

ESTABLISHMENT OF OFFICERS, FUNCTIONS, AND STRUCTURE OF OFFICE OF STRATEGIC TRADE

SEC. 5. (a) ESTABLISHMENT AND PRINCIPAL OFFICERS.—(1) There is established as an independent executive agency an Office of Strategic Trade. The Office shall be headed by a Director of Strategic Trade, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall serve for a term of four years, and who shall be assisted in the fulfilling of his responsibilities by a Deputy Director of Strategic Trade. The Office of Strategic Trade shall be administered, in accordance with the provisions of this Act, under the supervision and direction of the Director. The Director shall exercise all of the executive and administrative functions and authorities conferred in or transferred to the Office of Strategic Trade by this Act. The Director or his designee shall act as Chairman of the Interagency Advisory Committee for Export Policy (ACEP), which shall consist of representatives from the Department of Commerce, the Department of State, the Department of Defense, the Department of Energy, the Department of the Treasury, the Central Intelligence Agency, and the National Aeronautics and Space Administration.

(2) There shall be in the Office of the Director of the Office of Strategic Trade an Exporter Services Facility which shall act as liaison with the business community and shall receive and respond to inquiries from the public or interested persons.

(b) OTHER PRINCIPAL OFFICERS.—(1) There shall be in the Office an Operations Division which shall be headed by an Assistant Director for Operations. It shall be the function of the Assistant Director for Operations to process incoming applications for export licenses, to disseminate such applications to the licensing division for evaluation, and to forward approved licenses to the applicant. In addition, the Operations Division shall monitor conformity of export applications and licenses with the terms and conditions applicable to them. The Operations Division shall perform such other functions as the Director may determine to be appropriate which were carried out prior to the effective date of this Act by the Office of Export Administration's Operating Division.

(2) There shall be in the Office a Compliance Division which shall be headed by an Assistant Director for Compliance and which shall carry out functions performed prior to the effective date of this Act by the Deputy Assistant Secretary of Commerce for Export Enforcement. The Compliance Division may also conduct physical inspections for controlled items, and shall monitor overseas compliance with the Export Administration Act of 1979.

(3) There shall be in the Office a CoCom Division which shall be headed by an Assistant Director for CoCom Affairs and which shall carry out functions relating to the representation of technical positions (including those of military and strategic significance) in connection with the Coordinating Committee for Multilateral Export Controls (CoCom). The CoCom Division shall also provide representatives to the Department of State to assist in negotiations with other members of the Coordinating Committee.

(4) There shall be in the Office a Licensing Division which shall be headed by an Assistant Director for Licensing and which shall be responsible to the Director for the evaluation of criteria and establishment of policy relating to the commodity control list, munitions control list, foreign policy controls, and short supply controls. The Licensing Division shall prepare draft documents and license criteria for license applications and submit such documents to the Advisory Committee for Export Policy for review. In addition, there shall be within the Licensing Division—

(A) an Office of the Operating Committee, which shall disseminate license documents from the licensing officers to the interagency committee members, specify deadlines, collect responses and recommendations from the respective agencies, summarize each agency position for the Office of the Director, and prepare cases for review by the Export Administration Review Board;

(B) an Office of Computer Licensing, which shall prepare draft documents analyzing criteria for licensing with respect to computers in accordance with the commodity control list;

(C) an Office of Capital Goods Licensing which shall prepare draft documents analyzing criteria for licensing with respect to capital goods in accordance with the commodity control list;

(D) an Office of Electronics, which shall prepare draft documents analyzing criteria for licensing with respect to the field of electronics in accordance with the commodity control list;

(E) an Office of Short Supply Licensing which shall prepare draft documents analyzing criteria for licensing with respect to the field of short supplies;

(F) an Office of Munitions Control which shall carry out the functions formerly carried out by the Department of State's Office of Munitions Control in maintaining the munitions control list;

(G) an Office of Techological Data which shall monitor and review the transfer of unembodied technology and knowledge through cultural exchange, educational, or other programs or means;

(H) an Office of Evaluation which shall monitor and review exports under general and validated licenses to determine whether items should be added to or deleted from commodity control lists, to assess foreign availability and comparability, and to make periodic (not less often than quarterly) specific recommedations, regarding additions to or deletions from the commodity control list to the Assistant Director for Licensing; and

(I) an Office of Foreign Policy Controls which shall formulate and maintain the list of foreign policy controls, in consultation with the Export Administration Review Board.

(5) There shall be in the Office a General Counsel.

GENERAL PROVISIONS

SEC. 6. (a) TYPES OF LICENSES.—Under such conditions as may be imposed by the Director which are consistent with the provisions of this Act, the Director may require any of the following types of export licenses:

(1) A validated license, authorizing a specific export, issued pursuant to an application by the exporter.

(2) A qualified general license, authorizing multiple exports, issued pursuant to an application by the exporter.

(3) A general license, authorizing exports without application by the exporter.

(4) Such other licenses as may assist in the effective and efficient implementation of this Act.

(b) COMMODITY CONTROL LIST.—The Director shall establish and maintain a list (hereinafter in this Act referred to as the "commodity control list") consisting of any goods or technology subject to export controls under this Act.

(c) FOREIGN AVAILABILITY.—In accordance with the provisions of this Act, the President shall not impose export controls for foreign policy or national security purposes on the export from the United States of goods or technology where he determines adequate evidence has been presented to him that the goods or technology are available without restriction from sources outside the United States in comparable quantities and comparable in quality to those produced in the United States, and that adquate evidence has been presented to him demonstrating that the absence of such controls would not prove detrimental to the foreign policy or national security of the United States.

(d) RIGHT OF EXPORT.—No authority or permission to export may be required under this act, or under regulations issued under this Act, except to carry out the policies set forth in section 3 of this Act.

(e) DELEGATION OF AUTHORITY.—The President may delegate the power, authority, and discretion conferred upon him by this Act to such departments, agencies, or officials of the Government as he may consider appropriate, except that no authority under this Act may be delegated to, or exercised by, any official of any department or agency the head of which is not appointed by the President, by and with the advice and consent of the Senate. The President may not delegate or transfer his power, authority, and discretion to overrule or modify any recommendation or decision made by the Director, the Secretary of Defense, or the Secretary of State pursuant to the provisions of this Act.

(f) NOTIFICATION OF THE PUBLIC; CONSULTATION WITH BUSINESS.—The Director shall keep the public fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encouraging trade. The Director shall establish suitable procedures for obtaining the views of a broad spectrum of enterprises, labor organizations, and citizens interested in or impacted by export controls on the United States export control policy and the foreign availability of goods and technology.

NATIONAL SECURITY CONTROLS

SEC. 7. (a) AUTHORITY.—(1) In order to carry out the policy set forth in section

3(2)(A) of this Act, the President may, in accordance with the provisions of this section, prohibit or curtail the export of any goods or technology subject to the jurisdiction of the United States or exported by any person subject to the jruisdiction of the United States. The authorities and duties contained in this subsection shall be exercised by the Director, in consultation with the Secretary of Defense, and such other departments and agencies as the Director considers appropriate, and shall be implemented by means of export licenses described in section 6(a) of this Act. In accordance with the provisions of section 12 of this Act, the Secretary of Defense shall have the right to review any export application under this section which the Secretary of Defense requests to review.

(2)(A) Whenever the Director makes any revision with respect to any goods or technology, or with respect to the countries or destinations, affected by export controls imposed under this section, the Director shall publish in the Federal Register a notice of such revision and shall specify in such notice that the revision relates to controls imposed under the authority contained in this section.

(B) Whenever the Director denies any export license under this section, the Director shall specify in the notice to the applicant of the denial of such license that the license was denied under the authority contained in this section. The Director shall also include in such notice what, if any, modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with controls imposed under this section, or the Director shall indicate in such notice which officers and employees of the Office who are familiar with the application will be made reasonably available to the applicant for consultation with regard to such modifications or restriction, if appropriate.

(3) In issuing regulations to carry out this section, the Director shall give particular attention to the devising of effective safeguards to prevent a country that poses a threat to the security of the United States from diverting covered goods and technologies to military use and to the need to take effective measures to prevent the reexport of covered goods and technologies from other countries to countries that pose a threat to the security of the United States.

(b) POLICY TOWARD INDIVIDUAL COUNTRIES.—In administering export controls for national security purposes under this section, United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as whether its policies are adverse to the national security interests of the United States, the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President considers appropriate. The President shall review not less frequently than every three years in the case of controls maintained cooperatively with other nations, and annually in the case of all other controls, United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence.

(c) NATIONAL SECURITY CONTROL LIST.—(1) The Director shall establish and maintain, as part of the commodity control list, a list of all goods and technology subject to export controls under this section. Such goods and technology shall be clearly identified as being subject to controls under this section.

(2) The Secretary of Defense and other appropriate departments and agencies shall identify goods and technology for inclusion on the national security control portion of the commodity control list. Those items on which the Director and the Secretary of Defense concur shall be subject to export controls under this section shall comprise such list. If the Director and the Secretary of Defense are unable to concur on such items, the matter shall be referred by the Director to the President for resolution.

(3) The Director shall issue regulations providing for review of the list established pursuant to this subsection not less frequently than every 3 years in the case of controls maintained cooperatively with other countries, and annually in the case of all other controls, in order to carry out the policy set forth in section 3(2)(A) and the provisions of this section, and for the prompt issuance of such revisions of the list as may be necessary. Such regulations shall provide interested Government agencies and other affected or potentially affected parties with an opportunity, during such review, to submit written data, views, or arguments, with or without oral presentation. Such regulations shall further provide that, as part of such review, an assessment be made of the availability from sources outside the United States of goods and technology comparable to those controlled under this section. The Director and any agency rendering advice with respect to export controls shall keep adequate records of all decisions made with respect to revision of the list of controlled goods and technology, including the factual and analytical basis for the decision, and, in the case of the Director, any dissenting recommendations received from any agency.

(d) MILITARILY CRITICAL TECHNOLOGIES.—(1) The Secretary of Defense, in consultation with the Director, shall review and revise the national security control list established pursuant to subsection (c), as prescribed in paragraph (3) of such subsection, for the purpose of insuring that export controls imposed under this section cover and (to the maximum extent consistent with the purposes of this Act) are limited to militarily critical goods and technology and the mechanisms through which such goods and technologies may be effectively transferred.

(2) The Secretary of Defense shall bear primary responsibility for inclusion in the national security control list the militarily critical technologies as described below. In developing such items for inclusion, primary emphasis shall be given to—

(A) arrays of design and manufacturing know-how,

(B) keystone manufacturing, inspection, and test equipment,

(C) goods accompanied by sophisticated operation, application, or maintenance know-how, and

(D) goods (i) which would extend, complete, maintain, or modernize a process line employed in the application of a militarily critical technology, or (ii) the analysis of which would reveal or give insight into a United States military system and would thereby facilitate either the design and manufacture of that system or the development of countermeasures against that system.

which, as determined by the Secretary of Defense, are not possessed and able to be utilized by countries to which exports are controlled under this section and which, if exported, would permit a significant advance in a military system of any such country.

(3) The description of the military critical technologies referred to in paragraph (2) shall be sufficently specific to guide the determinations of any official exercising export licensing responsibilities under this Act.

(e) NATIONAL SECURITY CONTROL AGENCY.—To assist in carrying out the policy and other authorities and responsibilities of the Secretary of Defense under this section, there shall be established within the office of the Under Secretary of Defense for Policy a National Security Control Agency. The Secretary of Defense may delegate such of those authorities and responsibilities, together with such ancillary functions, as he may deem appropriate to the Agency.

(f) ANNUAL REPORT.—The Secretary of Defense shall report annually to the Congress on actions taken to carry out this section.

(g) EXPORT LICENSES.—(1) The Congress finds that the effectiveness and efficiency of the process of making export licensing determinations under this section is severely hampered by the large volume of validated export license applications required to be submitted under this Act. Accordingly, it is the intent of Congress in this subsection to encourage the use of a qualified general license in lieu of a validated license.

(2) To the maximum extent practicable, consistent with the national security of the United States, the Director may require a qualified general license in lieu of a validated license under this section for the export of goods or technology, except where—

(A) the export of such goods or technology is restricted pursuant to a multilateral agreement, formal or informal, to which the United States is a party and, under the terms of such multilateral agreement, such export requires the specific approval of the parties to such multilateral agreement; or

(B) the United States is seeking the agreement of other suppliers to apply comparable controls to such goods or technology and, in the judgement of the Director, United States export controls on such goods or technology, by means of such validated license, are necessary prior to the conclusion of such agreement.

(3) To the maximum extent practicable, consistent with the national security of the United States, the Director may require a qualified general license, in lieu of a validated license, under this section for the export of goods or technology if the export of such goods or technology is restricted pursuant to a multilateral agreement, formal or informal, to which the United States is a party, but such export does not require the specific approval of the parties to such multilateral agreement.

(h) FOREIGN AVAILABILITY.—(1) The Director, in consultation with the Secretary of Defense and such other Government agencies as may be appropriate in the circumstances as well as with such technical advisory committees established pursuant to subsection (i) as the Director may deem appropriate, shall review, on a continuing basis, the availability, to countries to which exports are controlled under this section, from sources outside the United States, including countries which participate with the Unites States in multilateral export controls, of any goods or technology the export

of which requires a validated license under this section. In any case in which the Director determines, in accordance with procedures and criteria which the Director shall by regulation establish, that any such goods or technologies are available in fact to such destinations from such sources in comparable quantity and of comparable quality so that the requirement of a validated license for the export of such goods or technology would have no effect in achieving the purpose set forth in subsection (a) of this section, the Director may not, after the determination is made, require a validated license for the export of such goods or technology during the period of such foreign availability, unless the President determines that the absence of export controls under this section would prove detrimental to the national security of the United States. In any case in which the President determines that export controls under this section must be maintained notwithstanding foreign availability, the Director shall publish that determination together with a concise statement of its basis, and the estimated economic impact of the decision.

(2) Subject to paragraph (4), the Director shall approve any applicaton for a validated license which is required under this section for the export of any goods or technology to a particular country and which meets all other requirements for such an application, if the Director determines that such goods or technology will, if the license is denied, be available in fact to such country from sources outside the United States, including countries which participate with the United States in multilateral export controls, in comparable quantity and of comparable quality so that denial of the license would be ineffective in achieving the purpose set forth in subsection (a) of this section, subject to the exception set forth in paragraph (1) of this subsection. In any case in which the Director makes a determination of foreign availability under this paragraph with respect to any goods or technology, the Director shall determine whether a determination of foreign availability under paragraph (1) with respect to such goods or technology is warranted.

(3) With respect to export controls imposed under this section, any determination of foreign availability which is the basis of a decision to grant a license for, or to remove a control on, the export of a good or technology, shall be made in writing and shall be supported by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information. In assessing foreign availability with respect to license applications, uncorroborated representations by applicants shall not be deemed sufficient evidence of foreign availability.

(4) A technology or goods proposed for, or subject to, export control for national security purposes, which is not possessed in comparable quantity or quality by a nation or combination of nations threatening to the national security of the United States, shall not be deemed to be available to that nation or combination of nations from foreign sources until the Secretary of State verifies that negotiations with the appropriate foreign governments have been undertaken. For purposes of this Act, assessment of comparable quantity or quality shall include but not be limited to the following factors: cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, technological data packages, back-up packages, long-term durability, scale of production, ease with which machinery will be integrated in the mode of production, and spoilages and tolerance factors for end products produced by the machinery, in any case in which, in accordance with this subsection, export controls are imposed under this section notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. Whenever the President has reason to believe goods or technology subject to export control for national security purposes by the United States may become available from other countries to countries to which exports are controlled under this section and that such availability can be prevented or eliminated by means of negotiations with such other countries, the President shall promptly initiate negotiations with the governments of such other countries to prevent such foreign availability.

(5) In order to further carry out the policies set forth in this Act, the Director shall establish within the Office a capability to monitor and gather information with respect to the foreign availability of any goods or technology subject to export controls under this Act.

(6) Each department or agency of the United States with responsibilities with respect to export controls, including intelligence agencies, shall, consistent with the protection of intelligence sources and methods furnish information to the Office concerning foreign availability of goods and technology subject to export controls under this Act, and the Office, upon request or where appropriate, shall furnish to such departments and agencies the information it gathers and receives concerning foreign availability.

(i) TECHNICAL ADVISORY COMMITTEES.—(1) Upon written request by representatives of a substantial segment of any industry which produces any goods or technology subject to export controls under this section or being considered for such controls because of their significance to the national security of the United States, the Director shall appoint a technical advisory committee for any such goods or technology which the Director determines are difficult to evaluate because of questions concerning technical matters, worldwide availability, and actual utilization of production and technology, or licensing procedures. Each such committee shall consist of representatives of United States industry and Government, including the Departments of Defense, State, Commerce, the intelligence community, and, in the discretion of the Director, other Government departments and agencies. No person serving on any such committee who is a representative of industry shall serve on such committee for more than four consecutive years.

(2) Technical advisory committees established under paragraph (1) shall advise and assist the Director, the Secretary of Defense, and any other department, agency, or official of the Government of the United States to which the President delegates authority under this Act, with respect to actions designed to carry out the policy set forth in section 3(2)(A) of this Act. Nothing in this subsection shall prevent the Director or the Secretary of Defense from consulting, at any time, with any person representing industry or the general public, regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Director, to present relevant material to such committees.

(3) Upon request of any member of any such committee, the Director may, if the Director determines it appropriate, reimburse such member for travel, subsistence, and other necessary expenses incurred by such member in connection with the duties of such member.

(4) Each such committee shall elect a chairman, and shall meet at least every three months at the call of the chairman, unless the chairman determines, in consultation with the other members of the committee, that such a meeting is not necessary to achieve the purposes of this subsection. Each such committee shall be terminated after a period of 2 years, unless extended by the Director for additional periods of 2 years. The Director shall consult each such committee with respect to such termination or extension of that committee.

(5) To facilitate the work of the technical advisory committees, the Director, in conjunction with other departments and agenceis participating in the administration of this Act, shall disclose to each such committee adequate information, consistent with national security, pertaining to the reasons for the export controls which are in effect or contemplated for the goods or technology with respect to which that committee furnishes advice.

(6) Subject to subsection (h)(4) of this section, whenever a technical advisory committee certifies to the Director that goods or technology with respect to which such committee was appointed have become available in fact, to countries to which exports are controlled under this section, from sources outside the United States, including countries which participate with the United States in multilateral export controls, in comparable quantity and of comparable quality so that requiring a validated license for the export of such goods or technology would be ineffective in achieving the purpose set forth in subsection (a) of this section, and provides adequate documentation for such certification, in accordance with the procedures established pursuant to subsection (h)(1) of this secton, the Director shall investigate such availability, and if such availability is verified, the Director shall remove the requirement of a validated license for the export of the goods or technology, unless the President determines that the absence of export controls under this section would prove detrimental to the national security of the United States. In any case in which the President determines that export controls under this section must be maintained notwithstanding foreign availability, the Director shall publish that determination together with a concise statement of its basis and the estimated economic impact of the decision.

(j) MULTILATERAL EXPORT CONTROLS.—The President shall enter into negotiations with the governments participating in the group known as the Coordinating Committee (hereinafter in this subsection referred to as the "Committee") with a view toward accomplishing the following objectives:

(1) Agreement to publish the list of items controlled for export by agreement of the Committee.

(2) Agreement to hold periodic meetings with high-level representatives of such governments, for the purpose of discussing export control policy issues and issuing policy guidance to the Committee.

(3) Agreement on more effective procedures for enforcing the export controls referred to in paragraph (1).

(k) COMMERCIAL AGREEMENTS WITH CERTAIN COUNTRIES.—(1) Any United States firm, enterprise, or other nongovernmental entity which enters into any agreement with any agency of the government of a country to which exports are restricted for national security purposes, which calls for the encouragement of technical cooperation and is intended to result in the export from the United States to the other party of unpublished technical data of United States origin, shall report the agreement with such agency with sufficient detail to the Director.

(2) The provisions of paragraph (1) shall not apply to colleges, universities, or other educational institutions, except where the unpublished technical data involve a technology identified by the Secretary of Defense as a militarily critical technology.

(l) NEGOTIATIONS WITH OTHER COUNTRIES.—The Secretary of State, in consultation with the Secretary of Defense, the Director, and the heads of other appropriate departments and agencies, shall be responsible for conducting negotiations with other countries regarding their cooperation in restricting the export of goods and technology in order to carry out the policy set forth in section 3(9) of this Act, as authorized by subsection (a) of this section, including negotiations with respect to which goods and technology should be subject to multilaterally agreed export restrictions and what conditions should apply for exceptions from those restrictions.

(m) DIVERSION TO MILITARY USE OF CONTROLLED GOODS OR TECHNOLOGY.—(1) Whenever there is reliable evidence that goods or technology which were exported subject to national security controls under this section to a country to which exports are controlled for national security purposes have been diverted to an unauthorized use or consignee in violation of the conditions of an export license, the Director for as long as that diversion continues—

(A) shall deny all further exports to or by the party or parties responsible for that diversion of any goods or technology subject to national security controls under this section to an unauthorized use or consignee regardless of whether such goods or technology are available to that country from sources outside the United States; and

(B) may take such additional steps under this Act with respect to the party or parties referred to in subparagraph (A) as he determines are appropriate in the circumstances to deter the further unauthorized use of the previously exported goods or technology.

(2) As used in this subsection, the term "diversion to an unauthorized use or consignee" means the use of United States goods or technology to design or produce or maintain or contribute to the design, production, or maintenance of any item on the United States Munitions List, or the transfer of United States goods or technology to any consignee or end user engaged in or contributing to such design, production, or maintenance.

(n) RECORDKEEPING.—The Director, the Secretary of Defense, and any other department or agency consulted in connection with a license application or revision of a list of controlled commodities, goods, or technologies, shall make and keep records of their respective advice, recommendations, or decisions, including the factual and analytical basis of the advice, recommendations, or decisions.

FOREIGN POLICY CONTROLS

SEC. 8. (a) AUTHORITY.—(1) In order to carry out the policy set forth in paragraph (2)(B), (7), or (8) of section 3 of this Act, the President may prohibit or curtail the exportation of any goods, technology, or other information subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, to the extent necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations. The authority granted by this subsection shall be exercised by the Director, in consultation with the Secretary of State and such other departments and agencies as the Director considers appropriate, and shall be implemented by means of export licenses issued by the Director.

(2) Export controls maintained for foreign policy purposes shall expire one year after imposition unless extended by the President in accordance with subsections (b) and (e). Any such extension and any subsequent extension shall not be for a period of more than one year.

(3) Whenever the Director denies any export license under this subsection, the Director shall specify in the notice to the applicant of the denial of such license that the license was denied under the authority contained in this subsection, and the reasons for such denial, with reference to the criteria set forth in subsection (b) of this section. The Director shall also include in such notice what, if any, modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with controls implemented under this section, or the Director shall indicate in such notice which officers and employees of the Office who are familiar with the application will be made reasonably available to the applicant for consultation with regard to such modifications or restrictions, if appropriate.

(4) In accordance with the provisions of section 12 of this Act, the Secretary of State shall have the right to review any export license application under this section which the Secretary of State requests to review.

(d) Criteria.—When imposing, expanding, or extending export controls under this section, the President shall consider—

(1) the probability that such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

(2) the compatibility of the proposed controls with the foreign policy objectives of the United States, including the effort to counter international terrorism, and with overall United States policy toward the country which is the proposed target of the controls;

(3) the reaction of other countries to the imposition or expansion of such export controls by the United States;

(4) the likely effects of the proposed controls on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a supplier of goods and technology, and on individual United States companies and their employees and communities, including the effects of the controls on existing contracts;

(5) the ability of the United States to enforce the proposed controls effectively; and

(6) the foreign policy consequences of not imposing controls.

(c) CONSULTATION WITH INDUSTRY.—The Director, before imposing export controls under this section, shall consult with such affected United States industries as the Director considers appropriate, with respect to the criteria set forth in paragraphs (1) and (4) of subsection (b) and such other matters as the Director considers appropriate.

(d) ALTERNATIVE MEANS.—Before resorting to the imposition of export controls under this section, the President shall determine that reasonable efforts have been made to achieve the purposes of the controls through negotiations or other alternative means.

(e) NOTIFICATION TO CONGRESS.—The President in every possible instance shall consult with the Congress before imposing any export control under this section. Except as provided in section 9(g)(3) of this Act, whenever the President imposes, expands, or extends export controls under this section, the President shall immediately notify the Congress of such action and shall submit with such notification a report specifying—

(1) the conclusions of the President with respect to each of the criteria set forth in subsection (b); and

(2) the nature and results of any alternative means attempted under subsection (d), or the reasons for imposing, extending, or expanding the control without attempting any such alternative means.

Such report shall also indicate how such controls will further significantly the foreign policy of the United States or will further its declared international obligations. To the extent necessary to further the effectiveness of such export control, portions of such report may be submitted on a classified basis, and shall be subject to the provisions of section 14(c) of this Act.

(f) EXCLUSION FOR MEDICINE AND MEDICAL SUPPLIES AND FOR CERTAIN FOOD EXPORTS.—This section does not authorize export controls on medicine, or medical supplies. Before export controls on food are imposed, expanded, or extended under this section, the Director shall notify the Secretary of State in the case of export controls applicable with respect to any developed country and shall notify the Director of the United States International Development Cooperation Agency (IDCA) in the case of export controls applicable with respect to any developing country. The Secretary of State with respect to developed countries, and the Director of the IDCA with respect to developing countries, shall determine whether the proposed export controls on food would cause measurable malnutrition and shall inform the Director of that determination. If the Director is informed that the proposed export controls on food would cause measurable malnutrition, then those controls may not be imposed, expanded, or extended, as the case may be, unless the President determines that those controls are necessary to protect the national security interests of the United States, or unless the President determines that arrangements are insufficient to ensure that the food will reach those most in need. Each such determination by the Secretary of State or the Director of the United States International Development Cooperation Agency, and any such determination by the President, shall be reported to the Congress, together with a statement of the reasons for that determination. It is the intent of Congress that the President not impose export controls under this section on any goods or technology if he determines that the principal effect of

the export of such goods or technology would be to help meet basic human needs. This subsection shall not be construed to prohibit the President from imposing restrictions on the export of medicine or medical supplies or of food under the International Emergency Economic Powers Act. This subsection does not apply to any export control on medicine or medical supplies which is in effect on the effective date of the Export Administration Act of 1979 or to any export control on food which is in effect on the date of the enactment of the Export Administration Amendments Act of 1981.

(g) FOREIGN AVAILABILITY.—In applying export controls under this section, the President shall take all feasible steps to initiate and conclude negotiations with appropriate foreign governments for the purpose of securing the cooperation of such foreign governments in controlling the export to countries and consignees to which the United States export controls apply of any goods or technology comparable to goods or technology controlled under this section.

(h) INTERNATIONAL OBLIGATIONS.—The provisions of subsections (b), (c), (d), (f), and (g) shall not apply in any case in which the President exercises the authority contained in this section to impose export controls, or to approve or deny export license applications, in order to fulfill obligations of the United States pursuant to treaties to which the United States is a party or pursuant to other international agreements.

(i) COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—The Director and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate before any license is approved for the export of goods or technology valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations:

(1) Such country has repeatedly provided support for acts of international terrorism.

(2) Such exports would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism.

(j) CRIME CONTROL INSTRUMENTS.—(1) Crime control and detection instruments and equipment shall be approved for export by the director only pursuant to a validated export license.

(2) The provisions of this subsection shall not apply with respect to exports to countries which are members of the North Atlantic Treaty Organization or to Japan, Australia, or New Zealand, or to such other countries as the President shall designate consistent with the purposes of this subsection and section 502B of the Foreign Assistance Act of 1961.

(k) CONTROL LIST.—The Director shall establish and maintain, as part of the commodity control list, a list of any goods or technology subject to export controls under this section, and the countries to which such controls apply. Such goods or technology shall be clearly identified as subject to controls under this section. Such list shall consist of goods and technology identified by the Secretary of State, with the concurrence of the Director. If the Director and the Secretary of State are unable to agree on the list, the matter shall be referred by the Director to the President. Such list shall be reviewed not less frequently than every three years in the case of controls maintained cooperatively with other countries, and annually in the case of all other controls, for the purpose of making such revisions as are necessary in order to carry out this section. During the course of such review, an assessment shall be made periodically of the availability from sources outside the United States, or any of its territories or possessions, of goods and technology comparable to those controlled for export from the United States under this section.

SHORT SUPPLY CONTROLS

SEC. 9. (a) AUTHORITY.—(1) In order to carry out the policy set forth in section 3(2)(C) of this Act, the President may prohibit or curtail the export of any goods subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States. In curtailing exports to carry out the policy set forth in section 3(2)(C) of this Act, the President shall allocate a portion of export licenses on the basis of factors other than a prior history of exportation. Such factors shall include the extent to which a country engages in equitable trade practices with respect to United States goods and treats the United States equitably in times of short supply.

(2) Upon imposing quantitative restrictions on exports of any goods to carry out the policy set forth in section 3(2)(C) of this Act, the Director shall include in a notice published in the Federal Register with respect to such restrictions an invitation to all interested parties to submit written comments within fifteen days from the date of publication on the impact of such restrictions and the method of licensing used to implement them.

(3) In imposing export controls under this section, the President's authority shall include, but not be limited to, the imposition of export license fees.

(b) MONITORING.—(1) In order to carry out the policy set forth in section 3(2)(C) of this Act, the Secretary of Commerce shall monitor exports, and contracts for exports, of any good (other than a commodity which is subject to the reporting requirements of section 812 of the Agricultural Act of 1970) when the volume of such exports in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage, and such price increase or shortage has, or may have, a serious adverse impact on the economy or any sector thereof. Any such monitoring shall commence at a time adequate to assure that the monitoring will result in a data base sufficient to enable policies to be developed, in accordance with section 3(2)(C) of this Act, to mitigate a short supply situation or serious inflationary price rise or, if export controls are needed, to permit imposition of such controls in a timely manner. Information which the Secretary of Commerce requires to be furnished in effecting such monitoring shall be confidential, except as provided in paragraph (2) of this subsection.

(2) The results of such monitoring shall, to the extent practicable, be aggregated and included in weekly reports setting forth, with respect to each item monitored, actual and anticipated exports, the destination by country, and the domestic and worldwide price, supply, and demand. Such reports may be made monthly if the Secretary of Commerce determines that there is insufficient information to justify weekly reports.

(3) The Director shall consult with the Secretary of Energy to determine whether monitoring or export controls under this section are warranted with respect to exports of facilities, machinery, or equipment normally and principally used, or intended to be used, in the production, conversion, or transportation of fuels and energy (except nuclear energy), including, but not limited to, drilling rigs, platforms, and equipment; petroleum refineries, natural gas processing, liquefaction, and gasification plants; facilities for production of synthetic natural gas or synthetic crude oil; oil and gas pipelines, pumping stations, and associated equipment; and vessels for transporting oil, gas, coal, and other fuels.

(c) Petitions for Monitoring or Controls.—(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes metallic materials capable of being recycled with respect to which an increase in domestic prices or a domestic shortage, either of which results from increased exports, has or may have a significant adverse effect on the national economy or any sector thereof, may transmit a written petition to the Director requesting the monitoring of exports, or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(C) of this Act.

(B) Each petition shall be in such form as the Director shall prescribe and shall contain information in support of the action requested. The petition shall include any information reasonably available to the petitioner indicating (i) that there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply, and (ii) that there has been a significant increase in the price of such material or a domestic shortage of such material under circumstances indicating the price increase or domestic shortage may be related to exports.

(2) Within 15 days after receipt of any petition described in paragraph (1), the Director shall publish a notice in the Federal Register. The notice shall (A) include the name of the material which is the subject of the petition, (B) include the Schedule B number of the material as set forth in the Statistical Classification of Domestic and Foreign Commodities Exported from the United States, (C) indicate whether the petitioner is requesting that controls or monitoring, or both, be imposed with respect to the exportation of such material, and (D) provide that interested persons shall have a period of 30 days commencing with the date of publication of such notice to submit to the Director written data, views, or arguments, with or without opportunity for oral presentation, with respect to the matter involved. At the request of the petitioner or any other entity described in paragraph (1)(A) with respect to the material which is the subject of the petition, or at the request of any entity representative of producers or exporters of such material, the Director shall conduct public hearings with respect to the subject of the petition, in which case the 30-day period may be extended to 45 days.

(3) Within 45 days after the end of the 30- or 45-day period described in paragraph (2), as the case may be, the Director, in consultation with the Secretary of Commerce, shall—

(A) determine to impose monitoring or controls, or both, on the export of such material, in order to carry out the policy set forth in section 3(2)(C) of this Act; and

(B) publish in the Federal Register a detailed statement of the reasons for such determination.

(4) Within 15 days after making a determination under paragraph (3) to impose monitoring or controls on the export of a material, the Director shall publish in the Federal Register proposed regulations with respect to such monitoring or controls. Within 30 days following the publication of such proposed regulations, and after considering any public comments thereon, the Director shall publish and implement final regulations with respect to such monitoring or controls.

(5) For purposes of publishing notices in the Federal Register and scheduling public hearings pursuant to this subsection, the Director may consolidate petitions, and responses thereto, which involve the same or related materials.

(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Director may determine, in the absence of significantly changed circumstances, that any other petition with respect to the same material or group of materials which is filed within 6 months after consideration of the prior petition has been completed does not merit complete consideration under this subsection.

(7) The procedures and time limits set forth in this subsection with respect to a petition filed under this subsection shall take precedence over any review undertaken at the initiative of the Director with respect to the same subject as that of the petition.

(8) The Director may impose monitoring or controls on a temporary basis after a petition is filed under paragraph (1)(A) but before the Director makes a determination under paragraph (3) if the Director considers such action to be necessary to carry out the policy set forth in section 3(2)(C) of this Act.

(9) The authority under this subsection shall not be construed to affect the authority of the Director under any other provision of this Act.

(10) Nothing contained in this subsection shall be construed to preclude submission on a confidential basis to the Director of information relevant to a decision to impose or remove monitoring or controls under the authority of this Act, or to preclude consideration of such information by the Director in reaching decisions required under this subsection. The provisions of this paragraph shall not be construed to affect the applicability of section 552(b) of title 5, United States Code.

(d) DOMESTICALLY PRODUCED CRUDE OIL.—(1) Nothwithstanding any other provision of this Act and notwithstanding subsection (u) of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), no domestically produced crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) (except any such crude oil which (A) is exported to an adjacent foreign country to be refined and consumed therein in exchange for the same quantity of crude oil being exported from that country to the United States; such exchange must result through convenience or increased efficiency of transportation in lower prices for consumers of petroleum products in the United States as described in paragraph (2)(A)(ii) of this subsection, or (B) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign country and reenters the United States) may be exported from the United States, or any of its territories and possessions, unless the requirements of paragraph (2) of this subsection are met.

(2) Crude oil subject to the prohibition contained in paragraph (1) may be exported only if—

(A) the President makes and publishes express findings that exports of such crude oil, including exchanges—

(i) will not diminish the total quantity or quality of petroleum refined within, stored within, or legally committed to be transported to and sold within the United States;

(ii) will, within 3 months following the initiation of such exports or exchanges, result in (I) acquisition costs to the refiners which purchase the imported crude oil being lower than the acquisition costs such refiners would have to pay for the domestically produced oil in the absence of such an export or exchange, and (II) not less than 75 percent of such savings in costs being reflected in wholesale and retail prices of products refined from such imported crude oil;

(iii) will be made only pursuant to contracts which may be terminated if the crude oil supplies of the United States are interrupted, threatened, or diminished;

(iv) are clearly necessary to protect the national interest; and

(v) are in accordance with the provisions of this Act; and

(B) the President reports such findings to the Congress and the Congress, within 50 days thereafter, agrees to a concurrent resolution approving such exports on the basis of the findings.

(3) Notwithstanding any other provision of this section or any other provision of law, including subsection (u) of section 28 of the Mineral Leasing Act of 1920, the President may export oil to any country pursuant to a bilateral international oil supply agreement entered into by the United States with such nation before June 25, 1979, or to any country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency.

(e) REFINED PETROLEUM PRODUCTS.—(1) No refined petroleum product may be exported except pursuant to an export license specifically authorizing such export. Not later than 5 days after an application for a license to export any refined petroleum product or residual fuel oil is received, the Director shall notify the Congress of such application, together with the name of the exporter, the destination of the proposed export, and the amount and price of the proposed export. Such notification shall be made to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) The Director may not grant such license during the 30-day period beginning on the date on which notification to the Congress under paragraph (1) is received, unless the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that the proposed export is vital to the national interest and that a delay in issuing the license would adversely affect that interest.

(3) This subsection shall not apply to (A) any export license application for exports to a country with respect to which historical export quotas established on the basis of past trading relationships apply, or (B) any license application for exports to a country if exports under the license would not result in more than 250,000 barrels of refined petroleum products being exported from the United States to such country in any fiscal year.

(4) For purposes of this subsection, "refined petroleum product" means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, and residual fuel oil refined within the United States or entered for consumption within the United States.

(5) The Director may extend any time period prescribed in section 12 of this Act to the extent necessary to take into account delays in action by the Director on a license application on account of the provisions of this subsection.

(f) CERTAIN PETROLEUM PRODUCTS.—Petroleum products refined in United States Foreign Trade Zones, or in the United States Territory of Guam, from foreign crude oil shall be excluded from any quantitative restrictions imposed under this section except that, if the Director finds that a product is in short supply, the Director may issue such regulations as may be necessary to limit exports.

(g) AGRICULTURAL COMMODITIES.—(1) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils or animal hides or skins, without the approval of the Secretary of Agriculture. The Secretary of Agriculture shall not approve the exercise of such authority with respect to any such commodity during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy except to the extent the President determines that such exercise of authority is required to carry out the policies set forth in subparagraph (A) or (B) of paragraph (2) of section 3 of this Act. The Secretary of Agriculture shall, by exercising the authorities which the Secretary of Agriculture has under other applicable provisions of law, collect data with respect to export sales of animal hides and skins.

(2) Upon approval of the Director, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed to carry out the policy set forth in section 3(2)(C) of this Act subsequent to such approval. The Director may not grant such approval unless the Director receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds (A) that such commodities will eventually be exported, (B) that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, (C) that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and (D) that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Director may issue such regulations as may be necessary to implement this paragraph.

(3) If the authority conferred by this section or section 8 is exercised to prohibit or curtail the export of any agricultural commodity in order to carry out the policies set forth in subparagraph (B) or (C) of paragraph (2) of section 3 of this Act, the President shall immediately report such prohibition or curtailment to the Congress, setting

forth the reasons therefor in detail. If the Congress, within 30 days after the date of its receipt of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution. In the computation of such 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

(h) BARTER AGREEMENTS.—(1) The exportation pursuant to a barter agreement of any goods which may lawfully be exported from the United States, for any goods which may lawfully be imported into the United States, may be exempted, in accordance with paragraph (2) of this subsection, from any quantitative limitation on exports (other than any reporting requirement) imposed to carry out the policy set forth in section 3(2)(C) of this Act.

(2) The Director shall grant an exemption under paragraph (1) if the Director finds, after consultation with the appropriate department or agency of the United States, that—

(A) for the period during which the barter agreement is to be performed—

(i) the average annual quantity of the goods to be exported pursuant to the barter agreement will not be required to satisfy the average amount of such goods estimated to be required annually by the domestic economy and will be surplus thereto; and

(ii) the average annual quantity of the goods to be imported will be less than the average amount of such goods estimated to be required annually to supplement domestic production; and

(B) the parties to such barter agreement have demonstrated adequately that they intend, and have the capacity, to perform such barter agreement.

(3) For purpose of this subsection, the term "barter agreement" means any agreement which is made for the exchange, without monetary consideration, of any goods produced in the United States for any goods produced outside of the United States.

(4) This subsection shall apply only with respect to barter agreements entered into after the effective date of the Export Administration Act of 1979.

(i) UNPROCESSED RED CEDAR.—(1) The Director shall require a validated license, under the authority contained in subsection (a) of this section, for the export of unprocessed western red cedar (Thuja plicata) logs, harvested from State or Federal lands. The Director shall impose quantitative restrictions upon the export of unprocessed western red cedar logs during the 3-year period beginning on the effective date of the Export Administration Act of 1979 as follows:

(A) Not more than thirty million board feet scribner of such logs may be exported during the first year of such 3-year period.

(B) Not more than fifteen million board feet scribner of such logs may be exported during the second year of such period.

(C) Not more than five million board feet scribner of such logs may be exported during the third year of such period.

After the end of such 3-year period, no unprocessed western red cedar logs may be exported from the United States.

(2) The Director shall allocate export licenses to exporters pursuant to this subsection on the basis of a prior history of exportation by such exporters and such other factors as the Director considers necessary and appropriate to minimize any hardship to the producers of western red cedar and to further the foreign policy of the United States.

(3) Unprocessed western red cedar logs shall not be considered to be an agricultural commodity for purposes of subsection (g) of this section.

(4) As used in this subsection, the term "unprocessed western red cedar" means red cedar timber which has not been processed into—

(A) lumber without wane;

(B) chips, pulp, and pulp products;

(C) veneer and plywood;

(D) poles, posts, or pilings cut or treated with preservative for use as such and not intended to be further processed; or

(E) shakes and shingles.

(j) EXPORT OF HORSES. (1) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, or any of its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under paragraph (2) of this subsection.

(2) The Director, in consultation with the Secretary of Agriculture, may issue regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Director, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.

FOREIGN BOYCOTTS

SEC. 10. (a) PROHIBITIONS AND EXCEPTIONS.—(1) For the purpose of implementing the policies set forth in subparagraph (A) or (B) of paragraph (5) of section 3 of this Act, the President shall issue regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of regulations issued to carry out this subparagraph.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotting country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Director.

(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

(2) Regulations issued pursuant to paragraph (1) shall provide exceptions for—

(A) complying or agreeing to comply with requirements (i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of goods to the boycotting country on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms, other than with respect to carriers or route of shipment as may be permitted by such regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by the boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding

requirements of employment of such individual within the boycotting country; and

(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade named, or similarly specifically identifiable products, or components of products for his own use, including the performance of contractual services within that country, as may be defined by such regulations.

(3) Regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

(5) This section shall apply to any transaction or activity undertaken, by or through a United States person or any other person, with intent to evade the provisions of this section as implemented by the regulations issued pursuant to this subsection, and such regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

(b) FOREIGN POLICY CONTROLS.—(1) In addition to the regulations issued pursuant to subsection (a) of this section, regulations issued under section 8 of this Act shall implement the policies set forth in section 3(5).

(2) Such regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 3(5) shall report that fact to the Director, together with such other information concerning such request as the Director may require for such action as the Director considers appropriate for carrying out the policies of that section. Such person shall also report to the Director whether such person intends to comply and whether such person has complied with such request. Any report filed pursuant to this paragraph shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any goods or technology to which such report relates may be kept confidential if the Director determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Director shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Director, considers appropriate for carrying out the policies set forth in section 3(5) of this Act.

(c) PREEMPTION.—The provisions of this section and the regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, or any of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

PROCEDURES FOR HARDSHIP RELIEF FROM EXPORT CONTROLS

SEC. 11. (a) FILING OF PETITIONS.—Any person who, in such person's domestic manufacturing process or other domestic business operation, utilizes a product produced abroad in whole or in part from a good historically obtained from the United States but which has been made subject to export controls, or any person who historically has exported such a good, may transmit a petition of hardship to the Director requesting an exemption from such controls in order to alleviate any unique hardship resulting from the imposition of such controls. A petition under this section shall be in such form as the Director shall prescribe and shall contain information demonstrating the need for the relief requested.

(b) DECISION OF THE DIRECTOR.—Not later than 30 days after receipt of any petition under subsection (a), the Director shall transmit a written decision to the petitioner granting or denying the requested relief. Such decision shall contain a statement setting forth the Director's basis for the grant or denial. Any exemption granted may be subject to such conditions as the Director considers appropriate.

(c) FACTORS TO BE CONSIDERED.—For purposes of this section, the Director's decision with respect to the grant of denial of relief from unique hardship resulting directly or indirectly from the imposition of export controls shall reflect the Director's consideration of factors such as the following:

(1) Whether denial would cause a unique hardship to the petitioner which can be alleviated only by granting an exception to the applicable regulations. In determining whether relief shall be granted, the Director shall take into account—

(A) ownership of material for which there is no practicable domestic market by virtue of the location or nature of the material;

(B) potential serious financial loss to the applicant if not granted an exception;

(C) inability to obtain, except through import, an item essential for domestic use which is produced abroad from the good under control;

(D) the extent to which denial would conflict, to the particular detriment of the applicant, with other national policies including those reflected in any international agreement to which the United States is a party;

(E) possible adverse effects on the economy (including unemployment) in any locality or region of the United States; and

(F) other relevant factors, including the applicant's lack of an exporting history during any base period that may be established with respect to export quotas for the particular good.

(2) The effect a finding in favor of the applicant would have on attainment of the basic objectives of the short supply control program.

In all cases, the desire to sell at higher prices and thereby obtain greater profits shall not be considered as evidence of a unique hardship, nor will circumstances where the hardship is due to imprudent acts or failure to act on the part of the petitioner.

PROCEDURES FOR PROCESSING EXPORT LICENSE APPLICATIONS

SEC. 12. (a) PRIMARY RESPONSIBILITY OF THE DIRECTOR.—(1) All export license applications required under this Act shall be submitted by the applicant to the Director. All determinations with respect to any such application shall be made by the Director, subject to the procedures provided in this section.

(2) It is the intent of the Congress that a determination with respect to any export license application be made to the maximum extent possible by the Director without referral of such application to any other department or agency of the Government.

(3) To the extent necessary, the Director shall seek information and recommendations from the Government departments and agencies concerned with aspects of United States domestic and foreign policies and operations having an important bearing on exports. Such departments and agencies shall cooperate fully in rendering such information and recommendations.

(b) INITIAL SCREENING.—Within 10 days after the date on which any export license application is submitted pursuant to subsection (a)(1), the Director shall—

(1) send the applicant an acknowledgment of the receipt of the application and the date of the receipt;

(2) submit to the applicant a written description of the procedures required by this section, the responsibilities of the Director and of other departments and agencies with respect to the application, and the rights of the applicant;

(3) return the application without action if the application is improperly completed or if additional information is required, with sufficient information to permit the application to be properly resubmitted, in which case if such application is resubmitted, it shall be treated as a new application for the purpose of calculating the time periods prescribed in this section;

(4) determine whether it is necessary to refer the application to any other department or agency and, if such referral is determined to be necessary, inform the applicant of any such department or agency to which the application will be referred; and

(5) determine whether it is necessary to submit the application to a multilateral review process, pursuant to a multilateral agreement, formal or informal, to which the United States is a party and, if so, inform the applicant of this requirement.

(c) ACTION ON CERTAIN APPLICATIONS.—In each case in which the Director determines that it is not necessary to refer an application to any other department or agency for its information and recommendations, a license shall be formally issued or denied within 90 days after a properly completed application has been submitted pursuant to this section.

(d) REFERRAL TO OTHER DEPARTMENTS AND AGENCIES.—In each case in which the Director determines that it is necessary to refer an application to any other department or agency for its information and recommendations, the Director shall, within 30 days after the submission of a properly completed application—

(1) refer the application, together with all necessary analysis and recommendations of the Office, concurrently to all such departments or agencies; and

(2) if the applicant so requests, provide the applicant with an opportunity to review for accuracy any documentation to be referred to any such department or agency with respect to such application for the purpose of describing the export in question in order to determine whether such documen-

tation accurately describes the proposed export.

(e) ACTION BY OTHER DEPARTMENTS AND AGENCIES.—(1) Any department or agency to which an application is referred pursuant to subsection (d) shall submit to the Director, within 30 days after its receipt of the application, the information or recommendations requested with respect to such application. Except as provided in paragraph (2), any such department or agency which does not submit its recommendations within the time period prescribed in the preceding sentence shall be deemed by the Director to have no objection to the approval of such application.

(2) If the head of any such department or agency notifies the Director before the expiration of the time period provided in paragraph (1) for submission of its recommendations that more time is required for review by such department or agency, such department or agency shall have an additional 30-day period to submit its recommendations to the Director. If such department or agency does not submit its recommendations within the time period prescribed by the preceding sentence, it shall be deemed by the Director to have no objection to the approval of such application.

(f) ACTION BY THE DIRECTOR.—(1) Within 90 days after receipt of the recommendations of other departments and agencies with respect to a license application, as provided in subsection (e), the Director shall formally issue or deny the license. In deciding whether to issue or deny a license, the Director shall take into account any recommendation of a department or agency with respect to the application in question. In cases where the Director receives conflicting recommendations, the Director shall, within the 90-day period provided for in this subsection, take such action as may be necessary to resolve such conflicting recommendations.

(2) In cases where the Director receives questions or negative considerations or recommendations from any other department or agency with respect to an application, the Director shall, to the maximum extent consistent with the national security and foreign policy of the United States, inform the applicant of the specific questions raised and any such negative considerations or recommendations, and shall accord the applicant an opportunity, before the final determination with respect to the application is made, to respond in writing to such questions, considerations, or recommendations.

(3) In cases where the Director has determined that an application should be denied, the applicant shall be informed in writing, within 5 days after such determination is made, of the determination, of the statutory basis for denial, the policies set forth in section 3 of the Act which would be furthered by denial, and, to the extent consistent with the national security and foreign policy of the United States, the specific considerations which led to the denial, and of the availability of appeal procedures. In the event decisions on license applications are deferred inconsistent with the provisions of this section, the applicant shall be so informed in writing within 5 days after such deferral.

(4) If the Director determines that a particular application or set of applications is of exceptional importance and complexity, and that additional time is required for negotiations to modify the application or applications, the director may extend any time period prescribed in this section. The Director shall notify the Congress and the applicant of such extension and the reasons therefor.

(g) SPECIAL PROCEDURES FOR SECRETARY OF DEFENSE.—(1) Notwithstanding any other provision of this section, the Secretary of Defense is authorized to review any proposed export of any goods or technology to any country to which exports are controlled for national security purposes and, whenever the Secretary of Defense determines that the export of such goods or technology will make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of any such country, to recommend to the President that such export be disapproved.

(2) Notwithstanding any other provision of law, the Secretary of Defense shall determine, in consultation with the Director, and confirm in writing the types and categories of transactions which should be reviewed by the Secretary of Defense in order to make a determination referred to in paragraph (1). Whenever a license or other authority is requested for the export to any country to which exports are controlled for national security purposes of goods or technology within any such type or category, the Director shall notify the Secretary of Defense of such request, and the Director may not issue any license or other authority pursuant to such request before the expiration of the period within which the President may disapprove such export. The Secretary of Defense shall carefully consider any notification submitted by the Director pursuant to this paragraph and, not later than 30 days after notification of the request, shall—

(A) recommend to the President that he disapprove any request for the export of the goods or technology involved to the particular county if the Secretary of Defense determines that the export of such goods or technology will make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country;

(B) notify the Director that he would recommend approval subject to specified conditions; or

(C) recommend to the Director that the export of goods or technology be approved.

If the President notifies the Director, within 30 days after receiving a recommendation from the Secretary of Defense, that he disapproves such export, no license or other authority may be issued for the export of such goods or technology to such country.

(3) The Director shall approve or disapprove a license application, and issue or deny a license, in accordance with the provisions of this subsection, and, to the extent applicable, in accordance with the time periods and procedures otherwise set forth in this section.

(4) Whenever the President exercises his authority under this subsection to modify or overrule a recommendation made by the Secretary of Defense or exercises his authority to modify or overrule any recommendation made by the Secretary of Defense under subsection (c) or (d) of section 7 of this Act with respect to the list of goods and technologies controlled for national security purposes, the President shall promptly transmit to the Congress a statement indicating his decision, together with the recommendation of the Secretary of Defense.

(h) MULTILATERAL CONTROLS.—In any case in which an application, which has been finally approved under subsection (c), (f), or (g) of this section, is required to be submitted to a multilateral review process, pursuant to a multilateral agreement, formal or informal, to which the United States is a party, the license shall not be issued as prescribed in such subsections, but the Director shall notify the applicant of the approval of the application (and the date of such approval) by the Director subject to such multilateral review. The license shall be issued upon approval of the application under such multilateral review. If such multilateral review has not resulted in a determination with respect to the application within 60 days after such date, the Director's approval of the license shall be final and the license shall be issued, unless the Director determines that issuance of the license would prove detrimental to the national security of the United States. At the time at which the Director makes such a determination, the Director shall notify the applicant of the determination and shall notify the Congress of the determination, the reasons for the determination, the reasons for which the multilateral review could not be concluded within such 60-day period, and the actions planned or being taken by the United States Government to secure conclusion of the multilateral review. At the end of every 60-day period after such notification to Congress, the Director shall advise the applicant and the Congress of the status of the application, and shall report to the Congress in detail on the reasons for the further delay and any further actions being taken by the United States Government to secure conclusion of the multilateral review. In addition, at the time at which the Director issues or denies the license upon conclusion of the multilateral review, the Director shall notify the Congress of such issuance or denial and of the total time required for the multilateral review.

(i) RECORDS.—The Director and any department or agency to which any application is referred under this section shall keep accurate records with respect to all applications considered by the Director or by any such department or agency, including, in the case of the Director, any dissenting recommendations received from any such department or agency.

(j) APPEAL AND COURT ACTION.—(1) The Director shall establish appropriate procedures for any applicant to appeal to the Director the denial of an export license application of the applicant.

(2) In any case in which any action prescribed in this section is not taken on a license application within the time periods established by this section (except in the case of a time period extended under subsection (f)(4) of which the applicant is notified), the applicant may file a petition with the Director requesting compliance with the requirements of this section. When such petition is filed, the Director shall take immediate steps to correct the situation giving rise to the petition and shall immediately notify the applicant of such steps.

(3) If, within 30 days after a petition is filed under paragraph (2), the processing of the application has not been brought into conformity with the requirements of this section, or the application has been brought into conformity with such requirements but the director has not so notified the applicant, the applicant may bring an action in an appropriate United States district court for a restraining order, a temporary or per-

manent injunction, or other appropriate relief, to require compliance with the requirements of this section. The United States district courts shall have jusrisdiction to provide such relief, as appropriate.

VIOLATIONS

SEC. 13. (a) IN GENERAL.—Except as provided in subsection (b) of this section, whoever knowingly violates any provision of this Act or any regulation, order, or license issued thereunder shall be fined not more than five times the value of the exports involved or $50,000, whichever is greater, or imprisoned not more than 5 years, or both.

(b) WILLFUL VIOLATIONS.—(1) Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued thereunder, with knowledge that such exports will be used for the benefit of any country to which exports are restricted for national security or foreign policy purposes—

(A) except in the case of an individual, shall be fined not more that five times the value of the exports involved or $1,000,000, whichever is greater; and

(B) in the case of an individual, shall be fined not more than $250,000, or imprisoned not more than 10 years, or both.

(2) Any person who is issued a validated license under this Act for the export of any good or technology to a controlled country and who, with knowledge that such a good or technology is being used by such controlled country for military or intelligence gathering purposes contrary to the conditions under which the license was issued, willfully fails to report such use to the Secretary of Defense—

(A) except in the case of an individual, shall be fined not more than five times the value of the exports involved or $1,000,000, whichever is greater; and

(B) in the case of an individual, shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.

For the purpose of this paragraph, the term "controlled country" means any country described in section 620(f) of the Foreign Assistance Act of 1961.

(c) CIVIL PENALTIES; ADMINISTRATIVE SANCTIONS.—(1) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $10,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed, except that the civil penalty for each such violation involving national security controls imposed under section 7 of this Act or controls imposed on the export of defense articles and defense services under section 38 of the Arms Export Control Act may not exceed $100,000.

(2)(A) The authority under this Act to suspend or revoke the authority of any United States person to export goods or technology may be used with respect to any violation of the regulations issued pursuant to secton 10(a) of this Act.

(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the regulations issued pursuant to section 10(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(C) Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the regulations issued pursuant to section 10(a) of this Act shall be made available for public inspection and copying.

(d) PAYMENT OF PENALTIES.—The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed. In addition, the payment of any penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.

(e) REFUNDS.—Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within 2 years after payment, on the ground of a material error of fact or law in the imposition of the penalty. Notwithstanding section 1346(a) of title 28, United States Code, no action for the refund of any such penalty may be maintained in any court.

(f) ACTIONS FOR RECOVERY OF PENALTIES.—In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) OTHER AUTHORITIES.—Nothing in subsection (c), (d), or (f) limits—

(1) the availability of other administrative or judicial remedies with respect to violations of this Act, or any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

(3) the authority to compromise, remit or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

ENFORCEMENT

SEC. 14. (a) GENERAL AUTHORITY.—To the extent necessary to appropriate to the enforcement of this Act or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949, the Export Administration Act of 1969, or the Export Administration Act of 1979, the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, a district court of the United States, after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) IMMUNITY.—No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of section 6002 of title 18, United States Code, shall apply with respect to any individual who specifically claims such privilege.

(c) CONFIDENTIALITY.—(1) Except as otherwise provided by the third sentence of section 10(b)(2) and by section 13(c)(2)(C) of this Act, information obtained under this Act on or before the date of enactment of this Act, which is deemed confidential, including Shippers' Export Declarations, or with reference to which a request for confidential treatment is made by the person furnishing such information, shall be exempt from disclosure under section 552 of title 5, United States Code, and such information shall not be published or disclosed unless the Director in his sole discretion determines that the withholding thereof is contrary to the national interest. Information obtained under this Act or the Export Administration Act of 1979 after June 30, 1980, may be withheld only to the extent permitted by statute, except that information obtained for the purpose of consideration of, or concerning, license applications under this Act or the Export Administration Act of 1979 shall be withheld from public disclosure unless the release of such information is determined by the Director in his sole discretion to be in the national interest. This subsection shall not affect any judicial proceeding commenced under section 552 of title 5, United States Code, to obtain access to boycott reports submitted prior to October 31, 1976, which was pending on May 15, 1979; but such proceeding shall be continued as if this Act had not been enacted.

(2) Nothing in this Act shall be construed as authorizing the withholding of information from the Congress or from the General Accounting Office. All information obtained at any time under this Act or previous Acts regarding the control of exports, including any report or license application required under this Act, shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this Act or previous Acts regarding the control of exports which is submitted on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest. Notwithstanding paragraph (1) of this subsection, information referred to in the second sentence of this paragraph shall, consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities, as determined by the agency that originally obtained the information, and consistent with the provisions

of section 313 of the Budget and Accounting Act, 1921, be make available only by that agency, upon request, to the Comptroller General of the United States or to any officer or employee of the General Accounting Office who is authorized by the Comptroller General to have access to such information. No officer or employee of the General Accounting Office shall disclose, except to the Congress in accordance with this paragraph, any such information which is submitted on a confidential basis and from which any individual can be identified.

(3) Departments or agencies which obtain information which is relevant to the enforcement of this Act shall furnish such information to the department or agency with enforcement responsibilities under this Act to the extent consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities, except that—

(A) the provisions of this paragraph shall not apply to information subject to the restrictions set forth in section 9 of title 13, United States Code; and

(B) return information, as defined in subsection (b) of section 6103 of the Internal Revenue Code of 1954, may be disclosed only as authorized by such section.

(d) REPORTING REQUIREMENTS.—In the administration of this Act, reporting requirements shall be so designed as to reduce the cost of reporting, recordkeeping, and export documentation required under this Act to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology.

(e) SIMPLIFICATION OF REGULATIONS.—The Director, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 7(g), shall reveiw the regulations issued under this Act and the commodity control list in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such regulations, by simplifying or clarifying such list, or by any other means.

EXEMPTION FROM CERTAIN PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 15. (a) EXEMPTION.—Except as provided in section 13(c)(2), the functions exercised under this Act are excluded from the operation of sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

(b) PUBLIC PARTICIPATION.—It is the intent of the Congress that, to the extent practicable, all regulations imposing controls on exports under this Act be issued in proposed form with meaningful opportunity for public coment before taking effect. In cases where a regulation imposing controls under this Act is issued with immediate effect, it is the intent of the Congress that meaningful opportunity for public comment also be provided and that the regulation be reissued in final form after public comments have been fully considered.

ANNUAL REPORT

SEC. 16. (a) CONTENTS.—Not later than December 31 of each year, the Director shall submit to the Congress a report on the administration of this Act during the preceding fiscal year. All agencies shall cooperate fully with the Director in providing information for such report. Such report shall include detailed information with respect to—

(1) the implementation of the policies set forth in section 3;

(2) general licensing activities under sections 7, 8, and 9, and any changes in the exercise of the authorities contained in sections 7(a), 8(a), and 9(a);

(3) the results of the review of United States policy toward individual countries pursuant to section 7(b);

(4) the results, in as much detail as may be included consistent with the national security and the need to maintain the confidentiality of proprietary information, of the actions, including reviews and revisions of export controls maintained for national security purposes, required by section 7(c)(3);

(5) actions taken to carry out section 7(b);

(6) changes in categories of items under export control referred to in section 7(e);

(7) determinations of foreign availability made under section 7(f), the criteria used to make such determinations, the removal of any export controls under such section, and any evidence demonstrating a need to impose export controls for national security purposes notwithstanding foreign availability;

(8) actions taken in compliance with section 7(f)(5);

(9) consultations with the technical advisory committees established pursuant to section 7(g), the use made of the advice rendered by such committees, and the contributions of such committees toward implementing the policies set forth in this Act;

(10) the effectiveness of export controls imposed under section 8 in furthering the foreign policy of the United States;

(11) export controls and monitoring under section 9;

(12) the information contained in the reports required by section 9(b)(2), together with an analysis of—

(A) the impact on the economy and world trade of shortages or increased prices for commodities subject to monitoring under this Act or section 812 of the Agricultural Act of 1970;

(B) the worldwide supply of such commodities; and

(C) actions being taken by other countries in response to such shortages or increased prices;

(13) actions taken by the President and the Director to carry out the antiboycott policies set forth in section 3(5) of this Act;

(14) organizational and procedural changes undertaken in furtherance of the policies set forth in this Act, including changes to increase the efficiency of the export licensing process and to fulfill the requirements of section 12, including an analysis of the time required to process license applications, the number and disposition of export license applications taking more than 90 days to process, and an accounting of appeals received, court orders issued, and actions taken pursuant thereto under subsection (j) of such section;

(15) delegations of authority by the President as provided in section 6(e) of this Act;

(16) efforts to keep the business sector of the Nation informed with respect to policies and procedures adopted under this Act;

(17) any reviews undertaken in furtherance of the policies of this Act, including the results of the review required by section 14(d), and any action taken, on the basis of the review required by section 14(e), to simplify regulations issued under this Act;

(18) violations under section 13 and enforcement activities under section 14; and

(19) the issuance of regulations under the authority of this Act, including an explanation of each case in which regulations were not issued in accordance with the first sentence of section 15(b).

(b) REPORT ON CERTAIN EXPORT CONTROLS.—To the extent that the President determines that the policies set forth in section 3 of this Act require the control of the export of goods and technology other than those subject to multilateral controls, or require more stringent controls than the multilateral controls, the President shall include in each annual report the reasons for the need to impose, or to continue to impose, such controls and the estimated domestic economic impact on the various industries affected by such controls.

(c) REPORT ON NEGOTIATIONS.—The President shall include in each annual report a detailed report on the progress of the negotiations required by section 7(j), until such negotiations are concluded.

REGULATORY AUTHORITY

SEC. 17. The President and the Director may issue such regulations as are necessary to carry out the provisions of this Act. Any such regulations issued to carry out the provisions of section 7(a), 8(a), 9(a), or 10(b) may apply to the financing, transporting, or other servicing of exports and the participation therein by any person.

TRANSFER OF FUNCTIONS

SEC. 18. (a) TRANSFERS TO DIRECTOR.—In addition to authorities and responsibilities elsewhere provided for in this Act, there are transferred to the Office of Strategic Trade the following functions and authorities:

(1) those of the Offices of East-West Trade and Munitions Control of the Department of State with respect to the munitions list pursuant to the Arms Export Control Act; and

(2) such other functions and authorities, not specifically or otherwise vested or delegated by statute, as the director, in consultation with the Director of the Office of Management and Budget, determine to be appropriate.

(b) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, in consultation with the Director, is authorized and directed to make such determinations as may be necessary with regard to the transfer of functions which relate to or are utilized by an agency, commission or other body, or component thereof affected by this Act, to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions transferred by this Act, as he may deem necessary to accomplish the purposes of this Act.

EFFECT ON OTHER ACTS

SEC. 19. (a) IN GENERAL.—Nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

(b) COORDINATION OF CONTROLS.—The authority granted to the President under this Act shall be exercised in such manner as to achieve effective coordination with the authority exercised under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(c) CIVIL AIRCRAFT EQUIPMENT.—Notwithstanding any other provision of law, any

product (1) which is standard equipment, certified by the Federal Aviation Administration, in civil aircraft and is an integral part of such aircraft, and (2) which is to be exported to a country other than a controlled country, shall be subject to export controls exclusively under this Act. Any such product shall not be subject to controls under section 38(b)(2) of the Arms Export Control Act. For purposes of this subsection, the term "controlled country" means any country described in section 620(f) of the Foreign Assistance Act of 1961.

(d) NONPROLIFERATION CONTROLS.—(1) Nothing in section 7 or 8 of this Act shall be construed to supersede the procedures published by the President pursuant to section 109(c) of the Nuclear Non-Proliferation Act of 1978.

(2) With respect to any export license application which, under the procedures published by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, is referred to the Subgroup on Nuclear Export Coordination or other interagency group, the provisions of section 12 of this Act shall apply with respect to such license application only to the extent that they are consistent with such published procedures, except that if the processing of any such application under such procedures is not completed within 180 days after the receipt of the application by the Director, the applicant shall have the rights of appeal and court action provided in section 12(j) of this Act.

(e) TERMINATION OF OTHER AUTHORITY.—On October 1, 1979, the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611-1613d), is superseded.

AUTHORIZATION OF APPROPRIATIONS

SEC. 20. (a) REQUIREMENT OF AUTHORIZING LEGISLATION.—Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act unless previously and specifically authorized by law.

(b) AUTHORIZATION.—There are authorized to be appropriated to carry out the purposes of this Act—

(1) $ for each of the fiscal years 1984 through 1987; and

(2) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.

EFFECTIVE DATE

SEC. 21. This Act shall take effect upon the expiration of the Export Administration Act of 1979.

TERMINATION DATE

SEC. 22. The authority granted by this Act terminates on September 30, 1987, or upon any prior date which the President by proclamation may designate.

SAVINGS PROVISIONS

SEC. 23. (a) IN GENERAL.—All delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action which have been made, issued, conducted, or allowed to become effective under the Export Control Act of 1949, the Export Administration Act of 1969, or the Export Administration Act of 1979 and which are in effect at the time this Act takes effect shall continue in effect according to their terms until modified, superseded, set aside, or revoked under this Act.

(b) ADMINISTRATIVE PROCEEDINGS.—This Act shall not apply to any administrative proceedings commenced or any application for a license made, under the Export Administration Act of 1979, which is pending at the time this Act takes effect.

TECHNICAL AMENDMENTS

SEC. 24. (a) Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by striking out "section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act" and inserting in lieu thereof "section 13 of the Office of Strategic Trade Act of 1983 and by subsections (a) and (c) of section 14 of such Act".

(b)(1) Section 103(c) of the Energy Policy and Conservation Act (42 U.S.C. 6212(c)) is amended by striking out "Export Administration Act of 1979" and inserting in lieu thereof "Office of Strategic Trade Act of 1983".

(2) Section 254(e)(3) of such Act (42 U.S.C. 6274(e)(3)) is amended by striking out "section 12 of the Export Administration Act of 1979" and inserting in lieu thereof "section 14 of the Office of Strategic Trade Act of 1983".

(c) Section 993(c)(2)(D) of the Internal Revenue Code of 1954 (26 U.S.C. 993(c)(2)(D)) is amended—

(1) by striking out "7(a) of the Export Administration Act of 1979" and inserting in lieu thereof "9(a) of the Office of Strategic Trade Act of 1983"; and

(2) by striking out "(A)" and inserting in lieu thereof "(C)".

(d) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following item: "Director of Strategic Trade.".

(e) Section 5315 of such title is amended by adding at the end thereof the following: "Assistant Directors, Office of Strategic Trade (4).".

AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947

SEC. 25. The fourth paragraph of section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating clauses (5), (6), and (7) as clauses (6), (7), and (8), respectively; and

(2) by inserting after clause (4) the following new clause: "(5) the Director of Strategic Trade;".

SECTION-BY-SECTION-ANALYSIS

TITLE

Section 1 of the bill would provide that the bill may be cited as the "Office of Strategic Trade Act of 1983."

FINDINGS

Section 2(1) would state a finding by Congress that the ability of U.S. citizens to engage in international commerce is a fundamental concern of U.S. policy.

Section 2(2) would state a finding by Congress that it is important for the U.S. national interest that both the private sector and the Federal Government place a high priority on exports, which emphasis would strengthen the U.S. economy.

Section 2(3) would state a finding by Congress that uncertainty of export control policy can inhibit the efforts of American business and work to the detriment of the overall attempt to improve the U.S. trade balance.

Section 2(4) would state a finding by Congress that the failure to restrict the transfer of national security-sensitive technology and goods to the Soviet Union and other unfriendly nations has led to the significant enhancement of Soviet bloc military-industrial capabilities, thereby creating a greater threat to the security of the United States, its allies and other friendly nations, and increasing the U.S. defense budget.

Section 2(5) would state a finding by Congress that the failure to restrict the export of national security-sensitive technology is attributable in large part to the diffusion of decisionmaking responsibilities regarding strategic trade matters among several Federal agencies, and the lack of adequately trained and disciplined personnel.

Section 2(6) would state a finding by Congress that because of the overlapping and frequently confusing responsibilities of the many Federal agencies that administer controls over strategic trade, the U.S. export control system has not served national security, foreign policy, or export interests effectively.

Section 2(7) would state a finding by Congress that it is important that the administration of export controls imposed for national security purposes give special emphasis to the need to control exports of goods and technology (and goods which contribute significantly to the transfer of such technology) that could make a significant contribution to the military potential of any country or combination of countries which would be detrimental to U.S. national security interests.

Section 2(8) would state a finding by Congress that the availability of certain materials at home and abroad varies so that the quantity and composition of United States exports and their distribution among importing countries may affect the welfare of the domestic economy and may have an important bearing upon fulfillment of U.S. foreign policy.

Section 2(9) would state a finding by Congress that minimization of restrictions for reasons of national security and/or foreign policy on exports of agricultural commodities and products is of critical importance to the maintenance of a positive balance of payments, to reducing the level of Federal expenditures for agricultural support programs, and to U.S. cooperation in efforts to eliminate malnutrition and world hunger.

DECLARATION OF POLICY

Section 3(1) would declare U.S. policy to be to minimize uncertainties in export control policy and encourage trade except with countries with which the President has determined trade to be against the national interest.

Section 3(2) would declare U.S. policy to be to restrict exports only after full consideration of the impact on the U.S. economy and only to the extent necessary: (A) to prevent the export or re-export of goods and technology which would make a significant contribution to the military potential of foreign nations which would prove detrimental to U.S. national security; (B) to further significantly U.S. foreign policy or fulfill its declared international obligations; and (C) to protect the domestic economy from the excessive drain of scarce materials.

Section 3(3) would declare U.S. policy to be (A) to apply any necessary controls to the maximum extent possible in cooperation with all nations, and (B) to encourage observance of a uniform export control policy by all nations with which the U.S. has defense treaties or common strategic objectives.

Section 3(4) would declare U.S. policy to be to use its economic resources and trade potential to further sound growth and eco-

nomic stability as well as its national security and foreign policy objectives.

Section 3(5) would declare U.S. policy to be to (A) oppose boycotts against countries friendly to the U.S.; (B) encourage and require U.S. exporters to refuse to take actions, including furnishing information, which further or support such boycotts; and (C) foster international cooperation, rules and institutions to ensure reasonable access to world supplies.

Section 3(6) would declare U.S. policy to be that the desirability of subjecting, or continuing to subject, particular goods or technology or other information to U.S. export controls should be subjected to review by and consultation with representatives of appropriate U.S. Government agencies.

Section 3(7) would declare U.S. policy to be to use export controls, including license fees, to secure removal of foreign restrictions on access to supplies under certain circumstances, and require the President to make reasonable prompt efforts to secure access through international cooperation before imposing controls; and exempt medicine or medical supplies from controls.

Section 3(8) would declare U.S. policy to be to use export controls to counter international terrorism and require the President to make reasonable and prompt efforts to counter terrorism through international cooperation before imposing controls.

Sections 3(9) would declare U.S. policy to be to cooperate with nations with which the U.S. has defense treaties or common strategic objectives to restrict exports which would make a significant contribution to the military potential of any country which would prove detrimental to U.S. security and the security of countries with which the U.S. has defense treaties or common strategic objectives.

Section 3(10) would declare U.S. policy to be to minimize restrictions on the export of agricultural commodities and products.

Section 3(11) would declare U.S. policy to be to encourage other friendly countries to cooperate in restricting the sale of goods and technology that can harm the security of the United States.

DEFINITIONS

Section 4(1) would define "person", as currently provided for in the Export Administration Act, so as to include singular and plural, and any individual, partnership, corporation, or other form of association, including any government or agency thereof.

Section 4(2) would define "United States person" as currently provided for in the Export Administration Act of 1979.

Section 4(3) would modify the definition of "good", as provided for in the Export Administration Act of 1979, so as to include specifically both natural and manmade substances.

Section 4(4) would provide an expanded definition of the term "technology", so as to include every aspect of technology and information, including its use, and information and knowhow that is important to that use, whether that technology were transmitted in a tangible form (such as published material) or an intangible form (such as training and instruction). "Technology" is so defined as to also apply to such goods, regardless of the end-use classification of the goods.

Section 4(5) would define "export of goods" so as to include actual transmission or shipment of goods out of the United States, including diversion or reshipment of goods to a destination other than that indicated to the appropriate United States authority.

Section 4(6) would define "export of technology" as an actual shipment or transmission of technology out of the United States or any release of technology of U.S. origin in a foreign country.

Section 4(7) would define "Director" as the Director of the Office of Strategic Trade.

Section 4(8) would define "Office" as the Office of Strategic Trade.

Section 4(9) would define "United States" as to include the States of the Union, its commonwealths, territories (whether leased or owned), its dependencies, and the District of Columbia.

ESTABLISHMENT OF OFFICERS, FUNCTIONS, AND STRUCTURE OF OFFICE OF STRATEGIC TRADE

Section 5(a)(1) would establish as an independent executive agency an Office of Strategic Trade (OST), to be headed by a Director of Strategic Trade, who would be appointed by the President with the advice and consent of the Senate, and who would serve for a term of four years, and who would be assisted by a Deputy Director of Strategic Trade. The Office would be administered under the supervision and direction of the Director, who would exercise all of the executive and administrative functions and authorities conferred in the Office by the Act. The Director or his designee would act as Chairman of the Interagency Advisory Committee for Export Policy (ACEP), which would consist of representatives from the Department of Commerce, the Department of State, the Department of Defense, the Department of Energy, the Department of the Treasury, the CIA, and NASA.

Section 5(a)(2) would establish in the Office of the Director of the OST an Exporter Services Facility to act as liaison to the business community and to the public.

Section 5(b)(1) would establish in the Office an Operations Division headed by an Assistant Director for Operations. The Assistant Director for Operations would be responsible for the processing of export licenses, monitoring conformity of export licenses to applicable terms and conditions, and such other functions as the Director may determine to be appropriate.

Section 5(b)(2) would establish in the Office a Compliance Division, headed by an Assistant Director for Compliance, which would carry out functions performed prior to the effective date of the Act by the Deputy Assistant Secretary of Commerce for Export Enforcement. The Compliance Division would also have power to conduct physical inspection of controlled items, although the intention is that enforcement arrangements with the U.S. Customs Service with regard to enforcement of export controls would be continued, and expanded as needed.

Section 5(b)(3) would establish in the Office a CoCom Division headed by an Assistant Director for CoCom Affairs which would carry out functions relating to the representation of technical positions (including those of military and strategic significance) in connection with the Coordinating Committee for Multilateral Export Controls (CoCom) and provide representatives to the Department of State to assist in CoCom negotiations.

Section 5(b)(4) would establish in the Office a Licensing Division, headed by an Assistant Director for Licensing, which would be responsible for the evaluation of criteria and establishment of policy relating to the commodity control list, munitions control list, foreign policy controls, and short supply controls. The Licensing Division would prepare draft documents and license criteria for license applications and submit such documents to the ACEP for review. Also within the Licensing Division would be: (A) an Office of the Operating Committee which would conduct and monitor the interagency flow of license documents; (B) an Office of Computer Licensing, which would prepare draft documunts analyzing criteria for licensing with respect to computers; (C) an Office of Capital Goods Licensing which would prepare draft documents analyzing criteria for licensing with respect to capital goods; (D) an Office of Electronics, which would prepare draft documents analyzing criteria for licensing with respect to electronics; (E) an Office of Short Supply Licensing which would prepare draft documents analyzing criteria for licensing with respect to the field of short supplies; (F) an Office of Munitions Control which would carry out the functions formerly carried out by the Department of State's Office of Munitions Control in maintaining the munitions control list; (G) an Office of Technological Data which would monitor and review the transfer of unembodied technology and knowledge through cultural exchange, educational, or other programs or means; (H) an Office of Evaluation which would evaluate commodity control lists, make recommendations for additions or deletions thereto, and assess foreign availability; (I) an Office of Foreign Policy Controls which would formulate and maintain the list of foreign policy controls, in consultation with the Export Administration Review Board.

Section 5(b)(5) would establish in the Office a General Counsel.

GENERAL PROVISIONS

Section 6(a) would enable the Director to require any of the following types of export licenses: (1) a validated license, authorizing a specific export issued pursuant to an application by the exporter; (2) a qualified general license, authorizing multiple exports issued pursuant to an application by the exporter; (3) a general license, authorizing exports without application by the exporter; and (4) such other licenses as may assist in the effective and efficient implementation of the Act.

Section 6(b) would instruct the Director to establish and maintain a "commodity control list" consisting of any goods or technology subject to export controls under the Act.

Section 6(c) would prevent the imposition of export controls for foreign policy or national security reasons when the President determines adequate evidence has been presented that the goods or technology are available without restrictions from sources outside of the U.S. in comparable quantities and comparable in quality to those produced in the U.S., and that adequate evidence has been presented demonstrating that the absence of such controls would not prove detrimental to U.S. foreign policy or national security.

Section 6(d) would provide that no authority or permission to export may be required under the Act except to carry out the policies set forth in Section 3.

Section 6(e) would authorize the President to delegate his authority under the Act to such Government departments, agencies or officials as he chooses, but not to any official of any department or agency the head

of which is not appointed by the President with the advice and consent of the Senate. He would also not be allowed to delegate his authority to overrule or modify any recommendation or decision made by the Director, Secretary of Defense, or the Secretary of State pursuant to the Act.

Section 6(f) would require the Director to keep the public fully apprised of any changes in export control policy and procedure under the Act and to establish procedures for consultation with business, labor, and private citizens.

NATIONAL SECURITY CONTROLS

Section 7(a) would authorize the President to control exports under U.S. jurisdiction for national security purposes. The authorities and duties contained in this subsection would be exercised by the Director, in consultation with the Secretary of Defense, and other departments or agencies the Director considers appropriate, implemented by means of licenses as described in section 6(a). In accordance with section 12, the Secretary of Defense would have the right to review any export application under this section.

Section 7(a)(2)(A) would require that the Director publish in the Federal Register any revisions in export controls.

Section 7(a)(2)(B) would require the Director to notify an applicant in the event a license is denied under this section, and include in such notice what, if any, modifications in the goods or technology would make such export possible or give the names of officials who could advise the applicant about such modifications.

Section 7(a)(3) would require the Director, in issuing regulations to carry out this section, to give particular attention to the devising of effective safeguards to prevent a country that poses a threat to U.S. security from diverting covered goods and technologies to military use and to the need to take effective measures to prevent the reexport of such items from other countries to countries that pose a threat to U.S. security.

Section 7(b) would require U.S. export policy toward individual countries not to be based exclusively on whether or not a country is communist, but to take into account whether its policies are adverse to U.S. national security interests, the country's present and potential relationship to the U.S. and to countries friendly or hostile to the U.S., its ability and willingness to control retransfers of U.S. exports, and such other factors as the President considers appropriate. Such policy would be required to be reviewed every three years in the case of multilateral controls and annually it the case of all other controls.

Section 7(c)(1) would require the Director to estabish and maintain, as a part of the commodity control list, a national security control list containing all items subject to control under this section.

Section 7(c)(2) would require the Secretary of Defense and other appropriate departments and agencies to identify items for inclusion on the national security control portion of the commodity control list. Those items that the Director and the Secretary of Defense concur on would comprise the list. Disagreements would be referred by the Director to the President for resolution.

Section 7(c)(3) would require the Director to issue regulations providing for review of the national security control list, every 3 years in the case of multilateral controls and annually in the case of all other controls. Such a review would be conducted with input from concerned government and private entities and take into account foreign availability. The Director and any agency rendering advice would be required to keep a record of decisions made with regard to list revision, and factors affecting such decisionmaking.

Section 7(d)(1) would require the Secretary of Defense, in consultation with the Director, to review the national security control list to insure that controls are limited to military critical items and the mechanisms through which these may be transferred.

Section 7(d)(2) would give the Secretary of Defense primary responsibility for the inclusion in the national security control list of militarily critical technologies, giving primary emphasis to: (A) arrays of design and manufacturing, know-how, (B) keystone manufacturing, inspection, and test equipment, (C) goods accompanied by sophisticated operation, application, or maintenance know-how, and (D) goods (i) which would extend, complete, maintain, or modernize a process line employed in the application of a militarily critical technology, or (ii) the analysis of which would give insight into a U.S. military system and would thereby facilitate either the duplication of that system or the development of counter measures against it, which, according to the Secretary of Defense are not available to countries to which exports are controlled and which, if exported, would permit a significant advance in a military system of any such country.

Section 7(d)(3) would require that the description of military critical technologies referred to in paragraph (2) be sufficiently specific to guide licensing officials.

Section 7(e) would create, within the Office of the Under Secretary for Defense Policy, a National Security Control Agency to assist the Secretary of Defense in carrying out his responsibilities under the Act. The intention is to formulize current export control operations at the Department of Defense and thereby task certain individuals specifically with those responsibilities. No additional funding, beyond that provided in other statutes, would be authorized by this provision. It is intended that this office would be provided with sufficient resources to enable the Secretary of Defense to fulfill adequately and expeditiously his responsibilities under the Act.

Section 7(f) would require the Secretary of Defense to report annually to the Congress any actions taken to carry out this section.

Section 7(g)(1) would state a finding by Congress that licensing efficiency is hampered by the large volume of validated export license applications. Accordingly, the Congress would encourage in this subsection the use of a qualified general license.

Section 7(g)(2) would advise the Director, to require a qualified general license in lieu of a validated license for the export of goods or technology to the maximum extent practicable, consistent with U.S. national security, except where (A) the U.S. is party to multilateral controls requiring specific approval for export; or (B) the U.S. is seeking to apply multilateral controls and, in the judgment of the Director, U.S. controls through the use of the validated license are necessary prior to the conclusion of such an agreement.

Section 7(g)(3) would authorize the Director to require a qualified general license in lieu of a validated license in the case of multilateral controls not requiring specific approval for export.

Section 7(h) would require the Director, in consultation with the Secretary of Defense and other appropriate Government agencies as well as with appropriate technical advisory committees established pursuant to subsection (i), to review, on a continuing basis, the foreign availability of items requiring a validated license. In any case in which the Director determines that any such items are available in comparable quantity and of comparable quality so that the requirement of a validated license would have no effect in achieving national security control purposes, the Director would not be permitted to require a validated license for such exports, unless the President determines that the absence of such controls would prove detrimental to U.S. national security, in which case the Director would be required to publish the President's determination, a statement of its basis, and an estimation of its economic impact.

Section 7(h)(2) would require the Director to approve, subject to paragraph (4), any application for a validated license when foreign availability of the items involved, in comparable quantity and of comparable quality, has been determined.

Section 7(h)(3) would require that any determination of foreign availability which is the basis of a decision to grant a license for, or remove a control on, the export of an item, be made in writing and supported by reliable evidence.

Section 7(h)(4) would declare a finding of foreign availability to be applicable only after the Secretary of State verifies that negotiations with the appropriate foreign governments have been undertaken. Assessment of comparable quantity or quality would include the following factors: cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, technological data packages, back-up packages, long-term durability, scale of production, ease with which machinery will be integrated in the mode of production, and spoilages and tolerance factors for end products produced by the machinery. When controls are imposed despite foreign availability the President would be required to initiate negotiations to eliminate such availability. Whenever the President believes that controlled items may become availability from foreign sources to controlled countries and that such availability can be prevented or eliminated by negotiations, the President would be required to initiate such negotiations.

Section 7(h)(5) would require the Director to establish within the Office a capability to monitor and gather information concerning foreign availability of items subject to export controls.

Section 7(h)(6) would require each department or agency with export control responsibilities to furnish information to the Office concerning foreign availability of goods and technology subject to export controls, and require the Office to furnish the information it gathers on foreign availability to such departments and agencies upon request.

Section 7(i)1 would require the Director, upon written request from a substantial segment of any industry involved, to appoint a technical advisory committee for any item subject to export controls or being considered for export controls which the Director determines are difficult to evaluate because of questions, concerning technical matters, worldwide availability, and actual utilization of production and technology, or licensing procedures. Each such committee would

consist of representatives of U.S industry and Government, including the Departments of Defense, State, and Commerce, the intelligence community, and, at the discretion of the Director, other Government departments or agencies. No industry representative would serve for more than four years consecutively.

Section 7(i)(2) would give the responsibility to the Technical Advisory Committees to advise and assist the Director, the Secretary of Defense and other relevant officials with respect to export controls for national security purposes. Nothing in this subsection would prevent the Director or the Secretary of Defense from consulting with persons outside of such committees. Members of the public would be given reasonable opportunity to present relevant material to such committees.

Section 7(i)(3)(4)(5) would state provisions covering reimbursement of committee members for expenses, committee procedures, and the termination or extension of such committees.

Section 7(i)(6) would require the Director, in the case of a finding of foreign availability of export items by a technical advisory committee, to remove the requirement for a validated license for such items—after investigating and verifying the committee's finding—unless the President determines that the absence of export controls would prove detrimental to U.S. national security. In the case of such an action by the President, the Director would be required to publish the determination together with a statement of its basis and its estimated economic impact.

Section 7(j) would require the President to negotiate with the governments participating in the Coordinating Committee (CoCom) for the purpose of reaching agreements to: (1) publish a CoCom list of controlled exports; (2) hold periodic high-level meetings; and (3) establish more effective procedures for enforcing CoCom export controls.

Section 7(k)(1) would require any U.S. firm that enters into an arrangement with a country to which exports are restricted for national security purposes to report the agreement to the Director if it calls for the encouragement of technical cooperation and is intended to result in the export of unpublished technical data.

Section 7(k)(2) would exempt colleges, universities and other educational institutions from the requirement of paragraph (1), except where the unpublished data involve a technology identified by the Secretary of Defense as a militarily critical technology.

Section 7(l) would give the Secretary of State, in consultation with the Secretary of Defense, the Director, and the heads of other appropriate departments and agencies, the responsibility for conducting negotiations to obtain international cooperation on national security controls.

Section 7(m)(1) would provide that, whenever exports subject to national security controls have been diverted to an unauthorized use or consignee in violation of the export license, the Director, for as long as that diversion continues, (A) deny all further exports to or by the party responsible for that diversion of exports, regardless of foreign availability; and (B) may take such additional steps with respect to the party referred to as he determines are appropriate in the circumstances to deter the further unauthorized diversion of exports.

Section 7(m)(2) would define "diversion to an unauthorized use or consignee" to mean the use of U.S. goods or technology to design or produce or maintain or contribute to the design, production, or maintenance of any item on the U.S. Munitions List, or the transfer of U.S. goods or technology to any consignee or end user engaged in or contributing to such design, production, or maintenance.

Section 7(n) would require the Director, Secretary of Defense, and other departments of agencies consulted in connection with a license application or a revision of a list of controlled items to keep records of their advice, recommendations, or decisions.

FOREIGN POLICY CONTROLS

Section 8(a)(1) would authorize the President to control the export of any items subject to U.S. jurisdiction or exported by any person subject to U.S. jurisdiction to the extent necessary to significantly further U.S. foreign policy. This authority would be exercised by the Director, in consultation with the Secretary of State and such other departments or agencies as the Director considers appropriate, and would be implemented by means of export licenses.

Section 8(a)(2) would provide for the expiration of foreign policy controls after one year unless such controls are extended by the President.

Section 8(a)(3) would require the Director, whenever he denies any export license for foreign policy reasons, to specify in the notice to the applicant the reason for denial and any modifications in or restrictions on the item for which the license was sought that would make it compatible with controls.

Section 8(a)(4) would authorize the Secretary of State to review any export license application under this section at his request.

Section 8(b) would require the President to consider, when imposing, expanding, or extending export controls: (1) the probability that such controls will achieve the intended purpose; (2) the compatibility of the proposed controls with U.S. foreign policy objectives, including the effort to combat international terrorism; (3) the reaction of other countries to the imposition or expansion of controls; (4) the likely effects of controls on U.S. export performance, on the competitive position of the U.S., on the reputation of the U.S. as a supplier of goods and technology, and on individual U.S. companies; (5) the enforceability of the proposed controls; and (6) the foreign policy consequences of not imposing controls.

Section 8(c) would require the Director, before imposing export controls for foreign policy reasons, to consult with affected U.S. industries with respect to the effectiveness of proposed controls, their effects on U.S. industry, and such other matters as the Director deems appropriate.

Section 8(d) would require the President, before resorting to foreign policy controls, to determine that reasonable efforts have been made to achieve the purposes of the controls through negotiations or alternative means.

Section 8(e) would require the President to consult with Congress before imposing foreign policy controls and to notify Congress immediately whenever such controls are imposed, expanded, or extended. The report submitted with that notification would include: (1) the President's conclusions with respect to each of the criteria set forth in subsection (b); and (2) the nature and results of any alternative means attempted, or the reasons for imposing controls without attempting any such alternative means. The report would also indicate how controls would further significantly U.S. foreign policy.

Section 8(f) would prohibit the imposition of foreign policy controls on medicine or medical supplies, and in the case of controls on food exports, would require the Director to notify the Secretary of State, when developed countries are affected, and the Director of the U.S. International Development Cooperation Agency (IDCA), when developing countries are affected, before such controls are imposed. Those two officials would be required to determine whether the proposed controls would cause malnutrition and to inform the Director of that determination. If the Director is informed that malnutrition would result, the imposition of controls would be prohibited, unless the President determines that those controls are necessary for U.S. national security, or unless the President determines that arrangements are insufficient to ensure that the food will reach those most in need. Each such determination by the Secretary of State or the Director of the IDCA, and any such determination by the President, would be reported to the Congress, together with a statement of the reasons for that determination. The intent of Congress would be declared to be that the President not impose foreign policy controls on any item if he determines that the principal effect of the export of such item would be to help meet basic human needs. The power of the President to impose restrictions on medical supplies or food under the International Emergency Economic Powers Act would not be affected.

Section 8(g) would require the President to negotiate with appropriate foreign governments to restrict foreign availability of items controlled under this section.

Section 8(h) would stipulate that the provisions of subsections (b), (c), (d), (f), and (g) would not apply in any case in which the President imposes foreign policy controls in fulfillment of U.S. obligations under treaties or other international agreements.

Section 8(i) would require the Director and the Secretary of State to notify the House Foreign Affairs Committee and the Senate Banking, Housing, and Urban Affairs Committee before any license is approved for the export of any items valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations: (1) such country has repeatedly provided support for international terrorism; (2) such exports would make a significant contribution to the military potential of such country or would enhance the ability of such country to support acts of international terrorism.

Section 8(j)(1) would require that crime control and detection instruments be approved for export by the Director only pursuant to a validated export license.

Section 8(j)(2) would exempt members of NATO, Japan, Australia, New Zealand and other countries designated by the President from the provisions of this subsection.

Section 8(k) would require the Director to maintain as a part of the commodity control list, a list of goods subject to export controls for foreign policy reasons. The list would be compiled by the Secretary of State with the concurrence of the Director, with disagreements being referred to the President. The list would be reviewed every 3 years in the case of multilateral controls and annually in the case of all others, for the purpose of making necessary revisions. An assessment of foreign availability would be included in any such review.

SHORT SUPPLY CONTROLS

Section 9(a)(1) would authorize the President to control exports subject to U.S. jurisdiction or by any person subject to U.S. jurisdiction, and the financing, transporting, and services thereof, to the extent necessary to carry out the policies set forth in Section 3. When controlling exports for short supply reasons the President is authorized to allocate some licenses on the basis of factors other than prior exporting history.

Section 9(a)(2) would require the Director to publish a notice in the Federal Register inviting all interested parties to submit written comments concerning export restrictions.

Section 9(a)(3) would authorize the President to impose export license fees when imposing controls pursuant to section 9(a)(1) of the Act.

Section 9(b)(1) would require the Secretary of Commerce to monitor exports and export contracts of any non-agricultural goods when the volume in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage, and such price increase or shortage has, or may have, a serious impact on the economy, any sector thereof, or any industry or substantial segment thereof. Monitoring would be required to commence early enough to provide sufficient data for the purposes of the Act.

Section 9(b)(2) Weekly monitoring reports would be required unless the Secretary of Commerce determines information is only sufficient for monthly reports.

Section 9(b)(3) would require the Director in consultation with the Secretary of Energy to determine whether monitoring or export controls are warranted with respect to non-nuclear energy-related goods.

Section 9(c)(1)(A) would enable any entity, representing an industry which processes metallic materials capable of being recycled with respect to which increased exports (and the attendant increase in domestic prices or a domestic shortage) have or may have a significant adverse effect on the national economy or any sector thereof, to petition the Director requesting the monitoring of exports, or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(c) of this Act.

Section 9(c)(1)(B) would require that each petition be in a form as prescribed by the Director and contain information in support of the action requested. The petition would include any information reasonably available to the petitioner indicating (i) that there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply and (ii) that there has been a significant increase in the price of such material or a domestic shortage of such material under circumstances indicating the price increase or domestic shortage may be related to exports.

Section 9(c)(2) would require that within 15 days after receipt of any petition described in paragraph (1), the Director shall publish a notice in the Federal Register. The notice would (A) include the name of the material which is the subject of the petition, (B) include the Schedule B number of the material as set forth in the Statistical Classification of Domestic and Foreign Commodities Exported from the United States, (C) indicate whether the petitioner is requesting that controls or monitoring, or both, be imposed with respect to the exportation of such material, and (D) provide that interested persons shall have a period of 30 days commencing with the date of publication of such notice to submit to the director written data, views, or arguments, with or without opportunity for oral presentation, with respect to the matter involved. At the request of the petitioner or any other entity described in paragraph (1)(A) with respect to the material which is the subject of the petition, or at the request of any entity representative of producers or exporters of such material, the Director shall conduct public hearings with respect to the subject of the petition, in which case the 30-day period may be extended for 45 days.

Section 9(c)(3) would require that within 45 days after the end of the 30- or 45-day period described in paragraph (2), as the case may be, the Director, in consultation with the Secretary of Commerce, shall: (A) determine to impose monitoring or controls, or both, of the export of such material; and (B) publish in the Federal Register a detailed statement of the reasons for such determination.

Section 9(c)(4) would require that within 15 days after making a determination to impose monitoring or controls on the export of a material, the Director shall publish in the Federal Register proposed regulations with respect to such monitoring or controls. Within 30 days following the publication of such proposed regulations, and after considering any public comments thereon, the Director would publish and implement final regulations with respect to such monitoring or controls.

Section 9(c)(5) would enable the Director, for purposes of publishing notices in the Federal Register and scheduling public hearings, to consolidate petitions and responses which involve the same or related materials.

Section 9(c)(6) would provide that if a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Director may determine, in the absence of significantly changed circumstances, that any other petition with respect to the same material or group of materials which is filed within 6 months after consideration of the prior petition has been completed does not merit complete consideration.

Section 9(c)(7) would provide that the procedures and time limits set forth in this subsection with respect to a petition filed under this subsection shall take precedence over any review undertaken at the initiative of the Director with respect to the same subject as that of the petition.

Section 9(c)(8) would allow the Director to impose monitoring or controls on a temporary basis after a petition is filed under paragraph (1)(A) but before the Director makes a determination under paragraph (3) if the Director considers such action to be necessary to carry out the policy set forth in section 3(2)(C).

Section 9(c)(9) would provide that the authority under this subsection shall not be construed to affect the authority of the Director under any other provision of the Act.

Section 9(c)(10) would stipulate that nothing contained in this subsection shall be construed to preclude submission on a confidential basis to the Director of information relevant to a decision to impose or remove monitoring or controls under the authority of this Act, or to preclude consideration of such information by the Director in reaching decisions required under this subsection. The provisions of this paragraph would not be construed to affect the applicability of section 552(b) or title 5, United States Code.

Section 9(d)(1) would provide that notwithstanding any other provisions of the Act and notwithstanding subsection (u) of Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), no domestically produced crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) (except any such crude oil which (A) is exported to an adjacent foreign country to be refined and consumed therein in exchange for the same quantity of crude oil being exported from that country to the United States; such exchange must result through convenience or increased efficiency of transportation in lower prices for consumers of petroleum products in the United States as described in paragraph (2)(A)(ii) of this subsection, or (B) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign country and reenters the United States) may be exported from the United States, or any of its territories and possessions, unless the requirements of paragraph (2) of this subsection are met.

Section 9(d)(2) would allow the crude oil subject to the prohibition contained in paragraph (1) to be exported only if (A) the President makes and publishes an express finding that such exports: (i) will not diminish U.S. refined petroleum supplies; (ii) will result within 3 months in lower acquisition costs to refiners for imported crude and reduced wholesale and retail prices of products refined from such imported crude; (iii) will be made only pursuant to contracts which may be terminated if U.S. crude supplies are interrupted, threatened, or diminished; (iv) are clearly necessary to protect the national interest; and (v) are in accordance with the provisions of the Act. (B) The President reports such findings to the Congress and the Congress, within 50 days thereafter, agrees to a concurrent resolution approving such exports on the basis of the findings.

Section 9(d)(3) would require that notwithstanding any other provision of this section or any other provision of law, including subsection (u) of Section 28 of the Mineral Leasing Act of 1920, the President may export oil to any country pursuant to a bilateral international oil supply agreement entered into by the United States with such nation before June 25, 1979, or to any country pursuant to the international Emergency Oil Sharing Plan of the International Energy Agency.

Section 9(e)(1) would provide that no refined petroleum product may be exported except pursuant to an export license specifically authorizing such export. Not later than 5 days after an application for a license to export any refined petroleum product or residual fuel oil is received, the Director shall notify the Congress of such application, together with the name of the exporter, the destination of the proposed export, and the amount and price of the proposed export. Such notification shall be made to the chairman of the House Committee on Foreign Affairs and the chairman of the Senate Committee on Banking, Housing, and Urban Affairs.

Section 9(e)(2) would prohibit the Director from granting such license during the 30-day period beginning on the date on which notification to the Congress under paragraph (1) is received, unless the Presi-

dent certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that the proposed export is vital to the national interest and that a delay in issuing the license would adversely affect that interest.

Section 9(e)(3) would not apply to (A) any export license application for exports to a country with respect to which historical export quotas established on the basis of past trading relationships apply, or (B) any license application for exports to a country if exports under the license would not result in more than 250,000 barrels of refined petroleum products being exported from the United States to such country in any fiscal year.

Section 9(e)(4) would define "refined petroleum product" for the purposes of this subsection.

Section 9(e)(5) would allow the Director to extend any time period prescribed in section 12 to the extent necessary to take into account delays in action by the Director on a license application on account of the provisions of this subsection.

Section 9(f) would exclude petroleum products refined in U.S. Foreign Trade Zones or Guam from export controls imposed pursuant to this section, unless the Director finds a product to be in short supply.

Section 9(g)(1) would prohibit export controls pursuant to this Act on any agricultural commodity, including fats, oils, animal hides and skins, unless the Secretary of Agriculture approves such controls. The Secretary of Agriculture would not be authorized to approve such controls during any period in which he determined the supply of such commodity to be in excess of the requirements of the domestic economy, unless the President determines controls are needed for national security or foreign policy reasons. The Secretary would also collect data with respect to export sales of animal hides and skins.

Section 9(g)(2) would, upon approval of the Director in consultation with the Secretary of Agriculture, require that agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export. The Director may not grant such approval unless the Director receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds (A) that such commodities will eventually be exported, (B) that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, (C) that storage such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and (D) that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Director would issue such regulations as may be necessary to implement this paragraph.

Section 9(g)(3) would, if the authority conferred by this section or section 8 is exercised to prohibit or curtail the export of any agricultural commodity in order to carry out the policies set forth in subparagraph (B) or (C) of paragraph (2) of section 3 of the Act, the President shall immediately report such prohibition or curtailment to the Congress, setting forth the reasons therefore in detail. If the Congress, within 30 days after the date of its receipts of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution.

Section 9(h)(1) would provide that the exportation pursuant to a barter agreement of any goods which may lawfully be exported for any goods which may lawfully be imported may be exempted from quantitative limitations (other than reporting requirements).

Section 9(h)(2) would require the Director to grant an exemption under paragraph (1) if he finds, after consultation with the appropriate department or agency, that: (A) for the period during which the barter agreement is to be performed—(i) the average annual quanitity of the goods to be exported pursuant to the barter agreement will not be required to satisfy the average amount of such goods estimated to be required annually by the domestic economy and will be surplus thereto; and (ii) the average annual quantity of goods estimated to be required annually to supplement domestic production; and (B) the parties to such barter agreement have demonstrated adequately that they intend, and have the capacity, to perform such barter agreement.

Section 9(i) would instruct the Director to require a validated license for the export of unprocessed red cedar harvested from State or Federal lands. It would also contain the quantitative limits imposed on such export under the Export Administration Act of 1979 for the 3 years beginning on the effective date of that Act, and would instruct the Director to allocate export licenses on the basis of appropriate factors to minimize any hardship to producers of western red cedar and to further U.S. foreign policy.

Section 9(j) would prohibit the export of horses by sea for slaughter unless the Director, in consultation with the Secretary of Agriculture, determined that no horse in a particular consignment was being exported for purposes of slaughter.

FOREIGN BOYCOTTS

Sections 10(a) and 10(b) contain anti-boycott provisions adopted in the Export Administration Amendment of 1977, P.L. 95-52, and which appear as sections 4A(a) and (b) of the Export Administration Act of 1969, as amended, and as sections 5(a) and 5(b) of the Export Administration Act of 1979, as amended.

PROCEDURES FOR HARDSHIP RELIEF FROM EXPORT CONTROLS

Section 11 would enable persons suffering unique hardship due to export controls to petition the Director for relief from such controls. The Director would be required to grant or deny relief within 30 days, having considered a list of factors set forth in the Act.

PROCEDURES FOR PROCESSING EXPORT LICENSE APPLICATIONS

Section 12(a)(1) would provide that all export license applications be submitted to, and determinations of them made by, the Director.

Section 12(a)(2) would provide that determinations with respect to any export license application be made to the maximum extent possible solely by the Director.

Section 12(a)(3) would provide that the Director solicit any information and recommendations deemed necessary from other concerned departments or agencies.

Section 12(b) would prescribe a 10-day period after the submission of an application within which the Director would be required to:

(1) return to the applicant an acknowledgement of receipt of the application;

(2) submit to the applicant a description of the application procession procedures and his rights thereunder;

(3) return the application to the applicant if it is incomplete;

(4) determine if it will be necessary to submit the application to other departments or agencies and, if so, inform the applicant of such;

(5) determine if it will be necessary to submit the application to a multilateral review process and, if so, inform the applicant of such.

Section 12(c) would prescribe a ninety day period after the submission of a proper application within which the Director would be required to either issue or deny the license, unless the application is to be referred to another department or agency.

Section 12(d) would prescribe a thirty day period after the submission of a proper application within which the Director, if necessary, would be required to:

(1) refer the application to all concerned departments or agencies, and

(2) provide the applicant with an opportunity to review for accuracy any documentation accompanying the application in the event of such a referral.

Section 12(e)(1) would prescribe a thirty day period after the referral of a proper application to another department or agency within which the department or agency would be required to provide information and recommendations requested.

Section 12(e)(2) would provide a second thirty day period upon request of the department or agency for an extension within the first thirty days. Failure to respond within these periods would be deemed to be assent by the department or agency to approval of the application.

Section 12(f)(1) would prescribe a ninety day period after the receipt of all information and recommendations from other departments or agencies within which the Director would be required to make a final determination on an export license application.

Section 12(f)(2) would provide that the Director should inform the applicant of questions or negative responses received from these departments and agencies, and should accord the applicant an opportunity to respond to these before a final determination is made.

Section 12(f)(3) would prescribe a five day period within which the Director would be required to notify an applicant after a license has been denied, or after a determination has been deferred inconsistent with the provision of this section.

Section 12(f)(4) would provide the Director with the authority to extend any deadline of this section in conjunction with notification of Congress and the applicant of such an extension.

Section 12(g)(1) would provide that the Secretary of Defense may review any proposed export to controlled countries to determine the effects of such exports on U.S. national security.

Section 12(g)(2) would provide that the Secretary of Defense, in consultation with the Director, be required to determine the types of transactions to be reviewed by the Secretary of Defense pursuant to paragraph 1 above; that the Director be required to notify the Secretary of Defense of all applications of that nature and should not make a determination before the end of the period within which the President may dis-

approve the license; that within thirty days after receiving notification, the Secretary of Defense be required to either recommend to the President disapproval of the license, or recommend to the Director approval of the license, or conditions for approval of the license; and that the President, should he choose to disapprove the license, be required to notify the Director within thirty days of the receipt of a recommendation from the Secretary of Defense.

Section 12(g)(3) would require the Director to issue or deny licenses in accordance with this subsection, and within the time periods and procedures of this section.

Section 12(g)(4) would require the President to transmit to Congress both his decision and the recommendation of the Secretary of Defense in any instance in which the President has altered or overruled that recommendation.

Section 12(h) would provide that should an application be finally approved but still require multilateral review, that the applicant be notified of the approval pending review, and that the license be issued upon approval under such review, or sixty days after submission to review should no action have been taken and should the Director determine that no detriment to U.S. national security would occur.

Section 12(i) would require the Director to keep accurate records of all applications and recommendations considered by the Director.

Section 12(j)(1) would require the Director to establish procedures of an applicant to appeal the denial of an application to the Director.

Section 12(j)(2) would, in the event of any delay in consideration of an application beyond time periods established under this section, permit an applicant to file a petition with the Director requesting compliance with the requirements of this section and require the Director to comply with such requests and notify the applicant of such compliance.

Section 12(j)(3) would, in the event that the Director fails to comply completely with a petition in regard to delays, permit an applicant to bring an action in an appropriate U.S. district court requiring compliance with the provisions of this section.

VIOLATIONS

Section 13 of the Act would provide maximum fines of five times the value of the exports involved or $50,000, whichever is greater, or imprisonment of up to five years, or both for any individual knowingly violating any provision of this Act or regulation issued thereunder. Willful exports contrary to the Act or regulations, with knowledge such exports will benefit a country to which exports are restricted for national security or foreign policy purposes, in the case of an individual, are punishable by fines up to $250,000, or up to ten years imprisonment, or both, or in all other cases punishable by fine not more than five times the value of exports involved or $1,000,000, whichever is greater. Failure by a licensed exporter to report use of licensed exports by such controlled countries for military or intelligence gathering purposes contrary to the conditions under which the license was issued is punishable, except in the case of an individual, by fine not more than five times the value of the exports involved or $1,000,000, whichever is greater. In the case of an individual such failure to report diversion of exports is punishable by fine not more that $250,000, or not more than five years imprisonment, or both. Civil penalties up to $10,000 for each violation of this Act would be authorized, except that civil penalties for each violation of national security controls or controls on the export of defense articles and services pursuant to section 38 of the Arms Export Control Act may be up to but not exceeding $100,000. Suspension or revocation of authority to export is authorized for violations of antiboycott provisions of the Act. Procedures would be established for imposing administrative sanctions, collecting fines, and bringing civil actions for payment of fines.

ENFORCEMENT

Section 14(a) would authorize investigations, inspections and subpenas of records as necessary to enforce this Act.

Section 14(b) would provide that no person be excused from complying with any requirements of section 14 because of his privilege against self-incrimination, however the immunity provisions of the Compulsory Testimony Act (49 U.S.C. 46) would apply if specifically claimed.

Section 14(c)(1) would provide that information obtained on or before enactment of this Act would be exempt from disclosure under section 552 of Title 5 U.S. Code and would not be published unless the Director at his sole discretion determines withholding it to be contrary to the national interest. Information obtained under the Act or the Export Administration Act of 1979 after June 30, 1980, may be withheld only to the extent allowed by the law unless the Director at his sole discretion considers the release of this information to be in the national interest. Enacting of the Act would not affect certain judicial proceedings.

Section 14(c)(2) would stimpulate that nothing in the Act would authorize withholding of information obtained under the Act or previous export control Acts from the Congress or from the General Accounting Office (GAO). It would be forbidden for the Congress to disclose confidential information obtained under the Act unless the appropriate Congressional committee determines that the withholding of that information is contrary to the national interest. Notwithstanding paragraph (1) of this subsection, information obtained under the Act of previous export control Acts would, consistent with intelligence and law enforcement considerations as determined by the agency that originally obtained the information, and with section 313 of the Budget and Accounting Act, 1921, be made available only, upon request, to the U.S. Comptroller General or to any employee of the GAO authorized by the Comptroller General to have access to such information. No GAO employee would be permitted to disclose such confidential information, except to the Congress in accordance with this paragraph.

Section 14(c)(3) would require departments or agencies which obtain information which is relevant to the enforcement of the Act to furnish such information to the department or agency with enforcement responsibilities under the Act to the extent consistent with intelligence and law enforcement considerations, except that: (A) the provisions of this paragraph would not apply to information subject to the restrictions set forth in section 9 of title 13, United States Code; and (B) return information, as defined in subsection (b) of section 6103 or the Internal Revenue Code of 1954, may be disclosed only as authorized by such section.

Section 14(d) would require that reporting requirements under the bill be designed so as to minimize cost and inconvenience, and be periodically reviewed and revised, to the extent feasible, consistent with effective enforcement and compilation of useful trade statistics.

Section 14(e) would provide that the Director be required to review the regulations issued under the Act and the commodity control list to determine how they might be simplified or clarified in order to facilitate compliance with the provisions of the Act.

EXEMPTIONS

Section 15(a) would exempt functions exercised under this Act, except administrative proceedings under section 13(c)(2) concerning administrative sanctions, from the operation of the Administrative Procedure Act, sections 551, 553 through 559, and 701 through 706 of Title 5, United States Code.

Section 15(b) would express the intent of Congress that regulations be issued in proposed form for public comment whenever practicable, and that where regulations are issued with immediate effect, a public comment period be provided and the regulations reissued thereafter in final form.

ANNUAL REPORT

Section 16 would require the Director to make annual reports to Congress, would specify the content of such reports, and would require other departments and agencies to cooperate fully with the preparation of such reports.

REGULATORY AUTHORITY

Section 17 would enable the President and the Director to issue regulations necessary to carry out the provisions of the Act.

TRANSFER OF FUNCTIONS

Section 18(a) would transfer to the Office of Strategic Trade (1) the functions and authorities over the munitions list now handled by the Office of East-West Trade and the Office of Munitions Control of the Department of State; and (2), other functions and authorities deemed appropriate in consultation with the Director of the Office of Management and Budget (OMB).

Section 18(b) would direct the Director of the OMB, in consultation with the Director, to determine the resources necessary to accomplish the purposes of the Act.

EFFECT ON OTHER ACTS

Section 19(a) would prohibit anything in this Act from affecting the provisions of any other laws concerning commodity export controls.

Section 19(b) would provide that the authority granted to the President under this Act would be exercised in such manner as to achieve effective coordination with the authority exercised under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

Section 19(c) would provide that any product which is standard equipment in civil aircraft shall be subject to export controls exclusively under this Act, and not under section 38(b)(2) of the Arms Export Control Act. For purposes of this subsection, the term "controlled country" means any country described in section 620(f) of the Foreign Assistance Act of 1961.

Section 19(d)(1) would provide that nothing in sections 7 or 8 of this Act should supersede the procedures pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978.

Section 19(d)(2) would provide that section 12 of this Act should apply with respect to export license applications only to the extent that they are consistent with the procedures published by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978. However, if these

applications are delayed more than 180 days, the applicant would have the rights of appeal and court action as provided in sectioin 12(j) of this Act.

Section 19(e) would provide that the Mutual Defense Assistance Control Act of 1951 (US U.S.C. 1611-1613d) be superseded as of October 1, 1979.

AUTHORIZATION OF APPROPRIATIONS

Section 20(a) would prohibit any appropriation to the Commerce Department for expenses to carry out the purposes of this Act unless previously and specifically authorized by law.

Section 20(b) would authorize appropriations to the Commerce Department of (1) $ for fiscal years 1984 through 1987; and (2), necessary additional amounts for increases in salary, pay, retirement, other benefits authorized by law, and other nondiscretionary costs for each such fiscal year.

EFFECTIVE DATE

Section 21 would provide that this Act take effect upon the expiration of the Export Administration Act of 1979.

TERMINATION DATE

Section 22 would provide that authority granted by this Act terminate on September 30, 1987, unless terminated earlier by Presidential proclamation.

SAVINGS PROVISIONS

Section 23(a) would provide that all administrative actions effective under the Export Control Act of 1949, the Export Administration Act of 1969, or the Export Administration Act of 1979, should continue in effect to their terms until affected by this Act.

Section 23(b) The Act would not apply to any administrative proceedings or license applications under the Export Administration Act of 1979, which is pending at the time the Act takes effect.

TECHNICAL AMENDMENTS

Section 24 would amend the following acts to conform: (a) the Arms Export Control Act (22 U.S.C. 2778(e)), (b) the Energy Policy and Conservation Act (42 U.S.C. 6212 (c)), and (c) the Internal Revenue Code of 1954 (26 U.S.C. 993(c)(2)(D)).

AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947

Section 25 would amend the National Security Act of 1947 (50 U.S.C. 402 (a)) to make the Director a member of the National Security Council.

BRIEF SUMMARY OF OFFICE OF STRATEGIC TRADE ACT OF 1983

The bill is a rewrite of the Export Administration Act of 1979 and if adopted would replace that Act when it expires on September 30, 1983.

The central feature of the bill is the transfer of primary administrative and enforcement responsibilities for export controls to an independent federal agency, the Office of Strategic Trade. These operations are currently administered by the Commerce Department's Offices of Export Administration and Export Enforcement, and by the State Department's Offices of Munitions Control and East-West Trade.

The status of export administration would be elevated by making the Director of the OST a member of the National Security Council.

The bill modifies foreign availability provisions governing national security controls by listing the requirements to be considered in making determinations of foreign availability, and by requiring negotiations to be undertaken to eliminate foreign availability before foreign availability is declared for the purposes of granting export licenses.

The need to control critical goods for national security purposes, in conjunction with critical technologies, is indicated. This would include goods that complete process lines, fill in gaps in production, technology, or involve other factors that would give insight into U.S. military systems and assist the development of countermeasures thereto. The definition of technology is also made more comprehensive, particularly to include various forms of computer software.

The bill language provides that final responsibilities for enforcement, both criminal and administrative, would remain with the licensing agency. The bill does not preclude, however, arrangements such as currently done for the Arms Export Control Act, namely the delegation of criminal enforcement to the Customs Service.

The bill prescribes no increase in personnel. The cost of the operation of the OST is anticipated to be approximately that of the current operation of the OEA and the OEE, which is about $10 million per annum.

The bill makes no substantive changes to the foreign policy or short supply or antiboycott provisions of the EAA.

The Defense Department's administrative responsibilities under the Act are more regularized by institutionalizing its current export control activities within a National Security Control Agency within the office of the Under Secretary of Defense for Policy. This gives no additional budgetary or manpower authority; it is merely institutionalizing current operations.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 442. A bill to amend Public Law 89-668 relating to the Pictured Rocks National Lakeshore to require the development of a local land use plan; to the Committee on Energy and Natural Resources.

PICTURED ROCKS NATIONAL LAKESHORE

Mr. LEVIN. Mr. President, I am pleased to introduce legislation to improve the administration of the buffer zone adjacent to the Pictured Rocks National Lakeshore. The law establishing the lakeshore was unclear on the role of the National Park Service and local governments in administering zoning and planning for appropriate development of the lakeshore. This unforeseen vacuum left residents in a quandry when trying to sell or improve their property.

The legislation that I am introducing today, for myself and Senator RIEGLE, is the result of many meetings between our staffs, the staff of Congressman DAVIS, and the representatives of several organizations including the Alger County Planning Commission, the Burt Township Zoning Board, the Friends of Pictured Rocks, the Neighbors of Pictured Rocks, and the National Park Service.

This legislation will allow local governments in the area to prepare zoning regulations for the buffer zone. If the zoning regulations are consistent with the general management plan that governs the operation of the lakeshore, and if the Secretary of the Interior approves the zoning regulations, we can finally resolve the uncertainty that has plagued the area since the creation of the national lakeshore. This proposal is the product of cooperation between local governments, involved citizens, and the Federal Government. I hope the legislation can serve as a model of cooperation between these groups.

Mr. RIEGLE. Mr. President, I rise as a cosponsor of legislation to resolve outstanding issues at Pictured Rocks National Lakeshore, which was introduced today by my colleague Senator LEVIN. This legislation is the product of many long hours of work by all parties associated with the lakeshore. The bill will provide a mechanism for the citizens of the Upper Peninsula to develop necessary zoning and land use regulations for the buffer zone which lies along the border of the park.

Since the establishment of the lakeshore, residents of the buffer zone have been uncertain as to what, if any, development can occur in that area. They have been given conflicting advice by the U.S. Park Service, and consequently have been unable to make even slight modifications to their property. Much of the problem lies with the nature of the buffer zone, which is not within the fee boundaries of the lakeshore but is still inextricably tied to the park and must serve as a protective area for the critical resources within the park.

The legislation will create an independent authority to develop zoning regulations that remain consistent with the general management plan of the lakeshore. In this way, owners of property within the buffer zone will receive the clear guidance that they need, surrounding governmental entities will be certain of their exact authority and responsibility in the area, and as a whole, the people of Michigan will benefit from the resolution of this controversy.

Mr. President, I feel that this legislation deserves prompt attention in the Congress. We have received support for its concept from all of the citizens groups in the Upper Peninsula. It is balanced legislation that serves the needs of the people, while guaranteeing the preservation protection of a truly unique area in Michigan.

By Mr. DOLE:

S. 443. A bill to reorganize the court system for cases and proceedings under the bankruptcy laws, and for other purposes; to the Committee on the Judiciary.

BANKRUPTCY COURT REORGANIZATION ACT OF 1983

● Mr. DOLE. Mr. President, I am pleased to send to the desk at this time a comprehensive legislative proposal to remedy the defects in the ju-

risdictional structure of the bankruptcy courts, which has been drafted in response to the June 1982 decision of the U.S. Supreme Court in the case of Northern Pipeline Co. against Marathon Pipeline Co.

In that landmark decision, the Court held that Congress—in revising the bankruptcy laws in 1978—unconstitutionally expanded the jurisdiction of the bankruptcy courts by granting those courts authority to hear cases which have traditionally been reserved to the province of regular article III district court judges. The events leading to that legislative error can be instructive to us as we formulate legislation to correct that error, and I would like to briefly review them.

Mr. President, as the 95th Congress moved toward final passage of what is now known as the Bankruptcy Reform Act of 1978, perhaps the most important compromise struck between the House and Senate was that dealing with the scope and organization of the judicial powers to be vested in the new bankruptcy courts created by the act. The focus of disagreement was on whether or not the bankruptcy judges, who were granted the authority to render final judgment in any dispute related to a bankruptcy proceeding, would exercise those powers as courts constituted under article III of the Constitution, with lifetime tenure and protection from diminution of salary; or, whether they would exercise those powers as article I courts, with fixed terms of appointment and decisions subject to de novo review in the U.S. district courts. The House took the position that full judicial independence was required in order to guarantee the constitutionality of the new courts, which would exercise greatly expanded jurisdiction; while the Senate, in essence, sought to place ultimate jurisdictional and supervisory authority in the hands of the article III district courts, making the bankruptcy courts true adjuncts of the district courts.

The solution adopted in 1978 was a hybrid one: While original and exclusive jurisdiction over all bankruptcy cases was retained in the article III district courts, the new law mandated that only the article I bankruptcy courts could exercise that jurisdiction—with the district courts relegated to the status of appellate courts reviewing bankruptcy decisions for clear error of law.

That flawed compromise has now returned to haunt the Congress. In the Northern Pipeline plurality decision, the Supreme Court concluded that the expanded reach of the bankruptcy courts—the exercise of jurisdiction over all civil disputes related to a bankruptcy proceeding as well as the simple administration of debtors' estates—resulted in those courts considering matters which had been historically reserved for article III courts. Yet the bankruptcy courts did not benefit from the lifetime tenure and protection from salary diminution required by article III of the Constitution—thereby denying litigants their constitutional right to have their cases heard by judges removed from the pressures of the political process.

The court originally stayed the judgment in Northern Pipeline until October 4, 1982, in order to give Congress sufficient time to develop a remedy to the problem. That deadline was extended, at request of the Solicitor General, until December 24, in the anticipation that Congress would act during the lame duck session of the 97th. Unfortunately, the Congress did not act—and the Court refused to extend the stay past December 24. I, like many other Members of the Congress, was greatly disappointed by the failure of the 97th Congress to come to grips with Northern Pipeline, but I can understand why it did not. On the surface, the resolution of the problem is simple—either make the article I bankruptcy courts article III courts or delimit the jurisdiction of the present article I courts. But, like most problems that seem to invite a simple solution, this one is in fact a Gordian knot. Yet, I am confident that the legislation I am introducing today represents a fair compromise between the competing viewpoints and proposals which the Senate Judiciary Subcommittee on Courts, which I chair, has reviewed.

Bankruptcy practitioners, prior to 1978, long complained of the aggravating and wasteful inefficiency of the old bankruptcy referee system. The bulk of court time on contested matters under that system was consumed in argument of whether or not the bankruptcy referee had jurisdiction over the matters in dispute. The referees jurisdiction was summary, not plenary, and the question of what fell in the former category and what fell in the latter category was never clearly defined in the caselaw. Rule changes in 1973 sought to alleviate this problem by mandating automatic referral of bankruptcy matters to the referee, who would enter findings binding upon the parties except where de novo appeals were taken to the district courts. This system was still unsatisfactory, however, and in 1978 Congress created an article I court with plenary jurisdiction. Appeals taken to the district court were decided under a standard permitting only limited review of the record by the district court, thus eliminating full participation of the article III courts in the decisionmaking process. In addition, bankruptcy courts were given authority over ancillary matters, which had previously been reserved to Federal district courts and State courts of appropriate jurisdiction. This solution satisfied practitioners who sought one court with final authority to enter orders in bankruptcy matters—but unfortunately, it did not satisfy the Constitution. To summarize the Supreme Court decision, it need only be said that article I judges of limited terms cannot properly decide matters reserved by the Constitution to the jurisdiction of article II judges holding life appointments.

The Subcommittee on Courts has held two thorough hearings on the Northern Pipeline decision. Proposals range from stripping bankruptcy courts of jurisdiction over ancillary matters to the creation of 227 article III bankruptcy courts in specialized bankruptcy divisions in each judicial district. Neither of these extremes, of course, is acceptable from a political, philosophic, or practical standpoint. Practitioners and litigants need one court with sufficient authority to enter final orders in all bankruptcy matters. At the same time, the conversion of all existing bankruptcy court positions into article III courts would result in a gross misallocation of judicial resources, since the present distribution of courts is not reflective of the caseload burden in the respective districts. Some districts have too many bankruptcy judges in place, and others do not have enough. And bankruptcy judges today are handling many matters that could be disposed of by administrative personnel.

LEGISLATIVE PROPOSAL

The result of this review process is the legislation I introduce today. That legislation has the support of the administration, the Judicial Conference of the United States, the Federal Judges Association, and a number of other interested organizations. The bill envisages the folding of jurisdiction over all bankruptcy matters—including ancillary disputes—into the article III courts. Under this proposal, fully fungible article III judges will handle the bankruptcy caseload in addition to handling their regular nonbankruptcy dockets. The article III courts will be assisted by an increased number of magistrates, who will handle cases both as referees (where a bankruptcy case involves disputes of the type that require the ultimate decisional authority of an article III judge) and as final arbiters of fact and law (where the parties consent to their final jurisdiction over the matters in controversy). District judges and magistrates will be assisted by bankruptcy court administrators in each district, who will aid in the scheduling of cases and who will have principal responsibility for disposing of uncontested, nonasset cases. With this organization of the bankruptcy system, we achieve maximum flexibility. The article III courts will become knowledgeable in the intricacies of bankruptcy litigation; where appropriate, they will refer cases to magistrates for prelimi-

nary findings or final disposition; and the courts will not be burdened with the administrative details of uncontested cases involving little or no assets.

JUDICIAL POSITIONS

The bill contemplates the appointment of a total of 190 district and circuit court judges. Seventy-five of these new positions represent the number of district and circuit court judges that are needed now to handle the caseload facing the courts today. These 75 judges were originally requested by the Judicial Conference in their combined omnibus judicial appointments requests for 1980 and 1982. The Judiciary Committee, in the 97th Congress, approved 45 of these positions, and the remainder reflect the needs which have arisen since the time of the 1980 submission.

In addition to those 75 positions, the bill provides for the appointment of 115 district judges who will be needed to enable the courts to handle the bankruptcy caseload without disruption to the system. There are approximately one-half million pending bankruptcy cases in the courts today. If the article III judiciary is to absorb such a vast increase in the present caseload, then these additional judges must be added.

Mr. President, there is one point I wish to make which is, I believe, of fundamental importance. That is this: The creation of all of these new district court positions—166 in all—is essential to handling the bankruptcy caseload. If the positions requested in the omnibus submissions—which number 51—are not included, the courts will flounder in an unmanageable sea of cases. To funnel bankruptcy cases into courts with already crowded dockets would be unfair to judges, practitioners, and litigants alike. Thus I encourage my colleagues to act on these requests as a unit—and to make their principal focus the efficiency of the court system, and not partisan politics.

THE "BANKRUPTCY DIVISION" QUESTION

It was frequently suggested to members of the committee that, if article III judicial officers were to be given responsibility for the bankruptcy caseload, then such judges should be established as a separate bankruptcy division in each judicial district, with authority to hear bankruptcy cases and nothing else. While I believe that there is merit in the concept of having a court which specializes in bankruptcy, and I could support the creation of bankruptcy divisions in a limited number of jurisdictions which have the heaviest caseload, I cannot agree with the creation of divisions in each and every district. Such a structure would reduce the managerial flexibility of the courts and, over time, as caseloads decreased—as we hope they will as the economy continues to improve—the specialized bankruptcy division judges, in many districts, would find themselves with too little work to do.

It may be possible to develop some compromise proposal which would allow the creation of bankruptcy divisions at the option of the circuit councils. I remain open to such suggestions and encourage my colleagues to explore such concepts if they feel it necessary to pursue this point as the legislation is considered in committee and on the floor.

CONCLUDING REMARKS

I am incorporating in my remarks a summary of the provisions of our bill, and I ask that the sectional summary and the text of the bill be printed in the RECORD at the conclusion of my remarks.

I urge my colleagues to support this legislation, which is the end product of a painstaking process. I will work diligently for early action in the committee and on the floor on this bill, and I look forward to working with fellow Senators in developing the consensus needed to take the corrective action that must be taken.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bankruptcy Court Reorganization Act of 1983".

TITLE I—COURT ORGANIZATION

Subtitle A—Court Personnel

SEC. 101. (a) The President shall appoint, by and with the advice and consent of the Senate, two additional circuit judges for the first circuit, two additional circuit judges for the second circuit, two additional circuit judges for the third circuit, one additional circuit judge for the fourth circuit, two additional circuit judges for the fifth circuit, four additional circuit judges for the sixth circuit, two additional circuit judges for the seventh circuit, one additional circuit judge for the eighth circuit, five additional circuit judges for the ninth circuit, two additional circuit judges for the tenth circuit, and one additional circuit judge for the District of Columbia circuit.

(b) In order that the table contained in section 44(a) of title 28, United States Code, will, with respect to each judicial circuit, reflect the changes in the total number of permanent circuit judgeships authorized as a result of subsection (a) of this section, such table is amended to read as follows:

"Circuits	*Number of judges*
District of Columbia	12
First	6
Second	13
Third	12
Fourth	11
Fifth	16
Sixth	15
Seventh	11
Eighth	10
Ninth	28
Tenth	10
Eleventh	12
Federal	12.".

SEC. 102. (a) The President shall appoint, by and with the advice and consent of the Senate, two additional district judges for the northern district of Alabama, one additional district judge for the middle district of Alabama, two additional district judges for the southern district of Alabama, one additional district judge for the district of Alaska, one additional district judge for the eastern district of Arkansas, three additional district judges for the northern district of California, two additional district judges for the eastern district of California, fourteen additional district judges for the central district of California, one additional district judge for the southern district of California, three additional district judges for the district of Colorado, three additional district judges for the district of Connecticut, one additional district judge for the middle district of Florida, three additional district judges for the southern district of Florida, two additional district judges for the northern district of Georgia, three additional district judges for the middle district of Georgia, one additional district judge for the southern district of Georgia, one additional district judge for the district of Hawaii, one additional district judge for the district of Idaho, twelve additional district judges for the nothern district of Illinois, one additional district judge for the central district of Illinois, two additional district judges for the southern district of Illinois, two additional district judges for the southern district of Indiana, one additional district judge for the northern district of Iowa, one additional district judge for the southern district of Iowa, two additional district judges for the district of Kansas, one additional district judge for the western district of Kentucky, one additional district judge for the eastern district of Louisiana, one additional district judge for the middle district of Louisiana, one additional district judge for the western district of Louisiana, two additional district judges for the district of Maryland, two additional district judges for the district of Massachusetts, six additional district judges for the eastern district of Michigan, two additional district judges for the western district of Michigan, three additional district judges for the district of Minnesota, two additional district judges for the northern district of Mississippi, three additional district judges for the southern district of Mississippi, three additional district judges for the eastern district of Missouri, one additional district judge for the western district of Missouri, one additional district judge for the district of Montana, one additional district judge for the the district of Nebraska, two additional district judges for the district of Nevada, one additional district judge for the district of New Hampshire, five additional district judges for the district of New Jersey, one additional district judge for the district of New Mexico, two additional district judges for the northern district of New York, three additional district judges for the eastern district of New York, one additional district judge for the western district of North Carolina, three additional district judges for the northern district of Ohio, four additional district judges for the southern district of Ohio, one additional district judge for the northern district of Oklahoma, three additional district judges for the western district of Oklahoma, two additional district judges for the district of Oregon, two additional district judges for the eastern district of Pennsylvania, one additional district judge for the district of Rhode Island, one additional district judge for the

district of South Carolina, three additional district judges for the eastern district of Tennessee, one additional district judge for the middle district of Tennessee, two additional district judges for the western district of Tennessee, four additional district judges for the northern district of Texas, three additional district judges for the eastern district of Texas, four additional district judges for the southern district of Texas, two additional district judges for the western district of Texas, two additional district judges for the district of Utah, three additional district judges for the eastern district of Virginia, one additional district judge for the western district of Virginia, one additional district judge for the eastern district of Washington, one additional district judge for the western district of Washington, one additional district judge for the eastern district of Wisconsin, one additional district judge for the western district of Wisconsin, and one additional district judge for the district of Wyoming.

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the western district of Arkansas, one additional district judge for the northern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the district of Massachusetts, one additional district judge for the western district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the northern district of Ohio, and one additional district judge for the western district of Washington. The first vacancy in each of the offices of district judge authorized by this subsection, occurring five years or more after the effective date of this Act, shall not be filled.

(c) The existing district judgeship for the district of Minnesota and the existing district judgeship for the northern district of Ohio, heretofore authorized by section 2 of the Act of October 20, 1978 (Public Law 95-486, 92 Stat. 1631), shall, as of the effective date of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents of those offices shall henceforth hold their offices under section 133, as amended by this Act.

(d) In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c) of this section, such table is amended to read as follows:

"Districts *Judges*

Alabama:	
Northern	9
Middle	4
Southern	4
Alaska	3
Arizona	8
Arkansas:	
Eastern	4
Western	1
Eastern and Western	2
California:	
Northern	15
Eastern	8
Central	31
Southern	8
Colorado	9
Connecticut	8
Delaware	3
District of Columbia	15
Florida:	
Northern	3
Middle	10
Southern	15
Georgia:	
Northern	13
Middle	5
Southern	4
Hawaii	3
Idaho	3
Illinois:	
Northern	28
Central	4
Southern	4
Indiana:	
Northern	4
Southern	7
Iowa:	
Northern	2
Southern	3
Northern and Southern	1
Kansas	7
Kentucky:	
Eastern	4
Western	4
Eastern and Western	1
Louisiana:	
Eastern	14
Middle	3
Western	6
Maine	2
Maryland	11
Massachusetts	12
Michigan:	
Eastern	19
Western	6
Minnesota	9
Mississippi:	
Northern	4
Southern	6
Missouri:	
Eastern	7
Western	6
Eastern and Western	2
Montana	3
Nebraska	4
Nevada	5
New Hampshire	3
New Jersey	16
New Mexico	4
New York:	
Northern	5
Southern	27
Eastern	13
Western	3
North Carolina:	
Eastern	3
Middle	3
Western	4
North Dakota	2
Ohio:	
Northern	13
Southern	10
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	2
Oregon	7
Pennsylvania:	
Eastern	21
Middle	5
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	9
South Dakota	3
Tennessee:	
Eastern	6
Middle	4
Western	5
Texas:	
Northern	13
Eastern	7
Southern	17
Western	8
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	5
Washington:	
Eastern	3
Western	6
West Virginia:	
Northern	2
Southern	4
Wisconsin:	
Eastern	5
Western	3
Wyoming	2".

SEC. 103. Section 636 of title 28, United States Code, is amended—

(1) by striking "and to involuntarily dismiss an action" from the first sentence of subsection (b)(1)(A) thereof and inserting in lieu thereof the following: "to involuntarily dismiss an action, and, in a case or proceeding under title 11, to allow or disallow a claim, a stay, an exemption, a priority, an account, a discharge, or any other application";

(2) by striking from the first sentence of subsection (c)(2) thereof "shall, at the time the action is filed, notify the parties of their right to consent to the exercise of such jurisdiction." and inserting in lieu thereof the following: "shall notify the parties in a civil action of the availability of a magistrate to exercise such jurisdiction."; and

(3) by adding at the end thereof the following new subsection:

"(h) For purposes of this section, cases and proceedings filed in the district courts under section 1334 of this title shall be deemed to be civil actions.".

SEC. 104. (a) Title 28, United States Code, is amended by inserting immediately after chapter 43 thereof the following new chapter:

"CHAPTER 44—BANKRUPTCY ADMINISTRATORS

"Sec.
641. Appointment.
642. Oath of office; character of service.
643. Temporary service; recall of retirees.
644. Compensation.
645. Staff, accommodations, and expenses.
646. Powers and duties.
647. Procedures.
648. Records.

"§ 641. Appointment

"(a) Each United States court of appeals, other than the United States Court of Appeals for the Federal Circuit, shall appoint bankruptcy administrators for each judicial district within the circuit in such numbers and at such places as authorized by the conference. Each such appointment shall be made from a list of nominees prepared by the circuit council.

"(b) The Director, under the supervision and direction of the conference, shall promulgate regulations governing the qualifications and selection of bankruptcy administrators and shall, after considering the recommendations of the district courts and the circuit councils, advise the conference as to the appropriate numbers and official stations of bankruptcy administrators from time to time.

"(c) Each bankruptcy administrator shall be appointed or reappointed to a full term of five years and shall not be removed from office during such term except for incompetency, misconduct, neglect of duty, or physical or mental disability as determined by

the circuit council pursuant to section 372(c) of this title.

"(d) A bankruptcy administrator may be designated to serve in an adjacent or nearby judicial district if the conference determines that such designation will promote the effective administration of the bankruptcy laws. The appointment or removal, under this section, of an administrator so designated shall be made by the United States court of appeals, or the circuit council, for the judicial circuit in which the official station of the position is located.

"(e) In any district served by more than one bankruptcy administrator, the circuit council may designate one such individual to serve as chief bankruptcy administrator.

"§ 642. Oath of office; character of service

"(a) Each bankruptcy administrator, before taking office, shall take an oath to execute faithfully the duties prescribed for such office.

"(b) Each bankruptcy administrator shall serve on a full-time basis and shall hold no other civil or military office or employment under the United States, except that retired officers and enlisted personnel of the Regular and Reserve components, and members of the Reserve components, of the Army, Navy, Air Force, Marine Corps, and the National Guards may be appointed and serve as bankruptcy administrators.

"(c) The Conference shall prescribe regulations governing the character of service and outside activities of bankruptcy administrators to promote public confidence in the faithful administration of the bankruptcy laws.

"§ 643. Temporary service; recall of retirees

"(a) A bankruptcy administrator may continue to serve beyond the expiration of his term, with the approval of the circuit council, until his successor is appointed and qualifies.

"(b) A bankruptcy administrator may be assigned on a temporary basis to serve in another judicial district with the approval of the circuit council or councils involved.

"(c) A bankruptcy administrator who has retired from active service under subchapter III of chapter 83 of title 5 may, with his consent, be recalled to serve as an administrator in any judicial district by the circuit council of the circuit in which such district is located.

"(d) The Director may, under the supervision and direction of the Conference, prescribe regulations to implement the provisions of this section.

"§ 644. Compensation

"(a) Each bankruptcy administrator and any necessary secretarial, clerical, or other assistants employed in the office of an administrator shall be compensated at rates fixed by the Director pursuant to section 604(a)(5) of this title. Such compensation shall be paid at such times and in such manner as the Director may prescribe.

"(b) A bankruptcy administrator who has been recalled under section 643(c) of this title shall be entitled to a supplemental salary fixed by the Director pursuant to section 604(a)(5) of this title in such amount as may be appropriate, when added to the civil service retirement annuity, in light of the nature and length of the services to be performed.

"(c) All bankruptcy administrators and all necessary secretarial, clerical, and other assistants employed in the offices of bankruptcy administrators shall be deemed to be officers and employees in the judicial branch of the United States government within the meaning of subchapter III (relating to civil service retirement) of chapter 83, chapter 87 (relating to Federal employees' group life insurance), and chapter 89 (relating to Federal employees' health benefits program) of title 5.

"§ 645. Staff, accommodations and expenses

"(a) Each bankruptcy administrator may appoint necessary secretarial, clerical, and other assistants as authorized by the Director.

"(b) Accommodations for the offices of bankruptcy administrators shall be provided by the Director in accordance with section 462 of this title. Each bankruptcy administrator shall maintain an official station at a place approved by the Director.

"(c) Each bankruptcy administrator and each employee in the office of a bankruptcy administrator shall be entitled to necessary and actual travel and office expenses incurred in the performance of official duties. Such expenses shall be determined and paid in accordance with regulations prescribed by the Director.

"(d) The Director shall make provision for necessary furniture, furnishings, equipment, books, and supplies for the offices of bankruptcy administrators.

"§ 646. Powers and duties

"(a)(1) Each bankruptcy administrator is charged with the effective administration of cases under title 11 and civil proceedings arising under title 11 or arising in or related to cases under title 11.

"(2) In the performance of their duties under this section, the bankruptcy administrators shall not determine any contested matter which may arise.

"(b) In each judicial district, the bankruptcy administrator, or administrators, shall—

"(1) establish, maintain, and supervise a panel of private trustees who are eligible and available to serve as trustees in cases under title 11;

"(2) supervise the administration of cases and the performance of trustees in cases under title 11;

"(3) appoint trustees, interim trustees, and examiners in cases under title 11;

"(4) preside at the meeting of creditors under section 341 of title 11 and conduct an examination of the debtor, or designate another to do so;

"(5) determine the amount of the bond to be filed under section 322(a)(2) of title 11 and the sufficiency of the surety of such bond;

"(6) appoint committees of creditors holding unsecured claims in cases under title 11;

"(7) ascertain that each trustee or debtor in possession performs all duties required by title 11 or by any other local, state or federal law; and

"(8) perform, any other similar duty to ensure the proper administration of estates.

"(c) Each bankruptcy administrator may grant discharges and determine the priority of claims.

"(d) Each bankruptcy administrator shall review the following documents and reports and either approve them or file appropriate objections with the district court:

"(1) periodic reports as to the financial condition of an estate and the progress of its administration;

"(2) statements of the deposit or investment of estate funds to determine compliance with section 345 of title 11;

"(3) applications for the employment of professionals;

"(4) applications for compensation;

"(5) statements of a debtor's transactions with attorneys;

"(6) final reports of trustees;

"(7) proposed disclosure statements under section 1125 of title 11;

"(8) proposed reorganization plans filed under section 1121 of title 11;

"(9) applications for final decrees in cases under chapter 11 of title 11; and

"(10) any similar reports on the administration of estates or similar applications which require the approval of the court.

"(e) In performing the duties and exercising the powers conferred by this section, a bankruptcy administrator is serving as an officer of the district court and in that capacity may refer matters to the district court and may present, on the record, any views or recommendations on such matters to the district court on his own behalf. A bankruptcy administrator may certify that a matter before the district court requires prompt attention and should be determined as soon as practicable.

"(f) The bankruptcy administrator, or administrators, for each judicial district may appoint one or more individuals to serve as a standing trustee under section 1302(d) of title 11. Such individuals shall be compensated, from fees assessed against the estates, at rates fixed by the Director pursuant to section 604(a)(5) of this title. No such appointment shall be made unless the circuit council determines that the volume of business warrants such an appointment and sets the number of appointments to be made.

"§ 647. Procedures

"(a) Upon filing, each voluntary case under title 11 and each proceeding arising under title 11 or arising in a case under title 11 shall be referred to a bankruptcy administrator.

"(b) Any party may object to any action taken or proposed to be taken by a bankruptcy administrator by filing a notice of objection, specifying the grounds for such objection, with the clerk of the district court and the bankruptcy administrator within 10 days of such action or notice of such proposed action. The filing of a notice of objection shall not stay the action taken or proposed to be taken by the administrator, unless the administrator or the district court so directs.

"(c) Any contested matter arising before the bankruptcy administrator, any objection raised by the bankruptcy administrator, and any objection raised by a party under subsection (b) of this section shall be promptly referred to the district court.

"(d) The conference shall promulgate regulations, not inconsistent with any Act of Congress, governing the processing of matters by bankruptcy administrators.

"(e) Each district court may adopt local rules supplementing the regulations promulgated under subsection (d) of this section.

"§ 648. Records

"Each bankruptcy administrator shall prepare such dockets and other records of official activities as the Director may require. All such records shall be deemed to be official records of the district court in which the bankruptcy administrator serves.".

(b) The table of chapters of Part III of title 28, United States Code, is amended by inserting after the item relating to chapter 43 the following new item:

"44. Bankruptcy Administrators..... 641".

SEC. 105. Section 751 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Where the Director determines that the volume of cases and proceedings filed under section 1334 of this title so warrants, a district court may appoint a chief clerk for bankruptcy who shall be subject to removal by the court. Such individual shall be subject to provisions of law applicable to deputies to the district court clerk.".

SUBTITLE B—JURISDICTION, VENUE, AND REMOVAL

SEC. 111. (a) Section 1334 of title 28, United States Code, is amended to read as follows:

"§ 1334. Bankruptcy cases and proceedings

"(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

"(b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11 or arising in or related to cases under title 11.

"(c) Subsection (b) of this section does not prevent a district court, in the interest of justice, from abstaining from hearing a particular proceeding arising under title 11 or arising in or related to a case under title 11. Such abstention, or a decision not to abstain, is not reviewable by appeal or otherwise.

"(d) The district court in which a case under title 11 is commenced shall have jurisdiction of all of the property, wherever located, of the debtor, as of the commencement of such case, and of all of the property of the estate.".

(b) The table of sections of chapter 85 of title 28, United States Code, is amended by amending the item relating to section 1334 to read as follows:

"1334. Bankruptcy cases and proceedings."

SEC. 112. (a) Chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1408. Venue of cases under title 11

"Except as provided in section 1410 of this title, a case under title 11 may be commenced in the district court for the district—

"(1) in which the domicile, residence, principal place of business, in the United States, or principal assets, in the United States, of the person or entity that is the subject of such case have been located for the 180 days immediately preceding such commencement, or for a longer portion of such 180-day period than the domicile, residence, principal place of business, in the United States, or principal assets, in the United States, of such person were located in any other district; or

"(2) in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership.

"§ 1409. Venue of proceedings arising under or related to cases under title 11

"(a) Except as provided in subsections (b) and (d) of this section, a proceeding arising in or related to a case under title 11 may be commenced in the district court in which such case is pending.

"(b) Except as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than $1,000 or a consumer debt of less than $5,000 only in the district court for the district in which a defendant resides.

"(c) Except as provided in subsection (b) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case as statutory successor to the debtor or creditors under section 541 or 544(b) of title 11 in the district court for the district where the State or Federal court sits in which, under applicable nonbankruptcy venue provisions, an action on such claim may have been brought.

"(d) A trustee may commence a proceeding arising under title 11 or arising in or related to a case under title 11 based on a claim arising after the commencement of such case from the operation of the business of the debtor only in the district court for the district where a State or Federal court sits in which, under applicable nonbankruptcy venue provisions, an action on such claim may have been brought.

"(e) A proceeding arising in or related to a case under title 11, based on a claim arising after the commencement of such case from the operation of the business of the debtor, may be commenced against the representative of the estate in such case in the district court for the district where the State or Federal court sits in which the party commencing such proceeding may, under applicable nonbankruptcy venue provisions, have brought an action on such claims, or in the district court in which such case in pending.

"§ 1410. Venue of cases ancillary to foreign proceedings

"(a) A case under section 304 of title 11 to enjoin the commencement or continuation of an action or proceeding in a State or Federal court, or the enforcement of a judgement, may be commenced only in the district court for the district where the State or Federal court sits in which is pending the action or proceeding against which the injunction is sought.

"(b) A case under section 304 of title 11 to enjoin the enforcement of a lien against property, or to require turnover of property of an estate, may be commenced only in the district court for the district in which such property is found.

"(c) A case under section 304 of title 11, other than a case specified in subsection (a) or (b) of this section, may be commenced only in the district court for the district in which is located the principal assets, in the United States, of the estate that is the subject of such case.".

"(b) The table of sections of chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1408. Venue of cases under title 11.
"1409. Venue of proceedings arising under or related to cases under title 11.
"1410. Venue of cases ancillary to foreign proceedings.".

"SEC. 113. (a) Chapter 89 of title 28, United States Code, is amended by inserting at the end thereof the following new sections:

"§ 1451. Removal of bankruptcy cases

"(a) A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if the district courts have jurisdiction over such claim or cause of action, under section 1334 of this title.

"(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order under this subsection remanding a claim or cause of action, or a decision not so remanding, is not reviewable by appeal or otherwise.

"§ 1452. Provisional remedies; security

"(a) Whenever any action is removed to a district court under section 1451 of this title, any attachment or sequestration of the goods or estate of the defendant in such action shall hold the goods or estate to answer the final judgment or decree in the same manner as they would have been held to answer final judgment or decree had it been rendered by the court from which the action was removed, unless the attachment or sequestration is invalidated under applicable law.

"(b) Any bond, undertaking, or security given by either party in an action prior to removal under section 1451 of this title shall remain valid and effectual notwithstanding such removal, unless such bond, undertaking, or other security is invalidated under applicable law.

"(c) All injunctions, orders, or other proceedings in an action prior to removal of such action under section 1451 of this title shall remain in full force and effect until dissolved or modified by the district court.".

(b) The table of sections of chapter 89 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1451. Removal of bankruptcy cases.
"1452. Provisional remedies; security.".

SEC. 114. Section 137 of title 28, United States Code, is amended by inserting after the first undesignated paragraph thereof the following new undesignated paragraph:

"The rules of the district court shall provide that, upon certification by the bankruptcy administrator, in any case or proceeding jurisdiction of which is based in whole or in part on section 1334 of this title, that circumstances require immediate review or decision by the district court, a judge shall promptly be assigned to determine the matter and the matter shall be expedited and determined as soon as practicable."

SUBTITLE C—CONFORMING AMENDMENTS

SEC. 121. (a) Title 11, United States Code, is amended by striking the words "judge" and "judges" wherever they may appear therein and inserting in lieu thereof the words "court" and "courts", respectively.

(b) Section 102 of title 11, United States Code is amended—

(1) by striking the word "and" at the end of item (7) thereof; and

(2) by inserting in lieu of the period at the end of item (8) thereof the following: "; and

"(9) a power conferred or a duty imposed on a court under this title may be exercised by any judge or judges or such court or, to the extent authorized by statute or rule, by a bankruptcy administrator or any other officer of such court. Such judge, administrator or other officer may also exericse any other power or duty conferred by any other provision of law.".

SEC. 122. Section 330(b) of title 11, United States Code, is amended by adding before the period at the end thereof ", payable from appropriated funds".

SEC. 123. Section 342 of title 11, United States Code, is amended by adding at the

end thereof the following new sentence: "The preparation and issuance of all notices to creditors shall not be payable from assets of estates or from sums paid in by debtors in Chapter 13 cases except to the extent authorized by the Judicial Conference of the United States pursuant to section 1930(b) of title 28 for payment into the Treasury.".

SEC. 124. Section 524(d) of title 11, United States Code, is amended by inserting before the period at the end of the first sentence thereof the following "if the discharge is not granted, or if there is an agreement under subsection (c) of this section, or if the court otherwise requires such presence".

SEC. 125. Section 1302 of title 11, United States Code, is amended—

(1) by amending subsection (d) thereof to read as follows:

"(d) If the number of cases under this chapter commenced in a particular judicial district so warrants, the court may appoint one or more individuals to serve as standing trustee for such district in cases under this chapter in such numbers as may be authorized by the judicial council of the circuit in which such district is located.";

(2) by striking, in subsection (e)(1) thereof, the word "fix" and all that follows thereafter and inserting in lieu thereof the following: "fix a percentage fee, not to exceed ten percent, based on the compensation of such individual and the actual and necessary expenses incurred by such individual as standing trustee."; and

(3) by striking "(1)(B)" in subsection (e)(2) thereof and inserting in lieu thereof "(1)".

SEC. 126. (a) Chapter 15 of title 11, United States Code, is repealed.

(b) The table of chapters of title 11, United States Code, is amended by striking out the item relating to chapter 15.

(c) Section 701(a) of title 11, United States Code, is amended by striking out "604(f)" and inserting in lieu thereof "646(b)(1)".

(d) Section 703 of title 11, United States Code, is amended by striking out "604(f)" and inserting in lieu thereof "646(b)(1)".

(e) Section 1302(a) of title 11, United States Code, is amended by striking out "604(f)" and inserting in lieu thereof "646(b)(1)".

(f) Section 1326(a)(2) of title 11, United States Code, is amended to read as follows:

"(2) if a standing trustee appointed under section 646(f) of title 28 is serving in the case, the fee fixed for such standing trustee under section 1302(e) of title 11.".

(g)(1) Section 526(a) of title 28, United States Code, is amended—

(A) by striking out ", marshals, and trustees" and inserting in lieu thereof "and marshals", and

(B) by inserting after "magistrates," the following: "bankruptcy administrators,".

(2) The heading of section 526 of title 28, United States Code, is amended by striking out "and trustee".

(3) The item relating to section 526 in the table of sections of chapter 31 of title 28, United States Code, is amended by striking out "and trustees".

(h) Section 571(a) of title 28, United States Code, is amended—

(1) by inserting "and" after "messengers,", and

(2) by striking out "clerical assistants," and all that follows and inserting in lieu thereof "clerical assistants.".

(i) The table of chapters of part II of title 28, United States Code, is amended by striking out:

"39. United States Trustees..... 581".

(j) Section 1923(b) of title 28, United States Code, is amended by striking out "and United States trustees".

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. Section 331 of title 28, United States Code, is amended—

(1) by designating the first four undesignated paragraphs thereof as subsections (a) through (d), respectively;

(2) by adding, immediately following subsection (d) thereof, the following new subsections:

"(e) The conference may make necessary and appropriate orders for the effective and expeditious administration of justice in the United States court of appeals, the United States district courts, the territorial courts, the Court of International Trade, and the Claims Court, but not the Supreme Court. Each such court, and all officers and employees of such courts, shall promptly carry into effect all orders of the conference.

"(f) The conference shall supervise and direct the Director of the Administrative Office of the United States Courts in the performance of duties as the administrative officer of the courts."; and

(3) by designating the remaining undesignated paragraphs thereof as subsections (g) through (i), respectively.

SEC. 202. Section 376 of title 28, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively,

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) a bankruptcy judge, as define by section 377(j) of this title;",

(C) by striking out "or" before "(iii)", and

(D) by inserting before the semicolon at the end thereof ", or (iv) in the case of a bankruptcy judge, as defined by section 377(j) of this title, the date of the enactment of the Bankruptcy Court Reorganization Act of 1983"; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) in the case of a bankruptcy judge, as defined by section 377(j) of this title, retirement pay received after retirement from office under section 377;".

SEC. 203. (a) Chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new section:

§ 377. Transition bankruptcy judges

"(a) A bankruptcy judge who is not appointed under section 133 of this title to the district court by December 31, 1983 shall be eligible to retire and to receive retirement pay under subsection (c) of this section after attaining the age of sixty years, if such judge—

"(1) has continued in service until such date; and

"(2) has served as a bankruptcy judge for at least eight years.

"(b) Any bankruptcy judge who becomes permanently disabled from performing the duties of the office shall retire.

"(c)(1)(A) A bankruptcy judge who elects under subsection (d) of this section to receive retirement pay under this subsection and who retires under subsection (a) of this section shall receive retirement pay for any period at a rate equal to two and one-half percent of his average pay times his years of service, except that the rate of such retirement pay shall not exceed eighty per centum of the rate of salary payable to such judge on December 31, 1983.

"(B) For purposes of this subsection, 'average pay' means the largest annual pay rate resulting from averaging a judge's rates of basic pay in effect over any three consecutive years of creditable service, with each pay rate received during such period weighted by the time it was in effect."

"(2) A bankruptcy judge who elects under subsection (d) of this section to receive retirement pay under this subsection and who retires under subsection (b) of this section shall receive retirement pay for any period at a rate—

"(A) equal to the rate of salary payable to such judge immediately preceding the date this retirement commences, for a comparable period, if before such retirement such judge serves as a bankruptcy judge not less then eight years; or

"(B) equal to 50 per centum of the rate of salary payable to such judge immediately preceding the date his retirement commences, for a comparable period if before such retirement such judge serves as a bankruptcy judge less than eight years;

except that the rate of such retirement pay shall not exceed 80 percent of the rate of salary payable to such judge on December 31, 1983.

"(3)(A) Such retirement pay shall begin to accrue on the day following the day on which such bankruptcy judge becomes eligible to retire under subsection (a) or (b) and shall continue to accrue during the remainder of the life of such judge.

"(B) Retirement pay accruing under this section shall be adjusted under section 135 of this title and paid in the same manner as the salary of a United States district judge.

"(4) In computing the rate of retirement pay under this subsection, that portion of the aggregate number of years of service which is a fractional part of one year shall be eliminated if it is less than six months, or shall be counted as a full year if such part equals or exceeds six months.

"(d)(1) A bankruptcy judge may elect to receive retirement pay under subsection (c) of this section by filing notice of such election in writing with the Director of the Administrative Office of the United States Courts. The Director shall transmit to the Office of Personnel Management a copy of each notice filed under this paragraph.

"(2) Such election may be made by a bankruptcy judge only during such judge's term of office.

"(e) in the case of any bankruptcy judge who files an election pursuant to subsection (d) of this section to receive retirement pay under subsection (c) of this section—

"(1) no annuity or other payment shall be payable in any period during which such election is in effect to such judge under the civil service retirement laws with respect to any service performed by such judge (whether performed before or after such election is filed and whether performed as a bankruptcy judge or otherwise);

"(2) no deduction for purposes of the Civil Service Retirement and Disability Fund shall be made from retirement pay payable to such judge under subsection (c) of this section or from any other salary, pay, or compensation payable to such judge for any period during which such election is in effect;

"(3) for purposes of section 376(a) of this title, such judge shall be deemed to have no-

tified, on the date such election is filed, the Director of the Administrative Office of the United States Courts of such judge's intention to come within the preview of section 376 of this title; and

"(4) notwithstanding section 8342 of title 5, United States Code, the lump-sum credit of such judge computed under section 8331(8) of title 5, United States Code, shall be transferred from the individual account of such judge in the Civil Service Retirement and Disability Fund to the individual account of such judge in the Judicial Survivors' Annuities Fund. Any surplus moneys in such judge's account in the Judicial Survivors' Annuities Fund resulting from such transfer shall be retained in such account and administered under section 376 of this title.

"(f) A bankruptcy judge who desires to retire under subsection (b) of this section shall furnish to the Director of the Administrative office of the United States Courts a certificate of disability signed by the chief judge of the circuit in which such bankruptcy judge is serving.

"(g)(1) A bankruptcy judge who files an election under subsection (d) of this section to receive retired pay under subsection (c) of this section may revoke such election at any time before the first day on which retirement pay would begin to accrue with respect to such judge but for such revocation.

"(2) Any revocation under this subsection of an election shall be made by filing notice of such revocation with the Office of Personnel Management. The Office of Personnel Management shall transmit to the Director of the Administrative Office of the United States Courts a copy of each notice filed under this paragraph.

"(3) In the case of a bankruptcy judge who revokes under this subsection an election made under subsection (d) of this section—

"(A) for purposes of this section, such judge shall be treated as not having filed such election;

"(B) for purposes of section 376 of this title—

"(i) such judge shall be treated as not having filed an election under subsection (a)(1) of such section, and

"(ii) subsection (g) of such section shall not apply with respect to such judge, and the amount credited to such judge's account under subsection (e) of such section and subsection (e)(5) of this section, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31, of each year to the date on which the revocation is filed, shall be returned to such judge; and

"(C)(i) for purposes of the civil service retirement laws, no credit shall be allowed for service as a bankruptcy judge or otherwise unless with respect to such service such judge deposits in the Civil Service Retirement and Disability Fund the amount required by the civil service retirement laws, and

"(ii) if such judge deposits the amount so required, than the Administrative Office of the United States Courts shall deposit in the Civil Service Retirement and Disability Fund an amount equal to the amount it would have contributed to such fund but for the effectiveness of the election made by such judge under subsection (d) of this section to receive retirement pay under subsection (c) of this section. Upon such deposit, service as a bankruptcy judge shall be treated as service with respect to which deductions and contributions had been made during the period of such service.

"(h) Except as otherwise provided in this subsection, the provisions of the civil service retirement laws, including the provisions relating to the deduction and withholding of amounts from basic pay, salary, and compensation, shall apply with respect to service as a bankruptcy judge, together with other service as an officer or employee to whom such civil service retirement laws apply, as if this section had not been enacted.

"(i) For purposes of this section, the term 'bankruptcy judge' means a bankruptcy judge referred to in section 402 of the Bankruptcy Court Reorganization Act of 1983.".

(b) The table of sections for chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"377. Transition bankruptcy judges.".

SEC. 204. (a) Section 451 of title 28, United States Code, is amended—

(1) by designating the existing text thereof as subsection (a);

(2) by designating the paragraphs thereof, following the word "title:", as paragraphs (1) through (7), respectively; and

(3) by adding at the end thereof the following:

"(8) The term 'fixed term judicial officer' means a judge appointed under this title who does not hold office during good behavior, a judge of a territorial court, or a United States magistrate.

"(9) The terms 'conference' and 'judicial conference' refer to the Judicial Conference of the United States established under section 331 of this title, except as used is section 333 of this title.

"(10) The terms 'council' and 'circuit council' refer to the judicial council of each circuit established under section 332 of this title.

"(11) The terms 'magistrate' and 'United States magistrate' refer to officers appointed under chapter 43 of this title.

"(b) As used in this title, except in chapter 33 (relating to the Federal Bureau of Investigation) and chapter 42 (relating to the Federal Judicial Center), the term 'Director' refers to the Director of the Administrative Office of the United States Courts appointed under section 601 of this title.".

(b) Section 213 of the Act of November 6, 1978 (Public Law 95-598, 92 Stat. 2661) is repealed.

(c) Section 639 of title 28, United States Code, is repealed.

SEC. 205. Section 602 of title 28, United States Code, is amended by inserting at the end thereof the following new subsection:

"(e) The Director may designate, in writing, an employee of the Administrative Office of the United States Courts to administer—

"(1) an oath of office incident to appointment in the Administrative Office of the United States Courts; and

"(2) any other oath incident to the service of employees in the Administrative Office of the United States Courts.".

SEC. 206. Section 604(a)(5) of title 28, United States Code, is amended to read as follows:

"(5) Set the rates of basic pay for officers and employees of the judiciary, other than justices and judges who hold office during good behavior, including, but not limited to, fixed term judicial officers, circuit and district executives, federal public defenders, bankruptcy administrators, clerks of courts, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other officers and employees of the judiciary whose compensation is not otherwise fixed by law, at rates not to exceed eigthy-five per centum of the rate of pay authorized for a United States district judge in regular active service.".

SEC. 207. (a) Section 3006A(h)(A) of title 18, United States Code, is amended by striking the fifth sentence and inserting in lieu thereof: "The compensation of the Federal Public Defender shall be fixed by the Director of the Administrative Office of the United States Courts pursuant to section 604(a)(5) of title 28, United States Code.".

(b) Section 172(b) of title 28, United States Code, is amended to read as follows:

"(b) Each judge shall be compensated at a rate fixed by the Director pursuant to section 604(a)(5) of this title.".

(c) The second undesignated paragraph of section 332(f) of title 28, United States Code, is amended to read as follows:

"Each circuit executive shall be compensated at a rate fixed by the Director pursuant to section 604(a)(5) of this title.".

(d)(1) Section 232 of the Act of November 6, 1978 (Public Law 95-598, 92 Stat. 2665) is repealed.

(2) Section 631(d) of title 28, United States Code, is amended by striking the word "unanimous" and inserting in lieu thereof the word "majority".

(3) Section 631(e) of title 28, United States Code, is amended—

(A) by striking out "(j)" and inserting in lieu thereof "(k)";

(B) by striking out "(i)" and inserting in lieu thereof "(j)";

(C) by striking out "(h)" and inserting in lieu thereof "(i)";

(4) Section 631(k) of title 28, United States Code, is amended by striking out "(i)" and inserting in lieu thereof "(j)".

(5) Section 631 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(l) A United States magistrate who has retired, other than for disability, may perform the duties of a United States magistrate in any judicial district when called upon to do so by the chief judge of such district court, with the approval of the judicial council for the circuit, for such period of time as may be specified by the chief judge, without regard for the qualifications requirements of subsections (a) through (d) of this section. Such recalled magistrate shall be entitled to allowances for travel and other expenses as a magistrate in regular active service and shall receive supplemental pay, in addition to his retirement annuity, in such amount as may be set by the Director pursuant to section 604(a)(5) of this title. Such recalled magistrate shall not continue to serve if such service is disapproved by the conference.".

(6) Section 633 of title 28, United States Code, is amended by striking "643" and inserting in lieu thereof "634".

(7) Section 634(a) of title 28, United States Code, is amended to read as follows:

"(a) Each United States magistrate shall receive, as full compensation for his services, a salary set by the Director pursuant to section 604(a)(5) of this title. Such salary shall be disbursed at such times and in such manner as the Director may determine to be appropriate.".

(8) Section 634(c) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "A part-time magistrate may, however, elect not to

be included in the coverage of any or all of these chapters.".

(e) Section 1863(b)(1) of title 28, United States Code, is amended by striking "by the district court plan at a rate not to exceed $50 per day" and inserting in lieu thereof "by the Director pursuant to section 604(a)(5) of this title".

(f) Section 6301(2)(b)(xiii) of title 5, United States Code, is amended by adding before the period at the end thereof the following: "or any other fixed term judicial officer as defined in section 451 of title 28".

(g)(1) Section 24 of the Revised Organic Act of Guam (Public Law 83-517, 68 Stat. 517) is amended by striking "The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts." and inserting in lieu thereof: "The judge shall be compensated at a rate set by the Director of the Administrative Office of the United States Courts pursuant to section 604(a)(5) of title 28, United States Code.".

(2) Section 3 of the Act of June 4, 1958 (Public Law 85-444, 72 Stat. 179) and section 1 of the Act of November 8, 1977 (Public Law 95-157, 91 Stat. 1265) are amended by striking "The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts." and inserting in lieu thereof: "The judge shall be compensated at a rate set by the Director of the Administrative Office of the United States Courts pursuant to section 604(a)(5) of title 28, United States Code.".

(h)(1) The amendments made by this section and section 206 shall not apply to any territorial judge in regular active service on the effective date of this section during such judge's continued service in such office.

(2) The salary of each officer or employee of the judiciary in a position made subject to the provisions of section 604(a)(5) of title 28, United States Code, by this Act shall continue at the rate in effect on the day before the enactment of this Act until changed by the Director under this section. If the salary of any such officer or employee, on the day before the enactment of this Act, exceeds the limitation imposed by section 604(a)(5) of title 28, United States Code, as amended by this Act, such salary shall not be reduced solely by the operation of this Act, but shall not be thereafter increased except in conformity with the provisions of such section 604(a)(5), as amended.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A: Amendments to Title 28

SEC. 301. Section 131 of title 28, United States Code, is amended in the second paragraph thereof by inserting "Jackson," after "Lander,".

SEC. 301-1. Section 333 of title 28, United States Code, is amended by striking out "circuit, district, and bankruptcy" and inserting in lieu thereof "circuit and district".

SEC. 301-2. Section 372(c) of title 28, United States Code, is amended—

(1) by striking out "circuit, district, or bankruptcy judge, or a magistrate" in paragraph (1) thereof and inserting in lieu thereof the following: "circuit or district judge, magistrate, or bankruptcy administrator";

(2) by striking out "or magistrate" each place it appears therein and inserting in lieu thereof the following: ", magistrate, or administrator"; and

(3) by striking out "and any removal of a bankruptcy judge shall be in accordance with section 153 of this title" from paragraph (6)(B)(vii).

SEC. 302. The table of sections of chapter 17 of title 28, United States Code, is amended by striking the item relating to section 375.

SEC. 303. Section 456 of title 28, United States Code, is amended by striking out everything after "official duty station" the first time it appears, and inserting in lieu thereof the following: "all necessary transportation expenses and actual and necessary expenses of subsistence actually incurred, notwithstanding the provisions of section 5702 of title 5, United States Code, in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference of the United States.".

SEC. 304. Section 462(e) of title 28, United States Code, is amended by inserting immediately after the word "accommodations" the following: "for the official stations of bankruptcy administrators and additional locations of bankruptcy administrators and".

SEC. 305. (a) Section 604(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking out "clerks" and inserting in lieu thereof "clerks, bankruptcy administrators,";

(2) by repealing paragraph (13) thereof, as added by the Act of November 6, 1978 (Public Law 95-598, 92 Stat. 2664);

(3) by redesignating the paragraph designated as paragraph (14) by the Act of November 6, 1978 (Public Law 95-598, 92 Stat. 2664) as paragraph (13);

(4) by redesignating paragraph (17) thereof as paragraph (18);

(5) by striking "paragraph (17)" each place it appears in paragraph (10) thereof and inserting in lieu thereof the following: "paragraph (18)"; and

(6) by adding immediately after paragraph (16) thereof the following new paragraph:

"(17) Lay before Congress, annually, statistical tables that will accurately reflect the bankruptcy business transacted by the several district courts, and all other pertinent data relating to the administration of such cases;".

(b) Section 604 of title 28, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(2) by redesignating subsection (f), as added by section 225(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2665), as subsection (g); and

(3) in such subsection (g), as redesignated by paragraph (2)—

(A) by striking out the first and second sentences thereof and inserting in lieu thereof the following new sentence: "The Director shall promulgate rules and regulations for the qualifications and selection of persons named to membership on panels of trustees and as standing trustees under section 646 of this title, and for the appropriate number of persons to be named to each panel.", and

(B) by amending the last sentence thereof to read as follows: "The Director on his own initiative may at any time refer to a bankruptcy administrator or a court information which in his judgment may constitute cause to remove a person named to a panel of trustees or to remove a person appointed to serve as a trustee.".

SEC. 306. Section 620(b)(3) of title 28, United States Code is amended—

(1) by striking out "referees,"; and

(2) by striking out "commissioners" and inserting "magistrates" in lieu thereof.

SEC. 307. Section 621(a)(2) of title 28, United States Code, is amended by striking out ", three active judges of the district courts of the United States, one active judge of the bankruptcy courts of the United States" and inserting in lieu thereof the following: "and three active judges of the district courts of the United States".

SEC. 308. Section 631(c) of title 28, United States Code, is amended—

(1) by striking out "of the conference, a part-time referee in bankruptcy or" and inserting in lieu thereof "of the conference,"; and

(2) by striking out "magistrate and part-time referee in bankruptcy," and inserting in lieu thereof "magistrate and".

SEC. 309. Section 1360(a) of title 28, United States Code, is amended—

(1) by striking out "or Territory" each place it appears, and

(2) by striking out "within the Territory" and inserting in lieu thereof "within the State".

SEC. 310. (a) Section 1364 of title 28, United States Code, entitled "Senate Actions", as added by section 705(f)(1) of the Ethics in Government Act of 1978, is redesignated as section 1365.

(b) Section 705(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288d(a)) is amended by striking out "section 1364" and inserting in lieu thereof "section 1365".

(c) Section 1364 of title 28, United States Code, entitled "Construction of references to laws of the United States or Acts of Congress", as added by section 172(c)(1) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 and redesignated as section 1364 by section 6(b)(1) of the Jury System Improvement Act of 1978, is redesignated as section 1366.

(d) The table of sections of chapter 85 of title 28, United States Code, is amended—

(1) in the item relating to section 1330 by striking out "Action" and inserting in lieu thereof "Actions"; and

(2) by striking out the three items relating to section 1364 and inserting in lieu thereof the following new items:

"1364. Direct actions against insurers of members of diplomatic missions and their families.
"1365. Senate actions.
"1366. Construction of references to laws of the United States or Acts of Congress.".

SEC. 311. Section 1827(i) of title 28, United States Code, is amended by striking out ", United States magistrate, and a referee in bankruptcy" and inserting in lieu thereof "and a United States magistrate".

SEC. 312. (a) Section 1930 of title 28, United States Code, is amended by striking out "bankruptcy court" each place it appears and inserting in lieu thereof "district court".

(b) The heading of section 1930 of title 28, United States Code, is amended by striking out "Bankruptcy courts" and inserting in lieu thereof "Bankruptcy cases".

(c) The table of sections of chapter 123 of title 28, United States Code, is amended by striking out the item relating to section 1930 and inserting in lieu thereof the following new item:

"1930. Bankruptcy cases.".

SEC. 313. Section 1963 of title 28, United States Code, is amended by adding at the end thereof the following new undesignated paragraph:

"An order of discharge or an order of confirmation in a case under title 11 which has become final may be registered in any other

district by filing in the office of the clerk of the district court for such district a certified copy of the order and, when so registered, shall have the same effect as an order of the district court for the district where so registered and may be enforced in like manner.".

SEC. 314. Section 2107 of title 28, United States Code, is amended by striking out the last paragraph thereof.

Subtitle B—Amendments to Other Laws

SEC. 321. Section 8331(22) of title 5, United States Code, is amended by striking "paragraph" and all that follows and inserting in lieu thereof "paragraph.".

SEC. 322. Section 4(e) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499d(e)) is amended—

(1) by inserting "under the Bankruptcy Act or been a debtor in a case filed under title 11 of the United States Code or received a discharge in such case" after "bankrupt" the first place it appears; and

(2) by inserting "under the Bankruptcy Act or which has been a debtor in a case filed under title 11 of the United States Code" after "bankrupt" the second place it appears.

SEC. 323. (a) Section 5(b)(4) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(4)) is amended to read as follows:

"(4) Reference to Bankruptcy Administrator—Upon the issuance of a protective decree and appointment of a trustee, or a trustee and counsel, under this section, the court shall refer the proceeding to the bankruptcy administrator for the district in accordance with the proceedings of chapter 44 of title 28.".

(b) Section (b)(5)(C) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(5)(c)), is amended by striking out "((B))" and inserting in lieu thereof "(B)".

(c) Section 10(e) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff-4(e) is amended by striking out "Bankruptcy Courts" and inserting "District Courts" in lieu thereof.

SEC. 324. (a) Section 151 of title 18, United States Code, is amended by striking out "mean" and inserting in lieu thereof "means".

(b) Section 6001(4) of title 18, United States Code, is amended by striking out "a United States bankruptcy court established under chapter 6, title 28, United States Code,".

SEC. 325. Section 424(b)(3)(B) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 934(b)(3)(B)) is amended by striking out "the Bankruptcy Act" and inserting in lieu thereof "title 11 of the United States Code."

SEC. 326. Section 8701(a) of title 5 United States Code, is amended by redesignating paragraphs (5)-(9) as paragraphs (6)-(10), respectively, and by adding a new paragraph (5) as follows:

"(5) a justice or judge of the United States appointed to hold office during good behavior (i) who is in regular active judicial service, or (ii) who is retired from regular active service under sections 371(b) or 372(a) of title 28, United States Code, or (iii) who has resigned the judicial office under section 371(a) of title 28 with the continued right during the remainder of his lifetime to receive the salary of office at the time of his resignation;".

SEC. 327. Section 8714a(c) of title 5, United States Code, is amended by adding a new paragraph (3) as follows:

"(3) Notwithstanding paragraph (c)(1) of this section, a justice or judge of the United States as defined by section 8701(a)(5) of this title who resigns his office without meeting the requirements of section 371(a) of title 28, United States Code, for continuation of the judicial salary shall have the right to convert regular optional life insurance coverage issued under this section during his judicial service to an individual policy of life insurance under the same conditions approved by the Office governing conversion of basic life insurance coverage for employees eligible as provided in section 8706(a) of this title.".

SEC. 328. Section 8714b(c) of title 5, United States Code, is amended by adding to paragraph (1) at the end thereof the following: "A justice or judge of the United States as defined by section 8701(a)(5) of this title who resigns his office without meeting the requirements of section 371(a) of title 28, United States Code, for continuation of the judicial salary shall have the right to convert additional optional life insurance coverage issued under this section during his judicial service to an individual policy of life insurance under the same conditions approved by the Office governing conversion of basic life insurance coverage for employees eligible as provided in section 8706(a) of this title.".

SEC. 329. (a) Section 8706 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) Under regulations prescribed by the Office, each policy purchased under this chapter shall provide that an insured employee may make an irrevocable assignment of the employee's incidents of ownership in the policy.".

(b) The heading for section 8706 of title 5, United States Code, and the item relating to section 8706 in the analysis for chapter 87 of such title are each amended by inserting "; assignment of ownership" after "insurance".

SEC. 330. (a) Except as provided in subsection (b), the amendments made by this Act shall apply to policies purchased after the date of enactment of this Act.

(b) If a company which issued a policy which is in effect on the date of the enactment of this Act agrees, the amendments made by this Act shall apply to such policy.

EFFECTIVE DATES AND SEVERABILITY

SEC. 401. Title IV of the Act of November 6, 1978 (Public Law 95-598, 92 Stat. 2682) is amended—

(1) by striking out "shall take effect on April 1, 1984" in section 402(b) thereof and inserting in lieu thereof the following: "shall not take effect";

(2) by striking out "shall take effect on April 1, 1984" in section 402(e) thereof and inserting in lieu thereof the following: "shall not take effect";

(3) by repealing sections 404, 405(a), 405(b), 405(c), 406, 407, 409, and 410; and

(4) in section 405(d), by striking out "section, as amended by section 248 of this Act." and inserting in lieu thereof "section.".

SEC. 402. (a) The offices of bankruptcy judges for which appointments are authorized, by laws in effect immediately preceding the date of the enactment of this Act, to be made in a judicial district shall continue to be known as the United States Bankruptcy Court of such judicial district during the period beginning on the date of the enactment of this Act and ending on December 31, 1983 (hereinafter in this title referred to as the "transition period"). Such judges shall have the title of United States bankruptcy judges. Notwithstanding section 34a of the Bankruptcy Act as in effect on September 30, 1979, and section 404(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), as in effect before the date of the enactment of this Act, the terms of office of all such bankruptcy judges shall expire on December 31, 1983. Section 8335(a) of title 5, United States Code, shall not apply in respect of such bankruptcy judges.

(b) During the transition period, the levels of salaries of United States bankruptcy judges are continued at the levels in effect on the date of the enactment of this Act, subject to adjustment under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361) and section 461 of title 28, United States Code.

(c) During the transition period, and except as otherwise provided in this section, matters relating to the office of bankruptcy judge shall continue to be governed by the rules set forth for referees in bankruptcy in sections 34, 35, 36, 40a, 40b, 40d, 41, and 43 of the Bankruptcy Act as such Act existed on September 30, 1979.

(d) During the transition period, bankruptcy judges may appoint such necessary employees as determined by the Director of the Administrative Office of the United States Courts. The provisions of sections 455, 456, 569(a), 571(b), 620(b)(3), and 957(a) of title 28, United States Code, shall apply to each bankruptcy judge and to each employee appointed under this subsection.

SEC. 403. (a) During the transition period, the district courts constituted by section 132 of title 28, United States Code, and the district courts for Guam, the Virgin Islands, and the Northern Mariana Islands, shall be deemed to be the courts of bankruptcy for purposes of—

(1) this Act,

(2) the Acts amended by this Act,

(3) title 28 of the United States Code, as amended by this Act,

(4) title 11 of the United States Code, and

(5) the Acts amended by the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549).

Such courts shall exercise the jurisdiction conferred by section 1334 of title 28, United States Code, as amended by this Act.

(b)(1) During the transition period, the district courts, under the supervision of the judicial council of each circuit, may provide that all cases under title 11 of the United States Code and all proceedings arising under title 11 of the United States Code or arising in or related to a case under title 11 of the United States Code pending on the date of enactment of this Act or commenced during the transition period, may be referred to the bankruptcy judges referred to in section 402(a) of this Act.

(2) On timely motion of a party or on its own motion, the district court may withdraw the reference to a bankruptcy judge of any such case or proceeding, in whole or in part. Such a motion shall not stay any action by the bankruptcy judge unless the district court so orders.

(c)(1) During the transition period, and except as provided in subsections (b)(2), (c)(2), and (c)(3) of this section, the bankruptcy judges may exercise the jurisdiction and powers of a court of bankruptcy, and may enter orders and judgments which shall be effective upon entry by the clerk of the bankruptcy court, unless stayed by the bankruptcy judge or the district court.

(2) Bankruptcy judges may not conduct—

(A) a proceeding to enjoin a court;

(B) a proceeding to punish a criminal contempt not committed in the bankruptcy judge's actual presence, or warranting a punishment of imprisonment;

(C) an appeal from a judgment, order, decree, or decision of a United States bankruptcy judge; or

(D) jury trials.

Those matters which may not be performed by a bankruptcy judge shall be transferred to the district court.

(3) In civil proceedings that, in the absence of a petition in bankruptcy, could have been brought in a district court or a State court, the bankruptcy judge shall not render a final judgment but shall submit findings, conclusions, and a proposed judgment to the distict court, unless the parties to the proceeding consent to the entry of judgment by the bankruptcy judge, or the judgment is entered upon default in accordance with the Federal Rules of Civil Procedure. A party shall be deemed to consent to entry of judgment by the bankruptcy judge unless a notice that a proposed rather than a final judgment should be entered is presented in the first pleading made by the party in the proceeding after the effective date of this Act. A party who has not so notified the bankruptcy judge may not later attack the judgment on the grounds that it should have been entered by the district court.

(d)(1) The district courts of the United States shall have jurisdiction to hear appeals from final judgments, orders, and decrees entered by a bankruptcy judge during the transition period.

(2) On appeal from a judgment, order, or decree of a bankruptcy judge, or in reviewing the findings, conclusions and proposed judgement of a bankruptcy judge, the district court may hold a hearing, may receive such evidence as appropriate, and may accept, reject or modify, in whole or in part, the order or judgment, or proposed order or judgment, and need give no deference to the findings of the bankruptcy judge. At the conclusion of the review, the district court shall enter an appropriate order or judgment.

(e) The district courts, under the supervision of the judicial councils of the circuits, may make such other rules as are appropriate for the handling of cases and proceedings under this section during the transition period.

SEC. 404. On January 1, 1984, there shall be transferred to the appropriate bankruptcy administrator for the judicial district—

(1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending, at the end of December 31, 1983, before the bankruptcy judges referred to in section 402(a) of this Act, other than cases, and matters and proceedings in cases, under—

(A) section 77 or chapter IX of the Bankruptcy Act, or

(B) chapter X of the Bankruptcy Act in which general reference under section 117 of the Bankruptcy Act is not in effect, and

(2) cases under title 11 of the United States Code, and proceedings arising under title 11 of the United States Code or arising in or related to cases under title 11 of the United States Code, that are pending at the end of December 31, 1983, before the bankruptcy judges referred in section 402(a) of this Act.

SEC. 405. (a) Section 408 of the Act of November 6, 1978 (Public Law 96-598, 92 Stat. 2687) is amended—

(1) by repealing subsections (a) and (b) and striking out "(c)", and

(2) by striking out "April 1, 1984" and inserting in lieu thereof "January 1, 1984".

(b) Section 224 of the Act of November 6, 1978 (Public Law 95-598, 92 Stat. 2662) is repealed.

(c) The office of United States trustee established under section 224 of the Act of November 6, 1978 (Public Law 95-598, 92 Stat. 2662), and all provisions of law applicable to such office, shall remain in effect until December 31, 1983. The Attorney General may, at any time during such period, discontinue such office in any judicial district upon certification by the judicial council of the circuit in which such judicial district is located that the office is no longer necessary.

(d) On January 1, 1984, there shall be transferred to the bankruptcy administrator appointed pursuant to this Act, for each judicial district in which a United States trustee has been appointed, the records of the United States trustee relating to cases, and proceedings arising under or related to cases, under title 11 of the United States Code that are pending at the end of December 31, 1983, in the courts, except that the records relating to the United States trustee's service as a trustee in a case under title 11 shall be transferred to the person or persons appointed by the bankruptcy administrator to serve as trustee in such case.

SEC. 406. The circuit executives shall promptly furnish notice of all actions taken by the judicial councils under this Act to the Director of the Administrative Office of the United States Courts.

SEC. 407. All Government publications, law books, recording equipment, and other property furnished to bankruptcy judges' offices as of December 31, 1983, and of particular use to the offices of the United States district courts, shall be transferred to the United States district courts under the supervision of the Director of the Administrative Office of the United States Courts.

SEC. 408. The Judicial Conference of the United States may issue such regulations as may be necessary for the orderly transfer of functions and records and the orderly transition to the system for handling bankruptcy cases authorized by this Act.

SEC. 409. (a) Except as specifically provided otherwise in this section, this Act shall be effective on the date of enactment.

(b) Sections 103, 104, 105, 114, 126, 302, and 405(b) shall take effect on January 1, 1984.

(c) Notwithstanding subsection (b), and except as limited by section 405 of this Act, the judges of a district court, by an order issued with the approval of the judicial council of the circuit, may implement all of the provisions of this Act at any earlier time in such judicial district as if the provisions specified in subsection (b) were in effect. Such an order may also provide for an earlier termination of the transition period provide in this title.

SEC. 410. A finding that any section, subsection, or other provision of this Act is unconstitutional shall not affect the remainder of this Act.●

BANKRUPTCY COURT REORGANIZATION ACT OF 1983—SECTION-BY-SECTION ANALYSIS

The purpose of the bill is to reorganize the court structure now provided by the Bankruptcy Reform Act of 1978 for handling bankruptcy cases to take account of the constitutional issues raised by the Supreme Court's decision in *Northern Pipeline Constr. Co* v. *Marathon Pipe Line Co.*, 102 S. Ct. 2858 (1982).

Section 1 provides that the bill may be referred to as the Bankruptcy Court Reorganization Act of 1983.

TITLE I. COURT ORGANIZATION

Subtitle A. Court personnel

Section 101 of the bill authorizes the appointment of an additional 24 judges for the United States Courts of Appeals. The judgeships provided by this section have already been determined by the Judicial Conference of the United States to be necessary to meet the burdens of existing appeals in the circuit courts.

Section 102 provides for the appointment of an additional 165 judges for the United States District Courts. Of this number, the Judicial Conference of the United States has already determined that 51 judgeships are required to meet the burdens of the existing caseloads in the Federal trial courts. The Administrative Office of the United States Courts has estimated that another 114 judgeship positions will be needed to meet the additional workload which those courts will absorb as a result of the court restructuring proposed by the remainder of the bill. That estimate is based on the assumption that the 51 judgeships needed already are included in the package.

Section 103 amends the Federal Magistrates Act to authorize United States magistrates to assist the district judges in the disposition of bankruptcy cases. Presently, magistrates are authorized to assist in all types of cases coming into the district courts, except bankruptcy matters. The assistance provided by magistrates has been essential to the ability of the district courts to cope with the ever-increasing caseload burdens which have confronted them.

The Bankruptcy Reform Act of 1978 specifically excluded bankruptcy matters from the jurisdiction of magistrates. Such a restriction was deemed necessary in light of the separate bankruptcy court structure under that law. The proposed merger of the two court structures will enable the judges appointed under article III to again avail themselves of the services of magistrates in ensuring that bankruptcy litigants are afforded prompt resolution of their cases.

Paragraph 1 of section 103 authorizes the referral of a core bankruptcy matter to a magistrate for hearing and for the submission of a report and recommended determination, under existing provisions of law. The parties are furnished an opportunity to object to the proposed disposition and are guaranteed that the ultimate determination of the matter will be made by an article III district judge. The same procedure now applies in civil and criminal cases generally. It was specifically upheld by the Supreme Court in *United States* v. *Raddatz*, 447 U.S. 667 (1980, a case cited by the Court in the *Northern Pipeline* decision.

Paragraphs 2 and 3 clarify the provisions of section 636 of title 28, United States Code to ensure that core bankruptcy matters may also be referred to magistrates for disposition, upon the consent of the parties, under subsection 636(c), as amended by The Federal Magistrate Act of 1979, and that independent proceedings related to the bankruptcy matters are handled in the same manner as other types of civil litigation generally. Such an amendment is necessary to make certain that the provisions of the Federal Magistrates Act reflect the renewed jurisdiction over bankruptcy matters proposed in this bill.

Section 104 provides for the new position of bankruptcy administrator. The appointment of administrators is a key feature of the proposal. The administrator will be charged with supervision of the estates of debtors and with ensuring that bankruptcy cases are processed expeditiously in each court. To the extent that any case or proceeding under title 11 is uncontested, the administrator will be authorized to issue any necessary papers, including a final discharge.

The position of administrator provides the needed flexibility to implement the full potential scope of the *Northern Pipeline* decision by providing access to an article III judge for the disposition of contested matters, without unduly taxing the limited pool of article III judges to supervise the day-to-day administration of bankruptcy matters.

Thus, the proposal fully implements the constitutional implications, of the Supreme Court's decision in a manner which also furthers an effective allocation of the resources of the Judiciary. Litigants will be guaranteed access to an article III district judge for the resolution of any contested matter. Judges will be assisted in the performance of their familiar judicial duties by United States magistrates in bankruptcy matters as well as in other civil and criminal cases.

The proposal is designed to permit the court's judicial officers to devote their time to the essential judicial task of resolving disputes and legal issues. They will not be expected to devote their time to auditing the affairs of trustees and debtors in possession or reviewing uncontested matters.

Administrators, who will be qualified to discharge their specific functions, are charged with the primary responsibility of ensuring that bankruptcy matters requiring the attention of a judicial officer are promptly docketed and scheduled for hearing. In addition, administrators will be vested with the necessary powers to ensure that trustees and debtors in possession properly administer the estates entrusted to them and that all appropriate reports are timely filed. Administrators will allow uncontested claims and discharges and will be authorized to scrutinize those reports and all claims on the assets of the estate to ensure that they are in order. Whenever the administrator independently discovers a problem in the course of overseeing the estates, a right of access to the district court will exist to ensure that the problem is promptly resolved.

Section 104 adds eight new sections to title 28 of the United States Code. These sections contain the basic provisions applicable to administrators.

§ 641. Appointment

Section 641 provides for the appointment of administrators by the United States court of appeals for the pertinent circuit for five-year terms, subject to removal for cause by the judicial council of the circuit. These provisions are designed to ensure that the administrators will be able to perform fully their duties in overseeing estates and ensuring prompt consideration of bankruptcy matters by district judges and magistrates.

The administrator will serve as the advocate within the district court for the interests of bankruptcy litigants in the prompt hearing of their cases. As such, the administrator will occasionally call upon the district's judges and magistrates to make difficult allocations of their time against competing demands of criminal and civil cases. The bill provides the circuit court with the power of appointment and, when justified, removal of administrators to ensure that they are able to discharge these duties aggressively.

The bill also provides for flexibility in allocating the number of administrators to meet the fluctuating bankruptcy caseload demands by providing that the Judicial Conference of the United States, upon the recommendations of the Director of the Administrative Office, will determine the appropriate numbers and official stations of administrators and may adjust such determinations from time to time.

§ 642. Oath of Office, Character of Service

Administrators are required to take an oath to execute faithfully their duties. Moreover, administrators are prohibited from holding any other office and are subject to regulations of the conference as to their conduct in office and other activities. The section is expressly designed to promote public confidence in the faithful administration of the bankruptcy laws.

§ 643. Temporary Service, Recall of Retirees

The statute authorizes temporary service of an administrator in three situations: (1) upon the expiration of a regular term, an administrator may continue to serve until a successor is appointed; (2) an administrator in active service may be assigned to serve in any other judicial district; and (3) a retired administrator may be recalled to active service. The Director, under the supervision and direction of the Judicial Conference, is authorized to prescribe regulations to facilitate each type of service and to ensure against any potential abuse.

§ 644. Compensation

Administrators and their staffs are provided compensation and related benefits under provisions similar to those applicable to employees of the Judiciary generally. In recognition of the importance of the office, it is anticipated that the compensation of administrators will be approximately at the GS-15 and GS-16 levels.

§ 645. Staff, Accommodations, and Expenses

Section 645 provides the basic statutory authority to allow the offices of administrators appropriate supporting services. The specific services to be provided are not detailed in the statute but are to be determined by the Director on the basis of need. It is expected that the Director will provide sufficient resources under this authority to ensure that administrators can fully and effectively discharge their duties.

§ 646. Powers and Duties

Section 646 is the key provision relating to administrators. The powers and duties of administrators are detailed in this section. Subsection (a) provides the general principles for interpreting the section. Under paragraph (a)(1) administrators are generally entrusted with the administrative responsibility for all debtors' estates and cases under title 11. Under paragraph (a)(2) the basic limitation that an administrator may not determine any contested matter is explicitly stated. These two paragraphs establish a framework for the determination of any particular questions which may arise concerning the authority and responsibilities of administrators as specified in the remainder of the statute.

Subsection (b) provides a general grant of powers necessary for the general supervision of debtor's estates. The authority provided in subsection (b) covers administrative powers which are not generally contested. It is anticipated that the administrator will generally exercise this authority by order and that any party dissatisfied with any such order will be entitled to obtain review by the district court.

Subsection (c) provides a clear statement of the administrator's authority to enter the necessary orders as to the ultimate issues in a case under title 11: the allowance of discharges and the determination of the relative priorities of claims. Subsection (c) presumes as well that individual claims and exemptions within each case will be allowed automatically in the absence of any objection by an adverse party or by the administrator. The administrator's authority under subsection (c) includes the responsibility for processing all such individual claims and exemptions within the case and issuing appropriate orders.

The subsection provides the basic authority to implement the administrator's general responsibility to ensure the effective administration of estates under paragraph (a)(1). It must be read in conjunction with the restriction of paragraph (a)(2) against the determination of any contested matter.

Subsection (d) provides a grant of authority to approve periodic reports on the handling of estates by trustees and debtors in possession and for applications for disbursements from the assets of the estates. Together, subsections (b) and (d) provide a basic list of the duties to be performed by administrators in carrying out their general responsibility for overseeing the processing of cases under title 11.

Each subsection contains a final, general item to make clear that unintended restrictions should not result from the specification of certain basis reports, applications, and duties in subsections (b) and (d). It is intended that paragraphs (b)(8) and (d)(10) will be broadly interpreted to encompass any report, application, or duty similar in nature, purpose, or effect as those specifically listed.

Subsection (e) is designed to make clear that the administrator, as an officer of the court, may refer matters to the court's judges and magistrates as appropriate and may present views on the matters so referred. The administrator is expected to play an important role in ensuring that cases under title 11 receive prompt consideration. In this regard, the administrator performs a major function of the office of United States trustee which was created under the Bankruptcy Reform Act of 1978. The ability to raise objections to otherwise uncontested matters and to refer appropriate matters to the court's judicial officers is essential to the orderly performance of these duties.

Moreover, it is expected that administrators will develop substantial expertise in cases under title 11. It makes no sense to preclude the courts from eliciting the views of the administrators in such matters, so long as those views are expressed openly and on the record. It is entirely possible, in fact, that such expressions of views may well have the effect of encouraging the parties to resolve contested matters by compromise and settlement rather than by requiring a formal adjudication by a district judge or magistrate.

Subsection (e) also provides that the administrator may specially certify that a particular matter coming before the court requires prompt attention. This authority emphasizes the administrator's particular role as an expediter of bankruptcy litigation and will help ensure that priority matters receive the attention they deserve.

Subsection (f) authories administrator to appoint standing trustees, subject to circuit council authorization of such positions. The general provisions concerning standing trustees are already set forth in section 1302 of title 11.

§ 647. Procedures

Basic procedures for the involvement of administrators in cases under title 11 are outlined in the bill. The Judicial Conference is empowered to promulgate national regulations prescribing more detailed rules as to the role of administrators. Each district court may supplement the conference's regulations with local rules for the handling of bankruptcy matters.

Under the provisions of proposed section 647, all voluntary cases under title 11 and all proceedings arising under title 11 or arising in a case under title 11 will be referred to the administrator. Thus, the administrator will be empowered to handle all bankruptcy matters except involuntary petitions and separate civil actions which are related to a pending bankruptcy petition. Although the administrator will not be involved in resolving the ultimate issue in an involuntary petition, the subsidiary proceedings in such cases may be referred to the administrator for review and appropriate action insofar as they are not contested in fact.

Proposed subsections (b) and (c) provide for the referral back to the district court of any matter which is contested by the parties and of any objections raised by the administrator or raised by a party to an action taken by the administrator in a matter that was not contested prior to such action. Once the district court resolves the particular contest, the case will be referred back to the administrator for further proceedings.

Significant concerns have been expressed as to the ability of the district courts to effectively handle proceedings in cases under title 11 in prompt fashion. In large part, the position of administrator has been established to alleviate such concerns. It is anticipated that the Judicial Conference and the district courts will fully consider the legitimacy of such concerns in formulating regulations and rules under section 647.

§ 648. Records

Each administrator will serve as an officer of the district court, an official court of record. As such, it is important that the official activities of the administrators be documented and preserved.

Section 105. It is anticipated that the normal clerical functions related to cases under title 11 can be generally performed by deputies in the district court clerk's office and by clerical personnel in the offices of administrators. In some larger courts, however, sound administration may dictate that a distinct office be established to process cases under title 11. Section 105 amends section 751 of title 28 to authorize the appointment of a chief clerk for bankruptcy. The authority contained in this section provides additional flexibility to accommodate the disparities in the volume and nature of the caseloads under title 11 from district to district.

Subtitle B. Jurisdiction, venue, and removal

Section 111. Section 1334 of title 28, United States Code, now vests the district courts with jurisdiction over bankruptcy cases. The Bankruptcy Reform Act of 1978 adopted a new jurisdictional provision (28 U.S.C. § 1471) which vested jurisdiction in the district courts over cases and proceedings under title 11, but mandated that each such case or proceeding be automatically referred to article I bankruptcy judges to conduct all proceedings and enter final judgments. The provision for automatic references was determined to be unconstitutional by the Supreme Court in the *Northern Pipeline* case.

Section 111 amends section 1334 to incorporate the basic jurisdictional provisions contained in section 1471. The subsection requiring automatic referral of such matters has been deleted in light of the Supreme Court's decision.

Section 112 enacts the venue provisions for bankruptcy cases established in the Bankruptcy Reform Act of 1978, with necessary modifications to accommodate the new jurisdiction of the district courts over such matters.

Section 113 enacts the provisions for removal of bankruptcy cases contained in the Bankruptcy Reform Act of 1978, with appropriate modifications to accommodate the new jurisdiction of the district courts over such matters.

Section 114 amends the provisions of existing law that authorize district courts to provide locally for the division and assignment of their caseloads. The amendment would require that such local rules contain a provision to ensure that bankruptcy matters certified by the administrator as requiring expedited treatment will be promptly assigned to a judge. Such an assignment does not preclude the referral of the matter to a magistrate by a judge. This provision should provide litigants in bankruptcy cases legitimate access to a judicial officer for those matters requiring a prompt hearing and determination.

Subtitle C. Conforming amendments

Section 121. The rules of construction for title 11, United States Code, are amended to provide a reference to the new office of bankruptcy administrator. It is intended that the use of the term "court" throughout title 11 shall not be deemed to require that the particular function specified must be handled by a judge of the court. Rather, subordinate officers of the court, including magistrates and administrators, may perform such functions when authorized to do so. The pertinent provisions of title 28, United States Code, should be consulted as to their authority.

Section 122. The compensation of officers in bankruptcy cases has created a bookkeeping problem. The amendment would eliminate the bookkeeping involved in maintaining separate accounts and permit the filing fees to be paid directly to the Treasury, with officers compensated in the same amounts, but from appropriated funds.

Section 123. The issuance of notices is a function of the court's administration of estates under the bankruptcy laws. The amendment makes clear that estates with assets should not be charged for the expense of preparing and mailing notices in other cases where the estates do not have assets.

Section 124. Current law requires the personal appearance of the debtor in each and every case before a discharge is granted. This requirement has been unnecessary in many cases. The amendment would provide the court greater flexibility in requiring the debtor's presence only in those circumstances which actually warrant a personal appearance.

Section 125. This section makes appropriate conforming amendments to provisions for the appointment and compensation of standing trustees.

Section 126. This section repeals those provisions of the Bankruptcy Reform Act of 1978 which established the office of United States trustee.

TITLE II. ADMINISTRATIVE PROVISIONS

Section 201. Clarifications of the authority of the Judicial Conference of the United States as to its role over the several courts of the United States and in supervising the activity of the Director of the Administrative Office of the United States Courts in his capacity as the administrative officer of offices in each of the several courts are set forth in this section.

Section 202. The provisions for the retirement of judges appointed under article III are revised to clarify the distinctions between the several types of retirement and to provide increased flexibility in the operation of these provisions.

Section 203. The existing provisions for retirement of judges serving in the district courts for the several territories are broadened to include all judicial officers, not appointed under article III, serving in the federal courts. The provisions are amended to provide a uniform retirement system which recognizes the unique character of the service of such personnel. Under the new provisions retirement eligibility vests after eight years of service. Section 203 also provides appropriate conforming provisions and includes the existing offices of bankruptcy judges in the new provision during the period when such offices continue in existence.

Section 204. Separate provisions provide for the Judicial Survivors' Annuity Fund. Section 204 makes conforming amendments to these provisions to incorporate the new retirement system being established for fixed term judicial officers.

Section 205. Additional general definitions having applications throughout title 28, United States Code, are included in the bill.

Section 206. Authority for the Director of the Administrative Office of the United States Courts to authorize the administration of oaths in appropriate circumstances is included in light of the additional responsibilities imposed upon the Director. The new provision parallels that applicable to most Executive Branch agencies under section 2903(b) of title 5, United States Code.

Section 207. The Director of the Administrative Office of the United States Courts now has authority to set the salaries of employees in the several courts, under the direction and supervision of the Judicial Conference. Section 207 expands on that authority to include all officers and employees serving in the federal courts, other than justices and judges appointed under article III. The provisions relating to the salaries of the employees of the Administrative Office and the Federal Judicial Center are not affected. Under the new provision, the Director may set the salary for each officer and employee subject only to a maximum limit of eighty-five percent of the salary authorized for a United States district judge. The Director's exercise of this authority is subject to the overall supervision and direction of the Judicial Conference of the United States.

Section 208. Necessary amendments to the compensation laws for certain officers of the Judiciary are enacted by section 208 to conform those provisions to the new salary mechanism established under section 207. Section 208 also specifies that the new salary mechanism shall not operate to reduce the existing salary of any territorial

judge or the authorized salary for any other office below what is authorized and payable immediately prior to the enactment of this provision.

TITLE III. TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A. Amendments to title 28, United States Code

Section 301. A reference to the attendance of bankruptcy judges at the judicial conferences of the circuits is deleted.

Section 302. Provision for the inclusion of bankruptcy administrators under the disciplinary authority of the circuit councils is incorporated.

Section 303. The item relating to a section of chapter 17 that has been repealed is deleted from the chapter analysis.

Section 304. Authority to provide accommodations for bankruptcy administrators is incorporated into section 462 of title 28.

Section 305. The Director of the Administrative Office is given specific administrative oversight responsibilities for the offices of bankruptcy administrators. Provisions for the publication of statistical tables on the bankruptcy caseloads and for the oversight of trustees are revised in light of the changes made in Title I of the bill.

Section 306. A conforming amendment to the duties of the Federal Judicial Center is made by section 306.

Section 307. A reference to the office of bankruptcy judge is deleted from the provisions for the Board of the Federal Judicial Center.

Section 308. References to the office of bankruptcy judge are deleted from the provisions for the appointment of magistrates.

Section 309. Conforming amendments are made in regard to Indian tribes in the State of Alaska.

Section 310. Several independent provisions of law were mistakenly numbered as section 1364. The amendment corrects the numbering problem.

Section 311. A reference to the office of bankruptcy judge is deleted.

Section 312. The authority for the collection of filing fees for bankruptcy cases is amended in light of the change in the court structure provided.

Section 313. Provisions for the registration of judgments in other districts are revised to incorporate the changes in the bankruptcy laws.

Section 314. Provisions for the taking of appeals are revised in light of the change in the bankruptcy court structure.

Subtitle B. Amendments to other laws

Section 321. A conforming amendment is made to the retirement laws.

Section 322. The Agricultural Acts are amended to update the reference to bankruptcy matters now contained in them.

Section 323. References to bankruptcy proceedings contained in the Securities laws are updated and a typographical error is corrected.

Section 324. A typographical error is corrected and a reference to the bankruptcy courts is deleted from the definitions for title 18, United States Code.

Section 325. A reference to the bankruptcy laws in the mine safety laws is updated.

TITLE IV. TRANSITION PROVISIONS, EFFECTIVE DATES, AND SEVERABILITY

Section 401. Certain provisions of the Bankruptcy Reform Act of 1978 have not yet taken effect and are repealed. In addition, provisions for handling bankruptcy cases during the transition period established by the Act are also repealed.

Section 402. The offices of bankruptcy judges are continued until January 1, 1984. Administrative provisions applicable to such positions are continued in operation during the transition period from the date of enactment of the bill until January 1, 1984.

Section 403. The district courts are vested with the jurisdiction over bankruptcy cases in conformance with the provisions of amended section 1334 of title 28, United States Code. The procedure authorized by the Judicial Conference's model rule for bankruptcy matters are enacted as the procedures to govern the handling of bankruptcy cases and proceedings during the transition period. Any additional rules appropriate for the handling of such cases may be established by the circuit councils under this section for by the Judicial Conference under section 407.

Section 404. At the end of the transition period, each bankruptcy judge is directed to turn over to the bankruptcy administrator for the district all records relating to pending cases. In addition, all Government law books, equipment, and other property are to be turned over to the administrators at the end of the transition period.

Section 405. Transitional provisions relating to the phasing out of the offices of United States trustees are incorporated in section 405. These offices will be terminated on January 1, 1984, unless the Attorney General, upon the certification of the pertinent circuit council eliminates the position in a particular district on an earlier date. At the end of the transition period, the records of the United States trustees are to be turned over to the new bankruptcy administrators or to private trustees.

Section 406. The circuit executives are directed to promptly inform the Director of the Administrative Office of any action taken by a circuit council under this Title. During the limited transition period provided by this law, it will be essential that the Director be promptly informed of all such actions.

Section 407. The Judicial Conference is authorized to promulgate any appropriate regulations to ensure an orderly transition period and is authorized to delegate this responsibility to one of its committees to ensure that any necessary action can be taken promptly.

Section 408. Generally, all the provisions of the Act are effective immediately upon enactment. This provision ensures that there is a sound basis for jurisdiction over bankruptcy cases and proceedings in the district courts.

The provisions establishing the offices of bankruptcy administrator and the bankruptcy clerk, as well as the provision for promulgating local rules giving priority to bankruptcy matters and the provision repealing laws pertaining to the office of United States trustee are delayed until January 1, 1984. A district court, however, with the approval of the pertinent circuit council, may make the provisions relating to bankruptcy administrators and clerks effective at an earlier date within that judicial district. Such an order may also provide for an earlier termination of the office of bankruptcy judge in such district. This authority will enable those district courts which can implement the Act in full at an earlier date to do so and, in effect, provide a pilot program for the operation of the new laws.

Section 409. The bill also contains a savings provision designed to ensure the continued operation of the law to the greatest possible extent should any particular provision be found to be unconstitutional.

By Mr. DURENBERGER (for himself, Mr. BIDEN, Mr. DOLE, Mrs. HAWKINS, Mr. HEINZ, Mr. HOLLINGS, Mr. QUAYLE, Mr. RANDOLPH, Mr. BOSCHWITZ, Mr. SPECTER, Mr. INOUYE, Mr. MATSUNAGA, Mr. ANDREWS, Mr. PELL, Mr. BURDICK, Mr. COCHRAN, Mr. CRANSTON, Mr. HART, Mr. BRADLEY, Mr. TSONGAS, Mr. METZENBAUM, Mr. PERCY, Mr. PACKWOOD, Mr. D'AMATO, Mr. BAUCUS, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. RIEGLE, Mr. DOMENICI, Mr. DECONCINI, Mr. MOYNIHAN, Mr. SARBANES, Mr. HATFIELD, Mr. HELMS, Mr. DIXON, Mr. PRESSLER, and Mr. SIMPSON):

S. 444. A bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes; to the Committee on the Judiciary.

EQUAL ACCESS TO VOTING RIGHTS ACT

Mr. DURENBERGER. Mr. President, a year ago Congress reaffirmed the voting rights of all Americans by reauthorizing the Voting Rights Act of 1965. But the right to vote and the capacity to vote are not necessarily the same. For the 35 million elderly and disabled Americans, physical barriers have often provided as great an obstacle to voter participation as the legal barriers the Voting Rights Act was designed to eliminate. To understand the real impact of these barriers on human beings, consider how you would respond to any of the following situations:

Suppose you were elderly or disabled, and arrived at a polling site only to find that the polls have been set up on the second or third floor of a building that lacks elevator access.

Suppose you were in a wheelchair, and arrived at the polls only to find that architectural barriers physically barred you from access to the polling place doors.

Imagine for a moment that you lost your hearing, and discovered on arriving at the voting booth that only oral—rather than written—directions were provided.

These problems arise every year, in every election. And they have the predictable impact—they keep people who want to participate away from the polls.

The barriers these individuals face are not legislatively imposed—they are the darkness of blindness, the frustration of physical paralysis, and the frailty of age. The bill I am introducing today is designed to overcome these barriers and offer all qualified voters the freedom to exercise their right to vote.

It will overcome the distress of an elderly woman who wakes on election day to find her arthritis so painful she

cannot get out of bed. In many States, handicapped individuals must have a doctor's verification of disability before they can file an absentee ballot. Those suffering from sporadic illness can only hope for a flareup when they seek absentee status.

It will overcome the disappointment of a citizen, confined to a wheelchair, who arrives at the polls on election day only to find that there is no way to enter. A simple flight of stairs may be the only barrier standing in the way, but it effectively means that his or her opinion will not be heard.

Most important, Mr. President, the legislation we offer today will overcome the fear of these obstacles. It is the fear of inaccessibility that keeps untold numbers of elderly and handicapped citizens away from the polls.

The Equal Access to Voting Rights Act removes barriers to voter participation. Its provisions are simple and inexpensive, yet offer a real chance for thousands of disabled, handicapped, and elderly voters to participate in the electoral process.

Today there is no legal requirement that Federal election polls be accessible to the handicapped. This bill would require the Attorney General of the United States, in consultation with the Secretary of the Department of Health and Human Services, to set minimum standards for registration and voting sites used in national elections to insure that physical barriers associated with these facilities do not prevent the elderly and the handicapped from voting. Wherever practical, polling and registration facilities will be located in buildings with either temporary or permanent ramp access.

Where this is not possible, special procedures such as curbside voting may be instituted to insure handicapped access to the voting process.

Registration and voting facilities must also be accessible to the elderly. A voting booth up three flights of stairs with no elevator denies an older American the opportunity to vote. This legislation would insure that voting and registration sites are located on the ground floor of multistory buildings, or in an area of a multistory building accessible by elevator.

Other provisions of the bill include a requirement that voter information notices, already required by Federal law, be printed in large type to assist the visually impaired. My bill would also require that in Federal elections, absentee ballot provisions be available not only to those who are physically absent from the jurisdiction on the date of the vote, but also to those whose age or physical handicap would be likely to prevent their presence at a polling place.

Access to the polls should not be contingent upon two strong legs, perfect vision and robust physical health. Every member of society loses when access to the electoral process is abridged.

Mr. President, I am proud to have endorsements for this legislation from so many major organizations representing the disabled and senior citizens. In working on this bill with members of these organizations I have heard story after story about individuals being denied the right to vote by everyday barriers:

Polling booths in a church room accessible only by two flights of stairs;

Voting machines with levers too high to be reached from a wheelchair; and

Ballots and registration information printed in type too small to be read by the visually impaired.

These are just a few of the many examples I could share with you. To most of us, they may be nothing more than a minor inconvenience. To some Americans they are the difference between exercising a constitutional right and isolation from the democratic process.

We have fought and gained the legal right to suffrage through constitutional amendment. Let us back up this voting right with the means to make it truly possible for every American to exercise his or her right to vote.

I ask unanimous consent that a list of endorsing organizations be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS ENDORSING THE VOTING RIGHTS FOR THE HANDICAPPED AND ELDERLY ACT

1. Affiliated Leadership League of and for the Blind of America.
2. American Association of Retired Persons/National Retired Teachers Association.
3. American Civil Liberties Union.
4. American Coalition of Citizens with Disabilities.
5. American Council of the Blind.
6. American Foundation for the Blind.
7. American Speech Language and Hearing Association.
8. Association for Retarded Citizens.
9. Blinded Veterans Association.
10. Consumer Federation of America.
11. Disability Rights Center.
12. Disability Rights Education and Defense Fund.
13. Independent Living Center of Northern Virginia.
14. Epilepsy Foundation of America.
15. Equal Justice Foundation.
16. Gallaudet College.
17. Goodwill Industries.
18. Handicaps Unlimited of Virginia, Inc.
19. Institute for Public Representation.
20. Leadership Conference on Civil Rights.
21. League of Disabled Voters.
22. League of Women Voters.
23. Metropolitan Washington Gray Panthers.
24. Montgomery County Association of Children and Adults with Learning Disabilities.
25. National Association of Social Workers.
26. National Center for Handicapped Rights.
27. National Center for Law and the Deaf.
28. National Council of Senior Citizens.
29. National Easter Seal Society.
30. National Network of Learning Disabled Adults.
31. National Rehabilitation Association.
32. National Society for Children and Adults with Autism.
33. Paralyzed Veterans of America.
34. Spinal Cord Injury Network.
35. United Cerebral Palsy Associations.
36. United Church of Christ.
37. The American Bar Association.

By Mr. DOLE:

S. 445. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

OMNIBUS BANKRUPTCY IMPROVEMENTS ACT OF 1983

● Mr. DOLE. Mr. President, I now send to the desk another major piece of bankruptcy reform legislation, the Bankruptcy Improvements Act of 1983, a bill which is designed to implement desperately needed changes in the Bankruptcy Reform Act of 1978.

The Bankruptcy Reform Act of 1978 was the first major revision of the bankruptcy laws of the United States since 1938, and its enactment was the culmination of an effort that extended over a number of years. The new code made numerous substantive changes in the law of bankruptcy and in the administration of debtor's estates. Most of these new provisions have worked well and have had beneficial effects upon the bankruptcy system. However, it became clear soon after the new code went into effect that the changes wrought by the law in certain areas upset the delicate balance of equity between debtors and creditors, particularly with respect to consumer credit translations. The Judiciary Committee thus turned its attention in early 1981 to an examination of the impact of the new law, and Senate bill 2000 in the 97th Congress was the result. That bill—which was titled "Bankruptcy Improvements Act of 1982"—was the end product of the very thorough and comprehensive review of the strengths and weaknesses of the Reform Act which was conducted throughout the 97th Congress.

Even as committee work upon that important piece of legislation was completed, however, we in Congress began to realize that the deficiencies of the 1978 act went well beyond the area of consumer debtor bankruptcy procedures. The Supreme Court decision in the case of *Northern Pipeline Co.* against *Marathon Pipeline Co.* gave graphic demonstration to that fact. In that case, the Supreme Court held that Congress had delegated too much jurisdictional authority to the bankruptcy courts in the 1978 act, assigning the article I bankruptcy judges powers which have traditionally been

reserved for the article III district court judges. In addition, defects in the provisions of the code governing corporate reorganizations and business bankruptcies were brought to our attention. Problems with grain elevator bankruptcies, repurchase agreements, time-sharing agreements, and shopping center bankruptcies have also been the subject of past work in the Judiciary Committee and today—as we begin a new Congress—there is a substantial menu of bankruptcy reform issues that demand attention.

Because of the serious effects the defects in the present code are having upon the efficiency of bankruptcy administration, the Judiciary Committee held an early hearing on January 24 of this year to receive testimony on legislative solutions to the problems that have been identified. Those hearings included spokesmen from the ranks of business, labor, consumer law interest groups, judges, academicians, and bankruptcy practitioners. In response to that testimony, this legislation has been developed.

FOCUS OF LEGISLATION

This bill is the end result of a thorough and comprehensive review of the strengths and weaknesses of the Bankruptcy Reform Act conducted by the Judiciary Subcommittee on Courts, which I chair. Discussions with representatives of the credit industry, members of the judiciary, legal scholars, and private practitioners during the 97th Congress led to the development of a package of technical amendments which passed that Congress as S. 863 on July 17, 1981. In addition, testimony was presented as to the effectiveness of the code as it applies to consumer debtor petitions and suggestions were made for changes that would restore balance to debtor-creditor relationships. This became the focus of the original S. 2000, which was drafted in response to the need for amendments to various provisions of the code which have served to encourage needless filings, inhibit good faith creditors in recovering upon legitimate claims, and impair the efficiency of the courts.

In the course of the work on S. 2000, however, we on the committee became aware that the needed reforms went far beyond consumer issues. Over the past 2 years, the committee's attention has been directed to a wide variety of important segments of our society which have been adversely affected by provisions of the Reform Act of 1978. A crisis in the farm economy has exposed the need for measures to protect farmers whose crops are stored in bankrupt grain elevators. Failures of major securities dealers have brought to our attention the existence, and importance, or repurchase agreements, which are contracts to buy and sell fractional interests in Government securities. These agreements are a major tool used in the financing of the national debt, and they must be protected from the delays inherent in the bankruptcy courts. Other problems in the areas of leasehold management, time-sharing agreements, and the bankruptcy referee's salary and expense fund have come to the committee's attention. On all of these issues, we have attempted to carefully weigh the need for special protections in bankruptcy against the equally important need for uniformity in the law. I believe that we have achieved an acceptable balance in that regard in the bill I send to the desk today.

CONCLUDING REMARKS

Mr. President, I will not take the time now to review the details of the Omnibus Bankruptcy Improvements Act of 1983. I would refer my colleagues to previous statements and committee reports which were issued on the component items of legislation. I am submitting for the RECORD a summary of the legislative initiatives contained in this bill, and I ask that that summary be reprinted at the conclusion of these remarks. I do not ask that the text of the bill be printed in the RECORD, as it is, I believe, too extensive to do so. However, copies of the legislation are available through the Judiciary Subcommittee on Courts and I refer my colleagues to staff personnel in that office for copies of the legislation.

I will be working diligently for speedy action on this package of bankruptcy improvements, both in committee and on the floor. I believe that its passage early in this Congress is as important for the future security of the bankruptcy system in this Nation as is passage of the companion legislation I have offered today which addresses the problems identified by the Supreme Court in the Northern Pipeline decision.

Thank you, Mr. President.

SUMMARY OF BANKRUPTCY REFORM ITEMS

1. Consumer Bankruptcy Amendments: S. 2000, verbatim. Amendment tightens debtor repayment requirements in both Chapter 7 and Chapter 13 cases, revises provisions of the Code which inhibit good faith creditors from recovering on claims, and eliminates unnecessary, inefficient procedural obstacles which cause delay in bankruptcy courts and waste judicial resources.

2. Grain Elevator Bankruptcy Amendments: S. 3037, 1365. Provide procedures for expedited distribution of grain stored in bankruptcy elevators, to ensure that farmers who own grain stored in the elevators and farmers who have sold grain to a bankrupt elevator operator but who have not received payment are not punished financially by delays in bankruptcy court. Non-controversial. The measure has passed the Senate four times on previous occasions.

3. Leasehold Management Amendments: S. 2297, the Shopping Center Bankruptcy Amendments bill. These amendments would establish a timetable within which trustees would have to affirm or reject leases of space in a shopping center held by a bankrupt, and would ensure that leases that have expired by virtue of their own terms before the filing of a bankruptcy are not artificially "revived" by the bankruptcy court. Passed the Senate by voice vote at the end of the September session.

4. Danforth Drunk Drivers' Bankruptcy Amendments: S. 2159. The amendment provides that a debt was incurred as the result of an act of drunk driving is not dischargeable in bankruptcy.

5. Referees Salary and Expense Fund: The text of the amendments is drawn from S. 863, passed by the Senate in '81 and by the House as H.R. 4353 and 5116. These bills remedy a drafting error in the '78 Bankruptcy Act which was intended to abolish the referee's salary and expense fund. Due to an error in the effective date of those provisions of the '78 Act, a handful of debtors in Chapter 7 and 11 bankruptcy cases (about five cases) are still required to make payments to the non-existent fund. The money presently goes to the Treasury. Correcting this error will mean more money for the estate in those cases.

6. Repurchase Amendments: Legislation proposed by the Federal Reserve Board, approved by Treasury and SEC, which would exempt repurchase agreements from the automatic stay in bankruptcy proceedings. Repurchase agreements are contracts whereunder a financial institution with large quantities of cash on hand for a short term period agree to buy securities for that period on condition that the seller buy the securities back with a stated discount at the expiration of the period. These agreements are used by the Fed extensively to finance the debt. If a bankruptcy of a major securities dealer holding such agreements were to occur, under present law, the automatic stay provisions of the Code would cause a "domino effect" failure of massive proportions.

7. Timesharing Agreements: Legislation to protect holders of timesharing agreements in resort properties in the event of bankruptcy of the timesharing contractor who owns the property. The bill provides that those holding such agreements are to be granted a lien against the estate if the contract rights are terminated in bankruptcy.

8. Technical Amendments: S. 863, passed by the Senate in '81 and by the House in the 96th Congress.●

By Mr. JEPSEN (for himself and Mr. DOLE):

S. 446. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment in kind program; to the Committee on Finance.

THE-PAYMENT-IN-KIND TAX EXEMPTION ACT

Mr. JEPSEN. Mr. President, today I am introducing a bill and asking that it be referred to the appropriate committee for appropriate action.

Mr. President, the bill I am introducing on behalf of myself and Senator DOLE is of the utmost importance to the financial survival of America's 2.4 million farm families. The Department of Agriculture's payment-in-kind program, designed to enhance farm income by reducing price depressing burdensome stocks, is in serious jeop-

ardy. That program is called the PIK program.

Speculation is at a fever pitch within the farming community that the Internal Revenue Service intends to attach a fair market value to commodities received by farmers out of the PIK program and tax them accordingly and immediately.

This, first of all, is a complete total departure in the normal way that the overwhelming majority of all farmers conduct their financial planning and operate under the taxing basis.

The farming community is in extreme financial distress. Real farm income in 1982 was one-quarter the level realized by farmers 10 years ago and almost identical to farm net income in 1933. The primary cause of this deplorable economic condition is price-depressing surplus grains stocks. Innovative, potentially highly effective Government programs to reduce burdensome stocks such as the payment-in-kind program must not be compromised. To tax a commodity before it has generated any income will not only seriously damage the effectivenss of the payment-in-kind program with disastrous long-term consequences, but will also heighten the financial plight of those farmers choosing to participate and contribute to reducing grain production and, not so incidentally, reducing Government farm program costs. It is likely that many complying farmers would have to take out a loan on the commodities to pay the taxes, which is an unconscionable situation.

The Payment-In-Kind Tax Exemption Act will exempt farmers from paying a tax on PIK commodities until those commodities are sold and the farmer realizes an income, which is exactly the way they operate now.

If the farmer were to harvest a crop in the fall, which he would be doing ordinarily, or instead by going into the PIK program would not harvest a crop that he did not plant and receive payment in kind in the fall he received his grain and then as he feeds this grain out through his livestock when the livestock is sold, whether it be cattle or hogs, whatever it may be, he pays full taxes on the sale of these animals.

If the farmer, in fact, turns around and sells that grain on the open market, that is taxed then on the income at the time he sells it.

Why there is any hesitation whatsoever of the IRS in issuing and rendering a statement or an opinion on the way that this is going to be taxed is beyond reason, beyond any kind of a thought of rationalization or rationale that anyone who knows anything about farming could appreciate or understand.

I constructively and respectfully urge that the IRS and the Commissioner and the various people involved who are dealing with this situation make immediate issuance of an opinion that will reflect the traditional way that farmers handle their financial programs and their taxes.

The closing date for the farmer participation in the PIK program is March 11, and they are already signing up for it, or been asked to, although once this issue came up, the signup in my State practically stopped overnight. So barely 1 month from now, on March 11, will be the closing date. This Congress must act immediately to send a clear signal to U.S. farmers that their Government will not unjustly penalize them for participating in this extremely important supply control program.

It is my intention to meet in the very near future, within the hour in fact, with representatives of the IRS, including the Commissioner, to present the facts as to how the farming community in the feed grain areas and the corn crops areas normally historically handle their financial planning and their feeding program.

It is my expectation at that time and my hope that the agency will respond in good faith and with good sense and will help to dispel the feeling that many people have up and down the highways and byways of this country that Government indeed has a faculty of getting and fooling around and trying to fix something that is not broken.

I hope that this will be settled with dispatch and settled correctly.

● Mr. DOLE. Mr. President, I am cosponsoring a bill today with the distinguished Senator from Iowa, Senator JEPSEN, that clarifies the tax status of farmers when they participate in the payments-in-kind (PIK) program announced by President Reagan on January 11. The bill would require that PIK commodities be taxed in the same manner as commodities the farmer produced himself. It is essential that Congress act on this measure before the final signup date for this program on March 11, 1983.

IMPORTANCE OF AN EFFECTIVE PIK PROGRAM

As we all know, our farmers are the most productive in the world. So productive, Mr. President, that huge stocks of grain and cotton have accumulated. For example, on October 1, 1983, the United States is expected to carry out about 150 million metric tons of grain—nearly 60 percent of the world total and considerably more grain than we export in 1 year. With these levels of stocks, production must be substantially reduced before farmers and ranchers can expect to receive higher prices through the marketplace. This is what the PIK is geared to do for wheat, corn, grain sorghum, cotton, and rice, and the farm economy in general.

In short, the PIK program allows farmers to reduce their acreage by an additional 10 to 30 percent over the previously announced acreage reduction and paid diversion programs. For farmers who agree to participate, they get compensated in commodities from Government stocks—and not cash. Thus, the PIK program will reduce stocks and get us back to a more balanced supply and demand situation. I compliment Secretary Block for taking such bold and innovative action for the 1983 crop year and possibly for the 1984 crop year as well.

THE PROBLEM

The in-kind payments under the PIK program will, in most respects, be a partial substitute for the commodities that would have been produced on the diverted land. However, under current tax law the payments will likely not be taxed the same way that actual production would have been. For tax purposes, a producer of agricultural commodities normally has income from his production when the commodities are sold. In some cases, the sale occurs in the tax year in which the commodities are produced; in other cases, it occurs a year or more later. In contrast, the Internal Revenue Service may decide that a payment in kind under the Department of Agriculture's program should be treated as income as soon as producers have a right to receive it, regardless of when the commodities are actually sold by the producer. Thus, in some cases, producers will owe taxes on a payment in kind even though there has been no sale of commodities and therefore no cash income to pay the taxes.

Thus relatively unfavorable tax treatment of payments in kind is not only unfair to the producer but could also pose a serious obstacle to producer participation in the Department of Agriculture's new program.

Our bill would eliminate this obstacle by providing that for tax purposes, payments in kind received by the producer under the Department of Agriculture's program will be treated in the same manner as actual production by the producer. It would not permit producers to avoid taxation on the PIK commodities. Rather, it would adjust the timing of the tax to coincide with the point when the producer has income from the disposition of it.

It is urgent, Mr. President, that we move quickly so farmers know that they will not be unfairly taxed. A quick resolution of this is necessary for it could significantly impact on participation, and March 11 is the deadline. And we need as much participation as we can get so that these stocks can be reduced and the recovery in the farm economy can get underway.●

By Mr. HELMS:

S. 447. A bill to modify the certification requirements relating to El Salva-

dor contained in the International Security and Development Cooperation Act of 1981; to the Committee on Foreign Relations.

EL SALVADOR

● Mr. HELMS. Mr. President, yesterday the Committee on Foreign Relations held hearings on President Reagan's certification of El Salvador under the requirements of the International Security and Development Cooperation Act of 1981. Senators are well aware of the nature of the conflict in El Salvador, and of the importance of U.S. aid to the continuing ability of the Government of that country to survive the savage guerrilla attacks; these guerrillas are backed by Castro's Cuba and the Sandinistas in Nicaragua, and have been trying to overthrow the various governments of El Salvador for years.

Mr. President, during the past two certification hearings—held 1 year ago and 6 months ago—many Americans noticed the tendency of critics of the human rights performance of the Government of El Salvador to omit entirely any reference to the atrocities of the leftist guerrillas, which are normally the mainstay of terrorist activities in that country. When questioned about such a one-sided approach, such groups would answer that the certification legislation mentioned only human rights violations committed by the security forces of the Government, not the leftist guerrillas. The legislation I propose today addresses that imbalance, and restores an even-handedness to our consideration of the situation in El Salvador.

Mr. President, the certification has become a convenient instrument for a review of our Nation's policies in El Salvador, and in all of Central America. Yesterday Assistant Secretary Enders and Assistant Secretary Elliott Abrams underscored their view that the certification procedure was a useful one. Nonetheless, they agreed that it would be much fairer if the certification process included an analysis not only of human rights violations by the Government of El Salvador, but of the violations by the leftest guerrilla forces. The legislation I propose will establish such a balance, and I am glad to say that many members of the Foreign Relations Committee—and a surprising number of the public witnesses who testified before us yesterday—support this concept. I hope that it will garner bipartisan support that will reflect a spirit of fairness among all parties who are interested in the ongoing discussion of U.S. policy in Central America.

Mr. President, my bill also addresses a minor aspect of the language of the present certification language, that concerning the reforms in El Salvador. It seems that many members of the Salvadoran private sector and of our own U.S. Government agencies are not convinced that the Congress of the United States supports private sector institutions as the basis for economic growth. For that reason, my bill merely adds a phrase stating explicitly the desirability of private-sector, free-market structures in El Salvador's developing economy.

Both these provisions, Mr. President, will assure the United States of a better, more balanced, and ultimately more successful policy in El Salvador.●

By Mr. ABNOR (for himself and Mr. PRESSLER):

S. 448. A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes; to the Committee on Energy and Natural Resources.

BELLE FOURCHE IRRIGATION PROJECT

● Mr. ABDNOR. Mr. President, today I have reintroduced legislation which passed the Senate last year without objection, to reauthorize and provide for urgently needed rehabilitation work on the Belle Fourche irrigation project.

Except for deleting acreage limitation provisions inconsistent with the Reclamation Act of 1982, which was enacted after the Senate had passed the Belle Fourche reauthorization, the bill I have introduced today is in the same form that it unanimously passed the Senate last year.

Those who wish further information on this measure should see my remarks on page 9193 of the May 10, 1982, CONGRESSIONAL RECORD on passage of the bill by the Senate. Additional support for the bill may be found in Senate Energy and Natural Resources Committee publications 97-41 and 97-67, containing transcripts of the committee's field and Washington hearings on this measure.

I am joined in cosponsorship by Senator PRESSLER and Congressman DASCHLE on the House side. I am hopeful Senate passage will occur again this year without delay. I strongly urge the necessary parallel action by the House, so that Senate approval will not again be thwarted as it was last year.

Mr. President, I ask unanimous consent that the text of the bill be reprinted at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general plan for the Belle Fourche project, South Dakota, heretofore authorized for construction by the Secretary of the Interior, May 10, 1904, pursuant to the Reclamation Act of 1902 (32 Stat. 388), is modified to include construction, betterment of works, water conservation, recreation, and fish and wildlife conservation and development. As so modified, the general plan is reauthorized under the designation "Belle Fourche unit" of the Pick-Sloan Missouri Basin program.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary"), is authorized to negotiate and execute an amendatory repayment contract with the Belle Fourche irrigation district covering all lands of the existing Belle Fourche project. This contract shall replace all existing contracts between the Belle Fourche irrigation district and the United States.

(b) The period of repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be not more than forty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to complete the rehabilitation and betterment program and other water conservation works, the rates of charge to land class in the unit shall continue to be as established in the November 29, 1949, repayment contract with the district, as subsequently amended and supplemented; thereafter, such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as then determined by the Secretary.

SEC. 3. (a) All miscellaneous net revenues of the Belle Fourche unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(b) Construction and rehabilitation and betterment costs of the Belle Fourche unit allocated to irrigation and not assigned to be repaid by the irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Pick-Sloan Missouri Basin program within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. (a) The provision of lands, facilities, and project modifications which furnish recreation and fish and wildlife benefits in connection with the Belle Fourche unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features shall be determined by the Secretary of the Treasury as the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 5. Appropriations heretofore or hereafter made for carrying on the functions of the Water and Power Resources Service shall be available for credits, expenses, charges, and costs provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 6. The Secretary is authorized to amend existing contracts and enter into additional contracts as may be necessary to implement and facilitate any future agreement between the Belle Fourche Irrigation District and non-Federal entities involving the sale of Belle Fourche project water for use by such non-Federal interest for other than irrigation purposes: *Provided,* That the net proceeds from such transactions be-

tween the Secretary, the Belle Fourche Irrigation District, and such non-Federal interest shall be paid to the United States as reimbursement of the cost of the works authorized by this Act, that such transactions are not in violation of applicable State laws, and that such transactions shall be subject to the consent and conditions of the State of South Dakota to such water use by such non-Federal interest in accordance with the laws of South Dakota and the provisions of the Belle Fourche River Compact between the States of Wyoming and South Dakota to which the consent of Congress was given in the Act of February 26, 1944 (ch. 64, 58 Stat. 94).

SEC. 7. There is hereby authorized to be appropriated beginning October 1, 1983, for the rehabilitation and betterment of the irrigation facilities of the Belle Fourche unit and recreation and fish and wildlife measures as authorized by this Act, the sum of $42,000,000 (based on January 1981 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein.●

BELLE FOURCHE IRRIGATION PROJECT

● Mr. PRESSLER. Mr. President, today, Senator ABDNOR and I are introducing legislation to authorize the rehabilitation of the Belle Fourche irrigation project in western South Dakota. This bill is the same as S. 933, which was passed by the Senate in 1982, but which unfortunately was not acted on by the House.

The Belle Fourche irrigation project has been in operation for over 70 years and has helped to stabilize the agricultural economy in the surrounding area. The project was originally authorized under the Federal Reclamation Act of 1902 and was built between 1905 and 1914. The project provides water to irrigate about 57,000 acres of land which is operated by about 400 farms.

Since the project is 70 years old and has never benefited from major repair work, a great deal of water is lost through seepage. The number of acres of land served by the project could be increased if the project were rehabilitated.

Last July, the South Dakota Water Congress Newsletter ran a very informative article on the Belle Fourche irrigation project and its benefits. For the benefit of my colleagues, I ask unanimous consent that the article follow my statement.

Mr. President, I urge my colleagues to act quickly on this legislation once again so that the Belle Fourche irrigation project can be rehabilitated.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BELLE FOURCHE IRRIGATION: A LIVING ECONOMETRIC MODEL!

With more than a 70-year track record, the Belle Fourche Irrg. Project in western S.D., is a living econometric model.

The hay and grain of this 300-sq.-mile project helps support the livestock industry of a 10,000 sq.-mile, 3-state area. The positive spillover effect on the regional economy is undeniable.

In 1906 the USBR started the work which diverts water from the Belle Fourche River into a 160,000 acre foot (13 sq.-mile) reservoir. The BF Irrg. District has managed it since 1949.

Major interest comes now because of the restoration and modernization needed to make water use more efficient. S. 933 (passed the Senate; pending in the House) would reauthorize the project and make over $30 million in federal money available.

Some 372 farmers are involved in the 57,000-acre project, originally constructed with horse, plow and dirt sled.

While updated figures are being gathered it is known that in those instances when water is short in the project area that livestock feed costs zoom, ranchers cut back breeding stock, and the area economy suffers. One comparison used in 1961 when low rainfall and little run-off limited BF irrigators to 3-acre-inches versus 1964, a full use year: Harvest of oats rose from 11,000 to 186,000 bushels and corn from 36,000 to 254,000 bushels.

Originally conceived as an undertaking to provide small farms and a livelihood for several hundred people, the BF project has developed into a key part of the meat production cycle in that part of S.D., Wyo., and Mont. Annual crop production today is valued at $11.3 million, underpinning a huge livestock industry and affecting the lives of thousands of area people.

The elementary structures of the project (the dam, main canals and intakes to individual fields) have reached the lifespan of their usefulness. Rehabbing of this worthwhile irrigation endeavor (only 12 miles wide and 25 miles long) will continue its value not just to the farmers but to merchants and citizens around them.

This project's desires to modernize the system is an endorsed priority of the S.D. Water Congress.●

By Mr. BOSCHWITZ (for himself, Mr. DANFORTH, Mr. DURENBERGER, Mr. EAGLETON, Mr. PERCY, Mr. JEPSEN, Mr. GRASSLEY, and Mr. HUDDLESTON):

S. 449. A bill to authorize the construction of a lock on the Mississippi River in the vicinity of Alton, Ill., and Mo., and to provide for the coordinated use and enhancement of the upper Mississippi River system, and for other purposes; to the Committee on Environment and Public Works.

UPPER MISSISSIPPI RIVER MANAGEMENT ACT

● Mr. BOSCHWITZ. Mr. President, today I am introducing the "Upper Mississippi River Management Act." Congressman STEVE GUNDERSON of Wisconsin is introducing a similar bill in the House of Representatives.

This legislation recognizes the multipurpose use of the river and authorizes programs for navigation, environment, and recreational use of the river.

A major part of this bill is the authorization of a second chamber at locks and dam 26. This is very important because the Mississippi River provides a vital link to the Midwest commercial waterway system. In 1981 the upper Mississippi carried 30 million tons of cargo, 9 million of which were Minnesota farm products headed overseas.

The importance of this waterway to the future of Minnesota's agricultural exports cannot be overstated. Minnesota's agricultural exports, based on our percentage of national farm output, jumped 18 percent in 1981 for a total worth of over $2 billion. These export dollars are special. Every one dollar's worth of export sales brings in $1.05 in additional economic activity. This "multiplier" effect means the agriculture support industries such as transportation, financing, warehousing and agriculture suppliers created another $2 billion for Minnesota's economy. This is real money, and our State cannot survive without it.

For midwestern farmers, the river is proving to be one of the only stable methods of transporting grain. A quick look at the last few years bears this out:

In 1979, the State of Minnesota suffered a trucker's strike that crippled grain transportation. Later, a grain millers strike at the Port of Duluth/Superior further paralyzed grain shipping. By 1981, after President Carter's restricting grain embargo to the Soviet Union, steady movement of grain appeared to be an antiquated notion. Grain prices fell so low that Minnesota farmers lost $140 million wheat revenue alone.

Today, farmers are again looking at record crops; the solution must be to expand our export markets. To handle this needed expansion, we must also expand the ability of the Mississippi to move the grain. Locks and dam 26 is the key.

Locks and dam 26 is part of the overall lock and dam system of the upper Mississippi. Constructed in the 1930's, the system allows uninterrupted navigation by assuring an even river depth. Locks and dam 26 is located in Alton, Ill., a strategic position only 15 miles south of the confluence of the Mississippi and Illinois Rivers. Together, the two rivers sent 70 tons of cargo through locks and dam 26 in 1981. Unfortunately, the practical capacity of No. 26 is only 65 million tons.

The Corps of Engineers is trying to correct this bottleneck by constructing a 1,200-foot replacement lock 2 miles south of the existing locks. The new lock will immediately increase the practical capacity to 85 million tons, but does not solve the long-term problem. Minnesota farmers are shouldering the burden of millions of dollars in excess cost when traffic is held up by the bottleneck, because transport costs are determined by the hour. This means money, and a 2-day delay is not unusual.

The Corps of Engineers recognized the need for new locks at Alton, Ill., in

1969, but Congress did not authorize construction until 1978—and then only authorized one lock instead of two. That the second lock must be immediately authorized is clear.

First, it will take 10 years to fund and build the second lock and navigation projections show the second lock will be needed by the early 1990's. Second, substantial cost savings will occur if the second lock is built at the same time the first is being constructed; and third, a single lock system will stop all traffic if the one lock is damaged. With no auxiliary lock no river tows would move until repairs are completed. Locks and dam 26 will continue to be a barrier to foreign trade until the second lock is built.

While the upper Mississippi River is an important navigational corridor, it is more than that. It is the only inland river in the United States which is both a Federal commercial navigation project and a major national wildlife refuge. Because of that it has unique demands as well.

The wildlife refuge spans 560 miles, from Wabasha, Minn., to St. Louis. Along the banks of this refuge are 290,000 acres of wooded islands, waters, and marshes all largely untouched.

The value of this refuge system cannot be overemphasized. Not only is the Mississippi "flyway" vital to 75 percent of the Nation's migrating waterfowl, but the refuge also plays host to 270 species of birds, 50 species of mammals, 123 species of fish, and 35 species of reptiles and amphibians.

Unfortunately, the backwater areas which are the invaluable breeding areas, are slowly being destroyed by sediment deposits. The natural process of heavy rains, spring runoff, and snow melts wash sediment from fields into streams and tributaries. At the same time, deteriorating riverbanks create more sediment. Eventually the sediment is deposited on the inside of river bends and the backwater areas. In fact, since 1939, sediment has changed 25 percent of the open backwater areas to marshland.

We cannot allow this valuable resource to continue to deteriorate unchecked. That is why this bill also contains authorization for a habitat rehabilitation and enhancement program. This program will help to protect and rehabilitate aquatic and terrestrial habitats that may be lost or threatened because of the continuing deterioration of the river.

A program of recreational projects is also authorized as suggested in the master plan mandated by Congress. An assessment of the economic benefits generated by recreational activities in the upper Mississippi River system is also included.

Mr. President, this bill closely resembles the recommendations contained in the Upper Mississippi River Basin Commission's master plan. That Commission was created by Congress in Public Law 95-502 to prepare a comprehensive plan for the management of the river. The Commission struggled to develop a master plan that balanced the needs of environment, navigation and recreation. The result was a plan that did not completely satisfy any of the interests, but did indeed balance those interests, as a true compromise must do.

I have worked closely with Senator DANFORTH and Congressman GUNDERSON to draft a bill that met the same objective of the Commission, a balanced approach recognizing the multipurpose use of the river. I believe we have succeeded in accomplishing that objective. I urge my colleagues here in the Senate and in the House to recognize the importance of these programs and give this bill their support and timely consideration.●

● Mr. DANFORTH. Mr. President, I join with my colleague from Minnesota, Senator BOSCHWITZ, in sponsoring the Upper Mississippi River Management Act. The legislation which he is introducing today is a continuation of efforts I began in the 97th Congress to expedite authorization of a second, 600-foot chamber at locks and dam 26 on the Mississippi River at Alton, Ill.

Mr. President, locks and dams 26 and 27 are linchpin facilities that are of crucial importance to the commerce of the entire Midwest. The Upper Mississippi River, a navigable waterway stretching north to Minneapolis, and the Illinois River, an uninterrupted link to the Great Lakes and the St. Lawrence Seaway, converge just 15 miles north of Alton. These two great arteries of inland water transportation move shipments of corn, soybeans, wheat, coal, petroleum products, chemicals, fertilizers, and a variety of manufactured goods into and out of America's heartland. Together, locks and dams 26 and 27 lock through more traffic than any other facility in the United States.

Locks and dam 27 has a 1,200-foot chamber and an auxiliary 600-foot chamber which were constructed in 1963. Locks and dam 26, however, is over 40 years old, and has chambers only 600 and 300 feet in length. Barges have had to wait in line as long as 5 days in order to get through. These delays only result in wasteful costs that are reflected nationwide in increased consumer prices for the product and products of the Midwest.

In 1978 Congress began to address the need to upgrade the facilities at this bottleneck by authorizing construction of a new 1,200-foot chamber at Alton. However, before proceeding with the construction of an auxiliary 600-foot chamber, identical to the structure at locks and dam 27, Congress directed that a full study of both the economic and environmental effects of a second lock at Alton be undertaken by the Upper Mississippi River Basin Commission. That study—entitled a "Comprehensive Master Plan for the Management of the Upper Mississippi River System"—has been completed, and the very first recommendation of the report is "that Congress immediately authorize the engineering, design, and construction of a second chamber, 600 feet in length, at locks and dam 26."

Mr. President, I suggest that Congress follow this recommendation, that it act, and that it act quickly. Construction has already begun on the larger chamber, and substantial savings could be obtained by integrating construction of the first. The Army Corps of Engineers estimates that if the project is authorized and initial appropriations are made by October 1983, there would be a smooth follow-on to present work that would save up to $25 million in new startup costs. As for the overall cost of the project, estimated at $200 million, let me just say it is a bargain. It pales in comparison to the $875 million authorized for replacement of the main lock and dam, and the Commission estimates that it will have an excess of benefits to costs ranging from $6 million to $117 million a year.

Mr. President, I would also like to particularly note the careful balancing of interests that is incorporated in this bill, and commend Senator BOSCHWITZ for his conscientious work in this regard. The Mississippi River is not just a trafficway, it is not a just a recreation area, and it is not just a wildlife refuge. It is all three. The legislation which my colleague from Minnesota is introducing today recognizes this fact. It confers congressional approval upon the master plan, and provides a mechanism for implementation of its recommended programs on habitat rehabilitation and enhancement, long-term resource monitoring, computerized inventory and analysis, and recreation.

These additional programs, however, are completely separate and distinct from the authorization for the second lock. The legislation clearly states that the costs of these programs shall not be attributable to navigation. Furthermore, the funds authorized in section 8 and 9 of the bill are based on estimates from the master plan. These projects are subject to relevant provisions of the National Environmental Policy Act, and it is expected that the Secretary of the Interior and other concerned agencies will review the project, environmental and recreational recommendations in sections 8 and 9, assign priorities to these recommendations, and develop and submit to Congress justification for each project, including a careful analysis of the associated costs and benefits.

Mr. President, the auxiliary lock is needed, the environmental study is in, the economics are right, the time to act is now.●

By Mr. PRYOR (for himself, Mr. STEVENS, Mr. HEINZ, and Mr. GLENN):

S. 450. A bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes; to the Committee on Governmental Affairs.

MAIL FRAUD

● Mr. PRYOR. Mr. President, today I am introducing legislation which will strengthen the investigatory and enforcement powers of the U.S. Postal Service in dealing with the problem of mail fraud.

Consumer fraud is a very serious and growing problem which exists in the Nation today. It is a problem which has existed since the beginning days of our country and probably since the beginning of civilization. Unfortunately, it is a problem which has reached epidemic proportions in recent years. Many of the phony business and investment scheme frauds are carried out through the mails. Although statutory authority exists which is intended to protect the American public from being injured by false representation schemes which utilize the mails, authority which the Postal Service has had for over 100 years, this authority needs to be modernized to give the Postal Service more effective tools to combat the shrewder, more sophisticated con artists who prey upon the American consumer.

Mail-order shopping is a very legitimate and necessary business activity which is estimated to be a $25 billion year industry. While the vast majority of mail-order firms are responsible businesses, unfortunately many unscrupulous firms also exist. Each year the Postal Inspection Service receives more than 200,000 mail fraud complaints. Our Nation's consumers now lose millions of dollars annually to individuals who are now able to circumvent the current postal fraud statute and who prey upon the sick, the poor, and the elderly. Some of these false representation schemes reportedly receive $20,000 or more per day. New protections are urgently needed to help end the numerous abuses which have been documented. Common fraudulent ads include those for phony gold coins, bogus land deals, worthless work-at-home schemes, useless health cures, and many more frauds. Hundreds of cases have been documented.

I introduced similar legislation, S. 1407, the Mail-Order Consumer Protection Amendments of 1982, during the 97th Congress. The legislation was passed by the Senate on May 19, 1982, after careful consideration and approval by the Senate Governmental Affairs Committee and the Subcommittee on Civil Services, Post Office, and General Services. A field hearing was held on the legislation on October 13, 1981, in Little Rock, Ark. S. 1407 was cosponsored by 28 of my Senate colleagues including the chairman and ranking minority member of the Senate Special Committee on Aging, which held an August 4, 1981, hearing on frauds against the elderly. Similar hearings and an investigation were also conducted by the House Select Committee on Aging under its distinguished chairman, Congressman CLAUDE PEPPER, the sponsor of similar House legislation. In the December 1982 report by the chairman of the Select Committee on Aging of the House of Representatives, entitled "Business and Investment Frauds Perpetrated Against The Elderly: A Growing Scandal," a report which contains hundreds of examples of mail fraud cases, it is concluded that the U.S. Postal Service does an excellent job of curbing abuses, but that their authority and resources have been limited. The report further suggests the need for enactment of legislation to strengthen the authority of the U.S. Postal Service to crack down on such fraud.

As a member of the Select Committee on Aging I became interested in this problem because, unfortunately, over 60 percent of the victims of these frauds are elderly citizens, most of whom are living on fixed incomes and literally counting their pennies. Many of the victims have lost their entire life savings and are provided very little recourse for recovery.

The Postal Inspection Service has major responsibility for preventing such mail fraud and false representation schemes. Unfortunately, their powers of investigation are limited and in need of immediate improvement.

In order to investigate these cases of fraud, the Postal Service must send a postal money order for the suspected item and have the product tested. By the time the Postal Service recognizes a suspected quack offer, orders the product and submits it for testing, the companies have often closed down their operation or moved it to another State. Even if the company is still in existence, the Postal Service's only recourse under present law is to ask for a hearing and a court order to block incoming mail from being delivered to the address advertised.

This legislation would correct current law in the following ways. The bill would allow the Postal Service to purchase directly from advertisers samples of mail order products sold under potentially false advertising. This enables the Postal Service to immediately begin its investigation into the suspicious product. The Postal Service now purchases such samples by mail and the advertiser can forestall proceedings to enforce the statute by delaying shipment of the product.

This bill also provides that the Postal Service, after a full adversarial hearing before an administrative law judge, may issue orders to require persons to cease and desist from engaging in false representation schemes. Currently, the Postal Service may only issue stop-mail orders, which are easily circumvented by experienced con men, who simply move to a new address under a new business name.

Mr. President, very careful steps have been taken in this legislation to assure due process with respect to the issuance of such cease and desist orders. Such orders may be issued only after full adversarial hearings before an administrative law judge, pursuant to the Administrative Procedure Act.

The bill also would allow the U.S. district courts to assess civil penalties of up to $10,000 per day against persons who repeat advertising schemes after an administrative law judge has determined, following an on-the-record hearing, that the scheme violates the statute. The actual amount of the penalty is to be determined by the U.S. district court after consideration of the relevant facts of each case.

The bill also prohibits the Postal Service from enforcing the statute against advertisements for books and publications which accurately reflect the contents of the product.

Mr. President, this legislation as it has been refined now strikes a balance between civil liberties and the need to punish the shrewd operators who would fleece the most vulnerable members of our society. I urge my colleagues to join with me in supporting this measure. It will close certain loopholes in current law and it will give to the Postal Service needed enforcement tools to protect consumers and to fight fraudulent activities through the misuse of the mail.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mail Order Consumer Protection Amendments of 1983".

CEASE-AND-DESIST ORDERS; MIRROR IMAGE DOCTRINE; TEST PURCHASE AUTHORITY

SEC. 2. (a) Section 3005(a) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) requires the person or his representative to cease and desist from engaging in any such scheme, device, lottery, or gift enterprise.".

(b) The first sentence of section 3005(d) of such title is amended—

(1) by striking out "or" before "(2)"; and

(2) by inserting before the period a comma and "or (3) an advertisement promoting the sale of a book or other publication, or a solicitation to purchase or a purchase order for any such publication, if (A) such advertisement is not materially false or misleading in its description of the publication, and contains no material misrepresentations of fact, (B) the advertisement accurately discloses the source of any statements quoted or derived from the publication and any opinions expressed about such publication, and (C) neither the publication nor the advertisement is designed to promote the sale of some other product as part of a commercial scheme".

(c) Section 3005 of such title is amended by adding at the end thereof the following new subsection:

"(e)(1) In conducting an investigation to determine if a person is engaged in any of the activities covered by subsection (a) of this section, the Postmaster General (or any duly authorized agent of the Postmaster General) may tender, at any reasonable time and by any reasonable means, the price advertised or otherwise requested for any article or service that such person has offered to provide through the mails.

"(2) A failure to provide the article or service offered after the Postmaster General or his agent has tendered the money or property in the manner described in paragraph (1) of this subsection, and any reasons for such failure, may be considered in a proceeding held under section 3007 of this title to determine if there is probable cause to believe that a violation of this section has occurred.

"(3) The Postmaster General shall prescribe regulations under which any individual seeking to make a purchase on behalf of the Postal Service under this subsection from any person shall—

"(A) identify himself as an employee or authorized agent of the Postal Service, as the case may be;

"(B) state the nature of the conduct under investigation; and

"(C) inform such person that the failure to complete the transaction may be considered in a proceeding under section 3007 of this title to determine probable cause, in accordance with paragraph (2) of this subsection.".

CIVIL PENALTIES; SEMIANNUAL REPORTS

SEC. 3. (a) Chapter 30 of title 39, United States Code, is amended by adding at the end thereof the following new sections:

"§ 3012. Civil penalties

"(a) Any person—

"(1) who, through the use of the mail, evades or attempts to evade the effect of an order issued under section 3005(a)(1) or 3005(a)(2) of this title;

"(2) who fails to comply with an order issued under section 3005(a)(3) of this title; or

"(3) who (other than a publisher described by section 3007(b) of this title) has actual knowledge of any such order, is in privity with any person described by paragraph (1) or (2) of this subsection, and engages in conduct to assist any such person to evade, attempt to evade, or fail to comply with any such order, as the case may be, through the use of the mail;

shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each day that such person engages in conduct described by paragraph (1), (2), or (3) of this subsection. A separate penalty may be assessed under this subsection with respect to the conduct described in each such paragraph.

"(b)(1) Whenever, on the basis of any information available to it, the Postal Service finds that any person has engaged, or is engaging, in conduct described by paragraph (1), (2), or (3) of subsection (a), the Postal Service may commence a civil action to enforce the civil penalties established by such subsection. Any such action shall be brought in the district court of the United States for the district in which such conduct occurred or in which the defendant resides, transacts business, or receives mail.

"(2) If the district court determines that a person has engaged, or is engaging, in conduct described by paragraph (1), (2), or (3) of subsection (a), the court shall determine the amount of any civil penalty under this section, taking into account the nature, circumstances, extent, and gravity of the violation or violations of such subsection, and, with respect to the violator, the ability to pay the penalty, the effect of the penalty on the ability of the violator to conduct lawful business, any history of prior violations of such subsection, the degree of culpability, and such other matters as justice may require.

"(c) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

"§ 3013. Semiannual reports on investigative activities of the Postal Service

"The Postmaster General shall submit semiannual reports to the Board summarizing the investigative activities of the Postal Service. One semiannual report shall be submitted for the reporting period beginning on October 1 and ending on March 31, and the other semiannual report shall be submitted for the reporting period beginning on April 1 and ending on September 30. Each such report shall be submitted within 60 days after the close of the reporting period involved and shall include with respect to such reporting period—

"(1) a summary of any proceedings instituted under section 3005 of this title, and the results of those and of any other such proceedings decided, settled, or otherwise concluded during such period;

"(2) the number of cases in which the authority described in section 3005(e) of this title was used;

"(3) the number of applications for temporary restraining orders or preliminary injunctions submitted under section 3007 of this title and, of those applications, the number granted;

"(4) the total amount of expenditures and obligations incurred in carrying out the investigative activities of the Postal Service; and

"(5) such other information relating to the investigative activities of the Postal Service as the Board may require.

Upon approval of a report submitted under the first sentence of this section, the Board shall transmit such report to the Congress.".

(b) Section 3012 of title 39, United States Code (as added by subsection (a) of this section) shall apply with respect to conduct which occurs on or after the date of the enactment of this Act.

(c) The analysis for chapter 30 of title 39, United States Code, is amended by inserting after the item relating to section 3011 the following new items:

"3012. Civil penalties.

"3013. Semiannual reports on investigative activities of the Postal Service.".

CONSUMER EDUCATION PROGRAM ON SCHEMES INVOLVING FALSE REPRESENTATIONS

SEC. 4. (a) As soon as practicable after the date of enactment of this Act, the Postmaster General or his designee, following consultation with representatives of the mail order industry, shall develop and carry out a program designed to provide consumer education to the public on schemes involving false representations through use of the mails, including the dissemination of information on recognizing practices commonly associated with such schemes, as well as appropriate measures which an individual may take upon receiving mail matter which the individual believes may be part of such a scheme.

(b) A summary of the activities carried out under subsection (a) shall be included in each annual report rendered by the Postmaster General under section 2402 of title 39, United States Code.●

MAIL FRAUD

Mr. STEVENS. Mr. President, last year the Senate passed under unanimous consent a bill introduced by the Senator from Arkansas (Mr. PRYOR) to provide a modest increase in authority for the U.S. Postal Service to combat an extremely serious national problem of fraud initiated by false advertisement and carried out through the U.S. mail. At present, the U.S. Postal Service for all practical purposes is powerless to prevent millions of Americans from being fraudulently bilked out of their hard-earned income. A modified version of the bill was passed in the House by a vote of 320 to 61. Unfortunately, we did not have time in the closing days of Congress to act on the amended bill.

I am extremely pleased to join in the reintroduction of the Mail Order Consumer Protection Amendments of 1983. These amendments are badly needed.

Under current procedures, when the U.S. Postal Service suspects that a fraudulent scheme is being conducted through the U.S. mails, their hands are tied. Presently, the Postal Service may, like any other individual or organizations, send money to the address on the advertisement to purchase the object in question. Once in receipt of the product, the Postal Service may

submit it for testing to verify the advertised claim.

If the product is found to be misrepresented in the advertisement, the case is presented to an administrative law judge. If the misrepresentation is judged as fraud, the case is then taken to the U.S. attorney for further action.

Unfortunately, by the time the Postal Service is able to investigate a suspected fraudulent offer by ordering the product and submitting it for testing, and then take it to the Justice Department, the company has often closed down the operation, or moved to another State, or simply changed address. The ability to prosecute is made much more difficult. For those Americans who sent in money, any effort to recover lost funds is also made more difficult.

Even if the company is still in existence, the Postal Service's only recourse under present law is to simply ask for a hearing and a court order to block incoming mail from being delivered to the address advertised.

The statute under which the USPS investigates suspected fraud is over 100 years old. The Postal Service must build a convincing court case with almost no special investigative tools. This bill will correct this oversight.

I would like to point out that this bill has particular relevance to residents of my State of Alaska. Alaskans, and those who wish to move there, have been particularly hard hit by job offer schemes. During the construction of the Alaska pipeline, many Americans were led to believe that thousands of high-paying jobs were in existence simply for the taking. Millions were spent for information that supposedly would guarantee the purchaser of this information such jobs. The irony is that the information supplied was general information readily available at no charge from the Alaska State Department of Labor.

Other Americans traveled to Alaska expecting to find the jobs promised in advertisements only to find nothing available. They were left almost penniless, without funds either to stay in Alaska or leave.

That same situation, unfortunately, has risen its ugly head again because of the high unemployment rate in certain sections of the country. For example, hundreds of unemployed individuals in southern California answered an avertisement which offered high paying jobs in Alaska. Each individual who wrote in was accepted and was instructed to send $350 to cover expenses for an ocean voyage to Alaska. After sending in their money, these individuals gathered at the designated dock in Los Angeles only to discover that they had been bilked out of their savings when the ship to take them to Alaska never arrived.

Mr. President, I ask unanimous consent to insert at the end of my comments, a January 17 article from the U.S. News & World Report entitled "Ripping Off the Jobless—The Meanest Thieves," which details this and other similar fraudulent job opportunity schemes using the U.S. mails and false advertisement. Unfortunately, the U.S. Postal Service is unable to pursue these cases in a timely fashion because of the deficiency in the current law, which these amendments will help to correct.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RIPPING OFF THE JOBLESS—THE MEANEST THIEVES

(By Jeffery L. Sheler)

(With so many people looking for work, con artists are having a heyday bilking the unemployed. All too often they get away with it.)

The worst unemployment in decades is creating a bull market for bogus job-hunting firms and other scams aimed at Americans out of work.

In city after city, authorities report that vast numbers of desperate job seekers are being ripped off by fly-by-night "employment services" that use deception—and sometimes outright fraud—to extract fees in advance. Seldom do these firms deliver what they promise.

Some recent examples—

Hundreds of unemployed Hispanics in Southern California answered an ad offering high-paying mechanic jobs in Alaska. Each was "accepted" and instructed to send in $350 to cover ship passage. They discovered the fraud only when they gathered at a Los Angeles dock to board a ship that never arrived.

Detroit-area residents who attended a meeting advertised in a newspaper were promised jobs as concert producers in return for a $100 investment in a new production company. Two days later, after collecting some $3,000 from would-be investors, the promoters fled.

Enticed by prospects of adventure and travel to exotic lands, scores of teenagers in Buffalo answered an ad telling of jobs overseas and aboard cruise ships. For $24, the youths were simply sent a listing of ships and companies gleaned from the public library.

Job seekers in Pittsburgh, responding to an ad touting information on employment in the Southwest, paid $18 for a package that contained nothing more than the classified-ad sections of Texas newspapers.

While scams such as these have been around for years, authorities say the prolonged recession and an unemployment rate approaching 11 percent have made many more people susceptible.

"People are easy pickings at a time like this," explains Clair Villano, director of the Denver district attorney's office of consumer fraud. "It's not a time when someone is going to ask the tough questions."

Better Business Bureau officials in several cities report that complaints about employment-service abuses have increased dramatically in recent months. In Chicago, such queries are coming in at a rate of more than 500 a day, and, in Denver, the rate has increased by nearly 30 percent in the past three months.

SOME ELEGANT DISGUISES

Detecting a swindle is not always easy, say authorities. Bogus agencies frequently advertise in reputable newspapers and periodicals and use fancy addresses—which often are merely drop boxes in an office building—and even fancier stationery.

"Because the ads run in respected and legitimate publications, people tend to believe they are legitimate as well," notes Ray Chavez, a U.S. Postal Service inspector in Los Angeles.

Before they will help, these agencies usually require an advance fee—anywhere from $40 to $100—and a signed contract. Buried in the fine print often will be a provision saying the agency does not guarantee the client a job.

Then, say authorities, the agency may make available a job list, usually composed of openings advertised in a newspaper or listed at a government Job Service center.

Frequently, the targets of such schemes are blue-collar workers or those who have been laid of for long periods. Often, these people are attracted by ads listing a variety of unskilled jobs that supposedly are available and giving a telephone number to call for more information.

One such advertisement in a Columbus, Ohio, newspaper offered an exclusive job list for $60 and even guaranteed a refund if a job wasn't found within 90 days. But the outfit skipped town before anyone could collect, and authorities discovered that the "exclusive list" had been taken from want ads of old newspapers.

A similar scheme in Oklahoma drew dozens of complaints to the Better Business Bureau in Tulsa. "They lured a lot of people with the guarantee," notes Chet Heath, bureau president. "The worst of it is that they hit people who could least afford it—some people spent their last dollar."

Even job seekers who are flat broke are accommodated by some unsavory agencies that accept merchandise—a class ring, stereo speakers and the like—in place of cash.

A New Mexico man who had no money was told to leave his shoes at one agency as collateral toward a job-finding fee, according to authorities. Later, he was charged an additional storage fee.

There are other deceptive schemes directed at the jobless. Among the most common are "Work at home" plans that offer big pay for jobs such as stuffing envelopes. An ad for one such scheme in New York City offered $1 for each envelope stuffed. To get into the program, which listed a post-office box as its only address, required $25.

"These things are never legitimate," warns postal inspector Chavez. "Businesses generally do not use people to stuff envelopes these days—it's all done by machine. When you answer one of these ads, you are about to be ripped off."

A more elaborate—and expensive—work-at-home scheme was recently halted under court order in Michigan. Put out of business in that state was an Indianapolis firm selling worm farms for an average of $3,500.

The company had advertised potential income of $10,000 a year from raising worms for laboratory research, strip mining and organic farming. The firm even promised to buy the worms if customers produced an adequate number—a promise the company failed to keep, according to Michigan officials. At least 20 people bought the kits, spending from $2,000 to $7,000.

"Some unemployed people thought they could earn money," explains James Karpen of the Michigan Corporations and Securities Bureau. "With so many people out of work today, there's a lot more interest in work-at-home schemes."

$3,000 RIPOFF

Not all bogus employment offers are directed at blue-collar workers and the unskilled. Some shady operations have surfaced in the high-priced executive-search field.

Colorado officials are tracking several firms that reportedly lure white-collar clients with ads implying that they have access to a "hidden" job market for high-paying management jobs. In return for $3,000 and a signed contract, the client gets little more than general employment counseling.

"The inference is that they will get you a job, but they don't really promise that," says John J. Finnegan of the Colorado Department of Labor and Employment. "A guy will see this rosy offer and get sweet-talked. But when he comes back and looks at the contract, all it promises is to help him help himself."

Some sales organizations, while otherwise legitmate, use high-pressure tactics and deception to snare people to work on commission.

Joan Watson, a fine-arts teacher in New York City, recently attended a presentation by a firm looking for people to sell burglar alarms. "It was flabbergasting," she asserts. "After the man finished with the figures, it looked like I could earn $30,000 a month."

First, however, she had to fork over $100 for a sales kit, which she was reluctant to do. Now, she says, a woman from the outfit calls her constantly, claiming that she has paid Watson's fee for her and demanding a reimbursement.

Authorities in many states are trying to crack down on fraudulent and deceptive employment schemes—but with mixed results.

In Indianapolis, a Chicago-area man recently pleaded guilty to operating an employment agency without a license—a misdemeanor that carries a $50 fine and a seven-day jail sentence. Police in Georgia closed down a job-referral service accused of defrauding its clients. Postal inspectors in California regularly monitor classified ads and often respond to deceptive-sounding offers.

Unless a scheme involves outright fraud, law-enforcement officials in some states say they can do little to halt abuses. "There is no regulation of employment agencies here," says a Better Business Bureau official in Florida. "At present, anyone could start one up."

Several states do have laws regulating the industry. Such laws typically require firms to obtain licenses and prohibit them from collecting fees in advance. Yet, even in those states, a few swindlers manage to slip through the cracks.

In Illinois, for example, where laws require licensing of employment agencies and prohibit advance fees, authorities say a number of questionable operations flourish by calling themselves "employment counselors."

In many cases, the operators of these scams use hit-and-run tactics that make it difficult for authorities to apprehend them.

"THE GRAY AREAS"

Law-enforcement officials say that some schemes, while abusive and misleading, are not illegal.

"Parts of the law covering employment services are unclear, and these people have found the gray areas," says Villano of the Denver district attorney's office. Adds Sandy Brady, head of the Better Business Bureau in New Mexico: "We try to alert the public, but the people we reach aren't those who would fall prey to these agencies."

The unscrupulous agencies also cause headaches for legitimate employment services. In some states, these firms are banding together to police themselves. Better Business Bureaus often publish guidelines for such agencies as well as bulletins advising would-be clients to be on guard.

Ultimately, the best advice to someone considering an attractive offer, says postal inspector Chavez, is to retain some healthy skepticism: "If it sounds too good to be true, it probably is."

● Mr. HEINZ. Mr. President, as chairman of the Special Committee on Aging, I am pleased today to join with Senators STEVENS, GLENN, and PRYOR as a prime cosponsor of the Mail Order Consumer Protection Amendments of 1983. This bill, which will help protect the interests of all consumers, has special significance to our Nation's 26 million senior citizens. The measure will strengthen the investigatory and enforcement authorities of the Postal Service and improve its efforts to combat mail fraud.

For some time the Senate Special Committee on Aging has been concerned with the extent to which the elderly are victimized by fraud. As early as 1964 at hearings conducted by the committee, it was learned that the elderly are frequent targets of fraudulent medical, land, and investment schemes. In 1981, at a committee hearing I conducted in Harrisburg, Pa., we learned that the majority of mail frauds are schemes directed against the elderly. While most mail carried by the Postal Service consists of personal correspondence and legitimate business related materials, the mails unfortunately are also used by unscrupulous con artists, charlatans, and quacks to further their deceitful ends. Testimony received by the committee suggests that mail frauds amount to billions of dollars a year.

Most recently, at my direction, the committee has conducted a massive national survey of law enforcement and consumer protection specialists to learn more about fraud and the elderly. While the final, and I must say, startling results of that study will not be released for several weeks, I feel compelled to announce here that nationally, city chiefs of police, district attorneys, State attorneys general, and State consumer protection officers agree that mail fraud is 1 of the 10 most harmful areas of fraud against the elderly.

While the elderly constitute approximately 10 percent of the Nation's population, evidence uncovered by our committee indicates that the elderly are the targets in nearly 60 percent of all mail fraud cases. The financial harm resulting from these schemes can range from as little as the loss of a dollar to the loss of a person's entire life savings. Some of the products peddled by mail-order schemes are virtually harmless; others such as an injectable compound of sea kelp that sold as a miracle cancer cure was so contaminated with toxic substances that to use it as described in the accompanying advertising literature would have resulted in death. Similarly, while the emotional impact of these frauds upon their victims is in some instances small, in others, perhaps the majority of cases where the elderly are involved, the impact can be devastating and a significant contributor to increased depression and debilitation.

The Office of the Chief Postal Inspector—the Inspector General of the Postal Service—is manned by 2,000 inspectors who work to combat mail fraud and related offenses. Last year its inspectors received more than 200,000 complaints of mail fraud or misrepresentation and completed nearly 4,400 investigations. One thousand four hundred swindlers were convicted of mail fraud.

Under current law when the department suspects fraudulent mail practices, it must send a money order to purchase the object. Once in receipt of the product, they submit it for testing to verify the advertised claims. If the product is found to be misrepresented in advertising, the case is presented to an administrative law judge. If the misrepresentation is judged as fraud, it is taken to the U.S. attorney.

By the time the Postal Service recognizes a suspected quack offer, orders the product and submits it for testing, the companies have often closed down their operation or moved it to another State. Even if the company is still in existence, the Postal Service's only recourse under present law is to ask for a hearing and a court order to block incoming mail from being delivered to the address advertised. The statute under which the Service investigates this fraud is over 100 years old. These inspectors must build a convincing criminal case with virtually none of the special investigative tools at their disposal available to other Federal Inspectors General.

This legislation would reduce delays in Postal Service investigations of violations of the false representation statute—39 U.S.C. 3005—and discourage repeat violations of the statute. The bill allows the Postal Service to purchase directly from advertisers samples of mail order products sold under potentially false advertising enabling the Postal Service to immediately begin its investigations into the suspicious product. The bill also provides that the Postal Service, after a full adversarial hearing, before an administrative law judge, may issue

orders to require persons to cease and desist from engaging in false representation schemes. The bill also allows U.S. district courts to assess civil penalties up to $10,000 per day against persons who repeat advertising schemes after an administrative law judge has determined, following an on-the-record hearing, that the scheme violates the statute.

To correct this oversight we have introduced the Mail Order Consumer Protection Amendments of 1983. Similar legislation was passed by the Senate on May 19, 1982, and subsequently approved by the House of Representatives on December 13, 1982, with amendments. Unfortunately, the legislation was not again considered by the Senate.

Mr. President, the Mail Order Consumer Protection Amendments of 1983 are needed by the Postal Service to enable them to effectively combat the increases in mail fraud that adversely affect all Americans and especially our Nation's elderly. It is a measure which has already been favorably voted on in both Houses and should not be the subject to any serious controversy. Finally, the measure will not add significant new costs to the Treasury. For these reasons Mr. President, I am proud to be a prime cosponsor of this measure and ask that the other Members of the Senate join with us in working for early passage of this much-needed bill.●

● Mr. GLENN. Mr. President, I am pleased to join my colleagues in introducing the Mail Order Consumer Protection Amendments of 1983. This bill will enable the U.S. Postal Service to more effectively crack down on mail fraud practices which are perpetrated against many of our citizens, particularly older Americans.

This legislation is necessary in order to strengthen the enforcement and investigatory powers of the Postal Service's Office of Inspector General. The mail order industry, estimated to be worth $25 billion a year, offers a convenient, easy, and accessible form of shopping to many consumers. Although the majority of mail order firms are legitimate business enterprises, some fraudulent companies do exist. How many times have we read attractive advertisements in magazines or newspapers promising inexpensive land sales or vacation condominiums, genuine gold coins costing mere pennies, miracle cures for foot disorders, or high-paying jobs overseas? Many ill, low-income, and elderly citizens respond to these false advertising schemes, and honest citizens lose millions of dollars per year to these rip-off companies. The Chief Postal Inspector's office receives about 200,000 complaints per year alleging mail fraud. Because of the present lengthy investigative process and limited enforcement powers, many of these complaints go unchecked or fraudulent organizations are dismantled by the time the Postal Service catches up with them.

The bill we are introducing today will improve the ability of the Postal Service to stop consumer fraud through the mails. The bill has the following key provisions to reduce the current delays on Postal Service investigations and to discourage repeat violations of the false advertising law:

The Postal Service would be allowed to purchase samples of mail order products sold under potentially false advertising directly from advertisers, enabling the Postal Service to immediately begin its investigation into the suspicious product. Under present law, the Postal Service must purchase products through the mail and the company may delay shipment of the suspicious product.

The bill allows the Postal Service, after full adversarial hearings before an administrative law judge, to issue orders requiring persons to stop from engaging in false advertising schemes. Under present law, the Postal Service can only stop incoming mail from being delivered to the advertised address. This stop-mail order can be circumvented by fraudulent companies simply if they change their address.

The bill allows U.S. district courts to issue civil penalties of up to $10,000 per day against persons who continue to advertise products after an administrative law judge has determined, during an official hearing, that the advertising violates the law.

I urge my fellow Senators to support this legislation and work for its speedy passage. The important provisions of this legislation will protect consumers from fraudulent mail order companies without infringing on the constitutional rights of the persons involved.●

By Mr. PRYOR (for himself and Mr. SPECTER):

S. 451. A bill to appropriate funds for a food distribution and emergency shelter program; to the Committee on Appropriations.

HOMELESS EMERGENCY FOOD AND SHELTER PROGRAM

● Mr. PRYOR. Mr. President, today I am joined by my colleague, Senator SPECTER, in introducing a bill which would provide $50 million for an emergency food and shelter program for our Nation's homeless. Both the Senate and the House of Representatives approved a similar program which was included in the continuing resolution passed during the last session, regrettably only to be dropped by the conference committee.

Our economic situation has not changed in these last few weeks since our previous passage of this needed emergency program. In fact, with the onset of brutal winter conditions and continuing unemployment, this emergency program is needed now more than ever. Across our country we see people without resources available to them other than emergency shelters and soup kitchens, and in some cases nothing more than heating grates and cars for warmth and shelter.

Mr. President, we now have more than 5 million people who are drawing unemployment, which is an increase of 75 percent over a year ago. Another 2 million people have exhausted all entitlement to benefits over the past year. In addition, the number of people who live below the poverty line has increased during the past 2 years. And because the public and voluntary agencies lack the resources to meet growing demands for emergency services, people have had to turn to the streets and abandoned buildings.

Although exact numbers are impossible to compile, experts have estimated that there are between 250,000 and 1 million homeless in the United States today, which is 1½ to 2 times as many people on the streets as there were a year ago. There has thus been an explosion of homeless people, with the population no longer restricted to so-called street people. Those now needing assistance include the elderly, the indigent, battered women, runaways, those affected by recent weather catastrophes, and the new poor. The new poor are those who now find themselves unemployed for the first time, unable to retain their homes, and victims of cutbacks in Federal and State assistance.

The increased numbers of citizens seeking emergency food and shelter can be traced to many reasons:

Not enough jobs. It is estimated that we have a record number of unemployed, 12 million people—which includes those no longer receiving benefits.

Urban renewal projects which have displaced many families.

Reduced Federal benefits in social services such as medicare, social security disability, and nutrition programs.

High heating costs.

Difficulty of communities to provide adequate shelter for the increased numbers of needy.

We often find a catch-22 factor at work. The unemployed cannot find jobs; and the welfare laws do not permit able-bodied people to receive assistance. On the other hand, many disabled people cannot hold a job, and yet have their benefits terminated also. More than 158,000 persons have been taken off disability rolls in a stepped-up review process that began over a year ago. The problems, Mr. President, simply feed on each other: A lack of funds going to emergency services, a lack of jobs, and a tragic insufficiency of public housing.

I have long been impressed by the dedication of the professionals and

volunteers who valiantly work in agencies providing relief and assistance. They have performed invaluable services on extremely limited budgets and with decreasing resources.

But they cannot continue to carry out this burden on the meager funds now provided them. This proposal would appropriate $50 million to the Federal Emergency Management Agency and then distribute this amount to the United Way of America. This distribution would take place within 30 days of enactment of this legislation.

In addition to the United Way, a special board would be made up of members from the Salvation Army, the Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, and others.

The $50 million is not to be used as a substitute for existing public or private resources. If the voluntary organizations providing emergency food and shelter should find it necessary in some circumstances to provide payments to the needy persons to enable them to secure food or shelter, there should not be any reduction in State, Federal, or local assistance programs to these people.

Mr. President, we simply have a crisis situation in our Nation and we cannot turn our backs on those who are in desperate need. These funds are to help those who are without food and homes, those who have no other place to turn. We must not fail to come to the aid of our fellow men and women. George Bernard Shaw said:

> The worst sin toward our fellow creatures is not to hate them, but to be indifferent to them. That is the essence of inhumanity.

Let us not be indifferent to those who so desperately need our assistance at this time.

Mr. President, I hope both Houses of Congress will act expeditiously to put this program into effect. I ask unanimous consent that the text of this bill follow my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby appropriated $50,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program. Notwithstanding any other provision of this or any other Act, such amount shall be made available under the terms and conditions of this section.

(b) The Director of the Federal Emergency Management Agency shall award a grant for $50,000,000 within thirty days after enactment of this Act to the United Way of America for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations.

(c) As soon as practicable after enactment of this Act, the United Way of America shall constitute a special board for the purpose of determining how the program funds are to be distributed. The special board shall consist of seven members. The United Way of America, the Salvation Army, the Council of Churches, the National Conference of Catholic Charities, and the Council of Jewish Federations, Inc. shall each designate a representative to sit on the board. The United Way of America shall name two other private voluntary organizations which shall also designate representatives to sit on the board. Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

(d) Participation in the program should be based upon a private voluntary organization's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the special board.

(e) Administrative costs shall be limited to 2 per centum of the total appropriation.

(f) As authorized by the Charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with the Federal Emergency Management Agency.

(g) As soon after distribution of the funds as is practicable, the special board shall issue a report to the Federal Emergency Management Agency accounting for the funds and assessing national emergency food and shelter needs. The Federal Emergency Management Agency shall transmit the report and the Agency's comments to the Appropriations Committees of the House of Representatives and the Senate within 90 days of receipt of the report.●

Mr. SPECTER. Mr. President, as chairman of the Appropriations Subcommittee on the District of Columbia, I chaired hearings on street people and homelessness on January 24, 1983.

The heartrending stories which came out of that hearing have led me to cosponsor this legislation today.

The issue of homelessness is a multifaceted subject and the homeless a diverse group. The circumstances which cause personal support systems to unravel are numerous. Prominent among them are the increasing lack of low-cost housing, displacement, unemployment, reduction in social service spending, and the deinstitutionalization of mental health patients without proper followup care and community support systems.

While I intend to continue studying the causes in depth and hope to arrive at some conclusions which help to solve the problem on a long-term basis, the emergency help is needed now. Six people have already died this year in the District of Columbia. And believe me, this is not a problem particular to the District of Columbia. Increasing numbers of homeless people are appearing all over the Nation.

The homeless are not just those "bag ladies" and "grate men" we see who may have a mental disorder or those who prefer to live on the streets because they cannot deal with a structured life. They are the new unemployed. In addition, there is another dimension of homelessness of which many of us are unaware. That is the problem of homeless families. Because of the lack of housing, these families are separated from each other with children being placed in homes of friends, or neighbors, or in foster care. Then the parents must separate from each other to find what shelter is available to them.

We all know that the economy is hurting now and we are struggling to rectify the problems. And while it is important to keep the deficit down, it is difficult for me to drive down Constitution Avenue on my way to and from work and see people who are suffering and not try to assist them in some way. Is it not enough that these people are suffering from loss of pride and dignity? Is it not our responsibility to help those who are hungry and cold and without shelter? I submit to you it is, and I promise to seek long-term solutions.

This bill appropriating $50 million is an assistance to those organizations already coping with the growing numbers of homeless. I urge you to join Senator PRYOR and me in passing this legislation.

By Mr. STAFFORD (for himself, Mr. MOYNIHAN, Mr. SIMPSON, and Mr. RANDOLPH):

S. 452. A bill to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and for other purposes; to the Committee on Environment and Public Works.

PUBLIC BUILDINGS ACT OF 1983

Mr. STAFFORD. Mr. President, today I am introducing the Public Buildings Act of 1983. This legislation is substantially the same bill as S. 533 in the 97th Congress and S. 2080 in the 96th Congress. I want to emphasize that this measure—like both of its predecessors—is a bipartisan effort and particularly a product of partnership with my colleague, the senior Senator from New York. Senator MOYNIHAN shares with me the authorship of this legislation. The RECORD should also reflect the significant contributions and steadfast support of Senators ALAN SIMPSON and JENNINGS RANDOLPH, through all our efforts to enact public buildings reform legislation. It has now been 4 years since the Committee on Environment and Public Works imposed a moratorium on nonemergency-prospectus approvals and began deliberations that led to the development of first S. 2080 and subsequently S. 533.

I joined with Senator MOYNIHAN to introduce S. 2080 on December 5, 1979. That bill—cosponsored by every member of the Committee on Environ-

ment and Public Works—was unanimously reported from committee on May 15, 1980 (Report No. 96-771). It passed the Senate by a vote of 71 to 8 on June 20, 1980. Regrettably, the Senate conferees were unable to reach an acceptable compromise with the House prior to adjournment of the 96th Congress, in spite of concerted efforts.

In the 97th Congress, we continued to pursue our efforts to enact legislation in order to provide a rational national buildings policy within a statutory framework and to provide attendant authorization procedures similar to those enjoyed by most other Federal programs. Early in the last Congress, Senator MOYNIHAN joined with me to introduce the Public Buildings Act of 1980 on February 24, 1981. That bill, S. 533, was also unanimously reported from committee on April 30, 1981 (Report No. 97-48), and it passed the Senate by a vote of 93-0 on May 6, 1981. The House Committee on Public Works and Transportation held numerous hearings on S. 533 and related measures, but it reported no companion bill.

The major unresolved issue between the Senate and the House at the end of both the 96th and 97th Congress was, I believe, related to congressional authorization procedures. The Senate insisted upon an annual omnibus authorizaton bill for the entire public buildings program, similar to the practice with regard to the military construction program. The House was committed to retaining the committee-approval-of-prospectuses procedure. The Senate also insisted that comprehensive overhaul of the "organic" act—the Public Building Act of 1959—is needed and that patchwork amendments of that act are insufficient.

The Senate contends that current practices of the General Services Administration and the attendant authorization procedures in the Congress do not reflect or encourage rational, farsighted planning that should be the cornerstone of a successful public buildings program. Project-by-project approval procedures defy establishment of priorities and prohibit judicious analysis of alternative approaches to meeting program objectives. Presently, the committees do not deal with any aggregate sums and therefore have no way to alter program emphasis. Prospectuses arrive unpredictably and are approved piecemeal. The committees do not review nor can they alter budget priorities.

Because prospectuses are only submitted for major projects, the committees do not review or approve half of the repair budget, 90 percent of the leasing budget, any of the over $600 million per year operations budget—cleaning, painting, and so forth—in which there have been abuses, or any of the administrative budget. Only through an authorization that encompasses the entire public buildings budget can congressional oversight and control of all aspects of the buildings program be effectively understood or altered.

Mr. President, in an endeavor to reach an accord with the House on the issue of congressional authorization procedures, last year we held informal discussions with some interested Members of the House. I was encouraged by our dialog and transmitted draft language to meet the concerns of the House. I believe that language is a workable solution to the problems of both sides, or at least it provides a basis for the continuation of our constructive dialog. I am convinced that the differences between the Senate and House on this sticky issue can be resolved this year to the satisfaction of both sides if we keep talking and working. I am genuinely committed to this endeavor and I strongly hope our constructive negotiations will proceed. To do otherwise would be, I believe, very unfortunate because there are many, many worthwhile provisions upon which we already agree.

We have changed title VIII of this bill to incorporate the compromise draft language that I proposed last year. A new section 803 would require both the Senate and House Public Works Committees to report a public buildings authorization bill by May 15 of each year, the deadline imposed by the Budget Act for reporting authorization bills. This annual bill would specify the total dollar authorization for the Public Buildings Service of GSA for the fiscal year beginning on October 1 of the same year and dollar authorizations for the major subcategories in the Public Buildings Service budget. The Public Buildings Service currently uses the following subcategories: Construction and acquisition, repair and alteration, purchase contract payments, rental of space, real property operations, and program direction.

The bill reported by Senate Public Works would contain line-item authorizations for major projects; the bill reported by House Public Works need not include line-item authorizations, although the bill could include them.

Section 803 would enable the House Public Works Committee to authorize major projects on behalf of the House by committee resolution, as presently done, without listing any projects in the authorization bill reported to the House floor. Those projects either approved by House committee resolution or included as line-item authorizations in the annual bill passed by the Senate would be germane in conference. The conference report would contain line-item projects, but of course, conference reports are not subject to amendment on the floor.

Major projects are defined—by revising section 112 of S. 533—as construction and purchase projects involving buildings of 10,000 square feet or more, about $1 million at current prices, and repair and alteration projects of $1 million or more.

Finally, the only other major change in this bill from S. 533 is in section 702. The Committee on Environment and Public Works has been concerned for years about the trend of housing more and more Federal employees in leased space as opposed to Government-owned space. For instance, in the decade from 1969 to 1979 total Federal space needs increased 10 percent, but Government-owned space decreased 14 percent. Leased space increased 92 percent. At the same time, rental rates in many markets have outpaced inflation. The General Accounting Office has agreed with the committee that a policy of providing space needs in leased facilities is budgetarily shortsighted.

Historically, the Federal Government has provided Government-owned space for about 80 percent of its workforce, but the current ratio of Government-owned to lease space is only 53-47. When introduced, S. 2080 set a goal to return to the historical norm. After testimony from the GSA and others, who agreed that this objective is unrealistic and would be prohibitively expensive in the short run, the goal was watered down to only 60-40 in S. 533 as passed by the Senate.

However, we are heartened by the most recent "Five-Year Plan" of GSA which reports that two recent trends are expected to significantly affect the mix of owned to leased space. GSA projects a 12-percent drop in employment over the next 5 years. GSA states that this trend together with an improved space utilization rate per employee ". . . can reasonably be expected to approach a fiscal year 1988 ratio in the range of 70 to 75 percent people housed in Government-owned space." GSA projects a range of 80 to 85 percent in Government-owned space by 1994, about 10 years hence. Given this encouraging report, the bill sets a ratio of 80-20 in 10 years—contained in S. 2080—in lieu of the 60-40 ratio contained in S. 533.

Mr. President, I ask that the text of the bill be inserted at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Act of 1983".

SEC. 2. It is hereby declared to be the policy of the Congress that the public buildings of the United States Government shall be located, designed, furnished, and main-

tained so as to insure the highest productivity and efficiency of Federal agencies and their employees and, further, to provide Government services throughout the United States in locations convenient to the people, to preserve and advance the Nation's legacy of architectural excellence, and to enhance commercial and cultural conditions in the vicinity of public buildings.

TITLE I—GENERAL AUTHORITIES

SEC. 101. The Administrator of General Services, acting through the Public Buildings Service, in conformance with the policies and provisions of this Act, shall have sole authority to acquire, design, construct, lease, manage, maintain, repair, renovate, and assign and reassign space in, buildings and sites to meet the public buildings needs of the Government.

SEC. 102. There is hereby established in the General Services Administration a Public Buildings Service. There shall be at the head of the Public Buildings Service a Commissioner of Public Buildings who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5332).

SEC. 103. There shall be within the Public Buildings Service a Supervising Architect who shall be appointed by the Administrator of General Services and shall be compensated at the rate provided for level V of the Executive Schedule (5 U.S.C. 5332). The Supervising Architect shall supervise all design activities of the Public Buildings Service and shall perform such other duties as the Commissioner of Public Buildings may designate.

SEC. 104. Any authorities described in section 101 of this Act that have been delegated by the Administrator to another Federal agency prior to the date of enactment of this Act shall be revoked and vested in the Administrator on the one-hundred-and-twentieth day after the effective date of this Act unless, prior to said day, the Administrator has delegated such authority in accordance with section 105 of this Act.

SEC. 105. Notwithstanding the provisions of section 205 of the Federal Property and Administrative Services Act of 1949, as amended, the Administrator may delegate all or a portion of his authorities under this Act to the head of another Federal agency, but only with respect to the public buildings needs of that agency.

SEC. 106. The head of any Federal agency delegated authorities pursuant to section 105 of this Act, shall exercise those authorities in conformance with the provisions of this Act; however, the head of any such agency shall not submit the report required in section 107 but shall submit the information required in section 107 to the Administrator for inclusion in his records and reports.

SEC. 107. (a) The Administrator shall submit a report to the Congress on or before February 1 of each year describing activities undertaken, directly by him, or under authorities delegated pursuant to section 105 of this Act, to meet the public buildings needs of Federal agencies in the preceding fiscal year. Such report shall include, but is not limited to—

(1) an inventory of all public buildings, including for each building its location and the amount of space and number of employees assigned to each Federal agency;

(2) an inventory of locations of Federal agency offices in leased buildings, including for each leased location its annual leasing costs, total expected leasing costs over the remaining term of the lease, and the amount of space and number of employees assigned to each Federal agency;

(3) a list of all construction and renovation projects completed and in progress and the degree of progress toward the completion of each;

(4) a list of all leases and lease renewals executed;

(5) a list of construction, acquisition, and renovation projects the cost of which have exceeded, or are expected to exceed the maximum cost set forth in any annual authorization under this Act, whether or not such projects meet the criteria established in section 806 of this Act;

(6) a list of all delegations of authority made by the Administrator pursuant to section 105 of this Act;

(7) a report on activities undertaken pursuant to—

(A) titles IV and V of this Act;

(B) section 210(a)(6) of the Federal Property and Administrative Services Act of 1949, as amended, or by transfer of funds from any Federal agency; and

(8) a discussion of achievements and problems in carrying out provisions of this Act and in meeting the public buildings needs of the Government.

(b) The Administrator shall collect and maintain such information as may be necessary to keep the Congress fully and currently informed of the conduct of the Public Buildings Service and to manage activities required under the provisions of this Act. Within one year after enactment of this Act, the Administrator shall assure that information is available on—

(1) for each public or leased building—

(A) the amount of vacant space,

(B) the amount of space leased under section 102 of the Public Buildings Cooperative Use Act of 1976, as amended,

(C) building operations costs,

(D) income derived for the Federal Buildings Fund,

(E) needed repairs and renovation,

(F) energy consumed,

(G) the extent to which it is fully accessible to physically handicapped persons in accordance with the Architectural Barriers Act of 1968, as amended,

(H) the percent of the building leased by the Government,

(I) the total amount of funds that have been expended in improvements or alterations to each leased building, and

(J) the term of any leases in effect and their expiration dates.

(2)(A) All contracts in effect for architectural, engineering, construction, maintenance, protection, research and other services, including for each the name of the contractor, the services performed, and contract term and price, and

(B) the space utilization rate for each Federal agency.

SEC. 108. (a) The Administrator shall require, prior to executing any lease or other contract which would obligate funds in excess of $10,000 authorized pursuant to this Act, a certification from the owner of the space to be leased or the contractor. Any owner or contractor who fails to complete such certification required under this subjection shall not be eligible to receive a lease or contract award. Such certification shall include, but need not be limited to, statements, declaring under penalty of law provided under section 1001 of title 18, United States Code, or elsewhere, that such owner or contractor, or any of his officers or principal employees:

(1) has no business or employment relationship or interest or holding which constitutes a conflict of interest with his capacity as a lessor or contractor with the United States;

(2) has not offered or promised anything of value to a public official with the intent to influence any official act or to induce the official to perform, or to omit to perform, any act in violation of his lawful duties or to offer or give anything of value to a public official for performing an official act;

(3) has not been debarred or suspended from the award of public contracts;

(4) has not had a public contract terminated for default;

(5) has not been convicted, within ten years prior to the date of the solicitation, of, or is not currently under indictment for or otherwise charged with:

(A) a criminal offense incident to obtaining or attempting to obtain a public (Federal, State, or municipal) or private, contract or subcontract thereunder, or in the performance of such a contract or subcontract;

(B) a violation of the Organized Crime Control Act of 1970;

(C) a violation of Federal antitrust statutes arising out of the submission of bids or proposals or;

(D) embezzlement, theft, forgery, bribery, falsification or destruction of records, fraud, tax fraud, receiving stolen property, or equivalent crimes which are indicative of a lack of business integrity.

(b) The Administrator shall provide in the annual report required under section 107(a) of this Act, the name of each principal owner of blocks of space exceeding fifty thousand square feet which are leased during the fiscal year covered by the report.

SEC. 109. (a) The Administrator shall keep the Congress fully and currently informed of policies and activities of the General Services Administration within the purview of this Act. In addition, he shall make available to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on request, and in such manner as may be necessary to safeguard individual rights or the conduct of criminal investigations, any document, material, information, or report under his jurisdiction.

(b) Such reports as are required to be transmitted to appropriate committees of the Congress by the Administrator in accordance with sections 5(b) and 5(d) of Public Law 95-452 that pertain to problems, abuses, or deficiencies arising under this Act, shall be transmitted simultaneously to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 110. (a) The Administrator shall be responsible for the interpretation of all contracts entered into on behalf of the United States Government to carry out the purposes of this Act, and shall be responsible for the approval of materials, workmanship, and services supplied pursuant to such contracts, approval of changes in contracts, certification of vouchers for payments due contractors, and final settlements.

(b) The Administrator may conduct research and post-occupancy evaluation to determine and improve the effectiveness of existing and planned public buildings in providing productive, safe, healthful, economical, conveniently located, energy efficient, and architecturally distinguished accommodations for Federal agency offices.

SEC. 111. Nothing in this Act shall be construed to affect the authorities granted in section 403f, 403g, or 403j of title 50, United States Code.

SEC. 112. As used in this Act—

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "Federal agency" means any department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation, and any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and activities under his direction).

(3) The term "office" means any organizational component of a Federal agency or other public or private enterprise and also means the physical space in which the work of the component is conducted, including, but not limited to clerical offices, laboratories, warehouses, industrial plants, and garages.

(4) The term "officers and employees of the Government" means all persons included under sections 2104 and 2105 of title 5 of the United States Code.

(5) The term "locality" means a city, county, town, parish, village, or other area governed by a general purpose political subdivision of a State.

(6) The term "geographical area" means an area encompassing a population of no less than one million persons, except that in the case of a State or territory having a population of less than one million persons, it means the State or territory.

(7) The term "acquire" or "acquisition" includes purchase, payment for an option to purchase, condemnation, donation, and exchanges of real property, or interests therein, excluding leaseholds.

(8) The term "renovation" means alteration, addition, partial demolition, and other such actions that significantly enhance or change the use or architectural design of a public building.

(9) The term "major construction and acquisition project" means construction or acquisition of a building of ten thousand gross square feet of floor space or the acquisition of a site at a total cost of one million dollars or more.

(10) The term "major renovation, alteration and repair project" means such a project having a total cost of one million dollars or more.

(11) The term "historic, architectural, or cultural significance" includes, but is not limited to buildings listed or eligible to be listed on the National Register established under section 101 of the Act of October 15, 1966 (16 U.S.C. 470a).

(12) The term "physically handicapped person" means any individual with a physical impairment that precludes such person's use of a building to the same extent that an individual with unimpaired mobility can use such building.

(13) The term "fully accessible" means the absence or elimination of physical and communications barriers to the ingress, egress, movement within, and use of a building by handicapped persons and the incorporation of such equipment as is necessary to provide such ingress, egress, movement, and use and, in a building of historic, architectural, or cultural significance, the elimination of such barriers and the incorporation of such equipment in such a manner as to be compatible with the significant architectural features of the building to the maximum extent possible.

(14) The term "public building" means any building along with its grounds, approaches, and appurtenances, owned by the United States Government or the subject of a contractual or other agreement under which it may be owned by the United States Government at some certain date in the future, that accommodates, did accommodate, or is intended to accommodate Federal agency offices, and includes, but is not limited to office buildings, courthouses, research and academic centers, border stations, garages and warehouses, and any other building or construction project the inclusion of which the President may deem to be in the public interest, but does not include buildings or installations of the United States Postal Service, except as provided for under section 2002(d) of the Postal Reorganization Act, or buildings or installations of the Tennessee Valley Authority, or buildings of the Government Printing Office, or buildings: on the public domain (including that reserved for national forests and other purposes), on properties of the United States in foreign countries, on Indian and native Eskimo properties held in trust by the United States, on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, on or used in connection with river, harbor, flood control, reclamation or power projects, chemical manufacturing or developing projects, or for nuclear production, research, or development projects, on military installations (including any fort, post, airbase, proving ground, supply depot, school or similar facility of the Department of Defense), on Veterans' Administration installations used for hospital, nursing home, or domiciliary purposes, on or used in connection with housing and residential projects, or on the United States Capitol grounds delineated in section 193(a) of title 40, United States Code.

(15) The term "public buildings needs" means the requirements of Federal agencies for suitable space, whether or not in a Government-owned building, to accommodate offices that may be located in a public building as defined in subsection (14) of this section, and includes requirements for space in accordance with section 102 of the Public Buildings Cooperative Use Act of 1976, as amended.

(16) The term "National Capital region" has the same meaning that it bears in section 71(b) of title 40, United States Code.

SEC. 113. The Public Buildings Act of 1959, as amended, is repealed.

TITLE II—LOCATIONS FOR FEDERAL AGENCY OFFICES

SEC. 201. (a) The headquarters offices of each department and major independent establishment in the executive branch shall be located within the National Capital region in conformance with the comprehensive plan prepared and adopted pursuant to the National Capital Planning Act of 1952, as amended, unless otherwise specified by Act of Congress.

(b) Regional, district, area, or local offices of Federal agencies shall be located so as to be centrally located with respect to, in proximity to, or within easy transportation access of, residential populations they serve or other governmental and private offices with which they must maintain continuing and frequent physical communication.

(c) Federal agency offices other than those that are located pursuant to subsection (a) or (b) of this section, or that otherwise must be located close to specific governmental or private offices or in specific geographic locations in order effectively to carry out their responsibilities, shall be located throughout the United States generally in proportion to the geographic distribution of the Nation's population.

SEC. 202. After conforming with section 201, the Administrator shall, in consultation with local officials, take into account the following factors in locating Federal agency offices—

(1) the costs, including relocation and operating costs, of proposed locations;

(2) in the case of any office located in a standard metropolitan statistical area, the feasibility and desirability of a location in the central business district of a city within that area;

(3) the proximity of existing or planned public transportation facilities;

(4) the proximity of public amenities and commercial facilities;

(5) the availability, nearby or within reasonable public transportation commuting distance, of existing or planned housing adequate to the needs of present and prospective Federal employees and available on a nondiscriminatory basis.

SEC. 203. In responding to the public buildings needs of Federal agencies and in planning for future such needs, the Administrator shall first comply with sections 201 and 202 and shall—

(1) review needs to determine if they can be met in whole or in part through more productive use of existing space;

(2) prior to acquiring, constructing, or leasing space in any other building, locate Federal agency offices in—

(A) existing public buildings, giving first priority to utilizing fully, by renovating if need be, those public buildings of historic, architectural, or cultural significance; and if public building space is not available, then,

(B) in buildings of historic, architectural, or cultural significance acquired by the Administrator, and renovated if need be, unless use of such space would not prove feasible and prudent, taking into account cost, expected date of occupancy, and the potential for the conservation of energy, compared with construction of a public building, and if such building space is not available, then

(C) in existing buildings acquired by the Administrator and renovated if need be, or in new buildings constructed by the Administrator under the provisions of this Act, and if such building space cannot be made available in time to meet urgent public buildings needs, then,

(D) in building space leased by the Administrator in accordance with the provisions of title VII of this Act, giving first priority to leasing space in buildings, of historic, architectural, or cultural significance, unless such leasing would not prove feasible and prudent compared with the cost and with the potential for the conservation of energy of leasing at another location.

SEC. 204. Federal agency offices in a locality may be consolidated to the extent justified by the need for immediate physical proximity and by anticipated cost savings—

(A) first, within and among the offices of a single Federal agency,

(B) second, within and among the offices of Federal agencies carrying out related functions, and

(C) third, within and among other Federal agency offices, and

generally so that resulting public buildings needs may, to the maximum extent possible, be met by using existing public buildings, by constructing or acquiring buildings of a

scale similar to the predominant scale of buildings existing in or planned for their surroundings, or by acquiring two or more reasonably proximate buildings, particularly buildings of historic, architectural, or cultural significance.

SEC. 205. (a) In the event the head of a Federal agency determines that the location assigned to any office of fifty or more employees of that agency by the Administrator would be deleterious to the efficient accomplishment of the office's responsibilities, the agency head may appeal the decision of the Administrator to the Director of the Office of Management and Budget. The Director shall review the Administrator's decision within thirty days in accordance with the provisions of this title, and shall nullify the decision only if the Director finds the Administrator's decision not reasonably supported by the facts. The Director shall report the findings of any review undertaken pursuant to this section within ten days to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(b) Notwithstanding the provisions of subsection (a) of this section, in the event that the Director of the Administrative Office of the United States Courts determines that the location assigned to an office of the judicial branch by the Administrator would be deleterious to the efficient accomplishment of the office's responsibilities, the Director shall report such determination to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 206. (a) Noncompliance with the provisions of this title of this Act on the date of enactment shall not be construed to require the relocation of any Federal agency office.

(b) Any action to locate or relocate any Federal agency office subsequent to the date of enactment of this Act shall be undertaken in conformance with the provisions of this Act.

TITLE III—DESIGN AND MANAGEMENT OF PUBLIC BUILDINGS

SEC. 301. The Administrator shall design and maintain public buildings in such manner that they bear visual testimony to the dignity, enterprise, vigor, and stability of the American Government, embody the finest contemporary American architectual thought, and where appropriate, reflect regional architectual traditions.

SEC. 302. Except as provided in section 303, public buildings shall be of such design and construction as to approximate the costs, durability, and ratio of net usable space to gross space of commercial buildings that serve similar purposes. In any case in which the Administrator, pursuant to section 801 of this Act, requests authorization for appropriations for a public building that would exceed the cost, durabililty, or space standards of this section, he shall explain the amount and cause of such excess in the list required pursuant to section 801(a)(2).

SEC. 303. Whenever the Administrator designs and constructs—

(1) a general purpose office building expected to attract significant public use in any locality that serves as a center of its geographical area, or

(2) a headquarters building for any Federal agency,

such public building shall be designed and constructed to higher standards of quality than that provided for in section 302 of this Act and such design and construction shall symbolize the dignitly of the United States Government through the quality or scale of some or all of its architectural details, materials, and public areas: *Provided*, That this section shall not apply to public buildings described in clause (1) of this section whenever the Administrator determines that there already exists in the localitly a public building of the quality described in this section.

SEC. 304. In the design, construction, acquisition, renovation, and management of public buildings, the Administrator shall assure that, to the extent possible and consistent with minimizing costs, such buildings—

(1) conform to or complement the scale of existing or planned surrounding buildings;

(2) conserve energy;

(3) provide efficient and attractive interiors, including public reception areas;

(4) provide parking space for Government motor vehicles and handicapped employees as necessary, and such other parking space for visitors and employee vehicles as is consistent with a general policy of transportation efficiency and energy conservation; and

(5) contain architectural details and hardware that are an integral part of the structure of fixtures and that are designed and fabricated so as to enhance the function and appearance of the public building and to reflect regional architectural traditions of Federal agency functions. Artisans and craftsmen expert in the creative use of such materials as stone, brick, metal wood, and stained glass may be employed to carry out the purposes of this paragraph. To the extent that items designed and fabricated pursuant to this paragraph exceed the ordinary cost of such items, funds allocated pursuant to section 503(c) of this Act shall be used to defray the additional cost.

SEC. 305. The Administrator shall provide sheltered and secure locations and equipment for parking bicycles, and may provide suitable support facilities, at each new public building as necessary to facilitate bicycle use by employees and visitors. He shall provide similar bicycle parking and facilities at existing public buildings and leased buildings where he determines bicycle use is, or may become of sufficient magnitude to warrant the expenditure required.

SEC. 306. (a) Public buildings shall be maintained at all times at a high level of appearance, cleanliness, and mechanical and structural fitness so as to maintain the dignified appearance of Federal offices and the health, safety, and efficiency of Federal employees, and to minimize major repair and replacement expenditures.

(b) Each public building shall be maintained and renovated so as to promote efficient Federal agency and public use and to preserve those portions or features that are significant to the building's historic, architectural, or cultural values.

SEC. 307. (a) Nothing in this Act (except for the provisions of this section) shall affect the applicability of the provisions of the Act of August 12, 1968, as amended, commonly known and hereinafter referred to as the Architectural Barriers Act of 1968, as amended, to any building or facility.

(b) The Architectural Barriers Act of 1968 is amended—

(1) in clause (1) of the first section, by striking out "constructed or altered" and inserting in lieu thereof, "constructed, altered, or acquired";

(2) in sections 2, 3, 4, and 4a, by striking out "physically handicapped persons will have ready access to, and use of, such buildings" and inserting in lieu thereof "such buildings are fully accessible to physically handicapped persons";

(3) in section 5, by inserting before the period a coma and "and any contract for all or any part of the design, construction, or alteration involved shall so provide"; and

(4) in section 6—

(A) by inserting "(a)" before "The";

(B) by inserting "(hereinafter in this section referred to as the 'standard-prescribing agency head concerned')" after "section 4a of this Act";

(C) by striking out "the Administrator or Secretary, as the case may be" and inserting in lieu thereof "the standard-prescribing agency head concerned"; and

(D) by adding a new subsection as follows:

"(b) No action may be taken under this section to modify or waive a standard issued under this Act unless—

"(1) in the case of a waiver, the waiver pertains to a building to be leased (other than a building to be constructed for lease) and the waiver is necessary to meet an emergency situation, or

"(2) in the case of a modification (A) the modification is no broader than necessary, and (B) in the case of a building to be constructed or altered, (i) the need for such modification was not reasonably foreseeable when the design for such construction or alteration was approved, or (ii) the standard-prescribing agency head concerned determined, pursuant to regulations prescribed by such agency head, that such modification is essential to achieving the purposes of the construction or alteration."; and

(5) by inserting at the end the following new section:

"SEC. 8. As used in this Act—

"(1) the term 'physically handicapped person' means any individual with a physical impairment that precludes such person's use of a building to the same extent that an individual with unimpaired mobility can use such building,

"(2) the term 'fully accessible' means the absence or elimination of physical and communications barriers to the ingress, egress, movement within, and use of a building by handicapped persons and the incorporation of such equipment as is necessary to provide such ingress, egress, movement, and use and, in a building of historic, architectural, or cultural significance, the elimination of such barriers and the incorporation of such equipment in such a manner as to be compatible with the significant architectural features of the building to the maximum extent possible.".

SEC. 308. (a) The Administrator is authorized, pursuant to subsection (b) of this section, and upon the request of appropriate local and State officials, to name any public building after, and establish a memorial in any public building in honor of, any person who has made notable contributions to government, science, industry, education, the arts, or other fields of human endeavor. Such person, if living, must be at least seventy years of age. No public building shall be named for a sitting Member of Congress or for a former Member of Congress who holds any other elective public office.

(b) The Administrator is authorized to expand, out of any funds available to him in any fiscal year, an amount equal to but no greater than contributions provided by State or local governments or private entities or individuals, and in no event greater than the sum of $10,000, for the design and construction of a memorial to a person designated pursuant to subsection (a) of this

section, or designated by an Act of Congress.

(c) The Administrator, in consultation with appropriate local and State officials and other interested citizens, shall determine the form and location of such memorials. The memorials shall be fountains, gardens, walks, stained glass windows, or other building appurtenances visible and accessible to visitors, and in harmony with the architectural and landscape design of such building. The Administrator shall provide maintenance for such memorials.

(d) The Administrator may conduct a competition to select a designer for the memorial authorized by this subsection. Such competition shall be open to landscape and other architects, artists, artisans, and designers.

TITLE IV—MIXED USE AND ADAPTIVE USE IN PUBLIC BUILDINGS

SEC. 401. This title may be cited as the "Public Building Cooperative Use Act Amendments of 1983".

SEC. 402. (a) Section 102(a)(2) of the Public Buildings Cooperative Use Act of 1976 is amended to read as follows:

"(2) encourage the location of commercial, cultural, educational, and recreational activities as tenants primarily on major pedestrian access levels, courtyards, and rooftops of public buildings, and design, construct and lease space suitable for such activities: *Provided*, That the amount of space so leased in any public building—

"(A) shall be determined by the Administrator in light of the market for such activities or the need and potential for promoting commercial or cultural activity in the vicinity of the building or serving the employees and visitors in the building; and

"(B) shall not exceed 15 per centum of the occupiable space in the public building, except in instances where the Administrator determines that the configuration of pedestrian access levels in the building justifies the leasing of a greater amount of space;".

(b) Section 102(a)(4) of the Public Buildings Cooperative Use Act of 1976 is amended to read as follows:

"(4) encourage the public use of public buildings for occasional cultural, educational, and recreational activities and design, construct, and maintain space and equipment in public buildings suitable for such activities, including activities described in section 503(a) of the Public Buildings Act of 1983.".

SEC. 403. Section 103 of the Public Buildings Cooperative Use Act of 1976 is repealed and sections 104 and 105 are redesignated as sections 103 and 104, respectively.

SEC. 404. Section 103(a) of the Public Buildings Cooperative Use Act of 1976, as amended, and the first sentence of section 210(a)(16) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(16) to enter into leases of space in public buildings, in accordance with section 102(a)(2) of the Public Buildings Cooperative Use Act of 1976, as amended, with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 104 of the Public Buildings Cooperative Use Act of 1976, as amended).".

SEC. 405. Section 104 of the Public Buildings Cooperative Use Act of 1976, as amended, is amended by striking paragraph (2) and inserting in lieu thereof the following:

"(2) The terms 'public building' and 'Federal agency' have the same meaning as are given them in section 112 of the Public Buildings Act of 1983.".

TITLE V—EXHIBITIONS AND WORKS OF ART

SEC. 501. This title may be cited as the "Federal Buildings Enhancement Act of 1983".

SEC. 502. (a) The Congress hereby finds and declares that—

(1) the efficient use of Federal buildings can be increased, and public satisfaction with Federal buildings will be improved, by insuring that such buildings not only provide a congenial work environment but also function attractively for public service;

(2) Federal buildings should enrich the social, commercial, and cultural resources of the communities they serve; and

(3) Federal buildings will be enhanced by temporary exhibitions of art works and of the Nation's cultural heritage, as well as by suitable permanent works of art incorporated as an integral part of the architecture of Federal buildings.

(b) It is, therefore, the policy of the Congress to encourage and secure Federal building design which is distinguished, which expresses the dignity, enterprise, and stability of the American Government, and which enriches the quality of life in the communities served by such buildings. It is the purpose of this Act to contribute to such design by incorporating permanent installations of suitable works of art into Federal buildings. It is the further purpose of this Act to enhance existing Federal buildings by providing for temporary exhibitions of art and history to be circulated among Federal buildings.

SEC. 503. (a)(1) The Administrator, with the advice and assistance of the Chairman of the National Endowment for the Arts, shall acquire by loan, or by lease at nominal fees, works of art by living American artists. Works of art loaned or leased under this subsection shall be organized into exhibitions and circulated by the Administrator among Federal buildings throughout the United States. Such works of art shall be selected from artists representative of the different regions of the United States and its territories, and shall include diverse artistic media.

(2) The Administrator, in conjunction with the Secretary of the Smithsonian Institution, and with other not-for-profit traveling exhibition services shall utilize existing exhibitions and develop new exhibitions which reflect the artistic, cultural, social, scientific, and industrial heritage of the United States or the continuing development of the Nation's art, culture, society, science, and industry.

(A) The Administrator shall circulate and show exhibitions developed under this subsection in Federal buildings throughout the United States. Preference shall be given to Federal buildings in communities that otherwise do not have convenient access to museums of art and history.

(B) The Administrator shall reimburse the Smithsonian Institution and other traveling services an amount not less than the cost to the Institution or to such other services of carrying out the provisions of this subsection.

(b)(1) The Administrator, with the advice and assistance of the Chairman acting in cooperation with the appropriate arts agencies at State and local levels, shall commission suitable works of art by American artists to be purchased and installed in Federal buildings. The preliminary planning and design of each new Federal building shall include planning for such commissions, which may include a variety of compatible works. The Administrator shall insure that Federal buildings selected for the installation of such commissioned works of art are equitably distributed within the United States and its territories, and shall consider a diversity of artistic media in commissioning such works of art. The Administrator shall provide for necessary services to keep and preserve such works of art in a state of high quality.

(2) Whenever the Administrator commissions a work of art for a new Federal building pursuant to paragraph (1) of this subsection, he shall instruct that such work shall be an integral part of the architectural design. In the case of an existing public building, such work shall be appropriate to the setting and space available. The administrator shall seek to avoid the development of an official style either in architecture or associated works of art. Federal commissions should give expression to the vitality and diversity of American life.

(3) In carrying out the provisions of this subsection, the Administrator, with the advice and assistance of the Chairman acting in consultation with the appropriate arts agencies at State and local levels, shall establish such procedures as may be necessary to commission suitable works of art, with or without competition, and shall give full consideration to the participation of local artists.

(c)(1) For the purpose of this section, the Administrator is authorized to utilize one-half of 1 per centum of the total sums available in fiscal year 1984 and each fiscal year thereafter for the design, construction, repair, renovation, alteration, and acquisition of public buildings.

(2) Funds available under this subsection shall be available, without fiscal year limitation, to the Administrator for the purposes set forth in subsections (a) and (b) of this section and in subsection 304(5): *Provided*, That not to exceed 25 per centum of such funds shall be expended for purposes set forth in subsection (a) of this section, and not to exceed 75 per centum of such funds shall be expended for purposes set forth in subsection (b) of this section and for purposes set forth in subsection 304(5).

(d) For the purpose of this title—

(1) the term "Federal buildings" means public buildings, under the jurisdiction of the Administrator of General Services, that attract, or are expected to attract, significant public use;

(2) the term "Chairman" means the Chairman of the National Endowment for the Arts; and

(3) the term "works of art" includes, but is not limited to, paintings, sculptures, crafts, works on paper, and environmental works.

TITLE VI—ARCHITECTURAL SERVICES

SEC. 601. The Administrator shall employ professionally trained architects, engineers, landscape architects, interior and graphic designers, and urban planners to prepare, under the supervision of the Supervising Architect, plans, drawings, and specifications for such public building construction and renovation projects as the Commissioner of Public Buildings may designate, but in any case to provide the kind and number of projects necessary annually to enable such employees to utilize their professional skills and training.

SEC. 602. (a) Those architectural services not provided pursuant to section 601 shall be procured in accordance with title IX of

the Federal Property and Administrative Services Act of 1949, as amended, and the Administrator shall conduct a design competition among no fewer than three qualified architectural firms to select the architects for a substantial portion of the public building construction and renovation projects each year, including particularly—

(1) renovation projects involving extensive architectural changes or additions to buildings of historic, architectural, or cultural significance;

(2) construction projects for buildings of high public use or visibility, including, but not limited to any building provided pursuant to section 303 of this Act; and

(3) projects presenting special design problems or opportunities related to structure, function, or compatibility with surroundings.

(b) The Administrator shall indicate each year, in the program submitted pursuant to section 801 of this Act, those public building construction and renovation projects with respect to which he proposes to conduct design competitions.

(c) With respect to a significant portion of the competitions conducted each year, the competitions shall last no longer than sixty days from the date the Administrator provides the firms with a competition program and the competitions shall elicit from each firm preliminary design concepts only.

(d) The Administrator shall negotiate first with the firm judged at the conclusion of each competition to have demonstrated the best design approach to the project. The Administrator shall make public and provide to the competing firms at the time a selection is announced under any of the provisions of this section, a brief report describing the reasons for the selection made.

(e) The Administrator shall provide, in total stipends or prizes to all of the firms that take part in any one competition conducted under this section, a sum equal to no more than one-half of 1 percentum of the expected cost of the design and construction of the project, and shall conduct each competition under such rules and procedures as will assure that fair compensation for work required from the firms does not exceed that amount.

(f) The Administrator is authorized to acquire the services of privately employed architects, engineers, and other citizens on a temporary basis to serve on panels to assist in selecting and judging architectural firms under the provisions of this section. Persons so employed shall not be considered special Government employees under the provisions of section 201(a) of the Ethics in Government Act of 1978.

TITLE VII—LEASING

SEC. 701. It is the policy of the United States to house Government offices in public buildings. Space shall be leased only to accommodate the emergency or temporary requirements of the Government, to accommodate Government activities of insufficient scale to warrant providing a public building, and to take account of conditions that make Government construction or acquisition of necessary public building space economically infeasible or disadvantageous.

SEC. 702. (a) In recommending projects and actions to accommodate the public building needs of the United States in accordance with section 801 of this Act, the Administrator shall provide realistic comparisons of the long-term costs and benefits of construction, acquisition, and leasing. Such comparisons shall consider, as necessary, assumptions of present and future inflation, interest rates, and operating and other expenses of the various alternatives. In any case in which the Administrator recommends a project or action other than that for which the long-term costs are lowest, he shall explain the basis for his alternative recommendation.

(b) Within nine months of the date of enactment of this Act, the Director of the Office of Management and Budget and the Administrator shall jointly submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report detailing methods to be used in formulating the long-term comparisons of costs and benefits required pursuant to this section. The report may be prepared in cooperation with experts from private industry and shall include a comparison of the methods proposed with those used in private industry.

(c)(1) It is the sense of the Congress that long-term economies would be effected by assuring that, within ten years of the date of enactment of this Act, no fewer than 80 per centum of the officers and employees of the Government whose offices are provided under this Act have principal offices in public buildings.

(2) To the extent possible, the preferred ratio of the officers and employees of the Government provided offices in leased space to those provided offices in public building space shall be achieved uniformly throughout the Nation: *Provided*, That, in attempting to achieve this uniformity the Administrator shall take into account comparative local vacancy and rental rates for office space, and other market conditions and program considerations in such manner as to maximize the economic benefit to the Federal Government and to localities throughout the Nation.

SEC. 703. Notwithstanding the provisions of section 210(h)(1) of the Federal Property and Administrative Service Act of 1949, the Administrator shall not make any agreement or undertake any commitment that will cause the construction of any building other than a Government-owned building unless before so agreeing or undertaking—

(1) the Administrator establishes specifications for the building identical to the criteria established pursuant to section 302 of this Act for the construction of public buildings; and

(2) the Administrator secures the option to purchase the building at any time during or at the conclusion of the lease term, unless the Administrator provides the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives an explanation of his reasons for not securing such an option; and

(3) the Administrator has conformed with the provisions of section 706 of this Act.

SEC. 704. It is the policy of the United States not to lease space to accommodate, and no additional space shall henceforth be leased to accommodate, except as may be necessary to meet temporary and urgent requirements that cannot be met in public buildings—

(1) major computer operations;

(2) offices that conduct secure or sensitive activities related to the national defense or security, except to the extent that it would be inappropriate to locate such offices in public buildings or in other facilities identified with the United States Government;

(3) offices, the nature of which would require major alterations in the structure or mechanical systems of the building to be leased; or

(4) permanent courtrooms, judicial chambers, or administrative offices for any United States court.

SEC. 705. (a) For the purposes of this Act, sections 321 and 322 of the Act entitled "an Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932, shall not apply.

(b) No lease may be negotiated for a rental exceeding the current commercial rates and charges for space and services of nearest comparable quality in that locality.

SEC. 706. (a) The Administrator shall publicly solicit competitive bids to procure space by lease for the Government. Each such solicitation shall specify any special requirements of building design, configuration, or location.

(b) In evaluating competing bids, the Administrator shall take into account proposed rental costs and services offered, overall quality and safety of the buildings, energy efficiency, and their relative conformity to the requirements of titles II and III of this Act.

(c) No option to purchase a building shall be paid for unless the payment for such option is made separately from any lease payment and unless such payment has first been authorized under the provisions of title VIII of this Act.

SEC. 707. The Administrator shall provide a copy of the lease agreement between the government and the owner of each leased building, and a copy of subsequent additions or revisions to the lease agreement, to the highest ranking official in the leased building of each Federal agency occupying space in the building.

TITLE VIII—CONGRESSIONAL AUTHORIZATION

SEC. 801. (a) The Administrator shall submit to the Congress, not later than the fifteenth day after Congress convenes each year, a program of projects and actions for the next succeeding fiscal year which the Administrator deems necessary in carrying out his duties under this Act. Such program shall include but is not limited to—

(1) a five-year plan for accommodating the public building needs of the United States,

(2) a list, in priority order, of construction, renovation, and acquisition projects for which authorization for appropriations are requested for the next succeeding fiscal year, including a description of the project and the number of square feet of space involved,

(3) a list, in priority order, of lease and lease renewals for which authorization for appropriations are requested for the next fiscal year,

(4) a list of all public buildings proposed to be vacated in whole or in part, to be exchanged for other property, or to be disposed of,

(5) a proposed budget for the repair and maintenance of public buildings,

(6) a year program that would be required to meet the provisions of section 702(c) of this Act and an analysis of the costs and benefits of the program, together with an analysis of costs and savings of alternative programs,

(7) a description of how the projects and leases included in the program, separately and together, conform to the provisions of this Act and the estimated annual and total cost of each project and lease.

(b)(1) The Administrator shall certify in the annual program submitted in accordance with subsection (a) that he has held a public hearing, or afforded the opportunity for such hearing, in the locality or proposed locality of each major construction, renovation, or acquisition project included in the annual program. Such hearing shall consider the economic and social effects of the project, its impact on the environment, its consistency with the goals and objectives of such urban planning as has been promulgated by the community, and its conformance with titles II and III of this Act: *Provided*, That, only such facts and issues as can reasonably be adduced during the planning and preliminary design of a project shall be considered at such hearing.

(2) The Administrator shall provide, along with each certification regarding a public hearing, the final environmental impact statement prepared pursuant to the National Environmental Policy Act, and a report which indicates the consideration given to facts and issues concerning the project and various alternatives which were raised during the hearing or which were otherwise considered.

LIMITATIONS ON AUTHORIZATIONS AND APPROPRIATIONS

SEC. 802. (a) No appropriation, including any appropriation from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be made by the Congress or obligated by the Administrator to carry out the purposes of this Act, unless it has been authorized by the Congress in accordance with section 803 of this Act.

(b) No public building construction, renovation, or acquisition shall be commenced unless an appropriation has first been made for the estimated cost of completion of such construction, renovation, or acquisition in the fiscal year for which such appropriation is authorized. Beginning in fiscal year 1985, no lease shall be entered into unless the authority to enter into contracts has first been made for the maximum cost of such lease over its entire term in such amounts as are specified in annual appropriations Acts and in the fiscal year for which such lease is authorized.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 803. (a) In order to carry out the purposes of this Act and commensurate with the Budget Control Act of 1974, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives shall report to the Senate and the House of Representatives, respectively, by May 15 of each year, a bill authorizing appropriations for the Public Buildings Service for the fiscal year beginning on October 1 of that year.

(b) The bill reported pursuant to subsection (a) of this section by the Committee on Environment and Public Works of the Senate shall, and the bill reported pursuant to subsection (a) of this section by the Committee on Public Works and Transportation of the House of Representatives may, specifically authorize the location and amount of any major constuction and acquisition project, and any major renovation, alteration and repair project.

(c) The committee of conference on authorization bills committed to conference in accordance with this section may include in its report major construction and acquisition projects and major renovation, alteration and repair projects approved by resolutions of the Committee on Public Works and Transportation of the House of Representatives prior to May 15 of the year preceding the beginning of the fiscal year for which the bill authorizes appropriations; *Provided*, That the aggregate monetary authorization in the report of the committee of conference may not exceed the higher of the aggregate authorizations contained in the bills committed to conference.

SEC. 804. Funds which are appropriated in accordance with section 803 of this Act for construction, renovation, repair, acquisition, alteration or lease shall remain available for obligation and expenditure without regard to fiscal year limitations: *Provided*, That construction, renovation, or acquisition has been commenced, or lease entered into, pursuant to section 802(b) of this Act.

SEC. 805. Ten percentum of the funds made available to the Public Buildings Service for construction, renovation, alteration, and repair of public buildings shall be available for repair or alteration projects and leases not otherwise authorized by this Act, if the Administrator certifies that the space to be repaired, altered, or leased resulted from emergency building conditions or changing or additional programs of Federal agenices not anticipated at the time the program required by section 801 of this Act was submitted. Funds for such projects may not be obligated until thirty days after the submission by the Administrator of an explanatory statement to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The explanatory statement shall, among other things, include a statement of the reasons why such project or lease cannot be deferred for authorizations in the next succeeding fiscal year.

SEC. 806. (a) When the cost of a project exceeds the estimated maximum cost authorized in accordance with section 803 of this Act, the Administrator is authorized to either (A) increase expenditures by an amount equal to the percentage increase in the cost of the project, or (B) decrease the number of gross square feet to be constructed in the project. In no event shall the total increase in expenditures authorized by clause (A) of this paragraph exceed 10 per centum of the estimated maximum cost of the project. In no event shall the total decrease in square feet authorized under clause (B) of this paragraph exceed more than 10 per centum of the gross square feet stated in the approved authorization.

(b) If the Administrator determines that the cost of a project exceeds the estimated maximum cost authorized under section 803 of this Act to such an extent that action under subsection (a) of this section is not sufficient to meet such excess cost, the Administrator shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives concerning the project. Such report shall include recommendations by the Administrator as to appropriate action to enable the continuance of the project. The Administrator may not take any action to continue the project, other than the action authorized by subsection (a) of this section, unless such action has been authorized by the Congress in accordance with section 803 of this Act.

TITLE IX—MISCELLANEOUS

SEC. 901. This Act shall become effective on October 1, 1983.

Mr. STAFFORD. Mr. President, I ask that the issue brief entitled "Public Buildings Policy: Alternatives for Reform" by Virginia A. McMurty of the Congressional Research Service, Library of Congress, be inserted in the RECORD at the conclusion of my remarks. This paper is, I believe, a very good legislative history of public buildings policy. Particular attention is given to the work and debate in the Congress over the past 4 years, which encompasses the development of both S. 2080 and S. 533.

There being no objection, the issue brief ordered to be printed in the RECORD, follows:

PUBLIC BUILDINGS POLICY: ALTERNATIVES FOR REFORM

(By Virginia A. McMurty)

ISSUE DEFINITION

Various alternatives are under consideration in the 97th Congress to reform public buildings policy, following action by both the House and Senate during the 96th Congress.

In providing for the space needs of Federal agencies the Administrator of General Services has two fundamental options: to lease space in privately owned buildings, or to acquire public buildings (by purchase, condemnation, donation, or exchange). But in recent years GSA has been forced, repeatedly, to choose leasing rather than direct ownership, because of dwindling funding for construction projects; although GAO and others criticize this policy as economically short-sighted. Alternative techniques to direct-appropriation funding for public buildings, such as purchase contract or time-financing, have been advocated as possible means of enhancing the feasibility of the construction option. Another important issue in the current debate concerns whether existing methods of congressional authorization for public buildings should be retained or altered. While both the House and Senate passed bills providing for changes in public buildings policy during the 96th Congress, no law was enacted.

BACKGROUND AND POLICY ANALYSIS

Various measures have been enacted over the years relating to public buildings, but before 1959 no overall program existed. Until 1902, each Federal building had been provided for in a separate law, which stipulated the location and cost for the project. With passage of an omnibus bill in 1902, simultaneous authorization was accorded for public buildings to be constructed at 150 locations across the country. Another omnibus bill was passed in 1913, but operations were suspended during World War I, and authorizations did not resume until 1926, with the passage of the Public Buildings Act of 1926. This 1926 law, amended over the years, continued to provide the authority for direct construction and renovation of public buildings until 1959.

From 1939 until 1949 building construction was again virtually halted, except for defense installations (including the Pentagon). The Public Buildings Act of 1949 (63 Stat. 176) authorized the Federal Works Administrator (later the Administrator of General Services), to initiate a program for site acquisition and design of Federal buildings, but that law provided no authority for actual construction of buildings; the Public Buildings Act of 1959 replaced this law.

However, the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) remains in effect. This law, which among its many provisions established the General Services Administration, also authorized the GSA Administrator to lease buildings for periods up to 20 years.

It soon became apparent that the planning and site acquisition authority coveyed in the Public Buildings Act of 1949 was insufficient to reduce the backlog of Federal projects. So in 1954 Congress enacted the Public Buildings Purchase Contract Act (68 Stat. 518), whereby buildings were to be financed by private capital and constructed according to lease-purchase agreements with GSA. Installment payments were made to the private developer in lieu of rent, with provision for the Government to acquire title to the property at the end of a period between 10 and 25 years, as stipulated in the lease-purchase agreement. The 3-year authorization provided by the 1954 Act for entering into lease-purchase contracts expired in 1957 and was not renewed. During the 3 years when it was in force 5 Post Offices and 29 other buildings were constructed.

The congressional oversight device incorporated in the 1954 law proved especially significant in the recent history of public buildings policy. Previously, Congress had always set certain monetary limits along with the authorization for a specific building, but the purchase contract program was not amendable to this type of control. Instead, a different approach to project authorization was needed. A committee approval provision was recommended by the conference committee and ultimately enacted as follows: "No appropriations shall be made for purchase contract projects which have not been approved by resolutions adopted by the Committees on Public Works of the Senate and House of Representatives, respectively . . . ." The Act also required that GSA submit to the committees a prospectus for each proposed project. In effect, the committee approval requirement amounted to a committee veto provision, since a point of order could be raised against an appropriation for any project unless committee approval of the building prospectus had been obtained.

The Public Buildings Act of 1959 (73 Stat. 249), codified existing law, thereby creating a statutory framework for meeting Federal space needs, along with an extension of authorization for funding of buildings. Under this law, the Administrator of General Services was empowered to acquire buildings for the Federal Government by purchase, condemnation, donation, or exchange. Acquisitions in the various manners were all to be financed by direct appropriation.

In effect, the Public Buildings Act of 1959, which remains in force, provides for authorization of specific buildings by resolutions of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works, since the same committee approval feature of the 1954 Purchase Contract Act was retained in the 1959 law. Specifically, the law provided in section 7 that no appropriation over $100,000 for construction or purchase of a building, or over $200,000 for alteration of a building, was to be made until a prospectus regarding the building had been prepared by GSA and approved by the House and Senate committees. The law, in section 11(b), also provided for authorizations originating in another way; either public works committee could direct GSA to prepare a report on the possible need for a project in a particular location. These so-called 11(b) reports are identical in content to the section 7 prospectuses and, when approved by committee resolutions, can authorize a specific building even without executive branch support.

As time passed, the backlog of authorized but unfunded projects grew, since the only financing technique provided for in the 1959 law was direct Federal appropriations. As a stopgap measure, purchase contract authority was reinstituted for a 3-year period as a part of the Public Buildings Amendments of 1972 (86 Stat. 216). This law authorized the Administrator of General Services to enter into purchase contracts, for a period not to exceed 30 years, employing one of two procedures. Under the package method (used exclusively under the 1954 Act), GSA entered into lease-purchase agreements with contractors, to cover both construction and financing. Semiannual payments were made toward liquidation of the debt, with title ultimately reverting to the Federal Government. Under the dual method GSA contracted separately for construction and financing of a given project. Funding was received through the sale of participation certificates to private investors and to the Federal Financing Bank, as well as from direct bank loans. The construction contracting under the dual method was no different than for direct Federal construction using appropriated funds. During the 3-year purchase contract authority under the 1972 amendments, 23 buildings were acquired using the package method, and 45 via the dual method, at a total cost of $1.3 billion. In an important departure from the previous purchase contract program, GSA was required to pay local property taxes during the purchase term.

The 1972 amendments increased the amount over which no appropriations might be made without approval of the public works committees from $100,000 for construction and $200,000 for alteration of public buildings, to $500,000 for both. The 1972 legislation also added the same requirement for approval by committee resolutions for any leasing of space for Federal use at an average annual rental over $500,000.

In addition, the 1972 law established the Federal Buildings Fund. In theory, the fund was to receive collections for rent charged to Federal agencies occupying GSA space, from which GSA could finance future acquisition and maintenance, as well as operating expenses for public buildings. It was anticipated when the legislation was drafted in 1972 that over $200 million would be available annually to finance the public buildings construction program. But since 1975, when the fund went into operation, it has proved inadequate as a source for both operating and capital funds, with an average of only about $50 million available from the fund for construction.

In early 1979 the GSA reported a backlog of approved or pending construction projects amounting to $281 million. Meanwhile, GSA has been forced, increasingly, to lease space in order to meet agency needs. In the decade from 1969–1979 total Federal space needs increased 10 percent, but Government-owned space decreased by 14 percent. Leased-space increased 92 percent. In fiscal year 1981 GSA requested $680.7 million for rental of space in privately-owned buildings. If current trends continue, the annual GSA lease-budget is projected to exceed $1 billion within two years. Moreover, the yearly totals for rent underestimate the true extent of Federal lease obligations; the gross commitment for all outstanding leases in 1980 was said to total about $2.3 billion.

Congressional concern with the existing procedures for authorizing and funding public buildings, and especially with the phenomenal growth of GSA leasing activity, reached a turning point, when on Mar. 6, 1979, the Senate Committee on Environment and Public Works voted unanimously to impose a moratorium on further authorizations for nonemergency public building projects. The decision was reached following an extended discussion concerning renewal of a long-term lease. With misgivings over the specific lease, and amidst the background of allegations of GSA malfeasance, the Committee determined that a thorough review and overhaul of the public buildings program was needed.

After several months of committee investigations and oversight hearings, S. 2080 was introduced in December of 1979, cosponsored by all members of the Committee on Environment and Public Works. The bill sought to repeal the 1959 law and replace it with an entirely new framework for planning, authorizing, and financing the public buildings program. The bil required GSA to engage in long-range planning regarding Federal building needs, replaced the committee approval format with an annual omnibus bill-process intended to insure systematic authorization and oversight of the program, established policies and priorities to be followed in locating Federal offices, stipulated frameworks to promote better architectural design, limited the total proportion of Federal space that could be leased, and created a borrowing authority to help finance needed construction and acquisition. On June 20, 1980, the Senate passed S. 2080 by vote of 71–8.

The House passed S. 2080, as amended, by voice vote on Aug. 25, 1980. But the provisions of H.R. 6075, which were substituted for those of S. 2080, resulted in very different legislation. In short, the House-passed version encompassed only one provision of the original Senate bill—the time-financing mechanism—whereby the Administrator of General Services was authorized to issue obligations for purchase by the Secretary of the Treasury. In December 1980, following several unsuccessful meetings, the conference committee appointed to reconcile provisions in the House and Senate versions of S. 2080 acknowledged their inability to reach a satisfactory compromise.

The major unresolved issue in the 96th Congress related to congressional authorization procedures. Members of the Senate Committee on Environment and Public Works were unanimously opposed to retaining the procedure for committee approval of project prospectuses. They contended that the existing system constituted a time-consuming but ineffective framework for oversight of the public buildings program. Of statutory necessity, the Committee's time was preoccupied with the consideration of prospectuses—over 100 arriving in a typical Congress, but at unscheduled intervals and with no indications of relative priorities among the various proposals. Moreover, projects under $500,000 (where recent incidents of potential fraud or mismanagement on the part of GSA had been uncovered) escaped congressional scrutiny, except insofar as the relevant appropriations subcommittees looked into the lump.sum items. S. 2080 called for an annual omnibus authorization bill for the entire public buildings program, similar to the practice with regard to the

military construction program. In a report released in 1980, the General Accounting Office called for reform in the authorization procedure for public buildings and endorsed the approach contained in S. 2080.

However, the House, following the recommendation of its Committee on Public Works and Transportation, revealed a commitment to retaining the committee-approval-of-prospectuses procedure. In the 96th Congress the House-passed version of S. 2080, incorporating only the new financing provision, prohibited the construction or acquisition of a public building using the time financing method of payment unless a prospectus describing the project had been approved by resolution of the public works committees. Committee members in the House contended that the annual omnibus bill would be subject to numerous floor amendments, with the tacking on of "pet projects" for individual districts. The existing committee veto provision, according to this view, contributes to greater discipline in authorizing public buildings and choosing among competing priorities than would be the case in the full House; instead, the omnibus bill would turn into a "Christmas tree" of projects for special interests. In December 1980, following the conference committee impasse, the House Committee on Public Works and Transporation adopted a resolution, directing GSA to submit to Congress an annual report summarizing projects and actions anticipated during the coming fiscal year, pursuant to the Public Buildings Act of 1959. This apparently represented an effort to encourage planning and the ordering of priorities within the existing framework.

Other broad issues relating to the public buildings program aside from the procedure for congressional authorization of projects merit evaluation. At the most fundamental level, should Federal agencies be housed in Government-owned buildings, or should leasing of privately-owned space be encouraged whenever possible? Officially, the decision is to be arrived at on the basis of results of a comparative present-value cost analysis of alternatives; Office of Management and Budget Circular A-104, dated June 14, 1972, prescribes the overall procedures, assumptions, and format to be employed. However, GAO has criticized certain of the components in the OMB present-value model, contending that the assumptions and values selected result in cost estimates biased in favor of the leasing option. In a report of June 20, 1980, GAO stated that the present-value cost analyses of leasing versus new construction, as prepared by GSA and submitted to Congress, were inaccurate.

Another practice that tends to skew the decision away from construction, already noted, is the entering of just the 1-year cost for a lease in the GSA budget submission, even if a commitment has been made for many years. According to GAO, while the annual rent for an office building will invariably appear low compared to the expenditure required for direct construction, Federal ownership often proves less expensive in the long run. To present a more accurate economic picture of the alternatives, the "full financing" method for lease commitments has been advocated. In this way the full cost of lease-contracts would be shown as budget authority the first year the obligations are incurred. This figure could allow for more meaningful comparison with estimates of total acquisition costs for a similar structure.

Beyond the basic issue of leasing versus construction, there is the question of how acquisition by Government-owned buildings should be financed. There are three basic methods for financing public buildings—full funding, purchase-contract, and time finance. According to GAO, full funding by direct appropriation prior to construction is the cheapest means for meeting long-term space needs, but is not practical in a time of budgetary constraint. As recent experience has shown, public building projects receive relatively low priority in austere times, and GSA has increasingly turned to leasing because of inadequate funding for construction projects.

The purchase contract method was in force from 1954–1957, and again from 1972–1975. In this arrangement, the project is financed with private funds, with ownership of the building eventually reverting to the Government. Under the package method, the developer entering into the purchase contract agrees to provide for both the financing and construction of the project. Under the dual method, GSA arranges separately for financing and construction. For example, under the 1972 authority, GSA borrowed funds through the sale of participation certificates to private investors, while letting contracts for construction in the same manner employed for direct construction projects financed with appropriate funds. Under the 1954 law the Federal Government was not liable for local real estate taxes during the purchase contract term, while payment of local property taxes was required by the provisions of the 1972 law. Most advocates of a reinstitution of purchase contract authority call for an exemption from local property taxes, arguing that taxes on a purchase contract tract should be treated within the broader topic of in-lieu-of-taxes payments for Federal real property. (Liabilities for local real estate taxes on purchase contract projects under the 1972 law have proved a major drain on the Public Buildings Fund.)

The time financing approach was the method approved by both the House and Senate during the 96th Congress. Under this scheme the Administrator of General Services would be authorized to issue obligations for purchase by the Secretary of the Treasury, with repayment starting when the building is ready for occupancy. This approach has been likened to a home mortgage: GSA would pay back principal plus interest over a period of years, taking advantage of interest rates available to the U.S. Treasury. This method differs from lease-purchase in that title resides with the Government even during the period of installment payments.

There are other issues in the debate over the public buildings program, such as location of buildings, access to handicapped individuals, and concerns of architectural merit. There are also factors tending to increase the costs of Federal buildings that could be reevaluated. Construction specifications for Federal buildings require higher ceilings, and better quality materials, for example. There are also statutes such as the Davis-Bacon Act (which imposes minimum wage standards on certain Federal projects—40 U.S.C. 276a et seq.), and the Buy America Act (41 U.S.C. 10a et seq.), which do not apply to private commercial buildings and hence increase the costs for construction of public buildings.

While there are wide differences of opinion concerning these various issues, there also seems to be a growing recognition in Congress that some sort of amendment, if not comprehensive overhaul, of the Public Buildings Act of 1959 is needed. The Senate passed S. 533, the Public Buildings Act of 1981, on May 6, 1981, by vote of 93–0. This legislation is similar in most respects to S. 2080 as passed by the Senate in the 96th Congress. However, following a discussion with OMB in April of 1981, a bipartisan amendment package was accepted by the Environment and Public Works Committee, with the administration agreeing to support the bill as amended. Most significantly, the title providing the time-finance authority was deleted, leaving no financing mechanism aside from direct appropriation. The bill would provide for purchase-option lease authority, however. The House Subcommittee on Public Buildings and Grounds began hearings in May 1981, and resumed hearings that fall. One factor apparently impeding further action in the House has been the strong opposition of GSA to the provision in H.R. 1938 that would require statement of the full-term cost of a lease in an agency's annual budget, to facilitate comparison with new construction costs.

LEGISLATION

H.R. 1938 (Levitas et al.) Public Buildings Act Amendments of 1981. Establishes the Public Buildings Service within GSA. Establishes public buildings policies for the Federal Government. Amends the Public Buildings Act of 1959 in several respects, but retains the existing congressional authorization process. Provides for time-financing of new Federal buildings by authorizing GSA to issue obligations, for purchase by the Secretary of the Treasury. Introduced Feb. 18, 1981; referred to Committee on Public Works and Transportation.

S. 533 (Stafford et al.) Public Buildings Act of 1981. Establishes the Public Buildings Service within GSA. Establishes public buildings policies for the Federal Government. Repeals the Public Buildings Act of 1959. Replaces current procedure for authorizing a building's acquisition, repair, or leasing, which entails approval of a prospectus by the public works committees, with provision for an annual omnibus authorization bill. Introduced Feb. 24, 1981; referred to Committee on Environment and Public Works; passed Senate.

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U.S. Congress. Senate. Committee on Environment and Public Works. The Public Buildings Act of 1981; report to accompany S. 533. Washington, U.S. Govt. Print. Off., 1981. 139p. (97th Congress, 1st session. Senate. Report No. 97-48).

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Public Buildings Act of 1980. Debate and vote in the Senate. Congressional Record [daily ed.] v. 126, June 20, 1980: S7543-S7602.

Public Buildings Act of 1981. Debate and vote in the Senate. Congressional Record [daily ed.] v. 127, May 6, 1981: S4465-S4491.

CHRONOLOGY OF EVENTS

February 13, 1982—News story reports that GSA Administrator, Gerald Carmen, seeks congressional authority to sign leases containing purchase options.

September 22, 1981—The House Subcommittee on Buildings and Grounds resumed hearings on H.R. 1938 and S. 533, with the anticipation that the series of in-depth hearings would continue for several weeks.

May 6, 1981—The Senate passed S. 533, the Public Buildings Act of 1981, by vote of 93-0.

May 5, 1981—The House Subcommittee on Public Buildings and Grounds began hearings on H.R. 1938.

April 2, 1981—The Senate Committee on Environment and Public Works ordered S. 533 favorably reported, with amendments.

February 24, 1981—Senator Stafford introduced S. 533, similar to S. 2080 as passed by the Senate in the 96th Congress.

February 18, 1981—Congressman Levitas introduced H.R. 1938, the Public Buildings Act Amendments of 1981.

December 9, 1980—The House Committee on Public Works and Transportation adopted a resolution, directing the Administrator of the General Services Administration to submit to Congress an annual report summarizing projects and actions anticipated during the coming fiscal year pursuant to the Public Buildings Act of 1959.

December 4, 1980—The House and Senate conferees meeting to resolve differences in the respective versions of S. 2080 acknowledged stalemate, after more than a week of conference sessions, but vowed to consider the subject again in the 97th Congress.

August 25, 1980—The House voted to substitute the provisions of H.R. 6075 for those of S. 2080, and then agreed to S. 2080, as amended, by voice vote.

July 1, 1980—The Subcommittee on Public Buildings and Grounds of the House Committee on Public Works and Transportation began hearings on H.R. 7579, the Public Buildings Act Amendments of 1980.

June 20, 1980—The Senate passed S. 2080 by vote of 71-8.

May 15, 1980—The Senate Committee on Environment and Public Works voted unanimously to report S. 2080, with an amendment.

December 5, 1979—S. 2080, the Public Buildings Act of 1979, was introduced by Senator Moynihan, with all other members of the Committee on Environment and Public Works listed as cosponsors.

March 16, 1979—The Senate Committee on Environment and Public Works began oversight hearings on issues relating to public buildings policies.

March 6, 1979—The Senate Committee on Environment and Public Works voted unanimously to impose a moratorium on authorizations for any nonemergency public building projects.

June 16, 1972—The Public Buildings Amendments of 1972 (86 Stat. 216), among its other provisions reinstituting for three years lease-purchase authority similar to that granted to GSA under the 1954 Public Buildings Purchase Contract Act, was signed into law.

September 9, 1959—The Public Buildings Act of 1959, establishing a statutory framework for meeting Federal space needs, was signed into law.

July 22, 1954—The Public Buildings Purchase Contract Act was signed into law.

June 30, 1949—The Federal Property and Administrative Services Act was signed into law.

June 16, 1949—The Public Buildings Act of 1949 was signed into law.

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U.S. General Accounting Office. Cost and budgetary impact of the General Services Administration's purchase contract program; report to the Subcommittee on Public Buildings and Grounds of the House Committee on Public Buildings and Grounds of the House Committee on Public Works and Transportation by the Comptroller General. LCD-80-7, Oct. 17, 1979. Washington, 1979. 27 p.

U.S. General Accounting Office. Farsighted planning and budgeting needed for public buildings program; report to the Chairman of the Senate Committee on Environment and Public Works by the Comptroller General. PAD-80-95, Sept. 9, 1980. Washington, 1980. 21 p.

U.S. General Accounting Office. General Services Administration's lease versus construction present-value cost analyses submitted to the Congress were inaccurate; report to the Senate Committee on Environment and Public Works by the Comptroller General. LCD-80-61, June 20, 1980. Washington, 1980. 20 p.

U.S. General Accounting Office. GSA's Federal building fund fails to meet primary objectives; report to the Congress. PLRD 82-18. Dec. 11, 1981. Washington, 1981. 29 p.

Mr. MOYNIHAN. Mr. President, it is with somewhat mixed feelings that I join the distinguished chairman of the Committee on Environment and Public Works in reintroducing legislation to reorganize and revamp the public buildings program of the General Services Administration. I have no reservations about the need for this bill and its substantive provisions. My regret is only that there is a need to reintroduce it at all. Nearly identical legislation has passed the Senate by overwhelming votes in each of the last two Congresses.

I shall not repeat here the motivations which first prompted us to draft this legislation, nor shall I describe again its initiatives. They have been fully described in the floor statements and committee reports that accompanied the earlier bills. It does bear repeating, however, that this is a bipartisan undertaking. I sponsored this measure in December 1979, when my party was in the majority. Senator STAFFORD was then the chief cosponsor. We have exchanged places since Senator STAFFORD's party became the majority.

Nor has the change in Presidential administrations and in the leadership at the GSA since the bill's first introduction diminished the need for it. It is by no means to disparage past or present management of the Public Buildings Service to say that there is a need for institutional overhaul of this $2 billion a year program. Some of its most grievous failings directly result from the notorious "prospectus" system through which the public works committees of the Congress authorize its major projects and leases. The efforts of the most brilliant manager would be frustrated by this antiquated and ad hoc process.

I believe our failure to reach agreement with our colleagues in the House of Representatives has been the result of misunderstandings between the principal Members of the two bodies. Last year, the most able Representative from Georgia, Mr. LEVITAS, proposed an ingenious means of settling our differences over the congressional authorization process. The legislation we propose today includes language in section 803 that would effectuate his idea.

While I do not wish to predetermine the course of efforts at a compromise, I believe my colleagues and I on the Committee on Environment and Public Works are agreed in principle on several issues:

First. We need a thoroughgoing overhaul of the public building statute; amending existing law would only make less coherent an already awkward structure;

Second. Any reform must do away with the section 11(b) procedure in existing law that encourages the Congress to short-circuit rational planning

and budgeting procedures for major building projects; and

Third. We cannot continue to do business as usual under existing procedures.

On this last point, I note that on December 14, the committee passed a resolution disapproving all "prospectuses" for projects not included in the fiscal year 1983 public buildings authorization bill approved by the committee, passed by the Senate, but not acted upon by the House. I shall support a similar resolution when we, this year, report authorizing legislation for the fiscal year 1984 buildings program.

By Mr. WARNER (for himself, Mr. BOSCHWITZ, Mr. EAST, Mr. MURKOWSKI, Mr. SPECTER, and Mr. TRIBLE):

S. 453. A bill to amend the Tariff Schedules of the United States to impose a one-tenth of 1 cent duty on apple and pear juice; to the Committee on Finance.

DUTY ON APPLE AND PEAR JUICE

Mr. WARNER. Mr. President, today I am reintroducing legislation to impose a duty of one-tenth of 1 cent per gallon on apple and pear juice entering this country. I am joined by Senators BOSCHWITZ, EAST, MURKOWSKI, SPECTER, and TRIBLE, as cosponsors.

Over a period of 6 years, the quantity of apply juice imported into the United States has grown from 34.38 million gallons (single strength equivalent) in 1976 to 71.39 million gallons in 1981. The 1981 import quantity represents a quantity of 10.67 million bushels of apples, just about equal to the total apple production for the State of Virginia for last year and our expected crop for 1983.

Foreign apple juice is imported in concentrated form for reconstitution in this country. Thirty million gallons of this increase is from Argentina which shipped 18.86 million gallons in 1976 and 40.57 million gallons in 1981.

The dramatic increase in apple juice imports are a major concern to U.S. apple growers. Their concerns are magnified when we find that the government of an exporting nation is providing a substantial subsidy to the processors and exporters of that product. In meetings of apple growers, we find a willingness to compete with growers in other countries on a fair basis, but a resentment of having to compete with the government of their country.

Such is the case with Argentina. The Argentine Government is subsidizing its apple industry to develop exports at the expense of our domestic apple growers.

According to information from the Foreign Agriculture Service, USDA, the following programs have been in effect for the past 3 years.

About 65 percent of the apples for processing go to concentrated juice—CAJ. Most of this CAJ is exported to the United States.

Export rebates for CAJ is 10 percent, plus 10 percent for shipments through the Port of Puerto Madryn.

Additionally, export rebates of 15 percent have been used for certain periods. Financial/commercial exchange rate mix for CAJ exports give additional financial incentives for exports.

Over the past 2 years, apple-growers across the Nation have been attempting to deal with the Argentine situation through the U.S. Commerce Department and the Foreign Agricultural Service of USDA. Their efforts have apparently reached a dead end through these channels.

It appears that the major problem confronting the U.S. apple industry in this situation is the fact that the Tariff Schedule of the United States provides a zero duty on apple and pear juice imported from countries which enjoy the most-favored-nation designation. Argentina has been so designated. Imports of apple and pear juice from countries not enjoying most-favored-nation designation are subject to duty of 5 cents per gallon under TSUS Item No. 165.15. Interestingly, apple and pear juice are the only juice imports free of duty under MFN category.

They have been advised that since apple and pear juice enjoys a duty-free status in the Tariff Schedule of the United States, a petition to the International Trade Commission and proof of injury through their investigation and hearing process is the only route of seeking relief. The problem with this course of action is that Public Law 96-39 imposes certain constraints which preclude applegrowers from being the initiators of such petition.

Section 771(4)(A) states . . . "The term 'industry' means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."

Section 771-(10) states: Like product: "The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." The "like product" definition in this instance is interpreted to mean juice, not the raw product apples. Because of that interpretation, they are told applegrowers could not cause the petition to be brought before the International Trade Commission.

The major concerns are that there is no vehicle for imposition of countervailing duties to offset the governmental subsidies being provided on apple-juice imports because of the duty-free status for most favored nation.

To help find a solution to this growing "unfair" competition against U.S. applegrowers, Mr. President, I have introduced this amendment to the Tariff Schedule. Enactment of this legislation would permit some flexibility to the Commerce Department in imposing a countervailing duty against nations which do in fact provide export subsidies.

I urge my colleagues to join in this effort to allow our growers to compete with other growers and not other governments.

By Mr. WARNER (for himself and Mr. TRIBLE):

S. 455. A bill to modify the navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia; to the Committee on Environment and Public Works.

Mr. WARNER. Mr. President, today I am joining with my colleague, PAUL TRIBLE, in introducing legislation to modify the Long Creek Canal project in Virginia Beach, Va. The purpose of the legislation is to authorize the Secretary of the Army to reimburse the city of Virginia Beach $1.63 million for remedial work done on the Long Creek Canal project. The city was required to carry out the work as a result of a Federal navigation project performed by the Army Corps of Engineers in 1965.

The Corps of Engineers acknowledges its responsibility in creating the need for this remedial work. Since 1977, the city of Virginia Beach has tried unsuccessfully to obtain these funds. In my judgment, the city is clearly entitled to Federal reimbursement of the city funds expended. Congressman BILL WHITEHURST has introduced an identical measure, H.R. 432, in the House.

I hope my colleagues will join us in support of this legislation.

By Mr. WARNER (for himself and Mr. TRIBLE):

S. 456. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to carry out certain erosion control projects in the Chesapeake Bay, Va.; to the Committee on Environment and Public Works.

EROSION CONTROL PROJECTS IN THE CHESAPEAKE BAY

Mr. WARNER. Mr. President, in April, 1979, soon after being sworn in as a U.S. Senator, along with our colleague from Maryland, Senator MATHIAS and the then Governor of Virginia, John Dalton, I paid a visit to historic Tangier Island, Va. Tangier Island is located in the middle of the Chesapeake Bay just south of the Virginia-Maryland State line. The purpose of our visit was to inspect the serious erosion problem which threatens the island's very existence, and to evaluate possible solutions.

Tangier was settled by English immigrants in 1686. The island's inhabitants are direct descendants of those colonists. The island people now are much as they were in earlier centuries, speaking with old English accents and earning their livelihoods from bay resources. In February 1978, the Virginia General Assembly designated Tangier a unique historical area.

During the War of 1812, the island was a staging area for several thousand British troops between attacks on Baltimore and Washington. For lack of anything better to do, the bored troops cut down a forest. The trees lined the western shore and their roots protected the land from rapid erosion. Today, islanders claim that, in their lifetimes, old stumps would be found in shallow water up to a mile offshore. Presently, erosion is taking place at a rate of nearly 30 feet a year.

In May 1975, and again in November 1978, the Secretary of Commerce and Resources of the Commonwealth of Virginia convened interagency task forces to study the erosion problems. After investigating an array of alternative solutions, the task forces recommended construction of a rip-rap seawall along 8,200 feet of Tangier's shoreline. The wall will primarily protect the island airstrip, now less than 300 feet from churning water. When ice covers the bay, the airstrip is the island's only link to the mainland.

The Virginia General Assembly has, in the past, approved State participation in the project, and my new colleague from Virginia and I have previously introduced legislation authorizing Federal participation. However, while that legislation languished, Tangier Island has been sinking, and continues to sink, not so slowly, into Chesapeake Bay.

Mr. President, time and tide wait for no man. It is our hope that this legislation can pass the Senate at our earliest opportunity. The Army Corps of Engineers has reported: "If erosion is allowed to continue, the island will probably have to be evacuated. The assimilation of its roughly 800 inhabitants into other communities would be an irretrievable, but unquantifiable, cultural loss to the people of the United States." I ask my colleagues, shall we by inaction, force the unique people of Tangier to evacuate this 1686 settlement?

Shall the historic Virginia island community of Tangier be allowed to become America's Atlantis—and sink into oblivion? It is my distinguished colleague from Virginia's and my view, that it should not. We hope the Members of this body will join us in this view. Thank you.

By Mr. McCLURE (for himself, Mr. SYMMS, Mr. LAXALT, and Mr. WALLOP):

S. 457. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Energy and Natural Resources.

WILD AND FREE-ROAMING HORSE AND BURRO ACT AMENDMENTS OF 1983

● Mr. McCLURE. Mr. President, I reintroduce today for consideration by the Senate a bill to further amend Public Law 92-195, commonly referred to as the Wild Free-Roaming Horse and Burro Act of 1971. On behalf of several other Members of the Senate, I offered similar legislation for consideration in the last session of Congress. That bill has been slightly revised on the basis of comments received from several private organizations and individuals, and the current experiences of the land management agencies responsible for these animals.

The Wild Free-Roaming Horse and Burro Act was designed originally to protect the few remaining wild horses and burros on public lands from the abusive roundups by mustangers interested only in getting the animals to slaughterhouses for a quick profit. With the dramatic decline in the wild horse and burro population caused by mustanging, primary emphasis in 1971 was placed on preserving these symbols of the wild American West. The law also provided for managing wild horses and burros as an integral part of the natural system of the public lands and, in overpopulated areas, for controlling their numbers.

By 1978, wild horse and burro populations had increased beyond the capacity of their habitat in many areas, and it was apparent that controlling wild horse and burro population levels was imperative if a multiple-use environment and natural ecological balance were to be maintained. Amendments to the Wild Free-Roaming Horse and Burro Act were included in the Public Rangelands Improvement Act requiring the immediate removal of excess animals to protect the range from the deterioration associated with overpopulation. The amendments also specify methods and a priority for disposing of the excess animals. First, old, sick, or lame animals must be humanely destroyed. Then healthy excess animals must be made available for private maintenance as long as an adoption demand by qualified individuals exists. If qualified adopters cannot be found, the Wild Free-Roaming Horse and Burro Act requires the Federal Government to destroy the animals in the most cost-effective and humane manner possible.

The two Federal agencies charged with administering this act, the Department of the Interior's Bureau of Land Management (BLM) and the Department of Agriculture's Forest Service, have made a valiant effort to enforce the provisions it contains. However, removal and disposal of excess animals proved to be expensive—an average of $460 per animal in fiscal year 1981. More than two-thirds of the funding appropriated to BLM for the protection, management, and control of wild horses and burros was expended on the adoption program alone. In a time of fiscal restraint in all areas of the Federal Government, the agencies felt it was inappropriate to continue such subsidies to the individuals benefiting from the program.

At the recommendation of a congressional subcommittee and the Office of Management and Budget, the agencies increased their adoption fees for wild horses and burros to cover approximately one-half of the program costs. This was to allow more appropriated funds to be spent in managing those wild horses and burros remaining on the public lands and improving their habitat.

Unfortunately, the agencies are now finding it difficult to place the excess wild horses and burros in private maintenance. Whether this drop in adoption demand has been caused by unusually severe weather, higher fees, or the general economy of the Nation, the result is that the Bureau of Land Management is maintaining approximately 1,500 excess wild horses and burros in their adoption centers. Feed costs alone average $1.60 per animal per day, which translates into almost $2,400 per day of taxpayer's money to maintain these animals. Every effort has been made to reduce adoption program costs. Even so, funds identified for the removal of excess animals are now being diverted to maintain animals in corrals. Both the rangeland environment and the animals that inhabit it are suffering because of this.

Under the current law, BLM should be destroying these animals. Understandably, the agency is reluctant to do so. Can you image the effect on the American public if they destroyed 1,500 perfectly healthy and useful animals?

Such scenes as we saw through the news media of dead and starving adopted wild horses in a Texas pasture are abhorred by all, yet can we fault an agency with neither the experience nor the personnel required to ensure humane treatment of all animals obtained by private individuals through the adoption program? Wild horse and burro management has attained proportions beyond the wildest dreams of those who drafted the 1971 Act. More than 42,000 animals have been placed in private maintenance since the adopt-a-horse program began in 1973.

Mr. President, by now you can picture the dilemma into which we have placed BLM and the Forest Service. They must remove the excess wild horses and burros to comply with the law and the requirements of sound land and habitat management. The

agencies are attempting to operate a successful adopt-a-horse program. But when foster homes cannot be found, the very law originally designed to protect these animals requires their destruction! Surely America's wild horses and burros deserve every chance to a productive, useful life.

The bill I am introducing today provides another chance for unadoptable animals, for those wild horses and burros remaining on public lands, and for the rangeland ecosystem. It would provide a long-term solution to wild horse and burro management, in contrast to the short term "quick fix" proposals of the past. The legislation would amend the Wild Free-Roaming Horse and Burro Act to allow the Secretaries to sell excess animals for which foster homes cannot be found. Revenue generated from the sale would be returned to BLM or the Forest Service for wild horse and burro habitat improvement, studies designed to improve the general welfare of the animals, and on-the-ground program management. Humane treatment of animals after such sale would be afforded by State, local, and Federal laws that have been successful in protecting domestic animals.

Other provisions of this legislation would authorize the reestablishment of a Wild Horse and Burro Committee to advise the agencies on policy issues affecting the program; increase penalties for repeated offenses under the act; and authorize humane use of helicopters and motorized vehicles in horse/burro management on other Federal lands under the jurisdiction of the Secretary of the Interior. The amendments would also decrease program costs by authorizing automatic titling after a 1-year period of adoption if no complaints are received; by altering the requirement for a public hearing before helicopter and motorized vehicle use in gathering operations to required public notification; and by eliminating the biennial report to Congress on the administration of the Wild Free-Roaming Horse and Burro Act, which duplicates the annual report to Congress required by the Federal Land Policy and Management Act of 1976.

These changes and other minor alterations accompanying them are imperative if our rangelands and the animals inhabiting them are to be preserved in a financially responsible and environmentally sound manner. We must recognize and respond to the urgent need for these new changes to the Wild Free-Roaming Horse and Burro Act.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West, and that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people. It is the policy of Congress that wild free-roaming horses and burros shall be protected from unauthorized capture, branding, harassment, or death; that a healthy wild free-roaming horse and burro population base shall be maintained on the public lands; and that to accomplish this they are to be considered as an integral part of the natural system of the public lands and managed under the principle of multiple use.

SEC. 2. As used in this Act—

(a) "Secretary" means the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management and the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;

(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros that use public lands as all or part of their habitat, or that have been removed from the public lands by the Secretary but have not lost status under Section 3 of the Act;

(c) "range" means the area of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands;

(d) "herd" means one or more bands using the same general area;

(e) "public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service;

(f) "excess animals" means wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to applicable law or, (2) which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area; and

(g) "band" means a group of wild horses or burros running together or a lone wild horse or burro.

SEC. 3. (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this Act. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public land as sanctuaries for their protection and preservation, where the Secretary after consultation with appropriate State and Federal agencies and with the Advisory Board established in section 7 of this Act deems such action desirable. The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory Board established in section 7 of this Act. All management activities shall be in accordance with the resource management objectives for the area established in land use plans. Such plans and activities shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of wildlife species which inhabit such lands.

(b)(1) The Secretary shall maintain current inventory of wild free-roaming horses and burros on given areas of the public lands. The purpose of such inventory shall be to: make determination as to whether and where an overpopulation exists and whether action should be taken to remove excess animals; determine appropriate management levels of wild free-roaming horses and burros on these areas of the public lands; determine appropriate actions conducive to effective wild horse and burro management; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options. In making such determinations the Secretary shall consult with the United States Fish and Wildlife Service, wildlife agencies of the State or States wherein wild free-roaming horses and burros are located, and individuals independent of Federal and State government who he determines have scientific expertise and special knowledge of wild horse and burro protection, wildlife management and animal husbandry as related to rangeland management.

(2) Where the Secretary determines on the basis of (i) the current inventory of lands within his jurisdiction; (ii) information contained in any land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976; (iii) information contained in court ordered environmental impact statements as defined in section 2 of the Public Range Lands Improvement Act of 1978; and (iv) such additional information as becomes available to him from time to time, or in the absence of the information contained in (i-iv) above on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels and to accomplish appropriate herd management. Such action shall be taken, in the following order and priority, until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation:

(A) The Secretary shall order old, sick, or lame animals to be destroyed in the most humane manner possible;

(B) The Secretary shall cause such number of additional excess wild free-roaming horses and burros to be humanely captured and removed for private maintenance and care for which he determines an adoption demand exists by qualified individuals, and for which he determines he can assure humane treatment and care (including proper transportation, feeding, and handling): *Provided,* That, not more than four animals may be adopted per year by any in-

dividual unless the Secretary determines in writing that such individual is capable of humanely caring for more than four animals, including the transportation of such animals by the adopting party; and the Secretary shall establish by regulation adoption fees that discourage private maintenance of excess animals for the purpose of commercial gain and maintain a viable adoption program; and

(C) The Secretary shall cause additional excess wild free-roaming horses and burros for which an adoption demand by qualified individuals does not exist to be sold at public auction or destroyed in the most humane, cost efficient manner possible. *Provided,* That when they are sold or destroyed, the excess wild free-roaming horses and burros shall become subject to all State and local humane and sanitation laws, and all Federal humane laws other than this Act.

(D) Revenue from the sale or adoption of excess wild free-roaming horses and burros pursuant to this Act shall be deposited in the appropriate account of the agency from whose lands the excess animals were removed as reimbursement for costs related to removal, sale, private maintenance, habitat improvement, population management, and studies for the general welfare of wild free-roaming horses and burros.

(c) Where excess animals have been transferred to a qualified individual for adoption and private maintenance pursuant to this Act and there is no evidence of inhumane care or treatment for such animal or animals for a period of one year, the Secretary is authorized to grant title to the transferee at the end of the one-year period.

(d) Wild free-roaming horses and burros or their remains shall lose their status as wild free-roaming horses or burros and shall no longer be considered as falling within the purview of this Act—

(1) upon passage of title at sale or pursuant to subsection (c) of this section; or

(2) if they have been transferred for private maintenance or adoption pursuant to this Act and die of natural causes before passage of title; or

(3) upon destruction by the Secretary or his designee pursuant to subsection (b) of this section; or

(4) if they die of natural causes on the public lands or on private lands and disposal is authorized by the Secretary.

SEC. 4. If wild free-roaming horses and burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshal or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses and burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild free-roaming horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from harassment, and if the animals were not willfully removed or enticed from the public lands. Any individuals who maintain such wild free-roaming horses or burros on their private lands or lands leased from the Government shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

SEC. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recover it only if recovery is permissable under the branding and estray laws of the State in which the animal is found.

SEC. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local governmental agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

SEC. 7. Notwithstanding the provisions of any other Act, the Secretary of the Interior and the Secretary of Agriculture are authorized and directed to appoint a joint advisory board of not more than nine members to advise them on any matter relating to wild free-roaming horses and burros and their management and protection. They shall select as advisers persons whom they deem to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall not receive reimbursement except for travel and other expenditures necessary in connection with their services.

SEC. 8. (a) Any person who—

(1) knowingly removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or

(2) sells or converts a wild free-roaming horse or burro to private use, without authority from the Secretary, or

(3) maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro without authority from the Secretary, or

(5) knowingly violates a regulation issued pursuant to this Act, shall be subject to a fine of not more than $2,000, or imprisonment for not more than one year, or both. Any person so charged with such violation by the Secretary may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401, title 18, United States Code. Any person who previously has been convicted of a violation of this section shall, upon conviction of a second offense punishable pursuant to this section, be subject to a fine of not more than $10,000, or imprisonment for not more than two years, or * * *

(b) Any employee designated by the Secretary of the Interior or the Secretary of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

SEC. 9. In administering this Act and any laws pertaining to management of Federal lands, the Secretary or the head of any Executive Department or Agency administering Federal lands may use or contract for the use of helicopters or, for the purpose of transporting captured horses or burros, motor vehicles. Such use shall be undertaken only after public notification and under the direct supervision of a duly authorized official of the Department or Agency. The provision of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the secretary or other Agency head.

SEC. 10. Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

SEC. 11. The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this Act and to the maximum feasible extent coordinate the activities of their respective departments and in the implementation and enforcement of this Act. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that they may deem necessary in order to carry out the provisions of this Act.●

By Mr. McCLURE:

S. 458. A bill to require a properly executed warrant before an officer or employee of the Immigration and Naturalization Service may enter a farm or other agricultural operation; to the Committee on the Judiciary.

FARM EMPLOYER RIGHTS ACT

● Mr. McCLURE. Mr. President, today I am introducing a bill to require the Immigration and Naturalization Service (INS) to obtain a properly executed search warrant prior to entering a farm or other agricultural operation.

Currently, INS agents must obtain a warrant before entering any place of business with the exception of farms. This exception must not be allowed to continue. Farmers should be afforded the same rights and standards of protection that every other businessman enjoys under the fourth amendment of our Constitution which guarantees protection from unreasonable search and seizure.

Simply because a farm is an easy mark offering the simplest and most cost-efficient means of reaching quota objectives is no reason to apply a different set of rules. The lack of a search warrant requirement allows INS agents to concentrate their enforcement activities on agriculture, where less than 10 percent of the illegals in the country are currently employed while almost 50 percent of those taken into custody are working on farms.

These figures show a distinct bias in INS enforcement activities and serve notice that farmers and farmworkers are not receiving equal protection as envisioned in our Constitution. The INS contends that farmlands are open fields and their agents need not obtain consent or show probable cause that some criminal activity is occurring prior to entering a farmer's fields. Simply because they see a group of

people working in a field, they operate under the supposition that those people have gained entry into the United States illegally. It is not until the agents enter the field that an illegal versus legal status can be determined.

Harassment of agricultural employers and employees by the INS has gone on for years. Harvesting operations have been disrupted when time was of the essence merely by the proximity of INS agents.

My amendment does not establish protection or set a precedent for farmers; it just guarantees them the same rights and privileges enjoyed by every other employer in our Nation. Likewise, employees will be protected from the humiliation of implusive interrogation by the INS.

I am embarrassed that this legislation is needed. Our system has failed an important civil obligation, and if we are to live under the guaranteed proposition of the fourth amendment we must now take steps to correct this blatant injustice.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, bill was ordered to be printed in the RECORD, as follows:

S. 458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this section, other than paragraph (3) subsection (a), an officer or employee of the Service may not enter onto the premises of a farm or other agricultural operation without a properly executed warrant".●

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 459. A bill to authorize and direct the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands that were withdrawn or acquired for the purpose of relocating a portion of the city of American Falls out of the area flooded by the American Falls Reservoir; to the Committee on Energy and Natural Resources.

AMERICAN FALLS PARKS

● Mr. McCLURE. Mr. President, today I am reintroducing a bill which was passed by the Senate during both the 96th and 97th Congresses. I hope that the early introduction again this year will enable both Houses to consider and vote favorably on this bill.

The bill authorizes and directs the Secretary of the Interior to transfer to the city of American Falls, Idaho, title to its city parks—title which has been mistakenly retained by the Federal Government since 1925. When the original American Falls Dam was constructed by the Bureau of Reclamation in 1925, the old city of American Falls was moved from its low-lying location behind the new dam. The new city, which was platted on land purchased from private owners, included a number of city parks.

The city has developed the parks and has used them over the years without knowing they continued to be owned by the Government. American Falls residents have paid taxes to maintain the parks for the past 57 years, and the parks have been treated as city property.

A recent search turned up the fact that the Federal Government apparently owns the city golf course, the central city square, and several other smaller parks. Rather than having to lease the parks from the Government, the Bureau of Reclamation has suggested to the city officials that legislation giving title to the city would be the way to solve the problem. I am accordingly introducing this measure to accomplish that purpose. I see no reason that it should be controversial; it involves only a small amount of land which has in any case been treated as city property for some time. The Bureau of Reclamation has helped to draft the language I am introducing, and has no objections to its adoption. Correction of this oversight is long overdue.

Mr. President, this bill is necessary and noncontroversial. I ask unanimous consent that the text of this bill be printed in the RECORD at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey by quitclaim deed to the city of American Falls, Idaho, without cost, the following real property located within or adjacent to the city limits of said city of American Falls, reserving all right-of-way and oil and gas in land to the United States:

(a) The area identified as the Campbell Stebbins Park, containing approximately 41.5 acres, including the park area located between the Oregon Trail Highway and the Oregon Short Line Railroad, and the area identified as a Public Square, containing approximately 8.8 acres, all as shown on the official plat of the Reclamation Addition to the city of American Falls approved October 18, 1923, and recorded in the county of Power, Idaho, as instrument numbered 32042.

(b) Block 44 of the original townsite of American Falls; containing approximately 3.3 acres,

(c) A tract of land containing 11.7 acres, more of less, described as follows:

Beginning at the northwest corner of the southwest quarter of section 21, township 7 south, range 31 east, Boise meridian;

thence south 45 degrees 16 minutes east, a distance of 1,870.3 feet, more or less, to the southeast corner of said southwest quarter;

thence north 58 degrees 28 minutes west, a distance of 96.3 feet;

thence north 68 degrees 17 minutes west, a distance of 1,339.2 feet, more or less, to a point on the west section line of said section 21, and said point being 548.2 feet north of the southwest corner of said section;

thence north along the west section line a distance of 770.5 feet, more or less, to the northwest corner of the southwest quarter of said section 21, the point of beginning.

(d) A tract of land containing 8.79 acres more or less in the south half of the southwest quarter, section 28, township 7 south, range 31 east, Boise meridian, Idaho, and more particularly described as follows:

Beginning at the southwest corner of said section 28;

thence north 44 degrees and 38 minutes east, 1,868.6 feet to the 16/17 corner of said section;

thence east along the north boundary of the southeast quarter southwest quarter of said section 28, 367.2 feet to a point;

thence south 324.9 feet to a point;

thence north 89 degrees and 59 minutes west, 92.8 feet to a point;

thence south 49 degrees and 23 minutes west, 361.9 feet to a point;

thence south 78 degrees and 34 minutes west, 708 feet to a point;

thence south 26 degrees and 55 minutes west, 333.7 feet to a point;

thence south 61 degrees and 51 minutes west, 271.6 feet to a point;

thence south 43 degrees and 29 minutes west, 280.3 feet to a point on the south boundary of said section 28;

thence south 89 degrees and 59 minutes west along the south boundary of said section 28, 34.9 feet to the place of beginning.

(e) A tract of land containing 8.0 acres, more or less, located in the west half of the southwest quarter, section 28, township 7 south, range 31 east, Boise meridian, Idaho, and more particularly described as follows:

Beginning at the southwest corner of section 28;

thence north 44 degrees 38 minutes east, a distance of 1,886.6 feet to the northeast corner of the southwest quarter southwest quarter, of section 28;

thence north a distance of 1,320 feet to the northeast corner of the northwest quarter southwest quarter of section 28;

thence west, a distance of 30 feet to a point on the east edge of Hillcrest Avenue;

thence southwesterly along a curve on the side of Hillcrest Avenue a distance of 2,955 feet to a point on line between sections 28 and 29;

thence south 65.0 feet to the southwest corner of section 28, the place of beginning.

Such property shall be conveyed subject to the reservation of rights-of-way for ditches, canals, and pipelines constructed by the authority of the United States and to other existing rights-of-way of record. The conveyance of such property shall contain a reservation to the United States of all oil and gas in the land, together with the right to prospect for, mine, and remove the same under such regulation as the Secretary of the Interior may prescribe.●

By Mr. EAGLETON:

S. 460. A bill to amend the National Flood Insurance Act of 1968; to the Committee on Environment and Public Works.

FEDERAL FLOOD INSURANCE PROGRAM

● Mr. EAGLETON. Mr. President, today I am introducing a bill to bring a little commonsense and justice to the operation of the Federal flood insurance program.

Since its inception in 1968, this program has operated on an all or nothing basis. Either an entire community agreed to participate by virtue of adopting the federally mandated building restrictions or nobody, however willing they may be as individual property owners, would be allowed to purchase the subsidized insurance.

Matters became much worse when, in 1973, Congress made participation in the program obligatory. As a result of that change, residents of a nonparticipating community are not only denied the right to buy flood insurance but they are further penalized by being denied any form of Federal assistance for repair of a building damaged in a flood.

Mr. President, the justification for these extreme measures is to persuade communities not to build in flood-hazard areas and to look to tax-funded disaster programs to bail them out when the waters rise. I generally support that objective, but within limits of reason.

It is one thing to penalize property owners who freely reject the protection of flood insurance. It is quite another matter to heap penalties on homeowners and businessmen who desperately want to join the program, but are legally unable to adopt the required building ordinance or politically unable to persuade a majority upon high ground to see the wisdom of accepting Federal land use dictates.

To bureaucrats surveying the world from the towers of the FEMA building in Washington, land use controls are simple good management tools. But to many landowners and their State and local representatives out where real people live, Federal land use controls are anathema and an attack on private property rights.

You do not have to agree with that view. You only have to know it is very real and very strong in many areas of this country. Typically, residents of a flood plain constitute a small minority of the community which must adopt the Federal guidelines. Not surprisingly, their efforts often fail.

In my State of Missouri, there is an added legal complication. Unincorporated communities are prohibited by State law from adopting zoning and building ordinances. Numerous attempts have been made to change that law and all have failed. Yet, hundreds of these small communities have been told by the Federal Government. "No matter, you either find a way to do it or suffer the penalties."

Mr. President, the bill I am introducing today would authorize the administrator of the flood insurance program to make exceptions to the present all-or-nothing rule when circumstances of the kind I have described are present.

In those cases, it would permit insurance to be sold on an individual basis to homeowners and businessmen who agree by contract to comply with relevant building restrictions. This is how most other Government loan programs work. There are always conditions attached to SBA, VA, or FMHA loans and, contrary to the claims of past flood insurance administrators it does not take an army of bureaucrats to enforce. Those contractual loans are essentially self-enforcing. A recipient who violates the agreed-to terms loses his loan or suffers foreclosure. I would work precisely the same way with individual sales of flood insurance—a purchaser who violates the building restrictions would simply find his policy invalidated.

There is one point on which I would agree with the Federal insurance agency and that is, we should do nothing which might encourage new construction in flood-hazard areas. Accordingly, my bill limits the right of individual purchase of flood insurance to those homes and businesses which were in place prior to the time their community was officially notified of its flood status.

Mr. President, my bill is a modest effort to redress the injustice of the present, rigid flood insurance program. It is premised on the idea that the Federal Government should not inflict penalties on individuals for situations beyond their control. No purpose can be served by continuing to kick around property owners whose only offense was political impotence. To the contrary, the objectives of this program should be to bring as many property owners as possible—by whatever means—into compliance with sound flood plain practices. That is what my bill provides.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1305(c) of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following flush sentence:

"In addition, notwithstanding the provisions of section 1315, the Secretary may make flood insurance available for individual properties in other States or areas or subdivisions thereof where the Secretary finds that—

"(A) the failure of participation is not attributable to the person making application for the insurance;

"(B) such person has made a good faith effort to encourage participation;

"(C) such person agrees to meet such terms and conditions as would be applicable in the case of a property located in a participating area; and

"(D) the property was constructed prior to the identification of the area as having special flood hazards.".●

By Mr. COHEN:

S. 461. A bill to extend the authorization of appropriations for the Office of Government Ethics for 5 years; to the Committee on Governmental Affairs.

OFFICE OF GOVERNMENT ETHICS

● Mr. COHEN. Mr. President, I am pleased to introduce a bill to extend the authorization for the Office of Government Ethics for 5 years.

Established by Congress in 1978, the Office of Government Ethics administers the financial disclosure and other conflict-of-interest laws affecting high-ranking Federal officials. Since its creation, the Office has provided valuable advice and direction to many individuals throughout the executive branch on how to interpret and comply with the conflict-of-interest requirements. It has also played a major role in insuring the smooth transition from one administration to the next by giving guidance to Presidential nominees and Senate confirmation committees.

Under present law, the authorization for the Office of Government Ethics will expire in October 1983. Although there has been some criticism concerning particular aspects of the financial disclosure statutes, there is widespread agreement that the OGE has performed successfully and should be reauthorized.

Last year, the Congress passed legislation to amend and extend for 5 years the special prosecutor provisions of the Ethics in Government Act of 1978. I am introducing this bill today to open a similar discussion on maintaining the OGE, another important reform included in the Ethics Act.

I hope to hold hearings on this legislation early this year so that the Congress will have sufficient time to reauthorize this office prior to its expiration date and to consider other proposed changes in the Ethics Act.●

By Mr. GRASSLEY:

S. 462. A bill to amend section 1951 of title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

PROSECUTION OF LABOR EXTORTION

● Mr. GRASSLEY. Mr. President, I am introducing legislation today to amend the Hobbs Act so that the Supreme Court's decision in U.S. against Enmons notwithstanding, the Federal Government will have the ability to prosecute extortion in the labor content. The enactment of this bill will leave no doubt as to congressional intent in enacting the Hobbs Act. We will punish the actual or threatened use of force or violence regardless of

the objective, regardless of the perpetrator. I will emphasize at the outset however, that we will expressly exempt from Federal purview the type of minor conflicts that unavoidably occur on the picket line.

I am starting from two premises in introducing this legislation. First, the right of collective bargaining is definitively established in the American political and legal tradition. Second, no chilling effect on legitimate labor activity is sought or will arise through enactment of this bill.

Having been a dues-paying union member of the International Association of Machinists while working at the Waterloo Register Co., in Cedar Falls from 1961 to 1971. I understand the importance of collective bargaining. Having been a law-abiding citizen all of my life, I understand that a free society presupposes an orderly community. In recognition of both of these legitimate interests, I have created a bill that protects the right to strike in a peaceful manner.

The single most important extortion provision in current Federal law is the Hobbs Act (18 U.S.C. 1951). The statute penalizes by up to 20 years in prison whoever—

in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce by . . . extortion or attempts or conspires to do so, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section.

The term "extortion" is defined to mean the "obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence or fear, or under color of official right."

Until the Enmons decision by the Supreme Court in 1973, no person or group was exempted from coverage by this statute. Any actual or threatened use of force or violence to obtain property was a "wrongful" use of force or violence and, therefore, constituted extortion. The objective that was sought through the violence was irrelevant. Resorting to violence was not condoned as a means to settling a dispute.

The Enmons case arose out of a strike by the employees of a utility company seeking a new collective bargaining agreement. Five specific acts of violence were charged, including the firing of high powered rifles at three transformers, the draining of oil from a transformer, and the blowing up of a transformer installation. The Government contended that the statutory language unambigously and without qualification proscribed interference with commerce by extortion; that, in terms of the statute extortion included the obtaining of property from another by threats or violence; that wages were property of the employer; and that violence in the course of a strike to obtain such property fell within the literal language of the act.

Nevertheless, five members of the Supreme Court held that violence during a strike to achieve legitimate collective bargaining objectives was not intended by the Congress to be covered by the Hobbs Act. The majority emphasized that a broader interpretation of the statute would apply its coverage to "the worker who threw a punch on the picket line, or the striker who deflated the tires of his employer's truck." I emphasize here today, that my legislation explicitly exempts minor incidental incursions. It is an affirmative defense to a prosecution under this bill, if the defendant's conduct consisted solely of minor bodily injury, or minor damage to property not exceeding $2,500.

It is true that labor violence like any other violence or property destruction is illegal under State law. But many instances of labor violence involve perpertators and evidence that is found in any number of States. The resources of the Federal Government are best suited to combat widespread crime. Also, a uniform law and uniform prosecution throughout the country are in the best public interest.

I believe that the strongest argument for Federal jurisdiction over labor extortion was made by last year's bill sponsor Senator STROM THURMOND, chairman of the Judiciary Committee, when he stated:

In reality, State and local authorities are not equipped or strongly motivated to deal with the consequences of clashes between powerful competing interest groups within their communities. This is particularly true with labor disputes—a subject that has a long and almost preemptive federal involvement. Indeed the political implications may be overwhelming to a local official who appears to take sides in a labor dispute by vigorous enforcement of criminal laws. I am sure the most comfortable position is one of noninvolvement.

The application of the Hobbs Act to labor disputes is not a Federal intrusion in State police powers. We are simply trying to apply Federal extortion law in an evenhanded manner. Extortion involving interstate commerce is already a Federal crime. This bill would breach the gap that exists in current Federal law.

In short, it is time that Congress clarified its position on extortion in the labor context. I urge all of my Senate colleagues to support this bill.●

By Mr. DIXON:

S. 463. A bill to amend the Internal Revenue Code of 1954 to limit the amount of severance taxes imposed by States on oil, natural gas, and coal; to the Committee on Finance.

SEVERANCE TAX

Mr. DIXON. Mr. President, I am today reintroducing the Severance Tax Equity Act, legislation designed to prevent States from imposing excessively high severance taxes on coal, oil, or natural gas. The legislation is identical to S. 2890, which I introduced late in the last Congress. There was not time for Congress to take a serious look at the bill last year. I hope, by introducing the bill early this year, to encourage my colleagues to closely examine the severance tax issue.

Over the past decade, the United States has seen the price of energy rise dramatically. Energy prices are an increasing burden on American business, and on the average working men and women of this country. High energy prices are especially burdensome during this time of severe economic recession. Increasing numbers of Americans have to worry whether they can afford the gas to commute to work, to look for jobs, or even to heat their homes this winter.

The recession has also had a significant impact on most State and local governments. They are caught in a squeeze between revenue sources that rise slowly, if at all, and ever-increasing needs. The result is an increasing inability to continue providing necessary governmental services.

In my own State of Illinois, for example, the recession has meant that the State's infrastructure continues to deteriorate. Illinois needs over $1 billion more annually than it is now able to raise just to maintain its investment in highways and transit systems. Education needs and social services are increasingly jeopardized.

The revenue sources of eight States, however, seem to be relatively unaffected by current economic conditions. In 1981, Alaska's tax revenue rose by 51.3 percent; New Mexico's by 30.3 percent; Oklahoma's by 24.2 percent; North Dakota's by 21.9 percent; New Jersey's by 21.6 percent; Wyoming's by 19.2 percent; Texas' by 17.9 percent; and Louisiana's by 17.5 percent. Except for New Jersey, which has rapidly growing tax revenues from Atlantic City casinos, these are all States with significant severance tax revenues.

In 1981, State severance tax revenues rose by an astonishing 53 percent. By way of contrast, State tax revenues from all other sources increased by only 9 percent.

Think of it! With a revenue resource that rose by 53 percent annually even as the economy was sliding into the depths of a recession, Congress would have no difficulty at all in balancing the budget.

Severance tax revenues, however, currently accrue solely to the States. Unfortunately, this resource is not available to all States. In fact, over 85 percent of severance tax revenues go to only 8 of the 50 States. For these lucky few, severance tax revenues are a major component of State finances.

Over half of Alaska's revenues comes from severance taxes, while seven other States: Louisiana, Montana, New Mexico, North Dakota, Oklahoma, Texas, and Wyoming, derive more than 20 percent of their revenues from this source.

Mr. President, the results of this pattern of State severance taxation are clear. States with large severance tax revenues have a real advantage over other States in competing for new businesses and future economic growth. Energy-rich States can have lower general taxes than the rest of the States, and still provide services at a reasonable level, creating a business climate that States without large severance tax revenues simply cannot match.

By not limiting State severance taxation, we have allowed the creation of a sort of OPEC within the United States. And, like the original OPEC, our home-grown counterpart is contributing to the severe economic problems our Nation is facing, particularly in the hard-hit Midwestern and Northeastern areas.

I do not want to overargue my case. I do not blame the fact that the recession is concentrated most severely in the industrial heart of our Nation—the Frost Belt—solely on what I consider to be excessive energy severance taxation by the energy-rich States. However, I think it has been a contributing factor to some degree, and that it will have a significant impact on the economic future of both the region and the Nation as a whole.

It is important to remember that these energy resources are not like other products. If Michigan, for example, taxes automobile companies excessively, the companies are free to move their plants to States with lower tax rates. Energy sources, however, cannot be moved. States with large energy resources, therefore, have an effective monopoly under current economic conditions, limited only by the actions of energy producers overseas and the overall state of the world economy.

Representatives of States with large severance tax revenues have argued vigorously to me that severance taxes are not shifted forward, that is, that they do not fall unduly on the citizens of States that buy, rather than produce, energy. And I recognize that the question of shifting has generated substantial controversy among economists.

Now, I am not an economist, Mr. President. But it seems to me this question of the economic burden that might or might not be created by severance taxes is not exactly the most important one we ought to address.

The most important question before us is whether we are going to treat our natural energy resources as truly national resources, or whether we are going to let them be controlled—and make no mistake about it, the power to tax is the power to control—by States which, through an accident of geography, are the sites of our energy supplies.

I say those natural resources are national resources, and it is clear we are not now treating them that way—not when one State can raise 95 percent of its revenues by various energy taxes, and when nearly all of that energy is consumed in other States; not when citizens of many States pay large annual State income taxes, while those in some severance tax States pay none.

Now, the time has come for a national approach to this most vital issue.

Illinois is a major coal producing State. It has no severance tax at the moment. However, evolving market conditions could soon make it very attractive for my State to impose a severance tax on coal.

And coal is not the only resource on which a severance tax can be imposed. Governors in the Great Lakes States have been seriously discussing imposing a severance tax on Great Lakes water that could, in the future, be piped to water-starved western and southwestern parts of our country. I have seen newspaper accounts indicating that the Midwest could be the future "OPEC of water."

I find that idea disturbing, Mr. President. The United States is much more than a collection of 50 States. It is a Nation. It cannot and should not let control over what are truly national—not just natural—resources, be decided principally by the individual States.

I believe that States are entitled to tax economic activity within their borders. Our Constitution makes it clear that they have that right. I have no quarrel with the desire of States to impose limited severance taxes to compensate for the impact of energy production activities on the State. However, I do not believe States should be able to impose severance taxes that raise revenues far in excess of the amounts needed to recover those costs.

The bill I am introducing today, therefore, prohibits States from imposing severance taxes on coal, oil, or natural gas except to recover the public costs directly attributable to the energy extraction activities. This legislation does not prohibit States from taxing energy activities in other ways. States would continue to be free to impose income taxes, sales taxes, and other taxes that businesses pay. Further, this legislation does not affect in any way the States' right to collect royalty income in appropriate situations. However, it will effectively prevent use of the severance tax mechanism to raise revenues for general government and other unrelated activities.

The bill does not impose a numerical test; it does not attempt to dictate that severance taxes above a particular level are, per se, excessively high. It does establish a standard, a standard that is both flexible and reasonable. It permits States to impose severance taxes to raise amounts sufficient to recover the direct public costs attributable to the energy extraction activity. For example, States would be able to impose severance taxes to recover the costs of necessary highway upgrading or of new sewer lines needed to service the energy extraction facilities.

The amount necessary to recover associated public costs will vary from State to State and make a single national standard inappropriate. The test in the Severance Tax Equity Act will permit States to respond to their own unique circumstances, while insuring that energy activities are not singled out to bear a disproportionate share of the necessary costs of Government and that energy activities are taxed in a nondiscriminatory way.

The related-to-public-costs test is not without problems. An inventive State could try to contend that many activities that most reasonable people would believe are unrelated to the energy activity were somehow distantly related and therefore should be covered by the severance tax. Years of litigation could result, as clever States tried to stretch the standard to its limits—and beyond.

At the same time, I recognize that the standard may not permit States to recover all the costs of repairing the damages to land, roads, and sewers of energy extraction activity that occurred before the tax was imposed. I urge all my colleagues, and all other interested parties, therefore, to work with me to insure that the related-to-public-costs test is defined in the way that makes the most sense.

The bill establishes a presumption that State severance taxes above their own 1978 level, or the 1978 national average, whichever is higher, are not related to the energy activity. A State would have to bear the burden of demonstrating that revenues above the 1978 level, adjusted for inflation, were necessary to cover directly attributable costs; 1978 was chosen because it reflects the level of taxation States felt was necessary before decontrol of oil prices began in 1979.

Severance taxes on oil averaged about 35 cents per barrel in 1978. Adjusted for inflation through 1981, the level becomes about 50 cents per barrel. Severance taxes on natural gas averaged about 4.7 cents per MCF in 1978. Adjusted for inflation through 1981, the level becomes 6.6 cents per 1,000 cubic feet. For coal, in 1978, severance taxes averaged about 72 cents per ton. This level becomes $1 per ton

when adjusted for inflation through 1981.

In my own view, it is possible, and perhaps even likely, that even these 1978 levels as adjusted for inflation could be too high. However, for taxes below the 1978 level as adjusted, the Federal Government or the party paying the tax would have to prove that the tax was excessive.

I believe, Mr. President, that energy severance taxes in some States have risen to a level that constitutes a burden on interstate commerce. My bill will eliminate that burden, insuring that State severance taxes are related to the public costs directly attributable to energy activities.

This legislation addresses the core of the severance tax issue, but does not attempt to address the numerous related issues. For example, it does not impose a Federal severance tax or create or increase any other Federal energy tax.

I believe a strong case can be made for a new Federal energy tax. However, resolution of that important issue can proceed separately from the State severance tax preemption issue. Further, a new Federal tax is likely to be extremely controversial, and could impede action on the State severance tax limitation question.

I do not suffer from any illusions that, even putting aside the question of a new Federal energy tax, passage of this legislation will be easy. I recognize that it is extremely controversial and that to some it seems to set the energy-poor States against the energy-rich States. That, however, is precisely what it does not do.

Mr. President, this bill is not really about States at all. What it is about is our Nation and our ability to function as a nation. I think it is worth remembering that one of the major reasons the Thirteen Colonies came together to form the United States after the Revolutionary War was to form a customs union to insure the free and unfettered flow of trade between and among the States-to-be. By abandoning the Articles of Confederation in favor of our Constitution, they recognized that the United States was more than a mere collection of States, but rather was, is, and must be a unified State.

Unrestricted severance taxes by the States have the potential to undermine the free flow of trade among them, and to incite regional strife. Uncapped, these taxes work contrary to the interests of the Union. And we have only to look to our neighbor to the North to see the unfortunate consequences caused by placing State or regional interests above the national interest.

I think it is imperative, therefore, to enact this legislation. Our energy resources are part of our national treasure, and their benefits should be shared by the entire Nation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Severance Tax Equity Act of 1982".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds—

(1) the Federal decision to allow the price of domestic crude oil to rise to the world price has unintentionally contributed to fiscal disparities between States, as a few energy-producing States seek to gain the greatest possible economic advantage from their positions as net energy exporters, at the expense of the other States;

(2) severance tax revenues in some States greatly exceed the amount necessary to recover the public costs attributable to the economic activity being taxed; and

(3) excessively high severance taxes constitute a burden on interstate commerce.

(b) PURPOSE.—The purpose of this Act is to impose an effective and reasonable limit on State energy severance taxes on certain minerals.

SEC. 3. LIMITATION ON CERTAIN STATE SEVERANCE TAXES.

(a) IN GENERAL.—Notwithstanding any other provision of State or Federal law, the aggregate revenues from State severance taxes imposed by any State (and any political subdivision thereof) with respect to crude oil, natural gas, or coal transported outside such State in any State fiscal year shall not exceed the costs incurred by the State (and any political subdivision thereof) during such fiscal year which are directly attributable to the production within the State of crude oil, natural gas, or coal, as the case may be.

(b) ENFORCEMENT.—

(1) IN GENERAL.—

(A) ACTION BY ATTORNEY GENERAL.—The Attorney General may bring a civil action against any State (or any political subdivision thereof) which is in violation of subsection (a) in any appropriate district court of the United States.

(B) ACTION BY TAXPAYER.—Any person who has paid a State severance tax which is imposed by a State (or any political subdivision thereof) in violation of subsection (a) may bring a civil action against such State (or political subdivision) in any appropriate district court of the United States.

(2) RELIEF.—The district court of the United States shall have jurisdiction to grant such relief (including injunctive relief) as may be appropriate in any action brought under paragraph (1).

(3) BURDEN OF PROOF.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the burden of proof in any action brought under paragraph (1) shall be upon the petitioner to prove that the aggregate revenue from the State severance tax imposed by the defendant during the State fiscal year exceeds the costs incurred by the defendant during such fiscal year which are directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(B) RATES IN EXCESS OF 1978 LEVELS.—Upon introduction of evidence in any action brought under paragraph (1) that the rate of the severance tax imposed by the defendant during the State fiscal year exceeds the higher of—

(i) the adjusted 1978 State tax rate for such State for such fiscal year, or

(ii) the adjusted 1978 national average tax rate for such fiscal year,

the burden of proof in such action shall be upon the defendant to prove that the aggregate revenue from such severance tax for such fiscal year does not exceed the costs incurred by the defendant during such fiscal year which are directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(c) ADJUSTED 1978 STATE TAX RATE; ADJUSTED 1978 NATIONAL AVERAGE TAX RATE.—For purposes of this section—

(1) IN GENERAL.—The terms "adjusted 1978 State tax rate" and "adjusted 1978 national average tax rate" mean the 1978 State tax rate, or the 1978 national average tax rate, as the case may be, plus an amount equal to—

(A) such tax rate, multiplied by

(B) the inflation adjustment for the State fiscal year involved.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

(2) 1978 NATIONAL AVERAGE TAX RATES.—The term "1978 national average tax rate" means, with respect to crude oil, natural gas, or coal—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by all States (and all political subdivisions thereof) during State fiscal years ending with, or within, calendar year 1978, divided by

(B) the aggregate quantity of such natural resource determined under paragraph (5) to have been produced from within all States during such fiscal years.

(3) 1978 STATE TAX RATES.—The term "1978 State tax rate" means, with respect to crude oil, natural gas, or coal produced from a State—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by such State (and any political subdivision thereof) for the State fiscal year ending with, or within, calendar year 1978, divided by

(B) the quantity of such natural resource determined under paragraph (5) to have been produced from within such State during such fiscal year.

(4) INFLATION ADJUSTMENT.—The inflation adjustment for any fiscal year is the percentage by which—

(A) the first revision of the implicit price deflator for the gross national product for the third calendar quarter of the calendar year ending with, or within, the State fiscal year preceding such fiscal year, exceeds

(B) such deflator for the calendar quarter ending December 30, 1979.

(5) SECRETARY OF ENERGY DETERMINATIONS.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Energy shall determine (and publish in the Federal Register) with respect to crude oil, natural gas, and coal—

(i) the amount of State severance taxes collected by each State (and all political subdivisions thereof) during the State fiscal

year ending with, or within, calendar year 1978 for each such natural resource, and

(ii) the quantity of each such natural resource produced from within such State during such fiscal year.

(B) CENSUS DATA.—The Secretary of Energy shall base the determinations under this subsection on data which the Director of the Bureau of the Census shall provide, unless the Secretary finds that more appropriate information is available from an agency hearing described in subparagraph (C).

(C) PROCEDURES FOR DETERMINATIONS.—The Secretary of Energy shall make the determinations under this paragraph on the record after an opportunity for an agency hearing under section 554 of title 5, United States Code.

(D) JUDICIAL REVIEW.—

(i) FILING OF PETITION.—At any time before the 60th day after the date on which any determination is published under subparagraph (A), any person may file a petition with the United States Court of Appeals for the circuit in which such person resides, or has his principal place of business, for judicial review of such determination. A copy of the petition shall be transmitted by the clerk of the court to the Secretary of Energy. The Secretary of Energy thereupon shall file in the court the written submissions to, and transcript of, the written or oral proceedings on which the determination was based as provided in section 2112 of title 28, United States Code.

(ii) JURISDICTION.—Upon the filing of the petition referred to in clause (i), the United States Court of Appeals shall have jurisdiction to review the determination in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(iii) APPEALS.—The judgment of the United States Court of Appeals affirming or setting aside, in whole or in part, any such determination shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(iv) LIMITATION.—Any determination of the Secretary of Energy under this paragraph shall be subject to judicial review only in accordance with the provisions of this subparagraph.

(6) UNITS OF MEASURE.—The 1978 State tax rate and the 1978 national average tax rate determined under this subsection shall be—

(A) per barrel, in the case of crude oil;

(B) per Mcf, in the case of natural gas; and

(C) per ton, in the case of coal.

(d) DEFINITIONS.—For purposes of this section—

(1) STATE SEVERANCE TAXES.—The term "State severance tax" means any tax or fee established by any State (or any political subdivision of a State) and levied on, measured by, or otherwise imposed with respect to crude oil, natural gas, or coal produced in such State. Such term does not include any income, sales, property, or any other similar tax or fee if such tax or fee—

(A) applies with respect to a broad range of business activities or types of property, and

(B) does not result in a significantly higher rate of tax or fee than is generally applicable to the other activities or property with respect to which it is imposed.

(2) STATE.—The term "State" includes the District of Columbia.

(3) CRUDE OIL.—The term "crude oil" includes a natural gas liquid recovered from a natural gas well in lease separators or field facilities.

(4) NATURAL GAS.—The term "natural gas" means any product (other than crude oil) of an crude oil or natural gas well; except that such term shall not include any geothermal energy.

(5) COAL.—The term "coal" includes lignite.

(6) BARREL.—The term "barrel" means 42 United States gallons.

(7) MCF.—The term "Mcf" refers to 1,000 cubic feet of natural gas measured at a pressure of 14.73 pounds per square inch (absolute) and a temperature of 60 degrees Fahrenheit.

(8) TON.—The term "ton" means 2,000 pounds.

(e) Effective Dates.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the limitation provided by subsection (a) shall take effect 1 year after the date of enactment of this Act.

(2) 2-year period for States in excess of limitation.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any State (or any political subdivision thereof) in which any State severance tax on crude oil natural gas, or coal would otherwise exceed the limit under subsection (a), such limit shall not be applicable with respect to such tax at any time during the 2-year period beginning on the date of the enactment of this Act.

(B) EXCEPTION IF TAX IS MODIFIED DURING 2-YEAR PERIOD.—Subparagraph (A) shall cease to apply to any State severance tax if the rate at which the tax is imposed on the date of enactment of this Act is revised by the State or political subdivision involved.

By Mr. LONG:

S. 464. A bill to exempt newly discovered oil from the windfall profit tax; to the Committee on Finance.

WINDFALL PROFIT TAX EXEMPTION

● Mr. LONG. Mr. President, I am today introducing legislation to exempt all newly discovered oil from the windfall profit tax.

This exemption would increase domestic oil production by as much as 1.5 million barrels per day by 1990. The rationale of the windfall profit tax was to recapture a portion of the additional revenues that would be received for oil already in production when oil prices were decontrolled. I have never understood how there could be any windfall profit in producing oil that had not been discovered before the windfall profit tax was passed. When we first passed this tax in 1980, it also struck me that it was unwise economic and tax policy—to heavily tax something that was both scarce and vital to our economy.

Mr. President, this is a different time in the worldwide energy market. We are seeing an oil glut and lower oil prices for the first time in a decade. There is talk that OPEC, unable to enforce its cartel production quotas and price floors, is no longer able to command any price it sets. The best way I can think of to prevent another domination of our economy by OPEC—to prevent ourselves from laying our economic future at the mercy of OPEC once again—is to increase our domestic production.

We all know that part of the current glut is caused by the significantly decreased demand for oil due to the worldwide recession. We also know that the economic recovery we are all working for will mean a rise in oil consumption here in the United States. We should work to insure that this additional demand will be supplied by domestic rather than foreign oil.

Mr. President, newly discovered oil is defined as oil that was produced after May 1, 1979, provided that the field from which it was produced was not in production in 1978. When the Senate Finance Committee considered its version of the windfall profit tax, it voted unanimously by a vote of 13 to 0 to exempt newly discovered oil from this burdensome tax. My colleagues and I felt—and I still do—that the most important goal was encouraging increased domestic production of oil. When the windfall profits tax was originally passed in 1980, the tax on newly discovered oil was set at 30 percent of the amount over the base price.

Congress saw the counterproductiveness of this tax and partially corrected it by phasing down the tax rate. This year, the tax rate will be 25 percent. In 1986, the tax rate will be reduced to 15 percent. This rate will apply in all future years.

It does not make sense to discourage finding new oil in this country. We have given a tax subsidy to encourage the development of alternate energy sources. Mr. President, that makes sense. We will need these nonconventional sources to fuel our economy for future generations. It does not make sense, however, to create a tax penalty to discourage production of oil we need now when we have the technology to produce it now.

We all agree that we must work together to try and get the deficit of this great Nation under control, but not at the expense of our energy security. We are years away from meeting the gasoline, heating oil and other energy liquid needs of this country. Until we can make it attractive to produce energy in this country, we are going to be unable to meet those needs.

We should do everything we can to insure that we meet our domestic energy needs. This bill will be an important step toward self-sufficiency.●

By Mr. CHILES (for himself and Mrs. HAWKINS):

S. 465. A bill to designate components of the National Wilderness Preservation System in the State of Florida; to the Committee on Energy and Natural Resources.

FLORIDA WILDERNESS ACT OF 1983

● Mr. CHILES. Mr. President, today I am introducing legislation to designate

as wilderness seven areas located in three national forests in Florida—Ocala, the Apalachicola and the Osceola National Forests. In addition, this legislation will insure the permanent protection of the Osceola National Forest from phosphate mining. Last year Congress enacted legislation to achieve both these goals. The President, however, objected to provisions in the bill (H.R. 9) dealing with the phosphate mining question, and he did not sign the legislation. Since Congress acted on H.R. 9 last year, however, the situation with respect to pending lease applications for phosphate mining in the Osceola has changed significantly. The bill I am introducing today reflects the recent action by the administration to reject phosphate mining lease applications for the forest. The purpose of the bill is to insure that mining is prohibited by law and that, in the event the administration's decision is challenged and overturned, we are not faced with possibilities of mining in the forest or monetary payments to companies eligible for compensation. I would like to summarize for the Members of the Senate the provisions of the Florida Wilderness Act of 1983.

The seven wilderness proposals incorporated in the Florida Wilderness Act of 1983 are identical to those included last year in H.R. 9. They are roadless or undeveloped areas on National Forest System lands in Florida that were studied and recommended by President Carter and the Forest Service in April 1979 as a result of the RARE II process. The recommended wilderness areas have been approved three times by the House of Representatives and once by the Senate. The recommended areas, their locations and acreage involved are as follows:

Wilderness area	National forest	Approximate acreage
Bradwell Bay Wilderness	Apalachicola	1,170
Mud Swamp/New River	do	7,800
Big Gum Swamp	Osceola	13,600
Alexander Springs	do	7,700
Juniper Prairie	do	13,260
Little Lake George	do	2,500
Billies Bay	do	3,120

MINING BAN AND PRESIDENTIAL RECOMMENDATION

Last year the House and Senate both agreed to legislation to prohibit the Secretary of the Interior from issuing phosphate mining leases for deposits within the Osceola National Forest until such time as Congress determines that it would be in the national interest to allow mining to take place. The President's recommendation to reopen the forest for mining would have to be endorsed by Congress before the mining ban were lifted. No leasing would take place unless Congress enacts a joint resolution approving the President's recommendation. The Florida Wilderness Act of 1983 incorporates these same provisions to ban mining in the Osceola National Forest.

PENDING LEASE APPLICATIONS

One of the primary purposes of the bill we passed last year was to set up a timely process for acting on pending lease applications for phosphate mining in the Osceola. The history of the applications date back to the early sixties when 92 prospecting permits were issued for the Osceola National Forest. Eventually, 41 of these permits resulted in noncompetitive lease applications. Under existing regulations, these lease applicants first must make an initial showing to demonstrate the discovery of minable reserves.

Then, they must make a final showing to prove the current profitability of a mining operation. This final showing, the so-called valuable deposit test takes into account, among other things, the costs of operating the mining, of complying with existing governmental regulations, and of meeting reclamation requirements, Forest Service stipulations, and environmental standards.

Meeting the valuable deposit test is a condition precedent to issuance of a preference right lease. When H.R. 9 was passed last year the Department of the Interior was in the process of reviewing the lease applications to determine if any of the applicants had demonstrated that they had discovered valuable deposits. The legislation set a specific time frame for making this decision, and then authorized the Secretary to provide monetary credits—in lieu of a cash payment—to any applicant found to have a valuable deposit. The amount of monetary credit extended to any eligible applicant would be based on the fair market value of the lease right.

The House passed H.R. 9 on December 15, 1981. The Senate passed its version on December 19, 1982, which the House subsequently agreed to. The bill was sent to President Reagan on January 3, 1983. On January 12, I was advised by the Department of the Interior that Secretary Watt was rejecting the pending lease applications for phosphate mining in the Osceola National Forest. His decision was based on findings indicating that current technology is not capable of meeting the Forest Service's prescribed reclamation standards. Since reclamation cannot take place, there is no possibility that the phosphate deposit could meet the valuable deposit test.

I certainly applaud the decision by Secretary Watt to reject these applications. Past administrations, environmental studies, agency reports, and public testimony have provided a clear record of adverse impacts of strip mining on the forest and have presented a convincing case that the exclusive use of these lands for intensive phosphate mining would be inconsistent with the multiple-use management objectives of the forest. While I support the Secretary's action on the lease applications, the critical need for legislation still exists. The Secretary's action is temporary. These particular lease applications have been rejected, but the Osceola National Forest deserves to be permanently protected by statute. In addition, there is a possibility that the Secretary's action may be challenged in court. If litigation is filed, then a procedure needs to be in place for dealing with the possibility of a judicial determination of lease rights. The Florida Wilderness Act of 1983 attempts to accomplish this by authorizing the Secretary to award monetary credits to any company found by a court of law to be entitled to a lease.

I was disappointed that President Reagan did not approve last year's Florida wilderness bill. In light of the recent announcement by the Department of Agriculture concerning the reevaluation of RARE II wilderness recommendations I feel it is increasingly important for Congress to move forward with the individual State wilderness bills. The areas in the bill I am introducing today are identical to those in H.R. 9, so I hope we can get prompt action by the committee and the full Senate on the Florida legislation. Positive action on this measure by the 98th Congress will complete the important review of Florida's valuable forest wilderness areas and insure continued use and protection of the Osceola National Forest.

I look forward to working with Members of the Senate to achieve enactment of this bill.●

● Mrs. HAWKINS. Mr. President, I rise in support of legislation introduced today by my colleague, Senator CHILES, and myself to protect the Osceola National Forest. While it is unlikely, there remains a possibility that Secretary Watt's action taken in early January to defend the Osceola Forest will be overturned in court at some future date. It is wise to consider that contingency, and for this reason I join Senator CHILES in offering one sound way of protecting the forest in the event that the Federal Government loses in Federal court.

In addition, and equally important, our bill establishes 49,000 acres of new wilderness in Florida's three national forests, the Apalachicola, the Ocala, and the Osceola. Secretary Watt has personally assured me that he fully supports the new designations in our legislation.

Mr. President, I thank the Chair, and I urge my colleagues to support this legislation.●

By Mr. RIEGLE (for himself, Mr. BUMPERS, Mr. CRANSTON, Mr. DODD, Mr. INOUYE, Mr. LEVIN, Mr. RANDOLPH, Mr. SARBANES, Mr. SASSER, Mr. STENNIS, and Mr. TSONGAS):

S. 466. A bill to authorize assistance to avoid mortgage defaults caused by adverse economic conditions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EMERGENCY HOMEOWNERS RELIEF ACT

● Mr. RIEGLE. Mr. President, I am today introducing the Emergency Homeowners Relief Act of 1983, which would provide repayable Federal loans to help unemployed homeowners avoid foreclosure on their mortgages and loss of their homes. This bill would provide desperately needed relief to tens of thousands of Americans who are being forced into personal financial disaster.

Mr. President, I am pleased that Senators BUMPERS, CRANSTON, DODD, INOUYE, LEVIN, RANDOLPH, SARBANES, SASSER, STENNIS, and TSONGAS are all joining me as original cosponsors of this legislation.

In 1982, mortgage defaults soared to the highest levels on record. In the third quarter of last year, 219,000 mortgages nationwide were 90-days past due. Over 171,000 mortgage loans were in foreclosure, including over 10,000 in my own State of Michigan. We are in the midst of a national mortgage-default emergency.

Mr. President, I ask unanimous consent that two Congressional Research Service tables showing a 5-year history of mortgage defaults be printed at this point in the RECORD. It gives a clear picture of the urgency of the default problem.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—ESTIMATED PERCENTAGE OF RESIDENTIAL PROPERTY LOANS DELINQUENT OR IN FORECLOSURE [1]

Quarter	Payment past due at the end of quarter		Loans in foreclosure at end of quarter
	30 days	90 days or more	
1978:			
1st	4.25	0.53	0.38
2d	4.25	.47	.35
3d	4.68	.52	.32
4th	5.12	.53	.31
1979:			
1st	4.11	.47	.31
2d	4.21	.43	.30
3d	4.97	.49	.27
4th	5.23	.54	.29
1980:			
1st	4.56	.54	.32
2d	4.69	.50	.32
3d	5.15	.60	.33
4th	5.47	.66	.38
1981:			
1st	4.92	.66	.44
2d	4.91	.58	.41
3d	5.48	.65	.41
4th	5.65	.68	.44
1982:			
1st	5.01	.72	.53
2d	5.18	.68	.55
3d	5.71	.79	.62

[1] From the Mortgage Bankers Association quarterly survey of more than 7.5 million home loans on residential properties with 1 to 4 units.

TABLE 2.—ESTIMATED NUMBER OF RESIDENTIAL PROPERTY LOANS DELINQUENT OR IN FORECLOSURE [1]

Quarter	Payment past due at end of quarter		Loans in foreclosure at end of quarter
	30 days	90 days or more	
1978:			
1st	1,087,533	135,622	97,238
2d	1,087,533	120,268	89,562
3d	1,197,472	133,063	81,885
4th	1,310,156	135,622	79,326
1979:			
1st	1,086,931	124,296	81,987
2d	1,113,377	113,718	79,338
3d	1,314,366	129,585	71,404
4th	1,383,126	142,808	76,693
1980:			
1st	1,234,802	146,227	86,653
2d	1,270,005	135,395	86,653
3d	1,394,569	162,474	89,361
4th	1,481,221	178,721	102,900
1981:			
1st	1,348,080	180,840	120,560
2d	1,345,340	158,920	112,340
3d	1,501,520	178,100	112,340
4th	1,548,100	186,320	120,560
1982:			
1st	1,387,770	199,440	146,810
2d	1,434,860	188,360	152,350
3d	1,581,670	218,830	171,740

[1] Mortgage Bankers' survey rates applied to estimated total of residential units with mortgages: 1978 25,589,000 (HUD Annual Housing Survey), 1979 26,446,000 (AHS), 1980 27,079,000 (AHS), 1981 27,400,000 (CRS), 1982 27,700,000 (CRS).

Mr. RIEGLE. Mr. President, this bill would authorize the Department of Housing and Urban Development to make monthly advances covering up to 3 months of mortgage payment arrears, and provide up to 80 percent—but no more than $600—of monthly costs for mortgage, taxes, and insurance for a 12-month period. Where necessary, assistance could be extended for an additional 6 months.

It is estimated that approximately 100,000 unemployed homeowners would take advantage of the program and thus avoid the loss of their homes. Funds would be targeted to areas of the country where delinquency rates are very high.

Gross outlays for this proposed program would be approximately $750 million over a 3-year period. However, since assistance is in the form of repayable loans, the final net cost would be much lower.

Loans under this program would be limited to conventional mortgages because these loans are not covered by the temporary mortgage assistance program (TMAP), which is a similar program already on the books to help FHA-insured mortgage holders who are in default. Congress provided funds for TMAP in fiscal years 1982 and 1983, and implementation of the program awaits clearance of TMAP regulations in conjunction with a court suit.

Mr. President, the legislation I introduce today is a prudent solution to an enormous problem. Congress should enact it early in this session. I urge my colleagues to join me in support of it.

Mr. President, I ask unanimous consent to have the text of the bill printed in the RECORD at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Homeowners' Relief Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) the Nation continues in a serious recession that has resulted in unemployment rates that are the highest since the Great Depression;

(2) this increased unemployment and related economic impacts have adversely affected the ability of many homeowners to meet their mortgage obligations and has led to extremely high mortgage delinquency rates;

(3) a temporary program of mortgage assistance can save the homes of thousands of families who face unemployment or reduced income, at a relatively modest cost to the Government; and

(4) such assistance should be in the form of repayable loans that will reduce the net cost of the assistance without imposing an unaffordable burden on families receiving assistance.

EMERGENCY MORTGAGE RELIEF LOANS

SEC. 3. (a)(1) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall make, and contract to make, to the extent approved in appropriation Acts and subject to the provisions of this Act, loans in the form of emergency mortgage relief advances directly to mortgagees on behalf of homeowners whose mortgages are held by such mortgagees and who are delinquent in their mortgage payments.

(2) For the purpose of this Act, the Secretary shall contract to make, and make, loans under this Act when, on an average monthly basis for a period of three consecutive months—

(A) the amount of funds represented by mortgage loans and contracts which are accounted for in a mortgage delinquency series maintained by the Federal Home Loan Bank Board and for which payments have been delinquent for sixty days or more, exceeds

(B) 1.3 per centum of all funds represented by mortgage loans and contracts accounted for in such series,

except that where the amount of funds determined under subparagraph (A) does not exceed 1.3 per centum of all funds represented by mortgage loans and contracts in such series on a nationwide basis, the Secretary shall make such loans available in any State located in a Federal Home Loan Bank district in which the amount of funds determined to be delinquent under subparagraph (A) for the district exceeds 1.3 per centum of all funds represented by mortgage loans and contracts which would be accounted for in such series for that district.

(3)(A) For the purpose of determining when loans are to be made available pursuant to paragraph (2), the Secretary shall take into account all months beginning with or after the third month before the date of enactment of this Act.

(B) When the condition described in paragraph (2) first occurs after the date of en-

actment of this Act, the Secretary shall begin to contract to make, and to make, loans at the beginning of the first month following the month in which the series indicates that such condition has occurred.

(4) The mortgage delinquency series referred to in paragraph (2) shall be made available by the Federal Home Loan Bank Board to the Secretary and to the Congress on a monthly basis and shall contain data on the previous month's mortgage delinquency rate.

(b)(1) Once the Secretary begins to make loans pursuant to subsection (a), the Secretary shall continue to contract to make, and make, the loans available until the date on which the mortgage delinquency series referred to in subsection (a)(2) indicates that the amount of funds represented by sixty-day delinquent mortgage loans and contracts accounted for in such series has declined to below 1.2 per centum of all funds represented by mortgage loans and contracts accounted for in such series, except that—

(A) loans shall continue to be made available pursuant to contracts entered into before such date;

(B) the Secretary shall, to the extent of available funds, reinstitute the program established by this Act whenever the delinquency rate condition described in subsection (a)(2) reoccurs; and

(C) the Secretary shall continue to make such loans in any Federal Home Loan Bank district which continues to meet the requirement of subsection (a)(2).

(2) In any case in which the program is reinstituted, the Secretary shall begin to contract to make, and make, loans beginning with the day after the date on which the mortgage delinquency series indicates that the delinquency rate condition described in such subsection has reoccurred.

(c) Emergency mortgage relief loans shall be made only with respect to a mortgage which meets the requirements of section 4, only in accordance with the provisions of section 5 and only on terms and conditions which the Secretary determines to be necessary to carry out the provisions and purposes of this Act.

(d) The Secretary may make such delegations and accept such certifications with respect to the processing of mortgage relief loans provided under this Act as he deems appropriate to facilitate the prompt and efficient implementation of the assistance authorized under this Act.

ELIGIBILITY

SEC. 4. Assistance may be extended with respect to a mortgage under this Act only if the Secretary finds that—

(1) the holder of the mortgage has indicated to the mortgagor its intention to foreclose and foreclosure would result if assistance under this Act were not provided;

(2) payments under the mortgage have been delinquent for at least three months, except that the Secretary may waive such requirement where foreclosure is imminent prior to the close of the three-month period;

(3) the mortgagor has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions and is financially unable to make full mortgage payments;

(4) there is a reasonable prospect that the mortgagor will be able to make the adjustments necessary for a full resumption of mortgage payments; and

(5) the mortgaged property is the principal residence of the mortgagor.

LIMITS OF ASSISTANCE

SEC. 5. (a) Loans under this Act on behalf of a homeowner may be made available in monthly advances an amount not to exceed the lesser of (1) 80 per centum of the amount of the principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums due each month under the homowner's mortgage; or (2) $600 per month, except that in no case may the amount of such assistance exceed the amount determined to be reasonably necessary to supplement the amount which the Secretary determines the homeowner is capable of contributing toward such mortgage payment.

(b) Monthly payments may be provided under this Act for up to twelve months, plus any period of delinquency, and in accordance with criteria prescribed by the Secretary, such monthly payments may be extended once for up to six additional months. A mortgagor receiving the benefit of assistance pursuant to this Act shall be required, in accordance with criteria prescribed by the Secretary, to report any increase in income which will permit a reduction or termination of such assistance during this period.

(c) Loans made under this Act shall be repayable by the homeowner upon such terms and conditions as the Secretary shall prescribe, except that interest on a loan shall not be charged at a rate which exceeds the sum of the average yield on all outstanding marketable obligations of the United States at the time the loan is made, plus one percentage point.

(d) The Secretary shall provide for the deferral of the commencement of the repayment of a loan for such period of time following the date of the last disbursement of the proceeds of the loan as may be necessary to further the purpose of this Act.

(e) The Secretary shall by regulation require such security for the repayment of loans under this Act as he deems appropriate and may require that such repayment be secured by a lien on the mortgaged property.

AUTHORITY OF THE SECRETARY

SEC. 6. (a) The Secretary is authorized to issue such rules and regulations as may be necessary to carry out the provisions of this Act.

(b) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real or other property by the United States, the Secretary shall have power, for the protection of the interest of the United States, to pay all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by the Secretary as a result of recoveries under security, subrogation, or other rights.

(c) In the performance of, with respect to, the functions, powers, and duties vested in the Secretary by this Act, the Secretary shall—

(1) have the power, notwithstanding any other provision of law, whether before or after default, to provide by contract or otherwise for the extinguishment upon default of any redemption, equitable, legal, or other right, title in any mortgage, deed, trust, or other instrument held by or held on behalf of the Secretary under the provisions of this Act; and

(2) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon the Secretary by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which assistance has been provided pursuant to this Act. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, remodel and convert, dispose of, lease, and otherwise deal with, such property. The Secretary also shall have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this Act.

NOTIFICATION

SEC. 7. Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall prior to January 1, 1984, (1) take appropriate action, not inconsistent with laws relating to the safety or soundness of such institutions and mortgagees, to waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies in order to cause or encourage forbearance in residential mortgage loan foreclosures, and (2) request each such institution or mortgagee to notify that Federal supervisory agency and the mortgagor, at least thirty days prior to instituting foreclosure proceedings in connection with any mortgage loan. For the purpose of this section, the term "Federal supervisory agency" means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration Board.

AUTHORIZATION AND EXPIRATION DATE

SEC. 8. (a) There are authorized to be appropiated to carry out the purposes of this Act not to exceed $750,000,000. Any amounts so appropriated shall remain available until expended.

(b) No loan shall be made under this Act after the expiration of eighteen months after the date of enactment of this Act unless such loan is made with respect to a mortgagor receiving the benefit of a loan under this Act on such date.●

By Mr. SYMMS:

S. 470. A bill to provide for the elective payment of benefits under title II of the Social Security Act in the form of social security savings bonds, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY SAVINGS BONDS

● Mr. SYMMS. Mr. President, as all of us know, the social security system is in serious financial trouble. The National Commission on Social Security Reform recently issued its report which essentially included their recommendations to solve only the short-term problems facing the social security system.

Unfortunately, however, in its present form, the Commission's plan falls far short of the balanced program which is needed to restore public confidence in the solvency and fairness of social security. In effect, the

plan presented by the Commission repeats the mistake of 1977 by relying primarily on increasing taxes to solve the short-term problem while avoiding major structural reforms needed to assure lasting solvency.

I believe that significantly increasing payroll taxes to solve the short-term solvency problem of the social security system will mean many Americans will lose their jobs. Many of the large econometric firms have calculated that once the payroll tax increases are fully phased in, 2 to 4 million job years will be lost in our economy. At this time, when unemployment is so high and many hard-working Americans simply cannot find a job, I do not believe we can afford to implement legislation which will significantly increase the ranks of the unemployed.

Consequently, I am joining with my colleague in the House, Congressman RICHARD T. SCHULZE, in introducing legislation in this Congress to partially solve the short-term liquidity problems of the social security system. The proposal is similar to the legislation advanced by both Congressman SCHULZE and myself in 1982, however, it reflects recent recommendations of the National Commission on Social Security Reform.

In summary, the proposal is as follows:

First, at the election of a social security beneficiary, the entire amount of retirement benefits (OASI) payable to the beneficiary for a 12-month period would be disbursed by the Social Security Administration in the form of a bond registered in the name of the electing beneficiary.

Second, the bond would be issued at the end of the 12-month period, or a shorter period, in the event of the death of the electing beneficiary. Once issued, it could be redeemed or it could be held for any length of time.

Third, the bond would be free of all taxes: Federal and State income taxes, Federal estate taxes, and State inheritance taxes. The value of the bond and all accrued interest would be excluded from the taxable estate. Similarly, all interest earned on the bonds would be tax free. Any amount of benefits that could otherwise be subject to income taxation—as has been proposed by the National Commission on Social Security Reform—will be excluded from the beneficiary's taxable income until such time as the bond is redeemed by him.

Fourth, bonds remaining unredeemed at the death of an elector would pass according to the terms of the elector's will or the laws of intestacy. When redeemed by an heir or beneficiary under the will, neither the accrued interest nor the otherwise taxable portion of the bond principal—reflecting forgone OASI payments—would be taxed to the heir. Such amounts would not be considered income in respect of a decedent.

Fifth, should an elector redeem the bond during his lifetime, the maximum amount that would be taxed would be the portion that could have been taxed had the elector taken his monthly social security checks. This will be the case regardless of whether the beneficiary would otherwise be taxable on social security benefits received during the year of redemption.

Sixth, beneficiaries who wish to elect bonds rather than monthly checks would make application to the Social Security Administration and the election would be irrevocable for 12 months, and could be renewed automatically.

Seventh, the bonds would be attractive for many social security beneficiaries who are fortunate in their economic circumstances and do not need their OASI income for current purposes. The bond would be a desirable alternative investment for electing beneficiaries because of the tax deferral on current taxable benefits, because of the potential for permanent deferral if the bond is not redeemed before death, and because of the tax-exempt interest that would be earned.

Eighth, the bonds would accrue interest at 70 percent of the Treasury bill rate beginning with the date of the first social security payment after the election went into effect. Interest would accrue on the full amount of benefits forgone, not just the otherwise taxable portion.

Skeptics have asked whether social security beneficiaries can afford to forgo their monthly cash payment in favor of a social security savings bond. The answer is emphatically, yes, many can. Consider the following:

First, the New York Stock Exchange has reported that 4.5 million of the 30 million stockholders in the United States are 65 or older.

Second, the NYSE also reported that as of mid-1980, 393,000 Americans aged 65 or older made their first stock or mutual fund purchase during the 5 preceding years. This compares with the 3,842,000 veteran stockholders aged 65 and older.

Third, preliminary data from a 1979 study performed by Social Security shows that among persons aged 65 years or older, 14,668,000 had savings accounts; 4,861,000 owned certificates of deposit; 3,246,000 owned U.S. savings bonds; 593,000 received income from personal loans or mortgages. The study also found that there were approximately 4.3 million older Americans who owned dividend-bearing assets. The study disclosed that older Americans invest in a variety of illiquid assets as well as interest and dividend-bearing investments.

Fourth, a 1977 consumer credit survey published by the Federal Reserve Bank found that families with a family head age 65 or older held significant assets in checking or savings accounts: Approximately 16 percent held $2,000 or more in checking accounts; over 40 percent held $2,000 or more in savings accounts; 16.9 percent of the families with a family head age 65 to 74 owned certificates of deposit; 8.8 percent owned certificates with a value more than $10,000. In the 75 and over age group, 14.6 percent owned certificates; 7.9 percent owned certificates with a value more than $10,000.

Fifth, according to the IRS, 45 percent of all reported savings account interest is earned by people over 65, even though they represent only 11 percent of the population.

Sixth, a 1977 University of Michigan study determined that older Americans have a preference for bonds and savings accounts over investments in real estate and other investment modes. The rate of increase in preference for liquid investments increases as investors get older.

It is clear then, that retired Americans hold investments when they retire. And it is clear that those older Americans who have a substantial income stream will continue to make investments after their retirement. Social security savings bonds will be an attractive investment option for both financial and patriotic reasons.

During World War II, the Government established the war bond program, and gave it wide and forceful publicity. President Roosevelt gave his personal endorsement to the program by purchasing the first series E bond issued. As is well known, the program was a success. The receipts from the bond program played an important role in funding the war effort.

I believe that the social security bond program will touch a responsive, patriotic cord in the hearts of many Americans and that this will add to the success of the program.

Another question arises as to the amount of net deferral that is possible under the program. Experience with the U.S. savings bond program indicates that substantial numbers of issued bonds remain unredeemed during the 5 years following sale. Data from 1980 published by the Department of the Treasury show that in the year following issue, 46.59 percent of the savings bonds remain outstanding. This percentage declines to 28.20 percent in the fifth year following issue.

This means that the deferral will be cumulative and, if the social security savings bond program has experience similar to the U.S. savings bond program, the aggregate deferral—assuming constant 1981 benefit and participation levels—would be as follows:

[In billions]

1981	$6.20
1982	8.69
1983	14.18

1984	20.03
1985	26.01
1986	31.89

As I stated earlier, the social security savings bond proposal would only partially address the short-term liquidity problems facing the social security system. Other solutions would have to be implemented along with this proposal to address the remainder of the short-term problem as well as the long-term problems facing the system. However, if this proposal is implemented, it would significantly decrease the pressure to raise payroll taxes which will directly increase the unemployment rate in this country.

By Mr. JEPSEN (for himself, Mr. DENTON, and Mr. EAST):

S. 467. A bill to establish U.S. governmental policy with regard to respect for human life; to the Committee on Governmental Affairs.

RESPECT HUMAN LIFE ACT OF 1983

Mr. JEPSEN. Mr. President, it is time to take a definitive stand on the Federal Government's position on abortion and infanticide. This was emphasized when thousands of our fellow Americans came to march in protest on the streets of Washington while their neighbors marched in the streets and town squares all over America to mark the 10th anniversary of the tragic Roe against Wade decision on abortion of January 22, 1973.

President Reagan met on that Friday in the White House with the leaders of this Pro-Life Movement and he too protested in his own way this Supreme Court decision which legislated "abortion on demand." In a letter to Representative HENRY HYDE of Illinois, an outspoken champion of the unborn child, President Reagan said:

> We have waited ten years for Congress to rectify the tragedy of *Roe* v. *Wade*. The time for action is now. You and your Pro-Life colleagues will have my support in your efforts to bring this matter to a resolution during this Congress.
>
> Clearly, it is essential that we preserve and extend past protection that Congress has already adopted. So, I am pleased that you have already introduced, on January 6th of this year, the Respect Human Life Act of 1983, which will codify as permanent law various congressional provisions designed to protect innocent human life, which will extend and strengthen these restrictions, and which will provide the States with a compelling interest to take similar action. It is particularly encouraging to note that your legislation directly addresses the problem of infanticide as well, by making clear the right of all children, including handicapped children, to appropriate medical treatment.

So it is with a great sense of honor and privilege that I today introduce the Respect Human Life Act of 1983 in the U.S. Senate. I join both Representative HYDE and President Reagan in calling for this new 98th Congress to enact such a law to establish a minimum Federal policy in the area of abortion and infanticide. I urge my colleagues to join me as cosponsors.

I ask unanimous consent that the text of President Reagan's letter to Representative HYDE, as well as the text of Nancy Reagan's and the President's message delivered on the Ellipse to the March for Life participants also be included.

Mr. President, I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE WHITE HOUSE,
Washington, January 20, 1983.

Hon. HENRY J. HYDE,
House of Representatives,
Washington, D.C.

DEAR HENRY: In the decade since the tragic United States Supreme Court decision which legalized "abortion on demand" nationwide, you have championed the right to life of the unborn forcefully and effectively. Largely as a result of your leadership, the Congress has moved to redress the fundamental wrong perpetrated by the abortion cases by adopting legislation to virtually eliminate Federal funding of abortion. This policy, which has come to bear your name, is now the policy of my Administration as well. For this, you have my personal thanks, and I am sure the enduring gratitude of the American people.

As the 98th Congress now begins its work, the question of the appropriate Federal role in this whole area will once again be considered. We who share belief in the sanctity of human life must work to ensure maximum protection for unborn babies.

In the 98th Congress, I will continue to support the broad range of proposals that would restrict abortion. We have waited ten years for Congress to rectify the tragedy of *Roe* v. *Wade*. The time for action is now. You and your pro-life colleagues will have my support in your efforts to bring this matter to a resolution during this Congress.

Clearly, it is essential that we preserve and extend past protections that Congress has already adopted. So, I am pleased that you have already introduced, on January 6th of this year, the Respect Human Life Act of 1983, which will codify as permanent law various congressional provisions designed to protect innocent human life, which will extend and strengthen these restrictions, and which will provide the states with a compelling interest to take similar action. It is particularly encouraging to note that your legislation directly addresses the problem of infanticide as well, by making clear the right of all children, including handicapped children, to appropriate medical treatment.

Be sure that you, and all those who share your dedication to protecting innocent human life, will have my continuing support in the new Congress.

With best wishes,

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, January 21, 1983.

Nancy and I are very pleased to extend our warmest greetings and best wishes to all those gathered from across the land for this historic "March for Life."

This nation was founded by men and women who shared a strong moral vision of the great value of each and every individual. America has come to symbolize that belief for the rest of the world. But the tragic United States Supreme Court decision which legalized "abortion on demand" in 1973 severely tests our moral commitments.

You are assembled here to commemorate the tenth anniversary of the *Roe* v. *Wade* decision and to march and pray for its reversal. We join you in that hope and plea. The abortion decision was a tragedy, and we have the responsibility to do all we can to protect unborn children.

As one who not only shares your anguish over the taking of an unborn child's life but is committed to the sanctity of all innocent human life, I applaud your demonstrated humanitarian concern and leadership in this vital issue.

We have waited two years for Congress to rectify the tragedy of *Roe* v. *Wade*. The time for action is now. I assure you that in the 98th Congress I will support any appropriate legislative action that will restrict abortion.

I am especially pleased to see that a Respect Human Life Act has already been introduced in this Congress by Representative Henry Hyde. Not only does this bill strengthen and expand restrictions on abortion, but it also addresses the problem of infanticide by making clear the right of all children, including those who are handicapped, to appropriate medical treatment.

May this march prove a hallmark in the struggle to correct a great wrong and may God bless your efforts in the future.

RONALD REAGAN.

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Respect Human Life Act of 1983".

SECTION. 1. The Congress finds that—

(a) it is the policy of the Government of the United States to protect innocent life, both before and after birth, and that the Government of the United States affirms that all human beings are endowed by their Creator with certain unalienable rights among which is the right to life, as embodied in our Declaration of Independence;

(b) the American Convention on Human Rights of the Organization of American States in 1969 affirmed that every person has the right to have his life protected by law from the moment of conception and that no one shall be arbitrarily deprived of life;

(c) the Declaration of the Rights of the Child of the United Nations in 1959 affirmed that every child needs appropriate legal protection before as well as after birth;

(d) at the Nuremberg International Military Tribunal for the trial of war criminals the promotion of abortion among minority populations, especially the denial of the protection of the law to the unborn children of Russian and Polish women, was considered a crime against humanity;

(e) as early as 1859 the American medical profession affirmed the independent and actual existence of the child before birth as a living being and condemned the practice of abortion at every period of gestation as the destruction of human life;

(f) scientific evidence demonstrates the life of each human being begins at conception;

(g) the Supreme Court of the United States in the case of Roe against Wade erred in not recognizing the humanity of the unborn child and the compelling interest of the several States in protecting the life of each person before birth;

(h) the Supreme Court of the United States in the case of Roe against Wade erred in excluding unborn children from the safeguards afforded by the equal protection and due process provisions of the Constitution of the United States; and

(i) a growing tolerance of infanticide in America has followed the 'quality of life' ethic as was established by the United States Supreme Court in the Roe against Wade decision, and as recently evidenced by the starvation death of an innocent handicapped newborn child in Bloomington, Indiana.

SEC. 2. No agency of the United States shall perform abortions, except when the life of the mother would be endangered if the child were carried to term.

SEC. 3. No funds appropriated by Congress shall be used to perform abortions, to reimburse or pay for abortions, or to refer for abortions, except when the life of the mother would be endangered if the child were carried to term.

SEC. 4. No agency of the United States shall promote, encourage, counsel, refer, pay for, including travel expenses, or assist in the performance of abortions abroad as a matter of our foreign policy, except when the life of the mother would be endangered if the child were carried to term.

SEC. 5. The United States shall not enter into any contract for insurance that provides for payment or reimbursement for abortions other than when the life of the mother would be endangered if the child were carried to term.

SEC. 6. No institution that receives Federal financial assistance shall discriminate against any employee, applicant for employment, student, or applicant for admission as a student, on the basis of that person's opposition to abortion or refusal to counsel or assist in the performance of abortions.

SEC. 7. No institution that receives Federal financial assistance shall withhold from a handicapped infant nutritional sustenance or medical or surgical treatment required to correct a life threatening condition if: (1) the withholding is based on the fact that the infant is handicapped; and (2) the handicap does not render treatment medically contraindicated. Any institution or agency in violation of such restrictions shall be denied any further Federal assistance.

SEC. 8. In light of the provisions of this title, and to expedite Supreme Court consideration of the interest of the States in protecting the lives of all human beings within their jurisdiction, if any State enforces or enacts legislation which prohibits or restricts abortions or infanticide and such legislation is invalidated by interlocutory or final order of any court of the United States, any party to such case shall have a right to direct appeal to the Supreme Court of the United States, under the same provisions as govern appeals pursuant to section 1252 of title 28, United States Code, notwithstanding the absence of the United States as a party to such case. Notwithstanding any other provision of Federal law, attorneys' fees shall not be allowable in any civil action involving, directly or indirectly, the provisions of this title.

SEC. 9. If any provision of this title or the application thereof to any person or circumstances is judicially determined to be invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected by such determination.

By Mr. HEINZ (for himself, Mr. GLENN, and Mr. HUMPHREY):

S.J. Res. 27. Joint resolution authorizing and requesting the President to designate the week of March 13–19, 1983, as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

(The remarks of Mr. HEINZ on this legislation appear earlier in today's RECORD.)

By Mr. TSONGAS (for himself, Mr. HATFIELD, and Mr. HART):

S.J. Res. 28. Joint resolution calling for immediate negotiations for a ban on weapons of any kind in space; to the Committee on Foreign Relations.

BAN ON WEAPONS IN SPACE

Mr. HATFIELD. Mr. President, the joint resolution being introduced today by the Senator from Massachusetts (Mr. TSONGAS) calls for the United States to resume negotiations toward a mutual, verifiable ban on antisatellite (Asat) weapons and all weapons in space.

Military space systems, particularly surveillance and warning satellites and command and control systems have played a critical role in preserving the peace for the last two decades. The military surveillance systems of the United States and the Soviet Union have contributed immeasurably to peace by reducing the element of surprise to a potential attacker and thereby, the perceived advantage of a first strike. Space systems provide time for analysis, confirmation, consultation, and deliberation, and reduce the potential for hair trigger responses to ambiguous situations. They have also provided the technical means of verification which have made arms control possible.

Antisatellite weapons (Asat's) now threaten to negate the beneficial and stabilizing influence of surveillance and warning satellites.

Recognizing the fact that a world without Asat's would be more secure than a world with them, it had been our policy for years to negotiate a ban on the weapons.

Now we are ignoring that fact. We seem to be intent on surpassing the Soviets in the arms race in space and are therefore about to test an Asat whose deployment will be almost impossible to verify. The testing of our Asat weapon will make it very difficult if not impossible to return space to the status of a sanctuary for peace and nonthreatening military support systems.

As long as there are nuclear weapons and delivery systems for them, the United States and the Soviet Union are going to need space surveillance systems to provide some measure of stability.

To allow those systems to be threatened by antisatellite weapons is reckless and foolhardy.

This danger is compounded by our pursuit of weapons with a first-strike capability. Once the United States has both a first-strike capability and an Asat capability, what happens if a Soviet warning satellite is struck by a meteor or suffers a catastrophic electrical failure? Might they not reasonably assume that we have just destroyed their satellite? Will they not then be likely to give the order to launch a "retaliatory" attack?

Way back in the 1950's, Bernard Brodie, in this classic book, "Strategy in the Missile Age," said the following:

> Deterrence after all depends on a subjective feeling which we are trying to create in the opponent's mind, a feeling compounded of respect and fear, and we have to ask ourselves whether it is not possible to overshoot the mark. It is possible to make him fear us too much, especially if what we make him fear is our overreadiness to react, whether or not he translates it into clear evidence of our aggressive intent. The effective operation of deterrence over the long term requires that the other party be willing to live with our possession of the capability upon which it rests.

What seems to be missing from the strategies of both superpowers is a recognition of the difference between making an opponent respect your retaliatory capability and making him fear your irrational behavior.

Allowing the arms race to extend into space will greatly increase the danger of nuclear war by putting at risk our satellite warning system, creating a situation where accidental war is highly likely, and compounding the destabilizing fear caused by new nuclear weapons with first-strike capabilities.

In addition, the weaponization of space would consume staggering amounts of money, brainpower, technology, and industrial capacity—resources which could otherwise be put to better use. It will in all likelihood foreclose promising opportunities for East-West cooperation in joint space ventures for the benefit of the whole world, with the attendant hope for better understanding, lessened tensions, and eventual elimination of the threat of war.

Negotiations with the Soviet Union aimed at preventing an arms race in space were cut off by the United States following the invasion of Afghanistan. Now, enamored with the possibilities of high-tech weaponry in space, and engaged in a Quixotic quest for a return to strategic superiority, we are refusing to resume those negotiations. We have spurned a proposal by the Soviets to ban all kinds of weapons in space. We have proceeded with a massive militarization of NASA.

We have emasculated NASA's traditional capability to carry out peaceful space exploration and scientific ventures. And we are flirting with the possibility of embarking on space weapons developments which can not defend us and whose eventual cost could be staggering. An arms race in space can only cause great harm to our economy and result in a further reduction of our security.

The Soviets are in a similar situation. Both superpowers have a common interest in preventing accidental war and in preserving the systems which have helped maintain a measure of stability in these dangerous times. We therefore have the opportunity to reach agreement on a treaty clearly in both our interests as we did a decade ago with the ABM Treaty. It is always easier to ban weapons which do not yet exist than to get rid of those we already have. Let us not forsake this opportunity. And let us not complicate the task by testing new weapons which would make the verifiability of a treaty more difficult. We must act now, before an arms race in space adds yet another uncontrollable dimension to the nuclear arms race. I urge the most serious consideration of this resolution.

Mr. TSONGAS. Mr. President, today I am introducing a joint resolution that seeks a ban on weapons of any kind in space. We now face the possibility of a serious escalation of the arms race. This Nation is about to extend this race into space.

Sometime this year, the Air Force is expected to test an antisatellite weapon (Asat) to be launched from a high-flying F-15 fighter aircraft. This missile is the U.S. response to the Soviet ASAT, a co-orbital system capable of destroying satellites in low Earth orbit. The U.S. Asat will greatly outperform the Soviet counterpart, although it too can reach only satellites in low Earth orbit.

Once our system is tested, every F-15 becomes a potential Asat platform, making a verifiable ban on Asat weapons virtually impossible. Without a treaty prohibiting further Asat development, we can expect the Soviets to match us system for system and dollar for dollar.

It will not be a cheap race. The U.S. military depends on satellites for functions such as weather forecasting, navigation, early warning, treaty verification, and reconnaissance. Satellites are of great importance to our civilian communications industry and are becoming increasingly important in exploring for natural resources and in forecasting the weather.

Extensions of the arms race into space would endanger these satellites that are vital to our national defense and more and more economically significant.

Already underway is the next, still more costly, step in the space war: Weapons to destroy ballistic missiles, including Star Wars-style laser and particle beam weapons. Such systems are not just science fiction; they are now being developed, both in this country and in the Soviet Union, for deployment before the end of the century.

The question is: Do we want to pay for these systems? Or, on the contrary, do we want a peaceful space where civilian enterprises can operate free of war and weapons?

Congressman MOAKLEY is introducing a joint resolution in the House which calls upon the President to negotiate a verifiable ban on all weapons in space, as well as on all weapons designed to be used against space-based targets. Together with Senators HATFIELD and HART, I am introducing that resolution in the Senate.

Mr. President, I strongly urge my colleagues to adopt this critical resolution and ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 28

Whereas the peaceful exploration of space has greatly benefited the development of the theoretical and applied sciences and the continued peaceful exploration of space offers an enormous potential for expanding the limits of our knowledge and providing additional benefits to the human race;

Whereas mankind's continued preoccupation with developing weapons of destruction already threatens the quality and existence of life on Earth as we know it;

Whereas the quality and existence of such life will face an even greater threat should the arms race be extended into space; and

Whereas an international agreement to prohibit the introduction of weapons of any kind into space is needed in order to avoid the financial, social, and human costs that could result from such an arms race: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall resume immediately bilateral talks with the Soviet Union for the purpose of negotiating a comprehensive treaty prohibiting—

(1) the testing, production, deployment, or use of any space-based, air-based, or ground-based weapons system which is designed to damage, destroy, or interfere with the functioning of any spacecraft of any nation; and

(2) the stationing in orbit around the Earth, on any celestial body, or at any other location in outer space of any weapon which has been designed to inflict injury or cause any other form of damage on the Earth, in the atmosphere, or on objects placed in space.

Any such treaty shall establish a procedure for verifying compliance with its terms.

SEC. 2. The President shall request that the United Nations take the necessary steps to bring about multilateral negotiations aimed at an extension of Article IV of the Outer Space Treaty of 1967 to include a ban on all weapons based in space for use against any target and all anti-satellite weapons regardless of where they are based.

By Mr. KENNEDY (for himself, Mr. MATHIAS, Mr. BAUCUS, Mr. BIDEN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CRANSTON, Mr. DANFORTH, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. EAGLETON, Mr. FORD, Mr. GLENN, Mr. HART, Mr. HATFIELD, Mr. HEINZ, Mr. HUDDLESTON, Mr. INOUYE, Mrs. KASSEBAUM, Mr. LEAHY, Mr. LEVIN, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. PROXMIRE, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, and Mr. TSONGAS):

S.J. Res. 29. Joint resolution to prevent nuclear testing; to the Committee on Foreign Relations.

PREVENTION OF NUCLEAR TESTING

Mr. KENNEDY. Mr. President, I am proud to reintroduce today, with my good friend and distinguished colleague, Senator MATHIAS, of Maryland, and others, a joint resolution to prevent nuclear testing. Congressmen BEDELL, MARKEY, and LEACH have reintroduced our resolution in the House of Representatives, where it has already received the support of 65 Members of Congress.

We are especially pleased that over one-third of the Senate has decided to cosponsor this resolution and, in so doing, to press for an end to all nuclear testing as an essential step to halting the nuclear arms race.

Last July, Senator MATHIAS joined with me in introducing the same resolution, Senate Joint Resolution 224, after the Reagan administration unilaterally announced that it had abandoned the comprehensive test ban negotiations with Great Britain and the Soviet Union, and that it would not ratify the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. This decision radically reversed the bipartisan policy adopted by Presidents Eisenhower and Kennedy, and carried forth by five administrations, both Republican and Democratic.

In the 1950's, President Eisenhower initiated negotiations to prohibit nuclear testing. President Kennedy concluded the first test ban agreement in 1963—the Limited Test Ban Treaty, which prohibited nuclear testing in the atmosphere, outer space, and underwater, and which committed all parties to pursue a comprehensive test ban treaty (CTBT). In 1968, President Johnson achieved the Nuclear Nonproliferation Treaty which reiterated the U.S. commitment to negotiate a CTBT. In 1974, President Nixon concluded the Threshold Test Ban Treaty, which outlaws nuclear weapons tests above 150 kilotons and once

again confirmed our commitment to a CTBT. In 1976, President Ford achieved the Peaceful Nuclear Explosions Treaty, which established the same 150-kiloton threshold for so-called peaceful explosions. President Carter made significant progress toward a comprehensive test ban, extracting concessions from the Soviet Union on formerly unresolvable verification issues.

The Reagan administration's decision casts the greatest doubt on the seriousness of its commitment to nuclear arms control. It flies in the face of the nationwide call for an immediate freeze on the testing, production, and deployment of nuclear weapons. It repudiates the worldwide demand to prevent the proliferation of nuclear weapons around the globe.

Congress should insist that the Reagan administration carry out the longstanding bipartisan policy of ending all nuclear tests. That is why Senator MATHIAS and 33 other Senators are joining me today in a joint resolution calling for the resumption of negotiations for a comprehensive test ban, and the submission of the Threshold Test Ban and Peaceful Nuclear Explosion Treaties to the Senate for consent to ratification.

In abandoning the comprehensive test ban negotiations the Reagan administration is showing utter disdain for the contribution that arms control makes to U.S. national security and global peace. The achievement of a CTB would yield substantial benefits in terms of U.S. security and foreign policy goals. Not the least of these benefits would be to close off a destabilizing avenue of the United States-Soviet nuclear arms race that now continues unabated—the development of new nuclear warheads. Without testing, neither country could have confidence in new weapon designs. The effect would be to freeze at existing levels the nuclear warhead technologies deployed by both sides. Any new missiles or aircraft would have to carry warheads of already tested design.

It is important to recognize, in this connection, that a freeze on nuclear warhead technology would work to the advantage of the United States. Over the last 30 years we have conducted over twice the number of nuclear tests as has the Soviet Union. We have developed a diverse and sophisticated stockpile of nuclear devices. Our highly skilled and innovative nuclear scientists have continually expanded the frontiers of nuclear technology in such critical areas as miniaturization, safety and security, command and control, and special weapons effects. In short, the United States is second to none in nuclear weapon design—and a CTB would freeze that superiority.

If the Soviets are prepared to join us in a CTB—and it seems that they are—we must assume that they will have warheads they consider adequate for their present nuclear systems. But that would involve no small benefit for us, especially in areas—such as cruise missiles and submarines-launched missiles—where a high premium is placed on miniaturization and sophisticated technology and where we have already made major advances.

The contribution of a comprehensive test ban to U.S. security is not limited, however, to inhibiting Soviet force improvements. A CTB would also strengthen our hand in dealing with the greatest threat that America and the world will face for the remainder of this century and beyond—the spread of nuclear weapons to more and more countries.

Under the Nuclear Nonproliferation Treaty, the non-nuclear-weapons states agreed to forswear nuclear weapons, while the nuclear powers, for their part, agreed to pursue nuclear arms control measures, including a comprehensive test ban. If the Reagan administration is permitted to renege on that commitment, it will become much more difficult to maintain the NPT as an effective instrument of nonproliferation policy. Already several states have suggested the possibility of withdrawing from the treaty unless a CTB is concluded soon. As more nations threaten to acquire a nuclear capability it makes no sense for America to abdicate its responsibility and to jeopardize its political leverage and moral authority to stem proliferation.

The achievement of a CTBT, on the other hand, would give the Nonproliferation Treaty a new lease on life. It would increase the attractiveness of the NPT to those who have not yet joined. And in general, by showing that the nuclear powers are prepared to accept restraints on their own activities, it would put us in a stronger and more credible position to call on nonnuclear countries to further constrain their nuclear weapons development.

Moreover, the CTBT would be a powerful nonproliferation tool in its own right. By adhering to this treaty, and committing themselves not to carry out any tests, non-nuclear-weapon states would be renouncing a critical step in the process of acquiring a proven nuclear weapons capability. For states that refuse to join the NPT, a CTBT may be our best chance to persuade them to accept constraints on their ability to pursue a nuclear weapons option.

The situation in South Asia is a good example of how a CTB could advance our nonproliferation goals. While neither India nor Pakistan has adhered to the NPT, both have expressed support many times in the past for a nondiscriminatory comprehensive test ban treaty. We should not deny them the opportunity to join such a treaty, and thereby contribute to both their own security and the security of the world.

In abandoning the comprehensive test ban negotiations and seeking to renegotiate the Threshold Test Ban and Peaceful Nuclear Explosion Treaties, the Reagan administration has blocked progress toward comprehensive measures to halt the arms race. Under the Carter administration, a number of verification issues that previously seemed insurmountable were being resolved—and on terms proposed by the United States.

The Soviets had accepted a U.S. plan for conducting onsite inspections to help resolve questions regarding compliance. This was truly a historic achievement. Failure to reach agreement on the issue of onsite inspections was one of the main reasons it was not possible in 1963 to conclude a comprehensive, rather than a partial, ban.

In another major breakthrough on verification, the Soviets had accepted a U.S. proposal for deploying a network of sophisticated seismic monitoring stations on their territory. Such seismic facilities inside the Soviet Union, combined with our impressive existing national technical means of verification, would give us a very effective basis for verifying Soviet compliance with a CTB. Moreover, willingness to accept these stations on their territory represents a dramatic advance in Soviet attitudes toward verification, with significant implications for future arms control measures.

But the Reagan administration claims indifference to this progress. Rather than seizing it as an opportunity, it has used remaining technical obstacles as an excuse to cease negotiations altogether. Not only will the achievement of a total test ban be forsaken, but other arms control goals will suffer. A comprehensive test ban providing onsite inspection would pave the way toward a freeze on production and deployment of nuclear weapons.

By refusing to submit the TTB and PNE Treaties for Senate consent, the Reagan administration is purposefully complicating and delaying the achievement of arms control. These treaties contain important new provisions for verification, including dramatic precedents for onsite inspection and the use of data exchanges to calibrate the size of Soviet tests. In the absence of ratification, these provisions are not being implemented, and the goal of verification of Soviet activities is being undermined. It is ironic that the Reagan administration refuses to have arms control without progress on verification—and then refuses to implement significant breakthroughs that improve verification.

After having come so far in negotiations, abandonment of the comprehensive test ban will be taken by the citizens of this Nation and the rest of the

world as a clear signal that the Reagan administration is simply not willing to achieve a mutual halt to the ever-increasing danger and destructiveness of nuclear weapons.

The administration's previous public statements on arms control will be dismissed as empty rhetoric. Any attempts to persuade nonnuclear countries to accept further restraints on their own nuclear activities will be jeopardized. What might have been our best opportunity to involve India, Pakistan, and other key threshold states in meaningful nonproliferation arrangements will be dissipated.

The Reagan administration is foregoing the opportunity to freeze the development of new Soviet nuclear warheads and thereby place a significant constraint on overall Soviet nuclear force improvements. It is losing the positive, reinforcing effect that a CTB could have with respect to a comprehensive freeze on nuclear modernization. It is failing to capitalize on the substantial concessions made by the Soviets to date in the negotiations—several of which, especially on verification, break important new ground and will be of substantial value in the future.

In a more general sense, the Reagan administration is tarnishing America's image as a nation capable of exercising strong leadership in moving the world back from the nuclear abyss. Failure to act positively is weakening our claim to leadership by stripping us of the political leverage necessary to influence the actions of others.

In the late 1950's, when test ban negotiations were first held, we had an opportunity similar to what we could have today. It is worth contemplating the difference it might have made if we had concluded a CTBT then. It is unlikely, for example, that the high-yield MIRVed warheads that pose such a serious threat to U.S. security today could have been developed if nuclear testing had stopped two decades ago. It is also less likely that India would have conducted its nuclear explosions in 1974, that Pakistan would now be striving for a matching capability of its own, or that the overall proliferation risks would be nearly as serious as they are today. It is likely, in other words, that a CTBT two decades ago would have made today's world a safer place.

It is also worth asking ourselves what a difference it might make two decades hence if we fail to seize today's opportunity to achieve a CTB. What new breakthroughs in nuclear technology will jeopardize our security? Which additional countries will conduct nuclear tests and join the nuclear club? How much more dangerous a world will we live in than we live in today?

On July 26, 1963, the day after American test ban negotiators finished their work in Moscow, President Kennedy recalled the Chinese proverb that "a journey of a thousand miles must begin with a single step." He called on the American people to take that first step—by ratifying the Limited Test Ban Treaty—and they responded enthusiastically.

In the past two decades, we have witnessed slow but steady progress in this journey of a thousand miles. The question now is whether we in the U.S. Congress are prepared to let the Reagan administration take a step backward. It is in the hope that we are not ready to ignore the call of the citizens of the world and to undo the achievements of history that I offer this resolution today.

Mr. President, last year 12 distinguished leaders in the field of national security have indicated to me their endorsement and strong support for our joint resolution to prevent nuclear testing.

In a special statement issued jointly by W. Averell Harriman, former Under Secretary of State and U.S. Ambassador to the Soviet Union, Clark Clifford, former Secretary of Defense, and Paul Warnke, former Director of the U.S. Arms Control and Disarmament Agency, these three leading figures agree:

A comprehensive nuclear test ban would restrict the development of new nuclear weapons and help restrain the nuclear arms race; it would enhance our security; and it would set an example to the rest of the world that the nuclear powers are serious about controlling nuclear arms . . . Ratification of the Threshold Test Ban and Peaceful Nuclear Explosion Treaties would send a positive message and a message of seriousness as we proceed to solve the very difficult problems before us of controlling nuclear arms in the decade to come.

Mr. President, I ask unanimous consent that the full text of their joint statement be printed in the RECORD at the end of my statement.

In addition, former Secretary of State Cyrus R. Vance has conveyed his strong support:

I wholeheartedly endorse the joint resolution. Steps along these lines would promote our national security.

Former Secretary of Defense Robert S. McNamara states that:

I was disappointed that the Limited Test Ban Treaty of the Kennedy Administration was not followed immediately by a Comprehensive Test Ban Treaty. I am delighted that the Senate is considering this Resolution. I believed then, as I believe now, that a Comprehensive Test Ban is in our national security interest.

Former Director of the Arms Control and Disarmament Agency, William Foster, indicates that:

The Kennedy-Mathias Resolution is a step in the right direction.

Ralph Earle, former arms control negotiator and ACDA Director, expresses his support:

I endorse the Resolution because these treaties will substantially promote the national interest.

Glenn Seaborg, former Chairman of the Atomic Energy Commission states that:

A Comprehensive Test Ban Treaty would impede further qualitative improvements in the nuclear arsenals of the major powers, improvements that can lead to dangerously destabilizing new weapons systems.

Herbert York, former Chief Negotiator for the Comprehensive Test Ban Negotiations, advises me that:

I support the joint resolution as a step toward realizing an important national security objective. The verification element of these treaties will provide a very important precedent for future negotiations and relations.

Jeremy Stone, director of the Federation of American Scientists, indicated the strong support of the federation for the Kennedy-Mathias resolution:

The decision of the Administration not even to continue to discuss the matter with the Soviet Union reveals attitudes nothing short of contempt of arms control. The Administration's related decision to reopen negotiations and ask for more inspection, on two already negotiated test ban treaties only adds, for arms controllers, injury to insult . . . Accordingly, we could not agree more with your resolution.

In addition to these endorsements, I am pleased to report that Gerard Smith, former Director of the Arms Control and Disarmament Agency and SALT negotiator has also endorsed the Kennedy-Mathias resolution.

I hope that the Senate will give serious consideration to these statements of support for our joint resolution. The endorsement of these experienced leaders in the field of arms control and national security reflects the strong support that a comprehensive test ban has received for the past two decades.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT BY W. AVERELL HARRIMAN, CLARK CLIFFORD, AND PAUL WARNKE IN SUPPORT OF THE KENNEDY-MATHIAS RESOLUTION TO PREVENT NUCLEAR TESTING

We strongly support the Joint Resolution to Prevent Nuclear Testing.

The goal of a comprehensive nuclear test ban must be a priority for the security of our nation and all nations.

A comprehensive nuclear test ban would restrict the development of new nuclear weapons and help restrain the nuclear arms race; it would enhance our security; and it would set an example to the rest of the world that the nuclear powers are serious about controlling nuclear arms. This example is becoming more important with every day as there are many nations with the potential to develop nuclear weapons.

Ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties would send a positive message and a message of seriousness as we proceed to solve the very difficult problems before us of controlling nuclear arms in the decade to come. Negotiated by Republicans, signed by Re-

publicans, supported by Republicans and Democrats, these treaties—ratified—can help reestablish the momentum of arms control as well as maintain the bipartisan consensus for a balanced prudent national security program of arms and arms control.

These treaties were negotiated and signed more than half a decade ago by two Presidents. It is in our interest to demonstrate to others, particularly the Soviets, that agreements signed will be agreements ratified, and therefore agreements kept, letter and spirit. If we discard agreements reached in good faith, we set a precedent that a new generation of Soviet leaders could use to their advantage, citing our example.

Today, with nearly 50,000 nuclear weapons deployed, the threat of nuclear war overshadows every other threat we face. Today, American leadership is needed more than ever—for our Allies in Europe who want arms control as well as arms, and for nations around the globe who will decide in the decade ahead to fashion a future with or without nuclear arms. Many nations look to America for security, and they look to us for peace. In this nuclear age, if we fail to deliver either, we will fail both.

Nearly nineteen years ago, Senator Everett Dirksen told his colleagues in the Senate: "One of my age thinks about his destiny a little. I should not like to have written on my tombstone, 'He knew what happened at Hiroshima, but he did not take a first step.'" That first step to limit nuclear tests was taken. The Senate ratified the Limited Nuclear Test Ban of 1963, and the United States was joined thereafter by more than one hundred nations. It is urgent that we now take another step toward banning the testing of nuclear arms for all time.

TOWARD A COMPREHENSIVE TEST BAN

Mr. MATHIAS. Mr. President, I am pleased to join with the senior Senator from Massachusetts and 34 of our colleagues in introducing a joint resolution to prevent nuclear testing. This resolution calls on the President to request the Senate to ratify the Threshold Test Ban (TTB) and Peaceful Nuclear Explosions (PNE) Treaties, which have gathered dust in this body since 1974 and 1976, respectively. Our resolution additionally calls on the President to resume trilateral negotiations toward conclusion of a verifiable Comprehensive Test Ban Treaty.

In the 97th Congress we introduced this measure with a sense of urgency. Our relations with the Soviet Union were at a low level; the President had decided to go back to the Soviet Union and ask for a more rigorous verification regime with respect to the TTB and PNE Treaties. The administration had also decided not to renew negotiations—suspended under the Carter administration—on a Comprehensive Test Ban Treaty.

The urgency with which I approached these matters in the last Congress has been transformed into the conviction that any further delay could be damaging to the reputation of the Nation as well as to our security interests. The administration has not produced any convincing evidence that ratification of these treaties, as they have suggested must await technical modification. The problem instead appears to be one of political will. Ratification of the TTBT and PNET would be an important confidence-building measure, providing possible new levels of cooperation between the United States and the Soviet Union.

In fact, swift congressional adoption of this resolution might have a beneficial effect on our relations with our European allies and the nuclear arms reduction talks now underway in Geneva. This time, there must be no delay.

The peoples of the world look to the United States for leadership in the field of arms control. We must not fail them or ourselves. We must demonstrate our determination to reduce the risk of nuclear war. There is no more immediate way to do that than by ratifying the TTBT and PNET and by renewing negotiations on a comprehensive test ban treaty.

● Mr. STAFFORD. Mr. President, I am pleased once again to join with a group of colleagues who share my concern over the hazards of life in this age of nuclear weapons.

It has been more than a third of a century since the inhabitants of this planet released a terrible nuclear cloud that has cast its long and dark shadows across the land.

Still the nuclear arms race continues—an arms race that is destructive of our domestic policy as well as of our foreign policy.

It does not serve the cause of peace and it contributes to our domestic unease.

It is, in short, insane.

We must, then, renew our efforts to reverse this nuclear arms pattern.

First it was the United States that had the capability to produce a nuclear bomb.

Then the Soviet Union made it two nations with the capability to blow up the world and to destroy its inhabitants.

Today there are a dozen nations that either have the bomb or know-how to produce one.

More than that, there are probably two dozen privately owned corporations around the world that have the resources and the technology to make nuclear weapons.

The estimate is that by the end of this century, two dozen, or perhaps even three dozen, countries will have nuclear weapons.

And, all of them will be testing those weapons to make sure they work.

On the average, one nuclear explosion occurs somewhere in the world each week.

The explosions these days are produced by the United States, Great Britain, the Soviet Union, France, and China—all to test yet another nuclear weapon.

More than 1,300 such tests have been conducted since the destruction of Hiroshima and Nagasaki, despite more than a quarter century of international efforts to stop the tests.

China is the only country that continues to test nuclear weapons in the atmosphere, with all the terrible consequences of such releases of radiation.

But, underground nuclear explosions are also responsible for the release of vast amounts of radioactivity into the environment—either through seepage into the water table or the ocean, or through venting into the atmosphere.

The United States has admitted to 40 cases of accidental venting at the Nevada Test Site since 1963. Test-site workers have been exposed to radiation, as have area residents who live downwind of the Nevada test site.

Our Canadian friends have complained that they have been able to detect some radioactivity from out tests. We apparently are exporting more than acid rain to Canada.

Authorities have recently announced that the waters are too contaminated with radioactivity for swimming around the French nuclear test site at the Mururoa Atoll in French Polynesia.

It has also been reported that hundreds of Tahitians are treated in New Zealand hospitals each year for cancer and blood diseases that may be linked to the French tests at Mururoa.

In China, visiting diplomats have been told that peaches that are grown on the edge of the Tarim Basin, where the Lop Nor test site is located, have developed patches of skin that are like rubber.

It is probably safe to assume that nations like China do not take the same precautions taken in the United States to control the release of dangerous radioactivity from these tests.

Thus, it is not simply the threat of nuclear damage inflicted upon one people by another in anger that is our only hazard from all of this nuclear madness.

We are doing damage to ourselves and to each other as a byproduct of our nuclear weapons' experimentations.

The United States, the Soviet Union, and Great Britain have been negotiating since 1977 on an agreement designated to ban all testing of nuclear weapons.

These three countries have already banned nuclear tests above ground, under water, and in outer space. That ban was accomplished by a 1963 agreement that has also been signed by an additional 120 nations.

A comprehensive test ban—one that also included a ban against underground testing—thus would end the extensive testing programs that have enabled the arms race to continue unimpeded.

While 12 rounds of negotiations have taken place in Geneva, Switzerland, the final push to conclude a comprehensive test ban treaty was postponed until the conclusion of the SALT II Treaty debate.

With SALT II in domestic and international political limbo since 1975, a comprehensive test ban treaty is similarly in a suspended state—and the nuclear insanity continues.

There have been recently a few signs of hope—hope that the United States and the Soviet Union may resume serious talks aimed at ending this arms race.

I am proud that Vermonters—sending the message around the world from town meetings around our State last year—have played a not-insignificant role in the renewal of our national concern over this issue.

But, the atomic clock is moving closer to midnight and we must accelerate our efforts on all fronts.

Even if we are unable to resume fruitful negotiations regarding nuclear arms limitations, we should take immediate steps to reopen negotiations aimed at reaching agreement on a comprehensive test ban.

There would be many advantages to our Nation from this course of action, and I would like to discuss some of them with you.

The signing of a comprehensive test ban would provide new momentum for arms control negotiations. The successful conclusion of negotiations over testing would surely give a big boost to efforts to control the nuclear arms race.

The end of testing would restrict new generations of nuclear weapons for both the United States and Russia. It would reduce tension since so much of the fear is the fear of the unknown—the fear of what the other nation is doing.

A test ban would help our efforts to stop the proliferation of nuclear weapons because it would inhibit new membership in the Nuclear Club.

An end to testing would surely reduce nuclear pollution. It would end not only the new radioactive releases that follow the tests, but it would also mean an end to the growth of the substantial amounts of nuclear waste materials that are created by these tests.

Any treaty drawn up to accomplish a comprehensive test ban would surely provide us all with verification precedents that would be useful in negotiations dealing with arms control. And, of course, verification is an absolute essential in all such agreements.

To those who argue that China and France would continue to refuse to join in efforts to end nuclear weapons test, the reply must be that each of those nations would surely feel increased world pressure to join with the United States, Russia, and Great Britain in the quest for world stability.

And, of course, no matter what other nations do, achievement of a comprehensive test ban agreement among the three nations involved would improve the prospects for an agreement to slow down, or even to halt, our mad arms race.●

By Mr. HART:

S.J. Res. 30. A joint resolution to promote extension of the Japanese Auto Restraint Agreement; to the Committee on Finance.

JAPANESE AUTO RESTRAINT AGREEMENT

● Mr. HART. Mr. President, Ambassador William Brock departs for Japan this Saturday to discuss the extension of the voluntary restraint agreement on the export of Japanese automobiles to the United States. He deserves the full support of the Congress and the American people.

The resolution that I am introducing today calls for a 2-year extension of the voluntary restraint agreement. It also calls for a change in the nature of the agreement. In the future, the number of cars exported under the voluntary restraint agreement should be adjusted downward to reflect any decline in total sales in the American market.

The extension of the voluntary restraint agreement is the first step in a series of initiatives that are needed to put the automobile industry back on its feet. If there is a genuine economic recovery, a voluntary restraint agreement will give the industry time to retrain its workers, modernize its equipment, and recapture a substantial share of the American market. To make the most of the time offered by an extension of the voluntary agreement we need to move aggressively to see that the funds for retraining and modernization are available to the industry.

Mr. President, the American automobile industry has been suffering through depression-like conditions. Auto sales have slumped disastrously and more than a quarter of a million auto workers have been layed off. The weak condition of the American auto industry has rippled through the steel, glass, plastic, rubber and a number of related industries to leave hundreds of thousands of other Americans out of work.

Imports are not the industries only problem—but they have certainly made a bad situation worse. The existing voluntary restraint agreement on Japanese auto imports has provided the same relief to the industry but has not forded the Japanese producers to share in the overall decline in American market.

The initial agreement limited Japanese exports to 1.68 million units. At the time, the administration was forecasting a strong economic recovery and a steady increase in overall auto sales. Instead, there has been a sharp decline in overall auto sales and a steady increase in the Japanese share of the American market. Sales of Japanese cars have grown from 16.5 percent of the market in the 1978–80 period to 22.6 percent in 1982.

Under the proposal contained in my resolution, the auto industry would be given a 2-year period to return to health. If the recovery is delayed, the Japanese would be asked to share in the overall decline in American auto sales.●

By Mr. THURMOND:

S.J. Res. 31. A joint resolution to authorize and request the President to designate April 23, 1983, as "Army Reserve Day"; to the Committee on the Judiciary.

ARMY RESERVE DAY

Mr. THURMOND. Mr. President, I have the distinct pleasure today to introduce a joint resolution that would authorize and request the President to designate April 23, 1983, as Army Reserve Day.

Officially established on April 23, 1908, 75 years ago, the U.S. Army Reserve traces its roots to the proud tradition of the citizen-soldier of the American Revolution.

Created as the Medical Reserve Corps, the Army Reserve has grown to become the largest Federal Reserve component in the Armed Forces of the United States. Its 938,600 members belong to troop units, the Individual Ready Reserve, the Standby Reserve, and the Retired Reserve that still has a military obligation.

Since 1908, Army reservists have been called to active duty in national emergencies. Sixteen thousand reservists served in World War I. In World War II, 26 of the 82 Army divisions fighting in the European and Pacific Theaters were mobilized from the Army Reserve.

Army reservists called to serve in the Korean war earned 6 of the 27 Medals of Honor and one-quarter of the other top combat decorations awarded. Reservists were also mobilized during the Berlin crisis in 1961 and again during the Vietnam war.

Furthermore, Mr. President, the Army Reserve is an integral element of the total Army, providing over 30 percent of the Army's tactical support unit requirements and over 25 percent of the general support units, as well as significant combat units. Army reservists, like the citizen-soldiers of earlier times, stand ready to respond to their country's call. Therefore, I feel that it is only fitting that we answer their sacrifices and their dedication with our support and our gratitude.

Mr. President, I ask unanimous consent that a copy of the joint resolution be included in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 31

Whereas April 23, 1983, will mark the seventy-fifth anniversary of the establishment of the United States Army Reserve;

Whereas the United States Army Reserve has made many valuable contributions to the defense of the United States during the seventy-five years since it was established;

Whereas the members and former members of the United States Army Reserve have displayed courage and personal sacrifice in serving in the United States Army Reserve during those seventy-five years; and

Whereas the Nation relies on the readiness of the 938,600 members currently serving in the United States Army Reserve to defend the United States if the need arises: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 23, 1983, as "Army Reserve Day", and calling upon all Federal, State, and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

By Mr. SYMMS (for himself and Mr. DECONCINI):

S.J. Res. 32. Joint resolution to provide for the designation of May 1983, as "National Arthritis Month"; to the Committee on the Judiciary.

NATIONAL ARTHRITIS MONTH

● Mr. SYMMS. Mr. President, I am today introducing a joint resolution in the U.S. Senate to authorize the President to designate the month of May 1983, as "National Arthritis Month."

Arthritis, the oldest known chronic disease, is still the Nation's greatest crippler. This disease and related rheumatic disorders afflict more than 35 million people in the United States, and is exceeded only by cardiopulmonary disease as the most common chronic illness in the Nation.

Clearly, the American people need to be made more aware of the physical and economic effects of this most disabling disease. The designation of next May as "National Arthritis Month" is in keeping with actions taken by past Presidents to focus attention on the seriousness of arthritis.

I urge my colleagues in the Senate to join me and Senator DECONCINI as cosponsors of this joint resolution.●

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. DOLE, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1954 to decrease the holding period for long-term capital gain treatment from 1 year to 6 months.

S. 16

At the request of Mr. DOLE, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 16, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts.

S. 17

At the request of Mr. DOLE, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 17, a bill to expand and improve the domestic commodity distribution program.

S. 19

At the request of Mr. DOLE, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 21

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 21, a bill to redesignate the Department of Commerce as the Department of Trade and Commerce to consolidate all functions relating to international trade in the Department of Trade and Commerce; and for other purposes.

S. 45

At the request of Mr. SYMMS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 45, a bill to amend title 18, chapter 44, United States Code, to provide clarification of limitations on controls of the interstate movement of firearms, and to prohibit the use of Federal funds to political subdivisions which implement certain gun control ordinances.

S. 49

At the request of Mr. STEVENS, the names of the Senator from North Dakota (Mr. BURDICK), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 49, a bill to reopen hunting and trapping lands in Alaska.

S. 62

At the request of Mr. SASSER, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Virginia (Mr. WARNER), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 62, a bill to provide for the issuance of a commemorative stamp to honor the dedication of the Vietnam Veterans Memorial.

S. 70

At the request of Mr. LONG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 70, a bill to delete the provisions of the Internal Revenue Code of 1954 which treat Members of Congress separately with respect to living expense deductions.

S. 98

At the request of Mr. BOSCHWITZ, the names of the Senator from Wyoming (Mr. SIMPSON), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of S. 98, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of enterprise zones.

S. 102

At the request of Mr. PELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 102, a bill to require the Administrator of General Services to notify States of the availability of surplus real property and to convey at reduced cost certain surplus real property for public park or public recreational use to State and local governments.

S. 103

At the request of Mr. BOREN, the names of the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 103, a bill to amend the Highway Revenue Act of 1982 to repeal the increase in the highway use tax.

S. 120

At the request of Mr. DOLE, the names of the Senator from Utah (Mr. GARN), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 137

At the request of Mr. ROTH, the name of the Senator for Virginia (Mr. WARNER) was added as a cosponsor of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 222

At the request of Mr. KASTEN, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 222, a bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends.

S. 248

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 248, a bill to provide merit scholarships for students who are preparing to become elementary and secondary school teachers in mathematics and science, to provide experienced teacher awards to teachers of mathematics and science, to provide a block grant for the improvement of mathematics and science education in elementary and secondary schools of the States, and to establish State Commissions on Excellence in Mathematics and Science, and for other purposes.

S. 271

At the request of Mr. McCLURE, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 271, a bill to amend the National Trails Systems Act by designating additional national scenic and historic trails, and for other purposes.

S. 272

At the request of Mr. PRESSLER, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 272, a bill to improve small business access to Federal procurement information.

At the request of Mr. MATTINGLY, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 272, supra.

At the request of Mr. PRESSLER, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 272, supra.

S. 273

At the request of Mr. WEICKER, the names of the Senator from Alabama (Mr. DENTON), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 273, a bill to amend section 8(a)(1) of the Small Business Act.

S. 275

At the request of Mr. TOWER, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 275, a bill to provide an increase in the compensation of certain pay grades of the uniformed services in order to provide a minimal offset against inflation.

S. 312

At the request of Mr. DENTON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 312, a bill to change the name of the Talladega National Forest in Alabama to the "Bear Bryant National Forest."

S. 343

At the request of Mr. BOSCHWITZ, the names of the Senator from Idaho (Mr. McCLURE) and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of S. 343, a bill to amend the Internal Revenue Code of 1954 to reduce the Heavy Vehicle Use Tax.

S. 371

At the request of Mr. SASSER, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 371, a bill to amend the Internal Revenue Code of 1954 to provide for a credit against tax with respect to the employment of certain unemployed individuals.

SENATE JOINT RESOLUTION 3

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 16

At the request of Mr. D'AMATO, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Ohio (Mr. GLENN), the Senator from Maryland (Mr. SARBANES), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Joint Resolution 16, a bill to provide for the designation of the 65th anniversary of the renewal of Lithuanian independence, February 16, 1983, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 18

At the request of Mr. JEPSEN, the names of the Senator from Michigan (Mr. RIEGLE), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from New York (Mr. D'AMATO), the Senator from Montana (Mr. BAUCUS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. EAST), the Senator from Montana (Mr. MELCHER), the Senator from Illinois (Mr. DIXON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Mississippi (Mr. STENNIS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Arizona (Mr. DeCONCINI), the Senator from Alaska (Mr. STEVENS), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of Senate Joint Resolution 18, a joint resolution designating September 22, 1983, as "American Business Women's Day."

SENATE JOINT RESOLUTION 19

At the request of Mr. INOUYE, the name of the Senator from Utah (Mr. HATCH), was added as a cosponsor of Senate Joint Resolution 19, a joint resolution to authorize and request the President to designate the period August 26, 1983, through August 30, 1983, as "National Psychology Days."

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. SASSER, the names of the Senator from Illinois (Mr. DIXON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing the sense of the Congress that the Railroad Retirement Board and representatives of railroad employees and carriers should explore new methods of financing the railroad retirement program.

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. BOSCHWITZ, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. DeCONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Ohio (Mr. GLENN), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. HEINZ), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Mr. MITCHELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Hampshire (Mr. RUDMAN), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution expressing the sense of the Congress that the Federal Government should maintain current efforts in Federal nutrition programs to prevent increases in domestic hunger.

SENATE RESOLUTION 43

At the request of Mr. PRESSLER, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Resolution 43, a resolution expressing the sense of the Senate that the President of the United States invite the Soviet Union to negotiate a verifiable ban on antisatellite weapons as a first step toward prohibiting all space-based and space-directed weapons.

SENATE RESOLUTION 46—PROCLAIMING "NATIONAL CIRCLE K WEEK"

Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BAKER, Mr. BOREN, Mr. BUMPERS, Mr. COCHRAN, Mr. D'AMATO, Mr. DURENBERGER, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HEFLIN, Mr. HOLLINGS, Mr. MATTINGLY, Mr. MELCHER, Mr. NUNN, Mr. PRYOR, Mr. RANDOLPH, Mr. SASSER, Mr. STENNIS, Mr. STAFFORD, Mr. TOWER, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 46

Whereas Circle K International is an organization of college students sponsored by Kiwanis International that provides a means for responsible community action by students;

Whereas Circle K International emphasizes the advantages of the democratic way of life and provides the opportunity for leadership training in service;

Whereas Circle K International encourages the adoption and the application of high social, business, and professional standards;

Whereas Circle K International promotes the creation and maintenance of righteousness, justice, patriotism, and good will; and

Whereas the members of Circle K International are presently involved in service projects to help the elderly, teenagers, and the handicapped in need of support under the theme, "Together For Tomorrow"; Now, therefore, be it

Resolved, That it is the sense of the Senate that the week of February 6, 1983, through February 13, 1983, be proclaimed as "National Circle K Week".

● Mr. DOLE. Mr. President, the Senator from Kansas is today submitting a resolution to proclaim the week of February 6 through February 13, 1983, "National Circle K Week."

Circle K began as a university fraternity in 1936 with the sponsorship of the Pullman, Wash., Kiwanis Club. The organization became international in 1955, under the sponsorship of Kiwanis International. Today, with

more than 14,000 members of nearly 800 clubs in six countries, it is the world's largest collegiate service organization and still growing.

For nearly half a century, Circle K has given college students an opportunity to help those in need, and renders a valuable service to our society. The goals of these young people are admirable, and their actions are commendable. Whether working on behalf of older Americans, teenagers, or handicapped citizens in need of assistance, this organization has its heart and soul in the right place—wherever help is needed.

Mr. President, the Senator from Kansas introduced similar resolutions last year and the year before, which gained the approval of this body. It is my hope that my colleagues will again join in this worthy effort, and proclaim the week of February 6, "National Circle K Week."●

SENATE RESOLUTION 47—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. DOLE, from the Committee on Finance, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 47

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1983, through February 29, 1984, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,269,000, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1984.

(d) Expenses of the committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 48—RESOLUTION TO REFER THE BILL S. 413 TO THE COURT OF CLAIMS

Mr. JACKSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 48

Resolved, That S. 413, entitled "A Bill for the Relief of James P. Purvis," now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Claims Court, and the Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509, title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusion thereof as shall be sufficient to inform the Congress of the nature and character of the demand of the claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to James P. Purvis.

SENATE RESOLUTION 49—DISAPPROVING A DEFERRAL RELATING TO ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Mr. HOLLINGS (for himself, Mr. BUMPERS, Mr. HUDDLESTON, Mr. SASSER, Mr. DODD, Mr. RIEGLE, Mr. HATFIELD, Mr. PRYOR, Mr. KENNEDY, Mr. HEINZ, Mr. RANDOLPH, Mr. WEICKER, Mr. BYRD, Mr. LEVIN, Mr. METZENBAUM, Mr. JOHNSTON, Mr. RUDMAN, Mr. PERCY, Mr. BURDICK, Mr. STENNIS, Mr. BRADLEY, Mr. D'AMATO, Mr. DIXON, Mr. EAGLETON, Mr. MITCHELL, Mr. SPECTER, Mr. DECONCINI, Mr. INOUYE, and Mr. HEFLIN) submitted the following resolution; which was referred, jointly, to the Committee on Appropriations, and the Committee on the Budget, pursuant to the order of January 30, 1975:

S. RES. 49

Resolved, That the Congress disapproves the proposed deferral D83-43 relating to the Economic Development Administration, "Economic Development Assistance Programs" as set forth in the message of February 1, 1983, which was transmitted to the Congress by the President. This disapproval shall be effective upon approval of this resolution and the amount of the proposed deferral disapproved herein shall be made available for obligation.

Mr. HOLLINGS. Mr. President, on February 1, President Reagan transmitted a deferral of $181,900,000 of the $198,900,000 available in fiscal 1983 for the economic development assistance programs of the Economic Development Administration. This is completely contrary to the agreements reached during the enactment of the first concurrent budget resolution for fiscal 1983 whereby the administration indicated it would abide by the assumptions used in developing the final form of the resolution. Funding for EDA was assumed in the resolution and the administration's action betrays those agreements.

The administration is proposing deferral of the EDA funds in hopes that they will be transferred to the Small Business Administration to meet the huge demands by banks for pay-offs of defaulted guaranteed business loans. This unprecedented rate of business failures is obviously a product of the administration's inadequate economic program. Long before the election, SBA has notified the White House that the banks were calling the guarantees as the small businesses became deliquent on their payments. The administration put its head in the sand until the elections were over.

However, it is unnecessary to gut EDA—one of the few job-producing programs available in a time of record unemployment—to take care of SBA's problem. There is a $536,000,000 unobligated balance forecast for SBA's disaster loan fund that could be utilized to cover defaults in the guaranteed loans. In fact, the use of the disaster funds would be quite appropriate in view of the administration's disastrous economic policies.

For the Senators that represent States visited by the recent disasters, let me assure them that sufficient funds would still be available. SBA is now projecting a $440,000,000 program for 1983, which still appears ample. They could cover the defaulted business loans and still have enough to almost double the disaster assistance presently projected for 1983.

The proposed deferral is thus both unwise and unnecessary, and I send to the desk a resolution disapproving the deferral on behalf of myself and Mr. BUMPERS, Mr. HUDDLESTON, Mr. SASSER, Mr. DODD, Mr. RIEGLE, Mr. HATFIELD, Mr. PRYOR, Mr. KENNEDY, Mr. HEINZ, Mr. RANDOLPH, Mr. WEICKER, Mr. BYRD, Mr. LEVIN, Mr. METZENBAUM, Mr. JOHNSTON, Mr. RUDMAN, Mr. PERCY, Mr. BURDICK, Mr. STENNIS, Mr. BRADLEY, Mr. D'AMATO, Mr. DIXON, Mr. EAGLETON, Mr. MITCHELL, Mr. SPECTER, Mr. DECONCINI, Mr. INOUYE, and Mr. HEFLIN.

SENATE RESOLUTION 50—EXPRESSING THE SENSE OF THE SENATE RELATING TO CUTS IN EDUCATION PROGRAMS

Mr. BRADLEY submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 50

Whereas the Administration has proposed over $300 million in rescissions in education programs in 1983;

Whereas the Administration has proposed a 15 percent reduction in real terms in elementary and secondary education programs and an 8 percent reduction in real terms in higher education programs in 1984;

Whereas the Administration has proposed a 10 percent reduction in 1984 in child nutrition programs by delaying cost of living adjustments in the school lunch program and consolidating other school feeding programs;

Whereas all education programs have been cut back significantly since 1981;

Whereas last year the Congress voted to override the President's veto to provide additional funds for high priority education programs; and

Whereas the Nation needs a more educated work force to meet the increasing job demands of the 1980's:

Resolved, That it is the sense of the Senate that—

(1) the Congress rejects the proposals of the President for further reductions in education programs, and

(2) the Congress should provide sufficient resources for education programs to ensure that this Nation will continue in a leadership position in the world.

Mr. BRADLEY. Mr. President, today I am submitting a sense of the Senate resolution to bar any further cuts in education programs. In real terms, the President has proposed $2 billion in education cuts for fiscal year 1984. These amount to a 15-percent reduction in elementary and secondary education programs, a reduction of almost 10 percent in child nutrition programs in schools, and an 8-percent reduction in higher education programs.

These programs have been cut back too deeply already. Further reductions are unconscionable.

Mr. President, in 1980 we spent over $7.2 billion for elementary and secondary education programs. Yet, the President proposes to spend only $6 billion in fiscal year 1984 and to freeze education spending at this lower level for the next 5 years. Make no mistake about it. These proposals represent a clear and fundamental shift in Federal priorities—a shift that I cannot and will not support.

The schools in New Jersey and many other States are in a serious fiscal crisis. Reductions in government assistance are hurting our capacity to adequately educate our youth. This is not the time to cut Federal vocational education funding by 35 percent. Or to cut compensatory education programs by over $100 million. Or to eliminate impact aid payments to hard-hit school districts across the country, including 42 in New Jersey. These programs need additional support, not less. And we need to develop new programs—funded adequately—to give students the skills they will need to meet increasing job demands in the future.

Mr. President, further cuts in child nutrition also are absolutely out of the question. The school lunch program was cut back by $1 billion in 1981. Nationally, this resulted in a reduction of over 3 million students in the program. In New Jersey alone, almost 100,000 fewer students are participating and about 120 schools have dropped out of the program already.

Finally, Mr. President, we all know that Federal aid for higher education is as good as any investment we can make to keep our leadership position in the world. In 1981, we provided nearly $7 billion in aid to higher education, primarily for student assistance programs. But since then, we have pared these programs to the bone and now the President has proposed only $6.2 billion for 1984. We have seen 1 million students cut out of the guaranteed student loan program. In New Jersey, there has been a 35-percent drop in loan volume. The Pell grant program has also been reduced sharply by several hundred thousand students and grant awards have been cut.

Enough is enough. These valuable programs should not be cut back any further.

Mr. President, I believe the 98th Congress should significantly increase aid for present education programs and develop new ones to address the needs of our students and our schools. The first step—and it is just a first step—is to reject the President's proposal. That is the purpose of the resolution that I am submitting today. I urge my colleagues to join me in this effort.

SENATE RESOLUTION 51—RESOLUTION TO REQUIRE SENATORS TO VOTE FROM THEIR DESKS

Mr. RANDOLPH submitted the following resolution which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved, That rule XII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"(5) When yeas and nays are ordered on the floor, each Senator shall vote from the assigned desk of the Senator.".

SENATE RESOLUTION 52—RELATING TO FEES ON IMPORTED AND DOMESTIC OIL

Mr. CHAFEE (for himself, Mr. MITCHELL, Mr. STAFFORD, Mr. PELL, Mr. COHEN, Mr. MATSUNAGA, Mr. INOUYE, Mr. TSONGAS, Mr. LEAHY, and Mr. RUDMAN) submitted the following resolution: which was referred to the Committee on Finance:

S. RES. 52

Whereas a fee on imported or domestic crude oil or refined petroleum products would have a highly inflationary, direct effect on the United States economy and would have an adverse impact throughout the United States;

Whereas each dollar of such a fee would increase consumer petroleum costs in the United States by approximately $25,000,000,000 per year;

Whereas such a fee would also have widespread indirect inflationary effects by raising the cost of all consumer goods;

Whereas the adverse inflationary effects of such a fee would far outweight the increase in Federal revenues: Now, therefore, be it

Resolved, That it is the sense of the Senate that neither the President nor the Congress should impose any fees on any domestic or imported crude oil or refined petroleum products.

● Mr. CHAFEE. Mr. President, today I am introducing a resolution with several of my colleagues opposing fees on domestic or foreign crude oil and refined petroleum products. As we have recently learned, the administration is proposing a $5 a barrel "standby" fee on domestic and imported oil in 1985 should Federal spending increase by more than 2.5 percent of the gross national product.

This proposed standby fee would have a major inflationary impact on the Nation and would severely penalize areas of the country such as New England that are oil dependent. Although the President in his budget message does not mention what his proposal would mean to consumers, I have estimated, using current crude oil refining figures, that the proposed fee could cost consumers upward of $25 billion per year. New Englanders could see an increase in home heating oil by about 12 cents a gallon and motorists could be paying another 10 to 15 cents a gallon on top of the nickel-a-gallon increase scheduled to go into effect this April. Electric utility costs could increase as much as $100 a month in some areas. Not only could the price of all petroleum products rise between 10 percent and 15 percent, but recovery for the already hard-pressed automobile, agricultural, and housing industries would be stifled. Just when we are seeing a glimmer of hope for economic recovery on the horizon this fee would perpetuate our dismal unemployment situation.

Mr. President, I believe all of us should work to find ways to increase Federal revenues to reduce the deficit but I believe this is a highly inefficient and regressive approach. It is important to keep in mind that everyone will be bearing the burden of this fee. Churches, schools, nursing homes, businesses, hospitals, country clubs—all will be taxed the same. Consequently, those that can least afford it—the poor, the elderly, and the unemployed—will be paying the same amount as those in a better financial position. The impact is especially severe in New England, where 80 percent of our region's energy needs are met by oil. We would thus pay a disproportionate amount of this tax. When compared with the rest of the Nation, the residents of our region would be treated unfairly and our businesses' ability to compete in other

parts of the United States and abroad would be impaired.

Mr. President, as we continue our deliberations on the Administration's budget package, I hope more of my colleagues will join me in rejecting efforts to increase Federal revenues through the imposition of a fee on domestic and imported oil.●

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, on January 27 I announced that hearings on agricultural export trade issues have been scheduled by the Committee on Agriculture, Nutrition, and Forestry for February 17, 1983, beginning at 10 a.m., in room SR 328-A, Russell Building.

A number of bills relating to agricultural export trade have already been introduced and referred to the Committee on Agriculture, Nutrition, and Forestry. These include S. 14 introduced by Senator COCHRAN, S. 18 introduced by Senator DOLE, S. 77 introduced by Senator MATTINGLY, S. 100 introduced by Senator BOSCHWITZ, S. 124 introduced by Senator ZORINSKY, and S. 251 introduced by myself. Other bills may also be introduced. At the hearings on February 17 the committee will receive testimony on the problems in the agricultural export trade area and all of the trade-related bills which have been referred to the committee.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of J. J. Simmons III, of Oklahoma, to be Under Secretary of the Interior. The hearing will be held on Monday, February 14, beginning at 11 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-360, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. Gary Ellsworth of the committee staff at 202-224-7146.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider S. 96, a bill to establish the Lee Metcalf Wilderness in the State of Montana, and for other purposes. The hearing will be held on Thursday, February 17, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee of Public Lands and Reserved Water, room SD-360, Washington, D.C. 20510. In accordance with the rules of the committee, witnesses should have 30 copies of their testimony available on the day of the hearing. Witnesses may be arranged in panels and are requested to limit their oral testimony to 5 minutes.

For further information regarding this hearing, you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 202-224-5161.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold hearings on the President's fiscal year 1984 budget submission on February 4, 1983, at 10 a.m. and 2 p.m. in room 608 of the Senate Dirksen Office Building.

Witnesses for the 10 a.m. hearing will be the Honorable Jonathan Howes, mayor, Winston-Salem, N.C., board of directors, National League of Cities and the Honorable Robert Honts, commissioner, Travis County, Tex., chairman, tax and finance committee, National Association of Counties.

Witnesses for the 2 p.m. hearing will be Dr. Carl Schramm, director, Center for Hospital Finance and Management, Johns Hopkins University; Mr. Edwin C. Hustead, F.S.A., director, Acturial Consulting Services, the Hay Group; Dr. Sylvester J. Schieber, research director, Employee Benefits Research Institute; and Dr. Jack A. Meyer, resident fellow and director, Center for Health Policy Research, American Enterprise Institute.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

ADDITIONAL STATEMENTS

NATIONAL SCHOOL GUIDANCE AND COUNSELING WEEK

● Mr. STAFFORD. Mr. President, having been a strong believer in guidance and counseling, I want to alert my colleagues to the following information:

National School Guidance and Counseling Week, sponsored by the American School Counselors Association, will be celebrated February 7-11, 1983. This observance is head each year to call public attention to the important work which school counselors are doing with our Nation's children, adolescents, and adults with respect to their personal, social, educational, and career development.

The American School Counselor Association and its parent organization, the American Personnel and Guidance Association estimate that more than 67,000 professional counselors are working with our Nation's teachers and other educational personnel. They perform important roles in assisting our youth and adults and it is fitting during this observance that we take time to recognize their efforts on behalf of our citizenry. Professional counselors, operating from a base of school guidance programs, are an integral part of the Nation's educational process.

As the 1983 National School Guidance and Counseling Week theme states—"Counseling Is Caring." Let us encourage students, parents, and the public in general to learn more about these useful and vital services and thank these professional educators for their dedication and hard work. Thanks should also go to ASCA and APGA for providing programs and services which are designed to improve the competencies and skills of counselors across our Nation.●

U.S. POULTRY AND EGG INDUSTRY NEEDS ACTION AGAINST FOREIGN EXPORT SUBSIDIES

● Mr. HELMS. Mr. President, American poultry and egg producers cannot afford to lose world markets due to unfair export subsidies by other nations, but that is precisely what is happening. The nations of the European Community, along with Brazil, are spending millions of dollars to subsidize their poultry exports, which means unfair competition for the U.S. industry.

According to a recent publication from the Foreign Agricultural Service of USDA, U.S. poultry exporters are losing large amounts of the world's import business primarily because of EC and Brazilian export subsidies. Foreign sales of U.S. poultry during the first 8 months of 1982 were valued at $346 million, about $174 million less than during the same period in the previous year.

USDA reports that the EC subsidy on whole broilers in September 1982 amounted to about $195 per metric ton, or approximately 9 cents per pound. The subsidy on table eggs equaled roughly 11 cents per dozen or almost a penny an egg. French broiler exporters received at least $41 million in direct EC subsidies and their shipments of poultry meat to the Middle East were up about 30 percent, while U.S. poultry exports to that region fell sharply.

Mr. President, in response to such unfair competition, the National Broiler Council, North Carolina Poultry Federation, and other groups filed a petition with the U.S. trade represent-

ative seeking relief from the EC's unfair practices. The USTR accepted the petition on September 17, 1981, but the export subsidies are continuing and the U.S. industry is experiencing severe losses.

On January 24 of this year, I and a number of my colleagues sent a letter to U.S. Trade Representative Bill Brock expressing our concern. Of course, I accompanied Ambassador Brock to Geneva last November for the Ministerial Conference of GATT, and I know he is a dedicated and tireless advocate of American trading interests. However, this particular issue has not yet been resolved. I am pleased by the broad, bipartisan support for the poultry industry as evidenced by the signatures on the letter to Ambassador Brock.

On January 27, I and five colleagues in the Senate introduced legislation which would go further to remedy the problems in the poultry and egg industry. The bill, S. 251, is titled "The Agricultural Export Equity Act of 1983."

Among other provisions, the legislation earmarks at least $20 million for export assistance to poultry and eggs, to counter the price and credit subsidies of other nations.

The bill's intent is to allow U.S. producers to compete on a fair basis with their counterparts overseas, and in the process expand U.S. agricultural exports.

I am pleased that Senator ZORINSKY, Senator HAWKINS, Senator WILSON, Senator GRASSLEY, and Senator COHEN are cosponsors of this legislation. We would welcome and encourage other Senators to join us as a cosponsor.

The Senate Agriculture Committee will conduct hearings on this legislation and other agricultural export measures on February 17. Rapid action by the Senate would complement and strengthen the position of the United States as further negotiations are carried out by the trade representative.

Mr. President, I ask that a copy of the letter to Ambassador Brock be printed in the RECORD at the conclusion of my remarks.

The letter follows:

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., January 24, 1983.

Hon. WILLIAM E. BROCK,
U.S. Trade Representative,
Washington, D.C.

DEAR MR. AMBASSADOR: We are greatly concerned with the lack of any significant action on the petition filed under section 301 of the Trade Act of 1974 by the National Broiler Council and eleven other poultry organizations. Unless remedial action is taken at an early date, the United States may no longer have an export industry for whole broilers.

The basis of the petition by the U.S. poultry industry is that export subsidies provided by the European Economic Community and Brazil in connection with their poultry exports have resulted in greatly reduced sales by U.S. poultry exporters.

However, since the acceptance of the poultry industry's case by the U.S. Trade Representative on September 17, 1981, it is our understanding that basically, the only action taken has consisted of two consultations with the European Economic Community and one informal meeting with Brazil.

During this time, U.S. whole broiler exports have continued to suffer due to subsidized competition from the European Economic Community and Brazil. For example, in 1976, the United States share for whole broilers in the large Middle East market was 20 percent. That 20 percent represented 30,000 tons with a value of approximately $30 million. However, in 1982, the U.S. share of that market fell to essentially zero.

Under section 304(a)(1)(A) of the Trade Act of 1974, not later than seven months after initiation of an investigation in a case such as this, you are to make recommendations to the President on what course of action the President should take under section 301 of that Act. Also, under section 301(b), the President may withdraw the benefits of trade agreement concessions or impose duties or other restrictions on a foreign country or instrumentality that is the subject of the petition. If you conclude that authorities in current law are not adequate to address the export subsidy problems faced by the the U.S. poultry industry and other industries, we stand ready to work with you to develop more effective tools.

The gravity of the situation facing our U.S. poultry industry cannot be overemphasized. We, therefore, request that you advise us immediately on what steps you plan to take under the General Agreement on Tariffs and Trade, or bilaterally with the European Economic Community and Brazil, to resolve the petition and rectify the current detrimental effect of their export subsidies on U.S. poultry exports.

Sincerely,

David Pryor, Walter D. Huddleston, David Boren, John Melcher, Alan J. Dixon, ——— ———, Mack Mattingly, Jesse Helms, Thad Cochran, Bob Dole, Roger W. Jepsen, Rudy Boschwitz, Edward Zorinsky, Sam Nunn;

Paula Hawkins, Paul Sarbanes, Dale Bumpers, John P. East, Lawton Chiles, George J. Mitchell, Paul Trible, John Tower, Bill Roth, Lloyd Bentsen, Howell Heflin, John C. Stennis, John Warner, Orrin Hatch, Joe Biden.●

JOURNEY TO THE REPUBLIC OF CHINA

● Mr. GOLDWATER. Mr. President, I have long been impressed with the tremendous advances that can be achieved by the skills of the Chinese people when they are allowed to exercise them in freedom. In contrast to the Communist dictators on the mainland of China, who have brought misery and poverty to the Chinese people, the Republic of China on Taiwan has demonstrated how freedom can move a developing nation, having an agricultural and fishing economy, into a modern, industrialized society. Moreover, this economic miracle of steady growth has been accompanied by a narrowing of the gap between the rich and the poor.

Unfortunately, we seem to be going through an endless effort by American administrations to ignore free China, its people and their great contributions to the world and to us. I greatly doubt that I or any living American will ever live to see the day that Red China will be a valuable, important part of the world community. Yes, she has a lot of people, but she is a Communist society and cannot be depended on to amount to a hill of beans.

Recently, I allowed my legislative assistant and staff counsel, Mr. Terry Emerson, to participate in an educational program sponsored by the Chinese Cultural University in the Republic of China. He has shared his impressions of current developments in Taiwan with me in a brief report. I think those of my colleagues who have not visited the Republic of China in the last year or two may be interested to know of recent democratic and economic progress there, and I ask that the report may appear at this point in the RECORD.

The report follows:

REPORT ON VISIT TO THE REPUBLIC OF CHINA

(By J. Terry Emerson)

This is a report of major impressions gained from my visit to the Republic of China during the period January 8 through January 16, 1983. My visit was arranged and sponsored by the Chinese Culture University, a private non-profit educational institution located in a scenic mountain area near the national capital, Taipei.

MORALE EXCELLENT

My primary finding is a renewed confidence in the ability of the Republic of China to survive as an independent soverign entity, even in the face of repeated injuries caused by its major ally, the United States. As one who has visited Taiwan previously in the past ten years, I was able to put my opportunity, to observe the dynamism of the free Chinese economy and to talk with a wide range of government and private leaders, in a context of past impressions. It is this comparison which leaves me with the conclusion that the morale of the people is higher than ever.

R.O.C. leaders have rightfully been worried about United States actions and purposes, but the government and free Chinese society have always bounced back and grown stronger whatever the United States did. The current morale of the people is excellent. The general public is occupied with doing well, enjoying the prosperity and freedom the government has given them.

The character, energy and ability of the Chinese people are evident everywhere. Investment, both foreign and domestic, is increasing. New civilian construction is visible across the nation, including Kin-men, the major off-shore island. Students, workers, shoppers, and people generally look well-dressed, neat, healthy, happy and active. There is no indication of depression, no sign the people feel their future is over.

This is not to say that public leaders are self-satisfied. I came away certain that officials at the central government and provincial level are vigilant in anticipating potential future problems and in providing for the public safety.

Another tangible sign of increased confidence on the part of central government authorities was the announcement on January 15, the day before my departure, of approval by the Legislative Yuan of a major revision of the Trademark Law. Copyright and patent infringement in Taiwan has a source of irritation among Americans, who are otherwise friendly to the nation. The government has taken several steps to act on the problem, but this is the most significant action and deserves world attention. The new stiff revision of the Trademark Law imposes a prison term of up to three years on infringers of well-known foreign trademarks not registered in the Republic of China.

EXPANDING DEMOCRACY

My second major impression is that the trend towards extending democracy and local self-government is moving forward in the Republic of China. There is steady progress and no backsliding.

For example, in the last two years the central government has expanded three elective organs, the Legislative Yuan, Control Yuan and National Assembly, by adding a total of 204 new members to these bodies. The 97 new legislators elected in Taiwan constitute at least one-third of the total membership of the Legislative Yuan. In practice, they actually represent a higher percentage of the one-house legislature since many legislative officials are very old and do not participate in proceedings. In truth, about half of active members are now elected every three years.

Other democratic steps have occurred. The two lower levels of courts, the district and appeals courts, were taken out of the jurisdiction of the political branch, the Ministry of Justice, and put directly within the separate Judicial Yuan. This is a major policy decision by the central authorities, who have yielded power voluntarily.

Also, the Legislation Yuan enacted a law in 1980 setting up a special fund to compensate ordinary citizens whose rights may be violated by government agencies. The fund was started with an appropriation equivalent to U.S. $16 million. The new law might be compared with a hypothetical law in the United States which would award compensation to business firms who suffer economic losses by reason of bad decisions of the Environmental Protection Agency or to taxpayers who are harressed by double and triple audits of the Internal Revenue Service, without any substantial change in their tax liability. The new law in Taiwan puts them ahead of the state of our law, which does not yet control administrative abuses effectively.

Another proof of democratization is the vitality of local government. The Republic of China is not a monolithic state. True, the central government is powerful, as is our own. Foreign policy and military forces are controlled by the central authorities.

But the separate Provincial Government has strong powers of its own. Jurisdiction over ports, railroads, highways and lower level schools (below college) is all in the hands of local authorities. The Provincial Government prints several text books for its schools. Local authorities have a strong tax base in sales taxes and revenues received from the Tobacco-Alcohol monopoly. Local government is not dependent on the central government for its operations.

THREE PRINCIPLES OF THE PEOPLE

Third, as a student of history interested in the principles which guide and inspire peoples, I was interested in the repeated reference by officials and the media to the Three Principles of the People, formulated by Dr. Sun Yat-sen, nationalism, democracy, and the well-being of the people. I am impressed that these goals are in part derived from three ideas conveyed in Abraham Lincoln's phrase, "of the people, by the people and for the people."

The Three Principles, first designed to fit the circumstances of the Chinese people at a time of independence from foreign (non-Han Chinese) Emperors, are still pertinent today, as seen in the movement to expanded democracy, constant economic advances and the long-range goal of national reunion under freedom.

One impressive feature of Taiwan's development is the fact that economic gains have been spread fairly and evenly throughout society. Average income of the richest 20 percent of the public is only four times greater than the income of the poorest 20 percent.

Taiwan's economic performance is better than in developed countries, such as our own. Most impressively, the Republic of China has achieved a high rate of economic growth with low inflation. Moreover, unemployment is low, about 2 percent. There is no unemployment insurance or social security program. The Chinese people rely on their own productive energies and family for security.

Although the 3.8 percent economic growth rate in 1982 was low by R.O.C. standards, it is a remarkable success compared with zero or negative growth rates of most developed nations. Significant economic progress is quite visible even among the 67,000 civilians living on Kin-men proper and "Little Kin-men." These islands, which are within naked eyesight of the Chinese mainland, offer a high degree of freedom to civilians. There is a thriving civilian economy among the four major towns and 35 villages on the islands. Kin-men has an extensive local educational system through high-school and a self-supporting agriculture except for rice production. Free religion is practiced on the islands and numerous Christian churches can be seen when driving through the main island.

It would be wrong to disregard the Three Principles as propaganda symbols. The significance of the principles can be recognized when we Americans think of the great meaning which our own concepts (such as "representative government," "checks and balances," and "separation of powers") have in the conduct of our political processes. Many of our government decisions are formed or decided on the basis of how well they conform to these doctrines. In the same manner, the Three Principles of the People fit the needs of free Chinese people everywhere and give them a common purpose.

CONCLUSION

One leaves Taiwan with the feeling that there is only one China and that a contest is still being waged to decide whether it shall be a free China or a communist China. Viewed from the perspective of Chinese people, who have more than 4,000 years of higher civilization, one can observe that the Chinese have never allowed themselves to permanently be held under the foot of a dictator. After visiting with many Chinese in all areas of the Republic of China, from Taipei, Kaohsiung, Taichung and Kin-men, it is possible to understand the free Chinese belief that the communists will not be on the mainland forever.

Armed forces of the Republic of China need not mount an invasion of the mainland to restore freedom there, and bellicose threats were noticably absent during my journey to Taiwan. Rather, the free Chinese are aware that powerful forces for disintegration exist on the mainland. The free Chinese are confident in the many successes of their democratic-private enterprise society and are able to anticipate the return of such a free system to the mainland by the natural forces of history. Our task is not to make this natural course more difficult and distant.●

VIETNAM VETERANS

Mr. DOMENICI. Mr. President, in light of the recent activities surrounding this past Veterans Day, I would like to share with my colleagues a recent reprint of an article which first appeared in the Catholic University of America campus newspaper, the Forum. It was written by Catherine Olivieri, a student at the university, who is the daughter of Ralph Markward of Albuquerque, N. Mex. This article was recently reprinted in the January 1983 issue of Paraplegia News, which is a publication of the Paralyzed Veterans of America. Ralph is a Paralyzed Veterans of America vice-president.

I think Catherine's comments on the Vietnam Memorial and the events of the week show us some special insight on this entire subject.

The war in Vietnam has long been over. The orders were given, the troops withdrawn, families reunited, the dead buried, the prisoners released and sent home and the events chronicled in the annals of history. Yet the memory of the brutality of the war and the controversy that surrounded it hangs on the consciousness of America like the pallor of death. For years, public criticism of the United States' involvement in Vietnam has degraded the bravery and commitment of the thousands of men and women who volunteered to defend their country, regardless of the cost.

The war carried a high price tag. Never in the history of the nation has a war been so unpopular. In Vietnam, the soldier had to fight ruthless guerilla troops. In civilian life, the veteran battled the public's negative image.

Today, seven years after the last American soldier was withdrawn from Vietnam, their fight to gain recognition continues. This past Veteran's Day, a major battle was won, as thousands of people poured into Washington for a national tribute to the Vietnam veterans.

Festivities included an entertainers' salute to the vets on Wednesday, November 10. The Air Force Band, the Naval Academy Glee Glub and others joined forces with Las Vegas Entertainer Wayne Newton, commedienne Vicki Lawrence, and film stars Brian Dennehy and Jimmy Stewart in an emotional three and a half hour show.

On Saturday, the sheer size and enthusiasm of the crowds at the parade was a jubiliant testimony to the veterans from a grateful country. The sight of an elderly, couple waving a sign that read "God Bless You" eloquently portrayed the sentiments of participants and spectators alike.

More importantly, the new memorial, which was dedicated to the memory of those veterans who died while serving their country, is a perpetual reminder of the lessons learned and of the glory earned in Vietnam.

The turbulent years of the Vietnam era are over. It is time to put aside the controversy and welcome back our own.

A TRIBUTE TO SRI LANKA

● Mr. JOHNSTON. In these times of political turbulence, Mr. President, it is a pleasure to inform the Senate of a remarkable political success story: On February 4, the Republic of Sri Lanka will mark the 35th anniversary of its independence as well as the inauguration of its first directly elected President.

The citizens of Sri Lanka have long experience in representative government and in exercising their right to vote. Under the medieval monarchy, representative village councils made decisions affecting village society. Universal adult suffrage was introduced 51 years ago under British rule, and national elections have been held nine times since independence. In 1978, the voters adopted a constitutional amendment providing for a Presidential system. President Jayewardene, a former Prime Minister who served as designated President from 1978 to 1982, was overwhelmingly elected in October, and begins his term on Friday.

In many ways, Sri Lanka's presidential constitution is a tribute to the drafters of our own Constitution. In addition to providing for a strong executive, the new constitution embodies principles we have long recognized in this country, including the protection of human rights and the independence of the judiciary. The provisions for direct election of the President and referenda on government decisions extend democracy to its widest limits.

It is gratifying to learn that the presidential government has selected an economic model which is intended to galvanize the creative energies of the private sector, reducing and eliminating controls while at the same time putting into place massive development programs for hydroelectricity and irrigation. The Government offers free market incentives and price supports to expand food production while raising rural incomes. Great care has been taken to protect the needy through targeted aid programs. Education and health care are seen as proper concerns of the state: Both are public and free.

Implementation of this free enterprise program has been enormously beneficial. The economy of Sri Lanka grew at an average of over 6 percent annually—in real terms—between 1978 and 1982, and the rate of investment has risen to 30 percent of the country's gross domestic product. In 3 years, Sri Lanka improved rice production to a point of near self-sufficiency. Crop-threatening weather conditions are on the verge of being controlled by newly installed irrigation systems. The country's unemployment rate has been cut in half, and 75,000 new homes built, some by the private sector.

While the Government of Sri Lanka maintains a strict policy of nonalinement in world affairs, I am pleased to be able to say, Mr. President, that throughout this period, the United States and Sri Lanka have had an exemplary relationship. Moreover, the two countries have a strong trading ties. The United States is currently providing about 14 percent of Sri Lanka's foreign development assistance, much of it invested in river valley development. The American private sector has also made investments in the Sri Lankan economy.

On this day of independence and new beginnings for Sri Lanka, it is appropriate that the Senate offer its congratulations and best wishes for an even brighter future for this island democracy.●

HIKE, BIKE AND BUS WEEK COMMITTEE OF INDIANAPOLIS

● Mr. LUGAR. Mr. President, the community efforts of the Indianapolis Hike, Bike, and Bus Week Committee deserve national recognition as a creative way to promote the use of safe and healthy modes of transportation. I salute the festivities of their sixth annual celebration and I encourage residents of other communities to undertake similar activities to improve the well-being of their communities. I ask that the following resolution be printed in the RECORD.

The resolution follows:

Whereas the Hike, Bike and Bus Week Committee of Indianapolis, Indiana has been promoting the use of safe and healthy alternative modes of transportation since 1978 using the theme "Meet People Face to Face Instead of Bumper to Bumper," and

Whereas the primary goal of the Committee is to improve the quality of life for Indianapolis residents, and

Whereas the Committee hopes to increase citizen understanding of potential long-term benefits of alternative transportation, such as better air quality, improved community health and spirit, energy conservation—and hence strengthened national security, financial savings, improved traffic flow, and less urban noise, and

Whereas increased use of alternate modes of transportation would reduce wear and tear on U.S. roads and lessen the need for the increased gasoline tax recently passed by Congress, and

Whereas the Hike, Bike, and Bus Week Committee hopes to aid Indianapolis in its attempt to achieve compliance with federal Total Suspended Particulate Standards so the local economy can be stimulated by the addition of new business and industry, and

Whereas federal, state, and local officials, METRO Transit, and other sectors of the community have aided alternative transportation promotions such as The Great Commuter Race, Bike Day, Bus Day, Hike Day, Ride-Share Day, and Non-Motorized Vehicle Day, and

Whereas, the Hike, Bike and Bus Week Committee is composed of concerned residents who work on a volunteer basis to improve the well-being of their community, and

Whereas the Indianapolis community responds positively to the efforts of the Hike, Bike, and Bus Week Committee in increasing ways and numbers each year: Now, therefore, be it

Resolved that the United States Senate wishes to honor and pay tribute to the Hike, Bike and Bus Week Committee of Indianapolis, Indiana, and urges area residents to participate in festivities during the Sixth Annual Celebration of Hike, Bike and Bus Week, April 24-30, 1983, and encourages other U.S. communities to increase their use of alternate modes of transportation.●

ALASKAN INTERNS

● Mr. MURKOWSKI. Mr. President, each year since coming to the Senate in 1968, Senator STEVENS has selected a number of young Alaskans to come to Washington, D.C., to participate in his internship program. The results of this program have been successful.

Imagine a young high school student coming from a town in Alaska who has never stepped foot out of the State of Alaska. It is quite an eye opening experience to board a plane in Alaska and 12 hours later step off a plane and be in our Nation's Capital. For many of the students who participate in the internship program, this is the first time away from Alaska. In many ways they may be the fortunate ones, but I must say that the enthusiasm, creativity, and energy that these students have during their visit to Washington, D.C., never ceases to amaze me. They always do an excellent job and represent their school, city, and State in an admirable way. Even though the ways of Washington, D.C., and the pace of life are a bit different than in Alaska, the student interns work hard during their stay.

This past year, a number of participants in the program gave a bit of insight to the Alaskan newspapers regarding their experience as interns in Washington, D.C.

Mr. President, I ask that the articles appearing in the Kodiak Times and the Anchorage Times be printed in the RECORD.

The articles follow:

[From the Anchorage Times, Sept. 17, 1982]

INTERNS WRITE ABOUT WASHINGTON EXPERIENCES

(Four recent Anchorage high school graduates have completed five-week internships in the Washington, D.C., office of Sen. Ted Stevens. Andy Josephson, Scott Brandt-Erichsen, Peter Apokedak and John Moses wrote these letters—in the form of articles—to their friends back home during the last week of their Washington stay.)

Andy Josephson: Andy Josephson, son of Joe and Karla Josephson, is a 1982 graduate of West Anchorage High School.

It's very easy to become overwhelmed in a city of the magnitude of Washington, D.C. The potential for every kind of learning and recreation in our Nation's capital is an asset for residents and visitors.

As interns, we grasped the opportunities to explore the city, its monuments and its history. Sen. Stevens' staff members were kind to us, making possible our trips to the historical spots as well as some further away, to Baltimore, Annapolis, Charlottesville and the Outer Banks of North Carolina.

However, it was the informative conversations with Sen. Stevens and the staff members that were most beneficial. The Senator and the staff assisted the interns with ready answers to questions about State or national affairs.

Probably the most exciting experience was watching Sen. Stevens and many other Senators debating issues in the Civil Service subcommittee meetings. There are few things as exhilarating for me as seeing our leaders discussing crucial issues. Interacting with legislators is an indescribable experience for me.

As interns, our pursuits entailed filing, research in the Library of Congress, scrapbook work and many odds and ends. The days were full, but never dull.

For graduating seniors in search of a constructive summer, I recommend applying for Sen. Stevens' summer intern program.

Scott Brandt-Erichsen: Scott Brandt-Erichsen, the son of Thor and Nancy Brandt-Erichsen, is a graduate of Service High School.

Senator Stevens' summer intern program for graduating high school seniors offers an incomparable opportunity for placing the world in perspective.

The program is of special benefit for students from Alaska, because the state is so set apart from the rest of the United States.

Serving as an intern in the Senate provides a degree of culture shock in a beneficial way. It helps solidify character which has been built under the guidance of parents and schools.

An internship is a growing experience and practical education, and it's also a time for making friendships and having some fun.

Within the city of Washington, D.C., we are faced with contrasts between Capitol Hill and other parts of the city.

On "The Hill" I might run into the leaders of our country on a daily basis, or view such historic events as President Reagan welcoming India's Prime Minister Indira Ghandi to the United States. Or we might have the chance to hear Defense Secretary Caspar Weinberger speak to a group of interns and then have the opportunity to ask him questions.

Off "The Hill" I could find myself in contact with such diverse personalities that combine here to make a fascinating society, a mix of people from all corners of the world.

We are exposed to the city's attractions, from its landmark buildings, monuments and museums, to its shops and picturesque areas, like Georgetown.

A big city like Washington, D.C., has its temptations, too, but we are restrained just enough to keep us in line while we are learning and maturing.

An internship in Sen. Stevens' office is a growing experience, a practical education and one of the best ways to spend five weeks in the summer that any high school graduate could imagine.

From the day I arrived, when I found myself without luggage, to the introduction to dormitory living, to watching our Government with all its separate parts flow together as one organism, to realizing when attending a big league baseball game there were enough people in that stadium to make up Alaska's second largest city, to the climate fit only for jungle undergrowth, the experience of being an intern measures up to be worth it all.

Peter Apokedak Jr.: Peter Apokedak Jr., is from the village of Levelock, east of Dillingham in the Bristol Bay area. The son of Peter and Ida Apokedak, he writes that while he looked the part of the typical young Capitol Hill employee, in his tailored suits and handsome ties, he confessed hunting, trapping and fishing near his home were still his favorite occupations.

All my life I have lived in a small village of only 100 people. The weather in Levelock is reasonably warm, about 55 degrees in the summer and not very cold in the winter. I know everyone in the village and where they live.

But when I came to Washington, D.C., for an internship in Sen. Stevens' office, everything was amazing.

There were so many different and interesting people that I had never seen before, everywhere—in the halls of the Capitol, in the other famous buildings and museums, and on the sidewalks.

And the weather was very hot and humid. The best way to stay cool was to stay inside the buildings, where the air conditioning helped.

Besides our work in the Senator's office, there were many things to do in Washington, D.C. We visited the Smithsonian, the monuments, the Pentagon and the FBI building. On weekends we went to places such as Baltimore to watch a big league baseball game; to Cape Hatteras, N.C., for a weekend on the beach or swimming in the Atlantic Ocean; to King's Dominion, an amusement park with many fantastic rides, where I went on a roller-coaster for the first time in my life; and to Monticello, the home of Thomas Jefferson.

The internship for Sen. Stevens was really great. There is no better way to learn about government, and to begin to develop a little bit of understanding about how a Senator's office, and all of his staff, works to help Alaskans.

I hope more students from villages can come to Washington, D.C., to be interns. It will be a great experience for them, too.

John Moses: John Moses, the son of Kathleen and William J. Moses and a graduate of East Anchorage High School, chose to chronicle one day in the life of an intern in Sen. Ted Stevens' office.

My day started with a jolt because another intern was kind enough to yank one end of my metal dormitory cot and then to pick it up and shake it.

I saw no reason for this type of early morning persuasion, until it was pointed out to me that I was perennially late to the car, more fondly known as the Alaskamobile, which transported us to Capitol Hill daily.

After showering, I boarded the back of the Alaskamobile, next to the spare tire, because of my usual tardiness.

Now all that stood between me and the other intern was Washington, D.C., rush hour traffic. The ensuing journey to the Capitol was quite exciting and mildly dangerous. The Alaskamobile triumphed, when challenged by compact cars, because of its huge size as well as the skill of its driver.

After breakfast in the Senate cafeteria, I boarded the Senate subway to the Senator's office. After a brief meeting with intern coordinators Wayne Schley or Scott Sutherland, the other interns and I received our work assignments.

On this particular day I was assigned to be a runner, the person who delivers messages and papers, does general office jobs and errands.

For me this was the best job, because I was able to explore the Capitol and possibly see some Senators.

Between runs I wrote the questions I would ask the Senator on his radio report. Each week he does a 10-minute radio program, which goes to more than 40 Alaska stations, where he answers questions about issues in Congress that affect Alaska or Alaskans.

My first run was to an office near the Capitol dome. By chance on the Senate subway I met Sens. Howard Baker and Edward Kennedy.

I have to admit another pastime while being a runner—and the reason it is a sought-after work assignment by some interns—is the assignment provides ample opportunity for watching all the attractive women in the halls of Congress.

For lunch, Dave Yost, a college intern, took us to a speech by Secretary of Defense Caspar Weinberger at the Library of Congress.

After a few more runs and some office chores, we were off to Georgetown for shopping and sightseeing. Among our stops was an establishment noted for its pizza and its jazz band, one of the finest anywhere.

Returning to our dorm at American University meant the end of an interesting and full day and a return to the more practical side of a five-week internship away from home in Washington, D.C.—an evening of doing my own laundry.

After keeping my roommate awake while I wrote postcards, and returning my clean laundry to its cubbyhole in the closet, I put on my headphones and went to sleep.

[From the Kodiak Times]

FROM TOURING THE PENTAGON TO PLAYING SOFTBALL: IT WAS FUN

(By Joy LeDoux)

(Editor's Note: Joy LeDoux, the daughter of Robert "Bud" and Sharon LeDoux, is a 1982 graduate of Kodiak High School and is now attending Alaska Pacific University in Anchorage.)

I have just completed the best five weeks of any summer in my life in Senator Ted Stevens' Washington, D.C., office, as one of seven summer interns in the second session of the program the Senator has sponsored for 14 years.

Projects assigned to us by the Senator's staff members included research, typing and filing, answering the telephone, running messages to other offices on Capitol Hill and working on a newspaper article scrapbook.

During the day we also had scheduled events as well. We were able to attend speeches by President Reagan, Vice President Bush, Secretary of Defense Caspar Weinberger, and India's Prime Minister Indira Ghandi. We visited the South African Embassy, toured places such as the Pentagon, and went to museums which featured our own interests—history, natural or aerospace science, art or crafts.

The weekends were definite highlights of our internship with Senator Stevens. We traveled to Cape Hatteras, N.C., historic Williamsburg, Va., Jefferson's home at Monticello, Ocean City, Md., and other recreation sites closer to Washington, D.C.

A backyard barbecue hosted by Senator and Mrs. Stevens provided not only good food, but a chance to get together with the interns from Senator Murkowski and Congressman Don Young's offices.

We also joined the other interns for a dinner theater and softball games and played on the Pted's Ptarmigans softball team against teams from other Senators' offices.

The times I found most exciting in Washington, D.C., were when I got to meet other Senators and Congressmen. Most tourists seem to stare when they see a Senator in the halls, and whisper "There he is" to one another. But I found that there were many opportunities to chat with different legislators, even if only on a short elevator or Senate subway ride.

Talking with Senator Stevens was one of the special highlights. He took time often during our five-week stay to listen to our questions and explain current legislation. He was so knowlegeable, it was always enjoyable and educational to hear him talk.

I've learned more about the process of Government in my internship than I learned in all the time I have spent reading books about it in school. It has been a great working, educational and fun experience.

I hope next year some Kodiak graduating seniors will apply for an internship in Senator Stevens' office. It will be one of the best summers they will ever have.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD a notification which has been received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 1, 1983.
In reply refer to: I-00335/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-15, concerning the Department of the Navy's proposed Letter of Offer to the United Kingdom for defense articles and services estimated to cost $51 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 83-15

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: United Kingdom.

(ii) Total estimated value:

	Millions
Major defense equipment[1]	$14
Other	37
Total	51

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Fifteen F-4J aircraft which are to be converted to an F-4S capable configuration through the F-4J-S service life extension program, spares, and support services.

(iv) Military Department: Navy (SAA).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: none.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: none.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: February 1, 1983.

POLICY JUSTIFICATION

UNITED KINGDOM—F-4J AIRCRAFT CONVERTED TO AN F-4S CAPABLE CONFIGURATION

The Government of the United Kingdom has requested the purchase of 15 F-4J aircraft which are to be converted to an F-4S capable configuration through the Service Life Extension Program, spares, and support services at an estimated cost of $51 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the United Kingdom; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

The acquisition of these aircraft by the United Kingdom will sustain the strength of their conventional forces in the European theater by providing them an F-4 squadron being dedicated to the defense of the Falkland Islands.

The sale of this equipment and support will not affect the basic military balance in the region.

There will be no prime contractor involved with this sale since the aircraft will be converted in Naval Air Rework Facilities.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to the United Kingdom.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on February 2, 1983.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room SD 427.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 2, 1983.
In reply refer to: I-00099/83ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

PHILIP C. GAST,
Director.●

PROPOSALS TO REDUCE THE GRAIN SURPLUS AND IMPROVE FARM PRICES

● Mr. ABDNOR. Mr. President, although much of the Nation's Farm Belt produced bumper crops last year, farmers are in deep economic trouble. Farm prices are down, the cost of production is up, and interest rates are strangling the family farm. Action must be taken now to slow the debilitation of our farm economy.

In South Dakota, farmers, politicians, and businessmen have united to find their own answer to the farm crisis. In September 1982, Governor William Janklow brought leaders from South Dakota's Farmers Union and Farm Bureau together for the first time to discuss solutions to the current farm depression.

At the Governor's mansion in Pierre, the leaders of South Dakota's most prominent farm organizations presented their individual plans to Janklow. With his help, the proposals were com-

bined into a single statement from South Dakota's farm sector, a statement indicative of the combative spirit within South Dakota's farm population.

Governor Janklow has already brought about the purchase of a State railroad core system within South Dakota to insure farmers access to their markets. The system allows the use of unit trains which, in South Dakota, are estimated to save 15 to 40 cents per bushel on transportation costs to the farmer. He has also recently signed a long-term water contract for South Dakota that will identify water sources, prioritize water studies and irrigate land that was formerly dry.

South Dakota and Janklow have willingly become the midwestern leaders in the fight for agricultural prosperity, and their proposal deserves consideration.

One measure, emphasized by both farm groups, is to increase U.S. exports abroad in order to reduce the huge Government-owned stockpile of grain. The surplus, largely a result of record harvests in 1981 and 1982, is driving grain prices down well below the cost of production. We are, in effect, stockpiling our farmers out of business.

I am pleased that the President has asked Secretary Block to institute the payment in kind (PIK) program. It appears from preliminary indications that the program could be a great success in reducing our domestic production.

One program figures predominantly in South Dakota's plans to reduce the Government surplus. It is called the mercy food program. It calls for reducing Government-owned grain stockpiles by giving grain to charitable organizations for distribution to underdeveloped nations. Patterned after the food for peace (Public Law 480) and the mercy wheat programs, mercy food is not a solution. It is a short-term remedy for low farm prices.

I recently cosponsored S. 14, the Agricultural Market Expansion Act of 1983 with Senator Cochran. This bill would give the Secretary of Agriculture the authority to institute a mercy food type program. It would allow the Secretary to use excess Commodity Credit Corporation (CCC) stocks in the Public Law 480 food for peace sale program. This includes not only grain commodities but also dairy stocks. This is essentially the main thrust of the mercy food program.

The United States is already heavily involved in food aid to foreign nations. This year, of the $9 billion spent on foreign aid, $1.5 billion will be food aid. Mercy food proposes to spend money already budgeted for fiscal year 1983 to increase our food aid to underdeveloped nations. It would eliminate one quarter of the Government stockpiles, drive market prices upward, and be in keeping with the U.S. humanitarian image.

Mr. President, I request that a copy of South Dakota's final plan be printed in the RECORD so that my colleagues may consider their efforts. I urge them to join me in careful consideration of the proposals for improving our Nation's farm prices by reducing the Nation's grain surplus.

The plan follows:

SOUTH DAKOTA'S FINAL PLAN

A MERCY FOOD PROGRAM

The preamble to the International Affairs section of the 1982-83 United States Budget declares that the "foreign policy of the United States is directed toward achieving an environment of peace, international security and economic prosperity in which individual political and economic freedoms may flourish."

We applaud this noble goal. We believe that one of the best ways in which we can work toward building a better world is through the provision of food aid to the hungry millions of the world's developing nations. We also believe that significantly increased food aid programs would have a definite and positive impact in reducing current U.S. farm commodity surpluses and in increasing market prices.

We, therefore, support the immediate establishment of a temporary emergency Mercy Food Program, which would supply surplus American farm commodities to underdeveloped nations who are not now able to afford to buy the food they need, and assist in construction of adequate storage facilities, to feed their people.

Under this proposed Mercy Food Program, the U.S. Government would purchase American farm commodities at current prices, plus storage fees, interest and other costs which would be incurred under the present Commodity Credit Corporation programs. This grain could also come out of the present reserve program.

These commodities would then be turned over to existing religious and other charitable organizations for delivery to recipient nations and peoples. Recipients should include only those nations which are not now able to buy food for themselves. Under no circumstances should such food aid be shipped to nations which are financially able to purchase commodities on the world market.

Religious and other charitable organizations designated to participate in the distribution of commodities included in the Mercy Food Program should receive whatever federal financial aid is required to complete their task.

In the recognition that there are millions of hungry people in the United States who are also deserving of such aid, we recommend that Mercy Food Aid and required funding for distribution also be made available to appropriate domestic charitable organizations.

To be successful in its other goal of improving farm income in the United States, we believe that at a bare minimum, the Mercy Food Program must include at least one-fourth of current production carry-over.

Enactment of the Mercy Food Program should not result in any major increase in Federal Government financial outlays. In fact, potential funding is already in the budget. The current budget provides: $1.3 billion in fiscal 1983 for foreign economic and financial assistance, $1.5 billion in multi-lateral development assistance by the World Bank and regional development banks, $1.7 billion in funding for the Agency for International Development (AID) and $1 billion in funding for the P.L. 480 programs.

We believe that the provision of food aid through these programs would be far more effective than military aid in achieving our stated foreign policy objectives. It would also be much more in line with our responsibilities as a Christian nation.

AGRICULTURE FINANCING

We are faced with an immediate farm income crisis which may result in a wave of farm foreclosures greater than at any time since the 1930's.

While we are, at this time, opposed to a blanket moratorium on all farm debts, we do support a case-by-case deferral on principal and interest payments when it can be adequately demonstrated that an individual farmer or rancher is unable to make payments as a result of drought, price or other disaster beyond his control.

We urge that individual borrowers and lenders be totally frank and honest with each other.

OTHER ISSUES AND OPTIONS

Interest Rates—A significant factor in the current depression in America has been at least three years of exorbitant interest rates. We urge official action to reduce interest rates in order to avert a complete collapse of our entire economy.

Exports—It has also been suggested that increased exports will solve the farm income problem. This is a totally inadequate short-term solution. Although exports have increased dramatically during recent years, they have brought little financial benefit to farmers and ranchers.

Farm Program—We are also opposed to the re-opening of the 1982 Farm Program. Such action would be unfair to those who participated in the 1982 set-aside program and would serve to further erode farmer respect and support for such programs. A re-opening of the 1982 Program would make it difficult or impossible to persuade farmers to participate in future set-aside programs.

Huron, S.D., September 10, 1982. . . . The South Dakota Farm Bureau proposed a 10-point program designed to correct present deficiencies in net farm income and to chart a course for a long-range prosperity for America's farmers and ranchers.

The Farm Bureau proposal, adopted by the Board of Directors at a meeting in Huron called for:

1. Passage of "sanctity of contract" legislation. The U.S. must rebuild its image of reliability to foreign buyers. Ensuring that contracts for future delivery of ag exports would be honored for at least 180 days would indicate a strong commitment by the U.S.

2. Adequate funding of the CCC Export Revolving Fund. This method of credit for foreign customers has an excellent record of repayment. because of tight money conditions and present interest rates, many prospective buyers are having difficulty obtaining credit.

3. Allow agricultural exports to qualify for credit from the Export-Import Bank. Presently, business and industry use funds from the Export-Import Bank, and Farm Bureau believes agriculture deserves a percentage of the funds.

4. Appoint the U.S. Secretary of Agriculture as a voting member of the National Advisory Council on International Financial

and Monetary Policies. Ag exports, are directly affected by international financial and monetary policies.

5. Retaliation by the Federal Government against subsidized farm exports from the European Economic Community. American farmers cannot compete with the power of foreign national treasuries.

6. Elimination of U.S. cargo perference laws and agreements, which result in reduced sales of U.S. Ag exports. Potential buyers are looking for the most efficient and economical method of transporting agricultural products.

7. Increased use of the P.L. 480 program and emphasis on barter transactions to move U.S. ag commodities into world markets.

8. Announcement of a paid diversion for 1983 crops in the near future. This will shock the markets only if the program is competitive with prices farmers would have received had they planted the crop. The problem we have now is far too much grain in the farmer-held, Government-managed reserve.

9. Emphasis on market development, both foreign and domestic, and research and development on expanded and new uses of farm products. This effort needs to be a joint venture between the private and Government sectors of the economy.

10. Renewed effort to break the disastrous spend and tax cycle that is stifling the economy. Uncontrolled Federal spending continues as the 1983 budget is projected at $827 billion, 26 percent higher than 1981. Entitlement programs now make up 46.5 percent of the Federal budget and are the root cause of Federal deficits and runaway spending.

To date, budget cuts have been cosmetic. Efforts to finance budget deficits with increased taxation only serve to stifle savings, investment, and economic growth the Nation must have to emerge form recession in the short run, and survive as a viable economy in the long run.

Copies of the Farm Bureau statement were sent to President Reagan, U.S.D.A. Secretary John Block and South Dakota's Senators and Congressmen.

MEETING SUMMARY, SEPTEMBER 16, 1982, GOVERNOR'S MANSION, PIERRE, SOUTH DAKOTA

Representatives of agriculture met at the Governor's Mansion in Pierre on September 16, 1982. Members attending included: (see attached list).

Leland Swenson presented the South Dakota Farmer's Union Emergency Farm Proposal. Richard Ekstrum presented the South Dakota Farm Bureau's Ten-Point Plan designed to correct present deficiencies in net farm income.

Short term plan

Jerry Hayden, South Dakota Irrigation Association, made a motion that the group endorse Points 2, 3, 5, 7, 8, and 9 of the South Dakota Farm Bureau Plan and also endorse the Mercy Food Plan of the South Dakota Farmer's Union, as a short-term program to help agriculture. All representatives voted aye. Chris Hughes of the South Dakota Wheat Producers abstained. (A copy of the combined agricultural program is attached.)

Long-range plan

After lengthy discussion, the group revised Points 1, 4 and 10 of the Farm Bureau Plan. Jerry Hayden of the South Dakota Irrigation Association made a motion to endorse those points of the Farm Bureau Plan as amended as well as the Mercy Food Plan of the Farmer's Union to be used as a long term goal of the group. Motion carried. Abstaining from the vote was Leland Swenson of the South Dakota Farmer's Union and Chris Hughes of the South Dakota Wheat Producers. (A copy of the long-term goals is available from the South Dakota Division of Agricultural Marketing.)

Mercy food program

We support the immediate establishment of a temporary emergency Mercy Food Program, which would supply surplus American farm commodities to under-developed nations who are not now able to afford to buy the food they need, and assist in construction of adequate storage facilities to feed their people. Under the Mercy Food Program, the U.S. Government would purchase American farm commodities at current prices, plus storage fees, interest and other costs, which would be incurred under the present Commodity Credit Corporation and could include grain which is presently in the reserve program.

These commodities would then be turned over to existing religious and other charitable organizations for delivery to recipient nations and peoples. Recipients should include only those nations which are not now able to buy food for themselves. Under no circumstances should such food aid be shipped to nations which are financially able to purchase commodities on the world market.

Religious and other charitable organizations designed to participate in the distribution of commodities included in the Mercy Food Program should receive whatever Federal financial aid is required to complete their task.

To insure that farm income is improved in the United States, we recommend that at a bare minimum, the Mercy Food Program must include at least one-fourth of the current production carryover. And that the following programs be initiated as soon as possible:

Adequate funding of the CCC Export Revolving Fund. This would help alleviate the tight money conditions and present interest rates which are causing many prospective buyers to have difficulty in obtaining credit, and this method for foreign customers has had an excellent record of repayment.

Allow agricultural exports to qualify for credit from the Export/Import Bank. Presently, business and industry use funds from the Export/Import Bank and agriculture deserves a percentage of the funds.

Protection by the federal government against subsidized farm exports from the European Economic Community. American farmers cannot compete with the power of foreign national treasuries.

Increased use of the P.L. 480 Program and emphasis on barter transactions to move U.S. ag commodities into world markets.

Announcement of a paid diversion for 1983 crops in the near future. This would then shock the markets only if the program is competitive with prices farmers would have received, had they planted the crop.

Emphasis on market development, both foreign and domestic, and research and development on expanded and new uses of farm products. This effort should be a joint venture between private and governmental sectors of the economy.

South Dakota Association of Cooperatives, J. D. Lynd, Executive Secretary.

South Dakota Farm Bureau Federation, Richard Ekstrum, President.

South Dakota Farmers Union, Leland Swenson, President.

South Dakota Wheat Producers, Chris Hughes, President.

South Dakota Stockgrowers Association, Ralph Jones, President, Roger Justed, Vice President.

South Dakota Livestock Auction Market Association, Gordon Wilkerson.

South Dakota Pork Producers, Doyce Friedow, Executive Secretary.

South Dakota Irrigation Association, Jerry Hayden, President.

South Dakota Sheepgrowers Association, Ray Clementz.

South Dakota Veterinary Med. Association. Dr. James Bailey, Executive Secretary.

South Dakota Association of Soil and Water Conservation Districts, Bob Gab, President.

South Dakota Livestock Association, Louie Bartels, President.●

THE U.S. COAL INDUSTRY

● Mr. HUDDLESTON. Mr. President, the U.S. coal industry has done an outstanding job in recent years in becoming a world leader in coal exports.

Exports of U.S. coal can help wean the major industrial nations of the world away from high-priced and unstable oil supplies, and at the same time give our domestic economy and balance of payments a significant and much-needed boost.

But we have competition in the world market. In order to stimulate sales of U.S.-produced coal abroad, transportation, handling and other costs have to be kept to a minimum so our coal can compete with coal from other countries. Our full potential can not be realized unless we make some long overdue improvements in our inland waterway system and deepwater ports along the gulf coast and eastern seaboard.

This issue was addressed by Mr. R. J. Bobzien, Jr., president of American Commercial Barge Line Co., in a recent speech to the Kentuckians for Better Transportation. I ask that a report on Mr. Bobzien's remarks from the Journal of Commerce be printed in the RECORD.

The article follows:

U.S. GULF PORTS "KEY" TO COAL EXPORT GROWTH

The relatively deep channels on the U.S. Gulf, especially at Mobile and New Orleans, are a key factor in an expanded overseas movement of American coal, in the view of an inland waterways barge line executive.

In an address before an annual conference of the Kentuckians for Better Transportation at Lexington, R. J. Bobzien Jr., president of American Commercial Barge Line Co., said that the 150,000-deadweight-ton vessels the two ports will accommodate will allow savings of from $6 to $8 per ton in delivered cost of U.S. coal overseas.

As it is, the cost factor has been a major one in holding back coal sales aboard, Mr. Bobzien said.

While U.S. coal exports rose to 110 million tons in 1981, the National Coal Association now predicts a decline to 104 million tons in 1982 and a further drop to 97 million tons next year, he observed. The 55-foot channel depth required for 150,000-ton bulk carriers

is not enough, however, Mr. Bobzien warned.

Rotterdam is preparing to receive 300,000-ton vessels and "anyone with experience in the economics of the big tanker can predict how quickly the coal trade will be compelled to use 300,000-ton ships once they and the ports to handle them are available," he stated.

Most major East Coast ports cannot have channels deeper than 55 feet, these being limited by vehicular tunnels across the mouths of harbors, Mr. Bobzien stated, adding that this provides an opportunity for U.S. Gulf ports where there are no such restrictions.

"Mobile and New Orleans between them have a remarkable opportunity in the next decade to become the North American counterpart of Holland's Europort.

"In the 1950's the Dutch dug a big-ship channel out of sight of land while the rest of Europe debated whether the big ships were really coming.

"As a result, the Dutch got the jump on spectacular economic development.

"While the rest of our country seems paralyzed on inland waterway and port development, Mobile and New Orleans could be the first to make the necessary breakthroughs for the Nation.

"Needless to say, these ports have the overwhelming advantage of access to the interior heartland of the Nation through barging on the Gulf Coast and the Mississippi River system," Mr. Bobzien stated.

Many factors have contributed to the United States losing out in the export coal market, the barge line executive observed, adding that numerous studies single out the U.S. transport system as a major restriction on the ability of the nation's coal producers to compete in the world market.

He said that there is a two-fold bottom line requirement for transportation, these including the full exploitation of the enormous productivity of the water mode and controling the excesses of rail monopoly.

Water transportation is one important segment of an overall transport system of railroads, waterways, highways and pipelines, each part competing and coordinating with the other, Mr. Bobzien said.

"The barge industry looks for a very substantial growth in its share of the total export coal market because it is, in fact, the most reasonably priced means of transportation for the long haul of hundreds of millions of tons of coal.

"Also of significance, barge capacity can be expanded with less public and private cost than any other mode," he stated.

"The efficiency provided by the inland waterway carrier will help deliver the coal at significantly less cost from interior mines, thereby narrowing the price disadvantage of American coal, Mr. Bobzien observed, noting further that this serves as a spur to rail efficiency "through the natural workings of the marketplace."●

REPEAL THE GAS TAX BILL

● Mr. HELMS. Mr. President, much has been said and written recently about the Surface Transportation Assistance Act of 1982, the so-called gas tax bill. My impression is that the more people understand about this legislation, which passed during the lameduck session of Congress in December, the less they like it.

Since Christmas, countless citizens from all over the country have called or written my office to voice their support for my efforts, and those of other Senators, to defeat the gas tax bill. However, I am dismayed, but not surprised, to find that many people are still just learning what is in this bill. I wonder if any of my colleagues have even yet taken the time to read it.

I have introduced a bill, S. 15, to repeal the Surface Transportation Assistance Act of 1982, and I ask that S. 15 be printed at this point in the RECORD.

The bill follows:

S. 15

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Surface Transportation Assistance Act of 1982 (Public Law 97-424) is hereby repealed.

(b) Any provision of law amended by the provisions repealed by subsection (a) shall be applied and administered as if the provisions repealed by subsection (a), and the amendments made by such provisions, had not been enacted.

Mr. HELMS. Yes, Mr. President, I believe Congress should repeal the gas tax bill, then go back to square one and start over. Congress need not have acted so hastily on this issue. There is $8 billion in the highway trust fund right now—money that could be spent today if necessary. Enactment of higher taxes in the midst of a recession will only serve to further depress our already too-depressed economy.

One of the best analyses I have seen of the gas tax bill appears in a series of three articles written by Mr. Frederick Talbott and published in the Virginian Pilot on January 23, 1983. I ask that Mr. Talbott's articles be printed in the RECORD.

The articles follow:

[From the Virginia Pilot, Jan. 23, 1983]

THREAT TO JOBS SEEN; INDUSTRY SEEKS REPEAL

(By Frederick Talbott)

It was called a jobs bill, and it roared through Congress like a run-away semi.

But when the votes were counted two nights before Christmas, the trucking industry—independents and major companies alike—suddenly feared that the jobs at stake might be their own.

Portrayed as a nickel-a-gallon gas-tax measure, the bill also contained a less-publicized array of special taxes truckers say may jackknife their already ailing industry. Some of them say President Reagan's signature Jan. 6 on Public Law 97-424 was tantamount to a symbolic tire slashing.

Now, as Congress reconvenes, there is an onslaught of pressure to repeal or modify the law. Plans were under way late last week for a convoy of unhappy truckers to converge Monday on Washington to emphasize their concerns about the law.

Conservative trucking forces are lobbying hard for Congress to reconsider, while a number of the nation's 100,000 independent owner-operators—small-business men who own their rigs—are calling for a nationwide trucking strike beginning Jan. 31.

In Southeast Virginia, fears abound that such a strike would devastate the port, crippling already sluggish container movements. A shutdown would have serious implications for the region's food supplies since most produce is hauled into the area by independent truckers.

"I don't think an independent trucker strike will be an advantage to this port or anywhere," said Shirley Gilliland, traffic manager and part-owner of Atlantic Coast Express, a local company specializing in container hauling independents. "This thing has put the fear of God in me."

Strike or no strike, the storm of controversy has prompted widespread accusations. And it has united some previously distant elements of the trucking industry while fragmenting and alienating others.

Truckers say many congressmen, in a hurry to leave the capital for the holiday, had no idea what was in the bill when they voted for it. Others, some say, sold out for "pork barrel" riders to the bill that would favor their home districts.

"There were about $900 million in 'Christmas tree' items attached to the bill," said Lana Batts, director of energy and economics for the American Trucking Associations. "Someone described it as the Department of Transportation fire sale, saying, 'Hey, if you want anything, just add it on and vote for it.'"

The national media, many truckers say, overemphasized the "nickel-a-gallon" feature while all but ignoring increased taxes on heavy truck sales, road use and tires.

"The true independent, right now he's in the dark," said Cecil Manning, freight manager of Bonney Motor Express Inc. of Windsor. Bonney specialized in refrigerated—"reefer"—trailers pulled by independents. "When he learns what's really in the new law, it'll hit him like a ton of bricks."

Spokesman from virtually all levels of the industry say the law unfairly burdens the heavy truckers and is certain to drive many out of business.

"We've had a bad situation since deregulation, which had a tremendous impact," said Allie S. McNeil, president of the Tidewater Motor Truck Association. "Then that, coupled with the recession two years ago, and a lot of people have lost money, and some have closed down.

"The public tends to think the increases can be included in the rate structures . . . but it's just too competitive for that," McNeil said. "So carriers are going to have to absorb it, and very soon that can catch up with you."

On the other side, railroad industry spokesmen—some of whom lobbied in favor of the truck-tax hikes—say the package puts a more equitable tax burden on truckers. And, they add, they will be happy to haul the freight.

Under the new law, truckers—whose rigs average 5 miles to the gallon—will face the 5-cent fuel-tax hike April 1. In addition, higher taxes on truck tires and new trucks and a sixfold increase in the current federal road use tax they pay will be phased in.

"This raised the tax on new tires, while dropping the tax on re-tread rubber," Ms. Batts said. "So there will be more recaps on the road, and one can only wonder about the safety, of recaps."

New-truck sales also will be affected. On April 1, the federal sales tax on new trucks climbs from 10 percent of their wholesale cost to 12 percent of the retail price. The current federal 8 percent tax on truck parts will be dropped.

Citing the existing drastic slump in the new-truck market, Ms. Batts said: "I wonder if this administration is really serious about helping Detroit? This is going to hurt new truck sales, and help used-truck sales."

Buddy Carroll, general manager of Truck Enterprises of Richmond, said: "This will be about a 30 percent increase on a $70,000 tractor. But the market is so low, anyway, that a guy who's going to buy will buy anyway."

Skip Webb, a spokesman for Truckcenter of Tidewater, said: "It's definitely going to affect sales. Right now it promotes new sales—buy now, and you don't have to pay the higher fee that kicks in April 1. I've not found any trucking company or independent owner who isn't worried about it."

Ms. Batts said: "Don't forget, the independent is buying on time to boot. If he's taxed $9,600 on an $80,000 rig, he has to borrow, perhaps at 18 percent, to pay the tax, too. The big companies may amortize this, but the little guy sees this as money up front."

Rita Bontz, President of the Mid-Atlantic Truckers Association, a Baltimore-based independents' group with 100 members, said: "The fallout is an adverse effect on highway safety. A driver is going to have to cut costs somewhere, and it won't be in feeding his family. But it might be maintenance, and I'm seeing that."

Floyd Newkirk, 50, of Virginia Beach has been a trucker for 27 years, and he "went along fine when I heard about the 5 cents fuel tax. I drive 100,000 miles a year and see the roads and the conditions, and I feel they need improvement."

Newkirk was among several truckers who said the full story about the gas tax was overlooked by the national media while Congress was considering it, and he credited a radio personality, Big John Trimble of WRVA in Richmond, with digging out the facts and telling the truckers.

Trimble broadcasts from Jarrell's Truck Plaza, off Interstate 95 in Doswell, reaching 32 states and thousands of drivers nightly. "He is the only man," Newkirk said, "who brought the whole thing to the truckers' attention."

On Dec. 15, Newkirk, who drives for Preston Trucking Co. of Preston, Md., led a 31-truck caravan that consisted of general freight carriers, a moving van, a dumptruck, a cement mixer and a dry bulk tanker around the nation's capital. He then held a press conference in a Senate hearing room.

"We tried to bring out all the things in the tax bill and how unfair it is," he said. "It was an insult to the trucking industry and the American public to not be told. . . . No one really reported it, besides Big John, until December 16."

The major force behind the proposed Jan. 31 trucking shutdown is the Independent Truckers Association, led by the publisher of Overdrive magazine, Mike Parkhurst.

"When it first came out, all the administration said was 5 cents a gallon, and we could live with that," said David Kolman, ITA press secretary. "The roads need repair, it's time to rebuild, as long as all the money is for road repair.

"But it turned out there were all these other taxes," Kolman said. "And it contains things that have nothing to do with road transportation—$104 million for re-forestation and timber stand improvement, $3 million for fisheries, a feasibility study of high-speed ferry boats in the Virgin Islands, a study of the tax status of religious orders, and a study into dumping low level radioactive waste into the ocean, to name a few.

"Right now the nation's freight is off 30 percent, there's an oversupply of trucks, so everyone is cutting rates," he added. "So most trucking companies and independents will have to eat the new taxes. A third will go bankrupt . . . and the prices of most things will go up."

With the administration behind it and the lame-duck session about to close, Congress passed the measure. "Many in Congress could not have read the bill before voting," Ms. Batts of the ATA said, "because it wasn't even written in final form. All they had was a very thick conference report, and very little time to study it."

Bonney's Manning calls the bill's ramrod passage "the greatest sneak attack since Pearl Harbor. Senator Jesse Helms should be praised for standing up for what he believes."

Helms, R-N.C., and three others drew the wrath of many Senator colleagues when they tried to stall the measure.

"The point Senator Helms was making is they should never have taken up this thing, there was so little time," said a Helms aide, Scott Wilson. "We had little time to look at it and study it. Even after it was passed, people with small trucking companies are just finding out what's in it. The major media sold it.

"He was just asking the senators to take a look at what they were about to do."

Wilson said Helms and others were "taking everybody's temperature to see if there is any support" to change the law. "There is no law that can't be repealed . . . but it's not usual to see a tax bill repealed."

Newkirk hopes to see "all the amendments repealed. The 5 cents we're satisfied with, or maybe 3 cents now and 2 cents later. But the other things are the killers."

Gary Hoitsma, director of public affairs for the Transportation Department's Federal Highway Administration, said the law was not a surprise but the result of years of government study. "The argument that this slipped through is not true," he said. "We had been working on this package for more than a year.

"The press, sure, focused on the 5-cents tax," Hoitsma said. "But anyone who studied this understood what the cost allocation was about."

Hoitsma said the complete information was made available to the public Nov. 29, "the day the bill was introduced. The fact is, they weren't paying attention."

Hoitsma defended the numerous "Christmas tree" items attached to the bill, explaining "this is what happens when a bill goes through the legislative process. Congressmen and senators have particular interests they support, and tack on many amendments they support, and there are provisions in the bill to pay for various things that may seem extraneous to the gas tax and rebuilding the highway system.

"But the amount of money going to those things is not significant when compared with the overall funding," he said. "The good outweighs the bad, and there is a major amount to pay to rebuild the highway structure. That's the way Congress wanted it."

The railroad industry lobbied strongly for the tax bill.

"We have worked for several years toward having a reassessment of how different transportation modes pay to use their rights of way," said Diane Liebman, director of media services for the Association of American Railroads.

"We believed, then and now, that big trucks were not paying their fair share of highway costs. This bill goes some way toward redressing that.

"Railroads own their rights of way, and pay taxes and maintain them," she said. "Trucks use publicly provided rights of way. They pay taxes, but a lot less than they should. We pay for ours, they should pay for theirs. We're talking about competitive inequity."

Countered Ms. Batts of the ATA: "What the railroads want to do is raise their rates. My feeling is they don't intend to haul any more freight, but the freight they're handling will increase in rates.

"So, the motor carriers are hurt, the motor carrier shippers are hurt, the rail shippers are hurt, so the only ones who gain are the rail stockholders."

CSX, the Richmond-based railroad holding company and parent of the Chessie System and Seaboard System, stirred a furor Dec. 16 when Vice President Edwin Edel was quoted in The New York Times as saying, "We're waiting like a hawk on a barn roof" while the highway tax debate broiled.

"That was a misquote, taken out of context," said Tom Hoppin of CSX, "He said 'watching,' not 'waiting.' "

Hoppin said CSX "has long felt we needed a more even playing field between competing modes . . . and that truckers should pay a more equitable or fuller cost of the highway system they use."

"We supported including user charges and were for a more equitable competitive situation, but I don't think we were on the front row," Hoppin said, adding the CSX's Chessie Motor Express trucking division would be affected by the increases.

One section of the law could backfire on the railroads, said Dan M. Thornton Jr., president of Southgate Trucking Corp. and Southgate Terminal Warehouse Co. "Their piggyback carriers are geared to handle two trailers, a 45 footer and a 40 footer. If they go to 48 feet, the railroads won't be able to handle two trailers, so their entire fleet of flatcars will have to be replaced."

The trucking community is split between those hoping to persuade Congress and the administration to modify the tax measure through discussions and lobbying, and those bent on a shutdown.

"I don't believe this is the proper time for independents to go on strike," said Marshall Siegel of Canton, Mass., president of the Independent Truck Owners and Operators Association. "They are not a union, are not dealing from a position of strength, and don't have the financial backing to go on strike.

"The responsible trucker should realize a shutdown will hurt our cause more than help it, and damage our efforts to achieve our goals through non-destructive means," Siegel said. He said truckers should meet with congressmen, the Interstate Commerce Commission, the DOT and the Small Business Administration and "call for an outside study and congressional hearings."

"If not," he said, "this administration will treat him like PATCO," referring to the Professional Air Traffic Controllers union, with which the Reagan administration refused to negotiate after it went on strike in 1981. Eventually, the union was forced to cease its existence.

The ATA, which represents the bulk of the nation's large common carriers, also opposes the strike. "Once a strike starts, it is very difficult to control," Ms. Batts said.

"We saw what the strike in 1979 cost in misery and human suffering."

Ms. Bontz of the Mid-Atlantic Truckers' Association said: "The whole tragedy is if we have a shutdown, it will be trucker against trucker. There may be loss of life and property, and it isn't worth it. If only all the truckers would get together and rationally seek solutions, we can do it."

Kolman of the ITA said a survey taken by his group showed independents favoring or willing to honor a shutdown by a 10-to-1 margin.

"What we're looking for is a promise or pledge from the administration that something will be done to correct the harm done by this legislation," he said. "The ball is really in their court now."

While not advocating a shutdown, Bonney's Manning explained the dilemma:

"If they shut down, they realize they will lose revenue. However, if they don't shut down, nobody listens. They have written and called their congressmen and senators, and nobody listened. It's amazing, but there were no TV cameras in the truck stops before the law was passed."

The port of Hampton Roads, already beleaguered by an ailing world shipping slump, could be crippled if a shutdown occurs. "Assuming that the predominance of cargo here is handled by independent truckers, it is going to be the proverbial disaster," J. Robert Bray, executive director of the Virginia Port Authority, said with a sigh.

Ray Bowers, Portsmouth Marine Terminals manager, said, "Of all of our export and import traffic, 98 percent is truck instead of rail."

Matt Marks, Norfolk International Terminal assistant general manager, said: "We get about 90 percent of our export tonnage, and 80 percent of our import tonnage, by truck. The big question is, how big a threat is it? If the so-called large companies continue to operate, I'm not sure of the impact."

Trucks not only haul long-distance freight to and from the port, but they also take it from terminal to terminal for ship transfers, and from rail sidings like Norfolk & Western Railways' Portlock Yard in Chesapeake to the piers.

"If there is a widespread strike, we'll be in trouble," said Nancy Moore, operations manager of Trailer Train Inc., a local freight consolidator that relies heavily on independents. "But the economic situation is so poor now that I believe you will see a lot of independents continue to operate. If that's the case, I don't think we'll have a problem."

Southgate's Thornton, who recently retired from the Virginia Port Authority, said an independent strike would force "those who had to move containers to go over to common carriers or piggyback" rail service. "But I don't see any disruption—it'll just cost a little more. Most people today have excess equipment to handle it."

Tidewater's produce needs also could suffer if the truckers' switch off their ignitions.

Farm Fresh's D & M Products warehouses receive about four produce shipments daily from various states, said a spokesman, Gene Wymer, "and about 75 percent are independents."

Rosso & Mastracco Inc., the Giant Open Air company, has "a lot of independents driving," said Produce Manager Charlie Reynolds. "In times past, they kept trucking . . . but if this does happen, it could have a big impact. Some of the shippers I've talked with are not that worried yet, so let's hope it doesn't happen."

Several independent owner-operators and motor carrier spokesmen agreed that a shutdown could inhibit trucking in some areas of the country. Southeastern Virginia, they said, appears safe from potential trucking violence.

An ATA survey of 63 major motor carriers in late 1982 found that average operating costs, excluding taxes, among the companies was 98.7 cents on the dollar, leaving 1.3 cents for taxes and profit.

"If the whole package had been intact in 1982, it would have cost us $4,873,000," said Patrick Simmons, executive vice president of the Richmond-based Overnite Transportation Co.

Ms. Batts of the ATA said: "In 1982, the trucking industry netted $210 million in profits. This bill will cost the industry $1.7 billion."

Ms. Gilliland of Atlantic Coast Express said: "Most independents in this city are driving at a break-even basis. It cost the average truck 57 cents a mile to operate, and he's getting 62 cents.

"So this man is out there working long, hard hours, and he's getting a nickel a mile for his time."

Newkirk said, "If this legislation is applied, the owner-operators will be the first to go, then the trucking companies with financial problems, and larger trucking companies are not going to buy new equipment."

Act Increases Truck Fees But Allows Bigger Vehicles

The Surface Transportation Act of 1982, signed into law Jan. 6, calls for multiple truck-tax increases while requiring states receiving federal highway funds to allow larger vehicles to operate on interstate and federally aided highways.

The U.S. Department of Transportation says funds generated will create 320,000 jobs and will be used to repair the nation's highways and to complete its interstate system.

Virginia is scheduled to receive an additional $44 million from the new tax revenues during the current fiscal year, $52.8 million during 1983-84, $60.2 million during 1984-85 and $64.5 million during 1985-86.

The American Trucking Associations estimates the average taxes paid on each heavy truck will rise from $1,700 to $4,000 a year.

The act calls for:

Increasing the federal tax on gasoline and diesel fuel by 5 cents a gallon, lifting the tax from 4 cents to 9 cents effective April 1. A long-haul tractor-trailer traveling 100,000 miles a year and averaging 5 miles a gallon will consume 20,000 gallons of diesel fuel, costing an additional $1,000 a year, or $83.33 more a month. A motorist driving 15,000 miles a year averaging 20 miles a gallon will consume 750 gallons, costing an additional $37.50 a year or $3.12 more a month.

Raising federal highway use taxes—paid to drive on federal roadways—from $240 a year to $1,600 a year for "heavy" trucks weighing 80,000 pounds or more loaded.

The tax will go into effect July 1, 1984, for owners of five or more trucks and July 1, 1985, for others. The rate increases to $1,700 in 1986, $1,800 in 1987 and $1,900 in 1988.

Trucks with a gross vehicle weight—the maximum rated weight of the truck and cargo—of between 33,000 and 55,000 pounds must pay $50 plus $25 for each 1,000 pounds in excess of 33,000 pounds. Trucks with a gross vehicle weight of 55,000 pounds must pay $600 plus $40 for each 1,000 pounds over 55,000.

Increasing the federal sales-tax rate on new trucks from 10 percent of the vehicle's wholesale cost to 12 percent of the truck's retail rate effective April 1. Industry spokesmen said the tax increase could total 20 percent or more.

A rig costing $50,000 wholesale now bears a $5,000 federal sales tax. The same rig selling for $52,000 retail will be taxed $6,240; at $55,000 retail price, the tax will be $6,600.

The tax affects only heavy trucks; the federal sales tax on light and medium trucks and on truck parts was dropped.

Increasing the federal tax on tires 40 pounds and heavier—primarily those for heavy trucks and equipment—while eliminating all federal taxes on lighter tires used on autos and light trucks, effective Jan. 1, 1984.

The law eliminates the 5-cent-a-pound federal tax on tread rubber used in re-treading tires.

Industry sources say the move could lead to the increased use of re-treads.

Increasing the weight limit of heavy trucks to 80,000 pounds. The Virginia limit until last July 1 was 76,000 pounds with a free, 5 percent tolerance. After July 1, the state will allow 80,000 pounds if truck rigs meet certain increased length requirements; if not, the limit remains 76,000 pounds, the 5 percent tolerance is eliminated, and a $200 variance fee is imposed.

Allowing the use of twin-trailer rigs now banned in Virginia and increasing minimum trailer lengths to 48 feet for single trailers and to 28 feet for doubles, effective April 5. An act of the General Assembly or legal action by the U.S. Department of Transportation would be required to open state highways to the rigs.

Increasing maximum truck trailer widths from 96 to 102 inches. If a state refuses, its federal interstate highway funds will be withheld Oct. 1. While industry spokesmen say this will help in the shipment of 4-by-4-foot pallets, sheet rock and other goods, they point out that few financially strapped independents will be able to afford them.

Critics Assail Bill's "Gifts"

For critics such as Floyd Newkirk, a trucker from Virginia Beach, the Surface Highway Transportation Act more properly is called "the great Christmas tree bill of 1982."

"Everybody got a present," Newkirk said of the 5-cent-a-gallon gas-tax bill.

The "presents" were about $900 million in riders and amendments, special projects and expenditures that favor individual congressmen's districts or special interests.

Called necessary by the congressmen but called pork-barrel politics by their critics, many of the riders had little relation to the stated goal of upgrading of the nation's highway and mass-transit systems. And those that did, critics say, were earmarked for legislators' pet districts.

Among the amendments to the gas-tax bill were:

A tax deduction for expenses relating to conventions held on U.S.-flag cruise ships.

A study of the proposed high-speed ferry service between St. Croix and St. Thomas, Virgin Islands.

An addition of eight weeks to unemployment compensation.

$3 million for fisheries.

A study of the tax status of religious orders.

Funds for re-forestation and timber-stand improvements.

$25 million in fiscal 1983 and $27 million in fiscal 1984 to accelerate construction of high-traffic sections of highways in Louisville, Ky.

$5 million for a Devil Lake, N.D., project to demonstrate construction techniques designed to prevent wave erosion on a closed basin lake that has a grade-level highway crossing.

$45 million for bicycle transportation and pedestrian walkways.

$5 million for a demonstration project in East Baton Rouge, La., to reduce traffic congestion in a partial diamond, partial cloverleaf interchange.

$50 million for a Vermont demonstration project to reduce the time and cost of completing a highway project.

A study into the dumping of low-level radioactive waste into the ocean.

$9 million for a Buhne Point, Humboldt Bay, Calif., project to demonstrate state-of-the-art techniques for repairing highway damage caused by shoreline erosion.●

THE PLIGHT OF THE AFGHAN PEOPLE

● Mr. QUAYLE. Mr. President, while Congress was out of session, an anniversary was observed that should never be forgotten. On December 27, 1979, the Soviet Union invaded Afghanistan.

Now, over 3 years later there are still an estimated 105,000 Soviet troops in the country waging a war of terror and suppression, with ever-increasing death and destruction.

We, in this country, are all too often unaware of what is happening elsewhere in the world unless the events specifically affect us. We read our papers and watch the nightly news and for a fleeting moment we may think of the horrors that others are enduring in the world.

Yet, there are those who must live and endure these horrors every day. Americans, as the leaders of the free world, must not close our eyes or turn a deaf ear to these atrocities that take place far from our shores.

The plight of the Afghan people is something we know all too little about. Why? Because a Communist regime that is but a puppet of the Soviet Union has isolated the country from the rest of the world by forbidding journalists, human rights organizations, or even the International Red Cross to enter its borders.

The only news we get comes either from a controlled press or from those few journalists who are willing to venture into the country with freedom fighters as their guides. Even the news that does come out of the war-torn country is often ignored or given little play in the media.

Yet on Tuesday, thanks to Senators PELL, GRASSLEY, and SYMMS and several of our House colleagues, six Afghan freedom fighters spoke at an informal hearing in the Capitol.

These same brave men testified last December in Paris at the Permanent Tribunal of the Peoples, which was formerly the Bertrand Russell Tribunal. Their testimony and that of others who personally have witnessed the horrors being perpetrated against the Afghan people by the Russians led to a condemnation of the Soviet Union by the Tribunal.

The verdict stated that the Soviet Union is violating the fundamental human rights of the Afghan people, going against established rules of war and defiling basic and elementary human values.

Several of them testified here and at the Tribunal about witnessing one of the most heinous acts imaginable. On September 13, 1982, in a village near Kabul, a group of over 100 villagers and several children were callously and inhumanely burned to death by Soviet soldiers. The villagers had been hiding from the occupation troops by seeking refuge in an underground drainage ditch. After the incineration, the soldiers supposedly shouted with joy.

Mr. President, in the past I have stood before this body to bring to everyone's attention the repeated reports of the use of chemical weapons in Afghanistan. The findings of the Tribunal and the testimony that was heard yesterday give added credence to these reports and to the brutality and barbarism that is taking place every day in that country.

Because of what we read and see and hear we cannot close our eyes to the atrocities that continue unabated in Afghanistan. Our conscience cannot remain clear if we do.

I urge my fellow Senators to read the following two articles that I ask be inserted in the RECORD. They provide an added insight to what the Afghan people are facing and the reasons they are so valiantly resisting the Soviet takeover.

The articles follow:

[From the Wall Street Journal, Jan. 24, 1983]

LIFTING THE CURTAIN ON AFGHANISTAN'S HORROR

(By Rosanne Klass)

Since the Soviet army invaded Afghanistan three years ago, Moscow and the government it installed in Kabul have clamped a news blackout on events in that country. Independent journalists were thrown out a month or two after the invasion; aside from a handpicked few, only those reporters willing to risk their necks to go in with the resistance forces have been able to cover the story at all, and they get only a fleeting, limited view.

The International Red Cross was also thrown out soon after the invasion, and has not been allowed to function there since—nor is any other human rights organization allowed in. The diplomatic community is effectively limited to official circulars in Kabul; an Afghan in contact with non-communist foreigners risks prison or worse. The stories coming out through competing resistance factions and refugees in Pakistan can seldom be checked, and reporters are understandably dubious about them.

Thus the world is effectively ignorant about what is happening in Afghanistan—which is, of course, the way the Soviets want it. And for good reason—for in Afghanistan, the Soviets are conducting a massive terror campaign against the civilian population.

The aim is to terrorize and crush the Afghan people into submission, eliminate the nation-wide base of support for the resistance and consolidate the Soviet grip on this highly strategic territory, the key to many of Moscow's future ambitions in South Asia and the Indian Ocean.

NAZI-LIKE ATROCITIES

The Soviet campaign bears comparison with the atrocities of the Nazis, Idi Amin, Cambodia, and—perhaps not accidentally—with those of Genghis Khan, whose slaughter of the Afghan people in the 13th century is well-known to every Russian school child.

Though reports of Soviet atrocities in Afghanistan have leaked out, starting with the Kerala massacre in 1979, it has seldom been possible to verify them, thanks to the new Iron Curtain around Afghanistan. But last month in Paris a stream of witnesses, including some who arrived at the last moment from deep inside Afghanistan, lifted that curtain for a moment to reveal a scene of sheer horror: a people facing execution for the crime of defending their freedom.

The circumstances were particularly embarrassing to the Soviets and their apologists: The revelations and condemnations in Paris came from the left. Three days of hearings culminating in a press conference on Dec. 20 were conducted by the Permanent Tribunal of the Peoples, the successor organization to the old Bertrand Russell war crimes tribunal which put America in the dock for Vietnam, and which has generally been more notable for its attention to the warts of the West than to those of the Soviet bloc and Third World. The panel of judges—French, Swiss, Belgian, Yugoslav, Mexican, Indian—ranged from socialist humanitarians to lifelong fellow-travelers.

This was not the first time that the tribunal had met to consider Afghanistan: In Stockholm in 1980, its judges condemned Moscow for violations of the U.N. charter and the right of self-determination, as well as for aggression. But, although the Stockholm hearings included extensive testimony on torture, mass executions, rape and civilian massacres, the panel there passed no judgment on violations of human rights.

That omission was rectified in Paris, where the second hearing on Afghanistan was devoted entirely to atrocities and human rights violations.

For three days, dozens of witnesses—journalists, doctors, experts on weaponry, representatives of humanitarian groups who had visited Afghanistan secretly, Afghan victims and eyewitnesses—piled up horrors in their testimony and evidence on the table—weapons, photographs, films, documents, fragments of chemical-seared rock. There were the outlawed weapons used in violations of treaties the Soviets were signatories to: dumdum bullets, disguised booby-trap mines, chemical weapons, contaminated grain.

The Dutch freelance journalist Bernd de Bruin showed films he had taken of a chemical attack on an Afghan farm village, and

of the ebony-black, bloated corpse of a man he had seen alive in that village less than 24 hours earlier; later, in a cafe, de Bruin rolled up his sleeve to display the red patches that have marked his skin since he was caught on the edge of a gas attack 18 months earlier.

Ricardo Fraile, a French expert on arms control, carefully outlines his assessment of chemical weapons used on sites he had just visited during a secret trip into Afghanistan, showing slides and samples of scorched rock from a village in the Logar Valley near Kabul where, on Sept. 13, 1982, more than 100 villagers—a dozen of them children under 10—were sealed up and deliberately burned to death in an underground irrigation tunnel in which they had taken shelter when Soviet forces rolled into the village.

French doctors detailed the pinpoint bombing of their hospitals in Afghanistan, some of them marked with red crosses on the roofs. One Afghan witness after another described the saturation bombings of civilian targets, the systematic destruction of crops and granaries, the massacre of entire villages—all intended to terrorize the population into withdrawing support from the resistance or abandoning their homes and fleeing to Pakistan. The booby-trap mines disguised as toys and household objects (outlawed by a 1981 treaty the Soviets signed even as they were using them) were explained: They are to small to kill, instead they maim, thus burdening the able-bodied with the wounded.

As the evidence piled up, a Norwegian observer remarked quietly, "Perhaps the time has come to reconvene the Nuremberg trials."

A few of the judges looked uncomfortable and, in their questions, sought extenuating circumstances; they found none. One snoozed. One looked irritable and bored. The others dug for details.

Then late on the third day, witnesses from Afghanistan arrived, rushing from the airport to the Sorbonne halls, and straight to the podium. The American scholar Mike Barry had gone into Afghanistan to verify atrocity stories, had located them, and brought them to Paris; they had been delayed in Pakistan, and a special Saturday night session had been called to hear their testimony.

Three of them were men from the village in Logar. They were the village's mayor, a mullah and a village elder. They described, to the audience of several hundred, how the Soviet troops methodically prepared the explosive chemical inferno in an irrigation tunnel in their village last fall, and then applauded its success before climbing into their vehicles and departing. They read the list of the dead, many of them their relatives, and told of bringing the bodies out and trying to identify them

TORTURE, MAIMING, RAPE

Another was a medical student, a tiny young woman of 22, who had to sit during her testimony; she told of her arrest and torture in Afghanistan, of the maimings and electric shocks and sexual attacks in the cells of the prime ministry, the secret police and Pul-i-Charkhi prison, and she shook sometimes, or stopped and seemed to lose her train of thought.

Then there was the witness from a northern province, telling of two boys, ages eight and 10, who refused to reveal to Soviet troops the hiding place of their resistance-commander father, and were doused with gasoline and set on fire.

An audience that had thought itself numb with ghastly testimony sat riveted till nearly 1 a.m. Then the judges retired, to spend a day considering the evidence.

The detailed 33-page verdict was announced at a press conference covered by both print and broadcast media in Europe. The Tribunal of the Peoples, in its Second Session on Afghanistan, condemned the Soviet Union for violations of the established rules of war, of the fundamental rights of the Afghan people and of basic, elementary human values.

The six Afghans who testified at the end of the tribunal plan to fly into New York this week for a brief stay in the U.S. They are coming from London, where they met last Thursday with Britain's prime minister. Margaret Thatcher.

[From the Christian Science Monitor, Dec. 22, 1982]

SOVIET TWO-EDGED SWORD IN AFGHANISTAN

(Three years ago this week Soviet tanks rolled into Afghanistan. Since then, the writer has visited the country four times, traveling widely with Muslim guerrillas fighting Soviet and government forces.)

(By Edward Girardet)

PARIS.—An end to the Afghan conflict could hardly come too soon.

Apart from dangerously destabilizing Southwest Asia, the communist takeover in 1978 and the Soviet invasion almost two years later have created the world's largest current refugee crisis, devastated countless villages and towns, and led to the deaths of up to half a million people.

In addition, the conflict has been a thorn in the side of the Russian bear.

Already well before the passing of Leonid Brezhnev in November, Soviet diplomats had made it known in conversations with Westerners that the Kremlin's Afghanistan venture had become too sticky for comfort and that it was angling for a way out. Since the rise to power of Yuri Andropov, Soviet peace feelers have begun to penetrate virtually every debate regarding a political settlement.

Although Moscow is not even included in the next round of United Nations talks on Afghanistan, Undersecretary-General Diego Cordovez is cautiously optimistic that Soviet flexibility could open fresh avenues. He is also well aware that the communist regime in Kabul cannot act without the assent of the Soviets.

At the recent summit meeting in Copenhagen, European Community leaders reacted to a possible change in the Kremlin policy by calling on the new leadership to reassess its Afghanistan policy if it wanted to improve international and East-West relations. And commenting on Afghanistan's future, President Zia ul-Haq of Pakistan said he believed the Soviets were prepared to pursue negotiations but would never accept the existence of a government hostile to Moscow.

Nevertheless, considerable skepticism exists among informed Western and third world observers concerning the Kremlin's sincerity about wanting to pack its bags and leave. Similar reservations have been expressed by Soviet, Polish, and other Eastern European dissidents. The Soviets, it is felt, have too much to lose—militarily, politically, and economically.

Officially, the Kremlin still insists that Afghanistan is an "internal affair" and that Soviet troops are not militarily involved except in a supportive role to the Afghan Army. But were it not for the Soviets, the 25,000-strong, demoralized, and defection-ridden Afghan Army would have collapsed long ago, and with it, the Kabul government.

Ever since their liquidation of recalcitrant communist Afghan leader Hafizullah Amin during the December 1979 invasion and his replacement by surrogate leader Babrak Karmal, the Soviets have to all intents and purposes assumed total command of the Afghan government and the war against the resistance.

Every government minister in Kabul, for example, is provided with at least two Soviet advisers who maintain close liaison with their embassy and have the final say over all matters. Because of the high rate of defections among competent civil servants, teachers, and qualified technical personnel, the Soviets have brought in their own people, many of them Soviet Central Asians, to run the administration and schools. Even the People's Democratic Party of Afghanistan, the Afghan communist party, has long since lost its powers of decision in the running of the country.

Although Moscow tries whenever possible to launch combined operations with Afghan troops against the mujahideen ("freedom fighters"), Soviet conscripts have assumed full combat roles. This is reflected by the rise in Soviet casualties, believed to be much higher this year than in 1981. According to Afghan Air Force defectors, fighter planes are no longer piloted by Afghans but by Soviets. Many of their sorties are said to be flown from bases inside the Soviet Union.

All military actions are planned by Soviet commanders with Afghan officers standing by on an advisory basis, if at all. Because of the intense collaboration of many Afghan Army officers and government officials with the resistance, the Soviets have begun to inform their Afghan counterparts of planned attacks as late as possible to avoid leaks. One reason behind the increasing number of operations carried out by Soviet troops or planes based across the border is said to be an attempt to retain secrecy.

Since its intervention, the Soviet Union has invested heavily in Afghanistan. It has nearly completed new airfields in southern Afghanistan and improved or enlarged others such as Shindand near the Iranian frontier, putting Soviet jetfighters and helicopters within easy range of the Arab Gulf oilfields.

Furthermore, the Soviets are already exploiting the huge natural gas reserves in the northern part of Afghanistan—at prices that are about half the normal commercial rates. The country's vast mineral resources are suspected to include oil deposits, and exploration is already in an advanced stage.

It seems improbable that the Soviets would simply withdraw. They would have to tolerate the political presense of a "victorious" force of Islamic freedom fighters, whose influence has already begun to spread across the frontier into the Soviet Muslim republics.

If anything, the Soviet presence in Afghanistan has become more subtle. Moscow's idea of an Afghanistan "friendly to the Soviet Union," it is felt, bears much more resemblance to a Mongolian-style satellite than the Finlandization some Western observers have suggested the Soviets might be prepared to accept.

In recent months, Western journalists and travelers have returned from Afghanistan with reports of changing strategy. The Soviets have recognized that to annihilate the

resistance would require a commitment involving hundreds of thousands of troops, a move the Kremlin has been unwilling to take.

In some areas where the guerrillas have remained embarrassingly prominent, the Soviets have continued to use massive military force with the aim of crushing every vestige of resistance. Allowing uncompromising mujahideen leaders such as the Panjshir Valley's Ahmad Shah Massoud to survive would endanger plans for continued Soviet domination albeit within the framework of a "political" settlement.

But in other parts, KGB-style subversion in the guise of informers and agents provocateurs has been introduced to replace conventional military tactics in an attempt to cause splits among the guerrillas.

"It's a matter of working on personal rivalries in order to get the mujahideen to fight among themselves," said Alain Guillo, a French reporter who has traveled to Afghanistan several times and has been in the northern provinces near the Soviet border.

Military assaults are still carried out, but on a sporadic and smaller scale. They are aimed primarily at demoralizing the population. The Soviets have resorted to calculated economic pressure tactics ranging from artificial price increases of foodstuffs such as wheat and ghee (butter) to bombardment of harvests.

There are strong indications the KGB was placing its agents in the resistance even before the invasion and has continued to do so. If certain reports are to be believed, the KGB has been at odds with Red Army tactics on how to deal with the resistance from the very beginning. But the Red Army has proven itself incapable of making real headway against the guerrillas. Now with Andropov, the former head of the KGB at the helm, things have begun to change.

Some observers say the Soviets could make a gesture, perhaps under a proposed UN plan, to make a staged withdrawal of some of its troops. Perhaps as many as 30,000 troops on Afghan territory could esaily be dispensed with. Any suddenly required military reinforcements could be flown in without difficulty from the Soviet Union. The Kremlin could declare itself ready for negotiations with the Pershawar-based guerrilla organizations, but would still retain substantial security forces in and around the towns and particularly the air bases.

The Soviet concept of a political solution may not necessarily coincide with what the Afghan resistance has in mind. Hatred for the Russians and their communist stooges has become too bitter to be dismissed with the signing of a peace document. It is therefore doubtful that any broad-based government including communists would be acceptable to the overwhelming majority of the Afghans.

Nevertheless, many Afghans are tired of the war and would welcome some form of respite. The Afghans also seem realistic enough to understand that they will have to live in the shadow of the Soviet bear no matter what.

Within this framework, a government "not hostile to Moscow" could be formed eventually, but there is little indication that the Afghans would tolerate the presence of Soviet armed forces on Afghan soil, even if that presence were limited to one or two air bases. In addition, many Afghans would insist on an immediate end to Soviet political meddling and economic exploitation of their country's resources.

At the same time, however, it is difficult to believe that the Soviets will surrender complete control of such a strategic forward base as Afghanistan.

As a negotiating basis, the four-point UN plan offers some hope. Basically, it would include a timetable for the departure of Soviet troops and guarantees by each side that neither would promote armed intervention against the other. The Soviet Union, the United States, and China should ensure the guarantees. The right conditions would be promoted to allow the safe return of the 2.8 million refugees in Pakistan and the estimated 500,000 to 1 million in Iran.

But all this still leaves a great deal of leeway for individual interpretation. What, for example, are the right conditions which would encourage the return of Afghanistan's swelling refugee population?

Another major problem is that an anti-Soviet alliance has yet to emerge. The Afghans lack a political leader acceptable to both the Peshawar-based organizations and the so-called "fronts of the interior," although someone as widely respected as Abdul Rahman Pazhwak, former president of the UN General Assembly, would certainly have an influential role to play to get things moving.

In principle, five out of six of the main Peshawar Afghan organizations have declared themselves prepared to talk with the Soviets. Only the Hezb-i-Islami faction run be fundamentalist leader Hekmatyar Gulbuddin has loudly announced that it men will continue the "jihad" (holy war) against the Soviets. Ironically, it is his group that is considered to be in indirect collaboration with the Kremlin.

President Zia ul-Haq of Pakistan could probably pressure all the Peshawar groups to sit down and work out a settlement by threatening to throw them out or stop their financial support from the Gulf. But the Peshawar exiles, particularly the moderate organizations, have lost a great deal of influence among the interior fronts.

Some Western sources have reported unity among resistance fronts in parts of Afghanistan where it did not exist a year ago. Some regional leaders reaching positions of influence that have begun to challenge the exiled Peshawar leaders. A few have maintained they will negotiate only once every last Soviet soldier has left Afghanistan. To prevent an outbreak of civil war resulting from an unacceptable compromised settlement, a broad consensus will be needed.

A nonaligned Afghanistan, open to both East and West, appears to be a common desire among the resistence. At present, the moderates and the fundamentalists are divided over whether a new Afghanistan should be an Islamic republic, a lay republic or a constitutional monarchy. The fundamentalists themselves are at odds as to whether they want a progressive Islamic republic or one as radical as Ayatollah Khomeini's Iran. Even without the Soviets, Afghanistan's future will be a difficult one.

But some observers say the KGB will never allow Afghan independence to develop that far. The Soviets will see to it that the resistance remains divided until they can find a leader strong enough to rule at Moscow's bidding, or insipid enough to keep the country weak and divided.

SOVIETS GRAB AFGHAN RESOURCES, SAVING THEIR OWN

(By Edward Girardet)

PARIS.—Since the April 1978 communist coup d'état, the Soviet Union's exploitation of Afghanistan's natural resources has amounted to nothing less than economic pillage.

It is highly probable that Afghanistan's rich natural resource potential was a significant factor in the Soviet decision to invade and now contributes heavily toward subsidizing its estimated $3–$4 million a day military occupation costs.

"Its inclusion within the Soviet orbit is good business for the USSR, which will now seek to exploit [this wealth] and economize on its own resources," said J. P. Carbonnel, who headed the last French scientific mission to Afghanistan before it was forced to abandon mineral exploration in the summer of 1979.

Although the communist coup d'état confirmed the Kremlin's dominance, it was the invasion itself that finally rid the Soviets of the last vestiges of Western competition and gave them a completely free hand in the development of Afghanistan's natural wealth along the lines of a 19th century colonial power.

According to a number of Western development sources with contacts inside Afghanistan and well-placed Afghan government defectors, the Soviets have asserted their control through Technoexport, Moscow's highly specialized development firm, also considered to be an intelligence front.

Wherever possible, development programs, such as the planned expansion of the Afghan hydroelectric grid, are tied into the Soviet Central Asian organization. "In practice, this will mean that our energy sources will be used to supply the Soviet Union," said a senior Afghan engineer who recently defected.

Irrigation projects on Soviet soil using water that should be equally exploited by both countries have been expanded to the detriment of Afghan agricultural development. Furthermore, all exports, whether natural gas, cotton, or dried fruits, are not actually paid for in hard currency but are simply deducted from Afghanistan's rapidly rising national debt to the Soviet Union. The "purchase" prices are usually one-half to one-third of world commercial rates.

Since the invasion, the Soviets appear to have concentrated their efforts on Afghanistan's natural gas and oil reserves. At the end of 1978, the Soviet oil research commission in the northern city of Mazar-i-Sharif counted an estimated 2,000 technicians. Within days of the intervention, the Soviets were moving in additional specialists and drilling equipment near deposits located at Dasht-e-Laili, Andkhoi, and Sri Pul in the northern and southwestern parts of the country.

That the Soviets were already at such an advanced stage in exploration indicated they had done their homework well. At the beginning of this year, analysts estimated that $1 billion had been poured into petrochemical development projects alone.

The Soviets have remained highly secretive about their findings, and few reliable details are available. In 1978, the World Bank estimated Afghanistan's oil reserves at a paltry 10 million tons. This was officially upgraded to 14 million tons in 1979 by the Kabul regime.

A year later, a Soviet Embassy news bulletin in Singapore casually noted that Afghanistan possessed large stocks of oil. Several deposits had already been explored, it said, but the fields were not identified.

Since then several senior Afghan government defectors and technicians have maintained that reserves are at least double offi-

cal estimates. Although many Western oil technicians remain skeptical, some sources have indicated that reserves may be equal to those of Bahrain.

Natural gas exploitation is undoubtedly one of the most striking examples of Soviet economic misappropriation of Afghanistan's resources. Available estimates put its reserves at 120 billion cubic meters, enough to last 50 years at present proposed extraction rates. The U.S.S.R. first began importing Afghan gas in 1968 (as sole importer) after signing an 18-year contract with extraction rates and prices to be negotiated every year.

At the start, Moscow paid less than one-fifth of the world commercial rate. By the end of this year, the Kabul regime claims it will have exported 2.67 billion cubic meters, roughly double the 1968 amount.

But at $100.34 per thousand cubic meters, Afghan natural gas is pumped into Soviet Central Asia as a cheap form of energy. This permits the Soviets to export Caspian Sea gas, presumably to be followed by Siberian gas, at a much more profitable $180 per thousand cubic meters.

Ostensibly, all petrochemical development is carried out by the Afghan petrol company. But various resistance sources, including a former senior official of the Minister of Mines and Industries, maintain that the Soviets head all operations, with Afghan engineers working only in a menial capacity.

As with other exports, the Soviets pay for their gas by simply knocking it off their development "assistance" costs such as salaries of Russian geologists and equipment. There is no way of knowing how much gas is being pumped from Afghan reserves, as the recording meters are across the border on Soviet soil.

As for the Afghans, they have to make do with coal and charcoal. By the end of 1980, reportedly not a single cubic meter of gas was being used in Afghanistan itself.

Guerrilla activities, however, have either halted or serously hampered the Soviet-run development projects in Afghanistan, which number well more than 100.

The mujahideen have repeatedly attacked the Soviet natural gas pipelines leading up to the border. Despite Soviet military surveillance, engineering crews are being constantly rushed in to put out fires or repair damage at blow-up pumping stations.

"At night, fires of burning gas can be seen and smelled for miles around," said Haji Morad, an Afghan merchant from Mazar-i-Sharif.

Originally, post-invasion Afghan-Soviet agreements stipulated that 5 billion cubic meters of gas would be piped to the USSR per year. In 1980, however, production officially represented only 1.12 billion. Despite government assertions, this year's balance may be hardly any higher.

Do Soviets Want a "Peace With Honor" Exit?

(By Ned Temko)

Moscow.—The Soviet Union wants very much to negotiate its way out of Afghanistan.

But the Kremlin's urge to wind down its three-year-old armed involvement there is not desperate, or at least not yet.

The Soviets remain committed so far to a quite specific form of negotiated exit—one ensuring the presence, and international recognition, of a "not unfriendly" regime south of the border, as an official puts it privately.

"Peace with honor," one might call it. But the concept goes beyond that, involving a bid to win as part of any negotiated settlement some return on the Kremlin's political, material, and human investment in the Afghanistan war.

A senior official, reviewing Soviet moves on the Afghan crisis since the elevation Nov. 12 of new Communist Party chief Yuri Andropov, says privately the strategy has been to stress the desire for a negotiated resolution, but not in a way involving early public concessions from Moscow.

Thus, Mr. Andropov chose personally to receive Pakistani leader Zia ul-Haq following the funeral of former Soviet leader Leonid Brezhnev—"a clear and intended signal of our desire for a political settlement," the Soviet official says.

Thus, too, other senior sources seem in private remarks to the Monitor to have gone out of their way to stress this "desire" for some time now. One such official adds the obvious: that "nothing good" could come of continued crisis over Afghanistan, and that the conflict had become a "waste of enormous resources" and a source of "international trouble."

Both publicly and privately, the Kremlin has made clear its receptiveness to an embryonic United Nations bid for common ground between the Soviet-sponsored Afghan regime and its Pakistani neighbors.

Yet on the other hand, Mr. Andropov is reported by both Soviet and Pakistani sources to have delivered no substantive shift in Kremlin policy during the talks with General Zia last month. Nor have other Soviet officials interviewed recently yet signaled such a change.

In what one official portrays as a bid to stress the Soviet disinclination toward early concessions, the Communist Party organ Pravda on Dec. 16 printed a lengthy restatement of Kremlin policy toward Afghanistan.

The article reaffirmed the Soviet conditions for negotiating a troop withdrawal—basically, an internationally guaranteed end to "imperialist" interference in Afghan affairs. Such interference has been the official Soviet explanation for anti-regime unrest in Afghanistan.

If further signs were needed of the apparently slim chances for early Soviet withdrawal, Afghan leader Babrak Karmal seemed to offer one in a Moscow news conference Dec. 20. He said Soviet troops would leave only after "firm, serious guarantees of an end to interference and intervention in our country by reaction and imperialism, until this interference is completely halted."

Still, the Soviets may be preparing for the day when concessions of some sort will be needed as part of a negotiated package that, overall, the Kremlin decides it can live with.

One element in such preparations, moreover, could be the very moves at creating "infrastructure" in Afghanistan that some Western analysts posit as proof that the Soviets will be there virtually forever.

The laying of physical infrastructure—airfields, bridges, roads—really does sound like the stuff of which lengthy Soviet presence may be made.

But more quietly, the Soviets have also been overseeing assembly of political infrastructure. Little by little, Afghan political organization has been remade in the image of the USSR. Mr. Karmal is a "general secretary." He sits on a party central committee. More than this, his workers have special days on which they "donate" labor to the state. Young children in Afghanistan, as in the Soviet Union, join "pioneer" groups. Ideological instruction has been organized, and since intensified. And a "national fatherland front" of amenable local leaders has been created in an apparent bid to create a viable mass party organization.

Whatever the intention of such moves—and officials here are reluctant to comment on such questions—the effect has been to start defining Soviet-Afghan political relations within a party framework, rather than on the narrower basis of ties with particular personalities in the Kabul regime.

A diplomat here who specializes in Soviet relations with the third world, particularly with the Middle East, notes: "In the middle or longer term at least, this kind of change could well facilitate the kind of leadership reshuffle in Kabul that seems essential to a workable negotiated settlement."

Washington's View: Soviets Digging In and No Sign of Withdrawal

(By Brad Knickerbocker)

Washington.—On the anniversary of the Soviet invasion of Afghanistan, Washington sees the situation as one of increasing danger to regional stability and limited options for the United States.

Despite recent speculation, there are no real signs of any Soviet willingness to withdraw, officials here say. On the contrary, the Soviet presence in Afghanistan is greater than ever. At the same time, thanks in part to outside aid, the Afghan resistance movement remains firmly entrenched.

The result, say Pentagon and State Department sources, is likely to be a long, drawn-out affair. And for the US this means increasing reliance on an important ally in the area that has its own serious political problems.

"We view Pakistan as the key to Afghanistan," says an administration official.

It is generally felt that Pakistani President Muhammad Zia ul-Haq made a favorable impression on his recent visit to Washington. The key to his usefulness as a stabilizing influence in South Asia, in the official view, rests largely with beefed-up US military—including jetfighter F-16s—and economic aid, totaling $3.2 billion. But Congress, concerned about continued martial law and possible development of nuclear weapons in Pakistan, remains skeptical about administration-sought increases.

To make its case for such aid, administration officials point to the increased Soviet military presence in Afghanistan during 1982. The number of Soviet troops increased by 25 percent to about 105,000, with many Muslim soldiers being replaced by more reliable ethnic Russians. Many young Afghans are being sent to the Soviet Union for training and indoctrination.

There are recent reports that troops from Soviet satellite countries (Cuba, Vietnam, Bulgaria, Czechoslovakia, and East Germany) are now in Afghanistan. And Soviet forces are adding to a more permanent infrastructure with military possibilities—roads, depots, pipelines, and airfields.

"This improves their access to Afghanistan and by extension to the Gulf," says a Pentagon official.

"They're obviously in there for the long haul," adds another administration source.

On the other hand, American officials see the Afghan resistance as strengthening its position during the third year of Soviet occupation.

"The guerrillas are doing as well or better than a year ago. They are better armed. I don't sense any dimming of their fervor to fight. Their leaders are tactically effective,"

observes a US military officer. The Soviets "don't have security even in Kabul (the capital of Afghanistan)."

Most guerrilla armament has come from captured Soviet and Afghan government stock, but it is recognized here that this source of weapons eventually will dry up and that supplies from outside the country may increasingly become necessary. American officials refuse to elaborate in any detail on persistant reports that the US (along with China, Egypt, Saudi Arabia, and Pakistan) is helping the Afghan resistance, although they do not deny that such aid is being provided.

"I'm not sure that more help from the West would be needed at this point," says one US official. "It's at a certain level and unlikely to change for now."

As an indicator of increased US resolve to prevent further Soviet advancement in the region, the Pentagon recently announced formation of a new unified command for Southwest Asia. On Jan. 1 this will replace the Rapid Deployment Joint Task Force, which has increased in size to include 230,000 US servicemen. The time for such a force to respond from its home base in the US has dropped significantly in the past two years, and US officials hope eventually to have a forward command headquarters within the region.

"We do anticipate the Soviets will recognize that this is a further step that indicates how serious we are about Southwest Asia," a Pentagon official said in announcing the new command. US officials also note the continued presence of a aircraft carrier battle group in the Indian Ocean, the prepositioning of supplies on the island of Diego Garcia in the Indian Ocean, and regional military exercises with other countries.

As for East-West relations, the role of China vis-a-vis the US and the Soviet Union, and the likelihood of how a Soviet withdrawal might take place, U.S. officials have more questions than answers at this point.

"Afghanistan could be the start of a new Soviet-Sino-US contruct," speculates an American official. "But it would have to start with the Soviet Union."●

RULES OF THE COMMITTEE ON APPROPRIATIONS

● Mr. HATFIELD. Mr. President, pursuant to the rules of the Senate, I hereby submit rules of the Committee on Appropriations, and ask that they be printed in the RECORD. These rules were adopted by the committee on Tuesday.

The rules follow:

RULES OF THE COMMITTEE ON APPROPRIATIONS [1]

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

When the bill and report of any subcommittee is available, they shall be furnished to each member of the Committee twenty-four hours prior to the Committee's consideration of said bill and report.

VII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.●

[1] Adopted pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended.

A COGENT CALL FOR ARMS CONTROL

● Mr. PELL. Mr. President, earlier this month one of America's great 20th century statesmen, Averell Harriman, wrote succinctly in the New York Times concerning what he accurately described as "the central challenge of our time"—the search for peace in the nuclear age. As a former U.S. Ambassador to Moscow and having served as chief negotiator of the Limited Test Ban Treaty, Ambassador Harriman knows from experience the essential nature of United States-Soviet relations, both the dangers and the opportunities. At a time of great uncertainty about the future of superpower arms control, his views on this subject warrant the most careful consideration. I commend Ambassador Harriman for his continuing, enlightened contribution to our national debate, and I ask that his article, entitled "Let's Negotiate With Andropov," appear at this point in the RECORD.

The article follows:

[From the New York Times, Jan. 2, 1983]

LET'S NEGOTIATE WITH ANDROPOV

(By W. Averell Harriman)

WASHINGTON.—Within a month, the United States will resume negotiations with the Soviet Union on strategic and intermediate-range nuclear weapons. Lulled by the slow pace of these negotiations, preoccupied with our economy and the rebuilding before us at home, we—as a nation—are in danger of forgetting the sense of urgency that brought about these meetings in the first place.

We are also in danger of casting opportunity from our hands—the opportunity provided by new leadership in the Soviet Union that appears to be pragmatic as well as determined, and the opportunity to achieve support at home before the 1984 Presidential election year embroils in politics the question of survival—a matter that ought to be above politics.

Most serious of all, we may soon cast out the opportunity to limit new generations of nuclear weapons, such as cruise missiles, that could overwhelm every ounce of ingenuity and good will we might apply to achieve significant limits.

For more than three decades, we have prevented a global conflict through nuclear deterrence, posing in essence, the certainty of unacceptable destruction to any aggressor should these weapons be unleashed.

That deterrence continues today, but—as weapons are piled on weapons and these weapons spread to new hands—we could be reaching the point where, despite deterrence, the avoidance of conflict may be less and less within our control.

A conflict waged with nuclear weapons would be nothing less than the act of nations gone mad. For those who see it as anything less, I reserve but scorn for their lack of common sense and pity for their departure from the common humanity that binds us on a fragile planet.

Faced with the risk of this conflict, arms negotiations must not be used to reach agreements for agreement's sake or as a cynical excuse for increased arms. Instead, they should be seen as the only clear path to security and survival, and the only path whereon we may shape our future instead of abandoning ourselves before uncertain whims of fortune.

Negotiation—serious negotiation—is an act of necessity for both our nations.

It presupposes no naive faith in the Soviet Union or its leaders to expect it to pursue anything less than its own self-interest. On the question of nuclear war, however, self-interest is common interest. And, if I am certain of anything, I am certain that Soviet leaders are as concerned to avoid a nuclear war as we are. I have seen how the Second World War scarred not only a generation but the very soul of every Soviet citizen—even those born a decade after the guns fell silent. They have no desire to repeat that experience.

The desire to reach agreement is strong in both our nations. Yet reaching agreement will be a difficult matter.

Twenty years ago, during the Cuban missile crisis, our nation avoided nuclear holocaust, maintained our national security and preserved peace at the same time. We succeeded in the negotiating process that resolved this crisis because President John F. Kennedy had access to all views, not just one. We succeeded because he did not ask the military to make political judgments.

And we succeeded because he was not blinded by an attitude of all-or-nothing.

President Kennedy took the Soviet Union's points most favorable from our perspective—those contained in the first communication from Nikita S. Khrushchev—and built upon them a response, consistent with our security, that paved the way for progress. Above all, the President did not allow our actions to be paralyzed by the least favorable clauses of a Soviet proposal.

Today, with negotiations on nuclear arms at an impasse and the clock ticking away remorselessly, what we learned then could serve us well again.

Two examples from the current negotiations demonstrate where we ought to explore possibilities for progress.

First, in the negotiations concerning intermediate nuclear arms, President Reagan's "zero option"—proposing that both superpowers eliminate longer-range intermediate missiles—may be the ideal outcome from our point of view. But if this outcome is unachievable, we should still examine other ways to reduce significantly the Soviet Union's intermediate-range missile force—including its SS-20's, wherever stationed—and strengthen the cohesion of the Atlantic alliance.

On Dec. 21, the Soviet leader Yuri V. Andropov proposed much reducing the Soviet Union's intermediate missiles in Europe to a number equal to the British and French nuclear-missile forces existing at present. I believe that the Soviet initiative may be worthy of further serious negotiation, although I find the proposal unacceptable as it now stands. First of all, Britain and France correctly object to the inclusion of their systems, and we should not attempt to negotiate for them. We must also ascertain what will become of all the Soviet missiles that are reduced; merely transferring them within the Soviet Union from west to east of the Urals would be unacceptable. However, rigidity in this case will not mean a better agreement; it will simply mean no agreement at all.

Second, Mr. Andropov has proposed to reduce the Soviet Union's total strategic systems to 1,800, some 750 fewer than it has today. We would like to see this number further reduced, and I believe that every effort should be made to increase that reduction beyond 750. However, a reduction of 750 missiles and bombers—depending on what weapons are counted on both sides in such a reduction—would still be valuable as a first step. This suggests that we need to broaden our proposal for the strategic arms reductions talks to include all forms of strategic delivery vehicles.

Yet another reason we succeeded in the negotiations 20 years ago was that we Americans were confident. Today, we face the more severe problem of nuclear technology moving beyond our control. But the Soviet Union has the same problem. It sees itself surrounded by hostile or restive powers. We have allies because they want to be allies.

It is a lack of confidence today that is calling for the new and more dangerous weapons. But lack of confidence and rigidity must not keep us from exploring every possibility with open minds and the same urgency we invested in negotiations 20 years ago.

America will have to lead, for leadership is incumbent upon us as the greatest and strongest nation on earth. I am still hopeful. My estimation of America's power and my confidence in our people have not so diminished that I see America fearful to be first in the search for peace in the nuclear age—the central challenge of our time.●

THE IMPRISONMENT OF REVEREND SVARINSKAS

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. D'AMATO. Mr. President, I rise once again to focus attention on yet another blatant violation of the Helsinki Final Act by the Soviet Union. I refer to the recent arrest and illegal imprisonment of Rev. Alfonsas Svarinskas, a Lithuanian Catholic priest. Reverend Svarinskas, a member of the Catholic Committee to Defend the Rights of Believers, a human rights organization, was arrested on trumped-up charges of using his position as a priest, in the parish of Vidukle, Lithuania, as a cover for staging "antisocial" meetings to incite believers to wage open struggle against the Soviet system, and for fabricating slanderous materials that were sent abroad for use by subversive centers with anti-Soviet aims.

This is not the first instance of Soviet attacks directed against Reverend Svarinskas by the atheistic leadership of the Soviet Union. In 1947, this deeply religious man was sentenced to more than 10 years of hard labor for nationalist and religious activities, and again in 1958 for religious activities. For his second offense, he was sentenced to 6 years, a portion of which was spent in a "special regimen camp." Reverend Svarinskas continues to be the victim of harassment by official newspapers and government officials.

This most recent violation, occurs at a time when many Americans are preparing to celebrate the 65th anniversary of Lithuanian independence. This type of human rights abuse, a clear violation of the Helsinki Final Act, should be condemned by all freedom-loving Americans as yet another example of a continuing Soviet disregard for the basic principles of human rights. Therefore, I urge my colleagues to join me in an unqualified denunciation of Soviet terror tactics against the occupied nation of Lithuania, as well as continued Soviet hegemony in the Baltic region.●

LOU RAWLS

● Mr. RIEGLE. Mr. President, I would like to take this opportunity to recognize the visit of Lou Rawls to my hometown, Flint, Mich. Lou Rawls is one of the preeminent performers in the country, and has shown his greatness by staying at the top of his profession since 1966.

Lou was born in Chicago and raised by his grandmother. His musical interests were honed by his exposure to such greats as Billy Eckstine, Arthur Prysock, and Joe Williams, and learned from them the true power of music. He has devoted much of his recent career to many causes, but one of his principal interests has been the development and growth of the United Negro College Fund.

He is the honorary chairman of the UNCF, and in 3 years has raised over $10 million. He organized the "Lou Rawls Parade of Stars Telethon," which visits cities around the Nation raising funds for 42 private black colleges. The phenomenal success of the telethon is due largely to his devotion, energy, and spirit. On January 8, 1983, the telethon raised $355,000 in Detroit alone.

Lou Rawls will be in Flint on February 13 for a public concert. In recognition of his tremendous contribution to the United Negro College Fund, and in honor of his visit to my hometown of Flint, Mich., I want to extend my appreciation and heartiest welcome, and wish him all success in future endeavors.●

"AMERICA'S NEGLECTED ELDERLY"

● Mr. PELL. Mr. President, I wish to bring to the attention of my colleagues and the public a recent newspaper article which has revealed a great flaw in our treatment of older Americans. That flaw is our failure to recognize and respond to the changing medical and emotional needs of our senior citizens.

In "America's Neglected Elderly," published in the New York Times magazine on January 30, 1983, author Didi Moore documents the need for health care policy which is directed toward chronic disease as well as acute illness. The need for a vastly greater number of geriatric physicians in the coming years, and the need for counseling and support for the family members of ill and disabled senior citizens, are also movingly described by her article. I hope that my colleagues, particularly my fellow members of the Labor and Human Resources Committee and members of the Finance Committee, can take time to read and consider the changes in national health policy called for by this writer.

If there is no objection, Mr. President, I ask that the text of the article be printed in full following my remarks.

The article follows:

[From the New York Times Magazine, Jan. 30, 1983]

AMERICA'S NEGLECTED ELDERLY

(By Didi Moore)

The crisis with my mother began when she was just 80," said a 49-year-old public-relations woman from the East Coast. "She'd had a couple of falls before, but this time it happened in the middle of the night. She tried to get to the phone, but she fell again. Fortunately, my uncle just happened to come by the next morning.

"The doctor suspected that she'd had several small strokes," said the distraught daughter, who asked not to be identified. "When it was clear that she couldn't go on living alone, we hired round-the-clock nurses at $400 a week. But first one didn't show up; then my mother didn't like another. Each time it was something else.

"So we brought her to our house for a while, but it was extremely hard on me and the rest of the family. We talked about a nursing home. And though she didn't want to go, it became apparent that it was the only way.

"She started in a minimum-care facility. But she became more and more confused, so they decided to switch her to their skilled-care facility—a decision in which I had no choice. Most of the people at the new place are much more demented than she is, and she's very depressed. It's very sad. She keeps asking: 'When can I get out of here and get on with my life?' "

The problem of care for the elderly is rapidly becoming a national crisis. Americans over 65 are probably the fastest growing age cohort in the country, according to the United States Bureau of the Census. Between 1900 and 1980, when the population as a whole tripled, their number increased eightfold. The over-75 group—the segment with the most illness—has grown by more than 37 percent in the last decade alone. By 2030, when the baby boomers are well into their "golden years," the over-65 segment is expected to reach 55 million—nearly one-quarter of the population.

The major reasons for this graying of America are recent medical advances that have virtually conquered disease which, less than three decades ago, were certain to take lives. Elderly patients who, today, suffer strokes, heart attacks and broken bones are likely to live for many years, albeit in an impaired condition. Of the 26 million Americans over the age of 65, nearly 40 percent suffer from some chronic physical or mental handicap. In addition, as a result of major social and economic changes, families, the traditional support system, are now in less of a position than ever before to take on the extended care of the elderly relatives.

Despite the predictability of this shift in health-care requirements, the country's medical and social-service systems are woefully unprepared. The budget submitted to President Reagan last month by Richard S. Schweiker, the former Secretary of Health and Human Services, recommends a $2.6 billion cut in Medicare, the Federal medical-insurance program that covers Americans over 65 and certain younger disabled people. Although this proposal is likely to meet with some resistance on Capitol Hill, Medicare—even with the current allocations—does not cover many of the elderly's greatest needs, including long-term care outside the home and nearly all home care and preventive medicine. And some members of the Reagan Administration have talked about turning it into a means-tested program.

Also threatened with a $2.6 billion cut is Medicaid, for which the 12 percent of Medicare beneficiaries below the poverty level are eligible. This state-run, Federally regulated aid program pays not only for nursing-home care, but also for eyeglasses, hearing aids, dentures and drugs—none of which are covered by Medicare.

When Medicare was enacted in 1965, at a cost of $1 billion, it was aimed at preventing a catastrophic illness from financially destroying the elderly patient. It has succeeded at that goal. During the last 18 years, however, while Medicare price tag has increased to $43.5 billion, the needs of the elderly have changed. More people now die of chronic diseases, but Federal funding is still strongly biased toward care of acute illness. At present, there are some 50 percent more people in nursing homes than there are in community hospitals. And, while there are waiting lists of a year or more at many nursing homes, community hospitals remain 25 percent empty. But in 1981, when $94 billion in Federal funds was spent on community hospitals, only $24 billion was spent on nursing homes.

Doctors themselves contribute to the problem. The Rand Corporation, the California research organization, estimates that by 1990 the country will need 8,000 to 10,000 geriatric physicians to care for the growing elderly population. But, at present there is no board-certified specialty in geriatrics; of the nearly 400,000 members of the American Medical Association, only 720 identify themselves as having a major practice commitment to geriatrics.

"We are at a critical juncture in the development of our policy toward the elderly," said Representative Claude D. Pepper, the Florida Democrat who is the chairman of the House Rules Committee and of the Subcommittee on Health and Long-Term Care of the Select Committee on Aging. "We must make a national commitment to take bold steps now to develop a compassionate and sensible long-term care policy. If we fail to do this, we will pay for our timidity with billions of inefficiently spent dollars. Much more importantly, we will suffer the consequences which surely would come to a nation that abandoned those who built it with their labors and with their faith."

With miracles of modern medicine alleviating acute illnesses, it is often after the crisis ends—when it is clear the elderly relative will survive—that the nightmare really begins for the family. Children who are suddenly faced with making decisions regarding the well-being of their parents often find the role reversal lonely and excruciating—riddled with guilt, shame and ambivalence.

"The single greatest fear we have in this country is the fear of growing old, losing our mind and being put away in a nursing home," said Dr. Robert N. Butler, the chairman of the department of geriatrics and adult development at Mt. Sinai Medical School in New York. "It overshoots cancer as a national phobia. And its impact on the family is enormous."

Though his father was 85 and his mother 78, a 45-year-old New York City surgeon, had found little reason to worry about his parents. They had lived "frugally, but comfortably" in Florida for more than 20 years and had been in reasonably good health. But, three years ago, his father suffered a stroke and, in what almost seemed like a cause-effect relationship, his mother began to show signs of serious senility. "His head was fine, and her body was fine. But she'd do things like put the dish towel over the lit burner on the stove, and he couldn't do anything about it," the surgeon said.

"My father—who then suffered a heart attack—made it clear he didn't want to be alone with his wife. We talked about splitting them up—my sister taking my mother and my sister was so demoralized that she couldn't cope with it. Since my wife and I both work, we knew we couldn't take the two of them."

A nursing home became the inevitable solution, and they chose one in New York. "We had a real advantage because I'm on the staff of a local hospital, but we still had to wait until two people died before they could get beds."

Because nursing homes can choose their patients, they tend to give preference to those who demand the least care and attention Most good nursing homes have waiting lists of a year and more. Yet, *because of high interests rates and threatened cutbacks in Medicaid, construction of new homes is virtually at a standstill.*

Furthermore, the financial aspects of entering a home can make what is already a difficult decision even more devastating. *The cost of nursing homes* averages $1,500 to $2,000 a month and some require a large—often illegal—"donation" of about $10,000 up front. Since the Government shares none of these costs, many residents quickly deplete their entire savings to pay for their care. When they are literally impoverished, they become eligible for Medicaid. According to one study, almost two-thirds of the nursing-home patients in Monroe County, N.Y., were forced to convert to Medicaid within a year of entering the home. Even worse, in many states spouses are legally responsible for the costs of caring for their disabled husband or wife. As a result, the noninstitutionalized mate must go on welfare before any money is made available from Medicaid. And the Federal Government is studying the possibility of requiring adult children to provide some financial support for aging parents.

Although there are times when nursing homes are the best alternative—and despite some improvement in the industry since the scandals of the early 1970's—institutionalization is still a nasty word that conjures up images of maltreatment and neglect. Families complain that medical staffs are incompetent and evade questions about patients' treatment and conditions. "And in most nursing homes," explained Mary B. Barrett, 68, a retired college professor from Middletown, N.Y., and a member of the Long-Term Care Committee on the Orange County Subarea Council of the Hudson Valley Health Systems Agency, "it doesn't take long for a patient to be switched from a health-related to a skilled facility because the proprietor gets more money from the Government for the skilled beds."

After helplessly watching the home make this shift, familes often find that a parent slips into senility because the only stimulation is the moaning and senseless palaver that goes on in a skilled-care ward. "When you enter a nursing home there's a feeling that this is the end," said Barbara Silverstone, the executive director of the Benjamin Rose Institute, a geriatric residential and research center in Cleveland, Ohio, and the co-author with Helen Kandel Hyman of "You and Your Aging Parent." "You give up your home, your possessions, your autonomy."

Patricia M. Belanger, the director of the New York City Long-Term Care Ombudsprogram, put it more bluntly: "Most people leave nursing homes horizontally."

For six years, Margaret Stump, 57, an occupational therapist who heads the Senior Center in Tenafly, N.J., flew to Lima, Ohio, every three months to see her nonagenarian mother before she made the decision to move her to a New Jersey nursing home. "I felt that she'd be better once she got a home. But I knew she wanted to be in her own house. It was a very difficult decision. I had to wait until I thought she wouldn't know where she was," Mrs. Stump confessed.

Home care is preferred by most elderly people. Seventy percent of them own their own homes and 84 percent of those have no mortgage. But because there is very little Medicare money for home care, assistance can be prohibitively expensive for someone on a fixed income. Visiting nurses, for example, can cost about $40 for a one- to three-hour house call.

With no umbrella organization to coordinate them, even the choice of services can be bewildering. A given community might have one or more—and sometimes none—of the following: home care, visiting nurses, adult day care, respite service for families, a senior center, meals-on-wheels and nursing homes. Because many of these may be demonstration or pilot projects, they may come and go in a few years. "To a certain extent," said Patricia Belanger, "you have to go where the funding is in your community, which is not necessarily where your needs are. You may just need someone to bathe you, but you end up getting a registered nurse."

At present, the Health Care Financing Administration is funding 16 experimental projects across the country to try to fill this gap. These home-care programs offer a range of personal and homemaker services from transportation to the doctor to preparing and feeding meals. In a three-year New York City demonstration project, three-quarters of the clients are impaired enough to be classified eligible for a nursing home. But between the home-care service and family participation, they are able to stay at home. "We think we're intervening with families at a time when they might have given up and institutionalized their elderly relative," says Roberta S. Brill, director of the Home-Care Demonstration and Research Project of the New York City Department for the Aging.

Unfortunately, translating these projects to national policy does not seem likely today. "The Federal Government still has the attitude that Medicare is not for long-term care," says Mrs. Brill.

Another, more widespread program that has helped keep some older people out of institutions is locally run adult day care. At present, there are 800 such centers in every state but Wyoming and New Hampshire, aimed at the functionally impaired senior citizen. "It's a full-day program geared to maintain or improve the person's condition," says Betty Shepard, coordinator of the National Institute on Adult Daycare. "There is a lot of reinforcement to keep people focused on reality." And there are other programs, as well, such as the family-respite service, which gives a break to families who are caring for elderly relatives by allowing them to go away weekends or take a vacation.

A major problem in arranging funding for programs such as these is that the Government separates payment for what it considers social needs from medical care. For many of the elderly, such distinctions make no sense. For stroke or arthritis patients, for example, it is as important to their well-being to have help dressing and getting around as it is to have someone give them their medications.

Of the available long-term care options, probably the most difficult one is for an adult child to take an aging parent into his or her home. Despite popular rhetoric that says that Americans have abandoned their elderly, every bit of research indicates that families still remain the predominant care givers. Of those with families (25 percent of older people have no close living relatives), 80 percent live with or near them.

But social and economic changes have altered the nature of the American family. Today's elderly raised their families during the Depression, and, for the most part, they had fewer children than their own parents. Furthermore, with the majority of women currently working, the traditional role of daughter or daughter-in-law as care giver has become obsolete. Houses and apartments are often smaller than they used to be, while increased mobility has spread families over thousands of miles. And, because of greater longevity, the "children" of these elderly parents may well be nearing 65. Despite a willingness, older children may be unable to take on the care of an ailing parent.

Depending upon the needs, condition and temperament of the older person, moving in with a grown child is an intrusion that can easily turn a household upside down. "A great deal of the emotional reaction to having an elderly person in your home is engendered by ignorance of how to care for their physical needs. People are afraid because they don't know what to do," said Mary Barrett. "There are classes for the care of the newborn, but there are no classes to teach families how to deal with incontinence or how to feed an elderly person."

More often than not, however, it is the older people who don't want to move in with their children. Paula Brandis, 86, lives in Kittay House, a pleasant-looking senior-citizen residence in the Bronx. While her only daughter lives in Ann Arbor, Mich., Mrs. Brandis has no intention of moving there. "Of course it's nice to be with your children," she said. "But they have to work, and I'd just sit there alone in their big house. My home is here, and my friends are here—it's more important to be near my friends."

When her husband died in her arms two years ago, Elizabeth Bartsch, 83, of Cresskill, N.J., suffered from amnesia. She was greatly distressed, and her 47-year-old son, Alan, concerned about her being alone, brought her to live with him 15 miles away in Woodcliff Lake, N.J. They closed up Mrs. Bartsch's tiny house, and she said goodbye to her neighbors. But after 14 months, Mrs. Bartsch decided she wanted to go home again.

"She had trouble adjusting to being in our place," said Mr. Bartsch, "She felt she was intruding. She wanted to do things her way, but it wasn't her home. Two women in a house—it's a problem."

Now Mrs. Bartsch has a boarder. Her son stops by about once a day. She's happy to be back in her familiar neighborhood where she can take walks without getting lost. "I've still got a good pair of pins," she said.

No matter what health-care route a family chooses, the effect on everyone's life is inevitably dramatic. Some feel that care for the aging is a woman's issue. The burden, they say, still falls to the daughter or daughter-in-law, who is frequently torn between the demands of her children, job, home and now parents. "In a way, I feel cheated," said the East Coast public relations woman whose mother is in a nursing home. "While the children were growing up, we were limited by having little children. Now that they are grown, we're constricted by having aged parents."

Because their own old age is less imminent, younger children of elderly parents are sometimes emotionally better able to handle the situation. Seymour Israel, a 36-year-old Manhattan lawyer with a 5-month-old baby, found that caring for his seriously senile 75-year-old father was a tender special experience. When his father had surgery last year, Mr. Israel visited the hospital every day to shave and feed him and take him to the bathroom. "Involvement with an aging parent is not something to be afraid of," said Mr. Israel. "It brings you into a very loving situation. For me it's been a real pleasure to be able to do this for him, to give to him what he gave to me."

Despite the best of intentions, few people, if any, are exempt from the sometimes fleeting, sometimes gnawing feelings of guilt. "Even if you've acted as honestly or decently as you can," said the surgeon from New York City, "you feel terrible. You resent them. You end up wishing they were dead, and you feel guilty because you realize that you're not just wishing them out of their misery; you're wishing yourself out of your misery."

For many children, the guilt intensifies as they find themselves feeling angry at their parent's irresponsible behavior. "My mother fires everyone I hire; she denies that she needs me; then, when she gets herself into a spot she can't resolve herself, she calls me to come get her," said one distressed Boston lawyer about his 89-year-old mother. "She doesn't care how it disrupts my life. I'm furious at her for putting me in this position where I constantly feel imposed upon. I feel helpless. And if I confront her with these things, she gets indignant."

The way people behave when they get old is often an exaggeration of characteristics that were present when they were younger. Manipulative parents will frequently be even more manipulative. And their children—deferring to the parent's physical frailty—will feel even more abused. In many cases, these parents are testing their children. They fear they are being discarded; they want proof that they are loved.

Dr. Robert J. Weiss, a psychiatrist and the dean of Columbia University's School of Public Health, likens many elderly parents to adolescents. "They want to be independent, but they are physically unable to act on what they want to do. Like adolescents, many elderly people just aren't able to judge their own limitations," said Dr. Weiss. "They get angry because restrictions are being put on them by, of all people, their children." Indeed, in their desire to remain in control of their lives, many elderly parents misinterpret the willingness of their children to help as an intrusion on their independence.

For the most part, however, the elderly tend to be pragmatic when confronting their increasing frailty. "They worry about how they will live with disease, who will do the shopping and how they will get to the doctor's office," said Dr. Barry Gurland, a psychiatrist and the director of the Center for Geriatrics and Gerontology of the Columbia University Faculty of Medicine and the New York State Office of Mental Health. While some people adapt to the dependent role more readily than others, many elderly people become increasingly anxious about what is happening to them, how painful it will be and how far it will go.

"The loss of peace of mind, along with the comforts of the body give rise to an increased rate of depression," said Dr. Gurland, adding, however, that the elderly are able to adapt to their situation given the time and support of family, physicians and neighbors.

Less resilient, however, is the rest of the family. The effect of caring for an aging rel-

ative can be particularly divisive. A crisis with a parent often forces siblings together after many years, triggering old conflicts, reinstating old roles. In most cases, one child takes on the bulk of the responsibility for care. Though this inevitably causes resentment, it can be preferable to decision making by a committee of three or four offspring. "There is easily more potential for fireworks between siblings," said Barbara Silverstone, "than there is with a parent-child relationship."

Public policy can do little to ameliorate the emotional impact on children of caring for a disabled, aging parent. But it clearly has a critical role in resolving what is on its way to becoming a national crisis.

"The real challenge is to develop a kind of legislation to shift the focus away from acute care to take into account the changing population and its needs," explained Janet S. Sainer, the commissioner of New York City's Department for the Aging.

To a large extent, that means developing a viable and well-funded program to encourage people to stay at home as long as possible. Such a program, say advocates for the elderly, should offer a continuum of services—home health care, adult day care, physical and occupational therapy, respite care and nursing homes—whereby patients could move back and forth as their needs change. "Clearly this is the wave of the future—more appropriate for the vast majority, and more cost-efficient at the same time," said Representative Pepper, who is working to develop a long-term-care financing bill aimed at benefiting the middle-income person as well as the poor.

Essential to the success of such a program is a division of services. With one agency assessing patients' needs—informing them of the options available—and another assuring that care continues to reflect those needs, the elderly would avoid getting caught in a bureaucratic conflict of interest.

Funding, of course, is the major stumbling block in the establishment of a new health policy for the elderly. Private insurance companies have shown little interest in offering coverage for long-term care. They have assumed it won't be cost effective for them since only the elderly would be interested in it. Dr. Robert N. Butler, of Mt. Sinai, who holds one of only three endowed chairs in geriatrics in the country, hopes policy makers will look at more creative sources of financing, such as pension funds or home equity.

There are also those who call for a revamping of the system altogether (though some say that would open it up for destruction). In his book "America's Old Age Crisis," Stephen Crystal theorizes that too much money is spent on the "young old" who are forced to retire at 65, and then are paid Social Security, pensions and Medicare by the Government. As a result, he said, "we don't have money left to take care of those who really need it."

In the end, in order to effect any change, the physicians in this country have to show their support. "The M.D.'s have the most political influence," said Anne R. Somers, a professor at the University of Medicine and Dentistry of New Jersey-Rutgers Medical School. "They set the tone. It's important that the doctors of the future get as excited about Alzheimer's disease or rehabilitating a stroke patient as they get now about a lung transplant." But before that can happen, medical students need more exposure to elderly patients, explained Dr. Butler. They have to see role models who are excited about the field.

By its very nature, there is no ideal way to handle the deterioration of a parent. It is a terribly sad, emotionally draining experience for which there can be no happy ending. Many children find they do their mourning during this time. The grieve the loss of their parent as they want to remember him or her. "Every month, every week, every day, I felt my mother died a little more," said Margaret Stump, whose mother did die shortly before this article was published. When the parent passes away, the child feels the sorrow of the finality. But he or she also feels relief.

Changes in Government policy could go a long way toward making this phase of life more comfortable and secure for the growing number of the chronically ill elderly and their families. More support from the medical and social-service communities would also help both patients and relatives cope with the experience. But in the end it is up to individual families—even before a crisis arises—to deal as openly as possible with their needs, expectations and capabilities.

"There is no one solution that is right," said Barbara Silverstone. "You have to look at what you can and can't do. And whatever solution you choose, it won't be perfect. Most importantly, though, you have to be honest—really lay your cards out on the table. Most feelings of guilt come from promising too much, and not being able to deliver."●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, it is my understanding that no other Senator is seeking recognition and that certain Senators must leave.

I ask unanimous consent that at the conclusion of the colloquy between the distinguished Senator from Maine and the distinguished Senator from Georgia, the Chair then, pursuant to the terms of the resolution of adjournment, place the Senate in adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open today until 5 o'clock for the purpose of statements, introduction of bills and resolutions, and for committees to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE REPORTS ON THURSDAY, FEBRUARY 10

Mr. BAKER. Mr. President, I ask unanimous consent that during the adjournment of the Senate until Monday, February 14, committees may file reports between 9 a.m. and 3 p.m. on Thursday, February 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I thank the Senators from Georgia and Maine.

After their colloquy, the Chair will place the Senate in adjournment under the order just entered, Senate Concurrent Resolution 8.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. NUNN. Is the Senator from Georgia correct in assuming that perhaps the Senator from Maine and the Senator from Georgia made a mistake in agreeing to one too many unanimous-consent requests, so that there will be no one remaining to listen to their colloquy?

Mr. BAKER. That is an interpretation I would not put on the situation with respect to the dialog that is about to occur.

Mr. NUNN. I am delighted that the Presiding Officer is going to remain here.

Mr. BYRD. Mr. President, may the RECORD show that I will listen to the dialog from my office? I imagine that a good many other Senators will.

Mr. NUNN. I know that the minority leader will, and he will read it in the RECORD.

Mr. BAKER. And we express our thanks to both Senators for presenting this material.

MUTUAL GUARANTEED BUILD-DOWN OF NUCLEAR FORCES

(A resolution, Senate Resolution 57, submitted by Mr. COHEN, for himself and Mr. NUNN.)

Mr. COHEN. Mr. President, there has been growing concern in this country and Western Europe over the spiraling arms race and the absence of an overall framework for limiting it. Many of those who have joined the nuclear freeze movement have done so out of a legitimate fear of nuclear war, others out of a deep sense of frustration that, arms control talks notwithstanding, no promising solution to the arms race was being actively pursued.

While I am sympathetic to the goals of a nuclear arms freeze, I cannot support it as a policy because it would leave the United States with a vulnerable land-based missile system, a deteriorating bomber force, a submarine fleet that faces block obsolescence in the early 1990's, and no systems comparable to Soviet land-based missiles targeted on Western Europe.

In studying the arguments of proponents and opponents of an immediate freeze, I have noticed that there are a number of essential points of confluence. Both seek to enhance strategic stability through equal reductions in nuclear arsenals. Both agree that any agreement on reductions must be mutually verifiable. Both favor serious, vigorous negotiations with the Soviet

Union, aimed at meaningful arms control.

After studying the issues—both domestic and international—I am convinced that a different approach is needed to finding a means to get us off the arms race treadmill. We have to devise a formula for balancing the need to replace aging weapon systems and the objective of reducing armaments and tensions, a formula that will accommodate the need to modernize our systems to ensure that they remain a credible deterrent while at the same time forcing a reduction in the actual numbers of nuclear weapons.

I recently outlined an idea for such a framework and indicated that I would be looking more deeply into its feasibility and desirability. I rise today to introduce a resolution calling upon President Reagan to propose to the leaders of the Soviet Union immediate adherence to the principle of a guaranteed builddown in the nuclear forces of each side.

Adoption of this principle would place an immediate price on the deployment of new weapon systems—automatic, concomitant reductions. Essentially, a side would be required to eliminate two older, less stabilizing nuclear warheads for each new warhead added to its force. In order to modernize, to add more survivable and reliable weapons to its arsenal, a side would have to be willing to accept a net reduction in its total number of warheads.

I believe the effect would be stabilizing in terms of the factors that threaten nuclear war. The net reduction in numbers of weapons, accompanied by a net increase in the survivability and reliability of deployed systems, would reduce tensions and give less cause for turning to strategies calling for hair trigger responses to perceived threats. In other words, modernizing our systems to make them more survivable actually can yield greater stability between the superpowers—provided it does not simply add to the accumulated layers of nuclear warheads.

I have spoken with a number of people and have examined the application of the general principle in a variety of arms reduction scenarios. The primary advantage of the builddown concept is that it is compatible with, and, in fact, complmentary to, our ongoing arms control negotiations with the U.S.S.R., while retaining flexibility for our military planners.

I might note at this time that I have talked with the President, who expressed his very sincere and serious interest in pursuing this particular concept, because he recognizes that it is compatible with his own START negotiation proposal.

I have also corresponded and made contact with the Under Secretary of Defense, who has encouraged an approach similar to that which is being suggested.

The precise elements of the formula could be crafted to focus narrowly on one type of weapons mix or broadened to encompass a range of nuclear armaments. In my view, it is important to maintain tactical weapons in a category distinct from longer range systems.

In general terms, the concept would include the following points:

For each new nuclear warhead deployed, a side would be required to eliminate two older warheads.

Each side would exercise the principle of freedom to mix in determining tradeoffs and force composition.

Useful counting rules and implementation procedures from the SALT agreements could be retained.

The sides would agree on verification measures, including cooperative measures as necessary, which insure confidence in compliance.

After careful study, I am convinced that the guaranteed build-down concept would provide a realistic framework for arms reduction, one which would be consonant with U.S. proposals and objectives and which would be negotiable while serving U.S. interests. In no sense would this principle be distruptive of current negotiations; indeed, it could be a vital catalyst in moving them forward.

I emphasize that the build-down concept does not determine the eventual ceilings toward which the two sides must move, but it could bound the problem now in anticipation of future agreement on the appropriate ceilings at equal and lower levels for both sides. A guaranteed build-down says simply: Any change in the forces will result in reduced numbers of deployed nuclear warheads.

I do not offer the build-down concept as a panacea. Rather, I offer it as an impetus to progress toward reversing the arms race and improving the prospects for maintaining peace. It would spur near-term reductions, would apply equally to the United States and the U.S.S.R., and would help reduce tensions that threaten peace.

The flexibility of its application is a key attraction of the concept. At the same time, the basic principle remains fixed: There would be no modernization without reductions.

Mr. President, I submit that the concept of a guaranteed build-down is responsive to the concerns of both the advocates of a freeze and the proponents of force modernization. This approach offers a means of uniting the two elements behind a common, critical objective: reducing the risk of nuclear war.

We must share the worry that launching new weapons programs without agreed constraints may only increase the forces on both sides and ultimately add to the common danger. That, I believe, is a major concern of the people supporting the freeze movement. It is one I think we must all respect. It is one to which the guaranteed build-down responds directly.

I offer this concept as an initiative to unite all who are concerned about the security of our country and the peace of the world. It can be a bridge to the new and strong coalition in America which is essential to more comprehensive mutual restraint with the Soviet Union. For we cannot hope to find common ground with the Soviets until we find common ground for Americans.

The resolution I am introducing today could be implemented through a U.S. initiative to have the idea adopted immediately as declaratory policy by the two Governments. The United States could indicate that it would be willing to accompany the deployment of each new nuclear warhead with a reduction of two older warheads, if the U.S.S.R. would agree to follow the same principle in modernizing its forces. We would wish to refine the application of the concept in direct negotiations between the parties.

An initiative of this nature could impart momentum to an arms negotiation process many fear may now be stalled. It would make absolutely clear the U.S. commitment to the prompt reversal of the unending expansion of nuclear forces on both sides which has so increased the danger to our peoples.

I urge my colleagues on both sides of the aisle to support the resolution that Senator NUNN and I have submitted.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the text of the resolution ordered to be printed in the RECORD, as follows:

S. RES. 57

Whereas strategic stability is essential to the security and well-being of the United States and of the Union of Soviet Socialist Republics;

Whereas force survivability is indispensable to stability at the strategic nuclear level;

Whereas strategic stability requires the periodic replacement of vulnerable strategic nuclear weapons with more survivable weapon systems;

Whereas both the Government of the United States and the Government of the Union of Soviet Socialist Republics have pledged themselves to seek major reductions in strategic nuclear forces;

Whereas the goal of strategic stability thus requires a balanced blend of force modernization and force reduction by both the Government of the United States and the Government of the Union of Soviet Socialist Republics;

Whereas that goal could be served by a mutual guaranteed builddown of nuclear forces, under which the Government of the United States and the Government of the Union of Soviet Socialist Republics would each eliminate from its operational forces

two nuclear warheads for each newly deployed nuclear warhead;

Whereas the principle of a guaranteed build-down is compatible with other proposals to reduce nuclear forces already advanced by the Government of the United States and the Government of the Union of Soviet Socialist Republics; and

Whereas the principle of a guaranteed build-down could be inaugurated immediately and remain in effect as a step toward achievement of such equal and lower levels of forces as may be agreed to by the two Governments; Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should propose to the Government of the Union of Soviet Socialist Republics, in the context of the relevant negotiations, immediate adherence by the Government of the United States and the Government of the Union of Soviet Socialist Republics to the principle of a guaranteed strategic build-down of nuclear forces, subject to agreed procedures of verification and compliance.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. COHEN. I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I thank my colleague from Maine, and I congratulate him on introducing today an idea and a concept in the form of a resolution that I believe has a great deal of thought and a great deal of wisdom behind it. I believe that as more of our colleagues read and study the proposal of the Senator from Maine, which I am delighted to coauthor, we will see more and more people recognize that this type of approach allows us to enter into a concept and agreement with the Soviet Union if both sides can come to grips with this which would not preclude replacing systems that are dangerous, that are destabilizing, and that are vulnerable and that lead to both sides moving toward a hair trigger, that would not preclude that kind of modernization but would guarantee that while that kind of modernization is going on we would be indeed reducing 2 for 1 the overall nuclear arsenal both in this country and the Soviet Union.

Mr. President, I am pleased to join my distinguished colleague Senator COHEN in introducing this resolution today supporting the concept of a mutual guaranteed nuclear build-down. The fundamental principle of this proposal is the need to insure deterrence and stability at the nuclear level between the United States and the Soviet Union.

In my judgment, a major factor in providing for stability in the nuclear balance is the relative survivability of the forces. Insuring survivable weapon systems should be a major goal of our current efforts both in modernizing our forces and in seeking major reductions in force levels by arms control efforts.

The Cohen-Nunn proposal for a guaranteed build down concept requires reductions as an integral part of modernization by both the United States and the U.S.S.R. Efforts to modernize and reduce simultaneously are compatible, and both contribute to improving stability and deterrence.

One of the strongest arguments in favor of the ongoing modernization is improved survivability of our nuclear systems. Existing, destabilizing vulnerabilities will not be cured by freezing them in place.

I want to commend Senator COHEN for his outstanding work and continuing concern in this area. He has developed this concept over a period of time and outlined it in several major articles. He and I have discussed the need to work for stability many times, and it was because of this concern that we sponsored last year an amendment to the defense appropriation bill dealing with the possible deployment of the MX missile in a destabilizing interim basing mode.

The proposal that is being offered today recognizes the principle that replacement of our vulnerable nuclear systems with more survivable ones is in our best interest. But, it also recognizes the need to achieve mutual major reductions in nuclear arms on both sides.

It accounts for the reality that arms control negotiations, historically, have been protracted. While not a substitute for the ongoing efforts aimed at substantial reductions, this proposal could provide a natural bridge between continuing unconstrained buildups and a completed and ratified treaty on mutual, verifiable reductions.

Eliminating all nuclear weapons is not a near term reality. In our weapon procurement and arms control policies we should strive to drive down the size of the United States and Soviet nuclear arsenals to a smaller number of highly survivable systems.

The concept of a guaranteed nuclear build-down is simple in statement but dramatic in effect. Under the "two for one" exchange, each side would be permitted to modernize nuclear forces, but the price of such modernization would be a requirement to eliminate two nuclear warheads for each new one introduced. This proposal can be implemented as the Senator from Maine has said so well in the broadest context but could also be applied to specific arms control proposals in both the strategic and in the theater nuclear area.

When both sides possess large numbers of warheads and many of these warheads in increasingly number on both sides become vulnerable and are based in vulnerable situations, the world moves closer to a nuclear hair trigger. This proposal recognizes the need to move our nuclear forces and our arms control policies away from this destabilizing posture.

Mr. President, this proposal is compatible with the current ongoing arms control negotiations; this proposal is compatible with the demonstrated need to improve the survivability of our own strategic forces; this proposal is compatible with positive and constructive efforts to enhance nuclear stability and reduce the likelihood of nuclear war. It is a serious well thought out proposal that warrants consideration by our colleagues, by the President, and executive branch, by our allies, and hopefully by our adversaries. I hope that it will receive the study and emphasis that it truly deserves.

Again I congratulate the Senator from Maine, and I say to the Senator from Maine that I am delighted and honored to coauthor this proposal.

Mr. COHEN. I thank the Senator from Georgia for his remarks. I enjoyed working with him, particularly in the field of our strategic systems. I believe there would be no more important issue as we move into the new year than to bring about a result such as we are proposing, and I welcome his support.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 14, 1983

The PRESIDING OFFICER. Under the previous order and pursuant to Senate Concurrent Resolution 8, the Senate will stand adjourned until 12 noon, Monday, February 14, 1983.

At 4:55 p.m., the Senate adjourned until Monday, February 14, 1983, at 12 noon.

EXTENSIONS OF REMARKS

THE STORY OF ABBOTT EPINEPHRINE—A TALE OF ARROGANCE AND ABDICATION COMBINING TO CAUSE DEATH AND DANGER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. BIAGGI. Mr. Speaker, for the past several weeks, I have been deeply involved in an investigation of a heart drug known as epinephrine, the particular brand manufactured by Abbott Laboratories. Epinephrine, which is also known as adrenalin, is primarily used to aid individuals who suffer cardiac arrest. My investigation was prompted by the findings of a study commissioned by two prominent New York doctors, Dr. Joseph Feldschuh and Dr. Raymond Gambino. The key element of their study was a physician survey which in their words "was unable to discover a single surviving case after intracardiac injection," among 852 patients.

As I looked into this matter in greater detail, I learned that despite Abbott being advised by letter of this survey by its two authors, they chose not to advise the Food and Drug Administration. When the FDA was finally advised, they initially refused to commence any action because they lacked specific information regarding reported deaths of patients. Last week, the FDA announced that Abbott had agreed to a voluntary "market withdrawal" of epinephrine while awaiting a further FDA evaluation.

I was and continue to be deeply concerned about the processes involved which allowed this clearly lethal drug to remain on hospital shelves after a reputable medical study disclosed its obvious dangerous nature. It is my intention to turn over all information related to this investigation to the Subcommittee on health and the Environment to determine more precisely what FDA's role was and should be in a case such as this.

The articles I am placing in the RECORD today, are from the New York News World and are entitled "Firm Recalls Heart Drug; Says Charges—Nonsense" and "Life Saving Health Solution Found Deadly—Doctors Say." I urge my colleagues to read them with great care and attention.

FIRM RECALLS HEART DRUG; SAYS CHARGES—NONSENSE

(By Cheryl Marie Smith)

A heart drug that has been depicted as contributing to more than 800 deaths of New York heart-attack victims is still on the shelves in hospital emergency rooms, a congressman has warned.

Meanwhile, the manufacturer of the drug, Abbott Laboratories of Chicago, labeled the accusations "absolute nonsense."

On Monday, however, the federal Food and Drug Administration announced that Abbott had agreed to a voluntary "market withdrawal" of its epinephrine while awaiting an FDA evaluation.

Called a "drug of last resort," epinephrine (pronounced ep-e-nef-rin) is used to revive patients suffering from cardiac arrest. It is also known as adrenaline.

In a news conference yesterday, Rep. Mario Biaggi said that Abbott Laboratories' epinephrine contained extraordinarily high levels of acid.

"And acid," the Bronx Democrat contended, "is the last thing a heart-attack victim needs."

A heart-attack victim, he said, experiences an increase in the level of acid in the body. Epinephrine is often administered to revive the victim. But if the epinephrine contained a high level of acid, it could cause a chemical imbalance, exacerbate the acidic condition and speed death.

And, according to Biaggi, Abbott's epinephrine contained "8.2 times the acid content of a similar product from Bristol Laboratories and 1,850 times more than an identical dose of epinephrine made by Parke-Davis." The reason for the high level of acid was "to extend the shelf life" of the Abbott drug, thus enhancing its marketability, Biaggi said.

DOCTOR AROUSED INTEREST

Biaggi's interest in epinephrine was sparked by a study conducted by his family physician, Dr. Joseph Feldschuh, head of the cardiac metabolic laboratory of New York Medical College, who is "something of a medical gadfly," according to Biaggi.

Feldschuh and a colleague, Dr. Raymond Gambino, professor of pathology at Columbia University College of Medicine, surveyed 38 New York physicians and their use of epinephrine on 852 heart-attack victims. In the study, which was published in this month's issue of the American Journal of Medicine, the doctors contended there was a link between injections of Abbott Laboratories' epinephrine and the deaths of the patients.

The spokesman for Abbott Laboratories called these claims "absolute nonsense." He protested that in the preliminary copy of Feldschuh's report, received last June, no such conclusion was declared and that at the time, Feldschuh "didn't know what his findings meant."

He said that at the times when epinephrine is used, it is always a life-or-death situation with unknown chances of survival. There could be no clear indication, short of autopsy, which could prove a cause of death, the spokesman said.

He noted that in the study, the 38 physicians said that doses of epinephrine ranged from "one to 17 vials." The usual, prescribed dose of epinephrine is between ".03 and .05 vials," he said.

He confirmed that the acid level in epinephrine had been lowered in July 1982 after Feldschuh's report had been read, but argued that acid comparisons of "8.2 percent" of "1,850 percent" were wrong and that a "similar Parke-Davis product" did not exist.

The spokesman also said that the "market withdrawal" only pertained to vials manufactured before July 1982 and the amount of recovered vials "should be very little if any."

However, Biaggi said yesterday that according to the chief of pharmancy at New York Hospital, 1,084 units of the drug had to be removed.

"This drug is used all over the nation and the world," Biaggi said. "Doctors may not know about this. There hasn't been enough publicity."

Josephine Williams, spokeswoman for the City's Health and Hospitals Corp., which oversees the 16 municipal hospitals, said yesterday the recall was already in effect. She did not know how many vials had been collected. New York Hospital is a private facility.

Biaggi yesterday said that he would hold a hearing on "laxity" in the FDA that would have allowed a "potentially lethal" product to have existed for public use for nine years.

He also blasted Abbott for not informing the FDA ("even if they are not legally required to do so, they have a moral responsibility") or hospitals so they could remove the pre-July 1982 products from the shelves.

"The question is: how did the FDA ever approve this drug 10 years ago?" Biaggi asked. "And why can a company change the contents of the drug without notifying the FDA? Abbott never informed the FDA or started a recall—instead they just reduced the acidity of their product and kept quiet."

Biaggi siad he would collaborate with Reps. Jack Brooks, D-Tex., and Henry Waxman, D-Calif., who are respectively, the chairman and member of the House Government Operations in the FDA probe.

Abbott Laboratories was founded in 1888 in Chicago and makes more than 700 products.

LIFE-SAVING HEART SOLUTION FOUND DEADLY, DOCTORS SAY

(By Cheryl Marie Smith)

Sirens blaring, the ambulance roared up to the hospital entrance. Attendants leaped from the compartment and hustled the inert victim into emergency.

A flurry of movement ensued as doctors and nurses raced to administer care.

The patient's heart had stopped; "How long?" yelled a man in a white coat.

Cardio-pulmonary resuscitation proved futile. The patient's life ebbed away by the second.

Quickly, a decision was made. The doctor reached for a syringe, snapped on a vial full

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

of adrenaline and plunged it into the victim's heart.

This drug was the last vestige of hope for the victim—without that sudden surge of hormones gleaned from a human gland, the faltering heart would never beat again.

But this drug—conveniently packaged for a frantic physician's hand, kept handy in emergency rooms throughout the nation's 7,000 hospitals—is now suspected of containing an ingredient which is poisonous to a silent heart.

FAR BIGGER THAN TYLENOL SCARE

Instead of being a life-saver, it may have helped push a life-or-death patient over the edge.

This grim conclusion, described as something "far bigger than the Tylenol scare," was reached by two physicians, both experts in appropriate medical fields, both after years of careful analysis.

Everyone is reluctant to declare a "scandal," but, slowly, the threads that have surrounded a deadly 10-year-old "loophole" seem to be unraveling.

The product in question is an epinephrine manufactured by Abbott Laboratories, which was established in Chicago in 1888 and produces between 700 and 800 drugs.

Epinephrine is the true name for adrenaline. It is a colorless, transparent hormone composed of carbon, hydrogen and nitrogen and, most importantly, secretions from the medulla (inner part) of adrenal glands.

The adrenal glands, located atop the kidneys, have two functions: they regularly disperse some 30 life-maintaining hormones, and, secondly, provide a boost of extra energy when strong emotions, such as fear or anger, are felt.

It is this latter function that has meant so much to cardiac patients. When the body experiences strong emotions, the adrenal glands secrete epinephrine, which in turn galvanizes the body to meet an emergency: the heart rate increases, the pupils of the eyes dilate and carbohydrates are rapidly changed into sugar for extra energy.

Epinephrine was first isolated from animal glands in 1901 by Jokichi Takamine, a Japanese chemist who worked in America. Three year later, after Friedrich Stolz synthesized the drug, it was introduced to the public. For the last 80 years, epinephrine has been regarded as a friendly, life-saving stimulant which has snatched countless heart patients from the jaws of death.

Ironically, it may be epinephrine's longevity and honorable record that has allowed a tragic mistake to occur.

SOLUTION IS THE CULPRIT

For, as revealed by Drs. Joseph Feldschuh and Raymond Gambino, it is not the epinephrine in the needles that has possibly contributed to deaths of heart patients; it is the solution with which the epinephrine is pre-mixed.

That solution, they have announced, contains a lethal dose of acid.

The first thread of this story was discovered in 1979 when a patient of Feldshuh's died of heart failure in an emergency room.

During the last moments, at least one—and possibly more—standard, pre-diluted, single-dose syringe of Abbott epinephrine had been injected directly into the patient's heart in a futile last-ditch effort to get it pumping again.

After death, Feldschuh, who is the physician-in-charge at New York Medical College's cardiac metabolic laboratory, decided to take a sampling of the fluid from the heart in order to examine its pH level. What he found was shocking.

The pH of the body is the measurement of acid and alkaline (salt) ranging from 0 (highly acidic) to 14 (highly alkaline).

A normal pH is 7.40. Irreversible death (too much acid) comes when the pH drops below 6.80. Feldschuh's patient registered a startling pH of 6.53—indicating a massive case of acidosis.

Movement up or down the pH scale, which is measured in logarithmic units, doesn't happen like mercury sliding up or down a thermometer. In fact, the human body maintains incredibly tight controls over the pH level and fiercely protects it with numerous fail-safe measures. Dramatic changes in the pH level, therefore, only occur under the most strenuous of situations.

But a patient with a pH of 6.53 is obviously stone dead and never could have made it alive into an emergency room. Yet, the patient in question had been alive moments earlier.

Moreover patients who die of heart failure experience a drop in pH, but only to approximately 6.85. This patient's pH was clearly abnormal and Feldschuh began his search to find what might have caused it to drop.

His answer appeared several days later when he examined the contents of the Abbott epinephrine syringe. Mixed in with the life-giving adrenaline was a solution of potentially poisonous acid, which he later concluded was powerful enough even to "kill" a healthy heart if it were to be injected.

NO SURVIVORS IN 852 CASES

He later surveyed 38 physicians in the New York area concerning 852 cases of cardiac arrest where Abbott epinephrine was administered. In the 852 cases, "there were no survivors," Feldschuh said.

Every cardiac expert knows that when the heart stops, blood movement ends and the oxygen supply plummets. Immediately, the body moves to an alternate, emergency metabolism. Cells begin to break sugar down into carbon dioxide and a mild (lactic) acid in an desperate attempt to produce energy. Slowly, however, as the process continues, the body is being filled with acid.

Meanwhile, the heart, which is the largest consumer of oxygen and therefore the most sensitive to its loss, begins a frantic attempt to energize itself, breaking down sugar and producing acid. Within seconds, the fist-sized organ is filled with acid and the carefully-guarded pH level begins to drop.

Usually within four to six minutes after a heart stops, brain damage caused by lack of oxygen begins to occur and death—and a pH of below 6.80—soon follows.

Obviously, the last thing an already-acidic heart needs is a syringe-full of acid, which would essentially serve to paralyze the failing organ.

In the meantime, Abbott Laboratories is under a voluntary, FDA-approved "market withdrawal," according to a company spokesman.

Although the Abbott spokesman contended that the charges against the product were "absolute nonsense," he confirmed that after the company received a preliminary report from Feldschuh last summer, the company, without fanfare, lowered the acid level in the epinephrine formula.

In 1982, the New York Heart Association reported 1.5 million Americans suffered heart attacks. Of these 550,000 were fatal.

Feldschuh's conclusion leads to a horrifying realization: over the past decade, hundreds of thousands of heart attack victims had been rushed into emergency rooms across the nation, with perhaps one chance to live. Tens of thousands of doctors and nurses, with complete trust and confidence, grabbed a syringe filled with what they hoped and believed was a life-giving drug and applied it with their greatest skill to the dying man or woman.

But if Feldschuh's findings are correct, the brutal truth is, in reality, none of these victims had a prayer.●

PREVENTING HUNGER AT HOME

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. GOODLING. Mr. Speaker, I am joining 122 of my colleagues in the House in cosponsoring House Concurrent Resolution 40, more popularly referred to as the "Preventing Hunger at Home Resolution."

Let me take this opportunity to express a word of personal thanks to the Bread for the World organization for its continuing efforts in keeping before the public the urgent food needs of millions of our less fortunate fellow Americans. I also wish to commend my distinguished colleague, the gentleman from California, Mr. PANETTA, and my good friend from Vermont, Mr. JEFFORDS, for their leadership in introducing this important measure early in this Congress.

Mr. Speaker, House Concurrent Resolution 40 should send a strong signal to those who are expecting the Congress to make wholesale cuts in the various domestic feeding program that many of us will resist such attempts.

I concur wholeheartedly in the views expressed by the gentleman from Vermont, Mr. JEFFORDS, when he stated that "the 98th Congress has few priorities before it that are more important than reducing the Federal deficit. Among those few is preventing hunger at home. That is the most simple and fundamental reason behind the introduction of this resolution."

Rather than possibly ignoring the basic needs of millions of Americans by calling for significant reductions in the numbers of dollars available to put food on their tables, the administration should seek to join ranks on a bipartisan basis with the Congress to insure that limited Federal dollars are invested in providing expedited and adequate assistance to those whom these programs were designed to serve.●

SMALL BUSINESS AND AGRICULTURAL TRADE REMEDIES ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mrs. SNOWE. Mr. Speaker, I rise today to introduce the Small Business and Agricultural Trade Remedies Act of 1983. This legislation will address a number of problems confronting our small businesses in seeking relief from unfair foreign competition. My colleagues, Senator COHEN and Senator MITCHELL have introduced similar legislation in the Senate and I am pleased to join with them in proposing reforms to our U.S. trade laws which will better serve the needs of small business.

The United States finds itself today, more challenged by international competition than at any time in recent history. Domestic producers of a growing number of products are experiencing intensified competition from foreign imports which pose enormous economic implications. In my home State of Maine, for example, imports of subsidized potatoes from Canada have increased by more than 600 percent since 1976, resulting in severe price depression and subsequent losses for the Maine potato industry totaling more than $60 million for the 1981–82 marketing season. In the fishing industry, imports of subsidized frozen fish from Canada have increased over 40 percent since 1978. Similarly, the market share of Canadian lumber imports have jumped significantly in the past 5 years resulting in unemployment levels in the lumber and wood products industry of 23 percent in 1981, and 17 percent in 1982.

Unfortunately, Mr. Speaker, many of the international trade problems facing these industries today arise from the barriers placed on them by our domestic trade laws. The existing trade remedies which were designed to assist our domestic industries against unfair foreign competition, are prohibitively expensive, require complex data and documentation, and entail lengthy review proceedings. For these reasons, a majority of small businesses have been denied access to these trade remedies and thus do not have a viable mechanism to receive economic redress from unfair competition.

Clearly, no nation can long sustain public support of any policy unless its people sense that there are equitable and tangible benefits of that policy application. We must take steps, therefore, to strengthen our domestic trade laws which will make them more useful and responsive to the needs of those they were intended to protect.

One area that is of grave concern to many small businesses is the cost of filing a trade relief petition. Since the Trade Agreements Act of 1979, the costs of exercising U.S. trade laws have increased substantially, effectively barring small and medium-sized industries from access to their legal rights. For example, it is not uncommon for an antidumping and countervailing duty petition for a small business to cost between $100,000 to $150,000. Nor is it uncommon for a firm to pay upward of $250,000 to file a section 201 or 301 import relief petition.

As a first step toward reducing these costs, the legislation I am introducing today would establish a small business trade access trust fund which would be financed by the collection of countervailing duties and antidumping duties by Customs. Proceeds from the trust fund would establish an independent Small Business Trade Assistance Office within the Department of Commerce. The primary function of this Office is to assist small businesses with the preparation of data necessary for trade relief proceedings. Second, this Office will be responsible for reimbursing a small business petitioner for the legal and accounting fees incurred during the case.

Under this proposal, the Federal Government would provide a small business petitioner $50,000 in initial petition costs and 50 percent of costs incurred thereafter. This cost-sharing method is designed so that a firm assists in the financial costs of pursuing a trade relief case and insures that the Federal Government does not expend its time and energies on frivolous cases.

Mr. Speaker, I believe the advantages of establishing a small business trust fund are many. First, small businesses with limited resources will now be able to have various import relief options within their financial reach. Second, the trust fund will result in little, if any, net cost to the Federal Government since income from custom duties would allow the program to operate without direct Government funding. Third, the trust fund insures that those countries engaging in unfair trade practices will pay for the trade assistance to our affected small businesses.

The length of the trade relief process is a major concern expressed by the agricultural sector. To address that concern, this bill would modify section 201 of the Trade Act of 1974 to include a fast-track provision for perishable commodities. Although this provision would apply to a host of products, it would greatly assist the Maine potato industry in seeking expedited relief from increasing Canadian imports.

With a fast-track system, those small industries marketing perishable commodities can request emergency action when filing a section 201 petition. The Secretary of Agriculture would have 14 days in which to recommend action to the President. The President could then impose an appropriate relief measure. This system enables those industries with import sensitive commodities to improve their production efficiencies and better plan future marketing strategies, while at the same time not interfering in the regular section 201 proceedings.

The bill would also require the President to take into account regional economic factors when considering an International Trade Commission recommendation in a section 201 case. This legislation instructs the ITC to consider the general economic situation, including employment levels, in the major geographic area in which the small business is located. In addition, exchange rates shall be considered as well as the firm's ability to convert to alternative product lines. This provision reflects the needs of border States, which are the first to be adversely affected by increasing foreign imports.

Finally, this bill streamlines and makes the judicial review process more cost effective for a small business petitioner. Currently, more than 50 percent of all final determinations by the administrative agencies are appealed to the courts. The existence of judicial review further prolongs the length of the relief proceedings and ultimately the cost to the petitioner. This bill would direct the court of appeals for the Federal court to review the case rather than the U.S. Court of International Trade. This change tailors the review of the antidumping and countervailing duty cases with the review of other administrative proceedings, while at the same time increases the efficiencies of the judicial review process. In short, Mr. Speaker, if we are to improve the international competitiveness of our smaller U.S. industries, we must take steps to insure their access to free and fair trade. I believe this legislation goes far toward eliminating the barriers placed on small businesses when obtaining relief under our existing trade remedies and is fully consistent with our trade obligations under the General Agreement on Tariffs and Trade. Mr. Speaker, the need for this legislation is now, and I urge my colleagues to join with me in giving this bill prompt consideration.●

PEACE INITIATIVE

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. WIRTH. Mr. Speaker, I am pleased to join Mr. GLICKMAN in reintroducing the bill to establish the U.S. Academy of Peace and Conflict Resolution. Few congressional initia-

tives could be more imperative in these times of worldwide tension and conflict.

Former U.S. Army Chief of Staff Gen. Omar Bradley has aptly remarked: "We have become a Nation of nuclear giants and ethical infants. We know more about war than we do about peace, more about killing than we do about living." By providing a forum for an active and consolidated study of peace-related issues, the proposed Academy will help lead the world out of the darkness and danger of this intellectual abyss.

The Academy's primary focus will be on research, education, training, and information services in the areas of peace and conflict resolution. Although research in such areas is currently conducted in many places around the country, this research is largely fragmented and uncoordinated. The creation of a national peace academy will work to both coordinate and expand this research, will its centralized role in information collection and dispersal will greatly enhance the effectiveness of researchers worldwide. Furthermore, the Academy will be breaking new ground by emphasizing training in conflict resolution skills to complement this research. This interdisciplinary training will enable graduates to bring back to their jobs the diverse skills necessary to meet the ever-growing challenges of preserving peace and promoting cooperation in the volatile international arena.

And it is not only in the worlds of academia and diplomacy that the Peace Academy will fill an obvious need. I would like to emphasize that it is distinctly envisioned as being a logical and necessary complement to military programs and policy as well. While no one doubts the necessity of a strong military for our national security, military might is no guarantee of our ability to successfully resolve conflicts. The lessons learned at such an academy will not only help us prevent future wars, but will also show us how to most effectively and humanely manage war when it is unavoidable. The Academy, by design, will not be a policymaking organ, but its contributions will undoubtedly enable policymakers to handle future conflicts with more insight and success.

The legislation provides for private contributions and an endowment to help defray the costs of the Academy. Nevertheless, it is obvious that funding such an institution will still require a considerable commitment on the part of the Federal Government. But we must keep in mind that the size of such a commitment is minimal when compared to the mammoth human and financial costs of war. The recent armed conflicts in the Falklands and Lebanon only reinforce this lesson. The House bill provides for a $13 million 2-year capitalization fund for the proposed Academy, $5 million in fiscal 1984, and $8 million in fiscal 1985. By comparison, it has been estimated that the Falklands conflict cost the British $2.55 billion, and $3 billion for the Argentines. And this is not considering the incalculable toll in human lives and suffering.

The proposal to establish a national center to concentrate on peace-related issues is not a new one. Congressional initiatives on the topic can be traced as far back as 1935. But if ever the times demanded the formation of such a center, these times of global tension and accelerating arms races certainly do. I am proud to be a cosponsor of this legislation, and it is my sincere hope that my colleagues in the House of Representatives will join with me in supporting its passage.●

CIVIL SERVICE MERIT SYSTEM?

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mrs. SCHROEDER. Mr. Speaker, many administrations have attempted to push the rules governing the merit system to the limit to achieve loyalty and ideological purity. None has done it with the venom and intensity of this administration. The following article from the Washington Post discusses this issue:

MINUS A BOTTOM LINE, MERIT SYSTEM EARNS DEMERITS

(By Paul Taylor)

Can the beast be tamed?

Can a bureaucracy of 2.8 million employees, working in an environment larded with security and absent a bottom line, in a personnel management culture more concerned with preventing abuse than promoting excellence or punishing incompetence, can such an unwieldy creature be made . . . efficient?

The last soul to tackle that question was Alan K. (Scotty) Campbell, President Carter's architect of modern Civil Service reform.

Five years ago, as he lobbied on Capitol Hill, his answer was a booming yes. Now, from his perch as a corporate executive, it comes back a little softer; not sure. It was Carter's and Campbell's bright idea to attack government efficiency through the personnel function, by taking the carrot-and-stick, pay-for-performance management style so much in vogue in the corporate world and grafting it onto the alien culture of a public bureaucracy.

They got most of what they wanted through Congress, in no small measure because Carter's anti-bureaucracy broadsides from the 1976 campaign had given a sleepy issue some momentary pizazz. The Civil Service Reform Act of 1978 was the most sweeping overhaul of the government's personnel system since 1883, when a political patronage "spoils" system was replaced by the Civil Service merit system.

Most reforms are reforms of the reforms that preceded them, and the 1978 law was no exception. It was targeted at the perceived excesses of "merit," the welter of inflexible rules and job protections that threatened to asphyxiate the idea of merit from within.

Campbell says he still believes the 1978 law was a good idea, but now wonders if the effort will lead to much. And he is not alone.

The first blush of evidence and early reviews from managers in the system suggest that, in the culture of a big public bureaucracy, carrots don't have much flavor and sticks don't have much clout.

"There was nothing in that legislation that was self-enacting," said Campbell, now executive vice president of ARA Services Inc. of Philadelphia, a multibillion-dollar diversified service company. "The tools are there, but the question is whether people in the system want to make use of them. Let's just say my confidence has been softened by the difficulties of implementing over the past few years."

The major features of the government reform package:

Creation of a Senior Executive Service of 7,000 top-level managers who would give up job protection in exchange for the chance to compete for bonuses.

Establishment of a merit pay system for 125,000 middle-level managers, who would forgo half their annual comparability salary increases for a shot at a pool of merit pay.

Streamlining of cumbersome procedures for firing incompetent employees.

How has it all been working? Spottily.

Starting from the top, the harshest critics of bonus and merit pay incentives turn out to be the very managers who stand to benefit from them.

A 1981 survey published by the Merit Systems Protection Board, which acts as a watchdog, found that only 26 percent of the Senior Executive Service career executives surveyed agreed with the proposition that the SES and its bonuses had had a positive impact on their agencies.

In a different poll of 300 managers taken last year by the Federal Executive Institute Alumni Association, respondents said by 55 to 29 percent that the bonuses were not awarded in a fair manner, and by 86 to 14 percent that the merit pay system—which has proven to be a bear to put in place—was not worth the cost, time and paperwork of administering it.

This may seem to be biting the hand that feeds. It is as much a matter of resenting the hand that doesn't feed enough.

As originally enacted, the SES bonuses were to be available to 50 percent of all of a federal agency's top managers in a given year, and the awards could be for as much as 20 percent of a manager's base salary.

But when NASA became the first agency in the government to set up its bonus program in 1980, and when it made awards to 46 percent of its top managers, Congress began to blanch. Would the public stand for such profligacy? Wouldn't the bonuses be subverted into a tool of compensation rather than incentive, with half the executives of an agency automatically getting them one year, and the other half the next?

Fearing a public outcry, Congress made the rewards scarcer and more sparse. It restricted the number of SES members who could qualify in a given year to 20 percent and set up a quota that limited the average bonus to roughly 10 percent of a senior manager's salary. The senior executives were livid, and their faith in the bonus system has never recovered.

"We all felt stabbed in the back," said G. Jerry Shaw, president of the Senior Executive Association.

"The incentive pay system turned into a farce," James Kellett, an SES member at the Department of Energy, said. "I was intrigued by the possibility of doing it the way they do in the private sector. You offer me a 20 percent bonus and I'll manage the hell out of you."

While much of the ill will derives from this initial sense of betrayal, something else underlies it. There is the feeling that, in the absence of any universally accepted criterion to measure management performance, favoritism is bound to creep into the bonus award process.

Whether the perception is true is not what counts; the perception alone is enough to undermine the point of the system. And with just one top manager in five having a shot at a bonus, the program has become a breeding ground for resentment.

"I don't think a 20 percent bonus system will ever be anything but a massive headache," Shaw said.

Campbell agrees, and said he thinks the problem goes to the heart of what makes it so difficult for a bureaucracy to accept a performance-based pay system: there is no bottom line to judge performance.

In the bonus plan he supervises for his company, ARA Services, 75 top executives can sweeten their salaries by up to 80 percent, depending on how they measure up against short and long-term bottom-line goals.

"You have winners and losers too, but there is a much greater tendency in the private sector to accept the bonuses and to move on," Campbell said. "In the bureaucracy, the losers tend to go running to a subcommittee."

The Civil Service system has been making stabs at fashioning its own performance measurements, but the state-of-the-art is in its infancy. How does one assess the productivity of a policy maker at the State Department? A systems analyst at the Commerce Department?

Some coarse measurements of output can be applied to almost anyone, but, as Rep. Pat Schroeder (D-Colo.), chairman of the House Civil Service subcommittee of the House Post Office and Civil Service Committee, notes, they often can lead to make-work exercises in "getting your paperwork up."

Some departments, in their performance evaluation standards for top managers, measure how well the bureaucrats get along with the groups their agency serves. But that can raise problems, too, by putting too many incentives on a civil servant to become an advocate for the group he or she is serving.

There are those who argue that the government ought to be more like the private sector and measure "effectiveness" rather than "efficiency."

That is, measure a high official of the Department of Housing and Urban Development on how many subsidized housing units get built rather than on how many requests for grants are processed. But that leads to judging managers on forces that may be beyond their, or their agency's, control, and again, the tendency of a merit-based system is to resist.

Donald J. Devine, Campbell's successor as director of the Office of Personnel Management, acknowledges that there are obstacles to developing a credible performance measurement system, but said he believes they are being overcome.

"We need performance appraisal much more than the private sector does," he said. "We shouldn't be overly mechanistic about it. People know who the better performers are. We need a simple system which allows a little room for judgment."

If the carrots of the 1978 reform act have proven awkward to dispense in a public bureaucracy, so too have the sticks.

One of the main features of Civil Service reform, to hear President Carter sell it when he was pressing for the measure, was that it would finally be possible for supervisors to fire incompetent workers.

Carter said that the paperwork to support a firing was so burdensome, and the appeals process so time-consuming, that in 1976 just 226 workers in a work force of more than 2 million were sacked. It was easier to pawn off a poor performer on an unsuspecting supervisor or purge him to a bureaucratic Siberia, Carter said.

Actually, Carter didn't tell the whole story. In 1976, according to a study by the Merit Systems Protection Board, the number of discharges was 17,157. Since passage of the reform act, the number of discharges has gone down, not up. The figure for 1980 was 12,078.

These numbers include firings for inefficiency, resignations in lieu of adverse action, terminations during probation and dismissals for misconduct or other unspecified reasons. The 1981 figures are nearly identical to those in the 1980, when the thousands of air traffic controller firings are discounted.

Does this mean that the 1978 reform act has backfired? No, what the discharge numbers more likely show is that the level of sackings may be driven by something other than the procedural hurdles.

It is likely something more subtle, a way of doing business in the federal government that gives managers a predictable reluctance to "get up to the plate and swing" at poor performers.

In the private sector, particularly in white-collar settings, there is far more flexibility to let someone go gracefully: buying him off, putting him on a leave, suggesting that he look for other work over a period of time; in short, "building a golden parachute."

These options do not work in a public bureaucracy, and no one suggests they should, although some defend the sytem's generous early retirement provisions as a useful management tool in easing out deadwood. For the most part, the supervisor in a bureaucracy must confront a starker choice than his counterpart in the private world: fire or try to accommodate. In the real world, where humans make human decisions, the tendency is, and remains, to accommodate.

While the reform act hasn't done much to change the standard operating procedure in one area of Federal employee relations, firing, it has done quite a bit in another: unfair labor practice complaints.

To moderate union opposition to the reform act, unions and employees were given broadened powers to file grievances about working conditions.

Since 1978, the caseload before the Federal Labor Relations Authority has doubled, and some are picayune in nature: moving a coffee pot from one end of an office to another, altering the partitions, relocating an employee from one floor to another.

What these complaints reflect more than anything is not the expansion of collective bargaining rights in the bureaucracy, but their restriction. About 60 percent of the federal work force is unionized, but, except for the postal unions, they are not permitted to bargain over wages. So they build membership over working-condition grievances.

"Labor relations are much less mature in the government than in the private sector," said Ronald W. Haughton, director of the FLRA, who has worked as a referee in both settings. "People seem to have a certain quotient for taking each other on. If they can't do it over wages, they do it somewhere else."

The rash of working-condition complaints also may reflect a demoralized work force, and that, in turn, may set the stage for the next wave of personnel reforms designed to improve the productivity of federal workers: employe participation in management decisions.

The Japanese model productivity councils has made its way across the Pacific Oceans, with encouraging results in industrial settings in this country. Who is to say, just as management by objective and pay for performance have made their way from the private sector to public, that we will not see the day when a GS-8, GS-10 and GS-14 sit down at a table and talk out their productivity problems.

Rep. Schroeder, chairman of the House Civil Service subcommittee, already has offered such a bill.

As to whether it would change anything, she might want to check with Scotty Campbell.●

HANDICAPPED EDUCATION—STILL JEOPARDIZED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. BIAGGI. Mr. Speaker, today, I am pleased to introduce a resolution which reiterates our concern over the landmark Public Law 94-142, the Education of All Handicapped Children Act and the ongoing attempt by the Department of Education to deregulate its provisions.

As one of the original authors of this law in 1975, I have maintained an active interest in its impact upon the education of over 4 million eligible children since its inception. Despite strong bipartisan support for Public Law 94-142 in Congress as well as nationwide, the Department has maintained a tireless assault on the regulations for this program since August of 1982. At that time, the Secretary of Education issued regulations which would have rendered Public Law 94-142 ineffective. It would have rescinded the educational rights of the millions of handicapped children in public schools which are guaranteed, under the law, a free and appropriate education.

In response to these proposals, I introduced House Resolution 588 which reaffirmed support for the programs and its accompanying regulations. I was pleased that House Resolution 588 was cosponsered by nearly 108 of our

colleagues and the House Education and Labor Committee, where I serve, reported this resolution on September 30. Despite the announcement by the Secretary, on September 29, to withdraw the six most controversial sections of the proposed regulations, there was no concurrent commitment by Mr. Bell that this signaled the end to the problem. During testimony before the Education and Labor Committee that same day, Secretary Bell refused to provide us with any guarantees that he would not issue new proposed regulations to the same six sections he had withdrawn. Thus, to date, we still have proposed regulations to change sections of the law, with the distinct possibility that this is not the end to our problem.

I pledge my efforts to monitor this situation to work for the total withdrawal of all proposed regulations. The Department should concentrate its efforts on providing technical assistance to States rather than to spend its limited resources on attempting to deregulate this law. The problem with Public Law 94-142 is not that we need to change the law—our experience with it has been too limited as the current regulations have only been in effect since 1977. The problem has been with the lack of aggressiveness on the part of the Department to provide States with the technical tools they need to run their programs better.

I am proud to note that this resolution has been cosponsored by 86 of our colleagues who have joined in this effort to preserve and protect Public Law 94-142. I am hoping that many more Members will lend their name to this resolution, which follows here for the benefit of my colleagues.

Whereas the amendments to the Education of the Handicapped Act made by the Education for All Handicapped Children Act of 1975 (Public Law 94-142) have been the cornerstone of educational rights for more than four million handicapped children; and

Whereas the intent of Congress to provide a free, appropriate public education to all handicapped children must be preserved; and

Whereas this education has been secured since 1977 when regulations under the Education of the Handicapped Act were prescribed; and

Whereas the Department has sought to deregulate this vital program since August 4, 1982 when it began to issue a series of notices which sought to alter essential related services to children served by the Education of the Handicapped Act, limit the access of handicapped children to regular classroom instruction with non-handicapped children and alter the role of parents in assisting in the development of educational programs for their handicapped children as well as limit the role of States and local schools in providing services to handicapped children under this Act; and

Whereas the Department of Education has steadfastly refused to withdraw its existing proposals, has rejected Congressional requests to cease its current regulatory activities of this program and will not make any specific long-term commitment to existing regulations under this program; and

Whereas handicapped children are being denied the full benefits of the law because the Department of Education has foregone technical assistance to States during this regulatory crisis: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that:

(1) The Department of Education should withdraw all remaining proposed regulations to Public Law 94-142; and

(2) Should increase its efforts to provide technical assistance to States and local schools in order to improve services to handicapped children; and that

(3) Any final regulations promulgated by the Department of Education under Public Law 94-142 should be rejected in total if they seek, in any way, to dilute the strength of current law in protecting the educational rights of handicapped children and Congressional intent in administering the Education of the Handicapped Act.●

SURFACE TRANSPORTATION ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. GOODLING. Mr. Speaker, a supergentleman who is also a supersalesman very rapidly sold a package to the Ways and Means Committee who, to the surprise of everyone, acted more quickly than they have ever been known to act, without their usual totally prudent deliberation.

We, in turn, on the floor of the House acted more quickly than we should have. Therefore, I believe that there are some parts of the Surface Transportation Act passed last year which need a review.

It would be my hope that the leadership of the Congress would tell the leadership of the independent truckers organization that if they all go back to work immediately, we will deliberate in good faith, attempting to find a solution that will not please anyone, but will be more palatable.

I believe they have a legitimate gripe when we move a tax from $240 to $1,600 in one jump. They also have a legitimate complaint in relationship to the change affecting the tax one pays on all new heavy tractors and trailers.

We cannot say that since "they didn't pay their fair share in the past" that we will not immediately make up for what some termed lost revenue.

All of this is happening at a time when we are faced with a worldwide recessionary period, the truckers are trying to live through deregulation, and the States are raising all of their taxes that are affecting truckers.

We want to be very sure that so soon after deregulating to bring about more competition that we do not drive that competition into bankruptcy or the consumer will really pay.

Let me make sure that all understand that I believe the strike or work stoppage is totally wrong at this time because the independent truckers had time on their side to negotiate change, but at the same time, I do believe they have legitimate concerns and complaints.●

REALISM AND BIPARTISANSHIP ARE VITAL DURING BUDGET CONSIDERATION

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. PEASE. Mr. Speaker, in his state of the Union message to Congress and the Nation last week, President Reagan asserted confidently that "America is on the mend."

The truth is that the entire world is in an economic recession—a recession which could as easily turn to depression as to recovery. The huge American economy plays a pivotal role in the economy of the globe, and the same belt tightening measures which face the United States also loom for nearly every other nation in the world. Clearly, the stakes are very high for our own Nation and for the world. That is why I was pleased last week by President Reagan's emphasis on the need for realism and bipartisanship as work begins in Congress on a new Federal budget.

This is the topic that I discussed in my most recent weekly newspaper column. It follows:

WASHINGTON REPORT

(By DON J. PEASE, U.S. Congressman, 13th District)

In his State of the Union message to Congress and the nation last week, President Ronald Reagan asserted confidently that "America is on the mend."

Hard evidence doesn't exactly bear that out, but there are enough positive economic indicators to allow us at least the hope that an economic recovery will get underway soon. Every American will join in that hope, for far too many of our citizens have been suffering far too long.

Indeed, people all over the world will join in that hope, for the huge American economy plays a pivotal role in the economy of the entire globe. If the American economy is sick, it is difficult for the economies of other nations to be healthy.

Three days of intensive meetings recently with European parliamentarians—comparable to U.S. congressmen—emphasized anew for me the degree to which the nations of the world are interdependent. America cannot prosper alone. Europe cannot prosper alone. Nor can Japan, which for the time being has a healthier economy than either the U.S. or Europe.

The same is true even for the oil-rich members of the Organization of Petroleum Exporting Countries. OPEC meetings last week broke up because of the greed of some

members desperately trying to meet their financial obligations.

And the smaller and poorer nations of the world—almost totally unable to control their own destinies—suffer along with the U.S., Europe, Japan and OPEC nations. Even more advanced developing nations like Brazil, Mexico and Argentina are dangerously close to international financial default.

The truth is that the entire world is in an economic recession—a recession which could as easily turn to depression as to recovery. While we in America properly focus attention on our own budget deficits, unemployment and stagnant economy, it is well to remember that we are not in the boat alone. And just as other nations cannot enjoy full economic recovery without a similar recovery in the United States, so it is true that we Americans cannot prosper on our own.

The same belt-tightening measures which face the U.S. also loom for nearly every other nation in the world. Such belt-tightening is tough enough in the totalitarian countries like Hungary and the U.S.S.R., for public reaction cannot entirely be ignored. But the task is doubly difficult for democratic governments like our own and those in Europe where elections are held and governments can fall. These are days which call for a maximum of responsible leadership by elected officials matched by wisdom, common sense and restraint on the part of citizens.

That is why I was pleased last week by President Reagan's emphasis on the need for realism and bi-partisanship as work begins in Congress on a new Federal budget. The stakes are very high for our own nation and for the world. The challenge must be faced with a maximum of realism and with utmost responsibility on the part of Democrats and Republicans alike.●

FEDERAL CAPITAL INVESTMENT BUDGET ACT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. CLINGER. Mr. Speaker, it is my pleasure today to reintroduce the Federal Capital Investment Budget Act in the 98th Congress. The bill is essentially in the same form as H.R. 6591 which the gentleman from Pennsylvania, Mr. EDGAR, and I coauthored in the last Congress in order to provide the first capital budget for the U.S. Government. Similar legislation (S. 2630) was introduced in the 97th Congress by Senator CHRISTOPHER DODD of Connecticut. With the deepest of gratitude, I wish to also express my appreciation to Chairman JIM OBERSTAR of the Subcommittee on Economic Development who held 4 days of very extensive and thought-provoking hearings on the legislation on September 14, 15, 21, and 22, 1982. We are again joining hands in the best bipartisan spirit to bring about an old idea whose time may finally have come, the Federal capital budget.

Throughout the country, an exceptionally keen awareness is developing on the linkage between the quality of the Nation's public facilities and economic development. The perilous condition of much of the Nation's public infrastructure such as highways, bridges, water and sewer systems, and on and on underscores the compelling need to institute the reforms to the Budget and Accounting Act, 1921, and the Public Works and Economic Development Act of 1965, which are called for in this bill. When communities lack the capacity to provide basic public service, they also lack the ability to accept new industry or to expand existing enterprises. In effect, these conditions pose almost impossible barriers to economic prosperity and jobs when many more of our communities do not have the public capital to go forward with necessary and needed investments.

At the same time I also recognize that now and probably in the foreseeable future there are going to be fewer Federal dollars available to address the escalating infrastructure needs. Therefore, I think it is imperative that we develop a more rational system for selecting public works investments than the piecemeal project-by-project method we presently employ, which is too often tainted with so-called pork barrel politics.

This legislation does not contemplate a vast increase in public works spending, but merely contemplates that whatever amount is available be spent with a better understanding of public facilities priorities than presently exists. The testimony received in the Subcommittee on Economic Development clearly documented not only that our infrastructure is wearing out faster than we are replacing or repairing it, but also that we do not even have any hard data to document the scope of the problem.

The bill addresses this information gap by requiring the Economic Development Administration to prepare an inventory of civilian public facilities in the United States and an assessment of the physical condition of these facilities. Moreover, much confusion exists over the responsibility for public works investment, whether it be Federal, State, or local governments, or even by private sector interests, is ill-defined, which results in massive confusion and uncertainty. Too often State and local governments in the past have delayed action on needed public works investment, waiting to see what the Federal Government will or will not do. Delay costs money. The result is that when the projects are finally undertaken, with or without Federal help, the cost is often several times what was originally contemplated.

The provisions of this legislation try to reduce this confusion by requiring a 10-year projection of appropriate amounts of the Federal capital investment budget. States and municipalities should be better able to plan if they know what will or will not be available at the Federal level and proceed accordingly. It should be emphasized that the bill does not scrap the unified budget concept. Rather it calls for a significant expansion and major revision of what is now "Special Analysis D" in the budget, the so-called capital investment section. The purpose, as I see it, through capital budgeting, is not to increase spending on public works necessarily or to justify additional Federal borrowing, but rather to give policymakers in both the executive and legislative branches a tool for far better informed decisionmaking than we have at present.

The proposals offered in this legislation will doubtlessly serve as a useful document to air these issues in drafting final statutory language for a long overdue capital budget for the Federal Government.●

CONTROLLED SUBSTANCES ROBBERY ACT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. HYDE. Mr. Speaker, I am pleased to join with my good friend, Senator JEPSEN, in introducing our Controlled Substances Robbery Act—more commonly referred to as the pharmacy crime bill—legislation that will make it a Federal crime to rob a pharmacy or any DEA registrant of a controlled substance.

In the 96th Congress we came close to achieving our goal by including language in the revision of the Federal Criminal Code. But time ran out and the Congress adjourned before final action could be taken. In the 97th Congress, Senator JEPSEN's bill passed the Senate but was stalled in the House. Also in the 97th, the bill I sponsored, H.R. 2034, languished in committee although we had 187 cosponsors. Obviously there is strong, bipartisan support for this legislation.

We are starting all over again in the 98th Congress, and Senator JEPSEN and I are confident that we will finally achieve success. He has received assurances that his bill will receive priority attention. And I now have a commitment from my colleague, Congressman BILL HUGHES, chairman of the Subcommittee on Crime, that he will schedule hearings at the earliest possible date.

Why is a Federal response necessary? It is a Federal crime for a pharmacist to dispense controlled substances illegally, but that same pharmacist does not have the protection of the Federal Government if he is

robbed at gunpoint of those same controlled substances.

In 1981, there were 1,987 armed robberies of drugstores—an increase of 121.7 percent over 1976. The Justice Department estimates that one out of every five armed robberies that are committed against drugstores results in either death or injury.

As the Drug Enforcement Administration becomes more effective in controlling the traffic in illicit drugs, the more criminals and junkies turn to readily available sources, such as the local pharmacist. Street crime is moving off the streets and into the drugstores, and our pharmacies are becoming an open battleground for desperate addicts. Your local community pharmacist is totally at the mercy of these criminals who either need a quick fix or have a shopping list of drugs for sale on the street.

There is a compelling incentive for this type of criminal activity. Drugs such as amphetamines and barbiturates can command as much as $25 or $30 on the street for one pill. A couple of 100-tablet bottles can mean as much as $5,000 to a drug-dealing criminal.

While the adoption of pharmacy crime legislation will obviously not bring an end to this sordid activity, I am convinced that the inclusion of such crimes in our Federal criminal statutes will serve as a strong and effective deterrent to such attacks. I share the concern of many, including the Drug Enforcement Administration, about limited Federal resources in addressing this problem. To that end, the DEA has suggested that Federal legislation should be limited to violent or armed robberies. Its representatives have also urged that legislation cover all registrants under the Controlled Substances Act and our legislation reflects these suggestions.

Briefly, our bill penalizes the taking of controlled substances, by force or intimidation, from a pharmacy or any person registered with the Drug Enforcement Administration. The penalty for the first offense is imprisonment for not more than 10 years and/or a fine of $5,000. For assaults which include the use of a dangerous weapon, posing a serious threat to life and limb, the penalty is imprisonment for not less than 15 years nor more than 30 years and a fine of $15,000. If the offender kills anyone, he or she is subject to imprisonment for life but not less than 20 years. Penalties are also imposed for attempting to commit such a robbery or for engaging in a conspiracy to commit the offense.

The Reagan administration endorsed our legislation in the last Congress and I am confident they will do so again.

In conclusion, I commend Senator JEPSEN for his untiring efforts, and pledge to him once again that I will not cease my efforts in the House of Representatives until this legislation is signed into law.●

SURPLUS FOOD COMMODITIES: A WAY TO EASE DISTRIBUTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. BIAGGI. Mr. Speaker, I am introducing legislation that would directly address the problem of increasing stocks of surplus Government commodities by providing for their distribution to existing child feeding and elderly nutrition programs as well as food banks. We are all aware of the availability of these commodities by the well-publicized cheese giveaways of the Department of Agriculture in the past 2 years. What has often been overlooked in this process is that while we are giving away some of these dairy commodities, for 1 pound of food we donate to the needy—3 pounds remain in storage—subsidized by the Federal Government at an annual rate of $2.2 billion per year. Interestingly enough, the cost of this subsidy nearly equals planned budget cuts in programs for the needy this year—food stamps, medicaid, and aid to families with dependent children.

My bill seeks to address this problem by directing the Secretary of Agriculture to use funds under section 32 of the Agriculture Act of 1949, to distribute surplus commodities to child feeding programs under the National School Lunch Act and elderly feeding programs under title III of the Older Americans Act. This goal of this legislation is simple: To provide States with funds to assist them in the distribution of these commodities which would otherwise remain stockpiled in warehouses. The current problems with the current giveaway program are dual in nature: First, many States cannot participate at the levels they would like because they lack the funds to pick up, store, and distribute these commodities and second, because the method of distribution does not always provide commodities to those who also could use them but are unable to receive them. Supplementing child and elderly feeding programs, as well as food banks, with these commodities would expand the availability as well as help offset cuts that these programs have beared in the past 2 years. In addition, schools and senior centers could be distribution points for these commodities as such sites are often focal points in communities and are accessible.

I want to note that it is not my intention that this legislation in any way reduce the amount of commodities or cash assistance that these programs already receive. These would be bonus commodities above what sites already are entitled to by law. This supplement would be especially helpful to child feeding programs which have been slashed by $2 billion or nearly 55 percent to provide meals to lower middle income student who have been most impacted by these cuts. Understandably, not all nutrition providers could—or would want extra commodities. For example, many elderly diets cannot include high salt-content foods which is common to some of these commodities.

Under the 1981 Farm Act, Public Law 97-98, section 1114(a) provides that surplus stocks of commodities not likely to be sold by the Commodity Credit Corporation or otherwise be used in programs of commodity sale or distribution be made available to feeding programs and food banks and special nutrition projects under section 211 of the Agriculture Act of 1980. This distribution may include bulk distribution and processing of commodities and is to be conducted by the CCC with available funds. This provision, combined with my proposal, could complement the distribution efforts to existing feeding and distribution sites and could also process the commodities and thus eliminate the dietary problems that surplus commodities in their bulk form could produce.

Despite two nationally publicized cheese giveaways the problem, in part, remains, because of the argument that dumping commodities on the market would in turn displace large sales of these same products by consumers. This is turn would force the Federal Government to buy up more surpluses to maintain current market supports and drive up the cost to the program. This argument must be put to rest as there is no data that supports this argument. Furthermore, the very recipients of these commodities—the poor, the needy, and the elderly—are not likely to be consumers but rather are likely to go hungry because if they do not receive them for free, they would not go out and buy them because they do not have the money to do so.

The child nutrition programs have been especially hard hit by budget cuts. Since 1980, 1,700 schools have dropped out of the program denying meals to 3.3 million schoolchildren as a result of $2 billion in budget cuts. As a majority of our schools rely heavily upon these commodities, I believe that this proposal can at least provide a small amount of relief to hard-pressed school districts without hurting farmers who rely on these commodity subsidies in order to maintain their livelihoods.

According to the U.S. Department of Agriculture, all 50 States have signed agreements with the agency stating their intent to participate in the

cheese commodity distribution program this year and all but 5 intend to distribute butter. Dried milk, the third major dairy commodity, has never been a part of this giveaway yet over 250 million pounds of it remains in storage in USDA warehouses. It is my hope that my bill would augment this distribution process by allowing all excess commodities to be distributed to the widest possible population.

As a member of the House Education and Labor Committee as well as the Select Committee on Aging and chairman of its Subcommittee on Human Services, I intend to give this commodity bill high legislative priority through hearings as well as extensive discussions with the farm community, the producers, school officials, and the aging network so that all may benefit and none will suffer.●

IN PRAISE OF CAPT. CHARLES JOHNSON

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. GOODLING. Mr. Speaker, I would like to voice my praise for the action of Capt. Charles Johnson, of the U.S. Marines, who exhibited great courage yesterday in stopping the advance of three Israeli tanks which tried to crash through a U.S.-Lebanese Army checkpoint near Beirut. According to the Washington Post, Captain Johnson faced the tanks with his .45 caliber pistol raised and ready to fire. When two of the three tanks made a second try to rush the checkpoint, this brave marine jumped on top of the third tank forcing the Israeli commander to order the two charging tanks to halt, which they did.

The situation in Lebanon is perilous at best; our boys are over there to keep the peace, all the while not knowing whether or not they will see the dawn of a new day and not knowing who they can or cannot trust among the local populace. We owe them our full support and backing; they are there to keep the peace, and with men like Capt. Charles Johnson, they certainly will. Captain Johnson's heroic action was not just an act of personal bravery—I certainly would not want to face three charging tanks armed with only a .45—but also serves to underscore the fact that the United States is in Lebanon as an impartial third party whose goal is to keep the peace. Israel is a dear friend of the United States; however, when Israelis attempt to circumvent the rules, they must be treated accordingly. Otherwise we would not be able to keep the peace.●

JAMES DILLON: VOICE OF DEMOCRACY WINNER

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. OBEY. Mr. Speaker, this year's Wisconsin winner of the Veterans of Foreign Wars Voice of Democracy contest is James Dillon of Prentice High School. It gives me great pleasure to insert in the RECORD at this time the text of his winning speech "Youth; America's Strength." I am sure we all congratulate James on his achievement.

The speech referred to follows:

YOUTH: AMERICA'S STRENGTH

(By James Dillon, Prentice High School)

Youth is America's strength. Youth is the strength of all nations, organizations, and enterprises. Youth is both the present and the future strength of America. In a way, it is one of the mainsprings of our progress.

But just what is this youth, this driving force, this strength of our nation? According to the dictionary, it can mean more than one thing. On one hand, it can mean "the time when one is no longer a child but not yet an adult," and on the other hand it can mean "the quality of being young, fresh, or vigorous."

Both of these definitions are applicable to our topic. Both types of youth are strengths vital to a strong America. Let's take a look at both.

Adolf Hitler said, "Give me a nation's youth and in 20 years, I control that nation!" He was right, and he proved it.

Although his is a grim example, it serves to make a point—the paperboys, college students, little league players and high school cheerleaders of today will grow up and become the congressmen, executives, steelworkers and professional athletes of tomorrow.

The youth of today are the backbone of America's future. And what kind of future do we have? Every day we see it in the papers, on TV—unwed mothers, drug and alcohol abuse, delinquency, and counterculture groups such as the punk movement, worry millions of people, young and old alike. The stories we hear raise a question: when these wasted, depraved sociopaths grow up and assume, or try to assume, adult responsibilities what will become of our nation?

As a member of the generation in question, let me say that the picture painted of today's youth is not only distorted, but also incomplete in many respects. It is impossible to deny that these problems are real and urgent, and exist almost everywhere. But no news is good news, or more aptly, no good news is news. The behavior, and the accomplishments, of my generation are indeed worthy of future leaders of a nation.

This past May, I had the honor of traveling to the National Junior Science and Humanities Symposium in Boston. Here highschoolers presented original scientific research they had performed. The genius, the technical level, and the originality of this research would convince anyone that if nothing else, America's creative fire is burning brighter than ever.

Besides their technical ability, the behavior of the high school students I saw was inspiring. The atmosphere was restrained, cordial and generally relaxed. Late night discussions on politics, the economy and world affairs revealed keen insight into the way the machinery of society operates, and the ability and desire to operate, maintain, and improve the machinery later.

The fact is, the people who had been sent along as chaperones spent no time at all controlling their charges and in fact joined right in on the fun. Several veteran chaperones I spoke with said that the attitudes of their young charges are better than ever, and still improving.

We all came home electrified with a spirit of optimism and enthusiasm as to our nation's future.

And this is no exceptional case. At forensics meets, music festivals, high school seminars and honor society meetings, the same eagerness and savvy can be seen.

Now let's look at the broader, more general aspect of youth, "the quality of being young, fresh, and vigorous."

In this respect, America has always been known as a youthful nation—vigorous, bold and willing to take chances. Americans have tried more new things than any other nation in history. Anything from chewing gum and nylon stockings to new manufacturing techniques and whole new systems of government. Americans will try anything once—with a vim, vigor and vitality which caused Otto von Bismark to remark, "There must be some god who protects fools, drunkards, and Americans."

America's youth causes us not only to try new things, but also to work always to improve and perfect them.

Vitality, vigor and freshness are great qualities for a nation and its people to have. They allow a country to prosper, uplift its citizens, and fare well in the arena of international affairs. When a nation's youth fails, it fails. America is a youthful nation, and as long as it remains so, it shall stand.

Given our continued youthful attitude and the enthusiastic nature of our young people, America has a very bright future.

America is, indeed, a very youthful nation—in the best sense of the word.●

TAXATION OF HEALTH CARE PREMIUMS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. FORD of Tennessee. Mr. Speaker, the Reagan administration's fiscal 1984 budget proposes to place a tax on employer-subsidized health insurance premiums. This proposed tax cap would require that health premiums paid by the employer above a fixed amount would be treated as earned income to the employee and taxed accordingly.

I object to this measure, both in principle, and the guise under which it is presented.

The administration would have us believe that this proposal is a health care cost containment measure, and not a tax increase. Robert J. Rubin, HHS Assistant Secretary for Planning

and Evaluation, was quoted by the National Journal as saying that—

The cap's purpose is to slow spending on health care. It's impact on the deficit is irrelevant to our concerns. Nor is the cap in any way, shape or form, a tax increase.

I disagree. This proposal, in fact, does represent a tax increase. The administration wants to disavow the term "tax increase" because it does violence to the ill-conceived measure that it enacted in 1981—a tax cut that served largely to put more dollars in the pockets of the rich while doing little for low- and moderate-income taxpayers and even less for economic recovery.

That tax cut necessitated proposals such as this one—a back-door tax increase to restore our revenue base. In the meantime, the administration is still presenting the public with its stay-the-course economic recovery program.

With that said, let me address my two primary objections to this tax-cap proposal. First, it will not serve to contain health care costs. The administration believes that employer-subsidized health insurance encourages the consumer to buy into high-cost health plans and to seek unnecessary health care, which in turn drives up the cost of care.

With health insurance premiums having escalated with a corresponding decrease in the level of services, I maintain that the average American citizen is already paying enough out of pocket to serve as a deterrent to unnecessary care.

And the poor who are fortunate enough to have insurance are already buying into the cheapest insurance plans they can get—those that offer fewer and less quality services and which generally do not meet their needs.

Those who can least afford to be further taxed are already at the lower end of the health care spectrum, both in the amount of premiums paid and in the quality of health care that they receive.

What is more, a tax on insurance premiums will not keep those who can afford it from purchasing the more costly plans if they feel that those plans are more appropriate. Nor will it restrain them from using the health care system as they feel necessary.

Where, then, is the cost containment?

My other objection to this proposal is that the unemployed who are able to get back into the work force would come back at a disadvantage. A great number of these people and their families have had to go without health coverage and needed health care over long periods of time. Some will be accepting lower wages in order to get back into the work force. These people should have good health care coverage available to them without having to erode the salaries that they need to play catchup.

Finally, in the last Congress, we acted to increase taxes on health insurance premiums and health care expenditures by removing the $150 tax exclusion for health insurance premiums and increasing the allowable medical deductions from 3 to 5 percent. I ask my colleagues in the 98th Congress to join with me in resisting any further taxation of health care premiums.●

BILLIONS PAID TO LEGAL AND ILLEGAL ALIENS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. WHITEHURST. Mr. Speaker, today I am introducing the Social Security Alien and Foreign Resident Limitations Act, which is a revised version of legislation I introduced in the 97th Congress. The former legislation, you may recall, attracted strong bipartisan support among its 94 cosponsors.

Nearly 2 years ago, after certain information was brought to my attention, I asked the General Accounting Office to conduct a study of social security beneficiaries living outside the United States, as well as those who may have worked here unlawfully.

This week, I received the GAO's report, which indicates that our troubled social security system may be paying several billion dollars annually to legal and illegal aliens who unlawfully worked in the United States. In addition, Mr. Speaker, the GAO's report shows that the amount of social security benefits paid to beneficiaries living outside the United States has increased steadily since 1940, when 100 of them received $12,000.

Today, 313,000 such beneficiaries receive nearly $1 billion annually. Incredibly, it is estimated that 194,000 of these people are not U.S. citizens and many of them have never, and will never, set foot on U.S. soil.

I have been concerned for a number of years that our overseas beneficiary population has been growing at a rapid rate and that the system administering it is vulnerable to fraud and abuse. Likewise, I have been concerned about the potential impact on the system of persons who have worked illegally here in social security covered employment.

All of us, of course, have been grilled by our constituents about how we intend to save the social security system from going broke. It has been my experience that there is nothing that will enrage a person more than discovering someone is freeloading on the system.

In the 96th Congress, I introduced legislation to prohibit prisoners from collecting social security disability insurance. People who had been conscientiously paying their FICA taxes were astonished to learn that even an imprisoned mass murderer could collect nearly $400 a month in social security benefits.

Fortunately, a law was passed in 1980 to end that kind of abuse. And, while no one ever argued that the law was going to save the social security system from collapse, it did help restore the public's confidence in it, which is crucial to the system's credibility.

Mr. Speaker, after considering the findings of this study, and certain other case histories of social security recipients living abroad, it is hard not to conclude that the social security system, which was formed in 1935 to provide greater economic security for workers in the United States, has grown into an international pension system with beneficiaries living in nearly 150 countries, many of whom will never have any direct connection with our country.

I would not belabor the point by citing every statistic in this study, but I would like to call your attention to a few salient points to put this issue in perspective.

The issue is two-pronged: First, alien retirees and their dependents living abroad; and second, legal and illegal aliens who unlawfully worked here in social security covered employment.

As you know, the Social Security Act of 1935 did not restrict social security benefits on the basis of the wage earners' citizenship and, as a result, aliens have been receiving social security benefits since payments began in 1940.

In its study of overseas beneficiaries, the GAO makes the following observation:

We found that beneficiaries living abroad, on the average, had worked fewer years in social security covered employment, paid less social security taxes, and had more dependents than the average social security beneficiary. In addition, many of these wage earners added dependents to the benefit rolls after their retirement.

More specifically, the average alien beneficiary living abroad in 1981 earned 42 quarters of social security credits, equivalent to 10.5 years of social security covered employment. The average social security beneficiary in 1978 had earned 82 quarters of credits or an equivalent of 20.5 years of employment. Aliens on the rolls in 1981, on the average, paid $1,202 in taxes before they began receiving benefits compared to an average of $2,160 for all beneficiaries.

The study estimates that the average alien family had received about $27,000 since 1961. This is about $23 in benefits for every $1 in FICA taxes paid before retirement.

With respect to dependents, alien dependents outnumber wage earners by 169 to 100, in marked contrast to 40 dependents per 100 wage earners in the overall beneficiary population.

Mr. Speaker, one of the interesting findings in this study, is that about 56,000, or 34 percent of the 164,000 dependents living abroad in 1981, were added to the benefit rolls after the wage earner began receiving benefits. Of the dependents added, about 47,000 were aliens, 29,000 of whom were spouses and 18,000 of whom were children. What this means is that many thousands of dollars in social security benefits can often be paid to dependents long after the wage earner dies.

As an example, one such alien in a foreign country retired at age 62 and a year later began living with his 15-year-old granddaughter in a common law marriage relationship. Over the next 6 years, he fathered two children. The children became eligible for benefits and received $12,896 over a 6-year period. Benefits could continue until the youngest child reaches 18 in 1995.

Such cases as this are not that uncommon in countries where there are few retirement facilities. It is not unusual for an alien retiree to return to his native country and marry a young woman who will take care of him in his retirement years. When he dies, of course, she and any children they may have had are eligible for social security benefits.

The Congress has expressed concern over this issue before. With passage of the so-called alien nonpayment provisions in 1956, the Congress sought to restrict payment of benefits to aliens with relatively short work histories who chose to live abroad. Unfortunately, there were so many exceptions included in the amendments, most aliens are not affected by them.

Aside from these weak enforcement measures, which the GAO estimates affects only one-half of 1 percent of the alien population, the logistical problems in administering such a worldwide operation encourage some people to take advantage of the system through a variety of schemes, including phony adoptions and the widespread use of so-called claims fixers in some countries. Additionally, these alien beneficiaries receive cost-of-living increases like their counterparts in the United States, even though their increases have no relationship to the economies of their countries.

Mr. Speaker, the second aspect of this issue I would like to address concerns aliens who have illegally engaged in employment and earned social security credits.

Despite the statistical limitations of the various illegal alien studies, the GAO has developed a rough estimate of the impact on the social security trust funds of payments to illegal aliens.

To illustrate the potential impact, it used the lower range of the most widely quoted illegal alien population estimate—3.5 million—and the lower estimate of those illegal aliens who had been employed while in the United States and paid social security taxes—65 percent. Using these data, it is estimated that from 2.2 aliens had worked in social security covered employment and had received some social security credits.

Although it is unknown how many of these wage earners have earned sufficient quarters of credits to be eligible for disability or retirement benefits, the GAO developed three estimates to show the potential annual costs to the trust funds if 10, 15, and 25 percent of the illegal alien workers had qualified and were receiving benefits in 1981.

In short, those estimates range from $1 billion to about $2.5 billion annually.

At present, there is a gap between the provisions of the Social Security Act and the Immigration and Nationality Act, which allows aliens to earn entitlement to social security benefits while violating the Immigration and Nationality Act. Consequently, millions of aliens, both legal and illegal, may have engaged in unauthorized employment and earned entitlement to social security benefits.

Mr. Speaker, the legislation I am introducing today represents a sensible approach in solving a number of problems associated with the payment of social security benefits to beneficiaries living outside the United States and those who obtained benefits illegally. Specifically, my new bill would do the following:

Upon enactment, benefits paid to individuals who are not citizens or nationals of the United States, and who reside outside the United States, would be limited to the primary wage earner. Additionally, a surviving spouse whose relationship existed at least 1 year before the wage earner's retirement would receive a benefit.

Current dependents and survivors of beneficiaries who are not citizens or nationals of the United States, and who reside outside the United States, would not be entitled to future cost-of-living increases.

In determining benefit levels, noncitizens or nationals living in the United States would be credited only with actual time of legal status in the United States.

In conclusion, at a time when the Congress is attempting to insure the long-term integrity of the social security system, I believe the areas I have just described deserve a close examination for the potential savings that could be realized.●

DEMOCRATIC NATIONAL COMMITTEE CHAIRMAN'S SPEECH ON THE STATE OF THE UNION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. MATSUI. Mr. Speaker, the Democratic Party has always been prepared to support policies in the best interests of the citizens of this great Nation. The philosophy of the Reagan administration has translated into policies which have devastated the dreams of most Americans. The chairman of the Democratic National Committee, Charles T. Manatt, offered a Democratic view of the state of the Union at the National Press Club following the President's appearance in this Chamber. I recommend Mr. Manatt's remarks to my colleagues.

NATIONAL PRESS CLUB SPEECH BY CHAIRMAN CHARLES T. MANATT

A President's job is to lead, not blame his failures on an imaginary past.

Ronald Reagan has led our Nation these last two years, but almost always in the wrong direction.

One simple way to judge this administration's performance is to ask the simple question of every citizen: After two years under this administration are you more economically secure, are your civil rights and liberties better protected, and is our Nation closer to peace and security? For the vast, vast majority of our fellow citizens the answer to that question tragically is "no".

Mr. President: You spoke last night about the state or our Union. But you cannot understand the real state of our Union from the isolation of the Oval Office here in Washington. Go out to the people in our country and you will see as I and other Democratic leaders have seen, the abject suffering in our land—the new wandering homeless or our modern Grapes of Wrath; farmers watching helplessly as the work of generations is sold on the auctioneer's block; minorities for whom the Reagan recession is a deepening depression, killing all the hopes for opportunity and advancement raised in past decades. Mr. President, you may add a few new women to your administration in visible positions, but the millions upon millions of women who are invisible to you are those women in America who have suffered most under your policy and who now make up the growing legions of the poor.

Our Nation badly needed a successful Presidency in 1980. And every citizen, Democrat or Republican, would have rejoiced if this President had led our Nation wisely and ably towards our shared goals of prosperity, social justice, national security and peace.

But he has not. And the first road to recovery and restoration must be to understand the failures of the Reagan administration, so that we can choose a different, better path.

Ronald Reagan came to office offering a very simple analysis of our national problems and a very simple set of remedies.

He said inflation was caused by deficit spending and that economic stagnation was due to over-taxation of our citizens and over-regulation of our economy.

He said that our problems in foreign policy were caused by our failure to keep pace with Soviet rearmament and that combatting terrorism must replace human rights as our number one priority abroad.

Based on that description of the problem, Ronald Reagan offered a set of remedies: The largest tax cuts in America's history, heavily tilted towards the rich, and a restrictive monetary policy designed to curb inflation and permit steady growth.

He called for the largest build-up in military spending in American history while he placed our national commitment to arms control on the back shelf to be brought forward occasionally for rhetorical blessing but with no real commitment of support or personnel.

Running through every policy proposal of the Reagan administration was one single, recurrent theme. That the American Government—the Government of land grant colleges and the GI bill, of social security and the four freedoms, the Government that brought the right to organize to America's workers and the Marshall plan and democracy to Western Europe after World War II—was the cause of virtually every problem and that the solution was to get "government off our backs".

We are told that this represents a conservative political philosophy. But conservatives preserve the best of the past and make changes carefully and responsibly.

This is a radical administration, always moving too far and proposing too much in areas that needed changing and doing far too little where real work needed to be done.

When our Nation needed modest fiscal restraint this administration tried to fight inflation with tight money and high rates and plunged our country into recession—thus swelling the budget deficit.

When our Nation needed moderate responsible and equitable tax relief, this administration rammed through a $750 billion three-year-tax program that shifted the Nation's wealth more profoundly than ever before in our history to the Nation's wealthiest elite at the same time it nearly abolished the corporate income tax.

When our Nation needed careful, thoughtful restraint and pruning of Federal spending, this administration went on the warpath attacking without foresight and without mercy every program and policy which offered educational opportunity, training for the jobless, decent nutrition for the needy, or proper health care for the old, sick and poor.

The President tells us we are poised for recovery. We have whipped inflation and lowered interest rates and now we must prepare for the dawn of the post-industrial age.

Let us look at the record a little more carefully.

The inflation rate is down—but not because of this administration's wise policies. Ronald Reagan is just luckier than his predecessor. He inherited—not an OPEC boycott and food scarcity—but an oil and food glut—the first, the fruit of wise democratic leadership. Wage and price inflation has slowed down, of course. Can anyone be surprised in an economy with 11 percent of its citizens officially unemployed and operating at 67 percent of its capacities?

Real interest rates today remain at the highest level in history. And nominal rates have fallen only because the Federal Reserve—like the rest of us—feared that Ronald Reagan's economic policies were driving us towards depression, not recovery.

Indeed, our Nation remains dangerously vulnerable to another round of inflation when the economy begins to move ahead. For this administration has built massive deficits on into the future with its reckless policies while dismantling our limited protections against another foreign oil shock.

Ronald Reagan used to say that inflation was caused only by budget deficits. Today, he is running the largest deficits in our history, but inflation is on the decline. You would expect that might cause Mr. Reagan to think his ideas anew. But that particular form of activity has never been this President's strong point.

If any American believes that Ronald Reagan has cured inflation through the terrible recession he has put us through, ask yourself this question: On the day you awake to a headline "Saudi Oil Fields Explode", are you going to invest in long-term bonds or take out a futures contract on gold?

Perhaps most tragic of all, this administration has tried to drive a wedge right through the heart of America, separating the poor and the vulnerable from those at the top—separating labor from management when our economic future depends so heavily on their cooperation—and most unforgiveable of all, separating Americans from their own Government.

Last night, we Democrats laid out the five pillars of economic growth: A new commitment to research and development of new technologies; a new commitment to a skilled and educated work force for jobs in a changing international economy; a new commitment to rebuilding America—our commercial arteries of roads, ports, railroads, and transportation systems; a new commitment to energy self-sufficiency on which both our economic and our national security depend; and a renewed commitment to both a strong, efficient national defense and to controlling the nuclear weapons of war.

Right now, we Democrats would scale back the Reagan tax cuts, repeal tax indexing, and make our entire tax system fairer and simpler as a whole. Right now, we Democrats would trim back the Reagan military buildup to responsible levels to protect both our military and economic strength. Right now, we Democrats would forge an accord with the Federal Reserve to bring down interest rates and back it up with the force of the Wright-Byrd interest rate bill.

Right now, we Democrats would move forcefully to promote energy conservation, develop alternative supplies, and make America the Saudi Arabia of coal. Right now, we Democrats would put Americans to work rebuilding our Nation and thus improving our future productivity. Right now, we Democrats would make a new national commitment to excellence in education, to science, training, and development of new skills by passing the American Defense Education Act.

We are pleased that President Reagan has finally heard those Democratic voices warning that our Nation is undergoing a profound economic transformation towards a more service and information based economy, but we Democrats would respond to this challenge of a changing economy in a profoundly different way.

Unlike this administration, which has sown the seeds of division far and wide, we Democrats would bring industry, labor and Government together in a new economic cooperation council to forge a national partnership for growth. We would seek innovative and efficient ways—including the use of pension funds—to target assistance to our older basic industries with guarantees that those funds would be invested in new competitive technologies. We would insist that the rules of international trade be fair.

And we would recommit our Nation's resources to a profound national campaign to provide new training, education and technical skills to our Nation's citizens—particularly women and minorities—who will form the backbone of our new work force in the future as we move into the information age. To insure real access to jobs and opportunity, we Democrats would recommit America to the path of civil rights and equal opportunity. We would ratify at long last the equal rights amendment.

Last night the President offered some new ideas.

He says make America stronger by cancelling the promised pay increases for our men and women in uniform—thus ensuring more trained personnel will retire early and fewer will re-enlist.

We Democrats say cancel wasteful weapons systems like the MX Dense Pack basing mode—and scale real growth back to 5 percent—instead of cutting the pay and morale of America's fighting men and women upon whom our security ultimately depends.

President Reagan says freeze those parts of the Federal budget—education, health care, nutrition, job training—that have already been slashed the most.

We Democrats say—Freeze nuclear weapons—not student loans—and start asking the wealthy recipients of your tax cuts to join in national sacrifice. Capping the third year of the tax cut at $50,000 and repealing indexing would save nearly $100 billion over the next 5 years.

A Democratic President would move for ratification of the Salt II Treaty, and he would go to Geneva to meet with the leaders of the Soviet Union to negotiate as rapidly as possible, further deep reductions in nuclear arsenals on both sides.

A Democratic President would place America unalterably on the side of democracy and human rights for all peoples, from Poland to El Salvador. This administration tragically, blindly fails to understand that the strongest bulwark against Communist revolution is a free and democratic government—in this hemisphere and around the world—responsive to its peoples' needs.

And a Democratic President would restore a sense of justice and compassion to the policies of our Nation and begin to heal the terrible suffering and divisions that affect our land today.

These are not rhetorical promises. They represent the deep and abiding commitments of Democrats to meet the challenge of changing times with fresh ideas and new proposals while holding fast to those abiding values of justice and human dignity which have always guided our party throughout our history.

Since my first appearance at this forum as chairman nearly 2 years ago, we have been rebuilding that party brick by brick into a strong, powerful, well-organized and financed instrument for progressive change in America. We have much more work to do. But last November we doubled the usual increase in congressional seats, held our position in the Senate—despite the odds—and swept to triumph in seven new important State-houses across our land.

The Democratic party is not only the opposition party; we are well on our way to becoming the governing majority in America again. We will win back the Senate and the White House in 1984—not just because the

Reagan administration has failed tragically—but because now, as in the past, the Democratic party offers a more hopeful, positive, and fairer vision of America's future and a program of action to lead our Nation there.

Thank you very much.●

THEY SAVED McLOUTH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. DINGELL. Mr. Speaker, on December 8, 1981, McLouth Steel Corp., which is located in my 16th Congressional District, filed for protection under chapter 11 of the U.S. Bankruptcy Code. McLouth's possible business failure was not precipitated by poor management, technological obsolescence or unreasonable labor demands. To the contrary, McLouth is among the most modern and efficient integrated steel producers in the Nation. Built in 1954, this firm has been an industry leader in the implementation of modern, cost-efficient production techniques. It installed the first basic oxygen furnace in the country and is the only integrated steel firm to employ 100 percent continuous casting in the manufacture of carbon steel.

Despite McLouth's capacity for producing steel effectively and efficiently, it was in debt millions of dollars to its secured creditors who threatened to shut the doors of the company permanently and throw its thousands of workers into unemployment lines and disrupt a major economic force in my downriver community. A downturned economy, a severely depressed steel industry, a depressed automobile industry—McLouth's biggest customer—and the dumping of unfairly priced and subsidized steel into this country by our European allies, were writing the death certifcates of McLouth.

A University of Michigan study indicated that the close of McLouth doors would mean the loss of 15,000 Michigan jobs and $275 million in personal income.

But McLouth Steel Corp. was not about to die. Faced with mounting odds that the secured creditors would shut the company's doors forever, leaders of the downriver community, particularly Mayor Tom Wall, city of Gibraltar and Mayor Bob Bovitz, city of Trenton, where the two McLouth plants are located, management and labor at McLouth Steel, as well as many other public officials and private individuals went to the mat in search of a solution to save this failing company.

Because of the concerted efforts of all parties involved, the secured creditors, on a number of occasions, extended the day of reckoning for the company. Everyone involved in the attempt to save McLouth made sacrifices. Cities and townships gave up expected tax revenues until a future time when the company would be able to pay. In January of 1982, McLouth production and maintenance workers voted overwhelmingly to accept wage and benefit cuts totaling $5 per hour with proportionate cuts for salaried and executive employees in a common effort to save the company.

The breakthrough for McLouth came late last year when Tang Industries, an industrial company with steel warehousing and processing operations across the Midwest, agreed to purchase McLouth's assets and to inject enough capital into the operation to discharge the bankruptcy order. The agreement was contingent on the negotiation of a contract with the United Steelworkers, which represents the company's 2,000 hourly employees.

In this regard, special recognition should be given to Mr. Harry Lester, director of district 29 of the United Steelworkers of America. It was through his tireless efforts, tenacity, and hard-nosed bargaining that final agreement between Tang and his workers was achieved. For Harry, it was an impossible task, particularly in light of the dire need to protect the interests of his steelworkers and, at the same time, to negotiate a contract which would provide a newly formed company the best cost advantage possible. When the final labor agreement was signed on November 14, 1982, Harry walked away from the bargaining table knowing that his efforts had breathed life into a dying company and had protected the jobs of McLouth's many workers.

Today, McLouth Steel Corp., under its new name of McLouth Steel Products Co., continues to produce steel and employ workers. The company continues to contribute to the economic vitality of the downriver community largely due to the forthright efforts of Harry Lester and the men and women of the steelworkers union, as well as countless community leaders who refused to accept defeat. Their collective efforts will be remembered as the cornerstone of the new McLouth.●

SPIRALING DEFICITS ROOTED IN THE PRESIDENT'S ECONOMIC POLICIES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. BONKER. Mr. Speaker, one fact stands out above any other in President Reagan's budget proposal for fiscal year 1984—the administration's enormous military buildup and massive tax reductions primarily for the wealthy have thrown our Federal budget ledger completely out of balance.

The Federal deficits projected for the years ahead are shocking: $208 billion this year; $189 billion next year; $194 billion in 1985; $148 billion in 1986, and so on. These enormous deficits will soak up a large percentage of our Nation's private savings, driving up interest rates, and snuffing out any economic recovery as soon as it gets underway.

As the administration's own deficit projections demonstrate, the White House simply has not come to grips with the real causes of these enormous deficits. While the President has called for a freeze or cuts in important domestic programs, the Pentagon budget would double by 1988. And while the President has called for standby taxes to take effect in 1986 if the deficit remains high, the White House has ruled out any steps to scale back the huge revenue losses due to its 1981 tax package.

I am pleased to see that a large number of Members—both Republicans and Democrats, in both the House and Senate—are unwilling to go along with the administration's excessive defense buildup. It appears that, like it or not, President Reagan may have to accept a realistic reduction in his Pentagon budget.

An incisive article by David S. Broder in Wednesday's Washington Post underscores the fact that Congress must reverse the administration's tax policies if we are to bring these deficits under control and bring about lasting economic recovery.

According to his 1984 budget proposal, the President's 1981 tax package has slashed expected revenues by more than $1 trillion between 1984 and 1988. Compare that amount with the total budget deficits projected between 1984 and 1988—$789.5 billion—and it becomes obvious that the President's tax policies are directly responsible for much of the budget shortfalls in the years ahead.

The President's tax policies have not only slashed Federal revenues and clouded the prospects for sustained recovery, they have restructured our Nation's tax base, easing taxes for the well-off and increasing the burden on middle- and low-income people. To make up for the revenue lost to the 1981 tax bill, new taxes are sprouting up at all levels of government—Federal, State, and local. These taxes are often highly regressive, which only exacerbates the disparities in the President's original tax package.

As a first step, Congress should examine the third year of the President's tax cut program. This final 10 percent, across-the-board reduction, currently scheduled for July, will

reduce Federal revenues by $180 billion over the next 5 years. Simply eliminating the July tax reduction for the wealthiest 5 percent of our Nation would reduce projected deficits by more than $50 billion over the next 5 years.

The American public recognizes the link between the President's tax reductions and crippling Federal deficits. In a recent poll conducted by the New York Times and CBS News, fully 62 percent said they were willing to give up their July 1983 tax cut in order to help bring down spiraling deficits.

I am hopeful that Congress will pay attention to the expressed will of the voters and take steps to reduce the deficit and restore equity to our tax structure. For as Broder notes, "Restoring the economy and rebuilding the tax base are the urgent needs of this country."

I commend this excellent article to the attention of my colleagues.

[From the Washington Post, February 2, 1983]

(By David S. Broder)

THE MISSING TRILLION DOLLARS

In the mass of numbers that fill the budget President Reagan sent Congress on Monday, one statistic stands out—so much so that even the unemotional green-eyeshade people who work for budget director David Stockman put it in italics.

Overall, they said, the tax cut that the President cheered through Congress in the summer of 1981 has "reduced revenues as projected under current economic assumptions by more than one trillion dollars over 1984-88."

That is quite a sum. It amounts to about $1,000 a year for every man, woman and child in this country. Back in 1972, when George McGovern proposed writing everybody a $1,000 check every year—in lieu of the existing welfare programs—he was laughed out of town and trounced for the presidency. Reagan has done the equivalent of what McGovern only talked about—and is kind of bragging about it.

But, of course, Reagan's benefaction was not shared out equally. The richer you are, the more you have gotten from what can accurately be called the most effective welfare program for the wealthy—the most deliberate effort to increase America's financial disparities and inequities—in a half-century of this country's history.

The Congressional Budget Office estimated that the original tax bill would save the $10,000 family $120 in 1983 but the $80,000 family a nice $15,250. I hope you enjoyed your share of the loot and what it has brought you.

But you might ask yourself what that money might have bought if the government had not abandoned its claim to collecting it.

Well, if Reagan had been as persuasive in holding down Federal spending as he was in urging Congress to give up the money, the trillion dollars would have erased the total federal debt he inherited from Jimmy Carter and all the other presidents who preceded him. It would even have taken a big bite out of the $1.6 trillion debt we are looking at by the end of next year when the bills are in on Reagan's latest budget proposal.

Think for a moment what it would mean for the Federal Government to be debt-free or, at least, well on the way to erasing its red ink. Think what that would do to bring down interest rates, revive housing and autos and send the stock market soaring. Then you can measure what you have paid, and will pay, for your share of the trillion-dollar giveback.

Another way of asking the question is to consider what could have been bought with that trillion dollars if some of it had been used by the Government itself. A tiny fraction of that trillion dollars would eliminate the need for the government to try to shift $58 billion of health-care costs onto the backs of the ill, the aged and their families in the next five years, as Reagan is proposing. A tinier fraction would spare the child-nutrition programs from planned cuts—and the special-feeding programs for pregnant women and their infants.

The list could go on and on, but there is no need to belabor the point. The President himself acknowledged in an interview last week that there is "no way" to balance the budget, now or in the future, at the levels of taxation that were mandated by the 1981 tax law.

To hear him and Stockman tell it now, it was wretched excess on the part of Congress in that summer of 1981 that drove the tax base well below the target Reagan originally had set—20.6 percent of gross national product. It's a nice story, but it doesn't wash.

The charts in Reagan's own budget show the tax burden was barely higher than that level—just over 21 percent—when he whipped up the great tax-cutting fever in 1981. A modest change in individual or corporate rates would have offset the scheduled increases in Social Security taxes and the effects of "bracket creep."

But Reagan in 1981 was not interested in modest changes of the kind advocated by Fritz Hollings, Jim Jones, Dan Rostenkowski and most of the other congressional Democrats.

You may recall that on July 27, 1981, when the alternative tax bills were ready for a vote, Reagan went on television and used those clever charts to ridicule the "so-called" tax cut that came out of the Ways and Means Committee and to point with pride at the "real" tax cut in what he called "our bipartisan bill"—the same bill he and Stockman now complain was excessive.

"The lines on these charts," he said, "say a lot about who is fighting for whom. On the one hand, you see a genuine and lasting commitment to the future of working Americans; on the other, just another empty promise."

Eighteen months later, the perspective is different. Faced with these staggering deficits, even Reagan has become a tax-raiser. But the damage has been done, and the steps he is recommending even now to repair it are woefully inadequate for the task at hand. Restoring the economy and rebuilding the tax base are the urgent needs of this country.●

THE 50TH ANNIVERSARY OF THE POLISH AMERICAN STRING BAND

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. BORSKI. Mr. Speaker, it is with great pleasure that I rise to honor an outstanding organization from my home in Philadelphia. The renowned Polish American String Band is celebrating its 50th anniversary on Saturday, February 5, 1983. I would like to pay tribute to the many accomplishments and contributions of this fine musical club.

Founded in 1933 by Mr. Joseph Jankowski and the Polish business community in Richmond, the Polish American String Band has provided musical and fraternal involvement to hundreds of men and boys for the past 50 years. Its members have performed in the annual Mummers parade on New Year's Day in Philadelphia for the past 44 years and have earned the prestigious first prize nine times. The sight and sound of the band strutting up Broad Street on New Year's Day is a tradition that all Philadelphians cherish.

Although striving for perfection and accomplishment are the goals of the string band, it also provides an opportunity to instill its members with many other values. It has enabled men of all ages to work together as a team, to share ideas and friendships, to strive for success, and sometimes to accept the pain of defeat. Boys have become men as members of this fine band, and I believe that they are better people because of their participation. I would be remiss if I did not also honor the hardworking wives, mothers, sisters, and daughters who provide so much support to the string band.

The Polish American String Band has represented the city of Philadelphia and the Commonwealth of Pennsylvania in travels throughout the country. Their performances in other States have enabled Americans across the Nation to enjoy the unique Mummer tradition of fine music and costumes.

So, it is with appreciation and pride that I salute the members of the Polish American String Band, their captain, Raymond Danieliewcz, and President Don Keir, and wish them continued success for the future.●

REPEAL WITHHOLDING ON INTEREST AND DIVIDENDS

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. SHELBY. Mr. Speaker, I am sure most, if not all, of my colleagues here in the House have received an overwhelming negative response from their constituents regarding the 10-percent withholding of interest and dividend income. In introducing today a bill to repeal the withholding provision, I am telling my constituents in the Seventh District of Alabama that I have received their message and am going to work actively to undo this foolish provision of law.

The proposal to withhold interest and dividend income was floating around when I came to Congress 4 years ago, and I have opposed it all along. Its inclusion in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) was one of the major reasons I voted against that measure.

Not only does the concept lack merit on its own, but it is also counterproductive to the efforts we are making to stimulate investment. Implementation of this TEFRA provision will reduce the amount of cash available to savers and investors during the year and will reduce the interest earnings they would otherwise enjoy through compounding and reinvestment. In cases of overwithholding, this income will be held by the Government, drawing no interest for the taxpayer, until a refund is filed for and paid. It will further complicate the process of completing tax returns. And although there is an exemption for the elderly and low-income citizens, in order to exercise this exemption they will have to file a Government form at each institution in which they have an account, swearing that their tax liability is below the ceiling.

The burden to financial institutions will be substantial. It is estimated that implementation of mandatory withholding will cost them $1.5 billion. And as with most Government-imposed increases to the cost of doing business, we can expect this cost to be passed through to the institutions' customers, in this case in a higher cost of credit and a lower interest rate for savings and investment.

Why then are we imposing this unnecessary and unfair burden? If insuring greater compliance with tax laws is the justification, then this is a classic example of overkill—imposing a penalty on the 96.7 percent who accurately report dividend and interest income in order to catch the 3.3 percent who cheat. The compliance argument is, therefore, clearly fallacious.

This provision, stripped of its compliance justification, is nothing more than a revenue enhancement measure—more commonly called a tax increase. Even those who favor tax increases, however, surely cannot support such an inefficient, unfair one as this.

The 98th Congress should proceed immediately to repeal this burdensome withholding law before financial institutions begin their costly preparations to implement it.●

A POLITICAL CROP FAILURE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. DORGAN. Mr. Speaker, the American farmers are, in most cases, becoming more productive, but less successful. Why? I think it is because our Government has become less sensitive to the needs of the family sized farmer, and our Government has become more inclined to interfere with our farmers' overseas markets.

Farmers usually suffer financially when there is a crop failure. But things have changed. Our farmers have been raising bumper crops and yet their income has dropped to 1930's levels.

The only crop failure we have seen recently has been a political crop failure. That is a failure that can be avoided if we pay some attention to two major issues.

First is price-supports. This Government can and should provide our family sized farmers a price support level at least equivalent to the level that many of our allies are providing their farmers. Why can France, Japan, and others offer their family farmers a much more generous support level price than the United States? The answer to that lies in a weakening of the national will to see to it that our network of family farms survive. Frankly, there has been a retreat in Congress in recent years in support of the family farm unit. I think that is a serious long-term mistake, and we all must fight to rebuild the will to provide price supports that give the family sized farmers a chance to make it during the vicious price swings in the grain markets.

The second issue is exports. We simply must find export markets for the agricultural products we grow. Four successive Presidents, including the current one, have interfered with our export markets. We just have to prevent that in the future. It is severely damaging American agriculture.

Our farmers know that it is better to load their grain on a ship for foreign sale, then it is to put it in storage. It is time for the United States to develop a national effort to become the world's most aggressive salesman of the best agriculture products in the world.

Our farmers cannot wait. We need action now on the crisis in agriculture.●

NATIONAL EMPLOY THE OLDER WORKER WEEK

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. ROYBAL. Mr. Speaker, the persistence of age discrimination and declining employment opportunities for older Americans require us to keep up our fight to improve job opportunities for those older workers who wish to continue working.

The facts about older worker employment problems are startling. According to data from the Bureau of Labor Statistics, unemployment among older workers is growing faster than among all other age groups. Once unemployed, older workers remain out of the work force nearly twice as long as young workers. Older workers are also three times as likely as younger workers to simply give up on the job search and drop out of the labor force after a long period of unemployment.

The causes of these employment problems can be traced to persistent age stereotypes and widespread age discrimination in the work force. Recent national surveys indicate that 8 of 10 Americans believe that age discrimination is a problem for most older workers. Moreover, 6 of 10 employers also believe that age discrimination is widespread in the labor force. Overcoming these stereotypes will require a concerted national effort to promote the virtues of older workers and to change attitudes about them in the work force.

I am encouraged along these lines by what some companies are doing to hire and retain older workers. Programs such as job sharing, flexitime, retraining, and part-time jobs are being made available to older workers to encourage them to remain on the job. Studies indicate that older workers are productive and reliable and that employers can benefit from their expertise on the job.

To date the Federal Government has done very little to promote the interests of older workers. One exception is the senior community service employment program authorized by title V of the Older Americans Act. This program provides 54,200 low-income older workers with meaningful and productive jobs in their communities. It is essential that this program be continued and, if possible, expanded to help employ many more older workers.

Providing employment opportunities for the older worker is an important and necessary goal, not only for today but for the furture. Moreover, those older Americans who are employed are four times as likely as all others to avoid the clutches of poverty.

For these reasons, I, Mr. PEPPER and Mr. RINALDO, along with 17 of our colleagues in the House, today join with Senators HEINZ and GLENN in introducing a joint resolution to draw attention to the older worker and to encourage employers to generate employment opportunities for these workers. Specifically we are requesting that the President authorize the week of March 13 through 19 as National Employ the Older Worker Week. During this week special programs would be scheduled around the country to inform employers and the public about older worker resources and to educate older persons about available employment opportunities. The outcome should be increased visiblity of the need for employing older workers, a better understanding among employers of the benefits of employing older Americans and wider employment opportunities for those older individuals who would like to make a contribution to society.●

NORMAN S. HALLIDAY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. CLAY. Mr. Speaker, I was saddened by the tragic and untimely death of Norman S. Halliday on January 27, 1983.

Norm was a friend who shared my interest and concern in the operations and services of the U.S. Postal Service. But more important, Norm was gracious, Norm was candid, Norm was a gentle person who, even in the most difficult days of his suffering from the dreaded disease of cancer, was able to maintain a sense of humor and perspective upon the world and himself.

I first met Norman Halliday when, as a fledgling member of the Committee on Post Office and Civil Service, Norm was Assistant Postmaster General for Government Relations of the U.S. Postal Service. He was an able and effective advocate but never compromised his strong principles of honesty and inner integrity. I quickly learned that, whatever the issue, I could rely upon Norman Halliday for candid and honest appraisals of matters in which we were mutually concerned. My affection, respect, and admiration for Norm were undiminished during his service at the National Association of Greeting Card Publishers where he served as vice president since 1977.

I suppose that I could use many words to describe Norm Halliday—warm, friendly, able. But there is one word that I know all of us who were privileged to be touched by Norm would agree upon—"class." Norm was a class person. His loss creates a void in the lives of all of us who are interested in postal matters. He will be deeply missed.

My deepest sympathies are extended to his family, particularly his wife, Alice, his children, Robert, William, John, and Katherine, and his mother, Mrs. William N. Halliday.●

LEGISLATION TO MAKE AMENDMENTS TO THE EXTENDED UNEMPLOYMENT BENEFIT PROGRAM

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. CONTE. Mr. Speaker, I am introducing legislation today to make a small amendment to the Federal-State Extended Unemployment Compensation Act of 1970. My amendment, introduced because of my concern over recent happenings to some of my constituents, corrects an inequity that exists in the program.

Last week, one of my constituents was in a hospital having open heart surgery, and his wife went to pick up his unemployment check for the week he went into the hospital. She was told that since her husband was not actively seeking work, he was not eligible for the unemployment check for that week. Another constituent, serving on jury duty, was turned down for the same reason—he was not actively seeking work, as defined in the law.

It is clear, Mr. Speaker, that the ends sought by the extended benefits program—that the recipient must be engaged in an active search for work—are valid. Surely, we should not give an unemployment check to someone who wants to only sit around, and not look for work. But there are times when sickness or civic duty prevents one from engaging in a search for work, and we should assist those people in any way that we can.

The legislation that I am introducing today amends the provision of the extended benefits program that requires an active search for work to allow an individual who is hospitalized with a "life threatening" condition (which term will be described in regulations to be promulgated by the Secretary of Labor), or a person who is serving as a juror in a civil, State, or Federal trial to continue to collect their unemployment benefits. Although we should encourage unemployed individuals to seek work wherever they can find it, we should not penalize those who are clearly unable to search for work. This legislation would go a long way toward correcting this inequity.

I hope that my colleagues will join me in cosponsoring this legislation, and that the Ways and Means Committee will recognize the validity of what we are trying to accomplish here. We need to provide more fairness to those who are truly unable to help themselves.

Thank you, Mr. Speaker.●

APPLICANT VISITS TO THE COAST GUARD ACADEMY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. JONES of North Carolina. Mr. Speaker, today I have introduced legislation designed to strengthen the selection process for the Coast Guard Academy by enabling prospective cadets to visit there before deciding whether to accept appointments. My colleagues, GERRY STUDDS, ED FORSYTHE, and DON YOUNG have cosponsored the bill which was transmitted to Congress last year by Secretary of Transportation Drew Lewis.

This measure, H.R. 1256, will permit the Coast Guard to finance selective preappointment travel by cadet applicants to the Academy at New London, Conn. There are currently two privately funded Academy programs which provide preappointment orientation visits for selected minority and other high school students. These existing programs have proved that these visits are an effective means of both increasing the acceptance rate of appointments and reducing the attrition rate of cadets.

Studies have found that only 46 percent of those offered appointments to the Academy actually attend. Yet 68 percent of the people offered appointments who participated in the Academy Introductory Mission (AIM) accepted the appointment. The Academy Introductory Mission sponsored by the Coast Guard Auxiliary has brought about 175 students between their junior and senior years in high school to the Academy for a weeklong visit each summer.

Similarly, 66 percent of those offered appointments who participated in the minority promotion program funded by the nonprofit Coast Guard Foundation, Inc., accepted. Furthermore, the present retention rate of all cadets at the Academy is 55 percent. Yet 75 percent of those cadets who have participated in the Academy Introductory Mission stayed at the Academy.

It is unfortunate that private funding sources are unable to meet the

present needs and do not provide a stable funding source for the future.

Therefore, this legislation will allow the Coast Guard to provide these much needed orientation visits. The projected cost of this legislation is $20,000 for each of the first 5 fiscal years.

Mr. Speaker, the implementation of this legislation will help the Coast Guard, the cadets, and the lives of those people who are considering attending the Coast Guard Academy. It will enable prospective cadets fo find out what the life at the U.S. Coast Guard Academy is really like. It may also serve to encourage students from distant States to consider seriously the opportunities offered at the Coast Guard Academy. I, therefore, urge its quick consideration and implementation.●

A BILL TO PRESERVE RESTRICTIONS ON NORTH SLOPE ALASKAN OIL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. WOLPE. Mr. Speaker, I am very pleased to join today with my distinguished colleague from Connecticut, Mr. MCKINNEY, to introduce a bill which seeks to preserve the vital restrictions on the export of North Slope Alaskan oil. In 1979, Congress overwhelmingly adopted amendments to the Export Administration Act which reaffirmed and strengthened the restrictions on the export of Alaskan oil that have been in effect since Congress passed the Trans-Alaskan Pipeline Authorization Act in 1973. It has been widely agreed that the export of Alaskan oil makes no sense from either an economic or national security perspective. These reasons are only more compelling today than they were 3 years ago. The Export Administration Act is scheduled to expire on September 30, 1983, and with it expire the Alaska oil export restrictions. We simply cannot let this happen.

There are four fundamental reasons why the 1979 restrictions must be extended. First, the export of Alaskan oil will only make the United States more dependent on insecure oil supplies—quite contrary to long-standing congressional intent that North Slope Alaskan oil be developed for domestic consumption. Surely we cannot have forgotten the grim lessons taught by the oil embargo of just a few short years ago. Our national goal should be oil independence. We cannot afford to increase the vulnerability of our industrial and military institutions to unpredictable supply disruptions. Neither can we afford to undermine the critical development of our Nation's energy system. More than ever before, we must push for progress on furthering American ability to refine and transport domestic supplies of crude oil.

Second, it is sheer fallacy that exporting Alaskan oil will improve the U.S. balance of trade. Any oil exported would be matched by the importation of an equal quantity of foreign oil at the same, or higher, prices. In addition, any positive impact that oil exports could have vis-a-vis our trade balance with Japan is a very dangerous smoke screen that masks the serious problems underlying our trade inequities with Japan. This illusion of progress could damage and undermine our efforts to reduce Japanese barriers to American manufactured and agricultural goods.

A third consideration is the gross injustice in the distribution of any savings accrued by exporting Alaskan oil. The price of North Slope crude is pegged to the landed price of OPEC crude. It makes no difference in the price paid by an American consumer whether Alaskan oil is transported 1 or 10,000 miles. Any savings on transportation costs simply mean increased profits for the oil companies. They do not translate into reduced costs for American consumers. In fact, consumers could end up paying more for their oil, because the existence of Alaskan oil in the U.S. market creates a downward competitive pressure on the price of OPEC oil which obviously would not exist if the oil were exported.

Fourth, with national unemployment statistics creeping toward 11 percent and soaring up to 27 percent in pockets of our country, this is clearly no time to be considering exporting Alaskan oil—and with it, American jobs. Spending U.S. dollars on foreign flagships and idling U.S. flagships now carrying the Alaskan trade makes absolutely no sense in today's economic climate. The potential rippling effects of exporting Alaskan oil could spell disaster for the maritime, oil refinery, and related industries. At a time when we are asking the American people to recognize the serious economic challenges facing our Nation and join with us in the search for meaningful solutions to these complex problems, how can we possibly explain to the American public that allowing the export of our Nation's oil is truly in our national self-interest?

I hope you will join with Mr. MCKINNEY and me in supporting this crucial measure and urging the extension of the restrictions on Alaskan oil exports.●

THE SOCIAL SECURITY DILEMMA

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. MCKINNEY. Mr. Speaker, today's social security dilemma presents some of the most difficult issues Members of the House will face. On the one hand, the program has profoundly improved the standard of postretirement living for millions of Americans, as well as offered the disabled worker critical assistance in time of need. On the other hand, the cost of maintaining the program has cost workers and business more and more each year. In dealing with social security's financing, policymakers must weigh two difficult choices: Either we must curtail benefit growth and consequently weaken the financial position of retirees and disabled workers, or we must continue to increase the payroll tax and further erode the income of workers, burden employers, and perhaps increase unemployment. In all likelihood the final reform package will contain both new taxes and lower benefits. Nevertheless, how much of each remains a difficult question. To lower benefits is to reduce the income of some who can ill afford it, and to tax is to further burden our economy as it pulls out of recession. Add to this the political volatility of the subject and you find yourself cringing at the sound of the words "social security."

Today I submit into the RECORD a letter written by a distinguished community and business leader from my district. Mr. S. Bruce Smart, the chairman and chief executive officer of the Continential Group, holds firmly to the view that responsible leaders must weigh the human side of Government and business decisions, not just the financial bottom line. He expresses real concern over the escalating cost of social security on workers and business. While I do not necessarily agree with each of his proposals, he makes important points which will be of value to members as they consider the social security commission's report and confront the urgent need to arrest the system's slide into bankruptcy. I encourage my colleagues to read and reflect on his perceptive remarks.

The letter follows:

CONTINENTAL GROUP,
Stamford, Conn., December 27, 1982.

Hon. STEWART B. MCKINNEY,
Cannon House Office Building,
Washington, D.C.

DEAR STEW: Thanks for your December 16th letter on Social Security.

We have been following this very closely, because it has such a huge impact on the budget deficit and so impacts employment costs.

The first step for the country's leadership to take—and here I include Congress which is doing little, the Administration which is doing not much more, and business which is starting to do something—is to inform the American people that the Social Security of those who are retired is not "their money". Typically, they put into the system only a very very small fraction of the benefits they will receive. This truth is not understood well, nor have I seen many Government officials stressing it.

Once people understand that what they are getting out of the system is much more than they put in, they will be able to understand that in its current form Social Security is basically a transfer of funds from the workers of the present generation to the workers of a previous generation. Since by and large members of neither group are indigent, it is not need based. It is simply a matter of taking from the worker to give to the retired. Obviously, that can't go on in its present form as the retired population increases in size relative to the working population.

Therefore, both fairness and common sense demand that reforms to Social Security center around steps to reduce this inequity.

One such step is clearly to tax Social Security payments. This would have little effect on those who are in great need, but for the great majority of retirees, who are reasonably well off, it would provide a mechanism for returning some of the money that isn't theirs back into the system to reduce the strain on the current generation's payroll taxes.

A second step clearly is to modify the COLA's, first to make up for the improper indexing of the last several years, and second to restrain the growth of Social Security payments to no more than wage increases less productivity.

A third step, which seems sensible to me, is to recognize that with a growing population of retired people relative to working people, and increased life spans which pose a greater load on Social Security, the normal retirement age should be gradually increased to 68. Obviously, this should not impact those who for disability reasons cannot work.

I would come down against a change in the scheduled payroll tax increases, because these force more payment by today's generation of workers to provide benefits to yesterday's.

Similarly, I believe that use of money from the general Treasury, in whatever guise, is only a first step to supporing the whole system from general revenues and turning it into a welfare system for those who don't need welfare.

As far as including people from the nonprofit sector in the Social Security system, that does not strike me as being financially helpful, though it may be appropriate for other reasons. Since Social Security is currently a "loser", adding more beneficiaries is hardly the way to go.

As far as Federal pensions are concerned, I would encourage including Federal employees in the Social Security system if there was a commensurate reduction in the Federal pensions paid, and if the contributions of the Federal employees to Social Security were appropriate to the level of benefits they receive.

In this connection, a close look should be taken at how many years one has to work under Social Security before one receives the full benefit. My impression is that now a very few years of contributions results in full participation, a condition that leads to "double-dipping" by Federal employees who have retired early.

Summarizing, my emphasis would be on:
Taxing Social Security.
Adjusting the COLA formulas.
Increasing the retirement age.
Thanks for writing.

Most sincerely,

BRUCE SMART.●

PEACE CORPS INTERN PROGRAM

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, today I am introducing legislation providing for a House of Representatives Peace Corps intern program.

The purpose of this proposal, which is modeled after the L. B. J. intern program, is to provide an opportunity for returning volunteers to work a short period of time in a congressional office and to ease their reentry into the mainstream of American culture.

Many volunteers suffer from cultural shock when they return from third world countries where they have lived in rural and often primitive areas. The intern program will provide temporary employment as they readjust to our fast-paced modern society. Presently, there is no employment program open specifically to returning volunteers on a temporary basis.

We should not overlook the benefits that will accrue to the host congressional office. Members of Congress will have access to first-hand knowledge of life in countries where we provide foreign assistance. In my own experience as a member of the House Appropriations Subcommittee on Foreign Operations, I have found Peace Corps volunteers to be invaluable sources of information as I have traveled to countries like the Philippines and Morocco.

The Peace Corps intern program would give each Member of the House of Representatives a total allowance of $1,000 which would be payable at the maximum rate of $500 per month. To be eligible, and individual must have served a total of at least 2 years as a volunteer or volunteer leader in the Peace Corps and completed all assigned terms of such service.

I urge my colleagues to give favorable consideration to this resolution. In addition to the concrete benefits the program offers both to congressional offices and to the returning volunteers, it will serve as a gesture of gratitude to these fine and generous Americans who have so unselfishly served their country.●

A JOINT STATEMENT BY REPRESENTATIVES FAZIO AND MATSUI

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. FAZIO. Mr. Speaker, I together with Mr. MATSUI, introduce this legislation at the request of the city of Sacramento at this early point in the 98th Congress primarily to reserve a place for the Stone Lock issue on the congressional agenda. The final plan for local self-sufficiency agreed to between the parties may or may not ultimately entail congressional action. The local plan has not yet been presented to us. Thus this bill may require amendments or the final plan may require introduction of a new bill. It is premature to speculate on prospects for winning approval of the final plan from the Congress, though we, of course, remain optimistic that the issue will be satisfactorily resolved and we remain willing to assist.●

A JOINT STATEMENT BY REPRESENTATIVES FAZIO AND MATSUI

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. MATSUI. Mr. Speaker, I, together with Mr. FAZIO, introduce legislation at the request of the city of Sacramento at this early point in the 98th Congress primarily to reserve a place for the Stone Lock issue on the congressional agenda. The final plan for local self-sufficiency agreed to between the parties may or may not ultimately entail congressional action. The local plan has not yet been presented to us. Thus this bill may require amendments or the final plan may require introduction of a new bill. It is premature to speculate on prospects for winning approval of the final plan from the Congress, though we, of course, remain optimistic that the issue will be satisfactorily resolved and we remain willing to assist.●

BAN WEAPONS FROM SPACE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. MOAKLEY. Mr. Speaker, yesterday I, along with 76 of my colleagues from both sides of the aisle, introduced House Joint Resolution 120, legislation calling on the President to enter negotiations with the

Soviet Union and the world community for the purpose of banning all kinds of weapons from space.

We are at a unique moment in history, when—with a little effort—we can greatly enhance the prospect of peace for future generations. Nearly four decades after the advent of nuclear weapons, the world is grappling desperately with the problem of how to control these weapons of mass destruction.

Let us not make the same mistake again with regard to space weapons. We can stop the extension of the arms race into space, before it builds momentum. The Soviets have already expressed a willingness to enter such negotiations—it is now up to us to take positive action.

There is a plan being circulated around Capitol Hill which endorses the use of exotic space weapons to gain military advantage over the Soviet Union. This plan is known as "High Frontier." Mr. Speaker, High Frontier is nothing more than high foolishness.

Today we are perched precariously close to Armageddon—not because we are too weak, but because we have been deluded into believing that we can gain peace through technological superiority, High Frontier is an example of such delusion.

If we extend an already volatile arms race into space, I assure you that the Soviets will not sit back, overcome with awe for our technical prowess. They will follow our lead, with all the eagerness which fear can muster. The Soviets do not want such a race, nor—I believe—do the American people.

At this point I wish to insert into the RECORD expert criticism of the High Frontier notion by retired Air Force colonel and current president for the Institute for Space and Security Studies, Dr. Robert M. Bowman. Additionally, I call on my colleagues to join me in supporting House Joint Resolution 120 so that we may stop a dangerous and costly arms race in space before it is too late.

The material follows:

PRELIMINARY ANALYSIS OF HIGH FRONTIER PROPOSAL

(By Dr. Robert M. Bowman, President, Institute for Space and Security Studies)

The Institute has undertaken a study of not only the Heritage Foundation proposal called "High Frontier", but also other concepts for ballistic missile defense systems in space. Normally, comment would be withheld until our study is complete. But there is so much blatant misinformation circulating that this preliminary analysis is being released.

Proponents claim that space-based defensive systems can be deployed: (1) using existing off-the-shelf technology, (2) at a reasonable (about $15 billion) cost, (3) within five to six years. They further claim that the systems can: (4) protect our people, (5) end the immorality of Mutual Assured Destruction (MAD), and (6) improve chances for arms control. None of these claims are true.

The facts are as follows:

(1) Most Pentagon experts I have talked to agree that the technology requirements have been grossly underestimated. There is no off-the-shelf technology for this mission—except on paper. A good deal of development work would have to be done even to deploy an experimental system—let alone one that would work. The technology to actually make such a system effective against ICBM's and survivable enough to do its job is not even in sight, much less ready.

(2) Responsible Pentagon analysts estimate the true cost at anywhere from $100 billion to over a trillion! It should also be remembered that the 432 huge battle stations in the "initial system" represent just the nose of the camel. The second layer systems would require a follow-on to the shuttle, a manned space station, and repair facilities. Kosta Tsipis of MIT estimated that it would take $100 billion just to launch the fuel into orbit for the second-layer laser system.

(3) Even with an Apollo-like commitment, it would take eight or nine years to start deployment of the first layer. Long before that, the Soviets could deploy cruise missiles and other offensive systems which would be totally unaffected by the Maginot Line in the sky—even if it could be made to work against today's ICBM's, which seems unlikely.

(4) The most exaggerated of their claims is that High Frontier or its cousins could protect the people from the threat of nuclear annihilation. Even if we assume that the system could be made to work as designed, it could still offer no protection. Our side has already identified several countermeasures and alternative strategies to defeat such a system should the Soviets depioy one. The Soviets are smart enough to think of them too. In addition all the various concepts, including High Frontier, have serious vulnerabilities. None of them could survive a single nuclear explosion in space. The radiation and electromagnetic pulse from a single blast could wipe out the sensitive electronic brains of hundreds of battle stations, clearing the way for a following wave of ICBM's. The truth is, no new superweapon is going to remove the threat to our people. That must be done the hard way—through deterrence, patience, arms control, and the gradual elimination of fear and confiict.

(5) High Frontier proponents make much of their disdain for offensive weapons and the immorality of Mutual Assured Destruction (MAD). Yet when you delve beyond the rhetoric, you discover that the third layer defensive system is a point defense to protect our missile silos. The first two layers are so leaky that it is deemed necessary to have local interceptor missiles stationed around missile silos to "provide for the survival of our offensive weapons systems including MX". So much for the protection of our people (no point defense around them)! So it turns out that (after all the badmouthing of MAD) what they're really talking about is the assured survival of silos, not people. And what's the point of protecting offensive weapons? Why to carry out MAD, of course. So much for moralizing!

(6) Finally, it is claimed that deploying this vast array of weapons will "enhance the environment for future arms reduction talks". Let's consider that. While I firmly believe that High Frontier or its variants would have little or no effectiveness against ICBM's, they would probably be very effective against satellites . . . or each other. They would endanger the very systems upon which arms treaty verification depends. In addition, because of their great vulnerability, they would be programmed to automatically destroy any space object or rocket launch which they were not told specifically to leave alone. With such proposed rules of engagement, the probability of the initiation of accidental space warfare would seem very high. Once space defensive systems, warning satellites, and command and control systems start evaporating, how long will it be until one nervous, paranoid side or the other pushes the button? Does this sound like an enhanced environment for arms reduction talks? Just thinking about it should send us to the negotiating table right now, to ban weapons in space.●

HOUSTON NAVIGATION PROJECTS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. FIELDS. Mr. Speaker, as the Congressional Representative for the area surrounding the Houston ship channel, I am pleased to introduce today three pieces of legislation to improve navigation along this vital waterway.

However, before discussing the specifics of these bills, I would like to share briefly with my colleagues the ship channel's importance to Houston's economy.

According to recent tonnage figures, the Houston ship channel is our Nation's third largest port, with its facilities receiving more foreign cargo and imported crude oil than any other domestic waterway.

It has been estimated that $1 of every $3 in the Houston economy can be attributed to the ship channel. Directly or indirectly, the channel provides employment to thousands of citizens in the Houston metropolitan area.

Nevertheless, in recent years, there has been a significant change in the type of vessels which are utilizing our port facilities. In an effort to reduce rising energy costs, companies now are shipping their products in so-called supertankers, many of which are larger than three football fields.

As a result of this movement to larger and larger vessels, several industries along the channel have found it necessary to spend large sums of money to deepen their port facilities in order to accommodate these supertankers.

The first of my three bills would require the Army Corps of Engineers to maintain a 40-foot depth at the Barbours Cut terminal at Morgan's Point.

Private funds have already been expended to dredge this tributary of the ship channel from 16 to 40 feet. I believe that the corps should now assume responsibility for maintaining a 40-foot depth.

This responsibility is consistent with Congress mandate to the Army Corps of Engineers. I am convinced that such maintenance costs to the city of Houston and the Federal Government will be offset by the creation of new jobs and other types of positive economic activity.

It is interesting to note that the greatest amount of cargo growth along the channel last year occurred at the port's Barbours Cut multipurpose intermodal terminal. Tonnage at the new facility increased by 35 percent from 1,701,586 tons during 1979 to 2,294,727 tons in 1980. The number of ship-carried barges handled at the terminal increased from 1,294 to 1,563.

The second bill I am introducing is similar to the first in that it requires the Army Corps of Engineers to maintain a 40-foot depth at Greens Bayou, which is also a tributary of the Houston ship channel.

This bill, which is identical to provisions incorporated within the Water Resource Development Acts of 1977 and 1979, as passed by the House of Representatives, amends section 301 of the River and Harbor Act of 1965 to authorize that the corps maintain the depth of this section of Greens Bayou at 40 feet rather than the present 36 feet.

As my colleagues on the Water Resources Subcommittee may well recall, when the Houston ship channel depth was increased to 40 feet in 1958, the Port of Houston Authority deepened, at its own expense, this portion of Greens Bayou.

Unfortunately, however, because the 1965 Act authorizes the corps to maintain the depth at only 36 feet, the Port Authority has borne the cost of keeping this section free of silt and debris to 40 feet.

Once again, I believe that this is contrary to Congress mandate to the Corps of Engineers, and I believe that we must eliminate the present technical limitation of 36 feet. By doing so, there will be no appreciable additional cost to the corps to maintain it at 40 feet since once the initial dredging has been completed, a similar amount of silt and debris must be removed to maintain the channel's depth.

The third and final bill I am introducing today will allow the Port of Houston Authority to receive Federal reinbursement for the raising of a railroad bridge which the Coast Guard ruled an obstruction to navigation over Green Bayou.

While the actual modifications were completed in November 1980, I believe the Federal Government should provide partial reimbursement for these repairs which became necessary, through no fault of its own, because of severe land subsidence in this area.

Regrettably, however, like so many other worthwhile projects, funding for this project was included in the last two water resource development authorizations both of which failed to become law.

While the Port of Houston Authority has spent in excess of $1 million to make the necessary modifications, I am hopeful this Congress will provide to it a portion of the costs in the form a reimbursement.

Let me also say in closing, Mr. Speaker, that I would like to urge my colleagues to join with me in requesting early action on a Water Resources Development Act which will continue the process of developing a comprehensive water policy for this Nation.

Thank you, Mr. Speaker.●

PRIVILEGE AND DUTY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. SOLOMON. Mr. Speaker, last week the proposed rulemaking on Selective Service registration for Federal student assistance appeared in the Federal Register. These regulations put into effect section 1113 of the Department of Defense authorization bill. This provision mandates that, beginning with the 1983–84 award year, any student who is required to be registered with Selective Service and fails to register is ineligible for student financial assistance provided through programs established under title IV of the Higher Education Act.

These regulations require citizens to carefully consider their rights and freedoms along with their responsibilities. The Congress decided that Federal student aid funds should not be expended on any student if he had not fulfilled his legal responsibility to registering with the Selective Service. The law specifically requires that, in order to receive title IV aid, a student who is required to register must file a statement with the institution he attends certifying that he is in compliance with registration requirements. In approving the program, Congress recognized that peacetime registration contributes up to 2 months to our national readiness posture in the unfortunate event that America would have to mobilize for war. The peacetime registration program also signals to our NATO allies and our adversaries we are serious about defending our commitments at home and abroad.

I am submitting into the RECORD today recent editorials from the Washington Times and the New York Daily News which strongly support my contention; citizenship in this great country brings certain privileges—and responsibilities. If young men want the privileges of getting low-cost, taxpayer funded college loans, then they damn well ought to live up to their duty to obey the law.

Throughout our history millions of our Nation's citizens have sacrificed their lives to protect the rights and freedoms guaranteed all Americans. The legal responsibility to register is an integral part of these rights and freedoms.

[From the Washington Times, Jan. 26, 1983]

NO STUDENT LOANS FOR NONREGISTRANTS

The fuss over the administration's move to bar federal student aid to young men who don't register for Selective Service is a resounding 9.9 on the Distortion Scale of Democratic Values. On second thought, make it a full 10.

The proposal's an outrage, punitive and so on and so forth, howl those who reckon that student-aid money is among the inalienable rights that the Constitution's framers just forgot to enumerate.

The no-registration/no-money law Congress passed last session is being challenged in court, and will come under vociferous criticism during the 30-day comment period for the regulation that is to take effect July 1.

Well, perhaps we're missing something here. Why should men who defy the Selective Service law blithely expect the federal government—that is, you, baby, the taxpayer—to underwrite their college educations? "Dear, dear! How queer everything is today!" Alice reflected in Wonderland.

The Selective Service director, Gen. Thomas Turnage, put it so simply that even your average student activist should be able to grasp the idea: "If a man does not accept the basic responsibility of a society, he has no claims to the benefits of that society."

The federal regulation would apply to the range of grant, loan and work-study programs, from Guaranteed Student Loans on. More than $8 billion came out of the federal pot last year for these categories.

It is useful at this point to recall that more than 9 million men, or 97 percent of those required to register, have complied with the law. An estimated 546,000 are delinquent, the vast portion of them doubtless because of nonfeasance—as opposed to those who have decided to be defiant.

No one can say how many of the half-million who haven't registered are college students. But there is not the slightest reason under God's blue sky why those who are in school and using federal money should expect loans and grants to continue.

A number of colleges have signified willingness to comfort the poor lads who are cut off from the federal Treasury by providing tuition money from their own loan funds. We trust the alumni of institutions that decide to abet the disregard of the law will convey their opinions firmly.

There is nothing oppressive or repressive about the proposed regulation. The only strange element is that anyone believes it is strange.

[From the New York Daily News, Jan. 23, 1983]

PRIVILEGE AND DUTY

"The United States government is saying bluntly that taxpayer funds will not be used to provide a college education for students who do not comply with the Selective Service registration requirements." That's how Education Secretary T. H. Bell described a

proposal to cut off federal loans to young men who fail to register with Selective Service. We couldn't have said it better ourselves.

There's a simple principle involved here: Citizenship in this great country brings certain privileges—and responsibilities. If young men want the privilege of getting low-cost, taxpayer-funded college loans, then they damn well ought to live up to their duty to obey the law.●

GUNDERSON UPPER MISSISSIPPI RIVER SYSTEM MANAGEMENT ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. GUNDERSON. Mr. Speaker, the value of the Mississippi River system has long been recognized by the people of the Upper Midwest. And one of the true blessings of the mighty Mississippi is its multitude of uses. In fact, the Upper Mississippi River has the distinction of carrying two congressional mandates—one for national waterway transportation and the other as a national fish and wildlife refuge area.

In an attempt to reconcile the various uses of the Upper Mississippi River system, Congress created the Upper Mississippi River Basin Commission to develop a comprehensive master plan for future utilization of this portion of the river.

The Upper Mississippi River Basin Commission published a comprehensive master plan for the balanced management of the Upper Mississippi River system on January 1, 1983, pursuant to the mandate in Public Law 95-502, the Inland Waterways Authorization Act of 1978.

Exactly 1 year ago today, I came before this body to introduce legislation to implement the ecological, environmental, and recreational recommendations of the Commission's comprehensive master plan. The need to preserve and protect the river's natural beauty and recreational uses was, and is, vitally important.

It is precisely for this reason, Mr. Speaker, that I am today introducing legislation to implement the major environmental, recreational, and navigational recommendations set forth in the Commission's master plan. The need for action to provide for the management of the magnificent resource is greater today than ever before. That is why I am particularly pleased that my good friend, the distinguished Senator from Minnesota (Mr. BOSCHWITZ), will soon introduce similar legislation in the other body.

A true balance among the three major uses of the river; commercial navigation, environment, and recreation is essential to maintain the integrity of this resource for future generations. My bill will accomplish this is in several ways.

First, funds are authorized to allow the Secretary of the Army to provide for the engineering, design, and construction of a second lock at locks and dam 26, near Alton, Ill. This authorization will allow commercial navigation the opportunity to transport, without bottlenecks, the goods and services necessary to the people of the Midwest.

Second, funds are authorized to allow the Department of the Interior to undertake a habitat rehabilitation and enhancement program for the natural and recreational resources of the river system. Decades of commercial use have taken their toll on the habitat of the Mississippi River. To remedy this situation and to insure that it does not recur, the habitat rehabilitation program in my bill would establish: First, a program of rehabilitation and enhancement of fish and wildlife resources; second, a long-term resource monitoring program; and third, a computerized inventory and analysis system.

Third, the Secretary of the Army is required to establish and seek Federal funding for a program that would facilitate the productive uses of dredged material from the river. Such material has a variety of uses outside the river's flood plain including landfill, concrete, beach sand, and as a soil conditioner.

Fourth, the legislation would give the Secretary of the Interior the authority to implement a program of recreational projects along the Upper Mississippi River system and to assess the economic benefit of those recreational activities. Enhanced recreational opportunities are not only important to the users of the river system, but to thousands of small businessmen along the system as well.

Fifth, funds are authorized to permit the Department of the Army to monitor traffic movements so as to verify lock capacities, update traffic projections, and refine economic evaluations in an effort to determine the need for future commercial expansion, rehabilitation, and environmental enhancement of the river. Simply stated, it is time to take the guesswork out of the use of one of our greatest natural resources.

Sixth, the Secretary of the Army is required to submit to Congress annual recommendations to be undertaken to increase the capacity of specific locks throughout the system through nonstructural and minor structural measures. This requirement will provide the necessary maintenance of these expensive locks and dams to prevent premature major repair or replacement.

Finally, and probably most important, the legislation approves the master plan as a guide for future water policy on the Upper Mississippi River system. Without a doubt, policymaking groups within the system are in need of a management guide for direction in implementing programs which affect future generations.

Mr. Speaker, this legislation differs from my previous legislation by having the benefit of experience. The new legislation is a correlation of letters and recommendations from constituents and representatives of the major groups which use the river or its resources.

It is absolutely necessary for this body to act in a sensible, fair way in dealing with the future management of this valuable resource. The time has come where we can no longer afford to manage this resource without providing for all of its uses. I am asking my colleagues, on behalf of every resident of the Upper Mississippi River system, to join with me in recognizing the multiple use concept of this river system.●

SHOULD PARENTS KNOW? OF COURSE THEY SHOULD

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1983

● Mr. McDONALD. Mr. Speaker, George Orwell's "1984" has not quite arrived in the United States, but it is not for lack of trying by some of the bureaucratic folks who always know what is best for you. Symptomatic of the times, however, is the current controversy over whether parents have a right to know when their minor children request birth control information. My strong belief is that parents do have a right to know, since they are responsible for the behavior of their children until they are no longer minors. Paul Howle wrote an excellent column discussing this subject in the Atlanta Journal of Monday, January 17, 1983. I commend it to the attention of my colleagues.

The article follows:

[From the Atlanta Journal, Jan. 17, 1983]

SHOULD PARENTS KNOW? OF COURSE THEY SHOULD

(By Paul Howle)

America keeps asking herself the silliest questions: Should children be allowed to observe a moment of silence in school?

Are manger scenes on the courthouse lawn unconstitutional?

Quick, somebody—pass a law. Frame an amendment. Write a regulation.

The latest silly question is this: Should the parents of minor female children be informed when their daughters are given prescriptions for birth-control devices.

What a question. Well, of course they should.

This question is just like the others. None of them should ever have been asked and only people with nothing in the world constructive to do would dream of making an issue over them.

But on to the gory details: The government says federally funded family planning agencies have to notify parents when teenagers receive prescription birth control products. A group called Planned Parenthood has declared itself officially outraged and has asked a federal court to stop the government from enforcing the rule.

So the battle lines are drawn.

On this side are those with-it people whose task in life is to know what's good for us. They know, for instance, that boys will be boys and girls will be girls and who are parents to interfere?

Over there are those narrow-minded, repressive, ignorant old frumps who still have the nerve to believe that mothers and fathers should have more control over their minor children than some social agency does.

Imagine that. Just who do these parents think they are? They act as if they had some sort of special stake in their children's lives.

Now tell me, why shouldn't parents know what their children are up to? Because parents are yucky? Because it's none of their business? Well, the reason most often cited is because the parents might actually have the nerve to say, "No."

Then, the experts say, the kid is going to go out and Do It anyway and get pregnant because she just couldn't "communicate" with her parents.

It takes one hell of a lot of nerve to say "no" to children these days. Everybody from the Civil Liberties Union to Planned Parenthood will come down on you. You aren't communicating, they will say. You aren't relating.

But to say that parents should not be informed of the evidence of sexual activities by their minor children because a lot of the children are going to be bad anyway is like saying there's no sense in swatting flies because you can't ever get rid of them all.

Yes, bad things will continue to happen. There will be cockroaches in the silverware drawer, murders, earthquakes, dandruff, famine and plague—and pregnant 15-year-olds.

Yes, kids will be kids and nothing will ever stop that. But many a grappling session in the back seat of a jalopy has been cut short by the thought of what Mama would say.

To recognize the inevitability of sexual activity among youngsters is one thing. To implicitly sanction it by sending children the message that they might as well go ahead because it *is* inevitable, is another.

The point is, that until that Brave New World arrives when all babies are conceived in Pyrex cylinders and raised by an allknowing state, parents are the best thing we have.

Parents, like any other category of our fallible species, have their faults. But by and large they do pretty well when you let them. Most of the ones I know love and care about their children and have spent a great deal of time and money and effort in trying to bring them up to lead good and useful lives.

The plain fact is that it is the parents' absolute and inherent right to know what goes on in the lives of their minor children. It is their right even if a thousand social agencies fret that they will not react in the approved way.●

HOUSE OF REPRESENTATIVES—*Monday, February 7, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May the glory of a new day, O Lord, fill us with anticipation for the opportunities before us. As we see our tasks may Your providence ever surround us, may Your Spirit fill us with love, and may Your presence grant us abiding peace. Be with us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REPORT ON RESOLUTION ESTABLISHING A SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 98-4) on the resolution (H. Res. 49) to establish the Select Committee on Narcotics Abuse and Control, which was referred to the House Calendar and ordered to be printed.

JUSTICE DEPARTMENT LOSES CASE AGAINST HOUSE; CONTEMPT OF CONGRESS PROCEEDINGS AGAINST EPA ADMINISTRATOR STILL PENDING

(Mr. LEVITAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I take this time once again to inform the House of the further proceedings in the contempt of Congress matter involving the Administrator of the Environmental Protection Agency.

Immediately following the action by the House of Representatives last December to cite for contempt the Administrator for failure to produce documents necessary for our Superfund oversight investigation, the Justice Department filed a lawsuit in the name of the United States of America against the House of Representatives and certain Members of Congress and officers of the House challenging the right of Congress to pursue the contempt of Congress against the Administrator of the Environmental Protection Agency. On Tuesday of last week a hearing was held before the Federal district judge here in Washington to dismiss the complaint of the Justice Department, and on Thursday of last week, Mr. Speaker, the court ruled in favor of the House, a total victory was obtained, and the Justice Department's action was dismissed.

In his opinion the judge asked the parties to try to get together and resolve the dispute without further legal proceedings.

As the Members know, the House has made several efforts to resolve the matter, even before the vote on the contempt of Congress, all of which compromises were rejected and rebuffed by the administration.

The administration now has said it would follow the judge's suggestion, but as of this moment we have had no official contact from the administration, and, Mr. Speaker, it would seem to me that if we do not resolve the matter in the next several days, it would be important to see that the contempt of Congress proceedings which are now pending in the hands of the U.S. district attorney for the District of Columbia would have to go forward in some way or another.

Mr. Speaker, I am still optimistic and hopeful that we can resolve the matter and see if we can go the extra mile to do so without further proceedings.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, February 3, 1983:

S. 61. An act to designate a "Nancy Hanks Center" and the "Old Post Office Building" in Washington, District of Columbia, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 4, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, the Clerk received, at 12:05 p.m. on Friday, February 4, 1983, the following message from the Secretary of the Senate: That the Senate passed without amendment H.J. Res. 60.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

FURTHER COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 7, 1983.

Hon. THOMAS P. O'NEILL, Jr.
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1982 National Housing Production Report;

(2) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1980 and 1981 National Advisory Council on Adult Education Reports;

(3) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1981 Pipeline Safety Report;

(4) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1981 Annual Report under the Occupational Safety and Health Act of 1970 prepared by the Departments of Labor and Health and Human Services.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNUAL REPORT ON PIPELINE SAFETY FOR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce and the Committee on Public Works and Transportation:

(For message, see page 1621 of proceedings of the Senate of Thursday, February 3, 1983.)

AUTHORITY FOR MEMBERSHIP OF COMMITTEE ON THE BUDGET FOR 98TH CONGRESS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that

during the remainder of the 98th Congress the Committee on the Budget shall consist of 31 members.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

NATIONAL HOUSING PRODUCTION REPORT FOR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see page 1620 of proceedings of the Senate of Thursday, February 3, 1983.)

ANNUAL REPORTS OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION FOR 1980 AND 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see page 1621 of proceedings of the Senate of Thursday, February 3, 1983.)

ANNUAL REPORT OF DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see page 1621 of proceedings of the Senate of Thursday, February 3, 1983.)

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 60 minutes.

[Mr. GLICKMAN addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

NATIONAL HERITAGE RESOURCE ACT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. DOWNEY) is recognized for 5 minutes.

● Mr. DOWNEY of New York. Mr. Speaker, today I am introducing a bill which will do more for America's libraries and museums than a doubling of the budgets of the National Endowments on the Arts and Humanities. This bill, called the National Heritage Resource Act, ameliorates an inequity in the law which allows the owners of artistic, literary, and musical works to take charitable contribution deductions for donating them, while disallowing the same tax treatment for their creators.

Since 1969, when the current restrictions went into place, donations of such materials to museums by their creators have virtually ceased. For example, Daniel Boorstin, the Librarian of Congress, in testimony last Congress before the Senate Finance Committee, stated that before 1969, writers donated 200,000 original manuscripts to the Library each year. Since 1969, the Library has received only one major original manuscript from an author. The Museum of Modern Art in New York City has reported that between 1967 and 1969 it received donations of 52 paintings and sculptures from the artists who created them. However, between 1972 and 1975, only one such work was donated by an artist to the museum. Similar patterns have been reported by museums and libraries throughout the country.

The National Heritage Resource Act of 1983 provides full fair market value charitable contribution deductions for the creators of original works of art, literary materials, musical manuscripts, photographs, and other materials. The papers of public officials remain excluded.

This legislation, being introduced shortly also on the Senate side, is recommended by the Presidential Task Force on the Arts and Humanities. Last Congress, it passed the Senate Finance Committee.

I have included several provisions in the bill which will prevent abuse. These include establishing strict applicability standards, eliminating political papers of public officials, a 1-year existence minimum for artworks to prevent an artistic flurry at tax time, among others.

Perhaps the greatest asset of this legislation is the list of supporters. They include: Council of Creative Artists, Libraries and Museums, Presidential Task Force on the Arts and Humanities, Daniel Boorstin, the Librarian of Congress, American Library Association, American Council on Education, the National Association of Independent Colleges and Universities, American Association of State Colleges and Universities, Association of American Universities, National Association of State Universities and Land Grant Colleges, the American Arts Alliance (400 nonprofit professional arts institutions), the American Association of Museums, the Research Library Association.

Mr. Speaker, for as little as $5 to $15 million, we can end the 10-year drought in acquisitions the Nation's great institutions have suffered and show once and for all that the Nation's cultural heritage is important to us.

I include for printing the text of the bill, as follows:

H.R. 1285

A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That this Act may be cited as the "National Heritage Resource Act of 1983."

SEC. 2 CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER

Subsection (e) of section 170 of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(5) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under subparagraph (A) or (B) of paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, or artistic composition, any letter or memorandum, or similar property, but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 1 year prior to such contribution,

"(ii) the taxpayer—

"(I) has received a written appraisal of the fair market value of such property by a person qualified to make such appraisal (other than the taxpayer, donee, or any related person (within the meaning of section 168(e)(4)(D))) which is made within 1 year of the date of such contribution, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in paragraph 1 of subsection (b),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)), and

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv).

"(C) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS BY PUBLIC OFFICIALS.—Subparagraph (A) shall not apply in the case of any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while such individual was an officer or employee of the United States or

of any State (or political subdivision thereof) if the writing, preparation, or production of such property was related to, or arose out of, the performance of such individual's duties as such an officer or employee".

SEC. 3. TREATMENT OF EXCESS DEDUCTION FOR PURPOSES OF MINIMUM TAX.—Subparagraph (B) of section 55(e)(1) of such Code (relating to alternative itemized deductions) is amended by inserting "determined without regard to section 170(e)(5)" after "deductions)".

SEC. 4. EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 1983, in taxable years ending after such date.●

IT IS TIME FOR US TO REMEMBER THE NEGLECTED CONSUMER

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the last couple of years have not been good ones for the consumers of America. Unemployment, high interest rates, and the recession have stripped them of their money. In addition, the Reagan administration's regulatory practices—or lack thereof—have threatened to sap them of both their strength and their spirit. In a recent speech to the Consumer Federation of America's Consumer Assembly, Mr. Michael Pertschuk, a commissioner of the Federal Trade Commission (FTC) discussed what the present administration has done to consumers in the past—and what consumers can do about it in the future.

This administration campaigned on the promise to get the Government "off the backs" of the American people, for the President believed that American businesses were being tangled in a web of costly and unnecessary regulations. He reasoned that if business was freed from this regulatory bondage, it would become more productive and cost-efficient.

At that time, many of us recognized this so-called reform for what it was—a blatant attempt to erase the last 50 years of work in the area of consumer protection and go back to the days of Upton Sinclair's "The Jungle," when profit-motivated companies behaved with total disregard for the health and welfare of both their employees and the American people.

Like many Americans, I believed that those days were long gone. Unfortunately, I may have been wrong. According to Commissioner Pertschuk, in the past 2 years, "throughout the breadth of the Federal Government, the Reagan administration (has) brewed a poisonous admixture of crude free market ideology and corporate sychophancy." Quite clearly, the administration is trying to bring us back to the days when corporate convenience was more important than everything and everybody else. Commissioner Pertschuk sums up the business community's attitude in one simple phrase: "No more, Mr. Nice Guy."

There is ample evidence of the administration's position on this matter. For example, the Commissioner reported that "the monthly total of consumer complaints to the Better Business Bureau in Denver rose, in 1 year of the recession, from 5,000 to 14,000." He also quoted one Washington attorney as saying that "My clients don't worry about obeying the law anymore because they know the FTC won't do anything."

Commissioner Pertschuk also mentioned another example. It seems that the FTC's Seattle office had received numerous complaints about a survival suit worn by oil rig workers and seamen working on rough seas. Apparently they were all ready to order a recall of the suspect merchandise when an FTC economist suggested that perhaps the agency was acting in haste. Commissioner Pertschuk expressed the FTC economist's views in this way: "Maybe there will be a few drownings; then a few lawsuits; who knows, the market in survival suits may well be self-correcting." Obviously, this regulator—if you can call him that—thought that there was no need for official FTC action when a few drownings and lawsuits would do the trick.

These examples show just how bad things can get when Federal regulators, charged with the duty of protecting consumers, are told not to do so by a President who, in Commissioner Pertschuk's words, considers consumers to be "bugs on the * * * windshield of regulatory removal."

I believe that American voters sent a message to Washington last November. And it was very clear: This administration will not have the consumer to kick around any more. The American people do not want to live in a world where businessmen do not worry about obeying the law. They do not want to live in a world where people have to drown before something is done to remove bad merchandise from the shelves. And they do not want to live with an administration that wants to live in that kind of world.

So, where do we go from here? I think it is worthwhile to consider some of Commissioner Pertschuk's remarks on the consumer movement:

> The consumer movement does not stand for excessive regulation or centralized bureaucratic excrescences. Consumer leaders have joined and led regulatory reform efforts. The consumer movement does stand for responsive government intervention in the marketplace: "the public restraint of private greed."

Though the present administration does not seem to understand the meaning of that last phrase, I believe that there are many of us here who do. Let us try to demonstrate our knowledge to the American people, for "the public restraint of private greed," it seems to me, is not only their wish—it is also our duty.●

INSANITY DEFENSE LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, last summer, the verdict in the Hinckley case seriously undermined the public's faith in the American criminal justice system. Despite Mr. Hinckley's eventual hospitalization, the people of this Nation were left with the perception that if one is rich enough to hire a sufficient number of psychiatrists, one can shoot the President and get away with it.

It is in this manner that the insanity defense has an impact far beyond the infrequent acquittals that result from the defense; it has fostered disrespect for the criminal justice system. Yet it is respect—the belief that punishment will be sure and just—upon which the deterrent value of our system depends.

These concerns, however, should not prompt us to overreact and abandon the insanity defense. Fundamental to the Anglo-American criminal justice system is the principle that, except for certain regulatory offenses, we punish only those who are morally blameworthy. We do not believe that those who are psychologically unable to understand the wrongfulness of particular conduct can be held morally responsible. To abandon the insanity defense could easily be the first step toward a radical and dangerous separation of punishment and responsibility in the operation of criminal justice.

It is for these reasons that, last Congress, I introduced legislation that would address the deficiences of the current insanity defense without abandoning the principles that justify its existence. That legislation, and other proposals for reform, were the subject of 5 days of hearings. Those hearings prompted a number of amendments to my bill, subsequently reported by the Subcommittee on Criminal Justice. Unfortunately, the press of business during the remainder of the Congress precluded further action on the legislation.

I am therefore today reintroducing the legislation which was reported by the subcommittee, with one major modification, discussed below. The Subcommittee on Criminal Justice will presently commence hearings on this, and related legislation. I am confident that, with this early start, we will see reform of the insanity defense enacted this year.

The bill would, first, modify the definition and proof of the Federal insanity defense. The American Law

Institute (ALI) test, in use in the vast majority of Federal circuits, is a modernization of the traditional McNaghten and volitional tests. It provides for acquittal if the defendant lacked substantial capacity to appreciate the wrongfulness of his or her conduct, or to conform that conduct to the law. The latter (volitional) portion of this test has been severely criticized, primarily for its ambiguity and the difficulty of its practical application. The bill would also eliminate this portion of the defense. It would eliminate other vague language, and includes provisions to prevent so-called antisocial personalities—sociopaths, psychopaths—from invoking the defense. These changes in the defense have recently been endorsed by the American Psychiatric Association and are, this week, being presented for approval to the House of Delegates of the American Bar Association by its standing committee on criminal justice standards. A similar reform is proposed in legislation introduced by the chairman of the Senate Judiciary Committee and over 30 cosponsors.

The legislation would also require that a defendant prove insanity by a preponderance of the evidence. There is no constitutional or historical necessity for requiring that the prosecution, once it has proved both the mental and physical elements of a crime, disprove a defendant's claim of insanity beyond a reasonable doubt. This problem, more than any, seems to have been the concern following the Hinckley acquittal.

Second, the legislation would prohibit an expert witness, such as a psychiatrist, from offering an opinion at trial about whether a defendant was insane. From the law's standpoint, insanity is a question of fact, to be resolved by applying legal principles. The law's definition of insanity is derived from moral principles. Although the law requires the existence of a mental disorder, that disorder alone is not sufficient to establish the defense. Psychiatric testimony may provide valuable data to the factfinder, but that factfinder must make the ultimate decision. As far as the law is concerned, insanity is not a psychiatric diagnosis. This particular change in the law was also recently endorsed by the American Psychiatric Association.

Expert witnesses are limited in other manners. Testimony during the hearings demonstrated that it is impossible for anyone—expert or layman—to predict that a particular person will commit future dangerous acts. Thus, the decision to commit a person depends upon whether the risk of danger is sufficient to justify the removal of the person from society. This is a social and political decision, more properly made by the court than by a doctor. Thus, while experts can provide courts with testimony regarding the risks of future dangerousness, they are prohibited from offering an opinion about whether that risk justifies commitment.

Expert testimony is subject, under the provisions of the bill, to one additional limitation. Although psychiatric diagnoses are clearly within the expertise of doctors, such diagnoses are of little help to a jury. The same facts and opinions can be presented to a jury in lay language, by describing the objective observations and symptoms upon which the diagnosis is based. The actual use of the diagnostic term will serve little purpose other than to confuse jurors, many of whom may have preconceived ideas about the meaning of the term. Thus, testimony regarding a specific medical or psychiatric diagnosis is prohibited.

Third, the legislation would, for the first time, establish a Federal commitment procedure. The Federal Government and the American public have a clear interest in providing treatment for persons acquitted by reason of insantity in Federal court. The current situation, whereby the only possible treatment is through State civil commitment procedures, constitutes an abdication of Federal Government responsibility. Under the proposed procedure, a defendant acquitted of a violent felony by reason of insanity would be presumed fit for commitment. Commitment and treatment would be under the control of the court. In addition, a new provision has been added to this bill, which would require that a person released from commitment undergo a long period of supervision, and remain subject to recommitment.

Finally, the bill would reform Federal procedures for dealing with those incompetent to stand trial, modernizing those procedures and bringing them in accord with constitutional law.

A summary of the bill follows:

SUMMARY OF INSANITY LEGISLATION

Section 1 of the bill modifies the insanity defense used in Federal courts by adding new section 16 to title 18 of the United States Code.

Subsection (a) of new section 16 would establish a uniform definition of the insanity defense for Federal courts. The majority of Federal courts currently use the American Law Institute test, providing a defense of insanity when the defendant "lacked substantial capacity to appreciate" the wrongfulness of conduct or to conform the conduct to the requirements of the law. The legislation would remove the ambiguity of this language and narrow it by requiring for the defense that a defendant "did not understand" the wrongfulness of the conduct, essentially returning to the M'Naghten test.

Subsection (b) of new section 16 would require the defendant to prove insanity by a preponderance of the evidence. Current law requires the government to prove sanity beyond a reasonable doubt.

Subsection (c) of new section 16 would preclude the so-called "anti-social personality" (psychopath, sociopath) from claiming the insanity defense.

Subsection (e) of new section 16 would establish three possible verdicts for a case in which insanity has been raised as a defense: "guilty", "not guilty", and "not guilty only by reason of insanity".

Section 2 of the bill amends the Federal Rules of Evidence to preclude expert witnesses (e.g., psychiatrists) from offering opinions as to the ultimate question of whether the defendant understood the wrongfulness of the conduct, and the ultimate question of whether the defendant should be committed. Testimony on diagnosis is prohibited.

Section 3 of the bill revises Federal procedures for dealing with persons who are mentally incompetent to stand trial. Some of the provisions are necessary to comport with recent court decisions. Chapter 313 of title 18, United States Code, is amended as follows:

Section 4241 would provide for a screening examination whenever any party alleges incompetence to stand trial. The court could also order a screening examination on its own motion.

Section 4242 would provide for a more complete mental examination regarding competence if the screening examination suggests that the defendant is incompetent. A defendant may demand a hearing on the need for a more complete examination if the court initially decides against such further examination. The examination would be conducted on an in-patient basis only if the defendant is dangerous, already in custody, or likely to flee, or if in-patient testing is necessary. A report on the test must be filed, and the contents of the report are specified. Statements made by the defendant during the examination are not usable against the defendant in criminal proceedings.

Section 4243 would provide for a hearing on the issue of competence. Provision is made for additional examination by a mental health examiner of the defendant's choice if so requested. If, after the hearing, the court determines that the defendant is incompetent, then there is a hearing on the likelihood of the defendant's recovery and appropriate treatment. The defendant must be ordered to be treated unless treatment has already exceeded 240 days, or there is no substantial probability of recovery. In such a case, non-serious charges are dismissed. The court is also given the discretion to dismiss charges rather than order treatment when the seriousness of the charges or the likelihood of conviction would not justify the oppressiveness of the particular treatment required.

Section 4244 would provide the treatment following an order under section 4243. The court must specify the facility for treatment, which may be inpatient only when the defendant is dangerous, likely to flee, or otherwise in custody, or when in-patient treatment is necessary. The Secretary of Health and Human Services is required to issue regulations ensuring that controversial treatment techniques such as psychosurgery, electric shock, and psychotropic drugs be used after the informed consent of the patient, or of the patient's guardian and the court. The section also provides for the resolution of certain issues while the defendant remains incompetent, and for trial while the defendant is receiving medication.

Section 4245 would provide for the transfer to State authority (1) of persons who have received the maximum treatment for

incompetence to stand trial, have not recovered, and are appropriate for civil commitment, and (2) of convicted persons whose prison terms are about to expire and who appear dangerous due to a mental disease or defect.

Section 4246 would restate current law regarding the Board of Examiners.

Section 4247 would restate current law regarding incompetence undisclosed at trial.

Section 4248 would provide for transfer of a prisoner to a mental institution upon a showing by clear and convincing evidence that the prisoner is in need of treatment.

Section 4249 provides definitions of terms used in chapter 313.

Section 4 of the bill establishes Federal commitment procedures for persons found not guilty only by reason of insanity. Current Federal law has no procedures for dealing with such persons. A new chapter 310 would be added to title 18 of the United States Code as follows:

Section 4171 would provide the mandatory examination of persons found not guilty by reason of insanity of violent felonies, and discretionary examination of all persons found not guilty only by reason of insanity.

Section 4173 would provide for a hearing on the defendant's dangerousness following a report under section 4172, or following a report on the defendant's treatment under section 4174. (A defendant may request an additional examination by an examiner of his or her choice.) Following the hearing, the court must order the defendant committed or recommitted for treatment if it finds by a preponderance of the evidence that the defendant presents a substantial probability of danger to any person (including the defendant) or to property. A defendant found not guilty only by reason of insanity of a violent felony is presumed dangerous, and the defendant must prove nondangerousness by a preponderance in order to avoid commitment. In the event, however, that the treating facility (following treatment) finds that the defendant is no longer a danger, then continued treatment is ordered only if the court finds dangerousness by clear and convincing evidence. A person released following treatment may only be released conditionally.

Section 4174 would provide for treatment of a person found not guilty only by reason of insanity. The court must specify the facility at which treatment is to occur. A report on the person's condition must be made to the court each year, or whenever it appears that the person no longer presents a danger. The section also requires the Secretary of Health and Human Services to provide regulations to ensure that controversial treatment techniques (such as psychosurgery) be used only after informed consent.

Section 4175 would provide that a person conditionally released under section 4173 will be supervised by a probation officer. At a minimum, a person conditionally released must report to the probation officer, permit resonable home and work visits and obtain approval before leaving the jurisdiction. In addition, a court may require such persons to receive treatment (including psychotherapy) and or medication as a further condition of release. Once a person has been arrested, the court must order an examination and hearing in accordance with sections 4172 and 4173(a). If the court finds by a preponderance of the evidence that the person is likely to pose a danger to any person or would substantially damage the property of another, the court must recommit the person for treatment under section 4174. In any other case, the court must reinstate conditional release. It may modify the conditions, if the court finds by a preponderance of the evidence that the person violated a condition or that in the absence of such a condition commitment would be justified.

Section 4176 would provide general provisions for chapter 310.●

VETERANS' AFFAIRS

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, I am most pleased to inform my colleagues today that the ranking minority member of the Committee on Veterans' Affairs, the Honorable JOHN PAUL HAMMERSCHMIDT, and I are introducing a resolution that would express the sense of the Congress that the Administrator of Veterans' Affairs should be a member of the President's Cabinet. I am also pleased to inform my colleagues that the measure has been introduced in the Senate by the Honorable ALAN CRANSTON, the ranking minority member of the Committee on Veterans' Affairs, and cosponsored by the chairman of the Senate Veterans' Affairs Committee, the Honorable ALAN SIMPSON. I would hope this bipartisan effort reflects the sentiments of every Member of the House and Senate.

I think it is time, Mr. Speaker, that we recognize the importance of programs we have in place for veterans. I hope this proposal will lead to the establishment of VA as a department rather than an independent agency.

Establishing the Veterans' Administration as a department rather than an independent agency will show that we are giving the highest priority to veterans and their dependents. This Nation has approximately 30 million veterans. Programs for their health and welfare include: Income maintenance, health care, insurance benefits, burial benefits, housing, education, and a variety of other benefits and services. Veterans represent a good cross section of all our citizens and I do not think there is a more important position in Government than the Administrator of Veterans' Affairs. He cannot, in my view, represent our Nation's veterans as he should unless he sits as a member of the President's Cabinet.

Mr. Speaker, I do not think too many people fully understand the magnitude of VA programs and the impact of these programs on the lives of so many American citizens. For example, in the most recent fiscal year for which data is available—fiscal year 1981—the programs included:

The sum of $12.3 billion for compensation and pension payments to 4.6 million veterans and survivors; another $0.2 billion went for burial and other benefits;

The sum of $2.3 billion for educational assistance payments to 1.1 million trainees, and special assistance to disabled veterans.

Treatment of over 1.3 million patients in 172 hospitals in the United States and Puerto Rico.

Operation of the fourth largest individual life insurance program in the United States.

Over 187,000 home loans to veterans. Since the beginning of the program in the 1940's VA has guaranteed or insured over 10.3 million loans.

Maintenance and operation of 108 national cemetaries.

The third largest employment level among Federal agencies.

Provision of almost 248,000 headstones and markers for the graves of eligible decedents.

Interment of nearly 42,000 eligible veterans and dependents in national cemeteries.

These figures are substantially higher in projected programs for fiscal year 1984.

Mr. Speaker, the Veterans' Administration is larger than five executive departments. These include the Departments of State, Labor, Commerce, Transportation, and Justice. It employs more than 220,000 people; more than any other Federal department except for the Department of Defense. Veterans' benefits and services constitute the fifth largest budget function; those larger include social security, national defense, interest on the national debt and Federal health programs, excluding VA.

Mr. Speaker, I am not advocating that we expand Government. I am not suggesting that we create an additional Federal entity. What I am suggesting is that the Veterans' Administration be converted from an independent agency to a department because of the magnitude of the programs it administers and the importance of such programs to so many American citizens. It could be accomplished by simply changing titles of positions and making a few other paper changes.

There is no greater obligation the Nation owes to any other group of Americans than those who were drafted or who volunteered for service to fight in far away lands for our country's freedom. If I were the President I would want the head of the Veterans' Administration to attend every Cabinet meeting. I would want him to be a part of the decisionmaking process. I would want his counsel when establishing public policy.

It is a credit to President Carter that he recognized the importance of this position and invited Max Cleland, then Administrator of Veterans' Affairs, to attend all Cabinet meetings. President Reagan has been a strong

supporter of veterans and has placed a high priority on their programs, and I know he cares about their welfare.

This resolution, Mr. Speaker, simply suggests that the President should officially recognize the Administrator and the programs he administers by giving him Cabinet status. The time has arrived for the President to take positive action to recommend to the Congress that the Veterans' Administration be converted from an independent agency to a Cabinet department. All of the veterans organizations have placed this issue as one of their top priorities for the 98th Congress. I am certain, Mr. Speaker, that both the House and Senate will support our effort and hopefully we will see something coming from the White House that will carry out the wishes of Congress and the veterans organizations when this resolution is adopted.

I invite all Members of the House to join us in cosponsoring this resolution.●

HOUSING AND COMMUNITY DEVELOPMENT AUTHORIZATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, this year, thanks to the leadership's recognizing the priority that some of us had been trying to produce for 2 years in the matter of housing and community development, the saving of our cities is recognized this year because the housing authorization and the community development authorization is H.R. 1.

Symbolically, I cannot tell my colleagues what this has meant throughout the land, not only among the people who are directly affected in this enterprise known as housing and related activity, but also those attempting to govern our municipalities under current fiscal conditions. We tried to alert the membership of the Congress 2 years ago, and then again last year, from the subcommittee that I have had the honor of chairing for the last 2 years, the Subcommittee on Housing and Urban Development. This is the largest subcommittee in the whole Congress; as a matter of fact, there are only eight members of the full committee that do not belong to the subcommittee.

This is what the members feel is the priority or the urgency of the subject matter over which this subcommittee has jurisdiction. I tried unsuccessfully to point out to my colleagues and the leadership 2 years ago that the main thrust of President Reagan's so-called economic recovery plan would have an adverse impact of over 80 percent on these activities over which this committee has jurisdiction, one that in my opinion is of the most vital and intimate kind in our society, in our structured societal and governmental framework of reference. We pointed out that we had the most extensive and comprehensive number of hearings, not only in Washington but out in the field, for the first time in the history of the committee and in fact for the first time in the history of the Congress as this committee went out into the field.

□ 1215

In fact, we went no more than a 1½-hour drive from this Capitol to the Eastern Shore and discovered conditions among not only housing but related conditions among the migrant workers.

Incidentally, that title "migrant worker" is more complicated that you would think. The average citizen has a very simplistic definition, but it is a little bit more complex than just the idea of a traveling worker.

But right here, within a 1½-hour drive of this Capitol, and, incidentally, it is happening again, you have conditions that simply are intolerable to America. We have no better situation with those workers than the most dismal working conditions in the Third World, in the poorest of the poor.

The situation has been very little remedied at all even though we did temporarily succeed year before last in having the Governor of Maryland intervene, at the end of the season, however, with the promise that the situation would be corrected in time for this last year's crop raising and production.

I am sorry to report that has not been the case.

You have situations in which we did uncover and other incidents were reported of so-called slave working and slave working conditions, servitude under situations that would be described by any objective standard as slavery. Let us not even talk about housing.

We also went into the urban areas, the most dense. As a matter of fact, as I said, and I repeat, this subcommittee had more hearings, we had more field visits than ever in the history of any.

I went, because I could not get even one other subcommittee member in order to conform to the rules, into seven States in addition to the five that the subcommittee did officially go to. We went, as I said, from the Eastern Shore, Delaware, the tip there where these three States come together and join, Virginia and Maryland, to New York, to Texas, Oklahoma, California, Arizona, and others in between.

It is our intention to continue this this year, though unless we are budgeted we will be limited as we have been in the last 2 years.

This subcommittee, the largest in the whole Congress, has the least number of staff of even committees that have one-third the number in membership. I am not complaining about that. What I am saying is that what we found out from the American people in every sector is that we have had a crisis condition for some time while an administration is in power that has captivated not only the means of communication but the forging of policy on the congressional level with a total obliviousness of this condition of crisis.

It has now reached the point, after the hearings we had in December on an emergency basis right here in the Capital where you do not have to go to Bombay or to Calcutta to see people dying because of exposure to the vicissitudes, to the climate, or lack of food. We have that right now right here in our own country, not counting the abysmal conditions that still exist as if this were 60 or 50 years ago, and I personally can remember in my own home State the conditions among the so-called migrant workers or the farmworkers.

I believe that where the leaders will not lead the people will push. But what concerns me very much is the manner and shape and form in which the people eventually will push because people are people whether they are in America, whether they are south of the border, or whether they are north of the border, or whether they are in India, or whether they are in Africa. There is a limit to the tolerance of people.

Americans seem now to express quite a bit of surprise, as I can recall during the Depression. I am a product of the depression era. I am old enough to remember.

I am also in a way blessed with a very good memory, almost total recall. It has been very, very frustrating, almost demoralizing, to see what is happening to our country now without any need for it having to happen.

We have been having an induced depression, unfortunately with the collaboration of the majority of the Congress in the last 2 years.

The fundamental critical issues long overdue for addressing by the Congress are not even now being done so. So year before last, after we had the first hearing in the metropolitan dense areas, and then began last year in the summer when we had further hearings in the field and also hear in Washington, I pointed out in the RECORD that the patience would soon be out and that we would begin to see in our country such things as have already been registered, and for some time in Berlin, in Brussels, in Paris, in London, of rent squatters, violence resulting from that because of the similarity of conditions that had crept into those societies as now confront America, particularly but not exclusively in the dense urban areas.

The truth is that there is as much if not more dire need and poverty in the rural areas and very particularly in these very special sectors of a minority within a minority known as migrant workers. It seems to me folly, as it always has since I have been in politics, to sit and wait until something happens, that you do not have to be a prophet, a seer, a genius to know it is inevitable, reading human history and not do anything by way of anticipatory action.

So I, after much insistence, was able to get the staff to research the statutes for those bits of legislative action that had worked, the Homeowners Loan Corporation, for example.

On the basis of the research, even though frankly I had more information than even was forthcoming here at this time in the 1980's because of my having accumulated and retained much of the publication that was acted upon in the 1930's, so we finally drafted in last year's authorization act on housing, which the administration sternly and vigorously opposed every inch of the way. In fact, I was notified that if we had any provision such as this section 6 I am referring to, which is an emergency home mortgage assistance section, that the President would veto.

Not only were we frustrated in that regard, but in the entire question of whether we would have an authorization bill on housing or not. So for the first time in 40 years the Congress did not have a housing authorization bill last year.

This year, as I say, and repeat, I am fortunate. I think finally the recognition of the priority and the sense of urgency has penetrated an it is now known as H.R. 1. However, it is later than we think and it seems to me that with the advent of the violence and now attendant with respect to the so-called independent truckers strike which, incidentally, call it what we will, is an act of desperation, of protest against an unjust law and an unjust tax. Some of us try to do everything we knew how to fight it month before last. But we were dismayed to see the copartnership of the leadership of the Congress with the President who has abdicated every pledge he ever made during the campaign and since with respect to the nature of taxation, the need for additional taxation, and particularly the unjust form of taxation in which those least able to pay our tax and those most able to pay are forgiven their taxes to the tune of over $750 billion over 5 years.

How in the world would this hemorrhage of the Treasury, how in the world can the Government have anything but colossal deficits such as it is now confronted with total disregard by the President in his chats over the radio as late as last Saturday, and by any of his supporters in either House.

All of this impacts on what plainly the handwriting on the wall tells us. What, if anything, will and can be done as in the case of the truckers when we have squatters sitting down or taking over property, public or private?

What is being done now in anticipation of the emergency needs just in that one aspect now of homelessness or helplessness?

Many people were shocked with incredulity just like I remembered during the depression. I remember fine Americans saying, "How come? Why should we be walking the streets eager, willing, wanting to work, prepared to work, and not be able to work? We cannot feed our kids. We cannot pay rent. Why?"

□ 1230

Why is that happening to us? The same questions are being asked now. Why is this happening to us? Not among what we have popularly pictured as the homeless, the folks sleeping on the streets, in the parks, under the bridges, the alcoholics, the poor, poor derelicts, so-called. I do not call them that. They are human beings. And there is no more reason for them to be derelict than there is for us to be comfortable and well fed and well clothed and warm. I think that no society can long tolerate without social disruption. This is my concern. It is my hope that at least those sections will be addressed, God willing, in legislation to be introduced tomorrow as separate bills on an emergency basis, that is, the emergency homeowners market assistance legislation, both for rural, as well as urban.

As I was starting to say, the hearings brought out not alcoholics, not the neer-do-well, not what the President pictures to us with great revulsion as that food stamp recipient who goes and gets a bottle of gin with the food stamps, which was never true, was a base lie. I cannot think of anything more reprehensible of any American in any capacity of leadership, whether he or she is President or whether he or she is just any politician or citizen, because what that is doing reintroducing, like never before, with a vengeance, what we have escaped from in Europe thus far—the stratification of classes, this mean spirit of hatred to the poor. This is now the spirit of the land, believe it or not. And for the first time, as I said here 2 years ago on this floor, we have the making of what people in Europe and thinkers have called a lumpen proletariat.

The American dream is dead if we allow that to succeed. I do not think America will. In visiting these various areas and talking to Americans in every geographic section of the country, the great inspirational thing has been to see how they think. I think it is always imperative to get away from Washington, to go to the same areas and atmospheres, and this is why it has always been a wonderful privilege to go out in the field and have these hearings and hear just from the plain, common folk, those wonderful folk that make up American reality. But they are looking to us. They do not see anybody responding on this level that they can really differentiate between Tweedledee and Tweedledum.

You ask why the majority of the citizens in America qualified to vote do not bother to go to the polls. Why should they if they have no perception of having any real choice, and when the choice comes in violent protest against laws that plainly, on their face, are unjust and very, very limitedly debated, even in the Congress while being passed and considered.

I daresay the average citizen, in the case of this last tax on certain categories of truckers and gas users, would say that all it was was a 5-cent increase in the users' fee on the gas tax. But it was never just that. That was the least impact. The biggest impact was elsewhere, and everything that went into that package that I can tell you I never saw reported in the newspapers.

This is what the protest is all about by whom? The big fleet of truck owners? No. The small guy, the independent guy that will have to pay $2,000 instead of $200 for his license, that will have to pay more for his tires in this category. And in the meanwhile, the dishonesty—I cannot think of any other word—on the part of those promulgating it, such as Secretary of Transportation Drew Lewis and the President himself, who said, "Oh, this tax is going to make those who use and help deteriorate and destroy the roads pay their share."

Nothing could be farther from the truth. As a matter of fact, they have turned loose on the highways, as soon as the law is effective, the real killer trucks. They are doubling the size of the truck. They are widening the size of that truck. And any of the citizens and my colleagues who have been on the roads lately, as I have, I think will have experienced even under present dimensions what hazards that entails. Wait until these killer trucks, made possible by this so-called 5-cent tax on gas, hit the roads. In the meanwhile, the little guy that must have that as his livelihood, one truck, has it socked to him. He is going to bear the overwhelming preponderant burden of this tax in more ways than one, not just the tax, which in itself will be onerous for him.

So that we translate that into these other fundamental areas. After all, there are three fundamentals in human existence: Food, clothing, and shelter. And what I am saying is, we are in a state of crisis with respect to

shelter, with very little awareness, very little awareness, and with a sense of priority. And it is with this genuine intent that we were most fortunate in having our good leadership recognize the sense of urgency by designating this Housing and Urban Development Act. We call it the Housing and Urban and Rural Recovery Act for 1983.

So it is my hope that we will have action on H.R. 1 itself by next month. But in the meanwhile, the emergency provisions with respect to foreclosures, the rate of foreclosures, has reached a number in excess of the highest rate at the height of the Depression. This hardly seems like recovery, or even the beginning. It seems to me like a disaster that unforgivably should never have happened. There was no reason for it, any more than there is any reason for its continuance now.

All I can say is, in termination, that all these attempts on the part of the last few Presidents we have had, I call them the advocates of blight and despair that have no faith in this country and its destiny, will not be able to straitjacket this country. This country is dynamic; it is active; it is vibrant; it is virile. And I do not care whether it is the Congress or the President, it will not be straitjacketed, at least not for long. It is just the manner and shape and form in which those binding constrictures will be torn off that really worries me, because our society, as strong as it is inherently, is also brittle. We continue to take it for granted, but we have got to work at it. It is not self-perpetuating. And we have got to work at it.

H.R. 1 is the attempt by some of us on the congressional level to respond to the obvious needs of the American people, and I think eventually we will succeed. Hopefully, in time.

At this time, Mr. Speaker, I present for the record the remarks in my address yesterday to the opening and convening session of the annual meeting of the National Association of Housing and Redevelopment officials here in Washington:

REMARKS OF REPRESENTATIVE HENRY B. GONZALEZ

I welcome the opportunity to join you this afternoon. Now that the Super Bowl game is over, it's time to turn to the other Super Bowl, Round III of Reaganomics.

The contest is really very simple. It is a match between those of us who believe that the Federal government has a positive role to play in alleviating economic and human distress, and those who don't believe that.

This contest is shrouded in the fog of economic forecasting, beclouded by the thunderheads of monster deficits, and buffeted by the winds of presidential politics. But beneath all the posturing, below all the high theory, the real issue is whether or not the Federal government is going to continue or abandon its commitment to decent housing, decent cities, and decent hopes for human beings. Every policy, every theory, and *every action of government* has one aim and one aim only—to affect the course of individual human lives. If the Federal government abandons housing programs for the poor, for the elderly, for the handicapped—that affects individual human beings, just as surely as carrying those programs forward affects individual human beings. Doing nothing, or doing less, is just as much an action as anything else.

The challenge is very simple. We either believe that we can help each other, or we don't. As a nation, as a wealthy nation, we either use our power in behalf of the powerless, or we use it in behalf of the powerful. We either share a portion, or take it all.

You do not have to walk more than two blocks from this building to find immense human need—people who have no shelter, people who have no income, people who have no food. This is in the center of the most powerful city in the most powerful nation on Earth.

You do not have to look beyond the day's newspapers to know that one out of every eight Americans is out of work. And we are being told that seven per cent unemployment is as good as we are going to get. I can remember when seven per cent unemployment was a crisis—but today we are being told that this is pretty close to full employment, and we are being told that certainly this is the best we can expect for the next five years or so.

You do not have to move a half mile from here to find housing that is below any acceptable standard, beyond any real hope of redemption, and yet priced beyond the reach of anyone who is even close to poor. I would challenge any one of you to search this city for a rental house, a decent rental house in a decent neighborhood, one that is of decent size—for less than six hundred dollars or so a month. It can't be done. And yet we are being told that there is plenty of housing—just a shortage of people who can afford it. That's what we have heard from the Administration for these past two years—that there is no shortage of housing, just an affordability problem. That's like saying there is no shortage of Cadillacs—just an affordability problem.

We are being told that there is no need to worry about any of this. We are being told that in the future, everthing will be better. Meanwhile, they say, the best way to help those who are economic cripples is to kick their crutches away. That's the tin cup theory of aid to the handicapped.

Who is it that is telling us there is no need to do anything about housing? It is the resident of Public Housing Unit Number One, across the park there. It is the comfortable who don't see any problem. But I say, and the majority of my colleagues say, there *is* a problem. We say that there *are* solutions. And we say that the time to move is *now.*

For two years, we have been frustrated in our efforts to devise a responsive, meaningful program to carry forward the work of housing and community development. We have been able to stop the wrecking crew's worst assaults, but we have been unable to do what we hoped to do. But the climate is changing. This year, we have a reasonable chance for reasonable housing and community development legislation.

We not only have a chance, we have gained a high priority. The housing bill this year is H.S. 1, and that is the priority that The Speaker has assigned to housing programs this year. The first action of the Banking Committee will be a housing program. The first major legislation of this Congress will have in it an emergency housing program. Not far behind that, we will report out and act on, H.R. 1, itself.

During these last few days the House leadership has been putting together an emergency economic program. I understand that the Senate leadership itself is working on its own program—which means that everybody whose mind isn't a clone of Calvin Coolidge, has had enough of Reaganomics and is ready to get the country moving again.

The House program will first of all seek to alleviate the distress that has come about because of long-term joblessness. There are five million Americans who have been out of work for better than three months—two and a half million who have been unemployed for more than six months. Of the ten and a half million registered unemployed Americans (and remember there are a million and a half more, who don't show up on the rolls) less than half are getting any kind of unemployment compensation. These are ordinary hard-working Americans of every skill and description, from lawyers to laborers, architects to zoologists—who have become impoverished. These are people who face foreclosure, which means the loss of their life savings. These are people who face hunger. These are people who have lost their health insurance. These are people who face eviction. These are citizens who would work if they could, who've paid their taxes, who have fought our wars, and who have supported their communities. The first priority of the Democratic emergency program will be to try and put a bandage on their financial hemorrhage. Our program will provide for emergency mortgage assistance, to enable people to keep their homes, keep their hopes, and keep their dignity.

This emergency mortgage assistance program will be very similar to that we offered last year, and which the Administration opposed at every step of the way—so much so that they assured me of a veto for any housing bill that carried emergency mortgage assistance. Even though this aid would be in the form of loans, loans that bear interest, and even though these loans would be secured, the Administration said, "Nyet." They said, "Nein." They said, "Never." Well, so much for the social safety net.

The Democratic emergency program will also provide for emergency shelter. In December, I held the first Congressional hearing since the Great Depression on the problems of the homeless. What I found was that there are vast numbers of homeless people who are not addicts, who are not alcoholics, who are not derelicts—who, in fact, are ordinary people. These are people who six months ago had their own homes, who had jobs, who had futures. These are the casualties of Reaganomics. They need help, and I intend to see that they get it. I propose to provide funds through the Community Development Block Grant mechanism to cities that will develop and operate emergency shelters. Most cities already have in place an emergency shelter program—but many are overwhelmed, and no city has enough shelter to meet anything approaching its needs. I believe that we can operate this program very effectively, since the administrative mechanism of CDBG is already in place and since most cities already have at least the beginning elements of a program in operation. I propose a $100 million program to provide emergency shelter.

But my objective is to do more than provide relief. We have to provide reconstruction and rehabilitation as well. And in that

process, housing and community development must play a key role.

The Administration is determined to turn Community Development Block Grants into a program of general revenue sharing. I am determined to see that this program keeps its identity—that it is directed toward meeting the greater physical needs of our cities and towns—not diluted into a substitute for local tax efforts. The Administration has argued that block grants should be developed for certain general purposes—like education or health care. But now they are taking the first block grant developed for such stated purposes and trying to make it into revenue sharing. Not only do they want to kill the purpose of the program, they want to slash at its funding level. It is a variation of the old, and basic theme of this Administration; namely, that doing nothing is doing best. They believe that if we do nothing to revitalize city centers, that's the best thing. They believe that if we do nothing to provide decent and affordable housing, that's the best thing. They believe that if we do nothing to replace what is worn out, if we do nothing to revitalize what has the potential to be revitalized—then that is the best policy. But you and I know, just as the turn-of-the-century muckrakers, who documented the misery of the left-out, left-behind, city—that too little trickles down to house the poor, too little slops over the rim of the golden goblet to rehabilitate slums, and that unless there is a community effort, unless there are government resources brought to bear, the great, accumulated needs overwhelm the resources of the few who care, who seek to do by charity what the whole community, alone, can do.

The Administration made clear its design for Community Development Block Grants in their announced regulations last year. Those regulations would not just eliminate any requirement that grant recipients make a clear effort in behalf of areas and people most in need—but would eliminate any meaningful review. The overall impact of the proposed HUD regulations would effectively destroy any meaningful planning, any meaningful review, any meaningful targeting—and, ultimately, any meaningful impact of the CDBG program. And after one or two or three years of operating in that kind of regime, the obvious would happen: CDBG would become diluted, its impact dispersed, and then we would hear this argument. "Well, you see, the program just isn't effective." What the administration aims to do is to create the conditions that would later justify eliminating this program altogether.

Last year, the Housing Subcommittee held hearings to review the proposed CDBG regulations. Every witness, virtually every community and community organization that we heard from, said the same thing: "Don't turn this into a revenue sharing program. We want a program that has clear objectives. We want a program that ensures that funds go to the places where it is most needed. We want a program that continues to have a real impact, a positive benefit."

The Department of Housing and Urban Development promised that they would consider our objections, and get back to us. So far, nothing has happened. We now face the situation that unless the committee issues a resolution of disapproval by March 4, the proposed CDBG regulations will go into effect. What we would then have would be not CDBG as Congress intended, not a program that is clearly targeted; we would have just another chunk of general revenue sharing money.

As I have said, if we allow these regulations to go into effect, the CDBG program will soon become so diffused that it will lose both its impact and its identity. It would then be a program with no genuine constituency, and it would be ripe to fold into general revenue sharing. Not only the poor would lose—but cities would ultimately end up with far less money overall than they receive today.

I insist that the CDBG program should continue to operate as it was intended, as Congress intended. And I assure you that I believe the Banking Committee will not hesitate to approve a resolution disapproving the proposed HUD regulations, unless the Administration makes substantial changes in them, which they assured us they would in all probability do. I am waiting to hear from HUD, which I presume will speak when and if OMB removes their gag.

I not only believe that CDBG ought to be preserved in its intent and direction—I believe that CDBG can—and will—play an important role in hauling the country out of the economic ditch that it has been in for these past two and a half years.

We have in CDBG a program that has a backlog of indentified community needs. We have a mechanism to administer program funds. We have a corps of people who know how to put programs into operation. There could be no better vehicle for an economic stimulus program than CDBG.

I intend to offer, and believe that I will find support for, a $1 billion expansion of the CDBG program.

This would be a program with a high employment impact. It would be a program with a quick development—because the mechanisms are already in place, and vast number of projects are already indentified and planned.

This would be a program that would make a difference. It would not just put people to work, it would put in place projects that communities desperately need.

I do not believe it makes any sense to have millions of skilled people out of work for an indefinite length of time. It is not enough to say that some day this will all get better. I believe that we must invest in our human resources, and we must invest in our communities. We must allow our people to do what they want most to do—and that is to work at building our great country. I am firmly convinced that an expanded Community Development Block Grant Program makes sense, I will work for it, and I ask for your support of it.

While you and I are working for expanded community development efforts, the Administration is continuing to sluice water under the foundations of another critically important program, UDAG. They are telling us that investors just aren't coming in on UDAG projects, so they can't expand all the available funds—especially in rural areas. Why is this? Well, it is true that economic conditions are not all that attractive for investors. But it is also true that the Administration has refused to move one iota to accommodate that hardship—to make the program more workable. They have stuck with the high leverage requirements, which would be fine in boom times. But what is needed is an accommodation to today's reality—which is a climate in which investment risks have to be small in order to be attractive. The fact is that the Administration is simply not willing to make the fullest use of UDAG—and so they fail to relax the very stringent leverage requirements that are in place. If they did reduce those requirements, if they did reduce the investment risk, we would have a program that is fully used and fully effective. The question is whether that will be done. And I believe that unless the Administration does move to make this very practical, effective program realize its full potential—Congress will be forced to enact by statute what ought to be done by administrative action.

The nation may—or may not be—on the verge of regaining some sign of economic life. But even the most optimistic forecasters see a slow growth and a high rate of unemployment for years to come.

What this says to me is that our needs are going to grow, not shrink.

It says to me that millions who have been newly impoverished are likely to stay that way—unless we change the policies of this nation.

It says to me that the millions who lack decent shelter at affordable prices will find their hardships multiplied—unless we change this nation's policies.

It says to me that the nation's cities—which are developing impressive new skills, and building themselves back up—will find themselves in a dead end—unless this nation changes its policies.

The Administration says that government can do nothing.

You and I know that there are some things that only government can do.

And the fact of the matter is, a livable community in a vibrant nation is possible only if government and business work together. It is possible only if we have a sense of community and a commitment to each other. It is possible only if we have a commitment to the future.

The programs I support represent just that—a partnership for the future, a commitment to each other.

We have seen the Reagan program, and it does not work.

We have also seen the CDBG program, and it does work. We have seen housing programs, and they do work.

Even Republicans are now saying that this country needs a jobs program. Even David Stockman says that there is room in the budget for such an effort. I don't pretend that some evangelist has reached into the White House and converted the man who would be Coolidge. But I say this: time has passed him by, and we have a job to do.

I think we have the ability to do what needs to be done for our communities, and for the people who live in our communities.

I think we have the ability to move together and work together. And I believe we can—and will—move ahead.

COMPETITIVE SHIPPING AND SHIPBUILDING ACT OF 1983 (H.R. 1242)

The SPEAKER pro tempore (Mr. MONTGOMERY.) Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 30 minutes.

Mrs. BOGGS. Mr. Speaker, the ranking of the U.S. bulk cargo fleet among the maritime fleets of the world has fallen. In 1970, the U.S.-flag, U.S.-built liquid and dry bulk fleet engaged in international commerce totaled 81—today it consists of only 40 ships. If provisions are not made for replacement of these vessels we can

most assuredly expect a further, perhaps irreversible, decline in the U.S. bulk fleet.

Since 1950, the carriage of U.S. foreign commerce in American-bulk ships has shrunk from 42 percent to less than 4 percent. By contrast, Liberia, Panama, Canada, Great Britain, Japan, and Norway carry almost 75 percent of our waterborne commerce.

Other countries, especially the Soviet Union, are expanding their bulk fleets as we allow ours to atrophy.

I have introduced the Competitive Shipping and Shipbuilding Act of 1983, legislation I believe will help support and maintain two of this Nation's most valuable yet overlooked assets, the U.S. merchant marine and the shipbuilding mobilization base. Passage of this legislation will help achieve one of the longstanding objectives of the Congress as well as one of President Reagan's goals; that is, to insure an American merchant fleet capable of carrying a fair portion of our Nation's foreign trade.

Enactment of a national bulk cargo policy will provide a number of benefits. It will strengthen our national defense by providing a bulk fleet that is capable of serving as a naval and military auxiliary in time of national emergency. It will revitalize our shipbuilding mobilization base by providing critical work for commercial shipyards, many of which will close if there is no market for commercial vessels. It will provide jobs to thousands of shipyard and shipboard workers at a time when unemployment is at its worst in 30 years and it will provide substantial work for the hundreds of allied industries across the country that supply the shipbuilding industry. There will be new Federal and State tax revenues generated from this employment and commercial activity.

This is not a subsidy bill. There will be no cost to the American taxpayer because this bill will not require the expenditure of any additional Federal funds.

H.R. 1242 will accomplish its objectives by requiring all exporters and importers of bulk commodities in the foreign commerce of the United States to ship 5 percent of their cargoes on U.S.-flag, U.S.-built ships. That proportion would increase by 1 percent each year until a minimum level of 20 percent of all U.S. bulk commodities is carried on U.S.-flag ships.

The legislation requires that U.S. ship construction and operating costs each be reduced by 15 percent. The Secretary of Transportation would use these projected cost reductions, together with international charter market indices, to establish guideline rates for the carriage of bulk commodities on ships covered by the act. The guideline rate would be the maximum rate which could be charged by the operators of these vessels. A waiver provision is incorporated into the legislation which would apply if the Secretary of Transportation determines that a U.S.-flag, U.S.-built bulk cargo ships is not available or is not available within guideline rates.

COST SAVINGS

The cost savings are an important element in the viability of this cargo reservation policy concept. These cost savings to importers and exporters would result from innovations and other factors in both the construction of bulk ships and in their operation.

In ship construction the 15-percent cost savings would result from series production of at least 10 ships of the same design in any single shipyard. Such a stable workload would permit shipyards to dedicate specific facilities, work force and management to a bulk ship construction program. In addition, the one-time, front-end costs of engineering, jigs, and fixtures by the shipyard would be spread against 10 ships, rather than the usual 1 or 2. Some 50 to 60 percent of total ship construction costs are due to material and equipment. With series construction there are opportunities for quantity discounts by suppliers.

A reliable, long-term workload will increase shipyard labor productivity as well as create the necessary stability for increased capital improvements in facilities.

The steady workload envisioned in this program will create conditions similar to those under the very successful mariner construction program of the 1950's which had standard designs and common components. This will significantly reduce construction times with attendant cost savings.

Representatives of maritime labor have pledged further reduction in vessel manning scales. The union training schools will provide skilled personnel to crew the newer and more technologically advanced vessels. These representatives have also agreed to contractual arrangements consistent with required skills and the need for higher productivity, and they have promised no interruption of service for long-term contractual arrangements.

Some maritime unions have also promised joint contracts for each new vessel constructed as a result of this legislation. These agreements provide for a top-to-bottom three-crew, two-ship operation, whereby three crews rotate between two ships on a regular basis. Generally, the current practice is for four crews to rotate among two ships. This will increase familiarity with vessels and the productivity of the seamen.

Present daily crew costs for U.S. bulk carriers built in the 1970's and operating with a shipboard work force of 26 averages $6,398.06 per day. Proposals are being made in the context of this legislation that would reduce crews from 26 to 22. Through crew reductions and other measures, average costs would be reduced to $4,847.79 per day, a savings of $1,550.27 per vessel per day. On an annual basis this would reduce operating costs by approximately $565,000 per vessel.

ECONOMIC BENEFITS

Mr. Speaker, enactment of H.R. 1242 offers numerous important economic benefits. Passage of this bill is projected to provide for the construction of 158 bulk ships of 120,000-deadweight-ton capacity by 1998. The availability of assured cargo would stimulate investment in the construction of vessels in U.S. shipyards to meet the need for new tonnage and to replace existing tonnage that becomes obsolete.

It will increase business to shipbuilding support industries. The shipbuilding industry has a great impact on other industrial concerns in the United States. The defense economic impact modeling system, prepared by the Office of the Secretary of Defense, identifies mining, steel mills, and foundries as support industries along with fabricated metals/alloys, pipes and valves, machinery and propulsion, and semiconductors as supporting products. According to this source, each dollar invested in the shipbuilding industry yields an additional dollar generated throughout the private sector.

Enactment will create thousands of job opportunities for American workers, in maritime-related service, supply and material industries. This legislation would create 146,150 man/years of employment in American shipyards, as well as 6,162 seagoing jobs. Especially important, more than 200,000 existing American jobs in ship construction and repair, ship operation, and maritime-related service, supply, and material industries would be saved. Absent this legislation, jobs will be lost. One group that undoubtedly would be hit hardest by an employment cutback would be minorities. Approximately 28 percent of the U.S. shipyard work force and approximately 17.5 percent of the shipboard work force consists of minorities.

Millions of dollars will flow to the U.S. Treasury each year through corporate taxes on both shipbuilding and shipping profits and income taxes on shipyard workers and seamen if this program is adopted. The Treasury Department has estimated that multinational companies escape over $100 million per year in U.S. taxation by registering vessels under foreign flags and using foreign crews. Subpart F of the Internal Revenue Code provides a special exclusion for shipping income of foreign-based companies. This exclusion amounts to an indirect subsidy of foreign-flag shipping.

Another result will be a boost in our international balance of payments.

When U.S. companies and U.S. crews are used to transport America's imports and exports, dollars are retained in or transferred to the American economy via the services U.S. operators provide to foreign countries. These dollars are used to purchase American goods and services. For the past decade, however, more money has been paid out to foreigners for ocean transportation than to domestic operators. Of the $8 billion worth of shipping services recorded in the balance of payments for 1980, only $2.6 billion was paid to U.S.-flag carriers. The remaining $5.4 billion was paid to foreign carriers, leaving a deficit of some $2.8 billion. If U.S.-flag vessels has a larger share of American bulk cargo imports and exports, this trend would be quickly reversed.

NATIONAL SECURITY

There are also national security implications in the adoption of a cargo reservation policy. A shipyard mobilization base, with a trained pool of shipbuilding labor, is a national necessity. Currently, 26 yards make up this base, but many are in danger of closing. This bill would provide substantial building and repair work for U.S. commercial shipyards for years to come.

A liquid bulk ship operating capability is also essential. In the recent Falklands dispute, three of every four British ships were commercial vessels. Of these, almost half were tankers. Admiral Kent Carroll, commander, the Military Sealift Command, has called the need for the right type of U.S.-flag tankers one of the most pressing current needs for military planners. This bill would help meet that need.

Because we import vast quantities of strategic commodities, and because most of these move in foreign-flag dry bulk ships, we are vulnerable to a cutoff of supplies that are vital to the U.S. industrial base. This vulnerability increases when one considers that the Soviet Union is more self-sufficient with regard to strategic raw materials than any other nation in the world, relying on foreign sources for only seven strategic minerals. This bill would substantially reduce our vulnerability to a supply cutoff.

INTERNATIONAL TRADE POLICY

Adoption of this bulk cargo reservation policy will not damage our credibility as the world's leader of free trade.

Trade in international shipping services is not governed by a free and open market. Reliance on free-market mechanisms has placed the U.S. merchant marine at a serious disadvantage and has been partly responsible for the dangerous decline of the fleet.

Many nations, recognizing the importance of a strong merchant marine, support their shipping and shipbuilding industries through subsidies, tax incentives, preferential financing and cargo reservation schemes.

France, for example, reserves two-thirds of oil imports and half of its coal imports for French-flag vessels. Venezuelan law mandates that 100 percent of all Government cargoes and 50 percent of all trade be carried on Venezuelan ships. Japan and Korea provide below market financing for ship construction. Korea also provides its fleet with a variety of subsidies and reserves for Korean-flag vessels, all major designated cargoes.

Socialist countries operate large state-owned fleets that are used for military, political, and other noncommercial purposes. Since profitmaking is not a constraint in the operation of these fleets, they are free to charge below-market rates. The rapid expansion of the Soviet fleet and its rate-cutting practices have become an increasingly disruptive force in world shipping trades.

Many less developed nations intent on becoming maritime powers have made a direct policy link between the goal of increasing trade with the world and the goal of building a powerful merchant fleet. This has been a guiding force behind the liner code proposed by the United Nations Conference on Trade and Development (UNCTAD).

The UNCTAD code which provides for bilateral cargo sharing between trading partners has been signed by over 60 countries. In addition, most of our allies have announced their intent to sign it. The United States stands virtually alone in its refusal to ratify UNCTAD.

Although this accord is specific to liner trade, many countries are proposing that it be used as a model for a bulk cargo sharing agreement. In addition, many countries, including the Philippines, Brazil, India, and Indonesia, are already using the UNCTAD agreement as a basis for formulating unilateral cargo reservation policies for bulk goods.

The trend in international shipping is clearly not in the direction of a free and open market. Many nations, pursuing valid commercial and national security goals, have fundamentally biased the international market in shipbuilding and ocean transportation services. Enactment of cargo legislation would not mean that the United States was turning protectionist. It would merely signal recognition by our policymakers of the realities of modern markets.

CARGO DIVERSION QUESTION

Concern have also been expressed that a bulk cargo policy, such as the one set forth in H.R. 1242, would lead to the diversion of bulk cargos from one port to another or from one region to another. It is not the intent of any of the supporters of this legislation that any cargo diversion result from its enactment. Upon further analysis, if diversion were to result from provisions of this bill, I would certainly support changes to remedy that situation.

Mr. Speaker, the United States does not have a merchant fleet capable of moving a significant portion of its foreign waterborne trade. It does not have a merchant fleet capable of serving as an effective auxiliary in time of war of national emergency. We are not able to maintain a shipyard mobilization based sufficient to meet national defense requirements. Congress must remedy these unacceptable deficiencies by enacting this legislation.

The economic benefits to the United States, and the national security implications of this bill, compel us to act upon it. As a result of adoption of this legislation we will become more competitive in an interdependent world.

I include herewith for printing in the RECORD the bill, an analysis and supporting material, as follows:

H.R. 1242

A bill to promote increased ocean transportation of bulk commodities in the foreign commerce of the United States in United States-flag ships, to strengthen the defense industrial base, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Competitive Shipping and Shipbuilding Act of 1983".

FINDINGS, PURPOSES, AND POLICY

SEC. 2. (a) The Congress finds and declares the following:

(1) The United States is totally dependent upon foreign-flag bulk shipping services in that United States-flag vessels now carry less than 4 percent of its bulk import and export cargoes in international trade.

(2) Virtually all bulk imports of the United States are critical to American industrial production or to the maintenance of adequate energy supplies.

(3) Bulk exports of the United States contribute substantially to the United States balance of trade, provide major sources of employment in the United States, and contribute to the food supply and other essential requirements on a worldwide basis.

(4) The United States cannot afford to rely heavily upon foreign sources to provide the transportation services needed to maintain the flow of essential bulk imports and exports if it is to ensure its economic and political independence.

(5) The United States is continuing to lose the major portion of revenues generated by the carriage of its bulk imports and exports in international trade.

(b) It is therefore declared to be the purpose and policy of the Congress in this Act—

(1) to take immediate and positive steps to promote the orderly and rapid growth of the bulk cargo carrying capability of the United States merchant marine in order to transport at least 20 percent of our bulk imports and exports in United States-flag ships within fifteen years;

(2) to assist and cooperate with the importers and exporters of bulk commodities so that they will be able to ship their goods in United States-flag ships in a commercially practicable manner; and

(3) to encourage the construction in U.S. shipyards of new, efficient, and environmen-

tally safe bulk cargo carrying merchant vessels.

DEFINITIONS

SEC. 3. As used in this Act—

(a)(1) The term "United States-flag ship" means a bulk cargo carrying vessel that meets each of the following conditions:

(A) The vessel was built in the United States;

(B) The vessel is documented under the Vessel Documentation Act, (94 Stat. 3453);

(C) Each member of the crew of the vessel is a United States Citizen; and

(D) not more than 50 percent of the main propulsion machinery, other machinery, articles and components of the vessel, which are not an integral part of the hull or superstructure, are of foreign manufacture. This percentage shall be computed on the basis of cost, determined separately for each item of machinery or equipment.

(b) the term "bulk cargo" means cargo transported in bulk without mark or count by a vessel engaged in the foreign commerce of the United States.

(c) The term "Secretary" means the Secretary of Transportation.

CARRIAGE OF BULK CARGOES ON U.S.-FLAG SHIPS

SEC. 4(a) In the calendar year following the year of enactment of this Act, each importer or exporter of bulk cargoes shall transport at least 5 percent of these bulk cargoes in United States-flag ships. In each calendar year thereafter the percentage of bulk cargoes required to be transported in U.S.-flag ships shall increase by one percent until the percentage of the bulk cargoes required to be transported in U.S.-flag ships during each calendar year is at least 20 percent.

(b) The requirements imposed in subsection (a) of this section are obligations of the importer and exporter of bulk cargoes, and may not be avoided by the terms of sale of those bulk cargoes.

(c) Each importer and exporter subject to the requirements of this Act shall, upon acceptable documentation, be granted credit on a ton for ton basis, for the employment of United States-flag ships in the transportation of bulk cargoes between foreign ports, against the volume of bulk cargoes which otherwise would be required to be transported in United States-flag ships pursuant to this Act.

(d) Beginning in the first calendar year after enactment, the Secretary may relieve any importer, exporter, shipper, or receiver, from the requirements of this Act, upon application, to the extent he determines necessary, upon a finding that United States-flag ships are not available or are not available within guideline rates pursuant to Section 5. In determining the extent of relief to be granted in terms of aggregate tonnage of bulk cargoes, numbers of vessels, and duration of relief, the Secretary shall take into account the timeliness of the application for waiver, the vessels on order, under construction, coming off-hire and such other factors as he deems appropriate. In no event shall relief be granted for a period beyond the calendar year in which application is made. No relief may be granted under this subsection if the Secretary determines that cargo is being diverted to avoid compliance with this Act.

(e) For the purposes of this Act, any percentage of bulk cargo shall be measured by the aggregate tonnage of all bulk cargoes shipped on account of an importer or exporter in the foreign commerce of the United States.

ESTABLISHMENT OF GUIDELINE RATES

SEC. 5(a) The Secretary shall establish and publish guideline rates for the carriage of bulk cargoes subject to this Act. In establishing the guideline rates, the Secretary must assure that the rate takes into account the following objectives:

(1) the development and maintenance of a modern, efficient United States-flag bulk cargo fleet;

(2) the availability of a United States-flag bulk cargo fleet to meet U.S. strategic requirements in time of international crisis;

(3) the maintenance of international markets for United States bulk exports and the development of new market opportunities; and

(4) the continued access by American industry to essential bulk imports.

(b)(1) In order to establish the guideline rates, the Secretary shall estimate the current cost, including reasonable profit, of operating various classes of United States-flag ships in the foreign bulk trades of the United States and the current cost, including reasonable profit, of constructing various classes of United States-flag ships in U.S. shipyards.

(2) These current cost estimates shall be promulgated within six months after enactment of this Act. Thereafter these estimated costs shall be revised annually to reflect the annual GNP deflator, as determined by the Bureau of Labor Statistics, and any other factors the Secretary deems appropriate.

(3) In the second year following the commencement of the required percentage of United States-flag ship transportation, as set forth in Section 4, United States-flag ship operating costs and U.S. shipyard construction costs, such construction costs based upon a ten-ship series in a U.S. shipyard, must each reflect cost reductions of at least 15 percent below the Secretary's initial estimated costs, as set forth in subsection (b)(1).

(4) In the second year and in each succeeding year following commencement of required United States-flag ship transportation, as set forth in Section 4, the Secretary shall employ these cost estimates, as adjusted pursuant to subsection (b)(2), as the primary basis for establishing guideline rates as required by this section.

(c)(1) Guideline rates shall be separately established for voyage, time, and bareboat charter, by class of vessel, by commodity and trade, as necessary, and shall be based upon recognized international charter market indices, adjusted to reflect the Secretary's estimated costs, pursuant to subsection (b). In the absence of such recognized indices the Secretary shall utilize the best available information. The Secretary shall promulgate by regulation the indices or other information he will rely upon and the methodology and criteria he shall employ in adjusting such indices to achieve the purposes of this Act.

(2) These guideline rates shall be reviewed and adjusted periodically, as circumstances require, but not less frequently than annually.

(3) These rates, as established by the Secretary, may not reflect costs greater than the adjusted costs as set forth in subsection (b).

(4) Guideline rates shall be the maximum rates which may be charged for the charter of United States-flag ships for the transportation of those bulk cargoes that are required to be transported under this Act.

(d) In the first Calendar year following enactment of this Act, the Secretary, in consultation with the advisory committee established in subsection (e), shall establish and publish interim guideline rates. These interim rates shall be based upon a fair and reasonable rate for the transportation of bulk cargoes on existing United States-flag bulk cargo carrying vessels; the specific charters, voyages, bulk commodities and trades concerned; the objectives of this Act; and any other factors the Secretary deems appropriate. These interim rates shall be the maximum rates which may be charged for the charter of United States-flag ships until guideline rates have been established and published pursuant to subsections (b) and (c).

(e) The Secretary shall appoint and consult on a regular basis with an advisory committee, composed of importers, exporters, charter brokers, United States-flag ship operators, shipbuilders, labor unions, and management and labor organizations, to advise and assist him in the establishment and review of United States-flag ship operating costs and U.S. shipyard construction costs, guideline rates and regulations. The advisory committee may be divided into panels as the Secretary deems appropriate. Members shall be appointed for terms of three years and may be reappointed to succeeding terms. Members shall serve without compensation.

REPORTING OF AMOUNT SHIPPED ON UNITED STATES-FLAG SHIPS

SEC. 6(a) Each person, corporation, partnership, or other business entity that imports or exports bulk cargoes in the foreign commerce of the United States, and whose volume of business exceeds $1 million annually (in imports or exports or any combination thereof) shall submit to the Secretary, on or before January 31 of each year, a sworn statement certifying that the percentages of its imports and exports carried on United States-flag ships in the preceding year were at least the percentage required to be transported in United States-flag ships under section 4 of this Act. The Secretary shall prescribe by regulation the documentation required to be submitted with the sworn statement in order to verify its accuracy.

(b) Each importer, exporter, shipper, or receiver, who fails to use United States-flag ships to transport the required percentage of imports or exports required by this Act, and who has not applied for and received timely relief pursuant to section 4(d), shall use exclusively United States-flag ships for the transportation of bulk cargoes until the percentage deficiency has been recouped. Any such failure shall not constitute grounds for Secretarial relief from the requirements of this Act.

CIVIL PENALTY PROVISION

SEC. 7(a) It is unlawful for any importer or exporter to violate any provision of this Act or any regulation issued pursuant to this Act. Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code (5 U.S.C. 554), to have violated this Act, or any regulation issued under it, shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty,

the Secretary shall take into account the nature, circumstances, extent, and gravity of the act committed and, with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(b) Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate district court of the United States by filing notice of appeal in the court within 30 days from the date of the order and by simultaneously sending a copy of the notice by certified mail to the Secretary. The Secretary shall promptly file in the court a certified copy of the record upon which the violation was founded or the penalty imposed, as provided in section 2112 of title 28, United States Code (28 U.S.C. 2112). The findings and order of the Secretary shall be set aside by the court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code (5 U.S.C. 706(2)).

(c) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

REGULATIONS

SEC. 8. The Secretary of Transportation may issue such regulations as are necessary to carry out this Act.

EFFECTIVE DATE

SEC. 9. This Act shall become effective upon enactment.

COMPETITIVE SHIPPING AND SHIPBUILDING ACT OF 1983 (H.R. 1242) SECTION-BY-SECTION ANALYSIS

Section 1. This section states that the Act may be cited as the "Competitive Shipping and Shipbuilding Act of 1983".

Section 2. Findings, Purposes, and Policy

In Section 2(a) the Congress finds and declares that: the United States is dependent upon foreign-flag bulk shipping services; U.S.-flag vessels now carry less than four percent of its bulk import and export commodities; virtually all bulk imports are critical to American industrial production or maintenance of energy supplies; bulk exports contribute substantially to the U.S. balance of trade, provide major sources of employment, and contribute to the food supply on a worldwide basis; the United States cannot rely upon foreign sources to provide transportation services in times of national emergency; and, the United States is continuing to lose the major portion of revenues generated by the carriage of its bulk imports and exports in international trade.

In Section 2(b) the Congress declares that the purposes and policy of the Act are to: take immediate and positive steps so as to transport at least 20 percent of U.S. bulk imports and exports in U.S.-flag ships within 15 years; make it possible for importers and exporters to be able to ship their goods in U.S.-flag ships in a commercially practicable manner; and, encourage the construction of bulk cargo carrying merchant vessels in U.S. shipyards.

Section 3. Definitions

Section 3(a) defines "United States-flag ship" as a bulk cargo carrying ship having U.S. citizen crews and built in, and documented under, the laws of the United States. In addition, no more than 50 percent of the total materials and components of the vessel can be attributed to foreign manufacture.

Section 3(b) defines the term "bulk cargo" as cargo transported in bulk without mark or count by a vessel engaged in the foreign commerce of the United States.

Section 3(c) defines "Secretary" as used throughout the Act to mean the Secretary of Transportation.

Section 4. Carriage of Bulk Cargoes on United States-flag Ships

Section 4(a) requires that in the calendar year following the year of enactment of this Act, at least five percent of all bulk cargoes moved by water and imported to or exported from the United States must be carried on U.S.-flag ships. In each calendar year following, an additional one percent of the bulk cargoes are to be shipped in U.S.-flag vessels until a minimum of 20 percent is reached. Thus, in 15 years at least 20 percent of all U.S. bulk imports and exports will be transported on U.S-flag ships.

Section 4(b) places the obligation of complying with the requirements of the Act on the importer and exporter of bulk cargoes. In addition, this section makes it clear that an importer or exporter cannot avoid the requirements of the Act by altering the terms of sale of the bulk cargoes.

Section 4(c) specifies that any importer or exporter who is subject to this Act, shall be granted credit on a ton for ton basis, for employing the use of U.S.-flag ships in the transportation of bulk cargoes between foreign ports.

Section 4(d) is a waiver provision whereby the Secretary of Transportation may relieve any importer, exporter, shipper, or receiver, from the requirements of the Act when it is determined that United States-flag ships are not available or are not available within guideline rates as set forth in Section 5. In determining the extent of any relief to be granted, the Secretary is required to take into consideration the timeliness of the waiver application, the number of vessels on order, under construction, coming off-hire and any other factors he deems relevant. However, no relief can be granted for a period beyond the calendar year in which the application is made. In addition, no relief will be granted where the Secretary determines that cargo is being diverted to avoid compliance with the Act.

Section 4(e) makes it clear that when bulk cargoes are expressed as a percentage, that percentage shall be measured by adding the tonnage of all bulk cargoes shipped by each importer or exporter in the foreign commerce of the United States. In other words, in determining whether an importer or exporter has carried the required percentage of cargo on U.S.-flag ships in any given year, the Secretary of Transportation shall look at the total tonnage of all bulk cargoes shipped by that importer or exporter in that year.

Section 5. Establishment of Guideline Rates

Section 5(a) requires the Secretary of Transportation to publish guideline rates for the carriage of bulk cargoes on U.S.-flag ships. In establishing the guideline rates, the Secretary must assure that the rate takes into account the following objectives:

(1) the development and maintenance of a modern, efficient United States flag bulk cargo fleet;

(2) the availability of such a fleet to meet U.S. strategic requirements in time of international crisis;

(3) the maintenance of international markets for United States bulk exports and development of new market opportunities; and

(4) the continued access by American industry to essential bulk imports.

Section 5(b) requires the Secretary in establishing the guideline rates, to estimate the current cost, including reasonable profit, of operating various classes of United States-flag ships in the foreign bulk trades of the United States and the current cost, including reasonable profit, of constructing various classes of United States-flag ships in U.S. shipyards. These cost estimates must be established within six months after the Act is signed into law. These estimated costs must be revised annually in order to reflect the current year's inflation rate and such other factors as the Secretary deems appropriate.

Two years after the commencement of the required percentage of cargo to be transported on U.S.-flag ships becomes effective, the cost of operating a United States-flag vessel in the foreign commerce of the United States and the cost of constructing a bulk cargo carrying vessel in a U.S. shipyard must be at least 15 percent below the Secretary's initial cost estimates. These cost estimates, as adjusted for inflation each year, will then be used as the primary basis for establishing the guideline rates.

Section 5(c) requires that the guideline rates be established individually to reflect the specific type of cargo movement (for example, the type of vessel, commodity and voyage). These guideline rates will be based upon internationally accepted charter market rate quotations (for example, London Brokers Panel) which will be adjusted upward or downward to reflect the Secretary's estimated costs, as outlined in Section 5(b). If an international market rate quotation is unavailable for a specific type of cargo movement, the Secretary is directed to utilize the best available information in determining an appropriate rate.

The Secretary must issue regulations, which explain the particular quotations or other information he will rely upon, and the methodology and criteria he will use in adjusting the charter market rates. The Secretary must review and adjust the quideline rates on at least an annual basis. Any adjustments to these rates may not reflect costs greater than the adjusted costs set forth in Section 5(b). These guideline rates shall be the maximum rates that a U.S.-flag ship operator may charge for the transportation of bulk cargoes subject to the Act.

Section 5(d) states that in the first calendar year following enactment of this Act, the Secretary, in consultation with the advisory committee established in Section 5(e), shall establish and publish interim guideline rates. These interim rates shall be based upon a fair and reasonable rate for the transportation of bulk cargoes on existing United States-flag bulk cargo carrying vessels. These interim rates shall be separately established for specific charters, voyages, bulk commodities and trades concerned, taking into account the objectives of this Act, and any other factors the Secretary deems appropriate. These interim rates shall be the maximum rates which may be charged for the charter of United States-flag ships until guideline rates have been established and published pursuant to Section 5(b) and (c).

Section 5(e) requires the Secretary of Transportation to appoint and consult with an advisory committee to advise and assist him in the establishment and review of United States-flag ship operating and construction costs, guideline rates and regulations. The advisory panel shall be composed of importers, exporters, charter brokers, United States-flag ship operators, shipbuilders, labor unions, and management and labor organizations.

Section 6. Reporting of Amount Shipped on United States-flag Ships

Section 6(a) sets forth the reporting requirements for determining whether or not the importer or exporter has met the required percentage of trade reserved for U.S.-flag ships. The provisions and reporting requirements of the Act are applicable to any U.S. business entity that imports or exports bulk cargoes in the foreign commerce of the United States, and whose volume of business exceeds $1 million annually.

Section 6(b) requires that any importer, exporter, shipper, or receiver, who fails to carry his required percentage of cargo on U.S.-flag ships, shall, in the next year, use exclusively U.S.-flag ships to carry all shipments until he has recouped the deficiency from the preceding year.

Section 7. Civil Penalty Provision

Section 7 specifies the Civil penalty to be imposed on any importer or exporter who violates any provision of the Act. The maximum penalty for each violation is $100,000 and each day of a continuing violation is to be considered a separate offense. The amount of the penalty to be assessed is to be determined by the Secretary of Transportation, taking into account the nature, circumstances, extent, and gravity of the act committed, and with respect to the violator, the degree of culpability, history of prior offenses, and any other matters deemed appropriate. The latter half of Section 7 sets out the judicial review procedures available to the violator and the enforcement procedures to be used in collecting the penalty assessed.

Section 8. Regulations

Section 8 authorizes the Secretary of Transportation to issue such regulations as may be necessary to carry out the provisions of the Act.

Section 9. Effective Date

Section 9 establishes that the effective date is the date of enactment of the Act.

QUESTIONS AND ANSWERS REGARDING H.R. 1242

What is "bulk cargo?

Bulk cargoes are raw materials, either liquid or dry, usually shipped in large quantities (full shiploads) between various ports. The major liquid bulks are oil and chemicals; the major dry bulks are minerals and agricultural products.

How many bulk ships are there in the United States?

There are only 40 oceangoing bulk ships operating in the foreign trade and registered in the United States.

What percent of U.S. foreign oceanborne commerce is carried on U.S.-flag ships?

Only 3.6 percent of all U.S. foreign oceanborne trade is carried on U.S.-flag ships. Approximately 3.9 percent of U.S. oceanborne foreign liquid bulk and 1.3 percent of U.S. oceanborne foreign dry bulk is carred on U.S.-flag ships.

If the "Competitive Shipping and Shipbuilding Revitalization Act of 1983" were enacted, what portion of U.S. bulk cargoes would be required to move on U.S.-flag vessels?

The bill provides for five percent of all bulk cargoes to be carried on U.S.-flag vessels initially and increased by one percent annually until a minimum of twenty percent of bulk imports and exports is carried by the U.S. fleet. This goal would be reached by 1998.

What allied industries would be affected by this bill?

The Defense Impact Modeling System, prepared by the Office of the Secretary of Defense, identifies mining, steel mills and foundries as supporting industries, along with fabricated metals/alloys, pipes, and valves, and semi-conductions as supporting products for shipbuilding. It estimates that for each dollar that goes directly into the shipbuilding industry an additional dollar is generated throughout the private sector.

How would a shipper be penalized if he did not comply with the Act?

At the outset, the bill is designed to permit flexibility in meeting requirements. Should a shipper fail to comply with the designated share of cargo on U.S.-flag vessels, he would be permitted to make up the difference by carrying an additional percentage the following year. However, in the next year, if he again failed to ship the proper percentage of his exports and/or imports on U.S.-flag, U.S.-built vessels, he would be prohibited from carrying oceanborne foreign bulk cargo for a period of one year.

Does the "free market" really exist in international trade?

The answer is "no". International trade does not operate in a free and open market because of protectionist mechanisms such as cargo preference, bilateral shipping agreements, favorable tax and tariff policies, and preferential currency and customs treatments administered by foreign governments in their own interests.

How many nations reserve cargo for their national flag fleets?

At least 45 nations reserve cargo for their national flag fleets.

What is the cost to the government of this legislation?

The U.S. Treasury will expend no additional funds if this legislation is enacted.

Why is it mandatory that we maintain our shipbuilding capabilities and our shipbuilding mobilization base?

It is important in order to support our national security and economic needs in the event of war or emergency as well as to avoid future problems in recruiting, training and retaining shipyard workers, and to provide work for support industries essential to the economy.

Why are bulk vessels essential to national security?

Bulk vessels are essential for the transport of strategic raw materials used in defense planning and are designed to carry bulk military cargoes in time of national emergency. Bulk vessels can also be designed with certain "National Defense Features" to make them quickly and easily coverted to carry non-bulk cargoes that will be needed in a defense emergency.

How can we reach our goal of a strong merchant marine, as required for the national security?

Many approaches have been tried, both in the United States and in other countries. The single most effective method is to reserve a fair and necessary share of cargoes for the national-flag fleet. This bill would achieve that for the United States, in much the same way that foreign nations successfully do for their own fleets.

IMPACT OF THE COMPETITIVE SHIPPING AND SHIPBUILDING ACT (H.R. 1242)

The center of controversy in this proposed legislation is the potential amount of increase in freight rates that may be experienced by U.S. exporters and importers, and the effect of such an increase on their competitive positions in world markets.

Based on an analysis prepared by G. D. Fuller, C. R. Setterstrom, and John F. Walters of the Maritime Administration and presented to a SNAME Symposium on Ship Costs and Energy, September 30–October 1, 1982, the following information was developed.

Required freight rates

	Long ton
1. Required freight rate for a 144,000 DWT restricted draft collier built, crewed, and flagged in the U.S., and hauling coal from Hampton Roads, Va., to Rotterdam, Holland.	$12.00
2. Required freight rate for the same vessel built, crewed, and flagged in a foreign country	8.10
3. Average required freight rate for all freight movements, using 80 percent foreign ships and 20 percent U.S. ships	8.88
4. Difference between all-foreign rate and average rate	.78
5. Landed price of coal in Rotterdam	64.00
6. Increased freight rate as a percentage of landed price (percent)	1.24

MARKET FREIGHT RATES

The bulk shipping market on a worldwide basis is in a depressed state, and this has caused freight rates for existing vessels to be similarly depressed. Recent rates for coal shipments from Hampton Roads to Rotterdam have averaged $5.50/long ton.

Adjustments to the current depressed market condition are taking place resulting in a very high scrapping rate for bulk vessels. In the unlikely case that market freight rates for foreign ships remained at the $5.50 level and U.S. ships charged the required freight rate of $12.00, the increase in landed price would be $1.30/long ton, or an increase of only 2%.

MOST LIKELY CASE

Most forecasts of worldwide shipping predict a return to a balanced supply and demand situation in bulk shipping by 1987. At the time, the foreign ship freight rates should be back to the level of the estimated required freight rates in the first example.

Assuming that this will be the case, and remembering that the proposed legislation would only require 8% of the tonnage to be shipped in U.S. ships in 1987, the actual increase experienced by the shipper on his annual total will be $.31/long ton. This will only add a half percentage point to the landed price of the commodity, and should have little noticeable effect on his competitive position.

RATE SETTING

The inclusion in the proposed legislation of a rate setting mechanism, established by the Secretary of Transportation, limits the ship operator to a required freight rate that includes a reasonable return, and protects the shipper from unreasonable freight charges on shipments in U.S. ships required by this Act.

Such rate setting should assure the shipper that the requirement to use U.S. ships

will have a negligible effect on his competitive position in world markets.

By requiring rate setting, the shipper is not only protected from unreasonable charges for using U.S. ships, but is also insulated from having to pay exhorbitant rates for using foreign vessels during periods when world freight rates are higher than U.S. guideline rates.

The very existence of a U.S.-flag bulk fleet carrying 20% of U.S. bulk imports and exports will act as a steadying influence on the world bulk shipping market. This leverage will assure that the U.S. will never become a captive to foreign shipping, and will avoid all of the dangers associated with such dependence.

[Source: Shipbuilders Council of America]

CONGRESSMAN TONY P. HALL INTRODUCES CONVENTIONAL ARMS TRANSFER LIMITATION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. HALL) is recognized for 10 minutes.

● Mr. HALL of Ohio. Mr. Speaker, I am taking this opportunity today to address the House on one of the most serious international issues, conventional arms transfer limitation. I also am introducing a resolution to express the sense of Congress about conventional arms transfer limitation policies.

To absolutely no one's surprise, one of the first foreign policy actions of the Reagan administration was to abandon the Carter arms transfer policy in unequivocal terms. The Reagan administration has characterized this move as replacing the Carter theology with a healthy sense of self-preservation. In so doing, the Reagan administration has argued that an arms transfer policy more firmly based on the realities of international affairs will run less risk of failure and insure the more productive and successful transfer of U.S. conventional weapons overseas. But, given the widely critical evaluation of the Nixon-Kissinger approach to arms transfers and the legacy of the Carter policy as a naive and faulty attempt at arms transfer restraint, is there any good reason to believe that the Reagan administration's "prudent policy" will fare any better?

In all likelihood, the answer is "No."

A look back at the history of arms transfers indicates that, in general, arms transferred for political reasons are just as likely to fail as they are to succeed. As a result, arms transfer policies seem destined, at best, to be weakly related to and, at worst, completely at odds with the actual arms transfer practices of an administration. Or, to put this in slightly different terms, the rhetoric of arms transfer policy and the reality of arms transfer practices have typically been at odds with one another.

This conclusion leads to three observations. First, Presidents and their administrations have found arms transfers an extremely seductive but ultimately unpredictable instrument of foreign policy. Second, for a variety of reasons, particular arms transfers and the policies upon which they are based—or, more likely made exceptions to—are frequent failures. And third, having found arms transfers attractive for symbollic political purposes and practical foreign policy activities, the Reagan administration is heading down a path that will ultimately have counterproductive foreign and domestic political consequences.

In order to avoid further policy failures, and in an attempt to rein in the burgeoning world market in arms, the United States should move to renew conventional arms transfer talks without delay. Such talks are not advocated out of some vague moralistic notion about the "evil" of arms; though arms have been used and continue to be used for clearly immoral and evil purposes. Restraint is not blindly advocated on a unilateral basis; though selective self-restraint has on occasion benefited and would continue to benefit a Nation that regards itself as a world peacemaker. Such talks are advocated with a realistic sense of the limits which face any nation that would undertake restraint in a violent world of sovereign states.

In order to make a case for arms transfer restraint—and hence for renewed arms transfer talks—some sense must first be made of the evolving international arms trade. Beyond that, any realistic attempt to renew such talks must be grounded in a thorough knowledge of the commonly advocated rationales for the transfer of arms. Since few nations openly debate their arms sales policies, and only the United States does so in the presence of reasonably accurate and comprehensive data, it is not always possible to obtain a complete picture of the arms trading world. Enough is known, however, to reopen a dialog regarding controls on the international trade in arms.

PART I—CURRENT TRENDS IN INTERNATIONAL CONVENTIONAL ARMS TRANSFERS

The international arms trade has been rather fundamentally altered during the post-World War II period. As with most impressions, this notion is rather loosely based on vague facts about who sells arms, who buys arms, and what sorts of arms are actually sold. Regardless of the source of those facts, though, most people believe that more arms are sold each year. They believe that more sophisticated arms are sold each year. And they believe that the United States sells a very large portion of those arms each year.

In most respects, these people are quite correct.

Common impressions, however, are not enough of a base upon which to build a case for conventional arms restraint. Hence, this portion of the analysis is devoted to an overview of the most current public data available on international conventional arms transfers. Five major factors in this trade are examined which represent the most salient characteristics about the contemporary international arms trading system: First, the quantity of arms sold or transferred; second, the destination of the transferred arms; third, the origin of the arms exported; fourth, the mode by which the arms are transported; and fifth, the level of sophistication of the arms exported

As a prefatory note, however, arms transfers must be placed in the context of overall military expenditures. From 1970 to 1979 world military expenditures increased from $425 billion to $521 billion in constant 1978 dollars. For developing nations this meant an increase from $73 to $119 billion.

THE QUANTITY OF ARMS TRANSFERS

By virtually all accounts, the dollar value of arms exported to developing nations in the last 8 years has fluctuated fairly dramatically from year to year. This makes any policy decision—or political argument—based upon such figures prima facie suspect. As the Congressional Research Service points out in its most recent report on arms transfers to developing nations:

> • • • the basic utility of the dollar values of arms transfer agreements is in indicating *long range trends in sales activity by arms* suppliers. • • • To use these data for purposes other than assessing *general trends* in seller/buyer activity is to risk drawing hasty conclusions that may be rapidly invalidated by events.

Thus, some caution is in order whenever data about arms transfers are discussed.

The best available data indicate that total arms agreements with developing nations remained fairly stable from 1974 to 1981. In constant 1974 dollars, the average dollar value of these agreements during the first 4 years of the period was $20 billion while during the second 4-year period it was $19.8 billion. Thus, despite, fluctuations—including especially high levels of agreements in 1980 and especially low levels in 1981—the average value of transfer agreements has remained quite stable.

Data on the total value of arms delivered to developing nations demonstrates a roughly similar pattern. Average deliveries, again, in constant 1974 dollars, for the 1974–77 period were $9.3 billion while for the 1978–81 period they averaged $13.9 billion. The upward trend during this period reflects the fact that worldwide arms export agreements increased markedly in 1973–74 while deliveries of these weapons did not occur until a few years later. Even so, the level of total

arms deliveries during the 1977-81 period is remarkably uniform.

Finally, if one examines the actual number of weapons delivered to developing nations during the 1974-81 period, much the same picture emerges. Of the 12 categories of weapons systems that can be tracked with some accuracy, only 2 have patterns that change very noticeably. The total number of submarines delivered actually declined—from 33 in the 1974-77 period to 15 in the 1978-81 period—and the total number of guided missile boats delivered increased—from 40 to 103. For the remaining categories the trends are generally quite stable. Surface-to-air missiles (SAM's) are something of an exception since both the Soviets and the United States exported unusually large numbers of SAM's in 1977 and 1979.

In sum, the aggregate level of arms transfers to developing nations during the 1974-81 period has been relatively stable. This stability, however, follows immediately on the heels of a rapid, real increase in the volume of arms transfer agreements between developed and developing nations. Hence, while the trends are fairly stable they are stable at what are arguably high levels of transfers from the arms developers to the arms consumers. Going beyond overall trends, one finds a number of interesting, and important, patterns once the available information on suppliers and consumers is examined.

MAJOR ARMS SUPPLIERS

The international arms trade—which totaled more than $120 billion in agreements between developed and developing nations from 1978 to 1981—has long been dominated by two major suppliers, the United States and the Soviet Union, and a series of lesser but nonetheless significant suppliers—France, the United Kingdom, West Germany, and Italy. Beyond these major suppliers, there are numerous additional arms exporters—some 60 countries in all today—who sell a variety of weapons on the international market.

Today, the Soviet Union is the developing world's leading arms supplier—having surpassed the United States in the late 1970's. Soviet arms agreements with developing nations totaled $33.2 billion from 1978 to 1981.

France also has established itself as a major arms supplier—with agreements in 1980 nearly equal to those of the United States—$8.7 and $9.4 billion, respectively. The level of agreements by other Western suppliers—West Germany, the United Kingdom, and Italy, have yet to rival the leaders, but they remain quite competitive. In fact, from 1978 to 1981, total agreements with developing nations by free world nations other than the United States—$45.5 billion—easily exceeded agreements with developing nations by the Soviets and by the United States—with $33.2 and $30.7 billion, respectively. Over the last 4 years, therefore, the arms trade with the developing world has actually been dominated by a group of free world nations and not by the Soviets or the United States.

If the United States is included among other free world arms exporters, then an even clearer dominance of the arms trading world becomes apparent—with total free world agreements of $76.2 billion and total Communist agreements of $44.4 billion during the 1978 to 1981 period. This seems to indicate that if nations feel ideological constraints about which nations supply them arms, Western-oriented recipients have diversified among a larger range of suppliers. As a result, today, free world nations control, share in, and compete for, the largest share of the conventional arms market—that which is oriented to Western suppliers.

The value of deliveries by major weapons suppliers mirrors the trend in agreements—again, with a lag over the first few years of the 1970's. For the United States, the value of arms deliveries increased from 1974 to 1978 before falling back in 1980 and 1981. Soviet deliveries peaked a year later than the United States and also declined in 1980 and 1981. France's deliveries peaked in 1981.

If one examines the actual number of weapons delivered by major suppliers the ascendency of the Soviets is even more pronounced. Of the 12 major categories of weapons delivered to developing nations from 1974 to 1977 the Soviets led in 5 categories, the United States led in 4, and the major Western European nations led in 3. From 1978 to 1981, the Soviets led in 9 of the 12 categories, the West Europeans in 3, the United States in none. These data indicate that the Soviets easily outstrip their rivals in exports of tanks, artillery, supersonic aircraft, and surface-to-air missiles. The European exporters have been competitive in helicopters, minor surface combatants, "other" aircraft, and submarines. Over the entire period, the United States led in APC's and armored cars, major surface combatants, subsonic combat aircraft, and other aircraft.

MAJOR ARMS RECIPIENTS

With the end of the Vietnam war and the advent of petrodollar politics the major arms importing region of the world is now the Middle East and North Africa rather than East Asia. Based on data from the Arms Control and Disarmament Agency, arms imports in the Middle East quadrupled between 1970 and 1979. Even more dramatic increases were recorded in Africa which imported less than half a billion dollars worth of arms in 1970 but over $4 billion in 1979. These increases are almost solely due to increased imports by North African nations—such as Libya—rather than sub-Saharan nations. The North African States are, of course, involved in the ongoing Middle East conflict. Meanwhile, arms imports to Latin America and to South Asia and Oceania also increased but remain at relatively modest levels.

The data clearly demonstrate that continued conflict among Middle Eastern nations, aggravated by the presence of considerable disposable wealth among the OPEC nations, is one of the root causes of the conventional arms transfer problem. Indeed, in 1979, 6 of the top 10 arms importing nations were in the Middle East. Efforts to solve the arms transfer problem may not have to begin in the Middle East, but, inevitably, they must come around to the Middle East.

THE MODE OF TRANSFER

Since passage of the Foreign Military Sales Act of 1968 and the pronouncement of the Nixon doctrine in 1969, the U.S. Government has followed a successful policy of encouraging importing nations to purchase their own weapons. The purpose of the 1968 law, and the Nixon doctrine, were to reduce U.S. foreign aid commitments, help remedy chronic balance-of-payments deficits, reduce U.S. military presence overseas, and increase the self-reliance of nations friendly to the United States. As a result, most transfers today are sales—either commercial or government to government.

The United States has developed three mechanisms to transfer weapons overseas. Through the 1960's military assistance programs (MAP) were the most common mode of transfer for the U.S. Government. These are grant-aid programs which provide military aid to foreign countries free of charge. Grant aid programs have evolved a great deal over the years and today no fewer than five different formal mechanisms exist created to provide security assistance to eligible foreign countries—including the foreign military sales financing program, the international military education and training program, the economic support fund program, the peacekeeping operations program, and MAP.

In the 1970's, a dramatic shift from grant aid toward government-to-government sales—called foreign military sales (FMS)—and commercial sales, the second and third mechanisms, was brought about to fulfill the dictates of the FMS Act of 1968 and the Nixon doctrine. Under FMS procedures, the U.S. Government is authorized to sell directly from our own weapons stocks—provided no danger to national security is present—or to order equipment directly from U.S. manufacturers. FMS procedures allow for either credit sales under the financing pro-

grams or direct cash purchases. Commercial sales became more popular in the early seventies, as a result of the dictates of the FMS Act, but seem destined to remain at low levels relative to FMS transfers for the foreseeable future. There are two reasons for this. First, Congress now requires that FMS procedures be used for any sale of major defense equipment of $25 million or more to non-NATO countries. And second, many buyers prefer to use FMS to gain the benefits of complete package acquisition, fair pricing, Government quality control, audit services, and other advantages stemming from Government participation.

FMS is easily the predominant mechanism for transferring weapons from the United States today. Most of these are straight government-to-government sales and do not involve concessionary credits by the United States—though such mechanisms do exist within FMS. Grant military aid has nearly been phased out. And commercial sales have risen lately but remain well below FMS transfers.

Relatively little is known about the details of the transfer mechanisms of the other major supplier nations. What is clear, however, is that they depend on the actual sale of their weapons either to earn valuable hard currencies for foreign exchange or in order to keep their production lines open. The Soviets do offer concessionary loans and credits to a wide variety of nations but have, according to most reports, reemphasized the acqusition of hard currency for their arms transfers in recent years. Countries such as France, Israel, Great Britain, and Italy depend on actual sales to maintain their production lines and to insure that their own unit costs remain at affordable levels. Hence, virtually all arms exporters today find it necessary to sell most of their weapons. Few nations have significant amounts of surplus equipment that they can part with cheaply. And, as more sophisticated weapons are produced, there is increasing pressure to export early in production runs in order to amortize research and development costs.

THE SOPHISTICATION OF ARMS TRANSFERS

The last major change in the character of the arms trade in the last decade involves the sophistication of the arms being transported by the major exporting countries. Two developments, the shift from aid to sales, which places buyers in a better bargaining position, and the high cost of research and development, appear to account for the increasingly sophisticated weapons which are now exported.

As previously noted, during the 1960's the United States began to pursue policies which emphasized a shift from grant-aid transfers to a sales relationship. This decline in aid transfers has altered the exporter/importer relationship, with increased weight now attending the purchasers' demands. Thus, it appears that as importing countries began to pay their own way the United States became unable or unwilling to refuse to sell its most advanced conventional arms. Moreover, with the added leverage of oil politics thrown in, the richest Middle East nations have been able to import some of the most sophisticated weapons in the U.S. inventory.

But the ability to buy has not been the only factor leading to the sale of increasingly sophisticated equipment. As R&D cost pressures have driven unit prices upward at rates unacceptable to even the two superpowers, additional markets have become attractive to even the largest manufacturers. Because of this, and complicated by the rapid rate of technological change, the world's leading arms developers are now exporting their most advanced weapons with little or no time lapse between introduction into their own arsenals and transfer abroad. Transfers of advanced French Mirage fighters and the Exocet missiles, Soviet T-72 tanks, U.S. Phoenix and Sidewinder missiles, advanced aircraft such as U.S. F-15 and F-16 fighters are prominent examples of this trend.

SUMMARY

This review of the most recent data on arms transfers leads to five major observations:

First, arms transfers increased quite dramatically during the early 1970's and then leveled off at a new but higher plateau. Hence, while overall trends are stable, the "current" data have outrun an important watershed period in arms transfers and tend to obscure that previous period of lower overall transfers.

Second, the United States and the Soviet Union are still the world's leading arms suppliers while France has solidified its position as a major arms trading nation. In aggregate, however, major free world suppliers, excluding the United States, accounted for the largest share of arms transfer agreements to developing nations from 1978 to 1981—with the Soviets and the United States ranking second and third.

Third, the Middle East is easily the major arms importing region of the world having supplanted East Asia in the early 1970's. Six of the ten top importing nations, in 1979, were in the Middle East.

Fourth, most arms transfers today are effected through sales mechanisms though substantial "concessions" are available from the two leading suppliers—the Soviets and the United States.

Fifth, some of the most sophisticated weapons available anywhere in the world are among those being transferred to developing nations. Surface-to-air missiles, supersonic aircraft, advanced tanks, and precision-guided munitions are among these.

It is important to remember that, in and of themselves, these overview data do not provide an argument for or against arms transfers. They should, instead, be viewed as context—a rough representation of current trends in the arms trade. In the end, the arms transfer debate does not hinge on trends—though trends are important elements in the ongoing debate. The discussion itself usually revolves about a series of rationales which are advanced in favor of arms transfers.

PART II—THE ARMS TRANSFER DEBATE

During the last decade the arms transfer debate, in Government and academia, has attracted a great deal of attention. At one time, scholars felt relatively free to generalize about the lack of literature on the arms transfer problem. That is no longer the case. As a result, a fairly common list of debating points has emerged. These typically focus upon the various rationales for transfering arms overseas.

To make a case favoring renewed arms transfer talks, some familiarity with the common rationales for arms transfers is important. In most cases, there has been no satisfactory resolution of the debate. And in a few cases, the debate is purely rhetorical since there is no evidence that bears on either side.

The spectrum of the arms transfer debate is bounded at its limits by two extreme positions—historical realism and rational idealism. Not surprisingly, more than a few analysts have found that the extremity represented by either of these two positions is a dangerous approach to foreign policy in general and to arms transfer policy in particular. The former leads to excessively short sighted policymaking; the latter leads to overzealous moralism or universality. With respect to arms exports, the realists argue that, in an essentially amoral and anarchic international system, a nation must use any tool at its disposal to further its foreign policy objectives. Conversely, the idealists argue that the transfer of weapons of war is a fundamentally immoral act which can only lead to the destruction of human potential.

A more realistic approach to arms transfer, and arms transfer restraint, requires the assumption that neither of these positions is intellectually supportable. Or, more simply, the position staked out by both realists and idealists precludes the possibility of making any policy choices. For realists, there is no choice involved because historical situations predetermine a nation's foreign policy—and therefore the nature of its responses to the international system. If arms can be transported, and they serve some pragmatic purpose, they will be transferred. For idealists, at the extreme, choice is re-

moved simply because the transfer of weapons violates a moral imperative. Thus, there is no decision to be made—arms are just not to be exported.

Once these absolutist positions are abandoned, policymakers are faced with the practical problem of how to treat arms transfers within the foreign policy framework. In so doing, criteria must be developed upon which to base transfer decisions. As noted, a fairly large number of these have evolved in the last decade. Ten of these—grouped into political, military/security, and economic categories—are examined below.

1. POLITICAL RATIONALES

The first group of rationales, favoring arms transfers, is political. These arguments are based primarily upon the effect of transferred arms on the relationship between the suppliers and those to whom arms are exported. Four major arguments are included in this category.

A. INFLUENCE

Arms transfers give the supplier country influence or leverage over the recipient nation. While influence may result from the transfer of arms on some occasions there is abundant evidence to indicate that such influence is, at best, haphazard. For a variety of reasons, arms transfers are likely to create only an imperfect bond between countries. Even if the transfer is virtually their only contact, too many additional factors influence nations' actions for a single transfer to be determinative.

In most cases arms are part of an exchange relationship between two nations. Hence, any subsequent demands or attempts at influence are likely to be resented by the recipient. For example, Turkish authorities generally believed that an exchange had taken place between themselves and the U.S. Government—an exchange of bases for U.S. weapons. In 1975, when the United States tried to use weapons transfers as a lever to force Turkey to withdraw its troops from Cyprus the Turkish Government considered this offensive. In essence, Turkey viewed the demands by the United States as blackmail. And, rather than be forced to remove troops from Cyprus, an issue viewed as completely separate from the bases agreement with the United States despite the fact that U.S. weapons were used on Cyprus, permission for U.S. use of the bases was withdrawn.

Because of evolution in the arms trading system in recent years it may be argued that arms are of even less influence today than in years past. As the transfer mechanism has shifted from aid to trade most nations have come to feel that they have paid for their weapons and, as sovereign nations, are free to use them as they see fit. Moreover, even where some strings could be attached to transfers, an increasingly interdependent world limits the extent to which countries like the United States can dictate the policies of client nations. The most prominent example, of course, is that of transfers to OPEC nations which, after all, also have the capacity to influence the arms suppliers.

It may well be, therefore, that there is as much reverse influence as there is positive influence between supplier and client. The Soviets, for example, have often overlooked the fact that their clients suppress indigenous communists parties. As for the United States on more than one occasion—in Turkey, and Morocco, for example—it has been forced to sit idly by and watch its clients use American weapons in possible contravention of agreements signed with the United States prior to the transfer of weapons. In theory, the supplier is supposed to be able to threaten its clients with a cutoff of further arms or with a cutoff of spare parts. In practice such threats are rarely tendered. Part of the reasons for this is that a great deal of modern military action does not hinge on immediate resupply. But even when it does, the supplier is often too deeply involved (and often otherwise dependent upon) the client to carry out such threats. Moreover, alternative sources of supply now take some of the sting out of such threats as many arms importing nations move to diversify their sources of supply.

B. REGIME STABILITY

Arms transfers can politically benefit a nation by stabilizing friendly regimes. U.S. experience in Vietnam and Iran and Soviet experience in Indonesia offer ample proof of the weakness of this argument. Despite vast amounts of resources the United States was unable to stabilize the regimes in either South Vietnam or in Iran. Worse yet, U.S. identity with and commitment to the South Vietnamese ultimately entangled the United States in a lengthy war. Such failures are futher compounded by the fact that subsequent regimes—Egypt, Ethiopia, Indonesia, Iran, and Vietnam are all examples—almost invariably turn on their former suppliers. But even when they do not, as has been the case for numerous U.S.-backed regimes in South America, the granting or selling of arms does not seem to guarantee that subsequent regimes will be any more stable than their predecessors.

C. POLITICAL TIES

Arms transfers, because they need subsequent support, tend to foster closer political ties between suppliers and clients. While on the surface this argument seems to make some sense, most nations fully realize that suppliers wish to create such dependencies. As a result they tend to diversify their arms purchases as much as possible. Moreover, from the suppliers' perspective, arms transfers do not generally establish ties to the people of a country, the way that of a regime change, the ties have been removed and only resent remains.

It is also argued that arms transfers will, as a result of political ties, help to bring a client nation around to the political orientation of the suppliers. Yet there is little evidence for this. On the contrary it seems that nations seeking arms will seek them from suppliers that reflect their own orientation.

D. SYMBOLISM

Arms transfers are a symbol of supplier support for its friends and opposition to its enemies. Because arms are a visible, instrument of foreign policy, they are viewed as having symbolic utility. This rationale is dangerous because it leads to a scorekeeping mentality toward arms transfers. That is, the nation with the most clients is obviously the most popular and dependable. Unfortunately, this also leads to subsequent problems when two countries supplied by the same nation—in whole or in part—go to war. U.S. experience in the Indo-Parkistani wars, in the Falklands crisis, and in the Middle East demonstrates this point. It is simply impossible to be everyone's ally. And, should two client states go to war the supplier, especially if the arms transferred were intended to create political bonds, will suffer either the embarrassment, and subsequent diplomatic damage, of having to take sides or risk being branded hypocritical for arming both sides in a war.

Thus, if arms are useful symbols of political support, they should be used all the more carefully—and sparingly. For example, of what symbolic utility is the fact that the United States has supported 28 of the 41 military-dominated governments in the world with records of violating citizens' rights?

In sum, of the major political arguments favoring arms transfers only their utility as symbols of American support carries much weight. Unfortunately, the United States has been less than careful about who buys arms. The Center for Defense Information, for example, has noted that the United States sold weapons to 96 of the 161 nations in the world in 1981. The symbolic message in this seems to be that the United States will sell arms to almost anyone. During the Carter administration, a concerted effort was made to avoid selling arms to repressive regimes. While that policy was implemented in an uneven fashion it was an instance of an attempt to reinforce an international reputation for U.S. support of democratic principles. To date the Reagan administration has shown little inclination to follow suit.

2. MILITARY/SECURITY RATIONALES

While three distinct arguments can be identified under the rubric of mili-

tary/security rationales, they all boil down to the question of whether arms transfers increase or decrease the security of suppliers and consumers. For proponents of increased sales a limit on arms transfers is naive and self-destructive. They feel arms control advocates would gamble away security in an attempt to secure meaningless guarantees of human rights or other moral victories. For opponents of arms sales, almost any transfer is bound to precipitate a regional arms race, U.S. entanglements and ultimately, participation in local wars. They feel that arms transfer advocates overstate the security needs of virtually all nations in order to achieve illusory gains in security or, more basely, to make money. Neither group differentiates among the myriad interests which are often conditional and inconsistent for suppliers and consumers. One thing seems clear, security interests need to be carefully weighed prior to transferring arms. Unfortunately, the weighing of such interests is extremely difficult.

A. REGIONAL SECURITY

Arms transfers contribute to regional security by ensuring a balance of force among potentially contending nations. This rationale is almot impossible to prove—either in the positive or the negative form—because it assumes that nations behave rationally. It also tends to assume that an objective assessment of capabilities can be determined by counting weapons alone while not carefully considering either the motives or perceptions of the contending nations.

Balances of power, it must be remembered, refer to the strengths and weaknesses of various nations relative to each other. Thus, one region may be balanced at high levels of capability—Europe, while other regions may be balanced at fairly low levels of capability—sub-Saharan Africa.

For a long period of time U.S. restraint in selling advanced weapons to Latin America contributed to an overall balance of power in that region. Once that balance was pereceived to have been tipped the constraints no longer held. Today, Latin American nations are proceeding to break out of that balance—each claiming to be in the process of restoring it based upon its own security needs. Peru has diversified its suppliers. The French and Israelis are trying to sell advanced aircraft in the region. Brazil is developing its own arms industry. And, the United States is selling F-16's to Venezuela.

The experience of the United States with increasing its security through arms transfers is checkered at best. Attempts to stabilize Southeast Asia, based on the domino theory, failed. Attempts to shore up Iran as a bastion against Soviet aggression in the Middle East failed—and led indirectly to subsequent fighting between Iran and Iraq. U.S. proposals to arm Pakistan in response to the Soviet occupation of Afghanistan were met by threats from Indira Ghandi to increase the defense capabilities of her country commensurately. Hence, in most cases, the transfer of arms to one nation leads its potential foes—and in some cases its allies—to attempt to reestablish the status quo ante.

It is also argued that arms transfer restraint will not stop nations intent on war from going to war. But then the opposite must also be true. Supplying arms to nations intent on war will not stop them from going to war. And it is also true that such wars, fought without arms from major contending suppliers, are likely to attract less attention as proxy actions which are outgrowths of East/West competition.

B. BURDEN SHARING

Arms transfers contribute to supplier security by proxy when allied nations increase their capabilities to oppose common foes. This rationale is true by definition. The problem is that, for the most part, proxies never actually have to defend themselves against the common foe. When they do, as is the case in Afghanistan, no amount of supplies would allow them to defend themselves in the absence of determined additional support from the supplier. More typically, proxies tend to fight proxies with weapons of politically opposed suppliers; that is, the United States and the Soviets.

Iran did not have to fight against the Soviets; it fought with the Soviet's ally, Iraq. Turkey and Greece did not have to fight with the Soviets; they fought, indirectly, with each other over Cyprus. India and Pakistan did not fight the Soviets; they fought each other with U.S. equipment.

In Europe, where a clear-cut peacetime military alliance exists in NATO, a strong case can be made that shared responsibilities increase the joint security of suppliers and consumers. But the further one gets from such clear-cut conflicts—geographically, temporarily, or politically—the more difficult it becomes to sustain the argument of shared security. Several years ago, few would have argued with the notion that Iran would have proved an invaluable ally in the event of war. But what are the costs of maintaining that capability? In Iran, and in Vietnam, the costs were considerable, and the rewards nonexistent.

For joint security to hold sway where arms transfers are concerned, there must be relatively little chance that transferred weapons will be used for other purposes—against other nations that is. This does not mean that arms should not be transferred unless such conditions exist, only that joint security seems to apply to a limited set of circumstances.

C. TRANSIT RIGHTS, ACCESS, AND SUPPLIES

Arms transfers increase supplier nations' security by insuring overflight and landing rights, bases, and access to forward facilities and supplies through standardization. This rationale is sound but of limited value. Base rights, overflight authority, and landing rights can be quite valuable to supplier nations and can enhance security. But such rights and access can also be withdrawn quickly—as was shown in Turkey in 1975. Also, base rights and access are typically negotiated on the basis of some known or plausible future threat. The United States negotiates base rights in Turkey, Greece, or Spain in order to advance its ability to counter Soviet capabilities. Yet these forms of access can be withdrawn when unforeseen contingencies arise—the Iranian rescue mission, resupply of Israeli war efforts, or pressure on Turkey to withdraw from Cyprus.

The argument favoring forward supplies—because of standardization—and facilities is also highly contingent. It assumes that spares, facilities, and supplies will be available under a wide variety of conditions. Moreover, it assumes that the amount of spares and facilities would be sufficient. Yet, it is extremely dubious that any responsible military planner would depend upon the existence and availability of such supplies or facilities. What's more, in most cases arms are shifted in quite limited numbers with necessarily limited spares. Hence, any given facility would be of relatively little use. This does not hold for base rights in major NATO countries, of course, where facilities and prepositioned supplies are purposely provided for U.S. use.

Again, this argument is persuasive to a degree. But it depends upon the use of spares, facilities, and bases in known or forseeable circumstances. Unfortunately, the exact nature and form of future conflicts is never known. This makes contingency planning based upon the supposed availability of bases and supplies risky business. At best, such bases and supplies are of potential use to resourceful leaders in a time of crisis. Only in clear-cut exchanges, arms for base rights in Spain, for example, should such a rationale hold sway.

In sum, most rationales favoring arms transfers for security reasons are highly contingent on assumptions about the most likely threats to the security of the supplier. And yet, actual outbreaks of hostility have proved very difficult to foresee. Security rationales for arms transfers tend to focus on likely scenarios while transferred arms tend to be used in unlikely (and too often politically and militarily) damaging scenarios.

3. ECONOMIC RATIONALES

Economic rationales are among the most frequently cited supportive arguments advanced in favor of arms transfers. In its simplest form this argument is rendered as follows: "If we don't sell, somebody else will." The logic being that, since arms will be sold anyway, why should we suffer the economic loss of not being the seller? Such simplistic arguments are damaging for at least two reasons. First, they ignore the fact that arms transfers are not simply products and that when arms are transferred there are other political and military costs and benefits. And second, even on economic grounds, the sale of arms is a complex matter with effects that are not always easy to identify.

Economic rationales are commonly examined from the suppliers' perspective, although critics of arms transfers are quick to point out that spending on arms is a misuse of developing nations' resources. On occasion, however, it is argued that arms transfers encourage economic development. Hence, this rationale will also be examined.

A. BALANCE OF PAYMENTS

Arms transfers benefit the supplier by reducing deficits or increasing surpluses in the balance of payments. This is a complex question which, in its simplest form, is irrefutable. In the short-term arms transfers, assuming they are straight sales, bring in money. But, in the short term, it may well be that arms purchases will preclude spending on other goods—especially if a country has foreign exchange constraints. In the long term, increasing exports will force an appreciation of the currency which, in turn, will dampen demand for other exports. Thus, it may well be that, despite apparent short term gains, the balance of payments is helped relatively little by arms exports.

This leads to several criticisms of the balance of payments argument. First, since arms constitute only a minor part of all the major suppliers exports they can have only limited effects on the balance of payments in any event. Second, since all goods produce the same balance of payments effects when exported, pushing arms only or largely for this reason cynically equates arms with other domestic products. And, third, since all arms sales have the same effect all sales become equally valuable according to this rationale—leaving no way to distinguish among various sales.

B. UNIT COSTS, R&D RECOUPMENT, PRODUCTION RUNS

Arms transfers benefit the supplier by lowering unit costs, recouping R&D costs, increasing learning curve effects, and lengthening or smoothing production runs. This group of benefits is derived largely from the economic principle that savings will result from longer production runs. Workers get better at their jobs. R&D costs can be amortized over a larger number of units. Economies of scale are achieved. And, potentially vital production lines are kept open with foreign sales.

A 1976 study by CBO estimated that $8 billion in foreign military sales, in a fiscal year, would result in savings of $560 million to the United States—less than 1 percent of defense outlays. According to CBO, savings are most likely to occur on newly developed highly sophisticated weapons. This means that the United States could realize fairly substantial savings, 14 percent on procurement and 4 percent on R&D, but only on about 40 to 45 percent of its sales—the portion accounted for by items such as aircraft and missiles. For the French and British savings would be higher since they export 50 to 60 percent of the high-technology items they produce.

As with unemployment, the economic effects of longer production runs are highly sector specific; a relatively few companies account for a high proportion of foreign sales. In the United States, foreign military sales represent only about 15 to 20 percent of total defense industry output. Again, for French and British companies—and the defense sector as a whole—exports are a much larger portion of total production.

Finally, while there is some logic to keeping production lines open, there is considerable disagreement about how important it is to keep them open. In the event of a short war added production capabilities are irrelevant; only existing defense stocks are of any use. Hence, production lines are only important where long war scenarios are concerned or where the ability to divert current production to resupply efforts of allies without serious damage—drawdowns—on existing stock is needed. Moreover, exports do not necessarily keep lines open. Instead, they may simply increase the level of output for a given period of time. This is especially true when first-line equipment is being exported. Apparently only the Soviets have the luxury, or are willing to bear the costs, of keeping open production lines solely for export purposes—as they do with some older tanks and the Mig-21.

RECIPIENT DEVELOPMENT

Arms transfers contribute to recipient nation economic development by building infrastructure and through the spillover effects of increased education levels among the armed forces. This argument is not generally offered by supplier nations but recipients sometimes argue that effective, well equipped, well trained armed forces symbolize progress at the very least and, more often, that training programs have spillover effects on the civilian population.

There is very little systematic evidence to support this argument. On the contrary, it is more likely the case that high technology transfers soak up funds in capital intensive efforts to arm which could pay off in development if used in more labor intensive industries. Moreover, rather than spilling over to the civilian population, higher education levels often isolate the armed forces from the population. This leads to two additional, related, problems.

First, coproduction probably has relatively few spinoff benefits for the recipient country. Coproduction increases the price of the weapons purchased; it rarely leads to significant manufacturing capabilities; and it tends to drain funds from development projects with broader benefits to the population. It should be noted that, in most cases, only relatively simple arms are actually coproduced. For advanced weapons such as aircraft most countries can handle only coassembly—which involves only the assembly of imported pieces—or, at most, the fabrication of a limited number of parts. Korean coproduction of F-5's is a good example of this relatively limited capability.

And second, modern weapons may very well overtax the ability of recipients to absorb new technology—the so-called backend problem. This in turn may actually reduce the defense capabilities of a nation while occupying resources in an effort to train personnel.

For developing nations the import of sophisticated arms is economically taxing. Indeed, as some have argued, a very high proportion of available import capacity of some developing nations—Egypt, Syria, South Korea, Turkey, and Libya, for example—is absorbed largely by military related activities. Such technologies cost more to purchase and they cost more to maintain. In all likelihood, they contribute only narrowly to development. And, where coproduction is concerned—even though oppposed by most arms companies—the hope of developing indigenous arms manufacturing capabilities is a false hope.

In sum, the range of economic rationales favoring arms transfers typically operates in isolation from the overall economic context. In such isolation, these arguments are relatively compelling—assuming one is willing to sell arms either to make money or to save money. But examined closely these arguments lose much of their appeal. No doubt, there are real economic benefits to be derived from the sale of arms. But even so, the available evidence indicates that the benefits, especially at the margin, are rather limited.

SUMMARY

As noted there is relatively little agreement on any of the major ration-

ales for arms transfers. Arguments and counterarguments abound.

It should also be noted that standing policy on arms transfers—whether in the Carter or Reagan administrations—mandates the consideration of a variety of criteria before transferring arms. The difference in the two administrations, however, is far from insignificant. It is not too much of a simplification to say that where the Carter administration placed the burden of proof on those who would transfer weapons, the Reagan administration places the burden of proof on those who would restrain weapons transfers.

PART III—DEVELOPING SOLUTIONS: A REALISTIC APPROACH TO CONVENTIONAL ARMS RESTRAINT

An examination of current trends in the transfer of conventional araments and the common rationales set forth in favor of these transfers indicates that renewed arms transfer talks will be an extremely difficult yet worthwhile endeavor. They will be difficult because there are formidable barriers to overcome before talks can be renewed. But they will be worthwhile because the patient, pragmatic pursuit of such talks holds out the prospect of tangible gains in worldwide peace and security.

To date, the Reagan administration has paid only lip service to renewed conventional arms transfer talks while estimating that over $25 billion in new sales agreements would be made in fiscal year 1982. Were such a level of sales to be completed, they would far exceed any previous level of sales by the United States in a single year. Hence, the first barrier, and perhaps the most troublesome, is to overcome the current administration's reluctance to pursue further talks. Only by surmounting that barrier can the other roadblocks to serious restraint initiatives be reached.

Ultimately, it must be recognized, the goal of arms transfer restraint is an ideal. No matter how honorable, the rash and quixotic pursuit of such an ideal can have negative consequences. Thus, it is with a firm sense of pragmatism and of the limits on the potential for any near-term achievement that these proposals are set forth.

PAST RESTRAINT EFFORTS

Despite longstanding concerns over the international transfer of armaments there are relatively few precedents upon which to build new initiatives. From 1925 until 1938 the League of Nations published statistics on the international arms trade. In 1965, 1967, 1970, and 1976 proposals by various nations were forwarded that attempted to renew the statistical effort abandoned in 1938. In each of these cases, the proposals foundered because few nations were willing to publish import/export information. Moreover, there is little evidence to indicate that merely publishing information leads to restraint. Even so, the widespread dissemination of such information may lead to public pressure for restraint. Hence, opportunities to provide more complete and accurate data on the arms trade should not be ignored.

One of the most interesting recent attempts at arms transfer restraints is the Declaration of Ayacucho of 1974. In this declaration eight Andean nations agreed to attempt to "create conditions" where a freeze on the acquisition of new offensive weapons could occur. While subsequent discussions ultimately failed to produce a lasting freeze, the effort demonstrated that there may be some room for regional constraints if the parties can be encouraged to enter into meaningful discussions. In this particular instance, Brazil, the largest Latin American arms producer, did not participate. And, more recently, supplier competition in the region has proved too tempting for Ecuador, Peru, Guatemala, Venezuela, and other nations to resist. Still, the Ayacucho agreement was an important—if limited—first step. Most observers agree, however, that without cooperation from suppliers, restraint agreements among recipients will remain too fragile to succeed.

Occasionally, multilateral embargoes have been used to restrict transfers to particular regions or nations—usually during periods of hostility. A limited embargo on arms shipments to China existed in 1919, but quickly fell apart. In 1934, at the outset of the Chaco war, an embargo by more than 30 nations was placed on arms transfers to Bolivia and Paraguay. Similar efforts were advanced during the Italo-Ethiopian conflict in 1935 and the Spanish Civil War though, again, with fairly limited success. In one further example, France, Britain, and the United States were able to exercise some control over arms shipments to the Middle East. But these efforts were ultimately undermined when the Soviets began arms shipments to Egypt—an occurrence which underscores the importance of dampening East-West competition if arms restraints are ever to be truly effective.

The most recent attempt at conventional arms transfer restraint occurred during the Carter administration. The Conventional Arms Transfer (CAT) talks between the United States and the Soviet Union now provide an important precedent for future efforts—though there are both positive and negative lessons to be learned from them. This discussion will focus primarily upon what might be learned from the talks.

First, on the negative side, the CAT talks demonstrate that finding common ground for agreement between the United States and the Soviet Union is no easy matter. Given the complex nature of the great power relationship, arms transfers cannot be negotiated in isolation from other aspects of the relationship. In this instance, normalization of relations with China led the Carter administration to restrict the maneuvering room of the delegation in Mexico City during the fourth round of the talks. In retrospects, it appears that the Carter people could have been more accommodating—although given the sensitive nature of the dealings with China we may never know for sure.

The Carter effort also provides a renewed warning that bureaucratic politics will always influence negotiations. In this case, a fairly fundamental difference in perspective developed between the Arms Control and Disarmament Agency and other participants. ACDA, following its institutional mission, apparently viewed the talks as a technical arms control exercise, while other participants viewed the talks in more political terms—wishing to link arms transfers to Soviet behavior in the developing world. This "schizophrenia" may well have done more damage to the talks than anything else.

Another, negative lesson to be drawn from the talks involves other participants. Despite explicitly stating that arms transfer restraint would require a multilateral effort, the Carter administration did not move aggressively to push the allies toward a dialog on restraint once the CAT talks began. The allies had, of course, been skeptical about restraint talks. But they seem to have taken enough of a "show me" attitude that they would have been partially open to overtures once the Soviet-United States talks were underway. The administration may have felt, quite understandably, that talks with the Soviets had not progressed quite far enough. But even so, the allies were, in effect, allowed off the hook. An immediate parallel effort may have given the administration something to fall back upon, while leaving the dialog with the Soviets on hold, rather than forcing an end to the entire effort. Also, had a parallel effort been underway a more solidly based Western position might have resulted—one more resistant to bureaucratic infighting.

On the positive side, the CAT talks with the Soviets proceeded further than most observers ever thought possible. At a minimum, this supports the argument that such talks are always worth a try. Beyond this, however, the talks offer some evidence that there is room for meaningful negotiations between the United States and the Soviets. Most reports have indicated that demonstrable progress had been made in the talks prior to the abortive, fourth meeting in Mexico City.

A second positive lesson is that the talks demonstrate that there may be room for some reasonably specific restraints on certain classes of weapons—those useful to terrorists and surface-to-surface missiles, for example. This means that guidelines on transfers of some advanced equipment or perhaps on the first introduction of advanced equipment might be topics for serious discussion. At the very least, this would help to create a more coherent understanding of how to classify and compare various types of weapons.

Third, despite the fact that it ultimately undermined the effort, U.S. insistence that specific regions be discussed early on was not flatly rejected by the Soviet negotiators. Because of widely recognized regional peculiarities such a focus will be necessary in future talks as well. Hence, Soviet willingness to broach regional issues is a good sign. In fact, if some limited global restraints can be negotiated, the next step may well be to negotiate similarly limited but mutually acceptable restraints at the regional level. Such a step will almost certainly require broader participation in the talks by other major suppliers.

Finally, the CAT talks demonstrate that arms transfer restraints require agressive leadership. The Western allies have too little incentive to take on this leadership role. And, to date, the Soviets have proved reactive rather than active where arms control initiatives are concerned. In the case of the CAT talks, an aggressive strategy paid off—at least to a limited degree. Future arms will, no doubt, require a similarly aggressive leadership role.

In sum, while the negotiations between the United States and Soviets ultimately foundered they produced some hopeful signs that—carefully pursued—there is common ground for discussions. But the talks also demonstrate the tremendous complexity of such negotiations, the need to take things one step at a time, and the need to avoid a single-track bilateral strategy to the exclusion of other efforts.

ARMS RESTRAINT: A MULTITRACK APPROACH

As the CAT talks have demonstrated, success in restraining conventional arms transfers will be neither easy nor immediate. But the talks also show us that without aggressive leadership even gradual progress will elude us. Hence, the approach suggested here is intended to be aggressive but gradual—making gains where possible, but keeping up the pressure to continue a productive international dialog. In order to avoid complete collapse, a multitrack approach is set forward here so that if one track is stalled progress might still be made in another forum.

Four identifiable tracks, each with distinct advantages and disadvantages, would comprise this overall strategy. A selective self-restraint track would involve continued restraint on the part of the United States. A bilateral track would involve the Soviets and the United States in a renewed dialog. And two multilateral tracks would take place, in a Western context and in a more broadbased forum such as the Committee on Disarmament in Geneva.

THE SELF-RESTRAINT TRACK

Self-restraint on the part of the United States was among the most widely criticized aspects of the Carter arms transfer policy. For many, this aspect of the policy symbolized a fundamental naivete on the part of the administration regarding the nature of the international system.

Despite this criticism, the United States should not simply abandon self-restraint. Instead, such restraint should be used to support a broader effort at control of the international arms trade. Used carefully, a measure of self-restraint can signal continued willingness to engage in meaningful negotiations. Moreover, as some analysts have noted, such restraints may encourage reciprocal action by other suppliers—creating tacit multilateral agreements where explicit negotiations are not possible. Mutual restraint of this sort is not without precedent, having occurred between the Soviets and the United States during both the Vietnam and Korean wars.

Furthermore, the United States has an interest in self-restraint—as do many other nations—when it supports general policy principles. Human rights, economic development, and other general principles supported by the United States are important components in the fabric of U.S. diplomacy. Backing up those principles with the refusal to transfer arms keeps the United States from being entrapped by "double standards." One of the successes of the Carter administration despite much criticism to the contrary, was that military aid and support for democratic principles were brought more fully into line with one another. The Reagan administration must be judged to have backtracked on this progress—however limited it may have been.

In using selective self-restraint, caution is in order on several fronts. While restraint is good symbolically, care must be taken not to open the door for alternative suppliers of more sophisticated weapons to step into the vacuum. While restraint may encourage mutual, tacit responses, it must be kept in mind that such responses are never durable agreements. Care must also be taken to avoid misperception where mutual restraint is involved. By nature, tacit agreements are prone to misinterpretation due to lack of direct contact. Finally, self-restraint can be taken so far that other nations have no incentive to bargain. Clearly, if other countries see that they are aready being given what they want, then negotiations become pointless.

At the very least, selective self-restraint can play an important, if limited, part in the initial stages of a larger effort to encourage conventional arms control and also allow a nation to refuse to transfer weapons on grounds of general principle. But they should be seen as a limited, and largely symbolic, supportive track rather than as a primary means of encouraging arms control.

BILATERAL TALKS

The limited progress made in talks with the Soviets should encourage a continued effort along these same lines—although renewal may have to await some thaw in United States-Soviet relations.

Because of the dominant position held by the United States and Soviets meaningful progress cannot be made without participation by both parties. In addition, the United States and Soviets may be able to reach agreement on a few weapons which they alone can transfer—advanced surface-to-surface missiles and a few other advanced "smart" weapons.

The most important reason for a continued United States-Soviet dialog, however, is that regional arms races are most often a direct result of United States-Soviet competition. The attempt to win friends or to compete through proxies has been a dangerous and destabilizing dimension of superpower competition. And, it has had unfortunate ancillary effects on existing regional conflicts. This is particularly true in the Middle East where there is always a danger that local conflicts will escalate to a point that would include the superpowers. Hence, the United States and the Soviet Union have an ongoing interest in regulating their competition in a direct fashion. The CAT talks held out some hope that progress could be made in this direction. Therefore, it would be foolhardy to abandon it completely at this point.

MULTILATERAL APPROACHES—THE WESTERN TRACK

While bilateral talks between the Soviets and United States are necessary if long-term progress on arms restraint is to be realized, the most immediate goal should be to encourage multilateral initiatives. At this point the Western European allies remain quite skeptical about prospects for such talks. Even so, prospects for arms restraint could be advanced if an appropriate mechanism could be created as a forum for preliminary discussions.

First, in concert, the major Western suppliers still deliver a majority of the weapons traded in the international

system. Moreover, they are more often in direct competition with one another than are Eastern and Western suppliers. Cross-bloc supply patterns still remain relatively rare, that is. It makes sense, therefore, for some coordination to take place among the Western suppliers since a joint effort on their part would limit the ability of Western-oriented recipients to shop elsewhere.

Second, if some sort of market-sharing approach could be arranged, then the current disincentives for France and British participation might be overcome. Such an approach could begin by recognizing French and British interests in continued production of certain weapons systems. For example, French supersonic aircraft and helicopters and some types of British missiles or surface ships could be given assurances of adequate export outlets. This would have the dual benefit of bringing important suppliers into the restraint framework while reenforcing common security interests. A preliminary goal could be an effort to reach consensus among Western supplies on sales of highly advanced or sophisticated weapons to particular regions.

And, third, a restraint regime with an appropriate attendant mechanism could also serve a function during times of crisis. A fragmented allied response to the 1973 war in the Middle East and the recent Falklands crisis are good examples of cases where such a mechanism might have proved valuable. Even if a coordinated response had proved impossible, which seems likely in the case of the 1973 war, the advantages of exchanging information on arms transfers during a crisis could prove invaluable. As for the Falklands crisis, allied responses could have benefited from greater coordination throughout the confrontation even though some formal "Brussels channels" and extensive bilateral communications took place. Indeed, many analysts believe that a golden opportunity was missed to create some form of consultative mechanism during that brief conflict.

All in all, this Western alliance approach embraces some of the toughest challenges and, potentially, some of the biggest rewards. A joint restraint, or joint export, policy will be difficult because currently the West Europeans are the most direct competitors of the United States. But reducing competition would allow greater attention to be focused upon common security concerns—an advantage now realized by the Eastern bloc nations to the detriment of the West. Initially, this avenue might proceed without formal agreements in order to accustom the participants to a new coordinating mechanism. Hopefully, it would proceed to more formal agreements at later stage.

MULTILATERAL APPROACHES—THE GENEVA TRACK

The fourth track that should be pursued as part of any new restraint initiative focuses upon the Committee on Disarmament at Geneva. The Committee—more formally called the Conference of the Committee on Disarmament—was created in 1962 as a multilateral forum for negotiations on disarmament. It reports to and is instructed by the U.N. General Assembly. And its membership includes nations of both Eastern and Western blocs as well as a number of nonalined nations. Thus, it is a truly multilateral forum and has been the site of discussions on general disarmament, nuclear testing, demilitarization of the seabeds, chemical and biological weapons, and humanitarian laws.

Though talks in such a forum would be slow and necessarily somewhat diffuse due to the large number of participants, a dialog between suppliers and recipients needs to be encouraged. Several advantages might be derived from such a dialog.

First, a better understanding of the legitimate defense needs of developing nations could be a primary target. Arms transfer restraint proposals too often lack sensitivity to this issue. A frank exchange of views might help to clear the air.

Second, some initial gains might be achieved by focusing on weapons useful to terrorists. This focus might defuse the more contentious aspects of such a dialog by focusing on common problems. At the same time a structure for more serious ongoing debate could be under development.

Third, such a forum might be able to discuss the outlines for an internationally recognized code of principles regarding legitimate arms transfer practices. Such an approach might be modeled after discussions of internationally recognized standards of human rights. While such an approach would be generally symbolic—and certainly lacking in enforcement mechanisms—it would begin to establish a common grounds for discussion.

And, fourth, such a forum might begin to serve as a vehicle for differentiating among various regional interests and concerns, although more productive talks might be focused within existing regional organizations such as the Organization of American States.

Again, this very broad multilateral approach would almost certainly be rather diffuse. But it will be important in the future to encourage a supplier/recipient dialog. The Committee on Disarmament offers a preexisting forum with which members of the international community have had some experience. Thus, it presents less of a barrier so far as institution building is concerned. Also, it is less immediately identified with U.S. interests.

SUMMARY

To reiterate, the proposal offered here is intended to foster a concerted, broad-based effort on several tracks. The multitrack approach is offered in recognition of the complexity of the international arms transfer network. Regional differences, bloc competition, economic considerations, and security needs are but a few of the factors which make restraint very difficult to accommodate within a single negotiating framework.

Even so, lack of previous success is no excuse for failure to try again in the future. Complex problems require patience, and it is hoped that future efforts will be guided by the lessons of previous attempts at restraint. The only naive approach is one that is blind to the mistakes of the past.

Mr. Speaker, for the benefit of my colleagues, the text of the resolution I am introducing follows:

H.J. RES. 128

Joint resolution with respect to conventional arms transfer limitations

Whereas developing nations allocated $119 billion in 1979 for military spending;

Whereas during the last four years, conventional arms transfer agreements between developing nations and arms supplying nations totaled $120.6 billion, with agreements by free world nations totaling $76.2 billion and agreements by Communist nations totaling $44.4 billions;

Whereas during this four year period, conventional arms transfer agreements with developing nations by free world nations other than the United States totaled $45.5 billion, agreements by the Soviet Union totaled $33.2 billion, and agreements by the United States totaled $30.7 billion;

Whereas some developing nations have established their own armaments industries and are becoming arms exporters;

Whereas conventional arms transfers contribute to regional instability and facilitate the use of force to resolve conflicts;

Whereas sophisticated new weapons are among the arms being transferred to developing nations;

Whereas the acquisition of sophisticated weapons by developing nations encourages regional arms races and upsets balances of power;

Whereas the use of sophisticated weapons to settle disputes by force threatens to expand such conflicts;

Whereas the use of sophisticated weapons to settle disputes by force increases the possibility that nuclear weapons might be used;

Whereas conventional arms sales have become an arena for competition in the developing world between free world and Communist nations; and

Whereas expenditures for conventional arms by the developing world should be redirected toward economic development and the fulfillment of human needs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) the United States should reaffirm a commitment to the self-restraint it has demonstrated with respect to selective conventional arms transfers to developing nations and a commitment to qualitative guidelines for conventional arms transfers.

(b) The United States and the Soviet Union should immediately begin negotiations to resume the Conventional Arms Transfer talks.

(c) The United States should immediately begin discussions with the free world arms supplying nations to limit conventional arms transfers to developing nations and to establish qualitative guidelines for conventional arms transfers.

(d) The United States should immediately, through the Committee on Disarmament in Geneva or through some other appropriate international forum, begin conventional arms transfer discussions between nations selling conventional weapons and nations purchasing such weapons to limit such arms transfers.

(e) The President shall report to the Congress every six months on the actions taken by the United States in accordance with this resolution and the progress being made toward achievement of the objectives expressed in this resolution.●

NANCY HANKS

(Mr. YATES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATES. Mr. Speaker, when word came last month that Nancy Hanks had died, in New York, I was struck with a profound sadness and regret. Her lengthy battle against cancer was known to only a few of us, and the recognition of her heroism in that silent struggle made all the more poignant the crusade she so zealously pursued in public, that of the establishment of a Federal responsibility to encourage and nurture the arts throughout the country. As staff director of the seminal Rockefeller Panel Report of 1965 on the future of theatre, dance, and music in America, and as Chairman of the National Endowment for the Arts from 1969 through 1977, Nancy set the course for a Federal policy which would benefit tens of thousands of artists, and through them, millions of Americans.

Nancy's wisdom and effectiveness with administrations and Congresses, Republicans and Democrats, was unmatched. As chairman of the appropriations subcommittee responsible for the NEA budget, I occasionally disagreed with Nancy on details of policy, but never over our mutual goals. She is a friend all of us will dearly miss.

On Wednesday, February 2, 1983, the House passed S. 61, designating a Nancy Hanks Center at the Old Post Office Building in Washington. That same day, a memorial service was held for Nancy at the National Cathedral. One of the most eloquent tributes was given by Geraldine Stutz, who served on the National Council of Arts when Nancy was chairman. Her tribute, sensitive and perceptive, captured Nancy's lovely spirit. I am privileged to attached Miss Stutz' eulogy for Members of the Congress:

EULOGY BY GERALDINE STUTZ AT NANCY HANKS MEMORIAL SERVICE, WASHINGTON CATHEDRAL, FEBRUARY 2, 1983

We are gathered here to celebrate our Nancy—with love and great joy. Nancy spoke for the arts, as no one else could. Today the arts speak for Nancy, as none of us can alone. These artists, these strings and brass, these voices, this poetry, this sculpture, this great organ, these banners, this vaulting cathedral—their sounds and images evoke for each of us memories of this most remarkable human being, this true artist, this fast friend. And the remembrances are both grand and intimate:

Nancy, hammering out program concepts with the best thinkers she could bring together. Lips pursed, eyes blazing over her granny glasses at whoever was challenging her with ideas. Drawing every mind in the staff, the National Council and the panels into the debate.

Nancy, striding the Endowment corridors with a pail of soapy water to scrub away offending marks the staff had failed to clean from walls that should speak well for the arts.

Nancy, who valued every person joined with her in the cause of the arts. No matter how exalted—or how obscure, she knew we were each uniquely important, and she made us know it too. She referred to one and All who worked with her as "My Associates." And made us proud to be numbered in that company.

Nancy, carrying home nightly a pair of canvas bags bulging with work—and next day flooding desks with memos punched out on her typewriter at home, following up or starting off an incredible range of ideas and projects. Those memos and the letters and articles she had read poured out of her canvas bags with notes in the margins—and questions, always questions.

Her most expressive marginal notes were pairs of cartoon eyes that told you exactly how she felt about something you had written. They said you had scored a triumph—or were in big trouble; they said—I don't understand, tell me more; they said—you must be kidding; they said—oh no you don't; or they said—wonderful.

Nancy, was busy beyond belief—yet somehow she found time to become heart-deep involved in the lives of her beloved associates—from handwritten notes on birthdays, to long talks about career turning points, to earth-moving acts of faith and affection in the face of real troubles. And this circle of involvement expanded across the country as she traveled and inquired and came to care about art and artists of every stripe.

Nancy loved celebrations. And she knew that the arts are the heart of celebration. She spent years seeing to it that the arts would help America celebrate its Bicentennial Birthday in ways that would permanently enrich our national life.

Because her all-embracing sense of community knew no bounds, her main Bicentennial project at the Endowment was called City Spirit—and it brought people from every echelon together in their own communities to decide how the arts could enhance the quality of the life they shared.

Of course, open-armed sharing was the core of her life. In 1971, already the most passionate patron of symphonies and operas and museums, ballets, theatres and America's most visible artists, she coaxed and wheedled and bludgeoned into being the Expansion Arts program which has nourished new realms of excellence outside the establishment—and is still expanding our awareness that America's culture is a coat of many colors.

Nancy's labors were labors of positive love. We all learned to say that there are no problems, only opportunities. Through it all, her wit, her wry, self-deprecating sense of humor, her down-playing of her own importance became legendary. When the New York Times asked her and several other distinguished American women executives to identify the secret of their success, the quintessential Nancy Hanks replied, "I learned how to type."

Each of us has our own collection of memories. They are personal and unique. Their sum is something we all share. There is no way to sum up the scope and value of the gifts Nancy has left for us—and for the future.

But this hour has been a beginning—a beginning of the tribute that will be paid by generations of writers and players and singers and dancers and poets and painters and sculptors whose voice and vision will be stronger in America because Nancy gathered together a brave band of creative people—and decided to help.

Her friend Lee Adler said that Nancy's soul rests on her mountain-top retreat in North Carolina—and who can doubt it. Just as surely—that peripatetic, blithe spirit is in joyful residence in every corner and cranny of every place and space where the arts flourish because of her grand design for the Endowment.

But perhaps the place where Nancy's spirit will be most truly at home is the historic Old Post Office—reborn—largely through her determined vision—as the new complex for Federal cultural agencies—and which President Reagan, Arts Endowment Hodsoll and a wholly united Congress are on the move to rename in her ever lasting honor.

Nancy Hanks Lincoln died in 1818, at 35. In her neighbors' eulogies we find the words "Brilliant, Intellectual, Strong-minded, Gentle, Kind and Tender." They *knew* their Nancy Hanks—as we know *ours*. The beauty of her life will echo endlessly in the glory of the American Arts and together they will enrich the life of this vast and varied land forever.

RULES OF COMMITTEE ON VETERANS' AFFAIRS FOR 98TH CONGRESS

(Mr. MONTGOMERY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Veterans' Affairs for the 98th Congress and ask that they be printed in the RECORD at this point. These rules were adopted in an open session of the committee on February 1, 1983.

RULES OF COMMITTEE ON VETERANS' AFFAIRS FOR THE 98TH CONGRESS

RULE I—GENERAL PROVISIONS

The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a

part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

RULE II—MEETINGS

(a) The regular meeting day for the full committee shall be at 10 a.m. on the second Tuesday of each month, and at such other times and in such places as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(c)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereto shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the Public: *Provided, however,* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however:* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

RULE III—RECORDS AND ROLL CALLS

There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the office of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or such resolution shall be included in the committee report.

RULE IV—QUORUMS.

A majority of the members of the committee shall constitute a quorum of the committee for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business: *Provided,* That any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcements of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, whichever the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of the statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman of a majority of those minority members before the completion of such hearing, to call such witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE VI—OVERSIGHT

(a) In order to assist the House in:

(1) Its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by Congress or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) Its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the various subcommittees, consistent with their jurisdiction as set forth in Rule VIII, shall have oversight responsibilities as provided in paragraph (b).

(b) Each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(c) Each subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdictions.

RULE VII—BROADCASTING OF COMMITTEE HEARINGS

Broadcasting, either by radio or TV of all open committee hearings and meetings shall be permitted when, in the judgment of the chairman, in consultation with the ranking minority member, such action is warranted. Photographs shall be permitted during hearings of the full committees and subcommittees as the chairman decides.

All coverage shall be subject to the following provisions:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily

the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE VIII—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be five standing subcommittees as follows: Oversight and Investigations; Hospitals and Health Care; Education, Training and Employment; Compensation; Pension and Insurance; and Housing and Memorial Affairs. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively;

Oversight and Investigations: Investigative authority over matters that are referred to the subcommittee by the chairman of the full committee for investigation and appropriate recommendations.

Hospitals and Health Care: Veterans' hospitals, medical care, and treatment of veterans.

Education, Training and Employment: Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Compensation, Pension, and Insurance: Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Housing and Memorial Affairs: Veterans' housing programs, and cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, and burial benefits.

(b) The chairman and the ranking minority member shall serve as ex-officio members of all subcommittees and shall have the right to vote on all matters before the subcommittee.

RULE IX—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

RULES OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE FOR 98TH CONGRESS

(Mr. FORD of Michigan asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FORD of Michigan. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Post Office and Civil Service for the 98th Congress, adopted at the committee's organizational meeting on February 2, 1983.

RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE—ADOPTED FEBRUARY 2, 1983

RULE 1. RULES OF THE HOUSE

The Rules of the House are the rules of the committee and the subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

RULE 2. CHAIRMAN; VICE CHAIRMAN

(a) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings or, in his absence, the next ranking majority member present shall preside.

(b) In the temporary absence of the chairman of the committee or of a subcommittee, as appropriate, the next ranking majority member of the committee or subcommittee, as appropriate, and so on, as often as the case shall happen, shall act as chairman.

RULE 3. COMMITTEE MEETINGS

(a) A regular meeting of the committee shall be held on the second and fourth Wednesdays of each month. The usual time of a regular meeting shall be 9:45 a.m. A regular meeting may be canceled by the chairman of the committee after consultation with the ranking majority member and the ranking minority member.

(b) Additional meetings of the committee may be called by the chairman as he considers necessary.

(c) A special meeting of the committee shall be held in accordance with the provisions of House Rule XI, Clause 2(c)(2).

(d) Regular, additional, and special meetings of the committee for the transaction of business shall be open to the public, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 4. RECORD OF ACTION

(a) A complete record of all committee or subcommittee action shall be kept which shall include a record of the votes on any question on which a record vote is demanded.

(b) There shall be made available for inspection by the public, at reasonable times in the offices of the committee, a record of the votes on any question on which a record vote is demanded, a description of the amendment, motion, order or other proposition on which a record vote is demanded, and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(c) A committee or subcommittee report on a bill or resolution of a public character ordered reported by a record vote shall include the number of votes cast for, and the number of votes cast against, the motion to report.

RULE 5. COMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of the committee shall constitute a quorum for the purpose of transacting committee business.

(b) A majority of the total membership of the committee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation in accordance with rule 13(a);

(2) voting to close a meeting under rule 3(d);

(3) authorizing the issuance of a subpena under rule 12(c); and

(4) recalling a bill, resolution, or other matter under rule 9(c).

(c) Not less than two members of the committee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The presence of a quorum shall be determined and announced by the chairman before the committee shall proceed to the

transaction of business and shall be recorded in the records of committee action.

RULE 6. ROLLCALL VOTE

A rollcall vote on any question may be demanded by any member of the committee or of a subcommittee, as appropriate.

RULE 7. PROXIES

A member may vote on any matter before the committee or a subcommittee by proxy. A proxy shall (1) be in writing, signed by the member authorizing the proxy, and show the date and time of day that the proxy is signed; (2) assert that the member is absent on official business or is otherwise unable to be present at the meeting; (3) designate the member who is to execute the proxy authorization; and (4) be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy for motions to recess, adjourn, or other procedural matters. A proxy may not be used unless a quorum is present, cannot be used to make a quorum, and shall be presented to the chairman at the time the proxy is voted.

RULE 8. ADDRESSING COMMITTEE OR SUBCOMMITTEE

(a) Recognition by the chairman shall first be obtained by any member addressing the committee or subcommittee, as appropriate, proposing a motion, or interrogating a witness.

(b) The 5-minute rule shall apply in the markup of a bill. The 5-minute rule shall apply in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question the witness.

(c) The regular order shall be observed in all proceedings, and all questions and statements in the interrogation of witnesses shall be germane to the legislation or other matters then being considered.

RULE 9. REFERENCE OF LEGISLATION

(a) Each bill, resolution, or other matter referred to the committee, subject to the provisions of this rule, shall be re-referred to the subcommittee having jurisdiction over its principal subject within 2 weeks from the date of its referral to the committee unless the chairman of the committee orders that it be held for the committee's direct consideration. If the chairman so orders, he shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement therewith.

(b) A bill, resolution, or other matter referred by the chairman of the committee to a subcommittee may be recalled by him for the committee's direct consideration or for referral to another subcommittee. If recalled, the chairman shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement with his decision.

(c) A bill, resolution, or other matter referred to a subcommittee may be recalled by a majority vote of the committee, a majority being present, for its direct consideration or for reference to another subcommittee.

(d) A bill, resolution, or other matter referred to the committee may be referred simultaneously by the chairman of the committee to two or more subcommittees for concurrent consideration, for consideration in sequence, or for consideration of particular parts, or the matter may be referred by the chairman to a special ad hoc subcommittee or task force established under rule 21.

RULE 10. STATEMENTS; DEPOSITIONS

Statements, depositions, letters, and such other pertinent matter in appropriate form as may be timely submitted may be accepted for inclusion in printed hearings, records, or documents, or in the permanent files of the committee, by the chairman of the committee or subcommittee, as appropriate, without objection or upon motion duly adopted.

RULE 11. HEARINGS; WITNESSES

(a) Public announcement of the date, place, and subject matter of each hearing to be conducted by the committee, or by a subcommittee, shall be made at least 1 week before the commencement of a hearing, unless the chairman of the committee or subcommittee, as appropriate, determines that there is good cause to begin a hearing at an earlier date in which event such public announcement shall be made at the earliest possible date.

(b) Hearings shall be open to the public except when the committee, or subcommittee, as appropriate, votes to close a hearing in accordance with House Rule XI, Clause 2(g)(2).

(c) Except as otherwise provided in these rules, the scheduling of witnesses and the time allowed for the presentation of testimony and interrogation shall be at the sole discretion of the chairman, unless otherwise ordered by a majority vote of the committee or subcommittee, as appropriate, a quorum being present.

(d) When any hearing is conducted upon any measure or matter, the minority party members of the committee, or subcommittee, as appropriate, upon request to the chairman by a majority of the minority party members before completion of the hearings, shall be entitled to call witnesses to testify on at least 1 day of such hearings.

(e) Each witnesss who is to appear before the committee, or subcommittee, as appropriate, and who has had appropriate and timely notice of such appearance shall file with the committee, or subcommittee, as appropriate, at least 48 hours in advance of his appearance, at least 35 copies of the statement of his proposed testimony and limit his oral presentation at his appearance to a brief summary of his argument. The requirement of this rule may be waived, in whole or in part, by the chairman, without objection, or pursuant to a motion duly adopted.

(f) A witness may obtain a transcript of his testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee, as appropriate.

RULE 12. POWER TO SIT AND ACT; SUBPENA POWER; OATHS

(a) The committee and each subcommittee is authorized—

(1) to sit and act at such times and places, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) subject to paragraph (c), to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary.

(b) The chairman of the committee or of a subcommittee, as appropriate, or any member designated by the chairman, may administer oaths to witnesses.

(c) A subpena may be authorized and issued by the committee or by a subcommittee in the conduct of its functions and duties under House Rules X and XI or under the committee rules when authorized by a majority vote of the committee or subcommittee, as appropriate, a majority being present, or when authorized by the chairman of the committee.

(d) Authorized subpenas shall be signed by the chairman of the committee or, in his absence, by a member designated by the chairman.

RULE 13. FILING REPORTS; SUPPLEMENTAL, MINORITY, OR ADDITIONAL VIEWS

(a) No measure or recommendation, including any report or submission required to be made to the House or to the Committee on the Budget by the committee under paragraphs (g), (h), and (i) of Clause 4 of Rule X of the Rules of the House, shall be reported unless a majority of the committee or subcommittee, as appropriate, was actually present.

(b) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(c) It shall be the duty of the chairman of a subcommittee to promptly request consideration in the committee of any measure approved by the subcommittee, and it shall be the duty of the chairman of the committee to schedule such measure for consideration by the committee as promptly as possible.

(d) In the event the report of the committee on a measure which has been approved by the committee has not been filed as prescribed by paragraph (b) of this rule, such report shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the general counsel of the committee a written request, signed by a majority of the members of the committee, for reporting of that measure.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views with the general counsel of the committee. Such views shall be in writing and signed by the member.

(f) All committee, subcommittee, or staff reports printed pursuant to legislative or oversight investigations and not approved by a majority of the members of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: (This report has not been officially approved by the (subcommittee/committee) and, therefore, may not necessarily reflect the views of all of its members.)

RULE 14. LEGISLATIVE OVERSIGHT

The committee, together with its subcommittees, shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

RULE 15. INVESTIGATIVE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representa-

tives, the investigative staff of the Committee on Post Office and Civil Service shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee; and

(3) The staff of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE 16. SPECIAL FUNDS, BUDGET, EXPENSES, AND ACCOUNTS

(a) The chairman of each standing subcommittee shall propose and present to the chairman of the committee, for each session of the Congress, a subcommittee budget of the estimated amount of special funds necessary to carry out the anticipated activities and programs of the subcommittee for that particular session of the Congress.

(b) The chairman of the committee shall review each proposed subcommittee budget and, after consultation with the ranking minority member, shall propose and present to the committee, for each session of the Congress, a committee budget of the estimated total amount of special funds to be requested under a primary expense resolution required under House Rule XI, Clause, 5, for use by the committee, both the majority and the minority, for such session of the Congress for all anticipated activities and programs of the committee and of the standing subcommittees.

(c) The staff director shall establish and maintain records and accounts, consistent with sound accounting practices, of committee and subcommittee special funds and of expenses incurred and paid as obligations of such funds. He shall prepare and submit to each member of the committee, not later than 10 days after the end of each quarter of the calendar year, an itemized report of the amounts of such funds expended and on hand at the end of the quarter. Such quarterly reports shall be made a part of the permanent official records of the committee.

(d) Vouchers for payment of obligations of special funds shall be prepared by the staff director for signature by the chairman of the committee, except as otherwise authorized by the House, and shall be supported by receipts or other documentation consistent with the requirements of the Committee on House Administration. Signed vouchers shall be returned to the staff director for entry in the committee accounts and final processing.

RULE 17. BROADCASTING HEARINGS

A hearing conducted by the committee, upon approval by a majority vote of the committee, a quorum being present, or a hearing conducted by a subcommittee, upon approval by a majority vote of the subcommittee, a quorum being present, may be covered in whole, or in part, by television broadcast, radio broadcast, and still photography, in accordance with House Rule XI, Clause 3, subject to the following:

(1) live coverage is to be broadcast without commercial sponsorship;

(2) no subpenaed witness may be photographed, televised, or broadcast against his will;

(3) television coverage shall be limited to four fixed cameras not obstructing committee or subcommittee proceedings or other media;

(4) equipment must be installed prior to the hearing;

(5) lighting shall be at the lowest adequate level;

(6) no more than five still photographers may cover any hearing;

(7) still photographers shall not come between the witnesses and committee members or obstruct the other media during the hearing; and

(8) broadcast and photography personnel shall be orderly and unobtrusive and shall be currently accredited to the Radio, Television Correspondents', or the Press Photographers' Galleries, as appropriate.

RULE 18. AVAILABILIITY OF SUBCOMMITTEE REPORTS

A summary and explanation of each measure or matter reported by a subcommittee shall be furnished to each member of the committee in advance of the committee meeting at which such measure or matter is to be considered.

RULE 19. TRAVEL

(a) All members of the committee shall have adequate notice prior to the date or dates fixed for investigations or hearings at location other than Washington, D.C.

(b) Travel of members and staff of the committee or of a subcommittee to hearings, meetings, conferences, and investigations must be authorized by the chairman of the committee prior to any public notice thereof or the actual travel. Before such authorization is given, there shall be submitted to the chairman of the committee a statement in writing which includes the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(c) A report on the travel (except travel in connection with hearings) of each member or staff member shall be submitted to the chairman of the committee as soon as possible after the trip is completed.

(d) Not later than 60 days after the completion of foreign travel, each member or staff member shall submit to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. Such reports shall be made available for inspection by the public, as required by House Rule XI, Clause 2(n).

(e) To facilitate the oversight and other legislative and investigative activities of the committee, the chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C.

RULE 20. CLASSIFIED MATERIAL

(a) All classified material received by the committee or by a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the committee shall establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any such classified material. Such procedures shall, however, insure access to this information at the committee offices by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 21. STANDING AND SPECIAL SUBCOMMITTEES

There shall be seven standing subcommittees of the committee. The Subcommittee on Investigations shall have investigative jurisdiction over all matters within the jurisdiction of the committee, and the other six subcommittees shall have legislative and investigative jurisdiction as provided under paragraphs (2) through (7) of rule 22. In addition to the standing subcommittees, the chairman of the committee may establish such special ad hoc subcommittees and task forces and assign to them such jurisdiction as the chairman deems necessary.

RULE 22. JURISDICTION OF SUBCOMMITTEES

The titles and jurisdiction of the standing subcommittees shall be as follows:

(1) Subcommittee on Investigations: The investigation, review and study, on a continuing basis, of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

(2) Subcommittee on Compensation and Employee Benefits: Compensation, including pay rates and pay systems; the merit pay system; dual compensation; classification of positions; leave; allowances; retirement; insurance; health benefits; and other benefits of Federal officers and employees.

(3) Subcommittee on Human Resources: Federal, civilian personnel requirements and ceilings, including the establishment of supergrade and executive level positions; effect of Government reorganizations on Federal personnel; employee utilization; reductions in force; contracting out; rights of privacy; code of ethics, including financial disclosure and conflicts of interest; alternative work schedules; White House personnel authorization; and intergovernmental personnel programs.

(4) Subcommittee on the Civil Service: Federal civil service matters, generally, except those matters specifically within the jurisdiction of other subcommittees; Federal labor management relations (excluding the Postal Service); the Senior Executive Service; productivity of Federal employees; and employee political activities.

(5) Subcommittee on Postal Operations and Services: The United States Postal Service and the Postal Rate Commission, generally, including operation and administration thereof; postal finances and expenditures (except those relating to matters within the jurisdiction of the Subcommittee on Postal Personnel and Modernization); public service aspects, requirements, and reimbursements; and the United States mails (except those matters specifically within the jurisdiction of the Subcommittee on Postal Personnel and Modernization).

(6) Subcommittee on Postal Personnel and Modernization: Postal officers and employ-

ees, generally, including their status and appointment; postal management and other personnel requirements and practices; employee utilization; postal labor management relations; postal facilities and mechanization, including modernization and research and development; mailability of matter; mail transportation; and military mail.

(7) Subcommittee on Census and Population: The Bureau of the Census, generally; population and demography; statistics collection; reporting and data processing activities of the Government, generally; and holidays and celebrations.

RULE 23. MEMBERSHIP OF SUBCOMMITTEES

(a) Except as provided in paragraph (b), each subcommittee shall have six members, divided between the majority and minority members in the ratio of four to two.

(b) The Subcommittee on Postal Operations and Services shall have eight members, divided between the majority and minority members in the ratio of five to three.

(c) The chairman and ranking minority member of the committee shall be ex officio voting members of each legislative subcommittee on which they do not serve.

(d) Each member of the committee may sit with any subcommittee during its hearings or deliberations, but no member who is not a member of a subcommittee shall vote on any matter before that subcommittee.

RULE 24. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings whenever possible. A subcommittee may exercise none of the powers or authorities hereinbefore provided with respect to any investigation or other activity which is not within the jurisdiction of the subcommittee or which requires the expenditure of funds in excess of the subcommittee's budget as approved by the committee, except upon authorization by a majority vote of the committee, a quorum being present.

RULE 25. REQUIRED MEETING

Each standing subcommittee, as referred to in rule 22, shall meet for the transaction of subcommittee business from time to time while Congress is in session, at a time and on a day determined by the subcommittee with due regard to the time and dates of the regular meetings of the committee and other subcommittees. All meetings of each subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 26. SUBCOMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of a subcommittee shall constitute a quorum for the purpose of transacting subcommittee business.

(b) A majority of the total membership of a subcommittee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation to the committee;

(2) voting to close a meeting under rule 25; and

(3) authorizing the issuance of a subpena under rule 12(c).

(c) Not less than two members of a subcommittee shall contitute a quorum for the purpose of taking testimony and receiving evidence.

RULE 27. AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

RULE 28. OTHER ACTIONS; STAFF SUPERVISION

The chairman of the committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operations of the committee, including the general supervision of the statutory and investigative staffs of the committee.

RULES OF COMMITTEE ON EDUCATION AND LABOR FOR 98TH CONGRESS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I submit for publishing in the CONGRESSIONAL RECORD the Rules of the Committee on Education and Labor for the 98th Congress, adopted by the committee in open session on January 25, 1983, all in compliance with rule XI, clause 2 of the Rules of the U.S. House of Representatives.

RULES OF THE COMMITTEE ON EDUCATION AND LABOR

RULE 1. REGULAR AND SPECIAL MEETINGS

(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:45 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable a written notice to that effect and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the ranking majority party member of the committee present.

RULE 2. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position. The Chairman may accomplish this by recognizing two majority party members for each minority party member recognized.

RULE 3. RECORDS AND ROLLCALLS

Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present by not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

RULE 4. STANDING SUBCOMMITTEES: SIZE, RATIO AND JURISDICTION

(a) There shall be eight standing subcommittees with the following jurisidictions:

Subcommittee on Elementary, Secondary and Vocational Education.—Education from preschool through the high school level and vocational education including, but not limited to elementary and secondary education generally, vocational education,

school lunch and child nutrition, adult basic education, migrant and agricultural labor education, and overseas dependent schools.

The Subcommittee on Elementary, Secondary and Vocational Education shall consist of 19 Members, 12 from the Majority and 7 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Employment Opportunities.—Comprehensive employment and training, work incentive and equal employment opportunities including, but not limited to Comprehensive Employment and Training Act, equal employment opportunities, Humphrey-Hawkins, displaced homemakers, Wagner-Peyser (employment services), Youth Conservation Corps, Young Adult Conservation Corps, import trade impacts, plant relocation impact, and WIN.

The Subcommittee on Employment Opportunities shall consist of 21 Members, 13 from the Majority and 8 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Labor-Management Relations.—Relationship between employer and employee and their representatives including, but not limited to labor-management relations generally, Bureau of Labor Statistics, pension reform (ERISA), and Service Contract Act.

The Subcommittee on Labor-Management Relations shall consist of 11 Members, 7 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Health and Safety.—Workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor, health and safety.

The Subcommittee on Health and Safety shall consist of 8 Members, 5 from the Majority and 3 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Human Resources.—All matters dealing with programs and services for the elderly, for the elimination of poverty and for the care and treatment of children, exclusive of education programs including, but not limited to Economic Opportunity and Community Services Acts (Head Start, Community Services, etc.), Juvenile Justice and Delinquency Prevention, Runaway Youth Act, early childhood services, nutrition programs for the elderly, and older Americans.

The Subcommittee on Human Resources shall consist of 11 Members, 7 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Postsecondary Education.—Education beyond the high school level including, but not limited to higher education generally, education professions development, postsecondary student assistance, arts and humanities, museums, and library services and construction.

The Subcommittee on Postsecondary Education shall consist of 15 Members, 9 from the Majority and 6 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Labor Standards.—Wages and hours of labor including, but not limited to Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshoremen's and Harbor Workers' Compensation Act, Federal employees' compensation, and the Farm Labor Contractor Registration Act.

The Subcommittee on Labor Standards shall consist of 12 Members, 8 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

Subcommittee on Select Education.—Special education programs including, but not limited to alcohol and drug abuse, education of the handicapped, rehabilitation, environmental education, National Institute of Education, migrant and agricultural labor day care, child adoption, child abuse, domestic violence, and domestic volunteers, ACTION (excluding volunteer older American programs).

The Subcommittee on Select Education shall consist of 12 Members, 8 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

(b) The Majority party Members of the Committee may provide for such special and select subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the Committee and the ranking Minority party Member of the Committee shall be ex officio members of each Subcommittee established pursuant to Rule 4.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIP

The majority party members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any such request shall be subject to approval by a majority of those present and voting in the majority party caucus of the committee. Members so elected shall be chairman of their respective subcommittees.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFFS

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the House Committee on Education and Labor shall be appointed as follows:

A. The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of the majority party members of the subcommittee within the budget approved for the subcommittee by the full committee;

B. The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

C. The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the Chairman in consultation with and with the approval of the majority party members of the committee within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFFS

The staff of a subcommittee shall be under the general supervision and direction of the chairman of that subcommittee. The staff assigned to the minority shall be under the general supervision and direction of the minority party members of the committee who may delegate such authority as they determine appropriate. The staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate.

Staff members shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event the Chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement. The clerk of the committee or the subcommittee, as the case may be, shall promptly furnish to the clerk of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however,

shall be held outside of Washington or during a recess or adjournment of the House without the prior authorization of the committee Chairman or a majority of a quorum of the subcommittee: *Provided*, That where feasible and practicable, 14 days notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpoena. For the enumerated actions a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) In the absence of the chairman of the committee or a subcommittee, the ranking majority party member present shall preside.

RULE 14. SUBPOENAS

A subpoena may be authorized and issued by the Committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members of the full Committee voting, a majority being present. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in paragraph (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Education and Labor (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct: *Provided*, That no bill reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to the meeting, together with a comparison with present law and a section-by-section analysis of the proposed change.

RULE 16. PROXIES

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the chief clerk of the committee or the clerk of the subcommittee, as the case may be, during each rollcall in which they are to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigned his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. ————————,
House of Representatives,
Washington, D.C.

DEAR————————: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of ———————— and any amendments or motions pertaining thereto.

—— ——,
Member of Congress.

Executed this the ——— day of ———— , 19—, at the time of —— P.M./A.M.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee.

Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

(b) In the case of expenses for travel of members and staff of a subcommittee to hearings, meetings, conferences, investigations involving activities or subject matter under the legislative assignment of such subcommittee, including the expenses of witnesses at hearings, subject to the limitations contained in rule 21, to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the appropriate chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conference) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(e) Prior to the Chairman's authorization for any travel the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. OVERSIGHT

(a) In order to enable the Committee to carry out its responsibilities under Rule X, clause 2 of the Rules of the House of Representatives, each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(b) The Chairman of the committee, consistent with Rule 4, from time to time in order to fulfill the committee's responsibility under Rule X, clause 3(c) of the Rules of the House of Representatives, shall assign matters to subcommittees for reviewing, studying, and coordinating, on a continuing basis, all laws, programs, and Government activities dealing with or involving domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

(c) The Chairman of the committee, consistent with Rule X, clause 2(d) of the Rules of the House of Representatives, shall from time to time assign matters to subcommittees for reviewing and studying on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE 19. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) Each bill, resolution, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule 4 referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks, unless, by majority vote of the majority party members of the committee, consideration is to be by the full committee.

(b) In carrying out paragraph (a) with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule 4, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter, pursuant to Rule 4, to a special ad hoc subcommittee, appointed by the Chairman (from the members of the subcommittees having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the committee thereon, or make such other provisions as may be considered appropriate.

(c) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

RULE 20. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior. No material change shall be made in the report distributed to members unless agreed to by majority vote: *Provided*, That any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without reference to the preceding provisions of this rule.

RULE 21. BUDGET AND EXPENSES

(a) The Chairman, in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee and after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The chairman of each standing subcommittee, in consultation with the majority party members thereof, shall prepare a supplemental budget to include funds for each additional staff, and for such travel, investigations, etc., as may be required for the work of such subcommittee. Thereafter, the Chairman shall combine such proposals into a consolidated committee budget, and shall present the same to the committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After said budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 16 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Each subcommittee, subject to the rules of the House and procedures prescribed by the Committee on House Administration, may expend out of funds budgeted and set aside for it not to exceed $2,000 in any one session of the Congress for the necessary expense for travel and lodging of witnesses in attending subcommittee hearings in Washington, D.C. Out of the funds set aside to the minority party members there may be expended not to exceed $2,000 in any session of the Congress for the necessary expense for travel and lodging of witnesses in attending subcommittee hearings in Washington, D.C. for each of the subcommittees.

(c) Once monthly, the Chairman shall notify the committee, in writing, that a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the committee is available to every Member in the office of the Clerk of the Committee. Such report shall show the amount and purpose of each expenditure and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees the Chairman shall consult with the ranking minority party member of the committee.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS

(a) When any hearing or meeting of the committee or a subcommittee is open to the public, that hearing or meeting may be covered in whole or in part by television broadcast, radio broadcast, and still photography, or by other such methods of coverage. Such coverage of hearings and meetings is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions and requirements of clause 3 of Rule XI of the rules of the House of Representatives.

(b) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(c) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still

photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 24. CHANGES IN COMMITTEE RULES

A proposed change in these Rules shall not be considered by the committee unless the text of such change has been in the hands of all Members at least 48 hours prior to the meeting in which the matter is considered.

RULE XI, CL. 2(K)—RULES OF THE U.S. HOUSE OF REPRESENTATIVES, 98TH CONGRESS

INVESTIGATIVE HEARING PROCEDURES

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RODINO (at the request of Mr. WRIGHT), for today and Tuesday, February 8, 1983, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. DOWNEY, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mrs. BOGGS, for 30 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. GEPHARDT, for 60 minutes, on February 8.

Mr. TAUZIN, for 60 minutes, on February 8.

Mr. MILLER of California, for 10 minutes, on February 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. BOGGS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,532.

(The following Members (at the request of Mr. BATEMAN) and to include extraneous matter:)

Mr. YOUNG of Florida in 10 instances.

Mr. LENT.

Mr. MARRIOTT.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. BEILENSON.

Mr. STARK in five instances.

Mr. LEHMAN of Florida in three instances.

Mr. LELAND.

Mr. DYMALLY.

Mr. FRANK in three instances.

Mr. FORD of Michigan.

Mr. MINETA.

Mr. EDWARDS of California.

Mr. BURTON of California.

Mr. NATCHER in two instances.

Mr. FAUNTROY.

Mr. HAMILTON.

Mrs. SCHROEDER.

Mr. D'AMOURS.

Mr. EDGAR.

Mr. FROST.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. HARKIN.

Mr. DASCHLE in two instances.

Mr. KOSTMAYER.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 61. An act to designate a "Nancy Hanks Center" in the Old Post Office Building in Washington, District of Columbia, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 60. Joint resolution to direct the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day."

ADJOURNMENT

Mrs. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 8, 1983, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1982 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wendell Belew	10/9	10/23	England	64.30	1,575.00		1,853.00				3,428.00
Representive Lynn Martin [3]	11/22	11/27	Switzerland	1,067.50	486.00		745.00				1,231.00
Representive Paul Simon	12/20	12/22	Italy	230.420	164.00						
	12/22	12/26	Germany	369.60	154.00						
	12/26	12/28	Hungary	2,971.60	76.00						
	12/28	1/2	Russia		445.00						
Pam American Airlines ticket paid in German marks.							2,087.00				2,926.00
Peter Storm	12/27	12/28	Hungary	1,482.00	38.00						
	12/28	1/2	Russia		445.00						
	1/2	1/5	Germany	559.32	237.00						
	1/5	1/7	Italy	234.436	172.00						
TWA Airline ticket charged in German marks							2,465.80				3,357.80
Committee total					$3,792.00		$7,159.80				$10,942.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter US. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation to GATT conference was by domestic airline. Transportation to U.S. was by military aircraft.

JAMES R. JONES, Chairman, Jan. 19, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 and DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wise, Samuel G.	10/8	10/10	Bucharest		80.00		$1,602.00				$1,766.00
	10/11	10/12	Germany	210	84.00						
Wise, Samuel G.	10/26	10/28	Belgium	8,230	168.00		1,293.00				1,461.00
Burns, Deborah M.	11/07	12/18	Spain	378,418	3,150.00		1,601.00				4,751.00
Davidson, Lynne Ann	11/07	12/18	Spain	378,418	3,150.00		1,601.00				4,751.00
Deychakiwsky, Orest	11/07	11/29	Spain	235,454	1,725.00		1,601.00				3,326.00
Donovan, Margaret Ann	11/07	11/26	Spain	178,349	1,500.00		1,601.00				3,101.00
Packard, Michael	11/08	11/24	Spain	151,755	1,275.00		1,450.00				2,725.00
Sandstrom, John	11/07	11/24	Spain	160,597	1,350.00		1,601.00				2,951.00
Wise, Samuel G.	11/07	11/29	Spain	235,454	1,725.00		1,601.00				3,326.00
Sletzinger, Martin	11/27	12/18	Spain	199,852	1,650.00		1,635.00				3,285.00
Finerty, John	11/28	12/18	Spain	190,889	1,575.00		1,705.00				3,280.00
Richmond, Yale	11/28	12/18	Spain	190,889	1,575.00		1,705.00				3,280.00
Oliver, R. Spencer	11/28	12/04	Spain	62,737	525.00		2,999.00				3,524.00
Oliver, R. Spencer	12/09	12/20	Spain	104,775	825.00		3,244.00				4,257.00
	12/21	12/22	Austria		188.00						
Brescia, Christopher	12/05	12/11	Switzerland	1,147.95	546.00		1,734.00				2,619.77
	12/12	12/15	England	196.66	324.00	25.55	15.77				
Local transportation for staff while in Madrid, Spain							381.15				381.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE FASCELL, Chairman, Dec. 31, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
William G. Lawrence	12/17	12/19	Bahamas		384.00		142.00				526.00
Theodore J. Mehl	12/17	12/19	Bahamas		384.00		142.00				526.00
Committee total					768.00		284.00				1,052.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Jan. 20, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 and DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David O'B. Martin, M.C.	11/19	11/23	Tokyo, Japan		0	Military					0
Committee Total					0		0				0

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman, Jan. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William D. Ford	11/9	11/18	Great Britain	603.84	1,007.00					603.84	1,007.00
Transportation, Department of State							3,758.00				3,758.00
Hon. William (Bill) Clay	11/10	11/15	Great Britain	369.94	616.70					369.94	616.70
Transportation, Department of State							3,899.00				3,899.00
Hon. Steny H. Hoyer	11/9	11/12	Great Britain	196.95	327.00					196.65	327.00
Transportation, Department of State							3,665.00				3,665.00
Hon. Patricia F. Rissler	11/9	11/18	Great Britain	617.20	1,029.00					617.20	1,029.00
Transportation, Department of State							3,705.00				3,705.00
Margaret A. McGonagill	11/9	11/18	Great Britain	617.20	1.029.00					617.20	1,029.00
Transportation, Department of State							3,705.00				3,705.00
Joseph A. Fisher	11/9	11/18	Great Britain	617.20	1,029.00					617.20	1,029.00
Transportation, Department of State							3,705.00				3,705.00
Local transportation expenses for delegation						3,473.50	5,789.30			3,473.50	5,789.30
Hon. William C. Danvers	11/13	11/20	Great Britain	454.17	763.00					454.17	763.00
Pro rata share for cost of military air travel							1,937.00				1,937.00
Committee totals					5,800.70		30,163.30				35,964.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Jan. 26, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Watson		11/3	United States				1,370.00				1,370.00
	11/3–4	11/6	West Germany	612	240.00					612	240.00
	11/6	11/9	France	1,102	152.00					1,102	152.00
	11/9	11/14	England	288.13	477.00					288.13	477.00
	11/14		United States								
Scheuer		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Kopp		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Palmer		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Moses		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Bach		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Nicholas		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Clement		11/7	United States				2,403.00				2,403.00
	11/7	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/20	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23		United States								
Milder		11/9	United States				1,567.00				1,567.00
	11/10	11/14	Great Britain	346.99	577.00					346.99	577.00
	11/14	11/15	West Germany	410.22	159.00					410.22	159.00
	11/15	11/24	France	4,282	585.00					4,282.00	585.00
	11/24		United States								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ostenso		11/14	United States				309.00				309.00
	11/14	11/18	Canada	458.47	375.00					458.47	375.00
	11/18		United States								
Committee total					10,765.50		20,372.20				31,137.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, Jan. 25, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas G. Powers	10/17	10/27	Spain	93,638	825.00	184,211	1,623.00	3,773	33.24	281,622	2,481.24
Major L. Clark, III	11/6	11/8	Bermuda	NA	305.00	NA	341.00	0		NA	646.00
Committee total						1,130.00	1,964.00		33.24		3,127.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PARREN J. MITCHELL, Chairman, Jan. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Beryl Anthony, Jr.	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								641.87
	11/17	11/19	Barbados	418.60	208.00		346.32		433.87		346.32
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237.00	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Thomas J. Downey	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237.00	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Bill Frenzel	11/14	11/15	Germany	216.72	84.00						84.00
	11/15	11/19	Soviet Union		178.00						178.00
	11/19	11/22	France	1,653.00	228.00						228.00
	11/22	11/27	Switzerland	889.60	405.00						405.00
Transportation by Department of Defense							681.00				681.00
Hon. Sam M. Gibbons	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237.00	237.00				234.39		471.39
Transportation by Department of Defense							1,841.65				1,841.65
Hon. Charles B. Rangel	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.33
Hon. Dan Rostenkowski	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	111/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Richard T. Schulze	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	196	103.00				216.94		319.94
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							1,765.93				1,765.93
Hon. Guy Vander Jagt	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Thelma J. Askey	10/24	10/27	Switzerland	528.05	$243.00						243.00
Joseph K. Dowley—Continued	10/27	10/29	Belgium	8,286	168.00						168.00
							2,043.00				2,043.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/27	11/20	Barbados	418.60	208.00				433.87		641.87
							346.32				346.32
Transportation by Department of Defense							1,339.09				1,339.09
	11/21	11/27	Switzerland	1,245.40	567.00		1,817.00				2,384.00
Refund					50.00						50.00
	10/27	10/29	Belgium	8.286	168.00						168.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Joseph K. Dowley	10/26	10/27	Switzerland	177.75	81.00						81.00
	10/29	10/309	Switzerland	354.40	162.00						162.00
							1,762.00				1,762.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
James C. Healey, Jr.	11/4	11/10	Poland		487.50		1,585.00				2,072.50
Kenneth J. Kies	11/20	11/27	Switzerland	1,245.40	567.00		1,281.00				1,848.00
David B. Rohr	10/24	10/27	Switzerland	528.05	243.00						243.00
	10/27	10/29	Belgium	8,286	168.00						168.00
	10/29	11/1	England	186.76	315.00						315.00
							2,043.00				2,043.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
	11/23	11/28	Switzerland	1,067.50	486.00		1,817.00				2,303.00
John J. Salmon	10/26	10/27	Switzerland	177.75	81.00						81.00
	10/27	10/29	Belgium	8,286	168.00						168.00
	10/29	10/30	Switzerland	354.40	162.00						162.00
							1,762.00				1,762.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
John L. Sherman	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/31	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Arthur L. Singleton	10/20	10/26	Switzerland	1,046.35	486.00		1,723.00				2,209.00
Mary Jane Wignot	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/20	Dominican	79	79.00				78.13		157.13
Transportation by Department of Defense							1,652.35				1,652.35
Mary Jane Wignot	11/21	11/28	Switzerland	1,423.35	648.00		1,763.00				2,411.00
Rufus Yerxa	10/24	10/29	Switzerland	878	405.00		1,862.00				2,267.00
Committee totals					15,869.50		46,725.76		11,087.09		73,682.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Jan. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Annette Smiley, staff	10/31	11/3	Central America		53.00		538.96				591.96
Michael J. O'Neil, staff	11/8	11/24	Asia		1,345.25		2,524.56				3,869.81
James O. Bush	11/8	12/3	Asia		1,985.34		3,246.30				5,231.64
Committee total					3,383.59		6,309.82				9,693.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD P. BOLAND, Chairman, Jan. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PETER A. ABBRUZZESE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 14 AND 21, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter A. Abbruzzese	14 Oct	17 Oct	Turkey	40,140	229.00						229.00
	17 Oct	19 Oct	Greece	10,530	150.00						150.00
	19 Oct	21 Oct	Italy	249,680	174.00						174.00
Commercial transportation							2,125.00				2,125.00
					553.00		2,125.00				2,679.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER A. ABBRUZZESE, Nov. 1, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 19 AND 23, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Phillip Burton	11/19	11/23	Spain	35,850	300.00		1,467.00				1,767.00
Robert Garcia	11/19	11/23	Spain	35,850	300.00		1,467.00				1,767.00
Peter Abbruzzese	11/19	11/23	Spain	35,850	300.00		1,467.00				1,767.00
Committee total					900.00		4,401.00				5,301.001

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PHILLIP BURTON, Chairman, Dec. 17, 1982.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 19 and 23, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Phillip Burton	11/19	11/23	Spain	35,850	300.00		1,753.00				2,053.00
Robert Garcia	11/19	11/23	Spain	35,850	300.00		1,753.00				2,053.00
Peter Abbruzzese	11/19	11/23	Spain	35,850	300.00		1,753.00				2,053.00
Committee total					900.00		5,259.00				6,159.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Includes pro-rata share of travel by military aircraft.

PHILLIP BURTON, Chairman, Dec. 17, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, R. GERARD SALEMME, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 11 and 22, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
R. Gerard Salemme	11/11	11/19	China	1,343.25	675.00		1,438.34				2,113.34
	11/19	11/22	Hong Kong	2,050.20	309.00		1,282.00				1,591.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

R. GERARD SALEMME, Dec. 19, 1982.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

283. A letter from the Director, Federal Emergency Management Agency, transmitting a report that the agency made no real or personal property acquisitions of emergency supplies and equipment during the quarter ending December 31, 1982, pursuant to section 201(h) of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

284. A letter from the Deputy Assistant Secretary of Defense (Reserve Affairs), transmitting a report as of September 30, 1982, on selected Reserve recruiting and retention incentives pursuant to 10 U.S.C. 2134, and 37 U.S.C. 308b and 308c; to the Committee on Armed Services.

285. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for studies under the National Flood Insurance Act of 1968 for fiscal years 1984–85; to the Committee on Banking, Finance and Urban Affairs.

286. A letter from the Chairman, National Diabetes Advisory Board, transmitting notice of a resolution passed by the Board at its meeting of January 17, 1983, that it is inadvisable to create new institutes within the National Institutes of Health before the completion of the review by the Department of Health and Human Services; to the Committee on Energy and Commerce.

287. A letter from the Director, Minerals Management Service, Department of Interior, transmitting notice of the proposed refund of $135,161.89 in excess royalty payments to Chevron U.S.A. Inc. and Transco Exploration Co., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

288. A letter from the Chief Judge, U.S. Claims Court, transmitting a copy of the court's judgment order in case No. 3-77 *Cecilia L. Thieman* v. *the United States;* to the Committee on the Judiciary.

289. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science and Technology.

290. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to make improvements in the Maternal and Child Health Block Grant; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 49. Resolution to establish the Select Committee on Narcotics Abuse and Control (Rept. No. 98-4). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBOSTA (for himself, Mr. BROWN of Colorado, Mr. GINGRICH, Mr. FAZIO, Mr. RINALDO, Mr. FRANK, Mr. LANTOS, Mr. WON PAT, Mr. DWYER of New Jersey, Mr. YATRON, Mr. MCCOLLUM, Mr. DENNY SMITH, Mr. HERTEL of Michigan, Mr. TRAXLER, Mr. PRICE, Mr. LONG of Maryland, Mr. MCGRATH, Mr. FORD of Michigan, Mr. MARTIN of New York, Mr. OBERSTAR, Mr. LUNGREN, Mr. KILDEE, Mr. HUGHES, Mr. HORTON, Mr. LEVIN of Michigan, Mr. MCNULTY, Mr. JACOBS, Mr. WALGREN, Mr. FORSYTHE, Mr. KOGOVSEK, Mr. RITTER, Mr. LAFALCE, Mr. COELHO, Mr. VENTO, Mr. MOLLOHAN, Mr. FOGLIETTA, Mr. HATCHER, Mr. KRAMER, Mr. EDGAR, Mr. D'AMOURS, Mr. VOLKMER, Mr. CLAY, Mr. BEREUTER, Mr. HUBBARD, Mr. LEHMAN of Florida, Mr. FAUNTROY, Mr. ROTH, Mr. SMITH of Florida, Mr. MACK, Mr. BEVILL, Mr. GARCIA, Mr. MORRISON of Washington, Mrs. SCHNEIDER, Mr. RUSSO, Mr. DANIEL, Mr. MRAZEK, Mr. MAZZOLI, Mr. MCHUGH, Mr. CROCKETT, Mr. EDWARDS of Oklahoma, Mr. YOUNG of Alaska, and Mr. SENSENBRENNER):

H.R. 1276. A bill to amend title II of the Social Security Act to provide procedures for crediting the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund with the amounts of social security checks which have not been negotiated within 12 months; to the Committee on Ways and Means.

By Mr. ANDERSON:

H.R. 1277. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide social security coverage for Members of Congress; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 1278. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program, with appropriate reductions in social security taxes to reflect such participation, and with a substantial increase in the amount of an individual's annual earnings which may be counted for benefit and tax purposes; to the Committee on Ways and Means.

By Mr. BEILENSON.

H.R. 1279. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require manufacturers of passenger cars to furnish information relating to the crashworthiness of the cars to prospective car buyers; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 1280. A bill to modify the insanity defense in the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. PHILIP M. CRANE:

H.R. 1281. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of surplus property to States and local governments for correctional facility use; to the Committee on Government Operations.

By Mr. DASCHLE:

H.R. 1282. A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DOWDY of Mississippi:

H.R. 1283. A bill to authorize construction of a dam on the Pearl River in the vicinity of Schoccoe, Miss., for the purpose of providing flood control for Jackson, Columbia, Monticello, Georgetown, and points downstream from Jackson, Miss., in the Pearl River Basin; to the Committee on Public Works and Transportation.

By Mr. DORGAN:

H.R. 1284. A bill to amend the Internal Revenue Code of 1954 to eliminate the withholding of taxes from interest; to the Committee on Ways and Means.

By Mr. DOWNEY of New York (for himself, Mr. JACOBS, Mr. HOYER, Mr. HORTON, Mr. ADDABBO, Mr. SUNIA, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. BEVILL, Mr. SIMON, Mr. PICKLE, Mr. MCGRATH, Mr. LAFALCE, Mr. WEISS, Mr. LEVINE of California, Ms. FERRARO, Mr. MILLER of California, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. RATCHFORD, Mr. SEIBERLING, Mr. IRELAND, Mr. LELAND, Mr. SCHUMER, Mr. PRITCHARD, Mr. FEIGHAN, and Mr. CROCKETT):

H.R. 1285. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items; to the Committee on Ways and Means.

By Mr. EDGAR:

H.R. 1286. A bill to repeal the provision of the Military Selective Service Act prohibiting the furnishing of Federal financial assistance for postsecondary education to persons who have not complied with the registration requirement under that act; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. EVANS of Iowa (for himself, Mr. ROBERTS, Mr. LEACH of Iowa, Mr. TAUKE, and Mrs. SMITH of Nebraska):

H.R. 1287. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program; to the Committee on Ways and Means.

By Mr. FAZIO (for himself, Mr. CHAPPIE, and Mr. MATSUI):

H.R. 1288. A bill to authorize the construction of a navigation project on the Sacramento River Deep Water Ship Channel; to the Committee on Public Works and Transportation.

By Mr. FRANK:

H.R. 1289. A bill to amend title 10, United States Code, to waive contributions to the military survivor benefit plan in the case of certain persons whose military retired pay is reduced because of an offsetting increase in compensation paid to such persons by the Veterans' Administration due to an increase in disability rating; to the Committee on Armed Services.

H.R. 1290. A bill to amend the Employee Retirement Income Security Act of 1974 to facilitate recovery, in civil actions brought by participants and beneficiaries under employee benefit plans, of benefits wrongfully denied them under such plans, and to provide for recovery by such participants and beneficiaries of a reasonable attorney's fee and costs of the action in all cases in which such denials are arbitrary or capricious; to the Committee on Education and Labor.

H.R. 1291. A bill to provide for the time in which to appeal to the Court of Appeals for the Federal Circuit from a determination of the U.S. International Trade Commission; to the Committee on the Judiciary.

H.R. 1292. A bill to amend the Internal Revenue Code of 1954 to increase the 2-year periods for rollover of gain on sale of principal residence to 3 years; to the Committee on Ways and Means.

H.R. 1293. A bill to amend the Internal Revenue Code of 1954 to provide that the discharge of home mortgage loans will not be treated as income; to the Committee on Ways and Means.

H.R. 1294. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income a certain portion of governmental pensions based on services not covered under the social security system; to the Committee on Ways and Means.

H.R. 1295. A bill to provide that section 402(a)(31) of the Social Security Act, which requires that certain income of a stepparent living with a dependent child be taken into account in determining such child's need under the aid to families with dependent children program, shall not apply in any case where the stepparent was already living with the child at the time such section became effective; to the Committee on Ways and Means.

By Mr. HARKIN (for himself, Mr. FOLEY, Mr. BEDELL, Mr. STENHOLM, Mr. DURBIN, Mr. ENGLISH, Mr. VOLKMER, Mr. DASCHLE, Mr. ANTHONY, Mr. HANCE, and Mr. SMITH of Iowa):

H.R. 1296. A bill to amend the Internal Revenue Code of 1954 to allow any taxpayer to elect to treat for income tax purposes any crop received under a Federal program for removing land from agricultural production as produced by the taxpayer, to allow any taxpayer to elect to defer income on any cancellation under such a program of any price support loan, and to provide that participation in such a program shall not disqualify the taxpayer for the special use valuation of farm real property under section 2032A of such Code; to the Committee on Ways and Means.

By Mr. LOTT:

H.R. 1297. A bill to amend title 28 of the United States Code to confer exclusive Federal appellate jurisdiction, with respect to State cases involving the death penalty, upon the U.S. Supreme Court; to the Committee on the Judiciary.

By Mr. MARRIOTT:

H.R. 1298. A bill to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. GUNDERSON, and Mr. EARLY):

H.R. 1299. A bill to expand and improve the domestic commodity distribution program; to the Committee on Agriculture.

H.R. 1300. A bill making an urgent appropriation for commodity distribution, and for other purposes; to the Committee on Appropriations.

By Mr. RITTER:

H.R. 1301. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for amounts paid or incurred for maintaining a household a member of which is a dependent of the taxpayer who has attained age 65; to the Committee on Ways and Means.

H.R. 1302. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of individuals who have attained age 65 no estimated tax penalty shall be imposed

where the amount involved is under $500; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 1303. A bill to provide for the elective payment of benefits under title II of the Social Security Act in the form of social security savings bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 1304. A bill to establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 1305. A bill to amend the act of October 21, 1970, establishing the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1306. A bill to change the name of the Grand Traverse Bay Harbor in Elmwood Township, Leelanau County, Mich., to the "Greilickville Harbor"; to the Committee on Public Works and Transportation.

By Mr. WYDEN (for himself, Ms. MIKULSKI, Mr. HUGHES, Mr. WHITEHURST, Mrs. BOGGS, Mr. LIVINGSTON, Mr. LOWRY of Washington, and Mr. SUNIA):

H.R. 1307. A bill to require owners of vessels engaged in foreign commerce using U.S. ports to establish and maintain financial responsibility for claims arising from the furnishing of maritime services to those vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HALL of Ohio:

H.J. Res. 128. Joint resolution with respect to conventional arms transfer limitations; to the Committee on Foreign Affairs.

By Mr. SAWYER:

H.J. Res. 129. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. MURPHY, Mr. FRANK, Mr. ADDABBO, Mr. RATCHFORD, Mr. OTTINGER, Mr. LANTOS, Mr. ROE, Mr. DASCHLE, Mr. WEISS, Mr. JEFFORDS, Mr. OWENS, Mr. ROSE, Mr. GEKAS, Mr. HATCHER, Mr. SUNIA, Mr. MCGRATH, Mr. HERTEL of Michigan, Mr. FAZIO, Mr. HUGHES, Mr. FROST, Mrs. SCHROEDER, Mr. MCNULTY, Mr. CROCKETT, Mr. LEVINE of California, Ms. MIKULSKI, Mr. LAFALCE, Mr. GARCIA, Mr. VENTO, Mr. MCEWEN, Mr. LONG of Maryland, Mr. SOLARZ, Ms. FERRARO, Ms. KAPTUR, Mrs. HALL of Indiana, Mr. BEREUTER, Mr. MRAZEK, Mr. HYDE, Mr. MITCHELL, Mr. OBERSTAR, Mr. LEVIN of Michigan, and Mr. GINGRICH):

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. LENT (for himself, Mr. BROYHILL, Mr. MADIGAN, and Mr. O'BRIEN):

H. Con. Res. 46. Concurrent resolution expressing the sense of the Congress that studies should be undertaken immediately into methods of adequately financing the railroad retirement and railroad unemployment systems; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT):

H. Con. Res. 47. Concurrent resolution expressing the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII,

7. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to the birthday of Martin Luther King, Jr., to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 1308. A bill for the relief of Yong-Suk Song; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 1309. A bill for the relief of Clive Francis Harrison; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. SMITH of Florida, Mrs. BOUQUARD, Mr. FUQUA, Mr. MCCOLLUM and Mr. IRELAND.

H.R. 42: Mr. CROCKETT, Mr. MINETA, Mr. GINGRICH, and Mr. GILMAN.

H.R. 46: Mr. SMITH of Florida and Mr. IRELAND.

H.R. 50: Mr. SMITH of Florida, Mr. FUQUA, and Mr. IRELAND.

H.R. 52: Mr. SMITH of Florida, Mr. FUQUA, Mr. MCCOLLUM, Mr. NELSON of Florida, and Mr. IRELAND.

H.R. 53: Mr. SMITH of Florida, Mr. FUQUA, Mr. MCCOLLUM, Mr. NELSON of Florida, Mr. IRELAND, and Mr. WYLIE.

H.R. 70: Mr. SMITH of Florida, Mr. FUQUA, Mr. MILLER of Ohio, Mr. MCCOLLUM, Mr. FRENZEL, Mr. BEVILL, Mr. NELSON of Florida, Mr. SMITH of New Jersey, Mr. IRELAND, Mr. HYDE, Mr. WYLIE, Mr. COELHO, and Mr. HANSEN of Utah.

H.R. 79: Mr. MRAZEK and Mr. FUQUA.

H.R. 116: Mr. VANDER JAGT and Mr. CLINGER.

H.R. 500: Mr. BONER of Tennessee, Mrs. BYRON, Mr. CLINGER, Mr. HANSEN of Utah, Mrs. HALL of Indiana, Mr. LONG of Louisiana, Mr. MCDONALD, Ms. MIKULSKI, Mr. SHUMWAY, Mr. STUDDS, Mr. WEBER, and Mr. WOLF.

H.R. 685: Mr. MARTIN of New York.

H.R. 835: Mr. MITCHELL, Mr. GUNDERSON, Mr. SAVAGE, Mr. CORRADA, Mrs. BOUQUARD, Mr. HORTON, Mr. WILSON, Mr. CLAY, Mr. HANCE, Mr. NELSON of Florida, Mr. CROCKETT, Mr. WEBER, Mr. SABO, and Mr. SHELBY.

H.R. 836: Mr. MITCHELL, Mr. GUNDERSON, Mr. SAVAGE, Mr. CORRADA, Mrs. BOUQUARD, Mr. HORTON, Mr. WILSON, Mr. CLAY, Mr. HANCE, Mr. NELSON of Florida, Mr. CROCKETT, Mr. WEBER, and Mrs. ROUKEMA.

H.R. 893: Mr. SENSENBRENNER.

H.R. 999: Mr. CLAY, Mrs. SNOWE, Mr. HUGHES, Mr. LELAND, Mr. STAGGERS, Mr. FORD of Tennessee, Mr. BEVILL, Mr. SPENCE, Mrs. BOGGS, Mr. DWYER of New Jersey, Mr. WILSON, Ms. MIKULSKI, Mr. BORSKI, Mr. LEHMAN of California, Mr. WISE, Mr. MINETA, Mr. BETHUNE, Mr. DAVIS, and Mr. STRATTON.

H.R. 1015: Mr. ROE, Mr. DONNELLY, Mr. SMITH of New Jersey, Mr. FRANK, Mr. WHEAT, Mr. WON PAT, Mr. OBERSTAR, and Mr. MARKEY.

H.R. 1016: Mr. ROE, Mr. DONNELLY, Mr. SMITH of New Jersey, Mr. FRANK, Mr. WON PAT, Mr. OBERSTAR, and Mr. MARKEY.

H.R. 1078: Mr. KOGOVSEK, Mr. BERMAN, Mrs. SCHNEIDER, Mr. MAVROULES, and Mr. ROYBAL.

H.R. 1142: Mr. CORCORAN.

H.R. 1176: Mr. SCHULZE, Mr. FOWLER, Mr. HYDE, Mr. BEVILL, Mr. VOLKMER, Mr. BONER of Tennessee, Mr. KOGOVSEK, Mr. HAMMERSCHMIDT, Mr. MOLLOHAN, Mr. WOLPE, Mr. QUILLEN, Mr. D'AMOURS, Mr. SMITH of Florida, Mr. FRANK, Mr. MARKEY, Mr. EMERSON, Mrs. BOUQUARD, Mr. WEAVER, Mrs. SNOWE, Mr. WILSON, Mr. FRANKLIN, Mr. HALL of Ohio, Mr. GEJDENSON, Mr. FAZIO, Mr. CONTE, Ms. KAPTUR, Mr. OWENS, Mr. FORD of Michigan, Mr. LOWRY of Washington, Mr. TAYLOR, Mr. SABO, Mr. FROST, Mr. GARCIA, Mr. YOUNG of Missouri, Mr. YOUNG of Alaska, Mr. SENSENBRENNER, Mr. PATMAN, Mr. BARNES, Mr. YATRON, Mr. COLEMAN of Missouri, Mr. FOGLIETTA, Mr. HATCHER, Mr. TALLON, Mr. RATCHFORD, Mr. BLILEY, Mr. OBERSTAR, Mr. SCHUMER, Mr. WILLIAMS of Montana, Mr. HARRISON, Mr. WHEAT, Mr. WHITEHURST, Mrs. COLLINS, Mrs. MARTIN of Illinois, Mr. SAWYER, Mr. TRAXLER, Mr. BROWN of California, Mr. PATTERSON, Mr. WATKINS, Mr. MITCHELL, Mr. CROCKETT, Mr. SLATTERY, Mr. DOWDY of Mississippi, Mr. WYDEN, Mr. ALBOSTA, Mr. ROBERT F. SMITH, Mr. SKELTON, Mr. PASHAYAN, Mr. MORRISON of Connecticut, Mr. ST GERMAIN, Mr. EDWARDS of Alabama.

H.R. 1181: Mr. SMITH of Florida, Mr. FOGLIETTA, and Mr. GILMAN.

H.R. 1234: Mr. FORD of Michigan, Mr. ECKART, Mr. ALEXANDER, Mr. KILDEE, Mr. TRAXLER, Mr. ASPIN, and Ms. KAPTUR.

H.J. Res. 22: Mr. YATRON, Mr. WYLIE, Mrs. BOUQUARD, Mr. SOLARZ, Mr. RITTER, Mr. WILSON, Mr. SPRATT, Mr. EARLY, Mr. WHEAT, Mrs. BOXER, Mr. LEVINE of California, Mr. HANSEN of Idaho, Mr. WISE, Mr. MOODY, Mr. ANDREWS of Texas, Mr. WALKER, Mr. MCCURDY, Mr. FOLEY, Mr. MCEWEN, Mr. CROCKETT, Mr. MOLLOHAN, Mr. MARTINEZ, and Mr. KEMP.

H.J. Res. 86: Mr. BURTON of California.

H.J. Res. 95: Mr. WINN, Mr. MOLINARI, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. HARRISON, Mr. NATCHER, Mr. MCNULTY, and Mr. OBERSTAR.

PETITIONS, ETC.

Under clause 1 of rule XXII,

21. The SPEAKER presented a petition of GCUS, Improved Order of Red Men, Waco, Tex., relative to prayer in public schools; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE CIVIL SERVICE BUREAUCRACY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mrs. SCHROEDER. Mr. Speaker, at this time of $200 billion deficits, we must find a way to get the Government to provide more and better services for a lower cost. I have introduced legislation to increase the productivity of the Federal Government through more worker participation, a better rewards system, and better investment. The following article, written by Paul Taylor of the Washington Post investigates the issue of productivity:

REAGAN TEAM'S IRRESISTIBLE FORCE LANDS ATOP IMMOVABLE OBJECT—FRICTIONS CREST IN CIVIL SERVICE IN REAGAN ERA

"I do not rule Russia, ten thousand clerks do."—Czar Nicholas I

(By Paul Taylor)

By the time the pink slip finally arrived, it was anticlimactic.

Dr. Maxine Savitz, the government's top civil servant in energy conservation, had spent two years working as deputy to a man who'd come to Washington to get the government out of energy conservation.

They agreed about almost nothing. And when Joseph Tribble, assistant secretary for Energy, finally sacked her a week ago, they didn't agree about that, either.

He thought it was for her refusal to accept reassignment to a faraway outpost with diminished responsibility. She thought it was for having done her old job too well. The firing, with charge and countercharge, is under review for possible violations of Civil Service laws.

It is also the tip of an iceberg. Dismissals of top-level career civil servants are still a rarity in the federal government, but the frictions that underlie them are very much on the increase.

The Reagan administration has moved more aggressively, more systematically and more successfully than any in modern times to assert its policy control over the top levels of its bureaucracy.

It has taken the relationship between short-term political appointees and long-term career civil servants—an age-old kabuki dance between change and continuity, responsiveness and resistance, political control and bureaucratic power—and sharply altered the balance of power toward the political side.

With personnel actions sometimes subtle and sometimes overt, it has put out a message that it expects ideological loyalty at the high levels of career service. Absent that, silence will do. Some examples:

When Interior Secretary James G. Watt fired—the bureaucratic euphemism is Reduction in Force, or RIF—28 lawyers from a legal staff he considered hostile to development of natural resources, he said it was for budgetary reasons. A few weeks later, however, the department found six openings in the legal office.

One of the RIFfed attorneys, Derb S. Carter, reapplied for his old job and was questioned about his political background—a no-no according to Civil Service rules. Carter didn't have the right answers, nor did he get the job.

The moribund Department of Energy RIFed 19 top bureaucrats last year. Normally, they would have been protected by seniority, but they were fired because they had been given low performance ratings. They contended that the ratings were arbitrary, designed to force them out because they or their programs were not in favor. The matter is under review by the Office of Personnel Management.

Dr. Peter F. Infante, a GS–15 who headed the Occupational Safety and Health Administration's Office of Carcinogen Classification, was almost fired for writing a letter in 1981.

It disputed a finding by a panel of the International Agency for Research on Cancer that there was insufficient evidence to call formaldehyde a carcinogen, or cancer-causing agent.

The letter found its way into the hands of the industry-backed Formaldehyde Institute, which in turn wrote an angry missive to an aide to OSHA's new, pro-industry administrator, Thorne G. Auchter.

"How do you control members of the bureaucracy who seem to be operating freely within and without government?" it asked.

The initial response at OSHA was to order Infante's firing, but Auchter backed off when a House science subcommittee got wind of the episode and conducted a hearing.

Dr. Adrian Gross, a government pathologist for 18 years, was transferred last May from his job as chief of the toxicology branch of the Environmental Protection Agency's Hazard Evaluation Division to be senior science adviser there. From there he was transferred to a small field branch that monitors laboratory performance.

The second transfer came after Gross wrote a memo to his supervisors accusing them of improperly aiding two chemical companies in their efforts to register permethrin, an insecticide Gross said is a carcinogen.

The four-year-old office of special counsel of the Merit System Protection Board—the government's prosecutor of cases of merit system abuse—has had a short, unhappy history of high turnover, low morale and little watchdogging.

For a year it was in the hands of Alex Kozinski, a loyal Reaganaut. In his brief tenure he conducted seminars for federal managers called "How to Avoid Committing Prohibited Personnel Practices in the Reagan Administration," a guide to getting rid of problem employes and getting away with it. To infuriated employe unions this was the fox in a chicken coop, with a vengeance.

It is purely a matter of perspective whether the inevitable chilling effect these moves have on the bureaucracy is a good thing.

Bernard Rosen, a former director of the U.S. Civil Service Commission, said he believes it has taken its toll on sound policy management.

"No private enterprise could be successful if its three or four top levels left every two years," he said. "But that's the way we do it in government, and it puts an enormous premium on stability and expertise immediately below."

The other view is that bureaucratic power has grown out of proper bounds over time and needs curbing. That power, at its root, derives from information: how it is developed, dispensed, withheld.

As society has grown more complex and information has grown ever more the province of experts, the arguments goes, bureaucrats have come to be less responsive and more powerful.

That view tends to be associated with conservative scholars, who see an inherent liberal, or at least inherent pro-government, bias in bureaucracies. But it is not limited to one side of the fence.

Harry S. Truman, anticipating the transition to Dwight D. Eisenhower, said, "He'll sit right here and he'll say, 'Do this, do that,' and nothing will happen. Poor Ike. It won't be like the Army. He'll find it very frustrating."

John F. Kennedy contributed his own brand of irony to the exasperation that elected officials of all stripes have always harbored toward the bureaucracies they can never seem to master fully.

"I agree with you," he once told a caller to the White House, "but I don't know if the government will."

While scholars and political scientists debate the proper role of the bureaucracy, no one disputes that the Reagan administration has changed it.

It shows more zeal in taking on the Civil Service than has any administration since the forshortened second term of the Nixon administration, and it has more tools—legal, ideological and budgetary—than the Nixon administration did.

The legal tool is the Civil Service Reform Act of 1978, which stripped top-level careerists of the most fundamental job protection of all—the right to keep one's particular job, so long as the job needs doing, funds are available and the performance has been satisfactory.

Had the Tribble-Savitz unpleasantness occurred in 1977 instead of now, Tribble could not have forced Savitz to take a new job down the corridor, much less halfway across the country.

He could, of course, have shut her off from any policy input, redeployed her staff, reorganized her department into oblivion or used any of the other management gambits that have been developed over the years.

The irony is that the Reagan administration has used the personnel flexibility promulgated by the Carter administration to carry out policies very different from President Carter's.

Ideologically, the Reagan administration has been able to attract to government service appointees who for the most part don't think government works. This puts them in

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

obvious and sharp conflict with careerists, who, whatever their political beliefs, are committed to the idea that government *does* work.

The political appointees, moreover, have brought a missionary zeal to their task, figuring that they have 50 years of history to reverse and just 22 months apiece, the average tenure of a presidential appointee, to reverse it.

On the other hand, the bureaucrats have nothing if not time and patience. Storms, they know, are for riding out.

The deep budget cuts and dramatic shifts in spending priorities have shaken more departments more deeply than at any time in recent history. Shakeups always give political appointees more chances to leave calling cards.

How has the bureaucracy withstood the attack?

Obviously, those career civil servants who cannot abide the policy changes have left. For those who stay and feel "out of sync" with the new administration, by far the most common response has been to hunker down.

"You realize pretty quickly they're not too interested in what you have to say, so you just don't speak up," says one mid-level careerist at the Voice of America.

That is the prevailing professional ethic of most top bureaucrats; remain neutral on policy and wait to be led.

For those who feel more entrepreneurial and proprietary about policies and programs and who feel victimized by the new regime, the government's personnel watchdog mechanism has not offered much support. In its four-year history, the Merit Systems Protection Board had not upheld a single case of a top-level careerist charging he was the victim of a punitive job action.

But there are other bulwarks of protection.

"We find that it is far more effective to go to the Hill or go to the press and scream," says David Vladek, an attorney with the Public Citizens Litigation Group, which has defended several prominent scientists against attempts by administration officials to remove or reassign them.

The congressional tie is obvious. A careerist, often far better than a political in-and-outer, can develop an ongoing relationship with sympathetic members of Congress and staffers. Since the loyal opposition will always be represented on the Hill, the opportunities for leverage are clear.

The press role is more ambivalent, and in some ways reflects society's basic ambivalance toward the bureauracy.

Former Office of Personnel Management director Alan K. Campbell says: "I have noticed that in all the stories I've read about an individual civil servant being transferred or fired for allegedly political reasons, the sympathy is with the bureaucrat. But in every story about a Cabinet member or high-level appointee claiming he can't get something done because of 'those damn bureaucrats' the sympathy is the other way."

Why are we torn? A quick history lesson is in order.

The merit system of today is the product of a runaway political patronage system of the 19th century, ushered in on a grand scale by President Andrew Jackson, a frontier populist who said he believed that trained bureaucrats in Washington constituted a dangerous elite.

The spoils system flouished for years, with excess building on excess until it toppled. It became a tawdry spectacle of scandal, of ghost workers, of federal jobs sought and bartered.

In the January after each presidential election, Washington was transformed into an unruly employment shop, with hordes of job seekers lining up outside the White House.

"I love to deal with doctrines and events, but my day is frittered away with the personal seeking of people," President James Garfield mused early in his term.

The frittering did not last as long as he might have wished. Four months after he assumed office Garfield was assassinated by a disappointed job seeker named Charles Guiteau, who had been visiting the White House daily to press his claim for the consulship in Paris.

The assassination provided impetus for the passage of the law that created the Civil Service System—100 years ago Sunday.

Initially it placed about 10 percent of the federal work force under strict merit rules for hiring and firing. Since then, the percentage of jobs covered by merit has grown steadily. Today, in a government of more than 2 million, a president has the power to hire and fire just a few thousand top appointees.

The merit system expanded in response to the national aversion to excesses of partisanship.

Its premise was that elected officials ought to make policy and career professionals ought to carry it out.

But as the line between making policy and executing it has blurred, the feeling has taken root that anonymous and unaccountable bureaucrats have emerged with too big a slice of the power.

Politicians of all ideologies have been adept at advancing this. But many close observers of the government's inner workings come away with a somewhat different verdict: that the bureaucracy, by and large, respects the limits of its authority, when it appears politically unresponsive, it often because its political leadership does not understand how to lead.

"The degree of loyalty and responsiveness of career employes is in most cases directly related to the quality of leadership they receive. . . . Careerists want direction and are willing to follow, but they must be led by someone who inspires confidence and respect."

The unlikely author is Frederic V. Malek, a corporate executive and former Nixon White House official whose name is attached to the infamous Malek Manual of the Watergate era, which outlined ways to subvert the Civil Service System to achieve policy control over the government. Malek says he never wrote the manual.

All of this leads back to Tribble, the political appointee, and Savitz, the careerist. Their troubles began a year ago when Tribble, a paper company executive new to Washington, was preparing to go to Congress with his first budget request.

He wanted to slash programs for energy conservation research dramatically. Savitz warned him of land mines ahead; if he tried to cut too much too fast, she said, he would get buried on the Hill.

Tribble tried; Congress buried. It wound up financing the energy conservation programs Savitz runs at 10 times the level her boss had proposed.

"He blames me instead of recognizing the fact that many people in Congress and the private sector think there is a proper role for the federal government in conservation," she says.

"We were incompatible," he says.

The relationship came unglued. Within months of the budget debacle, he asked her to take a job in Golden, Colo. The office of special counsel of the MSPB is investigating whether Tribble concocted the job and offered it to Savitz knowing she would refuse.●

BANKS SHOULD STOP FIGHT AGAINST TAX WITHHOLDING

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. STARK. Mr. Speaker, in recent weeks, congressional offices have been flooded with preprinted postcards from constituents, urging repeal of the provision in last summers's tax bill providing for withholding on interest and dividends. This lobbying campaign has been inspired by a variety of banks, S&L's, and credit unions.

It is clear from the postcards that the banks are not telling the truth to their customers. They ignore the many exemptions to this provision: The over-age-65 exemption, the lower-income exemption, and the small-savers exemptions.

Certain independent truckers are using rocks and rifles to obtain repeal of truck taxes. While we all condemn this violence, how can we ignore the violence done when a banker in a three-piece suit scares an elderly person into worrying about their interest income. The lies being told by these "sophisticated bankers" are reprehensible.

People should really be sending in postcards complaining about how and why the Congress has let highly profitable banks with hundreds of millions of dollars in profits pay zero or only 1 or 2 percent in corporate taxes to the Government which insures and protects them.

Following is an excellent article from this morning's Washington Post on why banks should stop the fight against tax withholding.

The article follows:

BANKS PLAY VICTIM ON INTEREST TAXES

(By Jerry Knight)

Banks and savings and loans have been offering their depositors an expanding range of financial services recently and now they're lobbying Congress for a measure to make it easier for customers to cheat on their income taxes.

Of course the embarrassing phrase "income tax evasion" never appears in the fliers from bank and savings and loan lobbyists that are barraging depositors and Capitol Hill.

The financial institutions say they merely want their customers to "help repeal a bad law"—the one that will require banks to

withhold 10 percent of interest paid on most accounts starting July 1.

"Warning! 10 percent of the money you earn in interest is going to DISAPPEAR," screamed one photocopied letter that arrived in last week's mail.

Even by the standards of political propaganda, this is an outrageously misleading statement. Nobody's taxes will be raised by the withholding of interest income. The tax rate itself doesn't increase, nor does the amount of interest income subject to taxation.

Under the interest withholding law, taxes on interest income will be deducted automatically in the same way that taxes on salaries are deducted from your paycheck.

The only depositors whose money is going to "disappear" are folks who've been cheating on their income taxes.

That's a lot of people. Estimates are that 15 percent of taxable interest goes unreported. One out of every $8 in taxable interest income already "disappears" before the tax collectors can find it.

Income tax evasion used to be something akin to a mortal sin, if not obscene then at least unpatriotic.

Now, apparently, tax cheating has become socially acceptable, close enough to running a yellow light that banks can subtly tell customers that part of their interest income will "disappear" if taxes are withheld from it.

Assuming that the interest income tax that is withheld is interest income tax that otherwise wouldn't be due, the financial institutions have concocted an elaborate series of phony arguments against withholding interest income. Listen to this one from the U.S. League of Savings Institutions:

Withholding interest "will erode the nation's store of investment capital" and "send shock waves through the investment community," League Chairman Leonard Shane claims in a speech he's scheduled to give today at a convention in Miami Beach.

He says the tax withheld on a $10,000 savings certificate earning 12 percent a year, credited monthly, would be $126.76 the first year, $141.23 the second year, and $157.34 the third year, for a total of $425.33. "It wouldn't be long before the account shrank by more than $1,000," argues Shane.

If I were basking in Miami Beach today with Mr. Shane on his tax-deductible business trip, I'd ask him how much income tax would be due on the account in three years if the tax were not withheld? Would you believe $425.33?

Shane claims taxpayers "are scrupulously careful about paying all taxes due on interest and dividend income." That's not what you'll hear from Sen. Robert Dole (R-Kan.), one of the most adamant backers of withholding interest income.

Dole is not exactly a Robin Hood, rob-the-rich type when it comes to taxes. He's a leader of the campaign to reduce the holding period on capital gains from a year to six months to encourage savings and investment.

Sponsors of the withholding measure contend that a huge amount of taxes goes uncollected because investors don't report their interest income. They estimate the government will pick up $10.5 billion in additional revenues in the next three years and $25 billion by 1988.

Besides the tax cheats who are pocketing that $25 billion—and forcing the rest of us to pay their share of running the government—the real losers from interest income withholding will be the banks. Which may explain why they are so concerned that their depositors' money is going to "disappear."

No question about it, the banks are going to have to pay the cost of collecting that interest tax for Uncle Sam. To compensate the financial institutions, the government is going to let them keep the money they withhold for 30 days before they turn it over to the IRS. The banks will get a month's free use of the tax money.

That's not enough, according to a study done for the banks by Peat, Marwick, Mitchell & Co. The Peat, Marwick report, which is being used by the financial industry in its lobbying campaign, contends the cost of withholding interest income will be 10 to 100 times as much the banks will earn from the 30-day float.

It's difficult to argue with the banks' bookkeeper's estimates, but on the face of it, the Peat, Marwick numbers seem a little steep. The claim of 100 times one month's interest that's being bandied about by the bankers is equivalent to more than eight years' float.

Whatever the cost, the banks and savings associations aren't the only businesses that help the government collect taxes.

Retailers collect sales taxes, and many of them have to invest in fancy cash registers that can be programmed to distinguish between taxable and nontaxable items. Oil companies collect gas taxes for both the state and federal governments. New car dealers collect license plate fees. Real estate agents collect transfer taxes. Distillers and tobacco companies stamp every pack and bottle to prove the appropriate taxes have been paid.

Every employer in the nation has been withholding income taxes from workers' checks since 1942. In 40 years, it's doubtful that many companies—let alone banks—ever went broke because of the onerous cost of handling employe withholding.

Whether they like to do it or not, all kinds of businesses help make tax collection relatively painless and surprisingly efficient. That's why the United States has one of the most respected, best-observed tax systems in the world. There's no reason why the banks and savings institutions shouldn't do their part instead of lobbying to make tax evasion easier.●

CONSUMERS NEED AUTO CRASH TEST RESULTS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. BEILENSON. Mr. Speaker, today I am introducing a bill which would provide automobile crash safety information to consumers shopping for new cars. My bill would require auto manufacturers to post crash test results on a window sticker on each new car. Consumers would then have information about crashworthiness, in addition to fuel economy and list price, as they examine new car models in their dealers' showrooms. I think this will encourage auto manufacturers to compete for safer designs while continuing to achieve improvements in fuel economy.

Consumer surveys done for the National Highway Traffic Safety Administration (NHTSA) have shown that, although there is a definite trend toward smaller, lighter cars because of their better fuel economy, consumers are aware of the greater risk of serious injury or death that small-car riders may suffer in an accident. These surveys also show that car purchasers want data on the comparative safety of various models and would be willing to pay a higher purchase price for a safer car. The widespread interest in the Government's comparative crash test results, and the very strong consumer demand for "the Car Book"—originally published by NHTSA—which contains a comparative listing of the results, are evidence that consumers want and need this information.

However, currently most consumers do not have comparative crashworthiness data available to them at the time they are deciding which car to buy. Clearly, the best way to call attention to the test results would be to post the information on a window sticker on each new car, in the same way that fuel economy and list price information are now posted. The stickers would mention that booklets listing comparative ratings for all car models are available free from any new car dealer.

Under this bill, each new car manufacturer would test its own cars under criteria established by NHTSA and certify the numerical crash rating to NHTSA. Manufacturers would be free to improve the safety of their cars beyond the minimum standards already established by NHTSA, and consumers would be free to make their own informed decisions about how much crash safety and fuel economy they want to pay for. This free market approach would give manufacturers the incentive to compete for sales to safety-conscious consumers.

There is evidence that, when manufacturers are faced with a poor crash test score, they can sometimes make a simple and inexpensive change resulting in a significant improvement in safety. For example, the Honda Civic, which failed the 1980 test, easily passed in 1981 after several relatively simple changes were made.

I am convinced that this bill will help the operation of the competitive free market. Consumers need information to make informed choices, and manufacturers need the incentive to produce safer cars. I suspect that when the automakers begin to compete for safer designs, we will see far more progress than Government regulations could ever produce.●

JOHN L. WATTS

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. BURTON of California. Mr. Speaker, on Friday evening, February 11, the labor movement of the San Francisco Bay Area will honor John L. Watts on the occasion of his retirement as executive officer of the Bay Counties District Council of Carpenters. John Watts has held this position for the past 12 years.

John Watts has an impressive record of service to the labor movement, the Nation, and to his community.

He graduated from Burlingame High School in 1930 and as captain of the football team received an athletic scholarship to Oregon State University. He graduated from the university in 1936 on the dean's list of honors and received his Reserve commission in the U.S. Army as a second lieutenant.

When the war broke out in 1941, John enlisted in the Marine Corps as a private. He attended officer candidate school and was commissioned a second lieutenant. He served in the Pacific, rose to the rank of major and in 1946, returned to civilian life.

He joined Carpenters Local Union No. 162 in San Mateo, Calif., and was active in the construction industry until his recall to active duty in 1953.

From 1958 to 1964, he served as first city manager of Belmont, Calif. In 1964, he became Carpenters Apprentice Coordinator in San Mateo and San Francisco. In 1967, he was chosen to serve as assistant to the executive secretary of the Bay District Council of Carpenters, a position he held until his election as executive secretary in 1970.

In 1980, John was elected president and chairman of the board of the International Foundation of Employee Benefit Plans. This elected position was a first for a member of the Carpenters Union.

John Watts' many friends pay him tribute on February 11 and I wanted to share with my colleagues the many accomplishments of this truly extraordinary labor and civic leader.●

A BILL TO SQUARE BAD DEBTS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. WYDEN. Mr. Speaker, I am today introducing the Maritime Services Financial Responsibility Act of 1983. Joining me as original sponsors of this legislation are my colleagues Ms. MIKULSKI, Mr. HUGHES, Mr. WHITEHURST, Mrs. BOGGS, Mr. LIVINGSTON, Mr. LOWRY of Washington, and Mr. SUNIA.

This bill is similar to legislation I introduced in the 97th Congress to enable maritime service industries, many of them family-owned operations, to collect bad debts.

This bill is needed because many marine service industries are being left holding the bag by foreign-owned steamship lines that do not pay their bills—and are beyond the reach of U.S. law.

Before 1976, these firms, which include stevedores, marine terminal operators, port authorities, freight forwarding agents, drayage firms, and harbor pilots, had recourse when foreign steamship owners failed to pay their bills. They could file suit and U.S. marshals would "plaster" a ship with a notice of arrest and a warning not to leave port until the debt had been cleared up.

But with passage in 1976 of the Foreign Sovereign Immunities Act, suits against vessels owned or operated by a foreign government were prohibited, so now these small maritime industries are simply stuck with unpaid bills.

The National Association of Stevedores, which again strongly supports this legislation, recently surveyed its members and learned that the average unpaid debt per stevedoring firm is $370,000. One firm logged a loss exceeding $1 million. These are staggering amounts for any business, but especially for a small business. These losses wipe out already-thin profit margins and create pressures on companies to raise prices.

In order to solve this problem, the Maritime Services Financial Responsibility Act will require owners of vessels engaged in foreign commerce using U.S. ports to establish and maintain financial responsibility for their debts.

Here is what the bill will do:

Owners of vessels must prove financial responsibility through insurance, surety bonds or some equivalent kind of evidence.

Failure to comply with this provision subjects a ship owner to a fine of not more than $10,000. Enforcement will be through the port clearance administered by the U.S. Customs Service and the power of the U.S. Coast Guard to deny entry.

This bill will not create any new and unnecessary deluge of paperwork for private industry. It is patterned after an existing statute requiring antipollution bonds.

The 1983 act includes the following three relatively minor changes designed to make compliance, administration, and enforcement easier, more flexible and less burdensome for all affected carriers:

Language added at the suggestion of the marine insurance industry designed to make it easier for the industry to underwrite this risk.

Authority to administer the Act has been shifted from the Federal Maritime Commission to the Department of Transportation. This is in conjunction with the move toward centralizing all transportation policy functions in a single agency.

The requirement that vessels obtain "certification" of financial responsibility has been changed to only require "documentation acceptable to the Secretary of Transportation." This will hopefully eliminate the need for a new set of federal forms and give the Secretary of Transportation a wide degree of latitude and flexibility in enforcing the Act in a way that will not force financially responsible carriers to grapple with unnecessary, expensive and time-consuming new paperwork requirements.

It is regrettable that legislation such as this is necessary at all. But the string of unpaid bills from Portland to Galveston and from New York to Long Beach, says that it is.

A full text of the Maritime Services Financial Responsibility Act follows:

H.R. 1307

A bill to require owners of vessels engaged in foreign commerce using United States ports to establish and maintain financial responsibility for claims arising from the furnishing of maritime services to those vessels, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Services Financial Responsibility Act of 1983".

SEC. 2. (a) The owner of each vessel engaging in foreign commerce and using any port or place in the United States, or the navigable waters of the United States, for any purpose shall establish and maintain, under regulations to be prescribed by the Secretary of Transportation (hereinafter in this Act referred to as the "Secretary"), evidence of financial reponsibility to meet all claims made in connection with the rendering to that vessel, at ports or places in the United States, of maritime services with respect to loading, unloading, berthing, wharfage, pilotage, repairing, cleaning, supplying of stores or launch hire, husbanding, and related activities.

(b) The financial responsibility required under subsection (a)—

(1) shall be in an amount equal to $100 per gross ton of the vessel concerned, or $1 million, whichever sum is less; and

(2) may be established by—

(A) an insurance policy,

(B) a surety bond,

(C) qualification as a self-insurer, or

(D) other evidence of financial responsibility,

or any combination of the foregoing, acceptable to the Secretary.

(c) The Secretary may not accept a bond filed for purposes of subsection (b) unless the bond is issued by a bonding company authorized to do business in a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or possession of the United States.

SEC. 3. In any case where jurisdiction over a vessel cannot be obtained under United States law, a claim for maritime services described in section 2(a) that were provided to the vessel may be brought directly against the insurer or the other entity or person providing the evidence of financial responsibility required under this Act. In defending against such a claim, the insurer, entity, or

other person may invoke all rights and defenses that would have been available to the vessel owner if an action had been brought against him by the claimant or that would have been available to the person providing financial responsibility if an action had been brought against that person by the vessel owner.

SEC. 4. Each owner of a vessel subject to this Act who fails to comply with this Act, or any regulation issued thereunder, shall be subject to a fine of not more than $10,000.

SEC. 5. (a) The Secretary of the Treasury shall refuse the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. 91) to any vessel subject to this Act that upon request does not have documentation acceptable to the Secretary indicating that the financial responsibility requirements of this Act have been complied with.

(b) The Secretary of the department in which the Coast Guard is operating may—

(1) deny entry to any port or place in the United States to, or

(2) detain at the port or place in the United States from which it is about to depart for any other port or place,

any vessel subject to this Act that upon request does have documentation acceptable to the Secretary indicating that the financial responsibility requirements of this Act have been complied with.●

THE 35TH ANNIVERSARY OF SRI LANKA'S INDEPENDENCE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. ZABLOCKI. Mr. Speaker, February 4, 1983, marked the 35th anniversary of Sri Lanka's independence. Like our own Fourth of July, this day is particularly significant for the people of Sri Lanka. It honors the endurance of a free and democratic system of government and commemorates the progress achieved in improving the quality of life for the Sri Lankan people.

As my colleagues who have visited Sri Lanka can attest, Sri Lankan independence and democracy are firmly established. Sri Lanka and the United States maintain deep mutual respect. We share many common goals and cooperate in many ways. Although Sri Lanka is a leading member of the nonalined movement, Sri Lanka and the United States maintain common positions on many important international issues.

Sri Lankans are firmly committed to democracy. National and local elections are held at regular intervals. The election of President Jayewardene last October marked the inauguration of a system of direct elections for president. I congratulate President Jayewardene, who was sworn in on Friday, on his transition from Prime Minister to President.

Finally, we should observe the tremendous efforts undertaken in Sri Lanka to extend social and economic benefits. High literacy and extensive health care delivery in Sri Lanka have attracted international respect for some time. Moreover, economic and social policies continue to be designed and promoted to increase incomes and provide other assistance that will improve the lives of the most disadvantaged citizens of Sri Lanka. As a strong supporter of economic delevopment that serves basic human needs and aims directly at problems of the poorest people in the poorest countries, I am impressed with many of the economic projects underway in Sri Lanka. The United States can take appropriate credit for its economic assistance to Sri Lanka that complements Sri Lanka's efforts, such as expanding rural irrigation and bringing into cultivation new land to provide new opportunities for the rural poor.

Mr. Speaker, I welcome this opportunity to acknowledge the accomplishments of the Sri Lankan people and wish them success as they proceed with their national endeavors.●

SUPPORT OF H.R. 1197, A BILL TO EXTEND THE RESTRICTIONS ON ALASKAN NORTH SLOPE CRUDE OIL

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. TORRICELLI. Mr. Speaker, I am very pleased to cosponsor legislation introduced by my distinguished colleagues, Mr. MCKINNEY and Mr. WOLPE, to extend the restrictions on the export of Alaskan North Slope crude oil. I believe this legislation, H.R. 1197, is one of the most important consumer-protection issues to be considered by the 98th Congress.

The existing restrictions are contained in section 7(d) of Public Law 96-72, the Export Administration Act Amendments of 1979. These restrictions do not prohibit the export of Alaskan oil. On the contrary, they provide a mechanism for allowing such exports if certain findings are made by the President and approved by the Congress.

Under the law to be extended by H.R. 1197, exports may take place if the President determines that the export (a) will not diminish the total quantity or quality of oil refined, stored, or legally committed to be transported and sold within the United States; (b) will result in lower crude oil acquisition costs to American refiners who in turn must pass on at least 75 percent of their cost savings in the wholesale and retail prices of their petroleum prices; (c) will be made pursuant to a contract which may be terminated if the crude oil supplies of the United States are interrupted, threatened, or diminished; and (d) is clearly necessary to protect the national interest.

In addition, the law requires the President to report such findings to the Congress. In order for the export or exchange to take place, Congress must adopt a concurrent resolution approving the export or exchange proposal within 60 days of receiving the President's findings.

Clearly, Mr. Speaker, American workers and American consumers have paid a high price since the energy supply disruptions of the early 1970's. Since that time I believe we all should have learned that unless we have an energy policy which truly serves the national interest, we will leave ourselves vulnerable to future oil embargoes and oil price rises which will further cripple the American economy. The availability of petroleum and petroleum products at reasonable prices is too important to American industry, American workers, American consumers, and America's energy self-sufficiency for the Congress to eliminate the only real safeguards presently contained in the law.

These restrictions guarantee that any export of Alaskan oil would result in lower crude oil acquisition costs to American refiners and lower wholesale and retail prices to American consumers. It guarantees that any export plan submitted to the Congress by the President must demonstrate that there will be in fact a consumer benefit.

The restrictions guarantee, through the two-House approval requirement, an affirmative congressional role in the decisionmaking process regarding the disposition of Alaskan oil. This in turn better guarantees the American people that the national interest, rather than any one parochial interest, will be served by an export of Alaskan oil.

Failing to extend the restrictions contained in section 7(d) of Public Law 96-72 will leave the American people totally unprotected. We must accept our responsibility and obligation to the American people and retain the final say over any overseas sale of this vitally important domestic energy resource. The Congress—the duly elected representatives of the people—and not those who have a vested profit motive interest in the sale of energy supplies to foreign consumers, must decide whether the national interest is being served.

I urge all my colleagues to join as cosponsors to H.R. 1197.●

THE SIERRA CLUB, INDUSTRY, AND THE CLEAN AIR ACT

HON. HENRY A. WAXMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. WAXMAN. Mr. Speaker, for 2 years now, no environmental issue has received greater attention than the reauthorization of the Clean Air Act. Major interests are involved; there are more than just two "sides," and the issues are extraordinarily complex and interrelated. At times, it has doubtless appeared that we are inevitably and irretrievably locked into a state of confrontation and stalemate. People on all sides of the issues involved have sometimes appeared to be involved in open warfare.

Against that background, it was refreshing to me to read the text of an informal speech about the Clean Air Act by the president of the Sierra Club. Not only was what he had to say refreshing and encouraging, but I was pleased to see the audience to whom he spoke: The Environmental Industry Council.

Denny Shaffer, who serves as the elected volunteer president of the Sierra Club, is himself a successful small businessman from Fayetteville, N.C. In his remarks to the Environmental Industry Council, meeting here in Washington this week, Mr. Shaffer addressed himself to the problem of the apparent stalemate over the Clean Air Act. I believe that Mr. Shaffer's comments will be helpful to may colleagues in illuminating the point of view of one of the major players in the continuing issue of the Clean Air Act, so I am pleased to include the full text of his prepared remarks at this point in the RECORD.

The text follows:

STATEMENT OF DENNY SHAFFER

I want to thank the Environmental Industry Council for inviting me to be here with you today.

One of my highest priorities as President of the Sierra Club is to talk with industry groups whenever I can. I believe the dialogue . . . and that's what I'm here for today, to hear you as well as to talk to you . . . is vital.

I'm not sure I would go along with Will Rogers' comment that he never met a man he didn't like, but I do know it's a lot easier to dislike someone you don't know.

These exchanges remind us that we're all very similar, though we may differ on some ideas. I remember how great a discovery it was for me when I realized that if I wanted folks to accept me with all my ideas and thoughts they might see as strange, there was an implied "must" there. I must be willing to accept them . . . even as we disagree.

It's one of the tragedies in our nation today that the Reagan Administration doesn't understand that.

So you hear the Secretary of Interior saying, "I've never been criticized by anyone I really respect," and you hear charges leveled at those who do disagree with him . . . charges clearly showing his being out of touch with reality . . . the reality that comes from dialogue.

When Toby Anthony invited me here today to speak with you, he suggested that I might "tick off provisions in the Act where environmentalists and industry can agree." He asked if there "is ground for establishing consensus with industry groups, or must we witness continuing confrontation?"

That is a good question.

I read in the paper the reasons for the confrontation.

I read that environmentalists can't agree with business leaders because those businessmen don't care about anything but profits. They're indifferent to people and people's health. Well, I don't believe that, because I've been a businessman for over twenty-eight years. I know better.

I also read that businessmen can't agree with environmentalists because environmentalists don't care about anything but trees and birds. They have no concern for people, or jobs, or the economy. Or you even read statements that it's not environmental issues we're interested in, but a hidden agenda of somehow changing our form of government. Well, of course, I don't believe any of that. As President of the Sierra Club, the nation's largest and most powerful grassroots lobbying environmental organization, I know better.

So if what we read on the subject is wrong . . . and it seems to me it is . . . why can't we agree on the Clean Air Act?

If we are all reasonable people, why don't we get together and write the Clean Air Act here today?

Well, there are tactical reasons.

The first U.S. legislation to control air pollution passed in 1955, the original Clean Air Act in 1963. It was amended in 1965 and 1966. Then came the Air Quality Act of 1967, the Clean Air Act Amendments of 1970 and 1977 and that's where we are.

We have a strong Clean Air Act. The people of this country have said over and over again that we need it. The Congress of the United States and several Presidents of the United States have responded, have agreed that we needed it. And it is now law.

Polls tell us that the people of this country want a Clean Air Act as strong or stronger than the one we have. I am sure you saw the results of the Harris Poll in the January 24, 1983 issue of Business Week.

Eighty six percent of the people polled oppose any weakening of the law. Only 7 percent support a less stringent law. In just two years, public support for a stricter Clean Air Act has risen from 29 percent to 47 percent.

So the first response to the question of why we don't become "more reasonable" towards the request of those industries who wish to weaken the Clean Air Act is, why in the world should we?

The Congress of the United States has said we need this protection for people and for other life. Eighty-six percent of the people in this country today agree.

It is, you see, just not our move.

If the United States auto industry is in that 7 percent that wishes to weaken the Clean Air Act, they'd better make their case. If the base problem underlying the weakness of the United States automobile industry is the Clean Air Act . . . if that's why this American industry is in trouble . . . they'd better prove it.

I, like many Americans believe that air pollution control is not why foreign auto makers have taken a large share of the American market. But I am no expert. Show me I'm wrong.

If the high cost of electricity is really caused by pollution control, the case hasn't been made. Again as a businessman, I would reflect on the massive amounts of capital electric utilities have invested in unneeded nuclear power plants . . . plants now canceled, and sitting there as monuments to poor business judgment. But maybe I'm wrong. The utilities shall make their case.

The Sierra Club is not about to say, okay, we'll accept a weaker law. We'll not say, "Let's show the 7 percent of the people in this country just how reasonable we are."

To do that would, in fact, not only be unreasonable; it would be a betrayal of ourselves and the 86 percent of the people in this country who share our position on the Clean Air Act.

You know, of course, we are willing to accept some changes.

We have suggested extending the schedule for submitting a complete plan for attaining the ozone standard from July 1982 to December, 1984. We have suggested some flexibility in the seven areas identified by the National Commission on Air Quality that may not be able to attain the ozone standards by 1987, and the one or two areas that may not be able to attain the carbon monoxide standard.

We have suggested, under some conditions, the extension of the deadline for areas with severe total suspended particulate problems.

We have proposed a list of changes that should be made to simplify the PSD program.

All of this, I believe, shows we are reasonable and flexible. But our opponents need to give a bit, too.

Two obvious problems that need to be addressed are acid rain and toxic air pollutants. The country really needs protection in those areas.

So while flexible on some adjustments, as I have listed, the Sierra Club is not going to give an inch on the basic right of all Americans to breathe clean, healthful air, and the need for a strong Clean Air Act to guarantee it.

But there are other reasons for those of us gathered here today to not be the self-appointed group that writes the Clean Air Act. Agreements on national policy cut in smoke-filled rooms never did get much respect. Those cut in "smoke-free rooms" deserve no more.

And we know why.

If all the parties to this issue were willing to have representatives sit in this room, or any other room, who would pick those participants?

For whom would we speak? Would anyone, other than perhaps ourselves, pay much attenton to the deals we would cut?

In other words, would General Motors be willing to let Chrysler speak for them? More importantly to me, would all environmentalists say, "Okay, the President of the Sierra Club says he went in that room with industry leaders and says he compromised a deal for a Clean Air Act. So I'm sure it's fine. I'll not worry about it anymore."

No, sir, they would not and they should not.

I have not been chosen by the 86% of the people in this country to make public policy for them. They would not respect my actions and well they shouldn't. That would not be respectable.

A December, 1981 poll showed that the public named the Environmental Protection

Agency as the group or institution most trusted to make suggestions for changing the Clean Air Act. The second most trusted are the environmental organizations.

Three observations: (1) we're going to live up to that trust; (2) I would wonder if a more current survey might put us ahead of the Anne Gorsuch/Ronald Reagan EPA; and (3) for those who think we might have controlled that survey, it was run by the Chamber of Commerce of the United States.

So we work through the system of government we have.

Industry can, will, and should make its case. If some industries want the law weakened, tell people why. The American voter will hear you. The Congress is responsive.

The Sierra Club and all the environmental groups and health groups will make their case to those same Americans, the same Congress.

This need not be confrontation. It can, and must be our serving in our respective roles. A wise gentleman once observed that if there wasn't a Sierra Club, industry would have to invent one. Because we are needed to make the system work.

So we all make our case, and then public policy will be made where it should be made, in the public forum. Made with all the openness and public participation that our system permits.

It's been suggested that you should never watch sausage or laws being made. Well, let me tell you something from my own personal experience. I used to work in a meat packing plant when I was a high school and college student, and if I'm going to eat sausage I'd sure rather eat that which I've seen made. And if I'm to live under the laws. . . .

Well, it may be overly dramatic, but a lot of good people have died to protect that right.

Public policy must be made by those chosen by the American voter to make public policy. It must be made by those accountable to them.

So you see, Secretary Watt is wrong. I'm not trying to change our form of government (as an aside, I'm also not, nor have I been, a Nazi).

That's all part of the big life technique.

Perhaps it's old fashioned, my generation might call it corny and the Valley Girls' response might be, "Gag me with a spoon," but I really do love this country.

And I've done those things people do which express that love. I have been in the service, held elective office, I vote and I pay taxes . . . and I'll continue to do everything I can to protect the system of government that permits both you and me to influence the direction of public policy in an open, honorable, respectable way.

I want to assure you that, as President of the Sierra Club, I will spend my total energies, if necessary, as will many of our 336,561 members, to be sure that the voices of the 86 percent are heard in Washington.●

FAIRNESS IN ERISA PROCEEDINGS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. FRANK. Mr. Speaker, today, I am reintroducing legislation which seeks to amend the Employee Retirement and Income Security Act of 1974 (ERISA) to correct what I believe is an unjustice in that law as it has been interpreted by the Federal courts. Under current readings of that law, a pension beneficiary who is denied benefits or whose benefits have been terminated, must prove in a court action that the plan administrator acted "arbitrarily and capriciously" in order to obtain those benefits. This is an almost impossible burden for many beneficiaries to meet.

Under current law a beneficiary who is denied benefits by error or inadvertence of the plan administrator, will be unable to have that decision overturned in court absent arbitrary or capricious conduct by the administrator. Simple mistake, negligence, or sloppiness will not do and this result is clearly unfair. If a beneficiary deserves benefits from his or her pension, they should be received. There is no just reason why that person should have to delve into the thoughts or decisionmaking processes of the plan administrator.

One example of the injustice of this provision has been brought to my attention by an attorney, Henry P. Sorett of Cambridge, Mass. Mr. Sorett practices extensively in ERISA law and in fact, brought this entire issue to my attention for which I am very grateful. A client of Mr. Sorett had his disability benefits terminated by a plan administrator who decided that his illness was no longer disabling. Tragically, the illness was cancer and the client has since died of that disease. In court, the administrator is taking the position that he did not act arbitrarily or capriciously, a burden that Mr. Sorett tells me will be difficult to meet despite the clear fact that his client was disabled when his benefits were terminated.

This bill takes a very simple approach to this problem and one that I believe is eminently just. First, it would amend section 502 of ERISA (29 U.S.C. 1132) by adding that a beneficiary may recover benefits by proving by a "preponderance of the evidence that the administrator erred in denying such benefits." This standard of proof is that which is used in civil litigation for breach of contract, torts, et cetera and seems perfectly reasonable in this context. Please note that the burden of going forward would still rest with the beneficiary and thus would still provide reasonable protection for plan administrators.

Second, the court would examine the benefit denial de novo and without any presumption as to correctness of the administrator's decision. I believe this provision is necessary in order that the beneficiary will have an opportunity to present all relevant evidence to the court and to make sure that the court does not simply "rubber stamp" the administrator's prior and perhaps unjust decision.

Third, I have added a provision which would award reasonable attorney's fees and costs to the beneficiary if the administrator is found to have acted in an arbitrary and capricious manner. This provision is, I think, clearly warranted since a beneficiary should not have to bear these expenses under those circumstances.

Finally, the amendment made by this bill is made effective with respect to actions commenced on or after the date of enactment.

Mr. Speaker, I hope Members will agree that this is a problem which very definitely deserves action by the Congress.●

TRIBUTE TO RICHARD S. SCHWEIKER

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. COURTER. Mr. Speaker, on behalf of the people of this Nation I rise to honor an outstanding and unique person who, after years of unselfish service to his country, will be leaving his post with the Government and the President's Cabinet to take a position in the private sector. I am refering to the retiring Secretary of Health and Human Services, Mr. Richard S. Schweiker.

Mr. Schweiker has been untiring in his devotion to our Nation, both in war and in peace. He served his country in World War II aboard an aircraft carrier in the Pacific Ocean. Following his election to the House of Representatives in 1960, Mr. Schweiker soon became a leader in Federal health and welfare policy. In his 20 years in Congress, 8 in the House of Representatives and 12 in the Senate, he became an acknowledged leader in the fight against diabetes and was well known for his work in preventive health care, cancer, and heart disease research, and sickle cell anemia legislation.

Since his appointment by President Reagan 2 years ago, Secretary Schweiker has worked effectively to reverse years of runaway costs in many programs and yet took steps to protect our most needy citizens. The HHS budget, which is the third largest Government entity in the world behind the total U.S. and U.S.S.R. budgets, deals with a complex range of health and social programs including medicare, medicaid, social security, and head start, all of which provide an immeasurable service to the citizens of this land.

Among the accomplishments of HHS under Mr. Schweiker's steady direction include renewed emphasis on child support enforcement efforts, work programs instead of welfare, a plan to improve safety conditions for

the elderly in the Nation's nursing homes, teenage alcohol abuse, tamper-resistant packaging for medicine, and increased efforts in informing Americans about good nutrition, physical fitness and other health-enhancing activities. These accomplishments came hand in hand with less paperwork, less waste, and more direct responsiveness to different individuals' needs. His contributions to our society will not be forgotten, as millions of citizens will continue to benefit from his accomplishments.

As Mr. Schweiker leaves to become president of the American Council of Life Insurance, I ask the other Members of Congress to join me in thanking Mr. Schweiker for his devotion to the public good and wish him and his lovely wife Claire the best of health and happiness in the coming years.●

BARTENDERS' BALL

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. FAUNTROY. Mr. Speaker, I would like to bring the Congress attention to a most important charitable event. In a time of budget cutbacks and high unemployment, an outstanding charitable effort is being undertaken by the bar and restaurant owners of the D.C. metropolitan area through their annual Bartenders' Ball.

Over the past 4 years the Bartenders' Ball has raised over $150,000 for area charities. Through one of these charities, the Shaw Community Center Food Committee, the Bartenders' Ball has helped to feed many of the hungry in this city.

I want to urge you to support and salute the Bartenders' Ball, to be held on February 12 this year, and the spirit of compassion embodied in it.

If you want to know more about either the Bartenders' Ball or the Shaw Community Center Food Committee, please let me know.●

ISMET "MATT" DELETIOGLU

HON. HAROLD WASHINGTON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. WASHINGTON. Mr. Speaker, I call to the attention of my colleagues and the American people the continuing story of a businessman who represents the best example of what his country has to offer.

I speak of Ismet Deletioglu, who has combined industriousness with selflessness, humanitarianism, and a genuine concern for the poor, the downtrodden, and less fortunate among us. At a time when our national leadership has shown more interest in building implements of death and destruction, than in building bridges of understanding and extending a helping hand to the old, the indigent, and those who have lost hope, the story of Mr. Deletioglu stands in stark relief to the cynicism and despair that too often dominate our thinking.

Ismet Deletioglu, Matt to his friends, is an American of Turkish decent, who for the past 8 years has owned a restaurant in Chicago called "the French Port." Each year beginning in 1975, he has opened his restaurant once a year on Thanksgiving Day to feed the poor and lonely. Last year, he fed more than 1,600 people. He refuses to accept any contributions from others to help underwrite the expense.

One of seven children who were orphaned when he was 10 years old, Matt became a merchant seaman on a Liberian freighter. He jumped ship and decided to make his own way in Chicago. His rise from a seaman without a ship to a successful and wealthy restauranteur is a shining example of what industry and diligence can still achieve.

Matt brought another characteristic to our shores—generosity. He remembered a custom in Turkey whereby once a year the wealthy would feed the poor; so when he became wealthy, he began to feed the poor and lonely on Thanksgiving day. As Matt has said:

> I think people should care for each other—what we do we do from the heart, not for publicity or money, just from the heart.

During Brotherhood Month in 1983, the Members of this body, the people of this Nation and the people of Chicago would do well to pause and recognize Mr. Deletioglu's example. He is a man who has brought to our Nation a desire for unity and brotherhood among all people, a generous heart, an enterprising mind, and a helping hand. It is appropriate that he should be honored in this way.●

THE 1983 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. WIRTH. Mr. Speaker, beginning today, the 1983 Call to Conscience Vigil for Soviet Jews will bring to the attention of Congress and the public the plight of Soviet Jews who seek freedom of religion and the right to emigrate. The continued oppression of Jews in the Soviet Union represents a crisis in international human rights. The Soviet Union's denial of the basic guarantees of freedom violates both the letter of our international agreements and the spirit of a humane world order.

The Soviet Government seems to have resumed its contemptible program of official anti-Semitism. Jewish history, culture, religion and language are suppressed—or are subject to malicious distortion in the state-run press. Individual Jews, attempting to keep alive the flame of their heritage, are harassed, arrested and imprisoned.

Emigration of Soviet Jews is virtually nonexistent. The numbers alone cannot speak of the personal anguish and official persecution that is the lot of the refuseniks. Those courageous enough to organize and speak out against this atrocious system have been imprisoned. But they cannot be silenced.

Today, I would like once again to speak about Prof. Nahum Meiman, a Soviet Jew and a mathematical scientist who has been actively seeking an exit visa since 1974. Professor Meiman's case is representative of the harassment and threats to which Soviet scientists have been subjected in their struggle for basic human rights.

In 1935, Nahum Meiman received the highest degree awarded in the Soviet Union, doctor of physical and mathematical sciences. He is widely known for his pioneering work in quantum field theory and he worked at the Institute of Theoretical and Experimental Physics in Moscow until his dismissal. When Professor Meiman decided to emigrate from the Soviet Union, his application was denied on the grounds that he "possessed state secrets."

In a letter to the late Leonid Brezhnev, Meiman explained that the only time in his career that he dealt with classified subjects was in the years 1948 to 1955, when he worked on military-related theoretical calculations at the Institute of Physical Problems of the Academy of Sciences. Since the research had been conducted more than 25 years earlier, and had then been published in widely circulated journals, it could hardly be characterized as "state secrets." Meiman appealed:

> I declare categorically and can prove convincingly that I do not possess any state secrets . . . I am afraid that the possession of secret information of which I am being accused is not the real reason for denying me a visa . . . but is only a pretext.

Recently, Ms. Annette Lantos, the wife of our distinguished colleague TOM LANTOS, traveled to the Soviet Union and met many of the refuseniks we will speak of during this year's Call to Conscience Vigil. In Moscow, she visited Professor Meiman and his new wife, Inna. An excerpt from Ms. Lantos' record of her trip:

> To me, the highlight of our visit to the Soviet Union came in the course of visits with two most distinguished groups of re-

fuseniks—scientists, professors, philosophers, as well as dedicated young men and women, who under totally false and evil pretext have been refused their application for passports and exit visas from the Soviet Union. They have become outcasts in their own country.

Our host in Moscow was a 71 year old professor named Nahum Meiman and his lovely wife, Inna. Professor Meiman is an internationally recognized authority in mathematics and elementary particle theory. His daughter and grandson live in Boulder, Colorado. In 1975, after applying for an exit visa to leave the Soviet Union he had to resign from his job at the Institute of Theoretical and Experimental Physics, where he had worked for many decades. He was not only deprived of this work, but he was also expelled from the Hospital where he had received medical treatment for over 35 years. He is gravely ill with a heart ailment and the deprivation of medical care by the Soviets was a terrible blow. His telephone service has also been cut off which for a sickly person is an extremely dangerous situation. Yet Professor Meiman's concern is not for himself. His modest, poor, little apartment is the central meeting place for the harassed, long-suffering group of outcasts, the refuseniks, who can always count on a word of comfort, wisdom and good advice from both the professor and his wise and brilliant wife, Inna, who speaks perfect English, and acts as an interpreter with visitors from the United States.

Professor Meiman was the first man to give some cohesion to this desperate and discouraged group by writing letters to leaders in the West protesting the injustice of their conditions, and calling for help and support. These letters began way back in 1971, and by asking other refuseniks to sign these letters the beginning of a group interaction was established amongst them. This provided them with a modicum of support and encouragement.

Throughout his ordeal, Professor Meiman has shown extraordinary courage and devotion to the human rights cause. He has been an active human rights advocate and took a leading role in the Helsinki Monitoring Committee, which was sadly dissolved last year. Of the original leaders of this heroic group, only Meiman and his close friend Andrei Sakharov remain out of prison—and Sakharov has been banished to internal exile.

Along with every citizen of the Soviet Union who seeks to emigrate, to enjoy the freedom that we all should enjoy, Nahum Meiman's hopes lie with us. It is our responsibility, as members of a free society, to impress upon the Soviet Union our commitment to the human rights of all people.

What can we in the Congress do to help relieve the suffering of the Soviet Jews? Few of our activities are as emotionally trying as our attempts to persuade the Soviet Government to grant its citizens basic human rights. Too often, our letters and telegrams are answered only with the unholy silence of Soviet officialdom. But we must continue to remind the U.S.S.R. that we have not forgotten the Soviet Jews' ordeal.

Mr. Speaker, as chairman of the 1983 Call to Conscience Vigil for Soviet Jews, I am asking each of my colleagues to participate in this program, which for 8 years has provided an effective vehicle for voicing our concern. The vigil is a series of statements in the CONGRESSIONAL RECORD—each by a different Member of Congress, each describing the plight of a different Soviet citizen, each on a different day throughout the year. It is a coordinated effort to convey our concern to the American public, to the executive branch of our Government, and to the world. The vigil allows us to speak individually, yet with one voice.

Taking over the chairmanship of the Call to Conscience Vigil from our colleague NORMAN LENT, I hope to continue its tradition as the single largest ongoing effort by Congress to secure human rights for Soviet Jews. I strongly urge my colleagues to join us.●

DOMINIC COTE: THANKS FOR A JOB WELL DONE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, voluntary service is one of the highest forms of community service. Each day, tens of thousands of volunteers do important, worthwhile jobs that simply would not be done without them. Our country is greatly enriched by their efforts.

Never was this more apparent to me than when I first read about Dominic Cote, one of my constituents. Dominic is 15 years old and spends his weekdays after school as a volunteer at the Villa Maria Nursing Home and Rehabilitation Center, in north Miami. From all reports, both Dominic and the residents of Villa Maria are better for it.

The Miami Herald recently ran a story about Dominic Cote. I think we need to recognize and encourage his kind of initiative, dedication, and service, and I want to share with my colleagues the following article about an outstanding young man. I hope that his efforts will inspire other young people to do the same.

The article follows:

[From the Miami Herald, Jan. 23, 1983]

DOMINIC COTE

(By Matthew Creelman)

Each day after school, Dominic Cote leaves North Miami Junior High, walks east on NE 125th Street and steps into another world.

It's a world few other 15-year-olds know. It's a world few young people even care about.

Cote is the youngest volunteer at the Villa Maria Nursing and Rehabilitation Center in North Miami. For four years he has visited "the villa" after school.

"It's like Atlantis, you could say. It's a whole different world where none of the people leave," Cote said.

"And when you enter this world it's fascinating, because they don't keep up with the world outside.

"It's like living inside a bubble."

Cote, a native of Montreal lives in Keystone Point with his brother, sister and parents. He started volunteering at Villa Maria with his sister when she became interested in nursing.

He is at Villa Maria between 4 and 8 p.m. weekdays. At dinnertime he helps residents with their trays and keeps them company while they eat. He is well appreciated.

"A very, very nice boy," said Gertrude Brock, a resident from Brooklyn, N.Y., who was relaxing in the lobby at Villa Maria Friday afternoon. "A lovely boy. We've watched him grow."

Brock, 87, has lived at Villa Maria for 12 years. "He does anything you ask him. What more could you want?

"I can't see a fault about him. He's not fresh, he's not full of it. He has very good manners."

Cote, who speaks with a slight accent that gives his words a crisp, learned quality, finds it difficult to explain why he spends so much time at Villa Maria. He clearly isn't doing it to have something to boast about.

After thinking a few moments, he said:

"A little thank you means a lot. Maybe that's why I've stayed at the Villa so long."

And then he added: "What is the saying? What you do with your parents, your kids will do with you."●

STATEMENT OF THOMAS ENDERS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to call to the attention of my colleagues the following statement by Assistant Secretary Thomas Enders on the certification of progress in human rights, land reform and democratic institutions in El Salvador.

STATEMENT OF THOMAS O. ENDERS

1.

The Congress has authorized military assistance to El Salvador because the survival of that country is important to American security. The outcome of civil strife there can affect the future of the Panama Canal, and of our immediate neighbor Mexico. And we are mindful that no less than one half of our trade passes through the Caribbean.

The Congress has also conditioned military assistance to El Salvador on periodic certification of progress in human rights, land reform and the creation of democratic institutions.

2.

One could argue about the procedure adopted. Many of us don't feel comfortable with having to say it's OK—or not OK—every 180 days with no third choice. Periodic certifications can polarize opinion here, obscuring a broad agreement that we don't want to see Central America dominated by Marxist-Leninists, but do want to see it

reform. Or they can threaten the morale of our friends in the area, who fear that aid may be suddenly withheld. Or they can give an opportunity to the guerrillas, who have found that a "certification offensive" is a natural medium for publicizing themselves. And such major factors as Cuban/Nicaraguan support for guerrilla forces are left out altogether.

But Congress clearly intended to give the Administration in certification a means to encourage and ensure progress towards human rights, land reform and democracy.

And no one can argue about the goals.

Only through the emergence of legitimate institutions, in which all factions can participate, will the civil strife in El Salvador be overcome.

Only when political violence, including that of government forces, has finally been ended, can representative institutions be fully effective.

And only when the process of redistributing land, whose ownership was once cruelly unequal, has been completed will there be social justice.

3.

This third certification does not say that these goals have been achieved.

It says that El Salvador continues to advance toward them.

The certification says that the "land to the tiller" phase of agrarian reform—whose future was a matter of such concern at the time of the last certification—has been vigorously relaunched. Look at this chart. No less than 9,638 farmers filed title applications in the second half of 1982. If you include family members, that means some 60,000 new beneficiaries of land reform once the applications are processed. More than 20 percent of arable land has been redistributed since U.S. aid to El Salvador began three years ago.

The certification says that political violence continues to diminish, although at a slower rate than at the time of the second certification. When a group of reforming officers overturned the old order in El Salvador in 1979, an explosion of violence by right and left occurred—anarchy really, in which every man could inform on every other, and in which security forces, vigilantes, guerrilleros all took justice into their own hands. This anarchy has gradually abated, as the government has instructed its forces in human rights concerns and extended its range of control. Look at the chart. Political violence is only a quarter of what it was two years ago.

The certification says that the fragile new democracy that emerged from the war in the massive turnout of the March elections has proved resistant to the manipulation of individuals or minorities. The country is headed towards full presidential elections a year from now on the basis of a new constitution. Democracy is little by little emerging.

4.

Grave problems remain. The judicial system is not working. Often soldiers disciplined and turned over to it simply remain in detention without being prosecuted. One alleged participant in the murder of two American land reform workers—a man whose probable guilt was established by a government-appointed and army-supported commission of inquiry—was set free by judges intimidated or bought. And although two more are detained and being prosecuted, yet another is a fugitive. A trial process has begun for the accused murderers of four American churchwomen. But all of us are still waiting for justice to be done.

Moreover dissenting views in the coalition have so far prevented the government from going forward with two initiatives that are essential to moderate the conflict: a serious amnesty, and the Peace Commission to promote reconciliation with adversaries.

5.

Mr. Chairman, these points bring me to some of the issues raised in your January 31 letter inviting me to these hearings.

Even though progress is sometimes maddeningly slow—for instance on the promised Peace Commission and amnesty—our judgment of the political situation is that the center is holding—and gradually expanding. The process of building a consensus through constant and close consultations among divergent factions is an integral part of the way the Salvadoran political system is now working.

On the military side, the war has been largely localized over the past year. The guerrillas periodically mount hit-and-run attacks. Government forces then dislodge them. Although neither side seems able to gain a decisive military advantage, guerrilla military actions are proving unable to prevent the gradual strengthening of democratic political processes.

The economy is in trouble. The guerrillas have mounted a destructive campaign of economic sabotage in an effort to sow dissatisfaction and fear among the Salavadoran people. The world recession has been especially costly to Central America and Latin America as a whole. Investors and lenders shy away from any business environment as uncertain as that of El Salvador. Real GDP has declined by some 25 percent in three years; unemployment now approaches 40 percent in many areas of the country. The decline was slower in 1982 than in the previous two years, and there is hope for a better performance in 1983.

As noted in the certification report, the government is making a serious effort to improve the human rights behaviour of government forces. Progress has been uneven. It has been greatest with the National Police. Other forces have been less successful, especially those with highly decentralized structures which impede close monitoring by their commanders. Again, I would refer you to the certification report for more details.

Also as noted in the certification report, we continue to be dissatisfied with the functioning of the Salvadoran judicial system. Ambassador Hinton's October speech before the American Chamber of Commerce in San Salvador, the certification report, and every other major statement of U.S. policy, make clear that this is one of our highest concerns. Some of the progress in two U.S.-citizen cases has taken place since the Hinton speech, but as I noted earlier, we are still waiting for justice to be done.

The certification report contains detailed statistical information on the progress of the land reform. Statistics received only yesterday confirm the great strides made in the "land to the tiller" program since the last certification. During the month of January alone, almost 27,000 additional acres were brought under that program, based on 8142 new title petitions from peasants working the land. Most impressively, and with the broadest implications for the permanence and stability of the program, in January 738 new final titles were issued to peasants—almost five times more than were issued in any previous month, and more than doubling the cumulative total of final titles issued by the end of December. By any standards, Phase III is now advancing rapidly.

We will support renewal of the land to the tiller program when it comes up for continuation in March. The program has already been extended twice, in one year increments, since the passage of the original law. The proportion of expected beneficiaries who have actually made application for title remains dramatically lower in departments of high guerrilla activity than, for instance, in the four relatively tranquil western departments. With such large blocks of potential beneficiaries still waiting, the agrarian reform must be extended.

With regard to your last question, Mr. Chairman, human rights abuses in El Salvador are not rooted in any single cause, much less in any cause that could be removed quickly by any particular policy of the government of El Salvador. It is not reasonable to expect that all abuses could end within six months. Nor would it be realistic for the United States to fashion a policy based on such an assumption.

Over the last three years, U.S. assistance has contributed decisively both to the ability of El Salvador to resist the attempts of guerrillas with external support to seize power, and to El Salvador's ability to reduce violence while undertaking a process of democratic transformation and socio-economic reform. Our continued assistance is vital to the consolidation of these processes.

6.

Some people say: stop the military aid to El Salvador, and the killing will stop.

But it wouldn't. Cessation of military aid would mean only that the fighting—now concentrated in four departments, three of them lightly populated—would spread to all frontiers. And the death squads and vigilantes would once again flourish as the central government faltered.

Others say: force the government to negotiate with its adversaries, and the killing will stop.

But it wouldn't. No Latin American government has ever agreed to negotiate as an equal with its armed opposition—and survived. Vanezuela didn't agree to do so in the 1960's. Nor did Peru or Brazil. Colombia didn't this year. And El Salvador is not pre-Fidelista Cuba or pre-Sandinista Nicaragua. If we attempt to force the Government of El Salvador to negotiate with the guerrillas as equals, we risk its collapse. And the result could be anarchy as left, center and right all fight for the remains.

And should in either case the guerrillas prevail, we know there will be no democracy, no respect for human rights, no land to the individual tiller.

7.

If power sharing without reference to democratic principles is no solution, what is? The answer is inescapable: the cooperative development of political processes that are democratic and that provide the security as well as the means for reconciliation.

And not in El Salvador alone. For just as the fighting has become a regional problem, the solution must be regional as well. And our objective must be to foster conditions, both political and military, that will bring lasting peace to Central America.

Last October, the government of Costa Rica helped define a set of principles we believe can help achieve that goal. Both El Salvador and the United States signed the Final Act of San Jose setting forth eight

principles, which single out respect for human rights and the development of democracy, and which also include reciprocal measures to reduce and eliminate military conflicts.

These principles embody four basic points:

Taking Central America out of East-West competition, through such measures as removal of foreign troops and military advisers;

Defusing tensions among nations in Central America, by reciprocal and verifiable agreements on arms imports, frontier control, and assistance to insurgent groups in each other's territory;

Launching a region-wide democratic transformation, by ensuring that all citizens who organize politically can have a voice in determining the future of their country; and

Strengthening the economies, by reactivating the Central American Common Market and implementing the economic initiatives of neighboring countries, including our own Caribbean Basin Initiative.

Together these four points represent what we are aiming at in Central America.

For El Salvador, the fourth certification period is now starting. I hope that the message from this hearing will be:

That we expect land reform to be continued when the law authorizing it comes up for a renewal this spring;

That if civil justice cannot be made to work in an emergency, courts of military justice should be set up and used to punish those members of the security forces who are found guilty of abuses;

That the long hard work of reconciliation must begin now, with the Peace Commission and amnesty;

That we expect the alleged murderers of our countrywomen and countrymen to be judged and, if found guilty, punished; and

That the survival of El Salvador is important to us, and that we still support a country which reforms itself to resist enemies who we know will not support democracy, or human rights, or the distribution of land to the farmer who tills it.●

IS THERE EQUITY IN TEFRA?

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. MARRIOTT. Mr. Speaker, today I am introducing legislation to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends.

The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) was introduced to raise revenues to narrow anticipated budget deficits due to the widespread concern about the anticipated size of the Federal deficit. While TEFRA contained numerous positive changes in the tax policy, the 10 percent withholding on interest and dividends will not best produce the original desired results.

The American people have overwhelmingly opposed the withholding tax on interest and dividends. I have received letters from students, senior citizens, bankers, young families, businesses—large and small—nearly everyone who will be affected by this provision of TEFRA. I feel they are justified in their cause. The withholding tax is ill-timed, inequitable, and counterproductive. It is not in the Nation's best interest.

I support repeal of the 10-percent withholding tax for five major reasons:

First, the costs to the private sector to collect IRS funds are estimated to be 30 to 40 percent of the total first year Treasury projection. This means $2 to $4 per account, a cost which most withholding agents will have to pass on to the customer. This cost appears totally unjustified when taking into account that the Internal Revenue Service reports a compliance rate for this kind of tax at over 96 percent. Is this fair, Mr. Speaker, to the honest law abiding taxpayer?

Second, temporary exemptions for some withholding agents are unfair and discriminatory among customers of competitive institutions and corporations. Another potential inequity is created when there is no objective standard for granting temporary institution exemptions.

Third, those savers and investors entitled to exemption from withholding will incur burdening amounts of paperwork and red tape requirements to establish eligibility.

Fourth, I believe withholding works against the objective we have been aiming for, the need to encourage savings and investments. Indeed, this withholding tax proves a disincentive to save and invest.

And fifth, withholding will tighten up the supply of lendable funds, as a large amount of the interest earned on savings accounts remains in the financial institutions and is used to fund home mortgages and other loans.

Due to the innumerable valid objections to withholding, the repeal of the 10 percent is gaining increasing momentum in the House. I have joined with 56 of my colleagues in writing to the chairman of the House Banking Committee, urging the committee to hold hearings to assess the anticipated impact on the cost of banking operations under this provision of TEFRA.

Moreover, there are nearly 40 pieces of legislation introduced to repeal this withholding provision. Let us admit we made a mistake by including this withholding tax in the Tax Equity and Fiscal Responsibility Act of 1982, and show we are ready to make amends. I join the majority of my constituents in expressing displeasure for the withholding tax, and urge my colleagues to join me by supporting repeal of these inequitable and counterproductive provisions.●

EL SALVADOR?

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. EDGAR. Mr. Speaker, almost 2 years ago, having just returned from a trip to Central America, I rose to comment on U.S. support for the Government of El Salvador. The President has just announced his decision to certify that El Salvador has improved its record on human rights, land reform, and in other areas, making that country eligible for continued U.S. military aid. I find it disturbing that the comments I made in 1981 are still relevant as the administration issues this latest certification. I stated at that time:

I hope that the real issue will not be lost • • • the fact that innocent civilians are losing their lives every day while the United States continues to arm the very military responsible for much of the carnage. Sending military equipment to El Salvador will not solve the basic inequities or necessity for economic and social reforms in that country.

The administration continues this lengthy charade by claiming that progress has been made on human rights in El Salvador. In the Washington Post yesterday, former Assistant Secretary of State for Human Rights Patt Derian cataloged the horrors still occurring daily in that country. It has been over 2 years since four American churchwomen were murdered in El Salvador. The killers have not been brought to justice. It has been over 2 years since two American land reform advisers and a Salvadoran land reform official were assassinated in a San Salvador hotel. No one was ever convicted for these killings. These 7 join thousands of Salvadorans who have needlessly died—30,000 people since 1979. Successive Salvadoran governments have failed to halt these senseless, violent deaths and bring peace to the troubled nation. Some leaders have not even attempted to reach these goals.

Mr. Speaker, last week, an American soldier was wounded in El Salvador, even as some advocated increasing the number of U.S. advisers. The intensity of the fighting between guerrilla forces and government troops has increased; the brutal murder of civilians by the government and rightwing death squads is still the norm. We have nothing to gain by fueling this war with additional arms, by promoting a continuation of the daily horror that Salvadorans face. I urge my colleagues to support the bill introduced last week by my colleague from Massachusetts, Mr. STUDDS, to suspend military aid to El Salvador until Congress determines that progress in human rights has been achieved in that country. In this connection, I commend to my colleagues Ms. Derian's article, which I am inserting into the RECORD. Her comments are extremely relevant as we consider future U.S. policy in El Salvador. The article follows:

[From the Washington Post, Feb. 6, 1983]

EL SALVADOR: THIS IS PROGRESS?

The foreign policy of the United States is the least pragmatic in the world. And we're at the point of proving it again. After a few days of immersion in the savagery of El Sal-

vador, that's the kindest thing I can say about our "involvement" there; we're going to get egg on our face, one more time.

The people born in the place and still alive are being spent like money. The Catholic human rights organizations hand over a stack of photographs to make sure the visitor understands precisely what their pages of statistics mean, to be certain that it is understood that this conversation is about men and women who were alive last Fourth of July.

Here is a crisply dressed young man in khaki trousers, with a neat canvas belt holding his fresh sport shirt in a tight tuck. He's wearing running shoes, but he's lying just off a road, with his head by his side, about waist level. There is a companion picture of a middle-aged woman equally well turned out; she's in the same fix. There are people pictured in attitudes of death that cannot be imagined: a portly man sitting upright, somehow, in a chair. A small row of teeth dangles in the mass of tissue that erupted when someone put a live charge in his mouth and blew the bones of his face away.

No more picture descriptions. Let us move to the living, out under a leafy tree on a warm, quiet afternoon in the capital city. A group of people listened to a mother telling about her family. She had parents, brothers, a husband and children. She still has some of the children, but all of the male members of her family have been taken by the government and killed, one by one. On the occasion of each "arrest," she was taken too. Of course, her teeth were knocked out. She was used for target practice and winged all up and down her body. Winged means shot. Another time her right breast was sliced and slashed; what was left was barely enough to give surgeons two skin flaps to sew together. That is only the beginning of her multilation, yet she stood speaking in soft-voiced despair of the future.

War is hell; you can't get sentimental about war; everybody deplores what happens in war. Wrong, wrong, wrong. No description of hell touches the beastiality of what is happening to the people of El Salvador. Not a handful of people; thousands of people. It is not sentimental to face squarely the consequences of human brutality. It is the necessary reality for those who order, allow and do it and those who bankroll and apologize for it.

Nobody in the United States knows what the guerrillas deplore: we don't talk with them. However, those conducting the war on the government side definitely say "tch, tch" and attain a serious look in order to add that it is terrible and recite the litany about war and hell and deploring. What really engages the conductors are the power play and the argument. That is where the eyes sparkle and the fist hits the table and the words spill out. Whatever it might have been in the beginning, that is the point of the engagement now.

The power players are few in the general scheme of things, but they are lethal. There is that old Salvadoran standby player, the army, once the kept protector of the oligarchs, now ours. Its human rights abuses are exactly the same as they were for all the years the army has been in charge of the government. It was brutal before the war and it is brutal now. The army is responsible for its practices; that comes with the power. No matter that yesterday's oligarchs didn't care and no matter that the U.S. government can't figure out how to be their friends and make them look or be better.

The United States is the banker, as reckless and shortsighted as the bankers who have loaded poor nations with debts they can never repay and equally as desperate to find some way out of its trouble. Unlike those other bankers, however, even desperation can't seem to make the Reagan administration act in the national interest—not in the short run, not in the long run. We have bought ourselves an army of killer children, commanded by vile generals at the top and God knows who in the field. The United States trains and equips the army to make it more efficient and supports the government in power.

The guerrilla leaders or their spokesmen/defenders seem to be the usual mixed bag. Some speak of genuine democracy and justice, others offer a new set of thugs whose strings are or are not pulled by still another foreign government. If they "won" someday, the strongmen would be likely to sweep the democrats aside and leave the Salvadorans no better off than they are today.

That's the list of power players. The legislative body doesn't appear because it is not a factor in the game; it is simply of use in the argument. The argument for our involvement is composed of items to be used as assertions, as in: look, they had a democratic vote, this legislative body was elected, thus, a fledgling democracy was produced. The one time the legislature took any action not dictated by the man it elected its leader, Roberto D'Aubuisson, there was public and private diplomatic handwringing that he might simply sweep it out of the picture altogether. The president is not in the game. His only possible constituency would be the people, but he doesn't see a way to get to them and stay alive.

The Catholic church is an unknown factor in that it has integrity, ideas and moral authority, but there is uncertainty about the direction the pope will impose when he comes to visit. Will the Salvadoran church be confined to burying the dead, consoling the survivors, offering the end of suffering in the hereafter and sending gentle ideas for peace from the pulpit? Or will the whole church thunder and demand, of all the power players, an end to the ungodly carnage and deprivation?

The men with the glittering eyes who would topple D'Aubuisson, or one general or another, those men in their bulletproof clothes who would represent the political right, only get to play if they make the big win. Until then they too are part of the argument: we could be a lot worse off, if General Blank were running the army or if Senor Soandso knocked off D'Aubuisson.

Meanwhile, back here at home the secretary of state seems to be disengaged. Maybe, as a Foreign Service officer told Post reporter Christopher Dickey last fall, it's "The gang that couldn't shoot straight gets another chance," and the whole question just rocks along below the secretary's office, out of sight and out of mind. While administration flacks are out flogging the propaganda that we're moving right on to democracy in Salvador, no one appears to be thinking about what our interest could be in keeping this war and horror going.

Every six months the president certifies a lie: that progress is being made on human rights in El Salvador. Progress is not being made.●

SOVIET JEWISH EMIGRATION

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. FROST. Mr. Speaker, never before have Soviet Jews been so blatantly exploited as pawns in the United States-Soviet Union rivalry. The National Conference on Soviet Jewry has released Soviet Jewish emigration figures for January and they have sunk to an all-time low in the history of the Soviet Jewish movement. Only 81 Jews were permitted to emigrate from Russia in January, this down from an already low level of 176 in December.

In 1981, Mr. Speaker, 9,447 Jews left the Soviet Union. In 1982, that number sunk to 2,688, and January's figures portend a year of even more declines.

Mr. Speaker, we, in the U.S. Congress, are obligated to speak out either publicly or privately against the official harassment of Jews in the Soviet Union as reflected in this emigration record. There is little doubt that Soviet Secretary Andropov has seized upon this issue to further his aims in other policy areas, but this body must let him know that political persecution of minorities will gain him no leverage with the U.S. Congress.

Individual Members can take any of several actions. They can, with great fanfare, publicly denounce the Soviet Union and its representatives here in Washington. They can petition the President and Secretary Shultz to make human rights priority issues with Soviet officials. If Members are uncomfortable with public expressions, they can quietly let our Government and the Soviet Government know that full compliance with the Helsinki Accords will be demanded as the entry price for doing business with our country.

Mr. Speaker, this is a question of basic human dignity. We, as a nation, have made the commitment to fully protect the freedom of expression and movement for all Americans, and we have in the past demanded almost as much from the nations with which we associate. It is this character that distinguishes our country and our people from the totalitarian governments of our adversaries. If the Soviet Union will never become a model of democracy, then so be it. But when it establishes and defends a record of human oppression and degradation, then it is time for this Congress—as the voice of all freedom-loving Americans—to assert itself in support of the qualities that have made us great.●

SOCIAL SECURITY SAVINGS BOND ACT OF 1983

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. SCHULZE. Mr. Speaker, today, I am introducing H.R. 1303 a bill to create a social security savings bond.

This new investment instrument will contribute to the solution of the near-term solvency problems of the social security OASI trust fund. Staff estimates indicate that by 1989, the cumulative cash flow benefits to the trust fund from the bond program would be $5.9 to $9.9 billion.

The social security savings bond program will create a new way for retired Americans to invest, and for these same retired Americans to participate in a patriotic effort to preserve the social security system.

The bonds would augment and enhance the proposals of the National Commission on Social Security Reform. In no way would the bonds detract from the compromise agreement. Rather, they would help close the gap between the revenues raised by the Commission proposal—$168 billion—and the estimated short-fall in trust fund revenues—$200 billion.

Here is how the social security savings bond program would work:

1. At the election of a Social Security recipient, the entire amount of retirement benefits (OASI) payable for a twelve-month period would be disbursed by the Social Security Administration in the form of a bond registered in the name of the electing recipient.

2. The bond would be issued at the end of the twelve-month period, or a shorter period, in the event of the death of the electing recipient. Once issued, it could be redeemed or it could be held for any length of time.

3. The bond would be free of all taxes: federal and state income taxes, federal estate taxes and state inheritance taxes. The value of the bond and all accrued interest would be excluded from the taxable estate. Similarly, all interest earned on the bonds would be tax-free. Any amount of benefits that could otherwise be subject to income tax (as has been proposed by the National Commission) will be excluded from taxable income until the recipient redeems the bond. Then, 50 percent of the face value of the bond would be taxable.

4. Bonds remaining unredeemed at the death of an elector would pass according to the terms of the elector's will or the laws of intestacy. When redeemed by an heir or beneficiary under the will, neither the accrued interest nor the otherwise taxable portion of the bond principal (reflecting foregone OASI payments) would be taxed to the heir.

5. In order to elect the bonds rather than monthly checks an OASI recipient would make application to the Social Security Administration. The election would be irrevocable for twelve months, and could be renewed automatically.

6. The bonds would be attractive for many Social Security recipients who are fortunate in their economic circumstances and do not need their OASI income for current purposes. The bond would be a desirable alternative investment because of the tax deferral on currently taxable benefits, because of the potential for permanent deferral if the bond is not redeemed before death, and because of the tax exempt interest which would be earned.

7. The bonds would accrue interest at 70% of the Treasury Bill rate beginning with the date of the first Social Security payment after the election went into effect. Interest would accrue on the full amount of benefits foregone, not just the otherwise taxable portion.

It is important to recognize the multiplier effect of the bond of Trust Fund revenues: By foregoing funds to be received through taxation of one-half of the benefits received by high bracket taxpayers, the fund will retain all the cash which would have been paid out in benefits. Assuming half the benefits were subject to tax, and a taxpayer in a 50% bracket, the Trust Fund cash retention multiple is 4 to 1. For every tax dollar the Trust Fund looses, it gains four bond dollars. Assuming a 25% bracket electing recipient, the multiple is 8 to 1.

Note that only benefits taken as bonds and held until the death of the electing recipient will remain untaxed. Bonds which are redeemed during a beneficiary's lifetime will be subject to tax just as they would have been if received in the form of Social Security monthly checks. The Trust Fund will, however, have had the benefit of the deferral for the period the bonds go unredeemed—normally one year or more.

Skeptics have asked whether Social Security recipients can afford to forego their monthly cash payment in favor of a Social Security Saving Bond. The answer is emphatically, yes, many can. Consider the following:

1. The Bureau of the Census has reported that in 1981, there were 2,095,000 with at least one family member age 65 or older and total family money income of $25,000 or more. Further, there were an additional 484,000 unrelated persons with a total money income of $20,000 or more. Of these persons collectively, 514,000 had total money income of $50,000 per year or more. Surely these Americans can afford to invest in the future of less fortunate retired Americans.

2. The New York Stock Exchange has reported that 4.5 million of the 30 million stockholders in the United States are 65 or older.

3. The Exchange has also reported that as of mid-1980. 393,000 Americans aged 65 or older made their first stock or mutual fund purchase during the five preceding years. This compares with the 3,842,000 "veteran" stockholders aged 65 and over.

4. Preliminary data from a 1979 study performed by Social Security shows that among persons aged 65 years or older, 14,668,000 had savings accounts; 4,861,000 owned certificates of deposit; 3,246,000 owned U.S. Savings Bonds; 593,000 received income from personal loans or mortgages. The study also found that there were approximately 4.3 million older Americans who owned dividend-bearing assets. The study disclosed that older Americans invest in a variety of illiquid assets as well as interest and dividend-bearing investments.

5. A 1977 Consumer Credit Survey published by the Federal Reserve Bank found that families with a family head age 65 or over held significant assets in checking or savings accounts: approximately 16% held $2,000 or more in checking accounts; over 40% held $2,000 or more in a savings account; 16.9% of the families with family head age 65-74 owned certificates of deposit; 8.8% owned certificates with a value of more than $10,000. In the 75 and over age group, 14.6% owned certificates; 7.9% owned certificates with a value more than $10,000.

6. According to the IRS, 45% of all reported savings account interest is earned by people over 65, even though they represent only 11% of the population.

7. A 1977 University of Michigan study determined that older Americans have a preference for bonds and savings accounts over investment in real estate and other investment modes. The rate of increase in preference for liquid investments increases as investors get older.

It is clear then, that retired Americans hold investments when they retire. And it is clear that those older Americans who have a substantial income stream will continue to make investments after their retirement. Social Security Savings Bonds will be an attractive investment option for both financial and patriotic reasons.

During World War II, the government established the War Bond program and gave it wide and forceful publicity. President Roosevelt gave his personal endorsement to the program by purchasing the first Series E bond issued. As is well known, the program was a success. The receipts from the bond program played an important role in funding the war effort.

I believe that the Social Security Bond Program will touch a responsive, patriotic chord in the hearts of many Americans and that this will add to the success of the program.

Mr. Speaker, Social Security Savings Bonds are a means of improving the cash position on the OASI Trust Fund while maintaining the integrity of the National Commission's compromise package.

It is a program that will encourage well-to-do recipients to invest in the futures of other retired Americans who do not have their means. The investment would help save the Social Security System on which so many Americans depend for their survival.

The bond program would contribute not only financially, but also to an improved perception of the system by younger Americans. They would see that the system would be backed not just by the promises of Government—those of us here on Capitol Hill—but also by the faith and investment of many social security recipients themselves.

I solicit the support of my colleagues for H.R. 1303, the Social Security Savings Bond Act of 1983.●

REMOVAL OF TAX AMBIGUITIES FROM PIK PROGRAM

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. HARKIN. Mr. Speaker, on January 11, President Reagan announced the administration's payment-in-kind program (PIK). Secretary Block began formulating the PIK or "crop swap" program early last November, at

which time he briefed Members of Congress.

In explaining the program, Secretary Block has said:

PIK is basically simple. A farmer who takes out of production additional acres over what he agrees to take out under the current program will receive as payment a certain amount of the commodity he would have grown on these acres. The commodity is his to do with as he wishes.

The Department of Agriculture has been open to public comment and discussion through the developmental phase of the program.

However, one area of PIK demands immediate attention: the tax implications of the program.

When I visited farmers in my district recently, many of them expressed concern about how participation in PIK would affect their income tax.

That concern is valid.

Dr. Neil Harl, an Iowa State University tax expert, has stated that farmers who participate in the program face the substantial risk of "bunching" 2 years of income into a single tax year. Dr. Harl also warned of major problems with estate taxes unless the law is changed.

Because of the doubts about PIK, some farmers have already informed me that they will not sign up for the program unless the IRS tells them how their grain will be taxed. The registration deadline for participation in PIK is March 11, so this is the deadline the farmers are operating under.

Farmers are being encouraged to sign up for the program. However, unlike previous farm programs in which farmers had the option to register early and then withdraw later in the growing season, the rules of the PIK program require that farmers pay a penalty if they withdraw after the March 11 deadline. Farmers who register for the program but decide to withdraw will be subject to a stiff penalty: $0.57 per bushel for Iowa corn, for example.

I believe the U.S. Government has certain obligations in meeting its end of this bargain, and one major obligation is that the tax considerations of the PIK program must be clarified immediately.

Today, I have introduced legislation which will, upon passage, alleviate major tax-related concerns associated with PIK.

My bill adds language to the Tax Code which would allow farmers to consider their payments of agricultural commodities as taxable in the year received or taxable in the year that the commodity is sold. The farmer would have the choice of owing taxes in the year that he actually sold the crop or, effectively, when he sold the animals to which he might have fed the grain.

This is crucial because most farmers pay their taxes in cash, and without such a provision they might face the prospect of owing taxes for 2 years of income in 1 year and little income in another. However, the farmers would still have their expenses spread over 2 years, which would have a negative effect on their taxes.

This bill enables farmers to treat the PIK commodity received in the same fashion as if the farmers had grown it themselves. Also, the bill specifically provides that grain made available for use through the forgiveness of any Conservation Credit Corporation loans shall be treated in the same manner.

In addition, my bill would allow farmers to participate in PIK without jeopardizing their ability to value their land on the basis of its agricultural worth. Farmers must be able to do this if they are to be able to pass their land from one generation to another.

Section II of my bill would preserve PIK participants' access to the special use provisions of 2032A, which defines the procedure for declaring farm use and value.

Section II provides that participation in the PIK program will not adversely affect a farmer or his family in the use of special valuation provisions of the law. It makes clear that farmland in the program meets the criteria of estate tax law and the requirements of material participation are not adversely affected if a farmer participates in PIK.

In closing, I would state that prospective PIK participants do not want to avoid paying their taxes; they just want to have some idea how those taxes will be assessed before they register for this new program.

This new legislation will assist farmers in determining how, and when, PIK participants will pay their taxes.

I hope that this bill can be enacted with the greatest possible speed.●

FAIRNESS IN THE TAXATION OF PUBLIC PENSIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. FRANK. Mr. Speaker, today I am reintroducing legislation which I believe will bring fairness to the tax treatment of public pensions.

Under present law, social security retirement benefits are excluded from Federal income tax. However, many public employees receive pensions in lieu of social security which are fully taxable. What makes this so unfair is that these governmental pensioners had no choice as to whether their employers participated under social security or established a separate Government pension system to replace social security. It is simply inequitable to tax a public school teacher's pension, for example, maintained for him or her with no choice, when the social security benefits of a private school teacher go untaxed.

I have filed legislation, therefore, which would put public pensions on an equal footing with social security retirement benefits with respect to Federal income taxation. Under my bill, gross income would not include any amount received from a governmental pension up to the maximum social security retirement benefit for an individual, as certified by the Secretary of Health and Human Services.

Mr. Speaker, I hope Members will support this legislation in order to bring greater fairness to the Tax Code.●

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 46

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LENT. Mr. Speaker, I rise today to introduce House Concurrent Resolution 46 with my colleagues, Congressmen BROYHILL, MADIGAN, and O'BRIEN.

This resolution expresses the sense of the Congress that studies should be undertaken immediately by railroad labor and management addressing the underfinanced railroad retirement and unemployment insurance programs.

House Concurrent Resolution 46 calls for a report to be submitted by the parties, either jointly or separately, by March 30 of this year. The severity of the funding crisis facing the retirement and unemployment insurance programs requires a March deadline for the report. These recommendations will provide guidance to Congress in assessing better ways to finance the retirement and unemployment insurance programs.

In 1981, changes were made to the railroad retirement system to meet a critical shortfall in revenues. These changes were designed to address the underlying structural problems of the system and insures its long-term solvency. However, the changes were based on an assumption that employment levels would never fall below 500,000.

Today, the railroad retirement system still faces serious financial problems. Employment stood at 404,000 in December 1982. The continued decline in employment in the rail industry has proven the payroll tax inadequate as a means of financing the present system. The chief actuary of the Railroad Retirement Board has determined that in order to avoid a cutback in benefits in October of this year, taxes must be increased by July.

To assure full payment of benefits through 1992, taxes must be increased by 9.4 percent in October. Each 1 percent is equivalent to roughly $100 million.

The resolution also addresses the railroad unemployment insurance program. The railroad unemployment insurance program is presently underfinanced by half a billion dollars. This amount is borrowed from the retirement account. This indebtedness exists despite the fact that unemployment benefits are only $25 a day, a level which has not increased since 1975. These benefits are considerably lower than those available under State unemployment laws.

It is increasingly evident that another means of financing other than an increase in payroll taxes must be explored. Experience has shown us that quick fixes have not worked and the system is in need of a long-term and comprehensive solution.

I am hopeful that the parties will explore financing alternatives which will both avert a funding crisis in October and provide benefit assurance to those covered by the programs.

A copy of House Concurrent Resolution 46 follows:

H. CON. RES. 46

Concurrent resolution expressing the sense of the Congress that studies should be undertaken immediately into methods of adequately financing the railroad retirement and railroad unemployment systems

Whereas the railroad retirement system has within the last 10 years frequently faced an inadequate level of revenues to pay annuities and benefits;

Whereas payroll taxes finance the railroad retirement and railroad unemployment system;

Whereas a continuing decline in railroad employment has added more beneficiaries to the railroad retirement and railroad unemployment systems but resulted in less revenue to finance those systems;

Whereas even with the tax increases enacted in 1981, the railroad retirement program will face an inability to pay benefits and annuities as early as November;

Whereas the railroad unemployment insurance system is indebted to the railroad retirement system for half a billion dollars;

Whereas the continuing decline in railroad employment impairs the ability of payroll taxes to finance the railroad retirement program;

Whereas it is important that the railroad industry be able to compete in the field of transportation; and

Whereas the fundamental goal of any revision of the railroad retirement and unemployment systems is to provide benefit assurance: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Railroad Retirement Board and representatives of railroad employees and carriers should jointly or separately explore various methods of financing the railroad retirement and railroad unemployment systems, including a ton-mile tax, and by March 30, 1983, should, jointly or separately, submit a report to the Congress describing the various methods studied and discussing the merits of each.●

HON. RICHARD S. SCHWEIKER

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. CORCORAN. Mr. Speaker, though the organizational meeting of the Energy and Commerce Committee has prevented me from personally participating in this occasion to speak of Dick Schweiker's service as Secretary of Health and Human Services, I join my colleagues in recognizing Dick's contributions in that position over the past 2 years. As a member of the Commerce Committee since 1978, I have had the privilege of working with him on health legislation in his capacities as Senator from Pennsylvania and as Secretary.

Two of Dick's chief goals—increasing competition in the health care industry to the benefit of consumers and preventing illness and disease to further avert consumers and preventing illness and disease to further avert consumer and taxpayer costs—have also headed my priority list in this important area of public policy. In the other body, Dick was the sponsor of a so-called health care competition bill similar to legislation which I am again cosponsoring in the 98th Congress. Enactment of the entire proposal would effect dramatic changes in today's system, ranging from the creation of universal catasptrophic illness insurance to increased availability of health insurance options emphasizing market incentives and disciplines. I say with some degree of immodesty that the competition proposal is so broad in scope and impact that support of it is not for the timid, and Dick Schweiker has shown his courageous commitment to the public interest by his sponsorship while a Senator and continuation of his procompetition efforts as Secretary in many instances. I commend the bill sponsored by my colleague from across the aisle, DICK GEPHARDT, to the attention of all Members.

I trust that we and the administration will take up where my friend and neighbor has begun to improve the health care system for the benefit of all Americans. That Dick has again voluntarily left one of the highest positions in our Government is both a confirmation of his good intentions in his activities as Secretary and a stroke of good luck for those of us remaining who will likely benefit from his advice and counsel in the years ahead.●

FAIR TAX SYSTEM

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. DASCHLE. Mr. Speaker, the January 1983 issue of People & Taxes contains one of the briefest, yet most cogent, analyses of the tax equity situation yet to come to my attention. In this piece, our colleague from North Dakota, BYRON DORGAN, has pinpointed the key issues facing us in trying to wrestle with the proper way to bring about what has to be one of our prime congressional mandates, the necessity of formulating a fair, equitable taxation system that will prepare the way for a true, long-lasting economic recovery.

I am inserting the full text of this article, and urge my colleagues to review Congressman DORGAN'S telling perceptions.

[From People & Taxes, January 1983]

"IN SEARCH OF EXCELLENCE" AND FAIR TAXES

(By Byron Dorgan)

Every person in Washington who has a hand in tax and economic policy should be locked in a room and required to read a new book entitled "In Search of Excellence."

The authors, Thomas J. Peters and Robert H. Waterman, travelled all over the United States trying to find the answer to a simple question—What makes the best companies in America tick?

Their answers suggest that most of the experts here in Washington who are concocting the cures for our economic problems have been barking up the wrong trees.

Most of what we call "economics" is just the painting of word-pictures, or metaphors, that purport to explain the economic realm. For the past two years, a metaphor called "supply side" economics has been the basis of our tax and economic policies.

This way of thinking portrays the corporations of this country as a seething mass of potential productivity that is bound and tied by taxes and government regulation. Cut those taxes, unloose those bonds, and this frustrated Goliath will surge forward, creating jobs and prosperity for all, or so these "supply siders" say.

Let's acknowledge right off that taxes are too high, and there is too much government of the wrong kind.

But it's one thing to say that, and quite another to say, as the supply siders do, that all our economic problems arise from this source.

Peters and Waterman found that there is much more to it than that. Many American companies such as Dana and Digital Equipment, Proctor and Gamble and IBM have grown and prospered despite taxes, despite regulations, even despite the Japanese. What separates them from other companies that have floundered?

Good management.

Instead of sitting around making alibis and excuses, the successful companies have run their businesses well. They have kept their management bureaucracies to a minimum. They keep their work units small. They give their employees lots of leeway to experiment and make mistakes. They stay

close to their customers. They "stick to their knitting" instead of hiring hot-shot MBA's to plot takeover raids on other companies.

What about the less successful companies? Their main problem, it appears, is not government. It is that in many cases they themselves have become so much like government. They tend to be sluggish, top-heavy bureaucracies that keep slogging forward on the weight of their own momentum, all the while blaming their problems upon everyone else.

Ford, for example, has more than three times as many layers of middle-management bureaucracy as does Toyota. This probably explains the company's problems at least as much as anything government is or is not doing.

Trying to "stimulate" such management bureaucracies with new tax gimmicks—as the supply siders advocate—is like trying to turn a Hippopotamus into a world class sprinter with a vitamin E tablet and a rub-down.

Some top executives are absolutely adamant on this point. "I am opposed," said one, "to the idea that less government, fewer regulations, capital formation incentives, and renewed research and development activity are what we need most to improve our productivity."

That may sound like some radic-lib politician. In fact, it was Rene McPherson, the man who built the Dana Corporation into the second most profitable company on the Fortune 500 list.

Yes, we need tax cuts. And yes, we should get rid of regulations we don't need. But these steps alone are not going to solve our economic problems.

Why do so many people in Washington refuse to see the obvious? Why are they so obsessed with the notion that we can solve any economic problem under the sun with some new gimcrack in the tax laws?

Partly, I think, it is occupational tunnel vision. People tend to see the solutions to problems in terms of what they themselves do. Lawyers read about a plane crash and immediately start thinking about lawsuits. Drug company executives see emotional distress as a potential market for a new mood drug.

In like manner, members of Congress see an economic problem and start thinking about new tax loopholes. It's not the only thing we could think about. But it's one of the most painless.

To be sure, we get a lot of encouragement in this regard.

Washington is teeming with trade associations and loophole hucksters who are paid handsomely to make us think that doing something for their clients really means doing something for the country.

Washington's preoccupation with tax loophole "stimulus" is one of the reasons we have made so little progress in solving our economic problems. We've been spending our time on ersatz solutions.

It's not just the way our major corporations are managed that prevents supply side tax "stimulus" from having its intended effect. The problem goes right down to the basic premises of supply side economics itself. The supply side metaphor is potent politics. Who doesn't want tax cuts? Who doesn't want to think that the road to growth and prosperity is paved with candy?

But is it anything more than politics?

Underneath the supply side metaphor is a whole series of premises. That people work for monetary reward and nothing else. That taxes have been cutting into these monetary rewards to such a degree, that Americans all over our great land have been loafing on the job. That taxes are the only expenses that have been eroding paychecks in this way. That nothing else in the world of work has been diminishing people's enthusiasm and productivity. That, consequently, tax cuts will result in a surge of inspiration and endeavor from the assembly line to the executive suite.

And on and on.

These assumptions are so deliberately naive, so politically self-serving, that it would take an article longer than this one to begin to do them justice.

Suffice it to say here, that "In Search of Excellence" has some things to say that ought to give the supply siders pause.

The authors of the study deal with the question of incentives. They found that the most successful companies stress incentives that are—note this—not monetary ones.

For example, they compared the successful and unsuccessful divisions of one corporation and found that in the unsuccessful divisions, employees were concerned mainly about compensation plans. At the more productive divisions, by contrast, employees stressed teamwork and high work standards.

Of course money is important. Of course people are interested in financial reward. But there is more to people—and work—than that.

By making this point, "In Search of Excellence" provides a clue as to why the supply side cure-all has failed. It is lemon economics because it is sophomoric psychology. It doesn't work because it fails to recognize all the reasons that people work. It tries to make music out of one string of the harp.

And it fails even to consider what makes a business organization work well.

It is important that we give the supply siders their due. They did raise the right issue. They did get us thinking about how wealth is created. They talked about fostering initiative and enterprise instead of just sitting back in Washington, taxing enterprise, and distributing the goodies.

In short, they raised the questions the prevailing powers had neglected for far too long.

It wasn't their issue that was wrong. It is their answer. Their basic problem, I think, is that they confuse ideology with economics.

Supply siders do not like government or taxes. That's a perfectly defensible view. It's in line with a very important strand—the Jeffersonian strand—of our political tradition. I have leanings that way myself.

But then the supply siders took an enormous leap. They assumed that just because they do not like government or taxes, to cut these away would itself bring economic well-being. They mistook their preferences for a real economic prescription.

If the last two years have taught us anything, they have demonstrated that what we like and what we need are not necessarily the same thing.

Where does all this leave us?

Let me confine myself here to taxes.

Not so long ago, when Congress talked about taxes, it talked about justice. It talked about spreading out the tax burden so that it would be fair.

This approach was not the brain child of some long-haired radical. It was Adam Smith, the father of free-market economics, who wrote in "The Wealth of Nations" that people "ought to contribute towards the support of the government as nearly as possible in proportion to their respective abilities."

In a true free-market economy, the aim of tax policy would be justice. Government would not try to use the tax laws to engineer or manipulate individual economic behavior, or to favor one group over another.

There was only one problem with this Adam Smith approach. It made it very, very difficult for the favored few to come to Congress and justify their favored loopholes. Justice was a tax standard that was not convenient at all.

Thus they changed the debate. They set up think tanks and hired lobbyists to get everyone talking about "tax incentives." That was an issue on which they could make some headway.

"Supply side economics" is merely the culmination of this change-the-debate tactic. It's a political agenda dressed up as economics. But it's really nothing new. It's the same song that Presidents Coolidge and Hoover sang while they were cutting taxes for the rich and powerful and promising economic nirvana.

The only things the supply siders have added are algebraic equations and a more modish demeanor.

The Coolidge-Hoover version led us into the Great Depression, and the rerun of the last two years has us headed in a distressingly similar direction.

"In Search of Excellence" suggests to us that we are not going to loophole our way to economic well-being. It's time to change course. We need simplicity and fairness. We should shut down the special interest feedlot, simplify the laws, and cut the rates way down.

Then we should move on to the real economic issues that the obsession with tax loopholes has been obscuring.●

CONGRATULATIONS TO GARY GAUSE, METROBUS CHAMPION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, not many of us can say that we are among the top 10 best in the country in our occupations—and have a certificate to prove it. However, I recently met a man who can claim just that.

His name is Gary Gause, and he placed 10th in a field of 58 of America's very best drivers in the International Bus Roadeo sponsored by the American Public Transit Association.

The roadeo was designed to be a competitive test and measure of a bus driver's skill behind the wheel, his knowledge of safety regulations, and his familiarity with his equipment. The competition was tough. Mr. Gause had to compete against—and beat—the best drivers at the local and State levels before he earned the right to compete against the other regional winners. Placing in the top 10 in such a field is a great accomplishment.

Gary Gause works for Metrobus, which is part of the Dade County

Transportation Administration, and we citizens are very lucky to have him and his colleagues working for us. Public transportation is a vital service that will become increasingly important in the years ahead. We need to attract—and keep—skillful, dependable operators like Gary Gause. I want to personally congratulate him on his success and wish him all the best in the future.●

WITHHOLDING WILL ELIMINATE SMALL CREDIT UNIONS

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. D'AMOURS. Mr. Speaker, I would like to share with my colleagues a letter I recently received from the Equity Employees Credit Union of Oxford, N.H., on the effect that interest and dividend withholding will have on the Equity Employees Credit Union, its 59 members and their families.

The Equity Employees Credit Union will have to close its doors unless interest and dividend withholding is repealed. This small credit union, which has no clerical staff and no paid personnel, cannot afford the extra paperwork and expense that witholding will generate.

The Treasury claims that financial institutions will be able to recover the added costs that withholding imposes on them by being able to hold on to these funds for 30 days before turning them over to the Treasury—the so-called 30-day float. The Equity Employees Credit Union convincingly proves the fallacy of this claim by noting that they will only earn 60 cents a month from the float, barely enough to pay their postage costs, let alone their administrative costs.

Mr. Speaker, the Equity Employees Credit Union is not alone in its predicament. There are over 20,000 credit unions across the Nation representing nearly 50 million consumers and the vast bulk of these institutions are very small. Like Equity, and many small banks and thrift institutions across the United States, they may have to close their doors unless withholding is repealed.

The text of the letter from the Equity Employees Credit Union follows. Members who wish to join the over 190 House Members who have cosponsored my interest and dividend withholding repeal bill, H.R. 500, may call my office at 5-5456.

EQUITY EMPLOYEES CREDIT UNION
OF EQUITY PUBLISHING CORP.,
Oxford, N.H., January 25, 1983.

Hon. NORMAN D'AMOURS,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN D'AMOURS: In response to the request for our support to your battle against the Withholding provision of the new tax law, I must say, and this is the feeling of the entire Board of Directors of our Credit Union, perhaps the smallest in the State of New Hampshire, that we will probably be out of business if we have to implement them.

Right now we have 59 members, with shares balances of somewhat over $18,000.00 and loans for a total of around $18,000.00. We do not have clerical staff or any paid personnel. Our accounting is carried on a voluntary basis by the accounting department—one person—of our sponsoring institution, which also provides us with locale, space, stationery, and all the necessities of our daily operation. Our Board Directors and our Credit and Supervisory Committee are part of the staff of a publishing house with expertise in all the details of that field and very little, if any, in accounting. If we have to assume the additional responsibilities which the withholding on dividends involves, we may as well fold over.

Moreover, the float benefit would not solve any of our future problems: During the economic year 1981—a good one for us—Equity Employees Credit Union paid a total of $1,730 in dividends to our shareholders. 10% of that amount would come to $173, which invested at the best rate available for such amount—14% per year in loans to our own members—would yield, in 30 days, the impressive sum of $2.02. That would not pay for 15 minutes of an accountant every quarter.

Our estimation for 1983, due to large withdrawals from our members, will be a total of $1,000 paid out in dividends. In this crucial year, beginning in July we would have to spend real money in forms, report slips and the rest, in order to withhold 10% to $500, that is $50.00 in total. The 30-day float to invest that money would yield less than sixty cents. Those $0.60 would alleviate in a very microscopic rate the cost of our accounting and paper work, and really, our contribution will not offset even the cost of administration thereof, much less the national budgetary deficit.

I do not doubt that there are many in our case, and on each range the problem is the same, only augmented in magnitude.

With our best wishes for the battle in our behalf, I remain,

Sincerely yours,

Dr. ENRIQUE H. MIYARES, Jr.,
Secretary-Treasurer.●

LEGISLATION TO ENCOURAGE PREPAYMENT OF RESIDENTIAL MORTGAGES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. FRANK. Mr. Speaker, today I am reintroducing legislation I originally filed in the last Congress which I believe would be of great benefit to financial institutions and consumers.

Under the Internal Revenue Code, if a financial institution holding a low-yielding mortgage on a residence offers a consumer a discount if the mortgage is prepaid, the discount is taxable as normal income. Clearly, such an action by a financial institution may have important consequences in allowing it to reduce its portfolio of old, low-yielding mortgages. We should not forget that it was only several years ago that mortgage interest rates were in the single-digit range and indeed, many banks still have mortgages on their books at only half the current rates.

On the other hand, many homeowners would like to have the option of trading in their low-rate mortgages (or a part of a mortgage) in exchange for a discount, for their own financial purposes. Unfortunately, however, the fact that the discount is treated as taxable income discourages such a transaction and, in fact, the response to such offers by financial institutions has not been good as a result.

Therefore, we are faced with a situation in which both financial institutions and consumers would benefit by encouraging prepayment of mortgages. A key to encouraging such transactions, in my view, is to provide that such discounts are not taxable. Since prepayments are now so rare, there is not likely to be any significant Federal revenue loss from such a provision. In fact, to the extent that financial institutions can reduce low-yielding mortgages and thereby improve their profitability, Federal revenues may even be enhanced as a result.

Mr. Speaker, in addition to the advantages to consumers and financial institutions, encouraging the prepayment of mortgages will provide a fresh source of funds for new mortgages. While mortgage rates have at least temporarily decreased from their recent record levels, we must continually be looking for new sources of mortgage money in order help keep these rates from rising yet again.

Mr. Speaker, I am hopeful that our colleagues will strongly support this legislation.●

TRIBUTE TO SECRETARY OF HEALTH AND HUMAN SERVICES RICHARD S. SCHWEIKER

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. BROYHILL. Mr. Speaker, I would like to take this opportunity to join my colleagues today as we honor Secretary of Health and Human Services Richard Schweiker. On February 4, 1983, Secretary Schweiker leaves his cabinet post to join the private sector.

I would like to express my sincere admiration and gratitude for the excellent stewardship that Secretary Schweiker has contributed for the past 2 years as the head of this very important department. With firm guidance and well-founded advocacy, he has served the administration and Nation well.

Secretary Schweiker has a long record of service to our Nation. His productive years in Washington as a U.S. Senator and as Secretary of one of the most important Federal agencies are proof of his dedication to public service.

Although the Secretary can be given credit for accomplishing many tasks during his tenure in the Department of Health and Human Services, I would like to point out a few joint efforts which I believe offer credence to my analysis of the Secretary's outstanding performance.

During the 97th Congress, successful action was taken to slow the growth of the entitlement programs without needlessly hurting program beneficiaries.

Following the Department's lead, the Congress turned over control of many worthy health programs to the States. We came extremely close to obtaining resolutions on many other matters, such as health planning and other health care incentive reform packages. Because of the groundwork which the Secretary laid on these issues, sensible resolution now appears more attainable.

I know my colleagues join me in congratulating the Secretary and wishing him the very best in his future endeavors in the private sector. We will miss his guidance and reliability.●

HON. RICHARD S. SCHWEIKER

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. SCHULZE. Mr. Speaker, Dick Schweiker is leaving the Government. As one of the most able and dedicated public servants we have, it is a national loss. Yet, I wish him well in his new endeavors as he returns to the private sector where he began his career before entering Government service 22 years ago.

In 1961 Dick became a Member of our own august House of Representatives where he served for five terms representing the people of the 13th District of Pennsylvania, which is now ably served by LARRY COUGHLIN, whom I wish to commend for taking the time for this special order. After serving in the House for those 10 years, Dick challenged the Democratic Senate incumbent, Joe Clark, whom he defeated in 1968 to begin his tenure in the U.S. Senate. Six years later he was reelected in a landslide victory, winning by 250,000 votes.

As the ranking member on both the Senate Labor and Human Resources Committee and the Subcommittee on Labor, Health, Human Services and Education of the Senate Appropriations Committee, Dick came to understand and appreciate first-hand the benefits and cost of those programs which he would later oversee as Secretary of Health and Human Services. There are those who wondered at the time of Dick's nomination for that Cabinet position about his views concerning these high-cost Government policies. But as early as 1976, Dick asked in a newsletter to his constituents "whether a program that may be good is really vital. Clearly the time has come when the taxpayers can no longer afford to fund every seemingly useful program that comes down the street." That attitude, coupled with his previous first-hand experience on the authorizing and appropriating committees responsible for the plethora of Federal health programs, uniquely qualified him for his appointment to the largest of all our Federal departments. With a budget approaching $300 billion, the Department of Health and Human Services touches the lives of millions of Americans. And Dick was sensitive to that fact. Time and time again, he fought those who wished to indiscriminately cut the budget of HHS, regardless of the human consequences which might result.

Before becoming involved in Government, Dick served as the vice president of the family business, American Olean Tile Co. In 1976 he received a phone call from then-candidate Ronald Reagan wondering whether he would be willing to take another vice presidential job, this time as Vice President of the United States. Ronald Reagan did not win the nomination that year, and so Dick did not get the job. But he did form a relationship that later led to his appointment as a member of President Reagan's Cabinet in 1981.

The principles which Dick Schweiker brought with him to Washington are the product of his heritage. A descendent of early Pennsylvania settlers, and a member of the Central Schwenkfelder Church, Dick has long taken strong stands on difficult moral and social issues, such as opposition to abortion on demand. And Dick is a family man; he and his wife, the former Claire Coleman, have reared and educated five fine children, ages 13 through 25.

As I noted, Dick is a Pennsylvanian through and through. Born in Norristown, he later graduated Phi Beta Kappa from Penn State. I am sure that Dick was as pleased as my wife Nancy, herself a Penn State graduate, when Penn State defeated Georgia in the Sugar Bowl this past New Year's Day to become, officially, the No. 1 football team in the Nation for the first time in the university's history. The affection and respect that Dick has for his alma mater was shown to be reciprocal when in 1970 the school awarded him the distinguished alumni award.

Dick now leaves his post at HHS to direct the American Council of Life Insurance, where he will employ his administrative talents in one of this country's fastest growing industries. His skills will be sorely missed at Health and Human Services, but I hope and suspect that he will choose to serve his country again in a time of need in the future. In the meantime, I wish him and his family health and happiness. Thank you Dick.●

TRIBUTE TO NEW MILFORD, N.J. FIREFIGHTER: WILLIAM ENTWISTLE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. TORRICELLI. Mr. Speaker, I rise to pay tribute to William Entwistle of New Milford, N.J., a brave young volunteer firefighter who recently died in service to his community.

On January 18, 1983, Bill and four other firefighters entered the burning New Milford Borough Hall and tried to save this vital town building by ventilating the smoke and gas caused by the fire. As Bill was on his way to cut a hole in the roof of the Borough Hall, the stairwell burst into flames and Bill was killed.

Bill, only 22 years old, was a 1979 graduate of New Milford High School and an employee of the New Milford Department of Public Works. As a volunteer firefighter since 1979, Bill was a shining example of the true spirit of community service. In the end, he made the supreme sacrifice for his town.

As a tribute to William Entwistle's selfless dedication to his community, when the New Milford Municipal Center is rebuilt, a wing will be named after him. New Milford was blessed to have as rare an individual as Bill Entwistle among its residents. He will be sorely missed by his family, his fellow firefighters, his community, and all who knew him as long as they live.●

FUTURE HOMEMAKERS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. NATCHER. Mr. Speaker, "An Investment in Youth" is the theme of this year's National Future Homemakers of America Week which will be celebrated February 6-12 as part of Vocational Education Week. Future Homemakers of America (FHA) is a national vocational student organization that develops leadership and decisionmaking skills through projects related to family life concerns, community involvement and personal growth. The purpose of this celebration is to show how vocational education and Future Homemakers of America prepare students for the future.

There are now 12,500 Future Homemakers of America chapters throughout the United States with 395,000 members—young men and women in home economics and home economics related classes through grade 12. FHA chapters emphasize consumer education, homemaking, and family life education combined with exploration of jobs and careers. HERO (home economics related occupations) chapters emphasize preparation for jobs and careers.

The fourth summer exchange program between FHA/HERO members and Future Homemakers of Japan members, introduction of the families and futures project, expansion of the student body peer project focusing on teen fitness, and the first year of the National Headquarters and Leadership Center building campaign are highlights of activities on the national level during 1982.

Chapters plan their own indepth projects and activities based on the needs of each chapter and community as well as individual members. The 42 chapters—2,089 members—in the Second Congressional District of Kentucky, which I have the privilege to represent, have been involved with numerous projects. These include helping the elderly, promoting safety for children and safety in the home, conducting programs on alcohol and drug abuse, working on the student body peer program, sponsoring career choices programs, and promoting energy conservation. In addition, I am proud of the chapters in the Second District of Kentucky for collecting more money for the Arthritis Foundation than any other organization and for being involved in community projects such as the March of Dimes, UNICEF, Heart Fund, Bloodmobile and Cystic Fibrosis.

It is a privilege to have been selected as an honorary member of Future Homemakers of America and I want to commend these young men and women for their efforts during this past year and wish them success in all their future endeavors.●

CAREFUL CONSIDERATION OF SOCIAL SECURITY LEGISLATION ESSENTIAL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. YOUNG of Florida. Mr. Speaker, this morning I had the opportunity to testify before the Social Security Subcommittee to discuss the serious financial problems facing the social security system and the National Commission on Social Security Reform's recommendations to alleviate these problems.

Immediately after the National Commission released its recommendations, I organized a series of public hearings in Pinellas County where more than 230,000 residents receive a social security check each month. On January 28 and 29, I held three public hearings which were the first of their kind in our Nation. The information I gathered from the people who attended my hearings, the responses to a poll I took during each hearing, and the calls and letters I have received on the subject were all an important part of my presentation this morning.

The statement which I presented follows:

TESTIMONY BY CONGRESSMAN C. W. BILL YOUNG

Mr. Chairman, thank you for allowing me to come before your subcommittee this morning to discuss the serious financial needs of the social security system and the remedies that have been suggested by President Reagan's National Commission on Social Security Reform. I want to commend you and the Chairman of the Ways and Means Committee for expediting the consideration of social security legislation because I believe this issue, which affects all Americans, will be one of the most important issues Congress considers this year.

There is no question as to the need for legislation to be enacted early in this session because the social security system faces severe funding problems in the coming months. The National Commission on Social Security Reform agreed that in the remainder of this decade, the system faces a deficit of between $150 to $200 billion. More alarming, however, is the Social Security Administration's warnings that unless action is taken soon, the social security trust funds will be depleted sometime this summer.

This grave financial problem should not come as a surprise to the members of Congress who have been warned repeatedly of the approaching day of reckoning for the social security system. Just as our overall federal budget has fallen into disarray as a result of continued deficit spending, the social security system since 1975 has been paying out more in benefits than revenues it has collected. The cruel inflationary pressures of the 1970s, rising unemployment rates of this decade, and the changing age-mix of our nation's population have been major contributors to this problem.

Just as the financial problems of the federal budget parallel the problems of the social security system, both are greatly dependant on strong economic recovery to ensure financial solvency. In addition, the financial integrity of the social security system, and its $200 billion a year in benefit payments, is an integral part of our nation's economy.

The most equitable solution to the system's funding problems is one I have advocated for many years. It is simply to once and for all place our nation's economic house in order. The sorry state of the social security trust funds—and for that matter all federal retirement programs—is directly related to our nation's financial problems. Mainly responsible for our current state of affairs is the spend-free federal government, which has refused for too long now to approach the federal budget in a responsible manner. As a result, the financial problems we have incurred over the past few decades will take time to straighten out.

In the meantime, the social security system faces an immediate funding problem. President Reagan appointed in September 1981 a commission to study this problem and to recommend solutions. The National Commission on Social Security Reform is to be commended for its long hours of work and deliberation which proved successful in reaching a consensus package of recommendations for solving the system's short- and long-term financing problems. Based on its recommendations, the commission would distribute the burden of saving the system equally among all Americans. No one group is singled out to carry a disproportionate share of the cost.

In evaluating the commission's recommendations, I have used two criteria which must be met before I can support the commission's package. The first is—will it work and solve the system's serious financial problems? The second is—is it fair?

Based on hearings I held and letters I have received, I believe the commission's proposal is fair because all Americans share the burden imposed by these recommendations. However, it has not been proven to me that this proposal will work by providing the savings necessary to ensure the financial solvency of the system.

Two weeks, ago, I sponsored three public hearings in Pinellas County, Florida that were attended by more than 1,000 people. Bob Myers, the national commission's executive director, was kind enough to travel with me to Florida to help explain the commission's recommendations at the hearings.

There was no better place in our country to hold these hearings, which were the first of there kind in the nation. With more than 230,000 county residents receiving social security checks each month totaling more than $1 billion a year, no county will be more affected by this year's social security debate.

In addition to receiving testimony from more than 100 people, I also polled those who attended the hearings to better gauge their feelings. From the results of the testimony and the questionnaires that were returned, it appears that almost everyone dislikes one section or another of the commission's report, but that most people, whether they are workers or self-employed paying into the system or retirees receiving benefits, are willing to make a personal sacrifice if it will ensure the solvency of the system.

Therefore, I believe that the commission's recommendations are as fair as the present dilemma will permit and spread the burden among all groups.

Throughout the hearings, Mr. Myers and I stressed that the commission's recommendations in no way reduce the benefits of the people currently receiving social security checks.

It is interesting to note, however, that almost 60 percent of the people I polled, the majority of whom currently receive social security benefits, are willing to take a six-month delay in their cost of living payments. This is further proof that our nation's older Americans who built this country are willing to forego a portion of their earnings if it will guarantee the stability of the social security system.

A major concern about the commission's recommendation expressed by a large number of people was its proposal to bring all new federal employees into the system. While I understand that your committee does not have jurisdiction over the civil service retirement plan, it is important that reassurance be given all current federal workers and retirees that this provision will not adversely affect their retirement program.

Another commission recommendation I would like to briefly comment upon concerns removing social security from the unified budget. I strongly support this recommendation. The trust funds should never have been placed under the unified budget in the first place. The social security system operates independently from the general fund by collecting its own revenues and dispersing its own payments. Separation of the social security trust funds from the unified budget would alleviate the continuing fear of older Americans that the federal government is trying to balance the overall federal budget at the expense of the social security system.

My second criteria for evaluating the commission's package—will the recommendations indeed solve the social security trust fund's projected short falls throughout this decade and the next 75 years—remains unanswered and should be of great concern to my colleagues. This is where I believe, Mr. Chairman, your subcommittee and the actuaries of the Social Security Administration are responsible for assuring us that the commission's proposal will indeed be enough to sustain the program well into the next century. Each member of Congress must know for sure whether this package of recommendations is just another band-aid approach to tide the system over, or if it will indeed do all that is expected.

Mr. Myers and I discussed this question at length during my hearings, and neither of us is fully convinced that the package will provide enough revenues, especially during the middle of this decade, to prevent the trust fund ratios from again falling dangerously low.

Six years ago, Congress was in a similar situation with regard to the social security system. The trust funds were almost depleted and a major payroll tax increase was proposed to generate enough revenues to continue paying benefits. In preparing for today's hearing, I went back to the December 15, 1977 Congressional Record and reviewed the debate that preceded the vote to raise payroll taxes. It is interesting to note that the debate which surrounded that legislation is almost identical to the debate I have heard during the last few weeks regarding the commission's recommendations. Also quite similar were the assurances that the passage of the legislation would ensure the long-term stability of the system.

During that debate six years ago, you, Mr. Chairman, assured us that, in your words:

"In passing this bill, we can say to the American people that we are putting social security on a sound financial basis for the next 25 to 50 years. Nothing can be more reassuring to the public than taking this strong action."

The distinguished Chairman of the Ways and Means Committee at that time, Mr. Ullman, also made assurances to us when he said:

"(This bill) puts us in a surplus posture in social security for the next 25 years."

Another distinguished former colleague of ours, Mr. Waggonner, who was appointed to the social security commission and supports its recommendations, was even more confident in the 1977 legislation. He said:

"It stabilizes the trust fund, because the actuary says the OASDI trust fund will be stabilized until the year 2030. The DI trust fund will be stabilized until the year 2007, and the combined trust fund will be stabilized until the year 2027."

Finally, President Carter, during the ceremonial signing of the 1977 social security act, assured all Americans that the system was on firm footing into the 21st century. His remarks were:

"Now this legislation will guarantee that from 1980 to the year 2030, the social security system will be sound."

It was only after assurances such as these that I voted for the 1977 legislation, and I might note, was one of only three Republicans to do so.

Six years later, I find myself in a position where I am again being asked to support social security legislation, which includes major payroll tax increases, that I am told will ensure the financial solvency of the system for 75 years. This time, the Congress owes the American people a more thorough evaluation of the commission's economic assumptions.

If we take time to examine the reports of the Social Security Board of Trustees for the past three years, it is apparent that the trustees's pessimistic economic assumptions have been a better predictor of the economy and have proven to be closer to actual economic performance than the more optimistic intermediate II-B assumptions.

In preparing its recommendations, the social security commission used economic assumptions somewhere between the intermediate II-B and pessimistic III figures to arrive at the estimated $150 to $200 billion shortfall. The commission's final package, it is estimated, will save the system $168 billion.

Mr. Chairman, before finalizing the social security legislation this year, it is my hope that you and the members of your committee will examine closely the commission's recommendations based on the economic forecasts for the decade to ensure that enough savings are provided. If we err with this social security legislation, let us err by providing too much in additional trust fund reserves instead of providing too little.

By law, the Social Security Board of Trustees is to make available April 1, its report for 1983. I urge you to work with the trustees to expedite this process so the report and accompanying economic assumptions are ready within the next few weeks so that the members of Congress will have the information available to determine whether or not the commission's recommendations will indeed solve the funding problems facing the social security trust funds.

The American people are rapidly losing faith in the social security system. The failure of the 1977 legislation to correct the system's funding problems had a major effect on those views. Recent public opinion surveys show that fewer and fewer workers now paying into the system believe they will ever collect benefits when they retire. And a major overriding concern of the people who attended my hearings, regardless of their opinion about the commission's recommendations, was that the social security system is going bankrupt and that their future benefits are in jeopardy. Passage of inadequate legislation this year will totally dissolve any confidence the American people have in the social security program.

We need to do a better job this year in preparing legislation which will once and for all solve the system's financial shortfalls. Based on the response from the people I represent, I am prepared to support the commission's recommendations because the burden of saving the system is being shared equally by all Americans. However, I must reserve a final commitment to this plan until your legislation is finalized and I can be firmly convinced that the legislation will work by providing adequate trust fund reserves to guarantee the integrity of the social security system for generations to come. What is at stake here is not only the soundness of the social security trust funds, but also the trust and confidence of the American people.

Thank you again, Mr. Chairman, for allowing me to come before your committee, and I anxiously await your legislative package and the forthcoming social security trustees report.●

STATE REPRESENTATIVE WILLIE LOGAN: COMMUNITY LEADER

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, when good things happen, they often do not receive the attention they deserve. This is unfortunate, because in spite of the recent problems in Miami and Dade County—especially the unfortunate recent disturbances following the tragic shooting death of Nevell Johnson—many good things are happening in our black community. Because they are happening quietly, they are not well publicized.

There is in our community young, aggressive leadership—men and women raised in our neighborhoods who have now grown to assume positions of responsibility. This is well demonstrated by State Representative Willie Logan.

It has been my privilege to know and work with Willie Logan these past several years. I have found him to be a highly motivated and intelligent public servant with a knack for getting things done.

In this regard, I wanted to share with my colleagues the following para-

graphs that are excerpted from an article written by Gloria Chase that appeared on the editiorial page of the Miami Courier. They help to shed light on the unusual qualities and special character of this remarkable man:

A COMMUNITY THAT REFUSES TO BE KEPT DOWN

(By Gloria Chase)

A young boy, born and raised in Opa-Locka, grew up as a typical young black child. His mother, a young widow, was his sole support. Her strong faith in mankind, constantly rekindled by her active church life, gave her the courage to persevere and preach the importance of education and survival to her young son.

Eventually, the boy became a man. Financing his own way through school, he attended college and studied everything available so that he could one day help his own immediate community, and others like himself. He became president of the debating society in college, knowing this ability would be a vital part of his future chosen life.

State Representative Willie Logan is now making good. Leaders in North Dade quickly became aware of this young man, who at age 23 was already mayor of his community, and they recognized his driving need to help better his community.

Suggesting a plan which would help all the people of Opa-Locka and surrounding communities, Congressman Lehman inspired this young man to go to Tallahassee, then approach the Dade County Commission and, after a long, hard struggle, finally receive a contract from the county commissioners to help revitalize his community by leasing a long-unused area of land near the Opa-Lacka Airport for industrialization and development.

* * * * *

Mr. Speaker, we need skillful leaders who have the knowledge and commitment to make our communities better places in which to live. As you can see from the above article, State Representative Willie Logan is such a leader.

REAUTHORIZATION OF THE BELLE FOURCHE RECLAMATION PROJECT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. DASCHLE. Mr. Speaker, I am today introducing legislation to reauthorize the Belle Fourche reclamation project as a unit of the Pick-Sloan Missouri River Basin program and to authorize the modernization and rehabilitation of this important project.

Located in Butte and Meade Counties, S. Dak., the Belle Fourche reclamation project was one of the first reclamation projects in the Nation constructed under the authority of the Reclamation Act of 1902. Constructed between 1904 and 1915, the project provides water for the irrigation of more than 57,000 acres in western South Dakota. A mainstay of the local and regional economies, the importance and value of the Belle Fourche project has been recognized for more than 70 years.

As one of the first projects to be constructed by the Bureau of Reclamation, then known as the Reclamation Service, the Belle Fourche project did not benefit from modern construction techniques and technological advances. Constructed early in the century, many of the features and structures of the project have served the expected useful life or have become obsolete. Consequently, as reliability of the project has decreased, operation and maintenance costs have increased.

The legislation which I am introducing today authorizes the rehabilitation and modernization of this important project. Restoring project reliability, reducing operation and maintenance costs, improving supply distribution, and conserving water are among the benefits of the rehabilitation program.

Additionally, the legislation I am introducing today reauthorizes the Belle Fourche reclamation project as a unit of the Pick-Sloan Missouri River Basin program. As a unit of the Pick-Sloan program, the Belle Fourche project will be accorded the same treatment provided for other projects under the program.

Finally, the legislation being introduced today will authorize the Bureau of Reclamation to market, with the concurrence of the State of South Dakota and the Belle Fourche irrigation district, surplus water from the project. Further, the Bureau is authorized to apply revenues resulting from the marketing of water surplus to the project to project rehabilitation and improvement costs.

Joining with me in the introduction of this legislation are the senior and junior Senators from South Dakota, Mr. PRESSLER and Mr. ABDNOR. The South Dakota congressional delegation believes the reauthorization and rehabilitation of the Belle Fourche project is of the highest priority and we will work cooperatively to secure consideration by both Houses of Congress and the support of the administration for this legislation.

Mr. Speaker, I request the text of the legislation which I am introducing be printed in the RECORD at this point:

H.R. 1282

A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general plan for the Belle Fourche project, South Dakota, heretofore authorized for construction by the Secretary of the Interior, May 10, 1904, pursuant to the Reclamation Act of 1902 (32 Stat. 388), is modified to include construction, betterment of works, water conservation, recreation, and fish and wildlife conservation and development. As so modified, the general plan is reauthorized under the designation "Belle Fourche unit" of the Pick-Sloan Missouri Basin program.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary"), is authorized to negotiate and execute an amendatory repayment contract with the Belle Fourche irrigation district covering all lands of the existing Belle Fourche project. This contract shall replace all existing contracts between the Belle Fourche irrigation district and the United States.

(b) The period of repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be not more than forty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to complete the rehabilitation and betterment program and other water conservation works, the rates of charge to land class in the unit shall continue to be as established in the November 29, 1949, repayment contract with the district, as subsequently amended and supplemented; thereafter, such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as then determined by the Secretary.

SEC. 3. (a) All miscellaneous net revenues of the Belle Fourche unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(b) Construction and rehabilitation and betterment costs of the Belle Fourche unit allocated to irrigation and not assigned to be repaid by the irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Pick-Sloan Missouri Basin program within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. (a) The provision of lands, facilities, and project modifications which furnish recreation and fish and wildlife benefits in connection with the Belle Fourche until shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features shall be determined by the Secretary of the Treasury as the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 5. Appropriations heretofore or hereafter made for carrying on the functions of the Water and Power Resources Service shall be available for credits, expenses, charges, and costs provided by or incurred under this Act. The Secretary is authorized to make such rule and regulations as are necessary to carry out the provisions of this Act.

SEC. 6. The Secretary is authorized to amend existing contracts and enter into additional contracts as may be necessary to implement and facilitate any future agreement between the Belle Fourche Irrigation District and non-Federal entities involving the sale of Belle Fourche project water for use by such non-Federal interest for other than irrigation purposes: *Provided,* That the net proceeds from such transactions be-

tween the Secretary, the Belle Fourche Irrigation District, and such non-Federal interest shall be paid to the United States as reimbursement of the cost of the works authorized by this Act, that such transactions are not in violation of applicable State laws, and that such transactions shall be subject to the consent and conditions of the State of South Dakota to such water use by such non-Federal interest in accordance with the laws of South Dakota and the provisions of the Belle Fourche River Compact between the States of Wyoming and South Dakota to which the consent of Congresss was given in the Act of February 26, 1944 (ch. 64, 58 Stat. 94).

SEC. 7. There is hereby authorized to be appropriated beginning October 1, 1983, for the rehabilitation and betterment of the irrigation facilities of the Belle Fourche unit and recreation and fish and wildlife measures as authorized by this Act, the sum of $42,000,000 (based on January 1981 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein.●

BOY SCOUTS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the 4.4 million members of the Boy Scouts of America as they celebrate their 73d anniversary with a new national theme—"Catch the Scouting Spirit."

The Boy Scouts of America was incorporated on February 8, 1910, and was chartered by Congress in 1916. The chartered organizations are important to the success of Scouting and the emphasis in 1983 will be to recognize the chartered organizations throughout the Nation and encourage each Scouting unit to become involved in its organization's own program. The Scouting program has influenced three generations of Americans and chartered organizations are passing on to today's youth the Scouting value system that will carry them into adulthood.

Boy Scouts of America introduced a new program in 1982—Tiger Cubs—for a second grade boy and an adult member of his family. Tiger Cubs emphasizes fun, activity, and relationship building (between the boy and adult as well as among the Tiger Cub group). The program is built around 16 different themes, called big ideas, which include such topics as "Know Your Community," "Fitness and Sports," and "Preparation for Emergencies."

The Scouting programs continue to be active in my home State of Kentucky and their activities in 1982 included attending summer camp; completing renovation of the new service center with the dedication and Scout Jamboree held in November 1982; finalizing plans for the National Boy Scout Museum at Murray State University; and starting the new Tiger Cubs program in September 1982.

I firmly believe that Scouting is a valuable experience and I always enjoy recalling the experiences and adventures that were mine as a Boy Scout. Scouting has something for everyone and each individual is valued for his contribution to his family, community, and country.

I want to commend the Boy Scouts of Amercia for their achievements during 1982 and wish them every success in their future endeavors.●

SAVING THE DELAWARE RIVER

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. KOSTMAYER. Mr. Speaker, almost 6 years ago I introduced legislation, which the Congress enacted, designating nearly one-third of the Delaware River as part of the National Wild and Scenic Rivers System. Today, the river is again threatened. And once again I am introducing legislation to preserve it. H.R. 826 will designate a 21-mile segment of the Delaware River, running from Washington Crossing to Uhlerstown, Pa., as a component of the National Wild and Scenic Rivers System. This segment of the river, between New Jersey and Pennsylvania, is among the last remaining portions of the Delaware that may qualify as wild and scenic.

Since its enactment in 1968, the National Wild and Scenic Rivers System created under Public Law 90-542 has preserved those segments of free-flowing rivers which possess outstanding scenic, recreational, geological, fish and wildlife, historic, cultural, and other significant values. Mr. Speaker, I grew up along this portion of the Delaware and I still live there. For me and for thousands of others, there is no doubt that this segment qualifies for inclusion in the system. There are currently 87 segments in the system—61 in the continental United States, and 26 in Alaska.

As I said Mr. Speaker, H.R. 826 is an extension of legislation which I sponsored in the 95th Congress. On October 12, 1978, the Congress passed my legislation designating the middle and upper Delaware as wild and scenic. This was part of the omnibus National Parks and Recreation Act of 1978, Public Law 95-625. By so doing, Congress put a final halt to an unneeded project, the proposed Tocks Island Dam.

It is ironic, that so soon after my return, I must come before the Congress and ask that we act to preserve yet another threatened portion of the Delaware. This time the Delaware River is threatened by a new project, the Point Pleasant Pumping Station. The construction of this project endangers the future of the river and the valley through which it flows. Because of the historic, scenic, and recreational importance of this segment of the Delaware River, it is appropriate that the Congress of the United States debate and then preserve the portion of the Delaware River contained in H.R. 826.

In order to better understand the justification of H.R. 826, we must examine the reasons for establishing the Wild and Scenic Rivers Act almost 15 years ago. Prior to the establishment of this act in 1968, there was rapid and often reckless development on America's rivers resulting from the construction of dams for electricity and other water needs. However, there was no national river conservation policy complementary to the established national policy of dam building and other construction on the rivers of the United States. There was then, and remains today, a strong feeling that certain segments of rivers should be preserved because their unique characteristics might be destroyed by irreversible development. After 6 years of debate, Congress passed the Wild and Scenic Rivers Act which established a national policy that certain selected rivers in the country, with outstanding values, shall be preserved in a free-flowing condition, and shall be protected for all time.

The provisions of the act allow for two methods by which rivers may become part of the system. An act of Congress can designate a river as part of the system, or a State may initiate action. In the latter case, the Secretary of the Interior can place a river in the system upon application from a State Governor.

Section 2(b) of the Wild and Scenic Rivers Act lays out criteria for inclusion of a river in the system. Generally, rivers included in the System must be free-flowing streams which have an outstandingly remarkable value—that is scenic, recreational, geologic, fish and wildlife, historical, cultural, or other. Rivers included in the National Wild and Scenic Rivers System are classified, designated, and administered as either wild, scenic, or recreational river areas.

In my opinion, the segment of the Delaware River included in H.R. 826 meets the necessary criteria for designation in the Wild and Scenic Rivers Act. It is free flowing, rural, and scenic, and possesses numerous outstanding values, including:

The site where George Washington crossed the Delaware River. There are now State parks on both the New Jersey and Pennsylvania banks of the river, with a museum and public parks.

The historic Pennsylvania Canal—a 57-mile waterway stretching from Easton, Pa., to Bristol, Pa.—which was a major 19th century commercial artery. The canal was built in the 1820's and was added to the Pennsylvania park system in 1972. The 21-mile segment of the Delaware River in H.R. 826 is immediately adjacent to the canal. The Pennsylvania Canal was designated a national historic landmark in 1976 and represents the only canal of its era which is still intact.

An outstanding habitat for several important species of fish. For example, the eddy formed at Point Pleasant provides an excellent spawning ground for the American Shad. Once a thriving fish in the Delaware River, the American Shad is now making a comeback after being severely depleted in the 1960's.

Significant Indian relics dating from before 2000 B.C. have been found along the banks of this 21-mile stretch of the Delaware River.

Recreation is a benefit offered by the Delaware River. Rafting, swimming, kayaking, tubing, and fishing all take place along this part of the Delaware. These activities are enhanced by the natural beauty of this area.

The villages along this 21-mile stretch of river have remained much as they were a century ago.

Given the close proximity of Trenton, Philadelphia, and New York City, it is amazing that this stretch of river has been preserved to the extent that it has up to this point. We must, however, act now to protect the Delaware River from quickly approaching development.

Finally, the town of Point Pleasant, Pa., has been determined eligible for consideration on the National Register of Historic Places. This village, and indeed the river itself, is endangered by the proposed pumping station at Point Pleasant. Preliminary clearing operations and other preconstruction activities have already begun.

H.R. 826 would preclude the diversion of water for the Point Pleasant Pumping Station. I, and I believe a majority of my constituents are, strongly opposed to this project for a number of reasons:

First, the citizens of Bucks County have not had the opportunity to decide whether they want what is in fact the largest public works project in county history. Coupled with a national debate on this project, there should be a corresponding debate at the local level. Despite our best efforts, the Bucks County Board of Commissioners has consistently refused to permit a referendum on the Point Pleasant Pumping Station.

Second, there is serious concern as to whether the entire 95 million gallons of water per day produced by the pumping stations, is actually needed. Over 50 percent of this will be used as supplementary cooling water for the Limerick Nuclear Powerplant. However, this plant has not yet received an operating permit from the Nuclear Regulatory Commission. There is considerable question when and if this project will receive a permit. More importantly, there are alternative water sources closer to the nuclear plant that have not been evaluated adequately. We must also investigate other options for providing water to the residents of Bucks and Montgomery Counties.

Third, considerable uncertainty exists regarding the ultimate cost of the Point Pleasant project. Cost estimates vary widely from $47.5 million to almost $80 million for the entire Neshaminy water supply system with the Point Pleasant Pumping Station as the key component.

Fourth, removing 95 million gallons of water per day may affect the salinity levels in the Delaware River Basin. Any project which could impact on the quality of surface and ground water supplies of Philadelphia and surrounding communities should not be built.

Fifth, the Point Pleasant Pumping Station could have an adverse effect on the species of fish already mentioned.

Sixth, the construction of the Neshaminy water supply system will lead to extensive development in a primarily rural area. The water plan exceeds foreseeable demand, unless the real justification for the system entails increased housing and construction in central and upper Bucks. I am opposed to the desecration and development of an area consisting of hundreds of small family farms. We must preserve the rural nature and small farms that constitute central Bucks County.

H.R. 826 would specifically stop the operation of any existing water pumping facility and would prohibit future construction of pumping stations. Therefore, the Point Pleasant Pumping Station would be stopped under any scenario.

Furthermore, passage of this bill would insure future protection of this 21-mile segment of the Delaware River. The National Wild and Scenic River Act provides, under Federal law, that no department or agency of the United States may assist by loan, grant, license, or otherwise in the construction of any water resources project that would have direct and adverse effect on the values for which the river was designated. This places direct constraints on all Federal agencies including the Army Corps of Engineers and the Federal Energy Regulatory Commission.

National designation also offers protection to a river simply by requiring that a plan be prepared for the river's future. This plan would outline the appropriate steps to preserve the outstanding values of the Delaware River.

The Delaware River is an important part of the Commonwealth of Pennsylvania and in fact, it has been an important part of this country's history since Washington crossed it 207 years ago. Congress should act quickly to preserve the legacy of the Delaware River for generations to come.

I ask my colleagues, Mr. Speaker, to "save the Delaware."●

THE SOVIET UNION UNDER YURI ANDROPOV

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for January 1983 into the CONGRESSIONAL RECORD:

THE SOVIET UNION UNDER YURI ANDROPOV

The death of Leonid Brezhnev raises many questions about the future course of Soviet-American relations. Americans want to know what the new Soviet leader will be like and what his policies will be.

Although we lack precise information on current events in the Soviet Union on Yuri Andropov himself, some preliminary judgments can be made. The Andropov succession differs from previous Soviet transfers of power. The process was smoother and more rapid than most experts had predicted, though there may still be challenges to Mr. Andropov's control. Although some slots have been filled by younger men, there have been no sweeping changes in personnel. So far, the reputation of the previous leader has remained intact.

Indeed, Mr. Brezhnev may well be the first leader since V. I. Lenin the Soviets will want to remember. He presided over the emergence of the Soviet Union as a military superpower equal to the United States. While the inefficiencies of the Soviet economy are widely acknowledged, there was a great improvement in Soviet living standards under Mr. Brezhnev. Only at the end of his reign did his failure to carry out fundamental economic reform lead to serious problems.

The key question today is what Mr. Andropov will be like as a leader. He will certainly be more vigorous than Mr. Brezhnev was during the past few years. How long his vigor will last is another matter. Mr. Andropov is now 68 years of age, and apparently has health problems of his own.

Mr. Andropov comes to the job with knowledge and experience of the world broader than that of his predecessors. He is the first Soviet leader since Mr. Lenin to have lived abroad, and as head of the KGB (the Soviet security service which combines the functions of our CIA and FBI) he was very well informed about domestic and foreign affairs. However, knowledge and experience of the West hardly make Mr. Andropov a "liberal", as some scholars have claimed. He gained the top position among a very tough-minded and conservative group of leaders. He worked closely with Mr. Brezhnev, and is not likely to depart markedly from existing policies. In fact, his

knowledge and experience may well make Mr. Andropov a more difficult adversary than his predecessor.

Although Mr. Andropov did not make his entire career in the KGB, he did oversee that dreaded agency for 15 years. He perfected the practice of incarcerating dissidents in psychiatric hospitals, and he succeeded in eradicating the major dissident community by a process of imprisonment, exile, and intimidation. Earlier in his career, Mr. Andropov served as Ambassador to Hungary during the 1956 Soviet invasion. Some observers said that he relished the job of putting down the uprising.

There are now three former KGB officials among the dozen top Soviet leaders, and the leadership, with their help, has begun a campaign against corruption. While reforming the economy will prove difficult, campaigns against waste, fraud, and abuse are popular and help shift attention from economic shortcomings.

Mr. Andropov has little visible experience in economic management, so he will probably rely on his colleagues in tackling what must be his highest priority: making the Soviet economy work better. Faced with a labor shortage and declining productivity, the Soviets may hope to compensate by importing advanced technology from the West. To do so, however, requires enormous expenditures of foreign currency and great reliance on foreign suppliers. It is likely that the Soviets will continue to use imported technology primarily to relieve specific bottlenecks.

Improving the economy requires an overhaul of the planning system, introduction of a rational pricing policy, a better system of economic incentives, and a wage structure reflecting new priorities and the real world. Under Mr. Andropov's eye at the Central Committee in Moscow, the nation of Hungary started along these lines and now has one of the most decentralized and efficient economies in Eastern Europe. But resistance will be fierce in the Soviet Union, where a deeply rooted bureaucracy opposes this sort of change. Russian history provides many examples of regimes that came to power determined to carry out reforms, but found the task too hard and turned instead down the risky path of international adventurism.

While the Soviet Union's problems in foreign policy do not appear as intractable as its economic difficulties, they must be addressed. Afghanistan may be the most pressing problem. The Soviets may be trying to settle the Afghan issue, but it is because they believe it to be in their interest, not because of suggestions from Western leaders that they do so. The Soviet relationship with China can be expected to improve, though there are still major obstacles to be overcome (the Soviet presence in Mongolia, the militarization of the Sino-Soviet border, and Soviet support for Vietnam and its policies in Kampuchea are a few). Poland remains a serious problem for the Soviets, upsetting their military planning and defying satisfactory solution from their point of view.

Relations with the United States are a paramount concern. Mr. Andropov apparently thinks that the ball is in our court because we failed to ratify the second strategic arms limitation treaty and made our anti-Soviet rhetoric more strident. This Soviet perception of American hostility, along with the perception of many Americans that the Soviet Union is intent on aggression, may pose the most serious obstacle to improved Soviet-American relations.●

DONNA JURICK

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mrs. KENNELLY. Mr. Speaker, on December 4, 1982, Donna Jurick, S.N.D., was inaugurated as the 12th president of Washington's Trinity College. In her inaugural address, Sister Jurick cited the importance of women's colleges and the role she sees these institutions playing not only in helping women fit in male society, but in going beyond that mode of socialization to help young women identify and implement new modes of behavior in the workplace.

I found Sister Jurick's remarks most interesting, and hereby submit them to the RECORD so that my colleagues may benefit from the insight of this thoughtful educator and leader:

The inaugural address follows:

INAUGURAL ADDRESS OF DONNA M. JURICK, S.N.D., DEN., 12TH PRESIDENT OF TRINITY COLLEGE, WASHINGTON, D.C., DECEMBER 4, 1982

Trinity is small. Trinity is a liberal arts college. Trinity is a women's college. Trinity is Catholic. These are Trinity's gifts. Others have gifts that are not ours—or our gifts in other ways. What I shall discuss this afternoon is what Trinity, by owning her unique gifts and developing those gifts, can mean to all of us. It is not only "okay" to be a women's college, to be a Catholic college, to be a liberal arts college, and to be small; it is important that such institutions continue to exist and flourish. It is important that Trinity exist and flourish.

I believe Trinity in and through her students, faculty, administration and staff—and at an extended level her alumnae and friends—is called to share her strengths with the higher education comunity, the socio-political community, and the Church community. I believe that Trinity's call and response to mission must touch and be touched most directly by her neighbors—the higher education community, the socio-political community, and the Church community of the Washington metropolitan area. By extension I believe we touch and are touched by these same communities on a national and international level. We need each other if we would each be true to our own mission.

Trinity opened her doors under Catholic auspices, namely the congregation of the Sisters of Notre Dame de Namur, at the turn of the century to give women access to the subjects their brothers were studying at major colleges and universities of the day. Trinity alumnae throughout this century have distinguished themselves as knowledgeable and faith-filled women, not only in familial and social settings, but also in positions of prominence in the business, professional, and political worlds. Trinity has accomplished well her stated mission to provide women access to Catholic higher education. Trinity women have used their education effectively to contribute to society in ways previously denied their sex.

But access to a liberal and professional education is now open to women in coeducational colleges and universities throughout this nation and abroad. Women's colleges have in this sense fulfilled their mission. Before we advocate the demise of women's colleges, however, let's articulate and examine other and perhaps more important contributions. Women have been socialized from babyhood differently from men. Without presenting a developmental comparison of feminine and masculine socialization, permit me to suggest that for some women at least the fundamental self-confidence rudimentary to success in the business, professional, and political worlds can best be developed in an atmosphere in which experimentation with leadership, whether in the classroom or extra-curricular activities, need not be in competition with men; in which role models of successful women professors and administrators are a daily experience, and contact with successful alumnae extends such modelling to a wide variety of fields; in which math and science classes, as well as the humanities, are densely populated with women; and in which women, quite simply, are expected to succeed. These contributions of women's colleges are still important. They stand as a challenge to our processes of socialization. Developmental socialization does not yet in general prepare women to assume adult leadership roles. The adult world of work in general grounds its leadership models in male socialization. Women's colleges provide for some a much-needed transition.

Ultimately I believe our human developmental processes will become responsive to providing women as well as men with the prerequisites for a variety of adult roles, but not until we have educated a forthcoming generation according to a transfomed curriculum that recognizes all humankind, female as well as male, as full contributors to our society. I believe that it is fundamentally the role of women's colleges—and in relation to women as Catholic, Catholic women's colleges—to lead the way in this regard.

Consciousness of the exclusion of the perspective of women from the liberal arts curriculum is less than fifteen years old. Much pioneering effort has been accomplished in that time, but the transformation of the curriculum has hardly begun. The Wingspread Conference of October 1981 concluded:

"• • • the traditional liberal arts curriculum is male-oriented, reflecting the cultural biases and thought-patterns primarily of men, and based, for the most part, on data involving male authors, artists, political figures, psychological subjects, et al. In both educational setting [single sex as well as coeducational], the curriculum is in need of profound change toward the goal of enabling men and women to understand that the history, concerns, values, and perspectives of women—and not merely those of "exceptional" women who fit into male categories on male terms—are as valid and valuable as those of men. The goal is a more truly liberating pattern of education which fosters the greater humanity of all.[1]

I would submit that women's colleges such as Trinity have traditionally trained such "exceptional" women—women who could and did fit into male categories on male terms. Women's colleges must continue to foster the talents of such women. But our

[1] "*Liberal Education and the New Scholarship on Women: Issues and Constraints in Institutional Change,*" A Report of the Wingspread Conference, Washington, D.C.: Association of American Colleges, 1982, pp. 48-9.

consciousness having been raised, if we were to fixate our efforts in the security of what we know ourselves to do well and what we have been rewarded for doing and ignore the call to explore new modes of education for the good of all—men as well as women—we would be denying our pioneering tradition and potentially at least dooming ourselves to irrelevance and subsequent extinction. For women's colleges such as Trinity to fail to plan seriously for the consideration and implementation of the recommendations of the Wingspread conference across all areas of the curriculum, then, is to betray our commitment to the higher education of women and to abdicate leadership in an area in which our very nature demands that we lead. The need for such leadership is not likely to be short-lived.

Ultimately it is not the transformation of our educational institutions, but of society that must be envisioned. As we begin to include an understanding of the "history, concerns, values, and perspectives of women in our curriculum, we may begin to realize that what is not what has to be—that the way we organize ourselves and presume we have to organize ourselves—the ways we relate to one another in our families, in our churches, in our socio-political traditions and structures are not the only ways to relate to one another. Even as we provide for our students internships and practica that ground an examination of their experience of what is currently expected, we need simultaneously to explore alternatives to those expectations—alternatives that might be accomplished with equal effectiveness and perhaps greater respect for the perspectives of all persons. Instead of becoming preoccupied with "fitting in" we must evaluate the cost and explore potential alternatives.

But it is not enough to explore alternatives to our "fitting in" process. We need to sensitize ourselves with equal concern to understanding and exploring alternative modes for the roles we and our students count ourselves blessed to have escaped. We must not limit our understanding of women and their contribution to the professional women among whom we have taken or hope to take our places. We must touch also in order to grasp at least in some sense the poverty, deprivation, and hurt of women forced to live at the margin of our own society. We must seek to understand the lot of the majority of women at the socio-political, economic margins of our world. We must explore ways of designing not theoretical but meaningful and workable alternatives to such modes of being.

And finally, as Trinity women, we must be women in dialogue with the Church. Julie Billiart and the women who founded the Sisters of Notre Dame and Julia McGroarty and the sisters who founded Trinity College exemplify this tradition. They believed in the church; they also believed in the women of their day and their possibilities for a developing role in society and in the Church. They were eminently faithful to the Church and that faithfulness included enabling the Church as well as themselves and the women of their day to grow in understanding and acceptance of women and women's developing possibilities for contributing both to the Church and to society. The women in our colleges today are not and will not be participating in either Church or society in the same way as their mothers and grandmothers. We do them and the Church and society a disservice not to explore with them the questions of the present and the possibilities for the future. Fidelity itself demands such dialog.

Instead of making the assumption, then, that in order to "make it" in Church or society women must learn to "fit in," we need to ask what contributions women might make in altering their very modes of being in Church and society. In the tradition of the liberal arts we must not be afraid to ask questions and actively participate in our dual scholarly role of expanding possibilities for knowledge even as we transmit knowledge. Instead of assuming reality is, we must actively participate in creating the reality that will be.

Trinity from her inception has been an excellent Catholic women's college. As I listened to her faculty, staff, administration, students, and alumnae over the past four months, I experienced persons committed to the continuance of such excellence. Beyond the excitement of new programs and the potential for the computerization of the entire curriculum, beyond hoped for budgetary and enrollment stability, is a readiness to articulate and implement new ways of committing ourselves to our mission to gear all programs in a special way to the interests and needs of women and to be unapologetically Catholic while at the same time welcoming students of all creeds and inviting them to be serious about their values and beliefs.

I have shared with you some reflections I consider critical for continued, life-giving excellence. They are important not so much as a statement of my vision—and they are that—but as an articulation, to be refined in subsequent dialog, of how we at Trinity—faculty, staff, administration, and students—might participate in Trinity's continued evolution. I will work to enhance Trinity's distinctive character—her giftedness as a small, liberal arts, Catholic, women's college. I will work also to share Trinity's giftedness with the higher education community, the socio-political community, the Church community of this city, our nation, and the world. I trust the sharing will be mutual. In this process of sharing our giftedness with one another we will complete and strengthen one another. Together we can create a tomorrow in which the contributions of all persons—women as well as men—are truly valued.●

LIFTING THE CURTAIN ON AFGHANISTAN'S HORROR

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. McDONALD. Mr. Speaker, the full story of Soviet atrocities in Afghanistan may never be known, but what is certain is that the rebellion against the Communist puppets governing, or attempting to govern Afghanistan, is growing as is the rage of the Afghan people against the Soviets. For 3 days in December in Paris, evidence of all sorts of atrocities was heard from firsthand witnesses of Soviet outrages in Afghanistan. The tribunal hearing the witnesses issued a verdict condemning the Soviets for nearly every possible violation of the rules of war and human rights. The story, as it appeared in the Wall Street Journal of January 24, 1983, is well worth the few moments it will take my colleagues to read it.

LIFTING THE CURTAIN ON AFGHANISTAN'S HORROR

(By Rosanne Klass)

Since the Soviet army invaded Afghanistan three years ago, Moscow and the government it installed in Kabul have clamped a news blackout on events in that country. Independent journalists were thrown out a month or two after the invasion; aside from a handpicked few, only those reporters willing to risk their necks to go in with the resistance forces have been able to cover the story at all, and they get only a fleeting, limited view.

The International Red Cross was also thrown out soon after the invasion, and has not been allowed to function there since—nor is any other human rights organization allowed in. The diplomatic community is effectively limited to official circles in Kabul; an Afghan in contact with non-communist foreigners risks prison or worse. The stories coming out through competing resistance factions and refugees in Pakistan can seldom be checked, and reporters are understandably dubious about them.

Thus the world is effectively ignorant about what is happening in Afghanistan—which is, of course, the way the Soviets want it. And for good reason—for in Afghanistan, the Soviets are conducting a massive terror campaign against the civilian population.

The aim is to terrorize and crush the Afghan people into submission, eliminate the nation-wide base of support for the resistance and consolidate the Soviet grip on this highly strategic territory, the key to many of Moscow's future ambitions in South Asia and the Indian Ocean.

NAZI-LIKE ATROCITIES

The Soviet campaign bears comparison with the atrocities of the Nazis, Idi Amin, Cambodia, and—perhaps not accidentally—with those of Genghis Khan, whose slaughter of the Afghan people in the 13th century is well-known to every Russian school child.

Though reports of Soviet atrocities in Afghanistan have leaked out, starting with the Kerala massacre in 1979, it has seldom been possible to verify them, thanks to the new Iron Curtain around Afghanistan. But last month in Paris a stream of witnesses, including some who arrived at the last moment from deep inside Afghanistan, lifted that curtain for a moment to reveal a scene of sheer horror: a people facing execution for the crime of defending their freedom.

The circumstances were particularly embarrassing to the Soviets and their apologists: The revelations and condemnations in Paris came from the left. Three days of hearings culminating in a press conference on Dec. 20 were conducted by the Permanent Tribunal of the Peoples, the successor organization to the old Bertrand Russell war crimes tribunal which put America in the dock for Vietnam, and which has generally been more notable for its attention to the warts of the West than to those of the Soviet bloc and Third World. The panel of judges—French, Swiss, Belgian, Yugoslav, Mexican, Indian—ranged from socialist humanitarians to lifelong fellow-travelers.

This was not the first time that the tribunal had met to consider Afghanistan: In Stockholm in 1980, its judges condemned Moscow for violations of the U.N. charter

and the right of self-determination, as well as for aggression. But, although the Stockholm hearings included extensive testimony on torture, mass executions, rape and civilian massacres, the panel there passed no judgment on violations of human rights.

That omission was rectified in Paris, where the second hearing on Afghanistan was devoted entirely to atrocities and human rights violations.

For three days, dozens of witnesses—journalists, doctors, experts on weaponry, representatives of humanitarian groups who had visited Afghanistan secretly, Afghan victims and eyewitnesses—piled up horrors in their testimony and evidence on the table—weapons, photographs, films, documents, fragments of chemical-seared rock. There were the outlawed weapons used in violations of treaties the Soviets were signatories to: dumdum bullets, disguised booby-trap mines, chemical weapons, contaminated grain.

The Dutch freelance journalist Bernd de Bruin showed films he had taken of a chemical attack on an Afghan farm village, and of the ebony-black, bloated corpse of a man he had seen alive in that village less than 24 hours earlier; later, in a cafe, de Bruin rolled up his sleeve to display the red patches that have marked his skin since he was caught on the edge of a gas attack 18 months earlier.

Ricardo Fraile, a French expert on arms control, carefully outlined his assessment of chemical weapons used on sites he had just visited during a secret trip into Afghanistan, showing slides and samples of scorched rock from a village in the Logar Valley near Kabul where, on Sept. 13, 1982, more than 100 villagers—a dozen of them children under 10—were sealed up and deliberately burned to death in an underground irrigation tunnel in which they had taken shelter when Soviet forces rolled into the village.

French doctors detailed the pinpoint bombing of their hospitals in Afghanistan, some of them marked with red crosses on the roofs. One Afghan witness after another described the saturation bombings of civilian targets, the systematic destruction of crops and granaries, the massacre of entire villages—all intended to terrorize the population into withdrawing support from the resistance or abandoning their homes and fleeing to Pakistan. The boobytrap mines disguised as toys and household objects (outlawed by a 1981 treaty the Soviets signed even as they were using them) were explained: They are too small to kill, instead they maim, thus burdening the ablebodied with the wounded.

As the evidence piled up, a Norwegian observer remarked quietly, "Perhaps the time has come to reconvene the Nuremberg trials."

A few of the judges looked uncomfortable and, in their questions, sought extenuating circumstances; they found none. One snoozed. One looked irritable and bored. The others dug for details.

Then, late on the third day, witnesses from Afghanistan arrived, rushing from the airport to the Sorbonne halls, and straight to the podium. The American scholar Mike Barry had gone into Afghanistan to verify atrocity stories, had located them, and brought them to Paris; they had been delayed in Pakistan, and a special Saturday night session had been called to hear their testimony.

Three of them were men from the village in Logar. They were the village's mayor, a mullah and a village elder. They described, to the audience of several hundred, how the Soviet troops methodically prepared the explosive chemical inferno in an irrigation tunnel in their village last fall, and then applauded its success before climbing into their vehicles and departing. They read the list of the dead, many of them their relatives, and told of bringing the bodies out and trying to identify them.

TORTURE, MAIMING, RAPE

Another was a medical student, a tiny young woman of 22, who had to sit during her testimony; she told of her arrest and torture in Afghanistan, of the maiming and electric shocks and sexual attacks in the cells of the prime ministry, the secret police and Pul-i-Charkhi prison, and she shook sometimes, or stopped and seemed to lose her train of thought.

Then there was the witness from a northern province, telling of two boys, ages eight and 10, who refused to reveal to Soviet troops the hiding place of their resistance-commander father, and were doused with gasoline and set on fire.

An audience that had thought itself numb with ghastly testimony sat riveted till nearly 1 a.m. Then the judges retired, to spend a day considering the evidence.

The detailed 33-page verdict was announced at a press conference covered by both print and broadcast media in Europe. The Tribunal of the Peoples, in its Second Session on Afghanistan, condemned the Soviet Union for violations of the established rules of war, of the fundamental rights of the Afghan people and of basic, elementary human values.

The six Afghans who testified at the end of the tribunal plan to fly into New York this week for a brief stay in the U.S. They are coming from London, where they met last Thursday with Britain's prime minister, Margaret Thatcher.

(Rosanne Klass is director of the Afghanistan Information Center at Freedom House, New York City.)●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 8, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 14

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the status of the housing sector.
SD-538

11:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of J. J. Simmons III, of Oklahoma, to be Under Secretary of the Interior.
SD-366

FEBRUARY 15

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on the status of the international debt.
SD-538

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to receive legislative recommendations for fiscal year 1984 from the Disabled American Veterans.
345 Cannon Building

10:00 a.m.
Environment and Public Works
To hold hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee.
SD-406

10:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-430

1:00 p.m.
Finance
To hold hearings on recommendations of the National Commission on Social Security Reform.
SD-215

2:00 p.m.
Rules and Administration
To hold hearings on committee resolutions requesting funds for operating expenses for 1983.
SR-301

FEBRUARY 16

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 66, to create a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and to provide for a competi-

tive marketplace for cable systems in the telecommunications industry.
SR-253

Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1983.
SR-301

10:00 a.m.
Veterans' Affairs
To hold hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Veterans' Administration.
SR-418

10:30 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for energy and water development programs.
SD-192

FEBRUARY 17

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To resume oversight hearings on the status of the international debt.
SD-538

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 66, to create a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and to provide for a competitive marketplace for cable systems in the telecommunications industry.
SR-253

Finance
Health Subcommittee
To continue hearings on a proposal to develop a medicare prospective payment system for hospitals, skilled nursing facilities, and other providers.
SD-215

Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1983.
SR-301

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 251, to provide for fair trade practices in the agricultural market, and to encourage and expand the export volume and value of agricultural commodities and products, and other related measures.
SR-332

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the American Battle Monuments Commission, Army cemeterial expenses, and the Selective Service System.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Transportation.
SD-138

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 96, to establish the Lee Metcalf wilderness and management area in the State of Montana.
SD-366

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine the nature of organized crime as it exists today in the mid-Atlantic region of the United States.
SD-342

1:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on automobile safety, focusing on the durability of car bumpers.
SR-253

Finance
Health Subcommittee
To continue hearings on a proposal to develop a medicare prospective payment system for hospitals, skilled nursing facilities, and other providers.
SD-215

FEBRUARY 18

9:00 a.m.
Energy and Natural Resources
To hold oversight hearings, in closed session, on the world petroleum outlook for 1983.
S-407, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings on the U.S. Attorney General's new domestic security investigation guidelines.
SD-226

FEBRUARY 21

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the world petroleum outlook for 1983.
SD-366

FEBRUARY 22

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal year 1984 for the National Bureau of Standards, Department of Commerce, and the U.S. Fire Administration, Federal Emergency Management Agency.
SR-253

Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1983, and proposed regulations for Senate mass mailings.
SR-301

10:00 a.m.
Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1984 which fall within the committee's jurisdiction, with a view toward submitting its views and budgetary recommendations to the Committee on the Budget.
SD-406

Finance
To resume hearings on recommendations of the National Commission on Social Security Reform.
SD-215

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration of the Department of Transportation.
SD-116

Governmental Affairs
To hold hearings on the nominations of Barbara J. Mahone, of New York, to be a Member, and John C. Miller, of Ohio, to be General Counsel, both of the Federal Labor Relations Authority.
SD-342

FEBRUARY 23

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to

expand retraining opportunities for dislocated workers.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Finance
To continue hearings on recommendations of the National Commission on Social Security Reform.
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the nature of organized crime as it exists today in the mid-Atlantic region of the United States.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

FEBRUARY 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds through fiscal year 1988 for the Office of Government Ethics, Office of Personnel Management, and to review the financial disclosure provisions of the Ethics in Government Act of 1978.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (Public Law 93-415).
SD-226

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Consumer Affairs, Consumer Information Center, and the Consumer Product Safety Commission.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the status of the Abandoned Mine Land Fund, Department of the Interior.
SD-366

Finance
To continue hearings on recommendations of the National Commission on Social Security Reform.
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the nature of organized crime as it exists today in the mid-Atlantic region of the United States.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings to review the general agricultural outlook, and the overall budget for the Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs, focusing on the Power Marketing Administrations.
SD-192

Select on Ethics
To hold a general business meeting.
S-126, Capitol

FEBRUARY 28

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on ocean and coastal programs.
SR-253

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review foreign assistance programs of the Department of State.
SD-192

MARCH 1

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Cooperative Service, Agricultural Marketing Service, Office of Transportation, and the Packers and Stockyards Administration, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of State, focusing on international security assistance, international narcotics control, migration and refugee assistance, and antiterrorism.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Transportation Safety Board.
SD-138

10:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Paralyzed Veterans of America, Military Order of the Purple Heart, and World War I Veterans.
SR-325

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy, focusing on nuclear fission and uranium supply and enrichment.
SD-192

MARCH 2

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
SD-430

Veterans' Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and recommendations which it will make thereon to the Committee on the Budget.
SR-418

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Peace Corps, and the Inter-American Foundation.
S-126, Capitol

MARCH 3

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and the Federal Grain Inspection Service, Department of Agriculture.
SD-124

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget's Circular A-95, focusing on Federal planning requirements for Federal grant programs.
SD-342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain

programs of the Agency for International Development.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Coast Guard, Department of Transportation.
SD-138

Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the indemnification of and contributions to Government contractors.
SD-562

Labor and Human Resources
Educations, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy.
SD-192

MARCH 7

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Representative to the United Nations, and voluntary contributions to international organizations and programs of the United Nations.
SD-192

MARCH 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Export-Import Bank of the United States.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Railway Association, and Conrail.
SD-138

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Veterans of Foreign Wars.
SR-325

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy.
SD-192

MARCH 9

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review the current status of the multilateral development banks of the Department of the Treasury.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Architectural and Transportation Barriers Compliance Board, and the Office of the Inspector General and the Office of the Secretary, Department of Transportation.
SD-138

Veterans' Affairs
To hold hearings on proposed legislation providing for veterans' health care services.
SR-418

MARCH 10

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on fisheries programs.
SR-253

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Employee Retirement Income Security Act.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Veterans' Administration.
SD-124

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs, focusing on the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.
SD-192

MARCH 14

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on weather and satellite programs.
SR-253

MARCH 15

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 336, to revise prohibitions against persons guilty of criminal offenses holding specified offices or positions, and clarifying the jurisdiction of the Department of Labor relating to the detection of and investigation of criminal violations relating to ERISA.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Interstate Commerce Commission.
SD-138

10:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed estimates for fiscal year 1984 for the Commodity Credit Corporation, Foreign Agricultural Service (including Public Law 480), Office of International Cooperation and Development, Department of Agriculture.
SD-124

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy.
SD-192

MARCH 16

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Civil Aeronautics Board.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on issues related to math and science education in elementary and secondary schools.
SD-430

Veterans' Affairs
To hold hearings on proposed legislation providing educational assistance for certain members of the Armed Forces.
SR-418

MARCH 17

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agriculture Library, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Railroad Administration of the Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue hearings on issues related to math and science education in elementary and secondary schools.
SD-430

10:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from AMVETS and the Blinded Veterans Association.
SD-628

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy, focusing on atomic energy defense activities.
SD-192

MARCH 21

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs, focusing on the Appalachian Regional Commission and the Tennessee Valley Authority.
SD-192

MARCH 22

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Economic Research Service, Statistical Research Service, and the World Agricultural Outlook Board, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Highway Administration, Department of Transportation.
SD-138

MARCH 23

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Panama Canal Commission, and the St. Lawrence Seaway Development Corporation of the Department of Transportation.
SD-138

Veterans' Affairs
To hold oversight hearings to review the status of construction of certain veterans facilities.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

MARCH 24

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Governmental and Public Affairs, Office of the General Counsel, Office of the Inspector General, Office of the Secretary, and departmental administration, Department of Agriculture.
SD-138

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 5

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 6

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 7

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Farmers Home Administration, Federal Crop Insurance Corporation, Office of Rural Development Policy, and the Rural Electrification Administration, Department of Agriculture.
SD-138

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Environmental Protection Agency.
SD-124

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 12

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Food and Drug Administration, Department of Health and Human Services, the Farm Credit Administration, and the Commodity Futures Trading Commission.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Aviation Administration, Department of Transportation.
SD-192

APRIL 13

10:00 a.m.
Labor and Human Resources
Education, Arts and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
SD-430

APRIL 14

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Science Foundation.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Urban Mass Transportation Administration, Department of Transportation.
SD-192

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

APRIL 20

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs by the Department of Education.
SD-430

Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' health care services, and proposed legislation providing educational assistance for certain members of the Armed Forces.
SR-418

APRIL 21

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
SD-124

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of bilingual education programs by the Department of Education.
SD-430

APRIL 25

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

APRIL 26

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs
SD-124

APRIL 27

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs
SD-192

Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to radiation, and other related matters.
SR-418

APRIL 28

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

MAY 5

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
SD-124

MAY 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124

MAY 18

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-418

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

JUNE 8

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 22

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

JUNE 29

10:00 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JULY 13

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

JULY 20

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the role of management in implementing automated data processing systems at multiple VA hospital sites.
SR-418

HOUSE OF REPRESENTATIVES—*Tuesday, February 8, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Cause us, O gracious God, to be aware of our own faults and may we guard against our own narrowness of vision. Help us to admit our weakness and selfishness that we might better understand other people and how we together might work in the ways of peace. Guard us, O God, against too quickly making judgments and instead give us generous spirits that promote mutual respect and knowledge. We pray that Your grace will accompany us this day and all our days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 271. An act to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes;

S. 272. An act to improve small business access to Federal procurement information; and

S. 273. An act to amend section 8(a)(1) of the Small Business Act.

The message also announced that the Vice President, pursuant to section 1024 of title 15, United States Code, appointed Mr. D'AMATO as a member, on the part of the Senate, of the Joint Economic Committee, in lieu of Mrs. HAWKINS, resigned.

ACTION NEEDED TO INCREASE PUBLIC ACCOUNTABILITY AND TO IMPROVE TRUST FUND INVESTMENT PRACTICES OF THE SOCIAL SECURITY SYSTEM

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, as this Congress works toward enactment of a new package of financing and benefit reforms to salvage the social security system, it is also important that we work in other ways to bolster sagging public confidence in the system. As we have learned from our experience following enactment of the 1977 amendments, it is not good enough to lock the door and throw away the key after we conclude our deliberations assuming that further economic disruptions to the system will not occur.

We must take steps to provide for more frequent and closer public scrutiny of trust fund management. The American people properly view the board of each of the trust funds as the guardian of those funds and ultimately responsible for the maintenance of sound investment practices.

We have heard a steady stream of reports in recent times though of undue pressure being brought to bear on formulation of the actuarial projections and the language of the annual trustees reports. There clearly is no role for the Office of Management and Budget in this process.

We must move now to insulate the boards from further political interference and to enhance public accountability. Toward this end, today I am introducing legislation that would expand the size of the boards by four members. Aside from the Secretaries of HHS, Labor, and Treasury, the boards would also include a representative each of employers, employees, beneficiaries, and one final representative highly qualified in the field of management of investment funds.

My measure would also call upon the boards to conduct a 6-month thorough study of existing trust fund investment practices to determine ways in which they may be altered to increase the return on investments, improve administrative efficiency, or other strategies in the best interest of the trust funds.

It is time to restore public confidence in the system and to improve current investment practices. The changes that my legislation provides insure that political considerations will be denied a place in the activities of the boards, a more active board with greater public involvement, and improved investment practices. The 36 million Americans now receiving benefits and the 115 million workers with a stake in its future deserve nothing less.

MEDICARE REFORM NEEDS TO BE IN THE SOCIAL SECURITY PACKAGE

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, the first major issue that will reach the House floor this year is social security. The congressional leadership of both parties has made a commitment that by early spring social security legislation will arrive on the President's desk. I rise today to suggest to my colleagues that it is critical that medicare reform be part of that package.

Medicare, the health care arm of social security, is in almost as serious straits as the retirement trust fund. Although few people even seem to know of its existence, another ongoing Presidential Commission, this one dealing with medicare, is virtually certain to file a report soon contending that payroll tax hikes will be necessary to finance medicare. We know this because Social Security Administration data indicates that the medicare program's costs will double by the end of the century, and triple within 50 years.

Mr. Speaker, I do not believe that this Congress wants to ask the American people—24 percent of whom already pay more in social security taxes than income taxes—for a big increase in medicare payroll taxes right after we have accelerated payroll tax hikes for social security. It seems to me that the Members are now willing to bite the bullet on reform of our retirement programs, but I think they will feel differently if we ask them to swallow a machinegun.

Let us face reality and recognize that to address the financing of social security properly, we have to address the financing of medicare. Let us reform medicare now by changing its regressive financing and its reimbursement process that rewards inefficiency, and make those reforms part of the social security package that arrives on the President's desk this spring.

RECONSIDERATION OF GAS TAX LEGISLATION

(Mr. SWIFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWIFT. Mr. Speaker, the loud cries of "foul" now being heard from independent truckers across the land are justified.

The gas tax legislation was presented to Congress by the President and endorsed by the leaders of both Houses and both parties as essential to deal with the major national problem

of our deteriorating Federal Highway System. At the same time, it offered a job-creating program during a period of massive unemployment. There was broad, bipartisan support for the basic legislation to meet those needs.

But, without benefit of hearings, public discussion or any chance to offer amendments, the legislation came to the House floor with many questionable provisions. Supporters of these questionable provisions were not required to justify them publicly. Those affected—independent truckers, seasonal truckers, like logging trucks and hay trucks, and so forth—were not warned of the dramatic effect these parts of the bill would have on their livelihood—let alone given a chance to defend their interests.

I want to make two points: First, if the White House and leaders of Congress want Members to support broad, bipartisan initiatives, they should make sure that the proposals come to the floor clean, stripped of special interest provisions like repeal of the highway billboard laws, substantial increases in truck size, and huge tax increases that apply unfairly across an industry as diverse as trucking.

Second, I think Congress owes those Americans who have been hurt by this legislation the opportunity to undo the damage. We must go back over those aspects of the gas tax bill that were added quietly and hold public hearings, and report to the floor revisions of the law that will assure it is applied fairly across the board. I would hope that the Committee on Public Works will make that a top priority as it begins its work in this new Congress.

INTRODUCTION OF THE EMERGENCY HOUSING ACT OF 1983

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, today I am introducing, together with a majority of my colleagues on the Subcommittee on Housing and Community Development, the Emergency Housing Act of 1983. The need for this legislation is urgent, and we intend to act expeditiously. Everyone is aware that unemployment is intolerably high, and that in many communities unemployment is at a level not seen or experienced since the Depression.

This is not short-term unemployment. Millions of the unemployed have been out of work for better than 3 months, and of those half have been unemployed for more than 6 months. Of all the unemployed people in the country, one-fifth have been out of work for more than 6 months.

In the Far West the Federal Home Loan Bank of Seattle reports a 60-day default rate of 3.66 percent and this is the worst in the Nation. Not far behind, the Federal Home Loan Bank of Chicago reports that in its service area of Illinois and Wisconsin the 60-day default rate is 3.29 percent, and the rate is about the same over in the States of Ohio, Tennessee, and Kentucky.

We have been getting word from many localities of extreme, dire situations with respect to foreclosures, both in the rural and the urban areas. Therefore, this emergency legislation will provide emergency mortgage relief, as well as an attempt to provide aid to those cities that are attempting to set up shelter programs for the homeless that now number better than 3 million throughout the land.

Mr. Speaker, we do not have to go to Calcutta, we do not have to go to Bombay any more to see people dying through exposure and through homelessness and through hunger.

FLORIDA'S CITRUS INDUSTRY HURT BY INDEPENDENT TRUCKERS' ACTION

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, for a week now the Florida citrus industry has experienced a serious interruption of commerce due to the job action of a number of independent truckers.

The economic damage that has resulted places a severe hardship on a large number of growers, packers, and processors.

First, shipment of fresh fruit is down 50 percent.

Second, the dollar loss to the citrus industry daily is running between $20 and $25 million.

If this situation continues, its impact will be crippling;

Important nutritional food products will disappear from our tables;

Costs of fresh fruit will skyrocket; and

Cutbacks in harvesting will lead to the loss of additional jobs at a time of high unemployment.

Mr. Speaker, I would hope that this situation can be effectively resolved as soon as possible, and that each one of us will do what we can to bring an end to this problem.

SOCIAL SECURITY REFORM LEGISLATION ENDANGERED BY DEMOCRATIC NATIONAL COMMITTEE RHETORIC

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, all of us recognize that the most critical item on our agenda this year is to resolve the looming crisis in the social security system which is the ultimate safety net for older Americans.

I was, therefore, pleased and relieved when the Presidential Commission on Social Security agreed upon a series of recommendations which would go a long way toward erasing the estimated $169 billion deficit. I was even more pleased when these recommendations received the bipartisan support of the President, Senator BAKER and yourself.

It was therefore with dismay that I received a letter from the Democratic National Committee signed by Chairman Manatt in which he asked me to rush a contribution to something called the campaign for fair social security. Among other things Mr. Manatt said:

> It is simply too dangerous to leave the fate of social security in the hands of the Republican special interests who really don't support it.
>
> It is also critical that Americans receive unbiased information to realize there are more options available for saving social security than those proposed by the Republicans.

Mr. Speaker, this kind of demogogic rhetoric sponsored by the DNC recklessly endangers the successful passage of the bipartisan package of reforms which you have endorsed.

THE IMF'S GOLD

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, the President will shortly send Congress a request to increase our quota in the IMF and our commitment to the general agreements to borrow by about $10 billion. This is part of a 50-percent increase in the reserves of the IMF, taking its resources from about $66 billion to $100 billion.

This increase in quotas is totally unnecessary. Not because the banks do not need the money, they do. And it is not because the third-rate Socialist governments of Third World nations do not need the money, they do. It is unnecessary simply because the IMF already has the money, but it refuses to use it.

The IMF holds 103 million ounces of gold. At present market value that is over $50 billion, more than the amount the IMF says it needs. During his appearance before the House Banking Committee last week, Chairman Volcker stated that the IMF is holding that gold "in time of need." If this is not a time of need, what is it? Mr. Volcker himself has called the present crisis unparalleled in the post-World War II era.

The IMF should do what it did from 1976 to 1980—auction off some of the gold it holds. During that period the

IMF disposed of 50 million ounces, half of it back to the governments that gave it to the IMF to begin with, and half on the open market with the proceeds going to help the Third World. There is no reason whatsoever the IMF cannot sell gold again, and spare the American people the higher taxes, interest rates, and inflation rates approval of the administration's request will cause.

Giving more money to the IMF is like giving alms to a billionaire. The IMF is not broke; it is merely pleading poverty. It has the second largest gold reserve in the world and it ought to use it, if the present crisis is as serious as the IMF says.

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SCHOOL PRAYER

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, I am today reintroducing my school prayer amendment which is a revised version of the President's proposed amendment.

While I endorse the President's amendment, our bills differ in two main respects. First, my amendment expands the President's proposal by permitting the use of school facilities for the voluntary exercise of religion in debates, group prayers, Bible study, moral instruction or religious clubs, as long as these activities do not infringe upon the freedom of the nonparticipant.

The necessity for such a provision in a prayer amendment continues to grow in light of the U.S. Supreme Court decision to not review the Lubbock, Tex., case. This case found that it was unconstitutional for a school district to allow students to gather at the school before or after the regular school day for any education, moral, religious or ethical purposes, even though the attendance was voluntary.

Second, my amendment narrows the President's proposal by specifically prohibiting the Government from influencing the form or content of any prayer or religious activity. Many rightly fear the imposition of a mandatory State prayer or religious activity if a school prayer amendment is approved. They want free exercise of religion, not a State imposed religion. My amendment specifically addresses this concern.

The continued enforcement of a nationwide rule against school prayer and the continuation of a wall of separation between schoolchildren and God is no way for the Government to be neutral about religion. Ratification of a voluntary school prayer amendment would restore the spirit of the first amendment, whose framers intended it to guarantee freedom of religion, not to prohibit religion in community or public life.

I urge my colleagues to carefully review this revised prayer amendment and, of course, I would appreciate their endorsement and support.

FLORIDA'S VETERANS IN NEED OF ADDITIONAL MEDICAL FACILITIES AND HEALTH SERVICE PROGRAMS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, today I am introducing legislation which is designed to bring the veterans of Florida the benefits they deserve.

Last session I obtained authorization for the Veterans' Administration to conduct an indepth study of the medical needs of veterans in Florida. The VA officially submitted their report, entitled "A Thirty Year Study of the Needs of Veterans in Florida," to the Congress on December 10, 1982.

The recommendations and statistics contained in the VA study support the view I have expressed for many years—Florida's veterans are in desperate need of additional medical facilities and health service programs.

We have over 1.5 million veterans in Florida today with 5,000 additional veterans migrating to the State each month. Our veterans population is projected to exceed 2 million within the next 7 years. By 1990, over 40 percent of our veterans population will be age 65 or older. In that same period, the number of veterans between the ages of 65 and 74 will grow by 550 percent, and the number of veterans over age 75 by 775 percent, according to VA statistics. It is clear that the number of veterans requiring specialized and critical health care service will increase dramatically over the next decade.

Today, the number of available beds per veterans in Florida is 33 percent less than the national average. As a result of its major study, the VA has now recommended the need for 1,000 additional hospital beds, the equivalent of two VA hospitals, as well as increased funding for outpatient clinics and nursing homes, in order to provide Florida's veterans with the benefits to which they are entitled.

In order to combat the vast problems of the veterans in Florida, I am today introducing legislation which will work to provide Florida's veterans the health care services and other benefits which they greatly deserve.

First, I am introducing a concurrent resolution calling upon the Veterans' Administration and the Congress to implement as expeditiously as possible the recommendations of the study by the VA entitled, "A Thirty Year Study of the Needs of Veterans in Florida." Second, I am introducing a bill to authorize a new VA hospital in the State of Florida. Third, I am calling upon the VA to consider the number of veterans residing in each State, and the projected number of veterans residing in each State, in acquiring and operating medical facilities. Last, I am introducing legislation which will reaffirm the interest of the Congress in establishing a national cemetery in Florida.

Mr. Speaker, I am pleased to say these legislative measures have attained widespread bipartisan support in the Florida delegation.

ADMINISTRATION'S BUDGET FOR WORKER SAFETY AND HEALTH PROPOSES REDUCTION FOR MSHA AND NIOSH

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, the administration's budget for fiscal 1984 for the Mine Safety and Health Administration proposes $148 million, which is $4.4 million less than was requested by the administration and was actually appropriated for fiscal 1983.

This proposed reduction is reflected in the elimination of 224 positions, of which 129 are in coal mine enforcement and 67 are in metal and nonmetal mine enforcement.

While preliminary fatality data issued by MSHA indicates that coal mine fatalities decreased from 153 in 1981 to 122 in 1982, I see no reason for a reduction in enforcement personnel. I am confident that the administration believes that its effective enforcement of coal mine safety and health resulted in the reduction of fatalities in 1982. But this is certainly no reason to cut back on enforcement activities at coal mines.

With respect to metal and nonmetal mines, MSHA's preliminary data indicates that fatalities in these mines decreased from 84 in 1981 to 67 in 1982. It must be borne in mind, however, that the general business recession has had an extremely serious impact on both metal and nonmetal mining in that many mines had to seriously curtail or even shut down their operations.

Any improvement in the construction industry would certainly reflect expanded production in the metal and nonmetal mines. Accordingly, any reduction in enforcement personnel is not warranted.

The administration proposes a budget of $210.9 million for OSHA, an increase of $4.3 million over the budget requested for 1983, and an increase of $5.4 million over the amount appropriated by Congress.

With respect to the National Institute for Occupational Safety and

Health—NIOSH—the administration proposes a budget of $55 million, a reduction of $3 million from 1983. While the administration requests an increase of $2 million for additional research grants, it recommends a reduction of $5 million for educational resource centers—ERC's.

This program, where grants are made to various academic institutions to train individuals as experts in occupational health, is most necessary if workers are to be protected from exposure to the various insidious health hazards they confront on the job. The elimination of grants to the academic institutions which are the recipients of these funds could totally destroy their very valuable training programs. Such budget proposal is totally without justification.

CORRECTION OF LIST OF MINORITY MEMBERS ELECTED TO COMMITTEE ON THE BUDGET

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to correct the list of minority members elected to the Committee on the Budget by House Resolution 27, by placing Mr. GRADISON No. 8 thereon and by placing Mr. LOEFFLER No. 9 thereon.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

ESTABLISHING A SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution, House Resolution 49, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 49

Resolved, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Narcotics Abuse and Control (hereinafter referred to as the "select committee").

FUNCTIONS

SEC. 2. The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct continuing oversight and review of the problems of narcotics, drug, and polydrug abuse and control, including (but not limited to) the study and review of (A) the abuse and control of opium and its derivatives, other narcotic drugs, psychotropics, and other controlled substances, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, and any such drug or substance when used in combination with any other substance; (B) domestic and international trafficking, manufacturing, and distribution; (C) treatment, prevention, and rehabilitation; (D) narcotics-related violations of the Internal Revenue Code of 1954; (E) international treaties and agreements relating to the control of narcotics and drug abuse; (F) the role of organized crime in narcotics and drug abuse; (G) problems of narcotics and drug abuse and control in the Armed Forces of the United States; (H) problems of narcotics and drug abuse and control in industry; and (I) the approach of the criminal justice system with respect to narcotics and drug law violations and crimes related to drug abuse;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics or drug abuse or control; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting narcotics or drug abuse or control.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of twenty-five Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman. At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Agriculture, the Committee on Armed Services, the Committee on Government Operations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, and the Committee on Ways and Means.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall mean any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For purposes of carrying out this resolution the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall supply to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS

SEC. 6. (a)(1) The select committee shall report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(3) The select committee shall report to the House its recommendations for a comprehensive program to control the worldwide problem of drug abuse and drug trafficking.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Mr. FROST (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 49, to establish a Select Committee on Narcotics Abuse and Control, was reported favorably from the Committee on Rules by voice vote. The resolution is privileged and is accorded 1 hour of debate in the House.

House Resolution 49, as introduced and reported from the Committee on Rules, is substantially identical to the resolution establishing the committee adopted during the 97th Congress. The resolution does, however, increase membership of the committee from 19 to 25 members. This increase is designed to broaden geographical representation, increase the participation of standing committees, and accommodate greater participation by Members who served as ex officio Members during the last Congress.

The select committee was originally created to study and review the problems of narcotics, drug, and polydrug abuse and control in the United States and narcotics trafficking of a national and international nature. House Resolution 49 continues this mandate. Since the select committee was originally created in 1976, the problem of drug abuse has continued to grow and

international illicit drug trafficking shows no signs of abatement, indeed drug smugglers grow bolder. The costs of the drug economy to our Nation are countless dollars annually and countless lives wasted.

Mr. Speaker, it is the charge of the select committee to make recommendations for legislative initiatives to the appropriate standing committees to combat these persistent and growing problems. The sole function of the select committee is to study and recommend; it has no legislative jurisdiction. However, since legislative jurisdiction is scattered among at least 14 House committees, the select committee serves as a focal point in the House on drug matters and provides coordinated congressional action on oversight of this most serious national problem. Mr. Speaker, it is this select committee, through its strenuous oversight, that can coordinate the fragmented jurisdiction in the House and can oversee the activities of the Federal Government in the area of drug control, including law enforcement, international relations, national security, and a host of other policy concerns.

During the last Congress, the select committee held 13 public hearings focusing on Federal drug law enforcement coordination, DEA/FBI reorganization, the Federal drug strategy, community efforts to prevent and control drug trafficking and drug abuse, the findings of the select committee's survey of drug abuse in the military, financial investigations on drug trafficking, look-alike drugs, and the impact of budget cuts on local narcotics enforcement. The select committee also conducted numerous ongoing oversight activities including monitoring the progress of the South Florida Task Force on Crime.

During this Congress, the select committee will continue its oversight activities and will monitor the administration's drug strategies and new initiatives to prevent and control drug abuse. The committee will continue to monitor new developments in drug abuse and drug trafficking and will evaluate the policies and programs that are most effective in responding to these changing circumstances.

It is vital to our Nation that a coordinated, centralized, and comprehensive forum be available for the continued study of this serious problem. I would encourage my colleagues to support the resolution and the activities of the select committee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, this select committee, during its existence since 1976, has held 110 hearings, has issued 92 publications, has done extensive work, and has been successful in its efforts in many ways. Jurisdiction over drug abuse now is under 14 committees, with no single one having comprehensive jurisdiction.

The work of this committee is entirely on narcotics abuse and control, and we all know that one of the most important jobs we have is to bring drug abuse under control.

So I commend the Rules Committee for bringing this resolution to the floor so that the select committee will not expire in March as it is scheduled to do unless it is reconstituted. The vote on the floor of the House when it was reestablished in the last session of Congress was 276 to 101, which shows that the people of this country are definitely interested, as evidenced by their Representatives vote for the measure.

I know that in the semirural areas I represent we have planes flying into the district's small airports. Some have been apprehended with $400 million worth of cocaine aboard, and some with even larger amounts than that and, of course, some with smaller amounts. Drug trafficking is certainly a major problem in this Nation, but the trafficking itself is only part of the problem of drug abuse. It is those who use it and those who are addicted to the drug that we need to help in these troubled times. This select committee, if it accomplishes one part of its goal under the able leadership of the Congressman from New York (Mr. RANGEL) and Mr. BEN GILMAN of New York, the ranking minority member, and the other members of the committee, then the investment we make in this committee is going to be worthwhile, and I commend it to the Members for passage.

Mr. Speaker, I yield 6 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this resolution to reestablish the Select Committee of Narcotics Abuse and Control. My objections have nothing to do with the subject matter, drug abuse and control. I agree that drug abuse and drug trafficking are among the most serious social problems facing this country today, affecting each and every congressional district. But this problem requires effective, concrete solutions, not studies, recommendations, strategies, and insights. This problem cries out for action, not just words and wishes.

My objections have to do with the continual reestablishment of the select committee itself. The select committee was established in 1976 during the 94th Congress and was supposed to expire at the end of the 95th. Select committees have generally been understood to be temporary in nature. After 6 years this select committee is still with us, and we are being asked to extend it for another 2 years. I feel its continued existence to be duplicative and have to question the justification for its continuation.

The Subcommittee on the Legislative Process has set six guidelines for the establishment and reauthorization of select committees. The stated purpose of such guidelines is that "the proliferation of such committees adds to spiraling congressional costs, exacerbates already serious space problems, imposes additional committee burdens on Members, and may interfere with the effectiveness of the standing committee system." Let us examine each of these guidelines and see how successfully this select committee has met them.

The first of these guidelines states that "the proposed select committee must deal with a significant and major issue." The need for immediate and timely solutions to the drug problem is undeniable. This select committee has been in existence for 6 years, and we have yet to see any tangible progress toward solving the drug problem.

The second guideline states that "the present committee system does not address the issue effectively." The jurisdiction concerning drugs and drug-related matters is indeed overlapping, affecting at least eight standing committees of the House. In addition there are over 100 Federal agencies, including the Drug Enforcement Agency, the Federal Bureau of Investigation, the Coast Guard, and the Customs Service. The President has also set up the south Florida task force with the Vice President serving as head of the task force. The Attorney General has set up 12 regional task forces to combat organized crime and drug trafficking. This large number of agencies and task forces does not include an ever-increasing number of State and local agencies and organizations designed to deal with the same problem. The Select Committee on Narcotics Abuse and Control was formed to provide a comprehensive and coordinated approach to the issue. Unfortunately, the select committee has not been a sufficient integrating force. Each committee, agency, or other organization has a tendency to still do things its own way.

The third guideline states that "the subject matter and the objectives of the proposed select committee must be clearly defined." The Subcommittee on the Legislative Process also felt that a narrowly defined proposal was far better than a broad and complex one. As I have said before, the complexity of jurisdiction over this problem has led to inaction toward a solution. In September 1980, the select committee itself reached the same conclusion in recommending a new and permanent committee on oversight of drug abuse problems. In defending their recommendation, the select committee said:

. . . Based upon four years of experience in dealing with drug abuse problems, we have reached the firm conclusion that a temporary body such as the select committee is no longer an appropriate vehicle for responding to the chronic and complex problem of drug abuse.

The fourth guideline states that "The method of inquiry and expected products of the proposed select committee must be clearly stated." Two years ago our former colleague, Mr. Rhodes of Arizona, proposed an amendment, adopted by the Rules Committee, which would require the select committee to submit a report to the House recommending a comprehensive program to control the worldwide problem of drug abuse. At that time Mr. Rhodes stated that "With this mandate in its authorization, I feel the select committee's existence is justified for an additional 2 years." That report was a brief statement which is almost indiscernible and suggests nothing concrete to solve the problem.

The fifth guideline for and most important characteristic of a select committee is that "A definite length of time for the proposed select committee to exist must be specified." When the select committee was first organized, it was to expire at the end of the 95th Congress, which was 4 years ago. We are now being asked to extend it to 8 years in existence. A select committee seeking reauthorization must justify any extension of their existence. I do not feel that there is justification for its continuence for the reasons I have given earlier.

The sixth and final guideline states that "cost factors involved in the creation of a select committee must be outlined." The select committee has asked us to increase its size from 17 to 25 members. This move will necessitate an increase in operating cost and staff. They have estimated that the cost of operation in 1983 will be $689,000, up $149,000 from the $540,000 requested in 1982. Of this cost, approximately 85 percent will be for staff salaries and 15 percent for other expenses. It is absolutely necessary that costs be kept to a minimum during these trying times. We need to cut back on our own expenditures, as we urge the rest of the Government and the people of this country to do the same. How can we ask the executive branch to cut expenditures when this duplicative committee has spent $3.3 million with few results?

Under the Legislative Reorganization Act of 1970 and subsequent reform amendments, established committees have the legislative jurisdiction, as well as oversight and investigative capabilities. Let the established committees do their jobs. The extension of the Select Committee on Narcotic Abuse and Control through the 97th Congress has given them more than enough time to produce some tangible results and concrete solutions.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I think the gentleman is quite right on much of what he says, as to the importance of getting more legislation out, and I certainly agree with the gentleman wholeheartedly with regard to the need of more legislation, particularly from the Judiciary Committee, on which I do serve. I have, in my freshman year of Congress, served on the Select Committee on Narcotics Abuse and Control, and I served as cochairman with the chairman to be, hopefully the chairman to be, CHARLIE RANGEL, on the Local Law Enforcement Task Force of the select committee, and I know of this gentleman's dedication and the direction that this committee would go under his leadership.

I would like to point out one thing that I think is most important and one thing where I would disagree with the gentleman from Mississippi as to the conclusions which he has reached as to the need for the committee. Right now in south Florida we are going through some very serious problems. We are going through a growing period in which the south Florida task force now is moving away from the Vice President's office and back into the Justice Department.

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I think because of the jurisdictional problems that the committees of this Congress have, such as the Judiciary Committee and the Armed Forces Committee and other committees, that there is a crying need at least for the next 2 years for this committee. Because of the need for coordination between Customs, DEA, and the military, a select committee that is not bound by guidelines that I have found to be very inconvenient in working through this Congress is needed.

Mr. LOTT. Mr. Speaker, the gentleman makes a good point and I know he is particularly concerned about this problem in the area he represents. I admire the job the gentleman has done in this area with the posse comitatus bill in the last Congress; but would the gentleman agree that if this select committee is extended, to set an agenda, to do the job, and not continue to extend it to Congress after Congress, when we have regular committees that can deal with the problem.

Mr. SHAW. I agree with the gentleman's basic philosophy, but in this area there is so much left to be done that I think this committee certainly deserves at least another 2 years.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. RANGEL), for debate only.

Mr. RANGEL. Mr. Speaker, I rise in support of House Resolution 49.

I would like to say to the distinguished minority whip that there probably would be a lot of issues in this Congress that I will differ with the gentleman on; but his remarks are not those that I would differ with him on.

I gather that the gentleman's concern is one that should be expressed by all Members of Congress, and that is, why does the House of Representatives need select committees?

I agree with former chairman, Congressman Lester Wolff, when he came before this committee 6 years ago and asked for a chance to coordinate the efforts of standing committees. He said it once and he said it twice that after this we should go out of business.

I certainly believe that former Congressman and Chairman Leo Zeferetti hoped for that; but I think what the gentleman from Florida (Mr. SHAW) is saying is occurring in Florida, and the gentleman from New York (Mr. GILMAN) and I say is occurring in New York is that we hope that the need for select committees would not exist in this Congress or in this Nation.

Indeed, in the report that was made by Mr. Zeferetti, what he had done was to say that the serious nature of the problem, the inability of the Nation and the world to get a handle on it, would warrant that we seriously consider setting up that permanent committee.

We are very proud of the work that has been done by our committee. We are not proud of the fact that we believe that we continue to need a select committee to deal with narcotic issues; but we remember so well, those of us that are still on the committee, when we thought that if we could end that crisis in Turkey, that it would end the problem for our country as we found tons of opium coming into this country in the form of heroin. We got a handle on it and God knows the record is abundantly clear that we reduced the supply and we moved ahead with preventive measures and we reduced demand.

Then how many times did the select committee, the gentleman from New York (Mr. GILMAN) and I and Congressman Lester Wolff and others had to negotiate with the Government of Mexico and we found there that even though we had to overcome national pride and a whole lot of issues that the State Department was wrestling with, finally we got some type of handle on what was going on there.

Then we moved to the Golden Triangle and now we find ourselves being strangled with the exports from Iran and Afghanistan.

So let me say to the gentleman from Mississippi that I will join with him on any day that we can say that the House and its standing committees have been able to deal with this problem, because I for one have other legislative goals and objectives that I would like to continue on; but what has happened here is that a problem has escalated in this country where we have found an increase in drug abuse, where we have found an increase in the billions of dollars that we are spending to try to cure people that are rehabilitated and we find an increase of people believing that they can escape the problems of day to day reality by going to drugs.

I think that as this administration has indicated that it is going to have to focus on this issue as though it relates to our national security, that now is not the time for this House to run away from reconstituting this committee until such time, and I want to work with the gentleman and anybody else in this House, that we can all feel secure in our individual committee and subcommittee assignments that we have a handle on this issue.

The proudest thing that we can say about the work of the select committee is the work that we have done on oversight and the cooperation that we have had with the chairmen of committees and subcommittees in knowing that we are not there to violate the sacred rules of jurisdiction, but we are there to cooperate, to support, and to initiate legislation for their committees to see the feasibility of that.

We have done it as relates to the military. We have worked with Chairman MONTGOMERY as it relates to veterans affairs, and even though that committee has not been outlined in the resolution in House Resolution 49 in the discussions that the gentleman from New York (Mr. GILMAN) and I have had with the gentleman from Mississippi (Mr. MONTGOMERY), I agree with him that a member of the Veterans' Committee, probably from the minority and the majority, should be out front and working with the select committee.

I just would like to say in conclusion that I think the American people would like to believe that there should not be a need for the Congress to take up this issue again, but obviously, administration after administration, and Congress after Congress has dealt with this problem.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FROST. Mr. Speaker, I yield 1 additional minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I hope, Mr. Speaker, that this body will support the extension of this select committee with the guidelines as set out by the minority whip, and that is that we should move forward to see that the respective committees either are able to assume the jurisdiction of battling this international and national problem or that we move, as has been recommended by the former select committee, to make this a permanent type of committee.

The Committee on Rules reported favorably by voice vote, House Resolution 49, to establish a Select Committee on Narcotics Abuse and Control. This is a privileged resolution accorded 1 hour of debate in the House.

As you know, this committee was constituted in September of 1976 in the twilight of the 94th Congress and was reconstituted in the 95th Congress. At the beginning of the 96th Congress, our then chairman of the Narcotics Select Committee, Lester L. Wolff, expressed a commitment that he would not seek to reconstitute the committee as a select committee in the next Congress. Chairman Wolff based this commitment on the select committee's completion of its mission in the 96th Congress; namely, to comprehensively study and review the drug problem in this country, to review executive branch efforts to prevent and control drug abuse, and to recommend appropriate legislation and other actions to the House standing committees. Also basic to our mission was the mandate for the select committee to determine how the House could most effectively continue its comprehensive oversight of the complex problem of bringing under control the illicit production, manufacture, traffic, and abuse of narcotic and psychotropic substances when the select committee terminated its work.

Pursuant to that mandate, Chairman Wolff appointed a task force under the chairmanship of Hon. Leo C. Zeferetti to study this matter and prepare a report with recommendations.

Mr. Speaker, that report was prepared and approved by the members of the select committee. It was entitled, "Recommendations for Continued House Oversight of Drug Abuse Problems" (Report No. 96-1380) and was circulated to all the Members of the House during the closing days of the 96th Congress. After careful study of the alternatives, the select committee recommended that the House establish a permanent special oversight committee on drug abuse and control with authority, responsibilities, membership, and budget basically the same as the select committee.

However, due to the numerous changes in the membership of the House in the 97th Congress, its leadership in both parties, and the changes in certain chairmanships of the standing committees, the leadership urged that we defer efforts to seek a permanent drug oversight committee until the full membership of the House had sufficient time to study in detail the select committee's reconstitution. In the interim a reconstitution of the Narcotics Select Committee was sought and approved under House Resolution 13 by the 97th Congress.

Mr. Speaker, we find ourselves in the same position we were in 2 years ago. Athough many Members see a need for a permanent drug oversight committee such a determination should be deferred until the full membership of the House in the 98th Congress has had time to study this issue. I mention this because the question is frequently raised, why after the existence of the select committee for over 6 years there is still a need to reconstitute it. First, let me say that many of us hope that this Congress considers taking up this question of a permanent drug oversight committee. Second, there are some Members who, when we describe the worsening drug abuse situation confronting our Nation today as reason to reconstitute the select committee, point out that the problem has increased since the select committee was first constituted in 1976.

This question came up when we were before the Rules Committee and if I may I would like to quote the remarks in response to it by our distinguished colleague, Mr. FROST, of Texas.

I would like to say that I strongly support what you are asking and those of us from the southern part of the United States that share borders with foreign countries are particularly concerned about the amount of drugs continuing to come in and I realize the committee has performed valuable service.

I intend to be a strong supporter of your committee. I guess I would almost agree with Mr. Latta that I am not sure that any real progress has been made in the last few years but I don't hold you in any way responsible for that. The fact that the problem is so significant and continues to be significant is a very strong reason for the continuation of your committee.

I think you all have performed a very valuable service and we have a tremendous problem for you to deal with on an ongoing basis.

Speaking for myself, if I may, let me add that at the point in time when the select committee was first constituted, it was a period when through the ending of opium production in Turkey and heroin production in Mexico, we witnessed a dramatic decline in the traffic and addiction to heroin in the United States.

There were high hopes at the time and during the succeeding years that the executive branch with the congressional support it had would have been able to develop similar programs abroad to gradually eliminate the remaining pockets of illicit cultivation, manufacture, and traffic in narcotics and psychotropic drugs still affecting the United States.

Regrettably, this has not occurred. Beginning in 1979, we began to experience a gradual escalation in the traffic

or heroin to a point where it is now approaching the epidemic proportions of the French Connection era.

The traffic and abuse of cocaine has increased from an estimated 25 tons in 1978 to 48 tons in 1982. The traffic in marihuana has moved out of control and is thought to amount at a minimum to 15,000 tons annually.

The traffic and abuse of amphetamines, methamphetamines, PCP, methaqualone, and hallucinogenic substances such as LSD is widespread and shows no sign of abatement.

The estimated retail value of drugs supplied to the illicit market in the United States climbed from $50 billion in 1978 to $88 billion in 1982, a 76-percent increase.

The social costs of drug abuse, including the direct costs of treatment and rehabilitation and the indirect costs due to lost productivity exceeds $16 billion a year. This does not include the enormous cost of drug-related crime, nor does it include the incalculable loss in human resources, suffering, and family disruption that drug abuse extracts from its victims.

All of this was vividly described in the remarks of Chairman PEPPER of the Rules Committee when this resolution was considered. He stated:

I would like to emphasize the emphasis that has been put on your resolution, by the able gentleman from Ohio (Mr. LATTA). These drugs are primarily coming from off our shores, aren't they? We are really being invaded by a sinister group of people and by substances that bring about immeasurable destruction in our country.

While I was Chairman of the Crime Committee I remember conducting a hearing, Mr. Rangel, in your City of New York and the coroner of New York testified before our committee and he showed photographs of the large numbers of young boys and girls dead with needles, cocaine-heroin needles in their arms. They died in the effort to inject themselves with doses of heroin.

Mr. Speaker, in response to the question of just what the select committee has accomplished, I would like to mention a few of its major accomplishments during the past 2 years.

First. Oversight role. As part of its oversight role, in its annual report for 1981, the select committee proposed a series of recommendations to control the worldwide problems of drug abuse and drug trafficking. These recommendations outlined legislation of other initiatives needed to stem international and domestic drug production and trafficking, to provide adequate treatment and prevention services, to enhance research programs and to increase the involvement of the private sector in drug abuse prevention efforts. Actions by Congress and the administration have addressed a number of areas covered by the committee's recommendations but much remains to be done. The select committee held 13 hearings, focusing on Federal drug law enforcement coordination, DEA/FBI reorganization, the Federal drug strategy, community efforts to prevent and control drug trafficking and drug abuse, the findings of the select committee's survey of drug abuse in the military, financial investigations on drug trafficking, look-alike drugs, impact on budget cuts on Federal, State and local narcotics enforcement.

Second. Drug abuse in the military. The select committee's 1981 survey of drug abuse among enlisted personnel in Europe revealed disturbingly high rates of daily and on-duty drug use and considerable dissatisfaction with service drug treatment programs. These findings were reported at a select committee hearing in September 1981, prompting the services to raise the priority accorded to drug problems, intensify drug enforcement and prevention efforts, and dedicate more resources to their alcohol and drug abuse programs.

Third. Standing committee support. Mr. Speaker, I think our proudest accomplishment is the support we give to the standing committees on the drug question. There is no chairman of a subcommittee or a standing committee that can say that they have not depended upon our cooperation to bring to their attention narcotic control matters that they would want to legislate. I know I could not have had the knowledge that I have been able to bring to Ways and Means when we deal with the narcotic enforcement roles of Customs and Internal Revenue without my serving on the Select Narcotics Committee.

Mr. Speaker, during the 97th Congress the select committee worked with the standing committees to support drug-related legislative initiatives that would help prevent and control drug trafficking and drug abuse. This included:

First. Support for the successful efforts in Congress to liberalize the Posse Comitatus Act permitting certain military assistance to civilian drug law enforcement agencies.

Second. Support to repeal the Percy amendment prohibiting the use of U.S. foreign assistance funds to support the herbicidal spraying of paraquat on marihuana crops.

Third. Based on staff analysis, select committee members introduced and mobilized support for legislation that would improve criminal forfeiture of drug assets and profits, increase penalties for drug trafficking, and permit the Attorney General to use certain proceeds from narcotics related forfeitures in drug law enforcement. These legislative initiatives were included in the omnibus crime package that passed both Houses of Congress on December 20, 1982, but was vetoed by the President on January 14, 1983.

Fourth. The select committee has been in the forefront of efforts to increase the resources committed to drug prevention efforts. Through hearings, press releases, letters and other communications to appropriate committees, and legislative initiatives, the committee has continually attempted to present the effects of budget cuts on drug programs and has urged Congress and the administration to provide additional resources for drug abuse prevention and control. Recently, the administration requested, and Congress approved, an additional $127.5 million for the creation of 12 task forces around the country, modeled on the South Florida Task Force on Crime, to fight organized drug crime.

INTERNATIONAL NARCOTIC CONTROL INITIATIVES BY THE SELECT COMMITTEE

Mr. Speaker, in my judgment the most important achievement of the select committee has been the initiatives and programs it has developed in concert with the State Department to phase out the production of opium in Turkey and heroin in France, once responsible for 80 percent of our heroin problem. Similar success was achieved in dramatically curtailing opium and heroin production in Mexico. We hope to achieve the same results through narcotic crop elimination in Pakistan, Burma, Thailand, Peru, Boliva, and Colombia.

Specifically during the last 2 years we carried out the following initiatives:

First. Monitoring U.S. foreign development assistance with efforts to reduce the illicit cultivation of coca in Peru—a major raw material source for the cocaine entering the United States.

Second. The select committee assisted in the drafting of the United States initiative to formulate a global drug strategy at the United Nations General Assembly that was adopted by the General Assembly in 1982 and participated in the annual meetings of the United Nations Commission on Narcotic Drugs to help formulate the global drug strategy.

Third. The select committee was represented at the annual Mexico-United States Interparliamentary Conferences and provided the catalyst for formulating the Santa Barbara Narcotics Accord of 1982 that was adopted by the delegations from Mexico and the United States. This accord commits both nations to evaluate to the highest priority the problems emanating from drug trafficking and abuse.

Fourth. The select committee was represented at meetings with members from the European Parliament to encourage the parliamentarians to evaluate drug trafficking and drug abuse to a top priority in their agenda.

Fifth. Representation of the select committee at international conferences continued to encourage nations

to increase their contributions to the U.N. Fund for Drug Abuse Control, an agency whose funds are derived from voluntary contributions, and to evaluate drug-related issues on national and international agendas.

COMMUNITY OUTREACH ACTIVITY

The select committee provided drug awareness meetings, workshops and seminars for parents, teachers, students, guidance counselors, superintendents, law enforcement officials, treatment specialists, religious and other community leaders, and sponsored meetings on drug abuse in local high schools.

Mr. Speaker, in conclusion, the problem with the traffic and abuse of narcotics and psychotropic drugs facing our Nation today is the worst in our history in point of the enormous volume of drugs consumed and individuals victimized. Our objectives in recent years and the strategy for achieving them have remained essentially the same, however, the tangible results achieved in Turkey, France, and Mexico have eluded us to date in the remaining source countries.

The select committee will exercise its oversight responsibility in exploring ways with the executive branch as to how our Government can work with all friendly governments and the international narcotic control agencies to gradually eliminate the uncontrolled production of narcotic crops abroad and to suppress the illicit manufacture and traffic of narcotic and psychotropic drugs. This is absolutely essential to bringing drug abuse under control as is an effective drug enforcement effort at the Federal, State, and local level at home in concert with drug abuse prevention, treatment, and rehabilitation programs.

President Reagan should give the drug problem his personal attention to assure that an effective drug strategy is in place and the necessary funding allocated for implementation. The Congress must exercise its strong oversight in this work. This congressional responsibility has been carried out by the select committee, the only congressional body continually mandated to oversee all aspects of the drug problem.

Mr. Speaker, there is strong grassroots support to continue the work of our select committee. Parents, educators, States, local, and private organizations in drug abuse, as well as the law enforcement community have urged that the work of the select community continue.

These concerned citizens and organizations look to our select committee as the primary congressional committee dedicated to bringing under control the illicit traffic and abuse of narcotic and psychotropic drugs.

Accordingly, Mr. Speaker, I urge favorable consideration of House Resolution 49.

● Mr. RODINO. Mr. Speaker, we have had detailed for us the awesome dimensions of and terrible toll taken by drug trafficking and drug abuse. This toll, as my good friend and longtime ally in the drug war, Mr. RANGEL, pointed out, is measured not only in unimaginable billions and billions of dollars but also in the indirect social costs: The destructive effect on lives of drug abusers; the painful distress suffered by their families.

In addition, the cost of drug-related crime is immeasurable. But one recent study does indicate the enormity of the problem. This survey found that 237 heroin addicts were responsible for committing more than 500,000 crimes over 11 years. It also found that when addicts were not dependent on heroin, their crime rate was 84 percent lower than when they were on the drug regularly.

With this frightening picture before us, the Congress must continue to support Government efforts to find ways to work with friendly governments and international agencies to eliminate production of narcotic crops and to halt the manufacture of illicit drugs abroad.

It is vital also that this body have an effective method for review of administation policies and strategies not only in drug-law enforcement but also in treatment, education, and research efforts.

The Select Committee on Narcotics Abuse and Control can provide the coordinated oversight the House needs to take the lead in fashioning informed drug policies. Without the select committee, jurisdiction would be scattered among several standing committees of the House, committees that have a host of other concerns.

The select committee is the only congressional panel authorized to oversee all aspects of the drug problem. It has strong grassroots support. It will continue to carry our its responsibilities effectively under the leadership of Chairman RANGEL.

It will continue to provide valuable information and advise to the Committee on the Judiciary, so that we can set a proper legislative agenda and propose laws that will help our Nation in the battle against drugs.

Mr. Speaker, I urge approval of House Resolution 49, to establish the select committee.●

Mr. QUILLEN. Mr. Speaker, I would encourage the committee to negotiate with the drug producing countries and see if we can eliminate part of the flow into this Nation. I think that is an important part of committee activity and I believe that they will do it.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, last week on this floor I asked this House to reject the creation of a new select committee which is affectionately known as the "Kiddie Committee." At that time I do not think any of us who voted against it wanted to be recorded as being against family values or improvement of family relationships. It was simply that we did not see any relationship whatsoever between the creation of a new congressional committee to burn up unnecessary taxpayers' dollars and any improvement in family relationships.

I must say exactly the same thing today. I do not want to be against narcotics control, but a select committee will not give us any more control.

We have had this committee in the House since 1976. In each year in which it has come before us, its leaders have said, "Boy, we can hardly wait to abolish this committee, and all we need is a little more time so we can organize things to solve the problem. Then the committee will wither away."

It strikes me as being a little bit like Karl Marx expecting the elite bureaucracy to wither away so that the U.S.S.R. can become the perfect workers' democratic paradise. That has not happened, and neither will this committee or any other select committee wither away until we have guts to vote them out of existence.

Select committees have no legislative jurisdiction. This committee has had almost no effect on the narcotics problem. Moreover it does not stand any chance of having any effect on the problem in the future, because it has no legislative jurisdiction.

Yes; it will have field hearings. Yes; the members will publish press releases. Yes; they will do some traveling. Yes; they may even, by sheer accident, do some good, but the committee will not accomplish anywhere near what a standing committee could, if that standing committee would hitch up its socks and get to work. What is required here, is that we start looking at the donut—the standing committee—and stop wasting time, money, and resources on the hole—the select committee.

This committee is going to ask for three-quarters of a billion dollars, maybe a little less. It will not get that much. However, much of the taxpayers' money it gets will be absolutely wasted. If we want to attack the drug problem we ought to add the three-quarters of a billion dollars to the Justice Department appropriation to fight drugs instead of squandering our resources on a powerless committee.

I believe that any select committees which do not have a fixed term of life should be rejected. I believe this particular select committee should be rejected. It has wasted the taxpayers' money for 7 years. Worse, it has diverted the attention of committees which should be working this problem

for 7 years. It is worse than wasteful. It is counterproductive.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from the District of Columbia (Mr. FAUNTROY), for debate only.

Mr. FAUNTROY. Mr. Speaker, I, of course, rise in support of House Resolution 49, which would continue the existence of the Select Committee on Narcotics Abuse and Control.

The role and function of this select committee continue to be urgently needed in our Nation. The problems related to narcotics abuse and control continue to be distributed among a variety of Federal agencies and the oversight, investigative capabilities and performance of the Select Committee on Narcotics Abuse and Control becomes even more crucial as a major coordinating force in the crisis of drug escalation.

The increased revenue and financial return from drug sales that flows from the social demand has created a market that threatens the stability of our local and Federal courts, that has long endangered the functioning of our banking systems with the constant laundering process of currencies, and, because of concentrated attention in areas of heavy drug traffic, has caused the constantly increasing traffic to disperse to the most unlikely regions of this country. When an inland, tradition-oriented area like the State of Tennessee makes major cocaine busts in the most rural of its mountainous sections as occurred last summer, the degree and design of the dispersal of drug activity begins to become a major threat to every aspect of our society. Select committee hearings and briefings will provide important data for much needed legislative action.

It is the challenge of the larger geographic distribution of drug activity that makes the expansion of the select committee so appropriate and urgent. It is my hope that each of us will support this resolution and after voting for it, bring to the work of the select committee our full cooperation and utilization—so that this dread disease, with our limited legal resources, may be contained and finally eliminated from our midst.

I ask you to join me in supporting House Resolution 49.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. As a charter member of the Select Committee on Narcotics Abuse and Control since the committee was created late in 1976, and as a cosponsor of House Resolution 49, establishing the select committee in the 98th Congress, I am pleased to rise in support of this resolution and to associate myself with the remarks of the distinguished gentleman from New York (Mr. RANGEL).

Mr. Speaker, narcotics trafficking and drug abuse have reached epidemic proportions both in this country and abroad. Drug trafficking just in the United States alone is estimated to have reached a staggering $90 billion, placing it second only to Exxon, the largest U.S. industrial corporation whose 1980 sales reached $102 billion. The tentacles of drug trafficking and drug abuse have reached into nearly every city, town, and school district throughout our Nation, causing untold misery for hundreds of thousands of our citizens. No congressional district is immune to the drug traffickers who reap unknown billions of untaxed dollars from their sordid business transactions.

Narcotics trafficking and drug abuse problems are not going to go away today or tomorrow. Rather they are fast becoming a permanent aspect of our international and domestic way of life.

Our Nation is fast becoming a pill-popping, drug-abusing, drug-oriented society. The young and the elderly, the rich and the poor, men, women, and children from all sectors of society are resorting to marihuana, cocaine, heroin, phencyclidine—commonly known as PCP or Angel Dust—uppers, downers, painkillers, tranquilizers, and hallucinogens in seeking to escape their problems. Hardly a day goes by that a hospital emergency room does not report a drug-related injury or death from the abuse of these drugs. Hardly a day goes by that drug law enforcement agencies do not report a seizure of illicit drugs or confiscate drug-related assets. Unfortunately, there is also a growing social acceptance for marihuana, cocaine, and other dangerous drugs.

During the past 6 years, our Narcotics Select Committee has brought about a significant number of accomplishments. It has been instrumental in establishing closer cooperation among the Federal drug-related agencies; in placing increased importance on drug-related issues in formulating our Nation's foreign policy; in focusing attention on drug abuse among our military personnel stationed in West Germany and in the Mediterranean; in helping to raise the consciousness of the public regarding the dangers of drug abuse by providing drug awareness meetings, workshops and seminars for parents, teachers, students, guidance counselors, school administrators, law enforcement officials, treatment specialists, and other community leaders, and in focusing attention on a wide range of drug-related issues that have resulted in more than 90 select committee hearings and reports.

Mr. Speaker, drug trafficking and drug abuse are too vast and complex subjects for any single standing committee, as presently constituted, to monitor comprehensively. Drug-related issues are parceled out to more than a dozen standing committees which do not have the time, the resources or interest to devote their entire efforts to help combat drug trafficking and drug abuse. Those are the reasons for which the Narcotics Select Committee came into existence: To help raise the consciousness of the public regarding the dangers of drug abuse, to prod the administration into formulating, as required by law, a comprehensive, coordinated Federal drug strategy, to monitor the administration's drug-related programs and policies, and to assist our standing committees in their piecemeal drug-related activities.

As a member of the House Foreign Affairs Committee, I can assure my colleagues that while our committee has examined some of the problems pertaining to international narcotics control, we have not been fully comprehensive in attacking this problem. The problem is much too extensive for one committee to handle. We do not even possess jurisdiction over the international aspects of drug abuse prevention—that belongs to another standing committee. Furthermore, our Foreign Affairs Committee does not have the time or the resources to devote substantial efforts to international narcotics control. There are other issues and other legislative matters that compete for our attention. This situation is not unique to the Foreign Affairs Committee. It also exists among numerous standing committees and their subcommittees which have piecemeal interests in drug abuse prevention and control.

As a charter member of the Narcotics Select Committee, I can also assure my colleagues that the select committee is the only committee in the Congress that has been able to devote its entire efforts to help prevent and control drug abuse. To facilitate that endeavor, House Resolution 49 requires that the membership of the select committee include members from the standing committees having interests in the drug problem.

Although House Resolution 49 does not call for establishing a permanent narcotics select committee, given the magnitude of the drug problem, the global reach of the international drug trafficking syndicates, the debilitating effects that drug abuse causes to all of our citizens, I believe that the time has come for the House leadership to seriously consider establishing a permanent select committee on drug trafficking and substance abuse.

Some of my colleagues inquire "why a select committee?" Only the select committee can devote its entire efforts to comprehensively monitor the activities of the administration, to assist our standing committees in their drug-re-

lated endeavors, and to help raise the consciousness of our citizens regarding the dangers of drug abuse. Without a drug oversight committee, I am fearful that efforts to wage war on drug trafficking and drug abuse will be placed on the back burner of the Congress and of the administration, and that this Nation will continue to muddle along without an effective, comprehensive, coordinated drug strategy. If that occurs, then our Nation will sink more and more into the morass of drug dependency.

Accordingly, Mr. Speaker, I urge my colleagues to help combat drug trafficking and drug abuse by supporting House Resolution 49, reconstituting our Narcotics Select Committee.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. SMITH) for purposes of debate only.

Mr. SMITH of Florida. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would certainly second the remarks made by the gentleman from New York (Mr. RANGEL) and the gentleman from New York (Mr. GILMAN).

I do, however, take exception to certain of the things that I heard from the gentleman from Minnesota (Mr. FRENZEL). I understand his concern about select committees. Having served for many years in the legislature where select committees were set up arbitrarily to some degree, I understand the concern about their impact and their expense.

But I would urge the gentleman from Minnesota (Mr. FRENZEL) to possibly just take a look at one specific drug deal at any given time in my area in south Florida. One-quarter, two-quarters, three-quarters of a million dollars is nothing compared to the amount of money involved in one drug deal. Let me tell my colleagues what it is like to live in a community that has been scarred by the face of drugs.

We have a community of 1.5 million people in Dade County and 1 million people in Broward County in Florida—2½ million people spending gigantic sums of money to rehabilitate their youngsters from the ravages of drugs, spending gigantic sums of money to pay for additional police protection and other law enforcement agencies to stem the tide of what is a Federal problem, when in actuality there is hardly any Federal help coming in, for many years paying thousands and thousands of dollars individually into taxes for the purpose of having jails in order to incarcerate convicted defendants, spending all kinds of money to rehabilitate people who are involved in the drug process, all of this on what is ostensibly a Federal problem.

Florida happens to be sitting in the wrong part of the United States. South Florida happens to stick farther out into the Caribbean than any other part of the United States. So we have this terrible tragedy visited on us.

Let me remind all of my colleagues of something else, and the gentleman from New York (Mr. RANGEL), made reference to this when he spoke. I think it is important to understand that we now have the very secure knowledge that the Iranian Government has, in fact, made a concerted effort to grow and has grown a large crop of heroin for specific distribution in the United States. Cocaine resulted several weekends ago in an overdose of two people in Orlando; the third person of a group of three was one who held up the traffic at Orlando Airport for 4 to 5 hours.

This new, dangerous cocaine is purer than any product that has ever been seen in the United States. This is a tragic mistake, to think in terms of a small quantity of dollars against the quality of life in many neighborhoods in this country.

Also, to think that this committee has not had any impact on the drug problem over the years, I think, is short-selling what this committee has done. Just last year, I think that posse comitatus, sponsored by one of the gentlemen from Florida (Mr. SHAW), a member of that committee, was an outgrowth of what happened on that committee. I believe that the Federal Drug Task Force is an outgrowth of what the select committee has done over the years.

I would urge the Members of this House to give very strong credence to what this committee does. You and I, none of us, none of our friends, would like to see our children involved in any single drug incident. By allowing these drugs and the tide of drugs and the amount of these drugs to flow into the United States, we are placing our very children's lives in jeopardy. We cannot afford that. It is a waste of the greatest precious natural resource we have, our young people.

I urge my colleagues to consider very strongly the small amount of money and inconvenience this House will suffer against the untold billions of dollars per year that we spend on the back end, creating the law enforcement mechanism to fight what is already in this country, when we could stem it at the outset. I certainly do urge the reconstitution of this committee.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the resolution to reestablish the Select Committee on Narcotics Abuse and Control.

The need for a centralized body in Congress to consider illicit drug-related issues and make recommendations for remedial legislation was evident when the Select Commitee on Narcotics Abuse and Control was first established, in the 94th Congress. That need still exists and, indeed, may be even more acute today, given the administration's expansion nationwide of the drug interdiction task forces and the disturbing news released last week that, while young Americans have cut down their use of drugs such as marihuana and methaqualone, use of heroin and cocaine—and in a purer form—is rising.

The Select Committee on Narcotics is the only congressional committee to focus solely on the vast array of narcotics-related issues—issues such as drug trafficking and seizures, drug use in the military, and the so-called look-alike drugs. Its purpose is not only to investigate—although that is an important function—but also, and perhaps more important, to suggest solutions and recommend courses of action.

Without one committee to focus exclusively in this area, jurisdiction over drug issues would be fragmented among 14 standing committees. Although the standing committees maintain legislative jurisdiction over drug issues, the select committee serves to funnel legislation to the proper committee or subcommittee, thereby making the process more efficient and the resulting laws more effective.

Drug abuse and criminal activity go hand in hand, whether we are talking about the person who steals money to buy drugs or the person whose use of drugs in and of itself causes him to commit crimes. I believe that Congress has a duty to address and attempt to remedy drug-related crime, and I believe that the Select Committee on Narcotics Abuse and Control is the proper forum in which to address the issue.

Another disturbing aspect of the drug use in our society—and a matter to which I alluded earlier—is the use of drugs by our Nation's youth. In a select committee hearing held last summer in my rural Ohio district, a survey was released showing that in one small school system 31 percent of the students had used marihuana, 20 percent had used stimulants, and 12 percent had used depressants. The committee has held a number of hearings over the years on the problem of drug abuse in the schools and the companion problem of look-alike drugs, which are becoming more and more prevalent among school-age children. As a member of the committee, I look forward to working to more clearly define the problems that exist in this area and helping to develop some concrete solutions.

Mr. Speaker, without the guidance of the Select Committee on Narcotics, much in the way of Federal oversight

of drug-related issues would simply not occur. The select committee is not the answer to our Nation's drug problem, but it is an important part of the solution. I urge my colleagues to bear this in mind and vote for House Resolution 49, to reestablish the committee.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. MITCHELL) for purposes of debate only.

Mr. MITCHELL. Mr. Speaker, I rise in support of the resolution.

Some years ago, I worked as a probation officer for the supreme bench of Baltimore City. During the course of that time, for 1 year, I was assigned nothing but narcotic addicts to work with. I have seen the devastation of life that occurs.

I remember one man in particular—I do not recall his full name—whom I called "Machine Gun" because that is the way he talked and that was his nickname. He was on heroin. I was supposed to try to help him.

He told me, "Like you eat breakfast, lunch, and dinner, I pop three times a day, morning, noon, and evening."

Gentlemen, I wish you all could see the length to which they went to avoid any kind of inspection by me. I would look at their arms and see that they were clean and say, "Good. OK. Hang on." Well, I was so dumb that I did not realize that those who were really addicted were popping into their gums; that is, inserting a needle into the gum where it could not be seen.

Last summer during my campaign, I turned off a street in Baltimore and for one solid block there were nothing but young men standing and nodding, waiting for "the man" to come. In a very naive way, I went up to a little Volkswagen and started handing out my campaign literature and the young man told me. "That is OK, Congressman, I will get it later."

Well, there was a young lady in the back of the Volkswagen, mind you, it was not even 4 o'clock in the afternoon, inserting a needle into her leg.

That is not just Baltimore; that is all over. The increase of drug use in all age categories is absolutely and devastatingly frightening, across all socioeconomic lines. It is absolutely, devastingly frightening.

I, for one, really do not have much faith in what is going on in terms of law enforcement, in terms of ending the problem. Every day we pick up the paper and it says that another bigger and better drug bust took place, the biggest one in the history of "this police department."

I know it has to be done, but I do not think that just law enforcement itself is going to end this terrible scourge in this Nation. The number of big drug busts that we have apparently merely increases the number of people who are using it. Clearly, the approaches that we have used have not worked.

I am frightened to death about the flow of drugs in prisons. I visit my prisons frequently. It is not unusual to find drugs in prison being used on a regular basis.

I want this select committee to continue. I think it has done good work in the past, but I would hope it would orient itself in another direction. I would hope the committee would orient itself in terms of focusing in on the psychosocial dynamics of these matters.

Why is it that a guy spends 10 years in prison for being a user, he comes out, and the first thing he wants is another fix?

I think we have to go for some very basic research, encourage basic research along those lines.

Why is it a guy who is a regular user and knows that a police stakeout is in a given area but he is so desperate to get the drug that he will go with full knowledge that he might be picked up?

We have to look at some of the psychosocial dynamics of this matter, because I am not at all convinced that the strict law enforcement, the bigger busts, the longer prison sentences, are going to solve this.

Mr. Speaker, I support the resolution with the hope that that new orientation will develop within the select committee.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, the Select Committee on Narcotics Abuse and Control addresses a serious national problem. It addresses a constantly changing national problem, and it provides the only coordinated focus on this national problem.

My colleague, the gentleman from Maryland (Mr. MITCHELL), has just very eloquently attested to the seriousness of the problem. We have discussed here the fact that parts of the problem are in the Justice Department, the DEA, the FBI, the Coast Guard, and Customs.

I have served as ranking minority member of the Transportation Subcommittee of the Committee on Appropriations which has jurisdiction over the Coast Guard, but there is no way we in that subcommittee can provide focus simply on the whole problem of drug abuse and control. It needs this select committee.

It is not just enforcement. There has been a lot of emphasis on enforcement. It is the whole problem of drug abuse education, which is tremendously important and which the select committee oversees. There is a problem of treatment and rehabilitation, which is a very important and broad field that is fractionated in various departments and agencies of the Federal Government.

The problem is a changing problem, too. The trafficking comes from various parts of the world, and that changes from year to year and requires the supervision of this committee.

New problems come up. We have the whole problem of illicit laboratories, for example, which occurred in my part of the country, in the city of Philadelphia. We had the growth of illicit laboratories. We have new drugs that occur every year and require the approach of this kind of a select committee.

I have not always supported select committees. In fact, just last week I voted against the creation of a new select committee because I did not think it focused on a very specific problem, but this select committee does focus on a very specific problem.

Mr. Speaker, the select committee will have a very diligent and aggressive new chairman, it will have a very distinguished new ranking minority member, and I am sure that the committee will function and serve this Congress and the people of this Nation well.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi, (Mr. MONTGOMERY) for purposes of debate only.

Mr. MONTGOMERY. Mr. Speaker, when I first saw this resolution on the select committee, looking at the way it came out from the Committee on Rules, I was concerned, but I think the gentleman from New York (Mr. RANGEL), who will be the new chairman, has helped me with some of my concerns.

I noticed that in the provision of having one member from the nine standing committees, the Committee on Veterans' Affairs is not included in those nine committees. Probably the Committee on Veterans' Affairs or the Veterans' Administration or veterans hospitals have more to do with drug treatment than any other committee, I would say, in the House, or any other Government agency dealing with narcotics and drugs.

I point out to the Members, Mr. Speaker, that we have 172 hospitals that are dealing in narcotics, working with the Vietnam era veteran and also the World War II and Korean war veterans on this problem. We have 136 Outreach centers that work mainly with the Vietnam veteran, and these problems of narcotics develop there. We have 226 outpatient clinics. So it is important.

If I understood what the gentleman from New York said, he would recommend to the Speaker that either a majority member from the Committee on Veterans' Affairs or a minority

member would be selected and put on this select committee.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I certainly would like to state for the RECORD that the gentleman from New York (Mr. GILMAN) and I support the observation made by the distinguished committee chairman, the gentleman from Mississippi (Mr. MONTGOMERY), and certainly agree that we cannot tackle this problem without coordinating our effort with that of the Committee on Veterans' Affairs. We certainly would strongly recommend to the Speaker, who makes the ultimate choice, that a member of the majority or a member of the minority or both be included in the composition of the select committee.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from New York.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Mississippi (Mr. MONTGOMERY) for pointing out to us what amounts to truly an oversight on the part of our committee. I think the gentleman has indeed made a very important contribution to the formulation of the new select committee, and I join my distinguished chairman in saying that we want to correct the omission. I thank the gentleman from Mississippi for bringing it to our attention.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, I recall one case only last year when I was in a veterans hospital. I went to this ward and there was a young Vietnam-era veteran whose kidneys were totally ruined because of drugs. He was on the kidney machine, and his life had come to ruin on account of drugs.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Speaker, I rise in support of reestablishing the Select Committee on Narcotics Abuse and Control.

Presently the administration is in the process of accelerating its drive against drug abuse and drug trafficking. This is demonstrated by the administration's comprehensive anti-crime package introduced during the 97th Congress, its stated desire to build on the success of the special drug task force that was set up in Florida by setting up 13 additional task forces throughout the country, and the most recent example being the President's state of the Union address in which President Reagan declared "all-out war against bigtime organized crime and drug racketeers who are poisoning our young people."

Now more than ever the time is ripe for a focused congressional oversight of our various drug enforcement and prevention programs. This problem of drugs is pervasive, and sadly so, in our society. Certainly the comments of the distinguished gentleman from Mississippi (Mr. MONTGOMERY) about his concern for Vietnam veterans shows us a part of that pervasiveness.

It is certainly an apparent problem in our armed services. Other speakers have alluded to the problems in the schools.

A nationwide news program today featured a section on the cocaine problem, and there will be more such programs as the week progresses. I think it is fair to say that the problem is pervasive throughout American life. I found that to be true as a prosecutor.

The SPEAKER pro tempore. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Speaker, I am pleased to add my voice in support of reestablishing the House Select Committee on Narcotics Abuse and Control. If there is any domestic concern which deserves the full, focused attention of the Congress, it is the drug problem.

The select committee must remain a part of the work of this Congress to come to grips with the nationwide narcotics epidemic. In its first 6 years of existence, the select committee has proven invaluable by coordinating efforts of the Congress to study drug abuse and trafficking in a comprehensive manner. This would have been impossible if oversight were left only to the multiple subcommittees which each have jurisdiction over small parts of the problem.

Through reports and hearings covering nearly all aspects of narcotics abuse, the select committee has laid a solid foundation of understanding upon which this and future Congresses may build.

With new information surfacing daily concerning the health, crime, and social aspect of narcotics abuse, the work of the select committee must be continued to insure that this Congress is second to none in understanding the challenges presented by the narcotics epidemic.

According to the most recent survey, over 4 million Americans are using cocaine. While over half are in the 18- to 25-year-old age group, the fastest rise in cocaine use is among those between the ages of 25 and 45—our young leaders—men and women at the cutting edge of their professions. Their abilities to create, to reason, to comprehend, and to perform are being seriously diminished by the effects of cocaine. This threatens not only their future, but America's future as well. And this House must make it clear that we intend to devote the resources necessary to protect our Nation from the disease of drug abuse.

The select committee can also help this House in meeting the international challenges of drug abuse and trafficking. For the last decade, the United States has made significant progress toward providing our trading partners with incentives to control their own domestic narcotics production. By linking aid to our goals for narcotics control, we can continue to make improvements in reducing illegal imports.

Through the educational work of the select committee, informing the Congress of international narcotics production and its impact upon domestic demand, we can make the informed decisions necessary to continuing these efforts.

Mr. Speaker, in relation to the billions of dollars spent annually in the illegal narcotics market, the monetary resources devoted to the House Select Committee on Narcotics Abuse and Control are barely noticeable. But, the committee has proven that its impact can be felt beyond the size of its membership, staff, and treasury and we must allow it to continue to serve this House and this Nation.

I urge my colleagues to support the resolution to reestablish the Select Committee on Narcotics Abuse and Control.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a time for action. We do not want this select committee to expire in March. Now is the time for action, it is time that we do something about narcotics abuse and control.

We all know that the use of narcotics is a cancer which is ever increasing, and the cure is hard to find. I believe this committee will do that.

Mr. Speaker, to close our portion of the debate, I yield 2 minutes to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in support of the resolution.

Mr. Speaker, as has been said so eloquently before me, the drug addiction that is so prevalent throughout this country has become not only a human tragedy but a national tragedy. It affects our young people and even our older folks who just seem to waste their lives away with this sickness. It is a sickness which has to be treated and has to be eradicated if we are going to survive as a nation.

As a criminal prosecutor, serving in law enforcement for some 6 years

before I came to Congress, I cannot count the number of times that I saw the effects of addiction on young people who stuck those needles in their arms and became slaves to their habits, wasting their lives away and performing acts that are so contrary to the basic instincts of humanity.

One young child about 14 or 15 years of age once told me how much he loved his father. But while he idolized and worshiped his father, he was forced because of his drug addiction to steal not only from his community and his neighborhood, but even from his beloved father. He told me how his father had worked and saved for a new television set, and how his one source of enjoyment was to sit down after work to watch TV. Yet that youngster was commanded by forces beyond his control; he took his father's television set and sold it on the streets for $50, simply to support his habit.

Mr. Speaker, this committee is not going to end drug abuse, but it is a necessary step in the right direction; it is one which calls attention to this disease which corrupts every fiber of society. Even law enforcement officers, sworn to uphold the law, have been tempted, and ultimately corrupted by succumbing to the temptations of high financial gain in the illicit drug market.

That recently happened in my own district, Mr. Speaker, and only if we devote adequate attention to this horrendous problem, will we truly have a chance of assuring that it does not happen again.

Mr. Speaker, I urge that this body adopt the resolution. Let us show the American people that we are aware of, and concerned about, this terrible problem. We really cannot do enough to combat the drug problem, and the defeat of this resolution will be a signal that we just do not care.

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Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I want to thank the Members of the House that have eloquently risen in support of the resolution, as well as to share my appreciation for the contributions that were made by Members that had a deep understanding of the problem but some reservations as to the congressional method of resolving it.

I also would like to especially thank those Members that referred to me as the new chairman of this committee. I would like to point out for the RECORD that while a vacancy does exist as it relates to chairmanship of the Select Committee on Narcotics Abuse and Control, and while I am the ranking Democrat, the Speaker has not yet made that determination.

I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Speaker, let me conclude by saying that I do not believe that reestablishing this committee is, in and of itself, going to solve the problem, but certainly it is a good step.

But, on the other hand, the solution to the problem certainly does not lie with this House's refusal to reconstitute this committee. I urge members to vote aye on the resolution.

I thank the gentleman for yielding.

Mr. SCHEUER. Mr. Speaker, I rise in support of H.R. 49, a resolution to reconstitute the Select Committee on Narcotics Abuse and Control.

As I speak, somewhere a teenager is risking serious injury in experimenting with look-a-like drugs.

Sirens are racing through city traffic while a cocaine overdose victim battles for his life.

Elsewhere, another infant is born deformed because its mother is a heroin addict.

These tragic incidents are occurring in every district throughout the country, and yet they constitute only a fraction of the stupendous drug-abuse problem in the United States today.

We are confronted with a nationwide drug-abuse epidemic.

Cocaine, once used by an elite few, has become an increasingly popular drug.

U.S. cocaine consumption has almost doubled in the past 4 years, from about 25 metric tons to 48 metric tons annually.

Over the past 5 years cocaine overdose deaths have more than tripled, while cocaine related injuries have more than doubled.

Although heroin use has dropped in the last decade, it remains on the rise in the Northeast.

In New York City, where more heroin enters the United States than anywhere else, drug related deaths—primarily from heroin—increased twofold between 1978 and 1980, from 246 to 534.

In addition, New York, which serves as the main entry point for heroin smuggled into the United States, saw a 92-percent increase in the number of heroin-related emergency room cases between 1979 and 1980, from 1,944 to 3,740.

According to the 1982 report on drug abuse and alcoholism prepared for Governor Hugh Carey, almost half of the heroin addicts in the United States live in New York State.

Three-quarters of these reside in New York City.

Thus, of the 450,000 to 600,000 heroin addicts in the United States, an estimated 234,000 live in New York, with 177,500 residing in the city.

The traffic and abuse of amphetamines, methamphetamines, PCP, methaqualone, and hallucinogenic substances such as LSD are also widespread, and show no sign of abatement.

The social cost of drug abuse, including the direct costs of treatment and rehabilitation and the indirect costs due to lost productivity, exceed $16 billion a year.

This does not include the enormous cost of drug-related crime.

Nor does it measure the incalculable loss in human resources, suffering, and family disruption that drug abuse extracts from its victims.

Meeting the complex challenge that drug abuse presents requires a continuing commitment to comprehensive coordinated oversight that only the select committee can provide.

Jurisdiction for drug problems is fragmented among no fewer than 14 standing committees of the House, committees which have other overriding responsibilities.

Moreover, as the administration implements its drug strategy and seeks funding support for its drug policies and programs, it is crucial for the House to have an effective means to review the impact of administration decisions on domestic drug law enforcement, international narcotics control and drug abuse treatment, rehabilitation, prevention, education, and research efforts.

As a member of the select committee since its inception, I believe the select committee alone can provide the comprehensive oversight capability the House needs to maintain strong leadership in the formulation of drug policy.

I urge my colleagues to vote to continue the select committee's fine work.

Mr. BLILEY. Mr. Speaker, 2 years ago I spoke in opposition to reauthorization of this select committee. I can only hope that my colleagues pay better attention this year, because, quite simply, the Select Committee on Narcotics Abuse and Control did not do a good enough job in the last Congress to deserve another 2 years.

House Resolution 49 has almost nothing to do with preventing drug abuse, and almost everything to do with the kind of congressional excesses: A growing bureaucracy, foreign junkets, and shameless self-promotion, that we should all condemn.

Two years ago I reported that select committee members had engaged in needless foreign travel. Well, there were no trips to exotic south sea islands this Congress, but members did manage to find their ways to: Italy and Austria at least twice and Germany, Peru, and Israel.

Two years ago I reported that the select committee had held a curious series of field hearings in the home

districts of committee members. Obviously some of the sites have particularly acute drug problems, but as a general rule it would be less expensive to pay witnesses to come to Washington than to fly the committee and its support staff all over the country. In the last 2 years the committee held hearings in the following cities outside of Washington: Los Angeles, where the leadoff witnesses were not drug experts, but opposing gubernatorial candidates Bradley and Deukmejian; New York City, several times; Fort Lauderdale, Fla.; Jersey City, N.J.; and, Mansfield, Ohio. Every one in the district of a committee member.

I know my colleagues are well intentioned, but I cannot believe these hearings provide useful information. I know they provide an excellent opportunity for the hometown media, but if a Member wants to hold a meeting with high school students about drug abuse, he can do so without the auspices of this committee, and still get his purpose accomplished.

Two years ago I reported that this committee had accomplished very little. In 1981 the Rules Committee even added a requirement that the committee report to the House on a comprehensive drug abuse strategy. Well, the committee did make a report a year ago, but action as a result of that report, and followup on the part of the committee has been very slim.

In terms of addressing the jurisdictional problems of legislative committees in the Congress, he has done nothing, rather constantly expressing the preference that the select committee be continued, instead of making recommendations of how other committees can better address drug problems.

In the committee's own report this year, listed as major accomplishments are an appearance by the chairman on the "MacNeil-Lehrer Report" and a letter to the editor of the Washington Post. Now I do not dispute that Members of Congress need to be speaking out against drug abuse, but we do not need a committee whose primary function is activities such as those.

My colleagues, 2 years ago this committee wanted to make itself a permanent select committee. At the last moment they pulled back and asked simply to be extended for 2 years. It has been 7 years in total and now the committee is back for another 2. I do not think that this committee has any role as a permanent body without legislative jurisdiction, and I find it hard to believe that it will do something productive on congressional structure in the next 2 years when it has done nothing in the last 7.

I myself participated in the formation of a Select Committee on Children last week, but the committee was for the first time, and it is my intention that we get our work done quickly and finally there. Nine years in limbo is too much.

Finally, I would like to reiterate that this committee will have almost no real impact on our Nation's drug abuse problem. Two years ago its supporters said we needed the committee because the drug problem was so bad. Last week a decline in drug use was front page news. I do not think the committee will have the temerity to claim it is to be credited for this trend. My point is that this select committee has little to do with developments in the world outside of Washington, and I think it is time to end it.

I urge my colleagues to defeat House Resolution 49.

● Mr. GUARINI. Mr. Speaker, I rise to express my support for House Resolution 49, which would establish the Select Committee on Narcotics Abuse and Control in the 98th Congress. I was privileged to be a member of the select committee last Congress and am looking forward to a vigorous agenda these next 2 years.

It is important that the House have a single body to oversee antidrug abuse efforts and to assist the eight standing committees which have some jurisdiction over national drug policy. The select committee can pull together the resources and expertise of these committees in a well-targeted approach to solving drug problems.

I am encouraged that the current administration is devoting more energy in the war against drugs. The regional task force concept is a useful step in addressing an area's unique problems with narcotics. However, more executive coordination is necessary. Published reports indicate that local, State, and Federal law agencies have difficulty coordinating their efforts. Of course, when there is confusion, there is waste, and only the drug peddler benefits. The Select Committee on Narcotics Abuse and Control can be most useful in suggesting how to better coordinate these efforts so that our full energies are directed against the drug trafficker. I have strongly urged that the Federal Government have a drug top cop to oversee the fight against drugs on a Cabinet level.

These points demonstrate the importance of the Select Committee on Narcotics Abuse and Control. Under the energetic leadership of our friend from New York, Mr. Rangel, the select committee can make a significant contribution in the fight against illicit drugs. I urge my colleagues to vote to reestablish the Select Committee on Narcotics Abuse and Control.●

● Mr. CORRADA. Mr. Chairman, I rise in strong support of House Resolution 49 which would reestablish a Select Committee on Narcotics Abuse and Control in the 98th Congress.

Since its creation in late 1976, the committee has been a powerful and efficient arm of Congress in the policymaking process against illegal drug trafficking and abuse. The select committee rendered an excellent service to the people of Puerto Rico and our antinarcotics campaign when in 1979 it conducted a fact-finding mission to Puerto Rice and Colombia and uncovered valuable insight information regarding the production, transshipment, and abuse of narcotics leading to more effective law enforcement activities in the area.

Given the recently announced eight point program of the administration to carry out a coordinated nationwide effort against drug trafficking and organized crime, it is only fitting that the select committee be reestablished to keep us abreast of the achievements of this program. Efforts to cripple organized drug marketing must continue to be a top priority in our agenda for drug traffic nurtures a great variety of crime related activities which have forced our decent law abiding citizens to live behind bars and in constant fear. The Select Committee on Narcotics Abuse and Control has served Congress effectively in this quest and I urge my colleagues to vote for its reestablishment.●

Mr. FROST. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 290, nays 77, not voting 64, as follows:

[Roll No. 7]

YEAS—290

Addabbo	Boxer	Daschle
Anderson	Breaux	Daub
Andrews (NC)	Brooks	de la Garza
Andrews (TX)	Broomfield	Derrick
Annunzio	Brown (CA)	DeWine
Anthony	Bryant	Dicks
Aspin	Byron	Dixon
Barnes	Carney	Donnelly
Bateman	Carr	Dorgan
Bates	Chandler	Dowdy
Bennett	Chappie	Downey
Bereuter	Clarke	Duncan
Bethune	Clay	Durbin
Bevill	Coats	Dwyer
Biaggi	Coelho	Dymally
Boehlert	Coleman (MO)	Dyson
Boggs	Collins	Eckart
Boland	Cooper	Edgar
Bonior	Coughlin	Edwards (CA)
Bonker	Courter	Edwards (OK)
Borski	Coyne	Emerson
Boucher	Crockett	English

Erdreich	Lehman (CA)	Rinaldo
Evans (IA)	Leland	Roe
Evans (IL)	Lent	Rogers
Fascell	Levin	Rose
Fazio	Levine	Roth
Feighan	Levitas	Roukema
Ferraro	Lewis (FL)	Rowland
Fiedler	Livingston	Roybal
Fields	Long (MD)	Rudd
Fish	Lowry (WA)	Russo
Flippo	Lujan	Scheuer
Foglietta	Luken	Schneider
Foley	Lundine	Schroeder
Ford (MI)	Mack	Schulze
Ford (TN)	MacKay	Schumer
Forsythe	Markey	Shannon
Fowler	Marlenee	Sharp
Frank	Martinez	Shaw
Franklin	Matsui	Shelby
Frost	Mavroules	Sikorski
Fuqua	Mazzoli	Siljander
Garcia	McCain	Simon
Gaydos	McCandless	Sisisky
Gejdenson	McCollum	Skelton
Gephardt	McCurdy	Slattery
Gilman	McDade	Smith (FL)
Gingrich	McEwen	Smith (IA)
Glickman	McGrath	Smith (NE)
Gonzalez	McHugh	Smith (NJ)
Goodling	McKernan	Snowe
Gore	Mica	Snyder
Gradison	Mikulski	Solarz
Gray	Miller (CA)	Spence
Green	Mineta	St Germain
Guarini	Minish	Staggers
Hall (IN)	Mitchell	Stark
Hall, Ralph	Moakley	Stokes
Hall, Sam	Molinari	Stratton
Hamilton	Mollohan	Studds
Hammerschmidt	Montgomery	Swift
Hance	Moody	Synar
Harkin	Morrison (CT)	Tallon
Harrison	Morrison (WA)	Tauzin
Hawkins	Mrazek	Thomas (GA)
Hefner	Murphy	Torricelli
Heftel	Myers	Traxler
Hertel	Natcher	Udall
Hightower	Neal	Valentine
Hillis	Nelson	Vander Jagt
Holt	Nichols	Vandergriff
Horton	O'Brien	Vento
Hubbard	Oakar	Volkmer
Huckaby	Obey	Vucanovich
Hughes	Olin	Walgren
Hunter	Ottinger	Watkins
Hutto	Owens	Waxman
Hyde	Oxley	Weaver
Ireland	Parris	Weiss
Jeffords	Patman	Wheat
Jenkins	Patterson	Whitley
Jones (NC)	Pease	Whitten
Jones (TN)	Penny	Williams (MT)
Kaptur	Pepper	Wise
Kasich	Perkins	Wolf
Kazen	Petri	Wolpe
Kennelly	Porter	Wright
Kildee	Price	Wyden
Kogovsek	Pritchard	Yates
Kolter	Quillen	Yatron
Kostmayer	Rahall	Young (AK)
Kramer	Rangel	Young (FL)
LaFalce	Regula	Young (MO)
Lagomarsino	Reid	Zablocki
Latta	Richardson	Zschau
Leach	Ridge	

NAYS—77

Applegate	Dannemeyer	Kindness
Archer	Davis	Loeffler
AuCoin	Dingell	Lott
Badham	Early	Lungren
Barnard	Edwards (AL)	Martin (IL)
Bartlett	Erlenborn	Martin (NC)
Bedell	Frenzel	McDonald
Beilenson	Gekas	Michel
Bilirakis	Gregg	Miller (OH)
Bliley	Gunderson	Moore
Brown (CO)	Hall (OH)	Moorhead
Broyhill	Hansen (ID)	Oberstar
Campbell	Hartnett	Packard
Clinger	Hiler	Pashayan
Conable	Hopkins	Paul
Conte	Jacobs	Pickle
Corcoran	Johnson	Ratchford
Daniel	Jones (OK)	Ritter
Roberts	Shuster	Thomas (CA)
Robinson	Skeen	Walker
Roemer	Smith, Robert	Weber
Sabo	Solomon	Whitehurst
Sawyer	Stenholm	Whittaker
Selberling	Stump	Wirth
Sensenbrenner	Sundquist	Wortley
Shumway	Tauke	

NOT VOTING—64

Akaka	Florio	Nielson
Albosta	Gibbons	Nowak
Alexander	Hansen (UT)	Ortiz
Berman	Hatcher	Panetta
Boner	Howard	Pursell
Bosco	Hoyer	Ray
Bouquard	Kastenmeier	Rodino
Britt	Kemp	Rostenkowski
Burton (CA)	Lantos	Savage
Burton (IN)	Leath	Smith, Denny
Carper	Lehman (FL)	Spratt
Chappell	Lewis (CA)	Stangeland
Cheney	Lipinski	Taylor
Coleman (TX)	Long (LA)	Torres
Conyers	Lowery (CA)	Towns
Craig	Madigan	Washington
Crane, Daniel	Marriott	Williams (OH)
Crane, Philip	Martin (NY)	Wilson
D'Amours	McCloskey	Winn
Dellums	McKinney	Wylie
Dickinson	McNulty	
Dreier	Murtha	

□ 1330

Mr. MOORHEAD changed his vote from "yea" to "nay."

Mr. FRANK and Mr. MOLLOHAN changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was inadvertently delayed during the last rollcall, Roll No. 7. Had I voted, I would have voted "yea."

PERSONAL EXPLANATION

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I was not present during rollcall No. 7, establishing a Select Committee on Narcotics Abuse and Control, because of important business of the House Armed Service Committee. Had I been present, I would have voted "yea."

ADJOURNMENT TO THURSDAY, FEBRUARY 10, 1983, AND ADJOURNMENT FROM THURSDAY, FEBRUARY 10, 1983, TO MONDAY, FEBRUARY 14, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it stand adjourned until 11 a.m. on Thursday, and when the House adjourns on Thursday, it stand adjourned until noon on Monday, next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ELECTING MEMBERS OF JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. HAWKINS. Mr. Speaker, I offer a privileged resolution (H. Res. 63) electing Members of the Joint Committee on Printing and the Joint Committee of Congress on the Library, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 63

Resolution electing members of the Joint Committee on Printing and the Joint Committee of Congress on the Library

Resolved, That the following-named Members be, and they are hereby, elected to the following joint committees of Congress to serve with the chairman of the Committee on House Administration:

Joint Committee on Printing: Mr. Gaydos of Pennsylvania, Mr. Jones of Tennessee, Mrs. Martin of Illinois, and Mr. Chandler of Washington.

Joint Committee of Congress on the Library: Mr. Swift of Washington, Mr. Coyne of Pennsylvania, Mr. Gingrich of Georgia, and Mr. Chandler of Washington.

Mr. HAWKINS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FRENZEL. Mr. Speaker, I reserve the right to object only to yield to the chairman of the committee for his assurances that this is a routine resolution which we pass each year.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Speaker, this is a routine resolution which conforms to the statutes establishing the two joint committees, the Committee on Printing and the Joint Committee of Congress on the Library. The membership of the two committees will be named through this process.

I have consulted with the ranking minority member, the gentleman from Minnesota (Mr. FRENZEL) on the minority members of the two respective committees.

There is no objection that I know of to the resolution.

Mr. FRENZEL. I thank the gentleman for his explanation, Mr. Speaker, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was not objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING A REVOLVING FUND FOR THE PAGE RESIDENCE HALL AND THE PAGE MEAL PLAN

Mr. MINISH. Mr. Speaker, I send to the desk a resolution (H. Res. 64) establishing a revolving fund for the page residence hall and the page meal plan, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 64

Resolution establishing a revolving fund for the page residence hall and the page meal plan

Resolved, That effective at the beginning of the Ninety-eighth Congress and until otherwise provided by law, there is established a revolving fund within the contingent fund of the House of Representatives for the page residence hall and the page meal plan.

SEC. 2. There shall be deposited in the revolving fund such amounts as may be received by the Clerk with respect to lodging, meals, and related services furnished for congressional pages. Amounts so deposited shall be available for disbursement by the Clerk for expenses relating to the page residence hall and the page meal plan.

SEC. 3. As used in this resolution, the term "Clerk" means the Clerk of the House of Representatives.

SEC. 4. The House of Representatives Page Board shall prescribe such regulations as may be necessary to carry out this resolution.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MYERS. Mr. Speaker, reserving the right to object, I do so for the purpose of yielding to the chairman so that he might briefly describe the purpose of this legislation and why it is necessary.

Mr. MINISH. I thank the gentleman from Indiana for inquiring into the resolution. Mr. MYERS is a dedicated member of the House Page Board who has continually made valuable contributions to the work of the Board.

Mr. Speaker, this resolution responds to the direction of the Speaker of the House to the House Page Board to establish a page residence hall and a page meal plan based on recommendations of the Speaker's Commission on Pages.

A revolving fund would be created. The Clerk of the House would receive and deposit amounts from pages relating to their lodging and meals. The Clerk would then disburse these amounts for expenses concerned with the page residence hall and meal plan.

The house page board would prescribe any regulations necessary to carry out this resolution.

As chairman of the Page Board, I believe that creation of this revolving fund is an essential step to implement the Speaker's determination to improve the well-being of pages by providing supervised housing and a meal plan for pages.

Mr. MYERS. I thank the gentleman for his response.

Mr. Speaker, this is very necessary legislation. It is housekeeping legislation, actually, to provide for a better mechanism of taking care of these pages who have a very important role to preform here, and I rise in strong support of the resolution.

Mr. MINISH. The gentleman is exactly correct.

Mr. MYERS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1345

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of section 9355(a) of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members of the House:

Mr. FOLEY of Washington; Mr. DICKS of Washington; Mr. KRAMER of Colorado; and Mr. LEWIS of California.

SELECTION OF MEMBERS OF COMMITTEE ON WAYS AND MEANS TO BE ACCREDITED BY THE PRESIDENT AS OFFICIAL ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of section 161(a), title I, Public Law 93-618, and upon recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 98th Congress:

Mr. ROSTENKOWSKI of Illinois; Mr. GIBBONS of Florida; Mr. JONES of Oklahoma; Mr. VANDER JAGT of Michigan; and Mr. FRENZEL of Minnesota.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON AGING

The SPEAKER. Pursuant to clauses 6 (f) and (i) of rule X, the Chair appoints as members of the Select Committee on Aging the following Members of the House:

Mr. ROYBAL of California, chairman; Mr. PEPPER of Florida; Mr. BIAGGI of New York; Mr. ANDREWS of North Carolina; Mr. BONKER of Washington; Mr. DOWNEY of New York; Mr. FLORIO of New Jersey; Mr. FORD of Tennessee; Mr. HUGHES of New Jersey; Mrs. BOUQUARD of Tennessee; Mr. LUNDINE of New York; Ms. OAKAR of Ohio; Mr. LUKEN of Ohio; Ms. FERRARO of New York; Mrs. BYRON of Maryland; Mr. RATCHFORD of Connecticut; Mr. MICA of Florida; Mr. WAXMAN of California; Mr. SYNAR of Oklahoma; Mr. DERRICK of South Carolina; Mr. VENTO of Minnesota; Mr. FRANK of Massachusetts; Mr. LANTOS of California; Mr. WYDEN of Oregon; Mr. ALBOSTA of Michigan; Mr. CROCKETT of Michigan; Mr. BONER of Tennessee; Mr. SKELTON of Missouri; Mr. HERTEL of Michigan; Mr. BORSKI of Pennsylvania; Mr. BOUCHER of Virginia; Mr. ERDREICH of Alabama; Mr. MACKAY of Florida; Mr. REID of Nevada; Mr. SISISKY of Virginia; Mr. VANDERGRIFF of Texas; Mr. WISE of West Virginia; Mr. RINALDO of New Jersey; Mr. HAMMERSCHMIDT of Arkansas; Mr. REGULA of Ohio; Mr. SHUMWAY of California; Mrs. SNOWE of Maine; Mr. LUNGREN of California; Mr. JEFFORDS of Vermont; Mr. TAUKE of Iowa; Mr. GREGG of New Hampshire; Mr. WORTLEY of New York; Mr. DAUB of Nebraska; Mr. CRAIG of Idaho; Mr. ROBERTS of Kansas; Mr. EVANS of Iowa; Mr. COURTER of New Jersey; Mr. WILLIAMS of Ohio; Mrs. SCHNEIDER of Rhode Island; Mr. RIDGE of Pennsylvania; Mr. MCCAIN of Arizona; and Mr. BILIRAKIS of Florida.

GENERAL LEAVE

Mr. REID. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from West Virginia (Mr. RAHALL).

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

INTRODUCTION OF INSANITY DEFENSE LEGISLATION

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his

remarks and include extraneous matter.)

Mr. GEKAS. Mr. Speaker, today I am introducing legislation to correct a glaring deficiency in our Federal criminal justice system—the abuse of the insanity defense. The duty of Congress to address this issue did not begin with the acquittal last year of John Hinckley for the attempted assassination of President Reagan; that verdict only highlighted a long-developing problem that we have permitted to confuse and misguide that factfinding process of criminal trials.

I come to this issue after working with it for several years as chairman of the Senate Judiciary Committee in the legislature of my home State of Pennsylvania. I have strong ideas on how to rectify the problem and view today's legislation as a first step—one which circles the area of widest agreement among those doctors, lawyers, and legislators who have considered the issue. (See Washington Post editorial, February 5, 1983, "Doctors and Lawyers on Insanity.")

My bill does essentially three things:

First, it narrows the definition of insanity to exclude the so-called irresistible impulse prong of the test currently applied in most Federal circuits. The view is widespread that it is impossible with any degree of fairness or accuracy to determine whether a defendant acted because he chose to or because he was driven by uncontrollable psychological forces. To continue that aspect of the insanity defense when it cannot fairly be applied does not protect the innocent but merely perpetuates an inviting arbitrary loophole for those with the resources to avail themselves of it.

Second, it places the burden of proving insanity on the defendant and requires him to prove it by a clear and convincing preponderance of the evidence. The fact that the Government ultimately bore the burden of proving John Hinckley sane beyond a reasonable doubt was repeatedly cited by jurors in that case as the single most decisive factor in their verdict. To place such a burden on the Government is entirely inappropriate since it is the defendant who possesses the secrets of his own mind and it is he who claims that these mysterious impulses were responsible for his conduct. It is not excessive to place the burden on the defendant to show that which he best knows.

Third, it makes inadmissible conclusory testimony by psychiatric experts on the ultimate issue of whether or not a defendant was legally insane. A professional description of a defendant's mental condition can be of considerable utility to a lay jury. However, lawyers, and psychiatrists agree that there is a limit to accurate psychiatric testimony. To permit a psychiatrist to draw a legal conclusion takes him beyond his expertise and invites jury confusion.

As I noted earlier, I view this as a first step toward ultimate reform of the insanity defense. I will later introduce legislation to create a verdict of guilty but mentally ill. However, I think that defining insanity and assigning the burden of its proof should be considered separately from the question of an intermediate verdict and therefore should be proposed in separate legislation.

This legislation does not by itself advance the treatment of mentally ill offenders into the 1980's, but it does dispel some of the judicial fictions that today tangle the fact-finding process. The bill is simple and similar to the most widely supported portion of H.R. 7259, reported last year by the Subcommittee on Criminal Justice. I, therefore, trust it can be the basis for agreement during this Congress.

[From the Washington Post, Feb. 5, 1983]

DOCTORS AND LAWYERS ON INSANITY

The Hinckley verdict has prompted a reasessment of the insanity defense, not only by judges and legislators, but also by the two professions most concerned with this aspect of the criminal justice system. Last month, the American Psychiatric Association issued a report urging revisions in the legal definition of insanity and emphasizing that psychiatrists are medical experts, not legal ones. They are qualified, said the doctors, to present medical information and to give opinion about the mental state of an accused person. But they cannot predict future behavior or assign legal guilt.

Now, two committees of the American Bar Association—the Standing Committee on Standards for Criminal Justice and the Commission on the Mentally Disabled—have recommended changes in that association's traditional position of support for the insanity standard used in the Hinckley trial. These proposals will be presented to the ABA House of Delegates at its midyear meeting later this month. Because the current standard still has many supporters, the proposed revisions are controversial, and the debate will be hot.

The committees' recommendations focus on three factors; a new definition of criminal insanity, strong opposition to the elimination of the defense in cases where the accused could not appreciate the nature of his act, and a discussion of the burden of proof. It is the first proposal that is of particular interest, though, since it reflects many of the same concerns expressed by the psychiatrists.

The Hinckley jury was told to acquit the defendant if "he lacks substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law." It is the latter clause—the one that requires a judgment as to the defendant's will rather than his knowledge—that is now questioned by both the doctors and the lawyers.

"Most academic commentary upon this subject during the past decade continues to question the scientific basis for assessments of volitional incapacity," argue the lawyers, and "it is just this volitional or behavioral part of the ALI [American Law Institute] test that has brought the insanity defense under increasing attack. . . . Yet, experience confirms that there is no accurate scientific basis for measuring one's capacity for self-control. . . . There is, in short, no objective basis for distinguishing between offenders who were undeterrable and those who were merely undeterred." The psychiatrists had put it another way: "The line between an irresistible impulse and an impulse not resisted is probably no sharper than that between twilight and dusk." The judgment of the ABA committees is clear: "In our opinion, to even ask the volitional question invites fabricated expert claims, undermines the equal administration of the penal law and compromises the law's deterrent effect."

Criminal defense attorneys, who are well represented in the ABA House of Delegates, are sure to oppose these revisions. But surely the ABA delegates will have in mind not only the recommendations of two of their own committees but the unanimous report of the American Psychiatric Association board as well. In this case, the doctors have offered expert testimony that should be given great weight.

THE BUY AMERICAN PROVISION AND CONGRESSIONAL INTENT

The SPEAKER pro tempore (Mr. REID). Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, the question of intent is important only in lawmaking or in the criminal courts; and what this administration seems about to do with the intent of the Buy American provision of the 1982 Surface Transportation Act is a crime, or it ought to be.

The Federal Highway Administrator, Mr. Ray A. Barnhart, is busy now interpreting the intent of Congress and the public interest, and it appears that about 25 percent of that intent could be lost in translation.

As Mark Twain noted about 100 years ago:

> The departmental interpreters of laws in Washington . . . can always be depended on to take a reasonably good law and interpret all the commonsense out of it.

This is a tradition to break, and this is a good time to start.

In passing the Surface Transportation Act, the Congress levied on each gallon of gasoline a tax of 5 additional cents to raise $5.5 billion a year to rebuild the Nation's roads and bridges and for mass transit. It was considered a jobs bill.

The Buy American amendment was proposed and passed to insure that this money would be spent to create economic activity in the United States, not among those countries who subsidize and dump basic goods here to export their unemployment.

Now Mr. Barnhart has issued an emergency rule to implement the Buy American provision that could virtually undo the Buy American provision.

First, Mr. Barnhart initially proposed to exempt manufactured products from the requirements of the Buy American amendment.

If applied to manufactured products such as bridge decks, trusses, guard rails, culverts, fasteners and tanks, it could amount to the exemption from Buy American of up to $918 million a year. This is almost $1 billion, which is almost 25 percent of that portion of the new tax that would go to roads and bridges.

Second, Mr. Barnhard has reestablished a $450,000 threshold; that is, a project must cost $450,000 before Buy American will apply.

These things make it clear that Mr. Barnhart and his agents, or the administration, are having some trouble understanding the language of Congress and what it intended.

Therefore, I speak today in the hope that a restatement of intent will clear up this misunderstanding and that the Federal Highway Administration will produce a rule that is faithful to the intent of the law.

Although the act deals with highways and taxes, the bill would not have enjoyed the wide support it had but for another appeal: It was considered a jobs bill.

The intent of Congress was to repair road and bridges and to create 320,000 jobs and the accompanying economic activity.

Economic activity needs boosting, and one reason it needs a shot is the jobs and sales that are being drained off by the trade war that is being waged on the United States.

As the files of the U.S. International Trade Commission Show, 1982 was a year of unprecedented trade war. In steel alone, there were cases with subsidies of up to 40 percent, with dumping margins of up to 252 percent.

Because of these conditions, Members of Congress whose districts are at ground zero of this trade war were concerned that foreign dumping and subsidy would be used to bleed off much of the activity that this tax meant to create.

I was among the concerned Members and on December 1, 1982, 5 days before the bill was debated, I noted in special orders on pages 28256 of the RECORD that:

> • • • Unless we adopt and enforce Buy American provisions, somebody is going to swoop in with subsidized and dumped goods and run off with the 5-cents-a-gallon our people will be forced to pay. Why we could face the possibility of seeing Americans taxed on the gas they use in looking for work to finance jobs in Brazil and France. We should exercise care.

The Buy American amendment was intended to mandate the exercise of care. A coalition was established and an amendment was drawn and it was offered by a member of the Public Works and Transportation Committee, Mr. APPLEGATE.

Mr. APPLEGATE went directly to the question of intent when he said during debate on December 6, on page 28951, that:

> The purpose is simple. It is to make sure that all the revenue • • • will be spent in America on American goods and services • • • it is imperative that strong action be taken • • •
>
> Ladies and gentlemen, we need to guarantee that the revenues • • • will be spent on American goods and services.

That is what Mr. APPLEGATE said; he said all, which still means everything; he said guarantee, which still means to assure. He spoke without winks or grins that could serve as the asterisks which denote exceptions.

And most of all, he said nothing about thresholds or waivers or exclusions.

In fact, his chairman, Mr. HOWARD, noted on page 28952 that:

> There always has been a provision that would permit the Secretary to waive a Buy American provision • • • this amendment would not permit this waiver • • •.

No, Mr. Speaker, Mr. APPLEGATE said nothing about thresholds and exclusions, but those who opposed it covered that part.

For example, Mr. FRENZEL complained that it amounted to a "total ban on foreign goods." Mr. FRENZEL had no trouble reading intent.

I only wish Mr. Barnhart and his interpreters of intent at the Federal Highway Administration understood the amendment as well as Mr. FRENZEL.

As the gentlewoman, Ms. OAKAR, said during the debate at page 28952, "it would be unbelievable to have a bill of this magnitude that did not in fact produce American jobs."

The House passed with only minor modification the Buy American amendment that Mr. APPLEGATE moved and Mr. FRENZEL opposed. The House intended no thresholds, no exclusions.

The provision in the act came from a conference committee where the intent of the House was given consideration and was forcefully expressed.

Still the strongest Buy American provision ever passed, it gives a 25-percent preference to American-made goods, including steel, which ought almost to offset foreign subsidies. Furthermore, there still is no mention of threshold. Clearly the intent of Congress was to eliminate the threshold.

It would be equally unbelievable—and unacceptable—to have a rule that gives 25 percent of the money for roads and bridges to dumpers and subsidizers as it would have been to pass the act without a Buy American provision.

As Thomas Jefferson said, "execution of laws is more important than the making of them."

So, for purposes of accurate execution, Mr. Speaker, the intent of Congress was to create jobs and economic activity and to repair roads and bridges, all in the United States. The intent was not to create jobs among foreign nations that subsidize at margins of up to 40 percent and dump at margins of up to 252 percent. The intent was to seal off some of the damage these trade war tactics are creating.

And, as Charles Dudley Warner said:

> There never was a nation great until it came to the knowledge that it had nowhere to go for help.

The intent of Congress was for the United States to help itself.

□ 1400

I want to conclude these special orders, Mr. Speaker, by voting as chairman of the Steel Caucus in the House, we had a reorganization today; and at the committee level it was unanimously agreed that the Steel Caucus send a letter to the Federal Highway Administrator, Mr. Barnhart, stating the Steel Caucus position on the amendment; on its interpretation, and stating the matter clearly and forcefully, and asking Mr. Barnhart to appear before the executive committee to answer questions.

The action was unanimous. The executive committee was unanimous in denouncing what is being considered. We requested that he reconsider.

I want the House to know that I do not appear in the special order today to criticize the bureaucracy. I know the intent, and I know the duties of the bureaucracy. I have no personal animosity, but I do feel that under these circumstances, with the debate being so clear, so crystal clear, that no Administrator should have reason to conclude that that was what we meant in this House when we passed this Buy American amendment, or that he had the right to do that. I think it is a presumption of jurisdiction. I think it completely ignores congressional intent, and obviously is a misinterpretation.

As a matter of record, I believe that, so I made these remarks under special orders, hopefully to engender the thought among my colleagues, those who voted "aye," hopefully to stimulate some action, overall, toward being ever careful and always vigilant to guard here in the House the prerogatives of the House. We should not stand by when bureaucrats or administrators, even though rightfully motivated, make an attempt to misinterpret the intent of this body as it set forth so clearly in the RECORD.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject matter of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NATURAL GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 60 minutes.

GENERAL LEAVE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matters pertaining to my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Speaker, I asked for this time to discuss an issue which is of paramount concern to millions and millions of Americans, to millions of American consumers industrial users, producers, the whole segment of the American society, and that issue is natural gas prices.

I called this special order because I keep reading in the newspapers of America and in the trade press that the issues are so complicated, both regionally and ideologically, that Congress will do nothing to resolve the very dramatic problems of rapidly increasing natural gas prices.

Recently the New York Times, in fact this past Sunday, datelined Wichita, Kans., my hometown, talked about dramatic increases in natural gas prices and the particularly unusual nature of the situation since there are surpluses of gas right now.

We have large quantities of gas right now. We have hundreds and hundreds of gas wells in my area of the country and all over the country that are capped right now, and yet the price of gas keeps going up, up, up, rising on an average of maybe 20, 25, 30 percent in the United States, and in many parts of the Nation like mine in Kansas, much higher, in many cases 50 and 60 percent increases.

The article I mentioned in the New York Times reached the conclusion that we were not going to be able to reach a consensus on how to deal with this problem, that is, we in Congress, and therefore we would steer away from it and do nothing.

In my judgment, American consumers and Kansas consumers, for sure, cannot afford to get into that kind of a quandary and do nothing. So the purpose of this special order is to give us a chance to knock heads, to start the process toward developing a consensus that is necessary in this highly complex area to get some action.

I mention a few things before I begin recognizing some of my colleagues.

How severe is the problem? When we passed the Natural Gas Policy Act of 1978, its goal was phased-in deregulation of natural gas prices as a way to increase the supply of gas. We did get increased supplies of gas, but the phased deregulation is not really what happened.

From 1970 to 1981, there was an 18-percent increase in gas prices, but since last year at this time, there have been increases of around 25 percent per year, and in many parts of the country way higher than that. That is not phasing in gas price increases; that is hitting consumers with a one-two punch. The only thing going for them this year has been a relatively mild winter.

Recently we heard considerable talk about the new poor in our society. Let me tell you, these very large gas bills appearing in Kansas and in mailboxes all over the country are making people you would never think of as poor wonder whether they will be able to make ends meet, if they will be able to educate their children and clothe their children, if there will be a balanced meal on the dinner table.

The problem is hitting the poor particularly hard, especially with talk of holding the line or even cutting expenditures in programs to help them cover their utility bills and weatherize their homes, if they are fortunate enough to have homes.

I felt that Congress could have acted on this issue during the lameduck session, to provide at least some immediate relief, particularly with the very obnoxious part of the problem, a problem caused by take-or-pay clauses by which pipelines have contractually obligated themselves to buy large quantities of high-priced gas and negate the possibility of requirement of buying quantities of lower priced gas. That was not in the cards.

So we ended the session last year doing nothing. The issue is: Will we, can we, should we do something in this session of Congress?

I would like to indicate what I think has caused the problem, and then I would like to recognize my colleague from Indiana (Mr. SHARP), chairman of the subcommittee, for any comments he may wish to make.

When the Natural Gas Policy Act was written 5 years ago, everyone thought we were in for a long period of gas shortages which would force prices up. So legislation was written with that in mind. It is geared to structuring or controlling, if you will, the upward escalation in gas prices which was felt to be inevitable at that time.

We all remember factories and schools closed all over the Nation, all over America, particularly the Midwest, and we thought we would prevent that from happening. In that respect, the bill did prevent that from happening; but the bill did not provide any mechanism for prices to move downward in times of surplus, right now.

Strange that oil and gasoline are moving down to reflect both a recession and the supply and demand, but natural gas has not.

The second problem, the contractual provisions distorting the market, like take-or-pay contracts for market-out clauses. During those years of shortages and fear of shortages for years to come, because everybody thought we would never have surpluses of natural gas, producers had the upper hand in negotiations and, pipelines wanting to assure access to markets, signed contracts that were very high and in some cases 80 or 90 percent take-or-pay clauses on very expensive gas, like the tight sands gas from Wyoming, or very deep gas. All the contracts on lower priced gas like that from the Hugoton gas field in the Texas Panhandle and the Oklahoma Panhandle and in southwest Kansas had much lower take-or-pay clauses, perhaps 50 percent.

The impact on their books made it attractive to take, that is, the pipelines, the higher priced, newer gas and let the old gas stay shut in. That was complicated by the way the natural Gas Policy Act provides for pass-throughs of purchased gas costs versus other costs incurred by gas companies.

So these contractual provisions which we may in hindsight think that the pipelines were ridiculous to enter into, but they are a fact of life, they are a major part of the problem. We are in a recession now, which means we have lower usage. The pipelines need to fill their pipelines with gas. In doing so, they are filling them with the gas that they have on the higher priced take-or-pay in order to keep those pipelines fully filled.

Another reason, according to a GAO study issued last December, the mix of gas has accounted for twice as much of the overall price increase to consumers in the last year as has the increase in allowable unit prices of gas under the NGPAD deregulation plans. Therefore, the price of gas permitted under the NGPAD has not gone up nearly as fast as the mix of gas which the pipelines have chosen to utilize themselves pursuant to some of these contracts.

I also believe that we have neglected to look at the pipelines themselves. Most of them are guaranteed rates of return, are allowed very, very preferential depreciation schedules, and in many cases do not have the kinds of self-enhanced incentives to buy cheaper gas, to lower the gas rates themselves, that perchance the utility companies and the consumers might want.

In addition, there has been fuel switching by industrial users. There has been significant switching away from natural gas in some areas by large users, both as a result of price increases and restrictions imposed by the Fuel Use Act, designed to conserve

dwindling supplies of natural gas. This switching has worsened the supply/demand imbalance, forced use of higher priced take-or-pay gas, and has left more of the fixed costs involved in gas marketing on the shoulders of residential consumers who do not have the resources to readily convert to other fuels and cannot afford that other cost either.

The net effect of all of this, believe it or not, is that we are encouraging people to switch back to fuel oil after so many years of trying to encourage people to switch to natural gas. All of this represents very, very serious problems. They are extremely complicated, but they can be solved. They are the kinds of problems that we can reach a consensus on.

While I will indicate some of my own legislative ideas in the future, I would like to recognize my colleague, the gentleman from Indiana (Mr. SHARP) for any comments that he may wish to make right now.

□ 1415

Mr. SHARP. Mr. Speaker, I thank the gentleman for yielding, and I simply want to indicate my appreciation for his efforts that began quite some time ago to bring to the attention of the Congress and others the severe difficulties that people are facing in Kansas, as they are frankly in my part of the country, and I want the gentleman to know that I and others on our subcommittee are intent on doing everything we can to find some solution to this problem.

On Thursday of this week our subcommittee will have its first hearings in this new Congress on the issue. We will have the Federal Energy Regulatory Commission before us to try to more thoroughly examine what they are doing and what they could be doing with the authorities they already have, as well as to determine what additional authorities they need.

Mr. GLICKMAN. Mr. Speaker, I would say to my colleague, the gentleman from Indiana, that I know he has really taken the lead in Congress on exploring the reasons for the rapid increase in gas prices, and I feel very comfortable with his subcommittee. I think, as the gentleman said, the subcommittee will have some hearings this coming week.

Mr. SHARP. Mr. Speaker, we have a whole set of hearings. The first will be on Thursday, and we will follow those up with a supply hearing in which we will try to assess not only what the immediate situation is, because, as we all know, there is a surplus on the market at this very moment, but what we really need to know is where we are going to be 2, 4, or 10 years from now, because any decisions we make this year will recognize our long-term consuming interests as well as our immediate interests.

We are additionally having a hearing that has already been established to review actions that we began in December in an attempt to find out what the pipelines and the producers are doing themselves to get themselves out of these contractual obligations. I would be happy to provide other Members of the House a memorandum that we have as a followup to that limited investigation we began.

Mr. GLICKMAN. Mr. Speaker, I might also, of course, tell my colleagues that the gentleman from Indiana (Mr. SHARP) sent out a letter, I believe, to most of the pipeline companies in America, essentially trying to jawbone them and in effect trying to get them to renegotiate some of these difficult or obnoxious provisions of the contracts. While that renegotiation process is slow, it, in some cases, has begun to occur, in large part because of the letters the gentleman wrote.

Mr. SHARP. Mr. Speaker, I am not sure it is just because of what we did, but it is because it is profoundly in the interests today of consumers, of many local utilities, of major pipelines, and, I think, in the long-term interests of producers to in fact get us out of what are some contractual provisions that just work against any real efficiency in the marketplace and that, as the gentleman already indicated, are pushing prices higher than what we would think are warranted under the marketing conditions that exist today.

I can tell the Members that there are examples in which pipelines and producers have been able to reduce the cost of what is flowing into the pipeline and had previously been contracted for. That is of great benefit.

But I must also say that this activity is not very extensive, and I am not sure we can rely upon them to sort this out. There are various legal problems, as well as stockholder problems, and there are just raw economic interests of certain parties that will cause them to not be willing to enter into these negotiations.

Mr. GLICKMAN. Mr. Speaker, I am most appreciative to the gentleman for coming down here. The gentleman is right, we cannot expect them out of the goodness of their hearts to renegotiate contracts. We may have to provide a kind of pusher and incentive we need to get them to do it if they in fact do not do it.

But there are long-term considerations. The problem is really serious, as the gentleman well knows, and we are trying to make some kind of head or tails from the fact that the gas market does not respond to supply and demand like the oil market does. I know that is one of the things we have to look at.

Mr. SHARP. Mr. Speaker, if the gentleman will yield further, I think what he is doing today is very useful and helpful, because, while the gentleman and I, because of our own constituents and the areas we represent are very painfully aware of the problems in the gas market, there are still parts of the country that are fairly indifferent to it. They have not felt high prices. A few of them will begin to feel it in March when what we call the PGA filings are made at the Federal Energy Regulatory Commission. Others will escape that altogether.

So it is very important that we help get the attention of the public to this issue.

I can also report to the gentleman that many outside interested parties, from consumer groups to producers, are trying to get together their own ideas on proposals. They have had great difficulty getting any coalitions in our political system formed on this issue. The administration is hoping by March 1 to produce a bill, and we are hoping to draw together these various proposals in an effort to do whatever seems to be appropriate right away, this year.

Mr. GLICKMAN. Mr. Speaker, I thank my colleague, the gentleman from Indiana.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I want to commend the gentleman from Kansas (Mr. GLICKMAN) for taking this time to discuss this very serious issue.

In my part of the State of Ohio, gas consumers are paying almost 40 percent more than they paid a year ago for heating their homes. It is just a really terrible situation.

I included an article on this in my last newsletter to my constituents, and my staff is still digging out from under the blizzard of mail that resulted from it.

The sad thing is that what people are telling me in those letters is really profoundly disturbing. They are truly desperate.

Before the gentleman from Indiana (Mr. SHARP) leaves, I would also like to commend him for the role he is playing through his subcommittee in trying to come to grips with this problem, and I would like to ask him a question, if I could, before he goes on to his other duties.

We hear a statement made by spokesmen of the administration and others that the problem really is simply the continued controls in the 1978 Natural Gas Act, and my understanding of that act is that the Federal Energy Regulatory Commission could, if it desired to, issue general regulations under that act requiring gas producers and pipeline companies to renegotiate their contracts so as to end these abusive provisions.

Does the gentleman, who was one of the authors of the 1978 act, agree that that is a correct interpretation?

Mr. SHARP. Mr. Speaker, if the gentleman will yield, the gentleman from Ohio (Mr. SEIBERLING) is more than generous when he says I was one of the authors of the act. I was one of the junior members of the negotiating team between the House and the Senate on a complex issue.

Mr. SEIBERLING. But the gentleman had a role in trying to work out something.

Mr. SHARP. I heard a lot of what was said. I think many of us assumed that the Federal Energy Regulatory Commission would be more aggressive in its oversight of this industry and what was going on than it clearly has been. One thing—and this is the intent of our hearing on Thursday—is to try to get a clear picture of what authorities they really do have and what they do not have.

One example that the gentleman is alluding to is the fact that we have these high take-or-pay contracts between the producers and the pipelines. Only very recently, last month, did the Federal Energy Regulatory Commission issue guidelines saying that you cannot go above 75 percent take-or-pay, when we have some at 80, 90, or 95 percent, and that is where some of the problem is.

That will apply to all future contracts. If they had been willing to do this 2 years ago, we would have further relief today, but they were unwilling to make these kinds of interventions and set the policy and stay ahead of things.

So I think there is a portion of blame that we can give to FERC. I am not sure that we can blame all the problems on them by a long shot.

Some people allude to NGPA as causing these things, and yet they fail to recognize that in most cases NGPA does not dictate a price at all. It is a matter of contracting below a ceiling, and these provisions are ones that the industry engaged in when they made different assumptions about the marketplace. So if we were simply to deregulate the price, that would not begin to solve all these contractual problems that are adding to and compounding the problems right today. That would do nothing about that. Even if we wanted to argue the case of regulation against deregulation, that whole issue, I do not think either side of that case is going to touch the problem if they do not get at the contract problem.

Mr. SEIBERLING. Mr. Speaker, I am very gratified to hear the gentleman say that, and I would simply like to ask one other question.

Assuming that legislation emanates from the gentleman's subcommittee and passes the House, do we have any assurance that the other body, known to the public as the U.S. Senate, is prepared to act on this issue?

Mr. SHARP. Mr. Speaker, if the gentleman will yield, I do not know at this point. I have not had much communication myself yet this year with the chairman of the relevant committee over there.

My impression is that a good many people on Capitol Hill and elsewhere are waiting to see what the administration proposes, and they are presently even today working on that issue with the administration in terms of their proposal.

So I think it is a little premature to know whether we can legislate, even in our subcommittee or the full committee of the House. We obviously want to make sure we have a proposal that genuinely does something, and we are looking for every possibility legislatively, and through FERC, that can give use some relief. We in the Midwest and the people in Kansas and throughout that area are faced with a tremendous problem that no one anticipated.

Mr. Speaker, if the gentleman will allow me a couple more minutes to back up here, I would appreciate it.

Mr. GLICKMAN. I am glad to yield further to the gentleman from Indiana.

Mr. SHARP. Mr. Speaker, one of the fundamental misconceptions that occurred—and it was a misconception by local utilities, a misconception by producers, by pipelines, and by Members of Congress—was the demand for gas. It simply fell off far earlier and far more dramatically than almost anybody predicted.

It fell off for several reasons. One, of course, is the disastrous position our economy is in, where our industry does not use natural gas as much as it would have if we were running full.

Second, it is clear that gas reached competitive prices with oil for industry much earlier and a much lower level than was anticipated. So gas is competing out there with what we call No. 6 residual fuel oil, which is a cheaper oil than No. 2, which is what most people in industry assumed sold at a competitive price.

So we have industries jumping off the line, not taking gas and going to oil much earlier than anybody thought would have happened.

Mr. GLICKMAN. Mr. Speaker, may I ask a question of the gentleman?

With everybody jumping off the line, that means pipelines have a greater incentive to fill that line with any gas they can, and oftentimes that is more expensive gas because it is under take-or-pay.

Mr. SHARP. It is not a matter of their filling the line. Their problem is that they no longer have a major block of customers that they had, and yet they have got to pay for that pipeline that gets the gas into the gentleman's State or my State—of course, some of his comes locally—and that cost has got to be borne by somebody. Under the whole regulatory scheme we have lived under in this country at the local level as well as the Federal level, those costs are going to end up, as they are at present, on the backs of the consumer. Those fixed costs are part of it.

The second part of that is that in terms of these contracts with given pipelines—and the gentleman happens to know each different pipeline, and I do not yet—we have a situation where they may have these high take-or-pay contracts. They have got to either take or pay for that higher priced gas, and the consumers are stuck with that at a time when they do not need it. So what they do is they close out other supplies of gas, the older contracts that do not have a high take-or-pay provision. They close those out. Ohio is faced with this in a very dramatic way.

The third element of that is the high cost of Canadian gas which is coming into our system now at a time when it basically is not needed because its demand fell off.

If I could back up just one more step on the demand falling off of what the competitive price of fuels was, and, third, the positive development for the country is that we are conserving and getting more efficient at a much greater pace than anybody imagined, especially in the household. While our households are in a very painful position because of what has happened, the fact is that many, many people in their residences are using less gas. In general, that use of less gas is a positive development for the future, but it is compounding our problem at the moment.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further?

Mr. GLICKMAN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, again I want to commend the gentleman from Kansas for organizing this special order on natural gas pricing.

The irony is that natural gas prices right now are at odds with the reality of the energy marketplace. Oil prices, which serve as the benchmark for other energy prices, have been falling lately. As a result, many gas utilities are losing their industrial customers, who are switching to lower cost alternative fuels. Yet the price of natural gas continues to climb.

In late September, I joined other members of the Northeast Midwest Congressional Coalition to meet with Mike Butler, Chairman of the Federal Energy Regulatory Commission (FERC), to discuss gas price increases. Chairman Butler clearly shares President Reagan's view that the solution to our energy problems is complete

and immediate decontrol of the energy marketplace. His response to the crisis was that Congress should legislate full decontrol of natural gas prices. He agreed that contract provisions which force gas prices higher constitute an abuse which FERC has authority to correct under the Natural Gas Policy Act of 1978, but he took the position that FERC could only act on a case-by-case basis, which he said was impractical.

We told Chairman Butler that we strongly disagreed with his hands-off position. FERC has ample authority to order the wholesale renegotiation of gas contracts with artificial price-escalator clauses. The problem is that the Commission tied its own hands a year ago when it said it would allow automatic cost passthroughs arising from take-or-pay and other escalator clauses in contracts signed by the pipelines. As long as the pipelines know FERC will nod approvingly at higher prices, they have no incentive to bargain for low prices, because they know the Commission will let them make consumers pay for any bad business decisions they made.

Michael Levant, a courageous administrative law judge at FERC, recently rejected the Commission's interpretation of what Congress meant by the "fraud" provision in the NGPA. Judge Levant said that Columbia Gas Transmission Corp., owes consumers almost $500 million for mismanaging its gas purchases and making its captive customers foot the bill. However, I do not think we in Congress should take too much encouragement from this development. The full Commission has not yet ruled on the judge's decision, and a court test is virtually certain, whatever the outcome.

It is therefore important that we press for relief from high gas prices on as many fronts as possible. I am a cosponsor and strong supporter of the northeast midwest congressional coalition's bill to bring down natural gas prices. Called the Temporary Natural Gas Market Correction Act, it would void all take-or-pay contracts and require pipelines to buy the cheapest gas available to them. It is an emergency measure designed to get at the problem in a quick, effective way. It restores to the interstate pipeline companies both the legal ability and the financial incentive to negotiate the best possible deal for consumers, and it puts pipelines on notice that consumers will no longer be forced to bail them out of bad contractual arrangements.

Mr. Speaker, we have an obligation to our constituents to bring some order and discipline to the natural gas marketplace. I urge the chairmen of the Fossil Fuels Subcommittee and the full Energy Committee to begin hearings immediately on ways to halt the natural gas price spiral.

Mr. GLICKMAN. Mr. Speaker, I might mention to my colleagues that if for some reason we run out of the hour on this special order, the gentleman from Missouri (Mr. GEPHARDT) has a special order reserved right after me, and we will continue on the subject.

I would just mention a couple of quick things. Let me cover one of the proposals that we considered in the lameduck session. The gentleman from Ohio (Mr. SEIBERLING) asked about what the Senate would do. Well, the Senate defeated two options during the lameduck session. One was to void or essentially modify take-or-pay contracts, and the other was to put on a price freeze. A lot of people have been concerned about voiding or modifying take-or-pay contracts, and I thought it would be useful to cite a decision from 1967 called the Permian Basin area rate case in which the court said the Commission—and by that I mean the Federal Power Commission—"has plenary authority to limit or prescribe contractual arrangements that contravene the relevant public interest."

That case has been cited as ample evidence that the Congress and/or the Federal Energy Regulatory Commission can modify existing contracts providing they comply with basic constitutional principles which conform with the statement, and, therefore, there is nothing necessarily magic about the contracts that were entered into a long time ago.

Obviously, I cannot recommend willy-nilly modifying contracts or nobody would ever enter into them in the first place, but if Congress determines that the relevant public interest is great enough to require us to pass a statute to modify those contracts, we can in fact do that.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I appreciate the gentleman's yielding, and I compliment him for calling this special order on this very important issue.

I think the biggest disappointment all of us had during the special or so-called lameduck session is the fact that we were not able to have the opportunity to vote on a piece of natural gas legislation that would provide relief to the people of this country. I think that we in this House should push ahead on behalf of our people to get something on the floor that would be of positive relief and get it sent to the Senate. I do not think we should worry over what their makeup is or whether they are going to pass it or not. We should take the first step and get it over there. I will join with others who wish to do so and work toward getting a responsible piece of legislation passed that will be of substantial relief to the householders.

Mr. Speaker, the people of Missouri's Fourth Congressional District are upset, and from all that I can see they have every right to be. Six thousand people in the Kansas City area are without heat this winter because they cannot afford to pay their natural gas bills. Nationwide, almost one-third of a million Americans are expected to have their heat shut off this winter because they cannot pay their bills. This is a life-threatening problem, and I hereby request that the attention of this House be focused on this situation.

Missouri is very dependent on other, energy-producing States. As a matter of fact, only 13 other States use more natural gas than my home State of Missouri.

Over the past 10 years, Missourians have spent $5.5 billion more for energy due to higher prices. This represents a 243-percent price increase for residential consumers and a 565-percent price increase for Missouri industry.

Because Missouri imports about 88 percent of all our energy, these figures mean money that is gone from our State—most of it is irretrievable. Almost $1 billion has left Missouri to buy natural gas from other States and even other countries. This translates into lost jobs and a weakening of our consumers' buying power. Missouri's Division of Natural Resources estimates that the total loss to the State's economy, due to out-of-State energy expenditures, was $14.5 billion in 1980. This figure equals 36 percent of Missouri's total personal income in 1980, and represents a loss of 360,000 jobs.

While I am ready to address any problems which have resulted from the Natural Gas Policy Act (NGPA) of 1978, I believe the NGPA has accomplished the goal of insuring a comfortable supply of natural gas after the curtailments of the 1970's. We have proven that there are gas reserves on our lands and that the technology does exist to retrieve that gas. Perhaps this is the time for a fine-tuning of the NGPA—for a reanalysis of what this legislation has accomplished and what problems it has brought about.

As you are all well aware, the administration and the chairman of the Federal Energy Regulatory Commission (FERC) have both stated their opposition to natural gas price controls. I believe that little effort has been made, particularly by the FERC, to carry out the intent of the NGPA.

Take or pay contracts existed for many years prior to the enactment of the Natural Gas Policy Act. They were not legislated under the NGPA and, therefore, specific authority to deal with these contracts was not provided for under the act. However, the Commission could better scrutinize these

contracts when rate-base cases come before the Commissioners. The FERC could even reject these take or pay contracts on the basis that they are not in the best interest of the consumer because they often deny cheaper gas to natural gas customers.

The problem of old, cheap natural gas going unused could be solved by ending or renegotiating take or pay contracts, which often accompany the purchase of more expensive gas. I do not favor decontrolling old natural gas, as this cheap gas is the only relief available for consumers from high gas prices. As you know, Mr. Chairman, today I reintroduced legislation that will keep this old, cheap gas under price controls, in spite of administration efforts to decontrol it. I have also supported my colleagues in their efforts to find remedies to the spiraling costs associated with high gas prices. As an example, I am a cosponsor of Congressman GLICKMAN'S bill that would prevent gas prices from rising beyond their October 1, 1982, level.

Every American, not just natural gas users, is affected by the way Congress handles this issue. I look forward to seeing Congress, industry, and the administration work together on this problem. I only hope that a solution is found very soon for, as we speak, there are those who are making life-threatening decisions because of the disproportionate effect of high natural gas prices.

Mr. GLICKMAN. Mr. Speaker, I thank my colleague, the gentleman from Missouri (Mr. SKELTON). He has shown great leadership on this issue.

Mr. Speaker, at this time I wish to yield to my colleague, the gentleman from Iowa (Mr. TAUKE), with whom I had the opportunity of spending 2 days in Ottawa, Canada, trying to get the Canadians to lower their border price to us.

□ 1430

Mr. TAUKE. I think it is very worthwhile that we take a few moments today to discuss the natural gas policy question because there is a great deal of interest in my district and I know across the Midwest about the price of natural gas.

I do think, however, when we discuss this issue that we ought to be clear about the source of much of the problem, and although there has been some effort, it seems to me, so far in the discussion to pinpoint that problem, there has also been some effort to attempt to clear up some of the source of the difficulty.

The fundamental problem we face, in my view, is that we have established a system which makes it very difficult for market signals to be sent. The Natural Gas Policy Act has been remarkably successful in achieving part of its goal, which was to increase the production of natural gas. But while it has been successful in increasing the production of natural gas, it has also shielded the producers and the pipelines and others involved in the industry from the signals from the consumers, the marketplace signals from the consumers.

As a result, we have had a situation where the price of natural gas today is much higher than normal market conditions would ever justify. The fact that we have surpluses of natural gas and at the same time have the prices rising suggests that there is something fundamentally wrong with the system which we have established for the pricing of natural gas.

Clearly that system is a two-part system. Part of that system is the regulatory scheme which has been established through the Natural Gas Policy Act. The other part of this system is the contracts that have been entered into pursuant to the regulatory scheme established by the Natural Gas Policy Act.

We cannot change one without changing the other at the same time and hope to be successful in achieving our goal of lower or more reasonable natural gas policies. So I hope that as the subcommittee on which I serve and which is headed by the gentleman from Indiana considers this issue that we will look not only at the need to change contracts but also at the need to change the regulatory scheme under which those contracts were established; namely the Natural Gas Policy Act.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Indiana.

Mr. SHARP. I must tell the gentleman that one of the difficulties dealing with this issue, it is literally impossible not to do because under the procedures of the House and the other body most everything becomes an amendment to the NGPA, Natural Gas Policy Act, which means virtually every question on natural gas is open for discussion except those issues related to the Fuel Use Act which is also relevant to this whole discussion.

So one of the problems Congress has had in dealing with this issue is it cannot deal with it in nice little discreet pieces. On the House floor, in the committee, or certainly in the other body, you are wide open to every gas issue practically and as a result you have to kind of know where you are headed before you get down that path too far.

Mr. TAUKE. I think that is a worthwhile observation.

In addition to the problems that have been created by the Natural Gas Policy Act and the contracts that have been entered into pursuant to it, it seems to me that it is also worthwhile to note that there are some problems with the Federal Energy Regulatory Commission.

One of the earlier speakers suggested that the Federal Energy Regulatory Commission had not done quite enough. I think that that is a fair assessment.

One might look at the membership of the Federal Energy Regulatory Commission to find some clue as to why that has been the case. Of the five members of the Commission, three are from the producing States of Louisiana and Texas. One of the members is from Hawaii and one is from the State of Virginia. I have nothing against any of those fine States or those regions of the country. But the fact is none of those areas are major consuming areas of natural gas.

The frost belt, if you will, in the country has not been represented and the interests of consumers, in my judgment, have consequently not been well represented by the Federal Energy Regulatory Commission.

FERC officials have taken some positive steps in recent days. There has been for the first time in recent memory a FERC hearing outside of the city of Washington. It happened to be held in my home State of Iowa.

I think perhaps as a result of that kind of listening on the part of FERC to the interests of people that the Federal Energy Regulatory Commission may be a bit more interested in responding positively to some of these contract problems.

Finally, let me say I think it is important we understand that part of the problem is also attributable to imports. We have entered into agreements with the Canadian Government and subsequently with the Mexican Government that bring gas into our country at unreasonably high prices. Today we are paying $4.94 for gas that comes from Canada and, as my colleague from Kansas indicated, he and I and two other Members of this body were recently in Canada talking about that issue.

It seems to me it is relatively clear now that the Canadians want to sell more gas to the United States. It is also clear that it is in our interests to try to buy from Canada in the long term.

But under the current circumstances with the current pricing arrangements it is going to be impossible for Canada to sell more or for us to buy more simply because the price is way out of whack with what the marketplace would dictate; $4.94 for gas from Canada or anyplace is simply too high in view of the current market conditions which would put more gas more reasonably priced at about $2.50 or $2.75 at the wellhead.

So I hope any discussion of this issue will center upon the need to reform

the Natural Gas Policy Act and the assumptions which underlie it.

I hope it will also take into account the contractual provisions that have been entered into pursuant to the regulatory scheme that has been established under the NGPA. I hope, too, it will consider the import problem and how we can reach a reasonable agreement with Canada and with Mexico which is in the best interests of all of our countries allowing them to do what they want to do; namely, sell, and allowing us to do what we want to do, which is buy at a reasonable price.

I think the Congress has the capability of doing these things and I join with the gentleman from Kansas and my other colleagues in making a commitment to work toward these goals during this session.

Mr. Speaker, natural gas customers have been hard hit by a steady series of unjustifiably high price increases. The Iowa Energy Policy Council (IEPC) expects that the cost of natural gas will be 20 percent higher this winter for the average Iowa natural gas user. The Department of Energy (DOE) estimates that, nationwide, prices will be 25 percent higher during this heating season than last year.

Between 1979 and 1982, natural gas prices in Iowa and across the Midwest skyrocketed. In January 1979, Iowa homeowners paid on the average only $79 to heat their homes. Last January, the cost had risen to about $130. This month, the IEPC reports that the average Iowa family can expect a $150 natural gas bill.

The price consumers pay for natural gas continues to escalate despite both a surplus of the fuel and a decreasing demand by consumers. The reason: Gross inequities in the Natural Gas Policy Act (NGPA) of 1978, regulatory actions by the Federal Energy Regulatory Commission (FERC), and the increased cost of imported natural gas.

The NGPA was enacted during a time when our Nation was facing a severe shortage of natural gas. Today, however, with gradual deregulation of natural gas taking place, and ample supplies of the fuel available, these policies are working against the consumer.

Simply stated, present law forces some pipeline companies to purchase more expensive natural gas when less costly gas is available.

Current Federal law and regulations tend to artificially inflate natural gas prices even though the demand for the fuel has fallen. Further, in their zeal to insure future supplies, pipeline companies have negotiated long-term contracts with natural gas producers which do not fairly represent present consumer interests. Many of these contracts contain a variety of contract provisions, such as "take-or-pay" clauses, which oftentimes unjustfiably increase prices.

It is imperative that Congress act to restrain future price increases. I have introduced legislation, H.R. 705, the Natural Gas Consumers Protection Act, which would help remedy existing pricing inequities. The bill gives expanded authority to the Federal Energy Regulatory Commission (FERC) to overturn contract provisions which permit unjustifiable price increases and ignore consumers' interests.

The average wellhead price for domestic U.S. natural gas is about $2.50 per thousand cubic feet (Mcf), yet the average residential user of natural gas pays more than $5.50 per mcf for natural gas. A portion of this wide disparity in cost is attributable to transmission and distribution costs, but a significant part is due to the increasing usage of high-cost imported natural gas.

According to the DOE, natural gas consumption for the first 10 months of 1982 was down 6.4 percent over the comparable period in 1981. Domestic U.S. production of natural gas was down 7.6 percent over the same period. Meanwhile, imports of natural gas were up 7 percent, even though ample supplies of domestic gas at prices well below the average $5 per mcf of imported gas are available for purchase. In short, $5 gas, chiefly from Mexico and Canada, is supplanting $2.50 domestic gas. Moreover, when transportation and distribution charges are added to the cost of Canadian and Mexican gas, consumers end up paying more than $7 per mcf.

This is important to Iowans. The Iowa Commerce Commission (ICC) estimates that about 12.5 percent of all natural gas costs in Iowa are due to imported gas from Canada. The combination of more high-priced Canadian gas and more high-cost domestic gas coming into Iowa is causing an alarming increase in natural gas prices for consumers.

Still, there is a general consensus in Washington that Canadian and Mexican supplies of natural gas will play an important role in our efforts to diversify our Nation's dependence on foreign oil supplies. It is, however, neither fair nor sensible to demand that American natural gas consumers continue to pay above-market prices for imported natural gas while domestic supplies are available at a lower cost. The consequence of such a policy is exactly the opposite of our long-term energy objectives.

I fear that if prices remain artificially high, it will result in industrial consumers switching to fuel oil derived from imported oil, which residential consumers being forced to bear an ever greater share of the fixed costs of natural gas transmission systems.

This would be disastrous for residential natural gas consumers in this country.

In January, three of my House colleagues and I met with Canadian energy officials to discuss natural gas pricing policies. We encouraged the Canadians to adopt a fairer pricing structure for the Canadian gas which is imported into the United States. Our discussions were a preliminary effort to negotiations slated to begin this month involving representatives of the U.S. State Department, the Department of Energy, the U.S. Special Trade Representative, and Canadian officials.

As a member of the Fossil Fuels Subcommittee within the Energy and Commerce Committee, I intend to work with my colleagues to correct the inequities within the Natural Gas Policy Act in order to develop a pricing structure for natural gas that works for the benefit of consumers. We must move quickly to identify the problems in current natural gas pricing which are working against the consumer and draft legislation to address these concerns. We must press for more reasonable pricing of natural gas.

Mr. GLICKMAN. I thank my colleague and yield now to my colleague from Ohio (Mr. ECKART).

Mr. ECKART. I thank the gentleman for yielding and want to commend him for arranging this special order.

I also want to commend the gentleman from Iowa on his references to the difficult situation that this country is facing, particularly as it relates to the importing of gas from Canada.

One of the points that the gentleman did not elaborate on, which I think might be very appropriate for us to consider, is that three-fifths of that $4.94 that we are paying is Canadian tax. In effect, the American consumers are subsidizing the budget of the Canadian Government while we are experiencing record Federal deficits here in Washington.

It seems to me a bit incongruous that we would consider the subsidization of another government's budget while we fail to deal with our own deficit situation.

Mr. GLICKMAN. I might mention that when we were in Canada the gentleman from Iowa (Mr. TAUKE) and I told their people that we were up there on behalf of the Canadian consumers just as much as we were there on behalf of the American consumers because they were paying a price far in excess of the replacement price of gas in order to finance their government.

Mr. ECKART. An absolutely critical point. I think Canada ought to clearly understand that they are pricing themselves beyond the ability of the American consumer to maintain a market for them and if in fact they wish to see some free trade across a

generally friendly border exist for the foreseeable future, that the Canadian Government ought to reconsider the posture that it has adopted which has resulted in this untold subsidization of a product for which there is no rational relationship in the marketplace.

I would say to my colleague from Kansas (Mr. GLICKMAN) that a number of previous speakers have adequately illuminated several of the points that I would like to make.

I think the understanding we have with the chairman of our Subcommittee on Fossil Fuel of this body indicates that we will get a good, hard look at this.

But I think it is going to be incumbent upon each and every single one of us as Members here to work very hard to insure that what comes from our committees this year is reflective of the needs of those consumers and producers.

I am amazed that we are buying gas from Canada at $4.94 when there is gas shut in in the gentleman's own home State for substantially less than that for which my consumers would be paying less and for which your producers would be indeed most grateful.

The "take or pay" which the people in my State refer to as "pay and pay" seems to be driving consumers from the marketplace and not giving them an adequate opportunity to do what I think we all recognize is important to our national needs, and that is developing our own domestic energy resources.

The people of the Midwest, as the gentleman from Kansas knows all too well, have endured tremendous hardships in this Reagan recession. The farmers, the small businessmen, the major corporations, have all been suffering. I think we all have to acknowledge that whether you are a big business or a retiree we are all net consumers of energy and the failure of this Congress not only to insure adquate supply reasonably priced jeopardizes our economy but ultimately will continue to leave this country and our people hostage to the kinds of practices abroad that jeopardize our national security as well.

I commend the gentleman and knowing of his long-standing interest in this area I am sure we are going to have a lot more fun before we have heard the last on this, and I thank the gentleman for his time.

Mr. GLICKMAN. I now yield to my colleague from California (Mr. LEVINE).

Mr. LEVINE of California. I thank the gentleman very much.

I would also like to commend the gentleman from Kansas for reserving the time for this special order so that those of us who are deeply concerned about this issue, as he is, will have the opportunity to early in this session emphasize some of the important aspects of this problem.

I would also like to commend the gentleman from Indiana for his leadership in chairing the relevant subcommittee and for taking the lead in trying to fashion a legislative response to this very difficult series of problems.

I have so far heard I think almost exclusively from speakers from the Midwest. It is apparent the Midwest is very badly impacted by the impact of the Natural Gas Policy Act and by its ramifications. But I would like to emphasize that it is not only the Midwest that has had these concerns but people in California and in other parts of the country as well.

I had the privilege prior to my election to the U.S. Congress of serving as chairman of the energy subcommittee of the California State Assembly and learned intimately of the problems that people in my State and my district have had with regard to natural gas decontrol.

I would like to talk about those problems for a moment in light of the leadership that the gentleman from Kansas has shown in bringing this special order to our attention.

Mr. Speaker, the Reagan administration in its zeal to eliminate price controls on natural gas has embarked on a policy to sell out the American consumer. While producers of natural gas will reap unprecedented profits, many less fortunate Americans will be forced to subsidize those profits by choosing between eating or heating their homes. Businesses who have barely been able to survive the impact of oil price increases are now faced with doubled natural gas bills.

And to what purpose? There is no shortage of natural gas. In fact, producers are now producing more than the market can use. While the Reagan administration justifies its policies with a defense of the free market, current reality stands the concept of supply and demand on its head.

Some producers of cheap gas cannot find buyers despite the fact that some pipelines are purchasing gas at 10 times higher prices. This is because of a distorted market structure which has resulted in pipelines agreeing to contracts which lock them into buying high-cost gas when much cheaper gas is available.

The administration gave up its hopes of receiving congressional approval for its policy of price decontrol and instead has committed itself to a devious strategy of short circuiting the process by administrative decontrol.

It is my hope that this Congress and the American people will place the administration on notice that its destructive schemes in this area have been discovered and that this time they will not wash.

I would like to discuss briefly the impact of these issues with regard to decontrol on my home State of California.

A look at my home State of California provides an example of the hardship that both business and consumers are experiencing as a result of the tremendous increase in natural gas prices. Not only will this increase work an unfair hardship on consumers, but it will also increase our dependence on foreign oil as those prices decrease and natural gas prices increase.

Further or even the current decontrol of natural gas would have a devastating impact on California's already burdened ratepayers, particularly the poor, the elderly, and the disabled. The tremendous cost will not produce any additional supplies of natural gas, but will only serve to further enrich States with large deposits of natural gas and hurt both business and consumers who depend on natural gas at stable prices. For those consumers on fixed incomes a minor increase in utility costs can mean being forced to make the choice between heating one's home or putting food on the table.

This burden will be even greater in light of the Reagan administration's refusal to support an adequate budget for the low income energy assistance program. It has been demonstrated that $5 billion is essential. Yet the President seeks barely one-fourth that level of support, $1.3 billion in his proposed budget.

The Southern California Gas Co., the leading natural gas utility in southern California, estimates that in the past year alone residential utility bills have increased by more than $1 billion.

California is particularly vulnerable to these increases in gas prices; 90 percent of the gas used within the State comes primarily from Canada and two interstate pipelines, El Paso and Transwestern: Only 10 percent is California natural gas.

The price that Californians have paid for this gas has risen dramatically over the last several years. For example, gas from Canada, which cost $2.06 per MBtu in 1977 now costs over $5 per MBtu. In addition, gas from Transwestern Pipeline Co., which provides southern California with over 25 percent of its supplies has risen from $1.23 per MBtu in 1977 to approximately $4.30 per MBtu today. Taken as a whole, ratepayers are paying $10 billion annually for gas today compared to $3 billion in 1977 and residential homeowners alone have seen their rates climb 300 percent from $900 million to $2.7 billion.

There are a number of factors which have contributed to these increases. Among them is the passage of the Federal Natural Gas Policy Act. While the act has been a success in certain

respects, it has also produced unintended and unanticipated consequences. For example, pipelines that had under contract a large amount of old cheap gas when the Natural Gas Policy Act was adopted have been willing to pay extremely high prices for new gas. They are able to roll-in or average the expensive gas with the cheap gas. By failing to require review of contract terms, certain provisions, such as "take-or-pay" have worked against consumer interests.

In the late 1970's, even after enactment of the Natural Gas Policy Act, pipelines were concerned that there would not be enough gas to meet demand. Competition was intense to line up as much gas as possible. Pipelines often agreed to contract terms and prices which, given the surplus that exists today, seem extremely unwise. Three contract provisions in particular have contributed to high prices; take-or-pay, indefinite price escalator clauses, and most-favored-nation clauses.

Any remedy we seek to the problem of increasing natural gas prices must address these contract provisions.

Take-or-pay contracts establish minimum volumes of gas that a pipeline must purchase from a producer, whether or not there is a demand for that gas. For example, the Southern California Gas Co. is obligated to take 91 percent of the volume for which it has contracted with Transwestern, or pay for it, even though much cheaper gas is available for other sources. Pacific Gas & Electric's contract to buy Canadian gas is similarly conditioned. If both the Southern California Gas Co. and PG&E had minimum flexibility to purchase the least expensive gas, and were not locked into these "take-or-pay" provisions, California ratepayers would have saved an estimated $420 million this year.

Indefinite price escalator clauses tie the price which a pipeline pays to some "indefinite" reference, such as the price of oil. Such clauses often call for 110 percent of the price of oil.

Most-favored-nation clauses obligate a pipeline to pay a producer as much as the pipeline is paying any other producer on the whole system, or to pay the producer the highest price paid for gas coming from the same producing field.

The current rate design was originally structured to keep the cost of gas equal to the price of the alternative fuel—oil for those that can use oil. This policy is designed to prevent "fuel switching" by large users. If large users switch fuels, residential users have to absorb more "fixed costs" currently shared with large users. However, as the price of oil is currently decreasing—and with some gas prices pegged higher than the price of oil—industrial users are switching to oil. Not only are consumers forced to pick up the "fixed costs" of natural gas, but our national security is ultimately jeopardized by our increased reliance on unstable OPEC oil which can be unexpectedly cut off at any time. In fashioning solutions for the industrial user, the residential consumer must also be protected. The pain should not need to be shared. It should be reduced for everyone.

Some changes must be made—and addressed immediately.

FERC's narrow interpretation of "fraud, abuse and similar grounds" must be broadened as it was in the Columbia case to include a test of "prudence," or what is best for the consumer.

More information must be made publicly available so that utilities, State utility regulators, and consumers can meaningfully participate in FERC proceeding.

Prices should be rolled back to 1982 levels.

Controls should be extended at least an additional 2 years, to 1987.

Take-or-pay provisions should be prohibited.

FERC should be directed to review pipeline purchases with a view toward assisting the consumer rather than the producer's profits.

It is well past time that the Congress fashion the type of comprehensive policy which will reverse these trends, provide a more rational energy policy, and be more sensitive to the American consumer.

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Mr. GLICKMAN. I thank my colleague for his constructive remarks.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I commend the gentleman from Kansas for taking this special order. I think that many of the speakers have outlined it carefully. I make the points in my remarks as the situation applies to Ohio.

Mr. Speaker, I want to thank my colleague from Kansas for reserving this time to discuss the very serious problem of natural gas pricing.

With winter upon us, many are painfully aware of the severe problem of exorbitant natural gas prices and the burden being placed on natural gas consumers throughout the country. Now is the time for Congress to act to protect consumers from further price increases.

In 1978, when Congress adopted the Natural Gas Policy Act, it was largely a response to the shortages experienced in the winter of 1976–77.

A complicated pricing mechanism was adopted to insure adequate future supplies. Unfortunately, the solution has fostered its own crisis, a crisis of rising prices and unpaid heating bills.

In northeast Ohio this winter's natural gas bills are projected to be 40 percent higher than last winter.

While such exorbitant price increases would never be welcome, they are unconscionable at a time when gas pipeline companies are experiencing large surpluses and demand for natural gas continues to fall. Supply and demand dictates that prices should be falling and yet, despite milder than normal temperatures in many regions of the country many of our constituents will be unable to pay their fuel bills.

The absurdity of the situation is compounded by the fact that, in Ohio, a number of small producers' low-cost gas is being shut in by gas transmission companies which claim to be locked into long-term contracts to take or pay for high-cost gas.

These exorbitant price increases are the direct result of the Natural Gas Policy Act, which enables gas transmission companies to pass through certain price increases to consumers automatically. The Natural Gas Policy Act destroys any incentive transmission companies have to seek cheaper sources of natural gas.

The Department of Energy reports that since the Natural Gas Policy Act has been in effect, gas prices have doubled.

What more proof do we need that the Natural Gas Policy Act has failed? Secure supplies are of little consequence if residential and industrial consumers cannot afford to pay for them.

A comprehensive revision of this legislation is essential and must be a top priority of the 98th Congress.

A number of bills have been introduced to provide both temporary and long-term relief for the problem of soaring natural gas prices. Prompt action is essential and I would urge the Energy and Commerce Committee to begin immediate consideration of legislation to address this critical problem.

Mr. GLICKMAN. I thank the gentleman for his remarks.

Mr. SLATTERY. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Kansas, a new Member and a member of the Fossil Fuels Subcommittee.

Mr. SLATTERY. I thank the gentleman for yielding, and I want to thank my distinguished colleague from Kansas (Mr. GLICKMAN) for arranging time to address this most crucial problem.

The dramatic rise in natural gas prices can be traced directly to a badly distorted market system. I believe we have the worst features of both government regulation and deregulation policies.

Consumers have borne the brunt of this flawed system, and Congress must recognize the tremendous impact that spiraling gas prices are having on the average American. I am sure that many of you have heard from constituents about their steep natural gas bills. I know I have, and one thing is clear: The people out there are frustrated, mad, and more than a little afraid of what lies ahead.

In my own State of Kansas, consumers for the past 5 years have experienced gas price increases of 200 percent or more. Many have been forced to pay more than $5 per Mcf for Oklahoma or Wyoming gas, while far cheaper gas from western Kansas, selling for as little as 50 to 60 cents per Mcf, is underutilized.

The market system is truly distorted. Prices continue to climb even though natural gas supplies are abundant.

The current situation is obviously intolerable, and many proposals have been introduced to deal with it. Some argue for accelerated decontrol. Others want a freeze and rollback in prices. Still others contend the market is going through an adjustment period and the situation will correct itself if Congress is patient.

In such instances, the easy way out is to point fingers. I, for one, believe the complex issue of high natural gas prices lacks a clear-cut villain. The Government, producers, distributors, pipeline companies, and utilities in most instances acted in a way they believed would assure an adequate supply of gas at a fair price. There is little to be gained by blaming one segment or the other. Such posturing wastes valuable time, particularly when consumers need relief.

As a new Member of Congress, I am studying the wealth of information on the issue, and am looking at bills that have been introduced. As a member of the Energy and Commerce Subcommittee on Fossil Fuels, I will be directly involved in hearings on natural gas policy during the coming weeks. As far as I am concerned, this is the most critical issue facing the Energy and Commerce Committee. I believe it is absolutely essential for the 98th Congress to address this issue and explain to the American people why prices have skyrocketed at a time when supplies have increased and demand has decreased.

Congress must be cautious. We do not want to take action that may be attractive in the short run but may actually aggravate problems in the near future. Some type of short-term emergency relief for consumers may well be necessary. However, we would be doing them a great disservice if we do not pursue a comprehensive long-term solution.

I want to encourage my colleagues to keep an open mind.

We must be willing to work for a bipartisan resolution to the current market conditions. Congress must put aside blame and see if producers, consumers, utilities, and pipelines can work with their Government to reach a just compromise that guarantees adequate natural gas supplies at a fair and reasonable price.

Mr. Speaker, I would again like to thank my colleague, the gentleman from Kansas (Mr. GLICKMAN), for his leadership in this area.

Mr. GLICKMAN. I thank my colleague for a very constructive statement. There really are not any villains in this thing. I think the gentleman's remarks were thoughtfully prepared.

Mr. Speaker, I would mention to my colleagues that the gentleman from Missouri (Mr. GEPHARDT) will come after me, and those Members who do not get time now will be able to get time under his special order.

Mr. WHEAT. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Missouri (Mr. WHEAT).

Mr. WHEAT. Mr. Speaker, I would like to thank my colleague, the gentleman from Kansas, for the opportunity to address the very important issue throughout our country and an issue that is already a major concern of the 98th Congress. That concern has been demonstrated by the activities of groups such as the utility action group of the Newly Elected Members Caucus, of which I am a member, and the House Energy and Commerce Committee which has indicated it will hold early hearings on this matter.

In 1978 when the Natural Gas Policy Act was enacted, it was in response to severe shortages of gas during a harsh winter. It was thought that if controls were lifted, exploration and production of natural gas would increase, thus assuring adequate supplies. A small price increase was anticipated; but once gas prices were allowed to respond to the forces in the marketplace, prices were supposed to level off. The theory was that it was better to have an abundant supply of gas, even if it cost a little bit more. The theory, as theories often are, was wrong. Instead, we are faced with an overabundance of gas which consumers are not able to afford. We have an increasing amount of gas and a decreasing number of buyers. Gas prices have exploded in recent years.

Each and every day I receive more letters from my constituents who are continually faced with rising energy bills. I have received letters from the elderly, people on low or fixed incomes who cannot heat their homes, and from middle class citizens on a budget who are only able to pay by giving up some necessity. Heat in zero weather is not a convenience but an absolute necessity.

Decontrol has cost consumers tens of billions of dollars. The hardest hit are those who can least afford it, especially the elderly. In my district, there are over 400,000 residential users of natural gas. These users have watched as they have literally been priced out of the market. Natural gas prices in my district have increased 350 percent in the last 4 years, over 80 percent per year. So far in 1983, 3,577 people have had their gas turned off and service has not yet been restored. In fiscal year 1982, 165,000 people applied for some form of energy assistance, 1 of every 3 who are natural gas consumers. The residents of my district are justifiably worried about how they are going to keep their families warm in the bitter cold months.

Americans are looking to us, their elected representatives, to provide some relief. We must demonstrate not only a willingness to listen but an ability to resolve the problem. There can be no greater priority for the House Energy and Commerce Committee than to answer the pleas of the American people, by taking action so the entire Congress can address this vitally important issue early in this legislative session. We are their only hope.

Mr. GLICKMAN. Mr. Speaker, before we go on—we have about 8 minutes left on this special order—I thought it might be useful, before recognizing any other Members—as I said, the gentleman from Missouri (Mr. GEPHARDT) will be proceeding right after me, and those who are not recognized in my special order will be recognized in his special order—to offer some possible legislative solutions to this problem. I just indicate these for consideration, perhaps, by the Energy and Commerce Committee.

One would be to draft modifications of the Natural Gas Policy Act to tackle indefinite price escalators which will become a major problem before the provisions go into effect in 1985; that is, writing some downward price flexibility into the act.

Second would be either to void or modify contracts, take-or-pay contracts, and to require appropriate modifications to assure that unrealistic restrictions to free market operations, for example, take-or-pays, or another thing called most-favored-nation clauses, are curtailed within reason.

Third, to look at ways to loosen up on the limitations on the market competition, which is constrained by the present marketing framework. For example, assure that pipelines have to move gas for producers in excess capacity from their pipelines so that some of the producers in my State might get access into pipelines that are not otherwise filled.

Fourth, reexamine the Fuel Use Act to see what reasonable loosening of re-

strictions might be in order to allow large industrial users to continue using natural gas as a primary fuel and thereby sharing the fixed costs that are associated with its market.

And, fifth, continue toward the goal of phased-in deregulation of pricing, once other factors in the market assure that it will be a market that more realistically reflects the free market in the traditional sense. And going with the immediate decontrol right now would not do that.

Mrs. SMITH of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. I thank my colleague for yielding.

Mr. Speaker, in the midst of winter, many of our friends and neighbors back home, including businesses and industries, find themselves in the midst of a desperate, energy price squeeze involving natural gas caused by both Government and natural gas industry policies and practice.

My State is heavily dependent upon natural gas for residential heating. Indeed, nearly 450,000 or about 72 percent of Nebraska's total housing units are heated with increasingly expensive natural gas. Commercial and industrial users of the State's total similarly are caught in this squeeze. Many commercial users, however, are escaping this price crisis by switching quickly to alternate fuels. But householders, particularly the elderly, the poor, and the jobless, have great difficulty changing to alternate fuels; indeed, they are the victims of Government policy that was aimed at insuring plentiful gas supplies but, instead, results in gas bills that are spiraling sharply upward.

In my district, a family that used 120 Mcf of gas in 1977 would have paid $206.04, but in 1982 the bill would have been $386.52—nearly double. Farmers drying hay, grain, and alfalfa have been hit particularly hard because 1982 was an especially wet production year.

The reasons for this price crisis are incredibly complex. The situation is particularly difficult to understand because there is an abundance of natural gas available in many regions at much lower prices. In fact, natural gas reserves have been climbing in recent years, reversing a longtime downtrend resulting from federally controlled low prices that discouraged exploration and development of new gas sources.

But in 1977, as sentiment in and out of Goverment grew for energy deregulation, and with passage of the National Gas Policy Act of 1978, reported natural gas reserves at last turned upward—to 208 trillion cubic feet in 1978, up from 207 trillion cubic feet in the previous year, and to 209 trillion cubic feet in 1981, the most recent date for which statistics are available.

So there is plenty of gas. Demand is declining—because of the price rise, because Americans have turned increasingly determined to find ways to conserve energy, because new reserves have been discovered, and because of the deep recession, especially in the agricultural and agribusiness sector. Also, prices for rival fuels, especially petroleum, are declining for the same reasons, giving users more incentive to switch from gas.

But across the country, natural gas prices to consumers rose an average of 17 percent in 1982, and, unless we alter Government policies in cooperation with the natural gas industry, most experts predict natural gas prices will increase an additional 25 percent in 1983—even though lower priced gas supplies are readily available to distributors.

In Nebraska, the increase appears to be substantially less than the national trend, $3.22 per Mcf in the first 9 months of 1982, up about 8.8 percent from the previous year and up nearly 90 percent from the 1977 average, according to the Nebraska State Energy Office. No estimated increase in Nebraska in 1983 is available from official sources.

In short, the situation is ripe for disaster for the consumer, and the natural gas industry alike if the demagoguery on this issue, already loud, continues to rise in volume to stampede a Congress already skittish about the Federal deficit, national debt, unemployment, and other recession-related problems.

The temptation to clamp Government controls back onto the natural gas pricing and production complex is almost overwhelming. Already, some of my colleagues are calling for Congress to "reestablish affordable and reasonable natural gas prices for the American people."

Under present provisions of the Natural Gas Policy Act of 1978, natural gas is being deregulated amidst renewed criticism of supposed windfall profits, distorted marketing patterns, and injustices being visited upon consumers.

I am carefully studying the deregulation law and its effects and impacts upon the current pricing situation, and for now it seems to me any retreat to the old rigid Government control that held gas prices so far below that of petroleum and other fuels on an energy-equivalency basis would not be the wisest course over the long pull. Renewed controls, freezing prices, or stretching out the deregulation process are not our only choices. Quick-fix remedies must be avoided, but every possible option must be quickly and carefully explored.

Whether the Federal Government should regulate the prices at which natural gas producers sell to interstate natural gas pipelines was an argument that was supposed to have been settled with the Natural Gas Policy Act of 1978.

But the solution seems to have created at least as many problems as it was to have solved—and left a basic question unanswered. We are still wondering what free market price structure can insure adequate supplies of natural gas and refined petroleum products at a fair price for all consumers of our Nation.

The deregulation law has had trouble relating with the real world almost from the moment it was enacted.

Oil prices more than doubled the very next year, 1979, and shortages have been replaced by a persistent oil glut. Natural gas and propane gas pricing schedules contained in the new law almost immediately became obsolete or at the very least, went out of context.

Despite the new law, the disparity between oil and natural gas prices widened at first. Congress in 1978 predicted that the price of oil would be $15 to $18 per barrel in 1985, but the world price rose recently to about $34, although that level is dropping now.

On an energy equivalency basis, the wellhead price of natural gas is currently only about one-half that of crude oil, creating the "fly up" crisis pricing as natural gas producers have operated in the initial deregulation phases to raise prices to reach parity. It should be noted that under the policy act, 50 percent of domestic gas production will remain subject to ceiling prices and that the short-term gyrations are expected to end if the market place rules of supply and demand begin to fully operate.

This country experienced severe gas shortages in the 1970's due to separate treatment accorded gas shipped across State lines, which was subject to Federal price controls, and gas sold within the State of production, which was not. The old dual treatment was largely blamed for the fact that while the Midwest and Northeast shivered during gas scarcities in the mid-1970's, consumption increased in such producer States as Louisiana and Texas.

The Natural Gas Policy Act of 1978 attempted to deal with this gas misallocation by easing the country into deregulation. Specifically, the 1978 law:

First, extended current price controls for already discovered "old" gas, which will stay in effect until all gas in this category is exhausted.

Second, establish higher price ceilings for a variety of newly discovered gas; these ceilings will be allowed to rise gradually until 1985, when price controls end for all but the old gas.

Third, decontrolled the expensive deepwell gas that is found below 15,000 feet.

One result is that under the new Federal law, there are now 27 differ-

ent prices for the single commodity known as natural gas. Certain contractual arrangements, encouraged by Government policy and embraced by the natural gas industry when demand was high and supplies were low, work to keep lower priced gas in the ground and more expensive gas in the pipelines to customers.

Unfortunately, experts do not always agree on the reasons why natural gas prices have risen so far so fast. My study pinpoints three major causes, to which I have already referred:

First, Government and industry policy practice: The Federal Energy Regulatory Commission required companies to make minimum-purchase agreements as part of its conditions for approving new pipeline construction. Some companies signed contracts almost regardless of price, for long periods, often 20 years, for the purpose of insuring a steady, adequate supply of natural gas to intended consumers. This same purpose—of insuring supplies—was the primary reason for pipeline companies' decisions to enter into the so-called take-or-pay contracts. These contracts require the companies to pay producers as much as 90 percent for the gas contracted for, regardless of whether demand later might decline sharply or if cheaper gas supplies should become available.

Second, the Natural Gas Policy Act itself encourages the production of the more expensive decontrolled gas, which makes up an ever-increasing component of the total natural gas market.

Third, other recent Federal energy legislation, notably the Fuel Use Act of 1978, required industrial users to have the capability to switch to alternate fuels. So when natural gas prices rise, industrial users can switch rather easily to other fuels, such as oil and coal. But residential customers cannot switch so easily. And decreasing numbers of industrial users force the utilities to raise prices to consumers to cover fixed costs of delivering and distributing the gas.

This is the so-called spiral effect: The higher gas prices are for industrial users, the higher gas prices are for residential users. And in Nebraska this has been particularly striking.

The Kansas-Nebraska Natural Gas Co., one of the major distributors in my State, reports that in the first 9 months of 1982, industrial sales of natural gas in Nebraska shrank to an annual rate of only about 1 billion cubic feet of gas, down enormously from more than 14 billion cubic feet in 1977. Residential use, on the other hand, fell slightly, to about 7 billion cubic feet from a bit more than 8 billion in the same period. The average price of natural gas for residential use, however, rose to $3.22 per Mcf from less than $1.72 in 1977.

This anomalous situation cries out for remedies, and I have taken every possible step available and that I believe wisely should be taken so far.

I have signed House Resolution 610, expressing the sense of the House that Congress should take all steps necessary to assure that legislation be considered and enacted immediately to respond meaningfully to natural gas marketing problems.

I have signed a letter in support of the Northwest Central Pipeline Corp.'s petition before the Federal Energy Regulatory Commission (FERC) to waive the minimum purchase requirement embodied in the construction certificate issued in 1978 to avoid an estimated $578 million increase in the price of gas to its customers over the next 5 years. Although this would affect only two communities in Nebraska, Superior and Falls City, a favorable decision should encourage other natural gas distributors to seek similar relief for consumers from the rising prices of the fuel.

The U.S. Congress, nevertheless, has some options that I believe deserve careful consideration.

One idea is enactment of legislation that would allow or force renegotiation of take-or-pay contracts so as to give companies more flexibility in how they meet demand and to take advantage of less expensive gas. Indeed, the Federal Energy Regulatory Commission already has taken limited steps in this direction, decreeing on December 23, 1982, that pipeline companies cannot count certain prepayments under these contracts as costs in their rate-base calculations if the take-or-pay requirement is greater than 75 percent.

Another option would be legislation waiving the minimum purchase requirements where not needed to insure a steady, adequate supply of natural gas.

Still another remedy would be a law requiring that the mix of natural gas supplied by a company contain at least a specified percentage of old low-cost gas, still under price control, where that amount is available to bring down the average cost of gas delivered and distributed.

Finally, Congress could direct that section 601(c) of the Natural Gas Policy Act be interpreted as giving the Regulatory Commission the power to deny pipeline companies the right to pass costs through to customers when the take-or-pay percentage requirement is too high as being "excessive due to * * * abuse * * *."

As a matter of fact, an FERC administrative law judge recently held that one distributor, Columbia Gas Transmission Corp., had paid too much for its natural gas and was ordeed to refund the extra costs it had passed on to customers. Whether this low-level decision survives review on any court challenge remains to be seen. Congress could intervene and settle the matter more quickly.

Whatever the 98th Congress does in this field, I say that we should proceed cautiously with respect to what some critics of present practice and policy are recommending.

Congress should go slow about proposals to freeze natural gas prices, which could create the same kinds of natural gas shortages experienced in the 1970's. At the same time, we probably should resist efforts to quickly and completely decontrol natural gas, which would risk driving prices even higher in the short run, even if an offsetting windfall profit tax were imposed.

Worldwide energy economics, Federal regulatory laws and regulations, the U.S. recession, and industry judgments, customs, and trade practices—all have combined to complicate the natural gas puzzle.

We must move immediately and effectively to ease the current price crisis and to avoid rash, unwise, quick-fix, big-government remedies that many of our urban-based colleagues in the Congress are so eager to impose.

Mr. GLICKMAN. I thank my colleague for her remarks.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from West Virginia.

Mr. WISE. Mr. Speaker, I thank my colleague, the gentleman from Kansas (Mr. GLICKMAN), for taking the time in the House today to focus on the prices consumers face in affording the high cost of natural gas to heat their homes. Certainly in West Virginia—and we have heard much from the Midwest, The West, and perhaps it is time to bring a little eastern focus—this is an issue with which I am not, nor are my constituents, unfamiliar. For instance, in the State legislature it was necessary last year to sponsor a bill requiring utilities to prove that they were purchasing natural gas from independent producers, particularly those in West Virginia.

□ 1500

Interestingly enough, West Virginia is on the very edge of the eastern overthrust belts. Hopefully, it should be a vital area for natural gas production in this country. Unfortunately, because of the policies followed by many of the large gas companies as they have chosen not to let it develop its potential; but particularly those in West Virginia, instead of imposing higher costs on their customers by bringing the more costly gas into the State through elaborate pipeline sys-

tems, we sought to try to develop and encourage West Virginia production.

Here in Congress, it is important to continue this work. It is gratifying that the gentleman from Kansas (Mr. GLICKMAN) has taken this time to address this issue and has been joined by a number of concerned colleagues.

It is also gratifying that just a few weeks into this Congress an array of bills has been introduced to inject some reason, some logic, into the pricing structure for natural gas.

Over the past 10 years the average price of natural gas delivered to residential customers in the United States has risen more than fivefold. Think what this does to the consumer. Think what this does to the senior citizen on a fixed income.

Shortly this House will be considering capping the cost-of-living adjustment for all social security recipients. They say that inflation is only 4 percent; yet I know that in my district the cost of natural gas alone to people on fixed incomes has increased 50 percent.

Think what this does to industry. I think it is interesting to note that now in the public service commissions across the country, certainly in my State public service commission, industry and consumers sit down as one when it comes time to intervene against the price increases brought by Columbia Gas, for instance, because of the impact on industry. What happens when you increase industry's fuel costs 40 or 50 percent? I think you know what happens.

Industry has one of several things it can do. It can convert to No. 6 fuel oil, as all too many have done. It can shut down part of its operations or to offset that cost it can lay people off. That is what industry has to do to react to that.

Much of the problem today is the relationship of the pipelines to the utilities, to the producers, and, of course, I am not talking about the situation where you have independent distributing companies. I am talking about that situation where you have affiliated distributing companies. Columbia Gas of West Virginia which buys from the pipeline, Columbia Gas Transmission Corp. which buys from the producer, Columbia Gas; and, of course, they will come into our public service commission, as they come before yours, and say, "We don't make any profits." That is what the affiliated distributing company would say and, indeed, they are right. You can look at their books and they have and they are running into the red; but go look at the parent company and you would see that the parent company, for instance, in my specific case, showed more than a $200 million profit last year.

The Federal role in the marketing of gas has a great deal to do with this trying situation. We have already talked a great deal about the 1978 NGPA. Of course, what it has done, unfortunately, it has actually enabled some pipeline suppliers to deliver gas at prices higher than anyone envisioned when the law was drafted. Mending the NGPA is not only appropriate, but necessary and urgent.

We have to deal with this situation in this session of Congress. I know in the lameduck session I had hoped to see some legislation come forth, and did not because, I suppose, of the short time left, but there is no denying that we cannot continue to go home, I cannot go home and tell elderly widows, I cannot tell laid off coal miners, I cannot tell struggling small business people, I cannot tell manufacturers who are wondering why they are not getting any help, why it is that Washington cannot provide any relief. To come to grips with many of these critical problems we face at home, the freshman Democratic Caucus organized itself into action groups so that we can propose policies for many of the concerns that we feel are largely responsible for our election.

The utilities action group which I am fortunate enough to chair has met once, will meet again next week, and our nearly a dozen members are not certain, we are not quite sure how to best approach the natural gas pricing issue, but we know we have to approach it. We are determined to take that bull by the horns and if it means a challenge to the Federal Energy Regulatory Commission on one of their rulings, if it means writing legislation that will uphold the recent Columbia Gas ruling that sought to define or redefine the terms fraud, waste and abuse, so be it.

I am hopeful, though, that we can settle soon on a legislative course. The creation of our action group, the time we have taken in the House today, the slate of bills in the hopper, all attest to, I believe, the readiness of our Congress to act.

The proposal of the gentleman from Kansas (Mr. GLICKMAN) to freeze well head prices for 2 years at the levels in effect last October is one measure deserving of consideration. Another is the Natural Gas Market Correction Act, which the gentleman from Minnesota (Mr. OBERSTAR) and other sponsors have introduced, and I understand and indeed I am gratified to hear from our colleague, the gentleman from Indiana (Mr. SHARP) that hopefully his subcommittee will soon be undertaking a comprehensive piece of legislation projecting a long range solution to this problem.

The SPEAKER pro tempore. The time of the gentleman from Kansas (Mr. GLICKMAN) has expired.

Mr. GLICKMAN. I thank my colleagues for their significant participation in this special order.

NATURAL GAS PRICING

The SPEAKER pro tempore (Mr. GLICKMAN). Under a previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 60 minutes.

Mr. GEPHARDT. Mr. Speaker, I yield 1 more minute to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, I thank the gentleman.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. WISE. Certainly, I yield.

Mr. SHARP. I appreciate the very strong statement of the gentleman and the work that he and others, especially in the New Members Caucus, are doing on this issue.

One way in which it can be very helpful to those on our subcommittee is in bringing to us the data as to what is happening in your own local markets. One of the complications, as the gentleman well knows, in this issue the situation varies almost from utility to utility, from pipeline to pipeline, from producer to producer, and to get a grasp of what proposals will do on a national basis and how they will impact differently in different regions is very difficult to do. It would be very helpful to us, as the gentleman has already started to do, to help us to be aware of that.

I might in particular say that we certainly would be interested in any data and evidence on this question of producer pipeline affiliates that the gentleman raised; that is, where there is a connection, a business relationship of a parent company and subsidiary relationship of the producer and the pipeline, because many of us suspect there is a consumer interest neglected in that kind of a relationship and we have difficulty documenting that in order to take legislative action on it; so I applaud what the gentleman and other new Members are doing and certainly urge them not to hesitate in any way to bring forward information about their local situation. It would be very helpful to us.

Mr. WISE. I thank the gentleman. We would certainly like to do that.

Mr. GEPHARDT. Mr. Speaker, I thank both gentlemen. I especially thank the gentleman from Indiana, who is obviously taking a leadership role with his subcommittee in trying to help all of us deal with what is a very complicated and difficult set of circumstances.

I think this special order today, the first hour and the second hour, is an important step toward solving this problem of rising natural gas prices. I hope that in working together with the problems in the different parts of the country that we will be able to identify the problems that exist and find some workable solutions.

As a Member who was here in 1978 when the Natural Gas Policy Act was passed, I think it is obvious now that some of the provisions in that act, although they were the product of a great deal of compromise and working together with different parts of the country, it is obvious that parts of the act probably have to be redone, certainly rethought. The assumptions that were made during the deliberation on the Natural Gas Act have been abrogated by circumstances in many cases I think beyond our control. While solutions will not come easily, we must do all that we can to correct the problems, as people are literally having to make the choice in many cases between heating their homes or having something on the table to eat.

Each of us has problems that are peculiar to our own districts based on the producers, the pipelines, and the distribution companies that serve our constituents. Since the phased deregulation of natural gas began in 1979, the cost to consumers has skyrocketed. Since the act took effect in January 1979, Missouri gas consumers have seen their rates increase by 115 percent, and in many cases more than that amount.

In September of last year, the rate charged to residential consumers in my district in St. Louis and outside St. Louis was 54.5 cents per therm. Only 4 months later, the price has increased to over 60 cents per therm. This is at a time when supplies are apparently abundant and demand we are told is down.

The Laclede Gas Co., which serves my district, says prices will increase by $34 million this year and of that $34 million, $29 million can be directly attributed to the import of Algerian liquefied natural gas. Algerian LNG currently sells for approximately $7 per thousand cubic feet, while the average retail price for gas is about $2.50 per thousand cubic feet. Thus, the average Missouri gas bill will rise by more than $30 this year alone.

There are several reasons for today's problems. Many of them have been discussed today. I think the important thing is to begin looking at the solutions. Obviously, we can invalidate or limit the take-or-pay contracts. That can be done in a variety of ways that have been discussed by other speakers. We can freeze natural gas prices for a period of time. That has also been discussed. Another option is to modify the indefinite price escalator clauses which have unnecessarily in some cases driven up the price of natural gas.

Other ideas are to do something with regard to the Federal Regulatory Commission that can administratively decontrol the price of natural gas. Some say that should be stopped. There are other options that need to be considered.

I think the most heartening thing in this special order today is that it indicates there is a tremendous amount of interest in the subject on both sides of the aisle, in all parts of the country. My hope is that that tremendous intense interest will help the appropriate committees in both the House of Representatives and the other body to come to some solutions that will help our consumers all over the country and our producers in certain parts of the country to ease through this transition from the day when we had a very regulated system to one that I suppose some day will be less regulated or regulated in a different way than it has been in the past.

I would like to conclude at that point with my statement and be happy to yield to the gentleman from Texas for 2 minutes to make his statement.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman. I appreciate the gentleman from Missouri and the prior gentleman from Kansas for giving us the opportunity to discuss this.

I think we all agree, as the other gentleman from Kansas said, that there are vast distortions in the marketplace. I would hope that the solutions in this Congress begin to deal with the natural gas market and the high prices. The solution and the direction in which we go is a solution toward solving the problem.

It seems to me that the problem is deeply rooted in the intricate and complex controls that we have placed on this market since 1938, compounded in 1978, and if we are going to solve the problem which we are all deeply concerned about, that we in fact go in the direction of deregulating and decontrolling those prices which have caused the problem.

It seems to me that since the problem is one of regulation, the solution is not reregulation or freeze but one of deregulation.

I would suggest a few facts before this body. No. 1 is that the high prices today are deeply rooted in the complex system of controls, with 25 different categories of gas. The average price paid to producers in Texas is $2.75 per Mcf, yet the average price paid by consumers in Houston, Tex., or in Kansas City, is $5, and the reason for that is the NGPA provides incentives that gas will not be purchased just from Canada, as was mentioned, at $4.90, but also deep gas at $8 and from Algeria for $7, because of those 25 price categories that we find ourselves in the problem we are in today.

I would suggest that the problem is inherent in the system of controls which were reimposed in 1978.

The case that I would make before this Congress in my small amount of time here is that the solution to high gas prices does not lie in further price regulation. It is a complex subject, but it does not lie in freezing current market distortions into place. The solution lies in price deregulation, to allow those high prices to fall in the face of declining demand.

The solution lies in an industry free from artificial statutory devices that provide incentives to buy the most expensive gas available and foreign contracts that insulate it.

In short, the solution and the direction that we should proceed lies in an undistortion of the marketplace and in a dependence upon free market alternatives.

I thank the gentleman from Missouri for making this time available.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his statement.

I yield now to the gentleman from Illinois such time as he may need for his statement.

Mr. DURBIN. Mr. Speaker, I would like to thank the gentleman from Missouri (Mr. GEPHARDT) for this opportunity today and the gentleman from Kansas (Mr. GLICKMAN) as well for this special order of business. I believe we are addressing what is a primary concern on the minds of the people of the 20th Congressional District of Illinois.

I think we all know that the natural gas prices are devastating to the consumers, but clearly they are equally if not more devastating to the businesses in my portion of the country in central and western Illinois, an area of high unemployment. The utility bills are becoming a matter of major concern in terms of economic expansion and future employment.

Of course, we are dependent upon our agriculture as well. I have found in dealing with farmers that there is a growing concern that when it comes to drying crops or applying fertilizer that the rising price of natural gas is something that is going to make it even more difficult in the depression era that is facing American farms today.

Yesterday, it was my privilege to travel within the 20th Congressional District and to visit one of these businesses which I have just mentioned. It is a company in Pana, Ill., the Illinois Roses Co. Fifty years ago, Pana, Ill., was a crossroads for four major railroads and had six greenhouses. The roses that were snipped in the morning in Pana, Ill., found their way to the Atlantic City beauty pagents the next night. It was a national source of pride and a great source of employment in Pana, Ill. Today there are only three greenhouses left, and what disease and insects and foreign competition have been unable to do, it appears that natural gas prices may ultimately succeed in doing, and that, unfortunately, is to close down forever the greenhouses of Pana, Ill.

As I met yesterday with the owner of the business, he showed me his latest natural gas bill, and if you think we have problems—and we certainly do as consumers—imagine opening the the mail and finding a natural gas bill for $123,576, which was his bill for December, a rather moderate month.

□ 1515

In the past 2 years, the natural gas bills faced by this business have increased 50 percent. The thought of keeping 80 employees at work, which we must have in the Midwest, is a thought that we have to wonder whether we would be able to sustain with these kinds of prices. Several years ago there was a debate before Congress as to whether or not we would completely remove regulation and decontrol. I would say to the gentleman from Texas that he succinctly stated his point of view when it came to the question of whether or not the market mechanism is in fact the best and healthiest approach for what faces us with respect natural gas prices.

Yet we have to concede that in looking at the forces of the market, today both market mechanisms have broken down. As we have an increase and oversupply, 10 or 12 percent in natural gas, we still have prices going through the roof.

I commend my colleagues in Congress for bringing this special order before us today. We make a serious mistake if we believe that warm weather and the appearance of the flowers of spring obviates the need for congressional action. Not only for those who are paying these utility bills, but for the farmers who must face these prices in the future when they compute whether or not they can keep the farm, and for businesses like the Pana greenhouse which must decide after 50 or 60 years whether they will continue in business, the agenda before us is one that is compelling and one we must meet.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his statement.

At this time, I yield to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. I thank the gentleman for yielding, and I thank the gentleman for giving me an opportunity to speak on this special order.

Mr. Speaker, I appreciate the gentleman from Kansas (Mr. GLICKMAN) and others who have taken out similar special orders in order to comment on the serious problem of natural gas prices in this country.

I think that each of us is aware of the impact of skyrocketing natural gas prices on our constituents. We have heard a number of illustrations of just what it means to them, during this special order and the one previous. It is essential that the Congress move to address this matter to secure relief for our natural gas consumers.

Mr. Speaker, this winter natural gas consumers are receiving bills which, in some instances, are 50 percent higher than last year. Natural gas prices nationwide have risen an average of 17 percent over the past year. I believe that the other gentleman from Kansas in the previous special order, Mr. SLATTERY, made an interesting point when he suggested that there are indeed no clear villains on this issue. Indeed, the roots of this problem go back to 1978, to actions of this body and to points previous thereto.

But, indeed, we have to take some action, and I think there is a bipartisan concern about that. It serves neither our constituents well nor this body well to concentrate our thoughts on distributing blame among a variety of sources, for blame and upon the Carter administration or the Reagan administration. What we have to be concerned about is addressing this issue as soon as possible in the 98th Congress and addressing it well.

Again, I would like to commend the gentleman from Missouri and the gentleman from Kansas for taking time to give the Members of this body an opportunity to comment upon some of the problems and suggest some of the solutions to the serious problems of natural gas pricing in this country.

Mr. GEPHARDT. I thank the gentleman for his statement.

Mr. Speaker, at this time I yield to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS of Illinois. I thank the gentleman for yielding to me and for extending to us the opportunity to speak on this important matter, the matter of natural gas prices and proposals concerning the decontrol of natural gas.

As the 98th Congress begins its consideration of this matter, I would like to emphatically state my strong opposition to any proposals which will bring about the decontrol of natural gas prices.

While the Congress may have hoped that the Natural Gas Policy Act would help establish fair and reasonable energy policies, our current situation would suggest that the act has been less than successful, Illinois consumers are tremendously vulnerable to increases in natural gas prices, since the State produces less than 1 percent of the energy it consumes. Thus, despite the fact that my constituents of the 17th District have lowered their consumption of natural gas by 20 to 25 percent since 1978, their home heating bills have increased by an unbelievable 252 percent over the same period of time. Individuals living on fixed or low incomes, most notably the elderly, have been forced to make a hard decision between paying a costly fuel bill to stay warm or spend their money on food, medicine, or other basic necessities.

Industries and businesses have also been hard hit by rising energy prices, which absorb a larger and larger percentage of their basic operating costs—an expense which is ultimately passed on to the consumer in the form of higher prices for goods and services. Perhaps even more disturbing, however, is the toll higher gas prices take in terms of employment. If forced to choose between paying essential fuel bills to stay afloat or lay off workers, many businesses have no real choice other than to reduce their manpower. Worse still, other businesses and industries simply abandon harsh midwestern climates altogether in favor of milder southern climates—and more reasonable fuel bills—leaving hundreds of workers behind to join the unemployment lines.

Discouraging as these facts are, consumers may be forced to pay even more for their heating bills if the Congress does not take immediate action to remedy other provisions of the act, particularly those which will decontrol certain sources of natural gas by 1985. This scheduled decontrol is expected to cost consumers $100 billion over the next 4 years, and any acceleration of this decontrol would raise the price tag to $160 billion.

The Congress can no longer afford to ignore the current problems with our natural gas policies. We should hear from all sides—business, industry, producers, and distributors—before arriving at any decision on this complex issue. As we deliberate on these proposals, however, it should be noted that each Member must carefully consider the interest of a group we all represent—the American consumer—for whatever action we take will undoubtedly affect them greatly. As one of my constituents, Mr. Douglas Winebright of Monmouth, Ill., wrote:

> I now have the honor of paying more for gas and electricity than I pay for my mortgage. We have a glut of natural gas, yet the prices passed on to us continue to skyrocket. We keep our houses at 65 degrees during the day and 58 degrees at night and are freezing. We have insulated and put siding on our house. There is nothing left to do.

Mr. Winebright's frustration is understandable, but there is more we can do. We must continue to support conservation efforts. We must continue to utilize abundant, readily available energy sources, such as coal, in a manner which is sensitive to our wildlife and environment. And we must remain committed to increasing, not reducing, funds for the research and development of clean, renewable energy sources, such as solar power.

Americans have already shown that they are willing to do all they can to conserve energy in an effort to reduce their energy bills. But they cannot be expected to do it all alone. Congress

must resolve itself to address this issue, and address it now, so that consumers can be assured of receiving sufficient supplies of natural gas at a fair and reasonable price.

Mr. Speaker, again I want to thank the gentleman from Missouri for yielding to me and for allowing us this opportunity to speak on this important matter.

Mr. GEPHARDT. Mr. Speaker, at this time I yield to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I would like to thank and to commend the gentleman from Missouri for helping to arrange this special order and I again want to thank him for yielding and allowing me to speak on this important matter.

I would also commend the Speaker pro tempore for his handling of the floor debate.

Mr. Speaker, I am sure that many different effects of the natural gas issue will be heard by this body. However, one important aspect of this issue must not be ignored: The effect of our decision on the consumer of natural gas.

This is a complex issue for the Congress; however, it is not so complex for the consumer because most consumers have no choice. If one oil company sells gasoline for $2 per gallon and another sells it for $1 per gallon, then the consumer has a choice. Not so with natural gas.

For a growing number of consumers, the question becomes simple: "Should I heat or should I eat?" They simply have no other options. They are locked into their plight by past decisions and a weak economy which eliminates the choices of a free market.

We have seen the effects of deregulation on consumers. Our challenge is to draft comprehensive legislation which will address all of the problems surrounding the natural gas issue. I believe that there are five major principles which should be addressed within this legislation. They are:

First, rolling back prices, stopping decontrol and extending controls beyond 1985.

Second, eliminating take-or-pay provisions, indefinite escalator clauses, and other onerous contract provisions.

Third, limiting the Federal Energy Regulatory Commission's ability to increase old gas prices or any other category of gas.

Fourth, forcing pipelines to purchase least-cost supplies and requiring that the FERC deny cost passthroughs on high-cost gas when cheaper supplies are available.

Fifth, requiring more public participation at the FERC by making producer/pipeline contracts public, and through field hearings.

Mr. Speaker, I believe these five points should be considered for reasons which I will elaborate in my revised remarks. I will say this: That while these three points need to be incorporated into the legislation that we introduce, the issue of natural gas needs to be thoroughly studied. Requiring the Federal Energy Regulatory Commission to oversee producer/pipeline contracts will be insufficient if the public is not allowed into the process. Addressing the contract problems involving new or high-cost gas will not provide price protection if the Federal Energy Regulatory Commission's ability to raise old gas prices remains untouched. Keeping gas prices where they are today is insufficient, since they are already too high for millions of Americans and many of my constituents.

Finally, any bill which removes the essential certain protection of price control is incomplete. Such an approach would be relying totally on improved behavior by producers, pipelines, and the Federal Energy Regulatory Commission, a reliance which our gas-using constituents can ill afford.

Mr. Speaker, again I commend the gentleman from Missouri (Mr. GEPHARDT) and the gentleman from Kansas (Mr. GLICKMAN) for allowing us the opportunity to speak on this issue and for their leadership on this issue. I look forward to working with both gentlemen and the other speakers here today in order to solve this unfortunate problem.

Mr. GEPHARDT. Mr. Speaker, I will yield to the gentleman from Kansas (Mr. GLICKMAN), to whom I want to state my appreciation for his organizing this today, and for asking me to request another hour.

I think the gentleman would agree that the number of Members who have appeared here today to talk about this issue, many with different opinions but all with a deep concern about the problem, has impressed him, and I think made him aware that there is an intense amount of interest in the House on both sides of the aisle from representatives of the consumer States and producer States in re-looking at what we did in 1978 and trying to perhaps come up with different and better solutions to a very difficult problem.

Mr. GLICKMAN. I thank my colleague for yielding to me, and I thank him for basically stating what I was going to say.

Mr. Speaker, the fact of the matter is, this has been a thoughtful discussion. While we have had more people from consuming and producing areas talking than perhaps some of the other larger gas-producing areas, I think the gentleman from Louisiana (Mr. TAUZIN) and others may be talking about that issue in a little bit, but I think there is, No. 1, the clear recognition that there is something wrong with the way gas is priced, that it does not flow with supply and demand like oil and gasoline is flowing right now.

No. 2, I happen to be one who believes that the Natural Gas Policy Act, while flawed, did in fact do substantially what we wanted it to do; it did produce more gas. But it did it in a framework of the fact that there is an ever-growing economy and an ever greater need for gas, which did not prove to be the case, unfortunately.

We are trying to get ourselves out of the economic mess we are in. The fact of the matter is, the nature of the gas economy and the nature of the recession has diminished the need and the demand for gas, together with Federal laws and the Fuel Use Act, and other things. The fact of the matter is, the law did not contemplate a downward price of gas.

□ 1530

And if the 25 categories of gas—or as I call them, the Baskin-Robbins nature of the Natural Gas Policy Act—Natural Gas Policy Act that has been in effect—have been perverted, they have been perverted by the very bad economic times we are in, coupled with the fact that the pipeline companies got scared and entered into contracts a long time ago that they probably should not have entered into and which have forced upon us large quantities of high-priced gas.

The thing that strikes me in all this is that we have our consumers out there who are pretty much assuming the whole risk, and all the other parties to the action, whether they be the pipeline companies, the utility companies, or even the producers, need to share that risk in determining the kind of legislative solution we should have.

The gentleman from Missouri, together with the gentleman from Indiana, indicated that we do not want to do anything here that is going to so thoroughly disrupt the potential of future years of natural gas production and supply that we would end up in a much more difficult position than we are in right now.

The fact of the matter is, that after listening to an hour and a half of debate, I am not sure that we are any closer to a legislative solution to our gas pricing problems. The fact of the matter is, however, that until we restore some sense of sanity, market price sanity, to gas prices and supply, we can see gas prices go up even though the demand would continue to fall.

So realizing that we are not going to immediately decontrol gas, which is what the administration originally said they wanted, although I do not think they are pushing that proposal now, we must face this issue. Nor are we going to go back to the system we had prior to 1978 of complete and

total regulation of every type of gas there was, because that was denying gas to the market.

We have got to monkey, so to speak, with the NGPA to recognize market realities. To do so may require some bold steps like looking at existing gas contracts, but I think at the same time our producers, our consumers, and our utilities demand that we straighten this out or else we are going to see even more market dislocations in the future.

Mr. Speaker, I am proud and happy that I have been able to participate with the gentleman from Missouri, and I hope that this will be the first day of a long series of debates on the issue of gas pricing in order to restore some sanity to the way we treat this commodity.

Mr. GEPHARDT. Mr. Speaker, I agree with the gentleman from Kansas (Mr. GLICKMAN).

In 1978 I think we decided to institute a different policy in regard to natural gas. It was a difficult, complex compromise that was created here in the Congress, as the gentleman will remember.

The question now in 1983, I think, is this: Is the compromise, which envisioned a long transition from a regulated world to an unregulated world, still appropriate for the rest of the period until we get total deregulation?

In my view, that is certainly subject to question, and I would hope that this year the Congress will investigate that question and will decide whether or not there can be improvements in that transition, because, as I see it now, from my admitted parochial viewpoint, that transition has been extremely difficult for consumers in certain parts of the country, and I think the question is this: Can the transition be eased, made more efficient, and made more smooth for people who are really being injured beyond their capability at this point in time?

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I thank the gentleman for yielding, and I thank him and the gentleman from Kansas (Mr. GLICKMAN) for making this opportunity available to Members to voice their viewpoints on the subject, the very difficult subject of natural gas.

Certainly in the 15th District of Pennsylvania it is a subject of deep controversy, as it is throughout many areas of the Midwest and the Northeast, and I believe that this natural gas debate could end up being one of the most controversial subjects that we in this Congress face.

No one, consumers and producers alike, should be satisfied with the present situation. Currently, we have excess supplies, reduced demand, yet this has resulted in recordbreaking prices. This is a unique situation, and what we need to ask ourselves is, how do we make prices go down during these periods of excess supply from their exorbitant levels and not have the reverse and have them go up. In other words, how do we make the natural gas market act like a market should?

Some people have advocated a freeze on natural gas prices. According to the Energy Information Agency, if the Federal Government would have frozen gasoline prices—and I think we need to look back on the situation of decontrol of gasoline for some instruction as we face the natural gas situation—if the Federal Government would have frozen gasoline prices in January 1981, when President Reagan took office just prior to full decontrol, we would all be paying today about 10 cents more per gallon for that gasoline and we would most certainly have reduced supplies.

When dealing with natural gas pricing, I do not think we should try to legitimize the very high prices consumers are currently forced to pay by freezing those prices. The market and the industry and the pipelines can do better. Let us try to see what we can do to spur competition and reduce prices to the consumer.

In my home State of Pennsylvania, we have many small, independent natural gas producers who are being shut out of the natural gas pipelines even though they are willing to sell their gas to the pipeline at substantially reduced prices in comparison to other gas currently going into the pipeline. If the pipelines purchased this cheaper gas that is often locally produced, the small, independent producers would benefit, and so would consumers.

Unfortunately, in Pennsylvania, as in many other States across the Midwest and Northeast, we find the pipelines shipping extremely expensive and overpriced gas from places like Louisiana and Oklahoma, and in some cases this expensive gas is purchased from the pipelines' own producing subsidiary. Our small, independent producers have become slaves to the pipelines. They cannot get their gas into the pipeline no matter how cheap it is.

Federal regulations and pipeline purchasing practices have combined to allow this kind of anticompetitive, somewhat monopolistic practice to flourish, and the consumer ends up paying the price.

In response to this problem, last September, I, along with our erstwhile colleague, Congressman BROWN from Ohio, introduced legislation that sought to induce competition within a pipeline so that other carriers could purchase gas and use the pipeline to transport it. The goal of my bill was to bring about a natural gas distribution network where several contract carriers would be buying gas and transporting it through a pipeline in competition with each other and the pipeline for customers at the receiving end. If a pipeline had purchased gas at high prices and contract carriers purchased gas at much lower prices in comparison, the contract carriers could sell their gas at much lower prices. In response to this, pipelines would have to be more aggressive and reduce their prices.

Late last year, the majority staff of the Energy and Commerce Committee projected that only if demand increased, would we possibly see a slowdown in natural gas prices. Something is wrong with that system. In other words, under the present system, because of Federal regulations, and pipeline practices, the consumers are told to take the gas or pay for it.

If we had competition in the pipeline for the distribution of natural gas, we would not need Federal regulation to eliminate take-or-pay contracts. The market would do it for us. We would not have to see our natural gas utilities being forced to pay exorbitant prices for high priced, deep-drilled natural gas if it did not want it or did not need it. We would not need to have FERC decide whether under Federal regulations a pipeline could continue to force consumers to buy overpriced gas from places like Oklahoma rather than cheaper gas from Pennsylvania and then see their decision litigated to death. The market could make such a decision expeditiously, at no cost to the taxpayer, and the market would dictate that the cheaper priced gas be sold to the consumer.

I will be reintroducing my bill later this month with some modifications, and I urge all my colleagues to take a close look at it and consider cosponsoring it. It addresses one important area in the whole natural gas debate, the area of distribution. By inducing competition in this area, we can reduce high prices.

In closing, I would like to say there are things we can do to reduce prices in the short and long term for natural gas, but the best way to do that is not by artificially freezing high prices but by inducing competition into the system.

Mr. Speaker, I urge my colleagues to work together to achieve that goal, and I thank the gentleman for this opportunity to introduce my views.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Pennsylvania.

● Mr. ZABLOCKI. Mr. Speaker, I would like to commend our colleague, the gentleman from Kansas (Mr. GLICKMAN) for requesting the special order thereby giving all of us this frank discussion on one of the most pressing subjects facing Americans

today—the subject of natural gas pricing. The skyrocketing cost of natural gas has created difficulties for Americans all across the country and, in particular, for people in States like Wisconsin which are consuming States and which have significantly colder climates.

My constituents in the Fourth District of Wisconsin, which includes the Milwaukee-Waukesha areas, are hard-pressed to meet constantly rising home heating bills.

Figures according to Wisconsin gas reflect that the average monthly residential bill for customers using 120 therms of gas a month has gone up $52.27 since May 1972, when the average bill was $16.60. Now, the average bill is $68.87 for the same amount of gas, a 315-percent increase.

Mr. Speaker, the Reagan administration's attempt to speed up deregulation of natural gas last year was misguided and ill advised. Had the President's efforts succeeded according to Citzens/Labor Energy Coalition the typical residential heating customers in the Milwaukee area would have paid $484 more in the first year and well over $2,000 more in the first 4 years of accelerated decontrol.

The coalition's figures also showed that, commercial gas users would have paid $41 million more in the first year, and $176 million more in the following 4 years. Industrial gas users would have paid $181 million more in the first year and $777 million more in the following 4 years.

It is fortunate that the Congress did not go along with the President's efforts to speed up decontrol last year, and I am hopeful that we can again play a significant role in the natural gas pricing in the future.

Mr. Speaker, as you know, gas prices continue to rise and regions like the Midwest and Northeast are being squeezed. One of the problem areas are the "take or pay" contracts that our companies are locked into. Under those contracts companies can be required to take high-priced and newly deregulated gas even if lower priced gas is available. It is my belief that if cheaper gas is available companies should be required to buy it.

Because I do not believe that American consumers can bear the brunt of another major price increase in natural gas, I am hopeful that corrective legislation can be expeditiously brought to the floor of the House for a vote in the 98th Congress. I stand ready to work with my colleagues toward it.●

● Mr. MINISH. Mr. Speaker, this is an appropriate time for us to conduct a discussion of natural gas price controls, and I commend the gentleman from Kansas for arranging this occasion. Natural gas prices are still on a decontrol schedule set by Congress a few years ago to insure an adequate supply of that fuel without any sudden inflationary surges. Now, however, prices have shot up despite the decontrol schedule and an abundant supply, and the consumer is caught in a bind which Congress never intended.

The most important fact about natural gas prices is that the fuel is a necessity. It is not something that you can cut out of your budget if the price gets too high, as many people did a few years ago when coffee prices shot up; we depend on it. Even if you do not have natural gas in your own home, you pay for its increased costs when you buy goods and foods whose producers use natural gas. If you do depend on natural gas at home, however, for cooking, for heating, or for other purposes, the vast sudden increases in your bills which have appeared this year are a major blow to you. Whether you are living on a small pension and forced to choose in effect between heating and eating, or whether you enjoy more fortunate circumstances, the very suddenness of these price boosts affects you seriously.

It is hard to think of a worse time to contemplate lifting all price controls on this basic fuel. Over a tenth of the Nation is out of work, and the economy has yet to recover from this recession; a cold winter is still forecast. This is hardly the time to cast off all restraints on already runaway prices.

The argument for accelerated decontrol is annoying; we are told that "market forces" will keep prices lower than controls did. When is this "free market" solution supposed to work? We now have a surplus of supplies of natural gas, yet prices are higher than ever and still shooting up. Back when we feared that supplies would run low, we scheduled decontrol and let prices rise because of the scarcity; now we are supposed to do it because of the surplus. This makes a mockery of the laws of supply and demand, and the contention that a deregulated market will work to keep prices in line. We cannot place a real hardship on the American people in the name of a spurious distortion of economic theory.

Mr. Speaker, the Congress should be examining how to control the current unwarranted natural gas price increases rather than encouraging more. Rather than allowing special interests to toy with the American people in such a serious matter, we have to work to protect our constituents against unwarranted gouging. Not only should we retain the decontrol schedule set already, but we should also look to closing the loopholes which allowed the current increases in the first place.●

● Mr. ROE. Mr. Speaker, I rise today to express my concerns and those of my constituents over the seemingly endless spiral in natural gas prices that have taken place this winter.

Natural gas prices have risen an average of 17 percent over the past year and jumped a remarkable 5 percent during last November alone. These price hikes are estimated to have cost the consumers of this Nation an additional $13 billion to $20 billion in energy costs this year.

Mr. Speaker, the most perplexing part of this situation is that these record gas price increases are taking place at a time when the Nation's natural gas supplies are up, and because of our unusually warm winter weather, consumption is down.

There are two primary villains in this equation: The "take or pay" provisions in contracts between pipeline companies and natural gas producers and the White House's desire to decontrol the price of natural gas.

During the winter of 1976–77, a natural gas shortage plagued our Nation. Gas was cut off for many industries and even some schools were closed because not enough fuel was available. The shortage had many Americans worried there would not be gas available to heat their homes during that harsh winter. It was at that time that many gas pipeline companies, fearing a prolonged shortage contracted to buy future supplies on terms that have now proven to be disastrous.

Many of the contracts called for "take or pay" provisions requiring pipeline companies to purchase higher priced gas being offered by the suppliers. The deal backfired as gas demand actually decreased, yet the pipelines were committed to paying for the higher contracted amounts. Of course those increased costs were passed onto the consumer.

I have sponsored legislation which would correct the blatantly unfair situation by requiring pipelines to deliver the least cost mix of gas to distribution companies. It mandates them to ship the maximum amount of least expensive gas they have under contract before delivering their more expensive supplies. Additionally, pipline companies would have the authority and legal right to refuse to accept the higher priced gas if less expensive were available.

The administration's response to the natural gas price controversy has been to seek the immediate decontrol of all natural gas prices.

Mr. Speaker, the price of a million Btu's of natural gas in 1978 was $2.53. Since partial decontrol was initiated, that price nearly doubled to $4.95 for the same one million Btu's in 1982. Total decontrol of all natural gas could very well double or triple that figure.

While the average homeowner has been hurt by those increases, others such as senior citizens who are living on fixed incomes may have to decide someday whether they will be able to

heat their homes or buy food to survive.

To allow any further increase in natural gas prices at this time would also severely hamper our efforts to put the Nation's record level of unemployed back to work. Industry, which is suffering under the greatest recession since the Great Depression, simply cannot afford any further added costs to production. If they do occur, more Americans will face unemployment lines.

Mr. Speaker, the time for action to regulate rapidly increasing natural gas prices is now and I urge my colleagues to join with me in controlling this very dangerous threat to all Americans.●

● Mr. CONTE. Mr. Speaker, the issue that we are discussing today is one of great complexity, but one that we must address. I would like to thank my colleague, the Honorable DAN GLICKMAN of Kansas, for the opportunity of addressing the phenomenal rise of natural gas prices.

Last year 98 Members, including myself, cosponsored House Concurrent Resolution 77 which opposed any accelerated or immediate decontrol of natural gas. After consultation with the Republican leadership of the House, and a review of the legislative calendar of the House, the President announced on March 1, 1982, that he would not introduce legislation to speed the decontrol of natural gas.

This year there are again persistent rumors that the administration will send a natural gas decontrol bill to the Congress. Again, I must advise the President of the futility of such an effort. Our constituents are faced with price increases of as high as 40 percent. The price of natural gas has, in some areas, exceeded the price of its competitive fuels—either No. 2 or No. 6 heating oil. In this situation, an attempt to decontrol would be almost ludicrous.

Ladies and gentlemen, the way to stop this unwarranted increase in natural gas prices is not decontrol. Proponents of gas decontrol point to the decontrol of oil as an example of the good decontrol can bring. Permit me to examine the oil market as compared to the natural gas market and explain why the decontrol comparison simply is not valid.

The oil distribution system is characterized by a great number of distribution points and multiple sources of supply. There are gas stations all over the place. By and large, these stations can be supplied from any number of sources on very short notice. This type of distribution system allows the consumer many choices of where to make his purchases and the sellers are certain to keep their prices as low as possible.

The natural gas market is radically different than the oil market. There are a limited number of distribution points—consumers normally have only one gas pipeline from which to make their purchases. Second, these pipelines have signed long-term contracts with their suppliers at a fixed price. This type of distribution system does not allow the consumer a variety of choices for a purchase; therefore the sellers have little incentive to keep their prices as low as possible.

It is my feeling that we have established an agency—the Federal Energy Regulatory Commission—to govern natural gas prices. In the past, they have interpreted the scope of their authority rather narrowly. The Chairman of FERC, Mike Butler, has been cooperative with Congress, especially the Northeast-Midwest Coalition, in discussions of this problem. I hope FERC continues their efforts to keep prices below market clearing levels. I hope I can speak for my fellow members when I say we will continue working with FERC to keep prices down. We don't want the citizens of this country to choose between heating and eating this winter—or any winter.

Thank you, Mr. Speaker.●

● Mrs. HOLT. Mr. Speaker, we have recently seen dramatic increases in natural gas prices at a time when supplies are in surplus and demand has been moderated by recession. The price increases have defied the logic of market economics.

It is a complicated situation in which natural gas pipeline companies have long-term contracts to accept high-priced gas from new wells from their suppliers, while lower priced old gas is withheld from the market.

There is a legitimate question as to whether natural gas is a commodity that is subject to normal market discipline.

Natural gas is distributed by State-regulated public utilities, but these are captive markets attached to pipelines, which are also captive markets to the wells at the production ends of the lines. The problem is aggravated when a pipeline company owns a financial interest in a producer serving its pipeline.

I have joined two of my Maryland colleagues in sponsoring legislation that would authorize the Federal Energy Regulatory Commission to impose a prudent standard on the purchasing practices of pipeline companies. A pipeline company would be required to show that its policies and practices are designed to maintain prices at levels competitive with alternate fuels.

I hope that the Energy and Commerce Committee will vigorously pursue solutions to the natural gas pricing problems we face.●

● Mr. DWYER of New Jersey. Mr. Speaker, energy and its spiralling costs have played and will continue to play a monumental role in American consumers' purchasing power and our national security. These two facts are particularly evident to those of us who reside in energy consuming States and who have continually witnessed the economic hardships that high energy costs, shortages, and disruption of supply bring on.

Energy costs, similar to the costs of other commodities, have fluctuated with the rate of supply and demand. One of America's primary energy sources, natural gas, however, is presently defying this tradition. What distinguishes recent increases in natural gas prices from those of past years is that they are occurring in a period of surplus gas supplies. It is this inequitable situation which the Congress needs to address and I applaud my colleague, Congressman GLICKMAN, for arranging this special order and providing the opportunity for discussion.

The unresponsiveness of natural gas prices to conditions in the gas market is a matter of serious concern and one which requires both short and long term remedies. One of the factors precipitating increasing supplies and rising prices is the "take or pay" provisions in contracts signed between pipeline companies and natural gas producers. The effect of these provisions is to require the pipeline companies to use more expensive gas, rather than to use available, lower cost supplies. Pipeline companies signed these long-term, "take or pay" contracts with producers in response to shortages in the mid-1970's. Their consequence has been high natural gas prices borne directly by the consumers.

It is incumbent upon Congress to respond to this situation, and I believe that the "Temporary Natural Gas Market Correction Act," sponsored by Congressman OBERSTAR, and of which I am a cosponsor, addresses this problem equitably. This legislation will require pipeline companies to deliver "the least cost mix of gas" to distribution companies by requiring them to take the maximum amount of least expensive gas covered by "take or pay" provisions. A pipeline company will have the authority and legal duty to refuse high-priced gas if less expensive gas is available under existing contracts.

This legislation is an approach to a situation requiring immediate attention and is by no means the answer to our long-term energy or natural gas problems. The United States must develop a comprehensive approach to our energy needs and one which will resolve regional conflicts and consumer and producer conflicts. The House Energy and Commerce Committee will begin deliberations on this issue within the next few months and it is my hope that the important questions concerning energy policy will begin to emerge so that we may chart a course which not only results in a

pricing system which is fair to our consumers but will also allow us to enhance our national security.●

● Mr. MINETA. Mr. Speaker, I am very pleased that the House has taken this time to discuss the increasingly important issue of natural gas pricing and regulation.

As many in this Chamber know, we have had these discussions before. Last year at this time, we were talking about then newly proposed regulations affecting gas from wells 10,000 to 15,000 feet deep, and gas from certain offshore wells. We were also hearing much talk about action by the Federal Energy Regulatory Commission to administratively decontrol the so-called old gas, that is, gas from wells drilled prior April 1977.

Before we discuss this year's agenda, I would like to know what happened to last year's list of concerns? Twelve months ago FERC was telling us these were critical and important issues. Where are they now?

Does anyone here know what policy is guiding our energy regulators? Old rulemaking die on FERC's vine just as fast as new rules—such as the latest gas production regulations—spew forth. Rumors are nothing new in Government, but few issues match the question of "Will we have an administration proposal to decontrol natural gas?" For their frequency and the lack of solid, reliable information that is available.

This is no idle, theoretical question. While policymakers debate the principles of the free market, residential and commercial users of natural gas are facing regular and exhorbitant increases in their rates. To give this body some idea of the rate of increase in natural gas prices—the 25 percent figure we have all heard—means that natural gas prices are rising almost twice as fast as the defense budget.

For example, in northern California, the combined gas and electric rates of the average resident have increased 70 percent over the last 3 years.

To combat these rapidly escalating prices and to give us a chance to rethink and rework our natural gas pricing system, I have joined with several other Members in cosponsoring the gentleman from Kansas' bill, H.R. 583, to impose a 2-year price freeze on wellhead natural gas prices.

How can we fail to act on this important matter. While we talk, contract take or pay provisions continue to force pipelines to purchase relatively expensive gas, while low-cost controlled gas sits in the ground doing no one any good at all.

While we talk, purchase gas adjustments are routinely approved by FERC, passing wellhead price increases through to pipelines, distributors and consumers with little review or study.

While we talk, the price of unregulated gas rises, and through the averaging mechanism of natural gas pricing, drives up the price of gas for all consumers.

While we talk, expensive Canadian gas flows into our pipelines, adding to the rise in consumer prices.

While we talk, the expiration of existing controls draws near.

And most importantly, while we talk, consumers must pay and pay and pay.

The solution, some say, is to decontrol prices.

Last year, the advocates of decontrol said natural gas prices were not rising fast enough, and we needed to take off controls now to avoid an abrupt rise in 1985 when controls are scheduled to expire.

The expected price spike in 1985 is less of a problem now that natural gas prices are up and oil prices are down. So we now have the advocates of decontrol arguing the removal of controls would prevent prices from rising. These are the same people who last year said we needed decontrol to up prices.

Quite simply, the argument makes little, if any, sense.

We need to do what we all know will be a difficult and time consuming task. We need to at least give serious consideration to modifying the existing Natural Gas Policy Act, and acting clearly and firmly to remove the incentives that drive up prices, and extending the existing controls for at least 2 years. I am hopeful that by working together we will respond to the clear and growing needs of gas customers all over the Nation, and draft a fair and responsible piece of legislation.

Thank you very much.●

● Mrs. HALL of Indiana. Mr. Speaker, I welcome the opportunity to participate in the discussion concerning escalating natural gas prices. I commend the efforts taken by my colleague DAN GLICKMAN in bringing this issue to the House floor.

I am deeply concerned about the effect of spiraling natural gas prices on the Nation's poor and elderly. The sharp increases in energy and other utility rates place a large burden on these people. In addition, the First District of Indiana consists of thousands of unemployed who are hardpressed to meet these rising energy costs.

Government studies illustrate that these individuals spend as much as 20 to 30 percent of their income on these needs—much more than the general population. The Reagan administration has sought to decrease low-income energy assistance as well as other Federal domestic assistance programs.

Sharply increasing natural gas prices, from as much as 20 to 60 percent over last year's prices, serve only to further aggravate the American people. And, these increases come in spite of the fact there is an estimated 10 to 15 percent more natural gas available for sale than last year. The increase represents an additional $13 to $20 billion in energy costs.

The anomaly of increased supplies and rising prices is a consequence of the 1978 Natural Gas Policy Act (NGPA). The law was originally intended to ease the country into deregulation. By allowing the price of new gas to move up to rough parity with the world oil price, Congress hoped to minimize the price shock that would occur when the controls came off about 60 percent of the Nation's total gas production in 1985. However, this winter the Nation will experience "a lesson in regulatory miscalculation" as world oil prices have not gradually risen as expected but instead have decreased until they met or undercut the spiraling price of natural gas in some areas of the country.

The 1978 law extended price controls for already discovered "old" gas, established generous price ceilings for a variety of newly discovered gases and decontrolled expensive deep-well gas found below 15,000 cubic feet. The law allowed gas prices to go up to encourage more gas exploration.

The "take or pay" provisions in contracts between pipeline companies and natural gas producers are generally blamed for the increase in prices. The effect of these provisions of the 1978 act is to require the pipeline companies to use more expensive gas, rather than to use available, lower cost supplies. Pipeline companies signed these long-term, "take or pay" contracts with producers in response to shortages in the mid-1970's.

I believe that any legislative approach to modifying the 1978 law would address the "take or pay" provisions in some fashion. One such proposal would require pipelines to deliver the "least cost mix" of gas to distribution companies by requiring them to take the maximum amount of least expensive gas they have under contract before taking expensive gas covered by "take or pay" provisions. Another would direct the Federal Energy Regulatory Commission (FERC) to address this concern by initiating a rulemaking proceeding regarding pipeline rate design. The proposal would consider the service agreements which currently obligate distribution companies to purchase unnecessary quantities of high cost gas and the relationship between pipeline companies and local distributors. These are only several of the kinds of proposals which could significantly contribute toward resolving the problem.

Another popular legislative idea, that of freezing natural gas prices at August or October prices, has been

criticized as not significantly resolving the problem. Secretary of Energy Donald P. Hodel recently stated that a price freeze would save perhaps only 2 percent on natural gas prices.

Whatever the solution, I urge Members of Congress to take immediate action to resolve the problem. I believe that we must carefully consider all the issues to enact comprehensive, long-term legislation rather than a quick fix designed to only alleviate the current crisis.●

● Mr. PEASE. Mr. Speaker, I appreciate our colleague from Kansas (Mr. GLICKMAN) organizing this special order to discuss the problems of natural gas pricing and legislative actions we might take to address them.

Mr. Speaker, gas consuming States are acutely aware that natural gas rates have gone up. But most important to remember is that rates have not just increased marginally, but by factors of up to 50 percent in some cases. And at the same time prices have gone through the roof, supplies of natural gas have increased to a point where some utilities are asking for special permission to offer lower "off system" rates to large industrial users in order to maintain their customer base and end the huge oversupplies of gas they currently have.

Mr. Speaker, the law of supply and demand appears to have been repealed, or at least suspended, when it comes to natural gas markets.

The reasons for the situation in which we now find ourselves are confusing: Drastic increases in OPEC oil prices caused energy-equivalent domestic natural gas prices to increase; formerly inconceivable reductions in natural gas consumption because of price-forced conservation, improved technology, and a nationwide recession led to a marked rise in supplies; overzealous and imprudent pipeline purchasers, especially after the 1977-78 shortages, bought gas at prices and under conditions we now see were completely unreasonable.

Mr. Speaker, I think the problem and a solution to the crucial natural gas market distortions we have is in the hands of the gas industry itself. The industry, from producers to pipelines to distributors, must realize that the provisions they have built into gas contracts—from the infamous "take-or-pay" clause to price escalators, must be bent to allow the market to function at something closer to "normal."

If natural gas distributors, pipelines and producers expect residential and industrial natural gas users to pay every passed-through increase in costs, they will soon find they have no customers, or at least no paying customers. Current circumstances are not far from that situation already.

Producers must sit down with their pipeline and distributor customers to renegotiate existing contracts. If the industry does not take such action itself, the Congress will force action. Along this line, I am pleased that the Fossil Fuels Subcommittee of the Energy and Commerce Committee, under the very able leadership of our colleague from Indiana (Mr. SHARP), will continue hearings on Federal natural gas policy this year. With testimony from all parties in the natural gas controversy, the subcommittee is laying the groundwork for action by the Congress if the industry itself refuses to move.

Mr. Speaker, there are several legislative approaches to try to bring some relief to natural gas consumers—from price freezes to "rollbacks" to previous years' prices to attempts to address the "contracts" problems of the Natural Gas Policy Act. I am ready to support reasonable and workable legislation if the gas industry itself does not move to install realty in its marketplace. If the industry does not move soon, the Congress must. I will continue to urge the Fossil Fuels Subcommittee and the full Energy and Commerce Committee to act on this crucial matter.●

● Mr. WORTLEY. Mr. Speaker, the medieval Jewish philosopher, Maimonides, is well remembered for a collection of his writings commonly referred to as A Guide for the Perplexed. It may behoove us as legislators to read that book now as we struggle to do the right thing about rising natural gas prices.

Residential gas customers are faced with an increasingly intolerable situation. Prices continue to rise; demand is down; industrial conversions to other sources of fuel are on the upswing. Estimates for gas heating costs range from 25 to 40 percent more than the previous year. In my own area, gas bills have increased 43 percent in just 1 year.

Central New York is known for its long and severe winters. Furnaces are turned on in October and run well into May. More homes are heated with natural gas than any other form of heat. People in New York State are conservation minded. They turned down their thermostats; they added extra insulation; they checked for heat loss and took the necessary precautions. They did everything they were supposed to do and they still do not understand why their gas bills look like phone numbers. The law of supply and demand does not apply in this case.

Why?

Because gas customers cannot comparison shop for their fuel. Gas customers, of necessity, must deal with a monopoly. Monopolies necessitate regulation and this means it is appropriate for the Federal Government to intervene. Government intervention in this case is not intrusive but essential. Anyone who pays gas bills is looking to Congress for relief.

Unfortunately, none has been forthcoming due to a lack of consensus. Some people in this body have advocated escalating the schedule for decontrol specified in the Natural Gas Policy Act. Others advocate price freezes and still others contend recontrol is the best means of dealing with gas prices. The only point of general agreement, however, is that the Natural Gas Policy Act of 1978 is a nightmare. It should be reviewed and revised in a way that is fair to both users and the industry. But until that consensus is reached, there is something that can and should be done to help residential gas customers contend with fuel costs that are out of control and rising.

The Federal Energy Regulatory Commission should immediately investigate the so-called take or pay contracts entered into by natural gas producers and pipelines that require the purchase of more expensive new or deep gas while less expensive, more plentiful gas is shut in at the wellhead. If FERC declares it does not have the authority to modify or abrogate these contracts then Congress should enact the appropriate legislation to grant such powers.

In anticipation of FERC's response, I have already cosponsored legislation to require the abrogation of take or pay clauses in contracts. Once this message is delivered loud and clear, it is entirely possible that a resolution of the dilemma facing consumers across the country will become a reality. Time is of the essence and we must act now to preclude even greater shocks from occurring that will slow down economic recovery.●

● Mr. CROCKETT. Mr. Speaker, I want to commend Congressman GLICKMAN for his leadership in arranging for this special order to dramatize the need for congressional action on the question of natural gas prices. Although this issue is very complex, it is clear that there are major problems connected with natural gas pricing that we as a nation just cannot afford to ignore. We must address this issue—and quickly—before the situation worsens.

The situation we now have is ludicrous. There have been numerous reports of low-cost natural gas being burned at the wells, or allowed to vent into the atmosphere because of lack of markets for the gas. Many small producers have already gone bankrupt, closing wells that were still efficiently producing low-cost gas. At the very same time the price of natural gas is so high that many industrial users are switching to other fuels, making natural gas even more expensive for the residential user who is not so free to

switch his or her home-heating method.

Already, with still more weeks of winter on the way, 10,000 households in Wayne County, Mich., have no heat because their natural gas bills have zoomed so far out of their reach. In 1982 46,000 households were shut off at some point, and we expect that figure to be much, much higher in 1983. Michigan Consolidated Gas Co. anticipates $40 million in noncollectable gas bills this year alone. Of course noncollectable bills eventually wind up, one way or another, tacked onto the bills of everyone else, thereby making it harder still for paying customers to keep up with their payments.

Everyone suffers when the price of a basic necessity skyrockets. When food costs, or medical bills, or any other necessity suddenly becomes much more expensive, everyone must readjust their budgets. For some it may mean skipping a meal out. For others it may mean skipping a meal, period.

This latter is what is happening in Detroit. Unemployment in my district is 26 percent. AFDC families are having to make do on an average of $3.50 per day per person. State and local governments and charities are going all they can, but the recession—which in Michigan can only be classified as a "depression"—has decimated their budgets as well. And of course this is the time the Reagan administration has chosen to start implementing the New Federalism—the system whereby already-reeling State and local governments get smothered in yet more financial responsibilities.

The result in Michigan has been that the phrase "choosing between heating and eating" is not a cliche; it is reality. Too many of my constituents are having to make that choice. And no matter which they choose, to buy food or to pay their gas bill, it is their very health, well-being, and even their lives which are being threatened. We cannot just sit here and allow this to continue.

This problem must be tackled on a myriad of fronts. I have already asked my colleagues in the Congressional Black Caucus to join me in forming a caucus task force on energy and utility assistance. But that task force represents only one approach to the problem, and is being formed by only one group. All of us in this Congress must explore all of the possible solutions to this problem. I urge my colleagues to see this as the crisis that it is, and to devote themselves to its swift and responsible resolution.●

● Mr. VOLKMER. Mr. Speaker, I want to commend the gentleman from Kansas (Mr. GLICKMAN) for his leadership on this issue as once again demonstrated by his efforts in organizing this special order.

I share his deep concern about this problem. The escalating cost of natural gas is an economic issue foremost in the minds of my constituents as it is with his.

The people in my district are hurting.

Since January of last year homeowners in eastern Missouri have seen their gas bills go up as much as 56 percent.

And the list is endless.

So, as I say, the people in my district are hurting. And they want to know why Congress cannot resolve this problem.

About the only answer I can give them is that Congress is not yet unified as to a solution to this problem.

The challenge we face is to work even more dilligently to make the natural gas problem a priority item for the agenda of this Congress.

I support the efforts of the gentleman from Kansas (Mr. GLICKMAN) to roll back the price of natural gas to levels of last fall and to freeze it there for 2 years. I have introduced similar legislation.

In addition to freezing the price of natural gas, we must also address the take-or-pay crisis. The increases in natural gas prices are, to a great extent, the result of the inflexibility created by the take-or-pay provisions in the gas purchase contracts between the pipelines and the producers.

The provisions are contrary to the public interest.

We should also foreclose the operation of so-called indefinite price escalators in producers contracts.

I have introduced legislation, as have other Members of this body, that would prohibit FERC from allowing contracts containing these onerous take-or-pay obligations or these price escalators.

What we must not do is to take any action to decontrol natural gas prices. I invite anyone who believes that decontrol will bring great benefits to consumers to visit my office and look over the mail I have received from despairing consumers.

We must also not allow our discussion of this issue to break down into a regional debate.

Many of the Members of this House represent producing States. Many more represent States who are unaffected by the natural gas problem.

I say to you that this natural gas crisis, if left unresolved, will place a financial burden upon all the States, not just upon the States in the Midwest and the Northeast.

If States such as Missouri go bankrupt from natural gas prices, fewer dollars will be available to purchase other goods and services from other States. No State is self-sustaining.

If we allow skyrocketing gas prices to continue, all the States will feel the sharp edge of the knife as it cuts into the economy.

This situation cries out for action—action which I urge my colleagues to take.●

● Mrs. COLLINS. Mr. Speaker, I would like to take this opportunity to thank our colleague, DAN GLICKMAN, for calling a special order devoted to one of the most pressing issues facing my constituents and millions of consumers nationwide: The high cost of heating residences with natural gas.

Despite an almost 20 percent surplus of gas, some 44 million consumers are facing bills which have increased as much as 50 percent over last year's costs. Consumers everywhere are beginning to get fed up and are sending the message to Congress that they are not going to take it anymore. Indeed, at a grassroots community meeting held a few weeks ago in my district, over 300 people gathered to kick off a national campaign to halt the decontrol of natural gas.

In response to consumers' pleas for relief, I have introduced House Concurrent Resolution 29, as resolution calling for comprehensive, coordinated efforts by legislative, administrative, and contracting entities, to continue controls on wellhead prices currently scheduled to phase out after 1985; eliminate in contracts, provisions which artificially increase natural gas prices or restrict prudent decisionmaking in the marketplace; require pipelines to justify increases in prices they charge rather than pass through such increases automatically; and that additional moneys be made available for low income energy assistance and weatherization programs.

As we continue to call attention to the plight of natural gas consumers, let us not lose sight of the need to take quick, corrective steps to bring some semblance of fairness in the marketplace.●

● Mr. WINN. Mr. Speaker, the agenda of the 98th Congress will include several very important issues of direct concern to the people; but one which requires the highest priority is the problem of rising natural gas costs. Following the lameduck session in December during which I and many other Members, testifying before Chairman SHARP's Energy Subcommittee on Fossil Fuels, emphasized the seriousness of the natural gas situation, I was pleased to receive assurance—as many Members did—from the chairman that further hearings will be scheduled early this year. So I want to take this opportunity to request the subcommittee and the full committee to reopen discussion and debate as soon as possible.

As most of us are aware, only 2 years hence, the Natural Gas Policy Act of 1978 is scheduled to complete the decontrol process on "new" gas prices in 1985. Despite all of the predictions and speculation, there is uncertainty as to

how the market will respond in 1985 or just how high prices will rise. In the meantime, prices have risen steadily on various categories of gas under the NGPA since 1978; but the worst economic impact on residential and commercial consumers has occurred this winter and in the past winter. Understandably, gas customers in my district and in Kansas are alarmed at the prospect of additional price increases year after year.

In recalling the prolonged and controversial debate in 1977 and 1978 which preceded the enactment of the NGPA, and the reported differences which still exist today in different sectors of the industry on the proper market solution, a reopening of the debate poses a risk of endless discussion without finalizing agreement on sound legislation; but it is imperative that Congress address the obvious problems in the market and in the NGPA which are widely recognized and attempt to reach a consensus in response to the pleadings of our constituencies.

First, Congress must address the take-or-pay contract clauses which require a pipeline to pay for high-priced gas, whether or not it is taken, and to forgo cheaper supplies. Many of these contracts evolved as a result of the NGPA's early decontrolled, high production-cost gas contracted by pipelines. To assure their share of adequate supplies, pipelines accepted restrictive and costly contract terms, among them the take-or-pay provisions. This excess supply of high-priced gas in the pipelines has benefited some producers in the interstate market but also has shut in gas production in Kansas at cheaper prices. By rolling back the amount of high-priced gas a pipeline must take, Congress would thus permit pipelines to replace expensive supplies with cheaper supplies—perhaps lowering consumers' costs. I want to state also, Mr. Speaker, that I fully support the efforts of pipelines to work independently with producers for modifications in restrictive contract clauses. Northwest Central Pipeline Corp.—formerly Cities Service Gas Co.—the major gas transportation system to Kansas, has initiated several actions with producers and with the Federal Energy Regulatory Commission which are intended to provide reliable and adequate service at the lowest reasonable cost. In pursuing every available means to minimize the impact of high gas costs, the parent company of Northwest Central has offered a share of company funds, to be matched by State funds, in emergency fuel assistance in Kansas and Missouri.

The automatic cost passthrough, or purchased gas adjustment rate request, also requires congressional attention. This provision in the NGPA allows pipelines, through rate requests filed with the FERC, to automatically pass high gas costs to the distributor and ultimately to the consumer. FERC may disapprove such requests if determined to be "abusive;" however, FERC's authority appears to be vague in challenging a cost passthrough; and I believe that Congress should examine the statute on this point.

The Fuel Use Act and incremental pricing provisions in the NGPA. The repeal of the Powerplant and Industrial Fuel Use Act should be considered by Congress. The Fuel Use Act curtails and prohibits the use of natural gas for boiler fuel. The incremental pricing provisions require that costs of high-priced gas be passed on first to industrial customers before being passed on to residential and commercial users. The economic recession, industrial fuel switching and the market restraints imposed by the above-mentioned statutes have eliminated natural gas as a competitive fuel and have forced the residential and commercial sectors to absorb a large share of the gas industry's costs. A predicted upswing in industrial output in the months ahead should increase energy demand and use. Further, reports that the price of natural gas in some areas are at or near the price of oil, as well as a possible downward trend or stabilization of oil prices, generate the need for a discussion on improving the competitive market for all fuels, including natural gas.

There are other areas which require congressional attention, such as the indefinite price escalator clauses, market-out options under the NGPA, favored nations pricing provisions.

Mr. Speaker, in correcting the defects in today's distorted gas market, Congress goal should be a market which assures ample supplies at realistic price levels for the end consumer. The complexities of the natural gas issue and the financial hardships imposed upon consumers compel the Congress to examine proposed legislative remedies without delay.●

● Mr. OXLEY. Mr. Speaker, I join my colleagues in their concern today over the high prices our consumers must pay for natural gas. The problem focuses not only on residential consumers who depend on natural gas to heat their homes, but also industrial consumers who depend on reliable, competitively priced supplies, and finally, the small, independent producers who have been particularly hard hit by the complexity and market distortion of recent natural gas legislation.

The real culprit of the natural gas problem facing our country is the U.S. Congress, which in 1978 passed the Natural Gas Policy Act (NGPA), creating complex and confusing regulations on some 23 categories of natural gas. But the NGPA does not stop there. This regulatory quagmire has three other significant consequences: First, it clearly discriminated against many industrial users served by interstate pipelines, many of which are located in the industrial Midwest; second, it increased the prices to these industrial consumers without assurances of additional supplies; and, third, it did more to weaken our energy independence than all other congressionally approved legislation combined.

In my State of Ohio, the problem is even greater. The results of a recent Ohio Department of Energy study indicate that substantial volumes of Ohio gas are available and marketable at a wide range of competitive prices, but these wells are shut in because pipeline companies serving that area indicate that they—the pipelines—only buy gas at NGPA ceiling prices.

This strategy by the pipelines of deliberately passing over cheaper supplies of gas puzzles me, particularly in light of abundant supplies in States such as Ohio. To address this question, I have today written the chairman of Columbia Gas System Service Corp., asking him to explain why my Ohio consumers are forced to pay for transported gas from Western States—not to mention imported gas—while cheaper, equally abundant gas supplies are available in our backyard at competitive prices. I include the text of my letter at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington D.C., February 8, 1983.

Mr. W. F. LAIRD,
Chairman, Columbia Gas System Service Corp., Wilmington, Del.

DEAR MR. LAIRD: It is my understanding that Columbia Gas has some of the highest cost gas supplies among the interstate pipelines. According to the attached charts from data collected from a recent report by the Federal Energy Information Administration, the increases in Columbia's delivered price of gas stem from, among other factors, its dependence upon these higth-cost gas supplies.

At the same time I understand that a number of independent gas producers in my State of Ohio have varying amounts of natural gas available to Columbia, but are "shut in" by Columbia. Many of these producers are willing to lower their prices in order to make sales. To this end, please note the attached Ohio Department of Energy study concluding that Ohio gas producers are willing to meet the lower market price rather than be shut in. Other producers have told me that they have made a series of attempts during the past year to convince Columbia simply to transport their gas sold directly by these producers to local industries, such as the Vistron ammonia fertilizer plant in Lima, Ohio. While they tell me a certain amount of progress has been made, they have yet to receive an affirmative answer that Columbia is willing to transport their gas.

Some observers of the interstate pipeline industry have said that the nature of a given producer's contractual relationship with a pipeline depends more upon his relative bargaining position rather than on the price—high or low—he is willing to accept for his gas. While Columbia has moderated its purchasing practices in the last few

months, it still continues to purchase higher-priced gas from larger gas producing companies and continues to shut-in lower-priced gas from small gas producing companies. In fact, the smaller Ohio producers are both shut-in (from selling to Columbia) and shut-out (from competing with Columbia).

As a member of the Committee on Energy and Commerce of the U.S. House of Representatives, I will be asked to legislate on natural gas issues. I would like your answers to questions raised by these Ohio producers, and by Ohio consumer as well. Why is gas on your system so expensive when lower-priced gas is available? Why are consumers in Ohio, both industrial and residential, effectively being denied the value of competitively based gas prices?

I look forward to your response.

Yours truly,

MICHAEL G. OXLEY,
Fourth Ohio District.

The Ohio DOE study goes on to point out some other very intriguing statistics about the Ohio gas market. Of those Ohio producers surveyed, 55 percent said they have uncontracted gas available for sale; two-thirds of the respondents said they are willing to sell their gas for less than $4 per million cubic feet, while the current market rate for gas is about $6 to $7; 79 percent presently lay their own gathering lines, and 76 percent of those are willing to enter into a joint venture with another party to lay those lines; 72 percent said they have not been contacted by any pipeline company with regard to purchasing their uncontracted gas; and several producers said they plan to avoid certain transmission companies altogether, preferring to seek other companies who will take their gas year round. Finally, because there is no clear demand for locally produced Ohio gas, there is subsequently no incentive for Ohio producers to explore for future supplies.

In conclusion, I would urge my colleagues not to rush into efforts to re-regulate the market, but to carefully examine other options to rectify current problems. The crux of the problem is not based on traditional free-market forces of supply and demand, but rather the complex scheme of Federal regulations which have forced up prices of natural gas during a supply surplus.

The phenomena of low-cost gas being shut in while high-cost gas is transported from Western States and even our North American neighbors is one of the first issues which must be addressed by the Congress. However, in an overall context, Congress must examine the extent to which the NGPA has actually thwarted our energy security and punished the consumer.●

● Mr. CLINGER. Mr. Speaker, McKean County, Pa., is sometimes referred to as the coldest spot in the free world. It should, therefore, come as no surprise that with McKean County in the district I represent, I am extremely concerned about the steep increases in natural gas prices.

Mr. Speaker, our Founding Fathers believed that Members of the House of Representatives should be elected every 2 years. They reached this conclusion because they believed that the House of Representatives should be responsive to the will of the people.

I believe we are about to test the responsiveness of this body to the will of the people. It is indeed impossible to explain to constituents why gas prices have shot upward even though supplies of gas have increased while demand has slipped due to conservation efforts and the recession.

The only reason I can give is that legislation passed by Congress in 1978 has defied the principles of supply and demand. That is an honest, straightforward answer. But it is not the sort of responsive answer that I want to give to constituents facing the hardship of a 25-percent increase in their gas bill.

I just received petitions more than an inch thick from constituents concerned about natural gas prices. I do not want to tell these people why their gas bills have shot through the roof. I want to tell them what Congress is going to do to correct the situation.

As a member of the Northeast-Midwest Congressional Coalition, I strongly support H.R. 873, the Temporary Natural Gas Market Correction Act of 1983. This bill requires natural gas pipeline companies to adjust the volume and mix of gas within their systems to provide the lowest price gas possible to their distribution companies. It also gives pipeline companies the contractual authority to refuse high priced gas if less expensive gas is available under current contracts.

Admittedly, H.R. 873 only attempts to address the short-term problem of severe price increases. But I think it is much better for Congress to attack this problem immediately and not hide behind statements that natural gas pricing is hopelessly complex and we cannot do anything about it right away.

Sure, it is complex and we will have to deal with the long-term problems of natural gas pricing through lengthy debate. And I do stand ready to take part in reaching long-term policies to address this crucial energy issue. But in the meantime, we must do something now to protect consumers hit hard by these price increases, and I urge my colleagues to join me in pushing for passage of this legislation.●

THE NATURAL GAS MARKETING ACT OF 1983

● Mrs. BYRON. Mr. Speaker, I want to thank the gentleman from Kansas for this opportunity to bring to the attention of the House legislation introduced by Mrs. HOLT, Mr. DYSON, and me to provide a mechanism for natural gas price reductions. Our bill, H.R. 482, the Natural Gas Marketing Act of 1983, offers an alternative that would be far less disruptive of the natural gas industry than many of the other bills while offering relief to natural gas users.

Thirty- to fifty-percent jumps in consumer bills do not reflect gradual decontrol of natural gas. The Natural Gas Policy Act of 1978 has provided the incentives for greater gas reserves with structured increases from the wellhead to the burner tip. It does not, however, contain a mechanism for price reductions.

Our bill, H.R. 482, is designed to make the natural gas industry market sensitive from the homeowners' burner tip to the producers' wellhead. The Natural Gas Marketing Act does not interfere with the supply incentives of the NGPA, and stands alongside the Natural Gas Act of 1938.

The structure of the natural gas industry presents us with difficult problems to be sure. On the heels of the gas shortages of the 1970's, the transmission companies raced to the producers and agreed to sign what now are overly generous contracts in order to be assured of adequate supplies in the future. The transmission companies, fearing a return of their shortage problems, agreed with the producers to include a clause known as "take or pay" in their purchase contracts. These clauses merely state that the pipeline is obligated to pay for a set volume of gas, at a set price, over the life of the contract without regard to the fact that conservation and supply surpluses would dramatically alter their ability to sell the gas at any price.

This contractual relationship and the structure of the industry is, but should not be, a barrier to solving the insulation of the gas producer and transmission company from the marketing of natural gas and the reception of appropriate signals for price reductions. Providing the pipelines and producers with market signals within the existing regulatory framework is accomplished by H.R. 482 through two approaches.

First, the bill allows for a distribution company, State public utility commission or municipal owned utility to petition the Federal Energy Regulatory Commission (FERC) certifying that the proposed rates of the transmission company are not competitive with available and usable alternative fuels within the service territory. Upon this certification, FERC is mandated to suspend the proposed rate increase for a period of up to 6 months. During this period, the transmission company bears the burden of proof to show that the proposed rates are competitive with alternative fuels. If FERC finds the rates are competitive, it is authorized to approve the rates.

Second, if FERC finds that the proposed rate is not competitive with alternate fuels, it is mandated to adjust the rate to make it competitive. Once FERC makes this adjustment, the transmission company is automatically given the right to presume that these contracts, and just the noncompetitive contracts, contain a market-out provision. This provision, when exercised, gives the transmission pipeline an opportunity to renegotiate the gas purchase contracts if, in the sole opinion of the company, the gas is not marketable in its service territory.

Through this legislation we have assured the ultimate consumers of natural gas that their rates will be the lowest possible. With additional responsibilities to insure natural gas price competitiveness, pipelines will be certain to negotiate with the producers in their own interests. Finally, through this procedure a clear signal will reach the producer that the consumers will not pay the prices being charged.

I want to emphasize that this legislation is designed to sensitize the industry through the pipeline's rate request and its responsibility to carry the burden of the request.

H.R. 482, The Natural Gas Marketing Act of 1983 offers, through pipeline accountability systematic, downward pressure on wellhead prices and a mechanism through which consumer market signals can quickly and effectively flow to the gas producer in the field.

As I stated earlier, this legislation does not alter the Natural Gas Policy Act of 1978, and stands alongside the Natural Gas Act of 1938. In effect, this legislation offers an opportunity to modify the present system without drastic alterations where the outcome would be difficult to foresee. And, frankly, I believe this legislation offers a better overall alternative than the changes proposed by some of our colleagues. I would just briefly attempt to set this legislation apart from the major approaches offered to date.

The most prevalent approach is to completely suspend all take-or-pay contract clauses, others give FERC the authority to nullify or modify these clauses. Our legislation would provide a market-out provision to be assumed by the pipeline for those contracts that were used as a base for any prohibited rate increase request. Use of the market out provision is the decision of the pipeline and not imposed by FERC.

To completely nullify take or pay clauses would remove what has been an incentive for natural gas supply increases. What is most adverse about these provisions is the fact that the obligation is a long-term incentive, though not applicable to the natural gas market at this time. This wholesale voiding, with reinstatement of the clauses by FERC if they cause no harm, is a directly opposite path Congress should take handling this matter. H.R. 482 provides for modification of take-or-pay contracts through an allowable market-out provision only upon proof, or the lack thereof, that requested rate increases will not keep natural gas competitive with available and useable alternate fuels. Take-or-pay contracts should not be eliminated out-of-hand.

Second, by automatically providing the pipeline the discretion to implement the market-out provision, it does not superficially impose conditions on existing contracts. It gives those companies that have signed contracts the leverage and opportunity to go back and negotiate price reductions. Corporate to corporate negotiations should be conducted at the option of the involved parties, not at the behest of Congress or FERC. And, H.R. 482 does not depend on FERC to offer such an option, it only depends upon FERC to determine the competitiveness of the rate increase; which is the result of the bottom-line price that results from all of the pipeline's contracts and practices.

The Natural Gas Marketing Act of 1983 is not a piecemeal parceling of legislative remedies. The market-out provision is part and parcel of a new, carefully laid out procedure for evaluating pipeline rate increases. This contract provision make possible a downward adjustment of the contract prices as well as relief from a take-or-pay obligation. If the pipeline declares the producer's price unmarketable, the producer may reduce the price to an acceptable level or seek another buyer. The producer has the right to match any price offered by a new supplier; if it does, the pipeline continues to buy the gas, but at the new, lower price. If the producer line does not wish to match the new suppliers price, the pipeline is relieved of its obligation to buy, the producer may sell the gas to anyone else, and the contract terminates.

Perhaps the next most prevalent remedy of the other proposals would be the amending of the NGPA to add a nebulous term "imprudence" to the fraud and abuse section 601. H.R. 482 does not directly change this section, rather it provides the distributors and State public utility commissions an additional ground for challenge of a pipelines rate request: that the competitive prices for natural gas are not sustained by the increase. Additionally, the Natural Gas Marketing Act mandates that a hearing must be held in 6 months rather than at the discretion of FERC, and is not an option as is now the case. For the record Mr. Chairman, this bill does not remove any option under section 601 of the NGPA.

Recently several bills were introduced in both Houses of Congress that would freeze the price of wellhead gas at the October 1982 levels and provide for the postponement of deregulation until 1987. As I observe the present situation, neither of these freeze proposals will provide for relief now without creating the opportunity for supply restrictions sometime in the future. H.R. 482 does not impose a price or otherwise directly address producers' prices. The Natural Gas Marketing Act focuses on pipelines' prices, which most directly affect gas consumers. Again, H.R. 482, provides remedial action to make pipeline companies accountable for their gas acquisition practices and purchased gas costs. In absence of this pipeline accountability, there is no systematic, downward pressure on wellhead prices and no routine mechanism through which consumer market signals can quickly and effectively flow to the gas producers in the field. The Natural Gas Marketing Act is the only bill at this time that sensitizes the industry through the regulatory process and within the prospective price adjustment scheme through 1985.

Finally, the alternative that provides for a mandatory volume adjustment option for a limited time period, and for the purchasing of a least cost mix of gas has modest shortcomings as well as comparison to the long-term benefits of H.R. 482. Where this legislation relieves pipelines of all take or pay obligations until next fall, it fails to present full remedial action because it is temporary. It fails to allow for downward price negotiations, and it fails to provide a standard by which prices are deemed to be judged, that is, the marketability of natural gas against its competing fuels. Unless provided in some manner, the least cost mix of gas would depend to some extent on an artificially establish cost of gas as opposed to its marketability against other fuels.

So that the House may have a full understanding of the Natural Gas Marketing Act of 1983, I am placing in the RECORD a copy of the bill and a section-by-section analysis.

I thank the gentleman for this opportunity to discuss one possible solution to sensitizing the natural gas industry to the demands of the energy market place. The following material is provided for the Members use in determining whether they wish to cosponsor H.R. 482:

H.R. 482

A bill to insure that rates charged by natural-gas companies are market-sensitive

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Natural Gas Marketing Act of 1983".

SEC. 2. (a) Notwithstanding any other provision of law, whenever a gas distributing company, State commission, municipality,

or State files a complaint pursuant to section 4(e) of the Natural Gas Act alleging that any rate proposed to be charged by an interstate pipeline company is not just and reasonable, and certifies that such proposed rate, taken together with any prevailing lawfully imposed charges for the retail delivery of such gas, results in a retail price for natural gas that is in excess of the per million Btu equivalent price of a competing fuel currently available to and usable by existing retail customers served by or through any of the interstate pipeline company's wholesale customers, the Commission shall set the matter for hearing and decision.

(b) The Commission shall suspend the operation of the interstate pipeline company's rate increase filing until the issuance of a final appealable order upon completion of such hearing.

(c) Unless otherwise agreed by all parties, the Commission shall conclude its hearing and render its final decision on any proposed rate challenged in accordance with this Act within six months after the date the rate increase filing was suspended.

(d) At such a hearing, the burden of proof shall be on the interstate pipeline company to establish, inter alia, that its gas purchase contracts with its suppliers and its gas acquisition practices are designed to maintain its gas prices, taken together with any prevailing lawfully imposed charges for the retail delivery of such gas, at a level competitive with the retail price of competing fuels in its service territory, and that its average cost of purchased gas and its wholesale rates are and will be adjustable in response to increases and decreases in the retail prices of competing fuels in its service territory.

(e) If the Commission finds that the interstate pipeline company has successfully discharged its burden of proof under subsection (d) above, the Commission may approve collection by the interstate pipeline company of all or any portion of the proposed rate, in accordance with otherwise applicable laws and regulations.

(f) If the Commission finds that the interstate pipeline company has failed to discharge its burden of proof under subsection (d) above, the Commission shall prescribe an adjustment in the interstate pipeline company's rates which it finds is sufficient to render the interstate pipeline company's rates, taken together with any prevailing lawfully imposed charges for the retail delivery of such gas, competitive with the retail price of competing fuels in its service territory and which it finds is consistent with the long-term gas supply needs of the interstate pipeline company's customers. Upon the entry of such a finding, each of the interstate pipeline company's gas purchase contracts shall be deemed to include a provision relieving the interstate pipeline company of its obligation to purchase the gas or otherwise pay any charge or fee with respect to such gas (whether or not delivery is taken) if, in the interstate pipeline company's sole opinion, the gas is not marketable in the interstate pipeline company's service territory.

SEC. 3. (a) Nothing in this Act shall be construed as altering, or permitting the altering of, any law barring unduly discriminatory pipeline rates.

(b) In any allocation of costs approved by the Commission in connection with an interstate pipeline company rate order issued pursuant to this Act, all purchased gas costs shall be allocated equally to all volumes sold.

(c) Nothing in this Act shall be construed as giving the Commission authority to increase any rate to any customer other than in accordance with a proposal filed by the interstate pipeline company.

(d) Nothing in this Act shall be construed as giving the Commission authority to alter any charges duly approved by State or local governmental authorities for the retail delivery of gas purchased from the interstate pipeline company, or to make any other adjustments in any rate order to take such charges into account.

SEC. 4. (a) For purposes of this Act, the terms "municipality", "State", "natural gas", "gas distributing company", "State commission", and "Commission" have the meanings given such terms by or under the Natural Gas Act.

(b) For the purposes of this Act, the term "interstate pipeline company" has the same meaning given such term by or under the Natural Gas Policy Act.

THE NATURAL GAS MARKETING ACT OF 1983, A SECTION-BY-SECTION ANALYSIS

H.R. 482, the Natural Gas Marketing Act of 1983, would revise the procedures and standards by which the Federal Energy Regulatory Commission (FERC) approves rate increases sought to be charged by interstate natural gas pipelines. Its purposes are:

(1) to assure that the views of the pipeline's wholesale customers with regard to the impact of the proposed rate increase on their ability to resell the gas at retail receive a full and fair hearing;

(2) to establish a minimum standard of conduct for pipelines seeking a rate increase, under which pipelines are held responsible to manage their gas acquisition practices and gas purchase contracts with a view to maintaining their gas prices at levels competitive with alternate fuels; and

(3) to assure that any pipeline rate increase ultimately approved by FERC will not be inconsistent with the marketability of that gas at retail in competition with alternate fuels.

The bill is titled the Natural Gas Marketing Act of 1983.

Section 2 of the bill establishes procedures and legal standards to govern FERC consideration of pipeline rate increase filings. Section 2(a) sets forth the event that will trigger the procedures described in the remaining paragraphs of Section 2. That "trigger" is the filing by a local distribution company or the public utility commission of any state, including the District of Columbia, of a complaint pursuant to section 4(e) of the Natural Gas Act alleging that a rate proposed to be charged by a pipeline is not just and reasonable, and certifying under oath that such proposed rate, taken together with any prevailing lawfully imposed charges for the retail delivery of such gas, results in retail price for natural gas that is in excess of the per MMBtu equivalent price of a competing fuel currently available to and useable by existing retail customers served by or through any of the pipeline's wholesale customers.

Local distribution companies and state public utility commissions are among those parties that already have the right to file a complaint under Section 4(e) of the Natural Gas Act challenging the lawfulness of any rate increase filing made by an interstate pipeline. Under the Natural Gas Act, FERC has discretion whether to set the complaint down for hearing. This bill describes one particular kind of complaint by these two types of parties which FERC must set down for hearing. If the complainant makes the certification under oath regarding the retail prices of gas and alternate fuels, FERC has no discretion to evalutate the merits of that certification or to deny the complainant a hearing. The complaint may address a proposed purchased gas adjustment (PGA) rate increase filing.

Section 2(b) provides that, upon the filing of a "triggering" complaint, in addition to setting the matter for hearing, FERC shall suspend the operation of the pipeline's rate increase filing until the issuance of a final appealable order upon completion of such hearing. Under the Natural Gas Act, FERC currently has discretion to suspend the operation of a rate increase filing for any period from one day to five months. Thus the increased rate often goes into effect before the hearing on its lawfulness is completed; the only remedy if the increase is found unlawful is the ordering of refunds to the pipeline's customers. This bill would make suspension of the rate increase until conclusion to the hearing mandatory, and assure that pipeline customers are not required to pay, even subject to refund, an unlawful rate increase. However, Section 2(c) provides that the total suspension period will not exceed six months, only slightly longer than the maximum suspension under the Natural Gas Act.

Section 2(c) provides that, unless otherwise agreed by all parties, FERC shall conclude its hearing and render its final decision on any proposed rate challenged in accordance with this bill within six months from the date the rate increase filing was suspended. Under the Natural Gas Act, a five month limit is imposed on the period of suspension but there is no time limit on FERC's decision-making process. As a result, the proposed rate increase often goes into effect long before the matter is resolved, complaints remain pending for months and even years after the rate in question has been in effect, and the pipeline has no incentive to expedite the hearing or to urge FERC to do so. This bill would assure that FERC proceeds to conclusion of a hearing and issuance of a final appealable order within six months, and create a substantial incentive for the pipeline to expedite the proceeding. If the pipeline and other parties all agree, they may waive the six month time limit, but in that event the proposed rate increase remains suspended and may not go into effect until the matter is finally concluded.

Section 2(d) provides that the burden of proof at the hearing on the rate increase shall be on the pipeline to establish, among other things, (1) that its gas purchase contracts with its suppliers and its gas acquisition practices are designed to maintain its gas prices, taken together with any prevailing lawfully imposed charges for the retail delivery of such gas, at a level competitive with the retail price of alternate fuels in its service territory, and (2) that its average cost of purchased gas and its wholesale rate are and will be adjustable in response to increases and decreases in the retail prices of competitive fuels in its service territory. Under the Natural Gas Act, the pipeline seeking a rate increase already bears the burden of proof to show that the increased rate is just and reasonable. Section 2(d) of the bill describes two specific elements of the showing a pipeline must make in a hearing triggered by a complaint under this bill.

Section 2(e) provides that, if FERC finds that the pipeline has successfully discharged its burden of proof under Section

2(d), FERC may approve collection by the pipeline of all or any portion of the proposed rate. FERC has discretion to find that the entire increase sought is just and reasonable, or to find that some portion of the increase sought is nevertheless not just and reasonable on any ground for which FERC has lawful authority.

Section 2(f) provides that, if FERC finds that the pipeline has failed to discharge its burden of proof under Section 2(d), FERC shall prescribe an adjustment in the pipeline's rates which it finds is sufficient to render the pipeline's rates, taken together with any prevailing lawfully imposed charges for the retail delivery of such gas, competitive with the retail price of alternate fuels in its service territory and which it finds is consistent with the long-term gas supply needs of the pipeline's customers. The adjustment ordered may be all or any portion of the rate increase sought, or it may be a rate reduction. The remedy ordered requires FERC to make two findings. First, it must find what adjustment will render the pipeline's rates competitive with prices of alternate fuels in its service territory. Second, FERC must find that such an adjustment is consistent with the long-term gas supply needs of the pipeline's customers. FERC may revise the adjustment mandated by the first test only to the extent it finds that the second test is not met.

If FERC finds that the pipeline has failed to discharge its burden of proof under Section 2(d), Section 2(f) of the bill further provides that, effective immediately, each of the pipeline's gas purchase contracts shall automatically be deemed to include a "market-out" provision relieving the pipeline of its obligation to purchase the gas if, in the pipeline's sole opinion, the gas is not marketable in the pipeline's service territory. That provision would not preempt existing terms of the contract except to the extent they are inconsistent with the provision dictated by the bill.

Section 3 of the bill sets forth certain limitations on the foregoing sections. Section 3(a) provides that nothing in the bill shall be construed as altering existing law barring unduly discriminatory pipeline rates. This is a reference to, inter alia, Section 4(b) and Section 5(a) of the Natural Gas Act. This bill is not intended to alter the requirements of either of these sections or to condone any pipeline rate or rate structure that would violate either of these sections or any other existing law.

Section 3(b) provides that, in any allocation of costs approved by FERC in connection with a pipeline rate order issued pursuant to this bill, all purchased gas costs shall be allocated equally to all volumes sold. Consonant with the limitation contained in Section 3(a), this limitation precludes FERC from shifting the burden of purchased gas costs from one pipeline customer to another on the bais of the types of, or prices of, alternate fuels available to or usable by their retail customers.

Section 3(c) provides that nothing in this bill shall be construed as giving FERC authority to increase any rate to any customer other than in accordance with a proposal filed by the pipeline. Again consonant with the limitations in Section 3(a) and 3(b), this limitation precludes FERC from prescribing, as the result of a hearing under Section 2, an increase in the pipeline's rates to any customer greater than that sought by the pipeline, or pipeline rates that differentiate among the pipeline's wholesale customers in a manner not proposed by the pipeline.

Section 3(d) provides that nothing in this bill shall be construed as giving FERC authority to alter any charges duly approved by state or local governmental authorities for the retail delivery of gas purchased from the pipeline, or to make any other adjustments in any rate order to take such charges into account. This limitation is designed to make clear that this bill does not authorize FERC to investigate, scrutinize, or otherwise question the difference between any pipeline rate or proposed rate and the resultant retail rate to any customer or customers. These matters are now exclusively within the control of state or local regulatory bodies and do not enter into FERC's decision on the pipeline's rates. Nor may FERC adjust a pipeline rate or rate structure to compensate for variations in the lawful retail markups to various retail customers in the same or different jurisdictions. FERC is thus unable to achieve indirectly what it cannot do directly under this bill.

Section 4 provides the definitional basis of specific terms referenced in the bill.●

● Mr. DAUB. Mr. Speaker, I am very pleased to have this opportunity today to address what I perceive to be one of America's most troublesome concerns and one that is very clearly the responsibility of the Federal Government. I say this because the high prices that consumers face today, the fact that one simple element, natural gas, is priced in at least 29 different ways, and the fact that high priced gas is being used by consumers while less expensive gas remains in the ground is all a product of 30 years of the Federal Government attempting to regulate an important energy source.

The people of Nebraska, particularly those in and around the city of Omaha are particularly vulnerable to the economic problems created by rising natural gas prices. Our houses, our businesses, and many of our industries have used natural gas for many years. Their physical structures were designed and built during times when natural gas was very inexpensive thanks to Federal price controls. In a climate like ours there is considerable importance attached to heating fuel and our economy is very much intertwined with the economics of energy.

In recent years we have seen the price of natural gas go literally through the roof. In response to this conservation has increased beyond the most optimistic expectations. But unfortunately the price of natural gas that caused this conservation to take place also resulted in some industry closing, some replacing natural gas with other fuels (which in some cases involve the use of imported oil) but on the whole reducing greatly the industrial use of natural gas in the Midwest. This has meant that the residential consumer has been forced to absorb a greater share of the fixed cost of the Natural gas delivery system. This is a particularly ironic situation when one considers that the intention of the Natural Gas Policy Act of 1978 was to charge industrial consumers more so that residential consumers would pay less.

This last point I have made, the consequence of seeking to burden industry with high cost gas so as to relieve the homeowner is unfortunately an all too common example of the Government attempting one goal and ending up with precisely the opposite in results. Twenty years of keeping prices below the market has resulted in today's prices being far above the market. Pipeline companies that for 20 years were obligated to provide natural gas at below market prices now find themselves locked into contracts that being insulated from market conditions require them to charge consumers significantly greater than the market price.

Yesterday afternoon a presentation was made at the Federal Energy Regulatory Commission by a major natural gas wholesaler in which its gas purchase practices were explained for members of the FERC, State regulatory agencies, and congressional representatives. The point the company made was that its actions in purchasing gas in the last 5 years were entirely prudent and reflected its understanding of its responsibilities to the FERC and its customers. And in comparison with other pipeline companies it was a good deal more successful than most in keeping the lid on gas prices. But the bottom line that came out of that meeting was that natural gas prices are not unlike other commodities in that their relative value fluctuates and attempts to predict prices over the long haul, to anticipate demand, and particularly to do both at the same time can only lead to disaster. And I submit to you that the current situation in the Midwest is just that.

Mr. Speaker, we hear from many voices what should be done. Some would take the lid off all prices and allow natural gas as one commodity to seek its own market level against other energy sources. Others would have tighter controls placed on natural gas in order to keep prices lower than they are today. With one course we risk enormous economic dislocation if the factors involved do not mesh successfully and with another we risk repeating the past experience of shortages.

I am not going to suggest today a panacea that will solve this enormously complicated problem but I know that we cannot ignore it. If we do we condemn ourselves to enduring an unendurable situation while setting the stage for reform created in a crisis environment.

Instead I suggest that the President appoint a special study group to analyze our current situation and to propose a possible compromise solution. I do not believe that the forces of decontrol are strong enough to prevail

on this issue in this Congress or the next nor do I believe that those who would seek to reregulate natural gas are going to be successful as long as President Reagan sits in the White House. I do believe that we need an answer other than the one that the Congress saddled us with in 1978 and that answer is surely going to be a compromise on both sides of the issue.

Whatever the President chooses to do in this regard it is my hope that he will address the issue forthrightly and not ignore a situation that gets worse every day. This winter has been relatively mild in the Midwest but while those using oil have seen their bills drop, those using natural gas have seen increases. This economy does not need the jolt it would be thrown today or tomorrow from the double burden of extremely cold weather and extremely high natural gas prices. Before that day occurs I urge my colleagues on both sides of this issue to acknowledge the strength of the other's political power—if not its merits of argument—and seek a solution.●

● Mr. YATRON. Mr. Speaker, I want to take this opportunity to join with my colleagues and discuss the matter of natural gas pricing. I also want to extend a personal thanks to the gentleman from Kansas for his initiative in bringing us all here today.

The natural gas issue is national in scope and commands the attention of this Chamber. I believe that the Congress has an obligation to investigate this problem and pursue remedial action.

Ironically, natural gas prices have increased dramatically in recent times, even though demand is down and supplies are plentiful. These price increases have created a tremendous hardship for many citizens of this country, many of whom are suffering the effects of the deep recession. The problem is particularly acute now, as cold weather has set in in many parts of the country.

The natural gas issue is long and complicated and does not readily lend itself to easy solutions. As most of us are aware the increase in natural gas prices has resulted from the fact that many pipeline companies are locked into long-term contracts with gas producers which require them to take high priced gas even when lower cost gas is available. In addition, the contracts contain the so-called "take or pay" provisions which obligate the pipelines to take delivery of, or pay for, as much as 90 percent of the contracted amount. The pipelines also agreed to pay the maximum rate allowed by law, regardless of whether the rate exceeds market prices.

It should be noted that these contracts were signed several years ago when supplies of natural gas were tight. Also, natural gas arrangements have historically been long term, as the pipeline needs assurance of a continous supply and the producer needs the guarantee of a price for future exploration. Nevertheless, I believe it is unfair and unjust for the consumer to bear these costs, especially when they exceed the market rate.

Accordingly, I have cosponsored legislation to provide pipeline companies the contractual authority to refuse high priced gas if less expensive gas is available. I also support efforts to encourage renegotiation of the contracts. Futher, I have written the Federal Energy Regulatory Commission and asked them to use any authority they might have to rectify this situation in a fair and equitable way. I also support efforts to provide a mechanism to lower prices in the Federal pricing structure.

It is to the benefit of all to keep the price of natural gas competitive. If prices are not competitive the market share of natural gas will decline, adversely affecting producers, pipeline companies and distributors. The consumers should not be expected to pay more than the product is worth. I will continue to work for a just solution to this serious problem.●

● Mr. APPLEGATE. Mr. Speaker, let me begin by thanking the gentleman from Kansas (Mr. GLICKMAN) on behalf of my colleagues, the people of my district and all of Ohio, and everyone who is dismayed and angered by the present natural gas situation. By means of this special order, you have provided us with the opportunity to address an issue which is both timely and of great local and national concern. By means of this special order, we are being given the opportunity to tell gas producers and gas transmission companies that we will no longer tolerate their capping of wells, flaring of excess gas, and entering into "take-or-pay" contracts at the expense of the consumer. We are being given the opportunity to tell the Federal Energy Regulatory Commission that we will no longer accept their complete and total failure to correctly implement and interpret their responsibilities under the Natural Gas Policy Act of 1978. But most important, through this special order today, we are being given the opportunity to tell the American people that their desperate pleas for moderation, for equity, and for compassion are not falling upon deaf ears. Rather, we intend to do all that we can so that millions of Americans presently faced with a "heat or eat" situation will not be in the same precarious situation upon the advent of winter next year.

As many of my colleagues have done, I have cosponsored virtually every bill which attempts to alleviate this unconscionable situation and cosigned virtually every letter to the President and other administration officials expressing our scarcely concealed outrage over the present state of affairs. While the causes of today's crisis are indeed varied, I remain convinced that our problems today were created with the passage of the Natural Gas Policy Act of 1978, an act which so many of us opposed when passed with strong warnings that our present situation would eventually occur. I submit that the present corner into which so many Americans have been painted is due to the Federal Energy Regulatory Commission's outright failure to recognize the mandate of the Natural Gas Policy Act and to carry out that mandate as required by law. Their interpretation of certain provisions of the Natural Gas Policy Act is indefensibly narrow, ignoring the plain meaning of the act, is contrary to congressional intent, and most importantly is devastatingly harmful to consumers. For the Federal Energy Regulatory Commission to approve recent rate increases which would result in consumer rates to increase to the present level is unconscionable anytime, but with the natural gas market experiencing a market surplus and demand soft, every economic theory and rule dictates that prices should be falling. The natural gas industry, however, appears to march to its own economic beat, and there is no basis for increases anywhere near these levels.

In light of these factors, I support the following actions as advocated and supported by many of my colleagues: a freeze on the wellhead price of natural gas; the insertion of a "prudence" standard into the Natural Gas Policy Act, or at the very least a clarification of the Federal Energy Regulatory Commission's authority to reject gas pipeline rate increase requests on "prudence grounds," and, the renegotiation of "take-or-pay" contracts, or the striking of such clauses in present existing contracts and the prohibition of such clauses in new contracts. I am distressed by the proposed decision in the Trunkline LNG case. Judge Wagner's decision to permit the continued importation of this high-priced Algerian liquified natural gas under the Trunkline contract and authorizations makes a bad situation even worse. Algerian LNG is too expensive, is not needed, and constitutes an unnecessary drain of more than half a billion dollars a year on the U.S. balance of payments. On the other hand, two other recent developments offer some measure of encouragement; Secretary of Energy Donald Paul Hodel's decision to disburse $200 million of oil pricing settlement funds to the States, and Judge Levant's decision that Columbia Gas Transmission Co., has engaged in unjust and abusive practices that resulted in the company paying more than it needed for natural gas

and passing these costs on to the consumer. Hopefully, by setting strict management standards aimed at keeping the price of natural gas within market-related limits, this decision will have a substantial impact on gas prices and play a key role in the debate over whether to remove Government price controls from natural gas.

Separate and apart from any actions on our part to amend or revise the Natural Gas Policy Act, it is incumbent upon the Federal Energy Regulatory Commission to, at the very least, interpret and implement the Natural Gas Policy Act in the way in which it was intended by Congress. We cannot allow ourselves to be lulled into complacency on this issue merely because we have experienced a relatively mild winter and because spring is a little over a month away. The heat is going to remain on us to resolve this matter long after the heat is off in most homes across the country. Let us not wait until the end of this year, when millions of Americans are being forced to huddle together once again to escape the menace of a cold they cannot bear because of a heat they cannot afford, to arrive at a means of solving this problem. It is a golden opportunity to extend our hand and to show a measure of compassion to those who are truly in need of our help.

Thank you very much.●

CONSUMERS HURT BY FEDERAL NATURAL GAS LAWS

The SPEAKER pro tempore (Mr. DURBIN). Under a previous order of the House, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 60 minutes.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, let me say to my colleagues that natural gas is the most significant energy issue facing the Nation today. It is more pressing than foreign oil dependence, now that the grip of OPEC is slipping in the face of a free world market.

Gas consumers are rightly concerned. Gas prices are rising now even though there is an apparent surplus of deliverability of gas in the country.

The debate we have heard so far today has a single conclusion: the 98th Congress must reform natural gas laws. The question is, what shall we do? Shall we freeze? Shall we abrogate contacts? Shall we deregulate? Or none of the above? I do not think the Congress can overlook the importance of the issue. We simply must act.

Federal gas regulation is a dismal failure. American consumers are being forced to bear the burden today of the Federal Government's inability to control natural gas prices. The attempt at Federal regulation is now discriminating against and among everyone who has anything to do with natural gas.

Federal gas laws discriminate most among gas consumers. Delivered prices for natural gas range in this country from $1.99 in Anchorage, Alaska, to $16.64 in Honolulu, Hawaii. In the 48 contiguous States, gas prices range from $4.52 to $8.02 for major distribution centers coast to coast.

I want the Members to think about this for a moment. The range of discrimination from consumer to consumer in this country occasioned by Federal policy has produced a situation where some consumers in our country are paying $8.02 per 1,000 Btu of natural gas so that others might pay $4.52 per 1,000 Btu of natural gas.

Who are the consumers who are paying more, and who are the consumers who are paying less? We have got to go from one area of the country to the other to find out where they are. They exist on different lines, they exist in different regions, they exist all over the country. The fact is that some poor consumers in our country are paying the higher price under Federal law so that rich consumers might enjoy the lower price in some other part of the country served by a line which is lucky enough to have low-priced gas on the line. Federal natural gas laws discriminate against distribution systems. They are forced to explain to the consumers why gas costs are rising and they cannot do anything about it.

It is not a bed of roses for gas pipelines either. Some of them are blessed with large supplies of cheap federally controlled gas. Other pipelines serving the same region of the country, especially the intrastate pipelines in some cases, are saying "goodbye" to industrial customers and asking their residential consumers to pick up more and more of the fixed costs in those systems. Their gas costs are simply rising too sharply.

Gas producers and royalty owners are discriminated against as well. Some of them, by law, must sell the same product for 23 cents per 1,000 Btu that other producers can sell for whatever the free market will bear in the case of gas produced which is deregulated at this stage. In the end, gas consumers must pay the price. In the end, somebody pays more so somebody can pay less.

The NGPA simply is not working. The Natural Gas Policy Act is a complex, ineffective, and unfair piece of legislation. It must be dramatically and significantly changed.

The NGPA is so complex that few consumers can understand it. It took nearly a year and a half to write it. The Fossil and Synthetic Fuels Subcommittee in the House, chaired by the gentleman from Indiana, and the Energy Subcommittee in the Senate have spent the last 2 years holding hearings on it. Despite its nearly two dozen categories of prices for natural gas, the NGPA still ends up pricing gas at levels most consumers cannot afford.

Price increases for natural gas are rising at four and five times the rate of inflation. I repeat, the NGPA is not working for consumers in America.

What is the 98th Congress going to do about it? On what day will legislation be marked up and sent to the floor for us to decide whether gas consumers are going to be robbed further by the NGPA?

NGPA is costing us American jobs. An energy research analyst recently told me that NGPA will cost consumers nearly $100 billion in 1985 unless it is significantly reformed and price controls phased out.

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Already men and women are losing their jobs because their gas-dependent manufacturing plants cannot compete with plants on other pipelines and alternative fuels or because the products they produce cannot compete with foreign subsidized imports.

Some U.S. fertilizer manufacturers, for example, have filed complaints against importers of anhydrous ammonia saying these imports are subsidized by foreign governments. Domestic fertilizer producers see their markets being eroded away by the NGPA. No wonder they want to do away with the disruptive gas laws not on the books in order to save their businesses and the jobs of their employees.

American farmers on the other hand must either rely on unstable foreign sources for an essential product or pay high fertilizer prices forced up by Federal laws at a time when many of them are struggling just to meet their mortgage notes. It is not surprising that the National Grange and the American Farm Bureau Federation have called for natural gas law reform.

One of the complaints heard frequently in the natural gas debate is that the federally regulated gas market is not responsive to supply and demand. That is absolutely correct. It comes as no surprise to those of us who have seen the intrastate gas markets nearly destroyed by the NGPA and Federal regulation.

Before 1978 the intrastate markets were very responsive to changes in supply and demand. The consumers' market signals got sent back to producers and pipelines and gas prices adjusted in response. They both rose and

they fell according to supply and demand and consumers' signals.

A free market existed then in the intrastate markets and price and supply posed no problems for industrial, business and residential consumers in those markets. That is not the case today for much of the Nation. And simply changing contract terms will not make the national market responsive to burner-tip feedback.

The weakening of the interstate gas markets brought on by the NGPA is adversely affecting the entire Nation today. It is in those markets where the overwhelming percentage of fertilizer, petrochemical and plastic manufacturing is located.

Someone earlier today mentioned that the FERC was represented primarily by Members who come from producer States where gas consumption was not as high as the rest of the Nation. I might surprise you by telling you that Louisiana, that is the first, or second by some accounts, gas-producing State in the Nation, is also the second highest gas consuming State per capita in the Nation because most of the plants that produce the petrochemicals, the fertilizers and other plastic manufacturing, is located in States such as the producer States. It is there that the NGPA has had its most destructive impact, driving up prices and denying workers the ability to compete in global markets.

The NGPA is threatening the jobs of many American workers.

As gas prices rise, the cost of gas-dependent petrochemical and plastic products rise, too. For workers in the automobile industry that means the costs of their finished products go up in the face of highly competitive foreign imports.

The same is true for textile manufacturers. In fact, the NGPA presents a real and eminent threat to workers in businesses and industries throughout the Nation.

This fact is made clear by the long list of commercial and industrial gas consumers who have urged natural gas law reform:

The National Association of Manufacturers, the Chemical Manufacturers Association, the Petrochemical Group, the Highway Users Federation, the American Textile Manufacturers Institute, the American Mining Congress, the National Grange, the National Oil Jobbers Council, the Council of Industrial Boiler Owners, the National Cattlemen's Association, the Business Roundtable, the American Paper Institute, the National Coal Association, the American Farm Bureau Federation, the U.S. Chamber of Commerce, the National Petroleum Refiners Association, the Society of Plastics Industry, the Process Gas Consumers Group, the Natural Gas Supply Association.

The list could go on and on. These people have one thing in common. They know that the NGPA and other Federal gas laws and regulations threaten their competitive ability and, more important, the jobs of their employees.

We must remember that the ability to compete has been and will continue to be the hallmark of American economic success. We must also realize that the NGPA is robbing us of that ability to compete in the international competition for the manufacture of synthetic fibers, plastics, inks, film, construction and insulation materials, automobile parts, agricultural chemicals, paint, medicines, and other vital products.

For better or worse, as today's debate indicates, natural gas is an issue that will not go away.

Natural gas is not just an energy issue. It is also an enormously important economic one. It is an issue that demands fairness in the face of NGPA's patent discrimination.

We cannot resolve the natural gas crisis with simple contract abrogation. We cannot free the competitive abilities so long as Government tries to do something it has been proven incapable of doing; that is, setting gas prices and setting them discriminatorily.

We will not do consumers any good whatsoever if we try to freeze into place prior irrational, inequitable Federal gas laws and regulations and prices.

I have seen a free market for gas work in the intrastate system. It can work on a nationwide basis, too. I have every confidence the American people, given the tools they need and the freedom to compete, can and will prevail over an economic power in the world.

Few nations have the combined and diverse resource base that America enjoys. No nation has the creative nor innovative genius our free market and its economy have inspired. Government control of this marketplace and the prices the consumers pay is costing consumers entirely too much. That is true especially in natural gas.

This Congress can do something about it but only if we are willing to undertake the difficult, complicated task of comprehensive natural gas reform.

Mr. LOEFFLER. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas (Mr. LOEFFLER).

Mr. LOEFFLER. I thank the gentleman from Louisiana for yielding and I commend the gentleman for setting aside this special order and also appreciate his request of me that I assist him in the formulation of speakers from the Republican side of the aisle.

I appreciate the fact that so many of our distinguished colleagues from various parts of this Nation have taken the opportunity to point out that the Natural Gas Policy Act does not work. Clearly, the Natural Gas Policy Act has not and will not work, and I trust that this widespread dissatisfaction will impel the Congress to resolve the inequities, disparities, and distortions of the NGPA.

Those of us who have long warned of pending market disorders and pricing distortions because of the NGPA now feel vindicated. When some of us from the formerly free intrastate market complained that the NGPA creates havoc in the markets, others thought that only the intrastate markets were harmed. Some have even believed that their constituents would be benefited. The statements delivered today show that the chaos is nationwide and that there are no worthwhile benefits from a scheme of price and allocation controls.

States such as Texas were discriminated against by the NGPA, as the Supreme Court of the United States just recognized in the Kansas Power & Light decision. The Court held that the States could protect themselves from this discrimination. But the Congress created the discrimination, and I call upon the Congress to correct it.

Let me briefly indicate the discrimination, by company data, for Kansas and for Texas. In August of 1982, electric utilities in Kansas paid an average of $2.45 per unit for gas. Texas electric utilities paid $3.50.

Residential consumers in Kansas City paid $4.67 per unit for gas in October 1982. Residential consumers in Houston paid $5.40 and, in Dallas and Fort Worth consumers paid $6.09.

It was only a matter of time before the Nation as a whole began to suffer from this discrimination, both directly and indirectly.

I say indirectly, because this Nation is dependent upon States like Texas and Louisiana, for instance, for agricultural products and for primary petrochemicals. Where would the automobile manufacturers be without the rubber for tires and tubes, where would the New England plastics industry be without plastics, where would the textiles in the Carolinas be without manmade fibers, and where would the farmers of the Great Plains States be without fertilizers and pesticides, just to cite a few examples. For boiler fuel, process, and feedstock purposes, natural gas prices and availability are critical to the manufacturing of these products and to agriculture throughout the country. Hurt them and you hurt the Nation and, in fact, the world.

As I said earlier, it was also only a matter of time before the rest of the Nation felt this discrimination directly. What Texas and Louisiana have felt under the NGPA is now being felt across the Nation. Different interstate pipelines have widely differing average

prices of gas. This has led to raiding of customers by the "better-off" pipelines, through what is sometimes called off-system sales, which is a code word for dumping gas for less than the cost of the highest cost supply under the NGPA.

We must stop looking for quick fixes. They will not work. A price freeze, for example, will not work. Outlawing take-or-pay offers little relief, as pointed out by GAO, and the result of stopping the cash flow to producers will not stop with harm only to producers. You will see a real run on the banking industry as producers default through Federal interdiction of their cash flow. You will see shortages and curtailments of the 1970's reappear. And, eventually, you will see skyrocketing prices.

Let us face the truth. This Nation will suffer constant chaos in the natural gas markets unless the Federal price controls and other regulation of wellhead sales of natural gas are removed. We should all share the common goal of making all natural gas at the wellhead equally available to all Americans without the heavy hand of Federal regulation.

Decades of regulation, whereby one government agency or another seeks to set the "right" price for natural gas have demonstrated the fallacy of that system. The gas consumer has been taken on a roller coaster ride down into the depths of shortages and curtailments and then back up to surplus supplies accompanied by ever-increasing prices. It is time to get off of the roller coaster. It is time to deregulate natural gas.

What an anomaly. At this time we have a situation where natural gas producers cannot sell a unit of gas for even 1 cent. At the same time we have consumers throughout our Nation paying far in excess of a free market clearing price.

For the first time, as the debate of natural gas decontrol and the address of the disparities of the Natural Gas Policy Act begin, we have a situation whereby producers and consumers have a common ground and a common bond. That common address, then, would be in my judgment decontrol and allow the free market to work.

Remember, if the free market were at work today, producers would sell for a fair price and consumers would pay a fair price which is far below what the clearing price is in many areas of our country.

Again I applaud the gentleman from Louisiana for observing this time for special order purposes and yield back to the gentleman.

Mr. TAUZIN. I thank the gentleman and I now yield to my colleague from Louisiana, (Mr. LIVINGSTON).

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Mr. LIVINGSTON. I thank the gentleman for yielding, and I want to compliment him for his excellent statement on this most important subject matter and thank him for providing this opportunity to discuss a problem which I hope this body has the political courage to address. It must be fairly obvious that, coming from Louisiana, I also feel very strongly that total decontrol is the answer to our natural gas supply and price mechanism.

The First District of Louisiana, which I am proud to represent, is home to every integral in the current debate about the Natural Gas Policy Act. Consumers, pipeline companies, producers, and the service industries are all concerned about future decisions we will make in this session affecting natural gas. I contend that the correct course to take is not one of reregulation but definitely of deregulation.

How can we contemplate reregulation when we already have a system with over 23 categories of differently defined gas ranging in prices from 45 cents per Mcf to over $9 per Mcf? How can we contemplate "fine tuning" the present regulatory system in a similar environment to that which existed back in 1978 when we created the present regulatory monster?

Why can this body not learn from the mistakes of our past. Deregulation of oil is a valuable lesson which many—who have introduced new "reregulation" bills—fail to face. Many of those who have decried deregulation of natural gas prices as "anticonsumer" should remember the outcome of the same predictions they made when oil was deregulated. Yet once done, we have witnessed the steady decline in the price of oil.

In a very short span of time, we have seen the gas industry go from shortages to surpluses. Yet the average wellhead price in the past year has increased 14.6 percent and the residential heating price for gas has increased 21.7 percent. The situation is not a good one for producers either since the industry's drilling activity is down from an active rig count of 4,487 rigs in November 1981 to only 2,603 as of November of 1982. The market chaos caused by the NGPA is the primary reason we see such anomalies today. We can attempt to lay the blame on take or pay and indefinite price escalator gas contract mechanisms. However, the Department of Energy's own data conclusively shows that abrogation of such contracts would have little impact on consumer prices. Just as important, by adding regulatory layers to the NGPA, we would continue to ignore the harmful long-term effects of the act on our economy.

The intrastate gas market has been severely weakened by the NGPA to the absurd point that industries in producing States such as Louisiana, Oklahoma, and Texas cannot effectively and economically compete for gas supplies. This has caused many plants to shut down or lay off workers to the point that thousands of jobs have been lost in these and other States as a result.

We have a unique opportunity at this very time to bring about deregulation. We have a window on conditions that allows us to act. Yet in another year that window may be closed if shortages again develop, and most surely as national elections approach. Let us not forget the lessons of the past by failing to deregulate natural gas in the first year of this new Congress.

I once again just want to extend my thanks to the gentleman from Louisiana for giving us the opportunity to make these points. I urge this body to consider these thoughts that are expressed at this time.

Mr. TAUZIN. I thank the gentleman for his comments.

Mr. Speaker, I would like to add that the gentleman has given us some statistics on rig counts, as far as drilling for natural gas is concerned. I think it is important to know also that, while we have a surplus of deliverability, we have not added appreciably to our natural gas reserves in this country, and if this country ever gets to full recovery—as we all hope and pray that it will—and demand for gas picks up, we could indeed be facing the kind of crisis that was earlier alluded to with a shortage of natural gas in a few short years.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas.

Mr. FIELDS. I thank the gentleman for yielding.

Mr. Speaker, like so many of the other speakers before, I want to congratulate the gentleman from Louisiana for having this special order. I think it is very important. I appreciate the gentleman including me in this special order.

Mr. Speaker, all of us in this body are greatly concerned about the problems some people are having paying their natural gas bills. And we are well aware that these problems look especially pressing now that winter is here.

It is important, however, that whatever we do, we fashion an energy remedy that works, a remedy that is based on a correct analysis of the problems that we face regarding natural gas. To simply pass legislation so that we can say we took some action, and then discover that, far from solving the problem, we have actually aggravated an already bad situation, is an irresponsible approach that we must guard against.

That is exactly what proposals to freeze natural gas prices would do. I know it is appealing. It sounds so simple. So direct and to the point. If the prices are getting too high, we freeze them. No more problem.

However, Mr. Speaker, this country has already had enough experience with trying to impose price controls in a market-oriented economy to know that they do not work. And it is not just that they are ineffective: The problem is actually made worse, because with prices frozen the motive to conserve is reduced and more natural gas is consumed. Plus, with a cap on prices, producers do not produce as much as they would otherwise, which means less natural gas available. It does not take much to see what the result will be: shortages.

I know that we are not facing shortages today. But it is incumbent upon us to enact legislation that reflects our longrun interests as well as responding to our shortrun needs. And it was not that long ago that we faced severe shortages of natural gas in this country. In the winter of 1976-77, this country experienced crippling natural gas shortages that were caused, in part, by the effects of price controls.

Let your memories range back to that winter, just 6 years ago: Industrial plants were either closing or curtailing operations all across this country, and unemployment due to the shortages of natural gas was extensive. A check of newspapers during the month of February 1977, shows natural gas shortages caused unemployment of 1.2 million Americans during just 1 week. At this peak, the State of Ohio alone had 1 million workers out of a job, due solely to natural gas shortages. The Governor of Indiana had to declare a state of emergency due to the shortage, as plants closed all over his State. Georgia saw 75,000 people laid off; New Jersey, 20,000; 56,000 auto workers were laid off, in addition to rampant layoffs and curtailments in the appliance, steel, farm implement, and glass manufacturing industries.

Mr. Speaker, no one in this body needs to be told that the Nation's economy is not exactly booming right now. To pass legislation that creates the risk of new shortages of natural gas while the economy needs all the support it can get to start moving again, is not very wise, and hardly serves the national interest.

When I talk about the effect of price controls on production of natural gas, I am talking from experience. We have ample evidence that price controls are precisely the kind of short-term action that make the problem even worse in the long run. We finally removed controls on oil, precisely because we could see the effect was to aggravate the energy problems in this country. Now, without those controls, this country has experienced a flattening out in the decline of oil production, an increase in conservation, and a significant reduction in our reliance on imported oil.

But in natural gas, Mr. Speaker, where we have retained price controls on most gas through the Natural Gas Policy Act (NGPA), we are seeing inequities in prices being paid for natural gas, along with other transition pains, as we try to ease into a free market for natural gas, comparable to what we have for all other fuels.

Even today, drilling for oil—where controls have been removed—exceeds drilling for natural gas—where controls are still in effect. In 1981, for example, exploratory oilwells increased 38 percent, but exploratory gas wells increased at almost half that rate—20 percent. And in 1980, when even more price controls were in effect for gas, exploratory oilwells increased 29 percent, exploratory gas wells only 10 percent—only a third of the rate for oil.

So Mr. Speaker, let us not take the hasty, and ill-advised step tht some are urging of imposing a freeze on natural gas prices. We have had too many bad experiences with this type of misguided approach. For the truth is, if we freeze natural gas prices today, we will be freezing homes or schools or factories tomorrow.

Mr. TAUZIN. I thank the gentleman for his statement and I welcome his astute mind and logic to the Energy and Commerce Committee. I very much appreciate his joining us.

I should point out, too, in light of the gentleman's statement, that misconception also heard in this debate is that the current NGPA will somehow provide us with total deregulation at some point of time in the future. The truth is that the current NGPA, when it completes its business in 1985, will leave half of the gas of this country still under price controls set by the Federal Government, set by a Congress some years past, and that therefore half of the gas consumed in this country will be protected under some sort of price control limit, and the other half will not. Some consumers will be winners and some will be losers. I only ask the consumers who may be tuning in to this debate to ask yourself: Have your prices doubled or tripled, if you are one of those losers or one of those winners, and if you want to see the NGPA continue on its current track.

It simply needs to get reformed.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Virginia.

Mr. BLILEY. I thank the gentleman for yielding me this time, and I want to commend him for obtaining this special order.

Mr. Speaker, I am pleased to join my colleagues in bringing attention to the serious problem of natural gas prices. I can only characterize the recent price increases in the Richmond area as unacceptable, and I pledge to do whatever is necessary to get speedy relief.

As we examine the natural gas problem, it is evident that the Natural Gas Policy Act of 1978 is largely to blame for the market dislocations behind today's rising prices. It is also evident to me that the best solution is to move toward a freer market in natural gas.

I recently explored this topic in more detail at my annual Third District Small Business Conference, and I am inserting the text of that speech in the RECORD at this point:

NATURAL GAS: ECONOMIC IMPACT

This is the part of the program where I get to speak on my own choice of topics. I would dearly love to stand here and tell you that I had a plan that would balance the budget, lower interest rates and solve the unemployment problem. In fact, I believe we are likely to see an upswing this spring, especially in homebuilding and related industries. Still, I'm not sure that it would be useful to add one more prediction to the dozens already available ranging from depression to fantastic recovery.

Instead, I'd like to talk about a problem which, if my mail is to be believed, has replaced inflation and interest rates, Social Security and unemployment as the number one concern in the Richmond area—the price of natural gas. In fact, discussing the price of natural gas with small businesses and homeowners who depend on it for heat may be somewhat like mentioning rope in the house of a hanged man. And the problem only seems to be getting worse. Jut last Friday the Times-Dispatch headline read "Natural Gas Bills to Soar Even Higher", and we've already had increases of about 25 percent this winter.

Of a $75 home heating bill for December, over $20 was for the fuel adjustment clause. This is 26 percent of the total bill in fuel adjustment charges automatically passed through to the consumer. Unlike the question of the general economy, however, I feel confident in asserting that the natural gas problem can be solved easily, relatively quickly, and with action by no one other than the U.S. Congress. It is also within the power of Congress to make the problem worse, but if my inclinations are followed, we may well see not only an end to increasing prices, but even lower prices as early as next winter.

I believe that Congress must deregulate natural gas now. In so doing, I'm convinced, the price of natural gas will go down by next winter. Lower fuel prices mean lower overhead for many of our businesses. Lower home heating bills mean more spending power for consumers. Overall, it means another needed boost to a struggling economy. Consumers have suffered enough under another federal program that is squeezing them of their hard earned dollars.

In light of the magnitude of the recent price increases, the solution is simple and evident. Nationally, the price of natural gas has increased 25 percent! Yet we have had a surplus of natural gas and a decrease in consumption of over 6 percent. As businessmen and women, you know that surplus stocks and decreased demands mean one thing: lower prices. Why in the world then did prices go up?

Let me throw out a few figures for background. The average price of domestic natural gas at the well is about $2.50 per thousand cubic feet. The price to the average residential consumer is over $5.50. It costs about $2 to process and transport a thousand cubic feet of gas. Which means the consumer price should be about $4.50 instead of over $5.50.

This overpricing is coupled with a serious problem with imported natural gas. Although overall consumption of natural gas has decreased, the consumption of imported natural gas has actually increased. And imported natural gas costs significantly more than domestic. We are actually importing gas that we don't need.

The cause of this kind of supply distortion is—you guessed it—the federal government. The Natural Gas Policy Act of 1978 attempted to set a price ceiling for domestic natural gas. Instead, the byzantine pricing system, with hundreds of different pricing categories, has acted as a floor on domestic prices and has encouraged high-priced imports.

Unfortunately, for us, Columbia Gas Company which supplies the Richmond area has provided the textbook example of how badly the Natural Gas Policy Act works. Prices here are about 20% above the national average. As many of you know, about two years ago the cities of Richmond and Charlottesville protested a fuel adjustment rate increase filed by Columbia with the Federal Energy Regulatory Commission. Last month an Administrative Law Judge at the Commission found in favor of the cities and ordered Columbia to lower their prices and make refunds for past overcharges. This decision must still be upheld by the entire Commission and then it is subject to appeal through the federal courts, so the price changes and refunds may be long in coming, but I'm doing all I can to see that the decision stands and these refunds paid.

I believe that Columbia Gas Company is morally and legally bound to repay the people of the Richmond area. If Columbia is truly trying to serve the people, it should get on with its business and stop the dilatory legal maneuvering to avoid the inevitable!

Among other wrongs, the Judge found that Columbia: got into "take or pay" contracts requiring them to buy huge amounts of high priced gas, even when supplies eased and prices fell; they favored their own subsidiaries by purchasing high priced gas when cheaper gas was available from other sources; they needlessly increased prices so that their own distribution companies would make better profits causing marginal customers to switch fuels, increasing costs for remaining customers; and, they paid their own subsidiary higher than allowable prices for hard-to-find gas.

These are the kind of abuses that would solve themselves in a free market, but instead the situation is getting worse. Here in Richmond, Reynolds Metals is apparently considering switching from natural gas to #6 fuel oil. That move would greatly increase the fixed costs of the distribution system which other customers must bear.

When gas prices are going up, as they are today, our gut reaction is often to control them further. But as I explained, it is the current system of controls which has caused our problem. You may recall that in 1974 and 1979 we had much the same situation with motor gasoline prices. The government system of controls held the price of U. S. production low, but gasoline prices continued to climb dramatically due to price increases in foreign and hard-to-find U. S. production. On January 28, 1981, President Reagan removed all controls from oil and gasoline. The price of gasoline jumped by about 5% immediately, held that level for about six months, and then began a steady decline which continues even today. The dire predictions of several years ago about the end of the automobile age have disappeared, and we're even seeing the resurgence of the so-called "muscle cars".

Decontrol would, in all probability, have an even more dramatic impact on natural gas. Only about 5 percent of our current supply is imported, so foreign suppliers of high-priced gas would simply be forced out of the market under decontrol.

To remind you of how well and how quickly gasoline decontrol worked, let's review the price history. In January 1981, before Reagan decontrolled gasoline it averaged $1.27 a gallon. After decontrol it jumped to $1.35. In six months, allowing for inflation the price was back down to the January level. In a little over a year the current price was back down to $1.21, and it is even lower than that today. Even before allowing for inflation, the price of gasoline has fallen by a nickel in two years. After inflation and tax increases, the price of gas today is 20 percent below what it was two years ago! If we decontrolled now, we would see no increase in natural gas bills next winter, and lower bills the year after that. That's why I will be pushing hard for natural gas decontrol early in this session of Congress.

Given the current system of controls, there are some interim and transition problems to be addressed, and those are important, since they will affect whether we have a big immediate price jump and how quickly the market reacts to downward price pressure.

There has been a great deal of discussion about eliminating "take or pay" contracts. This arrangement requires a pipeline to buy a set percentage of the deliverable amount of gas whether it needs it or not. Often that percentage is as low as 50 percent, giving great leeway for demand changes, but in some cases pipelines have agreed to 90 percent contracts for very high priced gas. Eliminating take or pay contracts would lower gas prices somewhat, but total elimination would cause other problems: producers would be unable to obtain financing without a minimum guaranteed level of income, so exploration money for new gas wells could dry up. I am actively considering, however, limiting take or pay contracts to a more reasonable level of say 75 percent or less, or requiring "market out" clauses which allow pipelines to lower the contract price when the market falls.

Another problem for immediate decontrol is the prevalence of "indefinite price escalator clauses." These contract requirements say that the price of gas will rise to equal the highest cost gas on the market as soon as gas is decontrolled. Under price controls, however, much gas production is priced above the market-clearing level and averaged in with price-controlled gas to get a moderate average price. If all gas went to the highest "incentive" level it would cost much more than fuel oil. So any decontrol measure would have to address indefinite price escalators, either through limits or abolition.

Finally, there remains the problem of the role of pipelines. In the current market, the pipeline both gathers a supply and transports gas. This insulates gas supply from market pressure by the ultimate users. As a solution, many have suggested making gas pipelines common carriers, much as railroads and trucks are now. A gas user would then go directly to a producer, contract for a supply, and pay a set fee for the pipeline to transport it. This is a rather radical solution in terms of today's market, but if gas companies don't reform their purchasing practices, I would consider such a move. When the only supply available is from a company that produces, buys, transports and sells the product, we do not have a free market. If we deregulate the purchase price of gas, we have a duty to either regulate the purchasing practices of pipelines, or to allow consumers to purchase the gas on their own.

I know these remarks have been somewhat technical, but I hope they have addressed a subject of general interest. The essence of the problem is understandable: pipelines and the Natural Gas Policy Act provide barriers that allow prices to move only one way: up. A free market would balance that pressure and lower prices from their current artificially high rate. We could expect to see results form such an approach in only one year. In the interim, we must curb the abuses of the current system and mandate price reductions and refunds where appropriate.

Not only is the problem understandable, but the solution is within our power, and the benefits come quickly. This is one of the few times I will promise you something for nothing and expect to be able to deliver.

Thank you.

Mr. TAUZIN. I thank the gentleman for his comments.

Mr. COATS. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Indiana.

Mr. COATS. I thank the gentleman for yielding this time, and I want to commend him for taking the time to bring before the body a very important issue and one that needs to be discussed. This is an issue that affects so many Americans, and most of us, either on one end of the gas pipeline or the other, are feeling the adverse effects of the current law that deals with natural gas.

Gas bills in Indiana are up significantly, in some cases 80 percent over last year. Fortunately, this winter has been a mild one, but, even with that, the impact is especially hard on those who are unemployed, those who are on fixed incomes.

I think there are several things that need to be done and, without pretending to have all of the answers to this very complex question, certainly we need to immediately look at a number of areas. The first of these is the importation of very expensive natural gas, particularly liquid natural gas, from foreign countries. This high-priced gas, coming into our country at a time when domestic gas at a much lower price is available, is skewing the market price of the gas far higher than ought to be the case.

I joined Congressman CORCORAN from Illinois and Congressman Brown

from Ohio in September of last year in an attempt to petition the Federal Energy Regulatory Commission to stop the importation of this very expensive Algerian liquid natural gas. This issue has been one that has been under review. The administrative law judge just recently ruled against us. We are in the process of appealing that particular decision. That is one area that we have to address.

Second, we need to find a better way to price natural gas imports from Canada and Mexico. Currently we do this on a government-to-government basis. I think these agreements are not flexible enough to provide the necessary pricing mechanism that we need in a rapidly changing and dynamic energy market.

Third, we need to assure that incentives are preserved to encourage the continued exploration and development of natural gas supplies here at home. If we learned any lessons from the shortages of both oil and gas in the 1970's, we should learn that energy movement toward energy independence here at home is absolutely essential to the long-range economic health of this country. We cannot allow ourselves to once again get into the position where we are either dependent on outside sources for our energy or subject to the dislocations to our economy that come from disruptions of supply. So we need to preserve those incentives.

Nothing could be worse in this country than to suffer the shortages such as those that we suffered in Indiana and in much of our country in the winter of 1977.

Fourth, I think all three of the previous points point to the need to make revisions in the NGPA, the Natural Gas Policy Act of 1978. Gas prices are rising because the NGPA does not allow the consumer a means of telling the producer and the pipeline when he has had enough. Instead of promoting competition in the marketplace, which will ultimately lead to the lowest market price for gas, the NGPA actually stifles competition and encourages higher prices, prices that are higher than what the alternative would be without some of these restrictions.

As a member of the Fossil Fuels Subcommittee that the gentleman is also a member of, I am looking forward to the opportunity, and, hopefully, the early opportunity, to deal with these questions that I have raised and to make whatever changes are necessary in this policy which is so disruptive and which is bringing a great deal of uncertainty and high prices to the marketplace.

So let us get on with the task and do what we need to do. I look forward with joining the gentleman in that task.

Mr. Speaker, I am inserting in the RECORD the comments of congressional intervenors and interested Members in opposition to the recommended decision of Chief Administrative Law Judge Curtis L. Wagner in the case before the Federal Energy Regulatory Commission:

[United States of America Before the Federal Energy Regulatory Commission]

BRIEF

Trunkline LNG Company and Truckline Gas Company (Docket Nos. CP74-138-003, CP74-139-001, and CP74-140-001); Association of Businesses Advocating Tariff Equity v. Trunkline LNG Company and Trunkline Gas Company (Docket No. CP82-517-000); State of Michigan and Michigan Public Service Commission (Docket No. CP 82-519-000); Consumers Power Company v. Trunkline LNG Company and Trunkline Gas Company (Docket No. CP82-533-000); Laclede Gas Company v. Trunkline LNG Company and Trunkline Gas Company (Docket No. CP82-541-000); Michigan Consolidated Gas Company v. Trunkline LNG Company, Trunkline Gas Company Panhandle Eastern Pipe Line Company and Sonatrach (Docket No. RP82-127-000).

COMMENTS OF CONGRESSIONAL INTERVENORS AND INTERESTED MEMBERS IN OPPOSITION TO THE RECOMMENDED DECISION OF CHIEF ADMINISTRATIVE LAW JUDGE CURTIS L. WAGNER

The Recommended Decision of Judge Wagner is seriously flawed and should not be approved by the Commission. We leave it to others to detail how Judge Wagner completely ignored the credible evidence presented by those opposed to Trunkline LNG's (TLC's) importation of Algerian LNG. It does strike us as very odd that on one of the critical issues in the case—whether or not the terms and conditions of the TLC authorization to import Algerian LNG had been violated—the only evidence cited by Judge Wagner in support of his conclusion that no violation had taken place was the testimony of the President and Chief Executive Officer of Panhandle Eastern Corporation, the corporate parent of TLC. Indeed, the main "evidence" relied upon by Judge Wagner consists of leading [1] questioning of Mr. Hunsucker by Judge Wagner himself (pp. 24-27).[2]

Our purpose in these comments is to emphasize what we know best: the hardship that our constituents will suffer if the Commission approves TLC's continued importation of Algerian LNG. We do this because we reject Judge Wagner's determination that in the absence of a breach of the terms of a previously granted certificate or authorization, neither the Commission nor the Economic Regulatory Administration has any authority to change a Section 7(c) certificate or a Section 3 authorization. Instead, we agree with Staff that when "dramatic and radical changes" have occurred since the issuance of the original certificate, the Commission does have the authority to revoke, suspend or modify a previously issued certificate, regardless of whether or not there has been compliance with the terms of that certificate. (Staff Reply Br. 6-14).

We can hardly imagine more "dramatic and radical" changes than those which have taken place in the natural gas market since 1977 when TLC was granted authority to import natural gas from Algeria. Most critically, Congress passed the Natural Gas Policy Act. As a result of that Act and due to global economic developments, virtually all of the basic assumptions underlying Trunkline's LNG import authorization have proven to be wrong. The United States is not running out of natural gas. Oil prices are not going to keep rising. Algeria is not a reliable supplier. And, American consumers cannot afford Algerian LNG.

1. There is no national or regional need for Algerian LNG

Since the hearing before Judge Wagner ended, the actions of Panhandle Eastern Pipe Line Company ("Panhandle") and Trunkline Gas Company ("Trunkline"), the affiliated pipelines which purchase the Algerian LNG, speak far more loudly and clearly than their words during the hearing. We ask that the Commission take notice of requests by Trunkline and Panhandle, filed January 18, 1983, to implement a discount industrial rate as of March 1, 1983, (Docket No. CP83-157). Trunkline seeks this discount rate because it is projecting take-or-pay obligations totaling $259 million for the first half of this year and $241 million for the second half. Given these enormous take-or-pay obligations, it is impossible to maintain that Trunkline needs Algerian LNG to serve its customers, either now or in the next few years, given the load loss Trunkline and Panhandle project that they will suffer.

Even Judge Wagner concedes that there will be no need for the Algerian LNG on the Panhandle system until late 1984 (pp. 34-35). Assuming arguendo that this finding is correct, how does it justify the decision of Trunkline LNG to begin importing LNG in 1982, especially when Trunkline had to have known the magnitude of the take-or-pay liability which it would incur with respect to domestic suppliers if it were to begin receiving Algerian LNG?

That the customers of Trunkline (including Panhandle's customers) should be forced to pay carrying charges for Trunkline's take-or-pay liability, on top of $7 plus for Algerian LNG that is not needed, is a mockery of their right to receive natural gas at a just and reasonable rate.

2. Algerian LNG is not marketable

In 1977, the average residential user of natural gas paid $2.26 per mcf. The average residential user now pays more than $6.00 per mcf. As Judge Wagner acknowledged, this tremendous increase has made the price of natural gas "too high." Millions of our constituents are suffering. Given this situation, the Commission cannot operate on the basis of "business as usual."

It is undisputed that Algerian LNG will cost consumers hundreds of millions of dollars. As Trunkline and Panhandle concede by virtue of their requests to charge industrial consumers a discount rate, the situation in the natural gas market which they serve is desperate. Because of the extremely high cost of its gas, Trunkline forecasts load loss of from 525 Bcf in 1982 to 454 Bcf in 1983. Panhandle projects its load to decrease from 614 Bcf in 1982 to 542 Bcf in 1983. This load loss will further add to the burden that must be borne by residential users as they are forced to absorb an ever

[1] In response to Judge Wagner's question as to whether he had missed anything in "summarizing" Mr. Hunsucker's deposition, Mr. Hunsucker responded, "well, I am surprised that you got as much out of it as you did, your Honor." (p. 25).

[2] Judge Wagner's reliance on Mr. Hunsucker's testimony is particularly baffling given Mr. Hunsucker's admission that he was not in attendance at most of the meetings between Panhandle and Sonatrach (p. 27).

larger amount of the fixed costs of the Panhandle and Trunkline transmission system.

Contrary to Judge Wagner's determination (pp. 36-38), there is plainly not enough low-priced gas on the Panhandle-Trunkline system to offset the large volumes of Algerian LNG that they are buying. If Judge Wagner were correct in his determination to the contrary, there would be no need for Panhandle and Trunkline to seek a discount rate for their industrial consumers. Indeed, if the Commission suspends TLC's importation of Algerian LNG, it will not be necessary to provide Trunkline and Panhandle with the authority to charge a discount rate to their industrial customers. This result makes a great deal more sense, and is eminently more just, than requiring all the customers of Panhandle and Trunkline, other than industrial users, to pay for Algerian LNG.

Finally, the Commission cannot ignore what is happening in the world oil markets. With every decline in the price of oil, the Algerian LNG becomes even less marketable because Panhandle and Trunkline's costs of gas continue to rise.

3. Sonatrach has gotten more than the traffic will bear

In analyzing Sonatrach's reliability as a supplier, Judge Wagner concluded, "Suffice it to say, in attempting to get a better pricing arrangement, Sonatrach was doing no more than most businesses do—get all that the traffic will bear." (p. 34)

However, the primary duty of this Commission is to protect consumers when the pipelines supplying them fail to provide natural gas at rates which are just and reasonable, not to encourage foreign natural gas producers to "get all that the traffic will bear".

Although the Commission should not lightly reopen a previously-authorized project, the evidence demonstrates beyond question what we as their elected representatives know painfully well: the situation for the consumers served by Panhandle and Trunkline is desperate. We would not oppose some arrangement whereby those institutions which provided substantial financing for this project, acting in reliance upon the 1977 authorization, are provided some reasonable reimbursement. We would remind the Commission, however, that it was Trunkline's voluntary decision to pressure Algeria to commence exporting the LNG in 1982. It was a voluntary decision by Trunkline to agree to submit for approval a pricing amendment to the contract approved in 1977, in return for Algeria beginning shipments of LNG to this country.

Trunkline did these things at a time when it knew or certainly should have known that its market was deteriorating and would not support high-priced, imported LNG. In recent months, the Commission has expressed a desire to hold natural gas pipelines accountable for the impact of their actions on consumers. This is a perfect test case.

CONCLUSION

If the Recommended Decision is approved, pipelines will know that they can act in their own perceived best financial interests without fear of rebuke. If the Recommended Decision is rejected, the Commission will send a clear message to natural gas pipelines that they are responsible for providing consumers with adequate supplies of natural gas at reasonable and fair prices, and that when they fail to meet this responsibility, it will be the pipelines, not natural gas consumers, that are held accountable.

We urge you to reject the Recommended Decision and suspend immediately any further importation of Algerian LNG.

Respectfully submitted,

Robert H. Michel, Tom Corcoran, Dan Coats, Mary Rose Oakar, Richard J. Durbin, Gene Taylor, Douglas Applegate, Lane Evans, Dennis E. Eckart, John Conyers, Jr., E. Thomas Coleman, Melvin Price, Michael G. Oxley, Daniel B. Crane, Harold S. Sawyer, Marcy Kaptur, Paul Simon, William Clay, Guy Vander Jagt, John F. Seiberling, Robert W. Davis, Donald J. Pease, Howard Wolpe, Lyle Williams, Michael DeWine, David E. Bonior, Frank McCloskey, Edward R. Madigan, Louis Stokes, Donald Joseph Albosta.

CERTIFICATE OF SERVICE

I, Linda Gillespie Stuntz, hereby certify that pursuant to the Commission's Rules of Practice and Procedure, I have this day served the foregoing document upon all parties on the official service list in this proceeding.

Dated at Washington, D.C. this 7th day of February, 1983.

LINDA GILLESPIE STUNTZ,
Associate Minority Counsel.

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Mr. TAUZIN. Mr. Speaker, I thank the gentleman. The gentleman has raised some excellent points, one of the most important of which is that the status quo of the NGPA does in fact encourage the production and the purchase of the highest priced gas in this country and elsewhere. It encourages the drilling of deep wells, the most expensive and high risk wells that you can imagine and discourages the drilling and development and production of cheaper gas lines in the country, so that today pipelines are stuck with contracts on these deep wells while cheaper gas wells are being shut in. It is an awful mess and the status quo is simply causing consumers in this country havoc. We simply must do something about the status quo.

I yield now to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, all of us well understand the basis of our concern over the natural gas situation—we are dependent upon secure sources of fossil energy which can be purchased at an affordable price.

The natural gas market distortions we are experiencing today result from Government regulatory policies. These policies have failed miserably. It is obvious quick fixes such as abrogation of take-or-pay contracts or price freezes—more Government regulations—are not the answer. They have not worked in the past and will not work in the future. The Government has created the market distortions we are now facing and it is time we withdrew its intervention and allowed the market to operate freely.

During the 95th Congress, I had the privilege of serving on the Select Committee on Energy, which combined all congressional committees with energy jurisdiction into one. At that time we were told our country was running out of natural gas and supplies would be on the decline as early as 1985. In response to these predictions the Natural Gas Policy Act—NGPA—was enacted.

Mr. Speaker, we are not running out of natural gas. We have an abundant supply; but, our dependency on foriegn sources for our fossil energy threatens our national interests. In the past decade the use of petro-politics has affected us domestically and we cannot be secure as a nation so long as we are dependent upon foreign sources. It is imperative that we view our energy needs as a national problem relative to the security of the United States. If the Congress will enact a reasonable, long-term policy, deregulating the industry and allowing the market to control itself, our country can be insured of adequate domestic sources far into the future.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for his excellent statement.

I yield now to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I thank my colleague, the gentleman from Louisiana, for yielding. I want to congratulate my colleague for bringing up this special order at this very special time for the history of energy resources in this country.

Because the dialog that has gone on before me has very carefully, and I think very well, outlined some of the statistical elements that are part of this whole dialog, I would like to make a few other points that address both the politics of this House and the reality of the natural gas crisis that is before us.

Due to widening NGPA disparities between allowed prices for "old" versus newly discovered gas, the demands of different pipelines for "new" gas coming into the market have been distorted to widely varying degrees. For example, those pipelines holding substantial amounts of low-cost, price-controlled "old" gas—primarily interstate pipelines—can make more attractive bids for "new" gas reserves brought onto the national market. This is because pricing schedules permit averaging of "old" and "new" gas prices to determine gas rates. As a great deal of gas is decontrolled in 1985, these pipelines with large so-called "cushions" of cheap gas will be able to outbid intrastate pipelines and command virtually all new supplies entering the market.

The NGPA has distorted the market for natural gas in several other ways. The act has caused companies to drill

high-cost, high-risk, deep wells because deep gas is free of all controls and commands a price higher than a free market price. Whether the economists are supporters or opponents of natural gas decontrol, they generally agree that the price of natural gas in a fully unregulated market would be somewhere between $3 and $5 at the wellhead. Given the softness of the current market, it may not even go this high. And yet, many pipelines afraid of being caught short of gas supplies have purchased gas under the NGPA for prices as high as $9 to $10.

I doubt very much if we would have had people on both sides of this issue having special orders today if it were not for the reality that this is the wintertime and we are faced with many a homeowner in the United States screaming because suddenly he or she sees their gas prices going through the roof while the weather is growing colder. Because of that, the political timing could not be better to bring about some meaningful action; but I would like to suggest that the needed action is not that which is urged by some of my colleagues on the other side of the issue. There are those who suggest that the answer in terms of controlling natural gas prices is simply to have Government intervene again—put a lid on those prices, a freeze, whatever—anything to pay lipservice to helping the people who are their constituents.

As a practical fact of life, the real problem that we face at this moment is the result of similar kinds of actions in the past where the Government has gotten involved in the marketplace, has disrupted normal competition, and has cut off incentives to develop variable natural resource supplies that would allow us to have prices at a much lower level than we have today.

It is a fact that the NGPA has created such distortions, that there are incentives for producers to look for the most exotic and the most expensive gas. It is a reality that because of the NGPA, portions of the industry in some parts of the country signed contracts that tied down their pipelines to distributing that more expensive gas. The people who have been most negatively affected by that reality, are the household consumers, because industrial consumers have the kind of expertise, talent, and time to seek out alternative energy sources when they are faced with skyrocketing natural gas prices, so certainly the consumer gets it in the ear.

The real answer to solving this problem is to undo NGPA and to move as rapidly as possible toward having the marketplace work freely.

Now, a final point that I would like to make relates to politics. The time to act is right now. In the next 8 to 10 weeks we have a chance to get this House to address itself to the varied pressures that are out there. We must be willing to come together and communicate with people who want to help consumers, but have not had a chance to understand the issue, because of constituents screaming for immediate action. The time to act is now.

The time will not be now or effective if we wait until next year. The reason that delay will be counterproductive is that we are approaching an election year and it is not popular to "de-control" a thing called energy in an election year. As we move closer to 1985, we take a lot of the incentive away from those producers who will benefit automatically in 1985, and who today would support the kind of change we are talking about.

I would suggest to my friends across the country who are concerned about these rising natural gas prices, that those same voices that said decontrol is not the answer and would absolutely hurt the consumer, made a similar pitch when we were discussing the deregulation of crude oil. We know what happened as the result of that deregulation. Today the crude oil market is literally falling apart. The softness of that market is incredible. We have fallen below the $1 mark per gallon of gasoline because of that successful deregulation effort. The lesson of crude oil deregulation makes the point that we are here today to share with the American public. That is, deregulation as quickly as possible is the best way to help the American consumer.

Once again I express my appreciation to my colleague for this special order.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman.

I would point out to the gentleman that not only is competition working at the gas station now, but they are giving out stamps again, hats, and cups and glasses. Why? Because they are trying to sell gas in a competitive market, and prices are falling accordingly, and the consumer is benefiting. If we simply learn that lesson in gasoline and apply it to natural gas, we could help the consumers of this Nation.

Mr. LEWIS of California. Mr. Speaker, would my colleague yield for a moment again?

Mr. TAUZIN. Certainly.

Mr. LEWIS of California. I want to mention that this voice is a voice that does not represent Louisiana. The gentleman knows that well.

Mr. TAUZIN. Certainly.

Mr. LEWIS of California. It does not represent Texas. It does not happen to be from an area of this country where natural gas is produced. As a practical fact of life, in southern California we have nothing but consumers. I am here because I am concerned about my retired citizens who are faced with a need for a supply that has been disrupted by Government getting involved in the marketplace.

Mr. TAUZIN. The gentleman's point is well made and I thank him for his comments.

I yield now to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Louisiana, for yielding.

Mr. Speaker, I have some comments that relate to the substance of this controversy and I think they would be appropriate to mention this afternoon, but before I get to the substance of my remarks on the issue, I would like to talk for just few moments about the procedure of what we can expect in the 98th Congress on this issue in the Committee on Energy and Commerce on which I am privileged to serve.

There is a subcommittee on that Committee on Energy and Commerce called the Subcommittee on Fossil and Synthetic Fuels. I see in this Chamber now at least two or three or four of us here that serve on that subcommittee in the Commerce Committee. That committee is proposed to have a membership in the 98th Congress of 13 Democrats and 6 Republicans. It is not appropriate to suggest that this is an issue that divides the two great parties in the country right down the line, but I think we would be kidding ourselves if we did not recognize that this issue of natural gas regulation or deregulation is one of those major issues of our day which truly divides the two great parties in this country.

It is fair to say, I think, that most Republicans serving in this House are looking for an opportunity of solving this crisis of a shortage of supply and an excessive price by deregulating the commodity known as natural gas.

On the other hand, our esteemed colleagues on the Democratic side, most of them, I think, are looking for the opportunity of further regulating the commodity known as natural gas, because in their view this serves the interests of the consumer.

Now, this is a matter that deserves to be debated and it deserves to be considered and the exception, of course, is the distinguished gentleman, my colleague from Louisiana (Mr. TAUZIN) himself a Democrat, who has asked for this special order on the side of deregulation. There are exceptions to all rules, of course; but I mention this because it is something that we in the 98th Congress on the minority side at least, should be talking about time and time again.

The people that control this institution for the 98th Congress are the liberal Democrats. They have a huge majority in this body, but they must be deeply concerned in their organizational meetings as to whether or not we on the side of deregulation have the votes to achieve that objective in

the subcommittee that will consider it, the Fossil and Synthetic Fuel Subcommittee.

The reason I make that statement is because for reasons that I have not yet been able to figure out the liberal Democrats who control this House, TIP O'NEILL, and on our committee, the gentleman from Michigan (Mr. JOHN DINGELL) our chairman; and on our subcommittee, the gentleman from Indiana (Mr. SHARP), they have so structured the subcommittee by giving the Republicans only six slots, whereas our constitutional entitlement by our division in the whole House would say we had to have a minimum of eight; by shorting us two slots, by moving our side down from eight to six, in their view I think they have said they are attempting to sandbag or prevent the deregulation side of this issue from coming to the forefront and being heard by the full House. I hope I am wrong on that, but when somebody shorts, we have a team in this House you might say of nine players, the Democrats have stolen our center fielder and our second baseman and they expect us to play this game fairly. I am not sure that we will be able to muster the votes to really play the game fairly.

I am hopeful that this subcommittee will not bottle up this issue in the subcommittee or the full committee, but that we can get it onto the floor of the House for full consideration of the debate on the merits, which I know that it deserves.

In my home area of southern California, we are going through a traumatic experience. In southern California the consumer bill reflects a 43-percent increase from January 1982 to January of 1983. Local distribution companies are losing markets to oil in southern California. The distribution company has already lost 19.5 percent of its former electric utility market and 7.3 percent of the industrial market. With oil prices expected to decline still further, the outlook is for more market losses which will push consumer rates still higher. This occurs because as some customers leave the system, the remaining customers are left to pick up the fixed costs of the distribution system and the network of pipelines. The remaining customers are disproportionately composed of residential ratepayers.

This issue is of profound importance for an additional very important reason in southern California. Some of the Members may recall that last week the EPA issued an order which said that certain counties in the country are in noncompliance under the Clean Air Act, which means that those regions of the country run the risk of having sanctions imposed against their receiving Federal funds for highway purposes and sewer purposes.

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Since southern California is a nonattainment area because we are not in attainment as of the end of 1982 with the goals of the Clean Air Act, we run the risk of sanctions. The point is that increased natural gas supplies will provide the utilization of that energy source to furnish the electrical generating capacity that our region needs and we can reduce the amount of oil that is currently being utilized, and this will improve the air quality of that region substantially.

The current system of regulation under the Natural Gas Policy Act has resulted in the phenomena that many are pointing to as the cause of the problem.

EXPENSIVE IMPORTS

While the NGPA inhibits the production of lower cost domestic gas, we continue to rely upon expensive imports. In California, imports from Canada are 20 percent of the total volume—6 percent in southern California served by Southern California Gas Co., and 36 percent in northern and central California served by the Pacific Gas & Electric Co. The gas from Canada is sold at $4.94 at the border with the United States. By the time transportation charges are added to move the gas to the local service area, the cost to the distribution company climbs to $7.80–$8 per Mcf, depending upon the volume that is taken at any point in time. While we want to continue to bring in gas from Canada, we want the price mechanism to reflect changing market conditions in the areas where the gas is sold.

The solution is to make the natural gas industry more competitive. At the present time, the industry is simply inflexible due to NGPA price controls that only provide for price increases, long-term contracts, take or pay and minimum bill obligations, an insufficient incentive for pipelines to purchase the least cost source of supply, import contracts at fixed rates, and State regulations on the ability of distribution companies to meet the competition from oil.

While take-or-pay clauses have almost always been in contracts between producers and pipelines to require the pipeline to pay for a percentage of the contract volume if actual delivery is postponed, the frequency and high percentage requirements of take-or-pay clauses increased after passage of the NGPA in 1978. This occurred because pipelines were eager to sign up new supplies after the shortages and resulting curtailments in the mid-1970's, yet were constrained in bargaining on the basis of price due to the NGPA price ceilings. In a seller's market, producers were able to get pipelines to provide more favorable nonprice terms, such as high take-or-pay clauses, in lieu of higher prices. There are similar provisions in contracts between pipelines and distribution companies, called minimum bill provisions.

For example, Southern California Gas Co. is required to take a certain amount of gas from the Transwestern pipeline at $4.29 per Mcf to meet a minimum bill obligation, while it is not taking its maximum from El Paso, which is cheaper at $3.76 per Mcf.

A more competitive market will happen by reforming natural gas laws with an eye toward moving to a free market. In order to do so, we must remove price controls on all gas by a date certain, give pipelines greater incentives to purchase the least cost source of supply through changes in pipeline regulation, and establish a renegotiation period for contracts, including the border prices for imports.

Consumers will benefit from deregulation because distribution companies will be able to attract industrial customers, thus holding down the fixed costs allocated to residential ratepayers; pipelines will not be purchasing expensive gas while shutting in lower cost gas; and producers will have the incentive and the resources to bring gas on line when consumers need it and at a rate they can afford, rather than when and where the Federal Government says to drill.

For all of the foregoing reasons, the reform of natural gas laws in a free market direction will be in the best interests of consumers. This is reinforced by the presentation in a recent article by Jerry Hoaster, the business and financial editor of the Kansas City Star. I would like to include his article at this point in the RECORD:

IT'S TIME TO TOTALLY DECONTROL NATURAL GAS

Despite overwhelming opinion to the contrary, the time has come to completely decontrol the natural gas market. In fact, the time has never been better and logic and reason fairly cry for such a move.

This winter has been milder than anticipated so far and most consumers have had lower heating bills than were expected. The combination of warmer-than-usual weather and higher gas prices also has kept demand moderated and supplies plentiful.

With usage down and supplies up, these factors would serve to mitigate any sudden price jump created by total decontrol of prices. Moreover, deregulation in the last half of this heating season would allow the market plenty of time to adjust to the temporary shock of decontrol between now and the advent of the 1983–84 heating season.

Anyone who is skeptical of this line of reasoning should try one last argument on for size: Regulation simply is not doing the job it was intended to do, which is to keep prices down.

Despite all efforts by Congress to protect consumers from price increases, natural gas lives an inflationary life all its own during a time of otherwise dramatic disinflation

On the face of it, this alone makes a strong case for freeing the market.

A thorough review of the history of natural gas controls doesn't weaken the argument, either.

Natural gas has been regulated since 1938, when rates were fixed for those transporting and selling gas in interstate markets. In 1954, regulation of interstate business was extended to producers at the wellhead. The end result of legislating prices that were lower than the product's value was the disaster that befell consumers during the winter of 1976-77, when states dependent on the interstate market suffered two months of dangerous shortages that on occasion created potential life-threatening situations for residential consumers.

In an effort to encourage production, Congress went through an exercise in pseudo-deregulation that for all practical purposes made the problem worse by enlarging what was already a crazy-quilt price structure.

All this regulation has brought America from a situation where gas was cheap but increasingly hard to get to a situation where it's plentiful but difficult to afford. The next step, given regulation's result to date and political pressure for added controls, is gas that will be both expensive and in short supply—or the worst of all possible worlds.

Looked at another way, natural gas remains the only commodity under government controls and, wonder of wonders, it is the most confused and inefficient market in the American economy today.

All of which seems to argue persuasively for decontrol because as it stands now the U.S. marketplace hasn't the slightest idea of what the supply and demand factors are or what the true market clearing price is.

Until consumers, suppliers and producers know these factors with some degree of certainty, nobody can make any rational decisions as to whether being part of the natural gas market makes good sense as either a buyer or seller.

Most, however, seem to reject deregulation proposals because they are absolutely convinced that it will mean even higher prices.

But this seems a rather irrational view, considering what has happened when other markets have been deregulated—the most recent best example being the oil market. Since oil was deregulated two years ago, the price trend for all petroleum products has been a steadily downward one.

This has been the case even though oil price deregulation was opposed for years on the belief that decontrol would send prices through the roof.

The popular counter to that case in point, though, is to say the gas business is a much different animal than the oil business and thus more insulated from free market forces.

Well, of course it is. But that's not the same thing as saying natural gas is totally exempt from the law of supply and demand once everyone knows what the clearing price is and what the traffic will bear.

But a simple truth is fairly plain at this point: While consumers may not know what will happen to gas prices in the wake of decontrol, they do know the consequences of what happens with controls.

Working out from the knowledge of what control has wrought in the real world seems to acknowledge that controls aren't serving the consumer very well and haven't for more than 45 years.

If reasonable minds accept such realities for what they are, it seems overwhelmingly logical to accept the notion that another approach to the natural gas market is at least worth a try.

This leaves only a totaliy free market because it's about the only thing that hasn't been tried yet. And the timing couldn't be better for such an experiment.

For all these reasons, I believe that the correct course for the Congress to take in this 98th Congress is to give us a chance to debate this issue in full on the floor of the House and not stymie it in the subcommittee or in the full committee.

I again would like to thank my colleague from Louisiana for bringing this matter to the attention of the House and for affording me the opportunity of sharing in this effort.

Mr. TAUZIN. I thank the gentleman from California (Mr. DANNEMEYER).

Mr. Speaker, at this time I yield to my colleague, the gentleman from Louisiana, the Honorable W. HENSON MOORE.

Mr. MOORE. I thank my colleague from Louisiana for yielding to me, and I thank him for taking this time on this special order.

My good friend, I think, is right on target. Hopefully, somebody in the House will pay attention to our remarks this afternoon.

Mr. Speaker, natural gas has become one of the most important and useful energy sources today; unfortunately, it remains the only energy source still regulated by the Federal Government. This regulation places constraints on the free market system which has resulted in an inequity and an increased cost burden, adversely affecting our consumers, producers, pipeline transporters, distributors and because of this—our economy.

We are now hearing warnings that natural gas may price itself out of the industrial use market as other energy forms, principally oil and coal, become more cost competitive. This situation of high natural gas prices can be attributed directly to the nonfree market constraints set in place by the 1978 Natural Gas Policy Act categories.

The problem with natural gas started in the Congress, and this is where it must be corrected.

Being a former member of the Energy and Commerce Committee, I am all too familiar with the chronology and history of regulation which has surrounded this issue. The dilemma of the gas issue revolves around rising prices, surplus supply and declining demand. The Department of Energy predicts a 20-percent rise in gas prices this winter. However, luckily, thus far we have had a mild winter, but the effects of the price increase will be felt by consumers.

What is happening in the natural gas industry is unnatural and against free market principles. There is a surplus of gas, yet the price is going up—the opposite of what should happen. While we have seen a drop in the price of deregulated oil of some 30 percent, natural gas prices continue to rise and inequity and unfairness abound.

When the 1978 Natural Gas Policy Act came before the committee, I had to oppose it, then, I did, and I fought it. I knew then it would not work; it was based on something akin shock-wave therapy. It contained provisions which furthered control and was myopic in scope. It was heralded as decontrol, but it was not true control and was doomed to failure as we now witness.

The act passed Congress when our Nation was fearful of its declining role as an energy producer. In 1978, it was feared that America would drop to No. 2 and further, and the threat of curtailment in industrial plants and school closures increased this concern.

Disappointingly, the act allowed an automatic passthrough of natural gas prices by the pipeline to the consumer. And long-term contracts were signed, often well above the true market price. This has helped cause the consumer price of gas to be above its natural market clearing price or the Btu equivalent of oil.

For example, one gas company signed a 20-year contract for Algerian liquefied natural gas in 1977 at $3.37 per Mcf. The Algerians sought international arbitration because they thought this price was too low, and the company, Trunkline Gas Co., relented and purchased the first shipload of Algerian LNG at a price almost twice as high, about $6 per Mcf. The Midwest, which receives much of the supply, has been informed a price increase of up to 50 percent will result and will be passed along to the consumer. This is inherently wrong, especially at a time when there is a surplus of domestic gas—so much in fact that in Ohio some or it is being flared due to the overabundance.

The gas market was crazy in 1978 because of regulation and it is crazy today still because of regulation, notably NGPA.

The NGPA established three basic classifications for gas pricing, although more than 20 actually exist in the act. Old gas reserves contracted prior to 1977 will stay under price controls forever. New gas discovered after 1977 is still under control but will reach a cliff and be totally deregulated by 1985. Deep gas discovered below 15,000 feet is now deregulated, and is also our highest priced gas.

When NGPA created these categories, it failed to recognize that it was furthering control and deepening the discrimination which results from overburden or regulation. Serious economic problems have occurred and our future prosperity is indeed jeopardized.

In my home State of Louisiana, little natural gas is left for the intrastate market, as the NGPA has dictated

that old gas must go to the interstate market. All we have now is expensive new or deep gas and that has been bid up to a very high price. One company with plants in both Louisiana and Kansas has discovered that it is cheaper to buy Louisiana natural gas for its plant in Kansas than it is to buy Louisiana gas for its plant in Louisiana. Louisiana, which is the No. 1 producer of natural gas, has suffered a 20 to 25 percent intrastate shortage and projections are that these shortages will increase through 1985.

There is only one solution to correct these problems, and that is to restore equity and fairness to the natural gas market; that is decontrol true and complete decontrol. By allowing the market to determine the price, production and the incentive to discover additional sources would increase supply of gas and provide more jobs.

For Congress to simply await implementation of new gas decontrol in 1985 is simply ignoring the problem of the present, and continues regulations throughout the history of NGPA. Discrimination and unfairness will continue while simultaneously it damages our Nation as an energy independent provider.

We must also act to correct the problem. We must deregulate natural gas, deregulate it now. We might just find that gas prices for many may just stabilize and even come down by deregulation as we have found has occurred in deregulation of oil.

Mr. TAUZIN. I thank the gentleman for his statements.

Mr. Speaker, at this time I yield to the gentleman from Texas (Mr. RALPH M. HALL).

Mr. RALPH M. HALL. Mr. Speaker, I rise in support of and commend the gentleman from Louisiana (Mr. TAUZIN) in his pursuit.

I would note that the State of Texas has been concerned with the rising prices of natural gas for some time now. I find it interesting that the push for the special orders was not made by Members of Congress from Texas, Louisiana, Arkansas, or Oklahoma but by the good friends from Kansas and Missouri. Texan's are pleased to be joined in the effort to rid the consumer of the burdens currently placed on them by the existing regulatory system. I felt that it would be particularly beneficial to compare the average cost for gas by a consumer in several key States. According to figures released by the American Gas Association, Texans paid $4.06 per mcf, those in California paid $1.91, Ohio, $3.87, Indiana $3.59, and Missouri $3.81. In this comparative series—Ohio might complain about Indiana, California, and Missouri—but certainly Texans can be concerned even about Ohio. Seriously, no one welcomes the rising cost of natural gas. Rest assured that as a Representative of the State with the highest comparative cost, I am more than just casually sympathetic to the problems you are facing.

In addressing the problem of higher prices in the State of Texas, one must look to the principle carrier of natural gas—the intrastate pipeline. In 1982 the intrastate pipelines controlled 60 percent of the market. However, although they controlled the market this did not allow them equal access to all supplies of natural gas in the State of Texas. For example, in fact when compared to their market control in 1975—75 percent—they had actually lost a large percentage of the market. It does not make good commonsense to send gas produced in Texas out of State only to return it to the State of origin.

Sound ridiculous? Well that is what is quite possible in the near future. The concept, if you are not familiar with it, is called "Off System Sales." That is what happens when an intrastate pipeline buys gas from an interstate pipeline. However, under existing law, that arrangement can only be made on an interruptible basis. So when the interstate line dumps their excess supply, then the intrastate system can and will go shopping again. To share with you the difference in price, the January 1981, price of gas in Texas from an interstate pipeline was $1.37 per mcf compared to the intrastate line price of $2.18. That trend has continued and at an increasing ratio. The June 1982 price comparison was $2.08 for interstate gas and $3.07 for intrastate gas. The message is clear to me that Texas consumers are being discriminated against in the purchase of natural gas due to the regulatory restrictions placed on the pipelines which they, in many cases, are forced to do business with. I am eager to work toward a consensus with my colleagues from Kansas and Missouri—one which removes the subsidies from those enjoying cheap abundant supply in nonproducing States—and treating the producer State at least as fairly as the consuming nonproducer State.

Mr. TAUZIN. I thank the gentleman for his comments.

● Mr. HANSEN of Utah. Mr. Speaker, all of us here are concerned with the problem some people are having with higher natural gas bills. Most, if not all, of us have received communications from our constituents asking us to do something.

However, whatever we do, we must reach a solution that results in the best energy policy for this country now and in the future. Voting for a politically attractive quick fix of freezing prices or abrogating contract provisions can have dire consequences for this country's economy in the years ahead.

Mr. Speaker, this country has had enough of excessive Government regulation and price controls. They simply do not work. Price controls on domestic energy stifle efforts at conservation, subsidize imported energy, and reduce incentives to go out and find new supplies. Some of the legislative proposals before us now would have the same effect.

Public polls show that the American consumer is less concerned with the impact on national security of substantial imports of energy or reliance on potentially volatile foreign governments for imported crude oil. However, the American consumer is endorsing deregulation and less Government involvement in his business and in his life.

Deregulation works. Deregulation of the trucking industry has resulted in lower, more competitive transportation costs. Deregulation has affected the investor's decision on which type of financial accounts he may choose for his savings. Deregulation of oil prices led to the greatest drilling boom for oil in our country's history and has led to declining fuel prices—prices lower than those experienced during Government controls.

Mr. Speaker, we need those same incentives in the natural gas industry. Freezing prices will not result in increased supplies or more reasonable gas prices to consumers. A price freeze will accelerate the decline of gas production in this country as more and more wells reach the marginal economic production level. Those wells will be shut in rather than being reworked to maintain production or allowed to produce at reduced levels which would still allow the producer some economic return.

More importantly, a price freeze will provide no incentive to explore for, and to produce, new gas fields. This country is experiencing a drastic decline in oil field activity due to falling oil prices. Even before that, gas well completions under the Natural Gas Policy Act had declined to less than historic ratios to oil well completions. A price freeze will not reduce that trend, but will instead provide a foundation for an energy crisis that will confound economic recovery and undermine this Nation's security.

I do not have all the answers, Mr. Speaker. But, I believe it is incumbent on this Congress and this administration to search for those answers. We must have a gas policy that is best for the consumer, the industrial user, the producer, the pipelines, and the distributors. We must avoid concentrating on the short term. All of us, Congress, the administration, and the natural gas industry must put aside the sensationalism that has surrounded this issue and get back to the business of developing a sound, national energy policy that provides the best results for this Nation.●

NATURAL GAS MARKET IN UNITED STATES IS IN GENERAL DISARRAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 60 minutes.

Mr. CORCORAN. Mr. Speaker, let me first of all yield to my good friend, the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. I thank the gentleman from Illinois for yielding to me.

Mr. Speaker, I wish to compliment the people who have asked for this time today on this very important subject, and especially I thank the gentleman from Illinois for yielding to me.

We are all aware that natural gas bills are too high, the senior citizens, people on fixed incomes, the unemployed, are exceedingly hard hit. We in the Congress have the power to enact legislation. In fact, we should have done that last November. Had we done this in the Congress, the plight that our citizens find themselves in today would have been different because these excessively high natural gas prices would have been avoided and eliminated. But while we jaw here in Congress, the heating bills go up and up.

I think the time for talk has long passed and the time for action is here. I would hope that all of us would look beyond politics and look at ways of keeping heating costs to consumers within reach, which is certainly not the case today. I think we all agree.

The message is that Congress, I think, in part is responsible for the action that was taken, the plight that we are in today. I think that Congress can correct that. I hope we do that with all due dispatch.

Mr. CORCORAN. I thank the gentleman from Wisconsin for his contribution and for his comments.

Let me just say by way of conclusion, and I know that will be a sour note for those who work here in the House, that I will not be taking my full 60 minutes, but I would like to say just in summary that I think it has been very revealing to the Congress, Mr. Speaker, as well as to the people of this country, to have witnessed this afternoon speaker after speaker participate in these various special orders and comment on the status quo in the natural gas industry and, in particular, to reflect on the impact, I should say the negative effect, that the current natural gas laws have had on virtually every element of the natural gas business.

We have heard from those who are concerned about the producers and the effect that the current Federal regulatory laws have had on the producer; we have heard about those who have spoken about the impact that the current laws have had on our consumers; we have heard about the impact on the pipeline companies; we have heard about the impact on the local distribution companies, what we typically refer to as our local utilities.

I think it fair to say, Mr. Speaker, there would be hardly anyone here who could come here this afternoon and speak on behalf of maintaining the status quo.

The second comment I would like to make, Mr. Speaker, before closing, is that there seems to be a misunderstanding as to what the effect of current Government policy is with regard to the natural gas industry. We remember, of course, not too long after the new administration took office that the President decided to accelerate the decontrol of oil which had been started by his predecessor, and I think there may be some confusion, Mr. Speaker, about perhaps that having some effect.

Now, it did indirectly have some effect, but it had no direct effect on what we are observing in the natural gas industry and the runup in price that has taken place as a result of so many different factors. Of course, there is no direct connection between what was done in the oil market and what is going on in the natural gas market, because if there were, Mr. Speaker, we would not see this runup in price, we would not see expensive, exotic gas coming into the United States from Algeria at a cost of $7 and $8 when the cost of gas produced here in the United States averages about $2.50.

So, Mr. Speaker, one of the things I want to emphasize here this afternoon before we embark upon what I hope will be a lengthy consideration and debate both within the committees of jurisdiction and among our colleagues here in the House of Representatives on the question of what should the Federal Government be doing now in the natural gas industry, is to make the point that what we have to deal with is a legacy of a previous administration and what we have to deal with is the failure of the 97th Congress, as my friend, the gentleman from Wisconsin, pointed out in not addressing this issue.

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We ignored it despite the fact that many people, including myself, from time to time took every occasion we could find to point out the need to do something, to perform some surgery on the Natural Gas Policy Act, the Natural Gas Act itself, and also the Fuel Use Act.

So, Mr. Speaker, I would hope that based on what we have heard here today, not only would the administration come forward—and I hope they will; in fact, I think we will get word on that relatively soon—with its recommendations in legislative form, not in a speech form, but in a legislative form, that is, a bill to correct the problems in the natural gas industry, but also I would hope, and I have every reason to believe, that in this House of the Congress—and I believe it is true of the other body as well—there will be adequate consideration given by those with responsibility in our committee and elsewhere to make certain that we find out what is wrong in the natural gas industry, that we recognize the distortions that are taking place, and that we appreciate the fact that it does not make any sense whatsoever to bring gas in from Algeria at $7 or $8 and allow, through the perverse mechanism of the Natural Gas Policy Act, that increase in price simply to be passed on to the consumers.

So with that, and several other considerations, Mr. Speaker, it just seems to me that we have had a good debate here this afternoon. We have drawn attention to the problem. The ball is now in the court of the committees with jurisdiction, and I would hope that we will have action in this Congress. I am confident that we will.

One of those who will play an important role in that is a Member who has already spoken here, and I know he has another word of comment, so I yield to our good friend, the gentleman from Louisiana (Mr. TAUZIN) for his comments.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Illinois for yielding.

The gentleman has made an excellent point when he described the confusion that exists between gasoline and natural gas in the minds of many people. There is a distinct difference, of course, besides the difference in the product.

We call both products "gas." We call gasoline "gas," and we call natural gas "gas." The difference is that the President several years ago deregulated the price of gasoline, and the price of gasoline is now falling.

Unlike gasoline, the price of natural gas remains regulated, and the price of natural gas is still going up. Something is wrong with that.

I commend the gentleman for calling upon the administration to come forward as promised with a bill to deregulate natural gas so that consumers might have the advantage of the same free market that exists for that other "gas," gasoline.

Mr. CORCORAN. Mr. Speaker, I thank the gentleman from Louisiana for his comments.

Of course, what the gentleman implies is that if we had deregulated natural gas, we would have the same circumstance in the marketplace, and that is that the price of natural gas would be declining in response to reduced demand and increased production rather than going up, as is the

case today because of the way in which the continued Federal controls both on price and on use permit that to happen.

Mr. Speaker, I think we have had a good discussion here. I think we have laid the groundwork for what the Congress can do. It is nice on occasion for a member of the minority party to have the final word in any debate, but I think the real final word on this issue will be that the 98th Congress will address the natural gas issue. I think we can, as has been indicated here, respond to the various concerns, whether they be from producers, consumers, distribution companies, pipeline companies, or end users or whatever they might be, and I think we can do it in a way that serves the public interest.

Mr. Speaker, although a wide variety of views have been expressed on the floor of this House today, few would dispute the fact the natural gas market in the United States is in general disarray. Steadily escalating prices at the burner tip are merely symptoms of a more serious underlying disease which afflicts the body of our Federal natural gas policy. This sickness continues to drive up prices to artificially high levels, while the market says prices should be declining.

The problems in the gas market are not isolated to one segment of the industry or a certain geographical area—the problems affect everyone. Let me give a few examples:

Consumers in Illinois are paying over $100 million more in gas bills because high priced Canadian gas is displacing cheaper, available domestic supplies.

Industrial users in the Midwest and the Northeast are switching to alternative fuels which, until recently, have historically been far more expensive than gas. For example, the price of natural gas delivered to industrial consumers in Buffalo, N.Y. is $1 per million Btu's more than the competing No. 6 fuel oil.

A distribution company in my State was recently told by its supplying pipeline that it would suffer financial repercussions for attempting to acquire some of its gas from another pipeline.

A pipeline company which serves Illinois recently asked its domestic producers to cut back their supplies by 20 percent to make room for Algerian liquefied natural gas (LNG) at over double the cost.

Many domestic producers, especially in the Midwest, Northeast, and West, that have gas available at very attractive prices, are being shut in by pipelines who are committed to rigid take-or-pay obligations for more expensive gas.

The problems affect everyone—consumers, industrial users, distribution companies, pipelines, and producers.

Mr. Speaker, this time for special orders was organized today so that Members could express their frustration, dissatisfaction and outrage with the current state of affairs. I personally wanted to use this opportunity to express my ideas because I do not think anyone should be satisfied with the current state of affairs. As I have said before, we are experiencing irrationality in our gas market—gas policy gone haywire. If you wonder why the gas market does not act like a market should, it is because of the overwhelming negative influence of existing Federal laws.

I have a particular interest in imported natural gas because the problems we see in this market help to highlight, in a dramatic way, the shortcomings of our own domestic gas policies. All imported gas currently sells for more than twice the price of average domestic supplies: Algerian LNG sells for over $7/Mcf, Canadian $4.94/Mcf, and Mexican $5.01/Mcf. The average price of domestic supplies is approximately $2.50/Mcf. Natural gas at these prices is simply not marketable under current conditions in the United States. Have pipeline executives been struck with an acute case of irrationality? Not really. They are only responding predictably to a set of perverse economic incentives—incentives which are structured by our badly flawed current U.S. gas policy.

The current gas laws seriously constrain the free flow of price signals between the burner tip and the wellhead. Changes in demand do not easily translate into modifications in price. As long as prices range from 50 cents/Mcf to over $7/Mcf, pipelines can afford to roll in more expensive products—like imported gas—at above market-clearing levels. Why chastise the pipeline executive for exercising poor judgment when our current laws provide little or no economic incentive to purchase the cheapest possible supplies? Why criticize the decisions of the distribution company and blame it for high gas prices, when it has no ability to shop around for the lowest cost gas available? Instead, we should criticize the policy that induced these decisions; a policy which keeps regulated prices increasing while deregulated prices are decreasing; a policy which ultimately harms the consumer. The answer is comprehensive natural gas reform legislation designed to replace regulation with competition.

One part of a comprehensive approach concerns imports. Last December, I introduced H.R. 7379, the first congressional proposal aimed at rectifying many of the problems in the imported gas market. This legislation would have provided some immediate relief to consumers by forcing foreign sellers and U.S. buyers to renegotiate contracts to more accurately reflect current U.S. market conditions. It would have gotten the Government out of the price setting business—a job Government does not do very well anyway. The concept of direct buyer-seller negotiations is an idea which has been supported by pipelines and producers both here and abroad. Additionally, this concept was the central theme of a statement Mr. MICHEL, myself, and 25 other Republican Members of the House filed at the Economic Regulatory Administration's conference on Canadian and Mexican gas last month.

I am happy to report that the efforts of several Members of Congress have been having some impact on one of our foreign suppliers: the Canadians. For the benefit of my colleagues, I would like to include a series of short articles in the RECORD which outline a sequence of events which recently occurred regarding Canadian gas.

The first article was from the December 13, 1982, Inside Energy and reports on our initial attempt to inject more flexibility into Canadian pricing policy.

U.S. SEEKS EASED PRICING OF CANADIAN GAS

The U.S. will urge Canada to permit "more flexible" pricing of the natural gas Canadian firms export to the U.S. when the two countries resume bilateral "consultations" early next year, an informed official in the Reagan administration says. To help make that point, U.S. officials probably will cite congressional concern over relatively expensive gas, including a new bill by Rep. Tom Corcoran, R-Ill., to lower the price, as evidence that Congress may act if Ottawa does not.

The administration would like to see the price of Canadian gas—the so-called border price—fluctuate according to demands in the U.S., the official said. Producers and provincial government officials in Alberta have urged Ottawa to adopt such an approach but so far have not sold their case to the federal government.

Unless Ottawa adopts such flexibility, Congress may "ram something down the throats" of Canadian officials, the administration official warned. The Corcoran bill is a case in point. It would suspend U.S.-government authorization of existing gas imports—whatever their point of origin—unless a new, and presumably lower price is negotiated within six months. That price would require approval of the U.S. secretary of energy.

While administration officials might find the mere existence of Corcoran's bill useful in attempting to convince Canada of the need for change, passage of such legislation could prove harmful to their cause, the official added. Such action by Congress probably would only alienate the Canadian government and preclude any cooperation between the two countries, he said.

The U.S. and Canada plan to resume bilateral "consultations" on energy issues early next year. The informal talks once were held regularly but tapered off after the Reagan administration took office. Concerns over gas issues prompted interest in resuming them, the official said. The participating U.S. agencies are DOE, the State Dept. and the Office of the U.S. Trade Representative.

White House official cites concern over price. Administration concern over Canadian prices—now $4.94/MMBtu—was cited in a Dec. 1 letter from presidential assistant Kenneth Duberstein to Rep. Philip Sharp, chairman of the House Energy and Commerce subcommittee on fossil and synthetic fuels, who wrote President Reagan in October urging renegotiation of the border price.

"By establishing natural-gas prices well beyond what the U.S. market will bear, Canada, Mexico and other gas-exporting countries risk losing a dependable market for their products," Duberstein told Sharp. "We believe they must restore market flexibility to every facet of their natural-gas trade with the United States if a long-term, mutually beneficial relationship is to endure." Duberstein said administration officials have made that point to Canadians in recent months and "plan to intensify" those discussions.

One Canadian official expressed outrage at the Corcoran bill, saying it fails to recognize the long-standing reliability of Canadian gas supplies. The official also noted that the Natural Gas Policy Act, by keeping the price of old-gas production at relatively low levels, encourages purchases of expensive domestic and foreign gas. The message from that official was clear: "Don't punish the Canadian for your own law."

Representative Tom Corcoran is not worried about ruffling some feathers in Canada. The Illinois Republican, in line to become ranking member of a House Energy and Commerce subcommittee, held back no punches in complaining about the price that Canadians charge for natural gas.

If the Canadians, or other countries, for that matter, choose to be "hardheaded" and stick to prevailing prices, they will "risk losing their markets for gas in the U.S.," Corcoran told reporters after filing his bill (The Natural Gas Import Policy Act). "They have to recognize that they've just been ripping off U.S. consumers since 1981 (when the existing border price of $4.94/MMBtu was set) and that the U.S. government is finally getting serious and dealing with the natural-gas problem," he said.

At the same time, Corcoran speculated that his bill, if passed, might prove helpful to Canadian officials who would agree that prices are too high but are fearful of lowering them because of political repercussions in Canada. the bill would give them a convenient excuse, he said, since they could point to it and say they had no choice but to lower prices or lose the U.S. market.

Corcoran said a cut in the border price could be reflected in consumer bills within a month. He was attempting to attach the bill to other legislation in the lame-duck session so that the price impact could be felt this winter. But prospects for passage of his and other gas measures in the lame-duck session were considered unlikely.

Corcoran denies his bill would jeopardize Canadian supplies. Corcoran denied, in response to a reporter's question, that his bill would prompt Canadians to shut off their pipelines to the U.S. and turn to other customers. He also said he believes that the U.S. will need the Canadian gas supplies in the long run. "But the point is, we don't need them today at high prices," he added.

Asked whether he'd had a response to the bill from Rep. Philip Sharp, D-Ind., who urged renegotiation of the border price in a letter to President Reagan earlier this year, Corcoran snapped: "This [bill] is a hell of a lot more than writing a letter." Sharp is chairman of the fossil and synthetic fuels subcommittee, of which Corcoran is in line to become ranking minority member.

The second article is from the December 13, 1982, Inside FERC and outlines the Canadians initial response to some of our proposals:

CANADIANS HOPE LEGISLATIVE PRESSURES DO NOT HURT BILATERAL PRICING TALKS

Canadian officials reacted sharply last week to Rep. Tom Corcoran's move to lower natural-gas-import prices and suggested that the political pressure won't help bilateral talks on energy policy scheduled to begin in February.

Corcoran's legislation (H.R. 7379), which would give pipelines, producers and governments a six-month "open season" to lower their import prices, was introduced less than a week after the White House told Rep. Philip Sharp, chairman of the House Energy subcommittee on fossil and synthetic fuels, that problems with domestic- and foreign-gas pricing are attributable to government interference in the energy marketplace.

Canadian officials said that the bill introduced by the Illinois Republican ignores renewed cooperation between the U.S. and Canada on energy-pricing policy, refuses to lay blame with the Natural Gas Policy Act and puts Canada in the "crossfire" between the gas industry and politicians protecting consumers faced with skyrocketing gas prices if Ferc and DOE approve imports of high-priced Algerian liquefied natural gas (see story on page 1).

Corcoran, expected to become in January the ranking minority member of the House Energy subcommittee on fossil and synthetic fuels, moved to pressure renegotiations of import contracts by recommending that import authorizations be suspended if contracts are not renegotiated during the six-month period to prices "acceptable" to the secretary of energy and Ferc. The bill also would allow pipelines to recover their costs of constructing LNG facilities if the Algerians refuse to lower their export prices. The "open season" for renegotiations would begin with passage of the bill.

In a letter circulated among his colleagues to garner support for the measure, Corcoran said that "it is time we sent a signal that these prices for imported supplies can no longer be insulated from the realities of our market." In remarks on the House floor, he pointed out that some Americans may pay as much as $7/Mcf for Canadian gas at the same time that domestic producers are being forced to shut in their supplies. As for LNG prices, Corcoran said, "If Canadian and Mexican gas represents the Cadillacs of the natural-gas market, Algerian LNG is the Rolls Royce." Rates in Corcoran's district will go up 10% if Ferc approves imports of Algerian LNG to Panhandle Eastern Pipe Line. An aide said Corcoran hopes to win passage of his bill by attaching it as a rider to lame-duck legislation.

"No tacit approval whatsoever" was given by DOE and the State Dept. to Corcoran's legislation, an administration official said. To the extent that the bill keeps the government involved in energy pricing, "it's not a step forward," he said. But the official said that he wasn't surprised by the move and added that the Canadians shouldn't be surprised, either. "What that bill represents is further congressional pressure to do something about the high border price," he said. "That message has been given to the Canadians by a number of people already."

U.S. and Canadian officials are gearing up to begin talks on energy policy, including natural-gas pricing, after Canada's National Energy Board issues its decision on applications now before it to export more than 17 Tcf of gas to the U.S. (Inside F.E.R.C., 19 July, 1). That decision is expected in late January or early February, officials said. Canadian Energy Minister Jean Chretien and NEB Chairman Geoffrey Edge recently met with State Dept. official Allan Wendt, assistant secretary for international energy policy, for informal talk on energy issues. And in a recent development, Rayburn Hanzlik, director of the Economic Regulatory Administration, is being briefed on gas-pricing issues as part of additional responsibilities for international affairs under newly appointed Energy Secretary Donald Hodel, an ERA spokeswoman confirmed. Officials said the bilateral talks in February will include DOE and State Dept. officials and Canadian energy officials.

Canadian officials are optimistic about the talks but were not happy to hear the news of the political pressures from Congress. If the Corcoran bill passes, said one official, it's "bound" to affect the NEB's decision. Export policy is based on long-term decisions, he emphasized, even though there is a short-term-demand shortage in the U.S., which he blamed on NGPA. "Politicians think [export policy] is a tap you can turn off and turn on just like that. It doesn't work that way. The whole industry is based on long-term commitments, for obvious reasons," he said.

To support its projected exports, Canada will have to invest $4 billion in pipeline facilities, he said. With pressures from Congress to halt exports, "what are we supposed to think?" the Canadian asked. "Hell, we're not going to build any more bloody facilities. We'll sell what we've got. If you want to buy it, fine," he said in a burst of anger.

Canadian officials emphasized that the Corcoran bill doesn't seem to recognize the history of U.S. and Canadian energy trade. Canada has been a strategic, stable supplier of energy to the U.S. "when you needed it the most," one official said. "It's always there." If importers believe that the current oversupply in the U.S. will disappear in another five or six years, leaving the U.S. in need of long-term, supplemental supplies, then Canada has to be assured of long-term commitments, he said. "The thing is deteriorating. I'm worried that things have gotten out of the hands of the regulators."

Canadian regulators, he said, are more willing than ever to consider loosening their pricing policy. "We have no choice but to look at the single border price as something that has to change," the official said. He said he agreed with the tone of the White House response to Sharp, who two months ago asked President Reagan to initiate negotiations with Canada and Mexico on natural-gas prices (Inside F.E.R.C. 11 Oct, 3). The White House told Sharp it is "working to reduce unnecessary government interference in the operation of the gas industry" and said it believes the two bordering nations "must restore market flexibility to every facet of their natural-gas trade with the United States if a long-term, mutually beneficial relationship is to endure."

The Canadians said they are willing to consider a flexible border price and short-term discounts in exchange for long-term commitments. One problem, the energy official said, is with U.S. regulators who may not allow the discounts to be tracked through to ultimate consumers. He said he

hopes importing pipelines can get assurances from state commissions that they will allow tracking of lower Canadian prices.

The third article is from the the January 24, 1983, Inside FERC and it reports on a trip three other Members and myself recently took to Canada to discuss gas pricing issues in more detail:

CORCORAN, OTHERS MEET WITH CANADIAN OFFICIALS ON GAS-EXPORT POLICY

Just 10 days before scheduled negotiations between the Reagan administration and energy officials in Canada on that nation's natural-gas exporting policy, four congressmen late last week flew to Ottawa to discuss the same topic. Led by Rep. Tom Corcoran, R-Ill., the four were slated to meet with national and local officials as well as leaders of major Canadian energy companies, with Corcoran expected to push his idea that the Canadian border price should be abolished so that market signals can flow freely between the exporting producers, and U.S. consumers. Joining Corcoran were Reps. Thomas Tauke, R-Iowa; Vic Fazio, D-Calif.; and Dan Glickman, D-Kan.

In a hearing at the Economic Regulatory Administration earlier last week (see story on page 9), Corcoran made clear his desire for greater flexibility in gas-import contracts. "No further imports of foreign gas should be authorized until the exporting governments agree to the party-to-party negotiation process which we propose," a petition offered by Corcoran and a group of other congressmen asserted. Some Canadian producers, notably some small producers in Alberta, have made it known that they would favor such negotiations as a means to sell more gas. Corcoran in the last session introduced legislation that would require renegotiation of import contracts (Inside F.E.R.C. 13 Dec. 3).

Last week's trip was instigated and sponsored by the privately financed Centre for Legislative Exchange which for the past 10 years has been involved in bringing Canadian and U.S. leaders together to discuss current issues.

When asked if the trip might be viewed as encroachment into the administration's impending talks, a Corcoran aide dismissed the notion. The congressman has a "definite constituent interest" to protect, since Canadian gas reaches many Illinois consumers, and he is a member of the House Energy and Commerce Committee, the aide said. Also, he noted, Corcoran has a good knowledge of the topic, "There is every rationale for this involvement," said the staffer.

Corcoran has no intention of disrupting the upcoming negotiations, the aide continued, noting that Corcoran said he hoped to "do more listening than talking" during the trip. "He can't speak for the U.S.," the aide said.

In a letter to President Reagan last week, Corcoran said that the unified border price for Canadian gas "is contrary to the goals and philosophy of your administration and the interest of U.S. consumers." He urged the president to instruct U.S. negotiators to push for replacement of the border price with direct negotiations. In a letter to Secretary of State George Shultz, he offered to meet with State and Energy Dept. officials after his trip and before Feb. 1 to discuss his experience and the upcoming negotiations.

The fourth and final article is also from Inside FERC, January 31, 1983, and it reports on the greater sense of flexibility we sensed on the part of the Canadians after our recent trip to Canada:

CANADIANS SEE WISDOM OF FLEXIBLE PRICING POLICY, VISITING CONGRESSMEN SAY

The four congressmen who visited Canada 10 days ago to discuss that country's natural-gas exporting policy say they left energy officials there with "a better understanding" of the problems created in the U.S. market by the current policy of a uniform border price. Further, the four found the Canadians to be generally receptive to suggestions that a more flexible pricing policy would be to the advantage of both countries, they indicated at a press briefing last week. The group included Reps. Tom Corcoran, R-Ill.; Thomas Tauke, R-Iowa; Vic Fazio, D-Calif.; and Dan Glickman, D-Kan. (*Inside F.E.R.C.*, 24 Jan. 4).

While it would be "very difficult politically" for the Canadians to just pull out of the border-price agreement negotiated during the Carter administration, Glickman said, he "found a general willingness to look at the issue." He added that during the visit the group informed their hosts that "Congress has great leverage in this area," which he said they didn't realize.

For his part, Fazio said he thinks the Canadians understand that it's in their best interest to "rationalize price structure." The congressmen were effective as a group, he continued, in giving Canadian officials "an indication of the political fallout" that would result if the pricing policy is not altered.

It was evident that Corcoran takes a hard line on Canadian prices. As a result of the trip, Canadians are "much more aware of American concerns," and in fact, "a review of gas pricing by Canadian officials is taking place," he said. Corcoran is holding the prospect of reintroducing his import-contract-renegotiation bill over the heads of Canadian officials in an attempt to force a more flexible pricing policy. They view his bill (*Inside F.E.R.C.*, 13 Dec. 3) as "draconian," he said, and "probable of passing," which he said is "helping to force them to act and reduce the price."

At the briefing, Corcoran commented on three conditions that he said would have to be met to prevent him from pushing his bill. First, the price would be lowered, since the current level "is not realistic." Second, the uniform border price would be eliminated. "Why should people in Illinois subsidize people in Vermont?" he asked. Third, both governments would get out of the pricing process, because "it hasn't served us well to have them so involved, and they're not better equipped today." If the conditions aren't met, he cautioned, "no (gas) bill will emanate from the House that does not address imports."

Corcoran explained that the reason he feels so strongly is that other energy exporters follow Canada's lead on pricing. As for the upcoming Feb. 1 meeting between Reagan administration and Canadian energy officials on export policy, Corcoran said the congressmen's visit probably will have a positive impact. In fact, he said, a State Dept. official told him the trip "would strengthen their hand" in the meeting.

When asked how much his idea of negotiation differs from an outright ultimatum, Corcoran replied, "very little." Other members of the group were quick to point out that they did not share his brand of diplomacy. "In all our negotiations with Canada," Fazio explained, "we must respect and deal with the internal demands on Canada for equilibrium within the elements of its federalist system." The U.S. must acknowledge certain Canadian issues as "inevitabilities with respect to our own calculations" of what is possible. "For instance," Fazio continued, "Canada wants to protect its own energy security, and it wants to get gas to its eastern provinces now so dependent on imported oil."

However, Tauke said the Canadians must now recognize the U.S. perspective that "we aren't on our knees begging for Canadian gas." To that, Glickman added, "They got a clear message from four members of Congress, two from each party, that if there are no modifications, Congress will act."

● Mr. MICHEL. I just want to add that I do not see how any one in this body can support the status quo. My consumers are paying higher and higher bills each month for $7 Algerian LNG and $5 Canadian gas. Many domestic gas producers are perfectly willing to sell for less, but they are often powerless to do so. Producers have been "shut in," where the pipeline has the gas under contract but refuses to accept delivery even if the producer is willing to lower the price or "shut out" where the pipeline refuses to release and transport the gas so that another buyer which wants the gas may have the benefit of lower priced supplies.

In this regard, I have introduced H.R. 4, along with my colleague the gentleman from Pennsylvania (Mr. RITTER) and a number of other colleagues, as one approach to this specific problem. Under this bill, a pipeline could reduce its take-or-pay levels to 50 percent on its most expensive gas contracts. The producer would be free to resell the remaining 50 percent to any willing buyer with the assurance that the first pipeline would be obligated to transport this gas to the second buyer and be paid a fair rate for the transportation. In other words, a producer might be "shut in" but could no longer be "shut out" of the market altogether.

In my judgment, this approach will not only reduce the use of expensive gas, but could also lead to a reduction in the price of that expensive gas, because a producer may prefer to lower his price rather than lose a sale. Moreover, allowing gas to go where there is demand for it, instead of either being shut in or adding to the surplus, helps distribute natural gas more intelligently than in the present case.

As I understand, one substantial part of my bill has been adopted by many of the different groups advocating changes in the natural gas laws, including the Process Gas Consumers Group, a consortium of various manufacturing firms. They agree that getting gas transported to willing buyers is an important element in a comprehensive bill.

And I am not saying by any means that my bill is the only bill or that

other suggestions and options are also not necessary. I would hope that we can focus on a comprehensive reform of all our existing laws so that competition can be unleashed to bring sense to the gas markets. I do believe that legislation is necessary and that the sooner we begin the better. As to the specifics, I am confident to defer to my colleagues who serve on the Committee on Energy and Commerce and who have studied these matters in detail.

Finally, we have had plenty of talk to date, including today, but so far little action. I understand the subcommittee is planning another series of lengthy oversight hearings. That represents another delay while our people pay higher and higher bills.

The time for action is at hand, and I hope we can move expeditiously in this regard.●

REAGAN'S COLOSSAL FAILURE—II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

● Mr. GONZALEZ. Mr. Speaker, last Wednesday I referred to the colossal failures of the Reagan program. The fact is, if our economy is going to recover, and if the sufferings of those who have been victimized by the Reagan depression are going to be alleviated, it will only be through an abandonment of the Reagan program.

Interest rates have moderated though still unacceptably high in part, because there is a worldwide recession, in part because of our own depression—but also because the Federal Reserve has moderated its own monetary policy. In truth and in fact, each step toward moderated interest rates has been a retreat from one of the key elements of the Reagan program, and that is tight money. Students of that curious school of thought known as supply economics advocated that monetary growth be tightly restrained, and we have seen how the Federal Reserve applied that principle. They applied it to the point of choking off business and inducing enormous unemployment. They applied it to the point of putting not just our economy, but the economy of the whole industrial world, into shock and disrepair. But in recent months, the Federal Reserve has been backing away from that particular principle of the Reagan program. And sure enough, step by step, interest rates have come down. Yet, the fact is, interest rates remain at an historically high level, in real terms. They remain at levels that are high enough to discourage investment, borrowing and consumption. They remain at levels that are too high to make a strong economic recovery possible. They are at levels the President himself declares are too high. But he blames, not the Federal Reserve, that is responsible, he blames the fears of the marketplace, fears that he says are fueled by questions about Federal fiscal policy—those immense deficits that the Reagan program, itself, made inevitable, and that will remain at unprecedented levels as long as the Nation stays with the Reagan program. If the President had been more forthcoming in his state of the Union message, he would have plainly admitted that, yes, interest rates are too high, and yes, it is his fault, and yes, he is modifying his policies. Regretfully, he did not go beyond the simple statement that interest rates are too high. The blunt fact is that the reason interest rates have declined is first and foremost that the Federal Reserve is confessing error and moving back toward policies that enable the economy to grow and work—too slowly. If, in fact, the Federal Reserve followed the monetary theories of my supply-side colleagues, our economy would be a model and replica of Chile, a disaster almost unequalled in the world today.

The Reagan tax program was sold as a boon to savings and consumption. But the rate of savings today is no greater than it was in 1976. As for consumption, the consumers of this Nation got precisely nothing from the tax cuts of 1981. Only those with incomes of over $40,000 a year realized any net gain. To make it worse, consumers found their overall income going down. In real terms, the average worker in this country today is taking home $7 a week less than he was when Ronald Reagan entered the White House. At the same time, that worker has been faced with overwhelming rates of interest. How could that worker go out and buy an automobile? How could that worker go out and buy a home? The answer is, he could not, and both the housing and automobile industries collapsed.

This has not been a matter of short-term collapse, but month after month of a downward spiral. The rate of long-term unemployment was about 10 percent when Ronald Reagan became President. Today, that rate is doubled. One out of every five unemployed worker today has been looking for a job more than 6 long months. At the same time, the rate of short-term unemployment has dropped. In 1979, 48 percent of the unemployed had been out of work less than 5 weeks. Today, less than one-third have been out of work so short a time—the lowest rate of short-term unemployment in decades. What this means is clear: it is more and more difficult to find a new job if you are laid off or your employer goes out of business.

A couple of years ago, about 1 out of every 8 unemployed people had left their last job. Today, only about 1 out of 20 is in that class. This means that workers in this country realize plainly that if you have a job, you cannot afford to quit, for whatever reason. And indeed two-thirds of the unemployed today report that they lost their jobs, did not quit. The jobs just dried up. That is a 50-percent increase in the involuntary jobless rate, since Reaganomics was visited upon us.

The President was not long ago fond of pointing out how many pages of "help wanted" ads appeared in the newspapers. What he was suggesting was that there were plenty of jobs, if only people would go and look. It was not true then and it is not true today. Since Ronald Reagan first started reading those ads, 2 million manufacturing jobs have simply disappeared. Better than a half million construction jobs have disappeared. A homeless witness before my Housing Subcommittee last December—an assembly line worker from Cleveland, said it perfectly: "I was laid off, and then the company went broke, just disappeared." It has been that way for millions of American workers. They have not just been laid off. Their employers have vanished.

The President has also said that the unemployed ought to leave the places where work is scarce. But he ignores the fact that work is scarce everywhere. In my own State, the Governor, former Governor, was at great pains to say that unemployed workers would do themselves a favor by not coming to Texas. In California, said to be recession-proof, unemployment is high enough to inspire not just concern, but thousands of people responding to an ad for just a half dozen jobs. All over the country, we see this scene, time after time, of hundreds and thousands of people lining up for a shot at just a handful of jobs. So the question is, go where? And the next question is, what with? For the long-term unemployed, and even those who have been out of work for only a short while, simply do not have the means to travel around the country in hope of finding a job, a job that in all likelihood does not exist. For as the Wall Street Journal, itself, pointed out, the U-Haul rental rate from Houston to Detroit is no longer a bargain—because there are plenty of people who are leaving Houston, not just moving toward it.

The great need we have is to cast off the colossal failure that is Reaganomics. Our people want to work, and there is ample work to be done. Our people do not want to see their life savings swallowed up in the winds of recession. Our people want decency, and they want opportunity, and those are things that Reaganomics would deny.

That is why I am offering a program to create jobs, through a billion dollar expansion of the community development block grant program, a program

that I will offer together with the majority of my colleagues on the Housing Subcommittee. This will provide funds for programs in cities all across America—construction needs that exist, are well identified, and for which there is a need but for lack of only one thing—money. Expansion of the community development block grant program will put people back to work, and that is what this country wants and needs first and foremost.

But it will take time to heal the wounds of the Reagan program. During that time, people in unprecedented numbers are facing foreclosure. Therefore, I am offering a $750 million emergency mortgage assistance program, to provide help to citizens who, through no fault of their own, are facing foreclosure, and who need help to hold onto their homes, their hopes, and their dignity. This program will provide loans, loans against the equity of these homes—so that the owners will be able to hold onto that equity, get back on their feet, and maintain their pride. For these are people who have done everything they could, and who now need only a chance to hold on until times get better. This program will bring mortgages up to date, and provide bridge loans for up to 2 years, to insure that mortgages are not needlessly foreclosed. This help is especially needed in cities like Pittsburgh, where unemployment is endemic and recovery will take time.

Finally, there are those for whom help will be too late, the people who have been made homeless by the disaster that has swept this land these last 2 years. For them, I propose a $100 million program to assist cities and towns in developing and keeping open emergency shelters for homeless people. There is no question that we have insufficient emergency shelter for single men—but there are thousands of women and children for whom there is even less shelter. We are not talking simply about derelicts here—for the homeless are all kinds of people, caught up in the web of personal misfortune and cast to the winds by the callous hands of the present administration.

It is time to change course. We have seen the colossal failure of the Reagan program. We have seen how recovery has taken place only to the extent that the program has been abandoned. It is no longer possible to pretend or cover up. It is time to move ahead, with a positive program for our people and our country.●

OLYMPIC COINS ARE GOOD INVESTMENTS FOR ATHLETES AND PURCHASERS ALIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, Americans know that the purchase of Olympic coins is an investment in the future of our Olympic teams. The more silver and gold Olympic coins Americans buy, the more silver and gold Olympic medals our Olympic athletes will have a chance to win in the Olympics to be held in 1984 and beyond. If all Olympic coins are sold, $600 million will go toward training our athletes for the games and staging and promoting the 1984 Los Angeles summer Olympics.

But these coins are more than just a good investment in our Olympic teams. Recent price increases by the mint for these coins show that they are a good investment for the purchasers as well.

When the Olympic coins were first offered for sale last October, they were priced at $24.95 for the 1983 silver dollar, $48 for the 1983 and 1984 silver dollars, and $352 for a complete set of the two silver dollars and the 1984 gold coin. All prices were postpaid. Those prices were originally offered only through December 15, but the mint twice extended the ordering period until January 25, 1983.

Following that deadline, the mint announced across-the-board price increases. The increases raised the price of the 1983 coin to $29, the price of the two silver dollars to $58, and the price of the three-coin set to $410. In addition, new purchasers must pay postage and handling costs of $2 for the first set ordered and $1 for each additional set. These prices are effective only through April 5, 1983. Prices after that date may well be higher.

The hundreds of thousands of people who ordered the three-coin sets at the initial price now have seen the value of their order increase by 16 percent. Purchasers of the two-coin set have seen a 21-percent appreciation in price. The purchasers of the 1983 coin have been the beneficiaries of a 16-percent appreciation in their orders. With the mint due to start striking those coins this month, those purchasers will have the coins in hand very soon and will see the tangible benefits of their wise purchase decisions.

In finance, as well as athletics, "the race goes to the swiftest." Those people who were quick enough to seize upon the opportunity to order Olympic coins when they were first offered are now dollars ahead of those who hesitated.

The coins can be ordered directly from the U.S. Mint by sending a letter and payment to: The United States Mint, Post Office Box 6766, San Francisco, Calif. 94101.

I hope the people who passed up the opportunity to buy these coins the first time do not make the same mistake a second time. If they do, they will then be still further behind financially when prices for the coins increase again after April 5, as it is virtually inevitable that they will.

There was never any doubt that these coins would be good for our Olympic athletes. Now there can be no doubt that they are also good for the purchasers. Let us have all Americans get on the Olympic coin team now, so that they can also be winners.●

THE PROBLEMS OF IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BATES) is recognized for 5 minutes.

● Mr. BATES. Mr. Speaker, there are areas in the United States, for both reasons of geography and climate, that have borne the brunt of immigration into this country. These areas in many ways constitute a test tube experiment in the forced mixing of cultures, life styles, economic systems, and Government policy.

San Diego County nestled along the populous Mexican border, is a popular transit point for undocumented immigrants heading northward. The flow of these illegal immigrants has become a river of uncertain proportions and economic effects.

The climate and the culture of southern California have also drawn the legal immigrants from Southeast Asia—the boat people, the refugees, and those dispossessed by the war in Vietnam. The ballooning population of Cambodians, Hmong, Vietnamese, Laotians, and other ethnic and national groups has been drawn here by the weather—similar in many respects to that of their native land—and by "seed" populations of previous immigrants. Federal, State, and local governments have sought to alleviate some of the suffering of these immigrants. The result has become a jungle of aid programs, quotas, and illegal immigration. One cannot speak of the problem of illegal Mexican immigration without considering the federally funded programs for pan-Asians. Bilingual education has become a cruel joke as the number of common dialects spoken in a single elementary school reaches a dozen or more, and interpreters and aides must be employed for each. Without a goal on which we can agree at both the national and the local level, no effective means to deal with the problem can be devised. The goal for the local government has become mere survival in this web of conflicting laws and objectives.

There seems to be a sound basis for the recognition of our responsibility for the less fortunate of other countries. In the past, we have encouraged immigration into the United States as a national policy. But that was when

the Nation was young and labor was scarce. Newly arrived residents could pass through the ports and find work almost immediately.

The situation has changed, but the change is far more societal than related to employment. Mexicans illegally cross the border to find jobs; there are obviously still jobs available. The impact of Pan-Asians on the job market has been, so far as can be determined, negligible. Yet the resistance to these new immigrants is increasing.

The mainstream of America still seems willing to extend a helping hand to individual refugees and immigrants; yet, as a class or group, the immigrants are spurned.

There are countless theories about the growing resistance to immigration, and I will offer what seems to be a growing consensus: dwindling resources of our society are making it more and more difficult to be generous. Perhaps the test of a nation's character lies in its willingness to extend a hand when times are bad, since it is easy to be generous when there is plenty. If that is an accurate test of our Nation's character, then perhaps we are failing the test.

Yet this begs the question: What are the obligations of a nation to the citizens of another nation? We obviously cannot be expected to extend our social services to everyone in need the world over. There are two compelling reasons to limit the sharing of our resources. In the first place, the physical ability of our Nation to supply even a minimun of aid to the world's needy is very limited. Latest estimates indicate some 2 billion in such need around the world. To provide even 2 months' aid to these people would require, in purely economic terms, almost $400 billion. The resources of this country would soon be stretched to the point where not only would it be unable to care for the world's poor but even to provide for our own citizens.

The other side of the coin is the effect upon the social and political order of those countries which we provide aid. Strings attached to the aid become economic imperialism and the no-strings approach often results in the purchase of tanks and jets rather than rice and flour.

If our aid outside the United States must be limited, so must the aid within. For similar reasons, we cannot accept unlimited immigration into the Nation; our resources would soon be inadequate to provide basic needs. Also, the effects upon the social fabric of a greatly expanded immigration would probably cause considerable dislocations, both in the United States and in the country donating the immigrants.

There is undeniably a which came first question about Mexico. For instance, many social problems are responsible for the flood of immigrants. But it also true that, if we skim off the vigorous portion of a developing nation's population, we can expect a serious rending of the social fabric in that country.

Our obligations are, in sum, to provide all that we can to the world's poor, but to recognize that our resources are limited and the problem, at least in numbers, is growing every day. We can point to a general responsibility to provide aid to needy populations—not necessarily countries. We can also identify an obligation on our part to provide a home for a certain number of immigrants.

There are two separate groups of immigrants for which reasonable policies must be designed: those arriving in the United States and those already here. In the realm of social services, those already in the United States pose the most serious problems.

There are between 3 million and 7 million illegal residents in the United States, and the practical obstacles to deporting this vast number are the strongest arguments for a limited amesty program that gives citizenship to those who have been here a specified length of time. These immigrants now contribute to the economy, the tax system, and to the necessary labor force. Beyond any sense of equity, we need to keep these residents.

There is also the argument that, without legalizing the status for current illegal residents, future limitations would be meaningless. Thus, the limitation on immigration is necessary to protect the institutions and the social structure of the Nation. The Nation cannot continue to bear the burden of overpopulation, social injustice, labor unrest, and unemployment in other countries as well.

The National Association of Counties has proposed a 3-year residence limit for citizen status: If an illegal immigrant has stayed continuously in the United States for 3 years without running afoul of the law, he or she would be granted citizens status. The association has also proposed a humane policy of allowing close relatives of those who gain citizenship through amnesty to come to the United States and apply for residency.

Once the status of our current immigrant population is resolved, it will be time to devise a process that allows for new residents. We need a system that grants legal immigration and penalizes illegal immigration, both by deportation of illegal immigrants as well as by imposing stiff penalties on those who employ them. The proposed guest worker program is severely lacking in this sense, as it would require a large and cumbersome—and probably ineffective—bureaucracy as well as encourage illegal immigration.

It is evident that a number of groups within our immigrant population need extensive social and health services. Beyond the moral sense of obligation to these, many of whom are unwilling refugees from oppression, the practical needs of a society to provide for those on the lowest rungs of the social ladder are compelling.

We dare not create an underclass of underprivileged, underserved, and uninvolved citizens. For public health reasons we must provide basic health services. For the health of the society, we must provide the social programs that ameliorate the poverty and the distress. It is shortsighted in the extreme to think that we can ignore with impunity the social and physical needs of immigrants.

If they are ever to become fully assimiliated and productive members of our society, they need our help now.

The investment in social services to immigrants, legal or otherwise, will be repaid time and time again. The relatively small costs associated with health and social care are easy to justify when compared with the costs of not preventing the social and physical disease at the outset. It is unfortunate that the greatest problems and pressures of immigration have come upon this Nation in a time of rapidly dwindling Government and natural resources. It is an almost automatic reaction to think in terms of services to those who have been here the longest, but that is a reaction that will harm us in the long run.

By allocating a substantial portion of our social services budget for the immigrants, the refugees in our society will pay dividends in better management of resources, a greatly reduced drain on the system in the near future, and a wealth of new, vital blood into our society.●

CONTEMPT OF CONGRESS PROCEEDINGS AGAINST EPA ADMINISTRATOR STILL PENDING: JUSTICE DEPARTMENT LOSES CASE AGAINST HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

● Mr. LEVITAS. Mr. Speaker, as I reported to you yesterday, the contempt of Congress matter involving the Administrator of the Environmental Protection Agency is still pending.

Immediately following the action by the House of Representatives last December to cite for contempt the Administrator for failure to produce documents necessary for our Superfund oversight investigation, the Justice Department filed a lawsuit in the name of the United States of America against the House of Representatives and certain Members of Congress and officers of the House challenging the right of Congress to pursue the con-

tempt of Congress against the Administrator of the Environmental Protection Agency. On Tuesday of last week a hearing was held before the Federal district judge here in Washington to dismiss the complaint of the Justice Department, and on Thursday of last week, Mr. Speaker, the court ruled in favor of the House, a total victory was obtained, and the Justice Department's action was dismissed.

In his opinion the judge asked the parties to try to get together and resolve the dispute without further legal proceedings.

As the Members know, the House has attempted several times to resolve this matter, but all offers of compromise were rejected by the administration. The administration has said they will follow the judge's suggestion that this matter be resolved without further legal procedures. I hope they will hold to that statement, but we are still waiting to hear from them.

I am willing to go the extra mile in trying to resolve this matter as the judge has suggested and hope that we will be successful in doing so in the next several days. At this point, I would like to submit for the RECORD, Judge Smith's decision on the case:

[U.S. District Court for the District of Columbia, Civil Action No. 82-3583]

UNITED STATES OF AMERICA, AND ANNE M. GORSUCH, PLAINTIFFS, *v.* THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES; THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE JAMES J. HOWARD, CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION OF THE HOUSE OF REPRESENTATIVES; THE SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE ELLIOTT J. LEVITAS, CHAIRMAN OF THE SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE THOMAS P. O'NEILL, SPEAKER OF THE HOUSE OF REPRESENTATIVES; EDMUND L. HENSHAW, JR., THE CLERK OF THE HOUSE OF REPRESENTATIVES; JACK RUSS, SERGEANT AT ARMS OF THE HOUSE OF REPRESENTATIVES; JAMES T. MOLLOY, THE DOORKEEPER OF THE HOUSE OF REPRESENTATIVES, DEFENDANTS

MEMORANDUM

The United States of America and Anne M. Gorsuch, in her official capacity as Administrator of the Environmental Protection Agency (EPA), bring this action under the Declaratory Judgment Act, 28 U.S.C. § 2201. Plaintiffs ask the Court to declare that Administrator Gorsuch acted lawfully in refusing to release certain documents to a congressional subcommittee. Defendants in the action are the House of Representatives of the United States; the Committee on Public Works and Transportation; The Honorable James J. Howard, Chairman of the Committee on Public Works and Transportation; The Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation; The Honorable Elliott J. Levitas, Chairman of the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation; The Honorable Thomas P. O'Neill, Speaker of the House of Representatives; Edmund L. Henshaw, Jr., Clerk of the House of Representatives; Jack Russ, Sergeant at Arms of the House of Representatives; and James T. Molloy, Doorkeeper of the House of Representatives. The individual defendants are sued only in their official capacities. The case is now before the Court on defendants' motion to dismiss.

The essential facts are undisputed. On November 22, 1982, a subpoena was served upon Anne Gorsuch by the Subcommittee on Investigations and Oversight (the Subcommittee) of the Committee on Public Works and Transportation (the Committee). The subpoena required Administrator Gorsuch to appear before the Subcommittee on December 2, 1982, and to produce at that time the following documents: "All books, records, correspondence, memorandums, papers, notes and documents drawn or received by the Administrator and/or her representatives since December 11, 1980, including duplicates and excepting shipping papers and other commercial or business documents, contractor and/or other technical documents, for those sites listed as national priorities pursuant to Section 105(8)(B) of P.L. 96-510, the Comprehensive Environmental Response, Compensation and Liability Act of 1980.' "

On November 30, 1982, President Reagan sent a Memorandum to Administrator Gorsuch instructing her to withhold from the Subcommittee any documents from open law enforcement files assembled as part of the Executive Branch's efforts to enforce the Comprehensive Environmental Response, Compensation and Liability Act of 1980. On December 2, 1982, the return date of the subpoena, Administrator Gorsuch appeared before the Subcommittee. She advised the Subcommittee that the EPA had begun to gather for production all documents responsive to the subpoena, but ". . . sensitive documents found in open law enforcement files will not be made available to the Subcommittee." 149 Cong. Rec. H10037. The Committee passed a Resolution reporting the matter to the full House of Representatives on December 10, 1982. The full House cited Administrator Gorsuch for contempt of Congress on December 16, 1982. The initial complaint in this case was filed on the same day, one day before the contempt resolution was certified to the United States Attorney for the District of Columbia for presentment to the grand jury. To date, the United States Attorney has not presented the contempt citation to the grand jury for its consideration.

Section 192 of Title 2 of the United States Code provides that a subpoenaed witness who refuses "to produce papers upon any matter under inquiry before either House . . . or any committee of either House of Congress", shall be guilty of a misdemeanor "punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months." Once an individual has been found in contempt by either House of Congress, a contempt order is presented to the President of the Senate or the Speaker of the House of Representatives for certification. 2 U.S.C. § 194. The President or Speaker in turn delivers the contempt citation to the appropriate United States Attorney. The United States Attorney is then required to bring the matter before the grand jury. Id.

The Executive Branch, through the Justice Department, has chosen an alternate route, however, in bringing this civil action against the House of Representatives and individual members of the Legislative Branch. Plaintiffs ask the Court to resolve the controversy by deciding whether Administrator Gorsuch acted lawfully in withholding certain documents under a claim of executive privilege.

Defendants raise several challenges to the propriety of plaintiffs' cause of action. Included among defendants' grounds for dismissal are lack of subject matter jurisdiction, lack of standing, and the absence of a "case or controversy" as required by Article III, § 2 of the United States Constitution. In addition, defendants claim that they are immune from suit under the Speech and Debate Clause, Article I, § 6, cl. 1. Plaintiffs have addressed and opposed each of these threshold challenges.

The Legislative and Executive Branches of the United States Government are embroiled in a dispute concerning the scope of the congressional investigatory power. If these two co-equal branches maintain their present adversarial positions, the Judicial Branch will be required to resolve the dispute by determining the validity of the Administrator's claim of executive privilege. Plaintiffs request the Court to provide immediate answers, in this civil action, to the constitutional questions which fuel this controversy. Defendants, however, have indicated a preference for established criminal procedures in their motion to dismiss this case. Assuming there are no jurisdictional bars to this suit, therefore, the Court must initially determine whether to resolve the constitutional controversy in the context of a civil action, or defer to established statutory procedures for deciding challenges to congressional contempt citations.

The statutory provisions concerning penalties for contempt of Congress, 2 U.S.C. § 192 and § 194, constitute "an orderly and often approved means of vindicating constitutional claims arising from a legislative investigation." *Sanders* v. *McClellan*, 463 F.2d 894, 899 (D.C. Cir. 1972). Under these provisions, constitutional claims and other objections to congressional investigatory procedures may be raised as defenses in a criminal prosecution. See *Barenblatt* v. *United States*, 360 U.S. 109 (1959); *Ansara* v. *Eastland*, 442 F.2d 751 (D.C. Cir. 1971); *United States* v. *Tobin*, 306 F.2d 270, 276 (D.C. Cir. 1962). Courts have been extremely reluctant to interfere with the statutory scheme by considering cases brought by recalcitrant witnesses seeking declaratory or injunctive relief. See e.g., *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491 (1975); *Ansara* v. *Eastland*, 442 F.2d at 754. Although the Court of Appeals for this Circuit has entertained one civil action seeking to block compulsory legislative process, that action was brought by the Executive Branch to prevent a private party from complying with a congressional subpoena. See *United States* v. *American Telephone and Telegraph Company*, 551 F.2d 384 (D.C. Cir. 1976). Significantly, therefore, in that case the Executive Branch was not able to raise its claim of executive privilege as a defense to criminal contempt proceedings.

Courts have a duty to avoid unnecessarily deciding constitutional issues. *United States* v. *Rumely*, 345 U.S. 41, 45-46 (1052). When constitutional disputes arise concerning the respective powers of the Legislative and Executive Branches, judicial intervention should be delayed until all possibilities for settlement have been exhausted. See *United States* v. *American Telephone and Tele-*

graph, 551 F.2d at 393-395. Judicial restraint is essential to maintain the delicate balance of powers among the branches established by the Constitution. See id. Since the controversy which has led to *United States* v. *House of Representatives* clearly raises difficult and constitutional questions in the context of an intragovernmental dispute, the Court should not address these issues until circumstances indicate that judicial intervention is necessary.

The gravamen of plaintiffs' complaint is that executive privilege is a valid defense to congressional demands for sensitive law enforcement information from the EPA. Plaintiffs have, thus, raised this executive privilege defense as the basis for affirmative relief. Judicial resolution of this constitutional claim, however, will never become necessary unless Administrator Gorsuch becomes a defendant in either a criminal contempt proceeding or other legal action taken by Congress. See, e.g., *Ansara* v. *Eastland*, 441 F.2d at 753-754. The difficulties apparent in prosecuting Administrator Gorsuch for contempt of Congress should encourage the two branches to settle their differences without further judicial involvement. Compromise and cooperation, rather than confrontation, should be the aim of the parties. The Court, therefore, finds that to entertain this declaratory judgment action would be an improper exercise of the discretion granted by the Declaratory Judgment Act, 28 U.S.C. § 2201. See *Hanes Corp.* v. *Millard*, 531 F.2d 585, 591 (D.C. Cir. 1976). In light of this determination, the Court will not address the additional grounds for dismissal raised by defendants.

Accordingly, defendants' motion to dismiss is granted.

An appropriate Order follows.

J. LEWIS SMITH, Jr.,
U.S. District Judge.

Dated: February 3, 1983.

[U.S. District Court for the District of Columbia, Civil Action No. 82-3583]

UNITED STATES OF AMERICA, ET AL., PLAINTIFFS, *v.* THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, ET AL., DEFENDANTS

ORDER

Upon consideration of defendants' motion to dismiss this action, plaintiffs' opposition, the memoranda filed by the parties, oral arguments of counsel and the entire record, it is by the Court this 3rd day of February, 1983.

Ordered that defendants' motion to dismiss is granted and this action is dismissed.

J. LEWIS SMITH, Jr.,
U.S. District Judge.●

INTERNATIONAL COMPETITIVE FINANCE ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LUNDINE) is recognized for 5 minutes.

● Mr. LUNDINE. Mr. Speaker, this year, the Congress must act to reauthorize the Export-Import Bank Act. Today I am introducing legislation to amend that act which I believe will greatly enhance the ability of U.S. firms to compete on an equal footing with many of their international competitors.

While the principal thrust of the Export-Import Bank Act has been and will remain as a financing mechanism to assist the foreign purchase of U.S. goods, in 1978 Congress enacted section 1912 of the Export-Import Bank Act to provide the U.S. Government with an effective tool to counteract unlawful export financing subsidies provided foreign firms by their government. This section of the 1978 law permits the U.S. Export-Import Bank to provide U.S. firms with financing terms that match the subsidized credit provided by their foreign competitors.

Under the current law, however, use of section 1912 is predicated on the determination of an illegal subsidy finding by the Secretary of Treasury and what amounts to a subjective interpretation by the Secretary as to whether or not that subsidy was a determining factor in the sale. The legislation I am proposing today would place U.S. firms on a real equal footing by eliminating the subjective determination by the Treasury Secretary and require that the Eximbank be authorized to provide offset financing in the event that such an illegal subsidy is determined to have been offered.

Unfair trade practices utilized by many of our foreign competitors are seriously threatening the survival of many of our U.S. firms critical to our industrial base. The U.S. Government has an obligation to see that a fair trading climate is provided through the implementation of U.S. law and international trade agreements. In many instances in the past, this clearly has not been the case.

One of the most recent and highly publicized examples of the need for the change in section 1912 of the Export-Import Bank Act which I am suggesting occurred just last year when the New York Metropolitan Transit Authority decided to award a contract to a Canadian firm for the purchase of subway cars primarily because the Canadian Government offered an attractive package of subsidized financing.

The primary competitor in this case was an American firm with equal or superior experience producing a high quality transit car. However, even upon a finding that the subsidy being offered by the Canadian Government was illegal, the Secretary of the Treasury declined to authorize the Export-Import Bank to offer offset financing to the U.S. firm basically on subjective grounds.

This case has since been pursued under our countervailing duty laws where the Commerce Department most recently just last week reaffirmed the finding of an illegal subsidy on the part of the Canadian Government and recommended the assessment of some $91 million in countervailing duties as a result. However, the assessment of these duties will not bring this contract back to the U.S. producers. In many ways, because of our failure to provide offset financing to the U.S. firm in a timely fashion, we now have the worst possible outcome in terms of U.S. interest, U.S. jobs have been lost, the contract has gone abroad, and under the countervailing duty laws our citizens may be penalized an additional $91 million.

While there is, obviously, no sense in being preoccupied with past mistakes, we can begin to be smarter traders than we have in the past. This is absolutely essential if we are to survive in today's highly competitive international economy. Many U.S. jobs depend on it and preservation of our industrial base is in itself contingent upon more aggressive and fair implementation of U.S. trade policy.

The outcome of the New York City subway car purchase in my opinion was only the latest in a series of instances of unfair and subsidized trading practices on the part of many of our international competitors that can no longer be tolerated. The legislation I am proposing today would help to strengthen our ability and our resolve to deal more effectively with unfair trading practices in the future. As a result, I urge my colleagues to give this legislation every possible consideration in the months ahead as the reauthorization for the Export-Import Bank moves through Congress.●

A PROPOSAL TO IMPROVE THE BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BEILENSON) is recognized for 5 minutes.

● Mr. BEILENSON. Mr. Speaker, I am joined by Mr. FROST, Mr. BONIOR, and Mr. HALL of Ohio in introducing a resolution which would make modest changes in Congressional Budget Act procedures in order to facilitate consideration of the fiscal year 1984 budget in the House of Representatives.

The provisions of this resolution, which are outlined below, would help resolve some of the timing, coordination, and enforcement problems in the budget process without making any major revisions to it. They are intended to be implemented in time to be useful during this year's consideration of the budget resolution and budget-related legislation.

The changes I am proposing grew out of the study of budget procedures currently being conducted by the Rules Committee Task Force on the Budget Process, which was appointed during the latter part of the 97th Congress and recently reappointed with an expanded membership by Rules Committee Chairman CLAUDE PEPPER. The task force will continue its review for several months before making a comprehensive report on ways to resolve

budget process problems. In the meantime, the Rules Committee members of the task force have recommended this package of relatively minor changes to make the handling of this year's budget a little bit smoother and more efficient than it would probably be otherwise.

As a House resolution, the proposals contained in it supersede the relevant provisions of the Congressional Budget Act, but only for this Congress, and only in the House. The Senate's procedures would not be affected by these changes.

The following is a brief explanation of the resolution's provisions:

1. PROVIDING FOR REVIEW OF PROCEDURAL CHANGES IN A FIRST BUDGET RESOLUTION

In the last few years, new budget procedures which are included in the first budget resolution and which eventually govern the budgetary actions of House committees have gone almost unnoticed until floor consideration. Under this proposal, first budget resolutions containing procedures under the so-called elastic clauses of the Budget Act (that is, procedures not specifically called for in the Budget Act) would be sequentially referred to the Rules Committee. The proposal does not alter current jurisdiction of either the Budget or Rules Committees. It is intended simply to provide a forum for Members of the House to examine and resolve differences on proposed budget enforcement procedures early in the annual budget cycle.

2. PROHIBITING RECONCILIATION OF AUTHORIZATIONS

Directing the reconciliation of authorizations, as was done in the Gramm-Latta first budget resolution for fiscal year 1982, is a backhand way of cutting discretionary programs already subject to adequate controls under the Budget Act. Prohibiting reconciliation of authorizations would focus reconciliation on so-called "uncontrollable spending" where it is most needed.

3. ENFORCING SUBCOMMITTEE LEVEL SPENDING ALLOCATIONS

This proposal would improve Budget Act enforcement by mandating filing of section 302(b) (subcommittee) divisions of discretionary spending authority, which are critical for adequate budget scorekeeping in the House. It would also avoid wasted committee meetings and filing of needless reports by lifting the burden of filing section 302(b) subdivisions for committees which receive no discretionary spending allocation.

4. ELIMINATING UNNECESSARY BUDGET WAIVERS AND SEQUENTIAL REFERRALS

Under the Budget Act, all authorization bills reported after the May 15 budget deadline must obtain a waiver from the Rules Committee in order to be considered by the House (section 402(a)). Further, all new entitlements in excess of budget ceilings allocated to the reporting committee are subject to sequential referral to the Appropriations Committee (section 401(b)(2)). Under this proposal, sections 402(a) and 401(b)(2) would not apply to bills estimated at $5 million or less. This would prevent needless delay in consideration of bills with relatively minor budgetary impact.

5. ELIMINATING DELAYS DUE TO TECHNICAL VIOLATIONS AND STRENGTHENING COMPLIANCE WITH THE AUTHORIZATION REPORTING DEADLINE

This proposal would eliminate the frequent problem of technical violations of sections 303(a) budget legislation reporting timetable, 401(a) prohibiting back door contract authority, 401(b)(1) timing of consideration of entitlement legislation, and 402(a) authorization reporting deadline. Technical violations of these sections can prevent consideration of a bill even where the violation has been corrected by the committee reporting the bill. Also, this proposal would strengthen compliance with the authorization deadline of May 15 by making the section 402(a) reporting deadline applicable to committee amendments.

6. CLARIFYING REPORTING REQUIREMENT FOR BUDGETARY LEGISLATION WHICH BECOMES EFFECTIVE IN FUTURE YEARS

Section 303(a) of the Budget Act requires that tax, spending, debt limit, and other budgetary legislation be considered by the House only after the adoption of the first budget resolution. Section 303(b) contains an exception to this requirement that has caused considerable confusion. This proposal makes section 303(b) conform to the longstanding House practice that the beginning of a new fiscal year is the cutoff date for consideration of budget bills which first become effective in future fiscal years (for which the first budget resolution has not been adopted).

7. EXPEDITING BUDGET COMMITTEE REPORTING PROCEDURES

The proposal allows the Budget Committee to file its report on the first budget resolution while the House is in recess, and shortens the statutory layover period from 10 to 5 days. This change will save time during the tight House schedule for consideration of the first budget resolution.

8. IMPROVING TIMING ON APPROPRIATIONS BILLS

The proposal would allow the Appropriations Committee to report its general, individual appropriations measures as soon as committee consideration is completed, instead of delaying House action on any appropriation bill until the committee completes consideration of all its bills. This would promote prompt consideration of appropriations bills which are ready early in the year.●

CRITICAL WATERWAYS IMPROVEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

● Mr. RAHALL. Mr. Speaker, during the waning hours of the 97th Congress a bold step was made toward ameliorating the deterioration of the Nation's transportation infrastructure with the enactment of the Surface Transportation Assistance Act of 1982. With this important piece of legislation in place, needed rehabilitation of the highway network will be undertaken.

However, the task of arresting the erosion of the Nation's transportation facilities is not yet completed. For too long the Congress has ignored the condition of many locks and dams on the inland waterway system. Many key locks and dams were constructed over 50 years ago and built to specifications meant to handle traffic from that period. As a result, long delays are occurring at many facilities and the rate of mishaps is on the rise.

For this reason, today I, along with my colleagues TOM, BEVILL, CARL PERKINS, JOE GAYDOS, AUSTIN MURPHY, BOB WISE, ALAN MOLLOHAN, HARLEY STAGGERS, RICHARD SHELBY, WILLIAM COYNE, JACK EDWARDS, and BEN ERDREICH are introducing the "Critical Waterways Improvement Act" which seeks to authorize the replacement of five lock and dam facilities. During the previous Congress the Subcommittee on Water Resources held numerous hearings on the need for replacement and rehabilitation of locks and dams. Testimony gathered during those hearings, in addition to the draft National Waterways Study authorized by section 158 of the Water Resources Development Act of 1976, support the replacement of these five critical lock facilities. They are the Gallipolis Lock and Dam on the Ohio River, Lock and Dam No. 7 and 8 on the Monongahela River, the Winfield Lock and Dam on the Kanawha River, and the William Bacon Oliver Lock and Dam on the Black Warrior-Tombigbee Waterway.

These five facilities represent critical bottlenecks in the eastern inland waterway system. The Ohio River and its key Upper Ohio Basin tributaries, particularly the Monongahela and the Kanawha Rivers, together with the Warrior River, are especially important for the movement of coal produced in the eastern and central coal-producing States. However, frequent delays for lockage at places like Gallipolis represent serious problems and tend to divert traffic from the waterways.

The existing facility at Gallipolis was constructed in 1937 and comprises a main lock 110 by 600 feet and an auxiliary lock 110 by 360 feet. Every

other lock on the Ohio River from the Pennsylvania border to the Mississippi River consists of a 1,200-foot main lock and a 600-foot auxiliary. Because of the smaller lock chambers at Gallipolis, barge tows must be broken into two or more sections to pass through. This process is time consuming, increases costs and in bad weather is extremely dangerous. Delay costs alone can be as high as $6,000 per transit. Over the past few years, tonnage through the Gallipolis facility has increased by 20 percent and the average tow delay by 160 percent. Studies conducted by the U.S. Army Corps of Engineers forecast that by 1990, in the absence of structural improvement, congestion at Gallipolis will block 15 million tons of cargo per year. My bill authorizes a replacement facility based on the recommendations of the corps composed of two new locks with 1,200- and 600-foot chambers. The draft national waterways study designated this project as priority No. 1.

A similar situation is occurring at the Oliver facility. Constructed in 1939 with a dimension of only 95 by 460 feet other facilities on the Black Warrior-Tombigbee Waterway have 110-by-600-foot chambers. A six- or eight-barge tow usually has dimensions of 105 by 585 feet and can pass through all the larger facilities except for Oliver. Under my legislation, the Oliver facility would be replaced with a 110- by 600-foot chamber.

This same problem is occurring at locks and dams Nos. 7 and 8 on the Monongahela which are half the size of other facilities on the river. Constructed in 1925, these projects have chambers measuring only 56 by 360 feet. My bill authorizes their replacement with locks measuring 84 by 720 feet as recommended by the corps. The Winfield facility also represents a bottleneck on the Kanawha near the point where this river joins with the Ohio River. It, too, would be replaced under my legislation. The Oliver, 7 and 8 and the Winfield have all been designated by the corps at priority projects in the draft national waterways study.

Mr. Speaker, threatened is the efficiency and future viability of the most economical mode of transportation. If left unattended this situation will have far-reaching implications through American society. The record developed by the Subcommittee on Water Resources, and the recommendations of the Corps of Engineers, support replacement of the projects in my bill. Let us build upon the work started by the landmark highway legislation passed last year by replacing these critical waterway projects. In this manner America will once again have a first-class transportation infrastructure.●

● Mr. STAGGERS. Mr. Speaker, I am pleased to join the West Virginia delegation in introducing the Critical Waterways Improvement Act of 1983. This legislation authorizes the replacement of five lock and dam facilities, two of which—Nos. 7 and 8 on the Monongahela River—are near Morgantown, W. Va.

For almost 130 miles past steel mills, powerplants, coal mines, small towns and villages the Monongahela River flows north from Fairmont, W. Va., to Pittsburgh, Pa. For years, the mills, mines, and communities in this region have been dependent upon the river as a source of convenient and cost-effective transportation. In addition, while the Monongahela River waterway system comprises only about 1 percent of the country's navigable inland waters, it carries 12 percent of the Nation's river traffic.

By and far the greatest commodity carried is coal. On the average, over 32 million tons of coal per year is moved on the Monongahela River. However, this traffic is being jeopardized by obsolete lock and dam facilities such as Nos. 7 and 8 which were opened in 1925. Since that time, commerce on the river has increased more than twelvefold and is projected to increase further in the coming years.

The Critical Waterways Improvement Act of 1983 authorizes the replacement of locks and dams Nos. 7 and 8 which are half the size of other facilities on the river. The authorization is based on a recommendation made by the Secretary of the Army on November 5, 1973. By improving the Monongahela River, we are enhancing the most economical means of transportation in America today which will benefit everyone who uses commodities moved on the inland waterway system.●

● Mr. WISE. MR. Speaker, mineworkers in my congressional district and throughout my home State of West Virginia are being hard hit by layoffs. The coal industry is far short of its potential in providing energy for consumers throughout this Nation and abroad.

There can be no question that one reason for the decline in coal use these days is the erosion of our Nation's inland waterway system. The transportation of coal by barges depends on navigable waterways, which along with so much of America's infrastructure, have been neglected for far too long.

The Critical Waterways Improvement Act will address this problem. By authorizing the replacement of five lock and dam facilities which are critical to the movement of coal along the Ohio, Monongahela, Black Warrior, and Kanawha Rivers, coal can reach its market destination for industrial, commercial, and residential users.

As a member of the House Public Works and Transportation Committee, I will be working closely with my West Virginia colleague, and also member of the committee, NICK RAHALL, to assure enactment of this vital legislation.

This measure is just part of the effort needed to revitalize our coal industry and put our miners back to work.●

● Mr. MOLLOHAN. Mr. Speaker, I would like to commend the distinquished chairman of the House Appropriations Subcommittee on Energy and Water Development, THOMAS BEVILL, and my good friend and fellow West Virginian, NICK RAHALL, for their legislative initiative to halt the continued erosion of our Nation's inland waterway system.

I am pleased to join these gentlemen as an original cosponsor of the Critical Waterways Improvement Act which seeks to authorize the replacement of five critical lock and dam facilities. Three of these facilities—the Gallipolis locks and dam on the Ohio River, and lock and dam Nos. 7 and 8 on the Monongahela River—prohibit smooth waterway transportation in the upper Ohio River basin. Needless to say, these deteriorating locks and dams are adversely affecting not only the First Congressional district of West Virginia which I represent, but other areas of West Virginia and the surrounding States of Ohio, Pennsylvania, and Kentucky.

The replacement of the antiquated Gallipolis locks and dam would eliminate a major bottleneck along the Ohio River and reduce locking time significantly. The present lock is located in a bend of the Ohio, making navigation extremely hazardous. An average of 10 accidents a year occur at Gallipolis which represents half of all accidents annually within the Huntington District of the U.S. Army Corps of Engineers. Many of these accidents have had the potential for disastrous consequences. When barges become stuck in the smaller dam gates, navigation is further impaired and municipal, industrial, and recreational water supplies are endangered.

Currently, the Gallipolis locks—constructed in 1937—are deteriorating and are too small to handle modern commercial traffic demands. Gallipolis is the only Ohio River lock and dam facility from the Pennsylvania State line to the mouth of the river without a 1,200-foot lock chamber. Its main line is half that size.

The future of waterway transportation along the Ohio River is at stake. Tonnage has increased tenfold since Gallipolis opened and, in 1980, 41.5 million tons of coal, petroleum products, iron and steel products, chemicals, and sand and gravel passed through the Gallipolis facility.

Waterway commerce at Gallipolis locks is projected to reach 65 million tons by 1990, 94 million tons by 2020, and approximately 108 million tons by

year 2040. At the present time, an average commercial tow transits the Gallipolis locks in nearly 10 hours, compared to a transit time of about 1 hour at the newer Ohio River locks. Increased waterway traffic in the future is expected to compound delay problems with lockage delays approaching 80 hours by 2040.

With a benefit-cost ratio of 12.9 to 1, replacement of the Gallipolis locks and dam is not only a much-needed modernization project—it is a sound fiscal investment.

While replacement of the Gallipolis locks and dam system is of extreme priority, the replacement or major rehabilitation of lock and dam Nos. 7 and 8 along the Monongahela River is of equal importance. These two facilities were constructed in 1925 and have had no rehabilitation since then. The state of deterioration these locks are in alone is justification for replacement or rehabilitation.

The Monongahela River waterway system comprises only about 1 percent of the country's navigable inland waters; however, it carries 12 percent of the Nation's river traffic and makes up an integral part of the world's largest inland port—Pittsburgh.

The greatest commodity carried is coal—5.5 million tons from West Virginia and 5.7 million tons from Ohio, Kentucky, and southwest Virginia; 99 percent of the coal is used in either steel production or electric power generation. Thus, slowdowns or breakdowns in these lock structures affect the steel mills and electric power installations upon which thousands of jobs and the economic vitality of communities in the river valley directly depend. More than 100 communities in the area have steel as their economic base. In addition to those in the steel industry, there are over 12,000 jobs in companies whose existence depends upon the river for transportation of raw materials and finished products.

For years the mills, mines, and communities with light industries between Fairmont, W. Va., and Pittsburgh have relied on the Monongahela River as a major industrial source of convenient and cost-effective transportation, giving the region a distinct advantage over other land-locked areas.

Currently, the capacity constraints and inconsistencies in lock sizes plague river travel along the Monongahela. Five jumbo barges and a boat can be locked through the three modern navigational facilities at the head waters of the Monongahela. However, the adjacent locks and dams—Nos. 7 and 8—can accommodate only one jumbo barge and a towboat, while locks and dams 3 and 4 provide space to lock three jumbo barges and a towboat. This situation is further compounded by the fact that five of the nine structures along the Monongahela River require either complete reconstruction or major rehabilitation due to the age and excessive deterioration.

The business and industrial users of these waterways have long recognized the need for replacement and/or modernization of the mentioned navigation systems. The U.S. Army Corps of Engineers has studied Gallipolis as well as locks 7 and 8, and the corps has recommended both replacement and modernization alternatives. It is now time for the Congress to take action to initiate this long-overdue work. Even if we authorize and appropriate funds in fiscal year 1984 to begin these tasks, it will take years to reach our goal. I urge my colleagues to consider the support of this bill to upgrade inland waterways transportation.

Thank you.●

● Mr. MURPHY. Mr. Speaker, I appreciate the opportunity to briefly discuss locks and dams Nos. 7 and 8 on the Monongahela River in Pennsylvania. I have personally toured, and looked through both of these facilities and found them to be in an advanced state of deterioration. They are only half as large as the other locks on the river and have no auxiliary chambers. Due to their lack of size, delays of 2 hours are normal, while 5 and 6 hour delays are common. Because they are narrow, the scraping and banging by tows, as well as the pressure of the flowing river, have knocked concrete off the lock facings, eroded pilings and piers and warped the lock's gates. These outdated navigations facilities are seriously deteriorated and plagued with frequent breakdowns.

But the fact that they are old, too small for modern traffic, and antiquated is not in itself why I am urging authorization for their replacement.

The necessity of replacement is recognized by the Corps of Engineers and in fact was authorized in 1973. A recent private study by Dinamo, the Association for the Development of Interstate Navigability on the Allegheny, Monongahela and Ohio rivers revealed some interesting—and frightening—evaluations of the situation. The study shows that if no action is taken at 7 and 8, it would result in the waterway being closed to all traffic by the end of this century. There would be a tremendous economic disruption in southwestern Pennsylvania as well as to West Virginia and job losses could amount to 15,200 by the year 2000; growing to almost 20,000 shortly thereafter. Various corresponding negative economic impacts will occur in proportion to these job losses. In short, if we fail to replace locks and dams 7 and 8, it could be economically devastating to an entire region of two States already hard hit by serious unemployment in their steel and coal industries. It would have an adverse effect on the entire three rivers system that has made the port of Pittsburgh the No. 1 inland port in the Nation.

The Monongahela River is vital to the area's commerce and the river's future rests with the fate of these two projects. It is estimated that a quarter of a million jobs in the region depend to some degree on water transportation. The steel mills, coal mines, and electrical powerplants are directly dependent on the river. This inland water system is the key to western Pennsylvania's industrial nucleus. Because of the inexpensive cost of river transportation when compared to rail and truck transportation, the river system enables the mills, mines, and manufacturers to remain competitive with more modern facilities in other parts of the world. The river must remain open and operate efficiently if the steel and coal industries of my State and West Virginia are ever again to regain their ability to produce competitively.

The Monongahela makes up only 1 percent of the navigable waterways system in the United States, but it carries 12 percent of the entire Nation's inland water commerce. If lock and dam 7 and 8 are not replaced, it will mean eventual disruption on transporting almost 10 million tons of coal each year with a market value of almost $300 million. Modern, efficient locks and dams are a must for the economic survival and growth of western Pennsylvania. We must maintain and upgrade the system that we already have in place. Rehabilitation of the present two facilities, in my opinion, will not provide the modernization needed. Their size is inadequate to handle the increasing river traffic. Only replacement will assure facilities which can meet present and future traffic needs and at the same time contribute to the region's economic growth.

I should also point out that these facilities serve purposes other than moving commerce. The pools assure a water supply for local water authorites, coal companies and electrical power facilities. In addition, the series of locks and dams along the river provide essential flood control for the many communities and thousands of homes and businesses located along the river from Fairmont, W. Va., to Pittsburgh, Pa.

I realize the controversy that surrounds the cost of these public works projects. The term "pork barrel" is all too often applied to costly projects without looking beyond the initial dollar figure. I sincerely believe that even a cursory look at the situation at lock and dam 7 and 8 removes them from that category and should in any rational plan, make them eligible for priority status.●

● Mr. BEVILL. Mr. Speaker, I want to commend our colleague from West

Virginia, NICK RAHALL, for his foresight in introducing important legislation which will greatly improve our Nation's inland waterway system. It is my honor to join with him in cosponsoring this legislation, which deals with several of the most serious bottlenecks we have in this vital component of America's transportation system.

The legislation he has introduced will authorize new facilities at locks and dams 7 and 8 on the Monongahela River, rehabilitate the Gallipolis Dam, on the Ohio River and replace outmoded locks there; and replace the dated and inadquate William Bacon Oliver lock and dam on the Black Warrior River, Ala.

Last spring, I had the opportunity to inspect each of these facilities. I personally observed the costly congestion created by the inadequacy of these structures, some of which were constructed nearly 50 years ago.

It is of the utmost importance that we, in this Congress, take necessary action to see this essential work begin so that we might insure that traffic on these major waterways does not remain inordinately congested and continue to add millions of dollars a year in higher transportation charges for America's minerals farm goods, and industrial products, detrimentally affecting both our domestic and import markets.

Again, I commend Congressman RAHALL for his action and I urge my colleagues to become familiar with this important legislation. I am firmly convinced it is worthy of your strongest support.●

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE OF THE HOUSE OF REPRESENTATIVES—98TH CONGRESS

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I present the rules of the Committee on Energy and Commerce for the 98th Congress and ask that they be printed in the RECORD at this point. These rules were adopted in an open session of the committee on February 2, 1983.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE OF THE HOUSE OF REPRESENTATIVES, 98TH CONGRESS

Rule 1. *Rules of the House.* The Rules of the House are the rules of its committees and its subcommittees so far as is applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Written rules adopted by the committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the committee. Each subcommittee of the committee is part of the committee and is subject to the authority and direction of the committee. Rule XI of the Rules of the House, which pertains entirely to committee procedure, is incorporated and made a part of the rules of this committee, which are supplementary to Rules of the House.

Rule 2. *Time, Place of Meetings.* (a) The committee shall meet on the fourth Tuesday of each month and at such other times as determined by the chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m. for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the committee has not met during such month, the committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the chairman.

(c) If at least three members of the committee or subcommittee (whichever is applicable) desire that a special meeting of the committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee or subcommittee (whichever is applicable) may file in the offices of the committee their written notice that a special meeting of the committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) Each meeting of the committee or any of its subcommittees for the transaction of business, including hearings and the markup of legislation, shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(f) At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the committee and the procedures for committee consideration of such matters. The discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction and the conduct of joint subcommittee hearings.

Rule 3. *Agenda.* The agenda for each committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the committee by delivery to his office at least 36 hours in advance of such meeting.

Rule 4. *Procedure.* (a)(1) The date, time, place, and subject matter of any hearing of the committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours in advance of the commencement of such meeting.

(B) The time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the committee or subcommittee shall file with the clerk of the committee, at least two working days in advance of his appearance, fifty (50) copies of a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless his requirement, or any part thereof, is waived by the committee or subcommittee chairman presiding.

(c) The right to interrogate the witnesses before the committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interogate a witness until each member of the committee present has been recognized once for that purpose. While the committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full committee unless the text of the matter reported, together with an explanation, has been available to members of the committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommit-

tee actions shall be reported promptly by the clerk of the committee to all members of the committee.

Rule 5. *Waiver of Notice, Agenda, and Layover Requirements.* Requirements of Rules 3, 4(a)(2), and 4(d) may be waived by majority of those present and voting (a majority being present) of the committee or subcommittee, as the case may be.

Rule 6. *Quorum.* Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the committee or subcommittee, except that a matter may not be reported by the committee or a subcommittee unless a majority of the members thereof is actually present.

Rule 7. *Proxies.* No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. *Journal, Rollcalls.* The proceedings of the committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the committee shall be made available in the committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

Rule. 9. *Filing of Committee Reports.* If, at the time of approval of any measure or matter by this committee, any member or members of the committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three (3) calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the committee. All such views so filed shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter.

Rule 10. *Subcommittees.* There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the committee and, in addition, a Subcommittee on Oversight and Investigations. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the bidding process for subcommittee chairmanships and assignments. Such subcommittees shall, to the maximum extent practicable, be of equal size. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of other standing subcommittees and shall maintain regular communication with the standing subcommittees and the chairman of the full committee in order to obtain advice on subjects for investigation. The standing subcommittees shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigations.

Rule 11. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the full committee with a view toward assuring availability of meeting rooms and avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 12. *Reference of Legislation and Other Matters.* All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the full committee within five (5) legislative days, consideration is to be by the full committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the committee shall have the same authority to refer such legislation or other matter to one or more subcommittees as the Speaker has under clause 5(c) of Rule X of the House of Representatives to refer a matter to one or more committees of the House. Such authority shall include the authority to refer such legislation or matter to an *ad hoc* subcommittee appointed by the chairman, with the approval of the committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 13. *Ratio of Subcommittees.* The majority caucus of the committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. *Subcommittee Membership.* (a) Subject to the requirements of the Manual of the Democratic Caucus of the House of Representatives, each majority member other than the chairman of the full committee or the chairman of a subcommittee shall in order of committee seniority be entitled to membership on two subcommittees of that member's choice. A member (other than an *ex officio* member) may serve on more than two subcommittees only if such service is necessary in order to comply with Rule 13. Proceeding in order of seniority on the committee, each majority member, other than the chairman of the full committee and the chairmen of the several subcommittees, shall be entitled to select one subcommittee position each. The subcommittee selection process shall then continue in sequence of committee seniority, including the chairmen of the several subcommittees, for succeeding rounds of selection until all subcommittee positions are filled. The subcommittee selection process shall be conducted at a meeting of the majority party caucus of the committee held prior to any organizational meeting of the full committee. Subcommittee selections of each member shall be recorded by the clerk as made and shall be available for examination by the members.

(b) Minority subcommittee membership shall be selected as determined by the minority.

(c) The chairman and ranking minority member of the committee shall be *ex officio* members with voting privileges of each legislative subcommittee of the committee of which they are not assigned members.

Rule 15. *Subcommittee Chairmen.* (a)(1) Majority members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any request for a subcommittee chairmanship shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance. The subcommittee chairmen shall be elected by the full committee from nominations submitted by the majority party caucus of the committee.

(2) If the majority members of the committee shall determine to change the size of any subcommittee after the start of the bidding process, they may do so, but in that event, all previous action on the bidding process shall be expunged and the bidding process shall start anew.

(b) Subcommittee chairmen shall manage legislation reported from their subcommittees on the House floor.

(c) The chairman of the committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

Rule 16. *Committee Professional and Clerical Staff Appointments.* (a) Whenever the chairman of the committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the committee and not to the chairman of the committee, shall be assigned to such committee business as the minority party members of the committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the committee shall be entitled, subject to the approval of the majority party mem-

bers of the committee, to make such appointments to the professional and clerical staff of the committee as may be provided within the budget approved for such purposes by the committee. Such appointees shall be assigned to such business of the full committee as the chairman of the committee considers advisable.

(d) Subcommittee chairmen, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the committee as may be provided in the committee budget as provided for in rule 18 of these rules. Such professional and clerical appointees shall be delegated to the appropriate subcommittee for the purposes of assisting such subcommittee in the discharge of its assigned responsibilities and may be removed and their compensation fixed by the subcommittee chairman subject to the approval of the majority members of the committee.

(e) In addition to appointments made pursuant to other subsections of this rule, (1) the subcommittee chairman of each of the committee's subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such subcommittee chairman, and (2) the rankng minority member of each such subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of clause 5 of Rule XI of the House of Representatives.

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the committee if approved by the chairman and ranking minority member of the committee and, if funded by a subcommittee, by the chairman and ranking minority member of that subcommittee. Such approval shall not be deemed to have been given if at least one-third of the members of the committee request in writing that the committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member of members, approve such contract.

Rule 17. *Supervision, Duties of Staff.* (a) The professional and clerical staff of the committee delegated to subcommittees of the committee pursuant to rule 16 shall be subject to the supervision and direction of the chairman of the subcommittee to which they are assigned with respect to matters before the subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the committee, who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the committee not delegated to a subcommittee pursuant to rule 16(d) or to the minority shall be under the supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a subcommittee chairman with respect to a matter before such subcommittee chairman's subcommittee shall continue to assume principal staff responsibility during any consideration before the full committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such subcommittee.

Rule 18. *Committee and Subcommittee Budgets.* (a) The chairman of the full committee and the chairman of each standing subcommittee, after consultation with their respective ranking minority members, shall for each session of the Congress prepare a preliminary budget for the committee and each standing subcommittee respectively, with such budgets including necessary amounts for professional and clerical staff, travel, investigations, and miscellaneous expenses, and which shall be adequate to fully discharge their responsibilities for legislation and oversight. Thereafter, the chairman of the full committee, meeting with the chairmen of the subcommittees, shall combine such proposals into a committee budget, which shall state separately the budgeted amounts for the committee and for each of the subcommittees. Such budget shall be presented by the chairman to the majority party caucus of the committee and thereafter to the full committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. No proposed committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full committee. The chairmen of the full committee or the chairman of the standing subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House, but the chairman of the full committee shall permit no subcommittee to make an expenditure beyond its portion of the budget (as established in paragraph (a) unless the chairman determines that such expenditure can be made without exceeding the amount authorized to the full committee by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows, expenditures made during the reporting period and cumulative for the year by committee and subcommittees, anticipated expenditures for the projected committee program, and detailed information on travel.

Rule 19. *Broadcasting of Committee Hearings.* Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

Rule 20. *Comptroller General Audits.* The chairman of the committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the committee.

Rule 21. *Subpenas.* The full committee, or any subcommittee, may authorize and issue a subpena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the committee or subcommittee (as the case may be), a quorum being present. In addition, the chairman of the full committee may authorize and issue subpenas under such clause during any period for which the House has adjourned for a period in excess of three days. Subpenas may be issued over the signature of the chairman of the full committee, or any member of the committee authorized by such chairman, and may be served by any person designated by such chairman or member.

Rule 22. *Travel of Members and Staff.* (a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

RULES OF THE COMMITTEE ON AGRICULTURE FOR THE 98TH CONGRESS

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Agriculture for the 98th Congress for printing in the RECORD.

RULES OF THE COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES

I. GENERAL PROVISIONS

a. *Rules of the U.S. House of Representatives.*—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day is a motion of high privilege in the Committee. (See Appendix B for the applicable Rules of the U.S. House of Representatives.)

b. *Applicability to Subcommittees.*—The following rules shall apply to meetings, hearings and other activities of Subcommittees, which are part of the Committee and subject to its authority and direction, only when specifically so stated.

II. COMMITTEE OR SUBCOMMITTEE BUSINESS MEETINGS

a. *Regular and Additional Meetings.*—The Committee shall meet on the first Tuesday of each month while the Congress is in session. The Committee shall also meet at the call of the Chairman at such other times as he considers to be necessary, subject to advance notice to all Committee members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that any meeting convened by him need not be held, he shall give all members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day. See Rule VI for provisions which apply to meetings of Subcommittees.

b. *Special Meetings.*—If at least three members of the Committee file a written request in the Committee offices that a special meeting be called by the Chairman to consider a specific measure(s) or matter(s), the Staff Director shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calendar days after the filing of such request, a majority of the members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure(s) or matter(s). If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Staff Director shall notify all members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measure(s) or matter(s). Only the measure(s) or matter(s) so specified in the meeting notice as filed by the majority of Committee members and transmitted to all Committee members may be considered at a special meeting.

c. *Vice Chairman.*—The Committee shall, by a majority vote, designate one of its members as Vice Chairman who shall perform such duties as the Chairman may direct in the absence of the Chairman.

d. *Presiding Member.*—If the Chairman is not present at any Committee meeting or hearing the Vice Chairman or, in his absence, the ranking member of the majority party on the Committee who is present shall preside. If the Chairman is not present at any Subcommittee meeting or hearing, the ranking member of the majority party who is present shall preside.

e. *Committee and Subcommittee Meetings Prohibited.*—The Committee or any of its Subcommittees may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

f. *Open Business Meetings.*—Each Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to Committee or Subcommittee hearings or to any meeting that, as announced by the Chairman of the Committee or Subcommittee, relates solely to internal budget or personnel matters.

g. *Records and Rollcalls.*—A complete record of all Committee or Subcommittee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a rollcall is demanded. A rollcall vote shall be ordered upon demand by one-fifth of the members present. The record of such action and the results of the rollcall votes during each session of the Congress shall be made available by the Committee, upon request, for public inspection during regular office hours in the Committee offices and upon telephone request. The information so available on rollcall votes shall include a brief description of the amendment, motion, order or other proposition; the name of each member voting for and each member voting against such amendment, motion, order or other proposition; whether such vote was by proxy or in person; and names of those members present but not voting. A stenographic record of a business meeting of the Committee or Subcommittee may be kept and may thereafter be published if the Chairman of the Committee determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting other than rollcall votes shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee. See Rule IV.f. for publication of the minutes of meetings.

h. *Quorums.*—A majority of the members of the Committee or Subcommittee shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided*, That the Chairman of the Committee may determine that one-third of the members of the Committee shall constitute a quorum of the Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if he gives written notice to that effect to the members prior to the meeting.

i. *Proxy Voting.*—A member may vote by proxy on any matter before the Committee or Subcommittee other than the issuance of a subpoena pursuant to Rule III-b. The proxy authorization shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the Committee or Subcommittee meeting, shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning the vote and shall contain the date and time of day the proxy is signed as well as the date or dates during which it is to be effective. The proxy form required by the Committee or Subcommittee is appended to these rules as Appendix A. In order to be cast in a vote it shall be filed with the Committee or Subcommittee during such vote and must be placed on file with the Staff Director. Proxies shall not be counted toward a quorum.

j. *Location of Persons at Meetings.*—No person other than a Member of Congress or Committee or Subcommittee staff may walk in or be seated at the rostrum area of the Committee or Subcommittee unless the Chairman or a majority of the Committee or Subcommittee determines otherwise.

k. *Consideration of Amendments and Motions.*—A member, upon request, may be recognized by the Chairman to address the Committee or Subcommittee at a meeting for not more than five minutes on behalf of an amendment or motion offered by himself or another member, or upon any other matter under consideration, unless he receives unanimous consent to extend the time limit. Every amendment, substitute amendment, amendment to an amendment, or amendment in the nature of a substitute made in Committee or Subcommittee that is substantial as determined by the Chairman shall, upon the demand of any member present, be reduced to writing, and a copy thereof shall be made available to all members present: *Provided*, That such amendment shall remain pending before the Committee or Subcommittee and may not be voted upon until the requirements of this section have been met.

l. *Points of Order.*—No point of order, other than a point of order that a quorum is not present, against the hearing or meeting procedures of the Committee or Subcommittee shall be sustained unless it is made in a timely fashion either at the commencement of the hearing or meeting or at the time such occasion for a point of order first occurs.

III. COMMITTEE OR SUBCOMMITTEE HEARINGS

a. *Power to Hear.*—For the purpose of carrying out any of its functions and duties under House Rules X and IX, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed or has adjourned. [See Rule VI.e. for

provisions relating to Subcommittee hearings and meetings.]

b. *Announcement of Hearings.*—The Chairman of the Committee or Subcommittee shall publicly announce the date, place and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or Subcommittee or the Chairman of the Committee or Subcommittee, after consultation with the Ranking Minority Member of the Committee or Subcommittee, as applicable, determines that there is good cause to begin such hearing at an earlier date, in which case the announcement of the hearing shall be made by the Chairman of the Committee or Subcommittee at the earliest possible date. The Staff Director shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement has been made and enter the announcement into the Committee scheduling service of the House Information Systems.

c. *Power to Subpoena.*—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Committee or by a Subcommittee when authorized by a rollcall vote of the majority of the members of the Committee, a majority being present, except that no proxies may be used to vote on the authorization and issuance of such a subpoena. Authorized subpoenas shall be signed by the Chairman or the Vice Chairman of the Committee or by any other member the Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all members of the full Committee by 5 p.m., of the day preceding the day of such meeting. Compliance with a Committee or Subcommittee issued subpoena may be enforced only as authorized or directed by the House.

d. *Scheduling of Hearings, and Witnesses.*—Except as otherwise provided in this paragraph, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee or Subcommittee. Whenever any hearing is conducted by the Committee or Subcommittee upon any measure or matter, the Committee's or Subcommittee's minority party members shall be entitled, upon request by a majority of them to the Chairman of the Committee or Subcommittee before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of hearing.

e. *Witnesses' Statements in Advance.*—Each witness who is to appear before the Committee or Subcommittee shall, insofar as practicable, file with the Staff Director a written statement of the witness' prepared testimony at least two working days in advance of the witness' appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee or Subcommittee members. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee members, staff and the news media. The Committee or Subcommittee staff shall distribute such written statements to all members of the Committee or Subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. *Testimony of Witnesses.*—The Chairman of the Committee or Subcommittee or any member designated by him may administer an oath to any witness. Each witness who has been subpoenaed, upon the completion of the witness' testimony, may report in person or in writing to the Staff Director and sign appropriate vouchers for travel allowances and attendance fees. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or Subcommittee in light of the nature of the witness and the length of time available.

g. *Questioning of Witnesses.*—Committee or Subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each member of the Committee or Subcommittee who so desires has had an opportunity to question the witness (or panel of witnesses) for five minutes, and, thereafter, the Chairman of the Committee or Subcommittee may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee or Subcommittee determines otherwise no person shall interrogate witnesses other than members and Committee or Subcommittee staff.

h. *Open Hearings.*—Each hearing conducted by the Committee or Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* That the Committee or Subcommittee may, by the same procedure, vote to close one subsequent day of hearing. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule III. k. or (2) may vote to close the hearing, as provided in Rule III. k. In any event, no member may be excluded from nonparticipatory attendance at any hearing unless the House shall by majority vote authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to members by means of the above procedure.

i. *Quorum.*—The quorum for taking testimony and receiving evidence shall be two members of the Committee or Subcommittee.

j. *Record of Hearing.*—An accurate stenographic record shall be kept of all testimony taken at public hearings. Any public witness may, during Committee office hours in the Committee offices and within two weeks of the close of hearings, examine the transcript of his or her own testimony and make such grammatical or technical changes as will not substantially alter the nature of testimony given. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman of the Committee may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action which is the subject of the hearing. The record of a hearing closes ten calendar days after the last oral testimony, unless the Chairman of the Committee or Subcommittee otherwise determines. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the Chairman of the Committee or any Committee staff he designates, and the Chairman of the Committee or Subcommittee or his designee may reject any statement in light of its length or it tendency to defame, degrade, or incriminate any person.

k. *Investigative Hearings.*—The Chairman of the Committee or Subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provision of the House Rules set forth in Appendix B) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt. Whenever it it asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(1) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of rule III.h, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person;

(2) The Committee or Subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the Committee or Subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the Committee or Subcommittee shall afford such person an opportunty voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and the Committee shall dispose of requests from such person to subpoena additional witnesses.

Except as provided herein, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee or Subcommittee.

1. *Broadcasting and Photography.*—Television, film making and live radio broadcasting of all or part of any Committee hearing or meeting shall be permitted only when the Committee by a majority vote agrees or, if the Committee cannot be polled in a timely manner, when approved by the Chairman of the Committee after consultation with the Ranking Minority Member. Except as otherwise determined by the Committee, television, film making and live radio broadcasting of all or part of any Subcommittee hearing or meeting shall be permitted only when the Subcommittee by a majority vote agrees or, if the Subcommittee cannot be polled in a timely manner, when approved by the Chairman of the Committee or the Chairman of the Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee. Radio broadcasting that is not live and still photography are permitted of any Committee or Subcommittee meeting or hearing unless otherwise determined by the Chairman of the Committee or applicable Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee: *Provided*, That when such radio broadcasting is conducted, written notice to that effect shall be placed on the desk of each Member. Any broadcasting, electronic recording, film making, and/or still photography of all or part of a hearing or meeting shall be subject to the provisions of House Rule XI-3(f) which appear in Appendix B.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. *Filing of Reports.*—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring said bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

b. *Content of Reports.*—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of the rollcall vote on the motion to report such bill or resolution, including the total number of votes cast for and total number of votes cast against said reporting;

(4) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations) or new or increased tax expenditures;

(5) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Operations or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration for each of the five fiscal years following the fiscal year of reporting, whichever period is less, together with a comparison of these estimates with those made and submitted to the Committee by any Government agency (the provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under Section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3, of the House Rules;

(10) the determination required pursuant to section 5(a) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman of the Committee determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. *Supplemental, Minority, or Additional Views.*—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Staff Director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which shall:

(1) include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report; and

(2) bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of paragraph (1)(3) of House Rule XI, clause 2) are included as part of the report.

This shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or the filing by the Committee of any supplemental report upon any bill or resolution which may be required for the correction of any technical error in a previous report made by the Committee upon that bill or resolution.

d. *Availability of Hearings.*—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House.

e. *Committee Prints.*—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

f. *Publication of Minutes.*—The Chairman of the Committee, in consultation with the Ranking Minority Member, shall cause to be published as a Committee Print on a periodic basis (and insofar as practicable on a semiannual basis) the minutes of all business meetings and hearings of the Committee and any of its Subcommittees and such minutes shall include a record of the attendance of members, all recorded votes and the action on all amendments and motions relating to legislation.

V. OTHER COMMITTEE ACTIVITIES

a. *Annual Appropriations.*—The Committee shall, in its consideraiton of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

b. *Budget Act Compliance: March 15* (See Appendix C).—The Committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

c. *Budget Act Compliance: Subdivision of Allocations* (See Appendix C).—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolutions, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

d. *Budget Act Compliance: Recommended Changes* (See Appendix C).—Whenever the Committee is directed in a concurrent resolution on the budget to determine and rec-

ommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. *Conference Committees.*—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees he deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee members of the majority party as the Chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the Committee. In making recommendations of minority party members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

f. *Committee Records.*—All Committee or Subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman, and such records shall be the property of the House with all Members of the House having access thereto. The Staff Director shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

VI. SUBCOMMITTEES

a. *Number and Composition.*—There shall be such Subcommittees as specified in clause b of this rule each of which shall be composed of the number of members set forth in such clause, including ex officio members.[1] The Chairman may create additional Subcommittees of an ad hoc nature as he determines to be appropriate.

b. *Jurisdiction.*—The Subcommittees shall have the following general jurisdiction and number of members.

Commodity subcommittees

Cotton, Rice and Sugar (14 members, 9 majority and 5 minority).—Cotton, cottonseed, rice, and sugar matters, generally.

Livestock, Dairy, and Poultry (17 members, 11 majority and 6 minority).—Livestock, dairy, poultry, and bees, generally.

Tobacco and Peanuts (14 members, 9 majority and 5 minority).—Tobacco and peanut matters, generally.

Wheat, Soybeans, and Feed Grains (17 members, 11 majority and 6 minority).—Wheat, soybeans, feed grains, oilseeds not otherwise assigned, dry beans, peas, and lentils, generally.

Operational subcommittees

Conservation, Credit, and Rural Development (17 members, 11 majority and 6 minority).—Soil and water conservation, small watershed program, commodity futures, agricultural credit and rural development matters, generally.

Department Operations, Research, and Foreign Agriculture (14 members, 9 majority and 5 minority).—Foreign agricultural programs, agency review and analysis, research, and pesticides, generally.

Domestic Marketing, Consumer Relations, and Nutrition (11 members, 7 majority and 4 minority).—Marketing orders, domestic marketing, food stamps, nutrition, and consumer programs, generally.

Forests, Family Farms, and Energy (14 members, 9 majority and 5 minority).—Family farming, forestry, and energy matters, generally.

c. *Referral of Legislation.*—In the case of any measure or matter not specifically described above, or which includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts reflecting different subjects and jurisdiction and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by him for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be considered appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from the further consideration of any bill, resolution, or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to all Subcommittees of appropriate jurisdiction within two weeks unless, by majority vote of the members of the Committee, consideration is to be by the Committee.

d. *Service on Subcommittees.*—The Chairman and the Ranking Minority Member shall serve as ex officio members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such member is a member of such Subcommittee.

e. *Subcommittee Hearings and Meetings.*—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairmen shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman of the Committee and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Member of the Committee by the Staff Director. No Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the Committee. If a vacancy should occur in a Subcommittee chairmanship, the Chairman of the Committee may set the dates for hearings and meetings of the Subcommittee during the period between the date of the vacancy and the date the vacancy is filled. The provisions of Rule II regarding notice and agenda of Committee meetings and of Rule II.b. regarding special meetings shall apply as well to Subcommittee meetings.

f. *Subcommittee Action.*—Any bill, resolution, recommendation or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee member authorized to do so by the Subcommittee. Upon receipt of such report, the Staff Director shall promptly advise all members of the Committee of the Subcommittee action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. *Subcommittee Investigations.*—Except for the Subcommittee on Department Operations, Research, and Foreign Agriculture, no investigation shall be initiated by a Subcommittee without the approval of the Chairman of the Committee or a majority of the Committee.

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. *Committee Budget.*—The Chairman, in consultation with the majority members of the Committee, shall for each session of the Congress prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and Subcommittees thereof. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

b. *Committee Staff.*—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assigned to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee members seeking assistance from the staff shall make their requests through the Chairman or Ranking Minority Member. The Chairman shall insure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. *Committee Travel.*—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

[1] The Chairman and Ranking Minority Member of the Committee (See paragraph d. of this Rule).

(1) No member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURTON of Indiana (at the request of Mr. MICHEL) for today on account of a broken ankle.

Mr. MCCLOSKEY (at the request of Mr. WRIGHT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request fo Mr. SHAW) to revise and extend their remarks and include extraneous material:)

Mr. CORCORAN, for 60 minutes, today.

Mr. WORTLEY, for 5 minutes, today.

(The following Members (at the request of Mr. REID) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. BATES, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. LEVITAS, for 5 minutes, today.

Mr. LUNDINE, for 5 minutes, today.

Mr. BEILENSON, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCHEUER, immediately prior to the vote on House Resolution 49.

Mr. BLILEY, in opposition to House Joint Resolution 49, immediately prior to the vote thereon.

(The following Members (at the request of Mr. SHAW) and to include extraneous matter:)

Mr. MOLINARI.

Mr. YOUNG of Florida, in five instances.

Mr. COATS.

Mr. BROOMFIELD.

Mr. HUNTER, in two instances.

Mr. YOUNG of Alaska.

Mr. BLILEY.

Mr. DREIER of California, in two instances.

Mr. WHITEHURST.

Mr. CORCORAN, in two instances.

Mr. COUGHLIN.

Mrs. SNOWE.

Mr. FIELDS.

Mr. CONABLE.

Mr. JEFFORDS, in two instances.

Mr. PORTER.

Mr. DAUB, in two instances.

Mr. MACK.

Mr. EVANS of Iowa.

Mr. WORTLEY, in six instances.

Mr. ERLENBORN.

Mr. SUNDQUIST.

Mr. CONTE.

(The following Members (at the request of Mr. REID) and to include extraneous matter:)

Mr. PEPPER.

Mr. WASHINGTON.

Mr. BARNES.

Mr. ADDABBO, in two instances.

Mr. TALLON.

Mr. PEASE, in two instances.

Mr. GUARINI, in two instances.

Mr. OBEY.

Mr. FORD of Tennessee.

Mr. MINETA.

Mr. DYMALLY.

Mr. LELAND, in two instances.

Mr. FRANK, in two instances.

Ms. KAPTUR, in two instances.

Mr. DWYER of New Jersey, in two instances.

Ms. MIKULSKI.

Mrs. BYRON.

Mr. UDALL.

Mr. LEHMAN of California.

Mr. SHELBY.

Mr. HARRISON.

Mr. STUDDS.

Mr. CHAPPELL.

Mrs. BOGGS.

Mrs. SCHROEDER.

Mr. DINGELL.

Mrs. HALL of Indiana.

Mr. MARKEY.

Mr. HUBBARD.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 271. An act to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. TAUZIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Thursday, February 10, 1983, at 11 a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties on the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by each of the following Members, Resident Commissioner, and Delegates of the 98th Congress pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1. Jack Edwards.
2. William L. Dickinson.
3. Bill Nichols.
4. Tom Bevill.
5. Ronnie G. Flippo.
6. Ben Erdreich.
7. Richard C. Shelby.

ALASKA

At large

Don Young.

ARIZONA

1. John McCain.
2. Morris K. Udall.
3. Bob Stump.
4. Eldon Rudd.
5. James F. McNulty, Jr.

ARKANSAS

1. Bill Alexander.
2. Ed Bethune.
3. John Paul Hammerschmidt.
4. Beryl Anthony, Jr.

CALIFORNIA

1. Douglas H. Bosco.
2. Gene Chappie.
3. Robert T. Matsui.
4. Vic Fazio.
5. Phillip Burton.
6. Barbara Boxer.
7. George Miller.
8. Ronald V. Dellums.
9. Fortney H. (Pete) Stark.
10. Don Edwards.
11. Tom Lantos.

12. Ed Zschau.
13. Norman Y. Mineta.
14. Norman D. Shumway.
15. Tony Coelho.
16. Leon E. Panetta.
17. Charles Pashayan, Jr.
18. Richard H. Lehman.
19. Robert J. Lagomarsino.
20. William M. Thomas.
21. Bobbi Fiedler.
22. Carlos J. Moorhead.
23. Anthony C. Beilenson.
24. Henry A. Waxman.
25. Edward R. Roybal.
26. Howard L. Berman.
27. Mel Levine.
28. Julian C. Dixon.
29. Augustus F. Hawkins.
30. Matthew G. Martinez.
31. Mervyn M. Dymally.
32. Glenn M. Anderson.
33. David Dreier.
34. Esteban Edward Torres.
35. Jerry Lewis.
36. George E. Brown, Jr.
37. Alfred A. (Al) McCandless.
38. Jerry M. Patterson.
39. William E. Dannemeyer.
40. Robert E. Badham.
41. Bill Lowery.
42. Dan Lungren.
43. Ronald C. Packard.
44. Jim Bates.
45. Duncan Hunter.

COLORADO

1. Patricia Schroeder.
2. Timothy E. Wirth.
3. Ray Kogovsek.
4. Hank Brown.
5. Ken Kramer.

CONNECTICUT

1. Barbara B. Kennelly.
2. Sam Gejdenson.
3. Bruce A. Morrison.
4. Stewart B. McKinney.
5. William R. Ratchford.
6. Nancy L. Johnson.

DELAWARE

At large

Thomas R. Carper.

FLORIDA

1. Earl Hutto.
2. Don Fuqua.
3. Charles E. Bennett.
4. Bill Chappell, Jr.
5. Bill McCollum.
6. Buddy MacKay.
7. Sam Gibbons.
8. C. W. Bill Young.
9. Michael Bilirakis.
10. Andy Ireland.
11. Bill Nelson.
12. Tom Lewis.
13. Connie Mack.
14. Dan Mica.
15. E. Clay Shaw, Jr.
16. Lawrence J. Smith.
17. William Lehman.
18. Claude Pepper.
19. Dante B. Fascell.

GEORGIA

1. Robert Lindsay Thomas.
2. Charles Hatcher.
3. Richard Ray.
4. Elliott H. Levitas.
5. Wyche Fowler, Jr.
6. Newt Gingrich.
7. Larry McDonald.
8. J. Roy Rowland.
9. Ed Jenkins.
10. Doug Barnard, Jr.

HAWAII

1. Cecil (Cec) Heftel.
2. Daniel K. Akaka.

IDAHO

1. Larry E. Craig.
2. George Hansen.

ILLINOIS

1. Harold Washington.
2. Gus Savage.
3. Marty Russo.
4. George M. O'Brien.
5. William O. Lipinski.
6. Henry J. Hyde.
7. Cardiss Collins.
8. Dan Rostenkowski.
9. Sidney R. Yates.
10. John Edward Porter.
11. Frank Annunzio.
12. Philip M. Crane.
13. John N. Erlenborn.
14. Tom Corcoran.
15. Edward R. Madigan.
16. Lynn Martin.
17. Lane Evans.
18. Robert H. Michel.
19. Daniel B. Crane.
20. Richard J. Durbin.
21. Melvin Price.
22. Paul Simon.

INDIANA

1. Katie Hall.
2. Philip R. Sharp.
3. John Hiler.
4. Dan Coats.
5. Elwood Hillis.
6. Dan Burton.
7. John T. Myers.
8. Frank McCloskey.
9. Lee H. Hamilton.
10. Andrew Jacobs, Jr.

IOWA

1. Jim Leach.
2. Thomas J. Tauke.
3. Cooper Evans.
4. Neal Smith.
5. Tom Harkin.
6. Berkley Bedell.

KANSAS

1. Pat Roberts.
2. Jim Slattery.
3. Larry Winn, Jr.
4. Dan Glickman.
5. Bob Whittaker.

KENTUCKY

1. Carroll Hubbard, Jr.
2. William H. Natcher.
3. Romano L. Mazzoli.
4. Gene Snyder.
5. Harold Rogers.
6. Larry J. Hopkins.
7. Carl D. Perkins.

LOUISIANA

1. Bob Livingston.
2. Lindy (Mrs. Hale) Boggs.
3. W. J. (Billy) Tauzin.
4. Buddy Roemer.
5. Jerry Huckaby.
6. W. Henson Moore.
7. John B. Breaux.
8. Gillis W. Long.

MAINE

1. John R. McKernan, Jr.
2. Olympia J. Snowe.

MARYLAND

1. Roy Dyson.
2. Clarence D. Long.
3. Barbara A. Mikulski.
4. Marjorie S. Holt.
5. Steny H. Hoyer.
6. Beverly B. Byron.
7. Parren J. Mitchell.
8. Michael D. Barnes.

MASSACHUSETTS

1. Silvio O. Conte.
2. Edward P. Boland.
3. Joseph D. Early.
4. Barney Frank.
5. James M. Shannon.
6. Nicholas Mavroules.
7. Edward J. Markey.
8. Thomas P. O'Neill, Jr.
9. Joe Moakley.
10. Gerry E. Studds.
11. Brian J. Donnelly.

MICHIGAN

1. John Conyers, Jr.
2. Carl D. Pursell.
3. Howard Wolpe.
4. Mark D. Siljander.
5. Harold S. Sawyer.
6. Bob Carr.
7. Dale E. Kildee.
8. Bob Traxler.
9. Guy Vander Jagt.
10. Donald Joseph Albosta.
11. Robert W. Davis.
12. David E. Bonior.
13. Geo. W. Crockett, Jr.
14. Dennis M. Hertel.
15. William D. Ford.
16. John D. Dingell.
17. Sander M. Levin.
18. Wm. S. Broomfield.

MINNESOTA

1. Timothy J. Penny.
2. Vin Weber.
3. Bill Frenzel.
4. Bruce F. Vento.
5. Martin Olav Sabo.
6. Gerry Sikorski.
7. Arlan Stangeland.
8. James L. Oberstar.

MISSISSIPPI

1. Jamie L. Whitten.
2. Webb Franklin.
3. G. V. (Sonny) Montgomery.
4. Wayne Dowdy.
5. Trent Lott.

MISSOURI

1. William (Bill) Clay.
2. Robert A. Young.
3. Richard A. Gephardt.
4. Ike Skelton.
5. Alan Wheat.
6. E. Thomas Coleman.
7. Gene Taylor.
8. Bill Emerson.
9. Harold L. Volkmer.

MONTANA

1. Pat Williams.
2. Ron Marlenee.

NEBRASKA

1. Douglas K. Bereuter.
2. Hal Daub.
3. Virginia Smith.

NEVADA

1. Harry M. Reid.
2. Barbara F. Vucanovich.

NEW HAMPSHIRE

1. Norman E. D'Amours.
2. Judd Gregg.

NEW JERSEY

1. James J. Florio.
2. William J. Hughes.
3. James J. Howard.
4. Christopher H. Smith.
5. Marge Roukema.
6. Bernard J. Dwyer.
7. Matthew J. Rinaldo.

8. Robert A. Roe.
9. Robert G. Torricelli.
10. Peter W. Rodino, Jr.
11. Joseph G. Minish.
12. James A. Courter.
13. Edwin B. Forsythe.
14. Frank J. Guarini.

NEW MEXICO

1. Manuel Lujan, Jr.
2. Joe Skeen.
3. Bill Richardson.

NEW YORK

1. William Carney.
2. Thomas J. Downey.
3. Robert J. Mrazek.
4. Norman F. Lent.
5. Raymond J. McGrath.
6. Joseph P. Addabbo.
7. Benjamin S. Rosenthal.
8. James H. Scheuer.
9. Geraldine A. Ferraro.
10. Charles E. Schumer.
11. Edolphus Towns.
12. Major R. Owens.
13. Stephen J. Solarz.
14. Guy V. Molinari.
15. Bill Green.
16. Charles B. Rangel.
17. Ted Weiss.
18. Robert Garcia.
19. Mario Biaggi.
20. Richard L. Ottinger.
21. Hamilton Fish, Jr.
22. Benjamin A. Gilman.
23. Samuel S. Stratton.
24. Gerald B. H. Solomon.
25. Sherwood L. Boehlert.
26. David O'B. Martin.
27. George C. Wortley.
28. Matthew F. McHugh.
29. Frank Horton.
30. Barber B. Conable, Jr.
31. Jack F. Kemp.
32. John J. LaFalce.
33. Henry J. Nowak.
34. Stan Lundine.

NORTH CAROLINA

1. Walter B. Jones.
2. Tim Valentine.
3. Charles Whitley.
4. Ike Andrews.
5. Stephen L. Neal.
6. C. Robin Britt.
7. Charles Rose.
8. W. G. (Bill) Hefner.
9. James G. Martin.
10. James T. Broyhill.
11. James McClure Clarke.

NORTH DAKOTA

At large

Byron L. Dorgan.

OHIO

1. Thomas A. Luken.
2. Willis D. Gradison, Jr.
3. Tony P. Hall.
4. Michael G. Oxley.
5. Delbert L. Latta.
6. Bob McEwen.
7. Michael DeWine.
8. Thomas N. Kindness.
9. Marcy Kaptur.
10. Clarence E. Miller.
11. Dennis E. Eckart.
12. John R. Kasich.
13. Donald J. Pease.
14. John F. Seiberling.
15. Chalmers P. Wylie.
16. Ralph Regula.
17. Lyle Williams.
18. Douglas Applegate.
19. Edward F. Feighan.
20. Mary Rose Oakar.
21. Louis Stokes.

OKLAHOMA

1. James R. Jones.
2. Mike Synar.
3. Wes Watkins.
4. Dave McCurdy.
5. Mickey Edwards.
6. Glenn English.

OREGON

1. Les AuCoin.
2. Robert F. (Bob) Smith.
3. Ron Wyden.
4. James Weaver.
5. Denny Smith.

PENNSYLVANIA

1. Thomas M. Foglietta.
2. William H. Gray III.
3. Robert A. Borski.
4. Joe Kolter.
5. Richard T. Schulze.
6. Gus Yatron.
7. Bob Edgar.
8. Peter H. Kostmayer.
9. Bud Shuster.
10. Joseph M. McDade.
11. Frank Harrison.
12. John P. Murtha.
13. Lawrence Coughlin.
14. William J. Coyne.
15. Don Ritter.
16. Robert S. Walker.
17. George W. Gekas.
18. Doug Walgren.
19. William F. Goodling.
20. Joseph M. Gaydos.
21. Thomas J. Ridge.
22. Austin J. Murphy.
23. William F. Clinger, Jr.

RHODE ISLAND

1. Fernand J. St Germain.
2. Claudine Schneider.

SOUTH CAROLINA

1. Thomas F. Hartnett.
2. Floyd Spence.
3. Butler Derrick.
4. Carroll A. Campbell, Jr.
5. John M. Spratt, Jr.
6. Robin Tallon.

SOUTH DAKOTA

at large

Thomas A. Daschle.

TENNESSEE

1. James H. (Jimmy) Quillen.
2. John J. Duncan.
3. Marilyn Lloyd Bouquard.
4. Jim Cooper.
5. William Hill Boner.
6. Albert Gore, Jr.
7. Don Sundquist.
8. Ed Jones.
9. Harold E. Ford.

TEXAS

1. Sam B. Hall, Jr.
2. Charles Wilson.
3. Steve Bartlett.
4. Ralph M. Hall.
5. John Bryant.
6. Phil Gramm.
7. Bill Archer.
8. Jack Fields.
9. Jack Brooks.
10. J. J. Pickle.
11. Marvin Leath.
12. Jim Wright.
13. Jack Hightower.
14. Bill Patman.
15. E de la Garza.
16. Ronald D. Coleman.
17. Charles W. Stenholm.
18. Mickey Leland.
19. Kent Hance.
20. Henry B. Gonzalez.
21. Tom Loeffler.
22. Ron Paul.
23. Abraham Kazen, Jr.
24. Martin Frost.
25. Michael A. Andrews.
26. Tom Vandergriff.
27. Solomon P. Ortiz.

UTAH

1. James V. Hansen.
2. Dan Marriott.
3. Howard C. Nielson.

VERMONT

At large

James M. Jeffords.

VIRGINIA

1. Herbert H. Bateman.
2. G. William Whitehurst.
3. Thomas J. Bliley, Jr.
4. Norman Sisisky.
5. Dan Daniel.
6. James R. "Jim" Olin.
7. J. Kenneth Robinson.
8. Stan Parris.
9. Frederick C. (Rick) Boucher.
10. Frank R. Wolf.

WASHINGTON

1. Joel Pritchard.
2. Al Swift.
3. Don Bonker.
4. Sid Morrison.
5. Thomas S. Foley.
6. Norman D. Dicks.
7. Mike Lowry.
8. Rod Chandler.

WEST VIRGINIA

1. Alan B. Mollohan.
2. Harley O. Staggers, Jr.
3. Robert E. Wise, Jr.
4. Nick Joe Rahall II.

WISCONSIN

1. Les Aspin.
2. Robert W. Kastenmeier.
3. Steve Gunderson.
4. Clement J. Zablocki.
5. Jim Moody.
6. Thomas E. Petri.
7. David R. Obey.
8. Toby Roth.
9. F. James Sensenbrenner, Jr.

WYOMING

At large

Dick Cheney.

PUERTO RICO

Resident Commissioner

Baltasar Corrada.

AMERICAN SAMOA

Delegate

Fofo I. F. Sunia.

DISTRICT OF COLUMBIA

Delegate

Walter E. Fauntroy.

GUAM

Delegate

Antonio Borja Won Pat.

VIRGIN ISLANDS

Delegate

Ron de Lugo.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

291. A letter from the Secretary of Agriculture, transmitting the national rural development strategy, pursuant to section 607(c) of Public Law 92-419; to the Committee on Agriculture.

292. A letter from the Secretary of Defense, transmitting the ninth report on the "Standardization of Equipment Within NATO," pursuant to section 2457 of Public Law 97-295; to the Committee on Armed Services.

293. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the naval commissary store, Oceana, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

294. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the commissary store, Naval Station, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

295. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the naval supply center, Oakland, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

296. A letter from the General Council, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1984-85, and for other purposes; to the Committee on Armed Services.

297. A letter from the District of Columbia Auditor, transmitting the following reports: "District of Columbia Boxing and Wrestling Commission," and "Advisory Neighborhood Commission," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

298. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend the Education Consolidation and Improvement Act of 1981, to improve the effectiveness of migrant education programs, to provide for use of the most recent available decennial cennial census information, and for other purposes; to the Committee on Education and Labor.

299. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984-86; to the Committee on Energy and Commerce.

300. A letter from the Chief, Department of the Air Force (Retirement Plan Administration), transmitting the annual report on the Air Force nonappropriated fund retirement plan for civilian employees, pursuant to Public Law 95-595 (92 Stat. 2541); to the Committee on Government Operations.

301. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend section 1(a)(1) of Public Law 95-348 (92 Stat. 487) to authorize the appropriation of $4,038,000 for capital improvement projects on Guam for fiscal year 1984; to the Committee on Interior and Insular Affairs.

302. A letter from the Chairman, Pennsylvania Avenue Development Corp., transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Interior and Insular Affairs.

303. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, as well as a list of persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

304. A letter from the Secretary of Transportation, transmitting the quarterly report of the Urban Mass Transportation Administration for the final quarter of fiscal year 1982, pursuant to section 4 of the Urban Mass Transportation Act, as amended; to the Committee on Public Works and Transportation.

305. A letter from the Secretary of Transportation, transmitting a report on the enforcement of vehicle weight limitations of the Federal-aid highway system, pursuant to section 123 of Public Law 95-599; to the Committee on Public Works and Transportation.

306. A letter from the Secretary of Education, transmitting a draft of proposed legislation to increase the competence of American secondary students in science and mathematics by narrowing the gap between the current supply of qualified teachers of science and mathematics at the secondary level and the current need for such teachers, and for other purposes; jointly, to the Committees on Education and Labor and Science and Technology.

307. A letter from the Acting Comptroller General of the United States, transmitting a report on the administration of the Criminal Justice Act in Federal district courts, (GGD-83-18, February 8, 1983); jointly, to the Committees on Government Operations and the Judiciary.

308. A letter from the Comptroller General of the United States, transmitting a report on program costs for medical services under medicare and medicaid (HRD-83-16, Feb. 8, 1983); jointly, to the Committees on Government Operations, Ways and Means, and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PERKINS (for himself, Mr. FUQUA, Mr. HAWKINS, Mr. FORD of Michigan, Mr. BURTON of California, Mr. GAYDOS, Mr. CLAY, Mr. BIAGGI, Mr. ANDREWS of North Carolina, Mr. SIMON, Mr. MILLER of California, Mr. MURPHY, Mr. CORRADA, Mr. KILDEE, Mr. WILLIAMS of Montana, Mr. KOGOVSEK, Mr. WASHINGTON, Mr. MARTINEZ, Mr. OWENS, Mr. HARRISON, Mr. BOUCHER, Mr. WALGREN, Mr. WIRTH, Mr. DYMALLY, Mr. NELSON of Florida, Mr. BROWN of California, Mr. HARKIN, and Mr. MCCURDY):

H.R. 1310. A bill to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science, to provide a national policy for engineering, technical, and scientific personnel, to provide for cost sharing by the private sector in training such personnel, and for other purposes; jointly, to the Committees on Education and Labor and Science and Technology.

By Mr. ALEXANDER:

H.R. 1311. A bill to provide emergency assistance to farmers, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. APPLEGATE:

H.R. 1312. A bill to amend title 38, United States Code, to increase from 50 to 60 the number of associate members of the Board of Veterans' Appeals in the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. BREAUX:

H.R. 1313. A bill to make permanent the exclusion of certain services performed on fishing boats from the Federal unemployment tax; to the Committee on Ways and Means.

Mr. BROOKS (for himself and Mr. HORTON):

H.R. 1314. A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. CONABLE (for himself and Mr. GEPHARDT):

H.R. 1315. A bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by monitemizers; to the Committee on Ways and Means.

By Mrs. COLLINS:

H.R. 1316. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Energy and Commerce.

H.R. 1317. A bill to provide payment for dental services under part B of the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DAVIS:

H.R. 1318. A bill to restrict the importation of copper, copper bearing ores and materials, copper alloys and their so-called basic shapes and forms; to the Committee on Ways and Means.

H.R. 1319. A bill to restrict the importation of iron ore and steel mill products; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 1320. A bill to protect purchasers of used automobiles from fraudulent practices associated with automobile odometer modifications, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DYMALLY (for himself, Mr. OBERSTAR, Mr. ORTIZ, Mr. STOKES, Mr. VANDERGRIFF, Mr. FAUNTROY, Mr. FRANK, and Mr. HERTEL of Michigan):

H.R. 1321. A bill to authorize financial assistance for a continuing education program to secondary school teachers of science and mathematics designed to increase their competence, and for other purposes; to the Committee on Education and Labor.

By Mr. EDWARDS of Oklahoma:

H.R. 1322. A bill to amend title 18 of the United States Code to prohibit certain noncustodial parental transportation and detentions of children, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of Oklahoma (for himself, Mr. CONABLE, and Mr. GINGRICH):

H.R. 1323. A bill to authorize Federal agencies to accept volunteer service of individuals and nonprofit organizations to carry out certain activities of such agencies; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. JEFFORDS, Mr. GOODLING, Mr. COLEMAN of Missouri, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BARTLETT, and Mr. PACKARD):

H.R. 1324. A bill to increase the competence of American secondary students in science and mathematics by narrowing the gap between the current supply of qualified teachers of science and mathematics at the secondary level and the current need for such teachers, and for other purposes; to the Committee on Education and Labor.

By Mr. FRANK:

H.R. 1325. A bill to amend the Clean Air Act to prevent the interstate transport of noxious odors; to the Committee on Energy and Commerce.

H.R. 1326. A bill to amend title 38, United States Code, to eliminate the time period in which a veteran has to use his educational benefits; to the Committee on Veterans' Affairs.

H.R. 1327. A bill to amend the Internal Revenue Code of 1954 to increase the deduction for two-earner married couples by treating amounts received as a pension, annuity, or individual retirement plan distribution as earned income; to the Committee on Ways and Means.

H.R. 1328. A bill to amend title XVI of the Social Security Act to provide that eligibility for SSI benefits (and the amount of such benefits), in the case of disabled individuals working in sheltered workshops and in other cases where disabled individuals' incomes are necessarily irregular or spasmodic because of the nature of the disabilities involved, shall be determined on the basis of annual rather than monthly income; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 1329. A bill to modify the insanity defense in the Federal courts, and for other purposes; to the Committee on the Judiciary.

Mr. GONZALEZ (for himself, Mr. ST GERMAIN, Mr. FAUNTROY, Mr. PATTERSON, Mr. LUNDINE, Ms. OAKAR, Mr. VENTO, Mr. GARCIA, Mr. LOWRY of Washington, Mr. MITCHELL, Mr. HUBBARD, Mr. D'AMOURS, Mr. SCHUMER, Mr. FRANK, Mr. COYNE, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, Mr. COOPER, Ms. KAPTUR, Mr. ERDREICH, Mr. LEVIN of Michigan, Mr. CARPER, Mr. TORRES, and Mr. HAWKINS):

H.R. 1330. A bill to amend certain housing and community development laws to provide emergency mortgage assistance to homeowners and emergency shelter for the homeless; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GOODLING:

H.R. 1331. A bill to amend the Internal Revenue code of 1954 to reduce the amount of foreign earned income which is excludable from gross income; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 1332. A bill to provide for forfeiture of economic gain derived by a Federal felon from sale of rights to information that takes its value from the felon's participation in the offense involved; to the Committee on the Judiciary.

By Mr. HEFTEL of Hawaii:

H.R. 1333. A bill to direct the Administrator of the Federal Aviation Administration to conduct a study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations relating to air quality and other cabin conditions on commercial aircraft; to the Committee on Public Works and Transportation.

H.R. 1334. A bill to amend the Internal Revenue Code of 1954 to provide that the exemption from the special fuels tax for qualified methanol and ethanol fuel shall apply where the alcohol in such fuel is produced from natural gas; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 1335. A bill to provide for a deferral of payment of principal on Farmer's Home Administration loans for family-size farms and for other purposes; to the Committee on Agriculture.

By Mr. HUBBARD:

H.R. 1336. A bill to provide that the amendment made by the Economic Recovery Tax Act of 1981 with respect to the eligibility of replacement property acquired in a section 1031 or 1033 transaction for special farm valuation for estate tax purposes shall apply to estates of decedents dying after December 31, 1976; to the Committee on Ways and Means.

By Mr. HUGHES (for himself and Mr. SAWYER):

H.R. 1337. A bill to amend title 18 of the United States Code to prohibit tampering with consumer products with intent to cause injury or death; to the Committee on the Judiciary

By Mr. HUGHES (for himself, Mr. RODINO, Mr. SAWYER, and Mr. FISH):

H.R. 1338. A bill to amend the Omnibus Crime Control and Safe Street Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mrs. KENNELLY:

H.R. 1339. A bill to amend title II of the Social Security Act to require that the annual reports of the trustees of the Federal old-age and survivors insurance, disability insurance, and hospital insurance trust funds include an opinion by the chief actuary of the Social Security Administration with respect to the methodologies and assumption used in preparing such annual reports; to the Committee on Ways and Means.

By Mr. LaFALCE:

H.R. 1340. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to provide that extended benefit will be payable in any State in which the rate of regular unemployment equals or exceeds 7 per centum, and for other purposes; to the Committee on Ways and Means.

By Mr. LEHMAN of California (for himself, Mr. SHUMWAY, Mr. BATES, Mr. BOSCO, Mrs. BOXER, Mr. BURTON of California, Mr. CORRADA, Mr. DELLUMS, Mr. EDWARDS of California, Mr. FAZIO, Mr. GEJDENSON, Mr. LANTOS, Mr. MCNULTY, Mr. MARKEY, Mr. MATSUI, Mr. MOODY, Mr. SEIBERLING, Mr. WON PAT, Mrs. VUCANOVICH, and Mr. LEHMAN of Florida):

H.R. 1341. A bill to establish the Mono Lake National Monument in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LELAND (for himself, Mr. FORD of Michigan, and Mr. PEPPER):

H.R. 1342. A bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain investigatory authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LOWRY of Washington:

H.R. 1343. A bill to amend the Internal Revenue Code of 1954 to treat mutual banks having capital stock represented by shares in the same manner as other mutual banks for purposes of the bad debt reserve deduction; to the Committee on Ways and Means.

By Mr. LUNDINE:

H.R. 1344. A bill to amend section 1912 of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3) to provide U.S. competitive financing in international trade; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McEWEN:

H.R. 1345. A bill to repeal the withholding of tax from interest and dividends; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. MACKAY, Mr. LEHMAN of Florida, Mr. HUTTO, Mr. FUQUA, Mr. BENNETT, Mr. YOUNG of Florida, Mr. FASCELL, Mr. NELSON of Florida, Mr. IRELAND, and Mr. MCCOLLUM):

H.R. 1346. A bill to provide for the establishment of a new national cemetery in the State of Florida; to the Committee on Veterans' Affairs.

By Mr. MICA (for himself, Mr. LEHMAN of Florida, Mr. BENNETT, and Mr. MACK):

H.R. 1347. A bill to amend title 38, United States Code, to require the Administrator of Veterans' Affairs to consider the number of veterans residing in each State, and the projected changes in the number of veterans residing in each State, in acquiring and operating medical facilities; to the Committee on Veterans' Affairs.

By Mr. MICA (for himself, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. MACKAY, Mr. LEHMAN of Florida, Mr. HUTTO, Mr. FUQUA, Mr. BENNETT, Mr. YOUNG of Florida, Mr. FASCELL, Mr. NELSON of Florida, Mr. IRELAND, and Mr. MCCOLLUM):

H.R. 1348. A bill to authorize a new Veterans' Administration hospital in the State of Florida; to the Committee on Veterans' Affairs.

By Mr. MINISH (for himself, Mr. FAZIO, and Mr. MYERS):

H.R. 1349. A bill to repeal certain provisions of law permitting use of the Capitol Page School by congressional employees other than pages; to the Committee on House Administration.

By Mr. MURPHY (for himself, Mr. YATRON, Mr. FOGLIETTA, Mr. BONER of Tennessee, Mr. LEVIN OF MICHIGAN, Mr. ECKART, Mr. STAGGERS, Mr. FRANK, Mr. MOLLOHAN, Ms. OAKAR, Mr. MITCHELL, Mr. CONYERS, Mr. PRITCHARD, Mr. MCNULTY, Mr. STOKES, Mr. WISE, Mr. BONIOR of Michigan, Mrs. COLLINS, Mr. APPLEGATE, Mr. SWIFT, and Mr. HARRISON):

H.R. 1350. A bill to establish a National Commission on the Improvement of America's Infrastructure; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. NEAL:

H.R. 1351. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that ambulance or rescue service members are entitled to death benefits made available under such act; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 1352. A bill to impose certain sanctions against countries which expropriate real property of United States persons; to the Committee on Foreign Affairs.

By Mr. RAHALL (for himself, Mr. BEVILL, Mr. PERKINS, Mr. GAYDOS, Mr. MURPHY, Mr. WISE, Mr. MOLLOHAN, Mr. STAGGERS, Mr. SHELBY, Mr. COYNE, Mr. EDWARDS of Alabama, and Mr. ERDREICH):

H.R. 1353. A bill to authorize critical inland navigation improvement projects; to the Committee on Public Works and Transportation.

By Mr. RATCHFORD (for himself, Mr. FRANK, Mr. HATCHER, Mr. STOKES, Mr. RAHALL, Mr. LONG of Maryland, Mr. KOGOVSEK, Mr. FORSYTHE, Mr. OWENS, Mr. HUGHES, Mr. WORTLEY, Mr. FORD of Tennessee, Mr. VENTO, and Mr. MRAZEK):

H.R. 1354. A bill to amend the Social Security Act to provide improvements in the management of the social security trust funds; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 1355. A bill to amend the Public Health Service Act to revise the enrollment requirements to be met by schools of public health receiving capitation grants; to the Committee on Energy and Commerce.

By Mr. ST GERMAIN:

H.R. 1356. A bill to amend the Elementary and Secondary Education Act of 1965 to provide that an elementary or secondary school may not receive Federal funds unless the principal supervisor of such school certifies to the Commissioner of Education that the "Pledge of Allegiance" is a part of the daily program of such school; to the Committee on Education and Labor.

By Mr. SEIBERLING, (for himself, Mr. JEFFORDS, Mr. EDGAR, Mr. OBERSTAR, Mr. SUNIA, Mr. CORRADA, Mr. VANDERGRIFF, Mr. DWYER of New Jersey, Mr. FOGLIETTA, Mr. MCGRATH, Ms. MIKULSKI, Mrs. SCHNEIDER, Mr. OWENS, Mr. MITCHELL, Mr. LENT, Mr. STOKES, Mr. GILMAN, Mr. CLINGER, Mr. FEIGHAN, Mr. LELAND, Mr. SWIFT, Mr. MARKEY, Mr. MCKINNEY, Mrs. HALL of Indiana, Mr. RATCHFORD, and Mr. TALLON):

H.R. 1357. A bill to amend title II of the Social Security Act to liberalize the earnings test for postsecondary students who have attained age 18, but who nevertheless continue to qualify for child's insurance benefits under section 202(d) of such act (on a specially reduced basis) despite the general elimination of all benefits for such students in 1981, so that further reductions because of such students' outside earnings will not prevent them from continuing their education; to the Committee on Ways and Means.

By Mr. SHELBY:

H.R. 1358. A bill to repeal titles XV (relating to health planning) and XVI (relating to health resources development) of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. SKELTON:

H.R. 1359. A bill to amend the Natural Gas Policy Act to eliminate authority under such act to increase ceiling prices of natural gas higher than the maximum lawful price if just and reasonable; to the Committee on Energy and Commerce.

By STENHOLM (for himself, Mr. HANCE, and Mr. HIGHTOWER):

H.R. 1360. A bill to improve programs for the stabilization of agricultural prices and production; to the Committee on Agriculture.

By Mr. SCHUMER:

H.R. 1361. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to individuals who rent their principal residences for a portion of the real property taxes paid or accrued by their landlords; to the Committee on Ways and Means.

By Mrs. COLLINS:

H.J. Res. 130. Joint resolution to provide for the designation of September as "National Sickle Cell Month"; to the Committee on Post Office and Civil Service.

H.J. Res. 131. Joint resolution to provide for the designation of September 4, 1983, as "Working Mothers' Day"; to the Committee on Post Office and Civil Service.

By Mr. HERTEL of Michigan (for himself, Mr. ADDABBO, Mr. ALBOSTA, Mr. ANDERSON, Mr. BERMAN, Mr. BIAGGI, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mrs. BOXER, Mrs. COLLINS, Mr. CORCORAN, Mr. CORRADA, Mr. CROCKETT, Mr. DAUB, Mr. DIXON, Mr. DONNELLY, Mr. DYMALLY, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRENZEL, Mr. FROST, Mr. GUARINI, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. LEACH of Iowa, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LIPINSKI, Mr. MCNULTY, Mr. MARRIOTT, Ms. MIKULSKI, Mr. MINETA, Mr. MINISH, Mr. MORRISON of Connecticut, Mr. OWEN, Mr. PASHAYAN, Mr. PEPPER, Mr. RAHALL, Mr. RATCHFORD, Mr. RODINO, Mr. ROE, Mr. SIMON, Mr. SMITH of New Jersey, Mr. SMITH of Iowa, Mr. SOLARZ, Mr. STOKES, Mr. SUNIA, Mr. TRAXLER, Mr. WAXMAN, Mr. WEAVER, Mr. WHEAT, Mr. WINN, Mr. WOLPE, Mr. WON PAT, and Mr. VENTO):

H.J. Res. 132. Joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week"; to the Committee on Post Office and Civil Service.

By Mr. COATS:

H.J. Res. 133. Joint resolution proposing an amendment to the Constitution of the United States with respect to prayer or other religious activity in public schools; to the Committee on the Judiciary.

By Mr. DREIER of California:

H.J. Res. 134. Joint resolution urging the U.S. Postal Service to provide and sell a postage stamp issue to honor all American servicemen and civilians still unaccounted for as a result of the conflict in Indochina; to the Committee on Post Office and Civil Service.

By Mr. SHELBY:

H.J. Res. 135. Joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 136. Joint resolution calling for a wildlife preserve for humpback whales in the West Indies; to the Committee on Foreign Affairs.

By Mr. BATEMAN:

H. Con. Res. 48. Concurrent resolution commemorating the 75th anniversary of the incorporation of the town of Chincoteague, Va.; to the Committee on Post Office and Civil Service.

By Mrs. COLLINS:

H. Con. Res. 49. Concurrent resolution expressing the sense of the Congress that the Office of Personnel Management should provide certain vocational rehabilitation services in its administration of the civil service disability retirement program; to the Committee on Post Office and Civil Service.

By Mr. FISH (for himself and Mr. EDWARDS of California):

H. Con. Res. 50. Concurrent resolution recognizing the month of April as Fair Housing Month; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. MICA (for himself, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. MACKAY, Mr. LEHMAN of Florida, Mr. HUTTO, Mr. FUQUA, Mr. BENNETT, Mr. YOUNG of Florida, Mr. NELSON of Florida, Mr. CHAPPELL, Mr. IRELAND, Mr. MCCOLLUM, Mr. FASCELL, and Mr. MACK):

H. Con. Res. 51. Concurrent resolution calling upon the Veterans' Administration and the Congress to implement as expeditiously as possible the recommendations of the study by the Veterans' Administration entitled "A Thirty Year Study of the Needs of Veterans in Florida"; to the Committee on Veterans' Affairs.

By Mr. RINALDO (for himself, Mr. LENT, Mr. KEMP, Mr. CORCORAN, Mr. YATRON, Mr. ROTH, Mr. LAGOMARSINO, and Mr. MADIGAN):

H. Con. Res. 52. Concurrent resolution calling upon the Bulgarian Government and the Soviet Government to cooperate in the investigation of the attempted assassination of Pope John Paul II; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H. Con. Res. 53. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. BEILENSON (for himself, Mr. FROST, Mr. BONIOR of Michigan, and Mr. HALL of Ohio):

H. Res. 65. Resolution to improve the budget process within the House of Representatives; to the Committee on Rules.

By Mr. EDWARDS of Oklahoma (for himself, Mr. GINGRICH, AND Mr. MORRISON of Washington):

H. Res. 66. Resolution to establish the ad hoc Committee on Entitlements; to the Committee on Rules.

By Mr. OTTINGER (for himself, Mr. YATES, Mr. MRAZEK, Mr. LEACH of

Iowa, Mr. CONTE, and Mrs. SCHNEIDER):

H. Res. 67. Resolution expressing the sense of the House of Representatives that the Soviet Government should immediately release Anatoly Shcharansky and allow him to emigrate; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself and Mr. QUILLEN):

H. Res. 68. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Rules in the first session of the 98th Congress; to the Committee on House Administration.

By Mr. BREAUX:

H. Res. 69. Resolution to refer the bill, H.R. 1232, to the chief judge of the U.S. Claims Court; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

8. The SPEAKER presented a memorial of the House of Representatives of the State of Minnesota, relative to the fate of persons missing in action in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAUNTROY:

H.R. 1362. A bill for the relief of Joseph Karel Hasek; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 1363. A bill for the relief of Santiago Escudero; to the Committee on the Judiciary.

H.R. 1364. A bill for the relief of Miss Refugio (Cuqui) Martha; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BOLAND, Mr. MARLENEE, Mr. STUDDS, Mr. SMITH of Florida, Mr. WEBER, Mr. MORRISON of Washington, Mr. VANDERGRIFF, Mr. GOODLING, Mr. DE LA GARZA, and Mr. WHITEHURST.

H.R. 30: Mr. JEFFORDS, Mr. DAUB, Mr. SMITH of New Jersey, Mr. MCGRATH, Mr. WHITTAKER, Mr. GINGRICH, Mr. FORSYTHE, Mr. HEFNER, Mr. HUCKABY, and Mr. AUCOIN.

H.R. 63: Mr. LAGOMARSINO, Mr. DREIER of California, Mr. DUNCAN, Mr. MCGRATH, Mr. SOLOMON, Mr. BADHAM, Mr. HUGHES, Mr. SHELBY, Mr. PRICE, and Mr. HUCKABY.

H.R. 171: Mr. DANNEMEYER, Mr. MORRISON of Washington, Mrs. VUCANOVICH, Mr. LENT, Mr. COLEMAN of Texas, and Mr. DREIER of California.

H.R. 194: Mr. DWYER of New Jersey, Mr. PATMAN, and Mr. HERTEL of Michigan.

H.R. 216: Mr. FRANK, Mr. CORRADA, Mr. SUNIA, Mr. KASICH, Mr. HORTON, Mr. SOLOMON, Mr. FORSYTHE, Mr. MILLER of Ohio, Mr. SAWYER, Mr. EDGAR, Mr. JONES of North Carolina, Mr. SMITH of Florida, Mr. NEAL, Mr. FAZIO, Mr. BEREUTER, Mr. DWYER of New Jersey, Mr. JACOBS, Mr. EDWARDS of California, Mr. HOYER, Mr. ECKART, Mrs. BOUQUARD, Mr. TALLON, Mr. MITCHELL, Mr. HUCKABY, Mr. BIAGGI, Mr. GILMAN, and Mrs. HALL of Indiana.

H.R. 223: Mr. PETRI.

H.R. 236: Mr. WHITEHURST.

H.R. 237: Mr. HUTTO and Mr. WHITEHURST.

H.R. 240: Mr. LENT and Mrs. HOLT.

H.R. 496: Mr. LEATH of Texas, Mr. KOGOVSEK, Mr. KINDNESS, Mr. RAHALL, Mr. RATCHFORD, Mr. SMITH of Florida, Mr. STOKES, Mr. PATMAN, and Mr. HANSEN of Idaho.

H.R. 500: Mr. GILMAN, Mr. GINGRICH, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. OTTINGER, Mr. PEASE, Mr. SCHEUER, Mr. SWIFT, and Mr. YATRON.

H.R. 569: Mr. SMITH of Florida, Mr. DWYER of New Jersey, Mr. WOLF, Mr. STOKES, Mr. LAGOMARSINO, Mr. UDALL, Mr. OWENS, Mr. CROCKETT, Mr. RATCHFORD, Mr. CHAPPIE, Mr. FORD of Tennessee, Mr. SWIFT, Mrs. HALL of Indiana, and Mr. VENTO.

H.R. 583: Mr. RUSSO.

H.R. 618: Mr. CORRADA, Mr. EMERSON, Mr. HOPKINS, Mr. WEBER, Mr. ST GERMAIN, Mr. MAVROULES, Mr. ROTH, Mr. SMITH of New Jersey, Mr. CARNEY, Mr. LUNGREN, Mr. FIELDS, Mr. BOLAND, Mr. DANNEMEYER, Mr. DUNCAN, Mr. KEMP, Mr. ALBOSTA, Mr. MCDADE, Mr. MURPHY, Mr. BLILEY, Mr. PERKINS, Mr. VANDER JAGT, Mr. CORCORAN, Mr. WALKER, Mr. MARRIOTT, Mr. MAZZOLI, Mr. COATS, and Mr. MCEWEN.

H.R. 659: Mr. HORTON, Mr. BIAGGI, Mr. SIKORSKI, and Mr. DELLUMS.

H.R. 676: Mr. BEDELL, Mrs. MARTIN of Illinois, Mr. FRENZEL, Mr. AKAKA, Mr. MCGRATH, Mr. DAUB, Mr. HEFTEL of Hawaii, Mr. BEREUTER, Ms. MIKULSKI, Mr. DENNY SMITH, Mr. NIELSON of Utah, and Mr. GARCIA.

H.R. 677: Mr. DE LUGO, Mr. GEJDENSON, Mr. HUGHES, Mr. MITCHELL, Mr. SUNIA, Mr. HORTON, Mr. DUNCAN, Mr. ANTHONY, Mr. LELAND, Mr. BEREUTER, Mr. LEVINE of California, and Mr. GOODLING.

H.R. 803: Mr. WISE.

H.R. 804: Mr. WISE.

H.R. 881: Mr. STAGGERS.

H.R. 959: Mr. BERMAN, Mr. BONIOR of Michigan, Mr. CLAY, Mr. COYNE, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. FRANK, Mr. GOODLING, Mr. HANSEN of Idaho, Mr. HERTEL of Michigan, Mr. HORTON, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. LONG of Maryland, Mr. LOWRY of Washington, Mr. MCKINNEY, Mr. MOAKLEY, Ms. OAKAR, Mr. OTTINGER, Mr. OWENS, Mr. RATCHFORD, Mr. RICHARDSON, Mr. RITTER, Mr. SMITH of Florida, Mr. STANGELAND, Mr. SUNIA, Mr. VANDERGRIFF, Mr. WHEAT, and Mr. WORTLEY.

H.R. 960: Mr. BERMAN, Mr. BONIOR of Michigan, Mr. CLAY, Mr. COYNE, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. FORSYTHE, Mr. FRANK, Mr. GOODLING, Mr. HANSEN of Idaho, Mr. HERTEL of Michigan, Mr. HORTON, Ms. Kaptur, Mr. LAGOMARSINO, Mr. LONG of Maryland, Mr. LOWRY of Washington, Mr. MCKINNEY, Mr. MOAKLEY, Ms. OAKAR, Mr. OTTINGER, Mr. OWENS, Mr. PERKINS, Mr. RATCHFORD, Mr. RICHARDSON, Mr. RITTER, Mr. ROEMER, Mr. SMITH of Florida, Mr. STANGELAND, Mr. SUNIA, Mr. VANDERGRIFF, Mr. WHEAT, Mr. WILLIAMS of Ohio, and Mr. WORTLEY.

H.R. 991: Mr. LENT.

H.R. 1031: Mr. HANCE and Mr. WATKINS.

H.R. 1050: Mr. AUCOIN, Mr. LOWRY of Washington, Mr. HORTON, Mr. LUNDINE, Ms. KAPTUR, Mr. MINETA, Mr. CLAY, Mr. DYMALLY, Mr. BARNES, Mr. SEIBERLING, and Mr. EDGAR.

H.R. 1070: Mr. KOGOVSEK, Mr. KINDNESS, Mr. BURTON of Indiana, Mr. RAHALL, Mr. WALKER, Mr. STOKES, Mr. PATMAN, and Mr. HANSEN of Idaho.

H.R. 1078: Mr. VOLKMER.

H.R. 1084: Mr. PASHAYAN, Mr. GOODLING, Mr. DAUB, Mr. WOLF, Mr. SIMON, Mr. SCHEUER, Mr. KINDNESS, Mr. ENGLISH, and Mr. BREAUX.

H.R. 1131: Mr. SUNIA, Mr. LEWIS of Florida, Mr. HANSEN of Idaho, Mr. SUNDQUIST, Mr. WHITEHURST, Mr. MARTIN of North Carolina, and Mrs. HALL of Indiana.

H.R. 1181: Mr. FISH.

H.R. 1183: Mr. PEASE and Mr. SHANNON.

H.R. 1249: Mrs. KENNELLY, Mr. TAUKE, and Mrs. COLLINS.

H.R. 1270: Mr. MCKINNEY, Mrs. SCHNEIDER, Mr. LEVIN of Michigan, Mr. OWENS, Mr. MORRISON of Connecticut, and Mr. RICHARDSON.

H.R. 1271: Mr. GILMAN.

H.R. 1287: Mr. BEDELL, Mr. STANGELAND, Mr. MORRISON of Washington, Mr. MARLENEE, Mr. BEREUTER, Mrs. MARTIN of Illinois, and Mr. EMERSON.

H.J. Res. 6: Mr. HUGHES, Mr. DAUB, Mr. WON PAT, Mr. SUNIA, Mr. FRENZEL, Mr. OWENS, Mr. WILSON, and Mr. EDGAR.

H.J. Res. 22: Mr. LANTOS, Mr. BIAGGI, Mr. EDWARDS of Alabama, Mr. MRAZEK, Mr. ORTIZ, Mr. BERMAN, and Mr. RICHARDSON.

H.J. Res. 74: Mr. WHITTAKER, Mr. RANGEL, Mr. HUGHES, Mr. GINGRICH, Mr. STAGGERS, Mr. LEHMAN of Florida, Mr. FRENZEL, Mr. CORRADA, Mr. DELLUMS, Mr. DYMALLY, Mr. WAXMAN, Mr. LELAND, Mr. MINETA, Mr. RITTER, and Mr. MOLLOHAN.

H.J. Res. 93: Mr. OWENS, Mr. ADDABBO, Mr. PANETTA, and Mr. WAXMAN.

H.J. Res. 97: Mr. SUNIA, Mr. LAGOMARSINO, Mr. ARCHER, Mr. HORTON, Mr. VANDER JAGT, Mr. HARRISON, Mr. WHEAT, Mr. ROE, Mr. LELAND, Mr. WOLF, Mr. FROST, Mr. KASICH, Mr. BORSKI, Mr. GEKAS, Mr. OWENS, Mr. HOWARD, Ms. MIKULSKI, Mr. SMITH of Florida, Mr. ALBOSTA, Mr. CORRADA, Mr. MOORE, Mr. CAMPBELL, Mr. MCGRATH, Mr. WYLIE, Mrs. BOXER, Mr. ANDREWS of Texas, Mr. LEWIS of California, Mr. HUGHES, Mr. PRICE, Mr. MARTIN of New York, and Mr. MRAZEK.

H.J. Res. 103: Mr. YATRON, Mr. PASHAYAN, Mr. HUCKABY, Mr. HARTNETT, Mr. BREAUX, Mr. LAGOMARSINO, and Mr. MRAZEK.

H. Con. Res. 16: Mr. COURTER.

H. Con. Res. 25: Mr. CONTE and Mr. DELLUMS.

H. Con. Res. 26: Mr. CONTE, Mr. GREEN, Mr. MCGRATH, Mr. DELLUMS, Mr. WALGREN, and Mr. EARLY.

H. Con. Res. 39: Mr. FOGLIETTA, Mr. WEISS, Mrs. BOXER, Mr. HIGHTOWER, Mr. LEWIS of California, Mr. HUGHES, Mr. HORTON, Mr. GILMAN, Mrs. COLLINS, Mr. MARTINEZ, Mr. COATS, Mrs. HALL of Indiana, and Mr. CLINGER.

H. Con. Res. 43: Mr. SOLARZ, Mr. DYMALLY, Mr. MATSUI, Mr. MOAKLEY, Mr. MARRIOTT, Mr. LEACH of Iowa, Mr. DOWNEY of New York, Mr. FRANK, Mr. JONES of Tennessee, Mr. BOLAND, Mr. JACOBS, Mr. NOWAK, Mr. OBERSTAR, Mr. MARKEY, Mr. YATES, Mr. MURPHY, Mr. PRITCHARD, Mr. LELAND, Mr. BOUCHER, Mr. DORGAN, Mrs. BOXER, Mr. WORTLEY, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. OLIN, Mr. RATCHFORD, Mr. HOWARD, Mr. FAUNTROY, Mrs. BOUQUARD, Mr. FORD of Tennessee, Mr. STARK, Mr. PEASE, Mr. STOKES, Mr. FOGLIETTA, Mr. FASCELL, Mr. BEVILL, Mr. MCKINNEY, Mr. MORRISON of Connecticut, and Mr. FORSYTHE.

H. Res. 17: Mr. THOMAS of Georgia, Mr. ROWLAND, Mr. DE LUGO, Mr. SUNIA, Mr. HORTON, Mr. BARNES, Mr. EDGAR, Mr. RATCHFORD, Mr. TALLON, Mr. MCHUGH, Mr. BURTON of California, Mr. LEWIS of California, Mr. WILSON, Mr. FROST, Mr. FORSYTHE, Mr. LEHMAN of Florida, Ms. KAPTUR, Mr. EVANS

of Illinois, Mr. BATES, Ms. MIKULSKI, Mr. HOYER, Mr. JENKINS, Mr. WEISS, Mr. DOWNEY of New York, Mr. DERRICK, Mr. HAWKINS, Mr. SCHEUER, Mr. SPRATT, Mr. YATES, Mrs. COLLINS, and, Mr. LEVINE of California.

H. Res. 41: Mr. SAM B. HALL JR., Mr. HUTTO, Mr. STANGELAND, Mr. BLILEY, Mr. PERKINS, Mr. BEILENSON, Mr. HEFNER, Mr. SHELBY, Mr. KINDNESS, Mr. FLIPPO, Mr. SUNIA, Mr. MONTGOMERY, Mr. CORRADA, Mr. HANSEN of Idaho, Mr. KASICH, Mr. EDWARDS of Alabama, Mr. GRADISON, Mr. HUGHES, Mr. FORSYTHE, Mr. MCNULTY, Mr. HORTON, Mrs. KENNELLY, Mr. HILER, Mr. SMITH of Florida, Mr. RATCHFORD, Mr. NICHOLS, Mr. STUMP, Mr. BEVILL, Mr. MINETA, Mr. FROST, Mr. WILSON, Mr. CARR, Mr. FAZIO, Mr. RAHALL, Mr. BONIOR of Michigan, Mr. DAUB, Mr. LUKEN, Mr. TALLON, Mr. SCHEUER, Mr. LAFALCE, Mr. LEVIN of Michigan, Mr. JONES of North Carolina, Mr. SIKORSKI, Mrs. BOXER, Mr. LEVINE of California, and Mr. CLINGER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

22. By the SPEAKER: Petition of the New York City Council, New York, N.Y., relative to a requirement that cigarettes have a minimum capacity to ignite fires; to the Committee on Energy and Commerce.

23. Also, petition of the mayor, city of Seaside, Calif., relative to a proclamation commemorating Dr. Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

ONE HUNDRED AND ONE BEAUTIFUL YEARS

HON. CLAUDE PEPPER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. PEPPER. Mr. Speaker, I would like to share with all of my colleagues the remarks of Mrs. Rosina Tucker who has reached the grand age of 101 and whose 101 beautiful years have been devoted to hard work and promoting the well-being of others. Recently, Mrs. Tucker's numerous achievements and her history of humanitarian deeds were recognized when she was presented with the Hubert H. Humphrey Memorial Award from the Leadership Conference on Civil Rights. It is a pleasure for me to add my own warm congratulations and to submit her acceptable speech upon that occasion for insertion into the RECORD as a tribute to this noble and deserving lady.

SPEECH AWARDS DINNER

Honorable Benjamin Hooks—Chairman, Officers, Members and Friends of the Leadership Conference on Civil Rights.

It is with much pride and humility that I accept this the Hubert H. Humphrey Civil Rights Award at this your 33rd Annual Awards Dinner when I am at this moment 101 years, 2 months, and 20 days old. I am especially grateful for this honor coming from such a distinguished group of men and women whose activities cover almost every segment of our existence. My desire has never been to gain awards, but to serve wherever needed.

For many years I have known two of the founders of this organization—A Philip Randolph and Roy Wilkins. Now I am aware of Arnie Aronson, the third founder who, I am told was the conference Secy-Treas. and who ran the day-by-day operations of the conference and who was the key man in the enaction of all major civil-rights legislation. These three men laid the solid foundation upon which this Eminent structure of over 150 organizations firmly stands. In the 1920's I had the pleasure of working with Attor. Davidson who was the president of the Washington local, NAACP and it was then that I became acquainted with Dr. Dubois President and Walter White the Executive Secretary. At that time the NAACP magazine the *Crisis* was a powerful influence among Black people. They bought it and read it, in fact, the Crisis was an opinion maker. One day I was at the Senate hearing and to my surprise a Senator obtained the floor and held aloft a copy of the Crisis, discussed its format and said "And it's printed on good paper, too". I don't remember hearing Frederick Douglass speak, but I have in my possession a hand-written letter of his addressed to my former husband James David Corrothers.

During my long span of years I have observed many history making events unknown to thousands of people of all Races because I dare say that such events cannot be found in history books. Since my time is limited I cannot pursue this phase further, but I must call the names of some of those unknown Black men. How many of you have heard of Blanch K. Bruce of Miss; John Mercer Lanston, of Virginia; John R. Lynch from Miss; Rev Hiram Revels of Miss; Sterling Turner, of North Carolina? These men were members of the Congress of the United States and were an inspiration to many exslaves to forge on in spite of dire circumstances facing them at every turn. I had the good fortune when a young girl to see them and hear them speak at my church at a forum held every Sunday afternoon conducted by Robert D. Ruffin who was said to be the first graduate from Howard University School of Law.

Those of you who have seen the entire Documentary "Miles of Smiles, Years of Struggles" cannot conceive the amount of research made; the number of miles traveled and the number of porters interviewed to produce the film. The two producers are here tonight. I hope you will introduce them, as a memorial to Pres. Randolph. May I read a statement written by him soon after the contract was signed by him and the Pullman Company. This was in the Foreword of the Journal of the 1940 Silver Anniversary of the Brotherhood. This statement bares his wounded spirit yet it describes his forgiving heart: I consider it a Classic.

FOREWORD

We hail the men of labor!
We hail the men of labor!
We greet the toilers on rails!

We salute the stalwart sons of the Brotherhood of Sleeping Car Porters who fell in battle! Hallowed be their memory!

We hail our brave sisters of the Ladies Auxiliary who, when the storms came, stood steadfast and true!

Greetings to the Pullman Management and the thirty or more railway carriers with whom the Brotherhood holds contracts!

Salutations to the Negro church!

We hail those noble men and women known as the liberals of America, who bade us faint not when the days grew dark!

We hail the Negro press!

We hail the millions of children of color! May heaven help them to excape the fate of bruising their heads against the brutal bars of bias and hate.

Greetings to the men on and off the rails who turned their hands against us; who slandered and abused us!

We hold no hate in our hearts against any man.

Porters, the most humble and, withal, noble men of labor, salute America, our country!

We salute the Jews!
We salute the Catholics!
We salute the Protestants!
We salute Democracy, liberty and peace!

With hearts full of the grace and love of brotherhood and fellowship, moved by courage and challenge, and guided by the wisdom born of struggle, hardship and injustice, porters, discounted and dishonored, followed the star of history and have built more wisely than they knew, when they fashioned the Brotherhood.

Rich in the priceless things of the spirit, porters of the Brotherhood have ever held their heads unbowed, whether with backs to the wall at Armageddon, or about their daily tasks of service in the peaceful dawn of a gentle morning.

Verily, in the broad, big hearts of Brotherhood veteran porters, some fired, some retired, and some still in the vineyards of labor, burned the passion reflected in these majestic lines:

"Build thee more stately mansions, O my soul, As the swift seasons roll!"

And porters with a deathless hope for, and unconquerable faith in, eventual triumph, set their hands to the problem.

Inspired by the dreams and visions of a better tomorrow, porters when the long night of trial and trouble tested their strength and will, everlastingly held the offensive.

True, some porters, under intimidation and coercion became afraid and retreated in disorder.

But, there was a "hard core" of Brotherhood men, whose slogan was, "a winner never quits and a quitter never wins," who hit and pounded the lines of the Pullman Company Union, without ceasing, until they cracked it wide open in dead center, and turned the hard and bitter struggle toward the light of day.

We salute Brotherhood porters in active duty, on the far-flung rails, speeding across the nation, giving of their best to provide comfort, convenience and safety with courtesy and care; a ladder to upper 6, a pillow to lower 8, service to roomette 3, a call to drawing room A, scotch and soda for passenger Jones; a warm bottle of milk for the baby of a lady passenger in room D; or watching over their passenger-guests while they are in the silence of sleep, or as they receive and unload their passengers, and couple and uncouple cars.

Proud without pomp, confident without conceit, resolute without resentment, Brotherhood leaders and the rank and file view and face the future with fortitude, faith and love.

Consecrated with blood and tears, sorrow and suffering, our great movement, in this tragic hour of mankind's struggle to hold a beachhead of liberty and peace against the dark forces of Russian totalitarian Communism, pledge its life and labor to our country, the United States of America and the Dominion of Canada, that our boys, Negro and white, Jew and Catholic, who are giving their all in Korea, shall not have fought and died in vain.

Forward! to a world of peace, freedom and plenty, without the curse of hate of race, color, religion, national origin or ancestry.

THE BROTHERHOOD OF
SLEEPING CAR PORTERS.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

LEGISLATION TO PREVENT THE INTERSTATE TRANSPORT OF NOXIOUS ODORS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. FRANK. Mr. Speaker, today I am introducing legislation to deal with a problem that, while not widespread, can have a dramatic negative impact on the quality of life in areas forced to endure it. The transport of noxious odors across State lines, whether the result of industrial, agricultural or any other kind of activity, can cause not only great discomfort for those living in an impacted area, but can also cause material economic damage in the form of lower property values for homeowners and businesses.

Unfortunately for the victims of this kind of pollution, there does not currently exist any form of redress. While this kind of situation could be dealt with through zoning or State legislation within the boundaries of a State, the fact of a State line between the cause and the effect of the problem sometimes prevents any local action. It is a Federal issue that demands action. This bill would give residents and businesses forced to suffer the effects of noxious odors across State lines the relief they deserve.●

THE 1983 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. COUGHLIN. Mr. Speaker, as part of the 1983 Congressional Call to Conscience Vigil for Soviet Jews, I will wish to bring to my colleagues' attention the case of Vladimir Slepak, a well-known Soviet dissident who repeatedly has been denied permission to emigrate from the Soviet Union to join his family in Israel.

Since the early 1970's Vladimir Slepak has been known as a leading activist and spokesman for Soviet Jews trying to emigrate to Israel. He was among the first group of Soviet Jews to address petitions, letters, and appeals to the United Nations and, in June 1976, along with other human rights activists, joined the Helsinki Watch Group. During the 1970's, when the Slepaks lived in the center of Moscow, Vladimir became the unofficial liaison between the refusenik community and the Western World.

Vladimir Slepak, his wife Mariya, and their two sons, Alexander and Leonid, first applied for permission to emigrate in April 1970. Their applications were refused shortly thereafter because of Vladimir's classified work as head of a laboratory in the Moscow Scientific Institute of Television Research. Despite the fact that others in similar positions have been given exit visas after a 3- to 5-year waiting period, the Slepaks subsequent applications also were turned down because of state interests. Moreover, upon application to emigrate, the Slepaks' home was repeatedly raided and searched and the Slepaks themselves were harassed by Soviet authorities.

In 1977 Alexander Slepak was given permission to emigrate. In 1978, however, Vladimir Slepak and his wife were arrested for displaying a banner outside their Moscow apartment which read "Let us go to our son in Israel." They were charged with malicious hooliganism. Vladimir Slepak was sentenced to 5 years in internal exile. Mariya, whose 3-year sentence was suspended for medical reasons, joined her husband in Siberia.

In 1979, Leonid Slepak finally was allowed to emigrate. Vladimir and Mariya Slepak were released from internal exile in December 1982, after serving 4½ years in Siberia. Although they have returned to Moscow, they are still awaiting word on their residence permit to live in Moscow.

The plight of Vladimir and Mariya Slepak is not unique; indeed, it is all too common. Despite the signing of the 1975 Helsinki accords, whereby the Soviet Union agreed to accelerate the processing of exit visas for minorities—expecially in those cases where family reunification is an issue—the number of Jews allowed to leave the Soviet Union has steadily declined in recent years. Many of those who have expressed a desire to emigrate continue to be harassed. While our pleas seem to receive little consideration, I believe, along with many others, that world opinion can force the Soviet Union to abide by the Helsinki agreement and to live up to the responsibilities agreed upon by all signatory nations.

Mr. Speaker, I praise those whose efforts on behalf of Soviet Jews have been successful, but at the same time want to stress the need to continue to focus public attention on this vital issue. The lives of Vladimir and Mariya Slepak and thousands of men and women like them depend on our efforts.●

RALPH BROWN, PUBLIC SERVANT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Ms. KAPTUR. Mr. Speaker, today, I take the privilege of saying a few words to my colleagues about a fine public servant of my district, Mr. Ralph Brown, who recently passed away. Ralph Brown, through his years of dedicated law enforcement service as a member of the Lucas County Sheriff's Department, was a credit to his profession and his community.

Ralph Brown was also a permanent and positive force in the Democratic Party of his beloved city of Toledo. He brought vision, leadership, and commitment to our local Democratic Party.

The city of Toledo, Lucas County, and the Democratic Party are richer because Ralph Brown got involved and took the time to make our community a better place to live. To his lovely wife, Bessie, and his family, I say thank you for sharing Ralph with us and God bless you.●

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mrs. BYRON. Mr. Speaker, I am introducing today a joint resolution to authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month."

Mr. Speaker, as a physical fitness and sports enthusiast, I am pleased to witness the markedly increasing public awareness of and participation in exercise. Estimates that one of every two adults in our country regularly participate in exercise and sport reinforce the realization that today's effort to be physically fit is a necessary and accessible goal for all citizens.

Longer and healthier lifespans reflect the significant attention most Americans give to personal health. Periodic physical activity serves as one method of coping with the high cost of health care.

An unlimited variety of exercises and sports involves participants of a spectrum of ages and abilities. A "National Physical Fitness and Sports Month" would encompass everyone who chooses some form of exercise as a daily commitment to one's enjoyment and general sense of well-being.

Consciousness of the importance of physical fitness and sports programs exists as a national phenomenon. To encourage people to become physically fit is to involve them in their own health care. A month dedicated to physical fitness and sports pays tribute to all those athletes and nonathletes alike who have a common goal in organizing and performing a healthy measure of self-help.

A balanced program of exercise is one of the easiest, safest, and least ex-

pensive preventative health care measures available to all. Therefore, I am sponsoring this resolution which requests President Reagan to declare May as "National Physical Fitness and Sports Month."

H.J. RES. —

Joint Resolution to authorize and request the President to designate May 1983 as "National Physical Fitness and Sports Month"

Whereas one of every two adults in our country is a regular participant in exercise and sports;

Whereas the number of physically active men and women has doubled in ten years and continues to grow rapidly;

Whereas today we recognize that physical activity is an important part of daily life for people of both sexes and of all ages;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits;

Whereas it is essential that we make fitness and sports programs increasingly available so that all of our citizens will be able to experience the joys and benefits they offer; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 1983 as "National Physical Fitness and Sports Month," and to call upon Federal, State and local government agencies, and the people of the United States to observe the week with appropriate programs, ceremonies and activities.●

SALUTE TO MARY PITTMAN, NEW PRESIDENT OF THE FEMMES

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. DWYER of New Jersey. Mr. Speaker, it is a great honor and privilege for me to call to the attention of this body the outstanding achievements of Mrs. Mary Pittman who has been elected to the national presidency of the Femmes.

Mrs. Pittman is a resident of Edison, N.J., part of the Sixth Congressional District which it is my honor to represent in the Congress. She is the first person from the Northeast to hold this important national office in many years.

The Femmes are the auxiliary group to the 40 and 8, the fraternal organization of the American Legion. As Members of Congress, we know well the many accomplishments and important contributions of these organizations.

Today, we focus on the Femmes and their valuable role in promoting patriotism and fostering good will. The Femmes lend great enthusiasm and support to the American Legion through a vast network of civic and charitable activities. Under Mrs. Pittman's able leadership, that contribution will be even more enhanced.

We salute the work of the Femmes and their new president, Mrs. Mary Pittman. Her commitment and spirit of voluntarism have placed her at the helm of a group upon which we must all look proudly and express our gratitude for their fine achievements.●

SSI CHANGES TO PROTECT SHELTERED WORKSHOP PARTICIPANTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. FRANK. Mr. Speaker, today I am reintroducing legislation I originally filed in the last Congress which would make necessary changes to the SSI law so as not to penalize recipients whose incomes, because of the nature of their disabilities, may be spasmodic or uneven throughout the year.

Under current SSI regulations, all beneficiaries must have their income redetermined on a monthly basis to establish whether their income was over the amount allowed under the program. If such a determination is made, the recipient's benefits are then reduced by one-half the amount of the coverage.

While I have no quarrel with there being income limitations set, the monthly redetermination works an unfair hardship on those disabled persons whose incomes vary greatly from month to month. This is particularly true in the case of those participating in sheltered workshop programs. By their very nature, the amount of work to be done in these workshops varies greatly from month to month and since the participants of these programs are paid generally on a piecework basis, their incomes necessarily fluctuate with the amount of work to be done by the workshop. It is not uncommon, for instance, for a workshop to be very busy in the months preceding the Christmas season, but to be very slow in the months thereafter.

The problem that affects the disabled people—and in particular, the mentally retarded—who work in these programs is that while their annual incomes may well not exceed the annual income allowed without penalty under the SSI program, their income during several busy months may exceed the limits when that annual income limitation is divided by 12. The result is that the monthly SSI check is reduced and that reduction is not recouped in a low-earning month. Thus even though the individual's annual earnings may not exceed the income limits, he or she is penalized because of the monthly accounting process.

The legislation I am introducing would rectify this situation by providing that in determining the amount of the SSI benefit for disabled individuals engaged in sheltered workshop employment or for those whose income is irregular or spasmodic, monthly income shall be assumed to be equal to the average monthly income over a year. This process will still allow an income limitation to be maintained but will result in fairer treatment for those whose income is uneven throughout the year.

Mr. Speaker, I want to commend Barbara Turner, the president of the Association for Clients of People, Inc., in Fall River, Mass., for bringing this very unfair situation to my attention. Ms. Turner is a very dedicated individual who has taken the time to learn the very complicated laws and regulations that affect the disabled people she so ably assists. I am very greatful for her help in introducing this legislation.●

WAYNE KINGSBURY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to speak today in honor of Mr. Wayne Kingsbury. Wayne is leaving the Pacific Gas & Electric Co., after providing that company and our community with 37 years of outstanding service.

I have known Wayne Kingsbury for many years, and consistently, I have been impressed by Wayne's concern for the world around him. Wayne Kingsbury joined PG&E in 1946, after serving for 3 years with the U.S. Air Force during World War II, and he quickly moved up in the company to his position as central district manager in San Jose.

Throughout his adult life, Wayne has worked to promote public safety, employment, economic growth, and education. Yet Wayne's fine career at PG&E is only part of his story, because Wayne's service did not stop with his job.

After putting in long days in the office, Wayne still managed to find the time to work for a large variety of public organizations. Whether he helped the Boy Scouts or the chamber of commerce, whether he was serving on a committee to spur downtown development or a task force to study management, Wayne found ways to contribute.

Mr. Speaker, in light of these contributions, I ask you and all Members of the House of Representatives to join me in extending thanks to Wayne Kingsbury, a fine professional and an outstanding citizen, and I hope my

friends Wayne and Bertie receive all the good fortune they deserve.●

SOVIET WATCH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. FIELDS. Mr. Speaker, in 1935 the noted historian, Will Durant, wrote:

For barbarism is always around civilization, amid it and beneath it, ready to engulf it . . . Barbarism is like the jungle; it never admits its defeat; it waits patiently for centuries to recover the territory it has lost.

In all the history chronicled in Durant's monumental, 11-volume work, "The Story of Civilization," in no place or time has this statement been more true than in the history of the Soviet Union and its client states.

As E. J. Dillion observed in 1930:

Sovietism is no mere philosophy content to assert itself or even endoctrinate others by convincing, persuading, or cajoling them . . . (it is) first of all a relentless destroyer of the roots of past culture, religious, social, pedagogical, and also of those champions of that culture who remain true to it, refusing to be converted and live.

So it is that the leadership of the Soviet Union, from Lenin to Andropov, have been men of unrestrained brutality who have progressively, patiently, driven back the boundaries of civilization, both Western and Eastern, with a relentless sword of blood and horror, allowing the jungle of barbarism to reclaim the Earth, masked by mendacity, propaganda, and the kindly face of socialism.

The following material is presented as another evidence:

[From the Wall Street Journal, Jan. 24, 1983]

LIFTING THE CURTAIN ON AFGHANISTAN'S HORROR

(By Rosanne Klass)

Since the Soviet army invaded Afghanistan three years ago, Moscow and the government it installed in Kabul have clamped a news blackout on events in that country. Independent journalists were thrown out a month or two after the invasion; aside from a handpicked few, only those reporters willing to risk their necks to go in with the resistance forces have been able to cover the story at all, and they get only a fleeting, limited view.

The International Red Cross was also thrown out soon after the invasion, and has not been allowed to function there since—nor is any other human rights organization allowed in. The diplomatic community is effectively limited to official circles in Kabul; an Afghan in contact with non-communist foreigners risks prison or worse. The stories coming out through competing resistance factions and refugees in Pakistan can seldom be checked, and reporters are understandably dubious about them.

Thus the world is effectively ignorant about what is happening in Afghanistan—which is, of course, the way the Soviets want it. And for good reason—for in Afghanistan, the Soviets are conducting a massive terror campaign against the civilian population.

The aim is to terrorize and crush the Afghan people into submission, eliminate the nation-wide base of support for the resistance and consolidate the Soviet grip on this highly strategic territory, the key to many of Moscow's future ambitions in South Asia and the Indian Ocean.

NAZI-LIKE ATROCITIES

The Soviet campaign bears comparison with the atrocities of the Nazis, Idi Amin, Cambodia, and—perhaps not accidentally—with those of Genghis Khan, whose slaughter of the Afghan people in the 13th century is well-known to every Russian school child.

Though reports of Soviet atrocities in Afghanistan have leaked out, starting with the Kerala massacre in 1979, it has seldom been possible to verify them, thanks to the new Iron Curtain around Afghanistan. But last month in Paris a stream of witnesses, including some who arrived at the last moment from deep inside Afghanistan, lifted that curtain for a moment to reveal a scene of sheer horror: a people facing execution for the crime of defending their freedom.

The circumstances were particularly embarrassing to the Soviets and their apologists: The revelations and condemnations in Paris came from the left. Three days of hearings culminating in a press conference on Dec. 20 were conducted by the Permanent Tribunal of the Peoples, the successor organization to the old Bertrand Russell war crimes tribunal which put America in the dock for Vietnam, and which has generally been more notable for its attention to the warts of the West than to those of the Soviet bloc and Third World. The panel of judges—French, Swiss, Belgian, Yugoslav, Mexican, Indian—ranged from socialist humanitarians to lifelong fellow-travelers.

This was not the first time that the tribunal had met to consider Afghanistan: In Stockholm in 1980, its judges condemned Moscow for violations of the U.N. charter and the right of self-determination, as well as for aggression. But, although the Stockholm hearings included extensive testimony on torture, mass executions, rape and civilian massacres, the panel there passed no judgment on violations of human rights.

That omission was rectified in Paris, where the second hearing on Afghanistan was devoted entirely to atrocities and human rights violations.

For three days, dozens of witnesses—journalists, doctors, experts on weaponry, representatives of humanitarian groups who had visited Afghanistan secretly, Afaghan victims and eyewitnesses—piled up horrors in their testimony and evidence on the table—weapons, photographs, films, documents, fragments of chemical-seared rock. There were the outlawed weapons used in violations of treaties the Soviets were signatories to: dumdum bullets, disguised booby-trap mines, chemical weapons, contaminated grain.

The Dutch freelance journalist Bernd de Bruin showed films he had taken of a chemcal attack on an Afghan farm village, and of the ebony-black, bloated corpse of a man he had seen alive in that village less than 24 hours earlier; later, in a cafe, de Bruin rolled up his sleeve to display the red patches that have marked this skin since he was caught on the edge of a gas attack 18 months earlier.

Ricardo Fraile, a French expert on arms control, carefully outlined his assessment of chemical weapons used on sites he had just visited during a secret trip into Afghanistan, showing slides and samples of scorched rock from a village in the Logar Valley near Kabul where, on Sept. 13, 1982, more than 100 villagers—a dozen of them children under 10—were sealed up and deliberately burned to death in an underground irrigation tunnel in which they had taken shelter when Soviet forces rolled into the village.

French doctors detailed the pinpoint bombing of their hospitals in Afghanistan, some of them marked with red crosses on the roofs. One Afghan witness after another described the saturation bombings of civilian targets, the systematic destruction of crops and granaries, the massacre of entire villages—all intended to terrorize the population into withdrawing support from the resistance or abandoning their homes and fleeing to Pakistan. The booby-trap mines disguised as toys and household objects (outlawed by an 1981 treaty the Soviets signed even as they were using them) were explained: They are to small to kill, instead they maim, thus burdening the able-bodied with the wounded.

As the evidence piled up, a Norwegian observer remarked quietly, "Perhaps the time has come to reconvene the Nuremberg trials."

A few of the judges looked uncomfortable and, in their question, sought extenuating circumstances; they found none. One snoozed. One looked irritable and bored. The other dug for details.

Then, late on the third day, witnesses from Afghanistan arrived, rushing from the airport to the Sorbonne halls, and straight to the podium. The American scholar Mike Barry had gone into Afghanistan to verify atrocity stories, had located them and brought them to Paris; they had been delayed in Pakistan, and a special Saturday night session had been called to hear their testimony.

Three of them were men from the village in Logar. They were the village's mayor, a mullah and a village elder. They described, to the audience of several hundred, how the Soviet troops methodically prepared the explosive chemical inferno in an irrigation tunnel in their village last fall, and then applauded its success before climbing into their vehicles and departing. They read the list of the dead, many of them their relatives, and told of bringing the bodies out and trying to identify them.

TORTURE, MAIMING, RAPE

Another was a medical student, a tiny young woman of 22, who had to sit during her testimony; she told of her arrest and torture in Afghanistan, of the maimings and electric shocks and sexual attacks in the cells of the prime ministry, the secret police and Pul-i-Charkhi prison, and she shook sometimes, or stopped and seemed to lose her train of thought.

Then there was the witness from a northern province, telling of two boys, ages eight and 10, who refused to reveal to Soviet troops the hiding place of their resistance-commander father, and were doused with gasoline and set on fire.

An audience that had thought itself numb with ghastly testimony sat riveted till nearly 1 a.m. Then the judges retired, to spend a day considering the evidence.

The detailed 33-page verdict was announced at a press conference covered by both print and broadcast media in Europe.

The Tribunal of the Peoples, in its Second Session on Afghanistan, condemned the Soviet Union for violations of the established rules of war, of the fundamental rights of the Afghan people and of basic, elementary human values.

The six Afghans who testified at the end of the tribunal plan to fly into New York this week for a brief stay in the U.S. They are coming from London, where they met last Thursday with Britain's prime minister, Margaret Thatcher.●

SALUTE TO CIVIL SERVANTS

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. DAUB. Mr. Speaker, last month marked the 100th anniversary of the enactment of the Pendleton Act, the law which put an end to the spoils system and created a competitive, career civil service system in which tenure is based on merit rather than on political affiliation.

Marking this 100th anniversary of civil service, the Washington Post recently carried an editorial by Alan K. Campbell, former director of the U.S. Office of Personnel Management, entitled "The Bureaucrats and Politicians Need a Treaty."

In this editorial, Dr. Campbell correctly states that:

No one in 1883, the year the Pendleton Act was passed, would or could have predicted the crucial role that government plays in today's society. Nor could anyone have anticipated the professionalism, dedication, and quality of today's public servants.

There is no question but that we have the finest civil service system and the most qualified civil servants in the world. There is, however, always room for improvement in any dynamic organization. Though I do not agree with all of Dr. Campbell's recommendations, I believe that his call for a treaty between bureaucrats and politicians deserves our attention, and I take this opportunity to share these thoughts with my colleagues:

The editorial follows:

SALUTE TO CIVIL SERVANTS

Perhaps what is needed is a treaty. All such agreements are based on compromise. Both sides must be willing to give up something.

From career public servants, there must be a willingness to accept a system that bases rewards on performance. They must be willing to accept a system that permits corrective action, including dismissal, for inadequate performance without an administration process so convoluted that it would make Rube Goldberg jealous. This requires, too, a willingness on the part of top career civil servants to take responsibility for government failures as well as successes. And they must abandon the attitude that it is somebody else's responsibility. The recently established Senior Executives Association can play a major role in this, but thus far it has focused too narrowly on pay and related issues.

From politicians, legislative and executive, there must be a recognition of the need for essential policy and management roles for career public servants. That acceptance must be both in deeds and in words. Some assistant secretary and even undersecretary positions must be filled by career people, promises must be kept and recognition that means something must be accorded to those who deserve it.

Essential to all of this is a change of attitude on all sides, but it will have to be accompanied by some legislation, some regulation changes and a recognition in the Oval Office that the president is the leader of the federal work force. Recognizing the role of Congress, the courts and the law, the civil servant still looks to the president as his chief spokesman.

Is all of this politically possible?

"No way" will argue any self-respecting political analyst, academic or otherwise. The interest-group lineup against it is too formidable. For politicians, the use of the bureaucracy as a whipping boy is too tempting, and for civil servants, the present protections of the system are too comfortable.

This same kind of analysis preceded the passage of the Pendleton Act, the pay comparability legislation and the Civil Service Reform Act of 1978. American politics has a way of eventually, although never flawlessly, doing what has to be done. To fail to take advantage of what the Pendleton Act has wrought would not only be too bad; it would undermine the effectiveness of one of America's most crucial government institutions—its career civil service. What better way to recognize the Pendleton Act in its 100th anniversary that to commit ourselves anew to continuing to build the finest civil service system in the world?●

BALANCING FEDERAL BUDGETS

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. SHELBY. Mr. Speaker, today I am reintroducing a legislative inititative proposing a constitutional amendment to require that all Federal budgets be balanced.

My proposed amendment is identical to the measure I advanced at the outset of the 97th Congress and contains two basic parts. First my bill requires the Federal Government to spend no more than it collects in revenues, and second, the bill mandates that the total amount of money spent by the United States shall not exceed 20 percent of the gross national product of the United States during the previous calendar year. This balanced budget requirement could be suspended in times of national emergency, such as war.

Mr. Speaker, the American people have been decisive in their overwhelming support for the balanced budget mechanism as the only means of keeping Federal spending in check. During the 97th Congress, the House of Representatives came very close to executing the will of the American people when 218 Members of Congress signed a discharge petition bringing House Joint Resolution 350 to the floor of this body for consideration.

Although the position of those of us advocating a balanced budget ultimately did not prevail, the long-overdue lively debate articulated on that occasion is a clear indication that balancing the national budget is not a simplistic, symbolic gesture—it is a strong fiscal discipline that would prove to Americans that the U.S. Government is going to get its financial house in order.

We who support fiscal discipline in the form of a balanced budget amendment will not give up our fight. We will continue to work alongside supportive State legislatures to secure passage of a dramatic legislative call for constitutional reform—one which, as my bill does, limits the ability of Congress to spend and borrow money and demands that Congress assume the responsibility for fiscal policy which is rational and stable.●

THE GENOVESE CONTINGENCY PLAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. FRANK. Mr. Speaker, the President has expressed concern about the deficits the country faces in the later years of this decade, but he has not made serious proposals to bring these deficits under control. His so-called standby tax increase proposal is a gimmick which will have little appeal to Members of Congress and offers virtually no reassurance to the financial community. But this does not mean that the notion of making certain things contingent on future economic activity is totally without merit. Frank C. Genovese, a professor of economics at Babson College, recently wrote to me with a suggestion for the use of the contingency prinicple which makes far more economic and social sense than that proposed by President Reagan. Professor Genovese reasonably suggests that if the President is seriously concerned about the future deficits which his policies threaten to produce, he should agree to make a substantial part of the military budget increases contingent on our success in bringing about economic recovery. It is after all the President's military expenditures which are increasing far faster than any other element in the Federal Government, and it seems reasonable that it is these expenditures which should be subjected to the contingent principle if we are to try to reduce the deficit.

Professor Genovese is a thoughtful and experienced student of economic policy. He is one of the most innova-

tive economists I have met and I would like to share with the membership an example of Mr. Genovese's innovative thinking as it applies to the possibility of making some part of the future military spending increases contingent on economic success:

The American people have suffered enough. They and the Congress took the "riverboat gamble" and lost disastrously. Now the President tells us "Prosperity is just around the Corner" but that he will take a conservative estimate of its speed and scope. And he asks for "contingency tax increases".

Congress cannot inflict additional suffering upon the American people which would attend the further expenditure decreases in social services advocated in the President's budget proposals. Rather, it must ask him to believe his own estimates for economic recovery and should make contingent not the taxes but some of the increase in military spending he wants. Thus the Congress should provide adequately for social services and some increase in military expenditures but far below what he asks, and make any increase above this level contingent upon economic recovery. It should enact a Recovery Increase Defence Expeniture bill. This R.I.D.E. legislation would provide for increases in defence expenditures when unemployment falls below 6%.

If President Reagan will not accept this, he will be rejecting his own program for a military build-up. He will be rejecting his own promise of a decrease in the misery of the unemployed. He will be rejecting the hopes and concerns of the American people for a better life. The President should "stay on the course."●

INTRODUCTION OF HOUSE JOINT RESOLUTION 1, EQUAL RIGHTS AMENDMENT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mrs. SNOWE. Mr. Speaker, I would like to take this opportunity to again give my full endorsement to the equal rights amendment and to urge my colleagues to join me as a cosponsor of House Joint Resolution 1.

Today, 42 percent of the Nation's work force is made up of women, and more than half of all married women work outside the home. While some women are blazing glamorous and interesting careers in new fields, most women work not just for personal satisfaction and achievement. Like most men, women work out of economic necessity. They are not generally the type one would consider ardent feminists, but because they must work to support themselves and their families, they are concerned and disturbed by gender-based differences in pay and hiring.

Working women contribute to the strength and prosperity of this great Nation, but are paid much less for their contributions than men. This is not because jobs traditionally held by women are any less important or because those jobs generally pay less. Women in fields traditionally occupied by men are paid less for exactly the same work. Women engineers earn about 67 percent less than men engineers. Nurses who are women earn less than men in this field. A woman with a college degree averages the same income as a man with a ninth grade education. It is time that America proved that our Nation is serious about eliminating these inequities, and passage of the ERA would be a strong statement of our conviction to this cause.

Women who work in the home are also at a disadvantage without the ERA. Pensions often discriminate against surviving spouses, who can be forced into poverty by the death of their husband. Furthermore, property rights, marital laws, divorce and separation laws, wills, and insurance laws are often discriminatory.

The ERA is an economic and civil rights issue, not a cultural one. Our society will continue to evolve, and with or without the ERA, the roles of women and men in society will change. Opponents of the ERA cannot stop progress and the natural course of human development and growth. But they have temporarily succeeded in making the economic struggle that women and their families face more difficult.

Opponents of the ERA say that America is now bored with this issue, that people are tired of hearing about it. On the contrary, I believe the issue is as important as ever. The issue remains a top priority for many groups of women, including widows trying to support their children facing discrimination because she has children, has taken some time out of her career, or just because she is female.

Opponents of the ERA claim it is a threat to their way of life and to traditional family values. The ERA will not force people to change their lifestyles, but would allow everyone the opportunity to freely pursue their chosen course. Opponents of the ERA do not want to grant us that choice. They want to force us to stay where we are, or to move backward, and live the same kind of life that they have selected. But the fact still remains that 70 percent of the Nation's poor are women, and I hope that is not the kind of traditional values ERA opponents seek to preserve by denying women equal rights.

Equal rights should be a basic part of our Constitution. It should not be subject to overturning by a simple majority vote. So many civil rights laws have passed by such close margins, and attempts have recently been made to remove the safeguards that have already been provided legislatively. The people of America deserve a stronger guarantee which only a constitutional amendment can provide.

I hope that this will be the last time that Congress needs to introduce an equal rights amendment. And I have faith that this time, State legislatures will deliver to their constituents what our Nation has been asking for for over 200 years—equality.●

MOTHERS OF THE PLAZA DE MAYO

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Ms. MIKULSKI. Mr. Speaker, during my recent trip to Argentina, I met with the Mothers of the Plaza de Mayo. As you know these courageous women have a terrifying and heartbreaking story to tell. Over the last several years, thousands of people have been kidnaped and have disappeared in Argentina. No word has been heard of these thousands; their mothers and grandmothers are now demanding a full explanation. The following "Declaration of the Mothers" gives a vivid and moving account of the disappearances. It demands justice and truth from the authorities by calling for a full accounting of those missing, a complete investigation of all cases, and prosecutions by an independent judiciary. This heart-rending plea for action demands the closest attention of the Congress.

DECLARATION OF THE MOTHERS

At this crucial moment in which resolutions should be taken concerning the very grave fact of the forced disappearance of persons, the Mothers wish to express our position.

This movement of pacific resistance sustains a nonbribed banner: the APPEARANCE WITH LIFE OF THE "DETAINED-DISAPPEARED" PERSONS.

The Mothers' demand is unmovable and it becomes a cry in the popular demonstrations. The claim is out in the open: "That the detained-disappeared appear with life". "They took them alive, we want them alive". Because our children were taken away alive, defenseless, hooded and handcuffed. They were abducted from their homes, their workplaces or the street, in 82% of the cases before eyewitnesses.

Prior to their disappearance they were detained and introduced into cars without license plates, by people wearing uniforms or not, who said they belonged to the Armed Forces or Security Organizations. Being taken away at great speed towards unknown detention centers, in this way the fate of our loved ones remained under the reign of total uncertainty.

It cannot be thought that their ultimate destiny may have been death. Because if that would have happened, we would be facing genocide, a crime of the utmost inhumanity that would scare the country and the world.

Our cry cannot be but for LIFE, an intangible right of the human being. We demand

it because we have authentic references of people who had been disappeared and were freed. Their freedom is the first step that the Armed Forces should take to solve this national drama. And this is what we have stated in our meeting with the Social Pastoral group of the Catholic Church, to whom we have reclaimed. The defense of life as the principal human fact.

In this last period of time has arisen, as a macabre accusing index finger, the discovery of tombs with unidentified bodies, in some cases belonging to persons who figured as disappeared.

Those discoveries do not invalidate our claims. "Disappearance" does not imply "death" or assassination". The finding of unidentified corpses constitutes the fundamental proof of the crimes committed with "detained-disappeared" persons. Showing that, after many disappearances, their destiny was assassination.

Concerning these horrible facts, the government must confess what has happened. The Judiciary must order, without delay, a thorough investigation of the clandestine graves. Not to do it would imply letting crimes go unpunished, being this an offense towards society and a trampling over the Constitution itself, the supreme law and sustainer of the country's structure as a civilized State.

Regarding the problem of the disappeared as a whole, the government sould say the TRUTH. It should say it to the people, who already know about this tragedy and demand responsibility for this matter. A TRUTH that must explain what this abhorrent violation of making a person disappear consists of, who instrumented it, who authorized the application of this ominous method and who executed it.

It is inadmissible to hear the government say that in many cases reasons will not be able to be given. They went to look for persons by their name and surname. Therefore each relative has the right to expect to see his loved one, or to know about his fate.

TRUTH takes us to JUSTICE. The urgent demand for justice is not based on a spirit of vengeance or retaliation. It is simply the application of the law to those guilty. This is required by the moral norms over which are settled both civilization and the juridicial principles that order the life of society. Not to recognize that imperative is to maintain impunity, to leave the path open for its reiteration in the future.

We demand an independent JUDICIARY, and not the "de facto" Judicial Power which declared itself "impotent" to act in the cases of the "detained-disappeared". These crimes are not liable to be prescribed nor to benefit from an amnesty.

The Church is very clear regarding this matter. It says so in the Puebla document and in these prepared by the Episcopal Assembly in our country. In the document of Puebla the doctrine of national security is anathematized in that it has permitted and allows so many abhorrent violations to human dignity.

The Church claims for TRUTH, JUSTICE and LOVE in order to reach the peace longed for, and due to this the Mothers of Plaza de Mayo Association cannot admit a "Day of Reconciliation" as that of December 19, of prayer for the dead before the TRUTH has been said and before the pronouncement of the JUDICIARY. No one but the government itself can assume responsibility for the facts and their consequences. To admit the contrary implies to foment the acceptance of a mourning which cannot be in any way. It is to try to bring about a false reconciliation.

It is not to the Mothers to "accept a part of the responsibility for the grave mistakes and unwisely acts that have occurred" in this period and we reject a "concertation" that may look for a way to pass into the new government the grave errors committed by the "de facto" government.

The politicians and the trade unions, together with the Church, should demand the clarification of the wrongdoings that grieve the country, an unavoidable ethical demand in order to initiate its difficult and hard task of reinstating a legal government.

Us Mothers imperatively declare NO to the "mantle of forgetfulness", because the tragedy of the "detained-disappeared" is a disgrace which puts the whole country to shame.

We reject any amnesty law dictated by the same authors of the facts we denounce. One cannot conceive a law dictated to forgive horror, the dread of the crimes which are minimized by calling them "excesses committed during repression".

If the judiciary does not act upon those guilty, the country will not be able to recover its moral health, its level of civilized country.

Those who have the responsibility of curing and orienting the country must be attentive; its destiny as a nation may be in their hands and depend upon their correct judgement, dignified, well thought out and courageous decisions to initiate the Democratic life that our people are entitled to.●

SURVIVAL OF THE ECONOMIC SYSTEM

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. CONABLE. Mr. Speaker, there is growing concern about the heavy indebtedness of many foreign countries and our involvement with them. There is a developing inclination to label any assistance to these nations as moves to bail out our major banks. What is really at stake here is the survival of our international political and economic systems.

Economic affairs writer Robert J. Samuelson of the National Journal has recently written an enlightening examination of these conditions which I commend to the attention of my colleagues. I ask unanimous consent to enter it in the RECORD as printed in the Washington Post of February 1.

THE BURDEN OF DEBT: A THREAT TO STABILITY?

(By Robert J. Samuelson)

In politics, as an journalism, you rarely get the right answers by asking the wrong questions. The right question about international debt is not: Are we going to bail out the banks? Rather, it is: Will debt pressures cripple developing countries and wound the world economic recovery?

Simply put, a number of large developing countries—Mexico, Brazil, Argentina and Yugoslavia among them—have accumulated more debt than they can handle. At the end of 1982, the debt of developing countries (including oil producers) totaled more than $600 billion, with about one-third of it owed to commercial banks. If short-term export loans are included, the total—and the bank share—is even larger.

A significant write-off of these debts would damage many of the world's largest banks and impair their ability to continue the lending—both at home and abroad—essential for recovery. But a strict effort to make these countries repay could involve hardships that might jolt borrowing governments to repudiate their debts.

Possibly no diplomacy is more important today than the continuing negotiations to avoid either extremes. Success is hardly assured, but one essential step involves increasing the lending authority of the International Monetary Fund, a multigovernment agency that supervises debt repayment programs. It is here that the wrong questions surely will arise.

For any increase will require a large contribution (probably about $8 billion) from the United States that will need congressional approval. And the request seems bound to provoke cries that the banks—or developing countries—are being bailed out.

They are. But so what? What really matters is political stability in developing countries and the restoration of confidence in the postwar economic system.

Like it or not, Americans are tied to world economic conditions. Roughly two-fifths of U.S. exports go to developing countries, including oil producers. This trade, like most other commerce, subsists on credit. Destroy confidence in the underlying credit system, and most trade will revert to cash and carry. Global growth cannot but suffer.

Both banks and developing nations have been guilty of enormous self-deception. But to blame them exclusively for today's debt problems is to miss the larger context in which they operated. The debt crisis is possibly the last spasm of the great inflationary boom of the 1970s, a boom driven by high oil prices and inflationary U.S. economic policies.

Low American interest rates and the peculiar nature of the international loan market kept borrowing costs low. Banks used huge deposits from oil producers to make huge loans to developing countries. On a dollar-for-dollar basis, transaction costs were small. Consequently, the interest rate spread—the difference between banks' borrowing and lending rates—was usually less than one percentage point.

Only inflation and rapid economic growth sustained the world's debt buildup. Just as a company can add debt and repay from profits, so can a country. Its foreign exchange earnings from exports are its profits. Inflation simplifies the task by eroding the real value of debt. While debt values remain fixed, export values rise.

Precisely this happened in the 1970s. Between 1978 and 1980, export revenues of non-oil-producing developing countries rose 28 percent annually, with about two-thirds of that stemming from volume increases and the rest from price rises. Even so, the burden of debt service grew—from 14 percent of export revenues in the 1970-73 period to 19 percent in 1981.

Now all the props of this bloated debt have collapsed. World recession has squashed export demand and prices, reducing estimated 1982 export earnings by 6 percent. Moreover, the bargain loans of the 1970s contained a catch. They had floating interest rates. As rates rose in 1981 and 1982, so did developing countries' borrowing costs.

Given the resulting pressures, it is remarkable that the system has held together as well as it has. Since mid-1982, the IMF, bankers and government officials of both creditor and debtor nations have constructed a series of chewing-gum and chicken-wire repairs that deserve respect for their ingenuity. What they do is postpone repayments of maturing principal—and some interest—while countries attempt to curb imports and boost exports. At the same time, banks are being required to provide new loans ($5 billion for Mexico, $4.4 billion for Brazil) to avoid truly Draconian import cutbacks that would harm both developing countries and their suppliers, the developed nations.

The suffering looks evenly shared. If the banks are putting up more money, Mexico—to take but one example—is expected to cut its budget deficit from 16½ percent of the nation's output to 3½ percent by 1985. Next to that, the U.S. budget squeeze is cotton candy. The official hope, then, is that a modest world recovery will restore a sustainable balance between countries' export earnings and their debts.

What is that sustainable balance? No one really knows. Is it reachable? No one knows. If it is, will banks and other private lenders actually provide new credits? No one knows. Many bigger banks surely have reached prudent exposure limits, and smaller banks are thoroughly disenchanted.

The curious fact is that many big international banks, including Citicorp, Bankers Trust and Chemical Bank, have reported sizable 1982 profit increases. Are their accountants dreaming? Two well-informed specialists—former comptroller of the currency John G. Heimann and investment banker Felix G. Rohatyn—have suggested that some loans will have to be written off.

Economic changes have a way of driving politics. In Iran, revolution followed rapid modernization. In Poland, rapid growth—followed by retrenchment—excited labor unrest and repression. In Argentina, a deteriorating economy tempted the generals toward a diversionary war. These are some of the costs of economic failure.

Managing the world's debt and coaxing an economic recovery are, at best, awesome jobs. They will not be made easier by a Congress too preoccupied with who is bailing out whom. The cliche is true: We are all in the same boat.●

WHAT ABOUT SYNFUELS SPENDING?

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. CORCORAN. Mr. Speaker, we are all struggling to find a way to do what we know must be done—cut Federal spending. As individuals, we value particular programs differently, but as a group, I think we agree that no major Federal spending program should be immune from budgetary review. Any other course would be patently unfair to those who are asked to make sacrifices.

Therefore, Mr. Speaker, it is to avoid such unfairness that I sent the following letter to the sponsors of the bi-partisan budget appeal. The American people, through their own ingenuity in finding alternative sources of energy and through individual conservation efforts, have already done far more to make us energy self sufficient than the U.S. Synthetic Fuels Corp. will ever do. Yet, while we consider a freeze on all domestic spending, the SFC plans to funnel billions to energy and high-tech companies—certainly not our neediest corporate citizens—so that they can produce synthetic oil or gasoline at a price far in excess of market prices. I believe that this is wrong, and I intend to share with you, Mr. Speaker, and my colleagues the responses received from the distinguished members of the bi-partisan budget appeal to my letter to them which follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 25, 1983.

Hon. W. MICHAEL BLUMENTHAL,
Hon. JOHN B. CONNALLY,
Hon. C. DOUGLAS DILLON,
Hon. HENRY H. FOWLER,
Hon. PETER G. PETERSON,
Hon. WILLIAM E. SIMON,
The Bi-Partisan Budget Appeal,
New York, N.Y.

GENTLEMEN: Your honest and clear appraisal of the budgetary crisis now facing this nation is the kind of constructive approach that we need if we are to solve our fiscal problems. I sincerely appreciate your initiative in bringing to the established political leaders of the country new ideas on how to deal with a problem developed by Government over a number of years. Without the nationwide and government-wide program of spending cuts that you suggest, I am convinced that the Congress will remain mired in a web of pet projects, special interests and demagogues who prey upon the fears of those dependent upon government assistance.

Although I differ with you on the extent to which tax increases are necessary and can be imposed without choking off the very economic revitalization that we all wish to nurture, I embrace whole-heartedly your "Principles for Budget Reform." Government cannot fault business executives for emphasizing short-term, bottom-line results at the expense of future business health, when we avoid our own fiscal responsibility to the nation by enacting programs now to be paid for in the future. For fiscal year 1983, one of every three Federal dollars will be spent for pensions and medical care for those over 65. The explosive growth of these programs has come from seemingly innocuous seeds planted a decade ago and illustrates clearly the bankruptcy inherent in the "do something now—pay for it later" mode of government that has been employed all too often in the past.

The problem is obviously too great for anything less than the widest possible sharing. We will all suffer if nothing is done; we will all benefit by a sound federal balance sheet.

I believe that we cannot hope to reinvigorate our economy unless private investment dollars are available to finance something other than the federal debt. Whatever "economically sound" public works programs may be, "economically unsound" public works projects must be avoided. "Boom and Bust" projects that provide no training useful for long-term, productive employment and are dependent upon Federal subsidization for their continued existence will only serve to broaden federal deficits and further disillusion those unable to find secure jobs.

The purpose of your January 20 appeal was to outline a program, not define specifics. I would, however, like to bring one particular federal program to your attention because of the magnitude of federal spending involved and because, like the entitlements programs, it mortgages our future economy to meet a perceived political need. The program I am talking about is the Synthetic Fuels Corporation (SFC) established by the Energy Security Act of 1980. In that Act, Congress authorized up to $20 billion to be used by the SFC to create a commercial synthetic fuels industry. An authorization for another $68 billion awaits an up or down vote later in the 98th Congress.

After more than two years, the SFC has yet to find a single major synthetic fuels project worthy of risking taxpayers' funds. The major oil and engineering companies which could put together commercial synthetic fuel ventures simply don't see the point in investing resources in a project to produce $65-$75 per barrel shale oil or gasoline from coal when the world price of oil could slip below $30 per barrel. I don't blame them.

Meanwhile, the SFC is spending about $30 million per year just to operate. The Congressional Budget Office on June 8, 1982, estimated that between 1982 and 1987, the SFC will spend $234 million for administrative expenses alone. CBO's mid-range estimate of total SFC outlays is $4.6 billion for the fiscal years 1982 through 2001. CBO expects most project-related costs to be incurred after 1987, but the SFC can award "preconstruction assistance" of about $150 million under Section 131(u) of the Energy Security Act. $4.6 million of such funds were awarded last month to sponsors of a peat moss-to-methanol project in North Carolina.

In addition, CBO projects that if the SFC awards price guarantees of $67 per barrel, the potential SFC outlays would be $5.5 billion in 1982 dollars between 1988 and 1992. The SFC's first targeted solicitation for shale oil provides for price guarantees to average $67 per barrel, up to $1.6 billion per project, in March 1983 dollars. Depending upon the amount of funding awarded pursuant to these guarantees, we can reasonably expect multi-billion dollar SFC outlays by 1990.

It seems to me that principles for budget reform that you set forth require a serious review of the wisdom and justification of the SFC. Such a review now might avoid the situation we face with entitlements programs today. We cannot ask Americans to make tangible sacrifices and share the burden of fiscal responsibility, and we cannot make the difficult choices that must be made in the entitlements and national defense programs, while a multi-billion dollar program like the SFC is allowed to proceed untouched.

As a senior Republican on the Fossil and Synthetic Fuels Subcommittee of the Energy and Commerce Committee, I am interested to know what you think about the value of continuing efforts to produce a commerical synthetic fuels industry? Is it worth $5 billion dollars, especially if that means increasing taxes by $5 billion or cutting entitlements or defense programs by an additional $5 billion dollars?

I look forward to learning your views on this matter.

Sincerely yours,

TOM CORCORAN,
Representative in Congress.●

LEGISLATION TO CORRECT AN INEQUITY IN THE MARRIAGE PENALTY PROVISIONS OF THE TAX CODE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. FRANK. Mr. Speaker, today I am introducing legislation which will correct what I believe to be discriminatory treatment of pensioners with respect to their ability to take advantage of the so-called marriage penalty provisions of the Internal Revenue Code.

In 1981 Congress made very necessary changes in the treatment of two-wage earner families by providing for a deduction of a percentage of the lower earning spouse's income. However, in defining income which would qualify for this deduction, Congress specifically excluded, among other items, income received from pensions, annuities, distributions of individual retirement accounts, and deferred compensation.

I believe it makes little sense to allow a deduction for couples who are working but not allow the same deduction for couples who are retired and who are both receiving pensions. This is a clear case of discrimination against the elderly. The rationale for allowing this deduction—that married couples filing jointly were unfairly penalized by paying more in taxes than two single people—applies equally to those living on pensions. The source of the income, either wages or pension-related, is irrelevant in this context.

The legislation I am introducing would repeal those sections of the Internal Revenue Code which exclude pensions, annuities, distributions from individual retirement accounts, and amounts received as deferred compensation (which often substitutes for a pension) from being deductible by two-earner married couples. This bill will restore equity to this section of the Code.

I urge my colleagues to support this necessary legislation.●

NAVY'S BLUE ANGELS HONORED

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HUNTER. Mr. Speaker, the week of February 13 through February 19, 1983 has been declared Blue Angels Appreciation Week in Imperial County. To further honor the dedication and skill of the Navy's Blue Angels and to encourage an awareness by all Americans of their outstanding contribution to our Nation's Armed Forces, I will introduce legislation to direct the U.S. Postal Service to provide and sell a postage stamp issue commemorating this squadron.

Since their organization in 1946, the Blue Angels have brought to the people the power of American naval aviation, inspiring and entertaining more than 157 million spectators with their precision aerial demonstrations. The exemplary actions and professionalism of the members of the Blue Angels Flight Demonstration Squadron, both on the ground and in the air, continue to inspire our youth and to aid the U.S. armed services by attracting the highest type of American young men and women to their recruiting programs. The Blue Angels also set outstanding examples of the value of the hard work, disciplined training, dedication and teamwork in achieving their goals.

The Blue Angels have become an important tradition in America; a tradition we have observed and enjoyed for almost four decades. It is now appropriate that we show our gratitude and appreciation to these individuals and the tradition they continue to uphold. A stamp series and a week are small gestures of appreciation for this valiant team.●

REPEAL OF HEALTH PLANNING

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. SHELBY. Mr. Speaker, I have today introduced legislation to repeal titles XV and XVI of the Public Health Service Act. The effect of this is to terminate the Federal health planning program at the end of this fiscal year. This bill is similar to a bill I introduced in the 97th Congress, H.R. 4554, which many of my colleagues cosponsored.

The Federal health planning program should be repealed because it has failed miserably in achieving the goals established for it: Reduction in the cost of health care delivery and improved access to health care services. Instead of saving money, planning has increased the costs we all pay for health services; instead of improving access, planning has resulted in the development of hospital franchises and limitations on the development and growth of needed services, such as CAT scanners.

The primary opposition to repeal in the 98th Congress, while seeming to agree that health planning had not achieved the goals set for it, argued that we should leave it in place until an effective competitive health care delivery model was implemented. The fear was that a vacuum would develop with the demise of health planning that would be filled by a surge of hospital expansions. The fact is that in-depth analyses uniformly refute the hypothesis that CON review has limited growth in hospital costs, total investment, and the number of hospital beds.

Even if CON had been successful in limiting growth, a March 1982 Congressional Budget Office study on health planning points out two factors that would work to prevent uncontrolled expansion. The Congressional Budget Office study first notes that States that have experienced a measure of success in their CON programs would probably maintain them. CBO's second point relates to current economic conditions which make most expansion decisions imprudent.

I would add a third point. Hospital administrators know the Federal budget and the national economy cannot withstand the current trend in health care costs. Whether controls on that escalation came through market-oriented approaches or top-down Government control and whether they come piecemeal or in a package, hospital administrators know they are imminent and that they will place a premium on lean, efficient operations. A responsible hospital administrator is not going to load up his or her hospital's balance sheet with large debts and new capital investments on expansions that will not enhance, and in fact will impede, the hospital's ability to survive in the new climate of health care financing that we all expect.

The Federal health planning law has been an expensive failure. I can see no reason to continue it.●

SCHOOL PRAYER

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. COATS. Mr. Speaker, while endorsing the President's proposed school prayer amendment, I offered today a revised version which I believe will strengthen such a constitutional amendment.

The revised amendment reads:

Nothing in this Constitution shall be construed to prohibit prayer or other religious activity in public schools. Neither the United States nor any State shall require any person to participate in prayer or other religious activity, or influence the form or content of any prayer or other religious activity in such public schools.

My amendment differs from the President's in two main respects. First, it would expand the President's pro-

posal to include other religious activity. This would allow use of school facilities for the voluntary exercise of religion in debates, Bible study, group prayers, moral instruction, or religious clubs, as long as these did not infringe upon the freedom of the nonparticipant.

This provision is particularly timely in light of the recent Supreme Court decision to not review the Lubbock, Tex. case. Such a review could have overturned a lower court's ruling which found that it was unconstitutional for the Lubbock, Tex. school district to allow students to gather at the school before or after the regular school day for any educational, moral, religious, or ethical purposes, even though the attendance was voluntary.

Second, my amendment would narrow the President's proposal by prohibiting the Government from influencing the form or content of the religious activity. The word "influence" is used in order to make it clear that a State cannot, either directly or indirectly, have anything to do with the form or content. Many Americans are rightfully concerned about the wisdom of permitting the Government to be involved in the composing of a prayer to be said in the schools. They want free exercise of religion, not State-imposed religion. My amendment specifically addresses this concern.

This proposal also differs from that of the President's in some minor aspects. It does not refer to individual prayer or prayer in public institutions. The courts have not held unconstitutional either individual prayer or prayer in public institutions, other than public schools.

I believe the key problem we are addressing is allowing a group of students to voluntarily meet for the sake of religious expression on school grounds. Since the courts' rulings in the 1960's which found the reading of the Bible and State-composed prayer to be unconstitutional, the courts and school administrators have progressively eroded the right to religious expression in the schools. There are many examples besides the one from Lubbock, Tex., including:

First, the reading of prayers from the CONGRESSIONAL RECORD to a voluntary gathering of students in a high school gymnasium before the beginning of a school day was forbidden by New Jersey State courts. The Supreme Court declined review.

Second, an Arizona school district's policy granting the high school student council permission to open optional school assemblies with voluntary, student-initiated prayer, unsupervised by teachers, was held a violation of the establishment clause by Federal courts.

Third, a school principal in New York ordered his teachers to stop kindergarten children from voluntarily saying grace before meals on their own initiative. The second circuit court of appeals upheld the ban.

Fourth, high school students in Williamsport, Pa., requesting permission to form a club—called Petros—on the same basis as other groups and to meet regularly like other groups during regularly scheduled activity periods two mornings per week were refused permission.

Fifth, student-initiated, voluntary prayer meetings by a high school group called students for voluntary prayer were banned by a board of education in New York. The second circuit court of appeals upheld the ban.

The continued enforcement of a nationwide rule against school prayer and the continuation of a wall of separation between schoolchildren and God is no way for the Government to be neutral about religion. Ratification of a voluntary school prayer amendment would restore the spirit of the first amendment, whose framers intended it to guarantee freedom of religion, not to prohibit religion in community life.

Opponents of the proposed school prayer amendment, in asserting that religion belongs only in the home and church, overlook the fact that a refusal to permit religious exercises is not a realization of State neutrality but rather an establishment of a religion of secularism. A school prayer amendment would redress this present lack of neutrality by permitting voluntary group prayer and religious activity in our public schools.

From the beginning, America has been a profoundly religious Nation with a tradition of publicly declaring and encouraging a belief in and dependence upon God. And from the beginning, education was treated as an enterprise with inseparable religious and moral components.

In the American tradition, religion is a vital part of our public life, not segregated to merely private observances, and in that tradition, Government recognizes God's reality and blessings as the foundation upon which it stands.●

SCIENCE TEACHER SKILLS UPGRADING BILL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. DYMALLY. Mr. Speaker, today Congressmen OBERSTAR, ORTIZ, STOKES, VANDERGRIFF, and FAUNTROY join Senator DODD and his colleagues to introduce to both Houses of Congress a bill which will begin to answer the critical need now facing the Nation to upgrade the skills of those who teach science and mathematics to our children in secondary schools. The bill would provide $50,000,000 in grants to be awarded to universities that will create programs to upgrade the skills of secondary school science and mathematics teachers. The problem the bill is designed to remedy came on us quietly. With the emphasis on science education that occurred in the United States after the Soviets launched Sputnik, it appeared that American science instruction was in good shape. And it was, for a time. Unfortunately, as our emphasis in this area of education declined, so also did the quality of such education. Now it is alarming for us to discover that over half of the new teachers in science and mathematics have never received formal training in the subjects they teach. This single fact has profound implications for our future.

It means that many of our children will not be well enough prepared in basic science and mathematics to participate competently in college level study in these areas, with the consequence that the pool of talent in science and mathematics may begin to dry up. It is critical that the country maintain this talent pool since it provides much of the creativity and innovation which drive American industry. Moreover, this same talent pool is the one from which we draw much of the expertise necessary for an adequate national defense.

The loss of the ability to compete in the international marketplace and the loss of the ability to defend ourselves against aggressors are, indeed, important losses. But I think we also must look at some of the more human and domestic costs of a scientifically illiterate populace. Most obviously, those who are not well taught are also not likely to be supportive of education in general. One is not inclined to support those institutions which appear to be a cause of problems for oneself, after all. We hear often that education is a local matter. And in many ways it is. But I fear for education if it must be dependent for its support on citizens who see education as an enemy because they were dealt with harshly in its grip.

The human loss because of an inferior education cannot be measured in terms of an inefficient missile guidance system or a critical lag in the amount of time it will take our industries to produce the next generation of memory chips. It is a loss simply because a significant portion of our populace will not have the opportunity to develop their intellectual life to its fullest. They will lack the basic foundation from which to develop.

The victims of this loss are the one who must seek remedial classes in college in an attempt to recoup the loss. They have a perfect right to reach out for such help. But the universities

that respond will need to allocate resources from other academic areas to supply the need for remediation. And this will create further strain in our educational system.

Going a bit farther down the line, those who are less well instructed are likely to have fewer career options open to them. In fact, they are likely to be forced to take lower paying jobs in order to survive. This, in turn, means that they will pay fewer taxes, and will, therefore, be less able to support the very programs that might have saved them from a life of inadequately rewarded struggle. Thus, we come full circle and realize that if we do nothing to see that our children have good teachers, we create, by default, a system of progressive educational, domestic, and human decay.

There are times when a relatively modest amount of money put in the right place at the right time can stave off the advent of a host of problems destined to consume much more than the suggested initial investment. This is such a bill. Good teachers, well trained, are at the root of an intellectually healthy and vigorous society. I urge all of you to lend support to education by lending your support to this bill.●

CONGRATULATING MRS. MADGE BENOVITZ

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday evening, February 13, the S. J. Srauss Lodge No. 139 of B'nai B'rith will be honoring Mrs. Madge Benovitz with its Community Service Award. This award is presented annually at the Lodge's Lincoln Day dinner to an outstanding member of our northeastern Pennsylvania community.

No one could be more deserving of this acclaim than Madge Benovitz. She has given of herself, tirelessly and unselfishly, over many years and across a wide range of community activities.

She has served as president of the League of Women Voters of Pennsylvania and, by appointment of two Governors of different political parties, as a member of the Pennsylvania State Board of Education. For 2 years, she served as president of the United Way of Wyoming Valley and, I might add, she was the first woman to be elected to this significant community position.

Mrs. Benovitz is a member of the board of trustees of King's College in Wilkes-Barre; a member of the board of directors of Home-Health Services of northeastern Pennsylvania and a member of the Blue Cross advisory board.

In recognition of these many achievements, Madge was recently designated a "Distinguished Pennsylvanian" by the Governor of the Commonwealth. She has also been awarded the Penn's Woods Girl Scout Council Recognition Award, in 1977, and the United Way Gold Award in 1980.

Mr. Speaker, it is a genuine pleasure for me to join with B'nai B'rith Lodge No. 139 in paying tribute to my friend and colleague in many community ventures. All of northeastern Pennsylvania is a better place because of Madge Benovitz' efforts.

We all wish Madge and her husband, Dr. Burton Benovitz, many, many more years of health and success in all that they undertake.●

THE AMERICAN FLAG SHOULD BE PROMINENTLY DISPLAYED AS PART OF THE VIETNAM VETERANS MEMORIAL

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HUNTER. Mr. Speaker, today I am publicly calling on the Fine Arts Commission to honor the agreement on the Vietnam Veterans Memorial reached by veterans on March 23, 1982.

At a March 1982 meeting, veterans, representatives of veterans' groups and the Vietnam Veterans Memorial Fund met to work out a compromise agreement on the design of the memorial. At the meeting, sponsored by Senator JOHN WARNER of Virginia, nominations were taken on the placement of a flag and statue to be added to the memorial. A press release issued by Senator WARNER states unequivocally the agreed-to location of the flag and statue. The release states:

> The flag pole, to be placed atop the apex of the two walls, was proposed to symbolize the American service men and women who follow and fight for the principles embodied in the American flag * * * The statue, to be placed in front of the walls, will be a strong, commanding figure symbolizing all who served in Vietnam.

This location for the flag and statue was unanimously agreed to. All veterans and veterans groups, including the Vietnam Veterans Memorial Fund supported the placement of the flag at the apex of the memorial walls.

We did not vote to put the flag and statue at the entranceway and we did not vote to put the flag and statue in the trees. But now, the Fine Arts Commission wants to ignore the very veterans that the memorial is supposed to honor and impose its own so-called artistic standards by hiding the flag and statue in the trees.

I urge all of my colleagues to contact the Fine Arts Commission and insist that the compromise agreement be adhered to.●

WILDLIFE PRESERVE FOR HUMPBACK WHALES

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. WHITEHURST. Mr. Speaker, today I am reintroducing a resolution which I have offered in previous Congresses, calling for the establishment of a wildlife preserve for humpback whales in the West Indies, in the area known to be the breeding grounds for these great mammals.

As background, I am pleased to share with my colleagues letters written by a number of authorities on the subject, and the abstract and introduction to the 1981 Report to the International Whaling Commission, prepared by K. C. Balcomb III, and C. Nichols, Jr., of the Ocean Research and Education Society of Boston.

OCEAN RESEARCH AND EDUCATION SOCIETY, INC.,
Boston, Mass., May 12, 1982.

Congressman G. WILLIAM WHITEHURST,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WHITEHURST: Tom Garrett has informed me of your initiative with H.J. Res. 462 calling for a Humpback Whale Sanctuary in the Caribbean region and your need for information to support this initiative.

We have been studying the breeding population of humpbacks on Silver Bank since 1976 and I enclose copies of our reports and population estimates.

We have also been in contact with authorities in the Dominican Republic who claim jurisdiction over the area in question. I enclose copies of our correspondence with them concerning a humpback sancturary.

We are happy to support this worthwhile resolution. Please call on us for further information on the Northwest Atlantic humpback population.

Sincerely,

JAMES P. ROSS,
Staff Scientist.

OCEAN RESEARCH AND EDUCATION SOCIETY, INC.,
Boston, Mass., June 26, 1981.

JOSE ALBERTO OTTENWALDER,
Carnegie Museum of Natural History,
Pittsburgh, Pa.

DEAR JOSE ALBERTO: Dr. George Nichols has asked me to reply to your recent letter of May 28. I am assisting ORES and teaching on REGINA MARIS in addition to continuing my Harvard-based activities with sea turtle conservation.

I am very pleased to see you approve of the idea of a whale sanctary on Silver Bank. ORES can provide recent population estimates 1978-81 to support a proposal and could provide some photographs of live whales.

Your projected list of marine mammals of Hispaniola is very interesting. I will review our records and provide you with cetacean sightings made by us over the last few years in D.R. waters.

I believe that a whale sanctuary on Silver Bank need not conflict with the fishing activities by Dominican vessels on the Bank.

We often observe motorized fishing boats of 30-50 foot size who appear to be running fish traps or hand lines, but these boats do not interfere with the whales.

I think some educational work on whales would be useful in D.R. I was surprised to find that most of the residents of Puerto Plata were unaware of the large number of whales just offshore. Silver Bank is a little far offshore to be suitable for tourist whale watching, but it would be useful to raise the consciousness of local businessmen about whales and perhaps convince the "economic sector" that whale conservation is in their own interest.

Ken Balcomb is presently at the IWC meetings and, armed with your letter, will raise the question of a Silver Bank sanctuary. We should keep in mind that humpback whales are completely protected from whaling at the present time and the function of a sanctuary would be to protect this vital breeding area from other forms of disturbance and harrassment.

We would be most interested in joining you in seeking support from IWC for an in-depth study of cetaceans in Dominican waters and would be pleased to offer our expertise and facilities (particularly the ship) to assist Dominican scientists in such a project. Please keep us informed of the progress you make to this end and let us know if we can assist in the preparation of a suitable proposal.

Best regards,

JAMES PERRAN ROSS,
Staff Scientist.

CARNEGIE MUSEUM OF
NATURAL HISTORY,
Pittsburgh, Pa., May 28, 1981.

Dr. GEORGE NICHOLS, JR., M.D.,
President, the Ocean Research and Education Society, Inc., Boston, Mass.

DEAR DR. NICHOLS: I was thrilled to receive your letter today. I regret the delay it took to arrive in Pittsburgh from Santo Domingo.

The proposal of some sort of cooperative agreement between the National Museum of Santo Domingo and your Society for future work is still on as well as my support to the need of making Silver and Navidad Banks sanctuaries for Humpback whales. Especially now when the Humpback's situation seems to be getting worse. The possibility of a decline of the Humpback population in their breeding grounds in the Caribbean, as suggested by the results of your latest survey are most disturbing.

Absolutely. As stated in my previous letter, I am almost certain that I could have the National Museum and the National Zoological Park (government institutions), among others, willing to support a proposal to our Department of Agriculture and Dominican Government for the establishment of a sanctuary. I'm almost sure that additional support could be obtained from other private and official organizations, like National Parks, Center for Research in Marine Biology and the Fisheries Department. It is most unfortunate that I am actually unable to make the necessary telephone calls to be more effective, in getting more and faster positive reactions from the Dominican Republic. It will not be easy, but I feel confident about it. A recent proposal submitted to the authorities in the D.R. requesting more conservation and legal enforcement efforts for sea turtles, has been quite successful in a relative short period of time.

I would also like to take this opportunity to present a new proposal dealing with the legal protection of all marine mammals species found in the waters of the D.R. Until now, only the manati is protected by law. Recently I started working on a list of its marine mammals, including historical data, published records (to my surprise, I only found a few from Hispaniola), and recent information I have got during the past few years. The paper would be published in Spanish (to contribute to the lack of information and ignorance of Dominicans about marine mammals in our coastal waters). It will discuss the world-wide conservation problem of this group and its status and "distribution" in the D.R. (and possibly the Caribbean). I'm also considering including a key for their identification with line drawings. I'm expecting that with this and other divulgation measures through the media, to start creating an awareness for the need to protect cetacean populations and for Navidad and Silver Banks to be sanctuaries.

A well defined justification for this objective is the most important aspect of the proposal to the Dominican Government. I can predict that the major opposition will come from the economic sector, both private and governmental (INDOTEC, IDECOOP, DRP/SEA), since the Navidad and Silver Banks represent maybe the most attractive fishing area of the country. Fisheries resources are being exploited in a heavy and disorderly way without scientific criteria. For that reason, I believe that the proposal should not only consider the reasons for which the banks should be protected, but also, provide some recommendations for its management and exploitation on a conservation basis.

At any rate, I would be most interested in having the question raised by Dr. Ken Balcomb at the next meeting of the International Whaling Commission, in our name, and I hope he can do so. Certainly your group is the most appropriate instrument to accomplish it, considering your experience in the area. I will need however, your assistance in the near future in the formulation of the proposal, especially concerning the importance of the Humpbacks in the area and the role of the banks in their survival. I also hope to have some logistic support from the IWC, in expressing the international support and concern for the marine mammals population in Navidad and Silver Banks.

With best regards,

JOSE ALBERTO OTTENWALDER,
Resident Specialist.

P.S.—If you think it would be more convenient to have the previous statement in either the National Museum or National Zoo estationary, let me know.

OCEAN RESEARCH AND
EDUCATION SOCIETY, INC.,
Boston, Mass., March 5, 1981.

Dr. JOSE ALBERTO OTTENWALDER,
Scientific Coordinator, Museo Nacional de Historia Natural, Santo Domingo, Republica Dominicana.

DEAR DR. OTTENWALDER: This is just a note to thank you for your very kind letter of December 23 and to apologize for not acknowledging it sooner. As you probably know by now we have been in touch with Dr. David Robison and Mr. Miguel Ramirez regarding the work we did in February on Navidad, Siver and Mouchoir banks. Both were extremely helpful and Ramirez provided us with some very interesting information regarding his own work with the whales in Samana Bay. Unfortunately, we were not able to get together due to the many miles between Puerta Plata and Santo Domingo but perhaps in future trips we will be able to meet and talk in person.

Both Ken Balcomb and I were much intrigued by your suggestion that we set up some sort of collaborative arrangement between the Museum and the Society for future work. I know that it would be of great benefit to us and I suspect we might be able to provide some things which would forward the museum's work as well. One of the items Balcomb and I discussed at some length was the possibility of one day making Silver and Navidad banks sanctuaries for Humpback whales. Both of us believe this would be a very important thing to do if it was possible. During our recent trip we surveyed with some care all the waters from the Gulf of Paria northward along the chain of the Lesser Antilles without finding a single whale until we got to the north coast of Puerto Rico. We did hear a very distant whale on Virgin Banks and received reports of sightings of a pair of Humpbacks along the north coast of St. Thomas shortly before we arrived. This complete lack of whales was a surprize to us especially since in 1977 we had seen several Humpbacks just west of the island of Barbuda and a considerable number of animals probably a dozen or so at least on the banks north of the Virgin Islands all this suggests that the banks may now be the only habitat that the Humpbacks feel is suitable for their breeding and calving activities in the whole area. Were these banks to be disturbed, therefore, there is a possibility that the whole population of northwest Atlantic Humpback whales might be very seriously disturbed. In your letter you ask whether the International Whaling Commission or IUCN have considered any action toward the establishment of such a sanctuary, as far as we know the answer is negative. However this may be because no one has raised the question.

As it happens, Ken Balcomb will be attending in June meetings of the scientific committee of the International Whaling Commission. If you thought that the Dominican Government or Museum wish to have the question raised at those meetings Ken would be more than willing to serve as your representative if you wished him to bring the matter before the appropriate bodies. Ken will probably be in Boston in about three weeks meanwhile I will be here at O.R.E.S. and in frequent touch with him by radio so you can let me know your thoughts at convenience.

I am not just sure when this letter will reach you in Pittsburgh since I'm having to send it via the Museum in Santo Domingo. Nevertheless I look forward to your response with great interest. With best wishes and many thanks,

Sincerely,

GEORGE NICHOLS, Jr., M.D.,
President.

[From the Ocean Research and Education Society (ORES), Boston, Mass.]

HUMPBACK WHALE CENSUSES IN THE WEST INDIES

(By K. C. Balcomb III and C. Nichols, Jr.)

ABSTRACT

Shipboard censuses and surveys for humpback whales in the West Indies were conducted from the research vessel "Regina Maris" in 1977, 1978, 1980, and 1981. The number of whales in this breeding population is estimated to be not less than 2,000 individuals. Most of the breeding population occurs on Silver and Navidad Banks north

of the Dominican Republic each winter, with peak abundance observed in February. There is significant variation in estimates from the same area from year to year, which may be due to environmental conditions. The relationship of this breeding population to feeding populations at higher latitudes in the Western North Atlantic is discussed.

INTRODUCTION

Humpback whales (Megaptera novaeangliae) in the Western North Atlantic have been exploited throughout their range since the 16th century (Mitchell and Reeves, 1981) to the point that they were considered depleted by the 1920's (Sergeant, 1966). Several attempts have been made recently to estimate the present size of this population based upon censuses conducted in the West Indies (Mitchell, 1973; Winn, Edel, and Taruski, 1975; Balcomb and Nichols, 1978; and Whitehead, 1981), where the whales spend the midwinter months in relatively shallow waters near islands and offshore banks. While most of these estimates are in agreement that the population numbers in the low thousands, there is significant variation in the actual number estimated. This may be attributable to the census method and platform, or to the seasonal timing of the census effort. In order to examine the seasonal variation in whale occupancy of the habitat and develop census methods which yield accurate estimates of population, the research vessel Regina Maris conducted whale surveys in the West Indies during the winter months of 1977, 1978, 1980, and 1981. This paper reports upon the findings of the 1980 and 1981 surveys and describes a computer-assisted method of estimating whale abundance at sea.●

COMMISSION'S FINDINGS NOT A WASH

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. CORCORAN. Mr. Speaker, the report of the Special Inquiry Commission into the massacre of Palestinian refugees has been completed and delivered to Israeli Prime Minister Begin. Its 120 pages of very specific, detailed information about the massacre make clear that the commission has done a full and fair job of uncovering what happened in Lebanon and why.

When the Commission of Inquiry was first formed, I agreed with those who pointed out that the essence of democracy is in locating and enforcing responsibility; thus creation of a commission was the correct response of the Government of Israel. At that time I also heard the complaints of those who felt such an internal commission would certainly whitewash the circumstances surrounding this tragedy. I believe it is a great tribute to Israeli democracy that the commission has thus pinpointed direct and indirect responsibility in this matter—to the point of naming specific, high-ranking officials involved and recommending their resignations. Though the findings of the commission are not binding, they have sparked intense debate within Israel, and I am confident that the result will be the "enforcement of responsibility" which is central to democracy. That such heavy responsibility can be placed upon officials of a nation by her own people speaks well for the healthy nature of democracy, and I commend the commission for its straightforward inquiry and conclusions.●

THE STORY OF AMERICA'S BLACK AIR FORCE—THE BLACK EAGLES

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. LELAND. Mr. Speaker, I would like to share with my colleagues an article in the January issue of Tony Brown's Journal by Col. Edward C. Gleed, entitled "The Story of America's Black Air Force." This article is a very informative history of the "Tuskegee Experiment," which resulted in the creation of the only all-black flying units ever established by the United States. The article also chronicles a particularly odious period in America's segregated past.

The heroes in Colonel Gleed's article come to life in an excellent four-part, month-long public television special entitled, "The Black Eagles." The series, which will be aired this month, was produced by Tony Brown, the host and producer of Tony Brown's Journal, the longest running syndicated black-affairs series in television history. Both the article and the television series chronicle events not found in American history books, and are particularly noteworthy this month, Black History Month.

I commend Colonel Gleed's article to the attention of my colleagues:

The article follows:

THE STORY OF AMERICA'S BLACK AIR FORCE

(By Col. Edward C. Gleed, USAF (ret.))

Prior to World War II, and shall we say existing ever since World War I, there was a racist attitude within American society which overflowed into the military, the War Department. Because of these beliefs, there were no Negroes in the Air Corps.

This feeling inside the military was generated, we believe, primarily by a 1925 War College study. You wouldn't believe the reasoning that they used to describe the Negro. They described him as a mentally inferior subspecies of the human population, and probably the worst of all races. They said that he couldn't possibly achieve because his cranial cavity was only 35 ounces, where the white man's was 45.

They went further to say that because of the characteristics of the Negro, he wasn't fit to associate with anybody, socially, other than the lowest types of Whites. All of this went into the makeup of what they determined was the best way, if they had to be used militarily, to put them in a segregated organization. Now this had built up because of the conclusions from World War I and it didn't change; this type of thinking lasted all the way through World War II with a few special exceptions, usually experimental.

As we came into the World War II era, let's say 1939, political flames were erupting in Europe and you could hear the war clouds rumbling. It looked like we were going to possibly get into this big battle. And so President Franklin Roosevelt said that we were going to make this an arsenal for democracy. Youngsters from all walks of life, men and women, were preparing for this big battle.

And if ever there was a time that they needed all Americans' efforts, it was then. And so in doing this, Congress determined that they would pass a couple of laws which would establish a flying training for civilians who could, if partially trained, be adapted to military flying in case we had to increase the air service at that time. So they established what they called the Civilian Pilot Training Program (CPTP).

And at the same time, Negroes felt that they were no longer going to sit by and, if there came a war, play the same type of role that they had played in the past. You can go on back as far as the Revolutionary War, as a segregated type of a soldier, he had to be led around by the White man. So I think it was a general feeling of all Negroes that if they were going to fight, they wanted to be able to choose what type of fighting they could do, or at least be able to get into, if they were qualified.

At any rate, noises were being made by not only the general Negro leaders but the Negro newspapers and certain other activities. The NAACP, the National Association for the Advancement of Colored People, the Urban League and all others raised such a storm that they decided that they would put at six Negro colleges, the CPT training.

And they determined after much consideration to put this base at Tuskegee Institute in Alabama; we've sometimes said so far away that nobody would know what was happening or if they failed the general public wouldn't be too bothered about it. But this was not with the accord of Judge Hastie at all; he wanted the Negroes trained in the other bases along with the Whites.

At that time, we heard that they were going to train Blacks to fly airplanes. And I believed I could fly airplanes as well as anybody else. It looked like a pretty good way to go to war, rather than going through the trenches. So immediately from all over the enlisted personnel, were of a very high quality. As far as education is concerned, all the pilots in the original classes were college graduates.

They decided to start what they called this "Noble Experiment" to see if Blacks could fly. They provided funds to Tuskegee Institute which in turn built a small field for the primary training, and they utilized Negro instructors there. There were very few at that time.

The first class started in July of 1941 and it was comprised of thirteen aviation cadets. One of them was a Negro officer, Captain B.O. Davis, Jr. At that time there were only two Black line officers in the U.S. Army: Brigadier General B.O. Davis. Sr. and his son Captain Davis, Jr. There were three other officers, but they were all chaplains.

The first class started out in primary and, eventually, got into the actual flying training. And as we learned, with the other training bases within the Air Corps, there were some that had it and some that didn't.

There were some who had the real firm desire and some of the real capabilities to do it but others who didn't. On the average, our washout rate, or those who were eliminated, was something like the rest of the Air Force, 50 or 60 percent.

There were five who lasted throughout the entire training program from the first class. When they finished primary training, they then moved over to this four million dollar air base set up strictly for the training of Black pilots, where the basic and advanced training and the tactical fighter training would be accomplished.

The first class moved over there even before the field was completed. They had only one runway, but they struggled on into their training, into the basic and advanced. This base, Tuskegee Army Air Field, was manned by supervisory White personnel. The aim and intent was that as soon as Blacks were trained well enough, I'm talking about the administrative jobs and the running of the base and so forth, they would be turned over to the Blacks and that they would have their base.

But while going about this the commanders that they got were determined to carry on the same ways of other parts of the countries. This was in the South so they made it like the South. So here's a segregated base. They set up rules and regulations, separate mess halls, dining facilities that is, separate latrines or rest rooms and separate places to sit for snacks and the base exchange. And no Black officers belonged to the officer's club. This was what we called segregation within a segregated base.

They trained classes about every four and a half weeks. They would enter some more people into training, but they had established a rigid quota both for entrance into training and also for how many would graduate. But the ball got away from them a bit in that we had started producing more than could possibly be used in one single squadron. So they, in mid-1942, determined that they would have to find some other place. They decided to activate what they called a fighter group over and above this one squadron. They designated it as the 332nd Fighter Group, which had three squadrons as in a normal fighter group, the 100th squadron, the 301st squadron, the 302nd squadron. These squadrons were to absorb all the personnel, pilots and enlisted persons who had been trained, but were not needed for the 99th. They became activated in 1942.

While the 99th was training, they had filled up the squadron to its limit and these men had done their tactical training in P-40 War Hawk aircraft. Then it became a problem as to what was the War Department going to do with them. There was much confusion in that they were alerted at least two times for going overseas yet never sent. And it wasn't until April 1st, I believe, in 1943, that they finally determined that they would be shipped out and they assigned them to the North African Theatre Operation, a single squadron. They were placed with a White fighter group. I didn't say integrated, I said placed with. You could call it attached.

They started doing close support work over there in North Africa and the island of Pantelleria. When they really got into combat, the first seven days they never saw an enemy aircraft because they were doing close support, that means strafing close to the lines of the ground troops. Most of the enemy aircraft were back further behind the lines.

On the eighth day, they had their first fracas with enemy aircraft and, as you would believe, it shook them up and they were tickled to death because they hadn't been able to see any enemy aircraft. These other enemy aircraft jumped them and riddled one of the P-40's but didn't knock it down fortunately. The others tried to scramble and see if they could get into this fight, but the enemy turned and ran home.

That was their first experience with enemy action and it wasn't until a month and a half later that the 99th got into the win column and that was quite an experience for them. The first aircraft shot down by a Negro pilot in World War II, ever for that matter, was by then Captain C. Buster Hall from Brazil, Indiana. He had quite an experience to tell the boys when he got back about how he was able to accomplish this.

Then there was another dry spell. Some of the allies were going through Sicily and even on into Italy. The 99th, however, was still primarily flying these close support missions and they weren't getting any aerial victories. In these days the air heroes were the guys who were shooting down enemy airplanes and so there became quite a controversy regarding the 99th, including very bad press, not only from the outside but within the military circles themselves. The White commanders of the group that they were with, as well as the theatre commander, got the general impression that they were not energetic or not aggressive enough, which was proved by the fact that they had not shot down any airplanes. They disregarded the fact that they were doing good with this ground support, and efforts to bring this out as a reason of justification. And things got so muddled that there was a big controversy back in the States about whether they should let them continue.

Meanwhile, the 99th overseas started knocking down aircraft right and left, so much that in approximately three weeks after the first of the year in 1944 over Anzio Beachhead, they knocked down 17 aircraft. This is something no other single squadron had done. And by this time, the temperament had changed, they were starting to get praises. Also, they were attached to a different group.

This group commander used them as they should have been used, essentially integrated—flying right along with his people. And we believed that the morale changed as the result of that. They were getting more experience, as well as they were getting different types of assignments other than the strict close support work. This resulted in them getting to where the enemy aircraft were and they handled themselves very well.

The 332nd Fighter Group left home about the end of the year 1943 and got over into Italy. They placed them immediately on harbor patrol in then P-9 Aerocobra aircraft tooling up and down the harbors of Naples, escorting or covering the ship convoys who were bringing in all the material that they needed for the war.

Meanwhile, the 99th was ringing up victories and still doing a great job. It was about three months after the 332nd had been there that they changed their aircraft over to P-47's which was a much larger close support type aircraft, but it did some escort work too. Then they moved them over to the other side of the boot of Italy to Ramitell Air Base. They had now gotten to what we had thought was the big leagues.

They were now over there off of harbor patrol and into high altitude and heavy bomber escort. The heavy bombers in those days were the B-24 and the B-17 aircraft. They were placed at a field all by themselves as most of the other groups were. They went into high escort work and during the month of July, the 332nd got into the kill column, they got their first kills. One in particular was from a chap we call Lt. Clarence "Lucky" Lester, who got three aircraft kills in one day. The significance of this was that not only was he getting to the aircraft, but from that date forward, everybody was scrambling to see if they could catch up with him and pass him.

All of us wanted to be the first Black ace, which would mean five kills. Unfortunately none of us ever became aces in that respect, although we believed that we were all aces, regardless of the kills. It generated quite a bit of competitive spirit and we developed this type of comraderie and togetherness.

We had many experiences, many close calls, we lost a lot of good men. When I say a lot, one is too many, but we lost our fair share of good men. About the first of July they determined that they would really do it up right and stop all this foolishness of semi-integration so they decided to connect the 99th to the 332nd so they would have us all together in one spot. Now they have developed a bastard fighter group, composed of four squadrons.

The 99th didn't want to join us because they were doing fine now, over where they were. The 332nd didn't want the 99th to join them because they were afraid that these old seasoned pilots now, would come and take over the positions and they would be flying wingman or tail end Charlie. That lasted about a week and soon everybody was together and fine so we flew together throughout the rest of the war as a four squadron group.

No other unit could say what we did as far as never having lost a bomber to enemy aircraft fire. Some of the other fighter units didn't necessarily do that. They were out to make a name for themselves, so they would go off sometimes and leave the bombers, in order to go over there and get some kills. The bombers could then get hit by other attacking aircraft. I believe primarily that the reason why we were able to say that we always stayed with the bombers is because we were fully and completely indoctrinated by Colonel Davis. "This is the job you do, you protect those bombers, that's your primary job," he would say, and we gained a pretty good reputation for it. It was after we got the P-51s that we got the official designation of a unit coloring, an all red tail assembly, and we became known as the Red Tails. After a certain amount of time, some of the bomber boys used to call us the Red Tail Angels. We'd been called other types of names previously, but they began to really appreciate us, often look for us, and we've heard a number of them say, "Boy, we sure were happy to see those red tails because we knew that you weren't going to leave us." And often times we would bring those bombers out with one or two engines gone, rather than let them sit there and straggle home by themselves. Convinced that we became appreciated, we started increasing our kills, in spite of the fact that we still had to protect the bombers.

The war went on and we had a number of other kills and I think a mission of note was the two trips we made to Berlin.

It was a sixteen hundred mile flight. And it was during one of those missions that we got in a scrap with the new German jet aircraft, ME 262s. Of eight of them that were in this particular fight, we knocked down three on one mission, which made us pretty happy. We were using conventional aircraft

against jet aircraft and we just thought that was a tremendous feat.

The war was winding down about at that time, and it was shortly thereafter that they started throwing up everything they could at us.

The problem was that they were running short of fuel in certain places, so there were aircraft on the ground at some of their bases that they couldn't bring out. At those times we would get targets of opportunity and it would allow us to go down to the deck on the way home, and strafe enemy air fields, and try to riddle up everything we could get. In about three days time, we had twenty-four aircraft killed in the air.

The war finished in Europe and it came time to go back to the States.

LEGEND

1. Freeman Field Incident: 105 Black officers of the 477th Medium Bombardment Group were arrested at Freeman Field, Indiana for entering the White-only officer's club in April of 1945. Although segregation kept them stateside and out of combat, the rebellion was a non-combat blow to Jim Crow in the military. The mutiny was a factor in causing the War Department to rethink the policy of segregation.

2. General Benjamin O. Davis, Jr.: The fourth Black graduate from West Point and the first of the 20th Century. He graduated 35th of 276 in the class of 1936; he had been "silenced" during his entire stay at the Academy. During WWII, he served as Commander of the 99th Fighter Squadron, the 332nd Fighter Group and the 47th Composite Group. He was also the first Black Air Force General.

3. Lt. John L. Whitehead, Jr.: Named "Mr. Death" by his comrades in the 332nd Fighter Group. After WWII, he became a top jet pilot instructor.

4. Lt. Clarence D. "Lucky" Lester: By the time Lester's Mustang broke from the midst of a group of German planes, he had sent three Messerschmitts down in flames.

5. A B-25 gunner with the 477th Bombardment Group: Though activated in January, 1944, the 477th, 15 months later, still had none of its 288 mandated gunners because the Army Air Force chose to sacrifice training in order to maintain segregation.

6. Charles A. "Chief" Anderson: Black aviation pioneer, the first Black in the U.S. to hold a commercial pilot license. Flight instructor to most Black WWII pilots. He is a Tuskegee legend.

7. Lt. Claybourne Lockett of Los Angeles and pretty Melonee Temple Blocker with members of Tuskegee Airmen's "LA Connection" in 1943 at Tuskegee Army Airfield.

8. Col. Edward C. Gleed: Deputy Commander, 332nd Fighter Wing and first Black to fly a P-39 while a cadet at Tuskegee.

9. Insignia: 99th Fighter Squadron and 332nd Fighter Group.

10. Bessie Coleman: The world's first licensed Black female pilot. Defying the scorn of racism, sexism and discrimination which prohibited her from receiving flying training in America, she learned to fly in France and became the first Black licensed pilot in the U.S., inspiring many young Blacks to become involved in aviation.

11. Eugene Jacques Bullard of Columbus, Georgia: The world's first Black combat pilot. Prohibited by racism from receiving flying training in America, he flew combat in WWI with France's famed Lafayette Flying Corps, and in two wars became one of the most decorated war heroes in French military history.

12. P-51 Mustang: A propeller-driven aircraft favored by the 99th and 332nd and used to sink a German destroyer and destroy German jets.●

DR. DAVID MALONE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. DYMALLY. Mr. Speaker, it is with great pleasure that I note the participation of Dr. David Malone in the National Conference on the Adriatic, held on January 28 and 29, 1983 in Brindisi, Italy. Dr. Malone appeared at the conference as a guest speaker on the subject of coal transportation. The conference, sponsored by the mayor of Venice, included participants from both the Italian Government and industry, who have a vested interest in the efficient transportation and use of coal in Italy.

Dr. Malone is a recognized transportation expert and proponent of revitalization of the U.S. rail system. Most recently, Dr. Malone was responsible for development of the backgound information and supportive documentation of high speed rail systems for both passenger and freight traffic presented to the House Subcommittee on Transportation, Aviation and Material. His participation in the Brindisi conference is indicative of the growing European interest in the U.S. coal supplies as an inexpensive alternative to oil and in the exploitation of U.S. technical knowledge to reduce coal transportation costs.

Dr. Malone is to be commended for his contributions in this vital transportation and energy resource area.●

THE KREMLINOLOGIST GAP

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues the following portions of an article that appeared in the Christian Science Monitor on January 6, 1983:

THE KREMLINOLOGIST GAP: DO FEWER EXPERTS IN UNITED STATES MEAN A WINDOW OF VULNERABILITY?

(By Gregory M. Lamb)

BOSTON.—If one element of good military strategy is to know your opponent, the United could soon be at a disadvantage in its dealings with the Soviet Union.

At the same time Congress and President Reagan are wrangling over how many billions of dollars to spend on national defense, the country is beginning to find itself short of experts who understand the nation's superpower rival.

A generation of US. scholars on the Soviet Union—trained in the early cold-war years of the 1940s and '50s—are at or near retirement age, with few qualified replacements in sight. And even when candidates are available, some cost-conscious universities are not filling empty faculty posts.

Most observers are not calling the present situation a crisis, except in a few critical specialties. But they are raising a warning cry now because they know there is no quick solution. "It takes longer to develop a Soviet expert than a new missile system," says Jonathan Sanders, assistant director at Columbia University's Harriman Institute for the Advanced Study of the Soviet Union. The problem is not one of numbers only, he says, but of quality. "I regularly get calls from government and industry looking for a specific person. But I'm able to help only about half the time."

According to Sen. Richard G. Lugar (R) of Indiana, who held hearings on the subject last fall, fewer than 200 young Americans are in doctoral programs preparing to study the Soviet Union. In 1968, he says, 607 US colleges and universities offered Soviet studies programs. Today, fewer than 500 do.

Efforts are under way both inside and outside government to address what many see as an alarming trend. Among them:

Senator Lugar and Sen. Joseph R. Biden Jr., of Delaware are cosponsoring a bill that would provide a $50 million endowment fund for institutions studying the Soviets.

W. Averell Harriman, who once served as US ambassador in Moscow during his long public career, and his family have donated $11.5 million to Columbia University to fund its Russian research center.

The Ford and Rockefeller Foundations, once large and steady contributors to Soviet studies which later left the field, have offered modest new grants of $2.5 million and $2 million, respectively.

Yet many observers say that although these and other efforts begin to spotlight the problem, they are not far-reaching enough.

The problem today, says Daniel Matuszewski, who heads the Soviet program for the International Research and Exchange Board in New York, is that "concern over the presumed weakness of our military is not matched by worries over our analytical capabilities." The board recently issued three studies on the problem, including one that shows the estimated number of new Soviet scholars falling far short of what's needed.

That contrasts sharply with the Soviet effort to study the US. A Rand Corporation study, not yet released, shows a large Soviet commitment—from graduating specialists at prestigious institutes in Moscow down to drilling schoolchildren on world geography.

Comparing the Soviet and US efforts is "like the Yankees vs. a little league team in numbers, effort, and money," offers Columbia's Sanders. "For example, I talked to one Soviet expert who could tell me all about the primary election laws in Iowa." ●

U.S. MILITARY ASSISTANCE TO TURKEY: LET US KEEP THINGS IN PERSPECTIVE!

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. BROOMFIELD. Mr. Speaker, as my colleagues well know, the Congress will soon be considering foreign assistance legislation for the new fiscal year. In this regard, I want to take this opportunity to express my objections to the administration's recently proposed fiscal year 1984 foreign military sales (FMS) credit formula for both Greece and Turkey. In particular, the proposed fiscal year 1984 program provides Turkey with $525 million in FMS credits while providing $280 million in FMS financing for Greece. In comparison with the existing authorization, the proposed fiscal year 1984 program represents more than a $180 million FMS increase for Turkey. At the same time, fiscal year 1984 FMS for Greece remains the same as in fiscal year 1982 and 1983.

I firmly believe that the administration's new proposals are not only detrimental to the maintenance of the delicate balance in the eastern Mediterranean, but also contradict the spirit in which the Congress has considered this sensitive foreign policy issue in the past.

My colleagues should note that the Congress has been particularly aware of maintaining a balanced perspective regarding foreign military sales financing for Greece and Turkey. Most importantly, in May 1982, the Foreign Affairs Committee reaffirmed the recommended 7-to-10 ratio of military assistance for both Greece and Turkey. Ultimately it was decided that this ratio—and not almost a 1-to-2 ratio as embodied in the fiscal year 1984 proposals—can best contribute to a more evenhanded approach to eastern Mediterranean matters.

I also believe that the fiscal year 1984 military assistance proposals concerning Greece and Turkey may not only have an adverse impact upon United States-Greek base rights negotiations, but also upon the resolution of the Cyprus issue. Although some may argue that increased military assistance to Turkey may serve to bring pressure on Greece, I reject this strategy as both faulty and counterproductive. During this period of extremely delicate negotiations between our Government and the Greek Government, the proposed increases in FMS sales to Turkey could well harden the Greeks' negotiating position on the issue of American military facilities. It is not in our interest to take further actions that make it appear that America is moving further into the Turkish camp. We should do everything possible to dispel this idea, not reinforce it.

Furthermore, while providing for Western security in the eastern Mediterranean, I believe that our Government's policy of military assistance to that region—and the fiscal year 1984 proposals are no exception—have become increasingly tilted toward Turkey without having achieved a settlement of the Cyprus issue. If the southern flank of NATO is to be truly strengthened, in order to deter Soviet military power, it is imperative that the administration place a high priority on resolving the Cyprus dispute, and maintain an evenhanded policy toward Greece and Turkey.

As all of you know, Turkish forces have occupied 40 percent of Cyprus for 9 years. This occupation has denied self-determination to the people of Cyprus and has also placed an abhorrent economic, social, and cultural burden on the Cypriot population. Moreover, after 8 years of prodding by our Government, Turkish authorities have been unable to account for the whereabouts of a young Michigan resident, Andrew Kassapis, who disappeared while visiting Cyprus after being detained by Turkish Soldiers.

With the impasse in the Cyprus negotiations, our Nation is especially affected from a strategic perspective. At the very time that the Soviet Union is enhancing its power in the Mediterranean, NATO's southern flank is being weakened by the clash over Cyprus. Not only do our southern flank partners disagree over military control and tactics in the region, including the Aegean, but U.S. bases in the area are threatened with removal unless the conflict in Cyprus is resolved. In short, our defense posture in southern Europe and the Middle East is in jeopardy. As a result, I believe we should send a very clear signal to Turkey that the continued occupation of Cyprus is unacceptable and that progress on this problem must be especially realized before any change in the level of military sales can be considered.

All of us in Congress want to have peace and stability in the vital eastern Mediterranean region. In order to attain that objective, we must continue to maintain a balanced approach based upon the 7 to 10 ratio for both Greece and Turkey. The proposed dramatic increase in foreign military sales financing for Turkey may not only upset regional stability but also damage America's long-term interests in the area. I can assure my colleagues that a more evenhanded American approach to both Greece and Turkey will result in a stronger NATO southern flank which can better contribute to peace and security.●

PATRICIA WALKER SHAW

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. FORD of Tennessee. Mr. Speaker, it is with great pleasure and a sense of pride that I rise today to honor my longtime friend Patricia Walker Shaw as she accepts the presidency of the Universal Life Insurance Co., of Memphis, Tenn. Pat is an outstanding and distinguished individual from the Ninth District of Tennessee who has achieved the highest respect and admiration from all who know and work with her.

Pat Shaw's installation as president of Universal Life Insurance Co. caps her 17-year career of advacement and achievement at the Memphis-based corporation. Her years of business success, public service, and community recognition distinguish Ms. Shaw as one of the South's most noteworthy young business figures.

Pat was born in Little Rock, Ark., and received her early schooling in Memphis. After receiving her high school diploma from the Oakwood School in Poughkeepsie, N.Y., she entered Nashville's Fisk University, earning a B.A in Business administration. Graduate work followed at Tennessee State University, the University of Chicago, and the University of Tennessee.

Ms. Shaw was first employed by Universal Life in 1961, as clerk in the underwriting department, but her strong interest in child service drew her into social work. Two years as a caseworker for the Illinois State Department of Public Aid in Chicago led to a 4-year stint as a welfare worker for the Tennessee State Department of Public Welfare in Memphis.

But the challenges of the business world continued to attract Pat, and she returned to Universal Life in 1966 as a keypunch operator. The years that followed gave her a wide-ranging understanding of the company she now will lead. Her first promotion, to chief clerk position in data processing, came in 1967. After becoming supervisor of that department, she went to accounting as supervisor-cashier.

Moving into senior management in 1971, as assistant vice president, her promotions continued: Vice president-associate controller (1974), senior vice president-assistant secretary (1980), and executive vice president (1981).

Pat's abilities have been recognized far beyond the offices of Universal Life. She is president-elect and a member of the board of directors of the National Insurance Association, the organization of minority insurance executives. Since 1973 she has been a commissioner on the board of Mem-

phis Light, Gas & Water, and was elected vice chairperson in 1981.

She has been chairperson of the board of directors of the Memphis Branch of the Federal Reserve Bank, and was reappointed in December 1982. Tennessee Gov. Lamar Alexander appointed her to the State Commission on Minority Economic Development and to the Memphis/Shelby County Jobs Advisory Council.

She has served on the board of the Memphis Development Foundation, the Economic Club of Memphis, and the Memphis-Plough Community Foundation. Pat is a 1979 graduate of Leadership Memphis, a program for developing the community's future leaders.

With her installation as president of Universal Life Insurance Co., Pat Shaw continues a family tradition of leadership both in business and public service. her grandfather, Dr. J. E. Walker, was a country physician who moved to Memphis and founded Universal Life in 1923. A pioneer leader in the city's black community, he also cofounded Tri-State Bank with A. Maceo Walker, Ms. Shaw's father. A. Maceo Walker has guided Universal Life to its courrent position as the fourth largest minority-owned insurance company in the United States, and is a nationally recognized business figure. He remains as chairman of the board of directors of Universal Life as Patricia Walker Shaw moves into the presidency.●

THE TERRIBLE HUMAN RIGHTS SITUATION IN URUGUAY

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. BARNES. Mr. Speaker, last month when I was in Buenos Aires a group of Uruguayan exiles presented me with a document pertaining to political prisoners and missing persons in Uruguay. The situation described in this document is just atrocious. Yet it is almost unknown, because we pay so much more attention to the larger countries of the area, and to Central America.

The truly desperate plight of Uruguay's political prisoners must be brought to the attention of the world. Accordingly, I am submitting for the RECORD a translation of the document that I was given in Buenos Aires, and I intend to bring further information to the attention of my colleagues as it becomes available.

The document follows:

REPORT ON THE URUGUAYAN SITUATION—VIOLATION OF HUMAN RIGHTS; PRESENTED TO THE U.S. PARLIAMENTARY COMMITTEE, BUENOS AIRES, JANUARY 22, 1983

For a little more than a decade, Uruguay, once an example of democratic life on the American continent, has been submerged in one of its most grave historic moments. With a permanent lack of freedoms and a constant violation of human rights.

SITUATION OF POLITICAL PRISONERS

The current figure for political prisoners is estimated at 1020, distributed as follows:

870 confined in the military establishment of imprisonment No. 1, also known as Libertad Prison.

120 women confined in military establishment No. 2, known as the Punta de Rieles Prison.

10 confined in different military headquarters in the interior, the exact place of imprisonment being unknown, since they are continuously being transferred.

20 detained in the Jefatura Central (Central Headquarters) of the Police and in the Punta Carretas Prison.

All the political prisoners have been tried by military courts, being assisted only by military defenders.

The testimonies given by those who in recent years have regained their freedom, as well as by the families, unveils a repressive jail system dedicated to psychological, physical and moral destruction of prisoners. The systematic application of torture—which has caused the death of several of those detained—added to the exhorbitant sentences set by the military courts, determines an uncertain fate for those sentenced.

Numerous prisoners who have served their sentences, in some cases since 1981, remain in the jails of the country. Such is the case of ANA MARIO SALVO, denounced in Buenos Aires on 12/10/82 by the International Office of Jurists for Amnesty in Uruguay (SIJAU) and the Center for Legal and Social Studies (CELS).

Ana Maria Salvo was kidnapped in Buenos Aires July 14, 1976 in an operation carried out by Uruguayan soldiers who had the complicity and help of the Argentine authorities. It is not known when, but she was transferred to Montevideo together with other fellow-countrymen also kidnapped in Buenos Aires. The Uruguayan Military Courts took legal proceedings against her as she was a prisoner in Uruguay. On 12/13/77 she received the freedom anticipated.

On 11/3/78 she was again detained and sentenced to four years of prison, which she had already served. Nevertheless, her case is under study by the Military Supreme Court "to unify her cases," which is illegal because she has already completed a sentence and the supposed first crime concerns a fraudulent case.

The fact that Ana Maria Salvo was detained abroad and taken then to her country obliges all the organizations defending human rights and the persons and organizations concerned about the topic to begin a campaign demanding her release.

We cannot fail to point out the case of 50 men and women who are suffering from grave illnesses (cardiac, hypertension, cancer, infectious diseases, respiratory, psychological, psycomotor, etc.) and they are being kept imprisoned without the proper medical care. Among them and as examples:

Rita Ibarburu, Arturo Alcibiades Barroza Campos, Raul Cariboni da Silva, Graciela Darre Francia, Washington de Vargas Saconne, Uruguay Ruffinelli, Jose Barboza, Hector Parorel, Monica Etorena Lavalle, Graciela Jorge de Fernandez, Lazaro Carlos Maman Ganon, Elena Vasilkis, Jose Luis Massera, Raul Sendic, Luis Alberto Estradet Cabrera, Xenis Itte Gonzalez, Juan Antonio Iglesias Villar, Elba Rama Molla, Mauricio Rossenconff Silberman, Quintiliano Techera Viera, Adolfo Wassen Alaniz, Selva Braselli, Francisco Laurenzo, Hiber Conteris, Jose Pedro Marquez Volonte, Alberto Altesor, Dayman Osvaldo Cabrera Sureda, Alfredo Pareja, Hector Quartiani, Rafael Sanseviero, Julio Arizaga, Omar Rodriguez, Jaime Lev.

In addition, there are numerous cases of deaths in prison which have not been cleared up nor have explanations been given to their relatives:

Gladys Yanez Rijo, Edmundo Rovira, Antonio Dabo Rabello, Emilio Fernandez, Hugo Aroldo Dermit Barbato, Yamandu Rodriguez Olariaga, Horacio Dario Ramos Ventancur, Gerardo Cuesta, Arturo Viera, Edgar Sosa, Juan Alfredo del Pino Garin.

KIDNAPPED ABROAD

The violations committed against Uruguayans outside of the national territory makes manifest the joint action of the repressive forces of the Southern Cone:

126 cases of Uruguayans who have disappeared in Argentina (which we will analyze further on).

27 cases of Uruguayans who have been kidnapped in Argentina and moved illegally to Uruguay. They were kept in clandestine jails of both countries. Of these cases 20 were tried by Uruguayan military courts and today some of them are still serving out sentences in establishments of detention.

5 cases of Uruguayans taking refuge in Argentina being moved illegally to Uruguay and whose bodies were found murdered in the locality of Soca (Canelones) in 1974.

10 cases of kidnapping and later murder of Uruguayan refugees in Argentina; two of which were committed against well known personalities in both countries: Hector Gutierrez Ruiz and Zelmar Michelini.

2 cases of Uruguayan residents in Argentina who disappeared on a trip to Paraguay.

4 cases of kidnappings in Brazil and illegal transfer. Two of them (Lilian Celiberti and Universindo Rodriguez) are serving a prison term in Uruguay.

The testimonies such as that of Rodriguez Larreta Piera (given before the CIDH)/ Inter-American Human Rights Commission have been eloquent with respect to the participation of military personnel of the Uruguayan hierarchy in the kidnappings carried out outside its borders.

MISSING

There are four cases of disappearances in the national territory, among them the well-known journalist and teacher Julio Castro and that of the teacher Maria Elena Quinteros, kidnapped in the gardens of the Embassy of Venezuela, an act that led to the breaking of diplomatic relations. The last of these cases is that of Americo Roballo, which occurred in September 1982.

Among the thousands of missing persons in Argentina there are 126 Uruguayan citizens (among them 6 young children and 6 pregnant women).

With the forced disappearances an effort is being made to shun official responsibilities, infuse an indiscriminate terror and prevent in the immediate future national and international protest against violent repression. The disappearance of persons only requires that the authorities deny that they have the person detained, and the "advantage" for the repressive organs is that no authority is informed of the fate suffered by the prisoner. At the same time a mysterious and terror-filled image is created which can be a lesson for the rest of the population.

Another element that has arisen in these years is the existence of clandestine jails about which there exist numerous testimonies of persons who have passed through them and have known how to locate them (there even exist photographs of them) describing their internal operation and recognizing in them persons who are listed as missing.

The joint action of different organizations and personalities was not limited to internationally denouncing this grave and painful situation. Also in the solving of many cases, solidarity stopped being a mere word to become fruitful actions. Such is the case of the locating of the children Anatole and Victoria Julien Grisonas, missing with their Uruguayan parents and found in Valparaiso, Chile, where they had been abandoned.

The nucleus of mothers of detained-missing Uruguayans in Argentina has emphasized that in spite of the diverse demands, testimonies and suggestions taken even before international organizations such as the OAS and the UN and that they had as their highest expression the report prepared by the Inter-American Human Rights Commission in the OAS; and that in spite of the conclusive evidence that exists to the contrary, both the Argentine and Uruguayan governments have opted to deny the facts and even the existence of such practices.

At this time in Uruguay there is a commission of the Peace and Justice Service (SERPAJ) which must overcome constant pitfalls for its operation. To such a point that it has found itself forced to call for solidarity support overseas in view of the harassment and governmental pressure from which it suffers.

Center of Legal and Social Studies, Emilio Fermin Mignone, President.

(Translated by Deanna Hammond, CRS Language Services, February 1, 1983.)●

VOLUNTEERS IN POLICE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. DREIER of California. Mr. Speaker, I would like to take a moment to share with you the success of a unique crime prevention program known as volunteers in police (VIP), and organized by the Covina Police Department in Covina, Calif.

The program was first conceived by Chief of Police Michael O'Day early last year. Recognizing that his department faced a reduced budget, and wanting to establish a better working relationship with the community, he suggested that a comprehensive volunteer program be organized to help the department overcome staffing and workload problems. The VIP program formally began in September and has seen tremendous growth in the few months since it began. Over 20 volunteers are already in place, with an additional 20 waiting to be matched to positions within the department.

Much of the credit for the success of the VIP program belongs to Officer Kim Plater of the Covina Police Department, and Sylvia Morasch and Freda Kandt of the Covina Womans Club. They were instrumental in establishing a program which best utilizes the talents of individual volunteers by carefully matching them with the department's manpower needs. Division heads were first asked to identify positions that could be filled by volunteers, and then write detailed job descriptions of the position requirements. The program coordinators, Mrs. Morasch and Mrs. Kandt, matched the talents of volunteer applicants to job descriptions, and the division chiefs, in turn, interviewed and selected volunteers to fill these positions. After successfully matching a job with a volunteer, the division chief worked out a schedule of hours and put the volunteer to work. The result of this thorough process has been a blend of expertise, ability, and commitment that has expanded the quality of the department's many services. Volunteers now fill a number of important positions, including administrative librarian, computer operator, records clerk, night desk officer, and a "Neighborhood Watch" newsletter illustrator and editor.

Chief O'Day has said that the spirit of community involvement that makes the VIP program possible "allows the Covina Police Department to concentrate on our highest priority—fighting crime." I think the success of the program is much more significant. The spirit of voluntarism and community service displayed by the members of the VIP program is an example of the relationship that can, and should, be formed between the public and private sectors. The voluntarism of groups such as the Covina Volunteers In Police will improve the quality of life in large and small cities throughout this country, and I hope that other cities will follow their example.

Chief O'Day and all the members of the VIP program have done an outstanding job, and I commend them for their success. This is truly a worthy program and I hope every member of this body will take an interest in their work.●

STATEMENT BY HON. LEE H. HAMILTON OF INDIANA IN SUPPORT OF H.R. 42, A BILL TO ESTABLISH A COMMISSION ON MORE EFFECTIVE GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HAMILTON. Mr. Speaker, I wish to register my support for H.R. 42, a bill to establish a Commission on More Effective Government. The last 35 years have seen a vast expansion of government, especially the Federal Government, both in terms of its size and its role in our society. Figures reflecting this growth are the grist of numerous articles in the popular media dealing with this topic. In 1950, there was 1 Government worker for every 24 Americans; now there is 1 for every 14. Federal spending is 17 times greater than it was 30 years ago. The size of the Federal Register of regulations has increased nearly 300 percent in the last decade alone. Such figures are, of course, endless. But in truth, they merely reflect Government's attempt over the last three decades to deal with the problems and meet the desires of the American people.

Yet, significantly, it is the American people who now caution us to examine the results of our efforts. Many of our citizens see Government as unresponsible and ineffective. In recent years, academics have pointed to a decline in the public's esteem for and confidence in Government institutions. But I can hear it in public meetings with my constituents, and I can read it in their correspondence. This is an alarming development, for a democratic government, such as ours, which loses the esteem and confidence of its people destroys its very foundation.

In fact, Government has accomplished much in the last three decades. But we have tackled our problems piecemeal and sometimes in haste. The present bureaucratic tangle of agencies and programs is testimony to this. It is now time to step back and see how our programs and agencies function as a total system. The bipartisan Commission proposed by H.R. 42 is an appropriate vehicle for doing this. The Commission will examine the accountability, responsiveness, structure, and effectiveness of the Government and its activities. Modeled on the immensely successful Hoover Commission which made recommendations for improving the Government in the late 1940's, the new Commission could build upon the many fine existing studies, both Government and private, which suggest ways of improving Government performance. More importantly, by its bipartisan nature and its public and political prominence, it could build the necessary public and political support to insure that its recommendations are seriously considered. Such a Commission would increase the chance that realistic, well thought-out, bipartisan proposals are adopted and do not remain unread and unheeded in some obscure pamphlet.

Changes made as a result of the Commission's work could lead to better decisionmaking and, just as importantly, to improvements in the implementation of programs and the delivery of services to our citizens. The establishment of the Commission is a

first, and necessary, step in the effort to restore public esteem for and confidence in our democratic government. I commend Representative BENNETT for introducing H.R. 42, and I urge its passage.●

RABBI I. USHER KIRSHBLUM

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. ADDABBO. Mr. Speaker, it is with deep regret that I note the passing of one of New York City's most beloved spiritual leaders, Rabbi I. Usher Kirshblum, who suffered heart failure February 5, 1983, in Florida. Rabbi Kirshblum, who was 70 years old at his death, was a close personal friend of mine whose advice on so many issues proved invaluable through the years.

Rabbi Kirshblum was more than a religious leader, he was an untiring activist on behalf of Jewish causes, the State of Israel, and innumerable civic issues. His list of accomplishments is far too long to list here. Nonetheless, let me enumerate just a few of the high points of his life. Rabbi Kirshblum was born in a small village in Poland and was brought to this country as a small child. He attended the New Utrecht High School and graduated from Brooklyn College. He then entered the Jewish Institute of Religion and was ordained a rabbi in 1944.

Two years later, he began a lifetime association with the Jewish Center of Kew Gardens Hills. In his capacity there, Rabbi Kirshblum displayed the leadership qualities that made him a well-known and respected figure throughout the borough of Queens and indeed throughout New York City, New York State, the Nation, and the world. He was a member of the board of directors of the Queens Legion of the National Conference of Christians and Jews and he served as president of the Queens Interfaith Clergy Council. Twelve years ago he received an honorary degree of doctor of divinity from the Jewish Theological Seminary of America. He also served as a member of the New York State Advisory Committee for the Aging and had been a member of the American Bicentennial Committee.

For 10 years I was honored to represent the community of Kew Gardens and during that period I grew to know Rabbi Kirshblum closely. Then and since he always went out of his way to concern himself with the problems of the community and the borough. Whenever there were questions about what organization would be willing to do a particularly difficult job for the community, you could always rely on the rabbi to offer not only his services, but the considerable resources of the Kew Gardens Hills Jewish Center.

In his spiritual duties and his concerns for his flock, Rabbi Kirshblum was a ferocious advocate. For the problems faced by mankind and especially for the problems of the elderly and the ill, Rabbi Kirshblum was a tireless zealot. It was my privilege to attend funeral services for this wonderful person last Sunday and his many virtues, accomplishments, and true endeavors where properly extolled by his brother and colleagues, led by another outstanding spiritual leader in Queens, Rabbi Fabian Schonfeld.

Rabbi Kirshblum will be sorely missed throughout my home county and in all places we mourn his passing. My condolences to his wife, Helen, their three sons, Eliezar, of Toronto; Arthur, of Jerusalem; and Michael, of Manhattan; their daughter, Marsha, of Kew Gardens Hills, and 11 grandchildren.●

WE NEED TO SELL FISH, NOT FISHING RIGHTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, the Heritage Foundation recently published a book entitled "Agenda '83" which makes a number of excellent suggestions as to how we can lower the cost of government and create a more efficient and workable economy. The foundation has published numerous studies issue papers, and so forth, in the past which have been very useful. I have especially appreciated the work on the Law of the Sea Treaty and related issues done by Roger Brooks and others of the U.N. Assessment Project.

Unfortunately, "Agenda '83" suffers from one major flaw: It includes an essay on marine fisheries written by Dr. S. Fred Singer, an environmental scientist working with the Heritage Foundation, that bears no relation to the economic political realities of the fishing industry. Because "Agenda '83" will be read by many Members of this body, I think they should be aware of the problems with Dr. Singer's assumptions and conclusions. I therefore include the letter I wrote to the Heritage Foundation in response to Dr. Singer's essay in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 7, 1983.

Mr. RICHARD N. HOLWILL,
The Heritage Foundation, 513 C Street NE., Washington, D.C.

DEAR MR. HOLWILL: I recently received a copy of "Agenda '83" and found it to be full of many excellent suggestions for the reform of our government and government policies. However, I strongly disagree with the assumptions and conclusions contained in the article on marine fisheries written by Dr. S. Fred Singer. While I am sure that Dr. Singer is a competent environmental scientist, he appears to have written the article in a vacuum; the article demonstrates his stunning ignorance of the political and economic realities within which the U.S. fishing industry must operate.

My criticism rests on my basic assumption that the existence of the domestic fishing industry and its further development are important to the national interests of the U.S. Fish, as food, are strategic resources. The U.S. presently has management responsibility for 15-20 percent of the world's supply of these resources, located within 200 miles of our coasts. Fish are becoming increasingly important as world farmland decreases in area and ability to support crops; as water supplies decrease in marginal agricultural areas; and as the world population increases. In many ways, the current state of the U.S. fishing industry resembles the state of the U.S. oil industry after World War II: we have the resources, but superficial economic analysis could result in a case being made for emphasizing the development of those resources by foreign nations. The oil industry took this shortsighted approach; OPEC and the shortages of the 1970s were the results.

The U.S. fishing industry has recognized the need fully to develop harvesting and processing capacity for—and thereby maintain control of—these strategic resources. Much of the fishing industry's opposition to the Law of the Sea treaty and support for an Exclusive Economic Zone which would recognize U.S. sovereign rights over living marine resources is based on the importance of the industry's full development of these resources. When Congress passed the Fishery Conservation and Management Act, we found that fish "constitute valuable and renewable natural resources" and that these resources "contribute to the food supply, economy and health of the Nation. . . ." One of the stated purposes in passing the FCMA was "to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen . . ."

The importance of the domestic fishing industry is even more clearly demonstrated by the role the fishing industry plays in the U.S. coastal economy, even to the point of being the economic backbone of several coastal communities, from New England to Alaska. In some areas, my State of Alaska among them, the fishing industry is a major segment of the State's economy. From 1955 to 1980, the number of people employed nation-wide in harvesting, processing and wholesaling increased by 22.4 percent.

Despite the amount of fish in our zone, approximately 60 percent of the seafood the U.S. consumes is imported—imported from countries all of whose governments support their fishing industries through direct subsidies as well as tariffs and non-tariff barriers in their markets to extents well beyond any analogous activity on the part of the U.S. government. Indeed, most seafood products enter the U.S. virtually tariff or duty free, even though equipment fishermen and processors use (such as nets, electronic devices and processing machines) is moderately to very heavily tariffed.

I suggest that Dr. Singer direct his attention to crop insurance, flood insurance, support for crop exports, milk price supports,

the Commodity Credit Corporation, and numerous other government assistance programs before deciding that the U.S. fishing industry is receiving a disproportionate amount of help from the U.S. taxpayer. To quote one prominent U.S. fishing industry leader, "We want the same environment in which to do business which other U.S. industries enjoy." While that, with today's problems for all U.S. industries, seems uneven or inadequate, the fishing industry certainly enjoys less government cooperation than any other food industry of which I am aware.

For example, the one loan guarantee program available to fishermen is being reduced by the federal government. Its use in certain fisheries is already restricted and many fishermen object to its existence. The Capital Construction Fund, the one tax incentive program available to the fishing industry, cannot be used for shorebased operations and it is only tax deferred, not tax exempt. However, extending it to shore facilities would increase capital available for critical development. Vessel and gear loss compensation programs are funded by payments made by fishermen or by those responsible for causing the loss. The only money specifically granted to the fishing industry comes from the Saltonstall-Kennedy Fund which is 30 percent of tariff receipts which we do have on imported fish products. In fiscal year 1983, the S-K Fund contained $26.6 million, of which $22.6 million was transferred to the National Oceanic and Atmospheric Administration budget for operations, research, and facilities; what remained went to fund development projects designed to increase the amount of fish harvested, processed, and sold by the U.S. fishing industry, and, through these activities, to an increase in tax revenues, an increase in fishing industry spending in the domestic economy, and a decrease in the balance of trade deficit.

As an alternative to current fisheries policy, Dr. Singer advocates the auctioning of fishing rights. He concludes that, if access to fisheries resources is not limited as he proposes, efficiency will shrink and the Treasury will get no money. In addition, according to Dr. Singer, the proliferation of fishermen (as he calls it) that will result from the lack of access limitation could lead to illegal overfishing and the extinction of the resource. Nonsense. Dr. Singer is ignoring the real world. First, particularly with continually increasing operating costs, fishermen are much less likely to move into a fishery which will not be profitable because of the number of fishermen already in that fishery. Second, decreasing catch per unit effort (CPUE) will take fishermen out of a fishery long before the resource is extinct. Pacific cod off Alaska and certain New England groundfish are examples which come readily to mind.

Access limitation alone does not promote efficiency. In Alaska, the salmon fishery has been subject to entry limitation since the 1970s. This has not led to an increase in gear and vessel efficiency. Instead, it has built in inefficiencies. Access limitation alone has not led to greater returns of salmon to the fishery nor to higher prices paid to fishermen. Access limitation has led to increased pressure on other fisheries as formerly diversified fishermen find that they can no longer harvest salmon and must work harder to harvest halibut, crab, and other species. Access limitation has led to the creation of a tremendous amount of inflated paper wealth, not real wealth, as the market value of access permits increases. Access limitation in the salmon fishery has led to requests for access limitation in other fisheries because of the competition from those who cannot diversify into the salmon fishery. Limited entry in the Alaskan salmon fishery is primarily a social tool, not an economic or resource management tool. Now that it has been established, it will be nearly impossible to remove it without creating adverse economic and social reactions. However, I suggest that we learn from our mistakes rather than repeating them.

The technical deficiencies in Dr. Singer's suggestions are numerous; I must avoid listing them to keep this letter brief. However, there is in fact a tremendous difference between immobile and nonrenewable oil, gas, and mineral resources and mobile, renewable marine protein resources. Further, the U.S. does not own the marine protein resources in our 200 mile zone. Using the economic criteria for allocating the total allowable level of foreign fishing (TALFF) in our zone as Congress established in the FCMA is much more likely to increase revenues to the Treasury from continuing taxes rather than those from one-time fees. Internationally, the U.S. also stands to benefit from having the U.S. industry, not the foreigners, continue to develop the marine protein resources through the TALFF criteria. In a world in which global hunger is increasing, food is becoming much more clearly a strategic resource. The sooner our industry replaces foreign harvesting, the more we are likely to be able to use this resource to benefit the nation as a whole.

In sum, I think that Dr. Singer has completely ignored the realities of the fishing industry to promote an economist's utopia. I contend that the benefits of full development of the U.S. fishing industry by use of the policies and programs that have been used and are being refined far outweigh the returns in economic rent that Dr. Singer concludes will be received by implementation of his suggestions. As we promote more U.S. harvesting, processing, transporting, and marketing of fish and fish products, we are doing more to promote the national interests of the United States.

Sincerely,

DON YOUNG,
Congressman for all Alaska.●

MONO LAKE NATIONAL MONUMENT

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. LEHMAN of California. Mr. Speaker, today I am introducing legislation which will officially create a new national monument in the Inyo National Forest. The monument would consist of Mono Lake and the immediate environs.

Mono Lake is a precious national treasure which clearly merits this status. It is an area of stunning beauty and graceful solitude. The lake's captivating serenity belies the millions of years of geologic upheaval which brought it to its current status as one of the largest inland seas in North America. It is the major sanctuary of numerous migratory birds, some of which journey as far as 15,000 miles in a given year. It is the only habitat of a unique life form known as the mono brine shrimp.

Mono Lake is one of the world's oldest lakes, probably dating back 1 million years. During the last Ice Age, about 13,000 years ago, Mono Lake filled and overflowed spilling eastward into present-day Nevada. More recently, nomadic Indians known as the Kuzedika Paiute lived on the lake shores until their way of life was supplanted in the 19th century by miners who participated in the Sierra gold rush. Boom-bust mining camps developed in the Mono Lake area and the countryside around the camps of Mammoth, Aurora and Bodie was used for lumbering, grazing and hunting. By the 1880's, Mono Lake had become a health resort because of its very salty mineralized waters.

In the 1930's the city of Los Angeles, which had already constructed a 240-mile long aqueduct to tap the Owens River, voted to extend the aqueduct northward from Owens Valley into the mono basin. In 1941, the first water was diverted from the life-giving tributaries of Mono Lake into the aqueduct to flow southward under the Mono craters. Since 1941, Mono Lake has dropped 43 feet. At the present rate of diversions, the lake will fall another 50 feet to eventually stabilize at only one-third of its natural surface area.

Mr. Speaker, the legislation I am introducing today acknowledges all existing water rights and does not create any new water right. It does mandate specific studies with the participation of all affected parties to analyze the plight of the lake, and to provide an objective basis for future discussions.

The fact is that the Mono basin deserves "monument" status, not-withstanding the current controversy over water diversion. It is one of those extremely rare locations where the North American continent has yielded up all of its charm and grandeur in one spot—great mountains, rich forests, desert solitude, and a magnificent subalpine lake with no rival anywhere. The lake and the land around it have many lessons to teach; scientific, historical, and spiritual.

I urge my colleagues to join with me in recognizing the unique, ecological, geological, and historical significance of Mono Lake. Thank you.●

MR. JAMES NEEDHAM

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. ADDABBO. Mr. Speaker, I would like to bring to my colleagues' attention some exciting news concerning a fellow New Yorker and graduate

of St. John's University, Mr. James Needham.

James has recently been appointed to the position of Commission-General of the 1985 U.S. Exhibition for the International Exposition to be held in Japan. In an announcement in Washington on December 9, 1982, Director of the U.S. Information Agency, Charles Wick, named James to the prestigious position, which usually carries full ambassadorial rank and is subject to confirmation of the Senate.

The appointment entails responsibility for all official U.S representation, and for the coordination among participating U.S. agencies, Japanese sponsors, and private exhibitors.

James has long been active in the business community, both in New York and in various international agencies, and is certainly well-qualified for this position. The appointment will definitely be a challenging and demanding one, but also one which I am sure will be professionally and personally rewarding. My heartiest congratulations and best wishes.●

REPEAL WITHHOLDING TAX LAW

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. STUMP. Mr. Speaker, as one who voted against the new 10-percent withholding tax provision, and having again introduced legislation to repeal this provision, I am encouraged daily by the large numbers of people who are stating their opposition to the withholding provision. To date, I have received more than 2,500 letters of protest, and the letters and petitions increase daily.

An editorial which summarizes the feeling of the more than 2,500 people that I have heard from, as well as my own feelings, was recently in the Phoenix Gazette. I commend the paper for taking a stand on this issue, and would like to share those thoughts with my colleagues:

REPEAL WITHHOLDING TAX LAW

Any tax is supposed to provide for the public welfare, thus one that not only doesn't help but hurts is bad law and should be repealed. The law which takes effect on July 1 and mandates automatic withholding from savings accounts and dividends is unfair to depositors and to the more than 50,000 banks, savings and loans, credit unions and other financial institutions.

Very few persons try to cheat the Internal Revenue Service by not reporting dividend and interest income. The risk would be considerable because institutions which pay interest and dividends of more than $10 to any account are required to report this to the IRS. Much of the data is furnished on magnetic tape so it can be processed through tax computers.

And what will be the cost of this effort to catch some little fish? The direct cost to business to reprogram its computers and make necessary changes to begin withholding will be more than $1 billion. Annual operating costs are estimated in the hundreds of millions. Savings and loan operations will spend $435 million just to set up the withholding system, then spend $300 million a year to maintain it.

This could not come at a worse time. The economy is showing signs of recovery and needs all the private money it can lay hands on. Savings rates are increasing. Thirty-two million Americans own stock or have invested in mutual funds. More than 50,000 banks, savings and loans, credit unions and other institutions pay interest to millions of customers. Based on figures from the first 10 months of 1982, withholding will take $30 billion out of the economy in a year.

The withholding law is unfair to thrifty Americans and will be a blow to economic recovery. Repeal efforts under way deserve quick passage.●

VIETNAM MIA'S COMMEMORATIVE STAMP

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. DREIER of California. Mr. Speaker, today I have introduced a resolution which urges the U.S. Postal Service to issue a commemorative stamp honoring the 2,500 men who are still unaccounted for as a result of the Vietnam war. I authored the same bill in the 97th Congress and was pleased to have 85 of my colleagues join me as cosponsors. This year I feel we can pass it.

Last month marked the 10th anniversary of the Paris Peace Accords which ended American involvement in Indochina. The Vietnamese Government has not fulfilled its legal and moral obligation to account for our missing and it is time that we made this a priority issue. The National League of Families, a group made up of the close relatives of the missing, met in Washington 2 weeks ago. President Reagan promised them that his administration had begun serious efforts on their behalf. I sincerely hope that Congress will aid the President in his efforts.

Our job should be to mobilize the entire country behind this new initiative. It is imperative that America never forget those who sacrificed so much for their country. I urge my colleagues to join me in asking the Postal Service to join our efforts by issuing a stamp to honor these men and help make all Americans aware that the war will not be over for everyone until our MIA's are accounted for.●

HONORING JOHN ROSE ON HIS RETIREMENT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HUGHES. Mr. Speaker, on behalf of my colleague JIM FLORIO and myself, I rise to pay tribute to an outstanding citizen of New Jersey, Mr. John D. Rose. After 30 years of distinguished public service John is retiring to private life. I am very pleased to join John's many friends in honoring his many years of service to the people of Cumberland County.

John Rose was born and raised in Cumberland County, and he has devoted his life to serving his community. For nearly 20 years, he served as a member of the Cumberland County Board of Chosen Freeholders, helping to guide the county through two decades of progress and change. He has served in many other public positions as well, including country road supervisor and on the board of directors of the Cumberland County Guidance Center. In addition, John has been extremely active in civic activities, including past president of the Fairfield Township Board of Education, adviser to a Boy Scout Explorer Post, and more than 30 years service as coach of area baseball teams.

As a personal friend and admirer of John, his wife Nellie, and their lovely family, I want to congratulate him for a job well done, and wish the entire Rose family the best of luck in the years ahead.●

SOCIAL SECURITY COVERAGE OF FEDERAL WORKERS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mrs. SCHROEDER. Mr. Speaker, the National Commission on Social Security Reform has recommended that new Federal workers be covered by the social security system. This proposal has raised understandable concerns about the future integrity of the civil service retirement system. The Committee on Post Office and Civil Service, on which I sit, will have the responsibility for insuring that the Government keeps the contract with its employees if the social security package passes as it is presently constituted.

While we must await action on the social security package before we can draft legislation, I believe that whatever we do must meet the four requirements set out by AFL-CIO President Lane Kirkland in his supplementary

statement on mandatory coverage of public employees. So that my colleagues are aware of these requirements, I include President Kirkland's statement in the RECORD:

SUPPLEMENTARY STATEMENT ON MANDATORY COVERAGE OF PUBLIC EMPLOYEES BY LANE KIRKLAND

I cannot support the Commission's recommendation for mandatory social security coverage of newly hired federal and postal employees. The many complex issues involved make it difficult to protect federal and postal employee rights under the best of circumstances. This is even more difficult at the present time since the proposal is being put forward in the context of a search for additional sources of revenue and Congress is not likely to decide the issue solely on its own merits.

I could not support coverage unless all of the following conditions were met:

1. No reduction in the level of pension benefits now available to government workers.

2. No additional financial burden on government employees without a commensurate adjustment in benefits.

3. Preservation of the identity for government workers' retirement plans.

4. No diminution in the opportunity for these employees to improve their retirement systems.

The Commission cannot know in advance whether the pension rights of present and future employees will be adequately protected if Congress enacts mandatory coverage. Federal and postal employees should have the right to know and evaluate in advance the details of any proposal before they are asked to take this step.

Discussions are going forward to try to develop a solution to this problem which will strengthen and reinforce both the Social Security System and the Civil Service Retirement System. Those discussions ought not to be hampered by untimely and imprecise recommendations of this Commission. The Commission should not recommend nor should the Congress act when the coverage details are unknown. Otherwise, there can be no assurance that they meet criteria essential for assuring equity to those affected.

A majority of the Commission supports in principle social security coverage of state and local government employees but has not so recommended because of concern about constitutional barriers. The implication is that Congress should mandatorily cover these employees if the constitutional issues can be resolved. I will not support such coverage unless the protections previously specified for federal employees are met by any legislation applicable to State and local government employees.

I support legislation that would remove the option for State and local governments and nonprofit organizations to withdraw from social security once they have elected for coverage. The unilateral right of these employers to withdraw has resulted in their employees losing valuable retirement, survivor and disability protections. This "loophole" in the law should be eliminated. Once this has been accomplished, public employers that have withdrawn in the past should be permitted to reenter the system. The legislation should specify a way for workers or their unions to initiate such action. This is not possible under present law.

Proponents of coverage will contend that twenty billion dollars will be lost between now and 1990 to social security trust funds if coverage of federal and postal employees does not take place. As a substitute source of revenue and as a meritorious proposal in its own right, I recommend requiring employers to contribute to social security on the basis of their total payrolls. This would bring into the system about $40 billion between now and 1990 and would reduce social security's long run deficit by 0.56 percent of taxable payroll.

The wage base is necessary to determine the maximum employee benefit but plays no similar role for the employer. Employers' responsibility for the welfare of their employees should be based on their total payrolls, not just on a portion of workers' earnings. Employees must pay federal income tax on their social security contributions. Employers do not pay the full rate since they deduct their tax as a business expense.

This give-back to employers in reduced income taxes is largely financed by the income taxes of workers since federal revenues to an overwhelmingly degree are based on taxes provided by individuals' incomes. Individual income taxes now provide 71 percent of general revenues, up from 47.5 percent in 1954. The corporate share is expected to be only 11 percent of general revenues for 1982. In 1954, corporation income taxes supplied 34 percent of all revenues (excluding employment taxes). As a result, employers pay only about one-third of the combined costs of the program and employees two-thirds. Thus, there is every reason why employers should pay social security taxes on their total payrolls.●

SALUTE TO THE STEPPING STONES

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. DAUB. Mr. Speaker, in Omaha, Nebr., we are very proud of our hometown drill team known as the Stepping Stones. This year the Stepping Stones are celebrating their 16th anniversary.

Begun as the Salem Baptist Church Drill Team in 1966 with about a dozen young people, the group now numbers over 50 boys and girls between the ages of 10 and 18.

The drill team provides a common bond that unites young people of various ages, religious beliefs, and racial background, thereby achieving a sense of togetherness and belonging in the community. It gives the youth a chance to express latent talent through public performances, to promote good will, and to serve as representatives of religious youth who create a bridge of understanding of various beliefs, customs, and ideas.

The drill team renders their services wherever they can without charge. They have sacrificed much to promote good will by using their natural talents to the glory of God.

Some of their appearances over the years have included performances at the University of Nebraska football games before 72,000 people, participation in "Drums Across the Midlands," a performance in Houston, as well as performances in Iowa, Nebraska, and Denver, for "Santa's Parade of Lights."

The entire Omaha community takes pride in these talented ambassadors of fellowship and good will. I ask my colleagues to join me in congratulating the Stepping Stones on their 16th anniversary.●

THE SCIENCE AND MATH TEACHER DEVELOPMENT ACT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am introducing a bill designed to address the Nation's shortage of math and science teachers. Cosponsoring this legislation are Mr. JEFFORDS, Mr. GOODLING, Mr. COLEMAN of Missouri, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BARTLETT, and Mr. PACKARD.

This bill, the Science and Math Teacher Development Act, is President Reagan's initiative to ease the shortage of math and science teachers that many of our schools are experiencing.

The purpose of the bill is to increase the competence of American secondary students in science and mathematics by narrowing the gap between the current supply of qualified secondary school teachers of science and mathematics and the current need for such teachers. The bill would authorize science and mathematics block grant assistance to States for scholarships to be awarded to individuals who can become qualified, within 1 year, to teach science or mathematics at the secondary level, in grades 9 through 12.

The bill would authorize assistance of $50 million per year for 4 years. The funds would be distributed to the States on the basis of the number of children aged 14 through 17 residing in the State—a formula designed to reflect the number of high-school-aged students. Federally recognized Indian tribes would also be eligible to apply directly for block grant funds.

States desiring to receive a grant would be required to submit an annual proposed "Use Report." This report would describe how the State would use the funds and in the instances in which the State chose to operate the program through the local education agency (LEA) would describe the distribution of funds to the LEA's. Funds could be matched by State, local, or private sources, although it is not required.

Individuals would have to agree to teach for a reasonable period of time in order to receive the scholarship. This agreement is worked out between the individual and the local or State

education agency. Scholarships would be for $5,000 for 12 months. An estimated 10,000 teachers could be trained each year.

While I commend the administration on their excellent effort in addressing the shortage of math and science teachers, I do have certain reservations about the bill.

My first concern is that any Federal initiative, program, or effort to help train math and science teachers must prepare not only secondary school teachers, but also elementary school teachers. If we do not improve the teaching of science and math in elementary school, there will not be any students at the secondary level interested in taking math and science classes, no matter how many teachers there are. I would like to see this bill expanded to include teachers at the elementary level and feel it will strengthen this legislative proposal.

My second concern with the bill is the exemption of the program from legislative review of regulations under section 431 of the General Education Provisions Act (GEPA). This is one area in which the Congress and the administration strongly differ. I have been consistent in my support of review of regulations by the Congress and of the legislative veto, and I will remain constant in this position.

This bill, Mr. Speaker, is, despite the concerns I have mentioned, a workable piece of legislation that will increase quickly the number of math and science teachers in our schools. I commend the administration for its hard work in this area. I look forward to working on this issue in the coming weeks.●

REPEAL INTEREST AND DIVIDEND WITHHOLDING

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. TALLON. Mr. Speaker, today I rise in support of H.R. 500, legislation which will repeal the interest and dividend withholding provisions contained in the Tax Equity and Fiscal Responsibility Act of 1982, of which I am a cosponsor.

When automatic withholding was proposed, it was seen as a method of catching tax evaders and bringing in more Federal revenues. We all agree that each citizen has the responsibility of paying his required amount of taxes. However, when closely examining the facts involved, this proposal is unfair and unnecessary.

Banks and other financial institutions already file annual reports with the Internal Revenue Service which include the amount of interest and dividend income earned by individual citizens on most investments. As of January of this year, those annual reports to the Internal Revenue Service also included interest and dividends earned on U.S. Government securities and other similar investments which were previously exempt.

A 1981 Internal Revenue Service study indicates that when the Internal Revenue Service has adequate information on interest and dividend income there is over 97-percent voluntary taxpayer compliance rate. It makes little sense that the Federal Government should impose this burdensome and harmful withholding law on millions of law-abiding taxpayers in an attempt to get at the small percentage of taxpayers who cheat on paying taxes on their interest and dividend earnings.

This law will require financial institutions to spend $1.5 billion this year just to implement the administration of the withholding program. In addition to that, these same financial institutions will have to spend another $1 billion each year to maintain the program.

Financial institutions will be forced to pass the massive costs of implementation and administration of the program on to their customers. This will hit hardest our individual citizens who are trying to save money or who are trying to live off the earnings from money they have saved or invested over the years. The taxpayers' available interest and dividend earnings will be cut automatically by 10 percent. Their total interest earnings will also fall, due to losses in reinvestment and compounding.

The withholding law does include certain exemptions for senior citizens and low-income citizens. However, these people, who are most dependent on interest and dividend income, will find very confusing the complicated regulations and the exemption process that must be filed annually for every account. The additions to Federal tax forms will further complicate the paperwork as well as costing taxpayers and the Internal Revenue Service in trouble and expense.

The dangerous underlying aspect of this law is that it comes at a time when savings and investment should be protected and encouraged so that private capital will be available to help our economy recover. This withholding law directly conflicts with these needs.

Since the act does not go into effect until July 1, 1983, we have time to act to avoid the multitude of problems. It is for this reason I am cosponsoring this legislation to repeal the law before it goes into effect.

Now it is our duty to consider this legislation and the encompassing impact it will have. I urge colleagues to join those of us who are working to repeal this unfair and unnecessary law.●

ROBERT PRESLEY: A DEDICATED PUBLIC SERVANT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. BROWN of California. Mr. Speaker, I would to like to take this opportunity to commend California State Senator Robert Presley who has represented the 36th senatorial district, comprising most of Riverside County, since 1974. Senator Presley is one of the most capable legislators in California and has set a new standard of community service matched by few. The more than 600,000 residents of his district should be proud to be represented by Bob Presley.

Senator Presley has deep roots in our area, having attended Riverside City College and the University of California at Riverside. He served with the Riverside County Sheriff's Department for 24 years before seeking his present office, achieving the highest nonelective office in the department, that of under-sheriff.

He has carried the concerns of our community to Sacramento and has authored many of the major anticrime laws of recent years. Other legislation drafted by Senator Presley has resulted in laws to protect battered wives and abused children. He is also a leader in efforts to clean up the environment, taking a leadership role in legislation regulating toxic chemicals and in antismog efforts. The list of his accomplishments is long and his capability as a legislator was shown in the 1979-80 legislative session when 86 percent of the bills which he authored were passed into law.

Bob Presley is known in our community as a caring, responsive legislator who listens to his constituents. He is deeply involved in the community, maintaining close association with local civic, professional, and service organizations. He has been honored by groups throughout the State of California for his dedication and service.

Now, all of this comes from my own biased perspective, that of a colleague who has had the pleasure of seeing Bob Presley in action over the years. But even an impartial person reading about the accomplishments of Senator Robert Presley and the honors bestowed upon him is left with the clear picture of a superlative legislator who cares about the community which he represents. I would like to thank Bob, on behalf of all the citizens of our area, for the work that he has done for us over the years. I take great pleasure in his growing statewide recognition, his increasing effectiveness,

and the benefits which his leadership brings to Riverside County.●

THE 100TH ANNIVERSARY OF LUTHERAN MEDICAL CENTER

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. MOLINARI. Mr. Speaker, I rise to congratulate the Lutheran Medical Center in Brooklyn, N.Y., as it observes its 100th anniversary during 1983. I am sure my colleagues in this House agree that such an achievement deserves particular recognition.

In 1833, a Norwegian nurse, Sister Elisabeth Fedde, first began to care for the ill and the poor, mainly of Scandinavian descent, living along the waterfront in Brooklyn. The year 1883 marked the beginning of formal, organized health care which resulted in the opening of the Lutheran Medical Center.

Over the years, the hospital has continued to give quality, personalized health care to many community residents, including the poor and disadvantaged. In 1977, demonstrating a willingness to respond to the greater health care needs of the people it serves, the center converted a decaying, old foundry into a new 532-bed facility. It presently serves an area with 300,000 residents.

For the past 100 years, the Lutheran Medical Center has proven to be a most valuable asset to the people of Brooklyn. Not only does it provide health care, but the staff is also concerned about many facets of life in its community, as is evidenced by the development of Shore Hill, a 558-unit housing center for senior citizens.

On behalf of the Brooklyn community, I would like to recognize the Lutheran Medical Center's administrators and staff for their 100 years of dedication and unselfish service, and I extend my best wishes to them for many more successful years to come.●

HUNGER AND EMERGENCY, FOOD DISTRIBUTION PROGRAM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. OBEY. Mr. Speaker, today I am introducing along with Mr. GUNDERSON and Mr. EARLY two pieces of legislation aimed at feeding hungry Americans during this period of high unemployment.

We have literally billions of pounds of surplus commodities stacking up in Government warehouses at the same time we are reading stories in the press about families without enough to eat. We have more unemployed than at any time since the Great Depression, at the same time we have by far the smallest percentage of unemployed covered by unemployment insurance. And for the last 18 months, since this recession began, we have been steadily cutting back outlays on food stamps, AFDC, and medicaid. It should not be surprising that when a church in Milwaukee offers to distribute small amounts of surplus Government cheese, we see a line of people three deep, that extends around an entire city block in subfreezing temperatures. That sort of thing is going on in communities around the country. And each time there is a distribution of food, whether it is surplus commodities or food provided through private charitable donations, the number of people seeking assistance increases dramatically. In some communities the number of people seeking food through local food banks has doubled since August and almost everywhere the need has been greater in January than it was only a month or so before. The unemployed have run out of benefits, they have run out of savings, they have run out of help that can be provided by friends and relatives and they are not being provided for by other Government programs.

It is easy to say that this is a problem that should be left to the States, but the fact is that the States with the greatest need are the States whose budgets have been severely ravaged by this recession already. The fact is, that in State after State, the amount of surplus commodities that could be distributed, would increase dramatically if the Federal Government would help pay the distribution, storage, and transportation costs which typically run about 6 cents a pound. Further, local charitable organizations which are stretched beyond their resources and still not meeting a very large portion of the need could be far more effective if relatively small amounts of money were made available to them in addition to Government commodities.

The State of Michigan recently offered $1 million in small grants to local charitable organizations engaged in distributing food stuffs and providing meals to the poor. Within only a few weeks, more than $5 million in grant proposals were received by the State and dozens of organzations complained that they would have liked to have submitted a proposal for funds if there had been more time.

Finally, we are sitting on a large number of commodities other than cheese and butter which can be and should be made available to those in need.

The two bills which we are introducing bear some resemblance to a measure that was put forward by the senior Senator from Kansas (Mr. DOLE). While I congratulate him on his concern and effort in this area, I would point out several distinctions between what he is proposing and what is contained in these bills.

First, he is proposing a permanent entitlement of funds to the States based on the number of pounds of commodity distributed in the previous year. That would amount to about $50 million this year and extrapolating from his estimates about the impact of his program, could easily become an entitlement of more than $100 million the year after. I do not think that we should necessarily consider this as a permanent ongoing program. I certainly do not think it should be an automatic entitlement in which we commit ourselves to future year spending levels. While $50 million seems inadequate for anything other than food distribution at the State level for the current fiscal year, $100 million may be considerably more than we may need in fiscal 1984. This is a decision that should be made 1 year at a time. In no case should this effort be construed as an ongoing endeavor that may weaken or supplant the food stamp program.

Second, the Dole proposal provides only for funds for storing transporting and distributing Government commodities. There is no consideration of ways in which better use may be made of private charitable food donations or that the commodities themselves will not necessarily provide all the nutritional elements which are needed. Our proposal would provide the Governors and the local organizations with additional money and much greater flexibility in meeting those needs.

Third, the Dole proposal is being administered by the Department of Agriculture, despite the fact that the Department has refused bipartisan requests from both Houses to do something about this very problem. Our proposal would be handled out of the Department of Health and Human Services as an urgent appropriation under the community service block grant program.

Fourth, the Dole bill implies a formula for the distribution of funds based on where commodities were distributed in the previous fiscal year. There is no allowance for the far greater needs that now exist in areas of high unemployment and poverty. The bills we are introducing would count both of those factors in making distributions.

On the question of making more commodities available our approach is identical to that introduced by Senator DOLE.

Mr. Speaker, I believe these bills will fall within the jurisdiction of the House Agriculture and the House Appropriation Committees. Because of the urgent nature of this problem I

hope they will consider these proposals as quickly as is practical.

I also ask that the text of the two proposals be included in the RECORD at the conclusion of these remarks.

H.R. 1299

A bill to expand and improve the domestic commodity distribution program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Commodity Assistance Act of 1983".

SEC. 2. (a) In order to complement the domestic nutrition programs, make maximum use of our agricultural abundance, and to expand and improve the domestic distribution of surplus and price supported commodities under the authority of section 416 of the Agricultural Act of 1949 and section 32 of Public Law 74-320, whenever commodities are used to make special payments in kind to producers, or are tendered at no cost to expand export markets, or are limited to production through a land diversion program, or acquired by the Commodity Credit Corporation in excess of international food aid commitments, such commodities shall be made available to recipient agencies without charge or credit in a form suitable for home or institutional use: *Povided,* That commodities made available to public and private nonprofit organizations that relieve situations of emergency and distress through the provisions of food to low-income and unemployed persons shall be made available in quantities suitable for individual households.

(b) The Commodity Credit Corporation shall pay for the cost of processing and packaging such commodities into forms suitable for home or institutional use with funds available to the Commodity Credit Corporation or through a payment in kind system which would provide commodities equal to the value of the processing cost.

(c) The Secretary shall publish before the beginning of each year an announcement of the commodities and the quantities of such commodities which he anticipates are likely to be made available without charge or credit during each of the next three years.

(d) Notwithstanding any other provision of law up to two million metric tons of wheat made available under section 302(a) of the Food Security and Wheat Reserve Act of 1980 may be used for the purposes of this Act, provided that the reserve will be replenished by an equivalent quantity of wheat pursuant to the provisions of 302(b) of such Act.

SEC. 3. Eligible recipient agencies shall include, but not be limited to, public and private nonprofit organizations that relieve situations of emergency and distress through the provision of food to low-income and unemployed persons; charitable institutions; nutrition programs for the elderly; public or nonprofit schools and school food authorities; child care institutions; Federal, State, and local nonprofit postsecondary schools; Federal, State and local penal institutions; Veterans Administration hospitals; disaster relief organizations; public or nonprofit summer camps; the Commodity Supplemental Feeding Program; the Summer Feeding Program; and the Needy Family Program on Indian reservations.

SEC. 4. (a) The Secretary shall provide the commodities made available pursuant to section 2 in such quantities as can be used without waste to State agencies for distribution to eligible recipient agencies and to private companies that process commodities for eligible recipient agencies pursuant to section 5.

(b) State agencies receiving agricultural commodities under this Act shall distribute such commodities in the quantities requested to eligible recipient agencies within their respective State: *Provided,* That if a State agency cannot fully meet all requests for a given commodity the State agency shall give special consideration to public or private nonprofit organizations that serve low income and unemployed persons.

(c) The Secretary may provide such commodities directly to eligible recipient agencies and shall do so when State distributing agencies are not permitted by law to make distribution to certain categories of recipient agencies.

(d) The Secretary shall ensure that any recordkeeping or other regulatory or paperwork requirements imposed by either Federal or State agencies on recipient agencies shall be kept to a minimum.

SEC. 5. The Secretary of Agriculture and State agencies shall encourage consumption of commodities made available without charge or credit through agreements with private companies under which such commodities are processed into end food products for use by eligible recipient agencies, with the expense of the processing to be borne by the recipient agencies: *Provided,* That each fiscal year the Secretary shall use funds equal to those storage and spoilage costs that the Secretary would have incurred in the preceding year other than for this Act to further process products into end food products for use by public and nonprofit agencies that relieve situations of emergency and distress through the provision of food to low-income and unemployed persons.

SEC. 6. The Secretary shall obtain such assurance as he deems necessary that the eligible recipient agencies of commodities donated under this Act will not diminish their normal expenditures for food by reason of such donation. Donated foods shall be requested and distributed only in quantities which can be consumed without waste. Under no circumstances should the amount of food ordered by recipient agencies be in excess of anticipated usage based on inventory records and controls or beyond their ability to accept and store such food.

SEC. 7. Section 1114(d) of The Agriculture and Food Act of 1981 shall apply to any commodities distributed pursuant to this Act.

H.R. 1300

A bill making an urgent appropriation for commodity distribution, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That $80,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1983, for distribution to States under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

SEC. 2. The Secretary of Health and Human Services shall distribute to the States funds appropriated under the first section of this Act according to a formula which gives equal weight to the number of unemployed persons, the number of persons living at or below the poverty level (as defined by the Bureau of the Census), and the total dollar value of commodities distributed by the Department of Agriculture in fiscal year 1982 in each State.

SEC. 3. (a) Funds appropriated by this Act shall be used by the States to pay the cost of storing, distributing, and transporting commodities received from the Department of Agriculture or any other source and any administrative costs directly related to such activities.

(b) Any funds not required for the purposes of subsection (a) shall be used by the States at the discretion of the Governor or chief executive officer for creating, expanding, and supporting programs to meet basic nutritional needs of unemployed and low income individuals. States may enter into such agreements as are necessary with private nonprofit organizations, local governmental entities, State agencies, and Community Action Agencies to provide prepared meals or the distribution of foodstuffs to such individuals.

(c) No State accepting funds appropriated by this Act may charge recipients or eligible recipient agencies for costs related to commodity distribution under this Act.

(d) The Secretary of Health and Human Services shall ensure that any recordkeeping or other regulatory or paperwork requirements imposed on recipient agencies by either Federal or State agencies shall be kept to a minimum.

(e) Section 675(c)(2)(A)(ii) of the Community Services Block Grant Act and section 138 of the joint resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1983, and for other purposes.", adopted October 2, 1982 (Public Law 97-276) shall not apply to funds appropriated by this Act.●

CONGRESSIONAL BUDGET PROCESS REFORM

HON. CECIL (CEC), HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HEFTEL. Mr. Speaker, as you know, budget decisions dominate our legislative agenda. I believe that it is appropriate that we continue the effort begun in the last Congress by the House Budget and Rules Committees to review our budget procedures, identify any problems associated with the process, and suggest reforms which will improve congressional budgeting. I have proposed two changes in budget procedure which I believe would streamline and strengthen the process.

It is imperative that the Congress develop and formalize a better means of arriving at valid economic assumptions which will guide our budget deliberations. Therefore, I have introduced legislation, H.R. 1186, which calls for more formal congressional consideration of economic assumptions which would be drawn up by a newly formed Council on Economic Indicators. The Council, made up of the Federal Reserve Chairman, Office of Management and Budget Director, Secretary of the Treasury, Chairman of the Council of Economic Advisers, Direc-

tor of Congressional Budget Office, and the chairmen of the House and Senate Budget Committees, would be empowered to draw up a set of economic assumptions—namely, real GNP growth, GNP deflator, CPI, unemployment rate, and 91-day Treasury bill rate—which would be presented to the Congress in January of each year.

The House and Senate would be required to vote on these assumptions or other alternatives which the Budget Committees might offer prior to their consideration of the budget resolution. Approval of valid economic assumptions by the Congress would be a key step in the budget process, and would provide Congress with essential indicators upon which it could frame a budget.

Finally, I would like to suggest a change in the budget process which formally recognizes the importance of the first budget resolution. The experience of the last two budget cycles has convinced me of the preeminence of the first concurrent resolution on the budget. The first resolution is a planning instrument for the Congress and is, therefore, an appropriate vehicle on which to attach the necessary reconciliation instructions.

The time needed to craft a reconciliation bill for the upcoming fiscal year is simply not available after the second budget resolution. Delaying reconciliation until after the second budget resolution could slow important tax and spending decisions well into the new fiscal year and delay policy decisions which should already have taken place.

I have introduced legislation, H.R. 1187, which eliminates the second required concurrent resolution and ties reconciliation to a binding first budget resolution. I believe that this proposal would streamline the budget process and, at the same time, allow the Congress adequate time to make the necessary spending, taxation, and policy changes for the upcoming fiscal year.

Mr. Speaker, I invite our colleagues to join with me in cosponsoring these two bills. It is my hope that the Congress will take steps to streamline the budget process so that it will better reflect the economic realities we face and will do so in a more timely fashion.●

TRIBUTE TO FRANK BANE; DIRECTOR OF THE SOCIAL SECURITY BOARD

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. PICKLE. Mr. Speaker, it was with a deep sense of regret, that I recently noted the passing of Mr. Frank Bane. As the first executive director of social security, Frank Bane charted the course of the Nation's largest domestic program. I was privileged to have had the opportunity to meet Mr. Bane 2 years ago. In addition to having been one of the prime movers behind social security, he also founded the American Public Welfare Association. For the contributions Frank Bane made toward insuring the well-being of America's people, he will be remembered. In noting his passing, the Washington Post published the following article outlining Frank Bane's life. I call it to the attention of my colleagues:

[From the Washington Post, Jan. 18, 1983]

FRANK BANE, 89, FIRST DIRECTOR OF SOCIAL SECURITY SYSTEM

Frank Bane, 89, the first executive director of the Social Security Board and the official who drew up the nation's Social Security program, died of cancer Sunday at Washington House in Alexandria.

Mr. Bane was one of the most influential yet least known men in the federal government from 1930 through the 1950s. He helped develop the concept of public welfare into a major governmental function. During World War II, he organized national rationing of tires, cars, gasoline, sugar, coffee, meat and other commodities.

In 1930, he founded the American Public Welfare Association. From 1935, when it was organized, until 1938, he administered the vast Social Security System.

For the next 20 years he worked in Chicago as executive director of the Council of State Governments. He once wrote that he had worked with 414 governors over 35 years.

During World War II, while still heading the Council of State Governments, Mr. Bane was called to Washington to serve as director of field operations in the Office of Price Administration. It was in this job that he played such a large role in rationing. He also directed the homes utilization division of the National Housing Authority.

In 1958, he returned here to organize President Dwight D. Eisenhower's Advisory Committee on Intergovernmental Relations. He continued that work under President John F. Kennedy. He also chaired the Surgeon General's Council on Medical Education and in 1960 was consultant to the White House Conference on Children and Youth. He was Regents' professor at the University of California in Berkeley in 1964 and lectured at universities here and abroad until 1976.

Mr. Bane was born in Smithfield, Va. He earned a bachelor's degree at Randolph-Macon College in Ashland, Va., and did graduate work at Columbia University. He taught in Virginia and then went to Tennessee as director of the State's public welfare program. From 1926 to 1930, he was state director of public welfare in Virginia.

His wife, Greyson Bane, died in 1953.

Survivors include a daughter, Clark Hutchinson of Wilmington, Del.; a son, Frank, of Berkeley Springs, W. Va.; five grandchildren, and two great-grandchildren.●

THE MAIL ORDER CONSUMER PROTECTION AMENDMENTS OF 1983

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. LELAND. Mr. Speaker, the growth of the mail order industry in recent years has spawned a corresponding growth in fraudulent schemes using the U.S. mails. As these schemes have grown in number and proportion, the operators have grown increasingly sophisticated in the manner in which they conduct them. The tremendous success of mail fraud schemes and the tremendous profits realized from them, has made all too evident the inadequacy of the Postal Service's power and authority in combating these crimes.

In the last Congress, myself, Congressman FORD and Congressman PEPPER introduced legislation designed to curtail the growth of mail fraud by strengthening the enforcement powers of the Postal Service. This bill was the product of extensive and careful consideration of the need to balance the enforcement powers granted with protection of the constitutional liberties guaranteed to those individuals and institutions who employ the U.S. mails. In this interest, comprehensive hearings were held in which the views of many interest groups, organizations, and Government agencies were solicited and considered. Among those heard from were representatives of the mail order industry; magazine, book and newspaper publishers; the Postal Rate Commission and the Postal Service; the American Civil Liberties Union; the American Bar Association and others.

On December 13, 1982, a legislative proposal addressing this problem was passed by an overwhelming majority in the House. A similar bill was passed unanimously by the Senate in May of last year. The shortage of time and pressing business of the lameduck session prevented these bills from going to conference. But I believe that the need for this legislation still exists, now more than ever. Your votes recognized that need and signaled to me that it was imperative that the Mail Order Consumer Protection Amendments of 1983 be reintroduced and passed in this session of Congress.

As long as the Postal Service is compelled to utilize a long and awkward process in enforcing the existing law, mail fraud schemes will continue to flourish. Presently, all that postal inspectors may do is make a test purchase of the suspect materials. This process alone may take 6 weeks. If the product is found to be apparently fraudulent, the Postal Service may

present their evidence to a court, which may then issue a subpena allowing further investigation. All too often, however, by the time that a scheme has been detected and a test purchase made, the con man has filled all his orders and shut down his operations. Even when the Postal Inspectors are able to uncover a fraudulent scheme in time and issue a stop mail order, the perpetrator of the scheme evades the stop mail order by changing his address, moving to another State or adopting an 800 telephone number, and continues his extortion.

As long as this situation is allowed to continue, the citizens of this country, particularly the elderly, will be victimized. The Select Committee on Aging has documented the disproportionate effect mail fraud has on the elderly population. Although they constitute only 11 percent of the population, they account for 30 percent of all mail fraud complaints received by the Office of Consumer Affairs. Sixty percent of all medical quackery perpetrated through the mails is directed at the elderly.

Although the elderly are the primary victims of mail fraud schemes; the phony fast food franchises, commodities market swindles, and pension fraud schemes, to name a few, extort thousands of dollars from all segments of the population. It is always those who can least afford it that are duped out of $40,000 for worthless health insurance, or $30,000 for land that is underwater. One scheme alone garnered $112,000 a day for promoters selling guaranteed weight loss brochures that were nothing more than a simple diet and exercise plan.

The original legislation considered by our committee dealt with these problems by granting broad new powers to the Postal Inspection Service. However, the committee was concerned that some of the new powers granted were perhaps excessive or unnecessary, and contained the potential for abuse of constitutional rights.

These concerns resulted in the extensive rewrite of H.R. 3973, out of which came H.R. 7044. The major provisions of H.R. 7044 as passed by the House are as follows:

First, it gives the Postmaster General or his agent the right to purchase any item or service being offered through the mails, but also requires the Postal Service agent to identify himself to the seller; give the seller notice of the nature of the Postal Service's investigations; and inform the seller that failure to sell to the agent, and the seller's reasons for not selling, may be considered by a court in a probable cause hearing.

Second, it authorizes the issuance of "cease and desist" orders against violators of 39 U.S.C. 3005, but only after a full hearing before an administrative law judge.

Third, it provides civil penalties of up to $10,000 per day for violations, but requires that only a court may enforce them, and then only after an independent finding by the court that a violation has occured.

Fourth, it requires twice yearly reports by the Postmaster General to the USPS Board of Governors on the Postal Service's investigative activities. These reports shall then be transmitted by the Board to the Congress. It also mandates an extensive consumer education program to be carried out by the Postal Service to help prevent rip-offs before they occur.

The Mail Order Consumer Protection Amendments of 1983 are a carefully thought out and precise instrument for effectively combating mail fraud, one of the fastest growing criminal activities in this country. There is no doubt in my mind that this legislation is essential for the restoration of public confidence in the U.S. Postal Service and halting the deplorable extortion of our senior citizens.

I urge you to support the Mail Order Consumer Protection Amendments of 1983.●

CLARIFICATION OF TAX TREATMENT FOR AGRICULTURAL COMMODITIES RECEIVED AS IN-KIND PAYMENTS

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. EVANS of Iowa. Mr. Speaker, yesterday I introduced along with Mr. ROBERTS, Mrs. SMITH, Mr. LEACH, and Mr. TAUKE, legislation to clarify the tax treatment of commodities received by producers through the payment in kind (PIK) program announced by President Reagan last month.

In order to reduce surplus stocks, farmers will be given payments of commodities for taking land out of production. This acreage reduction will be in addition to the regular set-aside and paid diversion program.

The in-kind payments received under the PIK program will be a partial substitution for the commodities that would have ordinarily been produced on the diverted land. However, the current tax may be interpreted so that the payments will not be taxed the same way that actual production would have been. For tax purposes a producer of agricultural commodities normally has income from production when the commodities are sold, in some cases this is a year or more after the commodities are produced. In contrast, the Internal Revenue Service may decide that a payment in kind should be treated as income at the time the producer has a right to receive it regardless of when the commodities are sold by the producer. Thus, in some cases, a producer could owe taxes on the commodities even though there has been no sale and thus no case to pay the taxes.

Unless the treatment is clarified in the near future, many producers may choose not to participate and thereby reduce the effectiveness of the program.

In addition, a producer could lose the special-use valuation benefits for estate tax purposes if he is within the 10-year or 15-year recapture period after death.

Also, participation in the program could result in ineligibility to select the special use valuation at death, because the grain received may be treated as cash rent. Under the PIK program, there are none of the risks of crop production present—the amount of grain received is based on the cropping history of the farm and the yield is known at the time of signup.

Eligibility for special-use valuation requires that the decedent-to-be, or a member of his family, must be in an at-risk position in a farm operation. After death, each qualified heir must have the same at-risk relationship to the farm enterprise to avoid recapture of benefits, except during a 2-year period immediately after death.

Mr. Speaker, farmers need to know prior to the end of the March 11 signup period, the tax treatment of these commodities. Thus it is important that Congress act immediately on this matter.●

THE ABBOT EPINEPHRINE SCANDAL—PART II

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. BIAGGI. Mr. Speaker, today I wish to place into the RECORD my second statement regarding my ongoing investigation into a brand of epinephrine manufactured and sold by Abbott Laboratories. As I did in my February 3 statement I wish to insert the second part of a two part series of articles on the subject written by Cheryl Marie Smith of the New York daily newspaper Newsworld.

One of the main issues which I feel must be addressed as a result of this episode is the need for the Food and Drug Administration to develop standards limiting the acid content in epinephrine.

The high acid content contained in the Abbott product was cited as a main reason why there were no survivors out of 852 cardiac patients injected with Abbott epinephrine, according to a study done by Dr. Joseph Feld-

shuh and Dr. Raymond Gambino both of New York.

I will continue to monitor the "market withdrawal" of the Abbott epinephrine which was agreed to after a meeting between Abbott and the FDA. At the present time, the withdrawal is proceeding at far too deliberate a pace considering the gravity of the findings about the inherent dangers of the product. I would hope that the FDA would take the position of advocating for patient safety and demand a faster and more complete withdrawal of this product from hospitals.

At this point in the RECORD I wish to insert the Newsworld article entitled "Emergency Heart Drug's Future Uncertain," as well as a related article entitled "Epinephrine—Not Checked by 1938 Food, Drug Act."

EMERGENCY HEART DRUG'S FUTURE UNCERTAIN

(By Cheryl Marie Smith)

Abbott Laboratories' pre-mixed epinephrine syringes, first marketed in 1973, were greeted with open arms by the medical community, which adopted them with zeal. Created with an eye to efficiency, this life-saving adrenaline preparation came pre-measured and pre-diluted in sterilized needles. Within seconds, it was ready to save the life of a heart-attack victim.

But this product may have had an Achilles' heel of monumental proportions: To ensure its two-year shelf-life, it was diluted with an acid solution. That solution, two doctors have reported, is strong enough to be lethal to heart-attack victims.

Two doctors, Joseph Feldschuh, a heart specialist at New York Medical College-Metropolitan Hospital, and Raymond Gambino, a pathologist at Columbia University and president of MetPath Laboratories of Teterboro, N.J., have contended that the Abbott pre-mixed epinephrine syringes have "potentially lethal qualities" and may have caused "extreme acidemia that may itself contribute to the cause of death in some patients who potentially could be resuscitated."

Their findings, published in last month's American Journal of Medicine after being rejected by two other medical journals, may send shockwaves through the nation's medical systems.

But without doubt, three things should come from the report: specific research to support or disprove the findings, new federal Food and Drug Administration regulations regarding acid levels in heart medications, and creation of new packaging for epinephrine, which would be properly measured, easy to handle and preferably non-acidic.

NO SURVIVORS

Although he did not include it in the AJM report, Feldschuh said he conducted a survey of 38 New York physicians during 1979-80 about their experiences with cardiac arrest patients and use of Abbott epinephrine syringes. He found that in 852 cases where Abbott syringes were used "there were no survivors."

"This is a bigger story than Tylenol," Feldschuh said recently. "This is a lethal drug which has been used by millions of people. How many people may have died?"

Asked why he did not submit the data regarding the 852 "non-survivors" to AJM, Feldschuh said that when he presented that data to Abbott Laboratories in June 1982 he "got the impression they would voluntarily recall their product" and decided to "soften" his report.

But when Abbott chose instead to lower the acid content of their syringes and continue marketing it, Feldschuh felt justified in revealing the full results.

A spokesman for Abbott Laboratories in North Chicago called the charges against the product "absolute nonsense" and challenged Feldschuh's contention that heart-attack victims died because of the injections.

Not only is it "impossible to tell what the survival rate is" among such patients, who are already on the brink of death, the spokesman said, but there are questions about "the use of other drugs." There is also the possibility of an overuse—by the physicians—of Abbott syringes, he said.

Feldschuh's report said an "average of three" syringes were used in each instance, and in at least one case as many as 17. Recommended dosage, according to the New York Heart Association, is between 0.5 and 1 mg. Although their syringe contains 1 mg, the Abbott spokesman said the company-recommended dosage is 0.3 to 0.5 mgs.

RECOMMENDATIONS IGNORED

But according to Feldschuh, these recommendations are seldom followed. Of the 38 physicians surveyed in 1979-80, "no one ever used less than one ampule per injection" and in fact usually gave more, he said.

"This is because you simply keep on giving it—one at a time—until the patient's heart restarts or he dies. It's not an overdose because you don't give two at a time; it's sequential."

Doctors, he pointed out, would be concentrating on the adrenaline they were injecting, not the unsuspected acid load accompanying it.

Since Jan. 13, Abbott Laboratories has been under a voluntary, FDA-approved "market withdrawal," according to the Abbott spokesman.

He also confirmed that last summer, after the company received a preliminary report from Feldschuh, Abbott Laboratories lowered the acid level in their epinephrine formula to apparently the same level as another pre-mixed syringe made by Bristol Laboratories. Abbott is not legally required to notify the FDA of such a change, and chose not to do so, the spokesman added.

The current recall, the spokesman noted, only pertains to Abbott epinephrine syringes produced earlier than the July 1982 formula changeover. "Very little if any" of the affected syringes should be recalled, he added.

Health and Hospitals Corp. officials said all Abbott syringes would be recalled from the City's 16 hospitals by this week, but he had no estimate of how many. But Herbert Carlin, apothecary-in-chief of New York Hospital-Cornell Medical Center, said 1,084 syringes were removed at that hospital.

In a recent interview in his office, Carlin demonstrated the differences between the pre-mixed syringes and a Parke-Davis epinephrine product that has to be hand-mixed.

WELCOME ASSET

Pre-diluted epinephrine syringes have been a welcome asset in emergency rooms, he said, because when a patient's heart stops, a doctor has four to six minutes to restore a pulse. The Abbott syringes come in two sections, and a doctor has only to flip away two lids, screw the needle into the vial containing the drug, remove the sanitized sheath on the needle and insert it into the chest.

The Parke-Davis preparation, on the other hand, is awkward to handle. A doctor must crack the lid off a glass ampule and draw the drug into a syringe. But since the ampule contains only a dilution of 1:10,000—1:10,000 is needed—the doctor must measure and add 9 ccs of saline water solution (using another syringe), mix everything properly, then place the drug in another syringe with a longer needle. All of this eats up precious time.

This measure-and-mix procedure, Carlin added, was standard emergency-room procedure 30 years ago. But it was rendered practically obsolete when the "faster" syringes came out in the early '70s.

Why is acid used in the pre-diluted syringes?

"It stabilizes the epinephrine," Carlin explained. By nature, he said, epinephrine injections are needed in dramatic and rare instances, and, as such, are prone to sitting on a shelf for long periods. The acid maintains the epinephrine's stability and prevents deterioration.

The Abbott syringes, both old and new, have a shelf life of approximately two years, he said.

The ideal product—"which doesn't exist," he quickly added—would be a non-acidic ampule with the right volume (1:10,000) that could be easily mixed with a sodium buffer.

"It's a packaging problem," he said. "If someone were smart, they would do it right away."

Carlin, who is on the revision staff of the U.S. Pharmacopoeia, which sets medical standards that the FDA enforces, said regulations about total acidity in epinephrine will be proposed next month.

The American Medical Association in Chicago had no comment about the controversy, according to a spokeswoman, but "would probably investigate it"

ANOTHER DILEMMA

In the meantime, though, another dilemma has arisen.

"If there's a problem with acidity, and it is indicated," Carlin said, referring to the AJM report, "we'll have to decide what to do. Which is better? Withhold the therapy and have the patient die, or use a therapy which might hurt the patient?

"I wouldn't call this a national scandal. It's more of an unfortunate situation—a loophole—which needs to be reviewed. Maybe we should also take a look at other things going into the heart."

He said research should be conducted based on Feldschuh's and Gambino's work. He said there should also be an investigation to see how, with the myriad tests any drug must pass before being allowed on the market, this kind of "loophole" escaped everyone's attention.

"The whole thing should be looked at, but not as a fast answer for someone who died," Carlin said, "The real question is, how did it happen?"

Gambino, an expert in blood pH who confirmed Feldschuh's findings with independent tests, agreed that Abbott's "purpose [in creating the syringe] was good.

"Abbott thought they were doing something good, providing convenient syringes that were sterile and available in seconds," he said, "But their Achilles' heel was the

stability problem that they solved with acid," he said.

STILL DANGEROUS

Feldschuh, meanwhile, is adamant that regardless of its lowered acid level, the new Abbott product "is dangerous" because "it still has between 300 and 400 times as much acid as the Parke-Davis product."

Although the Bristol product should be the same as Abbott's, according to its packaging, Feldschuh said, it is far less acidic. He recommended that physicians use Bristol over Abbott. The very best, he said, was the Parke-Davis mixture.

The price of the epinephrine products differs according to discounts given to various facilities. But at least one listing cited Bristol's as $63.35 for 10 long-needle syringes, $57.84 for 10 Abbott long-needle syringes and $5.09 for 10 Parke-Davis ampules (needles and another solution must be added.)

Feldschuh said yesterday that in continuing surveys of doctors, he has yet to find an instance of a patient who has survived when given Abbott epinephrine syringes.

"There have been millions of these syringes produced," he said. "How many people got a dose and survived? And how could a product like this meet all the FDA regulations and still have this happen? It seems like there's a cover-up somewhere."

EPINEPHRINE NOT CHECKED BY 1938 FOOD, DRUG ACT

A federal Food and Drug Administration spokesman recently wondered out loud how an "old" drug that has "been used for years" and "meets all the standards" could become embroiled in such a shocking report as presented last month in the American Journal of Medicine.

However, a brief recap of pharmaceutical history may explain how a potentially lethal preparation for heart-attack victims, which is now being removed from hospital shelves throughout the nation, may have slipped through a myriad of legal and medical safeguards.

Some of today's drugs are ancient. Belladonna, for example, has been used since medieval days as both a poison and a sedative. Pain-killing morphine has been used since a German pharmacist isolated it in 1803. Epinephrine, the true name for adrenaline, was placed on the market around 1904 as an effective stimulant for a faltering heart.

In the early 1930s, sulfa drugs, so-called because they contained elements of sulfur, were discovered to be effective combatants against many kinds of bacteria. Once regarded as antibiotics are today, sulfa drugs were prescribed for numerous ailments and received wide usage.

However, since sulfur is not soluble, the drugs had to be manufactured either as large difficult-to-swallow pills or as a thick, distasteful liquid—neither method being particularly pleasant.

MIXTURE MADE DRUG POISONOUS

So, when someone created an easy-to-drink sulfa drug preparation a few years later, doctors around the country hastened to prescribe the "new" brand. That is, until people started dying from it; it seems that when the sulfa drug was mixed with the watery chemical, a noxious poison was created.

As a result, the rigorous 1938 Food, Drug and Cosmetic Act was enacted, which said, in part, that drugs could not be sold unless the manufacturer proved it to be safe. The act, however, was not retroactive, so drugs on the market before 1938 (such as belladonna and epinephrine) were not affected.

The next major milestone in drug regulations happened in the early 1960s, when a manufacturer was in the process of proving the safety of a sleep-inducing drug, thalidomide.

Marketed between 1957 and 1961, thalidomide was thought to be so safe that it was sold without prescription. But when babies of thalidomide-taking mothers were born with deformities, the drug was quickly recalled and more teeth was placed into the FDA laws: now, all drugs which came on the market between 1938 and 1962 had to be studied and proven to be safe and effective.

As important as this action was, there was still a practical problem. If all drugs then on the marketplace had to be withdrawn for testing, there would simply be no medications available. Therefore, as before, drugs marketed before 1938—including epinephrine—were left relatively untouched.

"Certainly, during the last 80 years, all drugs have been reformulated and changed," said the FDA spokesman. But the bottom line is: if a problem hadn't been identified, why would there necessarily be a regulation about it?

FDA regulations do not currently contain regulations for acid levels in epinephrine products, but as of March, the United States Pharmacopoeia, which sets the standards that the FDA enforces, is expected to propose new regulations. Their activity, said a U.S.P. spokesman, came as a result of the report in the American Journal of Medicine.●

RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS, 98TH CONGRESS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. BROOKS. Mr. Speaker, pursuant to clause 2(a) of rule XI of the House of Representatives, herewith are submitted for publication in the CONGRESSIONAL RECORD the rules of the Committee on Government Operations, which were adopted on February 3, 1983:

RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS, 98TH CONGRESS

RULE 1.—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Operations and its subcommittees as well as to the respective chairmen.

[See House XI, 1.]

RULE 2.—MEETINGS

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., except when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

RULE 3.—QUORUMS

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall constitute a quorum for taking any action other than the reporting of a measure or recommendation. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

RULE 4.—COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman in accordance with House Rule XI, 2(l).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

RULE 5.—PROXY VOTES

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to the measure or matter.

[See House Rule XI, 2(f).]

RULE 6.—ROLLCALLS

A rollcall of the members may be had upon the request of any member.

[See House Rule XI, 2(e).]

RULE 7.—RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the roll-call votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

RULE 8.—SUBCOMMITTEES; REFERRALS

There shall be seven subcommittees with appropriate party ratios which shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein.

[See House Rule XI, 1(a)(2).]

RULE 9.—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

RULE 10.—STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

RULE 11.—STAFF DIRECTION

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12.—HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours in advance of their appearance.

[See House Rule XI, 2 (g)(3), (g)(4), (j), and (k).]

RULE 13.—OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rule XI, 2 (g) and (k).]

RULE 14.—FIVE-MINUTE RULE

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

RULE 15.—INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 18.—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(b) Arrange such meetings, designate participants and submit such reports to the House as may be necessary to carry out the coordination of oversight activities and reporting requirements under House Rule X, 2(c);

(c) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(d);

(d) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(e) Authorize and issue subpenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee; and

(f) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.●

TODAY'S AMERICAN HEROES

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. MACK. Mr. Speaker, on January 29 of this year, the Fort Myers News-Press presented its ninth annual public service awards at a banquet in Cape Coral, Fla.

The recipients of these awards demonstrate that heroism is very much alive today in America. The men honored at the banquet come from all walks of life, but are characterized by one common description: when they saw others in need, they came to their aid in a selfless manner.

I insert at this point the citation of these heroes delivered at the awards banquet:

Our first nominee is Tim Bryant. A fire broke out on the second floor of the triplex where Bryant lived. It was started by an electrical cord used on an air conditioner. Bryant woke the woman who lived in the burning apartment and got her out of the burning building, saving her life. Bryant was nominated by the News-Press staff for his heroism.

Trooper L. M. Costanzo and Auxiliary Lieutenant Ray Dean of the Florida Highway Patrol were on routine patrol of Fort Myers Beach on a selective enforcement detail when they noticed a structure fire at a condominium on the Beach. With no regard for their own personal safety, Costanzo and Dean entered the building in an attempt to evacuate the building. After alerting six of the occupants, Dean continued to knock on doors while Costanzo tried to extinguish the fire and prevent the explosion of a propane gas tank until the firemen arrived on the scene. Costanzo was nearly unconscious and had to be carried from the building by Dean. He was treated for smoke inhalation at a nearby hospital. They were nominated by Sergeant J. V. Cheshire of the Fort Myers District.

Todd Crandall was delivering the Wall Street Journal at two in the morning when he noticed an orange glow in the garage of a home in South Fort Myers. Crandall knocked on the door until he woke the family to alert them of the fire. Crandall then went to the Iona-McGregor Fire Station to summon the firefighters to the scene. Crandall's quick response to the fire allowed the family to escape without injury and he was nominated by the News-Press staff.

Deputy Charles DiFelice has just gotten to sleep after his 5-3 shift when a neighbor woke him to report a possible burglary in process in Lehigh Acres. Deputy DiFelice and his K-9 partner, Bullitt, found several screens on the ground of the residence in question and the rear glass sliding door forced open. They checked inside and found two juvenile boys who had done about $3,000 worth of vandalism to the interior of the house. The completion of this investigation cleared this case and two other burglaries and resulted in the arrest of eight juveniles. This is but one of the cleared cases DiFelice has to his credit and he was nominated by Col. Dave Wilson of the Lee County Sheriff's Department.

When people in Lehigh Acres have a need they often turn to Joe Farley for assistance. Farley learned that a female murder victim had no money for burial and made the funeral home facilities he owns and operates available for the burial, bought her a plot and even talked his off-duty personnel into acting as pallbearers for the destitute woman. This is but one example of Farley's unselfish acts and he was nominated by the News-Press staff.

Lieutenant Douglas Ferrell of the Cape Coral Fire Department was nominated by Assistant Chief Dennis O'Key. Lt. Ferrell

and his men responded to a condominium fire. Five residents, including an elderly blind man, were trapped on the second floor of the burning building. Lt. Ferrell and his men assisted the trapped residents down ladders to safety.

The next nominee is also from Cape Coral, from Police Chief Jim White and supported by Fire Chief Jim Hunt. A 12 year-old boy was digging a "fort" in a sandy stand of palmetto trees behind the Nobility Home area when the sand caved in and covered the boy. A neighbor ran out and started to dig the boy out and had him uncovered to the waist when Patrolman Keith Pfister arrived on the scene. Pfister grabbed the boy by the arms and worked him free as the boy started to turn blue. Pfister cleared the boy's mouth and nose of sand and, with another patrolman, started mouth-to-mouth resuscitation. The boy's color started to return and he had started to breathe as the medics arrived. The boy is alive today because of the quick response of Patrolman Pfister.

Volunteer Captain Mike Wesley of the Bonita Springs Fire Control and Rescue District was nominated by Chief Dan Gourley. Water pipes were being worked on when suddenly a ditch collapsed, trapping a man to his shoulders in mud and rocks. Wesley responded to the call and, upon arriving at the scene, went into the ditch to offer aid, comfort and encouragement to the trapped man. The victim later said that many times he wanted to give up but Wesley's presence, even with the ditch continuing to crumble, kept him going.

The incidents I have just recounted and those involved are what this program is all about. It may be "just part of the job" to many of you but there are few who are willing or capable of doing that job. And we at the News-Press are happy to salute you all this evening.●

STRATEGIC TRADE ACT OF 1983

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mrs. BYRON. Mr. Speaker, on January 6, I introduced the Strategic Trade Act of 1983. I am taking this opportunity to briefly express the reasons behind this important piece of legislation, and to explain the major provisions of the act itself.

Taxpayers in the United States are called upon each year to fund high-technology research and development through Defense Department programs. A clear example of this is the current intensive effort on the part of the DOD to develop a technology called very high speed integrated circuits (VHSIC). This extremely advanced technology should result in electronic microcircuits that operate at speeds greatly in excess of current devices. Research in this area is being conducted by the Department of Defense through projects at six private electronics corporations. These six team leaders will conduct $175 million worth of research to develop VHSIC components. A major military use of these devices will be to vastly upgrade the capabilities of smart weapons in their mission to recognize and defeat armored targets.

Note that this represents a significant nonnuclear deterrent to the Soviet tanks that threaten the security of our allies in Western Europe.

But consider the civilian use of this advanced technology. VHSIC is expected to greatly increase the capability of civilian-sector computers and related products. Indeed, a recent Newsweek article quoted one of the officials of a VHSIC team-leading company as indicating that his company would have had difficulty justifying research into VHSIC had they not been able to identify a civilian commercial market for the devices. When these civilian-sector goods come onto the market, we must be certain that these goods, embodying the high technology paid for by the U.S. taxpayer, do not migrate to the Soviet bloc to be used against us. We must insure that this remarkable advance in technology is neither used directly by the Soviets to upgrade their weapons nor compromised by Soviet analysis of VHSIC in order to devise countermeasures to its use in our weaponry.

VHSIC is an example of the type of technology transfer that the Strategic Trade Act is designed to control. All too often, the Soviet bloc gains military capabilities through the export of U.S. products that embody advanced technology. As many recent examples point out, we need to more closely control the export of technology lest we find ourselves facing our own technical advances on the battlefield.

The export licensing process for civilian-sector goods and technology includes review of tens of thousands of license applications yearly at the Department of Commerce. Using guidelines developed by the Department of Defense, many of these applications are forwarded to the DOD for review. The purpose of the DOD review is to insure that the national security aspects of the proposed export have been properly addressed; in short, to determine whether the country of destination will derive a military benefit from the exported product or technology.

The DOD technical expertise and military analysis must be focused on this review process.

There are many subtleties to this export review process; the country of ultimate destination may not be the first country to receive the export after shipment, the consignee may not be a reputable firm which could be expected to honor restrictions on retransfer, the technology may be so esoteric that only a military expert well versed in the field could determine military applications of the technology, and so on. Because the concept of international trade implies that the country on each side of the trading bargain needs what the other side is willing to offer, for example, goods in exchange for other goods or money, it goes without saying that the Soviets and their satellites need the Western technology that they purchase. Review of export licenses necessarily includes a complex set of line drawings as to how much benefit the Warsaw Pact gains from each export, benefit in terms of being able to expend their in-country resources on other military projects rather than developing the technology they seek to import.

The thrust of the Strategic Trade Act is to enhance the DOD role in the export licensing process. By providing an identifiable, funded agency within the DOD, we can expect a more thorough review of high-technology exports. This National Security Controls Agency will be responsible for developing detailed guidelines in their consideration of license applications. Eight offices within the Licensing Division of the Agency will be responsible for the critical review and analysis of applications to export such items as computers, electronics, and capital goods. Through a more careful review, the DOD and the Government as a whole will be in a position to protect the tax dollars spent to develop the technology that defends our Nation.

In addition to creating this review agency, the Strategic Trade Act enhances the concept of national security controls on the export of goods and technology. This basis for control of exports has long been recognized; the act refines the circumstances under which the argument that "the device is available from foreign sources" could be used to override a denial of licensure on national security controls in the overall Western trading community, not just the U.S. sources, and therefore requires that instances of foreign availability be positively dealt with through government-to-government negotiations, with the purpose of eliminating the foreign source. Only when these negotiations have failed can a U.S. export applicant use the assertion of foreign availability to override an export control based on national security. In my mind, this gives proper credence to the finding that an export threatens the security of the entire Western alliance, and that export of the particular commodity should be controlled not only by the United States, but also by our allies.

The Strategic Trade Act of 1983 is a complex, technical bill designed to reorient many facets of the current export policies and procedures. To provide my colleagues with an introduction to the act's provisions, a section-by-section outline is provided:

OUTLINE OF THE STRATEGIC TRADE ACT OF 1983 H.R. 483

Section 1. Title.

Section 2. Findings. Along with reiterating some of the findings of the current Export Administration Act (EAA), this section adds new findings concerning the need to more closely control the export of national security technology. In particular, the need to improve the Department of Defense's review and analysis process is identified.

Section 3. Policy. This section strengthens the policy on United States participation in the Multilateral Export Controls Coordinating Committee (COCOM). Also, when foreign sources of a national security sensitive technology are found, the policy is stated that the U.S. will take all reasonable action to eliminate such source from a friendly country. In order to give proper context for this policy, substantial sections from the current EAA are repeated in this section.

Section 4. Definitions. Provides expanded definitions of "technology", "export of goods", and "export of technology".

Section 5. National Security Controls Agency. This is the major section of the Act, which creates an agency within the DOD to coordinate the review of proposed exports from the national security viewpoint. The Agency consists of a Director and various divisions organized along functions to be performed and commodity export areas. The intent of the Act is to centralize and systematize the DOD review of export applications, so that careful scrutiny can be applied along national security lines. Exporters would continue to submit export applications to the Secretary of Commerce; the effect of this Act would be to coordinate and expand DOD's role in the review of these applications.

Section 6. Delegation of Authority. Allows delegation of authority by the President only to agencies headed by individuals appointed with the advice and consent of the Senate.

Section 7. National Security Controls. Substantially restates the extant control mechanisms, but substitutes the Director of the National Security Controls Agency for the previous Secretary of Commerce. Also, the section expands the foreign availability consideration process. Includes wording suggested by the General Accounting Office (GAO) to streamline the review of applications referred to DOD.

Section 8. Violations. This section adds new penalties for corporations and allows increased administrative actions in violation cases.

Section 9. Enforcement. The jurisdiction of the courts is expanded. New sections are added in the area of disclosure of documents obtained during investigations.

Section 10. Exemptions. This section restates the extant exemptions and public participation aspects.

Section 11. Effect on Other Acts. The EAA of 1979 is preserved to the extent that it is consistant with the current Act. Civil Aircraft Equipment provisions are specifically restated.

Section 12. Authorization for Appropriations. Money will be authorized by this Act for fiscal years 1984 and 1985.

Section 13. Effective Date. Will take effect upon the signing by the President.

Section 14. Savings Provision. Actions initiated prior to the effective date of the Act are saved.●

THE OFFICE OF JUSTICE ASSISTANCE ACT OF 1983

HON. WILLIAM J. HUGHES
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HUGHES. Mr. Speaker, I am introducing today, with my colleague, Mr. SAWYER, the Justice Assistance Act of 1983. Essentially, this bill is the same as H.R. 4481 as passed by the House, 287 to 73, in the 97th Congress with the addition of a reauthorization of the existing National Institute of Justice and the Bureau of Justice Statistics within the Department of Justice. A compromise version of this bill along with other bills—H.R. 3963, the anticrime package—passed the House and Senate late in the lameduck session of the 97th Congress by even greater margins, 271 to 27 in the House and unanimously in the Senate. Unfortunately, the President, primarily on an issue unrelated to this bill, and against the advice of a bipartisan delegation from Congress, decided to pocket veto the anticrime package.

As a result of this ill-advised action, we are forced to process this much needed legislation again in the 98th Congress. Although we are convinced that this bill, separately, will be signed into law—the President's proposed 1984 budget includes funds for it—it is indeed regrettable that the hard-pressed State and local criminal justice systems could not have this much needed assistance during this fiscal year.

The Justice Assistance Act of 1983 authorizes the expenditure of a modest amount of Federal funds to assist State and local governments in the struggle against crimes in the streets.

Unlike the law under which the former LEAA program was operated, this bill does not provide authority and money to build a huge self-sustaining bureaucracy with Federal money, nor does it represent that we can cure the crime problems of America by the infusion of Federal money. It also does not permit the money to be spent for any and all undertakings that fall within the criminal justice system. Instead, the small amount of money authorized is targeted at specific critical crime problems, such as career criminals, arson, jail, and prison overcrowding, and increasing serious crimes being committed by juveniles. It is targeted at real crime problems, and the Federal money must be matched dollar for dollar with local funds in most cases, to assure that the users believe in the programs, and are not just spending free Federal dollars. While a very small percentage of the money authorized can be used for testing new ideas, the vast majority of the dollars will go into programs that have been thoroughly tested, and have been shown to work.

The bill also creates for the first time in Federal law a requirement that the Attorney General coordinate the Federal law enforcement response to crime emergencies such as those experienced recently in south Florida.

We all know the troubling history of the Law Enforcement Assistance Administration which this bill will supersede. LEAA was designed to meet a legitimate need, but unfortunately it got caught up in a swirl of conflicting goals and ineffective administration. Despite its generally negative image, however, LEAA did produce some impressive results. Without LEAA we would not have developed programs like the career criminal, sting operations, treatment alternatives to street crime, and many other law enforcement programs. None of us wishes to return to the LEAA of days gone by, but I would hope that most of us would be able to support legislation that takes the best of the LEAA experience. We believe that OJA does this.

The major feature of the Justice Assistance Act of 1983 is a block grant program for criminal justice funds. Under the bill, a modest block grant pool of about $150 million will be distributed to the States on the basis of population and crime rate. The bill would abolish the bureaucratic nightmare of LEAA and replace it with a lean and scaled-down operation that would not impose Federal bureaucratic requirements on State and local recipients.

The major features of the legislation include a requirement that the States provide a 50-percent match before they receive any Federal funds; the elimination of the federally required State planning agencies and councils; and a narrower focus for the grants.

The proposed Office of Justice Assistance (OJA) would have limited discretion under the bill; 80 percent of the money would be distributed directly to the States, with each State getting a minimum amount of $250,000 with the remainder to be distributed one-half on the basis of population and one-half based on the number of index crimes in the State.

The Justice Assistance Act of 1983 provides specified categories of criminal justice programs which can be funded under this legislation. The programmatic areas generally reflect those projects that have a proven record of effectiveness. The permissible categories include community and police anticrime programs; sting operations; arson programs; white collar crime and organized crime programs; career criminal programs; victim/witness programs; treatment alternatives to street crime (TASC); and prosecutor and police management information systems.

These program categories were chosen because they have been positively evaluated and have the support of the law enforcement community.

In addition to the block grant programs, 20 percent of the funds are reserved for discretionary grants at the Federal level. Under this bill, we recognized that, in order to move some new and worthwhile programs from the research to the implementation stage, some Federal money must be made available for new programs. For this reason, half of the discretionary funds—10 percent of the total appropriation—is authorized to be expended for innovative programs. The Director of the Office of Justice Assistance is authorized to allocate the remaining 10 percent of the appropriated funds for three purposes. One, education or training for criminal justice personnel. Two, technical assistance. Three, programs of the type which are fundable at the State level, but which are national or multistage in scope.

As stated earlier, the bill also provides for emergency grants to States and units of local government experiencing criminal justice crisis conditions. A recent example of the need for such law enforcement assistance, similar to Federal assistance in natural disasters, is the 1980-81 investigation of the Atlanta child murders. When President Reagan determined that Federal funds should be made available to help with the cost of the investigation, he had to order the use of HUD money for this criminal investigation, since there were no law enforcement assistance funds available.

This bill represents a bipartisan effort to define a strong but limited Federal leadership in the fight against crime and I urge all of my colleagues to support this measure.●

EL SALVADOR CERTIFICATION

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. STUDDS. Mr. Speaker, last week 80 of my colleagues joined me in introducing legislation to declare the President's certification with respect to El Salvador null and void. This legislation reflects our judgment that the conditions placed by law on U.S. military aid to El Salvador have not been met; by declaring the President's certification null and void, our bill would stop the flow of military aid to the Salvadoran Government until such time as the Congress determines that these conditions have in fact been met. I would like to include in the RECORD at this point a copy of the statement I am releasing today explaining in detail the basis for my disagreement with the President's certification:

STATEMENT OF U.S. REPRESENTATIVE GERRY E. STUDDS REGARDING THE THIRD PRESIDENTIAL CERTIFICATION AFFECTING EL SALVADOR, FEBRUARY 4, 1983

I do not share the Secretary of State's view that the Government of El Salvador has complied with the statutory conditions placed on U.S. military assistance to that country. The Administration's explanation accompanying the certification simply does not, in my judgment, justify the conclusions arrived at by the Secretary.

In addition, the State Department failed to honor an explicit commitment to Congress to deal in a formal way with investigations into the killing of six American citizens in El Salvador two years ago. Last December, Congress refrained from action on legislation introduced by myself and Senator John Glenn to require a legal determination with respect to these investigations. This decision was based on an assurance in writing from Deputy Assistant Secretary of State Stephen Bosworth promising that the certification would deal with the investigations as if the requirement to do so were part of the law. Unfortunately, the Administration did not keep this promise.

Nowhere in the certification documents is there a determination by the President that the government of El Salvador has made good faith efforts to investigate and bring to justice those responsible for the murders of four U.S. churchwomen and two agrarian reform workers in El Salvador two years ago.

The background report accompanying the certification does include a brief discussion of the murder cases. "Significant developments" are cited with respect to the case of the churchwomen, but no concrete progress occurred, and no assessment of the Salvadoran government's efforts is made. The certification report summarizes handling of the agrarian reform workers case by stating that "the executive branch of the Salvadoran government has given very strong support to the investigation of this case, but the trial of Lopez Sibrian (who allegedly ordered the killing) has been frustrated in the judiciary. The fact is that prospects for bringing those responsible for these two murders to justice seriously declined over the past six months as a result of actions taken by officials of the Salvadoran government.

The failure of the State Department to include a specific finding concerning the investigations is important for three reasons: (1) the murder cases have not been progressing well, and U.S. pressure is clearly necessary if justice is to be done; (2) several new incidents have taken place involving U.S. citizens and the Salvadoran military, including the disappearance of Patricia Cuellar and the killing of David Michael Kline; and (3) the failure to live up to a specific and well understood commitment made to Congress will further undermine the State Department's credibility in its relations with the Legislative Branch.

At the time of the second El Salvador certification, last July, the State Department predicted that a trial date in the case of the churchworkers would be set by September. No trial date has yet been set. It is anticipated that those charged with murdering the churchwomen will defend themselves by claiming they were following the instructions of superior officers. There is, in fact, significant circumstantial evidence to demonstrate the possible involvement of higher officers either in the planning, or at least in covering up, the murders. This evidence, which is not conclusive, has been discussed at length in previous Congressional hearings and was detailed most recently in correspondence between the State Department and an attorney for the families of the churchwomen. It is very disturbing, therefore, to note the statement included in the certification report that "the overwhelming weight of the evidence demonstrated that the accused former guardsmen acted on their own and not pursuant to higher orders" (pp. 26). This statement is neither justified by the facts, nor appropriate given its importance to the outcome of a pending murder case.

In both the Cuellar and Kline cases, the explanation of the Salvadoran military is in direct conflict with the available evidence. Patricia Cuellar, an American and Salvadoran citizen living in San Salvador, was kidnapped on July 18. Despite Salvadoran denials of official involvement, an eyewitness, polygraphed by the FBI, claims uniformed men entered Cuellar's apartment the same night she disappeared. The State Department says that an investigator has been assigned to the case, but no details of the investigation are discussed.

David Michael Kline was shot and killed by Salvadoran soldiers on October 13. The military affadavit claims Kline had attempted to seize a rifle, and was shot from 30 yards away while attempting to flee. An autopsy has demonstrated, however, that he was shot twice in the back of the head at a distance of less than 2 feet, and that he was probably tortured. The State Department says that "an investigation is underway," but once again provides no details of that investigation.

During the past two years, seven American citizens have been killed by the Salvadoran military, and two others, Patricia Cuellar and the journalist, John Sullivan, have disappeared. In one of the cases, has any progress occurred except as the result of intense political pressure from the United States. Despite this pressure, none of the cases has been resolved, and virtually no progress occurred during the past six months.

HUMAN RIGHTS

The first requirement of certification is that the Government of El Salvador made "a concerted and significant effort to comply with internationally recognized human rights." In justifying a positive conclusion, the State Department cites a continuing decline in Salvadoran press reports concerning the number of civilian deaths attributable to political violence; the creation of a government human rights commission; preparation of an amnesty bill; and the ability of the International Red Cross to visit political prisoners.

The State Department acknowledges the fact that civilian deaths reported in the press do not consitute a complete measure of the human rights situation in El Salvador. These statistics reflect primarily the violence in urban centers, such as San Salvador, and not the more rural provinces where heavy fighting has also occurred. It would have been useful for the certification report to have included a statistical breakdown of the reported deaths by area, in order to permit a judgment of the extent to which a geographical bias in the numbers does exist.

The State Department cites a decline in civilian deaths attributable to political violence to an average of under 200 per month, down from 500 a year ago. The human rights office affiliated with the Roman

Catholic Diocese of San Salvador, Tutela Legal, tabulated an average of almost 400 deaths per month, however, and recorded a much smaller decline in its figures than did the Department of State.

The certification report admits that disappearances remained steady during the past six months, and that the rate of decline in civilian deaths slowed during the same period. It also admits that the criminal justice system of El Salvador does not function.

The government's Human Rights Commission, formed in early December, has barely begun its work. Critics suggest it will be ineffective, in part because it includes National Police Chief Lopez Nuila, it is housed in a government building guarded by uniformed police, and its powers are purely advisory. However, the Commission has already played a role in the release of several individuals kidnapped by the security forces, and in publicizing the opposition FMLN's misguided and short-lived effort to "recruit" 136 young people from a soccer field in San Sebastian. Although the Commission is clearly intended to serve a public relations as well as a functional purpose, its creation seems, nevertheless, a positive step.

The possibility of an amnesty law is discussed on several occasions in the certification report. Until such a law is actually drafted, however, its importance cannot be assessed. Major D'Aubuisson's original amnesty plan, announced last April, was hailed by some as a goodwill gesture despite the fact it would have granted an immediate pardon to those accused of killing the four American churchwomen.

The certification report states that 809 people are presently in Salvadoran jails under Decree 507, for suspicion of conspiring against the state. Most of these people have never been tried. The report credits the government with permitting Red Cross visits to the prison, but does not discuss the merits of a policy authorizing virtually indiscriminate arrests.

The Administration claims that El Salvador is making a "concerted and significant effort" to comply with internationally recognized human rights. If such an effort is underway, it is barely apparent. Killings, disappearances, and arbitrary arrests remain standard operating procedure in El Salvador. These actions, too, are the product of a "significant and concerted effort," but at repression and terror, not the observation of human rights.

CONTROL OVER THE MILITARY

The second certification requirement is that the government be "achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens."

While admitting the need for further improvement in military discipline, the certification report claims that greater attention is now paid to human rights matters within the military. The report cites Red Cross training provided to 80% of the security forces, human rights training provided by the United States, and policy declarations made by officials of the Ministry of Defense. Progress is suggested, also, in the handling of prisoners, and reference is made to 196 military and civil defense officials detained for "abuses of authority." Finally, the report says that the Army's Signals Detachment (CITFA), one guilty of police-actions taken in disregard of human rights, has been brought "under control."

The quantity and quality of the human rights training received by the armed forces is not detailed in the report. It seems logical, in any case, to make a judgment concerning this requirement of the certification based on the results of training and official policy declarations rather than on the hortatory efforts, themselves.

Positive gains in human rights behavior on the part of the military are not easy to detect. As in previous certifications, the State Department cites statistics with respect to Salvadoran officers and personnel under detention for "abuses of authority." These statistics would be far more meaningful, however, if some of the cases were described, or if the final disposition of them could be cited. It also appears that the State Department relies almost entirely upon the Salvadoran military for these statistics, and has no means of independent verification.

The report expresses pleasure in the fact that 37 prisoners were taken by the military during the past six months. Such a record is deemed progress only because, during the prior two years of full-scale fighting, the military killed all its prisoners. There have been six major military operations since June, during which perhaps 3,000 casualties on both sides were sustained. Thirty-seven government prisoners are better than none, but the progress is extremely modest. This is particularly true, given the FDR-FMLN's record of turning more than 200 prisoners over to the Red Cross during the past half-year.

The report cites two specific examples of Army abuses. On November 20, in Santa Ana, civil defense personnel allegedly tortured and killed eleven campesinos, and two days later, Army soldiers kidnapped and murdered a dozen young men in the town of Santa Elena. Once again, "investigations of these incidents by the High Command are underway," but no details of the investigations are cited, and no results.

The certification report makes no reference to last January's killings at San Antonio Abad, where 17 people were shot at close range in what the Army called a "fire-fight" but which witnesses described as murder. Whatever "investigation" was made into this incident appears to have yielded no results.

The report does not mention the alleged massacre of 300-400 people in San Vicente in August of 1982. Three women survivors testified concerning this incident to human rights groups in San Salvador, and their account was backed up by a local civil defense commander. The Salvadoran government claimed that 250 "FMLN guerrillas" were killed but that allegations of a massacre were distorted. There is no guidance from the State Department with respect to this event.

Other relevant incidents are ignored in the certification report, as well. Last July, a volunteer from the Salvadoran Green Cross was kidnapped and tortured for several days in the Headquarters of the National Police. One of the torture procedures was called a "Carter" in references to the previous U.S. policy toward human rights. This incident would not have become known if a State Department cable on the subject had not been leaked to the press. Despite the specific reference to torture in the certification language, despite the State Department's knowledge of the incident, and despite the clear official involvement in the kidnapping and torture, it was not judged worthy of mention.

The report also fails to mention the National Police break-in of American press offices on October 20. Armed with pistols and machine guns, the police ransacked the offices of UPI, AP, NBC, CBS and ABC.

The certification report simply does not provide a basis for the conclusion arrived at by the Secretary of State. The report admits that "excesses by some regular and paramilitary forces continue to occur" and that "disappearances continue and there is compelling information that elements of the security forces are responsible in many cases." The retention of 37 prisoners may be an improvement, but many hundreds were simply killed? Specific incidents, such as San Antonio Abad, the Green Cross torture incident case, the killings at Santa Ana and Santa Elena, the killing of David Michael Kline, and the disappearance of Patricia Cuellar have in common major discrepancies between the official explanation of the Salvadoran armed forces and credible evidence available to the U.S. Embassy.

I do not understand how the Secretary of State or the President could conclude from this evidence that the armed forces of El Salvador are putting an end to the torture and killing of the Salvadoran people.

ECONOMIC REFORMS

The third requirement of certification is that the Government make "continued progress in implementing essential economic and political reforms, including the land reform program."

The certification report says that phase I of the land reform program (affecting large farms) is "moving forward" despite problems; that phase III (affecting rental property) has been "vigorously re-launched," and that marketing and financial reforms have been implemented. It cites a significant reduction in the rate of evictions from property affected by the land reform, a dramatic increase in applications for titles under phase III, and slow progress in the issuance of definitive titles to land.

There is, without doubt, a serious and ongoing commitment to land reform on the part of some elements within the Salvadoran government, and on the part of campesino groups working to implement the program. U.S. Government assistance and support has played an important role in helping the program progress as far as it has. The record of the past six months is mixed, but the judgment of continued progress in this area is defensible.

The large increase in title petitions under Phase III of land reform, 13,174 since August 1, reflects a vigorous promotional effort run by FINATA, the government agency administering the program. The decline in reported evictions, 109 during the past 4 months, results presumably from greater military support of land reform. Since the program was started in March, 1980, the military has been implicated in thousands of evictions carried out at the behest of large property owners, particularly in the more rural areas of El Salvador.

The recent progress in land reform is extremely modest. Only 4 definitive titles were issued to phase I cooperatives, down from 12 during the preceeding certification period. Only 157 definitive titles were granted to owners of land affected by phase III. At that rate, the title issuance process under phase III will be completed in a little more than 100 years. The State Department argues justly, however, that final titles cannot be issued in the absence of money to compensate prior landholders, and El Salvador is nearly broke.

The certification report fails to discuss the role of the military in obstructing land

reform in the past, or the failure of the criminal justice system to impose any penalties against those guilty of evicting campesinos from their land. Despite 4,600 claimed evictions, not a single person has yet been fined or jailed for evicting campesinos from their land.

ELECTIONS AND DIALOG

The fourth and final certification requirement is that El Salvador be committed to free elections and that it demonstrate "its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict."

The certification report points to the plans for drafting a new electoral law and to the anticipated creation of a Peace Commission as evidence that El Salvador has complied with this requirement. El Salvador does appear committed to national elections in March of 1984. If the 1982 elections are any example, the 1984 vote will likely have substantial popular backing and will be technically fair. It seems unlikely, however, that such elections will be truly "free" unless the atmosphere of right wing terror and left wing economic disruption can be changed, and unless the state of siege is lifted and basic civil liberties observed.

The planned Peace Commission will have as a purpose enlarged "participation in the political process for those individuals willing to eschew violence." It is impossible to judge at this time whether the future Commission will help bring peace or national reconciliation to El Salvador. It is certainly premature to use it as a basis for certifying military aid.

There is no mention in the certification report of the government's outright rejection of the most recent dialogue proposal put forward by the opposition FDR-FMLN. This plan, calling not for negotiations but for "a direct dialogue without preconditions" was delivered to the government by Archbishop Rivera y Damas, at the request of the FDR-FMLN. The plan, according to its sponsors, is "aimed at finding paths that would lead towards the establishment of peace and social justice in El Salvador, and which would contribute to the achievement of detente in the region."

If the civil war in El Salvador is not ultimately settled by negotiations, it will be settled many years and thousands of more deaths from now by a military victory of the extreme right or the extreme left. The failure of the government of El Salvador to explore non-violent solutions, and more incredibly, the opposition of the U.S. Government even to a dialogue, cannot be justified.

In enacting the certification law, Congress was hoping to encourage the creation of social and political conditions inside El Salvador within which the killing could stop. The approach of both the Salvadoran government and the Reagan Administration has been to ignore proposals for dialogue, to prosecute a brutal counter-insurgency war, and to espouse elections as the sole viable means of national reconciliation. The third leg of this strategy is credible only if it can be demonstrated that left and center-left political activity can be safely carried out in El Salvador. This has, after all, never been the case in the past.

In early October, 17 leaders of labor unions and the civilian Revolutionary Democratic Front (FDR) were kidnapped by armed men in civilian clothes. For more than a week, the whereabouts of the victims were unknown. On October 23, U.S. Ambassador Deane Hinton called the kidnappings "regrettable" and said he was "reasonable certain" the government of El Salvador was not involved. Two days later, the Salvadoran Army admitted it was holding most of the men in military jails for alleged conspiracy against the state.

The certification report calls these arrests "a setback to efforts for political reconciliation." The individuals seized were precisely the type of people El Salvador must enable to participate in the democratic process—that is, the non-violent left. Instead, these individuals were kidnapped without justification, and some of them remain "disappeared."

In early January, eleven armed men in civilian clothes took Beatrice and Christine Alcaine Herrera from their San Salvador home at 2:30 in the morning. The two girls are aged 15 and 17. The kidnappings were carried out by the Hacienda Police, and the girls turned over to a military tribunal, after which they were released.

These incidents are not isolated. Midnight visits from armed men in civilian clothes are a reflection of official Salvadoran government policy. To argue that leftist politicians can operate safely and openly in El Salvador at the present time is nonsense. It is sophistry, also, to suggest that Presidential elections can truly be free, or that they will lead to national reconciliation and an end to the war in the absence of a prior political settlement.

The fourth certification requirement demands, in essence, that the government of El Salvador be committed to democracy and to the exploration of peaceful solutions to the present violence. The government clearly qualifies, in a technical sense, under the first half of this requirement, but fails dismally the latter test.

CONCLUSION

Congress enacted the certification law with the intent of providing an incentive for significant and positive change in El Salvador. It has been almost two years since this language was first proposed, and in that time, some improvements in Salvadoran government policy have, in fact, occurred. The overall record, however, is far less encouraging than, I believe, Congress would have judged acceptable at the time the law was enacted.

The government of El Salvador is fully aware, at this point, of U.S. Congressional and public concern about human rights, and about the need to devise a peaceful solution to the civil war. The government is also fully aware of the legal requirements for continued military aid.

Nevertheless, incidents continue to occur which have in common (a) direct government involvement; (b) flagrant, unjustified abuse of human rights; and (c) high level government denials—despite the evidence of official responsibility. The majority of disappearances—which have not declined at all in frequency—fits this description. The "arrests" of the FDR leaders and the Alcaine sisters, the killing of David Michael Kline and the kidnapping of Patricia Cuellar, the massacres at San Antonio Abad, Santa Elena, Santa Ana, and probably San Vicente, the torture of the Green Cross worker last July, and many other incidents also have these characteristics in common. "Investigations" into these cases, like those involving the American churchwomen, land reform workers, and John Sullivan, will occur at all only under intense U.S. pressure, and will not likely then yield conclusive results.

The refusal of the Salvadoran military to put an end to torture or to abide by international legal standards with respect to the treatment of prisoners, and the failure even to begin to develop a functional legal system indicate an ongoing unwillingness to make concessions to human rights in return for U.S. military aid.

El Salvador's rejection of discussions with the opposition has been supported by the Department of State, but it offends the certification law, common decency, and common sense. I do not believe that Congress either can or should seek to legislate the specific terms of a political settlement to the violence in El Salvador. But it seems fair, in return for millions of dollars of military aid, that we require efforts to explore every possible avenue for peace. The opposition may well not be sincere in its proposal for a dialogue; but the logical response even in that event is to call the FDR-FMLN's bluff, not to ignore completely even a slim chance to stop the killing.

The certification law is an imperfect, inflexible and unenforceable vehicle for controlling U.S. military assistance to El Salvador. It is, nevertheless, the law of the land. Its enactment reflected a willingness on the part of Congress to support the government of El Salvador as long as that government proved willing to reform its policies in return for military aid. This is not a case of the United States simply dictating its policies to another, smaller, country. The law imposes, instead, obligations upon both countries for the purpose of responding constructively to a revolutionary challenge which stems primarily from decades of social injustice, and which has been exploited more recently by the international radical left.

By certifying positively with respect to El Salvador, the Reagan Administration has accepted a ludicrously low standard of performance in the area of human rights. It is a standard which is not only insufficient to meet a reasonable interpretation of the requirements of law, but more importantly, it is a standard which will not contribute in any way to healing the divisions presently tearing El Salvador apart.

The goal of the United States in El Salvador should be to encourage national reconciliation and a reasonable program of social and economic reform. The President's certification should be rejected because it is not in accord with the facts, and because it contributes to a complacency in El Salvador which is dangerous to moderates in the government and fatal to prospects for peace. It is not ordinarily the role of Congress both to enact and also to enforce the law, but with respect to El Salvador and the certification process, that time has come.●

VEPCO CANCELS UNFINISHED NUCLEAR UNIT

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. BLILEY. Mr. Speaker, I rise to direct the attention of our colleagues to an excellent discussion of a real threat to our economic well-being. One which, though generally recognized by a small group of experts, is little known by the general public or our

membership, despite extensive discussions by GAO in four reports in the last 30 months. For the reasons outlined below by my friend Bill Berry, chief operating officer of the Nation's sixth largest electric company, our ability to supply the power to sustain economic growth in the nineties is in serious question.

The remarks of William W. Berry follow:

REMARKS OF WILLIAM W. BERRY, PRESIDENT, VIRGINIA ELECTRIC & POWER CO. BEFORE THE AMERICAN NUCLEAR SOCIETY, WASHINGTON SECTION, ARLINGTON, VA., DECEMBER 1, 1982.

About two weeks ago I announced the cancellation of Vepco's last unfinished nuclear unit.

It was a painful decision because we had hoped and expected to build North Anna 3.

We don't claim that the unit would be unneeded. On the contrary, we are now actively in the market to buy replacement capacity.

Just two years ago, building our fifth nuclear unit looked like the lowest cost source of the additional capacity we will need by 1989.

But then we did the redesign and the engineering required to comply with the post-TMI regulations. We added up the costs and our decision was easy.

North Anna 3 was no longer affordable.

Two years ago we had estimated its cost to completion, including carrying costs, at $2.2 billion or about $2,400 per kilowatt.

The new estimate showed total costs of between $4.1 and $5.1 billion depending on the completion date. That translates into between $4,500 and $5,600 per kilowatt.

Our two existing North Anna units cost an average of $750 per kilowatt and our Surry units were built for $250 per kilowatt.

North Anna 3 was the 76th nuclear unit to be cancelled since 1974. I doubt it will be the last.

It seems to us that the post-TMI regulations have priced new nuclear units out of the market.

But it is not only nuclear units that are being cancelled. Coal units are also being dumped and new orders for units of any kind are becoming a rarity.

In the first six months of this year, just one new coal-fired unit was ordered. In about the same period, two coal units were cancelled and one was indefinitely postponed. That amounted to a net reduction of 800 megawatts of coal-fired capacity on order.

Looking at capacity of all kinds, including hydro and combustion turbines, since 1974 cancellations have exceeded new orders by more than 14,000 megawatts. That's nearly a decade of, not zero, but negative new orders.

In the 1980s alone through June of this year, American utilities had placed orders for 12,500 megawatts of new capacity and had cancelled 53,000 megawatts.

Is this a problem? Should we be concerned? Or can we relax and enjoy a respite from the cares of power plant construction?

The answer obviously depends on the future growth of electricity demand.

Roger Sant and his colleagues here in Rosslyn project a miniscule growth in electric demand through the end of the century.

The man or woman in the street seems to agree. A recent survey for the Energy Department found that a plurality of the public believes no new generating plants will be needed for at least a decade.

But a number of government and private forecasts put annual growth of peak electric demand at between 2.6 and 3.2 percent a year.

And some analysts, including your program chairman and his associate, are warning that the utilities' forecast of about 3 percent growth is too low.

The range of opinion is wide and the uncertainties are considerable. But we have some basis for judging the prospects.

There are several key factors that will tend to hold down demand growth.

The opportunities for cost-effective conservation are far from exhausted.

Individuals and businesses will continue to invest in more efficient equipment and in reducing their heating and air conditioning needs.

Industries will increase cogeneration—although the amount will depend heavily on gas and oil prices.

Utilities will encourage and promote these trends. They have long since learned that conservation, load management and cogeneration can be preferable to building new generating units.

Vepco, for example, is promoting remote control of water heaters and add-on heat pumps as means of shaving peak demands. Efforts of this kind will restrain demand growth by a significant amount.

In the years ahead, we can also expect to see the lagged effects of energy-saving investments by business in response to the price increase of the 1970s.

But there are also strong forces favoring growth in electricity demand.

Between 1973 and 1979, the growth of electricity demand dropped sharply.

But what is striking is that despite price increases of over 4 percent a year adjusted for inflation and despite a weak economy, electricity demand increased by 3.6 percent a year. It continued to grow faster than the economy as a whole.

In the coming years electricity prices will rise much less than in the 70s. During the 1980s Vepco's rates, adjusted for inflation, have declined by 14 percent. Nationally, rates are expected to rise by only one half to two percentage points above general inflation. Demand will respond to these lower price increases.

Furthermore the price of electricity relative to other energy sources will encourage switches to electricity. Heat pumps, for example, are increasingly attractive.

In Vepco's service area only 11 percent of existing homes have heat pumps. But heat pumps are in 78 percent of all new homes.

In homes, rising incomes will continue to boost demand for air conditioning and a variety of electrical appliances.

In commerce and industry, the inherent characteristics of electicity make it essential for a wide range of new and growing activities—ranging from computers and robotics to industrial microwave and laser processes.

Finally, if the economy surpasses its weak performance in the post-OPEC 70s, that too will increase electricity demand.

All of the forecasts in what I'll call the consensus range of 2.6 to 3.2 percent lie below the actual growth of demand in the 70s—a time, I remind you, when economy was weak and electricity price increases were large.

On balance therefore, we cannot prudently expect demand growth below 2½ percent a year. The probability is higher that growth will exceed the consensus range than that it will be lower.

If that is correct and if we continue much longer on our present course in capacity development, the question is not whether there will be an electricity shortage, but how soon.

At present the nation's generating capacity is ample. Capacity exceeds peak demand by well over the 20 percent margin that is considered necessary for reliable service.

But if cancellations, postponements and the dearth of new orders continue at anything like their recent rate, reserve margins will dip below 20 percent in the early 90s. Capacity problems will show up in some regions even earlier.

The most recent projections reported by the National Electric Reliability Council show planned 1990 generating capacity of 724,000 megawatts.

Demand growing at a little over 3 percent a year plus a 20 percent reserve would require capacity of about 700,000 megawatts in 1990.

Of the new capacity listed by the National Electric Reliability Council as scheduled for service by 1990, roughly a third consists of nuclear units that have already been canceled or are vulnerable to cancellation and of coal-fired units not yet under construction.

It's not hard to imagine that the capacity actually available in 1990 could fall below 700,000 megawatts.

There are too many uncertainties to pinpoint when capacity shortages will be upon us. Variations in demand growth and capacity development could hasten or postpone the date. And a 20 percent reserve standard is only a benchmark, not an indispensable requirement.

But what is important are the trends that are now taking us toward some very disagreeable consequences in the decade of the 90s.

The biggest cost of an electric capacity shortage will be paid in reduced economic growth and foregone opportunities for improvements in economic efficiency and productivity.

We are already seeing the first signs of this effect in some areas. Utilities that once actively sought new business have disbanded their economic development staffs and are warning big new customers away from their territory. That is just the beginning of the impacts of a capacity shortage on our economy.

Capacity shortages will also raise electric costs. As reserve margins shrink, costly gas and oil fired capacity will be used more heavily. Customers will pay higher fuel bills and the nation's oil imports will rise.

Then as the shortage becomes imminent regulators may order the construction of whatever capacity can be put in place most quickly. That would mean building a lot of combustion turbines and paying their high fuel costs.

There will also be an increased risk of supply interruptions. But for the most part the effects of a shortage will be more subtle but none the less real.

Well, what can we do?

I think the solution lies in three areas.

First and foremost, we need basic reforms to make utilities financially able to build the new capacity the nation needs.

Despite some recent improvements, the financial position of electric utilities remains weak. Few companies are earning a market return on their stockholders investment. Cash earnings are too low in relation to interest obligations and utility bonds are continually downrated. With stock prices below

their book value, every new investment means a further dilution of stockholder's equity and another brush with the bond rating agencies.

In plant cancellations and postponements we are certainly seeing adjustments to plans made when demand was growing by more than 7 percent a year.

But we are also seeing the inability or unwillingness to make investments that do not return their cost.

One possible response is merely to raise regulated returns to market levels. I doubt that this is politically possible. It is certainly not the best solution.

Utilities have more than a financial problem. They also have an efficiency problem that is inherent in the current system of regulation.

The best way of addressing both problems would be to restructure the industry to provide for competition in electricity generation.

This would require separating today's vertically integrated companies into their generating, transmission and distribution components.

The resulting distribution companies would remain as regulated monopolies. The generating comnpanies would be free to compete on the basis of price and quality. In each of 10 or 20 electric regions, an energy broker would own and operate the transmission system, make the market for transactions between the generating and distribution companies and control the use of existing capacity.

Capacity prices could rise to the level required to call forth the supply the distribution companies required.

Long-term take- or pay-contracts would be used to reduce the risk in developing new units.

In short, we would have a system in which capacity could be financed and built.

Moreover, competition would produce important efficiency gains and large cost savings in both capacity development and operations. We cannot get those efficiency benefits by patching up the existing system of regulation.

Competition in generation would be practical and beneficial. It would also be a drastic change that requires careful study and deliberation.

In the meantime, immediate steps should be taken to move toward competition, improve efficiency and facilitate capacity development.

The Federal Energy Regulatory Commission should reduce its regulation of wholesale power sales among utilities and allow shareholders some benefit from power transactions. It should also approve contract rates that will allow separate generating companies to actually earn their authorized rate of return.

Federal and state regulators should expand the use of performance-based rates of return and other measures that simulate market-like incentives.

Congress should repeal the outmoded Public Utilities Holding Company Act of 1935 and state governments should ease their controls over utility structures. This and other steps should clear the way for consolidation of utilities that are below an economic size and allow reorganizations that foster operating efficiency.

The Administration and Congress should get on with the job of phasing out the wasteful public subsidies of government and cooperative electric systems. That step would help reduce budget deficits while striking blows for economic efficiency and equity.

The second major area that requires attention is the assessment of the costs and benefits of safety and environmental measures affecting power plants.

In attributing the cancellation of North Anna 3 to the post-TMI increase in regulations, we made no judgment on the desirability of those regulations. We merely counted the cost.

The difficulty is that no one has carefully weighed those costs against the benefits. That urgently needs to be done. It might in time reopen the nuclear option.

Third and finally, private industry and government need to press ahead with the development and evaluation of new technologies for power generation and for making better use of coal.

At Vepco we are in the midst of a major study of a dozen alternatives to conventional power plants—some of them involving lower captial costs and shorter lead times than conventional fossil units.

These alternatives may be able to contribute to meeting the energy demand of the 90s. Bringing them into use will require openness to change by the utilities. It will also require appropriate regulatory treatment of the business risks of innovation.

The danger of capacity shortages is increasingly recognized and achnowledged in the industry, in government and in the universities.

But the lead times are long. Decisions affecting the supply of capacity in the 1990s are already being made.

There is still time for remedial actions but they require public understanding and support.

With much of the public believing there is no problem, we have a long way to go in getting that support. I only hope we can do it in time.

Thank you.●

A TRIBUTE TO CHARLES A. SCHOENECK

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. WORTLEY. Mr. Speaker, soon the citizens of central New York will gather to pay tribute to a gentleman who has been instrumental in improving the life of his community. Charles A. Schoeneck, Jr. has served the public well for many years, and I would like to call your attention to a recent article highlighting the deeds of this great man.

Excerpts from the article that appeared in the Syracuse Post-Standard on January 31, 1983, follow:

A TRIBUTE TO CHARLES A. SCHOENECK

(By Luther F. Bliven)

No Onondaga County Republican is more worthy of the accolades that will come his way than attorney Charles A. Schoeneck Jr., who will be saluted March 2 . . .

Former President Gerald R. Ford will speak . . . Many will attend to hear him speak. But many will attend solely to pay a rousing, richly deserved tribute to a man they regard as a truly great gentleman—Charlie Schoeneck . . .

Many among the present crop of Republican officeholders and party workers don't remember the Schoeneck glory days—when as majority leader he was the No. 1 Republican legislator on the floor of the state Assembly in Albany, or later when as state GOP chairman he was New York's No. 1 Republican, period.

The 71-year-old senior partner in the prestigious law firm of Bond, Schoeneck & King took to politics naturally.

His uncle, Edward Schoeneck, served in the Assembly from 1904 to 1907 and was lieutenant governor from 1915 to 1918. He was also mayor of Syracuse.

Although he dabled in politics long before that, Charlie Schoeneck's political career officially dates to his June 1952 election as a member of the Republican State Committee, a post he still holds.

He entered the Assembly in 1955 and stayed there until 1960. Seven years later, he once again answered his party's call and became Republican state chairman.

Schoeneck is a record-setter. He is the only Syracusan ever Assembly majority leader, and he was the young member in point of seniority to hold that post. He was a Republican national committeeman from 1967 to 1969 and was chairman of the New York state delegation to the Republican National Convention in 1968. He was also a member of the Electoral College in 1972.

Schoeneck was long a popular figure with the voters, but his constituents turned on him in 1960, even though he was the second most powerful man in the Assembly. He was turned out of office because he voted for a Rockefeller-proposed state tax hike.

That ended Schoeneck's career as a public official, but he remained active politically for another decade. That was mainly at the behest of Rockefeller, who thought Charlie and Betty Schoeneck could do no wrong.

Schoeneck played a key role in Rockefeller's 1968 bid for the Republican presidential nomination. There's a story that someone should persuade Charlie or Ford to tell at the March 2 soiree. The man who presided at that convention in Miami was Gerald Ford . . .

Many things other than his political or legislative skills make Charlie Schoeneck something special. One is his height. He towers over everyone around him. Another is his voice. He needs no microphone. A great sense of humor is another of Charlie Schoeneck's attributes.

There are some things many people don't know about the man. Few realize he is a combat veteran of World War II . . .

He is also an honorary Indian chief in the Cayuga tribe. Schoeneck has devoted countless hours to such varied community activities as the Syracuse Symphony Orchestra, Syracuse and Harvard University alumni groups, St. Paul's Cathedral, Syracuse State, the Syracuse Nats basketball team and the Syracuse Chiefs baseball team.

Many candidates for public office say they run to repay the debt they owe their community for all it has done for them. Charlie Schoeneck doesn't ever have to worry about that. The community is heavily indebted to him for all he has done for it. He has served his country, state, county, city and fellowman with distinction. It's time we told him so.●

THE ARMS RACE

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Ms. KAPTUR. Mr. Speaker, I wish to bring to the attention of my colleagues a very insightful article which appeared in the Washington Post on February 6, 1983. This article discusses what we, as Members of Congress, can do to halt the arms race. Although we cannot dictate national security policy to the President, we can alter the political environment in which this policy is formulated. In this respect, I believe that our role can be significant.

I hope that my colleagues will take the time to read the article which follows:

SAVE US ALL, CONGRESS: NO WEAPONS IN SPACE, NO UNRATIFIED TREATIES

(By Hans A. Bethe and Kurt Gottfried) [1]

The Reagan administration's attitude toward nuclear weapons and nuclear war has profoundly alarmed millions of Americans. The unexpected explosion of public support for a nuclear freeze sends a message that is loud and clear: "Stop the arms race, we want to get off!" There is also deep frustration in the land about what can be done when the government in power is as inflexible as this one seems to be.

But something can be done—by Congress. Of course the House and Senate cannot dictate national security policy to the executive branch. But with legislation, resolutions and the right kind of hearings, Congress can transform the political environment in which national security policy is made.

That policy is now based on what we may call the Weinberger Doctrine:

The United States must have the ability not just to wage nuclear wars but to "prevail" in such conflicts.

By engaging in an arms race, the United States can force the Soviet Union to adopt policies more to our liking.

This doctrine was unveiled when the Five-Year Defense Guidance Plan, signed by Defense Secretary Caspar Weinberger, was leaked to the press last May. It has never been disavowed by the Reagan administration.

That document states that our nuclear forces must be able to "decapitate" the Soviet leadership, while we control the climb up the "escalation ladder." The plan expects us to "prevail" and to attain an end of hostilities on "terms favorable to the U.S.," though it neglects to explain with whom these terms would be negotiated.

The Reagan administration differs from all its predecessors in one important respect: The formulation and execution of defense policy is now in the hands of civilians who believe that this country really could "prevail" in a nuclear war. Weinberger's five-year plan heralds the triumph of a school of civilian strategists whose theories tell us as much about national security as astrology does about the nature of the heavenly bodies. No wonder the Joint Chiefs of Staff have had to become the restraining force in the Pentagon.

The Weinberger Doctrine is firmly based on misconceptions, some military, other political.

On the military side, it fails to recognize that any nuclear war—no matter how limited—could escalate to a strategic nuclear war. One can argue forever whether this escalation probability is 10 percent, or 50 percent, or 90 percent. But it is certainly not zero.

Once a strategic exchange begins, escalation to an all-out holocaust becomes very possible. Both human and technical factors point in that direction. In particular, the intricate systems that both superpowers use to control their nuclear weapons, and to watch their opponent, are highly vulnerable to attack. Hence the use of nuclear weapons to achieve any military or political objective whatever entails unacceptable risks. Nuclear weapons can only serve as a deterrent.

The political facet of the Weinberger Doctrine is even more remarkable. While American voters will never accept the arms race that is envisages, the doctrine will provoke a Soviet response that could last for a generation, because the dictatorship of the proletariat is largely immune to the desires of proletarians. The notion that the White House could compete with the Kremlin in extracting the sacrifices demanded by a more intense arms race is nonsense.

One might choose to simply await the inevitable failure of the Weinberger Doctrine. But while our leaders chase the mirage of nuclear superiority, opportunities that will never return are lost.

Propaganda notwithstanding, Soviet positions in three vital areas of arms control deserve serious consideration: on nuclear proliferation, weapons in space, and medium-range missiles in Europe. All have been rejected or ignored by the Reagan administration. All deserve the scrutiny of Congress.

The same holds for strategic arms control. Experts have noted that the much-maligned SALT II treaty, which is signed, is more advantageous to the United States than President Reagan's START proposal—which has yet to be transformed into a draft treaty suitable for negotiation at Geneva. This paradox merits congressional inquiry.

The opportunities that we could soon lose are best appreciated by placing them in a historical setting.

After Hiroshima, the United States tried in vain to achieve international control over nuclear weapons. In retrospect it is obvious that Stalin was far too suspicious and power-hungry to allow America to be the only nation to possess such a revolutionary military technology.

In 1958 President Eisenhower announced that we were willing to negotiate a Comprehensive Test Ban Treaty (CTBT) outlawing all nuclear tests. This imaginative proposal went down with the U.S. spy plane shot down over Russia. No president since then has had both the wisdom and prestige required for so far-reaching a step.

By the time the 1963 treaty banning atmospheric tests was signed, the arms racers had gutted the Eisenhower concept: Testing just went underground. Had the comprehensive ban been adopted in 1960, the most destabilizing weapons in both arsenals—the multiple warhead missiles (MIRV)—would now be more primitive and less dangerous.

In 1974 President Nixon signed the Threshold Test Ban Treaty prohibiting underground tests larger than 150 kilotons—some 10 times the Hiroshima bomb. It has not been ratified. President Carter made progress toward a comprehensive test ban. The Russians agreed to a network of seismic detectors on Soviet soil, and to some on-site inspection. But Carter did not have the political strength to capitalize on this. In July 1982 the Reagan administration announced that it would be the first U.S. government to abandon all negotiations toward a CTBT.

The evolution of the strategic balance is also instructive, because in advocating the Weinberger Doctrine the administration often rewrites history.

Last Nov. 22 President Reagan, while pointing to a chart, said to the nation, "Believe it or not, we froze our numbers in 1965 and have deployed no additional missiles since then." He neglected to say that since 1965, because of MIRV, the number of warheads carried by our submarines and land-based missiles has grown from 1,700 to 6,200.

Reagan also said, "Many of our bombers are now older than the pilots that fly them," but he did not point out that, at this moment, they are being equipped with 3,000 incredibly accurate nuclear cruise missiles that can be fired from outside Soviet air defenses. Therefore no new high-performance plane, such as the B1, is needed to bomb the Soviet Union.

In brief, today our strategic weapons are far more numerous, survivable, versatile, accurate and reliable than in 1965. As the Joint Chiefs have said, they would not trade our arsenal for the Soviets'.

Since 1972 the Soviet Union has quadrupled its strategic warheads and greatly strengthened its European missile force. But we should remember that we have also made dramatic moves.

In 1960-65, the advent of Polaris submarines and Minuteman ICBMs produced a massive increase in the potency of our forces. That's why the administration uses 1965 as the base year in promoting its buildup; it does not mention that we then enjoyed a 10-to-1 advantage in warheads. And the recent Soviet buildup was certainly triggered by our earlier MIRV deployment.

Since 1945 every major weapons system was first introduced by us: hydrogen bombs, solid-fueled missiles, submarine-launched missiles, MIRV and cruise missiles. This record should be compared with Reagan's statement on Nov. 22: "You often hear that the U.S. and the Soviet Union are in an arms race. The truth is that while the Soviet Union has raced, we have not."

Both sides are racing. Neither seems able to learn that the race relentlessly undermines its security.

What can Congress do to stem this tide?

Consider, first, that the administration has abandoned the test ban negotiations, and has even indicated a desire to renegotiate the Threshold Test Ban Treaty, because it claims we cannot verify Soviet adherence to the 150-kiloton limit. This contradicts the opinion of virtually all leading geophysics. In any event, if that is really the president's concern, he should ask Congress to ratify the Threshold Treaty, whereupon both parties must hold joint test explosions to check the calibration of their seismic detectors.

But the current 150-kiloton limit is a red herring. All experts agree that underground explosions as small as 2 kilotons can be detected and distinguished—with high confidence—from earthquakes. A test ban with an exceedingly low threshold is verifiable.

Unfortunately, by now a comprehensive ban would have little impact on the super-

[1] Hans Bethe, winner of the Nobel Prize in Physics, was head of theoretical physics in the Manhattan Project where the first atomic bomb was invented. Kurt Gottfried, a Cornell physicist, is a director of the Union of Concerned Scientists.

powers' arms race. Soviet and U.S. warheads are already approaching the ultimate level of perfection. But a comprehensive ban would be a severe hurdle for nations trying to join the nuclear club.

Congress' committees should hold hearings on the detection of underground explosions and on the impact of a test ban on proliferation, with a view toward a congressional resolution calling on the administration to negotiate a Comprehensive Test Ban Treaty.

Next, note that the Weinberger Doctrine calls for "a strategic war-fighting antisatellite system," and states that "we must insure that treaties do not foreclose opportunities to develop these capabilities." So spending on the militarization of space is to grow faster than the defense budget as a whole.

Satellites are one of the few godsends to come our way since 1945. Their disappearance from the sky would dramatically increase the danger of nuclear war. They are essential to surveillance, communications and control.

Because the United States is an open society, and our forces are flung across the globe, satellites are more important to us than to the Russians. Should we stumble into a nuclear war, the negotiations that should follow (assuming the adversary had not been "decapitated") would be entirely dependent on satellites for communication and surveillance. All previous presidents, beginning with Eisenhower, have concluded that it would be to our advantage if no nation had any antisatellite capability.

During the Carter administration there were unsuccessful negotiations aimed at this goal. In August 1981 the Soviets proposed at the United Nations to prohibit the orbiting of weapons of any kind while permitting operation of the shuttle. This administration has not explored whether the Soviets would extend this idea to a formal ban on the testing of antisatellite weapons.

As Sen. Larry Pressler (R-S.D.), chairman of the Senate subcommittee on arms control, has stressed, it is essential to prevent the testing of the new generation of antisatellite weapons. For that reason he has proposed a mutual freeze on flight tests of such systems while negotiations take place. There is an urgent need for congressional hearings to explore the Pressler proposal and the administration's heedless militarization of space.

Third, recall that in December the new Soviet leader, Yuri Andropov, offered to halve the number of SS-20 ballistic missiles in Europe if we refrained from installing the new Pershing II and cruise missiles that NATO decided in 1979 to deploy in Europe to counter those SS-20s. Andropov contends that this would give the Soviets the same size force as the West, a conclusion he reaches by counting British and French missiles.

He has been curtly rejected by Washington, Paris and London, and with somewhat less vigor by Bonn. The Reagan administration continues to insist on its "zero option," as though the Soviets could be expected to dismantle all of their rockets for a promise that we will not deploy ours.

A tentative understanding reached last summer by Ambassador Paul Nitze, the Reagan administration's negotiator in Geneva, and his Soviet opposite number—though later rejected by both governments—points toward a solution that would be more desirable than either Andropov's offer or the zero option. That would be a sharp reduction of Soviet missiles in Europe in return for American deployment of some cruise missiles but no Pershing II ballistic missiles.

The negotiations must be pursued vigorously. The placing of U.S. missiles on European soil would be highly divisive. Though we doubt the Russians are that shrewd, one must wonder whether their reckless SS-20 buildup was actually intended to provoke us into a response that would tear NATO apart.

Congressional committees should explore the long-term consequences of deploying hundreds of new missiles in Europe, asking how such deployments could possibly enhance Western security.

If the NATO nations really want to increase their security, they would do better to divert funds from nuclear weapons that could destroy them to conventional weapons that can defend them. Congress should weigh every funding request for nuclear weaponry against what the same money would buy in combat supplies, fortifications, prepositioned equipment and the other humdrum needs of a sound and credible defense.

It is true that it is difficult for Congress to provide leadership in national security affairs, but it is also true that the administration is headed in a disastrous direction. The 1982 elections show that Americans do not want to go in that direction, like lemmings to the sea.

Congress can and should provide an alternative. It can withhold funds from military programs that undermine our security. It can pass resolutions in support of the freeze and other critical arms control measures. And it can ratify SALT II and the Threshold Test Ban as executive agreements.●

ED HOOD, U.S. REPRESENTATIVE TO THE WORLD MARITIME UNIVERSITY

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mrs. BOGGS. Mr. Speaker, Edwin M. Hood has been appointed to a 2-year term as the U.S. Representative on the Board of Governors of the new World Maritime University. The University was established by the International Maritime Organization, formerly the International Maritime Consultative Organization, and is an agency of the United Nations.

The University will open in July at Malmo, Sweden, and will provide curriculum for specialist training of senior maritime personnel from developing countries with emphasis on promotion of maritime safety and prevention of marine pollution.

Mr. Hood was selected for this appointment by the Presidential Personnel Office of the White House, and he comes to this position after a career as president of the Shipbuilders Council of America, a position he has held for 23 years.

Mr. Hood's accomplishments in the maritime field are too numerous to mention here. He is recognized worldwide as a leading spokesman for the U.S. maritime industry and has testified before committees of the House and Senate on a number of occasions.

Mr. Speaker, I know that Ed Hood will make outstanding contributions to the goals of the World Maritime University. I would like to take this opportunity to thank him for his willingness to serve and to wish him every success in his new responsibilities.●

COPPER MOUNTAIN COLLEGE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. LEWIS of California. Mr. Speaker, I would like to take this opportunity to share with you a fantastic accomplishment that resulted from a campaign to privately raise the funds and construct a college in the beautiful Morongo Basin. I believe this badly needed college is a wonderful example of the efforts of a community and private enterprise coming together and helping themselves.

I cannot help but remember a year ago, as this project got underway, the words of President Reagan as he was striking the theme, "let's pull together, we've got to help each other." People in individual communities and the private sector are the heart of America and I believe that call was a piece of the inspiration that has led this idea and dream to a phenomenal success.

The Friends of Copper Mountain College have been kind enough to provide me with an extra packet of information which outlines much of what has been accomplished so that I may personally share this success story with the President. I know that he has a truly great interest in this kind of effort.

The Copper Mountain College when completed, will consist of four buildings totaling 14,250 square feet, surrounding a courtyard and connected by walks and breezeways. Facilities will include seven general purpose classrooms; a science lab, office occupations lab, and library; and offices for administration faculty, and counselors.

On February 18, there will be a dinner to honor those individuals and organizations which made generous contributions. Scheduled the following day is the ground-breaking ceremony and realization of the goal for Copper Mountain College.

I would like to take this opportunity to thank and commend the citizens of my district who contributed to this wonderful community project. I believe the dream of Copper Mountain College reflects that pioneering spirit which allowed the dream of our coun-

try to be realized. This same spirit is alive today in the Morongo Basin and provides clear evidence that the future of our great land is in good hands.●

SHERWOOD L. "WOODY" SIMPSON

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. MOORHEAD. Mr. Speaker, today, February 8, Sherwood L. "Woody" Simpson is being honored as the Distinguished Scouter of the Year by the San Gabriel Valley Council of the Boy Scouts of America.

Woody Simpson, a lifetime resident of San Marino, has been a member of the Boy Scouts for 40 years. He became an Eagle Scout with Silver Palm in 1943.

He has served as Scoutmaster for Troop 360 for 6 years. He has been a member of the San Gabriel Valley Council, Boy Scouts of America, board of directors since 1973.

Woody Simpson has been a distinguished leader in local, national and international Boy Scouting for 25 years. During that time he has been a positive, beneficial force in the lives of many, many young men.

Mr. Speaker, I am very appreciative of what Mr. Simpson represents; of the goodness he promotes; of the ethics he lives by and professes. It is a privilege for me to play a small part in this most worthy tribute.●

CAZENOVIA COLLEGE PLACES EMPHASIS ON HELPING STUDENTS COPE WITH EXPENSES

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. WORTLEY. Mr. Speaker, Cazenovia College, a 2-year, private college, has inaugurated a program that permits students to attend school without spending cash for tuition, room, and board.

Known as the zero cash plan, it is funded from the college's endowment. Cazenovia College officials help students apply for various State and Federal loan and grant programs. If a student seeks a guaranteed student loan, the family contribution may be borrowed from the college at the same rate as a financial institution, but with no origination fee; and payments are deferred until graduation.

I commend Cazenovia College for its willingness to help students and their families cope with the expense of a college education.●

VOTING RECORD OF REPRESENTATIVE UDALL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of southern Arizona have the right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main, Tucson.

The list is arranged as follows:

VOTING RECORD

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5 The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes—No—Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

1. H.J. Res. 389/H.J. Res. 391. Fiscal 1982 Supplemental Appropriations/Commodity Credit Corporation and Fiscal 1982 Supplemental Appropriations/Unemployment Compensation. Adoption of the rule (H. Res. 355) providing for House floor consideration of H.J. Res. 389, to appropriate $5 billion in supplemental fiscal 1982 funding for the Commodity Credit Corporation, and consideration of H.J. Res. 391, to appropriate $2.3 billion in supplemental fiscal 1982 funding for unemployment compensation and state employment services. Adopted 329-72: Y(2-2-0), Feb. 9.

2. H.J. Res. 389. Fiscal 1982 Supplemental Appropriations/Commodity Credit Corporation. Motion to recommit the joint resolution to the Appropriations Committee, with instructions to add language prohibiting use of funds in the act for payment on guaranteed loans to Poland. Rejected 152-256: N(2-2-0), Feb. 9.

3. H.J. Res. 389. Fiscal 1982 Supplemental Appropriations/Commodity Credit Corporation. Passage of the joint resolution to provide a fiscal 1982 supplemental appropriation of $5 billion for the Commodity Credit Corporation to repay funds borrowed from the Treasury by corporation in fiscal years 1980, 1981, and in the first quarter of fiscal year 1982. Passed 320-86: Y(4-0-0), Feb. 9.

4. H.J. Res. 392. Fiscal 1982 Supplemental Appropriations/Low-income Energy Assistance. Passage of the joint resolution to provide a supplemental appropriation of $123,000,000 for low-income energy assistance payments, bringing fiscal 1982 appropriations for the program to the full authorization level of $1.875 billion. The resolution was modified by a Broyhill, R-N.C., amendment prohibiting use of the money for any purpose other than low-income energy aid and requiring that it be spent before May 31, 1982, to prevent its use for payment of air-conditioning bills. Passed 342-62: Y(2-2-0), Feb. 9.

5. H.J. Res. 391. Fiscal 1982 Supplemental Appropriations/Unemployment Compensation. Passage of the joint resolution to provide a fiscal 1982 supplemental appropriation of $2,293,490,000 for the unemployment insurance program and the U.S. Employment Service. Passed 398-3: Y(4-0-0), Feb. 9.

6. H.R. 4481. Justice Assistance Act. Passage of the bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to create an Office of Justice Assistance within the Justice Department to authorize the $170 million in 50-50 matching grants to the states in fiscal 1983 to aid in fighting crime. Passed 289-73: Y(2-2-0), Feb. 10.

7. H.J. Res. 389. Fiscal 1982 Supplemental Appropriations/Commodity Credit Corporation. Motion to concur in the Senate amendment to add an appropriation of $123 million for the Department of Health and Human Services in fiscal 1982 for low-income energy assistance, to be available only until May 31, 1982, to the bill appropriating $5 billion in supplemental fiscal 1982 funding for the Commodity Credit Corporation. Motion agreed to 264-62: Y(2-1-1), Feb. 10.

9. H. Con. Res. 226. El Salvador Elections. Motion to suspend the rules and adopt the concurrent resolution expressing the sense of the Congress that the president should press for unconditional discussions among the major political factions in El Salvador in order to guarantee a safe and stable environment for free and open democratic elections. Motion agreed to 396-3: Y(3-1-0), March 2.

10. H.J. Res. 373. Soviet Human Rights. Motion to suspend the rules and pass the joint resolution expressing the sense of the Congress that the president should take action to express to the government of the Soviet Union the message that it should comply with its obligations under international agreements to respect the rights of its citizens to practice their religion and to emigrate, and should stop "harassments, arrests and trials" of members of its Jewish community and allow Jews who wish to emigrate to do so. Motion agreed to 387-0: Y(4-0-0), March 2.

11. H.R. 5366. Federal Flexible and Compressed Work Schedules. Motion to suspend the rules and pass the bill to provide permanent authority for federal agencies to establish flexible employee work schedules as an alternative to the traditional 8-hour day. Motion rejected 255-142: Y(2-2-0), March 2.

13. S. 1503. Standby Petroleum Allocation Act. Adoption of the conference report on the bill to authorize the president to allocate petroleum supplies during a severe oil shortage. Adopted 246-144: Y(1-3-0), March 3.

14. H.R. 5118. Southern Arizona Water Rights. Adoption of the rule (H. Res. 357) providing for House floor consideration of the bill to provide water to the Papago

Tribe of Arizona. Adopted 374-1: Y(4-0-0), March 3.

16. H.R. 5118. Southern Arizona Water Rights. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to provide water to the Papago Tribe of Arizona. Motion agreed to 359-0: Y(4-0-0), March 4.

17. H.R. 5118. Southern Arizona Water Rights. Passage of the bill to provide water to the Papago Tribe of Arizona. Passed 311-50: Y(3-1-0), March 4.

18. S.J. Res. 142. Afghanistan Day. Passage of the joint resolution to request the president to proclaim March 21, 1982, as "Afghanistan Day" to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces. Passed 346-0: Y(4-0-0), March 4.

20. H.R. 2160. Potato Research and Promotion. Motion to suspend the rules and pass the bill to authorize an increase in the producer assessment for research and promotion activities by the National Potato Promotion Board and to authorize certain other changes in the potato research and promotion program. (The changes must also be approved by potato producers in a referendum.) Motion agreed to 361-8: Y(4-0-0), March 9.

23. H.R. 3620. Hoboken Pier Properties. Motion to suspend the rules and pass the bill to sell pier terminals owned by the federal government to the City of Hoboken, N.J., at a negotiated price that may be less than fair market value. Motion agreed to 336-43: NV (3-0-1), March 18.

24. H.R. 4468. Secret Service Zones of Protection. Motion to suspend the rules and pass the bill to clarify the authority of the Secret Service to protect persons, including the vice president and his family, officially designated presidential and vice presidential candidates and their spouses, and visiting heads of state. The bill also increased penalties for violating a Secret Service "zone of protection" around a protected person. Motion agreed to 379-1: Y(3-1-0), March 18.

25. H.R. 4688. Military Personnel and Civilian Employees Claims Act Amendments. Motion to suspend the rules and pass the bill to increase from $15,000 to $25,000 the maximum settlement the U.S. must pay for personal property losses related to the service of military and civilian employees. Motion agree to 370-11: Y(4-0-0), March 18.

26. H.R. 3345. Patent and Trademark Laws and Civil Rights of Institutionalized Persons Act. Motion to suspend the rules and pass the bill to make technical changes in the patent and trademark laws and in the Civil Rights of Institutionalized Persons Act (PL 96-247). Motion agreed to 382-0: Y(4-0-0), March 18.

27. H.R. 2329. Cherokee Nation of Oklahoma. Motion to suspend the rules and pass the bill to waive the statute of limitations applicable to two claims that three Indian nations in Oklahoma have against the United States government. Motion rejected 174-215: Y(2-2-0), March 18.

28. H. Con. Res. 290. Federally Insured Deposits. Motion to suspend the rules and adopt the concurrent resolution to reaffirm that savings deposits up to the statutorily prescribed amount, currently $100,000 in federally insured depository institutions are backed by the full faith and credit of the United States. Motion agreed to 382-7: Y(4-0-0), March 18.

30. H. Con. Res. 100. Russian Refugees. Demand for a second on the Bonker, D-Wash., motion to suspend the rules and adopt the concurrent resolution expressing the sense of the Congress that the president should take such steps as necessary to insure that the Chmykhalov and Vashchenko families, who sought refuge in the U.S. Embassy in Moscow on June 27, 1978 in hopes of emigrating from the Soviet Union, be permitted to reside in the embassy until the Soviet Union permits them to emigrate. Second ordered 373-1: Y(3-0-1), March 23.

31. H.R. 5014. Gateway National Recreation Area. Motion to suspend the rules and pass the bill to extend for 10 years the life of the Gateway National Recreation Area Advisory Commission, which expires Oct. 27, 1982. Motion agreed to 368-30: Y(2-1-1), March 23.

32. H.R. 4750. Roosevelt Memorial. Motion to suspend the rules and pass the bill to authoirze a study for the establishment of a Franklin D. Roosevelt living memorial in Warm Springs, Ga. Motion agreed to 288-107: Y(1-2-1), March 23.

33. S. 146. Historic Preservation for Camden, S.C. Motion to suspend the rules and pass the bill to authorize the Interior Secretary to enter into cooperative agreements to assist in the historic preservation of Camden, S.C. Motion rejected 243-152: Y(2-1-1), March 23.

34. S. 2166. Distribution of the Slide Show "Montana". Motion to suspend the rules and pass the bill to authorize the International Communication Agency to distribute within the United States a slide show entitled "Montana: The People Speak." Motion agreed to 388-11: Y(2-1-1), March 23.

35. H.R. 4709. Prompt Payment Act. Motion to suspend the rules and pass the bill to require the federal government to pay interest on overdue payments for property or services. Motion agreed to 396-0: Y(3-0-1), March 23.

36. H.R. 2528. Economy Act Amendments. Motion to suspend the rules and pass the bill to provide that all departments and agencies may obtain material and services from other agencies by contract. Motion agreed to 356-43: Y(3-0-1), March 23.●

SOCIAL SECURITY STUDENT SELF-HELP BILL

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. SEIBERLING. Mr. Speaker, today Congressman JAMES JEFFORDS and I are introducing legislation which would help those remaining students who continue to receive social security student benefits to earn the money they need to continue their education.

In the Omnibus Reconciliation Act of 1981, the Congress heeded the administration request to eliminate the social security student benefit. Prior to that action, students enrolled in colleges or universities, whose families were eligible for social security because of retirement, death, or disability of the primary wage earner, received a student benefit until they reached the age of 22. The Omnibus Reconciliation Act included a provision to phase out this benefit. The last class of eligible students enrolled in a college or university in September 1981. Summer benefits were eliminated, and last year, beginning in September, all students receiving social security student benefit experienced a 25-percent reduction on the benefit they receive.

In addition, new regulations of the Pell grant program required school financial aid officers to consider social security student benefits for the purposes of determining eligibility for this form of financial aid. The natural result is that students who formerly relied on the social security student benefits to help finance their educations have had to earn more money through work.

However, students are subject to the same earnings limitation which is applied to retirees under social security. For every dollar over $4,925 which a student earns toward his or her tuition, he or she experiences a 50-cent reduction in social security student benefits. Many hundreds of thousands of students around the country will have to repay social security for payments they receive in excess of the earnings limitation provision, and may end up owing back payments at the end of the year. These students are eligible to receive social security benefits because one of their parents is disabled, retired, or deceased. Quite simply, many of these students have been forced to change their educational plans or drop out of school entirely, because the reduction in social security benefits is in addition to the other reductions in Federal student financial aid.

We think this is a serious problem, so we are introducing legislation which will raise the earnings limitation for students to $10,000, to be effective this year. This new earnings limitation, which would apply only to students, would help working students to earn the money they need to continue their schooling.

Mr. Speaker, eliminating the earnings limitation entirely would cost the social security trust funds $30 million over 4 years. This provision would not have the same price tag, but it would really get at the problem these students are experiencing in financing their education. It is a self-help bill in the purest sense since the cost of the bill will actually depend on the number of students who can and do earn over $4,925.

We believe that the Congress should enact this legislation to help further the educational opportunities of the remaining students who are receiving social security student benefits. We urge our colleagues to give their support to this student self-help bill.●

NATURAL GAS PRICE INCREASES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. MARKEY. Mr. Speaker, the problem before us today—a case of unconscionable price increases in natural gas prices in the midst of a supply glut—refocuses our attention on fundamental questions of energy policy. For the past decade, our Nation has attempted to resolve its energy problems. Debate has raged on and on, yet even today, questions of price, supply, equity, and fairness remain. The fact that we are assembled here today illustrates how much work needs to be done in order to achieve an acceptable, rational and equitable energy policy.

I would like to remind my colleagues of an important, but sometimes forgotten aspect of the natural gas situation. We should not forget that a social contract exists between the Federal Government and the low-income and fixed-income people of this Nation. This social contract obligates our Government to provide assistance to poor people facing escalated energy prices.

Congress entered a social contract when it called for market pricing of scarce energy resources. Congress entered the contract when it permitted the gas prices in Boston to rise from $2.23 per thousand cubic feet in 1974 to $8.20 in 1980—a quantum leap of 305 percent. Since 1970 to today, those prices have increased by a phenomenal 535 percent. Congress made a contract with the people when it pledged to raise energy prices and assure the protection of low-income households from the life-threatening prospect of higher energy prices. And in this time of economic despair for millions, record unemployment and rising energy prices, I urge my colleagues not to breach this social contract.

Our forefathers founded this country on the concept of social contracts and recognized the sanctity of such agreements. A social contract, like all contracts, consists of consideration between two parties. In this case, the parties are low- and moderate-income Americans and their Government. In such a social contract, the people give consideration, such as giving up low energy prices, and the Government promises to return consideration, such as providing protection to those who are unable to meet the high price of energy necessary for a minimal standard of living.

This Congress, and the American people, were only willing to accept the high energy prices if those price levels were matched with a corresponding program of energy assistance to low- and fixed-income households along with increases in insulation and weatherization of homes and businesses. Continued and even increased assistance to low-income households is necessary if we are to live up to the terms of the social contract. Indeed, such assistance is desperately needed by the poor of this land who are least able to defend themselves against outrageous price increases and are most vulnerable to having energy services terminated because of their inability to pay.

The Reagan adminsitration and Secretary of Energy Hodel continue to encourage higher energy prices. This administration wants higher energy prices because it believes that conservation can only be achieved when prices jump out of reach. But, the poor cannot effectively deal with the freemarket pricing of energy. If you are saving every nickel and not eating so that you can pay this month's energy bill, and the price goes up by 60 percent—as it well might this winter—what do you do?

The Reagan administration would tell us that we solve this dilemma by conserving more energy. But you cannot conserve more energy when you are at the margin of subsistence.

For many low-income families, the only response to the effects of marketplace pricing of energy is payment default and the threat of death by hypothermia.

The Reagan administration has reneged on the social contract to support higher energy prices with low-income energy assistance. The administration is unwilling to acknowledge the great need among the American people, particularly our elderly. The administration is ready to dismiss all the terms of our social contract in the name of cutting all Federal spending. But this approach ignores the inequity of the energy companies declaring record profits at a time when elderly citizens are dependent on meager assistance for their fuel bills in order to keep their homes warm enough to survive.

Already, many areas of the country have experienced bitter cold. The next 10 weeks of winter will force many Americans, especially those who are unemployed, into life-threatening situations. No one should have to choose between heating and eating.

I believe it is critical that Congress pass legislation prohibiting utilities from terminating energy service to Americans unable to pay their heating bills during the winter months. It is important to take this action now in order to send a message to the energy industries and the utilities of this country that Congress is serious about upholding its end of the social contract. Already, many States have enacted such important measures. I hope this will encourage more to do so.

I further urge my colleagues to support continued and increased funding for low-income fuel assistance and programs for weatherization.

Natural gas producers seem to be reaping record windfall benefits as a result of "take-or-pay" gas contracts. Residential, industrial, and commercial consumers have responded to higher gas prices by conserving a great deal of energy. But the poor have been left out in the cold.

Higher energy costs have come with a price, and that price is the social contract which obligates the Federal Government to assist the poor. Before we take any further action on the natural gas situation, let us not forget that we have an obligation to the American people. Not to live up to this obligation would be a breach of faith by this Congress.●

ODOMETER TAMPERING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. DINGELL. Mr. Speaker, the problem of odometer tampering and the interstate transfer of used vehicles with tampered odometers has reached epidemic proportions. I understand that the most recent National Highway Traffic Safety Administration estimates indicate that odometer fraud costs consumers over $2 billion annually. This massive fraud is of concern to consumers, motor vehicle administrators, legal authorities and the automotive sale industry. It must not be allowed to continue at its present pace.

I am introducing legislation today which seeks to reduce the practice of odometer tampering. Basically, my bill requires the creation of a permanent record of a vehicle's odometer readings on the vehicle's annual registration card and certificate of title. This record cannot be tampered with, and will provide a basis from which odometer tampering can be traced and the violators prosecuted. The bill provides the following:

First. Once a motor vehicle is sold that vehicle may not be registered or licensed for use in any State unless the application by the new owner for a certificate of title is accompanied by the prior owner's most recent vehicle registration card.

Second. No registration card may be issued in any State unless it includes an odometer reading.

Third. The certificate of title issued by the State to the new owner must indicate the odometer reading as of the day of transfer (printed on the title) and be printed in bank note intaglio printing process.

I hope that this bill will help to rectify this major consumer problem. Any suggestions which are presented by my colleagues and other interested

parties in an effort to improve the bill are welcomed and encouraged.

We must seek to reduce this massive fraud of the American public. I urge my colleagues to support this bill.●

BROOKLYN "PROVING GROUND" MAY HELP NEW PRESIDENT IN RUNNING THE NPC

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. WOLF. Mr. Speaker, a constituent of mine, Don Byrne of Arlington, Va., is the new president of the prestigious National Press Club, and he was recently honored at an inaugural ball on Friday night, January 28. I offer him congratulations and best wishes.

Many of us know Don as Capitol Hill correspondent for Traffic World, a major trade publication published in Washington. Some of us remember him as press secretary to John J. Rooney, the late, great Member from Brooklyn. Don is a Brooklynite himself, but now Virginia claims him as her own.

Mr. Speaker, I offer for insertion in the RECORD an article on Don Byrne which is appearing in a special edition of Traffic World.

BROOKLYN "PROVING GROUND" MAY HELP NEW PRESIDENT IN RUNNING THE NPC

(By Jack Murphy)

Don Byrne learned early on that getting a fair shake out of a business transaction, or life in general, was a rare experience.

As a slim, red-headed kid with the face of an altar boy (which he had been), Don used to make the rounds of Brooklyn with his father, an inspector of weights and measures for New York City. Touring such quaint neighborhoods as Red Hook, Williamsburgh and Greenpoint, young Don Byrne had great success flushing out the short-weight specialists who saw the innocent kid as an easy mark to shave a few ounces off the hand-written order he handed them.

After the kid had been cheated, and paid the crooked merchant, the elder Mr. Byrne would step forward with a summons and a lecture about cheating poor, innocent children.

Those days in the ethnic environs of Brooklyn led him to agree with the philosophy of the late Damon Runyon, stated in part: "All life is 6 to 5, against."

As a scholar at Brooklyn Prep, Don Byrne learned to play hockey as a 130-pound defenseman, and spent part of his youth ricocheting off ice and board in the scruffiest skating rinks in Brooklyn and Long Island.

He escaped Brooklyn by joining the Marine Corps, and after that learning experience, he went to Boston College, where he made spending money by joining a semi-pro hockey club and playing against "the toughest guys anywhere outside jail."

After two years of ups and downs, he moved back to New York to attend Fordham and got a part time job writing sports news for the old Brooklyn Eagle, one of several now-extinct publications that employed Don during his career. Being paid for writing convinced Don that manual labor was not for him. He soon began writing for the "Ma Perkins" and "Betty Crocker" radio shows, an experience he still shakes his head over. Finally, in 1950, he got a real job with the now-extinct Journal-American in New York.

Finally settled into the doldrums of the lobster shift at the Journal, Don felt he had beaten the odds. But old 6-to-5 against came into play again, and Don was recalled to military service by Uncle Sam, this time into the Army to assist with the police action in Korea. Once that was settled, he wound up in Buffalo.

No sensible correspondent would ever choose Buffalo as a place to work. Neither had Don. He had agreed to cover state politics for the Associated Press in Albany, not much better, but still not Buffalo. But a staff mixup led to his being shuffled off to Buffalo, arriving in early winter with 28 inches of new snow on the ground and a lump in his heart.

But he survived there for three years, marrying the former Elizabeth Dewey of Buffalo, and attaining the job of night editor at the bureau. His next move was to New York, where he became a writer and spokesman for the Flight Engineer's union.

He joined Aviation Daily as its legislative correspondent in 1961, and his coverage of aviation accident investigation news received the Flight Safety Foundation's top award for reporting in 1964.

By 1965, Don Byrne felt he had been away from Brooklyn too long so he became press secretary for Congressman John J. Rooney. He was the first and only press secretary the late Congressman ever had.

The union of Don and Rooney was a marriage made in Red Hook or one of those other exotic parts of Brooklyn. The natives, even those in Brooklyn, were getting restless and Congressman Rooney decided he needed somebody who spoke the same language as the boys back in the clubhouse.

Don recalls that Rooney's instructions were simple and direct. In each of his elections, Mr. Rooney had won the endorsements of New York's blue collar bibles, the Daily News and the Journal-American. Each election, the lofty New York Times had urged Rooney's defeat.

"I want you to keep it that way," Rooney told Don.

Don regards the late Congressman as an old-fashioned, clubhouse politician who understood how Congress should work and knew how to use the powers of chairmanship to make it work. He shakes his head over the recent Lame Duck session. "Rooney and those other guys would never have let that happen." he says. He has fond memories of Rooney as a master parliamentarian given to pithy advice, such as "never call for a vote unless you have the count in your head."

Representatives Rooney also held that political agreements and compromise formed the basis for all Congressional action. If those ingredients failed, "forgive, and get even."

Don and Rooney parted company after the Congressman's last successful campaign in 1972. Within a week, Don Byrne joined Traffic World, the only major trade journal that covers all phases of transportation.

His assignment was to cover transportation legislation and keep an eye out on what was going on with the railroads on the side. Roughly, that meant keeping track of about 1,200 bits of legislation that move through each Congress. It also meant watching the Pennsy go under.

After learning the fine art of politics from Rooney, Don began his own political career by running for the board of governors at the National Press Club in 1972. He was successful in that first attempt, and has never lost an election, being elected to the board for two more terms, and then vice-president and president of the NPC.

When he became chairman of the board in 1981, he opened the first meeting with the words, "O.K. No more Mr. Nice Guy." Then he clunked a rusty Colt .45 automatic on the table. The fact that the weapon was unloaded and had a missing pin was explained to the board members after a brief moment of silence.

Over the years Don Byrne has exhibited a personal interest in the club and its environs. In fact, he ran into trouble one time for letting air out of the tires of cars double-parked in front of the main entrance. His contention was that those cars were preventing cabs from reaching the curbs at the main entrance. But his efforts to convince a cop of that fact failed.

When he first ran for office, Don Byrne saw his role as that of an ombudsman for the members, and could be found doing his ombudsmaning in the Tap Room in the early evening hours.

In the line of duty, he has also served as a poison tester for Vice President Bush. Seated at the head table with visiting dignitaries one day, Don was about to taste his lunch when a secret service man swiftly grabbed his plate and exchanged it with the plate of the Vice President. Don remembers eating lunch with some trepidation about the fact that he was the only known Democrat on the dais that day.

In addition to covering Capitol Hill and the railroad beat for Traffic World, Don is also editor of Traffic World's Motor Carrier Act Monitor and the Rail Deregulation Act Monitor. He has published articles in the Encyclopedia Britannica, Electronic Design Magazine, Variety and the Washington Star and writes a transportation column for the Frederick (Md.) News Post.

As the Press Club building is being put back together again, Don Byrne, for reasons unknown, seems less and less concerned about the 6-to-5 against odds.

He lives in Arlington and enjoys trying to be a gourmet cook, especially when his daughters Crista, 22, and Amy, 20, return from college for a visit.—(Jack Murphy is executive director of the National Association of Shippers Agents, a native New Yorker and veteran New York Times reporter. He was assisted in the writing of this article by Stan Jennings, photographer and artist, who is not a native New Yorker.)●

IMMIGRATION REFORM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. PORTER. Mr. Speaker, in the final day of the lameduck session this House began consideration of a far reaching immigration reform bill. Although it failed to clear at that time, sponsors of the bill and its other proponents seem ready to try again to

secure its enactment in the 98th Congress.

There are very few who would not agree that the reform of our country's immigration system is necessary and long overdue. I had some very serious reservations over the bill as it was considered by the House, specifically over establishment of a secure verification system and extending amnesty to illegal aliens already here. But clearly our country must take realistic steps to remove the tremendous economic incentives for people to enter our country illegally.

Recently, an Illinois State legislator, Representative Penny Pullen, expressed her concerns over the immigration reform movement growing within this country, and forwarded to me a column by William Safire which provides real food for thought regarding this important issue, which I commend to my colleagues:

The article follows:

[From the Chicago Tribune, Sept. 14, 1982]

(By William Safire)

THE NEW COMPUTER TATTOO

WASHINGTON.—In a well-meaning effort to curb the employment of illegal aliens, and with the hearty good wishes of editorialists who ordinarily pride themselves on guarding against the intrusion of government into the private lives of individual Americans, Congress is about to take this generation's longest step toward totalitarianism.

There is no 'slippery slope' toward loss of liberties," insists Sen. Alan Simpson (R., Wyo.), author of the latest immigration bill, "only a long staircase where each step downward must be first separated by the American people and their leaders."

The first step downward on the Simpson staircase to Big-Brotherdom is the requirement that within three years the Federal government come up with a "security system to determine employment eligibility in the United States."

Despite denials, that means a national identity card. Nobody who is pushing this bill admits that—on the contrary, all rights of "safeguards" and rhetorical warnings about not having to carry an identity card on one's person at all times are festooned on the bill.

Much is made of the use of passports, Social Security cards and driver's licenses as "preferred" forms of identification but anyone who takes the trouble to read this legislation can see that the disclaimers are intended to help the medicine go down.

Most American citizens are being led to believe that only aliens will be required to show "papers." But how can a prospective employer tell who is an alien? If an applicant could say "I'm an American, I don't have any card," the new control system would immediately break down.

The very basis of the proposed law is the notion that individuals must carry verifiable papers—more likely, a card keyed to "a new government data bank"—to prove eligibility for work.

No big deal, say those who consider illegal immigration more fearsome than the coming of an internal passport; if you're legitimate, you shouldn't object. And shucks, law enforcement officials won't use it for anything else, nosiree—at least not until the nation is ready for another legislated step down the staircase.

Most Americans see no danger at all in a national identity card. Most people even like the idea of a piece of plastic that tells the world, and themselves, who they are. "I'm me," says the little card. "I'm entitled to all the benefits that go with being provably and demonstrably me." Good citizens—the ones who vote regularly, and who don't get into auto accidents—might get a gold card.

Once the down staircase is set in place, the temptation to take each next step will be irresistible. Certainly every business would want to ask customers to insert their identity cards into the whizbang credit checker. Banks, phone companies, schools, hotels would all take advantage of the obvious utility of the document that could not be counterfeited.

Law enforcement and tax collection would surely be easier, because the federal government would know at all times exactly where everybody was and what they were spending.

And then you might as well live in the Soviet Union. One of the great differences between free and enslaved societies is the right of the individual to live and work without the government knowing his every move. There can sometimes be privacy without freedom, as those in solitary confinement know, but there can be no freedom without privacy.

When Patty Hearst managed to remain a fugitive for 591 days, that did not mean the FBI was bad at catching fugitives; it meant that America was a free society. In China or the Soviet Union she would have been captured in days, because it is impossible for ordinary citizens to move about without permission. If our values mean anything at all, they mean that it is better to tolerate the illegal movement of aliens and even criminals than to tolerate the constant surveillance of the free.

The attorney general, who evidently has no grasp of libertarian conservative principles, will not fight this legislation. When an outside adviser, Martin Anderson—who with his wife, Annelise, at the Office of Management and Budget represent what is left of the conservative conscience of the Reagan administration—objected in a Cabinet meeting to this danger of federal intrusion, Willian French Smith was forced to tell Congress of "a small but serious objection" to the identity card clause.

He later made his objection meaningless by pretending it was "inappropriate to presume" he would have to do what the bill mandates him to do—come up with a foolproof identity system.

We are entering the computer age. Combined with a national identity card—an abuse of power that Rep. Peter Rodino (D., N.J.) professes to oppose in the House, as he makes it inevitable—government computers and data banks pose a threat to personal liberty. Though aimed against "undocumented workers," the computer tattoo will be pressed on you and me.●

RICHARD SCHWEIKER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. GILMAN. Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Mr. COUGHLIN) for arranging this time for us, so that we may pay just tribute to the outgoing Secretary of Health and Human Services and our former colleague, Richard Schweiker.

Secretary Schweiker has an outstanding record of achievement in this Nation, both as a public servant and as a private citizen. Born in Norristown, Pa., he served admirably in the Navy aboard an aircraft carrier from 1944–46. After the war, he completed his education, and went to work in his family business. Ten years later, in 1960, Dick was elected to and served 4 terms in the House of Representatives, and these last two decades have shown him to be one of the most dedicated of public servants. As a Member of this body, Dick became well-known for his understanding of the issues at hand, and for his hard work on behalf of his constituents.

Such attributes followed him to the Senate, where he served from 1968 until his appointment to the Department of Health and Human Services by the President in 1980. During his terms of service in the Senate, Dick Schweiker served as ranking minority member of the Senate Appropriations Subcommittees on Labor, and Health, Education, and Welfare.

It is because of his intimate knowledge of the needs and programs of the Department that Dick Schweiker was so easily able to handle the burdens of the position of Secretary, he ably presided over that Department, our Government's largest and most important with regard to human assistance programs. With a budget of over $200 billion per year, and over 160,000 employees, I can think of no more qualified person who was so needed by our Government in that capacity 2 years ago.

Certainly, our Nation will miss Dick's compassion and caring, his capability as a legislator, and his concern for the workingman. Dick will now be utilizing his experience and knowledge as the chief spokesman for the life insurance community, and I am certain that he will do an admirable job for them as well.

Mr. Speaker, I join my colleagues in wishing Dick good health and happiness in all of his future endeavors, and hope that he will continue to contribute to the House and Senate on matters which require his outstanding expertise.●

BENNINGTON MAN PULLS CRASH VICTIM FROM ICY RIVER

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. JEFFORDS. Mr. Speaker, I would like to bring to my colleagues

attention the actions of a Vermonter on January 11, 1983. David Hayden's act of heroism exhibited bravery, concern, and a depth of spirit that few men or women possess. A woman is alive today solely because David risked his own life without a second thought. I can imagine no prouder feeling than having laid your life on the line to save another.

The following newspaper account from the Bennington Banner states David's actions much better than I could. I ask that my colleagues take a few minutes and read this account in the CONGRESSIONAL RECORD.

[From the Bennington Banner, Jan. 12, 1983]

BENNINGTON MAN PULLS CRASH VICTIM FROM ICY RIVER

(By B. L. Goldberg)

David Hayden of Bennington waded into the bone-chilling waters of the North Branch River in Jacksonville Tuesday afternoon to rescue the driver of a car which plunged off Route 112 into the river, killing the other occupant.

Janice Hinckley of Stamford, Conn., was trapped inside the upside down, partially submerged station wagon and apparently drowned, Vermont State Police in Brattleboro reported. She was pronounced dead at 12:27 p.m. by Deputy Medical Examiner Dr. Harry Haroutounian at the Deerfield Valley Health Center.

Driver Terry Thorne, 21, of Milford, Conn., survived and is reported today in stable condition at Putnam Memorial Hospital due to the fast thinking of Hayden, 26, of 200 Park St.

Thorne veered off Vermont 112 Tuesday afternoon and landed upside down in 3 feet of water in the river, state police said.

Hayden was driving back from Greenfield, Mass., when he spotted a teenager standing near skid marks which led off the narrow, cement bridge two miles north of the Massachusetts border. He pulled over and noticed a car on its roof with the front end submerged in the water.

"I asked the kid if anyone was inside and he said if they were, they were probably dead," Hayden recalled. "Then I thought I heard somebody yelling 'Help me! Somebody help me!'

"That car was completely filled with water. There must have been an air pocket about a foot or so big that she had her head in when she called for help," Hayden said.

He sent the youth to call for help while he ran down to the river bank. Because he didn't know how deep the swiftly flowing river was, he said, he tied a piece of wire to a fence post and held it for safety as he waded into the frigid waters.

"I yelled to her that I was going to get her," Hayden said. "I tried all the doors on the car but they were stuck. Then I tried the trunk and I couldn't get that open either."

He said he went to the rear of the car, which was sticking out of the water, once more and tried the hatchback. With the help of the river current flowing though the car, which had lost its windshield, the rear door opened.

Clothing and other items came rushing out toward him, pushed by the current, Hayden said. He kept his arms open and caught Ms. Thorn as she floated out.

"My legs were stiff and I was just about on my knees when I was carrying her out," he recounted.

"She kept yelling "Get my girlfriend! Get my girlfriend!" he said.

He said he called to a woman and her teenage son who were standing on the bank watching the rescue effort. The teenager started toward the river to help but his mother demanded he stay where he was.

Hayden plunged back into the water in an attempt to rescue the second woman. By that time the youth who had telephoned for assistance had returned to the scene to give a hand. He was sent off again in search of tire irons to pry the car's doors open.

"I got up to my chest in the water and I went for the hatch again," Hayden recalled.

He pulled skis and boots out of the back in an effort to clear the passageway.

"Then all of a sudden the girl floated out," he said.

Rescue workers soon arrived at the scene, Hayden said, but were unable to revive her.

Hayden said the incident has encouraged him to take a first aid course similar to one his wife just completed. Hayden, the father of an 8-month-old girl, is employed by J. H. Winslow Plumbing & Heating Supply Co.

Does he feel like a hero after saving a life?

"I was really hoping the other girl would make it," Hayden said. "I would have felt a lot better about it if she had."●

THE VILLAGE IMPROVEMENT ASSOCIATION OF GREEN COVE SPRINGS, FLA.

HON. BILL CHAPPELL JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. CHAPPELL. Mr. Speaker, I should like to take the opportunity on this day to honor the Village Improvement Association of Green Cove Springs, Fla., which will celebrate a century of community service upon the occasion of its 100th birthday on February 20, 1983. This association was the very first women's club in the State of Florida Federation of Womens Clubs. Organized on February 20, 1883, the Village Improvement Association had 25 founding women. Ellen Borden (Borden Milk Co.), and her daughter Penelope Borden Hamilton were among the distinguished founders. In those days men could serve as associate members and John Borden (Ellen's husband) was one of the first.

The Green Cove Springs club has the distinction of having the first president of the Florida Federation of Women's Clubs come from their organization. When the Florida Federation of Women's Clubs was formed in 1895, there were only five clubs that responded: Tarpon Springs, Crescent City, Orange City, and Fairfield Village (Jacksonville).

The Village Improvement Association was so named because its members were dedicated to improving their village. Their first project was a festival and ball which raised funds for construction of board and clay walks.

In 1888 a children's auxiliary was formed—Star Branch, and this auxiliary continued for 15 years. Also in that year the club founded a free library—the first in Clay County, Fla. This library was maintained by the club for the ensuing 73 years until 1961 when it became a part of the Clay County library system.

In 1897, Mrs. E. G. Munsell was installed as president of the club and so served for the ensuing 17 years. The club maintained a kindergarten from 1900–04 which was housed in the public school building, and was totally subsidized by club funding for all expenses including the hiring of a qualified teacher. It was at this time that the club's present building was built. It was dedicated on February 18, 1915, as a lasting memorial to Mrs. Hamilton and Mrs. Munsell.

Today, the club continues in its mission of community beautification projects. Annually, awards and plaques are presented to the three individuals who have done the most to improve their property during the preceding year. All categories—residences, businesses, and churches—may participate in this beautification drive. The club also awards annual scholarships to vocational students from the local high school.

Club members are active with 4-H, Special Olympics, Clay County Association for the Retarded, Downing Place (a home for abused girls), Hacienda Ranch (a girls home), and also sponsors a junior women's club.

There are presently 103 members—with an average age of, and may God bless these ladies, 70 years. Their current president is serving her second term and is Mrs. T. R. Rosakranse (Norma), Box 420, Hibernia Route, Green Cove Springs.

In these days of tight budgets voluntarism is alive and well in Green Cove Springs, Fla. Let us pause today to pay tribute to the greatness of the American spirit as it is manifest in the Village Improvement Association. May they indeed celebrate many more decades, even centuries, as a part of the rich heritage and history of the State of Florida.●

MORRIS PESIN HONORED FOR COMMUNITY SERVICE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. GUARINI. Mr. Speaker, last week Jersey City State College bestowed an honorary degree of humane letters on Morris Pesin, who is truly one of Jersey City's outstanding citizens.

On Friday evening Temple Beth-El had a community gathering attended by hundreds of individuals to pay tribute to Morris Pesin for his constant and efficacious services to God and men.

The Jersey Journal in an editorial dated Friday, February 4, 1983 paid tribute as follows:

Today, Morris Pesin is doubly honored.

One honor consists of words.

Words of praise will cite Pesin's tireless labors on behalf of his community. And today's proclamation of "Morris Pesin Day" gives Jersey City residents a chance to say a collective thank you to a man whose service to the community has benefited us all.

But Morris Pesin has never been a man of words.

From his efforts to establish Liberty State Park to his service on the City Council and the Bicentennial and Historic District commissions, Pesin has always been a man of action.

Therefore it is fitting that Temple Beth-El in Jersey City has chosen to honor Pesin tonight with action as well as praise. The temple has established the Temple Beth-El Statue of Liberty and Ellis Island fund in Pesin's name. The fund—which has already received substantial contributions from members and friends of the congregation—will go toward refurbishing the Statue and Ellis Island. It will take its place alongside another campaign to restore the Statue, the Centennial Restoration Fund organized by the Business and Women's Club of Jersey City. That campaign is headed by another tireless civic leader, Mary York.

Pesin's work on the Liberty Centennial commission, chaired by Lee Iacocca, will ensure that the Statue will have a triumphant centennial in 1986.

So, the temple fund furthers Pesin's current project as well as honors his past accomplishments. You can join in honoring Pesin and in helping his efforts on the centennial commission by contributing to the Beth-El SL and EL Fund, 2419 Kennedy Boulevard, Jersey City.

In my message for the Temple Beth-El ceremony, I asked George Press, president of the group and chairman of the tribute to Morris Pesin, to deliver the following message:

It is my pleasure to join in this tribute to Morris Pesin, truly one of New Jersey's outstanding citizens. His work as a businessman, community leader, elected official, and activist for all good things, makes your tribute to him most noteworthy.

While I indicate his contributions to New Jersey, I should qualify that statement, indicating "to the nation" for his work at Liberty State Park. Almost single-handedly he kept the spotlight, which resulted in this beautiful facility for the entire world to enjoy. His appointment by President Reagan to the Statue of Liberty-Ellis Island Commission was indeed justifiable.

I am pleased also that Jersey City State College is presenting Morris with an honorary doctorate.

Please convey my best wishes to him and his devoted family who have indeed stood shoulder to shoulder in all of his endeavors. Indeed they prove that America is a tune which must be sung together.

Morris Pesin indeed echoes the words of Mohandas K. Gandhi, who said: "Man . . . rises higher in the scale when he comes to look upon his whole community as his own family."

With best wishes • • •

He has lived the words of George Eliot:

Try to care about something in this vast world besides the gratification of small selfish desires. Try to care for what is best in thought and action—something that is good apart from the accidents of your own lot. Look on other lives besides your own. See what their troubles are, and how they are borne.

I invite my colleagues here in the House of Representatives to join me in saluting Morris Pesin for a job well done—second to none.●

REPEAL WITHHOLDING ON INTEREST AND DIVIDENDS

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. SUNDQUIST. Mr. Speaker, as a cosponsor of legislation introduced here in the House of Representatives to repeal the withholding on interest and dividends, I am hopeful that this unfair and burdensome provision of the Tax Equity and Fiscal Responsibility Act of 1982 will come to the House floor for a separate vote before it goes into effect on July 1 of this year.

As you know, last year the Members of the House never really considered the effects of this provision since it was included as a part of the omnibus legislation and voted on as a total package. If it had been voted on separately, it no doubt would have been defeated by a significant margin.

In arguing for this law's repeal, there are several important points to be made regarding the consequences it will have should it go into effect. Of these, the most prevalent is that this law will add more redtape and confusion to our already complicated bureaucracy. The objective was to improve taxpayer compliance, however, the IRS's own studies show that the compliance rate for the reporting of interest and dividend income is 96.7 percent. Thus, it will penalize the honest taxpayer in order to catch the 3.3. percent who cheat. It seems to me that a better approach to prevent cheating is to expand and improve the existing 1099 information reporting procedures.

Other significant points about the effects of this law are:

It will mean that the average taxpayer will lose a portion of his earnings and savings, in addition to the interest gained on that amount.

Senior citizens, who are most dependent on interest and dividends income will be forced to fill out confusing annual forms for exemption.

It is estimated that it will cost financial institutions an additional $1.5 billion to implement. These costs naturally will be passed on to the saver.

It is because of these and other negative effects, that I along with more than half the Members of this body have either cosponsored or sponsored legislation to repeal the withholding on interest and dividends. Those congressional leaders, who apparently desire to squelch debate over this critical issue are guilty of outrageous conduct considering the fact that the American public is virtually unanimous in their support of the repeal of this provision. If this obstacle to the will of the people continues, then serious consideration must be given to the use of a discharge petition. This matter must come to the House floor even if it means spiting the obstructionism of the liberal leadership.●

ISSUES AND THE 98TH CONGRESS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HUBBARD. Mr. Speaker, I have received a letter from one of my constituents, John L. Jones, of Hopkinsville, Ky., who has taken time to share his views about some of the important issues that are presently facing the 98th Congress, including jobs legislation, budget proposals, military spending, the Federal Reserve Board and highway taxes. I believe my colleagues will be interested in my constituent's comments. His letter follows:

DEAR CONGRESSMAN HUBBARD: I have strong feelings about several issues facing our Congress.

In my opinion, it would be wrong to vote for a federal jobs program that would only provide a quick fix to our economic problems. These programs do not provide lasting employment for our people.

I do not support any increases in spending for social programs beyond their budgeted projections.

I support increased military spending. This includes spending for the MX Missile.

The Congress must allow the Federal Reserve Board to remain autonomous. Any attempt to legislate the actions of the Federal Reserve Board would send violent shocks through the capital markets of the world.

I support the gasoline user fee and the third year of the tax cut as it currently stands.

In order to balance the federal budget I support "user fees" on goods and services provided by the public and private sectors.

Respectfully,

JOHN L. JONES.●

FEDERAL WETLAND ACQUISITION

HON. SILVIO O. CONTE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. CONTE. Mr. Speaker, the problem of wetland destruction and loss is pressing and remains serious. Wetland acres—millions across the country—have been developed, drained, dredged, or filled. The end result is devastating; only about half of the original wetland acreage remains.

I hope my colleagues will take the time to examine the following special report contained in the Land Letter, "The Newsletter for Land Conservation Professionals." The piece written by Ann Harvey provides historical background on the issue and outlines the present problem. It is important to note that this issue will go away forever—if we do not act soon.

FEDERAL WETLANDS ACQUISITION: PROBLEMS AND SOLUTIONS

(By Ann Harvey)

This country is facing a serious problem of wetlands destruction and loss. Millions of acres of wetlands in the United States have been drained, dredged, filled, and developed, and the loss continues at the rate of about 300,000 acres a year. Thirty-five percent of the nation's original 127 million acres had been drained by 1950. Today, only about half of the original wetland acreage remains.

The loss of wetlands within individual states is even more striking. Iowa has lost 99 percent of its original glacial wetlands; Louisiana has lost 54 percent (486,000 acres) of its freshwater marshes during the past 25 years; California has less than 450,000 acres of wetlands remaining of an original 3.5 million acres; Missouri has lost 90 percent of its wetlands. As public understanding of the value of wetlands grows, so does concern over the tremendous rate of their loss.

This report focuses on one means of preserving wetlands: federal acquisition. Clearly, this is only one component, though an important one, in the preservation effort. Strong regulation, zoning, tax incentives for land protection, and removal of federal subsidies for draining and conversion of wetlands are needed as well, if the rate of loss is to be slowed significantly.

BACKGROUND: FEDERAL WETLANDS ACQUISITION PROGRAMS

The need for a federal program of wetlands acquisition and preservation was recognized as early as 1929, when Congress passed the Migratory Bird Conservation Act. The act authorized federal acquisition of wetlands for waterfowl refuges. In 1934, Congress provided a source of funding for waterfowl habitat acquisition with passage of the Migratory Bird Hunting Stamp Act, requiring anyone over 16 who hunts migratory waterfowl to purchase a federal "duck stamp."

Originally duck stamp revenues were used both for acquisition of refuge lands and for development and maintenance of refuges. In 1960 Congress changed the law to require that duck stamp revenues be spent only on land acquisition. The money raised by duck stamp sales goes to a special fund called the Migratory Bird Conservation Fund. Since 1934, duck stamps have brought in receipts of more than $240 million. Over $150 million has been used to acquire more than 2.5 million acres of waterfowl habitat, according to the Department of the Interior.

In 1959, the U.S. Fish and Wildlife Service (FWS), working with states and the International Association of Fish and Wildlife Agencies, determined that a minimum of 12.5 million acres of waterfowl habitat need to be protected under public ownership in order to maintain waterfowl stocks at their existing levels. The federal responsibility for habitat acquisition was placed at 8 million acres (including 3.5 million already managed by the FWS), and the state share was placed at 4.5 million acres (including 2 million acres already owned).

THE WETLANDS LOAN ACT

Recognition of the need to accelerate federal acquisition of waterfowl habitat led to passage of the Wetlands Loan Act in 1961. The act authorized appropriations of up to $105 million in interest-free advances to the Migratory Bird Fund for waterfowl habitat acquisition. In 1976, the loan ceiling was raised to $200 million.

Approximately $147 million has been appropriated under the Wetlands Loan Act (including $2 million in fiscal year 1983) leaving about $53 million of authorized funds that will remain unappropriated when the loan authority expires, as it is scheduled to September 30, 1983. After that date, 75 percent of annual duck stamp receipts must be used to repay the $147 million loan. Duck stamps bring in revenues of about $16 million a year, so unless the Wetlands Loan Act authority is extended, only $4 million each year will be available for waterfowl habitat purchases.

THE GOAL: 1.9 MILLION ACRES BY 1986

The Fish and Wildlife Service accelerated its land acquisition program in 1976 in response to the continuing high rate of habitat loss in waterfowl breeding and wintering areas. The Service set an objective of 1.9 million acres to be acquired between 1977 and 1986. Progress in meeting that objective has not been encouraging. As of the end of 1982, only about 336,000 acres of the 1.9 million acres had been acquired. The Fish and Wildlife Service states in its National Waterfowl Management Plan (released in March 1982) that because of inflated land values, the Wetlands Loan Act advance plus duck stamp receipts will provide funding to achieve only about 20 percent of the 1.9 million acre objective by 1986. Assistant Secretary of the Interior Ray Arnett told a congressional committee last May, "Land values in our areas of interest are rising so rapidly that we estimate the cost to reach the remaining 1.6 million acre objective at $1.4 billion. In a ten-year time period, this would require annual Migratory Bird Conservation Fund funding levels of $140 million each year. With receipts averaging only $16 million a year, this level of additional appropriated funding is obviously unrealistic."

If the Wetlands Loan Act is not extended, and 75 percent of duck stamp receipts are used to repay the loan beginning in FY 1984, the Department of Interior estimates that only 3 percent of the remaining acquisition goal could be reached over the next ten years. Clearly, unless the loan authority is extended or some other solution is found, the wetlands acquisition program of the FWS will almost cease.

ALTERNATIVE SOURCES OF FUNDING

Faced with the rapid rate of wetlands loss and degradation, escalating land values, and the shortage of acquisition money under the existing system, government agencies and others concerned with wetlands are beginning to examine alternative means of preserving them. Other sources of funding are being looked at, as well as alternatives to acquisition (such as tax incentives for keeping wetlands undisturbed.)

The most immediate problem is the impending expiration of the Wetlands Loan Act. Legislation to extend authority until October 1, 1988 was introduced in the 97th Congress by Congressman John Breaux (D-Louisiana) and a hearing was held, but no action on the measure was taken. The Reagan Administration has no official position yet on the loan extension, but is expected to endorse it. A Department of the Interior summary of FWS wetland protection programs that was distributed to members of Secretary Watt's POWDR (Protect Our Wetlands and Duck Resources) task force stated, "A request for reauthorizationof this Act will be made."

Proposals also have been made to raise the line of credit of the Wetlands Loan Act, and to make termination of the loan authority contingent on complete expenditure of the authorized funds. Also suggested is forgiving the existing debt so that future duck stamp revenues may continue to be used for habitat acquisition.

Even if the loan is forgiven and the act's authority is extended, other sources of revenue will be needed to meet the Fish and Wildlife Service's habitat acquisition goal. A frequently mentioned idea is to raise the cost of the annual duck stamp. According to the National Wildlife Federation, a constant price of $10 for a duck stamp (instead of the existing price of $7.50) from 1983 to 2000 would produce approximately $340 million. Another idea is to require waterfowl hunters under 16 years of age to possess a duck stamp.

It is generally agreed, however, that duck hunters should not have to bear the entire cost of the wetlands acquisition program, since nonhunters also use and enjoy wetlands and their associated wildlife. Many nonhunters purchase duck stamps as a voluntary contribution to wetlands preservation, and possibly their number could be increased through a program of public education about the values of wetlands and the purpose of the duck stamp. Another frequently heard suggestion is to charge some sort of admission fee to national wildlife refuges, either at specific refuges where fee collection would be practicable, or by requiring all refuge users to possess a system-wide entrance ticket (similar to the Golden Eagle Passport used by the National Park Service).

USE OF LAND AND WATER CONSERVATION FUND

The Land and Water Conservation Fund (LWCF) provides funding to the Fish and Wildlife Service for acquisition of endangered species habitat, important fish and wildlife habitat, and congressionally authorized refuges. Several conservation organizations have suggested setting up a matching fund using LWCF funds to match duck stamp revenues on a 1:1 or 2:1 ratio. The National Wildlife Federation estimates that such matching fund would result in $20 to $40 million of LWCF monies being made available for wetlands acquisition each year. The POWDR task force Subcommittee on Duck Stamps and Federal Fees esiimates

that if the duck stamp price were raised to $10.00 and revenues were matched with LWCF funds, total annual revenues available for wetlands acquisition would be $38 million (on a 1:1 matching basis) or $57 million (on a 2:1 matching basis). Matching duck stamp or refuge entrance fee receipts with funds from the general Treasury instead of with LWCF monies also has been suggested.

PARTNERSHIP WITH STATE AND LOCAL GOVERNMENTS

Many state and local governments are active in wetlands preservation, with programs of their own already in place. A closer federal-state partnership is wetlands acquisition could be very productive. The idea of the federal government providing matching funds to state and local governments for wetlands acquisition and preservation is also being examined, again using either the LWCF or funds from the general Treasury.

OTHER FUNDING IDEAS

Several other ways of funding wetlands acquisition have been suggested and are likely to receive considerations as solutions to the wetlands loss problem are sought. Among these ideas are the following:

(1) Earmark a portion of outer continental shelf (OCS) receipts for waterfowl refuge acquisition.

(2) Alaska currently receives 90 percent of oil and gas leasing receipts derived from national wildlife refuges created from the public domain. Other states receive only 50 percent. The law could be amended so that Alaska would receive the same portion as other states, and the "savings" could be placed in the Migratory Bird Conservation Fund for habitat acquisition.

(3) Credit duties on imported firearms, parts, and ammunition to the Migratory Bird Conservation Fund.

(4) Amend the Federal Aid in Wildlife Restoration Act (the Pittman-Robertson Act) to require that funds reverting from states be used solely for wetlands acquisition.

(5) Require purchase of a new stamp for hunting water birds such as rails and snipe, and use the proceeds for acquiring wetlands.

(6) Issue a lifetime duck stamp.

The Administration and Congress are likely to be examining various combinations of these ideas in the near future. Other means of protecting wetlands will be looked at as well, such as state and local zoning, the use of easements and exchanges instead of fee purchase of wetlands (e.g., expansion of the Department of Agriculture's Water Bank program), tax incentives for wetlands conservation, and removal of federal subsidies for wetlands drainage and conversion.

The most important law regulating conversion of wetlands, Section 404 of the Clean Water Act, also is undergoing review. Administrative changes to the Section 404 dredge and fill regulations recently have been made (see Land Letter Special Report, September 13, 1982), precipitating a lawsuit by conservationists who charge that the changes substantially weaken federal protection of the nation's wetlands. Administration officials acknowledge that a federal wetlands acquisition program, even one with adequate funding, will provide only a patchwork remedy to the problem of wetlands destruction. The issue must be looked at in a comprehensive manner. Acquisition, regulation, and incentives for preservation all will be needed in some combination to protect the nation's remaining wetlands.

Mr. Speaker, I also want to include the text of testimony I gave before the Merchant Marine and Fisheries Subcommittee on Fisheries and Wildlife Conservation and the Environment. As senior congressional member of the Migratory Bird Commission and as a Member of Congress very interested in preserving the country's wetlands, I testified on behalf of the Wetland Loan Act. The following is the text of the testimony:

FISHERIES, WILDLIFE CONSERVATION AND THE ENVIRONMENT ON THE WETLAND LOAN ACT

Mr. Chairman and members of the committee, I appreciate this opportunity to testify today as the senior congressional member of the Migratory Bird Conservation Commission on the future of the Wetland Loan Act. I have been privileged to serve on this Commission since 1965 during which time I have had the opportunity to work with 7 different Secretaries of the Interior in what has always been an apolitical effort to preserve our precious wetland resources.

In the 17 years I have served on the Commission, we have approved the obligation of over $300 million in duck stamp receipts and wetland loan advance appropriations for the purchase of prime waterfowl habitat and production areas. The Migratory Bird Commission has overseen the establishment of over 300 refuges across this nation and the preservation of millions of acres of waterfowl breeding and wintering habitat lands.

The purchase of these lands by the Federal Government has been made necessary by the rapid and sustained loss of wetlands across this nation to development and incompatible agriculture use. The Fish and Wildlife Service has determined that nearly half of this nation's original 127 million acres of wetlands have already been converted to agriculture, housing or other developments. It is estimated that we are continuing to lose an average of 300,000 acres of these precious waterfowl areas each year.

Mr. Chairman, the commitment of this nation and the Congress to the preservation of these wetland areas as habitat for migratory birds goes back more than 50 years ago when in 1929 the Migratory Bird Conservation Act was enacted authorizing the Federal Government to acquire land and water areas for waterfowl refuges and established the Migratory Bird Conservation Commission to approve the purchase of such lands. Since then the Congress has taken many steps including passage of the Migratory Bird Hunting Stamp Act, which today brings in more than $16 million a year as an estimated 2 million hunters pay $7.50 for a stamp each year; and the Wetland Loan Act which authorized advance repayable appropriations for an accelerated federal land purchase program.

The preservation of these wetland areas has been and continues to be a cooperative effort between the federal government and the states. Of the original 12.5 million acres goal of waterfowl habitat to be brought under protection, the states were made responsible for 4.5 million acres. To date the states have achieved approximately two-thirds of that goal or about 3 million acres. Just as importantly the states are active participants in the actions of the Commission in negotiating land purchases by the Federal Government. The chief conservation officer of each state acts as an ex officio member of the Commission and is present whenever the Commission meets to discuss a possible acquisition in his or her state.

In the twenty years since the Congress first authorized an accelerated wetland acquisition program we have come a long way having already acquired 5.7 million acres; however, we are still 1.6 million acres short of our established goal of a minimum 8 million federally preserved acres. And Mr. Chairman, we are now working under the pressure of time. Wetland preservation is absolutely critical to the maintenance of our waterfowl population but unless legislative action is taken by the Congress, the existing Wetland Loan Act authorization will expire at the end of fiscal year 1983 at which time we must begin repaying using 75 percent of annual duck stamp receipts the more than $145 million advanced to date.

With only $4 million or so available each year for new land purchases assuming a constant duck stamp price of $7.50, the Department of Interior has estimated that we could only achieve 3 percent of our remaining acquisition goal over the next ten years.

Meanwhile development pressures are intensifying and the prices of these lands are escalating. I am discouraged that much of the Commission's work over the last couple years has involved not the approval of new purchases but rather reapprovals necessitated by increased prices. For example, at our last Commission meeting held just one week ago, we considered one new purchase and 3 price reapprovals. The price increases ranged from 49.5 percent to 310 percent from the date of last approval. Inflation and delays in land purchase because of the scarcity of funds are eating away at the few resources we have to keep additional waterfowl habitat areas from being destroyed.

I must say, Mr. Chairman, that we had a very spirited Commission meeting last week. For the first time in my 17 years on the Commission I found myself expressing serious reservations about a proposed land purchase because I was not certain the government was getting as good a deal as it should on behalf of the people of this country.

I and the other members of the Commission are very mindful of the need to develop a plan for the financing of additional waterfowl habitat purchases over the next few years. As a result of earlier Commission discussions, staff at the Department of Interior have prepared an options paper which is still in draft form and has not been presented formally to the Commission. A number of alternatives, by no means exclusive, are explored including no action, higher levels of advanced appropriations, use of reverted Federal Aid funds for land acquisition rather than research, tapping the Land and Water Conservation Fund and increased duck stamp prices. Regarding the latter, I certainly do not believe duck hunters should bear the entire cost of meeting our wetland preservation goal. The so-called $70 stamp was never under consideration by Commission members; that figure was merely used to illustrate what the cost would have to be if we were to try to meet our remaining $1.4 billion, 1.6 million acre goal using only duck stamp funds and assuming a level number of hunters—approximately 2.5 million. This aside, I think reasonable increases in the price of duck stamps would be in order if they were part of a package which included continued federal investment. In an article prepared for Ducks Unlimited magazine, Daniel Poole, President of the Wildlife Management Institute, noted that the cost of the duck stamp has risen from $1 in 1934 to $7.50 beginning in 1979. Although this is a

750 percent increase, Mr. Poole noted that the decline in the purchasing power of the dollar has been such that today's waterfowler is contributing in effect only about 40 cents more in purchasing power than his colleagues were back in the 1930's. Meanwhile the average value per acre of farm real estate has risen 2,600 percent.

As members of this Subcommittee may know, I have been carrying the ball in our Interior Appropriations Subcommittee for the last few years in attempting to obtain advance appropriations under the Wetland Loan Act. In 1980 I was successful in getting $15 million for the Advance Fund, $5 million more than the budget request. However, faced with no Administration request for funds in fiscal year 1981 or fiscal year 1982, I was only able to secure $1.25 million and $1.2 million respectively in these years.

I am committed to trying to achieve as best we can the land acquisition goals we have set for ourselves. As we face the expiration of the existing Wetland Loan Act authorization, we have an opportunity to devise a new and perhaps more effective program to continue this very worthwhile federal endeavor. Certainly I stand ready to work with the members of this Subcommittee in any and every way I can and I will be glad to answer any questions you may have.●

H.R. 1155

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mrs. COLLINS. Mr. Speaker, on February 2, 1983, I introduced H.R. 1155, the Minority Telecommunications Development Act of 1983, which is designed to strengthen parity of minorities and women in the telecommunications field. Specifically, H.R. 1155 revises and updates the Communicatons Act of 1934 by offering a regulatory and industry incentive program intended to foster the greater participation of minorities and women in all phases of communications.

This comprehensive legislation covers the areas of minority entrepreneurship, equal employment opportunity (EEO), public broadcasting, and tax incentives for transfer for communication properties to minorities. It proposes that an Advisory Committee to the Federal Communication Commission (FCC) be established to study rules and policies leading to the full inclusion of minorities in the telecommunications industries. It requires that annual progress reports be sent to the Congress until full minority participation in ownership and employment is attained. Further, the measure calls for the establishment of $250,000 in the annual FCC budget to reimburse reasonable and documented expenses of civic and community organizations and small businesses for their representation in rulemaking proceedings before the Commission. Finally, the bill mandates that the FCC, in its report to Congress, include data useful in determining current and future participation of minorities as employees and owners of communications facilities.

As a Member deeply concerned that the marginal gains made by blacks, other minorities, and women in the past 5 years be protected and advanced, it is critical that many existing FCC regulations governing communications be codified.

A summary, H.R. 1155 follows:

SUMMARY ANALYSIS OF H.R. 1155, THE MINORITY TELECOMMUNICATIONS DEVELOPMENT ACT OF 1983

PURPOSES

This [1] legislation revises and updates Title I of the Communications Act of 1934 by providing for a regulatory and industry incentive program designed to foster the greater participation of minorities in all phases of telecommunications governed by the Act.

GENERAL PROVISIONS

By this bill, Congress makes an affirmative finding that minorities have been and continue to be deprived of full participation in common carrier, broadcasting, and cable communications services. In order to further the growth of interstate and foreign commerce, minority ownership and employment opportunities in telecommunications are encouraged by this bill.

1. Minority ownership

Greater minority participation in common carrier, broadcasting and cable communications ownership is fostered by the bill in these ways:

(1) by requiring the Commission to establish a set of eligibility criteria to use when it invites applications for new licenses. This follows the Commission's approach in Clear Channel Broadcasting (Report and Order), 78 FCC 2d 1345 (1980)

(2) by codifying the tax certificate and distress sale policies contained in the *Policy Statement on Minority Ownership of Broadcast Facilities* and extending coverage to include cable, 68 FCC 2d 979 (1979) and liberalizing the time limits under which those whose applications are designated for hearing may elect a distress sale.

(3) by providing that the FCC may waive its multiple ownership rules for Small Business Investment Companies (SBICs), thus permitting them to become more widely involved in the financing of minority media enterprises.

II. Equal employment opportunity

The bill codifies and strengthens the FCC's EEO rules (47 CFR $73.2080) and applies them to broadcasters, networks, common carriers, cable systems, satellite operators, and the headquarters operations of each. It also enacts and strengthens the essentials of the FCC's Model Equal Employment Opportunity Program for licensees, and provides for annual collection of baseline employment data by those subject to regulation under the Communications Act.

In addition, the bill creates for the first time a presumption of fairness on the part of an applicant whose workforce has attained 80% of workforce parity for minorities and women in both total fulltime employment and in decision-making positions (managers, professionals, salespersons and technicians). It requires the Commission to designate for hearing applications showing less than 50% of workforce parity for minorities or women if the applicant has maintained only a neutral EEO program which is unlikely to assure future improvement. This adopts and explicitly implements the holdings of *Black Broadcasting Coalition of Richmond* v. *FCC*, 556 F. 2d 59 (D. C. Cir. 1977) and *Bilingual-Bicultural Coalition on the Mass Media, Inc.* v. *FCC 595 F. 2d 621 (D C. Cir. 1978).*

Finally, the bill provides that in a hearing on an applicant's EEO performance, the Commission may not consider evidence of post-designation upgrading. This codifies the Commission's prospectively-announced policy set forth in *Rust Communications Group, Inc.*, 73 FCC 2d 39 (1979).

III. Advisory Committee on Minority Telecommunications Development

The bill establishes an advisory committee to the FCC to study rules and policies designed to further the full participation of minorities in all phases of communications affected by the Communications Act. The Committee is to make its initial report in one year, and continue to meet and advise the Commission until Congress determines that minorities have attained full participation in ownership and employment in telecommunications facilities.

IV. Reimbursement of expenses for citizen participation in rulemaking proceedings before the FCC

The bill makes available to the Commission up to $250,000 annually to reimburse the reasonable and documented expenses of civic and community organizations and small businesses for their participation in rulemaking proceedings before the Commission, under such guidelines as the Commission shall establish. The Commission is directed to take particular care to ensure that minority participation before the Commission in rulemaking proceedings will be furthered by this program.

V. Public telecommunications facilities

The bill provides that of the funds appropriated pursuant to section 391 for any fiscal year, not less than 30 percent shall be available for the development of public telecommunications facilities owned by, operated by and made available to minorities.

VI. Amendment to the Internal Revenue Code of 1954

The bill, as it applies to any minority company (as defined in section 3(ii) of the Communications Act of 1934), strikes the present overall limitation in the tax law on the value of new or used equipment that can be used for a tax credit.

VII. Report to Congress

The bill requires the Commission to include in its annual report to Congress information and data useful in determining the extent to which minorities have participated, and will participate in the future, as employees and owners of telecommunications facilities.●

[1] Introduced on Feb. 2, 1983 and referred jointly to the Committees on Energy and Commerce and Ways and Means.

STUDENT SELF-HELP ACT OF 1983

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. JEFFORDS. Mr. Speaker, today I am pleased to join Mr. SEIBERLING in introducing the Student Self-Help Act of 1983, a bill to raise the earnings limitation for students receiving social security benefits.

As you all know, the social security student benefit is being phased out over the next three years. The earnings limitation requires the students to pay fifty cents on every dollar of earnings over the maximum allowable amount. With the benefit decreasing, the income from the benefits being counted when a student applies for the very competitive Pell grants, and an earnings limitation of $4,925 for the next year, the young Americans fighting to pay for school during these difficult times are caught in a quandary.

We are asking the Government to give these young men and women a chance to pay their way through college without fear of losing the small benefit they will receive for the next few years.

The higher earnings limitation will still prevent students with large incomes from receiving windfall benefits, but will remove the hurdle to a quality education presently in place. When the student benefit is phased out, the students will have to find other means to attend school. We should allow them to start finding these alternatives to social security today.

I would encourage my colleagues to cosponsor this legislation. The Student Self-Help Act will be a short-lived action by Congress offering a lifetime of reward for the young Americans who choose to take advantage of it.●

THE MILITARY MAN AND WOMAN

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. CHAPPELL. Mr. Speaker, I have always been a staunch proponent of a strong defense. What concerns me in America today is the fact that, while we deal with missile systems, nuclear weaponry, and a host of sophisticated items of warfare, that we fail to deal fairly and equitably with the most necessary and actual reality of defense—the military man and woman.

Our Nation is great not because of its laws or even its lawmakers. Our Nation is great because of its people. Every one of us in this Congress of the United States was put here by our people. We are not leaders of the people, we are servants of the people, and this is a fact of life we would be ill advised to forget.

I recently received a letter from one of the people whom I represent. What is more, this man is a career naval officer. When contacted regarding the publication of his letter in the CONGRESSIONAL RECORD, lest it be problematical for him in his military career, his reaction could be summed up by stating that he felt it would better the career retention of worthwhile individuals in the military services then so be it. We need to be alert to his message. We need to look through the maze of technology at the essence of a strong defense—the men and women of our Armed Forces.

I submit this letter in its entirety, as a thought-provoking and necessary reading for us all.

JANUARY 24, 1983.

DEAR CONGRESSMAN CHAPPELL: I am a Navy Captain with 23 years of service and part of my responsibilities include retention and recruiting quality personnel. Those duties are becoming extremely difficult as military pay, fringe benefits, and retirement are in a constant state of turmoil.

When I made a career decision in 1963, many factors were considered including:

Pay that was generally competitive with private industry but only after considering *the benefit package* and *retirement plan.*

Good medical and dental care for member and dependents.

A highly competitive survivor benefit plan called Retired Serviceman's Family Protection Plan, now the Survivor's Benefit Plan (SBP).

Excellent commissary and exchange facilities with *real* savings.

A retirement system which compensated for the long separations from family, the arduous hours, and the reduced take home pay.

Adequate family housing in most areas.

A few "perks" for senior officers to compensate for expensive entertainment requirements i.e., stewards, good quarters, small expense allowances, etc.

Today, those benefits have been steadily eroded or are being threatened. Much of it being a true breach of the unwritten contract between the serviceman and his government. For example:

Pay is well below comparability—I was better off financially 10 years ago.

I pay exorbitant Social Security taxes and have very limited tax breaks. When I retire my allowances or those provided my widow will be offset by Social Security.

The Survivor's Benefit Plan has become a skeleton of its former self . . . an insult to a career military person. Only a fool would opt for more than the basic minimum unit; requiring additional insurance to compensate . . . an added expense at retirement.

Commissaries and exchanges provide about ⅓ of the advantage previously available and they are in danger . . . due in part to a Safeway Grocery executive sitting on the recent panel, I'm sure. That smells!

Medical and dental are only marginally satisfactory. No dental for dependents, long waits, shabby facilities, etc. No congressman would use the facilities I'm expected to use. Most of my retired friends carry expensive medical plans because they can't get service at Navy facilities.

Only once has adequate housing been available for me and my family, and it was only barely adequate.

"Perks" for Commanding Officers are gone. Still plenty on the Hill, I notice.

"Executive Panels" of people who never spend a night away from home except by choice are making studies of my retirement. When on sea duty, I'm often overseas 20 plus months in a 36 month tour. Those people cannot and should not, make recommendations regarding my compensation.

With these things in mind, its difficult to recommend a service career. I diligently work to retain quality people, but it gets harder to do so everyday. To recommend to a friend that his son pursue a Navy career is almost impossible.

Wake up, folks! How you can opt out of Social Security, vote deductions of such magnitude that they effectively take you out of the income tax system, and collect 9 percent raises or similar equivalents and look yourselves in the mirror after voting a 4 percent military pay raise when studies show we're at least 12 percent behind? Now the administration is out to freeze military pay, increase Social Security, overhaul (scuttle?) retired pay and cost-of-living allowances. Please take a critical look at what we actually have left now before you take any more. Do something about the constant sniping by self-serving politicians. Serving my country gives one a great deal of personal satisfaction, but my family is sure getting the short end of the stick. I plan to retire soon, but if you intend to retain a quality force you had better take a hard look at this unrelenting erosion of benefits.

Very respectfully,

F. W. CARTER, Jr.,
Captain, USN.

COMMENTARY

(By Capt. J. F. Kelly, Jr., USN)

In case some of you careerists haven't been paying attention, I want to say that Congress has been trifling again with your retired pay. And the end is not in sight because of a spreading perception that federal retirement is too good a deal for these troubled economic times. Congress, therefore, has declared open season on federal retirement pay and benefits.

As you should know by now, the 97th Congress, in passing the Budget Reconciliation Bill, took a shot at federal retirees by imposing a 50 percent cap on cost-of-living adjustments to retired pay for the next three years for those under age 62. Moreover, all military retirees who are employed by the federal government, known affectionately as "double dippers," will receive no COL raise at all.

It was, of course, an outrageously unfair piece of legislation, aimed at a politically voiceless segment of the population and carefully tailored to avoid antagonizing the increasingly nervous and militant over-62 bunch. In inflicting this grossly discriminatory penalty, congressional conferees were heard to say that younger retirees, presumably all those under 62, were probably working at second jobs anyway and are in less need of a full COL increase than older retired folks.

That's nonsense. Military retirees 62 and over are eligible for Social Security payments in addition to military retired pay. As

Sen. Ernest Hollings (D-S.C.), the lone opponent of the cap in the Senate, said, their expenses are generally fewer. Their children are usually grown and they are eligible for certain other benefits.

On the other hand, the provisions of the cap will impact with particular severity on the younger military retirees because of the cumulative effect upon subsequent years of retired pay. And it will affect more military retirees than civil service retirees because of involuntary early retirement in the military based upon rank and years of service, which forces some people out of the services at the very height of their productivity, responsibilities and financial burdens.

But apparently Congress believes that most of them quickly become double dippers or land lucrative jobs with defense contractors. Well, I have news for them. Most don't.

Against this turbulent background of more or less constant dickering, or efforts to dicker, with retired pay and benefits, let us consider another assault on that pot of gold at the end of the active duty trail. I refer to the Uniformed Services Former Spouses Protection Act. This law, when it takes effect early this year, will allow states to treat "disposable" military retired pay, if Congress leaves us any, as property which the courts can award in part to a former spouse. What the federal government giveth, the federal government can, of course, take away.

The act, Public Law 97-252, raises fundamental questions about the very nature of military retired pay, questions which have been covered in depth in this newspaper. In short, the act would appear to treat military retired pay as deferred compensation for past services, rather than reduced remuneration for a reduced level of current service.

I do not propose to advance a position here on the fairness of that act. Neither will I offer an opinion as to how long a couple should be married before the divorced or divorcing spouse becomes entitled to a portion of the service member's retired pay. Braver parties than I have declined to take a position in this matter and I cherish my friends on both sides of that controversy. Moreover, my wife of 28 years, like most Navy wives, has strong views on this topic and while I relish a good debate, I am not altogether fearless in my choice of topics.

It does seem to me that for years we talked of the Navy wife as a most important member of the Navy team. Navy wives have most certainly contributed toward many successful Navy careers by playing multiple roles as wife, mother, father and head householder throughout many a long deployment. If retired pay is a reward, then she is certainly entitled to a share of it, I feel.

By passing this act, Congress would indeed appear to regard military retired pay as just that: a reward, an annuity, a piece of property to divide between divorcing parties who have "earned" shares as a result of past services.

If that is the case, then Congress should get its greedy fingers out of military retired pay once and for all with respect to benefits for those now in the system, that is, career-designated members. Congress should confine its "reforms" to measures which will effect only new or future members who can then make career decisions based upon the ground rules in effect at the time. These benefits should be protected by law, just as spouses' entitlements would appear to have the protection of Patricia Schroeder's far-reaching Uniformed Services Former Spouses Protection Act.

If federal retired pay and benefits are to remain subject to repeated "reform" attempts by Congress, then perhaps some other rules should be changed as well. For example, if the COL adjustments for retirees are to be capped and retirement pay subject to division as property, is it fair to force early retirement based upon rank and years of commissioned service rather than health, ability and quality of performance? If the objective is to reduce retirement costs, then why are we forcing perfectly capable men and women in their 40s and 50s to retire in order to create vacancies for juniors? Isn't that age discrimination? Given the difference between the retired pay to which these members are entitled and the sum of their active duty pay and allowances, their services certainly come cheaply enough.

And if Congress feels so free to manipulate the federal retirement system and the retired "earnings" of those who have earned them, how about removing some of the restrictions on post-retirement earnings? Let Congress remove the pay forfeitures imposed upon retired Regular Navy officers who take civil service positions. Why discriminate against them if that's alright for everyone else? And in the process, let's strike from the congressional vocabulary the offensive and wholly inappropriate term, double dipper, which conjures up a notion of someone taking twice his share of something he didn't earn in the first place.

If Congress feels that it is fair to change the retirement rules for people who devoted service careers to living by the rules, then why is it fair to place restrictions upon where a military retiree can or cannot work? If military pay is compensation for past services, does the retiree have any further legal obligations to the federal government with respect to physical and professional fitness for recall? How about restrictions on political campaign activity?

There is no question that the congressional onslaught against federal retirement will continue as congressmen look desperately for ways to reduce mounting federal deficits brought about, of course, by their own unconstrained spending. It will be fueled by a public perception that the military spends too much and lives too well, even in retirement.

Congress knows that it can pick on federal retirement as an easy and visible target without risk of antagonizing an organized bloc of votes. Moreover, compensation cuts, unlike procurement cuts, produce immediate savings in federal outlays for which they can take prompt credit with the voters. Never mind that it breaks faith with career soldiers, sailors and airmen who made financial plans based upon existing ground rules. Never mind that it helps destroy the credibility of the federal government as a fair employer who stands by commitments.

If Congress enacts legislation which adversely affects pay and benefits for a group of civilian workers, that group is free to engage in political activities on behalf of candidates who are more supportive of their concerns. Members of the military, because of the Hatch Act, do not have such recourse and are politically defenseless.

So what can you do about future assaults on your benefits? Become pen pals, at least, with the two senators from your home state and the representative from your district. Find out how they stand on these matters and tell them where you stand. Tell them that your vote and perhaps those of your family and friends depend upon how close the positions are. While you're at it, ask them about their perks: speaking honoraria, increased limits on outside earnings, travels on government aircraft, retirement after only one term in office, etc.

If you don't want to take the trouble to do this, then you deserve what your get. Or don't get.

Just in case you didn't notice, members of that same heroic 97th Congress, having thus valiantly reduced the bloated defense budget, voted themselves a $9,000 annual pay raise, which will put their 1983 salaries at a level some 220 percent higher than that of 20 years ago, and then went home to a very merry Christmas indeed.●

"THE WORLD'S WORST . . ."

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. McDONALD. Mr. Speaker, on a number of occasions I have taken the floor of the House to point out inaccuracies and biases that exist in the media. One individual who, for good reason, has been a recurring topic of such remarks is the purveyor of Washington gossip—real and imagined—Jack Anderson.

Mr. Anderson has struck again. For the benefit of some of my new colleagues who may not be familiar with Mr. Anderson's biases, I am inserting a critical analysis of one of his recent articles:

[From the Review of the News, Feb. 2, 1983]

CORRECTION, PLEASE

Item: From Jack Anderson's article entitled "The World's Worst Leaders" in Parade for January 8, 1983:

Of all the rascals, rogues, despots, and buffoons who have made themselves the leaders of nations, who are the worst? I put this question to 50 international specialists—men and women of varying nationalities, races and persuasions. . . . I sought out experts who have an eye for international disturbers of the peace. Yet I took pains to select experts who span the political spectrum. . . . [The interviewees] responded to the question: "in descending order, who, in your opinion, are the world's five worst leaders?" They were asked to consider five criteria: despotism, ineffectiveness, irresponsibility, personal greed, and personal instability.

Correction: So begins an article which might be the dirtiest smear yet concocted by syndicated columnist Jack Anderson. Mr. Anderson has here succeeded in vilifying the world's best-known anti-Communist leaders while pretending his dirty work is an "objective" presentation by "experts." Consider the first dozen names on Jack Anderson's list of the world's 47 "worst" leaders:

1. Ayatollah Khomeini, Iran
2. Muammar Qaddafi, Libya
3. Mobuto Sese Seko, Zaire
4. Jean-Claude Duvalier, Haiti
5. Menachem Begin, Israel
6. Alfredo Stroessner, Paraguay
7. Augusto Pinochet, Chile
8. Ferdinand Marcos, Philippines

9. Leonid Brezhnev, U.S.S.R.
10. Argentine Junta
11. Pieter Botha, South Africa
12. Ronald Reagan, U.S.A.

Although front-runners Khomeini and Qaddafi have been associated with Moscow's ongoing terrorist campaign, we do not meet the name of a single out-and-out Communist leader on Jack Anderson's "worst" list until we come to ninth-ranking Leonid Brezhnev, whose death last November 10th took place after Anderson conducted his "poll." But no less than seven of Jack Anderson's 12 "worst" leaders are anti-Communists. Never mind that the Reds are everywhere promoting revolution as "international disturbers of the peace."

Running almost neck and neck with the grisly Brezhnev is Ronald Reagan as the world's 12th most despotic/ineffective/irresponsible/avaricious/unstable leader. Apparently the rub is that Mr. Reagan wants to improve our nuclear deterrent against an unprecedented Soviet buildup. Significantly, the Anderson estimate closely matches the false portrayal of Mr. Reagan by the major media and other elements of the anti-nuclear movement, though the caricature here is so preposterous that even Jack Anderson pretends embarrassment, alleging in a weak disclaimer that privately he esteems our President as "a most amiable and decent man." Even so, that personal judgment did not prevent the muckraking columnist from presenting the results of this trumped-up "poll" of unnamed "experts." Back in 16th place in this "poll," four notches more admired than Mr. Reagan, is Cuban butcher boy Fidel Castro whose troops Moscow has deployed to help subjugate a dozen countries. So much for Jack Anderson's "experts."

Another much "better" leader than Ronald Reagan is Great Britain's Margaret Thatcher, who is only the world's 22nd "worst" according to Anderson's friends. In Jack Anderson's skewed reckoning, however, the Conservative lady politician rates "worse" than 23rd-placed Moscow puppet Barbak Karmal who is currently helping the Soviets exterminate the Afghan people with poison gas. Both Mrs. Thatcher and Mr. Reagan even appear here as "worse" than 27th-ranked Polish lickspittle Wojeciech Jaruzelski, who has made war on the Solidarity freedom movement in order to please the Kremlin. Jack Anderson has likewise ranged Peiping's Hua Kuo-feng, whose slave camp numbers a billion inmates, far back in the 35th slot.

And the Anderson "experts" look most grimly askance when a national leader thwarts Communist arrangements. In any case, his "specialists" regard Israel's Menachem Begin as the world's fifth "worst" head of state. Jack Anderson actually claims that Prime Minister Begin, who last year smashed the Moscow-surrogate P.L.O. terrorists, "presents himself as the incarnation of terrorism." Meanwhile, chief P.L.O. terrorist Yasir Arafat did not make Jack Anderson's list because, Anderson explained, Arafat rules no nation. Neither does Pope John Paul II, whom the Kremlin attempted to murder in 1981. But the Pope shows up here as the world's 37th "worst" national leader

Indeed, on the Anderson scale there is little reason for *Parade's* audience to prefer Free World leaders over the totalitarians. At least that is the impression which readers were supposed to get from *Parade.*

The only thing not surprising about this smear is that it came from Jack Anderson, American journalism's premier "hit man," who spent much of his career smearing such patriots as Douglas MacArthur, George S. Patton, and J. Edgar Hoover. If Mr. Anderson's approach in the *Parade* article was deceitful, that was to be expected. Among the activities of this muckraker whom the National News Council has found guilty of misrepresentation have been such practices as bugging hotel rooms, encouraging the theft of a U.S. Senator's papers, and receiving and publishing classified government documents. The most remarkable thing about Jack Anderson may be that he is not in jail.—J.B.G.●

HOUSE OF REPRESENTATIVES—*Thursday, February 10, 1983*

The House met at 11 a.m.

Chaplain Earl Andrews, senior chaplain, Fort Benning, Ga., offered the following prayer:

Lord we come to You—

From the grinding routines of life that enslave us;

From the battles of life that burden us;

From the haste of life that wears us out; and

From the confusion of life that frightens us.

Grant these Representatives a moment of freedom, a moment of insight, a moment of grace, a moment of wisdom, that they may return to this arena today strengthened in spirit, renewed in compassion, and ready to do Your will in service to all men. Touch them by Your spirit that they may be keenly sensitive to the needs of our times and brave enough to respond to them.

Forgive us for the selfishness that claims too much and gives too little. Help us to use our prosperity for generosity, our power with responsibility, and our liberty for self-discipline and good works.

We bless them in Your name and pray for them an abundance of Your grace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

TENSIONS IN THE MIDEAST INCREASED BY DEFENSE SECRETARY'S ACTIONS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEVINE of California. Mr. Speaker, it is deeply disturbing that our Secretary of Defense, Mr. Weinberger appears to be seeking to create differences between our Government and that of our friend and ally, the State of Israel.

Reports emanating from the Department of Defense in the past several weeks of incidents or potential incidents between our Marines and Israeli troops in southern Lebanon have clearly been designed to create tensions and divisions between our two countries.

Mr. Speaker, this is a great disservice to our country and to the process of trying to achieve peace in the Mideast.

I am baffled as to why Mr. Weinberger would attempt to increase tensions when, in fact, it appears the policy should be designed to underscore and nurture the friendly relations between our two countries whose goals and interest in the Middle East are virtually identical.

We in the United States, for example, could greatly benefit from the combat experiences that Israel has had against new sophisticated Soviet weapons systems. Israel is willing to share this information with us, but Mr. Weinberger has vetoed the exchange. Under other administrations, we have repeatedly benefited from Israeli experiences and there is no reason not to do so again.

Especially now, at a time when the opportunities exist for expanding the peace process between Israel and her neighbors, our Nation should be doing everything possible in the spirit of the Camp David accords to foster those improved relations. And, in that spirit, I hope Secretary Weinberger will rethink his policies and methods and participate instead in the process of improving relations throughout that region.

I include at this point in the RECORD an editorial from the Atlanta Constitution, as follows:

[From the Atlanta Constitution, Feb. 7, 1983]

MARINE'S GOOF: TIP OF ICEBERG

The real "quick-draw artist" in the incident which saw a U.S. Marine captain pull a loaded pistol on an Israeli tank commander in Lebanon was Defense Secretary Casper Weinberger.

Shooting from the lip in a congressional hearing, Weinberger said the marine would be commended for "courageous action" in facing down "threatening moves" by the Israelis.

Commended with what? The Congressional Medal of Chutzpah? As it turns out, the Israeli tanks were comfortably within the rights and the territory assigned to them. The Marine simply was mistaken; his Israeli counterpart let him have his way rather than make a worse scene.

The captain's goof is easily understood and excused. Demarcation lines spider-web Lebanon. In this case, a rail line was formally set as the boundary by U.S. and Israeli officials in a meeting Jan. 28. Small wonder if the troops get confused.

What's really disturbing in this business is the unseemingly readiness, verging on eagerness, of the U.S. defense secretary to assume the worst about our only proven Middle East ally. His misstep reflects Washington's nervousness about resolution of the Lebanese tangle. The resulting U.S. ambivalence serves none of the parties well.

The point of the current negotiations is to get foreign troops out of Lebanon—the Syrians, the remaining Palestinian Liberation Organization guerrillas and the foreign peacekeepers such as the Marines and the Israelis. The Israelis are eager to leave (less can be said for Syria and the PLO), but they sensibly do not want to withdraw without some political gain for their venture there. They want, if not formal diplomatic relations with Lebanon, at least an agreement for normal relations in such routine matters as trade.

This is a modest goal and one that not only serves Israeli, but U.S. interests as well. It would add to the process started by the Egyptian-Israeli treaty and would more clearly focus the remaining issues between Israel and its unwilling neighbors—at least potentially a help to pacification, if not exactly peace.

Yet U.S. policy hesitates to associate itself with this objective, in favor of an uneasy neutrality which is supposed somehow to service the negotiations but instead leaves the Israelis beleaguered and the negotiations without a counterweight to the demands Syria and the PLO are making on Lebanon's negotiators behind the scenes.

The United States and Israel have essentially common interests in the Lebanese talks. If Washington had recognized that in the first place, the defense secretary would be a bit less likely to assume, as he seems so often to do, that our problems are with our ally in the region and not with its adversaries.

UNFAIR FOREIGN COMPETITION ACT OF 1983

(Mr. ERDREICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ERDREICH. Mr. Speaker, today I am introducing a companion bill to S. 418, the Unfair Foreign Competition Act of 1983, that will allow our American companies to seek judicial remedies against foreign competitors who illegally sell their products in our home markets.

Our troubled economic times have caused cutbacks and layoffs in virtually every sector of business. The steel industry is no exception. In fact, our Nation's steel producers and workers have suffered disproportionately greater hardship than have other industries' producers and workers.

Thirty percent of our country's steelworkers have been laid off, over 125,000 nationwide, over 10,000 in my own home of Birmingham and in Jefferson County. Countywide we have over 50,000 out of work, with unemployment at 15½ percent. Certainly,

our economic problems have been worsened by unfair trade practices.

Steel producers in Europe and other foreign countries have increased the hardship being endured by the U.S. steel industry by illegally subsidizing and dumping steel and other manufactured products in American markets.

In the past, U.S. steel producers were able to weather this market penetration when the world demand for steel was high. But a slowing economy and high interest rates caused a considerable decline in the demand for steel. This decline has made foreign dumping of steel and steel products in our country a major threat to the potential for increasing production levels and decreasing unemployment in the industry.

The reduction in U.S. steel production has had a ripple effect on our economy and made the unemployment picture much more bleak. Estimates show that domestic steel lost $7 billion to $20 billion between 1976-82 as a result of the dumping of foreign steel. Illegal trading caused 20,000 workers to lose their jobs in 1981. It also cost our Government up to $9 billion in badly needed lost tax revenues.

Currently, steel producers have only one channel through which recourse can be taken against foreign producers who take part in these unfair practices, the International Trade Commission.

But the process of initially filing a complaint with the Commission and reaching the final determination is arduous and extremely time consuming—sometimes taking as long as 2 years.

The Unfair Foreign Competition Act of 1983, which I am introducing, would give U.S. steel producers an alternative to seeking an administrative determination by the ITC.

As with other major legislation which has provided judicial relief, the U.S. District Court for the District of Columbia would be granted sole jurisdiction to hear cases arising from illegal foreign trade imports. This designation will allow for more expeditious rulings and prevent court shopping.

Those U.S. manufacturers found to have a legitimate complaint against a foreign producer would be able to seek retroactive compensation for damages incurred as a result of illegal subsidies and dumping. And the district court may provide immediate, injunctive relief if the defendant fails to comply with discovery or other orders of the court.

The severity of the dumping problem has increased greatly over the past several years. We must prevent further exportation of foreign unemployment to our Nation.

This is a jobs bill that will—through its deterrent effect on illegal dumping—put Americans back to work without cost to our Federal Treasury.

I urge my colleagues in the House to support this bill to prevent unfair and illegal trade practices by foreign producers from continuing to be a major threat to our hopes to get U.S. steel production levels up again and steelworkers back on the job.

INTRODUCTION OF NONPROLIFERATION ACT AMENDMENTS

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, none of us needs to be convinced of the danger of nuclear war. We know that an all-out nuclear exchange could destroy our civilization and our planet within moments. But too rarely do we consider a far more likely—and therefore more dangerous—set of circumstances. With only a small supply of plutonium, a terrorist group could hold a city, a State, or even the world hostage. With materials and technology diverted from a commercial nuclear facility, a small nation could turn a regional conflict into a catastrophic nuclear war.

The United States, as the world's largest supplier of nuclear materials, has a special responsibility to prevent the spread of this technology to those who might use it so irresponsibly. The Nuclear Nonproliferation Act, passed in 1978, largely meets that challenge. But 4 years of oversight have shown that the law contains loopholes and inconsistencies that desperately need to be corrected.

I am today introducing legislation to amend the Nonproliferation Act to better control the spread of nuclear arms. The bill is identical to one offered by Mr. Bingham which was ordered reported by the full Foreign Affairs Committee in the last session. Nuclear proliferation is perhaps the greatest threat to the survival of our civilization. It is imperative that Congress act to meet that threat.

THE FLORIDA SHERIFFS YOUTH FUND

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, today, I am pleased to share with you a shining star of hope for the youth of our Nation—the Florida Sheriffs Youth Fund. Sponsored by the 66 sheriffs of the State of Florida, the Youth Fund provides quality child care to the State's dependent, neglected, and homeless youth. For the past quarter century, the Youth Fund has given genuine love and caring to Florida's troubled youth. Hundreds of young boys and girls have been given the opportunity to live in a positive environment that stresses strong and enduring principles. I commend the sheriffs, the Florida Sheriffs Association, and the citizens of the State of Florida for all they have done for Florida's children. Their's is a fine example of love and hope and I am proud to join all Floridians in saying happy 25th anniversary to the Florida Sheriffs Youth Fund.

THE FLORIDA SHERIFFS BOYS RANCH AND GIRLS VILLA

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, I am very proud to speak in support of the Florida Sheriffs Youth Fund. This past year, the youth fund celebrated a very significant event: The 25th anniversary of the Florida Sheriffs Boys Ranch which began in 1957. Fourteen years after that, my own district became a beneficiary of the youth fund with the establishment of the Florida Sheriffs Girls Villa. The villa is a program designed to provide help for Florida's dependent, neglected, and homeless youth. On August 27, 1971, ground was broken at the Girls Villa site in Polk County. The Florida Sheriffs Girls Villa is supported entirely by voluntary gifts. The villa receives no State or Federal funds. I am proud of these programs and all that the sheriffs and people of the State of Florida have done to serve the youth of my State.

INTRODUCTION OF RESOLUTION CALLING FOR RELEASE OF ANATOLY SHCHARANSKY

(Mr. OTTINGER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, I am pleased to join with my good friend and colleague, the gentleman from Massachusetts, Mr. SILVIO CONTE, today in calling attention to House Resolution 67 which we introduced yesterday, together with bipartisan cosponsors, the gentleman from Iowa (Mr. LEACH), the gentlewoman from Rhode Island (Mrs. SCHNEIDER), the gentleman from Illinois (Mr. YATES), and the gentleman from New York (Mr. MRAZEK).

House Resolution 67 calls on the Soviet Union to release Anatoly Shcharansky and urges President Reagan and Secretary of State Schultz to raise the subject of Shcharansky's treatment at every suitable opportunity and in the strongest of terms with the Soviet Government. Already over 40 additional Members have cosponsored House Resolution 67, and I urge all my colleagues to join in support of

this resolution and in seeking its passage this year.

Anatoly Shcharansky has been a key figure in the Soviet Jewry movement and a target of official Soviet harassment and intimidation since his first request to migrate to Israel was denied in 1973.

In March 1977 Anatoly Shcharansky was arrested on trumped-up charges of treason and was sentenced to 13 years of imprisonment, where he has been subjected to the most brutal treatment including isolation, severe cold, and inadequate food, sleep, and health care. On September 26, 1982, in protest to this treatment, Shcharansky went on a hunger strike and there has been no independent confirmation that he has since stopped the strike.

Shcharansky symbolizes the plight of countless numbers of Soviet Jews and others whose fundamental rights are violated by Soviet authorities. In 1982 only 2,692 Jews emigrated from the Soviet Union, compared with 9,447 the year before and representing a 95-percent decline from 1979 when 51,320 Jews emigrated. This past January, only 81 Jews received permission to emigrate, compared with 290 in January 1982 and 3,722 in January 1979. At the same time there has been a brutal increase in the Soviet assault on Jewish heritage as religious articles are confiscated, books are banned, and Hebrew education programs are terminated.

This conduct by the Soviet Government flagrantly violates Soviet international obligations set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act. The greatest hope that people like Anatoly Shcharansky have is an international persistent drumbeat of outrage against Soviet human rights abuses. We in Congress must do everything in our power to pressure Moscow to comply with international law and to free Anatoly Shcharansky at once.

I urge the Foreign Affairs Committee to act expeditiously on this important resolution. The text of the bill follows:

H. RES. 67

Resolution expressing the sense of the House of Representatives that the Soviet Government should immediately release Anatoly Shcharansky and allow him to emigrate

Whereas Anatoly Shcharansky, an eminent Soviet computer scientist, has been a leader of the Moscow Jewish community since 1973 when he first applied for and was denied permission to emigrate to Israel;

Whereas the Government of the Soviet Union has engaged in a systematic campaign of harassment and intimidation against Anatoly Shcharansky, culminating in his arrest in March 1977 on trumped-up charges of treason;

Whereas in July 1978, after sixteen months of being detained incommunicado, Anatoly Shcharansky was tried and sentenced to thirteen years of imprisonment;

Whereas since his conviction Anatoly Shcharansky has been subject to extremely harsh prision treatment, including isolation, severe cold, and inadequate food, sleep, and health care, resulting in a deterioration of his health;

Whereas on September 26, 1982, Anatoly Shcharansky began a hunger strike to protest the severe prison conditions which have further harmed his health;

Whereas Anatoly Shcharansky symbolized the plight of many other Soviet Jews whose level of emigration is at its lowest point in a decade and who are increasingly harassed by Soviet authorities;

Whereas by its treatment of Anatoly Shcharansky and others, the Soviet Union is violating its international obligations, including its obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act of the Conference on Security and Cooperation in Europe: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Government of the Union of Soviet Socialist Republics should immediately release Anatoloy Shcharansky from prison and allow him to emigrate; and

(2) the President and the Secretary of State should, at every suitable opportunity and in the strongest terms, express to the Government of the Union of Soviet Socialist Republics the opposition of the United States to the imprisonment of Anatoly Shcharansky.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President with the request that the President transmit such copy to the Ambassador of the Soviet Union to the United States.

APPEAL FOR DISASTER LOANS

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, yesterday the President declared 17 California counties disaster areas due to fierce winter storms.

When a disaster strikes, its impact is emotionally and physically devastating. However, the hope of Federal assistance contributes to easing the personal impact.

Too often, hopes are raised only to be dashed when promised low-interest loans are not available or the loan approved is insignificant compared with the loss.

Disaster victims are often people who never call upon their Government for help. After paying their taxes for years, it is a bitter experience to be denied needed loans—not giveaways, but loans.

Today I am introducing legislation which would raise the administrative cap on loans to repair property from $50,000 to $100,000. My legislation makes these loans available to all of our citizens hit by disaster at an interest rate half of the prime. Last year, the interest rate on disaster loans was sometimes as high as 16 percent.

Please join me in this effort to change disaster aid from a false hope to a reality.

RAISING THE STANDARDS OF PUBLIC EDUCATION

(Mr. SISISKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SISISKY. Mr. Speaker, in his state of the Union message, the President spoke of widening our educational horizons and revitalizing American education by setting a standard of excellence. Once the administration released its Federal budget, I anxiously turned to see what bold education initiatives and funding were included. The President's budget for all education programs is $2.2 billion below the fiscal year 1983 appropriated level. The President's budget has slashed funding for elementary and secondary education by $550 million below the current level and has cut such critical programs as impact aid and compensatory education. In addition, he is proposing to terminate support for public libraries. Furthermore, he is again recommending that vocational and adult education programs be consolidated and reduced significantly at a time when we need to prepare youth for technological jobs through these programs.

In higher education, he is proposing the elimination of all major Federal need-based campus student aid programs except college work-study. Instead, he is recommending a new "self-help" grant program which requires that students provide at least 40 percent of college costs, after taking into account the family contribution. We are experiencing the worst unemployment rate since the Great Depression, and I do not know how long we will be able to use that caveat. How can the President expect students to find employment at this time, and how can the President expect families to be able to contribute more toward their children's education during the economic slump? This is precisely the time when the Federal Government needs to be there to provide opportunity for students to obtain an education.

While the President proposes cuts in public education programs, he is asking Congress to enact tuition tax credits for parents to send their children to private schools. These tax credits are estimated to reduce revenues by $245 million in 1984, $526 million in 1985, and $753 million in 1986. I believe that we need to target our scarce resources on raising public education to the highest standards, not by

draining off additional tax revenues as the President has recommended.

□ 1115

ELECTION OF IRA SUPPORTER TO BE GRAND MARSHAL OF ST. PATRICK'S DAY PARADE IS BETRAYAL OF IRISH AMERICANS

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, yesterday the newly elected grand marshal of New York City's St. Patrick's Day Parade said that this year the parade is "definitely going to be a pro-IRA parade."

For the Ancient Order of Hibernians to elect an avowed IRA supporter to be grand marshal is a betrayal of the millions of Irish Americans who reject completely the inhumane behavior of the IRA. It creates a false impression that there is widespread support for the IRA among Irish Americans. There is not.

We know the tactics of the IRA. We know that they are cold-blooded killers of innocent people.

It is particularly unfortunate that St. Patrick's Day, a day so special to the Irish, should be exploited by the small numbers whose only commitment is to violence.

I commend the Government of the Republic of Ireland for its decision not to participate in this year's parade. Loyal Irish Americans should take note of this position. And all Americans committed to peace will find other ways to honor St. Patrick than supporting the New York City parade.

PRINCIPLES OF HUMAN RIGHTS AND HUMAN DIGNITY

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, the plight of Anatoly Shcharansky speaks to the ordeal suffered by all Soviet Jews. Listen to his words, the closing statement at his trial in 1978:

> For more than 2000 years the Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, each year they have repeated, 'Next year in Jerusalem.' Now, when I am further than ever from my people, from (my wife) Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: Next year in Jerusalem! And I turn to you, the court, who were required to confirm a predetermined sentence—to you, I have nothing to say.

Mr. Speaker, the Members of this body should have something to say to a system which binds and gags its dissidents. We should have something to say about the inhumanity of a political structure which holds a man against his will, silences his attempts to communicate, and bars him from his loved ones. And we should have something to say toward a government which harasses and imprisons within its borders an entire people.

Passage of House Resolution 67 will send a message of our Nation's continued commitment to the principles of human rights and human dignity. Failure to make this statement would amount to a breech of faith with the freedom-loving people of the world. Our choice, it seems, is simple. I urge my colleagues' support for this resolution and for the continued perseverence of Anatoly Shcharansky against oppression and intolerance.

MASSACRE IN LEBANON

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, recently the report on the massacre in Lebanon was revealed. With relation to that report and the massacre, at the outset the responsibility was focused all on the State of Israel. The State of Israel had the courage to frontally attack the issue. The report was revealing. The report had the potential of disturbing the Cabinet of the nation, has the potential of bringing down the government. But the undeniable fact is, the State of Israel had the moral integrity of addressing the issue. But what concerns me more is that there is a thunder of silence universally with relation to those who are responsible for the actual murdering of those unfortunate victims. Where are the voices, the responsible voices, who clamored for truth and justice? They are silent, Mr. Speaker, and I think it is incumbent upon them to speak out now. Let us find out the people who in fact killed those unfortunate women and children in that distasteful part of our history.

FLORIDA SHERIFFS YOUTH FUND

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker and colleagues of the House, because of the efforts of the sheriffs of my State, the Florida Sheriffs Association, and the citizens of the State of Florida, the Florida Sheriffs Youth Fund has provided genuine love and caring to my State's dependent, neglected, and homeless young people. For the past quarter-century, the youth fund has reached out to touch the lives of children. It is indeed a most worthy and noble project which has benefited Florida and has contributed both spiritually and materially to the benefit of Florida's troubled youth. The boys ranch near Live Oak, the girls villa near Bartow, and the Youth Ranch near Clearwater are all programs of the Florida Sheriffs Youth Fund and all deserve special commendation from the Congress for the contribution they have made. I am proud to be a resident of the State of Florida and to represent a district which has always supported this cause.

FLORIDA SHERIFFS YOUTH FUND CELEBRATE THEIR 25TH ANNIVERSARY

(Mr. MACKAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACKAY. Mr. Speaker and Members of the House, 1982 marked the 25th anniversary for the Florida Sheriffs Boys Ranch. For 25 years the sheriffs of the State of Florida have been providing quality child care to my State's dependent, neglected, and homeless youth. Over 1,000 young boys and girls have been helped by the sheriffs of the great State of Florida. In addition to the Florida Sheriffs Boys Ranch in Live Oak, the Florida Sheriffs Youth Fund operates the Girls Villa in Bartow, and the Youth Ranch in Clearwater. All three programs help young people help themselves. 1982 was a very special year for Florida, its sheriffs—and most of all, its young people—the leaders of tomorrow. I join the other Members of the Congress in paying tribute to this worthwhile organization. I thank the Florida Sheriffs Association for improving the lives of many needy young persons.

FLORIDA SHERIFFS BOYS RANCH

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, I am here to commend the Florida Sheriffs Boys Ranch for the tremendous work that they have performed in the State of Florida, setting a location next to the historic Suwannee River and ministering to the needs of dependent children who have needed the love and care and tenderness that they have been provided in that sheriffs' ranch. They have been the ministry extended to young ladies, as well. So I want to add my name to those who support the Florida sheriffs in their youth outreach.

FLORIDA SHERIFFS YOUTH FUND

(Mr. SMITH of Florida asked and was given permission to address the

House for 1 minute and to revise and extend his remarks)

Mr. SMITH of Florida. Mr. Speaker, The Florida Sheriffs Youth Fund is a nonprofit organization which operates the Florida Sheriffs Boys Ranch, the Girls Villa, and the Youth Ranch. As long as there are children in need and that can be helped, the Youth Fund will continue to seek ways to provide that help. The purpose of the youth fund is to provide residential child care and related programs for children between the ages of 8 and 18—without regard to a child's race, creed, color, or sex. The youth fund also provides counseling for parents or guardians of children with a view toward shortening or eliminating residential care. The goal of the youth fund is to give security, love, discipline, and understanding—in a positive environment—filled with opportunities for children to resolve their personal conflicts. I am proud of the sheriffs of the State of Florida and all they have done for my State's youngsters.

BOYS RANCH IN FLORIDA—A GREAT HUMANITARIAN INSTITUTION

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, I desire to join in commemoration of the sheriffs of Florida for a quarter of a century of the maintenance of a great humanitarian institution called the Boys Ranch. We are proud of the record of our sheriffs, as exemplary law enforcement officers, but particularly in their leadership to try to rehabilitate the neglected or the homeless lives of boys and girls all over Florida now numbering more than 1,000 who have been their beneficiaries, opening up to those boys and girls not only a place to live in security and wholesome environment, but also giving them the opportunity for educational chances and giving them a larger vision of the meaning and purpose of life.

I commend in the warmest way our sheriffs for this great work sustained by the solicitation of funds which they have carried on in our State and throughout the counties of the State.

We remember that Jesus said: "Inasmuch as you have done it unto one of the least of these, you have done it unto me."

We hope Providence, as well as the commemoration of their fellow citizens, will endow with gratitude these great services by our Florida sheriffs.

AVOIDING A DEBACLE IN EUROPE

(Mr. LONG of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Louisiana. Mr. Speaker, perhaps the most serious problem facing our Nation today is the negotiation with the Soviet Union over the intermediate range missles in Europe. The editorial written by Arnold Saltzman and published on Monday, February 7, 1983, by Newsday, suggests that Chairman Andropov has outflanked President Reagan—that the United States faces both a political and public relations debacle. Saltzman, in addition to being chief executive of a public corporation, Vista Resources, is chairman of the National Committee on American Foreign Policy. He has had extensive policy level experience in Federal Government in economic affairs and likewise in foreign policy assignments including South and Central America, the Soviet invasion of Czechoslovakia, antiproliferation of nuclear weapons, and so forth.

Arnold Saltzman recently led a mission for his committee by invitation of West Germany and France and had a week of briefings and discussions with leaders of these governments as well as important members of the opposition. His editorial is a condensed version of a more detailed report, but it explains more clearly that I have seen anywhere else the fix we have gotten into on placing the Pershing and Cruise missles into Western Europe. I believe it would benefit every Member of Congress and people generally to study Arnold Saltzman's article.

[From Newsday, Feb. 7, 1983]

A PROPOSAL ON MISSILES IN EUROPE

(By Arnold A. Saltzman)

In November, I was invited by the West German and French governments to explore with them the current political, military and economic situations as they affect both U.S. relations with our western allies and our mutual problems vis-a-vis the Soviet Union. On the basis of briefings and discussions held with high government officials, including members of cabinets and leading members of political parties, as well as the Greens in Germany and a lengthy private discussion with former Chancellor Helmut Schmidt, I found the single most vital issue was the proposed introduction of cruise and Pershing missiles into Western Europe.

Upon my return, I reported to the State Department and the national security adviser on the traps to avoid and the opportunities to promote in the so-called missile crisis in Europe. Unfortunately, to date, we are falling into traps rather than building on opportunities. Soviet leader Yuri Andropov has appeared to be forthcoming, while President Reagan seems intransigent.

Americans need to understand that militarily and politically, there is no connection whatsoever between the introduction of the cruise and Pershing missiles in Europe and the deployment of the MX in the United States. This administration unhappily has blended it all together, thus strengthening the freeze movement in the United States.

In 1979, the United States, Great Britain, West Germany, Italy, Netherlands and Belgium entered into an agreement to press the Soviet Union to remove the SS-20s they had aimed at Western Europe. The Soviets were advised to eliminate their missiles or else, by 1983, an equivalent number of cruise and Pershing intermediate range missiles (IRMs), aimed at the Soviet Union, would be introduced in Western Europe.

Our western allies are concerned that lacking a nuclear deterrence, they can be "Finlandized" by the Soviet Union. The West told the Soviets: Take your IRMs out or we put ours in. The diplomatic effort to reduce all IRMs is going on in American hands at Geneva while the sites for the Pershings and cruise missiles are being prepared.

When Andropov recently offered to remove about 460 SS-20s and when, within hours, Reagan said no dice, he fell into the very trap laid by the Soviets, which sought to have the people of the western allies perceive, not a search for accommodation, but a confrontation.

Although the French cheered Reagan on, they are not part of the North Atlantic Treaty Organization arrangement to accept cruise or Pershing missiles, and they have their own nuclear-missile deterrence. The British likewise already have some IRMs in place and support Reagan. But the Germans, Italians, Dutch and Belgians, who need the missiles most, are unhappy.

I predict that the Dutch and probably the Belgians will now refuse to accept the cruise missiles (which they had originally requested) and that this will place enormous pressure on West Germany to take them. Therefore, we should do two things: (1) place neither the planned 572 nor the proposed zero missiles in Europe, but 162, and put them only in West Germany, Italy and Britain, telling the Netherlands and Belgium that none are available for them—before they tell the world they don't want them.

At the same time, we should accept Andropov's proposal to limit his missiles to 162, while conditioning that acceptance on our introduction of the same number and pressuring the Soviets to dismantle the 460 others, not merely move them to the Far East as Andropov has proposed. The Soviets may not agree, but then the United States will not appear to be the "spoiler." If we do all of this soon, we can still avoid a political defeat and a public-relations disaster.

Moreover, contrary to present White House thinking, we should move now, before the West German election March 6. The perceived U.S. intransigence strengthens the "Green" party and left-wing Social Democrat factions and threatens to bring down the present Christian Democratic government. With Helmut Schmidt no longer in control of the Social Democratic Party, we could face an uncertain future with our most powerful NATO ally.

Reagan had the Russians painted into a corner because Western Europe called the introduction of SS-20s Soviet aggression, and the United States was reacting to a request from our allies for nuclear deterrent capability. Instead, we now have an uninformed freeze movement gathering force in the United States, waffling and unhappy allies, and disarray in our nuclear-missile policymaking, with the State and Defense Departments, the Office of Arms Control and the national security adviser, each with pieces of the action and often with divergent viewpoints. Let's hurry and salvage what we can.

LEGAL AND ECONOMIC EQUITY FOR WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I rise to congratulate the six Republican women who wrote a letter to the President this week addressing the lack of legal and economic equity for women, and I am placing their letter in the RECORD at this point:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 3, 1983.

Hon. RONALD REAGAN,
President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: As Republican Members of Congress and as women, we found cause for optimism in your State of the Union address. You demonstrated a clear new awareness of the hardships currently confronting many women in this country. More importantly, you made a number of pledges to address some of the most difficult problems of our day, foremost among them the lack of legal and economic equity for women. Each of us shares a deep sense of commitment to these goals, and offers you her assistance and the promise of tireless effort in the U.S. Congress on behalf of the women of America.

The opening of the 98th Congress presents both the Republican Members of Congress and your administration with a prime opportunity for a critical reevaluation of the legal and economic inequities confronting women, and the initiation of new efforts to eliminate these barriers to full equality. We take this opportunity to present our concerns, and provide you with our recommendations for addressing these serious problems. Further, we would like the opportunity to sit down with you in the near future and develop a course of action for confronting this issue in the 98th Congress.

We believe the two pieces of legislation in the 98th Congress that would do the most to insure legal and economic equity to the women in this country are the Equal Rights Amendment and the concepts embraced by the Women's Economic Equity Act. A variety of other legislative and administrative remedies will be necessary during the next two years, as well. In particular, we are eager to review Justice Department proposals to seriously address the issue of child support enforcement.

The Women's Economic Equity Act has enjoyed broad-based bipartisan support in both the House and Senate. The original package was developed by Senator Durenberger, and cosponsored by twelve of the Senate's most prominent Republican members. Separate provisions of the bill address some of the major reasons that women are economically disadvantaged, particularly important are those that seek to remedy pension inequities and child care burdens. We urge a prompt and comprehensive administration initiative to address women's economic situation, and believe endorsement of this legislation would represent a very important first step.

The Equal Rights Amendment continues to have the support of the vast majority of men and women in this country. We recognize your long-standing opposition to the Equal Rights Amendment as the formal means of eliminating the barriers to equality that women presently face. As you know, the ERA was reintroduced into the 98th Congress with the support of 280 House Members and 56 Senators. We regret that you do not share our position on this issue, but would ask that you let the Congress work its will.

Perhaps the most difficult problem for either the Congress or your administration to remedy is the problem of wage discrimination. Its causes are complex, and in many cases, deeply intertwined with our most basic institutions and socialization patterns. Yet, as we come face to face with a new phenomenon described as the "feminization of poverty," we can no longer accept or excuse the pervasive wage discrimination that has remained essentially unchanged throughout the 20th Century. Last fall the Social Security Commission confronted the demographic and economic changes that threatened the very survival of the Social Security program, and developed legislative proposals to insure its solvency. The ability of this Commission to translate complex demographic and economic causes into legislative remedies in the face of serious problems is encouraging. We thereby recommend the creation of a Commission to study the problem of wage discrimination and develop specific legislative proposals to begin to reverse one of the greatest injustices confronted by women in this country every day.

In the immediate future, we encourage a special focusing of attention within all new and existing programs with regard to occupation segregation and wage discrimination in the workforce. Any new block grants to stimulate advancement in math and science should have built in insurances that women will benefit equally. New jobs programs to help the unemployed should have a special component aimed at addressing the special employment problems women face. The proposed state grants to aid dislocated workers should recognize and address the problem of displaced homemakers, a prime example of the "dislocated worker."

We have a deep concern for the apparent disproportionate share of budget reductions that are directed toward programs of greatest benefit to women and children. The Women's Educational Equity Act Program, the only program which specifically addresses educational equity for women should be fully funded and vigorously administered. Further cuts in child nutrition, food stamps, and AFDC will have their greatest impact on women, particularly women who are maintaining families and represent one of the fastest growing poverty groups in the country today.

In short, Mr. President, we support fully the pledges you made in the State of the Union address. It is now time to move beyond pledges to the enactment of specific legislation to remedy the fundamental legal and economic inequities women face daily. We believe passage of the Equal Rights Amendment, the Women's Economic Equity Act, and a strong attack on wage discrimination are urgently needed. Further, we strongly support strict child support enforcement laws and adequate funding levels for programs important to the economic well-being of the women in this country. We respectfully request a meeting with you to expand on these comments and to work with you to develop a course of action to remedy these problems.

Sincerely,

CLAUDINE SCHNEIDER.
MARGE ROUKEMA.
LYNN MARTIN.
OLYMPIA J. SNOWE.
NANCY JOHNSON.
BOBBI FIEDLER.

Mr. Speaker, the Congressional Caucus on Women's Issues will soon be releasing their analysis of the President's budget and its effect on women and children. And while the President's state of the Union address was full of pledges to attack and tackle the very difficult legal and economic inequities that women face daily, his budget looks like he forgot that pledge. So I look forward to working with the Republican Congresswomen who are coming forward and saying it is time and it is long overdue and we must move on these very difficult, difficult issues.

FOOD FOR THE HUNGRY, HELP FOR THE FARMER

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, we are in a time of economic crisis in which hunger and desperation are a way of life for large numbers of the American people. Despite all of the wishful talk last week of minute improvements in our economy, despite those things that give some of us hope, the fact is that, for a growing number of Americans, there is no light at the end of the tunnel, only the closed corridor of despair.

For more than 2 years our people have endured the worst recession in almost half a century. And now, with the administration and its spokesmen giving us the same old Pollyanna talk of waiting it out—"the economy is on the mend," they say—we face the specter of depression itself. Our farmers are on the edge of ruin because of enormous surpluses for which there are no markets. And at the same time, hungry Americans have begun to crowd soup lines on the streets of our Nation's cities. Millions more of the unemployed will face hunger as they reach the bottom of their savings. America cannot wait, and we in Congress cannot wait, to deal with these emergencies.

Today, Mr. Speaker, I am introducing a bill that would open the warehouses of surplus food to the needy, and, with no strings attached, distribute that food to the hungry of America. We cannot talk of justice in our great land or even of commonsense if we cannot match two such obvious needs as that of our farmers and that of our hungry people.

H.R. 1365

A bill to expand and improve the domestic commodity distribution program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Domestic Commodity Distribution and Hunger Relief Act."

SEC. 2. (a) In order to complement the domestic nutrition programs, make maximum use of our agricultural abundance, and to expand and improve the domestic distribution of surplus and price supported commodities under the authority of section 416 of the Agricultural Act of 1949 and section 32 of Public Law 74-320, whenever commodities are used to make special payments in kind to producers, or are tendered at no cost to expand export markets, or are limited in production through a land diversion program, or acquired by the Commodity Credit Corporation in excess of international food aid commitments, such commodities shall be made available to recipient agencies without charge or credit in a form suitable for home or institutional use: *Provided*, That commodities made available to public and private nonprofit organizations that relieve situations of emergency and distress through the provision of food to unemployed and low-income persons shall be made available in quantities suitable for individual households.

(b) The Commodity Credit Corporation shall pay for the cost of processing and packaging such commodities in forms suitable for home or institutional use with funds available to the Commodity Credit Corporation or through a payment in kind system which would provide commodities equal to the value of the processing cost.

(c) The Secretary shall publish before the beginning of each year an announcement of the commodities and the quantities of such commodities which he anticipates are likely to be made available without charge or credit during each of the next three years: *Provided*, That compliance with this requirment shall not impede distributions as provided for under this Act during the calendar year 1983.

SEC. 3. The Secretary shall obtain such assurance as he deems necessary that the eligible recipient agencies of commodities donated under this Act will not diminish their normal expenditures for food by reason of such donation. Donated foods shall be requested and distributed only in quantities which can be consumed without waste. Under no circumstances should the amount of food ordered by recipient agencies be in excess of anticipated usage based on inventory records and controls or beyond their ability to accept and store such food.

SEC. 4. Eligible recipient agencies shall include, but not be limited to, public and private nonprofit organizations that relieve situations of emergency and distress through the provision of food to low-income and unemployed persons; charitable institutions; nutrition programs for the elderly; public or nonprofit schools and school food authorities; State agencies; child care institutions; Federal, State and local nonprofit postsecondary schools; Federal, State and local penal institutions; Veterans Administration hospitals; disaster relief organizations; public or nonprofit summer camps; the Commodity Supplemental Feeding Program; the Summer Feeding Program; and the Needy Family Program on Indian reservations.

SEC. 5. (a) The Secretary shall provide the commodities made available pursuant to section 2 in such quantities as can be used without waste to State agencies for distribution to eligible recipient agencies.

(b) State agencies receiving agricultural commodities and administrative expenses under this Act shall distribute such commodities in the quantities requested to eligible recipient agencies within their respective State: *Provided*, That if a State agency cannot fully meet all requests for a given commodity the State agency shall give special consideration to public or private nonprofit organizations that serve low-income and unemployed persons.

(c) The Secretary may provide such commodities directly to eligible recipient agencies and shall do so when State distributing agencies are not permitted by law to make distribution to certain categories of recipient agencies.

(d) The Secretary shall ensure that any recordkeeping or other regulatory or paperwork requirements imposed by either Federal or State agencies or recipient agencies shall be kept to a minimum.

SEC. 6. The Secretary shall make payments to the States from funds available to the Commodity Credit Corporation, or from section 32 of Public Law 74-320 to pay expenses incurred by State agencies in the storage, distribution, and transportation of donated commodities. The payments shall not be less than an amount equal to 5 per centum of the value of all commodities, both entitlement and bonus, distributed during the preceding fiscal year: *Provided*, That no State shall charge recipient agencies for costs related to commodity distribution: *Provided further*, That States shall pay the costs incurred by public and private nonprofit organizations that serve low-income and unemployed persons in the storage, distribution, transportation and administration of commodities donated under this Act.

SEC. 7. Section 1114(d) of the Agriculture and Food Act of 1981 shall apply to any commodities distributed pursuant to this Act.

SEC. 8. There are hereby authorized to be appropriated $75,000,000 to be added to the funding available under section 32 of Public Law 74-320 for the purpose of carrying out the provisions of this Act.

□ 1130

BEAVER COUNTY VFW HONORS THREE STUDENTS FROM THE AREA

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, today I rise in recognition of the accomplishments of three young people from my home county in Pennsylvania. These students were competitors in the Voice of Democracy contest, which was sponsored by the Beaver County Council of the Veterans of Foreign Wars. Through dedication and commitment, these individuals were able to capture the top awards in the contest.

As we all know, the VFW exemplifies what is best about America. Our veterans served their country in the most complete fashion. The American veteran has played a central part in preserving democracy in the world, as well as at home. The veteran often continues to serve his community long after his military service has ended. Local VFW chapters have large community service operations. The Voice of Democracy contest is just one such community service, designed to encourage young people to take an interest in public speaking and to express their feelings on the virtues and values of democracy.

Ronald Piotrowski was the second place winner in the county competition, and he went on to win first place awards in the competition for what used to be the 25th Congressional District. Ron is a senior at Quigly High School and the son of Mr. and Mrs. Lucian Piotrowski of Aliquippa, Pa. Ron also excels in the fields of music and academics.

Patty McHargue is the first place county winner. Patty is a senior at Hopewell High School and is the daughter of Mr. and Mrs. Spencer McHargue of Raccoon Township. Patty is also very active in the school's literary community as she serves on the staffs of the yearbook, the newspaper, and the school literary magazine.

Lanny Allen Dillon, Jr., captured third place honors. Young Mr. Dillon is a junior at Black Hawk High School and is the son of Donna and Lanny Dillon of Beaver Falls. Lanny, Jr., is the editor of his school newspaper and the winner of numerous writing contests. A scholar-athlete, he also competes in football, track, and weightlifting.

The winners and the sponsor of the VFW Voice of Democracy contest are all to be commended for their patriotism, their progressive actions, and their dedication to the community.

THE 25TH ANNIVERSARY OF THE FLORIDA SHERIFFS YOUTH FUND

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I am proud to join with my colleagues in recognizing the Florida Sheriffs Youth Fund. For the past 25 years they have been providing quality child care to Florida's dependent, neglected, and homeless youth. The results have been dramatic. Many young people have had their lives completely turned around because of the caring and personal attention given through the youth fund.

As a resident of Florida, I am grateful for this unique organization. I have witnessed the Florida Sheriffs Boys Ranch blossom and grow to include a girls villa and a youth ranch. I support this fine program and commend Florida's sheriffs, the caring people of the great State of Florida and, of course, the staff of the Florida Sheriffs Youth Fund for their unselfish contributions on behalf of Florida's needy children.

As I was preparing my remarks for this 25th anniversary grand finale, Mr. Cory J. Ciklin of the youth fund made a comment which I would like to share with you. He stated: "When the purpose is worthy, the motivation strong, and people care, great things can emerge from small beginnings." Surely this describes the Florida Sheriffs Youth Fund. I offer my support and gratitude as they enter their 26th year of service to Florida's young people.

SOCIAL SECURITY SAVINGS BONDS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, the Ways and Means Committee is receiving evidence day by day that the solutions agreed to by the National Commission on Social Security Reform, will be inadequate to provide for the short-term and long-term needs of the trust fund. We are waiting for the trustees of the system to render their annual report which will tell us just how bad things really are.

One thing is already clear: Congress must look beyond the consensus proposals to insure adequate cash reserves to continue paying benefits.

I commend to your attention social security savings bonds. This is a measure that several of us, from both bodies, have been proposing now for 3 years.

The bond program would be strictly voluntary and would permit a social security beneficiary to receive a tax-free, interest-earning bond in lieu of a social security check. The bond would be free of all taxes, and would benefit the trust fund by retaining benefit amounts that would otherwise be paid out currently.

Staff estimates indicate a savings to the trust fund of $5.9 to $9.9 billion by 1989.

The Congress is faced with three choices in addressing the immediate problems of social security—cut benefits, raise taxes, or provide for social security savings bonds.

MILK FOR METALS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, today I am introducing a resolution that addresses the plight of our Nation's farmers, contributes to our national security and will save taxpayers millions of dollars. Few pieces of legislation could ever meet these objectives without becoming very complicated. But this resolution addresses the aforementioned goals with great simplicity.

I am talking about bartering—commerce without the exchange of money.

Our Government holds in its reserves—and at taxpayers' expense—the largest dairy and grain surpluses in the world. At the same time, we are purchasing—with taxpayers' money—strategic metals and raw materials from countries in great need of agricultural products.

My resolution calls on the administration to use its bartering powers to trade surplus agricultural commodities, such as dairy products, for strategic raw materials.

This resolution helps farmers by reducing the oversupply of commodities that are having a depressing effect on farm prices. It helps our national security by rebuilding our stockpiles of critical raw materials. And it helps the taxpayer by saving millions of dollars that would be earmarked for storage of grain and dairy products or for purchases of strategic raw materials.

It is only commonsense that the Government pursue this avenue of trade that has a proven track record in the private sector. Already, bartering—now called countertrade—accounts for 20 percent of the world's trade. Companies that have entered into barter agreements include McDonnell Douglas, Northrup, and Pepsico.

No new legislation needs to be passed to reap the benefits of bartering. The administration already has the authority. The objective of my resolution is to urge the administration to use this authority, and I welcome the support of my colleagues.

A STEP TOWARD SOLVING WORLD HUNGER PROBLEMS

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, I am introducing legislation to expand the authority of the Secretary of agriculture to donate surplus agricultural commodities and products owned by the Commodity Credit Corporation to assist needy persons outside of the United States.

Under existing law, the Secretary's authority to donate commodities abroad is limited to dairy products. This legislation will expand that authority to include all surplus agricultural commodities and products held by the CCC. The bill will eliminate, in part, the cost of storing Commodity Credit Corporation stocks and foster good will toward the United States in many foreign nations.

The bill contains language permitting private nonprofit humanitarian organizations registered with AID or designated by the Secretary of Agriculture, to barter, sell, and directly distribute the donated commodities. This provision will allow such agencies as CARE and the Cooperative League to provide much-needed nutritional assistance in developing countries, while at the same time reducing the costly and burdensome CCC surplus stocks. It also has the potential to turn the less developed countries into markets for commercial purchases of U.S. products in the future.

Even though such programs as the "Green Revolution" have expanded food production around the world, the cost of food production in the less developed countries is increasingly expensive and because of this, in some areas, such as Africa, per capita food availability has actually declined by 10 percent over the last decade. It is estimated that 500 million people suffer from inadequate food and nearly 15 million malnutrition-related fatalities are recorded annually. This legislation should help slow this alarming trend.

However, efforts to correct this problem must go beyond simply making available surplus commodities to the needy, but must provide for a mechanism that can be used to foster growth in agricultural production, distribution, finance, trade, marketing, postharvest strategy, water and cooperative development. These are all areas that organizations such as CARE have considerable expertise. By allowing these groups more discretion in the use of the surplus commodities, we are putting the domestic commodity surplus to useful purpose. By allowing these organizations authority to sell, barter, or distribute directly, some of the problems and costs associated with shipping and getting the surplus into the hands of the world's poor can be solved.

Too often, we think of our grain surplus as a problem, that defies solution. This bill is a step toward solving world hunger problems, encouraging the economic development in the developing countries, and reducing our costly surpluses.

PLIGHT OF ANATOLY SHCHARANSKY

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I want to join in three cheers for the Florida Sheriffs' Association for all the good work they are doing for the youth of Florida.

Mr. Speaker, earlier this week, my good friend, the gentleman from New York, DICK OTTINGER, and I introduced House Resolution 67, expressing the sense of the House that Anatoly Shcharansky should be released immediately from prison and allowed to emigrate.

The plight of Shcharansky is familiar to many in this House. Since his arrest on trumped-up charges in 1977, he has been mistreated by his Soviet captors, exposed to severe cold, denied adequate food, sleep, and health care. To protest this treatment, Shcharansky began a hunger strike on September 26, 1982, despite the condition of his health. Shcharansky's courage and determination not to surrender his basic human rights have come to symbolize the plight of thousands of Soviet Jews and others who are persecuted by Soviet authorities.

Mr. Speaker, this issue, more than many, is truly bipartisan. Every American enjoying the freedoms of this country, whether Democrat or Republican, should appreciate the struggle of this man. Shcharansky is not just being denied American guarantees or Soviet privileges, he is being denied basic human rights, unalienable rights that belong to all men and women.

I urge my colleagues to join with me in this effort to free Shcharansky. A united congressional voice will be heard in Moscow. Let us do our part.

HELPING NEGLECTED YOUNG AMERICANS

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, that our children are the future of our great Nation, is obvious but that many of them experience deprived childhoods because of family neglect or other reasons, is often times over looked.

I am proud that the Florida Sheriffs Association has established the Florida Sheriffs Youth Fund to provide neglected young Americans of my State of Florida with an environment where they can grow, learn, and live a life that they otherwise could not have experienced. I am especially proud that the Florida Youth Ranch, one of three such facilities in our State, is located in my county—Pinellas County.

The work of the Youth Ranch and its activities were made clear to me by my good friend, Don Genung, who served Pinellas County so professionally as sheriff for so many years. When Don retired, he devoted his life to the work of the Youth Ranch and over the years, he has touched the lives of countless young people who, without this kind of help, would have led seriously neglected childhoods.

The children of today are tomorrow's leaders, and we should all be thankful that the Florida sheriffs and people like Don Genung have given so greatly of themselves so that many less fortunate young Americans will have an opportunity to fulfill their dreams.

FLORIDA SHERIFFS PROVIDING LOVE AND CARE TO NEGLECTED AND HOMELESS YOUTH

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, for the past 25 years, the sheriffs of the Sunshine State have been providing much-needed love and care to Florida's neglected and homeless youth.

For the past 25 years, the sheriffs and the people of the State of Florida have maintained the Florida Sheriffs Boys Ranch near Live Oak.

They later established the Girls Villa near Bartow and the Youth Ranch near Clearwater.

The continuing dedication and the individual attention of Florida sheriffs, their deputies, and the Florida Sheriffs Association demonstrates their tireless commitment to preventing crime and juvenile delinquency and the breakdown of the American family.

I commend the sheriffs and the people of the State of Florida for their contribution to Florida's youth.

I am proud to be listed as one of their supporters.

FLORIDA SHERIFFS YOUTH FUND—A QUALITY CHILD CARE ORGANIZATION

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, I rise today in support of the Florida Sheriffs Youth Fund—a quality child care organization helping Florida's dependent and neglected children.

I am proud of the sheriffs of the State of Florida for this worthy project which benefits youth and contributes spiritually and materially to their development.

The youth fund now operates the Florida Sheriffs Boys Ranch, Girls Villa, and the Youth Ranch.

There are plans to expand the residential care services into southwest Florida. Thus this program represents one of Florida's finest charitable institutions and has brought national attention to our State.

I commend the Florida Sheriffs Youth Fund for their supreme achievements over the past quarter-century. I urge you today to join with me in thanking the sheriffs of the State of Florida and the people of our State for all they have done for Florida's troubled youngsters.

SOCIAL SECURITY ABUSES

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, under current law, noncitizens who have worked in the United States may retire, go home, marry, have children, and still receive social security benefits. The wife and children are eligible for full widow's and survivors' benefits after the alien's death—even though the survivors never have, and probably never will, set foot in this country.

Let me give you an example of the type of abuse that the current regulations allow: In the Philippines it is not uncommon for a Filipino to return to his country upon retirement and marry a young woman to care for him in later years. In exchange for her taking care of him, the woman, and any children they may have, are financially provided for after his death. In one case, a 70-year-old man married a 17-year-old woman, and fathered three children before his death at age 75. Even though his widow and three children have never lived or worked in the United States, they will collect many thousands of dollars in social security benefits.

To end such abuses, I have become a cosponsor of H.R. 950, a bill which will return to nonresident aliens only the amount the alien has paid into the social security system, and no more. I believe H.R. 950 will be fair to aliens who have worked in our country, while helping to protect America's senior citizens from abuses which we can no longer afford.

THE FLORIDA SHERIFFS YOUTH FUND—A CHARITABLE NONPROFIT ORGANIZATION

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, and ladies and gentlemen, I proudly speak to you today about the Florida Sheriffs Youth Fund—a charitable nonprofit organization serving Florida's dependent, neglected, and homeless youth. Over 1,000 young boys and girls between the ages of 8 and 18 have been provided genuine love and caring by the sheriffs of the State of Florida since 1957. The prime movers in the youth fund program are the group parents. They live in each child's cottage on a 24-hour basis and care for, interact with, and counsel each youngster and make extensive use of the group process. Frequent group meetings are held to discuss problems and possible solutions. The Florida Sheriffs Youth Fund is a very, very special program operated by the sheriffs of the State of Florida. I am proud of the sheriffs and of the people of my State who have done so much for Florida's troubled youngsters.

REPRESENTATIVE COLEMAN INTRODUCES BILL TO REPEAL WITHHOLDING TAX ON INTEREST AND DIVIDENDS

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, today I am introducing a bill of great importance to savers in the Sixth District of Missouri and, for that matter, the entire United States. My bill would repeal the newly required withholding tax on interest and dividends.

As most of my colleagues are well aware, there has been an outpouring of public protest against this new requirement. Thousands of people from my district in Missouri have either called, written, or spoken to me personally to express their strong opposition to this requirement. These are people who pay their taxes and are wondering why they are being forced to go through all this hassle because some people do not pay their taxes. To put it bluntly, people in the Sixth District of Missouri think it is "a dumb idea," to say the least. Frankly, I have to agree.

A lot of extra paperwork and administrative costs are going to have to go into implementing this requirement. Who is going to pay for it? The average saver, of course.

And for what? To save money for the Government? Not really. It is pretty clear that the IRS already has the means at its disposal to stop the cheaters right now. Most earnings of this type are already being forwarded to the IRS each year by banks and businesses on 1099 forms. The real question is why are not these forms being used to catch cheaters? Are all these forms being sent to the Department of Treasury and then just tossed in the waste basket? Talk about unneeded paperwork and irresponsible waste.

This new withholding provision is basically like trying to use a shotgun to kill a mouse. Its going to do a lot more harm than good.

Savings should be encouraged, not discouraged. Not only are savings accounts important for financial security, they also serve as funds for home mortgages, start up loans for small businesses, capital for large corporations and machinery loans for farmers everywhere. If we do not have money to lend to these people then it does great harm to our economy.

Our Nation has one of the lowest savings rates in the world; its not coincidence that Japan is among the highest. In recent years we have been trying to reverse this trend. The implementation of this withholding requirement will certainly not help increase savings. It will do just the opposite.

This administrative nightmare is scheduled to go into effect in July. Let us put a stop to it right now. It is counterproductive and it is clearly a step in the wrong direction.

□ 1145

UDAG AND JOBS

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, earlier this week I was privileged to meet at the White House with the President and key members of his staff including David Stockman. We talked about what everyone is talking about these days, the budget. And we focused on a problem that most of us are giving priority attention to, unemployment.

I said to the President and the Director of OMB what I am saying to all who will listen.

For the life of me, I cannot understand why officials at the highest level of our Government and just about every Member of this body are agonizing over the search for new programs to combat unemployment when we are at the same time downplaying the importance of some already in existence.

Do not get me wrong—the search for new programs, a better way if you will, must be unending. But let us not get so caught up in the process that we have insufficient time and attention for something tried and proven. Specifically, I am referring to the urban development action grant program (UDAG).

As soon as I got my copy of the budget, I quickly turned to that section marked community and regional development because that is an area of major concern to me.

I was puzzled by what I found.

For 1984, there is a request for $196 million in new budget authority for the UDAG program. That is a dramatic drop from this year and last. In itself, that is bad enough, but the brief explanation made matters worse.

According to the document, we will actually have $440 million for the UDAG program in 1984 because we will have $244 million in excess 1983 resources deferred until 1984.

If that sounds strange to you, you are not alone. It certainly does not qualify for a listing under the "Common Sense" heading.

At a time when we have record unemployment, the highest it has been in my lifetime; at a time when our cities, large and small, are struggling to put all the pieces together; and at a time when all the great minds in this city are preoccupied with finding that something new to solve the jobs problem, a program which has as its stated purpose the generation of economic growth and jobs in distressed areas is being underutilized.

The UDAG program has all the right ingredients, but the one I find most attractive is that it encourages private sector investment and does not, as so many of our programs do, simply involve another handout from the Federal Government.

It has been estimated that a Federal investment of $2.5 billion since 1977 in the UDAG program has leveraged nearly $15 billion in private investment in our cities, investment that has helped build up our cities and in the process create tens of thousands of jobs.

I could go on at great length and tell you about the UDAG success stories in my district with which I am personally familiar, but that is for another time.

And I could also go on at great length about the pending applications we have on file, applications that detail development projects of great promise, projects which will produce meaningful jobs just as soon as they are underway. That too is another story for another day.

For now, Mr. Speaker, I urge all of us to take a serious look at the UDAG program, what it has been, what it is now, and the direction in which it will be moving. Let us give it the time, attention and resources it requires.

EMPLOYMENT OUTLOOK BRIGHTENING

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, I rise to share with my colleagues some of the encouraging news on unemployment I heard during hearings of the Joint Economic Committee last week. Dr. Janet Norwood, Commissioner of the Bureau of Labor Statistics, indicated at that time that the unemployment picture was improving and cited a number of statistics to confirm that conclusion. Let me list just a few examples.

The civilian unemployment rate dropped from 10.8 to 10.4 percent in January.

The unemployment rate including the resident armed forces fell from 10.7 percent in December to a January rate of 10.2 percent.

Factory hours rose substantially in January, indicating increased activity in the work force. This represents the first real improvement in this leading economic indicator since early 1981.

The diffusion index, a measurement of the labor market that indicates trends in hiring, showed a strong improvement in the labor market. January data shows that 53.2 percent of the nonagricultural industries registered employment gains—the highest level since July 1981.

While we all can agree that the fight against unemployment has just begun I am encouraged by these initial trends.

THE 98TH CONGRESSIONAL CLASS ON SOVIET JEWRY

(Mr. BARTLETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. BARTLETT. Mr. Speaker, today, recognizing the seriousness of this issue, I join with my good friend and colleague, the gentleman from California, Mr. MEL LEVINE, in announcing the formation of the 98th congressional class on Soviet Jewry. This year's caucus, Mr. Speaker, was modeled after the highly successful 97th class, and I take great pride in reporting to this House that 77 out of 80 Members of the freshman class from both sides of the aisle have joined in this class. That is 77 out of 80 Members.

The plight of the Soviet Jews should be important to all Members of this body, and I know it is. Soviet Jewish citizens ask only to be allowed to emigrate so that they may simply be allowed freedom of religion. The Soviet Union contains the third largest population of Jews in the world, following the United States and Israel. It is sad to think that over 2 million Jews are not able to practice their faith but, instead, are harassed and persecuted because of their belief.

Mr. Speaker, this certainly is a case of right versus wrong, but, more importantly, the release of these people is a matter of common decency. Our coalition hopes to send a signal to the Soviet Government loud and clear that as new Members of this Congress, we are outraged at this blatant violation of human rights and ask that the Soviet Union expedite the emigration of these people.

For Jews, the Soviet Union is a tough place to live and an even tougher place to leave. I encourage every Member of Congress to aid in this worthy and satisfying cause.

Mr. Speaker, I am inserting in the RECORD the message to the freshman class from the President of the United States, which says in part that "our commitment," says President Reagan, "to basic human rights is spurred by the spirit of freedom which is the cement of our democratic society."

The entire message is as follows:

THE WHITE HOUSE,
Washington, February 8, 1983.

I am happy to extend my greetings and warm regard to members of the 98th Congressional Class for Soviet Jewry as you convene your inaugural meeting. I appreciate the opportunity to share my thoughts on this vital issue.

The issue of Soviet Jewry is of high priority to the Administration. We have repeatedly stated that our concern for human rights in general, and Soviet Jewry in particular, is integral to our national interest and remains a major focus of our foreign policy.

In the last few years, we have witnessed a steady decrease in the number of Jews permitted to emigrate from the Soviet Union. The fact that levels of emigration have plummeted and that the instances of harassment and denial of exit visas have increased clearly signify the intensification of Soviet repression and arbitrary treatment of Soviet Jews. Jews are still denied opportunities to gain higher education. They are prevented from securing good jobs, and they are thwarted from studying their own culture and the Hebrew language. Clearly, antisemitism is rampant in the Soviet Union.

The inhumane actions of Soviet authorities violate both the spirit and the letter of the Helsinki Accords as well as other relevant international agreements to which the Soviet Union is a signatory.

I want you to know that the fate of these people, as well as that of other Soviet citizens deprived of their basic human rights and freedoms, is of immense concern to this Administration. We have worked and will continue to work assiduously to induce more flexible and benign practices by Soviet authorities with regard to the freedom of movement and fundamental rights. The issue of Soviet Jewry has been an integral issue on the agenda of such international forums as the Madrid Review Meeting on CSCE and the meeting of the United Nations Human Rights Commission.

We have strived to make the Soviet Union cognizant of the strong importance we attach to this issue as an essential component of security and cooperation in Europe and as a major issue in U.S.-Soviet bilateral relations. Our unwavering stance has been that progress in the security area cannot be achieved without concurrent progress in human rights, particularly that of emigration and family reunification.

I can assure you that we will continue to seek opportunities to encourage the Soviet Union to liberalize its policies on freedom of movement and fundamental rights.

Our commitment to basic human rights is spurred by the spirit of freedom which is the cement of our democratic society. We will not accept the egregious violations committed by Soviet authorities. In providing an effective response to these violations, we recognize that actions by concerned citizens are extremely important. Your meeting constitutes an important part of our common struggle for the rights of the oppressed Soviet Jews.

Please accept my best wishes for a most successful meeting.

RONALD REAGAN.

AS FAR AS THE U.S. MERCHANT MARINE GOES, THINGS COULD NOT LOOK ANY WORSE

(Mr. ANDERSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous material.)

Mr. ANDERSON. Mr. Speaker, numerous times in the past I have lamented to this body the absence of a comprehensive maritime policy. That policy is still lacking today.

To reinforce my belief, I would like to quote two paragraphs from a letter that I have just received from a former sea captain who currently occupies a senior executive position with an American-flag shipping company, and I think he states the matter very clearly and succinctly. I could not say it better.

Regarding some of the other important issues now before this Congress and Administration, I do hope that we all will take a hard look at the deficit the government's budget is now facing. In spite of cries by Reagan to "stay the course", it is imperative that vital and definite "mid-course corrections" be imposed—and without delay! We have many serious problems to address: the integrity of the Social Security Program, defense spending, the national debt, demise of "free trade", unemployment, and a third world economy in a state of collapse. Each and everyone of these—and perhaps many others—will have to be addressed by the next Congress, and the Reagan administration will have to be dealt with accordingly.

As far as the U.S. Merchant Marine goes, things could not look any worse. We still do not have a "national maritime policy", and it appears doubtful we ever will under this present Administration. Therefore, I would hope that you would exercise your leadership in the Congress to bring about a revitalization of the American Merchant Marine, guaranteeing its future for posterity, and to keep our country strong on both the economy and military fronts. If subsidies are not the answer—then let's find an alternative! If cargo preference is unappealing—then there must be another way! If bilateral treaties are not appreciated—then let's choose another route! Something must be done, Glenn, and soon! If the Congress and the Administration fail to act on the crisis our maritime industry now faces, it is doubtful we will have a Merchant Marine by the year 1985. And that, my friend, will ultimately cost this nation dearly in terms of defense and economics. . . .

I hope that we, and the administration, will do something and do it soon so that his prophecy in the last sentence will never come true.

NONPROFIT ORGANIZATIONS HURT BY NEW GOVERNMENT RULES

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, I would like to bring to the attention of my colleagues some disturbing new and far-reaching rules being promulgated by the Reagan Office of Management and Budget—an administration elected to eliminate Government rules. These rules would severely restrict the first amendment rights of nonprofit organizations and their employees who serve the poor and unemployed and who provide day care and Meals on Wheels; under these rules they would be gagged.

Under these rules, members and employees of nonprofit organizations—

from Catholic charities to the League of Women Voters—would be unable to comment on rules and regulations, participate in licensing and rate hearings, or undertake "self-defense" lobbying. They would not, of course, be able to effectively criticize or criticize at all, with the Reagan budget cuts.

These rules are being proposed at the same time the Reagan Cabinet and agency officials are wining and dining Members of Congress at taxpayers' expense. Two days ago I wrote the EPA Administrator that I could not attend her reception for new Members, especially in light of her being held in contempt of Congress for not providing us with valuable information. Yet, Mr. Speaker, the Reagan administration would attempt to gag nonprofit organizations and keep them from providing us with information valuable to the conduct of public business.

Mr. Speaker, this must not happen.

AN INVITATION TO COSPONSOR THE AMERICAN CONSERVATION CORPS ACT OF 1983

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, the American Conservation Corps Act of 1983, H.R. 999, passed the Committee on Interior and Insular Affairs of the House today by a unanimous voice vote. In the House itself it now has 161 cosponsors, and the bill will now go from the Committee on Interior and Insular Affairs to the Committee on Education and Labor of the House. It is my hope—and I am sure it is shared by the chairman of the Committee on Education and Labor—that we can report the bill out expeditiously and send it to the Senate in time for them to act so it can be on the President's desk in time for him to sign on April 7, which will be the 50th anniversary of the Civilian Conservation Corps.

Youth unemployment is even higher today than it was a year ago when the House overwhelmingly passed the American Conservation Corps bill in the last Congress. Youth unemployment is over 20 percent, and among minority youth it is over 50 percent.

While this bill is only an authorization bill and is only a small part of the total picture, it seems to me it is something that needs to be considered, and considered expeditiously, at a time when we are trying to give our youth not only hope but an opportunity to do some useful work, learn some useful skills, and help restore our Nation's soil, forests, and other community lands.

Mr. Speaker, I strongly recommend that those Members who have not yet cosponsored the bill consider doing so, so that we may indicate to all concerned that we are moving ahead to help our Nation's unemployed youth.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SMITH of Florida) laid before the House the following communication from the Clerk of the House of representatives:

WASHINGTON, D.C.,
February 9, 1983.

Hon. THOMAS P. O'NEILL, Jr.
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 3:45 p.m. on Wednesday, February 9, 1983 and said to contain a message from the President whereby he transmits a governing international fishery agreement between the United States of America and the Republic of Korea;

(2) At 3:45 p.m. on Wednesday, February 9, 1983 and said to contain a message from the President whereby he transmits the 22nd annual report of the United States Arms Control and Disarmament Agency.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-17)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 USC 1801), I transmit herewith a governing international fishery agreement between the United States and the Republic of Korea, signed at Washington on July 26, 1982.

This agreement is one of a series to be renegotiated in accordance with that legislation to replace existing bilateral fishery agreements. I urge that the Congress give favorable consideration to this agreement at an early date.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1983.*

ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

To the Congress of the United States:

I am pleased to transmit to you the 1982 Annual Report of the United States Arms Control and Disarmament Agency. This report, the 22nd submitted since the creation of the Agency, provides a complete review of the important work of an Agency which plays a crucial role in our country's national security program.

On September 21, 1982, I met at the White House with the three U.S. arms control negotiators, Ambassadors Rowny, Nitze, and Starr before they returned to Europe for the final 1982 sessions of the START, INF, and MBFR negotiations, respectively. At that time, I outlined the following general principles which guide the formation of our arms control policies:

—Arms control must be an instrument of, and not a substitute for, a coherent security policy aimed in the first instance at the Soviet advantage in the most destabilizing class of weapons—ballistic missiles and, especially, intercontinental ballistic missiles (ICBMs). We will work for agreements that truly enhance security by reinforcing peace through deterrence.

—We must seek agreements that involve substantial and militarily significant reductions on both sides.

—Agreements must be based on the principle of equality of rights and limits.

—Arms control agreements must include effective means of verification. They cannot be based on trust alone.

—Our efforts will be guided by seriousness of purpose, reflected in our willingness to seek reduction to significantly lower levels of nuclear forces based on equal, balanced levels of comparable systems.

These principles are in full accord with the basic purpose of both U.S. and NATO security policy—ensuring the peace through deterrence of aggression. Deterring nuclear or conventional attack against us or our Allies must guide our approach to defense and arms control. The principles also lie at the heart of the comprehensive and innovative arms control approaches which this Administration has adopted. In each of the three most important areas of arms control—strate-

gic nuclear arms, intermediate-range nuclear forces, and conventional forces in Europe—we have presented to the Soviet Union bold and equitable proposals which are in our mutual interest and which provide an opportunity to enhance world security and peace by significantly reducing the arsenals of both sides.

In each of the three negotiations, the United States has presented considered and equitable proposals which seek to establish a military equilibrium at reduced levels, eliminate the most destabilizing factors in the existing military balance, and enhance the security of both sides. When our national security, and that of our Allies, is at stake, we must approach arms control realistically. We do not seek agreements for their own sake; we seek them to build international security and stability. This Administration's reductions proposals for strategic and intermediate-range nuclear forces and for conventional forces reflect this approach. We are encouraged by the serious and businesslike conduct of these negotiations thus far. Although much hard bargaining lies ahead, I am determined to bargain in good faith until our objectives can be realized. We urge our Soviet negotiating partners equal seriousness of purpose.

The 1982 Annual Report not only includes details on all aspects of the three negotiations, but also refers to such other important elements of ACDA's responsibilities as providing expertise on both policy and technical levels for all other multilateral arms control negotiations, for our nuclear non-proliferation efforts, and for research and analysis of military budgets and arms transfers.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1983.*

□ 1200

AN AGENDA OF HOPE VERSUS AN AGENDA OF HOPELESSNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 30 minutes.

Mr. WALKER. Mr. Speaker, I take this special order today to discuss the economic issues that the American people are demanding that this Congress consider. Over the last year or two, we have talked a lot on this floor about the recession, and well we should have. The American people want us to deal with the recession. We have talked a lot about unemployment, as well we should have, because the American people want unemployment brought down.

But it is also apparent right now, with the wave of mail that is arriving in all of the congressional offices on this Hill, that the American people also want us to consider the fact that taxes are going up, and they do not like it. The American people have suddenly realized that this past summer this Congress passed a tax increase bill that belts them in their pocketbook. It takes away from them their hard-earned savings, and it destroys their ability to invest and save in this country. They do not like it, and they want us to do something about it. They want us to think about some of these economic policies too.

This particular issue has brought the biggest single mail volume into my office of any issue that we have ever had around here in the 6 or 7 years that I have been in the Congress. The Americn people do not want higher taxes. They realize now that they have been victimized by Democrat economics, and they do not like it.

It seems to me, Mr. Speaker, that it is high time that this House begins to deal seriously with this issue rather than the kind of flippant attitude that has been taken about it up until now.

We have tried around here, for example, to call all of these tax increases by other names. Last summer we called them revenue enhancers. That is a delightful term. More recently we have heard some of the leadership around here refer to tax increases as tax freezes. That is a lovely term. A tax freeze means that we are going to get rid of indexing and we are going to get rid of a lot of the other tax reductions that were passed just 2 years ago and, therefore, taxes are going to go up, but we are going to call it by another name, we are going to call it a tax freeze.

The American people do not want revenue enhancers, they do not want tax freezes, they do not want anything that is going to raise their taxes.

Think for a moment about this particular issue that is bringing this volume of mail onto Capitol Hill.

Most investment counselors say that that particular matter will result in about one-tenth of 1 percent increase in taxes for the people affected. That is not very much money. In aggregate, it means a lot. But for each individual it does not make that much difference in terms of how much money they are going to get. But the American people are telling us in volumes by thousands that they do not want even that kind of a tax increase. I happen to think they are right. I happen to think that that tax increase is causing a devastating problem in our economy and will continue to do so. The American people are absolutely right on target. We never should have enacted it in the first place. The fact that it has been enacted means that it ought to be repealed. Repealing the 10-percent withholding right now is in the best interest of this country. It should be done, and the American people are demanding that we should do so.

But let us think about how that 10-percent withholding came about. How did we get to the position that we have thousands of people writing us from across the country demanding the repeal of something that was done only about 5 to 6 months ago?

Well, we may all remember that last year we went through a budget battle in this Congress, and during that budget battle there were a couple of alternatives being discussed. One was the alternative to reduce spending, the other was the alternative of raising taxes.

On the Republican side we were demanding that spending be reduced substantially in order to bring down the massive deficits that we were faced with not only in this present fiscal year but in the years ahead. The Democrats, the Speaker and his allies, were demanding that taxes be increased.

Now, what we ended up with was a so-called bipartisan compromise that said that we are going to raise taxes and reduce spending, to some extent. And so we had follow on the budget bill a tax bill presented to us, the great bipartisan tax bill that we all heard so much about last summer. In that tax bill was included this 10-percent withholding on savings and invested income.

Now, the American people were never given a chance really to focus on it at that point. They were not really given the details of it. Everybody around the House knew what was in it. As a matter of fact, any Member of Congress who is going out to his constituents right now and telling them that they really did not understand that that provision was in the bill, well, all I have to say is they should not be a Member of Congress if that is what they are saying, because that was 28 percent of the total $100 billion that was in that bill. Twenty-eight percent of the money was involved in the 10-percent withholding provision.

Well, we got to the position that we had that on the floor in a very, very hurry-up fashion. The American people were not even given a chance to tell us what they thought about it because we ran it through here not only in a hurry-up fashion but in an unconstitutional way. The Senate considered it first. The House, which is supposed to raise revenue matters first, was not given a chance to do so because we had this train on a fast track. That meant that this House was not even given a chance to amend the bill, because we ran it through here in a hurry-up way so that no amendments were even allowed to deal with those kinds of provisions.

But let us remember we got there because the Democrats forced us in the first budget resolution to accept a tax package, a $100 billion tax pack-

age, and the alternative that has arrived at for 28 percent of that package was this 10-percent withholding on savings and dividends.

Why, then, when we have had a consideration of this package now, and the American people have found that they do not like it, do we not go ahead and repeal it? Well, because the leadership around here does not really want it repealed. They realize that 28 percent of the package is in that one element and there is no way that they are going to back down now. That is the reason why you have the Speaker of the House saying flatly that he is not about to give up what we passed last summer, he is not about to do away with it. The chairman of the Ways and Means Committee in the House has indicated that that bill is not going to get any hearings in his committee.

Now, that tells me something about this place's adherence to what the American people want. We are being told by the American people that they think that this economic policy is a bad one, and yet it probably will not even get considered in the Congress.

Actually, what the Democrats are indicating right now is that their economic plan is for even more taxes. They are not satisfied with the $100 billion that they got last summer. What they want is even more taxes. They want, for instance, to do away with the 10-percent tax cut that is due to come this July. They want, for example, to do away with indexing that will save people from having their taxes increased as a result of irresponsible Government policies that raised the inflation rate. They want to do away with all of these things which will result in additional tax increases which will result in additional money flowing out of people's pocketbooks into the Government.

The American people are saying flatly, "No," they do not want that. Is Congress really listening?

I think that we ought to consider what the impact of these Democratic economic policies has been up to now on the country. I think it is apparent, when you look back through—and sometimes hindsight is much clearer than foresight, but I think hindsight tells us something about how the Democratic economic policies have played to the country thus far, when you look back over the past few months, and realize that the economic recovery that is taking place now, in January and February of this year, with unemployment beginning to come down, could have taken place at least 2 to 3 months earlier if it had not been for that tax plan last summer.

Why do I say that? Well, because what is beginning now to drive forward the economy is the fact that there was a 10-percent tax rate reduction last July, and it did not begin to show its effects right away because, for one thing, the investment community waited about 6 weeks until they found out what we were going to do with this big new tax package we had coming forward.

As soon as that tax package was enacted into law and the investment community knew the parameters of what was going to be expected of them in the future, we began to see the economy begin to rebound, almost precisely on that day you began to see the stock market begin to ratchet upward, you began to see the improvement in the economy take place.

That kind of improvement was delayed by about 6 weeks simply because we did not do what we should have done, and that is allow the tax rate reduction to drive the economy forward in a much quicker fashion.

But we have also, then, compounded our error, by continuing to discuss in the months since, even more tax increases, which has made even more people back off from making decisions about the economic future.

Every time the Speaker of the House comes forward or the chairman of the Committee on Ways and Means comes forward and says more taxes is what this economy really needs, we retard economic growth, we assure ourselves that the recovery will be weaker and we keep the Nation in recession longer. I think that is disturbing, I do not think that is playing very well out across America either.

I think we might also want to look at the economics of energy for a moment and discuss something that also we do not hear talked about very much except that the American people are talking about it. They, for example, think that it is important that we begin to bring down natural gas prices at the present time, and they look and they begin to wonder why we do not get natural gas prices down the way in which we have gotten petroleum prices down.

A few months ago, it was not too many months back, people were paying in this city $1.50, $1.60 for a gallon of gasoline. I myself paid as high, I think, as $1.63 a gallon for gasoline right here in Washington, D.C. As I left town, heading back to my district the other evening, I saw a gas station right here in this city advertising gasoline at 99 cents a gallon.

Now, what has caused a 64-cent drop in the price of gasoline? Decontrol. This President, President Reagan, had the courage many months ago to stand up and decontrol the price of petroleum in this country. Ever since he decontrolled it, we first of all had price stability set in, the price stopped rising, and then, all of a sudden, the price started dropping. And you would think, to hear people talk in this House, that there was some great accident that took place, that we cannot figure out why all of a sudden oil prices are coming down. Oil prices are coming down because we substantially changed our policy. We changed our policy going in the right direction of getting the Government out of energy and letting the consumer make the basic decisions, and those decisions have resulted in lower prices.

Right now in natural gas we have fantastic surpluses in the marketplace. Consumer decisions, along with the supply surpluses, would result in lower prices pretty quickly if we decontrolled it. But what do we have? We have got a bill around here, not a decontrol bill that you often hear discussed—we hear people coming to this floor talking about the fact that the problem in natural gas right now is the fact that we have decontrolled it. We have not decontrolled anything. We still control the prices. The prices are going up as a result of Government policy. If we would take the same kind of action with regard to natural gas prices that we took with regard to petroleum prices, we would see, at the very least, some price stability begin to set in. You would see those surpluses reflected in the marketplace, and you would begin to see prices stabilize.

I think that that is what the American people are looking for. As a matter of fact, there are some economists looking at this who think that you could actually end up with some lower prices in natural gas markets. Would that not be wonderful for the consumer? Would it not be nice for the consumer if light gasoline, the price for heating their home with natural gas, came down? Would that not be a godsend for the poor and elderly in this country, who heat their homes with natural gas, to have the prices actually drop?

Well, that is possible if we adopt the right policies, and the right policy should be as plain as the nose on our face. The right policies are to do in natural gas what we did in petroleum which resulted in these lower prices.

Well, the problem is, of course, that the Democratic Party policies, as reflected in what they bring before this House, consists of more spending, more taxes, more government, more pain, more suffering, and only one thing less—less growth.

Because the Democrats advocate policies that prevent growth, they have also had to become the advocates of no growth. In my opinion, what this country needs is growth. We need growth so that more people can go to work. We need growth so that more people can see that this Nation can properly defend itself without having massive Government deficits, and so we can look forward to the future with confidence. Growth means confidence in the future. That is the agenda of

hope that, to me, is distinctly different from the economic agenda offered by the Democrats, an agenda of hopelessness.

DISASTER LAW STILL NEEDS REFORM

(Mr. GORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORE. Mr. Speaker, the past several weeks have shown the citizens of the Mississippi Valley, the west coast, and others, that the energy spent by man in all his endeavors is still small compared to the energy of one weather system.

Whenever one of those weather systems spends its energies on the landscape and on communities, the damages can be tremendous. Since the first of this year, thousands of homes, businesses, and farms have suffered damages beyond the normal means of individuals and small businesses to absorb.

But through my own experience in working in a relatively very small disaster in Tennessee, I have found that our Nation's disaster laws are no longer adequate.

They were changed in the spirit of revision that swept the administration and Congress in the spring of 1981. They were changed to tighten management of the programs, to tighten eligibility for individuals and small businesses, and last, but not least, they were changed to cut costs to the bone.

But our programs have become so stingy, so paltry, that they simply do not help very much. Too many farmers are screened out; too many individuals and small businesses find interest rates that are unbearable.

It is time to make some improvements. I have introduced four bills that could serve as a focus for that effort. It is great to have periodic reforms in management. We must see that the right amounts go to the right people at the right time. But when the baby has been thrown out with the bathwater, its time to get moving.

Let us restore a little commonsense and compassion to the programs that help the family and farmer and businessmen in their hour of need.

□ 1215

DESIGNATING WEEK BEGINNING JUNE 24, 1984, AS "FEDERAL CREDIT UNION WEEK"

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, today I am submitting a bill requesting that the week of June 24-30, 1984, be set aside and designated "Federal Credit Union Week" in observance of the signing of the Federal Credit Union Act on June 26, 1934.

The enactment of the Federal Credit Union Act made 1934 a significant year for credit unions because it "allowed credit unions to be organized everywhere in the United States under charters from the Federal Government." Since that day, more than 12,000 Federal credit unions have been chartered and now serve the financial needs of over 25 million people.

While recent legislative and regulatory actions have propelled credit unions into the mainstream of today's highly competitive financial marketplace, it is nevertheless important to confirm their unique role as cooperative not-for-profit financial institutions organized to promote thrift among their members.

Conceived during the gray days of the Great Depression, Federal credit unions have repeatedly proven their worth, particularly during recessionary periods. Beginning with their inception in 1934 and continuing today, Federal credit unions have faithfully met their statutory mandate to promote thrift among their members and to provide credit for provident or productive purposes. These family-oriented institutions have remained small, with 87.7 percent of all the Federal credit unions holding assets of less than $5 million.

Mr. Edward Filene, one of the original founders of the credit union movement said in 1937, "Progress is not the mere correction of evils. Progress is the constant replacing of the best there is with something better." Credit unions have proven themselves as a good idea that works. It is exciting to be able to commemorate their 50th anniversary of Federal charter.

This joint resolution would designate the week of June 24-30, 1984, as "Federal Credit Union Week," and authorize and request the President of the United States to issue a proclamation and call upon the people of the United States to observe this week with appropriate ceremonies and activities. I invite all Members to join with me in making this commemoration possible.

REAGAN'S COLOSSAL FAILURE NO. 3

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, this is a followthrough on two previous special orders that I have had the privilege of giving. I guess you could entitle it "Reagan's Colossal Failure Number Three."

For weeks the Reagan administration has been proclaiming the beginning of economic recovery and certainly I think every one of us hopes and prays that we will indeed see a return to some economic well-being or health, though the administration's definition of full employment would be shocking to anyone who ever lived in a truly healthy stable economy.

The President is saying and the Secretary of the Treasury and the others that full employment now will be 7 percent unemployment. Well, that used to be a crisis. If we are seeing the beginnings of recovery, it is really only because the policies known as Reaganomics have been dismantled, the policy of supertight monetary growth diluted out of sheer necessity in view of the depressing situation in the economy, and the number of businesses that have just gone out of existence and continue to do so, even though part of this rosy picture is the boast that interest rates have gone down.

I do not have to tell anybody living in our country that they just simply have not gone down far enough. They are still prohibitive. They are still extortionate. They are still choking off business enterprise because of the inaccessibility of credit to the average business; but even as the trumpet sounds that a bright new day is dawning, the administration's great urgent legislative priority is an economic rescue plan in the amount of $11 billion representing the President's and the administration's urgent priority demand, which incidentally the Congress is obedient to in the expansion of our commitment to the International Monetary Fund. They tell us that unless the IMF, as it is known, gets broad new lending resources, there could be a general collapse of the ability of debtor countries to meet their obligations. If those countries cannot pay on their debts, the Reagan team has argued last week and this week before the Committee on Banking, the major banks in this country will suffer intolerable losses. As I have pointed out in the previous address, the Bank of America, for example, has an overhang just in Mexico in an amount that exceeds its own capitalization structure. That does not include the Hanover Manufacturers Bank, which has an equal situation just with respect to Mexico, not throwing in Brazil, Argentina, or for that matter Poland.

So they say if these countries fold, the major banks, and that is the nine major banks in our country, will also fold.

In short, we are told the best way to insure that we have financing for a domestic recovery is to make sure that the major banks are bailed out on their hundreds of millions of dollars worth of sour foreign loans.

All the magicians are worried about that the debtor countries might be tempted to renounce their debts, as they still are. They tell us that this would never happen at all; at least,

they tell us that in their public comments. In private statements, representatives of the Treasury have admitted, for example, that they were in great fear last August that Mexico would do just that, renounce its debts.

I happen to know that that is exactly what happened, which brought the immediate reaction from this administration of an immediate $1.3 billion grant or gift to Mexico in the way of so-called purchase of petroleum for our strategic reserve, but where even the dollar amount per barrel was not even decided. That was the quickness of that emergency.

Like modern war, modern international finance happens that way. We simply will not have the time factor any more that we have had in the past.

Chairman Volcker claims in answer to a question I propounded that if such a calamity happened, the Federal Reserve and yet other agencies of the Federal Government would move to insure that the American banking system as they define it, really meaning their nine principal banks, would remain sound and liquid. In other words, this is on the record. It is not me saying it. He committed the entire financial resources of our country to bailing out the gargantuan banking monopolies, monopolies that have traded even against our own interests. These banks have speculated against the dollar. Their allegiance is not really American. They are international enterprises that are motivated with one purpose and one purpose only and that is the more they have, the more they want, and even if it means speculating and betting against our own dollar, they will do it.

But here is our Chairman of the Federal Reserve saying that nothing will stand in the way of utilizing every penny of the financial resources of this country if that is what it takes to bail out these banks, like Chase Manhattan and the others. He has thus spoken, as I have charged him, more as the fiscal agent of Chase Manhattan, et al, than he has as is his proper legal title, as the fiscal agent for the U.S. Treasury.

You know, even my colleagues get amazed when I say that the Federal Reserve Bank is not a Government entity. It is a private banking institution. Do not let that word "Federal Reserve" throw you away. No matter what happens on the international scene, the U.S. banking system is going to be protected. Mr. Volcker claims that he will absolutely insure that.

Perhaps then the issue is how to make the scene appear stationary and how to make it appear that the cost is very little.

The IMF expansion is brought forward for that purpose to tidy up a very nasty and in truth and fact a very dangerous international financial crisis; that I do not believe we should represent to the people of this country that this operation is cost free, as the Secretary of the Treasury, as the President himself, as the Chairman of the Federal Reserve Board, who told us the other day that this was not a bail out, it is a bail in. These are his words.

This was too much for me and I said, "Well, now, don't abuse words. If you are so apologetic about having a confession to a bailout, you do not want to use that term. Don't abuse words," because that is like saying that a handout is a hand up. It is just a play on words.

They get antagonized when I do that, but I cannot help it. That is the way it is.

They are alleging this whole $11 billion bailout is cost free. It is just a mere bookkeeping transaction.

Well, it is purely and simply a bailout of the money center banks that got themselves and, in fact, every one of us, let us say, in a jam because of their greed and lack of foresight.

If it is necessary for us to approve this legislation, and remember that our committee and our leaders in the Congress are giving it priority, they are not giving our Emergency Housing Mortgage Assistance Act or the emergency health program for the homeless priority, but they are giving this priority and right off the bat we have already had 2 weeks of meetings and hearings on this bill because the Secretary of the Treasury, the President, and Chairman Volcker all say that it is absolutely critical that we move ahead and without any change whatsoever.

If it is necessary for us to approve this legislation, I believe that we first ought to have the certification of such people as, say, Mr. David Stockman that it will in fact be cost free. I believe that we ought to have Mr. Stockman in public session tell the Banking Committee that this program can be justified, that it is our duty to approve billions in new foreign loans, even as he demands that we freeze help to our own Americans and our own American economy, our own people, who have been victimized by mismanagement and poor policy and induced depression. We in Congress are judged by what we do.

□ 1230

I want to remind my colleagues in the Congress, the President, and the "great panjandrums" of finance that we are ultimately judged by the American people, as they have always judged us, by the fruit produced, not by the fertilizer spread. The American people know the difference between fertilizer and apples. They know the difference between harsh apples and real apples, and they will know the truth of it when they are told that the IMF bailout package is without cost. They know that all things come at a cost. Are they not the ones who have been telling us that there is no such thing as a "free lunch"?

I, for one, do not want to put in arguments that will not hold up to public scrutiny. Let Mr. Stockman tell us what the facts are as he sees them. Let him join Mr. Regan and Mr. Volcker in telling us that this is not a bail out but a bail in.

If we have to face hard decisions, let us do it on the basis of need and necessity, not the arguments of magical bookkeeping. If we have to approve this program, let us do it on the basis that our bankers, aided and abetted by the bank regulator agencies, spurred on by the Federal Reserve, have laid a huge egg and need help in order to keep from breaking us all into the omelet. Let us, then, demand that changes be made in the way banks operate and in the way they are regulated, as some of us have been advocating since the 21 years we had the privilege of coming into the House of Representatives. Let us then go about repairing the rest of the economy which they have so mangled, and let Mr. Stockman, et al., tell us if he ever refused to support IMF—which he did when he was in the last Congress. The $4.5 billion refreshment to the IMF was in 1980, and Mr. Stockman sat right here and voted no at that time. He claimed there was no such thing as "magic bookkeeping" then, which was the argument that the proponents were offering, the same identical argument then.

So let him come and tell us that, if he did—as he did—refuse IMF support, he was wrong then. Let him tell us if he was wrong, just as he has been wrong all along, he and his like-minded masters and cohorts.

For that reason, I have directed a letter to the chairman of the committee, pleading with him that before he closes out these emergency hearings, he summon Mr. Stockman. And if the President, who says that there is such a critical emergency need, really thinks there is, let us have the President send us that message in writing. But preferably, we should have Mr. Stockman come before the committee, because meanwhile those of us who must respond, if we are to even try to measure up to this onerous task of trying to be Representatives, will have to justify as a matter of priority meeting the critically urgent needs of the American people while satisfying the gargantuan appetites of these giant bank monopolies whose spokesmen in turn blame all our troubles domestically on a spendthrift Congress.

Mr. Speaker, I yield back the balance of my time.

OUR POLICE—THEIR RIGHTS NEED PROTECTION TOO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, today I would like to speak on behalf of a minority group that is well known but little understood—our police. Even though our law enforcement forces are made up of men and women from all races, creeds, and all walks of life, our police are second-class citizens in another sense. They are called upon almost continuously to defend an individual's rights against the criminal elements of society, but they themselves are rarely offered the same defense and protection—the same civil rights—that they offer others through the performance of their duties. Often our police are the objects of intense harassment, abuse, assault, and even death from the very people they seek to protect.

Our policemen uphold the laws and are very often the only visible symbol of authority that the average citizen constantly sees. Perhaps this is why, when a policeman has looked for support from his community, he has frequently been met with a cool attitude from the very people he seeks to protect. People do tend to fear and resent authority—it is part of human nature; that is why our policemen are so often the tragic victims of a frustrated individual's plot to revenge himself upon society.

For these critical reasons and more, I am again sponsoring the policeman's bill of rights, legislation that I know is familiar to many of my colleagues in this Chamber, because they introduced similar legislation in the last Congress.

This bill, H.R. 26, would provide law enforcement officers with certain basic rights that other citizens take for granted. This bill would insure the right of a police officer to engage in political activity during his off-duty time, as well as guaranteeing specific rights to police officers under investigation. Moreover, it would set up a grievance panel to hear the grievances of police officers who claim their rights under this legislation have been violated, and finally, it would deny Law Enforcement Assistance Administration funds to any community that did not conform to the provisions of this bill.

I believe all would agree that these are not unfair requests for a policeman to ask from society, yet these very rights are often denied our policemen throughout the country. Our law enforcement officers need the help of this Congress. The vocal abuse and criticism a police officer often receives when something goes wrong can be deafening, not only from the public but from his department superiors who are sensitive to public criticism. But when the streets stay safe at night, when police catch the bandits, they are just doing their job.

The passage of this bill of rights would serve to draw deserved attention to the plight, and the rights of our law enforcement officers. We in the Congress should be the first to support the outstanding job our policemen do across the Nation. The fundamental rights that the policeman's bill of rights would insure can serve as a further bridge of understanding between our law enforcement officers and the countrymen they try to protect. I urge the support of my colleagues for H.R. 26.●

REFORM OF THE EXTENDED UNEMPLOYMENT BENEFITS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 30 minutes.

● Mr. LAFALCE. Mr. Speaker, the top priority of the Congress must be restoring health to our economy and returning workers to productive jobs. This will not be an easy process, and I am realistic enough to recognize that for a while at least, there will be unacceptably high levels of unemployment. And, as we strive to escape from the highest levels of unemployment since the Depression we must face the reality of providing needed sustenance to millions of America's jobless. Reform of our system of unemployment compensation, to make it more responsive to the realities of unemployment, must also be a high legislative priority.

The unemployment rate in my own western New York area is horrendous. In the Erie/Niagara Counties area the unemployment rate is 13 percent. In the Rochester labor market area, the rate is 8.3 percent—up from 6 percent a year ago—and in Orleans County the rate is 13.7 percent. Indeed, the true levels of unemployment are much higher because the figures listed above do not reflect those people who have been unemployed for so long that they are not even counted among the Nation's or our community's jobless.

What is truly unfortunate is that not only is the economy causing hardship by increasing the number of Americans out of work, but the unemployment insurance system itself—the system which is supposed to provide aid to the families of unemployed workers—is also replete with inconsistencies and nonsensical provisions. Clearly, it is an inequitable and ill-designed system which denies extended benefits to workers from areas of chronic high unemployment, while such benefits are paid to workers residing in States which are actually economically healthier.

Accordingly, I am today introducing a bill to revamp the system by which eligibility for extended benefits is calculated. It is a similar, but improved version of a bill I introduced in the 97th Congress.

First, I must take a few moments to describe the current extended unemployment benefits system and how it operates. The extended benefits program provides up to 13 weeks of additional benefits to those individuals who have exhausted their regular unemployment benefits. Funding for the extended benefits program is shared equally between the Federal and State governments and is triggered on when the insured unemployment rate (IUR) in a State is 5 percent and, in addition, is 120 percent higher than it was during the same period in the previous 2 years. Alternatively, a State may trigger on to extended benefits when its IUR reaches 6 percent.

Prior to October 1, 1982, these standards were less onerous. Previously, a State would trigger on to the program when its IUR was 4 percent and, in addition, was 120 percent higher than it was during the same period in the previous 2 years. Alternately, a State could trigger on if its IUR was 5 percent. Unfortunately, administration-supported provisions in the Omnibus Reconciliation Act of 1981 have made it even more difficult for unemployed workers to receive extended benefits.

What is crucial to understanding this system of determining benefits is that the IUR differs radically from the actual level of unemployment. This is because the IUR calculation only considers those persons who are covered by the unemployment insurance program. People who are out of work for so long that they no longer qualify for unemployment benefits and those individuals who have not worked long enough to qualify for coverage, are not included when the IUR is determined. Obviously, though, such people are very much a part of the unemployed work force.

Because of the anomalous way in which extended benefits are calculated, a State with many people who have been out of work for a lengthy period of time, and obviously has high real unemployment, may have a very low IUR because many of the unemployed citizens are no longer covered by unemployment compensation.

The folly of the IUR is demonstrated by the fact that it is not used for determining benefits for any other Government program. The IUR is not used for determining funding for job training programs, nor for economic development assistance nor for funding under the Defense Manpower Act or any other Government program that targets money to an area based upon that area's level of unemployment.

The IUR measure is used for just one reason: It is simple to calculate because it only counts those people who are actually collecting benefits at a given time. But it is clearly inequitable when we realize that those people collecting benefits do not necessarily represent the true unemployment picture in a State. State eligibility rules for determining who collects unemployment insurance differ widely among States and, as pointed out earlier, the IUR system tends to ignore those areas which have high chronic underlying levels of unemployment—those areas most in need of extra assistance.

To keep in mind how inaccurate the IUR is as a measure of unemployment consider this: In New York State the total unemployment rate is 9.6 percent. However, the IUR in New York State is only about 4 percent. Clearly, this gap demonstrates how far from reality the IUR represents a State's unemployment situation.

The bill I am introducing today makes some fundamental changes in the system by which extended benefits are determined. The bill eliminates the IUR calculation and permits a State to trigger on to extended benefits when the seasonably adjusted unemployment rate reaches 7 percent. This seasonably adjusted rate is calculated each month so it should not prove difficult to use this data.

In addition, the bill gives States the option to pass laws allowing extended benefits to be paid in labor market areas within a State if the total unemployment rate in that labor market area reaches 9 percent. Giving States the option to do this will permit unemployed individuals who are living in especially high unemployment areas to obtain extended benefits even if the statewide unemployment dips below 7 percent. States must be given only the option to adopt such laws because extended benefits are financed equally by State and Federal treasuries.

The changes encompassed in my bill have several beneficial features: First, eligibility for extended benefits would be measured by a formula which more realistically portrays the unemployment picture in a State than does the IUR calculation. Second, eligibility for benefits would be tied to a formulation with which people can identify. Nothing could be more galling to an unemployed worker than to hear that he or she cannot quality for extended benefits because the insured unemployment rate must reach 5 percent, when that person knows that the real unemployment rate in his or her community is 10, 12, 18 percent or higher. Third, under my bill workers in very high unemployment areas will not be denied extended benefits simply because they live in a State that does not have a sufficiently high rate to qualify for extended benefits.

Ultimately, of course, we need to embark upon a program which restores the health to our economy and returns workers to their jobs and creates new job opportunities. In the meantime, let us make the needed changes in the unemployment compensation program so that millions of Americans experiencing the pain and hardship of unemployment know that we are addressing their immediate fate.

This bill restores fairness and logic to extended benefits program and will provide an extra measure of sustenance to those who sorely need additional benefits.●

TENTH ANNUAL NATIONAL SALUTE TO HOSPITALIZED VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, this Monday on Valentine's Day sports and entertainment stars, along with community and government leaders, will gather in VA medical centers around the country for the 10th annual salute to hospitalized veterans.

Special events for the day are being planned also by veterans, civic, religious, and youth groups. Festivities will include talent shows, celebrity visits, musical programs, and VA benefits workshops at most of VA's 172 medical centers, 226 outpatient clinics, 96 nursing homes, and 16 domiciliaries.

The program will be coordinated at each medical center by VA's Voluntary Service, the organization that oversees services to some 78,000 hospital volunteers who nationally contribute nearly 11 million hours to VA patients every year.

Conducted each year since 1974, the salute is intended to show hospitalized veterans how much their fellow citizens appreciate and remember their service and the sacrifices they made for our country.

Mr. Speaker, an enormous amount of support and enthusiasm for the occasion has come from many diverse groups of people. Professional sports players, Shriner clowns, airline pilots and stewardesses, scout troops, and school classes are a few of the groups participating. Mrs. Ronald Reagan is the event's honorary patroness, and boxer Sugar Ray Leonard and Olympic skater Dorothy Hamill are the honorary chairpersons.

I know all of us are aware of the essential and praiseworthy role veterans have played in the history of our country, as well as the increasingly important role veterans' hospitals occupy in providing for their health and well-being. Monday is an appropriate day for all of us to offer a heartfelt salute to the many thousands of veterans receiving medical care and to the medical center staffs, employees, and volunteers who provide them with excellent care and attention every day of the year.

I know my colleagues join me in expressing deep respect and appreciation to all of them. Should you know of any individuals or groups interested in participating in the events, please have them contact the Voluntary Service at a nearby VA medical center.●

SHORT-TIME COMPENSATION: A USEFUL TOOL IN FIGHTING THE RECESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, it is not difficult to imagine the desperation to which many people are pushed these days because of unemployment. So many people have been laid off that, just to keep a glimmer of hope going for these peopel till the economy turns around, we have been called on to work out a plan for unemployment benefits extension. Also, without jobs, the unemployed are often without medical care—and, at a time when they may need it most.

With few clear solutions within our easy grasp, I think it is worth mentioning that California, along with Arizona and Oregon, has been gaining some useful practice in dealing with the problems of unemployment. Each of these States is making use of a largely undiscussed concept known as short-time compensation (STC).

The idea behind STC is quite simple. For example, a firm finds that it needs to make a production cutback of 20 percent. Rather than laying off 20 percent of its workers, the company reduces the work week and pay levels by 20 percent. The employees, who are now working short-time hours, receive 80 percent of their full-time pay and 20 percent of their weekly unemployment benefits. The employees do lose a bit of their regular work hours and earnings. But everyone takes close to their regular earnings. Who benefits from STC? The potentially unemployed do. They get to keep their jobs, keep most of their paychecks, and if they want to, they can use the extra time off work to pursue additional training—or other jobs.

Who else benefits from STC? Employers do. They get to hold onto an experienced and skilled labor pool. They also avoid the costs of hiring and training new employees to take the place of laid-off workers who may be no longer available when production picks up. As in a Japanese factory, worker-management trust and coop-

eration is increased and loyalties developed.

STC also benefits the local economy, and in the final analysis, all of us—because it enables us to avoid the economic disruption caused by massive changes in spendable income, because people remain employed.

Although the STC programs in Arizona and Oregon are too young to evaluate, California has experienced considerable success with its program. Participating employers and workers have enthusiastically endorsed the program. In fact, the only major complaint that has been raised is that STC is not well-known enough. Not enough employers know about it. Not enough employers know that STC is even an option to consider before automatically laying off employees.

Short-time compensation deserves more attention. It can help prevent many of the worst hardships that unemployment causes. It can help preserve jobs, health maintenance—simple dignity—during periods of economic downturn.

STC is not a radical idea, either. It has been used widely in many western European nations for years. Canada implemented a national program just last year. Closer to home, other States have begun to take a close look at STC as a partial means of dealing with the unemployment problem.

STC does not cost a lot—for worker, employer, State, or the State's UI fund. According to a recent report on the California program, the average worker on STC received over 92 percent of his regular, full-time remuneration with about a 20 percent cutback in hours. Firms using STC instead of layoffs also reported overall savings, especially in new hire costs. The costs to California were slightly increased claims processing costs, but they are modifying the system to adjust for this. Also, it is important to note that STC does not increase costs to the UI system compared to those produced by the use of layoffs.

What are the major stumbling blocks, then? Why have so few States developed STC programs? I think there are two reasons. First, there is a great lack of awareness about STC. Many people, many employers, many States just have not heard about it yet. Second, the UI laws in many States contain partial benefit restrictions or eligibility criteria—that is lengthy waiting periods to qualify for benefits—which make implementation of STC an impossibility. Clearly, there is a need for this type of program, and these stumbling blocks have got to be removed.

In trying to address this issue, I cosponsored H.R. 5904, the Short-Time Compensation Act of 1982, last year. Although certain of its provisions were weakened, much of the original legislation was incorporated into the Tax Equity and Fiscal Responsibility Act of 1982, which was passed by the House 208 to 197. It directed the Secretary of Labor to set up model legislation for the States to use in setting up STC programs, and to lend the technical assistance necessary for the States to do so. The legislation removed much of the startup cost and work for States interested in setting up STC programs by making these resources available to them.

The Labor Department will be releasing the STC model legislation to directors of State UI programs some time in the next several weeks. When it does, I intend to have it printed in the CONGRESSIONAL RECORD. The word needs to be gotten out. It is an idea whose time has come.●

ADMINISTRATION'S FISCAL 1984 BUDGET SHOULD FOCUS ON JOBS AND JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, form triumphs over substance in the administration's fiscal 1984 budget presentation.

President Reagan set an admirable tone in his State of the Union message when he said:

> We who are in government must take the lead in restoring the economy.

There is little alternative; 10.4-percent unemployment makes action by the Federal Government imperative. Failure to act may worsen an already bleak situation.

The President's budget proposals should, then, reflect such action. We have to look beyond form to the substance of the line items to see if this is the case.

What is in this budget that will put people back to work?

For the third straight year, the administration is asking Congress to eliminate the Economic Development Administration, an agency responsible for creating or retaining 1.4 million jobs in the last 15 years.

A job-oriented program of the Department of Housing and Urban Development—the urban development action grant program—is reduced by $244 million. Between 1978 and 1982, this program created or saved nearly 300,000 jobs.

Small businesses must generate many of the new jobs the Nation needs. Yet the budget for fiscal 1984 would end all direct Small Business Administration loans, loans which were allocated $210 million in fiscal 1983.

Administration rhetoric notwithstanding, this budget does not put the Federal Government in the lead in restoring the economy. By reducing domestic programs while increasing military spending by 14 percent, it risks making the Federal Government part of our economic problem rather than part of the solution.

What the administration terms a spending freeze allows outlays for military procurement alone to rise 23.6 percent over 1983. A freeze on the outlays for the vital community development block grant program—it is proposed at $3.6 billion for fiscal 1984, the same level as in 1982 and 1983—devastates communities hard-pressed by unemployment.

Consider the case of Allegheny County, Pa., where 81,500 people are now jobless. While this number of unemployed people alone would qualify as an entitlement city for purposes of block grant funding, Allegheny County was informed by HUD earlier this year that it faced a 4.4-percent reduction in the amount of block grant funds it will receive in fiscal 1983.

Common sense would suggest that urban aid should be increased, not decreased, to areas of large-scale joblessness.

This would require, of course, a serious reappraisal by the administration of its current economic policy. It would mean not only a new look at budget items, but an appraisal of the serious revenue drain which has caused the budget deficit to mushroom.

One stark figure in the fiscal 1984 budget says it all. According to the Office of Management and Budget, the tax cut engineered by the administration in the summer of 1981, the tax cut which is the basis of a failed economic policy, "has reduced Federal revenues as projected under current economic assumptions by more than $1 trillion over 1984–88."

One trillion dollars. If we applied just one-third of that amount over the next 5 years to a Federal jobs initiative, we would not have to accept 10 percent unemployment. A $333 billion Federal full-employment effort would put people back to work while reducing Federal outlays for unemployment compensation and other recession-sensitive programs.

Mr. Speaker, this budget does not lack numbers, charts, or elaborate written justifications of spending reductions and increases. It does lack a sense of fairness and justice.

Nothing could be more disturbing than the seeming abdication of the Federal Government as an instrument of justice for those who seek it. As the great American chronicler, Alexis de Tocqueville, noted in "Democracy in America":

> Justice is the end of government, it is the end of civil society.

A century and a half after those words were written, we have an administration which would reduce the Federal Government's role as an arbiter of

justice. No single funding reduction is as damaging as an overall reduction in interest by the Government in fairness and equity.

I urge my colleagues to reject these attempts to limit the ability of the Government to respond to the needs of the Nation. The budget we adopt should reflect a desire to restore jobs in our national economy, and to restore a sense of fairness to our national political process.●

AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, today I am introducing two bills as amendments to the Defense Production Act of 1950. They are the Higher Education Technical Equipment Grant Act, and the Job Retraining Act of 1983. I ask that these proposals be printed in the RECORD, immediately following these brief remarks regarding the need for legislation.

Mr. Speaker, in the closing days of the 97th Congress, the House engaged brief debate on the need to step up efforts to modernize key plant and equipment sectors of our national industrial base, and to take those steps necessary to the upgrading of the skill of the labor force needed to effectively operate these sectors of our industrial base. This debate highlighted several important aspects of the problem we have in trying to retain our status as a world power with a first-rate industrial base for, in fact, serious doubts have arisen regarding the capacity of that industrial base to be responsive to any sudden or "surge" demands for production that might be placed upon it.

It is hard to believe that the average age of a machine-tool operator today is 58, but that is a fact. Futhermore, we know that he is looking forward to retirement within the next few years. Significantly, for the sake of our industrial output system, his replacement has not yet been found, nor is he in training, if he has been found. Yet, we will need 572,000 such people by 1987—a mere 4 years from now.

The same story can be told, for differing reasons, concerning tool and diemakers; we will need 223,000 by 1987. Electrical engineers? 360,000 by 1987. Metal molders? 60,000 by 1987. Computer specialists? 547,000 by 1987. Mechanics? 1.8 million by 1987.

Mr. Speaker, though the list is almost endless, the problem is not.

It is true that we can expect serious shortages to occur in a number of very critical vocations and skills. It is also true that these delinquencies will be much more apparent if and when the United States gets into accelerated production in key industries that depend on these skilled workers in adequate number. Yet, we are not without the means of being able to deal with these problems at this time. That is the basic reason for offering these two bills as amendments to the Defense Production Act of 1950.

The Banking Committee has conducted extensive hearings on these problems and has reported its findings to the most recent Congress. These two proposed pieces of legislation can advance the prospect of handling fundamental problem areas we were able to determine as major sources of doubt regarding the health of our industrial system.

Mr. Speaker, the Job Retraining Act of 1983 and the Higher Education Technical Equipment Act would, if adopted, vastly improve our ability to be more competitive on a worldwide basis in essential industrials such as machine tooling, forging, diecasting, and the like.

Adoption of these proposals could aid many of our skilled and professional workers through their retraining and through the upgrading of their skills, as well as provide new recruiting opportunities within the labor force for those many Americans now left without hope or opportunity for entry.

Mr. Speaker, though the current status of our industrial system is, a matter of debate and doubt, I believe, that we can improve upon that system, and contribute to the general revival of the Nation. In that respect, it is my conviction that we must make every effort available to our fellow citizens for training, retraining, upgrading of skills, and for the retention of that necessary teaching force we require in order to maintain a steady supply of professional manpower such as engineers, scientists, and researchers.

To this end: It is my hope that the House will be able to take early action on this legislation.●

RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of North Carolina, Mr. Speaker, pursuant to rule XI 2(a) of the House of Representatives, I offer the Rules of the Committee on Merchant Marine and Fisheries for the 98th Congress, which were adopted at the committee's organizational meeting on February 9, 1983, for publishing, in toto, in the CONGRESSIONAL RECORD:

RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

RULE I. APPLICABILITY OF OTHER RULES

The Rules of the House insofar as they are applicable shall be the Rules of the Committee and its Subcommittees. The procedure in the Committee and its Subcommittees shall follow the procedure of the House. Written Rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each Subcommittee of the Committee. Each Subcommittee of the Committee is a part thereof and subject to the authority and direction of the Committee and to its Rules.

RULE II. MEETINGS

(A) The Committee shall meet at 10 a.m., on the first Wednesday of each month in the Committee Hearing Room, Longworth House Office Building, while Congress is in session. However, the regularly scheduled monthly meeting of the Committee may be dispensed with at the discretion of the Chairman, in consultation with the Ranking Minority Member, in the absence of any business to come before the Committee at such meeting. If the Chairman of the Committee is not present at any meeting of the Committee, the Ranking Member of the Majority Party on the Committee who is present shall preside at that meeting.

(B)(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee or a Subcommittee, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than Members of the Committee and such Congressional staff and such departmental representatives as the Members may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to Committee hearings which are provided for by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the Committee or a Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony,

(i) may vote to close the hearing for sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule XI 2(k)(5) (Rules of the House) or

(ii) may vote to close the hearing, as provided in Rule XI 2(k)(5), (Rules of the House). *Provided, however,* That the Committee or Subcommittee may by the same procedure, vote to close one subsequent day of hearing.

(C)(1) The Chairman of the Committee may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Members of the Committee desire that a special meeting of the Committee be called by the Chairman, those Members may file in the offices of the Committee Clerk their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The committee shall meet on that day and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all Members of the Committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting. The above procedures shall also apply to Subcommittees, except that the number of Subcommittee Members required to request a special Subcommittee meeting shall be two, and a majority of the Members of the Subcommittee must file their written notice for a special Subcommittee hearing.

(D) The date, time, place, and subject matter of meetings of the Committee shall be announced to all Members of the Committee and the public at least one week before the meeting, unless the Chairman in consultation with the Ranking Minority Member determines that there is good cause to begin the meeting at an earlier date. If such determination is made by the Chairman, the Committee shall make public announcement and provide oral and confirming written notice to Committee Members at the earliest possible date. Any announcement under this paragraph shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

(E) When a duly called Party Caucus or Conference of either Party is scheduled on a date and at a time which directly conflicts with a scheduled Committee meeting, the meeting of the Committee shall be cancelled and oral and confirming written notice to that effect shall be given to all Committee Members and staff by the Clerk of the Committee, and the Chairman shall reschedule the meeting at the earliest practical time.

RULE III. COMMITTEE PROCEDURE

(A) Unless authorized by the Chairman of the Committee, or a Subcommittee, a witness shall not be permitted to testify or present evidence, and such statement or testimony will not be included in the Committee hearing record, unless seventy-five copies thereof have been delivered to the Clerk of the Committee at least twenty-four hours prior to such meeting at least ten of which must be delivered at least forty-eight hours prior to the meeting. Such prepared statement shall include a summary which may not exceed five pages in length. To the extent feasible, statements and testimony of witnesses from Federal and Administrative agencies shall be accompanied, if not previously received, by fifty copies of the Federal agency report requested by the Committee on matters pending before it. The presentation of testimony by any one witness shall not exceed ten (10) minutes. This will be a synopsis of the prepared testimony which will be presented for the record.

(B) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose. All questioning shall be pertinent to the subject matter of the hearing. In accordance with Rule XI, clause (2)(j)(2), Rules of the House, each Committee Member may request up to five minutes in the first round of questioning to question a witness until each Member who so desires has had such opportunity. After completing his questioning, the Chairman shall recognize the Ranking Minority and then the Ranking Majority Members, and thereafter, in recognizing Members present shall alternate between minority and majority, taking into consideration the ratio of Majority to Minority representation on the Committee. Thereafter, additional time may be extended to a Committee Member at the discretion of the Chairman. Responses to Member's or Committee staff questions and other data offered for the record, shall be submitted in triplicate to the Committee Clerk. One copy of such material shall be retained by the Clerk for printing, the remainder furnished to the Chief Councel for further transmittal to the appropriate Subcommittee Counsel and the Minority Council.

(C) One-third of the Members of the Committee shall constitute a quorum for the purpose of transacting Committee business, other than reporting a measure or recommendation when a majority quorum is required, but testimony may be taken and evidence received in any meeting at which there are present not fewer than two Members of the Committee, one of whom should be, whenever possible, a Minority Member. Unless at least two Members are present, at least one of whom is a Majority Member, the meeting must be adjourned.

(D) No point of order shall lie with respect to any measure ordered to be reported by the Committee on the ground that hearings on such measure was not conducted in accordance with the provisions of Rule XI, clause 2(g) (1)-(4), Rules of the House; except that a point of order on that ground may be made by any Member of the Committee which reported the measure if, in the Committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(E) A rollcall vote may be ordered by one-fifth of the Members present. The results of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e)(1), Rules of the House. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition and whether by proxy or in person and the names of those Members present but not voting. With respect to each record vote by the Committee to report any bill or resolution, the name of each Member voting for and voting against the motion to report, and whether by proxy or in person, and the names of those Members present but not voting shall be included in the Committee report.

(F) Whenever any hearing is conducted by any Committee upon any measure or matter, the minority party Members on the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing hereon.

(G) The Committee, by majority vote, may permit any of its public hearings or meetings to be televised, broadcast by radio, or photographed subject to the following requirements:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of Rule XI of the Rules of the House, relating to the protection of the rights of witnesses.

(3) Not more than six television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos, and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

(H) A Member may vote by special proxy only on a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. In order to be considered a valid and duly executed proxy, the proxy authorization shall be in writing, shall assert that the Member is absent on official business, or is otherwise unable to be present at the meeting of the Committee and shall designate the person who is to execute the proxy authorization. If it is desired to give a proxy for sessions on succeeding days, it must be so stipulated in the proxy, and if not stipulated, it cannot be voted. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. All executed proxies shall be delivered to the Clerk and kept at the desk during the proceedings of the Committee for which they are given and shall be included in the official records of the meeting after they have been voted. Points of order as to the validity of proxies must be made at the time the proxies are voted.

(I) The Ranking Majority Member shall be designated Vice Chairman.

RULE IV. SUBCOMMITTEES

(A) There shall be five standing Subcommittees as follows: The Subcommittee on Merchant Marine; the Subcommittee on Fisheries and Wildlife Conservation and the Environment; the Subcommittee on Coast Guard and Navigation; the Subcommittee on Oceanography; the Subcommittee on the Panama Canal and the Outer Continental Shelf, together with such other special, select or ad hoc committees as the Chairman or a majority of the Committee may establish or determine to be appropriate for the conduct of Committee business. A Committee Member may temporarily resign from his Subcommittee assignment to serve on another Subcommittee of the Committee in the event of vacancies on that other Subcommittee. Members returning to their Subcommittee assignment at the end of the temporary assignment shall return to their original assignment without prejudice to tenure or seniority.

(B) All legislation and other matters referred to the Committee shall be referred by the Chairman to all Subcommittees of appropriate jurisdiction within two weeks, unless by majority vote of the Majority Party Members of the Full Committee or by agreement between or among the Chairman and all the Subcommittee Chairmen to whom the legislation or other matter would otherwise be referred, consideration is to be by the Full Committee.

(C) The Chairman and Ranking Minority Member of the Full Committee shall serve as ex-officio Members of all Subcommittees of which they are not designated as Chairman or Ranking Minority Member and shall have the right to participate fully including the right to vote on all matters before such Subcommittees, but shall not be counted in establishing the requirements of or in determining a quorum. Any other Member of the Full Committee has the privilege of sitting with any Subcommittee of which he is not a Member during its hearings or deliberations and participating therein (including closed meetings), but shall not have the authority to vote on any matter, nor be counted present for the purpose of determining a quorum, nor raise points of order, and except as the Subcommittee Chairman may permit, participate in questioning under the five-minute rule, unless he is a Member of such Subcommittee.

(D) Subcommittees are authorized to hold hearings, receive evidence, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the Subcommittee, on such matters as the Chairman may refer to a Subcommittee. Available dates for Subcommittee meetings shall be assigned as a result of consultation between the Chairman and Subcommittee Chairman, and as nearly as practicable in relation to and in accordance with workloads: *Provided, however,* That Subcommittees shall not meet at the same time as the Full Committee without express permission of the Chairman of the Committee. The ratio of Majority Party Members to Minority Party Members on Subcommittees and Conference Committees, including ex officio Members, shall be no less favorable to the Majority Party than the ratio of Membership on the Full Committee.

(E) In carrying out paragraph (B) with respect to any matter, the Chairman may refer the matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee) or divide the matters into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different Subcommittee.

RULE V. COMMITTEE REPORTS PUBLICATIONS

(A) Records and transcripts of open hearings before the Committee shall not be available to the public for quotation of any Member until after such Member has had an opportunity to examine and approve such hearing records. No more than forty-five (45) days after the conclusion of hearings the transcript shall be closed and no further changes made. In no instance will the Committee staff distribute, or prepare for distribution, to persons, other than Members and witnesses for the purpose of correction, any open hearing transcript that has not yet been closed and transmitted to the GPO for publication. Closed session transcripts and records shall be available to Members of the House of Representatives and Merchant Marine and Fisheries Committee staff for inspection in the office of the Committee, but may not be released or divulged to any other person without the consent of the Chairman or a majority of the Committee. In no event shall executive session or markup transcripts and records be taken from the Committee offices by anyone.

(B) All Committee or Subcommittee prints and other material prepared for public distribution shall be approved by the Chairman of the Full Committee prior to such distribution.

(C) The permanent records of the Committee shall be available to all Members of the House for examination.

(D)(1) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the Clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(E)(1) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the Committee Report.

(F) The report of the Committee on an approved measure shall include (1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House Rules separately set out and clearly identified; (2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures; (3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of that report) has submitted such estimate and comparison to the Committee; and (4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause (4)(c)(2) or Rule X of the House Rules separately set out and clearly identified whenever such findings and recommendations have been submitted to the Committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the Committee's deliberation on the measure.

(G) Each report of the Committee on each bill or joint resolution of a public character reported by the Committee shall, insofar as possible, contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(H) Within twenty-four (24) hours of time of approval of any measure or matter by the Committee (excluding Saturdays, Sundays and Legal Holidays), the Members of the Committee must give notice of intention to file supplemental, minority or additional views. Members shall be entitled to not less than three (3) calendar days (excluding Saturdays, Sundays and Legal Holidays) in which to file such views, in writing and signed by that Member, with the Clerk of the Committee. All such views so filed by one or more Members of the Committee

shall be included within and shall be part of, the report by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, Minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, Minority, or additional views (and any material submitted under subdivisions (3) and (4) of Section (F)) are included as part of the report.

This subparagraph does not preclude—

(i) the immediate filing or printing of a Committee Report unless timely request for the opportunity to file supplemental, Minority, or additional views has been made as provided by this section, or

(ii) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in previous report made by the Committee upon that measure or matter.

(I) No bill which directly or indirectly authorizes the expenditure of over $1 million in federal funds shall be brought to the House Floor by the Committee under Suspension of the Rules if the text of the bill has been changed after it was reported by the Committee unless—

(1) the changes are purely technical and conforming, or

(2) all Members of the Committee have been provided a written copy of the changes at least twenty-four hours prior to the time the bill is considered in the House.

RULE VI. USE OF COMMITTEE FUNDS FOR TRAVEL

(A)(1) Funds authorized for the Committee under Clause 5 of Rule XI of the House Rules are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its Territories or Possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(a) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(b) Each Member or employee of the Committee shall make to the Chairman of the Committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than 60 days following the completion of travel with the Chairman of the Committee for use in complying with the reporting requirements in applicable Federal law and shall be open for public inspection.

(2) A substantive report shall be filed with the Chairman within one month of any Committee trip or any trip related to matters of Committee jurisdiction which has been approved by the Chairman.

(B)(1) All voting Members of a Subcommittee shall have adequate notice prior to the date or dates fixed for Subcommittee investigations or hearings at locations other than Washington, D.C.

(2) All travel of Members and staff of the Committee or of a Subcommittee, to hearings, meetings, conferences, investigations, foreign conferences and meetings, and all foreign travel, must be authorized by the Chairman prior to any public notice thereof or the actual travel.

RULE VII. COMMITTEE AND SUBCOMMITTEE STAFF

(A) The Committee shall appoint, by majority vote, of the Committee, from a list submitted to the Committee by the Chairman, appropriate professional and clerical staff personnel, in accordance with the provisions of Clause 6 of Rule XI of the House Rules.

(B) Each employee on the permanent staff is entitled to pay at a single per annum gross rate to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in Section 5316 of Title 5, United States Code, except that two professional staff members shall be entitled to pay at a single per annum gross rate to be fixed by the Chairman, which does not exceed the highest rate of basic pay as in effect from time to time of level IV of the Executive Schedule in Section 5215 of Title 5, United States Code.

(C) Subject to the provisions of paragraph G, each Committee staff member, other than a member appointed pursuant to the request of Minority Party Members, is assigned to the Chairman for the purposes of general supervision and control and shall perform such duties as the Chairman may assign. In the case of staff members appointed pursuant to the request of Minority Party Members, the Ranking Minority Member shall exercise general supervision and control, subject to the assignments designated by Minority Party Members in accordance with Clause 6 of Rule XI of the House Rules.

(D) The Committee, by majority vote, may terminate the services of any staff member appointed by the Committee and may, from time to time, take appropriate action to fill any staff vacancies.

(E) When any staff member is assigned directly to Subcommittee staff duties, the staff member shall remain under the general supervision and control of the Chairman of the Committee or Ranking Minority Member of the Committee as appropriate, but under the direct control of the Subcommittee Chairman or Ranking Minority Member, as appropriate, for duty assignment purposes.

(F) From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions—

(1) The Chairman of each standing Subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the Subcommittee Chairman.

(2) The Ranking Minority Party Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the Ranking Minority Party Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the Subcommittee Chairman not to exceed (a) 75 per centum of the maximum established in paragraph (c) of Clause 6 of Rule XI, or (b) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(G) The Subcommittee staff members apponted pursuant to paragraph (F) are subject to the supervision and control of, and shall be responsible to, the Subcommittee Chairman or Ranking Minority Member of the Subcommittee as appropriate.

RULE VIII. COMMITTEE BUDGET

(A) At the beginning of each session, after consultation with each Subcommittee Chairman, the Chairman shall propose and present to the Committee for its approval a budget of the estimated total amount of funds to be requested under a primary expense resolution submitted in accordance with Clause 5 of Rule XI, for use by the Committee, for such session of the Congress for all anticipated activities and programs of the Committee and of its Subcommittees.

(B) In presenting the budget, the Chairman shall insure that it contains sufficient funds to enable the Committee and each Subcommittee to discharge its responsibilities for legislation and oversight.

(C) Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out below.

(D) Once monthly, the Chairman shall require the appropriate staff personnel to prepare a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Full Committee. Each report shall show the amount and purpose of each expenditure and the budget to which such expenditure is attributed. This report shall be available upon request to the Committee offices for any Member of the House of Representatives.

RULE IX. POWER TO SIT AND ACT; SUBPOENA POWER; CONTEMPT OF CONGRESS

(A) For the purpose of carrying out any of its functions and duties under this Rule and Rule X of the House of Representatives (including any matters referred to it under Clause 5 of Rule X of the House Rules), the Committee, or any Subcommittee of the Committee, is authorized (subject to subparagraph (B)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman of the Committee, or any Member designated by such Chairman, may administer oaths to any witness.

(B)(1) A subpoena may be authorized and issued by the Committee or a Subcommittee under subparagraph (A)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present. The power to authorize and issue subpoenas is also delegated to the Chairman of the Committee. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(2) Compliance with any subpoena issued by a Committee or a Subcommittee under subparagraph (A)(2) may be enforced only as authorized or directed by the House.

RULE X. AMENDMENT OF THE RULES OF THE COMMITTEE

The Rules of the Committee may be modified, amended, or repealed by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.●

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL DISEASES

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Florida (Mr. PEPPER) is recognized for 20 minutes.

● Mr. PEPPER. Mr. Speaker, I am today introducing a bill which is very similar to legislation I introduced in the 97th Congress to bring to this Nation an important new research focus on the most widespread and crippling diseases—arthritis and musculoskeletal diseases.

Joining me as original cosponsors of this measure are HENRY WAXMAN, the distinguished and capable chairman of the Subcommittee on Health and the Environment, under whose jurisdiction this measure falls, RON WYDEN, a very fine and active member of both that subcommittee and my own Health and Long-Term Care Subcommittee, and some 45 others, most of whom cosponsored the bill in the last Congress.

On September 30, 1982, this House passed the Health Research Extension Act of 1982, which included a provision to establish a National Institute of Arthritis and Musculoskeletal Diseases. In the early morning hours of December 21, as the 97th Congress was drawing to a close, the Senate passed a companion measure. Unfortunately, however, despite strong bipartisan support in both the House and Senate, events in those last moments of the session put our goals of creating this institute and providing hope to millions of arthritics temporarily beyond our reach.

As many of my colleagues are aware, I have long supported research on arthritis, which is one of the cruelest and most prominent robbers of the health and well-being of the elderly.

As author of the legislation which created the original Arthritis Institute in 1950, I cherished the hope that by now we would have discovered the causes of arthritis and brought about a cure or, at the very least, learned to treat it effectively. While there has been considerable progress in areas such as joint replacement, we are nowhere near the goals we established over three decades ago.

In 1981, I conducted a hearing of my Subcommittee on Health and Long-Term Care to examine the state of the art in arthritis research and the adequacy of Federal support for this endeavor. We heard compelling testimony from victims of arthritis and nationally prominent physician researchers. From this hearing grew my determination that we establish a new and more direct focus on arthritis.

I strongly believe that can only be accomplished by the creation of a separate Institute.

Over the years the purpose of the Original Arthritis Institute has been obscured as the Institute has proliferated internally to become the Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, bringing 10 different categories of unrelated diseases under one umbrella. In recent years, arthritis has slipped further and further down the totem pole in visibility and support. Only 19 percent of the current Institute's budget is devoted to arthritis and related diseases—and 1 percent of the overall NIH budget is spent for this purpose.

Nearly everyone has a relative or friend who suffers the ravages of arthritis pain. Arthritis and related diseases affect more than 37 million people in the United States. Arthritis limits the mobility of more people than any other diseases. Sixteen million Americans—most of them elderly—have osteoarthritis, but arthritis is not exclusively a disease afflicting the elderly; 250,000 children suffer from juvenile arthritis. Yet funding for research to attack the causes of arthritis and to identify treatments and cures for this epidemic disease has been pitifully small. The National Institutes of Health expend only about $1.74 per arthritis sufferer. This level of effort contrasts sharply with the economic cost of arthritis. Current estimates indicate that arthritis and musculoskeletal diseases now cost the Nation some $30 billion every year. A study in one State found that fully half of all workers' compensation claims are arthritis related. The cost of workers' compensation to insurance carriers—and thus to employers—resulting from arthritis and other musculoskeletal conditions is over $200 million in California alone.

Musculoskeletal conditions rank first among all disease groups in cost attributable to lost earnings and services from nonfatal illness, and they rank second only to circulatory diseases in total economic cost. Such conditions account for 20 percent of medicare hospitalization costs, in excess of $1 billion each year.

More than 100 different diseases of the joints and related structures have been identified as rheumatic diseases. Other diseases and conditions which are not by definition rheumatic, but which affect bones, are addressed by researchers under the rubric of musculoskeletal disorders. These vary widely in nature and effect. Their severity ranges from discomfort to severe pain and disability; some are life threatening.

Osteoarthritis, a disease characterized by progressive joint degeneration, affects millions of older Americans. Osteoporosis, loss of bone mass, occurs in varying degrees in most elderly women; nearly 90 percent of women 75 years of age and older have X-ray evidence of the disease.

Since musculoskeletal conditions are most common in elderly persons, and since the aging population—especially the group age 75 and over—is expected to increase rapidly over the next several decades, the frequency of occurrence and the impact of such conditions will likewise increase unless efforts are focused on means of reducing the incidence of these pervasive health problems.

Millions of our citizens are victims of rheumatoid arthritis, a chronic inflammatory disease characterized by fatigue, immobility, and deformity. The disease runs an erratic and frustrating course, with periods of both exacerbation and remission. It often is chronic and progressive, and its cause is not yet known.

Lupus is a serious, potentially fatal disease which attacks many tissue and organ systems, including joints, skin, kidneys, and heart.

Other forms of rheumatic disease and musculoskeletal disorders include Lyme arthritis, which is transmitted by ticks; scleroderma, a serious treatment-resistant disease characterized by hardening of the skin; inherited connective tissue diseases such as osteogenesis imperfecta and Marfan's syndrome; rheumatic fever; gout and pseudogout.

The potential economic benefit to the Nation and the widespread alleviation of pain and suffering that would result from an increased focus on research in arthritis and musculoskeletal disorders is enormous. Even a modest increase in these efforts could be repaid many times over through lower job absenteeism, reduction in the need for attendant care, home health care, institutionalization, medical expenses, and reduced workers compensation payments, among others. The tendency of some arthritis sufferers to turn to quack remedies would be drastically reduced if we were able to improve treatments, cure forms of rheumatic disease, and prevent such diseases. People with arthritis often become frustrated to the point of desperation in seeking to lessen the pain of their disease. Nearly $1 billion a year is expended by arthritics on unproven remedies. Consider the potential for discovery that even a tenth of that amount, spent for legitimate research, could mean to millions of Americans.

Many research scientists believe they are very close to identifying the causes of various forms of arthritis.

With an accelerated effort by the NIH, prevention, improved treatments, and cures now are in the realm of the possible. Some of the areas under active exploration include those related to abnormalities of the body's immune system and the role of particular viruses and collagens; the interrelationship between sex hormone activity and immunologic and genetic factors; tissue and bone transplantations; lymphapheresis, or blood purification; and many others.

In the field of orthopedic and other musculoskeletal research, studies of biochemical, hormonal, and nutritional factors in bone metabolism and mineralization may bring effective treatment and prevention of osteoporosis. Advances in recent years have made widespread the application of surgical joint implantations. Currently, some 120,000 hip replacements and 40,000 knee joint replacements are performed annually. Although highly successful in the short term, the prognosis for long term or permanent success of these procedures is not assured. Researchers are giving attention to corrosion of replacement materials, load failures, infections, and allergic reactions.

Mr. Speaker, I believe it is imperative that we renew our efforts and pick up from where we left off in the 97th Congress. We must say to the 37 million Americans suffering from these disorders that hope is on the way. The way to do this is to launch a vigorous attack against rheumatic diseases and other musculoskeletal diseases. The instrument for this attack should be the creation of a National Institute of Arthritis and Musculoskeletal Diseases.

My bill would create such an institute within the National Institutes of Health. It is patterned on the statutory authority of other NIH research institutes. It is based upon, and follows, an evolutionary threat of existing law beginning with the National Arthritis Act, a 1975 measure which established a National Commission on Arthritis. That Commission was charged with the development of a long-range arthritis plan with specific recommendations for the use and organization of national resources to combat arthritis.

Unfortunately, neither the National Arthritis Act nor the plan the law mandated has come close to being implemented. Because of this, and because the need is so great, a sharp new focus on arthritis research is imperative.

The legislation I propose would direct the new Institute to undertake research and demonstrations relating to the cause, prevention, and treatment of arthritis and musculoskeletal diseases; to promote coordination of research programs in the public and private sector; to make grants for research; to establish an information clearinghouse; and to conduct research training.

The Director of the new Institute would be charged with developing a plan for a national program to expand, intensify, and coordinate activities of the Institute and to carry out the plan. The national program is expected to encompass: Research in the epidemiology, etiology, and prevention of arthritis and musculoskeletal diseases; development, trial, and evaluation of drugs and devices; refinement, development, and evaluation of implants and prosthetic devices; and establishment of methods for monitoring the causes of athletic injuries and preventing such injuries, as sports-related disorders also would be a focus of the new Institute.

The bill authorizes support for new and existing multipurpose arthritis and musculoskeletal disease research centers and provides a specific funding authorization. It also establishes an interagency coordinating committee, chaired by the Director of the Institute, the mission of which is to improve coordination of all research and services programs relating to arthritis and musculoskeletal diseases.

Mr. Speaker, I am absolutely convinced that the creation of a National Institute of Arthritis and Musculoskeletal Diseases will result in major advances in the prevention, treatment, and cure of the most widespread of diseases afflicting Americans. The current level of funding or only a modest increase for research on rheumatic and musculoskeletal diseases, along with the increased visibility a separate Institute would provide, offer the potential for great human and economic benefit to the Nation.

I welcome cosponsors of this legislation and urge my colleagues to add their support to this important proposal.

I include the text of the bill at this point in the RECORD.

H.R. 1403

A bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal Diseases, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Arthritis and Musculoskeletal Diseases Act of 1983".

SEC. 2. (a) Title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART J—NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL DISEASES

"ESTABLISHMENT OF INSTITUTE

"SEC. 481. There is established in the Public Health Service a National Institute of Arthritis and Musculoskeletal Diseases (hereafter in this part referred to as the 'Institute'). The Institute shall be headed by a Director appointed by the Secretary.

"PURPOSE OF THE INSTITUTE

"SEC. 482. (a) The purpose of the Institute is the conduct and support of research and training and related programs, and the dissemination of health information, with respect to arthritis and musculoskeletal diseases, including sports-related disorders, and skin diseases.

"(b) The Director of the Institute, with the advice of the National Arthritis and Musculoskeletal Advisory Council (hereafter in this part referred to as the 'Council') established pursuant to section 485, shall develop a plan for a national arthritis and musculoskeletal diseases program to expand, intensify, and coordinate the activities of the Institute respecting arthritis and musculoskeletal diseases, and shall carry out the program in accordance with such plan. The program shall be coordinated with the other national research institutes of the National Institutes of Health to the extent that such institutes have responsibilities respecting arthritis and musculoskeletal diseases, and shall, at least, provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through the support of basic research in such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge to the treatment and understanding of arthritis and musculoskeletal diseases;

"(2) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, and prevention of arthritis and musculoskeletal diseases;

"(3) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(4) the establishment of mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

The Director of the Institute shall transmit to the Director of the National Institutes of Health the plan required by this subsection, together with such comments and recommendations as the Director of the Institute determines appropriate.

"(c) The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 472) in the diagnosis, prevention, and treatment of arthritis and musculoskeletal and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge relating to such research and training.

"INFORMATION CLEARINGHOUSE AND DATA SYSTEM

"SEC. 483. (a) The Director of the Institute shall—

"(1) establish the National Arthritis and Musculoskeletal Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal and skin diseases, including where possible, data involving general populations

for the purpose of detection of individuals with a risk of developing such diseases; and

"(2) establish the National Arthritis and Musculoskeletal Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of arthritis and musculoskeletal and skin diseases by health professionals, patients, and the public through the effective dissemination of information.

"(b)(1) There are authorized to be appropriated to carry out subsection (a)(1) $1,000,000 for the fiscal year ending September 30, 1984, $1,500,000 for the fiscal year ending September 30, 1985, and $1,800,000 for the fiscal year ending September 30, 1986.

"(2) There are authorized to be appropriated to carry out subsection (a)(2) $2,000,000 for the fiscal year ending September 30, 1984, $2,200,000 for the fiscal year ending September 30, 1985, and $2,500,000 for the fiscal year ending September 30, 1986.

"INTERAGENCY COORDINATING COMMITTEE

"SEC. 484. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, skin diseases, and musculoskeletal diseases, including sports-related disorders; and

"(2) coordinating the aspects of all Federal health programs and activities relating to arthritis, musculoskeletal diseases, and skin diseases in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Diseases Interagency Coordinatng Committee (hereafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established, the chief medical director of the Veterans' Administration (or the director's designee), a medical officer designated by the Department of Defense, and representatives of all other Federal departments and agencies (as determined by the Secretary) whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases or skin diseases. Each Committee shall be chaired by the Director of the National Institutes of Health (or the Director's designee). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Not later than 120 days after the end of each fiscal year, each Committee shall prepare and transmit to the Secretary and the Director of the National Institutes of Health a report detailing the activities of the Committee in such fiscal year in carrying out paragraphs (1) and (2) of subsection (a).

"NATIONAL ARTHRITIS AND MUSCULOSKELETAL DISEASES ADVISORY COUNCIL

"SEC. 485. (a) The Secretary shall establish a National Arthritis and Musculoskeletal Diseases Advisory Council (hereinafter in this part referred to as the 'Advisory Council') to advise, consult with, and make recommendations to the Secretary with respect to the activities of the Institute relating to arthritis and musculoskeletal and skin diseases.

"(b) The Advisory Council established pursuant to subsection (a) shall consist of the Secretary (or his designee), who shall be chairman, and twelve members appointed by the Secretary without regard to the civil service laws. The chief medical officer of the Veterans' Administration (or such officer's designee) and a medical officer designated by the Secretary of Defense shall each be ex officio members. The twelve members appointed by the Secretary shall be leaders in the fields of basic sciences, medical sciences, education, or public affairs, and six of such twelve members shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of arthritis and musculoskeletal and skin diseases.

"(c)(1) Each member of the Advisory Council who is appointed by the Secretary shall be appointed for a term of four years, except that—

"(A) the term of office of the members first appointed shall expire, as determined by the Secretary at the time of appointment, three at the end of one year, three at the end of two years, three at the end of three years, and three at the end of four years; and

"(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

"(2) None of the members appointed to the Advisory Council by the Secretary shall be eligible for reappointment unless a year has elapsed since the end of the prior term of such member.

ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"SEC. 486. (a) The Secretary may make grants to public and private nonprofit entities to establish and support projects for the development and demonstration of methods for the screening and detection of arthritis and musculoskeletal diseases and for referral for treatment of such diseases, and for the dissemination of information on such methods to the health and allied health professions. Activities under such projects shall be coordinated with Federal, State, local, and regional health agencies, centers assisted under section 487, and the data system established under section 483.

"(b) Projects supported under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the projects and methods referred to in paragraphs (1), (2), and (3) of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of such diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 487, and other persons engaged in arthritis and musculoskeletal diseases programs.

"(d) There are authorized to be appropriated for purposes of this section $5,000,000 for the fiscal year ending September 30, 1984, $6,000,000 for the fiscal year ending September 30, 1985, and $7,000,000 for the fiscal year ending September 30, 1986.

MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS

SEC. 487. (a) The Director of the Institute shall, after consultation with the Advisory Council established pursuant to section 485, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from such diseases, including research into implantable biomaterials and biomechanical and other orthopedic procedures;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods

and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping; and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director of the Institute shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis and musculoskeletal diseases.

"(e) Support of a center under this section may be for a period of not to exceed five years. Such period may be extended by the Director of the Institute for additional periods of not more than five years each after the operations of such center have been reviewed by an appropriate scientific review group established by the Director and such scientific review group has recommended to the Director that support of such center under this section should be extended.

"(f) There are authorized to be appropriated for purposes of this section $12,000,000 for the fiscal year ending September 30, 1984, $15,000,000 for the fiscal year ending September 30, 1985, and $18,000,000 for the fiscal year ending September 30, 1986.

"BIENNIAL REPORT

"SEC. 488. (a) The Director of the Institute shall prepare and transmit to the Secretary and to the Congress a biennial report containing a description of the Institute's activities under the plan developed pursuant to section 482(b) and an evaluation of the activities of the centers supported under section 487.

"(b) The first report under subsection (a) shall be transmitted by the Director not later than the first November 30 which occurs at least eighteen months after the date of the enactment of this section and shall relate to the two-fiscal-year period ending on the preceding September 30.".

(b)(1) Section 431(a) of the Public Health Service Act (42 U.S.C. 289a(a)) is amended by striking out "arthritis, rheumatism, and".

(2)(A) Subsection (a) of section 434 of such Act (42 U.S.C. 298c-1) is amended—

(i) by striking out "Arthritis, Rheumatism, and"; and

(ii) by striking out "Arthritis, Diabetes," each place it appears and inserting in lieu thereof "Diabetes".

(B) Subsection (b) of such section is amended—

(i) by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes"; and

(ii) by striking out "an Associate Director for Arthritis and Musculoskeletal and Skin Diseases,".

(C) Subsection (c) of such section is amended—

(i) by striking out "a subcommittee on arthritis and musculoskeletal and skin diseases," in the first sentence; and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in the last sentence.

(D) Subsection (d) of such section is amended—

(i) by striking out "the Associate Director for Arthritis and Musculoskeletal and Skin Diseases," in the matter preceding paragraph (1); and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in paragraph (1).

(E) Subsection (e) of such section is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(F) The section heading of such section is amended by striking out "arthritis, diabetes," and inserting in lieu thereof "diabetes".

(3)(A) Subsection (a) of section 436 of such Act (42 U.S.C. 289c-3) is amended—

(i) by striking out "arthritis, diabetes mellitus," in paragraph (1) and inserting in lieu thereof "diabetes mellitus";

(ii) by striking out "an Arthritis Interagency Coordinating Committee," in the matter following paragraph (2); and

(iii) by striking out the comma before "and a Digestive Diseases" in the matter following paragraph (2).

(B) Subsection (b) of such section is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(4)(A) Subsection (a) of section 437 of such Act (42 U.S.C. 289c-4) is amended by striking out "the National Arthritis Advisory Board," and by striking out the comma before "and the National Digestive Diseases".

(B) The first sentence of paragraph (2) of subsection (b) of such section is amended by striking out "Arthritis, Diabetes," each place it appears and inserting in lieu thereof "Diabetes".

(C) The last sentence of subsection (d) of such section is amended by striking out "and the National Arthritis Advisory Board".

(D) Subsection (g) of such section is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(E) Paragraph (3) of subsection (h) of such section is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(F) The section heading of such section is amended by striking out "diabetes, arthritis," and inserting in lieu thereof "diabetes".

(5) Sections 438 and 439 of such Act (42 U.S.C. 289c-5, 289c-6) are repealed.

(6) The part heading for part D of title IV of such Act is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(c)(1) There are transferred to the Director of the National Institute of Arthritis an Musuloskeletal Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) all functions of the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (as in effect on the day before the date of enactment of this Act) relating to arthritis and musculoskeletal and skin diseases.

(2) In order that the National Institute of Arthritis and Musculoskeletal Diseases established by section 481 of the Public Health Service Act (as added by subsection (a) of this section) may carry out programs and activities relating to arthritis and musculoskeletal and skin diseases at levels which are equivalent to the levels of programs and activities carried out with respect to arthritis and musculoskeletal and skin diseases by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases on the day before the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with the Comptroller General of the United States, shall transfer to the National Institute of Arthritis and Musculoskeletal Diseases established by section 481 of the Public Health Service Act (as added by subsection (a) of this section) the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available, in connection with the functions transferred by paragraph (1) of this subsection and the programs and activities relating to arthritis and musculoskeletal and skin diseases carried out by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases on the day before the date of enactment of this Act.

(3)(A) Not later than the sixtieth day after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of the Congress and to the Comptroller General a report on the steps taken to implement the provisions of paragraph (2) of this subsection, including descriptions of the dispositions of administrative matters, including matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available, in connection with the functions transferred by paragraph (1) of this subsection to the National Institute of Arthritis and Musculoskeletal Diseases.

(B) Not later than the eightieth day after the date of the enactment of this act, the Comptroller General shall submit to the appropriate committees of the Congress a report stating whether, in the judgment of the Comptroller General, determinations made by the Secretary under paragraph (2) of this subsection were equitable.

(d) The National Arthritis Advisory Board is terminated.

STUDY OF NATIONAL RESEARCH INSTITUTES

SEC. 3. (a)(1) The Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall in accordance with subsection (b) arrange for the conduct of a study of the effectiveness of the existing combinations of disease research programs within the individual national research institutes and of the standards which should be followed in establishing new or realigning existing national research institutes.

(2) The Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the results of the study. The report shall be submitted not later than eighteen months after the date of the enactment of this Act.

(b)(1) The Secretary of Health and Human Services shall request the National Academy of Sciences, through the Institute of Medicine, to conduct the study required by subsection (a)(1) under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Acade-

my will prepare the report required by subsection (a)(2). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, the Secretary shall enter into a similar arrangement with other appropriate nonprofit private entities.

(c) No national research institute, other than the National Institute of Arthritis and Musculoskeletal Diseases, shall be established in addition to the institutes in existence on the date of the enactment of this Act before the expiration of six months after the submission of the report referred to in subsection (a)(2).

(d) The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs within the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any of such programs could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within the sixty-day period beginning on the date of the enactment of this Act.●

LEGISLATION DEALING WITH UNIQUE SITUATION FACED BY FISHING TACKLE MANUFACTURERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, I am today reintroducing my legislation which would adjust the collection schedule of a voluntarily supported excise tax on manufacturers of fishing tackle equipment in order to assist small businesses in maintaining stable, year-round employment.

This legislation should be very familiar to this body. This is the third Congress I have introduced this bill. Unfortunately, it has not been enacted into law.

My bill, Mr. Speaker, attempts to deal with the unique situation faced by fishing tackle manufacturers, the vast majority of whom are small businesses. This industry pays a 10-percent excise tax on fishing tackle and related equipment, the proceeds of which go into a trust fund used for conservation and fish restoration. Under current law, this excise tax must be paid on a semimonthly basis, within 9 days after the close of the semimonthly period in which the delivery of the taxable item occurred.

The problem, Mr. Speaker, is quite simple. The fishing tackle industry is seasonal in nature, and during certain times of the year, it must sell its goods on consignment in order to avoid seasonal layoffs of employees. This has been a longstanding practice, and one that has only become a problem in recent times of high interest rates and tight money. In effect, fishing tackle manufacturers are liable for the excise tax before they have an opportunity to collect their payments from consignees.

This is a particularly ironic situation, since the fishing tackle industry has supported the excise tax as a proper method of funneling needed funds into wildlife and conservation projects.

Consequently, the legislation before the House would merely stretch out the time of payment for the excise tax so as to conform to the peculiar market conditions of the fishing tackle industry.

This legislation defers taxes, it does not forgive them. No revenue need be lost because of passage of the bill. As it is currently drafted the bill would allow manufacturers to stretch out the payment of the excise tax a minimum of 90 days, and a maximum of 180 days. In the case of articles sold during the quarter ending September 30, payments will be made at such time as the Secretary of Treasury may prescribe by regulations.

From all available data, the fishing tackle industry is one of a handful of industries with seasonal fluctuations in their sales. More importantly, the sole reason they are asking for assistance is because of the whims of Mother Nature, which make our rivers and streams freeze over, and turn a fisherman's legs blue, should he venture out into inhospitable waters during those cold winter months.

Mr. Speaker, the bill I am reintroducing today is not some veiled attempt to give an industry a tax break. It is nothing more than simple justice, and it should cost us nothing. I urge quick consideration of this legislation.●

RULES OF THE COMMITTEE ON APPROPRIATIONS FOR THE 98TH CONGRESS

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Appropriations for the 98th Congress, adopted by the committee on January 27, 1983:

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS, COMMITTEE RULES

(Adopted for the 98th Congress on January 27, 1983)

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the Ninety-seventh Congress, except as otherwise provided hereinafter, shall be, and are hereby adopted as the rules and practices of the Committee on Appropriations in the Ninety-eighth Congress:

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority. Provided, however, that party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman is authorized to sit as a member of any subcommittee and to participate in its work.

SEC. 3: COMMITTEE STAFF

(a) The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) The chairman of each subcommittee may select and designate a staff member who shall serve at the pleasure of the subcommittee chairman. Such staff member shall be compensated at a rate not to exceed

75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(c) The ranking member of each subcommittee may select and designate a staff member who shall serve at the pleasure of the ranking minority member. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(d) The Chairman, and the Ranking Minority Member with the approval of the Chairman, may each select and designate a staff member at an annual gross salary of not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives and may each select and designate one additional staff member.

(e) Each member not mentioned in subsections (a), (b), (c), or (d) of this section may select and designate a staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, that no member shall appoint more than one person pursuant to these provisions; Provided further, That members designating a staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Ranking Majority Member to Preside in the Absence of Chairman—If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member on the Committee who is present shall preside.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House and all Members of the House shall have access thereto.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Sec. 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of his appearance a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings:

(1) The Chairman is authorized to determine the extent and nature of broadcasting and photographic coverage for the overall budget hearing and full Committee meetings and hearings, subject to the guidelines for such coverage set forth in Sec. 116(b) of the Legislative Reorganization Act of 1970 and Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(2) Unless approved by the Chairman and concurred in by a majority of the subcommittee, no subcommittee hearings or meet-

ings shall be recorded by electronic device or broadcast by radio or television.

(3) Unless approved by the subcommittee chairman and concurred in by a majority of the subcommittee, no subcommittee hearing or meeting or subcommittee room shall be photographed.

(4) Broadcasting and photographic coverage of subcommittee hearings and meetings authorized under the provisions of (2) and (3) above shall be subject to the guidelines for such coverage set forth in Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman is authorized and directed to make public announcements of the date, place and subject matter of committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make the announcement at the earliest possible date.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman, except as provided in subsection (3) herein, to report or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill prior to compliance with subsection (3) herein or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(3) Before reporting the first regular appropriations bill for each fiscal year, the Committee shall, to the extent practicable and in accordance with Sec. 307 of the Congressional Budget Act of 1974, complete subcommittee markup and full Committee action on all regular appropriation bills for that year and submit to the House a report comparing the Committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

(b) Presence of Committee Majority—No measure or recommendations shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any bill or resolution, the total number of votes cast for, and the total number of votes cast against, the reporting of such a bill or resolution shall be included in the Committee report.

(d) Compliance with Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Sec. 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement—Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of his intention to file supplemental, minority or additional views, he shall be entitled to not less than three calendar days (excluding Saturday, Sundays and legal holidays) in which to file such views in writing and signed by him, with the Clerk of the Committee. All views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee gives notice of his intention to offer supplemental, minority or additional views, he shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(i) Availability of Reports—A copy of each bill, resolution or report shall be made available to each Member of the Committee at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report: Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the Full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Sec. 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdicition of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and

staff, including travel outside the United States.

(c) As soon as practicable the Chairman shall direct the head of each government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official dutes outside the United States, its territories or possession. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed no later than sixty days following completion of the travel with the Chairman for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by him.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, as promulgated from time to time by the Chairman.

SEC. 10: ELIGIBILITY OF COMMITTEE MEMBER SERVING AS BUDGET COMMITTEE CHAIRMAN FOR APPROPRIATIONS SUBCOMMITTEE CHAIRMANSHIP

If the Chairman of the Budget Committee of the House of Representatives is chairman of a subcommittee on the Appropriations Committee when he becomes Budget Committee Chairman or would be eligible to become chairman of an Appropriations subcommittee under the rules of the Majority Caucus of the House of Representatives during his tenure as Budget Committee Chairman, the Appropriations Committee may nominate such Member to serve as chairman of such subcommittee subject to the approval of the Majority Caucus. But if so elected and confirmed, the Member shall take a leave of absence while Chairman of the Budget Committee, and the responsibilities of the subcommittee chairmanship shall devolve onto a temporary chairman as determined by the Appropriations Committee and the Majority Caucus of the House.

RULES OF THE COMMITTEE ON ARMED SERVICES

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith for publication in the RECORD the rules of the Committee on Armed Services which were adopted by the committee in open session on Tuesday, February 1, 1983.

COMMITTEE RULES

RULE 1. GENERAL

The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee on Armed Services will meet every Tuesday at 10 a.m., and at such other times as may be fixed by the chairman, or by written request of members of the committee pursuant to House rule XI, clause 2(b).

(b) A Tuesday meeting of the committee may be dispensed with by the chairman, but action may be reversed by a written request of a majority of the members.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the committee on all matters referred to it. Insofar as possible, meetings of the committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the chairman and subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

The Committee on Armed Services of the House of Representatives shall be organized to consist of the following standing subcommittees.

The Research and Development Subcommittee which shall have legislative jurisdiction over annual authorization for research and development; airlift; and related oversight.

The Seapower and Strategic and Critical Materials Subcommittee which shall have legislative jurisdiction over procurement and construction of naval vessels; torpedoes and other weapons portion of Navy weapons; ship-related items in Navy other procurement; sealift; antisubmarine warfare; disposal of naval vessels; strategic and critical materials necessary for the national defense; and related legislative oversight.

The Procurement and Military Nuclear Systems Subcommittee which shall have legislative jurisdiction over the annual authorization for procurement of aircraft, missiles, weapons and tracked combat vehicles; ammunition; those portions of the procurement category, other procurement, not assigned to the Seapower and Strategic and Critical Materials Subcommittee; military application of nuclear energy, including research and development related thereto; intelligence matters related to national security; and related legislative oversight. The subcommittee shall also have oversight responsibilities with regard to international arms control and disarmanent.

The Investigations Subcommittee which shall have legislative jurisdiction over Defense Acquisition Regulations and related procurement matters; organization of the Department of Defense, including proposed reorganizations; naval petroleum reserves; and related legislative oversight; and investigative authority in relation to the committee's general oversight responsibilities.

The Readiness Subcommittee which shall have legislative jurisdiction over the annual authorization for operation and maintenance; the current readiness and preparedness requirements of the defense establishment, including the supporting defense industrial base; commarissaries and exchange clubs and related nonappropriated funds activities of the Armed Forces; and related legislative oversight.

The Military Personnel and Compensation Subcommittee which shall have legislative jurisdiction over authorized strengths; active-duty and reserve training; recruiting; Reserve Officers' Training Corps; Selective Service; military justice; enlistments and separations; awards; academies; human relations; medical care; pay and allowances; promotion; retirement; and related legislative oversight.

The Military Installations and Facilities Subcommittee which shall have legislative jurisdiction over military construction; real estate acquisitions and disposals; housing and support facilities; base closures; real estate generally; civil defense; and related legislative oversight.

RULE 5. PRECEDENCE

Chairmen of standing subcommittees who sit on a second subcommittee shall rank behind other members serving on that subcommittee as their primary subcommittee assignment.

RULE 6. PANELS OF THE FULL COMMITTEE AND SUBCOMMITTEES

(a) The chairman may designate a panel of the committee drawn from members of more than one subcommittee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the full committee. Any such panel shall not continue in existence for more than six months.

(b) The chairman of a standing subcommittee may designate a panel of such subcommittee to inquire into and take testimony on a specific matter within the jurisdiction of that subcommittee and to report to the subcommittee for further reference to the full committee as may be appropriate.

(c) No panels so appointed shall have legislative jurisdiction.

RULE 7. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

(a) The chairman shall refer legislation and other matters to all subcommittees of appropriate jurisdiction within two weeks unless, by a majority vote of the members of the full committee, consideration is to be by the full committee.

(b) Bills shall be taken up for hearing only when called by the chairman of the full committee or subcommittee, or by a majority vote of a quorum of the full committee or a subcommittee.

(c) The chairman of the full committee, with approval of a majority of the members voting, a majority of the committee being present, shall have authority to discharge a subcommittee from consideration of any

bill, resolution, or other matter referred thereto and have such measure or matter considered by the full committee.

(d) Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and printed hearings thereon are available to the members, except that this rule may be waived by a majority vote of a quorum of the committee.

RULE 8. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

The full committee and each subcommittee shall make public announcement of the date, place and subject matter of the full committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the full committee or subcommittee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each committee or subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and/or subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public.

This paragraph does not apply to open committee hearings which are provided for by paragraph (b) of this rule, or any meeting that relates solely to internal budget or personnel matters.

(b) Each hearing conducted by the full committee or subcommittee shall be open to the public except when the full committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the committee or subcommittee, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, or would tend to defame, degrade, or incriminate any person. If the decision is to close for national security reasons, the vote must be by rollcall vote and in open session, there being a majority of the committee or subcommittee present. Otherwise, if the decision is to close because the testimony may tend to defame, degrade, or incriminate any person, the vote may be by a majority of those present, there being in attendance no less than two members of the committee or subcommittee. However, if the committee or subcommittee elects to receive such testimony in open session, it may do so only if a majority of the members of the committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. No Member may be excluded from nonparticipatory attendance at any hearing of the full committee or subcommittee, unless the House of Representatives shall by majority vote authorize the full committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this rule for closing hearings to the public: *Provided, however,* That the full committee or the subcommittee may by the same procedure vote to close up to five additional consecutive days of hearings.

RULE 10. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) In accordance with the provision of rule XI, clause 3, Rules of the House of Representatives, it is the purpose of this rule to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee or subcommittee hearings or meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage. In that regard, the provisions of rule XI, clause 3(a)-(d) are specifically incorporated herein by reference.

(b) The chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees respectively whether hearings or meetings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise.

(c) In accordance with rule XI, clause 3(f), the following provisions shall apply to the broadcasting of committee or subcommittee hearings or meetings which are open to the public:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing room shall be in accordance with fair and equitable procedures devised by the executive committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or its subcommittees or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee or subcommittee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee or its subcommittees.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstructive manner.

(14) With the exception of devices properly used by official reporters and by accredited media and broadcast personnel as covered in these rules, no recording or camera type devices may be operated or otherwise used during committee or subcommittee hearings.

RULE 11. QUORUM

A majority of the full committee or subcommittee shall constitute a quorum for reporting or tabling a measure or recommendation. A quorum for the purpose of taking testimony and receiving evidence by either the full committee or any subcommittee shall be not less than two. A quorum for taking any other action shall be not less than one-third of the members of the full committee or subcommittee, unless otherwise indicated in the committee rules.

RULE 12. THE FIVE-MINUTE RULE

(a) The time any one member may address the committee or subcommittee on any bill, motion or other matter under consideration shall not exceed five minutes and then only when the member has been recognized by the chairman, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall by recog-

nized for not to exceed five minutes to address the committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution.

(b) Members present at a meeting of the committee or subcommittee when a meeting is originally convened will be recognized by the chairman alternately by party in the order of seniority. Those members arriving subsequently will be recognized in the order of their arrival, except that the chairman and the ranking minority member of the committee or subcommittee will take precedence upon their arrival.

RULE 13. SUBPENA AUTHORITY

The full committee, and all subcommittees, may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Any such subpena may be authorized and issued by the committee, or subcommittee, in the conduct of any investigation or a series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpenas under this rule may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpenas shall be signed by the chairman of the committee or any member designated by the committee.

RULE 14. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the committee for a subcommittee shall be submitted to the committee at least 48 hours in advance of presentation and shall be distributed to all members of the committee or subcommittee at least 24 hours in advance of delivery. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee rooms to all members of the committee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee offices. The requirement of this rule may be waived upon a majority of the full committee or any subcommittee, a quorum being present.

(b) The full committee and each subcommittee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 15. ADMINISTERING OATHS TO WITNESSES

The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

RULE 16. QUESTIONING OF WITNESSES

(a) When a witness is before the committee or subcommittee, members of the committee or subcommittee may put questions to the witness only when they have been recognized by the chairman for that purpose.

(b) Members of the committee or subcommitte who so desire shall have not to exceed five minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional time for questioning witnesses by members is discretionary with the chairman.

(c) Questions put to witnesses before the committee or subcommittee shall be pertinent to the bill or other subject matter that may be before the committee or subcommittee for consideration.

RULE 17. VOTING AND ROLLCALLS

(a) Except as otherwise provided in these rules, voting on a measure or matter may be by rollcall vote, division vote, voice vote, or unanimous consent.

(b) Voting on reporting annual authorization bills shall be by rollcall vote.

(c) A rollcall of the members may be had upon the request of five or more members present, or in the case of subcommittees, on the request of one-fifth of a majority.

RULE 18. PROXY VOTE

A member may vote by special proxy, which must be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. A proxy may be used in full committee or subcommittees. All proxies must be filed with the staff director and be available for inspection at any time.

RULE 19. PRIVATE BILLS

No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Congress.

RULE 20. SUPPLEMENTAL, MINORITY, ADDITIONAL OR DISSENTING VIEWS

If, at the time of approval of any measure or matter by the committee, any member of the committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter.

RULE 21. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the full committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the committee rules; except that a point of order on that ground may be made by any member of the full committee or subcommittee which reported the measure if, in the full committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 22. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

(a) The result of each rollcall in any meeting of the committee shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. With respect to each record vote by the committee on each motion to report any bill or resolution of public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(b) In the event of such a rollcall vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, that circumstance shall be so recorded in the rollcall record, upon timely notification to the chairman from that member.

RULE 23. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the full committee shall with the approval of the full committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 24. COMMITTEE STAFFING

The staffing of the full committee and the standing subcommittees shall be subject to the appropriate rules of the House of Representatives, including, among other things, the provisions of rule XI, clause 5(d).

RULES FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 98TH CONGRESS

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, pursuant to rule IX, clause 2(a) of the Rules of the House of Representatives, I present the rules of the Permanent Select Committee on Intelligence for the 98th Congress, as follows:

RULES OF PROCEDURE FOR THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. CONVENING OF MEETINGS

The regular meeting day of the Permanent Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24

hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee or subcommittee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony, papers, and other materials to be presented to the committee or subcommittee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the House and Rules of the Committee.

3. MEETING PROCEDURES

Meetings of the committee and its subcommittees shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken at such portion or portions:

1. Will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

2. Will relate solely to matters of committee staff personnel or internal staff management or procedure;

3. Will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual except that, at a hearing which may tend to defame, degrade, or incriminate any person, the hearing may be closed to the public consistent with clause 2(g)(2) and clause 2(k)(5) of Rule XI of the Rules of the House;

4. Will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

5. Will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an act of Congress requires the information to be kept confidential by Government officers and employees; of

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

6. Will violate any other law of the United States or any rule of the House of Representatives.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two committee members, a quorum for the transaction of any other committee business shall consist of eight committee members. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice.—Witnesses required to appear before the committee shall be given reasonable notice and all witnesses shall be furnished a copy of these rules.

Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee or of any subcommittee shall not require an oath or affirmation where he or she determines that it would not be appropriate under the circumstances.

Interrogation.—Committee or subcommittee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness.—(A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to his or her appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee or of a subcommittee may temporarily remove counsel during proceedings before the committee or subcommittee unless a majority of the members of the committee or subcommittee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he or she wishes propounded to his or her client or to any other witness and may, at the conclusion of his or her client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee or subcommittee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the committee.

Objections and Ruling.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair. A transcript shall be made of the testimony of each witness appearing before the committee or any subcommittee during a committee or subcommittee hearing or briefing.

Inspection and Correction.—All witnesses testifying before the committee or any subcommittee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

Requests to Testify.—The committee or any subcommittee will consider requests to testify on any matter or measure pending before the committee or subcommittee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely his or her reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such action as it deems appropriate.

Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the House.

Release of Name of Witness.—At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, his or her appearance before the committee, unless otherwise authorized by the chairman.

Closed hearings.—A vote to close a committee or subcommittee hearing may not be taken by less than a majority of the committee or the subcommittee pursuant to clause 4 of House Rule XLVIII unless at least one member of the minority is present to vote upon a motion to close the hearing.

5. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two subcommittee members, a quorum for the transaction of any other subcommittee business shall consist of four subcommittee members.

There are hereby established the following subcommittees:

(1) Program and Budget Authorization.
(2) Legislation.
(3) Oversight and Evaluation.

6. INVESTIGATIONS

No investigation shall be conducted by the committee unless approved by the full committee, a majority being present; provided, however, that an investigation may be initiated—

(1) at the direction of the chairman of the full committee, with notice to the ranking minority member of the full committee, or

(2) at the written request to the chairman of the full committee of at least five members of the committee,

except that any investigation initiated under (1) or (2) must be brought to the attention of the full committee for approval at the next regular meeting of the full committee following initiation of the investigation. Authorized investigations may be conducted by members of the committee and/or by designated committee staff members.

7. SUBPENAS

Subpenas authorized by the committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or member issuing the subpenas. Each subpena shall have attached thereto a copy of these rules.

8. STAFF

For the purpose of these rules, committee staff means employees of the committee, consultants to the committee, employees of other Government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee.

The appointment of committee staff shall be by a majority vote of the committee. After confirmation, the chairman shall certify committee staff appointments to the Clerk of the House in writing.

The committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

The committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during his or her tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or, in the event of the termination of the committee, in such a manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, not to divulge any classified information which comes into his or her possession while he or she is a member of the committee staff or any classified information which comes into his or her possession by virtue of his or her position as a member of the committee staff to any person not a member of the committee or the committee staff, either during his or her tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment to notify the committee, or, in the event of the committee's termination, the House, of any request for his or her testimony, either during his or her tenure as a member of the committee staff or at any time thereafter with respect to classified information which came into his or her possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such requests except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

9. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it shall not be disclosed unless the committee, by rollcall vote, determines that it wishes to disclose publicly a part or all of such information under the procedures set forth in clause 7 of House Rule XLVIII. For purposes of receiving information from either the executive or legislative branch, the staff director of the committee, or the chief counsel in his or her absence, may accept information on behalf of the committee.

10. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

Committee staff offices shall operate under strict security precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the commiteee offices of such documents and other materials are prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony in conformity with these rules.

Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee, and such registry shall be available to any member of the committee.

Pursuant to clause 7(c)(2) of House Rule XLVIII and to clause 2(e)(2) and clause 2(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such hearings, records, data, charts and files of the committee and be admitted on a nonparticipatory basis to hearings of the committee which involve classified material, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings on a non-participatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all the circumstances of each individual request. The committee shall take into account, in its deliberations, such considerations as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed and such other concerns—constitutional and otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for his or her disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

Whenever the select committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at that time provide a copy of the applicable portions of these rules and of House Rule XLVIII to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted and the committee or Members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems nec-

essary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearances and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the committee except as authorized by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers, or other materials in its possession, the committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the committee.

11. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures—and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

12. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, a majority of the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

RULES FOR THE COMMITTEE ON HOUSE ADMINISTRATION OF THE HOUSE OF REPRESENTATIVES FOR THE 98TH CONGRESS

(Mr. HAWKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, pursuant to rule XI, 2(a) of the Rules of the House of Representatives, I submit herewith a copy of the rules of the Committee on House Administration for publication in the RECORD. The Committee on House Administration approved the rules at its organizational meeting on February 1, 1983.

RULES FOR THE COMMITTEE ON HOUSE ADMINISTRATION, 98TH CONGRESS

RULE NO. 1—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rule X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. 2—REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Administration shall be the first Wednesday of every month when the House is in session in accordance with Clause 2(b) of Rule XI of the Rules of the House. Additional meetings may be called by the chairman as he may deem necessary or at the request fo a majority of the members of the committee in accordance with Clause 2(c) of Rule XI of the House of Representatives. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of Rule XI of the House of Representatives. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

(c) The committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule.

RULE NO. 3—OPEN MEETINGS

A required by Clause 2(g), Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. *Provided, However,* that no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public. This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

RULE NO. 4—RECORDS AND ROLLCALLS

(a) The result of each rollcall vote in any meeting of the committee shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against, and whether by proxy or in person, and the members present but not voting.

(b) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) In order to facilitate committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to the full committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(d) All subcommittee hearings, records, data, charts, and files, shall be kept distinct from the congressional office records of the member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full committee, shall be the property of the House, and all members of the House shall have access thereto.

RULE NO. 5—PROXIES

A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing

and in the hands of the chief clerk of the committee or the clerk of the subcommittee, as the case may be, during each rollcall in which such member's proxy is to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. The member does not have to appear in person to present proxy.

RULE NO. 6—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

RULE NO. 7—QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the Rules of the Committee, the quorum shall be one-third of the members of the Committee. For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

RULE NO. 8—AMENDMENTS

Any Amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of a witness in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each roll call vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include:

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause

2(b)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House.

RULE NO. 11—SUBCOMMITTEE OVERSIGHT

The standing subcommittees of the committee shall conduct oversight of matters within their jurisdiction in accordance with Rule X, clauses 2 and 3 of the Rules of the House of Representatives.

RULE NO. 12—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its view and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13—BROADCASTING OF COMMITTEE HEARINGS

The rule for the broadcasting of committee hearings shall be the same as Rule XI, clause 3 of the Rules of the House of Representatives.

RULE NO. 14—COMMITTEE AND SUBCOMMITTEE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the Committee on House Administration shall be appointed as follows:

A. The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the full committee;

B. The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

C. The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE NO. 15—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States shall be initiated by the chairman and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be five Standing Subcommittees. The ratio (majority/minority) and jurisdiction of the subcommittees shall be:

Subcommittee on Accounts. (8/4)—Internal budget matters; expenditures from the contingent fund.

Subcommittee on Contracts and Printing. (4/2)—Matters pertaining to contracts for goods and services. Matters pertaining to cost of Printing, Government Printing Office, depository libraries, material printed in Congressional Record, executive papers and authorization for printing Army Engineers' reports.

Subcommittee on Services. (4/2)—Matters pertaining to parking facilities, restaurant facilities, barber and beauty shop facilities, and other House services.

Subcommittee on Office Systems. (4/2)—Matters pertaining to furniture, electric and mechanical office equipment and other accoutrements for use in the office of members, officers or committees and matters pertaining to the development of management systems for such offices.

Subcommittee on Personnel and Police. (4/2)—Matters pertaining to salary of scheduled House employees and Police, and number of positions.

(b) The chairman of the committee may appoint such ad hoc subcommittees as he deems appropriate.

(c) The chairman of the committee and the ranking minority member shall serve as ex officio members without vote on all subcommittees of the committee unless either member is appointed as a voting member of any subcommittee.

RULE NO. 17—POWERS AND DUTIES OF SUBCOMMITTEES

Each committee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee or subcommittee meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the staff director of the committee.

RULE NO. 18—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

All legislation and other matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks, unless by majority vote of the members of the full committee, consideration is to be otherwise effected. The chairman may refer the matter simultaneously to two or more subcommittees, consistent with House Rule X, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations), or divide the matter into two or more parts and refer each such part to a different subcommittee, or refer the matter pursuant to House Rule X to an ad hoc subcommittee appointed by the chairman for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate. The chairman may designate a subcommittee chairman or other member to take responsibility as "floor manager" of a bill during its consideration in the House.

RULE NO. 19—OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 20—DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the committee shall act as the clerk of the committee.

RULES FOR THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION OF THE HOUSE OF REPRESENTATIVES FOR THE 98TH CONGRESS

(Mr. HOWARD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOWARD. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I present the rules of the Committee on Public Works and Transportation for the 98th Congress for printing in the CONGRESSIONAL RECORD. These rules were adopted in an open session of the committee on February 2, 1983.

RULES FOR THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

RULE NO. I.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rule X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO II.—REGULAR AND SPECIAL MEETINGS; OPEN COMMITTEE MEETINGS

(a) Regular meetings of the committee shall be held on the first Tuesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the committee for that month. The Chairman shall give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting. If the Chairman believes that the committee will not be considering any bill or resolution before the full committee and that there is no other business to be transacted at a regular meeting, the meeting may be cancelled, delayed or deferred until such time as, in the judgment of the Chairman, there may be such matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the Chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

(f)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. *Provided, however,* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of House Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives.

Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of

the committee to be present for the purpose of taking testimony,

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause (g)(5) of Rule VII, or

(B) may vote to close the hearing, as provided in clause (g)(5) of Rule VII.

No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedure designated in this subparagraph for closing hearings to the public; Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

RULE NO. III.—RECORDS AND ROLL CALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

RULE NO. IV.—PROXIES

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedureal matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. ————————,
House of Representatives,
Washington, D.C.

Dear ————: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of ———— and any amendments or motions pertaining thereto.

———— ————,
Member of Congress.

Executed this the —— day of ————, 19—, at the time of —— p.m./a.m.

RULE NO. V.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within or without the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearing, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents

as it deems necessary. The Chairman of the committee, or any member designated by the Chairman, may administer oaths of any witness.

(b)(1) A subpoena may be issued by the committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee. If a specific request for a subpoena has not been previously rejected by either the committee or a subcommittee, the Chairman of the committee, after consultation with the ranking minority member, may authorize and issue a subpoena under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the committee. Whenever a subpoena is issued under this subparagraph, as soon as practicable thereafter, the Chairman shall notify all members of the committee of such action.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpoenaed, upon the completion of his testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the committee, or his representative, prior to leaving the hearing room.

RULE NO. VI.—QUORUMS

(a) One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to subparagraph (f) of committee Rule II, the authorizing of a subpoena pursuant to subparagraph (b)(1) of committee Rule VIII, and the actions described in subparagraph (b), (c) and (d) of this Rule.

(b) A majority of the members of the committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) A majority of the members of the committee or a subcommittee shall constitute a quorum for approval of any of the following actions:

(1) Construction, alteration, purchase or acquisition of a public building involving an expenditure in excess of $500,000 and lease of space at an average annual rental in excess of $500,000 (section 2 of P.L. 92-313, 40 U.S.C. 606).

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965, as amended).

(4) Continuation of the authorization of a water resouces development project to be constructed by the Corps of Engineers where such project has been recommended for deauthorization pursuant to the provisions of section 12 of the Water Resources Development Act of 1974.

(5) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(6) Authorization of a Soil Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress, as amended).

(d) Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. VII.—HEARING PROCEDURES

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 2 working days before the day of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, to the extent practicable the Clerk and Staff Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other material) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available

to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witness in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(g) The following additional rules shall apply to investigative hearings:

(1) The Chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person.

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause (f)(2) of Rule No. II, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity to voluntarily appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the Chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

(10) No major investigation by a subcommittee shall be initiated without approval of a majority of such subcommittee.

RULE NO. VIII.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the Chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c) are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such ccommittee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f)(1) All committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under Rule VIII, that purport to express publicly views of the committee or any of its subcommittees or members of the committee or its subcommittees shall be approved by the committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with subparagraph (e) of this rule.

(2) No committee or subcommittee document containing views other than those of members of the committee or subcommittee shall be published without approval of the committee or subcommitee.

RULE NO. IX.—OVERSIGHT

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be in conformity with Rule XV a Subcommittee on Investigations and Oversight.

(b) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall coop-

eratively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs shall be continued, curtailed, or eliminated. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of the subcommittees from carrying out their oversight responsibilities.

(c) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. X.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO XI.—BROADCASTING OF COMMITTEE HEARINGS

(a) It is the purpose of this clause to provide means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearings or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any member or bring the House, the committee, or any member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

(f)(1) If the television or radio coverage of the hearings or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to subparagraph (g)(5) of Rule VII, relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level necessary to provide adequate television coverage of the hearing or the meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then cur-

rently accredited to the Radio and Television Correspondents Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE NO. XII.—COMMITTEE AND SUBCOMMITTEE BUDGETS

(a) The Chairman, in consultation with the chairman of each subcommittee, the majority members of the committee and the minority membership of the committee, shall, for each session of the Congress, prepare a consolidated committee budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the full committee and its subcommittees.

(b) Authorization for the payment of additional or unforeseen committee and subcommittees' expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule XIV within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Once monthly, the chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the full committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the committee office for review by members of the committee.

RULE NO. XIII.—COMMITTEE AND SUBCOMMITTEE STAFF

(a) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority members of the committee shall determine within the budget approved for such purposes; Provided, however, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not assigned to a subcommittee or to the minority under the above provision shall be appointed, and may be removed, and their remuneration determined by the Chairman.

(c) The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority party member of the full committee who may delegate such authority as he determines appropriate.

(d) The professional and clerical staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(e) It is intended that the skills and experience of all members of the committee staff shall be available to all members of the committee.

(f)(1) The chairman of each standing subcommittee of this committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority member of each standing subcommittee on this committee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 of House Rule XI; Provided, however, a staff person appointed by a ranking minority member shall be compensated at a rate not to exceed that paid his or her majority party staff counterpart.

(4) Subparagraphs (1), (2), and (3) shall apply to six subcommittees only, and no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairmen and ranking minority party members pursuant to subparagraphs (1) and (2) shall be made available from the staff positions provided under clause 6 of House Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(6) Except as provided by the above provisions, the professional and clerical members of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of the chairman.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the chairman of that subcommittee.

RULE NO. XIV.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule VII of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel, when requested by the Chairman.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. XV.—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be 6 standing subcommittees. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively:

(1) Subcommittee on Aviation

(2) Subcommittee on Economic Development

(3) Subcommittee on Investigations and Oversight

(4) Subcommittee on Public Buildings and Grounds

(5) Subcommittee on Surface Transportation

(6) Subcommittee on Water Resources

(b) The committee may provide for such additional subcommittees as determined to be appropriate; Provided, however, that such additional subcommittees are approved by a majority of the majority members on the committee.

RULE NO. XVI.—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and where practicable shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill reported by a subcommittee shall be considered by the full committee unless it has been delivered to the offices of all members at least 48 hours prior to the meeting, unless the chairman determines that such bill is of such urgency that it should be given early consideration. Where practicable, such bills, resolutions, or other matters shall be accompanied by a comparison with present law and a section-by-section analysis of the proposed change.

RULE NO. XVII.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule XV referred to or initiated by the full committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks, unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) In carrying out Rule XVII with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule XV, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittee having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. XVIII.—SIZES AND PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party members of the committee have an equal number of subcommittee assignments; Provided, however, that a member may waive his or her right to an equal number of subcommittee assignments on the committee; and provided further, that the majority party members may limit the number of subcommittee assignments of the Chairman and the subcommittee chairman in order to equalize committee workloads.

(b) On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full committee. In calculating the ratio of majority party members of minority party members, there shall be included all *ex officio* voting members of the subcommittees.

(c) Following shall be the sizes and majority/minority ratios for subcommittees:

(1) Subcommittee on Aviation: (27 members) (17 majority; 10 minority);

(2) Subcommittee on Economic Development: (22 members); (14 majority; 8 minority);

(3) Subcommittee on Investigations and Oversight: (19 members); (12 majority; 7 minority);

(4) Subcommittee on Public Buildings and Grounds: (12 members); (8 majority; 4 minority);

(5) Subcommittee on Surface Transportation: (28 members); (18 majority; 10 minority);

(6) Subcommittee on Water Resources: (25 members); (16 majority; 9 minority).

(d) The full committee Chairman shall recommend to the Speaker as conferees the names of those members (1) selected by the majority party members of the committee in a manner determined by them, and (2) selected by the minority. Provided, however, that recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party then the ratio for the full committee.

RULES FOR THE COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE OF REPRESENTATIVES FOR THE 98TH CONGRESS

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I present the rules of the Committee on Foreign Affairs for the 98th Congress, as follows:

RULES OF THE COMMITTEE ON FOREIGN AFFAIRS, 98TH CONGRESS

(Adopted February 3, 1983)

1. GENERAL PROVISIONS

The Rules of the House, and in particular, the committee rules enumerated in Clause 2 of Rule XI, are the rules of the Committee on Foreign Affairs, to the extent applicable. Each subcommittee of the Committee on Foreign Affairs (hereinafter referred to as the "Committee") is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House is in session pursuant to Clause 2(b) of Rule XI of the House. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered.

3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, with the following exceptions: (1) Reporting a measure or recommendation, (2) closing Committee meetings and hear-

ings to the public, and (3) authorizing the issuance of subpenas.

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present.

4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule or any meeting that relates solely to internal budget or personnel matters.

(b)(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remaines of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the Members, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may be the procedure designated in this subsection vote to close 1 subsequent day of hearing.

5. ANNOUNCEMENT OF HEARINGS AND MARKEUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin meeting at an earlier date. Such determination may be made with respect to any hearing or markup by the Chairman or subcommittee chairman, as appropriate.

Public announcement of all hearings and markups shall be made at the earliest possible data and shall be published in the Daily Digest portion of the Congressional Record, and promptly entered into the committee scheduling service of the House Information Systems.

Members shall be notified by the Chief of Staff, whenever it is practicable, 1 week in advance of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 2 full calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting, whenever possible.

6. WITNESSES

A. Interrogation of witnesses

Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption, questioning by the Committee Members taking place afterward. After completing his questioning, the Chairman shall recognize the ranking majority and then the ranking minority Member, and thereafter in recognizing Members present, he may give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness in order to insure orderly procedure.

Each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

The Chairman shall take note of Members who are in their chairs when each day's hearing begins and, insofar as practicable, when the time occurs for interrogation, shall recognize each such Member ahead of all others.

B. Statement of witnesses

So far as practicable, each witness shall file with the Committee, 48 hours in advance of his appearance, a written statement of his proposed testimony and shall make a brief oral summary of his views.

7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantially alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either body or appendixes to any Committee or subcommittee hearing, except matter which has been accepted for incusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes to any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

9. PUBLIC ANNOUNCEMENT OF COMMITTEE VOTES

The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices—including a description of the amendment, motion, order, or other proposition; the name of each Member voting for and against and whether by proxy or in person; and the Members present but not voting.

A rollcall vote shall be ordered on any question at the request of 20 percent of those present.

10. PROXIES

Proxy voting is permitted in the Committee only under the following conditions:

The proxy authorization—

(a) Shall be in writing;

(b) Shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the Committee; and

(c) Shall be limited to a motion to report a bill or a resolution.

Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies are not counted for a quorum.

11. PRIOR APPROVAL OF REPORTS

No Committee, subcommittee, or staff report, study, or other document which purport to express publicly the views, findings, conclusions, or recommendations of the Committee or the subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee or subcommittee, as appropriate. In any case in

which Clause 2(1)(5) of House Rule XI does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

12. STAFF SERVICES

The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members.

The staff shall include persons with training and experience in foreign affairs who have a variety of backgrounds and skills so as to make available to the Committee services of individuals who have a firsthand acquaintance with major countries and areas and with major aspects of U.S. overseas programs and operations.

It is intended that the skills and experience of all members of the Committee staff shall be available to all Members of the Committee.

(a) The professional and clerical employees of the Committee, except those assigned to the minority or to a subcommittee as provided below, shall be appointed, and may be removed, by the Chairman with the approval of the majority of the Members of the Committee. Their remuneration shall be fixed by the Chairman within the ceilings set in Clause 6(c) of Rule XI, and they shall be under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(b) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority Members of the Committee shall determine within the general ceiling in Clause 6(c) of Rule XI: *Provided, however,* That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart. Such staff shall be under the general supervision and dirction of the ranking minority Member with the approval or consultation of the minority Members of the Committee.

(c) In the matter of subcommittee staffing:

(1) The chairman of each standing subcommittee of this Committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority Member of each of six standing subcommittees on this Committee is authorized to appoint one staff person who shall serve at the pleasure of said ranking minority Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in Paragraph (c) of Clause 6 of Rule XI of the Rules of the House or (B) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(4) No Member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the ranking minority party Members pursuant to subparagraph (2) of this paragraph shall be made available from the staff positions provided under Clause 6 of Rule XI of the Rules of the House.

13. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) The full Committee will handle the markup and reporting of general legislation relating to foreign assistance (including development assistance, security-related aid, and Public Law 480 programs abroad) or relating to the Peace Corps. Regional subcommittees will have responsibility with respect to foreign assistance as follows:

(1) The annual legislative programs of foreign assistance for each region shall be referred to the appropriate subcommittee for review and legislative recommendations, within a time frame to be set by the Committee.

Those subcommittees shall be responsible for ongoing oversight of all foreign assistance activities affecting their region.

(3) Those subcommittees shall have the responsibility of annually reporting to the full Committee, on a timely basis, the findings and conclusions of their oversight, including specific recommendations for legislation relating to foreign assistance.

(b) There shall be eight standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

A. Functional subcommittees

There shall be four subcommittees with functional jurisdiction:

Subcommittee on International Security and Scientific Affairs.—To deal with national security and scientific developments affecting foreign policy; strategic planning and agreements; war powers and executive agreements legislation; Arms Control and Disarmament Agency; security aspects of nuclear technology and materials; oversight of military aspects of foreign policy and foreign intelligence; and oversight of State and Defense Department activities involving arms transfers, arms export licenses, administration of security assistance, arms sales, foreign military training and advisory programs, and conventional arms control.

Subcommittee on International Operations.—To deal with Department of State and U.S. Information Agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; parliamentary conferences and exchanges; protection of American citizens abroad; and international broadcasting.

Subcommittee on International Economic Policy and Trade.—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration; international investment policy; trade and economic aspects of nuclear technology and materials; legislation pertaining to and oversight of the Overseas Private Investment Corporation; commodity agreements; and special oversight of international financial and monetary institutions, the Export-Import Bank, and customs.

Subcommittee on Human Rights and International Organizations.—To deal with oversight of, and legislation pertaining to, the United Nations, its related agencies, and other international organizations; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights generally; the American Red Cross; international environmental policy; and oversight of international fishing agreements.

B. Regional subcommittees

There shall be four subcommittees with regional jurisdiction: Subcommittee on Europe and the Middle East; Subcommittee on Asian and Pacific Affairs (including South Asia); Subcommittee on Western Hemisphere Affairs; and the Subcommittee on Africa.

In addition to the responsibilities provided by subsection (a) of this rule, the regional subcommittees shall have jurisdiction over the following:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Oversight of regional lending institutions.

(6) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(7) Environmental, population, and energy affairs affecting the region.

(8) Base agreements and regional security pacts.

(9) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(10) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

14. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of Committee or subcommittee meetings or hearings whenever possible. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee.

In order to insure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman and the ranking minority Member of the full Committee may attend the meetings and participate in the activities of all subcommittees, except for voting and being counted for a quorum.

15. REFERRAL OF BILLS BY CHAIRMAN

All legislation and other matters referred to the Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within 2 weeks, unless by majority vote of the majority party Members of the full Committee, consideration is to be otherwise effected. Any subcommittee chairman who believes that the subcommittee has jurisdiction over the legislation or other matter may so notify the Chairman within the 2-week period.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as "floor manager" of a bill during its consideration in the House.

16. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall dertermine an appropriate ratio of majority to minority party Members for each subcommittee: *Provided, however,* That party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman of the full Committee and the ranking minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

17. SUBCOMMITTEE BUDGET AND RECORDS

(a) Each subcommittee shall have an adequate budget to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to the full Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

18. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The subcommittee chairmen shall meet on a regularly scheduled basis to be determined by the subcommittee chairmen, but in any event not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees. Each majority party Member of the Committee shall have the right to attend such meetings.

19. ACCESS TO CLASSIFIED INFORMATION

It shall be the policy of the Committee to afford access to classsified information under its control for its own Members and other Members of the House of Representatives.

Authorized persons.—In accordance with the stipulations of the House Rules, all Members of the House shall be construed to be persons authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be construed to be authorized access to classified information within the possession of the Committee (1) when they have the proper clearances, and (2) when they have a demonstrable "need to know". The decision on whether a given staff member has a "need to know" will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the ranking minority Member of the Committee, acting through the Minority Staff Director;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the ranking minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Committee Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to classified information in the "confidential" category. Such designated persons must have the proper security clearance and a "need to know" as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified "secret" which has been furnished to the Committee pursuant to section 36(b) of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Committee Chairman.

Location.—Classified information will be kept in secure safes in the Committee rooms. All materials bearing the designation "top secret" must be kept in secured safes located in the main Committee offices, 2170 Rayburn House Office Building. "Top Secret" materials may not be taken from that location for any purpose.

Materials bearing designations "confidential" or "secret" may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its subunits for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman of the full Committee, under procedures designed to insure the safe handling and storage of such information at all times.

Notice.—Notice of the receipt of classified documents received by the Committee from the Executive will be sent promptly to Committee Members. The notice will contain information on the level of classification.

Access.—Except as provided for above, access to classifed materials held by the Committee will be in the main Committee offices in a designated "reading room." The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the reading room after inquiring of the Chief of Staff or an assigned staff member. The reading room will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) No photocopying or other exact reproduction, oral recording, or reading by telephone, of such classified information is permitted.

(d) The assigned staff member will be present in the reading room at the option of the authorized person. Such staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(e) The Classified Materials Log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

Divulgence.—Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person in any way, shape, form, or manner. Apparent violations of this rule should be reported to the Chairman of the full committee at once, and by him to the full Committee as promptly as possible.

Other regulations.—So long as they do not conflict with any of the rules herein set down, the Chairman of the full Committee may establish other regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee. Furthermore, any additional regulations and procedures should be incorporated into the written rules of the Committee at the earliest opportunity.

20. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

When requested by the Superintendent of the House Radio and Television Gallery and upon approval by the Committee or its subcommittees, all Committee and subcommittee hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage: *Provided,* That such request is submitted to the Committee or its subcommittees not later than 4 p.m. of the day preceding such hearings.

The Chairman of the full Committee or the chairmen of the subcommittees are authorized to determine on behalf of the full Committee or its subcommittees respectively whether hearings which are open may be broadcast, unless the Committee or its subcommittees respectively by majority vote determine otherwise.

Such coverage shall be in accordance with the following requirements (Section 116(b) of the Legislative Reorganization Act of 1970; Clause 3(f) of Rule XI of the Rules of the House of Representatives):

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among cameras permitted in a

hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage to the hearing or meeting at the then current state of the art of television coverage.

(h) Not more than five photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

21. SUBPENA POWERS

A subpena may be authorized and issued by the Committee or its subcommittees, in accord with House Rule XI, Clause 2(m), in the conduct of any investigation or series of investigations, only when authorized by a majority of the Members voting, a majority of the Committee or subcommittee being present. Pursuant to House Rules and under such limitations as the Committee may prescribe, the Chairman may be delegated the power to authorize and issue subpenas in the conduct of any investigation or series of investigations. Authorized subpenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

22. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the fullest extent feasible the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference.

23. OTHER PROCEDURES AND REGULATIONS

The Chairman of the full Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

RULES FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE HOUSE OF REPRESENTATIVES FOR THE 98TH CONGRESS

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I present the rules of the Committee on Interior and Insular Affairs for the 98th Congress, as follows:

RULES OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

A. RULES OF GENERAL APPLICATION

Rule 1. Rules of the House.—The Rules of the House of Representatives are the rules of its Committees and Subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in Committees and Subcommittees. Written rules adopted by the Committees, not inconsistent with the Rules of the House, shall be binding on each Subcommittee. Each Subcommittee of a Committee is a part of that Committee and is subject to the authority and direction of that Committee. Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the Rules of the Committee which are supplementary to the Rules of the House.

Rule 2. Time, Place of Meetings.—(a) While Congress is in session, regular business meetings of the Committee shall be held in the regularly assigned committee room, Longworth House Office Building, beginning at 9:45 a.m. on each Wednesday, except that whenever any regularly scheduled party caucus or conference conflicts with such meeting of the Committee, then the Committee shall meet at a later time or on Thursday or on such other day as may be mutually agreed upon by the Chair and the Ranking Minority Member. Such meeting shall be called to order and presided over by the Chair, or in the absence of the Chair, by the ranking majority member of the Committee present.

(b) Special meetings shall be held at the call of the Chair or upon written request of Members of the Committee as provided in Rule XI, Clause 2, of the Rules of the House. When a regularly called party caucus or party conference is scheduled to be in session after 10 a.m. on any day, and the Chair is so advised not later than 12 noon on the preceding day, the regularly scheduled Committee meeting for that day shall be rescheduled at a later time or as provided in paragraph (a) of this rule.

(c) Each meeting of the Committee or any of its Subcommittees for the transaction of business, including the mark-up of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided however*, That no person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or mark-up session which has been closed to the public. This paragraph does not apply to any meeting that relates solely to internal budget or personnel matters.

Rule 3. Agenda for Meetings.—The agenda for Committee meetings, setting out all items of business to be considered, shall be available and delivered to the office of each Member at least 48 hours in advance of the meeting: *Provided*, That this requirement may be waived by a majority vote, a quorum being present.

Rule 4. Adjournment of Meetings.—A motion to adjourn shall not be approved unless the Chair, in his discretion, recognizes a Member for the purpose of making such motion and the motion is approved by a majority of the Members present and voting.

Rule 5. Committee Procedure.—(a) The date, time, place and subject matter of all public hearings of the Committee or any of its Subcommittees shall be announced at least 1 week in advance of the commencement of such hearings. If the Committee, or any of its Subcommittees, determines that there is good cause to expedite the hearing, it shall make the announcement at the earliest possible date. Any such announcement shall be promptly published in the Daily Digest.

(b) Each hearing conducted by the Committee or Subcommittee thereof shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided*, That the Committee or Subcommittee may by the same procedure vote to close one subsequent day of hearing: *Provided further*, That two or more Members at a meeting held for the purpose of taking testimony may determine, by a majority vote,

(i) to close such hearing for the purpose of discussing whether testimony or evidence to be received would endanger national security or tend to defame, degrade, or incriminate any person in violation of rule XI, 2(k)(5) of the Rules of the House; or

(ii) to close the hearing as provided in rule XI 2(k)(5) of the House.

(c) No Member may be excluded from nonparticipatory attendance at any hearing of the Committee, or its Subcommittees unless the House, by majority vote, authorizes the committee or its Subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close such meetings to Members by the same procedures designated in this rule for closing meetings to the public.

(d) Each witness who is to appear before the Committee or one of its Subcommittees shall file with the Committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement is waived by the Committee.

(e) The right to interrogate witnesses before the Committee or any of its Subcommittees shall alternate between the Majority Members and the Minority Members. In recognizing Members to question witnesses, the Chair may take into consideration the ratio of majority and minority party Members present and may recognize two majority party Members for each minority party Member recognized. Each Member shall be limited to 5 minutes in the interrogation of witnesses until such time as each Member of the Committee who so desires has had an opportunity to question the witness.

(f) No bill, recommendation, or other matter reported by a Subcommittee shall be considered by the Committee until 2 calendar days have elapsed from the time of the action of the Subcommittee and such action has been reported by the Committee Clerk to all Members of the Committee and, in the case of a bill, a copy has been delivered to the office of all Members so requesting the same, together with a section-by-section explanation and, if a change in present law is involved, a section-by-section comparison with the present law: *Provided*, That this requirement may be waived by a two-thirds vote of a quorum of the Committee Members.

Rule 6. Quorum.—No measure or recommendation shall be reported from the Committee unless a majority of the Members of the Committee is present, but for the purpose of transacting any other Committee business one-third of the Members shall constitute a quorum. Testimony and evidence may be received at any meeting at which there are present two or more Members of the Committee. A quorum, once established, shall be deemed present unless a Member objects to the transaction of business due to the lack of a quorum. When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be so notified and the Members shall have not less than 10 minutes to prove their attendance. The Chair shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the clerk to note the names of all Members present within the 10 minute period.

Rule 7. Proxies.—A vote by any Member in the Committee or in any Subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the Member who is to execute the proxy authorization, shall assert that the Member is absent on official business or otherwise unable to attend, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Rule 8. Subpenas and Oaths.—(a) A subpena may be issued by a committee or subcommittee in the conduct of any investigation or series of investigations or activities when authorized by a majority of the Members of the Committee or subcommittee and approved by the Chair of the Full Committee and signed by his or her designee.

(b) The Chair of the Committee, the Chair of any of its Subcommittees, or any Member designated by either, may administer oaths to any witness.

Rule 9. Journal, Rollcalls.—(a) The proceedings of the Committee shall be recorded in a journal which shall, among other things include a record of the votes on any question on which a record vote is demanded. A copy of the journal shall be furnished the Ranking Minority Member through the Minority Counsel. A record vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member. No demand for a rollcall shall be made or entertained except for the purpose of securing a record vote or in the apparent absence of a quorum.

(b) At the beginning of any meeting of the Committee, the Chair may announce to the Committee, in its discretion, that further proceedings will be postponed on any motions on which a recorded vote is ordered or on which the vote is objected to under Rule 6, until immediately preceding the conclusion of the meeting. In such instances, the Committee shall proceed with the consideration of the next regularly scheduled measures or matters until all such business is disposed of or until such time as the Chair announces that the question will be put on the matter deferred. The question on any motion so postponed shall be put by the Chair and shall be disposed of by the Committee, without further debate, as expeditiously as possible. If the Committee adjourns before the question is put and determined on such motion, then the first order of business at the next meeting shall be the disposition of such motion.

(c) The result of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public. Such records shall constitute the official attendance records of the Committee.

Rule 10. Filing of Committee Reports.—(a) All Members of the Committee shall be given an opportunity to review each proposed Committee report for at least 2 days (excluding Saturdays, Sundays, and legal holidays) prior to filing.

(b) If, at the time of approval of any measure or matter by this Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) after the copy of the Committee report in substantially final form is completed, excluding formal or technical changes, in which to file such views, in writing and signed by that Member or Members, with the Clerk of the Committee. In the event that substantial or significant changes are made in the Committee report, such Member shall have not more than one calendar day to review such changes and alter his or her views in responding thereto. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(c) The time requirements of paragraphs (a) and (b) of this rule shall run concurrently and shall not operate to delay the filing of committee reports.

Rule 11. Record of Committee Proceedings.—(a) Evidence, testimony, and information relevant to any measure or matter before the Committee will be received for inclusion in the record of proceedings as determined appropriate. A formal transcript need not be made in all instances and the Chair may exercise discretion as to content of the record. A complete record of all Committee action, which shall include a record of the votes on any question on which a rollcall vote is demanded, shall be kept and retained in the permanent files of the Committee. All printing of proceedings or of other matter shall be subject to general principles promulgated by the Chair as well as by approval in each instance not only by the Chair of the appropriate subcommittee but also by the Chair of the Committee.

(b) All transcripts of public meetings and hearings shall be available for review in the offices of the Committee. Unrevised and unedited hearing transcripts shall not be reproduced in any form without the written consent of the Chair or of the Member involved. Transcripts of other public meetings of the Committee and its subcommittees shall not be reproduced in any form without the written consent of the Chair of the Committee or, as appropriate, of the Chair of the subcommittee involved, in his or her discretion. Records and transcripts of public meetings of the Committee, conducted during any prior Congress, may be made available for review in the offices of the Committee, but such records and transcripts shall not be reproduced except as permitted by the House of Representatives.

(c) No records or transcripts of Committee meetings held in executive session shall be released unless the Committee directs otherwise. All classified documents, transcripts, or other materials shall be maintained in an appropriately secured location and shall not be released for review by any unauthorized person. Authorized persons must review such classified materials at an appropriate location in the Committee offices, but such material shall not be removed from the Committee offices for any reason without the written permission of the Chair and, as appropriate, of the Chair of the subcommittee involved.

Rule 12. Broadcasting of Committee Hearings.—(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which Committee hearings, or Committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its Committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photograph, or by any of such methods of coverage, and the personal behavior of the Committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, property, courtesy, and decorum traditionallly observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of Committee members in connection with that hearing or meeting or in connection with the general work of the Committee or of the House; or

(2) cast discredit or dishonor on the House, the Committee, or any Member or bring the House, the Committee, or any Member into disrepute.

(d) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause. No recording of Committee or Subcommittee proceedings shall be permitted except as authorized pursuant to these rules.

(e) Whenever any hearing or meeting conducted by any Committee of the House is open to the public, that Committee may permit, by majority vote of the Committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the Committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

(f) The following rules shall apply to the Committee and its Subcommittees:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed on the Committee rostrum or in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International News-pictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, on the Committee rostrum or between the witness table and the Members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule 13. Committee Staffs.—(a) Pursuant to Rule XI, Clause 6, of the Rules of the House, the permanent staff of the Committee shall consist of not more than 30 staff members who shall be selected on the basis of fitness to perform the duties of their respective positions as follows:

Three shall be chosen by the Committee from nominations approved by a majority of the Members of the Minority party of the Committee;

One shall be chosen by the Committee from nominations submitted by the Chair of each of the standing Subcommittees of the Committee;

One shall be chosen by the Committee from nominations submitted by the ranking minority party member of each standing Subcommittee of the Committee; and

The balance of any unfilled positions shall be chosen by the Committee from nominations approved by a majority of the Members of the Majority party Members of the Committee;

The staff members selected by the Majority party shall be assigned such legislative, oversight, and administrative duties and responsibilities as the Chair of the Committee may prescribe and shall assist Committee Members in connection with matters related to Committee business. Each staff member nominated by a Subcommittee Chair shall be under the general supervision and direction of that Subcommittee Chair. The staff members selected by the Minority party shall be under the general supervision and direction of the Minority party Members of the Committee who may delegate such authority as they determine appropriate.

(b) A Subcommittee Chair shall be entitled to select and designate additional staff members, subject to the approval of a majority of the Majority party Members of the Committee, to assist the Subcommittee in carrying out its legislative, investigative and oversight responsibilities. The Minority shall be accorded fair and equitable consideration with respect to the appointment of additional staff, but Minority staffing shall continue to be approximately one-third Minority representation on the Committee. Such staff members shall be assigned such duties pertaining to Subcommittee business as the Subcommittee Chair or the Minority, respectively, deem advisable and shall be compensated at a salary commensurate with the responsibilities prescribed by such Subcommittee Chair or by the Minority.

(c) Notwithstanding paragraphs (a) and (b) of this rule, the Committee may employ such additional nonpartisan staff as it deems necessary to conduct the administrative and clerical functions of the Committee. Such staff shall be in addition to any staff designated exclusively for the Majority or Minority party and shall be appointed only with the approval of a majority of the Members of the Majority party and with the approval of a majority of the Members of the Minority party. The Chair of the Committee shall establish and assign the duties and responsibilities of such members of the staff and they shall be compensated at a salary commensurate with the responsibilities prescribed.

(d) In the event that staff is not otherwise available pursuant to paragraphs (a) and (b) of this rule, from the funds provided for the appointment of Committee staff pursuant to any primary and additional expense resolution:

(1) The Chair of each standing Subcommittee is authorized to appoint at least one staff member who shall serve at the pleasure of the Subcommittee Chair.

(2) The ranking Minority party Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking Minority party Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (a) and (b) shall be compensated at a rate determined by the Subcommittee Chair pursuant to Rule XI, Clause 5(d) of the House of Representatives.

(4) The staff positions made available to the Subcommittee Chair and ranking Minority party Members pursuant to subparagraphs (1) and (2) of this paragraph shall be

made available from the staff positions provided under Rule XI, Clause 6 unless such staff positions are made available pursuant to a primary or additional expense resolution.

(e) All staff selected pursuant to this rule shall be approved by the Committee and shall not be assigned any duties other than those pertaining to the business of the Committee and its Subcommittees. The staff of a Subcommittee shall be under the general supervision and direction of the Chair of that Subcommittee. The staff assigned to the Minority shall be under the general supervision and direction of the Minority party Members of the Committee who may delegate such authority as they determine appropriate. The staff of the Committee not assigned to a Subcommittee or to the Minority shall be under the general supervision and direction of the Chair of the Committee, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as determined appropriate.

B. SUBCOMMITTEES: JURISDICTION, COMPOSITION, AND POWERS

Rule 14. Subcommittee Rules.—The Rules of the Committee, where applicable, shall be the Rules of its Subcommittees.

Rule 15. Reference of Legislation.—(a) Except for bills, resolutions, or matters involving Indians and Indian Tribes which shall be retained for consideration by the Committee unless referred by the Chair to an appropriate standing, select, or special Subcommittee, every bill, resolution, or other matter referred to the Committee shall be referred to subcommittee within 2 weeks from the date of its referral to the Committee unless the Chair, with the approval of a majority of the Majority Members of the Committee, orders that it be retained for consideration by the Committee or that it be referred to a select or special Subcommittee.

(b) A bill, resolution, or other matter referred by the Chair to a Subcommittee may be recalled therefrom by him or her with the approval of a majority of the Members of the Committee for the Committee's direct consideration or for referral to another Subcommittee. The Chair shall so inform the Members of this recommendation, in writing, and such recommendation shall be effective within 1 week if approved by a majority of the Members of the Committee.

(c) A bill, resolution, or other matter referred by the Committee to a Subcommittee may be recalled from such Subcommittee at any time by majority vote of a quorum of the Committee for its direct consideration or for reference to another Subcommittee.

Rule 16. Subcommittees.—There shall be the following six standing subcommittees of the Committee: Subcommittee on Energy and the Environment, Subcommittee on Water and Power Resources, Subcommittee on Public Lands and National Parks, Subcommittee on Mining, Forest Management, and Bonneville Power Administration, Subcommittee on Insular Affairs, and Subcommittee on Oversight and Investigations.

Rule 17. Jurisdiction of Subcommittees.—(a) The jurisdiction, including legislative, investigative, and oversight responsibilities, of the six standing Subcommittees shall, subject to alternation as other Subcommittees are created, be as follows:

Subcommittee on Energy and the Environment

(a) Recommendations with respect to laws and programs under the jurisdiction of the Committee made by the Council on Environmental Quality in its annual Environmental Quality Report to the Congress.

(b) Selected matters and proposals, as referred by the Chairman, involving the environmental impact of any laws or programs under the jurisdiction of the Committee.

(c) Regulation of the domestic nuclear energy industry, including regulation of research and development of reactors and nuclear regulatory research and special oversight functions with respect to nonmilitary nuclear energy and research and development, including the disposal of nuclear waste.

(d) Petroleum conservation on the public and other Federal lands and conservation of the uranium supply in the United States.

(e) Legislation concerning the transportation of natural gas from or within Alaska or concerning the disposition of oil transported by the trans-Alaska oil pipeline.

Subcommittee on Water and Power Resources

(a) Irrigation and reclamation projects and other water resources development programs, including policies and procedures relating thereto.

(b) Compacts relating to the use and apportionment of interstate waters.

(c) Water rights.

(d) Saline water research and development program and water resources research program.

(e) Water resources planning conducted pursuant to the Water Resources Planning Act.

(f) Programs involving major interbasin movement of water or power.

(g) All measures and matters affecting geothermal resources.

Subcommittee on Public Lands and National Parks

(a) Public lands, generally, including measures or matters related to entry, easements, withdrawals, and grazing.

(b) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(c) Forest reserves created from the public domain.

(d) National Wilderness Preservation Systems, and all matters relating thereto.

(e) National Park System, National Wild and Scenic Rivers System, National Trails System, and other national units established for the protection, conservation, preservation, or recreational development of areas of public domain lands, or on reservations created out of the public domain, or under the jurisdiction of the Department of the Interior, including such military parks, battlefields, and national cemeteries as the Secretary of the Interior may administer within the District of Columbia.

(f) National outdoor recreation and historic preservation plans and programs, including the Land and Water Conservation Fund and the National Historic Preservation Fund, the Pennsylvania Avenue Development Corporation, and the preservation of prehistoric ruins and objects of interest on the public domain and elsewhere.

(g) All measures and matters involving the Trust Territory of the Pacific Islands and Antarctica.

Subcommittee on Insular Affairs

Legislation and general oversight and investigative authority over activities, policies, and programs in Puerto Rico, Guam, Virgin Islands, American Samoa, and the Northern Mariana Islands.

Subcommittee on Mining, Forest Management, and Bonneville Power Administration

(a) Mining interests generally.

(b) Mineral resources of the public lands, except geothermal resources.

(c) Mineral land laws, and claims and entries there under.

(d) Geological survey.

(e) Mining schools and experimental stations.

(f) Proposed long-range domestic minerals programs, including availability of domestic minerals to fulfill all domestic requirements.

(g) Forest management of forest reserves created from the public domain, except matters in the jurisdiction of other subcommittees.

(h) Measures or matters pertaining to the Bonneville Power Administration.

Subcommittee on Oversight and Investigations

(a) General and continuing oversight and investigative authority over activities, policies, and programs within the jurisdiction of the Committee as may be referred to the Subcommittee by the Chair of the Full Committee, after consultation with the Chair of the principal standing legislative Subcommittee involved.

(b) Such remedial legislation resulting from the findings or recommendations of the Subcommittee as may be referred to the Subcommittee by the Chair of the Full Committee, after consultation with the Chair of the principal standing legislative Subcommittee involved.

(c)(1) In order to enable the Committee to carry out its responsibilities under Rule X, Clause 2 of the Rules of the House, each Subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that Subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such Subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that Subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that Subcommittee.

(2) Pursuant to Rule X, Clause 2, of the Rules of the House, the Chair of the Committee and the Chair of the Subcommittee having jurisdiction over the matter involved or their respective designees, shall meet with representatives of the Committee on Government Operations to discuss and to assist in coordinating oversight plans of their respective committees.

Rule 18. Party Ratios.—The Chair shall negotiate with the Minority with respect to the size of each Subcommittee, with due regard for the preference of Members for Subcommittee assignments, except that party representation on each Subcommittee shall be no less favorable to the Majority party than the ratio for the Committee.

The Chair, if approved by a majority of the Members of the Majority party, and the Ranking Minority Member, if approved by a majority of the Members of the Minority party, may serve as Members of each Subcommittee.

The size and party representation for each Subcommittee during the 98th Congress shall be as follows:

Subcommittee [1]	Total members	Majority party [2]	Minority party [2]
Energy and the Environment	24	16	8
Water and Power Resources	12	8	4
Public Lands and National Parks	22	14	8
Insular Affairs	8	4	4
Mining, Forest Management, and Bonneville Power Administration	18	12	6
Oversight and Investigations	7	4	3

[1] The Chair and the Ranking Minority Member of the Full Committee serve as ex officio Members of all Subcommittees, but are voting Members only on the Subcommittees to which they are assigned pursuant to Rule 18.

[2] The Delegates from Guam and the Virgin Islands and the Resident Commissioner from Puerto Rico do not count for purposes of the ratio between the majority and minority parties.

Rule 19. Special or Select Subcommittee.—The Chair is authorized, after consultation with the Ranking Minority Member of the Committee, to appoint such special or select Subcommittees as he deems advisable for carrying out the responsibilities and functions of the Committee. Party representation on each such Subcommittee shall be in the same proportion as that on the Committee.

Rule 20. Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. The Chair of each Subcommittee shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chair of the Full Committee and of other Subcommittees with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

Rule 21. Travel.—(*a*) Subcommittee hearings outside of Washington, D.C., and travel by Members and staff shall be subject to approval by the Chair of the Committee pursuant to regulations promulgated by the Committee on House Administration. Each Subcommittee Chair may, for the purposes of field trips or hearings outside of the District of Columbia, assign any Members of the Committee to that Subcommittee.

(*b*) Staff members assigned to any Subcommittee may travel in connection with their respective duties only with the approval of the appropriate Subcommittee Chair and with the approval of the Chair of the Committee. Prior to submitting such travel requests to the appropriate Subcommittee Chair, all Minority staff travel shall be subject to such approval as the Minority Members of the Committee deem appropriate. All such travel shall be subject to the regulations promulgated by the Committee on House Administration.

Rule 22. Subcommittee Chair.—(*a*) The Majority Members of the Committee shall have the right, in order of Full Committee seniority, to bid for Standing Subcommittee Chairs. Any such bid shall be subject to approval by a majority of the Majority Members of the Committee. The Minority shall select a counterpart to the Subcommittee Chair for each of the Subcommittees. The Chair of select and special Subcommittees shall be appointed by the Chair of the Committee, subject to approval by a majority of the Majority Members of the Committee except that no Subcommittee Chair shall be Chair of another legislative Subcommittee of the House.

(*b*) Members chosen to chair a Subcommittee shall retain a ranking position on not more than one other retained Subcommittee. Any Subcommittee Chair serving on more than two Subcommittees shall be assigned positions on additional Subcommittees only after all other Members are assigned to Subcommittees and their ranking established on such Subcommittee, then the Subcommittee Chairs may serve in the order of their ranking on the Committee.

Rule 23. Duties of Chair Upon Favorable Action by the Committee.—Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee, the Chair shall report the same or designate some Member of the Committee to report the same to the House and shall use or cause to be used all parliamentary methods to secure passage thereof, without such additional authority being set forth particularly in the motion to report each individual bill or resolution. Without limiting the generality of the foregoing, the authority contained herein extends in appropriate cases to moving in accordance with Rule XXIV, Clause 5, of the said rules that the House go into the Committee of the Whole House on the State of the Union to consider the bill or resolution; and to moving in accordance with Rule XXIV, Clause 2, of said rules for the disposition of a Senate bill or resolution that is substantially the same as the House bill or resolution as reported.

Rule 24. Committee Budget and Expenses.—(*a*) Each Subcommittee Chair and the ranking Minority Members of the Committee shall submit to the Chair a budget for each session of the Congress covering the funding required for staff, travel, and miscellaneous expenses. The Chair shall prepare a consolidated budget for each session of Congress which shall include amounts required for all activities and programs of the Committee and the Subcommittees, except those Committee expenses to be paid from appropriations provided for by statute.

(*b*) Upon approval by the Committee of each such budget, the Chair, acting pursuant to Rule XI, Clause 5, of the Rules of the House, shall prepare and introduce in the House a supporting expenses resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House.

(*c*) The Chair shall report to the Committee any amendments to each expense resolution and any changes in the budget necessitated thereby.

(*d*) Authorization for the payment of additional or unforeseen Committee and the Subcommittee's expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(*e*) Committee members shall be advised of the availability of each monthly report, prepared by the Chair for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 25. Recommendation of Conferees.—Whenever in the legislative process it becomes necessary to appoint conferees, Majority Members shall be recommended to the Speaker as conferees as determined by the Majority, and Minority Members shall be recommended to the Speaker as conferees as determined by the Minority. Recommended party representation shall be in the same proportion as that in the Committee.

RULES FOR THE COMMITTEE ON THE JUDICIARY OF THE HOUSE OF REPRESENTATIVES FOR THE 98TH CONGRESS

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith for publication in the RECORD the rules of the Committee on the Judiciary which were adopted by the committee in open session on Tuesday, February 1, 1983:

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY, RULES OF PROCEDURE

Rule I. The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

Rule II. Committee Meetings. (a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays, and legal holidays) before each scheduled Committee or subcommittee meetings, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) Committee and subcommittee meetings for the transaction of business, i.e., meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(e) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any Member, and a copy made available to each Member present.

(f) In all subcommittee proceedings where a vote on a motion to report a bill to the full Committee results in a tie, such bill shall be reported to the full Committee without recommendation.

(g) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(h) A complete transcript shall be made of any full Committee meeting, or any portion thereof, upon the request of any Member of

the Committee made before the close of business of the preceding day, excluding Saturdays, Sundays, and legal holidays.

Rule III. Hearings. (a) The Committee or any subcommittee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it on any measure or matter at least 1 week before the commencement of that hearing, unless the Committee or the subcommittee before which such hearing is scheduled, determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(c) For purposes of taking testimony and receiving evidence before any subcommittee, a quorum shall be constituted by the presence of two Members. For purposes of taking testimony and receiving evidence before the full Committee, a quorum shall be constituted by the presence of 10 Members.

(d) In the course of any hearing each Member shall be allowed 5 minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

Rule IV. Voting. A vote by any Member of the Committee, with respect to any measure or matter being considered in the Committee or in subcommittee, may be cast by proxy if the proxy authorization is in writing, asserts that the Member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motion pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time that the proxy is signed. Proxies may not be counted for a quorum.

Rule V. Broadcasting. (a) Whenever any hearing or meeting conducted by the Committee or any subcommittee is open to the public, the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee or subcommittee, as the case may be, shall be required against his will to be photographed at any hearing or meeting or to give evidence or testimony while the broadcasting of that hearing or meeting, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or subcommittee, as the case may be, or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing room while the Committee or subcommittee, as the case may be, is in session.

(7) Floodlights, spotlights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or subcommittee, as the case may be.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

(b) Subcommittees may authorize the broadcasting or photographing of any of their public hearings or meetings without the specific permission of the Committee.

Rule VI. Standing Subcommittees. (a) There shall be the following seven standing subcommittees of the Committee on the Judiciary as follows:

(1) *Subcommittee on Immigration, Refugees, and International Law:* Immigration and Naturalization, Citizenship, Admission of Refugees, Treaties and International Agreements, Passports, Admiralty, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) *Subcommittee on Administrative Law and Governmental Relations:* Administrative Law, Claims against the United States, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) *Subcommittee on Courts, Civil Liberties, and the Administration of Justice:* U.S. Attorneys and U.S. Marshals, Courts, Judicial Ethics, Prisons, Paroles, Patents, Trademarks, Copyrights, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) *Subcommittee on Civil and Constitutional Rights:* Civil Rights and Liberties, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) *Subcommittee on Monopolies and Commercial Law:* Antitrust, Judgeships, Bankruptcy, Economic Regulation generally, other appropriate matters as referred by the Chairman, and relevant oversight.

(6) *Subcommittee on Crime:* Prevention of Crime, Drug Enforcement, Problems of Criminal Offenders, other appropriate matters as referred by the Chairman, and relevant oversight.

(7) *Subcommittee on Criminal Justice:* Federal Criminal Code, Rules of Criminal Procedure, Rules of Civil Procedure, other appropriate matters as referred by the Chairman, and relevant oversight.

(b) The Chairman of the Committee and the ranking Minority Member thereof shall be ex officio Members, but not voting members, of each subcommittee to which such Chairman or ranking Minority Member has not been assigned by resoluton of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

Rule VII. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

Rule VIII. Non-Legislative Reports. No report of the Committee or a subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and been given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays, and legal holidays).

RULES FOR THE COMMITTEE ON SCIENCE AND TECHNOLOGY OF THE HOUSE OF REPRESENTATIVES FOR THE 98TH CONGRESS

(Mr. FUQUA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FUQUA. Mr. Speaker, pursuant to rule XI, clause 2(a), I submit for printing in the CONGRESSIONAL RECORD the rules governing procedure of the Committee on Science and Technology, adopted by the committee in open session on February 2, 1983:

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES

GENERAL

1. The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees. The rules of the committee, as applicable shall be the rules of its subcommittees.

COMMITTEE MEETINGS

Time and place

2. Unless dispensed with by the Chairman the meetings of the committee shall be held on the 1st and 3rd Tuesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate.

3. The Chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business.

*4. The committee shall make public announcement of the date, time, place and subject matter of any of its hearings at least one week before the commencement of the hearing. If the Chairman determines that there is good cause to begin the hearing sooner he shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest, and promptly entered into the scheduling service of the House Information Systems.

*5. The committee may sit while the House is reading a measure for amendment under the 5-minute rule, provided 10 or more Members on the House floor do not object when special leave for such committee or subcommittee to sit is requested.

Ranking majority member to preside in absence of chairman

*6. If the Chairman of the committee is not present at any meeting of the committee, the ranking Member of the Majority Party on the committee who is present shall preside.

Order of business

*7. The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

Membership

8. A majority of the Majority Members of the committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee and shall authorize the Chairman to negotiate that ratio with the Minority Party; *Provided, however,* that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the Majority Party than the ratio for the full committee, *Provided, further* that recommendations of conferees to the Speaker shall provide a ratio of Majority Party Members to Minority Party Members which shall be no less favorable to the Majority Party than the ratio for the full committee.

Special meetings

9. Rule XI 2(c)(2) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

*Indicates rules applicable to subcommittees.

COMMITTEE PROCEDURES

Quorum

*10. One-third of the Members of the committee shall constitute a quorum for all purposes except that a majority must be present in order to: (1) report or table any legislation, measure or matter; (2) close committee meetings or hearings; or (3) authorize the issuance of subpenas.

*11. The number of Members to constitute a quorum for taking testimony and receiving evidence shall not be less than two, one of whom shall be a Member of the Minority.

Proxies

12. Any Member may authorize a vote by proxy with respect to any measure or matter before the committee. Such proxy authorization shall be in writing, shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote, filed with the committee clerk, and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Witnesses

*13. The committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a summary of his or her statement.

*14. Whenever any hearing is conducted by the committee on any measure or matter, the Minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them, before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to the measure or matter during at least one day of hearing thereon.

Investigative hearing procedures

15. Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference (rights of witnesses under subpena).

Subject matter

* 16. Bills and other substantive matters may be taken up for hearing only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 9.

17. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

* 18. (a) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the extent practicable, a written copy of the measure or matter to be considered, has been available in the office of each Member of the committee for at least three calendar days in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(b) Notwithstanding the foregoing sections of this rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

Open meetings

* 19. Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than Members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by Rule 20 contained herein, or to any meeting that relates solely to internal budget or personnel matters.

* 20. Each hearing conducted by the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence and Rule 10, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony,

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause 2(k)(5) of Rule XI of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in clause 2(k)(5) of Rule XI of the Rules of the House of Representatives. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

Requests for roll call votes

21. A roll call of the Members may be had at the request of three or more Members.

Committee records

*22. The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a roll call vote is demanded. The result of each roll call shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or

other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order or proposition, and the names of those Members present but not voting.

5-Minute rule during committee proceedings

*23. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the chairman, except that this time limit may be waived by the Chairman or acting Chairman. The rule of germaneness will be enforced by the Chairman.

Requests for written motions

*24. Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

SUBCOMMITTEES

Structure and jurisdiction

25. The committee shall have the following standing subcommittees with the jurisdition indicated.

(a) Subcommittee on Energy Development and Applications.—Legislation, general and special oversight and all other matters relating to research, development and demonstration programs in fossil energy R&D; solar applications; solar technology; advanced energy-technology; energy conservation; biomass; basic energy sciences; high energy and nuclear physics; geothermal energy; international cooperation in non-nuclear energy; and policy and management programs of the Department of Energy.

(b) Subcommittee on Natural Resources, Agriculture Research and Environment.—Legislation, general and special oversight and all other matters relating to natural resources, including, but not limited to, water research, and, to the extent appropriate, agriculture R&D; legislation, risk assessment and other matters relating to environmental research and development generally—including, but not limited to, research and development activities of the Environmental Protection Agency; environmental health, safety, life sciences, pharmaceutical and medical activities of Executive departments and agencies, as appropriate; operational and research and development activities related to the atmosphere (including meteorology, aeronomy, climate, weather modification); those ocean R&D activities related to the quality and management of the environment of the National Oceanic and Atmospheric Administration; and activities relating to a land observing system.

(c) Subcommittee on Energy Research and Production.—Legislation, general and special oversight and all other matters relating to research, development and demonstration involving nuclear fission and the nuclear fuel cycle; nuclear fusion, electric energy systems; energy storage systems; hydroelectric energy systems; international cooperation in nuclear matters (except for exports of nuclear technology and hardware); and policy and management programs of the Department of Energy.

(d) Subcommittee on Science, Research and Technology.—Legislation, general and special oversight and all other matters relating to the National Science Foundation; the National Bureau of Standards; the Office of Science and Technology Policy; the Office of Technology Assessment; scientific research and development and applications; science policy; scientific resources (including manpower); science education; science information and information sciences; technology transfer; technology assessment; innovation, productivity, and industrial R&D; standards (weights, measures, etc.); patent policies as they relate to Federal research and development programs; R&D involving governmental health, nutritional and handicapped programs; biotechnology; intergovernmental mechanisms for R&D; and international cooperation in science and technology.

(e) Subcommittee on Transportation, Aviation and Materials.—Legislation, general and special oversight and all other matters relating to civil aviation research and development (includes aeronautical research and technology programs of the National Aeronautics and Space Administration and research and development programs of the Federal Aviation Administration); transportation programs of the Department of Energy; aviation-weather services; materials R&D and national materials policies, both domestic and international; oversight of surface transportation research and development programs of the Department of Transportation, Urban Mass Transportation Administration, Federal Railroad Administration, Federal Highway Administration, National Highway Traffic Safety Administration, and Coast Guard and the Maritime Administration; oversight of research and development in communications other than that for which the Subcommittee on Space Science and Applications is responsible.

(f) Subcommittee on Investigations and Oversight.—Review and study, on a continuing basis, of the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee and the organization and operation of the Federal and private agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority may cooperatively review and study any conditions or circumstances which indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee, and may undertake futures research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of other subcommittees from carrying out their oversight responsibilities, nor shall any investigation be undertaken by the Subcommittee on Investigations and Oversight without (a) consultation with the Chairman of the appropriate subcommittee with legislative authority and (b) approval of the Chairman of the committee.

(g) Subcommittee on Space Science and Applications.—Legislation, general and special oversight and all other matters relating to the National Aeronautics and Space Administration (except aeronautical research and development); national programs of research and development in space exploration, space applications, space communications and related matters; and activities relating to a land observing system.

Referral of legislation

26. All legislation and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within two weeks unless, by a majority vote of the Majority Members of the full committee, consideration is to be by the full committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two-week period if they believe subcommittee jurisdictions so warrant.

Ex officio members

27. The Chairman and Ranking Minority Member shall serve as ex officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum on all matters before the subcommittees.

Procedures

28. No subcommittee shall meet for markup or approval when any other subcommittee of the committee is meeting to consider any measure or matter for markup or approval.

29. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative and general oversight, inquiries for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

30. Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

31. During any subcommittee proceeding for markup or approval, a roll call vote may be had at the request of one or more Members of that subcommittee.

Power to sit and act; subpena power

32. Rule XI 2(m) of the Rules of the House of Representatives is hereby incorporated by reference (power to sit and act; subpena power).

REPORTS

Substance of legislative reports

33. The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(A) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the Rules of the House of Representatives, separately set out and identified, [Rule XI 2(l)(3)(A)];

(B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new or increased tax expenditures, [Rule XI 2(l)(3)(B)];

(C) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on the national economy. [Rule XI 2(l)(4)];

(D) with respect to each roll call vote on a motion to report such bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting

of such bill or resolution. [Rule XI 2(l)(2)(B)];

(E) the estimate and comparison prepared by the committee under Rule XIII 7(a) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subdivision (A) of Rule 34 has been timely submitted prior to the filing of the report and included in the report. [Rule XIII 7]; and

(F) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended. [Rule XIII 3].

34. (a) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee. [Rule XI 2(l)(3)(C)]:

(B) a summary of the oversight findings and recommendations made by the Committee on Government Operations under Rule X 2(b)(2) of the Rule of the House of Representatives, separately set out and identified. [Rule XI 2(l)(3)(I)].

(b) Notwithstanding the foregoing sections of this rule, if the committee has not received prior to the filing of the report the material required under subdivisions (A) and (B) of this rule, then it shall include a statement to that effect in the report on the measure.

Minority and additional views

35. If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Members shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional view (and any material submitted under subdivisions (A) and (B) of Rule 34) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or (2) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

36. The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views beyond 3 days, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of subcommittee reports

37. Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of three calendar days, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman.

Timing and filing of committee reports

38. It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

39. The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

40. Any committee or subcommittee report published by the committee shall follow the same procedures for its approval, including the opportunity to submit views, as is followed in the case of a report accompanying a bill or resolution which has been approved by the committee.

MEDIA COVERAGE

*41. The committee may permit, by majority vote, hearings, or meetings which are open to the public to be covered in whole or in part by television, radio and still photography—or by any such methods of coverage—in accordance with Rule XI 3 of the Rules of the House of Representatives.

RULES FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA OF THE HOUSE OF REPRESENTATIVES FOR THE 98TH CONGRESS

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on the District of Columbia for the 98th Congress, adopted by the committee on February 3, 1983:

RULES GOVERNING PROCEDURES, COMMITTEE ON THE DISTRICT OF COLUMBIA, 98TH CONGRESS

A. IN GENERAL

(1) The Rules of the House are the rules of this Committee and each subcommittee so far as applicable, except that a motion to recess from day to day is a motion of high privilege in the Committee and subcommittees.

(2) Each subcommittee is a part of this Committee, and is subject to the authority and direction of the Committee and to its rules insofar as applicable. The rules of the Committee shall be the rules of its subcommittees.

(3) No major investigation by a subcommittee shall be initiated without approval of the Chair of the Committee or the majority of the full Committee.

(4) Any Committee Member, when recognized by the Chair, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The Chair may limit to 5 minutes the time of any such member, after giving due consideration to the importance of the subject matter and to the length of time available. Any House Member not a member of the Committee may testify as a witness at any hearing of the Committee or a subcommittee, or may submit a statement for the official record.

B. REGULAR MEETING DAYS

(1) The full Committee shall have its regular meetings on the first Tuesday in each calendar month at 10:00 A.M. When the House is in recess, the regular monthly meeting of the Committee may be dispensed with at the discretion of the Chair upon notice of such action to all Members of the Committee.

(2) The Committee shall meet, for the consideration of any bill or resolution pending before the Committee or for the transaction of other Committee business, on all regular meeting days fixed by the Committee.

(3) Subcommittee Chair shall set meeting and hearing dates after consultation with the Chair and other subcommittee Chair with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings wherever possible.

C. ADDITIONAL AND SPECIAL MEETINGS

(1) The Chair may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purposes pursuant to that call of the Chair.

(2) If at least three members of the Committee desire that a special meeting of the Committee be called by the Chair, those members may file in the offices of the Committee their written request to the Chair for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chair of the filing of the request. If, within three calendar days after the filing of the request, the Chair does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of, and

the measure or matter to be considered at, the special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

D. RANKING MAJORITY MEMBER TO PRESIDE IN ABSENCE OF CHAIR

If the Chair of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, the ranking Member of the majority party on the Committee or subcommittee who is present shall preside at the meeting.

E. COMMITTEE RECORDS AND ROLLCALLS

(1) The Committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

A record vote in subcommittee may be had upon the request of any subcommittee member, and in full Committee upon the request of any Committee member.

(2) Records of hearings before the Committee shall not be available to the public for quotation of any Member until after such Member has had an opportunity to examine and approve such hearing records.

(3) All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair of the Committee or a subcommittee; and such records shall be the property of the House and all Members of the House shall have access thereto.

F. PROXIES

A vote by any member in the Committee or in any subcommittee may be cast by proxy, but shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a qourum.

G. OPEN MEETINGS AND HEARINGS

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee or subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public, *provided, however,* that no person other than members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by (2) of this rule, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the Committee or subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives, notwithstanding the requirements of the preceding sentence, or rule H. (2), a majority of those present (but not less than two Members voting in the affirmative).

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or defame, degrade, or incriminate any person; or

(B) may vote to close the hearing if testimony or evidence to be received would defame, degrade, or incriminate any person; *provided, however,* that the Committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

H. QUORUM

(1) The number of Members to constitute a quorum for the purpose of taking testimony and receiving evidence in full Committee or subcommittee is two.

(2) One-third of the Committee or a subcommittee shall constitute a quorum for other meetings, except that a majority of the Committee or subcommittee shall constitute a quorum for the purposes of reporting a measure and closing a meeting to the public.

I. CALLING AND INTERROGATING WITNESSES

(1) Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority party Members on the Committee or subcommittee shall be entitled, upon request to the Chair of the Committee or subcommittee by a majority of the minority party Members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2) The Committee and subcommittees shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question each witness.

(3) Committee Members may question witnesses only when they have been recognized by the Chair for that purpose.

(4) All questions put to the witnesses before the Committee shall be pertinent to the bill or other subject matter before the Committee for consideration.

(5) Insofar as is practicable, each witness who is to appear must file with the Committee (in advance of his or her appearance) a written statement of the proposed testimony and limit the oral presentation at such appearance to a brief summary of his or her argument.

J. INVESTIGATE HEARING PROCEDURES

(1) The Chair of the Committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the Committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chair of the Committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the full Committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person;

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the Committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, or incriminate any person.

In either case the Committee or subcommittee shall—

(a) afford such person an opportunity voluntarily to appear as a witness; and

(b) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the Chair shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(8) In the discretion of the Committee or subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

K. REPORTING BILLS AND RESOLUTIONS

(1) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) Any Committee Member at a meeting of the full Committee or any Member of the subcommittee involved may make a point of order that a quorum is not present.

(3)(A) Each Committee report shall include in its text a statement of the reported legislation's intent or purpose, need, the results of motions to report, including number of yeas and nays, a five-year cost estimate, oversight statement, inflationary impact statement, any statement required by sections 308(a) and 403 of the Congressional

Budget and Impoundment Control Act of 1974, Administration or Departmental position (if any), and changes in existing law, in addition to such other provisions as the Chair deems necessary.

(B) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

1. shall include all supplemental, minority, and additional views which have been submitted by the time of the filing of the report, and

2. shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted pursuant to the requirements of sections 308(a) and 403 of the Budget and Impoundment Control Act of 1974) are included as part of the report. This subparagraph does not preclude—

(a) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(b) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(4)(A) It shall be the duty of the Chair of the Committee to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of the Committee on any measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chair of the Committee notice of the filing of that request.

L. POWER TO SIT AND ACT; SUBPOENA POWER

(1) For the purpose of carrying out any of its functions and duties under these rules, the Committee, or any subcommittee thereof, is authorized—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) subject to (2)(A) of this rule, to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chair of the Committee, or any member designated by the Chair, may administer oaths to any witness.

(2)(A) A subpoena may be issued by the Committee or subcommittee under (1)(B) of this rule in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present, and authorized subpoenas shall be signed by the Chair of the full Committee or by any Member designated by the Committee. "When authorizing subpoenas, the Committee may delegate to the Committee Chair the responsibility of deciding what materials are to be listed in the subpoena and the names of the individuals or officials to be subpoenaed."

(B) compliance with any subpoena issued by a Committee or subcommittee under (1)(B) of this rule may be enforced only as authorized or directed by the House.

M. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the Committee or any subcommittee is open to the public, the Committee or subcommittee may permit, by majority vote of the Committee or subcommittee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

N. COMMITTEE STAFFS

(1) Subcommittee staffs: From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions of the House:

(A) The Chair of each standing subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee Chair.

(B) The ranking minority party Member of each standing subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party Member.

(C) The staff members appointed pursuant to the provisions of subparagraphs (A) and (B) shall be compensated at a rate determined by the subcommittee Chair not to exceed (a) 75 per centum of the maximum established in 2(C) of this rule or (b) the rate paid the staff member appointed pursuant to 1(A) of this rule.

(D) No Member shall appoint more than one person pursuant to 1(A) and 1(B) of this rule.

(E) The staff positions made available to the subcommittee Chair and ranking minority party Members pursuant to 1(A) and 1(B) of this rule shall be made available from the staff positions provided under clause 6 of rule XI of the House unless such staff positions are made available pursuant to a primary or additional expense resolution.

(2) Committee staffs:

(A)(1) Subject to subparagraph 2(A)(2) of this rule and paragraph 2(D) of this rule, the Committee may appoint, by majority vote of the Committee, not more than eighteen professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the chair and the ranking minority party Member of such Committee, as the Committee considers advisable.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party Members of the Committee so request, not more than six persons may be selected, by majority vote of the minority party Members, for ap-

pointment by the Committee as professional staff members from among the number authorized by 2(A)(1) of this rule. The Committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the Committee. If the Committee determines that the character and qualifications of any person so selected are unacceptable to the Committee, a majority of the minority party Members may select other persons for appointment by the Committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party Members of the Committee consider advisable.

(3) The professional staff members of the Committee—

(a) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(b) shall not engage in any work other than committee business; and

(c) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff members of the Committee may be terminated by majority vote of the Committee.

(B)(1) The clerical staff of the full Committee shall consist of not more than twelve clerks, to be attached to the office of the Chair, to the ranking minority party Member, and to the professional staff, as the Committee considers advisable. Subject to 2(b)(2) and 2(D) of this rule, the clerical staff shall be appointed by majority vote of the Committee, without regard to race, creed, sex, or age. Except as provided by 2(B)(2) of this rule, the clerical staff shall handle Committee correspondence and stenographic work both for the Committee staff and for the Chair and the ranking minority party Member on matters related to Committee work.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party Members of the Committee so request, four persons may be selected, by majority vote of the minority party Members, for appointment by the Committee to positions on the clerical staff from among the number of clerks authorized by 2(B)(1) of this rule. The Committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the Committee. It the Committee determines that the character and qualifications of any person so selected are unacceptable to the Committee, a majority of the minority party members may select other persons for appointment by the Committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle Committee correspondence and stenographic work for the minority party Members of the Committee and for any members of the professional staff appointed under 2(A)(2) of this rule on matters related to Committee work.

(3) Services of the clerical staff members of the full Committee may be terminated by majority vote of the Committee.

(C) Each employee on the professional staff, and each employee on the clerical staff, of the Committee, is entitled to pay at a single per annum gross rate, to be fixed by the Chair, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code, except that 2 professional staff members of the Committee shall be entitled to pay at a single per annum gross rate to be fixed by the Chair, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule, section 5315 of Title 5, United States Code.

(D) If a request for the appointment of a minority professional staff member under paragraph (A), or a minority clerical staff member under paragraph (B), is made when no vacancy exists to which that appointment may be made, the Committee nevertheless shall appoint, under paragraph (A) or paragraph (B), as applicable, the person selected by the minority and acceptable to the Committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the Committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party Members shall designate which of those persons shall fill that vacancy.

(E) Each staff member appointed pursuant to a request by minority party Members under paragraph (A) or (B), and each staff member appointed to assist minority party Members of a Committee pursuant to an expense resolution, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(F) Paragraphs (A) and (B) shall not be construed to authorize the appointment of additional professionals or clerical staff members of the Committee pursuant to a request under either of such paragraphs by the minority party Members of that committee if six or more professional staff members or four or more clerical staff members provided for in paragraph (A)(1) or paragraph (B)(1) as the case may be, who are satisfactory to a majority of the minority party Members, are otherwise assigned to assist the minority party Members.

(G) Notwithstanding paragraphs (A)(2) and (B)(2), the Committee may employ nonpartisan staff, in lieu of or in addition to Committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the Members of the minority party.

O. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS TO SUBCOMMITTEES

(1) All the legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within 2 weeks unless, by majority vote of the majority Members of the full Committee, consideration is to be by the full Committee. If a concurrent resolution of disapproval of a Council Act is introduced in the House during the first 15 legislative days of layover, the resolution shall be referred to the subcommittee of appropriate jurisdiction. If the concurrent resolution is introduced during the last 15 days of congressional layover, that matter shall be kept at the full Committee level with such comments from the subcommittee as they may wish to give.

(2) The Chair may refer a matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first) or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee.

(3) Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chair may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition. In order to permit the full Committee to take timely action on special resolution, a subcommittee should complete action on a concurrent resolution of approval of a charter amendment under Section 303(b) of the Home Rule Act not later then 15 calendar days before the expiration of the 35-day period named in the Home Rule Act. The subcommittee should complete action within 12 calendar days of the introduction of a simple resolution of disapproval of a Council Act relating to titles 22, 23 or 24 of the District of Columbia Code under subsection (c)(2) of section 602 of the Home Rule Act.

P. SUBCOMMITTEES

(1) The full Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee and shall establish the number of subcommittees, shall fix the jurisdiction of each subcommittee, and shall determine the size of each subcommittee.

(2) Additional legislative subcommittees may be established by a majority of those voting, a quorum being present, of the full Committee.

(3) Each Member shall be given an equal number of subcommittee assignments insofar as practicable.

(4) Bills shall be assigned to subcommittees in accordance with the subject matter of the subcommittees.

(5) Any Member of the full Committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and to participate but shall not have authority to vote on any matters before the subcommittee unless he or she is a Member of such subcommittee.

(6) Party representation on each subcommittee, including ex-officio members, shall be no less favorable to the Majority Party than the ratio for the full Committee.

Q. GENERAL OVERSIGHT RESPONSIBILITIES

The Committee and each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or the subcommittee, respectively, and the organization and operation of the Federal and District agencies and entities have responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and each subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee, respectively (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within

the jurisdiction of the Committee or subcommittee, respectively. Each subcommittee is required to conduct oversight in the area of their respective jurisdiction, to assist in carrying out the full Committee's responsibilities under Rule X, cl. 2, of the House of Representatives. The establishment of an oversight subcommittee shall in no way limit the responsibility of the subcommittees with legislative jurisdiction from carrying out their oversight responsibilities.

R. ADDITIONAL FUNCTIONS

(1) The Committee and each subcommittee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities for the Federal Government and the District of Columbia Government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of the House of Representatives.

(2) The Committee and each subcommittee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

S. POINTS OF ORDER

No point of order, other than a point of order that a quorum is not present, against the hearings or business procedures of the Committee shall be sustained unless it is made in a timely fashion (1) at the commencement of the hearing or meeting, or (2) at the time such point of order first occurs. Any point of order not raised in a timely manner in subcommittee shall not be sustained in full Committee.

T. NOTICE OF MEETINGS AND AGENDA

(1) The Committee and each subcommittee shall make public announcement of the date, place and subject matter of any Committee hearing at least one week before the commencement of the hearing. If the Committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible day. Any announcement made under the subparagraph shall be promptly published in the Daily Digest and given to the House Information Systems.

(2) The agenda for all Committee meetings, setting out all items of business to be considered, including a copy of any measure or a summary of any measure and of any subcommittee amendments, shall be furnished each Committee Member by delivery to his or her office at least two full calendar days (excluding Saturday, Sunday and Legal Holidays) before the meeting. This requirement may be waived by a two-thirds vote, a quorum being present, of the Committee.

(3) No bill or other matter shall be brought up for hearing or other consideration except with the approval of the Chair or by a majority of those voting, a quorum being present; *provided, that* any Member (other than the Chair) making the motion for consideration under this rule has given 2 days' notice in writing to all Members of the Committee.

U. AMENDING COMMITTEE RULES

The Committee rules may not be amended unless the Member proposing the amendment gives two days' notice (excluding Saturday, Sunday and Legal Holidays) in writing of the text of the proposed change to all Members.

V. OTHER PROCEDURES AND REGULATIONS

The Chair of the full Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

RULES FOR THE COMMITTEE ON SMALL BUSINESS OF THE HOUSE OF REPRESENTATIVES FOR THE 98TH CONGRESS

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I submit the rules of the Committee on Small Business for the 98th Congress, which were adopted in an open session of the committee on February 3, 1983, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, 98TH CONGRESS

1. GENERAL PROVISIONS

The Rules of the House, and in particular the committee rules enumerated in clause 2 of rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated, except that a motion to recess from day to day is a motion of high privilege in the committee. Each subcommittee of the Committee on Small Business (hereinafter referred to as the "committee") is a part of the committee and is subject to the authority and direction of the committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIRMAN

Unless retained for consideration by the full committee, all legislation and other matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement thereon.

3. DATE OF MEETING

The regular meeting date of the Committee on Small Business shall be the first Tuesday of every month when the House is in session. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of rule XI of the House of Representatives.

At least three days notice of such additional meetings shall be given unless the chairman determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the chairman subject to clause 2(c) of rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least three days notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the chairman, or the committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place, and subject matter of any hearing to be conducted by the committee at least one week before the commencement of that hearing.

5. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings

Each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

(B) Hearings

Each hearing conducted by the committee or its subcommittees shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

No member may be excluded from nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated for closing hearings to the public.

6. WITNESSES

(A) Interrogation of witnesses

The right to interrogate witnesses before the committee or any of its subcommittees shall alternate between the majority members and the minority members. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority and minority party members present and may recognize two majority party members for each minority party member recognized. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member of the committee who so desires has had an opportunity to question the witness.

(B) Statement of witnesses

Each witness shall file with the committee, 48 hours in advance of his appearance, a written statement of his proposed testimony

and shall make a brief oral summary of his views.

7. SUBPENAS

A subpena may be authorized and issued by the chairman of the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as he deems necessary. The ranking minority member shall be promptly notified of the issuance of such a subpena.

Such a subpena may be authorized and issued by the chairman of a subcommittee with the approval of a majority of the members of the subcommittee and the approval of the chairman of the committee or a majority of the members of the committee.

8. QUORUM

No measure or recommendation shall be reported unless a majority of the committee is actually present; for purposes of taking testimony or receiving evidence, two members shall constitute a quorum; and for all other purposes one-third of the members shall constitute a quorum.

9. AMENDMENTS DURING COMMITTEE MARKUP

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

10. PROXIES

A vote by any member of the committee or any of its subcommittees by proxy is permitted, provided that such proxy shall be in writing, and delivered to the clerk of the committee, shall assert that the member so voting by proxy is absent on official business or is otherwise unable to be present at the meeting of the committee or its subcommittee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

11. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There shall be six standing subcommittees as follows:

1. SBA and SBIC Authority, Minority Enterprise and General Small Business Problems.

2. General Oversight.

3. Antitrust and Restraint of Trade Activities Affecting Small Business.

4. Energy, Environment, and Safety Issues Affecting Small Business.

5. Tax, Access to Equity Capital and Business Opportunities.

6. Export Opportunities and Special Small Business Problems.

During the 98th Congress, the chairman and ranking minority member shall be *ex officio* members of all subcommittees, without vote, and the number of members assigned to subcommittees shall be as follows:

Subcommittee No. 1: 8 Democrats, 4 Republicans.

Subcommittee No. 2: 8 Democrats, 4 Republicans.

Subcommittee No. 3: 4 Democrats, 2 Republicans.

Subcommittee No. 4: 5 Democrats, 3 Republicans.

Subcommittee No. 5: 6 Democrats, 3 Republicans.

Subcommittee No. 6: 7 Democrats, 4 Republicans.

The full Committee and each of its subcommittees is authorized to examine problems of small business in government contracting. In addition, the jurisdiction of such subcommittees shall include the following:

I. SBA and SBIC Authority, Minority Enterprise and General Small Business Problems

Access to SBA services.
Illegal activities affecting small business.
Minority enterprise.
SBA and SBIC authorizations.

II. General Oversight and the Economy

General economic problems affecting small business.
General oversight activities of Government agencies and legislation affecting small business.
Postal Service.
Procurement.
Small Business Innovation Development Act.

III. Antitrust and Restraint of Trade Activities Affecting Small Business

Anticompetitive activities affecting small business.
Federal Trade Commission and antitrust activities.
Robinson-Patman Act.
Sherman and Clayton Acts.
Unassigned regulatory agency activities.

IV. Energy, Environment, and Safety Issues Affecting Small Business

Department of Energy and related agencies.
Energy allocations, marketing, etc.
Energy research and development contracts.
Impact of pollution laws and EPA rules.
Marketing of petroleum products.
Occupational Safety and Health Administration.
Science boards and commissions.
Tennessee Valley Authority.

V. Tax, Access to Equity Capital and Business Opportunities

Access to equity capital.
Banking practices.
EDA.
Franchising practices.
HUD policies affecting small business.
Impact of tax policies on small business.
Job creation.
SEC handling of ventures.

VI. Export Opportunities and Special Small Business Problems

Export opportunity for small business.
Reduction of unnecessary paperwork.
Regulatory Flexibility Act.
Various communications matters affecting small business.
Various Federal regulatory policies and programs affecting small business.
Various transportation matters affecting small business.

12. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible. Meetings of subcommittees shall not be scheduled to occur simultaneously with meetings of the full committee.

13. SUBCOMMITTEE REPORTS ON INVESTIGATIVE HEARINGS

The report of any subcommittee on a matter which was the topic of a study or investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed report shall first be approved by a majority of the subcommittee members. After such approval has been secured, the proposed report shall be sent to each member of the full committee for his supplemental, minority or additional views.

Any such views shall be in writing and signed by the member and filed with the clerk of the committee within 5 calendar days (excluding Saturdays, Sundays, and legal holidays) from the date of the transmittal of the proposed report to the members.

After the expiration of such 5 calendar days, the report may be filed as a House report.

14. COMMITTEE STAFF

The staff of the Committee on Small Business shall be as follows:

(A) The professional and clerical employees of the committee, except those assigned to the minority or to a subcommittee chairman or ranking minority members as provided below, shall be appointed and assigned, and may be removed, by the chairman. Their remuneration shall be fixed by the chairman and they shall be under the general supervision and direction of the chairman.

(B) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority members of the committee shall determine; *Provided, however,* That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall be under the general supervision and direction of the minority members of the committee who may delegate such authority as they deem appropriate.

(C) Each subcommittee chairperson and each ranking minority member on not more than six subcommittees shall have the right to appoint and assign one person to work on subcommittee business at a salary commensurate with the responsibilities prescribed but at a rate not to exceed 75 percent of the maximum established rate for the employees on the professional staff of the committee. Such staff members shall perform services in facilities assigned to the committee and to the extent that they are not occupied during regular working hours with tasks assigned by the subcommittee chairperson or ranking minority member who appointed them, they shall perform other tasks as assigned by the chairman or the staff director.

15. RECORDS

The committee shall keep a complete record of all actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each subcommittee rollcall vote, together with a description of the matter

voted upon, shall be promptly made available to the full committee and such votes shall be available for inspection by the public at reasonable times in the offices of the committee.

16. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to members, and to members of the committee staff and stenographic reporters who have appropriate security clearance when the chairman determines that such access or such attendance is essential to the functioning of the committee.

The procedure to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified intelligence information or information deemed by a subcommittee to be sensitive shall be as follows:

(a) Only Members of the House of Representatives may have access to such information.

(b) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee or the subcommittee possessing the materials.

(c) The clerk will maintain an accurate access log which identifies without revealing the material examined, the staff member involved, and the time of arrival and departure of all members having access to the information.

(d) If the material desired is material which the committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, Members of the House will be required to identify the information they desire to read and sign an access information sheet acknowledging such access and that the Member has read these procedures.

(e) Such material shall not be removed from the room.

(f) A staff representative shall insure that the documents used by the Member are returned to the proper custodian or to original safekeeping as appropriate.

(g) No notes, reproductions or recordings may be made of any portion of such information.

(h) The contents of such information shall not be divulged to any person in any way, form, shape, or manner and shall not be discussed with any person who has not received the information in an authorized manner either under these rules or the laws or rules in effect for officials and employees of the executive branch.

(i) When not being examined in the manner described herein, such information will be kept in secure safes in the committee rooms.

(j) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(k) If a Member believes the material should not be classified or considered restricted as to dissemination or use, the Member may ask the committee or subcommittee to so rule; however, as far as materials and information in the custody of the Small Business Committee is concerned, the classification of materials as determined by the executive branch shall prevail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(l) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee and its subcommittees.

17. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Upon approval by the committee or its subcommittees, all committee and subcommittee hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography or by any such methods of coverage.

The chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees, respectively, whether hearings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise.

Permission for such coverage shall be granted only under the following conditions:

(1) Live coverage by radio or television shall be without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in the room. The allocation among the television media of the positions of television cameras in the room shall be in accordance with fair and equitable procedures as devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Television and radio media equipment shall not be installed in, or removed from, the room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used, except that the television media may install additional lighting in the room, without cost to the Government, in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage at the then current state of the art.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage by the other media.

(11) Television and radio media personnel shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Still photography personnel shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

18. OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

The committee may not be committed to any expense whatever without the prior approval of the chairman of the full committee.

19. AMENDMENTS TO COMMITTEE RULES

The rules of the committee may be modified, amended, or repealed by a majority vote of its members, but only if written notice of the proposed change has been provided to each such member at least 48 hours before the time of the meeting at which the vote on the change occurs.

APPENDIX

(Excerpts of House Rules Pertaining to Committee Procedure)

RULE XI

* * * * *

Adoption of written rules

2. (a) Each standing committee of the House shall adopt written rules governing its procedure. Such rules—

(1) shall be adopted in a meeting which is open to the public unless the committee in open session and with a quorum present, determined by rollcall vote that all or part of the meeting on that day is to be closed to the public;

(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(3) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

Each committee's rules specifying its regular meeting days, and any other rules of a committee which are in addition to the provisions of this clause, shall be published in the Congressional Record not later than thirty days after the Congress convenes in each odd-numbered year. Each select or joint committee shall comply with the provisions of this paragraph unless specifically prohibited by law.

Regular meeting days

(b) Each standing committee of the House shall adopt regular meeting days, which shall be not less frequent than monthly, for the conduct of its business. Each such committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of other committee business, on all regular meeting days fixed by the committee, unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The chairman of each standing committee may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolutions pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

(2) If at least three members of any standing committee desire that a special meeting of the committee be called by the chairman, those members may file in the office of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the office of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of and the measure or matter to be considered at, that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

Ranking majority member to preside in absence of chairman

(d) If the chairman of any standing committee is not present at any meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

Committee records

(e)(1) Each committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(2) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any member, Officer, or employee of the House, no Member of the House (other than a member of such committee) shall have access thereto without the specific, prior approval of the committee.

Proxies

(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy unless such committee, by written rule adopted by the committee, permits voting by proxy and requires that the proxy authorization shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of Rule X or subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by each committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony.

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause 2(k)(5) of rule XI; or

(B) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI.

No member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, with the exception of the Committee on Standards of Official Conduct, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence and the subcommittees therein may, by the same procedure, vote to close up to five additional consecutive days of hearings.

(3) Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

(4) Each committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

(5) No point of order shall lie with respect to any measure reported by any committee on the ground that hearings on such measure were not conducted in accordance with the provisions of this clause; except that a point of order on that ground may be made by any member of the committee which reported the measure if, in the committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(6) The preceding provisions of this paragraph do not apply to the committee hearings which are provided for by clause 4(a)(1) of Rule X.

Quorum for taking testimony and certain other action

(h)(1) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence which shall be not less than two.

(2) Each committee (except the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation which shall be not less than one-third of the members.

Prohibition against committee meetings during five-minute rule

(i) No committee of the House (except the Committee on Appropriations, the Committee on the Budget, the Committee on Rules, the Committee on Standards of Official Conduct, and the Committee on Ways and Means) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule. For purposes of this paragraph, special leave will be granted unless 10 or more Members object.

Calling and interrogation of witnesses

(j)(1) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2) Each committee shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person.

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Committee procedures for reporting bills and resolutions

(l)(1)(A) It shall be the duty of the chairman of each committee (except as provided in subdivision (C)) to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of any committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subdivision does not apply to the reporting of a regular appropriation bill by the Committee on Appropriations prior to compliance with subdivision (C) and does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(C) Before reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations shall, to the extent practicable and in accordance with section 307 of the Congressional Budget Act of 1974, complete subcommittee markup and full committee action on all regular appropriation bills for that year and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to current resolution on the budget for that year.

(2)(A) No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.

(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(3) The report of any committee on a measure which has been approved by the committee (A) shall include the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X separately set out and clearly identified; (B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and (D) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(4) Each report of a committee on each bill or joint resolution of a public character reported by such committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(5) If, at the time of approval of any measure or matter by any committee, other than the Committee on Rules, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(B) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of subparagraph (3)) are included as part of the report. This subparagraph does not preclude—

(i) the immediate filing or printing of a committee report unless timely requests for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(ii) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(6) A measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business), shall not be considered in the House until the third calendar day (or the tenth calendar day in the case of a concurrent resolution on the budget), excluding Saturdays, Sundays, and legal holidays, on which the report of that committee upon that measure or matter has been available to the Members of the House. Nor shall it be in order to consider any measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business, or any other committee in the case of a privileged resolution), unless copies of such report and the reported measure or matter have been available to the Members for at least 3 calendar days, excluding Saturdays, Sundays, and legal holidays during which the House is not in session before the beginning of such consideration: *Provided, however,* That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b), Rule XI, a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) any measure for the declaration of war, or the declaration of an national emergency, by the Congress; or

(B) any decision, determination, or action by a Government agency which would become, or continue to be effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

For the purpose of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(7) If, within seven calendar days after a measure has, by resolution, been made in

order for consideration by the House, no motion has been offered that the House consider that measure, any member of the committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.

Power to sit and act: subpena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and Rule X (including any matters referred to it under clause 5 of Rule X), any committee, or any subcommittee thereof, is authorized (subject to subparagraph (2)(A) of this paragraph)—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(2)(A) A subpena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpenas under subparagraph (1)(B) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpenas shall be signed by the chairman of the committee or by any member designated by the committee.

(B) Compliance with any subpena issued by a committeee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

Use of committee funds for travel

(n)(1) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities; however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds, including those authorized under clause 5 shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(A) No member or employee of the committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem set forth in applicable Federal law, or if the member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the member or employee during that day.

(B) Each member or employee of the committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than sixty days following the completion of travel with the chairman of the committee for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(2) In carrying out the committee's activities outside the United States in any country where local currencies are unavailable, a member or employee of the committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other that for transportation) incurred, by the member or employee during any day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the member or employee has actually paid for the transportation.

(4) The restrictions respecting travel outside of the United States set forth in subparagraphs (2) and (3) shall also apply to travel outside of the United States by Members, officers, and employees of the House authorized under clause 8 of rule I, clause 1(b) of this rule, or any other provision of these Rules of the House of Representatives.

(5) No local currencies owned by the United States may be made available under this paragraph for the use outside of the United States for defraying the expenses of a member of any committee after—

(A) the date of the general election of Members in which the Member has not been elected to the succeeding Congress; or

(B) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARTLETT) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 30 minutes, today.

(The following Members (at the request of Mr. SIKORSKI) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 60 minutes, today.

Mr. KOLTER, for 15 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LAFALCE, for 30 minutes, today.

Mr. GLICKMAN, for 10 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. LEVINE of California, for 5 minutes, today.

Mr. WHITTEN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. PEPPER, for 20 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARTLETT) and to include extraneous matter:)

Mr. MCCAIN.

Mr. SKEEN.

Mr. GUNDERSON.

Mr. LENT.

Mr. YOUNG of Alaska in three instances.

Mr. TAYLOR.

Mr. CONTE in two instances.

Mr. SENSENBRENNER.

Mr. LEACH of Iowa in two instances.

Mr. JOHNSON.

Mr. BROYHILL.

Mr. RITTER.

(The following Members (at the request of Mr. SIKORSKI) and to include extraneous matter:)

Mr. D'AMOURS.

Mr. YATRON.

Mr. COYNE.

Mr. HARRISON.

Mr. HOWARD in two instances.

Mr. FAUNTROY.

Mr. MARKEY.

Mrs. COLLINS.

Mr. HAMILTON in five instances.

Mr. SCHUMER.

Mr. LEHMAN of Florida.

Ms. MIKULSKI.

Mr. CHAPPELL.

Mr. ST GERMAIN in two instances.

Mr. BURTON of California.

Mr. MAZZOLI.

Mr. HUCKABY.

Mr. STARK in three instances.

Mr. OTTINGER in two instances.

Mr. FRANK in three instances.

Mr. ECKART.

Mr. MRAZEK.

Mr. PEASE.

Mr. BARNES.

Mr. PEPPER.

Mr. HUTTO.

Mr. KASTENMEIER.

Mr. WOLPE.

Mr. GARCIA in two instances.

Mr. EDGAR.

Mr. HEFTEL of Hawaii.

Mr. WIRTH.

Mr. DOWNEY of New York.

Mr. SISISKY.

Mrs. SCHROEDER.

Mr. WALGREN.

Mr. HAWKINS.

Mr. DORGAN.

Mr. JONES of North Carolina.

Mr. MURPHY.

Mr. TORRICELLI.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, February 14, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

309. A letter from the Secretary, Department of Agriculture, transmitting to provide for recovery of costs associated with the postage, printing, and handling of market information and statistics pursuant to the Cotton Statistics and Estimates Act and the Tobacco Inspection Act; to the Committee on Agriculture.

310. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend section 10(b)(2) of the Agricultural Adjustment Act of 1933 to provide for recovery of the costs of providing Federal administration of marketing agreements and orders; to the Committee on Agriculture.

311. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to recover the cost of providing plant variety protection pursuant to the Plant Variety Protection Act; to the Committee on Agriculture.

312. A letter from the Secretary, Department of Agriculture, transmitting to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry, and egg processing plants, and for other purposes; to the Committee on Agriculture.

313. A letter from the Acting Secretary of State, transmitting a report, covering the month of January, on the manner in which the national interest of the United States has been served by the payments made by the Commodity Credit Corporation to the U.S. creditors on credits guaranteed by the CCC on which payments had not been received from the Polish People's Republic, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

314. A letter from the Secretary of the Army, transmitting unit cost reports on major defense acquisition programs in excess of baseline unit costs, pursuant to section 1107 of Public Law 97-252; to the Committee on Armed Services.

315. A letter from the Secretary of the Navy, transmitting unit cost reports on major defense acquisition programs in excess of baseline unit costs, pursuant to section 1107 of Public Law 97-252; to the Committee on Armed Services.

316. A letter from the Acting Secretary of the Air Force, transmitting unit cost reports on major defense acquisition programs in excess of baseline unit costs, pursuant to section 1107 of Public Law 97-252; to the Committee on Armed Services.

317. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 171 of title 10, United States Code, to provide that the Commandant of the Marine Corps shall be a member of the Armed Forces Policy Council; to the Committee on Armed Services.

318. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation; to the Committee on Banking, Finance and Urban Affairs.

319. A letter from the Comptroller, Washington Gas Light Co., transmitting the company's balance sheet as of December 31, 1982, pursuant to section 8 of the act of March 4, 1913; to the Committee on the District of Columbia.

320. A letter from the President, National Railroad Passenger Corporation, transmitting proposed amendments to Amtrak's route and service criteria, pursuant to section 404(c)(3)(B) of Public Law 91-518, as amended; to the Committee on Energy and Commerce.

321. A letter from the Chairman, Commission on Security and Cooperation in Europe, transmitting the annual report on the Commission's activities for calendar year 1982, pursuant to section 6 of Public Law 94-304; to the Committee on Foreign Affairs.

322. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting the annual report on the minority recruitment program for fiscal year 1982, pursuant to section 105(d) of Public Law 96-465; to the Committee on Foreign Affairs.

323. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

324. A letter from the General Counsel and Congressional Liaison, U.S. International Communication Agency, transmitting a copy of a resolution adopted by the German Bundestag regarding the Tricentennial Anniversary of German settlement in America; to the Committee on Foreign Affairs.

325. A letter from the Chairman, U.S. International Trade Commission, transmitting the annual report on the Commission's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

326. A letter from the Assistant Secretary of the Interior (Indian Affairs), transmitting a proposed plan for the use of Choctaw Nation judgment funds awarded in docket 249, pursuant to sections 2(a) and 4 of Public Law 93-194; to the Committee on Interior and Insular Affairs.

327. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the Council's annual report for fiscal year 1982, pursuant to section 202(b) of Public Law 89-665; to the Committee on Interior and Insular Affairs.

328. A letter from the Assistant Attorney General, Department of Justice (Legislative Affairs), transmitting a draft of proposed legislation to amend section 3731 of title 18, United States Code, to permit the United States to appeal, in a criminal case, the granting of a postconviction order for a new trial; to the Committee on the Judiciary.

329. A letter from the Chairman, Marine Mammal Commission, transmitting the Commission's 10th annual report, covering calendar year 1982, pursuant to section 204 of Public Law 92-522; to the Committee on Merchant Marine and Fisheries.

330. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1984; to the Committee on Ways and Means.

331. A letter from the Secretary of Energy, transmitting the first biennial report on implementation of the Alaska Federal-Civilian Energy Efficiency Swap Act of 1980, pursuant to section 6(a) of Public Law 96-571; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

332. A letter from the Chairman, U.S. Regulatory Commission, transmitting the Commission's report on abnormal occurrences at licensed nuclear facilities, covering the third quarter of calendar year 1982, pursuant to section 208 of Public Law 93-438; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

333. A letter from the Comptroller General of the United States, transmitting a report on the need for additional legislative and administrative initiatives to recover costs of food stamps obtained through errors or fraud (RCED-83-40, February 4, 1983); jointly, to the Committees on Government Operations and Agriculture.

334. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report of nondisclosure of safeguards information for the quarter ending December 31, 1982, pursuant to section 147e of the Atomic Energy Act; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

335. A letter from the Secretary of Agriculture and the Secretary of the Interior, transmitting the final report of the Committee on Wild and Free-Roaming Horses and Burros, pursuant to section 11 of Public Law 92-195, as amended; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

336. A letter from the Chairman, National Transportation Safety Board, transmitting a draft of proposed legislation to amend the Independent Safety Board Act of 1974 to authorize appropriation for fiscal years 1984, 1985, and 1986 and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 1365. A bill to expand and improve the domestic commodity distribution program; to the Committee on Agriculture.

By Mr. APPLEGATE (by request):

H.R. 1366. A bill to amend title 38, United States Code, to increase the maximum pension payable to certain hospitalized verterans from $60 to $75; to the Committee on Veterans' Affairs.

H.R. 1367. A bill to amend title 38, United States Code, to provide a presumption that the disease of syringomyelia developing in a veteran within 7 years from the veteran's discharge or release from active duty is service connected; to the Committee on Veterans' Affairs.

H.R. 1368. A bill to amend title 38, United States Code, to provide for additional compensation for any veteran who has suffered the service-connected loss or loss of use of one lung or one kidney; to the Committee on Veterans' Affairs.

H.R. 1369. A bill to amend title 38, United States Code, to provide a special pension program for veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 1370. A bill to amend title 38, United States Code, to improve the pension program for survivors of periods of war; to the Committee on Veterans' Affairs.

By Mr. ADDABBO:

H.R. 1371. A bill to prohibit for 2 years the conversion of residential rental units to residential units which are to be offered for sale, and to establish a Presidential Commission on Problems Relating to the Conversion of Residential Rental Units; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BADHAM (for himself and Mr. JONES of North Carolina):

H.R. 1372. A bill to provide for the operation of certain foreign-built vessels in the coastwise trade of Alaska until November 6, 1988; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI:

H.R. 1373. A bill to prohibit the owners and operators of federally assisted rental housing for the elderly or handicapped from restricting the ownership of pets by the tenants of such housing; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1374. A bill to amend title IV of the Social Security Act to provide that information concerning an applicant for or recipient of aid to families with dependent children must be made available—by the applicable State agency—to any Federal, State, or local law enforcement authority who requests such information for use in a felony investigation or prosecution; to the Committee on Ways and Means.

By Mrs. BOXER (for herself, Mr. PANETTA, Mr. BOSCO, Mr. LEVINE of California, and Mr. MARTINEZ):

H.R. 1375. A bill to amend the Small Business Act with respect to disaster loan programs; to the Committee on Small Business.

By Mrs. BYRON (for herself and Mr. WHITEHURST):

H.R. 1376. A bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment; to the Committee on Armed Services.

By Mr. COELHO:

H.R. 1377. A bill to provide that any increase in the rate of pay for Members of Congress proposed during any Congress shall not take effect earlier than the beginning of the next Congress; to the Committee on Post Office and Civil Service.

By Mr. COLEMAN of Missouri:

H.R. 1378. A bill to repeal the withholding of tax from interest and dividends; to the Committee on Ways and Means.

By Mr. COURTER:

H.R. 1379. A bill to amend the Federal Election Campaign Act of 1971 to establish a trust fund for administration of amounts contributed to congressional candidates by nonparty political action committees; to the Committee on House Administration.

By Mr. PHILIP M. CRANE:

H.R. 1380. A bill to provide for the establishment of a Commission on the Bicentennial of the Constitution; to the Committee on Post Office and Civil Service.

By Mr. D'AMOURS (for himself, Mr. FORSYTHE, Mr. PRITCHARD, Mr. STUDDS, Mr. HUGHES, Ms. MIKULSKI, Mr. BREAUX, Mr. SUNIA, Mr. AKAKA, Mrs. BYRON, Mr. CORRADA, Mr. DE LUGO, Mr. HEFTEL of Hawaii, and Mr. WON PAT):

H.R. 1381. A bill to amend the Ocean Thermal Energy Conversion Act of 1980 to provide for additional authorizations, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNEY of New York:

H.R. 1382. A bill to provide that any award by the Veterans' Administration of compensation for a disease or disability in a veteran resulting from exposure to agent orange shall be retroactive to the date the veteran first applied to the Veterans' Administration for compensation for such disease of disability; to the Committee on Veterans' Affairs.

By Mr. EDGAR (by request):

H.R. 1383. A bill to amend title 38, United States Code, to authorize the Veterans' Administration to provide hospital and medical care to certain former members of the Canadian Armed Forces; to the Committee on Veterans' Affairs.

By Mr. ERDREICH:

H.R. 1384. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief in the event of unfair foreign competition; jointly, to the Committees on the Judiciary, Energy and Commerce, and Ways and Means.

By Mr. FAUNTROY:

H.R. 1385. A bill to amend the Federal Reserve Act to establish standards for discounts to individuals, partnerships, corporations, and State and local governments; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FRANK:

H.R. 1386. A bill to require that general revenue sharing payments be made not later than the fifth day after the beginning of each quarter; to the Committee on Government Operations.

By Mr. FRANK (for himself and Mr. HUGHES):

H.R. 1387. A bill to amend section 1114 of title 18, United States Code, to provide criminal penalties for killing any officer or employee of the General Services Administration assigned to protect certain Federal property; to the Committee on the Judiciary.

By Mr. FRANK (for himself and Mr. SAWYER):

H.R. 1388. A bill to amend the copyright law respecting the limitations on exclusive rights to secondary transmissions; to amend the Communications Act of 1934 respecting retransmission of programs originated by broadcast stations; and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. GINGRICH:

H.R. 1389. A bill to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 1390. A bill to establish a National Commission on Neurofibromatosis; to the Committee on Energy and Commerce.

H.R. 1391. A bill to amend the Internal Revenue Code of 1954 to reinstate the deduction for State and local taxes on gasoline and other motor fuels; to the Committee on Ways and Means.

By Mr. GRAY (for himself, Mr. SOLARZ, Mr. DIXON, Mr. FORD of Tennessee, Mr. WASHINGTON, Mr. CONYERS, Mrs. COLLINS, Mr. DELLUMS, Mr. LELAND, Mr. STOKES, Mr. MITCHELL, Mr. ECKART, Mr. FOGLIETTA, Mr. BEDELL, Mr. FAUNTROY, Mr. WEISS, Mr. SAVAGE, Mr. TOWNS, Mr. DYMALLY, Mrs. HALL of Indiana, Mr. OTTINGER, Mr. DOWNEY of New York, Mr. COYNE, Mr. MARKEY, Mr. OWENS, Mr. CLAY, Mr. FRANK, Mr. KILDEE, Mr. OBERSTAR, Mr. STUDDS, and Mrs. SCHROEDER):

H.R. 1392. A bill directing the President to exercise authorities contained in the International Emergency Economic Powers Act to issue regulations prohibiting investment in South Africa; to the Committee on Foreign Affairs.

By Mr. GUARINI (for himself, Mr. COURTER, Mr. DWYER of New Jersey, Mr. FLORIO, Mr. FORSYTHE, Mr. HOWARD, Mr. HUGHES, Mr. MINISH, Mr. RINALDO, Mr. RODINO, Mr. ROE, Mrs. ROUKEMA, Mr. SMITH of New Jersey, and Mr. TORRICELLI):

H.R. 1393. A bill to modify the navigation project for Anchorage Channel, New York Harbor; to the Committee on Public Works and Transportation.

By Mr. JONES of Oklahoma (for himself, Mr. MOORE, and Mr. VANDER JAGT):

H.R. 1394. A bill to amend the Internal Revenue Code of 1954 to change the period for the payment of taxes under section 4161(a) of such code; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 1395. A bill to expand and improve the domestic commodity distribution program; to the Committee on Agriculture.

H.R. 1396. A bill to require the Secretary of Health and Human Services to administer a demonstration program for assisting communities and nonprofit organizations in providing emergency food and shelter; jointly, to the Committees on Agriculture and Banking, Finance and Urban Affairs.

By Ms. MIKULSKI (for herself, Mr. MILLER of California, and Mrs. BOGGS):

H.R. 1397. A bill to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes; to the Committee on Education and Labor.

By Mr. OTTINGER (for himself, Mr. MOORHEAD, Mr. STUDDS, Mr. MAVROULES, Mr. D'AMOURS, Mr. RODINO, Mr. GREGG, Mr. CONYERS, and Mr. FISH):

H.R. 1398. A bill to promote energy conservation by providing for daylight saving time on an expanded basis and for other purposes; to the Committee on Energy and Commerce.

By Mr. PENNY:

H.R. 1399. A bill to authorize construction of the flood control project on the Zumbro River at Rochester, Minn.; to the Committee on Public Works and Transportation.

By Mr. MONTGOMERY:

H.R. 1400. A bill to amend title 38, United States Code, to establish new educational assistance programs for veterans and for members of the Armed Forces; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. KASTENMEIER:

H.R. 1401. A bill to amend title 28 of the United States Code regarding jurisdiction in bankruptcy proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 1402. A bill to require the Secretary of Agriculture to provide emergency agricultural credit assistance; to the Committee on Agriculture.

By Mr. PEPPER (for himself, Mr. WAXMAN, Mr. WYDEN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. BEVILL, Mrs. BOUQUARD, Mrs. COLLINS, Mr. CONYERS, Mr. DORGAN, Mr. DYMALLY, Mr. FAZIO, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. HORTON, Mr. HOWARD, Mr. JEFFORDS, Mrs. KENNELLY, Mr. KILDEE, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LONG of Maryland, Mr. MARRIOTT, Mr. MAZZOLI, Mr. MITCHELL, Mr. MORRISON of Washington, Mr. MURPHY, Ms. OAKAR, Mr. OBERSTAR, Mr. OTTINGER, Mr. RATCHFORD, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SIKORSKI, Mr. SIMON, Mr. SOLARZ, Mr. SUNIA, Mr. UDALL, Mr. VENTO, Mr. WIRTH, Mr. WON PAT, and Mr. YATES):

H.R. 1403. A bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal Diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PERKINS (for himself, Mr. NATCHER, Mr. WRIGHT, Mr. FORD of Michigan, Mr. SIMON, Mr. MURPHY, Mr. KILDEE, Mr. WASHINGTON, Mr. HARRISON, Mr. JEFFORDS, Mr. ECKART, Mr. OBERSTAR, and Ms. KAPTUR):

H.R. 1404. A bill to defer the effective date of the provisions which require States to pay interest on loans made to State unemployment compensation funds; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. PERKINS), Mr. BEVILL, Mr. MURPHY, Mr. APPLEGATE, Mr. BLILEY, Mr. WILSON, Mr. YOUNG of Alaska, Mr. RATCHFORD, Mr. FASCELL, Mr. GINGRICH, Mr. STOKES, Mr. OWENS, Mr. HORTON, Mr. COATS, Mr. SMITH of Florida, Mr. MOLLOHAN, and Mr. EDGAR):

H.R. 1405. A bill to provide for an accelerated study of the causes and effects of acidic deposition during a 5-year period, and to provide for grants for mitigation at sites where there are harmful effects on ecosystems resulting from high acidity; jointly, to the Committees on Energy and Commerce and Science and Technology.

By Mr. REGULA:

H.R. 1406. A bill to repeal title III, subtitle A—withholding on interest and dividends—of the Tax Equity and Fiscal Responsibility Act of 1982; to the Committee on Ways and Means.

By Mr. ROBERTS (for himself, Mr. EVANS of Iowa, Mr. STANGELAND, Mr. STENHOLM, and Mr. COLEMAN of Missouri):

H.R. 1407. A bill to expand and improve the agricultural commodity distribution program by assisting needy persons outside the United States; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. ST GERMAIN:

H.R. 1408. A bill to amend title 10, United States Code, to authorize an alternative to the conventional construction of military family housing within the United States, Puerto Rico, and Guam; to the Committee on Armed Services.

H.R. 1409. A bill to extend the authorization of appropriations for general revenue sharing for 3 years; to the Committee on Government Operations.

H.R. 1410. A bill to suspend for 2 years the duty on parts of spindle motors suitable for computer memory disc drives; to the Committee on Ways and Means.

H.R. 1411. A bill to amend the Defense Production Act of 1950 to establish a grant program to assist colleges, universities, and other institutions of higher education to obtain and install modern equipment which can be used to train professional, scientific, and technical personnel; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

H.R. 1412. A bill to amend the Defense Production Act of 1950 to establish a national program to retrain workers in skills which will assist them to find new jobs; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

By Mr. SIMON:

H.R. 1413. A bill to repeal the withholding of tax from interest; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1414. A bill to amend the Internal Revenue Code of 1954 to clarify the tax treatment of certain expenses incurred in closing a landfill site; to the Committee on Ways and Means.

By Mr. TAYLOR:

H.R. 1415. A bill to protect franchised automobile dealers from unfair price discrimination in the sale by the manufacturer or importer of new motor vehicles, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. WIRTH (for himself, Mr. BROYHILL, and Mr. RINALDO) (by request):

H.R. 1416. A bill to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984 through 1986; to the Committee on Energy and Commerce.

By Mr. WOLPE (for himself, Mr. BONKER, Mr. BARNES, Mr. UDALL, Mr. OTTINGER, Mr. MARKEY, Mr. LEACH of Iowa, Mr. SEIBERLING, Mr. EDGAR, Mr. FASCELL, Mr. GEJDENSON, Mrs. SCHROEDER, Mrs. BOXER, and Mr. BERMAN):

H.R. 1417. A bill to promote the nuclear nonproliferation policies of the United States; to the Committee on Foreign Affairs.

By Mr. WYDEN (for himself, Mr. GEPHARDT, Mr. AUCOIN, and Mr. WEAVER):

H.R. 1418. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to permit the investment by employee benefit plans in residential mortgages; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. YATRON:

H.R. 1419. A bill to amend the Federal Property and Administrative Services Act of 1949 to allow volunteer fire departments and emergency rescue squads to receive donations of Federal surplus personal property; to the Committee on Government Operations.

By Mr. KASTENMEIER:

H.R. 1420. A bill to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to provide for the appointment of U.S. bankruptcy administrators, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 1421. A bill to eliminate Coast Guard responsibilities regarding marine sanitation devices on small vessels, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. YOUNG of Missouri:

H.R. 1422. A bill to amend the Natural Gas Policy Act of 1978 to provide for continuation of price controls beyond 1985, to eliminate the monthly indexing of wellhead natural gas prices, to allow increases in such prices prior to the expiration of natural gas price controls only to the extent justified on the basis of increases in the cost of producing natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONTE:

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Safety Week of 1983"; to the Committee on Post Office and Civil Service.

By Mr. GINGRICH (for himself, Mr. DENNY SMITH, Mr. GREGG, Mr. DAUB, Mr. WEBER, Mr. BLILEY, Mr. KINDNESS, Mr. HARTNETT, Mr. HANSEN of Idaho, Mr. FORSYTHE, and Mr. BROWN of Colorado):

H.J. Res. 138. Joint resolution to accept the seriousness of our economic crisis and to adopt a jobs-creating freeze budget which is simple, clear, and fair to all Americans; to the Committee on Rules.

By Ms. OAKAR:

H.J. Res. 139. Joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week"; to the Committee on Post Office and Civil Service.

By Mr. GRAY:

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that the Attorney General should prosecute violations of the civil rights laws and Federal criminal laws by the Ku Klux Klan to the greatest extent possible, and expressing the sense of Congress that private and charitable organizations and civic and religious groups should continue their efforts in promoting racial, religious, and ethnic understanding and cooperation; to the Committee on the Judiciary.

By Mr. MICA:

H. Con. Res. 55. Concurrent resolution in commemoration of the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas; jointly, to the Committees on Foreign Affairs, Post Office and Civil Service, and House Administration.

By Mr. ROTH:

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that the Secretary of Agriculture should barter, under existing provisions of law, commodities (especially dairy products) owned by the Commodity Credit Corporation for materials produced in foreign countries; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. BOEHLERT:

H. Res. 70. Resolution disapproving the proposed deferral of budget authority for economic development assistance programs

(deferral numbered D83-43); to the Committee on Appropriations.

By Mr. FORD of Michigan:

H. Res. 71. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. JONES of North Carolina (for himself and Mr. FORSYTHE):

H. Res. 72. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Merchant Marine and Fisheries in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. SMITH of Iowa:

H. Res. 73. Resolution to disapprove the business loan and investment fund deferral; to the Committee on Appropriations.

H. Res. 74. Resolution to disapprove the economic development assistance programs deferral; to the Committee on Appropriations.

H. Res. 75. Resolution to disapprove the operations and administration, International Trade Administration deferral; to the Committee on Appropriations.

H. Res. 76. Resolution to disapprove the pollution control equipment contract guarantees revolving fund deferral; to the Committee on Appropriations.

H. Res. 77. Resolution to disapprove the surety bond guarantees revolving fund deferral; to the Committee on Appropriations.

By Ms. SNOWE (for herself and Mr. MCKERNAN):

H. Res. 78. Resolution disapproving the proposed deferral of budget authority for the economic development assistance programs; to the Committee on Appropriations.

By Mr. UDALL:

H. Res. 79. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Interior and Insular Affairs in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. YATES:

H. Res. 80. Resolution to disapprove the strategic petroleum reserve deferral; to the Committee on Appropriations.

MEMORIALS

Under clause 4 of rule XXII,

9. The SPEAKER presented a memorial of the House of Representatives of the Legislature of the State of Minnesota, relative to persons missing in action in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BADHAM:

H.R. 1423. A bill to provide for the duty-free entry of a pipe organ for the Crystal Cathedral of Garden Grove, Calif.; to the Committee on Ways and Means.

By Mr. BONER of Tennessee:

H.R. 1424. A bill for the relief of Shoo Shine Wang; to the Committee on the Judiciary.

By Mr. BROOKS:

H.R. 1425. A bill for the relief of the heirs of M. Sgt. Nathaniel Scott, U.S. Army, retired, deceased; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 1426. A bill for the relief of Phillip Harper; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 1427. A bill for the relief of Claudia Editha Walker; to the Committee on the Judiciary.

By Mrs. VUCANOVICH:

H.R. 1428. A bill for the relief of the estate of Nell J. Redfield; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. MURPHY.

H.R. 4: Mr. MAZZOLI.

H.R. 10: Mr. HOWARD, Mr. CLINGER, Mr. WHITTEN, Mr. MCDADE, Mr. PRICE, Mr. DUNCAN, Mr. PERKINS, Mr. HAMMERSCHMIDT, Mr. BENNETT, Mr. FISH, Mr. NATCHER, Mr. SHUSTER, Mr. WRIGHT, Mr. PRITCHARD, Mr. FUQUA, Mr. STANGELAND, Mr. ANNUNZIO, Mr. DAVIS, Mr. FORD of Michigan, Mr. TAUKE, Mr. DE LA GARZA, Mr. JONES of North Carolina, Mr. BEVILL, Mr. KAZEN, Mr. GAYDOS, Mr. STOKES, Mr. YATRON, Mr. ROE, Mr. SEIBERLING, Mr. DE LUGO, Mr. MURTHA, Mr. EDGAR, Mr. NEAL, Mr. MINETA, Mr. BONKER, Mrs. BOUQUARD, Mr. MCHUGH, Mr. FORD of Tennessee, Mr. NOWAK, Mr. LUNDINE, Mr. RAHALL, Mr. BONIOR of Michigan, Mr. KILDEE, Mr. JENKINS, Mr. APPLEGATE, Mr. FLIPPO, Mr. WALGREN, Mr. BEILENSON, Mr. MURPHY, Mr. YOUNG of Missouri, Mr. DICKS, Mr. ALBOSTA, Mr. SABO, Mr. DIXON, Mr. DONNELLY, Mrs. BYRON, Mr. BARNES, Mr. BONER of Tennessee, Mr. MAVROULES, Mr. SYNAR, Mr. DASCHLE, Mr. KOGOVSEK, Mr. LOWRY of Washington, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. LANTOS, Mr. ECKART, Mr. COYNE, Mr. SAVAGE, Mrs. KENNELLY, Mr. CLARKE, Mr. BOSCO, Mr. WISE, Mr. LIPINSKI, Mr. COOPER, Mr. OLIN, Mr. THOMAS of Georgia, Mr. MOLLOHAN, Mr. ERDREICH, Mr. KOLTER, Mr. MOODY, Mr. ROWLAND, Mr. MORRISON of Washington, Mr. BORSKI, Mr. CHAPPELL, Mr. MCNULTY, Mr. HUGHES, Mr. HEFNER, Mrs. BOGGS, Mr. BARNARD, Mr. MCEWEN, Mr. OBEY, Mr. PENNY, Mr. COELHO, and Mr. SIKORSKI.

H.R. 86: Mr. DUNCAN, MR. HUGHES, Mr. KINDNESS, Mr. OWENS, Mr. RAHALL, and Mr. SUNIA.

H.R. 87: Mr. BEREUTER, Mr. FROST, Mr. HANSEN of Idaho, Mr. HARRISON, Mr. HORTON, Mr. HUGHES, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. OTTINGER, Mr. OWENS, Mr. ROBERTS, Mr. RUDD, and Mr. SUNIA.

H.R. 222: Mr. BEREUTER and Mr. DAUB.

H.R. 223: Mr. NIELSON of Utah.

H.R. 430: Mr. FISH, Mr. MORRISON of Washington, Mr. OWENS, and Mr. SWIFT.

H.R. 459: Mr. MURTHA, Mr. MOLLOHAN, Mr. WILLIAMS of Montana, Mr. DORGAN, Mr. SABO, Mr. OWENS, Mr. HORTON, Mr. MATSUI, Mr. FORD of Michigan, Mr. SAVAGE, Mr. PRICE, Mr. DYMALLY, Mr. WEAVER, Mr. GILMAN, Mr. VENTO, Mr. PEASE, Mr. BARNES, Mr. FAZIO, Mr. LONG of Maryland, Mr. BATES, Mr. LEHMAN of Florida, Mr. ECKART, Mr. CLINGER, and Mrs. HALL of Indiana.

H.R. 482: Mr. KINDNESS, Mr. HERTEL of Michigan, Mr. SOLOMON, and Mr. RACHFORD.

H.R. 483: Mr. NICHOLS, Mr. MAVROULES, and Mr. STUMP.

H.R. 500: Mr. BONKER, Mr. BROWN of California, Mr. CORCORAN, Mr. DINGELL, Mr. FAZIO, Mr. FOGLIETTA, Mr. KAZEN, Mr. LAFALCE, Mr. LOTT, Mr. MCNULTY, Mr. MINETA, Mr. MOLINARI, Mr. MONTGOMERY, Mr. ROEMER, Mrs. SMITH of Nebraska, and Mr. STUMP.

H.R. 582: Mr. NELSON of Florida.

H.R. 701: Mr. ARCHER, Mr. FLIPPO, Mr. MOAKLEY, Mr. MURPHY, Mr. FRANK, Mr. STOKES, Mr. MARRIOTT, Mr. LAFALCE, Mr. HIGHTOWER, Mr. BROWN of Colorado, Mr. RATCHFORD, Mr. DYMALLY, Mr. COATS, Mr. ROE, Mr. CHANDLER, Mr. EVANS of Iowa, Mr. HUGHES, Mr. HERTEL of Michigan, Mr. DICKINSON, Mr. STAGGERS, Mr. CORRADA, Mr. SUNIA, Mrs. HALL of Indiana, Mr. FORD of Michigan, Mr. JEFFORDS, Mr. MARKEY, Mr. RODINO, Mr. MILLER of California, Mr. DE LUGO, Mr. LONG of Louisiana, Mr. EDGAR, Mrs. SCHROEDER, Mr. LEHMAN of Florida, Mr. DIXON, Mr. MCCOLLUM, Mr. ROTH, Mr. LANTOS, Mr. PRITCHARD, Mr. WILSON, Mr. ROYBAL, Mr. GREGG, Mr. HATCHER, Mr. MINETA, Mr. PARRIS, Mr. TALLON, Mr. CORCORAN, Mr. GINGRICH, Mr. FOGLIETTA, Mr. MARTINEZ, Mr. SWIFT, Mr. KILDEE, Mr. RICHARDSON, and Mr. LONG of Maryland.

H.R. 999: Mrs. KENNELLY, Mr. YATRON, Mr. KOSTMAYER, Mr. FOGLIETTA, Mr. ZABLOCKI, Mr. BROOKS, and Mrs. COLLINS.

H.R. 1015: Mr. STOKES, Mr. SMITH of Florida, Mr. MCKINNEY, Mr. HOWARD, Mr. RICHARDSON, Mr. MCHUGH, Mr. VENTO, Mr. YOUNG of Alaska, Mr. KINDNESS, Mr. WEISS, Mr. EDGAR, Mr. VANDERGRIFF, Mr. DWYER of New Jersey, and Mr. CLAY.

H.R. 1016: Mr. STOKES, Mr. SMITH of Florida, Mr. MCKINNEY, Mr. HOWARD, Mr. RICHARDSON, Mr. MCHUGH, Mr. VENTO, Mr. YOUNG of Alaska, Mr. WEISS, Mr. EDGAR, Mr. VANDERGRIFF, and Mr. DWYER of New Jersey.

H.R. 1046: Mr. FORSYTHE, Mr. LAGOMARSINO, Mr. MICHEL, Mr. KINDNESS, Mr. MADIGAN, Mr. MARRIOTT, and Mr. SHELBY.

H.R. 1098: Mr. BEVILL.

H.R. 1181: Mr. RICHARDSON.

H.R. 1190: Mr. DASCHLE, Mr. FOLEY, Mr. HARTNETT, Mr. HIGHTOWER, Mr. HUCKABY, Mr. JONES of North Carolina, Mr. LEHMAN of California, Mr. MCEWEN, Mr. STENHOLM, Mr. TALLON, and Mr. GLICKMAN.

H.R. 1234: Mr. BONIOR of Michigan, Mr. PRICE, Mr. MURPHY, Mr. STARK, Mr. NOWAK, Mr. DYMALLY, Mr. FROST, Mr. KOSTMAYER, Mr. STOKES, Mr. WALGREN, Mr. WEAVER, Mr. HERTEL of Michigan, Mr. DWYER of New Jersey, Mr. LONG of Maryland, Mr. MURTHA, Mr. RATCHFORD, Mr. WON PAT, Mr. RUSSO, Mr. TORRES, Mr. ADDABBO, and Mr. CONYERS.

H.R. 1272: Mr. BATEMAN, Mr. PHILIP M. CRANE, Mr. DREIER of California, Mr. HANSEN of Idaho, Mr. RITTER, Mr. ROBINSON, Mr. ROBERTS, Mr. ROGERS, Mr. WALKER, and Mr. WILSON.

H.R. 1276: Mr. GUNDERSON, Mr. LENT, Mr. MINISH, Mr. WINN, Mr. OWENS, Mr. ERDREICH, Mr. MITCHELL, Mrs. COLLINS, Mr. RATCHFORD, Mrs. BOXER, Mrs. MARTIN of Illinois, Mr. SWIFT, Mr. COATS, Mr. HOWARD, Mr. ROBERTS, Mr. MCKERNAN, and Mr. FISH.

H.R. 1287: Mr. WHITTAKER, Mr. DAUB, Mr. GUNDERSON, Mr. HANSEN of Idaho, Mr. THOMAS of California, Mr. SKEEN, Mrs. HALL of Indiana, Mr. CONABLE, Mr. ROEMER, Mr. HOPKINS, Mr. DANIEL B. CRANE, and Mr. FRANKLIN.

H.J. Res. 22: Mr. FISH, Mr. RODINO, Mr. ROTH, Mr. SUNDQUIST, Mr. AUCOIN, Mr. LEVIN of Michigan, Mr. PASHAYAN, Mr. LUNGREN, Mr. FUQUA, Mr. PATTERSON, Mr. EDWARDS of Oklahoma, Mr. MCHUGH, Mr. BARNARD, Mr. NIELSON of Utah, Mr. LEWIS of California, Mr. BROWN of California, and Mr. EVANS of Illinois.

H.J. Res. 89: Mr. FAZIO, Mr. PATTERSON, Mr. STOKES, Mr. VENTO, Mr. RAHALL, Mr.

SAVAGE, Mrs. BOXER, Mr. MORRISON of Connecticut, Mr. BEDELL, Mr. OWENS, Mr. RICHARDSON, Mr. EDGAR, Mr. KASTENMEIER, Mr. GARCIA, Mr. FEIGHAN, Mr. EDWARDS of California, Mr. LOWRY of Washington, Mr. ECKART, Mrs. COLLINS, Mr. ADDABBO, Mr. TOWNS, Mr. WALGREN, Mr. DYMALLY, Mr. FAUNTROY, Mr. DELLUMS, Mr. FRANK, Mr. LUNDINE, Mr. RATCHFORD, Mr. MILLER of California, Mr. RANGEL, Mr. BURTON of California, Ms. KAPTUR, Mr. MITCHELL, Mr. LELAND, Mr. WEISS, Mr. BEILENSON, and Mr. MINETA.

H.J. Res. 97: Mr. HUCKABY, Mr. FRENZEL, Mr. FAZIO, Mrs. HALL of Indiana, Mr. GREEN, Mr. WHITTAKER, Mr. REID, Mr. LEVINE of California, Mr. GRADISON, Mr. SHARP, Mr. LENT, Mr. LATTA, Mr. HILER, Mr. MOAKLEY, Mr. MILLER of Ohio, and Mr. SHANNON.

H. Con. Res. 28: Mr. WEAVER, Mr. KOSTMAYER, Mr. RUSSO, Mr. LEHMAN of Florida, Mr. THOMAS of Georgia, Mr. FAZIO, Mr. WILSON, Mr. STAGGERS, Mr. BEVILL, Mr. BATES, Mr. DAUB, Mr. EVANS of Iowa, Mr. OWENS, Mr. HANSEN of Idaho, Mr. BARNES, Mr. ECKART, Mr. BEREUTER, Mr. RAHALL, Mr. DYMALLY, Mr. EDGAR, Mr. PENNY, Mr. ROBERTS, Mr. DAVIS, Mr. GILMAN, Mr. FISH, Mr. HOYER, Mr. VOLKMER, Mr. SMITH of Florida, and Mr. LOWRY of Washington.

H. Con. Res. 43: Mr. VANDERGRIFF, Mr. SMITH of Flordia, Mr. WIRTH, Mr. MCGRATH, Mr. CLINGER, Ms. KAPTUR, Mr. QUILLEN, Mr. APPLEGATE, Mr. WILLIAMS of Montana, Mr. FORD of Michigan, Mr. YOUNG of Alaska, Mr. LEATH of Texas, Mr. D'AMOURS, Mr. HOYER, Mr. KASTENMEIER, Mr. MCCOLLUM, Mr. RAHALL, Mr. MOLINARI, Mr. LEVIN of Michigan, Mr. DUNCAN, Mr. ASPIN, Mr. FROST, Mr. LENT, Mr. ALBOSTA, Mr. GILMAN, Mr. GREEN, Mr. EDGAR, Mr. DWYER of New Jersey, Mr. WOLPE, Mr. TALLON, Mr. MCHUGH, Mr. WEAVER, Mr. LONG of Maryland, Mr. ECKART, Mr. HIGHTOWER, Mr. GEJDENSON, Mr. REGULA, Mr. CHANDLER, and Mr. HERTEL of Michigan.

H. Con. Res. 46: Mr. COATS, Mr. HIGHTOWER, Mr. MICHEL, Mr. OXLEY, Mr. PRICE, Mr. QUILLEN, Mr. RATCHFORD, Mr. STOKES, and Mr. VANDER JAGT.

H. Res. 38: Mr. MAZZOLI.

H. Res. 67: Mr. LENT, Mr. DONNELLY, Mr. FORD of Michigan, Mr. GILMAN, Mr. SIMON, Mr. SCHUMER, Mr. MATSUI, Mr. SOLARZ, Mr. BURTON of California, Mr. GEJDENSON, Mr. BOLAND, Mr. OBERSTAR, Mr. MOAKLEY, Mr. DOWNEY of New York, Mr. LONG of Maryland, Mr. DWYER of New Jersey, Mr. WOLPE, Mr. LEHMAN of Florida, Mr. TORRICELLI, Mr. BEDELL, Mr. BIAGGI, Mr. DYMALLY, Mr. SMITH of New Jersey, Mr. EDGAR, Ms. FERRARO, Mr. WEISS, Mr. BONIOR of Michigan, Mr. WIRTH, Mr. DYMALLY, Mr. BARNES, Mr. ADDABBO, Mr. SUNDQUIST, Mr. MOLINARI, Mr. ANNUNZIO, Mr. RATCHFORD, Mrs. SCHROEDER, Mr. BEILENSON, Mr. LAGOMARSINO, Mr. OBEY, Mr. MILLER of Ohio, Mr. DIXON, Mr. SOLOMON, Mr. GREEN, Mr. RITTER, Mr. WALGREN, Mr. WHITTAKER, Mr. MACK, and Mr. FEIGHAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

24. By the SPEAKER: Petition of the Ambassador, Federal Republic of Germany, Washington, D.C., relative to the adoption of a resolution by the German Bundestag regarding the tricentennial celebration of German immigration to North America; to the Committee on Foreign Affairs.

25. Also, petition of the Board of County Commissioners of Palm Beach County, Fla., relative to nuclear war; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

PET OWNERSHIP FOR THE ELDERLY AND HANDICAPPED—A RIGHTFUL NEED IN FEDERALLY FUNDED HOUSING

HON. MARIO BIAGGI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. BIAGGI. Mr. Speaker, as an original member of the House Select Committee on Aging, I have today reintroduced legislation of special importance to me. The bill would prohibit Federal housing assistance to any housing project for the elderly and handicapped if such projects do not allow tenants to have pets.

My bill, which was H.R. 2441 in the 97th Congress, has as its main purpose to establish the basic right of millions of elderly and handicapped persons to own pets in federally subsidized housing. When we speak of pets for the elderly and handicapped, we are dealing with much more than a convenience. Studies done such as one by Dr. Erika Friedmann of the University of Pennsylvania indicate that good health is directly related to human/companion animal bond. A study of 92 heart patients found those who owned pets had a significant higher chance of surviving 1 year than those who did not. Today in the United States, pets are being used more and more to curb the feelings of loneliness often associated with the aged. Another study done by Dr. Boris Levinson, a pioneer in the study of human/animal bond at Yeshiva University and a board member of the New York Humane Society, points out that the elderly often suffer from a loss of relatives and withdraw from active participation in human affairs. Objects and animals which provided security in early life may assume greater importance in their later life. The animals may indeed become an anchor for good mental health.

In urban areas, elderly pet owners may not only experience the feeling of safety by having a pet by their side, but would-be muggers and criminals may be warded off by the sight of a dog with his master. For the disabled, pets can aid in improving mobility while also providing important protection from crime. In Arizona, a nonprofit organization called Handi-Dogs provides training classes for deaf, disabled, and senior citizens, in which they are taught to obedience train their dogs for companionship, protection, and assistance. These dogs are trained to pick up dropped objects, carry things from one person to another, fetch a newspaper and bark on command for protection or as a call for help. Dogs serving the deaf and disabled are legally recognized in Arizona and California and have the same privileges as seeing eye dogs.

One of the more significant demographic factors identified in the 1980 census was the dramatic increase in the number of elderly persons living alone. Today in this country, there are 7.7 million persons aged 65 and over living alone—this number is roughly one-third of the total number of elderly people in this Nation. In our research on the Select Committee on Aging, we have come across far too many examples of elderly persons being sent to nursing homes simply because of a lack of companionship. In some instances, this isolation and loneliness which can contribute to poor health for a senior citizen can be alleviated by allowing pet ownership.

This legislation is purposely limited in scope as a means of being able to assess its impact. The bill is limited in scope to housing projects assisted under section 202 of the Housing Act of 1959, to those assisted under the Housing Act of 1937, or title V of the Housing Act of 1949 which has a majority of its tenants who are elderly and handicapped families—as defined in section 202(d)(4) of the Housing Act of 1959. It seems only appropriate that if we are going to provide Federal tax assistance to respective housing units—that these finds not contribute in any form to discrimination against tenants because of pet ownership.

I grow concerned and distressed when I read of elderly and/or disabled persons being evicted from their homes or apartments because of pet ownership. Many elderly people face "pet eviction" because rental space is scarce and vacancy decontrol are in picture. Landlords may employ dormant no-pet clauses as a means of evicting long-time tenants to free apartments for new occupants—and thus substantial rent increases. Sometimes—as in the case of Alice Marstellar, a 77-year-old Florida woman who actually lost her "will to live" after being forced to surrender her beloved terrier, Sparky—this results in death. Another case comes to mind of Frank, a disabled senior citizen whose 9-year-old dog, Tammy, provided him with the only companionship and exercise for a man confined to a wheelchair in a second floor apartment. When Frank's building turned condominium, and he had to turn to public housing, Tammy, was not allowed in. Frank is now forced to hide Tammy until someone can be found to adopt the aging animal; if not, then he must be put to sleep. A humane solution for Tammy, perhaps, but certainly not for Frank.

As the rental housing demand intensifies, so too does the pressure mount for vacancies to be established and too often it is the elderly and disabled tenant who owns a pet who receives the notice for eviction.

It is important to note that my legislation fully recognizes that pet ownership is not a right without responsibilities. My bill clearly states:

> Nothing in this Act shall prevent the owner of rental housing—or the local housing authority or any other appropriate authority of the community where the housing is located from requiring the removal from any rental housing of any pet whose conduct or condition is duly determined to constitute a threat to the health or safety of the other occupants of the housing or of other persons in the community where the housing is located.

Perhaps a better description of my intent is that my bill seeks to bring together the responsible pet owners and the reasonable landlord.

There is growing local and State action being directed at this issue.

In Fort Wayne, Ind.; Palm Beach County, Fla.; Albuquerque, N.Mex., and Multnomah County, Oreg., reduced fees have been set for pet licenses or pet neutering surgery for owners 65 and older. The Mobile, Ala., SPCA—an animal welfare agency staffed by volunteers—helps elderly people by transporting their pets to veterinarians. The Animal Medical Center in New York City offers free care for pets belonging to elderly people with limited incomes. During the past winters, the Morris County, N.J., Welfare Department has boarded the pets of elderly people who had to be given temporary housing when they could not pay their heating bills.

A few years ago, the Minnesota State Legislature passed a bill to permit nursing homes to keep pets on the premises. In Boston, the American Humane Education Society and the Junior League jointly developed and operate a pet adoption program which has placed animals in 22 institutional settings for the elderly.

At this point, California has the only State law establishing the rights of elderly pet owners in housing or operated by any public agency—city, State or Federal. Several other States—Connecticut, New York, Mary-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

land, and New Jersey have all introduced legislation but none have been successful as of yet. Media also has become involved with this issue. A recent "60 Minutes" segment was devoted to the idea of pets being used for therapy, and a recent made-for-television movie was aired about Skeezer, a dog who helped mentally disturbed children find themselves.

A resolution allowing the elderly and disabled to keep pets in federally funded housing was passed during the 1981 White House Conference on Aging. The resolution, which supports my bill, was passed by a near 2-to-1 majority in the committee, and was also approved by the entire conference.

While I recognize that the passage of this legislation may be difficult, I would hope that it will produce some justification for some national demonstration programs under the Secretary of HUD's discretionary budget to allow pet ownership in federally subsidized housing for the elderly and handicapped. We cannot operate on the assumption that discrimination on the basis of pet ownership is right and should be continued. To the contrary, it would be far more consistent if we were to approve this bill and rid ourselves of still another form of discrimination against the elderly and the disabled. We have ample precedent with such landmark laws as section 504 of the Rehabilitation Act and the 1978 law ending mandatory retirement.

I would like to enclose a recent article which was placed in the American Association of Retired Persons magazine, Modern Maturity, which best describes the vital need for the passage of this legislation.

IN A WARM PUPPY, A NEW LEASE ON LIFE

(By Isobel Silden)

The class was over. The happy dog owners and their frisky pups broke into conversational clusters. More than half the people had silvering hair. They were dog owners again for the first time in years, many on doctors' advice.

"This has opened up a whole new world for me," says Maggie Sutton. "After my husband died, I had no reason to get up in the morning. But now, Foxy needs me," she says pridefully, motioning to her little fox terrier.

Joe Bridges nods assent. "After I retired last year, I didn't know what to do with myself. Neither did my wife. Our son gave me Patrick, and he's sure changed my life." He pats his red Irish setter's head fondly. "We walk miles every day and my doctor's happy about that. I've lost weight and my blood pressure's down, too."

These are conversations being heard with increasing frequency in cities and towns around America.

Pets as therapy have become so important in the medical profession that the term "pet-facilitated psychotherapy" is now a part of medical language. Dogs and cats, primarily, are being "prescribed" by doctors to retirees, the ailing, and people living alone. Pets are changing their owners' lives.

Professor emeritus Boris Levinson is a pioneer in the study of the human/companion animal bond at Yeshiva University in New York City. He believes that animal companions are crucial to older people.

"A person may find himself in a situation where he has lost his family and friends," says Levinson. "He may have retired. The woman no longer has a household to run. The concept of a worthwhile individual may deteriorate. This loss of self-approval, compounded by loneliness, may create considerable havoc with the personality."

Levinson also believes that interaction with pets can retard the aging process.

Joe Bridges is a typical example. He walks his Irish setter daily and has improved his own health as a result. More important, the dog has given him a reason for being, just as his friend in the dog obedience class commented about her new pet.

Dr. Aaron Katcher, a psychiatrist formerly at the University of Pennsylvania, is very involved in the human/animal companion bond. He conducted a survey of 92 coronary patients. A year after their discharge from the University of Maryland Hospital in Baltimore, three of the 53 pet owners had died. Among the 39 with no pets there were 11 deaths.

Dog ownership almost forces owners to exercise, which is an important acitivity for patients with coronary artery disease.

Maggie Sutton found that taking her fox terrier first to dog obedience school, and then on walks around the neighborhood, broadened her social life.

"I met my neighbors when they stopped to pet Foxy and found new friends. As a result, I go to church regularly with a lady I met because of Foxy, and other new friends invite me to Sunday dinner," she says with satisfaction.

"I feel having a pup saved my life, because I was really feeling suicidal. My husband and I were married for more than 40 years. When he passed on, I couldn't find a single reason for living. My son called long distance one night and could tell I'd been crying. It was his idea that I get a dog.

"I went to the shelter and saw her. She was so tiny and helpless! I laughed for the first time in weeks the day I brought her home. How can you watch a little puppy playing and not laugh? I really agree that laughing is good for your health."

Dr. James J. Lynch of the University of Maryland's School of Medicine would probably agree that having a dog around the house saved Mrs. Sutton's life. He maintains that living alone can be dangerous to one's health:

"Those who live alone have premature death rates. Loneliness can hurt in two ways: the body's immune system breaks down, or loneliness can bring on self-destructive behavior, such as smoking or drinking too much, or reckless driving."

Dr. Leo Bustad, dean of the College of Veterinary Medicine at Washington State University, thinks the worst disease is loneliness. "Animals can help. I think we'll see the day when doctors prescribe pets for people. They're cheaper and better than pills."

Not only do pets prolong the lives of heart disease patients, but studies have also shown that stroking a dog or cat actually lowers blood pressure rates, because it's such a calming and loving activity. Still other research has shown that talking to an animal is more relaxing than talking to another human being.

Eighty percent of pet owners talk to their pets as if they were people, not animals. Twenty-eight percent confide in them and talk about their day. Seventy-eight percent say animals understand them and are sensitive to their moods and feelings. One woman says very seriously, "After God, my dachshund is my best friend." She means it.

According to author Patricia Curtis, "A pet is uncritical. The dog or cat loves you whether you're tall, short, fat, thin, strong or weak."

Curtis adds, "People depend on pets as much as pets depend on people. It's sometimes easier to trust affection from a pet."

Dr. Anna Cain of the University of Maryland conducted a survey of people's reactions to their pets. She learned that 87 percent considered pets members of the family, saying they felt closer to their pets than to any other family member. In one study Dr. Aaron Katcher found, that 98 percent of those responding spent time talking to their animals.

Katcher adds, however, "Pets aren't substitutes for human beings, but they do offer a relationship that other people do not provide: companionship, something to care for, to keep busy with, to warmly touch and fondle, to make you feel safe."

Nowhere are pets more appreciated than in nursing homes, where the results have been happy, pleasant, and in some instances, startlingly dramatic.

The Latham Foundation in Alameda, California, is a nonprofit organization that exists to promote respect for every living thing through education. Its newsletter reports on people-pet partnerships and utilizing pets in therapy. The foundation actively promotes pet companionship programs for the elderly and for people who live in nursing homes.

New programs are constantly starting, with Massachusetts and Minnesota leading the movement. The American Veterinary Medical Association has established a task force to study details of the human/animal bond.

Active programs are currently in progress in Colorado Springs; Wantagh, New York; Riverside and Monterey, California; Buffalo, Minnesota; Chicago, Boston, Honolulu, San Francisco and New York City.

Phyllis Wright and Betsy Dribben-Gutman noted in Nursing Homes magazine that stroke victims are often so depressed they won't work in therapy to relearn speech. That attitude changes when the patient is given a pet to play with.

Dr. Samuel Corson, a physiologist formerly at Ohio State University, says, "An animal never says a person needs to be changed; people describe themselves as 'less lonely' when they have a pet."

Indeed, a study of 1,144 middle-aged women in Maryland ascertained that those who described themselves as being very attached to their pets experienced more overall happiness from life than nonpet owners, and considerably more happiness than people who aren't as attached to their pets.

The addition of a pet in any older person's home makes the person feel positive about himself or herself. Where pets are introduced, even for brief periods, into nursing home situations, the residents have something to care for. Their dignity has been restored.

The Pets Are Wonderful Council (PAW) is a not-for-profit public service organization dedicated to communicating the joys of responsible dog and cat ownership to the American public. Says a spokeswoman, "Pets can give purpose to living."

Today, when the family unit has changed considerably, it's warmly comfortable to realize that the more things change, the more they are the same: happiness can still be found in a warm puppy or kitten. So can mental health.●

WHAT CHEAP OIL COULD DO

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. OTTINGER. Mr. Speaker, in last week's New York Times, there appeared a column by Robert Pindyck of MIT concerning the recent disintegration of OPEC's consensus, and the possible benefits vis-a-vis oil prices. I think that Mr. Pindyck makes some excellent arguments, and that as we react to OPEC's current difficulties in maintaining their cartel, we view it in perspective.

I commend Mr. Pindyck's piece to my colleagues' attention.

CHEAPER OIL'S BENEFITS

(By Robert S. Pindyck)

CAMBRIDGE, MASS.—The Organization of Petroleum Exporting Countries is unlikely to prevent a further decline in oil prices. Maintaining a $30 to $34 price per barrel would require large coordinated cutbacks in production. As OPEC's Geneva meetings demonstrated, this is more than the cartel can manage.

A sharp drop in prices would be good for us, our industrial trading partners and the developing nations. Why then all the worry about declining prices? Why the suggestions that we should help OPEC stabilize prices?

Myths and misconceptions about the effects of an oil-price decline abound. The conventional wisdom is that any economic benefits would be minimal while the hazards would be great. The illusory hazards include a destabilized world financial system, higher interest rates, larger budget deficits, reduced world trade, a worsening of the world recession. Actually, the economic benefits of a decline would be huge.

Oil price increases in the 1970's transferred part of our real national income to OPEC. This led to economic dislocation, inflation and unemployment. A price drop would restore some of this lost income and stimulate our economy. It would assist all the industrial nations' anti-inflation fights.

The increases were disastrous for the developing countries, which would consider a drop a godsend. They use less energy per capita than industrial countries but that use is for more essential purposes, so they were less able to cut their demands when prices went up. For many of them, high prices have meant sharply reduced economic growth, growing trade deficits and financial instability.

Let's examine the supposed hazards of lower oil prices.

Reduced prices would put OPEC members in the position of borrowing instead of lending, which would drive up interest rates and destabilize the world financial system.

With reduced financial surpluses, OPEC members would indeed save less and borrow more. But lower prices would increase all oil-importing countries' savings and reduce their demands for loans. This would alleviate the balance-of-payments problems of heavily debt-ridden countries and reduce chances of default. Because of the stimulative economic effects, importers' increased savings would outweigh the decrease for oil exporters. Interest rates would not rise, and the financial system would if anything be stabilized.

Lower oil prices would push Mexico into default, and other countries would follow suit.

Lower prices would cut Mexico's export revenues. But the total pool of the world's lendable funds would rise, while needs for those funds would fall, since most countries with debt problems are oil importers, not exporters. As a result, a larger pool of resources would be available to assist those few countries in Mexico's position. With responsible allocation of financial resources, Mexico would avoid default, and any list of countries that might follow suit would be greatly shortened.

A drop in OPEC revenues would reduce OPEC's imports from the industrial nations, exacerbating the world-wide recession.

Yes, a drop in OPEC revenues would mean reduced OPEC ability to import goods and services. But lower prices would augment the ability of all other countries to import them. The aggregate gains in import demand would outweigh the OPEC decrease. The net effect would stimulate the world economy.

If oil prices fell, so would Federal revenue from taxing oil company profits, making Federal deficits larger.

Oil companies that get most revenues from production, not refining and distribution, would indeed have lower profits and pay less taxes. But profits in other economic sectors—petrochemicals, transportation, agriculture, cars—would rise. Total corporate profits would go up, as would corporate tax payments. Also, because an oil price decline would stimulate the economy, reducing unemployment and increasing the gross national product, personal income tax revenues would rise and disbursements for unemployment compensation would fall. Only OPEC members' budget deficits would grow.

We need stability in a world oil market. Unstable oil prices are worse than high oil prices.

Maybe human nature seeks stability and constancy. But more of the same high unemployment and negative economic growth? That stability we can't afford.

The only real losers from a price drop are the oil producers. But their losses are more than offset by everyone else's gains. We should stop talking about supporting OPEC and stabilizing world oil prices. Instead, we should hasten OPEC's demise. An oil import tariff would be a good first step. It would reduce our dependence on OPEC oil and make OPEC's problems that much worse.●

ISRAELI COMMISSION OF INQUIRY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Ms. MIKULSKI. Mr. Speaker, the release of the Israeli Commission of Inquiry's report on the Beirut massacre is a tremendous testimony to the strength and vitality of democracy in that country. The events of last year in Beirut tossed Israel into a painful, soul-searching process. Certainly, the disaster at the refugee camps was a horrible and regrettable episode and cannot be quickly forgotten. But the Israelis have asked themselves the tough questions and have come up with answers. Lebanon, on the other hand, despite the obvious involvement of the Lebanese Phalangists, has not engaged in such a thorough investigation.

There are very few countries in the world that would willingly emulate this process under similar circumstances. We ourselves would do well to look at our own involvement in human-rights violations throughout the world and ask some tough questions.

I believe that the issuance of the report is indicative of Israel's commitment to democracy in its own country and justice and peace for the region. The United States is fortunate to be able to count Israel as a friend and ally. We should continue to strongly support Israel with economic, humanitarian, and military aid, since she has clearly demonstrated her commitment to truth and democracy. We should leave Israel to resolve its own political affairs in this matter—just as we would expect other nations to trust us to handle our own internal affairs.●

MARTIN-COPELAND CO. INSTITUTES PROGRAM TO BUY AMERICAN-MADE CARS

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. ST GERMAIN. Mr. Speaker, there is an intensive search going on today for new and innovative ways to stimulate our Nation's economy. I would like to call to your attention one particularly praiseworthy action taken by a firm in East Providence, R.I.

This firm, the Martin-Copeland Co., is an outstanding member of the optical industry and a manufacturer of eyeglasses. Realizing the special needs of the automobile and steel industries at this time, however, Martin-Copeland has instituted a new program of giving a $300 reimbursement to each employee who purchases a new American-made automobile for his own private use. They are encouraging their employees to take advantage of this program to the fullest extent possible.

I feel that this action demonstrates graphically the deep concern of the Martin-Copeland Co. for the restoration of a healthy economy and a willingness to make their special contribution toward the achievement of this goal. They have chosen the auto industry as a highly important and visible segment of our economy affecting

many other related and supportive businesses, and have shown us one way in which American businesses can work for the good of specific industries that are in temporary trouble, and for the benefit of the entire economy.

As their president, Mr. Curtis W. Rogers, says:

Although our action is small, it is sincere. We hope that you will use whatever resources are at your command to encourage other companies which share our concerns to adopt similar programs for their employees. When all of our voices are raised together, the sound will reverberate from one end of this great country to the other. American industry will benefit . . . and so will we all.

Mr. Speaker, I believe this company deserves commendation for their public-spirited action in support of a healthy American economy. I would urge that their program of stimulating the buying of American automobiles by their employees be publicized and put into practice by other companies who share their concerns.●

INTRODUCTION OF CONCURRENT RESOLUTION ON KKK

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. GRAY. Mr. Chairman, over the past few years, we have witnessed the disturbing resurgence of racially motivated crimes across this Nation. Continually, we hear of reports—from Connecticut to Florida, from California to Georgia, of cross burnings, antiminority marches, sniper attacks, random destruction of private property, and the list goes on.

These crimes have directly coincided with the resurgence of activities of various racially oriented hate groups, particularly the Klu Klux Klan. And according to the reports that I have seen, a great deal of these crimes have been instigated, if not committed, by the Klu Klux Klan.

According to a recent report of the Southern Poverty Law Center's (SPLC) Klanwatch program, the most comprehensive in the country, 1981 was one of the most active years since the mid-1960's for Klan activity. At least 300 incidents involving harassment and intimidation were believed committed by Klan members in 1981. Not since the 1960's has there been a comparable nationwide outbreak of violence, intimidation, and harassment by the Klan.

The Anti-Defamation League (ADL) has estimated that there are nearly 12,000 active Klan members throughout the country—an increase of over 65 percent since 1975. And while this membership is much smaller than Klan strength of earlier periods, the violence it represents and their potential for growth, create an ever-present danger to the thousands of law-abiding American citizens, who have been targeted for intimidation and violence by the group.

More importantly, Mr. Chairman, given today's atmosphere of hard economic times, and the sharp swing of the pendulum to the political right, I am afraid that there exists an environment in which a KKK can thrive.

That is why, Mr. Chairman, I am introducing today, a concurrent resolution, calling upon the Justice Department to "vigorously" seek out and prosecute those members of the KKK who violate the civil and constitutional rights of others. I think that at this juncture, it is imperative that the Congress and indeed the Nation be on record, as opposing the violence and racial hatred that has been endemic and characteristic of the Klan.

Many might question the need for such a statement by the Congress, given the progress that the cause of equal rights has achieved over the past 20 years.

However, the Reagan administration is the first in modern times which is clearly committed to halting that progress and rolling back those hard-won gains. In virtually every action, appointment, and policy decision in the area of civil rights, this administration has sought not to build on the last 20 years of civil rights gains, but has instead launched the greatest retreat in the past half century.

It is quite clear to me that the Congress should not, and cannot sit idly on the sidelines, while this administration ignores and repudiates those laws it is sworn to uphold by declining to enforce them, and refusing to follow court decisions and mandates.

On issues including court-ordered busing, equal job opportunity, tax exemption for segregated schools and voting rights—this administration has sought to turn the clock back to a darker time.

So blatant has this administration's failure to actively pursue civil rights compliance become—that last December some 200 civil rights lawyers and other employees within the Justice Department signed an open letter to the President protesting his polices regarding the Department's lax enforcement of our civil rights laws.

The Klan has blatantly thrust itself prominently into the public eye. And while the Klan continues to use violence, harassment, coercion, and intimidation against people belonging to various minority groups, it also seeks to justify these actions to the American public by exploiting such controversial issues as busing, affirmative action, and anxieties over crime and inflation.

While these are certainly legitimate issues, having legitimate varying points of view, we must not be confused by the Klan's apparent new sophistication and renewed interest in the political process.

The Klan has, and always will be, an extremist, fraternal society, which is dedicated to the proliferation of racism in our society. I need not remind my colleagues that in the 1950's and 1960's, Klansmen bombed churches, beat integration-minded bus riders, and shot civil rights workers in Mississippi. Nor need I remind you that in the 1920's, Klansmen raped countless numbers of black women in the South, while beating and oftentimes lynching their black men at the same time. I think the history books clearly point to the sadistic and racist nature of this organization. Equally clear, however, is that such activity should not, and cannot, be tolerated in our society today.

Klan resurgence nationally has also led to another critical phenomenon—namely Klan infiltration of the U.S. military. Over the past few years, reports of Klan recruitment as well as Klan, instigated violence on military bases and installations have become widespread. Although the U.S. Constitution provides for the protection of free speech and association, there is no room in our military for organized racist activity among the ranks. Nor is there any room in the military for internal violence among members of our Armed Forces. And while the military hierarchy has publicly denounced organized racist activity in the military, it is important that the Congress again be on record as opposing such activity—as well as urging the Department of Justice, in concert with the Department of Defense, to ferret out all racially motivated activity aimed at violating the civil and constitutional rights of members of the Armed Forces.

I am particularly concerned about another sad, but real, consequence of the resurgence of such extremist groups as the Klan, the racist indoctrination of children. In Decatur, Ala., in 1979, members of the Klan Youth Corps burned a schoolbus while their adult Klan counterparts cheered them on at an antibusing rally. In Durham, N.C., that same year, a cross was burned at halftime, during a football game between a black and white school. In Largo, Fla., September 1980, a youth was arrested for a cross-burning incident while wearing a robe lent to him by a Klan member. Literature is circulated in junior high and high schools throughout the country, to belittle and threaten minority students, and school administrators while seeking recruits for the Klan Youth Corps.

These children, who are taught to be racist, and those who unfortunately are the subject of that racism, are the same children that will one day be our

leaders. We cannot allow our young people's respect for the rights of our Nation's peoples, and their unique cultures—cultures that built this country, be undermined.

Many of my colleagues may question the need for such a proposal. For sure, there are nearly 230 million Americans who have no affiliation with the KKK whatsoever. However, Mr. Chairman, those remaining 12,000 or so that are affiliated with the KKK pose one of the most serious threats to the very fabric of today's society, as we know it.

It is for these reasons that I issue this call for action. Unless immediate action is taken to monitor more closely, and prosecute more vigorously, such violations, this country may find itself entering the most turbulent and devastating decade of its history.●

LEGISLATION TO ACCELERATE GENERAL REVENUE-SHARING PAYMENTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. FRANK. Mr. Speaker, I believe most Members recognize the critical importance of general revenue sharing for the continued fiscal health of local governments throughout the country. I am grateful that this is one program which the administration has not targeted for elimination, although its proposed level funding of the program is, in my view, woefully inadequate. The authorization for revenue sharing expires at the end of the current fiscal year and, as a member of the Government Operations Committee, I will be doing all I can to see that this successful program is reauthorized with adequate funding.

There is one matter, however, that I believe demands our more immediate attention in view of the continued fiscal crises facing many municipalities. Under present law, revenue sharing payments are made on a quarterly basis, with each payment being made 5 days after the close of the quarter. There appears to be no real justification for making municipalities wait for their payments, particularly during times of financial distress. I am proposing, therefore, that effective with the quarter beginning on April 1, 1983, revenue sharing payments be made within 5 days of the beginning of the quarter.

The acceleration of payments will have a stimulative effect, particularly when the first payment is made under the new system because two payments—one under the old system at the end of the quarter—will arrive at about the same time. This will be accomplished without the necessity for any additional appropriations. The added cash flow can help municipalities provide vital services who have been made the victims of the severest recession since World War II—those without homes, without food, without basic necessities. In addition, this stimulus can help provide jobs as local governments will have additional resources with which to recall laid-off workers.

Mr. Speaker, this relatively simple legislation can have a substantial stimulative effect without adding a penny to the Federal deficit. I hope my colleagues will join with me in supporting this needed change.●

ELIZABETH AND WILLIAM MURRAY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. STARK. Mr. Speaker, there are two residents in my congressional district in the city of Alameda who have served their community well and I would like to pause to recognize their contributions.

William F. and Elizabeth Murray have been Alameda residents since 1920. Mr. Murray served in the Alameda Council in 1930 and was appointed mayor and served until 1935. At the time of his death on June 8, 1981, at the age of 92, he was the oldest living mayor in the United States. While serving as mayor, William Murray took an active part in movements which gained for Alameda the multimillion dollar Army air depot, permanent leases for three government agencies on Government Island, and the San Franscisco Bay Airdrome, which was at the time the terminal of all but one major airline operating in northern California. He played an important part in the negotiations for one of the largest air fleet bases in the Nation, the Alameda Naval Air Station.

Elizabeth Murray was in charge of housing for military personnel at the Alameda Naval Air Station from 1943 to 1949. She worked tirelessly, walking door to door, to find housing throughout Alameda and surrounding cities for military families. When she was unable to find housing, she opened the Murray home to them. The military husbands, wives, sons, and daughters are her extended family and she is fond of thumbing through the pages of her log books that describe the housing needs of the families she assisted. The pages are a little faded now, but the memories and the good deeds they represent are still crystal clear.

She is a proud charter member of the Naval Air Station Association since January 1, 1946. While housing personnel from the Alameda Naval Air Station was her major interest, Elizabeth Murray was also interested in the general well-being of military personnel. The Murrays would host parties for them and would open their home socially on many occassions. One memorable event Elizabeth Murray recalls was a party she and Mr. Murray hosted for 1,000 sailors on Alameda's Fleet Day.

William and Elizabeth Murray were the parents of three sons who served in the military. Bill, Jr., was shot down over Palermo while piloting a B-17 and was lost in action. A flag flies in front of the Murray home in his memory.

I have listed but a few of the Murrays' contributions to Alameda. They are two citizens who have reached unselfishly to touch many lives and I commend their involvement.●

A NATIONAL ENERGY TRUST

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. MARKEY. Mr. Speaker, I want to bring to the attention of our colleagues an important issue concerning the restitution to consumers of hundreds of millions of dollars in overcharges which the oil companies are legally bound to repay to the American people.

Congress has mandated that some of these dollars be distributed during 1983 to the States for energy conservation purposes. Specifically, $200 million in funds provided by oil companies in consent orders with the Department of Energy will be distributed. The States will be able to use this assistance for various energy conservation programs established by Congress.

Recently, the Boston Globe published an op-ed statement on this issue by Ms. Ellen Berman, executive director of the Consumer Energy Council of America, and Mr. James Bishop, Jr., an assistant to Energy Secretary James Schlesinger during the previous administration. In their view, a national energy trust should be created to oversee the proper disbursement of these funds, which could eventually total as much as $13.5 billion, so that energy-related projects which reduce the cost of energy to consumers can be advanced.

These appropriate technologies in energy systems—namely, small-scale, accessible technologies based upon renewable sources of power and energy conservation—will encourage citizen self-help efforts that will minimize their dependence upon giant utilities and energy conglomerates. Recently, Mr. David Hoffman, the Washington

director of the National Center for Appropriate Technology, testified on this subject on behalf of NCAT and the solar lobby before the Department of Energy Office of Hearings and Appeals during the DOE consideration of the Amoco trust fund. I urge my colleagues to consider Mr. Hoffman's suggestions as we review this matter in the new Congress.

A copy of the Boston Globe article and Mr. Hoffman's testimony appear below:

[From the Boston Globe, Dec. 27, 1982]

A NATIONAL ENERGY TRUST

(By Ellen Berman and James Bishop, Jr.)

Holiday season or no, none but the naive would imagine that Washington politicians could resist the chance to dispense a pot of gold to consumers free from the national budgetary fandango. But resisting it they are.

Languishing in U.S. Treasury accounts within sight of the White House lies a pot of gold owed by the U.S. government to millions of consumers who were overcharged by oil companies, beginning in 1973. In these accounts there is more than $500 million, soon to be augmented by another $3 billion now being collected by the Department of Energy. Moreover, if amnesty is not granted to the oil industry, another $10 billion could end up in that account.

Believe it or not, the funds, which were collected subject to strict legal restitution, show no sign of being dispersed. This Administration, like its predecessor, is evidently immobilized by this obligation to return the funds to overcharged customers.

In fairness, identifying specific victims is virtually unachievable since few consumers have kept their sales receipts over the years. But those bookkeeping difficulties do not absolve the government of its obligation. The funds were illegally taken from consumers and the law requires that they be returned to them.

In this regard, it has been argued that, since the injured parties cannot be identified, the funds should be transferred to the Treasury to reduce the deficit. But the courts have ruled that such a solution does not constitute restitution. In the meantime, numerous giveaway schemes have been devised. Some have been implemented, and, of those, most have backfired.

First, the Carter Administration tried to give the consumers' overcharge money to U.S. Army personnel to defray heating bills. When political pressures forced the abandonment of this scheme, it then gave $4 million to several charities during the final days of its term.

When incoming Reagan officials discovered this final act of generosity, they cried politics. Swiftly, $1 million was retrieved and sent back into the Treasury account. Whether it was politics or a worthy cause, the scheme was easy to overturn because it didn't constitute true restitution either.

Of late, high-level Administration officials, including the new Energy Secretary, Donald Hodel, have been trying to succeed where Carter failed. By one Administration account, the states will be given the idle overcharge funds.

Is this restitution? Definitely not, because in these deficit-ridden times states will be tempted to use these funds for other than restitutionary purposes. The funds would likely be used in lieu of—rather than in addition to—monies appropriated for state projects. The law says this would not be restitution.

Is there, then an answer at all? Of course there is, and, like the pot of gold, it would be a political winner for the Administration, a solution which is sensible, moral, equitable and, above all, would legally constitute restitution. In those cases where direct repayment is not possible, courts have achieved restitution through the adoption of a "second-best" remedy—typically the creation of projects that benefit the affected public.

For instance, in the one legendary overcharge case involving pharmaceuticals, where most consumers could not be identified, the court, acting as a trustee for the affected consumers, authorized funding drug programs such as community mental health centers, drug education programs and other projects designed to provide a benefit to those who were overcharged. In the case of the oil overcharge funds, they are already being held in trust by the government.

It takes no giant leap of the imagination to create a National Energy Trust, guided by a blue ribbon board appointed by the President and representing the affected population groups.

The proposed trust would be dedicated to supporting energy-related projects that reduce the cost of energy, including low-income weatherization, conservation education, and renewable technologies. Proposals would be sought from both the public and private sectors—states, cities, senior citizens and grassroots organizations, small businesses, and the like.

Operating like a major foundation, the trust would invest the principal of the overcharge funds and distribute investment income so that it would provide an enduring, systematic mechanism for granting restitution to millions of overcharged consumers.

Unless such an appropriate course is pursued, "the dream of equity," in Carl Sandburg's words, can never be realized. Instead, this languishing pot of gold will become a political nightmare for this Administration as it was for the last and will be for the next.

STATEMENT OF THE NATIONAL CENTER FOR APPROPRIATE TECHNOLOGY BEFORE THE U.S. DEPARTMENT OF ENERGY, OFFICE OF HEARINGS AND APPEALS, PUBLIC HEARING ON AMOCO CONSENT ORDER FUND

My name is David Hoffman. I am the Washington Director of the National Center for Appropriate Technology, a not-for-profit corporation based in Butte, Montana, which has six years of experience in the development and transfer of small-scale energy technologies to consumers, especially lower-income Americans. I am speaking today on behalf of NCAT as well as the Solar Lobby, a national organization representing more than 55,000 Americans who support solar energy.

I am here to present specifically our recommendations concerning the Amoco settlement fund. But more generally, we also recommend that the Department consider our proposals with respect to other funds in escrow. We thank you for this opportunity to testify.

Almost 500 million dollars has been accumulated by the Department of Energy under settlements with oil companies to date. Since these settlements involve less than half the total allegations made concerning overcharges to consumers, a fund of $1 billion—or more—could ultimately emerge from future legal settlements.

The Department holds this money in trust for purchasers who were overcharged during the years in question. It is not possible, however, to identify in most cases exactly who paid too much money and who should therefore be reimbursed. Furthermore, when spread throughout the Nation, the dollars in escrow would have merely negligible value to consumers, averaging little more than $2 per person in this country. Accordingly, since a direct remedy is not in most instances feasible, a "next-best" restitutionary remedy must be sought. NCAT and the Solar Lobby believe that such a remedy would be one which generally benefits consumers as a class and which leads them towards greater energy security.

Remedies which funnel the settlement dollars back into the U.S. Treasury or into purchases of crude oil for the Strategic Petroleum Reserve or which promote added development of new petroleum supplies do not constitute restitution. They do not immediately benefit victims of the overcharges except in an ultimate and contingent sense as taxpayers or as consumers of more petroleum products.

The DOE Office of Hearings and Appeals has jurisdiction over roughly half the current escrow funds, or $250 million. In the current case before OHA—the 1980 Amoco settlement for $72 million plus accumulated interest, for an approximate total of over $95 million—an elaborate, two-stage, six-category process of disbursement has been proposed. My remarks today are directed both to this mechanism and to the larger issue of the ends to which these dollars should be put.

The National Center for Appropriate Technology has focused its work on energy conservation and renewable technologies which we have found "appropriate" in size and cost, accessible to large numbers of people, and neatly fitted to end use. Quite simply, appropriate technology means sound engineering linked to self-reliance. It means adapting to survive, solving problems on a small, local basis instead of waiting for solutions to come from large-scale, centralized institutions. "Being independent" has always been the common synonym for what the economist E. F. Schumacher described in his book, Small is Beautiful. In an earlier day in America, we called it "rugged individualism" as blended with commitment to community and the wider society.

NCAT and the Solar Lobby take the view that a significant share of the settlement funds, including that obtained from Amoco, should be invested in efforts to promote local, self-help initiatives in appropriate technology. We see some merit in providing some of the settlement dollars to the states for creative disposition within their boundaries. By itself, however, the mechanism of the states will likely fail to address significant opportunities at the national level.

Every consumer of petroleum products in this Nation has a personal stake in hastening the transition—as an individual, as a family, as a neighborhood—away from reliance upon dwindling fossil fuels and toward self-reliance based upon renewable fuels. The settlement funds should be used in trust to help individuals take these steps.

Two energy delivery systems, scarcely utilized in the past century, can be called upon to promote self-reliance. These are energy conservation, on the one hand, and natural energy flows such as solar power, on the other hand. In both instances, these sources

of new energy are commonly diverse and small in scale, and adaptable to the home and community level. The Harvard Business School study suggests we "could perhaps 'supply' up to 40 percent of America's current energy usage" with conservation. Direct solar energy—passive and active solar heating—could provide much of the 58 percent of the U.S. energy budget used for residential and industrial heating. Before the transformation to efficient and sustainable energy use can take place, however, we must do nothing less than refashion the stock of physical capital in this country by building new and retrofitting existing structures—homes, factories, shopping malls—to make them more energy efficient and solar reliant. Enlightened individual self-interest, coupled with needed information and resources, will be needed to get this job done sooner rather than later.

One of the characteristics of appropriate technologies is that they are very diverse. Their economies and performance differ greatly from site to site. Publications by themselves usually cannot provide detailed, site-specific information needed in self-help projects if technical difficulties are encountered. Instead, individually-tailored help is needed. When the Congressional Office of Technology Assessment looked at the status of appropriate technology in the U.S. last year, the OTA reported that a lack of reliable information on design, cost, and performance of these technologies is a "significant barrier" to their widespread diffusion. Today, no existing Federal program provides the necessary technical individualized assistance and information which make effective local decisions easier to reach.

Thousands of Americans are interested in self-help, small-scale technologies. They are working with alcohol fuels distillation, building passive solar greenhouses, and considering low-cost solar hot water and space heating and superinsulated house designs. NCAT believes the most important action that government can take today is to provide information and technical expertise at the local level, making it easier for citizens to help themselves.

The Amoco settlement can provide the initial funds for a number of useful projects including a national appropriate technology information service, which would be available to assist consumers in every state in the Nation. We believe that the idea of a public energy trust—chartered as a nonprofit corporation independent of government—has merit to disburse some of these funds. A variety of activities could be supported, including resource centers for appropriate technology and community self-help. Settlement dollars invested in these activities will have ongoing payback in perpetuity. They will encourage people to look to themselves to solve their own problems. Energy consumers who learn to help themselves will be far less likely to be victimized by overcharges in the future.

We urge the Department of Energy to consider these elements as it fashions the final plan for the restitution of these dollars. Thank you.●

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. HOWARD. Mr. Speaker, many of us have worked together toward the goal of having the week of February 13 declared Big Brothers/Big Sisters Week. I urge all Members to join in cosponsoring this important resolution. What better way to recognize the tremendous achievements of this fine organization than in establishing Big Brothers/Big Sisters Appreciation Week.

I know personally of the accomplishments of Big Brothers/Big Sisters through my wife Marlene's association with both the Big Brothers/Big Sisters of Monmouth County and Big Sisters of Washington, D.C. In many cases, young people who might otherwise find themselves dropping out of school, associating with undesirable acquaintances and leading generally unproductive lives, have been inspired and encouraged by a Big Brother or a Big Sister.

In the eight decades since its inception, Big Brothers/Big Sisters has provided adult companionship for hundreds of thousands of boys and girls. Little Brothers and Little Sisters are children aged 6 to 17, many of whom come from broken homes or have lost a parent through death or divorce. Big Brothers/Big Sisters provides these young people with someone to be their friend, listen to their problems, provide them with guidance, and lend some stability to their lives.

This year marks the 80th anniversary of the founding of Big Brothers and the 75th anniversary of the start of Big Sisters. In 1903 a young Cincinnati businessman, Irvin Westheimer, befriended a boy he found searching for food in a garbage can. Westheimer encouraged his friends to do the same for other fatherless boys, and the men soon became known as the Big Brothers.

The first formal Big Brothers program was started in 1904 by a man named Ernest K. Coulter. But there was no organization that did for girls what Big Brothers did for boys. So in 1908, Mrs. Willard Parker, in conjunction with the Children's Court of New York City, set up the first Big Sisters program.

In 1946, the local chapters of Big Brothers were coordinated nationwide, and became known collectively as the Big Brothers of America. In 1970, several area Big Sisters organizations met in Washington, D.C. and formed Big Sisters International. Seven years later, in 1977, these two groups merged to form the organization known today as Big Brothers/Big Sisters.

In light of the great accomplishments of this organization and the important service it provides to communities across America, it seems most appropriate to establish "Big Brothers/Big Sisters Appreciation Week."●

KNIGHTS OF COLUMBUS: 25 YEARS OF LABORING WITH LOVE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. SCHUMER. Mr. Speaker, I rise to pay tribute to an important community organization in Brooklyn as it celebrates its 25th anniversary of unselfish work to better the lives of the sick, the poor, and the lonely.

On February 20, 1958, St. Pius X Council, No. 4541, Knights of Columbus was founded, and the four cardinal principals of the organization—charity, unity, fraternity, and patriotism—were embodied. Since then, this group of Roman Catholic men has strived to lighten the financial and emotional burden on people in our community. Literally thousands of man-hours have been donated by the Knights to programs for children, senior citizens, handicapped persons, and to counseling sessions with those in need of consolation.

Social events organized by this group, such as dances, raffles, and bazaars, have brought more than joy and laughter into the participants' lives; the Knights have raised more than $1 million, which they donated to various charities and local groups. Among the many nonprofit organizations to benefit from their fund-raising endeavors are the 69th Precinct Community Council, Canarsie Aware, Canarsie Mental Health Clinic, B'nai B'rith, the Girl Scouts, the Boy Scouts, and the Canarsie Volunteer Ambulance Corps.

In addition to providing emotional and financial support to groups and individuals, the Knights have sponsored numerous patriotic and civic programs. For example, each year the group cosponsors the annual Memorial Day parade and presents an outstanding resident of the community with an "American Award."

Twenty-five years of commitment is an achievement the group boasts of with pride, and rightly so. In times of recession, the important and ever growing role groups like this one play in the community deserves special recognition and encouragement.

The St. Pius X Council, No. 4541, Knights of Columbus has labored with love for 25 years; it is with love that we in Brooklyn who see the fruits of

their labor extend our thanks for their years of service.●

LEGISLATION PROHIBITING NEW INVESTMENT IN SOUTH AFRICA

HON. WILLIAM H. GRAY, III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. GRAY. Mr. Speaker, I am reintroducing today a bill to prohibit new U.S. investment in, and bank loans to, South Africa.

This prohibition would be lifted if South Africa made substantial progress toward full participation by all its people in the social, political, and economic life of the country, and toward an end to racial discrimination.

During the 97th Congress, the Foreign Affairs Committee's Subcommittees on International Economic Policy and Trade and Africa approved this bill by large majorities.

The need for congressional action to halt new investment in South Africa has grown more acute since the bill was first introduced in May 1981. South African repression has become more harsh for all blacks, including those who labor in American subsidiaries in that country.

Security forces have harassed and detained thousands of union organizers. These labor leaders have faced frequent torture and even death in detention.

The Nationalist Party regime has introduced new laws affecting the millions of rank-and-file black workers who must obtain Government permission to live and work in white areas. These rules will place severe restrictions on the numbers of blacks who can leave barren, overcrowded homelands to seek work. The laws also will tighten prohibitions against black workers bringing their families with them to white South Africa.

Because South Africa's Afrikaner rulers have assigned the 70-percent black majority to an impoverished 13 percent of the land, these new laws will condemn thousands to starvation. In fact, the American Ambassador to South Africa, Herman Nickel, has seen blacks starving in the resettlement camps to which the Government has forcibly removed them.

Many black leaders in South Africa still put their faith in peaceful pressures for justice. These leaders plead with the United States to use its enormous economic leverage in behalf of early progress toward racial equality.

To those who argue that blacks will be hurt if the United States no longer invests in South Africa, a leader like Bishop Desmond Tutu responds, "Blacks are suffering today. We might as well suffer for a purpose."

Bishop Tutu and many of his colleagues believe in the values the United States stands for—democracy, individual rights and freedoms, racial equality. They continually appeal to Americans to apply these principles in pressing for real progress in South Africa, before it is too late.

However, growing numbers of black South Africans are extremely skeptical about American values and western capitalism. They look at U.S. investments in South Africa and conclude that America wishes to strengthen the apartheid system, because it is profitable.

Profits for companies investing in South Africa may indeed be generous—today. But fundamental American economic and political interests will suffer if racial polarization and violence grow in South Africa—if the United States does not use what little leverage it has to promote early progress.

This was the conclusion reached by the prestigious Rockefeller Foundation-funded Study Commission on South Africa. The commissioners, led by Ford Foundation President Franklin Thomas and including broadly representative leaders from academia, business, and labor unions, unanimously recommended that there be no new investment by the United States in South Africa.

Congressional enactment of this legislation will not bring an immediate end to apartheid. But it will send a clear signal to South Africa's rulers that the United States will not continue to do business as usual with a Government that exercises the most totaliterian control over its people of any in the world—and imposes the only system based on racial discrimination.

In enacting this law, Congress also will send a signal to South African blacks that the United States stands with them in their struggle for freedom and equality.●

COLONEL BAKER'S DISTINGUISHED SERVICE AND DEVOTION TO HUMANITY

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. CHAPPELL. Mr. Speaker, all of the Government agencies of this great country and the several States have for many years been searching for ways to improve the health care systems here in the United States of America and at the same time to control the spiraling costs to the patient. I am certainly pleased to note that at the same time many civic-minded citizens are taking action of their own to achieve these same goals. I take great pleasure in bringing to your attention one such individual who has been previously recognized in this same public record, Col. Tracy M. Baker, Jr., Ph. D., HMD, K.J.

Colonel Baker, who flew over 200 combat missions during World War II and the Korean conflict is also a 32d degree Mason who has been very active in the healing art of homeopathy for over 30 years. Colonel Baker was recently honored by being elected to the Order of Knights of Homeopathy along with several other great homeopathic physicians such Prof. Dr. Mathias Dorsci of Austria, Dr. Hochstetter of Germany, Dr. Vannier of France, and Dr. Kanjilal of India. The Order of Knights of Homeopathy is a nationally renowned honor that was founded by the Midwest Homeopathic Institute in 1929 and has not been awarded to anyone for over 25 years.

Under the leadership of Colonel Baker as president; Dr. Robert James Bell, vice president; and Dr. Alexander Gray Manning, secretary/treasurer of the Hahnemann Medical Society of America, great progress has been made in making the healing art of homeopathy available to the American people. On this day in history I have the pleasure and privilege to announce the establishment of a homeopathic educational advisory commission in this country and the Samuel Hahnemann College of Homeopathic Medicine in Florida. This commission has been established by direction of the Hahnemann Medical Society of America, a homeopathic organization. The commission, so much the fruition of the dreams and the great work of Col. Tracy M. Baker, Jr., will immeasurably contribute to the inspired work which will be done in the area of the healing arts.

This advisory commission, comprized of 15 distinguished homeopathic physicians and 6 laymembers or educators has been authorized to determine and establish the educational standards for homeopathic physicians, establish an international homeopathic faculty, determine the standards for primarous homeopathic physicians and to establish and operate an accreditation and certification commission for homeopathic institutions. This action will long honor the name of its creator and will be the beginning of many benefits to the better health of the citizens of this great Nation and other nations of the world.

I would also like to point out that such actions by concerned private citizens are in keeping with the intent of the Founding Fathers, the Congress, and the Supreme Court of this great country, that all of the people shall have a freedom of choice in how to best care for their own health or choosing a health care provider and that there be no monopolistic profession, business, or occupation estab-

lished by law thereby abridging the public right to these freedoms.

In closing I would like to note that all of this was also made possible by the work and great sacrifices of the members of the Florida State Society of Homeopathic Physicians who will be long honored by history. The following distinguished homeopathic physicians have been appointed as the first members of the Homeopathic Educational Advisory Commission and are renowned examples of the standards of future members of the commission.

First, John H. Renner, M.D., Fullbrook, Calif., president, Midwest Homeopathic Institute and patriarch of Homeopathy for U.S.A.

Second, Primarius Dr. M. Dorcsi, executive in chief of the Vienna City Hospital, dean of the University of Vienna, Ludwig, Boltzmann Institute for Homeopathic Medicine. (Med. rat=chief council for the country of Austria).

Third, Prof. Dr. D. Reinstorff, University of Hamburg, University of Vienna, and director of the Institute for Molekularmedicine, West Germany.

On this occasion I respectfully recommend to the Members of Congress that Colonel Baker's distinguished service and devotion to humanity and his country be once again recognized in this RECORD.●

THE NO-COST, NO-SUBSIDY HOUSING BILL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. WYDEN. Mr. Speaker, today my good friend and colleague Congressman DICK GEPHARDT of Missouri and I are reintroducing the Residential Mortgage Investment Act. This bill is designed to remove the unnecessary and arbitrary regulatory barriers—erected by the Department of Labor in interpreting the ERISA statute—that have discouraged private pension funds from investing more than a miniscule percentage of their assets in housing and mortgage securities.

We sponsored similar legislation in the 97th Congress and attracted the support and cosponsorship of 265 of our colleagues in the House. Again, we are calling this bill the no-cost, no-subsidy housing bill because it will open up a vast new source of mortgage financing with no hidden Government subsidies and without costing taxpayers 1 cent. The National Association of Home Builders once more sees this bill as one of their top legislative priorities in the new Congress and I am confident we will again succeed in building a widespread bipartisan coalition of support in the House.

Our bill will accomplish two important goals. First, it will insure that adequate investment safeguards under ERISA are maintained so the pension plan participants and beneficiaries are fully protected. Second, it will remove the regulatory double standard that has sent an unfortunate message to pension fund managers that mortgages and mortgage-back securities are somehow second-class investments. We are convinced this is not true. And we are convinced that Congress needs to amend ERISA in such a way that the Department of Labor will no longer be able to send this message to the private pension community.

We feel that it is essential that both of these goals be achieved. In that sense, our bill differs significantly from a related bill introduced last week that would retain—and essentially write into law—some of the most restrictive standards that now prevent mortgage investments from competing for the attention of pension fund managers on a level playing field.

The most significant difference between our bill and the legislation introduced last week is that our bill does not limit pension fund investment in residential mortgages to those that are eligible for purchase under an established program of FNMA, FHLMC or GNMA. No other investment instrument is saddled with Government imposed quality standards.

There are many excellent mortgage investments that do not fall under an established program. Imposing such a criteria severely limits a plan's ability to invest in many superior, sound, high-yielding mortgages. In short, there is no reason why other conventional mortgage securities should be excluded. Special restrictions on pension fund investment in housing are not supported by sound economic reasoning.

Under the ERISA statute, pension plan trustees are given the responsibility and authority to direct and control the investment of pension plan assets. We believe the Department of Labor, in restricting mortgage investment capabilities, has usurped this responsibility and authority to an unreasonable degree, a degree that is not only economically unsound, but also fails to reflect the intent of Congress.

We are again pursuing this legislation because we believe that, by removing these arbitrary regulatory impediments—while retaining the basic prudency and diversity standards—pension funds will have a new incentive to invest in housing.

We believe that a significant new infusion of mortgage capital will quickly flow from private pension funds to the housing marketplace and that this new source of capital is bound to have a downward impact on mortgage interest rates, an impact that will in turn trigger a surge in new home construction across the country.

Mr. Speaker, finding a way to increase pension fund investment in housing has been one of my top priorities for some time now. My interest and involvement in this area is the direct result of the tremendously important role played by the timber, lumber, housing, and real estate industries in my home State of Oregon.

More than a year ago, I wrote to Labor Secretary Donovan to comment on a pending application for a residential mortgage class exemption from the prohibited transactions section of ERISA. I urged the Secretary to adopt the broadest possible exemption so that mortgage securities would be able to compete on an equal footing with other forms of investment for the attention of private pension fund managers.

Unfortunately, the final class exemption did not reflect the realities of the mortgage marketplace and ERISA regulations continue to inhibit mortgage investment and to treat housing as a second class investment.

Mr. Speaker, our bill will eliminate this double standard once and for all without in any way disturbing the necessary safeguards and standards that protect pension plan assets. It will allow pension plan trustees to make prudent mortgage investment decisions that are in the best interest of plan participants and beneficiaries. This legislation will benefit the housing industry and private pension funds alike and I would again urge my colleagues' full support.●

RICHARD S. SCHWEIKER

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. WINN. Mr. Speaker, I would like to take the opportunity today to pay tribute to Richard S. Schweiker, Secretary of Health and Human Services, who will be leaving the U.S. Government after 22 years of public service.

Beginning with those first years in Washington as the U.S. Representative from Pennsylvania's 13th District, Dick started on a path that would provide him invaluable experience and understanding in the area of Federal health and welfare policy. During his terms in Congress, Dick earned the respect of his colleagues through his tireless efforts to provide timely legislation to meet the health needs of all Americans. In his role as a Cabinet member in the Reagan administration, he demonstrated vital leadership during a time of vast change. Surely the Department of Health and Human

Services has greatly benefited from his sound judgment.

Dick Schweiker will be missed by all who sought his leadership and benefited from his judgment. However, we need not consider his leaving us as a loss. There is no doubt that Dick will continue his dedication in the private sector and will continue to merit the respect and admiration of many. I wish him the best of luck in what is certain to be a bright future.●

DEFICITS AND THE DEFENSE BUDGET

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. PEASE. Mr. Speaker, if Congress hopes to deal with the huge Federal deficits forecast every year for the rest of this decade, a wary eye must be cast on President Reagan's requests for record increases in defense spending.

This is the topic that I addressed in my most recent weekly newspaper column. It follows:

WASHINGTON REPORT

(By DON J. PEASE, U.S. Congressman, 13th District)

If there is one consistent message I get from my constituents regarding the federal budget, it is this: "Cut the growth of defense spending."

Some constituents have long questioned defense build-ups, but only in the past year has the opposition become a chorus from every quarter—factory workers, professionals, farmers, housewives, businessmen, students.

I don't have to ask—they volunteer their opinions that defense spending has gotten out of hand. And they express themselves with varying degrees of intensity.

It is ironic that President Reagan, who believes so strongly in defense spending, seems by his policies to be presiding over an erosion of a long-standing public consensus favorable to defense expenditures.

Yet, believing strongly as he does, the President is undeterred. Again this year, he has asked Congress for a record increase in defense spending.

The increase in actual cash outlays requested by the President is $30 billion, a hike of more than 14 percent from this year's $209 billion to $238.6 billion next year. Further increases are projected to $278 billion in fiscal year 1985, $315 billion in 1986, $346 billion in 1987, and $377 billion in 1988.

That's an 80 percent increase between the current fiscal year and 1988.

Of course, inflation plays a part in those increases, so it is useful to look at increases in constant dollars (after removing the inflationary effect). That increase over the six-year 1983-88 period is 42 percent.

Most congressional and public attention this year will be focused on defense cash outlays for fiscal year 1984, for it is that figure which directly affects the federal deficit and will either crowd out or accommodate spending for health, education, welfare and other domestic spending.

Indeed, the 9.5 percent proposed defense spending increase in constant dollars (excluding inflation) for 1984 has led President Reagan to propose an actual cut (in constant dollars) of 3 percent for domestic spending as a whole. The real cut for many federal agencies will greatly exceed 3 percent, if the President's proposals are accepted.

But a wary eye must also be kept on what is called obligational authority for the Defense Department. That comes up in the annual defense authorization bill, which is different from the appropriations bill.

Over the next three years alone, President Reagan is recommending a 49 percent increase (31 percent in constant dollars) in authority to obligate the government to lay out cash in the future.

That's comparable to a citizen signing a contract today to pay 49 percent more in three years for a given category of supplies.

Thus, if Congress hopes to deal with the $180 billion federal deficits forecast every year for the rest of this decade, action must come this year to limit or eliminate expensive new weapons systems like the MX missile and B-1 bomber.●

LEGISLATION TO PROTECT FEDERAL PROTECTIVE OFFICERS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. FRANK. Mr. Speaker, I was dismayed to learn last year that a guard at the Kennedy Library in Boston died in the line of duty and that if his death was the result of a killing, his assailant could not be prosecuted under Federal law. Such guards, who are employees of the General Services Administration, are not covered under the appropriate sections of the Federal Criminal Code.

Federal law makes it a crime to kill or assault a long list of Federal officials or employees, for example, judges, U.S. attorneys, FBI officers, Secret Service employees, Capitol Police officers, security officers of the State Department, and so forth. Ironically, however, although the buildings in which these and other Federal employees work are protected by Federal protective officers under the jurisdiction of the General Services Administration, it is not now a Federal crime to kill or assault a protective officer.

I am therefore introducing legislation today which would correct this unjust situation. The bill I am filing would amend section 1114 of title 18 to provide that killing or assaulting a Federal protective officer assigned to police and protect property of the United States would be a Federal crime.

Tragically, the incident at the Kennedy Library was not the first involving a Federal protective officer. In 1977 an officer guarding the U.S. Mission to the United Nations was killed; in 1979 an officer in Tampa, Fla., was killed; in 1980 an officer was murdered in Detroit; and in 1981 a similar incident took place in San Juan.

The Federal Government owes it to the brave employees of the Federal Protective Service to see to it that the full force of Federal law is brought to bear against those who would assault or kill these individuals.

Mr. Speaker, I am pleased to be joined by the gentleman from New Jersey, Mr. HUGHES, the distinguished chairman of the Judiciary Subcommittee on Crime, in sponsoring this legislation. I am hopeful that the House will be able to pass what I believe to be noncontroversial and much needed legislation.●

DISCOUNT WINDOW STANDARDS ACT

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. FAUNTROY. Mr. Speaker, I am pleased to have introduced the Discount Window Standards Act which amends the Federal Reserve Act to establish and clarify standards by which discounts to individuals, partnerships, corporations, and State and local governments may be advanced in unusual and exigent circumstances.

As you may know, the Federal Reserve Act already contains provisions which allow the Board of Governors to make direct loans to any individual, partnership, or corporation whenever five or more members of the Board of Governors determines that economic circumstances warrant such direct lending. The Federal Reserve has not, however, exercised those provisions in many years if not indeed decades.

In reviewing the present economic circumstances of our country, and the potential difficulties which face many of our industrial corporations, as well as our State and local governments, I determined the necessity of amending section 13 of the Federal Reserve Act by establishing and clarifying the standards by which the Board should provide direct assistance to these distressed borrowers and to assure inclusion of State and local governments.

Some Members may recall that in 1975, a number of us sought to have the Federal Reserve provide direct assistance to New York City through the use of the Discount Window by having the Federal Reserve purchase short-term obligations in anticipation of assured revenues. The Federal Reserve, under the leadership of then Chairman Arthur Burns declined to do so citing historic suggestions that the discount operations were to meet the needs of the Federal Reserve Banks rather than those of State and local governments.

I have reviewed much of that correspondence and a number of the hearings concerning the use of the Discount Window going back more than a decade—indeed, going back into the sixties. I do not share Dr. Burn's view of history. Indeed, it is my belief that, were this legislation in effect in 1971, there may not have been need for the Emergency Loan Guarantee Act which aided the Lockheed Corp. or later, in 1975, of the New York City Seasonal Financing Act, or later yet, of the Chrysler Loan Guarantee Act. Each of these matters might have been appropriately met by the Federal Reserve System properly functioning in its role as the lender of last resort. While it could be argued that the authority to provide assistance has always been extant, the standards upon which the Board of Governors could rely did not exist. This bill would cure that deficiency and, furthermore, end once and for all any question of whether or not the central bank ought to provide assistance to State and local governments facing loss of access to the financial markets.

As chairman of the Subcommittee on Domestic Monetary Policy, it is my intention to schedule hearings on this bill within the very near future. Yet, important as this bill will be to meeting some of the concerns which confront our industries, and State and local governments, this bill is neither a substitute nor a replacement for an industrial revitalization program. This bill does not authorize the Federal Reserve to provide modernization or infrastructure loans; neither does it provide funds for research and development, product marketing, or new technologies. It is limited to meeting the needs of those individuals, partnerships, corporations, or State and local governments whose inability to secure credit, will result in severe damage to the economy, severe unemployment, or inability to provide basic services to their citizens.

This bill will help us to maintain our industrial and governmental operations; coupled with a reindustrialization policy, which I hope we will also report, it can aid us in achieving a full-employment, balanced-growth economy. But, most importantly, it will assure that our Nation responds to industrial and governmental financial crises in an orderly and predictable fashion.

I will be seeking cosponsors in the next few days for the Discount Window Standards Act. I hope that those who are contacted about it will join me.●

HONORING DR. MARTIN LUTHER KING, JR.

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. MRAZEK. Mr. Speaker, recently I had the opportunity to address a group of high school students participating in the Washington Workshop program. The program happened to take place during the anniversary week of the birthday of Dr. Martin Luther King, Jr. One of the first things I expressed in the talk was my regret that all of them were too young to have experienced first-hand the remarkable contribution to our Nation and the world made by Dr. King.

To those students, Dr. King's work may be reduced to flickering black-and-white images on television documentaries, images of freedom marches and police dogs and a special day in 1963 near President Lincoln's memorial in Washington. But you cannot blame the kids. It is up to those of us who saw the injustice, and witnessed Dr. King's efforts to end it, to pass on the word.

Unfortunately, we are not doing a very good job of that. We are letting the children down, and in the process we are losing a sense of Dr. King's accomplishments and his memory.

The words still carry the strength and passion they inspired when spoken more than 18 years ago:

> Nonviolence is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence. Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love.

Dr. King spoke these words in acceptance of the Nobel Peace Prize. Eighteen years after that speech, and nearly 15 years after his death at the hands of an assassin, the call to make Dr. King's birthday a national holiday goes unanswered.

Every year since his death, a bill has been introduced in this body to honor Dr. King on January 15. Every year, nothing happens. The time has come to bring true honor to a man whose teachings and actions will live forever in America and around the globe.

A common lament heard in our country today is that we have no more heroes, no role models to inspire and instruct us. It is true that Dr. King is gone, a victim of the same horrible plague of intolerance that has taken so many of the world's true visionaries in recent history. Like Anwar Sadat, like Mohandas K. Gandhi, and many more, the circumstances of Dr. King's death by violence carry forever a terrible irony.

But even in death, Dr. King is a genuine American hero who transcended his time. A yearly commemoration of his life and times would serve to trigger the collective American consciousness to this fact. His work consisted of more than a nonviolent assault on our Nation's treatment of black people. It also forced all other Americans to face up to the sickness of racism and apply the lessons learned to similar situations involving others who are somehow different.

Dr. King was a disciple of the teachings and methods of Gandhi. It is fascinating, and more than coincidental, that each took his prominent place in human history without the benefit of great wealth, or elected or appointed political office. Gandhi was but a lawyer, Dr. King but a preacher.

But both saw injustice in the world and dedicated themselves to eradicating it through nonviolent confrontation. The power of Dr. King's message, like that of Gandhi before him, carried more influence than money could buy or than ambition could contrive. The loss of both men left a void which has not been filled.

Our current administration has been virtually dismissed by black Americans and other minorities as an ally in the cause of equality. An air of hopelessness exists. Minority unemployment figures dwarf even the intolerable numbers facing the general population.

Such an atmosphere bodes ill for the continuation of blacks, Hispanics, and other minorities in the mainstream of American society. We risk a fractured social structure which can only be counterproductive to our goals as a nation.

This year, another bill creating a national holiday in honor of Dr. King has been introduced. I am proud to cosponsor that measure. And I call upon my colleagues at this time to deliver a message of hope and respect to all Americans, and a lesson to our children and our children's children. We can do so by taking the initiative and honoring Dr. King on the day of his birth.●

THE BRONX: AT THE CUTTING EDGE IN INDUSTRIAL TRANSPORTATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. GARCIA. Mr. Speaker, it is my pleasure to introduce an exciting invention, the RoadRailer, that has been developed in my congressional district, the Bronx. This fascinating business venture is part truck trailer and part railroad boxcar and during its daily trips to Buffalo has been

billed as the "freight train of the future." The RoadRailer can be pulled by truck tractor or locomotive and can move goods cheaply enough to underprice its highway competitors on distances as short as 200 miles.

However, the significance of this achievement goes beyond its contribution to the development of a less costly method of transportation. The RoadRailer is another sign of the economic revival that is serving to inspire optimism and encourage the return of industry to the Bronx. In turn, the Bronx is helping New York City to regain its role as a leading rail transportation and manufacturing center. I would like to include this recent New York Daily News article, for the benefit of my colleagues, to note this dramatic accomplishment.

CARGO CAR OF FUTURE ROLLING ON FAST TRACK

(By John Henry)

A narrow strip of land in the South Bronx along the Harlem River may seem like an unlikely place to make transportation history.

But history will be made if a three-month-old business venture aided by the State of New York is successful.

Since November, an outfit called Road-Rail Transportation Co. has been using the 8½-acre site as the headquarters for its transportation trail-blazing. Between its yard in the Highbridge area of the South Bronx, and Buffalo, the company had been operating the only regular service of the RoadRailer, a hybrid that is part truck trailer, part railroad boxcar, and, to its promoters, "The freight train of the future."

Equipped with retractable truck tires and rail wheels, it can be pulled by truck tractor or locomotive. The RoadRailer operates primarily on the rails, running over highways only at the start or finish of a trip.

Its backers, who refined the concept from a design dating to the 1950's, say the RoadRailer can move goods cheaply enough to underprice its highway competitors on distances as short as 200 miles. Others in the rail industry say the RoadRailer performs well but wonder whether capital-starved railroads can afford to make the substantial investments the new equipment requires.

To some extent, the fate of the concept could turn on the track record of Road-Rail's service from Highbridge to Buffalo, on which the firm pays Conrail to pull a train made up solely of RoadRailers in each direction every weekday.

And industry experts also will be looking at another company here that plans next fall to start using the same type of equipment to carry fresh fruit and vegetables from Florida to the South Bronx.

Road-Rail Transportation is small as companies go (although its parent, Bi-Modal Corp. of Greenwich, Conn., is largely owned by Tiger International, Inc., which has annual sales of more than $1 billion). Road-Rail directly employs or has under contract only about 25 people at Highbridge. And at the moment, its trains average no more than 18 cars—relatively few by rail standards.

But Road-Rail's small size may belie its importance. Its terminal here represents New York City's only facility for "intermodal" equipment which can be used in more than one mode of transportation. Currently, intermodal is the fastest-growing segment of the railroad business.

If intermodal catches on here, some observers believe it could help regain for New York some of the competitiveness it has lost as a rail transportation and manufacturing center.

In fact, the State of New York sees enough promise in the intermodal concept that it has invested $1.2 million in terminal facilities for the RoadRailer in Highbridge and Buffalo, and in Rochester, where service is due to begin in March.

Robert S. Reebie, the president of both Road-Rail Transportation and Bi-Modal Corp., says he's pleased with the results of the New York-to-Buffalo service so far. He says he expects the operation to break even as early as late March, soon after the Rochester terminal opens.

"Almost all the traffic is coming off the highway," he says. "For the first time in many years, we're proving that the railroad can be profitable in short distances."

The concept of intermodal equipment isn't new; for more than a decade, railroads have been hauling truck trailers on flatcars ("piggybacks"). But the RoadRailer's developers say that because the RoadRailer eliminates the need for a flatcar, it requires half as much fuel to pull as a piggyback (and 80 percent less than a tractor semitrailer).

Despite such advantages, some experts believe years could pass before the RoadRailer is in wide use. They note that a single unit costs $35,000 (more than double the price of a standard truck trailer) and that railroads already have invested millions in piggyback equipment.

Still, the recession notwithstanding, the business environment for the concept is probably better than ever before.●

FEDERAL PRISONS

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. HEFTEL. Mr. Speaker, the function of a penal system in modern society is twofold: to first punish transgressors, and then to prepare them for eventual return to productive life outside the institutional setting.

Our Federal penal system is often indicted as an institution characterized by abominable conditions and dehumanization of its inmates. Many have lost faith in the effectiveness of the Federal prison as a rehabilitative agent.

A Federal judge from my district, Hon. Sam King, recently made a trip to observe firsthand the conditions under which those he has sentenced to incarceration must live. I submit for your consideration articles from our local newspapers in Honolulu which describe Judge King's experience. His reactions indicate that the Federal prison, as an active rehabilitative institution, is indeed working.

The articles from the January 2, 1983, edition of the Sunday Star Bulletin and Advertiser, and the January 8, 1983, edition of the Honolulu Advertiser follow:

[From the Honolulu Advertiser, Jan. 8, 1983]

PRISON REFLECTIONS

U.S. District Judge Sam King recently took the kind of tour that should be on the itinerary of every judge; he again visited Mainland federal prisons where most of those sentenced in his court are sent.

Such an inspection of the old and new wings of the Oahu Community Correctional Center (the old state prison) should be on the calendar of every state criminal judge. It would also be valuable for those state legislators, especially the new ones, who have not visited the facility.

The federal prison system is huge, with resources far beyond those of individual states. And it has a generally humanitarian approach to incarceration that is connected to the relative abundance of facilities and resources.

Certainly a federal prison such as Lompoc in California, which has thousands of acres for farming as well as space and funds for shops and other programs, would be the envy of corrections officials here.

King's visits to the federal prisons prompted him to suggest that Hawaii look into the possibility of letting the national government take over its prisons or entering into a compact with other Western states to send some prisoners to their institutions.

These ideas and others are worthy of careful consideration, as was acknowledged by Senate Judiciary Chairman Dante Carpenter.

Some Hawaii prisoners have been sent to federal prisons for their own protection or for tighter security, but a wider prisoner transfer would probably require changes in the law. And that presupposes there is room for many more inmates in federal prisons or those of other states, which may not be the case.

Contracting out prison-keeping or transferring prisoners would also be a drastic shift in direction for corrections in Hawaii, which has been committed to traditional methods of slowly building more and bigger prisons that have not kept up with the inmate population growth.

A key objection to the transfer of Hawaii prisoners is that it would make visits by family members much more difficult and expensive. This has been the chief objection even to moving the state prison to a Neighbor Island where more land would be available.

Whether the prospect of being locked up thousands of miles from home would deter crime or constitute "cruel and unusual punishment" is a question that would probably end up in court. It is hard to say if long separation from loved ones would produce excons better able to live in society, or worse. Probably, decisions would need to be made on a case-by-case basis.

Carpenter also made the point again that Hawaii needs to look at alternatives to long prison terms for non-violent criminals, such as closely supervised community service and restitution programs. This is a brave recommendation from a politician at a time when conventional wisdom is that the public wants more and longer sentences.

But the prison has real problems—including crowding, lack of programs for any sort of self-improvement and an ingrown atmosphere—that need to be dealt with. Judge King, who used to be a state criminal court judge, is not the first to say that he had

grave doubts about sending some criminals there.

The idea of rehabilitation is not widely supported these days, but even those who see prison as nothing but banishment and punishment should not want to maintain a prison system which returns people to society worse personally and a greater threat then when they went in.

Any ideas which can improve on that situation are worthy of exploration.

[From the Sunday Star Bulletin and Advertiser, Jan. 2, 1983]

FEDERAL PRISONS MAY BE ANSWER

(By Samuel Crowningburg-Amalu)

I have known Sam King for most of my life. When I was a mere sophomore at Punahou, he was a mighty senior and student body president, actually one of the school's most brilliant students.

And through his mother, the late Pauline Evans King, we are even distantly related. But I have never really known him well, neither as an individual nor as a judge.

Yet over the years, I have come to admire his intellect and to respect his good judgment in which he has always remained austerely objective in his rendering of the law as it is written.

But because he is a judge and because I never really have understood judges or, for that matter, the willingness of any man to act as a judge of his fellow men, I have always thought of him as being rather a cold fish—a bit too much intellect and perhaps not enough compassion.

But an article in last Sunday's paper has made me pause to reconsider my estimation of the man. It seems that Judge King made a trip to the Mainland for the single and worthy purpose of visiting the federal prisons to which he had sentenced and committed individuals who had appeared before his court.

This certainly could not have been an easy task for him since he was forced to judge himself and the results of his own judgments.

What Judge King found out—and probably to his own great surprise—was that the federal penal system does try to make better men out of the prisoners it receives.

The system does not merely warehouse its prisoners, but it essays to readjust them to the society to which they will all eventually return and even in most cases to rehabilitate the lives, morals, and minds of the men and women in its custody.

In most cases, the federal system tries to be fair. The prison guards and the officials concerned are not brutal men, nor do they condone brutality in any form. Nor are they vindictive men when they vent their venom on the prisoners who are under their charge.

They are strict in their enforcement of discipline and brook no breach of that discipline, but they do not dehumanize their prisoners or subject prisoners to humiliation. I do not say that living in a federal prison is an ideal way of life, but it is far from sordid and certainly far superior to any state prison in this country.

The federal penal system once tried harsh methods of imprisonment at Alcatraz. But that was a failure, and the system realized that it was a total failure. They closed Alcatraz.

Judge King made a suggestion that is worthy of some deep thought on the part of our state government. His idea was to place our prisoners under the federal system and let them house our prisoners. We in turn would pay for the support and care of our prisoners.

I would go even further and negotiate with the federal government to have them take over our prisons and work camps entirely. We are a small state, and it would cost us far less to have the federal people operate our prison system. We certainly are not having much success doing what we are doing now, and I suggest that any change would probably be for the better.

I also agreed with Judge King's comment on the qualms that he always felt when, as a state judge, he had to sentence a man to serve time in our local prisons.

We do not make better men out of the prisoners we have. Nor do we even try. And when the federal authorities sought entry into our prisons to see what was going on, we through our governor refused them entry. What did we have to hide, or were our prisons so faulty that we were ashamed to let the federal people see them and how they operated?

What we tend to do, and I suppose we all do it, is to lock up our prisoners and promptly forget all about them. Instead, we should think about them—at least once in a while—and wonder what is happening to them and how they are being treated.

We must not forget that those prisoners will one day return to us to live among us and to spend the rest of their lives with us.

Except in rare cases, we do not lock a man away forever. He one day gets out and returns to society. What will we do then? Do we prepare now for that eventual return?

Will we get back a reasonable human being ready to take his place in society, or do we instead get back a thoroughly embittered man who will as a result of his own imprisonment visit his years of frustrated wrath upon us?

What we are doing in our prison system today is the height of absurdity. We are supposed to prepare a man for the day when he will eventually return to us, and in so doing we do everything we possibly can to make that return as difficult as possible.

If we cannot see now that what we are doing is wrong and infinitely far from wise, we should be prepared for the consequences. We will get back exactly what we should expect—an animal instead of a man.

Let us cogitate on that a moment and see if we cannot come up with something better than what we now have.

I never thought the day would come when I would agree with a judge—any judge, even Sam King.●

WOLFSON GAVE COLLEGE THE BULK OF HIS ESTATE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, with the recent death in Miami of Mitchell Wolfson, our community has lost a giant of a leader.

As great as his work was during his lifetime, mayor, Army colonel, creator of the downtown parking authority, and the founder and builder of Wometco into a national financial institution, as in the words of Shakespeare, "* * * nothing in his life became him like the leaving it * * *."

Mitchell Wolfson left 80 percent of this estate to indigent students. And not to students mind you at some great prestigious university, but to those who often can only survive financially or scholastically at the humblest of our institutions of higher learning: The community college.

The funds do not go toward monumental buildings, special wings, or even research. As "Mitch" stated, the money is for needy students at Miami Dade Community College to obtain marketable skills and to become positive elements of our economic social system.

For all of his life, Mitch was a pragmatist with heart. In his will, he heavily underscored that in which he truly believed during his long and creative life.

Segments of the Miami Herald article of February 8 on Mitchell Wolfson are reprinted below.

The article follows:

[From Miami Herald, Feb. 8, 1983]

WOLFSON GAVE COLLEGE THE BULK OF HIS ESTATE

(By Martin Merzer)

Mitchell Wolfson, the college dropout who became one of South Florida's most influential business executives and who helped create Miami-Dade Community College, left the bulk of his estate to that school, aides said Monday.

Gerry Whaley, a spokesman for Wometco Enterprises Inc., the prominent entertainment conglomerate that Wolfson founded, said details of Wolfson's will were disclosed Monday to relatives and associates

The document—written June 4, 1975, and then modified six times—calls for the creation of a charitable foundation initially financed by 872,500 shares of Wometco common stock and some of Wolfson's real-estate holdings, Whaley said.

Based on the price of those shares when the New York Stock Exchange closed Monday, the stock assigned to the new Mitchell Wolfson Sr. Foundation is worth about $28.2 million.

The stock now pays an annual dividend of 44 cents a share. At that rate, the 872,500 shares would yield about $384,000 in income a year.

According to Whaley, Miami-Dade Community College is to receive 80.3 per cent of the annual income earned by the foundation. Wolfson was instrumental in the creation of Miami-Dade, served as a trustee of the school from 1960 to 1980, and was the chairman of its board from 1968 to 1978.

Robert McCabe, Miami-Dade's president, said he was "stunned and delighted" by the size of the bequest.

"I know what Mitch Wolfson believed in, and I hope we can work to continue those beliefs," McCabe said.

In his will, Wolfson—who dropped out of Columbia University in New York City shortly after enrolling in 1917—carefully detailed his wishes about how Miami-Dade should use his money.

Wolfson said he wanted the money to be dedicated to vocational, professional or technical programs that give needy students "marketable skills." He discouraged use of the money for the construction of new buildings.

"It is my intent and desire," Wolfson wrote, "that . . . payments of income and-or principal to Miami-Dade Community College be utilized to provide financial and other support to students to enable them to attend said college and acquire the skills that will enable them to obtain employment . . . and thereby become positive elements in and contribute toward our economic and social systems."

McCabe said Wolfson's wishes would be honored.

"The college will use it for what Mitch believed in," McCabe said, "He always thought the important thing about Miami-Dade was that it could help the people of this community—particularly people who couldn't afford to get the kind of education that would help them take care of themselves."

Chosen by Wolfson to oversee the new foundation were Mitchell Wolfson Jr. (Wolfson's son); Louis Wolfson III (Wolfson's grandson); Van Myers, Wometco's new president; Arthur H. Hertz, the company's executive vice president and chief operating officer; Stanley Stern, a Wometco senior vice president; and Hank Meyer, a prominent public-relations man who was a close friend of Wolfson's.●

STATEMENT BY RABBI ARYEH L. GOTLIEB, COCHAIRMAN OF THE ISRAEL COMMITTEE OF THE SYNAGOGUE COUNCIL OF AMERICA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. TORRICELLI. Mr. Speaker, I recently read an article on the peace process in Lebanon by Rabbi Aryeh Gotlieb, cochairman of the Israel Committee of the Synagogue Council of America. Rabbi Gotlieb presides over the congregation of the Jewish Community Center of Paramus, N.J. Rabbi Aryeh was witness to the opening of the Israel-Lebanon peace talks in Khalde, Lebanon and Kiryat Sh'mona, Israel. I found this article a thoughtful, unique and insightful discussion of the talks and would like to share it with my colleagues. The article was written on January 11, 1983.

NORMALIZATION

It appears that the troublesome word "normalization" will finally be shelved and negotiations between Israel and Lebanon and the United States may perhaps now begin in earnest. A formal agenda could not be agreed upon. Israel doggedly insisted that normalization be an item on such an agenda. And this the Lebanese just as doggedly rejected. Perhaps it would be wise for Israel to drop its insistence on normalization and argue instead for a dramatic departure from all that has been accepted as normal in contemporary Middle East politics. I was present at the unceremonious openings of the talks at the Lebanon Beach Hotel in Khalde, Lebanon. The very physical setting of the conference there was in itself symbolic of the direction the talks would follow.

The participants, Israel, Lebanon, and the United States, were seated at three separate tables joined together to form a triangle. Either table could be viewed as the base of the triangle. One might have justly hoped that the table with the little American flags would serve as the base, and the Israeli and Lebanese tables would form the two arms of the triangle. America, in other words, would from the very outset serve as mediator.

But this was not to be. The table with the Israeli flags became the base. There David Kimche, who heads the Israeli delegation, stopped and faced the tables of Antoine Fattal and Morris Draper. Lebanon and the United States appeared to form two arms of the triangle joined together at the apex, confronting Israel with adversaries to the right and to the left. This perception was engendered by the formal opening statement of the three parties.

In presenting her case it would be quite normal for Israel to claim that she never chose to be at war with Lebanon. It was not as an invader that Israel drove into Lebanon but rather as a liberator intent on driving out the hostile forces that had in fact been the invaders and have occupied the land for a decade or so. It was the nest which had aimed to destroy Israel's northern cities that Israel intended and did destroy. Israel, while serving her own national interests, simultaneously served those of Lebanon as well.

Israel, at a high cost of lives to herself, fought to secure peace in the Galilee and in doing so released Lebanon from the destructive grip of alien forces. The election of Amin Gemayel as President of Lebanon was made possible by Israel.

It would also be quite normal for Israel to feel that she had also served the national and global interests of the United States. Crushing blows have been dealt to the P.L.O. and Syria, both of them clients of the Soviet Union. These were military, strategic, political, and psychological blows which rocked the Kremlin itself. The way has been cleared for America to step into a new picture freshly painted by Israel. America's sphere of influence in the Middle East was now suddenly expanded. This would be Israel's normal perception of the explosive situation.

But Lebanon must follow its own normal thought process. Historically, Lebanon has been a State divided against itself. The views of the Christian President, Amin Gemayel, cannot but be diametrically opposed to those of Shafik Wazzan, his Moslem Prime Minister. What could now be more normal than for Lebanon with her newfound freedom to gravitate toward the Arab world? Of necessity, however, that would preclude too much hopes for peace talks with Israel. It is perfectly consistent with such normal thinking to immediately forget the immediate past. Wazzan's visit to Damascus this weekend aptly demonstrates Lebanon's attachment to the Arab world. She is still in serious embrace.

Turning to the United States, there business as usual creates its own pragmatic perception of events. It is, therefore, quite normal for Washington to rush in to fill a newly created vacuum and, in this case, to unabashedly act as though it had by itself created that vacuum . . . albeit through the efforts of the affable Mr. Philip Habib. In the normal pursuit of its national self interests the State Department makes all the moves calculated to establish itself as the true emancipator, protector, and ally of a shaky and groping Lebanon. Should this require America siding with Lebanon against Israel, then so be it. Israel will remain safely tucked away in America's vest pocket come what may.

Thus Israel, Lebanon, and the United States were joined together in a tense triangle with two sides opposing the third one. At issue was the withdrawal of all foreign forces from war-torn Lebanon. Syria to be sure is nowhere near the negotiating process. Her armies are still firmly ensconced inside Lebanon. President Assad evinces little inclination or interest in pulling out. He fears any agreement between Lebanon and Israel. Syria already is being militarily revamped by Moscow. The Soviet Union is very much a factor in the Middle East. Who will pressure Syria to leave Lebanon and to play the role of a beaten dog? Syria's dictatorship does not need popular approval for its military or political policies. Syria can stay in Lebanon as long as President Assad chooses to.

P.L.O. forces also remain in Lebanon in the north and in the Bekaa Valley. Who will compel them to evacuate their men? Militarily the P.L.O. was demolished before the whole world which witnessed it, attested to it, and that same whole world then rushed in to revive and resuscitate the P.L.O. with a new breath of political and diplomatic life.

As Yassir Arafat boldly clings to political life, he dare not yield to pressures that call for the withdrawal of his forces. Rebellion among his followers would be swift in coming.

Israel alone is anxious to discuss withdrawal and earnestly wishes and needs to withdraw. The Jewish democracy and economy will not readily support an extended military stay in Lebanon.

And Israel again will be the military victor who will yield to pressure from her great friend in Washington and accept compromise proposals. The defeated P.L.O. and the battered Syrians will take strong positions and demand that Israel retreat, surrender, and issue guarantees. This has been the historical pattern of Israel's conflict with her hostile Arab neighbors . . . to win militarily and to lose politically, while peace up to now remains a dream.

Perhaps peace will be possible in the Middle East only when all parties will radically depart from their subjective and prejudiced perceptions of the world around them. A lot of hate needs to be given up and suspicion and distrust. At the present too many in position of power keep feeding and fueling the hate, the suspicion, and the distrust.●

THIS RAILROAD IS WEARING THE BLACK HAT

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. MARLENEE. Mr. Speaker, it is past time to call attention to regulatory changes that are ringing the death knell for rural shippers in Montana, threatening to abolish an entire way of life. The fever of deregulation left rural Montana, which is dependent of a single railroad for bulk commodity transportation, at the mercy of a corporate giant that is now putting on the "black hat." We shall continue to probe for answers to the questions: Is this corporate terrorism? Is this corporate strangulation? The history of

the depredation now occurring in rural Montana is short and tragic:

October 14, 1980: the Staggers Rail Act becomes law. Railroads are given unprecedented freedom from ICC review, including the Burlington Northern (BN) Railroad, which controls 93 percent of the rail in Montana.

December 1, 1980: BN Railroad introduces volume rates on 26 and 52 car unit trains. Single-car rates become immediately unattractive. New rate-setting freedom, while being hailed for its cost-savings potential, can actually be a powerful tool to manipulate traffic flow.

What then happened in Montana is a graphic example of a railroad milking a captive-shipper market for all it is worth. Montana's 350 small elevators and surrounding communities became lost in a flurry of activity to construct new unit train loading facilities to accommodate the rates. Over 40 of the new subterminals are either constructed or in the planning stages—four to five times the number that Montana's grain production can support. Unit train rates can be constructed to draw grain away from a targeted small elevator, located mostly on branch lines. Branch line traffic is reduced, giving BN the necessary justification to abandon the lines. The BN placed 197 miles of track in abandonment categories I, II, and III in 1980. The amount of trackage jumped in 1981 to 540 miles.

An example of the discriminatory rate setting can be seen on the branch line serving my own community. BN will haul a bushel of wheat from Plentywood, in northeast Montana, to Portland, Oreg., for a little over $1. That is a 52-car rate over a distance of 1,197 miles. BN will haul a bushel of wheat on a 54-car unit from Alliance, Nebr., to Portland, a distance of 1,484 miles, for 80 cents per bushel. They are charging 20 cents less to haul the grain 270 additional miles. How can BN do it? The answer is simple—because BN has no competition in Montana.

The story only gets worse. Once a farmer hauls his wheat to the elevator in Plentywood, he will receive $3.28 per bushel. BN's rate will be nearly one-third of the price of the grain the farmer receives at the elevator. The way we look at it around Plentywood, every third crop we raise goes into Burlington Norther's pockets.

What is our recourse? Almost none, according to the ICC. The Staggers Act gives the ICC no jurisdiction over rates, unless a shipper proves that the railroad has market dominance. After over 2 years of litigation and more than $200,000 expense to a coalition of farmers, an ICC administrative law judge determined that BN has market dominance. Over 8 months later, the ICC reopened the case for submission of "new evidence," not even setting deadlines for further review of the complaint. Montana's hard-pressed farmers again are left at the mercy of a mammoth corporation with enough money to drag this case on for years. The insensitivity of the ICC in allowing this delay is inexcusable.

The bottom line is this: "Free market" is a nice phrase, but there is no free market without competition. The ICC apparently will no longer stand firm for shipper interests. The train has jumped the tracks. Congress bought the line when some railroads said they were in such dire straits that deregulation was the only way they were going to stay in business. Some were in financial trouble. Others were not.

Voracious railroads now have a free hand to maximize profits, and divert more and more of their profits to nonrailroad investments. The BN, for example, is making a bid to spend $600 million to take over an energy company, while attempting to abandon over 350 more miles of branch line in Montana. BN says it can not afford to maintain the lines.

The editor of my hometown newspaper recently published an editorial that aptly summarizes the feelings of most who live in Montana's rural communities. These communities are beginning to organize shippers into assertive marketing associations for self-preservation. This is a movement I will strongly foster. The text of this front-page editorial is included here for the enlightenment of my colleagues.

BN CHOOSES TO STAY WITH THE "BLACK HATS"

(By Larry C. Bowler)

There is a very old U.S. Supreme Court decision which states in words to the effect that corporations must amend their actions in harmony with the communities in which they operate.

This decision, in these days of conglomerations, holding companies and mergers, needs to be reviewed and acted upon with vigor and initiative.

Incidentally, public corporations are most peculiar to the U.S.—more than any other place in the world. America has been the breeding ground of corporations; the development of corporations; the legal development of corporate action.

Some 22 communities along the Burlington Northern branch line from Bainville to Opheim currently are being wasted by inequitable BN rail rates for grain shipments.

At first glance it is not dramatic, but a long-range view of BN's branch line rail rates clearly projects a kind of economic and cultural devastation for about 22 communities along its right of way.

The problem is: What can a scattering of rural communities do to ward off the depredations of threats to their economic well-being?

A year or so ago, BN sent out this way some BN people who, in meetings with various groups, emphasized that BN would like to join the "white hats", and no longer be among the "black hats".

During the course of these numerous discussions it was pointed out that BN's desires on this were most commendable, BUT that there would have to be some kind of action to warrant that endeavor.

In short, "If it walks like a duck, looks like a duck, and quacks like a duck," it is extremely difficult for anyone to mistake it for a swan.

During the past few months it now has become apparent that BN (while out acquiring oil companies) has put forth a fairly impressive public relations campaign, but it is based on the same kind of stuff that composes the "head" on a glass of beer—froth.

ABLE, the Association for Branch Line Equality, continues to seek basic membership in the 22-community area of the branch line; and it also has tried many reasonable approaches in dealing with BN.

Thus, ABLE now is enlisting the full vigor of support from congressmen and senators and legislators, particularly, Ron Marlenee and John Melcher.

As Orvill Nash, president of ABLE keeps repeating, "When you are dealing with certain companies remember, they only do two things—what they choose to do, and what they have to do. We are in the second category."●

CABLE TELEVISION COPYRIGHT LEGISLATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. FRANK. Mr. Speaker, I am today introducing legislation designed to resolve fairly the controversy concerning the carriage by cable systems of copyrighted broadcast programing. I am pleased to be joined by the gentleman from Michigan, Mr. SAWYER, in sponsoring this legislation.

In 1976, cable systems were in their infancy, weak and without their own programing. The cable industry primarily relied on programing broadcast in its own local area or received from distant cities either through reception over the air or via microwave relay. The effort to nurture this new communications medium gave rise to the Copyright Act of 1976, which was designed to insulate the fledgling cable systems from unlimited copyright liability. In lieu of full copyright liability, cable companies under the act receive compulsory licenses to retransmit copyrighted broadcast programing without further liability when they deposit semiannual statutory royalty fees with the U.S. Copyright Office and comply with several reporting and carriage conditions. A new agency, the Copyright Royalty Tribunal (CRT), has been given the responsibility of implementing part of this new Federal system through distribution of these royalties to the program producers and adjustment of the statutory royalty rates.

Mr. Speaker, this Federal system was based on existing, complementary Federal Communications Commission (FCC) rules. Since the enactment of the law, however, the FCC has eliminated two of these rules: First, the

"distant signal" rule, which limited the cable companies from importing a large number of distant signals; and second, the "syndicated exclusivity" rule, which prohibited a cable company from retransmitting a program that was already the subject of an exclusive contract between the program supplier (copyright owner) and the local television broadcaster.

As a result of FCC deregulation, the CRT adjusted the royalty rates to compensate the program producers in the changed cable environment. The rate adjustment to reflect the elimination of the "distant signal" rule has been perceived by many cable operators as improperly high. At the close of the last session, the Congress heard from the cable operators of the dire consequences that would result from this rate increase and we responded by delaying the effective date of the increase until March 15, 1983, so that more time can be spent by all to study the implementation of this decision. I should point out that further changes within the cable television industry likely will add more complexity to the compulsory licensing system and the role of the Federal Government within that system.

Mr. Speaker, this complex system of Federal Government legislation and regulation served its intended purpose of protecting, and nurturing the cable industry. It has now outlived its purpose, its usefulness and its desirability. The time has come to commence a 2-year phaseout of the Government regulatory scheme and to rely on the free market.

In addition, the FCC currently has regulations, known commonly as the "must carry" rules, which mandate that cable operators generally carry local signals in their area when requested to do so by broadcast stations. In the free market environment envisioned by this legislation, these rules would serve to give local broadcast stations an unfair advantage in competing for channel space on cable systems. Continuing this regulatory practice, while at the same time repealing the compulsory license, would be not only unfair but also inconsistent. A balanced approach to deregulating cable television services requires the repeal of the FCC's "must carry" rules as well.

The cable industry has undergone a great metamorphosis since 1976. It is now a viable, healthy industry that no longer needs the protection of a compulsory license. The impressive growth of the industry and the improvements in technology, such as the use of satellites to transmit programing to local cable systems, and pay and advertiser supported cable origination networks, have had a huge impact that was unforeseen in 1976.

Mr. Speaker, the bill accomplishes the following:

First. Retains the cable television compulsory license, embodied in section 111 and chapter 8 of the Copyright Act of 1976, for a transition period of nearly 2 years (until January 1, 1985).

Second. Eliminates the cable television compulsory license as of January 1, 1985.

Third. Effective January 1, 1985, exempts from all copyright liability the unaltered cable carriage of local signals and certain network programing.

Fourth. Effective January 1, 1985, exempts from all copyright liability the unaltered cable carriage of all signals permissible, under the rules of the FCC, by unaffiliated "stand alone" cable systems serving fewer than 2,500 subscribers.

Fifth. After completion of activities resulting from the operation of the compulsory license during the transition period, eliminates all of the current paperwork cable systems must file with the Copyright Office and eliminates the role of the Copyright Royalty Tribunal in the distribution of the cable compulsory license royalties and the adjustment of cable compulsory license royalty rates.

Sixth. Effective January 1, 1985, specifically excludes satellite resale carriers from the "passive" common carrier exemption in section 111(a).

Seventh. Effective January 1, 1985, broadens the "master antenna" exemption of section 111(a) to exempt the secondary transmission of all signals received over the air.

Eighth. Effective January 1, 1985, repeals the FCC's "must carry" rules and prohibits State and local governments from imposing such rules.

This proposal gives the cable industry the necessary transition period to develop its own programing and methods of distribution and licensing for the existing copyrighted programing of traditional program suppliers. It will, therefore, serve the basic purpose of the copyright law: It will encourage and foster creative programing in the public interest. Program producers and television broadcasters will be freed from the current lawful usurpation and appropriation by the cable industry of their property rights. The free market will foster a system under which the viewing public will be afforded programing of a greater variety and improved quality.

Mr. Speaker, the program supply, broadcast, and cable industries have sought refinements in the compulsory license mechanism on numerous occasions since 1976. The free market provides an easier, cleaner, and permanent solution which enables the parties to resolve their copyright issues privately in the free market.●

NATURAL GAS

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. HUCKABY. Mr. Speaker, I take the well today during this special order to remind my colleagues about the complexities of the natural gas debate and note for them some of the associated problems of food production.

Agriculture requires almost 7 percent of the U.S. annual consumption of natural gas to produce, deliver, and process the food that we need. The natural gas price increases that we have seen over the last few months, independent of actual supply and demand conditions of the market, are increasing the cost of production for our food at a time of depressed farm prices. The result of this has been a loss of farm income and a reduction in income for all the companies that are part of our modern, efficient food production system.

Some have advocated an immediate freeze of natural gas prices. However, in view of the complete failure of price controls to provide an adequate supply of natural gas at reasonable prices, I believe that a competitive natural gas market, free of most Government control, will produce lower natural gas prices and achieve better U.S. energy policy. Recently, the Chairman of the Federal Energy Regulatory Commission has stated in a report to the honorable chairman of the Subcommittee on Fossil and Synthetic Fuels, Committee on Energy and Commerce, that "by the end of 1982, the average price of natural gas reached or exceeded market-clearing levels in more and more U.S. gas markets" and that "today's burner tip prices are essentially equal to, and in fact probably are higher than, the prices that would result from complete gas deregulation."

An example that comes to mind, that supports my position is, the domestic fertilizer and food production industries. Natural gas costs represent 75 percent of the total production costs for each ton of anhydrous ammonia—the basic ingredient of nitrogen fertilizer—which accounts for approximately one-third of this Nation's production of key grain crops—corn and wheat. The Fertilizer Institute's data indicates that the natural gas costs for each ton of ammonia have risen from $59.20 per ton in January 1980 to $96.52 per ton in July 1982, a 61-percent increase. During this time, our farm income has plummeted and our farmers have vigorously complained about the high cost of production inputs, such as fertilizer. Yet, much of the fertilizer cost increase has not

been the fertilizer manufactuer's fault.

Because of the fertilizer industry's precarious position: that of needing large quantities of natural gas and selling their product to their farmer-customers, it is noteworthy that a recent SRI international study concludes that the best method to reduce the high priced gas, and moderate the price increase of natural gas is to phase in the decontrol of all categories of natural gas as soon as possible.

While other segments of the food production industry are not as gas intensive as fertilizer, lower natural gas cost resulting from elimination of NGPA market distortions would minimize the increases in food costs and make U.S. agriculture more competitive in the world markets.

Agriculture cannot afford the rapid increases in natural gas prices that we have recently seen. Our farmers will not be able to afford the fertilizer and our people will not be able to afford our food. I believe that it is time to recognize that what we need is an energy policy that will provide a more competitive natural gas market. This is why I stand before the House today. I hope that my colleagues will carefully review the ramifications of this issue on all of the economy before determining what is the best natural gas policy.●

TIME TO TAKE ANOTHER LOOK AT THE NATURAL GAS POLICY ACT OF 1978

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to commend my able colleague from Kansas, DAN GLICKMAN, for initiating the discussion on the House floor the other day on the natural gas situation.

In my hometown of Louisville and Jefferson County, Ky., natural gas prices in 1982 rose a whopping 35.2 percent! And, in my area over 80 percent of the households use natural gas as their home heating fuel.

The recession has already hit hard in Louisville and Jefferson County. Unemployment is well up over the 10 percent mark and high interest rates are continuing to squeeze small businesses out of existence. Consumers—especially the elderly on fixed incomes—are being hard pressed to pay for the necessities of life: food, shelter, and heat.

When I voted for the Natural Gas Policy Act back in 1978, a gradual price rise was a welcome alternative to shortages of gas. Those were the days when schools and businesses were closing down because of a lack of gas. But, Mr. Speaker, today there appears to be plenty of gas. By the laws of supply and demand, the price of gas should be leveling off at the very least—but instead we have this 35-percent increase!

Mr. Speaker, I do not have a miraculous blueprint to guide us out of this mess. I do feel that the administration's attempts to speed up the deregulation of natural gas are way off the mark.

I have added my name to several bills with different approaches to the problem—all, I think, valid approaches. The time has come for the Congress to take a good look at the Natural Gas Policy Act and make adjustments that more accurately reflect the current gas market situation and allow for some downward price flexibility.

One thing is clear: the time for action is now. The people of Louisville and Jefferson County will not and should not have to wait any longer for relief.●

THE STATE OF THE UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 9, 1983 into the CONGRESSIONAL RECORD:

THE STATE OF THE UNION

President Reagan has now given his second message on the state of the union. We have come to expect nearly flawless oratory from him, and we were not disappointed. As to substance, there were good points, bad points, and real surprises.

The President properly focused most of his attention on domestic affairs, but the few observations he made on foreign affairs were encouraging. Putting aside the strident tone of past statements, he indicated our readiness for "a positive change in Soviet-American relations." He dropped his insistence on military superiority for America, settling instead for a more achievable "equal balance of forces." Indicating flexibility with regard to the current talks on intermediate-range nuclear forces, he said that "we are prepared to carefully explore serious Soviet proposals." These references to negotiation, and the hints of possible compromise, were welcome.

On the domestic side, the President's words were tinged with caution. He promised us economic growth from a recovery that had just begun to take hold, but warned us that the economy would only "build carefully and steadily in the months and years ahead." He described an economy in painful transition. I appreciated his economic realism, his call for patience, and his denunciation of "quick fixes and artificial stimulants." Along with his caution came an appeal for bipartisan cooperation. "The great public is interested more in government than in politics," he said, and he asked that we resist "the short-term temptations of partisan politics." He praised the members of his bipartisan commission on social security, whose consensus report, he said, should "inspire all of us." This cautious, bipartisan stance contrasts starkly with that of his previous addresses; it shows that he is keenly aware of his diminished political position.

The President also had good things to say about interest rates, job training, and the promotion of American exports. He said that the best way to "start the wheels of industry turning again is further reduction of interest rates." He noted both that there is room for a reduction because inflation is down and that the reduction will occur if we can keep inflation in check. To the many unemployed who were listening, he offered an extension of jobless benefits and a new effort to retrain and relocate workers. He spoke of the need for "new incentives" to get jobless youths onto pay rolls. He took up the issue of trade with vigor, depicting America as "an unrelenting advocate of free trade." He stressed the value of export financing, strong trade agencies, modern ports, and more power to cut down trade barriers.

As is the case with any major political speech, Mr. Reagan's contained some bad points. My view is that he stumbled in at least two places—first when discussing defense spending and again when discussing taxes, both of which are relevant to the key goal of closing our huge deficits in the coming years. Arguing that "we will not gamble with out national survival," he recommended cutting a mere $55 billion from a defense buildup expected to cost $1,500 billion over the next five years. Congress is dedicated to our nation's survival as well, but most legislators in both parties now agree that the defense budget will have to give more. The real problem is now to make the added cuts without diminishing the preparedness of our armed forces. A complicating factor in the debate is Mr. Reagan's curious attribution of deficits to "the uncontrolled growth of the budget for domestic spending." Frankly, I do not understand what he is saying. Every dollar spent for any purpose increases deficits, and under his administration we have seen defense spending rise rapidly.

On taxes, too, the President faltered. To begin, he seemed to close the door on all effort to repeal or modify the law under which the tax brackets will be indexed to inflation starting in 1985. However, many influential members of his own party (including the Senate's Republican Majority Leader) are favoring such an effort as part of a comprehensive plan to reduce deficits in the later 1980's. These officials fear that the law as written will open up a limitless vista of huge deficits—with all the adverse consequences that such a development would entail. Also, he suggested that Congress enact a standby tax to take effect in 1986 if deficits are not brought under control. In my view, such a conditional proposal only makes future taxes uncertain. It can be cancelled any time and may lead us to think the hard choices have been made. It would be better to decide now to bring deficits down.

The President prescribed some "strong medicine" for the sick budget—a freeze on domestic outlays. Lamenting that he had "only cut the rate of increase in federal spending," Mr. Reagan proposed to cap domestic programs at the rate of inflation so that "the federal government will hold the line on real spending." The proposal will suffer in Congress because it does not cover defense spending, which will grow at a rate of 10 percent between 1983 and 1984. The deficits are so critical, however, that a

freeze in some form should be seriously considered by Congress.

Without a doubt, the greatest surprise of Mr. Reagan's message was his sudden declaration that "we who are in government must take the lead in restoring the economy." It hit the assembled legislators like a bolt of lighting, brought some cheering to their feet, and dumbfounded others. The President came to Washington proclaiming his fervent beliefs that government was the problem, not the solution, and that prosperity would come if government would only get out of the way. At the mid-point of a presidency mired in economic troubles, he has apparently changed his course.

Two final thoughts about the speech should be registered. First, I did not find major change in the substance of the President's strategy; the real change was in the more somber rhetoric and the more credible tone. Second, his recurring theme, "America is on the mend," seemed premature to a Congressman who had just returned from long meetings with distressed Hoosiers. I hope that the President is right; he may be. The evidence, however, is just not clear to me at the moment.●

THE JOBS PROGRAM FIRST

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. EDGAR. Mr. Speaker, as the budget season begins, we are all searching for constructive ways to revive the American economy. Few of us would claim to have guaranteed solutions to the dire problems we face, but the situation the country faces requires our best efforts.

David Eastburn, former president of the Philadelphia Federal Reserve Bank, demonstrates an incisive grasp on our economic situation in an op-ed piece published in the February 7 Philadelphia Inquirer. Although no one has all the answers, Mr. Eastburn argues, briefly and concisely, that the most enlightened course of action at this point is relatively evident.

The article follows:

THE JOBS PROGRAM FIRST

(By David P. Eastburn)

President Reagan is overestimating the patience of the American public.

It's true that signs of recovery from the resession are raising hopes, and it's true (thanks to the Federal Reserve) interest rates and inflation have come down. But almost everyone agrees the recovery will be anemic, and inflation and interest rates this year will still be high by historical standards.

Most important of all, unemployment is at the highest rate since the Great Depression and may rise further. Secretary of the Treasury Donald T. Regan predicts that unemployent will still be at 9.5 percent by the end of 1984; Chairman of the Council of Economic Advisers Martin S. Feldstein says it will take five or six years to get the level of unemployment down to 6.7 percent.

All in all, the light seems very dim at the end of a very long tunnel. A good deal of hardship lies ahead.

No one knows exactly how much hardship now prevails in the nation, but rough estimates indicate it is very high indeed. One indication can be gotten by adding together three key symptoms of hardship:

The unemployment rate.

The inflation rate.

The real interest rate (i.e. interest rate adjusted for inflation).

In December, the total of this "hardship index" was 24.8. At the depth of the Great Depression in 1933 it was 29. Back then one-fourth of the labor force was unemployed, so the mix of hardship was much different. But the total was not a great deal higher than it is today. Or take a more recent and more meaningful comparison, the 1974–75 recession, generally acknowledged at the time to have been the worst since the 1930s. The hardship index peaked in May 1975 at 18.

The index has risen in the past dozen years, going up in recessions as business activity slackened and going back down only part of the way in expansion periods. Particularly striking has been an almost continuous rise since early 1978. The good news is that the index has been fairly flat since last spring, but at a very high level.

The index tells more about the trend than it does about the distribution of hardship. Probing beneath the overall total is a complicated business and usually ends up with results that are less than completely satisfactory. For example:

The consumer price index has been known for a long time to have overstated the impact of inflation on many people because it has given undue weight to housing costs.

The unemployment rate does not include people who have given up looking for work, but does include people who are merely in transition from one job to another. Unemployment occurs very unevenly, being heavily concentrated among youth, minorities and the unskilled. Moreover, its impact is considerably lessened by government programs and by working spouses.

High interest rates hit only those who borrow, and even in those cases often are offset to a considerable extent by tax provisions that permit deduction for interest payments.

It's possible that the index overstates the prevalence of hardship, but a lot of detailed research would be needed to determine whether or not that is so. The important point is that a great many people are feeling a great deal more hardship than they have in a great many years and are looking for relief.

President Reagan seems to recognize this in his rhetoric but to ignore it in his actions. His budget which would actually reduce social spending in real terms simply rubs salt in the wound. The result is that Congress, in responding to the public's impatience, may react in ways that prolong and exacerbate the problem.

It is important, therefore, for the administration to reconsider the alternatives open to it. Amid all the complications and debate three broad courses seem available:

1. Stay the course. Encourage the economy to recover, but not so fast as to rekindle inflation. Hope that the populace, particularly those suffering the greatest hardship, will sit still while this takes place. Try to keep Congress from cutting loose on social programs and thereby adding to an already huge budget deficit.

2. Stimulate the economy vigorously. Encourage the Federal Reserve to force interest rates down and hope that this, together with the expected budget deficit will get the economy moving strongly without forcing prices up and, ultimately, interest rates and unemployment.

3. Deal directly with hardship. Encourage the economy to recover gradually but get a jobs program in place immediately. Cut defense spending to reduce the budget deficit.

Each course presents great risks, but hardship is wearing people's patience thin. The third course is the way to go.●

HONORING BLACK HISTORY MONTH

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. HAWKINS. Mr. Speaker, this month our Nation celebrates the historical contributions of black Americans.

The achievements of blacks in our society are incredible, especially when we consider the many years of dehumanizing slavery, injustice, discrimination and the period of limited freedom after the Civil War which further thwarted the entry of black people into the mainstream of American life.

Even within Congress black men and women faced an uphill struggle. Twenty-two black Congressmen served their country in the early Reconstruction era, although their legal status was often challenged, their supporters intimidated and even murdered, their spirit was undaunted and they maintained their position through unusual courage and tenacity, sharing a common purpose—the pursuit of a better America for all human beings.

As we celebrate Black History Month we should recognize that this month is important because it serves as a source of cultural pride not only to black Americans, but all Americans. The countless accomplishments of black Americans herald the success of the American spirit. Indeed, America could not have achieved its stature if it were not for the contributions of black Americans.

The contributions of blacks to America date back to its founding when Pedro Alonzo Nino arrived with Christopher Columbus. In our Nation's struggle for independence, blacks were instrumental in fighting the British. Indeed, Crispus Attucks was the first to defy and the first to die in the Boston Massacre, thus starting the American Revolution. And as George Washington led the American colonists to victory, blacks were part of his revolutionary force. One of George Washington's most loyal comrades-in-arms was Prince Whipple, a black man born in Amadon, Africa.

Black men and women like Frederick Douglass, Sojurner Truth, and Harriet Tubman helped to lead this country out of the dark days of slavery.

Other blacks pioneered new trails in education, medicine, and economics. We have heard many times of the contributions of men like Booker T. Washington, who built Tuskegee Institute in Alabama into a nationally known black industrial, vocational, and agricultural college; George Washington Carver, a former slave, who became the leading agricultural scientist of his day as the discoverer of hundreds of industrial and commercial uses of the peanut; and, Dr. Charles R. Drew, who was the pioneer in the use of blood plasma and the blood bank, but who unfortunately died because there were those who denied him access to the fruits of his own genius because of the color of his skin.

There are other blacks who, while less well known, have made tremendous contributions to this Nation. Men like Andrew Beard, who invented couplers for railroad cars, Garrett A. Morgan who invented the traffic sign, and C. B. Brooks who invented the streetsweeper. Blacks were also instrumental in developing the lawnmower, fountain pen, the ultraviolet camera for Apollo 16, and new techniques for transplant surgery.

Black Americans have also contributed immeasurably to the artistic enrichment of our society. Louis "Satchmo" Armstrong played the trumpet like no other. Duke Ellington delighted us with his rich and daring jazz harmonies, and Count Basie's big band sounds will never go out of fashion. Ella Fitzgerald's jazz melodies, Lena Horne's haunting voice and Leontyne Price's classical arias, and the swirling rock groups of the past two decades, have transported the talents of blacks across the globe.

It goes without saying that blacks have contributed significantly to the high quality of American amateur and professional sports. When we were confronted by the ominous Nazi machine in Europe, it was Jesse Owens who embarrassed Adolph Hitler with his track and field accomplishments at the 1936 Berlin Olympics. As the world watched anxiously in a boxing bout filled with nationalistic zeal, Joe Louis knocked out boxer Max Schmeling in the first round. Simply try and imagine what most professional sports would be like without the participation of black athletes.

From the legacies of brutal treatment and oppression, blacks have risen to assume positions of prominence on all levels of society. One of the greatest orators of all, Dr. Martin Luther King, Jr., gave our Nation an education on the black experience and through his nonviolent sermon of humanity he brought the issue of equal opportunity and discrimination to public debate.

Mr. Speaker, I have touched on only a few of the great and varied black accomplishments and contributions. Blacks have achieved numerous successes in all aspects of American life. Yet, blacks today still do not enjoy full equality and freedom from discrimination—but through a determined effort to march on, to struggle forward, eventually the door of opportunity will be thrust open.

If there is one enduring message to be drawn from Black History Month, let it be that we will work toward keeping the doors of opportunity open to all who have the desire, the ambition, the capability to contribute and succeed. Let history record in the ages to come, that together as one people, our Nation walked together in pursuit of the promise of equal opportunity and the practical realization of a better world.●

TIME TO PROTECT THE JOBS OF OUR AMERICAN SPECIALTY STEELWORKERS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. WALGREN. Mr. Speaker, yesterday I had the privilege of testifying before the U.S. International Trade Commission at hearings to examine the injury caused to the specialty steel industry by illegal foreign trade practices.

I want to share with my colleagues my remarks to the ITC Commissioners and encourage the Congress to maintain the highest possible profile on these important trade issues.

The testimony follows:

U.S. INTERNATIONAL TRADE COMMISSION

Mr. Chairman and members of this Commission, my name is Doug Walgren, and I represent the 18th District of Pennsylvania in the U.S. House of Representatives. This district is one of the largest specialty steel districts in America, and I am here today to speak on behalf of the families of thousands of unemployed steelworkers both in western Pennsylvania and throughout the Nation.

Today the International Trade Commission will hear from a number of distinguished witnesses with experience in the economic details of this case. I want to talk to you briefly about the terrible injury that I have seen in the steel valleys of Pennsylvania which my colleagues in the Congress tell me is repeated in town after town across our country.

Unemployment is an indescribable human tragedy. Sometimes people in government—both those elected to offices as I am or appointed to administer the law as you are—fail to appreciate what it means to lose your job for reasons totally beyond your control. There is a natural "Washington instinct" to impersonalize the tragedy, to speak of statistics and numbers, instead of facing up to the human reality that is behind each one of those numbers.

The specialty steel industry is suffering today from an unemployment of staggering proportions that is not of its own making. In one of the world's most efficient, technologically modern, and clearly competitive—even internationally competitive—industries, unemployment has reached 50 percent in some companies. In some communities based around specialty steel plants, one of every two steelworkers is out of work. If that isn't injury to the economic fabric of this Nation—let alone a particular industry—I don't know what is.

The damage to these families is concrete. Because of the length of the recession, the unemployment compensation of many steel working families is running out. The Department of Labor predicts the termination of unemployment compensation for thousands of families in late March unless another extension of benefits is approved by Congress.

With the end of unemployment compensation comes the literal break-up of the American family. Mortgage foreclosures have reached record numbers in our industrial centers, numbers unequalled since the depression. For most people, health insurance ends because the work-related coverage terminates and individual insurance is too expensive for someone unemployed to carry.

Welfare is generally unavailable until a family loses its home because the value of the home keeps the family from qualifying for assistance. In some cases, parents are even encouraged to separate under bizarre regulations that penalize families for having an able-bodied male at home.

I have seen the damage up close. It reminds me of a tragedy I had contact with before I came to Congress. As a young lawyer, an unemployed steelworker in Pittsburgh came to me in obvious distress—and I still remember it was a Thursday. He had been laid off from work and was unable to meet his bills and his car had just been repossessed. On Saturday that steelworker shot and killed his wife, his mother-in-law and then himself. I offer that not to overdramatize but because it is true. Our laws including the restrictions on imports that you have the responsibility to enforce, are designed to prevent this and other kinds of damage our people suffer.

In my opinion, the human injury in the specialty steel industry is much worse today than it was in the mid-1970's when this Commission properly determined the necessary injury that led to the modest import restraint program of the Ford-Carter years.

Today, foreign specialty steel imports are greater and unemployment is higher than ever before. At a time of world economic recession, foreign governments, through subsidies to their own steel companies and other practices, have chosen to maintain their employment, without regard to the financial losses sustained, through an aggressive policy of capturing American specialty steel markets. In effect, they have exported their unemployment to American steelworkers.

Last November in his request to the ITC initiating these proceedings President Reagan stated that "injury to the domestic (specialty steel) industry is clear." The President pointed out that a number of countries had engaged in trading practices inconsistent with the General Agreement on Tariffs and Trade (GATT) in order to shore up foreign specialty steel producers. Those practices ranged from outright grants to preferential loans to absolute exemptions from taxation.

With those kind of special advantages to foreign predators, it's absolutely amazing to me that we have any kind of domestic specialty steel plants left operating today.

Many of us in the Congress have repeatedly urged prompt, decisive action by this

Government to protect American jobs from unfair, illegal foreign trade practices. Our numbers in the Congress have increased with every election in recent years, but action is required from all parts of our Government.

The President's November statement on specialty steel was the first official step down a necessary road if we are to stop being the dumping ground for foreign products produced under a different set of economic rules.

Unfortunately, the administration—like previous administrations—has developed schizophrenia when it comes to trade policy. On one hand, the President clearly recognizes the damage to the Specialty Steel Industry and the need for relief. On the other, in its "Economic Report to Congress," the President's Council of Economic Advisers stated that our basic industries, like steel, must continue to "shrink" and that such contraction is "a normal consequence of the increasing U.S. integration into the world economy."

I've got news for the President's Council of Economic Advisers. Let them come to the Mon Valley of Pittsburgh and tell our unemployed families that it is "normal" for steelworkers to lose their jobs because of illegal foreign trade practices.

Let them go to the the specialty steel mills of Indiana and Ohio and tell them to "shrink" some more by laying off the few remaining specialty steelworkers—just so we can "integrate into the world economy."

And let them walk beyond the iron gates of the White House and meet face to face with the decent men and women standing today in unemployment lines, struggling to feed their children and save their homes, and tell them, as they told the Congress last week, that "a central goal of U.S. economic policy is the limitation of protection for these problem industries."

The problems is, if the President's Council of Economic Advisers is unwilling to protect our own people, our own basic industries, and our own jobs, who will?

Under the law, Congress has given you, as members of the International Trade Commission, the responsibility to prevent damage to American industries from subsidized foreign imports.

You must live up to that responsibility. We cannot continue to disarm ourselves when foreign nations point their trade weapons at us. Our trade laws were written to protect American jobs and American industries, not from legitimate competition, but from unfair, illegal conduct—exactly the conduct the President admits is behind the present damage in the specialty steel industry—conduct which gives a one-sided advantage to foreign countries which could never survive in a truly free market.

We cannot continue to mindlessly sacrifice American jobs and American industries on the altar of free trade when there is no such thing as free trade in the world today.

I urge the International Trade Commission to hear these voices in the steel valleys of America and respond quickly, loudly, and effectively.

Thank you for this opportunity to join our steelworking families in this appeal.●

HONORING JOHN D. ROSE ON HIS RETIREMENT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. FLORIO. Mr. Speaker, I would like to join my colleague from New Jersey, BILL HUGHES, in recognizing the retirement of Mr. John D. Rose of Cumberland County after a distinguished 20-year career in public service.

John's career began as a member of the County Board of Chosen Freeholders, where he served for nearly 20 years. His devotion to public service did not conclude with his freeholder responsibilities. He also serves on the Fairfield Township Board of Education and PTA, as well as other organizations.

We are all keenly aware of the unique satisfaction gained from holding an elected public office. John's decision to retire after his long and successful career must have been a difficult one. He is an energetic man who enjoys the close public contact he encouraged during his career.

The vast majority of those who came in contact with John as their freeholder soon regarded him as their friend. I regard him as a personal friend and I join all his friends and family members in congratulating him. John has my best wishes for the coming years. Certainly his presence, knowledge, and skills in government will be missed by the residents of Cumberland County.●

THE EMERGENCY AGRICULTURAL CREDIT ASSISTANCE ACT OF 1983

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. PEPPER. Mr. Speaker, today I am introducing legislation that would provide badly needed credit assistance to our Nation's farmers. As my colleagues are well aware, farmers are faced with an economic crisis that threatens their livelihood and the system which provides our people and peoples all over the world with vital food and fiber. Real farm income in 1982 was at its lowest since 1933. While most products have steadily increased in price over past years, farm commodity prices have steadily declined to a point where they sometimes do not cover even the cost of production, much less provide the producer a profit. Weak prices are proving devastating to our farmers, and the situation is expected to get worse, as prices most likely will show little improvement in the 1983 crop year. The situation is aggravated further by declining agricultural exports resulting from the slack demand of a world deep in recession and record-high interest rates in this country over the last 2 years. Outstanding farm debt has risen from $25 billion in 1964 to $157.9 billion in 1980, and in 1982 exceeded $200 billion. Added to already high implement costs in 1982 were total farm interest expenses of more than $20 billion.

American farmers are the best in the world. Many of the farmers being hit by the current combination of problems are efficient producers who use sound managerial practices. In the 1970's, they responded well to increased demand and a Government policy that encouraged production for export, but the problems they face today are ones they cannot control. Farmers' low income and high production costs challenge their resourcefulness and threaten their ability to continue to produce.

The Farmers Home Administration has for years offered credit to farmers, who, because of their financial situations, could not obtain it elsewhere. There are the farmers who are the most vulnerable in the face of the current crisis. During the first 2 months of fiscal year 1983, 1,049 FmHA borrowers had to discontinue farm operations. Delinquencies on FmHA loans continue to rise and are expected to show a rate of 50 percent or more when the figures are released for the month of January. Although Congress has granted the Secretary of Agriculture the authority to defer payments for FmHA borrowers, this administration has been reluctant to use that authority, causing widespread uncertainty and a perception on the part of farmers that they can expect no help from their Government in the face of a genuine economic disaster.

The situation is serious indeed for FmHA borrowers. However, FmHA holds only 12 percent of all outstanding farm debt. Private lending institutions, under the auspices of the Farm Credit Administration, and other private banks and thrift institutions hold the rest of the farm debt. They find themselves highly exposed to failure and losses as a result of the farm income situation. Without Government assistance, many of these private institutions will be forced to accelerate payment of the debts of delinquent farmers and implement foreclosure proceedings on a large scale to safeguard their own cash-flow positions. The problems we are discussing are large scale in nature and threaten consequences of great proportion.

Today, I am introducing the Emergency Agricultural Credit Assistance Act of 1983. This bill has three major provisions that deal with the farm

credit crisis: First, it directs the Secretary of Agriculture to forgo foreclosure proceedings against FmHA borrowers who are good family farmers unable to meet current debt obligations; second, it expands the authority of FmHA to step in and guarantee private-sector agricultural loans—in cases where a farmer is about to be foreclosed upon—in return for forbearance on the part of the lender; and third, it reauthorizes the Economic Emergency loan program (which expired at the end of fiscal year 1982) through September 30, 1984. The bill also would require that the Secretary and private lenders who are affected by the provisions of this act allow farmers to defer payment on their loans for a period of up to 1 year and provides for the rescheduling of such loans following the deferral period.

Mr. Speaker, drastic problems call for drastic responses, and the time has come for us to address the one facing our Nation's farmers. If we do not act immediately, we risk severe and possibly irreversible consequences to our efficient family farm system. We can ill afford to allow the disruption of a system which has proven itself over the years to be one that can sustain the food and fiber requirements of the United States and much of the world. I am encouraged to know that Mr. JONES, of Tennessee, chairman of the Agriculture Subcommittee on Credit, will hold hearings on February 14 to discuss legislative solutions to the current problem. It is my hope that we will be able to expedite the passage of legislation to deal with this serious problem, and demonstrate our commitment to our farmers and to the maintenance of a viable agricultural system.

A copy of the bill follows:

H.R. 1402

A Bill to require the Secretary of Agriculture to provide emergency agricultural credit assistance

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Agricultural Credit Assistance Act of 1983".

DEFERRAL OF FARMERS HOME ADMINISTRATION LOANS

SEC. 2. (a) The Secretary shall, for a period of not less than 1 year, permit the deferral of prinicipal and interest on, and forgo foreclosure of, any outstanding loan made, insured, or held by the Secretary before the date of the enactment of this Act under any law administered by the Farmers Home Administration if—

(1) the farmer to whom such loan was made requests such deferral not later than September 30, 1984, and

(2) the county committee for the county or area in which such farmer's farm is located determines and certifies in writing to the Secretary that such farmer—

(A) is the owner or operator of a farm which is not larger than a family farm,

(B) has demonstrated good farm management practices,

(C) due to circumstances beyond such farmer's control, is temporarily unable to continue making payments of such principal and interest when due, and

(D) is reasonably likely to be able to repay such loan after such deferral period.

(b) The Secretary shall permit interest that accrues during the deferral period on any loan deferred under subsection (a) to bear no interest during or after such period.

(c)(1) After the deferral period permitted with respect to any loan under subsection (a), the Secretary shall make available at the request of the borrower, procedures whereby such loan may be consolidated, rescheduled, or reamortized to provide equitable repayment terms consistent with such borrower's farm and financial situation.

(2) Any loan so consolidated, rescheduled, or reamortized shall bear interest at a rate not to exceed the lower of—

(A) the rate of interest payable with respect to such loan before such consolidation, rescheduling, or reamortization, or

(B) the rate of interest payable with respect to similar loans made under laws administered by the Farmers Home Administration on the date of such consolidation, rescheduling, or reamortization.

AGREEMENTS FOR DEFERRALS OF PRIVATE AGRICULTURAL LOANS

SEC. 3. (a) Except as provided in subsection (c), the Secretary shall, at the request of a private lender, enter into an agreement described in subsection (b) with respect to any loan made by such private lender to a farmer before the date of the enactment of this Act for any purpose for which a loan may be made, insured, or guaranteed under any law administered by the Farmers Home Administration if the county committee for the county or area in which such farmer's farm is located determines and certifies in writing to the Secretary that—

(1) such farmer is the owner or operator of a farm which is not larger than a family farm,

(2) such farmer has demonstrated good farm management practices,

(3) because of circumstances beyond such farmer's control, such farmer is temporarily unable to make payments of principal and interest due on such loan,

(4) such private lender is unwilling to defer such payments and forgo foreclosure of such loan in the absence of such an agreement,

(5) such farmer is unable to obtain sufficient credit at reasonable rates and terms to refinance the outstanding indebtedness on such loan, taking into consideration prevailing private and cooperative rates and terms in the community in which such farmer resides for loans for similar purposes and periods of time,

(6) foreclosure or liquidation of such loan would seriously impair the economic viability of the farming, ranching, or aquaculture operation of such farmer, and

(7) such farmer is reasonably likely to be able to repay such loan after the period of such agreement, if such agreement is made.

(b) Any agreement entered into under subsection (a) shall include the following terms:

(1) The private lender with whom such agreement is made—

(A) shall, during the 1-year period beginning on the date such agreement is made, defer the payment by the farmer involved of principal and interest due on, and forgo foreclosure of, the loan made to such farmer, and

(B) shall not, at any time, charge any interest on any interest which accrues on such loan during such period.

(2) The Secretary shall—

(A) guarantee the repayment of such loan after such period, and

(B) not impose any fee or charge on such private lender or such farmer as a condition for entering into such agreement.

(c)(1) The Secretary may not enter into any agreement under subsection (a) which would—

(A) require the Secretary to guarantee the repayment of more than 90 percent of the principal and interest payable on any loan,

(B) cause the total principal amount outstanding on loans—

(i) guaranteed under this act with respect to a particular farmer to exceed $500,000, or

(ii) made, insured, or guaranteed under this Act or any other law administered by the Farmers Home Administration with respect to a particular farmer to exceed $1,000,000, or

(iii) require the Secretary to guarantee any loan witn respect to which the interest rate or any other fee is determined by the Secretary to be excessive, taking into consideration prevailing private and cooperative rates and terms in the community in which the farmer involved resides for loans for similar purposes and periods of time.

(2) The Secretary may not enter into an agreement under subsection (a) after September 30, 1984.

(d)(1)(A) Moneys in the Agricultural Credit Insurance Fund described in section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) shall be used—

(i) for the discharge of obligations of the Secretary resulting from agreements entered into under subsection (a), and

(ii) for the payment of administrative expenses incurred by the Secretary in carrying out this section.

(B) Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) and any other provision of law limiting the availability of moneys from such Fund shall not apply with respect to the use of such moneys under subparagraph (A).

(C) Notes and security acquired by the Secretary in connection with such agreements shall be treated in the same manner as is provided in section 309(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(d)).

(2) The Secretary may purchase the guaranteed portion of any loan with respect to which an agreement is entered into under subsection (a) and may pay any expense or fee incident to such purchase.

(3) Section 310B(d)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(d)(6)) shall apply with respect to notes acquired by the Secretary in connection with agreements entered into under subsection (a) in the same manner as such section applies with respect to notes insured or guaranteed under such Act.

PROCEDURAL PROVISIONS

SEC. 4. (a) The Secretary shall take steps to ensure that farmers and private lenders who may benefit from the provisions of section 2 or section 3 receive adequate notice of such provisions.

(b) The Secretary shall provide procedures—

(1) for appeal and review of any determination which is the basis of a certification

required to be made by a county committee under section 2 or section 3, and

(2) for reversal or modification of such determination if the facts warrant such action.

EXTENSION OF EMERGENCY AGRICULTURAL CREDIT ADJUSTMENT ACT OF 1978

SEC. 5. Section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

DEFINITIONS

SEC. 6. For purposes of this Act—

(1) the term "county committee" means a county committee appointed under section 332 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982).

(2) the term "farmer" means any farmer, any rancher, any individual engaged in aquaculture, or any farm cooperative or private domestic corporation or partnership that is controlled directly by farmers, ranchers, or individuals engaged in aquaculture and is engaged primarily and directly in farming, ranching, or

(3) the term "private lender" means any lending institution legally organized in the United States, including any institution of the Farm Credit System specified in section 1.2 of the Farm Credit Act of 1971 (12 U.S.C. 2002).

(4) the term "Secretary" means the Secretary of Agriculture, and

(5) the term "United States" shall have the meaning given to it in section 343(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(6)).●

SOVIET STUDIES NEEDED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues the following editorial from the October 5, 1982, edition of the Columbus, Ohio, Dispatch:

The ability of the U.S. government to understand the cultures of the Soviet Union and its East European allies and to anticipate their likely responses to future developments is being undermined by a decline in the number of American specialists in these cultures.

An effort to address this problem is being made in a bill now pending before a Senate Foreign Relations subcommittee. The bill would establish a $50 million federal endowment program and the interest earned from it—projected at $5 million annually—would be used to fund studies in Soviet and East European cultures. "The hard truth is that our national capacity to analyze the views and actions of our primary adversary in the world is seriously eroding," said Sen. Richard Lugar, R-Ind., one of the sponsors of the bill.

This erosion must stop and the bill deserves the careful attention of the Congress.

The legislation has the support of high State Department officials and the enthusiastic backing of Dr. James Perkins, chairman of the President's Commission on Foreign Language and International Studies. The commission completed its work in 1979. In an interview last week, Perry said that the Lugar bill would "be a tremendous shot in the arm, a tremendous plus," and could greatly enhance U.S. understanding of the Soviet bloc.

Perry's blue ribbon, bipartisan panel investigated the state of American study of foreign cultures and was concerned by its findings. "We are profoundly alarmed by what we have found: a serious deterioration in this country's language and research capacity at a time when an increasingly hazardous international military, political and economic enivronment is making unprecedented demands on America's resources, intellectual capacity and public sensitivity," the panel said in its final report.

Perry believes the commission's report "helped galvanize national support" for foreign studies and prevented substantial cuts in federal funding of such programs. He views Lugar's bill as a significant step forward.

So does Michael Curran, acting dean of humanities at Ohio State University and a Soviet historian. "I believe that such a program is very necessary," he said, describing the problem as "very critical."

Curran notes that there are presently about 90 federally funded foreign research centers in the United States, of which there are three at OSU. About 14 of these centers—including one at OSU—concentrate on Soviet and East European studies. Funding cuts are expected to decrease the total number of centers to about 50 within the next three years.

Curran says these centers traditionally have small enrollments and, unlike subjects such as freshman English and accounting, they cannot attract large numbers of students and the large resources other programs can. Also, unlike subjects such as physics and engineering, it is difficult to attract outside, private and corporate funding for foreign studies. "Federal funding is very important in a lot of ways," he said, listing library purchases, the development of faculty expertise and the funding of graduate studies as examples.

The Soviet studies legislation deserves early and careful consideration. The decline of American expertise in the Soviet culture and society is a problem that must be addressed. As the Perry commission noted, "Nothing less is at issue than the nation's security."●

SIMON BOLIVAR

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. MICA. Mr. Speaker, I have introduced a resolution during this first session of the 98th Congress to proclaim the calendar year from July 24, 1983, through July 23, 1984, the bicentennial year of the birth of Simon Bolivar. The resolution calls upon the President to issue a proclamation commemorating the ideals and example of Simon Bolivar, and expresses the intention of the Congress to send a congressional delegation to Venezuela in July 1983 to represent the United States in the official ceremonies of observance of the bicentennial of the birth of this great hero. The resolution also calls upon the services of the Congressional Research Service to conduct a study on the impact of Simon Bolivar on the United States.

I have authorized this resolution, because Simon Bolivar symbolizes the quest for freedom and democracy in all the nations of the Americas. In addition to having been the champion of the struggle for independence from Spain between 1810 and 1829, Bolivar, known by all as "El Gran Libertador" (The Great Liberator), was proclaimed President of Venezuela, Colombia, Ecuador, and Panama, and served to organize the Governments of Peru and Bolivia as well. His vision of a united America gave rise to the Pan-American ideal we share today, which has gained vitality through the formation and activities of the Organization of American States. The "George Washington of South America," Simon Bolivar had the same faith in the dignity of man, the values of independence and democracy, and the ideal of a strong and united America that has strengthened our national purpose and commitment for the past 200 years.

The United States had a profound effect on Simon Bolivar, who learned from the example of the democracy to the north; and he has, in turn, profoundly affected this Nation through his concept of hemispheric solidarity. It is fitting that we should acknowledge his influence on this hemisphere and our Nation. It is fitting that we should help to renew the faith in ideals so basic to our way of life—for which Bolivar fought and which he symbolized throughout the Americas.

I hope the Congress adopts this resolution so that we may celebrate with other nations of the Americas a symbol of strength, unity, and cooperation.●

NATURAL GAS FAIR PRICING ACT

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. YOUNG of Missouri. Mr. Speaker, I have introduced the Natural Gas Fair Pricing Act. This bill is identical to H.R. 6850, which I introduced during the 97th Congress on July 22, 1982. The urgent need for legislation to protect this Nation's natural gas consumers was obvious then. Prices paid to natural gas producers by pipelines had increased 150 percent since enactment of the Natural Gas Policy Act of 1978. This had translated into an increase of almost 70 percent to the typical residential consumer for natural gas used for heating and cooking. During the last Congress, most of us received countless letters from constituents describing the hardships inflicted by skyrocketing natural gas

prices. These letters were from senior citizens who were keeping their thermostats at 60° or less during the coldest part of the winter; from the poor and unemployed who were forced to choose between food and fuel; and from middle-income families who watched their budgets stretched to the limits and beyond by their heating bills.

The situation is much worse today than it was on July 22. At a time when price increases for almost all other goods and services have noticeably slowed, the upward spiral of natural gas prices has accelerated. The projected natural gas price increases for residential consumers during this winter range from 25 to 40 percent. In fact, I have been told that in part of Missouri the increases may reach 70 percent.

We cannot continue to tolerate price increases for natural gas of this magnitude. In 1982, the Consumer Price Index rose only 3.9 percent; the cost of food, only 3.2 percent; the cost of housing, only 3.6 percent; and the cost of clothing, only 1.6 percent. Even the cost of medical care rose only 11 percent.

Compare these price increases with the increased prices paid by natural gas consumers during 1982. The Department of Energy projects that natural gas prices increased over 20 percent during the past year—more than five times the rate of inflation. Even more astonishing is a comparison between the overall increase in energy prices in 1982 and the increase in natural gas prices. According to the Department of Labor, energy prices increased only 1.3 percent. By my calculations, this means that the increase for natural gas prices in the last 12 months has been more than 15 times greater than the overall increase for energy prices.

Mr. Speaker, how can we explain these huge natural gas price increases to the American people when there is an oversupply of natural gas? How can we explain these increases when the newspapers report every day that the price of oil is dropping and that the OPEC cartel, at least temporarily, can do nothing about it?

The operation of the natural gas market today simply makes no economic sense. Even Mr. Butler, Chairman of the Federal Energy Regulatory Commission, recognizes that we are facing a natural gas crisis of enormous proportions and has asked the President to appoint a Commission along the lines of the recent Social Security Commission to find an acceptable legislative solution. Frankly, Mr. Speaker, I agree with Chairman DINGELL that FERC itself could have taken steps to at least ameliorate the natural gas problems the Nation is facing today. I *can only conclude* that Mr. Butler's letter to the President demonstrates that FERC plans to do nothing any time soon to afford American natural gas consumers some measure of relief.

Mr. Speaker, we cannot wait for a natural gas commission to recommend legislation to us. We must act now. If we fail to act, more of our citizens will not be able to afford the natural gas necessary to heat their homes and more small and medium-sized businesses will be forced to shut their doors because of natural gas costs.

The bill I am introducing today—the Natural Gas Fair Pricing Act—will restore order to the natural gas market. Its principal feature is straightforward—all future increases in natural gas prices must be just and reasonable. The bill eliminates the automatic upward price adjustments built into the NGPA. Instead, future price increases for natural gas must be cost based. My bill is fair to the natural gas producer: his prices are not rolled back and he is permitted to recover his costs and to earn a reasonable return on his investment in exploration and development. More importantly, my bill is fair to the American natural gas consumers. It stops short the massive transfer of wealth from consumers to the natural gas producers that is taking place today.

Mr. Speaker, last July I said that it was imperative for us to act promptly. I wish I could tell you today that I was mistaken then, that the NGPA is working, and that the suffering caused by totally unjustified price increases for natural gas has ended. Unfortunately, I cannot. I must again urge my colleagues to give their prompt and favorable attention to the Natural Gas Fair Pricing Act.●

BRINGING FAIRNESS TO OUR TAX CODE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. GONZALEZ. Mr. Speaker, I have introduced a bill that would reinstate the Federal income tax deduction for State and local taxes on gasoline. While the dollar impact of this bill may be nominal for the individual taxpayer, it is nonetheless an attempt to bring some equity into our tax system and ease the economic burdens facing many of our constituents.

Last year, Congress enacted the Tax Equity and Fiscal Responsibility Act and also passed a bill raising Federal gasoline taxes by a nickel. I voted against the first bill because I believe it to be one of the most unfair tax bills ever passed. In essence, it says if you are a corporation, you can deduct foreign bribes from your taxes but if you are the average working man, you can no longer deduct any but the most catastrophic of medical expenses.

In the same vein, I voted against the gas tax increase because of the increase in excise taxes being forced on truckers that will virtually wipe out small and independent truckers. These are the same individuals who will be forced to pay higher gasoline prices but no longer able to deduct the State and local taxes from their income tax.

When the repeal of this deduction was considered in the 95th Congress, it was done so as a fuel conservation measure. The argument was that the less Government subsidized, through the income tax deduction, an individual's incentive to drive, the more fuel was conserved. But over the years, I feel that efforts to conserve fuel have evolved because of higher gas prices, better automobile mileage, and a host of other reasons.

This deduction will not break the Federal Treasury nor will it sustantially increase the Federal deficit, but it will provide a small measure of relief to people who have been hit hard by the President's economic program—the low- and middle-income taxpayer.

It is a small attempt at bringing fairness to our tax code, but the reinstatement of this tax deduction will be a message to the American public that we in Congress have not completely abandoned them. I urge my colleagues to join me in this effort.●

MURRAY N. ROTHBARD: ECONOMIST FOR THE FREE MARKET

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. McDONALD. Mr. Speaker, in the February 2, 1983 issue of the Review of the News is an interview with economist Murray N. Rothbard. In the interview, Dr. Rothbard does an excellent job in explaining the difference between economic philosophies, including the often misunderstood but vital distinction between supply-side economics and free market economics. He also explains the Reaganomics was originally a coalition of four schools of economic philosophies: traditional free market capitalism, supply-side economics, monetarism, and conservative Keynesianism. Unfortunately, as Professor Rothbard points out, Reaganomics as preached by Candidate Reagan has not been implemented by President Reagan.

The interview, which I commend to the attention of my colleagues, follows:

[From the Review of the News, Feb. 2, 1983]

ECONOMIST FOR THE FREE MARKET, MURRAY N. ROTHBARD: AN EXCLUSIVE INTERVIEW WITH THE DISTINGUISHED SCHOLAR AND AUTHOR ON WHAT IS WRONG WITH THE ECONOMY AND WHAT TO DO NOW

(By Cynthia V. Ward)

Dr. Murray N. Rothbard has long been a thorn in the side of Establishment economists. For more than 30 years this distinguished Free Market economist, political scientist, and historian has battled the statist doctrines on which many of his professional colleagues have built fame and fortune.

Murray Rothbard was born in 1926 in New York City, where he still makes his home. He earned his A.B., M.A., and Ph.D. in economics from Columbia University, and is now professor of economics at the New York Polytechnic Institute. Dr. Rothbard's uncompromising defense of individual liberty and Free Market capitalism has been brilliantly presented in his many books, which include The Panic Of 1819; America's Great Depression; Man, Economy, And State; Power And Market; For A New Liberty; Conceived In Liberty; and, The Ethics Of Liberty. He has just completed a new book, The Mystery Of Banking, to be published by Richardson and Schneider in April.

Q. Dr. Rothbard, we have been hearing from the usual experts that the American economy is beginning to recover. Do you agree?

A. On the contrary; by any historical and economic criteria ever used, the economy is now in a depression. Production has been declining; unemployment is extremely high; and, there is a very heavy bankruptcy rate among businesses. The fact is that the economy has been in almost continuous contraction since 1979.

Q. Yet we get daily reports that the stock market can be expected to rise, that spending for construction and housing is increasing, that factory orders are up. Aren't these characteristic of recovery?

A. Not all the figures will ever agree. Even during the Great Depression of the Thirties not every industry declined as quickly or as consistently as the general economy. Yet every time the bubblegum production goes up .02 percent, Establishment eggheads predict that prosperity is just around the corner.

Q. What about the frequently heard argument that recession or depression can be "sparked" by just a few industries—housing, construction, and autos are now the most popular candidates—so that, if government can just bail them out, recovery will follow?

A. Nonsense. Industry does not cause depression; government causes depression. If demand for one industry's product declines, demand will pick up in some other area, *unless* that demand has been artificially created by government inflating the money supply.

Q. How does this work?

A. Keynesians base their belief in government management of the economy on the theory that business booms and busts are a natural fault of the Free Market. Government then comes in as Big Daddy to flatten out these market swings by, for example, flooding the system with counterfeit money to stimulate spending in a recession, or cutting back the money supply to snuff out inflation. In fact, it is government maninpulation of the money supply which actually creates economic booms and busts.

When banks flood the loan market with counterfeit money, businessmen interpret the associated drop in the loan rate of interest as an increase in saved funds for investment; they therefore move to expanision and long-term capital goods. But, since there has been no real shift in consumer demand, when the new money filters down to consumers they will spend it on their old consumption and investment preferences. Thus business finds that it has invested in goods which are not demanded by consumers. These malinvestments must than be liquidated to reestablish the most efficient service of consumer desires. The liquidation process is what we call depression; it is a natural and necessary market adjustment to government caused distortions.

Q. But the Fed's normal response to an economic "bust" is again to pump up the money supply.

A. Exactly. This can only generate another cycle of malinvestments, another depression . . . ad infinitum.

Q. "Liberals" have been eager to blame the curent downturn on "Reaganomics." Is there any truth to this?

A. Yes, though as you might suspect my interpretation differs from that of the mass media. You see, most people conceive of Reaganomics as a homogeneous blob embracing support for Free Market capitalism and individual rights. Nothing could be further from the truth.

Q. I think you'd better explain that.

A. Certainly. Reaganomics was originally a coalition of four schools of economic opinion: traditional Free Market capitalism, so-called supply-side economics, monetarism, and Conservative Keynesianism. During the 1980 campaign Reagan preached the Conservative line, calling for a drastic cut in Government spending, deregulation of the economy, slashing of taxes, a balanced Budget, and a gold standard. This rhetoric did not survive the election; not one of these promises has been carried out by the Reagan Administration. Reagan also betrayed the supply-siders, who called for large cuts in the income tax to stimulate business recovery and expansion.

Q. Didn't Libertarians support supply-side economics? Certainly you must favor a tax cut.

A. Yes, but our reasons for doing so are quite different. Supply-siders favor selective tax cuts as the most efficient way for government to prod the economy into acting in prescribed ways. Notice, as proof of this, that supply-siders do not generally favor spending cuts. All the celebrated Laffer curve proves, for example, is that selected tax cuts will generate as much or more revenue for government as will higher tax rates.

Q. Then supply-side economics was a politcal gimmick: lower taxes and more public services!

A. Exactly, Jude Wanniski articulated the roots of supply-side economics in his best-selling book, The Way The World Works. That book is really hair-raising: not only does Wanniski argue for world democracy and a One World government; he advances a horrifying theory of history, a sort of extreme populism according to which the masses are always correct and have been since the beginning of civilization. In Wanniski's view the function of intellectual and political leaders is merely to articulate the correct will of the masses.

Q. How does he apply this to economics?

A. Well, since the masses are always correct, politicians must ask the public what it wants and then find a way to deliver the goods. In the economic sphere the people want big tax cuts, high level of government services, and a balanced Budget. Therefore they must be right! Quite simply, supply-side economics is a philosophy of demagogy which promises people what they want while making no attempt to expose the immorality and inconsistency of these goals.

Q. So even if President Reagan had tried to carry out the supply-side promises . . . .

A. Which he didn't. Reagan betrayed the supply-siders as well as the Conservatives. The program he put in place has tremendously increased taxes, giving us the largest tax hike in history. Of course the Budget has also gone way up, as have deficits. In fact, the whole Reagan campaign was a monstrous hoax by which Reagan and his top aides used Conservative and supply-side rhetroic to get elected, then handed the power over fiscal policy to the Conservative Keynesians, and control over monetary policy to the Friedmanite monetarists.

Q. Can't monetarism be reconciled with a Conservative ideology?

A. It is much more akin to Keynesian theory. The Friedmanites favor a steady supply of counterfeit Federal Reserve notes as the best method of controlling inflation and preventing recession. Reagan stacked his Treasury Department and Council of Economic Advisors with monetarists, and they began to bludgeon the Fed into gradually decreasing the rate of money growth, which they thought would lower inflation and interest rates while preventing an economic downturn.

Q. Well, we're now in a depression. What happened?

A. The inevitable; once the Federal Reserve began decreasing the flood of new money into the system, business malinvestment began to be liquidated and the economy dipped into recession. The important thing to remember here is that if government does nothing to interfere with the adjustment process the recession might be severe—but it will be short. The last recession in which Big Brother did not meddle occurred in 1920–21, the result of the Fed's inflationary policies during and after World War I. The downturn was sharp, but it was all over in nine months. Compare that with the Great Depression of the Thirties, when the Hoover and Roosevelt Administrations jumped in to keep wages and prices artificially high and to bail out unsound companies with federal aid. Result? The depression was prolonged by 11 years.

Q. Are you saying that the monetarist policy of slow but steady money growth is prolonging this depression?

A. Precisely. Such policies have also created the public expectation of permanent inflation, which further fouled up the Friedmanite predictions. The financial markets, you see, finally caught on to what is happening and adjusted to inflationary expectations by raising interest rates. When rates did not drop, the Friedmanites lost power to the Conservative Keynesians, who have now regained control of monetary policy and decreed that the Fed must inflate like mad.

Q. Which it has been doing since July. Yet the government is predicting a lower average inflation rate for 1983 than was achieved last year. How is this possible?

A. It isn't. Prices are going to start going up very rapidly. Even if a weak recovery accompanies this price inflation, it will be short and abortive.

Q. Why?

A. As the inflation rate goes up, and prices rise, public fears will be confirmed, and interest rates will zoom. If the Fed reacts to

higher inflation by again curtailing the money supply, we'll be back in a depression by the end of 1983.

Q. Won't this finally prove the bankruptcy of Keynesian theories?

A. On the contrary; the great danger is that, with Reagan still at the helm, the depression will be seen as a failure of capitalism, bringing on more statist "corrections" like wage, price, and credit controls.

Q. Let's talk about unemployment. Will the Reagan proposals to increase public-works programs and hike unemployment benefits bring down the jobless rate?

A. They will raise it. It's interesting to note that in recessionary periods during the 1950s unemployment reached a level of only around four percent. It is now hovering close to 11 percent, and unemployment even during boom periods is also way up. The reason is that government pays people a lot of money not to work or to even look for a job. That's what our Welfare and unemployment insurance systems amount to. If you had the option of working for a salary of $8,000 per year—minus taxes—or doing nothing for a $6,000 tax-free payoff from the government, what would you do?

It is certainly disappointing to see president Reagan presenting his new $33 billion road-building plan, to be financed by a five-cent hike in the gasoline tax, as a job-creating program. Reagan is supposed to have studied the work of Frederic Bastiat, who said many times that the visible jobs created by government spending do not make up for the jobs lost in private industry through the higher taxes imposed to fund public-works programs.

Q. Or through other government distortions of the market, like the minimum wage.

A. Yes. The minimum wage is a tremendous unemployment-creating device. It simply decrees that all workers whose labor is worth less on the market than the federal minimum are unemployable. Groups with a generally low level of skills—teenagers and blacks, for example—get hit the hardest by this restriction, because it prevents private industry from hiring them, at less than full salary, for entry-level or training positions where they could learn the skills necessary to advance. Milton Friedman tried to point this out to Congress before the passage of the minimum-wage law. Friedman warned that, if the bill passed, black teenage unemployment, then about 25 percent, would rise at least to 33 percent. Everybody laughed—until that prediction came true. Today black teenage unemployment stands at 50 percent.

Q. In your book America's Great Depression you describe pre-depression collusion between the nation's Big Bankers and the federal government to promote overseas loans, many of them obviously unsound, to raise domestic employment and exports. Do you see this happening now?

A. Absolutely—but on a much larger scale than during the Twenties. Look at the hundreds of billions lent by the Establishment banks to struggling Third World nations. The banks are now trying to stave off huge loan losses by rolling over this worthless debt and preventing widespread defaults by shaky countries like Brazil, Mexico, and Poland. Of course the banks make sure a substantial part of the risk for these shaky loans is borne by the American taxpayer, who would be forced to supply the bailout money in the event of a default.

One gimmick they are now going to try is doubling the lending power of the International Monetary Fund, which is really only a facade through which the Federal Reserve can flood the world with counterfeit dollars. The Keynesians are delighted by this step toward the achievement of their dream of a world central bank. Ideally such a bank would print a world money unit which would be used by all nations. Since there would be no balance of payments problems or other checks associated with the abuse of a national currency, the world bank could print money forever—that is, there would be no check on worldwide inflation.

Q. Some legislators in Washington are now arguing that trade barriers and restrictions on immigration would hike employment and aid a business recovery. Do you buy that?

A. Not at all; such restrictions would actually worsen our economic plight. The consumer is the prime beneficiary of free trade which offers him the widest possible choice of products and ensures that domestic industries keep improving their efficiency to remain competitive. Tariffs and other trade barriers both raise the prices of foreign imports and allow domestic producers to charge higher-than-market prices.

Trade barriers also end up hurting the domestic industries they are designed to protect. In a free international market a domestic industry which could not produce as efficiently as its foreign competitors would be forced out of that business and into some more efficient, profit-making enterprise. Thus there would be a natural flow of resources to their most efficient uses. Trade barriers, on the other hand, freeze precious resources into inefficient production—fewer goods are produced, at a higher cost, and everyone loses. Meanwhile wages have been artificially bid up, which will attact labor into the inefficient industry rather than into truly profitable and efficient enterprises which can afford to pay higher rates.

Q. Professor Rothbard, you have rejected virtually every prescription being tried to cure our economic ills. What should government do to get the economy back on its feet?

A. One top priority should be to reverse the inflationary expectations of the public and the financial markets. A verbal promise not to inflate will no longer be believed; drastic structural change must occur to convince people that Federal Reserve mandates will no longer be allowed to destroy their savings and investments. I would call for an immediate return to the gold standard, abolishing the Fed altogether.

The purpose would be to get our gold out of the hands of government, which is hoarding it at depositories like Fort Knox. Getting the gold back means returning the value of the dollar to its definition in weight of gold. I would favor a value high enough to pay off the Federal Reserve notes—say about $1,600 per ounce. Then with a Free Market banking system people would be able to trade on any currency they desired, be it silver, cherry pits, or porkbellies.

Q. What else could Washington do to revitalize the economy?

A. It could authorize a drastic tax cut. And I do mean a real cut; not just a slash in the rate of increase, or a selective cut which is offset by hikes in other taxes, as the Reagan income-tax cuts have been.

Q. The President claims that his economic program will be kept on course by preserving his income-tax rate cuts, no matter what other kinds of taxes he imposes.

A. Nonsense. All taxes impede private consumption or investment and to that extent prevent the market from performing at its best. As I discuss fully in my book Power And Market, what matters is not the type of tax but the overall amount of the tax burden. By that standard, Ronald Reagan has failed utterly as a taxcutter.

Q. What about replacing the graduated income tax with some sort of flat-rate tax?

A. That would be terrible. I'm very much opposed to the flat-rate tax, though I must admit it is a political master-stroke. In the name of fairness and equal treatment such a plan would place a larger tax burden on the middle class, which already pays more than its share of the government take. How can this be? Well, all deductions would be eliminated, meaning that deductions for interest on homeowning, medical expenses, investment credits, etc., would no longer be available to help the middle-class taxpayer rescue his property from government. The flat-rate tax also means that tax shelters, which offer outlets for investment capital, would be eliminated, and it would launch a tremendous increase in I.R.S. Gestapo activities as the government searched for those using illegal shelters. Then, once Washington had us all locked into the flat rate, with no way out through deductions or shelters, it would simply raise the rate as high and as fast as it desired.

Q. What tax system would you advocate?

A. Well, for starters, I favor outright repeal of the income tax. I'm not in love with any type of taxes, but the income tax is particularly obnoxious because through it the I.R.S. has the power to investigate any area of our private lives. There would be no excuse for that with, say, a sales tax.

Q. There seems to be almost universal appeal, however, to the notion that government ought to tax the rich, or tax business profits, before it hits up the "common people."

A. This is again a demagogic appeal to "fairness" which can only stifle investment and production. When those with money invest in capital goods and expansion, everybody benefits. Taxes on business always end up being paid by the consumer anyway, either through consumer price hikes or decreased production (which means fewer goods and higher prices). The idea that profits can be taxed at no cost to productivity is ludicrous, because out of profits come investment funds for expansion.

Q. It would seem to be in the political self-interest of the Washington Establishment to prevent adoption of the reforms you suggest, since they would leave government with much less power. How can you build a political base for a theory which would drastically reduce the role of politicians?

A. The key is to educate the public as to the benefits of a Free Market system. Capitalists should particularly emphasize the moral justification of such a system. One problem with Free Market economists is that they tend to promote capitalism on the basis of efficiency alone. That approach concedes morality to the collectivists. We should attempt to persuade by appeals to the morality of advocating freedom over slavery.

It is also important for Free Market advocates to form issue coalitions based on self-interest, which "Liberals" have been doing for many years. We should work with business and other groups on issues of common agreement. We must assemble a whole package of separate issues which would benefit an assortment of groups, a sort of pro-freedom coalition.

Q. Are you optimistic about the prospects for economic recovery over the next couple of years?

A. Well, on the one hand the economy continues to decline. On the other hand this could be beneficial in the long run because, as actual conditions get worse, public perceptions are getting better. There is definitely more advocacy of pro-Free Market and pro-Libertarian ideas than there was even a few years ago.

The real danger is that people will see the collapse of the Reagan program as a failure of capitalism. It is therefore crucially important for Conservatives and other individualists to break with the Reagan Administration hard and fast. Otherwise, believe me, we'll all go down with it.●

NUCLEAR NONPROLIFERATION POLICY ACT OF 1983

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. WOLPE. Mr. Speaker, I am today submitting a bill that I believe will help to counter the most serious threat to the survival of our civilization that exists today: The spread of nuclear weapons. This legislation, the Nuclear Non-Proliferation Policy Act of 1983, is identical to a bill introduced by our former colleague, Mr. Bingham, in the 97th Congress. I take this opportunity to reintroduce it, along with 13 cosponsors, as a means of promoting continued debate on this crucial question.

The spread of nuclear capability to nonnuclear weapons states, or horizontal proliferation, is an issue which is often obscured by discussion of the accelerating arms race between the superpowers. But it presents a threat perhaps even more dangerous. With only a small supply of plutonium, a terrorist group could hold the entire world hostage. With materials and technology diverted from a commercial nuclear facility, a small nation could turn a regional conflict into a catastrophic nuclear war.

The United States, as the world's largest supplier of nuclear materials, has a special responsibility to insure the prudent and peaceful use of this technology. It was out of this responsibility that Congress passed the Nuclear Non-Proliferation Act of 1978 without a dissenting vote. The NNPA provided nonproliferation incentives, such as a commitment to insure reliable supplies of fuel and reactors to nations supporting nonproliferation efforts, while at the same time blocking exports to nonnuclear weapons states that were not willing to submit their facilities and fuel to safeguards or to pledge they would not explode nuclear devices.

The 5 years that have passed since implementation of these controls and incentives have shown us that the law serves U.S. interests well; 5 years of experience, however, have also shown us ways in which the act can be strengthened and improved. Oversight hearings by the Subcommittee on International Economic Policy and Trade, on which I serve, and the Subcommittee on International Security and Scientific Affairs have revealed loopholes that need closing and inconsistencies that need correction.

As an example, the NNPA requires approval by the Nuclear Regulatory Commission (NRC), under stringent guidelines, before any nuclear fuel or equipment can be exported. However, several categories of technology which have potential nuclear applications are licensed for export by the Departments of Energy and Commerce without any requirement for NRC or State Department review. As a result, some exports and transfers of nuclear related items have been approved to countries like Argentina and South Africa which do not adhere to full-scope safeguards. The legislation I am introducing would close these gaps by making full-scope safeguards the criterion for all nuclear exports, regardless of the reviewing or licensing agency. Other provisions of the bill would provide tighter guidelines for the export of highly enriched uranium, promote a more central role for the Secretary of Defense in nuclear export licensing decisions, set standards for the programmatic approval of transfers of U.S.-origin nuclear materials by foreign countries, and prohibit the export of reprocessing technology.

Under Mr. Bingham's leadership, the bill was unanimously approved by the International Economic Policy and Trade Subcommittee and subsequently approved and ordered reported by the full Foreign Affairs Committee. I am therefore hopeful that the committee will again act favorably on this issue early in this session. For now, I would welcome the interest of my colleagues in this extremely important and gravely serious issue and their cosponsorship of this legislation. A detailed section-by-section analysis of the bill follows:

THE NUCLEAR NON-PROLIFERATION POLICY ACT OF 1982

TITLE I: AUTHORIZATION BY THE SECRETARY OF ENERGY FOR CERTAIN ACTIVITIES OUTSIDE THE UNITED STATES

Background

The Nuclear Non-Proliferation Act of 1978 (NNPA) delegated authority to the Department of Energy (DOE) to grant authorizations for firms and individuals to engage directly or indirectly in the production of special nuclear material, such as plutonium and enriched uranium, outside the United States. Activities typically included in these authorizations are training, provision of designs and specialized research equipment with nuclear applications, assistance managing nuclear facilities, and transfer of nuclear equipment and fuel from third countries.

Such activities can contribute as much to proliferation as the direct export of nuclear fuel and equipment from the United States. Yet while the direct export of nuclear fuel and equipment licensed by the Nuclear Regulatory Commission (NRC) is governed by a tough set of restrictions, DOE authorizations are not. Notwithstanding DOE's recent revision of its authorization procedures, activities can still be authorized to take place in a country that has not accepted fullscope safeguard inspections of all its nuclear facilities by the International Atomic Energy Agency (IAEA). Even if a nonnuclear weapons state acquired and detonated a bomb, it would still be eligible for DOE authorized activities. Moreover, as testimony submitted to the Subcommittee on International Economic Policy and Trade has confirmed, DOE continues to make these authorizations without public or Congressional notice, as well as without NRC concurrence or the possibility of a Congressional veto by concurrent resolution. The GAO has concluded that DOE's administration of these authorizations "provides too many opportunities for arbitrary executive branch decisions."

Recent events have dramatized this weakness in the NNPA. Press accounts reveal that Westinghouse Corporation is contemplating an arrangement that would permit the sale of a nuclear power reactor to Pakistan through a third country. Pakistan has not agreed to fullscope safeguards and substantial evidence exists that it is on the road to making its own nuclear weapons. In a similar incident, DOE approved the export to Switzerland last year of a process control system for end use in an Argentinian heavy-water production facility. Argentina, like Pakistan, is not eligible under the NNPA for NRC licenses for fuel or equipment because it has not agreed to fullscope safeguards.

The amendment

The amendment strengthens the statutory requirements governing DOE authorizations. First, it requires that all authorizations issued by the Secretary of Energy be published in the Federal Register and that the Secretary report annually on all activities carried out under DOE authorizations. Second, the amendment prohibits DOE authorizations for activities in a nonnuclear weapons state that does not accept fullscope nuclear safeguards or otherwise fails to meet criteria for direct nuclear exports licensed by the NRC. Likewise, the bill would require termination of authorizations to nations engaging in activities such as detonation of a nuclear device by a nonnuclear weapons state, that could lead to a halt of exports licensed by the NRC. A Presidential waiver of these requirements and a Congressional veto of this waiver by concurrent resolution is provided for under provisions already contained in the NNPA for NRC licensed exports.

TITLE II: HIGHLY ENRICHED URANIUM

Background

Title II involves the export of highly enriched uranium (HEU). HEU, uranium highly enriched in the isotope 235, is used chiefly for nuclear research. But it is also capable of providing the explosive for a nuclear device. The United States, China, the Soviet Union, Great Britain, and France have all denotated bombs with HEU.

The United States can play an important leadership role in restricting commerce in this dangerous substance. For one thing, the DOE is by far the largest world exporter of HEU. For another, it is currently undertaking a program to develop an alternative fuel

that does not pose the proliferation risks of HEU. Unfortunately, however, funding for this program has been below originally projected needs, as was substantiated by a GAO report published in August 1982, which also noted that the so-called reduced enrichment program is one of the few concrete U.S. nonproliferation policy initiatives to gain widespread international support. Inadequate funding has necessitated cutbacks in the development of an alternative fuel and set back the day when an alternative fuel can be put into use. At one point last year, it even appeared that the program might be scrapped altogether.

The amendment

The bill provides stiffer criteria for the export of HEU. Specifically no license could be granted by the NRC for the export of HEU to a foreign reactor that can use an available alternative fuel. If no alternative fuel is available, the license could not be issued unless the recipient gives assurances that it shall use an alternative fuel when it becomes available and the NRC finds that the executive branch is taking steps to develop an alternative fuel.

The NRC, together with the Secretary of State, would be required to determine a kilogram limit on the amount of U.S.-origin HEU that could be stored at each foreign reactor. The bill also requires efforts to support improvement of physical security for HEU exports. Finally, the President would be required to submit a plan to Congress for the "development and use in foreign reactors of alternative nuclear reactor fuel."

These provisions relating to HEU are intended to encourage the Executive branch to develop aggressively an alternative fuel to insure that the fuel is introduced into commerce as soon as possible. In the meantime, HEU exports, which go to some of our closest allies, can continue. The bill also recognizes that an alternative fuel, once developed may not work adequately in all reactors that now use HEU. In reactors where HEU is still the only workable fuel, HEU exports will continue, though the bill strives to keep the enrichment levels of exported uranium as low as possible while still meeting reactor requirements.

TITLE III: ARRANGEMENTS INVOLVING REPROCESSING

Title III involves approvals called "subsequent arrangements" to allow the reprocessing of U.S. exported fuel or its retransfer for that purpose. Reprocessing creates plutonium, a substance even more dangerous than HEU. Not only is plutonium capable of serving as an explosive but it is the most toxic substance known to man. Moreover, two Directors General of the International Atomic Energy Agency and the current head of the Nuclear Regulatory Commission, appointed by President Reagan, have said that technical mechanisms do not exist for adequately safeguarding that material so as to detect a diversion.

Yet, the institutional checks on the Executive branch decisions to grant subsequent arrangements for reprocessing are weaker than on exports of far less dangerous substances. Both the executive branch and the independent NRC must agree that a license should be issued before any fuel, including low enriched uranium, is exported. But once the fuel is abroad, the Executive branch—primarily the Departments of Energy and State—has the sole responsibility for granting approvals for countries to reprocess the fuel. NRC concurrence is not required. And while the Executive branch must notify the Congress of its decision, there is no provision for a Congressional veto.

An additional concern over subsequent arrangements has surfaced in connection with a recently announced Administration policy regarding reprocessing abroad. Rather than toughen restrictions on subsequent arrangements, the Administration proposes to ease them for select countries by providing long-term, programmatic approvals for reprocessing that would not require standard case-by-case review through subsequent arrangements. While the Administration has yet to indicate precisely how it would make such approvals in light of the restrictions already existing in the NNPA, the concept of programmatic approval clearly conflicts with the case-by-case approach anticipated in the Act and, in addition, would make it increasingly difficult to discourage countries from engaging in the separation of plutonium. Moreover, while programmatic approvals would constitute major concessions on the part of the United States, the Administration has not indicated how it will use these concessions to win greater allied cooperation in nuclear non-proliferation efforts.

The amendment

Title III would require NRC concurrence before the United States could grant a subsequent arrangement for reprocessing. This replaces the original provision in H.R. 6032, which allowed for a congressional veto by concurrent resolution of subsequent arrangements for reprocessing.

Title III would permit the Administration to grant programmatic approvals for reprocessing through new or amended agreements for cooperation. As a condition for such approvals, however, the country for which the approval is made must have established export policies of its own prohibiting nuclear sales to those countries that do not permit fullscope IAEA safeguards. This is in keeping with our own export restrictions that do not permit NRC licenses for exports to countries not subject to fullscope IAEA safeguards. The NNPA, as currently written, provides for a Congressional veto over agreements for cooperation.

For the purpose of this legislation, the term programmatic approval for reprocessing is defined as any approval governing the reprocessing and retransfer of spent fuel in excess of 31 metric tons or of plutonium in excess of 240 kilograms. A large nuclear power reactor produces 31 metric tons of spent fuel annually. The reprocessing of this fuel produced 240 kilograms of plutonium.

TITLE IV: SPECIFIC FUNCTIONS OF THE SECRETARY OF DEFENSE IN NUCLEAR NON-PROLIFERATION MATTERS

Background

Title IV addresses the role of the Secretary of Defense in Executive branch nuclear non-proliferation decision-making. Above all, nuclear non-proliferation—the spread of nuclear weapons—is a national defense problem. For this reason, the NNPA prohibits export licenses for nuclear fuel or equipment unless the Executive branch believes the sale is "not inimical to the common defense and security". Nevertheless, the Secretary of Defense is peripheral to most of our international nuclear decisions: he has only a consultative role in decisions to grant export licenses and to permit subsequent arrangements. He has no formal say whatsoever concerning agreements for cooperation, except in the few cases where such agreements relate to military partnerships.

This lack of formal DOD involvement in U.S. commercial nuclear decisions is particularly troublesome today, when a number of countries on the brink of confrontation might well seek to acquire a nuclear bomb. The United States, for example, could easily become embroiled in any conflict that erupted in the Middle East. Just the fear that a country might build a bomb can cause hostilities, as happened last year when Israel carried out a preemptive strike against an Iraqi nuclear facility, which could have created bomb-grade material. In the midst of this tension it is critical that the Department of Defense's national security perspective play a large role in our export decisions.

The amendment

This bill gives a stronger role to the Secretary of Defense in nuclear decision-making. The Secretary would have a de facto veto over agreements for nuclear cooperation, nuclear export licenses, and subsequent arrangements. This veto would stem from requirements that the Secretary of Defense make favorable findings and judgments before final decisions are reached in these areas by the Executive branch. The bill would also increase DOD's influence over decisions in the sensitive area of subsequent arrangements for reprocessing.

TITLE V: EXPORTS OF REPROCESSING COMPONENTS AND TECHNOLOGY PROHIBITION

Background

The Administration has recently announced that it will permit the export of reprocessing technology. This marks a major shift from the policies of previous Republican and Democratic administrations which not only blocked the export of reprocessing technology but declared a moratorium on reprocessing in the United States. This previous export ban was imposed because it was considered neither safe nor economical to recover plutonium through reprocessing and therefore, reprocessing should not be encouraged. Witnesses appearing before the Subcommittees on International Security and Scientific Affairs and on International Economic Policy and Trade testified in August that reprocessing facilities still cannot be adequately safeguarded and that as reprocessing increases so do the risks of diversions by nations or subnational groups. In addition, witnesses pointed out that plutonium certainly will not be economical until the price of uranium triples. With improvements in reactor efficiency the price of uranium would have to increase seven times. Moreover, reprocessing plants abroad have compiled dismal operating records, which further challenge economic and safety assumptions for reprocessing. By opening up the possibility that it will export reprocessing technology, the United States would be sending confusing signals to allies and reduces its ability, successfully exercised in the past, to discourage allies not to export reprocessing technology.

The amendment

Title V, adopted from H.R. 6318, would prohibit the export of essential reprocessing components, sensitive reprocessing technology, and other assistance which is essential to nuclear fuel reprocessing.

TITLE VI: EXPORTS LICENSED BY THE DEPARTMENT OF COMMERCE

Background

Like the Department of Energy authorizations for nuclear activities abroad, Department of Commerce export licenses for nu-

clear related commodities are not subject to restrictions comparable to those governing NRC export licenses. As a result, items on the Commerce Nuclear Referral List, which include commodities that have direct application for nuclear weapons production, may be sent to a country that has not accepted fullscope safeguards or provided other assurances that it will use commercial nuclear facilities strictly for non-military purposes. Indeed, according to Commerce testimony before the Subcommittees on International Security and Scientific Affairs and on International Economic Policy and Trade in June, the department is currently permitting such exports to Pakistan, South Africa, Brazil, and Argentina, all countries that are considered serious proliferation risks.

The amendment

The amendment prohibits the Secretary of Commerce from issuing a validated license for the export to a non-nuclear weapons state of goods or technology that are to be used in a production or utilization facility or are likely to be diverted for use in such a facility unless the recipient country accepts fullscope IAEA safeguards and otherwise meets the criteria for direct nuclear exports to nations engaging in activities that would lead to a halt of exports licensed by the NRC. A Presidential waiver of these requirements and a congressional veto of this waiver by concurrent resolution is provided for under provisions already contained in the NNPA for NRC licensed exports.●

FEWER TEST ANIMALS COULD MEAN SAFER DRUGS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mrs. SCHROEDER. Mr. Speaker, before the fur starts flying over the merits of using laboratory animals to test effects on humans, I hope my colleagues will give this article the once-over.

[From the Economist, Feb. 5, 1983]

FEWER TEST ANIMALS COULD MEAN SAFER DRUGS

How to avoid repetitions of the Opren affair? Opren, the anti-arthritic drug made by America's Eli Lilly, went through all the hurdles of pre-market testing, was launched in Britain in 1980 and then withdrawn from the market two years later—after nearly 100 deaths had been attributed to it. Two lessons emerge: the inadequacy of present pre-market testing procedures and the need for post-marketing surveillance. The British government has taken on board one lesson; it has set up a working party to look into post-marketing surveillance. Arguably, it should also overhaul premarketing test requirements.

Anti-vivisectionists might fear that that would mean yet more nasty tests on innocent animals. That was the upshot of the hasty (and, some would say, haphazard) review of testing undertaken by Britain's regulatory authorities in the wake of the thalidomide disaster 20 years ago. It would be unlikely to be the result today.

A consensus is emerging among scientists, within and without the drug companies, that a more rational pre-market testing regime would use fewer animals. Savings both of time and money could be reaped with no sacrifice in standards of safety—and those savings could go some way to defraying the costs of post-marketing surveillance. Drug companies would be able to get a longer, profitable run from patented drugs.

No responsible scientist argues that safety testing of drugs in animals can be dispensed with. But there is a growing appreciation of the pitfalls—and sheer waste—in such testing now. The Council for International Organisations of Medical Sciences (CIOMS) will soon publish a report on behalf of the World Health Organization recommending new guidelines for animal tests based on the growing evidence that animal tests are often ambiguous and sometimes downright misleading.

Consider just two examples. Suppose animal tests showed that small doses of a compound touted as a promising new drug for heart failure caused severe side-effects in dogs. Would you approve it? The compound is digoxin, a drug widely and successfully used by doctors. In humans, another heart drug called practolol can cause blindness (the pill was withdrawn from the market), but this side-effect cannot be mimicked in any known test animal.

The way a drug behaves in the body is complex. Typically, it is first absorbed in the bloodstream and carried to many different tissues (any number of which it may have an impact on); then it is broken down, or metabolised (and the products of this process may also have an impact); finally it is excreted. The precise way in which these steps occur differ in different species. Animal species themselves differ and no animal species is a replica of man. For example, the anti-inflammatory phenylbutazone is broken down 70 times faster in some animals than in humans.

The animals most commonly used in laboratory tests—e.g., mice and rats—are specially bred. In the process, individual variations among them tend to be minimised. This can be useful; you know that you should be able to reproduce the results in rat A of your inbred strain in rat B. But it can cause problems. After all, people are not alike as peas in a pod. So animal tests can miss anomalies caused by differences among humans.

Take one extreme case—yet to be explained. A gastro-intestinal drug marketed worldwide in the 1970s was found to cause a serious neurological disorder known as smon. In most countries cases were rare. In Japan smon mowed down large numbers of Japanese.

One obvious drawback of animals is that they cannot talk. They cannot tell you about such "subjective" side-effects as nausea, dizziness, headache or impotence. Nor are they much good when the object of the testing exercise is to find out whether a drug combats depression or anxiety.

There are less obvious drawbacks, too. Animal tests rarely show up allergic reactions, for example. Also, a laboratory animal's weight, sex, general health, housing conditions and diet may affect the results of tests. For example, rats are by nature foragers but are generally given unlimited supplies of food in a lab. Some scientists think this is a mistake. It may have something to do with the fact that laboratory rats have a higher incidence of pancreatic cancer than their wild relatives. Their responses may be atypical of rats—let alone of men.

In short, animal tests may not only let some dangerous drugs get by, they can also cast exaggerated doubts on some useful ones. Britain's department of health, looking only at those drugs that have got as far as clinical trials, reckons that only one in four toxic side-effects observed in animals actually occurs in man. The CIOMS report comments:

"One of our main concerns relating to the predictive value of current animal tests is that potentially useful agents are being discarded because of adverse effects in animal studies that would have no human counterpart under clinical conditions of usage."

So what improvements can be made in animal testing procedures?

The CIOMS report recommends:

Reducing duplication.—There is no justification for insisting that toxicity tests be duplicated in different countries—always assuming that the trials in one country (e.g., Britain or the United States) are reckoned to be properly conducted.

Earlier testing on humans.—Limited tests on human volunteers, carried out before full clinical trials are justified, could highlight some of the problems that "blind" animal tests alone might miss. And once a potential problem was spotted, it would then be easier to choose the most relevant animal model for further testing.

At present, there tends to be a strict hierarchy of tests. Drug companies do their own initial screening, using chemical analyses and a range of useful (if not foolproof) tests on cells or tissues in lab dishes. Then come animal tests and only then ones on humans. The CIOMS report argues regulators should allow movement back and forth between animal and human studies.

Dr. Gerhard Zbinden of the University of Zurich and a leading expert on the drug-testing field makes two further suggestions:

Loosening up the LD_{50} test.—This is a test required of all new drugs and is used to determine the dosage of the drug that will kill half of the animals to which it is administered. Different doses must be tested and on several different species—a procedure that means using serveral batches of six to 10 animals each. Dr. Zbinden argues that this is quite excessive merely to show that a drug is dangerous. The West German health authorities for one agree. Last month they said they are prepared to reduce by 75 percent the animal numbers they require for LD_{50}, saving 130,000 dogs, mice and rats annually.

Monitoring early signs of damage in animals.—It is a common practice to keep on pumping a drug into an animal until there are manifest signs of massive damage and then kill it to examine the damage. But in any well-equipped lab it should be possible to run a whole battery of tests to monitor possible signs of trouble in the living animals, as they occur, at a much earlier stage—e.g., blood and enzyme tests, electrocardiagrams, blood-pressure tests and all sorts of sophisticated scans from X-rays to nuclear magnetic resonance. Such diagnostic tests, widely used in man, should not only avoid unnecessary suffering and cut down on animals used. More to the point, they could also catch signs of trouble at lower doses—the sort of doses likely to be used in man.

Such recommendations are worth consideration. They may not save a great deal of money. Professor David Grahame-Smith, heading the working party on post-marketing surveillance in Britain, hazards the guess that sensible cutbacks in animal testing might shave less than 10% off the $100m or so that it costs to get a drug to market these days. But even that is worth going for—especially if it means more rational and faster testing of new drugs.●

THE GARRISON DIVERSION PROJECT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. CONTE. Mr. Speaker, I am here again to remind my colleagues of a way to save the Government about $1 billion over the next several years. Although Garrison diversion project survived this year through the continuing resolution, the reason for reevaluating this program are still valid.

One, very important reason is the apparent opposition of many North Dakotans. I receive letters all the time from residents of that State who see the light concerning this boondoggle. To illustrate this point further, I will include for the RECORD an editorial published in the Bismarck Tribune of December 26, 1982. In addition, I will include a story written by Greg Turosak titled "Mitigation Plans Divide Home Folks Too." I hope this information will demonstrate to my colleagues that Garrison diversion is not a project supported by all the people in North Dakota as some would have us believe. They have some of the same concerns I have.

GARRISON PROJECT CHANGE NEEDED

It's time to take a good, hard look at Garrison Diversion.

It almost doesn't matter that Garrison survived a recent House-Senate conference committee test.

Clearly, Garrison has lost political support in the House, which only five days before the conference committee met, voted to cut funds 252-152.

The project is not likely to recoup much House support in the foreseeable future.

At the very best, Garrison's promoters will be able to work lose crumbs for funds. At the worst, Garrison won't be so lucky next time.

But Congress isn't Garrison's only problem.

Aside from Congress, Garrison still finds:

Stronger Canadian opposition than ever, based on fears of harm to Manitoba's fishing industry.

Opposition from environmental groups, who aren't likely to ease their stands on water development in North Dakota unless they perceive a better shake for wildlife and wetlands.

Renewed opposition by North Dakota farmers to a wildlife mitigation plan. Many landowners see Garrison as a project that takes from one set of farmers and gives to another, and many believe there is too much land in public ownership now.

The point is, as constituted, the Garrison plan continues to meet objections at every turn.

It has been nearly 30 years since Garrison Dam was completed, and this state still has no water project. At that rate, no living North Dakotan will see a completed project.

Garrison's supporters have stuck to their guns long past the time they should have tried to compromise and get a project moving forward, and it is time we face political realities.

We should also realize that, more important than a specific water project outlining a certain number and location of acres, Garrison Diversion is an idea.

The idea is this: North Dakota has all this water in one place, doing itself little good. The best thing to do is to move that water and put it to better use.

The idea always has been and still is sound, and the idea should be implemented.

Furthermore, North Dakota has a right to a water project for agreeing to flood out more than half a million acres to create Lake Sakakawea and prevent flooding of downstream states.

But, that doesn't mean the state has a right to this particular project. It means the state has a right to compensation by whatever project or projects are acceptable to a wide array of interests.

For years, this newspaper has supported the authorized project in its editorials, believing that the 250,000-acre project was good and merely the first phase of a much bigger water plan.

Thus, it is no small step for us to urge that the current project be de-authorized and a project more palatable to the political powers that be, as well as to our own farmers, be authorized instead.

The reason we've come to this conclusion is that it's time to make measurable progress on a water project for North Dakota, rather than continue to get very little.

What is an acceptable alternative?

We can't say for sure. That's something to be planned out by our State Water Commission and the Bureau of Reclamation.

But here are some ideas:

If we agree to deauthorize Garrison, perhaps the feds would finance a municipal and industrial water pipeline project not only for the southwest area of the state, but for the eastern part as well.

Even that project would not fully compensate for flooding the Missouri River bottomlands.

The state should push, then, for federal financing of some of the items in the huge 1983 State Water Plan the Water Commission is presenting to the Legislature.

Let's come up with something everyone can agree on and do it. Having some water project is a whole lot better than sticking to a principle and having none.

Our politicians should show the leadership required and admit that big changes are needed for this state to get the uses it deserves out of its water.

MITIGATION PLANS DIVIDE HOME FOLKS TOO

(By Greg Turosak)

Congress isn't the only place where the Garrison Diversion project is finding rough going these days.

Reaction to the recent release of a new wildlife mitigation proposal is a reminder that there are North Dakotans, too, who oppose Garrison.

It's not just Easterners, or environmentalists, or foreigners, who don't like the water project, as Garrison's supporters sometimes make it seem.

It's also farmers, and others, right here in North Dakota.

The big issue is the identification and acquisition of suitable wildlife habitat to replace that which will be lost to project canals and reservoirs.

Under the original mitigation plan for the project, about 146,000 mitigation acres were to be acquired; mostly drained wetlands now being farmed. Condemnation was to be used as needed.

In 1981, controversy became so sharp over mitigation that, in order to stem a growing revolt, Interior Secretary James Watt had to promise that mitigation acreage would be acquired from willing sellers only.

Early this year, a state/federal committee began working on a new plan.

This time, only 41,800 acres for mitigation are being talked about.

Partly that's because the plan mitigates only for the habitat losses associated with the 85,000-acre Phase I of the 250,000-acre Garrison Diversion project. Also, the concept of mitigation has changed to one of intensive management of fewer acres to produce a certain number of waterfowl.

The committee believed that reducing the number of acres needed, acquiring only on a willing basis and accepting lands other than drained wetlands would make the plan acceptable.

However, groups of farmers showed up at recent meetings in Carrington and Bismarck to oppose the new plan. Sixty-one farmers from the Rush Lake area, where the committee proposed restoration of 6,300 acres of wetlands, signed a petition against the Rush Lake proposal.

Eventually, the committee dropped plans for Rush Lake. But, to keep the total of 41,800, the committee simply added the 6,300 acres to the 10,000 other acres of restorable wetlands it projects acquiring. Just where hasn't been specified.

Nancy Rockwell, who co-chairs the committee, said the opposition of the landowners "was an eye-opener" to her.

The committee came out with the Rush Lake proposal "to see what we'd generate, and we generated a lot of concern," she said.

But, she says, when the committee abandoned the Rush Lake proposal it demonstrated that the mitigation plan "has a lot of flexibility."

If acreage can't be obtained in one area, somewhere else will be tried, so long as the legal and biological requirements of mitigation are met.

"The acquisition of wildlife mitigation land in North Dakota is a very controversial issue, and we knew that going into it," Rockwell says. "Mitigation is going to continue to be an issue. I don't think this plan is going to settle the controversy, but I think it's a good start."

She points out that only "marginally productive" farmland will be acquired, and that the state has a list of 20,000 acres farmers have said they are willing to sell. Not all this is suitable mitigation acreage.

On the other side are farmers' like Darwin Fisher of Ypsilanti who opposes Garrison and was recently elected to the 25-member Garrison Diversion Conservancy board of directors. Fisher looks at Garrison and wonders about the agricultural economics.

He says that, under law, no project water can be used to irrigate crops in surplus status, such as corn and wheat. He wonders whether it would be profitable to irrigate other crops.

Voicing a common farmers' complaint, he says, "We don't need production; we need price."

He thinks irrigation should be dropped from Garrison and it should become a municipal and industrial water supply project using pipelines.

He also says we shouldn't go around proposing projects that require so many mitigation acres in the first place;

"If a project requires half an acre of mitigation, I'm against it," he says.

Fisher and other opponents wonder whether all the acres needed for mitigation—not just in Phase 1, but beyond—can in fact be acquired on a willing-seller basis.

They're still suspicious.

Having had this go-round in North Dakota the new mitigation plan goes to Washington for review.

The plan, submitted to Walt Thursday, will be published in the Federal Register and be available for nationwide public comment. Several more hearings are likely in North Dakota.

From what has happened here so far, it appears Garrison's promoters have more than just the 252 U.S. House members who voted against Garrison 12 days ago, the Canadians and the environmentalists to convince that the project should be built.

They've got a number of North Dakota farmers to convince, too.●

MORE CUTS NEEDED IN DEFENSE BUDGET

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. ECKART. Mr. Speaker, there is not much satisfaction in the $11 billion reduction in defense spending announced earlier this year by Defense Secretary Caspar Weinberger. Clearly, the defense budget needed cutting, and the Reagan administration finally surrendered on that score. But, in the words of my colleague in the Senate, CARL LEVIN, the cuts are not enough and are in the wrong places. Major items, such as the MX, should have been cut instead of manpower services and training.

When you are looking at a budget deficit of more than $200 billion, $11 billion does not go very far. It is time to rethink our priorities on the defense budget. A strong military is only one measure of a strong nation—we must focus on restoring American prosperity and putting our people back to work.

Despite our overwhelming defeat of the MX last session, the grandiose missile system refuses to die. I would like to insert in the RECORD at this time a poignant letter from a concerned constituent in my district. In his mind, our priorities are clear.

The letter follows:

DEAR CONGRESSMAN ECKART: I am indeed concerned about the President's proposed MX program. It will take 1 billion dollars just to start this program. With 12 million people out of work I would like to see this money spent where it is really needed, to create new jobs.

This is the first time in my life that I see soup kitchens for the hungry. Dennis, these people want to work! Let's help them. I am fortunate, I have a good job at Kennametal here in Orwell. We are not doing the best but we are working. I am writing for the many who want jobs.

The MX program I am afraid will not funnel the jobs or money to the people who need them the most.

Thank you.

Yours truly,

RICHARD N. FULARZ, Sr.,
ORWELL, OHIO.●

SOCIAL SECURITY CRISIS

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. McCAIN. Mr. Speaker, yesterday I had the opportunity to submit testimony to the Subcommittee on Social Security; it is based on a series of highly successful meetings I held on this subject in the First District of Arizona. Both wage earners and recipients alike in my district are profoundly concerned about the present state of the social security system. In our attempt to come to grips with social security's many problems, I thought I would share with my colleagues the thoughts and feelings of many constituents I have spoken with, and offer some concrete solutions to help solve the social security crisis.

STATEMENT OF THE HONORABLE JOHN S. MCCAIN

As a new Member of Congress, I welcome having the opportunity to present to this Subcommittee not only my concerns but also those of the citizens of Arizona's First Congressional District regarding the very serious financial crisis facing the Social Security System.

Last month I held twenty forums on Social Security throughout my District in which over 6,000 senior citizens attended. I returned to Washington with a heightened sense of awareness and understanding that Social Security remains sacred in American Politics. However, I also learned that it must finally be removed from political platitudes such as the all too familiar campaign promises of "preserving Social Security" or "resisting any cuts in benefits to protect the elderly poor." The estimated 6,000 people who attended these meetings did so because they have heard these promises one time too many. The elderly feel threatened and betrayed, and they are angry. They are angry because now, after years of Congressional and Executive band-aid approaches to solving the impending Social Security crisis, they realize, as Washington and the rest of the country now realize that Social Security's financial troubles are neither minor nor temporary—they are immediate.

America's awareness of this was realized last month when the National Commission on Social Security Reform released recommendations for the present and long-term financing of the Social Security System.

These hearings will serve to strengthen and more clearly define exactly what the final package will include. During your deliberations I strongly urge that two other items be taken into consideration in conjunction with the overall revamping of the current system.

The first of these being the inclusion of all current and future Members of Congress under the Social Security System. I have joined with 33 of my colleagues in a letter to Chairman Rostenkowski stating ". . . by subjecting ourselves to FICA taxation and bringing ourselves under the benefit structure, Members of this body will have a personal stake in the future of Social Security which is now lacking. Others who rely on the System and who must pay into it should have that reassurance."

Just as the Commission's recommendations call for coverage of all newly hired Federal employees, this Subcommittee must consider the inclusion of Members of Congress—even if only for newly elected Members who have not yet acquired vested benefits. The American people deserve more than lip service from their elected representatives. Let's put an end to this attitude of "do as I say, not as I do."

The second situation which has steadily worsened is that we are now paying about $1 billion each year in Social Security benefits to people who live outside of the United States. These people have all previously worked in the U.S. and have paid into the Social Security System; however, some have paid only very small amounts. We simply cannot afford this type of additional drain on the already overburdened Social Security fund. I think the law should be changed to remove from eligibility those non-citizens who live and work in the United States temporarily and then return to their homeland and receive Social Security benefits. These people should receive what they have paid into the system, but no more.

This change, according to the GAO would save upwards of $700 million a year. This savings seems almost absurd when looking at the $169 billion needed over the next seven years in tax revenues or benefit reductions to cover most of the estimated $150 billion shortfall over the same period.

In purely financial terms, these critics are probably correct. The same criticism could also be aimed at the small amount of revenue that would actually be generated by bringing Members of Congress into the System. However, if we think in these terms, I think we've missed the point. It is obvious that changes will be enacted. Those paying into the system will be required to pay more. Those drawing from the system will be required to pay taxes on their benefits, and those not currently under the system will be required to join. These are the changes that will generate the billions of dollars needed to insure the future stability of the System. The changes that I have discussed, although not crucial to the overall refinancing package, would prove equally as valuable, although not in a dollar amount. They would instead send a message to the American people that we do care, we understand and we should all bear the burden of getting Social Security back on a sound financial footing.

I applaud the work of this Subcommittee as well as the full Committee in your efforts to arrive at a timely and comprehensive solution to the financial crisis facing Social Security—a crisis that has been allowed to ferment for far too long. I am convinced that this Congress will coalesce in support of legislation that, although not perfect, will represent real compromise and cooperation transcending partisan political interests.

Thank you.●

FLEET SUBSIDIES AND THEIR EFFECT ON AMERICAN AUTOMOBILE CONSUMERS

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. TAYLOR. Mr. Speaker, I am today introducing a bill which I hope will serve to explore the question of fleet subsidies by the American automobile manufacturers. It is my understanding that during the past several years, American automobile manufacturers have sold between 16 to 20 percent of their total production to leasing companies and other fleets. In addition, it is my understanding that the domestic manufacturers are providing subsidies of between $500 to $1,000 on many of these vehicles.

The fleet assistance programs take many forms. Direct rebates, free options, cash discounts, and advertising payments are among the types of fleet subsidies that are currently being utilized by manufacturers. The critical information that is not commonly known is the number of vehicles which are being subsidized and the effect of such subsidization on the consumers and small business dealers of this Nation.

If the subsidies amount to hundreds of millions of dollars as some estimates indicate, a serious question arises as to whether the automobile consumers of this Nation are footing the bill. I am not suggesting improper conduct on the part of any company, but I feel that because of the potentially huge economic effect of such subsidies on the American consumer and the small business dealers of this Nation, that this is an issue that should be explored by the Congress.

I am introducing this proposal today in the hope that it will serve as a vehicle for congressional hearings to more fully illuminate the facts surrounding fleet subsidies and their effect on American automobile consumers.

Undoubtedly, this question could be addressed in many ways. I have chosen to amend a Federal statute commonly known as the Good Faith Act. Summarized briefly, this proposal would do the following:

First. Prohibit a manufacturer from selling to any person or automobile dealer any automobile at a price which is lower than the price at which the same model is sold to its franchised automobile dealers during the same time period;

Second. Prohibit a manufacturer from imposing restrictions on some of the persons purchasing automobiles that are not imposed on all purchasers;

Third. Prohibit a manufacturer from providing to some ultimate purchaser of automobiles a rebate, discount, refund, et cetera, that is not offered to all other ultimate purchasers of the same model during the same time period;

Fourth. Provides an exception for sales to units of Federal, State, or local governments, so that such units of governments may purchase automobiles at a lower price than other purchasers; and

Fifth. Provides several amendments to the Good Faith Act which are technical in nature and which are intended to clear up ambiguities which currently exist in the act.●

TRIBUTE TO AMERICA'S BLACK EAGLES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. DIXON. Mr. Speaker, this month we commemorate the contributions and achievements of black Americans during the 206 years of our country's existence. In recognition of Black History Month, I am proud to call attention to a group of men and women who add a distinguished and commendable chapter to American history. They are the Black Eagles, the men and women of the 99th Fighter Squadron, the 332d Fighter Group, the 447th Bombardment Group and the 477th Composite Group—America's black Air Force during World War II.

Black American history has always been marked by a barrier that had to be broken or a success that had to be achieved in order to help America realize and understand the basic tenets of its democratic ideals. The history of the Black Eagles proves no exception. Born out of an experiment at Alabama's Tuskegee Institute to test the combat and leadership capabilities of black military personnel, the Black Eagles overcame the barriers of segregation and prejudicial criticism of their innate abilities to attain meritorious achievements for themselves, for America, and for generations of black Americans.

Individual accolades can be noted for many in the legion, among them Wendell O. Pruitt and Gwynne Pierson who with two other pilots totally disabled a German destroyer with only the machineguns equipped on their planes. This feat had never been accomplished before. Together, the 99th Fighter Squadron and the 332d Fighter Group flew over 200 missions as heavy bomber escorts in Western Europe and the Balkans without losing a single bomber to enemy planes. Only the Black Eagles can make that claim.

Their success in battle was matched by personal success as well. To the bomber crews they protected they were called "Red Tailed Angels," in appreciation of the Eagles' dedication to guaranteeing the safe return of bomber fleets. For the military, their successful exploits were used as a basis to demonstrate that blacks could perform well in combat and leadership roles, which figured prominently in President Truman's signing of an Executive order to integrate the U.S. military. As black Americans they are all "aces," because the decision to go to war for their country, a country that deprived them of basic human rights, proves best of all the competence and unheralded character of some of the greatest men and women in American history.

I would also like to recognize the dedicated efforts of Tony Brown, publisher of Tony Brown's Journal, without whom the story of the Black Eagles might never be known. His excellent article in the January-March Journal captures the multifaceted significance of their achievement with unquestioned clarity. The unflagging effort and genuine sense of pride that is clearly expressed in his recreation of their story is reflective of an undaunting spirit which guarantees that the history of black Americans will become permanently included in the annals of American history. For this, all Americans are indebted.

Equally notable in the January-March issue of Tony Brown's Journal is Col. Edward C. Gleed's intriguing account of how the Black Eagles came to be and how they mastered the challenge put before them. A deputy commander in the 332d Fighter Wing, Colonel Gleed was the first black to fly a P-39 Aerocobra patrol aircraft while a cadet at Tuskegee.

Today the legacy of the Black Eagles' successful challenge survives in the Tuskegee Airmen, Inc., an organization whose general purpose is the promotion of historical, scientific, and social research and the granting of scholarships to American youth seeking careers in aviation and aerospace. For the 10,000 men and women of the Tuskegee experiment, it is a legacy of excellence. For millions of Americans, it is a legacy of which we can all be proud—character and determination.●

NEIGHBORHOOD DEVELOPMENT DEMONSTRATION ACT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. GARCIA. Mr. Speaker, much concern has arisen over the proposed budget cuts in housing and community development programs. Economic development and assisted housing programs will be severely cut and funding

for the community development block grants will be frozen. Additionally, with the unemployment rate remaining at perilously high levels, we must turn to new avenues to promote business, jobs, and adequate housing for the needy.

Throughout the United States, neighborhood development organizations have effectively contributed to the public welfare through their activities in housing rehabilitation, job training, service delivery, new enterprise development, and other endeavors. Numerous community groups in my congressional district, the Bronx, are working together to try to revive what was once a thriving center of industry, transportation, and community development. Historic districts, such as the Longwood community, are being preserved by tenant associations and rehabilitation efforts are underway at the South Bronx Development Organization, Bronx Venture, and the Mid-Bronx Desperadoes. The Southeast Bronx Community Organization is now restoring 1,169 formerly abandoned apartment units.

One neighborhood development organization, the Don't Move—Improve Association, has undertaken an effort to secure the expansion of the New York City Fire Department's Red Cap anti-arson squad. By obtaining charitable contributions from private foundations, businesses, and individuals, Don't Move—Improve is seeking to finance the expansion of the program that has saved countless lives and thousands of dollars in property damage. Community development groups, such as Banana Kelly, the South Bronx Overall Economic Development Corp., and the Bronx Frontier Development Corp., are conducting numerous housing and energy conservation projects. Other successful programs include the restoration of the Bronx River and the conversion of vacant lots into flourishing fruit and vegetable gardens.

The industrial development of the Bronx, an essential step in the revitalization of New York City's economy, is being pursued by the South Bronx Development Corp. and the Bronx 2000 Local Development Corp. It is evident that neighborhood development organizations are vital to the community life and economic recovery of my congressional district. During a recession, such as the one we are facing today, nonprofit community organizations are desperately needed to assist the poor. However, they are severely restricted by decreases in private contributions and public funding.

To insure the vitality of these community groups, I will be introducing, along with Congressman BILL COYNE, the Neighborhood Development Demonstration Act to provide Federal matching funds to private nonprofit neighborhood organizations. This bill will enable community organizations to continue the fight to maintain adequate housing stock and job opportunities and to intensify business expansion and community development. Initiatives, such as this legislation, are vital to the revitalization of urban America and the uplifting of our Nation's poor.●

REALITY AND EL SALVADOR

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. SENSENBRENNER. Mr. Speaker, I would like to draw attention to the following article by Mark Falcoff which was printed in the Washington Post on January 8, 1983. In my opinion, it is one of the best editorials I have seen on the subject of U.S. policy in El Salvador.

The article follows:

REALITY AND EL SALVADOR

(By Mark Falcoff)

Whatever one may think of the curious atmosphere—half street carnival, half-inquisition—that now surrounds the El Salvador certification process, no doubt the exercise itself serves one constructive purpose: it compels us to reexamine semiannually what we are doing, or trying to do, in that country, and to ask ourselves whether there might not be another, better way.

One such effort was a column by Stephen S. Rosenfeld ["Slugging It Out in El Salvador," op-ed, Jan. 28]. In it, he proposed a "diplomatic initiative" under which "there would be a cease-fire and the two sides would be left to work out their own political future." The Salvadoran government "would lose the support [for its electoral plan] it now gets from the United States . . . in return, it would gain a cease-fire." The opposition, he added, "would lose the edge that accures to it by its military pressure, but would get an earned or agreed place in the political sun."

In that presumably happy eventuality, "the two sides would be left to work out their own political future," which—he candidly adds—"would no doubt be ragged and irregular." But, he concluded, it is incumbent upon the Reagan administration to exhaust the "diplomatic means" available to ensure that in El Salvador, "one way or another, the popular will is finally honored."

Diplomatic solutions come in all sizes and shapes. If what Rosenfeld is proposing is something other than a disguised withdrawal—and I think it is—then it must satisfy two fundamental questions: 1) what is our middle- and long-term purpose? and 2) what are the possibilities of achieving it by the means proposed?

If what we wish to do is to honor the "popular will," we might begin by noting that in El Salvador, at any rate, that has already been provisionally accomplished—through free elections. It is a remarkable tribute to the force of cultural stereotypes (as well as some pretty unscrupulous propaganda) that many Americans simply find it impossible to credit any electoral result in Latin America that does not result in a resounding triumph for the "revolutionaries."

True, in El Salvador the left chose not to participate, but even by the most generous estimates this would have removed only 15 percent of the national community from the deliberations. Doubtless the results themselves do not point in a single, unambiguous direction for public policy in that country—but why should they? The real issue is why so small a proportion of abstaining voters should be regarded as virtually an entire disenfranchised nation, much like the blacks in South Africa.

Second, the violent left in El Salvador is by its own admission fighting not for "a place in the political sun"—so many jobs in the ministry of education, so many changes in the land-reform bill—but for a whole new political order informed by Marxist values. If we are speaking of a political settlement in the extreme short run, no doubt the rebels will be happy enough to sit down and discuss a formula for power-sharing with the parties of the Salvadoran center and right.

But after a century pockmarked by the failure of "coalition governments"—whether in St. Petersburg, Prague or elsewhere—we have no right to pretend ignorance of what this will mean in practice. Granted, some of our European allies and the Mexicans profess to find this eventuality quite acceptable, but there is no particular reason why Americans, particularly those of a liberal temperment, should make the cynicism of other nations their own.

Third and finally, while there is no doubt that the United States could shut off military aid and thus compel the Salvadoran government to observe a cease-fire, as some suggest, who would compel the other side to keep its part of the bargain? To pin that hope, as Rosenfeld does, on our "Latin American diplomatic friends" glosses over the inconvenient fact that these same allies looked the other way when their painfully fashioned accord in Nicaragua—which included nonalignment and free elections—was precipitately overturned by the Sandinistas.

Nor is it reasonable to expect much in this regard from the government of Nicaragua. Those who imagine that this is the fault of the Reagan administration need to be brought up sharply by the facts: the Sandinistas had already fixed their present international role when President Carter finally felt compelled to shut off aid. There may yet be some value—obscure and not yet established—to one more approach to Managua. (For all we know, it may already have been made.) But by now it should be clear that pragmatism and good sense are not the overarching values of the government there.

Insofar as Central America as a whole is concerned, it is one thing to object to a policy because it is unpleasant and difficult, another because it is wrong. Throughout the debate over El Salvador, this distinction seems to have been lost. Is the present course really so bad that it justifies leaping into a void of good intentions and diplomatic spit-and-baling-wire?

We are speaking here not to those critics who believe that Marxist governments are not merely the wave of the future in Central America, but much preferable to any other. With such people there can be no argument; they are simply wrong. But the rest of us deserve better—by the dictates of realism and of our own values. And so do the people of El Salvador.●

CENTRAL AMERICAN PEACE INITIATIVE

HON. JIM LEACH
OF IOWA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. LEACH of Iowa. Mr. Speaker, each day brings new reports of bloodshed and growing instability in Central America. Along with Representative STEPHEN SOLARZ (Democrat, New York), I recently visited six Central American nations. We met with representatives of groups from across the political spectrum, from democratically elected presidents to the revolution-legitimatized leadership of Nicaragua, from national police colonels to feminist leaders like Ana Guadalupe Martinez and Nora Astorga. Whatever the political persuasion, one message rang clear: violence begets violence; the need for a resolution of the conflicts which beset the region could not be more urgent.

The next 6 months are likely to represent a critical turning point in the history of Central America and in our relationship with our southern neighbors. No area of the world today presents a more complex mix of social, political, and revolutionary problems. Although few Americans have sympathy for the violence-prone Castroite forces operating in the region, many have serious doubts about the basic thrust of this administration's policies in the region.

But the challenge of the moment is not to point the finger of blame. Rather, it is to seize the present—and perhaps most propitious—opportunity to forget past rhetoric, to work to achieve peaceful solutions to regional differences. Whether our Government's approach to date has overemphasized the stick without the carrot, it would appear that the stick may in fact have served the purpose of making a carrot, offered now, that much more appetizing.

From my discussions with Central American leaders, I am convinced that attitudes on all sides are shifting from confrontation to negotiation. The people of the region appear understandably weary of the bloodshed. What is needed is a clear U.S. signal that a policy of restraint is the only hope of bringing the violence to an end and getting the people of the region out of the quagmire of military stalemate.

A year ago I urged the administration to appoint an authoritative and respected special envoy who would have the personal mandate of the President to work with all parties to the conflicts to seek just and equitable political solutions to the problems in Central America. I am convinced the naming of such an envoy is even more timely today.

All Americans are justly proud of the efforts of Ambassador Philip Habib has put forth to further the peaceful settlement of the Lebanese crisis. As the principal democracy in this hemisphere, the United States should evidence the same degree of effort in attempting to facilitate and conciliate problems among our own American neighbors. The missing ingredient in Central America is dialog—among the parties to internal disputes, as in El Salvador and Guatemala, and among nations concerned with external aggression or destabilization, as in Nicaragua and Honduras.

One of our most significant problems in dealing with the complicated situation in Central America is that we quite simply do not communicate adequately with some of the most important forces at work in the region. In diplomacy, the medium of exchange is sometimes as important as the message itself. Clearly, the medium we have been using for the past 2 years in Central America has been insufficient. That is why I believe the appointment of a prestigious special envoy in and of itself could help to signal a new willingness by the United States to open channels of communication, to work for peace rather than posture for political or propaganda gain.

Assuming that a special envoy can contribute to the beginning of a constructive dialog between the parties, what could be the substance of a political settlement?

Regarding El Salvador, some observers have suggested the applicability of the so-called Zimbabwe model, under which free elections would be held under international auspices while both army and guerrilla forces remained in their respective barracks. Among Salvadoran leaders of various governmental and revolutionary factions there appears to be a clear understanding of the Zimbabwe approach but a lack of affinity for it, partly because it represents a colonial precedent from another continent, partly because there is no desire among the parties to authorize an outside country to form an interim authority to administer elections, a role the British filled admirably in the case of Zimbabwe.

More applicable in the eyes of some Latin American experts to El Salvador is the experience of Venezuela, where patient and careful negotiation led to the integration of Castroite guerrillas into the mainstream political process, to the degree that some former guerrillas now sit in the Venezuelan Congress. Whether one approves of a particular political philosophy, we can all agree that it is better to have its adherents representing their views within the legislature rather than committing terrorist attacks in the countryside. The problem, however, with the Venezuelan model is that reconciliation took place prior to violence escalating beyond control. In El Salvador today, the issue is whether the violence is so intractable that negotiation itself is inconceivable.

In any respect, what appears necessary in El Salvador is an internal settlement among the contending political forces themselves rather than an external settlement imposed from abroad. It is reasonable to assume that such a settlement would have to incorporate certain minimal guarantees, among which would certainly be the ending by the left of terrorist attacks in the countryside and the abolition by the right of the so-called death squads and hidden prisons as well as the forced retirement of military and security personnel responsible for egregious human rights violations. To be accepted by opposition forces, any peace settlement would have to include a proclamation of a general amnesty for political offenses; the restoration of the right of habeas corpus; and the replacement of the various security services with an independent civil police force. Only with such concessions by the government is a ceasefire likely to be accepted.

Other elements of a Salvadoran settlement might be harder to negotiate. Ruben Zamora, a senior spokesman for the opposition FDR/FMLN coalition, told me last week that his group does not demand the integration of guerrilla units into the national army, as was done in Zimbabwe, but that it does demand a major role in restructuring the internal police apparatus. Understandably, the Salvadoran Government is unlikely to agree to such a requirement, but the FDR/FMLN can fairly expect control of the police to be transferred to professional managers rather than political fanatics. Similarly, it is inconceivable that the Government would transfer real political power to the opposition without free and fair elections. However, dialog which does not lead to modest interim power sharing is unlikely to bring the conflict to an end. Here, Zamora was forthcoming in indicating that opposition forces might find acceptable an arrangement under which the FDR/FMLN occupied one seat on a five-member interim national council, with the other chairs apportioned to the existing centrist and rightest political parties, the army, and the business community. As a strictly interim accommodation pending national elections, this strikes an outsider as a viable possibility subject to acceptance by the guerrillas of an effective ceasefire and ironclad assurance that election results would be honored.

Beyond El Salvador, the Marxist leaning government of Nicaragua poses a problem which has even greater prospect of engulfing the region into a generalized conflict.

The discussions Representative SOLARZ and I had with Sandinista leaders, including the first meeting that junta leader Daniel Ortega has had with American officials in over a year, led us to the conclusion that there are areas of mutual interest that can be probed—provided we and they dispense with the immaturity implied in our current policy of refusing to talk at serious levels with each other. A dialog of the deaf has no prospect of reducing tension in the region. One proposal therefore that a special envoy might pursue would be the possibility of immediately withdrawing or reducing U.S. military personnel currently stationed in El Salvador and Honduras in return for a similar withdrawal or reduction of East bloc military advisers in Nicaragua. Foreign military personnel on both sides of the ideological line have become symbols of reliance upon force rather than persuasion. Additionally, the very presence of American soldiers in El Salvador—whether they train, advise, or fight—has the unfortunate effect of identifying the United States with the bloody excesses of Salvadoran security forces and death squads. The removal of all foreign advisers from the region would help to prevent local or internal conflicts from being simplistically converted into anticolonialist or anti-Communist crusades. In addition, it would help thwart Moscow's obvious efforts to cause the United States to become bogged down in Central America as the Soviets are in Afghanistan.

Other ideas that could be the basis for expanded discussions among the United States and the nations of Central America include the possibility of bilateral and multilateral nonaggression pacts, reciprocal guarantees not to interfere in or destabilize countries in the region, and the conclusion of verifiable agreements on the joint monitoring of border areas by land, sea, and air. The latter proposal, which could involve U.N. or O.A.S. participation and to which the United States could contribute its technical capabilities, would be a major step toward the restoration of confidence and security.

Here it should be stressed that any support the United States provides counterrevolutionaries in Nicaragua undercuts our moral capacity to be critical of the tactics of revolutionary movements in countries like El Salvador and Guatemala. The violence of the right is no more justified than the violence of the left. In treating our southern neighbors as pawns in an East-West conflict, we have become accomplices in mass violence that may prove contagious. There is no innoculation a country can take against anarchy. As we look at our immigration problems and the violence that has broken out in cities like Miami, we must realize that we are not immune from the consequences of a gun-infested Central America. No country, in fact, has a greater vested interest in advancing prospects for political rather than military settlements to regional problems than the United States.

By reducing military options, opening dialog and reestablishing institutional means for resolving political differences, all countries in the region could refocus societal efforts on rebuilding rather than rearming. From the U.S. perspective, the emphasis in central America should be on humanitarian assistance, on economic development, on food and on trade. A spirit of optimism and progress can be rekindled if institutions like the Peace Corps and private volunteer and church-related agencies rather than military advisers carry the flag. Military preparedness is important for our country, but military intervention in Central America at this time could not serve less well our national interests.

For most of the past 2 years, debate on the situation in El Salvador and in other parts of Central America has to often resembled a macabre game of statistics—whether the body count caused by this or that group of extremists is up or down in any particular week. If Marxist terrorists and right-wing death squads kill 200 people instead of 250, is this progress? Is it cause for optimism? Does it have anything at all to do with getting to the heart of the pressing problems of the region? The troubles in Central America, although exacerbated by others, are rooted in poverty, landlessness, iliteracy, social injustice, and lack of political representation. Our neighbors to the south need food and clothes and books, not modern arsenals of death. Military options do not resolve social inequities. One does not have to sympathize with radical or revolutionary remedies to recognize that social and economic problems exist and must be resolved if a humane way of life can be assured in the region.

In approaching conflicts in this hemisphere or elsewhere, a simple guiding proposition is in order. We must refrain from identifying ourselves with repressive regimes of the right, just as we shun the revolutionary subversion of the left. American foreign policy will seldom go astray if it is based on a reassertion of the values our country has always stood for—freedom of speech, freedom of worship, freedom of political association and, lest we forget our own heritage, the freedom to determine one's future without foreign interference. As philosphically and morally confused as the situation in Central America is, I was struck during my recent trip by the desire of virtually all people with whom I met, be they on the right, on the left, or in the middle, to bring an end to the killing. All agreed it is time for more talk, not more bullets. Peace in Central America can be achieved if there is adequate commitment. The appointment by the Reagan administration of a special envoy would be a good first step.●

CLARIFICATION OF SECTION 355(A) OF THE GARN-ST GERMAIN ACT

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. ST GERMAIN. Mr. Speaker, I would like to take a few moments today to provide clarification of the language of section 355(a) of Public Law 97-320, the Garn-St Germain Depository Institutions Act of 1982. That section amends section 6(i) of the Federal Home Loan Bank Act which requires the liquidation by a member institution of any indebtedness which remains outstanding to a Federal Home Loan Bank System is terminated.

As enacted, section 355(a) of the Garn/St Germain Act provides that when such termination is a voluntary withdrawal, payment of such outstanding indebtedness shall be treated as a prepayment of such indebtedness and shall be subject to any penalties applicable to such prepayment." The term "voluntary withdrawal" was not intended to describe only that termination of a membership set forth in the first phrase of section 6(i) of the FHL Bank Act; namely, a termination effected by an institution giving the Federal home loan 6 months written notice of its intention to withdraw from membership. Rather, the term "voluntary membership" was also intended to cover mergers, acquisitions, and similar situations where membership is terminated but not as a result of formal removal action being taken by the Federal Home Loan Bank Board. The amendment indicates, in effect, that a FHL bank member (if directed) must pay any contractually imposed prepayment penalties in connection with liquidating its advances pursuant to withdrawal from Federal home loan bank membership, unless withdrawal is the result of formal removal after notice and hearing.

Further clarification is also needed with regard to the effect of the change on institutions that withdrawal from membership as a result of mergers. The uniform policy of the Federal home loan banks is to give merger participants the option of either paying off advances, where contractually permitted, and attendant prepayment penalties, or having the surviving member institution assume the advances on the same terms as were

available to the disappearing association. The amendment was intended to affirm the ability of the Federal Home Loan Banks to continue requiring member institutions that are consolidating to abide by the contractual terms of the advances of the disappearing party. Imposition of this requirement is reasonable and necessary to enable the FHL banks to manage their lending on a rational and economic basis, and to avoid the ability of merging institutions to claim unbargained-for windfall benefits.

Mr. Speaker, this interpretation of section 355(a) has been discussed with the gentleman from Ohio, (Mr. WYLIE), the ranking minority member of our Banking, Finance and Urban Affairs Committee. He has indicated that he concurs in this interpretation. We both recognize that Federal home loan banks have the same problems of matching assets and liabilities as do their member institutions. Their ability to be able to assess prepayment penalties is essential if they are to offset, in part at least, the losses they would suffer from prepayments during times when reinvestment of the amounts of such prepayments would not produce a return equal to, or in excess of, the cost they are incurring on the consolidated obligations they issue to fund advances to members.

I hope that this explanation will eliminate any uncertainty regarding the interpretation we expected section 355(a) to be given when it was adopted.●

FREEZE WILL NOT STOP PRICE INCREASES

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. SKEEN. Mr. Speaker, I want to begin by congratulating my colleagues for raising this issue. They highlight a very real and very serious problem for millions of Americans. When you combine increasing fuel bills with record levels of unemployment and reduced levels of Government services and support for those in need, you obviously have a combination which creates real distress for literally hundreds of thousands of households.

Much as I sympathize with my colleague's desire to act, I am bothered by some of the suggestions which have been made on the floor today. I am particularly concerned about the suggestion that we solve our problems by freezing the wellhead price of natural gas.

Initially I would suggest that we have learned from bitter experience in the past that price freezes do not solve problems. At best, a price freeze can moderate a problem in the short run while, at the same time, ignoring the very conditions which will make that problem even worse when controls are removed.

A freeze on prices for any period of time will simply set loose forces in our economic system which will surface again with an ugly vengeance when the freeze is removed. But, Mr. Speaker, I might be willing to take that risk if I thought this amendment really could ease our current pain. However, the plain truth is that freeze proposal does not even offer short-term relief. Despite all the rhetoric, despite all the slogans, despite all the simplifications, a freeze will not protect consumers from significant price increases. It will not, in short, make the problem that consumers face when they pay their gas bill each month go away.

Let us look at some facts. A freeze on the price of natural gas at the wellhead; that is, it says that the price charged by producers for a certain kind of gas cannot be increased when they sell that gas to pipelines or distributors. But freezing wellhead prices to pipelines is not the same thing as freezing the price to consumers.

In this regard, Mr. Speaker, I want to call some simple facts to the attention of Members. First, according to the October Monthly Energy Review published by the Department of Energy, while average residential gas prices rose by 92 cents per million Btu's from September 1981 to September 1982, only 45 cents of that increase was the result of increased wellhead prices. The other 47 cents was the result of increased pipeline and distribution costs as well as the price of higher cost imported gas. A freeze does nothing to stop that kind of increase. At best, then, it could deal with only a small fraction of the increased price consumers pay.

But, second, a freeze does not even fully address that fraction of price increase which can be traced to the increased wellhead cost of gas. In that regard, the Energy Information Administration reported in September of this year that only 25 to 44 percent of the increase in consumer prices could be traced to the increased cost charged for a given category of gas. For instance, a freeze would not prevent an increase in costs to consumers which resulted from a change in the mix of gas being sold. Under the Natural Gas Policy Act, certain kinds of gas have higher allowed prices than others. And according to the study in September by the Energy Information Administration, over half of the increased gas wellhead value from mid-1981 to mid-1982 came from the replacement of older lower price gas with the more expensive newly discovered gas—something which, however painful, Congress encouraged in 1978 in order to prevent future shortages. That cause of increased consumer bills will be allowed to continue under a freeze. In addition, other causes of increased prices will continue. This amendment, for example, does nothing to prevent the kind of price increases which results from the application of the incremental pricing provisions of the law. The fact is that any freeze will really begin to thaw even before it is in place.

That leads to my third point, Mr. Speaker. A freeze will really not reduce consumer prices significantly. To begin with, a freeze can only control 45 cents of a 92-cent increase. And even in the 45-cent area, it does not provide real relief. As best I can calculate it, if this amendment had been in effect last year, consumer prices would still have increased substantially. In fact, the best this amendment could have done might have been to eliminate only 11 to 20 cents of the 92-cent increase consumers faced last year.

Mr. Speaker, I share the concern of my colleagues about higher gas prices. But I simply do not think that a freeze does much to deal with that problem. In addition, by reversing our path and returning to more extensive Federal price controls, I am afraid that we will simply make matters worse in the future. More comprehensive price controls will disrupt the market, reduce production rates, tighten up supplies and ultimately cause even greater consumer costs.

Gas prices are a serious problem and our constituents deserve a serious answer to that problem. My hope is that the House will not fall prey to quick fix proposals but, instead, will look at the problem in a comprehensive way. The administration is studying this problem now and is scheduled, in the next month, to give us realistic proposals. In that context I believe we can move to maximize energy production while minimizing hardships to individual consumers. That is a goal I am pledged to support. And that is a goal which the Congress must achieve.●

DOMESTIC VIOLENCE PREVENTION AND SERVICES ACT

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Ms. MIKULSKI. Mr. Speaker, today it is my pleasure to reintroduce the Domestic Violence Prevention and Services Act. This legislation addresses the tragic and critical problem of family violence.

I am introducing this legislation at a time when the media is reporting an alarming increase in incidents of wife and child abuse. The Surgeon General of the United States has declared

family violence a major public health problem.

This desperately needed legislation has come very close to passage in a previous Congress. However, it has not yet become law. Consequently, thousands of women who are subjected to violence, have no place to go. The shelters that currently exist are fighting for their financial lives. They have been overburdened in the past, and will be unable to meet the increasing need if they are not provided the resources to do so.

This legislation is a modest proposal to meet a tremendous problem. It includes provisions for both short term and long term approaches to this problem. It provides technical and financial assistance to community based programs that provide direct assistance to victims of domestic violence. It calls on States to develop a long term plan which will include the criminal justice system, social service delivery, and public education. This is a fiscally responsible bill that emphasizes voluntarism and the values that have made America great.

The National Institute of Mental Health has estimated that 1.8 million wives per year are severely assaulted; child abuse is estimated to occur in one-half of these families. This is a national problem which requires a national response.

So, today, I call on my colleagues to join with Congresswoman LINDY BOGGS, Congressman GEORGE MILLER, and myself, together with a broad range of church, police, legal, labor, business, and women's groups, in cosponsoring the Domestic Violence Prevention and Services Act, and to insure its passage.●

SOCIETY BASED ON TECHNOLOGY AND INFORMATION

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. WIRTH. Mr. Speaker, daily we see evidence of the rapidity with which our society is transforming from one based on heavy industry to one more mixed based increasingly on technology and information. I along with many of my colleagues have spoken often about the need for our Nation and our Government to adapt to these changes. Rather than letting events haphazardly determine the shape of society to come, we must confront today's and tomorrow's challenges to insure that our economy continues to grow, again our people are employed, and our standard of living is improved.

These challenges face not only the Congress and the Government, Mr. Speaker, but every American, every business, and every school as well. An example of how one school district is meeting this challenge of a rapidly changing society is illustrated by the following article. Adams County School District, in Colorado's 2d district, recently became one of the first districts in the Nation to require computer science credits for graduating high school seniors. It is my hope that other school districts across the Nation will follow the example set by the Adams County schools. Without this education and training, our goals of economic growth, full employment, and improved standard of living will not be realized.

[From the Denver Post, Feb. 9, 1983]

DISTRICT 50 TO REQUIRE COMPUTER CREDITS—10 HOURS NEEDED TO GRADUATE

(By Frank Mullen)

WESTMINSTER.—Adams County School District 50 apparently has become the first school district in the state to require computer science credits for graduating high school seniors.

The school board two weeks ago passed tighter graduation requirements and increased the required course load from 150 to 170 hours. The panel also required seniors to complete 10 hours of computer science work before graduation—a move a state Board of Education official reported is "probably a first" for Colorado.

"We have heard some talk that computer science may soon be required statewide in California and Florida," reported Fred Jurgemeyer, a technical consultant with the Colorado Department of Education. "And I know Denver and Jefferson County offer computer classes as electives. But to my knowledge, District 50 is the first to require the classes for all graduating seniors."

Michael Massarotti, District 50 deputy superintendent, said the new requirements will go into effect next September. The requirements will affect incoming sophomores, not students already in high school. He said the school board lightened graduation requirements in general to prepare students for the future job market. The new requirements include 10 hours of math or science credits in addition to the 10 hours already required in each of these disciplines.

He added the administration also asked the board to require 10 hours in practical and applied arts and 10 hours of "fine arts" study.

"We did increase the emphasis on the math and science areas, but we did not forget about the arts," he reported. "We are not cut to develop specialists, but we want to make people aware of the importance of being technologically bierate. We are still interested in a liberal education though."

Massarotil said the new computer science requirement will cost the district $86,900 at the outset for new Apple II computers. He said the district also hopes for support from local businesses, and the district already has "quite a bit of existing computer hardware in place" from elective computer courses.

He said any money spent for the new requirements will come from the capital reserve fund and not from the general fund which is earmarked for salaries and operating expenses.

Shirley Wells, president of the Westminster Education Association, said the teachers she talked to feel "the new requirements aren't really much of a change over what we have now.

"A lot of students take those (computer) classes already," she said. "There was some concern that the new requirements might prevent a student from going further in the time arts area, but we feel those kinds of things can be worked out."

She said the increased course load will not change the length of the student day.

"The extra hours may decrease truancy and some of the milling around the school that can happen during free periods," Wells said, "In general, I think the (tighter requirements) are a good idea. It is one of the National Education Association's goals and I think teachers feel good about it."

"There has been a lot of criticism of public schools and improving graduation requirements will help," she said.

A survey of other school districts in Adams County shown curricula either are being reviewed or were overhauled in the past few years.

Thornton-Based District 1 graduation requirements were overhauled three years ago. A spokesman reported "It's time to look at them again." District officials believe their requirements are as tough or tougher than any in the county.

Commerce City-based District 14 changed graduation requirements two years ago and hasn't any current plans for further upgrading.

Northglean-based District 12 is reviewing its curriculum. District officials expect overall curriculum changes, although not necessarily an increase in credits for graduation. The district offers a computer literacy program for grades one through 12, but isn't anticipating making computer science a requirement for graduation.

Brighton-based District 27J is studying whether to make computer science a requirement for graduation, reported Barbara Arew, Brighton High School vice principal. The district recently revised its course schedule to include a four-year high school curriculum.●

CHINESE NEW YEAR

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. BURTON of California. Mr. Speaker, it is indeed a privilege for me today, to bring to the attention of this body a tradition that has lasted over 4,500 years and is celebrated by all Chinese Americans of this Nation.

Mr. Speaker, this tradition is the popular Chinese New Year holiday. This year, in accordance with ancient Chinese astrology, is the Year of the Boar and signifies the 4,681st year of the Chinese civilization.

Throughout the United States, Chinese American communities will be celebrating the coming of the new year which will officially begin this February 13. As my colleagues who are fortunate enough to have Chinese American settlements within their districts will attest, this is an occasion marked by tremendous joy and festivity. It is a time in which all Americans can partake in the rich Chinese culture and heritage.

In the spirit of this joyous event, Asian Week, the largest English-language newspaper for Asian Americans in northern California, will be hosting a massive Chinese New Year banquet for the San Francisco Chinese community and its leaders. This ambitious effort is expected to draw over 700 individuals and is designed to promote further good will between the San Francisco community at large and its Chinese segment. I commend Asian Week on its efforts to further mainstream Americans of Chinese ancestry into American society.

Asian Week, in its 3½ years of existence, has become the fastest growing publication of its kind in the Nation. Its publisher, John T. C. Fang, a journalist of over 40 years and my personal friend, first founded Asian Week with the admirable ideal of serving the community. To this end, he has succeeded wonderfully, transforming Asian Week into a powerful voice for Asian Americans. He has my respect and admiration.

On this, the eve of the most celebrated Chinese holiday, I offer my heartiest congratulations and merriest "Gung Hay Fat Choy" to Asian Week, its publisher and the entire Chinese American community.●

NUCLEAR NONPROLIFERATION

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. BARNES. Mr. Speaker, nuclear arms control is one of the most serious tasks that we face as legislators and as concerned American citizens. Today, our focus is centered on achieving agreement between the two superpowers on ways to halt the vertical growth of our nuclear arsenals, and the proposal for a mutual and verifiable nuclear freeze—which I hope the Congress will support—would be a meaningful step in the right direction.

However, the spread of nuclear weapons and the capabilities for making them is just as important, and a serious, responsible arms control policy must include a commitment to nonproliferation of nuclear weapons. What will happen if, in time, more nations have developed the capability to build nuclear weapons? How will we deal with the increased risks of a nuclear exchange? What, then, will be the prospects for arms control? How, then, will we turn back, erase the damage done, and pursue a safer course?

A proliferated world is a very frightening prospect. In the not too distant future, the choice we have today of preventing nuclear weapons proliferation will be gone, and our last-ditch efforts too late to be meaningful. This is the time for the United States to take a leadership role to help safeguard against the spread of nuclear weapons around the world and I want to join my colleague, Congressman HOWARD WOLPE, in support of legislation he is introducing today to promote U.S. nuclear nonproliferation policies.

Hon. Jonathan Bingham, former Member of Congress with years of distinguished service on the House Foreign Affairs Committee, was a champion of nuclear nonproliferation. He continually impressed upon us the importance of U.S. leadership on this issue and the necessity for responsible trade arrangements for nuclear exports. In his role as chairman of the Subcommittee on International Economic Policy and Trade he pushed for passage of the Nuclear Non-Proliferation Act of 1978—NNPA—and in the 97th Congress introduced legislation to improve upon it. In April 1982 he said:

> More than 4 years ago, when introducing legislation that led to passage of the NNPA, I stated that nuclear proliferation was the No. 1 threat to human civilization. The NNPA instituted important mechanisms for controlling that threat. On the one hand, it provided nonproliferation incentives, such as a commitment to provide reliable supplies of fuel and reactors to nations supporting nonproliferation efforts and to support an international fuel cycle evaluation. On the other, it blocked nuclear exports to nonnuclear-weapons States not willing to submit their facilities and fuel to safeguards or to pledge they would not explode nuclear devices.

Our export policy should be one that discourages the use of highly explosive nuclear materials in so-called peaceful nuclear programs, materials which can easily be channeled to the production of nuclear weapons, and the legislation introduced today would strengthen the NNPA by requiring additional safeguards.

A strong U.S. nuclear nonproliferation policy will protect our security interests and further our efforts for nuclear arms control. We live in a nuclear age and technologies that have brought us to this point will be refined and improved, and scientific progress will continue. Yet, no matter how sophisticated these advancements, we are the ones who must take a lead in determining how these technologies will be used and whether they will be used for peaceful or military purposes. The American public is now finally playing an important role in influencing the direction of U.S. arms control policy and some are educating themselves about the serious risks associated with the use of highly explosive nuclear materials (such as separated plutonium and highly enriched uranium, reprocessing technologies, and the dangerous link these make between nuclear reactors and nuclear weapons. We need not accept the inevitability of a proliferated world and we owe it to ourselves and our children to prevent it. The legislation introduced today will help us to do this, and I fully support it.●

RAY PFEFFER NAMED TO SOFTBALL HALL OF FAME

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. LENT. Mr. Speaker, softball ranks as one of the most popular and the largest of amateur sports. This is particularly true on Long Island, N.Y., part of which I have the honor to represent. The Nassau County Amateur Softball Association is widely recognized as one of the best such organizations in the entire country.

Therefore, I wish to bring to the attention of my colleagues a most significant honor being accorded to an outstanding member and official of the Nassau County Amateur Softball Association. Ray Pfeffer, of Westbury, N.Y., has been selected for induction into the 1983 Long Island Softball Hall of Fame. This is, indeed, a well-merited honor and a tribute to Ray Pfeffer's devotion to, and leadership in, this important and popular recreational activity.

Ray has been an active participant in softball activities on Long Island for nearly 30 years. In those nearly three decades, he has served in just about every capacity imaginable with the Nassau County Amateur Softball Association, starting in 1955 as a player in the Jones Beach Softball League. He soon became manager of the Nassau Democrats' softball team, winning the Metro Long Island Softball Tournament. In 1965, Ray became an umpire in the Nassau County Amateur Softball Association. He was named Umpire of the Year in 1972 by Newsday, and has received similar "Umpire of the Year" awards from the city of Glen Cove, the International Brotherhood of Electrical Workers, the New York State Carpenters, the Inter-County Softball League, and the South Shore Softball League.

With such an impressive number of awards for his umpiring skills, it should come as no surprise that, in 1977, Ray Pfeffer was named "Umpire in Chief" for Nassau County. Nor did that high office cap Ray's career in softball association activities.

In 1970, Ray Pfeffer began many years of dedicated work as an official of the Nassau County Amateur Softball Association, when he was named to the board of directors. His leadership capabilities soon advanced him to the vice presidency of the association in 1973, and be became president in 1974. And in 1977, Ray was elected vice

president of the Metro Long Island Softball Association.

Small wonder that, in 1982, Ray won the Wesco Sports Award for dedication to the game of softball. Few have given so much of themselves to this sport.

Now, Ray Pfeffer is receiving the highest accolade, in being selected for membership in the Long Island Softball Hall of Fame. His induction will take place on March 25, when a plaque bearing his name will join those of others from Long Island who have been given this signal honor.

Mr. Speaker, I know that my colleagues will join me in offering our congratulations and best wishes to Ray Pfeffer for his outstanding achievements. His skills as a player, manager, and umpire in the softball leagues; his leadership in many official capacities in Long Island softball associations have combined to produce an outstanding personal contribution to the popularity and growth of softball on Long Island. The entire Long Island community has benefited greatly from Ray's dedicated services to this recreational activity.

No one could deserve this honor more.●

PROPOSED AMENDMENT TO SOCIAL SECURITY ACT

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. PERKINS. Mr. Speaker, today I have introduced legislation to temporarily lift a severe and unjust burden which is being imposed on a growing number of States as the result of 1981 Social Security Act amendments affecting the unemployment insurance (U.I.) system

The sole purpose of the bill I have introduced is to amend subsection 1202(b) of the Social Security Act, which now requires those States forced to borrow funds after April 1, 1982, from the Federal Unemployment Trust Account (FUTA) for the purpose of meeting benefit obligations, to pay interest on such advances. The interest on fiscal year 1982 advances made since April 1 has been set at 10 percent. My bill would simply suspend, retroactively, the imposition of interest until after April 1, 1985.

The host of immediate problems now confronting recession-ridden States with over 12 million workers officially unemployed in this Nation is awesome enough. Imposing an additional burden by mandating that an interest penalty be charged on FUTA advances to States otherwise unable to provide minimal unemployment compensation to their citizens makes even Shylock appear to be a philanthropist.

To make matters worse, the law currently prohibits States forced to borrow these interest-bearing loans from taking additonal FUTA advances to cover the interest charges accruing. In essence, this presents those States affected with a dismal Hobson's choice: Either dip into the State treasury or increase the State unemployment insurance tax on employers in order to produce the revenues required to meet interest payments. The majority of States on which this unfortunate provision currently imposes the harshest burden—those either borrowing already or teetering on the brink of borrowing—are the very States most severely victimized by the current recession, and therefore, the ones least able, in reality, to employ either alternative. Most of these States have already been driven to the wall by business failures, skyrocketing unemployment, plummeting State revenues and Depression-era fears. Charging these States interest on critically needed FUTA advances is equivalent to rubbing salt in an open, and possibly incurable, wound. Worse still, the fact is that this alleged "cure" for FUTA insolvency actually contributes to the patient's illness, since the likely result of requiring these recession-ridden States to meet interest obligations by raising taxes—especially employer taxes—is only to further increase unemployment.

I have no quarrel, per se, with the general concept of holding each State responsible for its fair share of the task of maintaining a solvent unemployment insurance system during times of normalcy. During such periods, a reasonable and fairly imposed interest charge on FUTA advances might be among acceptable methods for achieving this objective.

However, I do take issue with the current state of affairs in which the Federal Government, unfortunately, has chosen to follow a disastrous course of fiscal and monetary policy—the effect of which has been to deepen and lengthen the recession—while simultaneously shifting the burden of picking up the pieces to the States. The effect of the Social Security Act provisions which my bill would amend is to not only require individual States to pick up the pieces, but to stiffly penalize them if they do not pick them up swiftly and exclusively. The unfair impact of this provision was exacerbated by the fact that it was enacted in October 1981 and became effective in April 1982, leaving the States virtually no time at all to establish effective mechanisms to accommodate its stern mandate.

For these reasons, the legislation I have introduced would simply defer the charging of interest on FUTA advances to States until after April 1, 1985, rather than repealing outright subsection 1202(b) of the Social Security Act. This would give the States a reasonable time, in light of current economic conditions, to plan for, and establish mechanisms to meet, the imposition of interest charges on future FUTA advances.

In fairness to the original proponents of the provision of existing law here in issue—among whom I was never counted—we must assume that they did not at the time foresee the severe and extended recession this country continues to experience. In October 1981, when the provision was enacted, the national unemployment rate was 8 percent, a far cry from December's rate of 10.8 percent, a jobless rate unequaled in the past 42 years. Over 3½ million additional workers have lost their jobs since October 1981.

During the last few months of 1982, the number of initial weekly unemployment insurance claims continuously hovered near 600,000, skyrocketing to 984,300 new claims filed during the week ending January 8, the highest weekly total ever recorded. During the week which ended on January 1, the total number of jobless receiving regular State unemployment insurance benefits climbed to 5,618,500, a record unequaled in the history of the unemployment compensation system dating back to its establishment in 1935 during the depths of the Great Depression.

The average duration of weekly benefits paid to claimants now stands at roughly 19 weeks and is increasing. Between October 1, 1981, and September 30, 1982, the States alone paid out an estimated $20.3 billion in unemployment insurance benefits (this figure does not include the Federal share of extended benefits). It is currently projected that the amount of State unemployment insurance payments in fiscal year 1983 will exceed that paid in fiscal year 1982, reaching an incredible $28 billion.

As of December 31, 23 States and territories owed a total of $10.6 billion to the trust fund, of which $3.5 billion represented interest-bearing advances to 15 jurisdictions, with $350 million in projected interest charges due on such advances. These 15 jurisdictions are Arkansas, Colorado, the District of Columbia, Illinois, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Ohio, Pennsylvania, Texas, the Virgin Islands, West Virginia, and Wisconsin. As an example of the scope of this problem for the hardest-hit States, the State of Michigan, which has borrowed a total of $2.2 billion from the trust fund, has received $623 million in interest-bearing advances since April 1.

Eight additional States—Alabama, Idaho, Indiana, Montana, Tennessee, Utah, Vermont, and Virginia—have now requested advances for the second

quarter of fiscal year 1983. It is projected that most of the remaining States with outstanding FUTA loans borrowed interest-free prior to April 1 will have to borrow additional funds to cover unemployment insurance benefit disbursements during 1983.

My own Commonwealth of Kentucky now estimates that it will be required to pay $8.2 million in interest accruing on the FUTA advances it will be forced to borrow in 1983. This is particularly galling to my State, which took responsible action in 1982 to cut benefits and raise employer taxes to avoid an account deficit.

Mr. Speaker, I would not be overly surprised to hear a sigh of relief breathed by those who voted for the provision my bill seeks to amend when they see the opportunity to reverse the damage wrought by subsection 1202(b). I sincerely hope they will join with me and other Members of the House in remedying this intolerable situation. Most States are already reeling under the recession shock wave; they do not need this federally imposed unemployment insurance interest penalty added to their plight.

I am submitting a copy of the legislation I have introduced today to be printed in the CONGRESSIONAL RECORD for the information and convenience of my colleagues.

H.R. 1404

A bill to defer the effective date of the provisions which require States to pay interest on loans made to State unemployment compensation funds

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (7) of section 1202(b) of the Social Security Act is amended by striking out "April 1, 1982" and inserting in lieu thereof "April 1, 1985".

(b)(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) In the case of any advance made to a State on or after April 1, 1982, and on or before the date of the enactment of this Act—

(A) no interest shall be required to be paid under section 1202(b) of the Social Security Act, and

(B) if on or before the date of the enactment of this Act any State has paid interest under such section 1202, the amount of such interest shall be repaid to such State by the Secretary of the Treasury not later than 90 days after the date of the enactment of this Act.

For purposes of the preceding sentence, the term "State" has the same meaning as when used in such section 1202.●

A TRIBUTE TO HAROLD FULMER

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. RITTER. Mr. Speaker, on February 17, 1983, the sales and marketing executives of the Lehigh Valley will honor Harold Fulmer of Allentown with its Distinguished Citizen's Award. I would like to share with my colleagues a few of the reasons why this important organization is honoring this man.

Harold Fulmer has risen to great heights in our community, and he has a way of inspiring those around him to strive to greater heights. In the business world, his name is synonymous with success; in the world of relationship with his fellow man, his name is synonymous with compassion. Harold Fulmer embodies what we know about the American success story. But he retains that ever-important human spark, and the desire to help those less fortunate than he. At a relatively young age, Harold Fulmer has given back to the community much more than other civic-minded people do in a lifetime. His efforts are untiring.

In two decades, Harold Fulmer, president of HGF Management Corp., has acquired numerous McDonald's fast food operations in the area; Evergreen Realty; Hamilton Printing; radio station WSAN; Kutztown Airport; and the Hotel Traylor. His keen business sense, combined with his energetic style, has made his businesses successful and has created many jobs in the community. A mild-mannered person, Harold Fulmer has literally moved mountains.

Despite the pressures of running these many businesses, Harold Fulmer always finds the extra time to lend a hand to community groups and organizations. He has brought subsidized housing for senior citizens to the Lehigh Valley, has been active on the Boy Scouts Executive Council, the Salvation Army, United Cerebral Palsy, and serves on the Muhlenberg College Board of Associates, the Community Council and Art Commission among many others.

Harold Fulmer proves to us, again and again, the free enterprise system is the best way of providing opportunity to others. Equally important, though, Harold Fulmer has that extra dimension—he cares about his community and works to make it better. So as Mr. Fulmer's family, friends and business associates gather together to honor him on receiving the sales and marketing executives distinguished citizens award, I too would like to offer my congratulations and say that in any context Mr. Fulmer is a distinguished citizen.

I would also like to mention another person deserving our praise and thanks tonight, Harold's lovely wife, Judith. Judy many times stays behind the scenes, but, I can say, she has been a driving force in everything she's taken on. Our community is fortunate to have two such wonderful people as the Fulmers.●

THE 35TH ANNIVERSARY OF SRI LANKA'S INDEPENDENCE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. FOLEY. Mr. Speaker, February 4, 1983, marked the 35th anniversary of Sri Lanka's independence and nationhood. I wish to extend my congratulations to the entire country of Sri Lanka and President Jayewardene on this important occasion.

In Sri Lanka the swift and decisive introduction of a new package of economic policies has produced substantial gains the past 5 years. The economy has grown on the average of over 6 percent per year in real terms. The country's rate of investment rose from 14 percent of gross domestic product (GDP) to around 30 percent of GDP.

During a short 3-year period, Sri Lanka turned from a net importer of its staple cereal—rice, into a country on the fringe of self-sufficiency. The river valley basin development program now underway will greatly expand the country's irrigation system. About 22,000 acres of land now poorly fed by water will be fully irrigated. Another 200,000 acres of currently unirrigated land will be made arable.

The American private sector, has responded to the initiatives provided by the Sri Lankan Government, entering into joint ventures across the country. The impact on Sri Lankan employment has been substantial. The country's rate of unemployment dropped from 25 percent in 1978 to 12 percent in 1982.

Over 75,000 new homes were built during the sme period.

The United States has been a partner in Sri Lanka's progress, providing about 14 percent of the foreign economic development assistance received by that country in the calendar year 1982. These funds have been wisely spent in such areas as food, nutrition, agricultural education, water management, health science, and housing investment. A major share of U.S.-assistance is directed at downstream development in Sri Lanka's river valley development program, insuring that the benefits of this construction is taken directly to the people. Sri Lanka and the United States have developed a strong trade relationship. The value of

exports from the United States to Sri Lanka rose from $60 million in 1980 to $90 million in 1981. Some 15 percent of Sri Lanka's exports are destined for the United States.

Sri Lanka a richly diverse and independent country can review its past accomplishments with pride and look into the future with confidence. Our two countries, both committed to a free and democratic system of government, have enjoyed a long and happy relationship. I have every hope and expectation that this relationship will continue to flourish in the coming years.●

RESOLUTION PROCLAIMING OCTOBER 2-8 NATIONAL SCHOOLBUS SAFETY WEEK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. CONTE. Mr. Speaker, the Nation's largest and safest transportation system is the one that goes the most unnoticed—the fleet of yellow buses that makes up our public school transportation system.

Over 334,000 buses daily deliver close to 23 million schoolchildren to and from school. The accident rate of the schoolbus, per mile, is below that of any other form of transportation.

In many ways, this is due to the fact that every year National Schoolbus Safety Week serves to heighten the public's awareness of these yellow buses. By promoting public attention to schoolbus safety rules, we in Congress can help keep that accident rate at its present commendable low levels. Today, I am introducing a resolution proclaiming the first week of October, the 2d until the 8th, National Schoolbus Safety Week of 1983.

I urge my colleagues to join me in cosponsorship of this resolution.●

GRANDPARENTS RIGHT TO VISITATION—SUBJECT OF BIAGGI RESOLUTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. BIAGGI. Mr. Speaker, on February 7 I introduced House Concurrent Resolution 45 together with 41 cosponsors calling upon all States to adopt a uniform grandparents rights to visitation act.

This resolution is the direct outgrowth of a hearing I conducted last December 16 as chairman of the Subcommittee on Human Services of the House Select Committee on Aging. The hearing entitled, "Grandparents: The Other Victims of Marital Dissolution" was called to examine the rights of grandparents to preserve an important relationship with their grandchildren despite divorce, separation, death of parent, and stepparent adoption.

We learned that while 42 States currently have laws providing a permissive right for grandparents to petition a court for visitation rights, State legislation is deficient in three important respects: First, the circumstances that trigger the right to petition for visitation privileges vary widely from State to State; second, while all 42 States use the "child's best interest" standard in awarding visitation, this standard is vague and too often fails to consider the vital connection between grandparents and grandchildren; third, the lack of a uniform approach among the States for protecting the visitation rights once granted frustrates the interests of grandparents and grandchildren alike.

This resolution was developed based on the testimony received at the hearing and after consultation with child development specialists, scholars in family relations and legal experts as well as custodial parents and grandparents.

I believe that it is a sensible and effective approach to assist States in protecting the family interests that State laws seek to serve. Specifically, the resolution calls upon the National Conference of Commissioners on Uniform State Laws to develop a model State act which provides grandparents with the right to petition and to be heard in courts with respect to the privilege of visiting their grandchildren after marital dissolution. The model act would establish procedures for interstate recognition and enforcement of State court orders granting grandparents visitation privileges. The resolution also calls upon the States to adopt the model act one developed to insure State uniformity. Technical assistance is encouraged through the National Center for Child Abuse and Neglect to develop and disseminate model guidelines which may be used in determining the best interest of the child. These guidelines would recognize the importance of an established grandparent-grandchild bond that ought not to be servered by the court without careful scrutiny.

The shortcomings in current State laws present very real hardships to grandparents as well as grandchildren. With more than 1 million children a year experiencing the divorce of their parents and with the current rate of marital dissolution estimated at 50 percent, the issue of grandparents rights to maintain continued contact with grandchildren when it is in the child's best interests is of national significance.

I urge my colleagues to join me in support of the development of a uniform grandparent visitation act that would recognize the vital role that grandparents can play in the lives of children and would also acknowledge children's rights to maintain contact with grandparents when it is in their best interest.

For the benefit of my colleagues the complete text of House Concurrent Resolution 45 follows:

H. CON. RES. 45

Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes

Whereas approximately 75 percent of all older Americans are grandparents;

Whereas grandparents play a vital role in millions of American families;

Whereas an estimated one million children a year experience the divorce of their parents;

Whereas the laws of 42 States (1) provide grandparents with certain rights to petition State courts for privileges to visit their grandchildren after the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and (2) allow such courts to grant such visitation privileges if such courts consider it in the best interests of such grandchildren;

Whereas such procedural rights to petition State courts often do not provide grandparents with adequate opportunities to be fully heard with respect to the granting of such visitation privileges;

Whereas the factors considered by State courts in determining whether the granting of such visitation privileges is in the best interests of the children involved varies widely among such States;

Whereas the ability of grandparents who have meaningful relationships with their grandchildren before the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents to help satisfy such grandchildren's needs for continuity of care and familial ties after such dissolution is often not fully taken into account in determining the best interests of such grandchildren;

Whereas the lack of uniformity among the laws of States with respect to such visitation privileges adversely affects the ability of grandparents to enforce and exercise such visitation privileges once granted by a court because of the interstate movement of the parties involved;

Whereas 4 national grandparents' rights organizations have been established for the purpose of focusing national, State, and local attention on the issue of grandparents' visitation rights; and

Whereas the Subcommittee on Human Services of the House Select Committee on Aging held a hearing on such issue on December 16, 1982: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) it is the sense of the Congress that—

(1) the National Conference of Commissioners on Uniform State Laws should develop a model State act which—

(A) provides grandparents with adequate rights to petition State courts for, and to be fully heard in such courts with respect to the granting of, privileges to visit such

grandparents' grandchildren after the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents,

(B) ensures that such rights extend to cases in which, after such dissolution, such parents remarry and stepparents adopt such grandchildren, and

(C) establishes procedures for the interstate recognition and enforcement of State court orders granting such visitation privileges, and

(2) States should adopt the model State act so developed.

(b) It is the sense of the Congress that the Secretary of Health and Human Services, through the National Center for Child Abuse and Neglect, should provide technical assistance to States in developing, publishing, and disseminating guidelines which—

(1) may be used in determining the "best interest of the child" in cases in which the grandparents of such child seek privileges to visit such child after the dissolution (because of divorce, separation, or death) of the marriage of such child's parents, including cases in which such privileges are sought in situations described in subsection (a)(1)(B), and

(2) take into account the ability of grandparents to help satisfy such child's need for continuity of care after such dissolution.●

A TRIBUTE TO JOHN CARBONE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mrs. JOHNSON. Mr. Speaker, I would like to pay tribute to John Carbone, Jr.—businessman, politician, and respected community leader of the town of Southington.

John Carbone passed away recently at the age of 51 after a full life dedicated to his family, church, and community. As an admired community leader John Carbone served as director of the local YMCA, president of the local UNICO, the first vice president of the Waterbury Chamber of Commerce, and as a Republican member of the Southington Board of Finance. In addition, John Carbone's professional life exemplified his great personal integrity, dignity, and compassion. As the president of Waterbury's Heminways Corp., John was known and respected by both his employees and colleagues in the business community.

A direct and articulate man, John had deep convictions and sought to improve the quality of the lives of all of us through his hard work and participation in the political process. Even throughout his illness, John remained active as a principle participant in shaping Southington's future. His death has left a void in our community and our party that will be difficult to fill.

Always putting the needs of his family and community above himself, John Carbone exemplified the kind of dedicated individual that makes local government work and our Nation great. His untimely death has been a grievous loss, not only to his wife and children, but to us all. We will miss him.●

THE MERIT OF H.R. 7132

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. KASTENMEIER. Mr. Speaker, today I am introducing two bills to respond to the problems in the administration of the bankruptcy law occasioned by the Supreme Court's decision last summer in the Marathon case. 102 S. Ct. 2854 (1982). In the Marathon case the Court struck down part of the existing court system for deciding bankruptcy issues. In response to the decision several of my distinguished colleagues have introduced bills to create a new court system. My esteemed Committee Chairman PETER RODINO has offered for consideration H.R. 3. This bill creates 227 life-tenured bankruptcy judges. On the other hand my friend Senator BOB DOLE has introduced a bill—to create 115 district court judgeships. Each of these proposals is worthy of serious discussion. While I admire the fine legislative work of my colleagues I differ with respect to their concern for an immediate solution and on the appropriateness of their response.

Last Congress I introduced H.R. 7132 in response to the Marathon decision. I am reintroducing that measure again today. This bill attempts to read the Court's fractionated opinion in Marathon as narrowly as possible. The bill has the net effect of providing an article III [1] forum for article III issues and preserves an article I forum for article I issues. The bill accomplishes this result by defining which types of bankruptcy matters should be heard in bankruptcy courts and which should be heard in a Federal district court. This approach is consistent with the original recommendations of the Judicial Conference of the United States.

Unfortunately the last Congress did not act favorably on my bill H.R. 7132 or on any other legislative suggestion. As a result the Judicial Conference, operating in cooperation with the various circuit courts of appeal, issued a model rule to avoid some of the chaos which had been predicted for the bankruptcy system. While there are differing reports about the effectiveness of the model rule, it has proven to be a workable solution in many areas. Thus, in my view, there is sufficient time to fashion a thoughtful compromise on this issue.

For those who have lingering doubts about the effectiveness of the model rule, we could immediately codify the rule as an interim—or possibly long term—solution. This essentially is the approach advocated by Senator HOWELL HEFLIN, a highly respected Member of the other body on court reform matters.

Notwithstanding the existence of the model rule there remains a substantial impetus for action. My preferred response would be enactment of a bill like H.R. 7132 from last Congress. Yet I recognize that my esteemed colleagues have gone in a different direction. Each of the existing legislative proposals calls for the creation of numerous new judgeships. Unfortunately the two approaches appear to be headed on a collision course. In an effort to bridge the gap between the other two proposals I am offering my second or alternative bill.

The Kastenmeier alternative bill creates a new bankruptcy court for each of the existing Federal districts. These courts would be restricted to hearing bankruptcy matters. In this regard it is similar to the bill of my chairman, PETER W. RODINO, Jr. My alternative bill also provides for the creation of bankruptcy court administrators to assist in the disposition of those parts of bankruptcy which do not require judicial attention. In this way the bill adopts an important feature from the bill of Senator DOLE.

The stark choices presented to the Congress by the Marathon decision will not be easily resolved. The Members of Congress with interest in this topic have acted in good faith but nonetheless have strongly held views of this subject. Hopefully the art of compromise will leave us with legislation that is rational, cost-effective and workable. If the dialog of compromise is furthered by the introduction of these two bills then my basic purposes will have been served.●

[1] Article III courts are courts with judges who are appointed with life tenure (i.e. removal only by impeachment) and a guarantee against diminution of salary during their service Article I courts—frequently called legislative courts—are permissible with respect to the adjudication of certain types of cases. In the past the Supreme Court has upheld the constitutionality of article I courts for: (1) the territories and the District of Columbia, (2) courts martial and (3) cases arising out of "public rights".

LIBERALIZE DISABILITY BENEFITS FOR THE BLIND

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. CONTE. Mr. Speaker, today I join with other Members of this Congress, in cosponsoring H.R. 1039, legislation that would liberalize disability benefits for the blind by amending title II of the Social Security Act.

By reducing the work requirements, this legislation would allow persons who are blind to qualify for disability benefits, irrespective of earnings, rather than cutting off benefits when earnings reach a certain limit under the present law.

Work requirements need to be more equitable for blind persons because of the severe economic consequences that accompany blindness. Not only is their earning power cut in half, but the small wages that are left have to be used for purchasing costly devices and hiring readers and drivers.

When this proposal is adopted, a reduction in welfare payments to the blind would occur by the elimination of 75,000 blind people from the social security insurance rolls. This would result in a cost savings in general revenues.

Mr. Speaker, I urge my colleagues to support this legislation which would insure a more equitable program for blind persons receiving disability benefits.●

MORTGAGE BONDS MUST BE ALLOWED TO CONTINUE LOWERING COSTS FOR SINGLE-FAMILY HOUSING

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. COYNE. Mr. Speaker, I rise in support of H.R. 1176, introduced by Mr. DOWNEY of New York, which would allow the issuance of mortgage bonds for single-family housing to continue beyond this year.

The Housing Finance Opportunity Act of 1983, as the measure is titled, would enable States and localities to continue to afford reduced rate mortgage and rehabilitation loans. If Congress fails to remove the "sunset" provision in the Mortgage Subsidy Bond Tax Act of 1980, as this measure provides, the single-family housing industry will be dealt a blow which it is ill-prepared to absorb.

Forty-seven States, plus the District of Columbia, the Virgin Islands, and Puerto Rico, have authorized State finance agencies to issue mortgage revenue bonds. These bonds make available below-market interest rates for home buyers, renovators, and developers of multifamily rental housing.

Allegheny County, Pa., for example, estimates that it has provided 2,500 reduced rate home improvement loans through the use of these bonds. It expects to provide 500 below-market rate mortgages to new homeowners.

In the city of Pittsburgh, $53 million in tax-exempt bonds have been issued since 1975 for low-interest rehabilitation loans. In the same period, $38.5 million has gone for home mortgage financing.

The result? Six thousand units have been rehabilitated. Eight hundred more have benefited through the mortgage program. The Pittsburgh Urban Redevelopment Authority informs me that, through the bond program, 1,600 additional units will be rehabilitated in 1983. Two hundred and fifty more mortgage loans will be processed.

Mr. Speaker, I do not believe that tax-exempt financing is the most efficient way for the Federal Government to aid the housing industry. Direct Federal aid may well be a better mechanism. Such direct aid is a distinctly unlikely possibility in today's political climate. Accordingly, I urge the repeal of the sunset provision of the Mortgage Subsidy Bond Tax Act of 1980 so that we can encourage a vigorous housing industry for the foreseeable future.●

TRIBUTE TO MILDRED M. ENGLE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. YATRON. Mr. Speaker, on March 7, 1983, the Board of Commissioners of Berks County, Pa. will honor Mrs. Mildred M. Engle, chief clerk of Berks County, on the occasion of her retirement. It is my privilege to bring Mrs. Engle's accomplishments to the attention of my colleagues in the U.S. Congress.

Mrs. Engle's retirement marks the end of 35 years of service to the people of Berks County. Mrs. Engle can take great pride in her accomplishments. She began her career as assistant chief clerk in January 1948. She served as acting chief clerk in 1952 and again in 1962. On January 6, 1964, Mrs. Engle was appointed to the position of chief clerk of Berks County. She retains this position until her retirement on March 8 of this year.

Mrs. Engle has proven to be a most able administrator and is highly respected by all who are privileged to know her or to work with her. I am certain that my colleagues will join me and the Berks County Board of Commissioners in expressing gratitude for the excellent public service performed by this outstanding county official. I know that she will be sorely missed by her colleagues and the people of Berks County. She is one of those rare individuals who has dedicated her life to service and excellence. Her devotion to her work has made her virtually irreplaceable. It is with great honor that I bring her achievements to your attention.●

LEGISLATION TO ELIMINATE COAST GUARD RESPONSIBILITIES REGARDING MARINE SANITATION DEVICES ON SMALL VESSELS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, during the 97th Congress, the Coast Guard and Navigation Subcommittee engaged in extensive oversight hearings into the functions and activities of the U.S. Coast Guard which resulted in a subcommittee report entitled "Semi-Paratus: The United States Coast Guard, 1981," House Report No. 97-355. One area of Coast Guard regulation and law enforcement that was investigated concerned the requirement for marine sanitation devices onboard vessels.

I believe this area of the law is one which needs revision. On December 8, 1982, I introduced H.R. 7392, a bill to eliminate Coast Guard responsibilities regarding marine sanitation devices on small vessels, to start the consideration of this matter. In my extension of remarks for that date is a full discussion of the legal basis for these MSD regulations and the problems associated with this law and its implementation.

The legislation I am introducing today is identical to H.R. 7392 and addresses these problems and concerns directly. It eliminates the Federal requirement for marine sanitation devices but retains Federal standards of performance and applicability of manufacturing provisions are not disturbed by this change.

The regulation and enforcement of MSD's would be left to the States. A State or a political subdivision of a State, however, may not prohibit or regulate the discharge of sewage from vessels of 65 feet or less except: One, if required marine sanitation devices conform to the Federal standards of performance regulations; or two, if the discharge prohibition is entirely within their own waters. The bill provides thought that vessels engaged in interstate travel, however, would not be subject to the laws and regulations of another State. Thus, a vessel equipped with an MSD any of the Federal standards may discharge into State waters, except for waters designated as no discharge zones.

This legislation is designed to overcome the problems and deficiencies in the current statutory scheme. However, additional adjustments may be desirable as we consider this measure or when the administration completes its study of the issue. It is hoped that this will remove the Coast Guard from an area of regulation which it is ill

equipped to perform and frustrated in enforcing so that it can turn its energies to more important and more effective functions such as search and rescue and fisheries law enforcement. For years we have been heaping additional duties on the Coast Guard and requiring then to do more and more with less and less. Some steps must be taken to alleviate and reverse that trend so the Coast Guard can live up to its fine traditions and carry out its most important functions concerning the safety of life and property at sea.●

CONGRESSIONAL VIGIL ON SOVIET JEWRY

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. BURTON of California. Mr. Speaker, as part of the call to conscience vigil for Soviet Jews, I would like once again to call the attention of my colleagues to the plight of Eitan and Alexandra Finkelshtein and their young daughter Miriam.

Eitan Finkelshtein is a physicist and Alexandra is a biologist. They are residents of Vilnius, Lithuanian SSR, U.S.S.R. They have been waiting for 11 years to emigrate to Israel.

Eitan is a member of the Lithuanian-Helsinki monitoring group. He has not only been denied an exit visa, but he has not been allowed to work in his professional field since he first applied for an exit visa.

The Finkelshteins are reported to be under constant surveillance, their telephone conversations monitored and interrupted and their mail cut off.

Eitan has been active in the human rights movement and is a contributor to the journal "Jews in the U.S.S.R." Because of his concerns for human rights, because of his own desire to exercise the right to emigrate to Israel, Eitan Finkelshtein has lost his profession, been fired from even short term menial jobs, and he and his family must live in virtual isolation.

This gross violation of human rights is the concern of all persons of good will the world over. I strongly urge the Soviet Government to end its harassment of the Finkelshtein family immediately and allow them to emigrate to Israel. Freedom is not just a unique characteristic of American society, it is an inherent human right.●

SANTA BARBARA AVENUE RENAMED KING BOULEVARD

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. DIXON. Mr. Speaker, January 15, 1983, in celebration and commemoration of the 54th birthday of a prophet for humanity, Dr. Martin Luther King, Jr., Los Angeles City Council member, Robert C. Farrell, officially unveiled the new street signs renaming Santa Barbara Avenue "King Boulevard." The citizens of Los Angeles now have a fitting institutional monument to the high ideals and moral values of our fallen leader, a man who could move millions with his words and change the course of nations with his quiet prayers.

The renaming of this major Los Angeles thoroughfare was made possible by council member Farrell, of the Eighth Council District. Without his leadership and tenacity, his idealism tempered by reality, and his unwaivering dedication to raising the consciousness of the human community, such a monument to Dr. King may never have been realized.

People from all walks of life joined in the celebration—black and white, young and old, rich and poor, entertainers, athletes, elected officials, educators. We all had a common bond on this day. We not only celebrated a new monument, but we rededicated ourselves to ideals that have the potential to save humanity from destroying itself. Although Dr. King was stilled by an assassin's bullet on April 4, 1968, his dynamic presence continues to be a guiding tenant in the life of millions of Americans and untold numbers of people around the world.

The city of Los Angeles, once again, has taken a concrete step to show that harmony, peace, and respect for others are the watchwords of its citizens. The greatness of Los Angeles will continue as long as we have the leadership of people like Robert Charles Farrell.●

LITHUANIAN INDEPENDENCE DAY

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. HARRISON. Mr. Speaker, next Wednesday, February 16, is a significant date in the eternal struggle of mankind to be free. On that day, 65 years ago, the independent Lithuanian nation declared its independence. This was a goal toward which it had been striving while under more than a century of Russian domination. Until 1940, freedom existed for all its citizenry, but in July of 1940 a rigged election paved the way for the illegal incorporation of Lithuania into the Soviet Union. The United States has never recognized this blatant usurpation. We maintain diplomatic relations with the representatives of the former independent government and I hope we shall continue to do until this grave injustice is corrected.

To this end, Mr. Speaker, it has been my honor to cosponsor in this body House Joint Resolution 60 directing the President of the United States to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day." I am also honored to take this opportunity to congratulate my fellow citizens of Lithuanian extraction on the steadfastness and determination with which they have maintained their traditions and been true to their glorious heritage.●

DAYLIGHT SAVING TIME

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. OTTINGER. Mr. Speaker, today I am introducing, along with Representative CARLOS MOORHEAD and other cosponsors, the Energy Conservation Daylight Saving Act of 1983, a straightforward bill which can conserve energy by extending daylight saving time by 2 months. Under the provisions of the legislation, daylight saving time would begin on the first Sunday in March, rather than the last Sunday in April. The identical bill was passed by the House last Congress by a bipartisan vote of 243 to 165, but was not considered by the Senate. The legislation is supported by the administration.

Our current daylight saving time system is unbalanced with respect to the solstice—the day in the year with the longest period of daylight. By extending the system to the first Sunday in March, we would realize the additional benefits of later sunsets without facing any mornings darker than we now face in October. There will be no increased danger to schoolchildren on their way to or from school. In fact, previous studies conducted by the Department of Transportation and the National Bureau of Standards show than when we had year-round daylight saving time, including the months of March and April, there was no increase in child or pedestrian traffic accidents.

The potential benefits of my legislation include:

Energy savings estimated at 100,000 barrels of oil equivalent energy per day during the 2 extra months, accord-

ing to the Department of Transportation;

As many as 200 fewer traffic fatalities per year, according to the National Highway Traffic Safety Administration;

A 10 to 13 percent reduction in violent crimes, according to studies done in the District of Columbia; and

Increased recreational time and extension of prime shopping hours—both of economic importance.

Public opinion polls show that the extension of daylight saving time is favored by the American people by a 2-to-1 margin.

Another group of Americans who will be aided by this bill are the hundreds of thousands afflicted with night blindness. The Retinitis Pigmentosa Foundation has urged the passage of this legislation so that their members would receive an extra period of sight and mobility during the evening. The legislation has also been endorsed by the Southland Corp., operators of 7-Eleven convenience stores throughout the Nation, and the National Association of Convenience Stores.

My legislation is a simple step we can take for energy conservation, crime reduction, and economic recovery. I urge my colleagues to join with me in this effort.●

TRUE CORPORATE CITIZENSHIP

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. BROYHILL. Mr. Speaker, "True Corporate Citizenship" is a phrase which can be used to describe recent actions by Duke Power Co. which is located in my home State of North Carolina.

Increasing fuel costs are a concern to all Americans and to those who represent them in Washington. In response to the needs of those it serves, Duke Power Co. has come forward with a plan to help the needy residents in its service area pay their heating bills.

In mid-December, the company established a $100,000 "Community Challenge Heating Fund" to help those who cannot afford to pay their heating bills. The company, together with local community service organizations, is working to raise funds on a 4-to-1 basis. This brings the potential total of the fund to a half million dollars systemwide. For each $4 the agencies raise, Duke will provide $1 up to the $100,000 limit. The challenge period for organizations working with Duke Power Co. will run through March 15, 1983.

The organizations working with the company, such as the Salvation Army, will decide who is eligible for assistance. It does not matter what type of heat the person uses in his home; it can be provided by electricity, natural gas, oil, wood, kerosene, or other sources.

The company is also working with individuals throughout its service area by providing loan assistance to its qualifying customers to help upgrade their homes to specific insulation and weatherization standards.

If a residential customer brings his single or multifamily structure up to the residential conservation rate insulation and weatherization standards, the company will pay up to 6 percentage points of the interest rate on a loan to complete the work. The loan, as secured from a participating lending institution, must be between $500 and $2,500. Local citizens are also helping the needy and elderly in this endeavor.

I would like to take this opportunity to commend Duke Power Co. for its lead in this community effort and for its service to the Piedmont Carolinas.●

BRIDGE DETERIORATION IN AMERICA

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. MURPHY. Mr. Speaker, I rise today to bring to the attention of my colleagues a major problem of bridge deterioration in America. One in every five bridges in United States requires either major rehabilitation or reconstruction. However, due to tight State budgets and inflation, the maintenance of bridges essential to our Nation's transportation has been postponed.

Currently, the State is responsible for maintenance and repair of bridges, and the Federal Government takes care of reconstruction under the highway bridge replacement and rehabilitation funds. The State must match 20 percent of the cost of reconstruction of our bridges, and the Federal Government is responsible for the remaining 80 percent. States with large numbers of structurally unsound or unsafe bridges have not been able to raise the required 20 percent matching requirement, and as a result, school buses, trucks, and automobile traffic have been required to use detours that are sometimes equally hazardous. The additional traffic on the detour routes is rapidly destroying the road surfaces, creating the necessity of additional millions of dollars for highway maintenance and reconstruction, further reducing the ability of those States to provide the State matching funds required to utilize the available Federal funds for bridge reconstruction. Additional gasoline is required to take detours that, in many cases, require miles of additional driving, and delivery costs in certain parts of the Nation are escalating because of the higher costs of driving in areas with closed bridges and rapidly deterioration of roads on the detour routes.

My home State of Pennsylvania, which practically invented the bridge crisis, does not even rank in a list of 10 States with the worst bridge problems. In a list released by the Highway Users Federation, the national range is from a 75.7 percent deficient rate for North Carolina's bridges to a 5.1 percent deficient rate in Arizona, as 24.8 percent of Pennsylvania's bridges are deficient. Although, Pennsylvania's inventory came off better than the national average, with only one out of four bridges being structurally deficient; the problem is a national one, with 56 percent of our Nation's being either deficient or obsolete.

In a decade of severe fiscal constraint, when we face the major necessities of economic revitalization. we must stretch the benefits of every dollar as far as we can. We now face the need to re-examine the role of the Federal Government in financing America's bridges. We can no longer afford to stand idly and allow our bridges to deteriorate at this alarming rate. Therefore, in order to assist States with the greatest need, and to accelerate bridge replacement and reconstruction programs, I am reintroducing legislation that will increase Federal participation from 80 to 90 percent of project costs. This will enable the States with the greatest need to complete 50 percent more bridge reconstruction projects. It is time to take the appropriate legislative action, which is required for a sound, long range, carefully timed investment program for America's bridges.●

ERADICATE NEUROFIBROMATOSIS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. GONZALEZ. Mr. Speaker, today I introduced a bill that would establish a National Commission on Neurofibromatosis. Neurofibromatosis, more commonly known as the elephant man disease, is a genetic disorder of the nervous system affecting approximately 100,000 Americans. The symptoms appear in the form of small and large tumors under the skin; curvature of the spine; enlargement and deformation of bones; and tumors of the brain or spinal cord. They usually appear in childhood or adolescence but may appear later in life. The disease is inherited and each child of an infected parent has a 50-percent

chance of inheriting the defective gene and developing neurofibromatosis.

Very little is known of the causes for the gene mutation causing the disease and, as a result, there is no cure and no medical procedure for treatment except for radical surgery to remove the tumors, which usually reappear. This bill would direct the Commission to formulate a long range plan for the use of national resources to study this disease with the hope of finding a cure. The plan is to include a nationally coordinated research program utilizing existing programs at other Federal medical research facilities. While the intent of this bill is to provide a coordinated medical approach to the treatment of this affliction, it also includes a focus on the behavioral development over the lifespan of individuals who have the disease.

It is a tragedy that we have not, in this day and age, been able to treat adequately or find a cure for this disease. I am familiar with the case of one individual, who is a constituent, whose son is afflicted with neurofibromatosis. I am told that there are some 20 cases in San Antonio alone. What is an even greater tragedy is that the care and treatment of individuals who have been unfortunate enough to be stricken with it have very little recourse in seeking assistance to help defray the costs connected with the disease. It is more the exception to hear of those cases in which parents, and even the President, has sought medical and financial assistance for children who are afflicted with life-threatening diseases and received the necessary aid. There are many thousands of others who are not as fortunate. They are totally reliant on those private foundations that provide all forms of assistance from medical to counseling services and these foundations are finding their resources even more tight and the prospect of raising funds to continue these services the bleakest its ever been.

Although this bill falls short of financial guarantee for people afflicted with neurofibromatosis, it is a beginning for a comprehensive effort to eradicate this disease. I am hopeful that the majority of my colleagues will join me in this effort.●

CHILEDA INSTITUTE HELPS MULTIHANDICAPPED CHILDREN

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. GUNDERSON. Mr. Speaker, La Crosse, Wis., in my district, is the home of a unique institute that seeks to help children with multiple handicaps cope with life and return to their own environment and a more productive, happy life.

The Chileda Habilitation Institute is a licensed residential treatment center for 56 children from many parts of the United States who are afflicted by at least two disabilities such as epilepsy, hyperkinesis, cerebral palsy, autism, retardation, visual or hearing impairments, and behavioral and genetic disorders.

Chileda was the first and perhaps the only home-like facility in America to accept multihandicapped children who on average are graduated and returned to their own environment within 3 years.

While not cured of their multihandicaps, they are able to cope with their families, peer groups and potential future employers. Today, Chileda has over 140 alumni, after only an existence of 10 years.

Instead of depending so heavily on Government assistance and remaining a burden on society, many are now able for the first time to help carry their own load.

Members of the Wisconsin congressional delegation and their senior staff met in Washington this week to learn more about Chileda. And it was an eye-opening discussion.

With limited Federal resources for social programs such as Chileda, the organization's national advisory board has embarked on a national fund raising effort.

The work of the Chileda Institute serves an important need in a creative and sensitive way, leading to useful and meaningful lives for its residents.

Because of this noble goal, I wanted to call attention of my colleagues to its program and its future funding needs.●

PRESIDENTIAL ACTION ON THE OCEANS IS NEEDED

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, last year President Reagan took a bold step in international relations by refusing to sign the Law of the Sea Treaty (or, to use the appropriate acronym—LOST). This was a step that I strongly supported, as did a number of other Members of this body.

Now that we have rejected LOST, the United States needs to assure our allies that we are not moving in a direction contrary to accepted principles of customary international law. In addition, we must be able to continue the wise management and use of marine resources in the 200-mile zone off our coasts.

In order to accomplish these objectives, President Reagan is now considering issuing a Presidential proclamation which would declare United States sovereign rights over living and nonliving marine resources in an exclusive economic zone extending 200 miles from our shores. This will provide increased opportunities for U.S. citizens concerned with the use of those resources.

In the February 14, 1983, issue of Business Week, Mr. Daniel Fine, a private resource analyst, explained the benefits of such a proclamation. I ask that Mr. Fine's letter be printed in the RECORD for the benefit of those Members concerned with this issue.

The letter follows:

[From Business Week, Feb. 14, 1983]

REAGAN'S ZONE PLAN TO PROMOTE OFFSHORE DEVELOPMENT

The Reagan Administration believes that it has found a way of rejecting the U.N. Law of the Sea Treaty without throwing the baby out with the bathwater. In a Presidential proclamation to be issued in early February, the U.S. is establishing a new Exclusive Economic Zone (EEZ) for commercial development of living and nonliving natural resources in an area 200 mi. seaward from all U.S. territory.

Polymetallic sulfides from the seafloor crusts of submerged islands, which are rich in strategic minerals (manganese and cobalt) and other base metals, as well as phosphate, are available for mining development within the EEZs projected from both Hawaii and the West Coast. Washington expects to attract investors because of the absence of political risk under the U.S. flag.

The strategy anticipates that the U.S. will have established seabed mining on a technologically and commercially feasible basis in these areas long before the signers of the U.N. treaty have implemented its provisions. And since the treaty provides for the creation of something akin to the EEZ option, Washington hopes to attract the 52 other countries with EEZ possibilities into joint ventures.

The EEZ concept was developed by Interior Secretary James Watt's office, working since last summer with two interagency groups. While the precise definition of what constitutes the continental shelf is still unclear, the extension of U.S. borders allows developers early opportunities free of legal risk. The Reagan Administration sees the EEZ as the cornerstone of its oceans policy and another component in its strategic effort to reduce U.S. dependence on foreign energy and mineral sources.●

SENATE—*Monday, February 14, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

It is a good thing to give thanks unto the Lord, to sing praises unto thy name O most high; to show forth thy loving-kindness in the morning, and thy faithfulness every night.—Psalm 92: 1,2.

Almighty God, the destiny of the people of America rests with those who work in this place. If Members of Congress fail, the people lose their representation and advocacy. The Senate of the United States has incredible power to bless and to curse, to heal and to destroy this Nation, and, for that matter, the world. May the Senators never forget this awesome responsibility, and may they be saved from every selfish and corrupt force within them and without that would cause them to perjure truth and prostitute their power and bring to calamitous proportions the crises which threaten us.

Cleanse them from every perversion of position and power; purify their motives, their intentions, their ambitions, and make them the wise, courageous, selfless, dedicated public servants that these desperate days demand and the people have a right to expect. For Thy glory and the public good, we pray in the name of the Utterly Selfless Servant, Jesus Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I have two requests to make, and I ask the minority leader if he objects to these requests.

THE JOURNAL

Mr. BAKER. First, Mr. President, I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE CALENDAR WAIVED

Mr. BAKER. Mr. President, when we adjourned over for the Lincoln Day recess certain provisions were made. However, I believe we did not provide that the call of the calendar would be waived; is that correct?

The PRESIDENT pro tempore. That is correct.

Mr. BAKER. Mr. President, I now ask unanimous consent that the call of the calendar be waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

A VALENTINE'S DAY POEM

Mr. BAKER. Mr. President, I will be perfectly predictable and select this week's poem in honor of St. Valentine's Day. It is entitled "Love," and was written by Roy Croft.

Today, love still has that unique ability to endure and survive all that threatens it: East or West, rich or poor, prejudice or not.

Mr. President, I ask unanimous consent that "Love" be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

LOVE

I love you,
Not only for what you are,
But for what I am
When I am with you.

I love you,
Not only for what
You have made of yourself,
But for what
You are making of me.

I love you
For the part of me
That you bring out;
I love you
For putting your hand
Into my heaped-up heart
And passing over
All the foolish, weak things
That you can't help
Dimly seeing there,
And for drawing out
Into the light
All the beautiful belongings
That no one else had looked
Quite far enough to find.

I love you because you
Are helping me to make
Of the lumber of my life
Not a tavern
But a temple;
Out of the works
Of my every day
Not a reproach
But a song.

I love you
Because you have done
More than any creed
Could have done
To make me good,
And more than any fate
Could have done
To make me happy.

You have done it
Without a touch,
Without a word,
Without a sign.
You have done it
By being yourself.
Perhaps that is what
Being a friend means,
After all.

—ROY CROFT

ORDER OF BUSINESS

Mr. BAKER. Mr. President, time for a period for the transaction of routine morning business has already been ordered, I believe, is that correct?

The PRESIDENT pro tempore. Thirty minutes, with a five-minute time limitation for each Senator.

Mr. BAKER. I thank the Chair.

Mr. President, after the recognition of the two leaders under the standing order, there will then be a period for the transaction of routine morning business, as the Chair has just described.

SENATE SCHEDULE

NOMINATIONS

Mr. BAKER. Mr. President, before we adjourned on February 3, I indicated that it was my hope that today the Senate could go into executive session for the purpose of considering nominations on the executive calendar, and I believe at that time I specifically identified the nominations of Richard T. McCormack to be an Assistant Secretary of State, and Richard R. Burt to be an Assistant Secretary of State.

I wish to advise all Senators who are interested that it will be my intention today to ask the Senate to go into executive session for the purpose of considering those nominations.

It may be that there will be objection to that. If there is, Senators should be aware that the leadership plans to move to the consideration of those nominations.

It is not the intention of the leadership to ask for either of those nominations to be concluded today. If rollcall votes are to be required or if there is to be a rollcall vote on the motion to proceed, then we will debate that as necessary and put the vote over until tomorrow.

It would be my hope, however, that we could recess the Senate today with one of these nominations as the pending business, and return to executive session tomorrow to complete it.

TREATIES

Mr. President, in addition to that, sometime this week I hope we can reach Calendar Order No. 1 on today's executive calendar, the Montreal Protocols Nos. 3 and 4 and, perhaps, Cal-

endar Order No. 2, the Constitution of the United Nations Industrial Development Organization, which has been reported from the Committee on Foreign Relations. I will not attempt to reach those today, however.

ADDITIONAL NOMINATIONS

Mr. President, there are certain other nominations on the executive calendar under the African Development Bank, the U.S. International Development Cooperation Agency, and nominations placed on the Secretary's desk in the Foreign Service.

It is my hope that we can dispatch the entire executive calendar this week, and Senators should be on notice of that possibility.

TELEVISION IN THE SENATE

Mr. President, TV in the Senate is a matter I have mentioned often. It will be my hope that we can get to that item this week or at least this week in advance of the time when other and compelling executive and legislative matters will require the attention of the Senate.

It is my hope as well that we can work out some sort of an arrangement on that matter that will accommodate the concerns of many Senators, and, I believe, accommodate the wishes of many others who would like to see this project go forth on some basis.

I see my friend, the distinguished Senator from Louisiana, in the Chamber. I will repeat to him what I said earlier on the telephone, and that is I will not move on this matter or attempt to until he and I and the distinguished minority leader have had an opportunity to compare notes, but in any event not before Wednesday.

Mr. President, what I have described may very well now produce a busy week for the Senate this week, that is to say, the nominations, the treaties on the Executive Calendar, as well as TV in the Senate, if we can reach that, and I hope we can.

POSSIBLE SENATE PROGRAM NEXT WEEK

Mr. President, next week it is entirely possible there will be a number of other items we can get to, but one in particular I will call to the attention of the Senators, and that is the possibility that we will reach a shipping bill to be reported from the Commerce Committee some time next week, perhaps as early as Tuesday of next week.

I understand that is a controversial item and one that in the past has produced an extensive debate. Perhaps it is not so controversial now that certain adjustments have been made, as I understand may be the case. So that no Senator may be taken by surprise, let me now say that there is a distinct possibility that a week from tomorrow we may be able to reach a shipping bill to be reported from the Commerce Committee.

THE LEGISLATIVE CALENDAR

Mr. President, there is nothing on the Calendar of General Orders today.

I am advised that there is a star print of that calendar, which, indeed, I have just been handed by our athletic Parliamentarian, who rushed from the podium to hand it to me. There are four items, all resolutions, being Calendar Order Nos. 5, 6, 7, and 8. I would like to do those today if we can clear them today. I have not examined them, however. I would ask my friend, the minority leader, if he would advise me some time during the day if he could clear those items for action by unanimous consent.

Mr. BYRD. Our athletic Parliamentarian did not stop by my desk to show me what the majority leader is talking about.

Mr. BAKER. I will share the work product of our athletic Parliamentarian. Indeed, I will give that to the minority leader.

Mr. President, in addition, we have resolutions and motions under the rule and bills and joint resolutions read for the first time, but otherwise the calendar is clear.

Mr. President, I have indicated at the beginning of this session that I hoped that the beginning weeks, the early weeks of this session, would be busy weeks and that we could as much as possible. I am trying very hard to clear business as it comes to the calendar and as promptly as possible. I will continue to do that as the Senate will permit me to do so.

I fully understand, for example, that the calling up of Executive nominations today may inconvenience certain Senators, but it is absolutely essential that we get on with the business of the Senate, without undue concern for particular personal situations. Therefore, I do intend to go forward with these nominations today.

As I said, I will not try to complete them if record votes are required, but I do intend to try to get to them. I am afraid that that is an indication of a darker side of my personality for this session, because I do plan to press as hard as I can to make these early weeks of the session productive. In doing so, we may step on a few eggshells.

THE RECURRING DESTRUCTION OF PENNSYLVANIA AVENUE

Mr. BAKER. Mr. President, I have one other remark I would like to make that is part serious and part in jest. I call the attention of my colleagues to the fact that I am convinced that I have discovered a new Washington phenomenon, perhaps unsuspected, but it may have ramifications beyond that which any of us have ever dreamed before.

I am speaking of the recurring destruction of Pennsylvania Avenue. What I mean by that, as I drive down that avenue, as I often do, either going downtown or to the White House or an agency or department or to go home, periodically I watch as patient Washingtonians see the right-hand lane going west torn up and then we see the left-hand lane going west torn up, and as they repair one side or another they dig it up again. I have seen that happen now, I believe, through three cycles of tearing it up and putting it back.

I have a theory that I have evolved and developed, and that is at some point a crew was assigned the responsibility and dispatched to tear up Pennsylvania Avenue and nobody ever gave them a stop order and, unless something is done, they will continue forever to tear up Pennsylvania Avenue and put it back.

If there was ever a case of bureaucracy out of control, surely that must be it.

I call on the executive department, the GSA, or the GAO, or whoever does this sort of thing, to see if, indeed, there is not a bull—not a bull elephant, but a bull crew—at work that is totally out of control and no doubt has been forgotten by their superiors and will go on for the rest of our lives tearing up Pennsylvania Avenue and putting it back. If, indeed, they can be brought back under control, then perhaps Pennsylvania Avenue will be restored to its grandeur as envisioned by the original Architect of the Capitol and as we have known to appreciate it over our careers.

I call on the President to give immediate attention to this important and urgent matter for the benefit of the Republic.

Mr. President, I have no further need for my time. If I have any time remaining, I yield it to the minority leader.

Mr. BYRD. I thank the distinguished majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The minority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed as in morning business because I want to introduce a resolution to be referred to the Rules Committee. I also want to introduce a resolution and ask for its immediate consideration and I expect an objection.

The PRESIDING OFFICER. Without objection, the Senate will proceed as in morning business.

PROPOSED AMENDMENT OF RULE XV OF THE STANDING RULES OF THE SENATE

Mr. BYRD. Mr. President, I send to the desk a resolution which would amend rule XV of the Standing Rules of the Senate. It deals with the question of germaneness and also with the question of an appeal to the Chair of a decision of the Presiding Officer on the question of germaneness of an amendment. I should like to have it stated by the clerk, the title of it, at least, and then I will ask unanimous consent that it be considered.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 63) to amend rule XV of the Standing Rules of the Senate.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with, and I ask for its immediate consideration.

Mr. BAKER addressed the Chair.

Mr. BYRD. Mr. President, I will not tie those two requests together.

The PRESIDING OFFICER. Without objection, the request that further reading of the resolution be dispensed with is agreed to.

Mr. BAKER. Mr. President, reserving the right to object to the second request, as the minority leader knows, I have considerable sympathy for the objectives he seeks in this resolution. Therefore, the objection I am about to put does not imply any judgment on the merits of the resolution itself but rather to prepare the way for the orderly consideration of this matter.

Mr. President, on that basis, I object to the immediate consideration of the resolution.

The PRESIDING OFFICER. Objection is heard. The resolution will go over under the rule.

Mr. BYRD. Mr. President, I send to the desk a duplicate copy of the resolution and ask unanimous consent that it be printed in the RECORD and, of course, that it be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 63

Resolved, That Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officers on the question of germaneness of an amendment, or whenever the Presiding Officers submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officers or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting, a quorum being present."

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

CREATING JOBS

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in today's Washington Post, entitled "Creating Jobs." I think the editorial raises important questions and makes important observations and I would like it to be included in the RECORD for the study of Senators.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 14, 1983]

CREATING JOBS

Congressional Democrats are looking with interest at a $4.3 billion job offer from the White House. Their leaders were right to agree to deal with the administration on a relief package that has some chance of quick passage. Demands for a much larger program may be good for Democratic electioneering, but they won't do anything for the jobless workers who need help right now. But the Democrats should also look closely at the details of the administration's proposals before deciding that the package is a good deal.

One component of the package should be noncontroversial. That is the provision of humanitarian aid—food and shelter—to the homeless and destitute. The only concern in this regard should be that provision is made for getting the aid out quickly to the areas where it is needed most.

The job-creating parts will require closer scrutiny. What is known about the proposals thus far suggests that the administration is considering accelerating some federal construction projects and adding money to block grants made to cities for community development projects. Whether this makes sense or not depends crucially on the answers to some questions.

Are the projects the kind that can be started up quickly? States are already struggling to step up highway construction under the gas-tax-highway-repair legislation passed in December. That's not easy to do—especially in areas with severe winter weather, which also tend to be those with the worst long-term unemployment.

Will the money produce a significant number of jobs or will most of it go for equipment, supplies and high-wage costs? What will ensure that the jobs go to the long-term unemployed—especially those with families to support—rather than to new labor market entrants or people who can expect to find jobs relatively soon?

Is this new money or just faster spending of money already in the budget? If the latter, what happens when the money runs out?

Will the money go where it is needed? The location of federal construction projects is determined by the type of project (you don't need a dam in a desert or irrigation project in the industrial Midwest) and by the ability of congressmen to steer money to their districts. It would be a remarkable coincidence if that pattern happened to coincide with the distribution of long-term unemployment.

Community development block grants are broadly distributed among cities. But some cities have a less severe unemployment problem than relatively rural areas such as the iron-mining range of Minnesota or the small steel towns of the Ohio valley. HUD has also weakened federal control over the uses of these funds so that it will be difficult to be sure that cities don't just use the new money for things they would have done anyway.

Supporting jobs legislation may make both Congress and the administration feel good. But unless the proposal offers good answers to these questions, it may not do much to warm the hearts of the unemployed.

Mr. BYRD. Mr. President, if no Senator seeks time, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

GUARANTEE OF THE RIGHT TO LIFE

The PRESIDING OFFICER. The clerk will report Senate Joint Resolution 8 to be read a second time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 8) to amend the Constitution of the United States to guarantee the right to life.

Mr. BAKER. Mr. President, I object to further proceedings on the joint resolution.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

PROTECTION OF THE RIGHT TO LIFE

The PRESIDING OFFICER. The clerk will report the next joint resolution.

The assistant legislative clerk read as follows:

A joint resolution (S. J. Res. 9) to amend the Constitution of the United States to protect the right to life.

Mr. BAKER. Mr. President, I object to further proceedings on the joint resolution.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

PROVIDING LEGAL PROTECTION FOR UNBORN HUMAN BEINGS

The PRESIDING OFFICER. The clerk will report the next bill.

The assistant legislative clerk read as follows:

A bill (S. 26) to provide legal protection for unborn human beings, and for other purposes.

Mr. BAKER. Mr. President, reserving the right to object, I think I should say, by way of explanation, that what we are doing here, as those who follow the RECORD will understand, is going through an orderly procedure prescribed by one of the standing rules of the Senate for placing a resolution on the calendar. The objection that I am lodging is for the purpose of advancing that in an orderly way and does not represent a statement of position on the merits of the controversy by this Senator or any other Senator.

With that explanation, Mr. President, once again I object to further proceedings on this matter.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. the clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, we are in the morning business?

The PRESIDING OFFICER. We are.

CREDIT SECRETARY OF STATE SHULTZ FOR SPEAKING OUT AGAINST NUCLEAR PROLIFERATION

Mr. PROXMIRE. Mr. President, on February 4 the Washington Post reported the unusual news that the usually conciliatory, calm and composed Secretary of State Shultz had dressed down a group of American businessmen in China.

If there is anybody as unflappable as I have seen in recent years around here, it is George Shultz. It must take a lot to get his dander up.

To the Secretary's credit he minced no words in reading the riot act to American business leaders who complained about our export policy in restraining the sale of nuclear equipment and materials to the People's Republic of China. Well, Mr. President, here is one Democratic Senator who says, "Right on, George, good for you!"

The Post article points out that the Chinese have been interested in selling nuclear equipment and/or material in turn to Pakistan which, like China, shows no interest in subscribing to the nuclear nonproliferation pact.

Mr. President, I cannot tell you how reassuring it is to see this Secretary of State make his position and that of the administration so dramatically clear, and under such difficult and—for Mr. Shultz—such painful circumstances, as to have to dress down American businessmen in a foreign country.

Mr. President, I ask unanimous consent that an excerpt from that article in the February 4 Washington Post be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The secretary of state was particularly upset by suggestions that a policy change is required in the nuclear export field to permit U.S. firms to compete effectively to build Chinese nuclear power plants.

Pointing out that U.S. regulations are based on concern about the spread of atomic weapons, Shultz said that "the problem of proliferation is a distinct problem and I think the question suggests in a rather cavalier fashion that you brush it off. I don't brush it off."

The Chinese, who exploded their first atomic bomb in 1964 and who have built a considerable arsenal of nuclear weapons, have refused to sign the Nuclear Nonproliferation Treaty or to provide guarantees that they will not assist non-nuclear states with bomb technology.

U.S. intelligence is reported to have obtained information that China is assisting Pakistan's nuclear weapons program, and Shultz is believed to be taking up this issue with the Chinese in his talks. In a banquet toast Wednesday night, he went out of his way to refer to this general issue, saying that "the dangers of nuclear war and nuclear proliferation concern people everywhere and must be among the foremost concerns of their leaders."

OUR RESPONSE TO THE PEOPLE OF EAST TIMOR

Mr. PROXMIRE. Mr. President, when the members of a national, ethnic, racial, or religious group witness the death and destruction of more than one-sixth of their countrymen, what can they do to respond? What can they say? Where should they turn? And if they turned to us, Mr. President, what would we tell them?

In December 1975, Indonesian troops invaded the island of East Timor. Since that time, over 100,000 Timorese have perished. The Indonesian rule on the island has been characterized by fear and accusations of torture, murder, rape, and widespread abuse of the Timorese.

The Timorese have done what they can to protest and fight back. Nationalist guerrillas have banded together in an attempt to stop the merciless killings. However, those civilians who protest disappear. Others are interrogated or imprisoned and forced to recant. Relatives of the guerrillas are held hostage on Atauro Island in a so-called rehabilitation center. There, entire families, including children, are ravaged by disease and hunger before Red Cross relief is allowed. These findings are supported by clergymen, civilian officials, and aid organizations, but the Indonesians coldly deny them all.

Still there are many brave ones among the Timorese. On January 16, 1983, for the first time in 4 years, the guerrillas made contact with the outside world. Documents were smuggled out of East Timor, which has been almost totally sealed off from outside scrutiny.

These documents carry an urgent message. They call to us to be brave, to speak out against these genocidal killings, and to show the people of East Timor they have not been forgotten. This can be done by ratifying the Genocide Convention. I strongly believe, Mr. President, that the efforts of the Timorese to reach us with their story require such a response. Let us not allow these cries of help to fall upon deaf ears.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I think the time allocated for the transaction

of routine morning business under the order previously entered is probably not adequate. I believe there are other Senators who wish to speak or transact business appropriate to this period who have not yet been able to reach the Capitol in some cases, but more in others.

Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 1:30 p.m. in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILSON). Without objection, it is so ordered.

PERMANENT FIX?

Mr. HELMS. Mr. President, there is a distinguished editor and publisher in North Carolina whose newspaper career has been devoted to nondaily newspapers. His name is H. Clifton Blue, and he is known across our State for his wisdom and his dedication to the free enterprise system.

Cliff Blue's influence goes far beyond his role as a newspaperman. For many years he served in the North Carolina House of Representatives, and as speaker of the house. Some years ago, I anticipated that Cliff might one day serve in Congress, but apparently he had no interest in that, which I suppose shows his perspicacity.

In any event, Cliff Blue and I do not belong to the same political party, but I hold him in the highest respect and regard him as a close personal friend.

In early February, Cliff Blue commented on the recommendations proposed by the so-called blue ribbon Social Security Reform Commission. He recalled that less than 6 years ago, President Carter proposed, and Congress approved, the largest tax increase in history to bail out the Social Security System. President Carter described the tax increase as a "permanent fix" for social security. But here we are, in 1983, with yet another crisis on our hands.

Mr President, Cliff Blue is a man of few words, but I think he hit the nail on the head in his comment on social security. I ask unanimous consent that an excerpt from his column of February 5, published in his Sandhills Citizen of Aberdeen, N.C., be printed in the RECORD.

There being no objection the excerpt was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY

The Congressional effort to produce a program to save Social Security began last week in the House Ways and Means Committee amid signs that some big controversies lie ahead.

Ever since a high-level presidential commission last month recommended the outlines of a program to stave off Social Security insolvency, hopes have been high for a smooth, bipartisan approach to the problem in Congress. But testimony by commission members has indicated some major hurdles remain.

The big outstanding issue involves the steps to be taken to insure the solvency of Social Security through the next 75 years, a period in which the large "baby boom" generation will reach retirement.

The last time the Social Security program was overhauled, it was supposed to be permanent. Well, that was about six years ago, and we see what has happened.

We think that some of the Commission Members are now becoming shaky about the permanency of the present plan, approved less than a month ago!

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1983, the Secretary of the Senate, on February 8, February 9, and February 10, 1983, received messages from the President of the United States submitting sundry nominations; which were referred to the appropriate committees.

(The nominations received on February 8, February 9, and February 10, 1983, are printed at the end of the Senate proceedings.)

FISHERY AGREEMENT BETWEEN THE UNITED STATES AND KOREA—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 14

Under the authority of the order of the Senate of February 3, 1983, the Secretary of the Senate, on February 9, 1983, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which, pursuant to Public Law 94-265, was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 USC 1801), I transmit herewith a governing international fishery agreement between the United States and the Republic of Korea, signed at Washington on July 26, 1982.

This agreement is one of a series to be renegotiated in accordance with that legislation to replace existing bilateral fishery agreements. I urge that the Congress give favorable consideration to this agreement at an early date.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1983.*

ANNUAL REPORT OF THE ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 15

Under the authority of the order of the Senate of February 3, 1983, the Secretary of the Senate, on February 9, 1983, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to you the 1982 Annual Report of the United States Arms Control and Disarmament Agency. This report, the 22nd submitted since the creation of the Agency, provides a complete review of the important work of an Agency which plays a crucial role in our country's national security program.

On September 21, 1982, I met at the White House with the three U.S. arms control negotiators, Ambassadors Rowny, Nitze, and Starr before they returned to Europe for the final 1982 sessions of the START, INF, and MBFR negotiations, respectively. At that time, I outlined the following general principles which guide the formation of our arms control policies:

—Arms control must be an instrument of, and not a substitute for, a coherent security policy aimed in the first instance at the Soviet advantage in the most destabilizing class of weapons—ballistic missiles and, especially intercontinental ballistic missiles (ICBMs). We will work for agreements that truly enhance security by reinforcing peace through deterrence.

—We must seek agreements that involve substantial and militarily significant reductions on both sides.

—Agreements must be based on the principle of equality of rights and limits.

—Arms control agreements must include effective means of verification. They cannot be based on trust alone.

—Our efforts will be guided by seriousness of purpose, reflected in our willingness to seek reduction to significantly lower levels of nuclear forces based on equal, balanced levels of comparable systems.

These principles are in full accord with the basic purpose of both U.S. and NATO security policy—ensuring the peace through deterrence of aggression. Deterring nuclear or conventional attack against us or our Allies must guide our approach to defense and arms control. These principles also lie at the heart of the comprehensive and innovative arms control approaches which this Administration has adopted. In each of the three most important areas of arms control—strategic nuclear arms, intermediate-range nuclear forces, and conventional forces in Europe—we have presented to the Soviet Union bold and equitable proposals which are in our mutual interest and which provide an opportunity to enhance world security and peace by significantly reducing the arsenals of both sides.

In each of these three negotiations, the United States has presented considered and equitable proposals which seek to establish a military equilibrium at reduced levels, eliminate the most destabilizing factors in the existing military balance, and enhance the security of both sides. When our national security, and that of our Allies, is at stake, we must approach arms control realistically. We do not seek agreements for their own sake; we seek them to build international security and stability. This Administration's reductions proposals for strategic and intermediate-range nuclear forces and for conventional forces reflect this approach. We are encouraged by the serious and businesslike conduct of these negotiations thus far. Although much hard bargaining lies ahead, I am determined to bargain in good faith until our objectives can be realized. We urge our Soviet negotiating partners equal seriousness of purpose.

The 1982 Annual Report not only includes details on all aspects of the three negotiations, but also refers to such other important elements of ACDA's responsibilities as providing expertise on both policy and technical levels for all other multilateral arms control negotiations, for our nuclear non-proliferation efforts, and for research and analysis of military budgets and arms transfers.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1983.*

MESSAGE FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one if its clerks, announced that pursuant to the provisions of 10 U.S.C. 9355(a), the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. FOLEY, Mr. DICKS, Mr. KRAMER, and Mr. LEWIS of California.

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1983, the Secretary of the Senate, on February 7. 1983, received a message from the House of Representatives, announcing that the Speaker of the House has signed the following enrolled joint resolution:

H. J. Res. 60. Joint resolution to direct the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day".

Under the authority of the order of the Senate of February 3, 1983, the President pro tempore (Mr. THURMOND) signed the enrolled joint resolution on February 8, 1983, during the adjournment of the Senate.

REPORTS OF COMMITTEES RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1983, the following reports of committees were submitted on February 10, 1983, during the adjournment of the Senate:

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 58. An original resolution providing for Members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library;

S. Res. 59. An original resolution authorizing expenditures by the Committee on Rules and Administration;

S. Res. 60. An original resolution authorizing the printing of a revised edition of the "Standing Rules of the Senate" as a Senate document; (Rept. No. 98-2), and

S. Res. 61. An original resolution to pay a gratuity to Kenneth J. Asbury and Catherine Asbury.

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1983, the following executive reports of committees were filed on February 10, 1983, during the adjournment of the Senate:

By Mr. PERCY, from the Committee on Foreign Relations, with conditions to the resolution of ratification:

Treaty Doc. B, 95-1. Montreal Aviation Protocols Nos. 3 and 4 (Exec. Rept. No. 98-1).

By Mr. PERCY, from the Committee on Foreign Relations, with understandings to the resolution of ratification:

Treaty Doc. 97-19. Constitution of the United Nations Industrial Development Organization (Exec. Rept. 98-2).

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and ordered placed on the calendar:

S.J. Res. 8. Joint resolution to amend the Constitution of the United States to guarantee the right to life;

S.J. Res. 9. Joint resolution to amend the Constitution of the United States to protect the right to life; and

S. 26. A bill to provide legal protection for unborn human beings and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 472. A bill for the relief of Muradali P. Gillani, Yasmeen Muredali Gillani, and Aneela Gillani; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 63. A resolution to amend rule XV of the Standing Rules of the Senate; submitted and read.

S. Res. 64. A resolution to amend rule XV of the Standing Rules of the Senate; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. QUAYLE, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 12, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 13

At the request of Mr. DOLE, the names of the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 13, a bill to amend the Internal Revenue Code of 1954 to decrease the holding period for long-term capital gain treatment from 1 year to 6 months.

S. 16

At the request of Mr. DOLE, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 16, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts.

S. 118

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 118, a bill to provide for the establishment of a Commission on the Bicentennial of the Constitution.

S. 120

At the request of Mr. DOLE, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 343

At the request of Mr. BOSCHWITZ, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1954 to reduce the heavy vehicle use tax.

SENATE JOINT RESOLUTION 27

At the request of Mr. HEINZ, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from New York (Mr. D'AMATO), the Senator from Illinois (Mr. PERCY), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Idaho (Mr. MCCLURE), the Senator from Idaho (Mr. SYMMS), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Vermont (Mr. STAFFORD), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Dakota (Mr. ABDNOR), the Senator from New Mexico (Mr. DOMENICI), the Senator from Iowa (Mr. JEPSEN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. GORTON), the Senator from South Dakota (Mr. PRESSLER), the Senator from Indiana (Mr. QUAYLE), the Senator from Indiana (Mr. LUGAR), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from California (Mr. WILSON), the Senator from Maine (Mr. COHEN), the Senator from Alabama (Mr. DENTON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. WARNER), the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. STENNIS), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arizona (Mr. DECONCINI), the Senator from Montana (Mr. BAUCUS), the Senator from Tennessee (Mr. SASSER), the Senator from Rhode Island (Mr. PELL), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from New York (Mr. MOYNIHAN), the Senator from Illinois (Mr. DIXON), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mr. CRANSTON), the Senator from Alabama (Mr. HEFLIN), the Senator from Arkansas (Mr. PRYOR), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 27, a joint resolution authorizing and requesting the President to designate the week of March 13-19, 1983, as National Employ the Older Worker Week.

SENATE RESOLUTION 58—ORIGINAL RESOLUTION REPORTED DURING THE ADJOURNMENT PROVIDING FOR SENATE MEMBERS OF CERTAIN JOINT COMMITTEES

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 58

Resolved, That the following-named Members be, and they are hereby elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. MATHIAS of Maryland, Mr. HATFIELD of Oregon, Mr. BAKER of Tennessee, Mr. FORD of Kentucky, and Mr. PELL of Rhode Island.

Joint Committee of Congress on the Library: Mr. MATHIAS of Maryland, Mr. HATFIELD of Oregon, Mr. WARNER of Virginia, Mr. INOUYE of Hawaii, and Mr. DECONCINI of Arizona.

SENATE RESOLUTION 59—ORIGINAL RESOLUTION REPORTED DURING THE ADJOURNMENT AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 59

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules ot the Senate, the Committee on Rules and Administration is authorized from March 1, 1983, through February 29, 1984, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,304,056, of which amount not to exceed $5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as its deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1984.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 60—ORIGINAL RESOLUTION REPORTED DURING THE ADJOURNMENT AUTHORIZING THE PRINTING OF THE STANDING RULES OF THE SENATE

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following resolution; which was placed on the calendar:

S. RES. 60

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of Senate Document Numbered 97-10, entitled "Standing Rules of the Senate", and that such standing rules shall be printed as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 61—ORIGINAL RESOLUTION REPORTED DURING THE ADJOURNMENT TO PAY A GRATUITY TO KENNETH J. ASBURY AND CATHERINE ASBURY

Mr. MATHIAS, from the Committee on Rules, and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 61

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, to Kenneth J. Asbury and Catherine Asbury, parents of Kenneth R. Asbury, an employee of the Senate at the time of his death, a sum of each equal to one-half of eight months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 62—ORIGINAL RESOLUTION REPORTED DURING THE ADJOURNMENT AUTHORIZING EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 62

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1983, through February 29, 1984, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $5,021,000, of which amount not to exceed $90,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1984.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 63—RESOLUTION TO AMEND RULE XV OF THE STANDING RULES OF THE SENATE

Mr. BYRD submitted the following resolution; which was ordered to lie over under the rule:

S. RES. 63

Resolved, That Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting, a quorum being present."

SENATE RESOLUTION 64—RESOLUTION TO AMEND RULE XV OF THE STANDING RULES OF THE SENATE

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 64

Resolved, That Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting, a quorum being present."

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold a hearing on March 10, 1983, at 9:30 a.m., in room SD430 of the Dirksen Senate Office Building to discuss the current health and future prospects of defined benefit pension plans—both single and multiemployer—under ERISA. Persons desiring to testify should submit written requests to Hon. DON NICKLES, chairman, Subcommittee on Labor, Washington, D.C. 20510. Requests to testify must be submitted no later than February 23, 1983.

Mr. President, the Subcommittee on Labor will hold a hearing on March 15, 1983, at 9:30 a.m., in room SD430 of the Dirksen Senate Office Building regarding S. 336, the Labor Management Racketeering Act of 1983. Persons desiring to testify should submit written requests to Hon. DON NICKLES, chairman, Subcommittee on Labor, Washington, D.C. 20510. Requests to testify must be submitted no later than February 23, 1983.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, February 15, at 10 a.m. to hold an oversight hearing on the subject, "Profile of Organized Crime: Mid Atlantic."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during

the session of the Senate on Wednesday, February 23, at 10 a.m. to hold an oversight hearing on the subject, "Profile of Organized Crime: Mid Atlantic."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, February 24, at 10 a.m. to hold an oversight hearing on the subject, "Profile of Organized Crime: Mid Atlantic."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL SALUTE TO HOSPITALIZED VETERANS

● Mr. BOSCHWITZ. Mr. President, the people of America have long been secure in the knowledge that the unique freedom which is their birthright is sustained and nurtured by their dedicated, unselfish, and brave Armed Forces.

With deepest gratitude and pride, I join wholeheartedly in the national salute to hospitalized veterans on this February 14. It is vital that those of us who have been protected by their sacrifice never forget how much they have given for God and for their country and its people. Theirs is the ultimate gift, offered in a spirit which is in the finest tradition of a free people and a proud Nation.

On Valentine's Day, please join me in heartfelt thanks to our hospitalized veterans.●

A PATCHWORK PLAN

● Mr. ARMSTRONG. Mr. President, I call the attention of my colleagues to a recent Denver Post editorial which I ask to have printed in the CONGRESSIONAL RECORD. The Post editors characterize the recommendations of the Social Security Commission as "a jury-rigged plan to shore up the faltering Social Security System" and one that leaves a "yawning gap of more than a half trillion dollars" in the long term.

This is a balanced, thoughtful editorial that is in the best tradition of a free press. The Denver Post editors cite the strengths of the Commission report but call for the long-term reforms that will give young people reason to believe in the system.

The Congress may never have a better opportunity to fulfill its responsibility to represent the best interests of the people than in the coming social security debate. I ask my colleagues to consider the persuasive arguments of the Post editors when they ask us to add the reforms to the package that will enable the under-45 workers to depend on the long-term financial stability of the system.

The editorial referred to follows:

A PATCHWORK PLAN

Hardware and candy stores in the Washington, D.C., area must have cleaned out their stocks of chewing gum and baling wire over the weekend as President Reagan's bipartisan advisory commission completed jury-rigging a plan to shore up the faltering Social Security system.

The plan's weaknesses are redeemed by one important virtue—it probably can pass Congress and be signed by President Reagan. That will avoid the political firestorm that would otherwise have flared this summer when checks to present beneficiaries would have had to be held up until enough taxes trickled into the system's treasury to cover them.

But by the commission's own account, its proposal would only patch up the short-term problems of the system. It leaves a yawning gap of more than a half trillion dollars between projected income and projected payments when the post-war "baby boom" generation reaches retirement about 2010.

The commission estimated the system was about $150 billion to $200 billion short of being able to match income and benefits through 1990. Its proposed package of tax boosts and restraints on benefit increases totals $169 billion. So, with a little luck, the near-run crisis may move off the front pages.

But the long-term challenge to the system is posed by demographic trends. The generation born soon after World War II is so much more numerous than the generations that precede and follow it that it threatens to undermine the system's basic concept.

Social Security is a kind of chain letter scheme which has depended on many more people paying taxes than receiving benefits. But an aging population has already reduced that ratio to 3.3 active workers for each person now receiving benefits. By the time the baby boom generation retires, only two workers will support each beneficiary. Taxes would have to double again to support that generation under present law. That is probably politically and economically unfeasible.

One solution is to gradually raise the retirement age to 68 by 1995. Thus, "baby boomers," who can expect to live longer than their forebears, will also be expected to work three years longer. That may be bad news, but it is better to hear it now, when there is time to adjust plans, than to depend on a system that faces collapse without drastic measures when they need it most.

Simple as it is, that course proved too politically hot a subject for most of the commissioners. An exception was Colorado Sen. Bill Armstrong—one of only three commission members to refuse to endorse the compromise. Armstrong is now under heavy criticism for holding out, but his numbers are impeccable. The compromise he is being asked to endorse would douse a present political brushfire, but would cloud the long-term security of everyone under about 45 years of age.

That's not to say the plan has no merit. Even though it relies mostly on tax increases, it does establish some limits on future benefit growth. It takes significant steps to assure that persons who benefit from the system pay proportionately into it. And it will encourage Americans after 1990 to continue working past age 65 by increasing their benefits when they do retire.

For now, we find it acceptable. But without addressing the retirement age question more directly, the bail-out proposal only imposes increased taxes with no assurance that under-45 workers, in turn, can depend on the system they are now asked to save. We hope Armstrong's example inspires Congress to finish the job.●

SOCIAL SECURITY

● Mr. ARMSTRONG. Mr. President, I ask to have a recent editorial from the Glenwood Post printed in the RECORD.

It is an editorial that is deserving of careful reading by my colleagues. It clearly outlines the demographic changes in the society and defects that now threaten the social security system. The editors are critical of the Commission's failure to meet the fundamental problems of social security, but they make an important point. The editors advise that the Commission's plan, with all its faults, should be nurtured so that it can grow into an adequate solution.

I hope we in Congress will take the approach recommended by the Glenwood Post. Even though I voted against the Commission's plan, I hope we will not kill it—but add the reforms that are necessary to assure the security of the system indefinitely.

[From the Glenwood Post, Jan. 18, 1983]

HANDLE WITH CARE

At Rep. Ray Kogovsek's town meeting in Glenwood Springs last week, questions and comments about Social Security cropped up throughout the evening.

The long-awaited plan advanced by President Reagan's advisory commission on Social Security this weekend, although flawed, does advocate a few steps designed to remedy some of the program's short-term problems.

The advisory commission, however, declined to meet squarely the fundamental problem of the system: benefits outweigh contributions.

A changing American society, primarily an increased percentage of older and retired Americans, has placed—and will continue to bring—increasing pressure on the Social Security system.

In 1950, 16.5 workers supported each Social Security beneficiary. In 1983, only 3.2 workers support each beneficiary. When the "pig in the python"—the baby boom generation, retires, only two workers will support each beneficiary.

In addition, benefits paid have grown faster than taxes. Through the years the program has been burdened with additional benefits, a so-called "Christmas Tree."

The Social Security program spends $17,000 a minute more than it collects from contributors. By the end of this year, the program will have lost about $20 billion. By the end of this decade Social Security may have lost about $200 billion.

The $169 billion plan forwarded by the presidential advisory commission resembles much of the previous hand-wringing about Social Security. More taxes without genuine benefit reductions only defer the inevitable.

A person who retires at 65 after paying the maximum Social Security contribution throughout his or her career will receive benefits equal to contributions in only 1½ years.

Is it any wonder the Social Security system has sprung more leaks than a colander?

Nevertheless the flawed plan should be treated with care or it represents the beginnings of a genuine attempt to bring Social Security back from the brink of insolvency.

A provision moving the mandatory retirement age to 68 should have been included to heal the system's long-term weaknesses. Instead, a plan for those who delay their retirement was written into the commission's recommendations.

Strong support for private savings programs and pension plans should have been a criterion during formulation of the plan.

The advisory commission's plan does contain many of the recommendations advanced by study groups insurance and pension experts and elected officials who have examined the issues.

Despite the plan's faults, it should be nurtured and sheltered so that it can, with guidance grow into an adequate solution to Social Security's problems.●

SOCIAL SECURITY COMMISSION'S PLAN

● Mr. ARMSTRONG. Mr. President, I am sending an editorial from the Durango Colorado Herald to the desk and ask that it be printed in the RECORD. The editorial is a comment on the Social Security Commission's recommended plan that I ask my colleagues to read and consider.

Early this year, the U.S. Senate will debate the merits of the Commission's plan and when we do, I hope we will consider the criticisms that are outlined in this Durango Herald editorial. As the editors point out, the speedup in payroll taxes will hurt employees and foster unemployment as businesses reduce their work force in an effort to cope with the tax.

On this issue, as on many others, the Durango Herald is making a contribution to intelligent debate.

SOCIAL SECURITY

About the only remark that can be made in favor of the new compromise to deal with Social Security is that, given the support of a Republican president and a Democratic speaker of the House, it is likely to pass Congress.

It's poor legislation, however, for it does not deal with the central problem of increasing benefits for an enlarging older population and a shrinking work force of younger workers expected to provide them.

It should not be surprising that the patchwork proposal is poor. It was put together by a bipartisan commission appointed by the president when it became clear that members of Congress lacked the political courage to do it themselves. Then, as the form of the compromise became clearer, not until the last minute did the president and the speaker of the House say they'd support it. Nor did they provide the commission with any leadership.

At least Sen. Bill Armstrong, one of three who voted against the measure, had the courage of his convictions. We wish he had prevailed.

The projected speed-up in the scheduled increases of payroll taxes is particularly hard on small business. The employees, whose taxes will jump, are given a one-time refundable tax credit. Not so their employers, whose taxes will also jump. This, of course, works to keep the number of full-time employees down—not what an administration wants in a time of horrendous unemployment.

It's unfortunately all too possible now to envision a time when employers are taxed at a higher rate than are employees.

What Congress should do is separate the welfare function of Social Security from its insurance one. The welfare programs, or incomes transfers, for the needy elderly should be handled like other such welfare programs, funded by general revenues and with a means test. If it's a welfare benefit, say so instead of calling it an old age insurance payment, which it is not.

What to do about the insurance function? One good suggestion is to give every individual, as he retires from the work force, an annuity equal to his contributions and his employer's to the Social Security fund plus interest based, for instance, on the treasury bill rate.

As envisioned by supporters of this plan, each year the cash flow needs of the retirement insurance fund would be determined and an employer-employee rate set accordingly. Between 2 to 4 months of projected payments would be kept in reserves.

When a Social Security taxpayer decides to retire, anytime after 62, he or she could decide among three ways to receive the annuity: a single one where payments would stop when the beneficiary dies; a joint-survivor one which ends with the death of the second one; or a 12-year-plan which ends with the death of the beneficiary or when 12 years have passed.

A major charm of this idea is that it is fair, it makes economic sense and it's not complicated. It deals with old age insurance as an insurance company would—not loading the fund down with welfare payments.

When Rep. Ray Kogovsek was here last week, he said he believed members of Congress were "finally" ready to make tough decisions. To design a Social Security plan that did what it was expected to do—provide old age insurance coverage—should not be difficult. The welfare components should be dealt with separately.

A MISTAKE MADE

Would you believe that Frank Bane, the "father" of Social Security, is now 90? He was the first director of Social Security from 1935 to 1938 and what does he say today? "I made a mistake."

In 1930 life expectancy at birth was 59.7 years and though Bane says he was aware that figure was rising, he wasn't sure how rapidly. But how could he have been expected to guess it would reach 73.8 in 1980?●

RULES OF COMMITTEE ON RULES AND ADMINISTRATION

● Mr. MATHIAS. Mr. President, pursuant to rule XXVI of the Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on Rules and Administration for the 98th Congress as adopted by the committee on February 4, 1983.

The rules follow:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Readopted February 4, 1983)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 10 a.m., in room 301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not pre-

clude any member of the committee from raising appropriate non-agenda topics.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 7 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Senate Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath; provided, however, that once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7 (b) and (c) of rule XXVI) of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session, including the senatorial long-distance telephone regulations and the senatorial telegram regulations.●

LONG-TERM SOCIAL SECURITY PROBLEMS

● Mr. ARMSTRONG. Mr. President, I request that an editorial from the Colorado Springs Sun entitled "Report Misses Solid Solution" be printed in the RECORD. The editorial warns of the critical necessity for this Congress to go beyond the Social Security Commission's recommendations and resolve the long-term problems of the social security system.

The editors of the Sun are alert to the need for fundamental reform of social security and are doing their part to inform the people. I commend their comments to my colleagues.

[From the Colorado Springs Sun, Jan. 25, 1983]

OUR VIEW: REPORT MISSES SOLID SOLUTION

There is precious little that is new in the recently released long-awaited report and recommendations from the bipartisan Social Security commission.

The recommendations from the commission ranging from its suggested payroll deduction boosts to some delays in benefit increases, do little to address the failing system's long-term problems.

The commission members seem to have been intent on focusing solely on the system's $169 billion short-term problem.

A notable exception to the short-term mentality has been U.S. Sen. William Armstrong. We applaud Armstrong for his courage and hope that he will continue in his chosen role as a spokesman for dissent.

Armstrong has categorized the increase in payroll deductions as nothing but a tax increase—" . . . a massive tax increase, the largest we've seen in years."

We agree wholeheartedly with the senator. The solution to the system's problems is not to be found in making contributions to it more burdensome for already strapped taxpayers.

Armstrong has called for "benefit restraint" instead of tax increase.

Once again we find ourselves in agreement with Armstrong.

The Social Security System has made long-term promises to the U.S. public. It cannot meet those promises by coming up with short-term patchwork solutions.

We've heard a lot of self-congratulatory statements from the White House and Congress as each has tried to jump on the commission's bandwagon. We would caution those patting themselves on the back to look at how far down the road their bandwagon is going to take them.

There is much danger in letting short-term solutions develop into blinders that obscure the need to address already foreseeable problems that go far into the next century.

Sen. Armstrong is to be commended for pointing out that danger. We can only hope that his warnings will not continue to fall on closed ears.●

TAX INDEXING

● Mr. ARMSTRONG. Mr. President, I ask to have printed in the RECORD an editorial from the Greeley Colorado Tribune. The editors express strong support for indexing of tax rates and oppose the repeal that some are now suggesting.

After a long and arduous effort, Congress adopted indexing as part of the 1981 tax package. This is a far-reaching reform that stops the tax increases that the Tribune accurately characterizes as painless increases in revenues that never required an "embarrassing vote" by Congress.

The Greeley Tribune editorial calls for straightforward solutions to budget problems and calls the repeal of indexing as budget flim-flam at its worst. This is advice from the grassroots and I hope Congress will listen.

The editorial follows:

[From the Greeley Tribune, Jan. 13, 1983]

LEAVE TAX INDEX WELL ENOUGH ALONE

The Reagan administration is looking for ways to get itself out of a major federal budget deficit. One idea under consideration is to abandon the plan to index federal income tax brackets to remove the effects of inflation.

Gov. Richard Lamm, faced with a similar problem at the state level, reportedly is considering changes in the indexing formula for state taxes.

We'll be blunt. The idea, whether at the federal or state level, is a bad one.

At first glance, the issue appears to be one of the classically boring questions that seem to interest only accountants and tax lawyers. In reality, tax indexing affects every American who pays taxes.

Both the state and federal income tax systems are progressive. As you make more money, you pay a higher percentage of your income in taxes.

During the 1970s, however, taxpayers found that the progressive income tax system can play a cruel trick during times of high inflation. If you got a cost-of-living raise merely to keep pace with inflation, the government took a bigger bite out of your paycheck because you moved into a higher tax bracket.

Government, meanwhile, had little desire to control inflation because tax revenues grew rapidly. The increases in tax revenues caused by inflation were painless for Congress. No one faced the embarrassing vote on a tax increase. The money just came in.

The Colorado legislature wisely indexed state income tax brackets in the 1970s. After a strong fight led by Republican Sen. Bill Armstrong of Colorado, Congress agreed to begin indexing federal income tax brackets in 1984.

As inflation rates have cooled in the past three years, the issue has taken on less importance. There is no promise, however, that inflation won't again become a major economic problem in the near future. As a matter of fact, a return to the high-inflation days of the late 1970s has become increasingly possible since late summer as the Federal Reserve Board has begun pumping money into the economy in an attempt to pull the nation out of its deepest recession since World War II.

Even with current inflation rates at about 5 percent, there is no harm in having an indexing law on the books in readiness for the day inflation rates again turn upward.

We acknowledge the state government faces a difficult problem in balancing its budget, and we acknowledge that the biggest economic task facing the Reagan administration is to bring deficits under control.

We believe, however, that both the state and federal budget problems demand straightforward solutions. Budgets can be cut. Taxes can be increased. The decisions will be painful. No one likes either option.

Removal of provisions which index tax brackets, however, is not a straightforward solution to state and federal budget problems. It is a budget flim-flam of the worst sort.●

THE FLAT-TAX CONCEPT

● Mr. QUAYLE. Mr. President, in the last Congress, quite a number of Members expressed an interest in major tax simplification and tax reform proposals. More than a dozen bills have been introduced; several advocate moving to a flat-rate tax, while others—including my own proposal, S. 2557, the Self-tax Plan of 1982—advocate a low-rate progressive tax structure. While there has been a great deal of general discussion of the concept, and some hearings have been held, little is known about how such a simplified tax system would operate in practice.

The January 28 edition of the Wall Street Journal includes an article by Roy W. Jastram on the operation of the flat-rate tax system now in operation on the Isle of Man. For the past 20 years, the Isle of Man has operated with a flat-rate tax of 20 percent on individuals and business. The system permits very few tax preferences, and taxes are computed on a single piece of paper. I believe many of my colleagues will be interested in Mr. Jastram's description of the Manx tax. I ask that his article be printed in the RECORD.

[From the Wall Street Journal, Jan. 28, 1983]

FLAT-TAX LAB: THE ISLE OF MAN

(By Roy W. Jastram)

Tax reform, which has bedeviled many presidents and Congresses, is again in ferment.

We are agreed that our present system of trying to extract from the citizenry enough dollars to pay the government's bills is too complex, costly and full of inequities. But as usual, few agree on how to make it simpler, cheaper to operate and fairer.

One prominent contender for achieving these desirable ends is the flat-rate tax on incomes. It must always be remembered that a flax-rate income tax has two distinct parts: 1) the percentage of tax to be applied; and 2) the numbers and kinds of deductions to be allowed. Much needless confusion arises over this subject because of a misapprehension that a flat-rate income tax necessarily precludes certain kinds of deductions.

The best way to get some idea of how a flat tax would work is to take a look at one in operation. And, as luck would have it, we've got one: It's on the Isle of Man in the Irish Sea.

For the past 20 years, the Isle of Man has operated with a flat-rate income tax of about 20% on individuals and corporations alike. And in the last 10 years its national income has risen nearly 500%.

Yes, the Isle of Man is small. But so is an experimental culture in a biologist's laboratory from which important principles have been drawn and hypotheses confirmed. The island has a population of 66,000 operating a modern economy with a mixture of manufacturing, finance, agriculture, construction and a wide range of services.

MAINTAINS PUBLIC SERVICES

The government of the island funds and maintains its own education, health, national insurance, social security, pensions, police, postal and other public services. The level of social benefits is comparable to that in the United Kingdom.

It should be emphasized that the island is totally independent from the U.K. except for defense, foreign affairs and diplomatic representation, for which it pays to Britain 2.5 percent of its customs and excise receipts. It has its own parliament, the Tynwald, which dates back 1,000 years. It is not represented in the British Parliament.

When we look at the Manx flat-rate income tax we are not looking at an anachronism ("Manx" is the adjectival form of Isle of Man). We are examining the results of a sophisticated overhaul of the island's entire tax system spanning the 1970s and culminating in the "Income Tax (Amendment) Act of 1979." This modern system emerges as an innovative attempt to remedy the confusing patchwork muddle to which most national tax systems are prone. Written on a clear slate, it is the most concise and original example of a working flat-rate income tax that can be observed. (In fact the entire Manx tax code deserves study.)

The tax rate in 1982 was 20 percent. Each year the Tynwald sets the rate for the forthcoming tax year. Since 1962, the flat rate has varied between 21.25 percent and the current 20 percent.

What about exemptions? The simplest way to examine how exemptions are applied is by presenting a prototype of a single family and a corporation.

The income tax return of a married couple with one child receiving a single income represented by the earnings of the husband would be worked out like this:

You begin with the individuals total earned income figure. From that subtract personal allowances (which for a married man there are 2.315 British pounds, and for each child, depending on age, from 250 to 350 pounds). Then subtract expense deductions (which include: expenses incurred in earning income; mortgage and loan interest—for any purpose—paid to a Manx recipient; and retirement annuity payments made). Those subtractions leave one's taxable income. And 20 percent of that is the personal income tax on the Isle of Man.

This information could be fitted onto the proverbial postcard, but the Manx Taxing Authority uses a sheet of paper so the taxpayer need not suffer the discomfort of cramped handwriting.

The principles of company (or corporate) taxation are closely consonant with the individual tax and form an integrated system. This can be accomplished in a straight forward manner when a flat rate income tax of equal percentage is applied to both.

A company's taxable income is computed according to the usual rules:

Starting with gross income, one subtracts: a) direct expenses to acquire income, including reasonable entertainment; and b) capital allowances. That leaves taxable income. And 20% of that is the company's income tax.

It is especially noteworthy that in addition to these customary deductions a company can subtract that part of its income as shall be distributed among its shareholders or members by way of dividends, bonus, interest or share of profit. As these amounts are passed on to the recipients designated, they become subject to the personal income tax of the same 20%. In this manner the Manx system avoids the double taxation of corporate income so controversial in our own code.

COMPASSIONATE TREATMENT

There is a distinction between earned and unearned income. Earned income is reduced by one-fourth of the first 6,200 pounds, with the standard 20% then applied.

Lest anyone think that the successful operation of a flat-rate income tax forecloses compassionate treatment of the individual, it should be pointed out there is provision in the Isle of Man's system for age relief, small income relief, dependent relative relief and tax relief when age or infirmity of the taxpayer causes a son or daugther to reside with the taxpayer. Particularly contemporary is a "housekeeper allowance" whereby a deduction is given to a widow who employs some other person to have care and charge of her child in the home. On grounds of equality, the "housekeeper allowance" is extended also to a widower similarly situated.

In the Manx system the income tax described is the main form of direct taxation.

There are no death or estate duties; no capital transfer or gift taxes; no wealth tax nor any other capital levies; no capital gains taxes, with the exception of a narrowly proscribed land speculation tax.

In international financial circles the Isle of Man may be viewed as a "tax haven." The inhabitants consider their tax code as a sensible solution to meeting their needs. It may be a tax haven for some but this need not be a perorative term. It would be a credit to the strongest economy in the world if it were also known as a haven from unjust, confused and often contradictory taxation.●

SOCIAL SECURITY REFORM

● Mr. ARMSTRONG. Mr. President, I ask to have an editorial printed in the RECORD. I recommend that my colleagues consider this editorial as they formulate their positions in response to the recommendations of the Social Security Commission. The editors of the Colorado Springs Gazette Telegraph view the proposed large tax increase as a band-aid approach that will damage our economy.

I hope that the Congress will heed the appeal of the editors of the Gazette Telegraph to act in the long-range interest of the people in saving the social security system. The Gazette Telegraph is helping to create a genuine understanding of social security and how to save it.

[From the Colorado Springs Gazette Telegraph, Jan. 25, 1983]

ARMSTRONG VERSUS QUICK FIX

Sen. William Armstrong's opposition resolving the problem of financing Social Security by raising taxes should be applauded by everyone who understands the damage implicit in the recommendations of the National Commission on Social Security Reform.

Operating on the presumption that the American wage earner and employer are fattened milk cows from which endless tax increases can exact "benefits," the commission has recommended the band aid approach to solving Social Security's immediate financial troubles by a policy which would cover the impending shortfall, to the extent of about 85 percent, by raising taxes and indirectly tapping the general fund.

Senator Armstrong, on the other hand, calls to the nation's attention that this course is doubly damaging in that it merely imposes greater burdens of taxation while

doing nothing about the long-term solvency of the system. Recommending a moderately later retirement age (at an earlier date than the commission) as the centerpiece of his suggested reforms, Senator Armstrong recognizes the obvious increase in life expectancy as the critical move which must be made if burdensome tax increases are to be avoided. Armstrong also has attacked the overblown CPI as a reasonable indexing for benefit increases.

Taking on the vested interests of the political establishment, both Republican and Democratic, which thrive on quick fixes for political advantage, is a formidable challenge on Armstrong's part. The nation is fortunate there is someone like him trying to hold back the forces of political opportunism which have gotten us into the terrible federal financial mess that now threatens everyone's well-being.●

SOCIAL SECURITY PROPOSALS

● Mr. ARMSTRONG. Mr. President, the Grand Junction Daily Sentinel recently published an editorial on the recommended program of the Social Security Commission. I ask that this editorial be printed in the RECORD so that my colleagues and others can have the benefit of this view as we approach a decision on the critical problems of social security.

The Daily Sentinel is highly critical of the package because it relies primarily on saddling current wage earners with ever greater payroll tax increases. Through the years, I have found that the editors of the Sentinel have carried out the mission of the free press in western Colorado in a most responsible manner by offering constructive criticism whether it was popular or not. The Sentinel points out that the acceleration of payroll tax increases will, in all likelihood, aggravate our economic problems. I hope my colleagues will consider the views of the Sentinel because there is a better way to save the social security system.

[Editorial from the Grand Junction Daily Sentinel, Jan. 17, 1983]

LEAST WORSE?

Alan Greenspan, the chairman of the special bipartisan commission which over the weekend recommended a series of measures to shore up the troubled Social Security System, described the bail-out plan as the "least worse" set of alternatives the commission could have adopted.

Least worse, eh? For the "least worse" we appoint presidential commissions? Well, we genuninely expected as much, even though all along we kept hoping for better.

It's certainly arguable that the plan adopted by the 15-member commission over the weekend is a far cry from being the "least worse" course of action to save the financially troubled retirement program. What probably can be said about it with certainty is that it's the most politically palatable plan from Congress' point of view as well as President Reagan's.

In the upcoming days, we'll all be hearing how the bail-out plan is a good compromise between those in Congress who prefer to look the other way while spiraling benefit increases threaten to bankrupt the system and those who want to hold the line on future tax increases.

Well, in our view, the plan adopted by the special commission is a lousy compromise which relys primarily on saddling current wage earners with ever greater payroll tax increases. Had the commission devised a way to ensure the long-term financial integrity of Social Security without increasing the financial burden on the productive sector of the economy, its mission could have been adjudged a success.

By proposing to accelerate payroll tax increases now scheduled to go into effect in 1985 and 1990, the commission plan is likely to aggravate unemployment, thereby further aggravating the country's economic plight and, by extension, Social Security.

Colorado Sen. Bill Armstrong, one of only three members of the special commission to disagree with the bail-out plan, described it for what it is. Namely, a "package of tax increases."

We should have expected as much.●

GOVERNMENT IN NICARAGUA

● Mr. ARMSTRONG. Mr. President, many people in the United States believe the present government in Nicaragua is democratic and nonalined. Some news accounts have supported this view. Other evidence indicates that the Sandinist movement, which began as a popular uprising against a corrupt dictatorship, has changed leadership and now poses a military threat to Nicaragua's neighbors in Central America.

I should like to have printed in the RECORD at this time several articles—"Nightmare in Nicaragua" by Ralph Kinney Bennett in the Reader's Digest; "Nicaraguan Nemesis" by Shirley Christian in the New Republic; "The Nicaraguan Connection," a Heritage Foundation background paper, and an Accuracy in Media (AIM) report entitled "The Reincarnation of Herbert Matthews"—which describe the affairs in Nicaragua in a different light than popluar news stories.

I do so in order that my colleagues and other interested persons have an opportunity to review both sides of the situation and draw their own conclusions.

The articles follow:

NIGHTMARE IN NICARAGUA

(By Ralph Kinney Bennett)

For the people of Nicaragua, politics these days can be brutally simple; do what the Sandinista government says. Or die. When 18 farmers in one village refused to join Sandinista "mass" organizations, they were accused of being *contras* (counter-revolutionaries) and executed by security forces. In other towns, farmers and shop owners simply disappear. Sometimes their bodies are found in a public place, presumably as examples of the fate of *contras*.

The Sandinista National Liberation Front (FSLN) came to power in Nicaragua with the overthrow of dictator Anastasio Somoza in July 1979. It promised free elections, respect for human rights, "political pluralism," and a mixed economy combining "responsible" government control with free enterprise.

Now, after nearly three years of Sandinista rule, Nicaragua has assumed the trappings of a Marxist military dictatorship. The promise of free elections has been ignored. Human rights are being grossly violated by a government that terrorizes, imprisons and kills without compunction. Political pluralism has become a sick joke—nine Marxist *commandantes*, heavily influenced by Cuba, wield the only real power. The government has seized key industries—banking, foreign exchange, fisheries and mining—and its daily threats to seize more are strangling the once-booming economy. By some estimates, more than 100,000 Nicaraguans have fled their country since the FSLN takeover.

The internal agony of Nicaragua is compounded by recent developments of international implication. For example, the Sandinista government has:

Welcomed the help of Cuban, Soviet and other communist-bloc allies to arm and train an army of close to 50,000 men and a militia of 200,000—in a country whose total population (around 2.5 million) is less than that of Los Angeles.

Turned Nicaragua into a training center, transfer point and sanctuary for guerrillas and terrorists from Libya, the Middle East and the rest of Latin America.

Taken an active role in prosecuting the war in El Salvador while funneling weapons and other materials to revolutionaries throughout Central America.

A walk through the marketplaces of Managua or outlying towns reveals a growing sense of hopelessness and fear. Thousands of prisoners languish in overcrowded jails, and the deeply rooted Catholic Church has come under increasing attack. "We overthrew Somoza, but now our revolution has been stolen from us," complains a restaurant worker.

Today more than 5,000 Cubans work in Nicaragua, including 1,500 military and security advisers. Cuban operatives hold key positions throughout the Sandinista government. Other Cubans are advisers and bodyguards of high FSLN officials, operate within the police, in the government-controlled television and radio, and in monitoring the telephone system.

A drab Marxist cosmopolitanism has settled over the country. In the lobby of the Inter-Continental Hotel, Russian technicans and engineers meander about in ill-fitting tropical shirts and sloppy sandals. In the streets one hears the conversation of East Germans, Czechs, Poles, Hungarians and North Koreans—all present in Managua presumably to put "scientific Marxist principles" to work. Leftist terrorists from Argentina, Chile and Colombia help with interrogation and torture, bringing refinements, which have included placing a prisoner in a cell with the decaying bodies of execution victims, or in a barrel filled with ants, or "Operation Sandwich," putting the victim between two thin mattresses on a concrete floor and then beating him with clubs.

"You can't see any bruises, " says a man held by the Sandinistas for 11 months without being charged, and tortured repeatedly. "But you are reduced to jelly. You can't even crawl."

The government still boasts that it is "committed to a pluralistic society" and that opposition parties are permitted to organize. However, they may not name candidates—and, of course, there are no elections. "There are many political parties, it is true," says a Managua attorney. "But only

one has its own mountain." He gestures toward a prominent peak overlooking the city. In mammoth block letters, FSLN is spelled across its slope. On the radio, the FSLN anthem (with the words "We fight against the Yankee enemy of humanity") is heard more often than the national anthem. And the blue-and-white Nicaraguan flag is a minor distraction in the panoply of red-and-black FSLN banners that wave all over Managua.

In a speech last August, Defense Minister Humberto Ortega declared: "Marxism-Leninism is the scientific doctrine that guides our revolution. We have not promised the elections that they [the Nicaraguan middle class] think we are going to promote, and we are never going to discuss power." He later made a chilling challenge to the Sandinista militia to draw up lists of "bourgeois" enemies of the government. In time of crisis, he said, "they will be the first to appear hanging along the roads and highways of the country."

This moved business leaders to compose an open letter to the government protesting "a new genocide in Nicaragua for exercising the right to dissent." Three of those who signed the letter were arrested by the Sandinista police and imprisoned for six months.

The Sandinistas take great pains to maintain a facade of dissent and free expression. The *commandantes* hold well-orchestrated "beef" sessions on television every Friday night, during which they answer planted questions and hear the people's complaints. But citizens have learned that they risk both property and personal safety if the complaints go beyond such mundane matters as broken water mains or long lines at government offices.

One of the most effective weapons against dissent is the use of government-organized mobs (*las turbas*). These are generally recruited from the local Sandinista defense committees, groups urged by the government to spy on neighbors and look for "counter-revolutionary activities." *Commandante* Daniel Ortega was moved to elevate them to *las turbas divinas* (the divine mobs.)

Las turbas have attacked and demolished the tin-roofed homes of *contras* in the squalid barrios. They have smashed windows, burned cars and painted slogans on the comfortable houses of businessmen and dissenting political leaders. They have destroyed businesses, upset rallies of other political parties, threatened to disrupt Catholic masses and broken up Protestant services with clubs and rocks.

Although Nicaragua still has a handful of independent radio stations, they have been repeatedly harassed and censored. Two of them—Radio Amor and Radio Mi Preferida—were put off the air by *las turbas* last year.

Similarly, the only independent newspaper, *La Prensa*, has been attacked by mobs and shut down by the government six times for reporting news that the Sandinistas felt reflected badly on them. "Outsiders say we still have press freedom," says *La prensa's* feisty editor, Pedro Joaquin Chamorro, Jr. "But press freedom is something on a scale of one to a hundred, and ours is just a little bit up on that scale."

As the FSLN tightens its grip, hopes of a democratic evolution in the Sandinista government have all but disappeared. "Our government is a dicatorship," declared Dr. Jaime Pasquier, the Sandinista U.N. ambassador to Geneva when he defected last June. "It always will be a dictatorship."

Many Nicaraguans plainly hope that the United States and neighboring nations will somehow aid in delivering them from the FSLN. Says a prominent citizen who has relatives in the government: "We suffered terribly in the war against Somoza, and we want peace. But now I am convinced that our only hope lies in forcing the Sandinistas out."

To accomplish this, thousands of Nicaraguans are prepared to fight. These include native Indians, hundreds of whom have been killed by the FSLN, as well as guerrillas of the Nicaraguan Democratic Union operating along the Honduras border under the legendary Fernando "Blackie" Chamorro. Though he helped overthrow Somoza, Chamorro now feels the revolution was "stolen" by the *commandantes*.

The United States and its partners in the Organization of American States must face the deadly facts of the Sandinista dictatorship and its threat to peace in Central America. To prevent a second Cuba in the Western Hemisphere, organization members must act in concert to support the liberation of Nicaragua by Nicaraguans.

NICARAGUAN NEMESIS

(By Shirley Christian)

SAN JOSE, COSTA RICA.—The tall young driver with the round, clean-cut face let me out of a jeep in downtown San Jose with the words: "I'll see you soon in Nicaragua." Then, with a smile and a wave, he was on his way back to the semisecret hideout of his chief, Eden Pastora, the legendary Sandinista hero who recently broke nine months of silent exile to make a public condemnation of the nine-man Sandinista National Directorate that rules Nicaragua. In his statement, Pastora accused his former colleagues of running a regime of terror, of making Nicaragua a pawn in the U.S.-Soviet struggle, of aping the Cuban revolution, and of failing to keep their promises to bring political pluralism and other traditional Western liberties to Nicaragua. He demanded that they send home the Cuban military and security personnel now in Nicaragua, adopt laws covering political activities and assuring a mixed economy, cease press censorship, and halt their own extravagant lifestyles.

But how does he intend to make this happen? Pastora is somewhat fuzzy about specifics, except when he's telling you how many Mercedes Benzes or BMWs each of the nine Directorate members has. On the one hand, he makes carefully calculated, diplomatically expressed statements about what the Sandinista Directorate must do to correct its errors. On the other, he jumps to his feet, waves his arms, and threatens to "bury them." He says that either "Humberto Ortega straightens things out, or I'll straighten them out," a reference to the powerful Sandinista army commander, the man who declared six months ago that Marxism-Leninism is the model for the Nicaraguan revolution. "I'm going to enter [Nicaragua] at the head of my people." Pastora told me, and if they are still in the mansions I'm going to take them out at gunpoint. If it weren't for the national literacy crusade, I would dare say to you that it is almost like the time of Somoza. We have more poor people, no less corruption, more foreign debts, less infrastructure, fewer liberties. At least in the time of Somoza we had the liberty to fight. The only thing they have not done is begin to kill massively. . . . But they are repressing the peasants, and when the people realize that and when the [Sandinista] army realizes that, the army is going to open fire."

Pastora told me that he had hoped Nicaragua would become a lesson for the region in how to conduct a social and economic revolution in political liberty. What the Sandinista leadership is doing instead, he says, is "screwing the Central American revolution."

Judging from what he says and what people working with him have told me, Pastora's hope now is that the numerous supporters he still claims in the Sandinista army will force the National Directorate to change its path, or, if that fails, will overthrow the Directorate. If none of this works, Pastora clearly plans to begin armed operations. He would not be the only force trying to oust the present government. There are already many hundreds of men, perhaps as many as two thousand, launching attacks out of Honduras into northern Nicaragua. Although some of those men were Sandinista supporters who became disillusioned, many are former members of the National Guard, which kept the Somoza dynasty in power for forty-five years—the people against whom Pastora fought for half his life. He says he has no reason to join forces with them because he is still a Sandinista and a revolutionary.

Pastora's coming out has produced a sort of gathering of the clan here—tense and excited Nicaraguans who, like the jeep driver, exude confidence that they will soon go home in triumph. Some left Nicaragua with him last July, while others have been slipping out of Nicaragua in recent weeks. His inner circle includes fifteen to twenty men who were combat leaders in the Southern Front that he operated against the Somoza forces in the 1978–1979 war. Among them is Leonel Poveda, a top Pastora lieutenant in that war who served as a tank driver in the United States Army in Berlin twenty years ago. But Pastora is also attracting a number of prominent civilian non-Marxists, people who were not yet ready last week to announce their support publicly. "We believe Edén is the best card we have to rescue the Nicaraguan revolution," one of them told me. "We would not unite behind any one else."

As Commander Zero, Pastora captured the world's attention and imagination in August 1978, when he led a guerrilla force that took over the legislative palace in downtown Managua, the Nicaraguan capital. He proceeded to negotiate the lives of more than one thousand captives for the freedom of a group of imprisoned Sandinistas, among whom was Tomás Borge, now the Interior Minister and the man responsible for the state security apparatus that Pastora blames for most of the repression in Nicaragua. A photograph of the victorious Pastora waving his rifle at the end of the palace operation became poster art that helped to win worldwide sympathy for the Sandinista National Liberation Front. The palace takeover also made Pastora an instant hero in Nicaragua and served as the second major catalyst in the efforts to unite Nicaraguans against Anastasio Somoza. The first was the assassination in January 1978 of newspaper publisher Pedro Joaquin Chamorro, an act that caused civilian moderates to line up with the largely Marxist-led Sandinista movement.

Pastora is a darkly handsome man of 45. He has a stocky, muscular build, black hair streaked with gray, and a mustache that he has grown since leaving Nicaragua. He has a wife and some children with him in Costa

Rica and admits to having a total of seventeen children but won't say how many mothers are involved. He is sincere and charming, mixing intense expressions of his love of liberty with astute political and military analyses. He says his ideology is Sandinismo, which his supporters say means something approximating social democracy. He also admits to great admiration for Fidel Castro and Che Guevara, but if he has a modern role model, it appears to be the late Panamanian strongman Omar Torrijos. He says it was Torrijos who gave him the heavy gold ring encrusted with sixteen diamonds that he wears on his left hand. Torrijos also taught him that the secret to having international stature while living at peace in a hemisphere dominated by the United States was "to play with the chain but not with the monkey."

Pastora was born into a farming family, but his father was killed when he was seven. People who have known him a long time say the murder resulted from a land feud, but Pastora attributes it to the Somoza regime. He graduated from a Jesuit high school in Managua attended by young men of affluent families. Then he studied medicine in Mexico until he was consumed by a love of arms and opposition to the Somoza family. He organized his own Sandino Revolutionary Front in 1959, but later gravitated to a group that became part of the Sandinista National Liberation Front. In 1974, after three stints in Somoza prisons, he settled into the Costa Rican Caribbean coast town of Barra del Colorado, became a shark fisherman, operated a small electric generating plant, and took out citizenship. But in August 1978 he left it all behind to accept the call of other Sandinistas to do what he says he had been planning in his own mind since 1971: the assault on the palace.

After the Sandinistas took power on July 19, 1979, Pastora was passed over for the top government and military jobs, but moved among various middle-level jobs, including deputy defense minister and head of the Sandinista Popular Militia, a weekend reserve force. Though he was denied the place he felt he deserved on the National Directorate, the nine commanders always brought him out at ceremonial occasions to keep the crowds happy. By most accounts, he was the most beloved Sandinista and the country's greatest hero. He could set off the cheering without saying a word. Last July, just before the Sandinistas' second anniversary in power, Pastora departed the country with about a dozen other former guerrillas and left behind a letter that was interpreted as meaning he was going off Guevera-style to join leftist guerrillas in Guatemala or El Salvador. "I am going to discharge my revolutionary gunpowder against the oppressor in whatever part of the world in which he is found, without it mattering whether they call me Quixote or Sancho," he wrote.

But for the next nine months Pastora apparently did more thinking than shooting, crisscrossing the landscape of revolutionary thought in the process. In addition to Costa Rica, he did his thinking in Panama, Mexico, Cuba, and possibly Venezuela and Libya, hearing out, and sounding off to, the variety of power figures to be found along that route. The Nicaraguans traveling with him, or with whom he made contact from time to time, ranged from at least one Leninist to conservative democrats. Some appeared to have no political feelings, only an intense loyalty to Pastora. Outsiders wondered if he was merely engaged in a personal power struggle with the nine rulers back in Managua. Or was it ideological? Was he, in fact, about to join the Guatemalan guerrilla group ORPA? Was he somebody's tool? If so, whose? Pastora said nothing, but word eventually came from people around him that his departure letter had not meant what it appeared to say and that his real desire was to change the Marxist-Leninist, pro-Cuban trend of the Nicaraguan revolution to one that was nonaligned and democratic.

When he finally emerged here, the name he invoked was that of Augusto Cesar Sandino, the fierce Nicaraguan nationalist and non-Communist who in the 1930s fought the U.S. Marine occupation of his country and the founding of the Somoza dynasty. It is from Sandino that the Sandinista movement takes its name. "With all that I have said here, I am making clear my disagreement with the conduct of the National Directorate," Pastora said in a printed statement summarizing his complaints, "since continuing in this way means the people will have to pay a very high cost, including a possible return to the past, unless the armed people expel from power those whom the accusing and condemning finger of Sandino singles out as traitors and assassins. . . . With pain I have seen that intranquility, anguish, fear, frustration, and personal insecurity reign among my people. I have seen our Miskito Indians . . . jailed or assassinated, without a press or radio that can denounce to the world this regime of terror that reigns on the Atlantic Coast and in all of Nicaragua through the feared State Security."

Pastora does not criticize Cuba or its leaders, but has admonished the Sandinista Directorate that Nicaraguans want their own revolution, not a borrowed version. "Fifteen days after the triumph in 1979," he said, "I saw Sandinista commanders returning home in Cuban uniforms and I realized at that moment that our revolution was beginning to lose its originality." Pastora says he admires the Cuban leaders because they have tried to carry out their own revolution, not someone else's. Even in calling for the Cuban military and security experts to leave Nicaragua, he did not attack them.

Pastora comdemns imperialism repeatedly, but says it includes imperialism by the Soviet bloc as well as the United States. He equates the U.S. role in Vietnam to the Soviet actions in Afghanistan, and the U.S. support for the Salvadoran junta to the Soviet position in Poland, arguing that Nicaragua has no business getting caught up in the East-West dispute. He criticizes Nicaragua's acquisition of used Soviet-made T55 tanks as a step that has helped put Nicaragua into the East-West trap. He says the sending of forty Nicaraguan pilots and twenty technicians to Bulgaria for flight training, as well as the acquisition of too many guns, has had the same effect.

Pastora's proposed government plan reads remarkably like that drawn up here three years ago by the junta of Marxists and moderates that the Sandinista Front created to govern the country, but that had its authority usurped by the nine commanders. The 1979 plan was accomplished by a written commitment to the Organization of American States to call elections and guarantee political and economic pluralism. "I would call capable people—economists, sociologists, doctors, and others—to administer the government, and the military people would go back to their barracks," Pastora told me. "I would have only the minister of defense and maybe the minister of interior in uniform. . . . I would demilitarize Nicaragua. The people have a psychosis of arms. You don't have to govern with a rifle."

Pastora says he is not receiving the support of any government or foreign political party, although he flew into Costa Rica on a Mexican plane thought to belong to the ruling Institutional Revolutionary Party. He said his financial support, so far, comes from individuals, whom he did not identify. But he said with a smile that he is willing to accept "a peso, or a million, from anywhere—the CIA, the Soviet Union, political parties—as long as it comes without conditions."

In Managua, Pastora's statements were greeted by an outcry of anger and charges of treason and betrayal. Though the National Directorate has had reason to fear this moment since Pastora left Nicaragua, the Sandinista leadership claimed the move was timed to coincide with threatened aggression by the United States or with a U.S.-backed invasion from Honduras. Pastora appeared unsurprised by the reaction in his homeland, saying one of the great errors of the revolution has been its inability to accept criticism. He predicted that mobs would be turned loose to burn him in effigy all over Nicaragua and that the nine commanders would look for a way to kill him. "They are going to call me traitor, ally of the bourgeoisie, ally of U.S. imperialism—yes, they are going to call me that," he said. "But we made the war, and we liberated the people. It does not worry me. The people are not deceived. The people know who I am."

The Nicaraguan Connection: A Threat to Central America

Introduction

Nicaragua and the United States enjoyed close ties for over half a century. This relationship ended as the Carter Administration provided tacit support for the Sandinista revolutionaries who ousted the Somoza government in July 1979. The Sandinista National Liberation Front (FSLN) came to power then, and the Carter Administration provided Nicaragua with massive financial assistance in efforts to win their friendship. The U.S. continued its attempts to improve bilateral relations and by the end of 1980, the U.S. had become Nicaragua's single largest financial supporter.

But, in spite of this U.S. aid, the Sandinistas remained hostile to the United States and suppressed democratic movements and dissent in Nicaragua. Most alarming, the Sandinistas have forged a Nicaraguan connection which actively arms and trains Marxist-Leninist guerrillas in El Salvador and Guatemala. The Sandinistas have identified their government as a Marxist-Leninist regime and adopted a foreign policy aligned with the Soviet Union. The government has repressed freedom of the press, harassed the Catholic Church and increased human rights violations. The Sandinistas have created the largest military force in Central America, and now poses a military threat to its neighbors.

Following the inauguration of the Reagan Administration, the U.S. suspended bilateral financial assistance to Nicaragua in an effort to stem Sandinista aggression within Central America. This effort, however, has failed to pressure the Sandinistas to cease supplying military and logistical support to the guerrillas in El Salvador and Guatemala. In order for the U.S. to halt Nicaragua's military assistance to the leftist guerrillas in

Central America, the Reagan Administration will have to reassess its current policy and develop a solid strategy aimed at ending the threats to the region posed by the Sandinista regime.

THE ORIGIN AND DEVELOPMENT OF THE SANDINISTA GOVERNMENT

Although the opposition to President Anastasio Somoza Debayle was broadly based, the armed struggle to oust him was directed by the Sandinistas (FSLN). This group, formed in 1961 by several communist activists, is named after a Nicaraguan revolutionary nationalist hero, Augusto Cesar Sandino. The group was composed of three factions: the Marxist-Leninist Prolonged Popular Struggle (GPP), the Trotskyite Proletarian (TP), and the Castroite Terceristas. These three Sandinista splinter groups, which initially were plagued by internal disputes, united in response to Fidel Castro's promise of assistance to a unified Sandinista movement. This led to the formation of the Sandinista National Directorate, incorporating the nine leading commanders of the three FSLN factions, all of whom are self-proclaimed Marxist-Leninist.

In spite of the Sandinistas' radical orientation, the vast majority of Nicaragua's democratic sectors joined efforts with the Sandinistas to depose the Somoza government. This was primarily due to a pact (Punta Arenas) spelled out in a political platform devised by the Sandinista government in exile. This platform affirmed the Sandinistas' commitment to restore a constitutional government through "universal suffrage" for all Nicaraguans; until these elections were held, the government would be composed of individuals with various political ideologies. The platform also promised that the government would adopt an independent foreign policy and give the private sector a major role in the economic activities of the country. (See Appendix I).

However, following the July 1979 collapse of the transitional Nicaraguan government headed by President Urcuyo, the nine commanders within the Sandinista Directorate occupied key ministerial posts and maintained complete authority over the army and security forces.[1] Furthermore, these Directorate commanders appointed a majority of FSLN-affiliated members to all branches within Nicaragua's new "revolutionary" government. They also requested and received numerous advisers from Socialist bloc nations. These advisers, primarily from Cuba and the German Democratic Republic, have assumed prominent roles within Nicaragua's army and security forces, education, health, communication and information services.

In spite of the ideological unity within the Directorate, the complex inter-relations of its members, all of whom rule independently as "President," has brought confusion and a constant struggle for power. Directorate member and Interior Minister Tomas Borge initially emerged as the principal leader of the Nicaraguan government. Borge has since lost considerable power to the Ortega brothers, who also are members of the Directorate: Humberto, who is Defense Minister, and Daniel, who is the Junta leader. Nevertheless, all the Directorate members continue to play a central role in the decision-making process within the Sandinista government.

The Directorate's subordinate five-member Junta initially contained two moderates, Violeta Chamorro and Alfonso Robelo, both appointed by the Directorate. Both resigned in April 1980, Chamorro allegedly for health reasons and Robelo in protest at the radical Sandinista policies; the Directorate replaced them with two independent Sandinista supporters, Arturo Cruz and Rafael Cordoba Rivas. The Junta was reorganized in March 1981. The new three-man Junta, composed of Sandinistas Daniel Ortega and Sergio Ramirez and "moderate" Rafael Cordoba Rivas, has maintained its dominant Marxist-Leninist composition and continues to take its orders from the Sandinista National Directorate.

Nicaragua's legislative body, the State Council, which "serves as an advisory group to the Junta and the Directorate," is guided and controlled by the Directorate. This chamber has always had a clear majority of Sandinista sympathizers. Nonetheless, the Sandinistas attempted to increase their ratio within the assembly by adding new members and thereby precipitated the November 1980 walk-out of its moderate members. This has given the Sandinistas nearly absolute control over the State Council.

To gain further control over Nicaragua, the Directorate formed the Sandinista Defense Committees and the Sandinista Workers' Federation. Both these base organizations, under Party control, have been used as political tools to deter opposition groups. The Sandinista Defense Committees, modeled after the Cuban Committees for the Defense of the Revolution, were organized throughout Nicaragua as a spy network and used for mass mobilizations. However, these neighborhood committees have not received substantial popular support, even though Nicaraguans must go through them to acquire food subsidies and to obtain drivers' licenses. The Sandinista Workers' Federation, formed to incorporate the Nicaraguan working class into a central labor movement affiliated with the FSLN, has about 60,000 members. Nevertheless, Nicaragua's two independent labor movements, with memberships approaching 40,000, have rejected any affiliation with the Sandinista Party, thus creating friction between these independent unions and the Sandinistas.

In a recent *Wall Street Journal* article, businessmen from the town of Esteli were quoted as saying, "We were all duped," describing how they are discriminated against by Sandinista leaders in obtaining credit and foreign currency from the nationalized banking system. "If I thought for one minute that the Sandinistas would turn the country into another Cuba, I never would have given them my house to use as a base during the war," said a local grocery store owner.[2]

Friction has developed between the Sandinista government and the democratic opposition circles which now includes the Nicaraguan Democratic Movement, the Social Christian Party, the Social Democratic Party and the Democratic Conservative Party. In particular, tensions have grown in anticipation of the electoral process scheduled for 1985. This process, the Sandinistas claim, will take place only to affirm their role as the leaders of the revolution because the FSLN has already been chosen as the "vanguard" of the Nicaraguan people. In the *Wall Street Journal* article, a foreign diplomat saw the future of the electoral process in this manner: "the nine (the nine-man directorate of the Sandinista Liberation Front that controls the country) aren't about to share power with anybody for a long, long time." These comments, along with the Sandinistas' "fraternal" relations with the Soviet bloc, have placed Nicaragua's planned elections in doubt.

Esteli's experience perhaps best illustrates the reason for the widespread disaffection with the new government. Some 70 percent of Nicaraguans want free elections—which have been postponed by the government—and 64 percent feel that their lives have not improved since 1979. These poll results were published in October 1981, by Nicaragua's only independent newspaper La Prensa. The paper was harassed by the Sandinista government, which has prohibited publication of such polls without prior government approval.

SANDINISTA FOREIGN POLICY

Since July 1979, the Sandinistas have developed particularly close ties with Fidel Castro, who has provided Nicaragua with at least 5,000 and possibly as many as 10,000 Cuban advisors. The close working relations between the Nicaraguan and Cuban governments have been highlighted by frequent top-level consultations.[3] In addition, the Sandinistas have assumed a Cuban-style "nonaligned" stance within the Third World, supporting the Soviet occupation of Afghanistan, while condemning the U.S. military presence in South Korea as "imperialism."

By October 1979, Nicaragua had already established diplomatic relations with Cuba, the German Democratic Republic, Czechoslovakia, Hungary, Poland, Romania, Vietnam, Mongolia, North Korea, Kampuchea (Heng Samrin), and other communist states. Yet despite the presence of Soviet advisors in Nicaragua, it was not until mid-October 1979 that the Soviet Union sent a delegation headed by Yurii I. Volskii, Soviet Ambassador to Mexico, to establish Soviet-Nicaraguan diplomatic relations. While in Managua, Ambassador Volskii transmitted Leonid Brezhnev's desire "that ambassadorial relations between our countries be restored following the Leninist principles of peaceful coexistence and support for the national liberation movements of all peoples."[4]

Five months after establishing relations with Moscow, the Sandinistas sent a high-level mission to the Soviet Union led by Directorate commanders Humberto Ortega, Tomas Borge, and Henry Ruiz. While in the USSR, the Sandinista delegation issued a "joint communique" with their Soviet hosts denouncing the Israeli occupation of all Arab territories and calling for the "legitimate national rights of the Arab people of Palestine." Not surprisingly, the Sandinistas, whose ties to the PLO date back to the 1960s, opened an office for the PLO in Managua with the status of embassy. This feeling of camaraderie between the PLO and the Sandinistas was expressed by the PLO Ambassador to Nicaragua, Marwan Tahbub, in an interview on January 5, 1982, when he said, "ties between the PLO and Nicaragua are based on revolutionary principles and the fact that the two peoples have struggled for their independence and against imperialism."[5]

The Soviet-Nicaraguan joint communique went on to condemn "the campaign . . . launched by the imperialist and reactionary forces . . . aimed at subverting the inalienable right of the people of the Democratic Republic of Afghanistan." Nicaragua, characteristically, abstained from the overwhelming United Nations vote condemning the Soviet invasion of Afghanistan. However, the most intriguing development during the Sandinistas' USSR visit was the signing of a party-to-party agreement in the form of

Footnotes at end of article.

a "Joint Communique" on March 22, 1980, between the Soviet Communist Party and the FSLN. Such an action usually only takes place between formal communist parties.

In June 1980, only two months after the Soviet tour, Directorate member Tomas Borge led a delegation to North Korea. During this tour, Borge declared to his North Korean hosts that:

"The Nicaraguan revolutionaries will not be content until the imperialists have been overthrown in all parts of the world. The imperialist United States should not believe that they are able to rule South Korea permanently. We stand with the forces of peace and progress, which are the socialist countries. Our strategic goal is clear, our principles are clear, too."[6]

The Sandinistas's anti-U.S. stance was reiterated by Daniel Ortega during his address commemorating the first anniversary of the Sandinista revolutionary victory in Managua on July 19, 1980. During this ceremony, attended by Cuba's Fidel Castro and Grenada's Maurice Bishop, Ortega outlined his government's position on foreign policy issues. This stance included condemning "imperialism" and calling for an end to "the blockade of the heroic Cuban people and the unconditional [U.S.] withdrawal from the Guantanamo Naval Base." Ortega affirmed Nicaragua's solidarity with the "liberation movements" in El Salvador and Namibia, and also praised the Libyan-backed Polisario Front. He expressed his country's support for "the reunification of Korea" and for the "right" of Puerto Rico to "self-determination." He concluded his address by making reference to the upcoming U.S. elections and denouncing "Mr. Reagan, who with his Grand Old Party has become a great witch-hunter."[7]

On August 25, 1981, Directorate Member Humberto Ortega delivered a speech in which he announced that Nicaragua was a part of the "Marxist camp." Ortega claimed that:

"Without Sandinism one cannot be Marxist-Leninist, and Sandinism without Marxism-Leninist cannot be revolutionary. Because of this they are indissolubly united, and therefore our moral force is Sandinism, our political force is Sandinism and our doctrine is Marxism-Leninism."[8]

Following the Sandinista rise to power President Carter immediately released aid that had been approved for the Somoza government but suspended by his Administration. Bilateral aid flowed generously in the next eighteen months, rising to $170 million by the end of 1980. In addition to bilateral aid, the U.S. voted for all loans to Nicaragua within multilateral institutions, of which the U.S. Government is the single largest shareholder. Just five months after the Sandinistas took power, the World Bank and the International Development Association lent $30 million to Nicaragua. This was followed by another $30 million as a World Bank loan in June of 1981. On January 14, 1982, the World Bank approved an additional $22.8 million to the Sandinista regime. Overall the Sandinistas received more international financial institution support in nineteen months than the Somoza government received in nineteen years.

Despite this aid, Fidel Castro, during the Sandinistas' first anniversary celebrations in Managua, criticized the U.S. for not providing sufficient funds to Nicaragua. Only after the Reagan Administration came into office and the State Department provided evidence demonstrating the Sandinista government's involvement in assisting the Marxist-Leninist guerrillas in El Salvador, was U.S. bilateral aid to Nicaragua curtailed.

The U.S. policy of authorizing no new aid projects to Nicaragua and curtailing the ongoing aid programs—which the Sandinistas have termed as "interventionism, blackmail and Yankee economic aggression"—has had little effect. The suspension of aid has been undermined by the multilateral lending institutions and Mexico, Libya and the USSR have offered Nicaragua increased financial assistance at favorable terms. This recent expansion of financial aid to Nicaragua has included a $100 million loan from Libya, over $70 million in loans from the multilateral lending institutions and a $50 million loan from the Soviet Union. The USSR has also given Nicaragua a $16 million grant to purchase agricultural machinery and delivered 20,000 tons of wheat. Czechoslovakia has expressed its solidarity with Nicaragua through an agreement of a $30 million loan for 1982; $20 million, financed under generous conditions, will go for the building of three textile factories and the other $10 million will be for the purchase of machinery and equipment for the mining industry and the installation of machine shops. Such actions have undoubtedly hindered U.S. efforts to pressure the Sandinistas to stop their military assistance to the guerrilla forces in Central America and to halt their attempts to militarize Nicaragua.

NICARAGUA'S MILITARY BUILD-UP

The Sandinista government, with the assistance and supervision of at least 5,000 Cuban advisors (of which 1,800 to 2,000 are military advisors), and several hundred East German advisors, has built up the Nicaraguan armed forces. The militarization effort announced by the Sandinista leadership in the summer of 1980 will increase the size of the army until it reaches 50,000 members. To date. The Sandinista army has expanded up to an estimated 25,000 active soldiers, and 20,000 well-trained reserves, who can be called up at any time. This is well over 400 percent larger than the former Somoza National Guard, which ranged from 8,000 to 10,000 active and reserve members. This is more than twice the size of Guatemala's 17,000-man army, which traditionally has been the largest army in Central America. In addition to its army, the Sandinista government has organized a "People's Militia" currently numbering 50,000, and designed to eventually incorporate 200,000 persons. This has already made Nicaragua's security apparatus much larger than the security forces of the four remaining Central American countries combined. The size of the army is even more remarkable when one considers that Nicaragua has only 2.6 million inhabitants, or 13 percent of the 19.6 million people of Central America.

To enhance Nicaragua's military capabilities still further, the Sandinista government has acquired sophisticated arms from several Communist bloc nations and France. Sandinista officials, including Directorate member Jaime Wheelock, have recently acknowledged the acquisition of new armaments, including approximately one hundred model T-54 and T-55 Soviet-made tanks and surface-to-air missiles. U.S. State Department officials disclosed that additional military equipment reaching Nicaragua included large quantities of automatic weapons, some of which are being supplied to the guerrillas in El Salvador and Guatemala.

Military assistance from the West has been initiated through a secret agreement between France and Nicaragua, which was signed in December and revealed on January 7, 1982. The $15.8 million sale, labeled as "purely defensive equipment" by the French Foreign Ministry's office, consisted of two Alouette 3 helicopters, a pair of coastal patrol boats and a dozen military trucks. Not disclosed in the original report was the inclusion of shoulder-fired rocket launchers. The rocket launcher, a bazooka-like weapon, has become a favorite of guerrillas around the world because it can knock out armored vehicles or reinforced buildings from a distance. These are similar to the ones used by Salvadorean guerrillas in a recent attack on the Ilopango Air Base, which destroyed six U.S. UH1H, or Huey, helicopters on loan to El Salvador and six French-built fighter jets.

Claude Cheysson, the French foreign minister, defended his government's sale by asserting that Nicaragua will avoid communist allies only if they find help in the West. U.S. officials described the French position as "naive." Though complaints were voiced by Secretaries Weinberger and Haig, and an official complaint was registered by U.S. Ambassador Evan Galbraith in Paris, French officials, nevertheless, said the U.S. reaction was not as strong as they had expected.[9]

There are reports indicating that the Sandinista government has lengthened its airfields on the Atlantic coast at Bluefields and Puerto Cabezas to handle fighter jets. In April, the Nicaraguan coast-to-coast highway will be finished, connecting two existing highways to the Pacific coast. This project of 426 kms, has some 200 Cuban and 100 Nicaraguans working on it, using heavy equipment which has been brought from Cuba.

U.S. intelligence reports that Vietnam has agreed to supply Marxist Nicaragua with approximately 1,000 aircraft that would "turn the country into a major Soviet-proxy air force bastion."[10] U.S.-made M-16 rifles and M-79 grenade launchers captured from Leftist rebels in El Salvador, have U.S. serial numbers indicating they were captured by the North Vietnamese forces when South Vietnam was conquered in 1975. Nicaraguan pilots are being trained in Bulgaria, Cuba and other Communist bloc nations. These facts, along with already documented evidence of Soviet-made MIG-23 aircraft in Nicaragua, raise serious security problems for the Hemisphere. Should the full quantity of 1,000 aircraft ever reach Nicaragua from Vietnam, Nicaragua will have the capability of militarily dominating Central America.

The Directorate Defense Minister, Humberto Ortega, pointed out during a June 4, 1981 press conference that, "We [Sandinistas] are strengthening our defense, and we are prepared to operate tanks, to operate planes, cannon and different kinds of weapons."[11] While the Sandinistas claim that their military build-up is intended for defense only, observers maintain that the closest nation capable of posing a direct military threat to Nicaragua is Mexico, a country supportive of the Sandinista revolution.

The most serious concerns to Nicaragua's Central American neighbors is not military inferiority, but rather the assistance the Sandinistas have been providing to the insurgency movements in El Salvador and Guatemala. This assistance, which has been documented by the U.S. Department of State and reaffirmed by Sandinista defec-

tors, has included training guerrillas and supplying them with logistical support, personnel, weapons and ammunition.[12] In addition, Nicaragua has become a strategic transfer location for Cuban troops entering El Salvador to assist that country's Marxist-Leninist guerrillas.[13] Thus, Central American nations fear that Nicaragua has become Cuba's center for subversion in Central America.

Guatemala is planning to triple its armed forces this year to 60,000 men "to combat communist subversion more effectively," according to General Manuel Benedicto Lucas Garcia, Army Chief of Staff, who pointed to the apparent threat posed by Nicaragua's goal of a 200,000-man militia and 60,000-man army. In order to achieve this goal, a strict military draft and recruiting campaign has been planned in Guatemala.

NICARAGUA'S FALTERING ECONOMY

During the Sandinistas' two years in office, the Nicaraguan government bureaucracy has expanded at a rate that threatens to bankrupt the country's economy. The growth of the Sandinista government is highlighted by eight ministries formed in the aftermath of the revolution and a rapidly expanding security and military apparatus. Consequently, the government's budget increased by over 250 percent in 1980. To meet the financial requirements for the enlarged budget, the Sandinistas have rescheduled payments of the country's foreign debt, increased the monetary supply, restructured the tax system and have become increasingly dependent on foreign financial assistance.

Early in 1980, the Sandinista government renegotiated payment of their inherited foreign debt held by the international private financial community in order to halt the outflow of foreign exchange. The terms of this negotiation stipulated that the Sandinista government would resume payments of its foreign debts in 1986. Similarly, the Sandinistas were granted a five-year period of grace on interest payments of this debt. A financial observer predicts that this debt will have to be renegotiated in 1986 to avoid default.

The Sandinista policy of increasing the country's money supply has created an abundance of currency which increased inflation and caused a scarcity of consumer products. This policy has had a severe impact among Nicaragua's poor; the cost of food products has more than doubled since the Sandinistas assumed power. The 30 percent wage increase decreed by the Sandinistas for Nicaragua's rural poor population was offset by a rural inflation estimated at over 60 percent.[14] In July 1981, Sandinista leader Daniel Ortega conceded that inflation had consumed the wage increases and concluded that to attain the anticipated minimum wage for the poor, "we must first increase productivity."[15] Although recognizing the need to increase productivity, the Sandinista policies have restrained economic growth.

In 1980, the Sandinistas restructured Nicaragua's tax law in order to acquire a larger number of contributors and increase progression of the tax system. The Sandinistas also imposed a tax to set up an unemployment fund by directly taking the yearly employee salary referred to as "Christmas bonus" from all Nicaraguans earning over 1,500 cordobas per month (U.S. $150 at the official exchange rate).

Besides these policies devised to increase the government's financial resources, external funding sources have made available over $1.3 billion to the Sandinistas since July 1979. In spite of this foreign assistance, the Sandinista government's deficits have been increasing as a result of a combination of government expansion costs and a reduction in productivity.

In September 1981, Daniel Ortega, upon returning to Nicaragua from a fundraising tour to Libya and the USSR, imposed a "state of national economic and social emergency" to alleviate the government's financial crisis. This decree outlawed strikes and prohibited unauthorized price increases by imposing a one to three year prison sentence for those individuals violating these measures. Under the law, someone can be "arrested on suspicion" of "economic sabotage," which includes the publishing of economic data affecting "state security." The decree also ordered the government to cut its budget by 10 percent, reduce its food and transportation subsidies by 10 percent, impose a 30 to 100 percent tax on all imports classified as luxury items and freeze all of its hiring.[16]

Despite this decree, the Sandinista government bureaucracy has already drained a large portion of Nicaragua's work force, incorporating them into the army or other government-affiliated organizations. This has been particularly troublesome for Nicaragua's agricultural productivity, where a labor shortage became critical after the Central American migrating farmers refused to work in Nicaragua during harvest season. This cutoff of a traditional source of agricultural labor in Nicaragua was sparked by the declining value of the cordoba, currently worth less than 40 percent of its official rate. The labor shortages coupled with the Sandinistas' mismanagement of expropriated private sector operations have reduced Nicaragua's output.

In fact, the country's vital agricultural harvest has decreased by approximately 50 percent since the Sandinistas assumed power. The cultivated area of Nicaragua's two most important export earning crops, cotton and coffee, has shrunk drastically. Furthermore, both of the these crops, representing 50 percent of Nicaragua's export income, have been affected by declining market prices. Output within the country's third largest export source, the cattle industry, has also diminished due to the massive slaughter and export of livestock during the revolution. Other agricultural products are primarily for domestic use. Sugar, rice, beans and corn, which Nicaragua had previously exported or at least attained self-sufficiency, are now in such short supply they have been imported.

Thus far, the Sandinista expropriations of private sector operations have given the Nicaraguan government control of over 50 percent of the country's economic activity. Although continuing to nationalize private sector operations, the Sandinistas have in certain instances returned run-down farms to the private sector after the deterioration of some of these businesses under government control. However, the government has not issued new land titles to anyone. The Sandinistas have kept banking, insurance, and mining operations under government control.

GROWING SANDINISTA OPPOSITION

Nicaragua's economic crisis, coupled with the government's radical policies, have generated mass dissatisfaction with the Sandinista regime. This opposition has emanated from several groups: the Catholic Church, the independent media, the private sector, democratic circles and the vast majority of the Atlantic coast population. These groups previously assisted in deposing the Somoza government, but now see their country drifting toward a totalitarian state under the control of "Soviet imperialism."

Nicaragua's powerful Catholic Church, under the leadership of the Archbishop of Managua, Miguel Obando y Bravo, has vehemently criticized the leftist trend of the Sandinista government. At a Latin American Episcopal Congress (CELAM) meeting in Bogota, Columbia, on November 16, 1981, Archbishop Obando y Bravo stated the Nicaraguan government is governed by Cubans and not by the junta. He charged that key positions in the Nicaraguan government were occupied by men close to Fidel Castro and that the regime is totalitarian and Marxist-Leninist. His remarks were not reported in the American media, but were picked up by several international wire services including Agence France Press. In January of this year, during a press conference in New York, the Archbishop stated that the "Nicaraguans no longer believe in the Sandinista Leaders," and added "there is no doubt that the governments of Nicaragua has good relations with the governments of the Soviet Union and Cuba."[17]

Responding to a decree by Pope John Paul II, the Archbishop requested members of the clergy, such as Father Miguel D'Escoto to resign from their posts in the revolutionary junta and return to their apostolic ministry. Father D'Escoto (Nicaragua's Foreign Minister) together with other churchmen who hold government positions answered the Archbishop's request with a joint statement affirming their "unbreakable commitment to the popular Sandinista revolution in loyalty to our people, which is the same as saying, in loyalty to the will of God. We will continue in whatever place our presence might be necessary."[18]

Shortly afterwards, during his June 1981 visit to Italy, the Archbishop of Managua declared "that after two years of hope, our revolution is drifting toward Marxism according to the Cuban model." Archbishop Obando y Bravo also criticized the Cuban advisors in Nicaragua, whom he claims "are among us with an arrogant attitude" in spite of the country's "economic difficulties."[19] For his criticism of the Sandinistas, the Archbishop's Sunday mass, aired on television for many years, was suspended. Furthermore, Archbishop Obando y Bravo was labeled as "the principal force of the counterrevolution" by Father D' Escoto in an interview published in the Mexican publication El Periodico.

Father D'Escoto's interview, which was republished in Nicaragua's most widely circulated and only independent newspaper, La Prensa, led to the paper's closure for forty-eight hours in July 1981.[20] La Prensa has been closed down by the Sandinista government many times since for publishing "counterrevolutionary" material. D'Escoto (he is no longer addressed as Father) visited the Soviet Union in December 1981 in an official capacity on behalf of the Nicaraguan government. He began his visit in Leningrad and stated:

"I am arriving on an official visit with the objectives that through this visit the friendly and fraternal ties with this noble government and between the people of Nicaragua and the Soviet Union be strengthened more and more.

"I believe that especially for Nicaraguans, and also for any knowledgeable person, being in Leningrad is a kind of pilgrimage. One feels that one has come to a holy land,

where the people have heroically defended their gains. I am talking about the 900-day siege and also of the fact that this city is the birthplace of the Soviet revolution. Thus, one is moved, as I was moved. It is a beautiful way to start a visit to this great nation, through Leningrad."

Finally, he charged that:

"No one but the United States interferes in the internal affairs of the Central American state, where a people's revolution is going on.

"North American imperialism, once used our territory for the invasion of Guatemala and Cuba. It has been ended now. The United States can no longer use us against fraternal Latin American countries. Nicaragua does not want to be a puppet". [21]

In spite of its major role in the downfall of Somoza, this newspaper has come under severe harassment and censorship by the Sandinistas, who currently are considering closing down La Prensa indefinitely. La Prensa is the only independent, non-government newspaper in Managua; its circulation of 75,000 is twice the combined total of the government-run newspapers. All three papers are administered by the Chamorro family, making La Prensa, the only one within their control. Recently, Pedro Joaquin Chamorro Barrios, son of the newspaper's assassinated editor, charged that the Sandinistas are trying to do what the late dictator Anastasio Somoza tried to do, shut La Prensa down. "Isn't it ironic that both Somoza and the Sandinistas are trying to do the same thing?" said Pedor Joaquin.

A number of radio news programs charged by the Sandinista government with having "broadcast news harmful to the Armed Forces," have been shut down in Nicaragua recently. The latest victim was Radio Mundial's program "Hoy," or Today. This was the fifth news program ordered off the air by the Sandinista regime since it took power in 1979. A coalition of four anti-government parties, the Democratic Coordination, protested the government's action calling it a violation of the "Nicaraguan people's right to be informed."

The Sandinistas have also harassed and intimidated other opposition groups such as the Nicaraguan Democratic Movement. This movement, incorporating a large sector of non-Marxists who helped overthrow Somoza, has become increasingly critical of Sandinista policies leading toward Soviet domination of Nicaragua. This group, which had been unable to receive government permission to hold a party mobilization since mid-1980, was finally granted Sandinista approval to hold a rally on March 15, 1981. However, this rally was cancelled on March 14 by the movement's leader, former Junta member Alfonso Robelo, after a Sandinista youth group ransacked the Nicaraguan Democratic Movement's headquarters, stoned homes belonging to members affiliated to it, attacked people distributing leaflets for the rally and then threatened the rally with more violence. Directorate member Tomas Borge, who granted permission for this party event, laid the blame of the violence on the Nicaraguan Democratic Movement for "provoking" the people with counterrevolutionary views.[22] In October 1981, Sandinista authorities detained Robelo and confiscated his passport as he attempted to flee Nicaragua.

The Nicaraguan Permanent Human Rights Commission headed by Jose Esteban Gonzalez has become a target of frequent acts of intimidation by the Sandinista government. This group, used extensively by the Sandinistas during the revolution when it recorded human rights violations committed by the Somoza government has, since July 1979, become an increasingly unacceptable annoyance to the Sandinista government. Since the Sandinistas assumed power, the Commission has revealed that summary executions, torture, harassment of the press and of opposition political groups, confiscation of private property and deportation are common human rights violations perpetuated by the current Nicaraguan government. During his European tour, Jose Esteban Gonzalez reported that Nicaraguan jails still hold eight thousand "prisoners of conscience." For his remarks in Europe, Gonzalez was arrested upon his return to Nicaragua early in 1981 and released only after the Venezuelan government exerted economic pressure on the Sandinista government. He is now in exile in Venezuela.

Nicaragua's private sector, organized under an umbrella organization known as the Superior Council for Private Enterprise (COSEP), has constantly complained about the radical policies pursued by the Sandinistas creating a lack of confidence in the country's political and economic future, elements vital for private investment. For such criticism, members of the Nicaraguan business community, who played an essential role in overthrowing Somoza's government through its "crippling strikes," have been branded as "counterrevolutionaries" exploiting the masses for which they have been persecuted by the Sandinista security forces. This persecution includes the assassination of the vice president of COSEP, Jorge Salazar, who was shot to death by government security forces minutes after Salazar had presided over a COSEP meeting. The government justified the murder by calling him a "counterrevolutionary." Since this incident, some 20,000 businessmen, technicians, and professionals have fled from Nicaragua. Understandably businesses have suffered dramatic decreases in productivity.

On October 20, 1981, COSEP published an open letter criticizing Humberto Ortega's statement that the Sandinista government could "in a matter of hours," take over everything that "the bourgeoisie still possesses." The letter accused the government of egregious economic mismanagement, and the Sandinistas' "doctrine of Marxism-Leninism," for the country's deepening economic crisis. The Sandinista government quickly reacted to this letter; by midnight of the same day, state security forces arrested four COSEP leaders in their homes for "violation of the economic and social emergency law." Three of those arrested were sentenced to seven months in jail on October 30. They were Enrique Dreyfus, President of Higher Council for Private Enterprise, Benjamin Lanzas, President of the Chamber of Construction, and Gilberto Cuadra, President of the Federation of Nicaraguan Professionals. Similar sentences were handed down to three other businessmen who fled into exile in Venezuela and the U.S. This left the private sector of Nicaragua leaderless, and with few anti-Sandinista individuals willing to assume such a risky role. Under continued international pressure, the Sandinistas finally released the COSEP leaders on February 14. Daniel Ortega called together 250 business executives to announce that the sentences had been commuted.

EAST COAST DISSENSION

Nicaragua's Atlantic region inhabitants, in the true spirit of Augusto Cesar Sandino who was ideologically opposed to Marxism-Leninism and any type of foreign military presence in his country, have rejected the Cubans and through them the Sandinista government. Although the Atlantic region of Nicaragua covers one-third of the country's territory, its population of three indigenous communities—the Miskitos, the Sumos and the Ramas—barely reach 200,000. Shortly after the Sandinistas came to power, they opened an office in Managua incorporating leading members of these three communities under the name of Misurasata.

Tension began building between the Atlantic region's inbabitants and the Sandinistas over the arrival of Cuban teachers, doctors and military advisors early in 1980. The local people started to voice concern and disapproval over the growing military presence in the region, the lessons taught by the Cuban teachers and the incompetence of the Cuban doctors. In February 1981, the Sandinistas arrested Miskito leader Stedman Fagoth along with thirty-two other leaders of Nicaragua's Atlantic community. This led to violent incidents inflicting casualties among the region's local, Sandinista and Cuban populace.[23] Since this episode, as many as 20,000 Miskitos, Ramas and Sumo Indians including Fagoth, have fled across the Nicaraguan border into Honduras. The Miskitos' dissatisfaction with the Sandinistas were heard in Washington during mid-1981, when Fagoth arrived in the United States to plead for assistance against the communists in his country. Fagoth's requests were not answered by the Administration. In February 1982, he returned to the U.S. and presented new charges against the militia of the Sandinistas, alleging human rights violations. (See Appendix II.)

In early January of this year, reports that Nicaraguan troops had crossed the border into Honduras and had murdered up to 200 Miskito Indians of the 20,000 who have fled into Honduras, prompted a formal complaint from Honduras' foreign relations secretary Colonel Cesar Elvir Sierra. He cited eyewitness reports that the Nicaraguan troops killed at least 200 Miskito Indians around New Year's Eve, and that in the days prior to and following the incident Nicaraguan patrol vessels had seized several Honduran fishing vessels in Honduran territorial waters. Nicaragua's Foreign Affairs Minister Miguel d'Escoto denied the incident and charged that rightists who were followers of the late President Anastasio Somoza had attacked Nicaraguan border patrols and killed 150 Nicaraguan soldiers. Both reports are still under investigation.[24]

Repression against the clergy in the Atlantic region has also been reported. On January 13, 1982, three sisters of the order of St. Agnes, who worked in Puerto Cabezas, and two Capuchin brothers working in Waspan, were taken to Managua and were expelled by the Sandinistas. On January 16, Interior Minister Tomas Borge admitted the incident had been inappropriately handled and stated that the clergy could return to Nicaragua. The Bishops Conference released a statement concerning the incident on January 25, hoping that similar incidents would not occur to the remainder of the missionaries and "God's people on the Atlantic coast." Unconfirmed reports of five Moravian ministers jailed in the region by the Sandinista militia and accusations of orders to capture and kill remaining Moravian ministers are under investigation. An incident of assault on a Catholic bishop last

October, which was not reported by the press, is also under investigation.[25]

MILITARY OPERATIONS AGAINST THE SANDINISTAS

The Sandinistas have encountered their strongest opposition from two militant organizations, the Nicaraguan Democratic Front and the National Liberation Army. Both groups have formed major guerrilla networks to carry out military operations against the Sandinista government and their communist advisors. The Nicaraguan Democratic Front claims to have over 2,000 armed individuals organized into cells throughout Nicaragua. This group is made up primarily of civilians who opposed and fought Somoza and have now grown disillusioned with the Sandinista regime. The National Liberation Army is an anti-communist guerrilla network composed primarily of former lower rank guardsmen, who along with their collaborators within Nicaragua, have carried out raids against Sandinista posts.

These guerrilla organizations propose to destabilize and depose the Marxist-Leninist Sandinista government and, if successful, install a true democracy in Nicaragua. Although both groups have harassed the Sandinista regime, their forces are much smaller and weaker than the huge, well-equipped army of the government. Also it should be noted that this military opposition only arose in response to repressive Sandinista actions.

U.S. POLICY TOWARD NICARAGUA

During the Carter years, American policy attempted to build friendship with the Sandinistas. To this end, the Carter Administration, which had assisted in deposing the Somoza and Urcuyo governments, offered financial and diplomatic support to the Sandinistas. By the end of President Carter's term in office, the U.S. had delivered to the Sandinistas $170 million in bilateral aid, and, according to Arturo Cruz, had become Nicaragua's "main source" of financial assistance. In addition to bilateral aid, the U.S. voted for all loans to Nicaragua within the multilateral lending institutions. Yet this aid failed to prompt favorable comments about the United States from the Sandinistas. In fact, Sandinista leader Daniel Ortega revealed his rationale for demanding U.S. financial assistance in May 1980 by claiming:

"What Nicaragua knows is that when we were fighting against Somoza, the USSR was supporting the Nicaraguan people. ... And now we have relations with the Soviets and they are seeking ways to help us. ... They are seeking ways to have the United States pay us for the great harm they have done us. ... One must note that this is a historic debt that the U.S. Government owes to the Nicaraguan people." [26]

Only after the Reagan Administration came into office and provided evidence collected by the Carter Administration demonstrating the Sandinista government's involvement in assisting the Marxist-Leninist guerrillas in El Salvador, was U.S. bilateral aid to Nicaragua terminated. The U.S. policy to stop authorizing new aid projects to Nicaragua and curtailing the on-going aid programs, which the Sandinistas have termed as "interventionism, blackmail and Yankee economic aggression," has been ineffective.

In yet another attempt initiated in August 1981, Thomas Enders, Assistant Secretary of State for Inter-American Affairs, went to Managua and offered to resume U.S. bilateral aid to Nicaragua if the Sandinistas would cease furnishing the Salvadorean guerrillas with military supplies. The Sandinistas ignored the Enders proposal, and continue to offer military support to the guerrillas in Central America. In order to meet the Sandinista challenge, the United States will have to devise a tougher policy.

U.S POLICY INITIATIVES

The overall U.S. policy toward Nicaragua should attempt to halt the Sandinistas' military assistance to the guerrilla forces in the Central American region, slow down Nicaragua's militarization efforts and ultimately change the fundamental character of this Marxist-Leninist regime into a genuine democracy emerging out of a free, pluralistic society. This can best be achieved by a four-pronged policy:

(1) Economic pressures: The United States should exert economic pressure against the Sandinista regime by withholding U.S. support within the multilateral lending institutions for all loans to Nicaragua. This would make it difficult for Nicaragua to receive "soft loans" from the Inter-American Development Bank, in which the U.S. has a tacit veto power. Similarly, this policy would make it tough for Nicaragua to attain loans from other multilateral institutions such as the World Bank. In addition, the Reagan Administration should totally terminate all U.S. bilateral aid programs to the Nicaraguan government and encourage Western European and Latin American nations, particularly Mexico, to do likewise.

(2) Arms interdiction: To diminish the arms movements out of Nicaragua, the United States should provide El Salvador with effective detection equipment. This would include radar tracking equipment requested by President Duarte in October 1981 to spot night flight operations between Nicaragua and El Salvador. It should train and provide the Salvadorean Navy with gunships to control the arms and guerrilla smuggling through the Gulf or Fonseca. In addition, it should provide equipment and training to set up a Central American surveillance task force with rapid reaction capability to seize the smuggled military supplies going to El Salvador, Honduras and Guatemala on both the Atlantic and Pacific coasts. This surveillance team would also ensure that stockpiles of weapons in Costa Rica are destroyed or removed from that country since it has no army. If the arms flow cannot be curtailed by these means, then serious consideration should be given to a naval blockade on the Atlantic and Pacific coasts. This naval blockade should be in cooperation with naval forces from Honduras, Panama, Venezuela, and Mexico, together with other Latin American navies willing to participate in stemming the tide of weapons.

(3) Promoting democratic groups: The United States should also exploit the Nicaraguan population's growing disenchantment with the Sandinista government by supporting all of the Nicaraguan opposition groups with a democratic orientation. Pressure should not be lifted until the Sandinistas open up the political system to allow the participation of all parties. If a constitutional government is not established in Managua, as promised, by the Sandinistas in their initial political platform, the U.S., in coordination with its Latin American allies, should offer clandestine support to Nicaragua's anti-Sandinista militant forces. Only by supplying them with weapons and other provisions for guerrilla warfare can the opposition effectively challenge the Sandinista regime if its repressive policies continue.

(4) Human rights violations: An investigation should be carried out concerning human rights violations by the Sandinista regime towards all factions which oppose it. An investigative task force consisting of members of the Organization of American States should be sent to Nicaragua to report on human rights violations. Hearings should be scheduled as soon as possible in the U.S. Congress concerning allegations of brutality and human rights abuses perpetrated by the Sandinista militia, particularly against the Miskito population in the Atlantic coast region.

CONCLUSION

The Nicaraguan connection, through which the Sandinista government supplies and supports subversive activities in Central America, makes Nicaragua's problems regional. A concentrated effort of the United States in cooperation with the OAS could mobilize the necessary forces to sever the connection and end the political and military threat which Nicaragua now poses toward its neighbors. This joint effort should be backed by Western European countries, Japan, and all other nations which profess a commitment to democracy. The Sandinistas have brought on themselves regional and domestic crises through their policies. By adopting a Marxist-Leninist ideology, they have betrayed the ideals of the revolution, which were for a pluralistic government democratically elected by the people. By becoming a land base exporting guerrilla warfare, the Sandinistas are threatening the sovereignty of their neighbors.

The Nicaraguan people no longer openly support the Sandinista regime. This would be proved if the Sandinistas were to allow a free political choice through open democratic elections. The freedom of choice by the Nicaraguan people should be exercised on the basis of the system initially outlined by the Sandinistas when they took power. Just as international public opinion calls for the people of Poland to decide their own future, so must the international community support the people of Nicaragua. Every other country in Central America is holding elections this year, often under difficult circumstances. The Sandinistas should do the same. Should the threat from Nicaragua remain unchecked, the United States soon will confront its most serious Central American security problem of the past century. The Soviet Union refuses to allow liberty to expand in Eastern Europe; the United States should at least as steadfastly oppose the growth of totalitarian regimes aligned to the Soviet Union in the Western Hemisphere.

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(Much of the initial research on this paper was completed by Alexander Kruger who preceded Mr. Araujo as Latin American Affairs analyst at the Heritage Foundation.)

Appendix I

The Sandinista political platform as reissued on July 12, 1979, by the provisional Sandinista government in exile:

1. A political area whose main aspects include the commitment on the part of the government junta to:

1.1 Install a regime of democracy, justice and social progress in which there is full guarantee for the right of all Nicaraguans to political participation and universal suffrage. It is based on a state organization

that will be comprised of an executive branch, a legislative branch through a council of state comprised of 33 members from the nation's broadest political and military sectors and a judiciary branch;

1.2 Guarantee the full exercise of human rights and fundamental freedoms;

1.3 Organize a new army comprised of the combatants of the FSLN, the soldiers and officers who served honestly and patriotically in the face of the plans of the dictatorship and those who joined the struggle to overthrow the Somozist regime; and

1.4 Observe an independent foreign policy that relates our country with all nations that respect self-determination and just and mutually profitable economic relations.

2. An economic area whose basic objectives, in addition to attending to the needs of the nation's emergency and reconstruction, will pursue the following fundamental aspects:

2.1 External transformation in key sectors of the economy, such as the financial system, agrarian reform, organization of domestic and foreign commerce and the necessary changes in the rural and urban areas;

2.2 Organization of a mixed economy in which a state area with social property of precise extent and clearly delimited characteristics, a private area and a third area characterized by joint investment and coordinated by the public and private sectors will coexist;

2.3 Creation of an office dealing with state and social property and action;

2.4 Compliance with foreign debt commitments and, at the same time, reorganizing and renegotiating its terms;

2.5 Accepting international donations not subject to conditions or limitations that harm national dignity or sovereignty, the use and destination of which will be subject to the strictest control;

2.6 Substantial adjustment in the organization and operation of the private financial system with the depth and proceedings that are necessary;

2.7 Promotion of foreign investment orientated toward playing a complementary role with domestic efforts. For this, clear lines will be established regarding its treatment, acquiring of [word indistinct], industrial property and so forth; and

2.8 Guarantees and full respect for properties and activities of the private sector that are not directly affected by the measures set forth in this program.

3. A social area whose main objective will be that of opening to all Nicaraguans the true possibility of improving living standards through the establishment of a policy that will tend to eradicate unemployment and that will guarantee the right to housing, health, social security, efficient public transportation, education, culture, sports and [word indistinct]. It will be a regime of economic austerity in view of the state of destruction in which the Somozist regime has left the nation. But it is sought to implement specific action in the following social areas:

3.1 Jobs and family income;

3.2 Nutrition, which contemplates the creation of a single national health system;

3.3 Education, where measures will be implemented to reform the objectives and contents of national education; and

3.4 Housing, where a true urban reform will be undertaken as emergency programs are implemented for the reconstruction of homes in the zones affected by the genocidal bombardments of the Somozist dictatorship; and

4. Finally, an area of institutional reorganization whose fundamental objective will be the rationalization of the functions of the public administration, preventing an excessive bureaucracy while establishing an economic and social system that will assure the execution of the programs and projects of the Government of National Reconstruction.

Appendix II

Report of human rights violations against the Miskito population in the Atlantic region of Nicaragua, as reported by Miskito leader Stedman Fagoth, on January 18, 1982. This account is of incidents recorded from December 1981 to January 18, 1982.

1. December 23, 1981 the community of San Carlos, Rio Coco was bombed. Sixty Miskitos died and 100 were injured.

2. December 26, in the city of Bluefields the Sandinistas incarcarated 30 persons. They killed a young man who spoke English for the mere fact that he would not join the militia. The majority of the youth have fled into the mountains refusing to join the militia.

3. December 26, in the community of Assang, the government built a military air base. They captured and jailed all of the 82 Masmoras of the community.

4. The village of San Carlos is being occupied by 150 militia of which 75 are Cubans. They are forcing the population to dig trenches. If they do not, they will be denied food. The community is living as in a prison as the military does not permit them to go out of the village.

5. In the community of Leymus the government captured 80 persons; in the community of Assang they captured another 35 persons; in the community of Krasa they captured 24 persons. And in the community of Waspuc they captured 12. These were all shot to death except for four in the community of Leymus who were buried alive.

6. Sandy Bay is occupied by 300 militia who captured 40 persons, taking them to the concentration camp in Puerto Cabezas.

7. Bilwaskarma is also a militarized zone. The hospital was closed and turned into a military fort. An unknown number of persons were sent to Puerto Cazebas. Among the people captured was Barbara Diaz, daughter of the Reverend Silvio Diaz, a Moravo Minister.

8. In the community of Raity there are 200 militia, in Aniwas there are 300 and in Walakitan there are another 300.

9. When the communists of the FSLN discover that a Miskito Indian instead of following orders to execute other Miskitos, fires bullets into the air—they bind his feet and his hands and will throw him into the River Coco.

10. From the community of Siksayary to the community of Cum the area has been deserted. All fled to Honduras: about 20 thousand Miskito Indians, among them women, children and elderly.

The following communities have been abandoned by the Miskito Indians: Siksayary, Andres Tara, Santa Isabel, Krasa, Santa Esquipulas, Sang Sang, Kitasqui, Krin Krin, Pilpilia, Namasca, Wiwinak, Esperanza, Santa Fe, Wirapajni, Pransa, San Jeronimo, Bulsirpi, Wiswis, Ipritigni, Laguantara, Kisalaya, Bilwaskarma, Uhry, Tanisca, Kaurotigni y Klisnac.

11. Orders have been given by the Sandinistas to capture all Moravo ministers and to shoot them.

12. The militia will transport the people they find along the highways or in small huts, to concentration camps in Tasbayara.

13. The following communities were burnt to the ground by the FSLN: Esperanza, Ipritigni, San Geronimo, Pransa, Wirapajni, Bulsirpi y el Carmen.

14. The Voice of Nicaragua, which is the communist radio, is launching a propaganda campaign of confusion, saying that former National Guards are the ones killing the Miskitos and stealing their cattle. They are urging the Indians to return to their communities so that they will be captured and sent to concentration camps.

FOOTNOTES

[1] The nine commanders, the factions and positions in the government are as follows: The GPP (spanish initials) Directorate, consisting of: Tomas Borge (Minister of the Interior), Henry Ruiz (Minister of Planning), and Bayardo Arce (Propaganda Chief); Proletarian; Luis Carrion (Vice-Minister of Defense), Jaime Wheelock (Minister of Agriculture), and Carlos Nunez (President of the State Council); and Terceristas: Daniel Ortega (Junta Coordinator), Humberto Ortega (Minister of Defense), and Victor Tirado (Minister without portfolio and Economic Supervisor).

[2] Lynda Schuster, "Fading Dreams," Wall Street Journal, January 15, 1982.

[3] Italy's daily newspaper Il Tempo, on June 27, 1981, reported that Fidel Castro had made some forty secret trips to Managua since the July 1979 Sandinista victory.

[4] "Soviet Delegation Visits, Diplomatic Relations Established," Managua Domestic Service 0400 GMT, October 19, 1979.

[5] "PLO Ties with Nicaragua," Barricada in Spanish, January 5, 1982, p. 8.

[6] UPI wire story, Tokyo, June 9, 1980.

[7] "Junta Member Ortega's Address," Managua Domestic Service 1750 GMT, July 19, 1980, FBIS.

[8] "Nicaragua Admits: It Is Really Marxist," O Estado De S. Paulo, October 10, 1981.

[9] "France Reportedly to Sell Rockets to Nicaragua," The Washington Post, December 28, 1982.

[10] Intelligence Digest, Weekly Review, November 25, 1981.

[11] Alma Guillermoprieto, "Nicaraguan Tells of Arms Efforts," *The Washington Post*, June 5, 1981.

[12] "Communist Interference in El Salvador, Documents Demonstrating Communist Support of the Salvadoran Insurgency," U.S. Department of State, February 23, 1981.

[13] Rowland Evans and Robert Novak, "Bridge Over the River Lempa," *The Washington Post*, October 19, 1981.

[14] Christopher Wenner, "Nicaragua's Fortunes Have Begun to Pinch," *The San Diego Union*, May 3, 1981.

[15] "Daniel Ortega Address," Managua Radio Sandino 1652 GMT, July 4, 1981, FBIS.

[16] "Nicaragua Junta Declares State of Emergency," *The Wall Street Journal*, September 11, 1981.

[17] El Diario de Hoy, December 1981, San Salvador.

[18] James Nelson Goodsell, "Nicaraguan Priests Told 'Quit Politics,'" *The Christian Science Monitor*, June 22, 1981.

[19] "Archbishop Says Revolution Moving Toward Marxism," San Jose, Radio Reloj 1730 GMT, June 20, 1981.

[20] Alma Guillermoprieto, "Struggle between Sandinistas and Press Heats Up," *The Guardian*, August 24, 1981.

[21] *Nicaraguan Foreign Minister Concludes Visit*, Moscow in Spanish to Latin America, 2300 GMT, December 14, 1981; and Moscow TASS in English, 1835 GMT, December 15, 1981.

[22] Al Kamen, "Sandinista Mob Action Thwarts Rally by Opposition," *The Washington Post*, March 16, 1981.

[23] Shirley Christian, "Discontent Grows on Nicaragua's East Coast," The Washington Post, August 26, 1981.

[24] "Elvir Sierra Lodges Complaint Against Nicaragua," Buenos Aires LATIN in Spanish 1855 GMT, January 8, 1982; (Reuters) Wire Story from Tegucigalpa, January 4, 1982; Managua, Nicaragua, January 16, 1982; and (Reuters) Wire Story.

[25] "Borge Says Deported Priest, Nuns, Can Return," Paris AFP in Spanish 0315 GMT, January 22, 1982; Bishop's Communique, Managua Radio Sandino in Spanish, 1200 GMT, January 25, 1982.

[26] "Daniel Ortega Saevedra, Direct Line," Managua Radio Sandino 0200 GMT, May 30, 1980.

[From Accuracy in Media Report, March 1982]

THE REINCARNATION OF HERBERT MATTHEWS

Several years ago Cuban exiles paraded in front of the New York Times building in New York City with placards bearing a picture of Fidel Castro captioned, "I got my job through the New York Times." That was a slogan used to promote classified ads in The Times. Its application to Castro was in recognition of the vital role that Herbert Matthews, a renowned correspondent for The Times, had played in building up Castro and helping to bring him to power.

Matthews and The Times helped Castro deceive the world concerning his program for Cuba. He told them that he was out to restore constitutional government and democracy to Cuba, and they passed it on. They ignored the evidence that Castro was a Marxist and a participant in the violent communist-led riots in Bogota, Columbia in 1948.

Six days after Castro overthrew Batista, with considerable American help, his regime was recognized by our government. Herbert Matthews promptly wrote an editorial for The New York Times praising the action. It said that the Castro regime had "pledged itself to honor all international obligations, to hold new elections within a maximum of two years, and to protect foreign property and investments." It added, "Finally refuting allegations of Communist infiltration, it proposes to shun diplomatic relations with Communist countries."

Seven months later another Times correspondent, Tad Szulc, explained the absence of elections in Cuba, saying that Cuba was formulating a "new democracy." He quoted Fidel Castro as saying, "The democracy generated by our revolution reminds us of the first democracies of the world, of the Greek democracy, where the people in the public square discussed and decided their destiny. . ." Ruby Hart Phillips, then the perceptive permanent correspondent of The Times in Havana, noted in her excellent book, The Cuban Dilemma (1962) that this was the beginning of Castro's claim that Cuba did not need elections because he had a direct mandate from the people massed in the plaza.

Shortly after Castro's first anniversary in power Anastas Mikoyan, First Deputy Premier of the USSR, arrived in Havana to open up the Soviet Scientific, Cultural and Technical Exhibition. It was obvious that diplomatic relations with the Soviet Union, which had been broken off in 1952, would soon be re-established. A few weeks later, in March 1960, Castro began his seizures of American property in Cuba, beginning with sugar refineries, farms and ranches. Castro had broken all his major promises.

THE NEW HERBERT MATTHEWS

Herbert Matthews is dead, but his spirit lives on at The New York Times. If there were a Herbert Matthews prize for disinformation, at least three Times correspondents would be in the running for it—Alan Riding, Warren Hoge and Raymond Bonner. All cover Central America. All have contributed to the effort to conceal from the American people the real intentions of the Castro-backed revolutionaries in that area.

Riding did for the Sandinista in Nicaragua what Matthews had done for Castro. He and other American journalists, notably Karen DeYoung of The Washington Post, served as the channels by which the Sandinistas informed the world that they wanted to overthrow Somoza in order to bring a pluralistic, democratic society to Nicaragua. When the Sandinistas broke their promises even faster than Castro had, Riding fell strangely silent. The New York Times showed so little concern about human rights violations by the Sandinistas that it did not even carry a story about the report on Nicaragua by the Inter-American Commission on Human Rights when it came out last summer.

Reed Irvine and Murray Baron, the chairman and president of AIM respectively, criticized the Times' coverage of Nicaragua under the Sandinistas in their meeting last July with Arthur Ochs Sulzberger and Sydney Gruson, the chairman and vice chairman of The New York Times Co. Mr. Sulzberger said that he would have the coverage reviewed to see if these criticisms were justified. The results have been minimal to negative. One of the most significant developments in Nicaragua after that meeting was the formal protest by the country's top business leaders against the government's march toward communism. This was not reported in the The Times. The paper barely mentioned the subsequent arrest of four of the business leaders and the imprisonment of three of them.

HOG (E) WASH

At the end of December and during the first two weeks of January 1982, The Times ran a series of seven articles about Nicaragua by Warren Hoge. This was apparently an effort to make up for previous neglect, but the articles were largely a whitewash. They leave the impression that life in Nicaragua has dramatically improved for the great majority of the inhabitants, not only in terms of the material quality of life, but also in terms of liberty.

Hoge said in his January 14 article that "it is indisputable that Nicaraguans today suffer less state repression of fundamental freedoms under their leftist government than do the people of countries in the region like Guatemala and El Salvador whose right-wing governments do not draw the same kind of critical comments from Washington." Hoge apparently is unaware of the fact that the government of El Salvador is headed by a Christian Democrat who has taken such left-wing actions as redistribution of land and nationalization of banks. These policies have earned the government the enmity of the right, which is working hard to defeat it in the forthcoming elections.

Nowhere in his lengthy articles does Warren Hoge mention the fact that Nicaragua has 4,500 political prisoners, according to the latest human rights report issued by the Department of State. These prisoners were tried by kangaroo courts where the normal rules of evidence were suspended and with no right of appeal within the regular judicial system. The Inter-American Commission on Human Rights described conditions in the overcrowded prisons as inhuman. The State Department says that many credible reports of abuse of prisoners were received in 1981, and it notes that the Red Cross has been denied permission to visit prisoners under interrogation in places controlled by the state security police. The State Department says there are credible reports that torture is practiced in these centers.

Hoge avoided comparing human rights in Nicaragua today with conditions that prevailed before the Sandinistas took over. Under Somoza there were very few political prisoners. Until the Sandinistas began their rebellion, the country had a free press, elements of which were vigorous in their criticism of the government. There were two vigorously competing political parties, and the minority party was guaranteed by law 40 per cent of the seats in the legislature. Had Somoza not been overthrown, the country would by now have held elections under international supervision. Hoge does not mention the fact that the Sandinistas, who took over two and a half years ago, have said they will not permit elections before 1985, a date that is anything but firm.

Hoge says the government "tolerates a level of political and press opposition that a police state would never allow." It is true that opposition political parties can be formed, but this is meaningless since they can't recruit members or run candidates for office. Moreover, their attempts to hold meetings have been broken up by mobs that apparently have government sanction. The one opposition newspaper, La Prensa, has been closed down five times in the past nine months and has been subjected to severe harrassment in other ways. There is no evidence in Mr. Hoge's articles that he ever spoke with the beleaguered owners or editors of La Prensa, since he portrays a picture of the paper's position that is far rosier than what they have described.

The same is true of his remarks about the Church. Hoge says the Sandinistas have not hampered its activities, forgetting that Archbishop Obando y Bravo has been barred from giving his Sunday morning homily via television, a time-honored practice until last year. Curtailing the archbishop's access to the people is a police state reaction to his criticisms of the regime. In November, he said that Nicaragua is governed not by the junta, but by the Cubans. At a meeting in Bogota, Colombia on November 16, the archbishop charged that the key positions in Nicaragua are occupied by men close to Castro. He said that the Sandinist regime was totalitarian and Marxist-Leninist. These remarks were reported by AFP, the French news agency. Mr. Hoge gives no sign that he is even aware of them.

Similarly ignored was the letter written to the junta by Jose Esteban Gonzales, Coordinator of the Nicaraguan Human Rights Commission on October 17, 1981. He said the Sandinista political program was totalitarian and that it was based on "the objectives, programs and methods of the failed Cuban revolution." He criticized the creation of Sandinista "shock troops," saying that they had a clear fascist connotation, similar to those used by Hitler and Mussolini to attack groups they wanted to destroy or intimidate. Gonzalez, whose criticisms of human rights abuses under Somoza helped the Sandinistas, has since found that his work in this area is no longer appreciated. He was arrested and freed after international protests poured in. Last September he was barred from attending an international human rights meeting in Switzerland, and valuable documents and photos belonging to his Commission were confiscated.

Warren Hoge gives no indication of having discussed the human rights situation in Nicaragua with Gonzalez, with any of the victims of the regime, or with any of the exiles who helped the Sandinistas topple Somoza but were then bitterly disappointed to discover that they had helped bring to power an even worse dictatorship. He seems not to have heard of Nevardo Arguello, the third ranking official in the Nicaraguan Ministry of Justice under the Sandinistas. He fled the country, saying that the human rights situation had worsened under the Sandinistas and that their regime "does not

recognize the dignity of man and surrenders the country to a foreign power." He added: "The revolution is a myth. The Russians are giving orders through Fidel Castro."

THE JOURNAL REFUTES HOGE

Without mentioning Hoge, The Wall Street Journal ran a story on Nicaragua on January 15, 1982, which said almost precisely the opposite of the "Hog(e)wash" appearing in The Times. Reporter Lynda Schuster quoted a grocery store owner as saying: "We were all duped. If I thought for one minute that the Sandinistas would turn the country into another Cuba, I never would have given them my house to use as a base during the war."

Schuster cited a poll taken by La Prensa which revealed that some 70 percent of the Nicaraguans want free elections. It said that 64 percent feel their lives have not improved since the Sandinistas took over in 1979. The Journal noted: "The discontent . . . is still a serious problem for the new government because it comes from the middle and working classes. Many of these people—the economic backbone of both the revolution and the subsequent rebuilding—were ready for revolt against Somoza but not for the upheaval that followed. Now they strongly resent a new social, economic and political order they didn't expect, don't understand and don't want."

The tolerance of dissent, so uncharacteristic of a police state, which Warren Hoge discovered was not so obvious to Lynda Schuster. She wrote: "The government's growing intolerance to dissent worries the Permanent Commission on Human Rights in Managua, an independent group formed before the revolution. Marta Patricia Baltodano, the commission's director, says people are reluctant to express opinions or make political statements for fear of being jailed under an ambiguous law of public order and security that deals with counterrevolutionaries—in other words," she says, "anyone who disagrees with the government."

Baltodano said that some 300 persons had been jailed under this law. When the Nicaraguan Minister of Justice, Ernesto Castillo, was asked about all the political prisoners in Nicaragua during his visit to Washington, D.C. on February 19, he replied, "We have no political prisoners." Unfortunately we have journalists who will accept such lies and report them without question.

NICARAGUA'S MILITARY BUILDUP

Nicaragua, despite its desperate economic and financial difficulties, is carrying out a huge military buildup for a small Central American country. The Pentagon says it already has 40,000 in its army and a militia or reserves of 40,000. It plans a militia of 150,000. According to the State Department there are 1,800 to 2,000 Cuban troops in Nicaragua now. Nicaragua has 25 Soviet tanks, and 80 Nicaraguans are currently in Bulgaria receiving training to fly MiG fighters. They are expected to return to Nicaragua in a few months. The airfield at Puerto Cabeza in the northeastern part of the country has been lengthened and hardened to enable it to accommodate MiGs. The Sandinistas have been reported to have built 27 new military bases, and there are a number of bases that are said to be entirely off limits to all Nicaraguans.

In his articles in The Times, Warren Hoge downplayed the significance of the Nicaraguan military buildup. He puts the strength of the army at 23,000 with an additional 60,000 in the militia or reserves. He puts the number of Cuban military advisers at 1,500. He acknowledges that pilots are being trained to fly MiG-17s, which he says will give them equality with the French Mysteres flown by the Honduran airforce. He does not point out that Honduras has only 12,000 men in its army or that El Salvador, which has a serious guerrilla problem, fueled by Nicaragua and Cuba, has only 15,000 men under arms. Nicaragua's neighbor to the south, Costa Rica, has no army.

Hoge explains this massive military buildup as a reaction to external threats to Nicaragua's security. He notes that Nicaraguan troops have been killed on the Honduran border and that a leader of 800 Latin American exiles receiving combat training in Florida claims to have infiltrated 100 men into Nicaragua through Honduras. He points to the refusal of Secretary Haig to rule out a military response to the growing signs of "totalitarianism" in Nicaragua. He quotes a highranking Sandinista as saying, "The United States says it may invade us, so we ask for more arms, and then the United States says we are destabilizing the military balance in Central America." Hoge adds that Administration charges that the Nicaraguans are arming themselves for something other than defensive reasons" is not shared by Latin American and European diplomats in Managua." Hoge does not tell us us whether those diplomats were Cubans and Russians, or perhaps Panamanians and French.

Concern about the Nicaraguan military buildup is great in the neighboring Central American countries, including Costa Rica. Reed Irvins recently visited Costa Rica, where he talked with President Carrazo, with two of the candidates running to succeed Carrazo, and with Jose Figueres, who has served as president of Costa Rica three times. Carrazo and Figueres had contributed greatly to the Sandinista victory over Somoza. They still consider themselves friends, but there was universal concern about the course the Sandinistas are taking. Figueres, who led a successful revolution in Costa Rica in 1948 and then disbanded his own army as well as the one he defeated, is deeply worried about the military buildup. He sees Nicaragua as a potential threat to all of its neighbors, who cannot hope to defend themselves without help from the United States.

Hoge and The Times have it exactly reversed. The Nicaraguan buildup began long before there was any significant organized guerrilla activity directed against the Sandinistas. It began while the United States was still providing Nicaragua with economic aid and was endeavoring to work out a peaceful settlement of the differences between the two countries. Cord Meyer, a retired high CIA offical who now writes a newspaper column, warmed last spring that the guerrilla war in El Salvador was a distraction that was diverting attention away from the real threat, the growth of Nicaraguan military offensive power.

AIM called this to the attention of Arthur Ochs Sulzberger of The Times last July. It was news to him then. His immediate reaction was to ask why our government hadn't alerted the public to the danger if this was true. That was a good question, but since then top officials, including Secretary Haig have spoken out. Regrettably, the answer of The Times has been the disinformation series on Nicaragua by Warren Hoge, playing down the danger and justifying Nicaragua's omnious actions as nothing more than a reaction to our own "bellicosity" and 100 guerrilla infiltrators from Honduras.

THE MISKITO INDIAN PROBLEM

Writing on January 4, 1982, Hoge disposed of the forcible removal of thousands of Miskito Indians from their villages along the Nicaraguan border with Honduras in one brief paragraph. He said that the Indians had "objected to Sandinist efforts to integrate them into a culture dominated by the Spanish-speaking majority on the Pacific Coast." This was at a time when thousands of Indians—10,000 according to the Sandinistas' own admission—were rounded up and forcibly removed far from their ancestral lands.

According to a moving document by one of their leaders, Stedman Fagoth Muller, the communists were bent on stamping out the Indian culture. He said Interior Minister Tomas Borge had told him that the Sandinistas were prepared to exterminate the Indians if necessary to establish communism along the Atlantic coast. Fagoth Muller charges that on December 26, 1981, in an unprecedented massacre 35 Indians were buried alive by the Sandinistas. Thousands of the Indians have fled into Honduras. Hoge said nothing about all this. It was not until February 21 that The Times finally told its readers something of the suffering of the Indians.

A TIMES DISINFORMATION CLASSIC

Last January 11, The New York Times carried a shocking story by correspondent, Raymond Bonner, charging that U.S. military advisers in El Salvador had watched while El Salvadoran military personnel tortured two teenagers. The lengthy story ran on page 2 alongside a photo of the first contingent of Salvadoran soldiers arriving in this country for training.

The charge was based solely on statements made by a young deserter from the Salvadoran military named Gomez. Bonner said that he had been unable to obtain any corroboration of the charge, and he noted that it had been denied by the Defense Department. However, Bonner and The Times did not treat the story as one might expect them to treat an incredible and serious story that came from a single source with dubious credibility. The length of the story and the prominence it was given implied that The Times took it seriously and wanted it to be taken seriously by its readers.

The Soviets wasted no time in exploiting the publication of this very damaging story by The Times. The very next day, Radio Moscow blared forth the news that The New York Times had exposed the American advisers in El Salvador as having participated in the torture of prisoners. They then added the old communist charge that the U.S. had been teaching torture techniques in Latin America for many years.

AN OLD STORY

This story had been floating around Mexico City for many months. Leftists had been trying to peddle it to American journalists, but until Bonner came along they had found no takers. Apparently the other reporters recognized the story for what it obviously was—communist atrocity propaganda, totally lacking credibility. The story had appeared in a leftist Mexican paper, Uno Mas Uno. Radio Moscow could easily have picked it up from there, but that would not have provided the credibility they wanted. It was worth waiting to get the story insinuated into the great New York Times. It took eight months after Gomez deserted to achieve that goal, but thanks to

Raymond Bonner it was finally reached on January 11.

The American embassy in San Salvador and the Defense Department have investigated Gomez's charges very thoroughly. Not a scintilla of evidence to confirm his allegations has been found. They have found quite a bit of information that shows Gomez is a liar.

According to The Times, Gomez said that his father and mother were killed by Salvadoran National Guardsmen in May 1981. According to his relatives in his home town, that is untrue. They told U.S. investigators that Gomez's parents had died of natural causes long before then. The embassy also found that Gomez had varied the number of brothers and sisters he had from interview to interview. Gomez also told The Times that he deserted the Salvadoran military after he had been jailed and had succeeded in a dramatic escape, during which two other soldiers were killed and two seriously wounded. Military records show that he had simply failed to return from a 48-hour pass.

Several of Gomez's statements about U.S. military personnel in El Salvador are contrary to fact. He said that some of the U.S. soldiers who allegedly observed the torture of the teenagers were wearing camouflage fatigues. The U.S. personnel in El Salvador never wore camouflage fatigues. They were prohibited from doing so from the very beginning.

There are several other proven discrepancies in the statements attributed to Gomez by The Times. Howard Lane, U.S. information officer in our embassy in San Salvador, termed the story "yellow journalism." He said: "It is incredible that a paper of the stature of The Times would lend itself to this kind of cheap trick."

WHAT YOU CAN DO

Write to Arthur Ochs Sulzberger, Chairman, The New York Times, New York, N.Y. 10036 about these cases.

[From the Republican Study Committee Bulletin, Mar. 19, 1982]

NICARAGUA'S "ECONOMIC MIRACLE"

Question of the week: Why did it take the Sandinista government in Nicaragua only two years to amass "a foreign debt practically equal to the giant indebtedness accumulated by the corrupt Somozoa regime in 43 years of systematic pillage?" That question was posed recently by Jose Esteban Gonzalez, Coordinator of Nicaragua's Human Rights Commission. Whether or not junta chieftain Daniel Ortega responded is unknown. But the reason for Nicaragua's economic collapse is undeniable.

To be sure, the Sandinistas inherited a dangerous situation. When they seized control of the government in July 1979, much of Nicaragua's economic infrastructure had been shattered by civil war and the country was faced with an external debt totaling $1.3 billion. Nevertheless. Nicaragua was running a $160 million trade surplus that year and had a vigorous agricultural sector. It didn't take the Sandinistas long to change things.

To finance a precipitous expansion of the government—eight new cabinet-level ministries and a 250% increase in the national budget in a single year—required certain "reforms." The Sandinistas began by negotiating a new repayment schedule on the foreign debt, at least forestalling the inevitable default until 1986. They gained a little more breathing room by tinkering with the money supply and raising taxes to confiscatory levels.

Ortega and company then embarked on overseas fundraising tours that have thus far netted $1.3 billion in loans and development assistance. Other key elements in the Sandinista economic recovery plan included sweeping nationalizations in the industrial sector and the wholesale expropriation of private property.

Not satisfied with the results of all this, the Sandinistas decided to make war on what was left of the private sector and the independent labor unions. An estimated 200,000 white collar professionals, businessmen, and technicians have since fled the country. To make matters worse, migrant farmers from other Central American countries, who provided an important labor pool during the harvest season, have refused to return to Nicaragua.

Sandinista [mis]management of the Nicaraguan economy has resulted in an almost incomprehensible debacle. The country's external debt now stands at nearly $3 billion and is growing by $2.5 million a day. Inflation, currently at 35%, may reach 50% before the end of the year. Unemployment is idling 30% of the workforce.

Production in the vitally important agricultural sector, which accounts for three-fourths of Nicaragua's exports, has fallen by about 50% since the Sandinistas took over. Food prices have doubled and the export earnings of cotton and coffee, the two most important commodities, have been decimated. Nicaragua must now import sugar, rice, beans, and corn, products in which it was once self-sufficient.

Jose Francisco Cardenal, a prominent businessman and longtime opponent of the Somoza regime, answered the question of the week after he fled his homeland: "The economic result of the Sandinista ideological philosophy and its attacks on private enterprise has been the virtual ruin of Nicaragua's economy. . . . The government has continued its policy destined to strangle and then eliminate private enterprise from the country, and to create in its stead a type of Marxist-Leninist state capitalism." There is no other explanation.●

NEIGHBORS HELPING NEIGHBORS

● Mr. ARMSTRONG. Mr. President, last week I visited the Highland Neighborhood Service, a unique project in North Denver. Highland NHS is a working partnership of neighbors, lenders and city representatives committed to maintaining and enhancing the cultural, ethnic and socioeconomic mix of the Highland community. Highland volunteers and staff are succeeding in this ambitious task and in preserving and improving the quality of life in the neighborhood by: Working with residents toward upgrading their homes; working as a catalyst for commercial revitalization; directing necessary city services and capital improvements into the community, and working closely with financial institutions toward increasing private reinvestment into the area.

A 20 member board of directors, consisting of 11 residents, 6 lenders, one city official, and 2 community-at-large representatives guides the Highland NHS partnership and serves as the policymaking body.

A committed professional staff, employed by the Board, provides services for community revitalization.

HIGHLAND NHS GOALS

Among the specified goals of the Highland NHS are:

Involve Highland residents in community revitalization, both residential and commercial.

Upgrade deteriorating properties.

Preserve the ethnic, cultural, and socioeconomic diversity of the neighborhood.

Encourage the maintenance and/or improvement of neighborhood homes.

Lower resident's utility costs.

Increase home ownership in the neighborhood.

Preserve the historic character of the Highland area.

Encourage residents, financial institutions, and the city government to cooperate in addressing neighborhood concerns.

HIGHLAND NHS SERVICES

Home repair and energy conservation loans, NHS will help residents secure conventional loans. For those property owners who do not qualify for other loans we have a revolving loan fund and can provide low-interest long-term loans tailored to the individual.

Specification writing and estimates, NHS will visit neighborhood homes, write job specifications and develop cost estimates.

Qualified contractor referral and monitoring, NHS will assist residents in locating licensed contractors for home repair and improvements and will oversee contractor performance.

Home hazards inspection program, for all recipients of our services a survey will be conducted of the property to determine the repairs needed to assure the safety and health of the occupants.

Home energy audits/product demonstrations, on request NHS will conduct an audit, list low/no-cost energy-saving improvements and demonstrate weatherization products available on today's market.

Counseling for home purchase, NHS will help neighborhood families obtain financing for the purchase of homes in the area.

Do-it-yourself assistance, NHS will provide technical assistance and instruction to homeowners and tenants for do-it-yourself projects.

Block energy party, NHS will provide a weatherization gift, an Audit and will give hands-on demonstration of the most essential weatherization work on the host house.

Direct contact with city government, NHS will help upgrade public improvements and municipal services in the community.

Mr. President, in a time when so many large government programs to help solve community problems are

failing, it is truly an inspiration to see the success of the Highland Neighborhood Center. Executive director, Mary Helen Sandoval, and the board of directors of community residents and lenders are not only solving problems at the grassroots level, they have established a model which other communities would be wise to emulate.●

JUST MINOR TINKERING WITH SOCIAL SECURITY

● Mr. ARMSTRONG. Mr. President, I commend to the attention of my colleagues an editorial from the Pueblo Chieftain, one of Colorado's most influential daily papers. The editorial comments on the hazards of attempting to cure the problems of social security by relying on payroll tax increases to the exclusion of structural reforms. The editorial points out that the Social Security Commission's recommendations fall short of the reforms that can save it from a continuing financing crisis because it relies excessively on increasing taxes.

I ask that this editiorial be printed in the RECORD because it represents a thoughtful contribution to the debate on one of this Nation's most important programs. Frank Hoag established a reputation of strong community leadership through constructive journalism and the editors and publishers of the Chieftain carry on that tradition.

The editiorial referred to follows:

[Editorial from the Pueblo Chieftain, Jan. 18, 1983]

JUST MINOR TINKERING WITH SOCIAL SECURITY

Like coaxing a few more miles out of the aging family auto, our nation's leaders are about to do some tuneup work on the Social Security system. But they'll have to invest in a new engine and transmission some year soon, or the clunker will end up on the scrap heap yet.

Over the weekend, the National Commission on Social Security Reform, congressional leaders and the Reagan administration came to terms on a package recommending ways to pare huge deficits looming for Social Security.

The $169 billion package represents a compromise between those who would raise taxes to make the system whole and those who would make up the difference mostly by reducing projected increases in benefits. And, like many compromises, it offers only weak remedies to problems requiring drastic cures.

There are a number of worthy elements in the plan, including requiring future federal workers and employees of non-profit corporations to participate in Social Security, increasing incentives for citizens to delay retirement past age 65, and delaying cost-of-living increases for six months.

But advancing the schedule of payroll tax increases only places further stain on a system already burdensome to workers and businesses. Furthermore, the package fails to address about one-third of the long-term deficits forecast for the system.

One writer in a national magazine accurately observes that Social Security as we know it is like a pyramid club, and, like any pyramid club or Ponzi scheme, it will come crashing down when it runs out of suckers.

Some time after the turn of the century, there will be only two Americans paying into Social Security for every one receiving benefits. And, if benefits are not adjusted downward in the meantime, Social Security taxes will have to be as much as 40 percent of each worker's earnings.

Suckers may be born every minute. We cannot, however, conceive that they will be produced in numbers sufficient to carry this heavy load.

Knowing the political process as we do, we expect Congress to dutifully endorse the current package of compromises as the best that can be obtained under the circumstances. And, indeed, it may be.

But let no one be deceived that Social Security is about to be saved, for now and for future generations. It isn't.

The jalopy, with a couple of new sparkplugs and an oil change, may still be able to putter down the road for a while. But until the old gas hog is overhauled and made into a less costly, more efficient piece of machinery, it cannot be trusted for the long trip.●

EASY WAY OUT

● Mr. ARMSTRONG. Mr. President, the Rocky Mountain News recently editorialized on the Social Security Commission's plan to bail out the social security system.

The editors correctly point out that the Commission plan would increase the tax burden on the working poor and increase a bias against employment in our tax system. They also pinpoint another basic problem of the system which increases retirees' benefits faster than workers' wages.

We in Congress have an obligation to listen to the responsible people in our society like the editors of the News who have taken the time to become knowledgeable of the social security system. The credibility of the Congress and the Federal Government is at stake. We can hardly afford to adopt a plan that simply postpones the problems a few years.

I submit the editorial for the RECORD:

[From the Rocky Mountain News, Jan. 19, 1983]

EASY WAY OUT

After nearly a year of work, the president's commission on Social Security has come up with a plan that relies too much on new taxes and shrinks from meaningful reductions in the growth of costly benefits. Nevertheless, the plan does suggest some constructive changes, and, more to the point, is probably the only proposal now feasible.

First the bad news: Social Security tax increases would be accelerated. Since many low-income workers already pay more in Social Security taxes than they do in federal income taxes, the commission's "reform" would increase the tax burden on the working poor and sharpen the system's bias against employment.

Raising the payroll taxes paid by employers sends them an undesirable message. Think twice before hiring another worker. But if you forgo the worker and buy a machine instead, our marvelous system rewards you with an investment tax credit.

It's also unfortunate that the commission lacked the courage to uncouple benefits from the Consumer Price Index, which means another round of inflation could again ravage the system. The fundamental cause of Social Security's massive deficit is that benefits were allowed to run away from revenues, as cost-of-living increases boosted retirees' income at a faster rate than the income of wage-earners.

However, the commission did recommend a few changes on the benefits side, beginning with a proposed 6-month delay in the cost-of-living increase due July 1. It also proposed that benefits be taxed for those retirees who have substantial incomes outside the system. Finally, it would bring new federal employees into the system—a long needed reform—as well as head off the withdrawal from the system of other government agencies.

Colorado Sen. William Armstrong was one of three commission members who dissented from the report. He's upset—with good reason—that the proposals rely so heavily on higher taxes. However, it is difficult to believe that the present political climate would allow for a much fairer solution. In fact, even implementing the modest changes in benefits actually suggested will require a small miracle.

Obviously, Social Security taxes cannot forever be raised at the same rate they have been for the past 20 years. Someday, as Senator Armstrong maintains, politicians will have to face up to that fact. Maybe they will have mustered the necessary political courage to do so in time for the next crisis in the system—say, four or five years from now?●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two routine requests I wish to put before I attempt to proceed to another matter.

ORDER FOR RECESS UNTIL 11:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR LEVIN TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the distinguished Senator from Michigan (Mr. LEVIN) be recognized on a special order of not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT WASHINGTON'S FAREWELL ADDRESS BE READ ON FEBRUARY 21, 1983

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of President Washington's farewell address occur this year on February 21 instead of February 22 as provided in the order of January 24, 1901.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair, on behalf of the Vice President, pursuant to the order of the Senate, appoints the junior Senator from Virginia (Mr. TRIBLE) to read Washington's farewell address on February 21, 1983.

Mr. BAKER. I thank the Chair.

NOMINATIONS

Mr. BAKER. Mr. President, both on February 3, prior to the Lincoln Day recess, and again this morning, I indicated it would be my intention to ask the Senate to turn to the consideration of the nomination of Richard T. McCormack, of the District of Columbia, to be an Assistant Secretary of State and the nomination of Richard R. Burt, of the District of Columbia, to be an Assistant Secretary of State.

I will go first to the Burt nomination or attempt to do so, but before I do, in order that any Senator who wishes to communicate with his cloakroom may do so, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the request I am about to put has been cleared with the minority leader. Members on this side, including those who have indicated opposition to at least one of the nominees on the Executive Calendar, have been made aware of the request.

Mr. President, before I put the request, let me make the arrangements for tomorrow's session.

PROGRAM

Mr. BAKER. Mr. President, there is already an order for the Senate to convene tomorrow at 11:30 a.m., I believe.

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, on tomorrow, after the Senate convenes at 11:30 a.m., the Chair will recognize the two leaders under the standing order and then the distinguished Senator from Michigan (Mr. LEVIN) on a special order.

ORDER FOR RECESS ON TOMORROW

Mr. President, I ask unanimous consent that at the expiration of the time required by those events, the Senate then stand in recess until the hour of 2 p.m. tomorrow. Parenthetically, the reason for that is to permit Members on both sides of the aisle to attend caucuses of an official nature away from the floor of the Senate.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. President, I further ask unanimous consent that when the Senate reconvenes after the recess at 2 p.m., that there be a brief period for the transaction of routine morning business in which Senators may speak for not more than 5 minutes each and to extend not later than 2:30 p.m.

The PRESIDING OFFICER. Without objection, the unanimous-consent requests of the distinguished majority leader are so ordered.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, as I said, the request I am about to put has been cleared with the minority leader, all Senators that we are aware of who have an interest in this matter have been notified, and I believe there will not be an objection to the request I am about to put.

I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nomination of Richard R. Burt, of the District of Columbia, to be an Assistant Secretary of State, vice Lawrence S. Eagleburger, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD R. BURT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE

The PRESIDING OFFICER. The nomination will be stated.

The bill clerk read the nomination of Richard R. Burt, of the District of Columbia, to be an Assistant Secretary of State.

Mr. BAKER. Mr. President, as I indicated earlier today, it is not the intention of the leadership to try to press for a vote on this matter today. Indeed, in the absence of certain key Senators who wish to be involved in the debate, I think it would be inappropriate to go forward with any debate on this matter at this time.

When the Senate completes its business today, it will return in the morning at 11:30, and at the expiration of the time for the transaction of routine morning business, not later than 2:30 p.m. tomorrow, the Senate will resume consideration of this nomination. Is that not correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Mr. President, the leadership intends to pursue this matter, I hope to complete this matter, on tomorrow, and, following that, to turn to the nomination of Richard T. McCormack, of the District of Columbia, to be followed by such other nominations as may appear appropriate at that time as they are listed on the Executive Calendar.

While the unanimous-consent order provides for the Senate to go into executive session, which we have done, solely for the purpose of considering the Burt nomination, it is the intention of the leadership to proceed to these other matters when the Burt nomination is completed, absent other extraordinary and compelling reasons.

RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. BAKER. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 11:30 a.m. tomorrow.

The motion was agreed to; and at 1:34 p.m. the Senate, in executive session, recessed until Tuesday, February 15, 1983, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 8, 1983, under authority of the order of the Senate of February 3, 1983:

BOARD FOR INTERNATIONAL BROADCASTING

Thomas F. Ellis, of North Carolina, to be a Member of the Board for International Broadcasting for a term expiring April 28, 1985, vice Charles David Ablard, term expired.

Michael Novak, of the District of Columbia, to be a Member of the Board for International Broadcasting for a term expiring April 28, 1985, vice Thomas H. Quinn, term expired.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard C. Henry, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Edward C. Meyer, [redacted] (age 54), U.S. Army.

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3370:

ARMY PROMOTION LIST

To be colonel

Abreu, Ronald P., xxx-xx-xxxx
Adams, Ambrose D., xxx-xx-xxxx
Adams, Robert E., xxx-xx-xxxx
Adams, William D., xxx-xx-xxxx
Agrafiotis, Chrys C., xxx-xx-xxxx
Albracht, Robert A., xxx-xx-xxxx
Alden, John E., xxx-xx-xxxx
Alewel, Roger L., xxx-xx-xxxx
Alexander, Richard, xxx-xx-xxxx
Allen, John E., xxx-xx-xxxx
Alm, Dennis C., xxx-xx-xxxx
Alsip, Tommy G., xxx-xx-xxxx
Alton, Jack E., xxx-xx-xxxx
Alvarez, Luis, xxx-xx-xxxx
Amador, Julian W., xxx-xx-xxxx
Ambrose, William P., xxx-xx-xxxx
Amoroso, Francis J., xxx-xx-xxxx
Anderson, Benny P., xxx-xx-xxxx
Anderson, Gene R., xxx-xx-xxxx
Armstrong, Charles, xxx-xx-xxxx
Armstrong, Donald G., xxx-xx-xxxx
Armstrong, Robert C., xxx-xx-xxxx
Arnold, Joseph R., xxx-xx-xxxx
Arther, Billy J., xxx-xx-xxxx
Aus, Alfred B., xxx-xx-xxxx
Austin, Joseph R., xxx-xx-xxxx
Baggett, William T., xxx-xx-xxxx
Baker, Donald E., xxx-xx-xxxx
Baker, Merrill S., xxx-xx-xxxx
Baker, Norman J., xxx-xx-xxxx
Bakke, Kjell M., xxx-xx-xxxx
Baldwin, Edward S., xxx-xx-xxxx
Ballenger, William., xxx-xx-xxxx
Barker, Larry C., xxx-xx-xxxx
Barnette, James H., xxx-xx-xxxx
Barton, Billie R., xxx-xx-xxxx
Bassett, John C., xxx-xx-xxxx
Bassford, Gerald L., xxx-xx-xxxx
Beal, Wesley A., xxx-xx-xxxx
Beatty, William T., xxx-xx-xxxx
Becker, John B., xxx-xx-xxxx
Beemer, Elwyn L., xxx-xx-xxxx
Bennett, Andrew F., xxx-xx-xxxx
Bennett, Robert W., xxx-xx-xxxx
Berger, Baruch M., xxx-xx-xxxx
Bevis, Coleman O., xxx-xx-xxxx
Bianchi, Arthur A., xxx-xx-xxxx
Bielawa, Frederick, xxx-xx-xxxx
Binder, John J., xxx-xx-xxxx
Bird, James E., xxx-xx-xxxx
Blandford, John L., xxx-xx-xxxx
Bolton, Thomas N., xxx-xx-xxxx
Bonanno, Frank C., xxx-xx-xxxx
Bonds, Tommy W., xxx-xx-xxxx
Boothby, Charles L., xxx-xx-xxxx
Bootzin, Jerold W., xxx-xx-xxxx
Borcher, Dale H., xxx-xx-xxxx
Bosarge, Frederick, xxx-xx-xxxx
Boucher, Paul J., xxx-xx-xxxx
Bouldin, Kenneth A., xxx-xx-xxxx
Bourassa, Jerry D., xxx-xx-xxxx
Bowen, Frank S., III, xxx-xx-xxxx
Boyce, Woodrow D., xxx-xx-xxxx
Boyd, Edgar L., xxx-xx-xxxx
Bradshaw, Philip L., xxx-xx-xxxx
Bragg, Henry C., xxx-xx-xxxx
Brandt, Robert J., xxx-xx-xxxx
Brantley, Shelby K., xxx-xx-xxxx
Broadway, Buddy S., xxx-xx-xxxx
Brogdon, Alven L., xxx-xx-xxxx
Brown, Gerald M., xxx-xx-xxxx
Brown, Gerald V., xxx-xx-xxxx
Brown, Roland D., xxx-xx-xxxx
Brunelle, Donald R., xxx-xx-xxxx
Brunk, Gordon L., xxx-xx-xxxx
Bryant, Max L., xxx-xx-xxxx
Burleson, Carl L., xxx-xx-xxxx
Burton, William P., xxx-xx-xxxx
Calder, Leslie G., xxx-xx-xxxx
Calhoun, Clarence A., xxx-xx-xxxx
Capps, Robert O., xxx-xx-xxxx
Carlton, Patrick W., xxx-xx-xxxx
Carman, Bobby V., xxx-xx-xxxx
Carpenter, Jimmie J., xxx-xx-xxxx
Carpenter, Robert C., xxx-xx-xxxx
Carter, Donald R., xxx-xx-xxxx
Casto, Eldridge R., xxx-xx-xxxx
Chamblee, Herbert M., xxx-xx-xxxx
Christy, Terry F., xxx-xx-xxxx
Christy, William S., xxx-xx-xxxx
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IN THE NAVY

The following-named temporary commanders of the U.S. Naval Reserve for permanent promotion to the grade of commander, in the Line and staff corps, as indicated, subject to qualifications therefor as provided by law:

LINE

Felchko, Joseph A. Stanford, L. Bradley.
Ostrander, Peter H. Verzino, William J., Jr.
Rawls, Hugh M., Jr.

MEDICAL CORPS

Smith, Joseph J.

The following-named temporary lieutenant commanders of the U.S. Naval Reserve for permanent promotion to the grade of lieutenant commander in the Line and staff corps, as indicated, subject to qualifications therefor as provided by law:

LINE

Hubbard, Charles J. Smith, James P.
Mullis, John T. Pegler, Randall E.
Nahas, Rafik E. Robinson, John G.

MEDICAL CORPS

Hunt, Wesley S.

CIVIL ENGINEER CORPS

Hall, William M.

The following-named officers of the line of the U.S. Navy, for appointment in the Civil Engineer Corps, as permanent lieutenant (junior grade), subject to qualifications therefor as provided by law:

Ghizzoni, Jeffrey A. De Quay, Lawrence

The following-named officers of the Line of the U.S. Navy, for appointment in the Civil Engineer Corps, as indicated, for permanent ensign, subject to qualifications therefor as provided by law:

Fredette, Steven R. Klenke, Robert H.

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the Line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Barfield, Lisa C. Mayrand, Kurt J.
Evaristo, Michael Q. Olver, Barry K.
Hamilton, Paul B.

The following-named Naval Reserve officers for permanent appointment in the Line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Alexander, John D. Goldacker, Curt W.
Barra, Daryl M. O'Connor, Sean C.

The following-named Naval Reserve officers to be appointed permanent lieutenant in the Medical Corps in the U.S. Navy, subject to qualification therefor as provided by law:

Anderson, Michael H. Lappert, Patrick W.
Brianard, Hugh F., III Markwell, James K.
Marshall, Sharon A.
Burke, Robert J. May, Laurel A.
Byrnes, Gordon A. Meade, Robert J.
Coleman, Colleen M. Mirkinson, Laura J.
Colkitt, Michelle Montgomery, Jean C.
Collins, Jonathan S. Moore, Gregory R.
Conley, Laurence D. Naylor, Schueller G.
Curiale, Steven V. Nellestein, Michael E.
Cutting, Jonathan P. Dalrymple, Ann M. Perciballi, John A.
Dickerson, Michael M. Quinn, Anthony D.
Rowe, Dennis N.
Fletcher, Clinton L. Schneider, Steven R.
Hall, Kathryn L. Schnepf, Glenn A.
Hargraves, Ronald W. Schubert, Karen M.
Seldon, Stephen L.
Hemp, James R. Wojtczak, Henry A.
Jennings, Heidi A. York, James K.
Kase, Charles J.

Robert M. Jacobs, Navy enlisted candidate, to be appointed permanent chief warrant officer, W–2, in the U.S. Navy, subject to qualification therefor as provided by law.

Commander William A. Herndon, Medical Corps, U.S. Navy, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Executive nominations received by the Secretary of the Senate February 9, 1983, under authority of the order of the Senate of February 3, 1983:

DEPARTMENT OF STATE

James R. Bullington, of Tennessee, a Career Member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Bernard A. Maguire, of Virginia, to be an Associate Director of the Federal Emergency Management Agency, vice Gloria Cusumano Jimenez.

SENIOR FOREIGN SERVICE

The following-named Career Members of the Senior Foreign Service of the Agency for International Development for promotion in the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, class of Career Minister:

Frank Bennett Kimball, of New Mexico.
Princeton Nathan Lyman, of Maryland.
William Haven North, of Maryland.
David Shear, of Virginia.

Career Members of the Senior Foreign Service of the United States of America, class of Minister-Counselor:

Walter George Bollinger, of Pennsylvania.
Dennis Joseph Brennan, of Kentucky.
Frank D. Correl, of New York.
Lawrence Taylor Cowper, of California.
Albert E. Henn, M.D., of Connecticut.
Jay Preston Johnson, of California.
James M. Kelly, of the District of Columbia.
Marion L. Kellogg, of Arizona.
John William Koehring, of Virginia.
Ronald Dennis Levin, of Florida.
Alexander Ray Love, of California.
Terrence John McMahon, of Virginia.
Donald W. Reilly, of Illinois.
Brandon Robinson, of Florida.

The following-named Career Members of the Foreign Service of the Agency for International Development for promotion into the Senior Foreign Service to the class indicated, and also for the other appointments indicated herewith:

Career Members of the Senior Foreign Service of the United States of America, class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Richard K. Archi, of Nevada.
David Bathrick, of Washington.
Walter W. Boehm, of California.
Laurance William Bond, of California.
Neboysha Ranko Brashich, of Virginia.
Craig Garner Buck, of Texas.
Roger D. Carlson, of District of Columbia.
Theodore Bennett Carter, of Virginia.
Ronald V. Curtis, of Oregon.
John Robert Eyre, of California.
Charles Ramon Gurney, of California.
James Wiley Habron, of New Jersey.
Lawrence C. Heilman, of Maryland.
James S. Holtaway, of Florida.
John P. Hummon, of Maryland.
George A. Laudato, of New Jersey.
Carl H. Leonard, of Virginia.
Steven George Liapis, of Virginia.
John L. Lovaas, of Virginia.
A. David Lundberg, of New York.
John Archer Lundgren, of Connecticut.
John Alexander Patterson, of Rhode Island.
Mario Pita, of Florida.
Barry Michael Riley, of California.
E. Lawrence Saiers, of New Mexico.
Julius P. Schlotthauer, of Virginia.
Bastiaan Schouten, of Oregon.
Douglas L. Tinsler, of Virginia.
William H. Trayfors, of Virginia.
John R. Westley, of the District of Columbia.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

1. For permanent promotion:

To be medical director

John V. Bennett
David L. Child
Uel D. Crosby, Jr.
Ronald E. Gillilan
C. W. Gorodetzky
David H. Groth
Robert C. Hastings
Paul V. Holland
Vilis E. Kilpe
Carl R. Merril
George A. Reich
Pierre F. Renault
Thomas L. Robertson, Jr.
Calvin D. Sanders
Bernard Talbot
Charles R. Westley
Benjamin C. Young, Jr.

To be senior surgeon

Myron J. Adams, Jr.
Julio M. Cagungun, Jr.
James D. Felsen
Robert H. Gelber
Robert J. Gerety
Marlene E. Haffner
Donald R. Hopkins
Hsien W. Ju
Ricahrd T. Kotomori
Rice C. Leach
Joseph G. Lossick
Stanley I. Music
Scott H. Nelson
Barbara L. Packard
Kenneth M. Peterson
William W. Richards, Jr.
Richard B. Rothenberg
Harrison C. Stetler
Kurt J. Stromberg

To be surgeon

Garrett W. Duckworth, Sr.
Anton P. Kemps
Thomas M. Kessler
Virginia B. Kopelman
Gregory Okeefe III
Jeffrey A. Perlman
Donald L. Weaver

To be dental director

Tullio F. Albertini
John L. Elliott
William R. Hall
Wayne A. Jenkins
James P. Johnson
Edward Kuzma
Rudolph E. Micik

To be senior dental surgeon

Donald G. Burks
Pedro G. Colon, Jr.
Robert C. Fielder
George B. Fink
Albert D. Guskes
Ernest Hardaway
Leopold J. Sollazzo
Galen B. Warren

To be dental surgeon

Douglas W. Alderman
Jay Arthur Balzer
Robert A. Best
Harold A. Black
Eric D. Bothwell
Eric B. Broderick
Ronald P. Burakoff
William R. Burns
Melvin D. Cooper
Douglas B. Fritz
Michael E. Grijalva
Gary S. Gritzbaugh
Charles G. Hay
Jay J. Jones
William R. Maas
Victor A. Palmieri
William A. Shaner III
Wallace G. Smith III
David M. Snyderman
Gary L. Stannard
David W. Welmerink
William D. Wood

To be nurse director

Tanya T. Crow
Patricia P. Grimaila
George F. Hedquist
Christine H. Johnson
Pauline R. Jones
Helen M. Mangan
Evelyn L. Maxwell
Rose M. Truax

To be senior nurse officer

Claudette V. Campbell
Ann J. Eades
O. Marie Henry
Mary L. Raje
Lois E. Solari
Ernest D. Walker

To be nurse officer

Sandra B. Costa
Rayda McDermott
Jerrilynn Regan
Kathleen A. Weber

To be senior assistant nurse officer

Jewel Lee Boykin
Janice M. Carico
Margaret E. Galluzzi

To be engineer director

Malcolm C. Bruce
Dewayne E. Durst
Jack R. Farmer
Henry L. Fisher, Jr.
R. S. Kramkowski
Robert G. Raymond
Daniel A. Stock
Donald T. Wruble

To be senior engineer officer

T. A. Bartholomew
Philip J. Bierbaum
Robert G. Britain
Bruce M. Burnett
Virgil E. Carr
Dean R. Chaussee
Warren W. Church
Wayne T. Craney
Bobby L. Dillard
Herbert W. Dorsey
Thomas P. Glavin
Grady T. Helms, Jr.
Joseph W. Janick
Douglas L. Johnson
John N. Leo
Gary S. Logsdon
J. F. Mastromauro
Leonard W. Nowak
John R. Oconnor
Billy F. Pearson
W. S. Properzio
Malcolm B. Reddoch
Billy H. Reid
Harry F.D. Smith, Jr.
John M. Smith
Robert N. Snelling
Dale A. Stevenson

To be engineer officer

Stanley M. Blacker
Christopher L. Christman
Dennis W. Groce
Gregory Q. Haase
John R. Hamilton
David S. Kircher
E. Albert Rachal, III
Steven H. Rubin
Winston A. Smith

To be senior assistant engineer officer

James T. Sorensen

To be scientist director

Elmer W. Akin
Arnold K. Fowler
Donald E. Gardner
Frank S. Lisella
Jon R. May
Michael A. Oxman
William H. Spillane
Harold F. Stewart

To be senior scientist

James M. Barbaree
Frederick C. Churchill, II
Donald A. Eliason
Philip E. Hamrick
James R. King
John N. Krzemien
James C. McFarlane
Judd C. Posner
Jon M. Ranhand
Lawrence A. Yamamoto

To be scientist

Kenneth W. Boyer
Marion G. Clower, Jr.
Laurence W. Grossman
John P. Lucas
Marco Montoya

To be sanitarian director

George A. Adams
Vernon R. T. Bergman
Ralph J. Bicknell
Eduardo G. Campos
Victor L. Casper
Kurt L. Feldmann
H. Harold Lehman
Robert A. Marsland
James R. Reed
Safety E. Reynolds
Johnny R. Sanders
Phillip H. Shoultz
Dale J. Vandonsel
Thomas S. Willett

To be senior sanitarian

Billy D. Jackson
James A. Kraeger
Robert E. Sanders

To be sanitarian

Mala L. Beard
Gary L. Rothfus
Richard J. Smith, III
Russell J. Vizina

To be veterinary director

Ezra Berman
James L. Murray
James A. Peters
Stephen Potkay

To be senior veterinary officer

Joseph E. Pierce

To be veterinary officer

Martin L. Morin

To be pharmacist director

Ray D. Crossley, II
Jean P. Davignon
Jerome A. Halperin
Donald E. Hill
Arthur C. Willman
Gary J. Wold

To be senior pharmacist

Robert J. Branagan
Alfred Fallavollita, Jr.
Douglas D. Kapaun

To be pharmacist

Gordon R. Baldeschwiler
Michael R. Ball
James W. Bredon
Michael S. Brown
Ralph E. Causey
Richard M. Church
Larry D. Croll
William R. Durbin, Jr.
Roger D. Eastep
Ira J. Fox
Gill D. Gladding
Thomas H. Hassall
James C. Hayes
Lawrence S. Ishii
Allan S. Jio
James E. Knoben
Gary R. Lawless
Arthur J. Lawrence, Jr.
James R. McKnight
Paul Vincent McSherry
James R. Minor
James C. Myers
Lawrence C. Rosenthal
William M. Singleton, Jr.
Joseph A. Tangrea
Gary P. Trosclair
Wayne M. Turner
Richard S. Walling
Robert L. West
Michael W. Woodford
John B. Young

To be senior assistant pharmacist

Robert W. Boyce

To be dietitian director

Catherine G. Waters

To be dietitian

Cynthia L. W. Chung
Marie Louise Goulet
William J. Jajesnica
Emma J. Luten

To be therapist director

William W. Murray

To be senior therapist

Joseph B. Hayden
Richard I. Hetherington
Peter T. Langan
Robert M. Nelson

To be therapist

Gary C. Hunt
Jimmy R. Jones
Barbara A. Sloop
Keith E. Varvel
Selden D. Wasson

To be senior assistant therapist

Thomas J. Stolusky

To be health services director

Wayne G. Brown
Robert S. Callis
George F. Creswell
Earl W. Robinson
Wilbert Shimoda

To be senior health services officer

James H. Cavender
Joseph M. Cummins
James E. Delozier
Avraham Forman
Aubrey M. Hall, Jr.
Thomas O. Harris
Edward M. Hawkley
Charles M. Kirk
Robert J. Landry
Richard Warren Peterson
George L. Raspa
Terrence L. Rice
Nathan E. Seldin

To be health services officer

Harlan E. Amandus
Kenneth R. Bahm
Susanna F. Barrett
William S. Collins
John D. Dupre
Brian W. Flynn
Jay D. Gile
John R. Hammond
Bruce Immerman
Paul T. Kirkham
Henry H. Knox
James W. Langford
Howard C. Lerner
Edward F. Manny
James L. Morrison
Robert J. Ostrowski
Norman C. Schauer
C. Bruce Smith
Penni I. St. Hilaire
Jon P. Yeagley

To be senior assistant health services officer

Edith M. Bailey
James D. McGlothlin
John C. Pytlik

IN THE NAVY

The following-named captains of the various staff corps of the Navy for promotion to the permanent grade or commodore, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Eske, Louis Henry
Quinn, James Joseph

SUPPLY CORPS

Abele, Robert Burke
McKinnon, Daniel Wayne, Jr.
McNall, Phillip Freeman

CHAPLAIN CORPS

McNamara, John Richard

CIVIL ENGINEER CORPS

Fort, Arthur William

DENTAL CORPS

Sazima, Henry John

NURSE CORPS

Nielubowicz, Mary Joan

IN THE NAVY

The following-named captains of the Line of the Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

Anderson, Edwin Knowles
Armstrong, Clarence Ervin, Jr.
Bacon, Roger Francis
Boland, Bruce Raymond
Breast, Jerry Creighton
Brickell, Charles H., Jr.
Butcher, Paul Donald
Butts, Richard Franklin
Cargill, Denny Bruce
Chandler, David Fessenden
Curtis, Guy Haldane, III
Emery, Thomas Rogers Merrill
Flannery, Gerard Joseph, Jr.
Hagen, Dale Norman
Higginson, John Joseph
Hoffman, Chauncey Frazier
Ilg, Raymond Paul
Johnson, Jerome Lamarr
Johnson, Wendell Norman
Kelly, Robert Joseph
Kihune, Robert Kalani Uichi
Lewis, Willis Ivan, Jr.
Mauz, Henry Herrward, Jr.
Newman, Alvin Simmerman
Oconnor, William Joseph M.
Pendley, William Tyler
Perry, Leonard Gordon
Reynolds, James Guy
Sackett, Dean Reynolds, Jr.
Shaw, John Frederick
Smith, Vernon Charles
Steele, Robert Jay

ENGINEERING DUTY OFFICER

Mackinnon, Malcolm, III
Malley, Kenneth Cornelius
Seigenthaler, Thomas Uhlian

SPECIAL DUTY OFFICER (CRYPTOLOGY)

Clark, Charles Francis

Executive nominations received by the Secretary of the Senate February 10, 1983, under authority of the order of the Senate of February 3, 1983:

DEPARTMENT OF AGRICULTURE

John J. Franke, Jr., of Kansas, to be Assistant Secretary of Agriculture (new position).

DEPARTMENT OF JUSTICE

John P. Volz, of Louisiana, to be U.S. attorney for the eastern district of Louisiana for the term of 4 years (reappointment).

HOUSE OF REPRESENTATIVES—*Monday, February 14, 1983*

The House met a 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, You have promised that wherever we are Your spirit is with us and Your love surrounds us. As the Psalmist tells, Your presence is with us always—in the mountain heights or the farthest oceans, at our moments of seeking after goodness to the times when we miss the mark and turn our face from Your light. We thank You, O God, that Your spirit is ever with us—encouraging, forgiving, sustaining, and giving us inward peace. For these and all Your manifold gifts, we offer this our prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 918

Mr. SMITH of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 918.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

DANGERS OF QUAALUDES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Florida. Mr. Speaker, on January 27, I introduced H.R. 1055, a bill which would move methaqualone—the chemical from which Quaaludes are made—from schedule II of the Controlled Substances Act to schedule I. The bill is similar to legislation that I drafted and helped pass last year in the Florida Legislature.

Quaaludes have become the most rapidly growing drug of choice for adolescents. According to south Florida medical experts, for instance, Quaaludes are quickly becoming a primary factor in automobile accidents, where their abuse alone or in combination with alcohol is estimated to cause nearly half of all traffic fatalities involving drivers between the ages of 15 and 44, as evidenced by the news article that I am attaching to the RECORD.

In Florida, the availability of Quaaludes became a major health problem. Teenagers would go to so-called stress clinics and receive prescriptions for Quaaludes. They would keep some of the pills for themselves and sell the remainder. When their supplies were exhausted, they would visit another clinic and receive another prescription. As a schedule II drug, methaqualone can be dispensed by prescription. By putting this substance in schedule I, we will be able to prevent this practice and force the removal of Quaaludes from pharmacies.

As long as Quaaludes are available in other States, we will not be able to curb entirely the abuse of this drug. Only national legislation—such as H.R. 1055—can accomplish this worthy goal.

The news article follows:

[From the Miami Herald, Feb. 4, 1983]

TRAFFIC DEATHS ARE TRACED TO QUAALUDES

(By Steve Sternberg)

Most victims of Quaalude abuse die in accidents, not from overdoses of the drug, a Dade County medical examiner reported Friday in the Journal of the American Medical Association.

Dr. Charles V. Wetli, deputy chief medical examiner, reported that an 11-year review of 246 Quaalude-linked fatalities in Dade County suggests the number of accidental deaths caused by abuse of the sleeping pill is soaring.

In 1971, Wetli said, autopsies revealed the presence of the drug methaqualone hydrochloride in the blood or tissues of two victims.

Seventy such deaths were recorded in 1981, he said.

The most striking finding of the study is that one-third of the drug's victims died on the highways, Wetli said in an interview.

"The main thing that I'm trying to get across is that we have to look for more than just alcohol in automobile accidents," he said. "People are taking two or three drugs, combining methaqualone with something else—cocaine or alcohol—and then trying to function. That's when they get into trouble."

The rise and fall in the annual number of methaqualone deaths appears to be linked to the drug's availability, Wetli said.

In 1973, when methaqualone was cheap and could easily be obtained by prescription, autopsies revealed 17 drug-related deaths. One year later, after methaqualone was reclassified as a controlled substance, nine deaths were linked to the drug.

The alarming number of deaths in 1981, Wetli said, "coincides with . . . large-scale smuggling operations of counterfeit methaqualone tablets from South America."

Adding to the "street supply," he said, were "sham 'stress' clinics that readily provide prescriptions for methaqualone with virtually no legitimate medical indication."

Wetli said preliminary research shows only 38 methaqualone-linked deaths in 1982. The sharp decrease coincides with federal efforts to curtail smuggling and local efforts to shut down stress clinics, he said.

More than three-fourths of the 246 deaths occurred after 1977 and resulted from injuries, or trauma. Drug overdose accounted for only 27 per cent, the study indicates.

"The number of traumatic suicides skyrocketed," Wetli said. "It's very much like alcohol. In a heated argument with a boyfriend, the girl friend runs into a room, grabs a gun and shoots herself in the head.

"There were 19 cases of traumatic suicides from 1971 to 1980," he said. "Then there were 19 cases in 1981 alone. That to me is absolutely amazing."

WOMEN AND THE BUDGET

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, last week the Women's Research and Education Institute of the Congressional Caucus for Women's Issues issued an alert on President Reagan's 1984 budget.

It was quite similar to the Institute's analysis of the 1983 budget—women and children come out on the short end of the stick.

In fiscal year 1984, the Reagan administration proposes a Federal spending freeze that would hold Federal outlays for 1984 at the 1983 level, with a 5-percent inflation factor built in. This freeze translates into further cuts in spending in domestic programs, which means women, particularly poor women with children, are out in the cold.

I was happy to see the Republican women also mention the Reagan budget's disproportionate effect on women. I think after you read the WREI report, which I will insert in today's Extensions of Remarks, you will understand why the budget cuts are becoming an important bipartisan women's issue.

AND THE PRESIDENT WONDERS WHY PEOPLE THINK HE DOESN'T CARE ABOUT THE POOR

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, my Subcommittee on Public Assistance and Unemployment Compensation is working on a plan to provide emergency aid

to the homeless. At the same time other committees and the leadership of this body are developing the elements of a broad program of humanitarian and jobs assistance to the victims of this severe economic recession. I find it ironic that at this time of economic crisis the administration is once again proposing in its 1984 budget to eliminate the community services program.

I would like the administration to explain to me and to this Congress how it can say it cares about the misery of the unemployed and homeless when it refuses to fund the very programs that are targeted for these unfortunate Americans. Specifically, how can the administration justify merging the community services block grant with the social services block grant and reducing the combined funding by $292 million—and still say it cares about the 12 million unemployed in this country and the 2 million homeless?

Mr. Speaker, the Nation's 932 community action agencies—which are the primary local recipients of community services block grant funds—are some of the very few federally assisted local agencies which have historically been able to bridge the wide gaps between Federal, State, and local assistance and have effectively coordinated public, private, and voluntary aid efforts for the hungry, the cold, the homeless, and the jobless.

For the past 3 years this administration has attempted to phase out the community services program. Congress has blocked these attempts and, in fiscal year 1983, provided level funding of $360.5 million for the program. This year, the President's budget has recommended merging the community services block grant with the social services block grant, as I have stated.

I want to remind my colleagues that it has been the community action programs which have developed and implemented one of our most important and successful Federal emergency assistance programs and the community food and nutrition programs of many years ago. More recently, we can all remember the energy crisis intervention programs which began in 1976 and 1977. These programs provided emergency food, emergency shelter, and emergency heat to those in crisis, particulary the elderly, who had little or no access to complicated and inflexible public welfare programs. I also want to remind my colleagues that during the fuel assistance debates of 1976–77 the Federal agencies were unable to tell us who was in need, where they were, and in what numbers.

It was the local community action agencies and their national organizations which came forward and informed us of the scope of the need and how best to meet that need quickly and efficiently. I find it quite disturbing that once again this year the executive agencies are unable to tell us who is hungry and homeless, where they are, and in what numbers. Once again we have had to rely on the sometimes anecdotal testimony of State and local and private agencies and officials to piece together the scope of need across the country.

Mr. Speaker, I think it should be clear that it would be bad public policy—particularly at this time of crisis—to agree to the administration's request for elimination of the community services program. I hope my colleagues on the Budget and Appropriations Committees will insure that no less than the current level of $360.5 million is provided for the community services block grant in fiscal year 1984.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Florida) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. JEFFORDS.

Mr. GINGRICH.

(The following Members (at the request of Mr. SMITH of Florida) and to include extraneous matter:)

Mr. PEPPER.

Mr. RODINO in two instances.

Mr. SIKORSKI.

Mr. MORRISON of Connecticut.

Mr. SMITH of Florida.

Mr. MILLER of California.

Mr. MARKEY.

Mr. FLORIO in two instances.

Mr. SKELTON in two instances.

Mr. DASCHLE in two instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. NELSON of Florida.

Mr. SISISKY.

ADJOURNMENT

Mr. SMITH of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 15, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

337. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to repeal the mandatory honey price support program, and for other purposes; to the Committee on Agriculture.

338. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on recissions and deferrals of budget authority as of February 1, 1983, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 98-18); to the Committee on Appropriations and ordered to be printed.

339. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1984, and for other purposes; to the Committee on Armed Services.

340. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during December 1982 to Communist countries; to the Committee on Banking, Financing and Urban Affairs.

341. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968, as amended, to extend certain authorities thereunder, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

342. A letter from the Secretary of Health and Human Services, transmitting a report on the Department's immunization program and goal of eliminating indigenous measles transmission; to the Committee on Energy and Commerce.

343. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting notice of the proposed issuance of a license for the export of certain defense equipment sold commercially to the Philippines (Transmittal No. MC-4-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

344. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of political contributions of Ambassador-designate James R. Bullington, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

345. A letter from the Comptroller, Department of State, transmitting the quarterly report as of December 31, 1982, on the programing and obligation of international narcotics control funds, pursuant to section 481 of the Foreign Assistance Act; to the Committee on Foreign Affairs.

346. A letter from the Director, Administrative Office of the United States Courts, transmitting draft of proposed legislation to reorganize the court system for cases and proceedings under the bankruptcy laws, and for other purposes; to the Committee on the Judiciary.

347. A letter from the Director of the Office of Management and Budget, transmitting a draft of proposed legislation to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Public Works and Transportation.

348. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to repeal the authority for eligible veterans and eligible spouses to pursue correspondence training, and for other purposes; to the Committee on Veterans' Affairs.

349. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to accept gifts and bequests for the purposes of the Department of the Treasury, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

350. A letter from the Under Secretary of State for Management, transmitting the second annual report on implementation of the Foreign Service Act of 1980, pursuant to sections 2402 (a) and (c) of Public Law 96-465; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

351. A letter from the Under Secretary of State for Management, transmitting the second annual report on implementation of the Foreign Service Act of 1980, pursuant to section 2402(a)(4) of Public Law 96-465; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DASCHLE:

H.R. 1429. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to make certain reforms in the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 1430. A bill to amend the Internal Revenue Code of 1954 to reduce the amount of foreign earned income which is excludable from gross income; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 1431. A bill to amend the Emergency Homeowners' Relief Act to require the Secretary of Housing and Urban Development to provide emergency mortgage assistance under such act whenever the rate of mortgage delinquencies reaches a specified level, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAWKINS:

H. Res. 81. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. HOWARD (for himself and Mr. SNYDER):

H. Res. 82. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Public Works and Transportation in the 1st session of the 98th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1015: Mr. MAVROULES, Mr. GRAY, Mr. CROCKETT, and Mr. ZABLOCKI.

H.R. 1016: Ms. OAKAR, Mr. GRAY, Mr. CROCKETT, and Mr. ZABLOCKI.

H.R. 1092: Mr. BENNETT, Mr. FORSYTHE, Mr. HALL of Ohio, Mr. LAFALCE, Mr. PRICE, Mr. WILLIAMS of Montana, and Mr. WON PAT.

H.R. 1181: Mrs. BOXER.

H.R. 1245: Mr. DWYER of New Jersey, Mr. BOLAND, Mr. STOKES, Mr. TALLON, Mr. WEISS, Mr. YOUNG of Missouri, Mr. RATCHFORD, and Mr. HORTON.

H.J. Res. 58: Mr. SUNIA, Mrs. HALL of Indiana, Mr. LEWIS of California, Mr. DELLUMS, Mrs. COLLINS, Mr. HOYER, Mr. RUSSO, and Mr. GRAY.

H. Con. Res. 39: Mr. BERMAN, Mr. GUARINI, Mr. RICHARDSON, Mr. PORTER, Mr. KOSTMAYER, Mr. BROWN of California, Mr. MAVROULES, Mr. LEVINE of California, Mr. JEFFORDS, Mr. WAXMAN, Mr. CROCKETT, Mr. CORRADA, and Mr. CHANDLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 918: Mr. SMITH of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

26. By the SPEAKER: Petition of Patriotic Order Sons of America, Philadelphia, Pa., relative to American traditions; to the Committee on the Judiciary.

27. Also, petition of C. R. Lyngaas, et al., Mauston, Wis., relative to salaries; to the Committee on Post Office and Civil Service.

28. Also, petition of Marian Zabrockas, et al., New Lisbon, Wis., relative to the congressional wage increase; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

A FINAL BATTLE WITH AGENT ORANGE

HON. THOMAS A. DASCHLE
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. DASCHLE. Mr. Speaker, several days ago yet another leader in the agent orange movement, Charlie Hartz, passed away. Charlie believes that his cancer resulted from exposure to agent orange in Vietnam. As the following articles relate, Charlie was what many would call a "free spirit." Yet, Charlie became an excellent soldier who did not blame his Government for his cancer. Charlie Hartz deserved better than to die a painful death from brain cancer at the age of 35.

It is with individuals like Charlie in mind that I plan to reintroduce legislation which would compensate Vietnam veterans like Charlie who suffer from illnesses or diseases which may be caused by agent orange. There is an abundance of scientific knowledge that links dioxin exposure to adverse human health effects. Though no conclusive link between agent orange exposure and disease has been proven, there is no conclusive evidence to prove it does not cause illness or disease either.

The veteran, in this catch-22 situation should be given the benefit of the doubt, and the Government should have to prove that Charlie and others who served in Vietnam died from causes unrelated to their service there. It is the least we can do. Though the following articles are a bit dated, I hope Members will read them and consider cosponsoring my legislation.

The articles follow:

[From the Philadelphia Inquirer, Dec. 2, 1979]

A FINAL BATTLE WITH AGENT ORANGE: HANGING ON FOR A VIET VET, THE FINAL BATTLE

(By Mark Bowden)

This is a sad, bitter last battle for Charlie Hartz, not at all what he would have imagined or preferred.

He is 33, and has a wife and four small children. Inside his skull, deep in his brain, a tumor is ticking out the final months, weeks, days—the final cherished moments of his life. It is always with him. He knots his fists, one at his forehead and the other at the base of his skull, and twists them to illustrate his pain.

"It's like a rod sticking plain through, that's slowly twisting, twisting," he said. "Sometimes it hurts so bad I have to crawl up the steps on all fours to bed."

Hartz, along with hundreds of other Vietnam War veterans who are suffering severe medical problems, or whose children have been born with serious defects, believes his fatal illness was caused by exposure to Agent Orange, a defoliant used by the Army in Vietnam.

If Hartz and the others are right (no definite link between their suffering and the herbicide has been proven), their plight is especially poignant. Many of the American soldiers who received the most exposure to Agent Orange were the most daring—front-line troops who patrolled enemy-occupied zones where the defoliant was sprayed. Hartz was a member of the Tiger Forces, elite squads who frequently lived for weeks on end in the jungle, searching out and confronting Viet Cong and North Vietnamese troops.

This burly, black-bearded Chester County man was always a believer. He didn't question America's involvement in Vietnam; he fought, and then volunteered to go back and fight again. But his one last battle has turned out to be against the powers he once so eagerly served.

Hartz was the second Philadelphia-area veteran to file suit againt the Dow Chemical Co. and five other firms who manufactured Agent Orange. Bob McNichol, who was the first, died of a brain tumor in August. The suits are aimed directly at the chemical companies, but the Army, which as an agency of the U.S. government is immune from such legal actions, is an indirect target. Hartz and McNichol's survivors hope eventually to force the Veterans Administration to recognize Agent Orange-related illnesses as legitimate combat disabilities.

Two weeks ago, a federal district judge in New York ruled that Hartz, McNichols bereaved family and the family of another deceased Vietnam veteran from New York had the right to sue Dow and the other manufacturers. The three families are seeking damages that could total up to $40 billion. Their case may be considered by the federal court next year, in conjunction with those of hundreds of other Vietnam veterans claiming similar ill effects. The litigation is expected to drag on for years. Hartz is not expected to last that long.

"The kind of tumor I have is called astrocytoma," he explained. "The tumor is so far inside my brain that to operate on it would leave me without any of my senses, without the ability to move, or even think. It would leave me a vegetable. And do you believe it? Those suckers wanted to do it! I said to the doctor, 'Hey, how 'bout they do it on you?' He said, 'But I'm a doctor.' I said, 'Yeah, and I'm a human being.' "

So Charlie Hartz waits. He smokes marijuana (with the tacit blessing of local authorities) to ease the intense pain in his head. He savors life at home with his wife, Judy, and his children. The cancer has whittled away at him so that some days he hasn't the strength to stay awake for more than a few hours. He goes hunting on weekends this time of year with his father and brothers, but is too weak to stray far from the cabin. Once he was the strongest and the bravest of them. Now he just minds the cabin.

ILLNESS TAKES TOLL

In old photographs he is thick and muscular, but the cancer has softened his body. His skin is sallow, sickly, but his eyes are still bright and playful when the pain is not in them. He jokes about the cancer with unforced candor, with a fatalism that only deep courage can sustain. And he fights it. He can't fight it with his fists or with his knowledge or with his expertise with weapons and munitions any more, so he fights it with his will.

"I'll show those suckers," he said. "Won't they be surprised when they're still sending me checks 20 years from now." But hopelessness overtakes him from time to time like a passing dark cloud. His eyes glisten. "Hey I always wanted to see my kids grow up, you know?" he said.

Will keeps him going, will to grasp every moment. Hartz's approach to life has always been wholehearted, reckless, fearless. He starred as a wrestler at Pottstown High School and played first-string lineman for the school's undefeated football team in 1964. He was a fighter, both in the wrestling ring and outside it. In the ring he was one of the best in Pennsylvania—he missed his shot at the state championship in 1964 after he dislocated his shoulder in practice.

"We had this big match coming up with our rival high school, and my father had bet a wad of money on me against the other school's best wrestler," Hartz recalled. "Just before that meet I dislocated my shoulder. I fought anyway. I had my arm taped against my body, and wrestled with only one free arm. I pinned that sucker right off, but my shoulder hurt so bad after that I never made it to the championships."

BRUSHES WITH LAW

His fighting outside the ring, along with that reckless, fearless style, kept Hartz at odds with local police. He and his friends learned to make explosives in chemistry class and amused themselves by setting off loud blasts in vacant lots. He was picked up for minor offenses or pranks—once Hartz and a friend, upset about some vague insult he can no longer recall, tore down nearly one hundred clotheslines in Pottstown and chopped them into little pieces.

In his senior year, drunk and in the company of an older friend who had a more serious criminal record, Hartz set off for Florida one night on a stolen motorcyle. When the bike ran out of gas they stole a car.

"We made it all the way to Tennessee," he said, his eyes twinkling with pride as he recalled the youthful daring of the episode, the fearless, free-form fun of it all. "Tennessee's a pretty good ways off."

Without the money or inclination for college, Hartz worked for several years at hard laboring jobs after he graduated, and eventually sought escape in the Army. He enlisted and signed up for every course of study or program that might get him to Vietnam.

"I wanted to go to Vietnam bad," he said. "It was my duty, I figured. I'd seen the John Wayne and Audie Murphy movies. Now it was my turn. I was an American boy, we were at war, so I figured that's where I belonged. I couldn't wait to get there."

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

He got his wish. For two tours of duty, Sgt. Hartz was in the thick of the Vietnam War, volunteering again and again for hair-raising missions in the jungle. His squad once spent more than three months on patrol. The kind of action most GIs saw only once or twice in a tour of duty was almost daily work for Hartz. Some of his best friends were killed before his eyes, some horribly. On occasion, he says patrols were so vicious and frightening that men in his unit committed suicide on the trail. He was awarded Bronze Stars for valor summarily at the end of each of his two tours, was wounded seriously twice, and won two Army Commendations for valor.

"I was convinced I couldn't get killed, so I was rarely afraid," Hartz said very frankly. "I can't really explain why. I just had this dream one time where I was at an airport and this little girl with blond hair came running down the steps to me. She was my daughter. And I just had this unshakeable feeling that that was going to happen at some point in the future.

"I enjoyed what I was doing in Vietnam; I was damn good at it. When I got home, I volunteered right away to go back, even though I had just gotten married. Now I look back at our involvement in Vietnam and it seems ridiculous, like a big joke. But for me it was great; I was a soldier, and that was our war."

Three of Hartz's four children were born with serious problems in the years after he returned from Vietnam. Two of them nearly died. Lung disorders, heart problems, hydrocephalus, meningitis—the children recovered in all cases, and the Hartzes never pondered any underlying cause.

Hartz's tumor didn't show up until a decade after he left Vietnam for the last time. He was working as a recruiting sergeant in Allentown when he banged his head in an auto accident, and afterwards began suffering dizziness, seizures, loss of memory, and disorientation. Tests at Walter Reed Army Medical Center in Washington confirmed the existence of a brain tumor that doctors said had been growing inside his skull for some time.

"Before the radiation treatment at Walter Reed I figured they could cure whatever I had." Hartz recalled sadly. "After they gave me this big dose one afternoon, the doctor, an Army major, came by my bed in the crowded ward. You had to raise your voice to be heard. I lifted myself up on one elbow and asked, jokingly, 'Well, how long have I got, Doc?' And he looked back at me dead serious. 'About two years,' he said, just like that. I was just joking with him, you know. 'Two years,' he says, with an attitude, like, OK, next patient. I felt like I'd just been hit over the head with a baseball bat."

Radiation treatment made most of the hair fall out of the left side of Hartz's head. He still has a hardy, boisterous, cheerful manner, but after an hour of conversation he must wrestle with himself to stay awake. He begins to stutter, and is embarrassed by it. He apologizes.

"I used to be a silver-tongued bastard," he said, and breaks the momentary awkwardness with laughter.

Death is now his constant companion, but he will not go gently.

"We fought that war to boost our economy, I'm convinced of that," he said. "I'm not bitter about the Army, I loved the Army. I was set to spend the rest of my career in uniform. It's these manufacturers, the people who made the guns and ammunition and bombs and planes and this damned Agent Orange who profited. They made a killing," he said, smiling weakly at his pun.

Dow and the five other firms (Monsanto Co., Hercules Inc., Diamond Shamrock Corp., North American Philips Corp. and its subsidiary, Thompson-Hayward Chemical Co.) have consistently denied that Agent Orange was harmful to American GIs. They have appealed the most recent federal court ruling, and point correctly to the lack of any definite link between exposure to the herbicide and subsequent illnesses or birth defects.

"All we want is some of their profits back, to pay our medical bills, to send our kids to college when we aren't around any more," Hartz said. "They owe us that much."

[From the Philadelphia Inquirer, Aug. 26, 1980]

A DYING VIETNAM VET VIDEOTAPES TESTIMONY

(By Linda Herskowitz)

While attorneys, secretaries and other passers-by strode by without a second glance, a small knot of men gathered in a corridor of the Federal Courthouse for several hours here yesterday and compared notes on their personal travails.

Most of them were Vietnam veterans who had come to provide moral support for Charles Hartz, 34, formerly of Spring City, Chester County, who was behind closed doors giving testimony on videotape for use in his lawsuit against Dow Chemical Co. and five other chemical manufacturers.

Hartz, one of three veterans stricken with brain tumors who filed the suit in September 1979, is the only survivor. The suit alleges that the veterans' tumors were caused by exposure to Agent Orange, a herbicide used widely as a defoliant in Vietnam. The suit seeks to establish a $44 billion trust fund for any victims and their families from the earnings of the five companies.

Because Hartz is not expected to live to testify at the as-yet unscheduled trial, which has been joined by about 300 other veterans, he has been permitted by Judge George C. Pratt, who will preside at the trial, to videotape his testimony. The first round took place in February, when Hartz was questioned by his attorneys and attorneys for Dow.

Hartz recently moved to Alabama, but he returned to Philadelphia for yesterday's second round of testimony.

Like Hartz, some of the men waiting outside for him in the courthouse corridor returned from Vietnam apparently irretrievably broken. Ishmael Rios, a slight man who said he could have been a jockey, said he had suffered from a variety of diseases for years before he read news reports about Agent Orange and began connecting them with his illnesses.

Rios, 29, of Camden, was covered with red blotches on his skin. Among his ailments, he said, was lupus, an inflammatory disease of the connective tissue that attacked him soon after his medical discharge.

A woman paced the corridor holding a listless baby with pale skin and shining eyes, and with only one arm coming out of a crisply ruffled white dress.

One man from Glenside, dressed in a camouflage jacket, said his wife had left him after telling him he was crazy. Now, he says, he has collected classified documents on government studies on Agent Orange and is writing a book.

Finally, Hartz himself emerged from the room. He was preceded by chemical company attorneys who left quickly.

"See, a lot of people think I'm here for the money," he said, standing outside the courthouse dressed in worn blue jeans and a plaid shirt. "I'm just trying to get money for guys who've come back from Vietnam with children with birth defects and illness."●

NELSON SUPPORTS AID FOR SCIENCE AND MATH EDUCATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. NELSON of Florida. Mr. Speaker, I am pleased to have this opportunity to speak in strong support of H.R. 1310. I am a cosponsor of this legislation which is a combination of two bills—the Emergency Mathematics and Science Education Act and the National Engineering and Science Personnel Act. I was originally a cosponsor of each of these vital bills also. This hearing today is an important step in securing a speedy enactment of this important legislation.

The global economy of the 1980's will be one of high technology in homes, schools, businesses, and government services. Today, the United States is a world technological leader primarily as the result of our national resource of skilled scientists, technologists, engineers, and technicians. This leadership is essential for our economic and national security.

U.S. technological supremacy has eroded as other industrial countries have developed and implemented programs for expanding their technological capability. Our technological edge is threatened by a shortage of skilled engineers and scientists and, even more seriously, by the lack of general scientific and mathematical literacy necessary for the majority of citizens who provide the technical and consumer support of our economy. Technological literacy is also becoming increasingly important for full participation in our society and for individual personal development.

Our future national economic and social well-being is written by our schools and their ability to prepare youth for effective participation in a technological, information society. There is increasing evidence that the mathematical and scientific literacy of our youth and adults is being neglected.

If we are to respond effectively it is essential that we:

Establish the improvement of education and mathematical and scientific literacy as a priority for action;

Increase and improve the pool of qualified teachers of mathematics and science who can adequately prepare our youth for the emerging technological society;

Restructure and revise the mathematics and science curriculum to prepare the nonspecialist as well as the specialist and to modify the sequencing of curriculum to match the stages of intellectual development and ability;

Increase the amount of time students spend on academic studies and increase the availability of scientific equipment and facilities; and

Develop comprehensive programs that can further general computer literacy, including computer applications that will lead to increased mathematical and scientific literacy.

This legislation is an important first step in addressing our current crisis. Our leadership in technology for the world is at stake. We cannot afford to wait any longer.

I commend Mr. PERKINS, Mr. SIMON, and Mr. GOODLING from the Education and Labor Committee and my chairman, Mr. FUQUA, Mr. WALGREN, and Mr. MCCURDY for their insight in bringing this legislation before us in such a timely manner. I urge its passage as soon as possible.●

HEROIC COURAGE OF OFFICER JAMES D. McCANN

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. SISISKY. Mr. Speaker, in our own personal frustrations of traveling through the aftereffects of the blizzard of 1983, it is easy to forget the larger human dramas that unfold around us.

Over the weekend, the *Marine Electric*, a coal-carrying vessel, sank off the Virginia coast. Of the 36 crewmen aboard, 24 are known dead, and 9 additional crewmembers are missing and presumed dead.

But a special act of bravery saved the lives of three crewmen. Lowered into the high seas, petty officer second class, James David McCann, risked his life so that three men could live. James McCann swam to each exhausted sailor, and one by one, helped them into the Coast Guard rescue basket. He spent more than an hour in those icy waters, helping to rescue the survivors and to recover the bodies of those who could not be saved.

In these troubled times, it is good to know that people of heroic courage still exist. I would like to add my thanks to those of the survivors and their families to Officer McCann and the other members of the Navy and Coast Guard helicopters involved in the rescue mission. The people in McCann's hometown of Emporia, Va., are very proud today.●

PROPOSED EMERGENCY HOMEOWNERS RELIEF ACT AMENDMENTS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. PEPPER. Mr. Speaker, today I am introducing legislation that addresses the growing problem of home mortgage foreclosures. It would create a program of emergency loans to homeowners who have lost, through involuntary unemployment, the means to continue paying their mortgages.

Largely because of skyrocketing unemployment, the number of homes in foreclosure has more than doubled over the past 3 years—from 71,404 in the third quarter of 1979 to 171,740 in the third quarter of 1982, according to the Congressional Research Service. In the third quarter of 1982, according to the Mortgage Bankers Association of America, 5.7 percent of all home mortgage loans were either in default or delinquent. These statistics reveal the cruelest impact of unemployment, for most people default on their mortgages only when they are totally without other resources.

Mr. Speaker, in 1975 the Emergency Homeowners Relief Act was passed by Congress in recognition that homeownership is a keystone of a stable society, and that an enlightened government helps preserve national stability when it helps keep individuals from losing their homes in time of economic distress. Unfortunately, however, the 1975 law gave the Housing and Urban Development Department authority to trigger such aid, and HUD set a level so high that the program never was implemented, and went out of existence in 1977.

My legislation would trigger the aid sooner, when the Federal Home Loan Bank Board mortgage delinquency series shows that 1.3 percent of mortgage payments have been delinquent for 60 days or more. This would allow those who need help to get it when it could still help them, not at the last minute, when it might be too late.

My legislation would increase the amount of assistance from $250 a month, under the 1975 law, to $350 a month or the amount determined to be necessary to supplement what the homeowner is deemed capable of contributing to the mortgage payment, whichever is less. The total amount available would be increased from $1.5 billion to $2.5 billion.

I wish to emphasize that these loans, guaranteed by the FHLBB, would go only to homeowners unemployed or underemployed who are deemed capable of repayment; would be for 12 months—subject to another 12-month extension—and would be repaid with interest.

Mr. Speaker, let me also emphasize that this legislation would not set a new precedent, but rather would revise a previously created program and make it truly workable. Such a program could not only help thousands of Americans keep homes they stand in danger of losing through no fault of their own, but also could help preserve the stability of our great American society.●

PRESERVE SOIL AND WATER RESOURCES

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. JEFFORDS. Mr. Speaker, last Congress I had the privilege of serving as the ranking Republican member on the House Subcommittee on Conservation, Credit, and Rural Development. Working closely with the subcommittee chairman, ED JONES, we developed and enacted several new, improved Federal programs including matching grants for conservation districts, a special areas conservation program and a conservation loan program. We are now working toward funding these worthy programs but as you know Federal dollars are in short supply.

Realizing the budget realities, we also worked together to encourage the private sector to play a bigger role in soil and water conservation. Out of the efforts of many people, the National Endowment for Soil and Water Conservation was established. The Christian Science Monitor on January 5, 1983, ran an article written by Chairman JONES entitled, "Saving the Soil—By Private Initiative," which explains the effort and which I am inserting into the RECORD.

The President's Task Force on Private Sector Initiatives has reviewed the Endowment and found the effort to be consistent with the President's objectives and priorities. I am inserting into the RECORD for your information a copy of the letter from the President's task force to Mr. Emmett Barker, Chairman of the National Endowment for Soil and Water Conservation.

I feel that the private sector and individuals have a responsibility to help preserve our soil and water resources. Many agriculturally related businesses profit directly from the very agricultural production which creates the current threat. Certainly the Government, the farmers, and the private sector must recognize our responsibilities and meet this problem head on.

[From the Christian Science Monitor, Jan. 5, 1983]

SAVING THE SOIL—BY PRIVATE INITIATIVE

(By Ed Jones)

Wasting good farmland is senseless, both for today's well-being and for future security. Yet as a nation we are busy wasting the greatest body of prime farmland on the face of the earth. That is foolish and, if history is any lesson, it can be suicidal.

This problem springs from many roots, not the least of which is the disastrous state of the farm economy. Farmers are allowing their capital assets—including soil—to deteriorate.

A national sense of stewardship for the land must be revived—one that can be supported by all Americans, not just the few who work the land. This sense of stewardship is what a recently formed organization—the National Endowment for Soil and Water Conservation—is all about.

Why national endowment? Because it is needed as the third leg in a conservation system which includes older efforts by the federal government and more recent programs carried on by state and local governments.

The Federal efforts began on a substantial scale after the dust bowl days of the 1930s. They continue today and are indispensable, but they cannot do the complete job. State and local governments, which earlier made few contributions to conservation, have been increasing their efforts substantially since 1970. The gap now in the shift away from total federal reliance is an organized involvement of the private sector in promoting conservation—and that, too, is changing.

In 1977 several of us—alarmed by the growing problems affecting our soil and water resources—began discussing alternatives. We were looking for new ways to involve the American public to energize the conservation effort. As work progressed, we looked to the National Endowment for the Arts and National Endowment for Humanities as models. Now, after several years of effort, we take pride in the formation earlier this year of the National Endowment for Soil and Water Conservation—a privately funded and controlled nonprofit organization.

The endowment is a tax-exempt financial mechanism for channeling private support for improving soil and water conservation practices. The endowment's goal is to encourage and help private land users to upgrade their conservation management. It will accomplish this by using tax-exempt contributions to fund innovative yet inexpensive conservation projects and activities. Contributions from the general public, businesses, corporations, and foundations will provide the base of support.

The time to act is now. As Lester Brown of the Worldwatch Institute says, "We have not inherited the earth from our fathers, we are borrowing it from our children." The endowment is based on the belief that the American people do not want their children to pay future penalties for our failure to act today. It is a private sector initiative whose time has come.●

THE 237TH ANNIVERSARY OF THE BIRTH OF GEN. THADDEUS KOSCIUSZKO

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. SIKORSKI. Mr. Speaker, on February 12, this Nation observed the 237th anniversary of the birth of Gen. Thaddeus Kosciuszko, a valiant Polish patriot whose contributions were decisive in this country's revolutionary struggle for independence.

Born in Poland of a long line of Polish officers, Thaddeus Kosciuszko grew up during a difficult period in the history of his beloved nation, for he had to witness the partition and domination of Poland by foreign enemies. Discouraged by events at home, and at the same time inspired by word of the American struggle and the newly proclaimed American Declaration of Independence, Thaddeus Kosciuszko set sail for America. His brilliant military mind was immediately utilized by the Continental Congress which put Koscuiszko to work in engineering the military defense of the Colonies.

The essence of the British military strategy was to split the New England Colonies from the rest of the Colonies by control of the Hudson Valley—a strategy which, if successful, would surely have meant ultimate defeat for the Americans. It was at this point that Koscuiszko made one of his most noted contributions. His engineering genius is given much credit for an American victory at the Battle of Saratoga—a battle which halted the British advance in the North and is described by many as one of the 10 most important battles in recorded history.

Perhaps equally impressive was the fortress designed by Kosciuszko and built at West Point. Its engineering was so skillful that the British dared not attack for fear of early defeat.

After being frustrated in the North, the British moved their offensive to the Carolinas and, after proving himself so valuable in the North, Kosciuszko was made engineer of the South, where he was relied upon for selection of campsites, transportation, and fortifications. It was to a great measure through his ingenuity that the British were prevented from linking their forces. As a result, General Cornwallis was forced to surrender at Yorktown.

When independence had been achieved in America, General Kosciuszko returned to Poland to fight yet another battle for freedom in his divided homeland. As Catherine the Great started the second partitioning of Poland, General Kosciuszko with his ill-equipped peasant army fought valiantly against insurmountable odds. His small army was crushed and he was severely wounded and imprisoned. Finally released after the death of Catherine, Kosciuszko was exiled from his homeland and later returned to Philadelphia.

His small brick Philadelphia house at 301 Pine Street was visited by an impressive array of distinguished individuals: Cabinet members, Senators, Governors, and foreign diplomats. However, his most distinguished and regular guest was then Vice President Thomas Jefferson, with whom Kosciuszko shared many hours.

General Kosciuszko later returned to Europe and settled in Switzerland, vowing never to set foot on Polish soil while another flag flew over it. He died in Switzerland in 1817, a poor and discouraged man. It is ironic that while he had helped Americans to gain their freedom, he never saw the joy of liberty in the eyes of the Polish people.

The guidance and ingenuity Kosciuszko gave to the American Colonies was a service this country could never hope to repay. Yet, there are few monuments to his great contributions.

His heroism and dedication to the cause of freedom in America as well as his beloved Poland, and his compassion for the sovereign human right of self-determination generated the respect of Vice President Jefferson who said of his Polish friend:

He is as pure a son of liberty as I have ever known, and of that liberty which is to go to all and not the few and rich alone.

Mr. Speaker, I am honored to join Polish Americans in the Sixth District of Minnesota, which I am proud to represent, as they pause this week to commemorate the birth of Thaddeus Kosciuszko and the enormous contributions he made to freedom of all Americans.●

SOCIAL SECURITY LOOPHOLE REFORM ACT OF 1983

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. DASCHLE. Mr. Speaker, I am today introducing the Social Security Loophole Reform Act of 1983. This legislation is designed to close loopholes in the social security program that result in the loss of millions of dollars a year to the program. In fact, either through new revenues or cost savings this legislation will provide an additional $1 billion a year to the system. Though this figure represents only $7 billion of an expected $169 billion shortfall over the next 7 years, it is a substantial amount nonetheless. If adopted, these changes may preclude the need for even greater changes in

the benefit structure or increases in taxes than those already proposed by the National Commission on Social Security Reform. I am pleased that a number of the changes I propose to make are also under consideration by the Ways and Means Social Security Subcommittee. Briefly, I will describe the six sections of my legislation.

First and probably most important in my opinion is the need to revise the guidelines currently used to invest surplus social security trust funds. Figures provided to me by the General Accounting Office revealed that had a two-tier investment mechanism been in place since 1977 an additional $6.3 billion could have been earned by the social security trust funds. Thus I am proposing that a two-tier investment schedule be used which would pay the trust fund investments the higher of two interest rate formulas. One rate would be based on the average rate of interest received on all Government securities of 4 years or more length—long term—and the other would be the average rate of interest earned on Government securities of less than 4 years—short term. In this fashion, surplus social security funds will receive the maximum return when invested yet will be consistent with the rate of interest received on other Government investments.

A second part of the Reform Act would bring the legislative branch of Government, including the Congress into the program. Though no cost analysis is currently available, I would expect the savings from this portion of the legislation to be substantial. Perhaps more important than the amount of new revenue to the program is the symbolism of Congress contributing and otherwise participating in a program that it exerts direct control over. Confidence in the program's future will be immeasurably increased should Congress link its own retirement system to that of millions of other Americans.

Third, efforts need to be undertaken to prevent the payment of benefits to those who are deceased. It is estimated that $60 million a year is lost in this manner. Just the other day, a random check by Social Security Commissioner, John Svahn, discovered that $6 million had been paid to 1,400 deceased social security recipients. If a spot check found payments of this magnitude, there have got to be many more cases yet to be discovered.

Another problem area has been the fact that uncashed social security checks automatically revert to the General Treasury instead of the social security trust funds where they originated. My legislation would require that after 12 months uncashed social security checks would automatically be credited to the social security trust funds. An estimated $20-30 million a year is lost in this fashion.

I also believe it is important to prohibit the withdrawal of nonprofit or State and local organizations from the social security program. If the program's vitality is to be maintained, we cannot allow the rug to be pulled out from under it by groups who have the ability to terminate their participation in the program. This is unfair to the millions of wage earners who have no choice but to remain in the program. Savings in this portion of my legislation would total approximately $500 million a year.

Finally, Mr. Speaker, I believe that one of the mistakes that is partially responsible for the shaky condition of the program today is the fact that benefits were expanded without a simultaneous increase in contributions. The original philosophy of the program was that only those who contributed to the program should be allowed to benefit. Exceptions had to be created, however, for those who by the nature of their work were unable to contribute to the program, such as farmwives and members of religious orders.

A whole new class of noncontributing beneficiaries has been created, however, by many nonresident aliens who contribute to social security for a short while and then return to their native country to remarry or get married expressly for the purpose of receiving spouse and dependency benefits for their wife and any children they may have. This preposterous abuse of the system is a slap in the face to every elderly American who ekes out an existence on social security and perhaps a small amount of savings they may have.

The last segment of my legislation will thus limit social security benefits only to those noncitizens who contribute to the program. Dependency benefits would be prohibited unless an individual at some point becomes a U.S. citizen or contributes on their own to the program. A minimum of $200 million a year could be saved should this proposal be enacted.

In these difficult economic times the senior citizens of our Nation expect and deserve a sound retirement program. My legislation, if approved, would make the program more accountable and show our senior citizens that Congress recognizes shortcomings in the system and is willing to address them. Though the total savings or increases in revenue in this legislation will not alone save social security they will improve the overall condition of the program and contribute perhaps more importantly to the notion that a good program can be made better and more equitable for all.●

WELLINGTON-NAPOLEON-IX SCHOOL DISTRICT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. SKELTON. Mr. Speaker, in the recent publication of the Missouri Alumnus, the University of Missouri publication, there is an interesting article about the outstanding students from the Wellington-Napoleon-IX School District in Lafayette County. Wellington has fewer than 800 residents, but the outstanding records being made by its recent graduates at MU speak very well for the community and for its school system. I compliment principal Cecil Flynn and the recently retired superintendent Jack Bodenhamer for the job well-done in preparing the students for their outstanding careers at Mizzou.●

THE CONTINUING CRISIS OF FAMILY VIOLENCE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. MILLER of California. Mr. Speaker, assistance for victims of family violence is long overdue. Since I first introduced legislation in 1978 to address this problem, tragically, the incidence of family violence has not abated. The current recession also has seriously exacerbated the frequency and severity of domestic violence, at a time when emergency shelter and social services are strained to the limit.

For 6 years I have been working to find solutions to the problems of battered women and children in the homes of America. Together with my colleagues Congresswomen BARBARA MIKULSKI and LINDY BOGGS, with whom I again introduced this legislation last week, I have sought to gain broader understanding of the severity of this problem affecting women and men without regard to their income, race or geographic locality.

Since our efforts began, a broad network of community groups, law enforcement officials, shelter workers and public and private voluntary and religious organizations has worked tirelessly to develop extensive State legislation to make new services and legal protections available to victims of family violence. However, just as these protections and strong grassroots activities have taken hold, changes in the Nation's economy have placed families as well as the shelters and agencies trying to serve them under enormous pressure.

Testimony on the impact of unemployment on children and families, presented to my committee just last week, demonstrates that family violence continues to occur with startling frequency. The Family Service Association of America reported in its national survey of member agencies that 74 percent of the programs responding had seen increased incidents of family violence in their caseloads since last year. Community reports from shelter operators in several States indicate that unemployment: Increases the likelihood of first-time battering; increases the frequency and severity of abuse where violence has occurred previously; increases the demand for shelter and related support services; increases the number of victims (including children) remaining in or returning to abusive environments due to the lack of economic options and/or sympathy for the abuser because of his unemployed status; and results in a greater percentage of middle and upper income women seeking domestic violence services.

From all indications, shelters throughout the country are continuing to experience a shortage of space and are being forced to deny shelter to victims and their children. Many States continue to lack any shelter facility in many areas of the State.

In light of this new evidence, Congress must reexamine the problem of violence in families in the context of this legislation and other programs which will come before us for consideration. I urge my colleagues to join with me to support the millions of victims of family violence who currently have no place to turn for protection, refuge and assistance.●

THE FLORENCE AMERICAN CEMETERY AND MEMORIAL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. RODINO. Mr. Speaker, this past week, the young and old of America have been fascinated by the television series "Winds of War" based on Herman Wouk's novel on World War II. To the young it is a tremendously interesting story and perhaps somewhat of a fictionalized lesson in history. To us who served with our Armed Forces in World War II, it brings back memories, both good and bad, of a time when a spirit of patriotism and dedication was our whole life.

I bring this matter up at this time because it was on January 15 that Congressmen FISH, GUARINI, MAZZOLI, and I paid a visit to the Florence American Cemetery and Memorial, one of 14 permanent American World War II military cemetery memorials erected on foreign soil by the American Battle Monuments Commission.

The Florence American Cemetery, covering 70 acres located approximately 7½ miles south of Florence on the Via Cassia, is the final resting place of 4,398 of our honored dead, each marked by a headstone. A wide mall of fine grass separates the graves area into two parts. The servicemen and servicewomen interred here represent 39 percent of the temporary burials originally made between Rome and the Alps. Most died in the fighting which occurred after the capture of Rome in June 1944.

Overlooking the grave area from high ground is the memorial itself consisting of two open courts with a connecting "Wall of the Missing" which is inscribed with the names of 1,409 comrades in arms who were missing in action or lost and buried at sea.

Running the full length of the wall above the names is the following inscription:

Here are recorded the names of Americans who gave their lives in the service of their country and who sleep in unknown graves.

The atria or courts serve as chapels with six marble wall panels containing appropriate inscriptions taken from the Bible, prayer books, and Greek poets.

A 69-foot-high pylon or stele surmounted by a sculptured figure representing the Spirit of Peace hovering over the fallen is located in front of the Wall of the Missing. The following dedicatory inscription appears on the pylon in English and Italian:

1941-1945

In Proud Memory of Her Sons and in Humble Tribute to their Sacrifices this Memorial has been erected by the United States of America.

My colleagues and I were grateful for being given the opportunity of placing a wreath at the memorial during out visit.

This narration would be incomplete without first of all commending the American Battle Monuments Commission for maintaining in an exemplary manner the sites around the world of the final resting place of our brave men and women who died in the service of our country.

But we wish to pay special tribute to Joseph Bevilacqua, the superintendent of the Florence American Military Cemetery and Memorial and his dedicated Italian maintenance staff who day after day keep this small piece of hallowed American territory, dear to the hearts of all Americans, in impeccable condition. We were impressed by Mr. Bevilacqua's devotion to duty and the pride he and his collaborators displayed in the work they were doing.

We thank him for creating for us a moment of reflection and sympathy.

To Americans who travel abroad, I counsel you to make a pilgrimage to these military cemetery memorials wherever the opportunity arises. These are the heroes who have given us what we have to be grateful for today.●

LET'S ACCOMMODATE THE NEEDS OF WOMEN TRAVELERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. FLORIO. Mr. Speaker, as the chairman of the House Subcommittee on Commerce, Transportation and Tourism, I am concerned about the state of our Nation's tourism industry. As I am sure my colleagues are aware, tourism is a growth industry which contributes a considerable amount of revenue and jobs to our economy. Women play an important role as both providers and consumers in the tourism industry. Specifically, women comprise 19 percent of domestic international business travelers and approximately 50 percent of all domestic and international pleasure travelers. Unfortunately, as the following article points out, most of these women travelers feel they still are being discriminated against. Despite the progress in recent years, further action is necessary to eliminate the remnants of discrimination.

I would like to commend the following article on the problems of women travelers to each Member's attention:

[From the Philadelphia Inquirer, Jan. 30, 1983]

THE PROBLEMS OF WOMEN TRAVELERS

(By Carol Krukoff)

As an executive who travels nearly three weeks out of four, Gail Brewer has experienced virtually all the classic horrors that plague the solo woman traveler—restaurant seats near swinging kitchen doors, porters bypassing her in favor of men they assume will tip better, desk clerks who ignore her and address male subordinates with whom she has traveled.

But Brewer's single most upsetting travel incident occurred the night she was confronted by a hotel staffer who mistook her for a prostitute.

"I was sitting in the hotel lounge, wearing my business suit," recalls the 35-year-old native of Vienna, Va., describing a recent trip east from her Los Angeles home. "It was 11 o'clock, but I was still oriented to West Coast time, so I wasn't tired.

"I had wanted to get a good night's sleep so I'd be fresh for a marketing meeting the next day, and I'd hoped a glass of wine would make me sleepy. I'd checked in and gone to the lounge to relax after the long trip. After a few minutes, a hotel security guard came up and asked me if I was a registered hotel guest.

"I just stared at him, took a deep breath and said, 'Yes, I am.' The next day I spoke to the hotel manager."

These are the kinds of abuses Brewer has spent much of the last 18 months trying to correct. As director of specialty markets for Ramada Inns Inc., she has headed a special

program designed to attract the fastest-growing segment of the U.S. hotel market—women.

As part of the program, employees of all 580 Ramada Inns are expected to complete an "awareness training seminar," which addresses concerns of traveling women and gives suggestions on how to overcome typical slights.

"Our research showed that women don't want special services," Brewer notes. "They just want the same services, respect and courtesy accorded to male travelers."

Like Ramada, more and more members of the travel industry are designing special campaigns to attract traveling business women, whose numbers are increasing at a rate three times faster than that for men. More than 30 percent of all domestic business travelers are women, up from just one percent in 1970, according to a study by the Cornell University School of Hotel Administration.

Women make up 19 percent of all international business travelers, notes a survey conducted by Opinion Research Corp. of Princeton, N.J. and about half of all domestic and international travelers are female.

Yet despite their growing numbers, "the majority of these traveling women feel they are still being discriminated against," says Francine Herman, an associate professor of hotel administration at Cornell, who co-chaired a conference on women travelers. "We found that approximately 60 percent of the women we talked to used their hotel rooms to eat in, as contrasted to a very small number—10 to 15 percent—of men.

"The men used room service when they were having a meeting and didn't want to break to eat. But the women were using it to avoid the hassles that face single women travelers. Basically, they hid."

Food and beverage service account for most of the problems women report, Herman says. Although studies show that businesswomen are the best weekday restaurant tippers—leaving the server 20 to 22 percent compared to 10 to 15 percent from men—"women still get poor service," she says, "because they've got the image of being bad tippers. Women also felt they were always subject to pickups by men, sometimes with the connivance of bar staff."

DISAPPEARING BEDS

Some hotels now direct bartenders to ask a woman's permission before making her a drink, or before passing her a note offered by someone else in the lounge. Herman notes: "Also, some properties have put in the equivalent of captain's tables, where single travelers of either sex can choose to sit with other single travelers' or sit alone.

"We're seeing more and more travel advertising geared to women. And rooms are being designed so they can be converted into studios where the bed disappears. Men have always felt perfectly OK inviting another man into their rooms, and this way woman can feel comfortable with * * *."

Women traveling for pleasure experience some of the same problems as women traveling on business, says Californian Barbara Pletcher, executive director of the National Association for Professional Saleswomen and author of the women's travel guide, *Travel Sense*. "The less secure woman traveler may have even greater problems getting good service on a pleasure trip, because she's not likely to be wearing her no-nonsense navy suit. She may be more apt to let herself get pushed around if she's in jeans."

But women pleasure travelers are less likely to isolate themselves in lonely rooms, she says, "because fewer pleasure travelers go all by themselves. They're more likely to be with a friend or with family so they won't feel they have to hide and order room service. In business travel, the travel is often a necessary evil. But in pleasure travel it's part of the experience, so you want to be sociable."

SIGNING UP FOR CRUISES

It they are traveling solo, women often sign up for adventure travel cruises, and group tours, she says, "partly because they have the finances to swing it and partly because it assures they'll be part of a group whose interests they share. And I'm seeing more and more women going on wilderness survival trips, too, because they want to test themselves and see if they can do it."

But whether traveling for business or pleasure, safety generally heads the list of women's concerns, says Cornell's Herman. A typical problem is the tendency of desk clerks to announce a new guest's room number to the bellhop in a voice loud enough for the entire lobby to hear.

"It's a terrifying feeling to be alone in a hotel and know that some stranger knows what room you're in," says a California businesswomen. "On one trip, I'd been in my room about five minutes and the phone rang. A man's voice said, 'Hi, I was in the lobby when you checked in and wondered if you'd like to have a drink.' I wouldn't go back to that hotel again."

This kind of negative experience can hurt hotels, which thrive on recommendation, says Donna Saracco, editorial director of Solo, a 5,000-circulation newsletter for women travelers. "The industry is waking up to the enormous buying power of women travelers. In most major cities today, there are several hotels and restaurants where women can go and feel comfortable. In our newsletter we recommend places where a woman will get respect, not hassle."

LEARN THE CUSTOMS

Women traveling abroad often find that their treatment varies with the country, Saracco says. "When traveling on business in China. I found people extremely respectful and friendly. But you do need to learn the local customs. The one place I didn't receive a warm welcome at my hotel was in the bar. I discovered that women don't go into Chinese nightclubs alone, because they're seen as competition for the hostesses."

Women traveling in Europe generally can expect "standards of behavior equivalent to what they'd find in the United States," writes Penelope Naylor in The Women's Guide to Business Travel. "But in some other places in the world, women doing business and traveling on their own are more than suspect. Without a husband or a father to protect them, they're considered, like Victorian-era actresses, little better than prostitutes. This is most often true in the more conservative countries of the Mediterranean (Spain, Portugal, southern Italy, Greece), all Arab countries and most Moslem countries, a good bit of the Orient and Latin America."

Her advice: Learn the country's customs before you go there.

Sometimes, even well-meaning hotels can miss the mark in their efforts to cater to businesswomen.

"On a recent business trip a male colleague and I arrived together at a luxurious new hotel," recalls Carolyn Eldred, a research psychologist with Washington's Aurora Associates Inc. "My room had an attractive color scheme—gray, green and rose—and there was an arrangement of dried flowers and a copy of Cosmopolitan.

"When my colleague phoned a few minutes later, I couldn't resist asking him what color his carpet was. He replied 'dark green.' He didn't have any flowers, and instead of Cosmo he got the Wall Street Journal."

As much as Eldred enjoyed the pretty carpet and flowers, she noted "I'd have traded them in a minute for the Journal, which I read at home every day."●

TITLE OF COMMODORE IN THE U.S. NAVY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. SKELTON. Mr. Speaker, in the recent Congress, the title of commodore was reinstated as an official Navy officer rank, equal to that of a one-star general. This was done in order to bring the ranking system of senior officers in the Navy into line with those of the rest of the branches of the military. The Navy, seemingly unable to decide within itself what the new title should be, did not object when I proposed the title commodore. My support for this title came from the long historical use of the title of commodore for this position.

This year, a few in the Navy have decided that the title commodore is not appropriate. They feel that because the title does not carry the word admiral, that proper respect is not being given to these new flag officers. My support for the title of commodore remains strong, as the historical tradition of this title shows that it has not only been a title of command, but also a title of respect.

The title of commodore has been used in the U.S. Navy since its beginning. Until 1862, there was no rank above the rank of captain in the U.S. Navy, with the exception of the commander in chief of the fleet, who was Esek Hopkins, and the senior flag officer, who was Charles Stewart. These officers, however, were addressed as commodore, as their official titles were too cumbersome for everyday use. The title of commodore was also used for captains to distinguish them when they were in charge of a squadron of ships. Although this title was not an official commissioned title, it was one which was usually retained after the command of the squadron was completed.

Many of our most famous naval heroes carried the title of commodore. Stephen Decatur, a great hero of the early Navy who won his fame during the war of 1812 and the American bombardment of Tripoli in 1804, carried the title of commodore. So did

Oliver Hazard Perry, who is best known for his famous words "We have met our enemy and they are ours," after the battle of Put-in-Bay of September 10, 1813. There was also Commodore George Dewey, Navy hero of the Spanish-American War. His decisive victory in the taking of Manila Bay in 1898 gave Americans confidence in their Navy and made the U.S. Navy a formidable force in the Pacific.

John Paul Jones, famed for his bravery and seamanship, was a commodore, and was a strong advocate of an official four-grade ranking system for flag officers. His reason for this was the same one that prompted the change in 1980, which was to bring naval ranks in line with those of the land forces. In his suggestion, he recommended the four titles that went into place in 1980, which are commodore and the three grades of admirals. His idea was not acted on, however, because the colonialists objected to the connotation of pomposity which the British had given to the word admiral.

It was not until the Navy Reorganization Act of 1862 that a four-grade ranking system for senior officers was established. This system again used the same titles put into effect in 1980 and recommended by John Paul Jones in 1776. The rank of commodore was abolished in 1899 due to the overabundance of rear admirals. The rank of commodore was reinstated in 1943 for use by convoy commanders in World War II, but was again abandoned at the end of the war.

The problems of lack of respect that are arising in the present Navy is not due to the title of commodore, but arises naturally when one replaces a two-star officer with a one-star officer, which is how the commodores are being used. I plan to continue my strong support of the title of commodore, as it seems ill-advised to replace a traditional system just so that one-star flag officers can call themselves admiral.●

RELIEF FOR OUR RESEARCH LIBRARIES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. MARKEY. Mr. Speaker, appearing below is an oped piece contained in the Washington Post of February 3, 1983. The author, Father William J. Byron, is the president of Catholic University in Washington. I commend this piece to my colleagues.

Father Byron states in clear terms the future financial disaster awaiting our Nation's research libraries unless new, innovative remedies are enacted in the near term. While his 5 cent per book tax proposal may not be met with unanimous support, it certainly serves to make us aware of the possible financial debacle confronting our Nation's libraries.

Father Byron is one of America's leading educational strategists. I urge my colleagues to carefully consider his point of view.

[From the Washington Post, Feb. 3, 1983]

A NICKEL-A-BOOK TAX?

(By William J. Byron)

A nickel a gallon for roads, bridges and mass transit. Why not a nickel a book for research libraries?

By imposing a five-cent tax on every gallon of gasoline sold, the federal government expects to generate $5.5 billion annually for road repairs. The motorists will pay for better highways. Predictably, the trucking industry is unhappy, but all users, heavy and light, will benefit, and hundreds of thousands of repair-related jobs will be filled. Relaxed size and weight restrictions on trucks eased passage of the bill. Nickel-a-gallon is now the law of the land.

Why muse over the possibility of a nickel a book for research libraries? There is no federal library system to speak of. Such a tax would, some will certainly argue, pose a threat to freedom of the press (although the telephone excise tax seems not to impair freedom of speech). Others will ask: What is a book? Are pamphlets exempt? Will magazines be next? Isn't the tax regressive? Why raise the issue at all?

Our research libraries are in need of repair. Retrofitting for the new library technology is an even greater need. New equipment is necessary for the new information systems. Roofs, pipes, wiring, shelving, walls and climate control require attention in most old libraries, of course. Construction and reconstruction jobs are waiting to be done: jobs would be generated.

But even if all our libraries were in perfect repair, a major unmet—and often unnoticed—capital need would remain. Scholarly periodicals will soon be published electronically. Scholarly output will be stored in computer banks, not printed journals. People will use the journal and the article by going to a terminal, not a shelf. Front-end capital costs of electronic journal depositories for scholarly output will be great. So will costs of placing terminals and display screens within reach of readers and researchers across the nation.

Publishers, already uneasy at the prospect of electronic journals, cannot be expected to hail the possibility of a nickel-a-book excise tax any more than the truckers welcomed the nickel-a-gallon on gasoline. The vast majority of book buyers, however, would follow the drivers in accepting the levy without protest. Revenues produced by this tax, if spent wisely on the improvement of research libraries, would guarantee that readers will have better books to buy in the decades ahead.

A federal initiative toward the improvement of research libraries would be a welcome signal that Uncle Sam expects the nation to tip its hat, instead of tapping its head, in the direction of those who dedicate themselves to scholarly research.●

STAND UP FOR AMERICA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. GINGRICH. Mr. Speaker, it is with great honor that I submit this song written by Mrs. Anne Weber, a citizen of Forest Park, Ga. This song typifies the strength and courage of this country's elder citizens and recognizes the fact that they know this country is worth fighting for.

STAND UP

We've laid to rest that title "senior citizen."
Some label we acquired at "65."
And we've sounded this message
Throughout our legislation
That silver hair is coming back in style.

The tables are turning on this generation.
Our numbers are increasing every day.
We've never asked for anybody's sympathy
But we sure got tired of being pushed away.

It's time we all joined our hands and pulled together
In single heart to voice our battle cry.
In unity to God and for this country just like we did in 1945.

Some of us are handicapped and wounded.
Victims of life, veterans of foreign wars.
So for all of those who cannot stand and join us throughout this land.
We ask you now to just stand up in your heart.

CHORUS

Stand up. Everybody stand up.
Join in our crusade.
Sing our song.
We've lived through our recessions, depressions and wars,
And we still think our nation's worth fighting for.
We're not standing still.
We're moving on.●

UNITED STATES-CUBA RELATIONS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. SMITH of Florida. Mr. Speaker, because of Florida's proximity to Cuba, my constituents are deeply concerned about the activities of Fidel Castro. On January 23, John McMullan, executive editor of the Miami Herald, complained about the administration's policy toward Castro's Cuba. I believe that my colleagues will be interested in reading his remarks.

Mr. McMullan's column follows:

[From the Miami Herald, Jan. 23, 1983]

UNITED STATES SLEEPS WHILE CASTRO ACTS

(By John McMullan)

Victor Palmieri makes a living handling crises.

He made a reputation in the business world straightening out Penn Central, but he had considerably less success in trying to get a handle on the Cuban boatlift nearly three years ago.

Today he is revisiting the scene of that failure, South Florida, in a reflective effort to write a book that questions what U.S. policy should have been and what it should be if such situations arise again.

He is able to laugh a little now. "When President Carter gave me the assignment, I wasn't even sure where Cuba was," he remarks a little ruefully.

I don't know what Mr. Palmieri's answers will be, but his visit regenerated my own chain of thought.

Could the Mariel boatlift—that ostensibly began to reunify families but degenerated into a fiasco—happen again, from Cuba or someplace else?

The answer to me is clearly yes. As long as unprincipled despots such as Fidel Castro remain in power, as long as we have naive Presidents in the White House, we will be vulnerable.

Will the United States ever recognize that Communist Cuba is not just South Florida's problem, but affects our entire nation?

The answer to that is not until a U.S. President with a grasp of history wakes up and perceives the danger, then brings it home to the American people.

Can nothing be done about Castro?

Yes, but U.S. Presidents and Congresses must stop viewing him as an insignificant blip in the course of history whose threat will expire when he passes from power. No U.S. President yet has had the vision or the stomach to start action against Castro and finish it.

In short, illegal boatlifts, in which a Cuba can dump its unwanted onto an obliging neighbor, remain a threat because the fundamental blunders made by President Carter out of misplaced humanitarian motives are likely to be repeated by successive U.S. Presidents who haven't done their homework.

Mr. Palmieri still attempts to defend the President who called him out of the private business world and made him Coordinator of Refugee Affairs in 1979, primarily to deal with the feeding and care of nearly one million displaced Cambodians.

But the facts provide little defense. Only 16,000 Cubans had been transported to Florida to join relatives when Mr. Carter unwittingly delivered a speech on May 5, 1980, that included the unfortunate phrase: "We will continue to provide an open heart and open arms to refugees seeking freedom from Communist domination."

That was an incredible gaffe.

Already the alarms were sounding. Returning Cubans were telling of being forced to bring strangers instead of relatives back to South Florida. Evidence grew that criminals and loafers and misfits were being rounded up and sent in their stead. We in South Florida are paying the price today in unemployment, crime, and maladjustment to society of many in that avalanche of 125,000.

Both Jimmy Carter and Ronald Reagan have failed to exploit the one advantage that the United States had in that boatlift, and that was the opportunity to return the criminals and misfits under legitimate claims of a violation of international rules of decency and law.

Back then, out of loyalty to President Carter, Mr. Palmieri seemed to disagree with my suggestion that Castro's riffraff be loaded on a U.S. destroyer and returned to Havana harbor. Today he concedes that Castro's infamy might have been regarded as an act of war upon which the United States justifiably could have retaliated.

In fact, it now appears, such a response was given active consideration. It was discarded because the Carter Administration was unwilling to risk possible confrontation with Russia or face condemnation as a bully.

Instead, Mr. Carter listened to warnings that there would be riots in the streets of Miami, and swallowed whatever Castro sent.

Have we as a nation become so pusillanimous that we are immobilized? Where else in the world does the larger nation abjectly accept the illegal acts of another, fearing to enforce international standards of decent conduct?

There is little reason to hope for any switch in attitude, based on the actions of Mr. Reagan thus far. Worse, recent off-the-record sessions with high officials in the U.S. State Department lead to the sad belief that the Reagan Administration has retreated from the hard line it once espoused and has accepted a live-and-let-live policy toward Cuba.

Mr. Reagan once talked tough, but now plays soft. He and his cohorts seem determined to sweat out Mr. Castro in the absurd hope that when he finally yields power, through death or assassination, Marxism in Cuba will die with him.

"What would you have us do?" queried one official who helps set U.S. policy. "Is Cuba worth a showdown with Russia? Overreaction could be worse than enduring Castro for another 20 years."

The consequences of this miscalculation become more obvious day by day.

Grenada 1979, Nicaragua 1979, Suriname 1983 ... the march of Marxism under Castro's banner goes on within the American hemisphere.

Rather than deal directly with the octopus itself, the United States rushes to and fro in Latin America to slash at a tentacle here and there.

If we have a policy at all, it is a no-win one. Allies such as Canada, Britain, and Japan make a sieve out of the U.S.-imposed embargo that is worse than no embargo at all.

Twenty more years of Castro mean 20 more years of creeping communism.

Will the United States wake up too late?●

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, I would like to take a moment to share with my colleagues a proclamation declaring February 14, 1983, "National Salute to Hospitalized Veterans." We should all be aware that this is a very significant national day of observance for veterans all around the country. Please join with me in supporting those who served us bravely in our Nation's time of need and help demonstrate Congress commitment to the health and well-being of this Nation's veterans. Providing responsible health care for our veterans is a commitment we must all uphold.

PROCLAMATION

Whereas, many thousands of veterans of America's armed forces have served this nation in times of both peace and war, and in doing so have thereby assured the safety and prosperity of all her people as this nation enters its third century of independence: and

Whereas, more than a million veterans enter Veterans Administration medical facilities nationwide for medical attention annually: and

Whereas, the Veterans Administration, for the tenth consecutive year, has organized a national day of tribute honoring all hospitalized veterans, with the purpose of urging all Americans to remember these men and women especially on this day and throughout the year: and

Whereas, we wish to express to the patients in the West Haven Veterans Administration Medical Center our concern and sincere appreciation,

Now, therefore, I, Bruce A. Morrison, do hereby proclaim February 14, 1983, for the "National Salute to Hospitalized Veterans" and do therefore call upon all our citizens to observe the occasion in fitting ways and to pay tribute to hospitalized veterans on this day and each day of the year.●

TRIBUTE TO CHARLIE A. BENGEL, SR.

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. FLORIO. Mr. Speaker, I wanted to take this opportunity to ask my colleagues to join me in commending one of my constituents, Charlie A. Bengel, Sr. Charlie has the distinction of being the "oldest active fireman in New Jersey"—an achievement which I believe merits our attention.

It is important to note that Charlie's participation is solely on a volunteer basis and is exemplary to all citizens of the importance of service to the community.

Born November 15, 1893, Charlie first joined the Goodwill Fire Company in 1918. From that beginning, he served in a number of responsible roles to his final position as captain of fire police.

Since his first initiation as a volunteer fireman, Charlie has responded to more than 6,000 fire alarms in Woodbury and surrounding communities and within the last 5 years, he has attended more than 80 percent of all fires.

Needless to say, Charlie Bengel is worthy of this tribute. He is a remarkable and dedicated man whose stamina and contributions to my constituents are greatly appreciated. I wish him many more long and healthy years.●

HAIL TO THEE, OH BUFFALO!

HON. JOHN J. LaFALCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 1983

● Mr. LaFALCE. Mr. Speaker, as a record-setting snowfall melts in the Nation's Capital, life in temperate Buffalo continues. We have been basking in moderate winter temperatures this year, free from any major snowstorms. Indeed, those who love a rugged winter have been disappointed.

The queen city of the Great Lakes has had its share of disappointments. But, communities which experience difficulties—and then resolve to fight back—have a quality that boomtowns will never know. Buffalo, for all of the scorn heaped on it by the uninformed, is alive and well.

Washingtonians, unexperienced in life's heartier things, were given a glimpse of the good life in the Sunday, February 13 edition of the Washington Post. Writer Sara Solovich is to be commended for painting a beautiful tableau of life in one of America's most vibrant cities. Hail to Thee, Oh Buffalo!

HAIL TO THEE, OH BUFFALO!
(By Sara Solovich)

"I like buffalo. The lake's polluted. The elms are blighted. The weather is Gothic. The place is full of phosphorescence of decay."—John Barth.

Hail Buffalo! City of snow, the nation does you wrong. Your houses (cheap!) have enough wainscoting to make Washingtonians climb their $200,000 walls. Your pizzerias deliver. And what pizza! Just the memory of your chicken wings, beer-battered fish fries and beef on kimmelweck makes me weep with hunger. True, your downtown looks like postwar Dresden. But you have neighborhoods where priests still hear confessions in Polish, great bars (more per capita than any other city in the country) and white Christmases.

Now I live in Washington, closeted in an apartment that would fit into my old living room, homesick as I watch a blizzard bring the capital to its knees.

People find it amusing that I once lived in Buffalo, the nation's armpit. A most beloved armpit, I tell them. Being from Buffalo is like being Polish or Jewish: You can poke fun at it yourself, but outsiders watch out. When CBS newsman Morley Safer reviled Buffalo restaurants on the air two years ago as specializing in "greasy, impenetrable eggs, burnt bacon and slow service," the mailbags at CBS headquarters overflowed with more than 2,000 outraged complaints from Buffalonians. Safer, whose boss is from Buffalo, was proded into making a public apology—in Buffalo—where he tried to undo the damage by explaining that "Buffalo is just one of those buzzwords."

But while the rest of the country chuckles at Johnny Carson's blizzard jokes (and where do you think his suits are made? That's right.) Buffalonians have the last laugh.

I had some friends come down from New York and they were thrilled. They were able to get the books they wanted because they weren't sold out. They were able to go to all the movies they wanted and not wait in line. Some of them are making six figures—and I live much better than they do. They're all envious of me because I live in Buffalo. See, I live in a neighborhood where I can walk around at night. Esthetically, I live like a millionaire. My house would cost half a million in Washington. So I'm not playing in Washington's philharmonic. Believe it or not, the Buffalo Philharmonic is just as good.—Monte Hoffman, cellist, Buffalo Philharmonic Orchestra and 20-year resident of Buffalo.

A millionaire businessman and philanthropist from Buffalo named Max Jacobs once told a reporter that his three favorite cities in the world are Jerusalem, New York and Buffalo—not necessarily in that order. "You think this city is nice?" An 11-year-old boy challenged every Israeli he met during his father's one-year sabbatical in Jerusalem. "You should see Buffalo."

Leaving Buffalo is one of the worst fates that can befall a Buffalonian. I know a federal train inspector, promoted to a prestigious job in New York City, who contemplated quitting before reaching a compromise: he commutes on weekends to Buffalo, much to the disbelief of his coworkers who think they live in the world's greatest city. Last year, a group of Buffalo lawyers exiled to Texas celebrated a Bills-Cowboys game with three pizzas, chicken wings and kosher corned beef all flown in from Buffalo.

"I was thinking y'all might call this story The Spirit of Buffalo Lives On. We moan for a good slice of kielbasa. They just don't know what pizza is here. Terrible stuff that tastes like cornmeal. And no one's ever heard of chicken wings as an appetizer. And you know what I miss the most? John and Mary's submarines. God, what I'd give for a good hard Italian roll and the onions and the peppers. You know how they fry it up like that?"—Larry Wolfish, lawyer, 1982.

I know, Larry.

My husband and I left Buffalo last November after 3½ years—and only because the newspaper that employed us both, the Courier-Express, folded. We were devastated, but it never occurred to us that we should abandon our careers for a life in Buffalo. Friends, however, were shocked that we would leave. "You have to leave Buffalo?" one woman asked incredulously, on learning that my husband had accepted a job offer in Washington. "I am so sorry." When I told my dentist, he only grimaced and said, "Good luck, you're going to need it."

Visitors don't always see the attractions of this city. No wonder—its grain and steel mills are largely abandoned and many of the buildings on Main Street are window-smashed and inhabited by pigeons. But these visitors fail to look beyond the obvious—past the eight months of winter and the Chamber of Commerce's frenetic "Talking Proud" campaign ("Four distinct seasons! Buffalo's air is more than twice as clean as Houston's. Visitors can sample a different restaurant every night of the week for more than five years without returning to the same place.")

No matter what the chamber says, Buffalo is not a good city to visit. It is meant to be lived in.

It is a city of neighborhoods: Polish, Irish, Black, Italian. It has pockets—big ones—where the English language will get you nowhere. Turn a corner and you'll run into a Polish restaurant serving czarnina, duck blood soup. Turn another, and you'll find one of five houses designed by Frank Lloyd Wright between 1903 and 1908. Mark Twain was once editor of The Buffalo Express, which later merged with the Courier to form my now-defunct newspaper. Though he later described that year-and-a-half as the worst in his life (his wife gave birth to a stillborn child in Buffalo), he retained enough feeling for the place to bequeath the original manuscript of "The Adventures of Huckleberry Finn" to the city's library.

Twain enjoyed rowing on Lake Erie and the Niagara River—so much so that Charles Brady, former chairman of the English Department at Canisius College in Buffalo, says, "I always had the feeling that something of Lake Erie and the Niagara got into the Mississippi of Huckleberry Finn.

The City of Buffalo has 350,000 people, 105,000 fewer than it did in 1970. It was founded in 1800 by Germans and Alsatians (who are generally held accountable for the nasal twang in the classic Buffalo accent—a Buffalonian is from "Buff-low"), incorporated as a city in 1832, and, in between, burned by the British after the Americans burned York, the capital of upper Canada.

Buffalo has sent two men to the White House—Millard Fillmore and Grover Cleveland. William McKinley was assassinated in Buffalo in 1901. It is the home of actress Katharine Cornell, who opened a new play in Buffalo whenever possible, Buffalo Bob "Howdy Doody" Smith, humorist Mark Russell and funk star Rick James, who maintains an estate in a nearby wealthy suburb.

It is also the home of the roll-top desk, the Pierce-Arrow car (America's short-lived answer to the Rolls-Royce), the air conditioner and the electric chair. The first man to be electrocuted in that chair was from Buffalo. And, in 1896, Main Street, Buffalo, became the first street in the United States to be lit with electricity.

Today, anyone with a job can live like a king in Buffalo. Less than $60,000 buys a sturdy Victorian house with stained glass windows, a turret or two, fireplaces, butler's pantry, beamed dining room ceiling and sliding oak doors. One Washington couple was forced to buy a mansion when they moved to Buffalo last year, simply to avoid the capital gains tax from the sale of their Capitol Hill townhouse.

There are other amenities. Buffalo has one of the nation's finest modern art collections. Its philharmonic is first-rate. Delaware Park's 367.61 rolling acres were laid out by Frederick Law Olmsted, the designer of New York's Central Park and Buffalo itself was designed by Pierre de L'Enfant, the same engineer who designed Washington, D.C. The public schools' "magnet program" is fast becoming known as one of the country's most successful at creating integrated classrooms. There is a renowned cancer clinic and children's hospital. Its football fans are maniacs; the Bills draw among the largest crowds in the National Football League. When they complain about their city, Buffalonians usually point to the absence of a major league baseball team.

The weather—which is awful—desn't bother them. Only Caribou, Me., Syracuse, N.Y., Sault Ste. Marie, Mich, Muskegon, Mich., Flagstaff, Ariz., and Lander, Wyo., receive more snow than Buffalo, according to the record books. But when "Best Friends," the movie starring Goldie Hawn and Burt Reynolds, was filmed in Buffalo last February, it was baseball weather outside. The filmmakers had to rent snow-making equipment from nearby ski resorts to meet the

demands of the script. When Denver was buried under snow on Christmas Eve, it was 64 degrees in Buffalo. Did the national networks, those meticulous chroniclers of every snowflake that falls in the "Blizzard Capital," take note? Nooooo.

Buffalonians eat up the cold. Ice rinks are booked solid 20 hours a day seven days a week in winter. An inch of snow may close Washington National Airport, but Buffalonians drive through anything. Only once were they forced to walk. That was during the Blizzard of '77, when hundreds of cars were buried under 12-foot drifts and the U.S. Army banned cars from the street.

The blizzard. Buffalonians try to shrug it off. They've even commemorated it with an annual "Blizzard Ball." But the blizzard has sunk into the city's consciousness. Four-wheel drives became mighty popular after the blizzard. Some Buffalonians get testy when the word "blizzard" is mentioned.

"The blizzard? The blizzard? What about the blizzard? What about earthquakes and volcanoes out west? Why is their reputation any better than ours? This is something I don't understand. I'll tell you a story. A few years ago, there was a boy outside on the street. He walks by my house and uses the nastiest word, so I say to him, There's no reason to use language like that. But he says the same four-letter word to me again, so the boy on the porch next door gets up and says to him, Don't you talk to my aunt like that. And I'm not his aunt, I'm his neighbor. But that's Buffalo."—Josephine Bonda, a Buffalo resident since she arrive from Isnello, Itlay, 70 years ago, when she was 4½.

So what's the problem? You say the whole country wouldn't be laughing if Buffalo was such a hot-shot city? You can't stomach the idea that you haven't lived unless you've lived in Buffalo?

Well, Buffalo does have problems.

Big ones.

It is a city where old friends renew acquaintance on the unemployment line. Joblessness is now 15.5 percent and that doesn't include an additional 3,900 steelworkers, many of them Buffalo residents, who face permanent layoff sometime this year when Bethlehem Steel ends all steel production in nearby Lackawanna. In the last year, Mobil Oil closed its Buffalo refinery. The death of the Courier-Express put 1,100 people on the street. Two downtown department stores have closed. So have dozens of small businesses.

Soup kitchens and emergency food pantries are flourishing. One sociologist says that one of every three people in the Buffalo area is directly on public assistance or in a family with at least one major wage earner unemployed. That makes welfare the county's only growth industry.

The city is trying to turn itself around. There is about $1 billion in new construction downtown. Half is for a subway along Main Street. The city is betting this will bring the public back to Buffalo's business district. The rest of the money is being spent on waterfront development, a new hotel and two new office buildings.

But the city is bleeding. I'll never forget a walk I took up a deserted Main Street one Saturday afternoon last year. It was a ghost town. For a mile, my only company was a pack of wild dogs.

For the first time, friends wonder if Buffalo will pull out of its slump. They are bewildered. The city has suffered one blow after another. The immediate tragedy is that thousands of people are hungry or out of work. Over the long term, a style of life that people from the big city don't understand is threatened. For Buffalo offers balance. It has backyards. The country is 10 minutes away. One can comfortably raise a family there and still enjoy the cultural advantages of city life.

"I can walk the 1½ blocks from my office to the courthouse and say hello to 10 guys I went to school with. That has a value. You can pick up the phone and make an oral arrangement with another attorney—you don't have to have a signed sworn stipulation to do everything. If your word isn't worth something, that's very soon discovered. The courthouse is just around the corner from the BAC [Buffalo Athletic Club], so I can have a workout during lunch. The BAC is one block from the parking deck, so my little world is pretty comfortable. By the time I get out of the BAC after work, traffic is clear and I suppose the reduced stress level is worth something, too."—Bernard Brodsky, University of Buffalo law school graduate who worked in Washington, Atlanta and Hong Kong before coming home to Buffalo for the "quality of life."

Buffalo is a little big town where real estate agents can drive through familiar territory and identify each house by owner, price tag and present marriage. When my husband and I bought our house, the seller turned out to be buying his new house from our lawyer. To complete the cycle, the lawyer had just bought his new house from a woman who was bidding against us for the same house that we eventually purchased.

This, in a city of 350,000 people. But that's a typical Buffalo story.

Another: When my husband and I lost our jobs last year, my son's nursery school immediately offered him a scholarship. A scholarship for a 2-year-old! That he should have grown up in Buffalo.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 15, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 16

9:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on the impact of the Environmental Protection Agency's budget on State and local programs.
SD-406

9:30 a.m.
Appropriations
To continue hearings on the status of the national economy.
SD-192

Banking, Housing, and Urban Affairs
To hold oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 66, to create a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and to provide for a competitive marketplace for cable systems in the telecommunications industry.
SR-253

Finance
To continue hearings on recommendations of the National Commission of Social Security Reform.
SD-215

Labor and Human Resources
Business meeting, to consider its subcommittee assignments, committee's rules of procedure for the 98th Congress, and the nomination of Donald L. Dotson, of Pennsylvania, to be a member of the National Labor Relations Board.
SD-430

Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1983.
SR-301

10:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

Judiciary
To resume oversight hearings on organized crime in the United States.
SD-106

Veterans' Affairs
To hold hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Veterans' Administration.
SR-418

Joint Economic
To continue hearings in preparation of its forthcoming annual report.
2325 Rayburn Building

10:30 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

11:00 a.m.
Foreign Relations
Business meeting, to consider the nominations of Kenneth L. Adelman, of Virginia, to be Director, and Manfred Eimer, of Maryland, to be an Assistant Director, both of the U.S. Arms Control and Disarmament Agency.
SD-419

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

Armed Services
To meet in closed session to receive a worldwide intelligence briefing from officials of the Central Intelligence Agency.
S-407, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

FEBRUARY 17

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Labor.
SD-192

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To resume oversight hearings on the status of the international debt.
SD-538

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 66, to create a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and to provide for a competitive marketplace for cable systems in the telecommunications industry.
SR-253

Finance
Health Subcommittee
To continue hearings on a proposal to develop a medicare prospective payment system for hospitals, skilled nursing facilities, and other providers.
SD-215

Rules and Administration
To continue hearings on committee resolutions requesting funds for operating expenses for 1983.
SR-301

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 251, to provide for fair trade practices in the agricultural market, and to encourage and expand the export volume and value of agricultural commodities and products, and other related measures.
SD-628

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the American Battle Monuments Commission, Army cemeterial expenses, and the Selective Service System.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Transportation.
SD-138

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 96, to establish the Lee Metcalf Wilderness and Management Area in the State of Montana.
SD-366

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee.
SD-406

Foreign Relations
To hold hearings on proposed legislation authorizing funds for fiscal years 1983 and 1984 for the international security assistance program.
SD-419

11:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

1:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on automobile safety, focusing on the durability of car bumpers.
SR-253

Finance
Health Subcommittee
To continue hearings on a proposal to develop a medicare prospective payment system for hospitals, skilled nursing facilities, and other providers.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 251, to provide for fair trade practices in the agricultural market, and to encourage and expand the export volume and value of agricultural commodities and products, and other related measures.
SD-628

Small Business
To hold hearings on proposed legislation to require the usage of tax-exempt financing in connection with the Small Business Administration's section 503 certified development companies program.
SR-428A

Select on Intelligence
To hold closed hearings on intelligence matters.
S-407, Capitol

FEBRUARY 18

9:00 a.m.
Energy and Natural Resources
To hold oversight hearings, in closed session, on the world petroleum outlook for 1983.
S-407, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

10:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

Finance
To hold hearings on unemployment issues.
SD-215

Judiciary
Security and Terrorism Subcommittee
To hold hearings on the U.S. Attorney General's new domestic security investigating guidelines.
SD-226

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

FEBRUARY 21

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the world petroleum outlook for 1983.
SD-366

FEBRUARY 22

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-430

9:30 a.m.
Appropriations
To resume hearings on the status of the national economy.
SD-192

Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal year 1984 for the National Bureau of Standards, Department of Commerce, and the U.S. Fire Administration, Federal Emergency Management Agency.
SR-253

Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1983, and proposed regulations for Senate mass mailings.
SR-301

10:00 a.m.
Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1984 which fall within the committee's jurisdiction, with a view toward submitting its views and budgetary recommendations to the Committee on the Budget.
SD-406

Finance
To resume hearings on recommendations of the National Commission on Social Security Reform.
SD-215

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for Indian programs.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration of the Department of Transportation.
SD-116

Environment and Public Works
Business meeting, to continue to consider those matters and programs in the President's budget for fiscal year 1984 which fall within the committee's jurisdiction, with a view toward submitting its views and budgetary recommendations to the Committee on the Budget.
SD-406

Governmental Affairs
To hold hearings on the nominations of Barbara J. Mahone, of New York, to be a member, and John C. Miller, of Ohio, to be General Counsel, both of the Federal Labor Relations Authority.
SD-342

FEBRUARY 23

9:00 a.m.
*Labor and Human Resources
Employment and Productivity Subcommittee
To continue hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-628

10:00 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Finance
To continue hearings on recommendations of the National Commission on Social Security reform.
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the nature of organized crime as it exists today in the Mid-Atlantic region of the United States.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

FEBRUARY 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds through fiscal year 1988 for the Office of Government Ethics, Office of Personnel Management, and to review the financial disclosure provisions of the Ethics in Government Act of 1978.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold hearings on the reauthorization of the Juvenile Justice and Deliquency Prevention Act (P.L. 93-415).
SD-226

Labor and Human Resources
Handicapped Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Rehabilitation Act of 1973.
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Consumer Affairs, Consumer Information Center, and the Consumer Product Safety Commission.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the status of the Abandoned Mine Land Fund, Department of the Interior.
SD-366

Finance
To continue hearings on recommendations of the National Commission on Social Security Reform.
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the nature of organized crime as it exists today in the Mid-Atlantic region of the United States.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee,
To continue oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings to review the general agricultural outlook, and the overall budget for the Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs, focusing on the Power Marketing Administrations.
SD-192

Select on Ethics
To hold a general business meeting.
S-126, Capitol

FEBRUARY 25

8:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 70, to delete certain IRS provisions which treat Members of Congress separately with respect to living expense deductions.
SD-215

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for Indian programs.
SD-192

Commerce, Science, and Transporation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the Consumer Product Safety Commission.
SR-253

2:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

FEBRUARY 28

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on ocean and coastal programs.
SR-253

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review foreign assistance programs of the Department of State.
SD-192

1:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Transportation Safety Board, and to review the budget of the Civil Aeronautics Board.
SR-253

MARCH 1

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Cooperative Service, Agricultural Marketing Service, Office of Transportation, and the Packers and Stockyards Administration, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of State, focusing on international security assistance, international narcotics control, migration and refugee assistance, and antiterrorism.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Transportation Safety Board.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

10:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Paralyzed Veterans of America, Military Order of the Purple Heart, and World War I Veterans.
SR-325

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Mines of the Department of the Interior and the National Gallery of Art.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy, focusing on nuclear fission and uranium supply and enrichment.
SD-192

MARCH 2

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior and related agencies.
SD-138

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
SD-430

Veterans' Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and recommendations which it will make thereon to the Committee on the Budget.
SR-418

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Peace Corps, and the Inter-American Foundation.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior and related agencies.
SD-138

MARCH 3

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and the Federal Grain Inspection Service, Department of Agriculture.
SD-124

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget's Circular A-95, focusing on Federal planning requirements for Federal grant programs.
SD-342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Coast Guard, Department of Transportation.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the indemnification of and contributions to Government contractors.
SD-562

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy.
SD-192

MARCH 4

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Economic Regulatory Administration, Energy Information Administration, and the Office of Hearings and Appeals, all of the Department of Energy.
SD-192

MARCH 7

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Representative to the United Nations, and voluntary contributions to

international organizations and programs of the United Nations.
SD-192

MARCH 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Export-Import Bank of the United States.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Railway Association, and Conrail.
SD-138

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction.
SD-366

*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Education for Economic Security Act, and to review math and science education programs in elementary and secondary schools.
SD-430

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Veterans of Foreign Wars.
SR-325

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Holocaust Memorial Council, and the National Endowment for the Arts.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy.
SD-192

MARCH 9

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review the current status of the multilateral development banks of the Department of the Treasury.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Architectural and Transportation Barriers Compliance Board, and the Office of the Inspector General and the Office of the Secretary, Department of Transportation.
SD-138

*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue hearings on the proposed Education for Economic Security Act, and to review math and science education programs in elementary and secondary schools.
SD-430

Veterans' Affairs
To hold hearings on proposed legislation providing for veterans' health care services.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Park Service of the Department of the Interior.
SD-192

MARCH 10

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on fisheries programs.
SR-253

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on the current health and future prospects of defined benefit pension plans under the Employee Retirement Income Security Act.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Veterans' Administration.
SD-124

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on problems occurring from the manufacture and distribution of imitation controlled substances, known as look-alike drugs.
SD-628

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Geological Survey of the Department of the Interior.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs, focusing on the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.
SD-192

MARCH 14

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on weather and satellite programs.
SR-253

MARCH 15

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 336, to revise prohibitions against persons guilty of criminal offenses holding specified offices or positions, and clarifying the jurisdiction of the Department of Labor relating to the detection of an investigation of criminal violations relating to ERISA.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Interstate Commerce Commission.
SD-138

10:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Commodity Credit Corporation, Foreign Agricultural Service (including P.L. 480), Office of International Cooperation and Development, Department of Agriculture.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior, and the Department of energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy.
SD-192

MARCH 16

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Civil Aeronautics Board.
SD-138

*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation establishing a U.S. Academy of Peace.
SD-430

Veterans' Affairs
To hold hearings on proposed legislation providing educational assistance for certain members of the Armed Forces.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Capital Planning Commission, and the Navajo and Hopi Indian Relocation Commission.
SD-192

MARCH 17

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agriculture Library, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Railroad Administration of the Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

10:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from AMVETS and the Blinded Veterans Association.
SD-628

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Surface Mining of the Department of the Interior, and the Advisory Council on Historic Preservation.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy, focusing on atomic energy defense activities.
SD-192

MARCH 21

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs, focusing on the Appalachian Regional Commission and the Tennessee Valley Authority.
SD-192

MARCH 22

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Economic Research Service, Statistical Research Service, and the World Agricultural Outlook Board, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Highway Administration, Department of Transportation.
SD-138

Labor and Human Resources
Aging, Family, and Human Services Subcommittee
To hold hearings on the broken family, focusing on its effects on children.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Land Management of the Department of the Interior.
SD-138

MARCH 23

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for the Rehabilitation Act of 1973 and the Education of the Handicapped Act.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Panama Canal Commission, and the St. Lawrence Seaway Development Corporation of the Department of Transportation.
SD-138

Labor and Human Resources
Aging, Family, and Human Services Subcommittee
To continue hearings on the broken family, focusing on its effects on adults.
SD-538

Veterans' Affairs
To hold oversight hearings to review the status of construction of certain veterans facilities.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Pennsylvania Avenue Development Corporation and the Smithsonian Institution.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

MARCH 24

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Governmental and Public Affairs, Office of the General Counsel, Office of the Inspector General, Office of the Secretary, and departmental administration, Department of Agriculture.
SD-138

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Science and Technology Policy and the Council on Environmental Quality.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy conservation programs of the Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 5

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Minerals Management Service, and the Institute of Museum Services.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 6

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 7

9:30 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Farmers Home Administration, Federal Crop Insurance Corporation, Office of Rural Development Policy, and the Rural Electrification Administration, Department of Agriculture.
SD-138

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Environmental Protection Agency.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Forest Service of the Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 12

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Food and Drug Administration, Department of Health and Human Services, the Farm Credit Administration, and the Commodity Futures Trading Commission.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Aviation Administration, Department of Transportation.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

APRIL 13

10:00
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

APRIL 14

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Science Foundation.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Urban Mass Transportation Administration, Department of Transportation.
SD-192

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for adoption services.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Endowment for the Humanities, and the Office of Federal Inspector, Alaska Natural Gas Transportation System.
SD-192

APRIL 19

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Indian Health Service of the Department of Health and Human Services, and the Office of Indian Education.
SD-192

APRIL 20

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs by the Department of Education.
SD-430

Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' health care services, and proposed legislation providing educational assistance for certain members of the Armed Forces.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for fossil energy research and development programs of the Department of Energy.
SD-192

APRIL 21

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
SD-124

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for child abuse prevention and treatment programs.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of bilingual education programs by the Department of Education.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Fish and Wildlife Service of the Department of the Interior.
SD-192

APRIL 25

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

APRIL 26

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior.
SD-138

APRIL 27

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to radiation, and other related matters.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the land and water conservation fund.
SD-192

APRIL 28

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves, Department of Energy.
SD-138

MAY 3

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

MAY 5

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
SD-124

MAY 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124

MAY 18

10:00 a.m.
Veterans Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-418

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

JUNE 8

10:00 a.m.
Veterans Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 22

10:00 a.m.
Veterans Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

JUNE 29

10:00 a.m.
Veterans Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JULY 13

10:00 a.m.
Veterans Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

JULY 20

10:00 a.m.
Veterans Affairs
To hold oversight hearings on the role of management in implementing automated data processing systems at multiple VA hospital sites.
SR-418

HOUSE OF REPRESENTATIVES—*Tuesday, February 15, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore. (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 14, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, February 15, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, as You have created all people to live in harmony, so give us the wisdom and desire to live with all in peace. We admit that we too often go our own way without enough regard for the needs of those about us. Teach us to be sensitive to the concerns of colleagues and friends that we may enrich their lives and ours through genuine interest and compassion. Ever remind us of the beauty of Your kingdom, where good will reigns and Your grace supports each one. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

CONGRESS MUST TAKE IMMEDIATE DECISIVE ACTION TO PUT PEOPLE TO WORK

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I have just returned from my district in Ohio where more than 52,000 men and women are out of work, an unemployment rate of 14.3 percent. While some here in Washington were rejoicing over recent statistics about the economy, the word from Ohio's Ninth District is that conditions are getting worse. The area jobless rate has notched up again, an additional 1.3 percent since November.

Mr. Speaker, the economy of our Nation's industrial heartland is not "on the mend"—it is deteriorating. In the Toledo area alone, 2,700 more people lost their jobs between November and December. In the last 2 years, our local economy has lost 10,800 manufacturing jobs. With history as our strongest evidence, we know that real economic growth cannot occur unless our industrial work force is on the job.

There have been many eloquent words spoken on this floor regarding the plight of our Nation's unemployed. I believe, though, that the most meaningful are those spoken by the people suffering the indignity of being out of work. Words and phrases such as "We're desperate, I can't feed my family, how do I pay the doctor bills, and I've been working all my life, and now I'm losing my home," are recurrent in the letters and phone calls from my constituents.

All that the unemployed in my district are asking for is a chance to work again. The faith and hope that hard-working Americans have in our Nation has been put to a great test of late. I reject the premise that putting people back to work is too costly and that jobs programs are ineffective. I believe that to object to a jobs program is to object to recovery itself.

We in Congress must take immediate, decisive action to put people to work. Most importantly, we must restore their belief and trust in our Government's ability to respond to their needs—the very foundation upon which this Congress stands.

CAMPAIGN FINANCING REFORM

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, this Congress must act decisively to reform the financing of campaigns for public office.

Special interest political action committees spent $186 million to influence the last election.

We know they did not all spend their money to improve the Government or to advance a philosophy. They were investing in candidates and it will not be long before they come back to us demanding a return on their investments.

The authority of Congress to police campaign spending was severely undercut when the Supreme Court equated campaign spending with the free speech that is guaranteed by the first amendment.

The Court was sharply divided on that decision, and the opinion has been widely disputed ever since.

It will take a constitutional amendment to give Congress the undisputed authority to control campaign spending. Today, I am introducing just such an amendment.

This is a difficult and time-consuming procedure, but it is essential if we are going to succeed in taking Congress off the auction block.

FEDERAL WORKERS UNFAIRLY BEARING THE BRUNT

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, the social security votes we face next month will be tough votes for all of us. Clearly, quick and decisive action to shore up the retirement fund reserves is needed. And, just as clearly, there are elements of the Commission's recommendations not to our liking.

I for one question the wisdom of bringing new Federal employees into the system. Adding to this feeling is the attack on Federal employees in the President's budget proposal:

Cuts in health benefits;

Suspension of next May's cost-of-living adjustment;

Penalties for early retirement; and

Requirements that active workers pay substantially more toward their retirement with no increase in benefits.

The combined effect of all this seems to treat the hard-working Federal employee as the enemy. As conscientious Members of Congress, we must work to find the means to soften the blows to the country's Federal workers.

OPPOSITION URGED TO THE POSSIBLE TRANSFER OF NASA EMPLOYEES

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, I have here a letter signed by the entire U.S. congressional delegation from Florida to the Administrator of the National Aeronautics and Space Administration, that my colleagues join with me in strongly opposing a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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possible decision by NASA to transfer 700 employees in the manufacturing activity of U.S. boosters, the manufacturing activity assembling the solid rocket boosters of the space shuttle transportation system.

Now, this possible move involves 700 to 1,000 employees, and the human cost of uprooting those 700 to 1,000 families would be extreme.

But now we understand that NASA is talking about possibly the firing of those people and the rehiring in Alabama, and that all the more increases the human costs.

This would be an unconscionable disruption in the lives of those faithful aerospace employees, most of whom have been employed in that manufacturing activity for the last 6 years at the Kennedy Space Center.

Mr. Speaker, loyalty, efficiency, and excellence should not be rewarded with such personally devastating news. We urge the National Aeronautics and Space Administration for a favorable decision.

THE NATURAL GAS MARKET

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKORSKI. Mr. Speaker, today I join my colleagues in the Northeast-Midwest Coalition in sponsoring legislation to help resolve the urgent crisis in the natural gas market.

Natural gas consumers throughout the country—our families and farmers, our business and local governments—are experiencing dramatic cost increases this winter. In the Twin Cities of Minnesota prices are up 24 percent. In parts of the Nation, the increase is as large as 60 percent. Ironically, this is occurring at a time when supplies are up and consumption down, and we are experiencing a warm winter. Why are natural gas prices defying all traditional laws of supply and demand? In large part, because "take or pay" provisions require pipeline companies to use more expensive gas, rather than lower cost, available supplies.

I am submitting for the RECORD excerpts from a letter I received from a Minnesota senior citizen. He calls it a national disgrace. I agree.

MINNETONKA, MINN.

DEAR REPRESENTATIVE SIKORSKI: I have called both of our Senators, three Representatives, the Governors office, Minnegasco, the Public Utilities Commission and others on the increases of natural gas that have become a national disgrace!

I am retired and 72 years old and live in my own home. I am fortunate to be able to pay my gas bill each month. I keep my thermostat at 58 degrees at night and 62 degrees in the day when my wife is home, and if she isn't I turn it back to 58 degrees. Just thinking of the gas monopoly keeps me warm with anger.

What can we do as seniors to stop this robbery? It is a national disgrace!

Sincerely,

HAL HANSON.

INTRODUCING LEGISLATION CONCERNING IMPORT POLICY ON NATURAL GAS

(Mr. CORCORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORCORAN. Mr. Speaker, today the gentleman from Michigan (Mr. WOLPE) and I are introducing legislation which would directly address the current import policy with respect to natural gas coming into the United States from Canada, from Mexico and from Algeria.

Mr. Speaker, you may remember, in the waning days of the 97th Congress, I introduced legislation which would address this subject in the hope that we could get some response, particularly with respect to the Algerian gas and the gas from Canada. In the latter case, there have been some meetings between the representatives of the U.S. Department of Energy and their counterpart agency in Canada. But all they have agreed to do is to hold another meeting. At the time that the meeting was initially convened, we had high expectations that there would be efforts to renegotiate those prices, to bring those prices which are set by the Government at an intolerably high level of $4.95 a thousand cubic feet down to something close to the market level.

In Illinois, the Illinois Commerce Commission has found that if we were to renegotiate those contracts and use the ample supplies of gas that is produced here within the United States, we would save our consumers across the State of Illinois over $100 million. I think we have to take action. I hope we can take action in the early days of this Congress.

THE ECONOMIC DEVELOPMENT ADMINISTRATION

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, on Thursday, February 10, I introduced a bill in support of my continuing effort to reduce unemployment, which I continue to believe is the highest priority of the 98th Congress. The bill disapproves the administration's proposed deferral of fiscal year 1983 funds relating to the Economic Development Administration.

Right now, as the Congress frantically hunts for new initiatives to maintain existing employment and create new jobs, we are faced with a proposal to eliminate the EDA. The logic of such action escapes me.

EDA has a proven record of accomplishment involving the preservation and creation of tens of thousands of jobs. As a county executive in upstate New York, I have seen successful project after successful project. Since the inception of the EDA in 1965, and I was an aide in this body when the original legislation was drafted and passed, my district in New York has received over $40 million in EDA funds which have made possible important projects of immeasurable value—new industrial parks, water and sewer lines, access roads, business development incentives. The list is long.

The primary function of EDA is the long-range economic development of areas with severe unemployment and low family income problems.

During these times of record unemployment, and when economic development is so desperately needed in clear and defined regions, we can ill afford to eliminate EDA. EDA is certainly not a perfect program, but we can and must refine its efficiency, and make improvements, where warranted in use of its funds. We may ultimately find a wholly new alternative to achieve the same goals. But, until necessary adjustments are made, or until a new program is formulated and ready to go, we must keep EDA and its projects moving.

□ 1215

FORCING FEDERAL AND POSTAL WORKERS ONTO SOCIAL SECURITY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I rise today to express my adamant opposition to the proposal developed by the National Commission on Social Security Reform to force newly hired Federal and postal workers onto social security beginning on January 1, 1984.

The proposal is fundamentally flawed for a variety of reasons. It is unfair and will cause tremendous divisions in the ranks of Federal employees. There will suddently be two radically different retirement programs for people doing the same type of work. The disparities in future retirement benefit levels will cause morale to plummet among newly hired Federal and postal workers.

I am especially concerned that this universal coverage mandate will deplete the assets of the current Civil Service Retirement System. Some experts contend that the lack of new contributions being made into the system by new employees will exhaust the assets of the fund in about 20 years, which could end up costing the Treasury some $185 billion. Equally as important it will spread apprehension

into the ranks of those Federal employees who would be retiring at that point.

This proposal should be separated from the overall social security reform bill and dealt with accordingly. I have referred to the Commission's report as the castor oil which Congress must swallow to save the social security system—but I believe the mandatory coverage for new Federal and postal workers is more like arsenic than anything else.

REPEAL 10-PERCENT WITHHOLDING ON DIVIDENDS AND INTEREST

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, today, I ask my colleagues to join me in seeking the repeal of the 10-percent withholding on dividends and interest provision contained in last year's tax package. I introduce legislation to repeal this provision of the Tax Act before it becomes a severe problem for many individuals and institutions in our Nation.

The district which I am proud to represent has over 35-percent senior citizens in its population, one of the highest proportions of older Americans of any congressional district. And the elderly who often depend on the interest and dividends they receive to maintain their finances—and keep their budgets stable—will be particularly hurt by the loss of compound interest this provision would mean to them and all Americans with savings or investments. The elderly need to count on their savings and earnings to assure their security, and this tax withholding provision will create a hardship on them.

Another reason I urge repeal of this provision is that it will seriously affect our financial institutions, as well. In the long run, the costs of adjusting to a new system of withholding will be borne by consumers as well as institutions, and I see no compelling reason to bring this new cost and chaos upon our people and institutions.

It has been said that if this tax provision is repealed, the general revenue fund will lose $4 billion. I would suggest that we balance this decrease in revenue and avoid further deficit in the budget by decreasing our defense budget by the amount of $4 billion, which I note is only just over 1 percent of the entire defense budget.

In conclusion, I strongly urge all of my colleagues in Congress to join me in repealing this provision which was enacted without ever being directly voted on by this body.

ADJOURNMENT TO THURSDAY, FEBRUARY 17, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Thursday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT OF THE HOUSE FROM THURSDAY, FEBRUARY 17, 1983, TO TUESDAY, FEBRUARY 22, 1983

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 57) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 59

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, February 17, 1983, it stand adjourned until 12 o'clock meridian on Tuesday, February 22, 1983.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 23, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 23, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is going to recognize Members for motions to suspend the rules.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on both motions to suspend the rules.

The Chair recognizes the distinguished gentleman from Maryland (Mr. MITCHELL).

8(a) PILOT PROGRAM EXTENSION

Mr. MITCHELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 861) to extend through fiscal year 1984 SBA pilot programs under section 8 of the Small Business Act, as amended.

The Clerk read as follows:

H.R. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 8(a) of the Small Business Act, the programs authorized by subparagraph (B) of section 8(a)(1) of such Act and by paragraph (2) of section 8(a) of such Act shall be continued through fiscal year 1985. This Act shall take effect October 1, 1983.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Maryland (Mr. MITCHELL) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. MCDADE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 861 and urge the immediate passage of this legislation.

Mr. Speaker, this bill would do two things: First, it would extend for 2 years, or until September 30, 1985, a pilot program under which SBA is given the final authority to determine which prospective procurements or contracts are capable of performance by socially and economically disadvantaged firms under SBA's 8(a) program. Second, it would extend for a similar 2-year period a pilot program which authorizes SBA to waive Federal bonding requirements for 8(a) contractors which are unable to obtain a surety bond from private sources providing that the company has not been in existence for over 1 year.

In 1978, Public Law 95-507 established the 8(a) procurement and bond waiver pilot program. These pilot programs were originally designed for a 2-year period. However, SBA was extremely slow in implementing these programs. In fact, in 3 years, SBA never waived a single 8(a) bond because of administrative delays. There is an insufficient data base to evaluate the effectiveness of these two programs. In view of past delays, the committee and the General Accounting Office have recommended a 2-year extension. The administration has joined in this recommendation and has assured the committee that the programs will be properly implemented.

I want to commend all of the members of the committee who worked to develop this legislation and provide proper guidance to the SBA in the operation of the programs. I am pleased with the bipartisan support from the gentleman from Pennsylvania, Mr. JOSEPH MCDADE, the ranking minority

member of the committee, the gentleman from Nebraska (Mr. DAUB) and the other members from the other side on the committee.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL. Yes; I would be delighted to yield.

Mr. WALKER. Mr. Speaker, I am a little concerned in looking at the report of the committee that we do not seem to have very much in the way of cost estimates on the bill. The committee report indicates that we did not have cost estimates from the Director of the Congressional Budget Office. It does indicate that none of the provisions appropriates funds and, therefore, does not provide any new budget authority.

Furthermore, the report states that the cost attributable to this bill for the current fiscal year and fiscal years 1984 through 1988 are as follows, and it goes through administrative programs and says that it is essentially minimal.

Can we get some idea as to what the cost might be, because as I look at the beginning of the report we see that we have 14 contracts already out at a value of approximately $100 million that have been let. Can we get some idea as to what kind of cost this is, if we are not incurring budget authority expenses, are we incurring potential expenses of this magnitude down the line a ways?

Mr. MITCHELL. Well, the approximate cost of the bill is $1.1 million over a 3-year period, which is a minimal cost and would not add on to the budget.

Mr. WALKER. Could the gentleman explain to me what the $100 million of value is that has been incurred here and whether or not this could rebound to the Government at any point?

Mr. MITCHELL. Well, we would hope that it would. That was one of the reasons for offering the bill. Most of this, of course, is in terms of administrative cost because it is a pilot program which has not been ever fully implemented. There will be some additional cost to the agencies or the agency chosen by the President to implement it, but indeed it does not exceed $1.1 million.

Mr. WALKER. Well, if the gentleman will yield further, what I am concerned about is the figure that is back on page 3 of the report talking about $100 million in 14 contracts.

Mr. MITCHELL. No; that is not cost at all. That is just contracts. That is the value of the contracts.

Mr. WALKER. The value of the contracts?

Mr. MITCHELL. That is not cost.

Mr. WALKER. And it does not obligate the Government in any way in the future?

Mr. MITCHELL. No; it does not.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. MITCHELL. Mr. Speaker, I reserve the balance of my time.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. As Mr. MITCHELL has stated, this bill is a simple extension of the 8(a) pilot program for fiscal years 1984 and 1985. Except for this change in dates, it is identical to H.R. 4500, which passed in the last Congress without dissent.

Clearly this program's performance has not been successful in the past. Indeed, GAO has reached this conclusion. However, the President has asked us to support this bill because of the great potential it offers in aiding small and disadvantaged businesses in their competition for Government contracts. Additionally, we have strong assurances from the SBA Administrator that changes will be made to correct the problems of the past. Indeed, some steps in this direction have been taken.

The 8(a) pilot program is designed to provide minority contractors with opportunities for nontraditional-type contracts. The experiment is intended to encourage and determine how well 8(a) contractors can perform on high tech and other types of contracts which they do not normally receive. It is my hope that an emphasis will be placed on providing innovative opportunities to 8(a) contractors through the pilot program.

Based on the assurances which we have received from the administration regarding improvements in this program, I ask for your support for H.R. 861.

Mr. Speaker, at this time I am pleased to yield such time as he may consume to my colleague, the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Speaker, I thank my ranking member and good friend for yielding to me.

I would like to utilize just a brief amount of time if I might to enter into a colloquy with our distinguished Small Business Committee chairman, if he would give me the privilege.

Mr. MITCHELL. I would be delighted.

Mr. DAUB. I thank the gentleman from Maryland.

It is my understanding that the 8(a) pilot program is designed to upgrade the quality of contracts available for 8(a) firms through the selection of nontraditional, high technology contracts. Is this the understanding?

Mr. MITCHELL. Yes; it is. The purpose of this legislation under the 8(a) pilot program is, indeed, to secure more technologically sophisticated contracts for disadvantaged small business concerns.

Mr. DAUB. Does the gentleman expect, if I might inquire further, then that the Small Business Administration will be obliged to use the 8(a) pilot program, although not exclusively, to secure nontraditional contracts?

Mr. MITCHELL. Yes; I do. The thrust will be in terms of nontraditional contracts, but not to the exclusion of other contracts.

Mr. DAUB. What we are looking for then is innovation, I take it.

Mr. MITCHELL. Precisely.

Mr. DAUB. This is important to small business, I think.

Mr. MITCHELL. Yes.

Mr. DAUB. I thank the gentleman for this explanation. I support the legislation and want to commend the gentleman and, also, remark that the bipartisan spirit of cooperation that has prevailed on our committee is indeed gratifying to all of us and acknowledge the leadership of the chairman in moving small business legislation forward in this new session of Congress.

Mr. MITCHELL. I thank the gentleman for his kind remarks.

Mr. McDADE. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Indiana (Mr. HILER).

Mr. HILER. Mr. Speaker, I thank the gentleman for yielding me this time. My remarks are somewhat in the same vein as those the gentleman from Nebraska and the distinguished chairman of the committee have just made.

Mr. Speaker, the effort to help disadvantaged small businesses develop expertise is admirable, and providing the SBA with the power to reserve desirable contracts may be the appropriate avenue for achieving this goal. Yet, it is important to briefly recall two concerns I expressed last year when we considered similar legislation.

My first concern is that the Department of Defense is probably not the proper test agency for the program, as has been indicated by testimony before the Small Business Committee last year. Because the administration has revealed its intentions to designate a nondefense agency for the pilot program, I will not elaborate here, but will simply add my name to those who endorse such a shift.

My second concern addresses the basic intent of the pilot program; that is, the purpose of the program is to help socially and economically disadvantaged small businesses develop the capability to perform sophisticated, high-technology, large-dollar, multiyear contracts. Yet, construction contracts have consistently been used to meet the requirements of the program—a use that is not the intent of the 8(a) pilot experiment. The bill before us fails, as last year's bill failed, to emphasize beyond doubt that construction contracts, with little exception to my knowledge, are not sophisti-

cated, high-technology efforts and do not promote our purposes.

I would hope that as the conference committee, if there is one, considers the bill or, in the end, as the pilot program is administered, that an agency other than the Department of Defense is selected and that the intent of Congress in creating this program is met.

● Mr. WEBER. Mr. Speaker, I rise to join my colleagues from the Small Business Committee to speak on the legislation before us, H.R. 861, the small business pilot procurement programs extension.

I believe it is important for us to recognize the intent of the Small Business Administration (SBA) with respect to 8(a) concerns under the pilot program. SBA has made clear the types of contracts it will be awarding to participants in the 8(a) program. This clarification will hopefully eliminate any past misunderstandings between participants in the program, the SBA, other Government agencies and private enterprises which are not eligible under 8(a) but nevertheless bid contracts for Government work.

SBA Administrator, James Sanders, testified before a legislative hearing in the other body on S. 273, companion bill to H.R. 861, citing SBA's view of the pilot program authority. He said:

> The concept behind the pilot program is to test whether SBA can accelerate the development of 8(a) concerns by awarding nontraditional, technically sophisticated, high volume, long-terms contracts.

The intent of the kind of contracts being awarded under the program is clear. Further comment on this issue was made by the distinguished chairman of the Committee on Small Business in the other Chamber when he spoke of the need to move 8(a) concerns into the area of high technology in the CONGRESSIONAL RECORD on January 27, 1983. He said:

> Clearly, the areas of future growth in our economy will be in the area of high technology. We must insure that all of our citizens have an opportunity to share in that growth. By providing SBA with this authority, we can help assure that minority firms receive Federal contracts to develop in these growth areas.

If there be any questions on the direction SBA will take on awarding contracts to 8(a) concerns, they should be answered during our consideration of the legislation. I believe thoughtful discussion of the intent of contract awarding now, if it is necessary, could eliminate misunderstanding and confusion later.

Thank you Mr. Speaker.●

● Mr. ANNUNZIO. Mr. Speaker, the two bills before us today are both designed to help make life a little easier for small businesses. I, therefore, support them both.

With small businesses closing at weekly rates which rival the Great Depression, the least that can be done is to make Government contacts more accessible to smaller companies. That is the purpose of these two bills.

It is interesting to note that while the Small Business Committee passed both pieces of legislation unanimously, the administration opposes one and gives only qualified support to the other. Lengthening the procurement process by a handful of days so that small businesses have an opportunity to prepare bids and participate in Government procurement does not seem to be the type of legislation one would oppose. But the administration does.

In the other bill, the administration opposes the waiver of bonding requirements for small businesses so that they may apply for Government contracts. Again, the purpose of the provision is to bring about maximum competition for Government contracts and facilitate the participation of smaller firms.

The administration's position on these bills just highlights its preference for big business. But in truth, it is small business which made this country and small business which keeps it running, and it is small business which is suffering at the hands of this recession. Let us make it a little easier for these companies to compete for Government contracts. We owe it to the small businesses to pass these bills.●

● Mr. RODINO. Mr. Speaker, I strongly urge approval of the two bills we are considering today under suspension of the rules.

The first bill, H.R. 861, would amend section 8(a) of the Small Business Act to extend for 2 years the SBA procurement and surety bond pilot programs for socially and economically disadvantaged firms. Under the procurement program, the Small Business Administration was authorized to determine procurement needs of a Federal agency suitable for inclusion in the SBA 8(a) program. For the 3 years the pilot program has been in operation, the President has designated the Department of the Army to be the agency participating in the pilot program. The surety bond pilot program authorized SBA to waive all Federal bonding requirements for 8(a) contractors who cannot obtain the requisite bonding and are determined to be beginning firms that have not participated in any 8(a) program for over a year.

Unfortunately, there was considerable delay in implementing these pilot programs, so it is necessary to extend them in order to obtain sufficient test data for proper evaluation.

The second bill, H.R. 1043, is designed to provide more adequate notice of Federal contract opportunities for small businesses. At present, there is theoretically a cumulative period of 30 days for solicitation and bid on Government procurement. But in fact often notices of proposed procurement actions do not appear until the date of a solicitation is issued. Small firms are at great disadvantages since they do not have the resources essential for monitoring this fluctuating process.

Under this bill, it would be required that 15 days elapse between the notice in the Commerce Business Daily of an upcoming Federal contract and the issuance of a contract solicitation. This would give small businesses time to request copies of a solicitation. In addition, the bill establishes 30 days from issuance of a solicitation before bids are due. This measure should help small firms develop their capacity to do business with the Federal Government and, with improved opportunities for small concerns, should lead to greater competition and lower prices for the Government.

Mr. Speaker, at this time of economic distress for our Nation, it is imperative that we do everything possible to help small businesses. I am hopeful that these modest but sensible steps will assist our country's small firms in weathering the recession and in preventing further bankruptcies.●

Mr. McDADE. Mr. Speaker, I thank my colleague.

I have no further requests for time, and I yield back the balance of my time.

Mr. MITCHELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KILDEE). The question is on the motion offered by the gentleman from Maryland (Mr. MITCHELL) that the House suspend the rules and pass the bill, H.R. 861, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NOTICE OF FEDERAL CONTRACT OPPORTUNITIES

Mr. MITCHELL. Mr. Speaker, I move to suspend the rules and pass

the bill (H.R. 1043), to amend section 8(e) of the Small Business Act.

The Clerk read as follows:

H.R. 1043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(e) of the Small Business Act is amended by adding at the end thereof the following new sentence:

"Whenever a procuring agency is required to publish notice of procurement actions, it (1) shall issue solicitation for a procurement action only after at least fifteen days have elapsed from the date of publication of a proper notice of the action; and (2) shall foreclose competition under a procurement action only after at least thirty days have elapsed from the date of issuance of the solicitation, or, in the case of orders under a basic agreement, basic ordering agreement, or similar arrangement the date of publication of a proper notice of intent to place the order.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Maryland (Mr. MITCHELL) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. MCDADE) will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, it is my understanding that the gentleman from Pennsylvania, who is being recognized for debate in opposition to the motion, is not opposed to the bill. I am opposed to the bill.

I ask whether it is not in order for me to control half the time with respect to this legislation.

The SPEAKER pro tempore. Is the gentleman from Pennsylvania (Mr. MCDADE) opposed to the bill?

Mr. MCDADE. Mr. Speaker, I cannot in good conscience say that I am opposed to this bill, no.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. MITCHELL) will be recognized for 20 minutes, and the gentleman from New York (Mr. STRATTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1043 and urge immediate passage of this legislation.

Mr. Speaker, the Small Business Act states as a matter of Federal policy, which has existed now for almost 30 years, that small business should receive "a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government."

We all know the ability of the large firms, the Fortune 500 companies, and other giants to employ Washington representatives whose sole function is to maintain contacts with Federal agencies so that these firms will learn when the agencies are about to spend millions and even billions of dollars to procure goods and services. The Nation's small businesses, however, simply cannot afford to hire this type of representation and thus are unable to learn on their own that the Federal Government needs goods and services which they may be able to provide.

Thus the Small Business Act imposes upon the Secretary of Commerce the duty of obtaining notice of upcoming Federal contracts in the amount of $10,000 or above if they are military contracts and $5,000 or above if it is a civilian contracts. He is then directed to publish summaries of these forthcoming contracts or solicitations for bids on these contracts in the Commerce Business Daily. By subscribing to these publications, small businesses are suppose to be able to learn of forthcoming Federal procurements. By regulation, they should receive 30 days' advance notice; 10 days from publication of the summary or synopsis of a forthcoming contract and then an additional 20 days between issuance of a solicitation or request for bids and issuance of the contract. In reality, however, this 30 days' notice rarely exists and thus most small businesses are effectively denied the opportunity to bid on Federal contracts.

The solution being proposed in this legislation is very simple and very inexpensive: To statutorily require 45 days' notice and thus provide small businesses with bidding opportunities. Very simply, the bill provides that if a Federal agency is required to published notice of an upcoming Federal contract in the Commerce Business Daily, the agency must allow the lapse of at least 15 days between publication of the notice and the issuance of a contract solicitation and then must allow at least 30 days for receipt of bids.

An identical provision was passed by the House last year as part of a small business omnibus bill, H.R. 6086, but it died due by lack of further action by the other body.

I want to take this opportunity to thank our ranking minority member, Mr. MCDADE, for his support in drafting and considering this measure in committee.

I urge passage of this urgently needed legislation.

□ 1230

Mr. STRATTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason that I have risen in opposition to this legislation, which would require the publication of notices of procurement actions in the Commerce Business Daily and would require that solicitations for permanent action by issued only after 15 days have elapsed from the date of publication and would not allow award of a contract until 30 days have elapsed from the date of the issuance of solicitation, is that this is another instance of committees in the House of Representatives horning in on the legislative jurisdiction of the Committee on Armed Services.

Seventy-five percent of the purchases that would be covered by this legislation are purchases, made by the Department of Defense. In fact what this legislation really is, is the incorporation of an amendment that the distinguished Senator from Michigan (Mr. LEVIN) has tried over the last 2 years to add to the annual defense authorization legislation, and so far has done without success. While I recognize that small business enjoys in this Chamber virtually the same status as motherhood, and I do not in fact oppose the basic principle of trying to give small business every opportunity that we can give it, I think we simply have simply got to face up to what the distinguished gentleman from New Jersey (Mr. RODINO) pointed out in a "Dear Colleague" letter circulated last week to the Members of the House, namely that committees are increasingly in this body intruding on the proper jurisdictions of other committees. I think no committee jurisdiction has been intruded upon in greater excess than has been the case of the Committee on Armed Services.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield for just a minute?

Mr. STRATTON. Let me just try to complete my statement, if I may.

Mr. MITCHELL. Surely.

Mr. STRATTON. Mr. Speaker, in the conference on the defense authorization bill of 1982, the conferees pointed out that legislation modeled on the Senate provision, which is similar to H.R. 1043, would be introduced in each House and hearings would be conducted on that legislation. The chairman of our committee, the beloved gentleman from Illinois (Mr. PRICE) last year did, in carrying out that pledge, introduce H.R. 5350 to amend chapter 137 of title 10, United States Code, to impose on the Defense Department requirements similar to those contained in this legislation before us now.

The Subcommittee on Procurement and Military Nuclear Systems, which I chair, conducted hearings on this price legislation on May 4 and May 5, 1982. Testimony before the subcommittee indicated that while there is strong support, as I have indicated, for the objectives of the legislation—enhancing competition and providing small business with the opportunity to bid on Government contracts—the agency witnesses indicated that there was nothing to suggest that the publication requirements which Senator

LEVIN had been advancing for the last couple of years would in fact increase the number of bona fide proposals from small businesses; but that, on the contrary, there would be a substantial increase in the administrative workload of the Department as a result of the passage of legislation similar to H.R. 1043, so if we are going to increase the legislative administrative workload now in the Pentagon, that is going to cost additional money at the very time when all of us are trying to reduce the costs of operating the Department of Defense.

Let me quote to the House, from page 3 of the hearings that were held on H.R. 5350 before the Procurement and Military Nuclear Systems Subcommittee, the testimony of the Honorable William A. Long, Deputy Under Secretary of Defense for Research and Engineering Acquisition Management. In his testimony on this bill, he said this, and I quote:

> We have not seen anything to indicate that the time it takes to commence and conclude a procurement is the driving force in sole source procurements. We have not seen anything to indicate that this 30-day period following publication would increase the number of bona fide proposals. By "bona fide" I mean people coming in and responding with clear intent and capability of performing in accordance with the RFP.

In other words, indicates that the device set forth in H.R. 1043, has already been examined thoroughly by a competent committee of the House, will simply not do the job it is supposed to do—create more contracts for small business. Just because such a measure has passed the other body is no reason why this body, which has already held hearings on it, and which has had what I would regard as very devastating testimony directed against it should be forced to go along. We do not want to inspire legislative proposals that are not going to do any good. And certainly we do not want to add to the administrative load of the Department of Defense.

But the one crucial thing that I think should bring a vote in opposition to this bill is that since this legislation was considered and referred, properly, to the Committee on Armed Services in the 97th Congress, it ought also properly to be referred to the Committee on Armed Services in the 98th Congress. That idea that anybody and everybody can move in on the turf of the Committee on Armed Services is something that, as the distinguished chairman of the Committee on the Judiciary has now voted, can happen to any individual committee. If we are going to ignore this principle and brush it off and say, "Well, it does not matter if the Armed Services Committee is going to be ignored; nobody pays any attention to them, anyway", sooner or later we are going to destroy the committee system which has in past years done such an effective job in advancing the purposes of the House of Representatives.

Mr. Speaker, I reserve the balance of my time.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield for a question or two?

Mr. STRATTON. Well, the gentleman has his own time.

Mr. MITCHELL. Mr. Speaker, may I inquire, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. STRATTON) has consumed 8 minutes, and the gentleman from Maryland (Mr. MITCHELL) has 17 minutes remaining.

Mr. STRATTON. I will yield to the gentleman from Maryland for a brief time, yes.

Mr. MITCHELL. Mr. Speaker, I thank the gentleman for yielding.

I just wanted to clear up one or two things that the gentleman said which may have caused some confusion.

The amendment over on the other side had to do with sole source contracts. That is not included in this legislation before us at all. That is Senator LEVIN's amendment on the other side, and it is sole source. We did not include that in this bill, and because last year we did not include it, this bill was not referred to the Committee on Armed Services because it was our understanding the only contention was the sole source contract approach used by Senator LEVIN. But it is not in this bill, and, therefore, the bill was not referred to the gentleman's committee last year.

Mr. STRATTON. Yes; but I will say to the gentleman that 75 percent of the procurement that is addressed by this legislation comes out of the Department of Defense. It is procurement over which the Department of Defense has Jurisdiction, and, accordingly, the Committee on Armed Services should have jurisdiction over legislation relating so substantially to the Defense Department. One wonders whether the current bill was drafted with the specific purpose of circumventing the Armed Services Committee.

If 75 percent of the procurement involved in a piece of legislation is defense procurement—and that is what the bill is obviously addressed to—it should at the very least have been sequentially referred to the Committee on Armed Services.

Mr. Speaker, this is a very dangerous precedent, and I am grateful that the distinguished chairman of the Committee on the Judiciary has also recognized the danger such a precedent sets.

Mr. Speaker, I reserve the balance of my time.

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume.

I would like to make one other brief statement. This bill is designed to apply to all Government agencies. It is not targeted to the Department of Defense. Let us just disabuse our thinking on that issue.

Second, there was absolute consensus in the Committee on Small Business in the House itself that there had to be some means by which small business could gain greater access to contracts. In hearings that we had it was made abundantly clear that because some of the agencies move in a very precipitous fashion and the small businesses do not have lobbyists in Washington, small businesses are closed out from making any attempt to even bid on a contract.

Mr. Speaker, I think we ought to disabuse our minds of the contention that this is only targeted to the Department of Defense, because it certainly is not.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I thank the gentleman for yielding this time to me, and as a cosponsor of the legislation, I rise in support of it.

I regret that my colleague, the gentleman from New York (Mr. STRATTON) wants to exempt the Defense Department from the regulations. As a former chairman of the Subcommittee on Oversight of the Committee on Small Business for many years, I, along with the gentleman from Pennsylvania, the gentleman from Maryland, and members of the Committee on Small Business, have tried through hearings, through letters, and through meetings to have all agencies look at their budgets and try to break out individually and separately without legislation contracts for small business, and slowly but surely they have been moving along that line until suddenly we see in the last year or two that it has been at a standstill and there is even a reverse of that trend.

To exempt the Defense Department would be exempting the largest portion of our budget. But, more importantly, it would be putting a stamp of approval on the actions of the Defense Department which, in my opinion, has been to thwart the will of the Congress and the need for expansion of competition by greater input by small business and minority business, especially from what we are seeing in the last 6 months.

□ 1245

There has been and there is regulations on contracting out and the Defense Department reluctantly has complied by breaking out small contracts. But suddenly last year we see the Defense Department in taking 5 or 6 or 10 small contracts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADDABBO. May I have 2 additional minutes?

Mr. MITCHELL. I yield the gentleman 2 additional minutes.

Mr. ADDABBO. We suddenly see the Defense Department taking small contracts which are now being performed by competition, by set-asides, by minorities, small business people, and putting them under one umbrella contract. There is no small business that could bid for it and that contract is now going to a major large corporation.

We see that in Fort Sill. The Defense Department is now trying to take maybe 25 small contracts and put them under one umbrella which can only be bid on by a large corporation, taking it away from the minority and small business community.

The only way it appears that this practice can be stopped—it has not been stopped by hearings; it has not been stopped by direction of the Congress; it has not been stopped by a simple request from myself and the gentleman from Maryland, the chairman of the Small Business Committee—the only way we can stop it, the only way that they understand, is legislation and I would ask my colleagues to support this legislation.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. MITCHELL) has 12 additional minutes remaining. The gentleman from New York (Mr. STRATTON) has 10 minutes remaining.

Mr. McDADE. Mr. Speaker, will the gentleman from Maryland yield to me?

Mr. MITCHELL. I would be delighted to yield to the distinguished ranking minority member.

Mr. McDADE. Mr. Speaker, I want to join with my colleague from Maryland and my colleague from New York in urging the House to adopt this piece of legislation.

We passed it by suspension back in 1981; no opposition at all. We have had, as my colleagues have pointed out, constant hearings because we find that the small business community simply is unable to respond to procurements that come out under the so-called 30-day notice as it currently exists and all this bill does is extend the notice period from 30 to 45 days. World war III erupts on the floor as if we were trying to change some enormous existing procedure.

All we are trying to do is to say to the small business community in the country, "You don't have to maintain a Washington office. We know that you do not have people in Washington who can monitor bids. We know the process by which the small business Commerce Business Daily is printed in Chicago, dumped into the mail, a fellow has maybe 15 or 20 days to read the specs and try to respond." He cannot do it.

Our records are replete with example of small business people, able, aggressive, competitive firms who want to bid and simply cannot because they are caught in a catch-22 situation and all we are trying to do is to add 15 days to that window of opportunity under which a small business may compete for Government contracting.

I am not going to take any more time on this. The essence of all we are trying to do is to open that window of competition. I want to say that throughout we have been in conversations with the appropriate committees of the Congress and I want to assure my colleague from New York, for whom I have the greatest respect, that there is no intention to undercut the Committee on Armed Services whatsoever. The Government Operations Committee, in fact, has general jurisdiction under the rules of the House for procurement.

We are dealing not just with the Department of Defense. We are dealing with procurement on a Government-wide basis after consultation with the Government Operations Committee.

I urge my colleagues to say yes to small business around this country, yes to competition, yes, we are going to open that little window 15 more days and have you come in and compete—compete—for business.

I urge my colleagues to adopt this bill, which was reported unanimously by our Committee on Small Business.

I rise in support of H.R. 1043. As Chairman MITCHELL has explained, this bill extends the notice period before a Government agency can complete a procurement action. The bill is identical to legislation which passed the House in 1981 without opposition.

One common complaint that we receive from small business is the poor timing of solicitation notices. Many capable small businesses refuse to participate in Federal procurements simply because purchasing agencies do not allow prospective bidders adequate time to properly develop proposals. Small businesses simply do not have the resources to identify procurement opportunities in advance without the aid of the Commerce Business Daily. Thousands of contracts worth millions of dollars bypass small firms because they do not have adequate notice of the procurements.

Unfortunately, Federal procuring agencies do not always comply with the advance notification requirements. Surveillance by the Small Business Administration has consistently revealed that this is a problem and that it still remains with us today. Indeed, earlier this month SBA Administrator, James Sanders, testified before the Senate Small Business Committee regarding his concerns. He said,

> We continue to be very concerned that small businesses too often have neither received sufficient notice nor sufficient time for the preparation of bids.

Mr. Speaker, small business cannot be meaningfully involved in the procurement process if they do not have notice of availability of and time to bid on such contracts. It is clear that this advance notice will not be available unless H.R. 1043 is enacted. I urge the House to pass this legislation.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I am delighted to yield to my colleague from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I asked the gentleman to yield to get a clarification of something here.

I notice that the administration is opposed to the legislation, believing that it can better be achieved through stricter compliance with existing procurement regulations.

Can the gentleman explain to me why the committee has gone ahead with this, despite this administration viewpoint?

Mr. McDADE. I would be delighted to respond to my colleague.

Mr. Speaker, let me say that that notice that the gentleman read was delivered on Friday. OMB, some nameless, faceless person once again in OMB delivered a letter up to the House on Friday saying that they are in opposition to the legislation.

Let me quote from the Administrator of the Small Business Administration, who testified on this very subject 1 week ago, and this is what he said, may I say to my distinguished colleague:

> Federal procuring agencies . . . do not always comply. SBA surveillance reviews have consistently—

Those are his words now—

> consistently revealed over the years substantial noncompliance by contracting officers with regulatory Commerce Business Daily synopsizing guidance.

That is that first 10-day period when they synopsize before they put the bid out for 20 days. That is all the man has.

> These findings are reported to Federal procuring agency heads.

And concludes, our Administrator of the Small Business Administration: "This continuing problem"—substantial noncompliance—"still remains with us today."

May I say to my colleague in conclusion, having quoted what the Administrator of our own Small Business Administration says, that we did go through a hearing process. They said, "Let us work it out by changing the regulations." Well, here we are today voting on the floor. There has been no change in the regulations to effectuate

the change which the Administrator himself believes ought to occur and which the committee unanimously decided ought to occur.

Mr. WALKER. Will the gentleman yield briefly further?

Mr. McDADE. Certainly.

Mr. WALKER. I thank the gentleman for yielding.

So we are not talking about a cost problem here; we are talking about the fact that the administration simply differs, at least OMB does, with the procedure that has been adopted.

I say to the gentleman that I think that the administration has been consistently getting some bad advice in recent weeks, and this looks like another example of it.

Mr. McDADE. Mr. Speaker, I say to my colleague that we all owe him a debt of gratitude for his insistence on looking at the cost of a piece of legislation. Here is one which can, by competition, by making small business eligible to participate, substantially reduce cost, save the taxpayers money, and for some reason, someone that we never even heard of or from on Friday dropped some literature up saying they oppose it.

So I hope my colleagues will support this bill as they did before unanimously, and we can pass it over to the Senate and get some competition into the system.

I thank my colleague from Maryland for yielding this time to me and congratulate him and my colleague from New York for the work they have done on this particular matter.

The SPEAKER pro tempore. The gentleman from Maryland has 6 minutes remaining, and the gentleman from New York has 10 minutes remaining.

Mr. STRATTON. Mr. Speaker, I hesitate to take issue with my distinguished friend from New York, the distinguished chairman of the Defense Appropriations Subcommittee, (Mr. ADDABBO) but this legislation has nothing to do with exempting the Department of Defense from any requirement with respect to small business procurements. That was another piece of legislation that was under consideration in the last Congress. It is not in this legislation. The Department of Defense cannot be exempted from matters of procurement because 80 percent of the procurement of the U.S. Government is undertaken by the Department of Defense.

The fact of the matter is, my friend, the gentleman from New York, is implying that the Department of Defense has not been carrying its fair share of the burden of dealing with small business. But, actually, when we had a piece of legislation last year which was debated at some extent in the Rules Committee and then came out later on the floor to require a particular percentage of defense research and development contracts be awarded to small business, I think the precise percentage figure—I have to pull it out of my head; the gentleman from Maryland [Mr. MITCHELL], I am sure, is well aware what it was—was something like 2 or 3 percent; and it turned out that the Department of Defense already had 7.4 percent of its research and development contracts going to small business, far beyond the total sought by the gentleman from Maryland, who quite properly has been supporting small business.

The trouble with legislation of this kind, besides the fact that it intrudes on the jurisdiction of the committee that properly should be handling it, is that it would fool small business people.

I would say to my good friend, the gentleman from Pennsylvania, that he says that some faceless person from the Office of Federal Procurement Policy came——

Mr. McDADE. Will the gentleman yield?

Mr. STRATTON. Let me just finish my statement.

The gentleman says that some faceless person from the Office of Federal Procurement Policy had indicated to him that the administration was opposed to this measure. The fact is that the administration has been opposed to it simply because it does not work.

Mr. McDADE. Will the gentleman yield to me now?

Mr. STRATTON. No; I cannot yield until I make my point. The gentleman has had his time not only on the floor but also in the committee.

Mr. McDADE. May I say the gentleman has misquoted me.

Mr. STRATTON. I do not imagine that the gentleman from Pennsylvania is really a dedicated reader of the Commerce and Business Daily because it is not exactly like the Washington Post or USA Today, or even the Washington Times. One never knows exactly when any solicitation notice will be published in the Commerce and Business Daily. You may send it over to them, but, in contrast to what happens with the CONGRESSIONAL RECORD, that does not mean that it is going to appear in print the following day.

What happens is that when you send it over to the Commerce and Business Daily, it could be 2 or 3 weeks before it gets published, and then, under this legislation, another 45 days is required before a small businessman from Scranton, Pa., let us say, can try to get aboard. In fact, under this procedure, he is going to have to sit around for 2 or 3 weeks before he even sees what is available. At the same time the Defense Department will have to employ special monitors to sit over there to count the number of days between the time that some particular notice actually appeared in the Business Daily and then add on the additional days that this bill would require. The whole process could take a couple of months. That is no way to expedite defense procurement.

That is why those who are familiar with the operation of this particular publication and who are also concerned with improving the efficiency of the Government have said—not some faceless individual—but the Under Secretary for Defense Research and Engineering and Acquisition Management who appeared before our committee points out that this change is not going to do a darn thing in terms of increasing the opportunity for small business to get in on defense contracts but is actually going to complicate the administrative procedures of the Department of Defense.

So all of this is really a charade. You are trying to pretend that you are helping small business, but the fact is that you are giving them something that won't work. There has not been a stronger pair of supporters of the procedures of the Office of Federal Procurement Policy than the distinguished gentleman from Texas (Mr. BROOKS), chairman of the Committee on Government Operations, and the ranking Republican member, the gentleman from New York (Mr. HORTON). Both support the developments proposed by the Federal Procurement Policy Office. That office is opposed to this legislation, as is the administration, again simply because it does not work.

So let us not kid ourselves we are doing anything that is really going to be helpful to small business.

□ 1300

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Speaker, I did not imply that the Defense Department did not comply. I stated that they do not comply. Categorically, they have not complied. And the facts and the hearings have proven that this is giving them an exemption, it is not that. But if this legislation is not passed, it is just another way of their stopping small business from being able to bid and compete, which the Defense Department has looked for every means, because that gives them a little more to do, and they do not want to do it. They will use every excuse possible.

Mr. STRATTON. If the gentleman is interested in helping small business, I would be the first to support him in something that would be effective, but when we are told by the Office of Procurement Policy——

Mr. ADDABBO. Support this legislation, and we will have a start.

Mr. STRATTON. And when we are told by the Under Secretary of Defense for Research and Engineering and Acquisition Management that it will not work, why should we go ahead and put it in, just because some Member of the other body wants to see it in the legislation?

Mr. ADDABBO. Mr. Speaker, will the gentleman yield further?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. ADDABBO. Is not that the same gentleman who opposed the Defense Department being included in the research bill that we passed last year?

Mr. STRATTON. As the gentleman just heard me say, if he was listening, the record of the Defense Department on R&D contracts to small business is double what the gentleman from Maryland wanted for all agencies. So the Department of Defense is not——

Mr. ADDABBO. If the gentleman would yield, only because they were forced by legislation. They tried to get an amendment passed exempting them. They will do everything possible at every turn not to comply.

Mr. STRATTON. I think if we are talking about defense, what we are trying to do is to make certain that our soldiers and sailors and airmen are protected and guaranteed that they have the best weapons. So these weapons have got to be procured from the firm that can do the best job.

Mr. ADDABBO. Is the gentleman implying that a small businessman, a minority businessman, cannot give them the best? I do not think the gentleman wants the record to show that.

Mr. STRATTON. I certainly do not think it is a question of the size of the business; it is a question of the efficiency of the contractor.

Mr. ADDABBO. Is the gentleman saying that our small businessmen are not efficient, our minority businessmen are not efficient? I do not think the gentleman wants the record to show that.

Mr. STRATTON. No, indeed, there are many small businesses, located in the gentleman's city and in my district which are performing excellently, and they are the ones that should get the contracts.

Mr. ADDABBO. Given the right to compete.

Mr. STRATTON. But you do not automatically give it to small business because it is small.

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume, and I take this time to clear up some of the statements that my distinguished colleague has made, because I simply do not want any of the Members to be misled.

Let me suggest, first of all, with reference to the gentleman's statement about going for the most efficient kind of business, evidently the gentleman assumes that small businesses are efficient, because by his own admission he refers to a 7-percent participation in DOD contracts. So I do not think that the gentleman wants to besmirch the reputation of small businesses. There is 7-percent participation in DOD contracts as of now.

In addition to that, this is not a set-aside bill. The firms that will want to go after these contracts have got to compete for them. Nobody is going to lay them in their laps. There has got to be competition.

Having cleared up those two points, let me take a moment to refresh all of our memories as to how legislation comes about: For years, small business was simply excluded from any kind of participation in Government contracts and procurement. Then some years ago we had a White House Conference on Small Business, and following that White House Conference, as every Member of this House knows, the small business communities of America set forth an agenda that we sought to have enacted in order to enhance and sustain the viability of America's small businesses.

How do we come to this particular piece of legislation? Did someone just reach into a hat and grab it? No. Was this the brainchild of the members of the House Small Business Committee? No. We arrived at this legislation through a series of meetings with America's small business representatives from all over the country. They are the ones who articulated their problems; they are the ones that suggested legislative remedies, And of the suggested legislative remedies, this piece of legislation is one.

It does not ask any more, it does not ask anything else but a chance to compete. And it seems to me that that is the very essence of this economic system: Just a chance to compete.

How in the world could this hurt the Department of Defense by adding 15 more days, In no way can it. It cannot hurt the Department of Defense because there is an enormous lag time right now in terms of meeting our contracts and getting the bids for them. In no way would 15 days hurt them.

I would ask my colleague from New York to bear in mind that, given the economic vicissitudes of this Nation, the vicissitudes that we have been confronting for the last 2 or 2½ years, the bankruptcy rate for small businesses last year increased by 40 percent over the bankruptcy rate for small businesses for the year before.

Is it possible that if some of those small businesses had merely had access to the opportunity to bid on these contracts they would not have gone bankrupt? I would have to assume that that is true. I would urge my colleagues to do in this House what we did last year, and that is to pass this legislation overwhelmingly. It is good for the economic system of this Nation and certainly it is good for small business. It is the consensus of the small business community that this legislation is needed.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank my friend from Maryland for yielding, and I want to associate myself with his remarks.

Mr. Speaker, I have been privileged to be with my able friend from New York (Mr. STRATTON) and against him at various times. He is always skillful. We all know that. He has made a mountain out of a molehill on a bill that would simply extend competition by opening the window of opportunity for 15 days.

I want to quote in the RECORD, if I may, last week's testimony by the Administrator of the Small Business Administration, the man charged in our Government with oversight of small business opportunities to compete—and I want to underline that word "compete"—for Government contracts. This is what he says:

> . . . we continue to be very concerned . . . that small businesses too often have neither received sufficient notice of the availability of procurements nor sufficient time for the preparation of bids. The Small Business Act clearly states that procurements be made available for small business, but such businesses cannot be meaningfully involved in the procurement process if they do not have notice of the availability of, and time to bid on such contracts.

All we are trying to do here is to comply with that, because nothing has happened, as my friend has said.

I hope the House will do what the Small Business Committee has done and unanimously approve this piece of legislation.

Mr. MITCHELL. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. MITCHELL) has 30 seconds remaining, and the gentleman from New York (Mr. STRATTON) has 30 seconds remaining.

Mr. STRATTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just point out again what this bill will do. If the Commerce and Business Weekly, as I have already said, should wait 30 days before they actually published some solicitation notice, and then you cannot issue the solicitation until 15 days and after that, wait another 30 days, you find that 75 days have elapsed before you can even fulfill a particular contract. That is no way to get expedition in handling our defense business.

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, unfortunately it is true that, during my tenure in the Congress, the one agency of Government that has resisted to the hilt any effort to enhance opportunities for small businesses through legislation has been the Department of Defense.

We have no great quarrel with the Department of Defense. We simply urge that our Members in this House support this legislation to give the small businesses a shot.

Every single bill that I have dealt with since I have been here, since 1970, has been resisted by the DOD. The only way you will bring them around to giving the opportunity to small businesses of this Nation is by legislation. There is no other way of doing it. I would urge the overwhelming passage of this legislation.

● Mr. KOSTMAYER. Mr. Speaker, I rise in support of H.R. 1043, a bill to increase small business access to Federal contracts. If the Congress is serious about reducing unemployment and putting America back to work, we must encourage small business development.

By now, most people are familiar with the tremendous job creating potential of small businesses. In fact, in a study prepared for the Department of Commerce on the "job generating process," Prof. David L. Birch of MIT concluded that small businesses with fewer than 21 employees created 86 percent of all new jobs in the private sector between 1969 and 1976. Firms with 250 or fewer employees produced 90 percent of the 6.8 million jobs created from 1965 to 1976.

H.R. 1043 gives Congress the opportunity to support small business involvement in Federal research and development programs. After all, the National Science Foundation found that small businesses produce up to 24 times more innovations per research and development dollar than larger businesses.

One of the complaints that I most often hear from small businesses is that contracts are awarded before they even have the opportunity to hear about them. H.R. 1043 would require the Federal Government to provide more timely notice so that small businesses may bid on a Government procurement contract. This bill would provide a minimum 15-day period between the publication of notices of Federal contract opportunities in the "Commerce Business Daily" and issuance of notices soliciting contract bids. The measure also requires an additional 30-day period between solicitation for contract bids and the awarding of a Government contract.

Currently, the Government is not required to provide any notice of an upcoming Federal contract and the law now requires a minimum of 20 days between solicitation of contract bids and the awarding of that contract. The addition of a total of 25 days in the Government contracting process will allow small businesses that necessary additional time to receive their Commerce Business Daily in the mail, develop a sound proposal, and apply for Federal funds.

In other words, passage of this bill will mean that a small businessman does not have to set up an office in Washington, D.C. and have legions of lawyers in order to compete for Government contracts. It is about time that small businesses were notified about Government contracts in a timely fashion and were given ample opportunity to participate in the Government procurement process. An additional few days will not hinder the Government, but it will mean a tremendous difference to this country's small businessman.

I firmly believe, that it is the small businessman who can provide the innovative spark, train and hire the unemployed, and bring this country to economic prosperity. Our country's history is filled with individuals inventing products, having the drive and foresight to develop these products and then bringing them to the marketplace. However, times are very difficult for small businesses and small buiness failure is at its highest since the depression. And of course, this is one of the major reasons our unemployment rate is so high.

The key to the success of a small business or any business for that matter, is access to debt and equity capital. However, capital is either too expensive or inaccessible through private institutions. The New York Times recently indicated that private banking institutions are hesitant to provide capital to small businesses because of their risk of failure. This is where the Government can be of assistance. It can be a lender of last resort for small businesses and it can provide research and development moneys when it cannot be found elsewhere. H.R. 1043 will be one more step toward making the Federal Government sensitive to the needs of the small businessman.

When I was last in Congress, I was continously looking for ways to provide equal access to Government funding for small businesses. In fact, on October 18, 1979, I offered an amendment that was passed by the House of Representatives that required the Department of Energy to procure at least 12 percent of its research and development projects and services from small businesses unless the Secretary of Energy formally informs the relevant congressional committees that he is unable to meet this target. This was an amendment to the Department of Energy's reauthorization bill. Another piece of small business legislation that I wholeheartedly support is the small business innovation research program that was signed into law last session. This law requires certain Government agencies to set aside funds for small businesses to research and develop an idea, and bring it to the marketplace.

In my own district, I have set up a jobs task force to find ways to bring businesses into Bucks and Montgomery Counties. This group is looking at new ideas and new ways to encourage small business development and to decrease our high level of unemployment.

The passage of H.R. 1043 is another positive step toward encouraging small business development and bringing us back to economic prosperity.●

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Maryland (Mr. MITCHELL) that the House suspend the rules and pass the bill, H.R. 1043.

The question was taken.

Mr. STRATTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings of this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1043, bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 861, de novo; and H.R. 1043, de novo.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

8(a) PILOT PROGRAM EXTENSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 861, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. MITCHELL) that the House suspend the rules and pass the bill, H.R. 861, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 5, not voting 108, as follows:

[Roll No. 8]

YEAS—318

Addabbo	Dellums	Hansen (ID)
Akaka	Derrick	Harkin
Albosta	DeWine	Hatcher
Andrews (NC)	Dickinson	Hawkins
Annunzio	Dicks	Hertel
Anthony	Dingell	Hiler
Archer	Donnelly	Holt
Bartlett	Dorgan	Hopkins
Bateman	Dowdy	Howard
Bates	Downey	Hoyer
Bedell	Duncan	Hubbard
Bennett	Durbin	Huckaby
Bereuter	Dyson	Hughes
Bethune	Eckart	Hutto
Bevill	Edgar	Hyde
Biaggi	Edwards (AL)	Ireland
Bilirakis	Edwards (CA)	Jacobs
Bliley	Edwards (OK)	Jeffords
Boehlert	Emerson	Johnson
Boggs	English	Kaptur
Boland	Erdreich	Kasich
Bonker	Erlenborn	Kastenmeier
Borski	Evans (IA)	Kazen
Boucher	Evans (IL)	Kemp
Breaux	Fascell	Kennelly
Britt	Fazio	Kildee
Brooks	Feighan	Kindness
Broomfield	Ferraro	Kolter
Brown (CO)	Fiedler	Kostmayer
Broyhill	Fish	Kramer
Burton (IN)	Florio	LaFalce
Byron	Foley	Lagomarsino
Carney	Ford (MI)	Latta
Carper	Ford (TN)	Leath
Chappell	Forsythe	Lehman (CA)
Chappie	Fowler	Lehman (FL)
Cheney	Frank	Leland
Clarke	Franklin	Levin
Clay	Frenzel	Levitas
Clinger	Garcia	Lewis (CA)
Coats	Gekas	Lewis (FL)
Coelho	Gephardt	Livingston
Coleman (MO)	Gibbons	Loeffler
Coleman (TX)	Gingrich	Lott
Conable	Glickman	Lowery (CA)
Conte	Gore	Lowry (WA)
Cooper	Gradison	Lujan
Corcoran	Gray	Luken
Coughlin	Green	MacKay
Courter	Gregg	Madigan
Coyne	Guarini	Markey
Crane, Daniel	Gunderson	Martin (IL)
Crockett	Hall (IN)	Martin (NC)
Daniel	Hall (OH)	Matsui
Dannemeyer	Hall, Ralph	Mavroules
Daub	Hamilton	Mazzoli
Davis	Hammerschmidt	McCain
de la Garza	Hance	McCandless
McCloskey	Richardson	Stenholm
McCurdy	Ridge	Stokes
McDade	Rinaldo	Stratton
McEwen	Ritter	Studds
McGrath	Roberts	Stump
McKernan	Robinson	Sundquist
McNulty	Rodino	Swift
Mica	Roe	Synar
Mikulski	Roemer	Tallon
Mitchell	Rogers	Tauke
Molinari	Rose	Tauzin
Mollohan	Rostenkowski	Thomas (CA)
Montgomery	Roukema	Thomas (GA)
Moody	Rowland	Torres
Moore	Russo	Torricelli
Morrison (CT)	Sabo	Towns
Morrison (WA)	Savage	Udall
Mrazek	Sawyer	Valentine
Murphy	Schroeder	Vander Jagt
Murtha	Schulze	Vandergriff
Myers	Schumer	Vento
Natcher	Seiberling	Volkmer
Neal	Sensenbrenner	Vucanovich
Nelson	Shannon	Walgren
Nichols	Sharp	Walker
Nielson	Shaw	Watkins
Oakar	Shelby	Weaver
Oberstar	Shumway	Weber
Olin	Shuster	Weiss
Ortiz	Sikorski	Wheat
Ottinger	Siljander	Whitehurst
Packard	Simon	Whitley
Panetta	Sisisky	Whittaker
Parris	Skeen	Whitten
Patman	Skelton	Williams (MT)
Pease	Slattery	Winn
Penny	Smith (FL)	Wise
Pepper	Smith (NE)	Wolf
Perkins	Smith (NJ)	Wolpe
Pickle	Snowe	Wortley
Porter	Snyder	Wright
Price	Solomon	Wyden
Rahall	Spence	Wylie
Rangel	Spratt	Yates
Ratchford	St Germain	Young (FL)
Ray	Staggers	Young (MO)
Regula	Stangeland	Zablocki
Reid	Stark	Zschau

NAYS—5

Crane, Philip	Mack	Paul
Hansen (UT)	McDonald	

NOT VOTING—108

Alexander	Fuqua	Michel
Anderson	Gaydos	Miller (CA)
Andrews (TX)	Gejdenson	Miller (OH)
Applegate	Gilman	Mineta
Aspin	Gonzalez	Minish
AuCoin	Goodling	Moakley
Badham	Hall, Sam	Moorhead
Barnard	Harrison	Nowak
Barnes	Hartnett	O'Brien
Beilenson	Hefner	Obey
Berman	Heftel	Owens
Boner	Hightower	Oxley
Bonior	Hillis	Pashayan
Bosco	Horton	Patterson
Bouquard	Hunter	Petri
Boxer	Jenkins	Pritchard
Brown (CA)	Jones (NC)	Pursell
Bryant	Jones (OK)	Quillen
Burton (CA)	Jones (TN)	Roth
Campbell	Kogovsek	Roybal
Carr	Lantos	Rudd
Chandler	Leach	Scheuer
Collins	Lent	Schneider
Conyers	Levine	Smith (IA)
Craig	Lipinski	Smith, Denny
D'Amours	Long (LA)	Smith, Robert
Daschle	Long (MD)	Solarz
Dixon	Lundine	Taylor
Dreier	Lungren	Traxler
Dwyer	Marlenee	Washington
Dymally	Marriott	Waxman
Early	Martin (NY)	Williams (OH)
Fields	Martinez	Wilson
Flippo	McCollum	Wirth
Foglietta	McHugh	Yatron
Frost	McKinney	Young (AK)

□ 1315

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to extend through fiscal year 1985 SBA pilot programs under section 8 of the Small Business Act."

A motion to reconsider was laid on the table.

□ 1300

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 273), to amend section 8(a)(1) of the Small Business Act, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Minority Small Business Pilot Procurement Act of 1983".

SEC. 2. (a) Clause (B) of the first sentence of section 8(a)(1) of the Small Business Act is amended by striking out ", as shall be designated by the President within 60 days after the effective date of this paragraph," and inserting in lieu thereof "(other than the Department of Defense or any component thereof) as shall be designated by the President".

(b) The designation of an agency pursuant to the amendment made by subsection (a) shall be made not later than sixty days after the date of enactment of this Act.

SEC. 3. The last sentence of section 8(a)(1) of the Small Business Act is amended to read as follows: "No contract may be entered into under subparagraph (B) after the expiration of 18 months following 60 days following enactment of the Minority Small Business Pilot Procurement Act of 1983.".

MOTION OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Speaker, I offer a motion.

The clerk read as follows:

Mr. MITCHELL moves to strike all after the enacting clause of the Senate bill, S. 273, and insert in lieu thereof the provisions of H.R. 861, as passed by the House.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, my parliamentary inquiry is that it was my understanding that the pending business is a recorded vote on the second item under suspension, and the item of business that the gentleman is introducing is not the second bill under suspension.

The SPEAKER pro tempore. The Chair will state to the gentleman that the Chair will get to that in a minute.

Mr. STRATTON. Mr. Speaker, may I be heard?

The SPEAKER pro tempore. The Chair will repeat that the Chair will get to that item of business in a minute.

Mr. STRATTON. Mr. Speaker, it was my understanding that the rules require that we move immediately to that vote without intervening matters.

The SPEAKER pro tempore. The Chair will state that the substitute for the Senate bill is in order by unanimous consent of the gentleman from Maryland.

Without objection, the motion is agreed to.

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to extend through fiscal year 1985 SBA pilot programs under section 8 of the Small Business Act."

A motion to reconsider was laid on the table.

REQUEST FOR APPOINTMENT OF CONFEREES TO S. 273

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Does the gentleman wish to go to conference on this bill?

Mr. MITCHELL. Mr. Speaker, I now ask unanimous consent that the House insist on its amendment to the Senate bill, S. 273, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. STRATTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. STRATTON. The Chair just ignored a couple of other objections, too.

The SPEAKER pro tempore. The Chair will state that the Chair has protected the gentleman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

NOTICE OF FEDERAL CONTRACT OPPORTUNITIES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1043.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. MITCHELL) that the House suspend the rules and pass the bill, H.R. 1043.

The question was taken.

RECORDED VOTE

Mr. STRATTON. Mr. Speaker, I demand a recorded vote in order to protect the jurisdiction of the Committee on Armed Services of the House.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair will remind the Members that this vote will be a 5-minute interval.

The vote was taken by electronic device, and there were—ayes 294, noes 32, not voting 105, as follows:

[Roll No. 9]

AYES—294

Addabbo	Durbin	Kaptur
Akaka	Dyson	Kasich
Albosta	Eckart	Kastenmeier
Andrews (NC)	Edgar	Kazen
Annunzio	Edwards (AL)	Kemp
Anthony	Edwards (CA)	Kennelly
Applegate	Edwards (OK)	Kildee
Archer	Emerson	Kindness
Bartlett	English	Kolter
Bateman	Erdreich	Kostmayer
Bates	Evans (IA)	Kramer
Bedell	Evans (IL)	LaFalce
Bennett	Fascell	Lagomarsino
Bereuter	Fazio	Latta
Bethune	Feighan	Lehman (CA)
Bevill	Ferraro	Lehman (FL)
Biaggi	Fiedler	Leland
Bilirakis	Fields	Levin
Billey	Fish	Levitas
Boehlert	Florio	Lewis (CA)
Boggs	Foley	Lewis (FL)
Boland	Ford (MI)	Livingston
Bonker	Ford (TN)	Loeffler
Borski	Forsythe	Lowery (CA)
Boucher	Fowler	Lowry (WA)
Breaux	Frank	Lujan
Britt	Franklin	Luken
Brooks	Frenzel	Mack
Broomfield	Frost	MacKay
Broyhill	Garcia	Madigan
Carney	Gekas	Markey
Carper	Gephardt	Martin (IL)
Chappell	Gibbons	Martin (NC)
Chappie	Gingrich	Mavroules
Cheney	Glickman	Mazzoli
Clarke	Gore	McCain
Clay	Gradison	McCandless
Clinger	Gray	McCloskey
Coats	Green	McCollum
Coelho	Gregg	McCurdy
Coleman (MO)	Guarini	McDade
Coleman (TX)	Gunderson	McGrath
Conable	Hall (IN)	McKernan
Conte	Hall (OH)	McNulty
Cooper	Hall, Ralph	Mica
Corcoran	Hamilton	Mikulski
Coughlin	Hammerschmidt	Miller (CA)
Courter	Hance	Mitchell
Coyne	Harkin	Molinari
Crockett	Hatcher	Mollohan
Daub	Hawkins	Moody
Davis	Hertel	Moore
de la Garza	Hiler	Morrison (CT)
Dellums	Howard	Morrison (WA)
Derrick	Hoyer	Mrazek
DeWine	Hubbard	Murphy
Dicks	Huckaby	Murtha
Dingell	Hughes	Myers
Donnelly	Hyde	Natcher
Dorgan	Ireland	Neal
Dowdy	Jacobs	Nelson
Downey	Jeffords	Nowak
Duncan	Johnson	Oakar
Oberstar	Sawyer	Thomas (GA)
Olin	Schroeder	Torres
Ortiz	Schulze	Torricelli
Ottinger	Schumer	Towns
Panetta	Seiberling	Udall
Parris	Sensenbrenner	Valentine
Patman	Sharp	Vander Jagt
Pease	Shaw	Vandergriff
Penny	Shuster	Vento
Pepper	Sikorski	Volkmer
Perkins	Siljander	Vucanovich
Pickle	Simon	Walgren
Porter	Sisisky	Walker
Rahall	Skelton	Watkins
Rangel	Slattery	Weaver
Ratchford	Smith (FL)	Weber
Ray	Smith (NE)	Weiss
Regula	Smith (NJ)	Wheat
Reid	Snowe	Whitley
Richardson	Snyder	Whittaker
Ridge	Spratt	Whitten
Rinaldo	St Germain	Williams (MT)
Ritter	Staggers	Winn
Roberts	Stangeland	Wise
Rodino	Stark	Wolf
Roe	Stenholm	Wolpe
Roemer	Stokes	Wortley
Rogers	Studds	Wright
Rose	Sundquist	Wyden
Rostenkowski	Swift	Wylie
Roukema	Synar	Yates
Rowland	Tallon	Young (FL)
Russo	Tauke	Young (MO)
Sabo	Tauzin	Zablocki
Savage	Thomas (CA)	Zschau

NOES—32

Brown (CO)	Holt	Paul
Burton (IN)	Hopkins	Price
Byron	Hutto	Robinson
Crane, Daniel	Leath	Shumway
Crane, Philip	Lott	Skeen
Daniel	McDonald	Solomon
Dannemeyer	McEwen	Spence
Dickinson	Montgomery	Stratton
Erlenborn	Nichols	Stump
Hansen (ID)	Nielson	Whitehurst
Hansen (UT)	Packard	

NOT VOTING—105

Alexander	Gejdenson	Miller (OH)
Anderson	Gilman	Mineta
Andrews (TX)	Gonzalez	Minish
Aspin	Goodling	Moakley
AuCoin	Hall, Sam	Moorhead
Badham	Harrison	O'Brien
Barnard	Hartnett	Obey
Barnes	Hefner	Owens
Beilenson	Heftel	Oxley
Berman	Hightower	Pashayan
Boner	Hillis	Patterson
Bonior	Horton	Petri
Bosco	Hunter	Pritchard
Bouquard	Jenkins	Pursell
Boxer	Jones (NC)	Quillen
Brown (CA)	Jones (OK)	Roth
Bryant	Jones (TN)	Roybal
Burton (CA)	Kogovsek	Rudd
Campbell	Lantos	Scheuer
Carr	Leach	Schneider
Chandler	Lent	Shannon
Collins	Levine	Shelby
Conyers	Lipinski	Smith (IA)
Craig	Long (LA)	Smith, Denny
D'Amours	Long (MD)	Smith, Robert
Daschle	Lundine	Solarz
Dixon	Lungren	Taylor
Dreier	Marlenee	Traxler
Dwyer	Marriott	Washington
Dymally	Martin (NY)	Waxman
Early	Martinez	Williams (OH)
Flippo	Matsui	Wilson
Foglietta	McHugh	Wirth
Fuqua	McKinney	Yatron
Gaydos	Michel	Young, (AK)

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 272), to improve small business access to Federal procurement information, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. STRATTON. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Energy and Commerce:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., February 14, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

(Attention: Leonard Kirk O'Donnell, H202, the Capitol).

DEAR MR. SPEAKER: Pursuant to the provisions of Rule 50 of the House of Representatives and on behalf of Mr. Mark J. Raabe, a counsel for the Energy and Commerce Committee, I am forwarding a copy of a subpoena with attachments, directed to Mr. Raabe calling for deposition and the production of documents on February 22, 1983, in Washington, D.C. This is notification required by Rule 50 of the House Rules.

Sincerely,

JOHN D. DINGELL,
Chairman.

□ 1345

A TRIBUTE TO THE LATE HONORABLE BENJAMIN S. ROSENTHAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, I take this time on behalf of the New York delegation to pay tribute to one of our most outstanding Members, the late BENJAMIN ROSENTHAL from New York City, a man of enormous energy, a man of great achievements, and one whose presence in this House we have already missed and we will continue to miss for many years to come.

I yield to the distinguished gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is always sad when death takes away a good friend. It is even more sad when that good friend is a person of the stature of our departed colleague, the Honorable BENJAMIN ROSENTHAL. BEN will be missed by not just his family, his friends, and his coworkers, he is mourned by the millions of Americans who learned to depend upon BEN ROSENTHAL to look after their rights.

BEN was not a man who was truly meant for politics. He was far happier resolving a sticky legal problem, uraveling incomprehensible redtape, thinking through some ethereal point of law to protect the innocent consumer from the hyperbole of the marketplace. He did not especially care for the pressing the flesh that politics requires, but he did it willingly because by doing so, he maintained a place in this House where he could do the work that was his life.

The most striking thing about BEN ROSENTHAL was that he cared, deeply and truly, for the people of this great land, and for the honesty and integrity of the Government of this country. Anything that threatened to diminish that integrity drew his instant and everlasting wrath.

But as much as I respected BENJAMIN ROSENTHAL, Member of Congress, it is BEN ROSENTHAL, my old friend of 30 years and congressional neighbor that I will miss so greatly. It is to the friend that the memories return. For the years before either of us came to this Chamber, in the 22 years we spent as colleagues here, for cups of coffee consumed while plotting anything and everything, for the sense of humor that surfaced time after time just when there was no tolerance left for seriousness, that is where fond memories reside.

There is no way, Mr. Speaker, to distill the life of a man so that others may truly know him as we, his colleagues, did. And, to each of us here, he was a different person, as we often display different sides of ourselves to others. But the consistency of 22 years of public service is what is important here, I believe. In all that time, BENJAMIN ROSENTHAL never wavered from the beliefs that he cherished, never faltered a beat from the intensity of his concern for those who could not help themselves and who must rely on Government for protection.

For those who never faced him in debate of a critical point, let me note, BEN ROSENTHAL was formidable when aroused. I do not recall a time when I found BEN unprepared for his work nor a time when he conceded a point he believed vital to the integrity of an issue.

As far as I know, the only person to win arguments with BEN was his beloved and cherished wife, Lila. And Lila, more than anyone else, knows that although cancer may have ultimately ended his life, it did not defeat him. He fought it to the end with a dignity and a grittiness that must be admired. Lila and his children, Debbie and Edward, were stalwarts through that long and painful battle. As were the members of his congressional staff who stayed on and worked harder for him than even BEN had any right to expect. To all of them, and to all the others who cared so much about this good person, our hearts go out to you in your grief and your loss. And to his mother, Ceil, a lady of great distinction and forebearance in her own right, we who knew and loved BEN ROSENTHAL, add our prayers for her inconsolable loss.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to my friend, the gentleman from New York (Mr. OTTINGER.)

Mr. OTTINGER. I thank the gentleman for yielding and would like to join in expressing my admiration and warmth for BEN ROSENTHAL. I really got to know him when we contended together for the nomination for the U.S. Senate in 1970. While contenders for the same post, we became very close personally.

BEN was a person of extraordinary dedication and principle. He became the Nation's chief congressional consumer advocate and was responsible for most of the consumer protection legislation passed into law over the past decade.

He was also among the staunchest supporters of civil rights at home and human rights abroad. As a member of the Foreign Affairs Committee, he was a staunch supporter of Israel and an effective advocate for a humanistic foreign policy.

Every one of us who knew him admired his courage during his recent illness, continuing to vote and push the causes in which he believed, even when he was suffering the most severe pain and hardship.

I would like to join in offering condolences to Lila and to his family, and to say how much we will miss him here as a defender of consumers' rights, a sound foreign policy, human rights around the world—and as a friend.

Mr. STRATTON. Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. First, Mr. Speaker, may I thank the gentleman from New York (Mr. STRATTON) for yielding to me on this occasion.

Mr. Speaker, Martha and I knew BEN and Lila very well. We came to Congress together, served together, we traveled together on mutual interests around Europe. He was the instigator of the movement to bring the European parliaments and the U.S. Congress closer together, and he was very successful in that.

During this interim of trips and working together on various things around the Congress here, I began to admire and have a great respect for BEN ROSENTHAL. He was a person of great ability and of great integrity, and also he was a fine family man. He

thought so highly of his wife and of his family.

He was intensely interested in the things that a fine Congressman would be interested in, how this body works, how can it work better, how can it solve the problems of the United States, and how can it be coordinated to work with other problems around the world.

He was a fearless fighter. He adopted a cause and never pulled a punch. He was an excellent investigator and legislator. He was a fine reformer of our procedures here. He is, in his own unique way, irreplaceable in the U.S. Congress.

So I am sure that, along with the rest of my colleagues, Martha and I extend our deepest sympathies to Lila and to her family on the the loss of BEN ROSENTHAL.

Mr. STRATTON. I thank the gentleman.

Mr. Speaker, I yield to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. I thank the gentleman for yielding.

Mr. Speaker, I have prepared remarks which I will include in the RECORD, but I just want to say a few words about BEN ROSENTHAL which are very, very difficult to put on a typewritten sheet.

When I first came down here, BEN really went out of his way to help me, and indicated, "If there is anything at all that I can do for you, please just call me." It wasn't just said, as some people do, to someone new. It was said with a great deal of sincerity, and more than once I reached out to BEN ROSENTHAL and got the help that he had offered on that very first day that I was down here in 1979.

There was a time when my daughter was here, as well, and the two of them had this little thing going. She would always ask for Congressman ROSENTHAL and he would ask for her. She was 12 at the time.

When BEN died, I told her that he had died and she started to cry and she said, "He was a very, very good man." I do not think you can say more than that about anyone; that they leave an impression upon not only the people they work with but on the children that they meet and other people whose lives they touch. He was a very, very good man.

Lila is a friend of mine. I cannot offer more than the sincerest sympathy for her loss. I know how terribly devastating it was to her and her family, and I hope that we will always remain together as close friends specifically because of our mutual, sincere love for BEN ROSENTHAL.

Mr. Speaker, New York City, the House of Representatives, and the Nation suffered a great loss with the death of BEN ROSENTHAL. For 20 years in this body he had fought for the causes in which he believed—sometimes giving offense, always challenging the unjust use of power. Through it all, he maintained the highest standards of integrity and intellectual honesty. He could get angry, and his wit could be caustic and abrasive, but his objective—the furtherance of public interest—always justified his actions.

BEN'S record as defender of the consumer and as a champion of Israel is well known. He led the fight for a Federal Consumer Protection Agency, and his frustration at the failure of that effort was shared by all who support consumers' rights. That strong sense of fairness in consumer affairs led him to sponsor legislation to protect his constituents against condominium conversions of their apartment houses. I am proud to be continuing his work, to maintain stability and fairness in that sector of the housing market.

BEN'S interest in foreign affairs first emerged in the mid-1960's, when he was an early critic of the Vietnam war. Long before the Nation came to understand the mistakes of the American involvement in Southeast Asia, BEN ROSENTHAL was in the front lines of the movement to end the war.

His work on the Foreign Affairs Committee led him to become a leading spokesman for strong ties between the United States and Israel. BEN understood the mutual interdependence between the two countries, and he used his influence to strengthen our relationship with Israel and to oppose any efforts to undermine the relationship or to weaken Israel's security position by providing excessive arms to Arab States in the Middle East.

But Israel was not his only cause. The refugees in Cyprus always had a friend in Congress they could rely on.

While BEN was generally regarded as a solid liberal vote in Congress, he was tough on issues of concern to his constituents, such as the drug trade and drug-related crime. His liberalism was reasoned, compassionate, and practical, and not dogmatic or doctrinaire.

The common thread running through BEN'S service in Congress was his devotion to the people. In his work in the consumer area particularly, we can see the determination to make government work for a better America. He really cared about the problems facing people, and he tried to use his stature in Congress to do something to make things better.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. I thank the gentleman for yielding, and I also congratulate the gentleman for taking this special order.

Mr. Speaker, I think if BEN were here listening to his colleagues eulogize him, he would say, "For heaven's sake, keep it short and make it funny," and I do not know that we can do that when we talk about BEN because he was so many different things to so many of us.

He was a champion of consumer affairs. He was the Congress preeminent investigator. In the area of foreign policy with respect to Israel he was one of our Nation's experts on Israeli policies.

But more importantly, he was a marvelous friend and a wonderful human being, and those words, I guess, have a hollow ring to some who did not know him, but I can recall one special trip that a number of us took in 1979 to the boat people's camp in Indochina, Hong Kong, and to North Vietnam. As a result of that trip, I believe the wives of several hundred, possibly several thousand people were saved because of the intervention of BEN ROSENTHAL and the intervention of Members of Congress.

He was not afraid to take controversial positions. He was not afraid to take tough stands. Most of all, the thing that I will miss the most was the fact that he was not afraid, in the most serious of situations, to be funny and lighthearted, which made this job so much better for all of us.

We will miss him, but we have learned a great deal as a result of our relationship with him. We are all enriched by it.

I thank the gentleman from New York for taking this special order.

Mr. STRATTON. I thank the gentleman from New York (Mr. DOWNEY) for his remarks.

Mr. Speaker, I yield to the gentleman from New York (Mr. WEISS).

Mr. WEISS. I thank the gentleman for yielding to me. I want to thank him and our friend Mr. ADDABBO for arranging this special order to honor our late friend and colleague, BEN ROSENTHAL.

When he died the day after he was sworn in as a Member of the 98th Congress, we lost a capable and conscientious legislator and an outstanding advocate of individual rights, a man whose 20 years of service in Congress were marked by extraordinary courage and dedication which he carried down to the very last day of his service in this House.

I had the privilege, as a member of the Committee on Government Operations, of serving with BEN. We all know how ceaselessly he fought through hearings, investigations, and challenges to established interests to protect the rights of the average citizen. He struggled for more than a decade to establish a Federal agency to protect consumers in court, and although the plan fell victim to the antigovernment mood of the day, his efforts helped educate the country on the need for consumer protection.

□ 1400

His courage in defending his goals and ideals, even when they were unpopular causes, was demonstrated early in his congressional career. In the mid-1960's, only a small percentage of his constituents, and even a smaller percentage of Americans, were opposed to the war in Vietnam. Yet BENJAMIN ROSENTHAL openly criticized U.S. policy in Vietnam, earning for himself the enmity of powerful leaders within the party but the gratitude of Americans across the country.

He was unwavering in his commitment to and his love for the people of Israel, although from time to time he may have disagreed with specific actions and policies of the Government of Israel.

On the Foreign Affairs Committee, where I have the privilege of having succeeded to the seat that he held, he fought fiercely for human rights. No matter what the issue, his voice was never raised to promote himself or to seize attention for his own accomplishments. Although he could be difficult and firm and perhaps stronger than firm in the ideological battles that he so loved, he was gentle in personal dealings, witty and always ready to poke fun at himself. As his friends and colleagues, we will miss him deeply. We have lost an exceptional man, a leader whose accomplishments benefited not only his constituents in Queens, not only New York City and New York State, but citizens across the country and indeed throughout the world.

I think we all mourn his death, and I want to extend my deepest sympathies to his wife Lila, to his children, to his mother, to other members of his family and indeed to all of those who were close to him.

Mr. STRATTON. I thank the gentleman for his remarks.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding, and I congratulate the gentleman from New York (Mr. STRATTON) and my colleague (Mr. ADDABBO) for taking this special order in honor of our colleague and friend, BEN ROSENTHAL.

As a new Member in Congress, I really got to know BEN maybe in the last 6 months of his life, because, as many of us knew, BEN was ailing at that point, and he would come to the floor and basically spend the day on the floor and go back in the cloakroom and nap and come back on the floor, and we talked about a whole lot of things: The Congress, the system of governments, and how a legislator should best do his job, and then of more personal things, of family, of friends, and what life was really all about.

Even though my knowledge of BEN was over a short period of time, it was a rather intense relationship. I can say, without an equivocation, of all of the people that I have known, nobody combined the intelligence with the compassion of BEN ROSENTHAL. He was a unique individual. He was able to get things done. He was able to persuade others to do the right thing. And yet as he stayed here for 20 years, he never lost his compassion for what was right and what the average person and the poor person needed from government.

It is going to be a long time before this Chamber replaces BEN ROSENTHAL.

Mr. STRATTON. I thank the gentleman for his comments.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, it is most difficult—indeed, impossible—to capture the essence of a truly extraordinary man in a brief span of time and space. In fact, I am not certain there could be sufficient time and space to do justice to BEN ROSENTHAL and the impact he had on those of us who were proud to be his friend.

He was truly one of those unique individuals who makes a difference in our individual and collective lives. One of those individuals who forces us to confront ourselves and what we are as a people and as a nation. One of those individuals whose presence in our world, for however long, gives us one more reason to fear a little less John Stuart Mill's warning: "That so few dare to be eccentric marks the chief danger of our times."

My service in this body and BEN'S largely paralleled each other's, as did our views on most issues. One of my earliest remembrances of my association with BEN is of our commitment to one of the many unpopular causes for which we fought together—our early opposition to the role of the United States in Vietnam. BEN and I were part of a small group of Members of the House who worked together as a group to try to forge some kind of significant congressional opposition to what we viewed as an immoral and unjust war.

I will always be grateful to BEN for joining me in Madison, Wis., way back on July 30, 1965, when I held the first congressional grassroots hearings on the war in Vietnam. He was, at that time, the only Member of Congress I could get to come to Madison, and his presence, as a member of the House Foreign Affairs Committee, gave those hearings greater credibility than they might otherwise have had.

That BEN was never one to back down from unpopular fights was aptly captured in his opening remarks at those hearings:

It will be said that these hearings are useless and futile. What good can they possibly do and who will listen? These arguments entirely miss the point. I believe that we all must be as concerned with the institutions and procedures of our democracy as we are with the policies we plan and implement. For if there is some illness in our institutions, it will eventually infect our programs. We must therefore always be sensitive to new ways in which we can promote wide public action in our politics. If this means experimentation in unorthodox procedures, we must be prepared to experiment. However sentimental it may sound, this is the way politics in America, and particularly in Wisconsin, began and grew.

BEN ROSENTHAL'S total commitment to his job as a representative of the people of his district was demonstrated early by the fact that he was one of the first Members of an eastern metropolitan area to make this a full-time job by one simple decision. However impolitic it may have seemed at the time, he moved his family to the Washington, D.C. area and there he remained for the balance of his service.

BEN ROSENTHAL loved a good fight—was invigorated and rejuvenated by the rigors of a battle undertaken for a just cause, particularly if fought against what appeared to be overwhelming odds. And, when BEN decided to fight he was absolutely fearless. Twice he took on his own committee chairmen. He did battle with the powerful Hunts. He tackled the popular condominium movement. And, as is so well known, he fought for years for consumers, particularly in his campaign to create a Consumer Protection Agency.

Few individuals were able to get to the heart of an issue quite like BEN ROSENTHAL. He somehow had the ability to ask just the right question of witnesses; the ability to make the appropriate pithy comment that cut through all of the extraneous matter and elicit precisely the information being sought.

His uncanny ability to accomplish in a 15-second statement or question what it took most of the rest of us much longer to achieve, made him excellent subject matter for both network news and national newspapers. As a result, BEN ROSENTHAL was not just another Member of Congress. He achieved national recognition because of his ability to concisely and precisely say and ask what so many of us wished we had and in a way so few of us seemingly could.

David Broder, in his January 16, 1983, column on BEN and former Oregon Governor, Tom McCall, concluded by saying:

The sound of their voices raised in battle will be missed. And so will their laughter.

I will greatly miss my dear friend. But, I will certainly always be aware of his presence when some of us engage in still another unpopular battle. And,

I will hear his laughter when we outfox the opposition still another time.

My sympathies and my lasting friendship, and that of my wife, Dorothy, go out to his wife Lila, and his family.

Mr. STRATTON. I thank the gentleman for his comments.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, I would just like to start off on the question of what we are doing here in honor of one of our colleagues, BEN ROSENTHAL, as was stated on several occasions, happened to be born in the county of Bronx. BEN ROSENTHAL was a man who we as legislators, and especially after you spend the number of years in the legislative body, there are people who pass away during that period of service while you are there, and you will go to the funeral and pay your respects to the family. And this is the first time that I ever participated in one of these expressions of, I guess you can call it, condolence, but also express a sense of gratitude for a person like BEN ROSENTHAL.

BEN ROSENTHAL was very unique. If he was at his own funeral, looking down, he would probably say, "What is all this fuss about?" That is the way he was. He was very specific and very to the point. As I said, this is the first time that I have participated in expressing sentiment to a former Member, whether during my days as a State senator or here in the U.S. Congress.

I consider myself very fortunate that I had an opportunity to serve with him over the last 4 or 5 years in which our time in this body coincided. But BEN ROSENTHAL was a person who, without a doubt, in my mind—we always say nice things about people who pass away, because that is the proper thing to do and it is the right thing to do. But there is no question in my mind that BEN ROSENTHAL will be missed. He will be missed because he just had that unique quality that so few people possess.

I think it is a tribute to you, Mr. Speaker, the dean of our delegation, along with our colleague, Mr. ADDABBO, who have been so close to him over all of these years, are the ones who have put this together. But I would just like to say that life goes on, and each of us shall pass, too, and that the course of service that we can provide here is a people's franchise. It is not a McDonalds' franchise. It is a franchise that belongs to the people, and they, in the final analysis, have the determination to say whether in fact we serve or we do not serve. Those people in Queens that BEN ROSENTHAL represented over these many years, I believe that they were indeed fortunate to have a man like BEN ROSENTHAL serve them, because I am sure that there were times in his life that he questioned whether he should continue on in the legislative process or whether he should go into private practice. But he made the commitment to people.

So I guess, in summing up to my chairman, the dean of our New York State delegation, and to my good friend, JOSEPH ADDABBO, your expressions today and those of us from the State of New York are just a reflection of what I believe is the reflection of so many people. In closing, having been a strong supporter of Israel during my days as a State senator—not that it really meant that much as a State legislator—I remember coming here and being somewhat confused about the issue, and I must have spent hours and hours on the question of Israel and what to do about Israel and how to vote and what to say, and I remember once listening to BEN ROSENTHAL, and in 5 minutes he was able to so concisely and precisely tell me exactly what the facts were. I believe that was the hallmark of his life—being able to focus in, come right to the point, and make everybody understand it.

The city and State of New York suffered three significant losses this year with the retirement of Shirley Chisholm, Jack Bingham, and the tragic death of BEN ROSENTHAL.

BEN was a capable legislator who showed both insight and courage in his 20 years as a Member of Congress. His opposition to the war in Vietnam gave direction and respectability to congressional disapproval of the war. As a consumer advocate he was responsible for legislation for a consumer protection agency. Although this bill never passed, BEN's advocacy for consumer rights helped keep Congress aware of these issues.

As a member of the House Foreign Affairs Committee, BEN was a staunch defender of Israel. He was also a strong protector of human rights, and supported a firm but equitable U.S. foreign policy. His work on the committee will be missed.

I liked BEN ROSENTHAL. I also respected him. I am sure that I am speaking for not only the entire New York delegation, but the entire House when I say that he is already missed.

I would like to quote a passage from the Book of Psalms that is a fitting epitaph for BEN: "Mark the perfect man, and behold the upright: For the end of that man is peace." BEN may not have been perfect, but he was a good man. I am sure he has found his peace.

So in closing I would like to thank you, Mr. STRATTON, and Mr. ADDABBO.

Mr. STRATTON. I thank the gentleman for his remarks.

Mr. MRAZEK. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. MRAZEK. I thank the gentleman for yielding.

Mr. Speaker, I join with my colleagues today in honoring the life and the spirit of the late BEN ROSENTHAL.

As a newcomer to this body, I missed the chance to know BEN as many of my colleagues knew him. I missed his courageous stands on behalf of the Nation's consumers and the State of Israel, and against the Vietnam war. And I was too late to experience the well-chronicled wit and commitment to purpose that we recall today.

That BEN's departure from this body and my arrival here coincided almost to the day is, of course, my loss. But BEN's work here, the spirit of his mission, will outlive him. We will always have BEN ROSENTHAL among us.

When I look back over BEN's career, one particular episode is especially relevant to my life. As early as 1965, long before public sentiment coalesced in this Nation against our involvement in Vietnam. BEN took a stand against the war. By his own estimate, perhaps less than 10 percent of his constituency agreed with his position at that time. He also took on the leadership of his own party and the President of the United States in taking this position.

At that time, in 1965, I also would have disagreed with BEN's assessment on Vietnam. My upbringing and my beliefs led me to the conclusion that Government would not delude our people on such an important matter. In 1967, I enlisted in the service. After being hurt, I spent several long months in a veterans hospital, listening to the stories of those who had been to Vietnam, hearing their frustration and pain over a war that had gone so very, very badly. I came to realize then that I had been wrong, and that men like BEN ROSENTHAL were right.

As BEN himself put it, "one Congressman with a fair amount of chutzpah can awaken the public conscience." The record shows, and his constituents knew, that BEN ROSENTHAL's particular brand of chutzpah was forever brought to bear on behalf of the world's underdogs, for his sense of fairness and equity would allow no less.

This body will miss the likes of BEN ROSENTHAL, but he has left a legacy that can guide us in the years ahead. I urge my colleagues and the people of this Nation to learn from BEN ROSENTHAL, as I once learned, and to keep his special message alive. In this way, we can offer our finest tribute to him, and pay him our deepest gratitude.

Mr. STRATTON. I thank the gentleman for his remarks.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I join my colleagues in paying tribute to the late BENJAMIN S. ROSENTHAL, a Congressman of rare courage and outspoken convictions.

As a friend of BEN, I watched him engage vigorously in both the combat of the legislative Chamber and the athletic court. He was, in the truest sense, an activist who gloried in the competition, who fought hard and relentlessly, and who was undaunted in his refusal to compromise his beliefs.

BEN would be the first to acknowledge that he was sometime irritated and provoked, but that was his style. He was without pretensions and displayed a wit, sometimes biting, in public as well as private life. You never had to guess on which side of an issue BEN stood. He made it clear from the beginning.

In a sentimental tribute, BEN's constituents reelected him to his 11th term in the Congress, knowing that he was fatally afflicted with cancer. His death, a day after being sworn into the 98th Congress, served to remind us of that remarkable courage he displayed in working until the very end. He truly was a Member of the people's House and he never forgot it.

During his tenure as a U.S. Representative, BEN made major contributions to his own constitutents and to the people of this Nation. Perhaps, he will be remembered best for his advocacy of the consumer. Not only his legislative endeavors, but his committee hearings were defined in terms of fulfilling his objectives. He was a sharp and analytical questioner, a tenacious advocate, and an innovative legislator.

BEN will be missed in the Congress by his colleagues regardless of their political persuasion. He contributed significantly during his 20-year career in the Congress. I trust that, as the years dim the pain of his passage, BEN's family will be comforted by the fact that BEN will be remembered as a respected and dedicated Congressman whose death diminished the legislative body for which he worked so hard and in which he took so much pride.

Mr. STRATTON. I thank the gentleman for his remarks.

Mr. Speaker, it is not always that a Member of the House of Representatives is able to leave his mark on this House, but certainly BEN ROSENTHAL was one who not only left his mark here on the House of Representatives but also on the community which he represents and the constituents whom he represented. I think that was brought home to all of us in the funeral ceremony that was held in his community in the Borough of Queens. Some 75 Members of the House turned out to honor him on a very cold and inclement day and, beyond that, the pouring out of the constituents from his district demonstrated the esteem and the love with which they held him.

□ 1415

BEN came to the Congress, as has already been indicated, in a special election, but he very soon became a knowledgeable Member of the House and in many respects a very substantial leader in the House. He and I served for a number of years as New York State whips. I was the upstate whip and BEN was the downstate whip. Later on he was selected as a deputy whip, which is a senior position in the leadership of the House of Representatives.

He was a very talented and sometimes ascerbic investigator with the various investigations that he conducted through the Committee on Government Operations.

As has already been indicated, one of his major objectives was the establishment of a Consumer Protection Agency, but BEN was never to be completely successful in that particular undertaking.

As has already been indicated, BEN, was one of the earliest opponents of the Vietnam war. I can remember that time, because as a member of the Armed Services Committee, I believed that we were doing the right thing. He proposed that perhaps we ought to have a series of daily debates here in the well of the House on that subject. That never materialized, but BEN certainly had a considerable influence in the eventual outcome of the war and the turning around of the support that came from the Congress of the United States.

BEN, as we all remember, was one of three individuals in the House; our former colleague John Brademas, now the president of New York University; PAUL SARBANES, now a Member of the other body, and BEN took a very firm and decisive stand as a result of the Turkish invasion of Cyprus. The three of them succeeded in putting on an embargo of all military material to Turkey. I think, in retrospect, many of us recognize that that action, however well-intentioned it may have been, was probably a mistake and it has to some extent created problems in the southern flank of our North Atlantic alliance; but BEN was sincere certainly in his objectives.

He was regarded and I am sure will always be regarded as a hero of the Greek people.

As has already been indicated, BEN was one of the first members of the New York City congressional delegation to bring his family to Washington so that he could be, as has been indicated by the gentleman from Wisconsin (Mr. KASTENMEIER) a full-time Congressman.

Since I as a Member from upstate New York had also brought my family, we were neighbors in Bethesda and we very frequently would run across each other in the community and very frequently would run across each other in Rehoboth or Bethany Beach during the summer recess.

I think probably more than anything BEN will be remembered for the courage with which he endured the closing days of his life. He knew some 3 years ago that he had contracted cancer, but it never dimmed his enthusiasm. It never dimmed his wit and he very rarely referred to his illness in spite of the fact that it became obvious after a while that he was gradually losing that battle, but he would refuse to admit what was going to happen. He was determined, as has already been indicated, to be one who would carry out his duties to the very last.

We in Congress, as I said at the outset, are going to miss him and miss him very greatly.

● Mr. EDWARDS of California. Mr. Speaker, when I came to Congress, a few weeks more than 20 years ago the first colleague I met was BEN ROSENTHAL, then a veteran Member of a month or so.

On that day began a friendship that has been one of the most important parts of my life.

In addition to the delightful personal aspects of our friendship, there was the da '-to-day working together for goals we thought important.

BEN was our leader in the establishment of the group, 11 House Members who agreed that even though our ideals were far out to some, and would provide ammunition to our opponents in the next election, we would go ahead and present them to the American people.

The original group was BEN ROSENTHAL, GEORGE BROWN, PHILLIP BURTON, JOHN CONYERS, Bob Eckhardt, Don Fraser, BOB KASTENMEIER, Abner Mikva, John Dow, William Fitz Ryan, and I.

We worked together to end the Vietnam war. We held ad hoc hearings when congressional committees did not want to. We wrote a book "War Crimes and the American Conscience." It did not win the Pulitzer Prize, but its publication made us feel better.

The Vietnam war ended, finally, when the House of Representatives finally voted no more money, something BEN ROSENTHAL had been demanding for years.

During that same era a military dictatorship was running Greece. Opposition politician's, artists, composers, anyone who publicly disagreed with "The Colonels," would likely find themselves in jail. And, disturbingly, the American Government supported with money and arms this cruel junta that was persecuting the Greek people.

BEN ROSENTHAL did not like what was going on in Greece nor the American complicity in it. He became an active member of the U.S. Committee for Democracy in Greece, chaired first by Congressman Don Fraser, later by me. As an influential member of the House Foreign Affairs Committee BEN kept up a dialog with the U.S. State Department and the White House, explaining in his persuasive way why American policy was wrong and even immoral.

BEN ROSENTHAL was, and is today, a hero in Athens. The Greek peoples loved and admired him. On a trip there after the fall of the military dictatorship, BEN was welcomed and thanked as only our Greek friends know how.

By this time, the mid-1970's, BEN ROSENTHAL was looked upon as an extraordinary national figure. For the 200 million American consumers, he was No. 1.

As the Washington Post's eloquent obituary pointed out:

He took up the cudgels for the little man, not only with diligence, but with a dramatic flair that drew national attention to the issues he raised and to himself as their champion.

And BEN would have liked the line from the beautiful editorial in the Washington Post.

Ben Rosenthal was no shrinking violet, no TV smoothie, no seeker of consensus. He believed in fighting hard for the things he cared about.

The New Republic, a magazine that does not often praise public men or women, said this:

"Only Congressmen with a fair amount of chutzpah can awaken the public conscience," BEN ROSENTHAL once said. Mr. ROSENTHAL had plenty of chutzpah. He opposed the Vietnam war from the day he was elected to Congress, from a Queens district, in 1962. He carved out an impressive record as a champion of poor people and consumers, and he was the first and only legislator to investigate OPEC's huge and often concealed operations in the United States. In his quiet, perservering way, BEN ROSENTHAL showed that one man can make a difference, and his death leaves Congress and the country poorer.

During all of the years of these two decades, BEN brought to all the Members of the House and Senate a feeling that while we might be adversaries on some issues, we were all working together for common goals—peace on Earth and a decent existence for all the world's people.

His popularity in the Congress was unmatched despite the fact that he was fearless in his advocacy. The chairman of more than one major House committee was challenged when BEN ROSENTHAL believed he was not doing his job.

Some years ago BEN discovered tennis, and paddleball. Somewhat to his surprise, because he had never been athletically inclined, he became proficient at both games. It was great fun to play with him, and BOB KASTENMEIER, Abner Mikva, BILL LEHMAN, SONNY MONTGOMERY and I can certify as to the velocity of his forehand. His dear Lila also grew to love tennis, and they had many happy hours on the courts.

More than 75 Members of the House and Senate, of both parties, including our Speaker, flew to New York City to attend BEN's funeral and to say goodbye to him. Mayor Edward Koch spoke movingly. The Governor was present. Every seat was taken; standing people lined the walls and spilled out into the street. The Rabbi spoke about BEN, his life, his contributions to American life and his close and loving relationship to his family, Lila, Debbie, Edward, and his mother.

BEN ROSENTHAL leaves his constituents privileged for having had him as their extraordinarily talented and creative Congressman. He leaves Lila and his children privileged for having had him as husband and dad. To those of us in Congress, he leaves a tradition of spirited, high-minded service and, importantly, the very special privilege of a friendship that will mean much to us the rest of our lives.●

● Mr. ANNUNZIO. Mr. Speaker, I am honored to join my colleagues from New York, the Honorable JOSEPH P. ADDABBO and the Honorable SAMUEL S. STRATTON, in tribute to the Honorable BENJAMIN S. ROSENTHAL.

Congressman BEN ROSENTHAL served the House of Representatives and the Nation with dedication and distinction, and his death is a sad loss. During the 20 years that he served as Congressman for the Eighth District of New York, he compiled a legislative record on behalf of the consumer that will be remembered with respect and gratitude.

BEN ROSENTHAL was a consistent champion of civil rights and civil liberties, and he was among the first in the House of Representatives to publicly oppose the Vietnam war. He fought with compassion for the powerless who could not help themselves.

BEN served in the Army from March of 1943 to January of 1946, and began his career of public service with his election to the 87th Congress in a special election of February 20, 1962. He was reelected to each Congress since that time. During the 88th and 89th Congresses, he served as a member of the National Commission on Food Marketing, and as a member of the House Foreign Affairs Committee. His outstanding dedication to high standards was an inspiration to his friends and fellow citizens.

As the chairman of the Subcommittee on Commerce, Consumer, and Monetary Affairs of the House Government Operations Committee, Congressman ROSENTHAL was in the forefront of consumer justice and protection of those who could not help themselves, and indeed, these successful efforts have made our land a stronger and better country.

BEN was a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage in total dedication to high standards. He will be sorely missed in the House of Representatives.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Lila, and to his children, Debra and Edward, his mother, Ceil, and his sister, Lola.●

● Mr. YATES. Mr. Speaker, BEN ROSENTHAL was my very dear friend and I will miss him greatly. My memories of BEN go back to his very early years in the House, and from the beginning of our friendship, I recognized and admired the very considerable intelligence and energy of the man.

BEN ROSENTHAL believed very strongly in a positive and active role for Government and until the very end, he battled for the people of his district, the American consumer, and the cause of enlightened and principled government. We worked together on numerous issues, including the efforts to halt the war in Vietnam. We in this House have lost a very fine and talented colleague. The American people have lost an effective advocate. Addie joins me in extending our heartfelt sympathy to Lila and his family.●

● Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York (Mr. STRATTON) for yielding and for taking out this special order so that the Members can express their sorrow at the passing of Congressman BEN ROSENTHAL, who will be sorely missed in this body. Ben served his New York constituents well and he was the American consumers' best friend in Congress, and I know this institution will not be the same without him.

For the nearly 20 years he served in this body, BEN ROSENTHAL worked to insure better and fairer pricing in many areas for consumers. Whether it was supermarket pricing or price speculating in the silver market, BEN worked hard to ferret out consumer fraud and injustices. He used his Government Operations Subcommittee as a forum for publicizing such frauds and for legislating solutions to these problems.

BEN spent 14 years trying to establish a Federal consumer protection agency. Although he was able to move a bill establishing such an agency through the House, and eventually to the President's desk, he was unsuccessful in achieving his ultimate goal because of Presidential opposition. He should be lauded for his tireless efforts in this area.

BEN was an outspoken Member of Congress, who was not afraid to voice his opinion, no matter how unpopular it might have been at the time, whether it was his opposition to the Vietnam war, or his advocacy for a consumer protection agency. As a member of the Foreign Affairs Committee, he was a strong supporter of Israel, and offered that country his complete and unabiding support during the Arab boycott.

As a fellow deputy whip for the Democratic leadership, I was able to work with BEN on a regular basis, and I found him to be as hard working and persistent as any Member of Congress. Even during his long illness BEN continued to work for the things to which he had devoted these last 20 years. He was a man of great courage, and I am deeply saddened by his death. I offer my sincerest condolences to his wife, the former Lila Moskowitz, his two children, Edward and Debra, his mother, Ceil Rosenthal, and his sister, Lola Ostreicher.●

● Mr. RANGEL. Mr. Speaker, it is with a strong sense of personal loss that I rise before this body to add my voice to those of our colleagues in tribute to BEN ROSENTHAL.

A beloved member of our New York delegation, BEN was an effective legislator who loved his city, loved his State, and loved his country. Unafraid to champion causes without rich or powerful constituencies, BEN started to vote against the Vietnam war far before it was fashionable to do so. And years of his career were devoted to protecting consumers against industry's excesses. Above all, he was a legislator with a strong conscience and the determination to see that right was done.

I will miss BEN as a fellow legislator, but even more I will miss him as a friend. A Member with four terms already under his belt when I first came to the Capitol, BEN took me and my fellow freshmen under his wing. Congress after Congress, he was sensitive to the needs of the newer Members. Friendly guidance from a senior Member was greatly valued and greatly appreciated.

To his very last days, BEN was taking care of his friends and his delegation. As his own time ticked slowly away, he was insuring that things were in order for those who would follow—true service to the Congress, to the delegation, and to his friends.

BEN ROSENTHAL has left us a legacy we will not forget. He taught us to be effective while never losing his own values in the process. We, as a nation, are poorer, we, as a Congress, are poorer, and we, his friends, are poorer for his departure.

There is an old saying, "Nobody dies until they're forgotten." Well that means BEN ROSENTHAL will be with us forever.●

● Mr. MATSUI. Mr. Speaker, I take the floor today with many of my colleagues to describe the loss we all feel at the passing of BEN ROSENTHAL. In this brief space, it is impossible to convey the meaning and profound significance of BEN's contributions to this body and to the American public.

This extraordinary man represented a role model for young, eager Members who came to Washington with dreams of remaking society into the just world that our forebears envisioned in the Constitution. As a freshman Congressman serving on BEN's Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs, I witnessed firsthand those qualities that inspired other legislators to toil tenaciously and loyally for the Nation's good. The opportunity of working with BEN ROSENTHAL in such a meaningful and collegial way is one for which I am grateful and shall always treasure.

Indeed, any person who observed BEN's congressional career since he came to Washington in 1962 cannot but be impressed by his courage. As a relatively new Member of Congress in the 1960's, he incurred the wrath of President Lyndon Johnson by strenuously opposing the Vietnam war and holding public forums to discuss fundamental flaws in U.S. policy toward that war-stricken Nation. On the domestic scene, he took an interest in the impact of governmental policy on consumers. Once BEN had decided what constituted appropriate policy in this area, he remained a constant ally to the cause. This trait was evidenced by his persistent albeit unsuccessful efforts to insure that the voice of the American consumer was heard in Washington by establishing a cabinet-level Consumer Protection Agency.

BEN's incomparable record of achievement is one that should instruct and inspire us all. By following his example of courageous statesmanship, we fully pay BEN ROSENTHAL the highest tribute—one which he richly deserves.●

● Mr. FAUNTROY. Mr. Speaker, it is a very special man that we honor today, our late colleague, the Honorable BENJAMIN S. ROSENTHAL.

My first encounter with our late friend and colleague took place on the way to Selma, Ala., when Congressman ROSENTHAL was responding to a call by Dr. Martin Luther King, Jr., to come to Selma, Ala., following the brutal beatings that had taken place.

The concern for civil and human rights manifested at that time was a hallmark of Congressman ROSENTHAL's life and his 20 years of service in this great body.

On behalf of those who shaped and have attempted to implement the dream of Dr. Martin Luther King, Jr., I join in paying tribute to our late colleague.

I hope that we will learn from the example of Congressman ROSENTHAL and will rededicate ourselves to the ideals and principles for which he lived.●

● Mr. MONTGOMERY. Mr. Speaker, I am honored to join with members of the New York delegation and my other House colleagues in paying tribute today to BENJAMIN ROSENTHAL, who died of cancer on January 4.

BEN ROSENTHAL was one of my closest friends here in the Congress. This friendship came about through our interest in sports. He and I played tennis along with Representatives DON EDWARDS, BOB KASTENMEIER, and BILL LEHMAN and Judge Abner Mikva. We all enjoyed this fellowship together during more relaxing times.

I always found BEN very knowledgeable and easy to talk to when I had a question concerning foreign affairs, and particularly about matters pertaining to Israel.

BEN was blessed with a wit that was enjoyed by all who knew him and I also enjoyed how he gave nicknames to many of the people he knew well. His friendship and counsel meant a great deal to me and I consider it a great privilege to have served with BEN.

It goes without saying that we will miss BEN ROSENTHAL's knowledge and leadership abilities in the House of Representatives. His 20 years of service to this Chamber and this great Nation were truly outstanding. He was a most capable and effective Congressman and I am glad I had the chance to serve with him.●

● Mr. TOWNS. Mr. Speaker, as a new member of the New York congressional delegation, I did not have the privilege to serve in the House of Representatives with our colleague BEN ROSENTHAL. I am aware, however, of his great contributions as an advocate for consumer protection. His commitment to this issue lead him to fight for an independent Consumer Protection Agency.

The gentleman from Queens County, N.Y., made another significant contribution that I wish to bring to the attention of my colleagues. As an educator, BEN ROSENTHAL firmly believed that a separate, Federal Education Department was bad public policy. Out of strong conviction and principle, he helped to lead the fight against the separate Department of Education even though it meant opposing the White House initiative from his own party. Throughout the congressional hearings on this legislation, he repeatedly fought for the rights of the poor and disadvantaged in a separate Department of Education. For example, Indian education programs remained with the Bureau of Indian Affairs, as desired by the Indian tribal councils, largely due to

his influence. Perhaps his greatest contribution, however, was a series of civil rights amendments which raised the Office of Civil Rights in the Department to the Assistant Secretary level and made other improvements in its civil rights enforcement capability.

His tireless efforts on behalf of the disadvantaged will be solely missed; but his contributions to civil rights in education will never be forgotten.●

● Mr. GREEN. Mr. Speaker, it is my privilege to rise in honor of our late friend and colleague, the Honorable BENJAMIN S. ROSENTHAL. During his 20 years in this Chamber, BEN ROSENTHAL was a dedicated protector of consumer concerns, and served well as chairman of the Subcommittee on Commerce, Consumer, and Monetary Affairs. He was concerned as well with our Middle Eastern relations, and was a valuable senior member of the Subcommittee on Europe and the Middle East.

Mr. ROSENTHAL will be missed in this Chamber—by his colleagues, by his committees, and by his staff—but it is my sincere hope that he will continue to live in our memory as we pursue the business of the 98th Congress.●

● Mr. ANDERSON. Mr. Speaker, I am honored to join with my colleagues in this special order to pay tribute to our departed friend from the State of New York, the Honorable BENJAMIN S. ROSENTHAL.

Born in the Bronx and raised in Queens, BEN served in the Army during World War II and later graduated from Brooklyn Law School. While practicing law in New York, BEN became quite active in the Democratic Party in Queens.

He was elected to the 87th Congress in a special election in February 1962. In the two decades that followed, he repeatedly proved himself to be a capable leader and a dedicated friend to the American consumer. I admired him not only for his legislative wit but also for his outspoken manner in which he, almost single handedly, championed many causes in behalf of the consumer.

Although I did not have the privilege to serve on any of the same committees as BEN, we often ate lunch together and it was through these meetings in which we became friends.

BEN had the uncanny ability to understand just how far he could go to accomplish goals. He was highly motivated when doing his job and this was ever present when he went to bat for projects which directly benefited the residents of New York City. Unlike most New York Members, BEN lived right here in the Washington area year round and this enabled him to work around the clock for his constituents. He never forgot where his roots were, and was totally committed in making this world a better place to live. His efforts in behalf of protecting the consumer through Government policies will be sorely missed.

Mr. Speaker, I know you and my colleagues join my wife, Lee, and me in sending sincere condolences to BEN'S wife, Lila, his son, Edward, and his daughter Debra. His friendship and service will always be remembered.●

● Mr. FASCELL. Mr. Speaker, I would like to express my deep personal sadness at the death of our colleague BEN ROSENTHAL. We have lost a dedicated public servant who will long be remembered as the champion of the American consumer.

I served with BEN on both the Government Operations Committee and the Foreign Affairs Committee and developed through the years a very high regard for his dedication and perserverance as well as his intellect and ability—not to mention his unique style. As chairman of the Government Operations Committee's Subcommittee on Commerce, Consumer and Monetary Affairs, he led the congressional battle for the average consumer. I was happy to join with him in many of his efforts including his fight to establish a separate Department of Consumer Affairs. His unique approach, unorthodox though it often was, did serve, as he was quick to point out, to awaken the "public conscience."

During his service on the Foreign Affairs Committee, BEN served as chairman of the Subcommittee on Europe and the Middle East, and established the biannual exchange with a delegation of the European Parliament, which is about to meet for its 21st session later this month. Also while chairman of the subcommittee, he led the fight to embargo military aid to Turkey following the Turkish invasion of Cyprus. He was a vigorous champion of the cause of Israel and consistently opposed arms sales to nations hostile to Israel. In particular he was a leading opponent of AWACS sales.

BEN will also be remembered by many as an early opponent of the Vietnam war. He was one of the first opponents of military appropriations for that purpose.

In spite of his illness, he stayed active in foreign affairs and most recently opposed military aid to El Salvador and sought workable solutions to that crisis.

BEN will be remembered for these and many other substantive contributions to our foreign policy. But it is his acerbic wit—which he often directed at himself as well as at others—that I will miss. We must always have someone to remind us that we are fallible, human, and to nudge us when they think we need to right an injustice. BEN ROSENTHAL was such a person.

I extend my sympathies to Mrs. Rosenthal and the family. The Nation, the Congress, and particularly the Seventh District of New York have lost a great advocate.●

● Mr. LEHMAN of Florida. Mr. Speaker, The tragic and untimely passing of Representative BENJAMIN ROSENTHAL is a great loss to us all. Our Nation has lost a most effective and caring legislator who, through his persistent pursuit of fairness for all Americans, symbolized the finest values in our American democratic tradition.

BEN was not only a colleague with whom I shared common ground on many issues, but one who also had an admirable and rare ethical sense that assisted him in his ability to expose the logical fallacies inherent in a faulty argument. He was highly respected by his colleagues, and he was loved by his friends. His friendship these last several years has enormously enhanced my tenure in the House and my life in Washington.

He did not allow his illness to keep him from phoning me several times during the last weeks of the 97th Congress while I was recuperating from surgery. He was worried about me when he had every right to be concerned only of himself. I will never forget the trip BEN and his wife Lila made to Miami in 1980 to appear at a campaign breakfast for me. The event turned into a nostalgic reunion for BEN and his former precinct captains who retired to Miami from Brooklyn and were now politically active in my district. He announced to great applause that he would not only be able to come south to retire but to also have a district to run from.

I will miss his wit, his compassion, and his special caring for his friends and for those fortunate to have him represent their interests in Congress. I deeply mourn his loss and extend my heartfelt sympathy to widow, Lila, and to the rest of the Rosenthal family.●

● Mr. BARNARD. Mr. Speaker, it was my honor and privilege to have the opportunity of serving with BEN ROSENTHAL for a short period of time on the Commerce, Consumer and Monetary Affairs Subcommittee of the Government Affairs Committee. It was there that I was able to watch this dedicated Congressman at work, and I have never observed anyone more earnest, more dedicated, or more energetic in the pursuit of his goals.

I came to admire BEN'S incisive mind, his ability to investigate and interrogate and probe to the bottom of any given matter. Propelling his work was a desire to achieve efficiency and economy in Government, but underlying that was always an abiding concern for the human beings involved.

Now that I have the privilege and opportunity to take up the task as chairman of the Subcommittee on Commerce, Consumer and Monetary Affairs, following in BEN ROSENTHAL'S

tracks will be challenging indeed. If I can even come close to matching the zeal which he showed for his work, and the care he showed for those with whom he came in contact, then I will count myself fortunate.●

● Mr. CARR. Mr. Speaker, Congressman BEN ROSENTHAL's death is a tragic loss to his family, his district, and indeed the whole country. He will go down in the history of the Congress as a bold and highly effective spokesman for American consumers, a constituency often inadequately represented within these Halls. He was also a close personal friend to me, and I shall miss him deeply.●

● Mr. HEFTEL of Hawaii. Mr. Speaker, it is with a great deal of sadness that I mark the passing of our good friend and colleague, BEN ROSENTHAL. However, it is with great pride that I comment upon his many accomplishments in the Congress, and upon the magnificient service he rendered to the American people.

BEN was a thoughtful, compassionate man who deeply respected the institution of the Congress and used its vast resources to the benefit of his fellow men. As a staunch consumer advocate, BEN never wavered in his insistence that the public interest never be subordinated to any other interest. He was that rare legislator who fought hard for the things he believed in even when the political winds might have swayed a lesser man. BEN was in the forefront of the movement which brought an end to America's tragic involvement in Vietnam and he was a staunch supporter of Israel, a nation which remains one of America's most indispensable allies.

BEN served in the House of Representatives for 20 years, years of great change in the United States, in our way of life. Yet, BEN never wavered in his basic philosophy that he would serve the public interest with no feelings of trepidation, for that was his job.

Mr. Speaker, we will all miss BEN in the coming days, but are better, for having served with him, for having shared his wit and his wisdom and his dreams.●

● Mr. YATRON. Mr. Speaker, it is with great sadness that I rise today to honor a dear friend and close colleague who is no longer with us. BENJAMIN ROSENTHAL was unquestionably one of the most effective, capable, and respected Members of the U.S. House of Representatives.

I had the opportunity to serve with BENJAMIN ROSENTHAL on the House Foreign Affairs Committee since 1969, and witness first-hand his many legislative skills and abilities. He was a close confidant and powerful ally on many issues. I never hesitated to turn to him for counsel and advice. His judgment was sound and well-balanced. He possessed a keen and probing mind which enabled him to indefatigably pursue the truth, often obtaining facts from reluctant committee witnesses. BENAJAMIN ROSENTHAL believed, as I do, that Israel is a close and strategically important ally and he actively worked to preserve America's commitment to that country.

BENJAMIN ROSENTHAL was a multidimensional and multitalented legislator, as evidenced by his outstanding accomplishments as a member of the House Government Operations Committee and chairman of its Subcommittee on Commerce, Consumer, and Monetary Affairs. He used his position on the committee to speak out and work for the interests of the American consumer. BENJAMIN ROSENTHAL had a deep and abiding concern for social justice. He brought to national attention the problems of the consumer and raised the public consciousness of the plight of the poor and powerless. BENJAMIN ROSENTHAL was instrumental in the enactment of initiatives to protect consumer rights and interests.

BENJAMIN ROSENTHAL contributed much to the betterment of the American way of life, and we will miss him greatly. But, even as we mourn his death, we celebrate because such a man as he was among us. The joy of his memory will last far longer than the pain and sorrow of his death. His service to the people of New York and this country will remain unsurpassed. BENJAMIN ROSENTHAL was a sincere and dedicated pubiic servant who should serve as an example to all of us in public life.

I want to express my deepest sympathy to his lovely wife Lila and entire Rosenthal family.●

● Mr. SISISKY. Mr. Speaker, BEN ROSENTHAL had the courage to speak when it was more comfortable to remain silent. He had the enviable ability to shape our national policy while never forgetting his oath to serve the people back home.

I extend by deepest sympathy to his family. I am also saddened that the freshmen Members of this body, like myself, will not have the opportunity to work with this exceptional legislator and great statesman.●

● Mr. LENT. Mr. Speaker, all of us in the House of Representatives have felt a deep loss at the passing of our friend and colleague BEN ROSENTHAL.

Although BEN's political ideology differed from my own, I had great respect for his courage, his compassion, and his fine sense of principle. As an active member of the New York congressional delegation, BEN was dedicated to the problems of his constituents, especially the aged, the minorities, and the disadvantaged. The hard work and dedication BEN brought to his job as Representative for New York's Eighth Congressional District was a trademark of his.

As an elected official, BEN enjoyed the overwhelming support of his constituents who recognized and appreciated his honesty, sincerity, and concern for their well-being. His election victories attest to this popularity.

I particularly admired BEN's strong support of Israel. During his years in the Congress, we worked together in developing support in the Congress for our most dependable ally in the Middle East. Furthermore, BEN was extremely active in congressional efforts in behalf of Soviet Jews.

Mr. Speaker, I join my saddened colleagues in extending condolences and sympathies to his wife and his family. Their loss is truly great.●

● Mr. ERLENBORN. Mr. Speaker, I would be remiss if I did not join in paying tribute to BEN ROSENTHAL, my good friend and our departed colleague.

During our service in Congress, we meet and work with people of varying stripes and philosophies. BEN and I were certainly different in many respects. He was of one party, and I of another. He was of one faith, and I of another. He was at one extreme on the political spectrum, and I at another. At a glance, some might say the only bond between us was that we both hailed from the town of Elmhurst—he from Elmhurst, N.Y., and I from Elmhurst, Ill.

Yet what we remember, what stands out among our associations in Congress is not our differences, not the many times we were on the opposite side of the issues. Rather what stands out in our memory is how we worked together and the firm friendships that formed along the way.

BEN and I had a firm bond of friendship. We even joked about having a law partnership after we retire—with BEN on one philosophical extreme and me on the other, we figured we could cover the waterfront.

Our private joke is over, but not my fond memory of BEN. He was an outstanding spokesman for the people who elected him, and a courageous and good human being to the very end. What more can be said of anyone?●

● Mr. JONES of Oklahoma. Mr. Speaker, far too often in recent years, we have taken this floor to pay tribute to colleagues who have passed away far too early in life, robbing their families and this institution of their spirit and vigor. Today, we again mark a sad day in our history as we note the passing of our most esteemed colleague, BENJAMIN S. ROSENTHAL. However, we must remember how lucky we were to have a man of his substance and determination in our midst; he truly embodied the best of this House and the very best of the democratic spirit.

The Borough of Queens, and the consumers of this Nation, never lacked

an advocate while BENJAMIN ROSENTHAL served in the House. No Member of this body ever devoted more time to the issue of consumer protection, and no person ever worked harder for a consumer protection agency. He angered some with his zeal, but no one could deny that he pursued his goals with the very best intention: the good of the American public.

As one publication noted in 1981.

Back in 1962, BENJAMIN ROSENTHAL was elected to Congress in this district. At that time, he looked like another Democratic machine hack: a product of local schools, with a Queens law practice, young enough to be interested in holding the seat for a few terms until a judgeship opened up. But ROSENTHAL turned out to be a committed and effective Congressman.

He was indeed a most effective and committed Congressman. He was also a splendid human being, and I will miss his presence in this House.●

● Mr. MITCHELL. Mr. Speaker, I am proud to join in this tribute to our late colleague, Congressman BENJAMIN ROSENTHAL. My pride is in knowing that this Member served over 20 years in this House with distinction, dedication, and strength. My sadness, however, is in knowing that his passing denies us the opportunity to benefit from his continued works both in and outside the Halls of Congress.

Representative ROSENTHAL served for many years as a member of the House Committee on Foreign Affairs, and in the seventies, as chair of the Subcommittee on Europe and the Middle East. Congressman ROSENTHAL also served on the Human Rights and International Organization Subcommittee.

During his tenure here in the House, BEN ROSENTHAL also served on the Government Operations Committee and on its Manpower and Housing Subcommittee. The Congressman was also one of the most dedicated members of the Subcommittee on Commerce, Consumer and Monetary Affairs.

Mr. Speaker, during his last days, Representative Rosenthal put aside the prevailing status of his health and stood in this very Chamber day after day on behalf of his constituents. No one can dispute his dedication and willingness to exert unprecedented effort to address critical matters which impact this Nation.

BEN ROSENTHAL will be sorely missed. However, there is comfort in knowing that we have all benefited from having served with him and been part of his illustrious career.●

● Mr. ROE. Mr. Speaker, it is with a profound sense of sorrow that I rise today to pay tribute to the memory of my longstanding good friend and late colleague BENJAMIN ROSENTHAL who for more than two decades represented the people of the Eighth Congressional District of New York.

During that time, he set a standard for excellence in office that will be impossible to match.

BEN ROSENTHAL was a man totally dedicated to the needs of both his constituents and the Nation as a whole.

In his role as chairman of the House Government Operations, Commerce, Consumer and Monetary Affairs Subcommittee, BEN ROSENTHAL clearly established himself as our country's recognized national champion in the battle to protect the rights of the consumer.

BEN fought hard for the establishment of an independent Federal consumer protection agency. And even though that agency was never created, the hearings he conducted in his subcommittee clearly educated us all and focused the need for this body to protect the rights of all consumers.

BEN ROSENTHAL was the voice for millions of Americans, especially the aged, the minorities, and the disadvantaged who often had no one to speak out in their behalf. His efforts in Congress during the 1960's and 1970's helped move our Nation toward greater equal justice for all of our citizens.

As a member of the House Foreign Affairs Committee BEN led the effort to reassert the congressional role in formulating our foreign policy. Key to his interests on that committee was his uncompromising support for the state of Israel.

BEN ROSENTHAL was not a man interested in the glamour of the public spotlight. He simply believed in fighting hard for the things he cared about.

This brave, kind man, who did not let the ravages of cancer deter him from chosen work over the past 2 years, will always be remembered by those of us who were fortunate enough to have served with him in this body.

I extend my heartfelt sympathy to his wife, Lila, and other members of his fine family and offer them my sincere condolences.●

● Mr. MAZZOLI. Mr. Speaker, BENJAMIN (BEN) ROSENTHAL was my friend and colleague and he was a capable, dedicated Member of Congress who served the House well throughout his 20 years of service. As a member of the Democratic Steering and Policy Committee, BEN was a talented legislator whose leadership was far reaching and widely acclaimed. BEN's passing is a loss to us all.

Both Helen and I extend our condolences to his lovely wife, Lila, and the family.●

● Mr. HORTON. Mr. Speaker, it was with a sense of deep sadness and loss that I learned of BEN ROSENTHAL's death on January 4, 1983. BEN served this institution and the constituents of New York's Eighth Congressional District with a distinction and dedication which shall be missed by all.

BEN first came to Washington in 1962. It was then, as comembers of the New York congressional delegation and the Government Operations Committee, of which I am now ranking minority member, that we became good friends and close working colleagues.

When I reflect upon our 20 years together in this House. I believe that I shall most remember BEN's unswerving support of the consumer and his abiding belief in the need for fairness in the marketplace.

At the beginning of his first term in the House, BEN sought and won a seat on the Agriculture Committee. I well recall a certain amount of bemusement among many Members as they contemplated the prospect of a Congressman from New York City on a committee concerned with agriculture. Here, as always however, he demonstrated the concern and dedication to the plight of the consumer which remained with BEN to the very end.

During his long tenure as chairman of the Subcommittee on Commerce, Consumer and Monetary Affairs, I observed the effectiveness of BEN's oversight on two associated levels. On one level he championed the support of the agencies downtown that have specific obligations to both consumers and an honest marketplace. He never wavered in the fight to see that the Federal Trade Commission had the means to fulfill its mission and responsibilities. On a second, but no less important level, his subcommittee continually addressed specific problems and issues, providing a forum for consumers to speak of their concerns, and compiling hearing records which provided essential information and guidance, not only for Federal agencies, but for State and local governments as well. His subcommittee's pioneering investigations of the plight of the small savers who were unable to receive competitive interest rates made a significant contribution to the reform activities now affecting all of our financial institutions. By the same token, his investigation of the condominium conversion phenomenon provided essential guidance to State and local governments in drafting regulations to help assure the availability of decent, affordable housing for all.

I wish to extend my sincerest condolences to BEN's family. BEN ROSENTHAL was a good friend and colleague to many of us who are here today. His contributions, both to the Congresses in which he served and to the district which he so loyally and skillfully represented, will long be remembered by all.●

● Mr. GILMAN. Mr. Speaker, I thank my colleagues in the New York delegation. Mr. STRATTON and Mr. ADDABBO, for making available this time for Members to pay our last respects and to share our thoughts about our de-

parted colleague. Congressman BEN ROSENTHAL, and the many lasting and significant contributions he made to this body and to the American people before his untimely death last month.

I had the privilege of knowing and working with BEN ROSENTHAL for over 10 years. In his capacity as a senior member of our New York congressional delegation and as a distinguished member of our Foreign Affairs Committee, on which I serve, I found BEN's views and leadership of the highest quality. I often sought out his advice, as did many other members, on many matters of both domestic and international import, and always received wise and generous counsel.

BEN possessed a very warm sense of humor, one that never failed to amuse, though at itmes it hit home quite closely. His wit was a combination of thrust and parry, and it was always a most enlightening experience to engage in debate with him.

But most importantly, Mr. Speaker, was BEN ROSENTHAL's high sense of dedication to human rights and to the protection of the consumer. He never wavered in his feeling that big business and the bureaucracy should be clearly and verifiably receptive to our constituents. BEN's staunch support of Israel was an integral part of his service here in the House. We, on the Foreign Affairs Committee, will miss him sorely.

Mr. Speaker, the New York delegation has sustained a significant loss; it will not be quickly filled by one as dedicated and achieving as BEN ROSENTHAL. My sincerest condolences are extended to his widow, Lila, to the rest of BEN's family and friends, and to all of the people of his congressional district, who mourn his loss. BEN has left a legacy of caring that cannot be readily matched, but a legacy that can certainly be emulated by all of us in the House of Representatives.●

● Mr. ZABLOCKI. Mr. Speaker, I join my colleagues today in expressing regret over the untimely death of our colleague, the gentleman from New York (Mr. ROSENTHAL). While we have long been aware of his protracted and valiant struggle against cancer, the deadliest of all diseases presently afflicting mankind, I think it is fair to say that one is never fully prepared for the actuality, when it occurs.

BEN ROSENTHAL was a distinguished and articulate member of the Committee on Foreign Affairs and a major influence on this body during his tenure here. As chairman of the Subcommittee on Europe, he was responsible for a number of important initiatives, including the establishment of a biannual exchange with a delegation of the European Parliament, which met for the 21st time last month. His leadership in the field of consumer protection as chairman of a Government Operations Subcommittee has been widely recognized in the Congress and beyond.

To his wife Lila, his family and the many friends of BEN ROSENTHAL, I extend my most sincere condolences. To my colleagues in this body, I can only add that we have clearly lost someone of importance • • • and of value.●

● Mr. SENSENBRENNER. Mr. speaker, I would like to join my fellow colleagues in honoring a most dedicated man, the late Congressman BENJAMIN ROSENTHAL.

BEN ROSENTHAL'S dedication and concern for his district was reflected in the 11 consecutive elections he won, most without a serious challenge. His persistent drive to serve the Eighth District of New York was reflected in his work until he passed away, the day after he was sworn in as a Member of the 98th Congress.

During his 20 years in Congress, BEN ROSENTHAL was a persistent advocate of consumer protection. He saw a threat to the poor and the elderly and attacked it head on, accomplishing a continuing goal of public awareness.

His drive and conviction made BEN ROSENTHAL an asset to Congress and a valued Member of his party. He was chosen by the majority leader as a deputy whip in the 95th, 96th, and 97th Congress. BENJAMIN ROSENTHAL served with diligence on the Foreign Affairs and Government Operations Committees and gained recognition for the need of consumer protection as chairman of the Commerce, Consumer, and Monetary Affairs Subcommittee.

It is with sorrow I join my colleagues to remember the Honorable BENJAMIN ROSENTHAL but also with respect and deep appreciation for the dedication and leadership BEN ROSENTHAL showed in his service of Congress.●

● Mr. SMITH of Florida. Mr. Speaker, as a new Member of Congress, I was looking forward to serving, with the late BENJAMIN ROSENTHAL. I, unfortunately, will never have that opportunity and consider myself the lesser for it.

Several years ago, I first Met BEN ROSENTHAL and was impressed by his keen insight, knowledge, and integrity. During the organizational meetings of the 98th Congress, I again met his distinguished gentleman, and my previous impressions were again confirmed.

BEN ROSENTHAL always will be remembered by his colleagues as a distinguished Member of Congress. His tenure here should serve as a model for new Members, such as myself. He was a dedicated and effective Member who ably served his district and the Nation. This House and this Member will miss him.●

● Mr. PANETTA. Mr. Speaker, I want to join my colleagues who have paid tribute to the memory of our late colleague, BEN ROSENTHAL of New York.

BEN ROSENTHAL, during his 20 years in the Congress, established an outstanding record of accomplishment and dedication. His work on behalf of consumers, as well as his strong opposition to the Vietnam war, earned him a tremendous amount of respect in this body and in the country. It was truly a privilege to know and work with him.

During his final months of life, Mr. Speaker, BEN ROSENTHAL suffered greatly from his illness. But that did not stop him from continuing the work his constituents had elected him to do. His demonstration of courage in the face of adversity will always serve as an example of greatness to his colleagues.

Mr. Speaker, I know all of my colleagues join me in wishing the family of BEN ROSENTHAL the very best and in letting them know that he had earned the greatest respect and love of his colleagues in the Congress. Ben will be dearly missed in the Congress and throughout the Nation.●

● Mr. BROOKS. Mr. Speaker, all of us who had the pleasure of working with BEN ROSENTHAL will miss his contribution to the legislative process. As one who worked with BEN for many years on the Government Operations Committee, I feel his loss especially keenly.

BEN joined the Government Operations Committee at the beginning of the 88th Congress in 1963, his first full term in the House. He served with distinction on the full committee to the time of his death.

One of BEN's most valuable contributions to the committee and to the Congress was as chairman of the Subcommittee on Commerce, Consumer, and Monetary Affairs for the 94th through 97th Congress. In this position BEN showed himself to be a vigorous and diligent overseer of a number of vital executive agencies. His work on behalf of consumer issues is well known to all of us. Most importantly, BEN carried out his responsibilities as chairman of this subcommittee with fairness and good humor. Those who came before him knew that they had better do their homework, but they also knew they would be treated fairly and with respect.

Mr. Speaker, BEN ROSENTHAL's death leaves a void in the House that will be difficult to fill. His work and his service will always be an example and a standard for the rest of us to meet.●

GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of our former colleague, BEN ROSENTHAL.

I would point out that our colleague, the gentleman from California (Mr. EDWARDS) has taken the trouble to

compile a series of news clippings that appeared in the press both in Washington and in New York State with reference to the achievements of Congressman ROSENTHAL. I ask unanimous consent that those be included also in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The newspaper clippings above referred to are as follows:

[From the New York Times, Jan. 5, 1983]

BENJAMIN ROSENTHAL, CONGRESSMAN FROM QUEENS FOR TWO DECADES, DIES

WASHINGTON, January 4—Representative Benjamin S. Rosenthal of Queens, a leading liberal Democrat who was elected to his 11th term in November, died today of cancer at Georgetown University Hospital.

Mr. Rosenthal, who was 59 years old and had been ill for two years, had been sworn in at his bedside in the hospital on Monday.

He won re-election in the newly drawn Seventh District in Queens, which shifted south from his old Eighth District in north central Queens to include Forest Hills, Kew Gardens, Richmond Hill, Rego Park and Bellerose on the Nassau County border.

INTERIM SUCCESSOR TO BE NAMED

Patrick F. X. Mulhearn, counsel to Mayor Koch, said yesterday that an interim successor to Mr. Rosenthal would be selected by the Queens County Democratic Committee.

According to state election law, he said, a special election would then be called by the Governor. That election must be held not sooner than 30 days and not more than 40 days after the date that the Governor signs the proclamation for the special election. The law does not specify when the Governor must act.

Except for extraordinary circumstances, the Democratic candidate would be the interim successor chosen by the county committee, Mr. Mulhearn said. There would be no primary.

A general election for the seat would be held on Election Day in November, Mr. Mulhearn said.

Mayor Koch, in a statement, said: "Ben Rosenthal was a great Congressman, a wonderful husband and father and a close friend. His compassion and effectiveness have earned him an honored place among New York's great legislators."

Mr. Koch ordered the city's flags to be lowered to half-staff in tribute.

ADVOCATE FOR THE CONSUMER

(By Maurice Carroll)

Mr. Rosenthal was first elected to Congress in 1962 as the choice of "regular" Democrats in a complicated special election.

He went on to become an outspoken leader of consumer causes and, as his seniority grew, an increasingly effective advocate for the city.

When still new in the House, he began, much earlier than most, to speak out against the Vietnam War. "It was a very lonely road," he said when, after opposition to the war became more general, a number of members of Congress arranged for an all-night vigil in the House to coincide with antiwar demonstrations by students.

10 PERCENT AGREED WITH ME

As he helped organize the vigil, he recalled the earlier, lonelier days. When he first took his antiwar stand in 1965, he said, "maybe 10 percent of my district agreed with me."

For the most part, though, Mr. Rosenthal was in tune with his constituents and he did not forget the political truism that politics is a local trade. "He never 'went Washington.'" said one Capitol Hill friend. "He was totally oriented to New York."

But he lived close to his job. Early in his Congressional tenure, he broke with the air-commutation pattern practiced by many New Yorkers in Congress—Tuesday to Thursday in Washington, with weekends politicking at home. Although he kept a voting address in Elmhurst, Queens, Mr. Rosenthal, his wife, the former Lila Moskowitz, and their two children made their permanent home in Bethesda, Md.

A DEFENDER OF ISRAEL

In international affairs, Mr. Rosenthal was a vigorous defender of Israel. At home, he supported the compromise that turned an unpopular low-income housing project in Forest Hills into a cooperative instead.

On Capitol Hill, Mr. Rosenthal was regarded as a perceptive analyst of motivation and of what could be accomplished. He wanted to win, not just make points.

He berated one fellow New Yorker who had, in his view, sabotaged an effort to win a House leadership post for the city delegation with a maneuver aimed at a mayoral election. That, Mr. Rosenthal said scornfully, was "playing a local game."

Nevertheless, his own involvement in New York City's increasingly intertwined relationships with Washington was considerable.

He started with the watchfulness over district projects that are a Congressional standard. He came to play an important role in the drive to win Federal support to help the city out of its fiscal problems in the mid-1970's.

As a member of the Government Operations Committee, he issued a report in 1976 that criticized the administration of President Gerald R. Ford for "preoccupation with fiscal brinkmanship" during New York's fiscal troubles.

SHAPED POLICY AND PRACTICE

In Congress, he wielded power through investigations and an ability to call attention to issues more than through writing legislation. In this way he helped shape Administration policy and agency practice.

Benjamin Stanley Rosenthal, who was born on June 8, 1923, in the Bronx was brought up in Queens and attended City College. In 1949, after wartime service as a military policeman in Iceland, he graduated from Brooklyn Law School. And like many other young lawyers, he began to dabble in politics.

COMPLEX MANEUVERING

In 1962, the incumbent in the Eighth Congressional District became a judge, and after complex maneuvering involving numerous candidates Mr. Rosenthal emerged as the choice of Mayor Robert F. Wagner. He went on to win in a special election.

He is survived by his wife, the former Lila Moskowitz; a son, Edward, of Bethesda; a daughter, Debra Mandel of Philadelphia; his mother, Ceil, of Queens, and a sister, Lola Ostreicher, of New Hyde Park, L.I.

His chief legislative assistant, Steven Cohen, said funeral arrangements were incomplete.

[From the Washington Post, Jan. 16, 1983]

TWO MATTERS OF QUALITY

(By David S. Broder)

Two columns for the price of one today: the first on a problem that is all too prevalent, the second on two politicians embodying a quality that is all too rare.

The too-common problem is hardship in this time of economic recession. We all know it surrounds us, afflicts our communities and our fellow-citizens. But how many of us and how severely?

The answer to those questions is not a matter of pedantry but an essential prerequisite for framing intelligent national policy to target scarce dollars for maximum results.

Juanita Kreps, secretary of commerce in the Carter administration, and seven other distinguished economists have come out with a report showing that the methods the federal government now uses to measure economic hardship are "seriously deficient" for the job.

Those measures—principally the unemployment and poverty statistics—can seriously distort and disguise the scope and nature of the problem, exaggerating it at times and obscuring it at others.

For example, Kreps and her colleagues calculate that, in 1979, "more than half of those who were unemployed at some time . . . lived in households with total annual incomes in excess of $15,000." On the other hand, in 1981, "more than five million workers, who were never officially unemployed, lived in poverty."

Since the need to alleviate poverty is immediate, while the programs to reduce unemployment may well have to be long-term in scope, it is imperative to be able to measure these problems as precisely as possible—and to distinguish them from each other.

The statistics now available, according to Kreps and her colleagues, suggest that low wages and limited hours of employment caused more hardship, at least in 1979, than did unemployment.

But the need, they point out, is for data that is more current and geographically precise. "Basic hardship counts can now be calculated for the nation, for multi-state regions, and for the 10 most populous states," they point out, but not for the other 40 states and not for local labor markets.

The money it would take to improve and refine that data would be money well spent.

As for the quality that is too rare in politics, the one I'm thinking about is the combination of gentleness in personal dealings and absolute fearlessness in policy battles. The national supply of that quality was severely diminished by the deaths, just a few days apart, of Rep. Benjamin S. Rosenthal (D-N.Y.) and former Oregon Gov. Tom McCall (R), both victims of cancer.

Both of them were fierce fighters for the causes they believed in: consumerism in Rosenthal's case, environmentalism in McCall's. Both were instinctive civil libertarians, sensitive to any hint of bigotry or bullying. Their views of the outer world could not have been more opposite. McCall was a hawk from beginning to end of the Vietnam War, while Rosenthal was an early and passionate critic of the war.

What really made them stand out was their readiness to put aside any thought of political prudence and tackle the tough guys of their own parties when those antagonists were at the height of their power. Rosenthal did it with Lyndon Johnson, McCall with Richard Nixon and Spiro Agnew.

But off the stump, these were two of the gentlest gentlemen in politics. They had no pomp in their makeup. Both of them could walk away from a fight and come up laughing. They invited teasing, and could outdo anyone in parodying the way they sounded when they were in full flight of rhetorical battle.

They were, in their individual and inventive ways, obstreperous, but deliberately so, calculatingly, cunningly so. They devoted serious thought to devising the best techniques for needling their opponents or upsetting a gathering consensus. And because they loved that arena of political combat so well, they accomplished much more—and left more people mourning them—than those who are more decorous and detached.

Neither Ben Rosenthal nor Tom McCall ever forgot that the battling they so enjoyed depends, ultimately, on tolerance of dissent. More than most people in politics, they showed how to love their adversaries, for without their adversaries, there would be no one to sustain the quarrels they so dearly loved.

The sound of their voices raised in battle will be missed. And so will their laughter.

[From the Washington Post, Jan. 18, 1983]

BENJAMIN ROSENTHAL: IN TRIBUTE

(By Colman McCarthy)

Like a large ventilation shaft, the enthusiasm of Rep. Benjamin Rosenthal (D-N.Y.) for politics had a pulling power of inrushing force. I was drawn to him, as were many others in the press, by his swift candor and his unstudied leaps into gray issues, getting grayer, that he believed deserved black-and-white solutions.

Rosenthal, a tall, slender man who could move through masses of people at political gatherings like a current through water, died of cancer the other day at 59. He was beginning his third decade of service to a section of Queens, N.Y., that ranged from the urban brittleness of Jamaica to the oaked side streets of Forest Hills.

One of my last conversations with Rosenthal, early last summer, was about his cancer. He had been fighting it for nearly two years and now, like a palm pulled away from a candle flame, he thought its pain was gone. I asked if he would be interested in joining a group of cancer patients who met weekly with some psychiatrists who also had cancer. It was attitude therapy, the goal being to use one's mental attitude to strengthen the body's immune system against cancer cells. The group would have welcomed him.

"Yeah, yeah," Rosenthal said in Queens diction, "I oughtta go, and I know my wife would want me to. But I pass."

He explained, bulldozing away a pile of polite excuses, that he was too restless a fellow to sit for a couple of hours hashing over his illness. It would be too much talking about himself with other people talking about themselves. I told him he was oversimplifying. Of course he was, he laughed, but too many other things demanded his attention besides his body.

During the 1970s, one of the core goals to which Rosenthal and other congressional liberals paid attention was legislation for a consumer protection agency. A modest restoration of marketplace fairness was due the consumer in this age of the recall. Citizens didn't need a selling job on the need for an agency: Polls showed they wanted it by nearly 2 to 1.

Rosenthal pressed one argument: "Today's typical consumer is tempted into the marketplace by promises of product perfection. But the system that produces, promotes, sells and services that product can more accurately be characterized by the reality of planned obsolescence and poor quality control."

The legislation, which at one time passed the Senate 74 to 4 and a House committee 24 to 4, became a victim of the antiregulation mood change. Rosenthal saw nearly a decade of effort swept away by the suddenly popular appeal of the well-bankrolled argument that big government was the enemy and another government agency wouldn't help. The day Rosenthal died, a news story told of General Motors, a leader in denunciations of federal regulation, being involved in still another recall of lemons.

On occasion, Rosenthal was abrupt. He could vent sarcasm on the hypersubtle strategist. But that wasn't the tone of his personality. He was warm-hearted once the Queens scrappiness was penetrated. Four years ago, when Michael Pertschuk, then the chairman of the Federal Trade Commission, saw his agency being pummeled out of shape by the beltings of Congress, he sought out Rosenthal for advice.

"Get up here," Rosenthal told him. "Let them see that you are not crazy. And it would help if you would make yourself a few friends—the House is a very personal place."

His own philosophy of politics also stressed the personal. As a senior member of the Government Operations Committee, he knew how to organize committee investigations that would publicize the victimization of citizens by unethical companies. He had no patience with nebbishes who charged that he was knee-jerk antibusiness. He was pro-business, he would shoot back; marketplace honesty benefited the ethical merchants because it decreased the competitive edge held by the companies that cheated consumers.

On the Foreign Affairs Committee, Rosenthal was a dam-burst of energy for human rights. As a frequent visitor to Israel, he came to love the country for its ideals. Last summer, the violent excesses of the Begin government in Lebanon strained him considerably. He was a friend of Israel but he would not be a blind friend. He saw that much had gone wrong.

Rosenthal died courageously. Some 80 Senate and House members attended his funeral in Queens. This large display of affection equaled the large service Ben Rosenthal gave to the country.

REPRESENTATIVE BENJAMIN ROSENTHAL, CONSUMER ADVOCATE, DIES

(By J. Y. Smith)

Benjamin S. Rosenthal, 59, a New York Democrat who earned a reputation for steadfast and sharp-tongued advocacy for the consumer at home and for Israel during a 20-year career in the House of Representatives, died of cancer yesterday at Georgetown University Hospital.

Mr. Rosenthal was elected to the House in a special election on Feb. 20, 1962. He was a member of the Government Operations and Foreign Relations committees and these gave him forums from which to pursue his principal interests. He did so not only with diligence, but with a dramatic flair that drew national attention to the issues he raised and to himself as their champion.

"One congressman with a fair amount of chutzpah can awaken the public conscience," he once said.

His own chutzpah led him to hold hearings in which it was disclosed that the entire $10 deposit of a child in a bank had been eaten up by service charges and in which the grocery bill of a black resident of an inner city was shown to be higher than that of a housewife buying similar items in a supermarket in a prosperous suburb. He sought legislation protecting condominium buyers and in other ways took up the cudgels for the little man.

In 1981, he bearded Budget Director David Stockman in connection with efforts of the Reagan administration to cut back the powers of the Federal Trade Commission. Plans to accomplish this through the budget were "a rather nefarious shortcut" around Congress, Mr. Rosenthal said.

In foreign affairs, he was an outspoken supporter of Israel, always seeking more aid for that country on more generous terms. By the same token, he opposed administration efforts over the years to improve relations with Arab governments.

In 1979, he was against plans by President Carter to sell tanks and planes to Arab nations. In 1981, he tried to persuade his colleagues to block Reagan's sale of AWACS early warning planes to Saudi Arabia.

In the era of Vietnam, he was a militant critic of the war. In a speech to the House in 1969 he asserted that the United States had become "virtually the puppet" of the Saigon government. His stand on the war drew the wrath of President Johnson.

Mr. Rosenthal lost his longest battle in Congress. This was a 14-year campaign to establish a federal agency that would represent consumers and their interests in courts.

On one occasion the measure passed both the House and the Senate, but the leadership refused to send it to the White House on the grounds that President Ford would veto it—and those favoring the bill lacked the votes to overcome a veto. The issue died in 1977 when House Speaker Thomas P. (Tip) O'Neill (D-Mass) declared that he would not permit a new measure to come up for action.

When Mr. Rosenthal found himself thwarted, he was capable of launching drives for the removal of committee chairmen who stood in his way. Thus he tried to unseat Rep. Clement J. Zablocki (D-Wis.) as chairman of the House Foreign Relations Committee and he tried to do the same with Chet Holifield (D-Calif.), a former chairman of the Government Operations Committee. He fell out with Holifield when the Californian killed a consumer investigating panel of which Mr. Rosenthal was chairman. In 1975, when Rep. Jack Brooks (D-Tex.) became chairman of Government Operations, the panel was reconstituted.

These and similar activities earned for Mr. Rosenthal the condemnation of some of his colleagues. With a wit and a gift for not taking himself too seriously, he readily admitted that he could indeed be difficult.

"I do think there are some people who think I'm abrasive," he said. "In some ways, I think I'm abrasive. You can't change your personality."

At Mr. Rosenthal's death, Chairman Brooks said: "He contributed immeasurably to the work of our committee, especially as chairman of the commerce, consumer and monetary affairs subcommittee. He had a deep and abiding concern for protecting the poor and the powerless." Consumer Ralph Nader said: "He displayed unmatched leadership in his consistent support of consumer justice over the past 20 years."

Benjamin S. Rosenthal was born in New York City on June 8, 1923. He attended Long Island University and the City College of New York. He served in the Army in World War II and later earned law degrees at Brooklyn Law School and New York University. He practiced law in New York and became active in the Democratic Party in the Queens. He went to Congress in 1962 following the resignation of Lester Holtzman, who was appointed to a state court judgeship.

One of this first assignments on Capitol Hill was to the Agriculture Committee. This produced some jokes about flower pots and garden plots in the Queens. But Mr. Rosenthal turned the assignment to his own advantage—and so launched his career—when he was named to a food marketing commission. Through this he became interested in the impact that government policies have on consumers.

Mr. Rosenthal's survivors include his wife, the former Lila Moskowitz; two children, Edward Rosenthal and Debra Rosenthal Mandel; his mother, Ceil Rosenthal, and a sister, Lola Ostreicher.

LEGISLATION AMENDING HIGHWAY REVENUE ACT OF 1982 REPEALING INCREASE IN HEAVY TRUCK USE TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL), is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, in the 11th hour of the 97th Congress I joined 262 of my colleagues in passing the Surface Transportation Act. This legislation was urgently needed to address our deteriorating transportation infrastructure. I supported this legislation recognizing that failure to pass this bill during the lameduck session could have resulted in months of delay while our roads continue to worsen and our bridges remain in hazardous shape.

But, in supporting this legislation I also recognized that it was not perfect and would need correction before certain provisions became effective. In voting for this bill I pledged to my constituents that I would work with them during the 98th Congress in drafting legislation to correct what I viewed as the major inequity in this legislation: the heavy use fees imposed on truckers. Today I am fulfilling that promise by introducing the Truckers Equity Act.

The Truckers Equity Act will provide the highway trust fund with the same revenue provided under the Surface Transportation Act, but it will do so in a more equitable way. This legislation would reinstate the original heavy use fee of approximately $240 for an 80,000 pound truck. In place of the new excessive heavy use fee it would increase the diesel tax by 1 cent on January 1, 1984, and an additional 3 cents on January 1, 1985.

Mr. Speaker, in working with my northern Iowa truckers to develop a legislative alternative to the current excessive heavy use fees I felt it was essential that any alternative proposal generate the same revenue for the highway trust fund. According to the Joint Committee on Taxation, the Surface Transportation Assistance Act of 1982, would raise $12,378 million during 1985. In comparison the Surface Transportation Assistance Act if amended by the Truckers Equity Act would raise $12,521.6 million during 1985.

While the trucking industry is not excited about paying higher use taxes, many truckers are willing to support the Truckers Equity Act because it provides tax equity to all truckers. Under current law, heavy trucks will be subject to an excessive heavy use fee of up to $1,600 beginning on July 1, 1984. This fee is a lump-sum charge that increases each July 1 in 1986, 1987, and 1988. As passed last December, this tax is on "existence" not on "use." Heavy trucks that travel only 40,000 or 50,000 miles a year will pay the same "existence" heavy use fee as a truck that travels up to 200,000 miles a year. This is not equitable and is not a "use" fee. The Truckers Equity Act would change this situation.

In addition, the Truckers Equity Act eliminates the need for truckers to make a lump-sum $1,600 payment on July 1 of each year. The Truckers Equity Act would provide a diesel differential "use" tax that is collected gradually as the truck uses the roads. Each time a truck pulls up to the gas pump a small portion of the use fee is included in the fuel charge. The driver can easily associate the additional use fee paid on each gallon of diesel fuel consumed and appropriately assess that fee to the freight that the driver is hauling.

The Truckers Equity Act provides a simple and equitable system to collect the revenue needed to address our Nation's transportation system, and has been endorsed by a number of State trucking associations. The foundation for this legislation came from a series of meetings that I had with northern Iowa truckers at my January open-door-meetings. These truckers voiced the concern that the current law is on "existence" rather than on "use"; that it is not equitable to the small trucker who travels fewer miles than the cross-country hauler; and that it will be difficult to meet the obligation of a huge lump-sum July payment.

This legislation is the only legislative proposal to address the concerns of the truckers that has been introduced in both the House and the Senate in the same language. Senator PRESSLER of South Dakota has introduced an identical measure in the Senate as S. 138.

I would welcome the support of my colleagues in cosponsoring this legislation and working for its passage. The Truckers Equity Act is needed to improve the Surface Transportation Act and to address the concerns of the American trucker.

A text of the Truckers Equity Act follows:

H.R. 1436

A bill to amend the Highway Revenue Act of 1982 to repeal the increase in the heavy truck use tax and to amend the Internal Revenue Code of 1954 to increase the tax on diesel fuel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF INCREASE IN HEAVY TRUCK USE TAX.

(a) IN GENERAL.—Subsections (a), (e), and (g) of section 513 of the Highway Revenue Act of 1982 (relating to increase in heavy truck use tax and a study of alternatives to a tax on use of heavy trucks) are hereby repealed, and the Internal Revenue Code of 1954 shall be applied and administered as if such subsections (and the amendments made by such subsections) had never been enacted.

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (f)(2) of section 513 of the Highway Revenue Act of 1982 (relating to effective dates) is hereby repealed.

(2) The last sentence of section 4481(a) of the Internal Revenue Code of 1954 (as in effect the day before the enactment of the Highway Revenue Act of 1982) is amended by striking out "1984" each place it appears and inserting in lieu thereof "1988".

SEC. 2. INCREASE IN DIESEL FUEL TAX.

(a) INCREASE IN TAX.—Paragraph (1) of section 4041(a) of the Internal Revenue Code of 1954 (as amended by section 511(a)(2) of the Highway Revenue Act of 1982) is amended by striking out "9 cents" and inserting in lieu thereof "13 cents".

(b) TRANSITION RULES WITH RESPECT TO IMPOSITION OF TAX INCREASE.—Subsection (a) of section 4041 of such Code (relating to imposition of tax on diesel fuel and special motor fuels) is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following new paragraph:

"(3) IMPOSITION OF TAX ON DIESEL FUEL DURING TRANSITION PERIOD.—

"(A) APRIL 1, 1983, TO DECEMBER 31, 1983.—Effective during the period beginning on April 1, 1983, and ending on December 31, 1983, paragraph (1) shall be applied by substituting '9 cents' for '13 cents'.

"(B) JANUARY 1, 1984, TO DECEMBER 31, 1984.—Effective during the period beginning on January 1, 1984, and ending on December 31, 1984, paragraph (1) shall be applied by substituting '10 cents' for '13 cents'."

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of subsection (k)(1) of section 4041 of such Code (relating to special treatment of fuels containing alcohol) is amended to read as follows:

"(A) subsection (a) shall be applied by reducing the amount of tax which, but for this subparagraph, would be imposed under such subsection by 5 cents a gallon."

(2) Paragraph (2) of subsection (e) of section 9503 of such Code (relating to transfers of amounts attributable to certain highway taxes to Mass Transit Account of the Highway Trust Fund) is amended to read as follows:

"(2) TRANSFERS TO MASS TRANSIT ACCOUNT.—

"(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Mass Transit

Account the mass transit portion of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes on certain motor fuels under sections 4041 and 4081 imposed after March 31, 1983.

"(B) MASS TRANSIT PORTION DEFINED.—For purposes of subparagraph (A), the term 'mass transit portion' means 1 cent for each gallon of the motor fuels on which the taxes described in subparagraph (A) are imposed."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1983.●

LEGISLATION INTRODUCED TO REQUIRE INDEPENDENT ANALYSES OF DEFENSE PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

● Mr. FRANK. Mr. Speaker, today I am introducing legislation, as I did in the last Congress, to improve our Nation's defense planning by requiring the Department of Defense to incorporate independent analyses of new major weapons systems into Pentagon plans for weapons procurement. Current Department of Defense procedures leave open the possibility that scarce taxpayers' dollars be obligated for the procurement of poorly conceived and expensive weapons systems before the complete examination of critical factors is undertaken.

While unprecedented increases in defense spending are being appropriated, the impact of the procurement of many weapons systems on inflation, on local communities, on the environment, and on the strategic balance has yet to be determined. Take the MX missile, for example. After years of congressionally approved spending on research, development, and initial procurement, no decision has been reached on the appropriate basing mode, and now doubts are greater than ever before over the strategic value of deploying such a system. Had our military planners been more attentive to the problems that we now know are associated with the MX, it is conceivable that other options could have been pursued.

The Department of Defense does not, however, need just another study. If our Nation's defense planners and the American people are to truly benefit from a coherent defense strategy, then input ought to be obtained from the broadest possible sources. Would it not be worthwhile for academics, environmental groups, business roundtables, economic analysts, and even the mechanics who must repair and maintain military equipment—as well as Pentagon officials and traditional defense contractors—to consult on major weapons systems under consideration by the Department of Defense?

At a time of increased defense spending and fiscal restraint, the American people must be doubly careful to avoid waste. Weapons systems, like other Government expenditures, must be developed along the most cost-effective lines. No stone must be left unturned in the search for the least wasteful, least damaging to the environment, safest, surest alternatives to maintaining an adequate defense for the Nation. Our adversaries will not change their perceptions about American military resolve if the United States adopts a policy of throwing money at the Pentagon. Careful, thoughtful, and comprehensive planning for the future is a far more credible deterrent to a Soviet military threat than haphazard military spending.

The fact is that the Department of Defense has relied in the past for its defense planning on those members of the defense community who have had the most to gain from the acquisition of the weapons systems they are asked to study. Passage of this legislation would be a significant step forward toward injecting public scrutiny of defense programs before it is too late.

Section 1 of the legislation requires the Secretary of Defense to provide for an independent analysis of each proposed defense system by a private contractor before a final decision is made to proceed with the acquisition of the weapons system. The independent analysis should include conclusions on such matters as the effect of the proposed defense system on the strategic balance, its inflationary impact, the likely displacement on civilian populations, the effect of the program on the Federal budget, and what possible alternatives might be capable of meeting defense needs.

Section 2 requires that the Secretary of Defense submit a copy of the report to the appropriate committees of Congress and make the unclassified portions of the reports available to the public.

Section 3 requires the Secretary of Defense to give preference in obtaining the report to contractors who are not involved in the research and development or production of defense systems. A seven-member panel shall be appointed by the Secretary of Defense, the Speaker of the House, and the President pro tempore of the Senate to review the suitability of each proposed contractor before the contract is awarded in consultation with the Comptroller General.

Section 4 limits the cost of the study to 1 percent of the total amount available for research, development, test, and evaluation of the proposed defense system.

Section 5 defines a major defense system of a proposed acquisition by the Department of Defense estimated to require a total cumulative financing for research, development, test, and evaluation in excess of $75,000,000 or a cumulative production investment in excess of $300,000,000.

Section 6 limits the effect of the legislation to proposed major defense systems for which funds for research, development, test, and evaluation are first appropriated after the date of the enactment of the bill.

The need for a dialog on ways to inject comprehensive and innovative planning into the Defense Department is an essential part of a credible national defense.

The text of the legislation I am introducing today follows:

H.R. 1446

A bill to promote cost-savings and efficiency in government by providing for an independent contract study of certain proposed major expenditures before a final decision is made to proceed with such expenditures

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) before a final decision is made to proceed with procurement of a major new defense system, the Secretary of Defense shall provide for an independent analysis of the proposed defense system by a private contractor. Consideration of the results of the study shall be incorporated into the process for making a decision on whether or not to proceed with acquisition of the system, and such study shall be reviewed by the Secretary of Defense before a final decision on such acquisition is made.

(b) Each contract under subsection (a) shall require that the contractor submit to the Secretary of Defense as expeditiously as possible a report containing the results of the contractor's study of the proposed defense system. Such report shall include the contractor's conclusions regarding—

(1) the effect of the proposed defense system, if deployed, on the strategic balance;

(2) the inflationary impact, if any, of the proposed defense system;

(3) the environmental impact, if any, of the proposed defense system;

(4) the effect of the proposed defense system on industry and employment in the United States and on the defense industrial base of the United States;

(5) the effect of the proposed defense system on the civilian population, including any population displacement or risk of population displacement caused by the system;

(6) the effect of the proposed defense system on other defense programs and on the total level of Federal expenditures;

(7) the effect of the proposed defense system on defense personnel requirements; and

(8) lifetime maintenance requirements and costs of the proposed defense system.

SEC. 2. Before a final decision on acquisition of a major new defense system is made, the Secretary of Defense shall submit a copy of the report received under this Act with respect to such system to the appropriate committees of Congress and shall make the unclassified portions of such report available to the public.

SEC. 3. (a) In selecting contractors for contracts under this section, the Secretary of Defense shall give preference to contractors (1) who are not (or whose employees do not include significant numbers of) retired or former members of the Armed Forces or re-

tired civilian employees of the Department of Defense, and (2) who are not involved in research and development or production of defense systems.

(b)(1) Each proposed contract under this Act shall be reviewed for the purpose of determining the suitability of the proposed contractor before the contract is awarded. Such review shall be conducted by a seven member panel appointed as follows:

(A) Three members appointed by the Secretary of Defense.

(B) Two members appointed by the Speaker of the House of Representatives.

(C) Two members appointed by the President pro tempore of the Senate.

(2) A contract may not be awarded under this section to a contractor not approved for such purpose by the panel.

(3) The Comptroller General of the United States shall provide such assistance to the panel as it may request in evaluating the suitability of a proposed contractor.

(4) Members of the panel appointed under subparagraphs (B) and (C) shall be appointed from persons not employed by the United States and shall serve for terms of two years. Vacancies in the panel shall be filled in the same manner as the original appointment.

SEC. 4. The cost of a study under this section may not exceed one percent of the total amount available for research, development, test, and evaluation of the proposed defense system.

SEC. 5. For the purposes of this Act, the term "major defense system" means a defense system with respect to which reports are required to be submitted to Congress under section 811 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 139 note).

SEC. 6. This Act shall apply only to proposed major defense systems for which funds for research, development, test, and evaluation are first appropriated after the date of the enactment of this Act.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEVIN of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. BEDELL, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 5 minutes, today.

(The following Member (at the request of Mr. ADDABBO) to revise and extend his remarks and include extraneous material:)

Mr. ANNUNZIO, for 60 minutes, on February 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. GOODLING.

Mr. PORTER.

Mr. YOUNG of Alaska in two instances.

Mr. CORCORAN in three instances.

Mr. CAMPBELL.

Mr. CONABLE in two instances.

Mr. MACK.

Mr. PAUL.

Mr. MOORHEAD.

Mr. RINALDO.

(The following Members (at the request of Mr. LEVIN of Michigan) and to include extraneous matter:)

Mr. D'AMOURS.

Mr. LANTOS.

Mr. SABO.

Mr. RATCHFORD.

Mr. WYDEN.

Ms. KAPTUR.

Mr. SISISKY.

Mr. TORRICELLI in two instances.

Mr. FASCELL in two instances.

Mr. DONNELLY.

Mr. BENNETT.

Mr. CLAY.

Mr. YATRON.

Mr. HOWARD.

Mr. SHELBY in two instances.

Mr. MATSUI.

Mr. RODINO.

Mr. RALPH M. HALL.

ADJOURNMENT

Mr. ADDABBO. Mr. Speaker, I move that the House do now adjourn in memory of our colleague and friend, BEN ROSENTHAL.

The motion was agreed to; accordingly (at 2 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Thursday, February 17, 1983, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

352. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

353. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

354. A letter from the Chairman, Federal Maritime Commission, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

355. A letter from the Director, Department of the Interior, transmitting notice of the proposed refund of $1,813,328.11 to the Mobil Oil Corp., for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

356. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to extend the authority of the Administrator of Veterans' Affairs to provide certain contract hospital care and medical services in Puerto Rico, the Virgin Islands, and other territories; to the Committee on Veterans' Affairs.

357. A letter from the Secretary of Labor, transmitting a quarterly report of the Department covering the second, third, and fourth quarters of fiscal year 1982, regarding the amount of funds expended for trade adjustment assistance (TAA) training and the anticipated demand for such funds during any remaining quarters, pursuant to section 236(a)(2), title XXV, of Public Law 97-35; to the Committee on Ways and Means.

358. A letter from the Acting Comptroller General of the United States, transmitting a report on natural gas pricing policy alternatives (RCED-83-13, February 3, 1983); jointly, to the Committees on Government Operations and Energy and Commerce.

359. A letter from the Executive Director, U.S. Holocaust Memorial Council, transmitting a draft of proposed legislation authorizing appropriations to the Executive Director, U.S. Holocaust Memorial Council, for services necessary to perform the functions of the U.S. Holocaust Memorial Council; jointly, to the Committees on Interior and Insular Affairs, House Administration, and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN:

H.R. 1432. A bill to amend the Federal Reserve Act to require the Board of Governors of the Federal Reserve System to transmit to the Congress a monetary early warning report whenever the Board or the Federal Open Market Committee takes any action to implement a change in existing monetary policy; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DE LA GARZA (for himself, Mr. FOLEY, Mr. GLICKMAN, Mr. BEDELL, and Mr. DORGAN):

H.R. 1433. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 1434. A bill to repeal the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 1435. A bill to repeal section 314 of the Tax Equity and Fiscal Responsibility Act of 1982, which imposes reporting and allocation of income from tips; to the Committee on Ways and Means.

By Mr. BEDELL (for himself, Mr. SMITH of Iowa, Mr. LEACH of Iowa, Mr. TAUKE, Mr. DASCHLE, Mr. STOKES, Mr. KOGOVSEK, and Mr. GEKAS):

H.R. 1436. A bill to amend the Highway Revenue Act of 1982 to repeal the increase in the heavy truck use tax and to amend the Internal Revenue Code of 1954 to increase the tax on diesel fuel; to the Committee on Ways and Means.

By Mr. BURTON of California (for himself, Mr. UDALL, Mr. SEIBERLING,

Mr. BATES, Mr. BEILENSON, Mr. BERMAN, Mr. BROWN of California, Mrs. BOXER, Mr. CORRADA, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DYMALLY, Mr. EDWARDS of California, Mr. GEJDENSON, Mr. KILDEE, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEVINE of California, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCNULTY, Mr. MILLER of California, Mr. MINETA, Mr. PANETTA, Mr. PATTERSON, Mr. ROYBAL, Mr. STARK, Mr. TORRES, Mr. WAXMAN, Mr. WEAVER, Mr. WON PAT, and Mr. CLARKE):

H.R. 1437. A bill entitled: "The California Wilderness Act of 1983"; to the Committee on Interior and Insular Affairs.

By Mr. CHAPPIE (for himself, Mr. Bosco, and Mr. SHUMWAY):

H.R. 1438. A bill to provide for the restoration of the fish and wildlife in the Trinity River Basin, Calif., and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. CONABLE:

H.R. 1439. A bill to provide that increases in the rate of compensation for Members of the House of Representatives and the Senate shall not take effect until the start of the Congress following the Congress in which such increases are approved; to the Committee on Post Office and Civil Service.

By Mr. ROSE:

H.R. 1440. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. CORCORAN (for himself, Mr. WOLPE, Mr. COATS, Mr. CRANE of Illinois, Mr. DANNEMEYER, Mr. KILDEE, Mrs. MARTIN of Illinois, Mr. MICHEL, Mr. OXLEY, and Mr. TAYLOR):

H.R. 1441. A bill to establish new import prices for natural gas and liquefied natural gas authorized by the Department of Energy to be imported to the United States pursuant to section 3 of the Natural Gas Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COUGHLIN:

H.R. 1442. A bill to repeal the withholding of tax from interest and dividends; to the Committee on Ways and Means.

By Mr. EDGAR:

H.R. 1443. A bill to amend title 38, United States Code, to extend by 1 year the period during which Vietnam-era veterans may request psychological readjustment counseling from the Veterans' Administration and to direct the Administrator of Veterans' Affairs to carry out a comprehensive study of the prevalence of post-traumatic stress disorder and related readjustment problems among Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Ms. FIEDLER (for herself, Mr. MARRIOTT, Mr. LAGOMARSINO, Mr. SHELBY, Mr. STANGELAND, Mr. LOWERY of California, Mr. FORSYTHE, Mr. FISH, Mr. GINGRICH, Mr. TALLON, Mr. DIXON, and Mr. HUBBARD):

H.R. 1444. A bill to amend the Internal Revenue Code of 1954 to make funds available to the small business community; to the Committee on Ways and Means.

By Mr. FLORIO (for himself and Mr. DINGELL):

H.R. 1445. A bill to amend the Railroad Retirement Act of 1974 to require reports on the financial condition of the Railroad Retirement Account and the Railroad Unemployment Insurance Account, and to amend the Internal Revenue Code of 1954 to increase certain railroad retirement taxes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. FRANK:

H.R. 1446. A bill to promote cost savings and efficiency in government by providing for an independent contract study of certain proposed major expenditures before a final decision is made to proceed with such expenditures; to the Committee on Armed Services.

By Mr. GEKAS:

H.R. 1447. A bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in heavy trucks; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 1448. A bill to establish the National Commission for Utilization and Expansion of Language Resources; to the Committee on Education and Labor.

By Mr. GUARINI:

H.R. 1449. A bill to provide that elections for Federal office shall be held on a Sunday, and to establish a uniform closing time for elections of electors of the President and Vice President of the United States; to the Committee on House Administration.

By Mr. HALL of Ohio:

H.R. 1450. A bill to provide that certain improvement in the Great Miami River, Ohio, shall not be subject to Federal review and approval; to the Committee on Public Works and Transportation.

By Mr. JACOBS:

H.R. 1451. A bill to amend the Federal Reserve Act to prohibit any officer or employee of the United States from purchasing the currency of certain foreign governments; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1452. A bill entitled: "The Former Presidential Enough Is Enough and Taxpayers Relief Act of 1983"; to the Committee on Government Operations.

H.R. 1453. A bill to require that $50 bills bear a portrait of Georgia Neese Clark Gray, the first woman to serve as Treasurer of the United States; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1454. A bill to limit the amount of official funds available to a Member of Congress for the purchase of postage stamps to $100 for each calendar year; to the Committee on House Administration.

H.R. 1455. A bill to amend the Federal Reserve Act to prohibit Federal Reserve banks from purchasing certain obligations of foreign governments; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1456. A bill to prohibit any person, in manufacturing cigarettes or little cigars for sale or distribution in commerce, from adding to such cigarettes or little cigars any substance which has the effect of continuing the burning of such cigarette or little cigar if left unattended; to the Committee on Energy and Commerce.

H.R. 1457. A bill to amend the Office of Federal Procurement Policy Act to require the Administrator for Federal procurement policy to establish procedures to insure that property and services are not procured from persons recommending such procurement in reports or studies funded by the Federal Government; to the Committee on Government Operations.

H.R. 1458. A bill to amend the Federal Election Campaign Act of 1971 to disallow the personal use of amounts received as contributions; to the Committee on House Administration.

H.R. 1459. A bill to provide that parties which prevail against the United States in certain administrative and judicial proceedings may be awarded attorney fees and other costs, and that the amount of such fees and costs may be assessed against any Federal officer or employee who is found to have taken a clearly arbitrary or capricious action which was the subject of the proceedings; to the Committee on the Judiciary.

H.R. 1460. A bill to amend title 18 of the United States Code to provide for rewards for information leading to the apprehension and conviction of certain kidnapers; to the Committee on the Judiciary.

H.R. 1461. A bill to establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence; to the Committee on the Judiciary.

H.R. 1462. A bill to provide for the garnishment of the wages of Federal employees; to the Committee on Post Office and Civil Service.

H.R. 1463. A bill to amend title 5, United States Code, to eliminate the existing Federal employee bonus and incentive award programs and establish a program for incentive awards for Federal employees only for suggestions, inventions, or other personal efforts which cause a demonstrable monetary savings to the Government; to the Committee on Post Office and Civil Service.

H.R. 1464. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate air transportation to the United States for certain persons who have been or will be adopted by a resident of the United States; to the Committee on Public Works and Transportation.

H.R. 1465. A bill to amend title 38, United States Code, to permit the next of kin of a deceased veteran to designate the style of flag to be furnished at the burial of such veteran; to the Committee on Veterans' Affairs.

H.R. 1466. A bill to prohibit payments of retirement benefits to those who are not retired; to the Committee on Ways and Means.

H.R. 1467. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that an individual who has attained age 65, and who is eligible for old-age insurance benefits but has not filed application therefor, may elect (on an annual basis) to treat his or her employment or self-employment as not covered for social security benefit purposes and as exempt from social security taxes; to the Committee on Ways and Means.

H.R. 1468. A bill to amend title II of the Social Security Act to provide that surviving divorced wives, as well as widows, may marry after attaining age 60 without affecting their entitlement to widow's insurance benefits; to the Committee on Ways and Means.

H.R. 1469. A bill to amend the Social Security Amendments of 1977 to extend for 5 more years the exemption from reduction of benefits under title II of the Social Security Act for spouses receiving Government pensions and to apply the reduction in the duration-of-marriage requirement to such exemption; to the Committee on Ways and Means.

H.R. 1470. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of individuals over age 65 amounts received on the redemption of certain U.S. savings bonds which have been

held for at least 10 years; to the Committee on Ways and Means.

H.R. 1471. A bill to amend the Internal Revenue Code of 1954 to provide for the nonrecognition of gain from the sale of stock in a domestic corporation engaged in a trade or business related to energy if within 90 days after the sale the proceeds are invested in stock of another such corporation; to the Committee on Ways and Means.

H.R. 1472. A bill to amend the Internal Revenue Code of 1954 to deny the business deduction for any amount paid or incurred for regularly scheduled air transportation to the extent such amount exceeds the normal tourist class fare for such transportation; to the Committee on Ways and Means.

H.R. 1473. A bill to amend the Internal Revenue Code of 1954 to increase by 8 cents per pack the Federal excise tax on cigarettes and to provide that revenues from the additional tax shall be deposited in the Federal hospital insurance trust fund under the Social Security Act; to the Committee on Ways and Means.

By Mr. LAGOMARSINO:

H.R. 1474. A bill to provide for the establishment of a National Voluntary Health Insurance Act; to the Committee on Energy and Commerce.

H.R. 1475. A bill to provide that no increase in pay for Members of Congress shall take effect without a recorded vote in each House; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. LIVINGSTON:

H.R. 1476. A bill to amend title 18 of the United States Code to establish rational criteria for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 1477. A bill to establish the Veterans' Administration as an executive department; to the Committee on Government Operations.

By Mr. MICA:

H.R. 1478. A bill to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends; to the Committee on Ways and Means.

By Mr. MONTGOMERY (by request):

H.R. 1479. A bill to amend section 902 of title 38, United States Code, to extend eligibility for burial allowance to certain additional veterans; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 1480. A bill to establish the Reconstruction Finance Corporation to make loans and loan guarantees to individuals or concerns engaged in industry, agriculture, or commerce, who would otherwise be unable to obtain the needed financing or refinancing essential for continued operation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PERKINS:

H.R. 1481. A bill to repeal the increase in the truck use tax, and to reduce the increase in the excise tax on heavy tires; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 1482. A bill to amend section 431 of the Public Health Service Act to provide funds to the National Institute of Neurological and Communicative Disorders and Stroke for research in the area of regeneration of the spinal cord; to the Committee on Energy and Commerce.

By Mr. SCHUMER:

H.R. 1483. A bill to amend title II of the Social Security Act to reinstate the formulas for computing primary insurance amounts which were in effect before the enactment of the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 1484. A bill to amend the Railroad Retirement Act of 1974 to provide that State domestic relations or community property laws are not preempted by the act; to the Committee on Energy and Commerce.

H.R. 1485. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer may, with respect to any pollution control facility used in connection with a plant or other property in operation before January 1, 1971, elect a 12-month amortization of such facility for a 20-percent investment tax credit, and for other purposes; to the Committee on Ways and Means.

H.R. 1486. A Bill to amend the Internal Revenue Code of 1954 to provide for the refunding of so much of a taxpayer's investment credit as exceeds his liability for income tax; to the Committee on Ways and Means.

H.R. 1487. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of foreign oil and gas income; to the Committee on Ways and Means.

H.R. 1488. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to permit assignments or alienations of rights under pension plans pursuant to court orders for alimony or child support, and to permit the division of pension benefits under State community property law or common law; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. SIMON:

H.R. 1489. A bill to repeal the withholding of tax from interest; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 1490. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States; to the Committee on Interior and Insular Affairs.

By Mr. WEBER (for himself, Mr. ROBERT SMITH, Mr. BEDELL, Mr. CORCORAN, Mr. CRAIG, Mr. DAUB, Mr. EDGAR, Mr. EMERSON, Mr. FRANK, Mr. FROST, Mr. GINGRICH, Mr. GOODLING, Mr. HANSEN of Idaho, Mr. HANSEN of Utah, Mr. HILER, Mr. KINDNESS, Mr. KOGOVSEK, Mr. LAGOMARSINO, Mr. MCKINNEY, Mrs. MARTIN of Illinois, Mr. MILLER of Ohio, Mr. MORRISON of Washington, Mr. O'BRIEN, Mr. OXLEY, Mr. ROBERTS, Mrs. ROUKEMA, Mr. SMITH of New Jersey, and Mr. SUNIA):

H.R. 1491. A bill to repeal provisions of law providing for salary adjustments for Members of Congress and to provide that legislation increasing Members' compensation, Federal income tax benefits, or limitations on outside earnings is considered separately from other legislation, is adopted only by a recorded vote, and does not take effect until the start of the Congress following the Congress in which approved; jointly, to the Committees on Post Office and Civil Service, Rules, and Appropriations.

By Mr. RODINO (for himself, Mr. CONTE, Mr. GARCIA, and Mr. COURTER):

H.R. 1492. A bill to establish the Christopher Columbus Quincentenary Jubilee Commission; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Alaska (for himself, Mr. ANTHONY, Mr. BADHAM, Mr. BEVILL, Mr. BREAUX, Mr. BROWN of Colorado, Mr. CARNEY, Mr. CHAPPIE, Mr. CHENEY, Mr. CLINGER, Mr. CORRADA, Mr. CRAIG, Mr. DANIEL, Mr. DEWINE, Mr. DINGELL, Mr. DREIER of California, Mr. EDWARDS, of Alabama, Mr. EMERSON, Mr. FOLEY, Mr. GINGRICH, Mr. GOODLING, Mr. HANSEN of Idaho, Mr. HANSEN of Utah, Mr. HARRISON, Mr. HIGHTOWER, Mr. HUCKABY, Mr. HUNTER, Mr. KASICH, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LATTA, Mr. LIVINGSTON, Mr. LUJAN, Mr. MARLENEE, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MCCAIN, Mr. MCDONALD, Mr. MCEWEN, Mr. MOLLOHAN, Mr. MURPHY, Mr. OXLEY, Mr. PARRIS, Mr. PASHAYAN, Mr. QUILLEN, Mr. RAHALL, Mr. RITTER, Mr. RUDD, Mr. SAWYER, Mr. SILJANDER, Mr. SKEEN, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. STANGELAND, Mr. STUMP, Mr. TAUZIN, Mr. TAYLOR, Mr. WEBER, Mr. WON PAT, Mr. ARCHER, and Mr. LEWIS of California):

H.R. 1493. A bill to redesignate public land in Alaska to allow hunting; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY (for himself, Mrs. HOLT, and Mr. NICHOLS):

H.R. 1494. A bill to clarify the status of members of the National Guard performing certain training or duty; to the Committee on Armed Services.

By Mr. MONTGOMERY (for himself and Mrs. HOLT):

H.R. 1495. A bill to amend titles 10, 32, and 37, United States Code, to authorize medical and dental care, and related benefits for reservists and members of the National Guard under certain conditions, and for other purposes; to the Committee on Armed Services.

H.R. 1496. A bill to amend title 10, United States Code, to authorize additional medical and dental care for dependents of reservists and members of the National Guard, and for other purposes; to the Committee on Armed Services.

H.R. 1497. A bill to amend title 10, United States Code, to authorize medical and dental care and related benefits for reservists and members of the National Guard who contract a disease or become ill while on duty for 30 days or less, and for other purposes; to the Committee on Armed Services.

H.R. 1498. A bill to extend certain educational loan repayment benefits to officers in the Selected Reserve of any of the Armed Forces who are serving in pay grade 0-1 or 0-2; to the Committee on Armed Services.

H.R. 1499. A bill to amend title 5, United States Code, to provide an immediate annuity to National Guard technicians involuntarily separated from civilian employment as a result of loss of National Guard membership, and for other purposes; jointly, to the Committees on Armed Services and Post Office and Civil Service.

H.R. 1500. A bill to amend the Military Selective Service Act to require registration and classification under such act, to provide authority for induction of not more than 200,000 individuals each year for training and service in the Individual Ready Reserve

of the Army Reserve, and for other purposes; to the Committee on Armed Services.

By Mrs. BYRON (for herself and Mr. LEWIS of California):

H.J. Res. 140. Joint Resolution to authorize and request the President to designate May 1983 as "National Physical Fitness and Sports Month"; to the Committee on Post Office and Civil Service.

By Mr. DONNELLY:

H.J. Res. 141. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect Federal and State elections; to the Committee in the Judiciary.

By Mr. JACOBS:

H.J. Res. 142. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

H.J. Res. 143. Joint resolution proposing an amendment to the Constitution of the United States allowing the States to propose amendments to the Constitution when the legislatues of two-thirds of the States have approved substantially identical proposals for an amendment; to the Committee on the Judiciary.

H.J. Res. 144. Joint resolution proposing an amendment to the Constitution of the United States to limit service by Representatives, Senators, and Federal judges; to the Committee on the Judiciary.

By Mr. RAHALL:

H.J. Res. 145. Joint resolution to authorize "National Shut-In Day"; to the Committee on Post Office and Civil Service.

By Mr. JACOBS:

H.J. Res. 146. Joint resolution proposing an amendment to the Constitution of the United States with respect to the compelling of testimony from a defendant in a criminal case in open court, a restriction on the use of prior convictions except when they are an element of the crime charged, and the right of a defendant in a criminal case to be informed of the evidence against him; to the Committee on the Judiciary.

By Mr. MACK:

H.J. Res. 147. Joint resolution proposing an amendment to the Constitution to require that congressional resolutions setting forth levels of total budget outlays and Federal revenues must be agreed to by two-thirds vote of both Houses of the Congress if the level of outlays exceeds the level of revenues; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 148. Joint resolution authorizing the President to designate the 29th day in May of each year as "John Fitzgerald Kennedy Memorial Day"; to the Committee on Post Office and Civil Service.

By Mr. JACOBS:

H. Con. Res. 58. Concurrent resolution expressing the sense of the Congress that any Federal agency that utilizes the Draize rabbit eye irritancy test should develop and validate alternative ophthalmic testing procedures that do not require the use of animal test subjects; to the Committee on Energy and Commerce.

H. Con. Res. 59. Concurrent resolution expressing the sense of the Congress with respect to the use of amounts from the Treasury for refurnishing or improvement of the Executive residence at the White House; to the Committee on Public Works and Transportation.

By Mr. ANNUNZIO:

H. Res. 83. Resolution authorizing the printing as a House document of the report entitled "Give Yourself Credit (Guide to Consumer Credit Laws)"; to the Committee on House Administration.

By Mr. BEDELL:

H. Res. 84. Resolution restricting use of appropriated funds for calendars for Members of the House of Representatives; to the Committee on House Administration.

By Mr. BOLAND:

H. Res. 85. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. JACOBS:

H. Res. 86. Resolution to amend the Rules of the House of Representatives to prohibit Members from earning outside earned income, effective January 1, 1984; to the Committee on Rules.

H. Res. 87. Resolution to honor Mohammed Sedik Benyahia; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN:

H. Res. 88. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. ST GERMAIN (for himself, Mr. AKAKA, Mr. HEFTEL of Hawaii, and Mr. CORRADA):

H. Res. 89. Resolution expressing the sense of the House of Representatives that hearings should be held to review the implementation of Federal laws designed to ensure that each noncontiguous area of the United States and each region of the United States has an adequate reserve of crude oil, residual fuel oil, and refined petroleum products; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 1501. A bill for the relief of Mrs. Mae Ferris; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 1502. A bill for the relief of Samuel C. Willett; to the Committee on the Judiciary.

By Mr. GARCIA:

H.R. 1503. A bill for the relief of Jose Chaves and Eva Chaves; to the Committee of the Judiciary.

By Mrs. HOLT:

H.R. 1504. A bill for the relief of Kenneth G. Schacht; to the Committee on the Judiciary.

H.R. 1505. A bill relating to the documentation of the vessel *Marilyn* to be employed in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. JACOBS:

H.R. 1506. A bill for the relief of Jesus A. R. Agustin; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. ALBOSTA, Mr. BARNES, Mr. BONIOR of Michigan, Mr. BOUCHER, Mr. BROOMFIELD, Mrs. COLLINS, Mr. CROCKETT, Mr. DANIEL, Mr. FORD of Michigan, Mr. GINGRICH, Mr. HARRISON, Mr. KOGOVSEK, Ms. MIKULSKI, Mr. OTTINGER, Mr. RAHALL, Mr. RATCHFORD, Mr. SHUSTER, Mr. STAGGERS, and Mr. SYNAR.

H.R. 79: Mr. FOLEY.

H.R. 132: Mrs. SCHNEIDER, Mr. MATSUI, Mr. WORTLEY, Mr. MCGRATH, Mr. EDGAR, Mrs. HOLT, Mr. JEFFORDS, Mr. MARTIN of New York, and Mr. SIKORSKI.

H.R. 408: Mr. FORSYTHE, Mr. VENTO, Mr. REID, Mr. CROCKETT, Mr. MRAZEK, Mr. BEDELL, Mr. FAZIO, Mr. WHITTAKER, Mr. KASICH, and Mr. JEFFORDS.

H.R. 500: Mr. DASCHLE, Mr. GEJDENSON, Mr. GORE, Mr. GUARINI, Mr. MOLLOHAN, Mr. RICHARDSON, Mr. SUNDQUIST, Mr. JONES of North Carolina, and Mr. MRAZEK.

H.R. 710: Mr. TAUZIN and Mr. GREGG.

H.R. 786: Mr. LATTA, Mr. WINN, Mr. EDWARDS of Oklahoma, Mr. LUNGREN, Mr. WALKER, Mr. STOKES, Mr. WEBER, Mr. EMERSON, Mr. MORRISON of Washington, Mr. RUDD, Mr. HOWARD, Mr. SUNDQUIST, Mr. RATCHFORD, Mr. DAUB, Mr. COUGHLIN, Mr. ROE, Mr. WILSON, Mr. KINDNESS, and Mr. BROWN of Colorado.

H.R. 873: Mr. FISH, Mr. FAUNTROY, Mr. MURPHY, Mr. SCHUMER, Mr. DURBIN, Mr. MAZZOLI, Mr. RATCHFORD, Mr. WHITTAKER, Mr. CLAY, Mr. SABO, and Mr. HUGHES.

H.R. 918: Mrs. BOUQUARD, Mr. RAHALL, Mr. DREIER of California, Mr. BADHAM, Mr. BURTON of Indiana, Mr. FOLEY, and Mrs. BYRON.

H.R. 922: Mr. DORGAN, Mr. RICHARDSON, Mr. TALLON, and Mr. FRENZEL.

H.R. 1015: Mr. FOGLIETTA and Mr. WILSON.

H.R. 1016: Mr. BEREUTER, Mr. FOGLIETTA, and Mr. WILSON.

H.R. 1087: Mr. PARRIS, and Mr. TALLON.

H.R. 1092: Mr. BEVILL, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. SENSENBRENNER, and Mr. SMITH of Florida.

H.R. 1183: Mr. WILLIAMS of Montana, Mrs. KENNELLY, Mr. VENTO, Mr. OBERSTAR, Mr. JACOBS, Ms. MIKULSKI, Mr. WISE, and Mr. FOWLER.

H.R. 1203: Mr. PENNY, Mr. SIKORSKI, and Mr. VENTO.

H.R. 1206: Mr. BOSCO and Mr. DENNY SMITH.

H.R. 1234: Mr. CLAY, Mr. COYNE, Mr. FAUNTROY, Mr. WILSON, Mr. STRATTON, Mr. D'AMOURS, Mr. BEVILL, Mr. MORRISON of Connecticut, Mr. HORTON, Mr. ZABLOCKI, Mr. PERKINS, Mr. JACOBS, Mrs. COLLINS, Mr. LEVIN of Michigan, Mr. GEJDENSON, Mr. TORRICELLI, and Mr. HUBBARD.

H.R. 1270: Mr. BOSCO, Mr. DASCHLE, Mr. LUKEN, and Mr. MCCLOSKEY.

H.R. 1329: Mr. DEWINE.

H.R. 1357: Mr. MAVROULES, Mr. GEJDENSON, Mr. LOWRY of Washington, and Mr. SHELBY.

H.R. 1397: Mr. LELAND and Mr. MARKEY.

H.J. Res. 29: Mr. CARPER.

H.J. Res. 70: Mr. ADDABBO, Mr. AUCOIN, Mr. BADHAM, Mr. BARNES, Mr. BEDELL, Mr. BEILENSON, Mr. BEREUTER, Mr. BOLAND, Mr. BONKER, Mr. BOSCO, Mrs. BOXER, Mr. BRITT, Mr. BROWN of California, Mr. BURTON of California, Mr. CHANDLER, Mr. CHAPPIE, Mr. CLAY, Mr. CLINGER, Mr. COELHO, Mr. COLEMAN of Texas, Mr. CONABLE, Mr. CONTE, Mr. CONYERS, Mr. CORRADA, Mr. COURTER, Mr. CROCKETT, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DINGELL, Mr. DIXON, Mr. DORGAN, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON,

Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Ms. FERRARO, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. GEJDENSON, Mr. GILMAN, Mr. GINGRICH, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mrs. HALL of Indiana, Mr. HANSEN of Idaho, Mr. HATCHER, Mr. HEFTEL of Hawaii, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HYDE, Mr. JEFFORDS, Mr. JENKINS, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIPINSKI, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. LUNDINE, Mr. MCCURDY, Mr. MCGRATH, Mr. MCKERNAN, Mr. MCNULTY, Mr. MADIGAN, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Mr. MINISH, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. MURPHY, Ms. OAKAR, Mr. OBERSTAR, Mr. OLIN, Mr. OTTINGER, Mr. OWENS, Mr. PANETTA, Mr. PASHAYAN, Mr. PATTERSON, Mr. PETRI, Mr. PORTER, Mr. PRITCHARD, Mr. RAHALL, Mr. RANGEL, Mr. RATCHFORD, Mr. REID, Mr. RICHARDSON, Mr. RITTER, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. RUSSO, Mr. SABO, Mr. SAVAGE, Mr. SAWYER, Mr. SCHEUER, Mr. SCHUMER, Mr. SHANNON, Mr. SIKORSKI, Mr. SILJANDER, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Florida, Mrs. SNOWE, Mr. SNYDER, Mr. SOLARZ, Mr. STAGGERS, Mr. STANGELAND, Mr. STARK, Mr. STOKES, Mr. SUNIA, Mr. SYNAR, Mr. TALLON, Mr. THOMAS of California, Mr. TOWNS, Mr. UDALL, Mr. VANDERGRIFF, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEBER, Mr. WEISS, Mr. WHEAT, Mr. WIRTH, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. WYDEN, Mr. YATES, Mr. YOUNG of Missouri, Mr. ZABLOCKI, and Mr. GOODLING.

H.J. Res. 97: Mr. DAVIS, Mr. LEVIN of Michigan, Mr. JEFFORDS, Mr. FRANK, Mr. YOUNG of Alaska, Mr. MORRISON of Connecticut, Mr. DURBIN, Mr. STUMP, Mr. ROBERTS, Mr. WAXMAN, Mr. SCHEUER, Mr. FOGLIETTA, Mr. WHITLEY, and Mr. LOWERY of California.

H.J. Res. 105: Mr. WHEAT, Mr. LELAND, Mr. RANGEL, Mr. DYMALLY, Mr. SIMON, Mr. MRAZEK, Mr. CROCKETT, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. DIXON, Mr. DELLUMS, Mr. BATES, Mr. DAUB, Mr. STOKES, Mr. BETHUNE, Mr. RATCHFORD, Mr. SAVAGE, Mr. SISISKY, Mr. WEISS, Mrs. BOXER, Mr. DERRICK, Mr. VALENTINE, Mrs. COLLINS, Mr. FOWLER, Mr. FUQUA, Mr. FLIPPO, Mr. HUGHES, Mr. WASHINGTON, Mr. HORTON, Mr. FAZIO, Mr. BEVILL, Mr. TALLON, Mr. FROST, Mr. EDGAR, Mr. MCCOLLUM, Mr. FRENZEL, Mr. HATCHER, Mr. NICHOLS, Mr. BONIOR of Michigan, Mr. DUNCAN, Mr. GRAY, Mr. SPENCE, Mr. SPRATT, Mr. WINN, Mr. OWENS, Mr. HOYER, Mr. DANNEMEYER, and Mrs. HALL of Indiana.

H.J. Res. 111: Mr. PETRI.

H.J. Res. 113: Mr. RUSSO, Mr. FUQUA, Mr. WHITEHURST, Mr. MINISH, Mr. BLILEY, Mr. WILSON, Mr. OWENS, Mr. FEIGHAN, Mr. BROOMFIELD, Mr. MCKINNEY, Mr. LAFALCE, Mr. FRENZEL, Mr. FAZIO, Mr. EDWARDS of Oklahoma, Mr. VENTO, Mr. O'BRIEN, Mr. WAXMAN, Mr. LOTT, and Mr. WHITLEY.

H.J. Res. 120: Mr. SAVAGE, Mr. MINISH, Mr. SIKORSKI, Mr. YATES, Mr. RICHARDSON, Mr. FEIGHAN, and Mr. PATTERSON.

H.J. Res. 133: Mr. DAUB, Mr. EDWARDS of Oklahoma, and Mr. WEBER.

H. Res. 37: Mr. PHILIP M. CRANE, Mr. DOWDY, Mr. WEISS, Mr. FAUNTROY, Mr. STOKES, Mr. DAUB, Mr. BROYHILL, Mr. CORRADA, Mr. TALLON, Mr. JEFFORDS, Mr. GEKAS, Mr. HORTON, Mr. SUNIA, Mr. MATSUI, Mr. HERTEL of Michigan, Mr. LEWIS of California, Mr. JENKINS, Mr. FOGLIETTA, Mr. ROE, and Mr. WILSON.

H. Res. 45: Mr. DANNEMEYER, Mr. PICKLE, Mr. COOPER, Mr. RICHARDSON, Mr. GOODLING, Mr. BERMAN, Mr. DE LA GARZA, Mr. VANDER JAGT, Mr. MOAKLEY, Mr. YOUNG of Alaska, Mr. BIAGGI, Mr. COYNE, Mr. HARRISON, Mr. HARTNETT, Mr. TORRICELLI, Mr. STOKES, Mr. TOWNS, Ms. MIKULSKI, Mr. TALLON, Mr. ROBINSON, Mr. HATCHER, Mr. LEWIS of California, Mr. EVANS of Illinois, Mr. LEVIN of Michigan, Mr. LEACH of Iowa, Mr. GEKAS, Mr. TAUKE, Mr. SHELBY, Mr. VENTO, Mr. TRAXLER, and Mr. CARPER.

H. Res. 67: Mr. CARR, Mr. FAUNTROY, Mr. MORRISON of Connecticut, Mr. STOKES, Mr. LANTOS, Mr. DURBIN, Mr. LOWRY of Washington, Mr. DASCHLE, Mr. CORRADA, Mr. D'AMOURS, Mr. DELLUMS, Mr. SIKORSKI, Mr. MARKEY, Mr. HORTON, Mr. SYNAR, Mr. IRELAND, Mr. SABO, Mr. BATES, Mr. CARPER, Mr. FROST, Mr. SCHEUER, Mr. VENTO, Mr. OLIN, Mr. SMITH of Florida, Mr. GARCIA, and Mr. ROE.

SENATE—*Tuesday, February 15, 1983*

(Legislative day of Monday, February 14, 1983)

The Senate met at 11:30 a.m., on the expiration of the recess, in executive session, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Our Father in Heaven, Thy word declares, "Where there is no vision, the people perish * * *."—Proverbs 29: 18.

Restore to us the vision of those who invested their lives, their fortunes, and their sacred honor, that this Republic might endure. Help us to envision a united nation, rich in diversity, abundant in resources, alive to its potential for world leadership, accepting of its responsibility to the hungry, the homeless, the poor, the disinherited, the oppressed, and the persecuted.

Grant, O God, to the Senators a vision of the highest and best for America—one people, beautiful in their diversity—a nation of justice, righteousness, truth, and compassion in which human rights for all are secure. Give to us all, personally and collectively, the will to preserve the finest of American tradition. In Jesus name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

VITIATION OF ORDER FOR RECOGNITION OF SENATOR LEVIN

Mr. BAKER. Mr. President, I am advised that the distinguished junior Senator from Michigan will not be able to claim his time on the special order today. Is that correct?

Mr. BYRD. Mr. President, that is correct.

Mr. BAKER. Mr. President, I observe that the Senator from Michigan would have perhaps an ample opportunity to speak during morning business, which will begin at 2 p.m. today under the order previously entered, so I do not think we need make any further provision.

In view of that, I ask unanimous consent that the order in favor of the junior Senator from Michigan be vitiated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE TODAY

Mr. BAKER. Mr. President, today, at 12 o'clock, the Senate will stand in recess for 2 hours so that Members on both sides of the aisle may attend caucuses of their respective parties, which will be conducted away from the Senate Chamber. Those caucuses are of an official nature and are instrumental in terms of the management of the business of the Senate.

At 2 p.m., Mr. President, there will be a period for the transaction of routine morning business, in which Senators may speak for not more than 5 minutes each. I may say parenthetically that if Senators require more than 5 minutes, that can be arranged for with no difficulty. The time for the transaction of routine morning business will end not later than 2:30 p.m.

At 2:30 p.m., Mr. President, the Senate, in executive session, will resume consideration of the nomination of Richard R. Burt, of the District of Columbia, to be an Assistant Secretary of State. I hope that we can arrange a time certain for the vote on Mr. Burt for tomorrow.

I hope as well, that, if we get that agreement, we can complete the debate on the nomination of Richard T. McCormack of the District of Columbia to be an Assistant Secretary of State, as well as the debate on the nominations of W. Allen Wallis and Thomas A. Bolan in order to dispose of those matters either by unanimous consent today or by rollcall vote, if required, tomorrow.

I have asked our cloakroom officials to try to get that agreement. I believe they have been in contact with the Senators who expressed a particular interest in this matter, and I urge all Senators to consider that such an agreement would materially accommodate the convenience of Senators.

THE DIPLOMATIC MISSIONS OF THE VICE PRESIDENT AND THE SECRETARY OF STATE

Mr. BAKER. Mr. President, yesterday I had the opportunity to meet with Vice President BUSH for the first time since his return from a sevennation tour of Europe, and I wish to say now publicly what I said privately yesterday to the Vice President. The Vice President's trip to Europe was an important and constructive and well-executed diplomatic mission that will benefit the United States and our European allies. Vice President BUSH did an excellent job briefing the President and others since his return and should be commended for a truly outstanding job. President Reagan should also be congratulated for giving the Vice President such an important role in foreign policy decisionmaking.

Mr. President, Secretary of State Shultz also traveled abroad last week and confirmed what many, including myself, have been saying about his ability since his confirmation as Secretary of State. His talks in Peking gave the Chinese leadership a unique and valuable insight into our Nation's hopes for improved relations with the People's Republic of China and also began the process of scheduling a trip for President Reagan to possibly make to China in the future.

Mr. President, I commend Secretary Shultz for a job well done, a job fully confirming the high regard in which he is held by me and by, I am sure, virtually every Member of the Senate and the country as a whole.

I now ask unanimous consent, Mr. President, that an editorial in Sunday's Washington Post appropriately titled "George Did It," appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[Editorial From the Washington Post, Feb. 13, 1983]

GEORGE DID IT

Everything is always connected to everything else in the big, movable, high-policy, international extravaganzas, and there rarely arises a single event about which one can fairly say that it made the difference. Certainly it would be too early, not to say quite foolish, to conclude that as a result of Vice President George Bush's trip to Europe, the snarl of foreign policy issues centering on the question of Euromissile negotiations and/or deployment has finally been untangled and is now on the way to a reasonable resolution.

But if that cannot be said, something else can: from all accounts, the vice president did a terrific job. He arrived in a Europe gripped by a perception that the Reagan administration was not in full control of itself and was taking Europe someplace uncertain that it did not wish to go. To governments and publics in seven countries he apparently managed to convey an improved sense of administration constancy and balance. He listened carefully and he elaborated Washington's approach to the missile question in a way that allowed open-minded Europeans to consider that the administration is not missile-happy, not bent on confrontation, not wedded to one inflexible Euromissile formula, but that it is determined to assert American leadership and to deserve the confidence of the allies.

It was stated at various times during Mr. Bush's trip that his purpose was public relations or propaganda, something distinguishable from diplomatic or strategic substance. But it is important how Europeans feel about American policy. It affects their peace of mind—no trivial consideration. And it also affects the likelihood of success, first in inducing the Soviets to remove the intimidating SS20s they have aimed at Europe and, second, getting the Europeans to support the new missile deployments to which they have committed themselves in the absence of success at the Geneva talks.

Mr. Bush could see in Europe that the allies, ever faithful and ever difficult, wish the maximum American protection at the least political cost. Being permanently dependent on the United States for their basic security, they cannot stop either relying on us or questioning our reliability—and sometimes more than our reliability. There is no way to end this tension, which is permanent, but there are ways to ease it: by steady leadership and genuine consultation. This is the note Mr. Bush struck. He returns to Washington well placed to advise the president, in his role as reporter and self-styled "recommender," of what is the particular Euromissile formula best suited to defend Europe and to strengthen the alliance in this volatile year.

But Mr. Bush is not the administration's only George who has been on the road. Secretary of State Shultz has just returned from a parallel trip to East Asia. Mr. Shultz did not have the same mission of steadying an allied public rendered jittery by the administration's earlier policies. He had the no less important mission of steadying a similarly perturbed strategic partner, the Chinese People's Republic.

Peking is perturbed, of course, because of its suspicions of Ronald Reagan's favor for Taiwan. Mr. Shultz's method evidently was to offer what reassurances he could on that issue, and to move beyond it into the whole complex of issues and considerations in which Washington and Peking are bound. His trip was one of those diplomatic exercises that live principally in the realm of attitude and nuance and whose results become evident only over time. The secretary listened doggedly and no doubt will have to do so again. One hopes the Chinese were listening, too.

APPOINTMENT TO THE VETERANS' AFFAIRS COMMITTEE

Mr. BAKER. Mr. President, I now have before me a resolution making an appointment to the Veterans' Affairs Committee on the Republican side. As in legislative session, I ask unanimous consent that it may be in order at this time to submit the resolution for immediate consideration.

The PRESIDING OFFICER (Mr. HECHT). Is there objection?

Mr. BYRD. Reserving the right to object, there is no objection to taking it up at this time, and there is no objection that the Senate immediately proceed to its consideration.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 65) making a majority party appointment of two Senators to the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 65) was agreed to as follows:

S. RES. 65

Resolved, That Senator Denton of Alabama and Senator Boschwitz of Minnesota be, and they are hereby, appointed to serve on the Committee on Veterans' Affairs to fill Republican vacancies on that committee.

SEC. 2. Paragraph 4 of rule XXV of the Standing Rules of the Senate is amended by adding, after the last subdivision of subparagraph (n) thereof, the following new subdivision of such subparagraph (n):

"(14) A Senator who on the date this subdivision is agreed to is serving on the Committee on the Budget and the Committee on Small Business may, during the Ninety-eighth Congress, also serve on the Committee on Veterans' Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 3 (a) or (b).".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further need for my time, if any remains under the standing order. If any time does remain, I yield it to my friend the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank my friend the majority leader.

There is no request for time on this side. I yield back the remainder of my time.

RECESS UNTIL 2 P.M. TODAY

Mr. BAKER. Mr. President, there is no provision for the utilization of the time between now and 12 noon. It had been anticipated that the Senator from Michigan would require 15 minutes on special order. As I indicated, that will not now be required.

Therefore, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 11:41 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COCHRAN).

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, as in legislative session, pursuant to Public Law 92-484 appoints the Senator from Rhode Island (Mr. PELL) to the Technology Assessment Board vice the former Senator from Nevada Mr. Cannon, retired.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, as in legislative session, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from North Dakota (Mr. BURDICK) as Vice Chairman of the Senate Delegation to the Interparliamentary Union during the 98th Congress.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will be a period for the transaction of routine morning business, as in legislative session.

Mr. BAKER. Mr. President, I am advised that at least one Senator, perhaps others, will need the time provided for routine morning business. They are not now in the Chamber. In order to gain time to notify them of the availability of the opportunity to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 476—SOCIAL SECURITY DISABILITY AMENDMENTS OF 1983

Mr. LEVIN. Mr. President, I am pleased to introduce today, along with my good friend from Maine, Senator COHEN, a bill to reform the continuing disability review process of the title II social security disability program.

As the other Members of this body know, both Congress and the President have been subject to widespread criticism about the way in which the Social Security Administration (SSA) is presently conducting its reviews of persons receiving disability benefits. Hundreds of stories have surfaced which show that persons who are truly disabled are being terminated from the program. It reached a point of such concern last year, that during the lameduck session, Congress passed and the President signed into law an emergency bill which allows for the continuation of benefits while the terminated person appeals to the admin-

istrative law judge (ALJ). This was necessary when we realized that almost two-thirds of the persons appealing the termination of their benefits were actually reinstated by an ALJ after months and in some cases over a year without benefits or medicare coverage.

At the time that legislation was passed, we all knew it was only a temporary measure. It has a termination date of October 1, 1983, and we all committed ourselves to addressing the long-term issues in this session of the 98th Congress. Mr. President, it is critical that we do this as early as possible, to make sure that the promises we have made to both current and former workers of this country do not go unrealized.

The bill that Senator COHEN and I are introducing today provides an important framework for discussion and decisions about the major reforms that must be undertaken to substantially improve the continuing disability review process.

For those of my colleagues who are new to the Senate and for those who may appreciate a reminder of some of the underlying issues, let me quickly review the background and nature of these continuing disability reviews and the title II social security disability program.

The social security disability insurance program was established in 1956 to provide cash benefits to workers who later suffer severe disability. In order to be eligible for benefits, a person must have worked and contributed to the disability insurance program for a certain number of years. The statutory definition of disability under this program is considered to be a very strict one which only the severely disabled can meet. Partial disability, recognized in many other benefit programs is insufficient to qualify for social security disability insurance benefits. The disability insurance program is financed through a payroll tax paid into a separate disability insurance trust fund. The House Select Committee on Aging has concluded that under all economic and demographic assumptions and projections, the disability insurance trust fund is healthy and solvent and will remain so at least through the year 2060. In January 1982, the SSA disability insurance program paid benefits to 2.76 million disabled workers, their 1.258 million children and 429,000 spouses. The average monthly benefit for disabled workers as of November, 1981, was approximately $413.

In 1980 Congress passed legislation which mandated that SSA conduct continuing disability investigations of beneficiaries with nonpermanent disabilities once every 3 years. These periodic reviews were intended to insure that only those who are severely disabled and unable to work continue to receive benefits.

Unfortunately, SSA was already suffering from severe case management problems at the time these reviews were ordered. SSA was experiencing case overloads, unreasonable processing and appeals delays and a great deal of confusion between State and Federal decisionmakers. The crunch of cases for review presented to the States beginning in fiscal year 1981 (an increase from 160,000 to 357,000) resulted in chaos, the effects of which we are still feeling.

On May 25, 1982, the Senate Governmental Affairs Subcommittee on Oversight of Government Management chaired by Senator COHEN with myself as ranking minority member, held a hearing to find out just what was happening during these reviews. What we read and heard was nightmarish. SSA had planned to review, in addition to the 356,000 cases in fiscal year 1981, 567,000 cases in fiscal year 1982, and 840,000 cases in fiscal year 1983. (That latter figure was changed in the fall of 1982 to 604,000.) The decision to terminate is made initially by State disability examiners under contract to SSA. Half of the persons being reviewed were being terminated. That was indeed shocking in light of an earlier estimate by SSA that probably 20 percent of the persons receiving disability were ineligible to receive the benefits. Moreover, half of those persons terminated appealed that decision to an ALJ, and almost two-thirds of the persons who appealed were reinstated. The tragedy of the unjust terminations was exacerbated by the fact that all disability benefits and medicare coverage are terminated at the time of the initial decision by the State examiner, and the appeal period can take anywhere from 9 to 12 or even 18 months. So that even persons who were reinstated by the ALJ had suffered for an extended period of time without benefits and without medical coverage.

For persons living on the edge, whose sole source of income is the disability benefit, this was a prescription for disaster. And disaster it was. We received reports of persons losing their homes and cars, others deteriorated physically because of the lack of medical coverage, still others died of their disabling illness or, losing hope, committed suicide. This disaster remained until Congress and the President enacted into law the provision for the continuation of benefits through appeal.

The underlying problems of the program are still present, however—the manner in which medical evidence is obtained and evaluated, the extent to which persons can be terminated who have not medically improved, the great discrepancy in standards of evaluation between the State disability examiners and the administrative law judges. The bill we are introducing today addresses these important substantive questions.

Briefly stated, this bill provides the following:

SSA would have to show that the beneficiary has medically improved so as to be significantly more capable of performing substantial gainful employment, before the beneficiary could be terminated, unless the person has been actually working, or was put on or continued in error, or new tests demonstrate that the disability is not as severe as originally thought.

SSA would be required to develop a complete medical history of the person being reviewed for the last 12 months and make every reasonable effort to obtain the necessary information from the treating physician.

Each beneficiary would be entitled to a face to face interview with the State disability examiner before the decision to terminate is made.

Each beneficiary terminated by the State disability examiner would have the right to an immediate appeal to an administrative law judge. This would eliminate the current procedures for a reconsideration at the State level.

Payment of benefits would continue through appeal to the ALJ.

SSA would be required to appeal any decision from a circuit court of appeals to which it has chosen not to acquiesce.

Any standards used by SSA for determining disability or recovery from disability would be promulgated as regulations and made subject to notice and comment.

SSA would be required to provide comprehensive and timely notice to beneficiaries of their rights under the law and each of SSA's decisions made in the review process, including notice of the continuing disability review, notice of termination, and notice to review the State decision or the ALJ decision.

Mr. President, I would like to elaborate a bit on these provisions for the benefit of my colleagues.

SSA is presently terminating persons from the disability program who have demonstrated no medical improvement in their condition. This is being done, because the standards of eligibility used by the disability determinations services of the States at the direction of SSA have been made more strict over the years. So we have the situation in which a person may have been told 5 years ago by SSA that his/her condition was so disabling as to be severe and to not permit substantial gainful employment, only to be told 5 years later that the same condition is not that severe and that now the person in the view of SSA, should be able to work. In a study conducted in 1981 by SSA, it was estimated that 33

percent of the persons studied who had been terminated had not medically improved. Given the dramatic changes to the beneficiary that take place as a result of the receipt of disability benefits—removal from the work force and dependency on benefit checks—it is only fair that the Government be required to stand by its original assessment of the condition of the disabled person unless that person's condition has improved or the original decision was clearly erroneous. Let me add that there are instances where the testing devices for determining the extent of a disability have been improved so as to make SSA's original finding of disability out of date. Our bill would allow SSA to terminate a person without a showing of medical improvement in that situation. A frequently cited example of this is the recently developed and widely adopted stress test to determine cardiac functioning. Previously, such a test was not available, and it was commonly thought that the experience of one heart attack left the victim severely disabled for an extended period of time.

The information we have received both through the hearings we held and the letters we have received show a nationwide concern for the quality of work being performed to collect and analyze the medical evidence used in determining whether or not a person is still severely disabled. In response to the growing criticism on this subject, SSA issued new guidelines requiring State disability examiners to develop a complete medical history of the beneficiary for the 12 months prior to the review. We think this is an important enough requirement that it should be statutorily mandated. We have added a further requirement that the disability examiner make every reasonable attempt to secure the medical information from the beneficiary's treating physician. We have received numerous reports about the frequent use of consultative examinations—examinations paid for by SSA and performed by doctors on contract to SSA who are unfamiliar with the beneficiary's illness or medical history. Many of these consultative examinations are merely cursory or directed at the wrong symptoms. It is the treating physician who would have the best understanding of the condition of the beneficiary, and SSA should use that physician as often as possible.

The bill provides for a face-to-face interview before the decision to terminate is finalized. Presently SSA on its own initiative has decided to require a personal interview by a SSA employee in the local district office, to describe to the beneficiary the nature of the review and the demands that will be made of the beneficiary to prove the continuation of his/her disability. Just last year, as part of the emergency legislation continuing the payment of benefits through appeal, Congress also, at the initiation of the House, passed a provision requiring SSA to develop procedures for conducting a face-to-face evidentiary hearing at what is presently known as the reconsideration stage. (Once the State disability examiner determines that the person is no longer disabled, the beneficiary may seek reconsideration of that decision. Reconsideration, which is now a paper review of the file, is conducted by a person other than the person making the initial determination. Once the termination is upheld at reconsideration, the beneficiary can appeal to an ALJ.)

A beneficiary under review should have the right to discuss his/her case personally with the individual making the decision to terminate or continue benefits. I think that opportunity is best handled at the time of the initial decision and not at reconsideration, particularly not at reconsideration with a full evidentiary hearing. Providing the opportunity for a personal interview meets the concerns of those of us who want the human contact in such an important decisionmaking process, while avoiding prolonging the process or delaying the ultimate decision. Currently it is taking anywhere from 6 to 18 months for a person to complete the appeal process to the ALJ. During that time the beneficiary lives under the anxiety that eventually his/her benefits may be terminated or that he/she may have to repay the benefits received during the appeal period. That is a tremendous amount of pressure, and we should make that period last as briefly as possible. By providing a full evidentiary hearing at reconsideration and allowing for a repeat performance by the beneficiary before the ALJ, we are duplicating our efforts and only protracting the review period to the detriment of both the beneficiary and SSA, which must increase its staff and workload to add another evidentiary hearing to the review process.

The bill contains a rather novel provision which is necessary in light of the disruptive nature of past and current SSA practices. SSA has a policy of nonacquiescence in Federal court decisions with which it does not agree. This means that if a beneficiary brings a suit against SSA based on a policy or practice by SSA and wins, SSA will only accommodate that one individual and everyone thereafter must file suit individually to achieve the same outcome. This is most troubling because when SSA loses in a case before a circuit court of appeals, it will chose to not acquiesce, but it will also not appeal the court's decision, thereby creating a hardship for the remaining beneficiaries. The bill would acquire SSA to appeal any circuit court of appeals decision that affects national SSA policy in which it has chosen to not acquiesce.

Perhaps the most fundamental problem with the disability program is the discrepancy in standards used by the State disability examiners and the ALJ's. This is the most oft-cited reason for the large reversal rate (over 60 percent) by ALJ's of State decisions. Currently the State disability examiners follow the SSA guidelines set out in the program operations manual system (POMS), and the ALJ's follow the regulations and court rulings. The bill would require uniform standards for determining disability to be applied at both levels which would be subject to public notice and comment. This provision is critical to reforming the disability review process in that it offers uniformity in determinations based on standards which are publicly issued. The POMS presently are internal guidelines issued without benefit of public comment and changed without public notice.

These issues are certainly complex and the answers are not simple. The provisions contained in this bill, however, would go a long way toward making the continuing disability review process a more rational and just one.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Disability Amendments of 1983".

TERMINATION OF BENEFITS BASED ON MEDICAL IMPROVEMENT

SEC. 2. (a) Section 223(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) Except as provided in subparagraph (B), no benefits under this section, and no child's, widower's, or widow's benefit based upon disability, may be terminated on the grounds that the physical or mental impairment on the basis of which such benefit was payable has ceased, did not exist, or is no longer disabling, unless the Secretary makes a finding that the individual is significantly more able to engage in substantial gainful activity than at the time of the most recent prior decision that such individual was under a disability (or continued to be under a disability), by reason of medical improvement in the individual's impairment or combination of impairments, or advances in medical or vocational therapy or technology which have directly benefited such individual.

"(B) Subparagraph (A) shall not apply in the case of a termination of benefits based upon—

"(i) a finding made in accordance with paragraph (4) that services performed or earnings derived from services demonstrate

an individual's ability to engage in substantial gainful activity;

"(ii) a finding that the most recent prior decision that such individual was under a disability was clearly erroneous under the standards for disability in effect at the time of such prior decision;

"(iii) new or improved diagnostic techniques or evaluations which demonstrate that the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that such individual was under a disability or continued to be under a disability; or

(iv) a finding of fraud.

(b) The amendment made by this section shall apply with respect to determinations made on or after the date of the enactment of this Act.

CASE DEVELOPMENT AND MEDICAL EVIDENCE

SEC. 3. (a) Section 223(d)(5) of the Social Security Act is amended by inserting "(A)" after "(5)" and by adding at the end thereof the following new subparagraph:

"(B) In making any determination with respect to whether an individual is under a disability or continues to be under a disability, the Secretary shall consider all evidence available in such individual's case record, and shall develop a complete medical history of at least the preceding 12 months. In making such determination the Secretary shall make every reasonable effort to obtain from the individual's treating physician (or other treating health care provider) all medical evidence necessary in order to properly make such determination, prior to seeking medical evidence from any other source on a consultative basis.".

(b) The amendment made by this section shall be effective with respect to determinations made after the date of the enactment of this Act.

PRE-TERMINATION NOTICE AND RIGHT TO PERSONAL APPEARANCE

SEC. 4. (a) Section 221 of the Social Security Act is amended by redesignating subsections (d), (e), (f), (g), and (i) as subsections (f), (g), (h), (i), and (j), respectively, and by inserting after subsection (c) the following new subsections:

"(d)(1) Any preliminary decision rendered by a State agency (or by the Secretary in the case where disability determinations are made by the Secretary as provided in subsection (i)) with respect to an individual's rights for a payment under this title, including any such decision regarding a new entitlement and any decision regarding termination of or change in an existing entitlement, in the course of which a determination relating to disability or to a period of disability is required and which is in whole or in part unfavorable to such individual shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence, the preliminary decision, the reason or reasons upon which the decision is based, the right of such individual to a review of such decision, including the right to make a personal appearance, as provided in paragraph (2), and the right to submit additional medical evidence prior to such review. Such statement of the case shall be transmitted in writing to such individual. Upon request by any such individual, or by a wife, divorced wife, widow, surviving divorced wife, surviving divorced mother, husband, widower, child, or parent, who makes a showing in writing that his or her rights may be prejudiced by such a decision, he or she shall be entitled to a review of such decision, including the right to make a personal appearance, and may submit additional medical evidence for purposes of such review. Any such request must be filed within thirty days after notice of the decision is received by the individual making such request. Failure to make a timely request for a review under this subsection shall also extinguish the right to a hearing under subsection (e) with respect to the same decision.

"(2) A review required under paragraph (1) shall include a review of medical evidence and medical history available at the time of the initial preliminary decision, shall examine new medical evidence submitted, and shall afford such individual the opportunity to make a personal appearance with respect to the case at a place which shall be reasonably accessible to such individual. On the basis of the review carried out under this paragraph the State agency (or the Secretary) may affirm, modify, or reverse the preliminary decision.

"(3)(A) In the case of a preliminary decision to terminate benefits in which a determination relating to disability or to a period of disability was made by a State agency, any review under paragraph (2) relating to disability or to a period of disability shall be made by the State agency, notwithstanding any other provision of law, in any State that notifies the Secretary in writing that it wishes to carry out reviews under this paragraph commencing with such month as the Secretary and the State agree upon, but only if (i) the Secretary has not found, under subsection (b)(1), that the State agency has substantially failed to carry out reviews under this paragraph in accordance with the applicable provisions of this section or rules issued thereunder, and (ii) the State has not notified the Secretary, under subsection (b)(2), that it does not wish to carry out reviews under this paragraph. If the Secretary once makes the finding described in clause (i) of the preceding sentence, or the State gives the notice referred to in clause (ii) of such sentence, the Secretary may thereafter determine whether (and, if so, beginning with which month and under what conditions) the State may again carry out reviews under this paragraph.

"(B) Any review carried out by a State agency under subparagraph (A) shall be made in accordance with the provisions of this title and regulations prescribed thereunder.

"(4) A decision by the Secretary after review under paragraph (2) in the course of which a decision relating to disability or to a period of disability is required and which is in whole or in part unfavorable to the individual requesting the review shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence, the Secretary's decision, the reason or reasons upon which the decision is based, the right of such individual to a hearing under subsection (e), and the right to submit additional medical evidence prior to such hearing. Such statement of the case shall be transmitted in writing to such individual.

"(5) The Secretary shall prescribe by regulation procedures for review under this subsection of issues other than issues relating to disability or a period of disability.

"(6) Each individual who requests a review under paragraph (1) shall be informed, orally and in writing, before the review, of the preceding provisions of this subsection, and shall be advised that the individual may wish to retain an attorney or other representative to assist him.

"(e)(1) Upon request by any individual described in subsection (d)(1) who makes a showing in writing that his or her rights may be prejudiced as the result of a decision under this section which has been affirmed after review under subsection (d), the Secretary shall give such individual and the other individuals described in subsection (d)(1) reasonable notice and opportunity for a hearing with respect to such decision, including the right to submit additional medical evidence for purposes of such hearing, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing, affirm, modify, or reverse his findings of fact and such decision in accordance with the provisions of this title and regulations thereunder. Any such request with respect to such a decision must be filed within sixty days after notice that such decision has been affirmed after a review under paragraph (2) is received by the individual making such request.

"(2) The Secretary shall prescribe by regulation a period of time after hearing decisions under this section during which the Secretary, on his own motion or on the request of the individual requesting the hearing, may undertake a review of such decision. If such decision is not so reviewed, such decision shall be considered the final decision of the Secretary at the end of such period. If such decision is so reviewed, the Secretary shall notify such individual of such review, and at the end of any such review the Secretary shall affirm, modify, or reverse the decision and such decision as so affirmed, modified, or reversed shall be considered the final decision of the Secretary. Any such review shall be governed by the requirements of this subsection.".

(b)(1) Section 221(j) (as so redesignated by subsection (a) of this section) is amended by adding at the end thereof the following new paragraph:

"(4) In any case where the Secretary initiates a review under this subsection of the case of an individual who has been determined to be under a disability, the Secretary shall notify such individual of the nature of the review to be carried out, the possibility that such review could result in the termination of benefits, and the right of the individual to provide medical evidence with respect to such review.".

(2) Section 221(c) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) In any case where the Secretary initiates a review under this subsection of a determination made by a State agency that an individual is under a disability, the Secretary shall notify the individual whose case is to be reviewed of the nature of the review to be carried out and the possibility that such review could result in the termination of benefits.".

(c)(1) Section 202(j)(2) of such Act is amended by inserting "or section 221(e)" after "section 205(b)".

(2) Sections 216(i)(2)(G) and 223(b) of such Act are each amended by striking out "205(b)" and inserting in lieu thereof "221(e)".

(d) Section 205(b) of the Social Security Act is amended to read as follows:

"(b)(1) The Secretary is directed to make findings of fact and decisions as to the rights of any individual applying for a payment under this title.

"(2)(A) The Secretary may provide for review of such decisions (other than deci-

sions to which subparagraph (B) applies) and shall provide for hearings in accordance with paragraph (3).

"(B) If the determinations required in the course of making any such decision include a determination relating to disability or to a period of disability and such decision is in whole or in part unfavorable to an individual applying for a payment under this title, the Secretary shall provide for review of such decision and for hearings in accordance with section 221.

"(3) Upon request by any individual applying for a payment under this title or upon request by a wife, divorced wife, widow, surviving divorced wife, surviving divorced mother, husband, widower, child, or parent who makes a showing in writing that his or her rights may be prejudiced by any decision the Secretary has rendered (other than a decision to which paragraph (2)(B) applies), he shall give such applicant and such other individual reasonable notice and opportunity for a hearing with respect to such decision, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing, affirm, modify, or reverse his findings of fact and such decision. Any such request with respect to any such determination must be filed within sixty days after notice of the decision is received by the individual making such request.

"(4) The Secretary is further authorized, on his own motion, to hold such hearings and to conduct such investigations and other proceedings as he may deem necessary or proper for the administration of this section, section 221, and the other provisions of this title.

"(5) In the course of any hearing, investigation, or other proceeding referred to in paragraph (4), the Secretary may administer oaths and affirmations, examine witnesses, and receive evidence.

"(6) Evidence may be received at any hearing referred to in paragraph (4) even though inadmissible under rules of evidence applicable to court procedure.

"(7) Subject to the specific provisions and requirements of this Act—

"(A) any hearing held pursuant to this subsection or section 221(e) shall be conducted on the record and shall be subject to sections 554 through 557 of title 5, United States Code, and any decision made by the Secretary after such a hearing shall constitute an 'adjudication' within the meaning of section 551(7) of such title; and

"(B) the Secretary, in accordance with section 3105 of title 5, United States Code, shall appoint administrative law judges who, in any case in which authority to conduct hearings under this subsection or section 221(e) is delegated by the Secretary, shall conduct such hearings, issue decisions after such hearings, and perform such other functions and duties described in sections 554 and 557 of such title as are applicable to such hearings.".

(e) Section 221 of such Act is further amended—

(1) in subsection (b)(1), by inserting "under subsection (a)(1) or reviews under subsection (d)" after "disability determinations" the first place it appears, and by inserting before the period the following: "or the disability reviews referred to in subsection (d)(2) (as the case may be)";

(2) in subsection (b)(2), by inserting "or reviews under subsection (d)(2) (as the case may be)" after "subsection (a)(1)" the first place it appears, and by inserting before the period in the last sentence the following: "or the disability reviews referred to in subsection (d)(2) (as the case may be)";

(3) in subsection (b)(3)(A), by inserting "under subsection (a) or review function under subsection (d)" after "function", and by inserting "under subsection (a) or review process under subsection (d) (as the case may be)" after "process";

(4) in subsection (b)(3)(B), by inserting "under subsection (a) or review function under subsection (d)" after "function", and by inserting "under subsection (a) or review process under subsection (d) (as the case may be)" after "process";

(5) in subsection (f) (as redesignated by subsection (a)), by inserting "(1)" before "Any", by striking out "subsection (a), (b), (c), or (g)" and inserting in lieu thereof "subsection (b)", and by adding at the end thereof the following new paragraph:

"(2) Any individual who requests a hearing under subsection (e) and who is dissatisfied with the Secretary's final decision after such hearing shall be entitled to judicial review of such decision as is provided in section 205(g).";

(6) in subsection (g) (as redesignated by subsection (a)), by striking out "under this section" and inserting in lieu thereof "or reviews under subsection (d)(2)", by inserting "or reviews under subsection (d)(2), as the case may be" after "under subsection (a)(1)" the second place it appears, and by striking out "subsection (f)" and inserting in lieu thereof "subsection (h)";

(7) in subsection (i) (as redesignated by subsection (a)), by inserting "or reviews under subsection (d)(2)" after "subsection (a)(1)", by inserting "under subsection (a)(1) or reviews under subsection (d)(2)" after "disability determinations" the second place it appears, by inserting after "guidelines," the following: "in the case of disability determinations under subsection (d) to which paragraph (5) thereof does not apply,", by inserting "under subsection (a) or reviews under subsection (d)" after "disability determinations" the third place it appears, by inserting "or the reviews referred to in subsection (d) (as the case may be)" after "in subsection (a)", and by adding at the end thereof the following new sentence: "In the case of a review by the Secretary of a decision to terminate benefits, any disability determination made by the Secretary under this subsection in the course of such review shall be made after opportunity to make a personal appearance as provided in subsection (d)(2).."; and

(8) in subsection (j)(1) (as redesignated by subsection (a)), by adding at the end thereof the following new sentence: "An individual who makes a showing in writing that his or her rights may be prejudiced by a determination under this subsection with respect to continuing eligibility shall be entitled to a review and a hearing to the same extent and in the same manner as provided under subsections (d) and (e).".

(f) Section 225 of the Social Security Act is repealed.

(g) Section 5 of Public Law 97-455 is repealed.

(h)(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to requests for reviews of decisions by the Secretary of Health and Human Services filed after the date of the enactment of this Act.

(2)(A) Section 221(d)(3) of the Social Security Act, as amended by subsection (a) of this section, shall apply only with respect to requests (for reviews of decisions by the Secretary) filed—

(i) after the last day of the sixth month beginning after the date of the enactment of this Act, or

(ii) with respect to reviews (relating to disability or to periods of disability) to be made by a State agency in any State which notifies the Secretary in writing that it wishes to carry out reviews under such section 221(d)(3) prior to the seventh month beginning after the date of the enactment of this Act, on or after the first day of such month (after the month in which this Act is enacted and prior to the seventh month beginning after the date of the enactment of this Act) as may be specified in such notice.

For purposes of such section 221(d)(3), each State shall initially notify the Secretary in writing that it wishes to carry out reviews under such section (specifying the month with which it wishes to commence carrying out such reviews), or shall notify the Secretary in writing that it does not wish to carry out such reviews, no later than the last day of the sixth month beginning after the date of the enactment of this Act; and any State which has not so notified the Secretary by such date, shall be deemed for all the purposes of section 221 of the Social Security Act to have notified the Secretary in writing (as of that date) that it does not wish to carry out such reviews.

(B) During any period during which the provisions of section 221(d)(3) of the Social Security Act are not yet in effect in any State, and prior to the seventh month beginning after the date of the enactment of this Act, State agencies shall continue to provide for reconsideration of disability cases under title II of the Social Security Act in the same manner as required on the date of the enactment of this Act.

PAYMENT OF DISABILITY BENEFITS DURING APPEAL

SEC. 5. (a) Section 223(g) of the Social Security Act is amended—

(1) in paragraph (1)(A), by striking out "a hearing under section 221(d), or for an administrative review prior to such hearing" and inserting in lieu thereof "a review under section 221(d), or for a hearing under section 221(e)";

(2) in paragraph (1), by inserting "or" before "(ii)" and by striking out ", or (iii) June 1984"; and

(3) by striking out paragraph (3).

(b) The provisions of section 223(g) of the Social Security Act shall apply to determinations (that individuals are not entitled to benefits) which are made—

(1) on or after January 12, 1983; or

(2) prior to January 12, 1983, but only on the basis of a timely request for a hearing under section 221(d) of such Act as then in effect, or for an administrative review prior to such hearing.

UNIFORM STANDARDS FOR DISABILITY DETERMINATIONS

SEC. 6. Section 221 of the Social Security Act (as amended by section 4 of this Act) is further amended by adding at the end thereof the following new subsection:

"(k)(1) The Secretary shall establish by regulation uniform standards which shall be applied at all levels of determination, review, and adjudication in determining whether individuals are under disabilities as defined in section 216(i) or 223(d).

"(2) Regulations promulgated under paragraph (1) shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.".

TERMINATION DATE FOR DISABILITY BENEFITS

SEC. 7. (a) Section 223(a)(1) of the Social Security Act is amended—

(1) in the first sentence, by inserting "as defined in paragraph (3)" after "termination month"; and

(2) by striking out the second sentence.

(b) Section 223(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) Except as otherwise provided in this paragraph, the termination month for any individual shall be the third month following the month in which such individual's disability ceases.

"(B) In the case of an individual who has a period of trial work which ends as determined by application of section 222(c)(4)(A), the termination month shall be the earlier of—

"(i) the third month following the earliest month after the end of such period of trial work with respect to which such individual is determined to no longer be suffering from a disabling physical or mental impairment; or

"(ii) the third month following the earliest month in which such individual engages or is determined able to engage in substantial gainful activity but in no event earlier than the first month occurring after the fifteen months following such period of trial work in which he engages or is determined able to engage in substantial gainful activity.

"(C)(i) Except as provided in clause (ii), in any case where a benefit under this section, or a child's, widow's, or widower's benefit based on disability, is terminated on the grounds that the physical or mental impairment on the basis of which such benefit was payable has ceased, did not exist, or is no longer disabling, the termination month shall be the month, if later than the termination month as determined under subparagraph (A) or (B), in which a decision affirming such termination has been initially made after a review in accordance with section 221(d)(2), or the month in which the time for requesting such an initial review has expired and no review was requested.

"(ii) Clause (i) shall not apply in the case of any termination of benefits based upon a finding made in accordance with subsection (d)(4) that services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, or to a termination based upon a finding of fraud.".

(c) The amendments made by subsections (a) and (b) shall apply with respect to determinations made on or after the date of the enactment of this Act.

EVALUATION OF PAIN

SEC. 8. (a) Section 223(d)(5)(A) the Social Security Act (as amended by section 3 of this Act) is amended by inserting after the first sentence the following new sentence: "An individual's statement as to pain or other symptoms shall not alone be conclusive evidence of disability as defined in this section; there must be medical signs and findings, established by medically acceptable clinical or laboratory diagnostic techniques, which show the existence of a medical condition that could reasonably be expected to produce the pain or other symptoms alleged and which, when considered with all evidence required to be furnished under this paragraph (including statements of the individual as to the intensity and persistence of such pain or other symptoms which may reasonably be accepted as consistent with the medical signs and findings), would lead to a conclusion that the individual is under a disability.".

(b) The amendment made by subsection (a) shall apply with respect to determinations of disability made on or after the date of the enactment of this Act.

MANDATORY APPEAL BY SECRETARY OF CERTAIN COURT DECISIONS

SEC. 9. (a) In the case of any decision rendered by a United States Court of Appeals which—

(1) involves an interpretation of the Social Security Act or any regulation issued thereunder;

(2) involves a case to which the Department of Health and Human Services or any officer or employee thereof is a party; and

(3) requires that such department, or officer or employee thereof, apply or carry out any provision, procedure, or policy under such Act with respect to any individual or circumstance in a manner which varies from the manner in which such provision, procedure, or policy is generally applied or carried out,

the Secretary of Health and Human Services, or such other officer or employee of the Department of Health and Human Services as may be a party to such case, or such other officer of the United States as may be appropriate, must either acquiesce in such decision with respect to all beneficiaries, or must request review of such decision by the United States Supreme Court pursuant to section 1254 of title 28, United States Code.

(b) The provisions of this section shall apply with respect to any decision of a United States Court of Appeals rendered on or after the date of the enactment of this Act.

Mr. COHEN. Mr. President, today I am joining Senator LEVIN in introducing comprehensive legislation to improve the Social Security Administration's procedures for reviewing the eligibility of individuals who receive disability benefits.

The legislation results from an investigation undertaken by the Oversight of Government Management Subcommittee last year to discover why severely disabled people were having their benefits discontinued and their lives disrupted because new reviews determined that they no longer qualified for disability benefits.

In 1980, prompted by a General Accounting Office study, Congress passed a law mandating periodic reviews of disabled workers to insure that only those who remained unable to work continued to receive benefits. There were reports that a number of people who were receiving social security disability payments were in fact not entitled to receive them; that they were capable of working; that the Government thereby was losing money to those who were no longer entitled to receive benefits.

Unfortunately, the implementation of this law created unfairness and chaos that Congress neither envisioned nor desired when it enacted what was intended to be a sound management tool. State case examiners were overloaded because of the haste in implementing this congressional mandate. Many thousands of reviews were initiated with the result that people who were severely disabled nonetheless had their benefits inappropriately terminated.

My Maine offices soon began hearing from severely disabled people who had their benefits discontinued but who were clearly unable to resume work. A hearing held by the Oversight Subcommittee in May 1982 revealed that because of weaknesses in the disability investigations, disabled workers throughout the country were being wrongfully terminated from the program.

The financial and emotional hardships imposed on disability recipients have been severe. Benefits have been terminated in about 45 percent of the cases reviewed—far above the 20 percent predicted ineligibility rate. Yet, two-thirds of the individuals who appealed their termination decision are reinstated to the program after a hearing before an administrative law judge.

Witnesses at our subcommittee hearing recounted case after case in which a disabled person had lost benefits. A disturbing pattern emerged of misinformation, incomplete medical examinations, no personal contact, inadequately documented reviews, conflicting standards, and erroneous decisions. The system was so overloaded and the appeals process so clogged that claimants were without benefits for many months—or even a year or longer—while waiting for a hearing. One of my constituents was without benefits for 20 months before she was reinstated. During that time, she lost both her house and her car because she had no income. Another Maine resident was without his disability checks for 16 months because of a computer mistake and the appeals backlog. Lacking income and too proud to accept welfare, this desperate man attempted to take his own life. Nationwide, more than 30 people are reported to have died of the ailments that the SSA had judged to be no longer disabling.

In response to these serious problems, last year Senator LEVIN and I sponsored short-term, emergency legislation to protect claimants who are mistakenly removed from the disability program. Senator DOLE expedited consideration of our proposal, which became law on January 12. The most important provision of this new law permits individuals who appeal their termination decisions to have their benefits continued until an administrative law judge reviews the case. By continuing benefits pending appeal, the law eliminates the needless financial burden imposed on disabled people whose benefits are wrongfully terminated, only to be reinstated many months later.

This law is only a stopgap solution and will expire in October. However, it provides time for Congress to resolve

the ingrained, structural deficiencies in the review process that have allowed the tragic errors to occur.

The bill that Senator LEVIN and I are introducing today is intended to provide the comprehensive reforms needed to make the reviews fair to disabled workers. Its goal is a thorough, equitable review process which will eliminate from the program those who are no longer disabled, while protecting the benefits of the truly disabled.

The cornerstones of the Levin-Cohen bill are the critieria it would establish for benefit cessations. Benefits could be terminated only if the SSA finds that:

First, the individual's conditions has medically improved;

Second, he or she has benefited from advances in medical or vocational technology that have enhanced his or her ability to engage in substantial gainful activity;

Third, new or improved diagnostic techniques indicate that the individual's impairment is not as disabling as it was considered to be at the time of the prior allowance;

Fourth, the initial entitlement decision was clearly erroneous or the result of fraud; or

Fifth, the individual has demonstrated an ability to work.

Establishing these specific criteria for terminations would clear the confusion that shrouds the current review process and would provide beneficiaries, attorneys, State claims examiners, and administrative law judges with a clear understanding of the bases of cessations.

Another crucial provision of our legislation would require uniform standards to be used by all decisionmakers involved in disability determinations. One reason for the discrepancy between the decisions made by the State agencies and the administrative law judges is that different standards are used. State claims examiners rely heavily on the program operating manuals—POM's—which are internal Social Security Administration guidelines that are not published as regulations. The administrative law judges do not use the POM's but instead rely on the statutes, regulations, and court decisions. Our bill would require the same standards—published as regulations and subject to public comment—to be used by all decisionmakers.

To improve the quality of State decisionmaking, lessen the number of appeals, and most important to humanize the system, our legislation would require State agencies to conduct face-to-face interviews with those individuals whose benefits are likely to be terminated. When the State notifies a claimant that, based on the file information, a decision to terminate benefits is likely, our bill would allow the beneficiary 30 days in which to submit any additional information and to request an interview with State personnel. This interview would provide the claims examiner with a much better assessment of the disabled individual's condition and would reassure the claimant that his case is being handled by a person, not a computer. This personal contact also would eliminate the type of cases we have seen, such as people in body casts or in an iron lung losing their benefits.

Since our bill would strengthen the initial decisionmaking at the State level, the reconsideration stage in the appellate process would be eliminated. Currently, the first step in appealing is to request reconsideration by the State agency. In 87 percent of the cases, however, the State agency simply reaffirms its initial decision. Eliminating reconsideration would streamline the appeals process.

Our legislation also would include a definition of pain in the statute. The Social Security Administration's regulations require the consideration of a claimant's pain in reaching a disability determination. However, for a time, the agency eliminated the evaluation of pain section from the POM's, which set forth the standards for disability decisions. Although new guidance on pain has been reinserted into the POM's, our bill would provide statutory guidance on evaluating a claimant's pain to prevent further confusion.

The provisions of our legislation should substantially reduce the number of people whose benefits are erroneously terminated. There will, however, still be mistakes, as well as disagreements over medical improvement, that will require a hearing before an administrative law judge. To prevent financial hardship for disabled people who will eventually have their benefits restored, our legislation would make permanent the provision regarding benefit continuation pending appeal that was included in the emergency legislation enacted last year.

Let me emphasize that disability benefits are not welfare. A worker earns this insurance through the social security taxes that are deducted from his or her paycheck, and he or she must have worked a minimum amount of time in order to qualify. In addition, the person must be so disabled that he or she not only cannot perform the job that the worker had been doing but also cannot do any substantial work, considering age, education, and work experience.

Surely, when we are dealing with the most disabled workers in our society, we should insure that the Government does not add another burden to the ones they already must bear. The comprehensive reforms that Senator LEVIN and I are introducing would make the disability review process more efficient and fairer to disabled workers. They deserve no less.

Mr. LEVIN. I thank my friend from Maine for his comments and for his leadership in this area.

CHEMICAL WEAPONS BAN

Mr. COCHRAN. Mr. President, a great deal of attention has been focused recently on the efforts of the United States to negotiate an arms reduction agreement with the Soviet Union. These important efforts are being complemented by a continuing recognition of the need to reach agreement to prohibit the use of chemical weapons.

A report by United Press International last week confirms that negotiators of the United States have called for the destruction of all chemical weapons and their production facilities.

I applaud this proposal and hope that our Government can continue to push for a successful agreement with the Soviet Union to ban chemical weapons.

I ask that a copy of this news report which was published by the Dallas Morning News on February 11, 1983, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES PROPOSES DESTROYING CHEMICAL WEAPONS

(By United Press International)

GENEVA, SWITZERLAND—The United States proposed Thursday the destruction during a 10-year period of all chemical weapons and their production facilities.

But there must be "systematic international on-site inspection" to ensure all stockpiles and factories are destroyed, U.S. delegate Louis G. Fields Jr. said to the 40-nation Disarmament Conference.

He said progress on a chemical-weapons ban, under discussion at the conference since 1977, had been prevented by Soviet refusal to accept such inspection.

"The Soviet Union needs to demonstrate, rather than simply profess, that it is genuinely ready to work out and accept effective provisions to verify compliance with a chemical-weapons prohibition," he said.

The U.S. negotiator said the need to ensure compliance is proven by "the bitter experience of recent events in Sverdlovsk, Southeast Asia and Afghanistan."

The United States said that there was a leak at a chemical-weapons plant in the Soviet city of Sverdlovsk and said that Moscow and its allies are using chemical weapons in Southeast Asia and Afghanistan.

Fields, presenting U.S. ideas on a chemical-weapons ban, said Soviet proposals for national verification "are tantamount to self-inspection" and cannot be taken seriously.

"Before drafting of an actual treaty text can be productive, an acceptable verification and compliance framework must first be negotiated," he said.

There must also be "a stringent obligation to permit inspections on a challenge basis," Fields siad.

Fields said destruction of chemical-weapons stockpiles and factories would have to be subject to "independent (and) impartial"

inspection along with "facilities for production of chemicals which pose a particular risk," apparently referring to so-called binary chemicals, which have both civilian and military uses.

"We do not believe it necessary to subject the entire chemical industry of states to inspection, nor do we seek to have inspectors roam throughout the territory of a party," Fields said.

"Systematic international on-site inspection is necessary only at a limited and carefully-defined group of facilities, which must be declared," he said.

Electronic sensing devices might be used to monitor compliance, he said.

The United States is "not seeking absolute verification," Fields said. "We recognize that some risks will have to be accepted."

Despite the proposed ban, President Reagan asked Congress Monday for $158 million to build nerve-gas shells to update inadequate existing chemical-weapons stocks.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

OFFICE OF STRATEGIC TRADE ACT

Mr. COHEN. Mr. President, I am pleased to have the opportunity to be an original cosponsor of the Office of Strategic Trade Act of 1983. This legislation will provide a timely vehicle for the consideration of the Export Administration Act that must be reauthorized this year.

During my years in Congress, I have not supported reorganization plans as a means to improve policy goals unless there is a clear record of abuse and ineffective policy. I can think of no area of policy more in need of drastic reform than that of technology transfer.

Some of the highest officials of the Soviet Government are charged with directing attempts to steal American technology. All variety of means are used in this task, including exploiting published journals, trade fairs, academic conferences, and outright theft and bribery. In contrast, our own Government continues to assign low priority to the task of protecting our technology from such thefts. The Department of Commerce is responsible for administering export control policy along with several functions as diverse as ocean policy, fisheries management, and census statistics.

The International Trade Administration (ITA), where the Office of Export Administration is housed, has an export promotion bias. A recent study by the Heritage Foundation points out that within the organizational structure at ITA, the important policymaking officials are charged with trade promotion. In contrast, export control functions are administered by an Assistant Secretary, a bureaucratic level that has difficulty prevailing on policy questions.

I believe that all of these factors argue for establishing the Office of Strategic Trade, independent of the Commerce Department, as called for by this legislation.

At the outset, I would like to make clear that improvements in technology transfer policy have been undertaken since President Reagan took office. Under the direction of Lawrence Brady, Assistant Secretary for Trade Administration, many reforms have been implemented. Included among these are strengthened ties with the intelligence community, an improved data base for determining foreign availability and additional staff resources in the critical Silicon Valley region of California. While I commend these efforts, I believe that the issue of strategic trade is far too crucial to be subject to the political whims of different administrations. Rather, there needs to be an appropriate organizational structure to support a strong and continuous export control policy.

Our export control system is characterized by a host of problems ranging from few resources to inadequate enforcement policy to lack of coordination among agencies with export control responsibilities. Perhaps some difficulties are inherent in our political system where, after all, our strength is derived from free exchange of information. It is this strength, too, on which our technological lead depends to protect our national security. In spite of this, however, I believe that improvements can be made. And I am forced to conclude that the Commerce Department—charged under our laws with administering the Export Administration Act—must be held responsible for this largely ineffective policy. Here are some examples:

The Compliance Division of the Export Administration is charged with the enforcement function for export controls. This unit is understaffed, undertrained for investigative requirements, and ill equipped for law enforcement procedures. In fact, investigators for the Permanent Subcommittee on Investigations (PSI) noted in their report that the Soviet KGB itself could not have organized the Compliance Division in a manner more helpful to Soviet objectives.

In June of 1982, the Inspector General of the Department of Commerce submitted his findings which are very critical of the Department's performance in this area. Quoting from the report:

It is clear . . . that the Department's failure to provide adequate resources, policy guidance and management direction has impeded the compliance effort and produced at very least the perception of a de facto supremacy of trade promotion over the Department's export control functions.

What also is clear, from the findings in this report, is that the Department of Commerce has not taken a bold lead in forging an aggressive multiagency effort to halt the illicit export of controlled products.

I would urge consideration of another part of export control policy that does not directly reflect on the Department of Commerce's performance, but is nonetheless of interest to me. The Soviet Union is allowed to participate in formal student exchange programs and attend academic conferences in the United States. The only control on participation is through screening by the International Research and Exchange Board (IREX) and the visa approval process. Mr. Joseph Arkov, a former Soviet engineer, in his testimony before PSI last year, characterized the student exchange programs as an unequal exchange of information. While Americans are limited to studies of Russian history and Pushkin in the Soviet Union, senior Russian officials are sent to our country to study hard sciences and computer technology at our finest universities.

According to a 1982 CIA report, "Soviet Acquisition of Western Technology," more than one-third of the proposals offered for the last 2 years under the IREX program were completely unacceptable in terms of potential technology loss. And yet, Soviet scientists are allowed to come to this country to study such fields as fuel-air explosives, lasers, and microelectronics—fields which have direct military applications.

Mr. President, I have become frustrated with the amount of discussion that has taken place on the need to reform our export control policy and yet no action has been taken. I feel that the Office of Strategic Trade Act takes a crucial and important first step toward providing the necessary organizational support to improve the administration of our technology transfer policy. I commend Senator GARN for his introduction of this measure, and I urge my colleagues to support swift passage of this long-needed legislation.

GOLDEN FLEECE AWARD GOES TO GENERAL SERVICES ADMINISTRATION

Mr. PROXMIRE. Mr. President, I gave my Golden Fleece of the Month Award for February to the General Services Administration for wasting $1.5 million—with a potential for $13 million more—trying to renovate an old train station in Nashville, Tenn. This project, which began nearly 7 years ago, has survived the Reagan ad-

ministration's budget cutting despite overwhelming evidence showing that costs were underestimated and that the space was unneeded. To add insult to injury, a flock of roosting pigeons—that is right, pigeons—made this turkey of a project their home and it cost the taxpayer $500,000 to clean up after them.

The story begins in 1976 when Congress passed the Public Buildings Cooperative Use Act. That law authorized GSA to "acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives."

The Administrator of GSA saw an opportunity to expand his bureaucratic empire, but believed that his employees were not moving fast enough to acquire these more classy buildings. He ordered his employees to pursue "an aggressive program to significantly improve that record."

In fact, as the following quote demonstrates, he ordered that these buildings be acquired before GSA knew whether the space would be needed: "In essence then, the identification of the need will in most cases follow the identification of the building."

By now, GSA's bureaucrats had to find and renovate a historic building. When a railroad offered to donate a dilapidated, but historic, railroad station in Nashville, it appeared their prayers had been answered.

But when officials in GSA's regional office took a closer look at the station, they discovered what a turkey they had on their hands. They estimated that the Government could construct a brand new building for $10.2 million. And the cost of renovating the station? About $14.4 million.

The central office refused to accept this cost estimate. They sent a team to Nashville to "reevaluate" the project. After this visit, the regional office saw the light and prepared a proposal for Congress which estimated the cost of renovating the station at $7.2 million. The Congress approved this proposal.

In April 1979, the General Accounting Office issued a report on the Nashville project. They found that Congress did not have "complete and reliable information on several important issues concerning the merits of the proposed renovation." They also believed that "General Services efforts stemmed from its desire to acquire the train station building, rather than the need for additional space." GSA's Administrator disagreed indignantly:

> The critical report . . . leads me to believe that the GAO is intent upon frustrating, without justification, GSA's efforts to implement the Public Buildings Cooperative Use Act of 1976. In this regard, I believe the proposed renovation of the Nashville Station is an outstanding example of the implementation of the Act.

But while the Administrator was bestowing this glowing endorsement of the project, the building itself was falling apart. Pigeons had been roosting in the vacant building, and their droppings were a major health hazard. The station had to be decontaminated—twice—at a cost of over $500,000.

These problems did not stop the GSA from going ahead with design of the project in January of last year. GSA then discovered that the post office building, which is located nearby and in good condition, will be available sometime in 1987. This building contains far more space than the Government will need in Nashville.

Despite the critical GAO report, despite local and regional officials' conclusions that the space is unneeded, GSA cannot make up its mind to end this project. I urge the GSA to act now and stop making a pigeon of the taxpayer before an additional $13 million is wasted. There have been far too many boo-boos made while trying to renovate this old choo-choo station.

GENOCIDE CONVENTION: MASSACRE IN SURINAME

Mr. PROXMIRE. Mr. President, amidst the violence and chaos of Central and South America, lies the tiny remote country of Suriname. The peaceful tradition of this former Dutch colony on the northern coast of South America was brought to an abrupt halt last month in Paramaribo, Suriname, when 15 citizens were dragged from their beds by military policemen, tortured, and then murdered in the night.

Among the victims were four lawyers, the country's chief labor leader, two newspapermen, and a sports annoucer. The slain men, widely known in this tightly knit community, were left in plastic bags at the morgue for their families to identify. According to diplomats, their bodies showed extensive signs of brutal beating. Each of the corpses was covered with bullet holes, one had all its limbs broken, and another had its chest cavity ripped open so that all the crushed ribs were exposed.

Lt. Col. Désiré Bouterse, the military leader of Suriname, said that the men were arrested for plotting a Christmas Day overthrow of the Government and were killed while trying to escape. However, the New York Times, in a recent article about the massacre, claims that this explanation is universally rejected.

Apparently, most of the victims were brought together by membership in a civic group called the Suriname Association for Democracy, an alliance of citizens unhappy with their country's growing ties with leftist regimes and disturbed by signs that Colonel Bouterse was installing a police state. Although the association is nonviolent, Bouterse apparently felt threatened enough by the group to order the execution of 15 of its members. According to diplomats in Suriname, the colonel himself actually took part in the slayings. Sadly, the violence and brutality of this area of the world have caught up with this isolated country.

Rejecting the notion that human rights are just an internal matter for each country to deal with, U.S. foreign policy has traditionally included concern for the life, liberty, and welfare of the citizens of other nations. Although we are usually quick in condemning flagrant violations of basic rights by other governments, the United States has failed to utilize one very important instrument for our advocacy of human rights: the Genocide Convention. This international treaty, which outlaws the act of genocide against any national, ethnic, religious, or cultural group, has been in existence since 1948, but has never been ratified by the United States.

Becoming a party to this treaty, as 85 other nations have already done, would make us much more effective in protesting human rights violations, such as the one that occurred in Suriname. I do not intend to label that incident as genocide, but nonetheless, the government's treatment of these 15 men is characterized by the intolerance common among all genocidal acts. A staunch moral stand by our Government, backed up by ratification of the Genocide Convention, would magnify the sincerity of our concern for all human rights violations.

The right to live is undoubtedly the most sacred of all human rights. The Genocide Convention protects this sacred right. Let us prove to other nations that we are willing to take a positive step toward the elimination of all human rights violations by ratifying this treaty immediately.

PREVENTING HUNGER AT HOME

Mr. COHEN. Mr. President, I am pleased to be joining my colleagues as an original cosponsor of Senate Concurrent Resolution 6, a resolution "Preventing Hunger at Home."

This resolution expresses the sense of the Congress that a strong Federal commitment to nutrition programs be maintained, that nutrition programs be protected from budget reductions that could hinder their effectiveness, and that the special supplemental food program for women, infants, and children (WIC) be fully funded.

Few Americans have not been moved by press reports of the tragic overcrowding of our Nation's soup kitchens and meal centers. I applaud the response undertaken and the concern expressed by private citizens, charities, and churches throughout the country to address this problem. I feel this res-

olution provides a means to assure Americans that the Federal Government will provide its share of nutritional assistance, particularly in times of economic hardship.

Under the responsible leadership of my distinguished colleague from Kansas (Mr. DOLE) many reforms have already been enacted in nutrition programs. In the food stamp program, for example, States are now required to reduce their error rates, and household definitions have been altered to more adequately reflect the income level of recipients. These reforms have minimized the impact of the changes on the elderly, the disabled, and the poor, while recognizing the need for budget restraint. Now that these programs have been carefully scrutinized and reforms enacted, it is time to focus on insuring that these nutrition programs continue the good record they have maintained in reducing hunger and malnutrition in America.

Mr. President, this resolution is particularly directed to the needs of our children, a group on which the future of our Nation depends. Over half the food stamp recipients nationwide are children. In addition, the school lunch and school breakfast programs have assisted poor children in having an adequate diet so that they can benefit more from a classroom experience.

I am particularly pleased that this resolution contains a specific endorsement of the WIC program and expresses support for continued full funding for the program. I believe that the WIC program is the most effective of all nutrition programs. A Harvard School of Public Health study found that every dollar spent on nutritious food before birth saved up to $3 after birth for specialized care. Other studies by the Senate Agriculture Committee cite the effectiveness of the WIC program in reducing infant mortality, low birth weight, and other nutrition-related health problems.

In the State of Maine, the WIC program has been very important, providing over $5 million annually to the 5,000 recipients. Maine has a high incidence of nutritionally related health problems, particularly among adolescent mothers. The WIC program has helped educate these mothers on how to provide the nutritional needs that are critical to the normal development of their children.

Mr. President, my constituents are writing to me asking what can be done for the homeless Americans and others who must depend on soup kitchens for meals. This resolution is the least that can be done to assure Americans that the Federal Government is committed to fighting hunger and malnutrition in this country, and I urge my colleagues to join in support of Senate Concurrent Resolution 6.

MESSAGE FROM THE HOUSE

At 2:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 57. Concurrent resolution providing for an adjournment of the House from February 17 to 22, 1983.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-198. A communication from the Secretary of Labor transmitting, pursuant to law, the final report on the Age Discrimination in Employment Act studies; to the Committee on Labor and Human Resources.

EC-199. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, a report concerning proposed forms for use by authorized committees of candidates seeking Presidency or Vice Presidency; to the Committee on Rules and Administration.

EC-200. A communication from the Vice Chairman of the Federal Election Commission transmitting, pursuant to law, a report on proposed regulations pertaining to the administration of the Presidential Primary Matching Payment Account Act; to the Committee on Rules and Administration.

EC-201. A communication from the Executive Secretary, Office of the Secretary of Defense transmitting, pursuant to law, a report on DOD procurement from small and other business firms for October 1981 through September 1982; to the Committee on Small Business.

EC-202. A communication from the Under Secretary of Agriculture for international affairs and commodity programs transmitting, pursuant to law, a report on commodity and country allocation of food assistance; to the Committee on Agriculture, Nutrition, and Forestry.

EC-203. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the inactive ship maintenance function at the Naval Inactive Ship Maintenance Detachment, Philadelphia, Pa. to performance under contract; to the Committee on Armed Services.

EC-204. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the Department's report on fire safety standards in public housing; to the Committee on Banking, Housing, and Urban Development.

EC-205. A communication from the Chairman of the Federal Trade Commission transmitting, pursuant to law, a report relative to an advanced notice of proposed rulemaking relative to games of chance in food retailing and gasoline sales; to the Committee on Commerce, Science, and Transportation.

EC-206. A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, the biennial report on continuing studies of the quality of water of the Colorado River Basin; to the Committee on Energy and Natural Resources.

EC-207. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the semiannual report on energy conservation standards for new buildings; to the Committee on Energy and Natural Resources.

EC-208. A communication from the Secretary of the Interior transmitting, pursuant to law, the annual report on research and development activities in coal mining technologies; to the Committee on Energy and Natural Resources.

EC-209. A communication from the Secretary of Energy transmitting, pursuant to law, a report on residential energy conservation; to the Committee on Energy and Natural Resources.

EC-210. A communication from the Chairman of the Migratory Bird Conservation Commission transmitting, pursuant to law, the report of the Commission for the fiscal year ending September 30, 1982; to the Committee on Environment and Public Works.

EC-211. A communication from the Chairperson of the U.S. Architectural and Transportation Barriers Compliance Board transmitting, pursuant to law, the annual report of the Board for fiscal year 1982; to the Committee on Environment and Public Works.

EC-212. A communication from the Acting Fiscal Assistant Secretary of the Treasury transmitting, pursuant to law, the Statement of Liabilities and Other Financial Commitments of the U.S. Government as of September 30, 1982; to the Committee on Finance.

EC-213. A communication from the Secretary of the Treasury transmitting, pursuant to law, the Combined Statement of Receipts, Expenditures and Balances of the U.S. Government for the fiscal year ending September 30, 1982; to the Committee on Finance.

EC-214. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Unrealistic Use of Loans To Support Foreign Military Sales;" to the Committee on Foreign Relations.

EC-215. A communication from the Secretary of State transmitting, pursuant to law, a report on payments to private individuals and corporations relative to loans and credits extended to the Polish People's Republic; to the Committee on Foreign Relations.

EC-216. A communication from the Acting Inspector General of the Department of Labor transmitting, pursuant to law, a report on a computer match of beneficiaries of State unemployment insurance and U.S. Treasury employee payroll records; to the Committee on Governmental Affairs.

EC-217. A communication from the Assistant Attorney General of the United States for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-218. A communication from the Director of the Program Analysis Division, General Accounting Office transmitting, pursuant to law, a report entitled "Attrition of Scientists at Three Regulatory Agencies"; to the Committee on Governmental Affairs.

EC-219. A communication from the Director of the Administrative Office of the United States Courts transmitting, pursuant to law, a report under the Bankruptcy Reform Act of 1978; to the Committee on the Judiciary.

EC-220. A communication from the Comptroller of the AMVETS transmitting, pursu-

ant to law, financial statements for the organization for the fiscal year ending August 31, 1982; to the Committee on the Judiciary.

EC-221. A communication from the Comptroller General of the United States transmitting, pursuant to law, the audit of the Senate Beauty Shop for the fiscal year ending February 28, 1982; to the Committee on Rules and Administration.

EC-222. A communication from the Administrator of the Veterans' Administration transmitting, pursuant to law, a report on deceptive advertising relative to the VA during fiscal year 1982; to the Committee on Veterans Affairs.

EC-223. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on results of certain engineering survey and planning and market feasibility studies; to the Committee on Environment and Public Works.

EC-224. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a final environmental statement relative to downstream flooding at the Stockton Lake project, Sac River, Mo.; to the Committee on Appropriations.

EC-225. A communication from the Chief, Legislative Division, Office of Legislative Liaison, Department of the Air Force transmitting, pursuant to law, a report on Air Force experimental, developmental, and research contracts of $50,000 or more by company; to the Committee on Armed Services.

EC-226. A communication from the Liaison Assistant, Immigration and Natualization Service transmitting, pursuant to law, applications of certain aliens for suspension of deportation; to the Committee on the Judiciary.

EC-227. A communication from the Mayor of the District of Columbia transmitting a draft of proposed legislation to authorize transfer of the Camp Simms Military Reservation to the Architect of the Capitol in exchange for an equivalent site; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 55. A bill to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services, and to provide certain deregulation of such broadcast sources, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

The following-named individuals to be Members of the Board of Directors of the Corporation for Public Broadcasting for terms expiring March 26, 1987:

Richard Brookhiser, of New York;
Karl Eller, of Arizona; and
Sharon P. Rockefeller, of West Virginia.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation, with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 473. A bill to authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 474. A bill to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 475. A bill to promote the nuclear nonproliferation policies of the United States; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself and Mr. COHEN):

S. 476. A bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes; to the Committee on Finance.

By Mr. DANFORTH:

S. 477. A bill to amend the Internal Revenue Code of 1954 and the National Traffic and Motor Vehicle Safety Act of 1966 to expedite the installation of automatic safety airbags; to the Committee on Finance.

By Mr. RIEGLE:

S. 478. A bill to amend the Social Security Act to provide for removal of the social security trust funds from the unified budget; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other has thirty days of continuous session to report to be discharged.

By Mr. RIEGLE:

S. 479. A bill to amend the Social Security Act to provide for interfund borrowing, and for other purposes; to the Committee on Finance.

By Mr. PRESSLER:

S. 480. A bill relating to the transfer of civil land remote sensing space satellite systems and meteorological satellite systems to the private sector; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 481. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for contributions to programs providing job training for certain individuals; to the Committee on Finance.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 482. A bill to provide relief for certain Desert Land Entrymen in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 483. A bill to provide for the relief of water users deprived of winter stock water on Willow Creek, Idaho, below the Ririe Dam and Reservoir; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 484. A bill making appropriations for productive employment and humanitarian assistance for the fiscal year ending September 30, 1983, and for other purposes; to the Committee on Appropriations.

By Mr. RIEGLE (for himself, Mr. LEVIN, Mr. BUMPERS, Mr. DURENBERGER, Mr. THURMOND, Mr. LUGAR, Mr. PRYOR, Mr. GLENN, Mr. COCHRAN, Mr. BINGAMAN, Mr. RANDOLPH, Mr. EAST, Mr. BOREN, Mr. BAUCUS, Mr. D'AMATO, Mr. BURDICK, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. BYRD, Mr. HELMS, and Mr. BOSCHWITZ):

S.J. Res. 33. Joint resolution designating the week commencing February 20, 1983, as "Clergy Appreciation Week in the United States"; to the Committee on the Judiciary.

By Mr. RIEGLE:

S.J. Res. 34. Joint resolution designating "National Reye's Syndrome Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER:

S. Res. 65. Resolution making Majority Party appointment of two Senators to the Committee on Veterans' Affairs, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 473. A bill to authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL LANDS FOR EFFIGY MOUNDS NATIONAL MONUMENT

● Mr. GRASSLEY. Mr. President, I am introducing legislation today that would provide for the exchange of two small parcels of land between the Federal Government and a private citizen of the State of Iowa. This land transfer, which is fully supported by the administration, would facilitate the protection of the Effigy Mounds National Monument in my home State.

My bill is identical to S. 1661, which I introduced in the 97th Congress and which was approved by the Senate and, in an amended version, the House of Representatives. Hearings were held in the Subcommittee on Public Lands and Reserved Water on July 27, 1982, and the bill was favorably reported out of the Senate Committee on Energy and Natural Resources. The full Senate passed S. 1661 by unanimous consent on September 29, 1982. The House also held hearings on the bill in the Subcommittee on Public

Lands and National Parks and approved an amended version of S. 1661 by voice vote on December 14, 1982. Unfortunately, the lameduck session ended before the differences in the two versions could be reconciled and the measure approved again by both Houses. Therefore, I am reintroducing this bill in hopes that it will receive expeditious consideration and final passage.

The Effigy Mounds National Monument was established by Presidential Proclamation in 1949 to protect a series of unique, prehistoric Indian mounds overlooking the Mississippi River in northeastern Iowa. The legislation I am introducing today would regularize the boundary of the monument grounds, simplify its administration and improve resource protection. It would authorize the Secretary of Interior to accept a parcel of land, comprising roughly 4 acres adjacent to the Effigy Mounds National Monument, in return for the conveyance of approximately 3 acres of land inside the monument. Presently, the sole route of access to the isolated monument grounds is privately owned and difficult to patrol against poaching, hunting and other illegal activities. By acquiring the access route as part of the monument grounds in exchange for another small tract, a contiguous boundary would be established which would be more easily patrolled and serve as a deterent to such activities. The exchange of two parcels, approximately equal in value, would be accomplished without monetary consideration and would not result in increased costs to the Federal Government.

I urge my colleagues to again support this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to accept a conveyance of approximately four acres of land adjacent to the Effigy Mounds National Monument in the State of Iowa, and in exchange therefor to convey the grantor, without monetary consideration, approximately three acres of land within the monument, all as described in subsection (b) of this section. Effective upon consummation of the exchange, the land accepted by the Secretary shall become part of Effigy Mounds National Monument, subject to the laws and regulations applicable thereto, and the land conveyed by the Secretary shall cease to be part of the monument and the boundary of the monument is revised accordingly.

(b) The land referred to in subsection (a) which may be accepted by the Secretary is more particularly described as that portion of the southeast quarter of the southeast quarter of section 28 lying south and east of County Road Numbered 561, and the land referred to in subsection (a) which may be conveyed by the Secretary is more particularly described as that portion of the northeast quarter of the northeast quarter of section 33 lying north and east of County Road Numbered 561, all in township 96 north, range 3 west, fourth principal meridian, Allamakee County, Iowa.●

By Mr. COCHRAN:

S. 474. A bill to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings; to the Committee on the Judiciary.

FEDERAL WITNESS SECURITY PROGRAM REFORM ACT

Mr. COCHRAN. Mr. President, I am introducing today legislation to reform the Federal Witness Security program which was created by Congress under Public Law 91-452, the Organized Crime Control Act of 1970. This law authorized the Attorney General to provide protection for Government witnesses testifying against persons involved in organized criminal activity.

While I agree with my distinguished colleague from Georgia, Senator SAM NUNN, that the program is "one of the most vital tools available to prosecutors in their battle against organized and violent crime," I have uncovered serious problems which require the attention of Congress.

Three tragic incidents occurred in Mississippi involving violent criminal acts committed by persons in the Federal Witness Security program. In Jackson, in the fall of 1981, a federally protected witness, Marion Albert Pruett, kidnaped and murdered a savings and loan employee during an armed robbery. In 1979, a murder/robbery was committed in Pascagoula by Earl Leroy Cassel, and in 1981, a bank robbery that resulted in a death was committed in Natchez by Warren Sims.

In my opinion, we cannot allow the lives of innocent people to be jeopardized by the placing of convicted criminals in our communities by the Government without strict screening and supervision. I chaired a hearing of the Subcommittee on State, Justice, Commerce, the Judiciary and Related Agencies of the Senate Appropriations Committee to look at how the program operates and how these violent incidents could take place.

The testimony before the subcommittee revealed at least three problem areas in the operation of the program which need attention. These are, First, the criteria for admission of a witness into the program; second, the communication of vital identification information to State and local law enforcement agencies, and third, the cooperation and assistance by the Department of Justice in civil litigation by innocent citizens against protected witnesses. The legislation I am introducing contains proposals to address specific needs in each of these problem areas.

ADMISSION OF WITNESSES

The admission of witnesses into the Federal witness security program is the responsibility of the Office of Enforcement Operations (OEO) which was created in the Criminal Division of the Department of Justice in 1979. A witness may be admitted to the program if he is an essential witness in a significant case connected to organized criminal activity and whose life is or will be in jeopardy. An initial application is submitted to the Office of Enforcement Operations by the U.S. attorney who documents the significance of the case to the administration of justice. The investigative agency involved assesses the threat to the witness and submits its report to OEO. The Marshals Service interviews the witness to determine his suitability for the program. Based on the reports submitted, the OEO makes the final determination whether or not to admit a witness into the program.

It is my view that the Department must give more consideration to the potential threat posed to a local community by the relocation of a protected witness. This becomes more obvious when one considers that 95 percent of these witnesses have criminal records.

Department officials claim that the interests of local communities are balanced against those of the prosecutors seeking convictions. That view is not borne out by the facts. The significance of the case, the threat to the witness, and his suitability for the program are assessed by various offices in the Department of Justice, but none are charged specifically with assessing the potential for harm to the innocent citizens of the community to which he will be relocated.

My bill, thus, requires the Attorney General, before providing protection to any person, to have made a written assessment of the possible risk of danger posed to a community by the relocation of a witness and to certify that the need for the witness' testimony outweighs the potential risk of danger to the public. The bill prohibits the admission into the program of a person who poses a risk of danger to the public greater than the need for his testimony.

The Marshals Service has taken a positive step toward the increased consideration of the potential threat of the witness by contracting with a group of psychologists to develop and conduct psychological testing of the witnesses. This testing, however, is primarily a vocational assessment. Further testing should be used to identify those persons who present the threat of danger to communities. The Criminal Division and the Marshals Service must develop additional mechanisms for such in-depth screening.

COOPERATION WITH STATE AND LOCAL LAW ENFORCEMENT OFFICIALS

Another distressing revelation of the subcommittee hearing was the difficulty encountered by Mississippi State and local law enforcement officers when requesting fingerprint and criminal background information from the Federal Bureau of Investigation.

Under the current NCIC system, the witness' new name is flagged and cross-indexed with his old name. When an inquiry is made by local law enforcement to the FBI, the Marshals Service is notified and releases the requested information following the determination that the inquiry is "legitimate." The Marshals Service has set 24 hours as its response time goal.

In each of the three cases we examined, however, law enforcement officers were unable to obtain fingerprint verification and criminal backgrounds from either the FBI or the Marshals Service, and were forced to seek alternative channels for obtaining the information requested.

In the bank robbery case in Natchez, information concerning the witness' criminal record necessary for indictment under the Mississippi Habitual Offender Statute was never received by the Natchez Police Department. As a result, Warren Sims could not be charged as a habitual offender. Moreover, the investigating officers were forced to seek assistance from the FBI Special Agent in Charge in Mississippi just to obtain confirmation of the fingerprints.

In the murder-robbery case in Pascagoula, law enforcement officers were fortunate to discover the name of the U.S. attorney in Wisconsin who placed Earl Leroy Cassel into the program. Only through him were they able to obtain the information they needed to identify and prosecute Cassel.

In the case of Marion Albert Pruett, local law enforcement officers in Albuquerque, N. Mex., had to release him as a suspect in the death of his wife because a record check revealed no information about the past criminal behavior of Charles "Sonny" Pearson, his alias, or his true identity as Pruett. While this error was attributed to clerical mistake, Pruett was free to continue a murder-and-robbery spree. If the information had been available, perhaps subsequent events might have transpired very differently.

It is apparent to me that the current system for the release of criminal background information to State and local law enforcement agencies must be improved. One cannot overemphasize the importance to State and local law enforcement of the prompt identification of persons held as suspects.

Officials at the Department have advised that an "understanding" has been reached between the FBI and the Marshals Service to provide for the "rapid return of information." This procedure will provide for off-duty or after-hours assistance by the FBI and the Marshals Service for response to inquiries from law enforcement agencies. Certainly this is a positive step, but more should be done to insure that law enforcement agencies are provided with effective methods for identifying criminal suspects.

Another facet of this communication problem is the Department's policy to withhold the release of identification information when a protected witness is being held for the commission of a misdemeanor and will be released immediately on bond. The witness' true identity is revealed for all felony arrests. The justification for this policy is the breach to the witness' security and the enormous expense of relocation. However, such a policy undermines the law enforcement efforts of local agencies and pits them against Federal agencies. The FBI is placed into a position of responding untruthfully to such inquiries. Not only should Department policy foster a spirit of cooperation between the various law enforcement agencies, but a witness should not be shielded from the consequences of his criminal activity.

For these reasons, my bill includes a provision requiring the Attorney General to promptly provide to State and local law enforcement officials investigating criminal activity in their jurisdictions, the criminal background and other information about a person under the protection of the program. The requirement would apply to misdemeanors as well as felonies committed by the person protected.

PROBLEMS OF CIVIL LITIGANTS

A final aspect of the program explored briefly by the subcommittee was the degree of cooperation by the Department of Justice in civil litigation instituted by third parties against the protected person. The departmental policy has been to provide service of process only. Recently, this policy has been expanded to provide for the release of the person's identification and location on a case-by-case basis. However, a dollar figure of $500 was mentioned as the threshold for such disclosure, thus depriving some innocent citizens the information they need to seek satisfaction from the protected person.

My bill provides assistance to third parties with claims against protected persons in three ways. First, the bill requires the person to be protected to inventory his debts and other obligations, report them to program officials, and establish a plan for their disposition. Failure to do so may result in that person's termination from the program.

Second, the bill requires the Attorney General to make reasonable efforts to serve process in a civil proceeding and to take appropriate steps to urge the protected person's compliance with any judgment rendered. Should the protected person not comply, the bill requires the Attorney General, after considering the possible harm to the witness and his ability to comply with the judgment, to disclose the identity and location to the party entitled to recovery or to direct such person to take such action as the Attorney General deems is appropriate. As a further protection, the Attorney General's decision not to disclose the identity and location of the person protected would be subject to judicial review.

Third, the bill establishes a victims compensation fund to provide restitution or compensation to victims of the violent crimes committed by protected persons. A total of $2 million collected in fines levied under 18 U.S.C. 1963 would be allocated to the fund for the payment to victims. Payments would be made according to the restitution schedule established under the Victim and Witness Protection Act recently enacted by Congress, except that a maximum of $25,000 could be paid to the estate of a victim in the case of death. Since the fund is intended to be a last resort for the payment of medical expenses, property damage, or other expense, a victim must exhaust his remedies for restitution or compensation provided for under Federal or State law or by civil action and receive payments only for those expenses or compensation not otherwise recovered.

I have highlighted what I consider to be the major provisions of my bill. The bill authorizes the program, clarifies the terms of the agreement, including the responsibilities of the persons to be protected and of the Department of Justice, and provides for the promulgation of guidelines and procedures for the resolution of witness grievances and breaches of the agreement for protection.

Mr. President, if enacted by Congress, this bill will improve the operation of the witness security program. Congress must be committed to making the Federal Witness Security program the most effective tool we can in our fight against organized crime, but we are obligated to protect the rights, well-being and safety of innocent citizens.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Witness Security Program Reform Act."

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that:

The Federal Witness Security Program is an important law enforcement weapon in the fight against organized criminal activity; yet

(1) there has been no systematic assessment of the potential danger posed to a community by the relocation of a witness in determining whether such person should be admitted into the program;

(2) persons who have been placed in the program have committed in violent criminal acts and avoided civil obligations;

(3) State and local law enforcement officials have been impeded in the investigation of crimes committed by persons in the program in their jurisdictions;

(4) civil litigants have been unable to have judgments enforced against persons in the program whose identities and locations are known only to program officials; and

(5) there has been no sufficient delineation of the guidelines for the administration of the program.

(b) The Congress declares that the purposes of this Act are:

(1) to improve the criteria and procedures for the admission of persons into the program;

(2) to enhance communication between Federal, States, and local law enforcement in the investigation of criminal activity involving persons in the program;

(3) to assist civil litigants in pursuing and prosecuting claims against persons in the program;

(4) to clarify the responsibilities of program officials and persons under the program and provide for the development of a grievance procedure; and

(5) to establish a fund for the payment of restitution to the victims of violent crimes committed by persons in the program.

PROTECTION OF GOVERNMENT WITNESSES

Sec. 3. Part II of title 18, United States Code, is amended by inserting after chapter 223 the following new chapter:

"CHAPTER 224—PROTECTION OF WITNESSES

"Sec.
"3521. Witness relocation and protection.
"3522. Victims Compensation Fund.
"3523. Cooperation of other Federal agencies and State governments.
"3524. Additional authority of Attorney General.
"3525. Definition.

"3521. Witness relocation and protection

"(a)(1) The Attorney General may provide for the relocation and other protection of a witness or a potential witness for the Federal Government or for a State government in legal proceedings against any person alleged to have participated in an organized criminal activity if the Attorney General determines that an offense involving a crime of violence directed at the witness with respect to that proceeding, an offense set forth in chapter 73 of this title directed at the witness, or a State offense that is similar in nature to either such offense, is likely to be committed. The Attorney General may also provide for the relocation and other protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered on account of the participation of the witness in the judicial proceeding.

"(2) The Attorney General shall prescribe guidelines to define what constitutes organized criminal activity as used in subsection (1).

"(b)(1) In connection with the protection under this chapter of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Attorney General shall take such action as the Attorney General determines to be necessary to protect the person involved from bodily injury and otherwise to assure the health, safety, and welfare of that person, including the psychological well-being and social adjustment of that person, for as long as, in the judgment of the Attorney General, the danger to that person exists. The Attorney General may—

"(A) provide suitable documents to enable the person to establish a new identity or otherwise protect the person;

"(B) provide housing for the person;

"(C) provide for the transportation of household furniture and other personal property to a new residence of the person;

"(D) provide to the person a payment to meet basic living expenses, in a sum established in accordance with regulations issued by the Attorney General, for such times as the Attorney General determines to be warranted;

"(E) assist the person in obtaining employment; and

"(F) refuse to disclose the identity or location of the person or any other matter concerning that person, except that the Attorney General shall, upon the request of State and local law enforcement officials, promptly provide identity, criminal records, fingerprints, and other relevant information to such officials concerning a law enforcement investigation, including felonies and misdemeanors, or proceeding relating to the person protected.

"(2) Any payment made pursuant to paragraph (1)(D) shall be exempt from income taxation under any Federal, State, or local law.

"(3) Any person who, without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under paragraph (1)(F) shall be fined $5,000 or imprisoned five years, or both.

"(c) Before providing protection to any person under this chapter, the Attorney General shall make a written assessment in each case of the possible risk of danger to persons and property in the community where the person is to be relocated and shall certify that the need for that person's testimony outweighs the risk of danger to the public. The Attorney General shall not provide protection to any person under this chapter where the risk of danger to the public outweighs the need for that person's testimony.

"(d)(1) Before providing protection to any person under this chapter, the Attorney General shall enter into an agreement with that person. Each such agreement shall set forth the responsibilities of that person, including—

"(A) the agreement of the person, if a witness or potential witness, to testify in and provide information to all appropriate law enforcement officials concerning all appropriate proceedings,

"(B) the agreement of the person not to commit any act punishable by a prison term,

"(C) the agreement of the person to take all necessary steps to avoid detection by others of the facts concerning the protection provided to that person under this chapter,

"(D) the agreement of the person to regularly inform the appropriate program official of the activities and current address of such person,

"(E) the agreement of the person to make an inventory of his debts, fines, enforcable judgments, child and martial support, and any other obligation and establish a plan for the equitable disposition of such debts and obligation; such inventory and plan shall be reported to the appropriate program officials who will serve as intermediaries in the disposition of these debts and obligations, and

"(F) the agreement of the person to cooperate with all reasonable requests of Government employees providing protection under this chapter. Each such agreement shall also set forth the protection which the Attorney General has determined will be provided to the person under this chapter. The agreement shall also set forth the procedures to be followed in the case of a breach of the agreement as established by the Attorney General pursuant to subsection (e). Nothing in this subsection shall be construed to the effect that the agreement is legally enforcable in a court of competent jurisdiction.

"(2) The Attorney General shall enter into a separate agreement pursuant to this subsection with each person protected under this chapter who is eighteen years of age or older. The agreement shall be signed by the Attorney General and the person to be protected.

"(3) The Attorney General may delegate his responsibilities under paragraphs (1) and (2) only to the Deputy Attorney General, an Associate Attorney General, the Assistant Attorney General for the Criminal Division, or the Assistant Attorney General for the Civil Rights Division of the Department of Justice.

"(e)(1) The Attorney General may terminate the protection provided under this chapter to any person who substantially breaches the agreement entered into between the Attorney General and that person pursuant to subsection (d), or who provides false information concerning the agreement or the circumstances pursuant to which the person was provided protection under this chapter. The decision of the Attorney General to terminate the protection shall not be subject to judicial review.

"(2) The Attorney General shall establish the guidelines and procedures to be followed in case of a breach of an agreement under subsection (d) and the guidelines and procedures for the resolution of the complaints or grievances of persons provided protection under this chapter regarding the administration of the program.

"(f)(1) Notwithstanding the provisions of subsection (b)(1)(F), if a person provided protection under this chapter is named as a defendant in a civil cause of action arising prior to or during the period in which the protection is provided, process in the civil proceeding may be served upon the Attorney General. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person protected at the person's last known address. If a judgment in such action is entered against that person, the Attorney General shall take appropriate steps to urge the person to comply with the judgment. If the person has not complied with the judgment within a reasonable time, the Attorney General shall, after considering the danger to the person and whether the person has the ability to respond to the judgment, (1) disclose the

identity and location of the person to the plaintiff entitled to recovery pursuant to the judgment and/or (2) direct the person to take such action in accordance with the judgment as the Attorney General determines is appropriate. Failure of the person to comply with that direction may be considered a substantial breach of the agreement entered into with that person pursuant to subsection (d). Any such disclosure of the identity and location of the person shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery. Any such disclosure or nondisclosure by the Attorney General shall not subject the United States to liability in any action based upon the consequences thereof, or be considered a breach by the Attorney General of the agreement entered into pursuant to subsection (d) with the person protected. Only the decision by the Attorney General not to disclose the identity and location of the person to the plaintiff entitled to recovery shall be subject to judicial review in an appropriate Federal District Court and shall be overturned only upon the determination that such decision was arbitrary and capricious.

(2) Any person who, without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under paragraph (f)(1) shall be fined $5,000 or imprisoned five years, or both.

"3522. Victims Compensation Fund

(a) There is established in the United States Treasury a fund to be known as the Victims Compensation Fund (hereinafter in this section referred to as the 'fund') which shall be available to the Attorney General for the payment of restitution or in the case of death compensation to victims of violent crimes committed by persons provided protection under this chapter.

(b) There shall be deposited in the fund during the period beginning on the effective date of this section fines collected under section 1963 of title 18, United States Code as would have been deposited in the general fund of the Treasury.

(c) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States. Not later than four months after the end of each fiscal year, the Attorney General shall transmit to the Congress a detailed report on receipts and disbursements with respect to the fund for such year.

(e) There are authorized to be appropriated from the fund for fiscal year 1984 and fiscal year 1985 such sums as may be necessary for payment under paragraph (a) of this section, of which not more than $2,000,000 may be appropriated for each such fiscal year. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the general fund.

(f) The Attorney General shall be responsible for the administration of the fund and shall establish guidelines and procedures therefor. The payments to victims under this section shall be made for the types of expenses provided for in 18 U.S.C. 3579(b), except that in the case of the death of the victim, an amount not to exceed $25,000 may be paid to the victim's estate. No payments will be made unless the victim exhausts possibilities for restitution or compensation provided under Federal or State law or by civil action. Such payments will be made only to the extent the victim, or his estate, has not otherwise recovered.

"3523. Cooperation of other Federal agencies and State governments; reimbursement of expenses

"(a) Each Federal agency shall cooperate with the Attorney General in carrying out the provisions of this chapter and may provide, on a reimbursable basis, such personnel and services as the Attorney General may request in carrying out these provisions.

"(b) In any case in which a State government requests the Attorney General to provide protection to any person under this chapter—

"(1) the Attorney General may enter into an agreement with that State government in which that government agrees to reimburse the United States for expenses incurred in providing protection to that person under this chapter; and

"(2) the Attorney General shall enter into an agreement with that State government in which that government agrees to cooperate with the Attorney General in carrying out the provisions of this chapter.

"3524. Additional authority of Attorney General

"The Attorney General may enter into such contracts or other agreements as may be necessary to carry out this chapter.

"3525. Definition

"For purposes of this chapter, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

CONFORMING AMENDMENT; REPEAL

SEC. 4. (a) The table of chapter for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 223 the following new item:

"224. Protection of witnesses ..... 3521".

(b) Title V of the Organized Crime Control Act of 1970 (84 Stat. 933) is repealed.

By Mr. PROXMIRE:

S. 475. A bill to promote the nuclear nonproliferation policies of the United States; to the Committee on Foreign Relations.

NUCLEAR NONPROLIFERATION POLICY ACT OF 1983

Mr. PROXMIRE. Mr. President, today I am introducing the Nuclear Nonproliferation Act of 1983. The purpose of this bill is to close a number of troubling loopholes in the Nuclear Nonproliferation Act of 1978 by requiring stricter controls over U.S. exports of nuclear materials and facilities that can be used to produce nuclear weapons.

The bill, Mr. President, has six parts. First, the bill requires that all Department of Energy authorizations for U.S. firms and individuals to engage in the production of nuclear materials overseas be: First, published in the Federal Register; second, reported to the Congress annually; and third, made only for activities that meet Nuclear Regulatory Commission licensing criteria and International Atomic Energy Agency full-scope nuclear safeguards. In addition, the bill, like Nuclear Regulatory Commission regulations, requires terminations of authorizations to nonnuclear weapons states engaged in activities such as the detonation of a nuclear device.

Such a measure is necessary due to the relative weakness of Department of Energy procedures in this regard. The fact is that, whereas the direct export of nuclear materials licensed by the Nuclear Regulatory Commission is governed by a tough set of restrictions, Department of Energy authorizations are not. For example, in the event that a nonnuclear weapons state did develop and explode a nuclear device, it could still obtain Department of Energy authorization for its nuclear activities; not so with the Nuclear Regulatory Commission. The Department of Energy simply makes these authorizations unilaterally—without public, congressional, or Nuclear Regulatory Commission comment or concurrence. The General Accounting Office, in fact, has concluded that the Department of Energy's handling of these authorizations "provides too many opportunities for arbitrary executive branch decisions."

In response to those who might think this measure goes too far in affecting U.S. relations with countries such as Pakistan with which the administration is currently trying to curry favor but which has not agreed to full-scope nuclear safeguards a Presidential waiver of these requirements and a congressional veto of this waiver by concurrent resolution is provided. This arrangement is similar to one already contained in the Nuclear Nonproliferation Act of 1978 for Nuclear Regulatory Commission licensed exports.

Second, the bill provides for stiffer criteria for the export of highly enriched uranium or HEU—a weapons capable material used in foreign research reactors. In particular, no license could be granted by the Nuclear Regulatory Commission for export of HEU to a foreign reactor that can use an available, less-weapons capable fuel. The need is to promote the development and use of an alternative nuclear fuel—one that does not pose the proliferation risks of HEU. Sad to say the Government was headed in the right direction until only a few months ago when the General Accounting Office reported that inadequate funding necessitated cutbacks in the so-called reduced enrichment program.

Importantly, it should be added that the way the bill reads now, in reactors where HEU remains the only workable fuel, HEU exports will continue.

The third major aspect of the bill deals with what is referred to as "subsequent arrangements." Subsequent arrangements are the arrangements

made for the reprocessing of U.S. exported fuel or its transfer for that purpose. The problem lies in that reprocessing creates plutonium, a substance even more dangerous than HEU. Worse yet, numerous exports including three members of the International Atomic Energy Agency and Presidentially appointed Nuclear Regulatory Commission maintain that mechanisms to safeguard against the disappearance of this material do not exist. The bill thus requires the concurrence of the more stringent Nuclear Regulatory Commission in subsequent arrangements for reprocessing. Further, administration programmatic approvals for reprocessing—approvals based on broad policies as opposed to decisions on a case-by-case basis—are permitted provided subsequent arrangements are made with countries that subscribe to full-scope nuclear safeguards. This is in keeping with current U.S. restrictions on Nuclear Regulatory Commission nuclear export licensing.

The bill's fourth major provision, in effect, gives life to a passage in the Nuclear Nonproliferation Act of 1978 which prohibits export licenses for nuclear fuel or equipment unless the executive branch believes the sale is "not inimical to the common defense and security." Specifically, the bill gives a stronger role to the Secretary of Defense in nuclear nonproliferation matters by virtue of giving him a de facto veto over nuclear cooperative agreements, export licenses, and subsequent arrangements. The necessity of involving the defense and national security experts in matters such as these was driven home last year when Israel carried out a preemptive air strike against an Iraqi nuclear facility. Clearly, the contribution of the national security structure to the U.S. nuclear nonproliferation equation is a significant one and therefore ought to be taken into account.

Title V of the bill attempts to block U.S. export of components, technology, and other assitance essential to the reprocessing of nuclear fuel. Permission to export the above was given only recently in an unwarranted administration announcement. The administration's announcement, in fact, marked a major departure from the policies of previous Republican and Democratic administrations which stymied the export of reprocessing technology and materials and which ultimately resulted in a moratorium on reprocessing in the United States. So, while it is generally accepted that the previous export bans were imposed because it was considered neither safe nor economic to recover plutonium through reprocessing, the administration apparently no longer thinks so. Yet, the administration has failed to show how plutonium reprocessing is safer or more economical. In fact, on the basis of the rise in international terrorism and declining uranium prices it would seem fair to assume that in each case it is less so.

A sixth and final major provision of the bill pertains to export licensing by the Department of Commerce. Much like the first provision seeks to extend the nuclear transfer restrictions that apply to the Nuclear Regulatory Commission to the Department of Energy so too does this provision attempt to extend them to the Department of Commerce. The reason is obvious: Hand-in-hand with being as the administration would have us be—a "reliable supplier," that is—is the notion of consistency.

In closing, Mr. President, I call the attention of my colleagues to this important legislation and welcome their support in urging its earliest possible consideration.

By Mr. LEVIN (for himself and Mr. COHEN):

S. 476. A bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes; to the Committee on Finance.

(The remarks of Mr. LEVIN and Mr. COHEN on this legislation appear earlier in today's RECORD.)

By Mr. DANFORTH:

S. 477. A bill to amend the Internal Revenue Code of 1954 and the National Traffic and Motor Vehicle Safety Act of 1966 to expedite the installation of automatic safety airbags; to the Committee on Finance.

INSTALLATION OF AIRBAGS

● Mr. DANFORTH. Mr. President, occasionally some of the most menacing threats are masked by the familiarity of the commonplace. This is certainly the case with motor vehicle accidents, which occur in this country at the rate of about 1 every 3 seconds.

Approximately 50,000 Americans die and another 4 million are injured each year in motor vehicle accidents. This death rate is equivalent to a major airline crash every day. Nearly as many American lives are lost each year in motor vehicle accidents. Nearly as many American lives are lost each year in motor vehicle accidents as were lost in combat during the entire Vietnam war.

Even those who are sensitized to the vehicle safety issue sometimes think of it only in limited terms. They tend to focus on the suffering they know—family members and friends who have been involved in passenger car crashes. That is certainly a part of the picture, but not all of it. For instance, motor vehicle accidents are currently the foremost cause of death among members of the Armed Forces, claiming approximately 900 lives per year. Vehicle-related accidents are also the leading cause of fatal injuries in the workplace—far surpassing occupational hazards such as falls, mine collapses, or machinery malfunctions. Moreover motor vehicle accidents are a major drain on the Federal budget. It is estimated that the cost of the death and injury resulting from motor vehicle accidents approaches $50 billion per year, and that the Federal Government absorbs over $6 billion of these costs through social security, medicare, medicaid, aid to families with dependent children, disability insurance, and lost corporate and personal income taxes.

Mr. President, these are remarkable statistics. Even more remarkable is the fact that lifesaving technologies exist, but are unavailable to American consumers.

For example, it is estimated that the installation of airbags would save 9,000 lives and prevent hundreds of thousands of injuries each year. The use of new plastic-coated windshields could prevent most of the facial scarring and disfigurement that now results from shattering glass. Both of these items are presently available to Europeans, but Americans cannot buy them—even as options. Other safety innovations, such as high-speed impact protection, are unavailable to consumers anywhere.

This is not to say that I question whether new safety technologies will ever be available to Americans. I believe they will be, eventually. The question is when, and how many human lives will be lost in the meantime.

To its credit and, I think, to its profit, Mercedes-Benz of North America recently announced that, beginning with the 1984 model year, it will offer driver-side airbag systems to American customers. This is indeed a positive step, and I commend Mercedes-Benz for it. But airbag technology is over a decade old. Mercedes-Benz will have offered it in Europe for 4 years before doing so in America. Furthermore, the vast majority of Americans necessarily drive more modest automobiles. They continue to wait indefinitely for airbags. I am concerned that this lifesaving technology not be made into some kind of luxury accessory. It and other safety features must be made available and affordable to everyone.

To this end, I am today announcing a new initiative aimed at getting proven safety technologies out of the research laboratories and into the marketplace where they can do some good.

This Thursday, February 17, 1983, my Subcommittee on Surface Transportation will hold the first of 3 days of hearings on motor vehicle safety and the marketplace. The first 2 days of hearings will survey the state of the art in safety technology. The 3d day will examine the role of government and industry in expediting the availability of such technology to consumers.

The February 17 hearing will focus on vehicle durability, in particular, the ability of automobile bumpers to withstand likely impacts. The second hearing, scheduled for March 10, will focus on occupant protection, including passive restraints, nonlacerating windshields, side-impact protection, and improved design for work vehicles. The purpose of these 2 days will be to develop an understanding of what could be the optimum offerings in safety protection. The 3d day, scheduled for March 11, I will invite the Department of Transportation, the major automobile manufacturers, and leading insurance companies to suggest positive new ideas on what the Federal Government and private industry might do to get this technology into the marketplace.

Mr. President, I am hopeful that these hearings will provide a forum for creative thought and lead to some productive new initiatives. And, to get the ball rolling, I am today forwarding one proposal. It is a proposal I first made in the last Congress, and is one which I believe will expedite the affordability and availability of a lifesaving passive restraint technology—the airbag.

Mr. President, on behalf of myself and Senator GORTON, I am reintroducing legislation which would encourage the installation of airbags by American automobile manufacturers through two uses of the Internal Revenue Code.

First, it would allow automobile manufacturers to claim a refundable tax credit to pay for the installation of airbags in 1984 and on later model year automobiles.

Second, it would levy an excise tax on sales of new automobiles which do not employ this lifesaving technology.

This legislation is designed to meet the major economic objections which are made to installation of airbags. These objections are that the costs of airbags would be unfairly imposed on an already hard pressed auto industry, and that consumers would resist buying more expensive, airbag-equipped cars.

The bill I am reintroducing today would reallocate the cost of implementing this new technology to the Federal Government which, in strict economic terms, has an incentive to bear these costs. The Government would ultimately realize a net savings of over a billion dollars a year through the use of airbags. Of the $6 billion loss the Federal Government now absorbs each year from motor vehicle accidents, the National Highway Traffic Safety Administration estimates that nearly $3.8 billion could be saved if airbags were in broad use. Since this legislation would cost the Federal Government only about $2.6 million if all 1984 model-year cars were manufactured with airbags, it would result in a net savings of over a billion dollars per year once airbags became commonplace.

Moreover, the savings may be even greater than these projections suggest. NHTSA is concerned that, due to a number of factors, including the shift to smaller cars, traffic fatalities may increase to as many as 70,000 per year by the end of the decade. Certainly these grim statistics make it even clearer that the Government stands to economically benefit from efforts to make cars safer.

Finally, I would like to mention that in addition to the incentive which this legislation would itself provide, there would be significant insurance incentives available in the form of reduced premiums for airbag-equipped cars. During the last Congress I wrote to executives of the Nation's leading insurers, and they informed me that their companies offer discounts of as much as 30 percent for cars with airbags.

Mr. President, I hope this proposal will be favorably acted upon by the Congress, and will be only the first of many efforts by both Government and industry to expedite the availability of proven safety technology to consumers in the marketplace.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of subchapter A of chapter 32 of the Internal Revenue Code of 1954 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new section:

"SEC. 4065. FAILURE TO INSTALL AIRBAGS.

"(a) IMPOSITION OF TAX.—There is hereby imposed on the sale by the manufacturer of each 1984 or later model year passenger automobile manufactured in the United States by such manufacturer with respect to which a qualified automatic safety airbag has not been installed a tax of $300.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED AUTOMATIC SAFETY AIRBAG.—The term 'qualified automatic safety airbag' means an automatic safety airbag which meets requirements established by the Secretary of Transportation for passenger automobile occupant passive restraints.

"(2) PASSENGER AUTOMBILE AND MANUFACTURER.—The terms 'passenger automobile' and 'manufacturer' have the meanings given such terms by paragraphs (2) and (8), respectively, of section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001).

"(3) MODEL YEAR.—The term 'model year' has the meaning given such term by section 4064(b)(4).".

(b)(1) Subsection (d) of section 1016 of such Code (relating to reduction in basis of automobile on which gas guzzler tax was imposed) is amended—

(A) by inserting "or 4065" after "4064" each place it appears, and

(B) by inserting "or Airbag Tax" after "Gas Guzzler Tax" in the heading thereof.

(2) The last sentence of subsection (a) of section 4221 of such Code (relating to certain tax-free sales) is amended by inserting "or 4065" after "4064".

(3) Section 4293 of such Code (relating to exemption for United States and possessions) is amended by inserting ", 4065," after "4064".

(4) The last sentence of paragraph (2) of section 6416(b) of such Code (relating to tax payments considered overpayments in the case of specified uses and resales) is amended by inserting "or 4065" after "4064".

(5) Subsection (e) of section 4217 of such Code (relating to leases) is amended—

(A) by inserting "or 4065" after "4064" each place it appears in paragraphs (1) and (2) thereof,

(B) by inserting "or total airbag tax" after "total gas guzzler tax" each place it appears in paragraph (2), and

(C) by inserting at the end of subparagraph (B) of paragraph (3) thereof the following new subparagraph:

"(C) TOTAL AIRBAG TAX.—The term 'total airbag tax' means the tax imposed by section 4065.".

(6) The table of sections for part I of subchapter A of chapter 32 of such Code is amended by adding at the end thereof the following new item:

"Sec. 4065. Failure to install airbags.".

(c) The amendments made by this section shall apply with respect to 1984 and later model year automobiles (as defined in section 4065(b) of the Internal Revenue Code of 1954).

SEC. 2. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting immediately before section 45 of the following new section:

"SEC. 44H. CREDIT TO AUTOMOBILE MANUFACTURERS FOR INSTALLATION OF AIRBAGS.

"(a) CREDIT ALLOWED.—In the case of a manufacturer of 1984 model year or later passenger automobiles, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the product of—

"(1) $300, multiplied by

"(2) the number of such passenger automobiles which—

"(A) are manufactured in the United States by such manufacturer, and

"(B) with respect to which such manufacturer has installed an automatic safety airbag which meets requirements established by the Secretary of Transportation for passenger automobile occupant passive restraints.

"(b) DEFINITIONS.—For purposes of this section—

"(1) PASSENGER AUTOMOBILE AND MANUFACTURER.—For purposes of this section, the terms 'passenger automobile' and 'manufacturer' have the meanings given such terms by paragraphs (2) and (8), respectively, of

section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001).

"(2) MODEL YEAR.—The term 'model year' has the meaning given such term by section 4064(b)(4).".

(b)(1) Subsection (b) of section 6401 of such Code (relating to amounts treated as overpayments) is amended—

(A) by striking out "and 43 (relating to earned income credit)," and inserting in lieu thereof "43 (relating to earned income credit), and 44H (relating to installation of automatic safety airbags)", and

(B) by striking out "and 43" and inserting in lieu thereof ", 43, and 44H".

(2) Sections 44C(b)(5), 44D(b)(5), 44E(e)(1), and 55(f)(2) of such Code are each amended by striking out "and 43" and inserting in lieu thereof "43, and 44H".

(3) Section 56(c) of such Code is amended by striking out "and 44G" and inserting in lieu thereof "44G, and 44H".

(4) Paragraph (4) of section 6201(a) of such Code (relating to assessment authority) is amended—

(A) by striking out "or section 43 (relating to earned income)," and inserting in lieu thereof "section 43 (relating to earned income), or section 44H (relating to installation of automatic safety airbags),", and

(B) by striking out "under section 39 or 43" in the heading thereof.

(c) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 45 the following item:

"Sec. 44H. Credit to automobile manufacturers for installation of airbags.".

(d) The amendments made by this section shall apply to airbags installed in 1984 or later model cars in taxable years in which such airbags were installed.●

By Mr. RIEGLE:

S. 478. A bill to amend the Social Security Act to provide for removal of the social security trust funds from the unified budget; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

S. 479. A bill to amend the Social Security Act to provide for interfund borrowing, and for other purposes; to the Committee on Finance.

REMOVAL OF SOCIAL SECURITY TRUST FUNDS FROM UNIFIED BUDGET AND INTERFUND BORROWING PROVISIONS

● Mr. RIEGLE. Mr. President, today I am introducing legislation similar to S. 1669 which I introduced on September 28, 1981, during the 97th Congress. This legislation is designed to address the financial difficulties of the social security system. I proposed 2 years ago and am again proposing today four major reforms in the social security system in an effort to prevent unnecessary benefit reductions in order to reduce the Federal deficit. While S. 1669 was not considered during the 97th Congress, nevertheless its four provisions were contained in the recent recommendations of the National Commission on Social Security Reform.

The legislation which I am again proposing:

First, would remove the social security trust funds from the unified Federal budget, so that social security revenues cannot be applied toward reducing the Federal deficit.

Second, would continue the provisions of current law permitting interfund borrowing among the three major trust funds.

Third, would enlarge the social security board of trustees with the objective of insuring that its membership more adequately represents the interest of employers, employees, and beneficiaries.

Fourth, and finally, S. 478 would provide for crediting outstanding checks to the social security trust fund if they are not negotiated within 1 year of the date they were issued.

REMOVING SOCIAL SECURITY FROM THE UNIFIED BUDGET

My bill removes the social security trust funds from the unified Federal budget and assures that they are kept separate and apart, so that their financial integrity can be clearly understood and carefully monitored. This will remove the temptation to use the social security trust funds to disguise, on paper, the deficits in the rest of the Federal budget.

Furthermore, my proposal to separate social security from the unified budget is far more flexible than similar proposals in that in addition to removing the old age and survivors' insurance (OASI), disability insurance (DI) and hospital insurance (HI) from the unified Federal budget this measure would require separate reporting of the supplemental medical insurance (SMI) fund. This is important because it allows greater latitude in designing new funding mechanisms for our Nation's retirement and health programs.

It is imperative, in my judgment, that we move swiftly to separate social security from the unified budget. One need only review the events of the last 2 years to see this judgment borne out. In May 1981, the Reagan administration unveiled a package of massive and unprecedented cuts in social security, whose magnitude went far beyond anything reasonably needed to protect the safety of the social security trust funds. The administration's proposal would have built up substantial reserves in the social security trust funds which would be applied toward helping the administration meet its promise of a balanced budget. That same year we saw the reconciliation bill—an arm of the budget process—used as the vehicle for elimination the minimum social security benefit and making other reductions in the program. Also, last year during consideration of the budget resolution, further attempts were made to enact unspecified cuts of $40 billion out of the social security system. These cuts would have helped reduce the Federal deficit without any assurances that social security benefits would not be cut beyond what is absolutely necessary to preserve the system's financial integrity.

These recent events make it clear that social security must be protected against being used to meet short-term budgetary goals of this or any other administration. The best and surest way to do this is to eliminate the temptation presented by our current accounting system, by removing social security entirely from the unified budget.

INTERFUND BORROWING

My bill would also provide for a permanent extension of the current law which allows for interfund borrowing among the OASI, DI and HI funds. These three funds are financed by social security tax revenues. The allocation of the social security tax among the three trust funds is set by law. In October 1980, Congress initiated a temporary reallocation of revenues from the DI program for the remainder of 1980 and 1981, to meet the unexpected financing difficulties faced by the OASI fund caused by the unusual economic circumstances of recent years. During 1981, it became increasingly clear that interfund borrowing would continue to be needed to stabilize the system's financing situation, and Congress authorized interfund borrowing among the OASI, DI, and HI funds, with a stipulation that the loans be repaid with interest. Borrowing was authorized so that benefits could be paid through June 1983. Absent further legislation, this authority will expire in June and the OASI fund will be unable to pay benefits on time in July.

Given the unpredictable nature of our economy and the equally unpredictable effect our economy has on the financial situation of the social security trust funds, it only seems reasonable that we should make permanent provisions which allow interfund borrowing among the OASI, DI, and HI funds. This is important because it protects beneficiaries against sudden and devastating reductions in benefits while allowing policymakers flexibility in reacting to unforeseen events.

ENLARGING THE BOARD OF TRUSTEES

Today, social security is governed by three trustees, all of whom are Cabinet officers of the administration: The Secretary of the Treasury, the Secretary of Health and Human Services, and the Secretary of Labor. We must establish a new, independent Social Security Board of Trustees which also includes private members whose only purpose and charge is to fully protect and wisely manage the social security trust funds. Such a new independent Board of Trustees could prevent abuses of the system—and help to secure the highest possible return on investments commensurate with the

safety of the trust funds. To this end, my bill would enlarge the present Board of Trustees by adding four new members, to be appointed by the President on the advice and consent of the Senate. Each trustee would be appointed to a 4-year term. One would be a representative of contributing employers; one would represent contributing employees; one would represent beneficiaries; and one would be an individual with skills and experience in the investment field.

CREDITING UNNEGOTIATED CHECKS

Finally, Mr. President, my bill would provide for crediting outstanding checks to the trust funds if they remain unnegotiated for a year or more. Under current accounting procedures, the Treasury does not credit the social security trust funds for unnegotiated checks. The money to cover these unnegotiated checks is transferred from the trust funds at the time the checks are issued, but is never returned to the trust fund, no matter how many years pass after the original issuance of the checks. My bill would provide that the trust funds be credited when a check remains unnegotiated for a year or more, while at the same time assuring that the check itself remains negotiable.

Mr. President, in addition to S. 478, I am also introducing S. 479 which is section 4 in S. 478 designed to remove the social security trust fund from the unified budget. The reason I am introducing this provision as a separate bill is to highlight the significance it plays in any series of proposals designed to reform the social security system. Even through a majority of members of the National Commission on Social Security Reform recommended separating the social security system from the unified budget this recommendation was not included in S. 1, the legislation designed to implement the Commission's recommendations. Therefore in addition to introducing this provision as a separate bill I am also offering an amendment for printing to S. 1 (Senate amendment No. 3) providing for the removal of social security from the unified budget. Clearly the time has come when we must forever remove partisan politics from our Nation's retirement and disability programs.

Mr. President, I ask unanimous consent that the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part A of title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"REMOVAL OF SOCIAL SECURITY TRUST FUNDS FROM UNIFIED BUDGET

"SEC. 1136. (a) The receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund, and the receipts from the taxes imposed under sections 1401, 3101, and 3111 of the Internal Revenue Code of 1954, shall not be included in the totals of the budget of the United States Government, shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States, and shall not be subject to any provision of the Congressional Budget and Impoundment Control Act of 1974 (other than title X thereof relating to impoundment control).

"(b)(1) Notwithstanding any other provision of law, for each fiscal year beginning after September 30, 1983, the President shall prepare and transmit to the Congress requests for new budget authority and estimates of outlays and revenues for the Federal Supplementary Medical Insurance Trust Fund which are separate from the requests for new budget authority and estimates of outlays and revenues included in the Budget submitted under section 1105 of title 31, United States Code, for all functions and activities of the Government for each fiscal year. The budget for any such fiscal year submitted under such section 1105 shall not contain any requests for new budget authority or any estimates of outlays or revenues with respect to such Trust Fund.

"(2) Notwithstanding any other provision of law, the Congress, in considering any concurrent resolution on the budget under the Congressional Budget and Impoundment Control Act of 1974 for any fiscal year beginning after September 30, 1983, shall include provisions for the appropriate level of new budget authority and budget outlays, the recommended level of revenues, and such other matters as are specified in title III of such Act, for the Federal Supplementary Medical Insurance Trust Fund separately from the provisions included in any such concurrent resolution for any such fiscal year for all other functions and activities of the Government. Any concurrent resolution on the budget for any such fiscal year shall not include in the appropriate level of total new budget authority and total outlays required under section 301(a)(1) of such Act and the estimates of total new budget authority and total outlays for each major functional category required under section 301(a)(2) of such Act, any amounts attributable to budget authority and outlays for such Trust Fund. Any reconciliation bill or resolution required under such Act shall not include any provision relating to amounts paid or appropriated into, or paid out of, such Trust Fund.

"(c) Notwithstanding any other provision of law, the Director of the Office of Management and Budget, in preparing any statement of expenditures by the Government required by law for any fiscal year beginning after September 30, 1983, shall prepare statements of expenditures for the Federal Supplementary Medical Insurance Trust Fund which are separate from statements of expenditures for all other functions and activities of the Government. Any statement of expenditures for all functions and activities of the Government shall not include any amounts attributable to such Trust Fund.

"(d) For purposes of this Act—

"(1) the term 'budget outlays' has the same meaning as in section 3(a)(1) of the Congressional Budget and Impoundment Control Act of 1974;

"(2) the term 'budget authority' has the same meaning as in section 3(a)(2) of such Act; and

"(3) the term 'concurrent resolution on the budget' has the same meaning as in section 3(a)(4) of such Act.".

S. 479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1983".

INTERFUND BORROWING

SEC. 2. (a) Section 201(l)(1) of the Social Security Act is amended by striking out "prior to January 1983".

(b) Section 1817(j) of such Act is amended by striking out "prior to January 1983".

EXPANSION OF BOARD OF TRUSTEES

SEC. 3. (a) Section 201(c) of the Social Security Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(3) by striking out "in paragraph (2) above" and inserting in lieu thereof "in subparagraph (B)";

(4) by striking out "the Secretary of Health, Education, and Welfare, all ex officio" and inserting in lieu thereof "the Secretary of Health and Human Services, all ex officio, and four individuals appointed by the President, by and with the advice and consent of the Senate, in accordance with paragraph (2)"; and

(5) by adding at the end thereof the following new paragraph:

"(2)(A) The President shall appoint, by and with the advice and consent of the Senate, four individuals to be members of the Board of Trustees for terms of four years, beginning in 1982. The four individuals shall be—

"(i) one representative of employers;

"(ii) one representative of employees;

"(iii) one representative of individuals receiving benefits under this title; and

"(iv) one individual who is highly qualified in the field of management of investment funds.

"(B) Vacancies occurring on the Board of Trustees shall be filled in the same manner as original appointments, and any individual so appointed shall serve out the unexpired term of his predecessor.

"(C) Each member of the Board of Trustees who is not a full-time employee of the Federal Government shall be entitled to per diem compensation at rates fixed by the President, but not more than the current per diem equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which the member is engaged in the actual performance of duties vested in the Board, and all members of the Board of Trustees shall be allowed, while away from their homes or regular places of business in the performance of service for the Board, travel expenses (including per diem in lieu of subsistence) in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.".

(b) Section 1817(b) of such Act is amended by striking out "composed of the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health, Education, and Welfare, all ex officio" and inserting in lieu thereof "composed of the same individuals who compose the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund (as specified in section 201(c)).

(c) Section 1841(b) of such Act is amended by striking out "composed of the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health, Education, and Welfare, all ex officio" and inserting in lieu thereof "composed of the same individuals who compose the Board of Trustees of the Federal Old-Age and Surviviors Insurance Trust Fund and the Federal Disability Insurance Trust Fund (as specified in section 201(c))".

REMOVAL OF SOCIAL SECURITY TRUST FUNDS FROM UNIFIED BUDGET

SEC. 4. Part A of title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"REMOVAL OF SOCIAL SECURITY TRUST FUNDS FROM UNIFIED BUDGET

"SEC. 1136. (a) The receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund, and the receipts from the taxes imposed under sections 1401, 3101, and 3111 of the Internal Revenue Code of 1954, shall not be included in the totals of the budget of the United States Government, shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States, and shall not be subject to any provision of the Congressional Budget and Impoundment Control Act of 1974 (other than title X thereof relating to impoundment control).

"(b)(1) Notwithstanding any other provision of law, for each fiscal year beginning after September 30, 1983, the President shall prepare and transmit to the Congress requests for new budget authority and estimates of outlays and revenues for the Federal Supplementary Medical Insurance Trust Fund which are separate from the requests for new budget authority and estimates of outlays and revenues included in the Budget submitted under section 1105 of title 31, United States Code, for all functions and activities of the Government for each fiscal year. The budget for any such fiscal year submitted under such section 1105 shall not contain any requests for new budget authority or any estimates of outlays or revenues with respect to such Trust Fund.

"(2) Notwithstanding any other provison of law, the Congress, in considering any concurrent resolution on the budget under the Congressional budget and Impoundment Control Act of 1974 for any fiscal year beginning after September 30, 1983, shall include provisions for the appropriate level of new budget authority and budget outlays, the recommended level of revenues, and such other matters as are specified in title III of such Act, for the Federal Supplementary Medical Insurance Trust Fund separately from the provisions included in any such concurrent resolution for any such fiscal year for all other functions and activities of the Government. Any concurrent resolution on the budget for any such fiscal year shall not include in the appropriate level of total new budget authority and total outlays required under section 301(a)(1) of such Act and the estimates of total new budget authority and total outlays for each major functional category required under section 301(a)(2) of such Act, any amounts attributable to budget authority and outlays for such Trust Fund. Any reconciliation bill or resolution required under such Act shall not include any provision relating to amounts paid or appropriated into, or paid out of, such Trust Fund.

"(c) Notwithstanding any other provision of law, the Director of the Office of Management and Budget, in preparing any statement of expenditures by the Government required by law for any fiscal year beginning after September 30, 1983, shall prepare statements of expenditures for the Federal Supplementary Medical Insurance Trust Fund which are separate from statements of expenditures for all other functions and activities of the Government. Any statement of expenditures for all functions and activities of the Government shall not include any amounts attributable to such Trust Fund.

"(d) For purposes of this section—

"(1) the term 'budget outlays' has the same meaning as in section 3(a)(1) of the Congressional Budget and Impoundment Control Act of 1974;

"(2) the term 'budget authority' has the same meaning as in section 3(a)(2) of such Act; and

"(3) the term 'concurrent resolution on the budget' has the same meaning as in section 3(a)(4) of such Act.".

UNNEGOTIATED SOCIAL SECURITY CHECKS

SEC. 5. (a) Section 201 of the Social Security Act is amended by adding after subsection (l) the following new subsection:

"(m)(1) The Secretary of the Treasury shall implement procedures to permit the identification of each check for benefits issued under this title that has not been presented for payment for the close of the three hundred and sixty-fifth day following the date of its issuance.

"(2) The Secretary of the Treasury shall, on a monthly basis, credit whichever of the Trust Funds is appropriate for the amount of all benefit checks drawn on such Trust Fund more than three hundred and sixty-five days previously but not presented for payment and not previously credited to the Trust Fund.

"(3) If a benefit check is presented for payment to the Treasury, the amount thereof having been previously credited pursuant to paragraph (2) to one of the Trust Funds, the Secretary of the Treasury shall nevertheless pay such check, if otherwise proper, recharge such Trust Fund, and notify the Secretary of Health and Human Services.

"(4) A benefit check bearing a current date may be issued to an individual who did not negotiate the original benefit check and who surrenders such check for cancellation if the Secretary of the Treasury determines it is necessary to effect proper payment of benefits.".

(b) The amendment made by subsection (a) shall apply with respect to all benefit checks issued under title II of the Social Security Act after the date of the enactment of this Act.

(c)(1) There are authorized to be appropriated, for crediting to the Federal Old-Age and Survivors Insurance Trust Fund and to the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to reimburse such funds in the total amounts of all unnegotiated benefit checks. After the amounts authorized by this subsection have been appropriated and credited to the Trust Funds, the provisions of paragraphs (3) and (4) of section 201(m) of the Social Security Act (as added by subsection (a)) shall be applicable to unnegotiated benefit checks.

(2) As used in paragraph (1), the term "unnegotiated benefit checks" means the checks drawn on the United States Treasury, in payment of benefits under title II of the Social Security Act, which remain unnegotiated after the three hundred and sixty-fifth day following the date on which they were issued, except that such term does not include any benefit check to which the amendment made by subsection (a) applies.●

By Mr. PRESSLER:

S. 480. A bill relating to the transfer of civil land remote sensing space satellite systems and meteorological satellite systems to the private sector; to the Committee on Commerce, Science, and Transportation.

SATELLITE SYSTEMS PROTECTION ACT

Mr. PRESSLER. Mr. President, I am introducing legislation today that would require congressional authorization before the Government weather satellite (Metsat) or the land remote sensing satellite (Landsat) system can be turned over to a private corporation.

I am not introducing this legislation with the intent of prohibiting such a transfer at all costs. Whenever private enterprise can responsibly and effectively assume control of Government operations, the transfer should be made. But I believe Congress should assume responsibility to insure that these elements are included in any proposed transfer. Some of my specific concerns about commercialization of Government satellite systems include:

COST SAVINGS

There are legitimate arguments that commercialization of the weather and land remote sensing satellite systems will cost the Government more money than it will save.

MONOPOLIZATION

Some of the proposals under consideration involve heavy Government subsidization of a single company. Both the Landsat and the Metsat operations now have a virtual monopoly in their respective markets. This would put the United States in a position of subsidizing monopolies—a curious development in a program designed to encourage private enterprise. Excessive subsidization of private enterprise encourages, rather than eliminates, wasteful Government spending.

SERVICE TO THE PUBLIC

We must make certain that vital weather information and services to the public are not jeopardized by commercialization of the weather satellite system. Millions of Americans rely on Government weather services for their safety and economic well-being. It is

imperative that this kind of service be guaranteed and open to the public.

FOREIGN RELATIONS

There is a host of complex international information agreements between countries regarding the weather satellites (Metsat) that must be reconciled, and the foreign market in land remote sensing is just beginning to take form. Consequently, there are many arrangements to be worked out before program transfers can be made.

SCIENCE INFORMATION

Much of the information now obtained by the Metsat and Landsat programs is invaluable to the scientific world and Government information services. But most of this data is not yet marketable in the private sector. Also, the long-term investment costs required to obtain and utilize the data would be extremely difficult for private business to absorb in the short run. Nonprofitable processing operations would be lost. As technology advances, this information will become more cost effective in private industry. Until that time, however, it is necessary to insure continued processing of the data now acquired through both of these systems. To discontinue any of this data flow now would both retard technological development and leave an empirical void that could never be filled.

EMPLOYMENT

It is possible that many Government employees would lose their jobs as a result of commercialization. Although it is true that some of these positions would be replaced in the private sector, almost definitely there would be a net decrease in employment. It would be hard to justify a proposal that eliminates jobs, costs the Government additional money, and hands ready-made monopolies over to a single corporation.

These are just several of the concerns I have regarding this proposal. I would like to reiterate that I am not necessarily against any type of commercialization transfer. I just want to make certain that such a transfer contains the necessary elements to guarantee its intended purposes of cost savings and would provide a free enterprise market system that is fair and equitable. I believe that Congress should make certain that these elements are contained in any proposal before a commercialization transfer is made.

That is, indeed, a very complex and complicated issue. I think that it is very important that Congress allow itself the opportunity to fully consider and debate the issue before we give away billions of dollars' worth of technology and equipment, and at the same time run the risk of higher costs, loss of employment, declining technology, and diminished service.

Mr. President, this vitally important issue deserves close scrutiny by Congress before we decide to turn powerful monopolies over to a single corporation. I strongly urge my colleagues to join me in support of this bill. Its passage will help insure the safety and viability of our satellite programs.

Mr. President, I ask unanimous consent that an article that appeared in the February 9, 1983, issue of the Washington Post be printed in the RECORD following my remarks and the text of my bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 201 of the National Aeronautics and Space Administration Authorization Act, 1983, the Secretary of Commerce shall not transfer the ownership or management of any civil land remote sensing space satellite system and associated ground system equipment or meterological satellite system and associated ground system equipment unless, in addition to any other requirement of such law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive plan for the proposed transfer; and

(2) the Congress thereafter approves such transfer by law.

[From the Washington Post, Feb. 9, 1983]

LANDSAT 4 PHOTOS SHOW TINY DETAILS

(By Thomas O'Toole)

The Landsat 4 satellite is returning the best photographs of Earth ever taken from space, providing geologists, farmers and environmentalists with new information about mineral deposit, crop yields and sources of air and water pollution.

The photographs being beamed back by Landsat 4, which was put into orbit last fall, have 10 times the clarity of the three previous Landsats, which were launched in 1972, 1975 and 1978. From an altitude of 438 miles, the new Landsat also can distinguish four times as many shades of color, such as the subtle color difference between snow and clouds, and with its three infrared cameras can identify objects on the ground by gauging temperature differences.

"Our new Landsat can distinguish very nicely between rice fields and soybean fields that lie right next to each other," Vincent Salomonson, Landsat project scientist at the Goddard Space Flight Center, told a news conference yesterday. "The older satellites could never do that."

Landsat 4's seven cameras (compared with four on the older Landsats) can resolve details on Earth that are no more than 90 feet wide, meaning they can pick out individual buildings and landmarks in any city. In a photograph of Washington displayed at the news conference, the Washington Monument, the Capitol, the Tidal Basin, the Reflecting Pool and the Pentagon could be discerned easily with the naked eye.

The same photograph also took in the entire city of Baltimore, parts of Chesapeake Bay and made the Capital Beltway in Virginia distinguishable from the same road in Maryland because of the paving material: concrete in Maryland and asphalt in Virginia. Office buildings with gravel roofs could be distinguished from office buildings with metal roofs.

Fall-colored trees were distinguishable from trees that were still green. Silt and sediment pouring from rivers into the Atlantic Ocean were so discernible that scientists could tell if they were polluted with chemicals. Scientists could also see whether smoke pouring from factories was polluted.

The satellite's scanners detected changes in the clay minerals near the Earth's surface that often are telltale clues to the whereabouts of buried mineral deposits.

Mark Settle, Landsat program scientist, said, "It's going to be a great boon to geologists. This satellite can even discriminate the ages of most rocks on the Earth."

By Mr. SPECTER:

S. 481. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for contributions to programs providing job training for certain individuals; to the Committee on Finance.

TAX CREDIT FOR CONTRIBUTIONS TO JOB TRAINING PROGRAMS

Mr. SPECTER. Mr. President, I am today reintroducing a bill to provide certain tax credits for job training. It has been said that the States should be governments which experiment with programs which, when proven successful, can be adopted as national programs. This legislation actually has been tested successfully in Pennsylvania and other States. Pennsylvania enacted the first of these State business tax credit programs, called neighborhood assistance programs, in 1967, and during the next decade, Indiana, Missouri, and Delaware followed suit. More recently, Michigan, Florida, and Virginia began a similar use of tax credit incentives on State business taxes to promote job training and community development and to improve living conditions. As recently as this spring, Wisconsin passed legislation providing tax credits to enhance the financing of economic development projects operated by community organizations. And at least 22 other States are considering tax incentive measures focusing specifically on the needs of distressed neighborhoods and communities.

Although these tax incentive programs vary from State to State, the enabling statutes are generally referred to as Neighborhood Assistance Acts (NAA's) and the resulting activities are known as neighborhood assistance programs (NAP's). The evident popularity of the neighborhood assistance tax credit approach lies in its operational simplicity. In the typical program, a business receives a tax credit under State law for investing in or contributing to approved projects

which improve economic and social conditions in low-income central city neighborhoods or rural areas. Activities for which tax incentives are provided include a variety of services, as well as job training.

Undoubtedly, the popularity of the neighborhood assistance tax credit has been enhanced by the diminished Federal support for community development. The demise of Government programs compels greater attention to private sector sources of funds if such activities are to continue at an appreciable level. NAP is designed to elicit such support by lowering the after tax effective cost of participation. The resulting investment can directly support a project, or it can be a non-Federal match for Federal or State assistance. In fact, when a corporate contribution is made a State neighborhood assistance program, I understand there is a slight revenue gain to the Federal Treasury.

For example, Philadelphia area businessmen and civic leaders have been encouraged by the Pennsylvania neighborhood assistance program to contribute to three high school academies training young people in applied electric science, automobile repair, and business skills. Students who at the time of enrollment often show less than average promise are provided this specialized training at public high school sites.

Business leaders believe this program is an important Philadelphia job training activity. Many students thought to be below average achievers have developed during the training highly marketable job skills. Dropout rates are a fraction of those of regular high school programs and the graduation rate is double. The involvement of local businessmen in the nonprofit corporations operating the program has helped assure placement opportunities for those who complete the program. Over 90 percent of the graduates are placed in jobs. The nonprofit corporation operating these three programs do not accept grants from public agencies. On February 23, 1982, I personally visited the electric academy and observed the school in operation. I was much impressed with what I saw. Other witnesses will tell you more about this program.

This bill would establish a similar, though considerably more limited, national version of the Pennsylvania neighborhood assistance program for job training to allow a credit of 20 percent against contributions to programs providing job training for handicapped and economically disadvantaged individuals. This credit, plus the already authorized Federal deduction, in most cases will represent about a one-third net cost to the contributing corporation.

Each training program would be developed by qualified nonprofit organizations and certified by the regional Office of Employment and Training Administration of the Department of Labor as providing job training solely to handicapped persons, economically disadvantaged individuals, or workers with obsolete skills. Private corporations would contribute the training funds. Unlike most programs of this type, there are virtually no administration costs to the Federal Government and all of the contributed funds remain in the local community. There is no expensive corps of Federal bureaucrats to take a cut from these funds as they flow from the community to Washington and back again. Under my proposal, they never leave the local community.

The maximum credit available for any single corporation is $250,000; thus the program is especially supportive of training efforts by small- and middle-sized businesses. The administration can regulate the revenue impact by controlling, through the Department of Labor, the number of approved applications. The National Economic Development and Law Center estimates that "the State experience (with this program) suggests that the costs of a Federal program would be relatively modest."

There is little doubt that America is in a transition phase from heavy industry to high technology, thus many skilled and dedicated workers are losing their jobs because of technological obsolescence over which they have little control.

This bill will encourage the private sector to sponsor the job training and retraining programs for these workers, as well as for disadvantaged and handicapped citizens.

Mr. President, I ask unanimous consent that this bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting after section 44G the following new section:

"SEC. 44H. CHARITABLE CONTRIBUTIONS TO QUALIFIED JOB-TRAINING ORGANIZATIONS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the qualified job-training charitable contributions of the taxpayer for the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—The amount of the credit allowed under subsection (a) with respect to any taxpayer shall not exceecd $250,000.

"(2) LIABILITY FOR TAX.—

"(A) IN GENERAL.—The credit allowed by subsection (a) any taxable year shall not exceed an amount equal to the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowed under a section of this subpart having a lower number designation than this section, other than credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(B) CARRYBACK AND CARRYOVER OF UNUSED CREDIT.—

"(1) ALLOWANCE OF CREDIT.—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided under subparagraph (A) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(I) a job-training credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(II) a job-training credit carryover to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year ending before January 1, 1982, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of subclauses (I) and (II)) such credit may be carried, and then to each of the other taxable years to the extent that, because of the limitation contained in clause (ii), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(ii) LIMITATION.—The amount of the unused credit which may be added under clause (i) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided under subparagraph (A) for such taxable year exceeds the sum of—

"(I) the credit allowable under this section for such taxable year, and

"(II) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED JOB-TRAINING CHARITABLE CONTRIBUTIONS.—The term 'qualifed job-training charitable contributions' means an amount equal to the amount of charitable contributions to qualifed job-training organizations.

"(2) CHARITABLE CONTRIBUTION.—The term 'charitable contribution' has the meaning given to such term by subsection (c) of section 170.

"(3) QUALIFIED JOB-TRAINING ORGANIZATION.—The term 'qualified job-training organization' means an organization which—

"(A) is described in section 501(c)(3); and

"(B) has been certified by the appropriate regional office of Employment and Training Administration of the Department of Labor as providing job training solely to one or more of the following: handicapped individuals, economically disadvantaged individuals, and displaced workers.

"(4) JOB TRAINING.—The term 'job training' means instruction in vocational and other skills necessary to obtain employment or a higher grade of employment.

"(5) HANDICAPPED INDIVIDUAL.—The term 'handicapped individual' means any individual who—

"(A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

"(B) can reasonably be expected to obtain employment or a higher grade of employment as a result of job training.

"(6) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term 'economically disadvantaged individual' means any individual who—

"(A) receives cash welfare payments under a Federal, State, or local welfare program;

"(B) has an income, for the 6-month period before applying for job training with a qualified job-training organization, which—

"(i) would have met the qualifications for such welfare payments, or

"(ii) if computed on an annual basis, would not exceed the poverty level established by the Director of the Office of Management and Budget pursuant to section 673(2) of the Omnibus Budget Reconciliation Act of 1981; or

"(C) is a member of a family which meets the requirements of subparagraph (A) or (B).

"(7) DISPLACED WORKER.—The term 'displaced worker' means any individual who—

"(A) Was employed by an establishment—

"(i) on a full-time basis, and

"(ii) for at least 1 year;

"(B) was not employed by such establishment in an executive, administrative, or professional capacity (as such terms are defined by the Secretary of Labor under section 13(a)(1) of the Fair Labor Standards Act of 1938); and

"(C) is currently unemployed because of—

"(i) a change in the technology of such establishment, or

"(ii) a total or partial closing of such establishment by reason of competing technology.

"(8) ESTABLISHMENT.—The term 'establishment' means any factory, plant, facility, or concern engaged in the production of goods or services, or both.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION OF CONTRIBUTIONS.—

"(A) CONTROLLED GROUP OF CORPORATIONS.—In determining the amount of the credit under this section—

"(i) all members of the same controlled group of corporations shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such member shall be its proportionate share of the qualified job-training charitable contributions giving rise to the credit.

"(B) COMMON CONTROL.—Under regulations prescribed by the Secretary, in determining the amount of credit under this section—

"(i) all trades or businesses (whether or not incorporated) which are under common control shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such trade or business shall be its proportionate share of the qualified job-training charitable contributions giving rise to the credit.

The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(2) ALLOCATIONS.—

"(A) PASSTHROUGH IN THE CASE OF SUBCHAPTER S CORPORATIONS, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (d) and (e) of section 52 shall apply.

"(B) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.".

(b)(1) Subparagraph (A) of section 55(c)(4) of the Internal Revenue Code of 1954 (relating to credits) is amended by inserting "44H(b)(2)(A)," before "53(b)".

(2) Subsection (c) of section 381 of such Code (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(30) CREDIT UNDER SECTION 44H.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 44H, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 44H in respect of the distributor or transferor corporation.".

(3)(A) Section 383 of such Code (relating to special limitations on unused investment credits, work incentive program credits, new employee credits, alcohol fuel credits, foreign taxes, and capital losses), as in effect for taxable years beginning with and after the first taxable year to which the amendments made by the Tax Reform Act of 1976 apply, is amended—

(i) by inserting "to any unused credit of the corporation under section 44H(b)(2)(B)," after "44G(b)(2),", and

(ii) by inserting "JOB-TRAINING CREDITS," after "EMPLOYEE STOCK OWNERSHIP CREDITS," in the section heading.

(B) Section 383 of such Code (as in effect on the day before the date of the enactment of the Tax Reform Act of 1976) is amended—

(i) by inserting "to any unused credit of the corporation which could otherwise be carried forward under section 44H(b)(2)(B)," after "44G(b)(2),", and

(ii) by inserting "JOB-TRAINING CREDITS," after "EMPLOYEE STOCK OWNERSHIP CREDITS," in the section heading.

(C) The table of sections for part V of subchapter C of chapter 1 is amended by inserting "job-training credits," after "employee stock ownership credits," in the item relating to section 383.

(4) Subparagraph (C) of section 6511(d)(4) of such Code (defining credit carryback) is amended by striking out "and employee stock ownership credit carryback" and inserting in lieu thereof "employee stock ownership credit carryback, and job-training credit carryback".

(5) Section 6411 of such Code (relating to quick refunds in respect of tentative carryback adjustments) is amended—

(A) by striking out "or unused employee stock ownership credit" each place it appears and inserting in lieu thereof "unused employee stock ownership credit, or unused job-training credit";

(B) by inserting ", by a job-training credit carryback provided by section 44H(b)(2)" after "by an employee stock ownership credit carryback provided in section 44G(b)(2)," in the first sentence of subsection (a);

(C) by striking out "or an employee stock ownership credit carryback from" each place it appears and inserting in lieu thereof "an employee stock ownership credit carryback, or a job-training credit carryback from"; and

(D) by striking out "research and experimental credit carryback)" in the second sentence of subsection (a) and inserting in lieu thereof "research and experimental credit carryback, or, in the case of a job-training credit carryback, to an investment credit carryback, a new employee credit carryback, a research and experimental credit carryback, or an employee stock ownership credit carryback)".

(c)(1) Subsection (b) of section 6096 of such Code (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44G" and inserting in lieu thereof "44G, and 44H".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44G the following new item:

"Sec. 44H. Charitable contributions to qualified job-training organizations.".

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 482. A bill to provide relief for certain Desert Land Entrymen in the State of Idaho; to the Committee on Energy and Natural Resources.

RELIEF OF CERTAIN DESERT LAND ENTRYMEN IN IDAHO

Mr. McCLURE. Mr. President, today we are introducing a bill to reinstate desert land entries in two projects in Idaho and to permit the entrymen or their heirs to complete the requirements of the Desert Land Act in accordance with interpretations of that act adopted by the Department of the Interior and retroactively applied after those entries had been developed and the purchase price had been paid to the United States.

SUMMARY OF THE PROBLEM

The situation addressed by this bill presents an issue of unfair treatment by the Government of the United States in dealings with its citizens. We have here a case in which several citizens discussed the development of public lands with the Government officials assigned to administer that development work, and performed their development work using methods suggested by the Government officials with whom they dealt, and which had been openly acceptable to Government officials in Idaho for a number of years prior to the development work, only to have their transactions later repudiated by other Government officials in Washington, D.C., many years after the development work had taken place, based on a new interpretation of law developed long after the work had been completed. As a result, forfeiture of the land they had developed, and the money they had paid to the United States, was ordered by the Government. The purpose of this bill is to rectify this injustice and to pro-

vide fair treatment to the citizens involved.

DETAILS OF THE PROBLEM

This bill is necessary to eliminate the harsh and unfair results arising from the retroactive application of an interpretation of the Desert Land Act, 43 U.S.C. 329 ("the Act") by the Department of the Interior to activities that took place before the present interpretation of the act was developed. The power of the Department of the Interior to apply its new interpretation to past transactions has been upheld by the U.S. courts in this matter. The result of this retroactive application by the Department of its interpretation of the act is forfeiture to the Government of the land and the money paid by the entrymen, despite that from as early as the 1800's and continuing to as late as 1964 or beyond, the Department consistently held that desert entries were controlled by interpretations in effect at the time the entries were filed.

The two projects affected by the bill are located near the Snake River in Elmore County, Idaho. The Black Mesa project consists of 14 entries comprising approximately 4,400 acres, and the Sailor Creek project consists of 12 entries comprising approximately 3,700 acres. Both projects were initiated in 1963 and the applications for all the entries had been approved by March 1964. Development of Sailor Creek started in 1964 and the lands were placed under irrigation and in crop production that year. Development of Black Mesa commenced in the summer of 1964 and was completed in time for irrigation and crop production in 1965. Final proof of reclamation and final payment to the United States were made for Sailor Creek in 1964 and for Black Mesa in 1965.

The Sailor Creek entries were farmed under 2-year leases, with two 5-year renewal options—one entry was leased originally only for 1964. The Black Mesa entries were farmed under 1-year verbal agreements, following cancellation of 10-year operating agreements that had been made in reliance on the Bureau of Land Management (BLM) Director's 1964 decision in the Indian Hills case. At that time, the Department had no regulations concerning leases or farming contracts for desert land entries. However, it did have a regulation expressly authorizing mortgages on desert entries.

Decisions of the Department made between 1891 and 1910, and still in effect in 1964, stated that desert entrymen did not have to live on the land, that all the required work could be done by an agent and did not have to be done by the entryman, and that other parties could assist in financing the work so long as there was no agreement to transfer title to the person providing the financing. Accordingly, in both projects the farm operators received mortgages to secure payment of the development costs. As is amply shown in the administrative records of the BLM, the Sailor Creek entrymen were encouraged by BLM employees to lease their entries in order to insure sound farming operations and a successful project. The Black Mesa farm operating contracts were made only after the BLM issued its 1964 decision in the Indian Hill case approving long-term leases and mortgages for the development and farming of another desert entry project, and after BLM officials had been consulted about permissible arrangements.

The basis for the cancellation of the entries on both projects was a new interpretation of the 320-acre holding limitation set forth in the act. The first indication that the Department thought that the holding limitation applied to anything other than title transfers came in an opinion issued by the Department Solicitor in April of 1965, several months after final payment had been accepted by the United States on the Sailor Creek entries and only 4 months before final payment was accepted by the United States on the Black Mesa entries. That Solicitor's opinion was followed by a decision by Secretary Udall, 73 I.D. 386, which interpreted the act as prohibiting leases and development arrangements. This interpretation made the holding limitation under the act applicable to leases by construing leases to constitute an effective transfer of title under the act. The courts have upheld the Secretary's authority to make this interpretation and to apply it retroactively to the entries.

However, the entrymen were not advised that the new policy would be applied to their entries. Moreover, in another 1964 decision, 71 I.D. 477, the Department had confirmed its policy that new interpretations of public land laws would not be applied retroactively. There has been confusion in applying the new policy set forth in Secretary Udall's decision. For instance, in 1972, the Department issued two patents on two entries comprising 640 acres, even though a partnership had held both entries under 5-year leases.

In May 1966, for Sailor Creek, and July 1967, for Black Mesa, almost 2 years after final payment was made, the BLM filed contest complaints against the entrymen on grounds that they had violated the 320-acre holding limitation. In the Sailor Creek case, the administrative law judge who heard the testimony ruled in favor of the entrymen. However, that decision was overruled by the Interior Board of Land Appeals (IBLA) on the basis of its own interpretation of section 329. In a suit for judicial review, the U.S. district court held that, while the Department's interpretation of the act was a proper one, it was unfair for the IBLA to apply that interpretation retroactively to the entries and that the entrymen should have been given an opportunity to comply with the new interpretation. The Court of Appeals for the Ninth Circuit reversed the district court and interpreted section 329 as permitting no latitude for modifying contractual arrangements to comply with the new interpretations. A second appeal was decided against the entrymen and the U.S. Supreme Court denied certiorari. In the Black Mesa case, the administrative law judge and the IBLA ruled against the entrymen. The district court confirmed that the entries must be forfeited on the basis of the decision by the ninth circuit in the Sailor Creek case. The district court decision in the Black Mesa case was affirmed by the ninth circuit.

The purpose of this bill is to provide relief to the entrymen from forfeiture of their entries resulting from the retroactive application of the new interpretation of the act. The bill is designed to provide the entrymen with an opportunity to come into compliance with the new interpretations, which they knew nothing about when they made their contracts. Through the process of administrative evolution, the Department now has taken the position that an individual entryman "must participate actively in the reclamation and cultivation of his entry." The function of this bill is to reinstate the entries and afford the entrymen or their heirs—three entrymen are now deceased—to complete the reclamation and cultivation of their entries in accordance with the Department's newly adopted policy.

The relief provided in this bill is similar to that provided for a large number of desert entrymen in Imperial County, Calif., by the act of June 25, 1910 (36 Stat. 867). Many entries that had been made by dummy entrymen had been obtained by innocent purchasers, through assignments. Other entries had been assigned to persons who already held entries but not for the full 320 acres allowed by law. Technically, the entries were subject to cancellation for illegal inception or because the assignees were disqualified, just as the courts have held that the Sailor Creek and Black Mesa entries technically were subject to cancellation for failure to comply with the requirements of the holding limitation. Many of the innocent assignees had invested thousands of dollars to develop the entries. In the Sailor Creek and Black Mesa entries, the transactions were entered into innocently because the entrymen did not know that their development and farming arrangements would be interpreted as constituting holdings under 43 U.S.C. section 329. That lack of knowledge is emphasized by the

BLM's 1964 decision in the Indian Hill case, which held that long-term leases and mortgages were a permissible method of development and farming and did not constitute violations of section 329.

The 1910 act provided relief by permitting the assignee to complete the entry, notwithstanding any existing or potential contest against the entry, based upon a charge of fraud of which the assignee had no knowledge, or a charge that the assignee was disqualified. This bill relieves the entrymen of the harsh effect of an interpretation of which they had no knowledge at the time they entered into the critical transactions, because the interpretation had not been developed at that time and, in fact, a contrary interpretation was in effect at the time.

In providing relief to these entrymen from the harsh effects of retroactive application of the new interpretation this bill will not affect the Department's present policy or affect any other desert entries. This bill is limited in its application to the entries in the Sailor Creek and Black Mesa projects, the BLM serial numbers for which are set forth in appendix A attached hereto. This bill does not amend the Desert Land Act nor any regulations; rather, it merely provides relief to these entrymen from retroactive application of new interpretations of the act and consequential forfeiture of their entries. The bill will give these entrymen a fair opportunity to comply with the law as now interpreted by the Department and it will prevent the wasting of several hundred thousands of dollars of material and energy resources that were used in the development of the projects and the construction of the two irrigation systems that serve the projects.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 482

Be it enacted by the Senate and House of Represenatatives of the United States of America in Congress assembled, That

SECTION 1. The Congress finds that the certain developed and productive desert land entries in Idaho made under the Desert Land Act of March 3, 1877, as amended, 43 U.S.C. §§ 321, *et seq.*, generally known as the Black Mesa and the Sailor Creek Projects, and specifically identified in Section 2 of this Act by Bureau of Land Management serial number, have been cancelled under the provisions of 43 U.S.C. § 329 as a result of the retroactive application of an interpretation of the holding limitation of 43 U.S.C. § 329; the Congress further finds that the retroactive application of the interpretation of the holding limitation was made approximately two years after final development and proof of and final payment for these desert land entries made several years after the entries were allowed, without giving the entrymen any opportunity to comply with the new interpretation; the Congress further finds that cancellation of the desert land entries under those circumstances was harsh, unfair and results in forfeiture to the government of the developed entries, and that such cancellation was not necessary for the proper operation and administration of the Desert Land Act; and the Congress further finds that the entrymen have fulfilled the requirements of the Desert Land Act in all respects other than the holding limitation and that the entrymen and the assignees hereinafter named are entitled to have their entries reinstated in order that they may comply with the new interpretation of the Desert Land Act and qualify for issuance of patents.

SEC. 2. The names of the entrymen and assignees, and the serial numbers of the desert land entries, to which this Act applies, are as follows:

A. SAILOR CREEK PROJECT DESERT ENTRIES

Entryman	BLM designated serial No.
G. Patrick Morris	Idaho 013820
Joan E. Roth	Idaho 013905
Elise L. Neeley	Idaho 013906
Lyle D. Roth	Idaho 013907
Vera M. Noble (now Baltzor)	Idaho 014126
Charlene S. Baltzor	Idaho 014128
George R. Baltzor	Idaho 014129
John E. Morris (deceased)	Idaho 014130
Juanita M. Morris	Idaho 014249
Nellie Mae Morris (deceased)	Idaho 014250
Milo Axelsen	Idaho 014251
Peggy Axelsen	Idaho 014252

B. BLACK MESA PROJECT DESERT ENTRIES:

Entryman	BLM designated serial no.
Golden Grigg	Idaho 013917
Le Fawn Grigg (now Ottley)	Idaho 013918
Fred Baines	Idaho 013919
Merthan G. Ellis, assignee of Otis H. Williams	Idaho 013920
Vonnie E. Ellis, assignee of Kathryn Williams	Idaho 013921
Lovell Taylor	Idaho 013922
William A. Anderson	Idaho 013923
Saragene Smith	Idaho 013924
Thomas M. Anderson	Idaho 013925
Bonnie Anderson	Idaho 013926
Charles L. Taylor	Idaho 013927
Darlene Baines (deceased)	Idaho 013928
Lu Ann Hogg	Idaho 013933
Paul R. Hogg	Idaho 013934

SEC. 3. The desert land entries identified in Section 2 of this Act are hereby reinstated, and the entrymen and above named assignees, or the heirs or devisees of any deceased entryman or above named assignee, are allowed six (6) months from the effective date of this Act to rescind any agreements they might now be party to which are prohibited by the Secretary of the Interior's current interpretation of 43 U.S.C. § 329, and are allowed until December 31 in the third year following the effective date of this Act to resubmit final proof of reclamation and cultivation of the land in accordance with the provisions of 43 U.S.C. § 329. Upon making satisfactory final proof, patents shall issue to the entrymen and the above named assignees or to their heirs or devisees, without further payment, final payment having been made by the named entrymen in 1964 and 1965.

SEC. 4. Notwithstanding any other provision of the desert land laws, the property right prior to issuance of patent to the lands of any entryman or his assignee identified in Section 2 of this Act, or the heirs or devisees of any such entryman or assignee, whose entry is reinstated in accordance with Section 3 of this Act, shall be a personal right, inheritable but not assignable; provided, however, that any such entry may be mortgaged in the manner permitted by the regulations issued by the Secretary of the Interior for the purpose of securing repayment of monies borrowed for development of the entry or for farm operating or crop production expenses.

SEC. 5. This Act is limited in scope and applies only to those certain desert land entries in Idaho identified above in Section 2 of this Act. The purpose of this Act is to provide relief unique to the entrymen and assignees listed above in Section 2 of this Act, and this Act does not amend or interpret or provide any change in interpretation of any provision of 43 U.S.C. § 329 or any other section of the Desert Land Act.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 483. A bill to provide for the relief of water users deprived of winter stock water on Willow Creek, Idaho, below the Ririe Dam and Reservoir; to the Committee on Energy and Natural Resources.

WILLOW CREEK WINTER STOCK WATER SUPPLY ACT

● Mr. McCLURE. Mr. President, today I am joined by my colleague, Senator SYMMS, in introducing legislation to correct a problem which has perplexed and damaged a relatively small group of our constituents who are engaged in farming and ranching activities along Willow Creek in Bonneville County, Idaho. While their number is small, the problem is serious nonetheless, because it involves yet another example of citizens who have lost faith in their Government because it has promised them one thing and done another.

The problem to which I am referring can be stated rather briefly. Ririe Dam is a Bureau of Reclamation facility on Willow Creek, which is operated with its associated facilities in part as a flood-control project. Keeping Willow Creek and the flood channel free of ice during the winter when low temperatures cause ice buildup is indeed a crucial part of the project's authorized operation. In order to facilitate that, however, the Bureau's policy is to release no water from Ririe Dam during these cold winter months. The result of this is to deprive landowners adjacent to Willow Creek of the only available water source for their livestock during these months.

The farmers and ranchers affected by this situation argue that they were assured and promised by the Government prior to construction of the dam that their stock-watering rights would not be harmed, and in fact these representations were part of the basis on which the landowners' support for the construction of the dam was founded in the first place; 16 claims were filed against the Bureau on the grounds that its operation of Ririe Dam has deprived the adjacent landowners of

their stock-watering rights during the critical winter months. The Bureau's field solicitor denied these claims, suggesting that the landowners had no legitimate right to water for stock watering purposes at all and therefore no claim against the Government. I do not believe it is or should be up to the Bureau of Reclamation to be the arbiter of whether a valid water right exists under State law. I am told by several experts in the State that such a stock watering right without diversion does indeed exist under Idaho law, or is at least an open question. But these people have neither the time nor the resources to pursue the point in court while no telling how many years pass in which they have no source of winter drinking water for their livestock. Regardless of the existence of a water right, these people have a genuine problem which I believe equity demands that we solve.

That is why we have pursued this matter, and have worked very closely with the Bureau of Reclamation in drafting the bill we are introducing today. I am very appreciative of the Bureau's cooperation and help in this regard. In short, the bill authorizes the Bureau to compensate a claimant for construction costs of alternate winter stock water supply. Practically, this will mean the cost of drilling wells to provide water for the livestock. The cost is estimated to be under $300,000.

A companion bill will be introduced in the House of Representatives by Congressman HANSEN. We hope to be able to move the bill through Congress in time to prevent another season in which the livestock of adjacent landowners are without a ready source of water. I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Willow Creek Winter Stock Water Supply Act."

SEC. 2. It is the purpose of this Act to provide for the relief of water users deprived of winter stock water from Willow Creek, Idaho, below the Ririe Dam and Reservoir by the Bureau of Reclamation's authorized operation of that dam and reservoir.

SEC. 3. As used in this Act—

(1) The term "winter stock water" means drinking water used for livestock that is dependent upon flows in Willow Creek from November 15 through March 1.

(2) The term "claimant" means any water user who has been deprived of winter stock water from the main channel of Willow Creek, Idaho, below Ririe Dam and Reservoir because of the Bureau of Reclamation's operation of the dam and reservoir.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 4. (a) The Secretary is authorized to pay a claimant an amount determined under section 5 of this Act. Any payment to a claimant made under this section shall constitute full settlement and satisfaction of all claims such claimant may have against the United States relating to the loss of winter stock water from Willow Creek, Idaho. The provisions of this Act shall not apply to any claim settled prior to the date of enactment of this Act.

(b) The Secretary shall make a payment under subsection (a) to a claimant only if—

(1) the claimant notifies the Secretary of his claim within one year after the date of enactment of this Act;

(2) the claimant provides an affidavit proving his use of winter stock water from Willow Creek prior to December 31, 1979; and

(3) the claimant executes a waiver and release, in a manner satisfactory to the Secretary, of any and all claims against the United States relating to the loss of winter stock water from Willow Creek, Idaho. Such waiver and release shall be recorded in the county where the claimant's land is located.

SEC. 5. (a) Any claimant who has developed an alternate winter stock water supply since December 31, 1979, shall be eligible for a payment under section 4 of an amount equal to the actual construction costs incurred by such claimant in the development of such supply, as determined by the Secretary.

(b) Any claimant who has not developed an alternate winter stock water supply at the date of enactment of this Act, shall be eligibile for a payment under section 4 of an amount equal to the funds necessary for the development of such supply, as determined by the Secretary. The Secretary's determination shall be based on the size and configuration of the claimant's land and on the size and type of the claimant's livestock operation.

(c) Costs and expenses incurred by a claimant in the operation and maintenance of his alternate winter water stock supply shall not be reimbursable.

SEC. 6. There is authorized to be appropriated an amount not to exceed $300,000 to carry out the provisions of this Act.●

By Mr. HATFIELD:

S. 484. A bill making appropriations for productive employment and humanitarian assistance for the fiscal year ending September 30, 1983, and for other proposes; to the Committee on Appropriations.

APPROPRIATIONS FOR PRODUCTIVE EMPLOYMENT AND HUMANITARIAN ASSISTANCE

Mr. HATFIELD. Mr. President, our country is being bled dry by persistent double-digit unemployment rates. While hope for the 11½ million jobless adults ultimately lies in a recovered economy, something must be done now to stop the bleeding and to tend to the emergency needs of those hardest hit by the recession.

I rise today to introduce a $4.4 billion jobs bill that will create jobs and provide desperately needed services for those people who, through no fault of their own now find themselves without a job. This proposed legislation does not represent a solution to America's unemployment dilemma, nor does it intend to provide "make-work" for the jobless. Instead, it is designed to utilize existing Federal programs for the purpose of performing needed work to repair our decaying infrastructure, so that when these workers are finished, a tangible product of lasting value has been created, or an urgently needed service has been performed.

Last December, when Congress failed to pass a jobs program during the course of debate on the continuing resolution, I called for early action in the 98th Congress on a jobs bill. The bill which I am introducing today is the result of a comprehensive examination of existing Federal programs and it involves only those programs which will be the most effective in immediately stimulating additional employment, as well as in yielding improvements of lasting benefit to the Nation. This jobs package can be in place and working within the next few weeks, and an estimated 500,000 Americans will benefit directly from this $4.4 billion appropriation.

I know that other jobs bills already have been introduced in this Congress and that there is a great deal of discussion about these bills. I understand the White House has been preparing a $4.3 billion package, and there is talk that other proposals will come forward in the next few weeks involving even larger sums of money. I want to stress that what I am proposing today involves a "core" of Federal programs which taken together attempt to balance the need to mitigate the problems of the unemployed with the need to address general budgetary considerations. My colleagues should be advised that a supplemental appropriations bill will be coming over from the House some time in the next few weeks. At that time, we will have an opportunity to vote up or down on a jobs package. The urgency of the needs of our jobless citizens is so great that we cannot afford any delays, and I am sure that that is a sentiment shared by many of my colleagues.

In many States, double-digit unemployment has become a way of life. In my home State, for example, we have had unemployment above 10 percent since August of 1981, and the recession had been battering the State long before that. The only boom industry in Oregon is in the U-Haul business, because after having looked for work for months, many people are packing up and leaving the State. I have seen Oregon cities that have a third of their storefronts empty, and since our labor force in Oregon has decreased by over 10 percent in just 3 years, even when recovery comes, Oregon will still be struggling. The need for Government to bridge the gap between deep human suffering and economic recovery is readily apparent.

The underlying philosophy of the bill which I am introducing today is that rather than continue to pay people for being out of work, our Gov-

ernment should do more to put people back to work.

America's jobless workers do not simply want extensions of unemployment benefits. They want jobs, and they want them now. It is little consolation that economic recovery is just around the corner to the family that is about to lose their house or their car because they have not been able to keep up with their monthly payments. We all are optimistic, and we have been encouraged by the recent dip in the unemployment rate and by the continued stabilization of the inflation rate. The jobs bill I am submitting involves work that must be done, either now at one cost, or later at a higher cost. America's dislocated workers must be retrained, and the labor force's skill must be placed in line with current demand. For that reason, there is money targeted to help dislocated workers, and there is money directed to assist State job search programs. I want to make clear my strong conviction that hope for the future of our economy lies in a thorough analysis of how the labor force's skills can be alined with projected demand over the next several decades. I am looking into the feasibility of establishing a nationwide education and training program similar to that which was available under the GI bill for America's veterans. Only by retraining those individuals whose job skills are antiquated and by training those about to enter the labor force for jobs in demand can we expect any long-term economic prosperity.

My jobs package is composed of the following elements:

One, $2 billion for immediate acceleration of construction, repair, and maintenance activities. Examples of these projects include $250 million for military housing construction and repair; $100 million for National Park Service construction; $125 million for maintenance and repair of Federal buildings; $515 for Corps of Engineers and Bureau of Reclamation work; and $50 million for VA hospital improvements that have been long overdue.

Two, $2.3 billion to be passed through to the States and the local units of government to administer various programs that provide needed services to those hardest hit. Examples include $500 million for the social services block grant program; $60 million for impact aid in the form of school repair and renovation; $125 million for interstate transfer grants; and $150 million for the weatherization of schools and hospitals.

Three, over $800 million for direct assistance to the unemployed. Examples of programs affected are $125 million for dislocated workers; $32.4 million for the Job Corps; $100 million for summer youth employment; $14.5 million for older Americans employment; and $50 million for job search assistance programs in the State employment services divisions.

Four, $550 million for emergency food and shelter assistance for those persons who find themselves cast in desperate conditions. This component of the bill involves the same concept of a proposal which passed both Houses last year, with the addition of $500 million for distribution of surplus agricultural commodities.

Mr. President, I suspect there will be several similarities between the bill I introduce today and that being negotiated between the administration and the Democratic leadership of the House—at least as I understand that package as a result of various conversations and press accounts. That is not to imply in any way that this bill is the administration's proposal. But rather than continue this discussion in private meetings and press accounts quoting anonymous sources, I believe we should move the debate out into the open, with a definite vehicle as the starting point for further action.

Evidently an emergency jobs bill will be coming over from the House in the near future, and I believe the Senate should have the opportunity to enter the discussion with its own proposals. The bill I introduce today will be considered in the Appropriations Committee along with the House proposal and other relevant proposals requiring appropriations action. I invite the comments and support of my colleagues.

By Mr. RIEGLE (for himself, Mr. LEVIN, Mr. BUMPERS, Mr. DURENBERGER, Mr. THURMOND, Mr. LUGAR, Mr. PRYOR, Mr. GLENN, Mr. COCHRAN, Mr. BINGAMAN, Mr. RANDOLPH, Mr. EAST, Mr. BOREN, Mr. BAUCUS, Mr. D'AMATO, Mr. BURDICK, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. BYRD, Mr. HELMS, and Mr. BOSCHWITZ):

S.J. Res. 33. Joint resolution designating the week commencing February 20, 1983, as "Clergy Appreciation Week in the United States;" to the Committee on the Judiciary.

CLERGY APPRECIATION WEEK IN THE UNITED STATES

● Mr. RIEGLE. Mr. President, today I am pleased to introduce a joint resolution calling on the Congress and the President of the United States to declare the week of February 20–26, 1983, "Clergy Appreciation Week." Representative DINGELL of Michigan is introducing similar legislation in the House of Representatives, thus giving all of our colleagues the opportunity to join in this expression of recognition and gratitude.

This year, February 3 marked the 40th anniversary of the torpedoing and sinking of the U.S. troopship *Dorchester.* Four chaplains aboard this ship—Rabbi Alexander D. Goode, Johnny P. Washington, Clark V. Poling, and George L. Fox—gave their life jackets to soldiers who had none. Survivors of this catastrophic event report having seen the four clergy standing on deck, holding hands and praying as the ship went down in the frigid waters off the coast of Greenland in the North Atlantic.

The selflessness exhibited by these clergymen exemplifies the sacrifices which men and women of the clergy have been making for their fellow human beings throughout the ages. For, just as the soldiers aboard the *Dorchester* received the benevolence of Goode, Washington, Poling and Fox, people in all walks of life have been, and continue to be, sustained by the moral strength, courage, and guidance provided by the clergy.

Finally, the tragedy of the *Dorchester's* sinking provided a striking demonstration of the ability of people of different faiths to bond together in a common effort. Just as no divisions separated the chaplains aboard that ship, so should we look beyond individual differences as we join together in our efforts to bring about a more just and meaningful life for all.

It is in this spirit, then, that I introduce this resolution and urge all Members to lend their support.

Mr. President I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 33

Whereas clergy everywhere sacrifice and serve others contributing meaningfully to our way of life; and

Whereas February 3, 1983, marks the 40th anniversary of the sinking of the United States troopship *Dorchester* in the North Atlantic off the coast of Greenland; and

Whereas 678 men perished in the disaster, including four chaplains—Rabbi Alexander D. Goode, Father Johnny P. Washington, Clark V. Poling, and George L. Fox; and

Whereas these clergy went down with the ship after giving their life jackets to soldiers who had lost theirs; and

Whereas clergy such as these four chaplains have provided moral strength, courage and guidance to people throughout the world in times of war and peace; and

Whereas it is most appropriate that a week be designated in observance of clergy of all faiths who have performed with honor: Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the week commencing February 20th, 1983, is designated Clergy Appreciation Week to recognize the continuing sacrifice and support which clergy of all faiths and nationalities provide to challenges to the well-being of the world's citizens. As February 3 marks the 40th anniversary of the ultimate sacrifice made by four chaplains aboard the United States Troopship *Dorchester* as they gave their life jackets to soldiers who did not have their own, the President of the United States is authorized and requested to issue a proclamation for the observance of

this week with appropriate ceremonies and activities to honor clergy in this country and throughout the world.●

By Mr. RIEGLE:

S.J. Res. 34. Joint resolution designating "National Reye's Syndrome Week;" to the Committee on the Judiciary.

NATIONAL REYE'S SYNDROME WEEK

● Mr. RIEGLE. Mr. President, today I am introducing a joint resolution calling for the declaration of November 7 through November 13, 1983, as "National Reye's Syndrome Week."

As you may know, Reye's syndrome or RS is a life-threatening disease which can follow a viral infection such as influenza or chickenpox. The victims of RS are children ranging in age from 1 month to the late teens; and if left untreated, RS can kill or cripple its victims within several days.

Mr. President, this year, 1983, marks the 20th anniversary since Dr. Ralph Douglas Reye, an Australian pathologist, first described the symptoms and course of this disease. Even after 20 years, Reye's syndrome remains a medical mystery, and its cause is unknown. Indeed, until just a few years ago, the mortality rate for RS victims was a staggering 80 percent. Today, the rate is between 20 and 30 percent. One reason for the continued, high mortality rate is that RS can overwhelm its victim in a matter of hours. Another reason for this high rate is that the symptoms of RS—vomiting, violent headaches, and a dramatic change in mental and physical behavior—can resemble the symptoms of other diseases. This makes the diagnosis of RS difficult at best.

Although investigations into the cause of RS are ongoing at several research facilities throughout the United States, I believe that a valuable complement to this vital research is a heightened awareness of Reye's syndrome in the general population. It is my hope that the activities of National Reye's Syndrome Week will generate this greater awareness, and I urge the prompt approval of this resolution. Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 34

Whereas Reye's Syndrome is a disease of unknown cause which normally attacks healthy children eighteen years of age and under, both male and female, which can kill or cripple more than half of its victims within several days by attacking the muscles, liver, brain, and kidneys, and which affects every organ in the body, and

Whereas Reye's Syndrome is recognized by the Food and Drug Administration to be one of the top ten killers among all children's diseases;

Whereas Reye's Syndrome was first recognized as a specific illness in 1963 and is a new illness in name only since children have been affected for decades by the illness and Reye's Syndrome cases have been improperly diagnosed;

Whereas the reporting of cases of Reye's Syndrome is required in only one-half of the States (for the purpose of this resolution, "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the other territories and possessions of the United States);

Whereas volunteer Reye's Syndrome organizations are established throughout the United States and are supported by thousands of parents;

Whereas national Reye's Syndrome volunteer organizations exist to encourage involvement of the Federal Government in supporting Reye's Syndrome research; to encourage coordination of the treatment and research efforts by the various Reye's Syndrome treatment and research centers; to establish Reye's Syndrome as a reportable disease in every State; to establish at the Center for Disease Control a position for the review of data on Reye's Syndrome patients; to sponsor a multicenter research study by recognized authorities on Reye's Syndrome; to sponsor programs to educate parents and medical professionals with respect to diagnosis and treatment of the illness; and to raise funds for research into cause, prevention, and treatment of Reye's Syndrome;

Whereas Reye's Syndrome incidence continues to increase at a pace greater than the attention of the public, the Federal Government in general, and the Congress in particular; and

Whereas the chief executive officers of several States have declared certain periods of time as Reye's Syndrome weeks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 7 through November 13, 1983, is designated "National Reye's Syndrome Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. DOLE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from California (Mr. WILSON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arkansas (Mr. PRYOR), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 17, a bill to expand and improve the domestic commodity distribution program.

S. 24

At the request of Mr. HUDDLESTON, the names of the Senator from Illinois (Mr. DIXON), the Senator from Montana (Mr. MELCHER), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 24, a bill to provide emergency credit assistance to farmers, and for other purposes.

S. 29

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Wisconsin (Mr. KASTEN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Arizona (Mr. DECONCINI), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 29, a bill to strengthen law enforcement in the areas of child exploitation and pornography, and for other purposes.

S. 55

At the request of Mr. GOLDWATER, the names of the Senator from Missouri (Mr. DANFORTH), and the Senator from Louisiana (Mr. LONG) were added as cosponsors of S. 55, a bill to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes.

S. 102

At the request of Mr. PELL, the names of the Senator from Maryland (Mr. MATHIAS), the Senator from Maryland (Mr. SARBANES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 102, a bill to require the Administrator of General Services to notify States of the availability of surplus real property and to convey at reduced cost certain surplus real property for public park or public recreational use to State and local governments.

S. 109

At the request of Mr. SASSER, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 109, a bill to amend title 18 of the United States Code to prohibit the robbery of a controlled substance from a pharmacy.

S. 126

At the request of Mr. HUMPHREY, the names of the Senator from Indiana (Mr. QUAYLE) and the Senator from North Carolina (Mr. EAST) were added as cosponsors of S. 126, a bill to remedy alcohol and drug abuse.

S. 138

At the request of Mr. PRESSLER, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 138, a bill to amend the Highway Revenue Act of 1982 to repeal the increase in the highway use tax and to amend the Internal Revenue Code of 1954 to increase the tax on diesel fuel.

S. 144

At the request of Mr. DANFORTH, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Pennsylvania (Mr. SPECTER) were

added as cosponsors of S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

S. 212

At the request of Mr. INOUYE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

At the request of Mr. PRESSLER, the names of the Senator from Virginia (Mr. TRIBLE), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 212, supra.

S. 215

At the request of Mr. THURMOND, the names of the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 215, a bill to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on postconviction release, and for other purposes.

S. 216

At the request of Mr. THURMOND, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Montana (Mr. BAUCUS), the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. SASSER), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. DIXON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 216, a bill to amend title 18, United States Code, to combat, deter, and punish individuals who adulterate or otherwise tamper with food, drug, cosmetic, and other products with intent to cause personal injury, death, or other harm.

S. 217

At the request of Mr. THURMOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 217, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 220

At the request of Mr. THURMOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 220, a bill to amend chapter 209 of title 18, United States Code, relating to extradition, and for other purposes.

S. 222

At the request of Mr. KASTEN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. WILSON), the Senator from Georgia (Mr. MATTINGLY), the Senator from Maine (Mr. MITCHELL), the Senator from Kentucky (Mr. FORD), the Senator from Michigan (Mr. RIEGLE), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 222, a bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends.

S. 253

At the request of Mr. PRESSLER, the names of the Senator from Montana (Mr. BAUCUS), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 253, a bill to amend the Internal Revenue Code of 1954 to reduce the rate of tax imposed on certain petroleum products that are mixed with alcohol, and for other purposes.

S. 278

At the request of Mr. THURMOND, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 278, a bill to designate the Lowndesville Recreation Area located within the Richard B. Russell Dam and Lake project, South Carolina and Georgia, as the "Jim Rampey Recreation Area."

S. 314

At the request of Mr. GOLDWATER, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 314, a bill to encourage in-flight emergency care aboard aircraft by requiring the placement of emergency equipment, supplies, and drugs aboard aircraft and by relieving appropriate persons of liability for the provision and use of such emergency equipment, supplies, and drugs.

S. 378

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 378, a bill to increase the penalties for smuggling quantities of marihuana exceeding 1,000 pounds.

S. 454

At the request of Mr. BYRD, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 454, a bill to provide for an accelerated study of the causes and effects of acidic deposition during a 5-year period, and to provide for grants for mitigation at sites where there are harmful effects on ecosystems resulting from high acidity.

SENATE JOINT RESOLUTION 5

At the request of Mr. THURMOND, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Joint Resolution 5, a joint resolution proposing an amendment to the Constitution relating to Federal budget procedures.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. SASSER, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of the Senate Concurrent Resolution 5, a concurrent resolution expressing the sense of the Congress that the Railroad Retirement Board and representatives of railroad employees and carriers should explore new methods of financing the railroad retirement program.

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. BOSCHWITZ, the names of the Senator from Montana (Mr. MELCHER), the Senator from Kentucky (Mr. FORD), the Senator from Illinois (Mr. PERCY), the Senator from North Dakota (Mr. ANDREWS), the Senator from Maryland (Mr. SARBANES), the Senator from Kansas (Mr. DOLE), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution expressing the sense of the Congress that the Federal Government should maintain current efforts in Federal nutrition programs to prevent increases in domestic hunger.

SENATE RESOLUTION 43

At the request of Mr. PRESSLER, the names of the Senator from New Jersey (Mr. BRADLEY) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Resolution 43, a resolution expressing the sense of the Senate that the President of the United States invite the Soviet Union to negotiate a verifiable ban on antisatellite weapons as a first step toward prohibiting all space-based and space-directed weapons.

SENATE RESOLUTION 49

At the request of Mr. HOLLINGS, the names of the Senator from Kentucky (Mr. FORD), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Georgia (Mr. NUNN), the Senator from Montana (Mr. BAUCUS), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. MOYNIHAN), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 49, a resolution disapproving deferral D83-43, relating to economic development assistance programs.

AMENDMENTS SUBMITTED FOR PRINTING

DAIRY EXPORTS

AMENDMENT NO. 2

(Ordered to be printed and referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. WILSON submitted an amendment intended to be proposed by him to the bill (S. 251) to require the export sale of Commodity Credit Corporation owned dairy products, expand markets for U.S. agricultural

commodities, expand authority for the use abroad of Commodity Credit Corporation stocks, require the Secretary of Agriculture, to report on the use of export subsidies by foreign nations, and for other purposes.

SOCIAL SECURITY REFORM

AMENDMENT NO. 3

(Ordered to be printed and referred to the Committee on Finance.)

Mr. RIEGLE submitted an amendment intended to be proposed by him to the bill (S. 1) to implement the consensus recommendations of the National Commission on Social Security.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Conservation and Supply to consider the President's proposed budget for 1984 for energy conservation and related programs within the jurisdiction of the subcommittee. The hearing will be held on Tuesday, March 8, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building. Testimony will be received from administration witnesses.

For further information regarding this hearing you may wish to contact Mr. Tom Winn of the subcommittee staff at 224-0613.

SUBCOMMITTEE ON LABOR, HEALTH, AND HUMAN SERVICES

Mr. President, I am pleased to advise the Senate that the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies will hold its fiscal year 1984 public witness hearings on Thursday, April 28; Friday, April 29; Monday, May 2; and conclude on Tuesday May 3. These hearings will be preceded by a hearing on Wednesday, April 27 when the subcommittee will take testimony from Members of Congress.

The deadline for interested groups and individuals to submit their requests for an opportunity to testify is Tuesday, March 15. All requests should be in writing and should be addressed to me in care of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, SD-186, Washington, D.C. 20510.

Those persons whose requests are received by March 15 will receive a letter providing instructions for their appearance before the subcommittee.

In addition, the deadline for those who only wish to submit statements for the hearing record will be Friday, May 6. Such statements must be no longer than seven double-spaced pages, and three copies should be addressed to me in care of the subcommittee.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the full Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 15, at 10 a.m., to hold a hearing on World Economic Outlook, with Secretary Shultz.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the full Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, Feburary 15, at 2 p.m., to receive a briefing on Pakistan arms sales.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, February 15, at 9:30 a.m., to hold a hearing on S. 17, a bill allowing for the distribution of Government-owned commodities to voluntary feeding agencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, February 17, to hold a hearing to consider legislation dealing with agricultural exports.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. PERCY. Mr. President, I ask unanimous consent that the full Committee on Finance be authorized to meet during the session of the Senate on Tuesday, February 15, to hold a hearing on social security.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that the full Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 16, to hold a hearing on social security.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that the full Committee on Finance be authorized to meet during the session of the Senate on Tuesday, February 22, to hold a hearing on social security.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that the full Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 23, to hold a hearing on social security.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that the full Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 24, to hold a hearing on social security

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that the full Committee on Finance be authorized to meet during the session of the Senate on Monday March 14, to hold a hearing on revenue sharing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PERCY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, February 15, 1983, in order to receive testimony concerning the following nominations:

U.S. DISTRICT JUDGES

Judge A. Joe Fish, of Texas, to be U.S. district judge for the Northern District of Texas.

Pamela Ann Rymer, of California, to be U.S. district judge for the Central District of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 16, 1983, in order to receive testimony concerning organized crime in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate to hold an executive session on Thursday, February 17, 1983, for the purpose of completion of the minority subcommittee assignments.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Health of the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 17, to hold hearing on prospective reimbursement.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STATUS REPORT ON BUDGET FOR FISCAL YEAR 1983

● Mr. DOMENICI. Mr. President, I submit to the Senate a status report on the budget for fiscal year 1983 pursuant to section 311 of the Congressional Budget Act. This report is based on assumptions and estimates that are consistent with Senate Concurrent Resolution 92, the second budget resolution for fiscal year 1983, and reflects action through February 10, 1983.

The report follows:

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET, STATUS OF THE FY 1983 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 92, REFLECTING COMPLETED ACTION AS OF FEBRUARY 10, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution level	822,390	769,818	665,900
Current level	831,338	779,941	665,298
Amount remaining	0	0	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $0 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 92 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $0 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 92 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 92.●

THE DANGERS OF DEFENSE UNPREPAREDNESS

● Mr. GOLDWATER. Mr. President, young people are about the best thing that ever happened to any country in the history of the world. If I can find any complaint with young people, and I have to admit that it is not a serious one, it is their constant striving to change for change's sake. Unfortunately, they do not have the memory of the older generation. While I am not saying memory is the greatest asset in the world, every once in a while we should be reminded that what is past is prolog.

This is by way of introduction to the fact that more and more people in this country are calling for large defense cuts. For example, The Washington Report, a newspaper published by the U.S. Chamber of Commerce, reports that public feelings have shifted on defense since 1980, according to a Gallup organization survey, which has always had rather good accuracy. For example the article states:

Two years ago, 58 percent of those polled were for higher defense spending, today only 20 percent back higher spending. In 1980, 11 percent were in favor of less spending, today 35 percent are for less. In 1980, the same level of spending was favored by 25 percent, today 40 percent favor holding defense spending at its present level.

While the article does not provide a detailed explanation for this shift, the Gallup survey claims that respondents are worried about their economic circumstances; 40 percent thought they were worse off than last year, and 26 percent thought they were better off. Most think their wages will not keep pace with inflation during the coming years.

Not only is the American public receiving a bombardment in the media about the Nation's economic straits; it is hard to find a newspaper that has remembered how to print good things about America. Not only do they seem to be looking constantly for the bad things, but also, there is a persistent pattern of nuclear freeze talk and stories about the horrendous costs of defense increases.

This last point is really hard to put up with and, to people who are willing to remember, it is very aggravating. In this regard, we should go back to the concern expressed by Dr. William Van Cleve, who was one of President Reagan's military advisers in this campaign. He suggests, concerning our defense programs, that in 2 years, little has occurred that will upgrade or update our strategic or conventional forces. Do not look for large increases in the manpower structure or large amounts of new equipment. Most of the things we are buying are only logical and long overdue updating of fighters, tanks, ships, et cetera. On top of this, they are delivered, not just at a moderate rate, but at a very impractical rate.

For example, for many years we have not bought enough aircraft to offset normal losses of attrition, so we are not catching up with anybody in tactical aircraft or bombardment aircraft. We are constantly falling behind, year after year after year. You would not believe any of this if you were to read the publications of organizations such as the Institute for World Order. That organization takes a rather dismal, hard to understand and factually inaccurate view that, if money is spent on defense, it is taken from the needy or the innocent. If we are prepared to admit that the United States is a 100 percent welfare state, then that might be true. But, I would like to ask this organization: "Just who do you think provides a lot of good jobs in this country, if it is not the defense industry?" I cannot understand these people. I know they are for peace. We are all for peace. But let us be for peace in a honest way and express ourselves in a honest way. According to them, if a nation spends money on defense, its productivity declines, and they have charts with which they try to prove the case. What they do not take notice of are the other possible reasons for decline. With their nice, little charts, they point out that there are 600 million unemployed, 900 million illiterates, and 500 million malnourished. With these figures, we are led to believe that this is caused—and get this—by the average expenditure of $19,000 per soldier, as opposed to $380 for a school-aged child, and that there are 556 soldiers as opposed to 85 doctors per 100,000 around the world. This is shear, utter stupidity. Yet, they have the right to print it and have people believe it, but we also have the right not to believe it.

Naturally, there are publications and supposedly knowledgeable individuals who are ready to endorse these sorts of statistics as uniquely valuable, real eye openers, and heavy ammunition for the peace advocates.

What I am trying to get at in reference to the young and their great value and the need to be aware of history is this: In my lifetime, we have gone to war four times, and in each of those wars, we were not prepared to go to war. Had we been prepared, had we been strong, there would have not been a war. Some people cannot get it through their heads that strength is respected. Between countries, in fact, it is the only things that is respected. In this regard, I mean economic strength, moral strength, and military strength. If these strengths prevail, the country which has them on its side will not go to war. There are a great variety of people in the United States. There are people in and out of Government, and people in responsible positions. There are leading businessmen, many of whom helped get this country into the depression that we are in, and union leaders whose abuse of union power helped to get this country in the economic condition that we are in. They are all calling for what amounts to the complete destruction of our military system. All of this is hard for me to understand. But, maybe, as we grow older, our opinions become more solidified. As age gives us the opportunity to realize more fully the truths involved in history, we probably become more retrospective.

I pray we do not go too far. I do not want to see another war, and I do not want to see another depression. However, we are heading for both of them

with the ridiculous courses we have adopted.●

S. 100—THE AGRICULTURE FREE AND FAIR TRADE ACT OF 1983

● Mr. BOSCHWITZ. Mr. President, on January 26, I introduced S. 100, the Agricultural Free and Fair Trade Act of 1983. Although my introductory remarks have been printed in the RECORD, the bill itself has not. Because of the many requests for copies of the bill, I have decided to have it printed today.

The bill establishes excess carryover trigger levels for 10 commodities. If those triggers are exceeded and the excess carryover has resulted at least in part from the actions of another country, the Secretary of Agriculture would be mandated to take one or more specified steps. Basically, these steps involve lowering the interest rate on export credits and using CCC stocks in an export PIK.

The section title of the bill would increase the market development funding of the Foreign Agriculture Service (FAS) of USDA by about $20 million. It does this by requiring that the program level be equal to or greater than the level in fiscal year 1971, adjusted for changes in inflation and currency exchange rates. It also provides an increased emphasis on promotion of value-added products and calls for an increase in the number of overseas Agricultural Trade Offices.

S. 100 does some new and interesting things that deserve thorough consideration.

I look forward to the hearings on agricultural export legislation that the Agriculture Committee will hold on February 17 and 25, and I invite my colleagues to join me in cosponsoring this bill.

I submit the bill for the RECORD:

S. 100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Free and Fair Trade Act of 1983".

TITLE I—DEMAND MAINTENANCE

DEFINITIONS

SEC. 101. As used in this title, unless the context clearly requires otherwise—

(1) the term "commodity" means—

(A) barley, corn, grain sorghums, rice, soybeans, upland cotton, wheat, any other commodity designated by the Secretary, and any processed or value added farm product; and

(B) butter, cheese, and nonfat dry milk;

(2) the term "Corporation" means the Commodity Credit Corporation;

(3) the term "excess carryover condition" means a condition determined to exist by the Secretary pursuant to section 102 (a); and

(4) the term "Secretary" means the Secretary of Agriculture.

DEMAND MAINTENANCE REQUIREMENTS

SEC. 102. (a)(1) The Secretary shall from time to time during each marketing year determine whether an excess carryover condition exists for each commodity.

(2) Subject to the provisions of paragraph (3), an excess carryover condition exists for a commodity during a marketing year if the estimated total supply of such commodity during such marketing year exceeds the quantity of such commodity the Secretary estimates will be utilized domestically and for export during such marketing year by a percentage figure equal to or greater than the figure specified below for such commodity:

(A) In the case of barley, 27.5 percent.

(B) In the case of butter, 15 percent.

(C) In the case of cheese, 12.5 percent.

(D) In the case of corn, 15 percent.

(E) In the case of grain sorghums, 15 percent.

(F) In the case of nonfat dry milk, 25 percent.

(G) In the case of rice, 17.5 percent.

(H) In the case of soybeans, 10 percent.

(I) In the case of upland cotton, 25 percent.

(J) In the case of wheat, 27.5 percent.

(K) In the case of any other agricultural commodity designated by the Secretary, a percentage specified by the Secretary for such commodity.

(3) An excess carryover condition exists for a commodity during a marketing year only if the Secretary determines that all or part of the condition has resulted from the actions of a foreign country.

(b) Notwithstanding any other provision of law, if a foreign country takes actions which adversely affect domestic agricultural exports and cause or make worse an excess carryover condition for a commodity, the Secretary shall implement one or more of the programs described in sections 103, 104, and 105.

(c) In carrying out the provisions of this title, the Secretary shall take reasonable precautions to safeguard usual marketings of the United States and to avoid displacing any sales of United States agricultural commodities which the Secretary finds and determines would otherwise be made for cash dollars.

(d) The Secretary shall discontinue any program implemented under this title when the Secretary determines that the condition which was the basis for implementing the program ceases to exist, or that actions taken by a foreign country are no longer causing or making worse an excess carryover condition for a commodity.

COMMODITY CREDIT CORPORATION INVENTORIES

SEC. 103. (a) If an excess carryover condition exists in any marketing year with respect to a commodity, the Corporation shall make available to domestic exporters, domestic processors (in the case of processed products), or foreign importers stocks of such commodity owned and held by the Corporation in an amount sufficient to eliminate such condition or, if such condition cannot be eliminated by such action, in an amount equal to all such stocks.

(b) A commodity may be made available under this section for one or more of the following purposes:

(1) export sale for dollars;

(2) export sale for foreign currency; and

(3) donation for humanitarian purposes.

PURCHASE AUTHORITY

SEC. 104. (a) If an excess carryover condition exists in any marketing year with respect to a commodity and the Secretary determines that action taken under section 103 will not eliminate such condition, the Secretary shall make available to producers purchases of such commodity for such marketing year at such level as the Secretary determines will permit the Corporation to obtain and make available for export a quantity of such commodity sufficient to eliminate such condition.

(b) Commodities acquired pursuant to the authority of this section may be disposed of by the Corporation through the means prescribed under section 103.

EXPORT CREDITS

SEC. 105. (a) If an excess carryover condition exists in any marketing year with respect to a commodity or the Secretary determines that interest rates on loans are excessive and detrimental to domestic agricultural exports, the Corporation shall reduce interest rates on export credits to a level which will facilitate distribution of such commodity under sections 103 and 104 (if any) and stimulate the export of domestic agricultural commodities.

(b) Reduction of interest rates under this section may be made in the case of programs involving direct credits, risk assurance guarantees, blended credits, concessional credits, interest rate buy downs, other types or forms of export credit assistance adminstered by the Corporation, or any combination of such export credit assistance.

(c) A commodity may be made available under this section for one or more of the purposes specified in section 103 (b).

EXCHANGE RATES

SEC. 106. (a) If variations in exchange rates in any marketing year cause the United States dollar to appreciate against the world's convertible currencies and such appreciation causes or makes worse an excess carryover condition for a commodity or otherwise adversely affects the domestic farm sector through the impact of such appreciation on domestic agricultural exports, the Secretary shall offset such appreciation of the dollar by using any combination of the programs described in sections 103, 104, and 105 to decrease the unit price of such commodity by a percentage which is equal to or greater than the rate of such appreciation.

(b) The period of reference for appreciation under subsection (a) shall be determined by the Secretary and may vary among different commodities.

EXPORT SUBSIDIES

SEC. 107. (a) If a foreign country subsidizes the export of a commodity from that country and such action causes or makes worse an excess carryover condition for a commodity produced in the United States or otherwise adversely affects the United States farm sector through the impact of such action on domestic agricultural exports, the Secretary shall promptly offset such action by using any combination of programs described in sections 103, 104, and 105 to decrease the unit price of such commodity by an amount which is sufficient to offset such subsidy.

(b) Notwithstanding the provisions of subsection (a), if the Secretary determines that substantial progress is being made toward eliminating a subsidy described in subsection (a) through negotiations with the foreign country providing such subsidy, the Secretary may delay taking action under subsection (a) for a period of not more than six months from the date the Secretary would otherwise be required to take such action.

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. There are authorized to be appropriated such sums as may be necessary to carry out this title.

INAPPLICABILITY OF OTHER LAWS

SEC. 109. Any provision of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) or any other provision of law, other than this Act, that conflicts with this title shall be ineffective on and after the effective date of this Act.

EFFECTIVE DATE

SEC. 110. This title shall become effective beginning with the 1983 marketing year for a commodity.

TITLE II—DEMAND ENHANCEMENT

MARKET DEVELOPMENT FUNDING

SEC. 201. Subclause (A) of section 1207(a)(5) of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m(a)(5)(A)) is amended to read as follows: "(A) funding market development and cooperator programs at the same or greater funding levels as provided during fiscal year 1971 (adjusted to reflect the cumulative and compounded change in prices and variations in exchange rates since fiscal year 1971) or, if conditions described in section 102(a) of the Agricultural Free and Fair Trade Act of 1983 exist, at greater funding levels than provided during fiscal year 1971 (adjusted to reflect the cumulative and compounded change in prices and variations in exchange rates since fiscal year 1971);".

VALUE ADDED FARM PRODUCTS AND PROCESSED FOODS

SEC. 202. Subclause (B) of section 1207(a)(5) of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m(a)(5)(B)) is amended to read as follows: "(B) funding an export market development program for value added farm products and processed foods (including television and ad campaigns to promote the export of such products and foods) at a greater funding level than that provided during fiscal year 1983; and".

U.S. AGRICULTURAL TRADE OFFICES

SEC. 203. Section 605A (a) of the Act entitled "An Act to provide for greater stability in agriculture; to augment the marketing and disposal of agricultural products; and for other purposes", approved August 28, 1954 (7 U.S.C. 1765a (a)) is amended—

(1) by striking out "nor more than twenty-five"; and

(2) by adding at the end thereof the following new sentences: "In determining the number and location of United States Agricultural Trade Offices, the Secretary shall consider the potential growth of domestic agricultural exports in general and value added farm products in particular. The Secretary shall increase the number of United States Agricultural Trade Offices to the level necessary to accommodate the increased market development efforts described in sections 201 and 202 of the Agricultural Free and Fair Trade Act of 1983.".

EFFECTIVE DATE

SEC. 204. The amendments made by this title shall become effective on October 1, 1983.●

TV: WE DESERVE BETTER

● Mr. GOLDWATER. Mr. President, it has become quite obvious that the quality of programs available over the television networks has been decreasing. This does not come from just one interested observer who has followed this form of the media since its inception. The fact is that the networks have not been doing as well this past year as in the years before. They have not come up with any really new programs, and public broadcasting is receiving more and more attention from the viewers. This would indicate that the major networks have better get together and create some programs to increase their acceptability.

Mr. Marvin Stone has written, in U.S. News & World Report of February 7, a very, very interesting and penetrating editorial on this matter entitled "TV: We Deserve Better." The administration has seen fit to cut public broadcasting funds. I think this is wrong. If anything, these funds should be increased. Competition is really beginning to enter the field among satellite television, cable television, regular television, and the coming smaller television transmitters. All these segments should be encouraged so that competition can result in a better quality of material for the American people to view.

I hope that those involved in this problem are working harder than ever to bring about a more acceptable media to the American people. They certainly deserve it.

I ask that Mr. Stone's article be printed in the RECORD.

The article follows:

[From U.S. News & World Report, Feb. 7, 1983]

TV: WE DESERVE BETTER

(By Marvin Stone)

It is painful to watch the self-inflicted wounds of network television. After a rocketlike flight in profits over the last decade, to heights above 650 million dollars in 1981, the Big Three are looking back on a year when it was much harder to show net gains. From here out, they face rising costs of production, a shrinking share of the nation's viewers and the prospect of pouring out further millions to seek a foothold in cable, pay-TV and moviemaking.

In such a setting, a certain amount of panic is understandable, but still it seems that those are dollars enough to support some imagination and courage in programing. What a large segment of the public will remember, for example, is that the Big Three networks turned their backs on the Royal Shakespeare Company's four-part "Nicholas Nickleby" and, in some cases, for reasons of their own, pressed their affiliates to do the same.

Remembered, too, will be that it was left to the Public Broadcasting Service to run the tape of the Vienna State Opera's bouncy "Fledermaus" and introduce to American television Bayreuth's spirited and innovative version of Wagner "Ring."

These are intellectual (read snobbish) exercises, in the established view of the marketplace, and PBS is "elitist."

Leaving aside for the moment the question of whether these treasures are, indeed, purely intellectual, a viewer has a right to inquire: If the nonintellectual is all that is to be courted by commercial television, where are the new romantic series and situation comedies to take the place of those that are wearing thin? What fresh inventions are there to engage viewers who have grown weary of "Love Boat" and "Fantasy Island" and Archie Bunker and Alice? And, the prime question, where can we turn the dial when we finally tune out the reruns of the reruns of "M*A*S*H"?

We all know and understand that the networks are prisoners of the popularity ratings. But questions about the intellectual will not die. "Nickleby" eventually appeared on a collection of stations put together by Mobil Corporation, which was trying to embellish its corporate image. "Nickleby" was pronounced a triumph. Aside from whatever value it might have as a Dickens masterpiece, it displayed acting more sincere and human qualities more genuine than your usual sitcom trash.

Reaction to "Nickleby" might indicate that commercial television is underestimating the brainpower of Americans and their capacity for enjoying TV's you-are-there presentations of works forbiddingly known as "classics." And they also may be overlooking a potential gain, at least in good will.

Network television now stands, in a sense, at the stage reached 10 years or so ago by the book industry. Traditionally, the big houses had included on their lists each year some titles useful just for their excellence and the reputation of the company. When production costs went out of sight, the business departments asserted their power: Nothing was to issue unless it promised big profits.

Well, publishing is a business. It is the paper-back romances that rake in the green. But book publishing has lost luster. Moreover, if there is no high standard to emulate, where can the quality of the product and the level of public taste go but down?

Fortunately for television and its watchers, TV does have a yardstick: PBS. There is more to come in the season of public television—six further episodes of the Bayreuth "Ring," with its exciting young cast and direction; continued deep-investigative reporting; perhaps an hour-long news program, and other innovations.

On its tiny federal appropriation, together with private grants, the public network is gaining followers who sense that PBS is where it's happening. If only some of its quality could rub off on the people who mastermind commercial-television programing!●

LET'S GET MORE OVERCHARGE FUNDS BACK TO THE CONSUMERS

● Mr. SASSER. Mr. President, I am pleased by the recent announcement made by Secretary of Energy Model concerning the disbursement of $200 million of oil pricing settlements funds. We must act thoroughly and expeditiously to insure that all of the over $4.7 billion in alleged pricing violations are resolved and disbursed to the proper persons.

I recently sponsored legislation, S. 131, along with my distinguished colleagues, Mr. SARBANES, Mr. PELL, Mr. BRADLEY, Mr. INOUYE, and Mr. TSONGAS, which addresses the Department of Energy's ongoing oil overcharge investigations. Progress in these investigations, which were begun well over a

year ago, has below slow. The disbursement of this $200 million represents a real and tangible breakthrough in these cases.

My colleagues and I have sponsored S. 131 because we believe that more can and should be done to redress the far-reaching alleged pricing violations that occurred within the oil industry. The disbursement of this $200 million is just the beginning. We must continue to press for action which will get these overcharge funds out of the U.S. Treasury escrow accounts and into the hands of those who were most adversely affected by these alleged violations; namely, American consumers.

Mr. President, the legislation that we have sponsored seeks to insure that the economic regulatory agency exercises the dilegence which is vital to the completion of these investigations. Unless we insure that each and every pending case is thoroughly investigated, a grave injustice will be perpetrated at the expense to the American people.

Mr. President, I ask that a chart which indicates how this $200 million will be disbursed among the States be printed in the RECORD.

The chart follows:

Distribution of escrow funds to the States, District of Columbia, and five territories

State:	*Payment*
Alaska	$795,600
Alabama	2,963,400
Arkansas	2,152,200
Arizona	1,980,600
California	18,914,400
Colorado	2,063,200
Connecticut	3,292,400
District of Columbia	466,000
Delaware	912,800
Florida	9,105,800
Georgia	4,298,400
Hawaii	1,380,400
Iowa	2,462,200
Idaho	917,400
Illinois	9,016,200
Indiana	4,717,400
Kansas	2,103,600
Kentucky	2,570,200
Louisiana	5,902,800
Massachusetts	6,645,800
Maryland	3,575,800
Maine	1,450,000
Michigan	6,558,000
Minnesota	3,283,000
Missouri	3,731,800
Mississippi	2,379,200
Montana	867,800
Nebraska	1,377,400
North Carolina	4,310,600
North Dakota	696,200
New Hampshire	890,400
New Jersey	7,490,600
New Mexico	1,191,400
Nevada	773,400
New York	15,363,400
Ohio	7,117,000
Oklahoma	2,365,200
Oregon	1,962,200
Pennsylvania	9,166,000
Rhode Island	766,400
South Carolina	2,336,800
South Dakota	668,200
Tennessee	3,171,400
Texas	17,073,600
Utah	1,123,000
Virginia	5,075,400
Vermont	457,600
Washington	3,115,800
Wisconsin	3,341,000
West Virginia	1,168,800
Wyoming	783,200
Puerto Rico	2,038,200
Virgin Islands	1,363,800
Guam	256,600
American Samoa	33,000
Northern Marianas	17,000
Total	200,000,000

Mr. SASSER. Mr. President, again I would like to commend the Department of Energy for disbursing these funds. I thank those of my colleagues who have already jointed me in this effort and urge other Members to join our efforts to insure that all oil overcharge funds are ultimately returned to the American people.

I also ask that a letter to me from Energy Secretary Donald Paul Hodel regarding the distribution of these oil overcharge funds to the State of Tennessee be printed in the RECORD immediately following my remarks.

The letter follows:

THE SECRETARY OF ENERGY,
Washington, D.C., January 31, 1983.

Hon. JIM SASSER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SASSER: I am pleased to inform you that I have approved the disbursement of $200 million of oil pricing settlement funds to the states and U.S. territories and possessions. This disbursement is pursuant to the 1983 Further Continuing Appropriations Act.

Under the disbursement formula prescribed by the Congress, Tennessee is receiving $3,171,400. A check for this amount will be forwarded to your Governor this week.

These funds, under the provisions of the Act, are to be used to supplement funding for five energy conservation programs. Details on the funding distribution, use of the funds, and the source of the monies are enclosed with this letter.

Recognizing that there has been considerable interest by Members of Congress in the disposition of the oil pricing settlement funds, I know you will be pleased that this distribution is being made, and that these funds are being returned to your constituents in a manner that will benefit them during this time of special need.

With best regards,
Sincerely,

DONALD PAUL HODEL.●

NEGATIVE ASPECTS OF CREATING JOBS

● Mr. GOLDWATER. Mr. President, recently we have heard a lot of speeches about the economy and a lot of nonsense from people who claim to know what they are talking about. Recently the president of the U.S. Chamber of Commerce, Mr. Richard L. Lesher, issued a statement in the Voice of Business entitled "A Washington Shell Game." Mr. Lesher's article accurately summarizes the effect of applying a lot of money to the public sector jobs. There are positive aspects, to be sure, in creating jobs, but the negative aspects, in almost any case, outweigh the positive. The tendency of Congress to search for quick solutions in solving every problem is something we should steer away from in dealing with some of the proposals floating around for jobs programs. Mr. President, I ask that the article by Mr. Lesher be inserted at this point in my remarks, and I encourage my colleagues to heed his words of wisdom.

The article follows:

A WASHINGTON SHELL GAME

WASHINGTON.—And in the beginning, Congress created jobs . . .

To hear House Speaker Tip O'Neill and his allies talk, our legislators, if it were not for the stubbornness of Ronald Reagan, could ordain the end of unemployment by creating millions of public sector jobs.

But another famous saying, also freely paraphrased, more accurately portrays the real effect of these job programs: Congress giveth and Congress taketh away.

Perhaps the most misguided idea circulating in Washington today is that Congress can "do something" about employment by passing expensive make-work jobs programs. Various proposals have been bandied about, some costing billions of dollars, which even if they delivered what their sponsors promise, would produce only a small dent in the double-digit unemployment rate.

The problem is that they would not deliver as promised. Yes, there would be a few more billets to be claimed by enterprising bureaucrats and perhaps a few more pork barrel projects to be claimed by enterprising congressmen. But if you look beyond this surface effect, an entirely different picture comes to light.

If Uncle Sam decides to spend a billion dollars to "create" public sector jobs, there are only three places to get that money: from higher taxes, borrowing, or some other spending category in the budget. In each case, any positive effect produced by a jobs program would likely be cancelled out by a negative impact on jobs in those other areas.

For example, taxing American workers and businesses an additional billion dollars would destroy jobs by further depressing economic activity and inhibiting saving, investment and consumer spending—the very things that spur the creation of jobs in private enterprise. Adding a billion to the deficit would have the similar "cancelling-out" effect, because that's one less billion available to private borrowers to use for investment and large consumer purchases. Even a transfer of spending from another area of the budget (defense is most commonly mentioned) to a jobs program would likely eliminate as many jobs in one area as it creates in another.

In other words these so-called jobs bills are nothing of the sort. They are part of a standard Washington shell game, designed to give the impression that prosperity, jobs and happiness flow from Capitol Hill like a fountain, if only the President would be kind enough to let the Speaker turn on the spigot. In fact, the President is doing the unemployed a big favor by resisting these schemes which would add to the debt and the tax burden and delay recovery.

Some may say that I am articulating the old-fashioned trickle-down theory that the benefits of tax cuts, spending cuts, regulatory reform will eventually flow to the unemployed. But if this is trickle down, it's trickle down with a proven track record—unlike the liberal approach which rests its hopes on your tax dollars trickling down from Washington bureaucrats.

The most dependable wellspring of new jobs in our economy is and has always been our small businesses. These are the same enterprises that are most susceptible to high taxes, overregulation, excessive paperwork and high interest rates. If the new Congress really wants to contribute to helping the nation's unemployed, it will stop playing the old shell games and get serious about controlling runaway spending, clamping a lid on tax hikes and weeding out unnecessary regulation.

That's as good a jobs program as has ever been devised.●

CONGRESSMAN PHIL CRANE'S VIEWS ON EL SALVADOR

● Mr. HELMS. Mr. President, on February 2, the distinguished Congressman from Illinois, PHILIP M. CRANE, testified before the Senate Foreign Relations Committee for the hearings on "Certification of Aid to El Salvador."

As chairman of the Western Hemisphere Subcommittee, I believe that the views of Congressman CRANE following his recent trip to this Central American country will be of interest to my colleagues. The Congressman states that the aspect that impressed him most in conversation with the Salvadorans was the universality of commitment from every sector of their society to the preservation of the democratic process.

Mr. President, while speaking with the general populace, Congressman CRANE did not once hear either sympathy for the Communist guerrillas or an interest in negotiating with them, unless they were willing to lay down their arms and work within the democratic process. In fact, the very suggestion that the Government of El Salvador should negotiate with the guerrillas triggered a large and vocal protest demonstration in downtown San Salvador.

I might also point out that Congressman CRANE traveled by helicopter to La Union where there is a military base used by the Salvadoran Navy. He learned that the navy has been able to reduce greatly the flow of arms and supplies from Nicaragua into El Salvador by sea. This, he believes, is largely due to the U.S. military advisers and some modest upgrading of Salvadoran equipment.

I have followed closely the situation in El Salvador for several years, and I am well aware of the statistical progress they have made in the area of human rights, as well as in the development of democratic institutions. The democratic process is clearly in place in this Central American republic, and the United States must continue to recognize their steady progress by providing the assistance desired by the majority of Salvadorans. This will provide real support for the electoral process, the means by which all Salvadorans can be allowed to choose their destiny.

Like Congressman CRANE, I strongly believe that if the United States maintains a firm commitment to the principle that the Western Hemisphere is off limits to the Soviet Union, and demonstrate an acknowledgement that our neighbors to the south are a matter of interest and concern to us, we will be able to build strong friendships in an alliance that can guarantee the security of this hemisphere.

I commend Congressman CRANE's remarks to my colleagues' attention, and I ask that the text of his statement be printed in the RECORD.

The statement follows:

REMARKS OF REPRESENTATIVE PHILIP M. CRANE

Thank you for providing this opportunity to testify before your Committee on the vital subject of El Salvador.

Just over two weeks past I had the opportunity to visit El Salvador for the first time. Prior to this my knowledge of the country was based upon research and second-hand accounts from people who had been in the country.

It has not been my practice to travel abroad at taxpayer expense and I did not on this occasion. However, in response to critics of so-called Congressional "junkets", I have defended much travel by Members as important to developing insights and understandings upon which they must render judgments over the expenditure of billions of dollars of taxpayers' money.

El Salvador is a case in point. I would hope that every Member of any Congressional Committee that has any jurisdiction over the expenditure of taxpayer dollars in El Salvador would visit this beleaguered country in person.

The first thing that impresses a new visitor is how close it is to our borders. San Salvador, for example is closer to Miami, Florida than Miami is to Washington, D.C. The Salvadorans are indeed neighbors who live just down the block and yet I suspect the average American would be hard pressed to find their nation on a map.

Secondly, it is a small country in geographic size—roughly equivalent to the state of Massachusetts. Its landscape contains volcanic mountains in profusion and yet it is rich in agricultural land and has the capability of feeding its population with ease. Not only can El Salvador produce food surpluses, it used to be a significant exporter of cotton, sugar, and coffee.

I say "used to be" because not only have these products faced depressed world markets, but the Communist guerrillas have concentrated great efforts to destroying the economic infrastructure of El Salvador. The attacks, in too many instances, have been successful.

Yet, despite an on-going costly effort to root out the guerrillas, despite depressed markets for their major exports, despite the crushing burden of 250,000 displaced citizens who are casualties of this conflict, and despite the loss of their productive labors in the fields, one cannot accuse El Salvador of the degree of irresponsibility that has brought so many Third World countries to the brink of economic collapse. Red ink spending tends to be the normal cause of economic chaos. They have neither defaulted nor repudiated loans in spite of all these adversities.

While my visit to El Salvador was compressed into four days, they were long and productive days. I had the opportunity to receive breifings from President Magana; Major D'Aubiusson, head of the Constituent Assembly; General Garcia, the Defense Minister; U.S. Ambassador Hinton; and Col. John Waghelstein, who heads the U.S. military advisors.

I met with business leaders, union leaders, military leaders in the provinces, clergy, political leaders representing various parties, managers of displaced persons programs, and our own embassy people and military advisors. I also had ample opportunity to talk with the populace at large, including a guerrilla defector and patriotic mothers.

In anticipation of recertification, you are already aware of the statistical progress El Salvador has made in the human rights category as well as in the development of democratic institutions. No one can suggest that that progress is as great as we would like, but it is important to keep the problems in perspective. While we have had almost four centuries of experience in democratic institutions, they are in their infancy in El Salvador. For all of that, Americans have never faced going to the polls with death threats directed at them for participating in the process. But that is exactly what happened in El Salvador during their national elections last year. And despite these threats from the Communist guerrillas, over 80 percent of the people voted, which is a participation level that should shame us.

The single item that impressed me most in conversation with Salvadorans was the universality of commitment from every sector of their society to the preservation of the democratic process. The labor union leaders boasted that they were responsible for getting a half million votes out themselves. From no individual did I hear either sympathy for the communist guerrillas nor an interest in negotiating with them, unless they were willing to lay down their arms and work within the democratic process.

In fact, while I was there the suggestion that the government of El Salvador should negotiate with the guerrillas triggered a large and vocal protest demonstration in downtown San Salvador.

On the military side, I travelled by helicopter from San Salvador to La Union, which is separated from Nicaragua by the Gulf of Fonseca. The military base located there is used by the Salvadoran Navy. Thanks to U.S. advisors and some modest upgrading of Salvadoran equipment, the navy has been able to reduce greatly the flow of arms and supplies from Nicaragua into El Salvador by sea.

Since the land routes between Nicaragua and El Salvador are ruggedly mountainous, and the Government of Honduras has worked to interdict land supplies, land routes do not provide an easy avenue for the Sandinistas to resupply the guerrillas. But the Salvadorans are helpless when it comes to interdicting the ongoing resupply by air. The naval commander at La Union informed me that the previous week there were four daytime flights into El Salvador in a single day. And there are literally hundreds of little airstrips on the cotton and

sugar farms between San Salvador and La Union and it is impossible for the Salvadoran military to police that entire region.

Moreover, the Salvadorans have no adequate radar to monitor these incursions from Nicaragua nor appropriate planes, missiles or anti-aircraft guns to knock them down. The military is further handicapped by a lack of spare parts and they need far more trained mechanics. One of our helicopter blades cracked on the flight to La Union, presumably from wear, and one estimate I heard fixed down time of that helicopter at a week before the blade could be replaced and balanced. Considering the fact that they only have about nineteen helicopters of varying vintage, this was a serious loss.

Another area where the United States could significantly contribute to the Salvadoran capability is in the area of training their personnel in unconventional warfare. Most of their military leaders do not appear conversant with the most effective ways of coping with a guerrilla conflict. Salvadoran forces trained in unconventional warfare tactics of small unit maneuver and resupply could be much more effective against the guerrillas with less loss of life and resources.

Another ingredient of more effective prosecution of the military conflict would be creation of an amnesty program. A former guerrilla informed me that at the present time it is not easy for a guerrilla to surrender. Such a program, however, requires funding. An effective amnesty program involves paying defectors for the arms they bring in when they surrender.

Finally, there is the problem of the refugees. The government, already financially strapped, lacks the resources to care for them. Church groups and international assistance groups should be given greater assistance in providing for the refugees. Since the country is capable of producing food surpluses, it might be doubly helpful to El Salvador if food were purchased for the refugees from Salvadoran farms.

El Salvador must be spared the fate of Nicaragua and Cuba. The United States, as leader of the free world, has a unique responsibility in the world to provide leadership and assistance on behalf of personal liberty, free institutions, economics progress, and security. This responsibility, like charity, must manifest itself—of all places—at home. Home, in this instance is our own hemisphere.

If the United States were to refuse to provide the modest assistance to El Salvador that is essential to guarantee its independence and freedom, it would be a message to Cuba and the Soviet Union that communist subversion can be further pressed. We witnessed the arrival of an estimated one million illegal Mexicans in the United States last year. Some estimates calculate the number of Salvadorans in the United States at the present time to be 300,000.

Gentlemen, this is the earnest of a deluge from all of Central America and Mexico if we don't take decisive and prompt action to help those democratic forces on our doorsteps who are trying to prevent communist subversion and terrorism from succeeding. And the economic impact here of such a flood of illegal immigrants fleeing tyranny is incalculable.

President Reagan's Caribbean Basin Initiative, which is a very popular policy in El Salvador and throughout the Basin, is one of the most positive expressions of interest in our Latin neighbors since World War II. But there are other types of support—such as that which we are already providing to El Salvador—that are dictated whenever any country experiences terrorism supplied and fomented from abroad.

Let us make no mistake. The Soviet Union and Cuba sense opportunity in this Hemisphere and they are seeking to exploit it. Since 1978, Cuba has been given arms capable of projecting power beyond the island's periphery. The Straits of Florida—through which more than 50 percent of men and material for NATO contingencies flow (including virtually all the petroleum)—is now under the gun of Cuban operated Soviet MIG-23s, Foxtrot-class submarines, and a Koni-class frigate. A runway is being built on Grenada which will allow Cuba to support its troops in Africa. Suriname's Col. Bouterse, with Cuban tutelage, has decapitated potential opposition—murdering fifteen outstanding labor, newspaper, and student leaders and arresting others. Grenada and Suriname command the Atlantic narrows through which two-thirds of Western Europe's oil flows and through which our Pacific aircraft carriers would have to transit in time of war or crisis.

Our enemies are clever. They are exploiting our own democratic system to try to neutralize us. Castro told Colombian radio CARACOL in early January, and I quote, "I think they (the U.S.) must first persuade themselves they are losing the war; that they are losing their land." In this regard, Castro pointed to the role of Congress and the U.S. media as offering "resistence" to Administration policy. It is no accident, therefore, that the guerrillas have launched their current offensive to coincide with the Congressional certification requirement—just as they launched an offensive to disrupt the March 1981 Salvadoran elections.

The Communists are abusing the commendable Congressional effort to reduce violence. They are accelerating their murderous efforts precisely now—at certification time—to persuade us, in Castro's words, that we are "losing." They are trying to place the Salvadoran people in harm's way—to draw government fire on them and then to complain of human rights abuse.

If the U.S. maintains a firm commitment to the principle that the Western hemisphere is off limits to the Soviet Union and if we build upon CBI and demonstrate an acknowledgement that our neighbors to the south are a matter of concern and interest to us, we will be able to build strong friendships in an alliance that can guarantee the security of our hemisphere, promote a better life for millions, and advance the cause of free institutions at the same time.●

A BIRD IN THE HAND

● Mr. GOLDWATER. Mr. President, in the Wall Street Journal of the 9th of February appeared an excellent editorial entitled "A Bird in the Hand." It is an excellent and fair look at the situation that exists between the Red Chinese and the United States over the subject of Taiwan.

I think the editorial points out very succinctly the thought, "There seems no point in playing along with this Chinese game." As they point out, Taiwan is a dependable ally in probably the most strategic position in the whole Pacific Ocean and, if we think for one moment that we can trust the Communist Chinese, we are just plain crazy. It was bad enough when President Reagan went back on his campaign promises but it was even worse when President Carter, in an unconstitutional move, without any approval from the Congress, did away with the Mutual Protection Treaty between Taiwan and the United States.

Let us put an end to this foolishness. I do not think any person reading this article will ever live to see the day that Red China can contribute anything to the world, but I will take that back if they want to get rid of the Communist government and copy the Taiwan people and institute democracy.

I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the Wall Street Journal, Feb. 9, 1983]

REVIEW & OUTLOOK: A BIRD IN THE HAND

Secretary of State George Shultz played things just about right on his trip to Peking. Stressing the importance of Sino-American dialogue, he worked out an arrangement for limited military contacts between China and the U.S., and won the agreement of Prime Minister Zhao Ziyang to visit President Reagan. But he also was careful not to exaggerate the possible benefits of Sino-U.S. cooperation. And he doesn't appear to have made any further concessions on the U.S. defense commitment to Taiwan.

The U.S. has a clear interest in cordial talks with the Chinese. Visits such as Mr. Shultz's to Peking, and presumably Mr. Zhao's to Washington, make the Soviets feel a bit less cocksure; and they make our friends in Japan, South Korea and ASEAN feel a bit more comfortable about Chinese intentions with regard to destabilizing other Asian countries. At least at the moment, China and the U.S. have a common interest in opposing Vietnamese expansionism and Soviet aggression in Afghanistan. There are also some modest gains from trade and the relaxation of travel restrictions between our two countries, gains which would be greater were it not for U.S. protectionism in textiles as well as the difficult obstacles for Americans working and studying in China.

But beyond this, it isn't clear what additional benefits can be expected from our Chinese relationship. China cannot be counted on as an anti-Soviet ally; most likely, it will want to maintain a kind of equidistance between the Soviets and Americans, but it isn't farfetched to imagine a Sino-Soviet rapprochement sometime this decade. Despite recent efforts to liberalize agriculture and small urban enterprises, China remains one of the most totalitarian and closed societies in the world. Its human rights violations make those of, say, Guatemala or Chile, pale by comparison.

All of which suggests Mr. Shultz was wise not to cave in to the latest Chinese demand for yet more U.S. concessions on Taiwan. Some U.S. diplomats will be alarmed by the report from Xinhua, the Chinese news agency, that "the Taiwan question and especially U.S. arms sales to Taiwan" are "obstacles" to closer Sino-U.S. ties, and that "unless this problem is resolved . . . bilateral relations cannot possibly develop on a sound basis." Unless the Chinese are obliged on Taiwan, the chorus will intone, they will be driven into the arms of the Soviets.

Nonsense. The issue of sovereignty over Taiwan, to be sure, is deeply emotional for the Chinese; and the Peking regime under-

standably considers U.S. support for Taipei a slap in its face. But the Chinese government is smart enough to know that its major foreign policy problem is not Taiwan but the 4,000-mile border with the Soviets; whether the Chinese choose to address this problem by accommodating the Soviets or playing them off against the U.S. will be based on shrewd calculations of realpolitik and will have little to do with Taiwan.

It's worth remembering, too, that the Taiwan issue was supposed to have been resolved once and for all by a communique last August, in which the U.S. promised to gradually phase out arms sales to Taiwan. On his latest trip, Mr. Shultz promised that the U.S. would abide by this earlier concession, which already puts Taiwanese security in some jeopardy: Under the agreement, the U.S. won't sell Taiwan anything more sophisticated than F-5E fighters, which are not much of a match for the version of the MiG-23 now reportedly being built in China. Now the Chinese say even this concession isn't enough.

There seems no point in playing along with this Chinese game. Taiwan is a dependable ally in a strategic position on the sea lanes to Korea and Japan. Twenty million Taiwanese birds in the hand are better than one billion mainlanders in the bush. For the sake of cultivating the kind of dialogue Mr. Shultz has just engaged in in Peking, it may have been sadly necessary to withdraw full diplomatic recognition from Taiwan. But it is hard to imagine any additional gains from our Chinese relationship that would justify further endangering Taiwan's security.●

THE TRAGIC CIRCUMSTANCES REGARDING MRS. VERA LIPINSKAYA

● Mr. DOLE. Mr. President, I have recently learned of the tragic circumstances regarding Mrs. Vera Lipinskaya, a Soviet citizen and mother of four children, who was placed under psychiatric confinement in 1977, and whose exact whereabouts and state of health are at this moment a matter of conjecture.

According to Amnesty International, Mrs. Lipinskaya had been charged in 1977 with "disseminating knowingly false information, slandering the Soviet political and social system" after she had sent letters of complaint to local Soviet authorities. She was then subjected to psychiatric examination, diagnosed as suffering from so-called "sluggish schizophrenia" and remanded for an indefinite period of time to the special psychiatric hospital in Tashkent, in the Uzbek Soviet Socialist Republic. It should be noted that according to the Soviet criminal code, incarceration in a special psychiatric hospital is prescribed for those patients who "represent a special danger to society", yet according to Amnesty International, there are no indications that at the time of her arrest Mrs. Lipinskaya was dangerous either to herself or to those around her, nor that she was even in need of psychiatric treatment.

I might add at this juncture that most of the information possessed by Amnesty International on Mrs. Lipinskaya's case was provided by the Moscow-based Working Commission to Investigate the Abuse of Psychiatry all of whose members are now in labor camps or exile for their selfless efforts on behalf of such victims of psychiatric abuse in the Soviet Union as Vera Lipinskaya. I would also point out that Dr. Alexander Voloshanovich, himself a former Soviet Psychiatrist now residing in Great Britain, has stated:

> The cases which are now known throughout the world are those which are most obvious and are the most scandalous; they are only the tip of the iceberg.

One wonders how many more "Vera Lipinskayas" have disappeared, virtually unnoticed, into the Soviet psychiatric gulag.

MISDIAGNOSIS OR POLITICAL REPRESSION?

Mr. President, in a recent issue of the New York Times Magazine the noted American psychiatrist Walter Reich discusses his impressions of Soviet psychiatry and offers the opinion that psychiatric abuse in the Soviet Union may not always be the result of KGB machinations against political dissidents, but rather the result of genuine perceptions on the part of Soviet psychiatrists as to what constitutes "normal" behavior. Perhaps this is really the case; I leave such judgments to competent authorities in the field of psychiatry. But regardless of the motivation, I think we would all agree that Mrs. Lipinskaya's treatment is a shaby affair by any standard. It is cases such as these that have brought about calls to expel Soviet representatives from the World Psychiatric Association, and I have been informed that such a resolution will be introduced at the next WPA Congress to be held in Vienna, Austria, in July of this year. Let us hope that the Soviet Government and its medical authorities recognize the seriousness of this situation and take the appropriate steps, for the sake of Vera Lipinskaya and her fellow victims of psychiatric abuse, both present and potential, within the Soviet Union.●

CAREFUL CUTTING OF THE MILITARY BUDGET

● Mr. GOLDWATER. Mr. President, to continue my discussions which I had in this body recently relative to the military budget, I would like to once again warn my colleagues that approaching this subject with a meat ax is no way to do it. I can tell my colleagues there are things that can be cut in the military budget, that will be cut, but just to come out and say we are going to cut 7 percent, 8 percent, or 15 percent from the military budget without specifing exactly where, is not the approach. We have been able, in the Armed Services Committee, to effectively cut money from the budget, and we plan to do it in this coming budget, but the curse that is going to hang over this body will be in the form of those Members who have said to their constituents, "We are going to cut that military budget." Now, I do not know much about it, but we are going to cut that military budget.

Let these Members of the Congress think about it and let them come before the Committee of the Armed Services and say, "I think this item could be cut. Do we really need this item?" I can assure my colleagues that that is the way we approach the budget. It is precisely the way that we go over these items piece by piece before we reach any final decision.

And then, of course, I hope that during the course of this year the long and involved process of authorization and appropriation can be cut back to where it used to be. The Military Affairs Committee of each body made their authorization requests, and they were either approved or disapproved on the floor. They were further approved or disapproved in conference and then they went to appropriations, where the amounts, and I emphasize amounts, were decided on or not decided on.

Today, authorization does not end until the final Sun goes down and, frankly, we are still in the sunset stages of last year with many items that the Armed Services Committees in their judgment turned down completely. These items were revived by the efforts of other committees, such as Budget, and Appropriations and, Senators, this is no way to run a military system as large as ours. It is no way for us to effectively think that we are going to approach, catch, or even begin to match our main adversary. This is something that has to be done shoulder to shoulder, man to man, and clearly this is something we can do. We have done it before so let us do it again, and let us cut out all the wild promises and charges we are hearing today.

Yes, this a large defense budget but, I must remind my colleagues, it is not the largest budget. The largest budget is the one I doubt we will ever have the courage to attack and that involves the total welfare budget.●

CUTTING THE DEFENSE BUDGET

● Mr. GOLDWATER. Mr. President, we are hearing more and more from Members of Congress, purely political remarks about "I'm going to cut the defense budget."

Ask them where they are going to cut it. They do not have any idea. The meatcleaver approach is the one most of them are thinking about.

Now, for those people who think that the villain in our deficit is defense, I would point out an article that appeared in the Washington Post on

the 7th of February, which shows that payments to individuals have gone up about 180 percent since 1967 and defense has actually gone down in the same time. As I have often pointed out or tried to point out, the vast amount of billions we are spending is to support a welfare state, and I think it is time that the Members of Congress stand up and admit that the United States has become a welfare state. If we want to continue on this disastrous course, we are on the right path. But, trying to ruin the defenses of the United States is no way to protect anybody, particularly those people who are depending on welfare for their livlihood.

I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Post, Feb. 7, 1983]

WHAT ACTUALLY HAPPENED

The rhetoric of the annual budget debate is not always the best guide to the way spending patterns will actually change. The budget is by no means out of control. But it responds to deep political forces that frequently are not expressed in the cut-and-thrust of press conferences and congressional hearings. The budget responds quickly to changing currents of American opinion, but that's not the same thing as conventional party positions. If you look at the figures for the past 15 years, you wil have some difficulty distinguishing between Republican and Democratic administrations.

The chart tracks two important categories of spending, both measured in billions of dollars corrected for inflation. The solid line is spending for defense. The broken line is federal payments for individuals. That's mainly Social Security and Medicare, but also includes all the other direct benefits—civl servants' pensions, unemployment compensation, food stamps, welfare payments and much else. These are the transfer payments or entitlements the rapid rise of which Mr. Reagan regularly deplores.

Defense spending rose to peak in 1968, during the Vietnam War, but then was cut back severely in the Nixon years. The money was diverted to entitlements. In the early 1970s, a Republican president and a Democratic Congress collaborated in the fastest run-up of social benefits in American history. It was in the brief Ford administration that, again, a Republican president and a Democratic Congress began to get uneasy about the trends and halted them. The low point on that defense spending curve was 1976. Under the Carter administration it began to rise significantly—while the social benefits flattened out until the recession of 1980 automatically pushed them up.

In many interesting respects, as this little chart suggests, the Carter administration was a prescursor of the Reagan administration. Carter fiscal policy opposed steady increases in social spending, but when unemployment rose, Mr. Carter felt that he had to meet an obvious need. Regardless of its public statements, the numbers indicate that the Reagan administration has come to precisely the same conclusion. These expenditures have risen in a straight line for the past four years, with no break to hint at the point at which power was transferred from one party to the other. Similarly, defense spending follows a strikingly smooth curve of gradual acceleration going back across two transfers of power at the White House.

If we were to continue the chart for the next several years, with the figures that Mr. Reagan's budget proposes, it would show the defense curve continuing upward and payments to individuals going abruptly horizontal. Neither will happen to the degree that Mr. Reagan wishes, but defense is very likely to go higher, and social spending to slow down. In retrospect, the real change in American fiscal policy came not with the arrival of the Reagan administration, but in the Ford and Carter years.●

NUCLEAR NONPROLIFERATION: OUR SHARED RESPONSIBILITY

● Mr. McCLURE. Mr. President, on January 24, I had the opportunity to appear as the keynote speaker at the American Nuclear Society's conference in San Diego on international nuclear energy. During my speech, I reiterated my support for the administration's objective of reestablishing the leadership of the United States in the areas of international nuclear commerce and nonproliferation. I also stated how pleased I was with President Reagan's appointment of Ambassador Richard Kennedy to be Special Representative for Nonproliferation Policy because it demonstrates the President's personal commitment, and that of Secretary Shultz, to insuring high-level focus on nonproliferation policy for the remainder of the Reagan administration. During the conference, Ambassador Kennedy presented a very informative speech entitled, "Nuclear Nonproliferation: Our Shared Responsibility" in which he noted that nonproliferation is a fundamental and pervasive element in American foreign policy and a key national security goal. Ambassador Kennedy emphasized the administration's view, which I share, that the United States must be a predictable and reliable supplier of nuclear materials and technology.

Mr. President, I ask that Ambassador Kennedy's speech be printed in the RECORD.

The speech follows:

NUCLEAR NONPROLIFERATION: OUR SHARED RESPONSIBILITY

(By Hon. Richard T. Kennedy)

Mr. Chairman, Ladies and Gentlemen, in January 1976, in an appearance before a Senate Committee, David Lilienthal, the first Chairman of the U.S. Atomic Energy Committee, gave us his chilling personal view of nuclear proliferation. "If a great number of countries come to have an arsenal of nuclear weapons," Lilienthal said, "then I am glad that I am not a young man and I'm sorry for my grandchildren."

The prospect of nuclear proliferation which worried David Lilienthal seven years ago is still a cause of grave concern. How to head off this threat in the years ahead is one of the most important questions for the future of world order.

This then is an appropriate time, in a conference concerned with the technical aspects of nuclear commerce, to examine this problem together.

Around the world today, nuclear industries face a dearth of domestic orders for new facilities. Thus, there is a natural tendency by supplier nations to reach out for foreign orders to support their domestic industries and to sustain the infrastructure they have developed at great expense over so many years. They want to keep that industry healthy so that it will be available to meet the anticipated future domestic demand. New suppliers also are coming on the scene, anxious to generate business on their own.

More is at stake, however, than the natural and understandable quest for markets. These conditions may place a strain on the system of non-proliferation norms and restraints which the international community has put into place in the last 25 years. In that light, then we all must share David Lilienthal's concern; more than that, we must do something about it. That's what I want to speak about this evening: Our shared responsibility to prevent the spread of nuclear explosives.

Thirty years ago, President Eisenhower took a historic step which, in a sense, created the worldwide civilian nuclear industry: he inaugurated the Atoms for Peace program in 1953. By this generous act, the United States volunteered to share the nuclear technologies it had developed so that they could benefit all mankind. In the intervening years, American policy has sought to assure that nations could benefit from the peaceful application of nuclear technology under a system which prevented the misuse of that technology. Atoms for peace, not war, has been our objective. The United States worked strenuously to establish the International Atomic Energy Agency in 1957 to pursue those same goals and the same rationale. And we worked to bring into force the Nuclear Non-Proliferation Treaty seeking those very goals—to assure the benefits of nuclear technology and to prevent its misuse. Those twin and complementary goals are still at the base of our national policy.

While there has been a broad continuity with past Administrations on non-proliferation policy goals, the Reagan Administration's policy is neither identical to nor interchangeable with the policy of former times. There have been changes, some subtle, some more obvious.

We, for instance, have no pangs of conscience about nuclear power. We think it is a clean, efficient and reasonable way to generate electricity. As far as we are concerned, it is not a choice of last resort. We see it instead as a key element in our domestic energy future. And, we see nuclear generated energy as important for the economic development and energy security of many nations around the world. For resource-starved developing countries, as well, nuclear power will not be a choice of last resort. Some of the most prosperous nations on earth—Japan, for example, or some of the nations of Western Europe—have not been blessed with abundant sources of domestic energy. There too, nuclear power is critical to their well-being and energy security.

We believe strongly that the United States must be—and must be seen to be—a predictable and reliable supplier of nuclear materials and technology. For only in that event can we reasonably expect to exert the influence which our technological experience and competence could rightly be presumed to yield.

We stand by the idea, too, that, where the necessary nonproliferation conditions are

met, all nations can and should enjoy the benefits of nuclear energy—to power their industry, to hasten their development, to light their cities, to contribute to the health and well-being of their people, to curing and diagnosing their illnesses. The peaceful atom can do that if we let it.

There have been other departures by this Administration from the policies of our predecessors on questions of how we set out to accomplish our goals. To the extent that we have taken a different course, it is because we are convinced that in the long run these steps will better serve our non-proliferation goals.

Let me be specific. We recognize that plutonium is an inherently dangerous substance. It is a basic element of nuclear weapons. How to control it is a very real and substantial challenge for any non-proliferation regime. Thus, our policy seeks to inhibit the spread of sensitive technology, facilities and material, which could lead to production of weapons-usable material, particularly where there is a risk of proliferation. We do want to restrict the number of reprocessing plants around the world and to limit other sensitive fuel cycle activities. These are not and should not be items of general commerce.

At the same time, the leaders of Japan and of many European countries believe that plutonium fuel is both economical and necessary to their long term energy security. One approach to this factual situation would be to conduct a series of metaphysical meditations on the nature of the so-called plutonium economy. We are not doing that. Instead, we are seeking to work with Japan and Euratom to achieve our shared goals of rigorous standards, controls, and safeguards for the reprocessing and use of plutonium. Working with them, we also shall ensure physical security for plutonium shipments.

At the root of this more flexible approach is our conviction that such nuclear activities pose no risk of proliferation in Japan and Euratom.

There are some nations whose views on safeguards and nuclear supply, or on the Nuclear Non-Proliferation Treaty, differ from our own. Not every nation in the world agrees with our policy and all of its ramifications. We recognize that. But rather than cutting off contact with those nations or treating them with stoney silence, we are trying to open a dialogue with them. If we are to have any influence, if our views are to be understood, it there is to be any hope of having our views prevail, we must talk with one another and try to find ways to resolve the issues which divide us. As a general proposition, we favor dialogue over confrontation, persuasion over intimidation and common sense over iron dogma.

So, if our policies and their concrete applications on occasion depart from those of former times, it is not because we are insensitive to the dangers of nuclear proliferation. It is not because we are prepared to put commerce ahead of global security. Rather, the changes we are making are based on judgments about how best to win the necessary support of other countries and to create the consensus needed to further a sound non-proliferation regime. Only in that way can we put to rest David Lilienthal's fears.

In other areas, continuity is the hallmark of our policy. There are standards for nuclear commerce and supplier guidelines in place today. These are the rules of the game and, as such, are part of the technical basis for nuclear commerce. In the future, we expect those standards to become even more specific and more complete. No list of sensitive items can be immutable; over time, it must be elaborated as new technologies develop, new uses for old technologies are devised.

When that list gets tougher, exporters everywhere should honor it. Humanity's interest in a stable world order cannot be jeopardized so that nuclear suppliers can win contracts, or enhance their competitive position. The global non-proliferation regime—including the principle that the pursuit of nuclear explosives is inconsistent with nuclear cooperation for legitimate peaceful purposes—cannot be shaded so that someone can realize a short-term economic advantage. On the contrary, nuclear suppliers in their own self-interest must work together to produce a framework of institutions and practices which minimizes the risk of proliferation. More than that, nuclear suppliers around the world should take the lead in strengthening the rules of trade, making sure they are known, understood and observed.

New nuclear suppliers are entering upon the scene—joining the advanced industrial states as sources of material and expertise. They must be brought to see that adherence to a regime of carefully constructed export restraints and practices will serve their self-interest and promote their well-being.

Indeed, all countries have an interest in ensuring a sound and rational framework, nuclear safeguards and rules. Without such a framework, nuclear commerce will not be possible for long and the benefits of the peaceful atom will be lost.

As I have said on so many occasions before, both here and abroad, everyone should know that this Administration will never sacrifice non-proliferation goals for commercial gain or economic advantage. We have set this high standard for our own conduct, and we believe it should be the universal norm.

A few weeks ago, I addressed a group within the State Department at what we call our Open Forum. My theme that day was that non-proliferation is a fundamental and pervasive element in American foreign policy, and a key national security goal. My statement was, "Non-proliferation is everybody's business . . ." To the nuclear suppliers and representatives of foreign nations in the audience tonight and to the nuclear industry generally, I repeat: "Non-proliferation is your business, too. It is our shared responsibility."

We, of course, recognize that a policy of technical denial can't do the job alone or forever. No one has a monopoly any longer. Nuclear technology and industrial expertise are increasingly widespread.

Why should we even bother then with trying to strengthen nuclear export controls? The answer is simply: Our efforts to create a consensus behind rigorous rules of nuclear trade are aimed at buying time. And we can buy time, we can lessen the danger for a time. But, we must use that time wisely. We must use it to eliminate, or at least reduce the threats, real or imagined, which can spur countries to seek the bomb. We must ask the leaders of other countries that may be toying with the idea of "going-nuclear" to think through the whole proposition soberly and dispassionately. They must ask themselves whether "going-nuclear" in the 1980's will truly serve their national interest or promote their national security.

We think the answer is clearly "No".

The imagined benefits of such an undertaking will be illusory. Proliferation begets proliferation; it is synonymous with instability and the heightening of tensions and is destructive of everyone's security. Here, as in so many cases, where emotions dominate reason, the action produces an effect precisely the opposite from that which was sought or intended. Nations looking for security by setting out to acquire nuclear weapons will find only insecurity. Nor will the acquisition of nuclear weapons guarantee honor or prestige, on the contrary it will breed suspicion and distrust.

For my own part, I am optimistic that reason will prevail.

Twenty years ago, American policymakers seriously talked of a world with 25 to 30 nuclear weapons states by the 1980's. They were wrong.

Instead of 25 to 30, we have today only five declared nuclear states, and India which conducted what it called "a peaceful explosion" in 1974. On the other hand, 116 nations, the vast majority of the nations on earth, for their own reasons and in their own interests, have become parties to the Nuclear Non-Proliferation Treaty of 1970. That is very encouraging.

On the negative side, we must realistically acknowledge that with the passage of time more countries can reach the threshold: with time and money—and a political will to do so—they could probably produce nuclear weapons. Our task is to deflect them from such a self-defeating course. The proliferation of nuclear weapons is not inevitable. Preventing it is not impossible. And to prevent it will benefit every human being on earth.

In the final analysis, non-proliferation has to be everybody's business, everybody's concern, everybody's priority. Each of us can help set a tone, and can help lead the way. This is a truly great responsibility, but it is also a great opportunity. The task is formidable, but I am convinced that we can succeed. This responsibility that we share demands our best, our most careful, our most thoughtful efforts. With those efforts, we can—we will succeed. For succeed, we must.●

DISAPPROVAL OF DEFERRAL OF CERTAIN FUNDS

● Mr. HOLLINGS. Mr. President, on February 3, with 28 of my colleagues, I introduced Senate Resolution 49, which would disapprove the administration's deferral of fiscal year 1983 Economic Development Administration funds. This deferral (D83-43) was sought in order to put $181,900,000 for the funds appropriated for EDA's program in the freezer so that they could subsequently be transferred to the Small Business Administration to pay off defaulted guaranteed business loans.

On February 10, 1983, resolutions were introduced in the House of Representatives to the same effect, which indicates great interest in Congress for this action. Also, nine more of our colleagues have expressed a desire to join us in cosponsoring my resolution.

Mr. President, I ask unanimous consent that the following Senators be

added as cosponsors at the next printing of Senate Resolution 49: Mr. FORD, Mr. LEAHY, Mr. TSONGAS, Mr. NUNN, Mr. BAUCUS, Mr. SARBANES, Mr. MOYNIHAN, Mr. MATTINGLY, and Mr. COCHRAN.

The PRESIDING OFFICER. Without objection, it is so ordered.●

CONFERENCE ON SECURITY AND COOPERATION

● Mr. QUAYLE. Mr. President, last week, U.S. representatives returned to the conference tables in Madrid to join the other 34 signatory nations of the Helsinki final act for continuation of the Conference on Security and Cooperation.

This, the second review conference of the Helsinki accords, first took place in November 1980, and has been meeting off and on since.

Ambassador Max M. Kampelman is the chairman of the U.S. delegation to the Madrid meeting. He was appointed by President Carter and reappointed by President Reagan. The task he and his staff has been given is not easy, but for all the difficulties they face, they are doing an exemplary job. I commend them for their excellent work.

One of the key areas he and his fellow representatives are discussing is human rights.

Yet, February 10, 1983, marked the sixth anniversary of the arrest of Yuri F. Orlov. On this date in 1977, the 52-year-old physicist was arrested in his apartment in Moscow. His alleged crime? "Anti-Soviet agitation and propaganda."

Orlov was arrested because he had the courage and intestinal fortitude to take the Soviet Union at its word.

When Leonid Brezhnev joined President Ford and the other 33 governments in signing the act in 1975, he pledged his country to "respect" human rights within its borders. Orlov founded the world's first Helsinki Watch Group to see that the Soviet Union did just this.

We, in the free world, must not forget Orlov or his compatriots who stood up to the Soviet Government and asked them to abide by the accords.

It is their courage that sets an example to all. They and others like them are willing to sacrifice their freedom to let the world know about the abuses of human rights that exist within, and, may I add, outside the confines of the Iron Curtain.

A quote by William Faulkner best describes Yuri Orlov: "He is immortal, not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance."

John B. Oakes' recent op-ed in the New York Times tells the story of Orlov, and I recommend it to my fellow colleagues. I ask that the article be printed in the RECORD.

The article follows:

[From the New York Times, Feb. 10, 1983]

ORLOV'S CRIME

(By John B. Oakes)

The letter is not out of Kafka's imagination, or Arthur Koestler's. It was written in Moscow on Jan. 8, 1983. It comes from Orlov's wife.

"Yura's situation is terrible," it begins. "Yura is completely deprived of correspondence rights. The last two letters from him were dated Oct. 18.

"At the beginning of December, I sent an inquiry [to the Perm labor camp administration]: 'Inform me of the reason for the absence of letters from my husband Orlov for the month of November.' Answer: 'The quota of letters for the month of November has been entirely used up.' I wrote again: 'The letters have not been received by me. Inform me as to what address the letters for November were sent.' Answer: 'The administration does not give out information concerning the questions submitted.' I wrote again. 'Why have there been no letters for December?' No answer. I discovered an anonymous letter in my mailbox: 'Your husband is located in Perm Prison' [as distinct from the labor camp].

"Something is going on, but what? I get a feeling of terrible, terrible defenselessness—you can't do anything to help a person who is perishing, who is being annihilated, not allowed to write, deprived of his visits, kept in cold and hunger. The uncertainty is just torture.

"He was forced to perform unbearably hard labor: knitting metal netting by hand. This work is usually done on automatic machines. They have prepared reprisals against him in spite of his health. The criminal Tarasenko, who has already murdered two people, has threatened Orlov that he would cut off his nose and ears.

"If there is yet another prison sentence, Yura will never get out of there. This year will be the most difficult and decisive, The regime is taking a path of increased brutality. I am at my wit's end; I don't know what to do."

Who is Orlov? What was his crime?

On Feb. 10, 1977, a half-dozen uniformed agents burst into a Moscow apartment and placed a brilliant 52-year-old research physicist named Yuri F. Orlov under arrest.

Since then, Orlov has never been free: 15 months in a Moscow jail awaiting trial; then in a "strict regime" labor camp on the border of Siberia, where he is now nearing the end of his seven-year term, nearly half of it in special-punishment cells where the routine is even harsher than in the camp. Due for release next year (unless, as now seems likely, his sentence is prolonged), he still is condemned to an additional five years in internal exile.

Orlov's alleged crime? "Anti-Soviet agitation and propaganda."

Orlov's real crime? Belief in the word of his own Government and the courage to act upon that belief.

When Leonid I. Brezhnev, Gerald R. Ford and the top leaders of 33 other governments signed the Helsinki Final Act on Aug. 1, 1975, they pledged "respect" for human rights. Each signatory guaranteed to its citizens the freedom to monitor its own (and others') compliance with the human rights provisions of the Helsinki accords. What other meaning could the document have in confirming "the right of the individual to know and act upon his rights and duties" in "the field of human rights and fundamental freedoms"—spelled out as covering "freedom of thought, conscience, religion or belief" and expansion of freedom of movement, contracts and information?

From the moment that he organized in Moscow the world's first Helsinki Watch group (the predecessor of others in Eastern and Western Europe and the United States), Orlov was a doomed man. In the nine months between its formation and his arrest, the Moscow Watch committee, of which he was chairman, issued 19 detailed reports on human rights violations in the Soviet Union. Orlov was tried—not for making false allegations but for circulating true ones.

Orlov is not alone. Some 50 of the 75 Helsinki Watch members throughout the Soviet Union are now in jail or exile. The Moscow committee, reduced to three old and ill individuals, is inactive. Virtually the entire Ukrainian contingent is in prison.

The 35 nations that signed the Helsinki accords are now meeting in Madrid, in a protracted review session that has been going on spasmodically for the past two years. The Soviet Union refuses to recognize that its persecution of the Helsinki Watch monitors is not only a repudiation of its word but a rejection of the entire Helsinki process, which it insists it wants to continue and expand.

Today, on the sixth anniversary of Orlov's arrest, the Soviet Union must somehow realize that, much as it would like to forget him, he and his colleagues are not forgotten by the civilized world.●

PRELIMINARY NOTIFICATION OF PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on February 3, 1983.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, Room SD 427.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 3, 1983.
In reply refer to: I-00300/83ct.
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country amending a previous case tentatively increasing the estimated cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Director.●

THE JOURNAL

Mr. BAKER. Mr. President, has the Journal of the proceedings of the Senate been approved to date?

The PRESIDING OFFICER. It has not.

Mr. BAKER. Mr. President, as in legislative session I ask unanimous consent that the Journal of the proceedings of the Senate to date be approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES FROM FEBRUARY 17, 1983 TO FEBRUARY 22, 1983

Mr. BAKER. Mr. President, as in legislative session I am advised that there is a resolution at the desk, to wit, House Concurrent Resolution 57 sent to us from the other body; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate House Concurrent Resolution 57.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

H. CON. RES. 57

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, February 17, 1983, it stand adjourned until 12 o'clock meridian on Tuesday, February 22, 1983.

The PRESIDING OFFICER. Is there objection to the consideration of the concurrent resolution? The Chair hears none, and it is so ordered.

The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 57) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon on tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR SPECTER ON TOMMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order the distinguished junior Senator from Pennsylvania (Mr. SPECTER) be recognized on special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I will shortly make a request that I believe has been cleared on both sides in respect to a time certain for the vote on Richard R. Burt, to be an Assistant Secretary of State. While I wait for certain Senators to complete their consideration of that request, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. As in legislative session if there is no further morning business, morning business is closed.

NOMINATION OF RICHARD R. BURT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE

The PRESIDING OFFICER. The Senate will resume consideration of the nomination which the clerk will report.

The assistant legislative clerk read the nomination of Richard R. Burt, of the District of Columbia, to be an Assistant Secretary of State.

The Senate resumed consideration of the nomination.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

TIME AGREEMENT ON M'CORMACK AND BURT NOMINATIONS

Mr. BAKER. Mr. President, I am about to put a unanimous-consent request to limit time for debate, to provide for a time certain for a rollcall vote to occur on the nominations. I believe this has been cleared by all concerned. I hope this meets with the approval of all Senators, and I believe it does. I believe it meets every requirement of which I have been made aware.

Mr. President, I ask unanimous consent that the vote on the nomination of Richard R. Burt, to be an Assistant Secretary of State, occur at 2 p.m. on Wednesday, February 16.

I further ask unanimous consent, Mr. President, that the time for debate on the Burt nomination, as aforesaid, be equally divided between the majority and minority leaders or their designees.

Mr. BYRD. Mr. President, reserving the right to object—and I personally have no objection and there may be no objection on this side—but if the majority leader will just withhold the request and the Chair will withhold putting the request momentarily——

Mr. BAKER. Mr. President, before the request is put, let me add an addendum to it. Additionally, Mr. President, I ask unanimous consent that after the disposition of the Burt nomination at 2 p.m. on tomorrow the Senate then turn to the consideration of the nomination of Richard T. McCormack to be an Assistant Secretary of State, and that there be a time limitation of—Mr. President, I withdraw the portion of the request dealing with the time limitation.

The additional request will be: After the disposition of the Burt nomination pursuant to the vote at 2 p.m. tomorrow, that the Senate then turn to the consideration of the nomination of Richard T. McCormack, to be an Assistant Secretary of State. That is the request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I would suggest to the majority leader—and I have not had an opportunity to do it privately—that beginning now and continuing up to the hour of 2 p.m. tomorrow, any time the Senate is not debating some other matter or morning business and is concentrating on the nominations or on either of the two nominations, that the time be equally divided between the majority leader and myself or our designees, number one; and, second, that there be no time on a motion to reconsider the vote.

Mr. BAKER. Let me see now, Mr. President, the way the request is stated now the time between now and 2 p.m. will be divided equally between the majority and minority leaders or their designees, and ostensibly would be only on the Burt nomination. At 2 p.m. the vote would occur, and after the nomination was disposed of the Senate would turn to the consideration of the McCormack nomination. There would not be a time limitation or any other agreement on that.

Mr. President, let me further amend my request then and see if this appeals to the minority leader. I ask unanimous consent also that the time between now and 2 p.m. tomorrow may be devoted by the Senate to debate on either the nomination of Burt or McCormack, and the time would be under the control of the majority and minority leaders or their designees, and at 2 p.m. the vote will occur on Burt, and following the disposition of the Burt nomination that the Senate will then proceed to vote on the McCormack nomination; and, further, Mr. President, if there is a motion to reconsider the vote on either nominee, that there be no time for debate on such motion.

The PRESIDING OFFICER. Is there objection to the request?

The Chair hears none, and it is so ordered.

Mr. BAKER. I thank the Chair and I thank the minority leader.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. Mr. President, the situation is this: the Burt nomination is before the Senate. However, by unanimous consent just granted, debate on either the Burt nomination or the McCormack nomination is in order. The time for debate is under the control of the majority and minority leaders or their designees. Mr. President, I designate the distinguished chairman of the Foreign Relations Committee, Mr. PERCY, to control the time allocated to me.

Mr. President, at 2 p.m. tomorrow the Senate will vote on the Burt nomination, to be followed immediately by a vote, either by a voice vote or rollcall vote as the Senate may wish, on the McCormack nomination.

Mr. President, since the Burt nomination is now pending, I believe it would be in order to ask for the yeas and nays on that nomination, would it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I ask for the yeas and nays on the Burt nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, may I say that one Senator has indicated to me that he and perhaps other Senators will ask for a closed session of the Senate sometime this afternoon to discuss the Burt nomination. Under the rules of the Senate, of course, any Senator may ask for a closed session and it will be granted provided there is a second to that request by another Senator. I anticipate, therefore, that some time today there will be a request for a closed session and I am advised that it will be around 3:30 p.m. I may make a request later, Mr. President, to set an exact time for such a closed session so Senators may arrange their schedules, but I believe I will not make that request at this moment.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I suggest to the distinguished majority leader that we try to get a time limitation on the secret session. We normally do not do that.

Mr. BAKER. Mr. President, I agree. I suggested 1 hour to be under our control or our designees' control and that seemed to meet with the approval of the Senator who initiated the request. As soon as I can clear that, I intend to follow the minority leader's suggestion, which is a very good one.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. Mr. President, the chairman of the Foreign Relations Committee is not yet here to manage the debate on the Burt nomination. Let me say, while we are waiting for him to arrive, that it may be that other matters can be reached today or tomorrow in addition to the arrangements that we have made for the consideration of the Burt and McCormack nominations. If that is the case, it would be my intention, from time to time, to proceed by unanimous consent to do so.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes; I yield.

Mr. BYRD. I will state for the record that the time under my control in accordance with the unanimous-consent agreement will be under the control of Mr. PELL, and I so designate him to control the time.

Mr. BAKER. Mr. President, I am happy to yield the floor if the Senator from Rhode Island wishes to proceed at this moment, or I will suggest the absence of a quorum.

Mr. President, I do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

Nomination of Richard R. Burt, of the District of Columbia, to be an Assistant Secretary of State.

Mr. PERCY. Mr. President, I note the distinguished ranking member of the Foreign Relations Committee Senator PELL, is on the floor with me. At this time I am pleased to rise and speak in favor of the nomination of Richard Burt to be the Assistant Secretary of State for European Affairs.

Mr. Burt has been the President's nominee for this important post for quite some time—almost 6 months to the day. I am, therefore, encouraged by the majority leader's announcement that the Senate will vote on the nomination tomorrow afternoon at 2 p.m. after a full debate of the outstanding issues has been completed. I believe this procedure is in the best interests of U.S. foreign policy, and I thank my colleagues for their cooperation in this matter.

Today, the Atlantic Alliance faces one of the most troubling and difficult periods in its existence. Painful disputes on trade and economic policy countinue to cause divisions with our Western European allies. The trans-Atlantic debate remains intense over equitable burden sharing of our common defense as well as the appropriate mixture of conventional and nuclear deterrent forces in Europe. Yet, for almost 1 year the United States has been without an Assistant Secretary of State for European Affairs whose prime mission is to grapple with these complex and urgent issues and contribute to the formation and execution of a U.S. policy that will provide stability and security to our allies and friends in Western Europe. This unacceptable situation must be remedied.

Mr. President, I have followed carefully the nomination of Richard Burt including a study done at the request of Senator PELL and myself of the Foreign Relations Committee by the Senate Intelligence Committee. It was based upon that study as well as Mr. Burt's experience as a key State Department official in this administration as the Director of Politico-Military Affairs, that I originally concluded he should be confirmed for this important post.

I took very seriously, Mr. President, the concern expressed about this nomination by several Members of the Senate. That concern was expressed to the Intelligence Committee, the appropriate committee to study this matter, by Senator PELL and myself.

The Intelligence Committee reported its findings to us. Those findings did not cause me to believe that Mr. Burt acted other than as a responsible journalist. For those of my colleagues

who dispute this conclusion, I ask that they view a television program sponsored by Walter Annenberg and the Annenberg Communications Forum where the most eminent counsel in this country debated, first amendment issues. Justice Potter Stewart of the Supreme Court was there; Mr. Bork, the former Solicitor General participated. Outstanding Federal judges and some of the top journalists in the country also took part in that debate.

Certainly, Mr. Burt acted in good conscience and responsibly as a journalist is supposed to do. It should be remembered that though the information passed to him may have been highly sensitive, at the same time the person who gave it to him may have been among the highest elected officials in the country. It must be assumed that they presented it to him in their best judgment of the national interest involved.

What position does that put a journalist in? Is he then suddenly to assume that despite the judgments of the top elected officials in this country he should withhold this information?

The first amendment of the Constitution is a very important part of the American framework of law and justice. For the Senate not to act on this nomination for 1 year because of a disputed question of judgment, which the Intelligence Committee has long since looked at carefully is inappropriate. Each Member can arrive at his or her own judgment. But I have arrived at the judgment that there should be no barrier to Mr. Burt's being cleared for this position.

Certainly, the representations that he has made to us should be further evidence and proof that he takes very seriously his present official responsibility in an entirely different role from that of a journalist. No one questions his intelligence, his competence, his capability, his knowledge of Europe, and no one, certainly, would dispute the fact that this Nation, at a crucial time, now needs a full-time Assistant Secretary of State for European Affairs. We are dealing with complex problems in Europe the very kinds of problems that the Vice President of the United States, at the direction of the President, discussed recently with our European allies, the very kind of issues which demand the attention of a full-time Assistant Secretary of State.

I have had urgent calls from ambassadors in Europe, long-time friends of mine, men that we respect, indicating that they think it is outrageous that we do not have this post filled and that it has been unfilled for so long. We have a very active Secretary of State, Deputy Secretary of State and Under Secretary of State for Political Affairs. But they cannot concentrate only on Europe. There are a host of critical issues facing them every day of the week, every moment of the day. They must have in place an Assistant Secretary of State for European Affairs who can provide them with expert and specific counsel.

In the intervening months since his nomination first came to the Senate, my opinion of Mr. Burt's fitness to be the Assistant Secretary of State for European Affairs has not changed one iota. I believe he will do a commendable job once confirmed and fill an unwanted gap in our ongoing efforts to shore up and strengthen the Atlantic alliance. As we all know, there is not a moment to lose in getting on with this vital work.

Mr. President, I do not in any way impugn the motivation or the right of any Member of the Senate to question any aspect of the nominee's qualifications for this post. But I believe as the leadership does that the time has come to put this nomination to a vote so that we may get on with the business of the Senate and with the business of the United States in one of the most important regions of the world, the European Continent.

Mr. President, I am happy to yield to my distinguished colleague (Mr. PELL) the very able ranking minority member of the Foreign Relations Committee.

In fact I yield the floor to him in his own right.

Mr. PELL. I thank my colleague.

Mr. President, there are two questions here. One is did Mr. Burt do anything that was untoward in his career as a journalist that would disqualify him to be an Assistant Secretary of State? The second question is whether he is competent and qualified to be the Assistant Secretary of State.

The answer to the first, from what I have seen in the hearing, is that Mr. Burt only carried out what he felt were his journalistic responsibilities when he disclosed the information as he did. I say that in view of the way the information got to him.

It was not as if he had stolen the information or bribed somebody to get the information or used long-range camera to get the information. It was given to him by an official in the Government for reasons that person considered to be in the national interest.

The second question is whether Mr. Burt is competent and qualified to be Assistant Secretary of State for European Affairs. There, I must say, from the various exchanges I have had with him both in his official capacity and in his earlier capacity as a newsman, that I think he is extremely well qualified. President Reagan is to be congratulated on his choice of Mr. Burt to be the Assistant Secretary for European Affairs. I believe his nomination should be approved, and I say this in all deference to my colleagues who question his nomination. I support it and am very glad to do so.

I yield the floor, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

Mr. PERCY. Mr. President, I understand that Senator DENTON will be asking for a secret session at approximately 3:30 this afternoon on the pending Burt nomination. Parliamentary inquiry. The Foreign Relations Committee, majority and minority, the chairman and the ranking member, would find it helpful if the director of the majority staff and the director of the minority staff, Mr. Ed Sanders and Mr. Jerry Christianson, could attend that session. Is there any precedent for staff members sitting in on a classified executive session of that kind? If so, what procedure could the chairman of the committee follow so that they can be given that privilege which would be of assistance to the Foreign Relations Committee members?

Regrettably, also, I might add that the Prime Minister of Nepal is here as our invited guest to meet at 3:30 with the members of the Foreign Relations Committee, a meeting which was well known to all Senators. We should not offend him by canceling that meeting. There is no other time to do it, so some of us will have to be down there.

The PRESIDING OFFICER. The precedent is for the majority leader to make a request for whatever staff he would wish to have on the floor at that time.

Mr. PERCY. Then I will request that of the majority leader. I presume there is no objection from the distinguished Senator from North Carolina. If I do not see the majority leader between now and then, I would ask that that request be made of him. As a member of the committee, I feel confident he would then give us that permission.

I thank the Chair.

Mr. HELMS. Will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. HELMS. May I inquire of the Chair if a time certain for the closed session of the Senate has been established?

The PRESIDING OFFICER. It has not been established.

Mr. HELMS. Then I would feel certain that the distinguished majority leader will accommodate the Foreign Relations Committee, of which I am a member, so that this previous commitment can be fulfilled. I do not think there will be any problem about that.

Mr. President, may I seek recognition in my own right?

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, let me say at the outset that Mr. Richard Burt is a very pleasant man. I have to my knowledge seen him exactly twice in my life. I have had one extended conversation with him. I mention that to emphasize that there is nothing personal whatsoever in the position that I feel that I must take as a Senator from North Carolina with respect to Mr. Burt's nomination.

The truth is, Mr. President, this nomination raises two difficult questions. One is a public problem and the other is a problem so sensitive that it cannot be discussed in open session. For that reason, I am delighted that the Senator from Alabama (Mr. DENTON) contemplates moving that the Senate go into closed session to consider this nomination.

Mr. President, I feel that every Senator should be aware of the material which exists under security classification on the Burt case. I might add that this notebook is in my hands and was handed to me by a staff member of the Senate Intelligence Committee only when we reached the Senate Chamber. I examined it carefully on several occasions, the most recent being in the past hour, just to refresh my memory.

Now, there is no reason why the Senate cannot discuss many aspects of this issue in open session, and I propose to do so for a few minutes.

The fundamental issue is whether this Government shall or should reward a person with a position of high trust and honor in U.S. Government when that person is believed to be guilty prima facie of a violation of the espionage laws of the United States.

I want to make it clear that I am not talking as though Mr. Burt has been convicted in a court of law. Of course he has not. The standard of proof which ought to be used in a nomination to a position of high trust and honor is not necessarily the standard of the judicial system. We are concerned here not merely with a technical violation of the law but with the spirit of that law and the appearance which such conduct will have on others who may in the future be tempted to violate this very law.

Mr. President, it is no secret that this city seethes with leaks, many of them calculated, many of them committed for whatever reason. But the question in this case is not just the alleged guilt or innocence of an individual; the question is the security of this Nation.

We should judge Mr. Burt's conduct not by the standard of personal guilt but by the standard of whether it renders him inappropriate to deal with national security matters in the future. And notwithstanding any statements made by any official of this Government now, the facts of the matter are clear with respect to activities of Mr. Burt in the past.

On June 29, 1979, Mr. Burt was a reporter for the New York Times and on that day an article appeared in that newspaper which declared that the United States was planning to use the Chalet satellite system as a means of reconnaissance checking on Soviet performance in the proposed SALT treaty.

Mr. President, I ask unanimous consent that the article in question be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 29, 1979]

U.S. PLANS NEW WAY TO CHECK SOVIET MISSILE TESTS

(By Richard Burt)

WASHINGTON, June 28.—The Carter Administration, concerned that Turkey might not allow U-2 reconnaissance planes over its territory, is preparing an alternative plan for verifying the new strategic arms treaty with Moscow, officials here said today.

The plan, they said, calls for several improvements to existing methods for monitoring Soviet missile tests, including the upgrading of an electronic listening post in Norway and the use of a satellite that is now programmed to collect other information.

Although the officials acknowledged that the use of specially designed U-2R planes flying over Turkey offered the best substitute for listening stations lost in Iran early this year, they asserted that the alternative improvements to ther intelligence systems would enable the Administration to insure that Moscow did not exceed restrictions on missile modernization contained in the arms treaty.

A NEW SATELLITE BY 1983

They said that as early as 1983, the United States would possess a new satellite that could monitor almost all the missile test data formerly obtained by the monitoring sites in Iran.

State Department officials pointed to a statement yesterday by the Turkish Foreign Ministry indicating that the U-2 might still be permitted to fly over the country. Although a ranking Turkish Army officer said earlier this week that the flights could not be permitted "under, present circumstances," a Foreign Ministry spokesman said the Government had not reached a final decision.

Despite this, critics of the arms accord on Capitol Hill maintained that, with or without the surveillance flights, the United States could not verify restrictions against increases in size and payload of existing missiles.

BIG SOVIET EXPLOSION DETECTED

The verification controversy heated up this week with reports that the Soviet Union conducted an underground nuclear test last Saturday that might have exceeded limits laid down in an accord Moscow signed in 1974 with Washington.

The accord put a ceiling of 150 kilotons on the size of such nuclear explosions. Some American experts believe that the latest Soviet test might have been twice that size. One kiloton is equivalent to 1,000 tons of TNT.

Although it is unclear whether the Soviet test exceeded the 150 kiloton limit, officials said the Administration has asked Moscow to explain the possible infraction.

Meanwhile, officials said that plans were under way at the Central Intelligence Agency and in the Pentagon to collect missile test data previously obtained by the stations in Iran by using a satellite, codenamed Chalet, and a large radio intercept antenna in Norway.

SIGNALS CAN BE INTERCEPTED

They said both the satellite and the ground station in Norway could be adjusted to pick up some of the radio signals broadcast by Soviet missiles during flight tests. The telemetry signals provide data on missile performance characteristics and are thus considered vital to verifying the treaty provisions concerning modernization of weapons.

Earlier, officials said, the possibility of building a monitoring station in Pakistan similar to those lost in Iran, had been considered by the Administration. The proposal was turned down after informal contacts with Pakistani authorities indicated that it would not be accepted.

A proposal for using high-altitude rockets launched from ships in the Indian Ocean to monitor missile test signals was also dismissed as technically unfeasible, they said.

CRITICS SEE HOLES IN DETECTION

Congressional critics of the proposal to rely on the Norwegian station and satellites for verification contended that these systems would only be able to pick up a small fraction of the missile telemetry obtained previously at the Iranian sites. They said that a major function of the Iran stations had been to collect missile data transmitted during the first 60 seconds of a test launch and that this data could not be collected from Norway or from existing systems in space.

Pentagon officials said that for Moscow to build a new missile undetected, it would have to shield 20 or so test launches from American surveillance systems for more than a year. They contended that modest improvements to exising reconnaissance capabilities ruled out the possiblity of a large-scale covert program of this sort.

Mr. HELMS. Mr. President, this article goes into specific detail attributed to officials in the U.S. Government as to not only how the Chalet system was intended to be used but also that its ground base was in Norway.

Mr. Burt was considered at that time, as now, to be an expert on U.S. military and strategic systems. He certainly knew enough about them to be aware beyond any pure adventure that any project so sensitive would have to be highly classified. Indeed, he testified before the Foreign Relations Committee, of which I am a member, that he was aware of this. Senator PRESSLER asked this question of Mr. Burt:

Was that material obviously classified at the time you heard about it, or is it that you did not know it was classified if it was?

Mr. Burt replied:

Well, I will be quite honest. I assumed that it probably was.

There were circumstances that, when I obtained information, I did not think it was appropriate or necessary that it be published. There were some cases when I obtained information that I did discuss beforehand with officials to ensure that no particular problems would arise. That is normally the exception rather than the rule, I think, for most reporters.

Mr. President, what Mr. Burt is saying here is that he, as a newsreporter, reserved the right to decide for himself what was essential to the security for the Nation and what was not.

Yet, at the same time, Mr. Burt admitted that he did not have the capability or the proper advice to make such a judgement. He told the Committee:

I note, for instance, that when someone writes a newspaper article that is potentially libelous, frequently newspapers bring in a lawyer to examine the story and sometimes suggest changes, so that the paper will not be sued. There is no corresponding function in the national security area. Newspapers do not have intelligence specialists or national security experts to advise them on whether a story is potentially harmful or not.

As a result of Mr. Burt's having published the Chalet story, a great concern arose in the intelligence community. After he took it upon himself to publish information which he assumed by his acknowledgement, was highly classified, he told the Foreign Relations Committee:

I was made aware by people that this story had created concern within the intelligence community. I was very concerned about the fact that that had happened, and I immediately sought appointments with Stansfield Turner about this problem. And I visited him at the Central Intelligence Agency, because I was concerned about the fact that this story could have created problems.

That was after the fact.

Mr. President, let us sum up what we have seen so far. First, Mr. Burt, as a newspaper reporter, obtained information that he assumed was classified. But what did he do? He reserved to himself the right to determine whether publication of this classified material would damage America or not. He then went ahead and published the material. After he published the material, he, himself, became concerned that he had done some damage to the Nation—so concerned that he went to Stansfield Taylor, the then Director of the CIA, to discuss those concerns. But the problem with that is that the damage had been done.

Simply for the price of a copy of the New York Times, even a dimwitted Soviet intelligence agency would—and did, I am sure—obtain a vital piece of information about our own defense and intelligence capability.

Having said all that, Mr. President, I think Mr. Burt should be commended for at least being candid after the fact. Many others would not have been so straightforward in presenting a picture of themselves that, it seems to me, is self-condemning on its face. Without any reference to the law on the matter, we have a picture of a man who is, at best, cavalier—it may be more apt to say reckless—with the national security of this Nation; a man who left the appearance of not really caring whether his desire to print a big story in the New York Times would or would not be damaging to what may well prove to be the survival of this Nation. He did not know.

Let us look at the statute that governs such an action. The statute says:

Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States . . . any classified information . . . concerning the design, construction, use, maintenance or repair of any device, apparatus, or any appliance used or prepared or planned for use by the United States . . . for cryptographic or communication intelligence purposes . . . shall be fined not more than $10,000 or imprisoned not more than ten years or both." (18 USC 798)

Mr. President, in addition, there is a lengthy set of definitions that are relevant to this discussion, and I ask unanimous consent that the entire text of section 798 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

§ 798. Disclosure of Classified Information

(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—

(1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or

(2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or

(3) concerning the communication intelligence activities of the United States or any foreign government; or

(4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

(b) As used in subsection (a) of this section—

The term "classified information" means information which, at the time of a violation of this section, is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution;

The terms "code," "cipher," and "cryptographic system" include in their meanings, in addition to their usual meanings, any method of secret writing and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents, significance, or meanings of communications;

The term "foreign government" includes in its meaning any person or persons acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States;

The term "communication intelligence" means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

The term "unauthorized person" means any person who, or agency which, is not authorized to receive information of the categories set forth in subsection (a) of this section, by the President, or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States.

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.

Added Oct. 31, 1951, c. 655 § 24(a), 65 Stat. 719.

Mr. HELMS. Mr. President, let us look now at each part of this statute and see whether it has potential application to Mr. Burt. I emphasize again that we are not attempting to determine his guilt or innocence as we would in a court of law. We are merely attempting to look at the spirit of the law, and whether Mr. Burt has the appearance of violating it.

Note that I said earlier that the text begins "Whoever knowingly and willfully * * *" Mr. Burt has already testified that he assumed this data to be classified, notwithstanding that he made a determination to publish it.

The statute continues: "communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes * * *" Mr. President, this is a broad spectrum of actions. It applies to anyone in the chain of dissemination. It does not say "whoever, having a security clearance, publishes." It says "whoever" publishes. It does not say "whoever, except for newspaper reporters, publishes." It says, "whoever publishes." It does not say "whoever transmits shall be punished, providing that those who receive are not." It says "whoever communicates, furnishes, transmits, or otherwise makes available."

I think it is clear that this statute was meant to cover not only those who originally break the security classifica-

tion, but also everyone in the chain of knowing and willful dissemination.

Mr. President, it has been suggested by some that Mr. Burt should not be judged by this statute because he is not the publisher of the New York Times. I think that it is clear from the sweep of this language that it is less likely the publisher, who probably does not clear everything that goes into his paper, than those who actually do the communicating, furnishing, transmitting, and—I would add—the obtaining and writing for publication of such information.

Now let us go on with the statute: "or uses in any manner prejudicial to the security or interest of the United States * * *" Mr. Burt has already testified that he reserved to himself the right to decide whether publication would be prejudicial to the security or interest of the United States, even though he did not have the proper advice or counsel to make such a decision. He has also testified that he himself became alarmed over the views in the intelligence community that he had indeed prejudiced the security and interest of the United States—a concern that came after the fact, but one that might have been predicted on the basis of the reckless manner in which he handled information he had no right to have. The statute says "in any manner," but his action was particularly careless in its procedure and end result.

Next the statute says: "any classified information." The statute at a later point defines the use of the term in this section as follows:

> The term "classified information" means information which, at the time of a violation of this section, is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination of distribution.

Mr. President, the definition does not, to my knowledge, provide for an exception when someone in an administration decides to leak classified information without having it officially declassified. Nor does it provide an exception for information that a newspaper reporter thinks is being classified for political reasons.

No doubt there are times when the classification procedure is abused. But we cannot leave it to individuals who may have extraneous motivations to decide when material should be declassified. Moreover, the material involved in this particular leak was not something that had been classified for political reasons. The Chalet case is a clear case involving military secrets essential to the survival of our Nation. Indeed, the statute is specific in cases of this kind: "concerning the design, construction, use, maintenance or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States * * * for cryptographic or communication intelligence purposes."

Mr. President, that is exactly what the Chalet system is all about, if we are to believe the testimony of the Burt article. No one can say that details of such a system would be classified for political reasons, or that it was some other misuse of the classification procedure.

We must ask ourselves, then, how the confirmation of Mr. Burt would be interpreted by the thousands of Government employees who deal with classified material. From their point of view, it may look like the way to get a big job is to make up their own minds on the dissemination of classified material. But the point is that if we let this thing go by the board, we are not going to be able to maintain any kind of classification system whatsoever.

Let me reiterate, for emphasis, that what little I know personally about Mr. Burt, I like. He is a very pleasant, very personable, and I think he is a bright man. I am not trying to convict him of a crime. I am saying that whether Mr. Burt violated the law is a question that we can set aside for our present purposes. What can be determined, and I think it has been—and this will be discussed in some detail, I am sure, in the closed session of the Senate—is that Mr. Burt willfully and knowingly undertook a series of actions which flout the law and which he, himself, felt damaged the security of this Nation. What we are deciding here is whether the admission of such actions disqualifies him from a position of trust and honor.

Senators, of course, may vote as they please on this nomination, but this Senator from North Carolina cannot and will not vote to confirm him.

I thank the Chair.

● Mr. GOLDWATER. Mr. President, today the Senate takes up the nomination of Mr. Richard R. Burt, of the District of Columbia, to be Assistant Secretary of State for European Affairs. As many of my colleagues know, I opposed this nomination when it was submitted to the Senate last year. As well, I oppose this nomination today.

My reasons for opposing this nomination relate to my belief that, several years ago when he was a reporter working for the New York Times, Mr. Burt received into his possession extremely sensitive, highly classified information which he allowed to be published. This happened not just once, but on several occasions. In my judgment, these publications were damaging to the intelligence community and to this Nation.

Mr. President, I do not think that a man who showed such disrespect for highly classified secrets of our Government should be nominated to a position of high trust where even more secrets will come his way. I am convinced, therefore, that this nomination is not in the best interests of our country, and I will not support it.

Nonetheless, I will not take any action here today to further delay this nomination, or to further disrupt its progress through the Senate. It is clear to me that the President wants Burt, the Secretary of State wants him and, I believe, the majority of the Senate will vote for him today. So why delay the agony? Why delay the inevitable?

Mr. President, I do not want my action here today to be misinterpreted. Several months ago, the press reported that I had withdrawn my opposition to the Burt nomination. That simply was not the case. I withdrew my hold on the nomination, and I have placed no hold on this nomination in this Congress. In my letter to the majority leader on this matter in December of last year, I made my position very clear, and I request that the full text of my letter be placed in the RECORD at this time.

The letter follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C., December 20, 1982.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR HOWARD: The purpose of this letter is to request that you lift my hold on the nomination of Richard Burt to be Assistant Secretary of State for European Affairs. This past weekend, I received a call from Secretary of State George Shultz regarding this matter and, on the basis of my conversation with Shultz, I have decided to lift my hold.

Howard, I don't want my action to be misinterpreted. I continue to think that Burt's past publications were damaging to the Intelligence Community and damaging to the nation. My conversations with Secretary Shultz on this matter have not changed my opinion whatsoever, and I would hope that other Senators maintain their holds on the nomination. Nonetheless, I have promised Shultz that I will lift my own hold, and I request that it be done.

Sincerely,

BARRY GOLDWATER,
Chairman.

Mr. GOLDWATER. Mr. President, in concluding my remarks, I simply wish to raise once again the question of whether it is wise to nominate somebody to high office who, in the past, has shown what I consider to be a disrespect for sensitive, classified information. I sincerely hope that Mr. Burt's attitude toward the disclosure of sensitive information has changed over the years, not only for the sake of this administration which stands to be embarrassed by possible future disclosures, but for the sake of the Nation which he has been nominated to serve.●

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield myself such time as I may require.

Mr. President, it has been made known to me and other Senators that a request will be made under the provision of rule XXI of the Senate, and a second would be provided, to require the Senate to go into closed session for the purpose of considering certain classified matter.

I am also advised by those who keep the security arrangements for the Senate and by the Sergeant at Arms, that it will require a period of several hours to prepare the Senate Chamber to be secure to receive information of the classification which is sought to be dealt with.

I think it is impractical, therefore, to have that closed session of the Senate today.

I have discussed this matter with the minority leader and he concurs in the request that I will shortly make.

I do not now put the request, but I am describing it so Members may be on notice in case they wish to communicate any concerns to their respective cloakrooms.

It is my intention to ask the Senate shortly to recess until 10 a.m. tomorrow and, after the usual opening formalities, at 10:30 a.m. to resume executive session, at which time, the Senate will go into closed session as if the request had been made and granted under the provisions of rule XXI and other rules of the Senate relating thereto.

At that point, of course, the rules of the Senate would apply as to those Members and officers who could be present during the closed session.

I shall include in that request when I make it that the closed session will extend for not more than 1 hour, the time to be in the control of the two leaders or their designees. At the expiration of that time or earlier, if the time is yielded back, the Senate would resume open session; at which time, debate would be in order on either the Burt or the McCormack nominations. An order has already been entered for a vote on the Burt nomination at 2 p.m. on Wednesday. That is the request I shall make shortly.

As I say, I have discussed this with the minority leader and he has indicated that that is agreeable to him. I shall now suggest the absence of a quorum for a few moments so any other Senator may have the opportunity to communicate his concerns.

Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time consumer for the call of the roll be charged equally to the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

Mr. BAKER. Mr. President, as I indicated earlier, it is the intention of the leadership to ask the Senate to recess shortly and to reconvene in the morning, in order to provide time for appropriate measures to be taken for the presentation of classified information tomorrow.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

ORDER FOR ROUTINE BUSINESS TOMORROW

I further ask unanimous consent that after the recognition of the two leaders under the standing order, there be a brief period for the transaction of routine morning business, in which Senators may speak for not more than 2 minutes each, and to extend not longer than 10:30 a.m.

ORDER FOR CLOSED SESSION TOMORROW

I ask unanimous consent that at 10:30 a.m. tomorrow, the Senate go into closed session, pursuant to the rules of the Senate, as if on motion, under the provisions of rule XXI and other standing rules of the Senate, for the purpose of receiving classified information.

I ask unanimous consent that the time for such closed session be limited to 1 hour; that the time while in closed session be under the control of the two leaders or their designees.

I ask unanimous consent that at the expiration of that hour, the Senate resume open session, at which time the nomination of Richard Burt will be the pending business, and debate on both the Burt nomination and the McCormack nomination will be in order, under the order previously entered.

There is already a provision for a vote at 2 p.m. tomorrow.

Mr. President, I ask unanimous consent that during the closed session on tomorrow, Ms. Michael Shaffer, who is a reporter with appropriate clearances, be authorized to take down, by stenographic notation, verbatim, the proceedings of the closed session. At the conclusion of the closed session, the stenotype paper and related material will be hand-carried to the Senate National Security Office, where the proceedings will be transcribed.

I also ask unanimous consent that the transcript of the remarks of each Senator who participated in the debate be made available to such Senator in the Senate National Security Office for revision of his remarks. When this process is complete, the classified transcript shall be stored in a secure vault in such office where other closed session transcripts are maintained.

Finally, I ask unanimous consent that the following staff be granted authorization to be in the Chamber during the closed session: Howard Liebengood, William Hildenbrand, George F. Murphy, Ed Sanders, Jerry Christianson, Rob Simmons, Gary Schmitt, Charles Andreae, Tom Connolly, Ben Marshall, Angelo Codevilla, and Michael Epstein.

Mr. President, that is the conclusion of the request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, two or three words of explanation.

I point out that each member of the staff listed in this unanimous-consent request, and the reporter, has appropriate clearances to hear and receive classified information of the caliber which will be dealt with in part on tomorrow. No other members of the staff will be admitted, except by unanimous consent, and only then if they have the appropriate clearances. I mean by that top secret code word clearance.

I am not inviting other Members and staff to suggest other names, because I want to keep this list as small as possible. I wish to explain for the benefit of those whose staff members were not included the reason and rationale for the construction of this list.

Mr. President, the preparations for the securing of the Chamber at 10:30 a.m. tomorrow will have been completed by that time, and it seems appropriate now to ask the Senate to recess so that they will have maximum time to complete those arrangements.

If some other Senators wish to transact business of a routine nature, I am prepared to consider that request. Otherwise, I am about to ask the Senate to recess.

Mr. President, I am advised that there is a special order for the Senator from Pennsylvania (Mr. SPECTER), the distinguished occupant of the chair, which was provided for earlier. I assume that the occupant of the chair still wishes that time.

The PRESIDING OFFICER. I do.

Mr. BAKER. That order, of course, will stand. That means that the time for the transaction of routine morning business before 10:30 a.m. will be brief and that another period for the transaction of routine morning business can

be provided for, if that seems desirable.

Mr. President, I yield to the minority leader.

Mr. BYRD. I thank the majority leader.

Will the majority leader ask that the Chair have the clerk read from the rule with respect to penalties which might be visited upon Senators or officers of the Senate for any divulging of matters that occur during such a secret session? Could that appear before the motion to recess?

Mr. BAKER. I will do that. The suggestion is extremely well taken, and I thank the minority leader.

Before I ask the Parliamentarian to supply that information to the Chair, let me say that it is urgently important that the Senate establish itself as fully qualified and capable to receive the information of this classification and that Senators be fully aware of the provisions that already have been adopted by the Senate in respect to the treatment of this information when it is imparted to Members of the Senate and staff.

I thank the minority leader for calling that to my attention.

I now ask the Chair to read that information into the RECORD.

The PRESIDING OFFICER. Rule XXIX, paragraph 5, provides:

> Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

Mr. BAKER. I thank the Chair.

It will be my intention to ask the Chair to read it again tomorrow just before we go into executive session. Once again, I thank the minority leader for bringing it to my attention.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 4:28 p.m., the Senate, in executive session recessed until Wednesday, February 16, 1983, at 10 a.m.

EXTENSIONS OF REMARKS

BUDGET CUTS NO ONE TALKS ABOUT IN WASHINGTON

HON. LARRY McDONALD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. McDONALD. Mr. Speaker, the Reagan administration has sweated and strained to come up with some budget cuts. It has decided to freeze pay for the civil service and the military for a year and to have a cost of living allowance (COLA) freeze for six months for social security recipients. These steps are estimated to save $11.6 billion if enacted for fiscal year 1984.

Various Members of Congress have spoken out concerning the budget, favoring more or less for this or that domestic or defense program. Why I ask is no one talking about all the money the United States sends abroad? In these bad times, why is the "international affairs" section of the budget so sacrosanct?

Why are we expected to spend $13.2 billion out of the United States in fiscal year 1984? Could not the foreign aid program, the international banks and United Nations do without our money for 1 year so that we can look after Americans for a change? I think we can and should.

Most of the money in this category is completely wasted anyway, as Prof. Peter Bauer of the London School of Economics recently pointed out in Chief Executive magazine in its winter 1982-83 issue. I commend his thoughts to the attention of my colleagues.

The article follows:

DOES FOREIGN AID DO ANY GOOD?

(By Peter T. Bauer)

(Foreign [1] aid creates dependence, postpones real development and nurtures Third World hostility to the U.S. and Western liberal values, argues an eminent economist. Conversely, the head of a leading private relief organization maintains that America must face its responsibility for adding to the causes of inequities in the world and take steps to seek solutions.)

Americans like to think of themselves as idealists. This is why foreign aid advocates insist that their policy is to help people who help themselves. Americans, notably including businessmen, think of themselves as both humane and realistic. This too has long been recognized by the aid lobby, the arguments of which have always been double-barreled, appealing both to charity and to self-interest. Foreign aid breaks the vicious cycle of Third World poverty but it also promotes exports, keeps Communism at bay and rescues the banks from the threat of insolvency.

These ideas should be familiar to readers of the New York Times, the Washington Post and the network news. They have been a leading theme of the Observer, the British Sunday newspaper rescued from closure in 1975 by Robert O. Anderson, CEO of Atlantic Richfield.

Since President Truman inaugurated development aid in 1949, the central, core argument of the aid lobby has been that aid is both indispensable and insufficient for Third World progress; that the Third World is desperately poor but craves for economic advance and possesses its prerequisites except for capital. Professor Paul A. Samuelson wrote in 1951: "They (the backward nations) cannot get their heads above water because their production is so low that they can spare nothing for capital formation by which their standard of living could be raised." In 1981 Dr. Hollis B. Chenery said: "Foreign aid is the central component of world development."

How many CEOs would persist in giving money to materially unsuccessful and unambitious people on the grounds that the handouts are helpful or even necessary for the recipient's progress? Yet for decades now leaders of American industry have endorsed a policy the central argument for which they would not countenance for a moment as guide to their own actions. How has this come about?

Foreign aid is the transfer of Western taxpayers' money to distant foreign governments and the official international organizations. It has been a major accomplishment of the aid lobby to secure the term "aid" for these transfers. From modest beginnings soon after World War II, the foreign aid lobby has grown into one of the most powerful pressure groups in the world, perhaps the most powerful. It now comprises the international organizations, one or more government departments in every Western country, articulate export interests, international banks academics media men, churchmen, and associated professed and professional humanitarians.

In some instances the stance of its members may reflect adjustment to changed circumstances. Thus many churchmen seek a new role for themselves in the face of a loss of their clientele; like Othello, many clerics seem to dread the loss of their occupation with its attendant pomp and circumstance, and are looking for a second occupation. Such attitudes are readily understandable. What is much more surprising is that these allegations of the aid lobby should have been accepted so readily by many businessmen and executives in the U.S., a country built on successive waves of penniless immigrants, often with little or no formal education.

The most articulate aid advocates depict the world as one-third rich, namely the West, and two-thirds destitute and stagnant, namely the Third World. the world is not like this at all. The Third World ranges from millions of aborigines, pygmies and tribal people to the OPEC countries and to prosperous and rapidly advancing societies where many people employ sophisticated technologies and advanced business methods, most obviously in the Far East (South Korea, Taiwan, Hong Kong, Malaysia, Singapore) and in Latin America (Mexico, Venezuela, Brazil, Colombia). The Third World is not, and never was, caught in a vicious circle of poverty and stagnation. Nor are its peoples separated from the West by a wide or widening gap in incomes and living standards.

The aid lobby suggests that the world has somehow been created in two parts. There is a prosperous developed world with a ready-made infrastructure of railways, roads, utilities, ports and with advanced health, education and clean water; and another part which the creator neglected to endow with these benefits. Reference to Genesis and to other up-to-date but also readily accessible sources, makes it clear that this is not how things have happened.

The linchpin of the advocacy of foreign aid that external handouts are necessary for emergence from poverty is palpably untrue. If it were true, originally very poor individuals, societies and countries could not have progressed from backwardness and penury to comfort and prosperity without such doles. Yet they have done so in the distant as well as in the recent past in the West and in the Third World. If foreign aid were necessary for development there would be no developed countries today; indeed, the world would still be in the Stone Age. Much of the Third World progressed extremely rapidly in the 19th and 20th centuries long before foreign aid was invented, notably in Southeast Asia, much of the Middle East, Africa and Latin America. In many of these areas hundreds of thousands of originally extremely poor immigrants advanced from destitution to prosperity within a few decades—the Chinese of Southeast Asia being perhaps the most striking instance.

Economic achievement depends on people, including governments. It depends on man, his culture and his political arrangements. Peoples' aptitudes, attitudes, motivations, mores and the policies of their governments also count. They do not depend on external doles. No country or society ever required foreign aid for its development. This is as true in the Third World today as it was in the West.

These basic factors of economic performance have brought about the recent rapid advance in Far Eastern countries, where industry is so competitive in Western markets. For instance, practically every Western country imposes severe restrictions against unsubsidized imports from Hong Kong, an extremely densely populated very distant Asian country which is totally without natural resources.

The market system and private enterprise, both foreign and domestic, have been the prime agents of Third World progress. In less developed countries (ldcs) huge industries such as petroleum, copper, tin, sugar,

[1] Peter Bauer has been professor of economics at the London School of Economics since 1960. His many books on economic development and underdeveloped countries include Dissent on Development and Equality, the Third World and Economic Delusion both published by Harvard University Press.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

rubber, tea, textiles and engineering were pioneered and developed by corporations and merchant firms, often in difficult and unpropitious conditions. The plantation rubber industry established and developed long before foreign aid, provides an instructive example.

There are now millions of acres of rubber in Southeast Asia. Before the end of the 19th century there was not a single rubber tree in Asia. Local labor in Southeast Asia was extremely scarce. But it was possible to attract many hundreds of thousands of workers from India and China. There was little local capital but enterprising trading companies found capital in the West to finance the opening up and equipping of estates, and for the recruiting of managers and workers to operate these properties. The activities of these trading companies were soon followed by those of Chinese traders who brought rubber estates and consumer goods to thousands of small landholders which enabled and encouraged the rural population to plant rubber.

The owners and managers of the enterprises made their decisions in the light of actual and prospective market conditions for the product, for labor costs and their assessment of government policies and technical conditions. In other words, they were guided by considerations not all that different from those behind the decisions of CEOs in the U.S. Decisions of this kind, not foreign aid, transformed the conditions of millions of people in Southeast Asia and elsewhere in the Third World.

Foreign aid is thus evidently not essential for development. Indeed it is more likely to obstruct it than to promote it. This may sound paradoxical since foreign aid represents a net inflow of subsidized or even gratis resources. It is nevertheless true.

When the prerequisites of economic progress are preset the necessary funds will be generated locally, or can be borrowed abroad. When they are not present, development aid is ineffective and therefore wasted. There is no way out of this dilemma.

The absolute maximum contribution of aid to development is therefore the avoided cost of borrowing (amortization and interest) as a percentage of gross domestic product. For large aid recipients this is negligible, a fraction of 1 percent of gross domestic product at most. The maximum benefit for development is thus a tiny reduction in the cost of investable funds. Moreover, the volume of these funds is not a crucial determinant of development; it is more nearly an effect rather than a cause of material progress.

This tiny maximum benefit is likely to be far more than offset by a long list of adverse repercussions that affect the basic determinants of development, such as political arrangements and the direction of people's activities. The most important of these adverse repercussions is the effect aid has in reinforcing the politicization of life in the Third World. Aid goes to governments and increases their resources relative to the private sector. It increases the money and patronage of the rulers. By increasing the prizes of political power it intensifies the struggle for them, thereby exacerbating conflict, especially so in multi-racial and multi-cultural societies such as those of many less developed countries. These results in turn divert attention and energy from productive economic activity to the political arena.

There are other adverse effects, almost all of which derive from the fact that the recipients are governments and not the population at large. The adverse repercussions are set up by amounts of money which are a small percentage of gross domestic product, but are a significant proportion of government revenue and foreign exchange earnings.

These various considerations refute the idea that aid, even if it does not do much good, can at least never do any harm. They explain why aid has never been necessary for development anywhere. They explain further the plight of many aid recipient governments after decades of aid, and the difficulties, or the outright inability, of many recipient governments to service their debts, including soft loans.

What about relief of Third World poverty? This declared objective of aid differs altogether from development, in the same way as alms to a beggar, or help to a cripple, differ from scholarships to promising youngsters or loans to start up a business. In fact, official aid has nothing to do with relief of poverty, distress or starvation. Aid does not go to the skeletal figures and pot bellied children so familiar in aid propaganda.

Aid goes to the rulers. In the Third World few of them are much concerned with the poorest. That this is so is clear from their lavish spending on the most varied prestige items such as uneconomic industries, petrochemical complexes, steel works, state airlines, satellite communications and nuclear projects. These activities financed by aid directly, or at one remove, often represent a net drain on local resources and have to be subsidized by local taxes, including levies on the poor. The construction of vastly expensive and brand new capitals is instructive: Brasilia, Islamabad, Lilongwe in Malawi, and more recently Dodoma in Tanzania and Abuja in Nigeria. The cost of Abuja to be built from scratch in the Nigerian bush is now estimated at $20 billion. A dispatch in the London Times, December 23, 1981, presented a graphic account of the hopeless situation in Dodoma, another city being constructed from scratch in the bush, and on which some $17 million have already been spent. The best hope is that if President Nyerere "steps down, the idea may be quietly folded away." The dispatch quotes an Australian aid official, who is the business manager of the project: "We cannot get enough cement, enough steel, enough diesel to run the trucks. But it is not only a question of financial resources and building materials, the country basically does not have enough skilled people to properly run the place." Tanzania is one of the poorest countries in Africa. How do its poor benefit from such extravagance?

Quite apart from their spending patterns, the policies of major aid recipients directly aggravate the lot of the poorest by the suppression of private trade (as in many African countries); persecution and even expulsion of the most productive groups (the Chinese in Vietnam and elsewhere in Southeast Asia, Asians in East Africa); forced collectivization (e.g. Tanzania). Apart from the suffering of the immediate victims, such policies exacerbate poverty, and may cause famines by undermining or even destroying the exchange economy.

Dr. Nyerere is a special favorite of Western donors. Besides enforced collectivization, he has herded millions of people into so-called collectivization villages. The World Bank's Dr. W. D. Hopper has noted some results of these policies and the relation of foreign aid to them. "As long as food aid (or long-term loans for food purchases) is supplied to Tanzania by the industrial nations, the social experiment will continue."

There are many instances in which Western aid has made it easier for governments to pursue policies directly impoverishing their people. Indeed to give money to rulers on the basis of the poverty of their subjects can easily encourage policies of impoverishment.

So much for aid as relief of poverty.

There are three arguments for aid which are aimed directly at businessmen, particularly chief executive officers.

According to the first of these, aid benefits the donor countries by promoting exports, and therefore activity and employment. Some exporters may indeed benefit if aid recipients buy their products. But exports bought with aid, i.e., taxpayers' money, are in effect given away. A corporation does not prosper by giving away its money in the hope that the beneficiaries will spend some of it on its products. Nor does a burglary benefit a store even if some of the loot is spent in it. If more government spending can boost the economy, the appropriate course is to spend more at home.

The second argument is that foreign aid is necessary to contain the spread of Communism and to keep the Third World out of the Soviet orbit. But aid does not promote prosperity in the Third World. And in any case the appeal of Communism does not depend on the level of income—witness the large Communist parties in France and northern Italy. Nor is aid generally helpful to American and Western political strategy. About one-third of Western aid goes through the international organizations. In distributing this aid they are not permitted to consider the political interests of the Western donors even if they wish to do so, which is doubtful. In practice, the political interests of the West are rarely served by direct government to government aid either. Much of this aid goes to countries of no political and military significance. Many receipients are openly hostile to the U.S., as evidenced for instance by their record in the United Nations and at other international gatherings. And as an organized and articulate group, the Third World is always hostile to the West, even though as a group it is a progeny of Western aid.

It is now urged that further aid is required to prevent large scale default by Third World countries on their debts to the international banks, which would allegedly much damage the financial system.

In fact, the involvement of the banks, especially the U.S. banks, in the Third World is relatively modest and most of it is in comparatively prosperous Latin American countries. Even if it were much larger, it is certainly questionable whether taxpayers' money should be used to bail out the large international banks.

Finally, if such a bail out were necessary, it should clearly take the form of a direct rescue operation of the banks, and not that of further subsidies to their debtors, who may not even use these subsidies to service their debts.

This particular argument is but the latest version of the advocacy of foreign aid. Many more can be confidently expected to follow.

Many U.S. businessmen think that U.S. aid is so small in relation both to gross domestic product and to total government spending that the issue is not worth bothering about. They are mistaken. To begin with, U.S. aid has often been a significant

proportion both of the federal deficit and of the U.S. current account, including periods such as 1977-78 when the weakness of the dollar exacerbated the problem.

Finally, there is yet a much more important result. It is official foreign aid which has brought about the Third World as a pressure group. In practice, the Third World is the aggregate of countries the governments of which, with few exceptions, demand and receive Western aid. This is the only unifying and common characteristic of the utterly diverse, and often mutually antagonistic or even openly hostile countries of Asia, Africa and Latin America which have come to be lumped together first as the underdeveloped world, and now as the Third World or the South. By creating this otherwise spurious collectivity, foreign aid has been responsible for the so-called North-South conflict or confrontation. Foreign aid is thus the source of this conflict, not its resolution.

Like most other people, CEOs do not want to appear hard-nosed, lacking in compassion. What should be their stance toward foreign aid?

They should take a much more critical attitude toward these transfers. Foreign aid at best can do little or nothing either for Third World development or for relief of poverty there; and in practice it can do and has done much damage. CEOs should therefore dispute the claims of aid advocates and guilt merchants that they have a monopoly on compassion, and that those who disagree with this are ignorant backwoodsmen.

U.S. businessmen can contribute most to Third World development by working toward a reduction of the often severe trade barriers against Third World exports. Importers might be more effective in pressing for a reduction of trade barriers if they insisted that their activities served not only their own interests and those of U.S. consumers, but represented also the most effective Western contribution to Third World advance.

Relief of acute poverty and distress in the Third World is best left to voluntary agencies, notably nonpolitical charities. Their work is far more likely to relieve persistent distress than can official aid. This work is also far more in the spirit and tradition of Americans' concern for their fellow man.

This stance accords with common sense, with the interests of most businessmen, and with traditional American attitudes both to self help and to charity. But it is not an easy one to maintain in the face of the formidable interest groups behind foreign aid, and the climate of opinion these have created. But the effort may be worth a try.●

END BIG OIL'S TAX CREDIT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. SEIBERLING. Mr. Speaker, I am introducing legislation today to end one of the more outrageous features of our tax system—the foreign tax credit for U.S. petroleum companies. Congress restricted this credit in last year's tax bill, but there is still much room for improvement. My bill, the Oil Industry Foreign Tax Credit Reform Act, would provide that improvement.

According to a June 1, 1978, report of the House Committee on Government Operations, entitled "Foreign Tax Credits Claimed by U.S. Petroleum Companies," the issue of foreign tax credits for petroleum companies first arose in 1950, when the Saudi Arabian Government sought more revenue from its oil properties. After consultation with American oil and tax experts, Saudi Arabia decided to levy an income tax on Aramco, then the country's sole producer, in lieu of increasing its oil extraction royalties. At that time, Aramco requested an IRS ruling as to whether the payments made to Saudi Arabia would be a credit or a deduction.

The Treasury wrote four major memorandums from 1951 to 1954 complaining that the scheme was a sham: If the IRS ruled that the payments were a credit, Aramco could simply shift its tax payments from the United States to Saudi Arabia, with no net effect on its own cashflow. But the State Department and National Security Council intervened and requested that a favorable ruling be issued so the Saudi Government could receive additional revenues. A favorable retroactive ruling was issued in 1955. Since that time, the foreign oil tax credit has cost the Treasury over $14 billion.

Congress tightened up on the credit in the Tax Equity and Fiscal Responsibility Act of 1982. Section 211 of that act says that in computing the amount of the credit, oil companies must now net their extraction losses in one country against their extraction income from another. Under prior law, a foreign tax credit could be taken for extraction income from one country even when a company had net extraction losses from its combined foreign oil and gas operations. According to the Joint Tax Committee, this provision, with another requiring taxation of nonextraction income from foreign oil company operations, will raise a total of $2.3 billion over the fiscal years 1983-87.

Even with these reforms, however, the oil companies are permitted to credit their royalty payments against their U.S. income tax, instead of deducting them from taxable income as a normal business expense. My bill would require that foreign taxes on foreign oil and gas income be treated for tax purposes as royalties. Instead of providing dollar-for-dollar tax savings, royalty payments would instead produce tax savings ranging between the amount of the payments multiplied by either the effective U.S. tax rate on worldwide income, which for 1980 was 17 percent, and the marginal corporate tax rate of 46 percent.

The House has addressed this issue in the past. On May 8, 1979, by a 355-to-66 vote, such a change was approved as an amendment to the first fiscal year 1980 budget resolution. That amendment was never enacted as substantive law, however. It is time that Congress ended this inequity.●

CONGRESSIONAL CALL TO CONSCIENCE—VIGIL FOR SOVIET JEWS: THE PLIGHT OF MOISEY TONKONOGY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. HOWARD. Mr. Speaker, once again, we initiate the congressional call to conscience vigil for Soviet Jews. As I have in the past, I would like to call attention to Moisey Tonkonogy, one man whose plight symbolizes the personal tragedy created and perpetuated entirely by the Soviet apparatus of terror and repression. Having suffered every form of inhumane treatment and degradation, Moisey Tonkonogy remains in the U.S.S.R., separated from his family in Israel.

The fact of yet another year's passing deepens the morass of immorality from which the Soviet leadership must climb to international respectability. It is with the upper echelons of the Soviet leadership that the responsibility for past crimes lies. More importantly, the initiative for constructive change rests with these men. The 1982 record for Soviet Jewish immigration shows an abysmal total of 2,670, down from over 50,000 in 1979. It is the responsibility of Congress to bring these developments to the attention of the international community, so that they remain a constant reflection of Moscow's attitude toward the most basic human issues. The passing of another year should strengthen our resolve and deepen our sense of responsibility. As Members of Congress this is our purpose in the vigil for Soviet Jews—as members of the human race it is our inherent duty.●

TRIBUTE TO THE MEMORY OF BUFORD BOONE

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. SHELBY. Mr. Speaker, my hometown of Tuscaloosa in Alabama's Seventh Congressional District, suffered a great loss recently with the death of an outstanding citizen, Buford Boone. It is my privilege today to offer a tribute to the memory of this wonderful man.

Not many people achieve the measure of admiration and respect that

Buford Boone enjoyed. He earned that admiration and respect because he genuinely cared about people and about the welfare of his community.

He was a rarity—a man who had the vitality and know-how to be extremely effective in getting things done, yet warmth and sensitivity that made him a beloved leader.

A native of Newman, Ga., Boone received the Pulitzer Prize for his editorial writings of 1957 in recognition of the "fearless and reasoned" editorial he wrote during the period when Autherine Lucy sought admittance as the first black student at the University of Alabama.

Boone began his newspaper career with the Macon Telegraph and the Macon News in 1929 after graduating from Mercer University.

He left the newspaper field in 1942 to become a special agent with the Federal Bureau of Investigation. Four years later, he returned to Macon to become editor of the Telegraph.

On May 21, 1947, he became publisher of the Tuscaloosa News. In 1954, he organized his own publishing company, Tuscaloosa Newspapers, Inc., and served as its president until 1968. His son, James B. Boone, Jr., became publisher of the News and president of the corporation.

Buford Boone will be remembered for his outstanding achievements and accomplishments during his years of public service. During the 27 years he was associated with the News, he was responsible for establishing financial assistance for more than 300 students, and he also assisted the University of Alabama's Department of Journalism through gifts and grants.

His contributions to his profession and the Tuscaloosa community did not go unnoticed. In 1968, he was presented the Algernon Sydney Sullivan Award by the University of Alabama, in recognition of his community leadership. His other honors included the George Washington Medal from the Freedoms Foundation for his editorial writing and the Elijah Parish Lovejoy Award from Colby College, along with an honorary doctor of laws degree.

He also held an honorary doctor of humane letters degree from the University of Alabama. In 1979, he was named Mercer University's Distinguished Alumnus of the Year.

Charles Land, publisher of the News, described Buford Boone as "an exceptional newspaperman. But more than that, he was an exceptional human being. He was a man of true courage and unswerving conviction and I doubt many in our community will ever fully understand or appreciate what he has meant to us."

Two longtime News employees who worked with Boone, Calvin Hannah, currently head of the News photographic department, and retired columnist and news writer Bob Kyle, cited his care and concern for other people.

"I saw Buford Boone as a kind and caring person whose greatest delight was in helping and doing for others. Many of his good deeds went unheralded because it was the way he wanted it to be," Hannah said.

Kyle recalled Buford Boone as "one of the most unusual men that I have ever worked with. He was a farmer at heart, a man with the highest principles and feelings for his fellow man."

He is survived by his wife, Mrs. Frances Herin Boone, Tuscaloosa; a son, James B. Boone, Jr., Natchez, Miss.; a daughter, Mrs. Janette Younkin, Tuscaloosa; a sister, Mrs. Harris K. Mauzy, Sacramento, Calif.; five grandchildren and two great-grandchildren.

Buford Boone's life should serve as a memorial to him for all time in Tuscaloosa, for he truly devoted it to serving the people and profession that he loved. He left many fond memories and I am sure that this fine outstanding gentleman will never be forgotten.

Mr. Speaker, it is indeed an honor for me to share this tribute with my colleagues in the House of Representatives. He will be deeply missed by me and all others who were touched by his wonderful life.●

ELENA BONNER'S 60TH BIRTHDAY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. FASCELL. Mr. Speaker, today Elena Bonner celebrates her 60th birthday in the Soviet Union. Due to the continuing illegal banishment of her husband, Andrei Sakharov, from Moscow to the remote city of Gorky, the Soviet Government forces Elena Bonner to spend her birthday far from her numerous friends to share her husband's Gorky isolation.

Elena Bonner is a major figure in the courageous struggle of Soviet citizens to gain various individual rights such as freedom of press, speech, and assembly. As a founding member of the Moscow Helsinki Group, Bonner has done much to promote the realization of economic, social, political, civil, ethnic and religious rights systematically denied Soviet citizens by their Government. As an active and articulate member of the Moscow Helsinki Group, Elena Bonner has made unique contributions to the human rights movement in the Soviet Union. Unfortunately, however, due to intensified official pressure against Sofya Kalistratova, an elderly and ill member of the Moscow Helsinki Group who was threatened with arrest, Elena Bonner announced on September 8, 1982, that the Moscow Group was calling a halt to its activities.

Elena Bonner's involvement with the Soviet human rights cause dates back to the late 1960's when she helped Soviet prisoners of conscience; in 1973 she repeatedly was interrogated by the KGB for her role in the publication in the West of Eduard Kuznetsov's stirring prison memoirs. Since then, she has chosen to share the fate of her husband, Nobel Peace Prize Laureate, Andrei Sakharov, in his illegal exile to the closed city of Gorky. In fact, Elena Bonner has become Andrei Sakharov's link with the outside world, since the Soviet authorities continue to subject Andrei Sakharov to virtual house arrest and continuing acts of official vandalism—as in October 1982 when Sakharov was drugged and robbed of a 900-page manuscript and other personal papers. Although Elena Bonner has been allowed to travel back and forth from Gorky to Moscow, she too has been subjected to illegal acts of official reprisal: On December 7, 1982, on the train to Moscow she too was robbed of personal papers, including an appeal for amnesty for Soviet prisoners of conscience.

Elena Bonner's biography is a testimony to the vicissitudes of life under Soviet rule: her father, a high official in the Comintern, was shot during the Great Terror of 1937; her mother, branded an "Enemy of the People," spent 16 years in the camps for the crime of having been married to her husband. Trained as a doctor, Elena Bonner suffered severe eye injuries during her work on the front during World War II which ultimately led to a severe cataract condition. After marrying Andrei Sakharov in August 1971, Elena Bonner shared the increasingly harsh marks of official disfavor directed toward her husband. Only after great difficulties and international pressure was Elena Bonner allowed by the Soviet Government to travel to Italy to undergo a series of eye operations which saved her eyesight. During one of these trips abroad, she accepted on her husband's behalf the 1974 Nobel Peace Prize since the Kremlin did not permit Andrei Sakharov to leave the Soviet Union.

I want to take this occasion to call the attention of our colleagues the many notable contributions made by Elena Bonner not only to the human rights cause in the U.S.S.R. but also to helping to make the West aware of the difficulties faced by all Soviet human rights activists. Their struggle continues as do Elena Bonner's courageous efforts to win a better life for all Soviet citizens. I know I speak on behalf of many in the United States in wishing Elena Bonner well in all her endeavors on this, her 60th birthday.●

SOCIAL SECURITY AND LYING TO FUTURE GENERATIONS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. McDONALD. Mr. Speaker, it is both sad and disgraceful that this body has not been forthright with regard to the mess that social security is in today.

Most who have made actuarial studies of the amount of money being poured into social security today by both employer and employee, would realize that with a program commencing with this money at age 20 and culminating at age 60, would have more than adequate funds for each individual to live in splendor during their earned years of retirement.

But with most buying votes instead of putting social security on a sound actuarial basis, it has become a disaster program for now and future generations.

At least one businessman has had the guts to state the problem and advertise it for the benefit of his fellow citizens of North Carolina. That businessman is Mr. W. D. Stedman of the Stedman Corp. of Asheboro, N.C.

From the North Carolina magazine I would like to share with my colleagues that message bought and paid for by one businessman who would like the American public to know the truth. After reading these words of wisdom, it would do well for this body to fulfill the responsibility to the entire Nation, to put social security on a sound basis, and not continue it as yet another phase of the Marxist graduated income tax from part II of Karl Marx's Communist manifesto. Contents of this very brief—but very honest—advertisement follow:

SOCIAL SECURITY AND YOUNG PEOPLE—WILL THEY EVER RECEIVE THE BENEFITS PROMISED? WHAT PRICE WILL THEY PAY?

Dr. Hans Sennhoiz observes that "the Social Security program . . . is a living example of blatant victimization" of youth, for "each oldster receives in a few weeks what he contributed in his lifetime, and the deficits are extracted from the younger generation . . . the unfunded liability, according to the Social Security Administration itself, is more than $2.1 trillion, which is brazenly placed on the shoulders of future generations."

Myth: Social Security taxes are invested for your retirement.

Fact: Social Security taxes taken from you today are used to pay today's beneficiaries—a pay-as-you-go system which in 1981 collected $172.3 billion and spent $175.1 billion. In 1950, there were 16 workers paying into the system for each recipient. Today, the burden on each worker is over 5 times greater, with only 3 workers paying in for each recipient and when today's children are working adults, 2 workers will support each beneficiary. Taxes deducted today amount to 13.4 percent of taxable earnings, but if young people now entering the work force are to receive the benefits promised, social security taxes will have to be raised to 25-33 percent of their taxable earnings.

Why is Social Security an issue for young people? Because the current program penalizes them most by—

Burdening them and future generations with enormous debt,

Taking their current earnings for today's recipients, thus depriving them of money for investment in private alternatives,

Threatening them with an ever-growing payroll tax load if they are ever to receive benefits,

Stifling the economy in which they must work for the rest of their lives.

Social Security must be put on a sound financial basis for their sake.●

POLLUTION CONTROL TAX INCENTIVE ACT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. SEIBERLING. Mr. Speaker, today I am introducing legislation to give taxpayers a choice among three tax proposals for the treatment of investments in certified pollution control equipment installed in any industrial plant or property in operation before January 1, 1971.

The bill is drafted to help aging industrial plants remain competitive by extending the following options for tax treatment of such investments:

First, the existing option of the full investment tax credit and 5-year amortization of the capital investment; second, 1-year amortization of the capital investment; or third, a double investment tax credit.

The bill limits these options to plants in operation before January 1, 1971, because older plants need special tax assistance to bring their operations into compliance with Federal clean air and clean water statutes and regulations. Plants which came into operation later than January 1, 1971, had knowledge of the laws regulating emissions and, in addition, had the option of using then-existing tax provisions to offset their investments in equipment necessary to meet Federal emission control standards.

My bill also improves upon the present law by eliminating a provision which discourages industrial "process changes" which have the effect of cleaning up the production process and increasing productive capability of an industrial plant. Under current law, any facility, regardless of age, which undergoes a change in its production process which increases production by 20 percent is ineligible for the tax credit and amortization provisions for investments in clean technology even if "process change" brings the plant into compliance with emissions regulations. I believe that this penalty should be eliminated to encourage capital investments in technology which increases productive capacity and also meets the emissions standards.

Mr. Speaker, the promise of a clean and healthier environment embodied in the environmental protection legislation of the 1970's has come closer to realization, but not without expense to regulated industry. The inability of some industries, particularly older industries, to finance the high costs of compliance with the technical and sometimes inflexible requirements of the Federal statutes has not only impeded attainment of environmental goals but has also imperiled the continued existence of individual industrial plants. The problem is most acute for older plants—those in operation prior to the enactment of landmark environmental laws—and it is the older plants which my bill is designed to assist.

The bill provides an alternative to industrial disruption, to plant closings and layoffs, and to elimination of regulations to protect the public health from toxic pollutants, by allowing special help to those older plants which find it expensive yet necessary to retrofit to meet emissions standards. The tax benefits my bill provides represent an investment in both our industry's health and our public health. I urge my colleagues to support me in advancing these interests.●

HOUSE MAJORITY OPPOSES WITHHOLDING

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. D'AMOURS. Mr. Speaker, I am delighted to be able to report that, as of this morning, a majority of the U.S. House of Representatives has cosponsored H.R. 500, legislation I have introduced to repeal interest and dividend withholding.

This bipartisan group is composed of Members of widely differing philosophies and ideologies from 46 States and territories. They have joined together to support the proposition that withholding is unnecessary because comprehensive information reporting can increase tax compliance just as effectively, at a lower cost, and with less of a burden for taxpayers, businesses, and the U.S. Government.

I would like to share with my colleagues a list of the first 219 cosponsors of H.R. 500:

1. Addabbo, Joseph (N.Y.).
2. Anderson, Glenn (Calif.).
3. Andrews, Ike (N.C.).
4. Andrews, Michael (Texas).
5. Annunzio, Frank (Ill.).
6. Aspin, Les (Wisconsin).

7. AuCoin, Les (Oregon).
8. Barnard, Doug (Georgia).
9. Bedell, Berkley (Iowa).
10. Bereuter, Douglas (Nebr.).
11. Biaggi, Mario (N.Y.).
12. Bilirakis, Michael (Fla.).
13. Bliley, Thomas (Va.).
14. Boggs, Lindy (La.).
15. Boner, William (Tenn.).
16. Bonior, David (Michigan).
17. Bonker, Don (Wash.).
18. Borski, Robert (Pa.).
19. Bosco, Douglas (Calif.).
20. Bouquard, Marilyn (Tenn.).
21. Boxer, Barbara (Calif.).
22. Britt, C. Robin (N.C.).
23. Brown, George (Calif.).
24. Brown, Hank (Colo.).
25. Burton, Dan (Ind.).
26. Byron, Beverly (Md.).
27. Campbell, Carroll (S.C.).
28. Carr, Bob (Mich.).
29. Clarke, James (N.C.).
30. Clinger, William (Pa.).
31. Coelho, Tony (Calif.).
32. Conyers, John (Mich.).
33. Cooper, Jim (Tenn.).
34. Corcoran, Tom (Ill.).
35. Courter, James (N.J.).
36. Crane, Daniel (Ill.).
37. D'Amours, Norman (N.H.).
38. Dannemeyer, William (Calif.).
39. Daschle, Thomas (S.D.).
40. Daub, Hal (Nebr.).
41. Davis, Robert (Mich.).
42. Derrick, Butler (S.C.).
43. DeWine, Michael (Ohio).
44. Dingell, John (Mich.).
45. Dreier, David (Calif.).
46. Dwyer, Bernard (N.J.).
47. Dyson, Roy (Md.).
48. Eckart, Dennis (Ohio).
49. Edwards, Mickey (Okla.).
50. Emerson, Bill (Mo.).
51. Erdreich, Ben (Ala.).
52. Evans, Cooper (Iowa).
53. Evans, Lane (Ill.).
54. Fascell, Dante (Fla.).
55. Fazio, Vic (Calif.).
56. Feighan, Edward (Ohio).
57. Fields, Jack (Texas).
58. Fish, Hamilton (N.Y.).
59. Foglietta, Thomas (Pa.).
60. Forsythe, Edwin (N.J.).
61. Frank, Barney (Mass.).
62. Franklin, Webb (Miss.).
63. Garcia, Robert (N.Y.).
64. Gejdenson, Sam (Conn.).
65. Gekas, George (Pa.).
66. Gilman, Benjamin (N.Y.).
67. Gingrich, Newt (Ga.).
68. Gore, Albert (Tenn.).
69. Gray, William (Pa.).
70. Guarini, Frank (N.J.).
71. Hall, Katie (Ind.).
72. Hall, Ralph M. (Texas).
73. Hall, Sam B. (Texas).
74. Hall, Tony (Ohio).
75. Hamilton, Lee (Ind.).
76. Hansen, George (Idaho).
77. Hansen, James (Utah).
78. Harkin, Tom (Iowa).
79. Harrison, Frank (Pa.).
80. Hatcher, Charles (Ga.).
81. Hawkins, Augustus (Calif.).
82. Hefner, W. G. (N.C.).
83. Hopkins, Larry (Ky.).
84. Horton, Frank (N.Y.).
85. Hubbard, Carroll (Ky.).
86. Hughes, William (N.J.).
87. Hutto, Earl (Florida).
88. Jacobs, Andrew (Ind.).
89. Jones, Ed (Tenn.).
90. Kaptur, Marcy (Ohio).
91. Kastenmeier, Bob (Wis.).
92. Kazen, Abraham (Texas).
93. Kemp, Jack (N.Y.).
94. Kildee, Dale (Mich.).
95. Kindness, Thomas (Ohio).
96. Kogovsek, Ray (Colo.).
97. Kostmayer, Peter (Pa.).
98. Kramer, Ken (Colo.).
99. LaFalce, John (N.Y.).
100. Leach, Jim (Iowa).
101. Lent, Norman (N.Y.).
102. Lipinski, William (Ill.).
103. Loeffler, Tom (Texas).
104. Long, Gillis (La.).
105. Lott, Trent (Miss.).
106. Lujan, Manuel (N.M.).
107. Luken, Thomas (Ohio).
108. Lundine, Stan (N.Y.).
109. McCloskey, Frank (Ind.).
110. McCollum, Bill (Florida).
111. McCurdy, Dave (Okla.).
112. McDade, Joseph (Pa.).
113. McDonald, Larry (Ga.).
114. McGrath, Raymond (N.Y.).
115. McKernan, John (Maine).
116. McKinney, Stewart (Ct.).
117. McNulty, James (Arizona).
118. Markey, Edward (Mass.).
119. Marriott, Dan (Utah).
120. Martin, David O'B. (N.Y.).
121. Martin, James (N.C.).
122. Mavroules, Nicholas (Mass.).
123. Mikulski, Barbara (Md.).
124. Miller, Clarence (Ohio).
125. Mineta, Norman (Calif.).
126. Minish, Joseph (N.J.).
127. Mitchell, Parren (Md.).
128. Moakley, Joe (Mass.).
129. Molinari, Guy (N.Y.).
130. Mollohan, Alan (W. Va.).
131. Montgomery, Sonny (Miss.).
132. Morrison, Bruce (Conn.).
133. Morrison, Sid (Wash.).
134. Mrazek, Robert (N.Y.).
135. Natcher, William (Ky.).
136. Neal, Stephen (N.C.).
137. Nichols, Bill (Ala.).
138. Nielson, Howard (Utah).
139. Nowak, Henry (N.Y.).
140. Oakar, Mary Rose (Ohio).
141. Oberstar, James (Minn.).
142. Olin, James (Va.).
143. Ottinger, Richard (N.Y.).
144. Oxley, Michael (Ohio).
145. Packard, Ronald (Calif.).
146. Parris, Stan (Va.).
147. Patman, Bill (Texas).
148. Patterson, Jerry (Calif.).
149. Paul, Ron (Texas).
150. Pease, Donald (Ohio).
151. Petri, Thomas (Wis.).
152. Price, Melvin (Ill.).
153. Pursell, Carl (Mich.).
154. Quillen, James (Tenn.).
155. Rahall, Nick Joe (W. Va.).
156. Ratchford, William (Conn.).
157. Richardson, Bill (N. Mex.).
158. Roberts, Pat (Kans.).
159. Rodino, Peter (N.J.).
160. Roe, Robert (N.J.).
161. Roemer, Buddy (La.).
162. Rose, Charles (N.C.).
163. Roukema, Marge (N.J.).
164. Rowland, J. Roy (Ga.).
165. Roybal, Edward (Calif.).
166. Scheuer, James (N.Y.).
167. Schneider, Claudine (R.I.).
168. Schroeder, Pat (Colo.).
169. Schumer, Charles (N.Y.).
170. Sensenbrenner, James (Wis.).
171. Sharp, Philip (Ind.).
172. Shumway, Norman (Calif.).
173. Sikorski, Gerry (Minn.).
174. Siljander, Mark (Mich.).
175. Simon, Paul (Ill.).
176. Sisisky, Norman (Va.).
177. Skeen, Joe (N. Mex.).
178. Skelton, Ike (Mo.).
179. Slattery, Jim (Kans.).
180. Smith, Chris (N.J.).
181. Smith, Denny (Oreg.).
182. Smith, Lawrence (Fla.).
183. Smith, Robert (Oreg.).
184. Smith, Virginia (Nebr.).
185. Snowe, Olympia (Maine).
186. Snyder, Gene (Ky.).
187. Spratt, John (S.C.).
188. Stenholm, Charles (Tex.).
189. Stokes, Louis (Ohio).
190. Studds, Gerry (Mass.).
191. Stump, Bob (Ariz.).
192. Sundquist, Don (Tenn.).
193. Sunia, Fofo (American Samoa).
194. Swift, Al (Wash.).
195. Synar, Mike (Okla.).
196. Tallon, Robin (S.C.).
197. Tauzin, Billy (La.).
198. Thomas, Robert (Ga.).
199. Torricelli, Robert (N.J.).
200. Towns, Edolphus (N.Y.).
201. Valentine, Tim (N.C.).
202. Vandergriff, Tom (Tex.).
203. Volkmer, Harold (Mo.).
204. Vucanovich, Barbara (Nev.).
205. Walgren, Doug (Pa.).
206. Weaver, James (Oreg.).
207. Weber, Vin (Minn.).
208. Whitehurst, G. William (Va.).
209. Whitley, Charles (N.C.).
210. Williams, Pat (Mont.).
211. Wise, Robert (W. Va.).
212. Wolf, Frank (Va.).
213. Won Pat, Antonio (Guam).
214. Wortley, George (N.Y.).
215. Wyden, Ron (Oreg.).
216. Yatron, Gus (Pa.).
217. Young, Don (Alaska).
218. Young, Robert (Mo.).
219. Zablocki, Clement (Wis.).●

A CONSTITUTIONAL AMENDMENT IS NEEDED TO BALANCE THE BUDGET

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. MACK. Mr. Speaker, today I am introducing a joint resolution calling for a constitutional amendment that would require a two-thirds vote of each House of the Congress to pass a budget resolution which calls for deficit spending.

Over the past 53 years, the Federal Government has spent more than it took in 44 times. This half-century of red ink has saddled our Nation—and our children—with a debt that staggers the imagination: approximately $1.3 trillion. And now we hear forecasts of $200-billion-per-year deficits over the next several years, if no action is taken.

Why are deficits bad for our economy? The answer lies primarily in the way they must be financed. There are two methods to pay for a deficit, and both negatively affect the Nation's economy. The Federal Government

can borrow in the private credit markets to pay for its deficit, or it can simply print money to pay for it.

When the Government borrows from the private credit pool, it uses up private savings that would otherwise go for new homes, new businesses, new cars, industrial expansion, and research and development, all of which create jobs now and keep our economy growing to create the jobs of tomorrow. But when Government borrows 94 percent of net private savings in this Nation, as it will this year, there is little if any capital left over for all the purposes listed above.

The other method to finance a deficit is for the Government to simply run the printing presses to pay for it. What actually happens is that the Federal Reserve System buys Treasury bills instead of letting the private sector buy them, but the bottom line is that the economy is flooded with new paper money, and the inevitable result is a new round of double-digit inflation, which robs everyone.

Both methods invariably produce a rising level of interest rates that causes the economy to come to a standstill, with the attendant unemployment and misery.

I am a freshman Member of this body, but my first few weeks as a Member, and particularly my first few weeks as a member of the House Budget Committee, have convinced me that the forces behind increased Federal spending are far stronger than the forces behind spending restraint. That is why I believe a constitutional amendment fostering spending restraint is absolutely essential.

My amendment does not require a balanced budget each and every year. It does force those who favor more and more spending, spending that is greater than Government income, to put together a broad congressional consensus—a consensus consisting of two-thirds of the Members of both bodies—in order to pass an unbalanced budget. That requirement for a supermajority to pass a deficit-ridden budget will reverse the current bias in favor of overspending to one in favor of spending restraint.

I also believe my amendment is more workable than other versions because of its inherent flexibility. There may very well be years in which balanced budgets are not possible or acceptable, such as during wartime. But my amendment allows for such contingencies by allowing such spending, as long as there is a broad two-thirds agreement on it.

The past half-century of spending irresponsibility should convince us that Congress needs more than its own self-discipline to apply the brakes. It must have a constitutional mandate. Unless we are going to saddle the generations to follow us with a debt burden that will ruin their chances for prosperity, we must put a brake on the congressional spending machine. My amendment will do so.

At this point, I insert a copy of the text of this amendment:

Joint resolution proposing an amendment to the Constitution to require that congressional resolutions setting forth levels of total budget outlays and Federal revenues must be agreed to by two-thirds vote of both Houses of the Congress if the level of outlays exceeds the level of revenues

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"On the question of agreeing, in either the House of Representatives or the Senate, to a concurrent resolution of the two Houses of the Congress which sets forth an appropriate level of total budget outlays of the Federal Government for a fiscal year and a recommended level of Federal revenues for that fiscal year or of agreeing, in either the House of Representatives or the Senate, to a report of a conference committee on such a concurrent resolution, the affirmative vote of two-thirds of Members present and voting (a quorum being present), shall be required for agreeing to the question, if the appropriate level of total budget outlays set forth in such concurrent resolution or recommended in such conference report exceeds the recommended level of Federal revenues set forth in such concurrent resolution or recommended in such conference report.".●

CRITICAL WATERWAYS IMPROVEMENT ACT

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. SHELBY. Mr. Speaker, On Tuesday, February 8, my colleague from West Virginia, Mr. RAHALL, introduced a vitally important piece of legislation, of which I am a cosponsor. The measure is entitled the "Critical Waterways Improvement Act" and will, I hope, be acted upon swiftly by the appropriate committees with jurisdiction so that this body may soon have an opportunity to favorably consider this badly needed bill.

Mr. Speaker, since my first days in the U.S. House of Representatives, I have been a vocal advocate of improving the deteriorating conditions of the Nation's inland waterway system. I have testified on several occasions before the House Appropriations Committee on the merits of maintaining and enlarging, in particular, the potential of the Warrior-Tombigbee Waterway system which travels through the heart of my Seventh Congressional District in Alabama.

The Warrior-Tombigbee Waterway now has a system of modern locks and dams with the exception of one lock, the William Bacon Oliver. The ever increasing demands for efficient transportation of coal, steel products, chemicals, aggregates and farm commodities require that the Warrior-Tombigbee operate at peak efficiency on a full time basis. For over 10 years now there has been a serious need for a more efficient, navigable facility at Oliver lock.

The operational level of the Warrior-Tombigbee is seriously impaired by a bottleneck caused by this one remaining, pre-World War II lock. The substandard lock is smaller than the other five, all of which are the newer size of 110 by 600 feet. Six barge tows, typically seen on the waterway, are able to "lock through" all locks except the Oliver in a single pass. However, at Oliver the chamber of 95 by 460 feet requires the six-barge tow to break apart and lock through in two passes. This takes, on the average, an additional 1½ hours, or nearly three times that of a single pass lockage.

Mr. Speaker, the time is long overdue for the hinderances of the Warrior-Tombigbee system to be removed and for this entire package of inland waterway systems improvements to be enacted by this Congress in order to provide the freedom of movement so essential to this Nation's foreign and domestic commerce.●

DR. BENJAMIN E. MAYS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. HOYER. Mr. Speaker, February is Black History Month, a time when every American can review and reflect upon our American history, literature, and scientific endeavors and learn the part that black men and women have played in them. Our newspapers and magazines, television stations, both local and national, our libraries, and our schools are taking this opportunity to highlight the accomplishments, the contributions, and, often, the broken dreams that is the history of black Americans in this country.

I feel that in keeping with this review and assessment, it is important to note some pending legislation that certainly may become tomorrow's history; legislation that highlights and honors the enormous achievements of one American—a great educator, theologian, and civil rights leader—Dr. Benjamin Elijah Mays. Mr. Speaker, I speak of House Resolution 17, a resolution to encourage the President to

award Dr. Mays the Presidential Medal of Freedom, which I am honored to cosponsor.

As you know, the Presidential Medal of Freedom was initiated in 1945 by then-President Franklin Roosevelt. It is the Nation's highest civilian award and is given for meritorious contributions to the national interest. Since 1945, 130 Americans have received this high honor, among them Dr. Martin Luther King, Jr., Ralph Bunche, Pope John XIII, Helen Keller, and Reinhold Niebuhr.

Certainly it is most appropriate that Dr. Mays joins the ranks of these distinguished Americans.

Dr. Benjamin Mays was born in Epworth, S.C., on August 1, 1895, to a farmer and his wife. There were eight children and time for schooling was more often than not a few months jammed between sowing and harvest seasons. But even at a very young age, Benjamin Mays loved his schoolwork and excelled. Soon his desire for a "real" education became the driving force in his life. He attended high school at South Carolina State College, graduating as class valedictorian in 1916. Recognizing that gaining a good education as a black man in South Carolina would be very difficult, he went north, to Main and Bates College for higher education. After three outstanding years at the school, during which time he was an award-winning debator and orator, he went to the University of Chicago. For the next several years, his life was a series of transitions—from being a mathematics teacher at Morehouse College in Atlanta and a pastor at the Shiloh Baptist Church; to instructor of English at the State College of South Carolina in Orangeburg; to becoming executive secretary of the Tampa Florida Urban League.

In 1934, he was the dean of the Howard University School of Religion and in 1935, he received his Ph. D. at the Unversity of Chicago.

As the national student secretary of the WMCA, he traveled extensively and met Mahatma Gandhi in India; he served as America's delegate to the Oxford Conference on Church, Community and State at Oxford University, and to the Plenary Session of the World Committee in Stockholm.

In 1940, Dr. Mays became the president of Morehouse College. As the leader of this school for 27 years, Dr. Mays grew to command near-universal respect and faith in the Atlanta community and he was elected the first black to serve as president of the Atlanta Board of Education.

Mr. Speaker, this is an extremely brief capsulization of the life of such an active man. Throughout his career he authored several books, including an autobiography, "Born to Rebel," magazine articles too numerous to mention here, book reviews, and speeches. He has received more than 25 honorary degrees from a variety of institutions of higher learning.

I have left out much—I hope Dr. Mays will forgive me—but one aspect of his life rises above all the rest. Throughout his life, Dr. Mays devoted himself to the struggle for interracial understanding in a world which was unjust for the black American. It was an effort that has moved many to emulate his path, and this legislation would merely recognize the patience, virtue, and honesty of this most honorable man.

To quote from the introduction to Dr. Mays' autobiography, by Samuel DuBois Cook,

> His life, echoing and expressing the tragedy and the glory of the black encounter, has been that of desperately walking the tightrope in several dimensions of "being" and "becoming," believing and doubting, Spartan immersion in activity and stoic resignation to the inevitable, continuity and change, rebellion and adjustment, the saying of "yes" and "no" to history and culture. It has been rough going, but what a magnificent and inspiring odyssey and product!

During this month of studying and recognizing black history, I think it is most important to bring up the achievements of this most remarkable man. Dr. Mays life, his struggles, and ultimate success reflect the turmoil and upheaval of the society of this century as Americans strive to bring true civil rights to all. It would be most appropriate, and I will support the effort, to bring House Resolution 17 to the floor in order for us to truly recognize this man's achievements during the month of February.●

THAT VIETNAM MEMORIAL—THE SAD FACTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. McDONALD. Mr. Speaker, there has been much written and done concerning the Vietnam Memorial, but there is more wonderment in trying to find out why the true voice of the Vietnam veteran is not being heard.

From that Vietnam war I have had in my office visiting, every type of combat veteran of Vietnam. There have been prisoners of war, soldiers, sailors, airmen, and Congressional Medal of Honor winners. One thought stands out among all. Why the "black hole of Calcutta," as some refer to that marble from India indentation? I find it rather hard to believe that we are importing marble from India, when some of the most beautiful marble and granite in the world comes from right here in the United States. Is it not a fact that Japan has imported in excess of some 35,000 metric tons of granite from Elberton in my own home State of Georgia? But of course, the answer is probably found in the fact that the designer of the Vietnam Memorial did not want it to be a manifestation of glory and pride—but of shame.

This is no surprise to anyone who knows that the blue-ribbon design committee that chose that "neutral always India" marble design did not consist of one Vietnam veteran. And in fact one member of that committee, Garrett Eckbo, actively supported the pro Viet Cong movement from his Berkeley, Calif., sanctuary.

So far as Jan Scruggs, the head of the Vietnam Memorial Committee, is concerned, this is the individual that wrote in the Washington Post on May 25, 1977:

> After my tour, the wounds and medals I received as an infantryman in Vietnam became slowly transformed into reminders of my part in a cruel and meaningless conflict. My naive acceptance of America as a great and noble land gave way to more critical thinking as my conventional beliefs, attitudes, and values were shaken by the war.

Well, for the benefit of my colleagues, I have yet to meet any Vietnam veteran, combat veteran, that is not in fact, extremely proud of his or her contribution in Vietnam. I include the "her" category for there were no more braver, as I have pointed out many times, than the nurses who served in those combat field hospitals in Vietnam. And as far as "beliefs, attitudes, and values," were concerned, all I have talked to have had those beliefs attitudes, and values, strengthened immeasurably. There is pride in what they did when their Nation called, despite the "no win" restrictions. And history has proved that this pride was justified. Witness the millions, yes millions, that are dead or rotting in death camps today in Southeast Asia.

Now it seems, that the nonrepresenative voice of the true Vietnam veteran, does not even want Old Glory nor a statue tribute to the Vietnam vet in the immediate vicinity of the memorial. That will be a total insult if allowed to happen.

Let me present for my colleagues, another voice, that of the American paratrooper. Don Lassen is the editor of the Static Line, the newspaper for all paratroopers nationwide. I have been to annual get-togethers of these proud Americans, and although some did not serve in Vietnam, they know something is wrong. After all, they have seen glorious mementos to American paratroopers from Bastogne to Fort Benning, to Fort Bragg. There has been glory and pride in all previous mementos. Why not for the Vietnam veteran? Don Lassen tells it like it is and if you don't believe me, read his words from the Static Line of October 1982:

[From the Static Line, Oct. 1982]

THE SAD FACTS

(By Don Lassen)

The Army Times has again scooped the nation by releasing the most complete information concerning the National Vietnam Veterans Memorial being constructed on the Mall in Washington, D.C.

Please take the time to carefully and thoroughly read the accompanying Army Times article.

Although you may not have been directly involved in the Vietnamese conflict, you can have something to say about the future and the completion of this project.

To begin with, very few Vietnamese Veterans are in agreement with the design of the Memorial. The design chosen was two black walls coming together in a V shape in a sunken area. The names of all the men who lost their life in Vietnam are to be inscribed on the walls of the Memorial in chronological order.

After much hullabaloo and controversy, the Vietnam Veterans Memorial fund agreed to add a sculpture, the likeness of which is portrayed on this page, and an American flag. The location of these two additions can be seen on the Army Times sketch.

Now that the Vietnam Veterans have apparently been satisfied with the additions and corrections to be made to the monument, the designer is opposed to the changes. Mind you, now, this designer is a 22 year old girl who now says that the additions of the flagpole and the statue ruin her original concept.

At any rate, it is reported that some 250,000 veterans will be in D.C. on Veterans Day, Nov. 11 for a week-long National Salute to Vietnam Veterans, complete with a parade in which the veterans will be invited to march. The highlight of this week of festivities will be the unveiling of the Memorial, even though it is not finished and the statue and the flag pole have not yet been added.

ANOTHER DISGRACE

The supervision of the efforts to produce a memorial to and for the Veterans of Vietnam seems to have been managed by the same mentality that made a fiasco of the war as it was being conducted.

The same guys that insisted on fighting a no-win war have conspired to produce a no-theme memorial.

The only thing that makes sense in the memorial are the figures and the flagpole—and that is what the original designer objects to. My suggestion is that you take a bull-dozer the week of Nov. 11 and fill in the hole that they are digging to put the walls into and let the statue of the 3 American soldiers and the flagpole suffice. I'm sure the majority of the Vietnamese Veterans would be more satisfied.

The wishes of the rank and file have been totally ignored in designing this memorial, or at least in the choice of the design. The guys that chose that design are totally blind to the temper of the Vietnamese Veteran. It still is not too late to stop that design. When you're wrong, you're wrong. That hole in the ground is a national disgrace.

To add insult to injury, they are going to have a huge parade in Washington, D.C., for the Vietnamese Veterans, but they are going to ask them to march in the parade by States. These guys didn't fight by states, why should they march by states?

My suggestion is for the unit organizations that were involved in Vietnam to announce to their veterans that they will participate and provide a unit color guard for their veterans to march with. All the units that were involved in Vietnam could very easily provide this.

Let's put some sanity back into the Vietnamese Veteran situation. They are just like everyone else and they want intelligent monuments and well organized activities.

Shame on the thimble-brained guys that have contributed to this sorry condition.●

REFUNDABLE INVESTMENT TAX CREDIT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. SEIBERLING. Mr. Speaker, I am introducing today legislation I have introduced in every Congress since the mid-1970's. This bill, the Refundable Investment Tax Credit Act, would correct a serious inequity in our tax policy.

The investment tax credit has been a major policy tool for stimulating economic growth since its inception in the early 1960's. Under current law, however, this credit is available only to firms with tax liability, either currently or in the past 3 years; it can also be used to offset any tax liability which arises within the next 15 years. While these restrictions may at first glance seem reasonable, they result in serious disparities in the marketplace. They generate considerable doubt among some companies as to whether they will benefit from the full credit. And the later the credit is received, the less it is worth in terms of today's dollar. What is more, two firms in the same industry may face very different after-tax costs for purchasing the same equipment—with the profitable firms, which has less need of the credit, paying a lower effective price for the equipment.

These restrictions hit small firms, new firms, rapidly growing firms, and firms suffering from poor economic conditions. New firms usually do not incur any tax liability for the first few years they are in business since their revenues are low, but the only way they can increase revenues is to make significant investments, usually in assets which qualify for the investment credit.

The bill I am introducing would end these inequities and uncertainties by making the credit refundable. Under my proposal, the investment credit would be available to all firms regardless of size or tax liability. The firm would be eligible for a refund from the Treasury for the difference between the credit and the firm's tax liability for the year. Refundability insures the maximum imput into the economy during the time when such stimulus should be felt most directly.

Mr. Speaker, refundability is a concept which was endorsed by both the Ford and Carter administrations. The Reagan administration's attempt at back-door refundability was the fiasco known as tax leasing, which was essentially repealed last year. While I strongly supported the repeal of tax leasing, I still support its goal, and believe that a refundable investment credit is needed in today's economic climate.●

PUBLIC PRINTERS' RESPONSE

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. CAMPBELL. Mr. Speaker, I was disturbed to read an article from the New Republic magazine, published recently, entitled "Rebel Without a Case," which is about the Public Printer, Mr. Danford L. Sawyer, Jr., and his stewardship of the Government Printing Office. I am well acquainted with the reforms undertaken by Mr. Sawyer at the Government Printing Office, and I was dismayed to see how his valiant efforts to eliminate waste and increase efficiency had been distorted.

I sincerely hope that the information provided by Mr. Sawyer in his response to the editor of the New Republic, which follows, will finally bring to an end a controversy which events have long since left behind.

The article follows:

U.S. GOVERNMENT PRINTING OFFICE,
Washington, D.C., February 9, 1983.

Mr. MORTON M. KONDRACKE,
Executive Editor, the New Republic, Washington, D.C.

DEAR MR. KONDRACKE: You published in the January 31, 1983 edition of the New Republic an article by Dorothy Wickenden entitled "The Public Printer Goes Private. Rebel Without a Case." The article was highly critical of my stewardship of the Government Printing Office (GPO) and my efforts to bring cost-effective and efficient management to this 113-year-old agency. While I appreciate constructive criticism and strongly advocate the public exchange of ideas and beliefs, it is incumbent upon all engaged in such debate to be factually accurate and intellectually honest. Ms. Wickenden's article, however, failed on both counts. Although I do not intend through this letter to address all of Ms. Wickenden's misstatements and erroneous opinions, I feel that I must respond to the most egregious of them. As a public servant, I have an obligation to the American people to let them know the truth about the GPO.

Ms. Wickenden sets the tone and stage for her discussion by declaring that the Congressional Joint Committee on Printing (JCP) is "the final arbiter on personnel and budget matters" at the GPO and that the JCP must approve major policy decisions by GPO's sales division, the Superintendent of Documents. The JCP, however, has nothing to do with reviewing or approving GPO's

budget. The House and Senate Appropriations Committees have complete jurisdiction over GPO's budgetary matters. GPO's personnel system is regulated and administered by the Office of Personnel Management pursuant to the Civil Service Reform Act, and not the JCP. Furthermore, the law provides that the Superintendent of Documents is "under the control of the Public Printer." Had Ms. Wickenden bothered to review these well-known facts she might not have so badly mischaracterized the relationship between the JCP and the Public Printer.

On the matter of the proposed 6-day furlough of all GPO employees, the article states that I was somehow "insubordinate" in attempting to take that action. What it does not state is that the GPO's General Counsel, the Office of Personnel Management, and the Department of Justice all advised me that I had full authority to furlough GPO employees without the interference of the JCP. Nor does Ms. Wickenden reveal that the furlough was necessary to recoup projected—and since realized—losses in our printing and binding operation. In ordering the furlough, I had a choice to make. Since the law requires that GPO operate on a break-even basis, I had to reduce costs to attempt to avoid projected losses. I could have ordered either a reduction-in-force (mass firings), or furloughs. I chose to furlough all GPO employees for a total of six days over a seven month period, in order to lessen the impact on any individual employee and to avoid putting anyone out on the street. The furlough was a legally supportable, necessary, and reasonable action.

Throughout the article, references are made to my "stolid, apolitical predecessor", former Public Printer John Boyle. Ms. Wickenden quotes him repeatedly criticizing my efforts to solve many of GPO's problems. Mr. Boyle appears to believe that GPO has no real problems, and that I should have proceeded with business as usual. Mr. Boyle, however, seems to have a difficult time keeping his stories straight. On August 8, 1978, the Easton Express reported that:

"One of Boyle's most difficult problems is dealing with the political constraints' placed on the GPO by the Congress. For instance, *Boyle has warned the Congress that the substantially higher wages GPO labor receives compared to labor elsewhere in the printing industry is pricing the government out of the printing industry* and placing an unfair burden on the taxpayer.

But Boyle says Congress has resisted his efforts to cut costs by bringing wages more in line with productivity because it does not want to arouse the ire of the unions representing the workers." (Emphasis added.)

Indeed, just last year, Mr. Boyle stated before the Legislative Branch Subcommittee of the House Appropriations Committee that "[t]here are, right now . . . six to eight hundred too many people in the GPO on the rolls, as far as the present workload is concerned." Mr. Boyle went on to say that "the Public Printer's major problem * * * is not that he has a temporary furlough situation * * * it is the long range problem that there are too many people and not enough work. * * *" Who should we believe? Should it be Public Printer Boyle, private citizen Boyle one year ago, or private citizen Boyle today? Now Mr. Boyle denigrates my efforts to address GPO's most serious problems. Problems which he failed to solve and which he now so blithely dismisses.

Ms. Wickenden asserts that prior to my becoming Public Printer the "GPO had been doing fine," and that it had achieved "economies of scale in its Congressional printing that private printers couldn't hope to match." Neither of these statements are accurate. In Mr. Boyle's Easton Express exegesis he identified many of the problems—exorbitant wages, over-staffing, political pressures—which I have had to deal with in the last year and one-half. Mr. Boyle attempted to solve these problems by simply collecting more money from the Congress and all the Federal agencies which are required by law to use the GPO. GPO's inefficiencies were just passed on to the taxpayer. It was the easiest way out, but it was neither a permanent nor acceptable solution.

As to the "economies of scale" which Ms. Wickenden believes exist at the GPO, I would direct her to pages 208 to 215 of the transcript of legislative branch appropriations subcommittee hearing referred to previously. The transcript contains copies of internal GPO studies—although admittedly a small sample—which show convincingly that GPO prices for the jobs reviewed far exceeded the lowest private sector bid. The June 4, 1982 sampling indicates the GPO prices exceed the low commercial bid by 42 percent, 94.2 percent, 87 percent, 54 percent, 44.5 percent, 64 percent, 86 percent, etc. This result is inevitable if GPO just raises its printing rates to meet GPO's costs.

The article continues by drawing into question the accounting procedures used by the GPO and it quotes Mr. Boyle as stating, "Dan Sawyer uses an accounting method I wouldn't use in a poker game." I would respond to these allegations personally but I believe it would be more useful if the Comptroller General of the United States—the head of the General Accounting Office—did so. In a letter to me dated January 28, 1983, he stated:

"In our opinion, *the Financial Statements referred to above present fairly the Financial position of the U.S. Government Printing Office* as of *September 30, 1982*, and *1981*, and the results of its operations and the changes in its financial position for the years that ended, *in conformity with generally accepted accounting principles applied on a consistent basis.* (Emphasis Added.)

Who are we going to believe—Mr. Boyle, or the Comptroller General? In addition Ms. Wickenden quotes an alleged statement by a JCP staffer regarding a GAO review of GPO's monthly financial working documents. The GAO, however, never characterized these monthly documents in the terms allegedly used by the JCP staffer. The irony of this matter is that GPO—including Mr. Boyle who used the same documents—never intended that these monthly working documents be considered proper financial statements, but only internal working documents. The year-end statements were intended to be—and were according to the Comptroller General—proper financial statements. Had Ms. Wickenden really researched this matter she would have understood this distinction.

I could go on, page after page, taking issue with other misstatements and erroneous opinions, but let me just touch upon another couple of points.

The office renovation issue has been resolved, and very little can be added to my April 13, 1982 letter to Jack Anderson which Ms. Wickenden has read. It does need to be said however, since Ms. Wickenden failed to do so, that GPO's Inspector General, after a lengthy and thorough investigation concluded that no laws or General Services Administration decorating standards were violated. Moreover, the expenditures which may have exceeded those required for need and need alone were a very small fraction of the $234,000 quoted by Mr. Anderson, and Mr. Gaydos' $1 million figure has no relevance whatsoever in the matter.

I take particular exception to the manner in which Ms. Wickenden's article totally mischaracterizes GPO's new marketing efforts. For one thing, there are not ten political employees in GPO's marketing Division. The division is manned by two political appointees (one with twenty years of marketing experience and the other with an extensive television production background) and a number of career GPO employees, mostly transferred from other areas. The department has not launched a "$2- to $3-million 'multimedia blitz'" but rather was able to produce 15 radio, 9 television, and 17 print ads—at a cost of $33,000—for a public service announcement campaign. To put their efforts in perspective, just one 30 second television commercial would cost $35,000 to $60,000 if produced in the private sector. Indeed, the free airtime GPO has received from over 700 television and radio stations is conservatively estimated to be worth from $2 million to $3 million. We have also developed a new sales catalog which now produces a nine percent sales return, as opposed to GPO's old "selected list" which only generated a two percent return. The nine percent is 450 percent of the norm in the private sector.

Through these marketing efforts and better management of the sales program, that division made money last year, after three consecutive years of heavy losses. Your reporter completely dismisses this fact, and foredooms my efforts by quoting Mr. Boyle: "'It's been tried before. He'll be lucky if he recovers any money'." Did she bother to ask him who tried it before? It certainly wasn't Mr. Boyle. During his term as Public Printer and because of the policies he set in his last year, the Superintendent of Documents division lost more than $19 million.

On the issue of public access to information, I am at a complete loss to understand how Ms. Wickenden can say—in light of the marketing measures just described—that "the effort of GPO's new sales strategies . . . has been to restrict the public's access to government information." How can a new catalog and a public service advertisement campaign be meant to restrict public access? I have even requested that the JCP introduce legislation to allow GPO to give 40 percent discounts to bookdealers in order to get more Government documents into commercial bookstores. This will restrict access? Ms. Wickenden's flight of fancy here is just too much.

In general, Ms. Wickenden's characterization of the labor-management situation at the GPO is wide of the mark. Contrary to what she would have her readers believe, a number of very significant steps have been taken to improve labor-management relations. I have proposed and am actively seeking union support for a quality of worklife program, which should enhance the job satisfaction of GPO's employees. In addition, just last week, most of GPO's union members approved, by a 1,342-142 vote, a Master Contract covering conditions of employment at the GPO. This will standardize the conditions of employment for members of GPO's unions and will provide a uniform grievance procedure for all covered workers. I am extremely pleased that this agreement was reached, especially since it has been in the

works since July of 1978 and was at impasse when I became Public Printer. These actions—and results—should speak for themselves.

As I stated in the opening to this letter, the free exchange of ideas and beliefs is the cornerstone of our Government. However, Ms. Wickenden has sorely tested that concept by masquerading misstatement and opinion as fact. She has breached her obligation to her readers and the American public. I am certain that she would want to set the record straight.

Sincerely,

DANFORD L. SAWYER, Jr.,
Public Printer.●

CONGRESSIONAL VIGIL FOR SOVIET JEWRY

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. SABO. Mr. Speaker, as a participant in the Congressional Vigil for Soviet Jewry, I would like to bring the plight of Soviet Jews to the attention of my colleagues and the American people. It is clear that the importance of our vigil has grown in the last year. Our efforts must continue, helping to sustain the hope and courage of Jews who continue to face oppression and reminding the Soviets and the world that we are aware and care.

Last year, the gates of Jewish emigration from the Soviet Union were virtually slammed shut. The tragically low number of 2,688 Soviet Jews were allowed to leave, the lowest level since the current phase of emigration began in 1971. This is an alarming 3-year drop of 95 percent since the 1979 peak of 51,000. A crisis situation has arisen. Hundreds of thousands of Jews who want to emigrate face increasingly severe harassment and bureaucratic obstacles.

At the same time that the number of Jews allowed to leave the Soviet Union has rapidly diminished, the incidence and severity of discrimination against the Jewish population has grown. The denial of equal rights persists in education and employment, barriers to religious and ethnic expression abound, and propaganda promoted in the media prevails. Evidence indicates that Jewish young people are forgoing higher education because of discrimination. The controlled media is saturated with anti-Jewish propaganda. Perhaps the greatest outrage is the fabrication asserting that Jews collaborated with the Nazis and are to blame for the holocaust.

While all religions face difficulties under the repressive Soviet system, Judaism has been singled out for the harshest treatment. Synagogues have been closed, contacts with coreligionists are forbidden, and Jewish religious texts have been confiscated and cannot be distributed or published. Hebrew educational programs are also under attack. Because of this inability to pass on Jewish rituals and traditions to younger generations, the Jewish religion may face extinction in the Soviet Union.

Again this year, as part of the Congressional Vigil, I call your attention to the particular case of 72-year-old Abe Stolar, a retired translator from Moscow, his wife Gita, and their son Mikhail.

Abe Stolar's situation is unusual in one respect. He was born in Chicago, an American citizen. In 1931, following Stolar's graduation from high school, his parents took him to the Soviet Union, seeking work which could not be found during the Great Depression. Stolar never renounced his American citizenship and always carried a valid U.S. passport—until it was confiscated when he applied for an exit visa in 1974.

The Stolar family received exit visas in 1975, sold their apartment, and shipped their belongings to Israel, where they hoped to join Abe's sister Eva. But as they were about to board the airplane leaving the Soviet Union, they were stopped. Their visas were rescinded on the pretext that Gita had been doing secret work on her job as a chemical engineer.

When they returned to Moscow, the local housing authority put them in an unfurnished apartment belonging to someone else. They continue to be faced with possible eviction. Since 1977, Abe Stolar and his family have lived without proper clothing, beds, and the documents essential for life in the Soviet Union. Only after continued fighting were their pensions returned. Stolar's rights as a disabled World War II veteran have been denied. The Soviets refuse to register his family as aliens with the right to live and work, and 23-year-old Mikhail has been denied his right to work or study since he was 16. They also refuse to make any statement as to why they are denying the Stolars their visas, even though Gita's former employer has certified that she participated in no secret work and it has been 10 years since she has retired.

There are a multitude of other examples—documented cases of hardship, separated families, and persecution more severe than Abe Stolar's. The Helsinki Accords, which the Soviet Union signed, require respect for the rights of religious and ethnic groups. They also forbid governments from stopping people who want to emigrate and rejoin their families. Minority rights are also guaranteed in the Soviet Constitution, the International Covenant on Civil and Political Rights, and the Universal Declaration on Human Rights. The Soviet Union, however, increasingly ignores these agreements.

The persistence of an international drumbeat of outrage against Soviet human rights abuses will at least provide hope for the countless numbers of Soviet Jews who are trying to leave. The plight of Soviet Jews is one for which all Americans share concern, since the search for freedom, including respect for religious differences, is the cornerstone of our Nation. As representatives of the American people, we must continue to express our outrage and keep our vigil over this deplorable situation.●

COACH FERDIE KUCZALA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 1983

● Mr. YATRON. Mr. Speaker, it is a distinct privilege to bring to the attention of my colleagues in the U.S. Congress, the achievements of Mr. Ferdie Kuczala, who is retiring this year from the position of head football coach of the Conrad Weiser School District.

Ferdie Kuczala is the only head coach that Conrad Weiser has ever had. He has been with the Scouts for 15 seasons. Ferdie graduated from Reading High School in the class of 1954. He was an all-State football player while at Reading and he went on to attend Syracuse University as a George Manley scholar in recognition of his academic and athletic achievements. He was the quarterback of the Syracuse University team against Texas Christian University in the 1958 Cotton Bowl. He played with the great Jim Brown when he was with the Orangemen of Syracuse. After graduating from college in 1958, he taught and was the assistant coach in the Reading School District from 1958 to 1965. He then accepted a head coaching and teaching position at Northeast Catholic High School in Philadelphia. Ferdie returned to Berks County in 1968 to initiate the football program at Conrad Weiser School District.

He coached undefeated teams in 1973, 1981, and 1982. All 3 years his teams won the Intercounty League championship. At the completion of the 1982 season, Conrad Weiser, under his outstanding direction, enjoyed a consecutive winning streak of 20 games, the longest in the State of Pennsylvania in an AA school, and the second longest in the State for the PIAA classes. This team was invited to participate in the first postseason football district championships. Here they experienced their first loss in 2 years in a playoff game.

In 1981, Ferdie was elected Coach of the Year by the Intercounty League, comprised of his coaching peers. In 1982, he was again elected Coach of

the Year by the Intercounty League and in addition, was selected as Coach of the Year of Berks County.

In his 14 years of varsity coaching at Conrad Weiser, Ferdie's mark stands at 65-55-1, a .580 percentage. Coach Kuczala, who is retiring after 25 years of coaching will continue his career as an art teacher. He is a well-respected individual, widely admired, a man of principle and determination. He will be sorely missed by his players, his colleagues and by all who have been privileged to watch his teams play. He is one of those rare individuals who has devoted their life to service and excellence. I know that my colleagues will join me in commending Ferdie Kuczala on the outstanding job he did as a coach and his work with young people. He is a truly remarkable American and I know we all wish him well in all his future endeavors. Mr. Speaker, it has been my privilege to bring Coach Kuczala's achievements to the attention of this body.●

McCARTHYISM—THE FIGHT FOR AMERICA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. McDONALD. Mr. Speaker, it will be 26 years this coming May 2, that Senator Joseph R. McCarthy, the most victimized subject of disinformation, slander, and outright lies, died in Bethesda Naval Hospital. Since his death, the disinformation, lies, and slander, continue.

Roy M. Cohn, now a top notch attorney in New York, was formerly Senator McCarthy's chief counsel. Recently, he came to Washington to testify before the House on the matter of guilt or innocence of Julius and Ethel Rosenberg. Most remember that it was the Rosenbergs who were convicted of giving our highest atomic secrets to the Soviet Union, which the sentencing judge stated that their crime was worse than murder. During the trip to Washington, Mr. Cohn was interviewed by Tom Diaz of the Washington Times, which interview was later carried in the February 12, 1983 issue of Human Events.

Writers of the Washington Post, such as Haynes Johnson, only recently took on Roy Cohn in one of his columns, and true to his journalistic course of misinformation or just plain stupidity or lack of search of any semblance of truth, comes along and talks of all the innocent victims of Joseph McCarthy. We owe it to Roy Cohn and others who are dedicated to setting the record straight.

I think my colleagues will be interested in this interview with Mr. Cohn, not only to set the record straight on the guilt of the Rosenbergs, but as well, the victimization of Joseph McCarthy. Two items stand out in this interview with regard to both the Rosenbergs and McCarthy. It is indeed interesting that the lawyer who defended the Rosenbergs, Mr. Cohn remembered, was more than convinced that they had received a fair trial. On the matter of McCarthy, Roy Cohn asks the question which he has asked for years with regard to the innocents that were victims of McCarthy: "Name one."

In sharing this interview of Roy Cohn, for the benefit of my colleagues, and so other Americans may begin to know the truth, I join with Roy Cohn in querying to find one victim of the late patriot, Joseph Raymond McCarthy: Name one.

The article follows:

[From Human Events, Feb. 12, 1983]

COHN ON THE ROSENBERGS, McCARTHY AND DEATH PENALTY

(By Tom Diaz)

(Roy M. Cohn is a senior partner in the New York law firm of Saxe, Bacon and Bolan. A colorful, outspoken and tough advocate, he has been at the center of controversy since his service as Chief Counsel to the Senate Permanent Investigations subcommittee chaired by the late Sen. Joseph R. McCarthy in 1952 and 1953.

(Cohn also was a principal member of the team which successfully prosecuted Julius and Ethel Rosenberg in 1951 for their part in a conspiracy which transmitted atomic bomb secrets to the Soviet Union. The Rosenbergs were executed at Sing Sing prison in New York in 1953 for their part in the conspiracy.

(Cohn testified in December before the House Subcommittee on Criminal Justice, chaired by Rep. John Conyers (D.-Mich.), on the guilt of the Rosenbergs and the fairness of their trial and appellate review. He was interviewed by telephone by Washington Times writer Tom Diaz. The interview is reprinted with permission from the Washington Times.)

Q: You testified recently before Congressman John Conyers' House Subcommittee on Criminal Justice, and expressed a very strong opinion about the guilt of Julius and Ethel Rosenberg. Is there no room for a reasonable doubt?

A: No. Absolutely none. Looking back on my days as a prosecutor, there are things today I don't like very much, things which 25 years later I have reservations about. I don't like multiple defendants, for example, and I think grand juries have lost some of their role of independence.

But never about the Rosenberg case.

I pointed out in my testimony that the most extensive study of the Rosenberg case was done by Louis Nizer. Now, you know, he's a liberal lawyer who does nothing but defend extreme liberals before congressional committees and so forth. But he wrote a 600-page book, *The Implosion Conspiracy,* in which he concluded that the Rosenberg jury had overwhelming evidence from which it was perfectly entitled to return a verdict of guilty.

The whole fallacy in the Rosenberg case is that everybody does a job on it, all the public ever hears is one side of the story. Almost never do they get before these hearings someone who will defend the American system of legal justice, or present the anti-Communist point of view.

Take, for example, a "docu-drama" recently put out by Tele-France. These docu-dramas are so ridiculous because there is no resemblance to reality. The one put out by Tele-France has an extensive cross-examination of Harry Gold (a government witness in the Rosenberg trial) by the defense counsel, and it shows Gold being destroyed on the witness stand.

The truth of the matter is that Gold was never asked one question on the witness stand under cross-examination by any defense counsel. They knew the guy knew his facts thoroughly. And, unlike most criminal cases, he had already been sentenced [for his part in the conspiracy]. So they couldn't make the usual accusation that he made a deal not to go to jail.

In all of these biased discussions of the case they leave out the devastating fact that the Rosenbergs' lawyer, after the trial and the jury verdict was in, thanked the court for a completely fair trial. Well, if the lawyer who was hired by the Rosenbergs and who sat through the whole trial and says afterwards there was a fair trial, where does all this stuff come in? It comes in from people who weren't there and don't have the remotest idea of what the actual trial setting was.

The second point they always leave out is that the judges who have passed on the case have for the most part been extremely liberal judges, with no sympathy for the prosecution.

Q: Why does the question of the guilt of the Rosenbergs keep coming up, then?

A: Well, in the case of Conyers' committee, it's obviously because they're trying to use it as a vehicle to try and eliminate those provisions in federal law which permit capital punishment.

I must say, though, that my treatment by Chairman Conyers was courteous and understanding. I was given the opportunity to knock down every one of the Rosenberg lies.

Q: But what about the broader question—why does the Rosenberg case continue to pop up on every significant anniversary?

A: It's like the anti-nuke marches. These things contain a good number of people who think they are really serving the cause of peace, when they are actually fouling the cause of peace. What they are really urging is unilateral disarmament by us, which would leave the whole world at the mercy of the Soviet Union with its nuclear military superiority.

Q: You also have some strong views about the desirability of capital punishment, do you not?

A: My view represents the view of the overwhelming majority of people in this country. I'm for capital punishment.

First of all, I totally believe in its deterrent effect. It is ridiculous to say that the prospect of death is not a deterrent for those who know they would otherwise face only life in prison, which they also know means only a few years before they are back on the street again. You don't need 13 sets of statistics to show that capital punishment is a deterrent in premeditated murder or murder for money and drugs.

Number two, if someone is convicted in the few number of areas in which we wish to impose capital punishment, what right do they have to keep going on? The prospect of them merely going to jail is an open door to them killing again. Take the guy Norman Mailer got out of jail. He's out for two weeks and he murdered someone else. Some-

body who deliberately murders a law enforcement officer, or an old person in a mugging, or in a hostage situation, doesn't deserve to live, on that basis alone.

The third thing is, why should the taxpayers of the United States be saddled with approximately $40,000 a year to support someone who has committed a brutal murder? That person doesn't belong around any more.

Q: You have called our criminal justice system "a beacon, a light that gives hope to the rest of the world." But there are those who think the system is in trouble.

A: I think that's true. I didn't say the system is perfect.

Q: What reforms, if any, do you think ought to be made?

A: As a general policy, much more attention should be given to crimes of violence, such as murders and rapes and hijackings, and to heavy drug traffic, than to the so-called "white collar" crimes involving tax evasion and so forth.

The criminal justice system is going crazy in devoting too much of the taxpayers' money and too much manpower to these white collar crimes, and deflecting resources away from what is a far greater menace to this country and its freedom and the welfare of its people: crimes of violence and the sale of hard drugs.

Q: Congressman (George W) Crockett (D.-Mich.) and you exchanged some words during the Conyers hearing on the subject of an atmosphere of "hysteria" during the Rosenberg trial. What was that all about?

A: Crockett walked in about an hour after the hearing started and said, "I wasn't here, but I want to say that it was the 'witch hunt' of the McCarthy campaign that created the hysteria that made it impossible for the Rosenbergs to get a fair trial."

I was glad he brought that up. The fact of the matter is the Rosenberg trial took place three years before the McCarthy committee ever came into existence or was even dreamed about.

Q: Well, this word "McCarthyism" is used frequently and has become an abstraction to people who weren't even born in 1953. Is there such a thing as "McCarthyism"? Were there excesses? Would you do anything differently today?

A: Not really. There are other periods of my life in which, sure, there are things I would do over. You don't get 25 years older, and you yourself get to be a defendant—although a successful one in my case—three times without changing your views.

But, so far as the McCarthy thing, no. Because I believe strongly in his basic premise, and I do to this day.

This basic premise was that, having defeated Hitler and Naziism, we were up against a new "-ism," which was as much as a threat to the free world. How can you sit back 25 or 30 years later and look at the course of history and say he was wrong?

Look at what happened to Korea, look at Berlin, look at Soviet suppression of Hungary and Czechoslovakia, look at the brutal and unwarranted invasion of Afghanistan, look at the crushing of Solidarity. Look at the headlines coming out of Great Britain every day. There's one highly placed Soviet spy after another who was worked into a top position in British intelligence circles. How can you look at that mass of evidence and say that Sen. McCarthy was wrong in his basic thesis?

We are faced, unfortunately, with the overwhelming vindication of him by the history of Communist conduct over the last quarter of a century. His detractors have to fall back on picayune things about whether he drank and had a liver condition, usually with a total distortion of the facts.

They talk about the innocent people he destroyed. I have yet to have them give me one name. I have a standard answer—"name one." They usually come up with someone who came before some other committee, or Hollywood, or something which was never the focus of a McCarthy investigation.

There is something these critics don't realize. When you're in Washington or New York, you're talking to the wrong people. When I get out to middle America, I find tremendous support for what Sen. McCarthy did in his early-warning system about communism and what it stands for. I find people seeing through some of these movements. They're not as gullible today to Communist propaganda as they were in days gone by.

Q: It sounds as if you are optimistic about the internal awareness of the American people.

A: I'm not totally optimistic. You have to fight off things like the overplay of the nuclear freeze movement. They brag about the fact that 750,000 people marched in a sheep meadow in New York in June and half-a-million in Bonn. Well, they're trying to turn that into a propaganda tool against the United States, when anyone who knows the first thing about past and modern history knows that these things are playing right into the hands of the Soviet Union and do not represent what the majority of the American people think.●

PENSION EQUITY FOR WOMEN

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. SEIBERLING. Mr. Speaker, I was gratified to hear President Reagan indicate his support for legal and economic equity for women in his state of the Union address. The President said that, "We will take action to remedy inequities in pensions."

The President's support for pension equity for women is encouraging, since there are serious abuses which require correction. I am introducing two bills today addressing two such areas. One bill would undo the damage to divorced and separated women caused by the Supreme Court's 1979 decision in the case of Hisquierdo against Hisquierdo, where the Court ruled that a divorced wife has no ownership interest in her former husband's pension under the Railroad Retirement Act of 1974. The second bill provides that pension plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) must obey court orders dividing the pension benefits in a community property settlement, or attaching the pension for alimony or child support. Because ERISA section 206(d)(1) (26 U.S.C. 401(a)(13) and 29 U.S.C. 1056(d)(1)) provides that "benefits provided under the plan may not be assigned or alienated," and because ERISA preempts State law, many pension plans have with impunity ignored State court orders attaching pensions for the support of dependent wives and children.

In the Supreme Court case, Jess Hisquierdo sued his wife Angela for divorce in 1975, after 14 years of marriage during which she was a homemaker and he a worker for the Atchison, Topeka & Santa Fe Railway. Reversing a lower court, the California Supreme Court ruled unanimously in 1977 that Mrs. Hisquierdo was entitled as a matter of ownership under California's community property laws to half his pension benefits attributable to his labor during their marriage. On January 22, 1979, in a 7-to-2 decision, the U.S. Supreme Court reversed the California Supreme Court, holding that section 14 of the Railroad Retirement Act of 1974 (45 U.S.C. 231m) protects railroad retirement benefits from legal process "notwithstanding any other law * * * of any State."

Congress did not intend this result from ERISA, the Railroad Retirement Act, or any other Federal law, and we have responsibility to speak unequivocally on this point. Marriage is an economic partnership, and Congress should recognize that fact by establishing joint worker-spouse ownership of Federal pensions. At the very least, we should not frustrate the laws of those eight States which have established a community property interest.

Congress has made some strides in this area in the past few years. The 95th Congress passed legislation to permit the attachment of civil service pensions under the terms of any court order or court-approved property settlement agreement incident to divorce proceedings. The 96th Congress extended similar treatment to Foreign Service pensions, and the 97th Congress extended it to military pensions.

The bills I am introducing would apply these principles to private pensions covered by ERISA and to railroad retirement pensions. They are not only fair and just for the parties involved, they are fiscally prudent, because they provide a source of support for those who might otherwise have none and have to turn to public assistance. I am hopeful that, with the President's support, they will receive prompt attention in this Congress.●

ENERGY CONSERVATION DAYLIGHT SAVING ACT OF 1983

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. MOORHEAD. Mr. Speaker, I am pleased to join with my good friend, Chairman DICK OTTINGER, to

introduce the Energy Conservation Daylight Saving Act of 1983. This legislation is identical to the bipartisan bill which the full House passed last Congress by a consensus vote of 243 to 165.

Section 3 of the bill amends the Uniform Time Act of 1966 by advancing the daylight saving time starting date from the last Sunday of April to the first Sunday in March. It also provides for the continuation of State exemptions and partial exemptions for States with parts in more than one time zone.

Section 4 of the bill provides the Federal Communications Commission with the authority to grant variances with respect to the hours of operation of daytime AM radio stations and their operating power levels. This section carefully protects State exemptions and directs the FTC to take necessary steps to protect daytime AM radio stations affected by the sunrise. I expect the FCC to fully exercise its authority under the section 4 mandate to insure the smoothest possible operation of daytime AM radio stations.

Section 5 of the bill makes the act effective on the date of enactment unless that date occurs in any year after March 1, in which case the act takes effect the following year.

I have for several years introduced and supported legislation that reasonably expands daylight saving time. The Daylight Saving Act of 1983 will conserve daylight hours by extending daylight saving time to 8 months from the present 6 months. A March-to-October daylight saving time period would make more efficient and symmetrical use of longer daylight days by providing an equal number of longer daylight days on either side of the summer solstice. The introduction of March and April to daylight saving time will extend the benefits we are presently experiencing in September and October. This bill provides us with a potential of an electricity savings of approximately 100,000 barrels of oil equivalent per day during the months of March and April. That represents a net decrease of approximately 1.03 percent in total U.S. electricity consumption.

Unlike some energy conservation measures, this is one that will not require an army of bureaucrats to enforce. It will not impose a mandatory regulatory scheme permeated with redtape that adversely affects economic productivity on the taxpayer. This conservation program will not require additional funding and overhead at the Department of Energy.

In addition to the energy savings, our legislation may very well have the following positive effects: First, a reduction in traffic accidents. This could mean 200 fewer traffic fatalities in the United States; second, a reduction in violent crime; third, more daylight recreation time; fourth, expanded economic opportunity through extension of daylight hours to peak shopping hours; and fifth, as the Retinitis Pigmentosa Foundation indicates, this legislation will provide welcome relief to those with visual handicaps. For all of these reasons, the following organizations and Government agencies have strongly supported the passage of this bill: The International Council of Shopping Centers, International Association of Amusement Parks and Attractions, the Southland Corp., the National Association of Convenience Stores, the Retinitis Pigmentosa Foundation, Taft Broadcasting, Inc., the city of Los Angeles, the Department of Transportation, and OMB.

We have very carefully looked into the matter of schoolchildren waiting for school buses in the morning under the expanded daylight saving period in accordance with our bill. Studies conducted by the Department of Transportation and the National Safety Council indicate that under daylight saving time in March and April, school-age children are not subject to greater involvement in accidents than the general population in any period of the day. Since the amount of daylight hours in March and April are essentially the same as the daylight hours during September and October, there is no reason to believe that the additional 2 months provided for under this legislation would have any adverse consequences. Few people object to daylight saving in September and October under present law. The evidence clearly shows that the American public is behind a reasonable expansion of daylight saving time. Reliable polls have confirmed this information. Newspapers across the country, from the New York Times to the Los Angeles Times, have editorialized in favor of this legislation.

I urge my colleagues to join with Chairman OTTINGER and myself in supporting this important legislation.●

THE CONSPIRACY TO ASSASSINATE POPE JOHN PAUL II

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. RINALDO. Mr. Speaker, it is hard to imagine a more vile act of terrorism than the attempted assassination of His Holiness, Pope John Paul II, on May 13, 1981. It is by now quite clear that the terrorist convicted by the Italian Court did not act alone.

On November 25, 1982, the Italian authorities arrested the station chief of the state-run Bulgarian airline, whose office is in the Bulgarian Embassy in Rome, for complicity in the assassination attempt. The Italians are also seeking two Bulgarian Embassy employees who fled to return to the protection of the Bulgarian Government.

The Italian Government has demonstrated singular courage in pursuing this investigation, without very much assistance from other nations whose interests may well be involved in the circumstances surrounding the assassination attempt. Because of the known fact that the Soviet KGB, the Committee for State Security, closely controls the Burgarian secret intelligence service, which in turn carefully supervises Bulgarian nationals overseas, the Italian investigation has heightened tensions between these countries. The Italian Defense Minister in fact has publicly described the attack on the Pope as an "act of war."

According to President Reagan, the Italian Government was exemplary in its investigation of the kidnaping of Gen. James L. Dozier. Italy has been fearless in its efforts to combat international terrorism; she deserves American support.

I have accordingly introduced a resolution commending the Italian Government for its investigation of this crime. This resolution also calls on the Bulgarian and Soviet Governments to afford their full cooperation to the Italians in their efforts. As Premier Fanfani has said, the papal assassination conspiracy may well have been the "gravest act of destabilization the world has seen for 60 years." Political leaders in the free world must learn whether they are being threatened by terrorism sanctioned by unfriendly governments.

The significance of this concurrent resolution is twofold. First, it demonstrates that the American people have a vital interest in uncovering the truth concerning this conspiracy. Because of our interest, potentially extending far beyond the isolated event itself, the Congress reserves judgment on the matter until all the facts are in.

Second—as has just been demonstrated again by the Israeli Government's special investigation of the Palestinian massacre—democracies like the United States, Israel, and Italy have institutions for uncovering the truth about criminal acts, even when the truth touches their own political leaders. The civilized peoples of the world are certainly entitled to demand that the undemocratic governments of Bulgaria and the Soviet Union cooperate with the Italian Government in getting to the bottom of this outrageous crime.

In conjunction with this topic, I would like to include a word of praise for the American electronic and print media, which have been acting in accordance with their responsibilities under the first amendment to keep our people informed of developments

and commenting on this unprecedented act against humanity. It seems to me that without the help of the media, no other official or unofficial source would be making information available to us.

The National Broadcasting Company in particular has been carrying out its own investigation and reporting periodically on its results. The following is the conclusion of NBC's update on "The Man Who Shot the Pope: A Study in Terrorism," which was aired on January 25, 1983. I include this text because it points out the lack of cooperation so far given by the Government of Bulgaria.

[From "The Man Who Shot the Pope: A Study in Terrorism"—Update, January 25, 1983, by National Broadcasting Co., Inc.—Narration by Marvin Kalb]

The investigation into the attempt on John Paul's life has mushroomed into a major international problem. For a while, the Vatican quietly helped the investigators, pointing to leads in Eastern Europe. Now, with these leads being actively pursued, the Vatican feels it can safely retreat into ecclesiastical silence. Its works is being done by others. * * * He has said little, traveled much—to the United States, Turkey, West Germany, Switzerland—untangling a web of conspiracy that has its roots in Bulgaria.

Omer Bagci, a Turk who helped Agca with the gun. He was arrested in Switzerland last summer, held at the Regensdorf Prison near Zurich, until, at Martella's request, he was extradited to Rome on October 16, 1982.

Musa Cedar Celebi, another Turk implicated with Agca in the Papal plot. He was arrested by West German police on November 3rd, extradicted to Rome on January 14th. He's now confessed to having dealt with Agca.

Horst Grillmeier, an Austrian arms smuggler, involved in getting the gun to Agca. He was arrested on Janaury 11th, charged with smuggling new Soviet weapons across the Czechoslovak border into Austria. He is being held in the Korneuberg Prison outside of Vienna.

This stunning string of arrests and extraditions angered and alarmed Bulgaria and the Soviet Union. Both denied any involvement in the Papal plot. On December 17th, what rarely happens in Bulgaria, happened. Foreign correspondents were invited to a news conference.

Present for questioning were Bekir Celenc, the Turkish smuggler accused of having bankrolled the plot. Italy had issued a warrant for his arrest on October 26th. The Bulgarians put him under police custody on December 9th. Celenc posed as a hurt, angelic innocent;

Zhelyo Kolev Vasilev, former aide to the Bulgarian Military Attache in Rome, fingered by Agca, along with Antonov, as an active accomplice in the plot. He, too, professed outrage and innocence;

And Todor Stoyanov Aivasov, described as a financial officer at the Bulgarian Embassy. He had diplomatic immunity, and could not be arrested.

These Bulgarians were known to Agca only by code names. He identified them from a batch of 56 photographs provided by Martella.

Bulgaria bombarded the correspondents with pamphlets, denials and explanations—charging in the process that if anyone was responsible for plotting to shoot the Pope, it was the C.I.A.

The Soviet Union, under its new leader, Yuri Andropov, for 15 years chief of the KGB, added its own wrinkle to Bulgaria's attack, directly accusing the Pope of "subversive" activities in Poland, by creating the Solidarity Trade Union.

On December 20th, Italy counterattacked. Cabinet ministers addressed a special session of Parliament. The Defense Minister called the attempted assassination "an act of war," explaining that in his view, it was an alternative solution to invading Poland.

The Interior Minister charged that Bulgarian diplomats, agents and tourists were involved in the assassination plot.

But if Bulgaria was involved, as asserted, what about the Soviet Union? Roberto Palleschi, number two man in the Italian Foreign Ministry, added up the evidence and concluded that the KGB masterminded the plot.

ROBERTO PALLESCHI (OC) (VOICE OF TRANSLATOR)

I am saying that if the Bulgarian services are involved, they are doing it on behalf of the secret services of the Soviet Union.

Four months ago, we concluded our original report by saying the evidence suggests that either the Russians hatched the plot against the Pope, as one desperate way of containing the crisis in Poland; or, at a minimum, they knew about it, and did nothing to stop it.

The evidence now is even more persuasive. And yet, in this matter, the Reagan Administration is etching no profile in courage, allowing Italy to stand alone against the fury of the Soviet Union.

Indeed, some key aides of the C.I.A., both here and in Washington, are actively discouraging American newsmen and Italian investigators from pursuing their obvious leads. Why? Surely not because they believe the Russians are innocent. Part of the explanation lies in the ironic fact that many in the United States and Western Europe would rather not be provided with proof of Soviet complicity at this time. In their minds, that could shatter hopes for detente, trade and arms agreements. It really shouldn't because this has never been an either/or proposition. Still, the attempt on the Pope's life was a special evil form of state-sponsored terrorism, with grim implications. The continuing investigation here has the potential of a time bomb ticking away in a corner of East-West relations.●

THE NATURAL GAS IMPORT POLICY ACT OF 1983

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. CORCORAN. Mr. Speaker, for the benefit of our colleagues, I would like to enter into the RECORD the text of the Natural Gas Import Policy Act of 1983. I introduced this bill earlier today with Congressman HOWARD WOLPE and several other distinguished cosponsors.

H.R. 1441

Be it enacted by the Senate and House Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Natural Gas Import Policy Act of 1983".

GENERAL RULE

SEC. 2. (a) Effective beginning 270 days after the date of the enactment of this Act, any order authorizing the importation of natural gas which was issued pursuant to section 3 of the Natural Gas Act prior to such effective date shall be suspended with respect to any natural gas entering the United States on and after such effective date unless and until the applicable requirements of section 3 of this Act have been satisfied.

(b) The suspension under this section of any order shall not affect the rights of any person to apply for another order under section 3 of the Natural Gas Act for importation of natural gas. However, any such order shall be issued on the basis of the facts, circumstances, and law applicable at the time of such application.

ESTABLISHMENT OF MARKET-ORIENTED PRICES FOR NATURAL GAS IMPORTS

SEC. 3. (a) In the case of natural gas produced in a foreign country and imported to the United States pursuant to any contract covered by an order described in section 2, the requirements of this section shall be considered satisfied at such time as—

(1) the price and terms of the contract applicable to such importation have been renegotiated by the exporting and importing parties, notwithstanding any policy regarding uniform border prices, to be responsive to the then current market for natural gas and to be responsive to periodic changes in the demand for natural gas during the duration of the contract, and

(2) the renegotiated contract, and tariff adjustments to reflect any cost savings achieved by the renegotiation, have been filed with the Secretary of Energy and the Federal Energy Regulatory Commission by the importer.

(b) For purposes of section 3 of the Natural Gas Act, the renegotiated price and terms of any such contract shall be considered to meet the requirements of section 3 for the unexpired portion of the contract term which was provided for under the contract at the time the importation was authorized under such section 3.

RECOVERY OF TERMINAL OR ATTENDANT FACILITY COSTS IN CONNECTION WITH ALGERIAN NATURAL GAS

SEC. 4. In the case of any terminal or attendant facility located in the United States and constructed for the importation to the United States of Algerian natural gas the authority for which is suspended by section 2 of this Act, the Federal Energy Regulatory Commission shall permit recovery of the costs prudently incurred in connection with the construction of such facility to the same extent and in the same manner as if such facility were used and useful for the importation and transportation of natural gas (without regard to the suspension under this Act of importation authority). The Commission may not permit any rate of return on such costs.

NATURAL GAS TO INCLUDE LIQUEFIED NATURAL GAS

SEC. 5. For purposes of this Act, the term "natural gas" includes liquefied natural gas.●

AMERICA HAS RUN OUT OF MONEY, RUN OUT OF TIME

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. PAUL. Mr. Speaker, convinced as I am that Washington politicians and pundits alike are out of touch with the thinking of most Americans, it does not come as a complete surprise to me that our local and regional newspaper columnists often have a great deal more to say about the direction of our country than some of the more widely syndicated and better known of our commentators. I would like to draw your attention to the work of what I consider one of the most astute observers on the contemporary scene today, Mr. Lynn Ashby of the Houston Post. I would like to share with my colleagues one of his most outspoken and toughminded essays, which says a great deal more, I think, than probably 90 percent of the other columns written today. Seldom have I seen such a forthright and accurate assessment of our national malaise. The column, "America Has Run Out of Money, Run Out of Time," follows:

[From the Houston Post, Feb. 10, 1983]

AMERICA HAS RUN OUT OF MONEY, RUN OUT OF TIME

(By Lynn Ashby)

It is there. It is there for the thickest among us to see. It is ever so clear. It is what we are doing to ourselves.

What is happening is not the possession of any political persuasion, not the baggage and garbage of any one group. Both parties shun it from the beginning of the campaign to the end, which is chiefly why we are in what we are in.

A mess. A mess that will get bigger and bigger, despite a few upswings, until it falls down upon us like the house of cards it is. And then everyone will run around saying to everyone else, "Why weren't we warned?" Next, of course, comes the blame-throwing.

But I get ahead of myself. Let us look at things, not as we wish them to be, but as they really are:

As a nation, we are spending more than we are making.

We have borrowed from the past, the present, and now far into the future.

Some, not all, of our labor unions have wrested massive wages for the rank-and-file that are clearly too much. The auto workers, the steel workers, the camera and television assembly line workers, have brought such unrealistic wages upon themselves that, after the short run, they have simply priced themselves out of the market and out of a job.

Management in this country in many cases is dreadful. Braniff, Penn Central, Chrysler, and on and on. Six-figured incompetents running multimillion-dollar companies into bankruptcy while salting away their own pensions. I'm all right, Jack.

Our military is overpaid. No nation on Earth takes such good care of its men in uniform as we do. Oh, they love to wallow in self-pity, but stack up our pay against any other nation's. Worst of all, we spend too much on our veterans. I could now be retired from the service and drawing a fine pension. You would be taking care of me until the day I die and then you would pay to bury me. There is no reason for that, for I am in fine shape, and so are so many millions of others who milk the mother breast of the U.S. Treasury, all the while preaching about free enterprise. They are on the dole, and don't let them tell you differently.

No nation in time of war has spent as much on the military as we are in time of peace. We are underarmed? Show me a general who ever said he had too many troops. Show me an admiral with too many ships. The military expenditure is a bottomless pit. It is never enough.

Maj. Gen. "Red Mike" Edson, holder of the Medal of Honor and two Navy Crosses, leader of the feared and famous Edson's Marine Raiders in WWII, retired from the service in disgust. And wrote: "I am a military man and proud of it. But when we reach the point where the military are directing, rather than supporting, our country's policies, we are far along the road to losing what this country has always stood for."

Our tax structure is a laugh. It is getting so that the richer you are, the less you pay. Washington, D.C., is Loophole City. I doubt there is a line on the U.S. tax form that was thought up by any member of Congress. No, it was prepared by some $250,000-a-year lobbyist-lawyer who packaged and presented it to a congressional committee, probably with some perfectly legal and totally immoral campaign funds. Bingo, it is law. So now you can deduct your apple orchard.

There will always be rich and there will always be poor, but we have decided against that. We wish to make everyone at least middle class. By doing this, we have so saddled the middle class with burdensome taxes that, labels aside, they are as worn and poor as we can make them. The American middle class is supporting this nation, and that tired burro is just about to turn belly up.

Social Security is not a federal pension program. We are trying to make it that, but it was never intended to be and was never taxed to be. "I can't live on my Social Security check," they say. The unvarnished answer is that they are not supposed to. They never saved a dime, they never invested, never entered into their company's pension program, but at age 65 they say, "OK, America, take care of me." We can't.

Not that we don't want to. Not that we don't want to feed the poor and clothe the naked and build the battleships. We want to, but we can't. The heart is not empty, but the wallet is. We still have our good intentions, our love for humanity and regard for human life, but the rubber band can only stretch so far. Then it snaps. It breaks. Then there is all hell to pay because we have not paid attention. And the truth is that the rubber band is just about to snap. Thus the silly, shallow promises of spineless politicians bent only upon their re-election are going to go unfulfilled.

This is not a placard of "The End is At Hand." I am simply pointing out the obvious. As a nation, we have run out of money and we have run out of time. We have promised too much, or at least we keep electing those who do. We have refused, absolutely refused, to look at the situation as it really is. So, in our very lifetime, the most glorious, most magnificent, most prosperous and beautiful government ever devised by mankind has become bankrupt.

Why? Well, let me give you an example. When you voted for Mark White, you knew way down deep that by pulling that lever your HL&P bill would not go down. His promises were transparently empty. But, what the heck, it was worth a try, right? So that is the lever you pulled. He told you what you wanted to hear. They all do, so there's no reason to point to any one candidate. And you bit. So who's to blame?

A leader who tells us the truth and nothing but the truth would not be a leader. A blood, sweat and tears speech would be drowned out by the promises of a brighter tomorrow. We listen to those who tell us what we want to hear. But the truth is quite another thing: The truth is that we have deliberately deluded ourselves into thinking this circus can go on forever. The truth is that it won't. And every sign is there for anyone who cares to see—our economy is crumbling. Not from war or corruption or class struggle, but from trying to make 2 plus 2 equal 5.

It would take the kind of gumption we have not seen for a politician to say, "Farmers, if you can't sell it, don't grow it, for we can no longer afford you. Students, if you don't have the money to go to college, the awful truth is, you must get it the old-fashioned way. Israel, we can no longer afford you. Mexico, we can no longer take care of your millions of unemployed who go north, any more than Canada could take care of ours. Germany and Japan, if you want the U.S. military to protect you, then you'll have to pay for it, just as you would make us, were the boot on the other foot."

We wish we could. We have done these things for years and would like very much to keep on doing them. But we can't anymore. Sorry, we just can't. And like it or not, that's the truth.●

POSTAL REVENUE FOREGONE SUBSIDY

HON. WILLIAM (Bill) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. CLAY. Mr. Speaker, this week the administration took advantage of one more opportunity to strike still another blow against its so-called safety net for the poor, the sick, the aged, minorities, and others by proposing to reduce the postal revenue foregone subsidy from $789 million to $400 million—by almost 50 percent.

The postal revenue foregone subsidy provides reduced postal rates for third-class nonprofit religious and charitable organizations such as churches, the American Red Cross, the United Way, the American Kidney Foundation and the United Negro College Fund; second-class nonprofit publications such as veterans and labor publications; classroom publications; libraries; and small in-county newspapers.

Under the Postal Reorganization Act of 1970, the revenue foregone subsidy for fiscal year 1984 would be $1.1 bil-

lion. Under the 1981 Reconciliation Act, $760 million was authorized for revenue foregone. Fortunately for fiscal year 1983, the 97th Congress rejected the administration's recommendation and prudently appropriated $789 million for revenue foregone. Now, the administration would continue its war against the poor and middle-income people by almost reducing this subsidy, by more than 50 percent, to $400 million.

Mr. Speaker, on the one hand, this administration has initiated a high-priced publicity barrage to sell the fiction that it is sensitive to the needs of the poor and the disadvantaged. On the other hand, the administration justifies this unconscionable decrease in revenue foregone by contending that users—the poor and disadvantaged—should bear this burden. Frankly, Mr. Speaker, this is nonsense.

Let us take a look at the impact of the President's proposals upon these organizations which serve the poor, the sick, the aged, the disadvantaged, and minorities, among others:

RATE IMPACT

Type of mail	Present rate (cents)	President's proposed fiscal year 1984 (as of Oct. 1, 1983; cents)	Percentage increase
Classroom publications	6.7	13.6	+103
3d-class nonprofit fundraising letter:			
5-digit presort	4.3	7.6	+77
Required presort	5.2	8.9	+71
2d-class nonprofit publications (labor, veterans' publications)	6.6	8.7	+32
Library (2 lb book)	47.0	73.0	+55
2d-class in-county rural newspapers	3.6	7.1	+97

Under the Postal Reorganization Act of 1970, these organizations were to gradually assume their fair share of postage rates over a 16-year period. They should now be at step 11 of the original 16-year phasing schedule. Instead, because of appropriation cuts urged by the administration, over the past 2 years, they are now at step 14. If the Reagan budget figure of $400 million is enacted into law, reduced rates will go beyond step 16 because the Postal Service is required by law to increase rates to compensate for any shortfall of appropriation.

Mr. Speaker, as chairman of the Subcommittee on Postal Operations and Services of the Committee on Post Office and Civil Service, I intend to study the impact of these insensitive proposals upon not only affected groups but upon the individuals who benefit by their services.●

RABBI DOV GREENBAUM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. GILMAN. Mr. Speaker, last year many of us were saddened at the passing of a very close and dear friend—the noted scholar, educator, and community leader, Rabbi Dov Greenbaum. Not only the Yeshiva of Spring Valley in my congressional district still mourns his loss, but personal friends and community leaders regard his loss as a tragic event.

Rabbi Dov Greenbaum was one of the most beloved and well respected educational leaders in our Nation, dedicating his life to the establishment of a Jewish parochial educational system throughout the country. His life and his legacy represent the ideals of dedication to G-d and his fellow man which were the hallmark of Rabbi Dov Greenbaum.

He was born in Czechoslovakia in 1918 and emigrated to the United States in 1926 receiving his education at Mesifta Torah Vodaath in Brooklyn. Ordained by Rabbi Solomon Heiman in 1941, Rabbi Greenbaum went on to serve as the rabbi for downtown Jersey City until 1944, during which time he presided over three congregations simultaneously. In 1943, Dov Greenbaum married his wonderful wife, Chana Mendlowitz, the daughter of Rabbi S. F. Mendlowitz of Blessed Memory, the beloved scholar and educator who is remembered for his lifeling devotion to parochial education.

Rabbi Greenbaum selflessly pioneered the establishment of parochial education in our own Rockland County where he accepted the deanship of a small school of 30 students in Spring Valley. In 1951, this school was on the verge of financial and social collapse, but through the efforts of Dov Greenbaum and others, the yeshiva was given a new lease on life. Today, the yeshiva has an enrollment of over 700 students and many of the alumni of the yeshiva are significant contributors to communities, education, business, and other professions throughout our Nation. The fine combination of religious studies and high standards for secular subjects enables those educated at the yeshiva to excel in their professional and personal lives. When yeshiva first was established in a small hotel, the surrounding towns were summer resorts with few residents. When the fine reputation of the yeshiva began to spread, people moved to Rockland County to enroll their children in the school and take advantage of the Talmudic studies, Jewish history and philosophy, and other academic courses.

As the surrounding communities grew around the yeshiva, the orthodox community became larger and became a most active force in the county. On many occasions, Rabbi Greenbaum was called upon to become the spokesman for the orthodox community. Many times, I would consult the esteemed rabbi for guidance on certain issues, and I always found him more than willing to offer his sound advice.

Rabbi Greenbaum was survived by his wife Chana; two sons, Shlomo and Schragi; three daughters, Risky Kirzner, Yehudis Shain, and Mimi Rosenbaum. More than 20 grandchildren have blessed the Greenbaums.

Since his passing last summer, we have missed Rabbi Greenbaum deeply.●

THE BUDGET FOR THE NEEDY

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. CONABLE. Mr. Speaker, it has become customary to criticize the Reagan administration budgets as leaving a great hole in the safety net of social services for the poor as a result of lowered Federal assistance. Opposing politicians, the media, social activists continually repeat the charge as fact. But is it fact?

The person responsible for assembling the budget, the Director of the Office of Management and Budget, addressed the question last week at the National Press Club. The Director, David Stockman, presented an analysis revealing that more poor people, not less, are being helped in many programs under Reagan administration budgets. He noted that reductions in some of these programs are sought largely in the number of nonpoor persons utilizing them, not in aid to the needy.

As we again approach critical decisions on a new budget, it is important that we have as much accurate information and understanding as possible of the proposals affecting the needy. For that purpose I ask unanimous consent to have Mr. Stockman's address of February 10 printed in the CONGRESSIONAL RECORD:

My thesis today is one of puzzlement—puzzlement over how essentially false impressions about the Reagan Administration's budget, and particularly its treatment of the needy, have become so widespread.

There are, of course, activist groups and political partisans who, in the normal fashion, seek to cast the numbers in such a way as to place the budget and its proposals in the worst possible light. But it is troublesome how much currency their analyses have gained, when the true perspectives are quite different.

I am aware that individual hardship cases, like budget cuts, make news. That will never change. But there is a great risk for all of us, including the press, in missing the forest for the trees.

I want to talk about that problem today, with some specific examples. But let me make one important point—and one important distinction—at the outset. No one, from the President down, is disputing that this lengthy recession has caused suffering. That is a result of profound forces in the economy associated with a painful transition from dangerous, double-digit inflation to a non-inflationary world. My point today focuses mainly on the budget—what it does and does not do. They are two different things.

In preparation for the budget presentation and Congressional testimony I have arrayed a few basic budget indicators for the purpose of responding to the inevitable questions about unbalanced priorites and the issue of fairness toward the needy.

These basic indicators tell a pretty impressive story about what this budget proposes for domestic programs and what this Administration plans to spend for those in need.

(1) The 1984 budget contains one-half trillion dollars for non-defense spending exclusive of interest. In constant 1983 dollars that is down 4% from 1981, but it is 95% higher than in 1970.

A budget which spends nearly twice as much as in 1970 after adusting for inflation can't be neglecting domestic welfare entirely.

(2) From that one-half trillion—$424 billion is for transfer payments and social programs. Everything else from FBI to farm subsidies to national parks, etc. only costs $75 billion.

The estimated number of elderly, non-elderly poor and unemployed above the poverty line is 65 million.

Thus one way of viewing the budget is that the $424 billion works out to $6,500 per capita and $26,000 per family of four for these categories of our citizens. This is not a precise measure of assistance per person or family, but it gives you an idea of what that huge domestic spending total means.

There is plenty of room for programmatic arguments in this vast network of support programs—but gross inadequacy of aggregate dollars is not evident in these totals.

(3) The 1984 budget contains $77.5 billion for specifically low-income programs compared to $91.2 billion in 1981 and $30.7 billion in 1970—all in constant 1983 dollars.

There may be arguments about detail of individual program reforms and funding cutbacks, but what basis is there for the prevalent broad conclusion that the safety net has been shattered when constant-dollar funding equals 85% of the 1981 peak and is two and one-half times the level devoted to low-income programs as recently as 1970.

(4) Even at the individual program level—the sweeping charge that a domestic freeze isn't fair is hard to reconcile with these facts:

2.1 million or 12% more will be served in 1984 under WIC than in outgoing Carter 1980 budget.

Head Start is up 6%—29,000 more slots than 1983.

SSI benefits for 2.2 million elderly, blind and disabled will be increased an average of 12.6% on July 1—and total funding will be up $341 million.

The number of families in assisted housing units supported by the 1984 budget will be 3,950,000—250,000 more than 1983, 650,000 more than in 1981 and three million more than in 1970.

We're trying to reduce error rate in food stamps—but still 22 million will receive average assistance of $472 per year—compared to only 17 million beneficiaries in 1975 recession.

1984 funding request for handicapped education, disadvantaged education, student aid, employment and training, rehabilitation services, child welfare and foster care, social services, older Americans, community health services is $17 billion compared to Congressional enacted funding of $18 billion in FY 1983.

Now, a funding difference of 7% is worth arguing about—but what basis is there for concluding that the priorities and commitments in the President's 1984 budget are radically different from what Congress chose in 1983?

In short, the rhetoric is racing miles ahead of the facts—

Yes, there are cuts and savings in this budget—but, compared to 1983, the differences are marginal. Compared to 1981, there's more in real dollars for more people in many categories; and compared to 1970—the 1984 Reagan budget makes the "Great Society" funding levels then existent appear positively antediluvian.

So where does the hypercharged rhetoric—the accusations of devastating cuts, gaping holes in social safety net, out-of-whack priorities and rampant unfairness—come from?

The answer is that a climate of opinion has been gestating for about two years now based on things that are fundamentally not so. The legitimate argument about limited questions regarding this or that program or funding level is being engulfed and twisted by a sweeping policy thesis and political accusations that are false.

Let me start with a small example of things that aren't so.

Two weeks ago such papers as the Washington Post and the Christian Science Monitor, the UPI wire and CBS Evening News carried a story citing an ominous alleged development. After decades of heartening progress in reducing infant mortality, the trend—according to the stories—has reversed. Due to the Reagan budget cuts and the recession, it was alleged, infant mortality is once again on the rise—that, in effect, babies are dying because of what we've done. The stories were based on a press release by an outfit called the Food Research and Action Center.

This assertion is absolutely, totally and completely—not true.

The Infant mortality rate dropped from 20 per thousand in 1970 to 12.5 per thousand in 1980—major, welcome, sound progress.

In 1981 . . . it dropped further . . . to 11.7.

In the first 10 months of 1982 it dropped once again—to 11.2, continuing the historic trend. It did not go up—it went down.

What was the basis for the FRAC charge that "after years of steady progress, infant mortality rates are going up once again."? First, FRAC cited 7 states that experienced minor increases in the IMR in 1981. But the fact is, from 1970-1980 when national IMR dropped 38%, an average of 12 states each year showed an increase.

But they were different states each year—every state tracked the positive trend over the decade. The so-called state trend in the FRAC release simply reflects the normal statistical variation.

The second element of the "trend" was a list of 34 cities compiled in a telephone interview in which the 1981 IMR exceeded 1980.

But there are at least 3,800 cities and counties equivalent to the FRAC list in the U.S.—so 34, or eight-tenths of one percent, is hardly a reliable sample.

Secondly, the survey focused on places where there was an apparent large percentage increase in infant mortality while omitting large cities where the rate declined. For example, in Lackawanna, N.Y. there were three more infant deaths in 1981 than 1980, which produced a 50 percent increase. In Youngstown, Ohio, there were the same number of infant deaths in 1981 as in 1980, but because the number of births was fewer, there was a percentage increase in infant mortality. In Galveston, Texas, infant deaths were also constant, but there was again a percentage increase in infant mortality because of fewer births. And of course there was no evidence that these statistically insignificant changes were connected with poverty or any other cause.

As for the alleged link between infant mortality and recession, of the 10 metropolitan areas with the highest unemployment rates, six reported declines or no change in infant mortality rates from 1980 to 1981.

The facts remain:

In 1982, the infant mortality rate was down 4%—there is no reversal of trend . . . social progress continues.

For decades, infant mortality has been declining for lots of reasons—better health care, improved nutrition, higher level standards. Only recently have Federal intervention programs like WIC contributed to a long-standing trend.

Professional program advocates are entitled to argue for the necessary budget dollars to continue these efforts—but trumped-up sensationalism like that contained in the widely reported FRAC study has no place in an honest debate.

The same sort of careless charges are also the basis for misleading generalizations about what the budget does, in fact, provide for low income families. The day after the budget came out, considerable play was given to a supposedly damning analysis performed by the House Budget Commission, which purported to show that the 1984 budget called for a 19% real purchasing power reduction from the 1983 level for low-income families.

As the story played throughout the city, however, it became clear that nobody had even bothered to read the fine print which the Budget Committee itself supplied: of the $12.4 billion dollar reduction the Committee cited as the basis for its conclusions, $11 billion, or 89%, was the result of an Administration proposal to rescind carry-over 30-year spending authority in the Section 8 Housing program, due to a plan to shift from thrity-year commitments to five-year installments. Not one dime of this budget authority will have any effect on the level of housing assistance in 1984—in fact, actual outlays for rent subsidies are scheduled to rise from $7.8 billion in 1983 to $8.5 billion in 1984 under the President's budget. There will be 11.6 million men, women and children living in subsidized housing in 1984, compared to 10.9 million in 1983.

What does the picture look like when you correct the analysis for this distortion? Even the Budget Committee staff, which are not noted fans of ours, conceded that the reductions in program outlays would only be $1.4 billion, or 2%. And even that

analysis is clouded by the fact that it tossed in reductions in service programs such as Legal Services Corporation and the Community Services Block grant. If you look at what the budget provides in the cash and in-kind assistance programs that form the core of assistance to the needy, you have to draw the opposite conclusion. In fact, spending for these programs rises from $65.5 billion to $66 billion, during a period in which the number of unemployed Americans is projected, due to economic recovery, to fall by 800,000.

Surely, there are program ups and downs within this total about which people can disagree. Yet there's something fundamentally amiss when such wildly divergent conclusions can be drawn from printed totals that are on the record in fulsome detail for all to see.

These are not isolated examples. They are merely illustrative of a deeper problem: the apparent easy receptivity of people who should know better to charges and assertions about Reagan administration policy regarding low-income programs that are just not so. After puzzling about this matter at great length—I have come to a number of conclusions that may help put some of this in better perspective.

The first is that a widely held premise about low-income programs is strikingly wrong. That premise, of course, is that nearly all of the benefits from the better known programs designated for the needy—food stamps, assisted housing, AFDC, Medicaid—go to those below or near the poverty line. This suggests little opportunity for budget savings that would not adversely impact the poor.

But we now have census data from 1981 that tells a dramatically different story.

In 1981 before the Reagan Administration reforms were implemented, the Federal government spent $47 billion on income tested cash and in-kind benefits, yet fully $20 billion or 42% of those funds went to families whose total income including in-kind benefits was at 150% of the poverty line or better.

Specifically one-third of free and reduced price school lunch benefits went to those above 150% of the poverty line, as did half of housing aid and Medicaid benefits.

Let me underscore that 150% of the poverty line in 1981 was $13,930 for a family of four—an income level equal to 92% of the median annual earnings of employed workers that year.

So the truth is there was and is room to retarget these programs to families near or below the poverty line and that has been the overriding purpose of the vast bulk of the reform measures implemented by Congress over the past two years.

Take the case of food stamps. Congress approved our proposal in 1981, without much objection, to impose a cutoff at 130 percent of the poverty level. This year, to cite one change, we are proposing that two single people living together be treated as a family for food stamp benefit purposes. But the most important fact is that only 30 percent of the changes in this budget can be regarded as benefit reductions, in the effort to target the program better—and that includes the six-month COLA delay. All the rest is an effort to reduce further the very high rate of errors—people who are getting more benefits than they should. That is something we ought to be doing even if the budget were in surplus.

In the school lunch program, by far the most important child feeding program, the only significant change has been a reduction of the subsidy for children from families with incomes above 185 percent of the poverty line. Poor kids are getting free lunches the same as always.

In the extraordinarily expensive subsidized housing program, where less than a fifth of the families qualified by income are lucky enough to get these subsidized rents and where many of those are above the poverty line, Congress approved our proposal that the proportion of income spent on rent be increased from 25 to 30 percent.

I have not spoken today of the huge budget deficits we face and the urgent need to reduce them. I have not spoken of the menacing upward creep of the total spending claim of the government on GNP—to a peacetime record of 25.2 percent in the current fiscal year, more than a third higher than 20 years ago, when defense was a bigger claim than now. Those central facts have been fully addressed elsewhere and amply covered in the press. They explain why it is necessary to continue the process of attacking this spending juggernaut lest it consume us all.

What I have tried to show is that the process of curbing spending growth has been carried out with reason and with full awareness of the legitimate claims of the needy, the old, the unemployed. But that is not the picture that often emerges. We have no apologies for what has been accomplished. Fairness cuts both ways. Perhaps the time has come to look at this giant budget in its larger dimensions and in full perspective. The cries of the politicians and groups who make a living out of spotting small budget reductions are not the fountain of truth—or anything like it.●

GOVERNMENT'S OBLIGATION TO THE NEEDY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. FRANK. Mr. Speaker, the very deep and very prolonged recession that we are now experiencing has put a great strain on the agencies which seek to provide assistance to needy people. Those who have called for further public cutbacks at this time are ignoring basic human needs. Clearly, what is needed today is a cooperative effort between the private and public sectors to provide a comprehensive network of services to those of our fellow citizens who have been particularly victimized by this severe economic downturn.

The department of social services of the Diocese of Fall River is one of those private agencies that has been doing its utmost to meet the needs of poor and working people at this difficult time. Recently, Father Peter Graziano, Executive Director of the Department of Social Services, issued a very thoughtful statement which summarizes the role that Government ought to be playing to cooperate with agencies such as the diocesan department of social services in this regard. All of us should be working to make Government as efficient and cost-effective as possible. But across-the-board cutbacks are wrong.

Father Graziano's thoughtful statement makes it clear that the public and private sectors are interdependent in meeting human needs and I think Members would profit from Father Graziano's testimony about the need for continued public support for programs to help the needy.

SOCIAL CONCERNS—1983

Southeastern Massachusetts is the primary area of the Commonwealth that is suffering from the effects of the recession.

The unemployment rate in the cities of New Bedford and Fall River is the highest in the State. The effects of this major problem are wide spread. The private sector has been trying to assist as best it can. Two Soup Kitchens have been established and are now feeding the needy on a regular basis. What is being observed at these kitchens is that not only are the "street people" looking for help but so are the elderly, living on a fixed income. The latter are coming to the Soup Kitchens for free meals, so that they can save money for other needs such as rent, heat and utilities.

The first need in this area is for jobs. It is essential that the Federal and State authorities activate an effective job program and placement service with long range objectives in Southeastern Massachusetts. This must be a cooperative venture of the public and private sector. The lack of work is hurting all sectors of the population, but most especially the young and the middle aged.

There is a problem of homelessness but no hard data to document its extent. This problem is now being researched. The need for shelters is uniquely acute on Cape Cod. On the Cape, there is also another major problem that is adversely impacting many people and that is a lack of public transportation. This is a need that must be addressed in the near future.

There is a dramatic need for a new prison facility within Bristol County. The current one is so old and in such disrepair, not to mention that it is terribly overcrowded, that it now lends itself to a potential serious flareup. Its safety factor for the inmates and personnel is rapidly on the downgrade.

Children in the area, from adolescents thru teen years, need residential care that is primarily "safe and caring" and also up to par professionally in a therapeutic sense. Such facilities must be left free to handle case management from start to finish. Monitoring by the State should continue to be handled through licensing and periodic checks. That should be sufficient. There must be a clearly perceived and delineated policy by the State that when a facility is given the responsiblity to care for children, then that facility has the authority to handle the case and not be subservient to decisions made outside the facility by State authorities. Child care facilities should be presumed to be giving the children appropriate care and monitored for the same by the State. If the presumption is not there, then the facility should not be used by the State.

Medical services, especially to the very young, such as the WIC Program, must be kept at a high level of performance. Failure to do so will result in children suffering and their problems increasing, which, in turn,

becomes as greater financial burden on the Commonwealth.

Day care for children and appropriate cases of Day care for adults and seniors should be fostered, where needed.

Parish St. Vincent de Paul Societies have been increasing their outreach to the needy, especially in the line of food, clothing and small grants. However, this is only a band-aid on a wound.

Overall, it is clear to those of us in Southeastern Massachusetts that the Government must continue to be involved in such pressing social issues. The Church and other elements of the private sector will continue to do its utmost in alleviating the needs of the people. It will do this through its own resources and as a program sponsor for the public sector.

In order to foster all of this, I would suggest that there be established in the Commonwealth a Commission comprised of various elements of the public and private sector to keep on top of a host of social issues statewide with an overall goal of keeping the private sector functioning to maximum capacity in various creative ways in its work among the needy. This will stabilize and/or reduce the operation of the public sector, save in the most important area of monitoring all programs, both with reference to their quality and also their fiscal management.

Without in any way denigrating the work of those in the public sector, I believe it important that all of us strongly support the principle that whatever the private sector can do, it should do, with the public sector functioning mainly as an instrument of last resort.●

ON HOME RECORDERS AND THE RIGHTS OF MOVIE PRODUCERS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. PORTER. Mr. Speaker, I would like to call to the attention of my colleagues an editorial that recently appeared in the Washington Post concerning producers who believe they should receive royalties from people recording movies from television at home. The producers fear that consumers will choose what to watch when they want to, and thus damage the value of the prime-time advertising, television, and movie industries.

When television appeared in the early 1950's it changed the structure of the radio and television industries. Now the same thing is happening again. I believe it is not the responsibility of Congress to intervene by taxing electronic equipment, a tax that movie producers would receive as a form of copyright royalties. The point is that a distinction must be made between taping movies for resale and taping movies for home viewing. One earns copyright royalties, and the other is an exercise in discretion.

I agree with the editorial that—

Congress would be grossly wrong to impose what amounts to a private tax, to be paid to the moviemakers, on a whole class of electronic equipment on grounds that some of it might be used to record shows that they have broadcast into people's living rooms.

The fears of producers must not obstruct the rights of our citizens to decide freely what they wish to record. I submit the editorial for the benefit of my colleagues:

BUT IS IT PIRACY?

Suppose that you turn on your videotape recorder and make your own copy of a movie being shown on television. Are you violating the present copyright law? That question is now before the Supreme Court and, whichever way the court answers it next spring, the losing side will immediately appeal to Congress to change the law. Next question: should you be required to pay a royalty to the producer of the movie, even if you are recording it in your own home for your own amusement?

Most of the movie producers, not to your astonishment, believe that you should. The recording machines, and specifically the Sony Betamax, raise many fears among the producers. They fear that you might make your own collection of tapes and watch them instead of whatever might be on television tonight. They fear that you will bleep out the commercials. They fear that you will set the machine to record at one time of day so that you can watch at another—a practice that, if it should become widespread, would diminish the commercial value of television's prime time.

The movie producers don't necessarily want the courts to ban the Betamax. But they want to be paid for the right of home recording. Otherwise, two producers told the Supreme Court, the economic base of their whole industry will be eroded, resulting in "cheaper, lower quality television programs and a refusal to license popular, top-quality theatrical motion pictures for television, thereby prejudicing the entire television viewing public. . . ."

Well, maybe. That argument sounds a bit purple. But let's assume for the moment that it might happen—that the Betamax might make the producers' television rights less valuable. Is there really a federal responsibility to intervene? The movie-makers have proposed a stiff tax to be imposed on Sony, or on the Betamaxes, or perhaps on the tape.

That's like imposing a tax on all Xerox machines on grounds that they might be used to duplicate copyrighted books. Or on all blank paper, since some of it might be used in those machines. To take another example, people in the entertainment and record industries complain bitterly about the common practice of recording music from the radio. But Congress has declined to prohibit home recording, or to tax it.

Copying for resale, or for any commercial purpose, certainly entitles the copyright owner to a royalty. But when radio and television send films and music into your home, the producers have no right to tell you what to do with them there—or to tax you on the suspicion that you might not be watching and listening when, and as, they want. Congress would be grossly wrong to impose what amounts to a private tax, to be paid to the movie-makers, on a whole class of electronic equipment on grounds that some of it might be used to record shows that they have broadcast into people's living rooms.

A generation ago, the television receiver did terrible things to the economics of the movie industry and radio broadcasting—until, after some years, they found a formula for profitable coexistence. Now another electronic device is threatening that formula. It's the job of neither the courts nor Congress to rescue it by extending commercial copyright law into private homes.●

EUBIE BLAKE DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. TOWNS. Mr. Speaker, on February 12, America lost one of its greatest musicians, Eubie Blake.

James Hubert "Eubie" Blake was born the son of former slaves in Baltimore on February 7, 1883. He began his musical career as a pianist in a bordello at the age of 15. Eubie Blake went on to become one of America's most prolific composers and pianists.

Blake wrote over 3,000 compositions in a career which spanned 85 years. Perhaps his greatest musical contributions were the series of Broadway musicals that he authored with Noble Sissle in the 1920's and 1930's. Such musicals as "Shuffle Along" and "Chocolate Dandies" opened the Broadway stage to famous black artists like Josephine Baker, Paul Robeson, and Florence Mills. His most famous song, "I'm Just Wild About Harry", was used by Harry Truman in his 1948 Presidential campaign. His unique style, as a pianist, helped to revive ragtime for a whole new generation of Americans in the 1970's. As music writer Max Morath put it, "Eubie's got the kind of style that few can duplicate."

At age 66, Blake graduated from New York University after completing a 4-year course in the difficult Schillinger system of composition in just 2½ years. Eubie Blake continued to perform actively well into his late nineties. Many of his compositions were recently recorded on a two-record album, "The 86 Years of Eubie Blake". This recording, however, cannot begin to capture his musical genius. As Morath said of Blake:

Most of the great pianists were not composers, particularly theatrical composers. He has provided me with not only a musical inspiration but an inspiration on how you deal with the world. His life is a kind of beacon.

America was lucky to have had Eubie Blake and his music for 100 years; I was proud to have him as my constituent. To honor this great artist, I will be introducing legislation which will declare February 7, 1984, as "Eubie Blake Day." His contributions to American music and theater will long be remembered by future generations. Hopefully, my legislation will

help to keep these achievements before the American public.●

MORE ON YELLOW RAIN

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. CORCORAN. Mr. Speaker, increasing confirmation of biological warfare in Afghanistan and the continuing slaughter of Laotians, Kampucheans, and Thais by chemical weapons in the form of yellow rain is finally causing the free world to take a reluctant and uneasy look behind the Soviet mask. Unfortunately, media in this country—with some notable exceptions—still appears to be downplaying the irrefutable evidence of Soviet willingness to kill women and children as well as combatants in brutal violation of international prohibitions against chemical and biological weapons. The Center for International Security here in Washington, however, is assuming leadership in exposing this horror and a recent article by the Center's Deputy Director, Bruce E. Herbert, has been widely reproduced in the Nation's newspapers. "Chemical Warfare, Right Now" originally appeared in the Baltimore Sun. I commend it to my colleagues for its historical overview and insightful analysis of the true meaning of this latest Soviet barbarism, and herewith insert it for the RECORD.

The article follows:

[From the Baltimore Sun, Dec. 13, 1982]

CHEMICAL WARFARE, RIGHT NOW

(By Bruce E. Herbert)

WASHINGTON.—Although the Germans produced and stockpiled poison gas during the Second World War, they never used it in combat. They did, however, pursue a determined and acknowledged policy of Schreklichkeit (literally, horribleness or frightfulness) toward conquered enemy populations. The Soviets seem to have taken a page out of the Nazi book in their current overt use of nerve gas in Afghanistan and in their complicity in Communist Vietnam's poison gassing of Southeast Asians.

On November 29, the State Department presented the strongest evidence to date to support U.S. charges that the Soviets are using chemical warfare in Afghanistan. The second official report of the year also concluded that deadly toxic weapons were still being used under direct Soviet supervision in Laos and Cambodia as recently as last month. although skepticism greeted many previous allegations, reluctance to publicize the voluminous documentation presented by the United States has begun to fade over the past year.

For example, as early as December 12, 1979, the House Committee on Foreign Affairs received testimony from members of Congress, experts from the U.S. Army Medical Corps, the State Department, the Department of Defense and eyewitness observers and victims of gas attacks in Southeast Asia. Witnesses indicated that the State Department had general knowledge of poison gas use by Vietnamese forces against Laotians for over a year, and conclusive evidence for the six months preceding the hearing. The information previously was neither made public nor was it communicated to the Subcommittee on Asian Affairs or the full Foreign Affairs Committee.

On December 20, 1979, the House of Representatives passed a resolution condemning the use of chemical agents in Indochina. The vote was virtually unanimous; 378 to 1. The sponsor of the resolution stated:

"Our conclusion is as follows: that the H'mong hill tribes of Laos have been the victims of the concerted use of lethal chemical agents during a period covering 1976 to at least May of this year. We concluded further that the Vietnamese, having in effect 'tested' poison gas on the H'Mong, are now using chemical agents in Cambodia and on the Thai border."

Chemical analysis of small samples of residue and medical evaluation of the symptoms of its victims rendered a preliminary determination that varieties of mustard and phosgene/chlorine gas had been used. Delivery was usually by canisters rocket-fired from aircraft. Noncombatant women and children shared the fate of the men in the strike areas. Suffering was acute; blindness, nausea, bloody vomiting and diarrhea, crushing chest agony, convulsions and, generally (and mercifully), death.

To the two obvious advantages of chemical warfare (infliction of combat casualties and imposition of terror), in this case a third must be added; "medical" experimentation. There is at least one documented instance (September 28, 1978) of Pathet Lao soldiers in protective masks entering the strike area immediately following a gas attack. Surviving victims were injected in their upper arms with a solution that apparently was intended to be an antidote. Although results were inconclusive, the progress of the sufferers was closely observed and subsequent injections were administered over a five-day period.

This horror was fully reported in the Congressional Record in late December of 1979 and was available as a complete transcript of the hearings conducted by the House Committee on Foreign Affairs. Nevertheless, only one major article I know of appeared in the nation's press before the invasion of Afghanistan (William Safire, "Yellow Rain," the New York Times, December 13, 1979). Similarly, even after the evidence began to accumulate of Soviet Spraying of Afghani mountain fighters, the first lead TV story appeared only on January 22, 1980 (John Chancellor, NBC Nightly News). However, when the United Nations was formally asked to investigate the use of chemical agents in Asia in May of 1981, media interest was intensified, culminating in an excellent ABC-TV News Closeup documentary, "Rain of Terror," in December, 1981. Although the General Assembly of the United Nations is reluctant to accept the increasingly complete dossier of genocide by toxins (all but Canada, Thailand and Britain treated the subject with aversion), the Western press has increasingly been handling Soviet chemical weapon-use as a prominent story.

No form of warfare—including that of nuclear weaponry—has had a more vehement or longer history of condemnation than that of poison gas. Poison gas (and poisoned arms) were prohibited by the Hague Convention of 1899. it was outlawed again by the Geneva Convention of 1925 and this prohibition was solemnly reaffirmed on April 10, 1972. All members of the United Nations agree by their inclusion in that world body to refrain from the use of chemical weapons against combatants. Civilized international opinion has consistently held that the use of chemical warfare is a heinous crime against humanity.

There is a chillingly ominous aspect to this latest example of Soviet Schreklichkeit. Russian willingness to use poison gas overtly in Afghanistan demonstrates not only their cynical contempt for world opinion but—more importantly—their complete confidence in their military superiority.

It may be consoling to some that the Soviets have alarmed the United States to the extent that we are now attempting to regain a credible defense posture. However, based upon the shift in the strategic balance toward the Soviets and their evident determined ruthlessness as expressed by their involvement with Yellow Rain, we and the rest of the civilized world may well wonder if they will allow us the time to become strong enough.●

UNEMPLOYMENT UP TO 14.3 PERCENT IN AREA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Ms. KAPTUR. Mr. Speaker, I wish to share this article from the Toledo Blade with my colleagues which plainly and succinctly describes the growing unemployment crisis in Ohio's Ninth District.

The article follows:

[From the Toledo Blade, Feb. 8, 1983]

UNEMPLOYMENT UP TO 14.3 PERCENT IN AREA

Unemployment in the Toledo area rose sharply in December, according to the Ohio Bureau of Employment Services.

In the Toledo standard metropolitan statistical area, 314,700 persons were working and 52,600 were unemployed. The area jobless rate was 14.3 percent in December, up 1.3 points from November, William Darling, labor market analyst for the Toledo OBES office, said.

Toledo-area employment declined by 2,700 between November and December.

Statewide in December, the unemployment rate was 14.1 percent, and the national rate was 10.5 percent. The statewide rate in November was 14 percent, and the national rate was 10.4 percent.

A year ago in December, the work force stood at 365,400, with 319,900 persons working, and 45,500 persons out of jobs. Unemployment in December, 1981, was 12.4 percent, compared with a statewide rate of 11.8 percent and a national rate of 8.3 percent.

Between December, 1980, and December, 1982, to Toledo area lost 10,800 manufacturing jobs, and over a 10-year period, from 1972 to 1982, the area has lost 24,100 manufacturing jobs.

The biggest losses are in the automotive-related and glass, clay, and stone manufacturing classifications, Mr. Darling said.●

THE PASSAGE OF THE ALASKA LAND ACT OF 1980

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. YOUNG. Mr. Speaker, I am introducing today legislation which will rectify an oversight that occurred with the passage of the Alaska Lands Act of 1980. My legislation is designed to change some 12 million acres of national parks to national park preserve status, thus allowing hunting where hunting occurred until 1980. This legislation, popularly known as the Alaska national hunting bill, will reintroduce wildlife management into vast acreages of prime wildlife habitat in Alaska where it presently does not exist.

I want to make it perfectly clear to my colleagues that this is a hunting bill only. Through adoption of this legislation, there would be no timber cutting, mining, oil and gas development, or new roads. I point this out because the supporters of this legislation are the real conservationists in America today, and would not stand for any excess baggage of legislation designed to once and for all determine whether Congress is for or against the sportsmen of the Nation. In order to acquaint Members with the problem that I seek to correct through this legislation, I feel a little background is required, and endeavor to do so.

Since Alaska became a State in 1959 and before, sportsmen have seen the need to do something to protect this vast wilderness and its wildlife. Throughout Alaska's history as a State, Alaska hunters, fishermen, and trappers, as well as many from outside the State, have spearheaded a conservation movement to make certain that wildlife is Alaska was not wiped out because of man's technology. This conservation movement resulted in the establishment of wildlife management programs being carried out by the Alaska Department of Fish and Game, the State agency of wildlife management professionals.

Basically, wildlife management is the science of enhancing wildlife habitat and maintaining wildlife populations. It is a big job in a State as large as Alaska and the Alaska Department of Fish and Game has enjoyed extraordinary success. Alaska boasts the Nation's most unique and interesting wildlife. Caribou, Dall sheep, moose, Kodiak bear, mountain goat, timber wolf, lynx, grizzly bear, and musk oxen are only a few of the State's abundant species. The health and stability of these animal populations is due to the implementation of scientific wildlife management practices.

Habitat is the animal's home. In addition to the place where the animal lives, the term also refers to other factors which surround an animal population the year around. These include food, water, cover, and other animals of the same or different species.

One key to healthy, abundant wildlife is healthy, abundant habitat. Many would think that in Alaska, a lack of suitable wildlife habitat would be the least of the animals' and wildlife managers' problems. While Alaska boasts perhaps the most vast and remote areas of land in the Nation, like many other States its available wildlife habitat in certain important wildlife areas has been markedly diminished due to man's encroachment and, often, to natural occurrences such as volcanic action and flooding.

That is why the wildlife management professionals of the Alaska Department of Fish and Game continually assess available wildlife habitat and implement programs to protect existing habitat from man's exploitation and natural disaster. Since three elements—food, cover, and water—are essential to the well-being of any wildlife population, fish and game biologists in Alaska work to make certain that plenty of each is available to wildlife.

That is called maximizing the land's carrying capacity. Carrying capacity is a tract of land's ability to support a given number of animals of a species at a single time. Of course, the land's carrying capacity differs from season to season and from year to year. For instance, in winter, the land's carrying capacity is greatly diminished. Wildlife food is often covered by snow and ice and water is frozen.

Since all animals produce more offspring than they will need to perpetuate their population—this is called surplus population—the Alaska Department of Fish and Game issues regulations to harvest animals that would normally die because of the land's lessened carrying capacity. Sportsmen trim the surplus population the way a farmer harvests his crops—to protect the animals' breeding stock, to put food on their tables, and to enjoy nature's wonder. For some Alaskan species—like deer, moose, and caribou—these annual harvests allow the remainder of the population to fare better during times when the land's carrying capacity is down.

But to make certain the land supports the greatest possible number of animals, the professional wildlife managers of the Alaska Department of Fish and Game continually assess wildlife populations and wildlife habitat. In Alaska, a big part of the job entails working with various commercial interests—logging, oil extraction, and mining companies—to make certain that habitat is not impaired. Also, since many of Alaska's wildlife populations are big game species—which are delicate and require vigilant monitoring—careful, scientific evaluation goes into the issuing of hunting, trapping, and fishing regulations.

Alaska's 158,000 hunters, trappers, and fishermen—42 percent of the entire population—and nearly 100,000 nonresident sportsmen are the mainstay of wildlife management in Alaska and support department of fish and game programs. The financial contributions of sportsmen in the form of hunting, fishing, and trapping license fees and special taxes on sporting equipment represent the largest portion of Alaska sport fish and game research and management programs. In Alaska, this figure amounts to $18.5 million each year. Nationally, sportsmen contribute over $500 million to wildlife management via license fees and taxes on sporting equipment, annually.

But hunters, trappers, and fishermen contribute to wildlife management in other ways, too. Certainly, their role in annual harvests can help some forms of wildlife fare better during the lean winter months.

Additionally, wildlife biologists glean valuable scientific data by performing surveys of animals taken by hunters. Biologists weigh and measure some animals taken by sportsmen, record and collate the data. This enables them to learn more about the distribution and physical characteristics of the animals. Thanks to the sportsmen who provide this information, Alaska wildlife biologists are able to launch far-reaching programs to further the abundance of Alaska wildlife.

Sportsmen and Alaska's wildlife managers are proud of the strides that have been made on behalf of the State's wildlife. They were chagrined at the closure of approximately 25 million acres of Alaska lands to hunting that resulted from passage of the Alaska National Interest Lands Conservation Act of 1980. The act closed hunting by designating the areas national parks and national monuments. The lands were not closed for reasons of conservation, protection of the wilderness environment, logical natural boundaries, or some need for national park or national monument status. They were closed because misinformed, antihunting sentiment prevailed at the time.

I believe that through this legislation we can forge a bipartisan effort to acknowledge that man can coexist with, and in fact, improve upon, wildlife populations and quality of life. I urge my colleagues to join with me to support this legislation and what it means for sportsmen and conservationists throughout the Nation. The Nation's backpackers and camera buffs have their recreational opportunities; let us extend that privilege to

those who pay for the others pursuits. Thank you, Mr. Speaker.●

FLORIDA DELEGATION DISTINGUISHED SERVICE AWARDS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. BENNETT. Mr. Speaker, last Wednesday I had the honor, as chairman of the Florida delegation in Congress, to announce the three 1983 recipients of the Florida congressional delegation's Statewide Distinguished Service Awards. The winners were chosen by an awards panel of the Florida State Society in Washington, based on nominations by Florida Congressmen and Senators from among the Distinguished Service Award recipients they had previously chosen from among their constituents.

The awards recipients are being honored as a part of the Florida congressional delegation's private sector initiatives program which the delegation adopted last August. It is the first delegation in Congress to create an awards program to encourage the solution of community problems through creative partnerships between business, government, and philanthropic organizations.

The goals of the Florida delegation's program include:

Encouraging the private sector in each congressional district to take a more active role in solving community problems.

Giving official recognition and awards to models of successful private initiatives.

Encouraging programs and individuals which stimulate the use of volunteers to address community needs.

The 1983 recipients are, in alphabetical order:

Charles I. Babcock of Coral Gables, Fla., was nominated by Senator LAWTON CHILES and Congressman CLAUDE PEPPER for his efforts to revitalize the riot torn and economically disadvantaged areas of Liberty City in Miami by private sector initiatives, community-based partnerships between business, government, and nonprofit organizations. Babcock became the catalyst in coordinating ongoing efforts with various government agencies, the Greater Miami Chamber of Commerce, the Miami-Dade Chamber of Commerce and the Liberty City Revitalization Board in their efforts to raise private money to provide seed capital, job assistance, and to build an industrial park in the economically deprived area. He raised approximately $7 million from the private sector and contributed $200,000 from his personal funds.

Jacksonville % Club, Guy Botts, and Robert T. Shircliff, cochairmen, was nominated by Congressman BENNETT for its successful efforts to obtain membership in the club. This required signed affidavits that corporate members had given a fixed percentage of their pretax earnings to charity during the previous year. The Jacksonville % Club was the first of its kind in Florida, and inducted the largest number of members—81—during its first year of any such club in the United States.

Norman Protsman of Live Oak, president of the Florida Association of Broadcasters, was nominated by Congressman DON FUQUA, Democrat, Second District. As the owner of a number of radio stations, he used his stations to urge that private initiatives be sought to solve many of the problems facing society today. Protsman helped found the Florida Sheriffs Boys Ranch for needy boys. Starting with 50 acres and $5,000, this facility is now a multimillion-dollar venture that includes the Florida Sheriffs Girls Villa, the Boys Ranch and other youth activities. He also helped found the Advent Christian Home, now used as an example of one of the finest such institutions in the Nation serving both the elderly and the orphaned.

Looking over the broad array of philanthropic work being done throughout the State of Florida, the willingness of people to come together for the good of their community is obvious and outstanding. All the nominations showed a wonderful sense of what communities can do for themselves. All those who were named and all those who continue to work unselfishly as volunteers in the public interest even though unrecognized, are truly the strength of America.

Mr. Speaker, the outstanding philanthropic work which is being done in Florida is truly inspiring. The Florida delegation's effort to recognize outstanding achievers in the private sector for community and public needs may possibly encourage other delegations to undertake similar programs. If so, the Florida delegation would certainly be happy to cooperate in any such efforts that may be considered.●

CONSTITUTIONAL AMENDMENT NEEDED TO CONTROL RUNAWAY CAMPAIGN SPENDING

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. DONNELLY. Mr. Speaker, this Congress must act decisively to reform the financing of campaigns for public office.

Special interest political action committees, or PAC's, spent $186 million to influence the last election. We all know they did not spend that money to improve government or to advance a philosophy. They spent it to buy access to this Congress. From the auto workers to the used car dealers to the electric companies to the dairy farmers, the contributors were investing in candidates, and it would not be long before they come back to us demanding a return on their investments.

The authority of Congress to regulate campaign financing was dealt a severe blow when a sharply divided Supreme Court ruled in Buckley against Valeo that campaign spending was no different from the free speech guaranteed by the first amendment, and therefore cannot be regulated by Congress.

Now there is no limit to the total amount a PAC can spread around. There is no limit to the amount of PAC money a candidate can accept. There is no limit to the amount a wealthy candidate can spend out of personal resources.

If we are going to put an end to the ballooning influence of special interests and to the inflated costs of campaigns for public office, we must assert control over campaign finances. Because of the Supreme Court's unfortunate and widely disputed ruling, this can only be accomplished through a constitutional amendment.

Today, I am introducing an amendment granting Congress and the States permission to limit campaign contributions and campaign spending. Amending the Constitution is a long and arduous process, but it is vital if we are going to succeed in taking Congress off the auction block.●

HUMAN RIGHTS REPORT RELEASED

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. YATRON. Mr. Speaker, last week the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations jointly released the full text of an extremely important report entitled "Country Reports on Human Rights Practices for 1982" which was prepared by the Department of State in accordance with provisions of the Foreign Assistance Act. This massive 1,323 page document contains individual reports about the fundamental human rights, those affecting the integrity of the person and those relating to a civil and political

liberties, in virtually every foreign country. The report also contains a helpful introduction which sets forth this administration's philosophy on the role of human rights in American foreign policy and discusses the methodology used in compiling the report and the problems encountered by the Department of State in carrying out such a difficult and large task.

Buried in this massive document is the bone-chilling record of mankind's capacity for inhumanity to our fellow human beings. At the same time the very existence of such a report and the fact that it does detail proud records of achievement in many countries provides eloquent testimony to our capacity to strive to improve the human condition, no matter how difficult the task.

Mr. Speaker, as the report itself notes "Human rights is at the core of American foreign policy." In the weeks and months ahead the Subcommittee on Human Rights and International Organizations, which I have the honor to chair in this new Congress, will renew its efforts to assure that the implementation of our foreign policy fully reflects the statement I have quoted. At the same time we will continue to seek ways to strengthen the effectiveness of our country's foreign policy in the human rights area.

The subcommittee's activities will build on the proud record of achievement of past chairmen of the subcommittee, DANTE FASCELL, DON FRASER and DON BONKER, as well as the many Members who so ably have served on it over the years including most notably the new Counselor of the Department of State, Ed Derwinski. Over the years the Subcommittee on Human Rights and International Organizations has played a critical role both in advancing recognition within our own Government of the centrality of human rights to our foreign policy and in helping more broadly to advance the cause of human rights around the globe. I am proud to have both the opportunity and the responsibility to build on this remarkable record. Mr. Speaker, I know that no matter what their party, or what their philosophy, or where they are from, every member of this body possesses a deep commitment to those values and ideals embraced in the term human rights. They are fundamental to our Republic and to our way of life. I would therefore like to take this opportunity to commend to the attention of all my colleagues the most recent annual report on human rights practices abroad.●

"PRESSURING ISRAEL IS DUMB; REAGAN ENDANGERS A VITAL ALLIANCE BY TILTING TOWARD THE ARABS"

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. TORRICELLI. Mr. Speaker, this past Sunday I read an insightful appraisal of the Reagan administration's policy toward the Middle East and its handling of relations with Israel in particular. The author is Thomas Dine, executive director of the American Israel Public Affairs Committee (AIPAC). Mr. Dine's article intelligently discusses the administrations increasing tilt toward the Arab world and assesses the problems the United States will face if it adopts a policy of pressuring Israel. Mr. Dine's words are especially important given the recent events in Israel and the region and I would like to share them with my colleagues.

PRESSURING ISRAEL IS DUMB

REAGAN ENDANGERS A VITAL ALLIANCE BY TILTING TOWARD ARABS

(By Thomas A. Dine)

The Reagan administration has been pursuing a policy premised on and obsessed with conflict with Israel. Officials in Washington are dreaming that they can impose dramatic changes on Israeli policy or even force a new government on Israel. This foolish attitude has produced grave errors in U.S. policy.

American behavior has contributed substantially to a dangerous erosion of Israeli-American relations. The administration places all the blame on Israel, but much could be done on this side of the water to salvage the moral and strategic bonds that are vitally important to both countries. The turning point created by Israel's commission of inquiry into the Beirut massacre should be exploited to begin that salvage operation.

High Arab officials visiting Washington have been treated royally—among them, in the past several weeks, the Kings of Morocco and Jordan and the President of Egypt. Saudi princes are the object of particular devotion and genuflection. By contrast, visiting Israeli officials are given the cold shoulder, and Prime Minister Menachem Begin is not even allowed to come for his semi-annual beating.

The president's own opinion of Israel is said to be favorable. I believe this. Yet, in two years in office he has not taken a single major initiative which would reasonably be described as helping to improve the relationship. I say that as someone who initially welcomed the president's Middle East initiative of last summer.

Although the administration denies that it considers massive pressures as an appropriate way to deal with an ally like Israel, it has in fact invoked more sanctions over a longer time period than any preceding administration, including: suspending for over a year now the agreement on strategic cooperation; refusing to complete the sale of F-16s which its own specialists have confirmed are necessary to offset the massive quantities of arms going to various Arab countries; holding up approval of technology transfers for the Lavi aircraft; and, most importantly, sending and then leaking to the press menacing notes to the prime minister of Israel implying that the entire relationship may be in question. In recent days, the administration has begun hinting darkly that still more sanctions lie ahead.

Some in the administration are constantly advising the president that, if only he "cracked down" on Israel, the core problems of the Middle East could be solved. This is a dangerous illusion. Israel is a powerful and independent country. As the world knows, it is quite able and committed to defend its vital interests, and it is simply unrealistic to imagine that any arrangements can be made in negotiations between the United States and the Arabs, and then somehow imposed on Israel.

The administration's behavior is convincing an important minority in Israel that the United States is not a reliable ally. Some Israelis are actually saying they must be prepared to go it alone. This loss of confidence is destructive to the long-term interests of both countries and it could, if things get worse, force Israel to consider what it will do if it is completely isolated while the Arabs continue their military buildup.

It is also a profound mistake to, premise U.S. policy on a change of government in Israel. Israel is a democracy in which the people choose their own government. Menachem Begin is the people's choice to be prime minister, and it is time to stop mocking and maligning him and to begin according him the respect to which he is entitled as the democratically elected leader of our only permanent Middle Eastern ally.

Moreover, key elements of the Administration's approach are unacceptable, not just to the Likud government, but to the great majority of Israelis of all parties.

It's time for the administration to open its eyes to the realities of the Arab world, instead of being blinded by the myth of "moderation." Syria has territorial ambitions in Lebanon and the Administration has not produced any evidence that Damascus intends to leave. Instead, in recent days, the Syrian army has expanded its presence. Jordan's King has not even agreed to sit down with Israel's leadership to fulfill the promise of Camp David. Yet, according to news reports from the Arab world, the administration has promised him our most sophisticated weaponry, 97 per cent of Judea and Samaria, guarantees of a settlement freeze, political control of East Jerusalem, and (according to American press accounts) equipment for a secret Jordanian rapid deployment force.

Saudi Arabia has opposed direct Arab talks with Israel, including discouraging King Hussein to come to the peace table, as well as pressuring Lebanon not to sign realistic agreements with Israel. Peace in the Middle East requires major changes in the Arab world, and American interest is not served by supplicating the Arabs and blaming the Israelis.

It is time for the United States, and especially the Reagan administration, to lift its eyes from the lesser problems of the Middle East, many of which have little real consequence for the U.S., and to return to the essential strategic realities of the region which affect vital American interests.

Israel's air force and navy are the dominant forces in the Eastern Mediterranean, and Israel freely offers to the United States many forms of defense cooperation includ-

ing vital air and naval bases which are central to the U.S. national security interest.

Some of the President's advisers seem to have lost sight of the main objective of his policy, that "the paramount American interest in the Middle East is to prevent the region from falling under the domination of the Soviet Union." In the past 24 months, Israel has driven two Soviet clients—the PLO and the Syrians—out of a major Arab capital and saved Lebanon for the United States and the West; relinquished the Sinai, helping to cement the bond between the United States and Egypt; offered to provide air and naval facilities to the U.S. armed forces, while Saudi Arabia and other Arab countries have declined to cooperate; and delivered a major blow to the reputation of Soviet arms, on which Moscow's influence in much of the world depends. Yet, to listen to some of the president's advisors, all of this is insignificant compared to the urgent need for new security arrangements in southern Lebanon.

When a partnership is strained, it is not enough for one side to call on the other to make all the changes. Nor is it constructive to focus obsessively on the differences, and to ignore the common interests. Much can be done in Washington, now, to improve a relationship that is much more significant for the long-term interests of the United States than many of the countries being so ardently pursued today.●

STATES STRONGLY OPPOSED TO RELAXING CARBON MONOXIDE PUBLIC HEALTH STANDARD

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. WYDEN. Mr. Speaker, last September, I offered, and the House accepted, an amendment to the Environmental Protection Agency's fiscal year 1983 appropriations bill preventing the agency from relaxing the public health standard for carbon monoxide (CO). Carbon monoxide is a pollutant whose adverse impacts on the elderly and those with cardiovascular diseases are well known.

Relaxation of the standard is a complex issue, and is made all the more so by the fact that the EPA chose to focus not on the actual amount of CO that could be allowed in our lungs, but rather on the allowable exceedances—the number of times per year the standard could be violated before an urban area would be deemed in violation of the health standard.

I offered my amendment at a time when I sensed that EPA was close to final promulgation of a standard that would be based on five allowable violations per year of the health standard, rather than the one allowable violation under present law. The agency itself acknowledged that the standard under consideration represented an effective relaxation of the public health standard by 33 percent.

Moreover, EPA said that there was widespread support among State leaders for its proposals.

In fact, EPA said last fall that its proposed multiple exceedance standard was urged upon the agency by the States, and that adoption of the new standard would result in a flexible policy, allowing States to comply in a more cost-effective manner.

Upon examining the public record last fall, however, I discovered that quite a few States were opposed to the proposed change.

Mr. Speaker, I now know that last fall's information only told half the story. As a recent poll of State air pollution officials indicates, a majority of States—not a mere handful—are opposed to EPA's proposed relaxation of the CO standard.

To update my colleagues on this admittedly complex issue, I insert a brief article describing the growing sentiment against the proposed relaxation of the standard.

[From Inside EPA, Feb. 4, 1983]

STATES, EPA STAFF ARGUING AGAINST MULTIPLE EXCEEDANCE CO STANDARD

Pressure is mounting both within EPA and among the states for the agency to promulgate a carbon monoxide national ambient air quality standard with single rather than multiple exceedances, sources saying the option of promulgating a standard of 9 parts per million with one exceedance will be formally presented to Air Chief Kathleen Bennett in the near future. Bennett has been a staunch supporter of a multiple exceedance standard, most likely 7 ppm with 5 expected exceedances. A survey being conduted by the State & Territorial Air Pollution Program Administrators shows that states overwhelmingly favor a single exceedance standard. And sources say agency staff from the office of air quality planning & standards, Office of Policy & Resource Management and Office of Research & Development are advocating adoption of a 9 ppm/1 exceedance standard.

EPA in 1980 proposed setting a new CO standard at 9 ppm/1 exceedance; 9 ppm/5 exceedances or 12 ppm/1 exceedance. But last year the agency reportedly favored adoption of a multiple exceedance standard, probably 7 ppm/5 exceedances—a standard which an EPA analysis said was equivalent to 9 ppm/1 exceedance.

"There's no support out there in the states" for a multiple exceedance standard, said one EPA source, adding that state support of the standard had been one of Bennett's arguments in favor of multiple exceedances. A Stappa analysis says a single exceedance standard should be promulgated because multiple exceedances make it difficult for the sensitive population to determine when air quality necessitates that special care be taken. Further, the analysis says a multiple exceedance standard will not provide equal protection because of meteorological variations from site to site.●

THE BEST OF AMERICAN JOURNALISM

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. CONABLE. Mr. Speaker, Dan Winegar, associate editor of the Batavia Daily News in my home area of western New York, recently retired after 45½ years with that newspaper. He has been a special community treasure of information and guidance for many years as reporter, editor, and daily columnist, writing on topics from local to international, from schoolboys to world leaders. We have all benefited from reading Dan Winegar's special blend of good sense, consideration, wisdom, and wit.

Like many newspaper editors in our smaller cities, Dan actively participated in the community as well as wrote about it. He was an active member of Sertoma International service club, was a literacy volunteer, joined in establishing the local Genesee Community College. His assistance to hundreds of local organizations and individuals over the years was always offered quietly and with good will. His many friends will continue to benefit from a viewpoint both wise and kind, reflecting the best of American journalism.

Mr. Speaker, Dan Winegar reflected on his long career in a column last fall and I ask unanimous consent to publish his column in the CONGRESSIONAL RECORD, along with a report of his recent retirement.

[From Batavia Daily News, Oct. 7, 1982]

THIS IS A MILESTONE DAY

(By Dan Winegar)

What reporters are inclined to call a milestone arrives today. This is it.

Forty-five years ago a young man by the same name as the author of this column dashed up three flights in The Daily News building on Jackson Street to go to work.

He was given the oldest Royal typewriter at a somewhat rickety table beneath a green-shaded light bulb. He has been paid for every single day without exception since Oct. 7, 1937.

A few days earlier, Jerry Brown, then running the editorial office, set $12 as the weekly wage for a six-day week and said maybe he could work a month or so because the managing editor had been stricken but was expected back. Everyone had moved up a notch, leaving a vacancy at the bottom. Needless to say, the executive was never able to return.

For credentials, the 19-year-old had been a Batavia High School reporter when the person in that job typed out something every day in a typing room, raced to Jackson Street with it and waited to see it in print. For covering basketball games and other evening events, he had rented a typewriter from Sleght's for $2 a month. He had to write two columns of material at 5 cents an inch to pay the rental.

All that was approximately 11,000 working days ago. For the first 25 years, he was a reporter. That included what would be called on-the-job training received from the late Mr. Brown, the late Edmund R. Gamble, Leo F. Decker, now retired, and John H. Connor, the editor.

Now considerably older and wiser, that man was attending a funeral almost three months ago when a woman asked if he remembered her. Of course, she was involved in one of the first little pieces he wrote.

She must be a grandmother now, but at the time she was maybe nine or ten and having an operation on her knee when her kitten vanished. A little plea in the News located the cat and made her happy. Funny how cats continue in the news.

Bylines were precious in those days and appeared only on exceptional stories. In fact, oftentimes the authors were concealed from irate subjects of their stories.

But the young man had been at work little more than two weeks when he was given a byline—his name ran over a story about Charlie Magill, the man who lived at the end of Vine Street and whom everyone said "was turning to stone." Charlie had a telephone arrangement on his chest and each year at this time called people for magazine subscriptions to help keep himself in funds.

There must have been a lot of people around town who wondered aloud: "Who in the world is Dan Winegar?"

The reporting years included all the usual things that small town newspapermen encounter as they rise through crime, fires and all the rest to covering the more important facets of the community—City Council, Board of Supervisors, Board of Education and all. The City Planning Board became very important as it drafted Urban Renewal.

In 1962 promotion to city editor took the subject of this documentary off the street and into a chair and launched a columning career. The Daily News long had no use for columnists. The official view was that what they wrote was better off in the news columns, etc. Dan Winegar wrote the first regular columns to appear in this paper. They were twice-weekly sports columns starting in 1947 and initiated in part to aid in getting the stadium and lights at Woodward Field. The late Paul Bostwick followed in sports columning.

Jerry Brown began a column of comment and stories on the editorial page about 1952 and after his death Dan Winegar took it up and has been writing "the column" ever since. With a calculator, that figures to over 6,000 columns.

The column was part of the job as city editor for 13 years and in the past more than seven years as associate editor. That isn't all that the author does, of course. He has many other duties and never complains of having nothing to do. In fact he hasn't said that for 45 years.

Through all that time—far down on the list of long-time employees here, I have been helped by countless friends, aided by many co-workers, beholden often to printers and have enjoyed almost every minute of it.

When we graduated from Batavia High School in 1936, there were few jobs for 18-year-olds. Many of us went back as post graduates. That's where I learned to type, a skill I've used every day since.

[From the Batavia Daily News, Jan. 22, 1983]

THE NEWS ASSOCIATE EDITOR RETIRES AFTER 45½ YEARS

(By Marilyn Pfalzer)

Associate Editor Daniel V. Winegar of 104 Richmond Ave. cleared his desk at The Daily News Friday and headed for a more obscure office at his home.

It was one more change in a 45½-year career that has seen many changes.

Mr. Winegar started work at the newspaper Oct. 7, 1937, on the third floor of the former Jackson Street headquarters.

A former Batavia High School news and sports reporter, he showed up in his high school graduation (and only) suit.

The salary was $12 per month and he expected to be on the payroll for only one month, during the illness of a regular staff member.

The youngest member of the staff, he didn't have any important assignments. He was learning under Jerry F. Brown, city editor, and later managing editor.

There were no specified hours, he recalled. The 40-hour week was close, but had not arrived. He sat at a table. "No desks for beginners who might not stay," he noted, and he earned his first by-line Oct. 23, about three weeks after he started his job. The story was about Charlie Magill, who lived on Vine Street and was suffering from some ailment that left him bedridden, unable to move.

In those days, The Daily News received the bulk of its Associated Press news in thick envelopes on the Blue Bus which arrived from Buffalo about 9:45 a.m. each day. New leads were telephoned to the office. "It didn't take long to learn to spell Addis Ababa or such foreign names," Mr. Winegar said.

New reporters got their feet on the ground covering such things as Farm Bureau, 4-H, offices on State Street, writing intelligent articles about giant tomatoes, tallest hollyhocks, lost dogs or cats and pieces like that.

One of Mr. Winegar's first duties was to call Redmond Brothers Market on State Street, the city's biggest, and get the daily quotation on what they paid for eggs since farm wives brought them in. "Prices were like 20 cents cash and 22 cents in trade. That is a dozen," he remembered.

He graduated to city court and police headquarters, and became the first Daily News columnist when he began writing a twice-weekly sports column after the stadium and lights were installed at Woodward Field following World War II.

He began his popular editorial page column in 1961, succeeding Mr. Brown, who wrote the first editorial page column in the early 1950s. Mr. Winegar will continue writing that column at his home.

In 1975, Mr. Winegar was named associate editor of The Daily News and added supervision of news correspondents to his responsibilities.

Reflecting on his next step, he commented, "This isn't retirement, simply an extended vacation. Chronological age is one thing I can't comprehend anyway. Most people don't bother with it.

"For years I have said that ours is a peculiar way to make a living. Because we fight deadlines, time passes swiftly. I have never seen or heard of anyone 'killing time' in journalism.

"Nothing else is like it because we are dependent on events over which we have no control, must make judgements and decisions without benefit of debate and get out a different product every day.

"Through the years, I have met hundreds of fine people, especially those with whom I have worked. They are great," Mr. Winegar remarked.

"Besides the daily strife and occasional fun that goes into our work, what makes it all worthwhile are the local boy makes good, and all the other good news we print that never quite makes the impact of the other kind.

"An understanding wife, Marcia, and four daughter, Susan, Laurel, Roxanne and Marcia E. are five good reasons for sticking with what you love, come whatever," he declared.●

IN RECOGNITION OF SERVICE: JOHN L. WATTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. LANTOS. Mr. Speaker, I want to take this opportunity to pay tribute to Mr. John L. Watts, the immediate past executive secretary of the Bay District Council of Carpenters. Mr. Watts is retiring from this post in which he has served with dedication, skill, and wisdom for the past 12 years. It gives me great pleasure to share with my colleagues the record of achievement of my friend and constituent John L. Watts.

John graduated from Burlingame High School where he served as president of the student body, captain of the football team, and was an honor student. He received an athletic scholarship to Oregon State University, graduating, with honors in 1936 with a degree in business administration. He played on the Oregon State University football team, was a member of the ROTC, and was on the dean's honor roll.

In 1941 when the United States went to war, John enlisted as a private in the Marine Corps, although he held a reserve commission in the Army as a second lieutenant. He served under General Patton while being trained in tank warfare. When he returned home, he was a highly decorated major.

He joined Carpenters Local Union No. 162, San Mateo, Calif., and from 1946 to 1953 he worked as a carpenter, foreman, and superintendent for construction companies on the peninsula.

He was recalled to active duty in 1953, and served his country training marines in the technology of tank warfare. In 1958, once again a civilian, he was selected to be the second city manager of the city of Belmont. He held this post until 1964.

For the past 18 years he has devoted his professional life to serving the Carpenters' Union in many different leadership capacities including the highest

post of executive secretary of the Bay District Council.

I am proud to join in recognition of the contribution made by John L. Watts to his Nation in time of need, to his city, and to his profession. In honoring John, we honor all citizens who make their living in the esteemed tradition of the carpenter's trade. John L. Watts represents our citizenry at its very best. We wish him many more years of achievement, and many more challenges to be met as successfully as he has met those of the past.●

PRIVATE SECTOR INITIATIVE

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. MICA. Mr. Speaker, in August of 1982 the entire Florida congressional delegation resolved to support the local efforts to establish and support private sector initiative programs.

The activities of the private sector initiative programs will be many. They will help encourage the private sector in each congressional district to take a more active role in solving community problems.

One of the major goals of the initiative will be to identify the leadership of each district's constituency from business, labor, religious groups, charitable organizations, nonprofit service delivery groups, educational institutions, youth organizations, ethnic groups, government officials, and the media and encourage their participation in the establishment of public and private partnerships in each district.

These groups will be charged to encourage programs which stimulate the use of volunteers to address community needs in each district, a most important aspect of their work.

I am pleased to be a sponsor of the effort to support the task forces of the President and the Governor of Florida, and of the efforts of our local citizens to promote the joint activities of government, business, and philanthropic organizations.

I think that these private sector initiative programs will be successful, and helpful to our Nation. If our country had embarked on such a creative program as this years ago, perhaps we would not be facing many of the difficult problems we now seem to have.

Finally, Mr. Speaker, I want to salute the efforts of private sector initiative program in the congressional district I have the honor of representing, District 14 of Florida. Local leaders have already begun to put together a successful and creative program, and they should have our full and active support as they carry on their good work.●

REAGAN'S WORLD VERSUS THE REAL ONE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. COELHO. Mr. Speaker, I would like to draw attention to an excellent article that was published in Sunday's Washington Post. I hope that all the Members will take a minute to look it over, and that some of our colleagues on the other side of the aisle will send it to Jim Baker, Ed Meese or Mike Deaver. Perhaps one of them will show it to the President.

Under the headline, "Reagan's World Versus the Real One," the article includes a point-by-point analysis of President Reagan's weekly radio address of 2 weeks ago.

In no fewer than 13 places in this short, 5-minute speech, the President substituted the make believe of Hollywood for the reality of the Nation. Instead of proposing economic policies that will work, he once again blamed the bad news on previous administrations, while taking full credit for what little good news there is.

Perhaps the best example is when the President said he inherited the current recession.

"There you go again, Mr. President."

Every reputable economist in the Nation, including the President's own chief economic adviser, will tell you that the recession did not begin until July of 1981. This is just one of 13 examples in the speech where the President twisted the facts to support his claim that Reaganomics is working.

Mr. Speaker, the President continues to paint a false picture of reality that makes it clear he is still out of touch with the people.

I ask unanimous consent that the Post article be printed in the CONGRESSIONAL RECORD.

[From the Washington Post, Feb. 13, 1983]

REAGAN'S WORLD VERSUS THE REAL ONE

(Last weekend in his regular radio address President Reagan offered a defense of Reaganomics that skipped over some relevant information. Below is the text of that speech; on the right, Washington Post economics reporter John M. Berry fills in some of the detail the president did not include. Numbers in parenthesis in text refer to points made.)

My fellow Americans, I'd like to talk to you about a word. It's a word we've all been hearing a lot lately. The word is "Reaganomics." Somewhere along the line our economic program got tagged with that label. To tell you the truth, it isn't a name I would have chosen. It sounds like a fad diet or an aerobic exercise. But we seem to be stuck with it. With every anchorman on the evening news, a goodly share of political pundits, and more than a few politicos using it, it has a good chance of becoming standard Americana.

There wouldn't be anything wrong with that, except that it's used as a term for something that's supposed to have failed. (1) So if you don't mind, I'm asking for equal time—well, at least, for about the next five minutes.

We are, and have been for some time, in a recession. Unemployment was running at 10.8 percent as the year ended. But we learned yesterday the welcome news that it dropped to 10.4 in January. And if you include our men and women in the military as part of the work force, which makes sense, it's down to 10.2 percent.

Still, only about two-thirds of our industrial capacity is being used. Our government is facing large deficits and interest rates are still too high. And we're told all of this is the result of an economic program put into place by our administration and which, for obvious reasons, is called Reaganomics.

I know some will say I'm being defensive, but I'll risk that, because in the weeks ahead decisions are going to be made here in Washington that will have a bearing on whether unemployment continues to go down and the economy continues to turn up. You will help determine some of these decisions because public opinion does influence government. Therefore, you must have a clear fix on the facts, the economic realities.

Thomas Jefferson said, "If the people know the truth, they'll never make a mistake."

So let's start with some dates. Back in 1979 inflation was rising, unemployment was increasing, and by 1980 we were in a recession.(2) Unemployment had reached such a point in the last half of 1980 that I referred to it as a depression.(3) I was criticized for that by technical-minded people who said it was only a recession. But you'll have to forgive me. I was campaigning in Flint, Mich., where the unemployment rate was already 20 percent; in Detroit if was 18 percent, and across the line in Ohio, steel mills were closing.(4) In an Indiana city, unemployment was 23 percent. Inflation was in double digits for 1979 and '80 and reached 14 percent during the 1980 campaign.(5) Interest rates went to 21.5 percent, and the housing industry was at a standstill.(6)

Our administration opened up shop on Jan. 20, 1981. The prime interest was still above 20 percent, inflation was 12.4 percent, and unemployment was 7.3 percent. The 1981 budget had already been put in place by the previous administration and began on Oct. 1, 1980. Now, there was nothing we could do about that budget; it wasn't ours, although we did manage to squeeze out a few billion dollars through some management changes.

For the most part, however, we were engaged in a struggle to get our budget proposals for 1982 adopted and the other part of our economic recovery program, tax cuts for all Americans to help stimulate the economy.(7)

All the time, interest rates stayed high, unemployment kept increasing and by July the bottom had fallen out.(8)

About this same time, our economic program, most of it, was passed, major reductions in the growth of spending and a 25 percent cut in income tax rates to be phased in over a three-year period. But none of this went into effect until Oct. 1, 1981. The first portion of the tax cut was only 5 percent. Another 10 percent would take place in July of 1982. Reaganomics, as they would have it, started only 16 months ago.(9) There was another 10 percent cut in the income tax scheduled for this coming July.

Now, what has happened in those 16 months of Reaganomics? Well, with the help of the Federal Reserve Board, inflation has dropped to only 3.9 percent for all of 1982, the lowest it's been in 10 years. Interest rates are about half what they were.(10) The effect of that is a 40 percent increase in housing starts, automobile sales are up, as are all retail sales. Factory orders have begun to increase. One timber company I know of, which a year ago today was completely shut down, is now on two shifts a day, five days a week. Real wages are up for the first time in three years.(11) And the rate of personal savings is up, meaning more capital for investment.(12) And, as I've already mentioned, "the lagging indicator," as it's called, unemployment, just took its first drop, 10.8 to 10.4. A survey of business establishments shows somewhere around 300,000 more people working. We have a long way to go; but that's a start at last.

Now, I've seen in the flesh some of these statistics I've quoted. A few days ago, I visited a Chrysler plant in Fenton, Mo., where 1,700 workers are being called back to a newly modernized plant. Another plant will be calling back an additional 1,500 workers by late summer. In nearby Hazelwood, the Ford plant was adding another entire shift and General Motors has announced it plans to call back more than 21,000 of the indefinite layoffs over the next few months. For eight out of the last nine months, the leading economic indicators have been up.

In the weeks ahead there'll be debates as to what course we should follow. The choice that will be offered is to turn away from our economic recovery program and go back to what was being done before.(13) May I point out, all of the good things I've mentioned didn't begin until after our program, Reaganomics, if you will, was put in place. Prior to that everything had been a mess for three years or more. I wonder if they'll still use that name when they've found out it works.

Until next time, thanks for listening and God bless you.

(1) Has Reaganomics failed? Judgments differ. The adminstration forecast in February 1981 that Reaganomics would raise the 1982 gross national product to $1,560 billion (in constant 1972 dollars), cut the unemployment rate to 7 percent by the fourth quarter of 1982 and reduce inflation to a 7.2 percent rate during 1982. Economic growth and domestic spending cuts would balance the budget in 1984.

Last year real GNP, the nation's total output of goods and services, turned out to be about $1,476, or 5.4 percent less than forecast. At the end of 1982 real GNP was running about 2.4 percent lower than when President Reagan took office.

Unemployment in the fourth quarter was 10.7 percent, 3.7 percentage points higher than predicted, and about 3 points higher than in January, 1981.

However, after the long recession, inflation has dropped substantially more than predicted. Consumer prices rose only 3.9 percent last year instead of the 7.2 percent forecast.

The promised balanced budget for 1984 now looks likely to be $200 billion in the red—three times bigger than any pre-Reagan deficit.

(2) The National Bureau of Economic Research, which dates the peaks and troughs of business cycles in the United States, has determined that the 1980 recession began in January and ended in July of that year. The NBER, at the time headed by Martin Feldstein, now chairman of Reagan's Council of Economic Advisers (CEA), later said the ensuing recovery continued until July 1981, when a separate and distinct recession began.

(3) Economist Alan Greenspan, CEA chairman in the Ford administration and an occasional adviser to Reagan, was traveling with Reagan at the time he made his remarks in Columbus, Ohio. Greenspan discussed the differences of magnitude between depressions and recessions and said the 1980 episode was clearly one of the latter.

(4) In December, 1982, the unemployment rate in the Detroit metropolitan area was still 17.7 percent. In Flint, it was 22 percent.

(5) Inflation reached a peak in 1979, when consumer prices rose 13.3 percent. In 1980 the figure was 12.4 percent, and in 1981, 8.9 percent. Much of that slowdown was the result of a sharp drop in the rate of increase in volatile food and energy prices.

(6) In January 1981, the prime lending rate at commercial banks peaked at 21.5 percent. But blue chip corporations were still issuing long-term bonds at rates less than 13 percent, and new home mortgage rates were only slightly higher.

Housing was not standing still, however. New housing starts the month Reagan took office were running at an annual rate of 1.6 million units, and had been moving up. In December, 1982, housing starts were at a rate of 1.2 million.

(7) The president's "Program for Economic Recovery" consisted of four parts, not just two. Along with spending and tax cuts, it also called for "prudent relief of federal regulatory burdens" and a steady reduction in the growth of money and credit "from the 1980 levels to one-half those levels by 1986." Most economists now agree that this tight money policy was the single most influential factor affecting economic activity in the last two years.

(8) During the first half of 1981, interest rates did stay high but unemployment did not increase. Rather, the unemployment rate stayed between 7.5 percent and 7.2 percent until September, when the slide into recession began in earnest.

(9) Only the personal income tax cuts began then. The large business tax cuts were retroactive to January 1981, and some regulatory reform had begun. More important, with the administration's backing, the Federal Reserve had throughout the year been slowing growth of the money supply—the major reason why interest rates remained so high and that the economy plunged into a recession.

Some administration officials say the Fed was responsible for the recession because it did a poor job of managing the money supply. Other economists, including CEA Chairman Feldstein, believe that any serious effort to reduce inflation using monetary policy inevitably would have produced a recession.

(10) Long-term interest rates are more important economically than short-term rates because they have a much greater impact on investment decisions. While the prime rate is now 11 percent, compared to about 19 percent in October 1981, those blue chip corporate bond rates are still at 12 percent, down only about 3.5 percentage points since that time.

(11) Average hourly earnings for production and non-supervisory workers rose 0.8 percent in 1982 after adjustment for the increase in consumer prices. They had fallen 3.1 percent, 4 percent and 1 percent in 1979, 1980 and 1981, respectively. On the other hand, gross weekly earnings—which are also affected by the number of hours worked—fell 1.3 percent last year after adjustment for inflation.

(12) Personal saving was 6.4 percent of disposable personal income in 1981 and 6.5 percent in 1982. That compares with 5.9 percent in 1979 and 5.8 percent in 1980.

However, the higher saving rate did not necessarily mean more funds were available for capital investment. Personal saving did grow the $141.1 billion last year, up from $96.7 billion in 1979. But measured comparably, the federal budget deficit grew twenty times faster—from $16.1 billion in 1979 to $147.9 billion in 1982. Thus, in 1979 the private sector could draw on the bulk of personal saving—as well as corporate saving—to finance business investment and housing construction. In 1982, financing the budget deficit absorbed all personal saving and then some.

(13) Reagan himself has made major modifications in Reaganomics. Pressed by Congress last year, he agreed to and later lobbied hard for a tax bill that took back a portion of the business cuts passed a year earlier. In addition, he has just proposed advancing scheduled Social Security tax increases and a set of "contingency" taxes for 1985 if the deficit remains as large as expected and other conditions are met. By 1988, by administration calculations, the total federal tax burden would be equal to 21.6 percent of GNP only a shade lower than the 21.9 percent level of 1981.

Reagan's latest spending plans would leave federal outlays at 23.2 percent of GNP in 1988, compared to 22.4 percent in 1980 and 22.9 percent in 1981.

The administration has also modified its goals for controlling growth of the money supply, and now recommends that the Fed pursue a less restrictive policy than it initially sought.●

H.R. 1324—SCIENCE AND MATHEMATICS TEACHER DEVELOPMENT ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. GOODLING. Mr. Speaker, I applaud this administration for its willingness to recognize the critical problem of science and mathematics education that this Nation is currently facing. In light of the large budget deficits that we are anticipating for fiscal year 1984, I think it is particularly noteworthy that the administration is willing to propose a new education program to deal with the shortage of trained personnel in this area. That is why I am joining several of my colleagues in cosponsoring H.R. 1324.

As outlined by the administration, the purpose of the bill is to increase the competence of American secondary students in science and mathematics by narrowing the gap between the current supply of qualified secondary schoolteachers of science and mathematics and the current need for such

teachers. The bill would authorize science and mathematics block grant assistance to States for scholarships to be awarded to individuals who can become qualified, within 1 year, to teach science or mathematics at the secondary level, in grades 9 through 12.

As numerous witnesses and reports have indicated, for the 10-year period 1971–80 there was a 64-percent decline in the average number of science teachers trained annually to teach in secondary schools. The comparable figure for mathematics teachers is 78 percent. Despite declining student enrollments, States continue to report shortages of math and science teachers. In addition, it has been estimated that there are about 10,000 individuals currently teaching math and science courses in secondary schools who are not fully qualified to do so.

However, I do have several concerns which I feel this proposal does not adequately address. The administration's bill addresses only secondary schools and teachers of secondary school mathematics and science. While the $50 million will be highly targeted because of the emphasis on secondary schoolteachers, the problems of elementary schoolteachers remain unresolved. There is no question that any proposal which plans to deal with this problem in an effective way must include elementary schoolteachers.

Another problem with the administration's bill is its failure to provide for congressional review and disapproval authority over the Department of Education's regulations that would be used to administer this law. Such an omission is not acceptable to Congress and I would never recommend that any legislation be reported from the Education and Labor Committee unless it contained this vital provision.

Although I do not believe that this bill goes far enough, I know it is a major contribution toward finding an appropriate solution to the critical shortage of highly qualified math and science teachers.●

TRIBUTE TO SUSAN B. ANTHONY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. TORRICELLI. Mr. Speaker, on this day we pay tribute to Susan B. Anthony who devoted her life to the battle for equal justice and equal rights for women. Throughout her career Ms. Anthony encountered violent opposition and resistance to her cause, but she was always sustained by her faith in the moral righteousness of her work.

Her noble efforts resulted in the passage of the 19th amendment to the U.S. Constitution—giving women the right to vote. However, despite her tireless efforts in the women's movement, much work still needs to be done. Today, we who believe in the cause of equal rights for women must carry on her work. As a cosponsor on the equal rights amendment I will continue to press vigorously for its passage through Congress. We must continue her work in the face of adversity.

On this day let us best honor Susan B. Anthony by reaffirming our commitment to the causes of social justice and equal rights for all.●

TRIBUTE TO JUDGE SAM BLAKELEY HALL, SR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. RALPH M. HALL. Mr. Speaker, I rise to pay a final tribute to Judge Sam Blakeley Hall, Sr., who died October 16, 1982, in Marshall, Tex.

At age 94, Judge Sam Hall, father of our dear friend and colleague, SAM B. HALL, JR., was Texas' oldest retired judge. He was a dedicated public servant who touched the lives of all those who knew and respected him.

Judge Hall was born September 12, 1888, near Hallsville, Tex. Receiving his education in Hallsville public schools and the University of Texas, Judge Hall began practicing law in May of 1914.

The first year of Judge Hall's 20 years as 71st district judge was in 1948. He served as district judge until his retirement on January 1, 1969.

In later years Judge Hall was associated with the law firm of Smith, Hall & Huffman. Judge Hall was always a leader in the community. He was past president of the Harrison County Bar Association, a 50-year member of Texas State Bar Association. He was a 50-year member of James F. Taylor Masonic Lodge of Hallsville, a 32d degree Mason and a member of Marshall Shrine Club. He was an elder for over 50 years at Eastern Hills Church of Christ, a veteran of World War I and most of all—a husband and mate to Valerie for 59 years—the father of three children, Congressman SAM B. HALL, JR., Kathleen Hall McLendon, and a son, William Sidney Hall, who died a young boy. He also has five grandchildren; Becky Hall Palmer, Amanda Hall Wynn, Melanie McLendon Dowell, Sandra Hall, and Susan McLendon; two great-grandchildren, Chase and Rebecca Palmer.

This great man will live on through those who bear his name, who learned the lessons of life at his feet, those who were priviledged to live in his home, guests at his table, associates in his law practice, and those who worshiped with him the 50 years he was an elder in the Eastern Hill Church of Christ—and yes, even those who stood before him as defendents or as litigants in his court.

"I think of his strongest suits would be when he was sentencing a person," Congressman SAM HALL, JR., said of his father. "He would try his best during the procedure to help the person. He could wither the strongest person when he was standing before him, but in such a way that the man left there with no real animosity."

He leaves many memories, all reflections of his disciplined—yet a giving life—his serious acceptance of the dignity of work—yet his ability to display not only a keen and constant fairness, but a great sense of humor and one who gave so much and asked so little.

He was a kind father, a giving family man—a great jurist—one who truly possessed the capacity of friendship—and one who will be remembered for so much by so many.●

"WHY IS EDA ON THE CHOPPING BLOCK ONCE AGAIN?"

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1982

● Mr. RATCHFORD. Mr. Speaker, again this year, the administration has proposed termination of the Federal Economic Development Administration (EDA). EDA has provided loans, grants, and technical assistance to help distressed communities plan and implement economic development projects, to leverage private investments, repair aging infrastructure, and to create permanent jobs. The success of this program is undeniable with over 1.4 million jobs in the private sector saved or created and $9 billion leveraged in private investment over the first 15 years.

While legitimate concerns have been raised with regard to the placement of assistance and the appropriateness of some projects funded over the years, these concerns are far outweighed by the accomplishments in areas such as the Naugatuck Valley of Connecticut. Without EDA assistance in this one area, for instance, new industrial parks and the thousands of new jobs created or salvaged would not have been possible.

During his testimony before the House Committee on Appropriations last week, I asked OMB Director Stockman the rationale behind the administration's "zero" budget request for EDA. He acknowledged that creation of new jobs in the private sector was consistent with the administration's stated goals, but seemed some-

what oblivious to the successes of the program. Director Stockman indicated that the administration viewed the EDA program as nothing more than a mechanism to "shift around" or "reshuffle" existing jobs. As we know from case after case, nothing could be further from the truth.

Though the President continues to insist that his fiscal year 1984 budget submission includes a comprehensive jobs package, I see little in the way of useful strategies toward this end. What I do see, however, are renewed attacks on programs that have been key to stimulating job creation in the past. The Small Business Administration, the Community Service Employment Program for Older Americans, the Export-Import Bank, and the Urban Development Action Grant Program have all been targeted for deep cuts or termination.

While none of these proposals seem consistent with the need to put some 11 million Americans back to work, the proposed termination of EDA seems most curious in light of its unquestioned success and its consistency with administration policy goals. The following editorial by Michael McManus as published in the Danbury News-Times last week speaks quite well to the folly of the administration's proposal:

[From Danbury (Conn.) News-Times]

REAGAN TRIES TO KILL ECONOMIC AID PLAN

(By Michael McManus)

For the third year in a row, President Reagan will attempt to kill the tiny Economic Development Administration.

It is hard to fathom.

The president says EDA wastes money. But his budget calls for spending $2.5 billion to research the MX missile, which is nearly the annual budget for the entire state of Connecticut. What's the big need to research a missile for which prototypes have already been built; that Congress has already decided not to produce on a mass scale?

Now, let's return to the wasteful EDA. Unlike the Urban Development Action Grant program—which Reagan also tried to kill—EDA does not require written private commitments to invest in advance of its grants or loans. (UDAG's track record has been so impressive, that even Reagan backed down when he saw the results: since 1977, some $2.4 billion of federal funds has leveraged $14.5 billion worth of private investment in the most distressed cities of the nation.)

On a superficial level, therefore, EDA is not as impressive as UDAG in leveraging private investment. But you will never convince Dick Kelso of the Maine Development Foundation of that.

"I can come up with 28 industrial park projects in 21 Maine communities that EDA funded. We just would not have these industrial parks without EDA. These are all small communities which do not have the money to build them. Yet they have been a tremendous source of economy viability."

I asked for an example, and he pointed to an industrial park in Biddeford which is full with two firms: Shape Video Inc., a high tech firm with 700 jobs, and Fiber Materials, an aerospace contractor with 200 more. He estimates that about 20,000 jobs have been placed in Maine industrial parks built with EDA funding.

The most recent EDA projects in Maine are four new fishing piers to service Maine's growing fleet of fishing ships that are taking advantage of exclusive new fishing rights 200 miles out to sea. A small pier in Rockland has generated 70 jobs and was built with a $500,000 EDA grant. In Portland, a big $16 million pier is under construction, $5 million of which came from EDA.

In other words, EDA is a key reason why Maine's jobless rate has remained 2 percent below the rest of the nation. The same pattern was revealed in a recent report on the New York-New Jersey metropolitan area on the impact of five years of public subsidies for economic development prepared by the Port Authority of New York and New Jersey.

It identified $2.25 billion worth of economic development aid from government, which was "a major contribution to the region's economic recovery that occurred during the years 1976–1980."

"The Federal Government played a dominant role in this effort, providing nearly half of all the funding received in this region. . . . Federal programs were particularly significant to the economic development efforts of the region's more distressed inner urban counties," said Port Authority Executive Director Peter Goldmark.

The report is cautious in estimating how many jobs were sparked by the investment—and rightly so. Applicants for federal aid tend to exaggerate the number of jobs which can be expected for a given amount of assistance. And no estimates were given of the job-creating impact of some agencies such as EDA and Small Business Administration loans.

Some 220,000 new jobs were reportedly created by only part of that public aid that leveraged $6.7 billion of private investment. The Port Authority suggests that the real number of new jobs is probably only 65 percent of that estimate, or about 143,000 jobs.

But even that smaller number is significant. It has kept New York area joblessness below the national average for most of the recession—in sharp contrast to what happened in the 1976–6 recession, when its joblessness was far higher than the nation.

In any case, the value of public investment to stimulate the economy of the older industrial states would seem to be clear. In his State of the Union address last week, President Reagan said "Many of our neighbors are without work. It is our task to see that they are not without hope."

Why, then, does the president plan to kill the Economic Development Administration which has already had its budget slashed from $500 million a year to $200 million?

Why does the president plan to reduce appropriations for the Urban Development Action Grants from $440 million in 1983 to less than half that amount?

And why is the administration not spending substantial economic development funds already appropriated by Congress for this fiscal year?

A House Committee's investigation revealed that $263 million of UDAC's $440 million is in a "backlog" of uncommitted funds. Asked why, a UDAG spokesman told me, "Demand was reduced for these funds, especially in small cities. That demand is coming back as interest rates are dropping."

If that's the case, the U.S. Conference of Mayors wants to know why the Administration would not release the backlog of UDAG funds, and pledge at least the same appropriation in next year as this year.

And why is EDA on the chopping block once again?●

GREEN INTRODUCES BILL TO ELIMINATE SEX DISCRIMINATION IN THE UNITED STATES CODE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 1983

● Mr. GREEN. Mr. Speaker, today, on the 162d anniversary of Susan B. Anthony's birth, a bipartisan group of my colleagues and I are introducing a bill to eliminate certain sections of the United States Code which explicitly discriminate on the basis of gender. I think it is highly appropriate that we celebrate the birthday of one of the Nation's leading feminists with introduction of a bill to cure archaic gender distinctions still codified in law.

I introduced this bill during the lameduck session of the last Congress as H.R. 7386, with the cosponsorship of 42 of our colleagues. Since then it has been endorsed by the National Women's Political Caucus, the Women's Equity Action League, the League of Women Voters, Business and Professional Women's Clubs, and the National Women's Party. Senator ROBERT DOLE is introducing this measure in the other body.

In the past 6 years, three comprehensive studies on gender discrimination in the United States Code have been conducted. The most recent study, which was released last June by the Task Force on Legal Equity for Women, provided a list of discriminatory statutes which have been remedied in recent years, and of those remaining on the books that are explicitly discriminatory. This bill is based on the task force's findings and those of the two previous studies.

Most of the changes in the bill are of essentially cosmetic value: They clean the United States Code of statutes ruled unconstitutional, or amend the law to conform with current legal practice. However, a few of the bill's changes will have a direct impact. The bill would amend several provisions of the Social Security Act and the Railroad Retirement Acts which still discriminate on the basis of gender in very technical areas concerning determination of benefits.

Typically, the bill would replace "males" with "persons," or "widows" with "widows and widowers," or "boys" with "youths," "wife" with "spouse," and so on. For example, it would grant widowers of deceased military personnel commissary privileges,

whereas at present only widows of deceased military personnel are allowed this privilege. It would treat family members on a sex-neutral basis in the disposition of effects of deceased Armed Forces personnel. Currently, it is illegal to transport "women and girls" in foreign commerce for illicit purposes; my bill would make it illegal to transport "adults and youths" for such purposes. It would amend an agriculture law which now calls for special attention to the nutritional needs of families with "working mothers" to call for attention to the needs of families headed by working parent(s). It would cure a section of the Omnibus Reconciliation Act of 1981 which was drafted using gender-discriminatory language previously ruled unconstitutional.

It is important to note that this bill intentionally avoids several very controversial gender-based statutes, including combat limitations, the Selective Service, and parts of the Social Security Act and the Criminal Code. These difficult issues are beyond the scope of the bill's intent, and would more appropriately be debated separately from this bill.

While the bill may best be described as "housecleaning," I would not discount the value of eliminating outdated, archaic distinctions from the code. I feel quite strongly that these discriminatory statutes have no place in our Nation's laws and that passage of this bill is a necessary step in the series of steps we must take to guarantee equality for women under the law. Changing these laws is not a substitute for substantive changes such as the Women's Economic Equity Act and the equal rights amendment, but it is an important complement to those major goals.

I believe we still have a long way to go to secure equal rights and treatment for women, and I intend to maintain the strong positions I have taken in support of women's rights, including advocacy of the equal rights amendment. But I also hope that my House colleagues will agree that this bill is a necessary step in our effort and will join me in cosponsoring this measure.

Thank you.●

SENATE—*Wednesday, February 16, 1983*

(Legislative day of Monday, February 14, 1983)

The Senate met at 10 a.m., on the expiration of the recess, in executive session, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Blessed be the nation whose God is the Lord, the people He chose for his inheritance.—Psalm 33: 12.

Eternal God, we so easily embrace the form without the substance, we cling to the symbol and sacrifice the reality. Forgive us, Lord, for hollow worship, for failing to take Thee seriously, for pious words without meaning or content, for professing one thing and practicing its contradiction. Forgive prayer which is merely a formality or religious token or empty phrases, as though there were no God to whom we pray or from whom to expect a response.

Patient Lord, Thou didst warn Thy people Israel through the prophet and lawgiver Moses, that they would perish if they forgot the Lord their God. Thomas Jefferson declared, "God who gave us life give us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God?" Righteous Sovereign, help us to hear the warning of these two great leaders, and hearing, repent of empty, cheap, meaningless piety. In the name of the God of Israel and His Son, our Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PRESSLER). The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

ORDER FOR PRIVILEGE OF THE FLOOR DURING CLOSED SESSION

Mr. BAKER. Mr. President, I am advised, for reasons that appear adequate, that two names need to be added to the list of those who are qualified to be in the closed executive session. Therefore, Mr. President, I ask unanimous consent that Joel Lisker, the chief counsel and staff director of the Judiciary Committee on Security and Terrorism, and Victoria Toenfing, chief counsel of the Select Committee on Intelligence, be granted floor privileges during the closed session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE TODAY

Mr. BAKER. Mr. President, as Members know, 10:30 a.m. today, under the order previously entered, the Senate will go into closed session for the purpose of hearing debate dealing with classified material. The time for that closed session is limited to 1 hour.

At 11:30 a.m., the Senate will resume open executive session and continue the debate on the nominations of Richard R. Burt and Richard T. McCormack. At 2 p.m. today, a rollcall vote already ordered will occur on or in respect to the Burt nomination. Thereafter, Mr. President, it is anticipated that a vote will occur, perhaps not a rollcall vote, on the McCormack nomination.

For the remainder of the day, Mr. President, it is the hope of the leadership that we can continue through the Executive Calendar. There are other nominations that appear to be noncontroversial.

It is also hoped, Mr. President, that sometime thereafter—this week—we can reach the Montreal protocols which also are on the Executive Calendar under treaties.

The Senate will be in session tomorrow, Mr. President. The outlook for Friday is uncertain at this point. I will have a further announcement to make in that respect later in the day.

D'AMATO: AT HOME IN THE SENATE

Mr. BAKER. Mr. President, I wish to call to my colleague's attention an article which appeared in this past Sunday's New York Times. Entitled "D'Amato: At Home in the Senate," it is an informative profile of my good friend, the junior Senator from New York, AL D'AMATO.

The article was written by Tom Goldstein, a writer who specializes in legal and political affairs. Mr. Goldstein has told the D'AMATO story in a candid and engaging manner, and has brought to light some of the extraordinary efforts that Senator D'AMATO has participated in since his election to the Senate in 1980.

I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

D'AMATO: AT HOME IN THE SENATE

(By Tom Goldstein)

Day after day, night after night, the debate over legislation to raise the gasoline tax dragged on. Conservatives filibustered against the measure, which was intended to create a public works program. The Administration also disliked the plan, but gradually gave ground as Christmas approached. While larger political and economic issues were being played out around him, Alfonse M. D'Amato, New York's junior Senator, was keeping watch over a more parochial issue—the preservation of operating subsidies for public transportation, a matter of paramount importance to his constituents. This was *his* issue, the issue he had picked after his election two years before as a means to make his mark in the Senate. Now the Administration was trying to eliminate the subsidies, which helped pay the day-to-day costs of mass transit in New York City and keep the fares down.

D'Amato seldom left the Capitol. Late one night, he pulled off his trousers to preserve the crease, put on sweat pants and managed to get 25 minutes sleep on a couch in his office before he was awakened for a vote on the Senate floor. During another all-night session, aides wheeled in an upright piano they had discovered in the hallway, and for nearly an hour the Senator broke the tension by playing three songs—"Heart and Soul," "It's a Sin to Tell a Lie" and "Blue Moon"—over and over again.

D'Amato was signing papers in his office one afternoon when the debate on the floor, which he was monitoring on a squawk box, unexpectedly turned to mass transit. It sounded like trouble, and D'Amato grabbed an aide and a jacket and dashed down the long hallway to an elevator, a balding 45-year-old echo of the high-school hurdler he had once been. Minutes later, breathing hard, he rose on the floor to defend mass transit funds. "I am arguing equity here," he said. "For years, my state has been hurt by inequitable formulas. I cannot stand idly by and watch this occur again."

The speech was a turning point. An amendment to greatly reduce funding for mass transit was narrowly defeated. Largely because of his persistence, his horse trading with colleagues, his refusal to compromise at a time when others were caught up in the larger drama, D'Amato emerged victorious.

"He fought like a tiger," says Richard Ravitch, chairman of New York's Metropolitan Transportation Authority. "He was indispensable." The gratitude is understandable. Under the measure D'Amato attached to the gasoline tax bill, the M.T.A. will receive an extra $1 billion in Federal aid over the next four years.

D'Amato did not hesitate to claim credit. "It demonstrates to some people," he said, "that instead of being an ultraconservative philosophical demagogue, I can be conscien-

tious to detail, I can build coalitions that can pass important legislation."

When he bid for the Senate, D'Amato was presiding supervisor of Hempstead, a Long Island "town" that is actually a collection of small communities. He ran a shrill, rancorous campaign that left many voters with the image of a brash, unpolished, knee-jerk conservative. He seemed to his critics to lack the understanding of world and national issues displayed by his predecessors, Robert F. Wagner, John Foster Dulles, Herbert H. Lehman and, for 24 years, Jacob K. Javits. During the campaign, there were published reports questioning his integrity. His victory was widely attributed to the split of the moderate and liberal vote between his two opponents and to Ronald Reagan's unexpectedly strong race in New York.

Today, after two years in the job, many of the concerns about him seem wide of the mark. Al D'Amato has not turned into a picture-book Senator. His grammar remains imperfect, his voice high and scratchy. He's never lost the habit of greeting strangers, "Hi, babes." But he has by most accounts done a credible job. In part, that reflects a change in the man, in his adaptation to a new world. In part, it reflects a public misunderstanding of who he is and of the Senate.

There was a time when the upper house of Congress had some of the elements of an aristocratic club. No more. The aura of collegiality has faded. When Senate staffs were small, senators dealt directly with each other, but that changed when the staffs grew large. Today, turnover among senators is high, and the newcomers arrive with less experience in government than was once the case.

Political uncertainty is a particular problem for the 18 Republican senators who were swept into office in the Reagan landslide. Like many of them, D'Amato has been putting some distance between himself and a President whose ratings in the polls have been sliding.

D'Amato's term is up in 1986—a year when there is no Presidential election—and he will have no one's coattails to hang on to. At least a dozen Democrats have already expressed interest in challenging him. His strategy is to be a tenacious booster for New York State—getting Federal help for subways and senior citizens housing and small businessmen—and by letting people know just how he's doing.

The 1980 Republican Senate primary was a most strident campaign. In one debate, Javits told his opponent: "You're a young man in such a big hurry to get yourself elected that I don't know what you'd stop at." D'Amato questioned whether Javits, one of the last survivors of the progressive Republican tradition in New York, would live through another six-year term. After his victory, D'Amato went on to win the general election, defeating Javits, who ran on the Liberal Party line, and Representative Elizabeth Holtzman, the Brooklyn Democrat, in another bitter, personal campaign. D'Amato relentlessly attacked her votes in Congress against defense appropriations and in behalf of "ineffective" social welfare programs. On the evening of his victory, D'Amato was overheard telling supporters that Representative Holtzman had used "gutter tactics." He referred to his "enemies," saying: "We know who they are and we're going to get them."

The tone of the comments fed fears about D'Amato's ethics and judgment. There already had been rumors and newspaper stories questioning his honesty. Finally, there were three investigations. The Nassau County District Attorney's office explored D'Amato's role in the awarding of a cable television contract when he was presiding supervisor. The Federal Bureau of Investigation looked into the terms D'Amato had received on campaign loans from a bank in which he had deposited taxpayers's funds. The Organized Crime Strike Force in the Eastern District of New York explored charges that he had been involved in payoffs for construction contracts at the Town of Hempstead's garbage recycling plant.

In all three investigations, the Senator has been exonerated. "Not a single charge stands up to any scrutiny," says D'Amato's lawyer, Michael F. Armstrong, former counsel to the Knapp Commission, which investigated corruption in New York City a decade ago. But damage had been done, and D'Amato has been trying to build up his reputation ever since.

The most important appointments a Senator influences are Federal judgeships, which are for life. Following Senator Daniel P. Moynihan's example, he appointed a judicial screening committee that recommends candidates. He has nominated more than a dozen judges and prosecutors, and their place in the political spectrum has ranged from conservative to moderate. "The best" is how the Senator describes his picks, but the general feeling in the legal community is that, while the candidates, as a group, approach the intellectual and legal quality of those chosen by Javits, they are not as distinguished as those nominated by Moynihan.

"Al wants to show he is a class act," says Michael Armstrong, who is a member of the screening committee. "To appoint good judges and prosecutors is to show he is not a political hack."

As expected, the Senator has become a champion of some conservative positions. D'Amato opposed Medicaid payments for abortions for victims of rape and incest. He has favored restrictions on the ability of Federal courts to order busing. He supports a bill that would bar challenges to voluntary school-prayer programs. D'Amato has also generally favored reduced Government spending, a balanced budget and deregulation.

But, as his colleagues in the Senate have discovered, D'Amato is more pragmatic than ideological. "To build a record," D'Amato says, "is to do little things day by day."

D'Amato's voting record in the third of his term has reflected a greater concern with satisfying his New York constituents than with distinctions of right and left. "People expected someone fighting on issues like busing instead of mass transportation," he says. Then he adds: "There are more important things than busing."

Senator Alan J. Dixon, an Illinois Democrat who has served on two committees with D'Amato, has noticed the change. "From the campaign," Dixon says, "I got the impression he was an extreme right winger. I have found him more moderate."

After the 1980 election, The Rochester Times-Union editorialized: "New York has two U.S. Senators with brains, beliefs, class and clout. They are Sen. Jacob Javits and Sen. Daniel P. Moynihan. Next year it will have one." Fourteen months later, the paper suggested that while D'Amato needed "a sense of history" about foreign affairs, he seemed "genial, hardworking and eager to learn."

There was New York milk along with New York eggs, New York potatoes and New York beets and sauerkraut. There were ducks from Long Island and wine from upstate. Al D'Amato was that host as dozens of senators and representatives stopped by the Senate Caucus Room reception to celebrate New York Farm Harvest Day.

Senator Strom Thurmond of South Carolina arrived early and sampled egg cookies, apples and a blend of New York milk and Kahlua, the sweet coffee liqueur. "Hey," said D'Amato. "They got a special cow in New York who does Kahlua in his milk." Thurmond seemed impressed. "I did not realize New York was a farming state," he said. "I never would have known this had not Senator D'Amato sponsored this." The freshman and the 28-year veteran of the Senate bantered and embraced, and a photograph was snapped. "Anything he wants, I try to give him," said Thurmond. "That's right," responded D'Amato, "he gives me my judges." Thurmond is chairman of the Senate Judiciary Committee, which must approve nominations for Federal judgships.

As the lawmakers drifted back to work, they were given a bushel of New York agricultural products. Favored legislators, like Strom Thurmond, also received a jug of cider or a wheel of cheese.

Al D'Amato knows how to cut a political deal, a skill he picked up during nearly two decades as a local official, and he sees it as essential to the performance of his new job. "Not enough of us," he told a recent Senate committee meeting, "have been small-town mayors and supervisors."

The controversial Tennessee-Tombigbee Waterway does not seem to be a matter of much consequence to a New York Senator. D'Amato voted to continue funding the project, he says, in return for Southern support for a bill he was pushing that would provide funds to clean up a radioactive waste dump at West Valley, near Buffalo.

In addition to his deal-making abilities, D'Amato has brought great energy and doggedness to his new job. Paula Hawkins, Republican of Florida, another first-term Senator who sits behind D'Amato in the Senate chamber, says: "He's terrific. He's a sleeper. You should see him on the floor. He won't take no. He'll take them all on. He really cares. He's really sensitive. Maybe it's because he's Italian."

One of D'Amato's proudest achievements was his winning battle to preserve, nearly intact, industrial revenue bonds. The bonds, which are used by many New York communities, make tax-exempt financing available to small businesses as a way of creating new local jobs. Last summer, he introduced two amendments on the floor, one at 3 o'clock in the morning, and shepherded them until they were passed. "D'Amato really was one of the one or two key participants," says a former staff member of the Small Business Committee, on which D'Amato serves. "He was tremendously effective, and this is very important to New York."

In his Washington office, where photographs of his wife and their four children share space with a bust of Lincoln and some partially filled bookshelves, the theme of helping New York is constantly heard. One afternoon, his high-pitched voice rose even higher and his hand sliced down as though he was practicing a karate chop on the arm of his chair as he ticked off recent accomplishments for New York:

"We saved $37 million for senior citizen housing." Then he added: "If I don't do it, who will?"

"There's a new instrument landing system for Chemung Airport." And again, the refrain: "If I don't do it, who will?"

"There'll be a bicycle trail-way in Rochester." Pause. "If I don't do it, who will?"

Was that refrain an oblique reference to Senator Moynihan? "Unfair question," D'Amato replied. "I won't answer that."

Publicly, the two men speak about each other in platitudes. "Oh, Patrick is an absolutely marvelous engaging person," says D'Amato. And Moynihan says: "He is a fine colleague. We work well together." They have a polite but uneasy relationship. Their staffs cooperate when necessary.

Al D'Amato was born in Newark, in 1937, and, when he was 7 years old, the family moved to Island Park, a close-knit, largely Italian community in Nassau County near Kennedy International Airport. D'Amato still lives there today, around the corner from the parents. ("It is the second poorest in Long Island," he says. "People find that incredulous.")

Since his election, the Senator has traveled widely—to Lebanon, Tokyo, Taiwan and Panama, as well as to the three "I's" that are obligatory stops for a New York politician, Ireland, Israel and Italy. But D'Amato always returns to his roots in Long Island, to the split-level, shrimp-pink Cape Cod with the wrought-iron eagle on the front door. The four-bedroom house on a small lot shows family wear and tear; the Senator apologized to a recent visitor because a part of the door to one of the bathrooms had been scratched away by a family dog, now dead.

D'Amato earns $60,662 as a Senator, and last year he received an additional $50,000 for speaking engagements—an amount that puts him in the top ranks of his senatorial colleagues. Adding in his wife's salary as a teacher, income from her inheritance and some income from investments, he estimates the total at $140,000—but he says he still had to borrow money last year to pay his taxes. When the Senate is in session, he stays in a condominium he recently purchased in Virginia.

During one of the Senator's visits to Island Park, he carried out the garbage and chatted with the sanitation men, then dropped into his favorite chair in the living room. He was somewhat groggy, feeling the aftereffects of a whirlwind trip abroad.

Over the course of the morning, several old friends from the neighborhood visited. From across the room, Michael Masone, superintendent of public works for 20 years, volunteered that the Senate had not changed D'Amato. "He's still the same Tippy to us," said Masone.

D'Amato blushed at the sound of the nickname, and at first refused to tell how he came by it. Finally he relented. "Alfonse!" he squealed. "Growing up with that, I needed a nickname." His relatives found one, calling him Tippy after the family's active and excitable pet dog.

The Senator is the oldest of three children. His brother Armand, 37 years of age, a State Assemblyman, lives a few miles away. His sister, Joanne Ribiero, 35, is married to a concert violinist and lives in Florida.

D'Amato attended Syracuse University, first as an undergraduate, then as a law student, working part time as a janitor. At Syracuse, he met and married Penelope Collenburg and moved back to Island Park after graduation. Through a friend of his father, he got the clerk's job in the town attorney's office, and he has not been off a government payroll since.

In 1977, D'Amato became Presiding Supervisor of Hempstead, a political entity of 840,000 people. He held the most heavily weighted vote on the county's Board of Supervisors, but he did not have administrative responsibility over the police and fire departments or health services. Two years later, he recalls, he decided to make a bid for the Senate: "I was fairly certain Javits would be vulnerable to a primary. The Republicans felt estranged from him."

After his victory, D'Amato found himself an outsider in an insider's city. On his first trip to the capital after the election, he brought along just one adviser—Thomas A. Bolan, a founder of the state's Conservative Party and an early and influential Reagan supporter, but a man D'Amato hardly knew.

The two have since become close. Bolan, a law partner of Roy M. Cohn, serves as a middleman between the Senator and Reagan aides. Some of these aides now feel that D'Amato rode the President's coattails to victory in 1980 and has not shown the proper gratitude.

As chief of his staff of 50 people, D'Amato chose John R. Zagame, a friend of Armand D'Amato and a former State Assemblyman from Oswego. Zagame ran for Congress in 1980 and was defeated in the Republican primary. His only previous experience in Washington was as a Congressional page.

On many levels, the Senator has worked hard to adapt to his new job. His clothing, for example. "He's more spruced up," says his brother Armand. "He's not as Long Island-y." The suits come from a factory outlet, but they tend to be darker, more conservative.

As a freshman Senator, his most important adaptation, D'Amato says, has been what he calls "a more balanced viewpoint." He explains: "I am much more willing to listen. I don't cling tenaciously to the thought that I know everything." The Republican leaders in the Senate feel he has done what they require of a freshman Senator, that he has voted with the party on most key issues.

In the beginning, he made some embarrassing mistakes. The worst, he says, was his proposal that Federal housing funds be denied to those cities that refused to phase out rent control. The plan died, and D'Amato reaped nothing but ill will among the thousands of his constituents who live in rent-controlled housing. "I opened my big mouth before I understood the facts," he says.

When he headed the Appropriations subcommittee that supervises the District of Columbia, D'Amato endorsed a candidate to become police chief in the District. This breach of etiquette—it was not within the subcommittee's purview—particularly irritated the local political establishment because his man, who happened to be of Italian extraction, was the only white candidate in the field. (The Senator eventually won praise for his work on the subcommittee from The Washington Post and from local leaders, including Mayor Marion S. Barry Jr.)

D'Amato learned another lesson in the ways of Washington when he prematurely disclosed to the press that President Reagan had agreed to name John L. Behan, a Vietnam War amputee who lived on Long Island, to head the Veterans Administration. There had been a struggle over the appointment, and the early disclosure so embarrassed the White House that Behan was never given the post.

The education of Al D'Amato, who had spent his life as a local politician in a narrow corner of Long Island, resembles a cram course. He suddenly found himself involved in large, complex issues, without a full briefing from his predecessor, a standard procedure in the Senate. According to Javits, after the election he offered D'Amato the assistance of his staff and access to background papers to provide the newcomer with an "education in national issues." But the offer was never accepted.

On the Appropriations Committee, D'Amato votes on the allocation of funds for programs approved by all other Senate committees. On the Banking, Housing and Urban Affairs Committee, he faces a host of complicated questions.

"What did I know from Glass-Steagall or Steuben Glass?" asks D'Amato. The Banking Committee has been reviewing the Glass-Steagall Act, which governs how commercial banks may go about their business.

Now, says D'Amato, "There are few people who know more about it than I do." A lobbyist from a major bank, however, says of the Senator: "He is not to be confused with gang busters, but he is not all that bad. He has shown a willingness to learn." The leaders of Wall Street have been trying to prevent commercial banks from gaining the right to underwrite securities and, as head of the securities subcommittee, D'Amato has been under pressure from both bankers and brokers. Both groups are heavy campaign contributors. D'Amato expects there will be some legislation this year. "I'll try to be fair," he says. "What's going to happen? Both sides will be annoyed."

In the beginning, D'Amato was an unquestioning supporter of the Reagan Administration, at least on economic matters. In an admiring Op-Ed article in the New York Times in March 1981, during the battle over the President's first budget, the new Senator pleaded, "Let us not pick the Reagan package to pieces," and counseled that unless "even some meritorious programs" were cut from the budget, "no significant change in our present economic morass will be possible." His first break with the President came over the Administration proposal to sell Saudi Arabia an $8.5 billion package of military equipment, including AWAC radar aircraft. D'Amato, who received only 4 percent of the Jewish vote in 1980, placed himself firmly in Israel's corner from the start.

By early 1982, he was labeling President Reagan's proposed 1983 budget "an absolute disaster," and later in the year, he joined 20 other Republicans in voting to override a Presidential veto of a $14.1 billion supplemental spending bill—despite an 11th-hour telephone call from the White House.

The President told him, D'Amato says, that a defeat on the budget would send the wrong signal to the financial markets about Congress's determination to control Federal spending. According to D'Amato, he told the President that Republicans were starting to lose the support of middle-class people. He says he warned, "Mr. President, we're going to divide this country."

Since then, the Senator has taken pains to separate himself from the President on a variety of issues. "Don't lock me in with President Reagan," D'Amato told one audience. The Reagan military budget particularly raises his hackles. "You do yourselves a terrible disservice" he says, "if you say the military is sacrosanct. Any jackass who says you can't make cuts in a $250 billion military budget is a jackass. That's where this Senator is coming from."

The President and the Senator see each other only on formal occasions, and D'Amato's contacts with the White House staff are limited. Given the new budget presented last month by President Reagan, their relationship is not apt to improve quickly. The President wants to trim $1 billion in funds for mass transit. D'Amato said they were "more drastic" than the cuts sought by the Administration in 1982, and that he looked upon them with "disdain."

In general, D'Amato sees himself as a "mainstream Republican." The President, he says, is "a little more to the right," and Javits is "well to the other side." That leaves the Senator a long distance from the ultraconservative many New Yorkers thought they were voting for, or against, in 1980.

Today, Al D'Amato is still finding his way around Washington. Rushing from meeting to meeting, cheerfully greeting policemen and perfect strangers, he occasionally makes a wrong turn and must ask for directions. But as he sits in his office, there is a certain sense of comfort and confidence. D'Amato is a man of many moods, and they shift like mercury as his staff moves easily in and out of his office, many of them without knocking. One moment he snaps at a secretary for not removing empty coffee cups fast enough, the next moment he may be hugging her.

One day D'Amato complained to Ed Martin, his 28-year-old press secretary, that he disliked the italic typeface used on some press releases. "I hate this typewriter," said the Senator, with no trace of humor in his voice. "I have such a hard time reading this," he added. "No wonder they don't use the releases." (The typeface remains unchanged.)

On another afternoon, the Senator's mood was buoyant as he leaned back at his desk and spoke on the telephone with Michael Armstrong. The previous day, a growth, which was found to be nonmalignant, had been excised from D'Amato's chest. The dressing protruded a few inches, and earlier this day it had been removed.

The Senator made a sexual wisecrack, as he had several times earlier in the day, about the missing bump on his chest. He laughed at his remark, then looked around the room to make sure the aides and friends gathered there were laughing, too.

The phone conversation ended, and then Tanya Metaksa, the chief legislative aide, walked into the room. A quiet, efficient woman, she had worked for the National Rifle Association before joining D'Amato's staff. "Good news," she said. Prospects looked promising for a D'Amato amendment that would allow Federal funds to flow without interruption to seven new housing projects in New York State.

Some technical work needed to be done on the amendment, and the gathering in D'Amato's office broke up. Soon the Senator would be on the telephone to three radio stations in Poughkeepsie to announce that rehabilitation could begin on 58 units of Federal housing in that city.

D'Amato spends part of most days on the phone, gossiping with local and state political leaders back home. Many of the conversations center around Joseph M. Margiotta, the Nassau Republican leader who had given D'Amato's career several key boosts. While appealing a conviction on charges of mail fraud and extortion, Margiotta still holds his powerful party post. D'Amato is intensely interested, but he wants to stay out of the cross fire over whether his former mentor should resign. He prefers the role of mediator. For example, when Anthony Prudenti, Suffolk County party leader, and George L. Clark Jr., state party leader, were feuding, D'Amato invited them to dinner and patched it up.

The Senator insists he wants no formal role in state party politics, and says he is content to let others vie for statewide leadership. Potential leaders include Buffalo Congressman Jack F. Kemp; Lewis E. Lehrman, who lost a bid to be Governor last fall; Warren M. Anderson, majority leader of the State Senate, and State Comptroller Edward V. Regan. "I want to be Senator," says D'Amato. "I don't want to be state party chairman."

He does, however, want to keep his home-state image polished. When Congress is not in session, D'Amato is traveling around the state. During last fall's recess, when a third of the Senate was running for re-election, his schedule was so full it seemed that he, too, was running. In one 26-hour period in Buffalo, he met with Mayor James Griffin and more than two dozen civic and business leaders . . . held a press conference about the meeting . . . took an unscheduled tour of a new housing project for the elderly . . . kissed women customers during a tour of the Broadway Market, where Polish is the first language . . . spoke at a lunch in his honor at Andy's Lounge on Buffalo's West Side, a predominantly Italian neighborhood . . . visited the site of another housing project for the elderly . . . met with executives of The Buffalo News . . . taped a 30-minute televsion interview . . . met with local political leaders . . . responded to questions for 90 minutes at a town hall meeting in Amherst, an affluent suburb of Buffalo . . . returned to Andy's Lounge for a fundraiser for the local sheriff . . . slept for five hours . . . spoke at a breakfast of local Republicans . . . appeared on a live local television talk show . . . taped a radio show.

At stop after stop, his message was the same: "I'm a small-town boy. I understand the needs of neighborhoods and communities. Unfortunately, people become insulated and isolated in Washington." One local official after another praised the Senator for the Federal money he had steered to this decaying industrial city on the shore of Lake Erie.

At lunch, the Senator sat next to Representative John LaFalce, a respected young Democrat. "D'Amato does well here," LaFalce said "He pays attention to Buffalo. This is the time it counts when it is not an election year. Jack Javits wouldn't do this kind of stuff. He was a national legislator. There are lots of things I did when Carter was in office I can't do now with the Reagan Administration. When I need help for my district, I call Al."

Mr. BAKER. Mr. President, I yield the floor to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I have no need for my time.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I may say that standing here and hearing the ring of natural voices without the benefit of microphones brings a feeling of nostalgia because when I first came to the Senate there were no microphones. I am not sure we have improved ourselves with that, but it is new and different. Since my voice is not being carried to offices around the Capitol, I am tempted to make unanimous-consent requests one right after the other, but I will refrain from that temptation.

Mr. President, the distinguished Senator from Pennsylvania (Mr. SPECTER) has a special order in his favor. I have no further need for my time under the standing order.

Mr. BYRD. I have none.

Mr. BAKER. Then, Mr. President, I am about to suggest the absence of a quorum. I ask unanimous consent, if the minority leader is agreeable, that the time consumed in the call of the roll for that purpose be charged against our leader time.

I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, point of order. Are we in open session at the present time?

Mr. BAKER. We are.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

S. 485—LAWYER'S DUTY OF DISCLOSURE ACT OF 1983

Mr. SPECTER. Mr. President, I am today introducing the Lawyer's Duty of Disclosure Act of 1983. It addresses the complex issues raised by last week's action of the house of delegates of the American Bar Association prohibiting lawyers from disclosing their clients' illegal plans.

The delegates' action would allow, though not require, disclosure to prevent a threat to one's life, but not to one's life savings. It thus creates a safe haven for white collar crime by requiring that an attorney keep silent. In my judgment such silence implicates the lawyer in his client's criminal scheme and should not be permitted.

There are important Federal interests involved in interstate commercial transactions, and specifically, for activities governed by the Federal Secu-

rities Act and prohibited by our mail fraud statute, which grants Federal jurisdiction over schemes to defraud through use of the mails. The public interest requires that the Congress not cede all authority on these questions to an association of attorneys, even one as prestigious as the Amercian Bar Association.

Hearings and extensive consideration will be necessary before there can be a resolution of the complicated issues raised in this proposed legislation. This bill can, however, provide the occasion and the Senate Committee on the Judiciary the forum for hearings and consideration of this important matter.

From my experience as district attorney of Philadelphia and assistant attorney general of Pennsylvania, I have prosecuted numerous cases involving criminal accusations against lawyers in situations touching on issues raised in the house of delegates action, such as charges of fraudulent misrepresentation, conspiracy, and obstruction of justice. An extensive investigation by the Philadelphia Bar Association into lawyers' practices in 1970–71 led to criminal prosecutions and the attorney general's investigation of Philadelphia's magisterial system in 1964–65 resulted in criminal charges against lawyers.

This bill would make it plain that a lawyer has an obligation upon discovering that a client whom he has assisted is intent upon criminal activity or has misappropriated his legal advice to aid in the perpetration of a crime or fraud to so inform Federal law enforcement authorities. Where the lawyer fails to make the requisite disclosures, he would be subject to Federal criminal liability.

The central issue is the lawyer's responsibility for his acts that are used in furtherance of criminal conduct by his client. There is no doubt that under existing law a lawyer may not knowingly give advice to a client on ways to violate the law—ABA, Code of Professional Responsibility DR 7-102(A)(7); ABA Commission on Evaluation of Professional Standards Rule 1.2(d).

The difficult issue arises when a lawyer has counseled a client in a matter which the lawyer later discovers to be part of his client's theretofore unknown criminal or fraudulent acts. I believe that the lawyer should have an obligation to come forward under such circumstances if necessary to prevent the crime or fraud from being perpetrated.

This bill does not affect the existing law regarding confidential communications between a client and his attorney concerning past conduct. Such a rule is consistent with our dedication to providing the criminal defendant with legal representation and insuring his rights to a fair trial.

The policy considerations implicated by this proposed bill are distinct from the confidential relationship necessary to a criminal defense. They are noted, in part, in the commentary of the ABA Commission on Evaluation of Professional Standards (Kutak Commission) accompanying the rule rejected by the ABA House of Delegates:

> The confidentiality rule is subject to limited exceptions. In becoming privy to information about a client, a lawyer may foresee that the client intends serious and perhaps irreparable harm to another person. To the extent a lawyer is prohibited from making disclosure, the interests of the potential victim are sacrificed in favor of preserving the client's confidences even though the client's purpose is wrongful. To the extent a lawyer is required or permitted to disclose a client's purposes, the client may be inhibited from revealing facts which would enable the lawyer to counsel against a wrongful course of action. A rule governing disclosure of threatened harm thus involves balancing the interests of one group of potential victims against those of another.

In my view, persons intent upon criminal or fraudulent activities cannot be allowed to use the fruits of the lawyer's work to commit future offenses. This bill would, accordingly, place upon the attorney an obligation to protect the public from fraudulent schemes of his client in which his legal advice is being misused. Criminal activity should not be hidden behind a shield of secrecy, fraudulent conduct cannot be condoned by lawyers who recognize their proper role in this society.

Such a legal duty is necessary because of the special role of lawyers in our society. Attorneys are officers of the court and lawyers are, more generally, vital participants in our legal system. If the American people are going to continue to have confidence in our judicial system, officers in that system must both act and appear to act beyond reproach; thus, lawyers bear a special responsibility to insure the integrity of our legal system. For an attorney to discover that a crime is about to be perpetrated and to remain silent is unacceptable. For a lawyer to discover that his professional efforts are being diverted to unlawful purposes and to stand mute would be for him to acquiesce in corruption.

In today's world a lawyer's assistance is a necessary component of many types of transactions. Lawyers derive their status from being necessary participants whose role is to insure compliance with legal requirements. They should not stand idly by while their skills and labor are used corruptly. To do so is to allow their work to assist the perpetrators of crime, to bring dishonor on those who are essential to the administration of justice and to undermine public confidence in our justice system.

The preamble to the final draft of the model rules of professional conduct recently considered by the ABA House of Delegates is entitled "A Lawyer's Responsibilities." It begins:

> A lawyer is an officer of the legal system, a representative of clients and a public citizen having special responsibility for the quality of justice.

I believe that as officers of the legal system, lawyers do have special responsibilities to the public and to insure the preeminence of the rule of law. They should not retreat, as the ABA House of Delegates' action suggests, from the traditional rule allowing lawyers to reveal a client's intent to commit a crime and to provide the information necessary to prevent it—ABA, Code of Professional Responsibility DR 4-101(c)(3). Instead, the proposed bill would recognize the lawyer's obligation to the public and the legal system by requiring him to come forward and report impending unlawful activities in an effort to prevent them. Similarly, he must prevent the corruption of his own legal activities when he knows that it occurs.

Recognize that the proposed legislation does not require that every attorney become an assistant prosecutor, impose investigative responsibilities on every lawyer with respect to every client's activities, or intrude unnecessarily into the attorney-client relationship. Rather, the point is that an officer of the legal system cannot know that a crime is about to occur and be allowed to stand by or retire behind a self-serving rule of professional conduct. If the legal system is to retain credibility, its officers must protect it and the public from such harm when they can.

The 188 to 127 vote of the American Bar Association's House of Delegates to prohibit the type of disclosure required by this bill led the ABA Commission on Evaluation of Professional Standards new chairman, Robert W. Meserve, to comment that the house of delegates actions "lets the client conscript the lawyer into supporting the client's misrepresentation and makes the lawyer an accessory to fraud." Permitting lawyers to support a client's misrepresentation or permitting lawyers to lawfully become accessories to fraud has grave consequences for commercial transactions in this country.

It is insufficient to permit the American Bar Association to decide such issues of overwhelming public importance. Similarly, when Federal policies are involved, it is insufficient simply to defer to the several States to consider the American Bar Association's conclusions on a State-by-State basis. A unform national rule is necessary on Federal matters that involve interstate commerce, the Federal Securities Acts, or fraudulent use of the mails.

Lawyers, like anyone else, can be guilty of the offense of misprision of a felony, which involves failure to

report the commission of a felony plus some affirmative action. When a lawyer acts in furtherance of the criminal conduct of his client, the lawyer may be guilty under existing law of the criminal charges of conspiracy, or aiding and abetting, or as an accessory after the fact.

A thoroughgoing examination of the proper role and obligations of the attorney who discovers his client is about to engage in criminal conduct is necessary. Likewise, the subsection of the bill that would require an attorney whose professional services were made the instrument of his client's crime or fraud to seek to mitigate the wrongdoing by coming forward may be controversial.

Although the attorney's services looked toward future activities when innocently rendered, I expect opposition to any notion that an attorney should make disclosures about information gained in the course of professional service regarding a client's completed conduct. In addition, a difficult professional dilemma many appear to be posed by requiring an attorney to make his disclosures in advance of a judicial determination of wrongdoing.

The proposed legislation contains two separate sections, one on prevention and one on mitigation, because the Kutak proposal did. The reasons for the prevention section are compelling because the social value of avoiding crime is great and since the situation concerns not completed but future conduct, there is no strong countervailing interest in confidentiality. The justification for the mitigation section is not as strong since it covers situations in which the crime has been completed although its full impact has not yet been felt by the victims. Since the crime cannot be prevented and the conduct has been completed, there is less social value in disclosure and perhaps greater interest in confidentiality. It may therefore be that this section should not be retained in the bill. It is worth consideration in hearings.

In examining these matters I look forward to working with my colleagues on the Judiciary Committee, the ABA and the distinguished members of the ABA's Commission on Evaluation of Professional Standards. We would welcome the comments of Federal law enforcement agencies, including the Securities and Exchange Commission, which not only has longstanding experience in this area, but has also been considering many of these same issues. I am confident that the members of the bar and the Congress share the common interests of insuring and protecting the integrity of our legal profession and can, by working together, achieve a practical solution to the problem while providing increased protection to the public.

Mr. President, I ask unanimous consent to have printed in the RECORD the proposals of the Kutak Commission and also the text of the bill.

There being no objection, the proposals and the bill were ordered to be printed in the RECORD, as follows:

PROPOSALS BY THE KUTAK COMMISSION

RULE 1.6 CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraph (b).

(b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:

(1) to prevent the client from committing a criminal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm, or in substantial injury to the financial interests or property of another;

(2) to rectify the consequences of a client's criminal or fraudulent act in the furtherance of which the lawyer's services had been used;

(3) to establish a claim of defense on behalf of the lawyer in a controversy between the lawyer and the client, or to establish a defense to a criminal charge, civil claim or disciplinary complaint against the lawyer based upon conduct in which the client was involved; or

(4) to comply with other law.

As amended by the House of Delegates in New Orleans.

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(3) to establish a claim of defense on behalf of the lawyer in a controversy between the lawyer and the client, or to establish a defense to a criminal charge, civil claim or disciplinary complaint against the lawyer based upon conduct in which the client was involved; or

(4) to comply with other law.

USE OF KUTAK LANGUAGE

Pertinent parts of the Act showing incorporation of language (underlined) from Kutak Commission into language from Mail Fraud statute:

(a)(1) who has in the course of representing a client placed in any post office or authorized depository for mail documents that the attorney prepared or any other matter or thing whatever to be sent or delivered that could enable or assist the client to commit a criminal or fraudulent act, or

(2) who has prepared documents for or who has otherwise been instrumental in assisting a client who has placed in any post office or authorized depository for mail any matter or thing whatever to be sent or delivered in furtherance of a criminal or fraudulent scheme and who

(b) (1) upon discovering that his client intends to commit a criminal or fraudulent act fails to make timely disclosure to federal law enforcement authorities of such intended conduct in order to prevent such conduct, or

(2) upon discovering that his client has committed a criminal or fraudulent act fails to make timely disclosure to federal law enforcement authorities of his knowledge regarding such conduct in order to rectify the consequences of his client's criminal or fraudulent act in the furtherance of which the attorney's services were used, shall be fined not more than $5,000 or imprisoned not more than 1 year or both."

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be called the "Lawyer's Duty of Disclosure Act of 1983."

SEC. 2. Chapter 63 of Title 18, United States Code, is amended by inserting immediately following section 1343 the following new section:

"SEC. 1344. AN ATTORNEY

(a) (1) who has in the course of representing a client placed in any post office or authorized depository for mail documents that the attorney prepared or any other matter or thing whatever to be sent or delivered that could enable or assist the client to commit a criminal or fraudulent act, or

(2) who has prepared documents for or who has otherwise been instrumental in assisting a client who has placed in any post office or authorized depository for mail any matter or thing whatever to be sent or delivered in furtherance of a criminal or fraudulent scheme and who

(b) (1) upon discovering that his client intends to commit a criminal or fraudulent act fails to make timely disclosure to federal law enforcement authorties of such intended conduct in order to prevent such conduct, or

(2) upon discovering that his client has committed a criminal or fraudulent act fails to make timely disclosure to federal law enforcement authorities of his knowledge regarding such conduct in order to mitigate the consequences of his client's criminal or fraudulent act in the furtherance of which the attorney's services were used shall be fined not more than $5,000 or imprisoned not more than 1 year or both.".

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, as in legislative session, there will now be a period for the transaction of routine morning business not to extend beyond 10:30 a.m.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITHUANIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, I am pleased that this year the Senate is actually in session on February 16. So many years in the past on Lithuanian Independence Day we have been in recess and we have had to mark the occasion here as much as a week away from the actual anniversary.

Mr. President, today we mark a very special anniversary. Sixty-five years ago today, on February 16, 1918, Lithuanian patriots established a Lithuanian Republic which subsequently adopted a constitution which, among other rights, guaranteed freedom of speech, assembly, and religion.

The brave and inspiring experiment of the Lithuanian Republic came to a tragic end in 1940 when Soviet Russia annexed Lithuania by force, together with her Baltic sister States of Latvia and Estonia.

Freedom was extinguished in Lithuania. Lithuanians were deported to Soviet slave labor camps. A policy of "Russification" sought—and still seeks—to stamp out the Lithuanian language and ethnic and cultural heritage. Lithuanian prisoners of conscience still suffer in Soviet prisons for their efforts to keep alive their national heritage and traditions.

Nevertheless, against all odds and with great valor, the Lithuanian people have kept alive the spirit of Lithuanian independence.

Mr. President, in 1966, prior to a trip to the Baltic States, I met in my home with the leadership of the Lithuanian, Latvian, and Estonian communities of Chicago. I talked with them about the trip, to get the benefit of their own knowledge and impressions. They told me about the spirit and desire on the part of the Baltic people to keep alive their heritage, their mores, their customs, and their resistance to Russification of their nations.

How fortunate I was to be able to visit that area, to see with my own eyes the efforts of these peoples to keep alive their legitimate aspirations. They have never and will never accept the view that their independence will be forever suppressed. They look with tremendous favor upon any indication from the United States that their battle has not been lost, that their battle has not been forgotten. They feel that Radio Liberty, Radio Free Europe and the Voice of America which get the truth behind the Iron Curtain, are absolutely essential. They pointed out all the attempts the Soviets have made to jam the broadcasts, sometimes spending more money, two to three times as much money, to jam as we do to broadcast.

So I came back with a feeling that my constituents were very much conversant with what was going on, very realistic. It is for that reason that holding this ceremony each year serves an important purpose. Our voices will be heard over the Voice of America, Radio Liberty and Radio Free Europe in the Baltic States and the Soviet Union.

When I went to the Soviet Union and the Kremlin after my visit to the Baltic States, they said to me, "Oh, did you call on our Government in Latvia, Lithuania, and Estonia?" I said, "No." They said, "Why not? Our Government would have been very happy to receive you."

I said,

No, I did not, for one simple reason: We in the United States do not recognize those people sitting in those offices as the government. They are not a government elected by the people. They are self-imposed. They have imposed their will upon the free people of Latvia, Lithuania, and Estonia.

Certainly the Lithuanian spirit evidenced 65 years ago on February 16, 1918, when they established a Lithuanian Republic and gave to their people the rights of speech, assembly, and religion, rights that have lived in the hearts and minds of all Lithuanians, should be in the hearts and minds of all Americans.

We cannot take our freedom here for granted. Nor will we rest until those freedoms are available to other peoples, particularly those peoples that once had them and then lost them under foreign domination.

Lest we in America take for granted the basic freedoms—the freedom to speak and to write freely, to vote, to worship as we choose, to honor the traditions of our many ethnic heritages—let us reflect today on the courage of Lithuanians who are without these freedoms and do not have them today, yet continue to work and pray for the Lithuanian nation.

Certainly they symbolize the symbol on our 5-cent piece, "E Pluribus Unum"—of many tongues, nationalities, peoples, religions, races, heritages. We are one people. We are Americans. We should never lose our sense of appreciation for the heritages from which we came, which contribute so vitally to the strength of this country, and certainly the Lithuanians have contributed immensely to the strength of America, particularly the strength of my own home city of Chicago.

Earlier this month the Senate and the House of Representatives approved a joint resolution designating today as Lithuanian Independence Day. I was pleased to be a cosponsor. It is fitting that we in the U.S. Congress associate ourselves with the Lithuanian Republic and with the ongoing struggle to support the legitimate aspirations of the Lithuanian people.

Our own country has been enriched by the values that our citizens of Lithuanian descent have brought to our life in America. My own State of Illinois has been particularly fortunate in having an impressive population of Lithuanian Americans who have contributed much to our institutions, to our communities, and to our economy. I wish to pay special tribute to all of them today.

Finally, I pledge my continuing efforts to honor Lithuanian independence and to help keep alive the spirit and traditions of the Lithuanian nation and its people. We shall not forget them.

Mr. BAKER. Mr. President, will the Senator yield to me briefly?

Mr. PERCY. I am happy to yield.

Mr. BAKER. Mr. President, I want to take this opportunity to commend the Senator from Illinois for his statement today and, most of all, to commend him for his unfailing dedication to this cause throughout his entire career.

Mr. PERCY. I thank my distinguished colleague whom we look upon as the Senator and law of Illinois.

Our citizens honor and respect the majority leader, honor and respect the memory of his beloved father-in-law, Senator Everett McKinley Dirksen, who himself never hesitated to speak out on behalf of the right of freedom, liberty, and justice for all people of all the world, particularly those in the Baltic States.

I thank my distinguished colleague.

Mr. BAKER. I thank the Senator.

CLOSED EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will now go into closed executive session for 1 hour, with the time to be equally divided and controlled by the majority and minority leaders.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Is the Chamber now prepared, Mr. President, to proceed with the closed session?

The PRESIDING OFFICER. Yes.

Mr. PELL. Mr. President, what level of security is this? Is it secret, top secret, codeword?

The PRESIDING OFFICER. Codeword.

Mr. BAKER. Mr. President, if the Senator will yield to me, I am advised by the Sergeant at Arms that since last evening, when the unanimous consent was granted, his office, in cooperation with other agencies and departments of the Government, has made the Chamber secure for top secret codeword material. That was

the purpose of my inquiry to the Chair: Is the Chamber now secure for that purpose?

As soon as I am assured of that by the Chair, I will be happy to designate the control of time on this side to the distinguished chairman of the Foreign Relations Committee and the minority leader, I believe, has done the same thing and designated the distinguished Senator from Rhode Island.

Is the Chamber now secure?

The PRESIDING OFFICER. The Chamber is secure.

Mr. BAKER. I thank the Chair.

(At 10:31 a.m., the doors of the Chamber were closed.)

OPEN EXECUTIVE SESSION

The PRESIDING OFFICER. The hour of 11:30 a.m. having arrived, the Senate now returns to open executive session.

Mr. PERCY. Mr. President, on behalf of the majority leader and at his request, I move that the Senate stand in recess until 12 o'clock noon.

Mr. MOYNIHAN. Mr. President, before the Senator makes that motion will he yield to me?

Mr. PERCY. I yield.

Mr. MOYNIHAN. I call to the attention of Members that there is a book from the Intelligence Committee on the desks of Senators which is a classified document. I ask them, however, to leave the report on their desks and the reports will be picked up by staff members and returned to the Intelligence Committee and returned to them upon their request.

RECESS UNTIL 12 O'CLOCK NOON

Mr. PERCY. Mr. President, I now review my motion that the Senate stand in recess until 12 o'clock noon.

The motion was agreed to and, at 11:32 a.m., the Senate recessed until 12 o'clock noon, at which time the Senate reassembled, when called to order by the Presiding Officer (Mr. COHEN).

The PRESIDING OFFICER. (Mr. COHEN). The Chair, in his capacity as the Presiding Officer, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, it appears that there is no great demand for time for further debate on the Burt or McCormack nomination. Indeed, I do not see a single Senator in the Chamber now seeking recognition for that purpose.

The vote will occur, under the order previously entered, at 2 p.m.

RECESS UNTIL 1:45 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until 1:45 p.m. and that the time between 1:45 p.m. and 2 p.m. be divided equally between the majority and minority leaders or their designees.

There being no objection, the Senate, at 12:14 p.m., recessed until 1:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATHIAS).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Maryland, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

NOMINATION OF RICHARD R. BURT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE

Mr. MATHIAS. Mr. President, last year when the nomination of Richard Burt to be Assistant Secretary of State for European Affairs was pending in the Senate I spoke in support of that nomination. It would be a reckless disregard of the cost of printing the CONGRESSIONAL RECORD for me to repeat all of the arguments that I made at that time in favor of Mr. Burt's confirmation. So I am not going to repeat what I said then.

But I think it is fair to say that I was present this morning during the closed session of the Senate in which there was a discussion of classified material which may have some relationship to Mr. Burt's confirmation. I believe I can say without breaching any confidence that I heard nothing new, nothing different, and nothing that would cause me to change the view that I expressed last year.

Mr. Burt was a reporter for the New York Times. He was an active and distinguished journalist. I did not always agree with the stories that he wrote, but I think they were usually well written and thoughtful, sometimes provocative. In other words, I think he was a good journalist.

In the course of his journalistic career he came upon some information. We do not know how he got it. In accordance with the ethics of the press, he has not told us where he got that information or from whom he got it. But he got it and he printed it.

I have speculated that it may have been the result of one of those so-called official leaks with which we are familiar in Washington. I have no basis in fact for that speculation beyond general knowledge that official leaks do occur and that they are in a sense a kind of instant declassification of otherwise classified material.

I do not condone the practice. I do not approve it. I would not encourage it. But I cite the fact that it has gone on in many administrations.

However that may be, I think one element that the Senate should call to mind before we vote on the Burt nomination is the fact that Mr. Burt is no longer a newspaperman. He has given up the quill, and at least for the moment renounced it.

Really, Mr. President, more than for the moment, because when he accepted the President's nomination to be Assistant Secretary of State for European Affairs, he signed an oath, and I am confident that he will abide by the terms of that oath, which includes the obligation to preserve the sanctity of any official secrets with which he is entrusted in the course of his official duties.

Finally, Mr. President, I think there is one piece of new evidence with regard to Mr. Burt. That is the evidence of his performance on the job. Pending confirmation of his nomination he has been on the job. He has been performing the duties of Assistant Secretary of State for European Affairs, and he has done so at a very critical moment. He was involved in the successful mission to Europe just completed by the Vice President of the United States, the President of the Senate, GEORGE BUSH. The Vice President told me that he feels that Mr. Burt made an important contribution to that trip; that his knowledge and his experience were important assets to the Vice President in an important and a very difficult assignment in the conduct of American foreign policy.

I think this is new evidence. It is fresh evidence. The Vice President, as we all know, is just back from Europe. He has Mr. Burt's qualifications and performance very much in mind at this time.

So, without repeating all the arguments I made last year in favor of the Burt nomination, I can say that I still support Mr. Burt for this post, and I think there is both an added urgency for confirming him and added evidence in favor of confirming him. It is my hope that the Senate will overwhelmingly approve his nomination and that he can go about his important duties of dealing with relationships between the United States and our European allies with the kind of confidence that a strong vote from the Senate will give him.

I hope the Senate will confirm Mr. Burt's nomination.

SOVIET SALT II VIOLATIONS: MR. RICHARD BURT HAS CAUSED A U.S. NATIONAL SECURITY AND CONSTITUTIONAL CRISIS

Mr. SYMMS. Mr. President, there is now conclusive evidence that the Soviet Union is flagrantly violating the second Strategic Arms Limitation Treaty—SALT II—in six significant cases, as well as other arms control agreements. This dangerous Soviet misbehavior gravely threatens U.S. national security and the preservation of world peace, because it contributes to the strengthening of Soviet strategic superiority. In stark contrast to this ongoing Soviet strategic buildup in violation of SALT II, the United States is complying strictly and unilaterally with the unratified SALT II Treaty. U.S. strategic forces have been constrained in nine significant but little publicized cases in order to comply unilaterally with the unratified SALT II Treaty. Further, this United States unilateral compliance with SALT II is occurring in violation of the U.S. Constitution and law. The Soviets thus have all the benefits of U.S. SALT II compliance, while themselves accepting no obligations. This situation is allowing already significant Soviet strategic superiority to grow dangerously, further shifting the world balance of power against the United States.

Mr. President, Mr. Richard Burt is the chief architect of both the U.S. policy denying the evidence of Soviet SALT violations and the U.S. policy of U.S. unilateral compliance with SALT.

A. SOVIET SALT II VIOLATIONS

In his recently published memoirs, "Keeping Faith," former President Carter declared that there was "an erroneous belief . . . that the Soviet leaders have habitually violated earlier SALT agreements, but that their defaults were somehow concealed by disloyal American leaders." (p. 214)

But in the same book, Carter contradictorily quotes former Secretary of State Henry Kissinger as conceding that the Soviets have violated or circumvented SALT Treaties:

> He [Kissinger] added that the Soviets . . . would honor the letter of an understanding, but that one had to be very careful because they would probe for every loophole in the language in order to gain some advantage, even if it violated the intent of the original deal. (p. 188)

According to the Washington Times of September 15, 1982, Henry Kissinger stated, "On actual violations, I'm familiar with one . . . " This Soviet SALT violation was SAM testing in and ABM-mode. Thus, according to Jimmy Carter, the Soviets have violated or circumvented SALT Treaties, by explicit admission of the chief architect of détente and SALT, Henry Kissinger. Many American leaders have authoritatively accused the Soviets of SALT violations, ranging from INF negotiator Paul Nitze, former Defense Secretary Melvin Laird, retired Adm. Elmo Zumwalt, Senators JAKE GARN, GORDON HUMPHREY, JESSE HELMS, former Senator James Buckley, former Congressman David Emery, defense analyst Colin Gray, and Ambassador Seymour Weiss.

The clear fact of massive Soviet violation of SALT Treaties under Carter and Kissinger was recognized by President Reagan's 1980 Republican Party platform. The 1980 Republican platform twice explicitly accused the Carter administration of a cover up of Soviet violations of SALT I, II, and other arms control agreements:

> The Republican party deplores the attempts of the Carter Administration to cover-up Soviet non-compliance with arms control agreements, including the now overwhelming evidence of blatant Soviet violation of the Biological Warfare Convention by secret production of biological agents at Sverdlovsk . . . We pledge to end the Carter cover-up of violations of SALT I and II, to end the coverup of Soviet violation of the Biological Warfare Convention . . .

The Soviets have been violating the SALT II Treaty ever since they signed it in 1979. President Reagan himself recognized the existence and danger of Soviet SALT II violations when he stated on May 9, 1982:

> So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs, and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige. Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties.

President Reagan is right. The Soviets have been violating the SALT II Treaty flagrantly. The following examples of Soviet SALT II violations have been widely reported in the press, and are well known:

First, the reported Soviet rapid reload and refire exercises for their giant SS-18 cold-launched ICBM. This violates or circumvents all the SALT II ceilings on launchers, and specific provisions prohibiting such a capability. It enormously increases the already overwhelming Soviet counterforce capability.

Second, the reported Soviet covert deployment of 100 to 200 camouflaged and concealed mobile SS-16 ICBM's at the Plesetsk test range. This activity explicitly violates several provisions of SALT II prohibiting SS-16 deployment. It also violates the SALT II data exchange. It is similar to the Soviet illegal deployment of 18 SS-9 ICBM's at the Tyuratam test range during SALT I. It provides the Soviets with a significant, covert strategic reserve force. (See SALT II agreement, U.S. Dept. of State, selected document No. 12B, June 18, 1979, p. 37).

Third, the Soviet deployment of AS-3 "Kangaroo" long-range air-to-surface missiles on 100 TU-95 Bear intercontinental bombers, in explicit violation of several provisions of SALT II. This is also a Soviet falsification of the data exchange, an integral part of the treaty, calling into question all Soviet supplied data.

Fourth, Soviet deployment of long-range air-to-surface missiles on the intercontinental Backfire bomber. This deployment explicitly violates several provisions of SALT II, as well as the Brezhnev Backfire statement, an integral part of the treaty.

Fifth, as reported in the CONGRESSIONAL RECORD, page 32625, December 20, 1982, and May 13, 1982, the continued almost total encryption of telemetry signals from the following Soviet missile programs: The SS-NX-20 SLBM, the SS-NX-19 SLCM, the SS-18 Mod X ICBM, the SS-20 IRBM, and now reportedly even the new Soviet medium-heavy ICBM equivalent to the U.S. MX ICBM. Moreover, 4 more new Soviet ICBM's are reportedly ready for flight-testing at any time. These new missiles will almost certainly be completely encrypted as well. This almost complete Soviet encryption is in clear-cut, flagrant, conclusive violation of several provisions of SALT II, as will be seen below.

Sixth, the fact that the massive Soviet strategic camouflage, concealment, and deception program is intended to deliberately interfere with U.S. National Technical Means of SALT verification—satellite reconnaissance—and therefore constitutes another SALT II violation. This violation is confirmed by a Soviet military dictionary dated as early as 1966, which states explicity that all Soviet interference with U.S. satellite reconnaissance is deliberate.

Explanation of the Soviet camouflage, deception, and telemetry encryption violations is straightforward. SALT II Treaty states in paragraph 3 of article XV:

> Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means . . .

More specifically, the Second Common Understanding to paragraph 3 states further that:

> Each party is free to use various methods of transmitting telemetric information during testing, including its encryption, except that, in accordance with the provisions of paragraph 3 of Article XV of the Treaty, neither Party shall engage in deliberate denial of telemetric information, such as through use of telemetry encryption, *whenever such denial impedes verification of compliance with the provisions of the Treaty.* (Emphasis added.)

In regard to the new Soviet missiles now undergoing testing, the United States needs to be able to verify launch-weight, throw-weight, number of warheads, number of stages, length, type of propellant, diameter of stages,

and procedures for releasing warheads.

All of these characteristics of the new Soviet missiles now being flight tested are reportedly concealed from U.S. verification monitoring by the almost total Soviet telemetry encryption.

The Carter administration would have immediately challenged as SALT II violations Soviet telemetry encrypton as complete as is now reported on the new Soviet medium-heavy ICBM and the SS-NX-20 Typhoon SLBM. The Soviets are reportedly encrypting 95 percent of the telemetry on these missiles. (See Evans and Novak, the Washington Post, December 15, 1982, "Of Hostages and Cheats," and New York Post, December 15, 1982, "Soviets Black Out New Missile Tests.") As former President Carter stated to a joint session of Congress on June 18, 1979, after returning from the Vienna SALT II summit:

> It is the SALT II agreement itself which forbids concealment measures . . . it forbids the encryption or the encoding of crucial missile test information. *A violation* of this part of the agreement—which we would quickly detect—*would be just as serious as a violation of the limits on strategic weapons themselves.* (Emphasis added.)

This statement means that complete Soviet encryption must be regarded as being just as serious a SALT II violation as exceeding the launcher ceilings, which the Soviets are also doing. The United States thus has grounds for declaring the SALT II Treaty null and void.

Moreover, a Carter administration State Department white paper on SALT II verification published in August 1979 stated:

> Deliberate concealment efforts are themselves a *violation*, and if detected *could be grounds for abrogating the Treaty*, even if we are not certain what activity is being concealed . . . concealment measures designed to impede verification would themselves be violations. (Emphasis added.)

Thus, the Carter administration pledged to abrogate SALT II if the Soviets used concealment measures such as almost complete telemetry encryption. The Reagan administration, in contrast, benignly tolerates and covers up Soviet SALT II violations, while charging the Soviets with violations of the BW and CW Conventions, the Kennedy-Khrushchev agreement, and the Threshold Test Ban Treaty.

B. UNCONSTITUTIONAL U.S. COMPLIANCE WITH THE UNRATIFIED SALT II TREATY

Regrettably, former President Carter and President Reagan have both defied the U.S. Senate's prerogatives in contravention of the treaty-making power of the Constitution. Both Carter and President Reagan committed the United States to compliance with the SALT II Treaty, without the advice and consent of the Senate.

This U.S. SALT II compliance policy began under the Reagan administration in March 1981, with a State Department announcement that the United States would not "undercut" the SALT II Treaty, as long as the Soviets "showed equal restraint." Mr. Richard Burt was the architect of this policy. But the U.S. Senate is supposed to have a voice in U.S. compliance with treaties. Moreover, the U.S. SALT II compliance policy is conditioned upon reciprocal behavior. But the U.S. Constitution says nothing about giving the Soviets a role in deciding whether or not the United States complies with a treaty.

Further, despite his suspicions of Soviet arms control violations expressed on May 9, on May 30, 1982, President Reagan himself stated:

> As for existing strategic arms agreements, we will refrain from actions which undercut them, *so long as the Soviet Union shows equal restraint.* (Emphasis added.)

The above listing of six Soviet SALT II violations clearly indicates that the Soviets are not showing any restraint at all. SALT II is an existing strategic arms agreement, although it is an unratified treaty. The U.S. Constitution states that:

> He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur . . .

This constitutional language is being contradicted by President Reagan's policy that the United States not undercut SALT II contingent upon similar Soviet restraint. Mr. Richard Burt committed the President to this unconstitutional policy. Logically, in order not to undercut SALT II, the United States should abide precisely with all its provisions. This concept could even be further interpreted to mean that the United States is bound to comply not only with the precise provisions of SALT II, but also with the undefined "spirit" of SALT II, as interpreted by the President or even by the Soviets. Thus, the President's policy of not undercutting SALT II is in effect Presidential ratification of the SALT II Treaty, committing the United States to complete compliance with all of SALT II's precise provisions. But not only have the Soviets officially never informed the United States that they will not undercut SALT II, they are themselves in fact flagrantly undercutting SALT II with their many SALT II violations. Moreover, the Soviets have authoritatively informed the United States several times that they will not comply with SALT II until it is ratified.

Thus, the Soviets have all the benefits of U.S. compliance with SALT II, while they themselves have accepted no obligations.

The President's policy of compliance with the unratified SALT II Treaty has official, formal status as Department of Defense directives 5100.7, 5100.72, and Air Force regulation 28-1, which require U.S. compliance with the unratified SALT II Treaty. Further, these directives require quarterly reports from the military services on U.S. compliance with the unratified SALT II Treaty.

There are many significant examples of U.S. unilateral compliance with the unratified SALT II Treaty during the Reagan administration. The following is only a partial listing:

First, the U.S. unilateral deactivation of 292 strategic delivery vehicles—160 Polaris SLBM's, 54 Titan II ICBM's, 80 B-52D bombers—counted in the SALT II Treaty and in its data exchange, an integral part of the treaty. These delivery vehicles constitute about 13 percent of the delivery vehicles allowed the United States under SALT II, and they carry over 500 warheads. They constitute about 33 percent or one-third of existing U.S. deliverable nuclear firepower (megatonnage). Hence, this U.S. SALT II unilateral deactivation is extremely significant. Meanwhile, while the United States has cut these 292 delivery vehicles, the U.S.S.R. has added almost 100 more.

Second, U.S. cancellation of deployment of 50 (or 100) stockpiled Minuteman III MIRV'ed ICBM's, in compliance with the unratified SALT II Treaty's ceiling of 1,200 MIRV'ed missiles. This extremely cheap deployment costing only about $50 million was originally intended to partially compensate for the Titan II ICBM deactivation, and it would have increased U.S. counterforce capability by about 15 percent. Hence, here is another extremely significant case of U.S. unilateral compliance with the unratified SALT II Treaty.

Third, the U.S. modification of B-52 bombers to carry "strakelets" on those models which are being equipped with air-launched cruise missiles. These rather expensive "strakelets" costing about $80 million are supposed to be "functionally related observable differences" (FROD's) required by the unratified SALT II Treaty. This action demonstrates that the United States is willing to spend large sums to comply with SALT II, but not to increase U.S. strategic capabilities in the case of the canceled Minuteman III deployment.

Fourth, the redesigning of the United States of the B-1B bomber in order to carry 2 fewer air-launched cruise missiles—20 instead of the 22 each bomber is capable of carrying, in unilateral compliance with the unratified SALT II Treaty. This is about a 1-percent reduction in the B-1B's payload, a fairly significant constraint of an expensive system.

Fifth, the U.S. limitation of the throw-weight of the MX ICBM to only somewhat above 3,600 kilograms, in

compliance with the unratified SALT II Treaty.

Sixth, the U.S. limitation of the launch-weight of the MX ICBM to 90,000 kilograms, in compliance with the unratified SALT II Treaty.

Seventh, the U.S. limitation of the number of warheads on the MX ICBM to 10, instead of the 14 originally intended, in compliance with the unratified SALT II Treaty. This constitutes a reduction in the payload of the already expensive MX ICBM of about 30 percent, an extremely significant constraint.

Given the above seven examples, President Reagan's November 22, 1982, decision to deploy the MX ICBM in the "Dense Pack" basing mode is not surprisingly being justified as being in full compliance with the unratified SALT II Treaty. Both Defense Secretary Weinberger and Assistant Defense Secretary Perle argue that MX Dense Pack does not violate the unratified SALT II Treaty. The Reagan administration argues (unconvincingly) that the MX canister, not its silo, is the launcher, and that this launcher is mobile. Thus, in sum, the United States has already constrained its strategic forces in at least eight significant ways.

Given the fact that the United States has already constrained its strategic forces in eight important ways, in unilateral compliance with the unratified SALT II Treaty, we should again not be surprised by a recent ninth example.

On December 20, 1982, Senator GARY HART offered an amendment to the fiscal year 1983 extended continuing resolution appropriations bill. This amendment, which passed, is the ninth case of U.S. unilateral compliance with SALT II. The Hart amendment states:

> . . . no initial flight test of the MX missile may be conducted until *after* both Houses of the Congress have agreed . . . [to] a basing mode for such missile." (Emphasis added.)

The Congress may not agree by March 1, 1983, or at all on a basing mode for MX. Hence, MX flight-testing under the Hart amendment is delayed indefinitely and may in fact be completely prevented from ever beginning. The Hart amendment will delay MX flight testing indefinitely due to the U.S. unilateral policy of complying with the unratified SALT II Treaty. While the Hart amendment does not specifically mention the unratified SALT II Treaty as the reason for delaying indefinitely the first flight test of the MX ICBM, it is clear that the intent and purpose of the Hart amendment is to comply with SALT II. Indeed, the sole and only reason for the Hart amendment is to comply with the unratified SALT II Treaty.

This is because under the second agreed statement to paragraph 9 of article IV of the unratified SALT II Treaty, the United States should not flight test a new type ICBM which has a different number of stages than that of the first new ICBM type to be flight tested. In other words, once the United States initially flight tests the first MX—with its four stages—we could not under SALT II then legally test launch a second new ICBM type with three stages, which would probably be the number of stages on a small mobile ICBM.

For the past 6 years, the first flight test of the MX ICBM has been scheduled for January 1983. Now, under the Hart amendment, this test is delayed indefinitely, and perhaps permanently, all because of continued U.S. compliance with the unratified SALT II Treaty.

Beyond the above constitutional, legal, and political problems, the Hart amendment would also have the following deleterious effects on the MX program:

First, it delays MX R&D indefinitely, which the Congress, the President, and the Joint Chiefs of Staff all agree should go forward as soon as possible as a top priority.

Second, it will increase the cost of the MX program.

I believe that the Hart amendment is unconstitutional, as is each of the other eight cases of U.S. unilateral compliance with the unratified SALT II Treaty presented above. The evidence is growing ever greater that the constitutional treatymaking power and prerogatives of the U.S. Senate are being contravened and circumvented by the U.S. "interim" SALT II compliance policy. Someday, U.S. Senators may begin to challenge U.S. unilateral SALT II compliance directly, on the Senate floor. Mr. Richard Burt is the chief architect of this policy.

In addition to being unconstitutional, U.S. compliance with SALT II contradicts section 33 of the Arms Control and Disarmament Act of 1961. Section 33 states:

> No action shall be taken under this or any other law that will obligate the U.S. to disarm or reduce or to limit the armed forces or armaments of the U.S., except pursuant to the treaty-making power of the President under the Constitution, or unless authorized by further affirmative legislation by the Congress of the U.S.

Many of the nine cases of U.S. SALT II compliance described above are not only occurring without the "further affirmative legislation" stated above, but in at least one case it is being done in defiance of affirmative legislation. Deployment of 50 to 100 MIRV'ed Minuteman III ICBM's was authorized by Congress in both fiscal years 1981 and 1982, yet it is not being done, in order to comply with SALT II.

C. CONCLUSION: THE SOVIETS VIOLATE SALT II WHILE THE U.S. VIOLATES ITS OWN LAWS TO COMPLY WITH SALT II

In sum, we have seen how President Carter's denial that there had been a U.S. coverup of Soviet SALT violations has been first charged by the 1980 Republican platform, and then the coverup itself has been perpetuated under President Reagan. Carter at least told Congress that extensive Soviet telemetry encryption was as serious a violation of SALT II as breach of the weapons ceilings themselves. In contrast, President Reagan is allowing both Soviet complete missile testing encryption, as well as breach of the weapons ceilings in the form of SS-18 rapid refire and covert SS-16 capabilities. Thus, Carter pledged strong enforcement of Soviet compliance with SALT II, while Reagan has pledged strong enforcement, but instead has continued the coverup and engaged in no enforcement.

The nine cases of significant U.S. compliance with the unratified SALT II Treaty are indisputable. Thus, we have two concurrent crisis: One in U.S. national security and the other involving the Constitution. Mr. Richard Burt is responsible for both crisis.

Resolution of the constitutional crisis is simple but difficult enough—all the Senate has to do is vote its advice and consent to ratify the SALT II Treaty, or alternatively, vote to send the treaty back to the President as unratifiable. Such a weighty vote would be dramatic, but if the United States is going to comply with SALT II, some believe that we may as well do so in conformity with our Constitution.

Resolution of the national security crisis is also simple, but even more difficult. We could simply expose the many examples of Soviet SALT cheating, and begin to rebuild American strategic power to at least equality with the Soviets. The difficulty here is that challenging Soviet behavior in order to enforce compliance is extremely provocative. The Soviets will react with extreme hostility, and even with nuclear blackmail threats. We must be prepared to stand up to the Soviets, to live without SALT, in order to enforce their compliance with SALT.

There is a useful analogy to illustrate the American problem. One must be prepared to whip the big dog who has messed on the living room floor's rug, when the big dog knows that you know he did it. Thus far in the second decade of SALT, America has been both unable and unwilling to whip the big Soviet dog. Yet, we are willing to continue to negotiate arms control agreements with the Soviets, even in the face of their arrogant violations of all existing arms control agreements. Perhaps this continued American

blindness to the hypocrisy of arms control is proof of the overwhelming power of the Soviet Union.

Now, there is a further cause for concern. The fiscal year 1984 Defense budget severely reduces Trident I SLBM production, which is to be ended completely in 1985. The fiscal year 1984 Defense budget also completely stops air-launched cruise missile production. These are our only two strategic weapons systems currently in production. In sum, an administration which promised to close the window of vulnerability is actually opening it wider, by unilaterally cutting back both old and new strategic forces.

I submit for the RECORD an article from the Washington Post of February 16, 1983:

SOVIETS TEST NEW MISSILE, POSSIBLY VIOLATING SALT TERMS

The Soviet Union has fired a new intercontinental ballistic missile in a test that could raise questions about whether Moscow is violating the SALT II nuclear arms treaty, U.S. intelligence sources said yesterday.

Officials said a small solid-fuel missile was launched Feb. 8 from Plesetsk and that preliminary analysis of information picked up by American monitoring equipment suggests that it may have been the first successful test of a second new Soviet ICBM.

U.S. officials confirmed in December that the Soviets had test-fired a medium-sized solid-fuel ICBM.

The SALT II treaty specifies that the Soviet Union and the United States may flight-test and deploy only one new type of ICBM, which must be a light one, according to a June 21, 1979, letter signed by then-Secretary of State Cyrus R. Vance in submitting the treaty to President Carter.

There was no formal comment last night from either the Defense or State departments. Officials cautioned against jumping to the conclusion that the Soviets have broken the agreement.

Although the United States never ratified SALT II, the Reagan administration has said it will abide by it as long as the Soviets do the same.

● Mr. BIDEN. Mr. President, critics of Mr. Burt's nomination come close to identifying a chronic and important issue in Washington, the use of leaks to support political or policy interests. Moreover, there exists a related, but slightly different phenomemon. That is, there are cases where the Government official who discloses the information is sufficiently senior or highly placed that difficult legal and theoretical questions are raised about whether the information disclosed is not really leaked at all, but instead, "instantly declassified."

In any event, this whole case is extremely similar to the, as far as I know, unprecedented classified briefing that the Department of Defense gave to about a dozen journalists just this past December. This briefing was on the Soviet military buildup and current threat potential. The Department apparently felt that it would enhance these reporters' ability to write about the administration's proposals and budgetary plans for the U.S. military to have classified information on the Soviet military. In that instance, no attempt was made to assess formally the reliability of the reporters involved. The ground rules were so lax that virtually everyone involved had a different interpretation of what could and could not be done with the information disclosed. Yet no one has suggested that in that case the reporters had done anything wrong.

Several of us, however, felt strongly that Pentagon officials had done something wrong. We also felt that they had perhaps done something one-sided and made political use of classified information. Senators BYRD and HUDDLESTON and I wrote to the President in December requesting (a) a comprehensive report on this briefing, (b) an assessment of the potential damage caused by the release of this unarguably classified information, (c) an identification of the officials who authorized the disclosure, and (d) a statement of the administration's general policy concerning the release of classified information.

Apparently, however, the administration considers this such a trivial affair that their response, just received last week, to our December request, is a one-page, three-paragraph letter. This report superficially responds to several of our questions and wilfully ignores others. It does not even acknowledge the important question about this administration's policy toward the release of classified information. If this response is to be read as representative of their attitude to the disclosure of classified information by senior officials, then I must conclude that the administration is not greatly bothered by the question.

We have had over the last 2 years several instances of the selective release of classified national security information relating to contentious policy issues. There are several Members of this body who have significant experience in the area of national security information and who are extremely curious to know what exactly this administration's policy is toward the authorized, ad hoc disclosure of classified information. I would like to emphasize, Mr. President, that this is not a partisan political concern because we had these same, unanswered questions during the last Democratic Presidential administration.

The December 1982 Pentagon classified briefing to the press was again similar to the 1979 disclosures to Mr. Burt in that it was perhaps selective and put in an unfair position those people who disagree with opinions of those who disclosed the information.

People with different opinions but who respect classified information could not publicly disagree with the judgments or assessments disclosed to Mr. Burt and broadcast to the public through his articles. Similarly, people who disagree with some of the assessments expressed in the Pentagon briefing last December cannot, in good conscience, disclose classified information that supports this disagreement—not if they respect the system of classification.

By the administration's own admission, the information disclosed at the December Pentagon briefing was at least "Secret" level. Under the President's Executive Order on Classification, Secret level information is that information whose unauthorized disclosure could be expected to cause "serious damage to national security."

We have here, then, Mr. President, a situation where the White House quite blithefully notifies Members of the Senate that information whose disclosure could be expected to cause at least "serious damage to national security" has been systematically presented to the press under the most ambiguous of ground rules, expectations, and gentlemen's agreements.

I am as concerned as the opponents of Mr. Burt's nomination about the proverbial sievelike quality of the Federal Government and deplore the release of even confidential level information, the lowest level, almost as much as the release of Top Secret/Codeword material. However, the root of the problem continues to lie in accepted practices and attitudes within the Government that allow the irresponsible disclosure of classified information.

I submit for the RECORD correspondence relating to this matter.

The correspondence follows:

U.S. SENATE,
Washington, D.C., December 20, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: According to published reports, officials of the Department of Defense released a considerable amount of classified information to representatives of the media during an "authorized" Pentagon briefing last week. It is our understanding that the briefing was very similar to that which was provided to the Senate in closed session some months ago, a session marked by extraordinary security precautions prompted by expressions of concern lest any of the information provided to the Senate leak out.

The paradox of this state of affairs is obvious. The problem is compounded, of course, by the resulting situation whereby officials of your Administration may feel free to utilize, on a selective basis, whatever sensitive information may be considered helpful in attempting to convince the American people of the correctness of their particular point of view, whereas Members of Congress are constrained from using either the same or related sensitive information to facilitate a full public airing of all the relevant facts. We hope you would agree that public support for major policy decisions af-

fecting the security of the country should not be achieved in this fashion.

We trust that you had no advance knowledge of the December 14th briefing. We would therefore appreciate your looking into this matter and providing us with a comprehensive report of the facts and circumstances involved, including the level of classification of the information disclosed, assessment of potential damage resulting from the release, and identification of those officials who authorized the disclosures. It would also be helpful to have a statement of your Administration's general policy concerning the release of classified information.

Thanking you in advance for your cooperation.

Sincerely,

JOSEPH R. BIDEN, Jr.
ROBERT C. BYRD.
WALTER D. HUDDLESTON.

SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C., January 3, 1983.

Hon. BARRY GOLDWATER,
Chairman, Senate Select Committee on Intelligence, Washington, D.C.

DEAR MR. CHAIRMAN: Just prior to the Senate's adjournment sine die, officials of the Department of Defense, according to published reports, released a considerable amount of classified information to members of the press during an authorized Pentagon briefing.

Senator Byrd and I discussed this serious matter on the Senate floor on December 16, 1982. The view was there expressed that this briefing, while unacceptable for a variety of reasons, was especially objectionable because information may have been released to the press on a selective basis. Yet members of Congress who both respect classified information and have different assessments of the intelligence information at issue cannot, in good conscience, fully present their views to the press or to the American people if doing so would involve disclosure of classified information.

Senators Byrd and Huddleston joined me in writing to the President on December 20th, asking him to provide us a comprehensive report on the facts and circumstances involved in this briefing to the press. I request that the Committee staff discover the background of this briefing and the exact material included in it. I also request that the Committee keep abreast of the preparation of the report asked for in our December 20th letter. I think that at a suitable time the Committee might want to consider the information which comes to light.

Thank you for your attention.

Yours sincerely.

JOSEPH R. BIDEN, Jr.

THE WHITE HOUSE,
Washington, February 4, 1983.

Hon. JOSEPH R. BIDEN, Jr.
U.S. Senate, Washington, D.C.

DEAR SENATOR BIDEN: This will respond further to your letter to the President of December 20, 1982, co-signed by Senators Byrd and Huddleston concerning a classified briefing presented by the Department of Defense to senior Pentagon correspondents.

Following my earlier reply to you acknowledging receipt of your letter, the questions you raised were reviewed with appropriate officials of the Department of Defense. The Department advises that this briefing presented a description of Soviet military growth over the last decade. It also advises, however, that the briefing did not include sensitive all-source information provided to the Senate in closed session, and in response to specific questions.

The Department states that Secretary Weinberger authorized the briefing after careful deliberation and consultation with other officials, and that the briefing cannot be characterized as an attempt to utilize information on a selective basis to support a particular policy decision. Rather, it was a general briefing on Soviet military growth to educate the press. The Department indicates that the members of the press who attended were cleared and specifically agreed not to disclose the information. Also, Defense advises that the briefing was at the Secret noncompartmented level; there were no net assessments presented or discussion of U.S. military strength or weapons systems.

I hope this information is helpful, and will dispel the concerns you expressed about this matter.

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.●

● Mr. HUDDLESTON. Mr. President, the debate over the nomination of Richard Burt to be Assistant Secretary of State has raised issues that go beyond his appointment. As my colleague, Senator BIDEN, has pointed out, the discussion of certain articles that Mr. Burt wrote in the New York Times several years ago suggests the real dangers created by leaks of classified information to promote particular policies. The problem is not caused by the press, which has a constitutional right to print the news, but by the Government officials who leak the information.

Intelligence leaks are particularly dangerous, because they can jeopardize sensitive intelligence sources and methods. For that reason, Senator BIDEN and Sentor BYRD and I sent a letter to the President on December 20, 1982, asking for a report on the Defense Department's apparent use of classified intelligence to brief reporters on the Soviet military threat. We expressed concern about the situation in which administration officials might feel free to release, selectively, very sensitive information that would help persuade the American people to support their policies, while Members of Congress cannot use similar information to support a different point of view.

Our letter asked for a comprehensive report of the facts and circumstances involved in the briefing of media representatives, and we observed that it would be helpful to have a statement of the administration's general policy concerning the release of classified information.

We have received a response from Mr. Kenneth M. Duberstein, Assistant to the President for Legislative Affairs, dated February 4, 1983. That response has been placed in the RECORD by Senator BIDEN. I am disappointed to have to say that it does not adequately address the issues raised by our letter.

Mr. Duberstein's response provides only brief conclusory assertions, rather than a comprehensive report of the facts and circumstances. It ignores the suggestion that the administration should state its general policy on "authorized leaks" of classified intelligence information. Its statement that the members of the press "specifically agreed not to disclose the information" is at variance with accounts reported by the news media.

Most important of all, the White House response disregards the indications that the briefing may have made a selective use of classified intelligence to "educate the press" for the purpose of winning support for the administration's general policies on military spending. Classified intelligence sources and methods may have been revealed, yet the White House response makes no mention of that possibility despite our specific request for an assessment of potential damage resulting from the release.

This matter cannot be allowed to rest without further action. I am pleased, therefore, that Senator GOLDWATER and Senator MOYNIHAN have authorized an Intelligence Committee inquiry in response to requests by Senator BIDEN and myself. I have had a longstanding concern about the political misuse of classified information. History shows that Presidents of both parties have made improper use of highly sensitive information to promote their policies, without taking into account the damage to national security. Disclosure of advanced "Stealth" technology by the previous administration is another example.

The Intelligence Committee should follow up on the White House response, obtain the full story of the Defense Department's actions in this case, and find out what the policy is for "authorized leaks" of classified intelligence. Given the importance of these issues to the interests of the Senate, I hope it will be possible to report the results of the Intelligence Committee's inquiry to the entire Senate.

I ask to have printed in the RECORD the letters to which I have referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 20, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: According to published reports, officials of the Department of Defense released a considerable amount of classified information to representatives of the media during an "authorized" Pentagon briefing last week. It is our understanding that the briefing was very similar to that which was provided to the Senate in closed session some months ago, a session marked by extraordinary security precautions prompted by expressions of concern

lest any of the information provided to the Senate leak out.

The paradox of this state of affairs is obvious. The problem is compounded, of course, by the resulting situation whereby officials of your Administration may feel free to utilize, on a selective basis, whatever sensitive information may be considered helpful in attempting to convince the American people of the correctness of their particular point of view, whereas Members of Congress are constrained from using either the same or related sensitive information to facilitate a full public airing of all the relevant facts. We hope you would agree that public support for major policy decisions affecting the security of the country should not be achieved in this fashion.

We trust that you had no advance knowledge of the December 14th briefing. We would therefore appreciate your looking into this matter and providing us with a comprehensive report of the facts and circumstances involved, including the level of classification of the information disclosed, assessment of potential damage resulting from the release, and identification of those officials who authorized the disclosures. It would also be helpful to have a statement of your Administration's general policy concerning the release of classified information.

Thanking you in advance for your cooperation.

Sincerely,

JOSEPH R. BIDEN, Jr.
ROBERT C. BYRD.
WALTER D. HUDDLESTON.

THE WHITE HOUSE,
Washington, February 4, 1983.

Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, D.C.

DEAR SENATOR BIDEN: This will respond further to your letter to the President of December 20, 1982, co-signed by Senators Byrd and Huddleston concerning a classified briefing presented by the Department of Defense to senior Pentagon correspondents.

Following my earlier reply to you acknowledging receipt of your letter, the questions you raised were reviewed with appropriate officials of the Department of Defense. The Department advises that this briefing presented a description of Soviet military growth over the last decade. It also advises, however, that the briefing did not include sensitive all-source information provided to the Senate in closed session, and in response to specific questions.

The Department states that Secretary Weinberger authorized the briefing after careful deliberation and consultation with other officials, and that the briefing cannot be characterized as an attempt to utilize information on a selective basis to support a particular policy decision. Rather, it was a general briefing on Soviet military growth to educate the press. The Department indicates that the members of the press who attended were cleared and specifically agreed not to disclose the information. Also, Defense advises that the briefing was at the Secret noncompartmented level; there were no net assessments presented or discussion of U.S. military strength or weapons systems.

I hope this information is helpful, and will dispel the concerns you expressed about this matter.

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.●

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now proceed to vote on the nomination of Richard R. Burt. The question is, will the Senate advise and consent to the nomination of Richard R. Burt to be an Assistant Secretary of State? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Iowa (Mr. JEPSEN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Vermont (Mr. STAFFORD), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Montana (Mr. EAGLETON), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 81, nays 11, as follows:

[Rollcall Vote No. 2 Ex.]

YEAS—81

Abdnor	Garn	Metzenbaum
Andrews	Glenn	Mitchell
Baker	Gorton	Moynihan
Baucus	Grassley	Nickles
Bentsen	Hart	Nunn
Biden	Hatfield	Packwood
Bingaman	Hawkins	Pell
Boren	Hecht	Percy
Boschwitz	Heflin	Pressler
Bradley	Heinz	Proxmire
Bumpers	Huddleston	Pryor
Burdick	Humphrey	Quayle
Byrd	Inouye	Randolph
Chafee	Jackson	Riegle
Chiles	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kennedy	Sarbanes
Cranston	Lautenberg	Sasser
D'Amato	Laxalt	Simpson
Danforth	Leahy	Specter
Dixon	Levin	Tower
Dodd	Long	Trible
Dole	Lugar	Tsongas
Domenici	Mathias	Warner
Durenberger	Matsunaga	Weicker
Exon	Mattingly	Wilson
Ford	Melcher	Zorinsky

NAYS—11

Denton	Helms	Symms
East	Kasten	Thurmond
Goldwater	McClure	Wallop
Hatch	Stennis	

NOT VOTING—8

Armstrong	Hollings	Stafford
DeConcini	Jepsen	Stevens
Eagleton	Murkowski	

So the nomination was confirmed.

The PRESIDING OFFICER. The question is on the nomination of Mr. McCormack.

Mr. BYRD. Mr. President, may we have order in the Senate? I daresay that half the Members do not know we were having a vote on the second nomination.

Mr. BAKER. Not only that, I was not aware of it, either.

Mr. President, has the result of the rollcall been announced?

The PRESIDING OFFICER. Yes, it has.

Mr. BAKER. Will the Chair announce it again, please?

The PRESIDING OFFICER. There were 81 yeas and 11 nays.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF RICHARD T. McCORMACK, OF THE DISTRICT OF COLUMBIA TO BE AN ASSISTANT SECRETARY OF STATE

Mr. BAKER. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. Under the previous order, following the disposition of the Burt nomination, the Senate will proceed to vote on the nomination of Richard T. McCormack to be an Assistant Secretary of State.

Mr. PRESSLER. Mr. President, today the Senate is considering the nomination of Richard McCormack to be Assistant Secretary of State for Economic and Business Affairs.

Among the many important responsibilities of the individual occupying that position is the supervision of the Department of State's Office of Telecommunications. As a result, if confirmed, Mr. McCormack will have a major role in the development and implementation of international telecommunications and information policy, which has significant economic consequences for the United States.

For example, in 1980, the United States exported $25 billion in information merchandise. High-technology products, in which the United States has a strong, but eroding competitive edge, accounted for approximately 70 percent of that figure. Exports of electronic equipment alone totaled over $4 billion in 1980, nearly 25 percent of the output of that industry in the United States. In addition, telecommunications and information services play a large role in exports of all services, which totaled $60 billion in 1980.

Recent growth trends indicate that the economic impact of these industries will increase significantly. From 1972 to 1978, U.S. computer service industry revenues rose from $198 million to $13.5 billion, with exports accounting for 15 percent of that figure. During the same period, revenues earned in this country from telephone traffic between the United States and Europe more than tripled, while earn-

ings from telex traffic between these regions increased 25 percent.

Despite these high stakes, the Federal Government and, particularly, the Department of State, has a checkered history in effectively formulating and implementing international telecommunications and information policy. Although there are 11 different bureaus and offices in the Department of State responsible for telecommunications matters, there has been no consistent attention given to this area by any policy level official within the Department.

Without such policy level guidance, State Department efforts have been uncoordinated and ineffective. As a result, we are not adequately preparing for the international telecommunications conferences scheduled throughout this decade. The decisions made at these conferences will affect every American and determine whether the United States will be able to meet its future telecommunications needs domestically and internationally.

The recent Plenipotentiary Conference of the International Telecommunication Union (ITU), held in Nairobi, Kenya, last fall, presents a very good example of the problems presented by our policymaking structure. Substantive preparations for that conference, including the appointment of a chairman and delegation, were not undertaken on a timely and systematic basis. The United States was successful in obtaining agreement on several significant proposals and helped defeat others that were adverse to our interests. However, politically motivated changes were made in the governing document of the ITU that will have far reaching and probably detrimental implications for the United States. Some of these changes could have been avoided if more time had been available for planning our preparations and discussions of our positions with other nations. We cannot allow our preparation and participation in future meetings to be subject to an ad hoc process that, at best, can be described as "damage control."

Members of the Committee on Commerce, Science, and Transportation have attempted to get the Department of State and the rest of the executive branch to focus on this problem and devise an appropriate solution. Thus far, we have had only limited and temporary success. I hope to explore these matters with my colleagues on the Committee on Foreign Relations, as well as those on the Committee on Appropriations. Together with the continuing interest of the Committee on Commerce, Science, and Transportation, we should be able to impress upon the Reagan administration and, particularly, the Department of State, that the Senate expects them to give more high-level attention to international telecommunications and information policy.

A good beginning would be for Richard McCormack, in his capacity as Assistant Secretary for Economic and Business Affairs, to take a personal and persistent interest in preparing the United States for the many issues we face in future international telecommunications forums.

Mr. BAKER. Mr. President, this is the McCormack nomination. It is not my intention to ask for the yeas and nays. I know of no requirement for a rollcall vote. If there is no request at this time, I hope the Chair will put the question.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD. We were about to vote on it, not even knowing that it was up for a voice vote.

Mr. BAKER. I am afraid that is right, and I was perhaps derelict in not listening better.

I want everyone to understand that we are not on the McCormack nomination. I know of no request for the yeas and nays.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard T. McCormack, of the District of Columbia, to be an Assistant Secretary of State?

The nomination was confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, may I have the attention of the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. RANDOLPH. Mr. President, a point of order. The Senate is not in order.

The PRESIDING OFFICER. The point of order is well taken. The Senate is not in order. The Senate will be in order.

Mr. BAKER. Mr. President, it is my hope now to continue working through the Executive Calendar on the nominations. There are nominations on page 2 and page 3 which appear to be cleared on my side. I have no indication that further rollcall votes will be required.

The order that put us in executive session provided for the consideration of specific nominees. I ask unanimous consent now that that condition may be removed and that we may continue to the consideration of nominations on page 2 and page 3 of the Executive Calendar, including nominations placed on the Secretary's desk.

Mr. BYRD. Mr. President, will the majority leader withhold that request until we can check further?

Mr. BAKER. I will withhold the request for the moment. I say to my friend the minority leader that I will keep us in executive session for the moment, and I hope we will be able to proceed with that matter.

The only other items on the Executive Calendar are the Montreal Protocol and the Constitution of the United Nations Industrial Development Organization. I will not try to do those today, but I should like to reach those tomorrow, if possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the distinguished majority leader yield for a question?

Mr. BAKER. Yes, indeed.

Mr. BYRD. My question is this: Would it be agreeable with the majority leader to call up the nomination of the first lady of West Virginia, Sharon P. Rockefeller, who has been nominated to be a member of the Board of Directors of the Corporation for Public Broadcasting? Will he be willing to call up that nomination out of turn?

Mr. BAKER. Yes, Mr. President, I would be very pleased to do that, not only because it is the wish of the minority leader, who has been such a champion not only of West Virginia's first lady, but also because I have such a high regard for her and for her father, who is a colleague of ours in the Senate. Mr. President, I would be delighted to do that.

If the minority leader will permit me, I ask unanimous consent, Mr. President, that the Senate proceed to the consideration of the remaining nominations on the Executive Calendar, beginning with the nomination of Sharon P. Rockefeller, Calendar No. 8, message 36-4.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATION FOR PUBLIC BROADCASTING

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Sharon P. Rockefeller, of West Virginia, to be a member of the Board of Directors of the Corporation for Public Broadcasting.

Mr. BYRD. Mr. President, I thank the majority leader for his consideration in this regard. I know that my senior colleague, Senator RANDOLPH,

joins with me in supporting this nomination as we joined together in the hearing urging quick and unanimous approval by the committee on Mrs. Rockefeller's nomination. I am confident that my colleague will join in some remarks today.

I would like to say at this point that on Tuesday, the Senate Committee on Commerce, Science, and Transportation confirmed the nomination of Sharon Percy Rockefeller for another full term on the Board of Directors of the Corporation for Public Broadcasting. I urge, and in saying that "I urge" I have a very opinionated and positive feeling as to what the Senate will do with this nomination so I do not think it needs my urging to confirm Mrs. Rockefeller. But in any regard, I do urge my Senate colleagues to approve Mrs. Rockefeller for the second term. I have no doubt that the vote will be unanimous.

Sharon Rockefeller was confirmed for her first term on the Board of the Corporation for Public Broadcasting in 1977. At that time, I predicted that Sharon Rockefeller would bring a genuine aptitude and some very real talents to her work as a Board member, and that she would become one of the Board's most outstanding participants.

Mrs. Rockefeller did not disappoint me. Since 1977, Sharon Rockefeller has served the Board of Directors of the Corporation for Public Broadcasting as chairman of the education committee, chairman of the legislation and planning committee, and consequtively as vice chairman and then chairman of the entire Board of Directors. So that is quite an enviable record of performance. It certainly demonstrates a high dedication to duty and very great respect on the part of the other members of the Board for Mrs. Rockefeller.

During that same time, Mrs. Rockefeller has also served as a member of the board of trustees of Stanford University, a member of the advisory board of the National Women's Political Caucus, a member-at-large of the Democratic National Committee, and a member of the International Council of Museum of Modern Art in New York City.

That is no small array of achievements, and indicates the energy with which this lady approaches her work.

Her combined talents, education, and experience allowed Sharon Rockefeller to help American public broadcasting achieve some of the highest moments of excellence and acclaim in public broadcasting's history.

But her efforts for public broadcasting are not surprising. She is a member of one of America's most distinguished families; and her father, as the majority leader a moment ago said, is one of the outstanding Members of the Senate. She is married to the Governor of West Virginia—an up and coming, very energetic and able young Governor. And in her own right, Sharon Rockefeller is one of the most respected and accomplished women in our country. She is a cum laude graduate of Stanford University. She has been awarded honorary degrees by several other academic institutions. She is one of the most popular and best-loved first ladies in the history of West Virginia.

In addition, she has shared her time and her abilities with countless people in volunteer work in West Virginia and throughout America.

Sharon Rockefeller has served faithfully and expertly on the Board of Directors of the Corporation for Public Broadcasting since 1977. For the future of public broadcasting in our country, and for America's continued cultural growth, I know that the Senate will in short order and unanimously confirm for another full term, Sharon Percy Rockefeller to serve on the Board of Directors of the Corporation for Public Broadcasting.

I thank the distinguished majority leader again for calling up this nomination out of order.

I do have to go to a subcommittee meeting of the Senate Appropriations Committee. I should be there now, but for the moment I thought I should also be here.

Mr. BAKER. Mr. President, I thank the minority leader for his remarks. May I say I can attest firsthand to the qualifications of this nominee. I have known her for many years. I share with him the high regard and esteem that he has expressed.

Mr. RANDOLPH. Mr. President, I support the nomination of Sharon Percy Rockefeller, the first lady of the State of West Virginia, to be a member of the Board of Directors of the Corporation for Public Broadcasting. This nomination which has been reported favorably by the Committee on Commerce, Science, and Transportation will enable Mrs. Rockefeller to continue her service as a Director of the Corporation.

It was my privilege on February 4, 1983, to join our colleagues, Senator BYRD and Senator PERCY, in presenting Sharon to the committee and to endorse her reappointment. I am gratified that President Reagan has selected her for continuing service in this important position. In 1977, when she was initially named to the Board of the Corporation for Public Broadcasting, Senator BYRD and I presented Mrs. Rockefeller to the committee at that time also.

Sharon has demonstrated her dedication, her intense interest, and her constructive concern for the vital work of the Corporation, during the 6-year period that she has been in this position of leadership.

The last 2 years of this time she has served as its Chairman. It is timely to stress that there has never been a meeting of the Board in which she has not been present. She has not missed a committee or a task force session, except in July 1979 when her youngest child, Justin, was born.

I turn aside for another assessment of her career. I was with a group of West Virginia women a few weeks ago and they were praising Sharon. One of the women said "You know, we like Sharon, we admire Sharon." I responded "Give one reason, perhaps above all others, why you make this statement." The woman quickly replied, "She is the mother of four children."

I tell of this happening because her career in the home as well as in public service is of the quality admired by so many.

She has a genuine understanding, a deep sense of responsibility, for the processes of education, especially as that education relates to children and to youth. Her diligent study of program content has enabled her to make significant contributions to the CPB's efforts to bring quality programing and services to the American people.

It is appropriate to call attention to an editorial in U.S. News & World Report by Marvin Stone, the editor, who was graduated from Marshall University in Huntington, W. Va.

The editorial "TV: We Deserve Better" stresses the need for higher quality in commercial television and commends the advances made in public broadcasting. These, of course, are issues in which our nominee has perception, I ask unanimous consent that the editorial be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit I.)

Mr. RANDOLPH. Maintaining the high quality and level of service now expected by citizens generally from our public broadcasting stations is a critical task facing the CPB. I am confident that Sharon is prepared to continue to meet that challenge.

Mr. President, Sharon Rockefeller is a doer, a believer in progress for people—an activist in the right sense of the word and in a manner that inspires others to join in working for the public good. These qualities and abilities have been brought to bear on the development of the CPB's programs, thereby enriching the lives of all Americans. She is also a decisionmaker. Napoleon said: "Nothing is more difficult, and therefore more precious than to be able to decide." Sharon understands the precious value of being able to decide.

West Virginians feel fortunate to have Sharon serve on the Board of the CPB which, through public television and radio, reaches 100 million American children and adults. She is a

person who helps people. I have seen this demonstrated over and over in our State through her pursuits in education and cultural activities, in promoting arts and crafts organizations, and as a loving mother and a good wife and constructive partner of a capable and dedicated Governor.

Sharon Rockefeller gives unstintingly of her time, energy, and talent in public service activities in the highest tradition—activities which include her efforts as a Director of the Corporation for Public Broadcasting.

Mr. President, it is gratifying that the Senate is acting expeditiously on Sharon Rockefeller's nomination and it is a privilege to join in supporting this affirmative action.

[EXHIBIT I]

TV: WE DESERVE BETTER

(By Marvin Stone)

It is painful to watch the self-inflicted wounds of network television. After a rocket-like flight in profits over the last decade, to heights above 650 million dollars in 1981, the Big Three are looking back on a year when it was much harder to show net gains. From here out, they face rising costs of production, a shrinking share of the nation's viewers and the prospect of pouring out further millions to seek a foothold in cable, pay-TV and moviemaking.

In such a setting, a certain amount of panic is understandable, but still it seems that those are dollars enough to support some imagination and courage in programming. What a large segment of the public will remember, for example, is that the Big Three networks turned their backs on the Royal Shakespeare Company's four-part "Nicholas Nickleby" and, in some cases, for reasons of their own, pressed their affiliates to do the same.

Remembered, too, will be that it was left to the Public Broadcasting Service to run the tape of the Vienna State Opera's bouncy "Fledermaus" and introduce to American television Bayreuth's spirited and innovative version of the Wagner "Ring."

These are intellectual (read snobbish) exercises, in the established view of the marketplace, and PBS is "elitist."

Leaving aside for the moment the question of whether these treasures are, indeed, purely intellectual, a viewer has a right to inquire: If the nonintellectual is all that is to be courted by commercial television, where are the new romantic series and situation comedies to take the place of those that are wearing thin? What fresh inventions are there to engage viewers who have grown weary of "Love Boat" and "Fantasy Island" and Archie Bunker and Alice? And, the prime question, where can we turn the dial when we finally tune out the reruns of the reruns of "M*A*S*H"?

We all know and understand that the networks are prisoners of the popularity ratings. But questions about the intellectual will not die. "Nickleby" eventually appeared on a collection of stations put together by Mobil Corporation, which was trying to embellish its corporate image. "Nickleby" was pronounced a triumph. Aside from whatever value it might have as a Dickens masterpiece, it displayed acting more sincere and human qualities more genuine than your usual sitcom trash.

Reaction to "Nickleby" might indicate that commercial television is underestimating the brainpower of Americans and their capacity for enjoying TV's you-are-there presentations of works forbiddingly known as "classics." And they also may be overlooking a potential gain, at least in good will.

Network television now stands, in a sense, at the stage reached 10 years or so ago by the book industry. Traditionally, the big houses had included on their lists each year some titles useful just for their excellence and the reputation of the company. When production costs went out of sight, the business departments asserted their power: Nothing was to issue unless it promised big profits.

Well, publishing is a business. It is the paperback romances that rake in the green. But book publishing has lost luster. Moreover, if there is no high standard to emulate, where can the quality of the product and the level of public taste go but down?

Fortunately for television and its watchers, TV does have a yardstick: PBS. There is more to come in the season of public television—six further episodes of the Bayreuth "Ring," with its exciting young cast and direction; continued deep-investigative reporting; perhaps an hour-long news program, and other innovations.

On its tiny federal appropriation, together with private grants, the public network is gaining followers who sense that PBS is where it's happening. If only some of its quality could rub off on the people who mastermind commercial-television programming!

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I do not want to move to reconsider this vote. I am afraid that a motion to reconsider might be misunderstood by some people but not by Sharon Rockefeller.

I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. To make sure no one misunderstands, Mr. President, I will terminate this extensive debate by a motion to table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. BAKER. Under the order granted by the Senate we will proceed to the other nominees in turn on the Executive Calendar, beginning with the African Development Bank. But before that happens, so that I may confer with the minority leader, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

Mr. BAKER. Mr. President, the remaining nominations on the calendar are the nominations of W. Allen Wallis, Calendar Order No. 4, continuing with the remainder of the nominations on page 2, "New Reports," and the "Nominations Placed on the Secretary's Desk in the Foreign Service" on page 3. I ask unanimous consent that these nominations be considered and confirmed.

AFRICAN DEVELOPMENT BANK

The PRESIDING OFFICER. Without objection, the clerk will read the first nomination.

The legislative clerk read the nomination of W. Allen Wallis, of New York, to be Alternate Governor of the African Development Bank.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. BYRD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

The PRESIDING OFFICER. The clerk will read the nomination.

The legislative clerk read the nomination to Thomas A. Bolan, of New York, to be a member of the Board of Directors of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. BYRD. I move to lay that motion on the table.

CORPORATION FOR PUBLIC BROADCASTING

The PRESIDING OFFICER. The clerk will read the nominations.

The legislative clerk read the nomination of Richard Brookhiser of New York to be a member of the Board of Directors of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominees were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will read the next nomination.

The legislative clerk read the nomination of Karl Eller of Arizona to be a member of the Board of Directors of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

The PRESIDING OFFICER. The clerk will read the nominations.

The legislative clerk read the nominations placed on the Secretary's desk in the Foreign Service.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(All nominations confirmed today are printed at the end of the Senate proceedings.)

Mr. BAKER. I ask unanimous consent that the President be immediately notified that the Senate has given its consent to the nominations this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I had announced earlier that tomorrow I would ask the Senate to turn to the consideration of the two treaties on the calendar. They are Montreal Aviation Protocols Nos. 3 and 4 and the Constitution of the United Nations Industrial Development Organization, which are Calendar Orders Nos. 1 and 2. I am advised that if I forbear to lay those down tomorrow, there is a possibility that we might be able to work out an orderly time and sequence for their consideration at an early date. I would like to do that if I can, obviously. I would like to accommodate the convenience of as many Senators as I can. I want to do these two items and do them before we get into the mainstream, so to speak, of legislative activity. But if the minority leader can indicate to me he thinks we might work something out on that, I, for one, would be glad to try to find a different time schedule.

Mr. BYRD. Mr. President, there are a number of Senators on this side of the aisle who are opposed to the Montreal Aviation Protocols. They would be rather vociferous, I would say, in their opposition at this point—maybe at any point.

In any event, in answer to the majority leader's question, I think if he could forgo taking up that item for a few days, there might be reasonable prospects for working out some kind of time agreement on the matter which, in the long run, might serve the interest of the Senate and the majority leader was well in his efforts to move the legislative process along.

Mr. BAKER. Mr. President, I thank the minority leader. In view of that, I shall not ask the Senate to turn to consideration of those items tomorrow. I shall confer further with the minority leader to see what the prospects are for a time agreement and an early time certain for their further consideration.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES ON THE CALENDAR

Mr. BAKER. Mr. President, on today's Calendar of General Orders, I find four bills, Nos. 5, 6, 7, and 8, that are cleared for passage by unanimous consent on this side. May I inquire of the minority leader if he is prepared to consider those measures?

Mr. BYRD. Mr. President, those measures have been cleared on this side of the aisle for passage by unanimous consent, with the understanding that there be no amendments to them.

Mr. BAKER. I ask that the four items just identified be considered, that no amendments be in order, and that there be no time for debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF THE STANDING RULES OF THE SENATE

The Senate proceeded to consider the resolution (S. Res. 60) authorizing the printing of a revised edition of the "Standing Rules of the Senate," as a Senate document, which was considered, and agreed to, as follows:

S. RES. 60

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of Senate Document Numbered 97-10, entitled "Standing Rules of the Senate," and that such standing rules shall be printed as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE MEMBERS OF CERTAIN JOINT COMMITTEES

The Senate proceeded to consider the resolution (S. Res. 58) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library, which was considered, and agreed to, as follows:

S. RES. 58

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Mathias of Maryland, Mr. Hatfield of Oregon, Mr. Baker of Tennessee, Mr. Ford of Kentucky, and Mr. Pell of Rhode Island.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Mathias of Maryland, Mr. Hatfield of Oregon, Mr. Warner of Virginia, Mr. Inouye of Hawaii, and Mr. DeConcini of Arizona.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

The Senate proceeded to consider the resolution (S. Res. 59) authorizing expenditures by the Committee on Rules and Administration, which was considered, and agreed to, as follows:

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1983, through February 29, 1984, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,304,056, of which amount not to exceed $5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1984.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GRATUITY TO KENNETH J. ASBURY AND CATHERINE ASBURY

The Senate proceeded to consider the resolution (S. Res. 61) to pay a gratuity to Kenneth J. Asbury and Catherine Asbury, which was considered, and agreed to, as follows:

S. RES. 61

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, to Kenneth J. Asbury and Catherine Asbury, parents of Kenneth R. Asbury, an employee of the Senate at the time of his death, a sum to each equal to one-half of the eight months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LITHUANIAN INDEPENDENCE DAY

Mr. THURMOND. Mr. President, I am pleased to be a cosponsor of Senate Joint Resolution 16 proclaiming February 16 as Lithuanian Independence Day.

Today marks the 65th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council in 1918.

However, 43 of these years have been marred by Russian occupation of Lithuania and the subsequent forcible incorporation of that country into the Soviet sphere. In 1940, a Communist-orchestrated election resulted in the establishment of Lithuania as a Soviet state and the beginning of a mass deportation of over 300,000 freedom-loving Lithuanians to Siberian labor camps.

During their years of subjugation, Lithuanians have been subjected to the same hardships and deprivation of rights imposed on other Baltic and East European countries included in the Soviet bloc. Industry and labor have been exploited, and religious leaders have been persecuted. In a continuing effort to indoctrinate the people, authorities from Moscow threaten the cultural, religious, and linguistic heritage of the Lithuanian people. Defiance of the totalitarian rule invariably means imprisonment and ostracism.

The atheist Soviet authorities obviously realized when they occupied Lithuania that nationalism is often closely linked to deeply held religious beliefs. For this reason, the Soviets have pursued the elimination of religion to undermine national resistance to Moscow's rule. This policy has resulted in blatant abuses of the Lithuanian Constitution, which guarantees freedom of conscience and equality of all citizens before the law. In reality, however, those who openly practice their religion are treated as second-class citizens and are denied educational opportunities and responsible positions in business and Government.

Despite the harassment and innumerable obstacles, nowhere in the Soviet Union today are resistance and dissent so well organized. Lithuanian spirit has resolutely survived Moscow's efforts of suppression. Demonstrations and petitions protesting religious persecution, as well as the publication of underground journals detailing discrimination and human rights violations, provide clear opposition to Soviet rule. Moscow has tried, unsuccessfully, to portray dissenters as landowners and members of the exploiter professions, when, in fact, many vocal resistance leaders spring from the working classes, representing the sentiments of a significant portion of the people.

It is appropriate that we recognize again the indomitable spirit of the Lithuanian people. During their brief history of independence from 1918 to 1940, the Lithuanians espoused the same desires which led to and are embodied in our own Declaration of Independence.

Mr. President, I am proud to once again lend my support to the courageous people of Lithuania, and to express my admiration for their continuing effort to obtain freedom from foreign oppression.

THE GENOCIDE CONVENTION: WHAT ARE WE WAITING FOR?

Mr. PROXMIRE. Mr. President, in 1946, the United States was instrumental in drafting the Genocide Convention. At that time, the human nightmare of the Holocaust fueled our desire to author the Convention and initiate the march toward an international human rights code. Yet, after an initial burst of energy, our efforts began to wane and we fell by the wayside, passively watching as over 80 nations ratified the Genocide Convention. A generation later, we are still at the wayside, we have failed to ratify a treaty we helped to write and should have been first to ratify.

The Genocide Convention is a noble treaty. It guarantees to all groups, no matter what their race, religion, or creed, the right to live free from the specter of systematic extermination. It is a treaty that can and should be among the foundation stones of an international, moral code. Until the United States ratifies the Convention, however, a vital link to the assurance of human right will be missing.

Given the fundamental importance of the Genocide Convention to the international community, one must ask what impedes our swift approval of its content? Indeed, Mr. President, what are we waiting for?

While there has been opposition to the treaty, the claims of its opponents have all been ill-founded. Some have contended that this treaty will override the Constitution. Yet, the American Bar Association has shown that contention to be invalid. Others have contended that this treaty will let Americans be tried abroad where their rights might be violated. Yet, the American Civil Liberties Union has shown this contention to be invalid. Still other opponents contend that this treaty will give the United Nations jurisdiction over our citizens and laws. Yet, the Defense and Justice Departments have shown this contention to be invalid as well.

In short, Mr. President, in the 37 years of its history, the Genocide Convention has been scrutinized and scrutinized again by experts from the legal, academic, and political communities. These authorities have found nothing improper or irregular about this treaty. In fact, they have urged ratification, as have all the Presidents since Truman.

There are no loopholes, no hidden clauses, no catches to the Genocide Convention. The treaty is meant as an international assurance of a fundamental human right. It in no way intends to restrict or alter the freedoms and laws we already know. Those who oppose this treaty do so in the very face of a third of a century of expert testimony and advice which have advocated ratification.

Mr. President, let us no longer remain by the wayside. Let us return to the mainstream of the movement for ratifying the Genocide Convention. Let us act as vigorously today as we did over 30 year ago when the specter of genocide loomed large and real over the peoples of Europe and Russia. Let us give our advice and consent to the Genocide Convention.

IS THE TRIAD ESSENTIAL FOR NUCLEAR DEFENSE?

Mr. PROXMIRE. Mr. President, one of the most stable elements in the rapidly changing, unpredictable and highly controversial debate on how best to strengthen the U.S. nuclear deterrent has been the general widespread agreement on the wisdom of relying on all three of the general modes of nuclear weapons deployment—land,

air, and sea. The triad has been as close to a given, fully accepted element in our nuclear defense as there is. Yesterday, in an article in the New York Times, Drew Middleton, the highly respected expert on our military forces reported:

For the first time in many years, the Triad concept is being questioned inside and outside the Department of Defense. "There is nothing sacred about the Triad," a Defense Department official said, it's not the Trinity; "it's simply a strategic concept that has developed out of our possession of particular weapons at a particular time."

Mr. President, this development has such a serious bearing on our budget consideration and the size and nature of the military budget that I call the article by Mr. Middleton to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 15, 1983]

FUNDAMENTAL QUESTION: "TRIAD" NUCLEAR DEFENSE

(By Drew Middleton)

The continuing controversy over the basing of the MX intercontinental ballistic missile, which is delaying the production of the missile itself, has provoked debate in the military establishment, raising questions about the soundness of the present division of responsibility for United States strategic nuclear forces.

For 20 years successive Administrations accepted the concept of a triad for such forces. The Air Force would have two legs, intercontinental ballistic missiles and bombers; the Navy would have the third, submarine-based ballistic missiles.

The Army had to be content with its Pershing 1 missiles in West Germany, which may be replaced later this year, if America's North Atlantic Treaty Organization partners agree, by Pershing 2's of much greater range. These, however, are still just intermediate-range weapons, outside the scope of the strategic triad.

For the first time in many years, the triad concept is being questioned inside and outside the Department of Defense. "There's nothing scared about the triad," a Defense Department official said, "it's not the Trinity; it's simply a strategic concept that has developed out of our possession of particular weapons at a particular time."

The debate over an MX basing plan has led American strategists toward new concepts in missiles. For example, Mr. Reagan's Commission on Strategic Forces is now considering recommending the development of an entirely new weapon; a small missile carrying one warhead, as against the MX's 10.

The proposed missile, dubbed "Midgetman" in the Pentagon, would weigh 22,000 pounds to the MX's 190,000 pounds. The two missiles' ranges would be about the same, 8,000 miles. No one on the commission has disclosed how much development of an entirely new missile would cost. But last Wednesday Mr. Reagan gave the commission another month to agree on a basing system for the MX and any other proposals for any changes in the American nuclear arsenal.

Technological advances in nuclear weaponry are one reason for the debate in the military establishment.

Development of the MX missile began in the last decade when it was realized that the Soviet Union's strategic nuclear forces were increasingly accurate and disposed of greater tonnage than those of the United States.

The problem is basing. President Carter's Administration put forward the "shell game" plan, which involved continuous movement of 200 of the missiles among more than 4,000 firing points. The plan to base the missiles in a bunch, known as dense pack, was proposed by the Reagan Administration.

While arguments have continued over these two alternatives for basing the MX, other technology has proceeded to the point where questions about other deployments are winning attention.

SEA-BASING A SORE SUBJECT

The first question is whether the MX could be sea-based. The question seems innocent enough. But in terms of inter-service rivalry, sea basing of the MX would deprive the Air Force of its most important contribution to the triad.

For the Air Force to acknowledge that its weapon, the MX, could possibly be based at sea rather than on land would relegate the Army to a position behind the Navy in the hierarchy of strategic nuclear power.

A retired Navy captain, John E. Draim, with great experience in maritime nuclear development, believes there is a "much simpler launch method," by which the missile is dropped from a containership, floats vertically and is fired from its container.

Whatever the virtues of this idea, and naval sources assert there are many, there is an evident strategic advantage to the United States in being able to launch an MX, or comparable weapon, from the sea.

SOVIET FLEETS RESTRICTED

In any naval war between opposing American and Soviet fleets, because of geography the United States has the ability to range the Atlantic and Pacific oceans at will while, at the outset of any general war, the Soviet Navy would have to crash through narrow points hampering the Northern, Pacific, Baltic and Black Sea fleets' ability to reach the high seas and engage NATO forces.

So, as naval sources propose, why not put the MX on container ships deployed in the seas around the Soviet Union and, in the event of a crisis, drop off the encapsulated missiles to be launched when appropriate?

Some naval sources assessing the confusion ask why a major national military priority should center entirely on that weapon. They argue that enhancement of the accuracy and range of the submarine-launched ballistic missile will in time produce a more secure and formidable weapon.

The Trident C-4 is the missile they have in mind. More than 216 of these have been deployed since 1980 in nuclear-powered submarines. The missiles have a range of over 4,600 miles and have what is known as a CEP, or Circular Error Probable, of a quarter of a mile. CEP is the radius of a circle centered on a target within which there is a 50 percent probability that a weapon aimed at the target will fall.

TRIDENT MORE ACCURATE

The Trident's CEP is much greater than that of the Minuteman 3, the most accurate of the Air Force's land-based missiles, which is set at 210 yards, or less than an eighth of a mile. But, as advocates of sea-basing argue, the present C-4 is not the final Trident.

A second such weapon is the Trident II/D-5 now being developed. This missile will have a longer range and greater accuracy. Stowed aboard Trident submarines on the Pacific or Atlantic coast, it could attack targets in the Soviet Union from Leningrad to Vladivostok.

However, the Navy does not expect that the weapon will be operational before 1989.

Meanwhile, those who oppose basing strategic missiles in submarines or special containers argue that a breakthrough in antisubmarine warfare would immediately reduce the effectiveness of either submarine-or container-launched missiles.

They anticipate a swift advance by both Russians and Americans in the technology for the detection and location of underwater weapons, whether in submarines or untended in containers. A canvass of NATO intelligence officers showed that they believed that neither East nor West appeared close to such a breakthrough.

What appears certain, however, is that the debate over the basing of the MX will widen into a general debate over sea-based and land-based missiles. In this, funds are likely to be a major concern. Supporters of sea basing, for example, insist that acquiring a few containerships to carry MX missiles to be loosen from the vertical floating position developed by the Navy will be far cheaper than the Trident submarine fleet of land-based MX's.

The debate, superficially courteous and high-minded, can be expected to cloak a long duel between the Air Force and the Navy for control of the United States' primary nuclear weapon. In a sense each service will be fighting for priority in the most sensitive area of national security.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. THURMOND. Mr. President, a great deal of misinformed criticism has been aimed at the proposed balanced budget constitutional amendment (S.J. Res. 5). Although I believe that most of this criticism was effectively dispelled during last year's debates on the amendment, I continue to hear attacks upon it from individuals who have clearly never taken the time to read the amendment or its report very thoroughly.

An excellent response to this criticism appears in the current issue of the Atlantic magazine by Nobel Prize-winning economist, Milton Friedman, who has played a major part in the development of this amendment. I believe that it provides a clear and succinct statement of what the proposed amendment is designed to do. I call this excellent article to the attention of my colleagues, and ask unanimous consent that it appear at this place in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON: LESS RED INK

Our elected representatives in Congress have been voting larger expenditures year after year—larger not only in dollars but as

a fraction of the national income. Tax revenue has been rising as well, but nothing like so rapidly. As a result, deficits have grown and grown.

At the same time, the public has demonstrated increasing resistance to higher spending, higher taxes, and higher deficits. Every survey of public opinion shows a large majority that believes that government is spending too much money, and that the government budget should be balanced.

How is it that a government of the majority produces results that the majority opposes?

The paradox reflects a defect in our political structure. We are ruled by a majority—but it is majority composed of a coalition of minorities representing special interests. A particular minority may lose more from programs benefiting other minorities than it gains from programs benefiting itself. It might be willing to give up its own programs as part of a package deal eliminating all programs—but, currently, there is no way it can express that preference.

Similarly, it is not in the interest of a legislator to vote against a particular appropriation bill if that vote would create strong enemies while a vote in its favor would alienate few supporters. That is why simply electing the right people is not a solution. Each of us will be favorably inclined toward a legislator who has voted for a bill that confers a large benefit on us, as we perceive it. Yet who among us will oppose a legislator because he has voted for a measure that, while requiring a large expenditure, will increase the taxes on each of us by a few cents or a few dollars? When we are among the few who benefit, it pays us to keep track of the vote. When we are among the many who bear the cost, it does not pay us even to read about it.

The result is a major defect in the legislative procedure whereby a budget is enacted: each measure is considered separately, and the final budget is the sum of the separate items, limited by no effective, overriding total. That defect will not be remedied by Congress itself—as the failure of one attempt after another at reforming the budget a process has demonstrated. It simply is not in the self-interest of legislators to remedy it—at least not as they have perceived their self-interest.

Dissatisfaction with ever-increasing spending and taxes first took the form of pressure on legislators to discipline themselves. When it became clear that they could not or would not do so, the dissatisfaction took the form of a drive for constitutional amendments at both the state and the federal levels. The drive captured national attention when Proposition 13, reducing property taxes, was passed in California; it has held public attention since, scoring successes in state after state. The constitutional route remains the only one by which the general interest of the public can be expressed, by which package deals, as it were, can be realized.

Two national organizations have led this drive: the National Tax Limitation committee (NTLC), founded in 1975 as a single-issue, nonpartisan organization to serve as a clearinghouse for information on attempts to limit taxes at a local, state, or federal level, and to assist such attempts; and the National Taxpayers Union (NTU), which led the drive to persuade state legislatures to pass resolutions calling for a constitutional convention to enact an amendment requiring the federal government to balance its budget. Thirty-one states have already passed resolutions calling for a convention. If three more pass similar resolutions, the Constitution requires Congress to call such a convention—a major reason Congress has been active in producing its own amendment.

The amendment that was passed by the Senate last August 4, by a vote of 69 to 31 (two more than the two thirds required for approval of a constitutional amendment), had its origin in 1973 in a California proposition that failed at the time but passed in 1979 in improved form (not Proposition 13). A drafting committee organized by the NTLC produced a draft amendment applicable to the federal government in late 1978. The NTU contributed its own version. The Senate Judiciary Committee approved a final version on May 19, 1981, after lengthy hearings and with the cooperation of all the major contributors to the earlier work. In my opinion, the committee's final version was better than any earlier draft. That version was adopted by the Senate except for the addition of section 6, proposed by Senator William Armstrong, of Colorado, a Republican. Approval by the Senate, like the sponsorship of the amendment, was bipartisan: forty-seven Republicans, twenty-one Democrats, and one Independent voted for the amendment.

The House Democratic leadership tried to prevent a vote on the amendment in the House before last November's elections. However, a discharge petition forced a vote on it on October 1, the last full day of the regular session. The amendment was approved by a majority (236 to 187), but not by the necessary two thirds. Again, the majority was bipartisan: 167 Republicans, 69 Democrats. In view of its near passage and the widespread public support for it, the amendment is sure to be reintroduced in the current session of Congress. Hence it remains a very live issue.

The amendment as adopted by the Senate would achieve two related objectives: first, it would increase the likelihood that the federal budget would be brought into balance, not by prohibiting an unbalanced budget but by making it more difficult to enact a budget calling for a deficit; second, it would check the growth of government spending—again, not by prohibiting such growth but by making it more difficult.

The amendment is very much in the spirit of the first ten amendments—the Bill of Rights. Their purpose was to limit the government in order to free the people. Similarly, the purpose of the balanced-budget-and-tax-limitation amendment is to limit the government in order to free the people—this time from excessive taxation. Its passage would go a long way to remedy the defect that has developed in our budgetary process. By the same token, it would make it more difficult for supporters of ever-bigger government to attain their goals.

It is no surprise, therefore, that a torrent of criticism has been loosed against the proposed amendment by people who believe that our problems arise not from excessive government but from our failure to give government enough power, enough control over us as individuals. It is no surprise that Tip O'Neill and his fellow advocates of big government tried to prevent a vote in the House on the amendment, and used all the pressure at their command to prevent its receiving a two-thirds majority.

It is no surprise, either, that when the amendment did come to a vote in the House, a substantial majority voted for it. After all, in repeated opinion polls, more than three quarters of the public have favored such an amendment. Their representatives do not find it easy to disregard that sentiment in an open vote—which is why Democratic leaders tried to prevent the amendment from coming to a vote. When their hand was forced, they quickly introduced a meaningless substitute that was overwhelmingly defeated (346 to 77) but gave some representatives an opportunity to cast a recorded vote for a token budget-balancing amendment while at the same time voting against the real thing.

I have been much more surprised, and dismayed, by the criticism that has been expressed by persons who share my basic outlook about the importance of limiting government in order to preserve and expand individual freedom—for example, the editors of The Wall Street Journal and a former editor and current columnist, Vermont Royster. They do not question the objectives of the amendment, but they doubt its necessity and potential effectiveness.

Those doubts are presumably shared by many other thoughtful citizens of all shades of political opinion who are united by concern about the growth of government spending and deficits. Here, for their consideration, are my answers to the principal objections to the proposed amendment that I have come across, other than those that arise from a desire to have a still-bigger government:

1. *The amendment is unnecessary. Congress and the President have the power to limit spending and balance the budget.*

Taken seriously, this is an argument for scrapping most of the Constitution. Congress and the President have the power to preserve freedom of the press and of speech without the First Amendment. Does that make the First Amendment unnecessary? Not surprisingly, I know of no one who has criticized the balanced-budget amendment as unnecessary—however caustic his comments on congressional hypocrisy—who would draw the conclusion that the First Amendment should be scrapped.

It is essential to look not only at the power of Congress but at the incentives of its members—to act in such a way as to be re-elected. As Phil Gramm, a Democratic congressman from Texas, has said: "Every time you vote on every issue, all the people who want the program are looking over your right shoulder and nobody's looking over your left shoulder. . . . In being fiscally responsible under such circumstances, we're asking more of people than the Lord asks."

Under present arrangements, Congress will not in fact balance the budget. Similarly, a President will not produce a balanced budget by using the kind of vetoes that would be required. The function of the amendment is to remedy the defect in our legislative procedure that distorts the will of the people as it is filtered through their representatives. The amendment process is the only effective way the public can treat the budget as a whole. That is the function of the First Amendment, as well—it treats free speech as a bundle. In its absence, Congress would consider each case "on its merits." It is not hard to envisage the way unpopular groups and views would fare.

2. *The President and Congress are guilty of hypocrisy in voting simultaneously for a large current deficit and for a constitutional amendment to prevent future deficits.*

Of course. I have long believed that congressional hypocrisy and shortsightedness are the only reasons there is a ghost of a

chance of getting Congress to pass an amendment limiting itself. Most members of Congress will do anything to postpone the problems they face by a couple of years—only Wall Street has a shorter perspective. If the hypocrisy did not exist, if Congress behaved "responsibly," there would be no need for the amendment. Congress's irresponsibility is the reason we need an amendment and at the same time the reason that there is a chance of getting one.

Hypocrisy may eventually lead to the passing of the amendment. But hypocrisy will not prevent the amendment from having important effects three or four years down the line—and from casting its shadow on events even earlier. Congress will not violate the Constitution lightly. Members of Congress will wriggle and squirm; they will seek, and no doubt find, subterfuges and evasions. But their actions will be significantly affected by the existence of the amendment. The experience of several states that have passed similar tax-limitation amendments provides ample evidence of that.

3. *The amendment is substantive, not procedural, and the Constitution should be limited to procedural matters. The fate of the prohibition amendment is a cautionary tale that should give us pause in enacting substantive amendments.*

If this amendment is substantive, so is the income-tax (sixteenth) amendment and so are many specific provisions of the Constitution. The income-tax amendment does not specify the rate of tax. It leaves that to Congress. Similarly, this amendment does not specify the size of the budget. It simply outlines a procedure for approving it: the same as now exists if total legislated outlays do not exceed an amount determined by prior events (the prior budget and the prior growth in national income); and by a majority of 60 percent if total legislated outlays do exceed that amount. The requirement of a supernormal majority is neither substantive nor undemocratic nor unprecedented. Witness the two-thirds majority necessary to override a presidential veto or to approve a treaty.

The prohibition amendment was incompatible with the basic aim of the Constitution, because it was not directed at limiting government. On the contrary, it limited the people and freed government to control them. The balanced-budget-tax-limitation amendment is thoroughly compatible with the basic role of the Constitution, because it seeks to improve the ability of the public to limit government.

4. *The amendment is unduly rigid, because it requires an annually balanced budget.*

This is a misconception. Section 1 of the amendment prohibits a *planned* budget deficit unless it is explicitly approved by three fifths of the members of the House and Senate. It further requires the Congress and the President to "ensure that actual outlays do not exceed the outlays set forth in [the budget] statement." But it does not require that actual receipts equal or exceed statement receipts. A deficit that emerged because a recession produced a reduction in tax receipts would not be in violation of the amendment, provided that outlays were no greater than statement outlays. This is a sensible arrangement: outlays can be controlled more readily over short periods than receipts.

I have never been willing to support an amendment calling for an annually balanced budget. I do support this one, because it has the necessary flexibility.

5. *The amendment will be ineffective because (a) it requires estimates of receipts and outlays, which can be fudged; (b) its language is fuzzy; (c) the Congress can find loopholes to evade it; (d) it contains no specific provisions for enforcement.*

(a) It will be possible to evade the amendment by overestimating receipts—but only once, for the first year the amendment is effective. Thereafter, section 2 of the amendment limits each year's statement receipts to the prior years's statement receipts plus the prior rate of increase of national income. No further estimates of budget receipts are called for. This is one of the overlooked subtleties in the amendment.

Any further fudging would have to be of the national-income estimate. That is possible but both unlikely and not easy. What matters is not the *level* of national income but the percentage *change* in national income. Alterations of the definition of national income that affect levels are likely to have far less effect on percentage changes. Moreover, making the change in income artificially high in one year will tend to make it artificially low the next. All in all, I do not believe that this is a serious problem.

(b) The language is not fuzzy. The only undefined technical term is "national income." The amendment also refers to "receipts" and "outlays," terms of long-standing usage in government accounting; in section 4, total receipts and total outlays are defined explicitly.

Nor is the amendment a hastily drawn gimmick designed to provide a fig leaf to hide Congress's sins. On the contrary, it is a sophisticated product, developed over a period of years, that reflects the combined wisdom of the many persons who participated in its development.

(c) Loopholes are a more serious problem. One obvious loophole—off-budget outlays—has been closed by phrasing the amendment in terms of total outlays and defining them to include "all outlays of the United States except those for repayment of debt principal." But other, less obvious, loopholes have not been closed. Two are particularly worrisome: government credit guarantees, and mandating private expenditures for public purposes (e.g., antipollution devices on automobiles). These loopholes now exist and are now being resorted to. I wish there were some way to close them. No doubt the amendment would provide an incentive to make greater use of them. Yet I find it hard to believe that they are such attractive alternatives to direct government spending that they would render the amendment useless.

(d) No constitutional provision will be enforced unless it has widespread public support. That has certainly been demonstrated. However, if a provision does have widespread support—as public-opinion polls have clearly shown that this one does—legislators are not likely to flout it, which brings us back to the loopholes.

Equally important, legislators will find it in their own interest to confer an aura of inviolability on the amendment. This point has been impressed on me by the experience of legislators in states that have adopted amendments limiting state spending. Prior to the amendments, they had no effective defense against lobbyists urging spending programs—all of them, of course, for good purposes. Now they do. They can say: "Your program is an excellent one; I would like to support it, but the total amount we can spend is fixed. To get funds for your program, we shall have to cut elsewhere. Where should we cut?" The effect is to force lobbyists to compete against one another rather than form a coalition against the general taxpayer.

That is the purpose of constitutional rules: to establish arrangements under which private interest coincides with the public interest. This amendment passes that test with flying colors.

6. *The key problem is not deficits but the size of government spending.*

My sentiments exactly. Which is why I have never supported an amendment directed solely at a balanced budget. I have written repeatedly that while I would prefer that the budet be balanced, I would rather have government spend $500 billion and run a deficit of $100 billion than have it spend $800 billion with a balanced budget. It matters greatly how the budget is balanced, whether by cutting spending or by raising taxes.

In my eyes, the chief merit of the amendment recommended by the Senate Judiciary Committee is precisely that it does limit spending. Section 1 requires that statement outlays be no greater than statement receipts; section 2 limits the maximum increase in statement receipts; the two together effectively limit statement outlays. Moreover, if in any year Congress manages to keep statement receipts and outlays below the maximum level, the effect is to lower the maximum level for future years, thus fostering a gradual ratcheting down of spending relative to national income.

A further strength of the amendment is the provision for approving an exceptional increase in statement receipts (hence in statement outlays). The spending-limitation amendment that was drafted by the National Tax Limitation Committee required a two-thirds majority of both houses in order to justify an exceptional increase in outlays. The amendment passed by the Senate requires only "a majority of the whole number of both houses of Congress." However, the majority must vote for an explicit tax increase. I submit that it is far easier to get a two-thirds majority of Congress to approve an exceptional increase in spending than to get a simple majority to approve an explicit increase in taxes. So this is a stronger, not a weaker, amendment.

Section 6, proposed by Senator Armstrong in the course of Senate debate, makes the debt ceiling permanent and requires a supermajority vote to raise it. That provision was approved by a narrow majority composed of a coalition of right-wing Republicans and left-wing Democrats—the one group demonstrating its hardcore conservatism, the other seeking to reduce the chances of adoption of the basic amendment.

I do not favor the debt-limit provision. Its objective—to strengthen pressure on Congress to balance the budget—is fine, and it may be that it would do little harm. But it seems to me both unnecessary and potentially harmful. I trust that it will be eliminated if and when the amendment is finally approved by Congress. I shall favor the amendment even if the debt-limit provision is left in, but less enthusiastically.

7. *The amendment introduces a new economic theory into the Constitution.*

It does nothing of the kind—unless the idea that there should be some connection between receipts and outlays is a new economic theory. The amendment does not even change the present budget process, *if* Congress enacts a balanced budget that rises by no greater a percentage than does

national income. But it does significantly stiffen the requirement for passing a budget that is in deficit or for raising the fraction of our income spent on our behalf by the government.

The amendment recommended by the Senate Judiciary Committee deserves the wholehearted backing of every believer in a limited government and maximum freedom for the individual.

S. 267, COAL SLURRY PIPELINE

Mr. SIMPSON. Mr. President, I am pleased to endorse the introduction of S. 267, the Coal Distribution and Utilization Act of 1983, into this session of Congress. This legislation is intended to facilitate the national distribution and utilization of coal through interstate coal pipelines. This proposed legislation comes at a very opportune time.

This type of legislation has been introduced in other sessions and a careful review of S. 267 again leads me to the conclusion that this legislation is important if we are to nurture the development of a proven transportation technology—and with it the healthy competition that is the driving force in our system of political economy. I also feel that the authorizing of the use of eminent domain for this emerging industry under the proper controls and scrutiny of the Secretary of Energy is a correct and proper function for Congress. The marketability of western coal resources for domestic and international uses will depend in good measure upon advancing reliable, efficient and competitive transportation systems.

The delegation of the sovereign authority which Government has for acquisition of private property and property rights through condemnation is a matter to which Congress must give its most careful and serious attention. In this arena, the U.S. Constitution is the fundamental and controlling document on the application of eminent domain by both State and Federal jurisdictions. Prior to the adoption of the 14th amendment the power of eminent domain by State governments was unrestrained by any Federal authority.

The just compensation provision expressed by the 5th amendment did not apply to the States. It is the 14th amendment that affords property owners the same measure of protection against the States as the 5th amendment does against the Federal Government. In addition to the Constitutional underpinnings of either State or Federal eminent domain, I also note that since the adoption of the Interstate Commerce Act authority for supervision of interstate coal pipelines has been vested with the Interstate Commerce Commission under the provisions of 49 U.S.C. 1(b). Congress has a responsibility to promote interstate commerce. Our national network of interstate railroads, petroleum, and natural gas pipelines and highways are tangible evidence of congressional effort to foster a national common market through interstate transportation.

My paramount concern over Federal legislation which would assure eminent domain authority for interstate coal pipelines, has been with the tests to be applied at the outset to insure that the interests of private property owners are always given the maximum protection under the U.S. Constitution. Foremost in protection here is an initial determination that eminent domain authority will only be exercised where there is a clear showing that—on balance—the taking is in the greater public interest. S. 267 places this responsibility with the Secretary of Energy or his successor, to make four determinations. I cite them:

First, it must be determined that the right-of-way to be acquired would advance the national need for coal distribution and utilization taking into consideration other routings. Second, it must be found that the proposed right-of-way would promote competition and serve new market outlets. Third, a determination must be reached that the coal pipeline distribution system would advance our national security by displacing imported petroleum with domestic coal. Finally, a finding must be made that the routing will not adversely affect the natural environment.

A key limitation on the exercise of eminent domain, set by S. 267, is that the procedure to be employed in any judicial determination, whether the case is tried in the Federal district court or in an appropriate State court, is that such actions shall "conform as nearly as may be practicable with the practice and procedure in similar action or proceedings in the courts of the State where the property is situated." This section borrows the procedures established by the States for determining such issues as whether or not good faith negotiations were conducted with the landowner, the method for determining compensation and damages, permission for surveys, attorney fees, and other key items associated with an individual State's procedures used in civil litigation. S. 267 also promotes the use of State courts as the forum for such actions.

In conclusion, Mr. President, I feel that support of this legislation should be based upon three fundamental elements. First, that limitations on eminent domain authority, State or Federal, rest with the Federal Constitution. Second, that Congress should properly oversee interstate coal pipelines as it now does in regard to interstate pipelines transporting other commodities. Finally, that the procedure in any judicial determination of eminent domain be performed according to the type of procedure prescribed by State legislatures. S. 267 meets all of those tests.

The bill also deals extensively with the critically important recognition and perservation of State authority to allocate water for use in any interstate coal pipelines. This is a matter of extreme importance to those of us who represent the arid Western States Provisions in S. 267 amount to a clear waiver of any possible Federal preemption of State authority to allocate water to interstate coal pipelines. This congressional waiver is consistent with the Interstate Commerce Act which denies jurisdiction over water pipelines to the Interstate Commerce Commission. Congress for 117 years has always deferred to the States in questions of water acquisition, development, and allocation. S. 267 is consistent with this approach to water and water rights and may well be the clearest expression of congressional respect for States rights in that field which could be adopted. It is a solid piece of legislation.

Thank you.

DEATH OF THOR TOLLEFSON

Mr. JACKSON. Mr. President, just recently a dear friend and former colleague, Thor Tollefson, passed away at the age of 81.

Thor served in the House representing Washington State's Sixth District, which includes the city of Tacoma, for 18 years. He was a dedicated, hard-working member of our State's delegation during those years.

Thor summed up his own career describing it as one dedicated to "fish and ships."

For years, he was the ranking Republican member of the House Merchant Marine and Fisheries Committee. Upon his retirement from Congress in 1964, Thor went home and began yet another career as director of the State fisheries department.

He served in that post during one of the most difficult and turbulent periods for fisheries in our State's history. It was during his term that Indian fishing rights disputes and violence reached a zenith. Thor always sought to calm the waters and was guided by his sense of fairness and an inherent dedication to preserving and enhancing the salmon fishery resource—a dedication characteristic of his Norwegian heritage.

Thor's hometown newspaper, the Tacoma News Tribune paid tribute to Thor upon his death, calling him one of the tall. Tacomans who "walked with the giants." All of us will miss him.

I ask unanimous consent that the text of the editorial be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Tacoma News Tribunes, Dec. 31, 1982]

THOR TOLLEFSON—AN INSPIRATION

He was a gentleman of the old school, a man dedicated to fish and ships, the law and public service, a man who never lost his poise or self-assurance—Thor C. Tollefson.

His death at age 81 brings back many rich memories of a bootstrap kid with a determined mother, of all the Tollefson "boys and girls" and their impact on Tacoma, of a man who became Pierce County prosecutor, a congressman for 18 years and state fisheries director for 10 years. He was truly one of the "tall" Tacomans who walked with the giants.

Tollefson was an anomaly, too, a Republican beloved by Democrats who was elected to Congress from the heavily Democratic Sixth District nine times, until swept out of office in the Goldwater-Republican debacle of 1964. He then joined the administration of Gov. Dan Evans in Olympia as fisheries director, retiring in 1975.

His term as fisheries director (he had been chairman of the House Merchant Marine and Fisheries Committee in Congress) was complicated by U.S. District Court Judge George H. Boldt's ruling requiring treaty Indians be guaranteed an opportunity to take more than 50 percent of the state's salmon catch.

The Tollefson family story, however, is truly a bit of Americana that needs to be retold to generations of Tacomans. He was born in Minnesota, the eldest of seven children, to Christian and Bertha Tollefson. His father was a Norwegian immigrant farmer and butcher. When Thor was 10, the family moved to Tacoma.

When he was 14 his father died and Thor quit school to help his mother support the family. After he worked seven years in various laboring jobs, his mother insisted he return to Lincoln High School, where he graduated two years later as valedictorian. His younger brothers, meanwhile, alternated working and going to school.

Thor then worked his way through the University of Washington Law School, graduating in 1930. He became a deputy county prosecutor in 1938, starting a 37-year career in public service, and later was elected prosecutor and in 1946 to the U.S. House of Representatives.

As to the other Tollefson brothers, Harold and Erling also went into law. Harold became a distinguished mayor of Tacoma, Erling a judge and the late Rudolph a banking executive. Bertha Tollefson, their very determined mother, became national Mother of the Year for reasons fairly obvious.

Thor Tollefson was never a flashy headline grabber. He worked quietly and effectively for the people of Tacoma, Pierce County and the state much of his life.

We are grateful to have had him among us.

THE CHALLENGE OF PEACE

Mr. JACKSON. Mr. President, I want to bring to the special attention of my colleagues an unusually profound article on the issue of international peace and security written by Prof. Philip H. Rhinelander and published in the winter 1982 issue of the Stanford magazine.

Professor Rhinelander is the Olive H. Palmer Professor of Humanities and Professor of Philosophy, both emeritus, at Stanford University. I had the privilege of a personal talk with him this month at his home on the Stanford campus, and came away believing that his perspectives on the peace issue should have widespread, thoughtful attention. He emphasizes that insuring peace and safety in today's world is a complex problem, and that narrowly focused, one-dimensional solutions can be counterproductive and dangerous to the preservation of human existence. He believes that if we fail to find new modes of thinking—a new rational orientation—disaster looms.

I am honored to request that Professor Rhinelander's 1982 article on "Peace: The Ultimate Challenge" be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEACE: THE ULTIMATE CHALLENGE

(By Philip H. Rhinelander)

ONE

In the year 1139 Pope Innocent II, alarmed by the inhuman potentialities of the recently developed crossbow, declared it "hateful to God and unfit for Christians" and forbade its use. We are told by historians that this edict was subsequently amended to permit the use of the weapon by Christians against Mohammedans, but that later this limitation broke down so that Christians began to use it against one another until the crossbow was itself superseded by more efficient and lethal devices. I mention this incident to show that efforts at arms control are not new and that, with relatively minor exceptions, they have generally proved ineffective.

What chiefly distinguishes the current situation from past conditions is the presence of two factors. One is, of course, the scale of destruction. Nuclear weapons not only threaten the lives of warriors but have the potential for the wholesale obliteration of civilian populations and even the extinction of the human race. This alarming prospect is unprecedented and is, to that extent, a new and terrible factor. But we would do well to remember, I think, that if efforts to meet the threat of primitive weapons were unavailing, we cannot expect the new danger to evaporate merely because the stakes are incalculably higher.

A second factor is that whereas in the twelfth century the Pope had considerable moral and religious authority in the Christian West, we lack today any comparable international agency or power. According to its charter, the United Nations was set up "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace . . . ," but it lacks power to intervene in matters lying within the domestic jurisdiction of any state and armaments fall within that category. Strong arguments have been advanced for the establishing of a new supranational authority, with police powers above those of the member nations, but few, if any, nations seem disposed to accept the limitations upon their sovereign rights of self-determination that such an arrangement would entail. Thus we are left to depend upon special dealings between or among separate nations, subject to the complications posed by the fact that the need for reliable agreements is greatest where there is least trust and most hostility and suspicion.

As Karl Jaspers, the German philospher and psychologist, pointed out more than twenty years ago in a wide-ranging and thoughtful book, "The Future of Mankind," we face an unprecedented challenge—a challenge calling, in his view, for a new orientation and new ways of thinking. If we fail to meet the challenge, we risk annihilation of the race. "Man either grows in freedom and maintains the tension of this growth," he wrote, "or he forfeits his right to live. If he is not worthy of his life, he will destroy himself." I shall return to this point later in connection with recent discussions of the prospect of human extinction, which some writers today seem to regard as displacing all other considerations. Jaspers took a different—and, I think, a more comprehensive—view.

TWO

Leonardo da Vinci, the great artist, was also a gifted engineer. Among his other technical projects was a design for a submarine, part of which he purposely kept secret, writing, "This I do not divulge on account of the evil nature of men, who would practice assassination at the bottom of the seas by breaking the ships in their lowest parts and sinking them together with the crews who are in them." His attitude exemplifies another way of dealing with supposedly devastating inventions, namely by suppressing knowledge of them. Such incidents are not unknown in the history of technology, but they have seldom been successful. If we refuse to accept the currently familiar doctrine that increased knowledge is always and necessarily good, we must nevertheless recognize, I think, as Jaspers did, that human beings are naturally inventive animals and that "if we affirm human existence . . . then we must recognize the way of technology as unavoidable. Without being able to calculate it beforehand, man uses technology to create his own situation—as today his extremity." In other words, as the classical Greeks were well aware, man's ingenuity, which is part of his rational nature, is dangerously ambivalent; it has its destructive as well as its constructive side, and the two are not readily separable.

We are told that some of the scientists who helped to develop the atomic bomb had second thoughts after the destruction of Hiroshima and Nagasaki and felt remorse for having participated in "the devil's work." And we know that some sectors of the public have turned against science and technology in general, and against nuclear power in particular (including its possible peaceful uses), on this account. But we must recognize, I think, that the investigations that led to the discovery of nuclear fission began before the outbreak of the Second World War and would presumably have run their course, though more slowly, if the pressure of war had not played a part.

Thus we should have been faced with the peril of nuclear destruction sooner or later even if the bomb had not been invented in 1945 or if, having been invented, it had not been used. The possibility of nuclear fission

(and fusion) was not created by human action; it had been present in nature from the beginning of time awaiting discovery and potential utilization. It is, therefore, idle to revile those who participated in the Manhattan Project and equally idle to suppose that their researches, once completed, could have been kept in perpetual secrecy. I am not here suggesting a fatalistic view of history but noting merely that whatever secrets nature possesses are equally available to all scientific inquirers and that new discoveries, though not predictable, are not preventable.

In short, if the most distinctive characteristic of human beings is rationality, as Aristotle claimed, we must accept the fact that it includes a high degree of ingenuity and inventiveness, including technical cleverness, which can work either for good or for evil. Perhaps the ultimate challenge, now brought to a head, is the need of humanity to cope with its own discomfortable powers. This is not a new idea, though faith in the inherent value of man's natural powers and in the continued progress of civilization has tended to displace it. In any case, it is evident that even if all nuclear weapons were dismantled, the threat would not be eliminated, since they could be reproduced again if the occasion arose. Thus, a nuclear "freeze," however desirable, would be significant only as a first step toward the establishment of the sort of international trust on which safety must in the long run depend.

THREE

One of the most prominent figures in the peace movements of the late nineteenth and early twentieth centuries was Baroness Bertha von Suttner. Describing an early meeting with Alfred Nobel, the inventor of dynamite and the founder of the Nobel Prize, including the Peace Prize, she quoted him as saying, "I wish I could produce a substance or a machine of such frightful efficacy for wholesale devastation that wars should thereafter become altogether impossible." It would seem in retrospect that modern thermonuclear weapons had fulfilled Nobel's speculative hope for an instrument of ultimate destructiveness, yet wars employing so-called "conventional" weapons have continued since 1945, including wars in Korea and Vietnam in which the United States was heavily involved. Still, there has not as yet been an active military conflict between Russia and the United States, the major nuclear powers, so that Nobel's vision of peace through terror has not been discredited and cannot be dismissed out of hand, as some current advocates of peace would have us suppose.

We may assume, I think, that neither side could hope to win an all-out nuclear war and that the survival of the human race would be at stake. Nobel's hypothesis obviously assumed such a situation. We may also grant that the unlimited stockpiling of nuclear weapons of various types to achieve or maintain theoretical parity at all points is self-defeating, since total destruction could occur but once. (We may recall here Max Beerbohm's satirical caricature of the bumbling, self-important political figure, called Fenning Dodworth, whose sententious essays included one entitled "The End of all Things—and After.") Yet we may nevertheless reject arguments to the effect that the possession of nuclear weapons is inherently wrong because it is "self-contradictory" or immoral to threaten to take action that it would be wrong to carry out in practice. Such claims are too facile.

It is on record that a number of scientists who were familiar with the preparation of the atom bomb submitted a petition to the American authorities urging that it not be used against Japan in 1945 without giving a prior demonstration of its lethal power and thereby allowing the Japanese to avoid its devastating impact by choosing to surrender. This advice was not followed; apparently it did not reach President Truman until too late to alter his decision even if he had been open to the suggestion. But those who made the recommendation, and those who regret that it was not followed, clearly believed that a threat put forward as a warning would have been morally preferable to an actual use of the bomb against Hiroshima without such warning. And if it should transpire, as it conceivably might do despite the odds, that nuclear terror has contributed to the avoidance of actual nuclear hostilities between the United States and Russia under present or future conditions, it is hard to see how the result could be condemned as morally objectionable because the threat of evildoing had been involved in bringing it about. If Nobel's vision was impractical, it was not, I think, logically or morally reprehensible.

We encounter here a textbook distinction, familiar to modern students of ethics, between so-called consequentialist theories of morality, under which the goodness or badness of an act is determined by its consequences for human welfare, and deontological theories (the word being derived from a Greek term signifying what is required, fitting, or obligatory), under which acts are judged by fixed rules rather than by their good or bad results in particular cases. I put the distinction more baldly than is strictly justified to stress a major difference as regards the relation of means to ends.

According to theories of the first type, the ends actually achieved are what count, so that generally speaking the end will justify the means. Utilitarian theories are the best known (though not the only) theories of this kind. On such a basis, policies of nuclear deterrence would be judged morally acceptable or unacceptable depending on their prospective outcome, so that if terror tactics served to prevent or to reduce the devastation of nuclear war, the tactics would be justified. But theories of the other type (typified by the views of Kant but including certain familiar theologically based views also) could yield very different conclusions. Here it stands as a central maxim that one may never do wrong in order that good may come; "fiat justitia, ruat coelum"—"let justice be done though the skies fall." On this basis, so the argument proceeds (in one version at least), it is wrong to engage in indiscriminate and wholesale destruction of human life; hence it is wrong to contemplate it, to prepare for it, or to threaten it; hence it is wrong to construct or possess nuclear weapons capable of bringing about such a result.

The broader question remains, however, whether to recognize any moral validity in schemes of nuclear deterrence is to commit ourselves to a consequentialist theory of ethics. I think not, because I believe that the familiar textbook distinction is too sharp and overly abstract. It calls for reconsideration. If we look at the functions that a moral code or set of principles must serve to be effective in practice, we shall soon discover, I believe, that such a code must combine elements of uniformity, with general rules to coordinate activities and expectancies, and elements of flexibility to allow for exceptional or unexpected situations and to meet ideals of development. Duties cannot be prescribed without regard for consequences, nor can concern for consequences eliminate the need for general rules covering normal and recurrent situations. The two aspects may be opposed theoretically but in practice each limits the other.

Because the quest for peace seeks to put an end to war, whereas efforts to control armaments deal with the conduct of war, it is sometimes assumed (if not claimed) that the two topics are distinct and call for separate consideration. But under modern conditions there are too many points of intersection and overlap to permit independent discussion. In "To End War," by Robert Pickus and Robert Woito of the World Without War Council, published in 1970, the authors took full notice of this circumstance and introduced a thoughtful discussion of the issues involved in the pursuit of peace, with some observations worth quoting:

"Ignoring the contemporary military discussion is one error. Focusing entirely on weapons and the consequences of their use is another. Many contemporary peace organizations concentrate on opposing the development of American military power or on explaining the consequences of nuclear war. Given the dangerously enlarged role of the military in American life, and the realities of nuclear warfare, such an emphasis is not wholly awry. Anti-militarism makes the most sense, however, when those rejecting military deterrence offer alternative proposals for meeting legitimate American security and value concerns. Those teaching the horror of nuclear war are most persuasive when they recognize and deal with the threat of military power in the hands of other nations' political leaders. They are more likely to gain a hearing if their strategy for peace suggests action that will move other nations, as well as our own, away from reliance on national military power."

The writers went on to identify twelve sets of relevant problems, with useful explanatory references to the extensive literature then available on each one, urging their readers to examine the issues in order to come to informed conclusions, and cautioning against narrow perspectives and the "dangerous combination of passion and ignorance" which they thought to be exercising increasing influence among peace advocates at the time. The great need, as they saw it, was for persuasion founded on intelligent understanding as opposed to militant protest, and a willingness to face complexities and ambiguities as opposed to a demand for superficial or simplistic remedies. Such cautions are, in my view, as appropriate today as they were when put forward twelve years ago. Though the particular lines of attack have altered somewhat, the prevailing tendency today is still toward one-dimensional perspectives and preoccupation with single causes, special villains, and the search for specific sovereign remedies, as if the threat of nuclear destruction were an intrusive visitation, like the plague, calling for an antidote that would leave normal human existence otherwise unchanged. If Jaspers was right, this sort of approach is inadequate.

FOUR

In the first decade of the present century, Wilfred Trotter, a British surgeon, published a pair of articles on the susceptibility of human beings to what he called the "herd instinct," a source of collective behavior that he saw as "irrational, imitative,

cowardly, cruel . . . and suggestible." Regarding this as a dangerous element in human affairs, he commented, "It needs but little imagination to see how great are the probabilities that after all man will prove but one more of nature's failures." I mention this observation as lending support to Jaspers's view that what is at stake today is man's fitness to survive.

Jonathan Schell, in his widely publicized New Yorker articles of last winter (subsequently published in book form as "The Fate of the Earth"), holds out the possibility of human extinction in a nuclear war as the ultimate catastrophe. Schell seems to believe (as I read him) that if the public awoke from its lethargy and realized the full enormity of the prospective termination of human existence, all other concerns and values would be put aside (including those of freedom and justice), and appropriate action would be taken (though he does not undertake to say just what should be done or how) to preserve the human race and the birth of future generations. Here the ultimate evil to be avoided at all costs seems to be, not the death or suffering of the immediate victims of a total nuclear disaster, deplorable as these might be, but the "more profound oblivion" that final and complete annihilation of humanity would bring about. Since life is the precondition of all human values, we have, therefore, an overriding obligation not to imperil the survival of mankind by nuclear maneuverings.

Like most seriously advanced arguments, this position has both strengths and weaknesses. (Max Lerner's review in the New Republic, April 1982, is worth serious attention.) I would note here merely that Schell's approach is wholly anthropocentric; he brushes aside the question of man's fitness to survive, which he takes for granted, and criticizes Jaspers, whom he mentions briefly but misquotes and misinterprets, for considering it. But the point is surely important. It is one thing to assume that human survival is the ultimate value to be protected at all costs and at any price. It is quite another thing to see mankind as facing a challenge to make good its capacity and fitness to survive in the face of its own self-destructive dispositions. In either case we are summoned to awareness and the need for action, but on the former basis the stress falls upon emotional arousal and "commitment" while on the latter basis it falls upon practical wisdom and judgment coupled with power to endure in the face of perilous uncertainties. The difference is profound.

FIVE

In 1910 William James published a notable article entitled "The Moral Equivalent of War." Speaking as a pacifist and antimilitarist he pointed out that what are called the "military virtues," or most of them, while particularly needed in war, are also essential to the well-being of vigorous peaceful civilizations. He had in mind such traits as courage, fidelity, loyalty, tenacity, heroism, self-discipline, and the capacity for self-sacrifice. "Militarism," he wrote, "is the great preserver of our ideals of hardihood, and human life with no use for hardihood would be contemptible. Without risks or prizes for the darer, history would be insipid indeed; and there is a type of military character which everyone feels that the race should never cease to breed, for everyone is sensitive to its superiority." His point was that advocates of peace should not discount or decry the military virtues, as if they could or should be separated out from those appropriate to the pursuits of peace, but ought to seek ways to develop them independently of war. For this purpose he recommended a general requirement of compulsory, universal service by young persons for a specfied period in the development of natural resources for the common good in times of peace.

Proposals of this sort have never been popular; the analogy to military conscription has operated as an objection rather than a recommendation, reflecting the very distrust of the military virtues that James wished to overcome. But the reasons that impelled him to recognize the need for a moral equivalent of war deserve consideration. The challenge of war calls forth some of the best potentialities of human nature as well as some of the worst. If this were not the case, wars could hardly have played so great and persistent a part in human history as they have done, nor would accounts of heroic exploits and gallantry against odds evoke public wonder and admiration. We need not conclude, as some have done, that war is inevitable or that a world without war would be dull and spiritless. What we must do, as James understood, if we are to work effectively for peace, is to come to terms with the paradox involved.

Since the days of Aristophanes and Euripides, the cruelty and irrationality of war have been forcefully portrayed and persistently attacked. Yet those who are sensitive to the horrors of war can also regard it with excitement and fascination. Is this due to apathy or deficient understanding or lack of human feeling? I think not. It reflects the fact that our minds are not limited to single perspectives. We can view the same phenomena in changing contexts and from various angles, and the appearances can differ according to the point of view. The penny which is round in one dimension is flat in another; the tower which looks small from a distance is huge from close at hand. Similarly, a given act or event can seem both noble and hateful according to the perspective and the context. The temptation is either to cling tightly to a single perspective as the only correct one, or, if that seems arbitrary, to give no preference to any. The task of practical intelligence is to avoid both extremes, recognizing the diversity of perspectives and bringing them together into a pattern of definite but shifting correlations. There is no contradiction in saying, with General Sherman, that war is hell and at the same time allowing the positive value of the military virtues, as James did. Like most human activities, war and peace have many facets and they are more closely intertwined than we are habitually willing to allow. We do well to heed Alfred North Whitehead's maxim: Seek simplicity, and distrust it.

If militarism is double-faced, so is pacifism. Pacifism can reflect a high-minded and selfless commitment to the cause of peace. But it can also reflect a sense of personal outrage against the human predicament—what Camus described as metaphysical rebellion—or a desire to avoid individual responsibility for the common welfare by refusing to become involved. Or it may serve as a ground of political or ideological protest against authority. Even where it is conscientious, a commitment to nonviolence poses difficult questions. If I am bound not to defend myself when attacked but to turn the other cheek, must I stand aside when others are endangered? If so, the principle of nonviolence would justify, perhaps require, acceding to preventable wrongs without interference. It has always seemed to me that the biblical injunction to nonresistance rests not on the idea that resort to force is inherently wrong, but on the idea that since human judgments are fallible, especially where passions are involved, we should be slow to take the law into our own hands but leave the determination to the higher authority of God. Had the Good Samaritan of the parable arrived on the scene in time to prevent the robbery, it is hard to believe that he should have withheld assistance until after the victim had been struck down and left for dead. It would be a strange kind of love that said, "We must go out of our way to mend the wounds of others but never exert even minimal force to prevent their being wounded. Nor must we look to others ever to use force on our behalf." Love does not make distinctions of this sort.

As to the example of Gandhi, which is often cited to show that passive resistance is an effective tactic against oppression, it has been pointed out by several writers (including Jaspers again) that Gandhi's success was dependent on the restraint of the British authorities. It seems clear that passive resistance is wholly ineffective against terrorism, or against the calculated barbarisms of a Hitler or a Stalin, or against ruthless fanaticism bent on eliminating all dissent. The more implacable the threat to basic human rights, the less the protective power of nonresistance. Here again we face complexities, not clarities.

SIX

After the development of the atom bomb, which he had favored for fear of its prior discovery by Hitler's forces, Albert Einstein wrote, "The unleashed power of the atom has changed everything save our modes of thinking and we thus drift toward an unparalleled catastrophe." He fully recognized the dimensions of the threat, including the possible extinction of all life on earth, and expressed the conviction that only an essentially new way of thinking could meet the danger. Similar views were expressed by many others, yet there has been no agreement on what the new modes of thinking should be. Where do we begin? How do we proceed? The ideal of a world without war is not new. Nor is concern for the limitation or elimination of lethal weapons. Variant theories as to the causes of war are also familiar, along with suggested remedies of different—and often conflicting—types. Our problem does not arise, as some would have it, from persistent indifference to imminent peril but rather from the babel of many voices. For more than thirty years thoughtful people have had to live with anxiety, without being unnerved by it.

What Jaspers recommended was not an immediate solution but an approach. We cannot rely, he believed, on the techniques of scientific inquiry or of conventional academic philosophy to help us; they deal only with specific aspects of the problem, not with its full complexity. The basic question to be faced, he thought, was not how to preserve life against extinction but what makes life itself worth living. Such a question takes us back to the shadowy realms of religion, myth, and metaphysics, but we cannot meet the current crisis without sacrifice, he felt, and we cannot hope to determine wisely what sacrifice we could, or should, make to meet the threat of annihilation without understanding the true nature and value of human existence itself. For Jaspers, as previously indicated, it is wrong to assume that mankind is necessarily a cosmic or evolutionary success; we are presently

challenged, as never before, to show that we can master the dangers to our survival posed by our own ingenious capacities for scientific and technical discoveries. The task requires a new breadth and depth of rationality capable of transcending limited cultural and ideological perspectives and of establishing a new basis of international communication and understanding. For this purpose, freedom of the human mind and human spirit is essential. Hence we cannot and must not endeavor to preserve human existence by submitting to totalitarianism. But at the same time we cannot and must not expect to be able to eliminate the threat of extinction while keeping our own ways of life otherwise unchanged. We are challenged to find new modes of thinking, a new rational orientation; if we fail, disaster looms.

Jaspers's book is diffuse and difficult. It may well be that I have not done justice to his views. It may also be objected that the position outlined is too abstract to be useful. What is important, I think, is the insistence that we must seek to understand the many dimensions of the problem of peace and safety in today's world before we venture to propose specific answers or seek to rally support for them. The language of force is sharp and universally understood. So is the language of submission. But the language of trust, on which peace and security ultimately depend, is subtle and difficult especially where it is most urgently required.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EDUCATIONAL OPPORTUNITY AND EQUITY ACT OF 1983—MESSAGE FROM THE PRESIDENT—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am herewith transmitting proposed legislation entitled the "Educational Opportunity and Equity Act of 1983." This bill would provide for increased diversity in educational opportunity by providing tax relief for parents who choose to send their children to nonpublic schools. Substantially the same bill was favorably reported by the Senate Finance Committee late in the 97th Congress. I call upon the 98th Congress to give enactment of this legislation the highest priority.

Diversity in educational opportunity has been one of the great strengths of our Nation. It is a foundation of our pluralistic society and essential to a Nation which places a high value on individual freedom.

We are justly proud of our public schools which now offer a free education through the primary and secondary school levels to all American children willing to take advantage of it. At the same time, we must remember the important role that has been played since the beginning of our Nation by the diverse nonpublic schools which also offer an education to American children. Now, as they did prior to the establishment of our public school system, parents cherish their ability to choose from a wide range of educational opportunities for their children. It is of great importance to the continued vitality of our society that parents have a meaningful choice between public education and the many forms of private education that are available.

It is also important that there be innovation and experimentation in education. The existence of many private, as well as public, schools assures that new and possibly more effective teaching approaches will not go untested. It is also important that the differing needs and demands of students and their parents be met. Parents who, for whatever reason, are not satisfied by the education available in their local public schools should be able to seek an education better suited to their children elsewhere. Furthermore, the existence of a viable private alternative should maintain educational standards and meet student needs.

As we are all aware, the cost of education, both public and private, has risen dramatically in recent years. We all bear the burden of the rising costs of public education through State and local taxation, directly or indirectly. But those parents who wish their children to attend nonpublic schools must also bear the additional burden of paying private school tuition. This additional cost has always severely limited the ability of lower-income families to choose the nonpublic educational alternative for their children. Rising costs are now putting private schools beyond the reach of a growing number of middle-income Americans as well. If we are to provide a meaningful choice for those for whom it is in danger of becoming an illusion, we must find a way to lighten the "double burden" these families bear.

We must also bear in mind that private schools do more than offer alternative educational choices to students and their parents. Nonpublic schools also carry a significant part of the burden of providing primary and secondary school education in this country. If it becomes financially impossible for many of the families now sending their children to nonpublic schools to continue to do so, the resulting increase in public school attendance will place large and unwelcome new tax burdens on State and local taxpayers. The cost to taxpayers of offering some tax relief to parents, so that they can afford to keep their children in the private schools of their choice, is modest compared to the cost of educating their children in the public schools.

Thus, in order to promote diversity in education and the freedom of individuals to take advantage of it and to nurture the pluralism in American society which this diversity fosters, I am transmitting today a draft bill which provides Federal tax credits for the tuition expenses of children attending nonpublic primary or secondary schools. Starting in 1983, the Educational Opportunity and Equity Act of 1983, if enacted, would allow a tax credit for the tuition expenses of each student attending a private, nonprofit primary or secondary school. By 1985, when this new tuition tax credit would be fully phased in, a credit equal to 50% of tuition expenses paid during the year, but not to exceed $300, would be allowed for each student from a family with adjusted gross income of up to $40,000. The tax credit would be phased down for families with adjusted gross incomes between $40,000 and $60,000, and no credit would be available to families with income in excess of $60,000. Because the tax credit is designed to gradually phase out for those taxpayers making in excess of $40,000 a year, the proposal provides the greatest assistance to these lower- and middle-income taxpayers who are most severely affected by rising private school tuition expenses.

Today's proposal makes an important start by providing this relief where it is most necessary. I will be proposing other legislation in the near future to address the problem of financing higher education.

This administration will not tolerate the use of tuition tax credits to foster racial discrimination. Consequently, the bill contains strong provisions to ensure that no credits will be permitted for amounts paid to schools that follow racially discriminatory policies. These provisions are identical to those that were adopted by the Senate Finance Committee last Fall with broad bipartisan support.

I ask that the Congress move as quickly as possible to enact this much-needed legislation.

RONALD REAGAN.

THE WHITE HOUSE, *February 16, 1983.*

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Donald L. Dotson, of Pennsylvania, to be a member of the National Labor Relations Board for the term of 5 years expiring December 16, 1987.

(The above nomination was reported from the Committee on Labor and Human Resources, with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 485. A bill to amend title 18, United States Code; to the Committee on the Judiciary.

By Mr. SASSER (for himself, Mr. METZENBAUM, and Mr. SARBANES):

S. 486. A bill to amend chapter 13 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. STENNIS:

S. 487. A bill for the relief of Lt. Col. Henry F. McGraw, U.S. Army, retired; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 488. A bill for the relief of Dr. Oscar Raul Espinoza Madariaga, his wife, Maria Inez, his son Felipe Andres and daughter Claudia Paola; to the Committee on the Judiciary.

S. 489. A bill for the relief of James A. Ferguson; to the Committee on the Judiciary.

By Mr. DIXON (for himself, Mr. HUDDLESTON, Mr. JEPSEN, Mr. DOLE, and Mr. BURDICK):

S. 490. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to improve certain agricultural commodity donation programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND:

S. 491. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program for the 1983 through 1985 fiscal years; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 492. A bill to amend the Bankruptcy Act regarding executory contracts, and for other purposes; to the Committee on Judiciary.

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. RIEGLE, Mr. EAGLETON, Mr. MATSUNAGA, Mr. PELL, Mr. DODD, Mr. LEVIN, Mr. SARBANES, and Mr. HART):

S. 493. A bill to provide additional authorizations for programs designed to increase employment including the community development block grant, youth employment and education, senior citizens employment, and other similar programs, to provide training and retraining assistance for dislocated workers, and to provide emergency assistance for the long-term unemployed, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ZORINSKY:

S. 494. A bill to authorize the Commodity Credit Corporation to sell corn or other feed grain acquired through price-support operations to persons for conversion into alcohol for use as fuel; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 495. A bill to amend the Internal Revenue Code of 1954 to allow any taxpayer to elect to treat for income tax purposes any crop received under a Federal program for removing land from agricultural production as produced by the taxpayer, to allow any taxpayer to elect to defer income on any cancellation under such a program if any price support loan, and to provide that participation in such a program shall not disqualify the taxpayer for the special use valuation of farm real property under section 2032A of such code; to the Committee on Finance.

By Mr. COHEN:

S. 496. A bill to amend title 10, United States Code, to authorize the Secretary concerned to transport to the place of burial the remains of a member of the uniformed services entitled to retired or retainer pay who dies in a military medical facility; to the Committee on Armed Services.

By Mr. HUMPHREY:

S. 497. A bill to amend title 39 of the United States Code to provide that drug abuse oriented advertisements and shipments of drugs in response to drug abuse oriented advertisements shall be nonmailable matter; to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. HATFIELD, Mr. INOUYE, Mr. SASSER, Mr. PROXMIRE, and Mr. MOYNIHAN):

S. 498. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO (for himself, Mr. LEVIN, Mr. TSONGAS, and Mr. HUDDLESTON):

S. 499. A bill to require the usage of tax-exempt financing in connection with the Small Business Administration section 503 loan program; to the Committee on Small Business.

By Mr. MATHIAS (for himself, Mr. LEAHY, Mr. DOMENICI, Mr. SARBANES, and Mr. D'AMATO):

S. 500. A bill entitled the "Christopher Columbus Quicentenary Jubilee Act"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. GORTON, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. ANDREWS, Mr. DANFORTH, Mr. HEINZ, Mr. D'AMATO, Mr. COHEN, Mr. BAUCUS, Mr. METZENBAUM, Mr. DOMENICI, Mr. SYMMS, Mrs. HAWKINS, Mr. PERCY, Mr. BURDICK, Mr. WARNER, Mr. QUAYLE, Mr. PACKWOOD, Mr. PRESSLER, Mr. JEPSEN, Mr. GRASSLEY, Mr. ROTH, Mr. DIXON, Mr. MATSUNAGA, and Mr. BAKER):

S. 501. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. PROXMIRE):

S. 502. A bill to amend the Federal Reserve Act to authorize limits on loans to foreign countries, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUMPHREY (for himself, Mr. DANFORTH, Mr. HATCH, Mr. EAST, Mr. ANDREWS, Mr. QUAYLE, and Mr. MATSUNAGA):

S. 503. A bill to make it unlawful to manufacture, distribute, or possess with intent to distribute, a drug which is an imitation of a controlled substance or a drug which purports to act like a controlled substance; to the Committee on the Judiciary.

By Mr. HUDDLESTON:

S.J. Res. 35. Joint resolution designating the week beginning March 20, 1983, as "National Mental Health Counselors Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATHIAS (for himself, Mr. BAKER, Mr. DECONCINI, Mr. GARN, and Mr. MCCLURE):

S. Res. 66. Resolution to establish regulations to implement television and radio coverage of proceedings of the Senate; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 485. A bill to amend title 18, United States Code; to the Committee on the Judiciary.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. SASSER (for himself, Mr. METZENBAUM, and Mr. SARBANES):

S. 486. A bill to amend chapter 13 of title 18 of the United States Code; to the Committee on the Judiciary.

PENALTY FOR WILLFUL DAMAGE OF CERTAIN PROPERTY

● Mr. SASSER. Mr. President, I rise today to reintroduce legislation that I offered in the 97th Congress that would make the willful damage of a cemetery, a building used for religious purposes, or any religious article contained therein a Federal crime. Joining me as cosponsors are Senator METZENBAUM and Senator SARBANES.

As Americans there is no right that we cherish more dearly than the right to free exercise of our religious beliefs. That right is among the basic foundations of our Nation. And, there is no right more important to our future.

Some may believe that acts of destruction against religious buildings and cemeteries are isolated and harmless. I do not share that point of view. Few who have lived through World War II can forget that it was a few isolated ripples of violence toward religious minorities in Germany that led to a wave of violence directed toward Jews, Catholics, and Protestants.

America has a long and proud history of religious tolerance. However, at certain periods in our history we have experienced a rash of violence, committed by a handful of people, aimed at certain religious groups. I rise today because I am concerned about the continuing number of such incidents in our country.

In the past 2 years the States have taken the lead in reaffirming America's commitment to religious tolerance. Thirteen States have enacted laws to protect religious liberty. This increased attention to the problem has led to a drop in the number of reported incidents of religious hatred. Figures recently released by B'nai B'rith showed a decrease in the number of anti-Semitic incidents from 974 in 1981 to 829 in 1982.

This commendable effort by State and local governments indicates the gains that can be made when Government makes it clear it will accept no interference with religious freedom.

The Federal Government is charged with the responsibility of protecting the right of all Americans to freely exercise their religions. However, it does not have adequate power to investigate acts of violence against religious institutions. This power is needed if we are to meet fully that responsibility, for how can Americans worship freely if they must worship in fear and if they must fear violations of the sanctity of their religious institutions?

This bill, Mr. President, is a matter of concern to all Americans. No religious institution is safe if all religious institutions are not fully protected. The rights of all Americans to practice their religion freely is threatened if any American's right is so threatened.

This bill attempts to provide for this Federal responsibility by adding a new section to title 18 of the United States Code. That section would make it a Federal crime for any person to willfully damage a cemetery, a building used for religious purposes, or religious articles contained in those places. It would also make the attempt to commit such destruction a crime punishable by Federal law. The penalties are graded on the basis of the seriousness of such offenses. First, there is a general penalty of $10,000 and/or 5-years imprisonment; second, $15,000 in fines and/or 15-years imprisonment where bodily injury results. Finally, a maximum sentence of life imprisonment is imposed where death results.

Mr. President, this is a strong bill with stiff penalties aimed at curbing one of the most heinous of crimes. But, the time has come to put those who would destroy or dishonor sacred places on notice that they will be subject to prosecution by the Government of the United States.

Mr. President, I ask unanimous consent that the text of S. 486 be printed in the RECORD immediately following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 13 of title 18 of the United States Code is amended by adding at the end the following new section:

"§ 247. Destruction or theft of property used for religious purposes

"Whoever, whether or not acting under the color of law, with the intent to injure, intimidate, or interfere with any person or any class of persons in the free exercise of religion secured by the Constitution or laws of the United States, or because of having so exercised the same, willfully vandalizes, sets fire to, tampers with, or in any other way damages or destroys any cemetery, any building or other real property used for religious purposes, or any religious article contained therein, or takes and carriers away, with intent to steal, any religious article contained in any cemetery, or any building or other real property used for religious purposes, or attempts to do any of the same, shall be fined not more than $10,000, or imprisoned not more than five years, or both; and if bodily injury results shall be fined not more than $15,000, or imprisoned not more than fifteen years, or both; and if death results, shall be subject to imprisonment for any term of years or for life.".

SEC. 2. The table of sections for chapter 13 of title 18 of the United States Code is amended by adding at the end the following new item:

"247. Destruction or theft of property used for religious purposes".●

By Mr. THURMOND:

S. 491. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program for the 1983 through 1985 fiscal years; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PRICE SUPPORT AMENDMENTS ACT OF 1983

Mr. THURMOND. Mr. President, today I am introducing the Dairy Price Support Amendments Act of 1983. The purpose of this legislation is twofold. First, it repeals the authority of the U.S. Department of Agriculture to collect an initial 50 cents per hundred weight assessment on commercially marketed milk that was scheduled for December 1, 1982, as well as a second deduction of an equal amount to be assessed in April of this year. The second provision of this bill trims the dairy price support level by 50 cents.

Mr. President, allow me to explain why the original assessment was not collected. In December of last year, a U.S. district court judge in South Carolina issued an injunction which prevented the USDA from collecting the initial 50 cents assessment. The basis for the court decision was that the Department of Agriculture failed to follow the Administrative Procedures Act in that it did not provide adequate time for public comment on this matter. However, subsequent to the court injunction, the Secretary of Agriculture announced that he would republish the required notice in the Federal Register for public comment, as well as his intention to collect the December assessment retroactively. Therefore, this bill would not only block the future asessment, but also the one that was due to be collected last December.

Mr. President, I am opposed to this assessment because I feel that it is unjust, ineffective, and unwise. It is an across-the-board deduction that applies to all milk producers in all dairy producing States. It does not take into account the definite distinctions and differences that exist in various regions of the country within the dairy industry. For example, the milk produced in South Carolina is consumed almost entirely in fluid form, and there are no Commodity Credit Corporation purchases. The dairy industry in my State is operated at no expense to the American taxpayer. Therefore, it is most unfair to ask the milk producers in my State, and others similarly situated, to pay for a program in which they do not participate, or to share in the cost of removing milk surpluses which they have not caused. I repeat, the farmers in my State are not responsible for the problems that exist within the dairy price support program. Yet, they have been forced to shoulder the burden caused by dairy farmers in other States.

Mr. President, there are those who feel that this assessment will cause a decrease in milk production. Many experts, however, feel that this theory is unfounded. I have been contacted by numerous dairy producers stating that they will not decrease their output to the assessment. In fact, they have communicated their intention to increase their output in an effort to offset the income loss they must absorb from the per hundredweight assessment. This will only exacerbate the problems of over production, thus increasing Federal purchasing and storage costs. The point is, Mr. President, this assessment will result in greater Government expenditures for this program.

Mr. President, the second provision of this bill provides a better alternative for addressing the problem of the current massive Federal expense of the milk price support program. By cutting the support price mechanism from $13.10 to $12.60 per hundredweight, we will reduce the incentive of dairy farmers in Federal milk marketing order areas to overproduce. This will result in fewer Government purchases of excess milk products, as well as lower Federal storage and handling cost of these commodities.

The answer to our dairy problems is to remove any artificial Government incentive for dairy farmers to overproduce. A cut in the price support will accomplish that goal, while on the other hand, the proposed assessment will be counterproductive.

Mr. President, I feel that my proposal is fair and just, and it does not place an undue burden on dairy producers in any area of the country. I am introducing this legislation today in order to provide a short-range solution to the immediate problems within the milk industry caused by the assessment and the high dairy price support level. The enactment of this legislation will provide that much needed short-term relief to our dairy farmers. For that reason, I urge the Agriculture Committee to act swiftly on this bill so that it can be brought before the full Senate as soon as possible.

In addition, I hope that the Senate and House Agriculture Committees will examine a broad range of concepts which might result in a reasonable, effective, and comprehensive solution to the long-range problems that face our Nation's dairy industry. For example, I believe careful consideration should also be given to the following:

First, placing a cap on total Federal expenditures for the milk price support program, with necessary flexibility for the Secretary of Agriculture to adjust the price support level in order to keep the Federal outlays from exceeding this cap.

Second, establishing an improved market promotion program that will expand market consumption of dairy products domestically and abroad.

Third, increasing the minimum standards for solid, nonfat content in fluid milk in order to increase utilization of raw milk.

Fourth, implementing a fair "milk base plan" for individual dairy producers in Federal order markets, similar to the base plan now used in a number of State-controlled milk markets, such as my State of South Carolina. As part of such a base plan, the Federal support for milk produced in excess of an individual dairy farmer's established base would either be eliminated or substantially reduced from current levels.

Fifth, developing new export markets for American dairy products and pressing for the removal of trade barriers which presently inhibit exports.

Mr. President, these are some of the ideas that dairy farmers in my State and others in the industry have suggested, which appear to be worthy of full and careful consideration. Again, I hope that the Agriculture Committee will act promptly on the legislation I have introduced today, and that they will work in the near future on devising a fair and reasonable solution to the overall problems faced by the milk industry.

By Mr. DIXON (for himself, Mr. HUDDLESTON, Mr. JEPSEN, Mr. DOLE, and Mr. BURDICK):

S. 490. A bill to amend the agricultural Trade Development and Assistance Act of 1954 to improve certain agricultural commodity donation programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL COMMODITY DONATION ACT OF 1983

Mr. DIXON. Mr. President, the continuing problem of chronic malnutrition throughout the world and in particular, nutritional deficiencies affecting children, has always been a matter of serious concern to the Congress. While a number of congressional initiatives have been enacted into law over the years to deal with these problems both at home and abroad, one of the most direct methods of combating malnutrition on the international scene is through title II of Public Law 480. Under this authority, donations of American commodities are used in a variety of programs throughout the world, providing both supplemental and primary sources of nutrition.

Of special importance in these programs is the provision of processed and fortified grain-based and dairy commodities. The use of processed and fortified products in maternal and child health feeding programs, school lunch programs, and a variety of other nutritional and supplemental feeding activities considerably enhances the scope and application of such commodities and helps to directly combat undernutrition and malnutrition. With title II of Public Law 480 being a targeted feeding program, the availability of these processed and fortified commodities provides an excellent opportunity for program managers to utilize the most appropriate food products for each program application.

We must also remember that in many feeding programs throughout the world, the United States is the only supplier of these processed and fortified products. Their importance in these programs is critical and is supplemented by the fact that their production in, and export from, the United States also provides a number of value-added benefits, such as increased employment, additional tax revenues, and wider use of U.S. transport facilities. A recent USDA report, entitled "Expanding the Processed Product Share of U.S. Agricultural Exports," indicated that if a 10-percent increase of current raw exports of wheat, corn, and soybeans were shipped as processed products, the GNP would increase by nearly $16 billion; personal income would rise by $3 billion; and more than 300,000 new jobs would be created. Consequently, I am introducing today, along with my distinguished colleagues Senators HUDDLESTON, JEPSEN, DOLE, and BURDICK, legislation to assure continued use of these processed and fortified commodities in title II of Public Law 480. This is particularly important at a time when commodity and freight prices are depressed and when there is a surplus of unallocated funds within the 1983 title II budget which can be used for increased provision of these important products.

The legislation that I am introducing today calls for a continued maintenance of a level of approximately 55 to 60 percent of title II commodities in processed and fortified form. This is very close to the current level of usage of such commodities in title II, and with more than adequate funding availability, maintenance of these levels does not appear to be a problem at this time. I recognize that in times of high prices, maintenance of these levels could cause some budgetary concerns; however, the importance of these commodities both to program uses overseas and to the U.S. economy as a result of their value-added characteristics is such that any budgetary concerns that might arise in future years can and should be remedied.

Mr. President, this legislation has other provisions which I think are quite important in the administration of our Public Law 480 activities. The bill I am introducing today also recognizes the work and responsibilities of American voluntary agencies in the administration of title II programs. In this regard, it is extremely important in order to satisfy the overall objectives of title II of Public Law 480, that these agencies have sufficient flexibility in the planning and administration of title II feeding activities. In this context, my bill calls for giving consideration to the nutritional and developmental objectives of those agencies as they plan and administer these programs. The opportunity to apply their own discretion and flexibility in setting program objectives gives these agencies the ability to meet program needs based upon their unique perspective and first-hand information. It also helps provide for the most efficient and effective use of the products provided by the United States under title II.

In this same context, I am also suggesting amendments to title III of Public Law 480 calling for the increased involvement of American voluntary agencies and cooperatives in food for development programs. Further, the bill also calls for an increase in the use of title III wherever possible up to a level of 20 percent of title I and calls upon the administration to report on the use of this authority. The proposed fiscal year 1984 budget for title III meets this level.

The bill also encourages the use of title III food for development programs to help lessen the severity of

food shortages in famine-prone countries, especially those in sub-Saharan Africa, emphasizing postharvest food conservation.

Mr. President, since the implementation of the Food for Peace Act, over $30 billion worth of U.S. farm products have been shipped overseas. The program has helped to alleviate hunger and malnutrition, and at the same time promote agricultural products. The bill that I am introducing today provides for the recognition of the importance of processed products and voluntary agencies in this program.

Mr. President, I ask that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Commodity Donation Act of 1983".

FAMINE RELIEF

SEC. 2 (a) Section 201 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721) is amended by adding at the end thereof the following new subsection:

"(c)(1) In distributing agricultural commodities under this title, the President shall consider the nutritional assistance to recipients and value added benefits to the United States which would result from distributing such commodities in the form of processed and protein fortified products of such commodities.

"(2) In distributing agricultural commodities under this title, the President shall take all feasible steps to assure that approximately 55 to 60 percent of the total actual tonnage of such commodities distributed in each fiscal year (excluding conversion for grain equivalency) be in the form of processed and protein fortified products of such commodities. In selecting commodities to meet the tonnage target specified in this paragraph, the President shall consider the nutritional needs of the proposed recipients of the commodities and the purposes of this title.".

(b) Section 202(b) of such Act (7 U.S.C. 1722(b)) is amended by adding at the end thereof the following new paragraph:

"(4) In utilizing nonprofit voluntary agencies to distribute food commodities under this title, the President shall consider any nutritional and developmental objectives as established by such agencies that are based on their assessment of the needs of the people assisted.".

FOOD FOR DEVELOPMENT PROGRAMS

SEC. 3. Section 302 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727a) is amended—

(1) by inserting "and of United States nonprofit voluntary agencies and cooperatives" after "agriculture" in subsection (c)(4);

(2) by adding at the end of subsection (c) the following new paragraph:

"(5)(A) The President shall, to the extent feasible, ensure that the aggregate value of all agreements entered into under this title in a fiscal year equals approximately 17 to 20 percent of the aggregate value of all agreements entered into under title I of this Act for such fiscal year.

"(B) If the aggregate value target specified in subparagraph (A) is not reached for a fiscal year, the President shall submit to Congress a detailed statement of the reasons for the lack of acceptable agricultural and rural development projects which qualify for assistance under this title and a detailed description of the efforts of the United States Government to assist eligible countries, pursuant to section 303(a), in identifying appropriate projects for assistance under this title."; and

(3) by adding at the end thereof the following new subsection:

"(d)(1) In order to help lessen the severity of food shortages in famine-prone countries, the agreements entered into under this title shall provide, to the extent feasible, that commodities made available under such agreements, or funds generated from the sale of such commodities in participating countries, will be used at the farm and village level in famine-prone countries, especially countries in sub-Saharan Africa, to establish rural projects that—

"(A) emphasize post-harvest food conservation; and

"(B) provide, to the maximum extent feasible, for participation in the development and administration of such projects by a representative number of the intended project beneficiaries.

"(2) Agreements entered into under this title to establish rural projects described in paragraph (1) shall specify the measures to be taken—

"(A) implement the requirements contained in paragraph (1); and

"(B) ensure that commodities made available under such agreements and funds generated from the sale of such commodities are used primarily to benefit the poor in participating countries.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 492. A bill to amend the Bankruptcy Act regarding executory contracts, and for other purposes; to the Committee on the Judiciary.

EXECUTORY CONTRACTS

● Mr. HATCH. Mr. President, in the 97th Congress I introduced S. 3027, a bill to amend the Bankruptcy Act regarding executory contracts, and for other purposes. The issues that S. 3027 dealt with are still crucial, and need to be amended. Today I wish to reintroduce this bill.

Mr. President, since the early 1970's an industrial phenomenon has swept the United States. Americans finding the cost of full-time ownership in resort and vacation accommodations too expensive have shifted to purchasing timeshares in resort condominiums, hotels, campgrounds, and various other real estate. The timeshare industry has grown from as few as eight resorts in 1972, into a $1.5 billion industry soon to have 825 resorts with more than 25,000 units. A timeshare is a right, which the purchaser buys, to use a property for a designated length of time each year. There are two broad categories of timeshares. One where the person buys an ownership interest in real estate—the building and common areas—and another where the person buys a right to use the living space for a specific number of years but does not have ownership interest in the real estate. This latter category has been given the title of "right-to-use" timeshares.

This rapid growth of the timeshare industry in a relatively short period of time has left some of our traditional real estate laws incompatible with timesharing.

My bill specifically addresses one of these traditional laws and its incompatibility to timesharing. Section 365 of the Bankruptcy Code provides that a trustee in bankruptcy or debtor-in-possession may "assume or reject and executory contract or unexpired lease of the debtor." Last year in the case of *Sombrero Reef Club, Inc.* v. *Allman*, 18 B.R. 612 (Bkrtcy. S.D. Fla. 1982), the court held that the right-to-use timesharing contracts used at Sombrero Reef were executory and allowed the debtor-in-possession to reject them. That holding presents significant problems for the consumer who is thereby relegate to the position of a general, unsecured creditor of the resort. A consumer would practically forfeit his investment permitting the resort to sale the property without obligation. In the case of the Sombrero Reef Club, the consumer would lose their original purchase price of $1,000 to $3,000 plus a yearly fee of around $80.

The threshold question in a rejection case is if a contract is executory. The most widely accepted definition of an executory contract for bankruptcy purposes is a contract "under which the obligation of the bankrupt and other party is so far unperformed that the failure of either to complete performance would constitute a material breach excusing the performance of the other." The Sombrero Reef Club case clearly gave right-to-use contracts the status of executory. In other words, the courts ruling permits the resort to reject right-to-use contracts in bankruptcy cases.

Mr. President, in the interest of the consumer in this rapidly expanding industry my bill would do the following things:

First. Add section L to section 365 of the Bankruptcy Code providing for a separate treatment for timeshare situations.

Second. Clause 1 of section L would provide if the trustee rejects an executory contract of the debtor the purchaser may treat such contract as terminated and receive a lien on the interest in the timeshare for the price he has invested. In the alternative, the purchaser may continue to exercise his rights to use and occupy the timeshare premise to the extent provided for in the contract. This option howev-

er, must be exercised within a specific period of time.

Third. Clause 2 of section L provides that the purchaser may offset payments if after rejection any damages accrue due to the nonperformance of obligations of the debtor.

Fourth. Clause 3 of section L provides a definition of timeshare plan, timeshare interest, and timeshare premises.

Fifth. Amends section 365(F)(2) to provide in a situation where the trustee has assigned the contract to a third party that a purchaser may have the option to terminate his contract rather than participating with the assignee in the resort.

Sixth. Amends section 544(a)(3) to anticipate the argument that the trustee could attempt to void the contract containing the nondisturbance language as a transfer in real property, eliminating the protection preserved in section L(1).

Seventh. Makes the necessary amendment to section 365(a) for the insertion of (L) into the listed paragraph.

Mr. President, I feel the bill I am reintroducing today will update the Bankruptcy Code so that it may effectively handle this problem dealing with right-to-use timeshares. I feel it important to keep current with this rapidly growing industry so that the consumer may be fully protected where traditional laws may not provide adequate protection.

I am pleased to report, Mr. President, that the Subcommittee on Courts, in the process of diligently seeking a resolution to the current difficulties in the bankruptcy court system and with certain provisions of the current Bankruptcy Code, has already held hearings on the subject which my bill addresses. I heartily commend my colleague, Senator DOLE, and the other members of his subcommittee, particularly Senator HEFLIN, for expeditiously attending to the need for some bankruptcy reform and specifically for holding a hearing on the subject of this bill. Since the testimony presented at that recent hearing is particularly timely, I would ask unanimous consent that the statement of Mr. Carl Berry appear at the conclusion of my remarks along with the text of my bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 365 of title 11, United States Code, is amended—

(1) by striking from subsection (a) "and (d)" and inserting in lieu thereof ", (d) and (l)".

SEC. 2. Section 365 of title 11, United States Code, is amended by adding after subsection (k) the following:

"(l)(1) If the trustee rejects an executory contract of the debtor for the sale of a timeshare interest in a timeshare plan under which the purchaser has not relinquished the right to occupy and use the timeshare premises, such purchaser may treat such contract as terminated and receive a lien on the interest of the debtor in the timeshare premises for the recovery of any portion of the purchase price that such purchaser has paid less any portion of the purchaser price attributable to years prior to the contract rejection. In the alternative, such purchaser may continue to exercise his rights to use and occupy the timeshare premises to the extent provided in the timeshare plan contract or applicable state law, so long as such purchaser continues to make all required installment and maintenance payments.

"(2) If such purchaser continues to use and occupy the premises, such purchaser may offset against any installment and/or maintenance payments any damages occurring after the date of the trustee's rejection caused by the nonperformance of any obligation of the debtor after such date, but such purchaser does not have any rights against the estate on account of any damages arising after such date from such rejection, other than such offset. The amount eligible for such offset shall be fixed as a sum certain after notice and hearing.

"(3) For the purposes of this section, "timeshare plan" means any arrangement, plan, scheme, or similar device, but not including exchange programs, whether by membership, agreement, tenency-in-common, sale, lease, deed, rental agreement, license, right-to-use agreement, by any other means, whereby a purchaser, in exchange for consideration, receives right-to-use accommodations of facilities, or both, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than three years. A timeshare interest is that interest purchased in a timeshare plan which grants purchaser the right to use and occupy facilities or accommodations pursuant to a timeshare plan. Timeshare premises are those facilities and/or accommodations subject to a time share plan.".

SEC. 3. Section 365(f)(2) of title 11, United States Code, is amended by—

(1) striking out "and" at the end of subparagraph (A);

(2) striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new subparagraph:

"(C) in the case of timeshare interest purchaser, the timeshare interest purchasers are given the option to treat their executory contracts as terminated pursuant to section 365(l)(1) of this title.".

SEC. 4. Section 544(a)(3) of title 11, United States Code, is amended by inserting after "exists" the following: "; however, nothing in this subsection shall be construed to grant the trustee the power to assert the rights and powers of a bona fide purchaser against the contractual or state-mandated rights of any timeshare interest purchaser in a timeshare plan as defined in section 365(l)(3)".

STATEMENT OF THE NATIONAL TIMESHARING COUNCIL OF THE AMERICAN LAND DEVELOPMENT ASSOCIATION

Mr. Chairman, my name is Carl Berry, and I am President of California Resorts Company. We are a timeshare development, management and consulting company based in San Francisco, California. I am here today as Chairman of the National TimeSharing Council of the American Land Development Association ("ALDA"). Accompanying me is Thomas C. Franks, ALDA's Director of Government Relations.

The American Land Development Association ("ALDA") represents leading national and international companies which develop timeshare resorts, recreational resorts and residential real estate, including vacation homes, condominiums, planned unit developments, new communities, mobile home parks, and recreational vehicle parks and campgrounds. ALDA's membership includes the real estate development subsidiaries of some of the nation's largest corporations as well as privately-held development companies.

The National TimeSharing Council is one of six councils within the American Land Development Association and was created especially to represent real estate developers, property owners, marketers, lenders, and others engaged in every form of timesharing.

I. INTRODUCTION

I appreciate this opportunity to appear here today to discuss the need for an important change to the existing bankruptcy law. This proposed bankruptcy law revision, which was made a part of last year's Senate Omnibus Bankruptcy Bill, and introduced in last year's session as Senate Bill 3027, provides the needed consumer protections in the fast-growing timeshare industry. We would like to extend our gratitude to Senator Orrin G. Hatch for introducing S. 3027, and to Chairman Strom Thurmond and Chairman Robert C. Dole for their key support in having these important amendments placed in the Omnibus Bankruptcy Bill last year.

Before addressing our specific problem and proposed solution, let me briefly explain the timeshare concept and industry.

II. BACKGROUND

Since the early 1970's, American consumers have increasingly turned to a new form of real estate purchase known as timesharing to satisfy their recreational and vacation accommodation needs. The timeshare industry has grown from as few as eight resorts in 1972, to over 800 resorts nationwide containing more than 25,000 units. It is now estimated that almost 500,000 American consumers have purchased a timeshare interest.

There are two broad categories of timeshare interests: fee-simple ownership of the week or weeks purchased in the timeshare project; or the "right-to-use" accommodations for a week or weeks for a specified number of years without acquiring an actual ownership interest in the project. Both types of timesharing (fee-simple and right-to-use) offer the consumer numerous advantages including reduced-cost recreational accommodations, certainty of accommodations, and opportunities for increased vacation opportunities via exchanges of accommodations with other timeshare owners throughout the world.

However, a recent decision by a Federal Bankruptcy Court in Florida jeopardizes the rights of consumers and threatens the viability of timeshare developers and financial institutions involved in the timesharing industry. Due to the detrimental impact of this decision, we are here today to urge you to amend the Federal Bankruptcy Code to protect the rights of timeshare comsumers.

III. THE PROBLEM

Last year in the case of *In re Sombrero Reef Club, Inc.*, 18 B.R. 612 (Bankr. S.D. Fla. 1982), the U.S. Bankruptcy Court held that "right-to-use" timeshare purchase contracts were executory and could be rejected by the debtor-in-possession developer, thereby allowing the sale of the resort property free and clear of the interest of the consumer purchasers. This adverse decision even affected those consumers who had paid for their interests in full, leaving all the timeshare purchasers with only a general, unsecured claim against the bankrupt estate.

Under the Bankruptcy Code, the threshold question before rejection is allowed is whether the contract is executory. Professor Vern Countryman, a noted bankruptcy expert and professor of law at Harvard University, has defined an executory contract as one "under which the obligation of the bankrupt and other party is so far unperformed that the failure of either to complete performance would constitute a material breach excusing the performance of the other". This definition was used by the *Sombrero* Court to reject all of the consumer contracts, even those which had been paid in full, because substantial services would still be required from the developer and annual service fees would be required from consumers. This decision that the consumer purchase contracts were executory permitted the bankrupt debtor-in-possession to reject the consumers' timeshare interests. It is important to note that this occurred even though Florida law prohibited such a sale. The Bankruptcy Court simply preempted the required Florida consumer protections. The Court's preemption of the state law makes it absolutely clear that the only way to resolve this problem is by amending the Federal Bankruptcy law.

The *Sombrero* decision has sent shock waves throughout the entire timeshare industry. Even now *Sombrero* case is being cited as precedent in bankruptcy proceedings in the states of Florida, South Carolina and Utah. Kenneth Harney, a nationally syndicated real estate columnist has sounded the alarm in his column for thousands of right-to-use timeshare consumers concerning the lack of protection for their interests in the event of a developer bankruptcy. Sombrero has forced consumers to consult their "crystal balls" in order to predict whether during the lifetime of their contracts, a period of twenty, thirty or more years, the developer will ever file for bankruptcy. Lenders are understandably more hesitant to grant loans secured by right-to-use receivables or to purchase such receivables because the duration of the underlying consumer interest could be cut short at any time by a developer bankruptcy. Unfortunately, this lender hesitancy is causing a shortage of available capital for use by "right-to-use" timeshare developers, thereby forcing the timeshare projects of these developers closer to the brink of bankruptcy and compounding consumer concern.

Let me emphasize that the Sombrero problem not only jeopardizes "right-to-use" timesharing but also jeopardizes all forms and aspects of timesharing through adverse publicity and the creation of a negative image in the minds of consumers. Such adverse publicity directly impacts the timeshare consumer by threatening the existence of his purchase and damaging the continued viability of the timeshare industry which is an integral part of the growing tourism industry. Timesharing alone accounted for an estimated billion and a half dollars in sales volume during 1982.

Mr. Chairman, I believe the foregoing explains the urgency of this matter and why it is imperative to address this consumer problem now.

IV. THE SOLUTION

The bankruptcy amendments we are advocating for your consideration and adoption are contained in last session's S. 3027, which is attached as part of my statement. The proposed amendments enlarge several sections of the Federal Bankruptcy Code to correct the Sombrero problem in a manner we think consistent with the philosophy and provisions of the existing Code.

The proposed amendments provide the same Section 365 protection for timeshare consumers as currently provided in Section 365(h)(i) and (j) for lessees and purchasers of real property. In other words, the resolution of this problem will require no departure from the philosophy of the existing Code, but instead represents recognition of and accommodation for a growing industry in the Federal Bankruptcy Code.

Sections One and Two of the proposed amendments modify Section 365 of the Bankruptcy Code to include timeshare interests and consumers within the existing protections of Section 365(h)(i) and (j) afforded to lessees and purchasers of real property. Like lessees and purchasers of real property, the proposed addition of subsection (L) would allow timeshare consumers to continue to exercise their rights under their contracts even after rejection by the trustee of debtor-in-possession. Alternatively as in the existing subsection (j) for purchasers of real property, the timeshare consumers would be allowed the option to treat their contracts as terminated and receive a lien against the estate for the value of the unused portion of their purchased interest.

This option is similar to the choice currently provided to purchasers of real property and serves to preserve the effect of any voluntary or state-required contractual obligations such as non-disturbance clauses whereby the seller agrees not to sell the underlying resort property unless the property remains subject to the rights of the timeshare consumers. The *Sombrero* Court specifically stated that the required Florida non-disturbance clause was of no use to the timeshare consumers because the federal bankruptcy law preempted the state law protection. This proposed amendment would give effect to such state law protections for the benefit of timeshare consumers.

In fairness to the debtor-in-possession, we are urging the inclusion of an additional amendment which will require the timeshare consumer to decide which alternative he wishes to elect within forty-five days of receipt of notice of his contract rejection.

Section Three of the proposed amendments modifies subsection (f) of Section 365 to allow timeshare consumers the option of treating their contracts as terminated if the contracts are assumed and assigned. Because resort management often depends on the individuals involved, timeshare consumers may feel uneasy about the new assignee. Adequate assurance in these cases would prove difficult. Rather than subject consumers to a prolonged fight over the adequacy of the assurance resulting in the inevitable hard feelings and negative publicity (whether in print or through disgruntled consumers), we suggest that terminating the contract is a painless option to grant consumers and clearly reflects the best interests of the consumers. This option grants consumers the right to choose to receive a refund for the unused portion of their contracts.

Section Four of the proposal amendments seeks to prevent the circumvention of the above described protections and alternatives by removing the trustee's ability to void the timeshare purchaser contracts through use of Section 544 of the Bankruptcy Code rather than rejecting the contracts through use of Section 365. Sections 365 and 544 are interrelated. Section 544(a)(3) allows a trustee to avoid a transfer of real property, while Section 365 permits the rejection of unexpired leases or executory contracts. To avoid a lease or executory contract is to terminate the lease or executory contract. Rejection of a lease or contract results in the cancellation of the covenants requiring performance by the debtor-seller in the future, but does not automatically terminate the contract or lease in such a way as to divest consumers of their interests. Once the lease or executory contract is avoided, none of the protections of the proposed amendments to Section 365 would apply. For this reason, it is important to amend Section 544(a)(3) to prevent the circumvention of the protections our proposed amendments would afford to the timeshare consumer.

V. CONCLUSION

Mr. Chairman, we respectfully urge the adoption of these proposed amendments. The major reasons why these amendments deserve your support are:

This proposal affords needed safeguards for consumers who have no protection in the event of a developer bankruptcy. It is inherently unreasonable to require consumers to predict the future with such accuracy in order to anticipate a timeshare developer's bankruptcy. Consumers deserve these protections to preserve some semblance of the benefit of their contractual bargains in a bankruptcy proceeding.

Lenders will be given greater security in their collateral, thus allowing them to make more financing available. Also, greater lender confidence will relieve severe cash flow problems and lessen the potential for future bankruptcies.

Timeshare project owners will benefit from greater consumer and lender confidence afforded by these amendments. This in turn will encourage greater economic vitality in the many states where recreational and resort development is a major employer and contributor to the economy.

In summary, I believe that after a careful examination of this proposal, you will arrive at the conclusion that this legislation serves the interest of consumers within the confines of the existing policies of the Bankruptcy Code and provides the needed certainty for a growing industry of our nation.

Mr. Chairman, I would like to thank you for this opportunity to testify on behalf of the National TimeSharing Council.●

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. RIEGLE, Mr. EAGLETON, Mr. MATSUNAGA, Mr. PELL, Mr. DODD, Mr. LEVIN, Mr. SARBANES, and Mr. HART):

S. 493. A bill to provide additional authorizations for programs designed to increase employment, including the community development block grant, youth employment and education, senior citizens employment, and other similar programs; to provide training

and retraining assistance for dislocated workers; and to provide emergency assistance for the long-term unemployed, and for other purposes; to the Committee on Labor and Human Resources.

EMERGENCY JOBS, TRAINING, AND FAMILY ASSISTANCE ACT OF 1983

● Mr. KENNEDY. Mr. President, I am pleased to introduce today the Emergency Jobs, Training, and Family Assistance Act, for myself and Senators RANDOLPH, RIEGLE, EAGLETON, MATSUNAGA, PELL, DODD, LEVIN, SARBANES, and HART.

This program will authorize $7.3 billion in additional funds for fiscal year 1983 and fiscal year 1984; it will put 750,000 unemployed Americans back to work, train 400,000 men and women in the skills of the future, and provide emergency shelter, food, and health care to thousands who are homeless and hungry.

Unemployment now stands at 10.4 percent. Despite the slight decline in the rate last month, 11.5 million Americans are still unable to find a job. By the administration's own projections, unemployment will remain above 10 percent through this year and into 1984. We must act now to provide jobs and assistance to workers who can no longer afford to wait for the promised recovery.

I am encouraged by the administration's recent change of heart and the President's willingness to support a jobs bill. But the White House proposal is inadequate in five key respects.

First, and most important, the administration's proposal is simply not an emergency program—it is too slow-starting to help the unemployed now, at the very time when they need the help the most. Second, not enough workers will be helped. Third, the program is not targeted to the regions of the country with the highest unemployment. Fourth, there is no requirement that unemployed workers be hired in the jobs that the legislation will create. Fifth, the proposal does not address the needs of unemployed women, youth, and older workers, since the majority of jobs are in construction.

Our alternative addresses all of these concerns, by targeting funds to quick-starting programs that will create the largest number of jobs for the unemployed as soon as possible, and in vital areas such as child care, home weatherization, housing rehabilitation, and public safety.

Our alternative is carefully designed to permit rapid implementation so that jobs will be created immediately. It establishes no new bureaucracy; all the projects will be funded through existing delivery systems; 75 percent of the sums must go for direct wages; 80 percent must be spent to hire persons who have been out of work at least 15 weeks.

The $6 billion of this program is directly comparable to the $4.3 billion compromise that the administration has offered to the Congress and that Senate and House Democrats are working to increase.

Our proposal also contains an additional $1.3 billion in two other vital areas—$1 billion to train unemployed workers for new industries; and $300 million more to provide essential services to the homeless and others in need. The administration's program does not address training at all, and does not adequately address the crisis of those who are truly needy.

This legislation now goes before the Senate Labor Committee. I intend to do all I can to insure that our committee fashions bipartisan legislation for the Senate that is truly a jobs—and jobs-now bill for enactment into law.●

● Mr. LEVIN. Mr. President, I am pleased to be a cosponsor to the Emergency Jobs, Training and Family Assistance Act introduced today by Senator KENNEDY.

As chairman of the task force of emergency human needs of the Senate Democratic Caucus, I welcome this legislation because it provides a most useful reference point for our deliberations. It does not preclude the task force from considering other elements for inclusion in an emergency package, and I would encourage all of my colleagues to let us their suggestions for emergency responses to our present economic plight.

This legislation sets out a reasonable and effective approach to providing the long-termed unemployed with jobs performing needed services for the community, such as housing rehabilitation, street repair, day care, meals for the elderly, and repair of sewer and water systems. Furthermore, provisions for youth and senior-citizen employment, training for displaced workers, and emergency food, shelter, and health assistance for the unemployed are the kinds of efforts which are essential if we are to meet our current economic crisis and to take the steps to adjust to the changing economic environment.

The unrelenting suffering which the deep recession has imposed on millions of our citizens requires a determined and cohesive congressional response. The Emergency Jobs Training and Family Assistance Act will help in formulating that response.●

By Mr. ZORINSKY:

S. 494. A bill to authorize the Commodity Credit Corporation to sell corn or other feed grain acquired through price-support operations to persons for conversion into alcohol for use as fuel; to the Committee on Agriculture, Nutrition, and Forestry.

SALE OF GRAIN FOR CONVERSION INTO ALCOHOL FOR USE AS FUEL

Mr. ZORINSKY. Mr. President, this bill authorizes the Commodity Credit Corporation to sell corn or other feed grain acquired through price-support operations to persons for conversion into alcohol for use as fuel.

The Department of Agriculture estimates that only 110 million bushels of corn will be used in the production of gasohol in the 1982–83 marketing year ending next October 1.

We ought to look upon our ability to produce such an abundance as one of our greatest assets, an advantage that should be put to constructive use. My State of Nebraska has been a pioneer in the production of alcohol from grain. The State government has established an agricultural products industrial utilization committee—gasohol. Farm organizations have supported the conversion of grain into motor fuel. Likewise, the people of Nebraska and all citizens of the United States recognize the great potential grain provides in our efforts to obtain energy self-sufficiency, particularly in motor fuel.

The production of alcohol from a renewable resource would lessen our dependence upon foreign sources in the satisfaction of our energy needs and would improve the balance of payments.

According to USDA, we have a grain abundance of all-time record levels in the carryover of corn. Beginning corn stocks, as of October 1, 1982, total 2,286 million bushels. If one adds to this amount 8.4 billion bushels produced in 1982 and 1 million bushels in imports, we have an estimated carry-in supply of nearly 10.7 billion bushels of corn.

Utilization of corn for feed from the 1982 crop is projected at 4.3 billion bushels. Moreover, USDA estimates 900 million bushels for food, seed, and industrial use. Exports are expected to be 2.1 billion bushels and total domestic use is forecast to be 7.3 billion bushels.

If one subtracts 7.3 billion bushels of utilization from 10.7 billion bushels of carry-in stocks, ending stocks will amount to nearly 3.4 billion bushels at the end of the 1982–83 crop year.

Market prices for the grains are already reacting to the forecasts of building surpluses. From January 1981 to January 1983, the average market price for corn has declined 87 cents per bushel, from $3.19 to $2.32. The average market price for milo declined from the January 1981 level of $5.48 per hundredweight to $4.14 per hundredweight.

Greater corn and milo utilization would help strengthen market prices while, at the same time, Government costs for farm and commercial storage

of grain could be substantially reduced.

According to USDA, for example, the average per bushel cost of storing grain owned by the Commodity Credit Corporation is roughly 36 cents in Nebraska.

The minimal storage cost for the 425 million bushels of corn already owned by CCC at the end of August is $149 million. Any additional corn channeled into CCC ownership would simply increase this cost.

In addition, there are currently 2.4 billion bushels of corn and 400 million bushels of milo stored on farms under the farmer-owned reserve program with an additional storage cost of $740 million.

The size and number of facilities to convert corn to alcohol would, of course, determine the amount of grain that could be utilized. I believe, however, that top priority should be given to a national commitment to maximize the use of grain used for alcohol production. Moreover, we should encourage private investment in alcohol production facilities.

My bill would provide that corn would be available for sale if used in the production of alcohol at the fuel conversion price as determined by the Secretary of Agriculture. The bill specifically provides that "the Secretary of Agriculture shall establish the price for corn sold under this act at such level as he determines will permit and encourage the purchase of such grain for conversion into alcohol for use as a fuel either by itself or in combination with another product and will permit such fuel to be competitive in price with petroleum-based fuels, taking into consideration the energy value of corn or other feed grain, the value of byproducts recoverable from corn, and, when applicable, the differences in octane rating, Federal and State tax incentives applicable to alcohol used for fuel, and such other factors and values as the Secretary considers appropriate."

The bill provides that, notwithstanding the provisions of existing law on the release price of CCC-owned grain, the Secretary would sell grain for the production of alcohol at an economically feasible level.

It is obvious that the fuel conversion price would vary, depending upon changes in the costs of production of both gasoline from crude oil and alcohol from grain. Therefore, the bill provides flexibility in determining an economically feasible price.

If this bill becomes law, our Nation will enjoy many benefits: First, greater self-sufficiency in the satisfaction of our energy needs, particularly motor fuel; second, a reduction in Government costs in the storage of grain; third, an improvement in the balance of payments; and fourth, a marketing opportunity for farmers that will hopefully result in profits from the sale of corn.

I would ask that my colleagues join me in supporting this legislation which promises to aid our Nation's farmers, as well as fulfill a portion of our energy needs.

By Mr. BAUCUS:

S. 495. A bill to amend the Internal Revenue Code of 1954 to allow any taxpayer to elect to treat for income tax purposes any crop received under the Federal program for removing land from agricultural production as produced by the taxpayer, to allow any taxpayer to elect to defer income on any cancellation under such a program of any price support loan, and to provide that participation in such a program shall not disqualify the taxpayer for the special use valuation of farm real property under section 2032A of such code.

PAYMENT-IN-KIND PROGRAM

Mr. BAUCUS. Mr. President, today I am introducing legislation to protect farmers who participate in the Department of Agriculture's payment-in-kind (PIK) program from being forced to pay an unfair tax.

These are hard times for American farmers. Declining demand, caused by the worldwide recession, giant surpluses, the lingering effects of the Soviet grain embargo, foreign protectionism and unfair competition, and the soaring price overseas of the dollar have undermined the stability of the farm economy.

America's farmers are in the midst of a depression unmatched since the thirties. My own State, Montana, has been particularly hard hit. Last year average farm income was only $32.

Several actions must be taken to revive America's farm economy. The first step is to reduce the giant surpluses that have helped hold prices at record lows.

Agriculture Secretary Block recently outlined the administration's PIK program, which he argues would accomplish this goal. As you know, this is a temporary land diversion program designed to reduce supply.

Farmers who enroll in the program will receive an amount of a commodity—that is, a payment-in-kind—in return for reducing the number of acres they cultivate.

But the PIK program does not go far enough. PIK does not cover barley, and does not feature a quality adjustment provision, a minimum payment provision, or a payment limit.

I already have urged members of the Agriculture Committee to consider changing these provisions. I hope to work with them during the year to do so.

But my immediate concern is that PIK will not be effective unless farmers participate. That is why I am introducing this bill.

The Treasury Department recently announced that farmers would be taxed for the grain they receive from the PIK program from the moment that grain is received.

Up to now, farmers generally have paid taxes on the grain they produce when it is sold, which frequently is not in the same year as it is produced. This precedent would not apply to the PIK program, according to the Treasury Department's announcement.

The bill I am introducing today, similar to a bill Mr. HARKIN has introduced in the House, restores the precedent. This legislation gives farmers who participate in the PIK program an option. They may elect to have the commodities they receive treated as income—and taxed—when they are received or when they are sold.

The legislation includes two other provisions. One would make clear that participation in the PIK program will not prevent farmers from using the special farmland estate tax valuation provisions.

The second makes clear that income farmers receive as a result of the cancellation of Commodity Credit Corporation loans can be treated the same, for tax purposes, as income farmers receive from the PIK program.

Mr. President, both the Agriculture and the Treasury Departments support legislation that would protect farmers in the PIK program from having to pay an unfair tax.

I ask unanimous consent that the full text of the bill be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTION TO TREAT CROP AS PRODUCED BY THE TAXPAYER; ELECTION TO DEFER INCOME ON CANCELLATION OF PRICE SUPPORT LOANS MADE BY COMMODITY CREDIT CORPORATION.

(a) IN GENERAL.—Section 451 of the Internal Revenue Code of 1954 (relating to general rule for taxable year of inclusion) is amended by adding at the end thereof the following new subsection:

"(f) PAYMENTS IN KIND, AND LOAN CANCELLATIONS, FOR REMOVING LAND FROM AGRICULTURAL PRODUCTION.—

"(1) PAYMENTS IN KIND.—If any amount would (but for this subsection) be includible in the gross income of the taxpayer for the taxable year by reason of the receipt of any agricultural commodity under a qualified Federal farmland removal program, the taxpayer may elect, in lieu of including such amount in income at the time of such receipt, to treat such commodity as if it were produced by the taxpayer, except that the unadjusted basis of such commodity in the hands of the taxpayer shall be zero.

"(2) CANCELLATION OF LOAN.—

"(A) IN GENERAL.—If any amount would (but for this subsection) be includible in the gross income of the taxpayer for the tax-

able year by reason of the cancellation under a qualified Federal farmland removal program of any qualified price support loan, the taxpayer may elect, in lieu of including such amount in income for such year, to include in each taxable year such year's proportionate share of the income from such cancellation.

"(B) YEAR'S PROPORTIONATE SHARE OF INCOME.—For purposes of subparagraph (A), a year's proportionate share of income from cancellation of a loan is an amount which bears the same ratio to the total income from the cancellation of such loan as the amount of the agricultural commodity which secured such loan and which is disposed of (or consumed) during such year bears to the total amount of the agricultural commodity which secured such loan.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED FEDERAL FARMLAND REMOVAL PROGRAM.—The term 'qualified Federal farmland removal program' means any Federal program for removing land from agricultural production.

"(B) QUALIFIED PRICE SUPPORT LOAN.—The term 'qualified price support loan' means any loan made under the Agricultural Act of 1949 to support the price of any agricultural commodity.

"(C) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' includes any interest therein.

"(4) ELECTIONS.—Any election under this subsection—

"(A) may be made separately with respect to each receipt of a commodity and each loan cancelled, and

"(B) shall be made at such time and in such manner as the Secretary may prescribe by regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1982.

SEC. 2. COORDINATION WITH ESTATE TAX TREATMENT OF PROPERTY USED AS A FARM FOR FARMING PURPOSES.

(a) IN GENERAL.—Subsection (e) of section 2032A of the Internal Revenue Code of 1954 (relating to valuation of certain farm, etc., real property) is amended by adding at the end thereof the following new paragraph:

"(15) PAYMENTS IN KIND, AND LOAN CANCELLATIONS, UNDER QUALIFIED FEDERAL FARMLAND REMOVAL PROGRAMS.—Nothing in this section shall be construed to prevent—

"(A) property from being treated as used as a farm for farming purposes, and

"(B) an individual from being treated as materially participating in the operation of the farm with respect to any property,

for any period merely because during such period, in lieu of producing a crop, such property was removed from production pursuant to a qualified Federal farmland removal program (within the meaning of section 451(f)(3)(A)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to estates of decedents dying after December 31, 1982.

By Mr. COHEN:

S. 496. A bill to amend title 10, United States Code, to authorize the Secretary concerned to transport to the place of burial the remains of a member of the uniformed services entitled to retired or retainer pay who dies in a military medical facility; to the Committee on Armed Services.

TRANSPORTATION OF REMAINS OF MILITARY RETIREES

Mr. COHEN. Mr. President, I rise today to introduce legislation which, at minimal cost to the taxpayer, would correct an inequity in current law regarding retired military personnel.

At present, the uniformed services are without authority to transport the remains of a retiree who dies while receiving treatment at a military medical facility to his or her place of burial. Veterans and active duty personnel, on the other hand, are entitled to this benefit. The legislation I am proposing would establish uniformity of entitlement to all members of the Armed Forces, in all categories of service, who pass away in a medical facility of the Veterans' Administration or the military departments.

Specifically, enactment of this legislation would provide the relevant Secretary with authority to transport to the place of burial the remains of a retired member of the armed services who dies while a patient at a medical facility of the department. As an alternative to actual transportation, the Secretary concerned would be authorized to pay the costs of transporting the remains. However, transportation could not be to a place farther than the deceased's last place of permanent residence. Transportation, or the payment for such transportation, would not be authorized to foreign countries.

To avoid duplication of transportation benefits, the proposed legislation makes transportation available only in instances when such services are not available from the Veterans' Administration or from the uniformed services under other authority, and the retired member dies while hospitalized in a military medical facility. The total cost to the taxpayer of this legislation is estimated to be about $200,000 per year.

Companion legislation, H.R. 1104, has been introduced in the House of Representatives by Mr. WON PAT of Guam.

Mr. President, I do not believe it was the intent of current law to deal in an inequitable way with retired members of the Armed Forces. I urge my colleagues on both sides of the aisle to support passage of this bill, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 75 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility

"(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces located in the United States, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

"(b)(1) Transportation provided under this section may not be to a place outside the United States or to a place farther from the place of death then the decedent's last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent's last place of permanent residence.

"(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

"(c) In this section, 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility.".

SEC. 2. Section 1490 of title 10, United States Code, as added by the first section of this Act, shall apply with respect to the transportation of the remains of persons dying on or after the first day of the first month beginning after the date of the enactment of this Act.

By Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. HATFIELD, Mr. INOUYE, Mr. SASSER, Mr. PROXMIRE, and Mr. MOYNIHAN):

S. 498. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PRICE SUPPORT SYSTEM

● Mr. D'AMATO. Mr. President, today I am introducing legislation which would repeal the Secretary of Agriculture's authority to deduct 50 cents from the hundredweight of milk marketed commercially by producers. This bill would also repeal the Secretary's authority to impose a second 50-cent assessment on April 1, 1983 should the Commodity Credit Corporation (CCC) projected purchases exceed 7.5 billion pounds of milk equivalent for the current marketing year. Such authority was granted to the Secretary in the Omnibus Reconciliation Act of 1982, which became Public Law 97-253 on September 8, 1982.

Mr. President, we are all well aware that the costs to the Federal Government of the dairy support program have escalated substantially in recent years. Although there is unanimous agreement amongst all concerned parties that the program is in dire need of comprehensive revision, Congress has been stymied in its attempts to formulate workable alternatives to the cur-

rent system. Under the pressures of the budget process, a frustrated Congress hastily devised the 50-cent deduction in a well-intentioned effort to curb the runaway costs of the dairy support program. Since enactment of the reconciliation bill, general agreement has been reached that the 50-cent assessment is a glaring mistake which only exacerbates the fundamental problems inherent in the price support program leaving future Congresses with bigger problems which sooner or later must be confronted.

The foremost problem facing this country's dairy industry is surplus dairy products that are piling higher and higher in Government warehouses at an enormous expense to the American taxpayer. As the dairy support program is currently constituted, it has become profitable for dairy farmers to produce with the sole intention of selling their products to the Federal Government. More than $3 billion of surplus butter, cheese, and dry milk purchased by the CCC is presently kept in Federal storage facilities at a cost of more than $100 million per year.

Instead of solving the surplus problem, the 50-cent assessment will only compound it. It is reported from around the country that dairy farmers are increasing their production in order to meet their current costs in light of the new 50-cent deduction. In New York, production has already risen merely in anticipation of this increased cost. Such a reaction will increase the quantity of surplus which the Government must purchase under the current program. In fact, the deduction will only curtail production by forcing the young and efficient farmers out of business due to their inability to meet heavy debt commitments at exhorbitant interest rates.

Additionally, the 50-cent deduction will not result in lower prices for dairy products in the commercial market. With prices remaining at current levels, no incentive will be provided to American consumers to purchase more dairy products, which would alleviate the multiplying accumulation of Government surplus.

It would seem that any logically formulated revision of the support program would have as its highest priorities the removal of existing surplus held by the Government and, more importantly, the trimming of future surplus production. The 50-cent deductions, however, would not accomplish either of these two goals. As Congress deliberates, the Secretary of Agriculture is moving forward to collect the assessments. In order to prevent needless hardships for dairy farmers, I urge the Congress to prevent the collection of these assessments. It is clear that the agriculture committees will put forward a plan that genuinely addresses the problems of the dairy industry and the cost to the taxpayers. In the interim, however, an unacceptable plan should not be allowed to go into effect. I ask my colleagues to give this their immediate attention.●

● Mr. MOYNIHAN. Mr. President, today Senator D'AMATO and I join six of our distinguished colleagues in introducing legislation that will repeal a provision of the Omnibus Reconciliation Act of 1982 that authorized the Secretary of Agriculture to collect two assessments from the proceeds of the sale of every hundredweight of milk marketed commercially.

These incremental 50-cent assessments, which I opposed when they were enacted last September, were intended to decrease the quantity of surplus milk products and lower costs to the Federal Government of the dairy price support program. But what will probably occur is that dairy farmers, to compensate for the assessments, will produce yet more milk, thereby increasing the supply and the cost of the price support program. Farmers will meet rising costs and present debt commitments by producing more. With the price of milk remaining at its present level, consumers will not be encouraged to buy more milk products. Only an increase in demand will reduce the overwhelming surplus the Federal Government now stores at a cost of $50 million a year.

In New York, the Nation's third largest milk producing State, dairymen are expected to lose as much as $92 million during the first year the new assessments are levied. The New York State Farm Bureau estimates that dairy farmers will increase production 3 to 4 percent in order to compensate for this lost revenue.

Certainly all agree that the price support system now in place must be revised. The cost of the program is far too great and the amount of surplus milk products far too huge. But this assessment plan, enacted with little consideration, is a deceptively simple remedy to a complex plan. A responsible, equitable, and effective solution must be sought and implemented. I hope to be involved in the creation of such a plan during the 98th Congress. Let us begin to set things aright now, and revoke the Secretary of Agriculture's authority to collect the 50-cent assessments.

Mr. President, to underscore the impact of, and reaction to, the dairy assessments, I submit two items to accompany my statement in the RECORD. The first is a letter from the New York State Assembly leadership to Secretary of Agriculture Block outlining major objections to the proposed fees. The second is an article which appeared in the agricultural publication RuraLife, in December of 1982, that highlights the degree of opposition emanating from various farm organizations and agricultural officials. I hope my colleagues will find these views enlightening, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ASSEMBLY,
STATE OF NEW YORK,
Albany, N.Y., November 23, 1982.

Hon. JOHN BLOCK,
Secretary of Agriculture,
Washington, D.C.

DEAR SECRETARY BLOCK: I am forwarding to you our comments on the Department of Agriculture's proposed assessment of 50 cents per hundredweight on all milk produced after December 1, 1982.

We respectfully submit that the proposal is both ill-advised and will prove counterproductive. A review of the material before us indicates that the proposed rule will fail to balance supply and demand. To the contrary, the end result will be increased production fueled by the need to offset the costly effects of the assessment. Department of Agriculture specialists estimate that total milk production will exceed 137.5 billion pounds during the market year ending September 30, 1983—3.2 billion pounds more than the current market year.

New York dairymen stand to lose 55 million dollars in income next year as a result of the Administration Proposal. The New York State Farm Bureau expects a 3-4% increase in farm production in order to compensate for the loss in income per unit. Additionally, the Commodity Credit Corporation will be required to purchase additional surplus dairy products at a cost of 760 million dollars.

By your own admission, the dairy program is not under control. Fundamental changes must be implemented on all levels in order to achieve the goal of decreased production. It is anomalous that the dairy price support program is unique in not limiting the amount of milk that may be produced. Equally disturbing is the fact that over 100 million dollars is spent annually for the transportation and storage of surplus products. Clearly, the problems manifested in the present system defy simple, hastily-drafted solutions. It is for all the above reasons that we stand opposed to the Department of Agriculture's proposal.

Would it not be much more beneficial and appropriate for the Federal government to help seek greater international markets for dairy products? Certainly increased consumption is the answer—not assessments and disguised penalties.

Sincerely,

STANLEY FINK,
Speaker.
DANIEL B. WALSH,
Majority Leader.
ROLLAND KIDDER,
Chairman, Agriculture Committee.

[From Rural Life, December 1982]

MANY OBJECT TO MILK TAX

To say that farmers agribusiness leaders, dairy cooperative members and politicians representing rural areas are merely unhappy with the Congress dairy deduction plan is gross understatement.

Instead they use words like angered, outraged, and frustrated.

A sampling of opinion from a variety of farming organizations and spokesmen includes: The National Grange. In a resolu-

tion passed by members during its 116th annual meeting, the Grange said "such a tax on the dairy farmer's source of income is unfair to the nation's thousands of dairy farmers. The reduction in the price farmers received for milk will not be reflected in the price paid by consumers." The New York Ayrshire Club Inc. "We feel this stop-gap measure is not in the best interest of dairy farmers," its members said in a resolution passed during a meeting in Syracuse.

"This program will inevitably result in more milk production to meet cash demands. Furthermore it will be a severe financial burden to all young dairy farmers faced with a heavy debt load," the Ayrshire Club claimed. Dairylea Cooperative Inc. Its president, Clyde E. Rutherford, said "this tax money will go directly from the farmer's check into the government pocket. It will not contribute in any way to a lowering of consumer dairy product prices." J. Roger Barber, New York commissioner of Agriculture and Markets. In a speech to delegates at the state Grange convention in Watertown he explained that "the most severe loss will be to businesses (that) service the dairy farmer . . . "

The $92 million Barber estimated New York dairymen could lose under the deduction program would have the most "disasterous" effect on "the industry that depends on the dairy farmer for its livelihood. Farmers will get along with that old tractor."●

By Mr. D'AMATO (for himself, Mr. LEVIN, Mr. Tsongas, and Mr. HUDDLESTON):

S. 499. A bill to require the usage of tax-exempt financing in connection with the Small Business Administration Section 503 Loan Program; to the Committee on Small Business.

SMALL BUSINESS INVESTMENT COMPANY ACT

● Mr. D'AMATO. Mr. President, that most of America's new jobs are created by small businesses is a well-known and oft-cited fact. Less well-known, however, is the Small Business Administration's role in this process. Over the past several years the SBA has achieved a preeminent role among those Federal agencies involved in promoting local economic development.

Section 503 of the Small Business Investment Company Act was designed to make the SBA an active partner with State and local governments and the private sector in making long-term capital available for small business expansion and job creation. It is a major reason for this new-found preeminence. The 503 loan program, enacted in July 1980, can play an important role in revitalizing local communities across the Nation.

Under section 503, banks are encouraged to make long-term loans available to small businesses under favorable terms. Without Federal guarantee programs such as 503, banks are often reluctant to make such loans to small companies.

Section 503 authorizes the SBA to guarantee debentures issued by certified development companies (CDC's) to finance the acquisition of land, plant, and equipment for small business expansion. The creation of a substantial number of new jobs is a requirement before any such loan can be made. SBA guarantees up to 40 percent of the project costs. Ten percent comes from the small business itself. And the remaining 50 percent comes from a private sector, third-party lender, such as a bank. Maturities on these loans can be for up to 25 years.

SBA began certifying CDC's in late 1980. At the end of fiscal 1982, 284 had been so certified. Ten of these are in my own State of New York. A majority of these development companies are just getting off the ground, but 133 of them had made a loan by the end of fiscal 1982 and 87 of them had made more than 1 loan. All told, 660 loans had been made, 32 of them in New York State.

The 40 percent of the project costs put up by the CDC's for these 660 loans totaled $115.1 million. Given the 28,846 documented jobs created as a result of these loans, the average SBA investment per job was only $3,990. Furthermore, this average investment per job has been steadily dropping since the inception of the 503 program. The vast majority of the jobs created are in the manufacturing and wholesale/retail industries.

In New York State, $6.08 million in loans had been guaranteed by the SBA by the end of the fiscal 1982; 1,422 jobs had been created. The average SBA investment per job was $4,668, but this figure is being brought down rapidly. The 1115 jobs created in fiscal 1982 required an average SBA guarantee of only $3,223 per job. The 305 jobs created during the last quarter of fiscal 1982 required an average investment by the SBA of only $3,045. Every quarter since the creation of the 503 program, more and more jobs are being created and the Federal commitment per job declines. Section 503 is a classic example of a Federal jobs program that works, and works well.

However, all is not perfect with the 503 program. The program is new. Many—both inside and outside of Government—are unfamiliar with it, the regulations governing the program still need fine-tuning, and the turnaround time on loan applications is still too slow. Nevertheless, I have been assured that the SBA is making a concerted effort to work out these bureaucratic entanglements, and I am confident that things will soon be running much more smoothly.

There is one problem with the program, however, that is in desperate need of legislative action. This is the fact that SBA, in complete and total contradiction of clearly expressed congressional intent, has refused to guarantee or participate in 503 loans for projects in which industrial development bond financing is used. This action has been taken as part of the administration's overall policy of discouraging the use of small-issue industrial development bonds (IDB's).

Since coming to the Senate, I have been one of the most vocal supporters of IDB's. Although I had not yet begun my service when the conference report on Public Law 96-302 was adopted, I totally agree with what it said about the 503 loan program:

SBA should not disapprove the guarantee of any debenture, or any loan made with the proceeds of a debenture issue, solely because the proceeds would be used in a project whose other sources of financing include, or are collateralized by, tax-exempt industrial revenue or development bonds.

This seems pretty clear to me, yet the SBA had refused to participate in any such project. A 1965 OMB circular, No. A-70, which states that it is not Government policy to provide a guarantee of a tax-exempt issue, has been cited as the reason for this intransigence. Never mind that under the section 503 loan program, the Government guarantees only the CDC portion of the project costs and provides no guarantee to any portion financed or collateralized by an IDB. Never mind that a 1980 expression of congressional intent should clearly supercede an outdated bureaucratic memorandum. Never mind that our economy desperately needs the new jobs that would result from more 503 projects. The SBA still refuses to participate in such loans and, as a result, over 60 percent of the loan guarantee authority provided by Congress for the 503 program has gone unused.

At a September 28, 1982, hearing before the Senate Small Business Committee, which I chaired, the SBA policy was universally condemned by all of the private sector witnesses. The point was made repeatedly that we are running a good program—a potentially excellent program—at less than half speed because the SBA has refused, thus far, to honor clearly expressed congressional intent. Loans which should be made, are not being made. Loan authority is going unused. And, most importantly, new jobs which could be created, are not being created.

The legislation I am introducing today, therefore, comes in direct response to this widely perceived need for congressional action. The bill requires that the SBA process section 503 loan applications without regard to whether or not other parts of the financing package include, or are collateralized by, industrial development bonds. This bill simply raises existing conference report language to the status of legislation.

No other solution has worked. Negotiations over the issue have broken down. Thus, the Congress must act. The 503 loan program must be allowed to achieve its full potential. The majority of the loan authority granted by

Congress for this program must not continue to go unused.

Mr. President, I urge the adoption of this legislation and I ask that the full text of the bill I am today introducing be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503 of the Small Business Investment Company Act of 1958 is amended by adding at the end thereof the following new subsection:

"(e)(1) The Administration shall not decline to participate in a project under this section which otherwise meets the requirements of this section because other sources of financing for the project include or are collateralized by obligations described in section 103 (b) of the Internal Revenue Code of 1954.

"(2) Loans made with the proceeds of debentures guaranteed under this section may be subordinated to other obligations.

"(3) The Administration and any other agency of the Federal government shall not restrict the use of debentures guaranteed under this section with obligations described in section 103 (b) of the Internal Revenue Code of 1954 if the project being so financed otherwise complies with the regulations and procedures of the Administration."●

By Mr. MATHIAS (for himself, Mr. LEAHY, Mr. DOMENICI, Mr. SARBANES, and Mr. D'AMATO):

S. 500. A bill entitled the "Christopher Columbus Quincentenary Jubilee Act"; to the Committee on the Judiciary.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE ACT

● Mr. MATHIAS. Mr. President, October 12, 1992, will mark the 500th anniversary—the quincentenary—of the day land was sighted by one of the ships sailing on Christopher Columbus' maiden voyage to find a westward passage to the Orient. Instead of the Orient, however, Columbus reached a New World—what he called the other world. His contemporaries neither appreciated nor acknowledged the enormous contribution Columbus had made to the expansion of European civilization and to the creation of a new one. But we, who are the ultimate beneficiaries of his vision, courage, and travail, must see that the memory of Columbus and his achievement does not suffer the same fate in 1992 as it did in his lifetime.

Although the anniversary is still 10 years away, it is not too soon to begin to plan for the observance of such an unprecedented event—the discovery of the New World. Groups across the Nation are already gearing up to meet the challenge of this celebration. The Federal Government, too, must do all it can to see that this anniversary is observed thoughtfully and appropriately. To spur that effort, I am today introducing legislation to establish the Christopher Columbus Quincentenary Jubilee Commission.

This is the second time that I have had the honor of introducing this measure in the Senate. Last May, I introduced an almost identical bill, S. 2580, that passed the Senate on October 1, 1982. I look forward to working once again with my colleagues on the Judiciary Committee to report favorably this legislation and to bring it before the full Senate for consideration. I hope this can be done as quickly as possible because there is much to be done to get ready for this momentous anniversary.

This bill would establish a Christopher Columbus Quincentenary Jubilee Commission, charged with planning, encouraging, coordinating, and conducting local, national, and international observances and activities. Its 31 members, most of whom would be private citizens, would be responsible for preparing comprehensive programs to commemorate the quincentenary of the voyages Columbus embarked on in 1492. Books, films, lectures, exhibits, ceremonies, and all manner of celebrations would be planned and coordinated by the Commission. Columbus' travels are well-documented, and there is much to learn from him about the human spirit and the quest to discover new frontiers. The age of discovery is far from over.

A particularly important aspect of the observance must be to consult and work with our friends and neighbors in other nations of the Western Hemisphere who share with us the Columbian legacy. Their culture, scholarship, and creative art can contribute much to the value and significance of this event. Knowing also that Italy and Spain will wish to take a special role in our observance as they plan their own, this legislation invites each of their governments to appoint one individual to serve as a nonvoting participant on the commission.

We would do well to follow the lead of Spain in getting ready for this great event; the Spanish Government is off to a running start in its preparations for the quincentenary. In Spain, a commission for the 500th Anniversary of the Discovery of America has been in operation for some time now. During the November recess, a Senate delegation visited Spain where we expressed the hope that our observances and theirs were closely coordinated. We met with members of the 500th Anniversary Commission who briefed us on their plans for the observance and who took a special interest in our plans. Just as I was impressed by the Senate's timely passage last year of my legislation to establish the Christopher Columbus Quincentenary Jubilee Commission. Our delegation also met with King Juan Carlos, who expressed his pleasure at our report of the Congress determination to commemorate Columbus' voyages of discovery in a significant way.

The Italians are also greatly interested in the upcoming 500th anniversary of the voyage of a great son of Italy. Last September, the Biennial Conference of the National Italian American Foundation and His Excellency Paolo Pansa Cedronio, the Ambassador of Italy, expressed strong support for such a commission. Certainly, the large and dynamic Italian-American community in Baltimore is enthusiastic about the prospects of a commission to commemorate the triumphs of one of Italy's most famous sons. We have been assured of the active interest of John Volpe, former Governor, Ambassador and Cabinet member, and himself a leader of the National Italian American Foundation.

I ask that the Senate once again take expeditious action on this legislation. The House of Representatives will soon consider an identical measure, H.R. 1492. The Christopher Columbus Quincentenary Jubilee Commission has much to do; let us see that it is established as quickly as possible.●

By Mr. DOLE (for himself, Mr. GORTON, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. ANDREWS, Mr. DANFORTH, Mr. HEINZ, Mr. D'AMATO, Mr. COHEN, Mr. BAUCUS, Mr. METZENBAUM, Mr. DOMENICI, Mr. SYMMS, Mrs. HAWKINS, Mr. PERCY, Mr. BURDICK, Mr. WARNER, Mr. QUAYLE, Mr. PACKWOOD, Mr. PRESSLER, Mr. JEPSEN, Mr. GRASSLEY, Mr. ROTH, Mr. DIXON, Mr. MATSUNAGA, and Mr. BAKER):

S. 501. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

ELIMINATION OF GENDER-BASED DISTINCTIONS

● Mr. DOLE. Mr. President, today, I am pleased to reintroduce the "Sex Discrimination in the U.S. Code Reform Act." This legislation would cleanse the Federal code of approximately 100 sex discriminatory provisions which were identified in the March report of President Reagan's task force on legal equity for women. It has the strong, personal support of the President, who has welcomed it as a complement to the task force's efforts.

WHAT THE BILL WOULD NOT DO

It should be emphasized that this bill would not amend controversial code sections such as the combat and selective service provisions of the Military Code and certain provisions of the Criminal Code. Amendments of a sensitive nature were purposefully omitted to facilitate prompt congres-

sional action on this long overdue measure. Nor would the bill cleanse the code of all the sex-biased terminology. There are literally thousands of such references and, by necessity, they must be addressed on a more gradual basis.

WHAT THE BILL WOULD DO

What the bill would do is remove from the Federal code approximately 100 provisions which still substantively discriminate on their face. Generally, these provisions are obsolete, of extremely limited application, or have already been held to be unconstitutional. Amendments to a few of these provisions would have some real impact, for instance, in certain technical areas of the Social Security Act and Railroad Retirement Act. But for the most part, the bill is "housecleaning." An example: Some sections of the Military Code permit the widows, but not the widowers, of deceased military personnel to use commissaries. The bill would eliminate this distinction.

IMPORTANCE OF THE LEGISLATION

Emphasizing the limitations of this bill is not, of course, to trivalize its importance. Clearly these discriminatory provisions, regardless of how limited in scope, have no place in our Nation's laws. But to achieve true equality, of course, we must remove not only those laws which discriminate on their face, but also those, which while facially neutral, have a discriminatory impact.

TRUE EQUALITY

In this regard, with older women comprising the fastest growing poverty group in American society, I believe that the discriminatory aspects of our pension laws, in particular, require priority attention. I recently introduced S. 19, the Retirement Equity Act of 1983, which, by removing many unfair provisions in ERISA, should significantly improve the chances that both working and nonworking women will receive benefits under private pension plans. In addition, the social security compromise, contains four changes which will be of significant benefit to certain groups of women. It is clear, however, that much more extensive basic reforms are needed to make the system truly equitable.

SUPPORT FOR THE BILL

Mr. President, when I first introduced this bill last October, I stated then that I believed this to be legislation which should be expeditiously acted upon by the Senate—an important and necessary, but small step which we can quickly put behind us. Today, I reaffirm that belief.

The bill has won the support of the National Women's Political Caucus, the Women's Equity Action League, the National Federaton of Business and Professional Women's Clubs, the League of Women Voters, the National Woman's Party, the American Association of University Women and the Leadership Conference on Civil Rights.

The increasingly broad support which this legislation has received underscores its importance. There is no reason why these discriminatory provisions should remain on the books and it is time that we act in a comprehensive way to remove them.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY—SEX DISCRIMINATION IN THE U.S. CODE REFORM ACT

MILITARY

Army: 10 U.S.C. 3683[1] (Section 101(a)) applies to nurses, women medical specialists and similar employees of the Army Medical Department who received special appointments during World War II. It identifies various periods of service which are creditable for retirement eligibility and for computing retirement pay. It applies only to service completed before January 1, 1949. DOD has indicated that the section is probably obsolete because all personnel with service prior to 1949 should have retired by now. The Act would repeal Section 3683, but contains a grandparent clause in the event that there may be persons still on active duty.

10 U.S.C. 3963[1] (Section 101(b)) also applies to nurses, women medical secialists and similar employees of the Army Medical Department who received special appointments during World War II. It provides that personnel in these categories who served before July 1, 1946 in a higher active duty grade, can be retired in that grade. Again, DOD has indicated that the section is probably obsolete as anyone with service prior to 1946 should have retired by now. The Act would repeal Section 3963, but contains a grandparent clause in the event that there may be persons still on active duty.

10 U.S.C. 4309 (Section 101(c)) allows "members of armed forces and able-bodied *males* capable of bearing arms" to use rifle ranges operated by the Secretary of the Army. The Act would amend Section 4309 by changing "males" to "persons".

10 U.S.C. 4651 (Section 101(d)) allows the Secretary of the Army to provide equipment to any school that does not have an ROTC unit but does have a course in military training and at least "100 physically fit *male* students". The Act would amend Section 4651 by deleting "male".

10 U.S.C. 4712(d) (Section 101(e)) contains the priority list for the disposition of effects of deceased military personnel by summary court martial. The list gives preference to a "son" over a "daughter" a "father" over a "mother" and a "brother" over a "sister". The Act would amend Section 4712(d) so that family members are treated on a sex-neutral basis.

10 U.S.C. 4713(a)(2) (Section 101(f)) contains the same priority list for the disposition of effects of certain deceased military personnel which have been held by the Army for three years after death. The Act would amend Section 4713(a)(2) so that family members are treated on a sex-neutral basis.

24 U.S.C. 52 (Section 105) allows the inmate of a soldier's home to have the inmate's pension paid to a "child, *wife*, or parent living". The Act would amend Section 52 by replacing "wife" with "spouse".

50 U.S.C. 1591-1598. (Section 104) All sections refer to P.L. 78-3509, which provided temporary appointments for Army Nurse Corps members, women medical specialists or similar employees of the Army Medical Department. They contain separate standards for these classes of female personnel in such areas as retirement grade and pay, computation of length of service, uniform allowance, rank, pay and travel allowances. P.L. 78-3509 was passed only for World War II and is now, therefore, obsolete. The Act would repeal these provisions, but contains a savings provision clarifying that the repeal is not in any way to affect the present status of women who received these appointments.

Navy: 10 U.S.C. 7601 (Section 102(a)) lists, among others, the *"widows"* but not the widowers of members of the Navy as persons who may use commissaries. The Act would amend Section 7601 by replacing "widows" with "surviving spouses".

Air Force: 10 U.S.C. 8683 (Section 103(a)) applies to nurses, women medical specialists and similar employees of the Air Force Medical Department who received special appointments during World War II. It identifies various periods of service which are creditable for retirement eligibility and for computing retirement pay. It applies only to service completed before January 1, 1949. DOD has indicated that the section is probably obsolete because all personnel with service prior to 1949 should have retired by now. The Act would repeal Section 3683, but contains a grandparent clause in the event that there might still be persons on active duty.

10 U.S.C. 8963 (Section 103(b)) applies to nurses, women medical specialists and similar employees of the Air Force Medical Department who received special appointments during World War II. It provides that personnel in these categories who served before July 1, 1946 in a higher active duty grade, can be retired in that grade. Again, DOD has indicated that the Section is probably obsolete as anyone with service prior to 1946 should have retired by now. The Act would repeal Section 8963, but contains a grandparent clause in the event that there may still be a few persons on active duty.

10 U.S.C. 9651 (Section 103(c)) allows the Secretary of the Air Force to provide equipment to any school that does not have an ROTC unit but does have a course in military training and at least "100 physically fit *male* students". The Act would amend Section 9651 by deleting "male".

10 U.S.C. 9712 (Section 103(d)) contains the priority list for the disposition of effects of deceased military personnel by summary court martial. As is the case with the Army, it gives priority to male family members. The Act would amend Section 9712 so that family members are treated on a sex-neutral basis.

10 U.S.C. 9713 (Section 103(e)) contains the same priority list for the disposition of effects of deceased military personnel by a Soldier's home and would be amended so that family members are treated on a sex-neutral basis.

Coast Guard: (The Coast Guard now allows women to participate in all components of the service.)

[1] Women in these classes of service received appointments to higher grades during WWII, but were then demoted after the war was over. Sections 3683, 3963, 8683 and 8963 were necessary to restore benefits lost as a result of the demotion.

14 U.S.C. 371 (Section 108(a)) provides that only "male citizens . . . may be enlisted as" and "male enlisted members of the Coast Guard . . . may be designated as aviation cadets". The Act would amend Section 371 by deleting "male". (The Coast Guard no longer has aviation cadets. However, because the Coast Guard may wish to resurrect the program in the future, the Section should be amended, not repealed.)

14 U.S.C. 487 (Section 108(b)) lists, among others, the "widows" but not the widowers of members of the Coast Guard as persons who may use commissaries. The Act would amend Section 487 by replacing "widows" with "surviving spouses".

46 U.S.C. 599 (Section 110(b)) allows for the allotment of a portion of sailor's wages to "his grandparents, parents, *wife, sister* or children". The Act would amend Section 599 to permit allotment of wages to the "sailor's grandparents, parents, *spouse, sibling,* or children".

46 U.S.C. 561 (Section 110(c)) allows for the apprenticing only of "boys" to the sea service. The Act would amend Section 561 by replacing "boys" with "youths".

Code of Military Justice: 10 U.S.C. 933 states that any commissioned officer who is convicted of conduct "unbecoming an officer and a gentleman" shall be punished as a court-martial may direct. The Act would strike out "and a gentleman."

10 U.S.C. 920 (a) and (b) are the rape and statutory rape sections of the military code. As currently written, the crimes can be committed only against women. The Act would amend these sections to make the offenses sex neutral.

Benefits for Spouses and Families: 5 U.S.C. 2108(3) (f) & (g) (Section 301) provide for benefits to be paid to "mothers" but not fathers of disabled veterans or other individuals who lost their lives during active duty under certain sets of circumstances. The Act would amend Section 2108(3) (f) & (g) so that both parents of the veteran would be eligible for benefits if they met the criteria specified in the statute.

30 U.S.C. 902(a) (Section 332) defines, for purposes of black lung benefits, a "dependent" as including "wife" and "widow" but not husbands and widowers. 30 U.S.C. 843(d), 902(e), 902(g), 921, 922(a), 922(b), 923(b), 924 (a) & (e), 931, and 934 also contain the sex-based references of "wife" and "widow" as a result of this definition of "dependent". These sections would be amended so that "husbands" and "widowers" are included as dependents as well. The Department of Labor has already so amended its regulations.

42 U.S.C. 1652 (Section 329) is a little used section of the Defense Base Compensation Act. It provides that compensation to "dependents" of aliens and nonnationals includes the "wife" but not the husband. The section would be amended by replacing "wife" with "spouse".

33 U.S.C. 771 and 772 (Sections 109 (a) & (b)) provide survivor's benefits for the "widows" but not the widowers of Lighthouse Service Personnel. The Act would amend Sections 771 and 772 by replacing "widows" with "surviving spouse". (The Lighthouse Service is no longer a separate service of the Coast Guard and the class of persons to whom Sections 771 and 772 applies is extremely small, if any.)

18 U.S.C. 3056 (Section 313) provides only for Secret Service protection of a former President's "wife" or "widow". The Act would amend Section 3056 by changing "wife" to "spouse" and "widow" to "surviving spouse".

28 U.S.C. 604 (Section 328) allows the Director of the Administrative Office of the U.S. Courts to regulate and pay annuities to "widows" of judges. P.L. 94-544 extended benefits to both the widows and widowers of judges on a sex-neutral basis, but failed to correct Section 604. The Act would amend Section 604 by replacing "widow" with "surviving spouse".

Immigration and Naturalization: 8 U.S.C. 1557 (Section 302(e)) prohibits the transportation in foreign commerce of "women and girls" for the purposes of prostitution and debauchery. The Act would amend Section 1557 by replacing "women and girls" with "adults and youths".

8 U.S.C. 1353 (Section 302(a)) authorizes payment of the transportation expenses of the "wives" and dependent children of employees of INS performing duties in foreign countries. The Act would amend Section 1353 by providing for the expenses of "spouses" of INS employees, consistent with current practice.

8 U.S.C. 1452 [2] (Section 302(c)) provides procedures to procure certificates of citizenship for persons who derived U.S. citizenship through the naturalization of a parent or "husband". The Act would amend Section 1452 by changing "husband" to "spouse".

8 U.S.C. 1451(e) [2] (Section 302(b)) provides that the revocation of a person's citizenship or naturalization shall not affect any right or privilege of the person's "wife" or minor child which would have derived if the revocation had not occurred. The Act would amend Section 1451(e) by changing "wife" to "spouse".

8 U.S.C. 1489 [2] (Section 302(d)) provides that notwithstanding any treaty or convention to the contrary no "woman" is to lose U.S. nationality because of marriage to an alien, or through residence abroad following such a marriage. The Act would amend Section 1489 by changing "woman" to "person".

22 U.S.C. 214 (Section 302(f)) excuses the payment of passport fees for a "widow" of a deceased number of the Armed Forces who is travelling abroad to visit the grave of the deceased. The Act would amend Section 214 by changing "widow" to "surviving spouse".

Social Security: [3] 42 U.S.C. 402 (b), (c), (e) and (f) (Section 201) provides for the payment of benefits to aged divorced wives and aged or disabled surviving divorced wives, but benefits are not provided for similarly situated men. These provisions have been held unconstitutional in a number of court decisions and benefits are currently also being paid to aged divorced husbands and aged surviving divorced husbands, based on their former wives' earnings. The Act would amend these Sections to conform to the court decisions.

42 U.S.C. 402 (b) and (g) (Section 206) provide benefits for a mother who has in her care a child of her retired, disabled, or deceased husband. Benefits are not provided for similarly situated men. This distinction was held unconstitutional in *Weinberger* v. *Wiesenfeld,* 420 U.S. 636 (1975), other court decisions and subsequent administrative decisions. Currently a similarly situated father can also qualify for benefits based on his retired, disabled, or deceased wife's past earnings. The Act would amend these Sections to conform to the court decisions.

42 U.S.C. 402 (e) and (f) (Section 202) provides that widows and widowers who remarry before age 60 are treated differently with respect to their eligibility for benefits based on their deceased spouses' earnings. A woman may qualify for benefits as a surviving spouse, even though she has remarried, so long as she is not married at the time she applies for benefits. A man on the other hand, currently loses forever his eligibility as a surviving spouse of his deceased working wife if he remarries before age 60. This distinction was held to be unconstitutional in *Mertz* v. *Harris,* 497 F. Supp. 1134 (S.D. Tex. 1980) and benefits are now paid to widowers who have remarried but are not married at the time of application. The Act would amend these Sections to conform to the court decisions.

42 U.S.C. 403 and 405 refer to benefit categories established by the preceding sections and would be amended to conform to the amendments made to those sections.

42 U.S.C. 416 (Section 203) relates to benefits for illegitimate children. In general, the determination of one's status as a parent or child for purposes of the Social Security program is based upon the intestate succession laws of the state in which the insured individual is domiciled. However, an illegitimate child may be eligible for benefits based upon a man's earnings, without regard to the appropriate state intestate laws, if, among other things, the man has been decreed by a court to be the father of the child, or the man is shown by evidence satisfactory to the Secretary to be the father of the child. Similar provisions do not currently apply when an illegitimate child claims a benefit based upon his mother's earnings. The Act would amend this Section so that illegitimate children would be eligible for benefits based on their mother's earnings as they are currently for benefits based on their father's earnings.

42 U.S.C. 417 (Section 207) permits the widow of a veteran, under certain circumstances, to waive her right to a civil service survivor's annuity and receive credit for military service prior to 1957 for purposes of determining eligibility for, or the amount of, Social Security survivor's benefits. The Act would amend this Section to extend the same option to widowers.

42 U.S.C. 422, 425, and 426 refer to benefits categories established by Section 402 (listed above and would be amended to accordingly).

42 U.S.C. 427. (Section 204) Under this provision, certain workers who attained age 72 before 1969 are eligible for Social Security benefits under transitional insured status provisions which require fewer quarters of coverage than would ordinarily be required. *Wives* and *widows* of eligible *male* workers who reached 72 prior to 1969 also are eligible for benefits under this provision, but husbands and widowers of eligible female workers are not. The Act would amend this Section to extend transitional insured status to such husbands and widowers.

42 U.S.C. 202 (c) and (d) (Section 205) pertain to benefits for spouses of disabled workers and childhood disability beneficiaries. Currently, in general, if a childhood disability beneficiary or disabled worker beneficiary marries a person getting certain

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[2] These statutes are "protective" in nature. That is, they were designed to protect women from laws existing in the early part of the century in this country, and the customs and conventions of foreign countries, making the legal status of a woman dependent on that of her husband. Because there are no similar known laws, customs, or conventions affecting men, rephrasing the language of these statutes in sex-neutral terms will not bestow any additional citizenship rights, privileges, etc. that do not already exist under current law.

[3] None of the proposed changes would have a cost-impact greater than ½ million dollars.

kinds of social security dependent or survivor benefits, the benefits of each individual continue. If the beneficiary is a male and he recovers or engages in substantial work, and his benefits are terminated, his wife's benefits also end. If however, the disabled beneficiary is a woman, her husband's benefits are not terminated when her disability benefits end. The Act would amend these subsections so that the wife's benefits are treated the same as the husband's and thus would not be terminated.

42 U.S.C. 428 (Section 206) authorizes benefits for certain uninsured individuals who attained age 72 prior to 1972. In order for a couple to receive benefits under this section, both spouses must have attained age 72 prior to 1972. However, even though each spouse must meet the same eligibility requirements he or she would have to meet if not married, once the eligibility of both is determined, the couple is treated as if the husband were the retired worker and the wife were the dependent. The husband receives the same benefit as would a single individual, but the wife only receives ½. The Act would amend these sections so that the wife also receives the full benefit.

Welfare: 42 U.S.C. 633 (Section 214(a)) gives priority for placement in the WIN program first, to unemployed fathers, and then to mothers. The Act would amend Section 633 to giving a uniform category of preference to "unemployed parents". (The priorities are a vestige of the Aid of Dependent Children Unemployed Fathers Program under 42 U.S.C. Section 607. The courts found the sex-based distinction unconstitutional in *Westcott* v. *Califano*, 443 U.S. 76 (1979). As a result, that program is now the Unemployed Parents Program.

Department of Agriculture: 42 U.S.C. 1773(c) (Section 304) concerns the priority to be given to the selection of schools for participation in the school breakfast program. One of the factors listed to consider is whether there is a special need to improve the dietary practices of children of working "mothers". The Act would amend Section 1773(c) by changing "mother" to "households in which both parents work or from single-parent households in which the parent works".

Department of Transportation: 46 U.S.C. 331 (Section 311) abolishes customs and other fees for certain services to U.S. vessels. One of these services is the apprenticing of "boys" to the merchant service. The Act would amend Section 331 by changing "boys" to "youths".

46 U.S.C. 601 (Section 312) prohibits the attachment of a sailor's wages unless attached pursuant to a court order regarding the payment of support and maintenance for the sailor's "wife and minor children". The Act would amend Section 601 by replacing "wife" with "spouse".

Bureau of Indian Affairs: 25 U.S.C. 13 (Section 305) authorizes the Bureau of Indian Affairs to direct, supervise and expend monies for the benefit, care and assistance of Indians for a number of specified purposes, including the employment of "field matrons". This particular provision is obsolete. The Act would amend section 13 by deleting "field matrons".

25 U.S.C. 137 (Section 306) was enacted in 1875 and authorizes an agent distributing supplies on an Indian reservation to require "able-bodied Indian males" to perform certain services for the benefit of a tribe. The Act would repeal Section 137.

25 U.S.C. 181[4] (Section 307(2)) provides that a white man may not acquire a right to tribal property by marrying an Indian woman. The Act would amend Section 181 by providing that no "non-Indian" may acquire a right to tribal property by marrying an Indian.

25 U.S.C. 182 (Section 307(3)) provides that an Indian woman who marries a U.S. citizen also becomes a U.S. citizen, but does not lose any tribal property rights. Section 182 was made obsolete by the Indian Citizenship Act. The Act would repeal Section 182.

25 U.S.C. 183[4] (Section 307(4)) specifies the type of evidence which is required to prove a marriage between a "white man" and "Indian woman". The Act would amend Section 183 by changing "white man" to "non-Indian" and deleting "woman".

25 U.S.C. 184[4] (Section 308(1)) provides that the children of a marriage solemnized prior to June 7, 1897, between a "white man" and an "Indian woman" shall have the same rights and privileges as other members of the "mother's" tribe. The Act would amend Section 184 so that the children of marriages between a "non-Indian" and an "Indian" will have the rights and privileges of the "parent's" tribe.

25 U.S.C. 274 (Section 308(2)) authorizes the Commissioner of Indian Affairs to employ "Indian girls as Assistant matrons" and "Indian boys as farmers and industrial teachers". The Act would amend Section 274 by allowing the Commissioner to employ Indian "youths" as "dormitory aides" and "as farmers and industrial teachers", consistent with current practice.

25 U.S.C. 342 (Section 309) prohibits the removal of Southern Utes to a new reservation without the consent of the "adult male" tribal members. Section 342 is obsolete and would be repealed by the Act

25 U.S.C. 371[5] (Section 310) provides that illegitimate Indian children are the legitimate issue of their father for the purpose of determining descent of land. The Act would amend Section 371 to provide that illegitimate children are the legitimate issue of both parents for such purposes.

Homesteading:[6] 43 U.S.C. 161 and 162 (Sections 314 and 315) allows a citizen or a person intending to become a citizen, who has reached the age of 21, or who is "the head of a family" to be entitled to enter unappropriated public lands. Under state statutes, federal regulations and the common law, the "head of a family" customarily refers to the husband or the father. The Act would amend Sections 161 and 162 to clarify that either spouse or parent is entitled to entry.

43 U.S.C. 164 (Section 316) sets forth the rules for the issuance of certificates or patents. The provisions applicable when the enterer dies refer only to the "widow". The Act would amend Section 164 by replacing "widow" with "surviving spouse".

43 U.S.C. 166 (Section 317) provides that an unmarried female settler does not forfeit her rights to enter upon marriage so long as she does not abandon her residence. Section 166 also provides, however, that she forfeits her rights if the man she marries claims a separate tract under the homestead laws. The Act would amend Section 166 by eliminating the provision requiring the woman to forfeit her rights if her husband claims a separate tract, and extends to both sexes the requirement that they must continue to reside on the tract if they wish to make entry.

43 U.S.C. 167 (Section 318) provides that the marriage of two homesteaders does not impair either's right to a patent, but gives the husband the right to choose the family's domicile. The Act would amend Section 167 so that both husband and wife must elect together on which tract they wish to live.

43 U.S.C. 168 (Section 319) provides that the marriage of a female enterer to an alien does not impair the female's entitlement to a certificate or patent. The provision was designed to protect women from the once prevalent legal doctrine that if a female citizen marries an alien she forfeits her citizenship. Since this legal doctrine no longer applies, Section 168 is obsolete and would be repealed by the Act.

43 U.S.C. 170 (Section 320) provides certain protections to the "wives" of enterers who are deserted. The Act would amend Section 170 to provide the same protections to either spouse if they have been deserted.

43 U.S.C. 240, 243(a), 255, 272, 278 and 50 U.S.C. 563, 564 and 570 (Sections 321-326) permit service personnel and their families to count service time toward homestead entry requirements. All sections assume that service personnel are only male, referring only to the "wives" and "widows" of service personnel. The Act would amend the Sections by replacing "wife" with "spouse" and "widow" with "surviving spouse", and clarifying that service personnel includes persons of both sexes.

Department of Justice: 42 U.S.C. 1986 (Section 330) creates a cause of action for damages resulting from a wrongful conspiracy. The section provides that if death results from the conspiracy, the deceased's legal representative can recover damages for the benefit of the "widow" and if there is no widow, to the "next of kin". The Act would amend Section 1986 by replacing "widow" with "surviving spouse".

Railroad Retirement Board: 45 U.S.C. 231a(c)(1)(ii)(C) (Section 213) pertains to retirement benefits for the spouses of retired employees. Generally, the spouse of a retired employee will not be eligible for benefits unless the spouse has also reached retirement age. The exception is for a "wife" when the couple has dependent children in their care. The Act would amend this Section to also provide benefits to the husbands of female retired employees where the husband has not yet reached retirement age and the couple still has dependent children.

45 U.S.C. 231a(d)(1). This Section entitles a widow, surviving divorced wife, and surviving divorced mother to annuity benefits, but not to similarly situated males. These eligibility provisions are based on definitions contained in Section 216 of the Social Security Act, which, as previously mentioned, have been held unconstitutional. The Railroad Retirement Board currently pays benefits to widowers, surviving divorced hus-

[4] Sections 181, 183, and 184 were all designed to protect Indian women from tribal customs giving the non-Indian spouse all her tribal property rights, and divesting the children of such marriages of tribal property rights. Because there are no similar tribal customs applying to men, extending the same protections to men by rephrasing the language of these provisions in sex-neutral terms will have no substantive impact.

[5] Under the applicable tribal customs and common law principles, illegitimate children are also deemed the legitimate issue of the mother. Thus, rephrasing the language of Section 371 in sex-neutral terms will have no substantive impact.

[6] The Homesteading provisions amended by the Act now only apply to the state of Alaska, and will no longer be effective after 1986.

bands, and surviving divorced fathers. The Act would amend this Section to conform to current practice.

45 U.S.C. 231e(a)(2) was amended by the Omnibus Reconciliation Act in this Congress (P.L. 97-35) and the sex based distinction contained in it was simply a drafting error. A code section of the Social Security Act was used as a guide, even though the particular section used has been held unconstitutional. The section, as written, provides eligibility for lump-sum payments where an individual has died leaving no "widow, surviving divorced wife, or widower", but not requiring there to be no surviving divorced husband. The Act would amend this Section to include a requirement that there also be no surviving divorced husband.

Criminal Code: 18 U.S.C. 2032 provides that whoever, within the special maritime and territorial jurisdiction of the United States "carnally knows any female, not his wife, who has not attained the age of sixteen years" shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense, be imprisoned not more than thirty years. The Act would replace "female" with "person" and "wife" with "spouse".

18 U.S.C. 1153 makes a violation of Section 2032 (above) on Indian territory a federal offense. The gender based language would be amended in accordance with the amendments made to Section 2032.

18 U.S.C. 2198 makes it an offense to "seduce" a female passenger on an American vessel. Section 2198 would be repealed by the Act.

18 U.S.C. 3614 specifies the penalty for a violation of Section 2198 (above) and would also be repealed by the Act.

18 U.S.C. 2424 is an obsolete provision of the Mann Act which pertains to the filing of factual statements with the Immigration and Naturalization Service concerning "women and girls" who have been kept, maintained, controlled, etc., in this country for the purpose of prostitution or other immoral purposes. The Act would repeal Section 2424.

18 U.S.C. 245 prohibits interference with certain civil rights by force or threat of force. The Act would add "sex" as a protected category.

Miscellaneous: 24 U.S.C. 165 (Section 331(a)) provides that pensions of male inmates of St. Elizabeths may be used for the benefit of their "wives and minor children," but pensions of female inmates may be used only for the benefit of "minor children". The Act would amend Section 165 by allowing pensions to be used for the benefit of both the "spouse and minor children" of female inmates.

24 U.S.C. 191 (Section 331(b)) provides that St. Elizabeths may admit insane civilians of the Quarter Master Corps and "men" who were insane while in military service and become insane again after discharge. The Act would amend Section 191 by replacing "men" with "persons".

48 U.S.C. 1461 (Section 327) provides that no polygamist or bigamist or woman cohabiting with the same may vote or hold office in a U.S. Territory. The Act would repeal Section 1461.

41 U.S.C. 35 and 36 (Section 303(a)&(b)) establish minimum age levels for persons able to enter into contracts with executive departments, independent agencies, etc. The minimum age for males is 16 but for females, 18. DOL has already amended its regulation to provide the same minimum age of 16 for both sexes.

The Act would amend Sections 35 and 36 to conform to current practice.

CODE SECTIONS IDENTIFIED AS CONTAINING SEX BIAS WHICH WOULD NOT BE AMENDED BY THE ACT

A. CONTROVERSIAL CODE SECTIONS

Military: 10 U.S.C. 6015 (Department of Navy) prohibits women in combat.

10 U.S.C. 8549 (Air Force) prohibits women in combat.

50 U.S.C. App. 453-456, 466 Selective Service Provisions.

Immigration and Naturalization: 8 U.S.C. 1101(b)(1)(D), 1409, 1432 provide that children born out of wedlock are deemed to have acquired the nationality status of their mother, but not their father, and thus relates to the sensitive "Amerasian Children" issue.

8 U.S.C. 1101(a)(42), 1182(e), 1253(h)(1) all provide protections to aliens fleeing from countries because of persecution based on race, religion, nationality, etc. Sex is not a protected category. These Code Sections implement the U.N. Convention Relating to the Status of Refugees. (Adopted in 1951. U.S. became signatory in 1968.) The convention is not self-executing. To date, U.S. laws have been implemented and applied coextensively with the Convention, but have not gone beyond it. The legislative solution should entail a careful analysis of the policy implications of going beyond the convention, and resolution of the definitional problems arising as a result of including "sex" as a protected category.

Social Security: 42 U.S.C. 411. This Section currently provides that in community property states, all income from a business owned or operated by a married couple is deemed, for purposes of Social Security, to be the husband's unless the wife exercises substantially all the management and control. In all other States, such self-employment income is credited to the spouse who owns or is predominantly active in the business. Simple deletion of the sex-based distinction, i.e., so that the self-employment income of a married couple in a community property state is treated the same as such income in non-community property state, may not be the most equitable solution, and in any event, would be inconsistent with the recent case of *Edwards* v. *Schweicker,* a nationwide class action suit, where the court ordered that a pro-rata share of the income should be credited to each spouse, depending upon the contributions of that spouse. The legislative solution to the problem should entail a detailed analysis of the *Edwards* order and evaluation of SSA's experience in complying with it.

Criminal Code: 18 U.S.C. 2031 provides that "Whoever within the special maritime and territorial jurisdiction of the United States, commits rape shall suffer death, or imprisonment, for any terms of years or for life." Though the statute on its face contains no gender-based distinctions, it has been interpreted as incorporating the common law definition of rape, i.e., that it involves carnal knowledge of a female not the offender's wife by force or threat of bodily harm and without her consent. Efforts in Congress to cure this provision have met with opposition centered on such issues as the removal of the common law requirements that the victim and offender not be married, and that a victim's testimony must be corroborated.

18 U.S.C. 2421-2423, the Mann Act, is the principal federal statute dealing with prostitution. Section 2421 makes it an offense for a person to knowingly transport in interstate or foreign commerce any "woman or girl" for the purpose of prostitution, debauchery, or other immoral purposes. Section 2422, a companion statute, makes it an offense for any person to knowingly pursuade, induce, etc., any "woman or girl" to travel in interstate or foreign commerce for the purposes of prostitution, debauchery, etc. Section 2423, as amended by P.L. 95-225 is now phrased in sex-neutral terms and deals with the transportation of minors for prostitution purposes or to otherwise commercially exploit the sexual conduct of the minor.

Note: Section 2424 of the Mann Act which is obsolete would be repealed by the Act.

B. CODE SECTIONS ALREADY CURED OR CONTAINING NO FACIAL SUBSTANTIVE BIAS

Military: 10 U.S.C. 3504 repealed P.L. 96-513, Title II, Section 210, 12/12/80.

10 U.S.C. 3848 (Separate Section for women repealed 1960 P.L. 86-559.)

10 U.S.C. 3888 repealed 96-513 12/12/80.

10 U.S.C. 3927 repealed P.L. 96-513 12/12/80.

24 U.S.C. 44a repealed 94-454 10/2/76.

14 U.S.C. 372, 373 and 10 U.S.C. 6912, 6913 and 6915 provide benefits for aviation cadets. They contain no facial sex-bias. Presumably were listed because 14 U.S.C. 371 and 10 U.S.C. 6015 do not allow women to be aviation cadets, and therefore women would not be eligible for those benefits. (14 U.S.C. 371 would be cured by Act.)

33 U.S.C. 773, 774 and 775 contain no facial sex-bias.

Benefits for Spouses and Families: 28 U.S.C. 375 repealed P.L. 96-504 (1980).

Welfare: 42 U.S.C. 602, 602(a)(19)(A), and 602(a)(19)(G)(iv) have all been cured by P.L. 97-35 (Omnibus Reconciliation Act).

Department of Agriculture: 7 U.S.C. 1923 was cured by P.L. 97-98.

Department of Interior: 43 U.S.C. 271, 278 contain no facial bias.

U.S. Congress: 31 U.S.C. 97 43(b) were cured by P.L. 97-258.

Miscellaneous: 31 U.S.C. 125 was cured by P.L. 97-258.

42 U.S.C. 1395 mm(a)(3)(A)(iv) was cured by P.L. 97-258.

Remedial: 10 U.S.C. 8848(b) allows the Secretary of the Air Force to retain on active duty nurses, medical specialists and female line officers who are in the reserve grade of lieutenant colonel until the completion of 30 years of active service. Section 8848(b) is apparently remedial in nature as previously, these categories of female personnel were limited to 25 years (as opposed to 28 for their male counterparts).

Other: 10 U.S.C. 5896-99, 6403 generally provide for separate promotion consideration for certain classes of male and female personnel in the Naval and Marine Reserve. A DOD Task Force charged with responsibility of reviewing and proposing comprehensive reforms in the reserve system has recommended that such distinctions be eliminated. Amendments to these sections have been omitted based on the understanding that DOD will soon be proposing legislation to eliminate these discriminatory provisions as part of a package of broader reforms.●

By Mr. HEINZ (for himself and Mr. PROXMIRE):

S. 502. A bill to amend the Federal Reserve Act to authorize limits on loans to foreign countries, and for

other purposes; to the Committee on Banking, Housing, and Urban Affairs.

INTERNATIONAL LENDING REFORM ACT OF 1983

Mr. HEINZ. Mr. President, I am today joining with my distinguished colleague Senator PROXMIRE to introduce a bill which would make several necessary reforms in the way our bank regulators deal with international debt, the International Lending Reform Act of 1983.

Let me first, Mr. President, provide some background for this bill's introduction. Within a few days the administration will be sending Congress a bill authorizing a quota increase for the International Monetary Fund and the general arrangements to borrow based on recent negotiations with our allies and with the members of the IMF. The cost to the American people of that package of contribution increases will entail $8.4 billion of additional budget authority.

Secretary Regan, who presented the case for this package argued that—

It is crucially important to * * * our economic interests—to U.S. economic activity, jobs, production and investment—that these (debt) problems be dealt with in a constructive and orderly way, and the United States cannot escape playing a leading role in that effort.

I wholeheartedly agree with the Secretary. Clearly we cannot escape a leading role. With $100 billion owed, U.S. banks have the lion's share of the developing countries' debt. But our Nation also has the lion's share of the developing countries' export market, with nearly half. Indeed over the past decade the less developed world has been a faster growing and a more significant outlet for our exports than Europe, Japan, and the Communist countries combined. And when we recall that fully 20 percent of our industrial production, 40 percent of our farm acreage, and 1 of 6 jobs in our economy are dependent on exports for their existence, it is not hard to see why a swift and effective resolution of the current debt crisis is essential to our welfare and to our future economic growth. By instilling much-needed confidence into the international financial system and by providing the IMP with resources necessary to fund its financial adjustment programs, the U.S. contribution will be a major part of the resolution of the current debt crisis.

Having said that, however, Mr. President, I am still convinced that the current situation would not have fit the description of a crisis had our Nation's banks acted more conservatively and more prudently and our bank regulations more aggressively.

Even if we accept for the sake of argument the bankers' plea that no one could have foreseen the combination of factors which have led to the current debt crisis, with a 3 year developed country recession, record low commodity prices, and low or negative growth for world trade, coupled with record high real interest rates. We should still question why our Nation's largest banks, with reputations for steely eyed skepticism, would make multimillion-dollar loans to borrowers in the less developed world based on the assumptions that the prosperity and inflation of the past decade would never end.

I must admit that I was shocked to read reports that some of our largest banking institutions had loan exposures to individual countries approaching 100 percent of their shareholders' equity. That means, in effect, the officers of those banks had literally "bet the bank" on the continued economic health and prosperity of one country. I was also concerned when I read reports that more than twice the capital of the nine largest U.S. banks is committed to the less developed world.

These concerns led me to join with my colleague, Senator PROXMIRE, to draft legislation to provide our regulators with the mandate and the power necessary to impose discipline and prudent limits on our Nation's banks in their international lending. Some of those limits already exist, but the regulators have not vigorously enforced them. Our legislation would provide the necessary mandate and encouragement. I consider that legislation to be an integral part of the package that the Banking Committee will consider as it decides on increased quotas for the IMF. Mr. President, I think my colleagues will agree that none of us can go back to our constituents to justify an increase in the IMF quota, which involves $8.4 billion in additional budget authority, unless we can also tell them that we have passed legislation that will prevent a recurrence of the current debt crisis for U.S. banks.

I would remind my colleagues that short-term, balance-of-payments-type lending to sovereign borrowers on the scale I have been discussing is a comparatively recent activity for U.S. banks. Prior to the 1970's, hardly any of this type of lending was undertaken by commercial banks, unless it was in conjunction with a specific IMF program, or collateralized by gold, or guaranteed by a third party. So it is neither unreasonable nor unusual for the Congress, in conjunction with bank regulators, to establish rules to guide U.S. banks in their international lending. Ncr does the establishment of such rules mean that there must be a retreat from commercial bank lending to developing countries. It does mean, however, that guidelines should be in place to keep countries from living beyond their means and U.S. banks from getting involved in excessive foreign loan exposure.

First of all, the bill would empower the Federal Reserve to establish firm guidelines on country lending limits. However, the legislation does not attempt to arbitrarily assign those limits itself. This is in keeping with the advice which Secretary Regan gave to the committee when he testified earlier this week. He agreed that it is appropriate for Congress to require that country loan limits be established. But he also cautioned against Congress specifying precise limits. The bill would also provide additional power to enforce the new limits.

Obviously, there is a fallacy in assuming that debt risk problems can be adequately addressed by individual U.S. banks applying lending limits to each individual borrower within a given country when all of the borrowers come into jeopardy if the central bank cannot come up with the dollars with which to pay back loans owed to U.S. finanical institutions. This provision would address that problem.

Second, the bill would mandate that the Federal Reserve require banks to establish special loan loss reserves to be charged against bank capital whenever the Board determines that the aggregate amount of external debt incurred by the public and private borrowers in a country is at a level where there is a substantial likelihood that such debt cannot reasonably be expected to be repaid. It would be left to the Federal Reserve Board's judgment when such a point is reached and what the amount of those reserves should be. This provision should help to bring a greater degree of prudence and consistency to international loan operations.

Finally, the bill calls upon the Federal Reserve to promulgate regulations to require that fees resulting from loan reschedulings should be amortized over the life of the loan rather than taken and recognized as one-shot earnings. This provision would insure that earnings statements would more accurately reflect the quality of both bank earnings and assets and that banks would not look more healthy and robust just at the time when their asset portfolios had deteriorated the most, for example, at the time of reschedulings.

In each of these three provisions we have made it clear to our bank regulatory agencies what congressional intentions are, while still giving them the flexibility to implement these directives according to their special knowledge and experience.

Mr. President, I urge my colleagues to study this bill carefully. Upon reflection, I think that they will agree that it is entirely appropriate to impose prudent limits on our Nation's banks in their international lending practices and that this bill makes an important contribution to that objective.

I ask unanimous consent that the bill be printed at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Lending Reform Act of 1983".

SEC. 2. The Federal Reserve Act is amended by adding at the end thereof the following:

"COUNTRY LENDING LIMITS

"SEC. 32. (a) The aggregate amount of outstandng extensions of credit by an insured bank to public and private borrowers in a foreign country may not exceed the amount permitted under regualtions prescribed by the Board under this section.

"(b) Regulations of the Board under this section—

"(1) shall specify the maximum permissible amount of extensions of credit outstanding as a percentage of an insured bank's capital, as defined by the Board; and

"(2) Shall provide for different percentage limitations for specific countries on the basis of such factors as the Board determines are indicative of the ability of public and private borrowers in those countries to repay such extensions of credit.

"(c) Any insured bank which is not in compliance with the Board's regulations under this section shall submit to the Board a plan for achieving compliance. The Board shall not approve any such plan unless it determines that the insured bank is making a satisfactory effort to achieve compliance by the earliest practical date.

"(d) The Board, upon notification to the House Commitee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs, may waive the provisions of this section with respect to any country for one period of not to exceed one year if the Board determines that a waiver is essential to prevent a serious threat to the stability of the international monetary system. Any waiver made under this section with respect to any country may not be made again with respect to that country until one year has elapsed since the expiration of the last waiver unless the Congress, by concurrent resolution, indicates it has no objection to an earlier renewal of such waiver.

"(e) For the purpose of this section and sections 33 and 34—

"(1) all of the powers and authorities available to the Board with respect to member banks under section 8 of the Federal Deposit Insurance Act and section 29 of this Act shall be available to enforce compliance with the provisions of this section and sections 33 and 34 and the regulations under this section and sections 33 and 34 with respect to insured banks;

"(2) the term 'insured bank' has the same meaning given by section 3 of the Federal Deposit Insurance Act; and

"(3) the Board shall publish regulations not later than 90 days following the date of enactment of this section.

"LOAN LOSS RESERVES

"SEC. 33. Whenever the Board determines that the aggregate amount of external debt incurred by the public and private borrowers in a foreign country is at a level where there is a substantial likelihood that such debt cannot reasonably be expected to be repaid in accordance with its original terms and conditions without additional borrowing or a major restructuring of that debt, the Board shall, by regulation, require each insured bank to establish a loan loss reserve against the total amount of credit extended by that bank to public and private borrowers in that country. The amount of the reserve shall be indicative, in the judgment of the Board, of the degree of difficulty expected to be encountered by the public and private borrowers in that country in repaying external debt. Such a loan loss reserve shall be separately maintained and deducted from the bank's statement of assets and shall not be considered as part of its capital for regulatory or disclosure purposes.

"LOAN FEES

"SEC. 34. The Board shall, by regulation, require that all fees charged by any insured bank in connection with any loan or loan restructuring in excess of $1,000,000 shall be amortized over the life of the loan to the extent that such fees represent interest and not administrative expenses related to such loan or loan restructuring. Income for regulatory or disclosure purposes in excess of the amount permitted under regulations promulgated pursuant to this section shall not be reported by any insured banks.".

Mr. PROXMIRE. Mr. President, I am pleased to introduce with Senator HEINZ the International Lending Reform Act of 1983. Although this legislation is being introduced as a separate bill, it is our intention that it will ultimately be added to the IMF quota increase legislation that the administration will be submitting to the Congress within the next few days.

The bill we have introduced would require stiffer regulation of U.S. banks making foreign loans. The bill allows the Federal Reserve to set limits on how much banks can loan to one country. It also allows the Fed to require banks to establish loan loss reserves against shaky foreign loans and to amortize fee income from loans or loan reschedulings over the life of the loan.

I am pleased to join in this effort with Senator HEINZ who is the chairman of the Subcommittee on International Finance of the Senate Banking Committee.

Mr. President, I believe this legislation is an absolute prerequisite for passing the IMF quota legislation. Most Americans find it difficult to understand why the United States should loan the IMF an additional $8 billion when we have so many pressing needs at home. Many of the less developed countries now in financial difficulty were allowed to become swamped with debt extended by over eager U.S. banks. Perhaps we have no choice but to bail out these countries and their banks in order to preserve the stability of our international financial system. But if we are going to provide an additional $8 billion to bail out the system, the Congress must make sure that it does not happen again.

Where were our bank regulators when all this foreign debt was building up? Well, they were suggesting, advising and encouraging the banks to be more cautious. In fact, they did everything except regulate. The banks ignored those warnings and now the U.S. taxpayer is called upon to pick up the tab. One of the reasons the bank regulatory system has been such an abysmal failure is that authority is divided among three agencies—the FDIC, the Comptroller of the Currency in the Treasury, and the Federal Reserve Board. The legislation I have introduced with Senator HEINZ would remedy this problem by consolidating authority over foreign lending in the agency with the greatest expertise in international finance—the Federal Reserve Board. Under our legislation, the Board would be authorized to strengthen foreign lending in three ways:

First, the Board would be required to establish the maximum amount of money of a bank can loan to a single country including both public and private borrowers. These limits would be expressed as a percentage of the bank's capital and would be based on objective factors bearing on the ability of that country to repay its external debt. The percentage limitation could thus vary among countries depending upon the country's financial condition. Had realistic limits been in effect over the last several years, I am convinced we would not have had the half a trillion debt build up in less developed countries which some have characterized as a ticking time bomb over our international monetary system.

Second, the Board would be authorized to require the banks to establish a loan loss reserve against their loans to any country whenever the Board determines that the country cannot repay its external debt without additional borrowing or a major restructuring. The establishment of a loan loss reserve will cushion our banking system from any future losses that might ensue. It also forces the banks to show a loss on their reported profits. Our present system permits a bank to carry dubious foreign loans on their books almost indefinitely. Hopefully, the prospect of being required to record an actual loss will temper the eagerness of banks to make future loans without proper regard for the ability of the country to repay.

Third, the Board would be authorized to require that all fees charged on loans or loan rescheduling in excess of $1,000,000 would have to be amortized over the life of the loan. Present practice allows the bank to record the entire fee as profit when the loan or rescheduling is made. Thus some banks have actually shown an increase in their recorded profits after rescheduling their foreign debt even though the quality of the loan portfolio has deteriorated.

These reforms will not solve all the problems in international bank lending. But they will go a long way toward correcting some of the most

flagrant abuses that have crept into our system over the last several years.

I do not believe the IMF quota increase can pass the Congress unless banking reforms of the type we have introduced are enacted.

By Mr. HUMPHREY (for himself, Mr. DANFORTH, Mr. HATCH, Mr. EAST, Mr. ANDREWS, Mr. QUAYLE, and Mr. MATSUNAGA):

S. 503. A bill to make it unlawful to manufacture, distribute, or possess with intent to distribute, a drug which is an imitation of a controlled substance or a drug which purports to act like a controlled substance; to the Committee on the Judiciary.

IMITATION CONTROLLED SUBSTANCES ACT OF 1983

● Mr. HUMPHREY. Mr. President, today I, along with my colleagues Senators DANFORTH, HATCH, EAST, ANDREWS, QUAYLE, and MATSUNAGA, am introducing legislation to ban the manufacture and distribution of imitation controlled substances, commonly known as look-alike drugs.

In the 97th Congress I introduced a legislative package designed to provide jurisdiction and a clear mandate to certain Federal agencies to assist in the fight against look-alike drugs. During Senate consideration of the Violent Crime and Drug Enforcement Improvement Act of 1982, Senator DANFORTH and I worked together for passage of a look-alikes provision as an amendment to that bill. I have consolidated the previous legislation and the amendment into two bills, which I am introducing now with the hope that quick Senate and House approval of this much-needed weapon against drug abuse can be obtained.

I am particularly pleased that Senator DANFORTH has joined me as the principal original cosponsor of these bills. Last year, Senator DANFORTH played an important role in insuring that the provision banning look-alikes was amended to the crime package as it passed the Senate, and his support of this legislation and assistance in raising public awareness of the problem has been invaluable.

Look-alike drugs resemble or duplicate the appearance of certain highly abused controlled substances such as amphetamines, barbiturates, and tranquilizers. They contain combinations of substances commonly found in over-the-counter cold, allergy, and diet pills which, in multiple doses or in combination with aspirin or caffeine produce stimulant or depressant effects similar to the controlled substances they are designed to resemble.

Manufacturers and distributors are actively promoting these pills as the "legal way to get high" and have engaged in extensive advertising campaigns claiming their products to be both safe and legal. Look-alikes are sometimes advertised using the street terms for amphetamines and barbiturates such as black beauties, yellow jackets, speed, and white crosses, and are promoted through magazine advertisements, unsolicited literature from mail order firms, brochures at rock concerts, and flyers and business cards on college campuses and in schoolyards.

The industry is lucrative and growing. According to the Drug Enforcement Administration (DEA), mail order and storefront wholesale distributors grew from a mere handful in early 1980 to more than 150 outlets in November 1981, and production had increased to 30 million dosage units per week. The profits to distributors have been estimated to range from $100,000 per year for the small operator into the millions for a larger distributor.

As chairman of the Subcommittee on Alcoholism and Drug Abuse, the rapid expansion of this industry is extremely disturbing to me. First and most importantly, look-alikes are not safe. If taken in multiple doses or in combination with alcohol, there is a risk of severe hypertension, tachycardia, respiratory difficulty, or cerebral hemorrhage. To date the Food and Drug Administration (FDA) has documented at least 12 deaths attributed to look-alike drugs.

Additionally, the marketing of these legal drugs solely to encourage recreational mind alteration or experimentation supports the drug culture in our society and by encouraging teenagers to accept a climate of drug use, may lead to the later use of illegal drugs.

Finally, development of the look-alike industry seriously undermines the efforts of all of us, both in Government and the private sector, who are working to educate young people about the serious risks of drug use and reduce the drug problem in our society.

Especially distrubing is the apparent lack of effective Federal jurisdiction over this industry. DEA has jurisdiction over drugs which are illegally trafficked if the drug components are scheduled in the Controlled Substances Act. Since DEA's jurisdiction is limited to enforcement of the Controlled Substances Act, DEA has no power to restrict sales and distribution of look-alikes which do not contain controlled substances. DEA has been influential in the fight against look-alikes by developing and distributing to the States a Model Imitation Controlled Substances Act. Many States have passed some legislation dealing with look-alikes and legislation is pending in others. But the problem is national in scope. Individual statutes differ from jurisdiction to jurisdiction, and manufacturers only seek new locations more favorable to their activities.

Over-the-counter substances are regulated by the FDA under the Federal Food, Drug, and Cosmetic Act. The FDA has exerted jurisdiction under the counterfeit provisions of the act against those look-alikes designed to resemble specific controlled substances. In September 1981, the FDA seized materials and manufacturing equipment from nine manufacturers which produced and mislabeled counterfeit drugs, and is now proceeding to move against distributors under both its counterfeit and imitations provisions.

But as a result of these and other enforcement actions, manufacturers have become more sophisticated and are currently producing pills, tablets, and capsules that do not look like controlled substances and therefore are no longer subject to legal action under the Federal Food, Drug, and Cosmetic Act. Now that the market has been established among our young people, these non-look-alikes are being promoted and sold in the same manner to willing buyers. As so often happens, the drug abuse promoters remain one step ahead of exsiting law.

Last August the FDA announced that the triple combination of phenylpropanolamine, ephedrine sulfate, and caffeine—the ingredients commonly contained in look-alikes—will now be regarded as a new drug and will thus require an application to FDA for marketing approval. Regulatory letters were issued to 14 manufacturers of triple combination products informing them that shipment of these drugs in interstate commerce without FDA approval violates the law. But there is already evidence that the response of these manufacturers has been to simply delete one or more of the three ingredients and thus produce a product that already possesses FDA approval.

This is only further evidence of the ability of these manufacturers to modify their behavior to escape piecemeal Federal regulation, and of the need for a comprehensive Federal statute outlawing the manufacture and distribution of both look-alikes and non-look-alikes.

The U.S. Postal Service has also been involved in the look-alike drug enforcement effort. The Postal Service filed complaints against 41 distributors under its false representation statute and obtained false representation orders or consent agreements requiring postmasters to discontinue mail delivery to these distributors. The problem, however, continues. Most of the major promoters are evading the orders and agreements by restricting their business to telephone orders and payment by credit card, bank wire, or United Parcel Service c.o.d.

Also, look-alike distributors and manufacturers no longer claim their products are absolutely safe and occasionally enumerate side effects related

to consumption. Since the labels no longer misrepresent the nature of the product, the Postal Service is without jurisdiction to restrain use of the mails for product distribution.

The only other Federal agency which may have jurisdiction over the advertising and distribution practices exhibited by look-alike dealers is the Federal Trade Commission (FTC). I am informed the Commission is reviewing its jurisdictional posture, but to date has not prosecuted.

Thus, the look-alike industry appears to have circumvented ordinary regulation due to the unique characteristics of this product and the industry's innovative ability to make changes in order to frustrate law enforcement efforts. Existing Federal jurisdiction is fragmented and limited, and we are confronted with an industry promoting drug use and abuse in our youth which we have no direct ability to regulate.

Therefore, Mr. President, I urge my colleagues to support two bills which I believe will provide a national approach to a growing health and social problem. The first bill, the Imitation Controlled Substances Act of 1983, outlaws the creation, manufacture, and distribution of imitation controlled substances which look like or are represented to be controlled substances, and substances which purport to act like controlled substances, if they are marketed to encourage recreational drug use or abuse or any similar nonmedical use.

Our definition of imitation controlled substances is broad enough to include both look-alikes and non-look-alikes, so long as they are marketed, sold, or distributed to encourage recreational drug use or abuse—but narrow enough to make it clear that prescription drugs, over-the-counter drugs, and legitimate generic drugs are excluded. Exemptions are also included for placebos used in the course of professional practice and research.

The act imposes a felony sanction and intentional sales to minors would result in a doubled penalty. The act also imposes a misdemeanor sanction for advertisement of imitation controlled substances. Enactment of this legislation vests jurisdiction in the FDA to monitor and control the marketing practices of distributors.

Further, the act proposes to amend the Federal Food, Drug and Cosmetic Act to provide the FDA, acting through the U.S. attorney, with power to seek injunctions to restrain manufacturers of counterfeit drugs. Currently the FDA can seize materials and equipment used to manufacture counterfeits but they are unable to restrain the manufacturer from distribution. Thus, if the subject manufacturer has other warehouses stockpiled with counterfeits that are unknown to food and drug agents, the manufacturer can continue to distribute inventories until the FDA seizes it.

The omission of injunctive power does not make sense and probably was a legislative oversight. The FDA should be empowered to restrain distribution by counterfeit manufacturers until it can be assured that future distribution by the subject manufacturer is in compliance with Federal law.

The second bill amends the postal statute to make drug abuse oriented advertisements and shipments in response to those advertisements nonmailable. Currently the U.S. mails appear to be an important element of the marketing and distribution chain in this industry. Therefore, I propose to amend the postal statute to make drug abuse oriented advertisements and shipments in response to those advertisements nonmailable. Enactment of this legislation would restrict advertising and distribution and enable the Postal Service to seize, detain, or dispose of unlawful shipments.

Mr. President, enactment of this legislation will send a powerful signal that the Federal Government is firm in its resolve to shut down the look-alikes drug industry. Dr. Carlton Turner, Director of the President's Drug Abuse Policy Office, DEA, FDA, FTC, the National Institute on Drug Abuse, the U.S. Postal Service, the Internal Revenue Service, and the Consumer Product Safety Commission are now doing all within their power, through interagency meetings and cooperative efforts, to coordinate a Federal effort against these unscrupulous manufacturers and distributors.

It is important that the Congress assist these agencies in this effort with a clear and comprehensive Federal policy outlawing the manufacture, distribution, and sales of look-alike drugs for the purpose of fostering drug abuse. I urge my colleagues to support this legislation in order that we may protect our young people by moving quickly and decisively to put the look-alike drug industry out of business.

Mr. President, I ask unanimous consent that the text of the legislation I have introduced today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Imitation Controlled Substances Act of 1983".

SEC. 2. (a) Title III of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

"IMITATION CONTROLLED SUBSTANCES

"SEC. 308. (a) For purposes of this section, the term—

"(1) 'imitation controlled substance' means any substance other than a controlled substance or prescription drug, or combination of such substances, which is marketed sold, or distributed to encourage recreational drug use or abuse or any similar nonmedical use and—

"(A) by representation or appearance (including color, shape, size, and markings) would lead a reasonable person to believe that the substance is a controlled substance; or

"(B) purports to act, either alone, in multiple doses, or in combination with a substance or substances, like a controlled substance, either stimulant or depressant as defined in section 102(9) of the Controlled Substances Act (21 U.S.C. 802(9));

"(2) 'distribute' means the actual, constructive, or attempted transfer, delivery, or dispensing to another of an imitation controlled substance;

"(3) 'manufacture' means the production, preparation, propagation, compounding, or processing of an imitation controlled substance, and includes any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding, packaging, or labeling of an imitation controlled substance in conformity with applicable State or local law by a practitioner as an incident to his administering or dispensing of such substance in the course of his professional practice; and

"(4) 'controlled substance' is used as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(b)(1)(A) Except as provided in subparagraph (B), it shall be unlawful for any person knowingly or intentionally to create, manufacture, or distribute, or possess with intent to create, manufacture, or distribute an imitation controlled substance. Any person who violates this paragraph shall be sentenced to a term of imprisonment of not more than two years, a fine of not more than $10,000, or both.

"(B) Subparagraph (A) does not apply to the creation, manufacture, distribution, or possession of an imitation controlled substance by a person if the imitation controlled substance is created, manufactured, distributed, or possessed for use as a placebo in the course of the professional practice of a practitioner registered under part C of the Controlled Substances Act or in research conducted under section 505(i) of this Act or conducted in connection with an application filed under section 505(b) of this Act.

"(2) Any person at least 18 years of age who violates paragraph (1)(A) by distributing an imitation controlled substance to a person under 18 years of age shall be sentenced to a term of imprisonment of not more than four years, fined not more than $20,000, or both.

"(c) It is unlawful for any person to place any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation which a reasonable person would believe promotes the distribution of imitation controlled substances. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than $5,000, or both.".

(b) Subsection (a) of section 302 of such Act is amended by striking out "paragraphs (h), (i), and (j)" and inserting in lieu thereof "paragraphs (h) and (j)".●

By Mr. HUDDLESTON:

S.J. Res. 35. Joint resolution designating the week beginning March 20, 1983, as "National Mental Health Counselors Week"; to the Committee on the Judiciary.

NATIONAL MENTAL HEALTH COUNSELORS WEEK

● Mr. HUDDLESTON. Mr. President, I am pleased today to offer a joint resolution to recognize the contributions of the thousands of mental health counselors who assist individuals in communities throughout the country in dealing with a variety of personal and adjustment problems.

As part of the health care team, mental health counselors provide up to 50 percent of all direct counseling services to clients in a variety of public and private settings. Through the American Mental Health Counselors Association, a professional division of the American Personnel and Guidance Association, and 37 States branches, mental health counselors are striving to improve the quality of mental health counseling in the Nation.

I am pleased to offer this joint resolution designating March 20, 1983, through March 26, 1983, as "National Mental Health Counselors Week."●

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. DOLE, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 1, a bill to implement the consensus recommendations of the National Commission on Social Security Reform.

S. 24

At the request of Mr. HUDDLESTON, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 24, a bill to provide emergency credit assistance to farmers, and for other purposes.

S. 32

At the request of Mr. MATHIAS, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 32, a bill to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings.

S. 36

At the request of Mr. HUDDLESTON, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from South Dakota (Mr. ABDNOR), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 36, a bill to authorize special payment-in-kind land conservation programs, to provide authority for activities to develop and expand markets for U.S. agricultural commodities, and for other purposes.

S. 39

At the request of Mr. BOREN, the names of the Senator from Georgia (Mr. NUNN), the Senator from North Dakota (Mr. BURDICK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 39, a bill to amend the Internal Revenue Code of 1954 to repeal the withholding tax on interest and dividends.

S. 103

At the request of Mr. BOREN, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 103, a bill to amend the Highway Revenue Act of 1982 to repeal the increase in the highway use tax.

S. 117

At the request of Mr. CHILES, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 117, a bill to improve the effectiveness and efficiency of Federal law enforcement efforts.

S. 120

At the request of Mr. DOLE, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 124

At the request of Mr. ZORINSKY, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 124, a bill to amend the Agricultural Act of 1949 to provide emergency relief for farmers, and for other purposes.

S. 137

At the request of Mr. ROTH, the name of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nebraska (Mr. EXON), the Senator from Texas (Mr. TOWER), the Senator from Vermont (Mr. LEAHY), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 213

At the request of Mr. LUGAR, the names of the Senator from Oklahoma (Mr. BOREN), the Senator form Wyoming (Mr. WALLOP), the Senator from Nebraska (Mr. ZORINSKY), the Senator from North Carolina (Mr. EAST), the Senator form Iowa (Mr. JEPSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of S. 213, a bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the Unitd States for permanent residence, and to improve further restrictions on the right of any alien in a foreign country to receive such benefits.

S. 237

At the request of Mr. WALLOP, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves.

S. 247

At the request of Mr. GORTON, the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 247, a bill granting the consent of Congress to the Northwest Interstate Compact on Low-Level Radioactive Waste Management.

S. 338

At the request of Mr. COHEN, the name of the Senator form Alaska (Mr. STEVENS) was added as a cosponsor of S. 338, a bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes.

S. 400

At the request of Mr. MATHIAS, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 400, a bill to designate the birthday of Martin Luther King, Jr., a legal public holiday.

S. 421

At the request of Mr. PROXMIRE, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 421, a bill to require the Comptroller General of the United States to ascertain increases in the cost of major acquisition programs of the civilian agencies of the executive branch; to limit the obligation and expenditure of Federal funds to carry out any major civil acquisition program after there has been a major increase in the cost of such civil acquisition program until enactment of a law providing new authority to carry out such acquisition program, and for other purposes.

S. 423

At the request of Mr. MATHIAS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 423, a bill to restrict the disposal by the Administrator of General Services of certain real property located at the Beltsville Agricultural Research Center.

S. 444

At the request of Mr. DURENBERGER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maryland (Mr. MATHIAS), the Senator from Vermont (Mr. STAFFORD), the Senator from Connecticut (Mr. DODD), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 444, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

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S. 446

At the request of Mr. JEPSEN, the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. WALLOP), the Senator from Illinois (Mr. DIXON), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from North Dakota (Mr. ANDREWS), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Texas (Mr. TOWER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Indiana (Mr. LUGAR), the Senator from Oklahoma (Mr. NICKLES), the Senator from Arkansas (Mr. PRYOR), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 446, a bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program.

S. 454

At the request of Mr. BYRD, the names of the Senator from Alabama (Mr. HEFLIN), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 454, a bill to provide for an accelerated study of the causes and effects of acidic deposition during a 5-year period, and to provide for grants for mitigation at sites where there are harmful effects on ecosystems resulting from high acidity.

S. 464

At the request of Mr. LONG, the names of the Senator from Lousiana (Mr. JOHNSTON), the Senator from Oklahoma (Mr. BOREN), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 464, a bill to exempt newly discovered oil from the windfall profit tax.

SENATE JOINT RESOLUTION 16

At the request of Mr. D'AMATO, the names of the Senator from Kansas (Mr. DOLE), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 16, a joint resolution to provide for the designation of the 65th anniversary of the renewal of Lithuanian independence, February 16, 1983, as "Lithuanian Independence Day."

SENATE RESOLUTION 40

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Resolution 40, a resolution to express the sense of the Senate urging Presidential action in calling for an immediate domestic economic and trade summit to address the U.S. long-term trade policy by a bipartisan group of individuals from the Government, business, labor, agriculture, and the academic community.

SENATE RESOLUTION 66—PROVIDING FOR REGULATIONS TO IMPLEMENT TELEVISION AND RADIO COVERAGE OF THE SENATE

Mr. MATHIAS (for himself, Mr. BAKER, Mr. DECONCINI, Mr. GARN, and Mr. MCCLURE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 66

Whereas on April 21, 1982, the Senate agreed to Senate Resolution 20, Ninety-seventh Congress, which provided for television or radio coverage, or both, of proceedings of the Senate, subject to the adoption of a resolution containing such regulations and such rules changes as are needed to implement television or radio coverage, or both, of proceedings of the Senate: Now, therefore, be it

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with the provisions of this resolution,

(2) provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered, and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: Rule XIX, paragraphs 6 and 7, rule XXV, paragraph 1(n), and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate,

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other newsgathering, education, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcast.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures),

(2) employ necessary expert consultants, and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjuction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b) (1) and (3) of section 2 of this resolution, and (4) retain for 90 days after the day any Senate proceedings took place such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the Majority Leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such Committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established,

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the Chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol, and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems neces-

sary to assure the proper implementation of the purposes of this resolution and Senate Resolution 20, 97th Congress.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

Mr. MATHIAS. Mr. President, today I am submitting a resolution, essentially the same as Senate Resolution 436 of the last Congress, to provide for TV and radio broadcasts of the Senate's floor proceedings.

To use a popular cliche, its time has come.

Consider, please:

As we all know, innovation does not come quickly to the Congress, especially to this body. We need not worry that we are rushing into this matter with undue haste. The idea has been with us in one form or another since the mid-1940's, when CLAUDE PEPPER, who was then a Member of the Senate and who is now a Member of the other body, introduced a joint resolution providing for radio broadcast coverage of the proceedings of the Senate and House. Surely we cannot be accused of the type of haste that makes waste.

As mentioned, its time has come.

As we all know, too, innovation does not come to this body without a great deal of consideration. The proposal to broadcast Senate floor proceedings has been studied and restudied by the Senate itself and others. Throughout the free world, legislatures have augmented our studies by putting to practice what we have been studying. It is interesting to note that once TV and radio broadcasts of legislative proceedings have been inaugurated in these various legislative bodies in the free world, no legislative body has turned back.

But even the most exhaustive studies must come to an end. We have studied enough. Again, I say, its time has come.

We pride ourselves—and rightly so, I think—in the sobriquet, "the world's greatest deliberative body." In fact, we have a passion for deliberating and discussing "at length," as the phrase goes. We certainly deliberated at length in this case. We had hearings during the 97th Congress and we had floor debate, and we improved the original version of the measure, and we asked the Rules Committee for operating guidelines, and we again discussed and debated and deliberated.

So, now, to repeat, its time has come.

We could speak at length today on the need to provide for the public a complete, readily available, unedited, undramatized, undistorted record of what we do here—that is, what we do on a day-by-day basis, as their elected representatives, to affect, for better or for worse, their security from foreign or domestic dangers, their taxes, their health, the education of their children, their jobs, their daily well-being.

We have already spoken at length about this aspect of the matter.

The record is clear, and the time has come.

This Congress is particularly crucial in the history of this Nation. Our citizens know this. More and more they are demanding an ever increasing voice in the decisions that affect their future. Through this resolution, we have an opportunity to help that voice speak from knowledge rather than from half truths or ignorance.

Finally, there is the matter of cost—a most important consideration. But true frugality lies not only in moratoriums on spending; true frugality lies in wise spending. Considering the multitude of benefits which would flow from the broadcasting of Senate floor proceedings, our enactment of this resolution will represent action wisely taken and money wisely spent.

Mr. BAKER. Mr. President, I am pleased to join with the chairman of the Rules Committee in submitting this resolution. Frankly, I had hoped that the Senate would have acted favorably on this proposal late last session, but consideration of the resolution had to be set aside to afford the Senate the opportunity to deal with important appropriation and fiscal matters.

It comes as no surprise to my colleagues, I am sure, that the implementation of television and radio coverage of Senate proceedings is most important to me. I have pushed for this legislation for several years, and I will continue to do so. I am most hopeful that this latest effort results in the adoption of such coverage.

I was pleased to observe that a number of my colleagues late last year appeared on the Senate floor to announce that they had changed their minds with regard to this issue, and were now in favor of televised proceedings. I want to thank them once again for their support.

It is both my hope and expectation that the Senate will move to consideration of this resolution as soon as this measure is reported from the Rules Committee, and I pledge my full support toward its adoption.

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Governmental Efficiency and the District of Columbia to receive a report from the Chesapeake Bay Foundation concerning the EPA Chesapeake Bay program. The hearing will be held on Tuesday, March 1, 1983, at 9:30 a.m., in room SD-626.

Those wishing to testify may submit a written statement for the hearing record to the Subcommittee on Governmental Efficiency and the District of Columbia, room SD-624, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Ms. Marion Morris at 202-224-4161.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Barbara Mahone and John Miller to be members of the Federal Labor Relations Authority on Tuesday, February 22, 1983, at 3 p.m. in room 3302 of the Dirksen Senate Office Building. For further information, please contact Margaret Hecht at 224-4751.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold a hearing on S. 461, reauthorization of the Office of Government Ethics, on Thursday, February 24, at 9:30 a.m., in room SD-562.

The hearing will focus on extending the Office of Government Ethics for 5 more years, after its present scheduled expiration date of October 1983, and the financial disclosure provisions of the Ethics in Government Act of 1978.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, on March 23, 1983, the Senate Small Business Committee will hold a hearing on "Umbrella Contracting and Its Impact on Small Businesses." The hearing will begin at 9:30 a.m. in room 428A of the Senate Russell Building. Senator RUDMAN will chair.

Mr. President, on February 17, 1983, the Senate Small Business Committee will hold a hearing on S. 499, a bill to require the usage of tax-exempt financing in connection with the Small Business Administration's section 503 certified development company program. The hearing will begin at 2 p.m. in room 428A of the Senate Russell Office Building. Senator D'AMATO will chair.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 17, at 2 p.m., to conduct a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on Friday, February 18, at 2 p.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 16, at 2 p.m., to hold a closed CIA intelligence briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, February 16, at 2 p.m., to hold a committee meeting to ratify the Agriculture Committee rules and subcommittee organization.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LITHUANIAN INDEPENDENCE DAY

● Mr. DOLE. Mr. President, the Senator from Kansas joins in the commemoration of Lithuanian Independence Day, the 65th anniversary of the establishment of the Democratic Republic of Lithuania on February 16, 1918.

On this day we join with over 800,000 Lithuanian-Americans, along with thousands of Lithuanian descent throughout the world, in marking a triumphant day in mankind's struggle against tyranny and injustice. For with the declaration of independence by the Lithuanian National Council in the city of Viltains, the Lithuanian people shook off first czarist Russian domination and then, 2 years later, the expansionist Bolshevik state yielded to the determined resistance of Lithuanian patriots and signed a treaty renouncing all Russian claims over the Lithuanian people and their lands.

But Lithuanian Independence Day, we may rest assured, will be studiously ignored by that nation's present rulers, the ideological descendants of Comrades Lenin and Stalin, for whom treaties were temporary diversions, occasional inconveniences on the path of Soviet political intimidation and armed aggression. I am sure that the tragic events that brought an end to Lithuanian independence on the eve of World War II are all too familiar to my colleagues gathered here. By means of murder, mass deportations, and rigged elections, Lithuania and its two Baltic neighbors, Latvia and Estonia, were swallowed up by Stalin's insatiable police state.

AN UNFORGOTTEN TRADITION OF FREEDOM

And yet, if "uneasy lies the head that wears a crown," how much more uneasy must be the usurpers of Lithuanian independence. For the fact is that the Lithuanian people have never forgotten their tradition of freedom, their rich national culture, and the deep religious heritage that has withstood the savage onslaughts of the atheistic Soviet state. Over the years this striving for national expression, for religious freedom and basic human rights has evolved into a burgeoning, undeniable force which the Kremlin has tried its utmost to suppress through its usual methods of repression and terror.

Of the four members of the Lithuanian Helsinki Group who remained in their homeland—one having been exiled—last year, only one is at liberty; two are in prison camp, and one member Father Bronius Laurinavicius, was killed in a suspicious traffic accident. A number of Catholic priests have suffered assaults and even death at the hands of brutal assailants. These incidents are suspected to have been unofficially condoned by the authorities, for such occurances are rare for ordinary citizens in the world's most regimented police state. Adults and even young people are harassed and punished for practicing their religious beliefs in accordance with their conscience. I have recently been informed that Soviet authorities have begun legal proceedings against Father Alfonsas Svarinskas, pastor of the Roman Catholic Church in the town of Vidukle. Father Svarinkas, a member of the Catholic Committee for the Defense of the Believers in Lithuania, has been accused of engaging in anticonstitutional and antistate activities. This is not the first time that Father Svarinskas has suffered for his religious activities and his patriotism, having previously spent a total of 16 years in Soviet prison camps.

DETERMINED RESISTANCE

But KGB repression has met determined resistance from the Lithuanian people. Thousands of Lithuanian Catholics have courageously affixed their names to petitions calling upon authorities to cease their repressive measures against the church. On one such petition, there appeared 18,341 names, an unheard-of expression of public dissent within the Soviet empire. In September 1982, Agency France Presse reported that several thousand people shouting nationalist slogans marched through the streets of Vilnius following a soccer match. A flourishing underground press keeps the population informed on such issues as religious repression, the attempted Russification of Lithuania, political prisoners, the dismal state of the Soviet-imposed Socialist economy, and lately, the callous use of Lithuanian soldiers as cannon fodder in Moscow's war of extermination against the Afghan people.

Mr. President, the Commission on Security and Cooperation in Europe, the advisory agency to the Congress that monitors compliance with the Helsinki Final Act of 1975, was recently asked if the final act alters the nonrecognition by the United States of the illegal seizure of Lithuania, Latvia, and Estonia by the Soviet Union. As Cochairman of that Commission, I take pride in stating unequivocably that the United States has never, and, I am confident, will never recognize such a clear violation of international law and naked display of armed aggression. I look forward to the day when the yellow, green, and red flag of free Lithuania will once again fly over its homeland.●

LITHUANIA INDEPENDENCE DAY

● Mr. TSONGAS. Mr. President, this day, February 16, 1983, marks the 65th anniversary of the reestablishment of an independent Lithuanian state. On this day 65 years ago, the brave people of Lithuania broke the chains of Russian rule under which they have lived for more than a century and declared Lithuania to be a free and independent state. This independence was short lived as Soviet troops seized Lithuania in 1940 and forceably incorporated it into the Soviet Union. After the recapture of Lithuania by the Red Army near the end of World War II, Sovietization was resumed and political opposition to Soviet rule was suppressed. The Soviet reign of terror against the Baltic States is well documented and the Soviet Government's disregard for human rights continues to this day.

The Lithuanian people's continued will and determination to achieve independence is worthy of our admiration and should be an inspiration for politically oppressed as well as free people throughout the world.

The U.S. Senate must not remain silent in the face of flagrant abuses of fundamental human rights. To remain silent would only encourage Soviet outrages to continue in Lithuania and other illegally and immorally occupied countries.

As a member of the Senate Foreign Relations Committee, I pledge to keep in the forefront of world attention the continuing Soviet wholesale disregard for fundamental, internationally accepted standards of human rights. I call upon Soviet Premier Andropov to reverse the years of oppression inflicted on Lithuania under previous Soviet leaders. Mr. Andropov can go a long way in improving the world opinion of the Soviet Union by demonstrating his willingness to allow Lithuania to once

again regain its freedom and independence.●

65TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. HEINZ. Mr. President, February 16, 1983 marks an important date for all of us and I would like to join my Senate colleagues in commemorating the 65th anniversary of the establishment of the independent Democratic Republic of Lithuania. It is an occasion that we mark in tribute to the indomitable spirit of the Lithuanian people, a people who have dedicated their lives to the fight for freedom.

Like most Eastern Europeans, Lithuanians are neither free nor independent. Their story is all too familiar to those who know the history of Soviet domination in the Baltic. In 1939, the curtain of darkness began to descend on Lithuania as the Soviet Union forcibly took control. By August 3, 1940, any glimmer of light or hope was obscured from view, locked behind the closed door of Soviet domination. The Lithuanian Government and its people had been swallowed up by the darkness of Soviet oppression and have suffered ever since from the brutality of occupation.

Under Stalin, hundreds of thousands of Lithuanians were pushed to their physical and mental limits. Many died of sickness and malnutrition. Those fortunate to survive were either sentenced to live in the Arctic or Siberia, or forced to exist with constant fear under rigid laws. I am distressed to report that with the passage of time, the situation remains ostensibly unchanged.

Our Lithuanian brethren continue to be denied their most basic and fundamental human rights. Deportations, extensive interrogations, show trials, and denials of religious rights are just a few of the heinous acts committed by Soviet oppressors on people whose only wish is to live as decent and free beings. In essence, the Lithuanians have systematically been denied those same freedoms that we in America, and those in other democracies around the globe, take for granted. What we regard as an inalienable right, the Soviets regard as a crime against the State.

The results of harsh Soviet rule on Lithuania's national heritage are frightening and most disturbing. Their policies threaten the very existence of Lithuanian culture. Laws against teaching Lithuanian in the classroom and a continued reduction in the number of Lithuanian publications pose serious problems for the ultimate survival of the language. Suppression of religion through methods such as the closing of houses of worship, harassment and imprisonment of religious leaders, and severe punishment for those who choose to continue to practice discourage the exercising of any faith.

Mr. President, the news of continued persecution of brave Lithuanian patriots who dare to speak out in favor of civil liberties and a return to independence is always sad. I believe that on this 65th anniversary, and until Lithuania regains its freedom, it is important for us to do whatever we can to aid these courageous individuals. If we do not, I am afraid that their goals may become too difficult to achieve. It is our responsibility to speak out for men like Viktoras Petkas, Balus Gajavskas, Petras Plumpa, and Vytautas Skuodis, true advocates of freedom. We must recognize that these same freedoms that the Lithuanians are fighting for are the same freedoms on which our forefathers established this great Nation.

We all know that there are thousands more like these brave men in Soviet concentration camps. While they are silent, we in the free world must stand and make our voices heard. We need to exhibit the same faith and determination that has kept the Lithuanian people going. We must not remain silent, we must vigorously protest the gross injustices that have been perpetuated by each successive Soviet leader since Stalin and we must double our efforts with the new Soviet leader Yuri Andropov.

We cannot lose sight of the fact that the Lithuanian struggle for fundamental human rights serves as a grim reminder of our responsibility to speak out, to assure our friends and families in Lithuania and around the world, that we have not forgotten.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, it is with pleasure that I join with my colleagues today in cosponsoring Senate Joint Resolution 16 commemorating the 65th anniversary of Lithuanian Independence Day.

It was on February 16, 1918, that Lithuanians declared their independence and ended centuries of tyranny at the hands of czarist Russia. During the next 42 years the Republic of Lithuania experienced unparalleled economic and political growth. During this period the standard of living in Lithuania dramatically improved and Lithuanians enjoyed cultural and political freedoms unknown under the czar.

In July 1940, the Soviet Union forcibly annexed Lithuania. Since that dark day, Lithuanians have been subject to constant infringement upon their basic human rights and freedoms—the right to express their opinions freely, to practice their own religions, to enjoy their own culture and literature, and to determine their own future.

The plight of Lithuania's political prisoners reminds us of the persisting need to support the rights of those subject to tyranny abroad. It also reminds us of the need to be ever vigilant in defending our own basic freedoms.

The longstanding commitment of the Lithuanian people to human freedom and dignity is well known and continues to provide an inspiring example to all peoples struggling to retain their cultural identity and aspiration for liberty. I welcome this opportunity to commend such a spirit, to reaffirm my support for freedom for Lithuanians, and to recognize the important contribution made by Americans of Lithuanian descent to our own society and culture.●

LITHUANIAN INDEPENDENCE DAY

● Mr. PELL. Mr. President, 65 years ago, on February 16, 1918, the Lithuanian people courageously broke the yoke of Russian rule and tyranny under which they had lived for more than a century and proudly declared Lithuania to be an independent state. As a cosponsor of the resolution which designated today as Lithuanian Independence Day, I am proud to join Lithuanians throughout the world in commemorating this important event.

The historic struggle waged by the Lithuanian people for freedom and self-determination did not come to an end with their declaration of independence. Bolshevik forces made repeated attempts to deal a death blow to the newly established republic. Nevertheless, Lithuanians successfully defeated these forces and in 1920, the Soviet Union signed a peace treaty recognizing Lithuania's independence and sovereignty and renouncing forever all claims to Lithuanian territory.

Lithuania's existence as a sovereign nation-state was tragically and illegally ended by the Soviet Union during the Second World War. Under a secret protocol to the Nazi-Soviet Nonaggression Pact, the Soviet Union laid claims to Lithuania and the other Baltic States of Latvia and Estonia. This agreement was a flagrant abrogation of the 1920 peace treaty with Lithuania. Having received the "green light" from Germany to occupy the Baltic States, the Soviet Union in October 1939 forcibly obtained the right to station Soviet forces on Lithuanian territory. The following June the Soviet Union orchestrated the downfall of the nationalist government and replaced it with a new pro-Soviet government. In August 1940, at the request of the new government and against the wishes of the Lithuanian people, Lithuania was formally incorporated into the Union of Soviet Socialist Republics. To this day, the United States

has consistently refused to recognize this unlawful annexation of Lithuania by the Soviet Union and has steadfastly supported the Lithuanian people in their valiant and unending struggle against Soviet repression.

Under Soviet domination, Lithuanians have been subjected to forced russification, ethnic dilution, and political and religious persecution. Freedom of religion is denied to all Lithuanians; but Catholics, in particular, have been the victims of intense discrimination. Governmental efforts to suppress the Catholic Church and its followers led to the development of a strong Catholic dissent movement which for many years has fought for freedom of religion for all Lithuanians, regardless of religious persuasion. Participants in the Catholic dissent movement have also played an important role in the struggle for survival of the national culture and for basic human rights. "The Chronicle of the Catholic Church in Lithuania," first published in 1972, gathers and publishes information not only on the plight of Catholics but also on all violations of human rights and fundamental freedoms. The Catholic Committee for the Defense of the Rights of Believers, established in 1978, continues to remain active and strong despite governmental efforts to curtail its activities.

The Lithuanian Helsinki Monitoring Group, on the other hand, has been severely shattered by the imprisonment and, in some cases, involuntary exile of its members. Today, only one member of the group, 76-year-old Ona Lukauskaite-Poskiene, has not been imprisoned by the Soviet authorities. Over the years, the monitoring group has published some 30 documents, interceded with the Lithuanian authorities on behalf of those whose rights have been deprived, and focused public attention on human rights violations. Although the demise of this group is a setback, I am confident that the Lithuanian people will continue their struggle for human rights and fundamental freedoms.

As a member and former cochairman of the Commission on Security and Cooperation in Europe, I am deeply concerned about violations of human rights in Lithuania. As a party to the United Nations Charter and various international covenants on human rights, and as a signatory of the Helsinki accords, the Soviet Union has pledged respect for human rights and fundamental freedoms and has accepted political and legal obligations in these areas. As we commemorate the 65th anniversary of Lithuanian independence, it is fitting and proper that we remind the Soviet Union of these obligations and that we reaffirm our own commitment to the principles of liberty and self-determination for Lithuanians and for all people who are forced to live in the absence of freedom.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LUGAR. Mr. President, 65 years ago today, on February 16, 1918, Lithuania became independent.

Four years later, in 1922, Lithuania adopted an historic constitution which, among other rights, guaranteed freedom of speech, assembly, and religion.

Although Lithuanian freedom was brutally snuffed out a few years later, when the Soviet Union annexed Lithuania in 1940, Lithuanians the world over have not forgotten their heritage of freedom through all the years of Soviet repression and efforts to extinguish the Lithuanian ethnic heritage.

Today, Mr. President, we salute Lithuania's free past, and rededicate our efforts toward the return of freedom one day to that proud land.

We also salute today all Lithuanian-Americans, who have contributed so much to their adopted country of the United States, while keeping alive the proud traditions of their native land.●

LITHUANIA

● Mr. PRYOR. Mr. President, today is the 65th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council.

Since the unification of Lithuanian principalities into an independent kingdom in 1251 and even during 43 years of Soviet control, Lithuanians have continued to fight to maintain their political identity.

The United States has never recognized the illegal annexation of Lithuania by the Soviet Union, and the continued Soviet hegemony in Lithuania has been considered by U.S. administrations as destructive to the self-determination and pride of Lithuanians.

Although the Soviet Union has continued to deprive Lithuanians of their own government, Lithuanians have endured Communist oppression due to their firm belief in the principles of independence and their deep rooted desire for freedom.

Today Lithuanians throughout the world will unite with their countrymen in observing the 65th anniversary of Lithuanian Independence Day. In Hot Springs, Ark., the Lithuanian community will be holding a meeting and church service later in the week to celebrate this anniversary. I believe that it is appropriate that the U.S. Senate join with Lithuanian-Americans to show support for the 3.2 million Lithuanians living under Soviet tyrrany and demonstrate our common desire to advance the cause of freedom. Today, with the Soviets fighting in Afghanistan and casting their shadow over Poland, it is expecially important to keep the Lithuanian example before us.●

LITHUANIAN INDEPEDENCE DAY

● Mr. ZORINSKY. Mr. President, today marks the 65th anniversary of Lithuanian Independence Day. As has been my custom in past years, I would like to take this opportunity to say a few words about the ongoing struggle for independence of the Lithuanian people.

The 1918 declaration of Lithuanian independence ended centuries of tyranny and persecution at the hands of Czarist Russia. Equally important, it opened two decades of unparalleled economic and political progress, as trade was expanded, Lithuania's standard of living improved, and its political system was liberalized.

Unfortunately, in June of 1940, the Soviet Union used the spreading war in Europe to once again put Lithuania and Lithuanians under the heavy yoke of Soviet oppression. Soviet troops marched in, forced the resignation of the existing coalition government, and installed a new Soviet puppet regime that continues in power today.

To its credit, the United States has never recognized the Soviet annexation of Lithuania. And the Lithuanian people themselves have resisted with all their strength Soviet efforts to dominate them.

Thousands of Lithuanians have been slaughtered, deported, exiled, imprisoned in slave labor camps, or committed to psychiatric institutions, even as the Soviet Government has cynically joined in support of human rights documents like the U.N. Universal Declaration on Human Rights and the Helsinki Final Act.

Worse yet, the Soviets have continued to follow a policy of Russification first implemented by Czarist Russia. They have attempted to eliminate every vestige of Lithuanian culture and national identity, including the native language, religion, art, and music.

Despite such actions, the people of Lithuania continue the struggle to break the chains of Soviet rule. Their steadfast belief in independence and their deep-rooted desire for freedom have enabled them to endure Communist oppression. The free spirit of the Lithuanian people has not been broken.

Today, Lithuanians throughout the world, including more than 832,000 in this country, join in solidarity with their brethren behind the Iron Curtain in observance of Lithuanian independence. It is most appropriate that we join with them in marking this 65th anniversary of Lithuanian Independence Day. It is essential that the United States send a clear and strong

signal of moral support to the 3.2 million Lithuanians living under Soviet domination and that our Government continue to champion the cause of Lithuanian independence.●

APPROPRIATIONS FOR PRODUCTIVE EMPLOYMENT AND HUMANITARIAN ASSISTANCE

● Mr. HATFIELD. Mr. President, yesterday I introduced S. 484, a bill making appropriations for productive employment and humanitarian assistance for our Nation's needy. This is a "jobs bill" and to my knowledge, it is the first measure introduced in the Senate that will seek to provide immediate short-term relief for those out of work by accelerating existing programs and projects which yield tangible and lasting benefits for the Nation. There has been much speculation in the news media about the ongoing negotiations between the White House and the House Democratic leadership. Unfortunately, no one, outside of those directly involved in those discussions, has had the opportunity to examine exactly what they are considering. It is my hope that the bill I have introduced will bring into sharper focus some of the programs and activities which can immediately provide additional job opportunities, as well as basic food and shelter assistance to those in need.

Mr. President, there is no magic in constructing a "jobs bill." There are no secret formulas or solutions to our employment problems. Furthermore, there are only limited alternatives to any proposal to stimulate additional jobs quickly.

Because of the constrained timeframe, existing programs and administrative channels must be used. "Leafraking" programs have long since been discredited as meaningful job producing strategies so only programs which yield tangible benefits can be considered. Enormous increases over current program levels must also be avoided to keep from swamping the existing administrative structure; in other words, a broad array of activities must be selected for effective utilization of funds. Finally, to maximize the immediate impact of the program, and to minimize the budgetary impact in the outyears, programs which utilize funds rapidly must be emphasized.

Mr. President, the bottom line to these considerations is that secret negotiations and political posturing are the least productive approach to preparing a "jobs bill." What is needed is a full and comprehensive review of all the Federal programs which meet these criteria, subject to public debate and input.

I am pleased that the President has scheduled a new conference for this evening to discuss this proposal. I hope that he will be forthright and fully disclose the details of what has been negotiated with the House leadership. From what I already know of this proposal, it is quite similar to the bill I introduced yesterday. That is understandable since, as I noted before, our options are limited. But to the extent there are differences, this is an advantage, not a liability, since the bill which is ultimately enacted into law should incorporate the best ideas all of us can contribute.

It is with that intent that I have prepared and introduced S. 484. As chairman of the Committee on Appropriations, I realize that we will be called upon to closely examine all the proposals and suggested programs for job stimulus and humanitarian assistance. Fortunately, since almost all of these items are annually funded discretionary programs already within the committee's jurisdiction, we have a head start in this deliberative process. As I stated yesterday, I welcome the suggestions and concerns of my colleagues because I know this is the best manner to produce an effective jobs bill.

To this end, I request that S. 484 be printed in the RECORD following my remarks along with a list and summary of each of the items included in the bill. I hope that this will facilitate an understanding of the types of programs which I believe hold the greatest promise in effectively addressing our Nation's immediate employment needs.

The material follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in an effort to reduce unemployment cost, to increase the benefit of expenditures, provide humanitarian assistance to the needy, and to put people back to productive work, where the benefits of the efforts will be of value, the following sums are appropriated, in addition to amounts otherwise made available, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

MAINTAINING AND PROTECTING PUBLIC INVESTMENT

FEDERAL BUILDINGS

In order to assist in reducing the backlog of needed maintenance and repair of Federal buildings across the Nation, $125,000,000 for payment to the "Federal Buildings Fund", General Services Administration, to remain available until expended, which shall be available under the subactivity "Alterations and repairs" for projects which do not require prospectuses.

REBUILDING AMERICA'S HIGHWAYS

To accelerate the construction and reconstruction of the Nation's highways, to improve safety on the Nation's highways, and to provide for productive jobs, an additional amount of $100,000,000, to remain available until expended, for "Interstate transfer grants—highways", Federal Highway Administration, Department of Transportation.

IMPROVING MASS TRANSPORTATION

To accelerate the improvement of urban mass transportation systems, and to provide for productive jobs, an additional amount of $25,000,000, to remain available until expended, for "Interstate transfer grants—transit", Urban Mass Transportation Administration, Department of Transportation.

IMPROVING THE SAFETY OF RAIL PASSENGERS

To ensure the safety of those traveling in the Nation's most heavily traveled rail corridor and to provide for productive jobs, $40,000,000, to remain available until expended, for the rehabilitation (including repair, reconstruction, replacement, or elimination) of highway bridges which cross over the Northeast corridor rail transportation properties conveyed pursuant to section 701(b) of Public Law 94-210: *Provided,* That a State identifies such bridge as constituting a potential danger to motorists, pedestrians, or rail operations.

REBUILDING RAILROAD INFRASTRUCTURE

To provide for the improvement of railroad rights-of-way, and to provide for productive jobs, the Secretary of Transportation shall make capital grants to the National Railroad Passenger Corporation of $90,000,000, to remain available until expended.

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, $10,000,000, to remain available until expended.

IMPROVING FACILITIES AND SERVICES PROVIDED TO VETERANS

For an additional amount for "Medical care", Veterans Administration, $50,000,000, to create productive jobs to improve the facilities and care being provided to veterans throughout the country.

COMMUNITY DEVELOPMENT

For an additional amount for "Community development grants", to be made available to metropolitan cities and urban counties in accordane with the provisions of section 106(b) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), to create jobs in communities throughout the country through the funding of local community development programs and to produce real assets for the American people as a result thereof, $500,000,000, to remain available until September 30, 1985.

INCREASING SMALL BUSINESS ACTIVITIES

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, $2,000,000, to remain available without fiscal year limitation: *Provided,* That the administration may not decline to participate in a project under section 503 of the Small Business Investment Company Act of 1958 because other sources of financing for the project include or are collateralized by obligations described in section 103(b) of the Internal Revenue Code of 1954: *And provided further,* That loans made with the proceeds of debentures guaranteed under section 503 of said Act shall be subordinated to obligations described in section 103(b) of the Internal Revenue Code of 1954: *And provided further,* That the administration and any other agency of the Federal Government shall not restrict the use of debentures

guaranteed under this section with obligations described in section 103(b) of the Internal Revenue Code of 1954 if the project being so financed otherwise complies with the regulations and procedures of the administration.

PRESERVING THE NATIONAL FOREST SYSTEM

In order to provide jobs, to improve the growth rate of existing forested land inventories, and to decrease the number of deforested acres of Forest Service lands, there is appropriated an additional $35,000,000 for "National Forest System", Forest Service and in order to provide jobs to construct, improve, and maintain Forest Service facilities, there is appropriated an additional amount of $25,000,000, to remain available until expended, for "Construction", Forest Service.

IMPROVING NATIONAL PARKS AND RECREATIONAL FACILITIES

To provide jobs to sustain programs of improvement and maintenance of park service facilities which will receive an estimated three hundred and fifty-eight million visits in 1983, there is appropriated an additional $100,000,000 for "Operation of the National Park System", National Park Service.

IMPROVING INDIAN HEALTH FACILITIES

In order to provide for construction, repair and improvements, and other services to Indians and to create productive jobs which provide these increased levels of services, there is appropriated an additional amount of $39,000,000, to remain available until expended, for "Indian Health Facilities".

CONSTRUCTION OF BUREAU OF INDIAN AFFAIRS' SCHOOLS

In order to provide for the construction of the Hopi High School and personnel quarters, there is appropriated an additional $24,450,000, to remain available until expended, to the Bureau of Indian Affairs for "Construction".

IMPROVING INDIAN HOUSING

In order to provide for the construction, repair, and improvement of Indian housing, there is appropriated an additional amount of $30,000,000 for "Operation of Indian Programs".

IMPROVING FISH AND WILDLIFE SERVICE FACILITIES

In order to provide jobs for the necessary maintenance of wildlife refuges, fish hatcheries, and research facilities, thus increasing the natural resources across the Nation under the jurisdiction of the United Fish and Wildlife Service, Department of the Interior, there is appropriated an additional $20,000,000, for "Resource Management".

FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $100,000,000, to remain available until September 30, 1984.

AGRICULTURAL RESEARCH SERVICE CONSTRUCTION

To provide jobs for construction, repair, and maintenance of agricultural research facilities, there is appropriated an additional amount of $10,000,000, to remain available until expended, for "Buildings and Facilities", Agricultural Research Service.

FOOD AND DRUG ADMINISTRATION CONSTRUCTION

For design, construction, repair, improvement, extension, alteration, necessary offsite road work, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $39,000,000, to remain available until expended.

ASSISTING IN RURAL DEVELOPMENT

In order to provide assistance for basic human amenities, to alleviate health hazards, to promote stability of rural areas by meeting the need for new and improved rural water and waste disposal systems and to meet national safe drinking water and clean water standards and to create jobs to assist in achieving these objectives which increase the real wealth of this country, there is appropriated an additional amount of $125,000,000 for "Rural Water and Waste Disposal Grants", Farmers Home Administration, Department of Agriculture, to remain available until expended.

In order to assist eligible borrowers such as communities and others to provide assistance for basic human amenities, alleviate health hazards and promote the orderly growth of rural areas by meeting the need for the financing of new and improved rural water and waste disposal systems and meet the National Clean Water Standards and the Safe Drinking Water Act and to assist in achieving these objectives which create and conserve real wealth throughout the country, $400,000,000 for additional loans to be insured, or made to be sold and insured, under the "Rural Development Insurance Fund", Farmers Home Administration, Department of Agriculture in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661-664.

For an additional amount for "Salaries and Expenses", Farmers Home Administration, Department of Agriculture, $6,500,000.

INCREASING THE EFFECTIVENESS OF SOIL CONSERVATION ACTIVITIES

In order to assist in installing works of improvement; reduce damage from floodwater sediment and erosion; for the conservation, development, utilization and disposal of water; and for the conservation and proper utilization of land, there is appropriated an additional amount for "Watershed and Flood Prevention Operations", Soil Conservation Service, Department of Agriculture, and to assist in providing jobs which will increase and conserve the real wealth of this country, $75,000,000, to remain available until expended.

FEDERAL, STATE, AND LOCAL PRISON MODERNIZATION

In order to provide jobs in the construction industry and related trades, for planning, acquisition of sites and remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, for "Buildings and facilities", Federal Prison System, Department of Justice, $70,000,000, to remain available until expended: *Provided*, That of this amount, $10,000,000 shall be transferred to "Support of United States Prisoners", Legal Activities for the Cooperative Agreement Program for the purpose of renovating, constructing and equipping State and local jail facilities that confine Federal prisoners.

ENHANCEMENT OF WATER RESOURCE AND HYDROELECTRIC POWER BENEFITS

To improve flood control, shore protection, and other measures as authorized by law, to provide water resource and hydroelectric power benefits, to assist in the generation of productive jobs, an additional amount of $250,000,000, to remain available until expended, is hereby appropriated for "Construction, general", Corps of Engineers—Civil, Department of the Army.

To maintain harbor channels and other navigable waterways essential to the conduct of commerce, to preserve and operate existing river and harbor and flood control measures which will protect the real wealth of the Nation, and to assist in the creation of productive jobs, an additional amount of $115,000,000, to remain available until expended, is hereby appropriated for "Operation and maintenance, general", Corps of Engineers—Civil, Department of the Army.

To construct and maintain flood control measures and to assist in the generation of productive jobs, for the river system which drains more than two-fifths of the Nation, to perform necessary rescue work, and repair and restoration of flood control projects as authorized by law, an additional amount of $40,000,000, to remain available until expended, is hereby appropriated for "Flood control, Mississippi River and tributaries", Corps of Engineers—Civil, Department of the Army.

RECLAMATION AND IRRIGATION PROJECTS

To accelerate the completion of projects which will provide additional industrial and municipal water, irrigation water, and hydroelectric capability and to generate productive jobs, an additional amount of $65,000,000, to remain available until expended, is hereby appropriated for "Construction program", Bureau of Reclamation, Department of the Interior.

To accelerate hydrogenerator uprating, soil and moisture conservation operations on reclamation projects, levee construction, improvements of recreation areas, and to assist in creating new productive jobs, an additional $25,000,000, to remain available until expended, is hereby appropriated for "Operation and maintenance", Bureau of Reclamation, Department of the Interior.

To accelerate the rehabilitation, upgrading, and betterment of small reclamation projects; and for the construction of small irrigation projects, an additional $20,000,000, to remain available until expended, is hereby appropriated for "Loan program", Bureau of Reclamation, Department of the Interior.

EMPLOYMENT AND TRAINING ASSISTANCE

For an additional amount for "Employment and Training Assistance", $257,400,000, of which $125,000,000 shall be for carrying out title III of the Job Training Partnership Act (Public Law 97-300).

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $11,349,000.

For an additional amount to carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $3,201,000.

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount for "Grants to States for Unemployment Insurance and Employment Services", $50,000,000 which

may be expended from the Employment Security Administration account, in the Unemployment Trust Fund.

SOCIAL SERVICES BLOCK GRANT

For an additional amount for carrying out the Social Services Block Grant Act, $500,000,000.

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for carrying out the Community Services Block Grant Act, $41,375,000: *Provided*, That the Secretary of Health and Human Services may waive the requirements of section 138 of Public Law 97-276, relating to continuing appropriations for fiscal year 1983, for any State applying for such a waiver if—

(1) the State had, prior to October 1, 1982, submitted an application for fiscal year 1983 under the Community Services Block Grant Act, containing provisions for the use of assistance under that Act by political subdivisions; and

(2) the chief executive officer of the State certifies that, in an least 45 percent of the counties of the State, services assisted under the Community Services Block Grant Act were not available in fiscal year 1982 (other than a State for which the distribution of funds within the State for such fiscal year was contested by more than one eligible entity).

DEPARTMENT OF EDUCATION

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For an additional amount for carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $60,000,000, to remain available until expended, which shall be for providing school facilities as authorized by such Act, of which not more than $20,000,000 shall be available for sections 14(a) and 14(b).

EDUCATION FOR THE HANDICAPPED

To carry out the provisions of section 607 of part A of the Education of the Handicapped Act, relating to the removal of architectural barriers in schools, $40,000,000, which shall remain available until expended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance", $110,000,000 to remain available until September 1984 for carrying out part C of title IV of the Higher Education Act of 1965, relating to the College Work Study Program.

LIBRARIES

To carry out the provisions of title II of the Library Services and Construction Act, $50,000,000, which shall remain available until expended.

CENTERS FOR DISEASE CONTROL LABORATORY CONSTRUCTION

For an additional amount for "Preventive Health Services", $15,560,000, which shall remain available until expended and shall be for construction and renovation of facilities.

FOOD DISTRIBUTION AND EMERGENCY SHELTERS

There is hereby appropriated $50,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program. Notwithstanding any other provision of this joint resolution or any other Act, such amount shall be made available under the terms and conditions of the following paragraphs:

The Director of the Federal Emergency Management Agency shall award a grant for $50,000,000 within forty-five days after enactment of this joint resolution to the United Way of America for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations.

As soon as practicable after enactment of this joint resolution, the United Way of America shall constitute a special board for the purpose of determining how the program funds are to be distributed. The special board shall consist of seven members. The United Way of America, the Salvation Army, the Council of Churches, the National Conference of Catholic Charities, and the Council of Jewish Federations, Inc. shall each designate a representative to sit on the board. The United Way of America shall name two other private voluntary organizations which shall also designate representatives to sit on the board.

Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

Participation in the program should be based upon a private voluntary organization's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the special board.

Administrative costs shall be limited to 2 per centum of the total appropriation.

INCREASED DISTRIBUTION OF SURPLUS AGRICULTURAL COMMODITIES

For the period ending September 30, 1983, the Secretary of Agriculture shall distribute $500,000,000 in surplus agricultural commodities, in addition to that level programed as of December 31, 1982, for consumption by needy individuals, as authorized by the Commodity Credit Corporation Charter Act and section 32 of the Act of August 24, 1935 (7 U.S.C. 621c).

MODERNIZATION OF HOUSING UNITS FOR MILITARY FAMILIES

In order to accelerate the maintenance of family housing, to increase the quality of life of military personnel and their families, and to stimulate jobs in the construction industry and its related trades, there is appropriated for expenses of family housing for the Army for Maintenance, $125,000,000.

In order to accelerate the maintenance of family housing, to increase the quality of life of military personnel and their families, and to stimulate jobs in the construction industry and its related trades, there is appropriated for expenses of family housing for the Navy and Marine Corps for Maintenance, $25,000,000.

In order to accelerate the maintenance of family housing, to increase the quality of life of military personnel and their families, and to stimulate jobs in the construction industry and its related trades, there is appropriated for expenses of family housing for the Air Force for Maintenance, $100,000,000.

SCHOOLS AND HOSPITALS WEATHERIZATION ASSISTANCE

In order to create productive jobs in manufacturing and installation of weatherproofing products, there is appropriated an additional amount for "Energy conservation", Department of Energy, $300,000,000, to remain available until expended: *Provided*, That of this amount, $150,000,000 shall be available for schools and hospitals weatherization assistance as authorized by the National Energy Conservation Policy Act (Public Law 95-619) (42 U.S.C. 6371-6372) and $150,000,000 shall be available for low-income weatherization: *Provided further*, That funds for low-income weatherization activities appropriated under this Act shall be expended according to the regulations pertaining to the maximum allowable expenditures per dwelling unit which were in effect on October 1, 1982, and to the regulations pertaining to priority in providing weatherization assistance which were in effect on October 1, 1982.

SCHEDULED MOTOR VEHICLE PROCUREMENT

In order to assure the timely replacement of planned Federal motor vehicle replacement by American plants in accordance with established practices which will stimulate jobs in assembly plants and facilities of related suppliers, $50,000,000 for the General Services Administration to increase the capital of the General Supply Fund, established by section 109 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 756), for the purchase of motor vehicles: *Provided*, That the funds made available by this appropriation may be used only to procure domestically manufactured vehicles.

AVAILABILITY OF FUNDS

No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

S. 484—JOBS PACKAGE

Agriculture Subcommittee:	
Rural water and waste disposal grants: Appropriations	$125,000,000
FmHA salaries and expenses	6,500,000
Watershed and flood prevention operations	75,000,000
Agricultural Research Service	10,000,000
Special supplemental food program (WIC)	100,000,000
Food and Drug Administration	39,000,000
USDA surplus food donations	(500,000,000)
Commerce-Justice-State-Judiciary Subcommittee:	
SBA small business guarantee program: Appropriation	2,000,000
Federal Prison System	60,000,000
Support of U.S. prisoners	10,000,000
Energy and Water Development Subcommittee:	
Corps of Engineers:	
Construction	250,000,000
Operations and maintenance	115,000,000
Mississippi River and tributaries	40,000,000
Bureau of Reclamation:	
Construction	65,000,000
Operations and maintenance	25,000,000
Loan program	20,000,000
HUD-Independent Agencies Subcommittee:	
VA hospital repair and maintenance	50,000,000
FEMA-emergency food and shelter	50,000,000
Community development block grants	500,000,000
Interior Subcommittee:	
Forest Service:	
Reforestation	35,000,000

Construction	25,000,000
National Park Service—Construction	100,000,000
Fish and Wildlife Service	20,000,000
Indian Health Service	39,000,000
Schools and hospitals	150,000,000
Indian education	24,450,000
Indian housing	30,000,000
Low-income weatherization	150,000,000
Labor-HHS Subcommittee:	
Dislocated workers	125,000,000
Jobs Corps	32,400,000
Job search assistance (State employment services)	(50,000,000)
Summer youth employment and training	100,000,000
Social services block grant	500,000,000
Community services block grant	41,375,000
Community service employment for older Americans	14,550,000
College work study	110,000,000
Impact aid construction	60,000,000
Removal of architectural barriers in schools	40,000,000
Library construction	50,000,000
Centers for Disease Control	15,560,000
Military Construction Subcommittee: Family housing	250,000,000
Transportation Subcommittee:	
Interstate transfer grants:	
Highways	100,000,000
Transit	25,000,000
Northeast Corridor overhead highway bridges	40,000,000
AMTRAK maintenance of way	90,000,000
Metro	10,000,000
Treasury Subcommittee:	
GSA Federal buildings fund	125,000,000
GSA motor vehicle purchases	50,000,000
Total program level	4,444,835,000
Budget authority	3,894,835,000
Limitation	(550,000,000)

Program: Rural Water and Waste Disposal Grants & Loans (USDA).

Amount Recommended: $125,000,000 (and $400,000,000 in loan authorization).

Jobs Created: 41,800.

Description: These grants are for the development costs of water and waste disposal projects in rural areas, and they are made to associations operating on a nonprofit basis, municipalities, public authorities, districts, certain Indian tribes, etc., generally designated as public or quasi-public agencies to assist eligible applicants to pay for part of the development cost of such projects if grants are necessary to reduce user charges to a reasonable level. A project must be designed and constructed so that adequate capacity will be or can be made available to serve the reasonably foreseeable growth needs of the area.

Loans are made to public bodies, organizations operated on a not for profit basis and Indian Tribes in rural areas which have a population of not more than 10,000 inhabitants. These loans are repayable in not more than 40 years or the useful life of the facility, whichever is less.

Program: Farmers Home Administration, *Salaries and Expenses* (USDA).

Amount Recommended: $6,500,000.

Jobs Created: 215.

Description: Augments existing administrative capacity of the Farmers Home Administration to better serve existing borrowers and to serve new accounts which will be created with the increase in the water and waste disposal loan and grant programs.

Program: Watersheds and Flood Prevention Operations (USDA).

Amount Recommended: $75,000,000.

Jobs Created: 7,500.

Description: The Watershed and Flood Prevention Operations provides technical and financial assistance to local organizations to install watershed protection, flood prevention, agricultural water management, recreation and fish and wildlife development, and other authorized features as specified in approved watershed projects and emergency measures necessary to safeguard lives and property as a result of natural occurrence. Funds would also be available for rehabilitation of existing projects.

Program: Agricultural Research Service—Construction (USDA).

Amount Recommended: $10,000,000.

Jobs Created: 300.

Description: The recommendation includes $10,000,000 for construction, alteration, maintenance and repair of Agricultural Research Service facilities. That agency had identified a backlog of $70,000,000 in needed repair and maintenance projects. In addition, several facility alteration and minor construction items are needed to provide for more efficient utilization of current space and for planned research initiatives.

Program: Special Supplemental Food Program (WIC).

Amount Recommended: $100,000,000.

Jobs Created: ———.

Description: This program makes funds available to local health clinics through State departments of health and to Indian tribes to provide supplemental foods to low-income pregnant and lactating women, infants and children up to 5 years of age. The participants must be determined by medical or nutritional professionals to be at nutritional risk due to low income and inadequate nutrition.

There has been growing concern that the Nation's depressed economic state and high unemployment may be causing even greater unmet demand for this program. Significant evidence of benefits and effectiveness indicate that these funds will lead to net savings in Government spending in medical care and other social programs.

Program: Food and Drug Administration.

Amount Recommended: $39,000,000.

Jobs Created: 1,000.

Description: The Food and Drug Administration needs several new facilities to replace obsolete and inefficient existing structures. The sensitive and precise scientific requirements of this agency's testing program of new drugs and chemical agents cannot be maintained without these improvements. Construction on each facility can be initiated this year.

Replacement of veterinary labs	$22,000,000
Diet preparation facility	2,000,000
Inhalation toxicology lab	500,000
Toxicology labs	14,500,000

Program: Distribution of Surplus Agricultural Commodities to the needy (USDA).

Amount Recommended: ($500,000,000).

Jobs Created: ———.

Description: The Department of Agriculture currently has an inventory of approximately $5 billion in surplus agricultural commodities. It furthermore, purchases perishable commodities under the Sec. 32 program. The Secretary of Agriculture has broad authority to dispose of these commodities, including donation to summer camps, schools, child care, and other institutions and directly low income households. Increasing the current level of donations will reduce Federal storage and handling costs and provide better nutrition to those in need who otherwise would not be able to purchase these items.

Program: Sec. 503, Certified Development Company Program (SBA).

Amount Recommended: $2,000,000 ($100,000,000 increase in guaranteed loan authorization).

Jobs Created: 6,700.

Description: Under this program, SBA guarantees debentures of the Certified Development Companies, which in turn use the proceeds to assist small businesses by financing part of long-term fixed asset projects, which include plant expansion, land acquisition, and purchase of equipment. Since the program was established by Congress in mid-1980, it is estimated that 23,000 jobs have been created or saved.

Program: Federal Prison System (DOJ).

Amount Recommended: $60,000,000.

Jobs Created: 2,000.

Description: Of the amount recommended, $13,000,000 if for urgently needed modernization and repair of existing buildings and facilities within the Federal prison system. The balance of the appropriation is for planning and site acquisition of two 500-bed Federal correctional institutions in the northeast region ($7,000,000) and for construction of a 500-bed metropolitan correctional center in Los Angeles, California ($40,000,000). This will accelerate the construction of new facilities requested by the Administration for fiscal year 1984.

Program: Support of United States Prisoners (DOJ).

Amount Recommended: $10,000,000.

Jobs Created: 300.

Description: Currently, insufficient space is available for confinement of Federal pretrial detainees in several areas of the country. In addition, the President's Task Force on Organized Crime has identified a requirement totaling $2,000,000,000 for modernization and expanding approximately 700 State and local jail facilities. The additional funds recommended will provide the resources necessary to enter into agreements with those State and local governments which have developed or can develop plans for construction, expansion or modernization of jail space. Such agreements would guarantee the Federal government with an aggregate increase in beds for Federal detainees.

Program: Corps of Engineers—Construction.

Amount Recommended: $250,000,000.

Jobs Created: 9,500.

Description: The amount recommended will (1) accelerate on-going construction projects including recreational facilities and small navigation and flood control projects, (2) initiate construction on 10 new water resource projects proposed by the President last year, and (3) initiate work on a major infrastructure modernization program for the inland waterway system and deep draft ports.

Program: Corps of Engineers—Operations and maintenance.

Amount Recommended: $115,000,000.

Jobs Created: 4,300.

Description: Provides for structural repairs, navigation facility maintenance, power plant repair and navigation channel dredging.

Program: Corps of Engineers—Mississippi River and Tributaries.

Amount Recommended: $40,000,000.

Jobs Created: 1,900.

Description: Of the $40,000,000 recommended, $10,000,000 is for levee repair and enlargement work related to recent floods in the Missouri, Arkansas, Mississippi, and Louisiana areas. The balance of the funds would be used for channel improvement including initiation of revetment plant work and an increase in stockpile materials for revetment work.

Program: Bureau of Reclamation—Construction.

Amount Recommended: $65,000,000.

Jobs Created: 1,500.

Description: These funds will allow the acceleration of ongoing construction activities, including water distribution and recreation facilities as well as restore contract awards for major water distribution systems in the southwest as was requested by the President last year.

Program: Bureau of Reclamation—Operations and Maintenance.

Amount Recommended: $25,000,000.

Jobs Created: 800.

Description: The recommended amount will provide for power plant repair, erosion control work, improvements at existing recreation facilities, and increases in general facility maintenance.

Program: Bureau of Reclamation—Loan program.

Amount Recommended: $20,000,000.

Jobs Created: 500.

Description: This amount will allow the initiation of work to rehabilitate and improve existing irrigation distribution systems as well as construction on 8 to 10 new projects proposed by the President for fiscal year 1983.

Program: VA hospital repair and maintenance.

Amount Recommended: $50,000,000.

Jobs Created: 1,250.

Description: These funds will provide urgently needed improvements and maintenance in VA facilities, including 172 hospitals, 16 domiciliaries, and 102 nursing homes. Nonrecurring maintenance and repair projects are essential to protect the government's investment in more than 5,000 separate VA buildings having nearly 115,700,000 square feet of floor space and for which the current replacement value is in excess of $20,000,000,000. Examples of such project categories include electrical, fire and safety, Joint Commission on Accreditation of Hospitals' deficiencies, exterior and interior maintenance, conservation of energy, and air conditioning and refrigeration systems. These projects cover necessary maintenance of real property and grounds maintenance outside the building perimeter, including roads and sidewalks.

Program: Food Distribution and Emergency Shelters (FEMA).

Amount Recommended: $50,000,000.

Jobs Created: ——.

Description: The prolonged and severe economic stresses, unparalleled since the Great Depression, have placed a heavy burden on private voluntary organizations addressing basic shelter and food needs of the poor. To supplement these private resources, $50,000,000 is recommended for the Federal Emergency Management Agency to serve as a pass through to the United Way of America. That agency, in turn, will constitute a special board to determine the most appropriate distribution of these funds. This is basically the same program endorsed by the House and Senate last year.

Program: Community Development Block Grant.

Amount Recommended: $50,000,000.

Jobs Created: 14,000.

Description: This recommended appropriation directed towards metropolitan areas and urban counties can be quickly used for the improvements in the following activities:

(1) Public Works and Public Facilities.

(2) Highway and Street Construction/Repair.

(3) Demolition and Site Improvement.

(4) Parks and Open Space, Historic Preservation.

(5) Redevelopment Improvement.

Program: Forest Service—reforestation (USDA).

Amount Recommended: $35,000,000.

Jobs Created: 2,350.

Description: The recommended funding of $35,000,000 for site preparation, reforestation and timber stand improvement activities on Forest Service lands will be expended on the very labor intensive activities associated with preparing sites and planting additional trees on deforested Forest Service lands, as well as thinning brush and other stand improvement activities intended to improve the growth of timber on FS lands. This recommendation includes $15,000,000 for site preparation work for reforestation and an additional $20,000,000 for timber stand improvement. These investments will return positive economic returns over the next 50 years, as growth rates improve on existing timber inventories and on deforested areas.

Program: Forest Service—construction (USDA).

Amount Recommended: $25,000,000.

Jobs Created: 850.

Description: The recommendation includes an additional $25,000,000 for facility construction, reconstruction and administrative facilities and associated water, sanitation, and other supporting utility systems. The Forest Service has identified $125,000,000 in facility construction, reconstruction, and repair needed to protect the health and safety of the recreation user of FS lands and the FS employees staffing those areas. The recommendation would provide for the highest priority items and can be readily expended through small business contracts in fiscal year 1983.

Program: National Park Service—Construction.

Amount Recommended: $100,000,000.

Jobs Created: 4,000.

Description: The amount recommended will augment the National Park Service repair and maintenance program. These funds are needed to address the need to reverse the trend of deteriorating Federal park facilities. This concern has been repeatedly expressed by the Secretary of Interior.

Program: Fish and Wildlife Service.

Amount Recommended: $20,000,000.

Jobs Created: 800.

Description: The amount of $20,000,000 recommended will permit the Service to contract for maintenance and rehabilitation of structures, roads, trails, and other facilities at wildlife refuges, hatcheries, and research stations of the U.S. Fish and Wildlife Service. There are many projects which have been deferred for which contracts with private firms can be let very quickly.

Program: Indian Health Service facilities.

Amount Recommended: $39,000,000.

Jobs Created: 1,200.

Description: The amount recommended, $39,000,000, is for the construction of sanitation facilities for existing homes and units built by the tribes and by the Bureau of Indian Affairs.

Program: Schools and Hospitals Weatherization (DOE).

Amount Recommended: $150,000,000.

Jobs Created: 12,000.

Description: Since this program's inception in 1978, some 15,400 schools and 1700 hospitals have received comprehensive energy conservation audits. With these additional funds, the Department of Energy has estimated some 7,185 schools and 315 hospitals can be weatherized, resulting in annual savings of 6,000,000 barrels of oil equivalent. This weatherization program is on a matching basis with the states and is very labor intensive while yielding very tangible results.

Program: Bureau of Indian Affairs—School Construction.

Amount Recommended: $24,450,000.

Jobs Created: 960.

Description: These funds will allow for the accelerated construction of the Hopi High School and personnel quarters. Funds for this project were originally requested last year by the Administration but were denied by Congress due to delays in planning and design. This preliminary work is nearing completion and construction funds can be utilized now rather than in FY 1984, as reflected in the Administration's budget request.

Construction on the Hopi High School will begin this spring. In addition to providing employment, the funds will fulfill the government's obligation to provide a secondary educational facility on the Hopi reservation.

Program: Operation of Indian Programs—Indian Housing.

Amount Recommended: $30,000,000.

Jobs Created: 1,200.

Description: There are an estimated 92,000 Indian families in need of housing assistance. In many instances, the other federal housing programs are unable to meet the needs of isolated reservation locations which require a relatively small number of units. These additional funds will provide for 1,600 repairs and the construction of 300 new units.

Program: Low Income Weatherization Program.

Amount Recommended: $150,000,000.

Jobs Created: 4,000.

Description: The recommended appropriation will permit weatherization of approximately 150,000 homes. This will not only create jobs but will yield energy savings for financially stressed low income households.

Program: Dislocated Workers.

Amount Recommended: $125,000,000.

Jobs Created: 25,000.

Description: Provides retraining and related employment services to individuals with limited opportunities for reemployment in the occupations in which they previously worked, such as unemployed auto and steel workers. Activities include: job search assistance, job development, training for jobs skills for which demand exceeds supply; prelayoff assistance and relocation assistance.

Start-up costs of $25,000,000 were appropriated in the fiscal 1983 Continuing Resolution.

Program: Job Corps.

Amount Recommended: $32,400,000.

Jobs Created: 2,500.

Description: Provides both basic education and job training services to disadvantaged youth, aged 16–21, leading to placement in private sector employment. Average enrollment is currently about 40,000 individuals, 90 percent of whom are successfully placed.

Current funding is $585,600,000; a supplemental of $32,400,000 would reach the authorization ceiling of $618,000,000.

Program: Job Search Assistance.

Amount Recommended: ($50,000,000) Trust fund authorization.

Jobs Created: 3,000.

Description: Provides an array of job counseling, testing, and placement services for unemployed individuals, financed primarily from unemployment trust fund resources. Currently, 24,800 Employment Service staff find jobs for an estimated 2,800,000 individuals through a network of more than 2,000 local Job Service offices. Total resources are currently $825,600,000 of which $22,200,000 are Federal funds.

Program: Summer Youth Employment and Training Program.

Amount Recommended: $100,000,000.

Jobs Created: 100,000.

Description: This program provides youth with summer jobs and employment training during the summer. The amount recommended will increase the current level for this activity by nearly 15 percent.

Program: Social Services Block Grant.

Amount Recommended: $500,000,000.

Jobs Created: 50,000.

Description: Provides a broad array of social services, as determined by the States, such as counseling, education, training, employment, adoption services, day care services, nutrition for the elderly, homemaker services, assistance for the blind, and family planning. While there is no data collected on the actual number of jobs created, these services are labor-intensive and require relatively low-skill employment. Current funding is $2,450,000,000. Since the fiscal 1981 appropriation was $2,991,100,000, it is apparent additional funding could be readily utilized.

Program: Community Services Block Grant.

Amount Recommended: $41,375,000.

Jobs Created: 4,100.

Description: Provides a variety of anti-poverty services, with 90 percent of the funding channeled through the States to a network of approximately 900 local Community Action agencies. Services include: employment and training, counseling, child care, emergency food and shelter, and community economic development. Impoverished individuals are often hired to provide many of the services to the low-income clientele. Current funding is $348,000,000; and additional $41,375,000 could be readily absorbed. In fiscal year 1981, the comparable funding level was $524,585,000.

Program: Community Service Employment of Older Americans.

Amount Recommended: $14,550,000.

Jobs Created: 2,800.

Description: Provides part-time jobs for unemployed low-income persons aged 55 and over in schools, libraries, hospitals, senior citizens centers and a variety of other community service work. Currently, $281,950,000 supports about 55,200 jobs. Twenty-two percent of the funds are distributed to the States, while seventy-eight percent is earmarked for national contractors such as the National Retired Teachers Association and the Farmers Union. Funding is for the program year July 1, 1983 through June 30, 1984.

Program: College Work Study.

Amount Recommended: $110,000,000.

Jobs Created: 150,000.

Description: This program is administered by the postsecondary institutions. It provides eligible students in need of financial assistance with part-time jobs at their schools, with federal, state or local agencies or non-profit organizations. Federal funds may be used to pay up to eighty percent of the student's wages. It is both an employment program and a means for increasing student financial assistance to those in need. It furthermore has the dual benefit of allowing students to continue pursuing an education which will prepare them for better employment opportunities, and also keep them from being forced immediately into an already saturated job market.

Program: Impact Aid Construction.

Amount Recommended: $60,000,000.

Jobs Created: 1,500.

Description: Public Law 81–815, as amended, authorizes direct grants for the construction and repair of urgently needed school facilities. Assistance is authorized for local educational agencies in federally affected areas which have had substantial increases in school membership as a result of new or increased federal activities. Funds can also go to local educational agencies which are financially distressed, having substantial federal lands and substantial numbers of "unhoused" pupils, including, but not limited to, military installations, low-income housing areas or Indian lands. There is a mounting backlog of eligible applications for Impact Aid construction assistance, exceeding $500 million at the end of fiscal year 1982. Many of these facilities are in such serious need of repair that they present health or fire hazards.

As the Impact Aid program is "current funded", the regulations are in place, and the Department's priority list is already well-established and updated constantly, the ability to move funds quickly to the most needy areas could be accomplished in a very short period of time.

Program: Grants for the Removal of Architectural Barriers in the Schools.

Amount Recommended: $40,000,000.

Jobs Created: 1,000.

Description: Section 607 of Part A of P.L. 94–142, the Education of All Handicapped Children Act, authorizes "such sums as may be necessary" for the removal of architectural barriers in the schools. Grants would be awarded by the Secretary of Education to pay all or part of the cost of altering existing buildings and equipment relating to architectural barriers.

This is a new program in the sense that it has never been funded before. However, there is increasing pressure on the schools to comply with Section 504 of the Rehabilitation Act (P.L. 93–112) which requires that schools and other public buildings be made accessible to the physically handicapped.

Program: Library Construction.

Amount Recommended: $50,000,000.

Jobs Created: 1,500.

Description: Program description: Title II of the Library Services and Construction Act authorizes state grants for public library construction including conversions of existing buildings, expansions, renovations and remodeling for handicapped access, energy improvements and new construction.

States and communities must match the federal contribution on a per capita income ratio basis. The required share ranges between 33 percent and 66 percent. It is expected that $50 million in federal appropriations will generate approximately $123 million in nonfederal sources, for a total of $173 million and 4,325 jobs.

The Library Services and Construction Act planning process requires that state library agencies develop state plans and programs for extending library service, including construction. Thus, states are continuously aware of construction needs and projects developed.

States recently reported that 2,800 public library construction projects are needed betweeen 1981 and 1985 with a total cost of $2.3 billion. Over $400 million is estimated to be needed in fiscal year 1983.

The regulations are on the books, and it is expected that construction could begin within 90 days of receipt of the funds.

Program: Centers for Disease Control—construction.

Amount Recommended: $15,560,000.

Jobs Created: 400.

Description: The recommendation includes $15,560,000 for the construction of a 21,000 square ft. laboratory adjacent to other CDC facilities in Atlanta. This will accelerate the availability of these funds since the President's fiscal year 1984 budget contains this amount. Funds for the design of the project were provided in fiscal year 1981.

This facility would be a highly specialized, multi-story laboratory and will serve as the only diagnostic laboratory for highly hazardous diseases in the nation. The existing "high containment" labs are located in temporary facilities. The new facility would provide much greater space under the highest containment conditions. Current capacity enables that investigation of 2 "Class IV" (highest risk) viruses. The new building will increase that capacity to 7.

In addition to space needs, the new lab will provide: decontamination of all waste; maximum employee protection; physical security.

Program: Military family housing improvements and maintenance (DOD).

Amount Recommended: $250,000,000.

Jobs Created: 9,000.

Description: The program provides for maintenance of military family housing in the United States. This maintenance ranges from new roofs to new kitchen sinks to exterior painting. All of the work is part of the growing backlog of repair which has been postponed over the years due to budget constraints.

It will provide our military members and their families with improved quarters which are vital to their quality of life. All of this plays an important role in the retention of qualified military personnel.

Following is a breakdown of $250 million by account and shows comparison with fiscal year 1982, 1983, and 1984. Note, however, that the $250 million is only for projects within the United States while other numbers reflect worldwide programs:

[In dollars]

	Enacted fiscal year 1982	Enacted fiscal year 1983	Proposed "jobs"	Requested fiscal year 1984
Army maintenance	315,281,000	342,639,000	125,000,000	495,365,000
Navy[1] improvements	24,070,000	29,121,000	16,053,000	13,240,000
Navy[1] maintenance	240,531,000	314,579,000	8,947,000	288,652,000
AF maintenance	299,099,000	352,507,000	100,000,000	335,738,000

[1] Includes Marine Corps.

Program: Interstate Transfer Grants (DOT).

Amount Recommended: $100,000,000 (highways) $25,000,000 (transit).

Jobs Created: 3,500.

Description: This increased funding of $125,000,000 is required to make a meaningful reduction in the large balance of unfunded authority for substituted highway and transit projects under State entitlements. As of September 30, 1982, the balance for substitute highway and transit projects was approximately $4.5 billion.

Information provided by the Federal Highway Administration indicates that an additional $4.5 billion (State plus Federal) in Interstate System withdrawals is anticipated before the September 30, 1983, deadline. Interstate transfer project requirements substantially exceed available funding for this program. The Federal Government has a "good faith" commitment to fund substitute Interstate projects within a reasonable timeframe and is recommending additional funds in an attempt to fulfill that commitment.

These funds will have to be provided the States at some point. Accelerating the availability of these funds will reduce out-year costs as well as provide improvements and jobs when they are most needed.

Program: Northeast Corridor Overhead Highway Bridges.

Amount Recommended: $40,000,000.

Jobs Created: 1,500.

Description: The responsibility for the repair of highway bridges over Amtrak railroad tracks in the Northeast corridor has been in longstanding dispute between the railroad and the states. These funds will allow for immediate rehabilitation of the 200 such structures and thereby remove this serious safety hazard to motor vehicle and rail traffic.

Program: AMTRAK Maintenance of track and track facilities.

Amount Recommended: $90,000,000.

Jobs Created: 2,000.

Description: This appropriation will address a growing backlog in needed maintenance work. The additional $90,000,000 will allow for 40 separate projects to maintain and rehabilitate Amtrak tracks and track-related facilities in the Northeast Corridor between Boston and Washington.

Program: METRO construction.

Amount Recommended: $10,000,000.

Jobs Created: 250.

Description: Washington Metropolitan Area Transit Authority subway construction has been slowed in past years to accommodate Federal budget reductions and, as a result, the construction is several years behind schedule and the cost of the project substantially increased. Funding of the system during times of lower construction costs will help recover the escalated cost of the subway due to delays caused by reduced Federal spending, while providing substantial employment benefits in the Washington metropolitan area.

Program: GSA Federal Buildings Fund repair and alteration.

Amount Recommended: $125,000,000.

Jobs Created: 5,000.

Description: Repair and alteration work, funded out of the Federal Buildings Fund in GSA, covers basic repairs on Federally-owned and leased facilities under the control of GSA. It includes the following major work areas: (1) basic work to correct deterioration, malfunction, and obsolescence; (2) improvement to space to promote utilization and operating efficiency; (3) special fire prevention, lifesafety and property protection; (4) special aids for the handicapped; (5) special environmental protection measures; and (6) special energy conservation measures.

Program: GSA Motor Vehicle Purchases.

Amount Recommended: $50,000,000.

Jobs Created: 500.

Description: Funds are provided to the GSA to purchase approximately 7,500 motor vehicles to update and replace older and fuel-inefficient vehicles in the federal fleet. Purchase of these vehicles would stimulate jobs in the ailing automotive and related industries. The appropriation is limited to the purchase of domestically produced vehicles.●

TURNING TIME IN KANSAS

● Mr. ARMSTRONG. Mr. President, it is often said that there is a bright side to everything, and the same is true even of the appalling erosion of our topsoil throughout the arid West. Although a good case can be made that our most precious natural resource, the one that puts food on the table, is being squandered by reckless policies. I would also like to point out that some fine literary work is underway as a result. I have previously mentioned some of the notable books on the subject, such as Neil Sampson's "Farmland or Wasteland," but I want to call the attention of my colleagues to an excellent poem that captures the essence of the plowing problem in one page as well as I have done in 10-page speeches in the past.

The poem was written by a friend of mine at the University of Colorado, Nancy Hill, a published and well-respected poet. In "Turning Time in Kansas," Nancy Hill hits the nail on the head about how shortsighted policies which encourage the plowing of fragile grasslands are, and I commend this short poem to the attention of all Senators.

The poem follows:

TURNING TIME IN KANSAS

More than tumbleweeds are turning in Kansas.
Up off the eye-widening fields
Lift the red dust clouds obscuring the sun,
Wheeling with westerlies to Missouri
While the corpse-grey remnant wanly waits
To give the winter wheat what bed it can.

The sower of the wind rides secure
In single majesty above the churning soil,
His tractor cab immune as city penthouse
To the wind's will as he works his way
Patterning the prairie in regulated rows—
An inverse Zeus stirring up clouds from below.

Save for the machine the farmer's shadow
Sends a familiar figure eons long
To our collective past and generates
Across what limited time our eyes can see
An image filled with continuity.
This peaceful planter of the fruitful grain
That spreads in sowed abandon o'er the plain
Is the essential base which can sustain
A nation in pursuit of greatness—and long fame.

Red International rules midwest,
Garnering the grain to feed a world,
Widening its compass every round
To pull more profit from the bleaching ground.

(The farmer speaks)

"The markets beckon from across the sea:
Selling to Russia means prosperity.
So down with wind-breaks, up with spaces free:
Let's plow every inch that the eye can see.
"We'll build up a surplus and bring them to their knees,
Say 'starve if you wish, or do what we please.'
Let food be a weapon to join in the fight
Between forces of darkness and the force of what's right.
"We're in this for keeps now the battle is joined
And we'll use every means that we've got:
Not just armies and airplanes, not just dollar and coin,
But the land that is ours, every plot.
"Let the wind blow for freedom! To that we will toil
Even if in the process we lose our topsoil.
We'd sacrifice plenty to save our great nation
Even—if need be—the next generation.
"There's always a substitute, something new that they'll learn,
So with trust in the future, let the plow turn."

—*Nancy L. Hill.*●

NOMINEES TO CORPORATION FOR PUBLIC BROADCASTING BOARD OF DIRECTORS

● Mr. PRESSLER. Mr. President, the Senate Commerce, Science, and Transportation Committee has approved three nominees for the Corporation for Public Broadcasting Board of Directors: Mrs. Sharon Percy Rockefeller, Mr. Karl Eller, and Mr. Richard Brookhiser. It is my hope that the Senate will move expeditiously on these nominations.

These particular nominees have a serious responsibility to maintain the integrity and quality of our Nation's public broadcasting system. The American public radio and television audience has grown dramatically in the last decade. Yet, in the past several years, public broadcasting has had to struggle with serious funding problems. These three nominees face difficult choices in the coming months. While there is strong congressional support for the goals of public broadcasting, CPB's Board of Directors must take the lead in insuring a continuation of the fine programing now available on public radio and TV networks. I am sure that these three nominees will fulfill their responsibilities conscientiously and diligently and I want to commend their willingness to give of their time and talents to this worthy endeavor.●

PATRICIA WALKER SHAW PROMOTED TO PRESIDENT OF UNIVERSAL LIFE IN MEMPHIS

● Mr. SASSER. Mr. President, it gives me much pleasure and a great deal of

pride to announce formally that Patricia Walker Shaw has been installed as president of Universal Life Insurance Co. of Memphis, Tenn.

Mrs. Shaw is an able, talented executive who has climaxed a brilliant career in business, public service, and community affairs with her selection as president of Universal Life.

Excellence has been the hallmark of her career and the foundation of her advancement. She is an outstanding person in her field and is certainly deserving of this high honor and ultimate responsibility.

Patricia Walker Shaw has come a long way since her birth in Little Rock, Ark. She attended Fisk University, Tennessee State University, the University of Chicago, and the University of Tennessee, providing a strong academic background.

She began her career at Universal Life in 1961 as a clerk and stairstepped to the top through promotions up through the ranks. Her success is a symbol of the American dream—she made it come true.

She currently holds a number of important positions on boards and associations in Memphis, nationally and statewide.

I am pleased to advise the U.S. Senate of this remarkable woman's career achievements.●

SOUTH PACIFIC ISLANDS

● Mr. EAST. Mr. President, four treaties involving islands in the South Pacific are pending before the Committee on Foreign Relations. I plan to testify before the committee on March 8 to present my views on the passage of the treaties in their present form.

Articles highlighting some of the problems that should be considered have appeared in Human Events and the Washington Times. I urge my colleagues to read these articles and evaluate the consequences regarding ratification of the treaties.

I ask that these articles be printed in the RECORD.

The articles follow:

[From Human Events, Jan. 22, 1983]

ANOTHER STATE DEPARTMENT GIVEAWAY—OUR SOUTH PACIFIC 'PANAMA CANAL'

(By M. Stanton Evans)

They may be slouches otherwise, but when it comes to giving away American property, the boys at the State Department are hard to beat.

Fresh from handing over the Panama Canal to the late Omar Torrijos a few years back, our diplomatists went to work on yet another giveaway. This one has received much less attention than the Panama dispute, but could have equally serious implications. And, if anything, it rests on even shakier legal grounds.

At issue are 25 small islands in the South Pacific, presently claimed by the United States but eagerly sought by other nations in the region. The islands are part of the system that became famous during World War II, extending from French Polynesia in the southeast to the Gilberts and Marshalls in the north and west. Of the disputed islands, Christmas Atoll is the largest and best known.

Newly arisen republics in the area would like to add the islands to their territory. To this the spirited response of the U.S. State Department is—let them. Our policymakers have devised a set of treaties relinquishing U.S. claims to sovereignty over the islands and parceling them out to the nations of Kiribati, Tuvalu, and the Cook Islands, plus a few thrown in for New Zealand, also.

A typical fighting statement by our officials is the testimony of former Deputy Secretary of State Warren Christopher, concerning the territory claimed by the Cook Islands: "The U.S. claim has virtually no legal merit and is not supported by any other nation. . . . These islands and these people have historically been part of the Cook Islands. Continued assertion of these claims is inconsistent with the U.S. interest of maintaining friendly relations with the people of the South Pacific."

Equally inspiring was the stand of former Secretary of State Alexander Haig concerning the islands to be remanded to New Zealand: ". . . the United States claim to these islands has no substantive basis under applicable principles of international law. Our claim is not supported by any other nation, including our closest allies. Continued assertion of these claims is inconsistent with the United States interest of maintaining relations with the people of the South Pacific."

(By way of brief digression, such verbiage is doubly interesting: First, because it shows the mind-set of capitulation that governs so much of our diplomacy; our State Department is arguing their position. Second, because the phrases used by Democrat Christopher and Republican Haig are so nearly identical. Obviously, the people who ran this show under Jimmy Carter are running it still.)

Our official spokesmen further contend that these islands are of no strategic value to use, and/or that whatever strategic interests we have are best protected through good relations with the receiving governments. The people of the area, say our officials, are friendly to the West and will not allow the Soviets in. Our interests are best served by packing up and clearing out.

This argument is full of holes—as pointed out in congressional testimony by Mark Seidenberg of the Society for the Protection of American Sovereignty. Seidenberg has done an impressive job of research on the history of these islands, and cites numerous facts that show American claims extending back to the early part of the 19th Century. The State Department, for instance, says our claim to the group of islands to be given to Kiribati dates only to 1939. Seidenberg shows U.S. claims to Canton and Christmas islands, both part of this group, going back to the 1820s.

As for strategic implications, it should be noted that 11 of these islands had military bases on them from the 1940s through the 1970s; that they are important as naval ports and waystations; and that the territorial waters are rich in manganese—which we now import heavily—and quite possibly oil. They are also of key importance to our tuna fishing industry.

Should the islands be relinquished, it will not take the Soviets long to move in. They have ships prowling the area now, and would almost certainly fill the vacuum caused by our departure. The State Department's assurance that the governments to whom we would give the islands is called into question by the political history of some of the leaders there. The head of Kiribati, for example, has said: "If the Russians come we will talk to them and not send them away."

As Adm. Thomas Moorer puts it: "These treaties are a surrender of the rights and capabilities of the United States to this island group. They would leave the door open to the Soviets to come in, as well as impacting on the U.S. fishing industry. This is another surrender like the Panama Canal treaties, which will weaken our global posture and harm our ability to conduct our responsibilities."

Despite all this, the treaties have inched forward in the Senate, with scarcely a word of debate or media attention. Unless some notice is given them soon, they will very probably slip through to ratification—another monument to our weak-kneed diplomacy.

[From the Washington Times, Feb. 7, 1983]

THE ISLAND GIVEAWAY

The U.S. State Department is still going on the theory that you can buy friends, and the Reagan administration, for reasons unclear, is buying the line. State's latest bid for popularity involves a string of some 25 strategically important islands in the South Pacific.

The Senate expects to hold hearings soon on four treaties that would relinquish control of these islands, dividing them up among New Zealand, Tuvalu, Kiribati, and the Cook Islands. New Zealand gets the smallest grant, Tokelau and one other small island, in return for recognizing complete U.S. sovereignty over Fwains, over which there is little dispute anyway.

The rest is straight decolonization. Kiribati receives 11 islands, two of which—Canton and Christmas Atoll—sustained valuable U.S. bases until 1979, when the Carter administration closed them down and began negotiating the pacts. Tuvalu picks up Funafut, site of America's main military hospital west of Hawaii, and Kukufurteau. The Cook Islands get several, including Tenrhyrn, long coveted by the Soviet Union because it bounds one of the two lagoons in the South Pacific large enough to hold the Soviet fishing fleet.

Along with the real estate, the U.S. would relinquish thousands of square miles of strategic air and sea space as well as substantial deposits of manganese and oil. In return, the U.S. gets "friendly relations with the people of the South Pacific," as former Deputy Secretary of State Warren Christopher put it. In fact, even though 11 of the islands were the sites of U.S. military bases, the countries will be free to use that infrastructure for any use they see fit. The Cook Islands won't even agree, as Kiribati and Tuvalu did, to at least "consult" with the U.S. before turning its former bases over to, say, the Soviet Union.

If New Zealand, an established Western ally with solid democratic traditions, were the sole object of the State Department's largess, there might be a case for the Reagan administration to go along. The other recipients, however, are shaky newcomers to self-government and the modern world, prey to the passions and influences that makes the rest of the Third World what it is.

A simple memo from Ronald Reagan to the Senate will see to it that those U.S. islands remain U.S. islands, at least for the

time being. And it's a safe bet we won't have any fewer friends than we have now.●

THE ECONOMICS OF EROSION

● Mr. ARMSTRONG. Mr. President, during the 97th Congress, the Agriculture Committee took a very close look at the serious soil erosion problem confronting our arid Western States. The Senate was persuaded that the problem needed to be dealt with before it was too late, and my "sodbuster" amendment was added to the Agriculture Appropriations bill for 1983. This amendment would have stopped the Government from encouraging the plowing of fragile grasslands that are not suited to sustained cultivation. But the House deleted this important language from the bill in conference.

The problem has not gone away and will not go away until Congress addresses the matter, and the longer we wait, the worse the erosion gets. The Record Stockman of Colorado recently reported, in an excellent piece by Mr. T. J. Gillis, that Government programs are having a more dramatic causal effect on this erosion than many in Congress suspected. Since I will be reintroducing the measure in the next few weeks, and since it is vital that Congress pass this bill before an entire new year of plowing occurs, I believe all my colleagues in the Senate should read Mr. Gillis' article. I ask that the article be printed in the RECORD.

The article follows:

THE ECONOMICS OF EROSION: HOW FARM POLICY DESTROYS THE RANGE

(By T. J. Gilles)

("It's all grass-side down now. The boosters say it's a better place, but it looks like hell to me."—Charles M. Russell, 1916)

NOTE.—Russell, the legendary cowboy artist who appreciated the aesthetics of Great Plains rangeland, proved to be prophetic as well as opinionated. A few years later, it looked a lot more hellish than Russell had seen it while the trails had been freshly plowed under.

Homesteader Philip Long described the scene in Russell's country during the 1920s and 30s:

"The prairie became a dust bowl as the dirt from the plowed fields drifted away in the hot winds. Many days those farmers would have to light lamps in the middle of the day in their houses as the heavy dust obscured the sun. Fences were drifted over, becoming only ridges stretching miles through that parched and drifting land of hell."

The dust clouds are gathering again. Last spring even suburban Denver shopping centers and motels had topsoil drifts piling against their doors.

Erosion is now robbing the United States of 5 billion tons of topsoil each year, according to Greg Walcher, legislative assistant to Sen. Bill Armstrong (R.-Colo). "It was 2 billion tons in 1934—the worst year of the Dust Bowl of the Dirty Thirties."

Armstrong and his staff have reason for concern. Colorado has five million acres of fragile grasslands now under the plow, leading second-place Nebraska by a million acres.

"Last year, 500,000 acres of grasslands in eastern Colorado were plowed up," according to Leon Silkman, president of the Colorado Association of Conservation Districts. "The plowout got pretty wild last year."

It should be apparent that most of this Colorado land is extremely susceptible to erosion. After all, Soil Conservation Service figures list Colorado as the number one state for erosion on range, pasture and forest land, losing an average of 5.81 tons of topsoil per acre. The national average for cropland is less than this, a severe 5 tons per acre, and cropland (being more exposed to the elements) is supposed to be more erodable. So when this highly erodable range has its grass cover removed, one can expect the worst.

(The rate of erosion is more than double what it was in 1934—the worst year of the Dust Bowl.)

So why does it continue? Not only in Colorado but in Nebraska, Montana, Texas and other Great Plains states? Why does the grass—much of it re-established in rehabilitation programs that over the decades erased the plow-scars of the homesteader era—continue to be turned under? With the high costs of fuel, machinery and land, what are the incentives?

"It's become pretty common in Colorado," Walcher told the Record Stockman. "It starts when a rancher retires or is forced to sell (because of economic conditions). The land is bought by a land speculator, a realtor or someone else and they hire someone to custom-farm it. They buy it, plow it, plant wheat and sell it to a land investor. They say it's worth a lot of money."

In the arid West, cropland is priced at more than twice what the same land would bring as rangeland. "There's economic pressure in agriculture to increase the rangeland's value by converting it to cropland, even though in many cases it may not support a crop year after year," says Silkman. Net farm income is the lowest since the first quarter of 1932 and the rate of farm failures and bankruptcies are the highest since the Depression.

The person or corporation buying, plowing and re-selling the land also cultivates our tax laws: The cost of breaking up and seeding the land is tax-deductible as business expense. The spread between the old land price and the new is "capital gains"—only half the profit is taxable.

In some cases, ranchers facing foreclosure have held on to the ranch by plowing it. Land values have been declining for more than a year, and often the inflation of land values has been the collateral for financing an operation. Ranchers could double their collateral and avoid getting turned down by the bank if they converted their grass to wheat, thus doubling their equity.

"We've had several cases where ranchers have called us and said their bankers have 'encouraged' them to plow it (the range) to avoid foreclosure," Walcher said.

To paraphrase a Vietnam-era contradiction in terms: It became necessary to destroy the ranch in order to save it.

Once a farm has yielded two grain crops, the farmer may enroll it in government programs. The basis of the government policy is that, if farmers agree to take a specified percentage of their grainland out of production, they qualify for "deficiency payments" on each bushel of wheat they grow. That's base on a "target price" for wheat of $4.05 per bushel ($4.30 for 1983). The government pays the difference between the market price and the target price, around 50 cents per bushel this year.

In return, the farmer agrees to reduce his wheat acreage by 15 percent and the government will pay $1.35 per "lost" bushel on another 5 percent of "wheat base" the farmer has established with his plow-down.

This "paid diversion" is based on an operation's average yields (if established) or a county-wide average. It can work both ways, says Yuma, Colo., rancher Bud Mekelburg, president of the National Association of Conservation Districts. If the new land is broken up during a dry cycle and the crops are near-failures, all the owner has to do is run the combine over it two years and the kernels retrieved constitute two crops. The amount of "lost" wheat which set the standard for crop insurance and "disaster payments" ($100,000 per customer limit) can be based on the county-wide average yields for that class of land.

However, Mekelburg says, if there's adequate rainfall those first few years, the new wheatland is likely to outyield the neighbors' soil.

When sod is first turned over, the earth is rich: "The humus, the organic matter, is high," he says. "The yields can be substantial for the first two or three years."

The bounty can decline quickly after several crops. "Often, the intake rate of the soil is low and when it rains, it just washes off," Mekelburg says. "Or it has a high pH (alkalinity) and in a few years it can't raise any kind of crop." The grass cover gone, the soil is more exposed to the wind, and the prairies—from Great Bend, Kans., to Browning, Mont.—are notorious for their violent, pervasive winds.

Those first few years often are the most opportune in which to sell the newly created grain farm. As the fertility reserves built up over the eons are expended quickly, no fertilizer need be applied early on although the new fields may be yielding better and are much more pleasing to the eye of the beholding buyer.

The benefits of joining the farm program are many. Walcher ran off a list of a few, in addition to the aforementioned deficiency payments, crop insurance and paid diversion.

This year, as a special enlistment incentive, farmers could get one-third of their estimated deficiency payments in advance right after sign-up.

The unsold grain can be put into the "farmer-held reserve" for three years, with the government paying 26½ cents per bushel per year for the storage. If the farmer doesn't have enough bins, the government will (at lower-than-market interest) loan him the money to build the bins to collect the storage payments while adding to the assets and the value of the farm.

All the wheat he doesn't sell, the farmer can mortgage at an above-market value of $3.55 per bushel (a dime higher next year) or $3.92 per bushel of the wheat's tied up for three years in the farmer-owned reserve. The interest rate is 12 percent.

The loan money can be used for anything: Farming expenses, paying off debts—or buying more rangeland to plow up and start all over again.

"They're farming the government programs, that's exactly what they're doing," says Mekelburg. "That kind of philosophy has really creept into the social fabric of the people over the past year."

Montana Agriculture Commissioner Gordon McComber contends: "If they're

breaking up (range) ground, they shouldn't be entitled to any federal benefits. When I drive down the road, I see a lot of sod being broken up. I'm going to keep seeing it if the feds don't stop subsidizing it."

Ending the incentives for plowing range was the goal of Sen. Armstrong's "Sod-Buster Amendment," which would have forbidden payment of government price supports (deficiency payments) and other benefits for land brought into production once the new law took effect.

It hasn't passed yet, deleted in the 11th hour be a conference committee working out the Ag Appropriations bill last week. So it appears that at least another crop year will blow with plowdown encouraged by what Leon Silkman calls "the incentives to destroy conservation."

"On the one hand we're paying to promote conservation," he complains. "But we almost mandate that the farmer be participating totally in this exploitation" of the soil and the U.S. Treasury.

Farm subsidies cost the government $12 billion in 1982, three times the original estimated pricetag.

"Anyone in the world can find a way to get around any law that's been passed," says Walcher. Foreign ownership can be disguised through complicated corporate organization of subsidiaries, or deficiency-payment limits and other restrictions can be circumvented by setting up a series of corporations—each receiving the legal limit.

It seems apparent that farm programs are not only not working but having effects opposite to their stated purpose. The farm policies in effect began being assembled in 1976.

The goals were to bolster prices by limiting wheat supplies through acreage cutbacks. The deficiency payments and other benefits were intended as incentives for those reducing their grain acreage.

Since then, the United States has amassed a record wheat surplus of 1½ billion bushels. In the country, wheat is selling for $3-$3.50 per bushel (depending on nearness to export facilities) this year, one-third less than its worth in 1976, according to lobbyist Margie Williams of the National Association of Wheat Growers, and "wheat acreage has increased 40 percent in the past five years."

WORST LAND IS DIVERTED

"Strip farming"—long, narrow fields planted at right angles to prevailing winds, alternating between crops and summer fallow—are a product of the 1930s.

It is the technological answer to the threats of dust blows and drought.

Cultivating the summer fallow will conserve 10-15 percent of the annual rainfall, enough to give the next crop a good start, and often the difference between a crop and a failure. While the fallow ground grows nothing and conserves moisture, the alternate strips of growing crop or stubble act as buffers, breaking the wind to curtail blowing of the fallow soil.

Since the farm program has incentives for taking some grainland out of production, one might think that in the case of newly broken range, an operator might use the farm program to subsidize his gradual conversion of the fields toward a normal 50-50 ratio of crops and fallow.

Not so, says Greg Walcher, staff assistant to Sen. Bill Armstrong (R-Colo). "What they'll do is take out the worst 15 percent (to comply with acreage reductions and qualify for incentives) and dump fertilizer on the rest of it to increase yields," Walcher told the Record Stockman.

Each bushel the farmer can get off his ever-reducing acreage can be sold at the market price or put into storage and mortgaged at low interest to the government. Also, each bushel nets the grower another 50 cents in deficiency payments.

If the average yield can be kept up, each acre put into the paid diversion program is worth that much more, since payments are based on the "lost" wheat those acres could produce.

Walcher said that when new land is brought into production, existing policy encourages the inclusion of some acreage that is wholly unsuited to crop growing. This will be the first to be removed from production once the operator enrolls in the farm program and starts reducing his grain acreage.●

MARTIN LUTHER KING, JR., HOLIDAY

● Mr. GLENN. Mr. President, I am pleased to cosponsor legislation to make the birthday of Dr. Martin Luther King, Jr., a national holiday. Although Dr. King died violently at the hands of an assassin, his courage, eloquence, and commitment to freedom and equality lives on as an inspiration to our peaceful pursuit of a more just society. Dr. King brought new life to the historic words that "all men are created equal," and by commemorating his birth we rededicate ourselves to that principle.

As a young man, Dr. King brought maturity to our Nation's development. he taught us that love can destroy hate and that peaceful means can resolve violent conflicts. He endured the temporary indignities of jail to advance his long-term goal of freedom for all. He organized a bus boycott to demonstrate the liberating effects of a simple act of integrity. As Dr. King proudly declared at the time:

We came to see that, in the long run, it is more honorable to walk in dignity than ride in humiliation. So in a quiet, dignified manner we decided to substitute tired feet for tired souls and walk the streets of Montgomery until the sagging walls of injustice had been crushed.

Some would tell us that racism and discrimination are ineradicable aspects of life in an imperfect world and that we should simply accept them. Dr. King's life taught us that the wellsprings of decency run deep in the American people and that we only weaken that sense of decency by refusing to act in the cause of liberty.

By celebrating Dr. King's birthday, we express our hopes for the future, not just our appreciation of the past. We signal our desire for an America in which every person realizes his or her full potential as a human being, an America in which race keeps no one from a job, an education, a home, or a meaningful role in our political process. This was Dr. King's dream, but much remains to be done.

We are not yet a world at peace as he dreamed we would be, and the mere passage of this legislation will not in itself right all the wrongs that still haunt our troubled world. But if he were here, Dr. King would counsel us not to despair. Even in the darkest times Dr. King projected an inner serenity and confidence that came from his unshakeable faith in himself, his fellow Americans, and his religion. No unfair laws can long survive that kind of combined moral power.

Mr. President, I sincerely hope that my colleagues will join with me to commemorate the birthday of this courageous American and man of peace. Because his life symbolized many of the ideals and principles fundamental to this Nation, let us resolve to make Dr. King's birthday a holiday. But even more, let us resolve to make an America full of freedom and equal opportunity.●

RULES OF PROCEDURE, COMMITTEE ON FINANCE

● Mr. DOLE. Mr. President, I request that the rules that have been adopted by the Committee on Finance be printed in full in the CONGRESSIONAL RECORD as required by Senate rule XXVI.

The rules of procedure of the Committee on Finance follow:

RULES OF PROCEDURE: COMMITTEE ON FINANCE, U.S. SENATE

(Adopted February 1, 1983)

COMMITTEE ON FINANCE

ROBERT J. DOLE, Kansas, Chairman.

Bob Packwood, Oregon; William V. Roth, Jr., Delaware; John C. Danforth, Missouri; John H. Chafee, Rhode Island; John Heinz, Pennsylvania; Malcolm Wallop, Wyoming; David Durenberger, Minnesota; William L. Armstrong, Colorado; Steven D. Symms, Idaho; Charles E. Grassley, Iowa; Russell B. Long, Louisiana; Lloyd Bentsen, Texas; Spark M. Matsunaga, Hawaii; Daniel Patrick Moynihan, New York; Max Baucus, Montana; David L. Boren, Oklahoma; Bill Bradley, New Jersey; George J. Mitchell, Maine; David Pryor, Arkansas.

Robert E. Lighthizer, Chief Counsel; Michael Stern, Minority Staff Director.

COMMITTEE ON FINANCE

I. Rules of procedure

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and

distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsections (b) and (c) seven members, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

(c) Once a quorum as prescribed by subsection (a) has been established for the conduct of business in executive session, the committee may continue to conduct business so long as five or more members are present, including not less than one member of the majority party and one member of the minority party.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for that witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full

committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. Excerpts from the standing rules of the Senate relating to standing committees.

Rule XXV

Standing committees

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.
2. Customs, collection districts, and ports of entry and delivery.
3. Deposit of public moneys.
4. General revenue sharing.
5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.
6. National social security.
7. Reciprocal trade agreements.
8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.
9. Revenue measures relating to the insular possessions.
10. Tariffs and import quotas, and matters related thereto.
11. Transportation of dutiable goods.

Rule XXVI

Committee procedure

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than thirty days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period referred to above, such period shall be extended until the first day thereafter on which it is published.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.●

STRATEGIC TRADE

● Mr. ARMSTRONG. Mr. President, as we in the Congress agonize over ways to squeeze money from our defense budget during a time of rising world tension, it is good for us to remind ourselves that we would not need to spend nearly so much for defense were if not for our reckless trade policies with the Soviet Union and her satellites. Soviet military might has been built, in large part, by U.S. technology. Our sale—often on concessionary terms—of militarily useful technology to the Soviets not only is dangerous to our security—it is very wasteful economically, because in order to counter weapons the Soviets could not have built without our assistance, we must spend many times the profits a few firms made by selling the technology to the Soviets in the first place.

Juliana Geran Pilon, a policy analyst at the Heritage Foundation, has written an excellent article for Reason magazine about the dangers to our security and our economy of strategic trade with the Soviet Union. I wish to have that article, which is entitled "Double Dealing," printed at this point in the Record. I urge all of my colleagues to read it carefully.

The article follows:

[From the Reason magazine, February 1983]

DOUBLE DEALING

(By Juliana Geran Pilon)

Unsuspecting Americans may have thought they had tuned in to a new episode of Star Wars, made more horrifying for mass consumption, when they heard in 1980 that the Soviets were developing a fantastic brand of laser weapons called killer satellites. The arms race having thereby escalat-

ed into the higher reaches of the stratosphere, US taxpayers soon learned that they would now have to foot an even more extravagant defense bill, required to meet the new Soviet challenge.

How could it have happened? A planned economy that cannot even deliver bread to its people seems hardly capable of outdoing the free world in strategic warfare. A few years earlier, when government officials were warned by General George Keegan that the Soviets were on the threshold of developing weapons capable of obliterating incoming missiles by throwing giant lightning bolts at them, the idea seemed altogether too unlikely. Met with skepticism bordering on ridicule, General Keegan had little choice but to resign from his post as head of Air Force Intelligence. Yet in 1980 Aviation Week & Space Technology published the news of the Soviets' killer satellites, essentially vindicating General Keegan. A new era in defense technology had thus begun, the price of initial complacency higher than even a seasoned spectator of galactic stunts could have anticipated.

But even with its more than $100-billion investment lead during the '70s, the Soviet military could never have achieved such success without help from the United States. Both illegally and what is even more disturbing, legally—indeed, with government approval and aid—US companies have for years been supplying the Soviet war machine with sophisticated technology and equipment. Usually on credit—at times from the Export-Import Bank (Ex-Im Bank), the government agency originally set up specifically to help finance US trade with the USSR—the products of US research in high-technology areas have been flowing to the Communist bloc and helping to improve its strategic capability.

Since subsequently our taxpayers are asked to spend more to modernize the US defense system in response to the new Communist threat, a demand to end this vicious cycle is very much in order. After all, rather than continually raising the federal defense bill, it would seem much wiser to apply the proverbial ounce of prevention and simply monitor, intelligently and consistently, the sale of those items that demonstrably contribute to advancing the Soviet military. To cite William Simon's book A Time for Action, "We must stop building the Soviet war machine with critical infusions of our technology." As it is, we now find ourselves in "the lunatic posture of creating a balance of power against ourselves."

Whether to control strategic trade seems hardly worth debating when one considers the military significance of strategic items compared with their negligible impact on the US balance of trade: in 1979, for example, even before the Carter grain embargo in response to the Soviet invasion of Afghanistan, sales to the USSR by US firms amounted to no more than 2 percent of all US exports that year, and high-technology goods imported to the Soviet Union accounted for only 0.05 percent of all US exports. But figures aside, at bottom is a theoretical question that must be addressed: Does the government have a right to disrupt free trade?

A good many economists, even those who concede that the US defense budget might be lower if the Soviets were denied access to technology from the industrialized Western countries, are nevertheless opposed to any US embargoes. Free trade, they argue, is as a rule the most profitable policy. If we don't sell, our European competitors will, and we will lose a lucrative market. As we shall see, however, in many areas US firms do still have a monopoly.

The free-trade proponent, moreover, has to confront a few other facts. In the first place, many strategic goods are properly subject to government authority because they were developed with taxpayers' money. Another complicating factor involves the financing of sales to the Soviet Union and its satellites. Indeed, the question of skyrocketing Eastern bloc indebtedness—a large chunk to Western governments—is a matter of grave importance, with explosive implications for Western security.

Financial considerations aside, however, at bottom the crucial issue is national security. For, useful as economic calculations may be in this discussion, a more fundamental consideration is the government's quintessential duty to protect its citizens. Because of this duty, if the sale of high-technology goods poses a clear and present danger to its citizens, the government must see to it that such traffic is curtailed.

Is there really any point in discussing the financial advantages of helping our principal adversary destroy us? With characteristic directness, the father of the free market, Adam Smith, wrote in his Wealth of Nations in 1776: "Defense . . . is of much more importance than opulence." The statement appears to have impressed Smith as self-evident.

Smith understood well the economic implications of an embargo and was willing to admit that it could be, at least in the short run, unprofitable. He cited "the Navigation Laws" as an example of trade regulation that was deleterious to profit and efficiency. One effect of those laws, he told his countrymen, was that "[we] are thus likely not only to buy foreign goods dearer, but to sell our own cheaper, than if there was a more perfect freedom of trade." The reason he would nevertheless endorse such a policy: "As defense, however, is of much more importance than opulence, the Act of Navigation is, perhaps, the wisest of all the commercial regulations of England." No one can accuse Adam Smith of having advocated the pursuit of profit at any cost; on the contrary, that pursuit can only take place in an atmosphere free of threat, in a liberal society master of its own fate.

Today, that is what hangs in the balance. Vladimir Bukovsky said it brilliantly in his article "The Peace Movement and the Soviet Union," published in Commentary magazine in May 1982: "The issue now is not 'peace versus war,' but rather 'freedom versus slavery.' Peace and freedom appear to be inseparable, and the old formula 'Better red than dead' is simply fatuous. Those who live by it will be both red and dead." The solution to the Soviet threat is not to keep increasing our own defense spending, but rather, not to make it easier for the Soviet Union to increase and improve its arsenal.

Several news events in the past few years have focused the spotlight on U.S. firms or individuals conducting illegal trade with the Soviet Union. For example, according to a document obtained by the Los Angeles Times in early 1980, investigators for the Department of Commerce had discovered that several companies were illegally exporting to the U.S.S.R. equipment of use to the Soviet military. Spawr Optical Research, Inc., of Corona, California, was convicted on December 13, 1980, of using a West German intermediary to sell the Soviets laser mirrors despite warnings that such equipment would be used in killer satellites. Two northern California companies pleaded guilty to the charge that they shipped semiconductor equipment to dummy firms in Canada, then had it reexported to Switzerland for eventual receipt by Moscow. NBC television exposed the "California connection" in a fair, if brief, three-part series on East-West trade broadcast on the nightly news in December 1980.

What is most interesting about the NBC report, however, is that it also featured Lawrence J. Brady, a man who has pointed to the main offender in transfer of strategic technology to the Eastern bloc: our own U.S. government. Previous to the NBC report, Brady had not exactly captured the front-page headlines. 60 Minutes, for example had scheduled an interview with him to be aired on March 2, 1980, but it never materialized. Yet Brady, former deputy director of the Office of Export Administration before he was unceremoniously (and illegally) fired for blowing the whistle on his superiors, had quite a story to tell.

In testimony before the House Armed Services Committee in May 1979, Brady explicitly charged the Commerce Department with failing to adequately protect the national security interests of the United States by neglecting to conduct full investigations of persistent reports of Soviet diversion of our technology to military uses. These charges came shortly after the appearance of a report from the Defense Intelligence Agency citing massive transfer of U.S. and other Western technology to the Communists.

Brady's charges also corroborated testimony by a CIA official regarding the military use of the largest truck plant in the world, Kama River, built in the USSR largely by American companies (with the help, incidentally, of taxpayer-funded Exim Bank credits). Astonishingly calm, then-Commerce Secretary Juanita Kreps responded to these charges by disclaiming responsibility on the ground that "military use of that plant would not constitute a diversion or violation of the law because the licenses contained no restrictions to the use of those trucks or engines."

There was evidence, however, indicating that U.S. companies did specify in their contracts that the Kama plant would be used only for civilian purposes. When confronted with two such contracts, the Commerce Department then backed off a bit and countered that only 19 of the 150 licenses reviewed for the plant had "end-use" clauses. So it seems that the Nixon administration—which made the original decisions concerning the plant—had indeed contemplated the plant's military use but had decided to keep this quiet. The blame, evidently, went considerably beyond the Commerce Department.

But Brady wasn't through. He came up with another explosive item: an internal Carter administration memorandum dated February 3, 1977, involving a similar American-built Soviet truck plant, the Zil factory. The memo, concerning the approval of a $6.1-million computer to be used by the factory, reads as follows: "Problem is that a quarter of the 200,000 trucks [the plant] produces annually goes to the military, including 100 missile launchers. State and Commerce support approval, on grounds that U.S. government, aware of [its] military production, has licensed exports to it several times during the 1970's, that [the number of missile launchers] is small, and that the remaining trucks for the military

are basically no different from heavy duty civilian trucks."

The evidence is irrefutable: neither the Commerce nor the State department objected to the military use of the Zil factory. And their willing accomplice was none other than Jimmy Carter, his noisy anti-Soviet rhetoric notwithstanding. For a full story of executive culpability we would have to have access to mostly classified documents. But one thing is clear: the White House knew it was helping to strengthen the Soviet war machine.

Strategic trade with the Soviet bloc virtually mushroomed during the Nixon era and continued to proliferate no less promiscuously during the Carter years. Shortly after the Republican victory of 1968, Congress had liberalized the Export Control Act, thus making it much easier to trade with the Soviets. By the time of the Soviet invasion of Afghanistan in late 1979, the list of strategic items sold to the Russians by U.S. firms had become truly staggering. According to the testimony of Lawrence Brady, who had been working in the Commerce Department, the list includes "semi-conductors, array transform processors, computers, machine tools, chemical processes, and turnkey projects combining non-strategic and strategic technology."

But even among those who find the situation deplorable, many come back to the old lament that if U.S. companies don't sell someone else will and that embargoes are therefore useless. The flaws of that argument, however, especially when considered together with the reality of Communist countries' indebtedness, should give them pause.

In the first place, the data base for deciding foreign availability is, according to Lawrence Brady and other experts as well, often "weak to nonexistent." But it is certainly noteworthy that the US government rather than its Western allies has become the chief offender in seeking waivers of the CoCom (Coordinating Committee for Multilateral Export Controls) embargo against strategic traffic with Soviet bloc nations. In 1962, out of 124 requests for exceptions, the United States was responsible for only 1.6 percent; by 1978, that number had escalated to 62.5 percent of a total of 1,050. (A cutback since that time is a matter of too little too late.)

But these figures are merely indicative. And no system for determining foreign availability is currently available. A study by a private research group submitted to the Department of Commerce in 1980 concluded that "a system for making foreign availability assessments during the decade of the 1970's did not exist and such assessments were made on an ad-hoc basis." Moreover, the report said that interviews with government administrators and industry representatives indicated that determination of foreign availability was not a significant factor in reaching decisions on export licensing cases. As a matter of fact, US firms still have the competitive edge over other Western producers in several areas, such as computers, machine tools, radar components, jet engines, satellite reconnaissance systems, and myriad seismic tools used in oil exploration, of which underwater listening devices are the most sensitive.

Another interesting fact is that the Soviet government often prefers to do business with US giants like IBM and Control Data, sometimes even when a European competitor offers them a lower price. As Marshall Goldman pointed out in his 1975 study, Defense and Dollars: Doing Business with the Soviets, in such cases as the Kama River plant the Russians were set on having us help them build it. In Goldman's words, they "simply felt that American equipment and engineering were the best available and they wanted the best for their industry, regardless of the cost." Besides, "only the U.S. came close to matching the size of the Soviet market. Discussions with Soviet officials always leave one impressed with how preoccupied the Russians are with the importance of size."

The Foreign availability argument is at times so thin as to raise serious suspicions about its validity when applied in other, less easily verifiable, instances. President Carter used it, for example, in the summer of 1978 to justify his approval of a controversial sale by Dresser Industries of a $144-million plant for the manufacture of deep-well oil-drilling equipment, even though a Defense Science Board task force headed by Texas Instruments president J. Fred Bucy had declared categorically that the technologies involved were "solely concentrated in the United States." Sen. Henry Jackson (D-Wash.) charged that the president, in ignoring the opposition of a National Security Council (NSC) task force, had succumbed to pressure from both the Commerce Department and Dresser Industries. The NSC opposition, by the way, was due partly to the fact that the Dresser sale included the transfer of a computerized electronic beam-welding machine that can be used to manufacture jet aircraft—to say nothing of its nuclear and even laser applications.

A good many corporate leaders appear quite ready to concede the shakiness of the foreign availability argument in many cases—computers, for example—but claim nonetheless that we should sell the Russians such sophisticated items because it will be profitable in the long run. After all, the Soviets, so the thinking goes, will need to buy maintenance equipment from us, and we will have a corner on that market for years to come.

The evidence, however, seems to point to an altogether different scenario. According to an article in the February 1980 issue of High Technology, for example, the Soviets had so far bought from US firms over 50 different models of computers, but most of them included the technological know-how enabling the Soviets to build their own. The amount of Western spare parts bought for those computers has been outright negligible. The reason is simply that the Soviets are, in fact, copying our machines. When some up-to-date integrated circuits exhibited by the Soviet Ministry of Electronics were examined closely a few years ago, they proved to be virtual copies of those made by Mostek Corp., an American pioneer in the business.

Nor are these computers insignificant to the Soviet military. The Eastern bloc's air defense system is believed to be built around IBM 360 and 370 computers. With an air traffic control system based on Western-manufactured radar devices and computers, the Soviets have air-defense control capabilities made possible by Western technology. We nevertheless go on supplying the Communist bloc with computers. Control Data alone has sold $50 million worth and is continuing to push vigorously for increased East-West trade.

Let not the idea of trade, however, obscure the highly singular character of commercial relations with the so-called nonmarket countries, whose ability to pay for the goods they need is, to put it mildly, very much wanting. Much of Eastern trade with Western firms, in fact, is subsidized by the taxpayers—this despite the already alarming debt of the Soviet bloc. It was alarming as far back as 1977 when its indebtedness to Western sources was only $40-$45 billion, as opposed to almost $90 billion today. The Wall Street Journal reported in February 1977 that many observers were becoming concerned about the possibility of Soviet blackmail. Today, the debt issue is clearly explosive.

And the USSR knows exactly what it is doing. The Soviet news agency TASS, on February 2, 1982, suggested that the Soviet bloc and the USSR had both the United States and Western Europe over a barrel on the debt repayment issue. Wrote TASS, "It should be recalled that Western Europe's business circles have long been at the existing situation from a notably more realistic viewpoint than Washington was until recently. The Times of London called on December 17 for displaying realism dictated by the West's own interests, for banks were 'hostages' to their debtors."

These Western credits, of course, are not simply private. Even when they are not explicitly guaranteed by the government, when crisis threatens the government steps in with taxpayers' funds. In the wake of the US government's bailout of banks over the Polish debt crisis in January 1982, it would be worth considering American investment specialist Felix G. Rohatyn's suggestion: "We should put the economic burden of the satellite states squarely back on the Soviet Union and point up the bankruptcy of the Communist system by declaring bankrupt one of its units. When the economic burden grows sufficiently heavy, the Soviet Union may become more accommodating and, together with the United States, may find it in its self-interest to reduce drastically defense budgets neither can really afford."

For surely it is bizarre for us to help the USSR in its aggressive designs—with obvious implications for our own safety, let alone our freedom.

The Soviet government, of course, is acting in a manner altogether sensible. Who, after all, can blame them for preferring not to pay if they don't have to? Even less can we object to their accepting with alacrity our generously offered gifts. US firms, for example, have trained hundreds of Soviet technicians in the United States. Teams of Soviet specialists—ostensibly looking into possible purchases—have been allowed to tour defense-related US plants. A member of one such group, which closely inspected the Boeing, Lockheed, and McDonnell-Douglas factories in 1973 and 1974, admitted privately to a Boeing official that purchases had never been contemplated—meaning, of course, that the group's real purpose had been industrial spying. Need we mention, too, those so-called student exchanges? In the words of a recent Office of Technology Assessment report, Technology and East-West Trade, "Since 1972, Soviet 'students,' who are usually experienced engineers, scientists, and managers of R&D establishments, have concentrated on study programs in the U.S. in semiconductor technology, computers, and other fields of applied research."

But if Soviet behavior is readily explicable, the same cannot be said for ours. Why do Western businesses and governments seem so anxious to overlook the cost of strategic trade with the Communist bloc? Part of the answer is that not quite everyone is losing—not, at least, losing equally—in this

game. To be sure, the higher defense budget prompted by more sophisticated Soviet technology is borne by every taxpayer, individual and corporate, but companies like Control Data and Dresser Industries still appear to come out ahead, at least in the short run. As for government help with financing, many an American business owner has been known to overlook the source of his income. Should it surprise anyone that the US Chamber of Commerce is warmly in favor of increasing the budget of Ex-Im Bank?

What is less clear is why taxpayers are putting up with all of this. The most likely explanation is that they are not really aware of what is going on. An NBC news spot on East-West trade, for example, could hardly be expected to provide sufficient impetus for a revolt. The media, moreover, will now have even less information on this issue, thanks largely to the efforts of Congress.

In 1980, Congress carried off a maneuver to keep the lid on data concerning East-West trade. The National Journalism Center had attempted to obtain precise information—collected by the Commerce Department—on who is selling what to the Russians. When the Commerce Department balked, the center, invoking the Freedom of Information Act, took the case to court. Consistently enough, the courts declared that, absent legislation to the contrary, the Commerce Department had to open its files. Not unexpectedly, Congress obliged and came up with the required cover-up legislation. The bill, touted as a "compromise," permits access to only the most general data about what is being shipped East and allows shippers to conceal their identity by requesting confidential treatment. US firms do not have to worry now about irksome protests from mere taxpayers nosy about their national security.

Notwithstanding their legitimate quest for profit, one might think that business owners would be no less concerned than anyone else about contributing to the growing power of a nation whose leader announced less than a decade ago that by 1985 "the Soviet bloc countries will have achieved most of their objectives in Western Europe and reached a decisive shift in the correlation of forces so that they will be able to exert their will wherever they need to." But it seems that US business executives do not believe such statements of Soviet goals.

On the contrary, it appears that some of our own weapons manufacturers are eager, even impatient, to do business with the Soviet government. According to John Markoff, writing in Inquiry magazine in July 1980, "Some of the corporations at the very heart of the defense establishment" were angry at Jimmy Carter's embargo on strategic goods to the USSR because they found themselves "having to forgo lucrative trade opportunities in the name of national defense." Lucrative indeed, when the United States in turn must improve its own defense capabilities to catch up with the Soviets who—with our help—keep updating their war machine. The full picture apparently escaped Markoff, who saw a paradox where none exists. Puzzled, he continued: "The development of socialist high technology markets has given rise to wonderful ironies: Major U.S. multinationals have set up pro-trade, pro-détente groups like the US—USSR Trade Council and the American Committee for East-West Accord, while at the same time retaining their charter memberships in anti-Communist defense spending organizations." What may seem ironic is by no means incomprehensible from a myopic pecuniary perspective.

The problem is actually of enormous proportions. According to a Washington-based confidential source, for example, one of the largest transnational corporations (for which he works) has been engaged in direct sales of electronic equipment to anti-West regimes. In one case, transmitting equipment was supplied to the Soviet puppet government in Afghanistan. It is no exaggeration to claim that the dimensions of this explosive item of information are immense.

If the evidence is presented to them, most taxpayers will readily see that they are, to put it politely, being had. But there are signs that the public, once its consciousness has been raised, is willing to stand up for its own safety and for its defense dollars. According to the Washington-based Investor Responsibility Research Center, shareholders in a number of companies have been asked in the last few years to vote on resolutions to terminate business and trade relations with Communist countries. One California group, Stockholders for World Freedom, proposed that Occidental Petroleum report the extent of its trade with the Communist bloc. A member of the group submitted a shareholder resolution asking Rockwell International (the Defense Department's 15th-largest military contractor) to cease all trade with Communist nations. The resolution reads in part: "Rockwell, as a prime defense contractor, ought not to be helping [Communist] threats to world peace and free societies. We should instead direct our resources toward our own economy and our Free World Allies. If you are considering voting against this proposal merely out of an abstract sense of political tolerance, consider further that you would be voting against the best long-run interests of yourself, your family, your corporation, and your free country."

All well and good. Yet the resolution contains a fatal flaw. In the words of Rockwell's board of directors: "To the extent that foreign trade with a particular country or countries is considered to be inconsistent with United States Government policy objectives, controls or embargoes are imposed. Decisions on these matters are properly in the domain of the Government and not, in our view, in the domain of corporations."

Without a doubt. Stockholders are entitled to expect a company to invest their money as profitably as possible. The business of business is surely business rather than foreign policy. This is not to say that Rockwell, any more than the rest of us, should be oblivious to the security of the United States. But the evaluation and implementation of national defense policy is the quintessential job of government.

It was John Locke who stated most plainly and eloquently, before this country was born, the principal reason why people form governments. "The great and chief end of men uniting into commonwealths and putting themselves under government, is the preservation of their property"—meaning, specifically, their "lives, liberties, and estates, which I call by the general name—property." Life, evidently, came first.

In truth, a great number of people would undoubtedly go along with the principle of an embargo on the sale of high-technology goods to the Communist countries were it possible to demonstrate beyond refutation that such a move would be absolutely effective in protecting our national security at a reasonable cost. Such rigid demonstration, of course, is impossible. All the evidence already adduced to illustrate the US contribution to the Soviet military cannot possibly provide proof of what would happen in the absence of that contribution. Yet to dismiss the evidence as irrelevant would be to abandon rationality altogether.

Opting for an embargo, however, is still a long way from imposing it effectively. The first problem is to determine with some degree of accuracy what items qualify as strategically significant enough to warrant controls. It has been argued, for example, that everything we sell, including wheat, contributes to the growth of the Soviet military insofar as assistance from us frees up funds for the Soviet war machine. While that argument is not without some merit, particularly if the wheat sales, for example, are subsidized, it is possible to make distinctions. Some items are clearly useful to the Soviets solely for military purposes (laser mirrors, for example). Others have a combined military and civilian usefulness (a truck plant, for example), and the strategic element must be carefully weighed. Still others contribute to the well-being of the Soviet population but are not of strategic significance.

It is high time we broke the vicious cycle of contributing to the Soviets' defense build-up and boosting our own defense spending to meet the challenge; of allowing, even encouraging, US firms to profit with the left hand from selling strategic technology to the Soviet government and with the right hand from building weapons for the US government. As American taxpayers face yet another grossly imbalanced federal budget in which defense appropriations are held sacred, the issue of strategic trade with the Soviet bloc cannot be ignored.●

PRIVATE SECTOR INITIATIVES

● Mr. DURENBERGER. Mr. President, for some time now I have worked on the development and implementation of a concept called private sector initiatives. It is also known by other names, such as public service options and alternative service delivery. And like so many new ideas, it is really an old concept with a new veneer. Basically, private sector initiatives means providing public services and meeting public needs by using not just government, but the resources of all sectors of society—government, business, individuals, and volunteer organizations.

From the business standpoint, this concept means that a business organization should take an active role in the health and well-being of the community in which it exists; not just through token philanthropy, but through public services, cooperative ventures, profit and not-for-profit projects, employee programs, and other activities that make a qualitative improvement in the community. Handled professionally, such projects often can prove profitable.

Few, if any representatives of the business sector have taken private sector initiatives to heart as has William Norris, chairman and chief executive officer of Control Data Corp.,

based in Minneapolis. Mr. Norris has applied this "new" concept to his corporate philosophy for some 15 years, including profit-motivated ventures in such areas as education and training, small business and urban revitalization.

Mr. Norris discussed his view of this corporate role in society, and its application at Control Data, at a Conference on Social Needs and Business Opportunities sponsored by Control Data and the American Academy of Arts and Sciences last September. His address paints a picture of one major corporation that has woven private sector initiatives into its strategy, and of the theory that holds that strategy together.

Mr. Norris' premise is that America has many unmet social needs that are steadily worsening despite increased action by government and private sector philanthropists.

Mr. Norris says:

Simply stated, corporations must use their vast resources more efficiently by taking the initiative, in cooperation with other sectors of society, to address major unmet needs as profitable business opportunities.

Control Data is one of the leaders in this area, using its manpower, brains, capital, and profit motivation to meet community needs and deliver services.

As Mr. Norris explains, this orientation requires some adjustment of traditional business theory. The type of profit these ventures can deliver is not always the kind of immediate, quarterly, hard-cash profits that keep accountants and stockholders smiling. But often, they are long-term benefits to the community, and so to the business within it.

Private sector initiatives is not a sly method of relieving government of its legitimate responsibilities. It is a method of improving the efficiency and quality of services, and improve the quality of life for employees and other citizens, by using all sectors of society to their best advantage. Mr. Norris speaks authoritatively from the corporate standpoint, and I ask that the text of his address be printed in the RECORD.

The address follows:

A NEW ROLE FOR CORPORATIONS

Important background for the central theme of this presentation is the relentless growth for decades in many major unmet societal needs. They have been worsening even in years when the economy performed well. They have defied government paternalism and private philanthropy. And they have reached ominous dimensions.

Fortunately, their growth can be stemmed, indeed reversed, if corporate America will assume a new role. Simply stated, corporations must use their vast resources more efficiently by taking the initiative, in cooperation with other sectors of society, to address major unmet needs as profitable business opportunities. The spectrum of needs I am talking about includes reduction in unemployment, especially for disadvantaged youth and the handicapped; more responsive education and training; revitalization of poverty-stricken urban and rural areas; a more viable small business sector; and lower cost and more efficient public services.

CONTROL DATA PROGRAMS

Control Data adopted such a strategy fifteen years ago, and it has proven sound.

Poverty Area Plants: We began by taking jobs to people by establishing manufacturing plants in blighted communities. The first plant was built on the north side of Minneapolis a few months after fires and rioting in that area in 1967. Since then we have built six additional plants and announced plans to build two more in depressed communities. Total employment in the seven plants now exceeds 2,000, with annual payrolls totalling nearly $40 million.

Education: Our most extensive program addresses the worldwide need for better, more available and less costly education and training. The only practical way to make significant progress in addressing this massive and urgent need is through the use of technology such as television, audio/video tapes, and telephone and satellite transmission, all coordinated in a network learning system with computer-based education.

Control Data has been engaged in developing such a system, called Plato Computer-Based Education, for 20 years. The effort includes scores of cooperative projects with the government, universities, foundations, large companies, small companies and individuals.

Most of the initial funding came from the National Science Foundation in support of a cooperative project between the University of Illinois and Control Data. After expenditures of approximately $25 million in Government funding, feasibility of the approach had been verified; since then, most of the funding, in excess of $900 million, has been provided by Control Data. The project with the University of Illinois continues to be financed by Control Data and is now only one of 40 projects with universities. In addition, there are many more cooperative projects with other organizations and individuals for the purpose of creating computer-based training and education courses.

To facilitate the delivery of Plato Courses, Control Data learning centers have been established as rapidly as feasible, and there are now more than 100 in the United States. We also operate 44 vocational training schools called Control Data Institutes, which offer courses in computer programming, operation and maintenance and a number of more specialized courses such as bank teller training. Soon to be added is robotics technician training.

Fair Break: Plato is also central to a program called Fair Break, which prepares disadvantaged persons to find and keep jobs—and helps make jobs more available to them. Fair Break centers have operated in more than 200 locations throughout the country; each center delivers innovative training in basic skills, job readiness, life management and job-seeking skills. Students also work part time to provide a source of income and to help identify any problems which should be resolved before attempting full-time employment. The program is delivered in cooperation with public schools—and with funding primarily from Government programs.

More than 10,000 students have enrolled at the centers since they started four years ago. Survey results indicate that 83 percent have successfully completed training with a job placement rate of nearly 80 percent.

Outreach: A program called Career Outreach builds on the Fair Break experience. Its objective is to help disadvantaged youths get started in careers by linking education and work experience. It is financed entirely by Control Data.

Students begin working in grade 10 or 11, part time during the school year and full time in the summer. Their eligibility for the program is certified by a unit of city or county government. During high school, they are given counseling similar to that offered under fair break to help them overcome barriers to employment. After high school, their vocational training or college is financed by a combination of a Control Data loan and job income.

Outreach began in St. Paul, Minneapolis, and Toledo in 1981. Twenty students were selected in each city.

Small Business: Having already launched major programs for taking jobs to people and getting people job-ready, we decided in 1975 to complete the employment spectrum with a program to create jobs by assisting small businesses to start up and achieve profitable growth.

You no doubt are aware that more than 80 percent of the new jobs created in the last 10 years has been provided by companies with 100 or fewer employees. Yet the environment for small business has been deteriorating because of increasing competition from large companies. Increasing Government regulation, and decreasing availability of technology and capital. At the same time, most of the technology, management and professional expertise and capital resources are in big business—and are underutilized.

Recognizing the need and opportunity, Control Data has developed a wide range of offerings for small enterprise including financial assistance, data processing services, education and training, management and professional consulting, and technology transfer. Another very important service is our business and technology centers (BTC's), which provide various combinations of consulting services, shared laboratory, manufacturing and office facilities, and other services to facilitate the start-up and growth of small businesses. Economies of scale make it possible to provide occupants of the centers and small companies located nearby with needed facilities and services of much higher quality and considerably lower cost than any would be capable of obtaining or providing for itself.

We also assist small business by fostering public/private cooperation over a broad front. More specifically, we are helping to launch and have been participating in the operation of community-based organizations with those objectives. I will describe two: The Minnesota Cooperation Office for Small Business and the Minnesota Seed Capital Fund.

MCO: The Minnesota Cooperation Office, or MCO, fosters the start-up and profitable growth of small businesses in the state of Minnesota. The MCO is a non-profit corporation being financed during the early years by contributions and grants—it is planned that the organization will eventually become self-supporting from client fees and funds generated by investments in client companies.

The MCO's board of directors consists of leaders from all major sectors of society. The approach is simple: an entrepreneur has an idea for a new product or service and wants to start a company—the MCO helps develop a business plan and obtain financ-

ing. The permanent staff is small. But the MCO draws on a volunteer advisory panel of engineers, scientists and executives for the specific expertise required to evaluate and help prepare business plans. Because these plans are expertly conceived, the chances of receiving adequate financing and achieving economic viability are substantially increased.

Minnesota Seed Capital Fund: Capital from more conventional sources such as venture capital companies and banks is often not available for new companies during their initial formation and early development stages. Because of this, the Minnesota Seed Capital Fund has been formed, with an initial capitalization of $10 million. It is receiving growing support. Recently, two pension funds became investors and several more are considering investment.

Job Creation Network: The MCO, the Seed Fund, and the BTC described a moment ago constitute what is called the Minnesota network for job creation, which provides the support needed by small enterprises to become successful. Unfortunately, in our present economic system, such assistance is left too much to chance, with an undue burden on the entrepreneur. As a consequence, a high percentage of new businesses fail.

On the other hand, through expanded initiatives and cooperation among industry, Government and universities, the necessary support can be provided to vastly increase the success rate for new enterprises and help assure the profitable growth of existing enterprises. The Minnesota network is being replicated in other communities.

Urban Revitalization: In the case of urban revitalization, Control Data has joined with other companies and two church organizations to form a for-profit consortium capitalized at $3 million, called City Venture Corporation. For the first time, adequate resources have been assembled in a unique and efficient pooling of the resources of individual organizations.

City Venture plans and manages comprehensive programs for the revitalization of urban centers. Its approach mandates that plans for restoring a community must be based primarily on meeting the needs of residents for high quality accessible, and affordable education and training—and, even more importantly, their needs for decent jobs. Small enterprises are a major source of those jobs. As well as an important means for building, rebuilding, and maintaining housing and commercial centers. Small businesses also participate in providing health care, education, and other social services.

City Venture is three years old. During that time, Government-funded contracts have been obtained for projects in many cities, including Minneapolis, Toledo, Philadelphia, Baltimore, St. Paul, Charleston, S.C., San Antonio, Benton Harbor, Michigan, Miami, the South Bronx and London Docklands in the U.K.

The most advanced City Venture project is in its third year in the Warren-Sherman Community in Toledo. Progress is evident in implementing a comprehensive plan that emphasized job creation, better, less costly education and training, linked with jobs and improved housing to provide further information on the Toledo project. Let me quote from a speech by Mr. George Haigh, the chief executive of Toledo Trust Inc. and one of the leaders responsible for the effort to revitalize the Warren-Sherman area in Toledo.

"The project began with a neighborhood that suffered unemployment in excess of 32 percent; inadequate, run-down housing; low household incomes; inadequate shopping facilities; lack of small business; and lack of recreational facilities. Crime, arson and pride-sapping neighborhood decay were all too evident.

"Using City Venture as a catalyst and gaining the trust and active decision-making involvement of neighborhood people, neighborhood organizations, the city of Toledo, and several private businesses, a unique program began to rapidly take shape. Not a program featuring handouts, but one that would provide improved neighborhood housing, training and education for hundreds, over a thousand additional neighborhood jobs, a business and technology center to help minority business, a new shopping center, new parks for recreational use—and the list goes on. Most importantly, however, is that these programs are all investments that are aimed to produce profit for the private sector, pride for the neighborhood, and real opportunities for people."

Rural Development: The need for rural development has been approached through another for-profit consortium called Rural Ventures Corporation: Like City Venture, it was capitalized at $3 million. Investors included businesses, church organizations, farm cooperatives, foundations, and individuals.

Rural Ventures main thrust is to increase the productivity and profitability of small farms and to assist in the start-up and profitable growth of small businesses in rural communities. With respect to small farms, it is evident that with proper selection and application of existing and emerging technologies, and with adequate ongoing R&D, small family farms can reduce the cost of food, make a significant contribution to food production, do it in more environmentally protective ways, and provide a decent living for the operators.

Computer technology is the centerpiece of the strategy. Data banks of agricultural technology are being assembled and computer-based education courseware is being written primarily through cooperative efforts between Control Data and a large number of universities and other organizations. Computer-optimized selection of crops, livestock, equipment, and other technologies are made for each small farm, and a full range of computer-based education and training programs are available and prepared to help individual farmers apply the technologies efficiently.

Many Rural Ventures contracts are underway. In New England, Rural Ventures is providing production and marketing assistance to small-scale sheep growers to assist them in rebuilding their region's once-flourishing sheep industry. In Alaska, Rural Ventures is managing two projects north of the Arctic Circle—the tundra is being cleared to grow food locally and thereby build a more self-sufficient society in these remote areas. The slide shows the first Eskimo farmer in history. In north-central Minnesota, 40 low-income farmers planted their first commercial vegetable crops under Rural Ventures guidance.

EVALUATION

By now, you must be wondering about results—reactions by our many constituents, profits, and other benefits.

Employees: High on the list of benefits to Control Data has been the favorable reaction by employees. Our programs provide the opportunity for employees to participate directly and visibly in serving society as part of their work responsibilities. As a result, they have a sense of pride and gain a special kind of enjoyment in being part of Control Data's broad-based effort to address unmet needs. Prospective employees, especially those just entering the work force, also view our strategy very favorably as demonstrated by a college recruiting success rate much higher than other companies.

Stockholders: Control Data has also enjoyed good support from its stockholders. We have always communicated the essence of our strategies, including the longer than average time required for most programs to achieve attractive profitability.

Security Analysts: On the other hand, our strategy was subjected to more than 12 years of criticism by many financial analysts, fund managers and other Wall Street types who judge corporate financial performance on a quarter-to-quarter basis and arrive at their long-range assessments primarily by projecting current earnings five years ahead. Some characterized Control Data's strategy with such expressions as "a passion for experimenting with business methods to solve social problems" or "good works that restrain profitability." More recently, however, rising profitability at Control Data and the debacle in Detroit is causing them to do some soul searching and have second thoughts about our strategy. Had the automobile manufacturers been cooperatively addressing the basic need for more energy efficient transportation instead of perceived wants, they could have avoided the crucial loss of market which resulted in staggering losses of billions of dollars and hundreds of thousands of jobs.

Poverty Area Plants: Further information about the myriad of reactions beyond employees. Stockholders and denizens of Wall Street can best be highlighted in connection with individual program evaluations. For example, by working closely with local community organizations, and with partial Government funding for training, Control Data has succeeded in making poverty-area plants as profitable as its conventional operations. At the same time the interests of each community are being served and a path provided for disadvantaged persons to enter the mainstream of industry.

In addition, local communities have a highly positive perception of the plants. In the early days of the program, there was some skepticism of Control Data's motives and we were characterized as "fat cats or rip-off artists." There were those who predicted our plants would be vandalized. The criticism has long since disappeared, and there has never been any vandalism—not even grafitti on the walls.

Education and Training: In education, our total program is not profitable—and will not be, by design, until 1984—because of continuing investments in courseware and new learning centers. However, based on estimated revenue growth, the total program will turn profitable during that year and rise steadily thereafter to become the largest producer of profit in the company. Although the total education program is not profitable, the Control Data Institutes are nicely in the black, with an operating profit rate higher than any other unit in the corporation.

We never thought for a moment being successful in education would be easy. History shows that more than 200 years went by after the book was introduced before it was used by teachers. Our plan provided for a few carefully chosen fields of entry where resistance to change would be the least and for a gradually increasing commitment of

resources for whatever length of time required to be successful.

The initial fields chosen were proprietary vocational education, business and industry training, education and training for the disadvantaged and handicapped, and engineering education.

Significant progress is being made with Plato in spite of continuing reservations by most of the educational establishment, and progress is accelerating as additional high quality Plato courseware becomes available and delivery costs continue to decrease. Using the small Plato micro computer as the delivery device, the hourly instructional cost averages about 75 cents. Also, Plato courseware is gradually becoming available for delivery by some of the more commonly used micro computers made by other companies for an average cost of 50 cents per hour.

The proliferation of personal micro-computers coupled with high quality Plato courseware will greatly enhance learning in the home. Parents will begin to put pressure on the public school system to speed up the introduction of cumputer technology into the educational process. In order to take full advantage of this technology, The management of schools should be contracted out to business, which has the expertise to use advanced technology efficiently. Such an arrangement need in no way abrogate the responsibility of teachers for diagnosing student needs, selecting curriculum materials, or any other teaching duty. Even more important, it provides time to nurture.

Small Business: With respect to small business, many of Control Data's services are producing attractive profits; however, overall profitability is being held down by rapid expansion in the number of locations offering them. Our willingness to devote substantial resources to assist small business enhances our company's image not only among small companies but also with the general public, especially in Europe, where countries are taking stronger initiatives than the United States to accelerate the creation of jobs by assisting small businesses.

We started a program of equity investments in small companies, most of them newly formed, three years ago. The program is not yet profitable, but there are enough obvious winners emerging to assure attractive profits. Even more important, many of the companies are developing products and services, especially computer-based education courseware, which will be marketed by Control Data in the years ahead. This type of program capitalizes on the strongest attributes of both large and small enterprise. The small company, inherently the more creative and flexible, with low overhead can develop new products and services sooner and for less cost. The large company, with its vast resources, can excel in marketing. By the year 2000, we estimate that small companies will supply 30% of Control Data's products and services.

Urban Revitalization: By far the toughest field is urban revitalization. From day one we knew the problems City Venture was setting out to solve would not be easy or they would have been solved long ago.

The initial phase of an urban revitalization project can be an adventure in a hornets' nest. Communities are often divided because numerous neighborhood organizations have differing perceptions of what should be done or how. It is difficult, sometimes impossible, to obtain a consensus. There are always a number of angry people who are abusive during meetings with outside organizations. Some neighborhood groups are corrupt—and many of the more activist types resort to unconscionable tactics. At times, it appears as if there is a conspiracy to undermine our private enterprise system.

On the other hand, the vast majority of neighborhood groups are dedicated to bettering their community; they are achieving results in spite of chronic deficiencies in resources and differing views. Lack of consensus also plagues business, government and other parts of the community. This is most often manifested by the absence of a true commitment to a revitalization effort.

One of the most important things to recognize about urban revitalization is that instant successes are not possible. Usually, at least two years are required to show tangible evidence of progress—much longer to reach job creation goals. This allows time for those in opposition to create doubts—and in two City Venture projects, in Minneapolis and Miami, to prevent them from progressing beyond the planning stage.

However, in spite of the many difficulties, City Venture has proven it can effectively serve in the role of catalyst and coordinator in helping to obtain a consensus and in working with a community in planning and implementing a revitalization effort.

On the other side of the coin, City Venture is not yet profitable; however, profitability is projected to be achieved next year. Reaching an attractive level of profitability is important in proving the concept of City Venture. Although the amount of profit relative to earnings of the corporate investors will not be significant for many years. Therefore, the main benefit to be derived from City Venture by corporate stockholders is the identification of new markets in their fields of interest. Unfortunately, this potential has yet to be perceived by many of the corporate stockholders, who, bless them, invested because "it was the right thing to do."

One consequence of that motivation has been the resignation of representatives of two corporations from the board of directors soon after adverse publicity when the City Venture project in east Minneapolis was not continued. Opponents, of course, claimed City Venture failed and the newspapers were only too eager to play up that aspect.

In the light of this and other experiences with stockholders, City Venture is engaged in designing procedures to assist corporate stockholders in identifying business opportunities in their fields of interest.

Rural Development: In contrast to City Venture, the corporate shareholders of Rural Ventures have a much better perception of the potential for new business opportunities. Also, Rural Ventures has had only relatively minor problems with neighborhood and community groups, presumably because they are fewer in number and not so well organized. Rural Ventures is making excellent progress and is projected to achieve profitability this year. And, in the very near future, Rural Ventures will commence a project overseas in the developing country of Jamaica.

Overall Profitability: It is time to complete the evaluation of Control Data's strategy, so I will do so with a few more words about profitability. As noted earlier, it is rising. It will continue to rise, because major and worldwide unmet needs are being served by Control Data products and services which are at the forefront of technology.

PROGRAMS BY OTHER ORGANIZATIONS

Control Data is not the only company actively involved in addressing social needs. A number of banks, insurance companies and industrial companies have established minority enterprise small business investment companies or MESBICs. By far the largest is Equico, owned by the Equitable Life Assurance Company; with paid-in capital of 10.5 million dollars.

In addition, banks and insurance companies have invested in commercial and housing construction and rehabilitation in poverty-stricken neighborhoods. One of the companies most aggressive in making such investments is Toledo Trust.

Plants have been established in inner cities by Lockheed, IBM, Digital Equipment Company, Owens Illinois and some other companies.

While these and other examples of investing could be cited and represent a considerable amount of activity, the aggregate is very small compared to the size of the needs. But it is a start.

PRIVATIZATION OF PUBLIC SERVICES

Further words need to be said about privatization of public services, Earlier, I mentioned that the management of schools should be contracted to business. With a fee structure based on performance, business could make attractive profits and the public would benefit from a more responsive and productive educational system.

Prisons are in critical need of better management—to reduce both the present staggering costs of operation and excessive recidivism. Given adequate incentives, business could provide the needed management and creativity. Control Data, in cooperation with City Venture, will soon be offering prison management services based on extensive experience accumulated from Plato education and training programs in prisons, manufacturing in a prison, leasing cars to ex-prisoners, and other programs.

State and local government should also spin-off programs for business to manage in many other areas such as childcare, assistance for senior citizens, recreation, rehabilitation for ex-prisoners and people discharged from State hospitals, and so on.

If public services were privatized, the role of Government would change from one of providing services to one of establishing standards, licensing, and monitoring. The size of the public bureaucracy would be dramatically reduced. The quality of the services would be dramatically improved. As an additional benefit, many new opportunities would be available for small business.

ULTIMATE POTENTIAL

Much more could be said about these and other programs. However, it is evident that jobs can be taken to poverty-stricken areas; education and training can be made responsive and affordable: disadvantaged and disabled people can be trained and placed in meaningful jobs; small businesses can be helped to startup and grow and create more new jobs; poverty-stricken urban and rural areas can be revitalized, and public services privatized. All of these actions can be accomplished efficiently and, in the long run, profitably through broad-based cooperation.

Appropriateness: However, the question is occasionally raised about the appropriateness of an investment strategy for every company. It is true that it is easier to visualize how the existing products and services of some companies, such as Control Data, can be applied in meeting needs than it is for

others. Still, it is clear to me that there are significant business opportunities for every company.

However, such opportunities may not, indeed normally will not be apparent without a dedicated effort to find them. The broad horizon of attractive opportunities for Control Data that we see today wasn't visible in 1967 when we took the first major step by establishing an inner city plant.

Skeptics ask how a steel company could possibly find an investment strategy meaningful. Considering just steel making and the dismal innovation record of most steel companies in recent years, it is clear that they could help themselves enormously by adopting an aggressive program of investing in small businesses. The proven creativity of small enterprise could point the way for badly needed innovation in many areas. Even small steel mills can be profitable.

Of course, many steel companies are vertically integrated and diversified, so there are opportunities beyond those just related directly to steel making. Again, cooperation with small companies can be profoundly beneficial not only for steel companies but for all large companies. In short, for any company, it is seek and ye shall find.

President's Program: Give evidence that an investment strategy works, that it is appropriate for every company, and that the market is enormous, will it become widely adopted? There are a number of reasons for my being optimistic that it will be.

(1) One reason is the existence of a conductive environment created by increasing public concern about growing needs and the shrinking Government resources available to address them.

(2) Another reason is that corporate America is increasingly embracing the concept of corporate responsibility, which is resulting in increased philanthropy. In addition, substantial contributions are being made each year by foundations.

(3) A third reason is the myriad of volunteer neighborhood and community-based organizations which have been spanned and are improving housing. Creating jobs and in other ways improving neighborhoods and helping the needy.

All of these are important, and much is being accomplished; however, the effort is fractionated and insufficient.

Furthermore, the status quo of nearly the past fifty years has been disrupted by President Reagan's cuts in Federal budgets for many human and economic development programs, The shifting of greater responsibilities to States, and the President's call for the private sector to provide alternatives consisting mainly of increased volunteering and contributing.

There has been much written and said about how the private sector should respond. Initially, the prevailing view was that corporations and individuals should increase their charitable contributions to bridge the gap. However, facts about giving make it clear that this is very unlikely to happen.

It is also not realistic to expect a substantial replacement of Federal dollars with State funds because of strong negative reactions to tax increases. Even in the unlikely event that Federal dollars could be replaced with State and private funds. The results at best would be to maintain the status quo—with no significant improvement in our social condition.

Mounting public concern, shrinking Government budgets, expanded community-based efforts, increasing acceptance of the concept of corporate responsibility and the disruption of the status quo has set the stage for business to provide the initiative, the focus and the additional resources through investment. What is lacking are a means of reducing both the risks and the longer than average period required to achieve adequate returns on investments.

The public-private partnerships which the President is advocating can provide these answers if expanded to include investing—along with volunteering and contributing and appropriate financial incentives. It is this possibility which caused me to accept President Reagan's invitation to be a member of his private sector initiatives task force. Let me briefly describe what I envision can be accomplished to effectively address the objectives of the task force by devising a structured program, with incentives, to expand investing, volunteering and contributing.

The objective of the President's Task Force on Private Sector Initiatives can be broadly stated as follows: "To facilitate the replacement of Government paternalism with public/private sector partnerships in every community for assisting needy persons and depressed areas."

At this point, I should make clear that public/private partnerships are equivalent to the broad-based cooperation I talked about earlier—just different words.

There are two ways of providing assistance to the needy: (1) By treating the symptoms of social ills; and (2) by addressing the underlying root causes.

At the present time, the first approach is the most common. Unfortunately, in the face of unprecedented need for permanent solutions, it is also the least effective. For a program to have lasting impact, it must treat underlying causes, which net down primarily to unemployment. Given enough jobs, most people and most communities can solve many of their other problems.

The magnitude of the need for expanded employment is so great that the only practicable way to achieve an adequate response is a focused approach by corporations, foundations, churches, labor unions, and individuals in cooperative programs consisting of volunteering, contributing and, most important as I stressed earlier, investing.

PROGRAM FOR EXPANDING EMPLOYMENT

Specifically, a program is being recommended for expanding employment that includes incentives for increasing:

1. Job-creating capabilities in every community,
2. Community development efforts,
3. The employment of disadvantaged youth,
4. The employment of the disabled,
5. Corporate investing, contributing, and volunteering,
6. Volunteering and contributing by individuals.

Implementation requires interaction among public/private partnerships focused on the greatest need in our society today—jobs. Only with this kind of focus will our always limited resources be applied in enough depth to make real progress toward permanent solutions. The concept is based on methodology proven sound by Control Data and many other organizations. Hence, implementation is essentially a matter of replicating what has worked.

Each part of the total program relies on partnerships of various types for implementation. In addition to partnerships which primarily address specific issues, a broadly-based partnership is needed with membership from different sectors of the community to assure that neighborhood goals are in consonance with those of the larger community—be it city, county, State, or region. There is also the matter of marshalling and allocating resources.

Many examples of successful broader-based partnerships can be cited. One is the Greater Milwaukee Committee for Community Development, which has members drawn from labor, education, and business. The Greater Toledo Economic Planning Council is another, with members drawn from business and city government. A third example is Minnesota Wellspring, a statewide organization with members from State and city government, education, labor, business, and foundations.

To help further articulate the essence of the program, I will elaborate briefly on major parts and identify incentives that will be needed to gain adoption nationwide.

Expansion of Job-Creating Facilities: Starting then with job creation, virtually every community needs a more effective means of creating jobs through the use of resources under local control as opposed to relying on large companies to expand existing operations or establish new ones. Since small businesses are the source of most new jobs, this can be best accomplished by establishing public/private partnerships in each community to assist in the startup and growth of small enterprises. In urban areas, the focus would be on small businesses, in rural areas, attention should be given to both small businesses and small farms.

The core elements constitute a job creation network identical to the Minnesota network described earlier. As noted earlier, the cooperation office in Minnesota is currently financed by contributions and grants, and the point to be added is that it has been very difficult and time-consuming to obtain the required level of support.

Hence, tax credits are needed both to stimulate contributions to efforts of this type and to induce corporations to volunteer the services of their professional and executive employees. Some States, such as Indiana, already provide tax credits for volunteer services.

Tax credits are also needed to stimulate investments in business and technology centers. The payout period for a BTC is typically 8 years, and this is perceived as too long by most investors.

Community Development: Small businesses can't flourish in an area where crime is rampant, housing is run down, streets are in disrepair, and so on. Conversely, a decent living environment can neither be established nor maintained where opportunities for employment are few and far between. Thus, community development is essential to creating a supportive atmosphere for small business, and small business is essential to community development.

Different communities have different needs. There is no single model for community development that can be applied across the board. It is suggested that communities be divided into two broad categories, more fortunate and less fortunate, and that a distinct approach be taken to each type.

For more fortunate communities where deterioration is not severe, the recommended approach is to simply replicate the network for job creation. When employment is at a reasonable level, communities can usually cope with most other problems.

For less fortunate communities where deterioration is severe and unemployment high, the recommended approach is that the replication of the network for job cre-

ation be supported by a comprehensive revitalization program. The Toledo Warren-Sherman Community Revitalization Program described earlier is an example of such a program which emphasizes expanded employment, more responsive education and training, and improved housing.

Financial Incentives: A comprehensive revitalization plan cannot be expected to succeed unless sufficient financial incentives are offered to both investors and lending institutions. Especially important is seed capital for small business.

In addition to not being generally available, as noted earlier, there is the added deterrent of the small businesses being located in high-risk areas. In order to stimulate investors to provide the needed seed capital, I am recommending a 100 percent writeoff for new equity investments in small businesses located in enterprize zone areas.

Also, to attract the large-scale investment required for inner-city commercial and residential projects, special tax incentives are being recommended.

THE EMPLOYMENT OF DISADVANTAGED

Getting the enormous numbers of disadvantaged persons in the United States job-ready and placed is a task of overwhelming dimensions. A more realistic approach is to concentrate on disadvantaged youth. Many adult members of the disadvantaged population have learned to cope somehow through welfare, assistance from neighbors, and other means; too many of the young are still at sea.

There is a growing public awareness that education and training must increasingly be linked with jobs. Outreach, described earlier, is an efficient way to get disadvantaged youth into meaningful jobs.

Incentives for Replication of the Outreach Program: Implementing Outreach requires an investment beyond the normal costs for employment and training. Therefore, the program will not be widely replicated unless participating businesses can both recover the extra costs incurred and realize a reasonable profit on the investment.

Tax credits would serve these purposes and at the same time represent a good investment for the Government. Studies have shown that, on the average, a job is conservatively worth some $52,000 per year to the Federal Government. If 25 percent of that $52,000 value were shared each year with employers of disadvantaged youths in the form of tax credits extending over a 10-year period, all parties would benefit handsomely. The employer would acquire an experienced employee and, in the process, make a reasonable profit, and the employee would be launched on a career. The program would be more than self-financing, resulting in a net gain to society as a whole.

THE EMPLOYMENT OF THE DISABLED

Current efforts aimed at providing employment for the disabled should be expanded. There are many fine organizations assisting disabled persons to gain employment, but they need more support in order to take advantage of recent technological advances.

Computer-based education, work terminals, robotic controls, and a variety of new sensory devices have opened new doors for the disabled. Equipment of many types exists for helping disabled persons to be productive. Personalized adaptations and training are invariably required, however, and these are expensive.

A tax credit could greatly expand employment for the disabled. It could be similar to the credit recommended earlier for disadvantaged youth. The amount would vary according to the type of disability and the corresponding costs of adapting equipment, education, and training to individual needs.

CONTRIBUTING AND VOLUNTEERING

Next, I will review tax credits being recommended to stimulate corporations and individuals to make contributions and volunteer time in support of the program.

Specifically, a tax credit should be made available to corporations and individuals contributing to community-based organizations supporting job creation activities, such as a cooperation office.

In addition, a credit should be provided to corporations to offset the salaries of employees who volunteer their professional and management assistance to small businesses during working hours. For individuals volunteering services on their own time, increased credits could be given for car mileage and for some percentage of the value of the time donated.

GETTING FROM HERE TO THERE

That completes the description of the program being recommended. The question is, will it be implemented? The answer is, yes, although budget constraints may dictate that it occur in steps. There are several reasons for my optimism.

One is that it is responsive to the wishes of the President. In speeches, he has said, "We want an American partnership that can and should be replicated in every community." What has been described meets that desire.

A second is the momentum building for enterprise zone legislation which, if properly structured, could provide a meaningful start toward establishing job-creating capabilities in poverty-stricken areas. Congressional leaders predict Federal enterprise zone legislation will be passed. In addition, eight individual States have already passed zone legislation or are considering it. Discussions with Governors have convinced me that State enterprise zone legislation will plan a significant role in revitalization—perhaps, in the long run, more important than Federal legislation.

Most important is the President's continuing promotion of his concept of less Government welfare and more private sector voluntary actions, which is increasing awareness of the need for, and advantages of, cooperation. This will be further magnified by the private sector initiative task forces being established by individual States. But there is also a growing awareness that increased volunteering and contributing isn't going to adequately address the root cause of social ills—lack of employment.

Therefore, with a nationwide perception of the need for cooperation established and a mechanism in place for sponsoring and coordinating cooperation, the stage is set, waiting for business to provide the initiative and make the investment.

CONCLUSION

It is time to conclude. One word, to a great extent, summarizes what I have been saying—cooperation. Without a vast increase in cooperation. Our Nation will sink further in the mire of festering social problems. But with widespread cooperation to achieve more efficient use of existing intellectual, physical, and financial resources, the decline can be arrested, followed by gradual improvement.

When I first began to advocate widespread cooperation more than 20 years ago, even before the formal adoption of our corporate strategy, the words sounded somewhat esoteric to me, and, to an extent, I felt like a preacher without a congregation. Spoken and unspoken reactions from my audiences confirmed these feelings. It wasn't that I didn't have the conviction of its merits, rather it was the realization of the difficulty, seemingly overwhelming at times, to achieve it.

However, the enormous benefits which Control Data has already enjoyed have long ago replaced that early uneasy feeling with one of determination to overcome whatever great difficulties stand in the way of establishing broad-based cooperative efforts.

Those cooperative efforts will come—and they will provide the basis for a new, exciting, and more productive role for corporations.

Thank you.●

SENATOR SIMPSON ON IMMIGRATION REFORM

● Mr. KENNEDY. Mr. President, one of the more important issues that will come before the Senate again this year is the question of immigration reform. And once again we will be looking forward to working with our distinguished colleague from Wyoming, Senator SIMPSON, chairman of the Subcommittee on Immigration and Refugee Policy, in moving forward an immigration bill that will begin to deal with some of the pressing immigration problems confronting our country.

I share Senator SIMPSON's view that "reform is imperative." This has been my view for many years, and the reason I joined with him and others in supporting the work of the Select Commission on Immigration and Refugee Policy—which filed its landmark report in 1981.

The legislation that Senator SIMPSON introduced last year, and which the Senate adopted last August, carried forward several of the Select Commission's recommendations. Although I could not support all of the bill's provisions, it was a serious effort to deal with some of the conflicting views on immigration policy and it involved some very difficult compromises. That task will be before us again, Mr. President, and I pledge my best efforts to work with Senator SIMPSON—to try and work out some of the contentious issues involved in immigration reform—and to be able to support the final compromise.

Recently, Senator SIMPSON reviewed a number of these issues in a Foreword he wrote for the current edition of the San Diego Law Review. I would like to draw this thoughtful essay by Senator SIMPSON to the attention of my colleagues, and I ask that it be printed at this point in the RECORD.

The essay follows:

[From the San Diego Law Review, No. 1 December 1982]

FOREWORD

(By Senator Alan K. Simpson)

No other country in the world so powerfully attracts potential migrants as does the United States. No other country approaches the United States in the number of legal immigrants accepted or refugees permanently resettled. I deeply believe most Americans are very proud of both our reputation and our record as truly being a land of opportunity and refuge—and I believe that reputation and that record have generally been very good for this country.

However, existing immigration policy is no longer adequate to deal with the growing immigration pressure on the United States. Immigration to the United States is out of control and it is so perceived at all levels of government and by the American people, and indeed by people all over the world.

Reform is imperative. This does not mean shutting ourselves off from the rest of the world. Immigration to America has been limited in various ways for more than a century and has been subject to various forms of numerical limitation for over sixty years. Immigration will continue to benefit the United States if the law is reasonably amended to be appropriate for contemporary conditions—*and* if the law can be enforced.

Last year in his Foreword to this annual issue on immigration Senator Edward M. Kennedy said: "[T]oday we are at a watershed in our Nation's effort to establish fair, humane and enforceable immigration and refugee policies. At no time in recent years has the opportunity for action on immigration proposals been more hopeful, or the consequences of inaction more dangerous." [1]

I agree with these sentiments and I am pleased that the legislation [2] which Congressman Romano Mazzoli (D-Ky.) and I cosponsored in the Congress and introduced on March 17, 1982, was characterized as "not nativist, not racist, not mean" [3] in the press. This is a major accomplishment. I am pleased also that for the first time in our history an immigration debate is taking place which is not wallowing in emotionalism, racism and guilt. This is not an accident. It is a tribute to the many witnesses who testified before the Senate Subcommittee on Immigration and Refugee Policy and the interest groups which have lobbied their positions before us. The press has also maintained a lofty tone. And finally, I am very proud of the manner in which the debate on these sensitive issues was conducted among my colleagues in the Senate. All were conscious of the past history in connection with immigration legislation and were determined not to duplicate in our deliberations the racism which characterized the 1880, 1924, or 1952 legislative enactments.

I was also conscious of the need both to make immigration a bipartisan issue and to balance two conflicting traditions within the United States: on the one hand, a desire to continue our tradition of immigration, of welcoming newcomers; and on the other hand, the need to control the influx of persons entering the United States. My counterpart in the House, Romano Mazzoli, chairman of the Subcommittee on Immigration, Refugees, and International Law, agreed with the bipartisan approach and viewed the issue in the same focus as I did. We met frequently and as a result an identical bill was introduced by a progressive Democrat in the House and by a progressive Republican in the Senate. In both Houses the members of the minority party endorsed the bill since we had submitted a balanced program permitting this country to once more control its borders and to still maintain its immigrant tradition.

As this is written, the bill has passed the Senate and has been reported out of the House Committee on the Judiciary. The bill is now awaiting action on the floor of the House. It is appropriate therefore to discuss in this Foreword the policy behind the bill, and the balance that I mentioned which led to the New York Times characterization.

The bill has three critical and distinct reform proposals: (1) increased control of illegal entrants accomplished in the bill through (a) employer sanctions, to inhibit future flows, (b) legalization, to regularize the undocumented aliens presently in the country, and (c) facilitating the entrance of temporary workers to reduce any employer dislocation that might occur as a result of employer sanctions and legalization; (2) reform of the asylum adjudication system by limiting the number of appeals available to the asylee applicant and increasing the stature and independence of the adjudicators; and (3) establishment of a numerical limit on legal immigation to the United States and, within that limit, some restructuring of the preference system in order to clarify the purposes of our immigration policy.

CONTROL OF ILLEGAL ALIENS

Employer sanctions

The primary motivation for aliens illegally coming to the United States is economic opportunity. Following the practice of other developed nations (Canada, France and West Germany) the Simpson-Mazzoli bill establishes for the first time as a matter of federal law that it is illegal to hire an illegal alien.

I think few would object to that policy. Given the difficult economic conditions in this country at present, it is more important than ever that we give priority in our economic system to persons who are legally here.

As recommended by the Select Commission on Immigration and Refugee Policy, the bill imposes civil penalties—fines—on employers who hire illegal aliens. This issue has been explored in considerable detail in this Review and other learned journals, and I shall only sketch out the basic issues of the debate.

Employers and employees, both citizens and others legally resident in the United States, are entitled to a system that can establish legality easily. Employers need a verification system which will permit them to obey the law without fear of being prosecuted for inadvertently hiring an illegal alien. Employees need a system which will permit them to establish employment eligibility without discrimination.

At present, unfortunately, most documents that are used in our society to establish identity are not "secure." Birth certificates, social security cards, driver's licenses and other identification documents are counterfeited on both sides of the border and are readily available to illegal aliens seeking documentation. We approached this portion of the legislation cautiously. Hispanics, especially, are concerned that a new verification system may result in discrimination against them or others who "look or sound foreign." As a matter of practice, most persons seeking a job are required to have a social security number, and for a variety of other reasons in our society, identification is required for such things as driving a car, cashing checks and establishing the right to receive certain benefits from the government such as food stamps. Forty-one states now have a system of issuing identification cards, primarily because of the need for identification by persons who do not have a driver's license. There is increasing pressure on all of these systems to make this identification more secure.

The Simpson-Mazzoli bill, therefore, does not preclude the opportunity to utilize new identifiers that are being developed—while at the same time pressing the federal government to establish an employment verification system which is secure. The bill provides that for the first three years after the passage of the Act, the identifiers used shall be existing ones: a document first to establish one's right to work in the United States, and second, an identifier to establish one's identity. The first may be accomplished by a birth certificate or social security card and the second by an alien identification card, or driver's license, or other identity document. The passport which provides evidence of both may be used without other documentation.

The bill requires the Executive to study the use of the existing identification system and within three years either modify the existing identifiers or come up with a new one so as to "establish a secure system for determining employment eligibility in the United States." [4] This was a compromise between the desire of the Congress for a new identifier—counterfeit and tamper resistant—and the preference of the Executive to use existing identifiers.

The bill provides for a report to the Congress every six months during the first three years on what type of system the Executive is developing and what is being learned from the operation of the existing system. A report is also required on the impact of employer sanctions in two other areas: the paperwork and record keeping burden on employers and the possible discriminatory impact of employer sanctions.

This latter concern—discriminatory impact—is most important since I am aware of the possibility of employment discrimination arising from use of employer sanctions both in hiring and in the process of employment verification. I was, therefore, quite pleased that various representatives of civil liberties organizations who testified before us indicated that, if an employer sanctions system were to be established, the identification system in the bill was as fair as one could devise. The key is that the verification system is required of all persons. Regardless of how well an employer may know a potential employee, the employer must examine the documents and attest that those documents have indeed been examined, and the employee must attest s/he is legally able to be employed in the United States. Failure to follow this procedure is a violation under the bill.[5]

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[1] Senator Edward M. Kennedy, Foreword, 19 SAN DIEGO L. REV. 1, 1 (1981).

[2] S. 2222, 97th Cong., 2d Sess. (1982); H.R. 5872, 97th Cong., 2d Sess. (1982). The House bill was renumbered as H.R. 6514 after being reported out by the House Subcommittee on Immigration, Refugees, and International Law.

[3] N.Y. Times, Mar. 18, 1982, at 26, col. 1.

[4] S. 2222, *supra* note 2, § 101(a)(1).

[5] *Id.*

Finally, any new documentation or identification system developed under the legislation would only be required for work purposes. It would not be required to be carried on the person and it could not be required for any other use, including non-immigration law enforcement.[6] This is but another safeguard to avoid any possible civil liberties abuses.

Legalization

Complementing the employer sanction provision is the legalization provision. We must not only seek to control persons coming to the United States, but also be responsive to the undocumented population that is already here. Many have lived and worked here for long periods of time and have contributed much to their communities. Many are subject to exploitation and the existence of this furtive sub-society erodes our sense of ourselves as law-abiding people.

The legislation provides, as the Select Commission proposed, for the legalization of a portion of the undocumented aliens. The Simpson-Mazzoli bill's legalization provisions are generous but reasonable. We provided permanent resident status for persons who have resided here continuously in unlawful status since 1977.[7] For persons who have been here since 1980, we provided temporary resident status for three years and, after three years, an adjustment to permanent resident status. As a condition of both the adjustment to temporary resident status and to permanent resident status, the person must meet the normal exclusion requirements for immigration to the United States. This will exclude those who would present a danger to public health, public safety and those likely to become a "public charge."

In addition, those who obtain temporary resident status must have a minimum competency in the English language or be enrolled in a course of study to learn English before they may adjust to permanent resident status. The purpose of this provision is to encourage naturalization. For example, legal immigrants from Mexico have a very low rate of naturalization. Knowledge of the English language is one of the requirements for naturalization, and providing for a knowledge of English during the three-year temporary residence period may encourage those legalized to embrace this nation as citizens.

We—each Senator and each Representative who supports this bill—are aware that the provisions for legalization are controversial and generate contrary public opinion. But legalization is very much a necessary part of legislation designed to gain any control of our borders. If is not a "reward" for illegal activity.

Temporary workers

Some American industries, particularly agricultural labor in the southwest and west, have become dependent upon undocumented workers. These employers were concerned that they might not be able to obtain sufficient American workers to harvest their crops after employer sanctions become law and they therefore requested that we streamline the procedures presently in our laws for obtaining foreign temporary workers.

The role of temporary workers in our economy is hotly debated. The degree to which American workers are willing to take certain jobs under existing conditions or even under changed conditions is difficult to determine. With unemployment—especially among unskilled minority groups—very high at present, we chose to be very cautious. We provided the ability to import temporary workers consistent with the continued protection of American labor. We retained a requirement that a "certification" be requested from the Department of Labor that there are not sufficient workers in the United States capable of performing the job at reasonable wages. We did provide time limits to assure that bureaucratic delay did not bar employers from obtaining needed labor quickly. We also changed the criterion for Department of Labor review to make it more realistic in accordance with market recruitment. Thus, we focused the definition of available labor on the availability at the intended place of employment, rather than the entire United States.

ASYLUM

One of the continuing problems of recent years has involved the question of asylum. The need to clarify the definition of "asylee" and reform the adjudication procedures was dramatized by the entrance of Cubans during the Mariel boatlift and by the large numbers of Haitians who have entered the United States without documents in the last few years.

The asylum adjudication provisions of our current law were tailored to a limited number of rather patent cases. The phenomenon of the United States being a country of mass first asylum swiftly overloaded the system, causing it to collapse under its own ponderous weight.

The provisions of the Simpson-Mazzoli bill are intended to chart a careful course between the concerns of fairness on the one hand and expediency on the other. Both the government and asylum advocates agreed that asylum adjudication was in need of reform. The procedure is wholly convoluted. Presently one can plead asylum at the district director level. If that plea is turned down one can appeal to the Board of Immigration Appeals. If the applicant is once again turned down, the law provides for a petition of habeas corpus with a hearing *de novo* before the federal district court, and if that is turned down there is still another appeal to the circuit court of appeals.

It is hardly a procedure designed for the expeditious handling of large caseloads. When there were 2,000 to 5,000 asylum claims a year such a cumbersome system might have been tolerable. But when we suddenly have over 105,000 cases—the present backlog—then the procedure cries out for change.[8]

All sides recognized the problems of excessive delay in the procedure. The Executive, recognizing that delay was inherent in the process and that deportation was almost impossible, instituted a procedure of interdiction and detention to deter people from coming to our shores. Asylum advocates felt that the process was unfair, even though lengthy. The District Director, the immigration judge and the Board of Immigration Appeals were all under the umbrella of the Immigration and Naturalization Service and asylum advocates argued that one could not expect a fair review. They argued that even the district judge was bound to side with the Executive because the State Department could, in individual cases, make a finding of conditions in the foreign country which in large measure would be determinative of the factual situation in the case. It appeared that asylum advocates actually diligently sought delay since as long as the case was "pending" their client could remain in this country. If the case ever did reach a final determination, their client could be deported.

The bill was drafted to reform this system. To limit the delay the adjudication steps were reduced—limiting the process to two hearings: one very complete hearing at the trial stage and review at the appellate level. This expedited procedure responded to the government's objections. To address the charges of unfairness, the bill established a statutory United States Immigration Board with specially trained asylum judges. The Board and the immigration judges are outside the scope of control of the Immigration and Naturalization Service and yet within the Justice Department.[9] All judges are given senior civil service status.

These changes are designed to create a fairer and more efficient asylum adjudication process.

LEGAL IMMIGRATION

Finally, let me address the major change we made in the legal immigration system.[10] Perhaps the most important change was an overall numerical cap. To obtain control, we indicate we intended to count all persons who come into our country and then establish a reasonable limit on that number. We chose a limit based on last year's total of 155,000 immediate relatives who entered without any numerical limitation and the 270,000 quota immigrants admitted under current law—a total of 425,000 immigrant visas. Refugees were not included within the cap since present law provides a "consultation" mechanism which I believe constitutes a sufficient control.

The bill established a revised preference system to distribute the 425,000 visas. Present law includes both family reunification preferences and independent preferences. The legislation somewhat reduces the dominance of family reunification in the preference system. We established a family reunification quota of 350,000 and an independent immigrant quota of 75,000.

Regarding the family reunification preferences, we were well aware that the legalization would increase pressure on the "second preference" with many newly permanent residents petitioning for their immediate relatives. To avoid excessive backlogs, we altered that preference somewhat in order to limit it to spouses and minor children, rather than the present spouses and sons and daughters. We also increased substantially the percentage allocated to this preference.

A more significant change is the elimination of the "fifth preference." We felt it important to define the family as we in the United States have defined it, rather than using the "extended family" definition of many societies of older or developing nations. With present backlogs of over 700,000

[6] *Id.*

[7] The description of the legislation provisions in the text follow the bill as it passed the Senate and was reported out of the House Judiciary Committee. The bill as it was introduced used the dates 1978 and 1980 and had slightly different conditions for legalization.

[8] It does not console me very much that West Germany has a backlog of over 160,000 asylum cases and the asylum adjudication process there took, until recently, over seven years. But it does indicate our problems are not unique.

[9] Again, the text description follows the bill as it was finally passed by the Senate.

[10] S. 2222, *supra* note 2, §§ 201-213.

in the fifth preference we felt that the continuation of this preference for brothers and sisters of adult United States citizens represented a cruel blow to many who may have to patiently wait in line for a decade or more.

The bill increases the number of independent immigrant visas from 54,000 under current law to 75,000. This follows the recommendations of the Select Commission to provide for a more "new seed" immigrants. The independent preferences include persons of exceptional merit and ability in the arts, sciences and in business, as well as skilled workers in short supply in the United States. The bill also creates a new investor preference requiring a $250,000 investment and the employment of at least four American workers, not members of the investor's family.

I am pleased with the quality and the results of our work. I feel confident that we are creating a new immigration system which will achieve control of our borders while continuing our finest tradition of receiving immigrants who come to our shores to share our freedom and prosperity.

We feel we honestly address the full spectrum of this tough national issue—hopefully Congress will respond, if not now, then very shortly. It is an issue that will not "go away." It will be with us for the rest of our history.●

A HUMOROUS ODE TO THE NUMEROUS OWED

● Mr. DOLE. Mr. President, Edwin S. Cohen is a well-known tax attorney in Washington. In addition, he is a distinguished professor at the University of Virginia Law School and served this country as Assistant Secretary of Treasury and later as Under Secretary in that Department in the late 1960's and the early 1970's.

Mr. Cohen penned, in verse, a very clever review of developments affecting the Internal Revenue Code during the last five decades. The poem was presented to the Tax Forum in New York.

I ask that Mr. Cohen's paper entitled "Ode to the Code" be printed in the RECORD for the edification and amusement of my colleagues.

The material follows:

ODE TO THE CODE OR FOUR HUNDRED FIGHTS AT THE FORUM [1] OR WHAT DO YOU THINK YOUR SPOUSE HAS BEEN DOING ON THE FIRST MONDAY NIGHT IN THE MONTH? [2]

(By Edwin S. Cohen)

I was counseled that paper four hundred [3] and a half
Should be brief as could be and be good for a laugh,
But you never did think that in fullness of time
You would hear a tax thesis reduced to a rhyme.

O how great it would be if taxation parameter
Were defined by Congress in iambic pentameter! [4]
O how great it would be if each single clause
Were designed in verse in this paragon of laws!

When the Forum was founded in late 'thirty-five [5]
It was hard to imagine how well it would thrive.
There was trouble in finding a subject to pick
With the law [6] at the time but a quarter-inch thick.

This was the era before decentralization,
When all had to go to the capital of the nation
To settle their cases, no matter where pending,
Or appeal to the Board,[7] were the Bureau [8] unbending.

The Treasury was headed by Morgenthau père
And cases without Helvering [9] were known to be rare.
The Congress had passed section one twelve (b)(6) [10]
And the pyramid structure was in a dreadful fix.

A ban had been placed on consolidated returns
So intercompany dealings were major concerns;
Yet the problems, it developed, were but *in transitu* [11]
For the returns returned in nineteen forty-two.

That was the year when there were major extensions,
Including new rules for executive pensions. [12]
They changed many things, including matrimony,
Allowing deductions for monthly alimony. [13]

The rates zoomed upwards to an unprecedented extent
Until they even exceeded ninety percent;
Their later decline was an occasion for revel,
Though sadly never to their earlier level.

Soon we were treated to a novel introduction
Of something to be known as the marital deduction,[14]
With couples permitted their earnings to commingle
But only when married, not when they're single.

Then charities lost their previous sanctimony
When they went into business to sell macaroni.[15]
Subjected to tax on their earnings unrelated
To whatever it is for which they're created.

Hollywood produced the company collapsible;
'Twas soon to be censored and made fully taxable,
With a tortuous exception in subsection (e)—
An egregious model of complexity.

The Republicans thought, when they came to power,
They would draft a new statute for Eisenhower.
They rewrote the old law from beginning to end; [16]
There was hardly a rule that they didn't amend.

And thus was developed a new Revenue Code,[17]
To redo the law that would tell us what's owed.
The worst of it was that the numbers were changed;[18]
So whatever we knew was all rearranged.

Then small business finally won some redress,
With a special regime called Subchapter S;
It was cheerful to some, but to some it brought tears,
Till amendments were made after twenty-four years.[19]

In 'sixty-two came our investment tax credit
(Then so many offspring we may live to regret it);
As expense account living was curbed with some rancor,
So luxurious yachts were deprived of their anchor.

To the private foundations came a woe—and alas—
All the Model T rules had just run out of gas.[20]
There were stipends a plenty, so lush, never scant,
It was said in defense even Lincoln had a Grant.[21]

Our political figures were handed new rules
On the giving of papers to their favorite schools; [22]
But collectors of art were allowed to relax
And the bar was awarded the maximum tax.

When depletion was cut there were objections intense
That a gallon of gas might rise to thirty-six cents;
And the owners of stables were filled with remorse
When they reined in deductions for raising a horse.

In the '76 Act legatees found they'd lost
The advantages given by a step-up in cost;[23]
With new rules to restrict a net operating loss,
But the rules were deferred, so they're gathering moss.

The Long [24] arm of the law led a novel refrain
And reduced the rate on a capital gain;
To be sure that the bar had no time to relax,
They designed an alternative minimum tax.

The new President thought he would stir up a broth
With ingredients provided by Kemp and by Roth.
There was worry, of course, that receipts might decrease,[25]
And especially so from the safe harbor lease.

Thus the following year there was little surprise
When decisions were made to have revenues rise;[26]
They were forced to twist arms, to persuade and cajole,
So they dropped the new bill in the lap of Bob Dole.[27]

It is easy to see that the law's still in flux
With a heavy new levy on gas and on trucks;
And there's more yet to come in the years that we face
As the Code grows too big for the fattest brief case.[28]

We can hope soon there'll be a computerized [29] Code
Although that is a dream that's still far down the road;
So let Forum descendants prepare to be heirs
To these heated discussions of fiscal affairs.

FOOTNOTES

[1] These are scholarly brawls with an air of decorum.

[2] Despite all the drinks that are served at the Forum.

[3] With exception, of course, for the family Schapiro.

Footnotes at end of poem.

Where the risks are reduced to just about zero.
[3] Omitted are old authors, and the titles of their works,
In deference to the admission of new young Turks.
[4] Or any other meter that keeps our attention,
For a few at times doze, though their names I'll not mention.
[5] There are some who preferred olden days with much cause,
When the meal was topped off with Havana cigars.
[6] We are speaking right here of the '34 Act
'Cause the Code at the time was a statute we lacked.
[7] Recently created to permit one to sue
Without paying the tax alleged to be due.
[8] The Bureau, of course, was considered honest without fail—
Till three of our members sent the Commissioner to jail.
[9] Guy T. Helvering was Commissioner for ages,
And cases bore his name in their appellate stages.
[10] Later to be known as section three thirty-two,
But the shift in number brought little that was new.
[11] Letters and packages are often *in transitu*,
But laws, like ballerinas, can be *in transitu* too.
[12] But you can't give executives a life of ease
Without taking care of other employees.
[13] Of assistance to those who have married their mate,
But no help to the singles who cohabitate.
[14] Extending the rule of Napoleon's Code
Whatever the locus of one's final abode.
[15] After lengthy debate the Congress passed a
Brand new rule to put the bite on pasta.
[16] Some nine thousand numbers allowed room for the future,
But with so many incisions, it's in need of a suture.
[17] It was passed in August, midst rumbles and grouses;
In November they lost the control of both Houses.
[18] Said one of our members, who was long out of school,
"I couldn't care less if they change every rule;
But I've practiced too long, my mind to encumber
With the need to relearn each damn section number."
[19] When they started revising, the law was quite new;
It was finally finished in late 'eighty-two.
[20] Their officials contrived to incur Congress' wrath—
No Ford in our future, had it stayed on its path.
[21] An appropriate reference, we know you'll agree,
As we witness the birthday of Robert E. Lee.
It occurred on yesterday, but is often combined
With the late General Jackson's, two days behind.
[22] 'Twas unknown at the time, 'cause the news was belated,
At least one of the gifts was slightly backdated.
[23] But this law is a part of the lore we ignore,
'Cause Byrd didn't buy it, so it ain't so no more.
[24] The reference here is to the head of the Committee
Whose knowledge is so broad and whose words are so witty.
[25] The leadership found they just had to insert a
Lotta new goodies to win passage of ERTA.
[26] The Democrats smiled as the bill was unfolding, 'Cause Republicans embraced dividend withholding.
[27] If you want a bill passed, there is nothing so fast as
To ask the Senator from way out in Kansas.
[28] It'll be hard, to be sure, to simplify the tax
Without doing battle with a multitude of PACs.
[29] It will tell, *par example*, what's debt and what's stock,
Without seeking advice from H. and R. Block.●

REPORT TO CONGRESS ON FORCED LABOR IN THE U.S.S.R.

● Mr. ARMSTRONG. Mr. President, pursuant to Senate Resolution 449 enacted in the 97th Congress the State Department has reported to Congress on the use of forced labor in the Soviet Union. The report documents a brutal and systematic violation of basic human rights which appears to be a fundamental element in the Soviet political and economic system. I urge all my colleagues to study it carefully.

I ask that the State Department's "Report to the Congress on Forced Labor in the U.S.S.R." be printed in the RECORD.

The report follows.

U.S. DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS,
Washington, D.C., February 9, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate.

DEAR SENATOR ARMSTRONG: The Department of State is pleased to submit the accompanying report on forced labor in the USSR in compliance with Senate Resolution 449 and Conference Report No. 97/891 which accompanied H.R. 6956 of September 29, 1982.

Soviet forced labor practices have changed considerable since Stalin's day, but Soviet authorities still exploit forced labor on a large scale. The Soviet forced labor system gravely infringes internationally recognized fundamental human rights. Forced labor, often under harsh and degrading conditions, is used to execute various Soviet developmental projects and to produce large amounts of primary and manufactured goods for both domestic and Western export markets. As stated in our preliminary report of 5 November 1982, forced labor in the Soviet Union is a longstanding and grave human rights issue. The Soviet forced labor system, the largest in the world, comprises a network of some 1,100 forced labor camps, which cover most areas of the USSR. The system includes an estimated four million forced laborers, of whom at least 10,000 are considered to be political and religious prisoners.

In maintaining its extensive forced labor system to serve both the political and the economic purposes of the State, the Government of the Soviet Union—as discussed in the paper entitled "Legal Issues Relating to Forced Labor in the Soviet Union" (Tab 2)—is contravening the United Nations Charter and failing to fulfill its solemn undertakings in the Universal Declaration of Human Rights and the Anti-Slavery Convention of 1926.

Since our interim report on this issue was released in November, 1982, we have continued our efforts to gather information and have prepared several studies on particular facets of the issue. We have examined, for example, current Soviet forced labor law and practices as well as international law and agreements relating to forced labor. In addition, we have reviewed the human rights aspects of the issue and prepared an update of international labor activities regarding the Soviet forced labor issue. Finally, we have examined Soviet efforts to recruit voluntary workers to Siberia and explored the status of the growing number of Vietnamese workers in the USSR. Papers on these issues are included in the present report.

We also have followed closely the efforts of private organizations to develop further information. The International Society for Human Rights, based in Frankfurt, Germany held hearings on this issue in Bonn on November 18–19, 1982. Our summary of those hearings is included in this submission. The Society intends to release the full testimony, transcripts, and other documents early this year. We will ensure that this documentation is made available to the Congress.

We have examined further the Soviet authorities' use of broadly worded legislation against "anti-Soviet agitation," "hooliganism" and "parasitism" intended to intimidate, punish and exploit political dissidents and religious activists. As we stated in our earlier report, for nearly 30 years the International Labor Organization (ILO) has investigated allegations concerning these Soviet practices. The Soviet authorities refuse to provide responses satisfactory to the ILO. The United States believes that these issues need to be addressed and that the burden of proof is on the USSR. We reiterate, therefore, that to resolve this issue the Soviet authorities must open to impartial international investigation their entire forced labor system.

It is well known that forced labor has been used on pipeline projects in the past and we have evidence that it is being used now, as well, in domestic pipeline construction. As noted in our November, 1982 submission, a number of reports suggest that forced labor was used in the difficult and dangerous site preparation and other preliminary work related to the export pipeline. The media directed public attention to this matter, illuminating the Soviet Union's current forced labor practices. The publicity, we believe, has made Soviet authorities sensitive to the additional problems that would attend future exploitation of forced labor on the export pipeline project.

In early December, 1982 the USSR offered, and a delegation of Western trade unionists accepted, an invitation to observe ongoing construction of the export pipeline. While praising the visit, the official Soviet news agency TASS revealed on 10 December, 1982 that the delegation inspected only a single 300 kilometer section of the 4000 kilometer line; the inspection was performed largely by helicopter. One delegate—from a union ordinarily sympathetic to Soviet interests—later characterized the visit as a typical guided show tour of the USSR, and described the pipeline inspection itself as unsatisfactory.

The ILO has accepted "in principle" an invitation from the official Soviet trade union apparatus to send an on-site mission to examine charges of forced labor on the export pipeline. The ILO has received no formal invitation from the Soviet government itself, which bears official responsibility for Soviet international obligations. Whether such an invitation comes formally from the Soviet Government or from its official trade union apparatus, there is continuing concern that without assurances from the Soviet Government that it could conduct a full inquiry into the Soviet forced labor system, such a mission would not be in a position to secure full disclosure of the facts.

The situation of the growing number of Vietnamese workers in the USSR, under conditions which may violate agreed international labor standards, continues to be of concern. It appears that many of the workers enter the Vietnam/USSR labor program in order to escape the poverty and unemployment of present-day Vietnam. At the same time, however, there are reports that working conditions in the USSR are harsh and that net wages of the Vietnamese workers are lower than those paid Soviets doing comparable work. There is little doubt that a significant part of the Vietnamese workers' pay is sequestered to offset the Viet-

namese Government's official debts to the USSR. Also the workers' communication with their families probably is monitored and constrained. Further it is unclear whether Vietnamese contract workers, who must make a commitment for up to seven years, may quit their employment and return home freely.

We have obtained no convincing evidence that Vietnamese contract workers are employed on the export gas pipeline project. The secrecy with which both the Vietnamese and Soviet governments have surrounded this labor program has made it difficult to monitor. Considering its inherent potential for abuse and the human rights issues involved, we will continue to follow this program closely and to encourage greater international scrutiny.

We have included in this report two detailed graphic representations of forced labor installations in the Soviet Union. One depicts the site of a gas pipeline compressor station under construction, the other a manufacturing site which incorporates the grounds and building of a former church. These materials derive from intelligence sources. We will continue to make available to the Congress further intelligence regarding the use of forced labor in the USSR. This will be done through the Senate and House Select Committees on Intelligence.

The last major United Nations global survey on forced labor appeared in 1953. That report of the UN Ad Hoc Committee on Forced Labor, which focused on the exploitation of forced labor for political or economic purposes, is discussed in the Legal Issues paper at Tab 2. Since the exploitation of forced labor remains an important international issue and infringes fundamental human rights, the U.S. Government considers it appropriate that in 1983—the 30th Anniversary of the Ad Hoc Committee Report—the international community again review this issue and rededicate itself to eliminating such practice.

Yours very truly,

LAWRENCE S. EAGLEBURGER.

REPORT TO CONGRESS ON FORCED LABOR IN THE U.S.S.R.

NOTE.—From the Report of the Ad Hoc Committee on Forced Labor, UN Document E/2431, Economic and Social Council, Sixteenth Session, Supplement No. 13 (May 1953).

(Charts and graphs mentioned not reproduced in the RECORD.)

"A system of forced labor as a means of political coercion . . . is, by its very nature and attributes, a violation of the fundamental rights of the human person as guaranteed by the Charter of the United Nations and proclaimed in the Universal Declaration of Human Rights. Apart from the physical suffering and hardship involved, what makes the system most dangerous to human freedom and dignity is that it trespasses on the inner convictions and ideas of persons to the extent of forcing them to change their opinions, convictions and even mental attitudes to the satisfaction of the State.

"While less seriously jeopardising the fundamental rights of the human person, systems of forced labour for economic purposes are no less a violation of the Charter of the United Nations and the Universal Declaration of Human Rights."

FORCED LABOR ON SOVIET CONSTRUCTION PROJECTS

The Soviet Union has used persons under sentence of forced labor to construct crude oil and natural gas pipelines and pumping and compressor stations (such as the one shown in the accompanying graphic). It has been reported that political prisoners are sometimes used to perform heavy labor, normally in isolated areas where heavy equipment cannot be used.

Parolees (forced laborers released from camps to serve the remainder of their sentences at construction sites) and probationers (forced laborers sentenced directly to construction sites instead of incarceration) are often housed at construction sites in mobile trailers, sometimes in fenced areas. Mobile trailers are not known to be used to transport and house prisoners, because standard prison security practices are difficult to duplicate at construction sites. Trailers used to house parolees measure 12 meters long by 2 meters wide by 3.5 meters high. Parolees and their trailer lodging move as the actual pipeline or pumping station construction is completed. Trailer compounds associated with pumping and compressor stations normally stay semi-permanent during the construction period.

Prisoners used on pipeline installation projects would ordinarily be transported back and forth from nearby prison camps in trucks. Prisoners are guarded during transport and at the work sites by armed Ministry of Interior (MVD) militia.

The accompanying graphics, which derive from intelligence sources, detail the physical layouts of two Soviet forced labor installations; one built around a pipeline compressor under construction, the other incorporating the grounds and building of a former church.

U.S. DEPARTMENT OF STATE,
Washington, D.C.

REPORT ON LEGAL ISSUES RELATING TO FORCED LABOR IN THE SOVIET UNION

I. CURRENT SOVIET FORCED LABOR LAW AND PRACTICES

A. Introduction

The Soviet Union's forced labor system, involving more than four million laborers under various conditions of detention, functions primarily as an apparatus for punishment of crimes, both common and political, but also as an important means of economic production.

All societies have some form of incarceration and, indeed, most attempt to employ prisoners in some form of gainful activity. The vast Soviet forced labor system, however, is distinguished by its large scale and the harshness by which it operates to threaten and punish those who are convicted of violating Soviet law, including those who attempt to assert freedom of speech, assembly or religion.

The Soviet system of charges and sentencing in effect classifies as crimes many political, religious, and cultural activities cited for protection by the United Nations Charter and the Universal Declaration of Human Rights. The Soviet system of courts operates as an instrument of official policy at the direction of the Soviet Communist Party. Through these systems, the Government of the Soviet Union brings large numbers of individuals into its forced labor camp network in violation of their internationally recognized rights.

B. The role of corrective labor in Soviet law

Soviet policy on the use of corrective labor as punishment imposed by court sentence is set forth in the Soviet law entitled "Principles for Corrective Labor Legislation of the U.S.S.R. and Union Republics," which was approved by the U.S.S.R. Supreme Soviet on July 11, 1969.[1] This basic statute, as amended,[2] serves as a model for implementing legislation by Union Republics.

Soviet penal authorities regard corrective labor as an essential element of punishment in all sentences involving deprivation of freedom. The premise is that corrective labor rehabilitates the criminal and has a deterrent effect on others. The only exceptions to the general practice include minor misdemeanors involving very short terms in jail and a relatively small number of especially dangerous crimes the sentence for which specifies incarceration in a maximum security prison. Prison regimes are harsher than corrective labor camps and are reserved for recidivist hardened criminals and for some of the more important political prisoners.

Corrective labor may also be imposed as punishment without confinement to a camp; such sentences usually are imposed for lesser crimes or administrative offenses and involve terms ranging from one month to two years. The offender continues to work under close supervision at his usual job with a deduction of up to 20 per cent from his wages for the period of the sentence. He may be required to work elsewhere within his district of domicile. Of the unconfined individuals engaged in corrective labor, however, most by far are parolees, probationers, and individuals sentenced to penal "colony-settlements" who are usually sent to work in remote areas. They remain subject to incarceration if they violate the terms of their sentences.

Economic considerations play an important role in the Soviet corrective labor system. According to the official Soviet account, prisoners are expected to work so they will not be a burden on society while serving their sentences. Their pay is in theory commensurate with rates paid to free workers, but a substantial portion is deducted for food, clothing, and other expenses. Most corrective labor is performed in small manufacturing facilities within the confines of a camp, but it is also used routinely on major construction projects of all kinds, including dams, buildings, roads, railroads, pipelines, and timber cutting and hauling. Among the major projects on which forced labor has been used are military installations and to this extent forced labor plays a role in the Soviet defense effort.

We estimate the total Soviet penal population to be around 4 million—around 2 million incarcerated in labor camps, and another 2 million in the status of unconfined forced laborers (probationers, parolees released from labor camp, or individuals sentenced directly to a term of forced labor).

Most inmates in the Soviet penal system would in most any society be considered ordinary criminals convicted for common crimes. Some of the most comprehensive data on Soviet crime were provided by a former official in the Moscow Procurator's office. He has published in the West what appear to be official records on criminal convictions in the USSR: In 1976, Soviet courts sentenced 976,000 persons for serious crimes, and another 1,684,355 persons for lesser crimes and misdemeanors handled administratively or by "comrades' courts." The breakdown of serious crimes by category, however, does not provide a basis for esti-

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Footnotes at end of articles.

mating the number of crimes that could be categorized as political or religious.

The total number of persons convicted for political or religious offenses is not known with any degree of assurance. A report by Amnesty International and two other studies agree on an estimate of at least 10,000, but other estimates range much higher. One specialist in the field has compiled a list of 848 political prisoners (as of May 1982) known by him to be in various categories of confinement. This, however, is only the visible tip of the iceberg.

Thus, the Soviet economy has at its disposal a huge labor force that is cheap, flexible, and subject to discipline. It is especially suitable for deployment as needed for projects in remote areas with difficult climatic conditions, where authorities find it difficult to attract and hold free workers. When authorities need convict labor, they expect the judicial system to supply it.

The reliance of the Soviet economy on the availability of convict labor has had an insidious effect on the Soviet judicial system, which has always in any event functioned as an instrument of official Soviet policy. Soviet criminal courts operate under pressure to produce findings of guilt. As a result, authorities tend to adopt the attitude that the law enforcement organs, including the militia (police), the KGB, the Prosecutor, and the judge can do no wrong when implementing official policy; any questioning of the correctness of criminal charges or of the case presented by the prosecutor in court, even by defense counsel during the trial, tends to be regarded as a challenge to state authority. Given the fact that criminal cases in Soviet "peoples' courts" are tried without jury by a judge and two lay assistants, defense attorneys find it extremely difficult to obtain an acquittal in cases of ordinary crime, and even more difficult to do so when the case involves a political element. (In the view of Western specialists in Soviet law, Soviet courts have greater freedom to base decisions on applicable law and evidence only in cases involving civil law.)

Statistics on the number of convictions by Soviet courts on criminal charges involving a miscarriage of justice are of course not available. The evidence suggests that this number is high, even though some convictions in ordinary criminal cases are reversed on appeal. Individuals denied an opportunity to prove their innocence in courts—regardless of whether they face charges for common crimes or prosecution essentially for political beliefs and activities—must be regarded as having been deprived of a basic human right.

Despite certain advantages of convict labor over free labor for work on large-scale construction projects in remote areas, its utilization presents some problems for the authorities. Soviet law and policy requires convicts who work outside the camp compound to be under constant guard and to be returned to the compound for the night. The authorities are also reluctant to permit persons convicted for serious crimes and "especially serious state crimes," including political prisoners, to work outside the camp compound. Such convicts are usually sentenced to "strict regime" or "special regime" camps and are not normally used for work outside the camp compound. The Law on Corrective Labor Legislation authorizes four categories of "correctional labor colonies" (i.e., forced labor camps); in order of increasing severity, these are: General regime (generally for first offenders), intensified regime (for first offenders serving terms of more than three years for premeditated felonies); strict regime (for individuals convicted of especially dangerous crimes against the State and for recidivists), and special regime (for especially dangerous male recidivists and men whose death sentences have been commuted).

In recent years, Soviet judicial authorities increased the practice of placing persons convicted for criminal offenses on probation instead of sentencing them to labor camp and assigning them to corrective labor in areas where their skills could be used. Procedures were also relaxed for paroling inmates of labor camps and converting their status to that of unconfined forced laborers. What the authorities needed was a more flexible category of forced laborers who could be used wherever needed without the restrictions applicable to convicts serving sentences in confinement. Therefore, this segment of forced labor began to expand.

In February 1977 the Soviet Government amended Par. 44 of the Statute for Corrective Labor Legislation to permit parole from a sentence of confinement, on condition that the parolee perform corrective labor "in locations designated by the appropriate organs empowered to execute the sentence." [3] This measure specifically did not apply to persons convicted for serious crimes, including "especially serious state crimes." The list of exclusions was further expanded by amendment of the Statute in July 1982.[4] Their effect was to disqualify from parole not only hardened criminals but persons convicted for political or religious offenses.

In effect, the penal system as presently constituted allows authorities to ship convicts to labor camps, where they are separated into categories. Ordinary criminals are usually kept in camp long enough to impress them with the rigorous conditions prevailing there; they are then offered the slightly more desirable option—on condition of their good behavior—to perform corrective labor without confinement in locations designated by the authorities. Their status becomes similar to that of indentured labor. Convicts deemed unsuitable for conditional release—a category including those sentenced for serious crimes, repeat offenders, and political prisoners—remain in labor camp for the duration of their sentence.

C. Political crimes, political prisoners

The Soviet regime denies that Soviet citizens are imprisoned for their political or religious beliefs or for exercising rights guaranteed under the Soviet Constitution. Nevertheless, citizens who express views contrary to official Soviet policies and views, or who act individually or as members of unofficial groups on behalf of their views, are subject to harassment, intimidation, and arrest. They frequently are charged with violating a number of vaguely-worded articles in the criminal codes of Soviet republics which severely restrict the exercise of basic political, religious, and civil rights, including those guarantees by the Soviet Constitution. Of course, all such constitutional guarantees are in any event expressly subject to the caveat that they may not be exercised "to the detriment of the interests of society or the state." (USSR Constitution, Article 39)

1. Political crimes:

Article 24 of the Criminal Code of the Russian Soviet Federated Socialist Republic ("RSFSR") [5] defines the offenses covered in Articles 64-73 as "especially dangerous crimes against the State." These include Treason (Art. 64), Espionage (Art. 65), Terrorist Acts (Art. 66), Sabotage (Art. 68), Wrecking (Art. 69), Anti-Soviet Agitation and Propaganda (Art. 70), and "Organizational Activity Directed to Commission of Especially Dangerous Crimes against the State and Participation in Anti-Soviet Organizations." (Art. 72).

Of these articles, only Article 70 is used frequently in prosecuting political dissidents, although others may be used in exceptional cases. For example, Anatoly Shcharansky, the Jewish activist and member of the Moscow Helsinki Watch Group, which was organized to monitor Soviet implementation of the Helsinki Final Act, was convicted on charges of treason (Art. 64) in July 1978 and sentenced to a term of 3 years in prison and 10 years of corrective labor. (Soviet authorities recently forced all Soviet Helsinki Watch Groups to disband.)

Article 70 defines "Anti-Soviet Agitation and Propaganda" as "agitation or propaganda carried on for the purpose of subverting or weakening Soviet authority or of committing particular, especially dangerous crimes against the State, or circulating for the same purpose slanderous fabrications which defame the Soviet State and social system, or circulating or preparing or keeping, for the same purpose, literature of such content." It prescribes punishment of "deprivation of freedom for a term of six months to seven years, with or without additional exile for a term of two to five years, or by exile for a term of two to five years." A record of previous convictions for "especially dangerous crimes against the state" increases the maximum sentence to ten years of imprisonment, plus exile for two-to-five years.

Prosecution of Soviet intellectuals in the 1960's under Article 70 proved awkward occasionally because it required the state to prove the defendant's intent "to subvert or weaken state authority." Consequently, Article 190 ("Failure to Report Crimes") was expanded in 1967 to include (190.1) "Spreading orally or in writing intentionally false fabrications harmful to the Soviet state and social system" and (190.3) "The organization or participation in group actions attended by obvious disobedience to legal demands by representatives of authority or which involve violation of the operation of transport, state or social institutions, or enterprises."

Article 190.1 did not require the state to prove intent to harm the system and was so loosely worded that it could be used to prosecute anyone making a statement deemed libelous by the state prosecutor. Conviction on such charges follows as a matter of course because, in practice in Soviet courts, the defense lacks the opportunity to rebut charges of libel through proof that the allegedly libelous statement was in fact accurate and truthful. For example, during the trial of Seventh Day Adventist Ilya Zvyagin in Leningrad in November 1980, the accused was charged under Article 190.1 with disseminating two Adventist documents, but these documents were not permitted to be read in court, nor was any description of their contents provided during the trial. The court simply accepted the prosecutor's charge that the documents libeled the Soviet system. The defendant was sentenced to two years in a general regime labor camp.

Similarly, charges under Article 190.3 could cover a wide range of challenges to the established order, including political demonstrations and strikes. Although the maximum sentence of three years' deprivation of freedom under 190.1 and 190.3 is

lighter than the maximum punishment under Article 70, the authorities now have more leeway than previously in arresting and prosecuting political activists.

2. Parasitism and hooliganism:

"Parasitism" (i.e., the failure to engage in socially useful work) was not initially incorporated into the Criminal Code and was treated as a misdemeanor punishable as an administrative offense. In 1975, however, parasitism was added to Article 209 (prohibiting vagrancy or begging) and became punishable by a maximum of 2 years of deprivation of freedom. In October 1982 the maximum punishment was increased to 3 years for repeat offenders.

Paragraph 206 of the Criminal Code defines "hooliganism" as an intentional violation of public order and disrespect for society, punishable by up to one year deprivation of freedom or a fine not exceeding 50 rubles. In practice, hooliganism is a catch-all category including such offenses as disorderly conduct, brawling, and vandalism. "Malicious hooliganism," defined as a charge against a person previously convicted for hooliganism, or involving resisting an officer of the law, or as "distinguished in content by exceptional cynicism or impudence," is punishable by a maximum of 5 years' deprivation of freedom.

Charges of parasitism or hooliganism are frequently leveled against political activists. For example, an applicant for emigration who is discharged from his job as a form of harassment and then fails to find new employment within the prescribed period may be so charged. The fact that he is unable to find new employment because he has been effectively blacklisted by the authorities does not constitute a valid defense in court. For example, Estonian Methodist activist Herbert Murd was arrested in March 1980 on charges of parasitism after being expelled from a music conservatory. The basis for the charge appeared to be the fact that he had engaged in Christian work among young people. Shortly after completing his one-year labor camp sentence, he was again arrested, this time for alleged non-payment of alimony even though he had had no income after his release because he was systematically dismissed from every job he managed to find. Individuals engaged in unofficial or unacceptable occupations (such as teaching Hebrew or engaging in unofficial literary or artistic endeavors) may also face charges of parasitism.

Similarly, activists may be charged with hooliganism for publicly demanding the right to emigrate, or for meeting in an apartment and then arguing with a militiaman or other representative of authority who knocks on the door and demands that they disperse. In June 1978, for example, Jewish activist Vladimir Slepak, who has repeatedly been denied permission to emigrate from the Soviet Union, was convicted on charges of malicious hooliganism for hanging a placard outside his apartment balcony demanding permission to emigrate.

D. Economic crimes

Article 162 imposes a maximum sentence of 4 years' deprivation of freedom with confiscation of property for "engaging in a trade concerning which there is a special prohibition." Even conceding a socialist state's interest in regulating economic activities by prohibiting specific forms of private enterprise, the enforcement of this article with respect to individuals who attract the attention of the authorities for their nonconformity often involves prosecution on technicalities carried to unreasonable limits.

For example, in September 1979 a Leningrad court sentenced physicist and art collector Georgiy Mikhaylov to 4 years of corrective labor on charges of engaging in a prohibited occupation and ordered the destruction of his art collection. Mikhaylov was accused of preparing and selling to friends several slides of unofficial art from his private collection. He was found guilty even though an expert witness for the prosecution refused to testify that Mikhaylov's act constituted a violation of Article 162. In another example, Orthodox nun Valeriya Makeyeva was convicted in April 1970 on charges under Article 162 because she made and sold belts embroidered with words from Psalm 90 ("He that dwelleth in the care of the Most High . . ."). [6] Political or religious activists who engage in illegal printing and publishing may be prosecuted under Article 162, although they can also be charged under Article 70 (anti-Soviet agitation and propaganda) or 190.1 (slandering the Soviet system).

In addition, there are economic "crimes" whose commission is an inevitable consequence of fundamental defects in the Soviet economic system, which often leaves citizens with no legal alternative if they wish to lead anything like a normal life. If, as frequently happens, there is no feed available for farm animals, "the purchase in state or cooperative stores of bread, flour, groats, and other grain products to feed livestock and poultry" renders a Soviet peasant liable to "deprivation of freedom for a period of between one and three years, with or without confiscation of his livestock," under Article 154.1 of the Criminal Code. Other such "crimes" include "private entrepreneurial activity and acting as a commercial middleman;" for example, in the manufacture of spare parts which cannot be procured through legal channels.

E. Religious crimes

Soviet leaders cite the guarantees found in the Soviet Constitution as evidence that religious believers in the USSR enjoy full religious freedom. Article 52 of the Constitution adopted in October 1977 guarantees freedom of conscience and the right "to conduct religious worship or atheist propaganda," separates church and state and prohibits "incitement of hostility or hatred on religious grounds." Article 34 guarantees citizens equality before the law "without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status."

At the same time, the 1929 RSFSR Law on Religious Association (comparable laws also exist in other Soviet republics), as well as a series of other statutes and administrative practices effectively circumscribe these constitutional guarantees and impose Draconian restrictions on religious believers in the USSR. The effect of these restrictions and controls has been to place individual believers and religious associations under full state control by making them dependent upon state authorities for the exercise of their activities (indeed, for their very legal existence) and to undermine the organizational integrity of each religious denomination.

Any attempt by religious believers to assert freedom of conscience outside the scope of these controls thus automatically brings them in conflict with the authorities. Thus, the question of whether Soviet religious believers can be arrested, prosecuted and sentenced to long terms of corrective labor for actions they regard to be essential for the practice of their religious beliefs hinges on how religious freedom is defined by the laws and administrative regulations of a regime committed to the implementation of atheism as state policy.

The Law of Religious Associations does not confer on religious denominations the status of public organizations as defined by the Soviet Constitution or the juridical status of a person-at-law.

Instead, the law reduces church-state relations to a local-level relationship between the state and each primary unit of believers (at least 20 persons acquiring official recognition through registration). This initial legal premise thus undermines the concept of an institutional church transcending a local area. Leaders of a religious denomination properly designated through the denomination's own internal procedures have no recognized status under the law, nor does the law require state authorities to deal with them, although in practice they may do so to the extent it serves regime interests. The law, moreover, is structured to inhibit church leaders from exercising effective control over affairs of the church, its hierarchy, or members. Church organizations cannot own property or inherit funds or property as other Soviet public bodies may. Religious "cults" [7] have no specific legal right to maintain seminaries, publishing facilities, or other institutions, such as monasteries—they exist only by special permission.

Notable provisions of the law include the following:

No individual may belong to more than one "religious cult group" (Article 2).

Religious associations may not function unless they register with local authorities (Article 4). The procedure for registering and satisfying all other official requirements is complex and allows authorities—by refusing to register a group—to deny legal status not only to individual groups but collectively to an entire religious denomination. This has been the fate of the Eastern Rite (Uniate) Catholic Church and the Jehovah's Witnesses. Congregations of some religious denominations, such as the Pentacostals and Seventh Day Adventists, are denied registration on the grounds that they do not accept the limitations imposed on believers by the Law on Religious Associations. A legally functioning religious group ceases to exist if authorities withdraw registration. In effect, Article 4 can prevent a Soviet citizen from practicing the faith of his or her choice.

Individual religious groups may organize general meetings or participate with other groups in conferences or councils only with official permission (Articles 12 and 20). By withholding such permission, state authorities have prevented denominations from holding a general conference (e.g., the Jews) or establishing central administrative bodies (e.g., Jews, Moslems). In other instances, authorities have required such meetings to be held for specific regime purposes (e.g., the irregularly convened Council—Synod—of the Russian Orthodox Church in 1961, and the irregularly convened Congress—Sobor—of the Eastern Rite Catholic Church in 1946 which approved the union of the Church with the Russian Orthodox Church under regime pressure).

Registered religious groups must elect their executive body by open ballot (Article 13). Individual members of a group may be removed "by the registering agencies" (Arti-

cle 14). These two articles provide authorities with the necessary leverage to control the composition and membership of each religious group and to manipulate its choice of leaders—hence, its activities and policies as well.

The law regards members of the clergy as persons hired by individual religious groups only for the performance of religious rites, a status which prevents the clergy from exercising a leadership role in a religious community. They also are wholly dependent on authorities for permission to practice their calling. Soviet law and administrative practices place at a special disadvantage those denominations (such as the Roman Catholic and Russian Orthodox Churches) where the priesthood is regarded as a sacrament, since official interference in ordination and appointment of clergy and in the discharge of their duties infringes on canon law.

Article 17 imposes a lengthy list of restrictions on the activity and rights of religious groups and members of the clergy: They may not engage in charitable, social, or "political" activities; organize prayer or study groups for adults or proselytize. Nor can they establish children's playgrounds, kindergartens, libraries, reading rooms, mutual aid societies, cooperatives, or sanatoriums. Neither the religious association nor its clergy can organize religious instruction for children; such instruction may be given only by parents to their children at home (Article 17).

The activity of clergy of a "cult" is restricted to the residential area of the religious association's members and the location of the "prayer premises" (Article 19).

Property necessary for the functioning of the "cult" is nationalized and under state control (Article 25).

Religious associations are denied property rights and may use "cult buildings" only by contractual agreement with Soviet authorities (Article 28).

"Prayer buildings" not under state protection as historical monuments may be used and reequipped for other purposes or demolished by Soviet authorities (Article 41).

All "cult property" is subjected to compulsory inventory by Soviet authorities (Article 55).

The performance of religious rites and ceremonies is not permitted in state, social, or cooperative institutions, although these rites and ceremonies may be held in "especially isolated premises" as well as at cemeteries and crematoria (Article 58).

Permission must be obtained from Soviet authorities before religious festivals can be held under an "open sky" or in the apartments or houses of believers (Article 59).

"Supervision" of religious associations is entrusted to the registering agencies (Article 64). Before the Law was amended in 1975, "surveillance" of religious associations, not "supervision," was entrusted to the "appropriate" Soviet authorities rather than "registering agencies."

The Law on Religious Associations prescribes relatively light penalties for violations: "Religious cult associations which have not fulfilled the requirements . . . shall be considered closed with the consequences provided for by the present Decree." A decree on "Administrative Liability for Violation of Legislation on Religious Cults" of March 1966 also imposes a fine not exceeding 50 rubles for violating enumerated prohibited activities. Persistent attempts by believers to organize religious groups and activities outside the provisions of the Law, however, may be prosecuted—and are in fact regularly prosecuted—under general articles of the Criminal Code dealing with deviant behavior. These include Article 70 (Anti-Soviet agitation and propaganda), Article 190.1 (Circulation of knowingly false fabrications), Article 190.2 (Organization of or active participation in group actions which violate public order), Article 162 (Engaging in a prohibited trade), Article 206 (Hooliganism), Article 209 (Vagrancy, begging and Parasitism), and Article 151 (Crimes against property of associations not constituting Socialist organizations).

In addition, Articles 142 and 227 of the Criminal Code are aimed specifically against religious activists. Violation of laws on separation of church and state and of church and school (Article 142) is punishable by three years deprivation of freedom for repeat offenders. A clarification by the Presidium of the RSFSR Supreme Soviet regarding the practical application of Article 142 explained that violations involving criminal responsibility shall include:

Compulsory collection of funds for the benefit of religious organizations or cult ministers;

The preparation for mass dissemination, or the mass dissemination of written appeals, letters, leaflets, and other documents calling for the nonobservance of the legislation on religious cults;

The commission of fraudulent actions for the purpose of inciting religious superstition among the masses of the population;

The organization and conduct of religious meetings, processions, and other cultic ceremonies which violate the social order;

The organization and systematic conduct of religious instruction to minors in violation of established legislation.

The infringement of rights of citizens under appearance of performing religious ceremonies (Article 227) carries a maximum punishment of 5 years deprivation of freedom. Religious actions infringing on the rights of citizens are defined to include:

Activities "carried on under the appearance of preaching religious beliefs and performing religious ceremonies" which can harm health or induce citizens "to refuse social activity or performance of civic duty, or draw minors into such a group . . ."

Active participation in such activities or "systematic propaganda directed at the commission of such acts."

Members of fundamentalist evangelical sects where religious practices may include faith healing, refusal of conventional medical treatments, trances, glossolalia, or other forms of religious exaltation are subject to charges under Article 142. Similarly, Article 227 allows the prosecution of believers who refuse to perform military service on religious grounds, or who induce others to do so, or who forbid their children to attend state schools.

The statutory limitations on freedom of conscience and religious activity impose on religious believers difficult moral choices. Many believers who attempt to stay within the letter of the law find the conflict between faith and law irreconcilable and choose to ignore the law. Such activists can be found in every denomination and some, such as the Roman Catholics in Lithuania and the Baptists exhibit a high degree of organization and achieve impressive results. In 1980, for example, Lithuanian Catholics sent Brezhnev a petition signed by 143,869 believers asking for the return of a church which had been constructed with official permission at the expense of Catholics in the town of Klaipeda and then confiscated by the authorities. (The petition evoked no response from the authorities.) In the early sixties, a sizeable group of Baptists broke with the officially-endorsed "All-Union Council of Churches of Evangelical Christians and Baptists" and established a rival—and illegal—"Council of Churches of Evangelical Christians and Baptists." The dissident Baptists could not accept State restrictions including the ban on religious instruction to children, State control over clergy and the content of sermons, and the prohibition against religious "propaganda." Despite arrests and harassments, they continue to defy the authorities and have even established a clandestine publishing house producing printed unofficial editions of religious literature as well as two monthly journals and a bulletin issued by a "Council of Prisoners' Relatives."

While all religious denominations without exception are bound by the restrictions enumerated above, enforcement of the law is carried out with especial severity against the Soviet Jewish community. Alone among the recognized religious groups in the USSR, Soviet Jews have no functioning seminary for the training of clergy, no authorized religious publications, no national organization, and no approved ties with coreligionists abroad.

F. Other grounds for prosecution

Because of the extensive restrictions Soviet laws place on the exercise of individual rights, a Soviet citizen can hardly achieve the status of a political or religious activist without running afoul of one of the political or religious articles of the Criminal Code, and for this reason Soviet citizens who incur official displeasure often face charges under such articles. However, their individual circumstances may also make them vulnerable to a variety of other charges. The authorities readily use a legal pretext, however flimsy the evidence, or fabricate a case if they decide to act against an activist.

For this reason, the political essence of some trials is not apparent from the formal criminal charges, which may involve common crimes such as assault, embezzlement, or theft of state property. Such cases, especially if they take place in provincial areas, may not come to the attention of Western observers or be reflected in statistical data. At the same time, the Soviet penal system often treats activists convicted for ordinary crimes as common criminals rather than political offenders. They may be directed to serve their sentence in "general regime" corrective labor camps and may in time even qualify for leniency, parole, or amnesty which is usually denied to political prisoners.

It is possible, of course, that criminal prosecution of an individual who happens to be an activist may be justified on the basis of evidence in matters unrelated to his nonconformist views or behavior. Dissidents are not necessarily above reproach. At the same time, a large body of evidence accumulated over the years regarding the disposition of individual cases indicates that trials of political and religious activists are preprogrammed to achieve conviction of the defendant regardless of the evidence at hand. Such trials involve flagrant violations of declared Soviet judicial procedure. Defendants are prevented from preparing or presenting an effective defense. Even the decision about the length of the sentence may have been made before the start of the trial. In short, if the regime chooses to take punitive

action against an individual, the question of his formal guilt or innocence is irrelevant.

G. Political prisoners, prisoners of conscience, and reform of "criminals"

Soviet authorities contend that Soviet citizens are never prosecuted for political views or religious beliefs, but only for criminal acts specified by the Criminal Code, and that therefore political prisoners do not exist in the Soviet Union in law or as a special category of the penal population. That contention is contradicted by evidence that activists convicted under the political or religious articles of the Criminal Code are treated differently during pretrial investigation and during the judicial process, and are subsequently singled out for especially harsh treatment during confinement:

The investigation of such cases is conducted by the KGB, which retains control over them and determines their disposition.

Persons convicted for "especially dangerous crimes against the State"—including those convicted for anti-Soviet agitation and propaganda (Art. 70)—are sentenced to "strict regime" (i.e., maximum security) corrective labor camps.

They are systematically denied packages, mail, and meetings with relatives to which they are entitled under prison regulations.

They run the risk of facing new criminal charges just before they complete serving a term of imprisonment if authorities do not wish to release them.

Upon completion of a term of corrective labor or internal exile, political and religious activists are often deprived of the right to return to their former city of residence. In effect, this perpetuates their exile status and they are forced to move from place to place in search of permission to establish legal residence. This has been the fate of Ida Nudel, the Jewish activist, who recently completed a four-year term of internal exile for "malicious hooliganism." She has been prevented from returning to Moscow.

Religious believers sentenced to a term of imprisonment are not permitted access to religious literature, not even the religious literature that is occasionally published in the Soviet Union with official permission. In 1982, Russian Orthodox activist Gleb Yakunin staged an unsuccessful hunger strike when he was denied permission to have a Soviet edition of the Bible in labor camp.

Life in corrective labor camps is made even more difficult for individuals who regard themselves as political prisoners or "prisoners of conscience" because they fail to meet the two basic criteria the penal system requires from inmates to qualify for privileges and leniency—admission of guilt and evidence of "reform." In the case of persons convicted essentially for political, religious, or nationalistic beliefs or other forms of intellectual nonconformity, "reform" in the eyes of the authorities would require renunciation of personal beliefs and public espousal of official ideology. Therefore, authorities regard those who refuse to do this as uncooperative and incorrigible, and not qualified to receive privileges, lenient treatment, early release, or consideration for pardon or amnesty.

An amnesty announced for the sixtieth anniversary of the U.S.S.R. in December 1982 carefully excluded not only serious common criminals, but also political and religious offenders. The amnesty did not cover:

Individuals convicted for especially dangerous state crimes (including Article 70) and recidivists (many political and religious activists, it should be noted, are repeat offenders);

Individuals convicted under Article 142 (separation of Church and State), Article 162 (engaging in a prohibited profession), Article 190.1-190.3 (slandering the Soviet system; organizing or participating in group activities violating social order), Article 206 (hooliganism), Article 209 (parasitism), and Article 227 (infringing on citizens' rights under guise of performing religious ceremonies).

The language of the amnesty demonstrates that an individual who organizes religious instruction for children or who circulates a petition protesting an official action is deemed more dangerous by Soviet authorities than one who commits assault, robbery, or rape.

The Soviet Government's official position regarding political prisoners was stated by First Deputy Chief Zagladin of the Central Committee's International Department at a press conference before the December 1982 amnesty was announced. He explained that the amnesty would not include political prisoners because there are none in the Soviet Union.

II. CONDITIONS UNDER WHICH SOVIET FORCED LABORERS WORK AND LIVE

Physical conditions in corrective labor colonies of the special regime, to which political prisoners often are sentenced, are usually harsh, and much more severe than the usual conditions in camps for common criminals. Political prisoners in an especially harsh special regime camp in the Mordovskaya region (see plate) are reported to be confined to cells holding between three and five prisoners each, with a bucket serving as a toilet. The wife of former Soviet political prisoner Alexander Ginzburg reported, after visiting him in 1978:

"The cell in which my husband and other prisoners are kept is so damp that water drips down the walls and the plaster is crumbling off. Mice run about in the cell." (*Prisoners of Conscience in the USSR: Their Treatment and Condition*, Amnesty International, London 1980, p. 111)

Barrack-type quarters are common in ordinary, reinforced, and strict regime camps. The norm is overcrowded conditions, lack of ventilation, lack of sufficient heating during the cold months, and inadequate or unsanitary toilet facilities. Clothing is strictly limited by official regulation, causing numerous instances of sickness when prisoners are not permitted to wear warm clothes in addition to the inadequate regulation clothing.

Soviet authorities use the prison diet as a means of punishment. The regular diet itself is a form of punishment but may also be reduced in response to infractions of prison rules.

Article 56 of the RSFSR Corrective Labor Code reads:

"Convicted people shall receive food ensuring the normal vital activity of the human organism. Food rations shall be differentiated according to the climatic conditions at the location of the corrective labour colony, the nature of the work done by the convicted person and his attitude to work. People who are put in a punishment- or discipline-isolation cell, in a punishment cell, in the cell-type premises of colonies with ordinary, reinforced and strict regime and in a solitary cell in colony with special regime shall receive reduced food rations."

The official Commentary to Article 56 goes further:

"Convicted persons who systematically and maliciously do not fulfil their output norms of work may be put on reduced food rations."

Prisoners are theoretically permitted to receive extra food in the form of packages from the outside or by purchasing a few items from the camp commissary. Yet penal authorities often withhold this privilege, especially in the case of political prisoners. For example, penal authorities have repeatedly rejected packages sent to imprisoned human rights activist Anatoly Shcharansky by his mother; the authorities have also prohibited her from visiting Shcharansky.

There are also numerous reports of poor or nonexistent health care in the camps. One from the Chronicle of Current Events (No. 5, December 31, 1968) regarding the experience of the former political prisoner Vladimir Bukovsky relates circumstances that are reported to continue to exist:

"In October Vladimir Bukovsky was concussed when a pile of timber collapsed on him. He was unable to work as a result, but was accused of malingering and put in a punishment cell. He started a hunger strike in protest. Against the usual rule he was put in a communal cell and his cellmates declared a ten-day hunger strike in support of him. Only after this was Bukovsky transferred to hospital for a while."

Additional information on conditions in Soviet forced labor camps is contained in a letter, dated October 25, 1982, from P. Paritskaya, wife of Soviet political prisoner Aleksandr Paritskiy:

"My husband Aleksandr Solomonovich Paritskiy, 44, a Jew, a refusenik, a scientist, candidate of technical sciences, having worked in the field of oceanology, was condemned by the Khar'Kov district court in November, 1981, and sentenced to three years in an ordinary-regime (corrective labor) camp.

"He was accused of having distributed slanderous fabrications denigrating the Soviet state and social system.

"Since February, 1982, he has been in camp no. 94/4 (near) the village of Vydrino in the Buryat autonomous Soviet socialist republic. Upon his arrival in camp, my husband was assigned very strenuous manual labor in a railroad tie factory.

"He was placed under special, constant supervision. Approximately 2,000 prisoners are held in the Vydrino camp. There, tuberculosis and (other) diseases are endemic. Last year, the death-rate reached 2 percent, and there were many traumatic cases since hygienic rules and techniques were not observed.

"The bodies of many prisoners were covered with perforated ulcers. Their clothing stuck to their bodies and had to be ripped off along with their skin. The prisoners are denied quality medical assistance.

"Forty-two kopecks a day are spent to feed (each prisoner). Their daily diet basically is about 700 grams of bread and three scoops (one scoop—200-250 grams) of porridge. At lunch soup is added to the porridge. Fat is almost, and vitamins are completely, absent from their diet.

"In the section of the barracks where my husband lives, about 75 persons are housed in one room.

"At the end of June, 1982, the chief of the zone Major N.N. Anikeyev called my husband in and demanded that he publicly recant and repudiate the idea of emigrating from the Soviet Union.

"When my husband refused to comply with this demand, Anikeyev cynically said that it made no difference, that he would force him to recant.

"Since the end of July, they have transferred my husband to work in the zone's so-called local industry and have assigned him to the job of transporting gun-carriage plates weighing as much as 200 kilos. Two unidentified persons travelled to the camp each day to ensure that my husband did only his work.

"On August 22, when my husband began to talk about himself at our meeting, they interrupted it, seized him, and put him in punitive, solitary confinement (SHNZO) for 15 days.

"Punitive solitary confinement occurs in a cell in the camp site. Food is provided every other day. All warm clothing and underwear are confiscated. Bed linens are not provided. During the day, the sleeping area is cleaned. There, it is very cold, and even at night it is impossible to get warm.

"At our meeting, my husband was able to say that his blood pressure had increased to such an extent that he could not do all of his work, and so he refused to continue working. He had changed so much that it was hard to recognize him. His face was pale and emaciated; he had lost a lot of weight.

"After releasing him from solitary confinement, they again assigned him to his old job and then threw him back into solitary confinement.

"When I went to camp authorities on September 7, Major Sautin told me that my husband had high blood pressure and had been complaining about heart pains.

"My husband had no warm clothing, but winter already had begun in Buryatia.

"Despite that the procurator had ordered that my husband be allowed to receive things from me, the camp chief director refused to allow it, saying that the procurator had not instructed him to do so.

"I declare that my husband is undergoing the tortures of hunger, cold, and work beyond his endurance.

"They threaten him now with a new trial and a transfer to a prison regime.

"During the last two months, I have not received any letters from my husband, although his correspondence is not restricted. Even a package of warm clothing sent to him was returned.

"They subject him to all these insults to force him publicly to repudiate emigration to Israel. My husband at present finds himself in the position of a hostage.

[signed] P. PARITSKAYA".

III. FORCED LABOR AND THE SOVIET UNION'S OBLIGATIONS UNDER INTERNATIONAL LAW

International law distinguishes between forced or compulsory labor on the one hand and slavery on the other. In countries that have established permanent and extensive systems of forced labor to serve the economic as well as political purposes of the government, however, the distinction becomes in large part academic.

In the 1920's and 30's, the League of Nations evinced strong interest in the dangers that slavery and forced labor posed to fundamental human rights. Two multilateral treaties dealing with such matters—the Anti-Slavery Convention of 1926 and ILO Convention 29, both discussed below—were concluded in that period; both were ratified by the Soviet Union, and both remain in force today.[8]

A. The Anti-Slavery Convention (1926)

The Convention on Suppression of the Slave Trade and Slavery ("Anti-Slavery Convention") deals primarily with slavery but also notes that "grave consequences" may result from exploitation of forced labor. Resulting from a recommendation of the Temporary Slave Commission established by the League of Nations, the Anti-Slavery Convention was adopted by the Assembly of the League on September 25, 1926.

Article 1 of the Anti-Slavery Convention defines slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." It would violate the Anti-Slavery Convention for a State party to enforce a private property right in an individual as a slave.

The international community, through the Anti-Slavery Convention, recognized that the large-scale use of forced labor tends inevitably to undermine universally acknowledged human rights and called attention to the comparability of forced labor abuses and the crime of slavery. Article 5 of the Anti-Slavery Convention states:

"The High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake each in respect of the territories placed under its sovereignty . . . to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery."

The Soviet Union's forced labor system comprises approximately four million laborers and constitutes an important element in the Soviet economy. Most major construction projects in the Soviet Union involve exploitation of such laborers. Soviet forced laborers work under conditions of severe hardship and some of them political prisoners in particular, suffer deliberate maltreatment. The scope and economic purposes of the Soviet Union's forced labor system and the abuses inflicted on forced laborers there support the conclusion that the Soviet Union is failing to fulfill its solemn undertaking in Article 5 of the Anti-Slavery Convention.

B. Forced Labor Convention (1930)

At the time of its adoption of the Anti-Slavery Convention in 1926, the Assembly of the League of Nations also adopted a resolution calling on the International Labor Organization (ILO) to study "the best means of preventing forced or compulsory labour from developing into conditions analogous to slavery."

Four years later, on June 28, 1930, the ILO General Conference adopted Convention 29—Concerning Forced or Compulsory Labor.

The term "forced labor," as defined by Article 2 of ILO Convention 29, comprises "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Forced labor does not necessarily involve private property rights in individuals.

States parties to ILO Convention 29 undertake to suppress the use of forced or compulsory labor in all its forms within the shortest period possible. ILO Convention 29 requires, *inter alia*, the abolition of forced labor for work underground in mines. The Convention lists a set of strict determinations that the highest civil authority in a given territory must make before that authority allows recourse to forced labor. The Convention mandates that (1) an individual's forced labor term not exceed sixty days per year, (2) a forced laborer receive prevailing wage rates, including overtime pay, and (3) a forced laborer work no more than normal hours, and receive the benefit of days of rest and holidays. Also in ILO Convention 29 are standards governing workmen's compensation, safety and health, and age limits for forced laborers.

For a discussion of the ILO's formal reproaches against the Soviet Union for violations of ILO Convention 29, *see* the U.S. Department of State's November 1982 *Preliminary Report to the Congress on Forced Labor in the USSR*, Tab 2 ("The International Labor Organization: Forced Labor in the Soviet Union").

C. Report of Ad Hoc Committee on Forced Labor (1953)

In the decades following the initial signing of the Anti-Slavery Convention, it became increasingly clear that those human rights which the Anti-Slavery Convention and ILO Convention 29 were drafted to protect are subject to the most salient and persistent violation in countries that have established actual systems for exploiting forced labor. On March 19, 1951, the UN Economic and Social Council ("ECOSOC") acted to expose such violations through adoption of its Resolution 350(XII).

In that resolution, ECOSOC stated that it was "deeply moved by the documents and evidence brought to its knowledge and revealing in law and in fact the existence in the world of systems of forced labour under which a large proportion of the populations of certain States are subjected to a penitentiary regime." The resolution then invited the ILO to cooperate with ECOSOC to establish an ad hoc committee on forced labor "to study the nature and extent of the problem raised by the existence in the world of systems of forced or 'corrective' labour, which are employed as a means of political coercion or punishment for holding or expressing political views, and which are on such a scale as to constitute an important element in the economy of a given country, by examining the texts of laws and regulations and their application . . . and, if the Committee thinks fit, by taking additional evidence into consideration . . ."

and to report on the results of its study. According to the resolution, the Ad Hoc Committee's work was to be guided by the principles laid down in ILO Convention 29, "the principles of the [UN] Charter relating to respect for human rights and fundamental freedoms, and the principles of the Universal Declaration of Human Rights."

The resulting Ad Hoc Committee on Forced Labor, comprising individuals from Norway, India, and Peru, carried out its study for almost two years, issuing in May 1953 its comprehensive 600-plus page report on forced labor, UN Document E/2431. Economic and Social Council, Sixteenth Session, Supplement No. 13. The report is a meticulous review of the relevant legislation and the relevant judicial and penal practices of over 20 various countries against which allegations had been made regarding forced labor abuses.

After discussing the Soviet case in detail, the Committee report stated the following conclusions:

"Given the general aims of Soviet penal legislation, its definitions of crime in general and of political offences in particular, the restrictions it imposes on the rights of the defence in cases involving political offences the extensive powers of punishment it accords to purely administrative authorities in respect to persons considered to constitute a danger to society, and the purpose of political re-education it assigns to penalties of corrective labour served in camps, in colonies, in exile and even at the normal place

of work, this legislation constitutes the basis of a system of forced labour employed as a means of political coercion or punishment for holding or expressing political views and it is evident from the many testimonies examined by the Committee that this legislation is in fact employed in such a way.

"Persons sentenced to deprivation of liberty by a court of law or by an administrative authority, particularly political offenders, are for the most part employed in corrective labour camps or colonies on large-scale projects, on the development of mining areas or previously uncultivated regions, or on other activities of benefit to the community, and the system therefore seems to play a part of some significance in the national economy.

"Soviet legislation makes or places restrictions on the freedom of employment; these measures seem to be applied on a large scale in the interests of the national economy and, considered as a whole, they lead, in the Committee's view, to a system of forced or compulsory labour constituting an important element in the economy of the country."

The Committee report's general conclusions included the following:

A system of forced labour as a means of political coercion . . . is, by its very nature and attributes, a violation of the fundamental rights of the human person as guaranteed by the Charter of the United Nations and proclaimed in the Universal Declaration of Human Rights. Apart from the physical suffering and hardship involved, what makes the system most dangerous to human freedom and dignity is that it trespasses on the inner convictions and ideas of persons to the extent of forcing them to change their opinions, convictions and even mental attitudes to the satisfaction of the State.

"While less seriously jeopardizing the fundamental rights of the human person, *systems of forced labour for economic purposes* are no less a violation of the Charter of the United Nations and the Universal Declaration of Human Rights.

"Such systems of forced labour affecting the working population of fully self-governing countries result from various general measures involving compulsion in the recruitment, mobilisation or direction of labour. The Committee finds that these measures, taken in conjunction with other restrictions on the freedom of employment and stringent rules of labour discipline—coupled with severe penalties for any failure to observe them—go beyond the 'general obligation to work' embodied in several modern Constitutions, as well as the 'normal civic obligations' and 'emergency' regulations contemplated in international labour Convention No. 29." (Emphasis in original; footnotes deleted).

These conclusions led to the adoption by UN bodies of several resolutions condemning systems of forced labor such as that existing in the Soviet Union. In Resolution 740(VIII), adopted on December 7, 1953, the UN General Assembly, "considering that systems of forced labour constitute a serious threat to fundamental human rights and jeopardize the freedom and status of workers in contravention of obligations and proimportance which it attaches to the abolition of all systems of forced or 'corrective' labour, whether employed as a means of political coercion or punishment for holding or expressing political views or on such a scale as to constitute an important element in the economy of a country." In Resolution 842(IX), its condemnation of such systems of forced labor.

The international community, primarily through the ILO, has continued to highlight the importance of abolishing systems of forced labor, especially those used for political coercion or for economic purposes. The ILO has been the principal UN agency overseeing forced labor since ECOSOC adopted Resolution 524(XVII) (April 27, 1954) calling on the ILO to continue its consideration of forced labor and to take whatever further action it deemed appropriate toward its abolition. Indeed, the ILO Committee of Experts has conducted three general surveys on forced labor since the 1950's, the latest one published in 1979; all have been critical of relevant Soviet law. In addition, the ILO General Conference of 1977 adopted a Resolution calling for the strengthening of the ILO supervision system for the application of international labor standards, particularly human rights standards such as those relating to forced labor.

D. Conclusion

In the period since the Ad Hoc Committee on Forced Labour issued its report, changes have been made in the Soviet Union's forced labor laws and practices. Soviet penal legislation today, however, still aims to punish individuals for their political views and for peaceful actions of an essentially political or religious nature. Moreover, in practice, Soviet authorities continue to use such legislation for that purpose. In Soviet courts, the rights of the defense, especially when political charges are involved, remain severely restricted. Soviet administrative authorities continue to possess and exercise extensive powers of punishment and corrective labor camp penalties continue to have as a goal the coerced alteration of the personal opinions of political prisoners. Furthermore, the Soviet Union's forced labor system remains an important element in the Soviet economy and forced laborers in the Soviet Union are still subjected to exceedingly harsh conditions and maltreatment. Thus, notwithstanding the changes in the Soviet Union's forced labor system since the issuance of the Ad Hoc Committee's report in 1953, the Government of the Soviet Union is persisting in practices that contravene the UN Charter and failing to fulfill its solemn undertakings in the Universal Declaration of Human Rights and the Anti-Slavery Convention of 1926.

FOOTNOTES

[1] *Vedomosti Presidiuma Verkhovnogo Soveta SSSR*, No. 29 (1969), Art. 247.

[2] *Vedomosti SSSR*, No. 7 (1977), Art. 118; No. 33 (1981), Art. 967; No. 30 (1982), Art. 572; No. 42 (1982), Art. 793.

[3] *Vedomosti SSSR*, No. 7 (1977), Art. 118.

[4] *Vedomosti SSSR*, No. 30 (1982), Art. 572.

[5] Equivalent articles exist in the criminal codes of other Soviet republics, although their numerical designation may differ.

[6] *The Bible* (Russian-language edition of the Moscow Patriarchate, 1956).

[7] "Cult" is the disparaging Soviet statutory term for a religion.

[8] The United States is a party to the Anti-Slavery Convention, but not to ILO Convention 29. The United States Government has signed ILO Convention 29, but the Senate has not yet consented to ratification.

UPDATE ON ILO ACTIVITIES—DIRECT CONTACTS MISSION TO THE USSR

The International Labor Organization (ILO) has accepted "in principle" an invitation from the Soviet All Union Central Council of Trade Unions (AUCCTU) to send an on-site mission to examine charges of forced labor on the export pipeline. Arrangements for the ILO visit as well as its terms of reference have yet to be worked out. The invitation nevertheless marks the first time that the ILO may be permitted to conduct an on-site mission specifically concerning Soviet use of forced labor. The invitation should be viewed with caution, however, in light of the potential limitations, discussed below, on the mission's terms of reference.

BACKGROUND

On August 20, 1982 the International Confederation of Free Trade Unions (ICFTU) sent a letter to ILO Director-General Francis Blanchard requesting him to raise with the competent Soviet authorities the allegation that forced labor is used in the construction of the natural gas pipeline from Siberia to Western Europe. The ICFTU also requested that the matter be transmitted to the ILO Committee of Experts on the Application of Conventions and Recommendations.

The ICFTU letter did not constitute a formal complaint under Article 24 of the ILO Constitution, nor did it request that a direct contacts mission be established with the Soviet Union.

In response, the ILO informed the ICFTU on September 2 that its letter was being transmitted to the Soviet government with a request for comments on the issue. In addition, as requested by the ICFTU, the matter would be communicated to the Experts.

Later that month, while on a visit to the Soviet Union (September 24–October 4), ILO Deputy Director-General Bertil Bolin raised the matter of working conditions on the pipeline project. At that time Bolin was extended a verbal invitation by the official Soviet trade union organization to send a mission to examine working conditions and the life of workers on the Siberian gas export pipeline. The invitation was formally confirmed by an October 25 letter from Vasili Prokhorov, Vice-President of the Central Council of Soviet Trade Unions and worker member of the ILO Governing Body (See Appendix 1).

The terms of reference of the mission, as stipulated in the Prokhorov letter, would permit one senior ILO official accompanied by two advisers to visit only the export pipeline. No mention is made of visiting labor camps in close proximity to the export pipeline, or camps elsewhere in the Soviet Union. In addition, it is not clear whether ILO officials would be able to choose the sites for visit, or that they would be able to talk privately with pipeline workers.

THE ILO REACTION

A. The Office

On November 2 during an interview with United Nations television, ILO Director-General Blanchard was reported by Reuter to have announced an ILO request to send a mission to the Soviet Union. In response to press inquiries concerning the Blanchard statement, the U.S. Department of State said on November 2 that it considered the ILO's request for a mission appropriate in view of the controversy surrounding the use of forced labor in the USSR. The Department stressed at the same time, however, that it is incumbent upon the Soviet authorities to disprove the numerous and grave charges concerning their use of forced labor—including that of political prisoners—by opening *all* of their labor camps and involuntary labor sites to international inspection.

The ILO announced receipt of the Soviet trade union invitation on November 9. Director-General Blanchard, however, denied that the ILO had actually solicited an invitation for a mission. The ILO issued a press release on November 10 in which Blanchard stated only that "the ILO is more effective when it can make on-site visits, not to conduct inquiries in the judicial sense, but to examine problems where they may arise" (See Appendix 1).

Following the ILO's announcement on November 9 of receipt of the Soviet trade union invitation on that date, the Department noted that to be meaningful any invitation would have to have the full commitment of the Soviet Government to guarantee full access to the mission to investigate the charges.

In any event, the ILO must make a decision on how to deal with the Soviet trade union invitation. Many questions remain unanswered: Although Soviet trade unions are under total government control, it can be asked why the invitation did not come directly from the Soviet Government, which is responsible for the Soviet Union's international obligations? Would the Soviet Government disavow unfavorable conclusions on the basis that it was "not involved?" By contrast, would it exploit favorable conclusions as the "definitive statement" on forced labor in the Soviet Union? Will the mission be limited to preselected sites on the export pipeline?

There are considerable grounds for concern, as indicated already by the ICFTU and AFL-CIO, that as in the case of an ILO survey of the Soviet Union in 1959, a mission on Soviet forced labor would accomplish nothing or would be a "whitewash". (For conclusions of the 1959 Survey, see "History of the International Labor Organization," Antony Alcock, New York (1971), page 315). The U.S. Government, for its part, made clear in the statement by the Department of State on September 22, 1982 and in its transmittal letter to Congressional leaders on November 4, 1982, that in the light of the very serious allegations which remain unresolved, it is incumbent upon the Soviet Union to open to impartial international inspection its entire system of forced labor camps and projects.

B. The Committee of Experts

As stated above, the ICFTU's letter will be transmitted to the ILO Committee of Experts. Since the USSR ratified ILO Convention 29 on forced labor in 1956, the Experts examine Soviet application of this Convention on a biennial basis. The next session at which the Experts definitely will examine the issue of Soviet forced labor is in March 1984, by which time the biennial Soviet report is due.

However, as noted above, the ICFTU has asked the Committee of Experts to look into the matter which, if it so desires, it could do at its March 1983 session. The most that might normally be expected in 1983, however, would be a request from the Experts that the Soviet Government respond to the allegations by March 1984.

C. ILO June Conference

With regard to the annual ILO June Conference, it is possible that the issue of forced labor in the Soviet Union may be raised in June 1983 by a delegate during the general discussion on the application of standards. However, as a major discusion on freedom of association in all member States, including the Soviet Union and Poland, is scheduled for June 1983, the issue of Soviet forced labor may not be debated until the following Conference in June 1984.

RECENT CHRONOLOGY

June 18, 1982: Subcommittee on International Finance, Senator William Armstrong presiding, held hearings on Soviet labor practices.

August 1982: The German International Society for Human Rights (ISHR) issues a report entitled "The Use of Forced Labor on the Siberian Gas-Pipeline."

August 17, 1982: Senator Armstrong submits Resolution requesting the Department of State to investigate allegations concerning the use of forced labor on the Soviet pipeline.

August 20, 1982: The ICFTU sends a letter to ILO Director-General requesting that the ILO investigate allegations of forced labor on the Soviet pipeline.

September 2, 1982: ILO Director-General responds to ICFTU, indicating that it is transmitting ICFTU letter to Soviet government and to ILO Committee of Experts.

September 6, 1982: ICFTU publicizes its request of the ILO.

September 22, 1982: Department of State issues an official statement on the issue of Soviet forced labor, calling for the entire Soviet forced labor system to be opened to impartial international inspection.

September 29, 1982: Conference Report 97-891 directs the Secretary of State to report on allegations concerning the use of Soviet forced labor.

September 24-October 4, 1982: ILO Deputy Director-General Bertil Bolin visits the USSR and raises the issue of working conditions on the pipeline project.

October 25, 1982: Vasili Prokhorov, Vice Chairman of the Soviet All Union Central Council of Trade Unions (AUCCTU) sends a formal invitation to the ILO to send a mission to visit the pipeline.

November 2, 1982: ILO Director-General Blanchard holds interview with U.N. television.

November 3, 1982: Department of State issues public comment in response to inquiries concerning Blanchard's interview.

November 4/5, 1982: Department of State submits preliminary report to Congress.

November 10, 1982: ILO issues press release concerning invitation from Soviet trade union organization for a mission.

Appendix 1

[Press release of ILO, Nov. 10, 1982]

SIBERIA-EUROPE GAS PIPELINE

GENEVA (ILO News)—Following an interview given to United Nations television in New York on 2 November, during which he spoke, among other matters, of problems of conditions of work on the sites of the gas pipeline in the Soviet Union, Director-General Francis Blanchard of the International Labour Office wishes to make the following clarification:

Contrary to some of the comments to which this interview has given rise, among others from the United States, the Director-General limited himself exclusively to recalling the responsibilities of the International Labour Organisation, whose mandate is to watch over the application of international labour Conventions, and in particular the basic Conventions ratified by member States in the field of human rights.

Within the framework of this mandate it is the task of the International Labour Office to gather information from member States so as to enable the International Labour Conference and the supervisory bodies to discharge their responsibilities. The Director-General added, in this connection, that the ILO is more effective when it can make on-site visits, not to conduct inquiries in the judicial sense, but to examine problems where they might arise.

In this connection the Director-General wishes to publish the following letter, dated 25 October 1982, sent by Mr. Vassili Prokhorov, Vice-President of the Central Council of Soviet Trade Unions, to Mr. Bertil Bolin, Deputy Director-General of the ILO:

"In the course of our talks in Moscow a question was raised in regard to ICFTU General Secretary O. Kersten's letter alleging that in this country prisoners' forced labour is used for building the Siberia-Western Europe gas-main.

"With a view of initiating a dialogue between the ILO and the Soviet Trade Unions on this matter I have already expressed our readiness to arrange for you and one or two advisers who may accompany you, to visit the gas-main construction site.

"On behalf of the AUCCTU I formally confirm hereby the invitation to visit the construction site of the Siberian-Western Europe gas-main at any convenient time and to become acquainted on the spot with the conditions of labour and life of Soviet workers employed at the above-mentioned project."

SOVIET EFFORTS TO RECRUIT WORKERS TO SIBERIA

The Soviet regime has from its inception mounted an advertising campaign designed to attract workers to Siberia and other labor-short regions of the USSR. This effort has consistently fallen short of its goal of attracting and holding labor in the numbers needed for this resource-rich area.

Siberia has always been sparsely populated. Despite the vigorous attempts made by both the Imperial and Communist governments to settle it during the 19th and 20th centuries, the region continues to be characterized by low population density. Siberia includes about 30 percent of the territory of the USSR, but in 1979 only 8 percent of the total Soviet population lived there. Even more striking, the Far Eastern region which occupies another 28 percent of the country's territory, contained only 2.5 percent of the population. There has been a substantial increase in the number of people living in these areas since 1939, but because of population growth elsewhere, the increase in the proportion of the Soviet population living in Siberia and the Far East has been negligible.

The natural increase in Siberia's population has not been sufficient to meet the area's manpower needs, and these deficiencies can only be made up through migration. But if the area's experience to date is any guide to the future, it will be extremely difficult to attract and retain enough workers to satisfy the planners. For example, in Tyumen' Oblast where energy development is concentrated, the population of two administrative sub-units almost quadrupled since 1959, growing from one-tenth to one-fourth of West Siberia's total. This massive influx does not, however, represent permanent or even long-term settlement. About 80 percent of the immigrants to Tyumen' Oblast during 1965-75 left, and the exodus is said to be continuing at about the same rate.

Incentive program

For more than 50 years the Soviet government has provided financial and other incentives to recruit workers to Siberia. Extra

benefits for those willing to work in the northern regions were first made available by a 1932 decree for a "northern increment" to regular wages, longer annual leave, increased pension rights and certain privileges in housing and education. Wages were set 20-30 percent higher than the level prevailing in the European portions of the USSR. Other benefits included income tax exemptions for 5-10 years, free food and seed, home-building loans and the like. Despite the government's efforts, by 1959 it was found that the West-to-East resettlement program was not successful. The number of those leaving Siberia was greater than the number moving in.

A 1960 decree abolished the existing wage differentials, reducing benefits available to those thinking of moving to Siberia and to those already working there. This measure proved to be a mistake as it produced a mass exodus of workers; financial incentives to encourage migration were reintroduced by 1967. Further changes in 1969, 1972, 1973 and 1977 increased allocations for wages, pensions and other amenities, extending them to categories of workers not previously covered by the benefits, and making them applicable to all parts of Siberia and the Far East.

Those who leave for work in Siberia try to conclude contracts with particular establishments in advance, since in this case the law provides special benefits. Fundamental benefits include higher wages (1.5-4.0 times the national average), a bonus for a signing up, additional payments for seasonal unemployment, additional leave (1.5-2.0 times the national average), and extra time and money once every three years for a round-trip to a "place of rest." Supplementary benefits include special advantages in the calculation of pensions and disability payments, retention of the right to live in one's former place of residence, and payment of expenses (upon expiration of the labor contract or for some other valid reason) for the return trip of the worker and his family to his former place of residence. Agricultural resettlers in certain regions are offered similar incentives as well.

However, the promise of a better life and higher wages soon collides with the harsh realities of living in Siberia. The extreme weather and isolation, inadequate housing, limited social amenities, and high prices for food and consumer goods all contribute to worker dissatisfaction and high turnover.

Other employment alternatives

Because of Siberia's huge manpower needs required by the 1981-85 Five Year Plan, the Soviets will undoubtedly continue to rely on the traditional incentive approach to recruit workers to Siberia. However, the expense and limited success involved in establishing permanent settlements and the high turnover of workers have prompted the government to experiment with other employment schemes. They will increase the tour-of-duty and expedition methods of employment which rotate short-term workteams from established areas. These methods entail flying workers into makeshift settlements in the North from southern base cities (within Siberia for tour-of-duty method and from European U.S.S.R. for expedition approach) for a predetermined period and then returning them for rest and recreation before their next tour.

Other sources of labor for work in Siberia include some foreign workers, inmates from labor camps, and some unconfined parolees and probationers. There are, for example, forced labor camps located in West Siberia which are engaged in manufacturing and light industry. Recent evidence—including reports from the International Society for Human Rights—indicates that some unconfined forced laborers are used regularly in large construction projects—including domestic pipeline compressor stations.

"Help Wanted"

As an illustration of official Soviet recruiting efforts, the following is the complete text of an advertisement which was placed earlier this year in "Ekonomicheskaya Gazeta", a Soviet weekly which can be roughly equated with "Business Week", by a Soviet construction organization seeking to recruit engineers and skilled workers for pipeline construction work in the vicinity of the Urengoy gas field, the pipeline's Soviet terminus. The generous financial incentives offered free Soviet workers willing to sign up for such jobs, and the primitive living conditions they must endure, are graphically depicted in the ad.

(Begin Text) "In Tyumenskaya Oblast

The Priob'truboprovodstroy Trust is hiring for work on trunk pipeline construction in North Tyumenskaya Oblast

Experienced specialists: professionally qualified overhead welders, category 6 operators of semi-automatic machine tools to weld pipes 1020-1040 mm in diameter; category 6 machine operators-pipe layers (KATO, KOMATSU), category 6 operators of EO-4121 hydraulic excavators, KATO machine operators; bulldozer operators (imported and Soviet-made equipment), category 6 foremen for fitters' brigades, drivers of MAZ-543 and KrAZ-255 truck tractors' defectoscope operators for narrow gammagraphing; operators of Tyumen BT-361 marsh vehicles; TG-502 pipe layers;

Specialists with appropriate educational background and work experience: chief mechanics of administrative sections, deputy chief and senior engineer for the trust's Central Industrial Research Laboratory, heads and chief engineers of administrative sections, deputy chiefs of administrative sections, Mechanical Repair Shop mechanics, mechanics for imported equipment, radiography experts, budget engineers, senior engineers for the trust's wage and hour and administrative sections;

For line work on construction of trunk pipelines: senior foremen, foremen, experts, line mechanics to repair and operate construction equipment, automobile mechanics, convoy foremen and senior convoy foremen.

Specialists will be provided with housing for six months, and workmen will be provided with temporary living quarters in trailers or a dormitory on a first come first served basis.

The regional wage premium is 70 per cent, and the allowance for working in the North is ten per cent for every year of work. A lump sum payment of two months' salary is made upon signature of a three year contract, and additional preferential leave, including payment of travel costs, is granted once during the three years. Those working directly on the pipeline are paid a line bonus of 40 per cent, and housing is reserved for them at their place of permanent residence.

To be accepted for employment, send a certified copy of your labor book, a copy of your diploma and your personnel form.

Our address: Personnel Department of the Trust, pos. Igrim, Berezovskiy rayon, Khanty-Mansiyskiy autonomous okrug, Tyumentskaya Oblast 626806." (End Text)

FORCED LABOR AT THE SOVIET PIPELINE: HEARINGS HELD BY THE INTERNATIONAL SOCIETY FOR HUMAN RIGHTS (IGFM)

The German branch of the International Society for Human Rights (Internationale Gesellschaft fuer Menschenrechte, IGFM) based in Frankfurt and the International Sakharov Committee based in Copenhagen held hearings on November 18-19 in Bad Godesberg on Soviet use of forced labor to build gas pipelines.

The meeting was conducted jointly by its Honorary President, Alfred Coste Floret, a leader of the French International Society for Human Rights and former member of the Nuremberg War Crimes Tribunal, Dr. Reinhard Gnauck. President of the German IGFM, and Feldsted Andresen, President of the International Sakharov Committee.

The "Examining Commission" included two Americans: Senator William Armstrong of Colorado and Mr. James Baker of the Paris office of the AFL/CIO. Other members were: Marcel Aeschbacher, from the Swiss Labor Movement; Professor Raymond Aron from the Sorbonne; Professor Felix Ermacora, University of Vienna; Hans Graf Huyn, CSU member of the German Bundestag; Detlef Lutz, from the Christian Labor Movement in the FRG; Ludwig Martin, from the International Commission of Tourists; Carlos Ripa Di Meana, Italian Socialist member of the European Parliament; and Victor Sparre, Norwegian writer and publisher.

Three prominent exiles from the Eastern bloc served as expert witnesses: Georgij Dawydow, from Baku, in the West since 1980; Professor Andrzej Kaminski, from Warsaw, in the West since 1973; and Professor Michael Voslensky, formerly of the Soviet Academy of Sciences, living in the West since 1972. Represented by non-participating observers were, among others, Amnesty International, Freedom House, and The (Lutheran) Bishops Conference. The American, French, Dutch, and Belgian Embassies in Bonn were also represented. The International Press was fairly well represented, including West German television. There were in addition at most of the hearings some 100 to 150 others.

The IGFM distributed the following press release, in addition to the materials submitted earlier (The Use of Forced Labor on the Siberian Gas Pipeline: Documentation) for the August 1982 hearings. The IGFM expects to issue a report on the Bad Godesberg hearings in early 1983.

PURPOSE OF THE HEARING

This Hearing shall examine witness accounts about forced labor at the Soviet gas pipeline system. This huge network of pipelines is under construction for decades already and western countries participate with their technology and credits for many years. For decades pipes are supplied, for instance. The credit from German banks on February 1, 1970 of 1.2 billion DM for this gas-pipeline deal was probably not the first and the 4.0 billion DM credit of July 13, 1982 might not be the last one. Already since October 1, 1973 Soviet gas reaches the Federal Republic of Germany. Therefore, the witnesses will have to be questioned about forced labor at the gas pipelines during the last 10-15 years.

Building a network of pipelines does not consist only of welding tubes and laying them into the ground—this is only one step, usually done by complicated machines. Preparatory and other work for such a huge construction site has to be done also—cut-

ting trees, draining the ground, preparing roads and telephone connections, building shelter and factories, sewing workmen's clothes, unloading trucks etc. The witnesses shall report about these works also.

The results of this Hearing will be presented to all governments concerned and to the world public, in order that a moral decision can be reached about continuation of the cooperation with the USSR on this industrial project.

Dr. Med. REINHARD GNAUCK,
Chairman, IGFM.

(IGFM translation)

EXAMPLE OF TESTIMONY AT THE HEARINGS

Statement

I, Wladimir Grigorjewitsch Titow, was born 1938 in the village Wersebnewo, district Ljudinowski, area Kaluga. I had a higher technical education and completed a training in a KGB-school. I am a KGB-lieutenant. But my conscience did not allow me to commit unlawful acts and harm good people, i.e. to actually serve the KGB. Therefore I tried to leave the KGB. For attempting this I was sentenced to 10 years in prison and psychiatric confinement according to S 70 of the penal code of the RSFSR. Even after this 10 years I was persecuted cruelly. I was beaten to unconsciousness, my bones were broken, I had to be hospitalized. I was refused any job and I starved. The KGB tried to provoke me and watched me continuously, other people were instigated against me, relatives likewise. The only way out of this true hell was to emigrate from the USSR on invitation from Israel. The KGB promised mercy and would let me go. Israel sent another invitation for my wife and daughter. With great hope I started to collect the necessary documents for our emigration. But another torture was started by the KGB—again and again they tried to enlist me to work for them abroad. For 5 months I was dragged to conversations, instructions, had to take oaths and received promises from the highest ranks, the generals of the KGB. In September 1981 Lieutenant General Zwigun personally talked with me about working for the KGB abroad. The telephone number of the main agent, conducting this campaign, Juri Semenowitsch, Major for special services, is 2-23-00-23. Their friendly talks were mixed with threats to persecute my relatives in the USSR and to follow me abroad. I could not stand this devilish scheme and refused any cooperation. Once more I lost my job. I received an order from a psychiatrist and was declared mentally ill. My situation is desperate. These are the conditions here and such is our life in the USSR.

(Signed) Wl. Titow.

Moscow, October 1982.

(IGFM translation)

SUMMARY OF PRIVATE LETTERS OF W. TITOW SENT TO JU. BELOW, OCTOBER 1982

In 1963 i have been working on the construction line Buchara-Ural (gas supply pipes) as manager of a sector for mounting and installing controlling and measuring devices as well as automatic machines. Here, as nearly everywhere, prisoners are doing the hardest work. From 1980 to 1981 I have been working in the district of Tjumen on gas pipes installing controlling and measuring devices as well as automatic machines. Here as well prisoners did work coming of the concentration camps of Surgut, Nadym, and Urengoj. These camps are situated in impassable marshland. In summer they (the prisoners) will be transported in helicopters of the type MI-6 and MI-10 to the constructing line, squeezed together like "herrings", in winter with vehicles and helicopters. Among the prisoners there are many specialists with higher education, they are working as chief operators and brigadiers. Working with prisoners requires a special permit of the militia for those finding themselves in free working conditions. Unrestrained violence is the rule. Economic benefit is obvious.

When I have been for the last time on a reception on Dzerskinski place with high-ranking people of the KGB, they insulted me for some time because of my refusal to work for them abroad, and they told me: "We shall let you putrefy, we shall let you putrefy for a long time. Nobody will us declare the war because of you, all will be running down from us like water."

Within a short time they will arrest me. In what kind of torture-chamber they will bring me—I don't know.

On 11th November 1982 news came by telephone out of dissident circles at Moscow, that W. Titow has been arrested at the end of October and sent into the psychiatric clinic at Kaluga, department 7, where he will be subject to a forced treatment.

(IGFM translation and summary)

CONCLUDING STATEMENT

Statement of the International Commission on Human Rights in Conclusion of the Hearing "Forced Labour—Siberian Pipeline", November 18./19., 1982, in Bonn—Bad Godesberg (Stadthalle).

The Hearing was arranged by the International Society for Human Rights (ISHR), Frankfurt, in cooperation with the International Sakharov Committee, Copenhagen. Presiding was Mr. Alfred Coste Floret, a joint prosecutor for France at the Nuremberg trials.

Based upon the testimony of expert witnesses and upon the testimony and documents of former Soviet prisoners, the Commission finds:

1. The USSR continues the deplorable practice of forced labour in manufacturing and construction projects including the Siberian Gas Pipeline.

2. Prisoners, including political prisoners and those imprisoned for their religious beliefs, among them women and children, are forced to work under conditions of extreme hardship including malnutrition, inadequate shelter and clothing and severe discipline. Many prisoners have died.

The Commission calls upon the Soviet Union to end the vicious practice of forced labour and upon all nations and enterprises for support of our conclusion.

We have presented the truth to the world and no one can say: "I did not know."

(IGFM translation)

PRESS ACCOUNTS

Some of the press reports of the hearings:

"Witnesses: Forced Labor Building Gas Pipeline," Sueddeutsche Zeitung, November 19

—In Bonn on Thursday, the International Society for Human Rights (IGFM) addressed an appeal to European Governments to show restraint in the European-Soviet Gas Pipeline deal notwithstanding the lifting of U.S. sanctions. All Western Governments, banks and firms should be advised with even greater emphasis than before that they were participating in the exploitation of forced labor said IGFM Chairman Reinhard Gnauck (Frankfurt) at the opening of a two-day hearing on the alleged use of forced labor in the construction of Soviet gas pipelines.

—At the hearing, sponsored jointly by the IGM and the Sakharov Committee (Copenhagen), former Soviet prisoners and experts now living in the West reaffirmed statements already published by the Conservative Human Rights Society, that political as well as other prisoners are used in the construction of Soviet gas pipelines. Even female prisoners were required to work under the worst conditions in the construction of the gas pipelines, either directly or indirectly, by making prisoners' garments, reported a woman from Leningrad who had been imprisoned in a camp near Workuta (Siberia).

—Witnesses also reported on the bad food situation, insufficient clothing and accommodation as well as on lack of medical care. There were many dozens of camps alongside the gas pipeline, among them a number for women excusively, witnesses said. According to these reports, each camp has from 700 to 2,500 inmates, whose working hours total up to twelve hours per day, sometimes also up to 16 hours. Non-compliance with the work norm results in solitary confinement. Moreover, prisoners are not allowed to be visited by relatives or write letters. In many camps, prisoners were allowed access to a washroom only once a week. Often prisoners were compelled to wash themselves with the same water others had already used. Because of inadequate hygiene, prisoners were frequently vermin-ridden and there were epidemics to which many prisoners fell victim. Nourishment of the slave laborers was often totally inadequate. Also there was talk of "sexual terror" to which the women were exposed in camp.

(Abridged text)

"Human Rights Fighters Call for Restraint in Trading with the USSR," *General-Anzeiger,* November 19

The Bonn *General-Anzeiger* cited several exiled Russians who testified at the hearings on their use as forced laborers in the construction of the Siberian gas pipeline. Victor Gasko, an 81-year old exiled Russian who said that he worked "on the Siberian gas pipeline ten years ago," is quoted as having seen frequently "prisoner camps alongside the individual building sites." He also reported that "in some cities registered prisoners outnumbered residents four to one." Prisoners were often required to work 16 hours a day under most inadequate food conditions, Gasko said.

Forty-two year old author Julia Wosnessenskaja confirmed these statements, saying that she had to spend two years of confined labor because of "slanderous remarks" in her books. She said that about 40 other women were confined in the camp with her and "not one of them left it healthy." They had to work in bitter cold, "lightly dressed, without a sweater" and had also been subjected to "sexual terror." Wosnessenskaja said.

Statements by other witnesses spoke of many camp inmates falling victim to epidemics because of inadequate hygiene. Those who were weakened because of malnutrition and could not complete their work norm were subjected to special confinement. Visits by next-of-kin were stopped and no prisoner dared to register a complaint.

General-Anzeiger says that the organizers of the hearing thought it of special importance to prove that political prisoners were also used in preparatory work for the gas pipeline construction. Introductory statements by Georgij Davydov, who spent seven years as a prisoner, served this end. He con-

firmed use of political prisoners in all preparatory work for the gas pipeline. This applied especially to chemical and pre-metallurgic industries, Davydov said. He reported that the Soviets pardoned about 35 percent of the 10,000 prisoners in Estonia under the prerequisite of their signing up for work on the gas pipeline. According to Davydov, prisoners also "participated" in a similar way in the building sites for the Tallinn Olympic games.

Reinhard Gnauck, Chairman of the International Society for Human Rights, emphasized in his statement that all Western Governments, banks and firms should be advised that they were "exploiting slave laborers." Gnauck made an urgent appeal to all responsible authorities for restraint in gas pipeline supplies to the Soviets.

(Summarized by U.S. Embassy, Bonn)

Agence France-Presse Dispatch, "Detainees Working on Soviet Gas Pipeline," *La Suisse*, November 19

"Labor-camp inmates are working on the construction of the Siberia-to-Europe gas pipeline. Eyewitnesses testified at Bonn yesterday to an International Commission of Inquiry on the employment of political prisoners on the project. Prisoners sentenced to hard labor are working on the construction of the pipeline, said Mr. Machmet Kulmagambetov, in one of the first testimonies heard by the Commission, whose Chairman is French jurist Alfred Coste-Floret, former assistant prosecutor at the Nuremburg trials.

"Mr. Kulmagambetov was put onto the building of compressor stations when undergoing a period of internal exile for 'anti-Soviet agitation'. He said that detainees at the Surgut labor camp, between Urengoi and Tiumen, were brought daily in special vehicles to work on the gas pipeline sites.

"Mr. Kulmagambetov, a former Professor of Marxist-Leninist philosophy, worked for six years on gas-pipeline sites. As proof, he showed the Commission his official work permit, recording where he spent his internal exile.

"Earlier, the Commission had heard the testimony of Mrs. Julia Vosnessenskaya, a Soviet writer condemned in 1976 to five years' exile for 'defamation of the Soviet State.' She said she had personally known women sentenced to forced labor who were put into making clothes for detainees working on the gas pipeline. She also described conditions in the labor camps for women, where the inmates had to work twelve hours a day—suffering from cold and hunger but especially from the 'sexual terror' inspired on them by the guards."

(Abridged text)

J. B. Bilke, "Witnesses Confirm Forced Labor," *Die Welt*, November 19

Eyewitnesses have confirmed indications that forced labor is being used in the construction of the Soviet gas pipeline between Siberia and Europe. At a two-day hearing sponsored by the International Society for Human Rights (IGFM), former Soviet camp inmates pointed out in Bonn yesterday that working conditions for the slave laborers were frequently inhumane, the required work norm excessive and punishment for even the smallest misdemeanor was harsh.

Clarification of the special problem of the Soviet system of forced labor required an initial analysis of the accompanying circumstances from a historico-political point of view. Thus, at the start of the hearing, the three experts Georgij Davidov (Munich), Professor Andrzej Kaminski (Wuppertal) and Professor Michail Voslensky (Munich) discussed the legal and historical classification of forced labor in the Soviet Union, "Slave Labor in Totalitarian Regimes" in general and "Forced Labor in Practice."

Paragraph 60 of the Constitution of the USSR specifies the duty to work as "socially useful activity" for each Soviet citizen. In the Penal Code this had been reinterpreted as compulsory work. Compulsory work may entail hunger, cold, being kept from sleeping, physical terror and other privations.

The first witness called to testify was Julia Wosnessenskaja (Ruesselsheim), a civil rights activist, who departed from the USSR in July 1980. She reported on the inhumane working conditions in women's camps.

Civil rights activist Machmet Kulmagambetov (Munich), who comes from Kazakstan and left the USSR in September 1979 with an Israeli visa, presented as documentary evidence his work log with an official stamp revealing that he was used as slave laborer in the construction of the gas pipeline.

(Full text)

VIETNAMESE "EXPORT" OF WORKERS TO THE USSR AND EASTERN EUROPE

Summary

Reports have been received that some of the Vietnamese now working in the USSR are employed under harsh—and, in some cases, involuntary—conditions. The following brings together the information available to the Department of State on this issue.

Since 1981, the Government of Vietnam has sent Vietnamese citizens to work on a variety of projects in the USSR and Eastern Europe under unpublished intergovernmental agreements that are not part of long-standing training and study programs. Estimates from a variety of sources for the 1981-1985 period range from 100,000 to 500,000 workers. Communist media reveal that about 45,000 already are in place, including 11,000 in the Soviet Union. There is little doubt that the Vietnamese work for fixed periods—labor contracts are said to extend up to seven years—in a capacity similar to indentured status, with a substantial portion of their wages withheld to be credited against Hanoi's mounting deficits in these countries. The technical terms of employment evidently are spelled out beforehand when the worker signs a contract with the Hanoi government, although precise working and living conditions probably are not detailed.

There are a considerable number of reports which indicate that many of the Vietnamese youths working in the USSR and Eastern Europe have volunteered, though perhaps without full information, for that service. They hope for an improvement over the poverty and unemployment in Vietnam, although some express bitterness upon experiencing the reality of labor in the USSR. There are charges that dissidents from "re-education" camps are being forced into the program. However, other reports indicate that the Vietnamese authorities exclude such individuals as well as others who were associated with the US or with the former Republic of Vietnam.

Complaints have been reported from some Vietnamese workers in the USSR about the cold, hard work, surveillance, and the less-than-expected availability of goods. In addition, the workers live a largely segregated existence as do other foreign laborers. In addition to factory work, the Vietnamese are involved in construction projects in southern Siberia. It has been charged that they are working on the export gas pipeline, but this has not been substantiated.

New "Labor Cooperation" program

Since 1981, the Vietnamese government has been engaged in a new program of exporting labor under intergovernmental agreements. Although the program probably began earlier on an experimental basis, the first agreement was signed with the USSR on April 2, 1981, followed by a protocol in November presumably covering 1982. It was recently reported that another agreement is now under negotiation. Czechoslovakia first signed an accord with Vietnam in September 1981—although Prague probably also had received contingents—followed by Bulgaria in November and by East Germany in January 1982. Additional protocols were signed with the Czechoslovak Government in early November 1982 and with Bulgaria in January, 1983.

The Vietnamese regime apparently hopes to receive some training for its many unemployed youths, as well as to use some of their earnings to repay its debts to other communist countries. The number of workers has not been published officially. Estimates of the number of workers to be sent to the USSR and Eastern Europe through 1985 range from 100,000 (Vietnamese Embassy spokesman in Bangkok, 11/81 and pro-Hanoi publication in Paris 12/81) to 500,000 (East European source cited in London Economist 9/81). According to Soviet and Vietnamese media, the number already in the USSR has grown from 7,200 last spring to over 11,000 in October.[1]

Although the text of the April 1981 Soviet-Vietnamese accord on "labor cooperation" remains unpublished, descriptions of it by official Soviet and Vietnamese spokesmen a year later suggest that it covers wages and social benefits (allegedly comparable to those of their Soviet counterparts), living conditions, social benefits, vacations and length of service. A subsequent, published treaty signed in December 1981 defined the legal rights of Vietnamese in the USSR as well as those of Soviet citizens in Vietnam. It went into effect in September 1982. Each foreign resident is entitled to the same legal safeguards as the citizen of the country of employment, and the country in which a crime is committed has the sole right to try the offender.

Selection of workers

Participants in the program are recruited by the Vietnamese Ministry of Labor, and their backgrounds are checked by the Ministry of Interior. They must be relatively young (age ranges of both 17-25 and 17-35 have been given). The term of participation can be as long as seven years, an extraordinarily long period for a labor contract. There have been charges that "reeducation" camp inmates or parolees are among the participants in the program, but other reports say that those with personal backgrounds unacceptable to the authorities are specifically excluded. Recruits, if eligible, also reportedly must have fulfilled their military obligation.

[1] The number of Vietnamese in Eastern Europe, according to Communist press reports, include 7,500 in East Germany last spring and 26,000 in Czechoslovakia in December. No figures have been published for Bulgaria. There may be serious assimilation problems. For example, popular discrimination against the Vietnamese and instances of open hostility have cropped up in Czechoslovakia, according to official Prague press reports.

Once recruited, and having completed an orientation course in Hanoi, the candidates sign contracts which lay out their duties, rights and wages, including the fact that a considerable portion of their wages will be retained by the state. They are not allowed to choose their destination, but most reportedly hope for Czechoslovakia or East Germany, rather than Bulgaria or the U.S.S.R.

Reports that pressure has been applied in recruitment are countered by evidence that there is little difficulty in securing volunteers who perceive a chance to leave the poverty of Vietnam. Over two dozen refugees, who recently departed Vietnam legally, reported that places in the "work-study" program were sought by youths who believe they will be able to remit substantial goods and funds back to Vietnam. Similar opinions were offered by Southern boat refugees recently interviewed. When concern about the program is voiced, it is usually by skeptical Southerners—acquainted with "reeducation" camps—who fear a repetition under more frigid conditions.

Deductions to credit Vietnam's accounts

There is little doubt that, after a deduction for living expenses and a monthly allowance, at least one-third of the salary is credited against Vietnam's account in the U.S.S.R. or the East European country involved. Although the monthly allowance is low, there are reports that incentive bonuses are paid directly to the workers. In short, although communist spokesmen claim that the Vietnamese receive wages comparable to their Soviet counterparts, the actual salary after deductions probably is less, lending credence to complaints from some Vietnamese working there.

Both Moscow and Hanoi have labeled as "slander" reports that Vietnamese workers are laboring to pay off Vietnam's large scale indebtedness to the USSR. However, they have not directly denied it or denied that the labor is being credited against Vietnamese imports of Soviet goods which, in 1981 alone, ran almost 600 million rubles over Vietnam's exports to the USSR. Both sides claim that Vietnam's war debt was forgiven by Moscow in 1975, and Vietnamese Foreign Minister Thach said that further debts were forgiven in 1978. Nonetheless, although figures are not available, much of the Soviet aid since the war has been in the form of loans and credits, not grants.

Crediting labor against present or future imports has been standard practice in the case of East European and Finnish "guest workers" in the USSR, and the Yugoslav newspaper *Borba* (June 10, 1982) suggested that this was the arrangement for the Vietnamese as well. Furthermore, sources in Hanoi reportedly acknowledged (*Far Eastern Economic Review*, May 14, 1982) that an unspecified amount is withheld from the Vietnamese workers. Other reports estimate that between 30 and 70 percent of wages is withheld.

Living conditions

Most workers contract to work for five to six years after a period of language and technical training, depending on the job involved. A mid-way "home leave" in Vietnam, partially at Soviet expense, is said to be part of the arrangement. The April 1981 accord apparently provided that the Soviets arrange suitable housing, eating and social facilities. As implied in communist propaganda and reported back in letters from Vietnamese workers in the USSR, the Vietnamese generally live apart in dormitories or compounds and lead a segregated life, as do other foreign workers there (and as do Soviets in Vietnam). Although the official Soviet trade unions and youth organizations are said to be involved with the workers, it seems likely that the primary off-the-job supervision comes from the Vietnamese cadre who accompany the contingents.

Most groups appear to be sent to European Russia or to the Southern tier of Siberia which, to a Vietnamese, still would seem exceedingly cold in the winter. Adjustment to winter conditions appears to be a problem. The Soviets issue winter clothing which, according to some workers, is inadequate.

Letters complaining about the cold, working conditions, low allowances and surveillance by Vietnamese overseers reportedly have reached Vietnam as well as the West. There are a number of refugee reports that letters have been received by families in Vietnam, a fact which suggests that correspondence itself is permitted. However, it may be subjected to censorship by Vietnamese cadres in charge at the work sites. To avoid this, some Vietnamese purportedly have found ways to smuggle letters out.

Types of work

The April 1981 accord presumably also covered types of employment and training, as well as how wages were to be allocated and perhaps even the location of work. The Communist press claims that the Vietnamese are working in a variety of jobs which require some skill. This may reflect Vietnam's concern that some workers gain experience that will be useful later at home. However, we do not know the extent of training received. A considerable number clearly are engaged in manual labor.

Among the work sites mentioned by Soviet and Vietnamese media are textile and chemical factories, machine-tool factories, coal mines, land reclamation and transportation projects. The latter two undoubtedly absorb large amounts of manual labor. A letter from one worker, which appears authentic, tells of his "hard work" on the new railroad paralleling the Trans-Siberian line. In addition, a contingent of Vietnamese was observed working near a railroad in the Soviet Far East and subsequently another was seen in Khabarovsk by Western travelers—an area which has not been mentioned in communist media.

The Soviets, speaking through Soviet labor official Vladimir Lomonosov who negotiated the original agreement with Vietnam, have flatly denied that any Vietnamese are working on the Siberia-Western Europe pipeline. In Congressional testimony last summer, Vietnamese expatriate Doan Van Toai (a former supporter of the communist-led National Liberation Front) said he knew of nine Vietnamese working on the pipeline; he supplied names and their Vietnamese addresses. The U.S. government has no independent evidence to confirm that Vietnamese are working on the export pipeline.

The evidence we have regarding the Vietnamese-Soviet labor program is still incomplete; it is made difficult to gather by the closed nature of the Vietnamese and Soviet societies. Allegations of human rights violations in connection with the program, including the possibility that some of the workers may be indentured in some manner, are of concern to the U.S. Government. The program's secrecy and its inherent potential for abuse is obvious, especially when considered against the environment and history of known Soviet labor practices. The U.S. Government will continue to do its best to monitor the program, with close attention to the human rights issues involved, and to encourage greater international interest in this issue.●

AARP INCOME POLICY RECOMMENDATIONS

● Mr. PRYOR. Mr. President, our Nation made considerable progress in improving the income position of older Americans during the late 1960's and early 1970's.

However, many of these concrete gains have been wiped out in recent years.

In fact, older Americans find themselves on an economic treadmill. Numerous indicators make it abundantly clear that the elderly seem to be going backward economically.

Perhaps the most striking evidence is that more than 600,000 persons 65 or older have been added to the poverty rolls since 1978.

This represents the sharpest jump for a 3-year timeframe since poverty statistics were first tabulated more than two decades ago.

Nearly 3.9 million persons 65 or older lived in poverty in 1981, compared to more than 3.2 million in 1978.

Poverty is, of course, a barebones existence. Single persons 65 or older were considered poor in 1981 if their annual income was below $4,359 a year, or about $85 per week to pay for housing, food, medical care, transportation, clothing, and other everyday necessities. Aged couples were impoverished if their annual income was less than $5,498, or approximately $106 a week to pay for their basic necessities.

However, these figures represent only the tip of the iceberg. Another 2.5 million Americans 65 or older were marginally poor. They were not officially poor, but their incomes were not more than 25 percent above the poverty threshold.

The bottom line is that 6.4 million older Americans—1 out of every 4 persons 65 or older—either lived in poverty or so close to it in 1981 that they could not really appreciate the difference.

Poverty figures are not yet available for 1982, but experts generally expect the income position of the elderly to deteriorate further because of the recession.

The American Association of Retired Persons—the Nation's largest aging organization, with 14 million members—is keenly aware that a retirement income crisis already affects millions of older Americans and threatens to engulf many more.

The association's legislative council has made income policy a priority concern.

These policies take on added importance now as the Congress prepares to grapple with vital income issues.

Mr. President, AARP's income policy recommendations deserve close and

careful attention by all Members of Congress. This statement is a clear and thoughtful expression by persons who are knowledgeable about the problems and challenges confronting aged and aging Americans.

Mr. President, I ask that the AARP legislative council income policy statement be printed in the RECORD.

The statement follows:

INCOME POLICY

ELDERLY INCOME SITUATION DETERIORATING

The growth of government income support programs during the late 1960's and early 1970's increased the elderly's real income and dramatically reduced the incidence of poverty among them. But the high and sustained inflation rate has now begun to wipe away that progress.

By 1978, the elderly poverty rate, which had been 25% as late as 1969, had declined to 14%. In 1979, however, that poverty rate, under the influence of continuing inflation, jumped to 15.2% and in 1980 to 15.7%. Additionally, rates of near-poverty (defined as income within 125% of the poverty threshold) among the elderly rose substantially from 23.4% in 1978 to 25.7% in 1980. So many of the elderly are concentrated just above the poverty threshold that, in 1980, a drop in their income of less than $20–$24 a week would have caused the elderly poverty rate to escalate to over 25%.

Other statistics demonstrate how economically vulnerable the elderly are relative to the rest of the population. In 1980, the median income of all persons age 65 and over was approximately one-half that of non-elderly persons. In addition, while 56.2% of all elderly-headed households had annual incomes below $10,000, only 20.1% of non-elderly headed households were in this category. Even adding to their income levels the cash-value of the in-kind benefits they receive cannot change the fact that the elderly, as a group, subsist on low, and in many cases, extremely inadequate incomes.

As for the future, the situation for the elderly appears bleak. Data Resources, Inc. (DRI) forecasts that, even if current government programs remain in place with no legislated cutbacks, the elderly's share of income relative to that of the non-elderly will decline sharply beginning in 1981. While the reasons for this decline are complex, the major factor remains the continuing high rate of inflation.

Although in the past much progress was made in terms of improving the income status of the aged, the data now indicates that the elderly are sustaining large losses as a result of inflation. A continuation of high rate inflation could reduce the elderly to an economic situation worse than that which prevailed fifteen years ago when nearly one-third of them lived below the official poverty line. Any substantial cutbacks in income support program benefits will only accelerate the already rapid deterioration that is occurring in the elderly's real income situation.

ELDERLY CRITICALLY DEPENDENT ON COST-OF-LIVING INCREASES

Cost-of-living adjustments provided by social security and other income support programs are the only thing that stands between millions of older persons and poverty. A decade of high inflation has eroded the value of their fixed, non-indexed sources of income, such as private pensions, savings and other dollar-denominated assets, which account for about one-third of their total income.

Given the precariousness of the elderly's income status in the current economic environment, the Associations must vigorously oppose proposals to reduce or curtail cost-of-living protection presently available to the elderly under various government income support programs.

Many economists and members of Congress have argued that the current Consumer Price Index (CPI) has been yielding excessive cost-of-living increases for the elderly because of its alleged faulty treatment of housing costs and mortgage interest rates. While the most exhaustive analysis of the accuracy of the current CPI concluded that no major over or under compensation occurred over the period 1976 through 1980 as a result of the use of the CPI in adjusting benefits, this does not preclude significant over or under compensation from occurring in the future.

To compensate the elderly in the most accurate way for the effects of inflation in the purchasing power of benefits, and to avoid over or under compensation, a special CPI for the elderly should be constructed that reflects the market basket of goods and services that they consume. This index should then be used to adjust the benefits of all the major income support programs. In addition, since cost-of-living adjustments are provided long after inflation impacts on benefit purchasing power, these adjustments should be made on a more timely basis during periods of rapid inflation.

INFLATION AND PROSPECTS FOR THE FUTURE ELDERLY

A continuation of high rate inflation holds serious consequences for current workers. Inflation makes retirement planning difficult—if not impossible—because it creates large areas of uncertainty about the expected "real" income contribution of many traditional retirement income sources. Most private pension plans do not offer cost-of-living adjustments and many privately accumulated assets, cannot be relied upon to produce income that will keep pace with inflation. In addition, inflation encourages present consumption and discourages saving for retirement, a phenomenon which could foster greater dependence on government programs among the future elderly population. (See Tax Policy and the Private Pension section for futher discussion.)

Unless the inflation rate is brought down to tolerable levels (i.e. 2 to 3% per year) soon, the amount of resources available for income support of the growing elderly population will become wholly inadequate. To help avoid such a situation, today's workers should be strongly encouraged to save and plan for their retirement. In addition, fundamental changes should be made in the income support structure to accommodate and help reverse the early retirement trend among the elderly and, at the same time, assure the most equitable and least wasteful allocation of future resources possible. Such changes would give the future elderly reasonable prospects for achieving an adequate income, avoiding poverty and maintaining their living standards throughout their later years.

SHORT-TERM SOCIAL SECURITY FINANCING CRISIS

Social security faces a serious short-term deficit which is expected to persist throughout the 1980's. This situation is the result of adverse economic conditions. Higher than expected inflation rates have increased social security expenditures (by driving up benefit costs) while, at the same time, the combination of higher than expected unemployment rates and lower than expected real wage and real GNP growth rates have curbed revenue for the system.

Congress has little choice but to develop a remedy for the short-term deficit, since exhaustion of the reserves of the Old Age and Survivors' Insurance (OASI) Fund as well as the Hospital Insurance (HI) fund could occur within the next two to five years. Interfund borrowing, reallocation of the payroll tax rates or any other type of pooling of trust fund reserves cannot be relied upon to carry the system safely through this decade.

Unless social security's short-term problems is resolved in a prompt and thorough manner, further erosion of the confidence of current workers in the system's financial viability could occur. Social security's short term financial problems should not, however, be resolved in a way that would penalize older persons who are already on the benefit rolls or will be attaining beneficiary status in the near future. Given the elderly's increasing poverty rates, their precarious income situation, the magnitude of the inflation losses they are already sustaining and their general lack of options, they should not be asked to bear large cuts in benefits.

The Administration's May 1981 social security proposals would have reduced benefits by over $80 billion within five years primarily through: (1) sharp reductions in early retirement benefits beginning in 1982; (2) cutbacks in disability protection, particularly for older workers; and (3) delayed payment of the 1982 cost-of-living adjustment. Even though the cuts were focused on persons not yet retired (rather than on current beneficiaries), the Associations opposed them as excessive and far too abrupt. Workers' retirement plans should not be disrupted by "changing the rules of the game" as the last minute.

Rather than reducing expenditures through precipitous benefit curtailments, Congress should cushion the system by using limited and temporary amounts of general revenue—just enough to permit it to meet its short-term benefit obligations. In order to avoid increasing the general federal budget deficit, any general revenue used for social security purposes should come from either a reduction in other government spending or an increase in revenue from non-payroll tax sources (such as the windfall profits tax or the income taxes.) Once the social security system is stabilized, as is expected after 1990, any use of general revenues should automatically cease.

Removing social security programs from the federal unified budget has been advocated as a means for protecting social security from budgetary pressures to cut benefits. The Associations, however, do not agree with this analysis and support retaining social security within the federal unified budget. Since, over the next decade, the system will need additional revenue from outside the system (i.e., revenue other than payroll taxes) to meet its benefit obligations, removing social security from the unified budget and requiring it to stand alone could impose a barrier to bringing any general revenues into the system. Decisionmakers who believe that social security must "live within its means" could insist—once the system is removed from the unified budget—that benefit cuts or additional payroll tax increases be required to maintain the system's financial integrity.

Various proposals have been advanced during the last few years that would mandate social security coverage for public-employee groups to generate additional short-term revenue for social security. The Associations have consistently opposed such measures on the grounds that employee groups, which are not presently covered by social security, should not be forced into the system, especially in the obviously unfair manner contemplated by these proposals. Instead, all such groups should merely be given the option of electing coverage if they so choose.

Also surfacing in the context of the short-term financing problem are proposals to finance all or part of the Hospital Insurance (HI), Medicare Part A, program out of general revenue and, at the same time, shift part or all of the HI portion of the payroll tax to the cash benefit programs. The Associations view this proposal as an inappropriate and inadequate response to the system's financing dilemma. It would represent a large and long-term infusion of general revenues into social security, and this amount would grow rapidly as health care costs continue to outpace the general inflation rate.

Medicare is already being cut back under general budgetary pressures. This proposed financing change would likely lead to more significant benefit reductions or even to a "means testing" of the program for purposes of benefit eligibility. In addition, in the short-term, this proposed change could disrupt the effort to balance the budget, while over the long term, it would reduce financial pressures to pursue the thorough reforms needed in the social security cash benefits programs (i.e., Old Age and Survivors and Disability Insurance Programs).

It has been alleged that the conservative investment practices of the Social Security Board of Trustees have contributed to the system's short-term financing difficulties. While this may be true to a limited extent, it is clear that past investment practices have not been a significant cause of the system's financing problems. Nevertheless, social security trust fund investment practices should be improved. While the funds should continue to be invested in government securities, they should be invested in those government securities that would earn the highest possible rate of return without jeopardizing the liquidity or long-term security of the funds.

SOCIAL SECURITY LONG-TERM FINANCING DILEMMA: COMPREHENSIVE REFORM NEEDED

Social security faces a long-term deficit of serious proportions. Public recognition of this long-term deficit is increasing. Opinion polls continue to indicate that the overwhelming majority of today's workers have little confidence that social security will be able to provide them with income security in old age.

To restore worker confidence in the system, the Congress must begin to initiate long-term reforms. Such action is crucial to protecting the interests of today's elderly because their continued receipt of benefits is critically dependent on the continued willingness of current workers to pay the payroll taxes needed to finance those benefits.

Over the next 75 years, social security's cash benefit programs face an average deficit of 1.65 percent of taxable payroll. This means that, in order to bring the system into balance over the long term, payroll taxes would have to be increased by 1.65 percentage points for each of the next 75 years. In 1981 dollar terms, this represents $22 billion per year for the next 75 years or $1.6 trillion for the entire period. If Congress does not address this deficit in the near future, it grows larger with each passing year. For example, by 2030 the cash benefit programs' deficit will have nearly tripled, rising to 4.25 percent of taxable payroll.

The Medicare Hospital Insurance (HI) program also faces a long-range deficit of serious proportions. The HI fund is projected to have a 75-year deficit of 4.45 percent of taxable payroll. When the HI deficit is combined with that of the cash benefit programs, the total social security long-term deficit is projected to be 6.10 percent of taxable payroll—in 1981 dollar terms, this represents a $79 billion deficit for each of the next 75 years or nearly $6 trillion over the entire period.

The long-term deficit in social security results from the convergence of major demographic, economic and employment trends. Analysts anticipate that in the future, fewer workers will be supporting a relatively larger number of beneficiaries (i.e. members of the post-World War II "baby boom" generation). The ratio of workers to retirees, now 3.3 to 1, could drop to as low as 1.7 to 1 by the year 2025. Exacerbating this problem is the decline in elderly labor force participation which is fostering a high degree of dependence among older persons on government programs for income support. Increased longevity patterns also point to higher program costs, since benefits will have to be paid over a longer retirement life.

The long-term deficit of, and worker dissatisfaction with the system could increase as a result of a number of other factors that are difficult to predict with any accuracy. For instance, higher-than-expected inflation or lower-than-expected productivity and real economic growth could have a large negative financial impact on the system and cause an even worse financial imbalance. In addition, there are the changing family and social patterns which are causing the system's benefit and financing structures to be increasingly perceived as unfair, particularly by working wives and single workers.

The combined impact of all these factors will make it clearly undesirable to continue social security as presently structured into the next century. If that were attempted, either future workers will have to pay much higher payroll taxes or future retirees will have to subsist on much lower benefits—benefits distributed in a highly inequitable fashion.

To avoid having to choose between large payroll tax increases and large benefit decreases, the Associations recommend comprehensive changes in the system's benefit and financing structures. These changes should be aimed at improving public confidence in the financing and fairness of the system. These reforms must encourage older persons to increase their work effort and, at the same time, make the system more equitable and adequate for future retirees.

Any plan for changing social security to accommodate the trends and achieve these goals must be phased in gradually. Lengthy transition periods must be provided to protect the reasonable benefit expectations of people who are approaching beneficiary status or are already on the rolls.

The ultimate goals of changes in social security, as well as changes in the other components of the income support structure serving the elderly, must be the elimination of poverty and reasonably guarantees that older persons will be able to achieve and maintain an "adequate" income. To be adequate, an older person's income should be sufficient to maintain in the later years of life the optimum standard of living achieved earlier. Social security must continue to be relied upon to provide the chief component of the elderly's income. But to achieve the adequacy goal, social security must be supplemented by income from private sources, particularly employment, private pensions, savings and other income producing assets. To the extent that income from all sources is insufficient, then the underlying public assistance program should be relied upon to guarantee at least a minimum income above the poverty threshold.

CHANGING SOCIAL SECURITY SO THAT IT PROMOTES RATHER THAN DISCOURAGES ELDERLY WORK EFFORT

A number of social security changes need to be made to promote elderly labor force participation and thereby improve the elderly's income situation as well as the system's long-term financial status. (See Employment Section for further discussion).

When considering changes in social security that would encourage elderly employment, it is important to rule out proposals which appear to be work promoting, but are instead, merely benefit reductions. Raising the normal social security retirement age to 68 is such a proposal.

The Associations believe age 65 should be maintained as the normal, full-benefit retirment age. We oppose any proposal to raise that age to 68 because there are better policy options which have not been tried yet and which we believe would encourage older workers to delay voluntarily their retirement dates.

The age 68 plan should be avoided because it would unfairly penalize disadvantaged older workers who become involuntarily unemployed or who are physically unable to keep working. Supporters of the age 68 proposal argue that because older persons are living longer, they will be able to work longer. Despite the fact that life expectancy rates have been increasing for many years, many of the elderly, particularly women and minority groups, still find it necessry to "take early retirement" due to unemployment and health problems. One recent survey indicated that about half of the persons sampled who had recently retired cited impaired health as the reason for their retirement decision.

These trends indicate that the age 68 proposal runs the grave risk of substantially cutting social security benefits for a large, vulnerable segment of the future elderly population, thereby greatly increasing the likelihood of their living in poverty. Moreover, since raising the retirement age would cut the future benefits of current young workers (thus making social security a much less "good buy" for them), such a cut would likely undermine further their support for the programs.

To avoid raising the retirement age, the Associations recommend that Congress pursue an aggressive work promotion strategy that will encourage able-bodied older persons to continue working. This strategy requires that the social security benefit structure be changed so that it encourages and rewards older persons for continuing to work past age 65, and discourages able-bodied older workers from retiring early.

Components of this strategy should include: 1) the elimination of the earnings test

for persons age 65+; 2) the provisions of actuarially increased benefits for persons who delay filing for social security benefits until after age 65; and 3) a gradual increase in the early retirement penalty (from current 20% reduction to a 30% reduction at age 62).

The earnings test should be eliminated for persons age 65+ because it is a major and visible work disincentive. Having a factor in social security that causes people to limit their work effort imposes a significant net "cost" on society. The Associations have long maintained that the economic "cost" in terms of the value of the lost output of goods and services and the total of lost tax receipts that results from having the earnings test is far greater than the "cost" of the additional social security benefit outlays that repeal would entail.

In addition to the elimination of work disincentives like the earnings test, social security should be changed to provide strong incentives for older workers to delay their retirement dates. To this end, the Associations recommend, two alterations in the social security benefit structure, First, the delayed retirement credit (available to persons who elect to delay retirement past age 65) should be substantially increased. Under present law, workers receive a small 3% bonus for each full year they continue to work after age 65 and delay filing for benefits. By increasing the delayed retirement credit to the actuarially fair level of 8 to 10%, the credit would provide more adequate compensation for continued work and therefore provide a stronger incentive for persons to remain working full-time and delay filing for benefits.

Second, in order to provide a stronger incentive to keep working (and a stronger disincentive to retire) in the case of able-bodied workers between the ages of 62 and 65, the penalty for early retirement imposed at age 62 should be increased from its present level of 20% to 30%. With this change, older workers would receive a 10% increase in their benefit amounts for every year between age 62 and 65 they postpone filing for benefits. This 10% benefit increase is larger than the 6.6% increase provided by current law and should, therefore, act as a stronger financial incentive for capable older persons in this age group to remain employed.

Increasing the early retirement penalty, however, must be phased-in gradually over at least a 5-10 year period. At the same time, the disability and Supplemental Security Income programs should be made more accessible to ensure that older persons age 62-64 who are chronically ill or involuntarily unemployed have reasonable benefit options available to them.

The combined effect of this three-pronged package of social security work incentives would be to make it attractive for those older persons who are capable of continuing to work to postpone voluntarily their retirement decision. In the process, they would be contributing to their own financial well-being as well as the financial well-being of social security and other government programs through the increased payroll and income taxes they would be paying. Some of these increased taxes could go toward supporting those older persons who are less able or unable to continue to work.

SORTING OUT SOCIAL SECURITY'S DIVERGENT AND CONFLICTING FUNCTIONS

The current social security structure reflects a mix of earnings replacement and welfare/social adequacy functions. To carry out the earnings replacement function, benefits are loosely tied to prior earnings histories. To carry out the welfare/social adequacy functions, benefits are computed utilizing a heavily weighted formula which provides relatively higher benefits (in relation to prior earnings) to lower wage-earners (lower contributors) and relatively lower benefits to higher wage-earners (higher contributors). Special minimum benefits are also provided with the intention of assisting long-term, low wage-earners. In addition, benefits are provided to workers' dependents whether or not they have ever contributed to the system.

Certainly, the carrying out of both earnings replacement and welfare/social adequacy functions is appropriate within the context of programs that constitute social security. However, social security, as currently structured, attempts to perform these often divergent and conflicting functions utilizing one benefit structure and one tax mechanism—the regressive payroll tax. This intermingling of functions has led to many benefit and payroll tax inequities and generated much waste and duplication. Indeed, it has financially impaired the system's ability to achieve fully either of the goals of sufficient earnings replacement and the absence of poverty.

As a result of the intermingling of functions in the current structure, many higher-income persons, for example, receive unintended benefit subsidies from the system's welfare/social adequacy elements and, ironically, these benefits are largely financed by the tax payments of lower and middle-income workers and their working spouses. At the same time, many lower-income persons who are truly needy and who have borne a disproportionate share of the payroll tax burden throughout their working lives are unable to attain even a bare subsistence level of living on their social security benefits. These situations have led to the perception by an increasing number of workers, especially wives who work outside of the home and single workers, that the system's benefit and financing structures are unfair, wasteful, and do not yield a fair rate of return on their contributions.

In the past, social security mixed the earnings replacement and welfare/social adequacy functions without suffering any significant decline in public support. A favorable ratio of beneficiaries to workers and healthy economic growth rates made it financially possible for the system to provide large benefits in relation to what beneficiaries had contributed to the system throughout their working lives. In the future, however, beneficiaries may receive diminishing, and perhaps in some cases, negative rates of return on their social security contributions. This is likely to occur due to several factors: the dramatic age shift in the population, the large payroll tax increases that are already scheduled (and the additional ones that are expected), the possibility of large benefit cuts (such as raising the age for full benefits), unfavorable economic conditions, and the relative scarcity of resources.

Under these conditions, the system is bound to be scrutinized as to how well it functions, who pays the taxes and who receives the benefits. Therefore, to reduce the increasing benefit and tax inequities inherent in the present structure and assure that the system as a whole operates in a cost-effective manner and in a manner that is understandable to the individual, the Associations recommend that social security's earnings replacement function be clearly separated from its welfare/social adequacy functions. These functions should be retained within the social security system's total structure but sorted out between at least two separate benefit and financing mechanisms.

The earnings replacement function should be carried out through a benefit structure which utilizes a proportional (or uniform) benefit formula and stresses individual equity in awarding benefits. This benefit structure should be financed from payroll taxes. The welfare/social adequacy functions should be carried out through a benefit structure specifically designed to meet those objectives. This latter structure should be financed out of general revenues generated from progressive tax mechanisms. Since the escalating payroll tax burden, which is inherently inflationary and leads to higher unemployment, only aggravates current economic problems and makes them more intractable, it makes sense to shift the financing of social security's welfare/social adequacy functions to alternative and less economically damaging revenue sources.

Should healthy economic growth rates such as those the nation enjoyed in the 1960's fail to resume in the future or should the cost pressures that will accompany the aging of the post-war baby boom population prove more difficult to deal with than is presently anticipated, then a restructured system would allow future policymakers to make coherent and rational choices regarding the allocation of scarce resources. If necessary, government would be better able to target benefits on a more economically disadvantaged segment of the elderly population. This is something that is impossible to do under social security's current structure.

As a means for dealing with social security's long-term deficit, proposals have been advanced that would reduce the indexing present in the benefit formula used to calculate benefits for future recipients. The Associations oppose these proposals because they would greatly reduce future social security benefits. Since social security is, and is likely to continue to be, the primary source of income for the elderly, it is inevitable that these plans will not only cause a significant deterioration in living standards, but also a resurgence of high poverty rates among the future elderly.

In addition, the Associations believe this is the wrong way to deal with the long-term deficit. By uniformly cutting everyone's benefits across-the-board, these proposals would end up perpetuating the current social security benefit structure with all its inherent contradictions and inequities—a structure which in our view requires more fundamental, rational reform.

In attempting to deal with social security's long-term difficulties, Congress can choose between two reform strategies. Either it can risk an erosion of public support by attempting to perpetuate the system's present benefit and financing structures and thereby be forced either to raise payroll taxes or reduce (substantially) benefits. Or it can attempt to restructure the system so that the system, first, encourages (rather than tries to force) older persons to work longer and elect to delay their retirement, and, second, awards benefits in a more fair, efficient and equitable manner by using separate benefit and financing structures to carry out the system's divergent goals of earnings replacement and welfare/social adequacy.

The Associations support this latter reform strategy. Not only would it relieve

cost pressures on the system, but it would provide current young workers with the assurance that social security represents a "good buy" in terms of the rate of return on their investment, and that, in their later years, they will have good prospects for achieving income adequacy and avoiding poverty. This is an assurance that the system as presently structured does not provide.

SUPPLEMENTAL SECURITY INCOME PROGRAM RECOMMENDATIONS

While restructing social security as outlined above, changes must also be made in the underlying cash and in-kind support programs to assure that they will adequately perform the minimum-floor-of-income protection function.

The Supplemental Security Income (SSI) Program was created in 1972 to provide policymakers with a more effective instrument for reducing the extremely high incidence of poverty prevailing among the elderly. Even though social security benefits were increased substantially, especially during the late 1960's and early 1970's, SSI benefits have been needed by many elderly persons who either lack social security coverage or receive very low social security benefits.

However, even receipt of both social security and SSI benefits still fails to guarantee a minimum income above the poverty threshold. For aged families with SSI and social security income alone, 50% were living below the official poverty line in 1977; for single persons in these circumstances, 60% were in poverty. To address this situation, the Associations recommend several improvements in the SSI program.

With respect to payment levels, the federal portion of the SSI payment should be increased to at least 125% of the poverty level as defined by the Census Bureau. State supplements to the federal payment must also be encouraged so that recipients can be compensated for regional cost-of-living variations.

SSI's partial disregard of unearned income (usually social security benefits) should be made on a progressive rate basis (at least 20% disregard) rather than on a flat dollar ($20 per month) basis. Due to automatic cost-of-living increases in social security benefits, many SSI recipients have either lost their SSI eligibility or experienced a net reduction in total income from SSI and social security combined.

In order to encourage employment, SSI's $65 per month earned income disregard should be raised substantially and thereafter, automatically indexed to wages. Also, public service job opportunities and job training and referral mechanisms should be created specifically for SSI recipients.

The Associations also recommend elimination of the one-third SSI payment reduction imposed upon individuals who live in the household of another. This arbitrary reduction discourages elderly poor persons from living with relatives and often results in their premature institutionalization.

Finally, SSI's current assets limitations of $1,500 for individuals and $2,250 for couples should be substantially increased and eventually eliminated. An estimated 12% of elderly families with incomes below SSI payment standards were denied benefits because of the assets tests.

FOOD STAMPS

The participation rate of the elderly poor in the food stamp program has always been extremely low. In considering recently proposed cutbacks in this program, Congress recognized the disadvantaged income situation of the elderly poor, and therefore exempted them from the new requirement that their total income be below 130 percent of poverty. Nevertheless, Congress did cut back on present and future food stamp levels by freezing the program's inflation adjustments. This will cause a substantial number of elderly poor to suffer increasing reduction in their food stamp levels over the next several years. Many will lose their food stamp eligibility entirely.

In order to ensure that this truly needy segment of our society continues to receive adequate inflation-adjusted food stamp allotments and in order to address the low participation rate of the elderly poor in this program, food stamps should be cashed-out for SSI recipients.

ENERGY ASSISTANCE

Each year since 1975, increases in energy costs have exceeded cost-of-living adjustments in social security and SSI. Between 1975 and 1980, natural gas prices rose 155 percent, fuel oil prices rose 158 percent and electricity prices rose 70 percent. At the same time, the increase in social security and SSI payments rose only 32 percent.

This escalation in the cost of energy has caused many low and moderate income elderly persons to face severe financial (and physical) hardships. The elderly, who are living on relatively fixed incomes and already are using less energy on a per capita basis than other age groups, have little financial ability to absorb higher fuel costs and little flexibility to cut consumption significantly.

Federal programs created in the past to provide energy assistance to low and moderate income households have been shortsighted and under-funded; thus, they have not been able to reach all those in need. Given this situation, the various federal energy assistance programs should be consolidated into one national energy assistance program. Funding for this consolidated program should remain the same as the total outlay for all the prior categorical programs. Such consolidation would make current benefits more accessible, eliminate duplication and overlap, fill in the gaps to meet needs where current programs do not, reduce administrative costs and, within budgetary constraints, make it possible to reach more needy persons.

This energy assistance program should be in the form of a block grant to the states since energy needs differ from state to state. However, each state should be required to submit for approval a comprehensive state plan which fulfills four major criteria for national energy assistance: direct cash assistance, weatherization/conservation, outreach and coordination.

Direct cash assistance should be made available to the SSI population as well as to those with incomes at or below 150 percent of the official poverty threshold. This assistance should not be counted as income for eligibility in any other federal assistance program. Older persons should be allowed a special exemption for medical expenses in determining eligibility to take into account their higher out-of-pocket costs.

With respect to weatherization and conservation, the materials and incentives to weatherize and the necessary information should be made available, particularly to the elderly who tend to live in older dwellings which are poorly insulated. Over the long run, this would provide the most cost-effective method of energy assistance.

With respect to outreach and coordination, states should develop local outreach plans to assure broad dissemination of information on energy assistance, particularly to the elderly who tend not to participate in these types of programs. State plans should also include provisions for local coordination of all relevant social services as well as private, state and local sponsored energy assistance initiatives.

Until such time as this national energy assistance program is enacted, the Associations support the retention of and adequate funding for the Low Income Energy Assistance Program and the Department of Energy's weatherization and conservation programs.

EMPHASIZING EMPLOYMENT AS A SOURCE OF INCOME

Given current economic and demographic trends, government policy ought to permit and strongly encourage greater elderly labor force participation. Increased elderly employment activity would generate additional tax revenue for use at all levels of government. The economy in general would benefit from the added value of goods and services produced. The elderly would benefit by being able to supplement their incomes from other sources with income from employment, thus increasing their ability to maintain their standard of living and do it with a form of income (wages) that has better prospects for keeping up with inflation than most other forms of income. Any share of the elderly's total income that can be generated through the work effort of willing and able elderly individuals represents a share that need not be borne by other workers through taxes.

To reverse the elderly's declining labor force participation trend, a national, coordinated older worker employment strategy is needed. One component of such a strategy entails the elimination of existing elderly employment barriers, the greatest of which is mandatory forced retirement.

In 1978, Congress enacted amendments to the Age Discrimination in Employment Act (ADEA) that prohibit mandatory retirement before age 70, with a few exceptions, and protect most federal employees completely against age-based retirement. These amendments, however, do not go far enough. First, we recommend that forced retirement based solely on age should be completely prohibited under ADEA. Statutory sanctions which exist in current law, such as the bona fide occupational qualification provision, should be eliminated. Finally, the Equal Employment Opportunity Commission should enforce the ADEA as vigorously as possible to assure that the Act's full potential is realized in the case of middle-aged and older workers who continue to be victims of various discriminatory practices.

The second component of an older worker employment strategy involves the elimination of existing work disincentives and the creation of work incentives. Although the social security earnings limitation and other elements within the structure of social security have already been discussed, other factors exist which serve to discourage work effort by older groups. One such disincentive that must be addressed is a law which mandates that states reduce a person's unemployment compensation by the amount of any pension income received. Although the law was amended in 1980 to limit the applicability of the offset, a person's unemployment compensation will still almost

always be reduced by one-half of the amount of any social security benefits received. The Associations recommend that the unemployment compensation offset be repealed in its entirety.

The third component of an older worker employment strategy involves the creation of strong work incentives—some focused on older workers themselves, others on potential employers. For example, with respect to private pension plans, workers who continue to work past normal retirement age should be able to accrue additional pension credits. Additionally, credits against federal income tax liability could be established for older workers who avail themselves of job training or retraining programs that are designed to prevent skill obsolescence.

To provide employers with incentives to employ and/or retain older workers the federal tax structure appears to be the most appropriate vehicle. For example, the employer portion of the social security payroll tax that would otherwise have to be paid with respect to older workers could be reduced or eliminated. A tax credit for a certain portion of the older worker's wages could also be used to encourage employers to hire them. Such changes would effectively reduce the cost of hiring older workers, and would also tend to counter any disincentive effect that the minimum wage might have on an employer's willingness to hire to retain an older worker. In addition, the tax laws could be used to encourage employers to introduce a host of job training, retraining, part-time and flexi-time programs aimed at older workers.

To complement the older components of an older worker employment strategy, job opportunities must be made available to older workers through federal employment programs, such as the Senior Community Service Employment Program (SCSEP) under Title V of the Older Americans Act.

Title V is the only categorical program directed exclusively at the needs of older workers. It has been an extraordinarily successful program by any standard. The SCSEP has been free of fraud and abuse and has been administered effectively and efficiently. Nearly nine out of ten programs dollars have been spent for wages, supportive services and fringe benefits for older workers. As a consequence, administrative costs have been kept to a minimum.

Title V has also provided a dignified way for 85,000 low-income persons 55 or older to help themselves while helping others in their communities. Title V enables elderly persons who do not want to receive public assistance to be gainfully employed in productive and fulfilling work. It provides approximately 54,200 jobs.

The Associations support continuation of Title V as a separate categorical program. It should continue to be forward-funded to permit sponsors to have sufficient lead time to plan their activities and operations. In addition, the SCSEP should be fully funded. Over the long-term, the SCSEP should provide full-time jobs for older Americans as well as part-time employment.

THE PRIVATE PENSION SYSTEM: CURRENT INADEQUACIES AND FUTURE POTENTIAL

The Associations support reform and expansion of the private pension system so that it becomes, over time, a more universally available and more reliable source of significant amounts of income for the elderly. However, there are clearly many inadequacies in the private pension system as it exists today. Only about 25% of persons age 65 and over presently receive private pension benefits. Moreover, since less than half of all workers in the private sector are covered by a pension plan and only 25% of the total working population age 18 and over has acquired a right to receive benefits (i.e. has become "vested") from a pension plan provided by its current employer, the private pension system is likely to continue to fall far short of being the universally available source of supplemental retirement income that it should be.

In addition to lack of coverage, there are other serious inadequacies. Only about 5% of all private pension plans, for example, provide automatic inflation adjustments and even then the adjustments are usually limited to a maximum of around 3% a year. Although many more plans provide ad hoc adjustments, the private pension system as a whole provides very little in terms of compensation for the inflation losses recipients sustain with respect to their private pension benefits.

Clearly, many individuals are not being well served by the private pension system. Although the Employee Retirement Income Security Act (ERISA) set minimum vesting standards for pension plans, these standards do not guarantee that plan participants will actually acquire a right to a pension. Fortunately, as part of the 1981 Economic Recovery Tax Act, those people who are participants in private pension plans will be able to contribute to an Individual Retirement Account (see Tax Policy for further discussion). This will be particularly helpful for people who participate in plans but do not vest.

Even for those who acquire a vested right to a benefit plan, job change (i.e., "mobility") is still a problem. Pension rights and credits earned by a worker are very rarely transferable (i.e., are not "portable") from the pension plan of one employer to that of another.

The private pension system's failure to provide universal coverage, adequate inflation protection, early vesting and portability of pension rights and credits has seriously constricted its importance as a reliable source for a significant amount of supplemental retirement income. Clearly, social security has been far more successful in overcoming the inadequacies associated with private pensions. However, one major factor, social security's funding, makes it unlikely that social security alone could ever provide an adequate retirement income and displace the private pension system.

Social security is funded on a pay-as-you-go basis. That means that current payroll tax receipts are used to pay current benefits. However, in the case of private pension plans, assets are set aside in trust to cover benefit obligations as they accrue. Thus they are said to be advance funded.

Advance funding of a portion of the cost of providing an adequate income for the future elderly is increasingly desirable as a matter of public policy. That would assure that the post World War II baby boom population will, in effect, have savings of their own, and will not be totally dependent on a pay-as-you-go system for retirement income. A pay-as-you-go system, such as social security, would have to increase tax rates sharply to provide an adequate level of income for future retirees at a time when the proportion of active workers to retirees is diminishing. Additionally, since advance funding provides savings to finance investment, the private pension system is being looked upon increasingly as a mechanism for fostering economic growth.

While a portion of social security could be advance funded, there would be serious problems with this approach. Control of a tremendous pool of capital would be centralized in a single source, and investment decisions might end up being removed from marketplace considerations.

Given these factors, the Associations recommend that the private pension system be called upon to assume responsibility for providing a more significant and more universally available share of the income of the future elderly and that necessary changes be made to assure the full and efficient discharge of that responsibility. To start, present law (ERISA) should be amended to shorten vesting periods and a mechanism for pension portability should be designed and implemented. For example, a central clearinghouse could be created to act as a "bridge" between pension plans so that credits can be readily transferred when workers change jobs.

Additionally, ERISA's administrative requirements should not be so burdensome as to discourage small businesses for sponsoring pension plans. However, the basic protections for participants provided by the Act must not be lessened. Careful study should also be undertaken to determine whether the retirement planning tax incentives passed in 1981 (see TAX POLICY for further discussion) sufficiently expand private pension coverage. If not, serious consideration must be given to a proposal offered in 1981 by the President's Commission on Pension Policy to require employers to provide a minimum level of pension coverage for their employees.

If the future elderly are to be better able to maintain their living standards throughout their later years of life, ways must be devised to mitigate the effect of inflation on private pension benefits from the time they are awarded. Under the present legal framework, the Associations know of no mechanism or mandating cost-of-living adjustments without risking massive pension plan terminations by employers because of the large cost increases the making of such adjustments would entail. However, those employers should be induced to provide at least some inflation compensation to their retirees through, for example, tax breaks, the extension of federal labor law to specify that retirees' benefits are a mandatory subject of collective bargaining, and the issuance by the Federal government of indexed bonds that would be available to private pension plans and would guarantee a real rate of return on investment.

Also, retirees must have the opportunity to take part in their pension plan's decision-making process; for example, positions on the plan's board of trustees should be available to retirees. When investment returns make it affordable, retirees must be able to argue to plan sponsors that some portion of their plan's liberalizations should be devoted to cost-of-living protection for retirees.

In another respect private pension plans are going to have to change to treat older workers more fairly than they presently do. Under a current Labor Department interpretation of ERISA and the ADEA, employers do not have to provide additional pension credits to workers who stay on the job beyond age 65. This interpretation discourages older workers by denying them any additional deferred compensation despite extra years of work. Moreover, these older workers may actually lose some of their benefits if the plan's payments do not commence until the worker actually retires. The

Equal Employment Opportunity Commission, which enforces the ADEA, could change the interpretation in this area, but legislation appears needed to remedy the problem. Also, current laws which restrict a retiree's ability to work part-time without losing benefits and which prohibit plans from providing upward benefit adjustments to some people who work beyond their plan's normal retirement age must be changed.

Because women have a longer life expectancy than men, pension coverage could prove vital in supplementing social security benefits and such saving as may exist. However, due to the inequities built into the private pension system, women are much less likely than men to receive pension income. Moreover, those women that do receive pension income are likely to receive considerably smaller pension benefits on the average than men. The inequities inherent in the private pension system have contributed significantly to the fact that, in 1980, older women accounted for 71.5% of all elderly people in poverty. In order to improve the plight of older women, there is an increasing need to enact legislation addressing such areas of pension law as eligibility, vesting, breaks in service, and survivors' benefits.

In the present deregulatory atmosphere, particular scrutiny must by shown toward efforts to amend ERISA. ERISA provides important protections for workers and retirees which were not available prior to its passage in 1974. All efforts must be made so that ERISA can work efficiently for businesses and participants. However, deregulation must not jeopardize ERISA's basic safeguards.

OTHER PRIMARY RETIREMENT SYSTEMS

Although social security is generally thought of as the basic component of the elderly's income, other existing primary retirement systems, the railroad retirement system, and the approximately 6,000 state and local systems cannot be ignored because these supply the basic component of the income of the retirees they serve. Since many of the state and local systems are already integrated with social security, they would change as social security changes over time. With respect to non-integrated state and local retirement systems, the trend has been toward consolidation into large county, regional or statewide systems. That trend should continue.

Given the millions of retirees, their dependents and survivors who are served by the civil service, railroad and other non-social security federal retirement systems, their financial well-being is a matter of concern to the Associations. To the extent that these systems may face financial difficulties in the future, detailed knowledge of these difficulties and plans to avoid them should be made public well in advance to allow ample time to avoid any potential crisis.

Congress in 1981, failed to appropriate sufficient funds to pay the full dual benefit to railroad retirees. These funds must be restored to avoid further harm to railroad retirees. Additionally, full cost-of-living protection should be available to railroad retirees and to federal retirees. The Associations will continue to oppose legislation that would deliberalize any retirement system in a manner that defeats the reasonable benefit expectations of persons who are retired or about to retire.

Finally, with respect to the primary state and local retirement systems, there is an increasing need for national fiduciary standards to protect pensions funds and assure sound investment practices. The security of these benefits can be too easily jeopardized if assets are mishandled or not invested solely in the interest of employees and beneficiaries.

OTHER SOURCES OF INCOME

In addition to social security, employment and private pension plans, other savings and retirement income instruments, like Keogh plans and IRA's, must continue to be relied upon as potentially significant sources for supplementing income during the later years of life. (See Tax Policy for further discussion.) In addition, privately accumulated savings will have to be relied upon to contribute significantly to the income of the elderly.

However, private savings, as an important source of income are gravely threatened. High rate inflation is rapidly diminishing the value of small savings accounts which are widely held by the elderly but which continue to pay interest at rates that are artificially constrained at levels well below the inflation rate under the authority of the Federal Government's Regulation Q. Even though Regulation Q is scheduled to be phased out by 1986, the Depository Institutions Deregulation Committee continues to resist Congressional intent and public pressure to raise the interest ceilings on passbook accounts. The Associations therefore continue to advocate that this regulation be eliminated so that interest rates may rise to free market levels. Not only would interest income to present elderly small savers increase, but younger workers would be encouraged to save more for their retirement. In addition, higher interest rates would help make savings an attractive alternative to consumption and help dampen inflation at the same time.

While much can be done to encourage the growth and expansion of private savings and other sources of income on which the elderly have traditionally relied, new sources should also be explored. One potentially important new income source may be reverse equity. Under this type of financial arrangement, it would be possible for an older person, for example, to turn the appreciating value of his home into a steady source of income while still retaining both possession of the home and title to it during his lifetime.●

WALL STREET JOURNAL SAYS "AMEN" TO ALABAMA PRAYER DECISION

● Mr. HELMS. Mr. President, Federal Judge W. Brevard Hand's recent decision on school prayer in Alabama is beginning to get the attention it deserves. In today's Wall Street Journal is an editorial praising the soundness of that historic decision handed down on January 14, 1983.

What Judge Hand did was to place the Constitution itself above erroneous Supreme Court precedents in the matter of school prayer. In Jaffree against The Board of School Commissioners of Mobile County, Judge Hand rules that the first amendment to the Constitution does not bar and has nothing to do with voluntary prayer in the schools. In so doing, he rediscovered and applied the original meaning of the first amendment. I suggest that anyone entertaining any doubts about this should read Judge Hand's opinion appearing in the CONGRESSIONAL RECORD of January 26, 1983, at page S140.

In the rarefied atmosphere of modern constitutional adjudication—far removed from the intent of the Constitution's framers—the Hand decision no doubt comes as quite a shock. Countless lawyers and judges have assumed for years that the Supreme Court can interpret the Constitution in any way it wants, no matter how clearly erroneous, and get away with it. But with the Hand decision, it is clear that history cannot be totally banished and that such history is an invaluable tool in preserving the integrity of the Constitution. As Judge Hand himself said in the Jaffree case:

It is not what we, the judiciary want, it is what the people want translated into law pursuant to the plan established in the Constitution as the framers intended. This is the bedrock and genius of our republic. The mantle of office gives us no power to fix the moral direction that this nation will take. When we undertake such course we trample upon the law. In such instances the people have a right to complain. The Court loses its respect and our institution is brought low. This misdirection should be cured now before it is too late. We must give no future generation an excuse to use this same tactic to further their ends which they think proper under the then political climate as for instance as did Adolph Hitler when he used the court system to further his goals.

Mr. President, I ask that the editorial in the Wall Street Journal of February 16, 1983, entitled "Amen" be printed in the RECORD at the conclusion of my remarks.

The editorial follows:

AMEN

God is great. God is good.
Let us thank Him for our food,
Bow our heads we all are fed,
Give us Lord our daily bread.
Amen.

During the 1981–82 school year, Charlene Boyd, a public elementary schoolteacher in Mobile County, Ala., recited this prayer with her class every day before lunch. Was she violating the Constitution?

Ishmael Jaffree, a local agnostic, charged that she was. He sued Ms. Boyd, two other teachers who recited comparable prayers and local school officials for $115,000, claiming his three children, Jamael, Makeba and Chioke, suffered emotional harm for refusing to join in the prayers. In a preliminary hearing last August, Federal District Judge W. B. Hand denied a motion by defense lawyer Fob James III, son of the then-governor of Alabama, that the case be dismissed because only God—not the courts—has jurisdiction over prayer.

But Judge Hand has upheld the constitutionality of the prayers in a bombshell opinion that deliberately violates 21 years of Supreme Court precedent on school prayer, and a longer precedent of 14th Amendment interpretation.

His decision is almost certain to be reversed on appeal, and pending a decision by the circuit court, Supreme Court Justice Lewis Powell has issued an injunction against prayers in Alabama schools. But the

higher courts, and perhaps more importantly the public, would do well to examine carefully Judge Hand's arguements.

The First Amendment says that "Congress shall make no law respecting an establishment of religion." Until the 20th century, this clause was held to apply only to the federal government. State establishments actually existed in this country until 1833. But beginning in the 1920s, the Supreme Court gradually applied the Bill of Rights to the states, through a series of 14th Amendment reinterpretations. Citing historical studies by Raoul Berger and others, Judge Hand ruled that "the historical record clearly establishes that when the 14th Amendment was ratified in 1868," it "was not intended to incorporate the Bill of Rights (the first eight amendments) against the states." He therefore ruled that "the United States Constitution does not prohibit the state from establishing a religion."

This logic, though historically correct, would overturn thousands of court decisions over the last half-century, on subjects ranging from criminal law to freedom of speech. It would wreak so much havoc on modern jurisprudence that it will most likely be rejected out of hand. But on narrower and more practical grounds. Judge Hand's ruling also challenges the Supreme Court's interpretation of the term "establishment."

The "wall of separation between Church and State" cited in so many recent court opinions does not exist in the Constitution. It is, as Judge Hand points out, only a metaphor taken from a speech by Thomas Jefferson; what was meant by the establishment clause was simply that the federal government should not favor one religion over another. Moreover, the founders never intended the clause to imply, as the Supreme Court now holds, that government activity must "have a primary effect that neither advances nor inhibits religion."

On the contrary, Judge Hand observes that Presidents Washington, John Adams and Madison all issued prayer proclamations, that one of the earliest acts of the House of Representatives was to elect a chaplain, that even Jefferson, the strictest separationist among the Founders, signed into the law bills that provided federal funds for the propagation of the gospel among the Indians.

It's one thing to say the Constitution doesn't prevent school prayers. It is quite another to have them. Throughout much of the mid- to late-19th century, and well into the 20th, public schools in much of the country, especially the Midwest and the South, taught Protestant prayers—often with Protestant clerics as teachers—a violation of the "establishment" clause, even under Judge Hand's definition. Many religious leaders are afraid that any prayers acceptable to all denominations would be sterilized of most of their religious content; meanwhile many parents think their schools have more pressing problems than worrying about prayers. And even though the Supreme Court may have exaggerated the separationism of the Founders, it's worth remembering that Tocqueville attributed the vitality of American religious life to the separation of church and state—which, among other things, protected churches from the hostility citizens felt toward their government.

Still, Judge Hand has done the republic a service with his unusual opinion. He may have violated the principle of *stare decisis*, or adherence to precedent. But he has clarified constitutional issues that have become muddled during the past generation.●

EQUAL ACCESS TO VOTING RIGHTS

● Mr. MOYNIHAN. Mr. President, I am proud to join my distinguished colleague Senator DURENBERGER in proposing S. 444, legislation to insure equal access to voting rights for our Nation's elderly and handicapped. This legislation is designed to remove, in an inexpensive and entirely sensible manner, the physical barriers that currently prevent many of the 35 million elderly and handicapped Americans from exercising their right to vote.

In a fundamental sense, voting is the most precious of all constitutional rights. For it is the guardian of all other rights, the protector of all other freedoms. It insures each citizen's ability to participate in his government, and as such is the very foundation of our Republic.

Last year, this body recognized as much when we reauthorized the Voting Rights Act of 1965. In so doing, we reaffirmed our commitment to the principle that the American citizen's right to vote cannot be conditioned on his or her race, color, ethnic origin, or linguistic group.

It is now for us to insure that access to the voting booth is not prevented by physical impediments. Regrettably, millions of our Nation's elderly and handicapped each year are prevented from voting by physical rather than legal barriers. Some are discouraged from voting because certain polling facilities have been set up on the second or third floor of buildings that lack elevators. Others, who are confined to wheelchairs, are unable to vote where architectural barriers prevent them from entering the polling place. Others, who are visually impaired, cannot participate where ballots are printed only in small type. Still others, who have lost their hearing, are unable to vote because only oral, rather than written, instructions are provided at the voting booth.

Such barriers can and must be removed. Voting is not the privilege of the physically strong, nor of those with perfect vision and hearing. Quite to the contrary, it is the right of us all.

This legislation would remove physical barriers by requiring the Attorney General of the United States, in consultation with the Secretary of the Department of Health and Human Services, to set minimum standards of accessibility to insure that such obstacles do not prevent the elderly and handicapped from voting or registering to vote in Federal elections.

Our bill requires that, when practical, voting and registration facilities be located in buildings with either temporary or permanent ramp access. In addition, voting and registration sites would have to be located on the ground floor of a multistory building or on a floor accessible by elevator. Alternatively, special procedures such as curbside voting are to be instituted.

As a further measure, blind people would be allowed to choose a voting assistant of their own preference; voter information notices would be required to be printed in large type to assist the visually impaired; and telephone devices would be made available to the hearing impaired.

Equal access to voting rights transcends politics; it makes democratic government a reality and thereby makes politics possible. It is the foundation of our form of government, for it insures that elected officials are truly representative. The right to vote must not be abridged by either physical or legal barriers. To fail to remove the physical impediments preventing millions of our elderly and handicapped from exercising this fundamental right would be to commit a great wrong. I urge my colleagues to join me in supporting the Equal Access to Voting Rights Act.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I hope that on tomorrow, the Senate can turn to the consideration of Calendar Order No. 12, S. 55, a bill to amend the Communications Act of 1934 dealing with broadcast services. I believe we cannot obtain an agreement to that effect at this time, but Senators should be on notice that it will be the desire of the leadership to turn to that item as the item of legislative business first before the Senate tomorrow after routine matters are disposed of.

ORDER FOR RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MATTINGLY TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that tomorrow, after the recognition of the two leaders under the standing order, the distinguished Senator from Georgia (Mr. MATTINGLY) be recognized on special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, the General Orders Calendar is clear now, with the exception of three or four items. Three of them deal with abor-

tion and will not be taken up at this time. The fourth deals with the Communications Act, and I hope we shall deal with that tomorrow. The Senate is keeping the calendar clear. I expressed my appreciation to all Members for that.

The Executive Calendar similarly is clear except for the two treaties on page 1, which have already been alluded to. As and when committees report business to the Senate that can be dealt with, it is our hope to deal with it as promptly as possible.

Tomorrow, Mr. President, the Senate will convene at 12 noon. After the recognition of the two leaders under the standing order, the Senator from Georgia (Mr. MATTINGLY) will be recognized on special order. It is anticipated there will be a period for the transaction of routine morning business provided for at that time. I do not anticipate that tomorrow will be a late day unless other matters develop that I am not aware of or other matters come to the calendar that qualify. I do not expect the Senate to be in session on Friday.

Mr. BYRD. The majority leader has answered my question.

ORDER FOR THE SENATE TO CONVENE AT 10 A.M. ON MONDAY, FEBRUARY 21, 1983, AND FOR RECESS ON MONDAY UNTIL TUESDAY, FEBRUARY 22, 1983, AT 11:30 A.M.

Mr. BAKER. Mr. President, I wish to do one other thing. As to Monday, provision has already been made for the distinguished junior Senator from Virginia (Mr. TRIBLE) to deliver the Farewell Address of President Washington. I ask unanimous consent that the Senate convene at 10 a.m. on Monday next for the purpose of hearing the Farewell Address of President Washington delivered by the Senator from Virginia. I ask unanimous consent that no further business be transacted and that, at the completion of the presentation of that Address, the Senate then stand in recess until the hour of 11:30 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I see no Senator seeking recognition. I have no further business to transact if the minority leader does not—I see he does not. I move, in accordance with the order previously entered, that the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to and, at 3:19 p.m., the Senate recessed until tomorrow, Thursday, February 17, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 16, 1983:

DEPARTMENT OF STATE

Edward J. Derwinski, of Illinois, to be Counselor of the Department of State, vice James L. Buckley, resigned.

IN THE COAST GUARD

The following-named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain:

Clifford G. Spelman, Jr.
Thomas P. Noe
Peter J. Gaizutis
Joseph M. Harasta
Paul M. Hureau
Larry E. Helber
Robert C. Isham
John G. Donovan
Clinton R. Miller
Bobby G. Christian
David W. Proudfoot
William S. Haight
Larry D. Brooks
David Bernstein
Albert A. Wickley, Jr.
Frederick A. Smith
Jesse D. Turnbaugh
Bernard C. Taylor
Carl E. Kunkel
Gary D. Liming
Brian C. Thomas
William C. Heming
Herbert M. Hurst
Philip C. Johnson
Robert E. Myers
Clifton C. Demartini
Norman W. Lemley
Robert E. Sloncen
James E. Tasker
Michael T. Brock
Ernest A. Parada
David E. Buerle

IN THE COAST GUARD

The following lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander:

William I. Norton
Richard R. Paton
Claude O. Fuller, Jr.
Melvin D. Willis
George M. Devanney
Lynn H. Degrow
George J. Munkenbeck
Lewis Miller
Wayne R. Till
David B. Lorenz
William F. Shields
Lewis K. Walton
James T. McCracken, Jr.
Mark E. Longmeier
Frederick D. Fisher
Robert P. Oconnor
John L. Stapleton
Harvey O. Fry, Jr.
Frederick H. Hammond
Thomas W. Dann
Harold E. Hughes
Howard E. Copeland
Henry J. Kofron, Jr.
Willis W. Moore III
James R. Comerford
Clayton M. Sturge
Jimmy L. Palmer
Walter F. Malec
David W. Boyle
Thomas V. Langlais
Allan A. Goldberg
John T. Greenfield
Alexander C. Brodie
Harry L. Smith, Jr.
Terry R. Hauck
William A. Erbeck
William Q. Bunting, Jr.
John J. Brogan, Jr.
Stephen E. Hart
Christian A. Wethe
Ralph W. Smith
Kris W. Barrett
Joel K. Belway
David L. Ayling
Richard H. Dewey
James A. Medeiros
James R. Lasher
Richard W. Parsons
James F. Audley, Jr.
Ronald K. Wagner
John R. Olson
Ernest T. Maxey
Patrick J. Murray
Carl V. Gilbow
Charles R. Nunn
William C. Beal
Robert L. Treat
Glen A. Worrell
Nicholas Stramandi
Glenn J. Pruiksma
Richard W. Schneider
James G. Soland
Paul Ibsen
Roger B. Streeter
Edward G. Martin, Jr.
Roger J. Beer
Terrence E. Sauvain
Joseph A. Goeke III
Laurence A. Gruver
Robert H. Savage, Jr.
Timothy W. Wright
Charles W. Turner
Peter L. Maier
William E. Lane
Douglas G. Wales
John C. Miller, Jr.
Malcolm B. Playfair
Robert W. Knuth
Lawrence R. Hagen
Eugene H. Ryan
Colon E. Durrell
Franklin D. Hoffman
James A. Haley
Jimmy L. Palmer
Frederick Oczkowski
Rudolph S. Quatrone
Robert P. Dick
Jack E. Call
Kurt J. Roessner
Gary A. Piepkorn
Ronald G. Magee
Nick A. Costas
Thomas R. Skaife
Ronald W. Hanley
Robert V. Masur
Ralph A. Hoekstra

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. James R. Sanderson, xxx-xx-xxxx xxx-..../1310, U.S. Navy.

IN THE MARINE CORPS

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

Richard M. Cooke
Richard T. Trundy
Clyde D. Dean
Frank E. Petersen, Jr.
Dennis J. Murphy
Donald J. Fulham
Anthony Lukeman
Jacob W. Moore

The following-named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

John P. Monahan
Robert R. Porter
Richard A. Gustafson
Orlo K. Steele
Walter J. Donovan, Jr.
Robert J. Winglass
Jim R. Joy
Hollis E. Davison
James M. Mead
Robert F. Milligan
Gene A. Deegan

IN THE NAVY

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Huskins, Jeffrey S.
Moore, Steven A.
Nelson, Scott M.
Patterson, Charles L.
Quinlevan, Patrick C.
Timmerberg, James M.
Williams, Marion K., Jr.

The following-named chief warrant officers, W–3, to be appointed chief warrant officer, W–2, in the U.S. Navy, subject to qualification therefor as provided by law:

Absher, Donald R.
Castillo, Rodolfo R.
Hillhouse, David J.

The following-named chief warrant officers, W–4, to be appointed chief warrant officer, W–3, in the U.S. Navy, subject to qualification therefor as provided by law:

Copelof, Sylvan M.
Kroll, Robert J.

Chief warrant officer, W–4, Robert D. Allerdings, U.S. Navy, to be appointed permanent chief warrant officer, W–4, in the U.S. Navy, subject to qualification therefor as provided by law.

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W–2, in the U.S. Navy, subject to qualification therefor as provided by law:

Buscher, Franklin D.
Caletina, Romeo T.

Comdr. Rudolf T. A. Bredderman, U.S. Navy, retired, to be reappointed a permanent commander from the temporary disability retired list, subject to qualification therefor as provided by law.

Lt. Charles T. Hardy, U.S. Navy, retired, to be reappointed a permanent lieutenant

from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

The following-named medical college graduates to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Robert E. Arnold Ragland, Jerry J.

The following-named U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Bearss, Rollin W. Menasha, Moussa Y.
Everhart, Charles W., Jr. Sander, James E.
Yeast, John D.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 1983:

DEPARTMENT OF STATE

Richard R. Burt, of the District of Columbia, to be an Assistant Secretary of State.

Richard T. McCormack, of the District of Columbia, to be an Assistant Secretary of State.

AFRICAN DEVELOPMENT BANK

W. Allen Wallis, of New York, to be Alternate Governor of the African Development Bank for the term of 5 years.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Thomas A. Bolan, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985.

CORPORATION FOR PUBLIC BROADCASTING

Richard Brookhiser, of New York, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1987.

Karl Eller, of Arizona, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1987.

Sharon P. Rockfeller, of West Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1987.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FOREIGN SERVICE

Foreign Service nominations beginning Rolland E. Anderson, Jr., and ending Bryant H. Wadsworth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 25, 1983.

Foreign Service nominations beginning Robert T. Curran, and ending Wesley D. Stewart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 25, 1983.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 17, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 18

9:00 a.m.
Energy and Natural Resources
To hold oversight hearings, in closed session, on the world petroleum outlook for 1983.
S-407, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

10:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

Finance
To hold hearings on unemployment issues.
SD-215

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

FEBRUARY 21

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the world petroleum outlook for 1983.
SD-366

FEBRUARY 22

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-430

9:30 a.m.
Appropriations
To resume hearings on the status of the national economy.
SD-192

Banking, Housing, and Urban Affairs
To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal year 1984 for the National Bureau of Standards, Department of Commerce, and the U.S. Fire Administration, Federal Emergency Management Agency.
SR-253

Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1983, and proposed regulations for Senate mass mailings.
SR-301

10:00 a.m.
Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1984 which fall within the committee's jurisdiction, with a view toward submitting its views and budgetary recommendations to the Committee on the Budget.
SD-406

Finance
To resume hearings on recommendations of the National Commission on Social Security Reform.
SD-215

Foreign Relations
To hold hearings on the Amendment to the 1972 Protocol to the 1928 Convention Concerning International Expositions (Treaty Doc. 98-1).
SD-419

11:00 a.m.
Foreign Relations
Business meeting, to consider pending committee business.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for Indian programs.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of the Secretary of Energy.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration of the Department of Transportation.
SD-116

Environment and Public Works
Business meeting, to continue to consider those matters and programs in the President's budget for fiscal year 1984 which fall within the committee's jurisdiction, with a view toward submitting its views and budgetary recommendations to the Committee on the Budget.
SD-406

Foreign Relations
To hold hearings on the nomination of Morton I. Abramowitz, of Massachusetts, for the rank of Ambassador during the tenure of his service as the Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations.
SD-419

Governmental Affairs
To hold hearings on the nominations of Barbara J. Mahone, of New York, to be a Member, and John C. Miller, of Ohio, to be General Counsel, both of the Federal Labor Relations Authority.
SD-342

FEBRUARY 23

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-628

10:00 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Finance
To continue hearings on recommendations of the National Commission on Social Security Reform.
SD-215

Foreign Relations
To hold hearings on proposed authorizations for the International Monetary Fund and multilateral bank.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the nature of organized crime as it exists today in the Mid-Atlantic region of the United States.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of vocational education programs.
SD-430

*Veterans Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and recommendations which it will make thereon to the Committee on the Budget.
SD-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of the Secretary of the Interior, and the Bureau of Reclamation, Department of the Interior.
SD-192

FEBRUARY 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds through fiscal year 1988 for the Office of Government Ethics, Office of Personnel Management, and to review the financial disclosure provisions of the Ethics in Government Act of 1978.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (Public Law 93-415).
SD-226

Labor and Human Resources
Handicapped Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Rehabilitation Act of 1973.
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Consumer Affairs, Consumer Information Center, and the Consumer Product Safety Commission.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the status of the Abandoned Mine Land Fund, Department of the Interior.
SD-366

Finance
To continue hearings on recommendations of the National Commission on Social Security Reform.
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the nature of organized crime as it exists today in the mid-Atlantic region of the United States.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

10:30 a.m.
Foreign Relations
To hold hearings on the nominations of Thomas F. Ellis, of North Carolina, and Michael Novak, of the District of Columbia, each to be a Member of the Board for International Broadcasting.
SD-419

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings to receive testimony from the Secretary of Agriculture on the general agricultural outlook, and the overall budget for the Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Power Marketing Administrations, Department of Energy.
SD-192

Select on Ethics
To hold a general business meeting.
S-126, Capitol

FEBRUARY 25

8:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 70, to delete certain IRS provisions which treat Members of Congress separately with respect to living expense deductions.
SD-215

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 14, S. 18, S. 77, S. 100, title V of S. 124, S. 251, and S. 398, measures relating to agricultural export trade practices.
SD-106

Appropriations
Interior and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for Indian programs.
SD-192

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the Consumer Product Safety Commission.
SR-253

10:00 a.m.
Foreign Relations
To hold hearings on development assistance and related programs.
SD-419

2:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

FEBRUARY 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Employment and Training Administration, Department of Labor.
SD-138

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on ocean and coastal programs.
SR-253

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review foreign assistance programs of the Department of State.
SD-192

1:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Transportation Safety Board, and to review the budget of the Civil Aeronautics Board.
SR-253

MARCH 1

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Employment Standards Administration, and the Bureau of Labor Statistics, all of the Department of Labor.
SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Cooperative Service, Agri-

cultural Marketing Service, Office of Transportation, and the Packers and Stockyards Administration, Department of Agriculture.
SD-124

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.
SR-253

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold hearings to receive a report from the Chesapeake Bay Foundation concerning the Environmental Protection Agency's Chesapeake Bay program.
SD-626

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of State, focusing on international security assistance, international narcotics control, migration and refugee assistance, and antiterrorism.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Transportation Safety Board.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

10:30 a.m.
*Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Paralyzed Veterans of America, Military Order of the Purple Heart, and World War I Veterans.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Mines of the Department of the Interior, and the National Gallery of Art.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for nuclear fission, uranium supply and enrichment programs of the Department of Energy.
SD-192

MARCH 2

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior and related agencies.
SD-138

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Occupational Safety and Health Administration, Mine Safety and Health Administration, departmental management, and the President's Committee on Employment of the Handicapped, all of the Department of Labor.
SD-124

10:00 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on S. 212, authorizing funds for fiscal years 1984 through 1986 for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Peace Corps, and the Inter-American Foundation.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior and related agencies.
SD-138

MARCH 3

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and the Federal Grain Inspection Service, Department of Agriculture.
SD-124

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget's Circular A-95, focusing on Federal planning requirements for Federal grant programs.
SD-342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Coast Guard, Department of Transportation.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the indemnification of and contributions to Government contractors.
SD-562

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for solar and renewables programs of the Department of Energy.
SD-192

MARCH 4

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Economic Regulatory Administration, Energy Information Administration, and the Office of Hearings and Appeals, all of the Department of Energy.
SD-192

MARCH 7

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Education.
SD-138

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Representatives to the United Nations, and voluntary contributions to international organizations and programs of the United Nations.
SD-192

MARCH 8

10:00 a.m.
*Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Export-Import Bank of the United States.
S-126, Capitol
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Railway Association, and Conrail.
SD-138
Energy and Natural Resources
Energy and Conservation and Supply Subcommittee
To hold oversight hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction.
SD-366
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Education for Economic Security Act, and to review math and science education programs in elementary and secondary schools.
SD-430
11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Veterans of Foreign Wars.
SR-325
2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Holocaust Memorial Council, and the National Endowment for the Arts.
SD-192
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy research and environment programs of the Department of Energy.
SD-192

MARCH 9

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for elementary and secondary education, education block grant, and impact aid.
SD-124
10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review the current status of the multilateral development banks of the Department of the Treasury.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Architectural and Transportation Barriers Compliance Board, and the Office of the Inspector General and the Office of the Secretary, Department of Transportation.
SD-138
Governmental Affairs
Permanent Subcommittee on Investigations
To hold closed hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue hearings on the proposed Education for Economic Security Act, and to review math and science education programs in elementary and secondary schools.
SD-430
Veterans' Affairs
To hold hearings on proposed legislation providing for veterans' health care services.
SR-418
2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Park Service of the Department of the Interior.
SD-192

MARCH 10

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for vocational and adult education, education for the handicapped, and rehabilitation services and handicapped research.
SD-192
9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on fisheries programs.
SR-253
9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on the current health and future prospects of defined benefit pension plans under the Employee Retirement Income Security Act.
SD-430
10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Veterans' Administration.
SD-124
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on problems occurring from the manufacture and distribution of imitation controlled substances, known as look-alike drugs.
SD-628
2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Geological Survey of the Department of the Interior.
SD-192
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Energy Regulatory Commission of the Department of Energy, and the Nuclear Regulatory Commission.
SD-192

MARCH 14

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, and educational research and training activities overseas.
SD-192
9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on weather and satellite programs.
SR-253

MARCH 15

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Institute of Education, education statistics, bilingual education, and libraries, all of the Department of Education.
S-126, Capitol

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 336, to revise prohibitions against persons guilty of criminal offenses holding specified offices or positions, and clarifying the jurisdiction of the Department of Labor relating to the detection of and investigation of criminal violations relating to ERISA.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Interstate Commerce Commission.
SD-138

10:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Commodity Credit Corporation, Foreign Agricultural Service (including Public Law 480), Office of International Cooperation and Development, Department of Agriculture.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior, and the Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for departmental administration of the Department of Energy.
SD-192

MARCH 16

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for college housing loans, special institutions, Howard University, departmental management (salaries and expenses), Office for Civil Rights, and Office of the Inspector General, all of the Department of Education.
SD-192

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Civil Aeronautics Board.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation establishing a U.S. Academy of Peace.
SD-430

Veterans' Affairs
To hold hearings on proposed legislation providing educational assistance for certain members of the Armed Forces.
SR-418

2:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Capital Planning Commission, and the Navajo and Hopi Indian Relocation Commission.
SD-192

MARCH 17

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Railroad Retirement Board, ACTION (domestic programs), Corporation for Public Broadcasting, National Commission on Libraries and Information Science, and the Soldiers' and Airmen's Home.
SD-192

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agriculture Library, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Railroad Administration of the Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).
SD-138

10:30 a.m.
Veterans Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from AMVETS and the Blinded Veterans Association.
SD-628

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Surface Mining of the Department of the Interior, and the Advisory Council on Historic Preservation.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for atomic energy defense activities of the Department of Energy.
SD-192

MARCH 21

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Appalachian Regional Commission, and the Tennessee Valley Authority.
SD-192

MARCH 22

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Mediation and Conciliation Service, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Federal Mine Safety and Health Review Commission, and the President's Commission on Ethical Problems in Medicine.
SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Economic Research Service, Statistical Research Service, and the World Agricultural Outlook Board, Department of Agriculture.
SD-124

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Highway Administration, Department of Transportation.
SD-138

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the broken family, focusing on its effects on children.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Land Management of the Department of the Interior.
SD-138

MARCH 23

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for the Rehabilitation Act of 1973 and the Education of the Handicapped Act.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee

To hold hearings on proposed estimates for fiscal year 1984 for the Panama Canal Commission, and the St. Lawrence Seaway Development Corporation of the Department of Transportation.
SD-138

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To continue hearings on the broken family, focusing on its effects on adults.
SD-538

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Pennsylvania Avenue Development Corporation, and the Smithsonian Institution.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

2:30 p.m.
*Veterans Affairs
To hold hearings on proposed legislation providing for judicial review of certain matters relating to veterans affairs.
SR-418

MARCH 24

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Governmental and Public Affairs, Office of the General Counsel, Office of the Inspector General, Office of the Secretary, and departmental administration, Department of Agriculture.
SD-138

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy conservation programs of the Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 4

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Health and Human Services.
SD-192

APRIL 5

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health, both of the Department of Health and Human Services.
SD-1124

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Minerals Management Service, and the Institute of Museum Services.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 6

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, Department of Health and Human Services.
SD-138

10:00 a.m.
*Veterans Affairs
To hold oversight hearings to review adverse health effects from exposure to radiation, and other related matters.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 7

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Farmers Home Administration, Federal Crop Insurance Corporation, Office of Rural Development Policy, and the Rural Electrification Administration, Department of Agriculture.
SD-138

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Environmental Protection Agency.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Forest Service of the Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Social Security Administration, and refugee programs, both of the Department of Health and Human Services.
SD-192

APRIL 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Health Care Financing Administration, Department of Health and Human Services.
SD-192

APRIL 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the

Office of Human Development Services, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Food and Drug Administration, Department of Health and Human Services, the Farm Credit Administration, and the Commodity Futures Trading Commission.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Aviation Administration, Department of Transportation.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

APRIL 13

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Inspector General, Office for Civil Rights, policy research programs, and departmental management (salaries and expenses).
SD-192

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs.
Veterans' Affairs
Business meetings, to consider proposed legislation providing for certain veterans' health care services, proposed legislation providing educational assistance for certain members of the Armed Forces, and proposed legislation providing for judicial review of certain matters relating to veterans' affairs.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

APRIL 14

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Centers for Disease Control, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Science Foundation.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Urban Mass Transportation Administration, Department of Transportation.
SD-192

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for adoption services.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of vocational education programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Endowment for the Humanities, and the Office of Federal Inspector, Alaska Natural Gas Transportation System.
SD-192

APRIL 15

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Alcohol, Drug Abuse, and Mental Health Administration, scientific activities overseas, and retirement pay for commissioned officers, all of the Department of Health and Human Services.
SD-192

APRIL 19

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Indian Health Service of the Department of Health and Human Services, and the Office of Indian Education.
SD-192

APRIL 20

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs by the Department of Education.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for fossil energy research and development programs of the Department of Energy.
SD-192

APRIL 21

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
SD-124

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for child abuse prevention and treatment programs.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To continue oversight hearings on the implementation of bilingual education programs by the Department of Education.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Fish and Wildlife Service of the Department of the Interior.
SD-192

APRIL 25

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

APRIL 26

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior.
SD-138

APRIL 27

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Land and Water Conservation Fund.
SD-192

APRIL 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves, Department of Energy.
SD-138

APRIL 29

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 2

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 3

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of Labor, Health and Human Services, Education, and related agencies.
SD-192

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

2:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

MAY 5

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
SD-124

MAY 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124

MAY 18

10:00 a.m.
Veterans Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-418

2:00 p.m.
Veterans Affairs
To continue oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-418

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

10:00 a.m.
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

JUNE 8

10:00 a.m.
Veterans Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 15

10:00 a.m.
Veterans Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

JUNE 22

10:00 a.m.
Veterans Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

JUNE 29

10:00 a.m.
Veterans Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

CANCELLATIONS

FEBRUARY 18

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings on the U.S. Attorney General's new domestic security investigating guidelines.
SD-226

JULY 20

10:00 a.m.
Veterans Affairs
To hold oversight hearings on the role of management in implementing automated data processing systems at multiple VA hospital sites.
SR-418

HOUSE OF REPRESENTATIVES—*Thursday, February 17, 1983*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 14, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Thursday, February 17, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Rev. Anthony Zakarauskas, pastor, Nativity of the Blessed Virgin Mary, Chicago, Ill., offered the following prayer:

Almighty God, our Father, and source of all wisdom and understanding, look upon our Nation and this assembly of Representatives of Congress with benevolence and benediction, assisting them with counsel and fortitude.

Within Thy loving providence, nations have been formed, and in freedom they have realized spiritual and material benefits in this world.

O Lord, guide and strengthen us so that we may preserve these United States as the "land of the free and the home of the brave."

And today, Lord, we also pray for the freedom of the Republic of Lithuania and for all other peoples who are the victims of oppression.

Grant, O Lord, that justice and peace among all nations may prevail throughout the world, so that fulfilling Thy will and following Thy laws, we may all achieve happiness now and in eternity.

We ask this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 57. Concurrent resolution providing for an adjournment of the House from February 17 to 22, 1983.

The message also announced that the Vice President, pursuant to section 276 of title 22, United States Code, as amended, appointed Mr. BURDICK as vice chairman of the Senate delegation to the Interparliamentary Union during the 98th Congress.

The message also announced that the President pro tempore, pursuant to Public Law 92-484, appointed Mr. PELL as a member, on the part of the Senate, of the Technology Assessment Board, vice Mr. Cannon, retired.

REV. ANTHONY ZAKARAUSKAS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure to welcome to our Nation's Capital Rev. Anthony Zakarauskas, who offered the opening prayer today. It is fitting that he joins us here today, for February 16 marks the 65th anniversary of Lithuanian Independence Day.

Reverend Zakarauskas has been the pastor since 1970 at the Nativity of the Blessed Virgin Mary, the largest Lithuanian parish in the free world and located in my home city of Chicago. He studied at Quigley Preparatory Seminary, then went to St. Mary of the Lake Seminary in Mundelein where he was ordained in 1941. He continued his studies at DePaul University and Loyola University, where he was awarded his master of arts degree.

Reverend Zakarauskas has also served as assistant pastor at Holy Cross and St. George parishes, and was a chaplain of the Sisters of St. Casimir and the chaplain of Holy Cross Hospital. He also serves in the United Lithuanian Relief Fund and other Lithuanian organizations, and is considered one of the most influential clergymen among Chicago Lithuanians.

I thank Reverend Zakarauskas for being with us today and wish him continuing success in his dedicated work in the church.

UNIVERSITY OF NEVADA AT LAS VEGAS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, Nevada is a small State, in terms of population, but it has always been very large in heart. An example of this heart that Nevada has is indicated in the recent poll by the Associated Press, ranking the University of Nevada at Las Vegas No. 1, and I want to introduce this team to this body and tell them about the University of Nevada at Las Vegas, basically that it is a great basketball school, that we have the winningest basketball coach in the United States, Jerry Tartarian. We also have a couple of all-Americans on the basketball team, Sidney Green and Larry Anderson. But more important, Mr. Speaker, is the fact that that university is a great academic institution. We have fine teachers and professors. One professor, Andy Tuttle, is a lecturer and a publisher in matters relating to the defense of this country. He is eminent in his field. We also have the finest school of hotel administration in the entire United States.

So in addition to it being a great basketball school, it is a fine institution of learning.

DOMESTIC FOOD POLICY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the food distribution policies of the Reagan administration must be changed immediately. While people in my district are going hungry because local food banks cannot meet demand, the administration is proposing to distribute surplus food products abroad. Should we not be using our surplus products to feed hungry Americans, before sending the food overseas?

Misguided administration policies were clearly elucidated in Wednesday's Washington Post. First, the administration distributes only surplus cheese and butter to hungry Americans, though it is considering sharing a wider range of surplus farm products with people overseas. Second, the administration heavily subsidizes farm products to sell abroad, when there is a genuine need for food domestically. It is important to sell food abroad, but domestic needs must be met first.

I find it intolerable that the Reagan administration ignores hungry Americans. The callous nature of the domestic food policy is compounded by the

administration helping those abroad without helping those at home. I hope my colleagues will join with me in protest of this incomprehensible policy.

Thank you.

TEN-PERCENT WITHHOLDING MUST BE REPEALED

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, I am proud to join more than 220 of my colleagues in the House in cosponsoring Representative D'AMOURS' bill (H.R. 500) that would repeal the 10-percent withholding of interest and dividends that is scheduled to go into effect this July.

As I see it, we have the opportunity to repeal a law, the disadvantages of which outweigh the expected benefits. The cost of its administration would be high and would be borne largely by the private sector. The inconvenience it would place on the general population would affect those least able to tolerate it. Mr. Speaker, there are other, simpler, more direct ways of accomplishing what this law was intended to do.

It has been estimated that the law will cost $1.5 billion in lost interest to consumers. Banks, savings and loan associations, and other financial institutions will incur startup costs of $1.5 billion and maintenance costs of $1.1 billion yearly. Financial institutions will be placed in the role of tax collector and informer to the Internal Revenue Service.

All of this is expected to occur at a time when compliance with the existing laws exceeds 95 percent. That figure can be raised even higher through computer cross-checking with form 1099, especially now that all interest paid by Government securities has been brought under that section. All the paperwork, extra expense, and the burden of securing exemptions generated by this law could be avoided if these cross-checking procedures were instituted and rigorously applied.

We have heard that the objections to this bill are voiced mainly by banks, savings and loan associations, and other financial institutions. I invite those who hold this view to stop by my office and read through the thousands of cards and letters that have been mailed to me since I took office here January 3. The objections to this law are widespread, bipartisan in nature, and are deeply felt.

Paul Keiser, a constituent of mine from Roanoke, Va., wrote me and asked, "Why penalize those who obey the laws, pay their taxes, and attempt to save for the future?" I find that I must ask the same thing. By its own admission the Internal Revenue Service says that taxpayer compliance is estimated to be in excess of 95 percent when the annual 1099 forms are matched against actual interest and dividend reporting.

Eldon F. Layman, one of my Harrisonburg constituents, wrote and asked, "Why not tighten up monitoring the information provided—on form 1099—instead of imposing this extra burden of paperwork with its cumbersome loopholes on the business community?" Until recently, the interest paid on savings bonds, Treasury bills, and bearer bonds—all Government securities—was not reported in advance to the IRS. As of January 1983 that has been changed. With additional steps to cross-check dividend and interest income with form 1099, compliance with the law can be raised to an even higher percentage.

Last week, the Secretary of the Treasury sent all of us a letter expressing support of the withholding provisions and offered answers to possible questions we in the House might ask. He assured us that this law will not hurt older Americans or those with low incomes. They will be able to file for exemptions, he said.

As reassuring as this might sound, the act of securing an exemption will be harder to execute than the Secretary led us to believe. Mr. C. T. St. John of Lynchburg wrote me and said:

> I am 74 years old and I have worked to make my own living since I was 13 and managed to save a small amount and I need the interest to help pay my fuel bill.

The Secretary indicates that Mr. St. John and the many other older Amercans like him will be exempt from this law and therefore will not be hurt by it. All Mr. St. John must do is secure a certificate of exemption. These may be obtained from one's financial institution or from the IRS. Application must be made for each source of dividend or interest income. The burden for securing such an exemption, therefore, falls on the elderly who are charged with keeping track of every savings account, stock certificate, bond, or certificate of deposit that is in their name.

The Secretary failed to comment on the extra paperwork that will be generated and the extra costs that will be incurred by the financial institutions that process them. That point, however, was not missed by Barbara B. Lemon, a Roanoke constituent, who wrote, "the cost of administering * * * will be passed on to the individual, taking even more savings and investment money out of the economy."

The Secretary was silent also on another point that was brought to my attention by James C. Reynolds, a Staunton constituent:

> The taxpayer will be deprived of the use of his money prior to the time (the) tax is normally due,

He wrote:

> He also gets no interest on these monies. . . . Much of this additional revenue will be returned to the taxpayer in the form of refunds thereby reducing the net gain to the Treasury. The taxpayer will be providing the government an interest-free loan.

I give my full support to Representative D'AMOURS' bill, and I urge you, my fellow colleagues who have not joined me in cosponsoring it, to do so.

I also ask your support in urging Representative ROSTENKOWSKI and the Ways and Means Committee to approve this bill and report it to the floor.

JASON ROBARDS COMMENDED ON HIS PERSONAL CAMPAIGN AGAINST ALCOHOLISM

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, modern life is a series of small acts of heroism but none is more significant in terms of human achievement than the victory over the disease of alcoholism. This has been, is now, and will continue to be America's principal drug problem.

That is why personal contributions of self in this enormous enterprise deserve the respect and affection of all our citizens. In that regard, it is especially appropriate that we recognize the wholesale and widespread efforts of Jason Robards in his personal campaign against this enormously expensive disease. It takes considerable courage to embrace publicly the indictment of drunkenness. But it resounds creditably and everlastingly to Mr. Robards' sense of public service that he has done so and I compliment him here in what I hope is an enduring way for his marvelous donation.

REPEAL WITHHOLDING; THERE IS ANOTHER WAY TO GET THOSE WHO OWE TO PAY THEIR SHARE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GLICKMAN. Mr. Speaker, I do not like the provision of the tax code that is scheduled to go into effect this July to require withholding for tax purposes from interest and dividend income. But I also realize that we have a huge deficit that is hampering any hope for economic recovery, and it is indeed logical to aim at collecting taxes that are already owed to the Government to reduce that deficit as much as we possibly can.

The withholding approach, if implemented, would burden millions of honest taxpayers in the process of

trying to catch those who are not reporting their interest and dividend income. To borrow a phrase, I think on this one, I have got a better idea. Today, I am introducing a bill that would repeal the new withholding requirements and replace them with enhanced reporting procedures, an expanded IRS authority to reduce tax refunds where this income has not been reported by a taxpayer, and to impose new and stringent penalties for failing to report interest and dividend income.

I think this option is one that needs to be seriously considered. It puts the burden on those who should bear it, not on honest taxpayers.

A summary of the bill follows:

Repeal the withholding requirement on interest and dividend income;

Authorize IRS to recalculate taxes, then adjust refunds, and send bills accordingly, where information from investment and savings institutions shows that interest/dividend income was earned, but not reported—this is identical to the way IRS handles mathematical errors on tax forms;

Require yearend statements of interest and dividend earnings sent to taxpayers to carry a notification in bold print that this income is taxable, must be reported to the IRS, and that failure to report this income will result in an additional penalty and a recalculaton of the tax due;

Require copies of interest and dividend income statements—including form 1099's—to be filed with tax forms;

Require a change in the tax form to include an entry for income reported on interest/dividend forms, but not subject to taxation;

Direct the IRS to assess a penalty of 10 percent on taxes due on interest and dividend income not reported by taxpayers; and

Assess an additional penalty of 5 percent per month—up to 15 percent over and above the initial 10-percent penalty—for delays in paying tax due on interest and dividend income.

AMERICAN MARINES IN LEBANON

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SKELTON. Mr. Speaker, several weeks ago, I addressed this body expressing my concern over the continued presence of young American marines in Lebanon. That action was prompted by reports of our men being involved in standoffs with Israeli military personnel, and the view expressed by many marine officers that the situation in Lebanon was "an accident waiting to happen."

One week later, those fears were reconfirmed when a U.S. Marine captain faced off against three Israeli tanks. In testimony before the House Armed Services Committee, Secretary of Defense Caspar Weinberger reported that our troops have been involved in three hostile incidents, and that it was his continuing worry that they could escalate to the point of causing serious loss of life.

Because of the growing threat to the safety of our servicemen in Lebanon, I have written a letter to the President appealing to him to bring our troops home. And, because of the implications this deployment has for the proper implimentation of the War Powers Act, I have asked the President to be specific in outlining exactly what criterion he is using to define a "hostile situation" and to establish a limited time period. I believe the President's answers to these very important questions will be reassuring to those of us who are interested in preserving the integrity of the War Powers Act and to protecting the lives of American servicemen.

I am including a copy of my letter to the President in the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 10, 1983.

President RONALD REAGAN,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: Two weeks ago, I addressed my colleagues in the House of Representatives, urging them to reexamine the involvement of our 1,200 Marines in Lebanon. That action was prompted by news reports that many Marine leaders view the situation in Lebanon as "an accident waiting to happen". Last week's incident, where a U.S. Marine Captain faced off against three Israeli tanks, and a later incident involving a 75 mm tank round which exploded 50 yards from another Marine position, cause me to appeal to you personally to bring our troops home.

The current contingent of Marines was sent to Lebanon in September of 1982. At that time, you submitted a report to Congress in keeping with the 1973 War Powers Act. You stated that the deployment would be for a limited period and that there was no intention of our troops becoming involved in hostilities.

It has become apparent that neither of these criterian exists at this time. In his testimony before the House Armed Services Committee last week, Secretary of Defense Caspar Weinberger reported that our troops have been involved in three hostile incidents, and that it was his "continuing worry" that they could escalate to the point of causing "serious loss of life". Similarly, Nicholas Veliotes, Assistant Secretary of State for Near East and South Asian Affairs, told a House Foreign Affairs Subcommittee that it was his "personal quesstimate" that the Marines would stay in Lebanon another year.

Under the War Powers Act, your authority to commit troops into hostilities or potential hostilities without a Declaration of War or statutory authority is limited to 60-90 days. It also requires reporting under section 4(a)(1), allowing for a Congressional veto, if troops are introduced into hostilities or imminent hostilities. Inasmuch as the situation in Lebanon is becoming increasingly precarious, I am compelled to ask under what exact circumstances will you determine that U.S. troops are in a hostile situation? Secondly, what do you envision as a "limited" time period? Your candid answers to these very important questions would be reassuring to those who are interested in preserving the integrity of the War Powers Act and to protecting the lives of American servicemen.

Thank you for your attention to this matter. I look forward, with you, to a speedy and equitable solution to the problems in the Middle East.

With best regards,

Very truly yours,

IKE SKELTON,
Member of Congress.

TACOMA CITY WATERWAY

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I am introducing a bill today to authorize the modification of the city waterway Federal navigation project in the Tacoma Harbor in the State of Washington.

On November 4, 1981, I introduced H.R. 4887, legislation very similar to the bill I am submitting today. That bill died with the adjournment of the 97th Congress, but the interest of the city in redefining the project boundaries of the waterway to allow redevelopment in this central area of Tacoma is still alive. The bill I am sponsoring today will permit the city to attain its goals.

When the city waterway navigation channel project was first established in 1905, it was a prominent shipping terminal area for the city of Tacoma. As the port grew, however, other wider and deeper manmade waterways were created. These new waterways offered better shipping terminal frontage with extensive backup areas to meet the demands of competitive modern shipping. As a result, most of the city waterway was no longer competitive for shipping terminal development, especially since it was too shallow and narrow, and contained too many bridge obstructions.

By the mid-1970's, most of the shipping terminals had departed and the frontage of the waterway was in decay. To reclaim and redevelop this area, the city of Tacoma began to develop marina facilities in the waterway. In the past 5 years, five new marinas and one new restaurant have been constructed along the waterway. There is potential for much more. New public facilities have included new streets and sewers, landscaping, and a public moorage. Approval of the waterway project modification request will help maintain the momentum of the city's redevelopment efforts.

The city filed a formal request for Federal project modification in March

1979 in a letter addressed to the Seattle District Engineer of the U.S. Army Corps of Engineers. Since that time, the corps has completed a review of the request, and has issued a feasibility report and environmental assessment dated November 1981. The report recommends approval of the requested modification. Gen. J. K. Bratton, Chief of Engineers, has concurred with the recommendations of the district and division engineers.

Approval by the Congress of this proposed modification will relieve the corps from its obligation for maintenance dredging. It would remove the need for Federal project designation in the marina development area. There has been no dredging of the city waterway since 1948, project depths are being maintained without dredging, and the city of Tacoma informs me that there is no foreseeable need for maintenance dredging.

The modification approved by the corps, and endorsed by the legislation I am introducing today, will not directly result in any changes in the physical appearance of the waterway, will not affect existing commercial navigation in any way, and will not adversely affect any remaining industrial or terminal facilities on the waterway. It will simply change a line on a map.

However, the modification will have a tremendous positive effect on economic and physical development in the area. It will encourage more new marina development in conformance with the city's plans. It will relieve certain bonding requirements which are now a deterrent to development along the waterway. It will provide immediate relief to the marinas already completed, and will encourage others to grow. And it will ease the way for further street improvements to serve the waterway.

The Port of Tacoma, the city of Tacoma and the Corps of Engineers have all reviewed this matter and are in agreement that the modification should be approved. It remains for the Congress to concur. The corps estimates the cost of the modification to be less than $5,000. I strongly urge the Congress to approve the requested project modification.

□ 1115

REPRESENTATIVE SUNDQUIST INTRODUCES BILL TO REMOVE INEQUITABLE TAX BURDEN ON TENNESSEE CIVIL SERVANTS

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, today I am introducing a bill to remove a grossly inequitable tax burden facing the civil servants who live in the Seventh District of Tennessee, but who technically work at Fort Campbell, Ky.

This inequity results because these persons pay Kentucky income tax even though they do not receive one single service from that State.

In most cases, Mr. Speaker, when individuals are residents of one State and work in another and pay taxes in both, one of the taxes is taken as a credit against the other. On the other hand, several States like Tennessee have the wisdom to have no income tax, thus making an offset impossible.

My bill offers, Mr. Speaker, what I believe is a pragmatic and simple solution to this inequity. In brief, it will prohibit States from imposing income taxes on any Federal employee who is not a resident of such State.

PROTECT OUR CHILDREN FROM TRAFFIC DEATHS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the 97th Congress acted very properly in cracking down on the problem, the No. 1 internal problem of the Nation in the eyes of some, namely drunk driving.

As a result of their action we have in place certain statutes that are sure to place a corrective measure on this very serious issue.

There is another one now and now is the time to address it that emerges out of the same kind of situation; namely, traffic problems.

Many people do not realize that the leading cause of death of children between the ages of 1 and 14 is the death that is occasioned on our highways. Particularly important and something that is being overlooked in our daily deliberations on these problems is the fact that infants 4 years or younger or weighing 40 pounds or less are the leading victims among that group and chiefly because they are not restrained by some kind of safety restraint device in those automobiles.

It is time that the Congress says to the State, the various States, and that is the form of a resolution which I will be introducing today, that you had better act on this just as you did on drunk driving because it is a serious problem.

This resolution would say in effect to the States, inform, educate, pass legislation; let us keep our children 4 years and under restrained in these various kinds of vehicles that are on our highways and take a second step toward sanity on our highways.

SCIENCE AND MATH EDUCATION

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, our Nation is facing a serious shortage of qualified math and science teachers.

This shortage could not come at a worse time. We are entering an age of high technology when our economic future will depend on our mastery of technological skills. Already, Japan is threatening to supersede our traditional position as the leader in high tech innovation.

We must take concrete steps to guarantee that our leadership will be maintained. And to do that we must start by improving math and science competence at the most basic level—our public schools.

That is why I am cosponsoring a bill designed to raise both the quality and quantity of math and science teachers.

The bill would grant tax credits to high tech firms that hire math and science teachers over the summer. The bill would also grant credits to firms that allow their employees to teach part time.

These measures would increase the supply of instructors by enabling teachers to earn more money. Now, math and science teachers can earn 50 to 100 percent more by working in industry instead. The tax credits would create an incentive for private industry to hire teachers part time or for part of the year so that the teachers could supplement their incomes.

At the same time, the bill would raise the quality of instruction. Jobs in private industry would not only give teachers more money; the jobs would give teachers hands-on experience.

This experience would keep teachers up to date on technological innovations and would make them more aware of the practical applications of their subjects.

The result of the bill, then, would be that a greater number of better informed teachers would be available as the race for the high tech market heats up.

As I have said before, our Nation's students are our greatest resource. I will work to improve their education by every means I can, whether that means fighting cuts in college loans or fighting for programs to improve math and science education.

RESIGNATION AS MEMBER OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Select Committee on Children, Youth, and Families:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 14, 1983.

HON. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby respectfully resign from the Select Committee on Chil-

dren, Youth and Families effective February 15, 1983.

Sincerely yours,

BILL RICHARDSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 16, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 3:55 p.m. on Wednesday, February 16, 1983 and said to contain a message from the President wherein he transmits draft legislation entitled the "Educational Opportunity and Equity Act of 1983."

With kind regards, I am

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

EDUCATIONAL OPPORTUNITY AND EQUITY ACT OF 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98–19)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, referred to the Committee on Ways and Means and the Committee on the Judiciary, and ordered to be printed:

(For message, see page 2304 of proceedings of the Senate of Wednesday, February 16, 1983.)

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. RATCHFORD). Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 60 minutes.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I was honored to reserve this special order in commemoration of Lithuanian Independence Day and I thank all of the Members who are joining me today to help focus attention on the heroism and courage of the Lithuanian people who continue to struggle, to pray, and to work for the day when Lithuania can once again enjoy liberty.

February 16 marks a special day in man's historic struggle for freedom and self-determination for it was on this day 65 years ago in 1918 that the Lithuanian people established their own government and proclaimed their independence.

The Lithuanian Council of Chicago commemorated this 65th anniversary with a program at the Maria High School auditorium on Sunday, February 13. The officers of this fine organization include Vincent Samaska, president; Dr. Paul V. Dargis, executive secretary; Petras J. Buchas, Teodora Kuzas, Mykolas Pranevicius and Vladas Soliunas, vice presidents; Valeria Stanaitis, treasurer; Jura Jasiunas, financial secretary; and Stasys Manrus, recording secretary.

Trustees include Euphrosine Mikuzis, Julius R. Kuzas, Adele Gabalis, and Oskaras Kremeris.

The members of the Lithuanian Council of Chicago are as follows: Ignas Andrasiunas, Christina Austin, Jonas Balciunas, Edvardas Boreisa, Helen Buchinskas, Juozas Bigelis, Julie Diksas, Petras Jokubka, Stepanie Jonutis, Edmundas Jasiunas, Veronika Lenkevicius, Sabina Klatt, Hilde Kuzas, Casimir Oksas, Algirdas Puzauskas, Irena Sankus, Donatas Stukas, Justinas Sidlauskas, Vincas Valkavickas, and Vincas Zemaitis.

Mr. Speaker, the Lithuanian American Council, Inc. selected Rev. Anthony Zakarauskas to be the guest chaplain this year in the House of Representatives as part of our commemoration of Lithuanian Independence Day, and representatives of the council are here today. The names of the officers and members of the council follow:

Honorary President, Dr. Kazys C. Bobelis.
National President, Kazys Sidlauskas, JD.
Vice Presidents, Teodoras Blinstrubas, Povilas Dargis, Leonas Kriauceliunas, DVM, Viktoras Naudzius, Vladas Simaitis, JD, Jonas Valaitis, MD.
Secretary, Grozvydas Lazauskas.
Treasurer, Myukolas Pranevicius.
Financial Secretary, Petras Buchas.
Members, Stanley Balzekas, Jr., Alexander Domanskis, Adele Gabalis, Juozas Lekas, Kasperas Radvila, Jonas Talandis, Ramune Tricis.
Council's Representative in Washington, D.C., Jonas B. Genys, Ph. D.
Director of Information, Rev. Dr. Joseph Prunskis.
Office Manager, Irene D. Blinstrubas.
Trustees, Vytautas Abraitis, Alexander Chaplikas, Antanas Sukauskas, Vytautas Yucius.
Honorary Members of the Board, Alexander Aleksis, Stephen Bredes, Jr., Rev. Adolfas Stasys.

Mr. Speaker, Lithuania enjoyed her independence for only 22 years when, in 1940, the Red army invaded and occupied the country, suppressed the hard-won freedoms of the people, and forcibly made it a colonial territory of Russia. A statement follows outlining these sad events by Father Casimir Pugevicius, the translation editor of the Chronicle of the Catholic Church in Lithuania:

In 1940, 85.5 percent of Lithuania's 3 million plus inhabitants were Roman Catholic, 4.5 percent Protestant, 7.3 percent Jewish, 2.5 percent Orthodox and 0.2 percent of other persuasions.

In Lithuania, which has an area equivalent in size to that of West Virginia, Catholics had two archdioceses and four dioceses, 708 churches, 314 chapels, 73 monasteries, 85 convents, three archbishops, nine bishops, 1272 diocesan priests, 580 monks, of whom 168 were priests. Four seminaries had 470 students. There were 950 nuns.

Nuns cared for 35 kindergartens, 10 orphanges, 25 homes for the aged, two hospitals, a youth center and an institute for the deaf-mute.

On June 15, 1940, the Red Army marched into Lithuania; the independent government was replaced by a puppet regime.

On July 14–15, rigged elections were staged. On July 21, with the Red Army surrounding the assembly house, the new People's Diet "unanimously" declared Lithuania a Soviet Socialist Republic.

On June 25, 1940, the Church was declared separate from the State, and the representative of the Holy See was expelled.

Parish lands were confiscated, clergy salaries and pensions were cut off, and their savings confiscated. Churches were deprived of support. Catholic printing plants were confiscated, and religious books were destroyed.

On June 28, 1940, praying and the teaching of religion in schools was forbidden. The University's Department of Theology and Philosophy was abolished, and all private schools were nationalized. The seminaries at Vilkavikis and Telial were closed, and the seminary at Kaunas was permitted to operate on a very limited scale. The clergy were spied upon constantly.

On June 15, 1941, 34,260 Lithuanians were packed off in cattle cars to undisclosed points in the Soviet Union. After World War II, the mass deportations resumed and continued until 1953.

Vincentas Borisevicius, Bishop of Telsiai, was arrested on February 3, 1946, and condemned to death after a secret trial. Before year's end, his auxiliary, Bishop Pranas Ramanauskas, was also arrested and deported to Siberia. Bishop Teofilius Matulionis of Kaisiadorys and Archbishop Mecislovas Reinys of Vilnius were deported to a Siberian labor camp. Archbishop Reinys perished in prison at Vladimir, November 8, 1953. Lithuania was left with a single bishop, Kazimieras Paltarokas, of Panevėzys. He died in 1958.

In 1947, the last convents and monasteries were closed, their communities dispersed, and all monastic institutions were outlawed.

After Stalin's death in 1953, there was a slight improvement in the religious situation. Bishops Matulionis and Ramanauskas were allowed to return to Lithuania, but not to minister to their dioceses or to communicate with the clergy or laity.

Bishop Ramanauskas died in 1959, and Archbishop Matulionis in 1963.

In 1955, two new Bishops were appointed by Rome and consecrated: Julijonas Stepon-

avicius and Petras Maželis. Steponavicius has never been permitted to administer his diocese.

Bishop Vincentas Sladkevicius, consecrated in 1957, is also under severe government restrictions. In 1965, Monsignor Juozas Labukas-Matulaitis was consecrated in Rome to head the Archdiocese of Kaunas and the Diocese of Vilkaviskis. He died in 1979.

Relaxation of pressure on religious believers after Stalin's death in 1953 soon revealed that the Lithuanian people were still deeply religious. It was decided in the mid-fifties to resume the attack. The principal means of attack would be unlimited moral pressure, since physical terror seemed only to strengthen and unify the faithful.

In 1972, the "Chronicle of the Catholic Church in Lithuania," clandestinely appearing in Lithuania, began to reach the free world at regular intervals. Primarily intended to keep Catholics in Lithuania informed of the situation of the Church there, this Lithuanian samizdat also serves as a constant appeal to the free world not to forget the plight of a people struggling against overwhelming odds to defend their religious beliefs and to regain their basic human rights.

Mr. Speaker, the Soviet Communists continue to oppress those who wish to practice their religion in Lithuania. Lithuanian natural culture is gradually being destroyed, and the Lithuanian language is suppressed. According to the December, 1982, ELTA Information Bulletin, sponsored by the Lithuanian National Foundation, Inc., this "Russification" program was recently condemned by a conference in Switzerland, and the article on this subject follows:

CONFERENCE IN SWITZERLAND CONDEMNS RUSSIFICATION

The russification of the non-Russian nations of the USSR and their colonial exploitation were the main themes of a special meeting held in Luzern, Switzerland, on October 10-11, 1982. The meeting was sponsored by the "Conference on the European People's Rights and Self-determination".

A resolution, which was unanimously adopted on this occasion, emphasized the "indisputable fact" that the sovietization of the non-Russian nations of the USSR was nowhere carried out with their agreement: "The universally recognized right of self-determination is denied to the nations enslaved by the Soviet Union . . . The federal structure of the Soviet Union is a mere facade concealing an extremely centralized single party state".

According to the resolution, russification of the non-Russian nations is promoted by the persistent effort to impose the Russian language as a conversational tongue even in kindergarterns. Scholarly dissertations must be written in Russian only. Another threat to the existence of the non-Russian nations is the systematic settlement of foreign nationals, primarily Russians, in these countries. "The central planning agencies in Moscow have singled out the large cities for the purposes of denationalization. As a result of this policy, such large numbers of Russians have been settled in the capitals of the autonomous and union republics that in many places they even constitute the majority of the population.

The resolution further points out that the Soviet "giganatomania"—the building of huge factories which have nothing to do with the actual needs of the national republics—creates a "colonial dependence" in regard to the supply of raw materials and the distribution of products: central planning agencies exploit the natural resources of the non-Russian nations "without any consideration for the natural environment". The foreign currency that is amassed from their exploitation serves the needs of Soviet armament and sustains the "colonial regime". The territories of the non-Russian nations "are frequently used as military bases directed against West Europe".

In conclusion, the Conference

"1. Solemnly draws the attention of the world to the right of the Soviet enslaved nations to self-determination;

"2. Demands that the Soviet leadership put an immediate stop to the Russification policy directed against the non-Russian Nations, and designed to destroy their existence;

"3. Condemns the exploitative colonial policy in the countries of the non-Russian nations, and

"4. Appeals to the people of the world, expressly asking them to support the rightful efforts of the non-Russian nations toward their liberation."

Mr. Speaker, since 1917, when the Communists seized power in Russia, they have worked unceasingly to expand Russia's colonial empire, and even worse than the czars, they kill, torture, or imprison all those, Russian and non-Russian alike, who believe in the value and strength of freedom—freedom of religion, of speech, of the press, and of national self-determination. Lithuania was one of the victims of these brazen attempts to impose the Russian language and Russian Government on non-Russian peoples, just as in 1980 Afghanistan became the most recent victim in the Communist program of mass murder and slavery of subject peoples. I am honored to join with Americans of Lithuanian heritage in my own 11th District, which I am honored to represent, in the city of Chicago, and all over this country as they share with Lithuanians everywhere the prayers, the hopes and the determination that the Lithuanian people will have a free nation once again, and that the American people will remain alert to the ferocious nature of the Communist tyrant.

● Mr. MICHEL. Mr. Speaker, February 16, 1983, marks the 65th anniversary of the reestablishment of an independent Lithuanian state.

I need not tell you what a tragic history Lithuania has had in the past 42 years. I need not remind you that the Soviet Union gladly cooperated with Hitler's Germany in the events of September 1939, which eventually led to the subjugation of Poland, Lithuania, Estonia, and Latvia.

Anyone who has seen a copy of the annual publication, "The Violations of Human Rights in Soviet-Occupied Lithuania," know the Soviet record is one of denial of human rights, deprivation of religious liberty, and a refusal to grant the Lithuanian people their God-given right to freedom.

On November 16, 1982, I received a letter signed by our distinguished colleagues Mr. FASCELL of Florida and Senator ROBERT DOLE, respectively chairman and cochairman of the Commission on Security and Cooperation in Europe. In that letter these distinguished leaders stated:

As members of the Commission on Security and Cooperation in Europe, which monitors compliance with the human rights provisions of the Helsinki Final Act, we have been impressed with the bravery and persistence of Lithuanians who ask that the Soviet government live up to its international promises: permitting genuine national self-determination for Lithuania, Latvia and Estonia; allowing religious freedom, including for Catholics in Lithuania; and encouraging the exercise of civil and political rights, including free speech, press, and assembly. It is reports such as "The Violations of Human Rights in Soviet-Occupied Lithuania" that can keep our colleagues informed about the struggle for human rights in Lithuania.

Anyone seeking specific information on the continuing campaign of terror carried on against the Roman Catholic Church in Lithuania can read "Chronicle of the Catholic Church" which has been published for 10 years.

The record of Soviet aggression against the Lithuanian people is among the most tragic and atrocious in history. The treatment of others in neighboring Baltic States has been just as bad.

But where is the media outcry? Where are the television evening news reports? How many times have you read about the violations of human rights in Soviet-occupied Lithuania in prestigious newspapers?

Let us face it: When it comes to human rights violations, some victims are less equal than others in the eyes of the media. Why this should be so is puzzling. But that it is so is undeniable.

It is my hope that more attention will be paid to Lithuania and to the other Baltic States. It is my hope we will expand our radio broadcasts into that corner of the world. It is the least we can do.

LITHUANIAN-AMERICAN COMMUNITY OF THE U.S.A., INC., NATIONAL EXECUTIVE COMMITTEE,

University Heights, Ohio, January 24, 1983.

The Hon. ROBERT H. MICHEL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: February 16, 1983 marks the 65th anniversary of the restablishment of an independent Lithuanian state, and 730th anniversary of the coronation of Mindaugas as King of Lithuania.

The National Executive Committee of the Lithuanian-American Community of the U.S.A., Inc. calls upon its fellow Americans and Members of the United States House of Representatives to extend their moral support and their prayers to the Lithuanian nation. The United States of America has demonstrated its commitment to the restoration of the independence of Lithuania by refusing to recognize the country's incorpo-

ration into the Soviet Union. We feel that the United States should strengthen that commitment in the following ways:

1. By increasing the manpower of the Baltic Sections of the Voice of America and Radio Liberty and by increasing the length and frequency of broadcasts to the Baltic area;

2. By linking United States commercial relations, primarily technological exports to the USSR with the release of Lithuanian political prisoners and with a general relaxation of Soviet oppression against human rights activists;

3. By linking the Soviet occupation of Afghanistan with the occupation of the Baltic States of Lithuania, Latvia, and Estonia in international forums and bilateral dealings with the USSR.

The National Executive Committee of the Lithuanian-American Community of the U.S.A., Inc. urges you to show your own just concern for the oppressed people of Soviet-occupied Lithuania by your direct participation with your colleagues in the commemoration exercises of Lithuanian Independence Day in the United States House of Representatives, and by inserting your remarks on the struggle of the Lithuanian people in the Congressional Record.

The National Executive Committee of the Lithuanian-American Community respectfully requests that your remarks encompass the Soviet Union's forcible occupation of the Baltic States of Lithuania, Latvia, and Estonia as the culmination of a conspiracy between two of the twentieth century's worst tyrants—Hitler and Stalin, and that the United States has never recognized the illegal annexation of Lithuania by the Soviet Union, and has continued to recognize the diplomatic and consular representatives established by the Republic of Lithuania.

Sincerely,

ANTANAS BUTKUS,
President.

ALGIRDAS BUDRECKIS,
Chairman, Public Affairs Council.

LITHUANIAN-AMERICAN COMMUNITY OF THE U.S.A., INC., PUBLIC AFFAIRS COUNCIL

SOVIET INTERVENTION IN LITHUANIA FROM THE VIEWPOINT OF INTERNATIONAL LAW

Following an armed invasion and installation of a so-called "People's Diet" and "People's Government," the Union of Soviet Socialist Republics incorporated the independent Republic of Lithuania on August 3, 1940. What are the legal ramifications of this event from the standpoint of international law?

Notwithstanding the Soviet concept of international law, that any restriction of the sovereignty of the Soviet State is a victory for the capitalist system over the Soviet system, the Soviets do recognize the following basic principles of international law: preservation of peace; safe-guarding of state sovereignty; non-interference in the internal affairs of another state; equality of rights of all states; *pacta sund servanda* (covenants must be kept); and the principle of the crime of aggression.

How do these principles apply in the Soviet occupation and incorporation of the sovereign Republic of Lithuania.

1. The secret agreements between the Soviet Union and Nazi Germany, the so-called Ribbentrop-Molotov Pact, are *res inter alios acta* (agreements between third parties), and, therefore, following the principle of *pacta tertiis nec nocent, nec prosunt* (agreements between two parties neither harm nor profit a third party), they have no direct effect upon the relations between the Soviet Union and the Republic of Lithuania.

2. According to the Soviet view, international pacts imposed by force are invalid. The Mutual Assistance Pact of 1939 concluded between the USSR and the Republic of Lithuania had an element of coercion.

3. With regard to Lithuanian sovereignty, the establishment of Soviet military garrisons in Lithuania in 1939 in no manner meant *capitis deminutio* (degradation of status) of its sovereignty.

4. By delivering the 1940 ultimatums, the Soviet Union committed an international crime of aggression. The Soviet Union's refusal to make use of the Commissions of Conciliation, set up by the Non-Aggression Pact for the regulation of disputes, and the charges made in the ultimatum against the mutual collaboration between the Baltic States are, from the legal point of view, nothing but *venire contra factum proprium* (to come to argue against the proper facts). Just as pointless, from the legal point of view, is the later argument of the Soviet Union ultimata based on self-defense or the state-of-emergency principle. The special measures of implementation of mutual assistance pacts on the Baltic States have been imposed against their free will. Thus, while this restricts Lithuania's freedom of action, it in no way affects her legal status, i.e., her international character.

5. The international character of Lithuania's occupation (*occupatio interviens*) falls under the Hague Convention. The Soviet occupation is analogous to the German occupation of Denmark during World War II. The Soviet Union recognizes the legal power of the Hague Convention which defines the rights and obligations of the occupying power in an occupied country. In spite of that, in the case of Lithuania, the Soviet Union clearly violated the Hague Convention. By doing away with the legitimate government of that country and by setting up a government composed of quislings, the Soviets provoked the *detournement de souverainete* (misrepresentation of sovereignty) in Lithuania. The International Military Tribunal, with the participation of the Soviet Union, adopted the decision that the occupying power is responsible for the acts of such a quisling government. The rights of such puppet governments do not go beyond the rights set up for the occupying power by the Hague Convention.

6. No legal ground exists for the incorporation of Lithuania into the Soviet Union. Such incorporation is a one-sided expropriation of foreign territories, i.e., a forcible illegal annexation and a violation of the provisions of the Hague Convention. Sovietization of the social and economic system of Lithuania, as well as the wholesale deportations and Russification of the indigenous population, are also acts of overstepping the occupying power's rights.

7. The Soviet thesis that the incorporation of Lithuania was an act of the free will of the working people of Lithuania is inadmissible. Even according to the Soviet concept of international law, such an act would be legal only if it represented an outcome of a plebiscite or a popular revolution. In the case of Lithuania, not the slightest reason for a plebiscite or for a popular revolution was present. The incorporation of Lithuania into the Soviet Union was decreed by the rulers of the Soviet Union and then carried out by the local puppets backed by the Red Army presence, all in violation of the Hague Convention. Thus, the events in Lithuania can in no way be qualified as a people's revolution and are an obvious *coup d'etat* executed by Communist quislings aided by the Red Army.

8. As to the Soviet argument that the Soviet Union recognized the independence of Lithuania only because at that time the Soviet Union was not strong enough to oppose it, the facts point to the contrary. Not only on July 12, 1920, but also later, on various occasions, *expressis verbis* the Soviet Union recognized the independence of Lithuania. Therefore, not even a *rebus six stanibus* (as the matter now stands) clause could cover naked Soviet aggression and imperialism.

9. Modern international law, therefore, excludes any possibility that the aggressor may legalize the fruit of his aggression by his own means. The aggressor will forever remain occupant.

10. According to the Stimson Doctrine, adopted in 1932 by the League of Nations and accepted by the Chaco Declaration (1932), the Saavedra-Lamas Pact (1933), the Bogota Act (1948), the Atlantic Charter (1941), and the United Nations (1945), members of the world community of nations are duty-bound to refuse to recognize any situation, treaty, or agreement which may be brought about by means contrary to the Covenant and obligation of the Pact of Paris (the Kellog Pact).

Thus, in conclusion, the Soviet occupation of Lithuania lacks international legitimacy. The existing puppet administration, according to the Hague Convention, cannot be considered a *de facto* government. Regarding the Soviet seizure of Lithuania, international law does not recognize the formula of *qui tacet, consentire videtur* (he who is silent seems to agree). The Principle of the Non-Recognition of Annexation automatically imposes upon the members of the world community of nations the duty to provide within the framework of international law ways and means of restoring the sovereign Republic of Lithuania.

LITHUANIAN AMERICAN COUNCIL, INC.,
Chicago, Ill., January 20, 1983.

DEAR CONGRESSMAN: Observing your valuable work in the House of Representatives we are very happy to see how dedicated you are to protecting the human rights and the liberty of oppressed nations. This gives us courage to remind you that about one million people of Lithuanian descent residing in the United States in February will commemorate the 65th anniversary of the Declaration of Lithuanian Independence which took place on February 16, 1918.

At the request of the Lithuanian American Council, the Honorable Frank Annunzio, Congressman from Illinois, will be sponsoring the commemoration of Lithuania's Independence Day in the House of Representatives on February 16, 1983.

Your extension of remarks on the commemoration of Lithuania's Independence Day or the inclusion of such remarks in the Congressional Record will be sincerely appreciated by all Americans of Lithuanian descent. Americans of Lithuanian descent are very grateful for statements regarding the restoration of the freedom of the Lithuanian nation and we respectfully ask you to support Congressmen Russo's and Durbin's resolution H.J. Res. 60, designating February 16, 1983 as "Lithuanian Independence Day."

We express in advance our most sincere gratitude for your remarks strongly condemning the Soviet Union's denial of the

exercise of self-determination for the Baltic peoples.

Respectfully yours,

KAZYS SIDLAUSKAS,
National President.●

Mr. ANNUNZIO. Mr. Speaker, at this time I yield to my distinguished colleague, the gentleman from Michigan, Mr. SANDER LEVIN.

Mr. LEVIN of Michigan. Mr. Speaker, I, too, rise with the distinguished gentleman from Illinois (Mr. ANNUNZIO) during this special order to commemorate Lithuania's Independence Day. This is the 65th anniversary of the restoration of independence to this freedom-loving people.

Lithuania emerged as a political unit over 800 years ago. During this long history, its people have developed a strong and unique cultural and political identity.

There is a profound sadness about this day, however, for Lithuania today is a nation occupied by a foreign power. Since invading Lithuania in 1940, the Soviet Union has attempted to blot out the boundaries of this country, to destroy the will of the Lithuanian people, and to erase the identity of the Lithuanian nation from the consciousness of the world.

This commemoration serves to underscore America's support for these valiant people and to remind the world and ourselves that the brutal occupation and annexation of Lithuania and the other Baltic States of Latvia and Estonia was a grave injustice perpetrated against these nations. It is an event which stands as testimony that an invasion and occupation which was illegal in 1940 remains illegitimate in 1983. Time has not eroded the desire of the Lithuanians for freedom and self-government. In fact, the resistance movement is alive today. We can see this drive in the demonstrations by students, in underground publications of the Roman Catholic Church, and in the faces of the resistance members arrested in recent months. While the West has seen the Helsinki Watchgroups broken up in Moscow and Kiev, the Lithuanian Helsinki Watchgroup continues its activities with fresh recruits.

Despite the sadness of this day, it is also a day of celebration; a celebration of one of the most important ideas to emerge in human history, that is, that people have a need, indeed a fundamental right, to self-government; a need to control their own destiny by democratically controlling their own government. Our own day of independence, July 4, celebrates this idea as well. I believe that the American people have an instinctive appreciation for the plight of the Lithuanian people because we ourselves threw off a tyrannical, foreign power and as a people sought to establish a new society, a new democratic order. The occupation and illegal annexation of Lithuania, Latvia, and Estonia during World War II remains one of the unsettled issues of the day, and my colleagues and I in the U.S. Congress will not allow this injustice to be forgotten.

This past Sunday I had the pleasure of joining the Lithuanian Americans of my district at their cultural center for the independence day commemoration. They are a community of political emigres spanning two generations, one having fled czarist military conscription and political repression, the other Soviet political repression. They came to the United States because it is a free, democratic country respecting the rights of the individual; values fostered by their own cultural tradition. They dearly love their adopted land and have taught their children the values of American citizenship, but they have not forgotten the national heritage which gave them the thirst for freedom and justice and joined together last Sunday to reaffirm their support to their brothers and sisters fighting for the reestablishment of human and civic rights in Lithuania. They have asked me to read into the RECORD the resolution which they adopted unanimously that day:

RESOLUTION

We, United States citizens of Lithuanian descent, residing in Southeast Michigan and having met on February 13, 1983 at 12:15 PM at the Lithuanian Cultural Center, 25335 West Nine Mile Road, Southfield, Michigan, to celebrate Lithuania's Independent Day, hereby have resolved:

The February 16, 1983 marks the 65th anniversary of the restoration of independence to the more than 700 year old Lithuanian State;

That Lithuania was recognized as a free and independent nation by the entire free world;

That the Soviet Union is the last remaining colonial empire, subjugating independent countries;

That the Soviet invaders, even though using tortures in jails, concentration camps, psychiatric wards are unable to suppress the aspirations of the Lithuanian people: Now, therefore, be it

Resolved, That we are grateful to President Reagan and the Department of State for statements of an official diplomatic nonrecognition of occupation.

We urge the United States of America to use all diplomatic and other possible pressures that the Soviet Union withdraw its military forces, secret police apparatus, foreign administration, and release from jails, concentration camps and psychiatric wards people who struggle for human rights and liberty.

We express our most sincere gratitude to the U.S. Congress for the impressive annual commemoration of Lithuanian independence.

We empower the Chairman of the Day to sign this Resolution and resolve to send it to the President, the President of the Senate, the Speaker of the House of Representatives, and the Senators and Representatives from the State of Michigan.

□ 1130

Mr. ANNUNZIO. Mr. Speaker, I thank my distinguished colleague, the gentleman from Michigan (Mr. LEVIN) for his very cogent remarks on this special order on this day celebrating Lithuanian Independence Day. We are deeply grateful to the gentleman from Michigan (Mr. LEVIN) for his participation, his cooperation, and his very, very worthwhile and important statement.

At this time, Mr. Speaker, I yield to my distinguished colleague, the gentleman from Florida (Mr. LEWIS) for whatever remarks he may wish to make.

Mr. LEWIS of Florida. Mr. Speaker, I thank the gentleman for yielding to me and for allowing me to express some remarks from the Lithuanian community in Florida.

Mr. Speaker, today commemorates the 65th anniversary of the restoration of Lithuania as an independent state and the 732d anniversary of the founding of the State of Lithuania.

Lithuania and her two Baltic Republic neighbors Latvia and Estonia, flourished as sovereign nations for only 21 years in this century.

Then, in 1939, the collusion of Stalinist Russia and Nazi Germany culminated in the annexation of these three small countries by the Soviet Union.

To its credit the United States has never recognized this illegal annexation—and continues to recognize the diplomatic and consular representatives of independent Lithuania.

The Lithuanian's spirit and desire for freedom transcends the actions of the Soviet Union.

Pope John Paul II recently provided further testimony that honor, freedom, and dignity know little of territorial boundaries by appointing a Lithuanian as a cardinal in the Roman Catholic Church.

Mr. Speaker, on behalf of the American Lithuanian community of the palm beaches and the 12th Congressional District in Florida and all people striving to be free, I want to proclaim my strong support for these proud and courageous people.

Mr. ANNUNZIO. Mr. Speaker, I thank my distinguished colleague, the gentleman from Florida (Mr. LEWIS) for his very important and timely statement. I am delighted that he joined me, along with the gentleman from Michigan (Mr. LEVIN) in this special order to celebrate Lithuanian Independence Day and to alert the people throughout the entire world as to the very vicious system in Russia and the Communist exploitation of the rights of people throughout the world. I thank my colleagues for their participation.

● Mr. GAYDOS. Mr. Speaker, few nations have been swept along as ruthlessly as Lithuania by the currents of

duplicity and oppression that mark the history of the 20th century; yet her people endure.

This century brought Lithuania freedom for a brief 20 years and then snatched it away to place them deeply in the shadow of an oppressive totalitarianism that will tolerate no resistance;

Yet the Lithuanians resist.

Once they resisted with arms, and the Soviet Union tried to crush them.

They went to prison camps by the hundreds of thousands. Their best jobs go to Soviet colonists. Their land is plundered. Their religion is persecuted. Their culture is under attack.

Yet the Lithuanians still resist—they resist now in ways that focus the attention of the world on their unwanted occupation and despicable exploitation, and still the Soviet Union tries to crush them.

But their movement endures.

The spirit of self-determination is strong in Lithuania, and if the spirit can be kept strong it will break the things that are hurled against it; and this thing of the spirit also is a current of history.

It has been true from ancient times through today that you should never lose heart for a change of fortune is never far away.

My desktop book of national proverbs says that in the free Lithuania of 1938 they said, "Everything has its end"; and the perseverance in occupied Lithuania tells me they believe it today.

For those in Lithuania—and for the Lithuanian Americans who do so much for the cause of those who stayed behind—I pray this endurance will be so lasting and this spirit grow so large that self-determination and change will come without a great shedding of the blood of a small nation.

And I hope that today's observance in the Congress of the United States of the 65th anniversary of Lithuanian independence encourages and nourishes that spirit and keeps it strong because this is a people that could teach something to the world about the meaning of freedom.●

● Mr. FISH. Mr. Speaker, it is with great concern that I join my colleagues in commemorating the 65th anniversary of the establishment of the Republic of Lithuania, which followed the German occupation during World War I.

True independence of Lithuania lasted only 22 years. For 42 years, this anniversary has had to be celebrated under the conditions of Soviet occupation. Article 1 of the International Covenant on Civil and Political Rights states:

All people have the right to self-determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development.

The Soviet Union has violated this, among other international human rights agreements. The Soviet annexation of Lithuania, along with other Baltic States in 1940, has rightfully never been recognized by the U.S. Government. Our Government has systematically voiced its opposition to the tyrannical conditions foisted on the Lithuanian people.

While the Soviet Union successfully crushed the formation of a separate Lithuanian state, the spirit of independence has clearly survived unsurmountable degrees of suppression.

It is the responsibility of the United States to encourage and foster the principles of freedom, independence, and self-determination which have inspired the Lithuanian people to continue their struggle for fundamental human rights. As a member of the ad hoc Committee on Baltic States and the Ukraine, I will continue to lend my full support to this effort.●

● Mr. HUGHES. Mr. Speaker, February 16, 1983, marks the 65th anniversary of Lithuanian Independence Day. On this day, let us reflect on the plight of this tiny country and a people's heroic struggle for freedom.

Sixty-five years ago, in 1918, the people of Lithuania rejected foreign oppression and declared their independence from a long history of Russian and German domination. That declaration marked the beginning of a fight for freedom resulting in an independent nation capable of making great social and economic strides. In 1920, the Soviets agreed to Lithuanian independence. However, World War II brought an end to independent Lithuania, and a return to Soviet rule. Today, Lithuania is a part of the U.S.S.R., after prospering as an independent nation for only 22 years.

It is a tribute to justice and courage that the people of Lithuania still refuse to relinquish their national spirit. Despite attempts at Russification, the Lithuanians continue to use their own language, and have retained their unique cultural heritage. In support of the continuing Lithuanian struggle for autonomy, the U.S. Government refuses to acknowledge the permanent incorporation of the Republic of Lithuania into the U.S.S.R. While the Russians continue to control Lithuanian territory, the people of this courageous nation steadfastly adhere to their national identity.

Today, I am pleased and proud to join my colleagues, Americans of Lithuanian descent, and freedom-loving peoples everywhere in commemorating the 65th anniversary of Lithuanian Independence Day. We salute the courage and determination of the people of Lithuania, and join in solidarity with them in their continuing opposition to tryanny, and their enduring quest for true human rights.●

● Mrs. HALL of Indiana. Mr. Speaker, it is an honor for me to stand before this august body and shower praise upon the great people of Lithuania on this day. I was honored to support House Joint Resolution 60 which directs the President to proclaim February 16, 1983, as Lithuanian Independence Day.

I join my colleagues and the Lithuanian American community in commemorating the 65th anniversary of Lithuanian Independence Day. My prayers are with the people of Lithuania in hopes that their country will again be a free and autonomous nation dedicated to the struggle for freedom for all oppressed people of the world.

It was on February 16, 1918, that the people of Lithuania, after centuries of domination, united and declared themselves to be a free and independent nation. Physical independence was lost in 1940 to the Soviet Union but the spirit of the Lithuanian people cannot be bridled. We, the American people, stand beside our Lithuanian American compatriots in order that all may see the strength of our resolve in support of their self-determination.

To compare one group's struggle to another's is difficult because we all have suffered dissimilar hardships. We struggle in different ways but we all possess the same dream: Freedom for all people. Let it be known that as long as we live, there will be someone fighting for the freedom of all peoples of the world. Today it is for an independent Lithuania; tomorrow it will be for a free world. Regrettably, we all understand that the perpetrators of oppression and man's inhumanity to man will not be dissuaded from their predilection without a concentrated struggle.

One of the great progenitors of freedom for all men and women, Frederick Douglass, stated that, "Power concedes nothing without a struggle. It never did, it never will." Lest we forget, every man's struggle for freedom continues. Let the Lithuanian people be an inspiration, a reminder of the indomitability of the human spirit. We shall redouble our efforts. We, who continue to struggle, shall never die but merely hand the torch of freedom to another generation of fighters. Long live the Lithuanian people. May their children smile one day from the experience of freedom.

By adopting this resolution the House of Representatives has focused attention on this important day and what it means as a symbol of freedom for all. I praise my colleagues for their steadfast support of this important measure.●

● Mr. RITTER. Mr. Speaker, I am honored to join with many of my colleagues and with Lithuanians from all

over the world in commemorating the 65th anniversary of Lithuanian Independence Day.

The history of post-World War I Lithuania is sad. After centuries of fighting the German and czarist armies, Lithuanians declared their independence and established a free state. During those interwar years Lithuania made significant strides in social and economic reform. During those progressive years, Lithuanians had develped at a pace unparalleled in their history. Unfortunately, Lithuania's self-determination was to be short lived.

As World War II began to spread across Europe, the Soviet Union, in June 1940, unlawfully invaded and annexed Lithuania. For a people who had prospered under freedom and who, as a nation united, was maturing, the Soviet domination and oppression was a heinous blow. In June 1941, the Soviets began making mass arrests of Lithuanians. In a span of a few days over 30,000 Lithuanians were arrested and placed into concentration camps or summarily executed. These bloody days came to be known as the Baltic genocide as thousands of people from neighboring Latvia and Estonia suffered the same fate.

Over the past four decades the Soviets have employed virtually every method known to destroy Lithuanian culture and heritage. Human rights activists such as Mecislovas Jurevicius, Vytautas Vaiciveas, Vytautas Skuodys, Algirdas Statkuicius, and Viktoras Petkus are imprisoned for encouraging the Soviet Union to comply with the Helsinki Accords which they signed in 1975. Despite the repression and the forced attempts at Sovietization, Lithuanian culture still survives.

The Lehigh Valley of Pennsylvania, the area I am proud to represent in Congress, is the home for many families who trace their heritage to Lithuania. Many came here to escape Soviet domination. Their many contributions have helped strengthen our community and make it a better place in which to live.

We in Congress have an important role in supporting the cause of Lithuanian freedom and, for that matter, freedom for all oppressed peoples. As the cochairman of the ad hoc Committee on the Baltic States, I am proud to rise with many of my colleagues in support of Lithuanian Independence Day and pray for the time when Lithuania will once again take its rightful place among the free nations of the world.●

● Mr. LIVINGSTON. Mr. Speaker, I would like to congratulate the gentleman from Illinois for calling this special order today. Though I do not have the privilege of representing a large number of Lithuanian Americans, I think it important to recognize Lithuanian Independence Day and to note its importance to free people everywhere, whatever their heritage.

As American citizens, we too often take for granted our constitutional guarantees of justice and liberty—the opportunities for each of us in this democratic, freedom-loving nation, to openly determine our own political status and to freely pursue our economic, social, cultural, and religious development. Need I remind you, however, that as we stand here today, there are those who are being denied the most basic of human rights. It may come as a surprise to many that the Soviet Union is the major promoter and enforcer of this senseless suppression. But surely it is old news to Lithuanians, who have lost an entire country to the Soviet appetite.

As a member of the Appropriations Committee Subcommittee on Foreign Operations, I speak out of concern for the Lithuanian people, but moreover, in commemoration of their untarnished courage as a nation determined to regain its freedom. Sixty-five years ago, on February 16, 1918, the Lithuanian people dared to sever the Soviet strings by which they had been manipulated and declared themselves to be the Independent Democratic Republic of Lithuania. Attempts by Bolshevik forces to overrun them were squelched, and in July 1920 the Soviet Union signed a peace treaty which formally renounced all sovereign claims over these Baltic people. Freedom followed for a brief 22 years, but in keeping with the Communist practice of broken promises, Lithuania was again besieged.

In June 1940, 300,000 Red Army troops invaded, and the Baltic States once again were unwillingly captured. After a fixed election—a single slate was presented—Lithuania was formally incorporated into the U.S.S.R. The United States has never acknowledged this illegal incorporation, and we will continue to affirm our policy of nonrecognition.

Perhaps more pressing is the need for all of us to realize that though half a million Lithuanians now live outside the tightly sealed Soviet borders—through migration both free and forced—there are many more who remain, and endure. The majority are Roman Catholics who continue to cope, never abandoning their dream of personally experiencing freedom. In the capital of Vilius, a city of more than 500,000, only 10 churches are allowed to operate. One seminary remains in Kaunas, offering priesthood training to 12 "KGB approved" candidates yearly. As for the yearning young minds, they are guarded from priestly interaction, and Russian is now being taught as the second language beginning in first grade. To discourage a flow of inspiration from neighboring Poland, contacts have been restricted through a sudden scarcity of family visas and the slowness or absence of letter delivery. Those less fortunate have joined the growing ranks of the prisoners of conscience.

I join the gentleman from Illinois, Mr. ANNUNZIO, as well as my other colleagues, in reaffirming our commitment to the Lithuanian people, basic human rights, and the eternal struggle for universal freedom.●

● Mr. WINN. Mr. Speaker, today is the anniversary of the declaration of independence of the tiny country of Lithuania, a country that has known over much of its history repression of its national identity and control of its internal affairs by an unwelcome outside government. This day is the 65th anniversary of Lithuania's Declaration of Independence, a day commemorated wherever Lithuanian people have settled, and a signal of hope and anticipation for the eventual liberation of that country from Soviet control.

On February 16, 1918, at the peak of a growing independence movement carried on during the First World War, a 20-member national council representing the people of Lithuania declared their opposition to continued Soviet rule by proclaiming a free and independent Lithuania. Attempts by the Bolsheviks to squelch the new republic were firmly put down, and in 1920, the Soviet Union grudgingly signed a treaty with Lithuania recognizing its sovereignty and independence and renouncing forever any claim to Lithuanian territory.

But Lithuanian independence was ended illegally by the Soviet Union during the Second World War. Under the Nazi-Soviet Non-Aggression Pact signed with Germany, the Soviets were able in 1939 to station their own forces on Lithuanian territory without outside opposition. The following June, the Lithuanian Government was replaced through Soviet support by a new, pro-Russian regime. In August 1940, the puppet government requested that Lithuania be incorporated formally into the Union of Soviet Socialist Republics.

Incorporation was done, of course, without support from the Lithuanian people themselves. I am proud that, to this day, the U.S. Government refuses to recognize officially this illegal takeover of the Lithuanian people's right to self-determination.

Under Soviet domination, the Lithuanian people have had their rights and integrity systematically denied. Political and religious persecution and harassment, Russification, and suppression of attempts to retain ethnic identity are commonplace. The Lithuanian Catholic Church has been a particular target for its role in human rights movements and in maintaining national culture. The Soviets permit only 10 churches to operate in the Lithuanian capital of Vilnius, a city of

over one-half million persons, 80 percent of whom consider themselves Catholics. Even then, churchgoers are held suspect by government officials.

To commemorate Lithuanian Independence Day is to affirm our own principles of democracy established in our Constitution. Democracy's greatest strength is its guarantee that individual life and liberty will be protected. The situation of the Lithuanian people reminds us all of the importance of our own freedoms and how we need to be untiring in our struggle to preserve and defend our freedoms and also and especially the rights and freedoms of those less fortunate than ourselves.

The struggle for Lithuanian independence continues, and the hope remains that some day freedom will be reestablished. I pay tribute today to all Lithuanians everywhere whose hope for independence is my own hope—that one day liberty will triumph and the people of Lithuania will truly be free.●

● Mr. MOODY. Mr. Speaker, February 16 marked the 65th anniversary of Lithuania's Declaration of Independence. I want to express today my solidarity with the people of that nation.

Lithuania declared its independence in the midst of the 1918 Russian Revolution. For the next 22 years, the country enjoyed freedom from foreign domination. In 1940, however, the Soviet Union overran Lithuania with tanks and armies and subjugated its people. Now Lithuanians must struggle once again for freedom and self-determination of their homeland.

Fortunately, the United States has continued to refuse to recognize the illegal occupation and annexation of Lithuania by the Soviet Union. Over the past 43 years, the Soviets have sought to denationalize all Baltic nations, including Lithuania, through religious and linguistic persecution. For a people with a national heritage dating over 700 years, the Lithuanian spirit cannot be extinguished by this repression.

I am proud that Milwaukee is home to over 1,000 families of Lithuanian descent. Southern Wisconsin contains one of the largest concentrations of Lithuanian Americans in the United States. They have made invaluable contributions to Milwaukee, to Wisconsin, and to the Nation. I join with all Lithuanians in despair and with those still under occupation in expressing the hope that Lithuania may once again be free.●

● Mr. DONNELLY. Mr. Speaker, I am indeed honored to join my colleague, FRANK ANNUNZIO, for today's special order commemorating Lithuanian Independence Day.

Lithuania will never surrender to Soviet oppression. Almost half a century has passed since Soviet troops first illegally occupied Lithuania and her neighboring Baltic States of Latvia and Estonia. We are witness to continuing attacks on religious and individual freedoms in Lithuania. However, we are also witness to the untiring will of the Lithuanian people to regain their liberty and freely practice their unique and wonderful culture once again.

There can be no doubt that this Congress and the people we represent support the return of independence to Lithuania, and unreservedly condemn the continuing occupation by the Soviets. We will not rest in our efforts until Lithuania and her neighboring Baltic States are permitted to regain their rightful place in the community of free nations.●

● Mrs. COLLINS. Mr. Speaker, I would like to thank our colleague, FRANK ANNUNZIO, for calling this special order so that Members would have a formal opportunity to commemorate the 65th anniversary of the Declaration of Lithuanian Independence which took place on February 16, 1918. This special day allows us to acknowledge and applaud their national pride and courageous struggle for freedom and self-determination.

On behalf of the estimated 100,000 Lithuanians residing in Chicago, and those living nationwide, I hail today's observance as a symbol of the continuing struggle for liberation and religious freedom. Sadly, even today, illegal searches, interrogations, and unwarranted harassment by Soviet security forces are commonplace, especially among those who are active members of the Catholic Church.

As the leader of a free and united country, the United States must continue to lend moral support to the people of Lithuania and other Baltic States by consistently voicing our objections to all Soviet violations of the rights of those held hostage under Soviet domination.

Accordingly, let us join other freedom-loving peoples throughout the world in support of the successful efforts of the Lithuanian people in resisting Soviet control and celebrate today in the spirit of these proud peoples. The strength and perseverance of their struggle should be an inspiration to us all.●

● Mr. OTTINGER. Mr. Speaker, I am pleased to have this opportunity to participate in the commemoration of Lithuanian Independence Day and to express my strong support of the nationalistic aspirations of the Lithuanian people. I want to commend my distinguished colleague, FRANK ANNUNZIO, for organizing this special order.

As a member of the Ad Hoc Congressional Committee on the Baltic States and the Ukraine, I recognize how important it is not to allow the world community to forget that Lithuania is a nation in its own right, not simply a province of Soviet Russia.

Ever since Lithuania was unlawfully annexed by the Soviet Union in 1940, the Soviet authorities have been waging a systematic campaign to russify the nation. While the crimes perpetrated against the Lithuanian people remain shrouded in secrecy, it is clear that they are among the worst violations of international human rights. In the period following World War II, one-third of the Lithuanian population was deported, imprisoned, or killed. This genocidal treatment continues today. The Soviet Government has tried to obliterate all vestiges of Lithuanian national character, including religious traditions and linguistic heritage. Soviet repression is perpetuated through a complex system of educational and political indoctrination combined with swift and brutal retribution for dissent—a retribution which forces the most productive and intelligent in the society to waste away in the gulag.

The Soviet rule of Lithuania violates the most basic tenets of international law. The rights of Lithuanians, both as a national community and an ethnic minority within the Soviet Union, are systematically trampled by the Soviet Government. Those who try to practice or preach the Catholic religion are routinely harassed and persecuted, while many highly respected religious leaders are imprisoned or exiled. Children who express religious beliefs are intimidated and punished with poor grades by their teachers. Lithuanians are barred from most institutes of higher education in the Soviet Union, as well as from many professional associations. Those valiant individuals who attempted in vain to monitor compliance with the Helsinki accords have predictably been crushed. Meanwhile, the Soviet Government has promoted an increase in the Russian population within Lithuania in an attempt to dilute Lithuanian national sentiments.

No matter how pervasive and unflinching Soviet persecution is, it fails to dampen the spirit of the Lithuanian people. Undaunted, and at grave personal risk, they continue to practice their beliefs, preserve their identity, and fight for their legitimate rights. Under the shade of Soviet repression, the fires of democracy burn bright within the hearts of this brave people. I commend their courage, and urge my colleagues in Congress to continue showing vigorous support for human rights for the Lithuanian people.●

● Mr. BROOMFIELD. Mr. Speaker, yesterday marked the 65th anniversary of the declaration of Lithuanian independence—a short-lived, 22-year independence that ended with the deplorable invasion of Lithuania by Soviet and Nazi German forces in 1940.

Though more than four decades have passed since that invasion of Lithuania, it is tragic that these people continue to be neither free nor independent. Nazi oppression has long since been removed from Lithuania but Soviet oppression continues.

However, even after these many years of Soviet domination, Lithuanians have continued to fight to preserve their own culture and traditions.

This continuing struggle in Lithuania to assert their own identity reflects the inability of Soviet interventionism to eliminate the aspirations of determined, freedom-seeking people.

Mr. Speaker, our Nation has continuously extended our moral support to the people of Lithuania and demonstrated our refusal to accept the forced "incorporation" of Lithuania by the Soviet Union through our recognition of Lithuania as a sovereign nation.

As we observe this important 65th anniversary of their independence, I extend my warmest regard to Lithuanians throughout the world, and I reaffirm our common desire that Lithuania will again return to be a free and independent state.●

● Mr. LUNGREN. Mr. Speaker, I am pleased to join with my colleagues in commemorating the 65th anniversary of the establishment of the independent Republic of Lithuania. On February 16, 1918, ending more than a century of Russian domination and wartime occupation by Germany, these courageous people declared their independence. The 1918 declaration restored a five-century tradition of Lithuanian sovereignty broken only by Russian domination from 1795 to 1914. By taking a few moments to remember this Soviet-dominated country on one of its most historic days, we proclaim America's continued belief in the fundamental rights of freedom and self-determination.

Unfortunately, the independence declared in 1918 was to last only 20 years and was tragically ended with this country's forced annexation into the Soviet Union in 1940. Under secret provisions of the Nazi-Soviet Nonagression Pact, the U.S.S.R. laid claim not only to Lithuania, but to Latvia, Estonia, and parts of Poland as well. In June 1940, the Soviet Union orchestrated the downfall of the Lithuanian Nationalist Government and replaced it with a new pro-Soviet Government. In August 1940, at the request of the new puppet government and against the wishes of the Lithuanian people, Lithuania was formally incorporated into the U.S.S.R. Rightfully and justifiably, the United States has consistently refused to recognize the unlawful annexation of Lithuania by the Soviet Union.

Although the years of independence during the 20th century were short lived, it is important for us to remember and honor both the Lithuanian's steadfast national spirit and courage in the face of Soviet repression and their commitment to self-determination, individual liberty, and protection of basic human rights. The Lithuanian people continue to resist, despite incredible odds, Soviet domination, whether it be religious persecution, political repression, or cultural genocide. Despite Soviet attempts to russify Lithuanian society, these brave people hold fast to their culture, language, and Catholic religion.

The long standing commitment of the Lithuanian people to human freedom and dignity is well known and continues to inspire other people struggling to retain their cultural identity and regain their political self-determination. On this day we, in America, acknowledge the Lithuanian heritage of heroism, bravery, and dedication to the right of freedom.

The Soviet Union continues to violate both its own constitution and the Helsinki accords by repressing fundamental human rights in the Baltic States, Eastern Europe, and Asia, as well as in their own country. Woodrow Wilson once stated, "Liberty does not consist in mere declarations of the rights of man. It consists in the translation of those declarations into definite action." As we remember the Soviet invasion and expansionism into Lithuania, we must strongly condemn their actions as both morally and ethically wrong. We must remain vigilant in reaffirming our commitment to press the Soviet Union to live up to its agreements and grant freedom to all its oppressed people. We must duplicate the courage of the brave Lithuanian people by reaffirming our dedication to the principles of self-determination and human rights.●

● Mr. ECKART. Mr. Speaker, 65 years ago, the nation of Lithuania obtained its independence. Just over 22 years later, the proud and resolute people of this nation were overrun by the forces of the Soviet Union and, to this day, the courageous people of Lithuania seek to gain renewal of their lost independence. I have spoken in past years to commemorate Lithuanian Independence Day, and I would again like to offer my comments applauding their efforts and recalling their continued struggle for freedom.

The anniversary of the Lithuanian Declaration of Independence on February 16, coming so close as it does to the birthdays of two of our greatest Presidents, Lincoln and Washington, serves as a constant reminder to us of the struggles going on today for democracy, freedom of speech, and human rights. The effort to win the right of self-determination continues in all the captive nations, even while the people in them struggle to maintain their religion, language, and culture in the face of constant, official Soviet repression.

We, in this country, must remember that freedom is a birthright that must not be taken for granted. Even as we battle to keep our own freedom strong, other nations find themselves newly enslaved and subjugated.

The 1 million people of Lithuanian descent residing in the United States serve to remind us and give us courage not to ignore the struggle of these people. They fight every day to emerge from the living hell of denied freedom.

On this day commemorating the short-lived independence of Lithuania, we should renew our own commitment to assist those seeking their own birthright of freedom.●

● Mr. ADDABBO. Mr. Speaker, I am honored to join my distinguished colleague, FRANK ANNUNZIO, in this special tribute commemorating the 65th anniversary of the reestablishment of the independent state of Lithuania.

To us, as Americans, for whom the principles of self-determination are basic and sacred, the courage and faith of the Lithuanian people in the face of Soviet tyranny and subjugation are commendable. The spirit of independence, and the firm belief in the eventual liberation of their homeland is shared by thousands of Lithuanian-Americans, and we pledge our moral support.

Lithuania's struggle for national sovereignty and individual freedoms has been a long and arduous one. Since the Soviet Union's illegal annexation of the state of Lithuania in 1940, this fiercely independent country has fought against outside domination. The plight of Lithuania and all captive nations must be brought to the attention of all free nations, and the world must express its outrage at such blatant disregard for human rights. The Government of the United States has systematically refused to recognize the seizure and forced incorporation of Lithuania, and continues to maintain diplomatic relations with Lithuanian officials in the United States.

We can see that, in opposition to the Soviet Union's plans, national consciousness in Lithuania is not diminishing, but growing more resolute, even in the face of increased aggression and imperialism. This dedication to national identity and heritage will serve as an example to oppressed and subjugated people everywhere; while the only independence in Lithuania right now lies in the hearts and minds of its people, we all look determinedly toward a free existence.

This commemoration of Lithuanian Independence Day remains an important symbol for Americans and the world, and the basis for hope for all. I am happy to join my colleagues in

reaffirming our moral commitment to Lithuania's struggle for liberty, and in celebrating all that an Independence Day represents.●

● Mr. HOWARD. Mr. Speaker, 65 years after the official declaration of Lithuanian independence, the chains of Soviet control remain firmly in place, while repugnant efforts to erase the Lithuanian national character continue. Since the Soviet aggression perpetuated under the Molotov-Ribbentrop Pact of 1939, Lithuanian resistance has remainded fierce. The refusal of these beleagured people to submit to the dictates of the Soviet leadership should strengthen our resolve to keep the attention of the world upon the Soviet aggression of four decades ago and upon the continuing inhumanity of Soviet conduct.

Injustice is an often used term in the language of human rights, and it is best represented in the ongoing Soviet repression of the Baltic nations. Never have states of such clearly defined national identities been so brutally subverted to the interests of so powerful an aggressor. The plight of he Lithuanian people represents the rampant hegemonism so characteristic of Soviet international conduct, and as such should symbolize to the international community the nature of the Soviet leadership.

Among the numerous dark landmarks of Soviet history the Baltic aggression is one open to correction. Unlike the piles of bones at countless Stalinist death camps, the Lithuanian and the other Baltic nations are living entities comprised of millions of suffering souls. Only through a genuine attempt to respect the human rights of these long-suffering peoples can the Soviets hope to join the ranks of legitimate nations. Until then the U.S.S.R. will remain the worst sort of country—one in which the continuation of repression represents nothing more than the cowardice of its leadership.●

● Mr. CLINGER. Mr. Speaker, today marks the 65th anniversary of the reestablishment of an independent Lithuanian state. Ever since Soviet intervention in 1940, the Lithuanians have been faced with an arduous struggle and it is appropriate for us today to acknowledge the Lithuanians for their admirable efforts. As the Lithuanians celebrate their declaration of independence, let us remind ourselves that the freedom we share in the United States is not celebrated throughout the world, especially in the Soviet-dominated areas.

Despite Soviet claims that the incorporation of Lithuania was done so by the will of the indigenous people, in actuality it was an illegal act that was a clear violation of the rights of the Lithuanian people. The Soviet regime has taken from the people of Lithuania, as well as other peoples of the Baltic region, their fundamental right of self determination. In spite of the situation in Lithuania, the people have never given up on their quest for freedom. They continue to maintain their dignity and consistently show pride in their heritage.

Irrespective of our repugnant opinion concerning Russia's denial of self-determination, we cannot eradicate the past. However, we are able to show our support for the Lithuanian people and pray that one day they, too, may enjoy the fruits of freedom.●

● Mr. DWYER of New Jersey. Mr. Speaker, today we mark a significant day in the history of the Baltic nations and free nations around the world.

February 16, 1983, marks the 65th anniversary of the reestablishment of an independent Lithuania, a day we have long commemorated as a legislative body committed to freedom.

Our commemoration is especially significant as a reminder to the people of Lithuania that we fully support their efforts toward self-determination. As a continuing signal of this support, we refuse to recognize the forcible incorporation of Lithuania into the Soviet Union.

When it forcibly occupied Lithuania during the Second World War, the Soviet Union committed an international crime of aggression and there is no legal or moral ground for its actions.

The people of Lithuania know this and continue to assert their basic rights and proud ethnic heritage. As such, their aggressor, the Soviet Union, will forever remain a mere occupant.

We salute the tenacity of Lithuania and her sister states. But even more, we must continue to assert the self-determination rights of the Baltic States in all appropriate forums. The brave people of these proud nations deserve our steadfast vigilance and support.●

● Mr. FASCELL. Mr. Speaker, February 16 is the 65th anniversary of Lithuanian Independence, a date which is honored not only by Lithuanians around the world and in the United States, but which is close to the hearts and minds of Lithuanians inside as well. Although the Soviet Government continues to hold armed guard over the territory of Lithuania—as part of its ill-gotten gains under the secret Molotoff-Rippentrop Pact—it is clear that the Soviet Government has never won the hearts and minds of its independent people.

At a time when the world is aware of the popular feeling for a Poland free from party tyranny—as shown in the immense popular appeal of Solidarity—the world should pay greater attention to signs of similar popular support for a free Lithuania. Due to harsh Soviet repression, however, such popular stirrings in Catholic Lithuania have never been able to find such full flowering—however, brief—as in neighboring Poland. Nevertheless, there are 16 underground journals published in Lithuania today: some, such as the Chronicle of the Lithuanian Catholic Church which has appeared since 1972, record the continuing struggle of Catholic believers against official Soviet repression of religion; others, such as The Dawn herald continuing popular support for genuine Lithuanian culture.

Many Lithuanians, however, have paid heavy penalties for their involvement in the perfectly legal activities represented by these journals and by such groups as the Lithuanian Helsinki Group. Tragically, currently five members of the Lithuanian Helsinki Group are serving lengthy terms of imprisonment for their activities: Vytautas Skuodys, sentenced in December 1980 to a 12-year term; Viktoras Petkus sentenced in July 1978 to a 15-year term; Mecislovas Jurevicius and Vytautas Vaiciunas in June 1981 each received a 3-year term, while Dr. Algirdas Statkevicius was sentenced in August 1980 to an indefinite term of incarceration in a psychiatric hospital.

Until recently, the work of the Catholic Committee to Defend the Rights of Believers continued, despite harassment by the Soviet authorities, perhaps because the members of this committee are all Catholic priests. Recently, however, one committee member, Father Alfonsas Svarinskas, was informed that criminal proceedings will begin against him for alleged antisocial activity. If the Soviet authorities do proceed with a trial of Father Svarinskas, it will be the first trial of a priest in Lithuania since 1972. Such an act of official reprisal for Father Svarinskas' peaceful advocacy of religious rights in Lithuania will provoke wide protest both in the West and in Lithuania.

On this occasion, I wish to call the attention of our colleagues and of the U.S. public to the courageous work of Lithuanian human rights activists in keeping alive the real Lithuania: One free from Soviet control and able to take up its place in the world community of nations.●

● Mr. ZABLOCKI. Mr. Speaker, February 16 was the 65th anniversary since the proclamation of Lithuanian freedom. I am very pleased to join my colleagues in the House, and members of the Lithuanian-American community, in observing this event.

The continuing commitment of the Lithuanian people to liberty and human dignity has inspired many peoples struggling to retain their unique identity and aspirations for freedom. Now, 65 years after Lithuania declared its independence, following the historical domination by Russia and Germa-

ny, that spirit remains a vital force in Lithuanian national life.

The United States remains committed to human rights principles for Lithuania and for all lands. We honor liberty, self-determination, and respect for the fundamental rights of individuals around the world.

Mr. Speaker, the Lithuanians, like other suppressed nationalities, seek the right to express their opinions, to practice their own religions, to enjoy their own culture and literature, and to determine their own future.

I welcome this opportunity to commend such spirit and to recognize the contribution made by Americans of Lithuanian descent to our own society and culture over many decades.●

● Mr. RATCHFORD. Mr. Speaker, I rise today to join my colleagues in marking the occasion of the 65th anniversary of Lithuanian independence. More importantly, however, I speak today as one who recognized the overriding commitment of Lithuanians to pursue a life free from outside constraints on speech, religion, and national identity. On this day, we must stand united in our firm support of Lithuanian independence from Soviet oppression.

The Lithuanian cause stands as a paragon of nationalist pride and heritage, and every man and woman of Lithuanian origin has reason to be proud that this nation has not succumbed to attempts to Russify the land and the people. I think that this anniversary of Lithuanian independence should give all peoples of the world the resolve to preserve and protect the precious liberties we enjoy, and to seek to restore these fundamental freedoms to all those who have had them taken away by oppression. Through our words today and our actions in the future, we must continue to encourage the dream of freedom for Lithuania so that this nation can be free from domination and Soviet aggression and begin to pursue its own destiny in freedom and peace.●

● Mr. LAGOMARSINO. Mr. Speaker, at the end of the First World War, the Baltic and East European States gained their independence, which marked for the first time in centuries a time when the people of those nations lived in freedom. For many however, that freedom was short lived, as was the case for the Baltic States, including Lithuania.

As we mark the anniversary of the independence of Lithuania 65 years ago, we know of the frustration and sorrow the Lithuanian people feel for the loss of their short independence and the continued totalitarian oppression of their liberties under the Soviet regime.

We must not let the people of Lithuania think that their plight is forgotten or ignored. The United States has stood at the forefront in the implementation of the Helsinki accords and its call for justice, freedom and protection of every individual's human rights. We continue to condemn the Soviet Union's denial of self-determination for the Baltic people and the nations under its domination. Our dedication to the concepts of liberty and independence will not diminish no matter how long it might take to achieve it for all the peoples of the world. That is our message to the people of Lithuania and to the world.●

● Mr. DINGELL. Mr. Speaker, it is with sincere pleasure that I join with my colleagues in the House and with other concerned citizens throughout the world, in commemorating the 65th anniversary of Lithuanian Independence Day.

On February 16, 1918, the independence of the Lithuanian nation was formally established. With this declaration, the Lithuanian people proclaimed to the entire world their national sovereignty, personal independence, and rightful freedom from foreign domination.

The declaration of the Lithuanian people was brutally violated by the Soviet Union approximately 22 years later, when over 300,000 Communist troops invaded and annexed the countries of Lithuania, Estonia, and Latvia. In the dark years which followed, thousands of proud Lithuanian citizens were arrested, deported, and tortured. The Catholic Church, a fundamental pillar of Lithuanian society, was consistently attacked and persecuted, and a Communist political and social structure was forceably imposed upon the struggling nation.

Yet, the strength and determination of the Lithuanian people has not wavered. The dedication to freedom and independence, and the undying hope that Lithuania will once again be free from the oppression of the Soviet Union, remains vibrantly alive in the hearts and minds of virtually every Lithuanian citizen.

The United States has never recognized the illegal occupation of Lithuania. Rather, the inalienable right of this captive nation to self-determination and personal liberty has been consistently affirmed and bolstered. Just as our ancestors in the United States recognized and applauded the independence of Lithuania over 60 years ago, let us again reaffirm our commitment to the Lithuanian people and our hope that the shackles of repression will once again be dissolved in the fire of justice.●

● Mr. BLILEY. Mr. Speaker, I rise at this time to join the special order to commemorate Lithuanian Independence Day.

I would like to start by thanking my colleague from Illinois for sponsoring this observance and to express my appreciation for all of the Members who have helped maintain the spirit of freedom and independence in a people who have long been subjugated and oppressed by the Soviet Union.

The nation of Lithuania has a long history of its own people, culture, and spirit. It is true that all too often during the history of Eastern Europe there have been empires and aggressor nations that have overpowered and sought to submerge the people of Lithuania—but they have never succeeded. I am proud of these stalwart people who refuse to bow to their slave masters and I am proud to be able to join in a commemoration and a celebration of their short-lived independence.

Through the connivance of two of the most ruthless and criminal dictators of the modern age—Hitler and Stalin—Lithuania and her sister states of Latvia and Estonia were invaded and occupied by the Soviet Union in 1939. Since that time they have remained in the iron grasp of a culture and an economic and political system that is not of their own choosing. Yet they do not give up hope. How would we deal with the imposition, by force, of a system alien to ours and despicable in its methods as well as its results? I do not know how we would do, but I do know what the Lithuanians have done and are still doing today 44 years later. They are managing to maintain their personality and individuality while frustrating the multiple attempts of the Russian Communists to destroy and remake the people and the nation.

This is the reason I voice my support and admiration for the people of Lithuania on this floor today. The hope of freedom must be maintained. There must be a bastion of liberty and independence in the world to offer hope if Lithuania and all of the peoples and nations of the world are not to sink into the dark abyss of primitive dictators who rule by fire and steel rather than by the consent of the people. America is, and must continue to be, that island in the dark that others look to for help or at least for assurance that there is a light in the world that will preserve the ideals that they long so strongly to have in their own lives. I pledge to the people of Lithuania and to all of the people of the world that I will do everything that I can to maintain America and its ideals for ourselves and for the unfortunate people who are enslaved in the world today.●

● Mr. FORSYTHE. Mr. Speaker, I am pleased to have the opportunity to join my colleagues in celebrating the 65th anniversary of the Lithuanian declaration of independence. For most of the 100 years just prior to World War I, Russia tried unsuccessfully to assimilate and dominate Lithuania through forced occupation. The February 16, 1918, declaration restored

and safeguarded their freedoms and traditions. In 1920, the Soviet Union signed a treaty recognizing Lithuania's sovereignty and independence.

The progress made by Lithuania during the first few years of its independence was striking. In 1922, a constitution was adopted which guaranteed many of the same rights embodied in the U.S. Constitution. Social legislation protecting workers, instituting land reform and improving educational systems followed at a rapid pace. Lithuania's rich cultural background facilitated a boom in the fields of art, literature, and music. In short, Lithuania's new democratic government and liberties greatly improved the quality of its peoples' lives.

While some of these achievements still remain, freedom in Lithuania has been crushed. At the outbreak of World War II, the Soviet Union's Red Army occupied the country. In 1941, Lithuania fell into Nazi hands and remained under German control until reoccupation by the Soviets in 1944. The Soviet subjugation has been a brutal one. Tactics have included mass deportation, complete denial of human rights, and attempts to suppress Lithuania's 700 years of religion and tradition.

As a matter of official policy, the United States has never legally recognized the incorporation of Lithuania into the Soviet Union. Through the Department of State, our Government monitors the continuing injustice there and uses every appropriate occasion to make known to the Soviets our position on their abuses.

The spirited Lithuanian American population in this country continues to push for the liberation of its homeland. I think this is an appropriate time for us to reiterate our country's dedication to the ideal that all nations have the right to choose their own destinies.●

● Mr. WORTLEY. Mr. Speaker, I rise today to join in the commemoration of Lithuanian Independence Day. For the 1 million Americans of Lithuanian descent, February 16 is a day of both joy and sorrow. It is a day when they recall the 22 years of freedom that followed the establishment of the Republic of Lithuania in February of 1918. It is also a day when they recall the ruthless tyranny to which the nation of their forebears has been subjected since 1940. Under the colonial domination of the Soviet Union, the freedom-loving people of Lithuania have been denied all of the freedoms that we hold dear; they have no freedom of speech, no freedom of the press, no freedom of religion, and no free elections.

Three weeks ago, I rose in this Chamber to express my sympathy and admiration for the valiant people of the Ukraine. Today, I express the same sympathy and admiration for the people of Lithuania. Their perseverance in the face of adversity and their commitment to preserving their national heritage is a credit to them and an inspiration to us. With them, I look forward to the day when the Soviet Union is called to account for its crimes and when the people of Lithuania can join the community of free nations once again.●

● Mr. DURBIN. Mr. Speaker, I rise to proudly proclaim to my colleagues and the American people this 65th anniversary of the modern day independence of Lithuania. Proud, because my mother came to this country from Lithuania, and the history and aspirations of Lithuanians are well known in my family.

It was on February 16, 1918, that the Lithuanian National Council redeclared independence for that nation, which was a powerful medieval state that enjoyed five centuries of freedom before being partitioned between Germany and Russia in the late 18th century. Sadly, Lithuania enjoyed its renewal of independence only until 1940, when the Red army occupied the country and subsequently incorporated it into the Soviet Union following the end of World War II.

The candle of freedom burns brightly in Lithuania today, as it does in many other reluctant Soviet republics. I remind you that on January 22 of this year, we also celebrated the independence day of the Ukraine.

I have been to Lithuania and seen firsthand the attempts of the Russians to stamp out national identity, restrict personal freedoms and discourage religious belief. But it does not work in Lithuania any more than it does in any of the other Baltic States that are subject to the Soviet Union, or in Soviet satellite states such as Poland. People want to be free. They want a democratically elected government; they want to participate in their own destiny. They want to have hope for their children.

The men and women of Lithuania risk their personal safety to practice religion and openly state their views. If these brave people will risk all, can we as a freedom-loving nation do any less than join in a worldwide tribute to their courage and their dream of liberty?●

● Mr. FEIGHAN. Mr. Speaker, I am pleased to join my colleagues today in reaffirming America's refusal to recognize the brutal Soviet annexation of Lithuania in 1940. This is a decent and honorable position that will always receive my unwavering support.

This past weekend I had the privilege to speak before the Lithuanian/American Democratic Club of Cleveland, Ohio. These proud people are deeply committed to preserving and strengthening the bonds between the Lithuanians now in America and their less fortunate families trapped beneath the yoke of Soviet oppression. They should know that the American Congress and the American people support them and salute them in all of their valiant efforts.

I would like to submit the text of those remarks for the RECORD:

ADDRESS TO THE LITHUANIAN/AMERICAN DEMOCRATIC CLUB OF CUYAHOGA COUNTY, FEBRUARY 13, 1983

It is an honor to be with you today and to join you in commemorating the 65th anniversary of the restoration of Lithuania's independence.

Today is a special day—a proud day.

Today, Lithuanian/Americans will gather in churches, homes and meeting halls nationwide and pay tribute to the Vilnius patriots of 1918 who proclaimed the rise of a new Lithuania—a nation free from the World War I ruins of the Russian, German, and Austrian empires.

They will remember the valiant struggles of the next two years. Battling with the spirit of Vytis, the freedom fighters raised their swords, risked their lives, and turned back attackers from all sides—Bolsheviks, Tsarists, and Poles.

And the victory was sweet:

Civil liberties and home rule returned after more than a century of repression.

Hard work and thrift invigorated a war-torn economy.

Land-reform gave the masses what was once the province of the privileged.

Previously suppressed, but carefully preserved, folklore inspired new waves of literature, music, and art.

And education flourished, as intellectual freedom came to a people thirsty for knowledge.

The traits that fostered that golden age—an abiding respect for hard work, learning, and culture—have been faithfully passed to you Lithuanians now in America. As I look across the room today, I see successful and industrious men and women from all walks of life; people who have thrived in America without sacrificing the rich language and traditions that have strengthened your nation—through adversity and prosperity—for centuries.

You should be proud today—as you renew that commitment to preserving your culture here in America. And you should, and will, rededicate yourselves to preserving and strengthening the deep bonds which exist between you and your brothers and sisters in Lithuania.

It is for them that we meet today. The plight of those brave Lithuanians is our primary concern.

And that is why today is sad. Because we remember not only the triumphs, but the tragedies.

We remember the century of Tsarist domination.

We remember the ominous day in 1939 when two of history's most brutal tyrants—Hitler and Stalin—returned the darkness of repression with the cynical stroke of a pen.

And we mourn the men, women, and children who were arrested, exiled, and executed by a storming Red Army in 1940, as well as the half-million more who would sacrifice their lives rather than succumb to Soviet tyranny, and the many others who still suffer today.

To be sure, those Lithuanians will meet today. They too will commemorate the Declaration of Independence, and remember better times.

But they will honor them quietly—not in a public hall, freely expressing their beliefs among representatives of the government, the press, and the church. They will whisper in a basement among close and trusted friends.

For your compatriots, freedom to meet, to speak, and to pray is not a physical luxury. It is a memory and a dream—a softly glowing ember embedded deep in their hearts and minds.

All Americans, all Lithuanians, and all Soviets should know that the United States remains steadfast in its commitment to these people, and their dreams.

The United States has never recognized the Soviet Union's patently illegal annexation of Lithuania.

To this day, a Lithuanian Embassy exists in Washington.

To this day, Lithuanian diplomats remain accredited in this country.

And to this day, the U.S. firmly believes that the question of the Baltic States cannot be closed.

You can be sure that this honorable position will always receive my unwavering support.

Honor, however, means little to the Soviet leaders. Laws and liberty are a thin veneer molded to a rigid and bankrupt Marxist ideology—a collection of lies that the Soviets use to justify suppression of Lithuanians and others who dare hold political, religious, and cultural beliefs in opposition to the party line.

As the courageous and eloquent Alexandr Solzhenitsyn observes:

"This false ideology can find no other answer to argument and protest than weapons and prison bars . . . this ideology bears the entire responsibility for the blood that has been shed."

A Soviet official will look you straight in the eye and say there are no political prisoners in the U.S.S.R.

A lie.

For Vytautas Skuodis, and Algirdas Statkevicius, the cruelest lie. Both members of the Helsinki watch group and both American citizens, they are guilty of nothing more than making sure the government keeps its Helsinki promises.

"Can the defense of human rights ever be a criminal matter anywhere?" asked one prisoner as he was carted away.

In the Soviet Union, the answer is yes.

In the Soviet Union, it is no crime for the government to promise human rights; it is only a crime for the people to ask for results.

Skuodis's "Anti-Soviet Agitation" earned him seven years in a labor camp—a place where only the faintest shreds of human dignity can survive. After two years, he is lucky to be alive.

So is Dr. Statkevicius. But he needn't worry, the Kremlin is especially concerned with his health. Fearing that his "anti-Soviet activities" indicated schizophrenia, the state is providing free psychiatric treatment. Such treatment includes electric shocks and massive doses of drugs like sulfazin, which one former "patient" described as "a dull boring into your body that gets worse until it's more than you can stand."

We should all receive such complete health care.

A Soviet official will also tell you that any individual can worship as he pleases in the U.S.S.R. The constitution, he says, guarantees freedom of religion and freedom from religion.

A clever phrase, but what does it mean?

It means religious sites are razed.

It means religious processions are disrupted.

It means religious officials are prevented, sometimes violently, from carrying out their functions.

Since the first stirrings of unrest in Poland, Anti-Church activities are more widespread, more brutal.

At the height of the Polish protests, three days after a press attack accusing him of undermining state authority, Fr. Bronius Laurinavicius was thrown beneath the wheels of a KGB-driven truck.

For Fr. Bronius, freedom of religion was the cruelest lie.

These stories seem unreal to us Americans, who take freedom for granted every time we enter a voting booth, read a paper, or go to church. But to your countrymen—political prisoners all—they are all too real.

And as Americans—a people devoted to man's highest ideals—we cannot ignore these facts.

Some would argue that we should muffle our criticism. We must realize, these people say, that the Soviets consider Lithuania and human rights an internal matter.

I cannot agree. Unless liberty flourishes in all lands, it cannot flourish in one.

For us, silence is the cruelest lie.

Don't get me wrong. I'm not so naive to think that public outrage is going to soften the Soviet stand. For ten years now, we and the Soviets have been talking at the conference on security and cooperation in Europe.

At each meeting, the U.S. loudly objects to continued human rights abuses in the Soviet Union.

At each meeting, the Soviets deny the charges. And nothing changes.

For years now, congressmen—myself included—have written time and time again to Soviet officials, asking that peaceful dissenters be treated in accordance with internationally recognized human rights. But we hear nothing in return.

Well, the next time the Soviets ask us for grain, technology, or credit, we should answer them in kind.

I support linking U.S. commercial relations to Soviet improvements in human rights. If they want our help, they should play by our rules.

They need that help today more than ever. Soviet factories don't produce, Soviet crops don't grow, and the Soviet people don't work. Never before has Khrushchev's vow to "crush" the capitalist system sounded so hollow.

To solve their problems, they turn to the west for aid and example. Sermons haven't changed Soviet behavior, maybe sanctions will.

But the greatest hope for change—the hope of the Lithuanian people—isn't in our words, or even our deeds.

It's over there, in Lithuania, in Poland, throughout the deteriorating Soviet system. Monolithic control is slipping away from Moscow.

So far the official reaction has been to tighten the screws, beat the people into submission.

But even the KGB cannot kill the idea of liberty.

It lives when people refuse to give up their language, refuse to give up their nation, and refuse to give up their faith.

It lives when people are willing to step forward, whatever the risk, rather than submit to injustice.

Freedom lives in Lithuania:

Though not yet ready to change the Soviet state, the Lithuanian people represent a movement that's infecting the already-crippled Soviet system. With perseverance and faith, they will grow stronger and better organized. And someday, they will be felt at the center of Soviet power.

In closing, I would like to share the words of a man who was committed to that struggle—our great President, John F. Kennedy:

"The wave of the future," he said, "is not the conquest of the world, by a single dogmatic creed but the liberation of the diverse energies of free nations and free men."

I believe those words. Because I believe them, I pledge that I will never back down on human rights. And I urge you with all my heart to continue the tireless efforts that you have made for so many years to nurture the hope that the Lithuanian people may someday enjoy the basic freedoms that all men deserve.

This is a worthy cause.

It is a cause consistent with our country's finest traditions.

And it is a cause that I will never abandon.

I support you and I salute you, on this—your Day of Independence.●

● Mr. SMITH of New Jersey. Mr. Speaker, on this 65th commemoration of Lithuanian independence, we wish to call attention to this country's continued illegal incorporation into the Soviet Union. Such incorporation is a forcible illegal annexation and a violation of the provisions of The Hague Convention.

The flagrant injustice and inequities being meted out to the people of Lithuania for their attempts to exercise inherent human rights stands as further proof that the Soviet Union has failed to live up to its pledges to honor the understandings embodied in the Helsinki accords and the Declaration of Human Rights. These documents, consented to in order that citizens be guaranteed national identity and inalienable rights, are continually cast aside by the Soviet Party leaders as an obstacle to complete dominance over its victims.

It is the duty of the members of the world community of nations, under the provisions of nonrecognition of annexation, to restore the sovereign Republic of Lithuania, within the framework of international law.

Today, we honor these Lithuanian people who do not cease to hope and fight for basic human rights, even in the midst of blatant oppression. The formation of the Lithuanian Helsinki Group affirmed once more that the desire for freedom cannot be crushed. Insofar as injustice continues to exist, there too exists the unconquerable human spirit.

Mr. Speaker, I can assure you that the spirit of freedom is alive in the hearts and minds of millions of Lithuanians today. Let us renew our determination to support these oppressed people so that the goal of Lithuanian national self-determination can some day be realized. Let us pledge to do all that is in our power to put an end to the plight of those Lithuanians who

have been persecuted by the Soviet authorities for attempts to assert their rights. Their suffering will focus attention on the courage, faith, and hope of all believers in human rights. No one may ignore them.

Today, we as free Americans cannot cease to promote and encourage respect for human rights; basic freedoms that are the very backbone of human existence. We stand together with these Lithuanian people in the commitment to help the oppressed and persecuted. Our prayers are behind them, and our support is with these brave people always. They will not be forgotten.●

● Mr. LENT. Mr. Speaker, I would like to take this opportunity to join with my distinguished colleagues in the Congress to commemorate the 65th anniversary of the Declaration of Lithuanian Independence.

It was 65 years ago, on February 16, 1918, when the sovereign state of Lithuania was established as an independent republic. On this day in history, the courageous people of Lithuania gained their freedom and their right to govern themselves as they saw necessary. However, for the people of Lithuania, this anniversary is an occasion of great national sorrow. After only two decades of independence, Soviet troops invaded and occupied the Baltic nations of Latvia, Lithuania, and Estonia in 1940. For the second time in their history, Lithuanians were under the heavy weight of Soviet domination and oppression.

The brave people of Lithuania continue to fight back against this aggression, showing to the world that despite Soviet domination, their fierce national pride was indeed intact. Ever resisting this Soviet domination, brave Lithuanians still provide a constant opposition that underscores Moscow's inability to destroy Lithuania's national culture and identity—even after 43 years of Soviet control.

Mr. Speaker, I am proud to say to this body that anti-Soviet activities occur on a daily basis in Lithuania, Latvia, and Estonia. These proud people have continued to forcefully assert their claims to maintain religious, linguistic and ancient ethnic traditions. Lithuanians have refused to yield or succumb to fierce Soviet oppression and persecution. As a result of this valiant struggle, the Lithuanians have preserved their ancient language as well as their cultural and religious heritage.

Each year, as we in the House of Representatives commemorate this anniversary, it is imperative that we realize this continuing struggle of the Lithuanians. I am informed by the State Department that Lithuania is now the leader of the Soviet light industry. Furthermore, the wage levels of Lithuanians are well above the Soviet average. Yet the freedom of these people continues to be suppressed.

Mr. Speaker, let us continue to reinforce our strong resolve to preserve and protect our precious liberties and freedoms. Furthermore, we must continue our efforts to restore these very same liberties to those members of the world community whose liberties and freedoms have been wrenched from them by force by the Soviet Union. The Soviet Union has continued to deny these people self-determination and deserves worldwide condemnation. As the world has witnessed, the Soviets have not and cannot destroy the strong desire for cultural and political freedom that continues to exist in the Soviet Union.

As we join together in this Chamber to reaffirm our strong pledge to aid in restoring freedom to those who quest for its rewards, let us salute and praise the Lithuanians for the courage and determination they have displayed in their 43-year struggle against the dark forces of the Soviet Union.●

● Mr. ROE. Mr. Speaker, I take great pleasure in rising today to join my colleagues in this well deserved salute to the brave Lithuanian people on the occasion of the 65th anniversary of their independence day.

Today, as we read of the continuing Russian stronghold on Afghanistan and the pressures the Soviet Union is exerting on Poland, we are reminded of the history of the Lithuanian nation.

February 16, 1918, is a day that will always be warmly embraced by Lithuanians and all freedom loving people around the world. For it was on that date that the Lithuanian nation became free of Soviet rule with a formal declaration of independence. That independence was widely recognized by many nations of the free world, including the United States. And, to the surprise of many, the Soviet Union signed a peace treaty with Lithuania, formally acknowledging its right to be a free and independent nation.

The proud people of the new nation soon established a strong economic base through the initiation of a series of wide-ranging agricultural and industrial programs.

But the dream was short lived. The advent of World War II found Lithuania in the middle of the Russian and the German armies.

Despite strong protests on the part of the Lithuanians, the Russians forced their way onto Lithuanian soil and utilized the new nation as a base for its troops who were preparing attacks against the Germans.

In 1940, the birth of freedom in the fledgling nation of Lithuania was crushed by the savage Russian boot when the Soviets invaded the land. Soon after they set up a rigged election that culminated in Lithuania being illegally incorporated as a part of the Soviet Union.

During that sad period literally thousands of Lithuanians died at the hands of the brutal Russian occupation forces while others were illegally imprisoned or deported.

Despite the fact that the Russians occupied Lithuanian soil, they never conquered the minds of the Lithuanian people. The citizens of Lithuania, strong in their devotion to their religion, language, and traditions resisted attempts by the Russians to force them to accept their language and way of life. That resistance and devotion to their homeland still holds true for the Lithuanian people today.

Mr. Speaker, I am most proud to be the sponsor of House Joint Resolution 60, designating February 16, 1983, as Lithuanian Independence Day. It is a time when all freedom-loving Americans must stand up and call for the Soviets to release their hold on the brave people of that troubled land.

As a member of the House Ad Hoc Committee on the Baltic States and the Ukraine, I ask all Members of this most august body to join with me in reaffirming the resolution sanctioned by the Lithuanian World Congress in 1958 that Lithuanians "have not accepted and will never accept slavery."●

● Mr. CORCORAN. Mr. Speaker, today we join in the commemoration of Lithuanian Independence Day with hope that our voices might carry to those responsible for Lithuanian repression. We encourage them to follow their official commitment to the spirit of the Helsinki accords, allowing the Baltic States to follow their own destiny and exercise the sovereignty which is rightfully theirs.

The people of Lithuania have always shown great courage and conviction to those principles of freedom and self-determination. Even after the invasion of 1940, those ideals were not forsaken. Lives have been lost and great suffering endured for the dream of freedom. Under the Communist yoke the Lithuanian people have been inspirational as they resist the Soviet way of life.

Lithuanian activists who speak out against their conquerors are supported here by Americans praying for the independence of Soviet satellite countries. We witness their struggle, we sympathize with their cause and we must work to see that they soon may enjoy their dream of independence.●

● Ms. FIEDLER. Mr. Speaker, today, I speak in honor and appreciation on Lithuanian Independence Day. It is a day for happiness, for recognition of the contribution to our own culture made by Lithuanian Americans, and to rededicate our commitment to a free and independent Lithuania. In celebrating the independence of Lithuania, we celebrate the independence of

all free nations and their peoples—which is why today has an importance beyond Lithuania and Lithuanian Americans, but embracing all those who value and cherish freedom.

It is now almost 43 years since Josef Stalin—architect of horror on a scale that previous generations would have thought impossible and our own still finds inconceivable—gave the order for the Soviet invasion of Lithuania. In this time, the dead hand of repression has not lifted. In recent years, conditions in Lithuania have worsened. Repression has increased, with religious leaders being singled out for especially hard treatment. There have been arrests and deaths—due to the usual natural causes, according to the Soviets—but it appears that the Soviets will have no more success in extinguishing the religious life of Lithuania than they have had in their attacks on the cultural life and traditions of Lithuania. Reports have reached the West of strikes and resistance in Lithuania in response to these actions. The spirit of the Lithuanian people today shines as brightly as it ever did in past centuries.

All of this shows that, despite the long occupation, hope still springs up for the people of Lithuania, as it does for the citizens of her sister Baltic republics. The traditions of Lithuania are many and varied, but servitude to a conqueror is not one of them. We, in the United States, shall never lose confidence that Lithuania will play the role of free men and women again and, however hard and long the path, will once again attain her place in the great company of freedom-loving sovereign nations. Toward this resurrection of nationhood, let us join in affirming that Lithuania is, and remains, an independent nation.●

● Mrs. HOLT. Mr. Speaker, February marks the 732d anniversary of the founding of the Lithuanian State, it is also the 65th anniversary of Lithuanian independence after World War I. There have been many great years in Lithuanian history, especially their short-lived freedom and independence from 1918 to 1940. With war raging across Europe, Russia took advantage of the turmoil and sent the Red Army crashing in the Baltic States, and annexed the peaceful nation of Lithuania. Since that time, the people of Lithuania have remained under the control of the Soviet Union.

Despite being under authoritarian control, the people of Lithuania have never lost their will for freedom and independence. This spirit holds even today, and I am certain Lithuanians look to our Nation as the epitome of a free and independent nation. I am pleased to participate in this annual observance of Lithuanian heritage. Our people continue to share and support these courageous people in a far-off land, and we remain committed to their efforts in achieving the freedom they once had and certainly deserve.●

● Mr. PORTER. Mr. Speaker, today is the 65th anniversary of Lithuanian Independence Day, and the 732d anniversary of the founding of the Lithuanian State. I join with Members of the House in commemorating this great day. I salute the brave struggle of the Lithuanian people against their Soviet oppressors. The Lithuanian people have undergone great trials. In 1918 after more than a century of Russian domination, Lithuania emerged as a free and independent state. Lithuania is no longer free and independent. In 1940 the U.S.S.R. invaded Lithuania in total disregard of the 1920 peace treaty between the two states.

Lithuania today is a prison camp. Religious instruction is forbidden and so are ceremonies and rites. The Lithuanian language is forbidden in publications. Religious leaders are persecuted. Obviously the Soviets are trying to suffocate Lithuanian culture and heritage. Yet, the proud people of Lithuania still struggle under the Soviet boot of tyranny. Lithuanians compose a large percentage of those in the Soviet gulags. The Lithuanians have resisted complete Soviet domination fairly successfully and have retained much of their culture and heritage. But this is not enough. Lithuania must be free as should all those yearning to break the Soviet yoke of oppression. This situation, unfortunately, is not unique as most of the constituent Republics of the U.S.S.R. were subjugated by the Bolsheviks during the 1917 revolution. These republics, Eastern Europe and all other areas under the heavy boot of the Soviets yearn to break free and resume their places in the ranks of free nations.

So let us salute once again Lithuania in her brave struggle against the tyranny of communism.●

● Mr. YOUNG of Florida. Mr. Speaker, today we join together to commemorate the 65th anniversary of the establishment of the Republic of Lithuania. Unfortunately, just as in the preceding 42 years this has been less than a happy occasion for the Baltic people who in 1940 were overrun by the Soviet army.

Since that time, the ruthless Soviet Government has unsuccessfully attempted to eliminate the traditions, language, and religion of the Lithuanian and Baltic people. We pay tribute today to these freedom loving people and their indominable spirit which has allowed them to maintain the hope and belief that they will once again experience the independence their parents and grandparents knew 65 years ago.

The continued pursuit of freedom throughout the Captive Nations of Eastern Europe, despite the Soviets blatant disregard for human rights, is a source of inspiration to people throughout the world. Even in the face of the harshest Soviet treatment, which includes the imprisonment of family and friends, the Baltic people endure. Our Nation must do all it can to support their quest for freedom because we cannot accept the domination of one nation over another anywhere in the world.

That is why I am reintroducing two resolutions today, which follow my remarks, calling for the return of full freedom and independence to Lituania and all the Baltic States and for the release by the Soviets of the Baltic people being held as political prisoners. It is my hope, Mr. Speaker, that my colleagues recognize the urgency of this legislation and that it is considered in a most prompt and favorable manner.

Stopping the Soviet expansion is a major crusade and a continuing battle. Of greatest hope to me is my conviction that our God will not permit the Soviet Union to successfully complete its plan of world domination.

H. CON. RES. 61

Concurrent resolution calling for full freedom and independence for the Baltic States

Whereas the United States, since its inception, has been committed to the principle of self-determination;

Whereas this essential moral principle is also affirmed in the Charter of the United Nations;

Whereas the Union of Soviet Socialist Republics is, according to its Constitution, a voluntary federation of autonomous republics;

Whereas the three Baltic Republics (the Republic of Lithuania, the Republic of Latvia, and the Republic of Estonia) did not become member republics of the Union of Soviet Socialist Republics voluntarily, but rather were occupied militarily by Russian Armed Forces in the early days of World War II and subsequently incorporated by force into the Union of Soviet Socialist Republics and have since been governed by governments approved by, and subservient to, the Government of the Union of Soviet Socialist Republics;

Whereas the ethnic makeup of the Baltic peoples (the Lithuanians, Latvians, and Estonians) is distinctly foreign in language, culture, common traditions, and religion from that of the Russian people;

Whereas, by deportation and dispersion of the native populations of the Baltic States to Siberia and by a massive colonization effort in which Russian colonists replace the displaced native peoples, the Soviet Union threatens complete elimination of the Baltic peoples as a culturally, geographically, and politically distinct and ethnically homogeneous population;

Whereas, despite such treatment, the spirit of the citizens of the Baltic States is not broken and the desire of the citizens of the Baltic States for national independence remains unabated;

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States and has continued to maintain diplomatic relations with representatives of the independent Republics of Lithuania, Latvia, and Estonia; and

Whereas the United Nations and the United States delegation to the United Nations have consistently upheld the right of self-determination of the people of those countries in Asia and Africa that are, or have been, under foreign imperialist rule: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President and the Secretary of State should take all necessary steps to bring the Baltic States question before the United Nations and to urge that the United Nations request the Soviet Union—

(A) to withdraw all Russian and other non-native troops, agents, colonists, and controls from the Republics of Lithuania, Latvia, and Estonia, and

(B) to return all Baltic exiles from Siberia and from prisons and labor camps in the Soviet Union;

(2) until the Baltic States become independent, the Secretary of State should, through such channels as the United States Information Agency and other information agencies of the United States Government, do his utmost to bring the matter of the Baltic States to the attention of all nations by means of special radio programs and publications;

(3) the United States should not agree to the recognition, by any international conference, of the Soviet Union's unlawful annexation of Lithuania, Latvia, and Estonia, and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic States by the Soviet Union;

(4) the President should require that all government map publishers, and should request that all private map publishers, show, on all maps of Europe, the Republics of Lithuania, Latvia, and Estonia as independent states, with a footnote explaining that the military occupation and forced incorporation into the Soviet Union of Lithuania, Latvia, and Estonia has never been recognized by the United States;

(5) the right of self-determination should be returned to the peoples of Lithuania, Latvia, and Estonia through free elections conducted under the auspices of the United Nations after Soviet withdrawal from the Baltic States; and

(6) the right of self-determination should be made a prime political objective of the United Nations and should be accorded through free elections under the auspices of the United Nations to all peoples now involuntarily subjugated to Soviet communism.

H. CON. RES. 62

Concurrent resolution expressing the sense of the Congress that the United States should seek, through diplomatic channels, the withdrawal of certain personnel of the Soviet Union from Estonia, Latvia, and Lithuania and the release by the Soviet Union of political prisoners of Estonian, Latvian, and Lithuanian descent

Whereas the United States does not recognize the illegal annexation by the Soviet Union of the Baltic nations of Estonia, Latvia, and Lithuania; and

Whereas the United States as a member of the United Nations has pledged to uphold the ideals of the United Nations Charter and ". . . to take joint and separate action . . ." to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."; and

Whereas the House of Representatives Select Committee to Investigate Communist Aggression of the Eighty-third Congress thoroughly investigated the seizure of the Baltic nations by the Soviet Union and, in its Third Interim Report, concluded that "The evidence is overwhelming and conclusive that Estonia, Latvia, and Lithuania were forcibly occupied and illegally annexed by the Union of Soviet Socialist Republics"; and

Whereas the United States, as a signatory to the Final Act of the Conference on Security and Cooperation in Europe, endorsed Principle VIII, concerning equal rights and self-determination of peoples, which states ". . . all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development . . ." and "The participating States . . . also recall the importance of the elimination of any form of violation of this principle."; and

Whereas the House of Representatives in the Ninety-fourth Congress, by adopting H. Res. 864, reaffirmed the United States policy concerning the Baltic nations and thereby urged positive actions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the President should enter into negotiations with the Soviet Union—

(A) for the withdrawal of all non-Estonian, non-Latvian, and non-Lithuanian military, political, administrative, and police personnel from Estonia, Latvia, and Lithuania, respectively, and

(B) for the release of political prisoners of Estonian, Latvian, and Lithuanian nationality from prisons, labor camps, psychiatric institutions, and other detention centers within the Soviet Union and their return to Estonia, Latvia, and Lithuania, respectively;

(2) the President should instruct the United States delegation to the preparatory meeting of the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe to seek consideration of the following matters of concern:

(A) the current illegal annexation of Estonia, Latvia, and Lithuania by the Soviet Union, and

(B) the denial of self-determination and territorial integrity to Estonia, Latvia, and Lithuania by the Soviet Union; and

(3) the President should make every effort to gain the support and cooperation of all nations to achieve the objectives of the negotiations under paragraph (1) and the consideration of matters of concern under paragraph (2).●

● Mr. ANDERSON. Mr. Speaker, yesterday marked the 63d anniversary of Lithuania's Day of Independence. For Lithuanians, and Lithuanian Americans, this day is not like our Fourth of July, in which we can celebrate the freedom that we enjoy. It is, instead, an occasion of sorrowful memories, and prayerful hopes that some day a free Lithuania will bring real cause for rejoicing. I, also, would like to mark this day by expressing my wish that the people of Lithuania be allowed to live in freedom from Soviet tyranny.

Lithuania, a proud and ancient country, can trace its roots at least as far back as the 11th century. By the 14th century, the Kingdom of Lithuania was one of the largest states in Europe, extending from the Baltic to the Ukraine, and was famous as a center of civilization and learning known for its freedom and toleration. By the 18th century, it had gradually come under the domination of the czarist Russian Empire.

Despite Russian plans to eliminate Lithuanian culture and language, the people did not forget their heritage nor their urge for freedom: There were many attempts to throw off Russian domination. While Lithuania was a battleground for German, Polish, and Russian forces in the First World War, the people of Lithuania declared their own independent state on February 16, 1918, when Russia was occupied with its own civil war.

For a while, the people and culture of Lithuania flourished. In 1920, the new Soviet Russian State signed a peace treaty renouncing all claims, and recognizing Lithuania as a sovereign state. This brief period of democracy was soon to end with the Second World War, as first the Germans, and then the Russians took turns occupying Lithuania. The Soviet empire's appetite for new lands was apparently just as strong as that of the earlier czarist empire. In the name of "liberation," the Soviets forcefully seized and annexed a nation too small, in comparison, to resist successfully. Since that day, freedom has been unknown in Lithuania—only Soviet oppression.

Is this not part of the same cycle that we see even now being played in Afghanistan? In the name of freedom and equality, all men are equally denied their freedom by the Soviet Union. Those in captive nations must, like the courageous Lithuanians, patiently keep the flame of national independence and Lithuanian culture alive. They are helped by their brothers and sisters of Lithuanian descent in this land, who also look forward to the day when a free Lithuania exists, and who celebrate this day to keep the memory alive. This is why February 16 is such an ironic, bittersweet day: The only Lithuanians not allowed to celebrate this day are those in Lithuania itself. Lithuanian independence is, at present, only a dream.●

● Ms. FERRARO. Mr. Speaker, I wish to commend the gentleman from Illinois for his leadership in scheduling this special order commemorating the 65th anniversary of Lithuanian Independence Day. I urge all Members of Congress to join us in calling attention to the Soviet Union's denial of basic human rights in Lithuania.

I would like to share with my colleagues an article which recently appeared in the Washington Post. This article describes continued attempts by the Soviet Union to repress freedom in Lithuania.

SOVIETS CHARGE LITHUANIAN PRIEST WITH INSTIGATING REVOLT

Moscow, January 26.—Soviet authorities have begun criminal proceedings against a Roman Catholic priest in Lithuania who in his sermons "systematically instigated the believers" to wage "open struggle against Soviet power," the official news agency Tass reported tonight.

Tass said Alfonsas Svarinskas, pastor of the Roman Catholic church in Vidukle, Lithuania, used his position "as a cover" for staging "open antisocial meetings" at which he urged the believers to struggle against the socialist system.

The Tass announcement coincided with the arrival in Rome of Bishop Julijans Vaivods to attend a Vatican ceremony at which he will become the Soviet Union's first resident cardinal since the Bolshevik revolution. The 87-year-old bishop of Riga, Latvia, is one of 18 new cardinals named earlier this month by Pope John Paul II.

Western observers here speculated that the announcement of criminal proceedings against the Lithuanian priest may have been designed as a signal that Moscow has no intention of allowing the Roman Catholics the sort of latitude enjoyed by the Polish church.

The Soviet Union has a relatively small Roman Catholic population primarily concentrated in Lithuania, Latvia and Estonia. The three Baltic republics, with a combined population of 4.5 million, were incorporated into the Soviet Union in 1940.

Lithuania, the largest of the three, is said to have been affected considerably in recent years by events in neighboring Poland. There have been frequent reports of protests and underground activity by small groups of nationalists, human rights activists and religious dissidents.

Tass did not say whether Svarinskas had been arrested. If accused him of "fabricating slanderous materials" that were sent abroad "for use by subversive centers with anti-Soviet aims."

The 58-year-old priest has been sentenced on two occasions after being arrested in 1947 and again in 1958, the report said. He is said to have been linked to an underground nationalist "gang" known as "Sharunas" that operated in Lithuania after World War II. Tass said he continued his "unlawful activities" after his release from jail and was rearrested.

Despite this Soviet repression, the Lithuanian struggle for freedom is still strong. The Soviet Union has tried to crush freedom of religious expression in Lithuania, but they have failed. In fact, it is estimated that 60 percent of the Lithuanian people are churchgoers and there are over 500 functioning parishes.

As we commemorate Lithuanian Independence Day, we must remember these people and all other freedom-loving people who are denied liberty.

I urge all my collegues to support the efforts of the Lithuanian people to achieve their independence. The Lithuanian people have suffered long enough. They must not be forgotten.●

● Mr. GUARINI. Mr. Speaker, yesterday, February 16, marked the 65th anniversary of the Lithuanian Declaration of Independence. This anniversary also commemorates the fact that the United States has never recognized the forced incorporation of Lithuania into the Soviet Union. I am pleased to join with my colleagues in honoring the Lithuanian quest for freedom.

For over seven centuries the Lithuanian people developed their own culture, literature, religious traditions, and political beliefs. Often however, this small land was subjected to the political force of other nations. When the chance for independence came in 1918, the people of Lithuania quickly declared themselves an independent republic. On February 16, 1918, Lithuania gained its long-sought freedom.

The independence of Lithuania was only to last 22 years. In June of 1940 a massive influx of Soviet troops ended the short-lived freedom of the Lithuanian people. For the next 7 years the Lithuanian resistance forces struggled valiantly against overwhelming odds. During this period it is believed that over 30,000 Lithuanians died fighting for the freedom of their homeland.

For the last 43 years the people of Lithuania have suffered under the domination of the Soviet Union. They have done their best to resist Soviet attempts to destroy Lithuanian culture. And in their own ways, the people of Lithuania and Lithuanian descent carry on the struggle to regain the freedom of their country.

As Americans we must recognize this struggle. We must continue to seek enforcement of the Helsinki accords, and we must do all that we can to continue the broadcasts of the Voice of America and Radio Liberty to Lithuania.

On this day commemorating the 65th anniversary of Lithuania independence, I want to salute the people of Lithuanian descent who are working to keep the dream of freedom alive. It is a pleasure to join with you today.●

● Mr. TORRICELLI. Mr. Speaker, I am pleased to join with many of my colleagues in commemorating the 65th anniversary of the establishment of the independent Republic of Lithuania. Since its ruthless annexation by the Soviet Union in 1940, Lithuania has been forced to live under the specter of rule from Moscow, its citizens consistently being deprived of not only their independence but also their basic human rights.

During the past 2 years the human rights situation has deteriorated even further. Shaken by events in Poland, Soviet authorities have taken steps to restrict contact between Lithuanians and their Polish neighbors to the west. The Soviets have threatened reprisals if attempts are made to organize Solidarity-like groups in Lithuania. At the same time economic conditions worsen, particularly with respect to food supplies and other consumer goods. A more ominous situation however is the recent reports of suspicious deaths of several Catholic priests. The harassment and persecution of those engaging in religious activities also continues as Soviet authorities stamp out any attempts at independent thought or expression among the Lithuanian citizenry. Despite the human rights abuses, the censorship, and the increasing harshness of life Lithuanians continue to exhibit their love and yearning for freedom despite the consequences that follow from their Soviet oppressors.

It is that we add our voices to those of Lithuanian-Americans and free people everywhere in demanding an end to the Soviet occupation of Lithuania. On this February 16, as we commemorate the anniversary of Lithuanian independence let us call for the citizens of this tiny Baltic land to be allowed to vote on their own future and chance for self-government.●

● Mrs. JOHNSON. Mr. Speaker, February 16, 1983, marks the 65th anniversary of Lithuanian Independence Day. It is a day for Lithuanians to celebrate their rich cultural heritage, taking pride not only in their native arts and crafts, but also in their long-standing commitment to the ideals of freedom and democracy.

The contributions of the Lithuanian community of St. Andrews Church in New Britain, Conn., reflect this fine heritage—both in their sense of commitment and caring for each other, and in their strong sense of community to the district itself.

Ironically enough, the most recent independence for Lithuania lasted only 22 years. Before 1918, the Lithuanian people fought off domination from the Germans and the Russians. After 1940, in a move never acknowledged by the United States, they were incorporated into the Soviet Union through the collusion of Stalin and Hitler. They suffered the loss of homes, jobs, family, the pain of exile and the oppression and deprivation that follow under a Soviet regime. The Lithuanian people lost their intellectual, political, economic, and religious freedoms, but the implications of the tragedy spread beyond the hardship and suffering endured by the Lithuanian community, for as believers in a free democratic society, we suffered as well. The invasion of Lithuania is only a part of a pattern of Soviet domination that was evidenced most recently in Afghanistan.

On this day, let us celebrate the beauty of the Lithuanian heritage, but let us also be sobered by the spirit behind it, a spirit dedicated to freedom and independence. We must never forget it.●

● Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to recognize the 65th anniversary of Lithuanian Independence Day and commend the proud people of Lithuania for their strength and cour-

age in the face of oppression and subjugation. I feel that it is appropriate that the Members of the House of Representatives, as well as all Americans, take this opportunity to reflect upon the freedoms and privileges with which we have been blessed, and recognize that not all peoples are as fortunate as we are in this aspect.

I feel also that we should look to the Lithuanian people for inspiration and pay homage to their nationalistic and patriotic sentiments. The people of Lithuania have escaped the forces of oppression for only a very brief period of time between 1918 and 1940, when Lithuania was an autonomous nation. Other than this brief taste of freedom and national sovereignity, though, the history of Lithuania has been ridden with foreign conquest and domination. Within the past several centuries the Russians, and the Germans during World War II, have usurped the autonomy of the Lithuanian people and suppressed the rights and self-governing identity which these people hold so dear.

The situation in Lithuania at present is basically the same as it has been under the decades and centuries of Russian subjugation. Lithuania fails to enjoy a national self-determination policy, or even conduct many of its national political and administrative activities. The reason for this is, of course, the Soviet Union. The true motivating force of Lithuanian Government is the policy of the Communist leaders dictating affairs from Moscow. What is more, the threat of Soviet military forces and secret police activities keep Lithuanians who wish to govern their own affairs and throw the yoke of Soviet domination off their backs from organizing and expressing their opinions.

There are, however, brave and determined Lithuanians who employ every means possible to obtain the principles of freedom and self-determination for their people. And it is people like this, and people like the Lithuanian-Americans who remain loyal to their national heritage whom I wish to commend.

Demonstrations and protests continue to spring up periodically in Lithuania, and we look to these as a sign of the determination of the Lithuanian people. Unfortunately, attempts to express opinion and organize opposition are generally cracked down upon and stifled by government forces.

Our hearts, however, are with these independently spirited Lithuanians, and we look to them with hope and enthusiasm that their cause may be realized. If we look back to our own Nation's fight for freedom over 200 years ago, we see some of the same ideas and rights appearing in the Lithuanian struggle.

So it is proper to reflect today on the 65th anniversary of a victory for freedom and a courageous people. I join with the other members of this House in commending the Lithuanian people and the 65th anniversary of Lithuanian independence.●

● Mr. HORTON. Mr. Speaker, I rise to join in this commemoration of the 65th anniversary of the Declaration of Independence of the Baltic State of Lithuania. These people have withstood, with pride and dignity, centuries of Soviet domination and political persecution.

Yesterday, February 16, 1983, marked the 732d anniversary of the birth of the Lithuanian nation. This auspicious day in Lithuanian history also commemorates the 65th anniversary of Lithuania's long sought emancipation from Russian domination. Tragically, Lithuania only enjoyed its freedom for 22 years. In June of 1940, the Soviet Union forcefully entered the Baltic States and illegally annexed the peoples of Lithuania, Estonia, and Latvia.

We can proclaim with pride that the United States has never recognized the illegal annexation of the Baltic States nor have we ever abandoned the cause of a free Lithuania. By our actions today, we make known to the world, our commitment to the inalienable rights of freedom—freedom of speech, national self-determination, and human rights.

The tragedy which accompanies Soviet domination continues to this day. Soviet authorities struggle to repress the unique cultures of the Lithuanian, Estonian, and Latvian people. Where these proud people deviate from the brutally prescribed policies of "sovietization," internment has become the norm. This has become an all too familiar pattern within the U.S.S.R.

By commemorating the Independence of Lithuania and remonstrating the Soviet Union for its violation of human rights, we signal to the world that we cannot rest where the rights of fellow human beings are violated. By the same token, we signal Lithuanian Americans and their brethren that their cause has not been forsaken. We must continue our support and advocacy until they are free.●

● Mr. FORD of Michigan. Mr. Speaker, it is indeed a great privilege to join my distinguished colleagues in commemorating the 65th anniversary of Lithuanian Independence Day. In marking this anniversary we are reminded of the plight of the Lithuanian people who are subjected to Soviet oppression.

It was on February 16, 1918, that the Lithuanians proclaimed an independent state dedicated to democratic principles. This freedom and independence came to a screeching halt in the summer of 1940 when they were forcibly put under Soviet domain. This flagrant attack of aggression was in direct violation of a peace treaty signed by the Soviet Union in 1920. This obvious act of hypocrisy must not go unnoticed by the free nations of the world. We must continue to impress upon the Soviet Union our outright objection to the numerous reports of human rights violations. The Lithuanians have been denied the most basic human rights—the free exercise of political, cultural, and religious freedoms. Yet, these brave individuals have held on to their identity and they have kept alive their hopes for these freedoms.

Mr. Speaker, I am very moved by the strength and conviction of these brave individuals. I am thankful for this opportunity to pay tribute to these courageous people and their overwhelming commitment to human rights and freedom that free nations of the world cherish so deeply.

● Mr. MOAKLEY. Mr. Speaker, I rise today to commemorate the 65th anniversary of the Declaration of Lithuanian Independence.

The Lithuanian people have undergone great hardships. They emerged in 1918—after more than a century of Russian domination—as a free and independent nation. Forty-three years ago, in 1940, the Soviet Union invaded Lithuania. They did so despite having signed a peace treaty in 1920 which recognized the sovereignty of Lithuania without any reserve.

Lithuania is operated like a prison camp. Use of the Lithuanian language in publications is forbidden. Religious instructions, rites and ceremonies are prohibited. Religious leaders are persecuted. Travel to and from Lithuania is severely restricted. In essence, the Soviet Union is trying to wipe out the culture of the Lithuanian people. Those who oppose the Soviet-enforced policies face imprisonment, torture, exile, and other such harsh measures. However, the Soviets have not succeeded in destroying the Lithuanian culture or spirit.

My heart goes out to the Lithuanian people. They should be praised for both their courage and commitment. Despite the Soviet Union's steadfast efforts to douse the flame of freedom in the hearts and minds of the Lithuanian people—these brave people have not lost sight of their goals.

Lithuania has contributed so much to our own culture through its sons and daughters in the United States. It is my hope that we can do something for them in their country. As freedom loving people, we have an obligation to condemn denials of freedom to the people of Lithuania and should work to allow self-determination in that country. Silence on the part of the American people will indicate to the Soviet Union that we are indifferent to the plight of the Lithuanian people. And that is simply not true.

Americans are becoming more aware of the Lithuanian dilemma—and this renewed awareness is due, in part, to the successful efforts of Lithuanian Americans who have educated the Congress and general public about this all important issue.

Today, it is of the utmost importance that we recognize the determination and freedom loving spirit of the Lithuanian people—both Lithuanian nationalists and Lithuanian Americans. I am sure that I speak for my colleagues in Congress and the American people when I say that the Lithuanian people have reaffirmed our faith in the indestructability of the human spirit.

Thank you.●

● Mr. LIPINSKI. Mr. Speaker, I bring to you a sad story, a story of repression, of abuse, of struggle. On February 16, 1918, Lithuania was reborn, freed from the shackles of czarist Russia, to breathe in the air of democracy and taste the sweetness of freedom she had so long been deprived. The years of freedom, however, were fleeting and the bitter taste of oppression once again filled the mouth of an innocent people.

In 1940, during World War II, the Soviet Union occupied Lithuania and installed its own puppet regime. The Soviet Union ignored the peace treaty of 1920 and the nonaggression pact of 1926 and instead absorbed the helpless Lithuania into its sphere of dominance. The cry of self-determination was blatantly ignored. The rights of Lithuanians were never acknowledged. Today they experience constant hardship and strain, but they still dream of the day when freedom will be restored and Lithuania will again join the ranks of democratic nations.

Right now, however, their leaders for independence are being liquidated, their culture is being absorbed, and religious freedom is nonexistent.

The Lithuanians continue to struggle to try to regain the freedom they barely experienced. They are a brave and proud people. I join with my fellow colleagues to commemorate the years that have passed since Lithuania was last a free nation. We will not forget her cry, we can not forget her struggle, and we must never forget her courage.●

PIK: NO HELP TO SOUTH CAROLINA FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. HARTNETT) is recognized for 5 minutes.

● Mr. HARTNETT. Mr. Speaker, on January 17, 1983, I held a meeting for the farmers of the First District of South Carolina in the town of Walterboro, S.C. Gathered at this occasion were representatives from the Farmers Home Administration, the Small Business Administration, Soil Conservation Service, Agriculture Stabilization and Conservation Service, the Federal Land Bank and Federal Intermediate Credit Bank, South Carolina's agriculture commissioner, the South Carolina Farm Bureau president, as well as Mr. Wilmer Mizell, Assistant Secretary for Governmental Affairs at USDA. Also on hand were 400 to 500 farmers who are desperate for some relief to the problems they face.

Among the various issues discussed that night was the payment-in-kind (PIK) program. Many farmers in my district, as well as across the State, desire to participate in PIK, but for various reasons, which I will mention later, will be limited in their ability to do so. If the goal of the PIK program is to help the farmer by lowering his production costs, and to simultaneously reduce large Government commodity surpluses so as to improve prices, then this program can be improved upon by incorporating my legislative proposal.

My bill would direct the Secretary of Agriculture to include in his final PIK regulations language to allow soybean production to be idled in return for a payment of corn from Government surpluses. My reason for proposing this measure is the knowledge that in my district, the payment-in-kind program will not provide significant help as it is currently drafted.

My farmers need relief now, but PIK would not help them for two primary reasons. First, farmers in my part of the country double crop. Under the interim rule recommended by the Department of Agriculture, if a farmer idles his corn production, for example, he is prohibited from planting any other crop on that idled land; even if he normally plants two entirely different crops during a particular year. How is that farmer to be compensated for not growing that second crop? Clearly, it would be folly to alter the rule to permit a second crop to be grown on diverted land. What can help these double cropping farmers is payment-in-kind compensation for their second crop, which in my State is primarily soybeans. This would allow, for instance, a farmer in Walterboro, S.C., to receive payment-in-kind for idling his soybean production later in the same year. It is clear that if soybeans are not part of this program, then many of my farmers will be inclined not to participate in PIK.

Second, there are numerous farmers in my State who do not have sufficient yield base histories for the five commodities announced in the iterim PIK rule in order to participate in PIK. Once again, my farmers, who are struggling just as much as those farmers who consistently grow the five PIK program commodities, receive precious little assistance from this Government solution.

As a result, I am introducing legislation which will give the farmers of my district and the soybean farmers of this country a helping hand. If passed into law, it would accomplish several objectives. First, it would reduce production of soybeans. There is no significant surplus of soybeans; however, prices are so low now that a farmer cannot earn enough to cover production costs, not to mention covering any loan payments to creditors. Second, it will increase participation in the PIK program. Full and strong participation by America's farmers is necessary if the program is to work at all. Third, it will enhance the objectives espoused by Secretary Block on January 11, 1983, which are: to reduce production—in corn, wheat, sorghum, rice, and cotton—to reduce surplus stock holdings; and to avoid increased budget outlays that would otherwise be necessary under price support programs. In particular, my bill would further reduce the surplus of corn. Furthermore, it will help improve farm prices, which is at the heart of our agricultural economic programs.

I invite you to examine this measure and encourage your support.

At this point, I include my bill in its entirety in the RECORD:

H.R. 1541

A bill to require the Secretary of Agriculture to revise rules establishing a special program of payment-in-kind for acreage diversion for the 1983 crop of certain commodities to permit producers to divert soybean acreage from production and receive corn as payment-in-kind

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary")—

(1) shall not issue as a final rule the interim rule published in the Federal Register on January 12, 1983 (48 Fed. Reg. 1477-1479), which establishes a special program of payment-in-kind for acreage diversion for the 1983 crops of wheat, corn, grain sorghum, upland cotton, and rice, unless such final rule incorporates the provisions described in subsection (b), or

(2) shall, if such interim rule is issued as a final rule before the date of the enactment of this Act, amend such final rule to incorporate such provisions.

(b) The provisions referred to in subsection (a) shall provide for the following:

(1) The Secretary shall enter into an agreement with any producer with respect to the 1983 crop of soybeans under which—

(A) such producer agrees—

(i) to divert from production and devote to conservation uses approved by the Secretary an acreage of cropland equal to not less than 10 percent nor more than 30 percent of the soybean acreage base for such producer's farm, and

(ii) to plant an acreage to soybeans which does not exceed the difference between such soybean acreage base and such diverted acreage of cropland, and

(B) the Secretary agrees to pay to such producer a quantity of corn equal to the product of—

(i) 2,

(ii) such diverted acreage of cropland, and

(iii) 80 percent of the average yield of soybeans on such farm, as determined by the Secretary.

The soybean acreage base for such producer's farm shall be equal to the number of acres planted to soybeans on such farm with respect to the 1982 crop of soybeans.

(2) In lieu of an agreement under paragraph (1), the Secretary may, pursuant to a competitive bid process, enter into an agreement with such producer with respect to the 1983 crop of soybeans under which—

(A) such producer agrees—

(i) to divert from production and devote to such conservation uses an acreage of cropland equal to 100 percent of such soybean acreage base, and

(ii) to plant no acreage to soybeans, and

(B) the Secretary agrees to pay to such producer a quantity of corn equal to the product of—

(i) 2,

(ii) such diverted acreage of cropland, and

(iii) the percentage of such average yield which such producer bid for purposes of such competitive bid process.

(3) Except as provided in an agreement described in paragraph (1) or (2), no producer shall be required to divert, set-aside, or otherwise reduce, acreage planted to soybeans or to any other commodity as a condition of eligibility for entering into such an agreement.

(4) Except when inconsistent with the provisions described in paragraphs (1), (2), and (3), the terms and conditions, procedures, and miscellaneous provisions applicable to contracts, and payments made pursuant to contracts, entered into before the date of the enactment of this Act under the rule described in subsection (a) shall be applicable with respect to agreements described in paragraphs (1) and (2).

(c) The Secretary—

(1) shall, notwithstanding any time limitation contained in section 553(d) of title 5, United States Code, take the action required by subsection (a) as soon as practicable after the date of the enactment of this Act.

(2) shall provide producers an adequate period of time after the date of such action to apply to enter into agreements described in subsections (b)(1) and (b)(2), and

(3) shall permit any producer who enters into any such agreement to modify or terminate any contract entered into before the date of the enactment of this Act under the rule described in subsection (a).●

THE IMMIGRATION REFORM AND CONTROL ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, I am today introducing the Immigration Reform and Control Act of 1983, H.R. 1510, the comprehensive immigration reform bill considered but not finally acted upon during the 97th Congress.

This legislation is the product of more than a decade of research, analysis, and hearings by this Congress, four administrations, the Select Committee on Immigration and Refugee Policy, and numerous other independent studies.

It is a good bill, with widespread support. Unfortunately, due to the lack of time in last year's postelection session, the bill was not signed into law. However, the Senate, under the leadership of Senator Alan K. Simpson of Wyoming, chairman of the Senate Subcommittee on Immigration and Refugee Policy, last year passed by a vote of 80 to 19 a similar bill. I am hopeful the Senate will move ahead this year again, and that this body will also complete action.

The bill I am introducing today is that which passed the House Judiciary Committee September 22, 1982. Chairman PETER W. RODINO, JR., of the full committee conducted an excellent markup session of the bill, and we emerged with a fine work product. I look forward to his continued leadership in this area.

The bill contains elements which virtually every analyst of immigration reform believes are necessary if we are to bring order out of the present immigration chaos.

First, it imposes penalties on employers who knowingly hire undocumented aliens. I emphasize the term "knowingly" because employers who innocently hire undocumented aliens will not be punished in any way under this bill.

The purpose of these employer sanctions as they are called, is to end the job lure that brings undocumented aliens to this country. Contrary to popular belief, it is presently not illegal to hire an undocumented alien. As a result, hundreds of thousands of undocumented aliens enter this country each year to take jobs.

These undocumented aliens come from all parts of the world, and take jobs in all sectors of our economy in all parts of our country. While no one knows for sure how many of these jobs might otherwise be taken by Americans, it is clear that there are at least some job displacements, especially at the lower end of the job scale.

The bill contains various protections aimed at preventing any discrimination against minorities that might inadvertently arise from implementation of employee sanctions. I certainly intend to continue to examine this issue which is of such concern to my colleagues and many ethnic and minority organizations.

Second, the bill reforms the process for determining which of the tens of thousands of individuals who come to this country without documents and then claim the right of political asylum actually should be given that status.

The present system is gridlocked, with approximately 140,000 cases backlogged. This backlog makes a mockery of the asylum process, and threatens to undermine an essential humanitarian element of our immigration policy.

My bill establishes an independent corps of administrative law judges to conduct full and open hearings on each and every asylum application. It also contains various provisions to insure that while all hearings are totally fair, they are also expeditious. Judicial review of negative decisions is also provided.

Third, the bill contains some modifications in the 30-year-old H-2 temporary foreign worker program.

This program allows foreign workers to enter our country for short durations to take specified jobs only if American workers are not willing to take those jobs. My bill streamlines some aspects of the H-2 program.

The H-2 program may have to be used because many employers have become dependent on undocumented aliens. It is my hope that once employer sanctions are in place, these employers will hire American workers. But if American workers will not take the jobs offered, foreign workers will have to be made available.

The fourth central element of the bill is the legalization program.

This is not a blanket amnesty.

The legalization program is a carefully controlled, case-by-case determination by the Attorney General whether an individual who has been in this country a minimum of over 3 years should be allowed to achieve legal status. Each individual who applies for legalization will have to convince the Attorney General that he or she has been a positive contributor to our society and has not run afoul of the law, save for not having proper immigration documents.

People who are legalized do not immediately become U.S. citizens. Rather, they become either permanent resident aliens or temporary resident aliens, depending on their date of entry to the United States. Each individual will have to wait a minimum of 5 years before becoming a naturalized U.S. citizen.

The bill limits the eligibility of newly legalized aliens to receive welfare benefits, except for emergency medical care and specific aid to the blind, aged, or disabled. The legislation also authorizes funding for reimbursement to State and local governments for costs they incur because of the newly legalized aliens.

Legalization is part of a package, a package to have a new, firm immigration policy. It is a simple fact that our country is not going to deport hundreds of thousands of individuals who have lived here for at least 3 years and have been contributors to our country. Spending scarce law enforcement dollars on trying to round these people up and deport them would be unwise.

Allowing longstanding residents to become legalized will also benefit our country by ending the underground

society in which they live. Their status as undocumented aliens makes law enforcement in our communities more difficult, in addition to leaving the people themselves vulnerable because of their undocumented status.

There are various other parts of the bill which are also significant, Mr. Speaker, and I am including a summary of the bill at the conclusion of my remarks.

This legislation must, by its very nature, be a compromise, a delicate balance between competing interests. I hope my colleagues will understand that balance, and not jump to judgment on the bill because they find one specific part not totally to their liking.

It is difficult to overstate the importance of enacting an immigration reform bill in this Congress.

Five years ago, the Census Bureau made a rough estimate that between 3.5 and 6 million undocumented aliens already live in our country. All indications are that the number has grown substantially in the intervening 5 years, and that it will grow even more if we fail to act. Undocumented aliens have been coming to this country for decades. The problems the bill seeks to address did not start suddenly last year because of a war in one country or an economic crisis in another.

Even if this legislation is enacted, we will not have reached the end of the road in dealing with immigration. In fact, we will just have made a start. We as a nation must deal with the problems in the sending countries that lead so many of their citizens to attempt to come to the United States. We must also strengthen the Immigration and Naturalization Service, the arm of the Justice Department charged with enforcing our immigration laws. For too long, INS has been neglected, with the result that both its service to the public and its law enforcement functions have been inadequate.

My subcommittee will hold full hearings on the Immigration Reform and Control Act of 1983 during March. We need to refresh the hearing record that was established during the last Congress, and to examine changes that might be made in the bill to strengthen it. The bill I am introducing today is a legislative vehicle to focus the hearings and the debate in my subcommittee. Alternative formulations and views will be given every consideration.

A large number of individuals and groups have already indicated their desire to testify on the bill, but I would like to take this opportunity to advise my colleagues and others who wish to be heard on the bill to contact my subcommittee as soon as possible. Written requests should be addressed to the Subcommittee on Immigration, Refugees, and International Law, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C. 20515. The subcommittee staff can be contacted on (202) 225-5727.

It will not be possible to accommodate all requests to testify, but my subcommittee will do its best to schedule as many witnesses as can reasonably be heard.

Mr. Speaker, I look forward to enactment of the Immigration Reform and Control Act of 1983 during this Congress.

SUMMARY—IMMIGRATION REFORM AND CONTROL ACT OF 1983

I. ILLEGAL IMMIGRATION

A. Employer sanctions

Makes it unlawful for any employer knowingly to hire for employment or to recruit for a fee, after the date of enactment, any alien not authorized to work in the United States.

Requires employers of four employees or more to have all prospective employees show them, as a condition of hiring, either: (1) a U.S. passport, or (2) a U.S. birth certificate or social security card and a driver's license, or a state issued I.D. card, or an alien identification document.

Requires such employer, to attest in writing, under penalty of perjury, that he has seen the necessary documentation; requires the employee, to attest in writing, under penalty of perjury, that he or she is authorized to work in the U.S.

Any employer of four or more employees who does not meet the requirements for checking documents, signing the appropriate form, and retaining the appropriate form is liable to a civil fine of $500 per employee hired.

States that within three years of enactment the President shall make such changes "as may be necessary" to make the system more secure.

States that the bill does not authorize the creation of national identification cards.

Establishes a graduated penalty structure for hiring unauthorized aliens—first offense: warning; second offense: $1,000 civil fine per unauthorized alien hired; third offense: $2,000 civil fine per unauthorized alien hired; fourth offense: $3,000 criminal fine per unauthorized alien hired or one year in jail, or both. Also, Attorney General may seek an injunction to stop pattern or practice violators.

Requires an extensive outreach program to inform employers, employees, and the general public of this new law. Allows violations occurring during the first six (6) months after enactment to go unpunished.

Gives violators a right to a hearing before a Department of Justice Administrative Law Judge (See page 2.)

Requires Civil Rights Commission to issue reports on possible discriminatory effect of this law.

Creates an affirmative defense for employers who have complied with the attestation requirements in good faith.

Creates a Department of Labor/Department of Justice task force to review complaints of discrimination.

Makes it a felony to use fraudulent documents in order to obtain employment.

B. Increased border and other enforcement; user fees

Creates criminal penalty for bringing an alien to the U.S., knowing or in reckless disregard of the fact, that the alien had not received prior official authorization to enter.

States the sense of Congress that resources for border patrol and other immigration enforcement activities of the Immigration and Naturalization Service and other agencies should be increased.

Allows Attorney General to impose fees for the use by aliens of border and other immigration facilities and services in an amount commensurate with cost.

C. Adjudication procedures and asylum

Creates United States Immigration Board, an independent agency within the Department of Justice. Six member Board is appointed by the President with the advice and consent of the Senate, with members serving six year terms. It may meet en banc or in panels of three or more. It hears all appeals from decisions made by the Administrative Law Judges.

Chairman of Board appoints up to seventy Administrative Law Judges to hear all exclusion and deportation cases (including those involving asylum), challenges to fines, and all other matters heard by the present Board of Immigration Appeals. Some of the Administrative Law Judges are specially trained to hear asylum cases.

Decisions by Administrative Law Judges would be reversible by the Board if not supported by substantial evidence.

Judicial review in exclusion cases available in U.S. Circuit Courts.

Judicial review of asylum matters available in Circuit Court once a final order of deportation or exclusion has been entered.

Judicial review of non-asylum deportation cases available in Circuit Court of Appeals.

At asylum hearings, alien is entitled to an open hearing, representation by counsel, the right to call witnesses, present evidence, and confront witnesses.

Aliens who attempt to enter the U.S. without proper documents can be excluded unless they assert some reasonable basis for entering the U.S. or claim asylum, in which case they are entitled to go before the Administrative Law Judge and receive a full scale hearing.

Requires speedy asylum hearings: If alien is not given asylum hearing within 45 days of the filing of the application, the alien, if detained, will be released on parole.

Imposes various time limits in the processing asylum claims.

D. Adjustments of status

Adjustment of status procedure would not be available to aliens who have violated the terms of their nonimmigrant visa.

II. LEGAL IMMIGRATION

A. Labor certification

Labor certification can be granted on the basis of nationwide job market data or on a case by case basis. Certification must include a finding that sufficient U.S. workers could not be trained within a reasonable time.

Allows certain aliens having labor certifications to remain in the U.S. if a visa will likely be available within two years.

B. G-4's

Relief provisions are provided for certain children and widowed spouses of employees of international organization.

C. Nonimmigrants

Special procedure established for H-2 seasonal workers in agriculture:

The employer must apply to the Secretary of Labor no more than 50 days in advance of need, asking for foreign workers; employer

then must attempt to recruit domestic workers;

The Secretary of Labor must provide a decision on the certification no later than 20 days in advance of need;

If the Secretary of Labor determines that a certain number of qualified U.S. workers will be available at the time needed, but at the determined time those workers are not qualified and available, an expedited procedure to determine need would be available.

D. Visa waiver

After the Immigration and Naturalization Service has implemented a system to track the entry and exit of nonimmigrants, the State Department may establish a three year pilot nonimmigrant visa waiver program for five countries which provide or will provide a similar benefit to the U.S. The visa refusal and visa abuse rates for the nationals of such countries must be minimal, and the visitors must have nonrefundable, roundtrip tickets.

E. Foreign students

Foreign students who enter the U.S. after date of enactment will not be allowed to adjust status or return to the U.S. until they have resided in their home countries for two years, unless such a student is an immediate relative of a U.S. citizen. Foreign students who entered before date of enactment will not be permitted to adjust status, and must leave the U.S. to seek a visa if they wish to return. Exceptions are allowed, until 1989, for students with degrees in natural science, engineering, computer science, or mathematics with certified job offers in universities or industry. Exceptions also for adjustment to three year nonimmigrant training status in industry.

III. LEGALIZATION

Case-by-case determination for legalization applicants

Permanent resident status (not citizenship) for aliens who have continuously resided in the U.S. since January 1, 1977 and who are not excludable (See below.)

Temporary legal status for (a) aliens who have continuously resided in the U.S. since January 1, 1980, and (b) "Cuban/Haitian entrants" who were previously given special legal status, and who are not excludable. (See below.)

Persons receiving temporary status will be able to adjust to permanent resident status three years from date of enactment. If they have not done so three and one-half years after date of enactment, their temporary resident status expires.

Federally funded public assistance (other than medical care, aid to aged, blind, or disabled, and for serious injury or in the interest of public health) will not be available to permanent residents for three years and temporary residents for six years (other than "Cuban-Haitian entrants").

Persons will not be eligible for legalization who:

Have been convicted of a felony or three misdemeanors committed in the U.S.;

Have assisted in political persecution;

Have been convicted of a crime involving moral turpitude, or two or more offenses for which sentences aggregating five or more years were imposed;

The government has reason to believe seek to enter for activities inimical to the welfare, safety or security of the U.S.;

Are, or have been, anarchists, Communists, or who advocate the overthrow of the government;

Are Nazis;

Would engage in subversive activities;

Have been convicted of a drug violation, other than simple possession of 30 grams or less of marijuana;

Are nonimmigrant exchange aliens subject to a two year foreign residency requirement.

Authorizes "such sums" for each year through Fiscal Year 1989 for the purpose of reimbursing state and local governments for increased educational and public assistance costs resulting from the legalization program.

Provides that aliens in the U.S. continuously since January 1, 1973 may adjust to permanent resident status if of good moral character and not ineligible for citizenship.

IV. MISCELLANEOUS

A. Putative fathers

Recognizes, for preference petitioning purposes, the relationship between a biological father and his illegitimate child.

B. Retirees

Allows self-sufficent aliens who entered U.S. prior to 1978 in expectation of obtaining an immigrant visa as retirees to adjust to permanent resident status.●

FALKLANDS: PROVES VITAL ROLE FOR MERCHANT MARINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

● Mr. ADDABBO. Mr. Speaker, the battle of the Falklands will continue to be analyzed for months and years to come. There are lessons to be learned. Clearly among them is the vital role of the British merchant marine.

Secretary of the Navy John Lehman testified earlier this month before a subcommittee of the House Armed Services Committee. As he pointed out:

The British landing forces * * * were carried to the Falklands in a small number of specialized amphibious ships * * * and a large number of merchant ships.

They included all kinds of ships—container, roll-on/roll-off, passenger, and tanker. The term the British use is STUFT, ships taken up from trade.

That is what we must heed and heed well. We are spending billions of dollars on defense, yet we continue to neglect our basic resources of transportation: The merchant marine.

The February issue of the Officer magazine includes an article under the byline of Vice Adm. Kent J. Carroll, USN, Commander, Military Sealift Command. I would call your attention to the opening paragraphs of this article:

It's no exaggeration to say our country's merchant marine is floundering in the worst shipping slump in 50 years. I am worried. The more I see our merchant fleet decline, the more I see a blueprint for chaos develop, especially if this country faces a national emergency which requires a deployment of our combat power.

. . . If the whistle blew today our own sea lines of communication might have to be filled by foreign flag ships. That does not make sense to me. A strong merchant marine, just as much as a strong navy, is the basis of any nation's seapower.

In this context I would remind you that less than 4 percent of this Nation's oceanborne foreign commerce is carried by our merchant marine. This compares, according to this article, to nearly 35 percent in 1952.

Admiral Carroll goes on to point out that—

The successful employment and sustainability of ground combat power is transportation dependent—and the transportation mode that must convey more than 90 percent of that lift is SEALIFT.

While we have stood still and allowed our merchant marine to flounder and shrink, the Soviet Union has not.

I had occasion to review a research report of Mitsui O.S.K. Lines, Ltd. of Japan. The title of this report is significant: "Recent Figures and Movements of Soviet Merchant Marine—A Second Navy Disturbing World's Shipping Order."

The report points out that the Soviet Union has actively fostered the strengthening and expansion of their merchant marine power. Immediately following World War II, the Soviet Union ranked 23d in the world merchant marine. In 1981, its ranking had risen to sixth. The five leading maritime powers are listed as Liberia, Greece, Japan, Panama, and Great Britain. The United States is not among them.

The impetus for the Soviet expansion, as this report notes, was a direct outgrowth of the Cuban crisis of 1962. The Soviet Union found its marine transport inadequate to carry military supplies and aid to Cuba. Starting under the Khrushchev government, a series of plans was evolved and the expansion of the oceangoing merchant fleet became a major goal for the Soviet Union. The most recent 5-year plan (1981–85) calls for still further increases.

It is worthy of note that this expansion emphasized construction based on such modern technologies as containerships and bulk carriers. This fleet, as the report points out, is a supplement to the Soviet Navy. It is supported in the Soviet Navy budget, and seamen are regularly cross-trained.

The prime aim of Soviet foreign trade is to maintain and expand Soviet influence around the world. The crucial need for foreign exchange has spurred its expansion into cross trades around the world. The costs of construction and operation are virtually academic. They are mostly subsidized by the Soviet Government. Unfettered by allegiance to orderly world trade, they offer low rates, scavange for cargoes, and cause confusion in the shipping order of the world.

This extensive report concludes:

It is now high time that the governments and private shipping firms of the countries concerned should join in a united front to counter the offensive of the Soviet merchant fleet.

The message is clear. We can look back through the pages of our own history. In times of conflict, we turned to our merchant marine. The Soviets learned a lesson from Cuba and, if we need a reminder, we hear it from the Falklands. If we fail to support our merchant marine in times of peace, it may not be there when we need it in times of emergency.●

NORMAN PROTSMAN IS AN EXAMPLE OF PUBLIC-SPIRITED BROADCASTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 15 minutes.

● Mr. FUQUA. Mr. Speaker, last week the Florida delegation presented the first of what will be annual Distinguished Service Awards for outstanding leaders in our State. Our delegation established this awards program to recognize those who are giving so much of themselves and their resources for the good of others and to encourage others to join in making our communities better places to live.

Each member of our 21-member delegation was allowed to submit nominations and from these three State winners were named.

Honorees were:

Charles I. Babcock of Coral Gables, Fla., for his efforts to revitalize the riot-torn and economically disadvantaged areas of Liberty City in Miami.

Jacksonville Percentage Club, Guy Botts and Robert T. Shircliff, cochairmen, for its successful efforts to enlist corporate members who would agree to give a fixed percentage of their pretax income to charity—81 inducted in its first year.

Norm Protsman, Live Oak, president of the Florida Association of Broadcasters, and long-time civic and professional leader.

They were most deserving.

Today I would like to single out my friend, Norman Protsman, to pay a personal tribute to him and to the profession of broadcasters and all those connected with this vital and vibrant industry.

Norm's life can be divided into two segments, his professional career in broadcasting and his public service.

As the owner at one time of four radio stations in Florida, he has served as an example of what community-minded radio stations, for that matter the broadcasting industry, can do for a community. We think that this public-spiritedness is the reason he has been so successful as a businessman.

It goes without saying that the private sector initiative which President Reagan so vigorously supports can have no better example than a businessman whose public service enhances his business, although we can attest that this was not the intent of Mr. Protsman in his endeavors.

Norm is a respected broadcaster, which his election as president of the Florida Association of Broadcasters should attest. His peers know him and respect him for his ability and integrity—those who have worked with him as he has served in offices of the association.

We feel that the reason he was deserving of being one of the recipients among the State winners of this award is because he has used his stations to urge that private initiatives be used to solve many of the great problems which confront our society. From experience, we know that his influence has been effective in the area which he has served.

Norman Protsman is a person who feels that every citizen has an obligation to serve his community and fellow men. That is the reason he helped the Florida sheriffs start the Florida Sheriffs Boys Ranch for needy boys. Starting with 30 acres and $5,000, this facility is now a multimillion-dollar venture that encompasses the Florida Sheriffs Girls Villa, a fantastically successful boys ranch, and other youth activities.

Perhaps the greatest challenge was in helping the Advent Christian Home. Supported by a relatively small denomination, it was a small and financially strapped institution when Norman Protsman took over as chairman of the advisory board. Today it is pointed to as one of the finest institutions in the Nation, serving the elderly and the orphaned.

The respect in which he is held by his community was his election to serve 8 years on the Live Oak City Council.

As president of the chamber of commerce, the Rotary Club, and elder in the Presbyterian Church, his influence has been felt in every walk of life where he has served.

A graduate of high school in Cincinnati, Ohio, he attended Olivet College in Kankakee, Ill. He served as a radio specialist in the 8th Air Force in the European theater during World War II.

Moving to Florida, he helped build radio station WMMB in Melbourne, Fla., in 1948, staying 2 years as an engineer-announcer. In 1950 he moved to Live Oak to manage station WNER and his career really began. Three years later he purchased the station, which he still owns and operates. In his career he has built WQHL-FM in Live Oak, WVLD in Valdosta, Ga., and WMAF in Madison, Fla., as well as having owned and operated WINT in Winter Haven and WDCF in Dade City.

He is serving his third term as a trustee of the North Florida Junior College in Madison. He was the founding president of the Suwannee County Rural Area Development Council, served as president of the Suwannee County Chamber of Commerce and for 13 years was the civil defense director for Suwannee County.

Numerous honors have come to Protsman through the years, and today he continues his active service as vigorously as three decades ago. It goes without saying that his lovely wife, Lee, is an active partner and helps make it all worthwhile.

As I stated at the outset, I wanted to say something about broadcasting and the contribution which this profession makes to mankind.

The world's first radio broadcast was made by Reginald Fessenden on December 24, 1906, when his station in Massachusetts transmitted voice and music to nearby ship and shore stations.

Radio broadcasting to the home began in 1920. It originated in the work of amateurs. Prominent among the hobbyists was Frank Conrad, a Westinghouse engineer who began a series of broadcasts from his garage near Pittsburgh, Pa., in 1919.

Harry P. Davis, Westinghouse vice president, had the idea that the manufacture of radio sets might use idled production capability his company had built during World War I. He proposed to give Conrad a transmitter, erect a station at the Westinghouse plant in Pittsburgh, and set up regular broadcast schedules listed in advance.

This was done and the radio broadcast station KDKA was born. It quickly made ready to broadcast the Presidential election returns on November 2, 1920.

With a 100-watt transmitter, Conrad and his assistant, Donald Little, relayed election returns from 8 p.m. until after midnight. Although perhaps only 500 to 1,000 receivers were tuned to them, the event was given widespread publicity.

This started the rush to build broadcasting stations and to buy receivers. Westinghouse quickly set up stations WJZ, KYW, and WBZ at its plants in Newark, N.J., Chicago, Ill., and Springfield, Mass., and before 1922, Westinghouse and other groups had at least six stations broadcasting on announced schedules.

The early years of broadcasting were marked by chaos. At first, all stations were licensed to broadcast on a frequency of 833.3 kilohertz—833.3 kilocycles per second—and there was no regulation of power or broadcast hours. When two or more stations were in one locality, they had to work out an agreement among themselves.

In a few areas stations divided the time fairly; in other areas they tried to

drown out their rivals with greater power or circumvent them by using a slightly different frequency. Despite the best efforts of Secretary of Commerce Herbert Hoover, whose department issued licenses, Congress waited until 1927 to act on the problem.

The Radio Act of 1927 provided for a five-man Federal Radio Commission (FRC) with full authority over station licensing, frequency allocation, and power regulation; it thus became the traffic policeman of the airwaves. The Radio Act also was important because it stated several concepts basic to the American system of broadcasting. The two chief concepts were that stations must operate "in the public interest, convenience, or necessity" and that the licensee did not own his frequency because the air belonged to the people.

There were 732 stations on the air at the time of relicensing.

NBC bought "Amos 'n' Andy" for their network in 1929; there, from 7 to 7:15 p.m. e.s.t., they reigned over America. For many years, more than half the sets in America were tuned to "Amos 'n' Andy". Factories changed shift hours to allow workers to listen to the program, and restaurants did not serve during that quarter-hour because there was no business.

News broadcasting was slow to develop. As late as 1933 there were only four network news broadcasts: H. V. Kaltenborn at 6 p.m., Lowell Thomas at 6:45, Boake Carter at 7:45, and Edwin C. Hill at 10:15. The notable exception to the dearth of news on radio was the highly successful "The March of Time," first broadcast on CBS in 1931 by Time magazine as a half-hour dramatization of the week's outstanding news events.

When the Federal Communications Commission took office in 1934, there were 593 broadcasting stations in the United States. Sales of receivers continued to grow; there were 3 million sets manufactured in 1932, 6 million in 1935, and 13 million in 1941. In 1935, RCA allocated $1 million for television tests, and Edwin H. Armstrong gave a public demonstration of frequency modulation (FM).

With the advent of television, as early as 1948, radio began to lose part of its audience and its advertisers. The industry reacted to changing conditions and by providing services and formats which the people wanted, is healthier today than ever.

As Protsman told me recently:

Radio is a vital link in providing information and entertainment. We are augmented by the print media and by television. When you put us all together, the American people are informed and can make intelligent decisions. We take this responsibility seriously at my station—we are a part of our community—and I think that is the attitude of the vast majority of those involved in this profession.

He also told me that the broadcasting industry is still evolving and may well be in its infancy.

The think I can tell you is that we will change to meeting changing conditions. I seriously believe that the one constant will be that to succeed we must keep uppermost in our minds that we are to serve—that we have this as a sacred obligation.

It is that attitude, and a fantastic record of service, for which Norm Protsman was honored last week. In so doing, I think the Florida congressional delegation honored broadcasters everywhere.●

INVESTIGATIONS OF SUPERFUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BATES) is recognized for 5 minutes.

● Mr. BATES. Mr. Speaker, a week ago today, on February 10, 1983, the Subcommittee on Oversight and Investigations authorized 39 subpenas in the subcommittee's continued investigations into the efficiency of the Superfund law in the cleaning up of toxic waste sites across the country. The Subcommittee on Oversight and Investigations is also conducting an inquiry into the administration of the present law by the Environmental Protection Agency.

Today, Environmental Protection Agency Administrator, Mrs. Anne Gorsuch, complied with the subpenas of this subcommittee, and I hope this is an indication of the Agency's and the administration's cooperation in this matter.

Unfortunately, former Environmental Protection Agency employee Rita M. Lavelle did not comply with a subpena that required her personal appearance before this subcommittee.

The staff of the subcommittee made repeated efforts to insure the appearance of Ms. Lavelle, but, thus far, all efforts have proven futile. I am also discouraged at the failure of Ms. Lavelle's legal counsel, Mr. James Bierbower, to appear before our subcommittee.

The Subcommittee on Oversight and Investigations issued these subpenas to insure the ability of the Congress to properly carry out its oversight function of the Superfund law. The reason for inquiring into Ms. Lavelle's activities is to determine if there was a conflict of interest in her actions, or if there was any possibility of collusion between persons, who are charged with the protection of the Nation's environment, and the toxic waste industry.

Mr. Speaker, I hope that Ms. Lavelle and her counsel will find the same spirit of cooperation that Mrs. Gorsuch has, and will come forward and tell the Congress and the Nation of her role in the administration of the Superfund law. But, if she continues to refuse to answer the subpenas of this subcommittee, I would recommend that the President appoint a special prosecutor to investigate these matters.●

SOCIAL SECURITY REFORM ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, when I first introduced the Social Security Reform Act last December, it was already clear that action to make up the social security system's funding shortfall had become a matter of urgent necessity. As you know, the retirement fund was forced to begin borrowing late last year from the disability and medicare trust funds in order to mail out its benefit checks on time. The National Commission on Social Security Reform has agreed on the magnitude of the crisis, but its members were deadlocked and unable to reach a consensus on the proper method for resolving that crisis. The ensuing weeks have not improved social security's financial condition, and the Congressional Budget Office's latest projections indicate that the combined balances of all three trust funds will decline to less than 1 month's worth of benefits by January 1984.

Now the Commission has published a "compromise plan," a set of recommendations that has the bipartisan backing of 12 of its 15 members. I would like to first commend the Commission's efforts to resolve the difficult and politically troublesome issue of social security financing. The compromise plan is the end product of many long hours of negotiation, and represents a well-intentioned attempt to deal with this issue constructively.

However, the Commission's is not the last word on the subject. Congress obligation to deal with the issue of social security financing has not been abrogated by the Commission's success in reaching a consensus, as welcome as that consensus is. We in Congress have the responsibility to insure not only that social security's month-to-month obligations are met, but also that the social security system is stabilized, its fiscal integrity guaranteed, and current and future social security recipients protected against the recurrence of such funding crises in the future. The Commission report is a valuable starting point for congressional debate on the best means of achieving these goals, but that debate must be no less thorough or far reaching for the discussions and agreements that have preceded it.

I continue to believe, as I did last December, that the Commission has

been too limited in its approach. Because it is restricted to short-term measures, the Commission's plan has negative effects on every sector. The elderly suffer from the 6-month delay in the 1983 cost of living adjustment, which would impose special hardships on the 7 million Americans who receive 90 percent or more of their income from social security, as well as the imposition of taxes on half of social security benefits—in effect, a benefit cut for the 3 million beneficiaries whose income from other sources exceeds the income ceiling. At the same time American workers and businesses, particularly the self-employed, are hurt by the acceleration of payroll tax increases. These increases are proposed in spite of the fact that fully one-quarter of American workers already pay more in social security taxes than in Federal income taxes.

These measures may succeed in patching up social security's immediate shortfall, but the long-term structural problems of the system will remain. The Social Security Reform Act which I am reintroducing today represents an attempt not only to "shore up" the system but to reform it in a comprehensive and constructive way, to avoid the "band-aid approaches" of benefit cuts and payroll tax increases while ensuring that both the short-term and the long-term difficulties of the system will be resolved.

The social security system was established originally to pay pensions to retired workers and their dependents, and to protect families against the untimely death of their wage earner. Americans now count on social security for many different kinds of assistance, but I think most would agree that its primary purpose should remain the payment of retirement and related benefits. If social security is to survive its current crisis, and if the American people are to continue to believe in its future, I believe the system must be returned to this original conception.

The basic thrust of my proposal is to provide for a gradual transition to do the following: Stabilize the retirement insurance program in its current form, financed through the payroll tax; and separate out the other major components of the system, disability insurance and hospital insurance, by taking them off the payroll tax and onto a permanent consolidated trust fund supported by the general fund.

Specifically, the Social Security Reform Act maintains the old-age and survivors trust fund for the payment of retirement, survivors, and dependents benefits. OASI will continue to be funded by the payroll tax, but will have a separate account in the Federal budget. Disability and medicare will be consolidated into one trust fund which will draw revenues out of the general fund.

The immediate needs of the retirement programs will be met by crediting the OASI trust fund with whatever surplus remains in the disability and medicare trust funds, while providing that the amounts already transferred under the interfund borrowing program need not be repaid. OASI will also be allocated whatever additional proportion of the payroll tax is necessary to pay out benefits for the remainder of 1983.

The OASI trust fund will then receive an amount of the payroll tax decreasing from 5.2 percent in 1984 to 5.1 percent in 1985 and later years. Under the Congressional Budget Office's current economic assumptions, this tax schedule will build up a sufficient level of reserves to guarantee continued payment of retirement and retirement-related benefits through the 1980's. Demographic trends in the 1990's are expected to favor social security, meaning that the retirement program will be stabilized well into the 21st century.

Immediate payment of disability and medicare benefits out of the general fund would obviously place a tremendous strain on an already overloaded Federal budget. The fiscal 1984 budget deficit is projected to reach the neighborhood of $200 billion, and I do not think we can sanction any measure which would add substantial amounts to that staggering figure and so dim the prospects for a sustained economic recovery. My proposal includes several provisions which will ensure that during the transition period, the Federal budget deficit will not be severely affected by the addition of these programs.

First, over a transition period covering the years 1983–90, a specified amount of the payroll tax will be paid into the consolidated trust fund to be used toward the payment of disability and medicare benefits. This amount will total 1.5 percent in 1984, 1.95 percent in 1985–86, and 2.05 percent in 1987–90; in addition, the consolidated trust fund will receive those amounts of the payroll tax not needed for the payment of OASI benefits for the duration of 1983. Under this schedule, the total payroll tax will increase from the current 6.7 to 7.05 percent in 1985–86 and 7.15 percent from 1987–90. However, this is an improvement over current law, under which the tax will increase to 7.05 percent in 1985, 7.15 percent in 1986–89, and 7.65 percent in 1990—and an even greater improvement over the Commission proposal, which includes tax hikes to 7 percent in 1984, 7.05 percent in 1985, 7.15 percent in 1986–87, 7.51 percent in 1988–89, and 7.65 percent in 1990. And second, the projected 10-percent tax cut due to be implemented on July 1, 1983, will be reduced to 5 percent with the remaining 5 percent set aside during the 1983–90 period into the consolidated trust fund.

Any shortfall in the consolidated trust fund during this period will be made up out of general revenues, and any surplus merged into the general fund. As a result, Federal outlays will increase in some years and decrease in others. However, the net effect on the Federal budget over the 1983–90 time span will be minimal.

Finally, this bill includes two additional reforms which I feel are important in the effort to insure long-term stability:

Social security coverage will be extended as of January 1, 1984, to new Federal hires and employees of nonprofit organizations, as the Commission has recommended. This approach meets two considerations. It moves the system toward the universal coverage which was intended by its founders, and it protects current Federal employees who joined Government service in the expectation of participating in a Federal retirement system and who are already paying into or receiving benefits from such a system.

Finally, cost-of-living adjustments will be indexed to the annual increase in wages minus 1½ percentage points—the average annual increase in productivity—rather than to the Consumer Price Index. Use of the wage index will provide a better reflection of the price increases actually experienced by social security recipients, and will help to stabilize the system by making outgoing benefits subject to the same economic conditions as incoming revenues. Social security beneficiaries will be protected against inflation, yet without receiving better protection than the workers who support the system through their payroll taxes.

With regard to medicare and disability, I have long felt that these programs are better suited for general revenue financing than for funding through the payroll tax. These are both extremely valuable and worthwhile programs, and I do not intend the Federal Government's commitment to the ill and the disabled to be weakened in any way. However, it is difficult to reconcile these programs with the "earned wage benefit" conception on which the retirement program was based, because unlike retirement, these programs do not pay benefits to everyone who pays social security taxes. In addition, medicare benefits are not wage-related at all; disability benefits, because they can begin at a young age, also bear little relation to the worker's contribution to the social security system. Use of a flat percentage tax on all workers is appropriate for a retirement insurance program which pays benefits to all workers, but insurance against disability and illness is better funded from other sources.

In addition, it is important to remember that the payroll tax is a regressive tax because it is a flat percentage, taking a proportionately greater share out of the low- or middle-income worker's paycheck. The income tax system, on the other hand, is designed to be progressive: the higher one's income, the greater the tax rate. I believe it is simply inequitable to ask low- and middle-income workers to bear a greater share of these progams' costs than the wealthy through a regressive tax when they may never qualify for benefits—and if they do, those benefits will be unrelated to their relative contributions to the system. Reliance on the same general revenues used to support other government programs will spread the burden of medicare and disability costs more fairly, while helping to insure the solvency of the retirement fund.

The advantages of this proposal over the recommendations of the National Commission are significant. CBO's current figures indicate that the Commission plan will result in OASDI outlay reductions of $21.2 billion over the 5-year period 1984-88, and income increases over the same period of $66.7 billion. According to CBO, my proposal will result in $24 billion in OASDHI outlay reductions and $135 billion in increased revenues over the same period. In other words, my bill will generate an additional $159 billion for the social security system over the next 5 years, while the Commission plan raises only $87.9 billion for OASDI over the same period. Yet my bill does not cut or delay benefits to current retirees. It does not accelerate payroll tax increases; in fact, it scales them back. And from 1991 on, the retirement fund is projected to remain stable with a 5.1 percent tax rate.

I know that some will object to the use of general revenues for programs which were intended to be self-supporting. However, the Commission plan also makes use of general revenues: by taxing benefits and recycling the extra revenue into the social security trust funds, and by providing a refundable income tax credit for the amount of the 1984 payroll tax increase. If general revenues are to be used in any case, I believe they must be directed to those programs which are most appropriate for their use, and they must be accompanied by structural reforms which will insure that the retirement fund will not need to make use of such revenues in the future but will be able to remain solvent and self-sustaining.

Mr. Speaker, I believe Americans are willing to sacrifice in order to guarantee social security's stability, but at the same time they expect and deserve a comprehensive, humane, and responsible approach to the system's problems. We have been presented with a unique opportunity, a chance to take a long and hard look at social security and to think not only about how to keep social security benefits coming in the next few months, but also about how the system should be restructured to insure that it will be there for today's workers and for their children and grandchildren. This proposal meets both these goals by stabilizing the retirement program for all workers without asking any one sector to bear too heavy a share of the burden of change, while transferring the other components of the current system to general revenue financing. I urge my colleagues to take advantage of this opportunity to institute this comprehensive and much-needed reform.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, because of an illness in my family, I missed two votes on February 15, to suspend the rules and pass H.R. 861 and H.R. 1043. Had I been present, I would have voted "aye" on both of these bills, which are important to our country's small businesses.●

INTRODUCTION OF LEGISLATION TO CONTROL HANDGUN CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, today I am reintroducing legislation to control handgun crime in the United States.

This is essentially the same bill that I introduced 2 years ago. Although we made some progress on this measure in the last Congress, we did not complete action.

The handgun-crime tale of death spun out in the last 2 years is grim. Since I last introduced this proposal more than 20,000 persons have been murdered in the United States by use of handguns. In 1981, handguns were used in 220,000 robberies and 154,000 aggravated assaults, the FBI reports. More than 50 percent of accidental deaths and suicides resulting from firearms involved handguns.

I will outline briefly what this legislation would do to keep handguns from the criminal and the incompetent. And, I will state what it will not do.

First, this legislation would close a loophole in existing law and totally ban the so-called snubbies, snub-nosed handguns that have a barrel length of 3 inches or less, are easily concealable, are of no use to hunters or sportsmen, but are the favorite weapon of the criminal.

Second, it would provide for a mandatory minimum prison sentence for anyone using, or carrying, a gun in the commission of a felony, 2 years for the first offense, 5 years for subsequent ones.

Third, it would call for a 21-day waiting period before a handgun could be purchased. This is a crucial feature. It would give the FBI or local police time to verify the eligibility of the buyer and could provide time for an impassioned potential killer to "cool off." Current law prohibits the sale of firearms to certain classes of individuals. But it virtually relies on these persons to identify themselves as criminals, addicts or mentally incompetent. There is no way to check to see if the buyer is telling the truth.

The bill would also ban the sale of handguns by pawnbrokers; raise substantially the license fees for the handgun industry; require better recordkeeping; require that the theft or loss of a handgun be reported; require that guns be transferred through a dealer, and control multiple purchases of handguns.

This bill recognizes that handguns are typically bought for self-protection. It would not deny a handgun to any law-abiding citizen. It would merely restrict the flow of new handguns into the lethal pool of 50 million or more that already exists and make it easier to trace stolen guns and those used in crime.

This is a moderate measure, in line with the recommendation of Attorney General Smith's Task Force on Violent Crime some 18 months ago. It would not outlaw handguns, although it would keep them out of the hands of some outlaws. It does not require registration or licensing and it would not deny a handgun to sportsmen or to those honest citizens who believe they need and have a right to a handgun to protect themselves.

I do not claim this legislation will stop crime. But I believe it could help curb the criminal violence that snuffs out thousands of innocent lives year in and year out and causes frightened citizens to arm themselves in search of a balance of force against those who would prey on them.

There are deep emotional divisions over this issue, but solving such issues is a test of government and an obligation of a civilized society. Despite the division, I think we share a common interest: a more peaceful—a less violent—society.

We must find a way to make it more difficult for the criminal, the addict, the deranged, the would-be assassin to get a handgun. The alternative, an armed standoff between citizens, would threaten uncontrolled violence

and destroy faith in our legal system and the law.

In communities around the country, public officials are showing courage and leadership in enacting sensible handgun reforms. I hope that this Congress will do no less.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous material:)

Mr. HARTNETT, for 5 minutes, today.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.
Mr. ADDABBO, for 10 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. FUQUA, for 15 minutes, today.
Mr. BATES, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. WIRTH, for 5 minutes, today.
Mr. PEPPER, for 10 minutes, today.
Mr. RODINO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)

Mr. WHITEHURST.
Mr. GILMAN.
Mr. FIELDS in three instances.
Ms. FIEDLER in two instances.
Mr. CORCORAN.
Mr. GUNDERSON in two instances.
Mr. COATS.
Mr. MCEWEN.
Mr. STANGELAND.
Mr. MARRIOTT.
Mr. DANNEMEYER.
Mr. SMITH of New Jersey.
Mr. DREIER of California.
Mr. MICHEL in three instances.
Mr. CONTE.
Mr. ROGERS.
Mr. MARTIN of North Carolina.
Mr. SAWYER.
Mr. LAGOMARSINO in three instances.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. D'AMOURS.
Mr. LUKEN.
Mr. LANTOS.
Mr. DORGAN.
Ms. FERRARO.
Mr. KASTENMEIER.
Mr. HOYER in two instances.
Mr. WYDEN.
Mr. HAMILTON in two instances.
Mr. MINETA.
Mr. KOGOVSEK in two instances.
Mr. ROE in two instances.
Mr. BIAGGI in ten instances.
Mr. PANETTA in two instances.
Mr. MAZZOLI.
Mr. RATCHFORD.
Mr. ASPIN.
Mr. WAXMAN.
Mr. MILLER of California.
Mr. MCDONALD in five instances.
Mr. STOKES.
Mr. WIRTH.
Mr. UDALL.
Mr. MOODY.
Mr. FRANK.
Mrs. SCHROEDER.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on February 9, 1983, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 60. Joint resolution to direct the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day."

ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 57 of the 98th Congress, the House stands adjourned until 12 o'clock meridian, Tuesday, February 22, 1983.

Thereupon (at 11 o'clock and 38 minutes a.m.), pursuant to House Concurrent Resolution 57, the House adjourned until Tuesday, February 22, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

360. A letter from the Under Secretary of Defense, transmitting a report on funds obligated in the chemical warfare and biological defense research programs during fiscal year 1982, pursuant to section 409(a) of Public Law 91-121; to the Committee on Armed Services.

361. A letter from the Deputy Assistant Secretary of Defense (Installations), transmitting the defense manpower requirements report for fiscal year 1984, pursuant to 10 U.S.C. 138(c)(3); to the Committee on Armed Services.

362. A letter from the Secretary of the Treasury, transmitting a report on the activities of the "The Olympic Commemorative Coin Act of 1982," covering the period October 1 through December 31, 1982, pursuant to section II of Public Law 97-220; to the Committee on Banking, Finance and Urban Affairs.

363. A letter from the Administrator, Environmental Protection Agency, transmitting a Report on the economic impact and technological feasibility of requiring light-duty motor vehicles to meet specified emission standards by 1984, pursuant to section 206(f)(2) of the Clean Air Act; to the Committee on Energy and Commerce.

364. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of political contributions of Morton I. Abramowitz, U.S. representative to MBFR-designate, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

365. A letter from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act to extend the authorization for appropriations for the U.S. Arms Control and Disarmament Agency (ACDA); to the Committee on Foreign Affairs.

366. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the Department's annual report on its international narcotics control strategy covering 1982, pursuant to section 502(b)(e) of Public Law 97-113; to the Committee on Foreign Affairs.

367. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting notice of proposed new records system, pursuant to 5 U.S.C. 552a(j); to the Committee on Government Operations.

368. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

369. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

370. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period October 1 through December 31, 1982, pursuant to section 105(a) of Public Law 88-454, as amended (H. Doc. No. 98-20); to the Committee on House Administration and ordered to be printed.

371. A letter from the Public Printer, Government Printing Office, transmitting the annual report for fiscal year 1982, pursuant to 44 U.S.C. 309(c); to the Committee on House Administration.

372. A letter from the Secretary of the Interior, transmitting notice of leasing systems to be used in oil and gas lease sale No. 69, (part II), Gulf of Mexico, to be held on March 8, 1983, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

373. A letter from the Secretary of the Interior, transmitting notice of leasing systems to be used in oil and gas lease sale No. 57, Norton Basin, to be held on March 15, 1983, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

374. A letter from the Assistant Secretary of the Interior, transmitting financial statements of the Colorado River Basin project for fiscal year 1982, pursuant to section 404 of the Colorado River Basin Project Act of 1968; to the Committee on Interior and Insular Affairs.

375. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $963,621.76 to the Sun Gas Co., for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

376. A letter from the Director, Administrative Office of the United States Courts, transmitting a report covering calendar year 1982 on positions in the Administrative Office of the United States Court in grades GS-16, GS-17, and GS-18, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

377. A letter from the Secretary of Commerce, transmitting draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1984 and 1985, and for other purposes; to the Committee on Science and Technology.

378. A letter from the Director, National Science Foundation, transmitting draft of proposed legislation entitled "National Science Foundation Authorization Act for Fiscal Years 1984 and 1985"; to the Committee on Science and Technology.

379. A letter from the Assistant Secretary and Chairperson, National Advisory Council on Maternal, Infant, and Fetal Nutrition, transmitting the 1982 biennial report of the National Advisory Council on Maternal, Infant, and Fetal Nutrition, pursuant to section 17(k)(4) of Public Law 95-627; jointly, to the Committees on Agriculture and Education and Labor.

380. A letter from the Deputy Assistant Secretary of Defense, transmitting a report on the North Atlantic Treaty Organization's Acquisition and Cross-Servicing Agreement, for fiscal year 1983, pursuant to 10 U.S.C. 2330; jointly, to the Committee on Armed Services and Foreign Affairs.

381. A letter from the Chairman, Federal Reserve System, transmitting the Board of Governors monetary policy report, pursuant to section 2A of the Federal Reserve Act, as amended (92 Stat. 1897); jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

382. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting the Commission's report on "Minority Elderly Services: New Programs, Old Problems, Part II," pursuant to section 303(a) of Public Law 95-478; jointly, to the Committees on the Judiciary and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. Report on clarifying the Government cargo preference laws (Rept. No. 98-5). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 1310. A bill to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide for cost sharing by the private sector in training such personnel; and for other purposes; with an amendment (Rept. No. 98-6, Pt. I). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 999. A bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes; with an amendment (Rept. No. 98-7, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of February 15, 1983]

By Mr. ST GERMAIN:

H.R. 1482. A bill to amend section 431 of the Public Health Service Act to provide funds to the National Institute of Neurological and Communicative Disorders and Stroke for research in the area of regeneration of the spinal cord; to the Committee on Energy and Commerce.

[Submitted February 17, 1983]

By Mr. ADDABBO:

H.R. 1507. A bill to permit the investment by employee benefit plans in residential mortgages; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. CONTE:

H.R. 1508. A bill to amend the Railway Labor Act to make the findings and orders of a public law board under section 3 of that act subject to review for any fraud or corruption by a member of the board that relates to the dispute involved, without regard to whether such fraud or corruption was committed before or after the selection of such member to the board; to the Committee on Energy and Commerce.

H.R. 1509. A bill to provide jobs through assistance for railroad rehabilitation projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MAZZOLI:

H.R. 1510. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. OTTINGER, Mr. OBERSTAR, Mr. D'AMOURS, Ms. MIKULSKI, Mr. SUNIA, Mr. DYSON, and Mr. FOGLIETTA):

H.R. 1511. A bill to provide for jurisdiction over common carriers by water engaging in foreign commerce to and from the United States utilizing ports in nations contiguous to the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI (for himself, Mr. BREAUX, Mr. PRITCHARD, Mr. FOGLIETTA, and Ms. MIKULSKI):

H.R. 1512. A bill to establish a national policy on the operation, maintenance, and improvement of deep-draft commercial ports; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Rules.

By Mr. BIAGGI (for himself, Mr. PERKINS, Mr. FORD of Michigan, and Mr. MILLER of California):

H.R. 1513. A bill to amend section 14 of the National School Lunch Act to require the Secretary of Agriculture to make stocks of the Commodity Credit Corporation available for distribution; jointly, to the Committees on Agriculture and Education and Labor.

By Mr. PHILIP M. CRANE:

H.R. 1514. A bill to amend section 1951 of title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 1515. A bill to repeal the provisions of the Omnibus Reconciliation Act of 1982 which reduce the pay of certain Federal employees who are retired members of the uniformed services by the amount of cost-of-living adjustments in their retired or retainer pay during fiscal years 1983, 1984, and 1985; to the Committee on Post Office and Civil Service.

H.R. 1516. A bill to modify the city waterway navigation channel project, Tacoma Harbor, Wash., to redefine the project boundaries; to the Committee on Public Works and Transportation.

By Mr. DICKS (for himself and Mr. STRATTON):

H.R. 1517. A bill to authorize the establishment of a competitive health insurance program for members of the Federal Managers Association; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H.R. 1518. A bill to provide coverage under the Federal old-age, survivors, and disability insurance system for all Members of Congress and other officers and employees in the legislative branch of the Government; to the Committee on Ways and Means.

H.R. 1519. A bill to amend the Congressional Budget Act of 1974 to strengthen the budget process, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. FRANK:

H.R. 1520. A bill to amend title XIX of the Social Security Act to require that income levels for the supplemental security income-related medically needy are the same as those for the supplemental security income-related categorically needy; to the Committee on Energy and Commerce.

H.R. 1521. A bill to amend the copyright law to secure the rights of authors of pictorial, graphic, or sculptural works to prevent the distortion, mutilation, or other alteration of such works, and for other purposes; to the Committee on the Judiciary.

H.R. 1522. A bill to amend the Internal Revenue Code of 1954 to exempt from the communications services excise tax telephone facilities designed for individuals who are deaf or hearing impaired; to the Committee on Ways and Means.

H.R. 1523. A bill to amend the Internal Revenue Code to change certain accounting rules related to inventory, and for other purposes; to the Committee on Ways and Means.

H.R. 1524. A bill to amend the Social Security Act to provide that disability benefits may not be terminated without a showing of medical improvements, to provide for a face-to-face interview with the State agency, to continue benefits and eligibility for medicaid and medicare benefits through the administrative appeal process, and to require uniform standards for disability determinations; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 1525. A bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in heavy trucks; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself and Mr. GEKAS):

H.R. 1526. A bill to repeal the provisions of the Tax Equity and Fiscal Responsibility Act of 1982 relating to withholding on interest and dividends, to amend the Internal Revenue Code of 1954 to require additional information in statements required to be furnished to persons receiving interest or dividends and to increase the amounts of the additions to tax for failure to report, or pay the tax on, income in the form of interest and dividends, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN (for himself, Mr. DAUB, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. EVANS of Illinois, Mr. FOGLIETTA, Mr. FRANK, Mr. GARCIA, Mr. HOWARD, Mr. JEFFORDS, Ms. KAPTUR, Mrs. KENNELLY, Mr. LANTOS, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LONG of Maryland, Mr. MARKEY, Ms. MIKULSKI, Mr. MRAZEK, Ms. OAKAR, Mr. PORTER, Mr. PRITCHARD, Mr. ROE, Mr. SABO, Mr. SIMON, Mr. SMITH of New Jersey, Mrs. SNOWE, Mr. SOLARZ, Mr. STOKES, Mr. UDALL, Mr. VENTO, Mr. WHEAT, Mr. WILSON, Mr. WYDEN, Mr. YATES, and Mr. SMITH of Florida):

H.R. 1527. A bill to amend the laws of the United States to eliminate gender-based distinctions, and for other purposes; to the Committee on the Judiciary.

By Mr. GUNDERSON (for himself, Mr. OBEY, Mr. SENSENBRENNER, Mr. PETRI, Mr. ROTH, and Mr. KASTENMEIER):

H.R. 1528. A bill to amend the Agricultural Act of 1949 to establish a voluntary program to reduce both the level of milk production in the United States and the quantity of milk products purchased under the price support program for milk; to the Committee on Agriculture.

By Mr. HAMMERSCHMIDT:

H.R. 1529. A bill to repeal the provisions of the Tax Equity and Fiscal Responsibility Act of 1982 which require employer reporting with respect to tips; to the Committee on Ways and Means.

By Mr. KOGOVSEK (for himself, Mr. MARRIOTT, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. MURPHY, Mr. LUJAN, Mr. HUCKABY, Mrs. VUCANOVICH, and Mr. MOLLOHAN):

H.R. 1530. A bill to amend the Mineral Lands Leasing Act of 1920 and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LELAND:

H.R. 1531. A bill to provide that petroleum company overcharges payable to the United States shall be available for low-income energy assistance and weatherization, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUKEN (for himself and Mr. DINGELL):

H.R. 1532. A bill to provide protection from requirements and prohibitions imposed upon persons subject to the jurisdiction of the United States by foreign nations concerning the disclosure of confidential business information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McEWEN:

H.R. 1533. A bill to amend the Internal Revenue Code of 1954 to extend for 5 years the period during which qualified mortgage bonds may be issued as tax-exempt bonds; to the Committee on Ways and Means.

H.R. 1534. A bill to amend title II of the Social Security Act to suspend the payment of benefits thereunder to inmates of penal institutions; to the Committee on Ways and Means.

H.R. 1535. A bill to amend the Internal Revenue Code of 1954 to allow all individuals who maintain a household to be treated as a head of household without regard to whether any dependent is a member of such household; to the Committee on Ways and Means.

H.R. 1536. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program; to the Committee on Ways and Means.

H.R. 1537. A bill to repeal certain increases in highway taxes which were contained in the Highway Revenue Act of 1982, and for other purposes; to the Committee on Ways and Means.

H.R. 1538. A bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits; to the Committee on Ways and Means.

By Mr. MARRIOTT (for himself, Mr. UDALL, Mr. LUJAN, Mr. CHENEY, Mr. YOUNG of Alaska, Mr. BROWN of Colorado, Mr. EMERSON, and Mr. HANSEN of Utah):

H.R. 1539. A bill to amend section 21 of the act of February 25, 1920, commonly known as the Mineral Leasing Act; to the Committee on Interior and Insular Affairs.

By Mr. PANETTA.

H.R. 1540. A bill to amend the Internal Revenue Code of 1954 to provide that certified public accountants and enrolled agents may represent taxpayers in certain Tax Court cases involving $5,000 or less; to the Committee on Ways and Means.

By Mr. HARTNETT (for himself, Mr. DERRICK, Mr. CAMPBELL, Mr. SPENCE, Mr. SPRATT, and Mr. TALLON):

H.R. 1541. A bill to require the Secretary of Agriculture to revise rules establishing a special program of payment in kind for acreage diversion for the 1983 crop of certain commodities to permit producers to divert soybean acreage from production and receive corn as payment in kind; to the Committee on Agriculture.

By Mr. PANETTA:

H.R. 1542. A bill to amend titles II and XVIII of the Social Security Act and the Internal Revenue Code of 1954 to require that disbursements and receipts in the old-age and survivors insurance program be set out as separate functional categories in the budget, to provide for financing from general revenues for the disability and hospital insurance programs and to consolidate the trust funds established for such programs, to adjust accordingly the employment and self-employment taxes and to provide for an income surtax to supplement such taxes, and to institute certain other reforms in such programs; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. ADDABBO, Mr. BARNES, Mr. BATES, Mr. BURTON of California, Mr. CLAY, Mr. CONYERS, Mr. COYNE, Mr. DELLUMS, Mr. DIXON, Mr. DONNELLY, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. GREEN, Mr. MARKEY, Mr. OTTINGER, Mr. SCHEUER, Mr. SEIBERLING, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STARK, Mr. TORRICELLI, Mr. WAXMAN, Mr. WEISS, and Mr. YATES):

H.R. 1543. A bill to amend chapter 44 of title 18 of the United States Code to control handgun crime; to the Committee on the Judiciary.

By Mr. SAWYER (for himself, Mr. HYDE, Mr. MOORHEAD, Mr. SENSENBRENNER, Mr. MCCOLLUM, Mr. DEWINE, Mr. MAZZOLI, and Mr. HARKIN):

H.R. 1544. A bill to amend title 18, United States Code, to combat, deter, and punish individuals who adulterate or otherwise tamper with food, drug, cosmetic, and other products with intent to cause personal injury, death, or other harm; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 1545. A bill to amend the National Climate Program Act to authorize appropriations for such act for fiscal years 1984 and 1985 and for other purposes; to the Committee on Science and Technology.

H.R. 1546. A bill to amend the National Ocean Pollution Planning Act of 1978 to authorize appropriations for such act for fiscal years 1984 and 1985; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

H.R. 1547. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for such act for fiscal years 1984 and 1985 and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

By Mr. SCHULZE:

H.R. 1548. A bill to provide for the retirement of all U.S. notes of the denomination of $100 and their replacement with new notes in such denomination; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SUNDQUIST:

H.R. 1549. A bill to amend title 4 of the United States Code to limit the authority of any State or political subdivision to tax income of Federal employees who are not residents of such State, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS of Georgia:

H.R. 1550. A bill to designate the fish hatchery in Millen, Ga., as the "Bo Ginn National Fish Hatchery"; to the Committee on Merchant Marine and Fisheries.

H.R. 1551. A bill to name the Federal building to be constructed in Savannah, Ga., as the "Juliette Gordon Low Federal Building"; to the Committee on Public Works and Transportation.

By Mr. WALGREN:

H.R. 1552. A bill to amend the Public Health Service Act to establish in the National Institute of Neurological and Communicative Disorders and Stroke an Interagency Committee on Spinal Cord Disorders and Stroke and Interagency Committee on Spinal Cord Injury for purposes of research on spinal cord regeneration; to the Committee on Energy and Commerce.

H.R. 1553. A bill to restore retirement benefits for Veterans' Administration nurses to the level in effect before the enactment of Public Law 97-72; to the Committee on Veterans' Affairs.

By Mr. WAXMAN (for himself and Mr. MADIGAN):

H.R. 1554. A bill to amend the Federal Food, Drug, and Cosmetic Act to remove the prohibition against the labeling and advertising of a drug concerning its approval

under that act; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. PEPPER, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. OTTINGER, and Mr. WIRTH):

H.R. 1555. A bill to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and the national research institutes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. BOLAND, Mr. CONYERS, Mr. CORRADA, Mr. DANNEMEYER, Mr. DAUB, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRENZEL, Mr. FUQUA, Mr. GINGRICH, Mr. GRAY, Mr. HERTEL of Michigan, Mr. HORTON, Mr. HUGHES, Mr. JEFFORDS, Mr. KILDEE, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LIPINSKI, Mr. LUKEN, Mr. MCGRATH, Mr. MCNULTY, Ms. MIKULSKI, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. OWENS, Mr. RAHALL, Mr. ROE, Mr. ROEMER, Mr. ROGERS, Mr. SCHEUER, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. STOKES, Mr. STRATTON, Mr. TALLON, Mr. TRAXLER, Mr. VENTO, Mr. WAXMAN, Mr. WHITTAKER, Mr. WYLIE, and Mr. YATRON):

H.J. Res. 149. Joint resolution to provide for the designation of the week beginning on February 20, 1983, as "Clergy Appreciation Week"; to the Committee on Post Office and Civil Service.

By Mr. GUARINI:

H.J. Res. 150. Joint resolution to require the President to issue a proclamation which designates the week beginning February 5, 1984, as "National Crime Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. McEWEN:

H.J. Res. 151. Joint resolution designating February 1983 as "American History Month"; to the Committee on Post Office and Civil Service.

By Mr. GEKAS:

H. Con. Res. 60. Concurrent resolution expressing the sense of the Congress that the States should enact laws establishing child passenger safety programs, including laws requiring the use in motor vehicles of child safety seats; to the Committee on Energy and Commerce.

By Mr. YOUNG of Florida:

H. Con. Res. 61 Concurrent resolution calling for full freedom and independence for the Baltic States; to the Committee on Foreign Affairs.

H. Con. Res. 62. Concurrent resolution expressing the sense of the Congress that the United States should seek, through diplomatic channels, the withdrawal of certain personnel of the Soviet Union from Estonia, Latvia, and Lithuania and the release by the Soviet Union of political prisoners of Estonian, Latvian, and Lithuanian descent; to the Committee on Foreign Affairs

[Omitted from the Record of February 15, 1983]

By Mr. ST GERMAIN (for himself, Mr. AKAKA, Mr. HEFTEL of Hawaii, and Mr. CORRADA):

H. Res. 89. Resolution expressing the sense of the House of Representatives that hearings should be held to review the implementation of Federal laws designed to insure that each noncontiguous area of the United States and each region of the United States has an adequate reserve of crude oil, residual fuel oil, and refined petroleum products; to the Committee on Energy and Commerce.

[Submitted February 17, 1983]

By Mr. AKAKA (for himself and Mr. WHITTEN):

H. Res. 90. Resolution disapproving the deferral of certain budget authority (D83-36) relating to the Department of Agriculture, Agricultural Stabilization and Conservation Service; to the Committee on Appropriations.

By Mr. DINGELL:

H. Res. 91. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. FUQUA:

H. Res. 92. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Science and Technology in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT):

H. Res. 93. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Veterans' Affairs in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. PRICE (for himself and Mr. DICKINSON):

H. Res. 94. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. ZABLOCKI:

H. Res. 95. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 1st session of the 98th Congress; to the Committee on House Administration.

By Mr. FOLEY:

H. Res. 96. Resolution to refer H.R. 1559 to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

10. The SPEAKER presented a memorial of the Legislature of the Territory of Guam, relative to representation of the District of Columbia in the U.S. House of Representatives and Senate; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 1556. A bill to authorize the conveyance of the liberty ship *John W. Brown* to the John W. Brown Preservation Project; to the Committee on Merchant Marine and Fisheries.

By Mr. CONTE:

H.R. 1557. A bill for the relief of William D. Benoni; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 1558. A bill for the relief of Allen H. Platnick; to the Committee on the Judiciary.

H.R. 1559. A bill for the relief of James P. Purvis; to the Committee on the Judiciary.

H.R. 1560. A bill for the relief of Russel Keith Williams, Gayle Louise Williams, Dana Lynn Williams, and Marty Jean Williams; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 1561. A bill for the relief of Meals on Wheels of the Monetary Peninsula, Inc.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. VENTO, Mr. CARPER, Mr. DAVIS, Mr. HORTON, Mr. RATCHFORD, Mr. KOGOVSEK, Mr. CRAIG, Mr. MCGRATH, Mr. WYDEN, Mr. OLIN, Mr. GRADISON, Mr. LONG of Maryland, Mr. D'AMOURS, Mr. GILMAN, Mr. PEASE, Mr. SYNAR, Mr. BORSKI, Mr. WILSON, Mr. ROE, and Mr. GARCIA.

H.R. 3: Mr. MATSUI, Mr. HUGHES, Mr. EDWARDS of California, and Mr. RAHALL.

H.R. 4: Mr. HUBBARD.

H.R. 72: Mr. GOODLING.

H.R. 75: Mr. HOWARD, and Mr. CARNEY.

H.R. 84: Mr. BARNES, Mr. HARTNETT, Mr. BEILENSON, Mr. WON PAT, Mr. FASCELL, Mr. EDWARDS of California, Mr. CARPER, Mr. LEVIN of Michigan, and Mr. LUNDINE.

H.R. 116: Mrs. HALL of Indiana and Mr. SHELBY.

H.R. 233: Mrs. COLLINS.

H.R. 475: Mr. EVANS of Iowa, Mr. FORD of Michigan, Mrs. COLLINS, Mr. CROCKETT, and Mr. BEDELL.

H.R. 500: Mr. ALEXANDER, Mr. PHILIP M. CRANE, Ms. FERRARO, Mr. FUQUA, Mr. HIGHTOWER, Mr. HOWARD, Mr. LANTOS, Mr. MURPHY, Mr. ROTH, Mr. STAGGERS, and Mr. TAUKE.

H.R. 550: Mr. GINGRICH, Mr. DASCHLE, and Mr. DANIEL B. CRANE.

H.R. 555: Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. LOWRY of Washington, Mr. MILLER of California, Ms. OAKAR, Mr. ROEMER, Mr. ST GERMAIN, Mr. SAVAGE, and Mr. STOKES.

H.R. 618: Mr. BIAGGI, Mr. BADHAM, Mr. TAUZIN, Mr. SHUMWAY, and Mr. MCDONALD.

H.R. 691: Mrs. SMITH of Nebraska.

H.R. 696: Mr. FRENZEL, Mr. KINDNESS, and Mr. YATRON.

H.R. 708: Mr. FAUNTROY, Mr. LELAND, Mr. MARKEY, Mr. GARCIA, Mr. GEJDENSON, Mr. FROST, Mr. D'AMOURS, Mr. MCNULTY, Mr. COYNE, Mr. FORD of Michigan, Mr. HYDE, Mr. BARNES, Mr. OWENS, Mr. HANSEN of Idaho, Mr. MORRISON of Connecticut, Mr. KOGOVSEK, Mr. SMITH of Iowa, Mr. SWIFT, Mr. BEREUTER, Mrs. HALL of Indiana, Mr. HERTEL of Michigan, Mr. FAZIO, Mr. HUGHES, Mr. BROWN of California, Mr. WALGREN, and Mr. CROCKETT.

H.R. 835: Mr. FAUNTROY, Mr. MCKINNEY, Mr. STOKES, Mr. VANDERGRIFF, Mr. HERTEL of Michigan, Mrs. HALL of Indiana, Mr. FROST, and Mr. LOWRY of Washington.

H.R. 836: Mr. FAUNTROY, Mr. MCKINNEY, Mr. STOKES, Mr. VANDERGRIFF, Mr. HERTEL of Michigan, Mrs. HALL of Indiana, Mr. GUARINI, Ms. OAKAR, and Mr. BOEHLERT.

H.R. 857: Mr. DURBIN.

H.R. 873: Mr. SIKORSKI.

H.R. 874: Mr. MATSUI, Mr. FORD of Tennessee, Mr. MOAKLEY, Mr. COYNE, Mr. BARNES, Mr. HATCHER, Mr. WYDEN, Mr.

FAUNTROY, Mr. SHANNON, Mr. BEILENSON, Mr. RATCHFORD, Mr. LEHMAN of California, Mr. SUNIA, Mr. ROYBAL, Mr. STOKES, Mr. BATES, Mr. RANGEL, Mr. RODINO, Mr. FRANK, Mr. ROE, Mr. APPLEGATE, Mr. EDWARDS of California, Mr. SEIBERLING, Ms. KAPTUR, Mr. MITCHELL, Mrs. HALL of Indiana, Mr. HUGHES, Mr. DIXON, Mrs. BOXER, Mr. SMITH of Florida, Mr. DWYER of New Jersey, Mr. THOMAS of Georgia, Ms. MIKULSKI, Mr. VENTO, Mr. FEIGHAN, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. PRITCHARD, Mr. MARTINEZ, and Mr. EDGAR.

H.R. 885: Mr. BOSCO.

H.R. 953: Mr. LOWRY of Washington, Mr. STARK, Mr. TORRICELLI, Mr. WON PAT, Mrs. SCHROEDER, Mr. FRANK, Mr. BARNES, Mr. HERTEL of Michigan, Mr. LAFALCE, Mr. MOLINARI, Mr. FROST, Mr. BEILENSON, Mr. EDGAR, Mr. MADIGAN, Mr. GLICKMAN, Mr. RITTER, Mr. EDWARDS of Oklahoma, Mr. WHEAT, Mr. WAXMAN, Mr. DWYER of New Jersey, Mr. BEVILL, Mr. SCHEUER, Mr. DOWNEY of New York, Mr. OTTINGER, Mr. PATTERSON, Mr. FISH, Mr. BEDELL, Mr. HOWARD, Mr. PRITCHARD, Mr. GEJDENSON, Mr. SCHUMER, Mr. CROCKETT, Mr. BROWN of California, Mr. LONG of Maryland, Mr. WASHINGTON, Mr. CORCORAN, Mr. YOUNG of Florida, Mr. MURPHY, Mr. WORTLEY, Mr. AUCOIN, Mr. MILLER of California, Mr. CARPER, Mr. DIXON, Mr. ADDABBO, Mr. VENTO, Mr. MAZZOLI, and Mr. MRAZEK.

H.R. 965: Mr. FORSYTHE.

H.R. 999: Mr. EVANS of Illinois, Mr. GOODLING, Mr. SIMON, Mr. DASCHLE, Mr. SHELBY, Mr. OTTINGER, Mr. MORRISON of Washington, Mr. WRIGHT, and Mr. FOLEY.

H.R. 1015: Mr. BEREUTER, Mr. BARNES, Mr. ADDABBO, and Mr. MITCHELL.

H.R. 1016: Mr. BARNES, Mr. ADDABBO, and Mr. MITCHELL.

H.R. 1025: Mr. HUTTO, Mr. FRANK, Mr. CARNEY, Mr. FAUNTROY, Mr. HORTON, Mr. MITCHELL, Mr. WEAVER, Mr. TALLON, Mrs. KENNELLY, Mr. KILDEE, Mr. EDGAR, Mr. D'AMOURS, Mr. CLAY, Mr. EDWARDS of California, Mr. SIKORSKI, Mr. JEFFORDS, Mr. FASCELL, Mr. ROWLAND, Mrs. COLLINS, and Mrs. HOLT.

H.R. 1026: Mr. HUTTO, Mr. FRANK, Mrs. HOLT, Mr. CARNEY, Mr. FAUNTROY, Mr. HORTON, Mr. MITCHELL, Mr. GILMAN, Mr. SAVAGE, Mr. MCGRATH, Mr. EDWARDS of California, Mr. REID, Mr. PANETTA, and Mrs. COLLINS.

H.R. 1084: Mr. FISH, Mr. MCEWEN, Mr. WHITTAKER, Mr. BROWN of California, and Mr. DENNY SMITH.

H.R. 1098: Mr. MAZZOLI and Mr. DERRICK.

H.R. 1131: Mr. MADIGAN and Mr. SOLOMON.

H.R. 1147: Mr. LAFALCE, Mr. MRAZEK, and Mr. MATSUI.

H.R. 1180: Mr. BOLAND, Mr. RATCHFORD, Mr. HORTON, Mr. FAUNTROY, Mr. ROE, Ms. KAPTUR, Mr. WILSON, Mr. HUGHES, Mr. KINDNESS, Mr. DAVIS, and Mr. FAZIO.

H.R. 1203: Mr. STANGELAND.

H.R. 1234: Mr. ROE, Mr. CROCKETT, Mr. HALL of Ohio, Mr. HUGHES, Mr. LAFALCE, Mr. VANDERGRIFF, Mr. RINALDO, Mr. SEIBERLING, Mr. ANNUNZIO, Mr. BORSKI, Mr. OBERSTAR, and Mr. DAVIS.

H.R. 1244: Mr. GRADISON, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LIVINGSTON, Mr. RAHALL, Mr. SEIBERLING, and Mr. WORTLEY.

H.R. 1245: Mr. FRANK, Mr. SCHEUER, Mr. GARCIA, Mr. ROE, Mr. FAZIO, Mr. OBEY, and Mr. ADDABBO.

H.R. 1249: Mr. MAVROULES, Mr. SCHEUER, Mr. AKAKA, and Mr. OTTINGER.

H.R. 1255: Mr. HOYER, Mr. NEAL, Mr. KAZEN, Mr. JONES of Tennessee, Mr. HORTON, Mr. WINN, Mr. SMITH of Florida, Mr. BOLAND, Mr. VANDERGRIFF, Mr. SAM B. HALL, JR., Mr. MCGRATH, Mr. WOLF, Mr. WHITEHURST, Mr. NICHOLS, Mr. FRANK, Mr. SUNDQUIST, Mr. STOKES, Mr. LAFALCE, Mr. RUSSO, Mr. BIAGGI, Mr. MARTIN of North Carolina, Mr. MINISH, Mr. PASHAYAN, Mr. BEVILL, Mr. RATCHFORD, Mr. MADIGAN, Mr. SAWYER, Mr. REGULA, Mr. LAGOMARSINO, Mr. BLILEY, Mr. DWYER of New Jersey, Mr. SHELBY, Mr. SENSENBRENNER, Mr. AUCOIN, Mr. CORCORAN, Mr. ROE, Mr. SPENCE, Mr. HUBBARD, Mr. OWENS, Mr. MILLER of Ohio, Mr. WHITLEY, Mr. JEFFORDS, Mr. LIVINGSTON, Mr. PORTER, Mr. MURTHA, Mr. BARNARD, Mr. ENGLISH, Mr. FORSYTHE, Mrs. MARTIN of Illinois, and Mr. SCHULZE.

H.R. 1256: Mr. TALLON.

H.R. 1264: Mr. WILSON and Mr. JEFFORDS.

H.R. 1272: Mr. BARNARD, Mr. HUBBARD, Mr. HUGHES, Mr. MCCURDY, Mr. SAWYER, Mr. SENSENBRENNER, Mr. STUMP, and Mr. KASICH.

H.R. 1296: Mr. DORGAN, Mr. DINGELL, Mr. GLICKMAN, Mr. HIGHTOWER, Mr. JONES of Tennessee, Mr. SLATTERY, Mr. PENNY, Mr. HUCKABY, Mr. WILLIAMS of Montana, Mr. WOLPE, Mr. DANIEL B. CRANE, Mr. SABO, Mr. TALLON, Mr. MCHUGH, Mr. GOODLING, Mr. COELHO, Mr. EVANS of Illinois, Mr. WYDEN, Mr. FORD of Tennessee, Mr. THOMAS of Georgia, Mr. WATKINS, Mr. HATCHER, Mr. BROOKS, Mr. SUNIA, Mr. OTTINGER, Mr. DOWDY of Mississippi, Mr. OBERSTAR, Mr. SKELTON, Mr. SIMON, Mr. KINDNESS, Mr. ROEMER, Mr. OLIN, Mr. STAGGERS, Mr. SAM B. HALL, JR., and Mr. PICKLE.

H.R. 1299: Mr. APPLEGATE, Mr. ASPIN, Mr. BOLAND, Mrs. BOXER, Mr. CONYERS, Mr. DINGELL, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FAZIO, Mr. FEIGHAN, Mr. FRANK, Mr. GUARINI, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. JEFFORDS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. LAFALCE, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mrs. MARTIN of Illinois, Mr. MATSUI, Ms. MIKULSKI, Mr. MRAZEK, Mr. NATCHER, Mr. OBERSTAR, Mr. RAHALL, Mr. ROYBAL, Mr. SAVAGE, Mr. SCHEUER, Mr. SHANNON, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. STOKES, Mr. SUNIA, Mr. TOWNS, Mr. UDALL, Mr. VENTO, and Mr. YATES.

H.R. 1300: Mr. APPLEGATE, Mr. ASPIN, Mr. BOLAND, Mrs. BOXER, Mr. CONYERS, Mr. DINGELL, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FAZIO, Mr. FEIGHAN, Mr. FRANK, Mr. GUARINI, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. JEFFORDS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. LAFALCE, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mrs. MARTIN of Illinois, Mr. MATSUI, Ms. MIKULSKI, Mr. MRAZEK, Mr. NATCHER, Mr. OBERSTAR, Mr. RAHALL, Mr. ROYBAL, Mr. SAVAGE, Mr. SCHEUER, Mr. SHANNON, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. STOKES, Mr. SUNIA, Mr. TOWNS, Mr. UDALL, Mr. VENTO, and Mr. YATES.

H.R. 1436: Mr. SEIBERLING, Mr. CONTE, Mr. JEFFORDS, and Mr. MITCHELL.

H.R. 1444: Mr. GARCIA.

H.J. Res. 1: Mr. CHAPPIE and Mr. LOWERY of California.

H.J. Res. 22: Mr. MINISH, Mr. BETHUNE, Mr. TALLON, Mr. MCCANDLESS, Mr. COELHO, Mr. COOPER, Mr. MORRISON of Connecticut, Mr. EMERSON, Mr. CARPER, Mr. MCKERNAN, Mr. FOGLIETTA, Mr. SKEEN, and Mr. HAMMERSCHMIDT.

H.J. Res. 126: Mr. ALBOSTA, Mr. BARNES, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mrs. BOXER, Mrs. COLLINS, Mr. CONYERS, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDGAR, Mr. FASCELL, Mr. FAUNTROY, Mr. FORD of Tennessee, Mrs. HALL of Indiana, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. LAGOMARSINO, Mr. LEVINE of California, Mr. MCHUGH, Mr. MADIGAN, Mr. MARTINEZ, Ms. OAKAR, Mr. O'BRIEN, Mr. OTTINGER, Mr. RICHARDSON, Mr. ROBERTS, Mr. SOLARZ, Mr. STOKES, Mr. TALLON, Mr. VANDERGRIFF, Mr. VENTO, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WINN, Mr. WISE, Mr. WORTLEY, and Mr. YATES.

H. Con. Res. 9: Mr. STUDDS.

H. Con. Res. 40: Mr. MRAZEK, Mr. WYLIE, Mr. MINETA, Mr. SYNAR, Mr. GARCIA, Mr. SAVAGE, Mr. WEAVER, Mr. MOODY, Mr. SCHEUER, Mr. ANDERSON, Mr. FASCELL, Mr. BERMAN, Mr. DWYER of New Jersey, Mr. LEVIN of Michigan, Mr. FISH, Mr. FOWLER, Mr. ROSE, Mr. SWIFT, Mr. BONER of Tennessee, Mr. DYMALLY, Mr. GRAY, Mr. KOSTMAYER, Mr. TORRES, Mr. PEASE, Mr. RICHARDSON, Mr. JACOBS, Mr. BATES, and Mr. ALBOSTA.

H. Con. Res. 46: Mr. BEREUTER, Mr. DAUB, Mr. FRENZEL, Mr. HILER, Mr. HORTON, Mr. JEFFORDS, Mr. LAFALCE, Mr. ROE, Mr. SKEEN, Mr. WHITEHURST, and Mr. WHITTAKER.

H. Res. 52: Mr. GEKAS, Mr. JEFFORDS, Mr. YOUNG of Missouri, and Mr. ROWLAND.

H. Res. 56: Mr. CLINGER.

H. Res. 78: Mr. FORD of Tennessee, Mr. KOGOVSEK, Mr. HATCHER, Mr. ROE, Mr. RAHALL, Mr. MAVROULES, Mr. HUGHES, Mr. OBERSTAR, Mr. JEFFORDS, Mr. SIMON, and Mr. MOAKLEY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

29. The SPEAKER presented a petition of citizens of Cuyahoga County, Cleveland, Ohio, relative to a parole hearing; which was referred to the Committee on the Judiciary.

SENATE—*Thursday, February 17, 1983*

(Legislative day of Monday, February 14, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"Thou hast made us for Thyself O God, and our hearts are restless until they repose in Thee," (St. Augustine), which reminds us, Dear Lord, that we are made for Thee—that we deny our humanness when we deprive ourselves of fellowship with Thee. "Following after hollow gods, they became hollow souls * * *." wrote Jeremiah, the prophet of Israel, thus informing the people that man becomes like the god he worships. Following the true God he becomes God-like—following idols he becomes like his idols. Help us to realize Father-God, that to neglect Thee is to starve our souls and demean ourselves. Quicken our ears to hear Thee, our minds to think Thy thoughts, our hearts to receive Thee, and our wills to obey Thee. In the name of Thy Son we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

SENATE SCHEDULE TODAY

Mr. BAKER. Mr. President, this morning, after the recognition of the two leaders under the standing order, the distinguished junior Senator from Georgia (Mr. MATTINGLY) will be recognized on special order of not to exceed 15 minutes.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. President, I ask unanimous consent that after the execution of the special order there be a period for the transaction of routine morning business of not more than 1 hour in length in which Senators may speak for not more than 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, as I announced yesterday, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of a bill to amend the Communications Act of 1934, which is on the calendar today as item No. 12, if it is possible to do so. I am told that on this side at least an extensive debate is not anticipated; it should take an hour or so perhaps, I am advised, to dispose of that matter, if we can reach it. I hope we can, Mr. President, in our continuing effort to keep the calendar of general orders as up to date as possible.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes; I yield to the minority leader.

Mr. BYRD. This side is ready to proceed on that item.

Mr. BAKER. I thank the Senator.

ORDER FOR CONSIDERATION OF CALENDAR ORDER NO. 12, S. 55 WITH A TIME AGREEMENT THEREON

Mr. President, I ask unanimous consent that after the time for the transaction of routine morning business as just provided for the Senate turn to the consideration of Calendar Order No. 12, S. 55, a bill to amend the Communications Act of 1934.

Mr. President, let me stop at that point. May I inquire of the minority leader if he is in a position to consider an agreement for a time limitation that has just been handed to me?

Mr. BYRD. Yes.

Mr. BAKER. I thank the Senator.

Mr. BYRD. That has been cleared on this side.

Mr. BAKER. I thank the Senator.

Then, Mr. President, I also ask unanimous consent that S. 55, Calendar Order No. 12, be considered under the following time agreement: 10 minutes on the bill to be equally divided between the chairman of the Commerce Committee and the ranking minority member or their designees; that no amendments be in order other than the committee amendment in the nature of a substitute reported by the committee, and that the agreement be in the usual form.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, will the distinguished majority leader include some provision for——

Mr. BAKER. No amendments are in order, I believe.

Mr. BYRD. For time on any appeals or points of order? I do not anticipate any.

Mr. BAKER. I do not either, but let me do it anyway.

Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes equally divided on any appeals or points of order, if the same are submitted to the Senate.

I further ask unanimous consent, Mr. President, that in the event there is a motion to reconsider a vote on or in respect to this bill, there be no time for debate on that measure.

Mr. BYRD. And I have one other question which I would like to speak with the majority leader about.

Mr. BAKER. Mr. President, I have one other modification I should like to make.

I indicated earlier that I thought it would not take long to do this bill, speaking in colloquy with the minority leader, but I really must say in all candor that I think it will perhaps take longer than 10 minutes.

I amend my request so that the time on the bill will be not more than 30 minutes equally divided.

Now, Mr. President, I put the request as I formulated it.

The PRESIDING OFFICER (Mr. SYMMS). Is there objection to the request?

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair, I thank the minority leader, and I thank all Senators for agreeing to this dispatch of the business of the Senate for today.

I may say, Mr. President, that there is no other legislative business that I anticipate asking the Senate to turn to today. Unless some matter is brought to my attention that can be dealt with by unanimous consent, the Senate will not proceed further in that category.

EXECUTIVE CALENDAR

On the Executive Calendar for today, there is an item to be cleared on both sides. I inquire of the minority leader at this time if he is prepared to consider the nomination of Donald L. Dotson under new reports.

Mr. BYRD. Mr. President, there is no objection to so proceeding.

Mr. BAKER. I thank the Senator.

Mr. President, I believe, then, just to get the schedule of the Senate today before the membership, it appears that after the recognition of the two leaders, the special order, the period for the transaction of routine morning business, and the debate on the communications bill, we still will not be much past 1:30 or 2 p.m. If there is any need for additional time by Members, I am willing to provide additional time in another period for the transaction of routine morning business.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

I urge Senators, however, to make their views and requirements known to the leadership on both sides as soon as possible because otherwise I expect we will be out of session by midafternoon at the latest.

Mr. BYRD. I will have another in my series of statements, because I sense that this is a good day for that, with no interference by other business.

Mr. BAKER. I thank the Senator. I encourage the Senator to do that.

I recently had the opportunity to scan the speeches he has made over some period of time on the history of the Senate, and I will say what I have said before, that I believe they are a major contribution. I am glad to hear that the Senator is continuing that and is perhaps prepared to make another of his speeches on that subject today. The Senate will be in session as long as the Senator may wish, in order to accommodate that purpose.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I wonder whether the distinguished minority leader is in a position now—since it will not take more than a moment—to go ahead with the consideration of the single nomination on the Executive Calendar.

Mr. BYRD. Certainly.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering one nomination, that of Donald L. Dotson of Pennsylvania to be a Member of the National Labor Relations Board.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

NATIONAL LABOR RELATIONS BOARD

The bill clerk read the nomination of Donald L. Dotson of Pennsylvania to be a member of the National Labor Relations Board.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further need for my time under the standing order, and I yield any remaining time to the distinguished minority leader.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

THE "JOBS PROGRAM"

Mr. BYRD. Mr. President, in recent weeks, there have been a number of signs that the economy may finally be ready to begin the long climb out of the deepest and longest recession since the Great Depression. We all take heart from these signs of hope. But unemployment is 10.4 percent, and likely to remain at or near 10 percent for many months to come. For the more than 11 million Americans who are jobless, the end is a long way from being in sight.

In my own State of West Virginia, unemployment stands at 17.8 percent, the highest unemployment rate in the Nation. In many towns and counties, more than one-quarter of the work force is idle. Some local governments find themselves unable to continue even the most basic services for their citizens because they have suffered reductions in tax revenue of as much as 50 percent as a result of high unemployment and recession.

Regardless of how strong a nation is militarily, it cannot long remain strong with such catastrophic economic displacement.

From the beginning of this recession, Senate Democrats have led the fight to provide jobs to the unemployed and relief to those who cannot find employment. We have offered constructive programs to respond to the emergency human needs created by record level unemployment, as have our colleagues in the House. Most recently, during the lameduck session in December, we offered a carefully crafted amendment to the Surface Transportation Act which would have resulted in nearly 500,000 jobless Americans being given the opportunity to go back to work. But all of these efforts to enact an emergency jobs program have foundered in the end in the face of implacable administration resistance. So I am pleased that the President has finally had a change of heart, and now is ready to acknowledge the need for Congress to act.

I must say, however, I am surprised, as well as disappointed, to learn that the President and his senior advisers are annoyed with the public discussion of their willingness to accept a jobs program passed by the Congress. I fail to see why this issue should be discussed in secrecy. We face a true human emergency in our country. Under these circumstances, I cannot comprehend why anyone would want to keep discussion of a jobs program a secret, much less how they could reasonably expect them to remain so.

Since the Speaker called me to advise me of the administration's willingness to accept a jobs package of a certain composition, I have had major questions about the approach the administration now belatedly seems willing to support—and according to the President himself, the only approach the administration is willing to accept. The list of additional appropriations for existing public works programs that the administration has advanced surely is not the list that would comprise the most cost-effective, efficient jobs program; it is not the list that House or Senate Democrats would compile if left to our own devices.

In particular, I am concerned about three key factors: First, the specific additional appropriations I understand to be under discussion appear not to be targeted to any degree to those areas of the Nation with the highest incidence of unemployment.

Second, those appropriations appear not to be targeted to individuals and families whose suffering is greatest—who, for example, have been unemployed for the longest period of time. Third, many if not most of the programs in the list I have heard discussed have a quite high materials and equipment overhead cost, meaning that the number of persons newly employed per dollar spent will be quite low. All of these apparent deficiencies trouble me. I am mystified as to why, after the President finally realized that there is a terrible unemployment problem in this Nation 18 months after the Reagan recession began, this proposal is the best one he and his staff could devise. I regret that the President seems so unwilling to consider modifications to improve this proposal.

I am hopeful that the House, in considering this legislation, will be able to address the deficiencies I have described. Senate Democrats will continue to work closely with our colleagues in the House in this effort.

Last month, I appointed a special task force of Senate Democrats, chaired by Senator LEVIN, to work with the House to devise legislation to

address the emergency human needs created by this recession. They have made a fine contribution to our common efforts and will continue to consider what additional steps we must take to alleviate this widespread human suffering caused by continuing unemployment. Unlike the President, we believe that the jobs program now under discussion is only a first step.

In closing, I would like to note how inappropriate it seems to me for the President and his advisers to be putting out signals that the President will veto any jobs legislation that differs significantly from—or that is any larger than—the package to which James Baker and David Stockman have given their OK. The administration says that it recognizes that there is a staggering unemployment problem—and now has acknowledged that the Federal Government must take positive steps to ease the pain and suffering. One must wonder just how complete is their recognition of the magnitude of the problem if they feel able to threaten to veto the legislation if Congress concludes it should be somewhat larger or slightly differently focused than the administration's preliminary proposal. That shows a marked insensitivity to the terrible conditions affecting millions upon millions of Americans. It shows a sad disdain for the legislative process and the role of the elected representatives of the people in designing the laws of the land. And it raises questions about the sincerity of the administration's claim that it finally is willing to consider accepting jobs legislation.

I hope that the process of enacting a jobs program will be marked by that spirit of cooperation and bipartisanship which the President called for again and again in his state of the Union address less than 1 month ago. I hope the administration will not allow partisanship to prevent this Federal Government from acting as quickly and surely as it can to help those who are in desperate straits.

Mr. President, I have no further need for my time. I yield it to the majority leader.

Mr. BAKER. Mr. President, I yield back whatever time I have remaining.

I believe that now we will hear from the distinguished Senator from Georgia, to whom I apologize for taking longer than I thought I would take in dealing with routine matters of the Senate today.

RECOGNITION OF SENATOR MATTINGLY

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia (Mr. MATTINGLY) is recognized for not to exceed 15 minutes.

S. 505—DESIGNATION OF FEDERAL BUILDING IN SAVANNAH, GA. AS THE "JULIETTE GORDON LOW FEDERAL BUILDING"

Mr. MATTINGLY. Mr. President, I send a bill to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. MATTINGLY. Mr. President, the bill I have sent to the desk would provide for the designation of the Federal building to be constructed in Savannah, Ga. as the "Juliette Gordon Low Federal Building."

There have been many citizens of the State of Georgia who have stood out as leaders of our Nation. One woman, in particular, stands out because of the influence she has had on young American women. I am speaking of Juliette Gordon Low—the founder of the Girl Scouts of the United States of America.

The Girl Scout movement began in Savannah, Ga., and became a national movement in 1913. The success of the movement can be attributed to the enthusiasm, energy, and spirit of Juliette Low. Since the founding of the Girl Scouts of America, the number of women and girls who have been members totals approximately 44 million. It remains the largest voluntary organization for girls in the world.

I should like to quote some statements which appear in a Girl Scout publication, because I believe they sum up the essence of the impact that Juliette Low has had on the young women of our Nation and world.

Girl scouting is a movement that gives girls from all segments of American life a chance to develop their potential, to make friends and to become a vital part of their community. Based on ethical values, it opens up a world of opportunity for youth, working in partnership with adult volunteers. Its program is a continuous adventure in learning that offers girls a broad range of activities which address both their current interests and their future roles as women. Through activities that stimulate self-discovery, they are introduced to the excitement in the worlds of science, the arts, the out-of-doors, and people. Girls grow in skill and self-confidence. They have fun, they make new friends, and through meaningful community service they acquire understanding about themselves and others.

In 1913, Juliette Low was truly a woman ahead of her time.

We in the State of Georgia are proud that Savannah, one of our most beautiful cities, is the home of the Girl Scouts. It is fitting that Savannah's new Federal building be named after one of our foremost citizens, Juliette Gordon Low.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, are we in morning business at this time?

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. BAKER. Mr. President, while any Senators may reach the floor who wish to claim time for morning business, I ask unanimous consent that it be in order to proceed to the consideration of Calendar Order No. 12 under the time limitation previously granted, notwithstanding the provisions of the order with respect to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROADCAST DEREGULATION ACT OF 1983

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 12, S. 55.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 55) to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes,

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Broadcast Deregulation Act of 1983".

DECLARATION OF POLICY

SEC. 2. It is the policy of the Congress that the Federal Communications Commission shall—

(1) encourage the development of competitive and diverse sources of broadcast programing and the introduction of new and additional services to consumers; and

(2) review all rules, regulations, and policies directly or indirectly applicable to broadcast licensees and eliminate those that are not necessary, or those which limit competition.

RADIO BROADCAST DEREGULATION

SEC. 3. Part I of title III of the Communications Act of 1934 is amended by inserting at the end thereof the following new section:

"RADIO BROADCAST DEREGULATION

"SEC. 332. Subject to any other applicable Federal law, the Commission is prohibited from requiring, by rule, regulation, or otherwise, radio broadcast station licensees to—

"(1) provide news, public affairs, locally produced, or any other programs;

"(2) adhere to a particular programing format;

"(3) maintain program logs;

"(4) ascertain the problems, needs, and interests of its service area; and

"(5) restrict the amount, length, frequency, or scheduling of commercial matter.".

RENEWAL PROCEDURE; COMPETITIVE SERVICES

SEC. 4. Section 309 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsections:

"(j) In any case in which a broadcast station licensee submits an application to the Commission for renewal of a license, the Commission shall grant the application if it finds that—

"(1) the operation of the station has been free of serious violations of this Act and the rules and regulations promulgated thereunder; and

"(2) with respect to television broadcast stations the licensee, during the preceding term of its license, substantially met the problems, needs, and interests of the residents of its service area in its program service.

"(k) In acting upon any application for the renewal of any broadcast station license which is filed by a licensee with the Commission under section 308, the Commission shall not have authority to consider the application of any other person for the facilities for which renewal is sought. The provisions of this subsection shall not apply to any application of any other person filed prior to January 26, 1983.

"(l)(1) Consistent with sound spectrum management, the Commission shall, to the maximum feasible extent, encourage the introduction of new and additional services by new applicants, existing licensees, or other persons. In any proceeding in which new or additional services are proposed, such services shall be presumed to be in the public interest whenever the Commission finds that such services are technically feasible without causing significant technical degradation to or interference with radio transmissions by other licensees.

"(2) Any person may file with the Commission a petition to establish or and application to offer a new or additional service.

"(3) The Commission must determine whether the new or additional service proposed in a petition or application is in the public interest within one year after such petition or application is filed. If the Commission initiates its own proceeding for a new or additional service, such proceeding must be completed within 1 year after it is initiated.".

FEES

SEC. 5. The Communications Act of 1934 is amended by inserting after section 6 the following new section:

"CHARGES

"SEC. 7. (a) The Commission shall assess charges for the services listed in this subsection at the rates listed or at such modified rates as it shall establish pursuant to the provisions of subsection (b) of this section.

"Schedule of charges:

	Rates
Private radio services:	
Marine coast stations—new, modifications, renewals	$60
Operational fixed microwave stations—new, modifications, renewals	60
Aviation (ground stations)—new, modifications, renewals	30
Land (mobile radio)—new, modifications, renewals	30
Equipment approval services:	
Type certification:	
Receivers (except TV receivers)	200
All others (including TV receivers)	650
Type acceptance:	
Approval of subscription TV systems	2,000
All others	325
Type approval:	
Ship (radio telegraph) automatic alarm systems	6,500
Broadcast equipment required to be approved under FCC rules	3,250
Ship and lifeboat transmitters	3,250
All others	1,300
Mass media services:	
Commercial TV stations—new and major change construction permits:	
Application fee	1,200
Hearing charge	6,000
Grant fee	(3 x annual fee)
Commercial radio stations—new and major change construction permits:	
Application fee	375
Hearing charge	6,000
Grant fee	(3 x annual fee)
Directional antenna license fee	375
Translators and low power TV stations—new and major change construction permits:	
Application fee:	
Top 150 markets	250
Remaining markets	150
Hearing charge	6,000
Grant fee	150
Annual fee—commercial TV stations:	
Top 20 markets	9,000
21-40 markets	8,100
41-60 markets	7,200
61-80 markets	6,300
81-100 markets	5,400
101-120 markets	4,500
121-140 markets	3,600
141-160 markets	2,700
161-180 markets	1,800
181-balance	900
Annual fee—commercial radio stations:	
Class B and C—FM, greater than 5,000W—AM	1,250
Class A—FM, 1,000W to 5,000W—AM	600
Less than 1,000W—AM	200
Annual fee—low power TV stations	150
Subscription TV stations—application fee	3,000
Station assignment and transfer fees: Application fee—TV stations	1,250
Application fee—radio stations	600
Hearing charges	6,000
Cable television relay service—construction permit	300
Renewals	60
Common carrier service:	
Domestic public land mobile stations (base, dispatch, control, and repeater stations):	
Initial construction permits, assignments, transfers	200
Renewals and modifications	20
Air-ground station initial construction permits, renewals, and modifications	20
Cellular systems:	
Initial constructions permits	900
Assignments and transfers	900
License fee	2,750
Renewals and modifications	45
Annual fee per mobile unit	3
Rural radio service (central office, interoffice or relay facilities):	
Initial construction permits, assignments, transfers	90
Renewals and modifications	20
Offshore radio service:	
Initial construction permits, assignments, and transfers	90
Renewals and modifications	20
Local television or point to point microwave radio service:	
Construction permits, renewals and modifications of construction permits	135
Assignments and transfers of control (per station)	45
International fixed public radio service—public and control stations:	
Initial construction permits, assignments, transfers	450
Renewals and modifications	325
Satellite services:	
Transmit Earth stations:	
Initial station authorization	1,350
Assignments and transfers of station authorization	450
All other applications	90
Receive only Earth station:	
Initial station authorization	675
All other applications	90
Application for authority to construct a space station	1,800
Application for authority to launch and operate a space station	18,000
Multipoint distribution service:	
Construction permits, renewals and modifications of construction permits	135
Assignments and transfers of control (per station)	45
Initial license (first license or license adding new frequency)	1,350
Section 214 applications:	
Applications for overseas cable construction (per nautical route mile)	5
Application for domestic cable construction (per route mile)	4
Application to install or acquire carrier equipment (per channel mile)	4
Tariff filings:	
Filing fee	250
Special permission filing	200
Telephone equipment registration	135
Digital electronic message service:	
Construction permits, renewals and modifications of construction permits	135
Assignments and transfers of control (per station)	45
Initial license (first license or license adding new frequency)	135

The Schedule of Charges established under this subsection shall be implemented not later than one hundred and eighty days after the date of enactment of this subsection.

"(b)(1) The Commission may on an annual basis increase or decrease the amounts of the charges established in subsection (a). Increases or decreases shall apply on a pro rata basis to all categories of charges and shall be in the same proportion as the cu-

mulative charges in the Commission's total budget appropriations for the preceding two fiscal years.

"(2) Increases or decreases made pursuant to this subsection shall be adopted as a part of the Commission's rules and regulations.

"(3) Increases or decreases made pursuant to this subsection shall not be subject to judicial review.

"(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

"(d) The Commission is authorized to prescribe by regulation an additional charge which may be assessed as a penalty for late payment of charges required by subsection (a). Such penalty shall not exceed 25 per centum of the amount of the charge which was late.

"(e)(1) The charges established in this section shall not be applicable to any governmental body.

"(2) The Commission is authorized to waive or delay payment of any fee established in this section if it determines that the public interest would be served by such action.

"(f) Moneys received from charges established pursuant to this section shall be placed in the general fund of the Treasury to reimburse the United States for amounts appropriated for use by the Commission in carrying out its functions under this Act.

"(g) The authority to collect the charges established under this section shall be concurrent with the authorization of appropriations under section 6 of this Act.

"(h) The total amount of fees collected under this subsection in any fiscal year shall not exceed 50 per centum of the sums appropriated pursuant to the authorization of appropriations contained in section 6 of this Act.".

Mr. GOLDWATER. Mr. President, the bill I bring to the floor today, the Broadcast Deregulation Act of 1983, provides for deregulation of the radio broadcast industry, and establishes a renewal procedure for both radio and television licensees, including the elimination of the comparative renewal process. It also establishes a congressional policy of encouragement by the Federal Communications Commission (FCC) of new, additional and competitive services. Finally, the bill establishes a schedule of fees based upon the cost of regulation.

During the 96th Congress (1979–80), the Commerce Committee held extensive hearings on telecommunications legislation. Those hearings made it clear that a general consensus existed in the industry and in Government that broadcasting and other competitive communications services should be deregulated. This belief has been the basis upon which we moved numerous bills in the last Congress, making substantial amendments to the Communications Act of 1934. Removal of unnecessary Government regulation allows marketplace forces to operate more cheaply and efficiently.

Toward that end, S. 270, the Radio Deregulation Act of 1981, was introduced on January 27, 1981, by Senator Jack Schmitt of New Mexico, and S. 601, the Television Licensing and Renewal Act of 1981, was introduced by me on March 3, 1981. Nineteen Senators joined as cosponsors of S. 270, and 15 joined as cosponsors of S. 601.

The Subcommittee on Communications held 2 days of hearings on S. 270 on February 26 and 27, 1981, and took testimony from 18 witnesses, both pro and con. Additionally, the subcommittee held hearings on March 23 and 30, 1981 on S. 601, and took testimony from 18 witnesses. Generally, the testimony was extremely supportive of the legislation.

S. 270 and S. 601 were incorporated into the budget reconciliation package which was passed by the Senate in the summer of 1981. After conference with the House of Representatives on the communications issues (which included S. 270 and S. 601), the following broadcast measures were included in the budget bill (Public Law 97–35):

First, a 7-year license term for radio stations;

Second, a 5-year term for television stations;

Third, permission for the FCC to use a lottery system to grant initial licenses; and

Fourth, no license fees.

President Reagan signed these provisions into law on August 13, 1981. For the first time in 47 years, the broadcasting industry was given regulatory relief.

Shortly thereafter, S. 1629 was introduced on September 16, 1981 by Senator Cannon, with myself and Senators PACKWOOD, HOLLINGS, and Schmitt as cosponsors.

The substance of the bill was a restatement of the radio deregulation provisions in S. 270, and the television renewal provisions in S. 601. In addition, there is established a congressional policy that new and additional services are desirable and should be encouraged.

S. 1629 was reported by the Commerce Committee on December 10, 1981, by a vote of 17 to 0. Then, on March 31, 1982, the bill passed the Senate by voice vote, having never received a negative vote in the Senate in the 97th Congress (1981–82). However, other than the provision contained in the 1981 budget reconciliation, the House of Representatives did not act on S. 1629 or any other broadcast legislation during the last Congress.

The FCC has taken significant steps to deregulate radio. However, those steps do not go as far as this bill, nor is there any certainty to the FCC's action inasmuch as that decision remains on appeal to the U.S. Court of Appeals in the District of Columbia. It is clear that the most effective way to insure timely and orderly deregulation is through statutory action.

Since 1934, the number of radio broadcast stations has increased more than 15-fold from 583 to over 9,000. There is a plethora of radio service available to almost all of the American public today. In most major cities, there is extensive competition among radio stations. For example, the FCC's 1981 figures show that 17 markets have 30 or more stations; 46 markets have 20 stations or more; and 137 markets have at least 10 radio stations. Moreover, radio stations must compete with other news, information, and entertainment sources, including television, pay TV, cable, films, records, magazines, and newspapers. The FCC's study further showed that there is sufficient competition, even in rural and semirural areas.

As for the substantive regulations which are to be eliminated by S. 55, the FCC's data clearly shows that radio broadcasters are substantially exceeding basic informational programing guidelines; they are airing fewer commercials per hour than the guidelines; there is a sufficient array of formats to satisfy most listeners; submission of program logs is unnecessary; and ascertainment of the needs and interests of the community will be done anyway.

The renewal procedure in the bill focuses upon the licensee's record of performance rather than promises from a challenger. By barring competing applications, the expensive, time consuming, and arbitrary comparative hearings can be eliminated. This comparative procedure was adopted originally to provide a "competitive spur" to broadcasters. The theory was that broadcasters would be encouraged to maximize their programing efforts if their licenses could be challenged at renewal.

While there have been few successful challenges to broadcasters' licenses, the uncertainty created by this threat has made it more difficult for diligent broadcasters to serve their communities. Furthermore, the real competitive spur to the broadcaster no longer comes from potential challengers to the renewal of his license. Broadcasters are now competing against the diversity of video programing made possible by the expansion of cable in urban markets, and the increasing use of new technologies.

If radio and television broadcast licensees are to be expected to provide quality programing service to the public, they must be able to rely upon the knowledge that they will not be subjected to expensive, time consuming comparative hearings as a result of a mere promise from another applicant to do a better job. It is increased competition that will guarantee the essential program quality.

This bill also establishes a schedule of fees designed to collect, by service, total amounts of money which are equal to or less than the budget estimate for each service. Services for this

purpose are defined as mass media, common carrier, equipment approval, and private radio. The fee schedule reflects the committee's effort to insure a reasonable relationship between fees for any given service and the cost of regulation. The provisions limit total collections by the FCC in any fiscal year to 50 percent of the amount authorized to be appropriated. The FCC may, on an annual basis, increase or decrease the amounts of the fees. Increases or decreases shall apply on a pro rata basis to all categories of charges, and they are not subject to judicial review. This fee schedule does not vary significantly from that contained in S. 1377, the Senate's budget reconciliation bill in the last Congress.

During conference with the House, the Senate insisted that the fee schedule was absolutely linked to radio and television deregulation, and that there would be no fees without the deregulation package intact. Since only partial radio and television deregulation was agreed to at conference, the fee schedule was dropped.

Finally, as with S. 270, S. 601, and S. 1629, S. 55 is totally consistent with the Reagan administration's and the Senate's goal of reduction in Government spending, and elimination of unnecessary and burdensome regulations.

Below is a summary of S. 55:

1. The FCC shall encourage the development of new and diverse sources of broadcast programming.

2. The FCC shall eliminate unnecessary broadcast rules and regulations.

3. Radio stations are not required to:

(a) Provide news, public affairs, locally produced, or any other programs;

(b) Adhere to any programming format;

(c) Maintain program logs;

(d) Ascertain the problems, needs, and interests of its service area; and

(e) Restrict the amount, length, frequency, or scheduling of commercial matter.

4. The FCC shall renew a broadcast (radio or TV) license if it finds that:

(a) the operation of the station has been free of serious violations of the Communications Act and the rules and regulations promulgated thereunder; and

(b) with respect to television stations only, the licensee substantially met the problems, needs, and interests of the residents of its service area in its program service.

5. No competing applications shall be considered by the FCC at renewal time for both radio and television licensees.

6. The FCC shall encourage new and additional services, and such services shall be presumed to be in the public interest if they are found to be technically feasible without causing significant technical degradation to, or interference with, other radio transmissions.

7. The bill establishes a schedule of service fees which will allow the FCC to collect up to 50 percent of its authorization level in any fiscal year.

Mr. President, the time for meaningful deregulation of the broadcast industry is long overdue. By passing this bill, just 3 weeks after its introduction, we are sending a clear message to the House of Representatives that the Senate is very serious about early action on broadcast deregulation. I intend to work closely with the Members of that body to find an acceptable basis for enactment of this legislation this year.

Mr. President, I urge my colleagues to join me in support of S. 55.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. HOLLINGS. Mr. President, I strongly believe the Government can and does bring many benefits to the public. One area where the Government has a very important role to play is where the marketplace is not working properly. I have said many times that I am wary about deregulation. It is not that I oppose deregulation per se, only that I oppose blind deregulation: Removing Government oversight when markets are not truly competitive.

I have examined S. 55, the Broadcast Deregulation Act of 1983, very carefully and find that it takes an intelligent, as opposed to a blind, approach to deregulation. The provisions of S. 55 are based on an effectively competitive marketplace. Further, this legislation correctly recognizes that deregulation must be balanced with new entry and adds a provision to the Communications Act to ease entry. After all, competition cannot be maintained without allowing new firms to challenge incumbents.

S. 55 has three major provisions. First, it follows on the 1981 radio deregulation order of the Federal Communications Commission and removes programing restraints on radio broadcasters. While we have relaxed requirements significantly, these broadcasters will still have to comply with the public interest standard of the Communications Act including the act's political broadcasting requirements—the equal time rule, the fairness doctrine, and the reasonable access provision.

Second, this legislation would abolish the comparative renewal process. While the use of comparative challenges has been somewhat beneficial, the drawbacks, including the expense and time consumed, have been very substantial. Broadcaster responsiveness to the public can be much better met by getting as many services to the public as quickly as possible.

Although we have ended the comparative renewal process, this should in no way be taken as a signal that a licensee's performance should not be scrutinized to insure that it meets the public interest requirements of the Communications Act. We have freed broadcasters only from the challenge of someone who wishes the license. The Commission now can concentrate on whether broadcasters have seriously violated the act, and, in the case of television broadcasters, whether they have substantially met the problems, needs, and interests of the community.

Third, this legislation would facilitate the entry of new and additional services. Proposals for such services are presumed to be in the public interest if they: First, are technically feasible; second, do not significantly interfere with the authorized signals of current licensees; and third, soundly use the spectrum. Further, the Commission is required to complete its inquiry into these proposals within 1 year after they have been filed.

As I stated earlier, what we seek is a competitive marketplace, not mere deregulation. This means the FCC's inquiry into new service proposals must be restricted more to technical factors. An inquiry, for example, into whether a new service will take revenues from another licensee is not relevant.

In addition, the FCC's record on promptly approving new services is far from satisfactory. Although, to its credit, the Commission has authorized many services, it has far too often taken years to act. In the era of competition, such a slow response is intolerable. I believe the provision we have here will help correct these problems.

S. 55 is sound legislation. We have based policy on facts, not theory and dogma. Last Congress, the Federal Communications Commission sent an extreme proposal to the Congress that would have ended, for all practical purposes, regulation of broadcasters. The fact that we have not accepted this proposal indicates that we have not found all broadcast markets to be competitive. There is a need for continued effective regulation. The Commission in administering and enforcing the Communications Act should note this point.

Finally, I wish to congratulate Senator GOLDWATER for introducing this fine piece of legislation. I also wish to congratulate all of those who worked with Senator GOLDWATER, particularly Senator CANNON, who introduced the predecessor to S. 55 in the last Congress.●

Mr. LAUTENBERG. Mr. President, the Senate Commerce Committee has spent several years seeking to strike the proper balance between reduced regulatory burdens on broadcasters and protection of the public interest. Having just entered the Senate, I have only had a short period of time to address this issue myself. At this point, I merely want to indicate that I have some concern about the effect this bill could have on what goes out over the public airwaves, particularly—TV programing—if it is not implemented properly. I am particularly concerned about the obligations of television broadcasters. The holders of broadcasting licenses are entrusted with a public resource—our airwaves. In

return for the use of that resource, they have an obligation to serve the public interest.

Unfortunately, the interests of the people of my State of New Jersey have, quite frankly, not been very well served by the television licensees based in New York and Philadelphia. Benjamin Franklin once said New Jersey was like a keg tapped at both ends. And certainly, the New Jersey viewing audience is tapped at both ends by New York and Philadelphia stations. But they are not well-served.

Of course, I am not the first person to say this. There are people in my State who have been carrying on a flight for better service for years. It was a credit to the strong case made by the senior Senator from New Jersey, Senator BRADLEY, that the Congress last year approved legislation to insure the location of a VHF station in New Jersey.

The bill we have before us does one specific thing with respect to television licensees. It does away with the comparative renewal process. It says, in effect, that a television licensee coming up for renewal stands on its own. The licensee need not defend itself against the promises of a competing claimant. Mr. President, I have reservations about this provision of the bill, because I know that the comparative renewal process served as an important tool to make New Jersey's longstanding but justified complaints known both to the licensees and to the FCC. The comparative renewal process is removed, I understand, because it is thought to be a troublesome process. It puts the Commission in what it is said to be an untenable situation of comparing performance and promises. The point of this bill is, let the licensees stand on their own records. That is a point I would like to emphasize today. Under this bill, licensees serving New Jersey will still have to stand on their records.

Mr. President, I raised this concern with the distinguished Senator from Arizona, Senator GOLDWATER, chairman of the Communications Subcommittee, when the committee considered S. 55. I was extremely satisfied by the Senator's response to my inquiries, which underscored the part that this bill does nothing to minimize a television licensee's obligation to serve the problems, needs and interests of the residents of the service area. In fact, the FCC may renew a license only upon making two findings: First, that there were no substantial violations of the Communications Act; and second, that the licensee has affirmatively shown that it has substantially met the problems, needs and interests of the residents of the service area. I want to reiterate this view here today, as the Senate moves to adopt this legislation.

For the new licensee that will locate New Jersey—RKO—that is particularly important. RKO will have a continuing obligation to serve the people of my State. This bill does nothing to relax or reduce that obligation.

Indeed, one of the goals of this bill is to relieve the FCC of the time-consuming burden of dealing with comparative renewal proceedings. I expect that once the FCC is so relieved, it will redirect its energies to insure satisfaction of the basic legislative goal: service to the public.

I want to state for the record that I will be taking a deep interest in the performance of RKO and other licensees serving New Jersey. I am hopeful that New Jersey's new television station will be happy in its new home and will serve my State well. I am going to monitor the performance of RKO. But I will also monitor the performance of the FCC, to be sure that it meets its continuing regulatory duty to insure that the public interest of New Jersey is served.

There is another provision of the bill that should not go unnoticed. The bill provides that the FCC must encourage the introduction of new and additional services by new applicants, existing licensees, or other persons, and the FCC must act within a specific deadline to implement this provision. Opening access to the airwaves by competing licensees should, if fairly and properly implemented by the Commission, serve the interests of my State.

Existing licensees, which have not well served the people of New Jersey, should not be insulated from competition. The public is better served when broadcasters have to compete for the viewer's attention. Certainly, new entries into broadcasting will mean competition for licensees that have held the New Jersey audience captive for too long.

I invite existing licensees to meet their legal obligation to serve the interests of the public in New Jersey. I also look forward to the advent of new licensees and additional services, for they will also challenge existing licensees, to compete and attend to the needs of the New Jersey audience.

Mr. BAKER. Mr. President, I am told there is no further need for debate or discussion or legislative action on this measure except for third reading and final passage, and I ask the Chair to inquire with respect to that.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, for a third reading and was read the third time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BAKER. I yield back all our time.

Mr. BYRD. I yield back all time on behalf of this side of the aisle.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass?

The bill (S. 55) as amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, if the Chair will bear with me for a moment, is there time remaining for the transaction of routine morning business?

The PRESIDING OFFICER. Fifty-six minutes remaining for routine morning business.

Mr. BAKER. That seems a generous time.

Mr. President, I am advised, and I see, the Senator from Wisconsin is here and has morning business to transact, I believe. It may be that other Senators will want to do so as well.

I now ask unanimous consent that the time for the transaction of routine morning business be extended to include such time as the distinguished minority leader may use for the presentation of a statement on the history of the Senate, and that any restrictions on the length of time a Senator may speak be abrogated as it might apply to the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished majority leader.

Mr. BAKER. I thank the minority leader and I yield the floor.

A NEW HUMAN RIGHTS CAUCUS

Mr. PROXMIRE. Mr. President, I would like to congratulate two distinguished Members of the House of Representatives, Congressman TOM LANTOS of California and Congressman JOHN PORTER of Illinois. They have taken a bold and valuable step to further protection of human rights throughout the world by sponsoring the formation of a new Congressional Human Rights Caucus.

The caucus will coordinate efforts to help groups and individuals who have been denied basic human rights. It will provide a forum to focus public atten-

tion on human rights issues and will provide Members of Congress with valuable up-to-date information on human rights issues throughout the world. Most of all, the caucus can provide hope for those whose human dignity and freedom are threatened.

What can we do here in the Senate to support this bold new initiative by Congressmen LANTOS and PORTER? We can ratify the Genocide Convention. This treaty, which declares genocide of a national, ethnic, racial, or religious group an international crime, stands for the same vital principles that the new Congressional Human Rights Caucus has been formed to protect.

In a recent letter to their House colleagues, Congressmen LANTOS and PORTER eloquently set forth these principles. I would like to share part of that letter with you:

As set forth in our Declaration of Independence the American people have long cherished the concepts of freedom under law for all people. The basic principle of the charter of the United Nations is the dignity and equality inherent in all human beings. All member states pledged themselves to cooperate with the UN to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinctions as to race, sex, language or religion.

This Universal Declaration of Human Rights proclaims the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief. Unfortunately, mere words do not guarantee these rights and many people do not share the same freedoms we treasure and are guaranteed to us under our Constitution.

Mr. President, I could not agree more: mere words do not guarantee these rights. It is vital that we work to prevent persecution wherever it exists.

I can think of no better way for us in the Senate to endorse and support the efforts of Mr. LANTOS and Mr. PORTER and their colleagues in the House of Representatives than through ratification of the Genocide Convention.

NUCLEAR WAR'S EFFECT ON THE MIND

Mr. PROXMIRE. Mr. President, in March of last year, Richard Falk and Robert Jay Lifton wrote a short article that appeared in the New York Times on the effect of nuclear war on survivors.

Lifton and Falk are both deeply involved in the antinuclear war movement. They have collaborated on a book entitled "Indefensible Weapons." Their work helps us come up to date on the far greater and far difference consequences of nuclear war now than 20 or even 10 years ago. Just as governments responsible for defense usually prepared to fight the last war, so the public perception of nuclear war usually focuses on the experience of Hiroshima and Nagasaki—the two Japanese cities that were utterly destroyed by relatively primitive and weak atomic bombs nearly 40 years ago. Since then, the technology of nuclear warfare has raced ahead at a far greater pace than most Americans—including, I am sure, most Members of this body—have even begun to realize.

The little article by Falk and Lifton of 1 year ago puts that terrible progress into perspective. And, ever since that article appeared, the nuclear arms competition has zoomed ahead—as I intend to point out to the Senate in the next few days.

For today, Mr. President, I ask unanimous consent that that short article to which I have referred to printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR WAR'S EFFECT ON THE MIND

"Scenarios" about fighting, recovering from, or even "winning" a nuclear war tend to be remarkably vague about the psychological condition of surviviors.

Some commentators simply assume that survivors will remain stoic and begin to rebuild from the ruins in a calm, disciplined way. Others seem to attribute that rebuilding to a mysterious, unseen hand. Usually absent is a reasoned estimate, on the basis of what experience we have, of how people might actually be expected to behave.

Recently, physicians and other scientists have been making careful projections of the effects of nuclear war, and all raise severe doubts about general claims of recovery.

A twenty-megaton bomb, for instance, if detonated over New York City, Chicago, or Lenningrad, would vaporize, crush, incinerate, or burn to death almost every person within a radius of five or six miles from the center of the blast—two million people, perhaps. Within a radius of twenty miles, a million more or so would either die instantly or would suffer wounds from which they could not recover. If the bomb exploded on the ground, countless others who live miles away, far beyond the reach of the initial blast and searing heat wave, would be sentenced to a lingering death as radioactive fallout drifted quietly down onto people, buildings, water and food supplies, and the earth itself.

But that picture, harsh as it seems, is inadequate even for a limited nuclear war and certainly for a full-scale one. New York City, say, would be hit by many warheads, as would other cities, industrial centers, and military targets—hundreds of warheads, maybe thousands.

One has to try to imagine 100 million or more people dead, and lethal amounts of radioactivity scattered over huge areas.

And the survivors? Would they panic? Would they help one another? What would they feel and do?

In Hiroshima, survivors not only expected that they too would soon die, they had a sense that everyone was dying, that "the world is ending." Rather than panic, the scene was one of slow motion—of people moving gradually away from the center of the destruction, but dully and almost without purpose. They were, as one among them put it, "so broken and confused that they moved and behaved like automatons. . . . a people who walked in the realm of dreams." Some tried to do something to help others, but most felt themselves to be so much part of a dead world that, as another remembered, they were "not really alive."

The key to that vague behavior was a closing off of the mind so that no more horror could enter it. People witnessed the most grotesque forms of death and dying all around them but felt nothing. A profound blandness and insensitivity—a "paralysis of the mind"—seemed to take hold in everyone. People saw what was happening and were able to describe it later in sharp detail, but their minds, they said, were numbed.

Hiroshima and Nagasaki, however, can provide us with no more than a hint of what would happen in the event of nuclear war. A single weapon today can have the power of one thousand Hiroshima bombs, and we have to be able to imagine one thousand of those exploding in the space of a few minutes. Moreover, in the case of Hiroshima and Nagasaki—and this is absolutely crucial—there was still a functioning outside world to provide help.

In a nuclear war, the process of psychic numbing may well be so extreme as to become irreversible.

Imagine the familiar landscape turning suddenly into a sea of destruction: Everywhere smoldering banks of debris; everywhere the sights and sounds and smells of death. Imagine that the other survivors are wandering about with festering wounds, broken limbs, and bodies so badly burned that their features appear to be melting and their flesh is peeling away in great raw folds. Imagine—on the generous assumption that your children are alive at all—that you have no way of knowing whether the radiation they have been exposed to has already doomed them.

The suddenness and the sheer ferocity of such a scene would not give survivors any chance to mobilize the usual forms of psychological defense. The normal human response to mass death and profound horror is not rage or depression or panic or mourning or even fear; it is a kind of mental anesthetization that interferes with both judgment and compassion for other people.

In even minor disasters, the mind becomes immobilized, if only for a moment. But in the event of a nuclear attack, the immobilization may reach the point where the psyche is no longer connected to its own past and is, for all practical purposes, severed from the social forms from which it drew strength and a sense of humanity. The mind would, then, be shut down altogether.

The resulting scene might very well resemble what we usually can only imagine as science fiction. The landscape is almost moonlike, spare and quiet, and the survivors who root among the ruins seem to have lost contact with one another, not to mention the ability to form cooperating groups and to offer warmth and solace to people around them.

In every catastrophe for which we have adequate records, survivors emerge from the debris with the feeling that they are (to use anthropologist Anthony Wallace's words) "naked and alone . . . in a terrifying wilderness of ruins."

In most cases—and this, too, is well recorded in the literature of disaster—that sense of isolation quickly disappears with the realization that the rest of the world is still intact. The disaster, it turns out, is local, confined, bounded. Out there beyond the peripheries of the affected zone are other people—relatives, neighbors, countrymen—who bring blankets and warm coffee, medicines and ambulances. The larger

human community is gathering its resources to attend to a wound on its flank, and survivors respond to the attention and the caring with the reassuring feeling that there is life beyond the ruins, after all. That sense of communion, that perception that the textures of social existence remain more or less whole, is a very important part of the healing that follows.

None of that will happen in nuclear war. There will be no surrounding human community, no undamaged world out there to count on.

No one will come in to nurse the wounded or carry them off to hospitals. There will be no hospitals, no morphine, no antibiotics.

There will be no succor outside—no infusion of the vitality, the confidence in the continuity of life, that disaster victims have always needed so desperately.

Rather, survivors will remain in a deadened state, either alone or among others like themselves, largely without hope and vaguely aware that everyone and everything that once mattered to them has been destroyed.

Thus survivors would be experiencing not only the most extreme forms of individual trauma imaginable but an equally severe form of collective trauma stemming from a rupture of the patterns of social existence.

Virtually no survivors will be able to enact that most fundamental of all human rituals, burying their own dead.

The bonds that link people in connecting groups will be badly torn, in most cases irreparably, and their behavior is likely to become muted and accompanied by suspiciousness and extremely primitive forms of thought and action.

Under these conditions, such simple tasks as acquiring food and maintaining shelter would remain formidable for weeks and months, even years. And the bands of survivors would be further reduced not only by starvation but also by continuing exposure to radiation and by virulent epidemics.

For those who manage to stay alive, the effects of radiation may interfere with their capacity to reproduce at all or their capacity to give birth to anything other than grossly deformed infants. But few indeed would have to face that prospect.

The question so often asked, "Would the survivors envy the dead?" may turn out to have a simple answer. No, they would be incapable of such feelings. They would not so much envy as, inwardly and outwardly, resemble the dead.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO DR. ERNEST B. WETMORE

Mr. BRADLEY. Mr. President, recently, Dr. Ernest B. Wetmore, a distinguished New Jersey civic leader, passed away. Dr. Wetmore's life was marked by extraordinary contributions to both his State and his community of Morristown, N.J., and it is appropriate to take note of them.

On September 6, 1940, Dr. Wetmore was appointed to the Housing Authority of the town of Morristown, N.J. He served on that board for 42 years, more than eight full terms. For 12 of those years, he served as chairman of the housing authority. A senior citizens' project bears his name in tribute to Dr. Wetmore's efforts. Over 500 families in Morristown now reside in public and subsidized housing built as a result of his efforts.

Beyond his efforts in securing decent housing for all, Dr. Wetmore served his community in a number of ways and, in recognition, he received both the "Community Achievement Award" from the NAACP and the "Citizen of the Year" award from the B'nai B'rith.

The housing units provided by the Morristown Housing Authority will stand for many years. I am confident that Dr. Wetmore's civic service will stand as an inspiration for each of us for an equal period of time.

YOUTH: AMERICA'S STRENGTH

Mr. BRADLEY. Mr. President, I recently had the occasion to address the New Jersey Veterans of Foreign Wars convention. That evening the VFW selected its "Voice of Democracy" winner for 1983-84, Alan Deutschman from Marlboro, N.J. Alan delivered his winning address, "Youth: America's Strength," which was selected from more than 18,000 entrants. I was so impressed I would like to share it with all of my colleagues.

I commend the VFW in my State and throughout the country for sponsoring this contest and challenging our high school students to think about their values and the values of our country. Alan Deutschman's effort and that of the thousands of students who participated in the "Voice of America" program are fine examples of the high standards that our young people still hold for themselves and for all of us. We certainly have reason to be optimistic about the quality of future leaders.

I ask unanimous consent to have the address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

V.F.W. "VOICE OF DEMOCRACY" CONTEST, 1982-83—"YOUTH: AMERICA'S STRENGTH"

(By Alan Deutschman)

To run faster than anyone has run before. To jump higher, to throw further, to do what has never been done. These are the goals of America's young athletes as they compete in the Olympic games. America's young men and women strive for greatness, attempting to reach new dimensions in athletic achievement.

The spirit of these young athletes is the spirit of American youth: striving for their inner best, trying to equal the achievements of past generations and surpassing them with new displays of brilliance. It is this spirit which is always driving Americans to seek the ideal, the best that can be done. It is this spirit which makes Youth—America's Strength.

Oscar Wilde observed, "The youth of America is their oldest tradition. If we look at the history of our young nation, we can see the spirit of American youth in action."

America was founded as a new nation, built on new ideas, a young challenger to the mighty British empire. The young people of America, like their young nation, have never turned away from a challenge. American youth has always sided with the underdog, unafraid to buck the odds and to try what has never been done.

As the young nation grew older, America settled the western frontier. The pioneering spirit was born in America's young, the spirit of the cowboy in the Wild West: brash, rowdy, adventurous, daring, blazing new trails and opening up the great frontier.

The spirit of the young American cowboy later became the morale of the young American G.I. Soldiers as our nation fought two World Wars to defend our ideals and to fight tyranny. In war the youth of America became the hope of nation, the people to get the job done and restore peace to the world.

As America entered more recent times, new frontiers began to open. A young president with high ideals told the world that an American would walk on the moon, and sure enough America conquered the frontier of space as it had conquered the frontier of the West.

Today, young Americans are giving the nation new ideas and new solutions to vital issues such as world peace, the environment, and energy. Young Americans led the Ground Zero Week program to inform the world about the horror of nuclear war. It is young Americans who lead movements to conserve energy for the future and to save our endangered environment. The young see old problems with a fresh, inventive approach. Their spirit was best reflected by the words of Robert Kennedy, who said that some men look at things that have been and ask why—I dream of things that never were and ask why not.

Adventurous, bold, daring, inventive—the spirit of American youth. Seeking new ideas and new solutions, American youth is the hope of the future.

The Olympic athletes equalled the records set in past years and then surpassed them, setting new records and achievements. In the same manner, America's youth must take the ideals and achievements of past generations and create a new world, fulfilling the dream of a better tomorrow. And like the young Olympic athletes, America's youth must be a showcase to the world of America's strength.

MILITARY PAY

Mr. EXON. Mr. President, as the Senate turns its attention to the fiscal year 1984 budget, one of the important questions we will face is what to do about military pay.

For fiscal year 1984 the President has proposed a complete freeze on military pay. If enacted, this freeze would be the first time in over 20 years that there has not been at least some annual increase in military pay. This freeze proposal by the adminis-

tration also would come after a year in which the annual military raise was capped at 4 percent instead of the 8 percent that would have been required to maintain military pay at levels comparable to what it was when we began the all-volunteer force in 1972.

Mr. President, the consequences of a military pay freeze, especially coming after a military pay cap, could be serious. We learned the hard way as the result of our military pay policies in the late 1970's that military pay must be maintained at reasonable levels if we are to recruit and retain quality people to man our Armed Forces. The Defense Department's own studies have shown that pay instability works against recruiting and retaining the high quality people the services need the most.

In debating the proposed pay freeze this year, it is important for the Congress to have a clear understanding of the proposal and the full range of implications associated with it. For this reason, when the President's proposal to freeze military pay in fiscal year 1984 was announced, I asked the Congressional Budget Office to prepare an analysis of Federal civilian and military pay levels relative to private sector pay levels as measured by the professional administrative, technical and clerical survey since 1972. I ask unanimous consent that my letter requesting this analysis to Dr. Alice Rivlin, Director of the Congressional Budget Office, and her response to me be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., January 25, 1983.

Dr. ALICE RIVLIN,
Director, Congressional Budget Office, Washington, D.C.

DEAR DR. RIVLIN: The Manpower and Personnel Subcommittee of the Armed Services Committee has a continuing interest in the overall level of military compensation and how annual changes in military compensation compare to changes in other wage indices in the economy.

In view of the upcoming debate over the appropriate pay raise for military and civilian federal employees in fiscal year 1984, I would appreciate the Congressional Budget Office preparing charts comparing changes in the Professional, Administrative, Technical and Clerical (PATC) index, military pay, and federal civilian pay since 1972. The charts should also indicate the extent to which both military and civilian pay were comparable to the PATC index in each year. For FY 1984, please consider two alternatives: a 4% military and civilian pay raise, and no pay raise.

Since the Committee on Armed Services will begin hearings on the FY 1984 Defense Budget shortly, I would appreciate greatly having the benefit of this information by January 28, 1983. Thank you for your assistance.

Sincerely,

J. JAMES EXON,
Ranking Minority Member, Manpower and Personnel Subcommittee.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., January 28, 1983.

Hon. J. JAMES EXON,
Subcommittee on Manpower and Personnel, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR SENATOR EXON: In response to your request of January 25, 1983, for information regarding relative increases in private-sector, federal civilian, and military pay scales, my office has prepared the attached charts. These charts are derived from a Department of Defense Joint Services Report, "Military Pay Adjustment Study," dated April 15, 1982.

The first chart shows changes in the three pay scales since 1972, based on the assumption that the 1972 levels were consistent with comparability. The second chart shows the extent to which federal civilian and military pay scales have failed to keep pace with private-sector pay as measured by the Professional, Administrative, Technical, and Clerical (PATC) survey. Both charts project the effects of alternative zero and 4 percent pay raises in fiscal year 1984.

The charts show that by fiscal year 1980 the gap between military and private-sector pay increases had reached 6.9 percentage points. The special military pay raises of 1981 and 1982 restored military pay to effective comparability with the DoD study's estimate of the PATC survey, but the pay cap of 4 percent in 1983 caused a shortfall. Another pay cap of 4 percent in fiscal year 1984 would increase the shortfall to 7.9 percent. The pay freeze proposed by the Administration for 1984 would create a gap of 11.4 percentage points, larger than has existed at any time since 1972.

The Defense Department study's estimate of private-sector pay increases based on the PATC survey, however, differ from the annual pay comparability adjustments proposed by the President's Pay Agent. Administrative changes in the methodology used by the Office of Personnel Management to calculate the comparability adjustment for the Pay Agent have had the effect of reducing the comparability increases that otherwise would have been due for federal civilian and military employees. The comparability gap between military pay and the PATC-based adjustments proposed by the Pay Agent would be only 3.9 percent with a pay freeze in fiscal year 1984, compared to 11.4 percent using the methodology of the Defense Department study.

There is no simple way to resolve this difference, which is created by periodic changes in the coverage of the PATC survey and application of the data by OPM in ways meant to improve the accuracy of comparability calculations for the federal civilian work force. It is worth noting, however, that comparing military pay to the index of average hourly earnings of private nonfarm production workers would result in a gap similar in size to the one in the Defense Department study.

Please note that the military pay scales used in the comparison refer only to basic pay and allowances for subsistence and quarters. Not included in the comparison are military bonuses and the variable housing allowance, which supplement other elements of military compensation. Also excluded are the effects of reallocation between military basic pay and allowances, which reduced military basic pay in fiscal year 1977 and 1978.

With best wishes.

Sincerely,

ALICE M. RIVLIN, *Director.*

(Charts mentioned not reproduced in RECORD.)

Mr. EXON. Mr. President, the Congressional Budget Office analysis shows that by fiscal year 1980, following the military pay caps of the late 1970's, the gap between military and private sector pay increases had reached 6.9 percentage points, the largest gap since 1972. The military pay raises of fiscal year 1981 and fiscal year 1982 restored military pay to effective comparability. The military pay cap of 4 percent in fiscal year 1983 reopened the gap. The military pay freeze proposed by the administration for fiscal year 1984 would widen this gap to 11.4 percentage points, a larger gap than any that has existed since 1972.

The February 21 edition of Army Times printed a recent interview with Defense Secretary Weinberger. I ask unanimous consent that the excerpts from this interview published in Army Times be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Army Times, Feb. 21, 1983]

WEINBERGER DISCUSSES MILITARY PAY FREEZE DECISION

Defense Secretary Caspar Weinberger met February 4 with reporters from Army Times and several other military-oriented publications to discuss President Reagan's decision to freeze military pay this year. Here are excerpts from the transcript of that press conference.

Q. Mr. Secretary, this administration came into office committed to maintaining pay comparability. But (the military has) had a pay cap and now a proposed pay freeze. Do you feel that, because of budgetary considerations, the Administration has had to renege on its promise?

A. Well, we've achieved the promise this year. I think, I don't know the precise month in (19)82, and I was very pleased about that and obviously very pleased about the collateral results of the successes of the all-volunteer program, although I don't think it's entirely attributable to the fact that we have achieved pay comparability and a fair pay scale. That comparability will be maintained all through (19)83.

The proposal of the President for a pay cap that applies to the military too is, I think, something that he, as far as its application to the military, regrets very, very much. He and I both share exactly the same feeling about how unfortunate it is. The economic conditions, the deficit and the pressures to try to reduce the deficit all lead to the consideration and, ultimately, the adoption of a program that wasn't just a pay cap or a pay freeze, it was a total freeze or cap on all government benefits, Social Security, retirees, many of the entitlement programs, everything.

And the reluctant conclusion was that, while there were many good reasons for exempting military, we couldn't have a universal program if it wasn't indeed military . . . As I have said many times, I will make every effort, and we already believe we have the resources blocked out in the rough beginnings of the (FY) '85 budget, to make it up. That is to say, to get a pay increase (for October 1984) that will include an appropriate amount related to our inflation estimates as well as the amounts that would have been needed to do it in (October 1983).

Q. Mr. Secretary, just to follow that up, you've said a number of times now about relating (pay raises) to inflation. But pay comparability has been related to salaries in the private sector. Are you in effect adopting a new standard here?

A. No, salaries in the private sector and comparability has been determined for the most part in the last year by attempts to match inflation. And with inflation coming down, we have had a great many wage settlements that have been matched to inflation. As a matter of fact, I saw somewhere quite recently that in 1982 collective labor agreements generally have resulted in the lowest increases in history I believe, or in a number of years. . . . The intent of the administration, I think, is clear and that is to try to achieve pay comparability and keep it there. We think we've achieved it. We think it will be in effect all through calender year (19)83 and it's a source of great regret that the pay cap program . . . does indeed have to be government-wide.

Q. Excuse me, sir. You said that you think you have achieved pay comparability. But there was a pay cap last year of four percent. So right now you're behind comparability.

A. I don't think we're behind comparability now. For a long time, for a number of years, it was very low, much too low a rate of pay for the military. We've had two pay increases. The first was voted in November of 1980 and one of the shocks that I found when I got here, one of the major ones, was that it wasn't funded. There wasn't any money in the budget we inherited to pay for the pay increase that had been voted by the Congress. So that was one of the first things we had to do.

We got another one in Fiscal Year '82 . . . and those two together, I think, certainly that came to comparability, maybe a bit more. There was a four percent (raise) added in Fiscal Year '83. Cumulative effect of all of those is close to that.

It's very hard also to equate total comparability to the index that's used. I have said many times that we don't have any civilian equivalent of the military occupational specialty of rifleman . . . So you have some problems in getting precise degrees of comparability.

I think that there was fairness and comparability in the wage rates that have been voted. They were terribly low before, shamefully low. I think they've been vastly improved and are at that point. But I think it's necessary in order to maintain that, to have an increase in Fiscal Year '84 which we can't have because of the government-wide program.

So, as I have said, it's my firm intention to do everything that I can to get what you might call a double increase or enough in (FY) '85 to make up for that.

Q. Mr. Secretary, what is your impression of Senator Tower's legislation for an April 1984 military pay increase of four percent, which would exclude soldiers in pay grades E-1 and E-2?

A. I would not have any detailed comment on it. It is not part of the administration's program. It is not legislation which we are authorized to support. It does go against the government-wide nature of the program. But I have no comment on whether it's a good bill or a bad bill. It's simply outside our ability to support in any way.

Q. Mr. Secretary, besides the pay freeze, the (FY '84) budget calls for a permanent cap on cost-of-living increases to military retirees. By one calculation, this would reduce retired pay for an E-7 by 46 percent by the time he reaches age 62.

A. You mean, you are suggesting an increase above and beyond the amount needed to keep pace with the cost-of-living is required?

Q. No. The legislation calls for cutting in half the cost-of-living increase from now on. And it no longer would be tied to the inflation rate but to half the inflation rate. Were you aware of that?

A. I've heard discussions about it. I don't know that that is the final form the legislation will take. But that's one of the proposals. But, again, that would be of universal application I take it.

Q. But it would still have, I would think, a very detrimental effect on keeping careerists in the military. Wouldn't you?

A. Well, I don't know whether it will or not. We don't have any idea.

I think, as I say, there are other factors besides dollars involved in people coming into the service and staying in the service. But we would certainly want retirement to be fair and to be consistent with contracts, so to speak, already made. And I think any retirement legislation is usually prospective only. It's not retrospective.

Q. Excuse me. It will not be (prospective) in this case. (Congress) voted legislation (last year to cap military raises) for the next three years and it appears now the budget calls for a permanent cap.

A. But you are talking about capping. The inflation rate that was achieved last year was vastly lower than anyone was talking about. And the cap is pretty close to the actual inflation rate.

Q. In this case (this year) it will be. But this new legislation the administration is proposing would cut by one-half the amount of the inflation protection that military retirees receive and, as I understand it, it would impact all careerists as well as current retirees.

A. I think you'll find that most retirement legislation is prospective generally. That's what the basis is for, most of the court cases have reached that conclusion.

Q. Mr. Secretary, have you given any thought to the possibility that if military pay does not keep up with the rate of inflation, we'll have a lot of junior enlisted people back on welfare and foodstamps?

A. I have included in my statement that, if there is any major adverse effect as a result of the pay cap proposal and we start getting any kind of extremely adverse results flowing from it, that I would feel obliged to report to the Congress that fact, and ask for appropriate steps to try to correct it. That would be during the course of Fiscal Year '84. I've already said what I would do for '85.

The situation that existed before when military families had to have two and three members of the family earning income because of the really shamefully low wage scale we were paying, the fact that some were on foodstamps, all of those things, were, I think, a terrible reflection on the importance the country should have attached to the military services. Now we have corrected almost all of those problems right now. And obviously we don't want to start falling behind again. And that's exactly why I said, despite this one-year kind of emergency austerity that is needed to try to deal with the overall economic situation that affects the country as a whole, that I would certainly try to make up for that in '85.

Q. Mr. Secretary, Alice Rivlin (of the Congressional Budget Office) indicated in a paper to Congress that, with this pay freeze, the Reagan administration would actually fall behind the Carter administration in the pay comparability gap between the military and . . . .

A. No, I think that is totally wrong. I saw that statement and I just completely disagreed with it. I think that's demonstrably wrong. Furthermore, the Carter administration didn't even fund the pay increase that the Congress voted.

Mr. EXON. Mr. President, much of this interview dealt with military pay, and Secretary Weinberger said a number of things that concern me. For example, the Secretary said as far as military pay is concerned "I don't think we're behind comparability now." Regarding the Congressional Budget Office's analysis of relative levels of military pay and private sector pay, Secretary Weinberger said he "completely disagreed" with the analysis and that it was "demonstrably wrong".

The Secretary's comments leave me a little perplexed. He did not elaborate on why he thought CBO's analysis was wrong. He is also apparently unaware that CBO's analysis was based on material in a recent Defense Department study entitled "Military Pay Adjustment Study" published in April 15, 1982.

Mr. President, all of us are entitled to our own opinions, but we are not all entitled to our own facts.

I am concerned that the Secretary's comments on military pay will create confusion in the minds of some of my colleagues on this important issue. For this reason, I have written a letter to Secretary Weinberger asking him to explain why he feels the Congressional Budget Office analysis of military and private sector pay levels is inaccurate. Congress cannot make an informed decision on military pay if we are not in agreement on the basic facts. I ask unanimous consent that my letter to Secretary Weinberger be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 16, 1983.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense,
Department of Defense, Washington, D.C.

DEAR SECRETARY WEINBERGER: I read with interest the comments you made on military pay in your interview reported in the February 21, 1983 issue of the *Army Times* newspaper.

In this interview you said that in spite of the 4 percent "cap" in fiscal year 1983, military pay was not behind the comparability standard now. You also said in this interview that you "completely disagreed" with the Congressional Budget Office analysis of Comparability Shortfalls in Federal Civilian and Military Pay, which was prepared at my request, and that this analysis was "demonstrably wrong."

I am somewhat perplexed by your comments, Mr. Secretary, since the data used by the Congressional Budget Office in their analysis was based on the Defense Department Joint Services Report, "Military Pay Adjustment Study," dated April 15, 1982.

I know you agree that the issue of the proper level of military compensation is critical to our ability to man our military forces. As Congress debates the possible implications of the freeze on military pay proposed by the President for fiscal year 1984, it is important that we at least agree on the basic facts of the matter.

For this reason, I would appreciate greatly knowing why you feel the CBO analysis is "demonstrably wrong." Specifically, why do you believe that military pay in fiscal year 1983 has not fallen behind private sector pay levels as measured by the Professional, Administrative, Technical and Clerical survey—the comparability standard used by Congress and the Executive branch since 1967? Why do you disagree with the results of the CBO analysis showing that the freeze on military pay in fiscal year 1984 proposed by the President would create a gap of 11.4 percentage points between military and private sector pay, a larger gap than any that has existed since 1972?

Thank you for your attention to this matter.

Sincerely,

J. JAMES EXON,
U.S. Senator.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two requests that I believe have been cleared on both sides. I will state them now for the consideration of the minority leader.

SEQUENTIAL REFERRAL OF THE SHIPPING ACT

Mr. BAKER. Mr. President, I ask unanimous consent that S. 504, an original bill dealing with the subject of the "Shipping Act of 1983," be sequentially referred to the Committee on the Judiciary after the bill has been reported from the Committee on Commerce, Science, and Transportation.

Further, I ask unanimous consent that if the Judiciary Committee has not reported the bill by 6 p.m. on Tuesday, February 22, 1983, that it be automatically discharged from the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I believe there is no other business to be transacted today with the exception of the presentation of the remarks by the distinguished minority leader, except for one resolution which I will send to the desk in a moment.

ORDER FOR RECESS UNTIL 10 A.M. MONDAY, FEBRUARY 21, 1983

Mr. BAKER. Mr. President, I ask unanimous consent that when the minority leader completes his remarks today no further business be transacted by the Senate, that the Chair then place the Senate in recess until the hour of 10 a.m. on Monday next under the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE AND REFER MESSAGES FROM THE PRESIDENT

Mr. BAKER. Mr. President, since the Senate will not be in session tomorrow and only briefly on Monday, I ask unanimous consent that, on tomorrow, the Secretary of the Senate be authorized to receive and refer messages from the President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open today until 3 p.m. for the introduction of bills, resolutions, and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME TO FILE REPORTS

Mr. BAKER. Mr. President, I further ask unanimous consent that committees may have until 3 p.m. today to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTING SENATE LEGAL COUNSEL TO REPRESENT SENATE PARTIES IN ARDIE McBREARTY VERSUS UNITED STATES OF AMERICA

Mr. BAKER. Mr. President, one final matter: On behalf of myself and the distinguished minority leader I send a resolution to the desk dealing with the authorization for Senate legal counsel to appear in a certain proceeding, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. PRESSLER). Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 67) to direct the Senate Legal Counsel to represent the Senate parties in *Ardie McBrearty* v. *United States of America, et al.*, Civil Action No. 83-5021.

The Senate proceeded to consider the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 67) together with the preamble follows:

S. RES. 67

Whereas, in the case of *Ardie McBrearty* v. *United States of America, et al.*, Civil Action No. 83-5021, pending in the United States District Court for the Western District of Arkansas, the constitutionality of the Tax Equity and Fiscal Responsibility Act of 1982, Public Law 97-248, has been challenged as having been enacted in violation of Article I, Section 7, Clause 1 of the United States Constitution;

Whereas, the complaint in this action names the United States Senate, the Legislative Branch, the Honorable George Herbert Walker Bush, President of the Senate, and William F. Hildenbrand, Secretary of the Senate, as parties defendants;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) afd 288c(a) (Supp. V 1981), the Senate may direct its counsel to defend the Senate, its Members and officers, in civil actions relatifg to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the United States Senate, the Honorable George Herbert Walker Bush, in his capacity as President of the Senate, and William F. Hildenbrand, Secretary of the Senate, in the case of *Ardie McBrearty* v. *United States of America, et al.*

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Chair, on behalf of the Vice President, pursuant to title XXII of the United States Code, sections 1928a-1928d and 276d-276g, appoints the Senator from Alaska (Mr. STEVENS) as chairman and the Senator from Nebraska (Mr. ZORINSKY) as vice chairman of the Senate Delegation to the Canada-United States Interparliamentary Group for the 98th Congress.

The Chair also appoints the Senator from Maryland (Mr. MATHIAS) as chairman and the Senator from Rhode Island (Mr. PELL) as vice chairman of the Senate Delegation to the North Atlantic Assembly for the 98th Congress.

LET US OBSERVE OUR HISTORY ON THE ORIGINAL DATES AND CITIZENSHIP IS IMPORTANT

Mr. RANDOLPH. Madam President, there are three very important holidays on which important events have taken place in our history that we continue to celebrate on the days that were not the actual dates of observance. We remember that during the 94th Congress we were successful in returning Veterans Day to its original date of observance. It is now on November 11, Armistice Day. The veterans of the United States of America very properly indicated that they

wanted the day observed on the date that we had the armistice in World War I. I think they were correct in asking that Congress reestablish November 11 as Veterans Day.

On January 26 I introduced S. 71 which is pending in the Committee on the Judiciary.

The bill would reestablish February 22 as George Washington's Birthday; May 30 as Memorial Day and October 12 as Columbus Day.

I say to our leader, Senator BYRD who is discussing the importance of those individuals who contributed very much to the strength of our country. I have heard the names of Webster and Calhoun mentioned. Even though I have not had the opportunity to follow the statement being made, I take delight in his historical study. I have always asked that the Senator's discussion, be given me and I take them home and read them, because to me, they are very important in reminding each of us that this Republic came into being as a country where we do not forget our heritage.

I was just thinking, as I am talking of the 56 signers of the Declaration of Independence. When I was in the grades, so to speak, the elementary school years, I had two teachers tell me that John Hancock was a very vain man. I wondered about that. They were telling me that he wrote his name in such large letters because he was vain.

I later wanted to study and to see if that was true. I found just the opposite was true. He was the man to sign first because he had been designated to do so. He said, as he signed his name:

His majesty could now read his name without glasses and could now double his reward of 500 pounds for my head.

I do not see anything vain about that. I think that is a statement of fact, and I am glad that the words were spoken when John Hancock, the first of the 56 signers, affixed his signature to our document of freedom.

I think of the signer from little Rhode Island, Stephen Hopkins. He was very ill and had been for many years with palsey. He was perhaps feeling that someone might believe he was afraid to sign that document and that he was shaking through fear. As he signed his name, he said, "My hand trembles, but my heart does not."

I have been a student of all these 56 signers and have written a magazine article and other articles, "They Signed for Our Independence," which tells us about all of these signers. Their ages varied so greatly, from Benjamin Franklin at 70 to the youngest who was Edward Rutledge of South Carolina at 26.

I bring us back now to this matter of the redesignation of George Washington's Birthday to February 22. We are not observing it on the 22d of February this year.

I think of Memorial Day. That should be on May 30.

And Columbus Day needs to be returned to October 12. We are not now celebrating it on its original date.

I have no quarrel with a workers' holidays per se. Provisions could be made for workers' holidays each year, allowing for a 3-day weekend. But do not assign our Nation's historical days for convenience sake. I think we do ourselves some injury when we fail to have all of these days redesignated.

I say to the leader as he discusses those individuals especially who made such contributions of substance, of vision, and of spirit to this Nation's history; I only wish there were some way of distribution so that, in the elementary and secondary schools of this country, they would be reading at least condensed versions of what he has been saying here over a period of time.

I recall only for the record that during the 97th Congress our present occupant of the White House signed into law legislation which I have strongly advocated for many years, authorizing the use of education block grant funds to teach the principles of citizenship.

The measure will provide in our elementary and secondary school systems a subject taught which I call principles of citizenship. It is not partisan; it is not political, but it is a subject which I think is very important. I am glad that President Reagan signed the measure into law on October 14, 1982. I hope that the passage of the measure will give us the opportunity throughout our school systems, especially among the young but even the older, to remember not so much those dates per se but, as I have indicated, the substance and the vision and the spirit of our forefathers which we must not allow to go out of our thinking and learning processes in this country.

I do not want to interrupt to bring this to your attention but to say that in a sense when we have a decision to make and we do not make it, it ceases to exist.

I am so reminded of that constantly by my conferences with young people. I believe in young people, and I am so happy that we have a group across America spread out on our campuses today called Convention II. These are young people on college campuses who are trying to get their fellow students to realize that the vote they possess at 18, 19, and 20 by the 26th amendment to our Constitution is a vote to be used.

I remember John Kennedy, commissioning a study a year after he was elected on voting. He said it was appalling that people failed to use the American ballot on election day. How true that is. Only about 25 percent of our youth 18, 19, and 20 vote in our election process. Of course, the older folk are not doing too much better. In the last Presidential election, in New York, the Empire State, only 48 out of 100 voted. We are beginning to elect from the majority of the minority rather than the majority. I am concerned about it.

But I am hopeful that we may have a renaissance of feeling that we do not want to have a status quo attitude but we want this country which we brought into being through our forefathers and our foremothers to be alive as it must be.

I am very grateful to the Democratic leader for his continuing attention to these men and, of course, these women in some instances who made such very productive contributions to the history of this country.

I have been talking at universities on the subject of young people voting for quite some time. When I was asked, when I was going up to Yale to speak at the Political union, what my subject would be and I said the subject would be Yale students do not vote. They did not like that. They wanted me to change the subject. I said, "Well, it is all right if you want to change the subject, but the fact is they do not vote."

I checked out all of this before I went there. It is about 18 percent of those in the 18, 19 and 20 bracket that are voting. So Yale students do not vote. Princeton students do not vote. Harvard students do not vote. Across America our youth is not voting, and yet they do not have the best of examples from those of us who are fathers and mothers of greater age.

Just 3 or 4 days ago I was with two, we could call them elderly ladies, one of them 96 and one 92. I do not know how the subject came up, but I said, "Did you vote in 1982?" Yes, indeed, both of them voted in 1982. And they were so glad that they could answer that question in the affirmative. These are challenging days, crucial days, sometimes disappointing days, but I feel that out of the caldron of the crises that we have that recur that just a little matter like this might make a contribution. Certainly these addresses of Senator BYRD shall be a great factor in keeping the spirit of America alive.

Mr. BYRD. Madam President, I thank Mr. RANDOLPH for his kind comments concerning my statements that have been going on now for almost 3 years. I thank him for the inspiration that he gives in his talks to the Senate.

He is rightly concerned about the failure of not only the young people but those in our own age brackets not to take advantage of the opportunity, not to exercise the right and not to

fulfill the duty of voting. There are people in other countries who would literally crawl on their belly on this floor if they could become citizens of this country. And as we look out at the turnouts in many other countries I think it appropriate to say that we perhaps have demonstrated a sad commentary on our own political patriotism when our people vote in such increasingly small numbers.

I also congratulate my colleague on his desire to recognize the true dates on which the events to which we alluded occurred. Armistice Day was November 11, 1918. My mother died on Armistice day, 1918. I was almost 1 year old.

They used to refer to Memorial Day as Decoration Day.

Mr. RANDOLPH. Yes, indeed.

Mr. BYRD. There is a great story behind the origin of Memorial Day.

So, while I understand the convenience of people to be able to have 3-day weekends, I think we dilute the importance and the inspiration those days provided for the Nation by deviating from the recognition on the exact dates.

I commend my colleague on his leadership in this matter.

Mr. RANDOLPH. Madam President, will the Senator yield?

Mr. BYRD. I yield.

Mr. RANDOLPH. I have noted that Senator KASSEBAUM is presiding, and I just wish to add that I had the privilege of speaking recently at the University of Kansas in Lawrence, and I saw there a good spirit of citizenship on that campus.

That night, I talked to the Kansas political science teachers group, gathered from universities and colleges and high schools throughout Kansas, and we discussed all these matters. I felt that they were as one in believing that we do have this responsibility and that it must be something not passed over lightly in the curriculum, at whatever level of education, but should be made a continuing process.

The Senator used the right word. Let us not dilute something. Let us give it more body than it perhaps has had for a long time.

So I am glad that I can be in the Chamber for this exchange. The continuing effort of my colleague from West Virginia to lay the record down, so that all who are running should stop and read, is encouraging to me.

Mr. BYRD. I thank the Senator.

Mr. KASTEN assumed the chair.

PUBLIC REACTIONS TO CONGRESS

Mr. PRESSLER. Mr. President, a national poll shows that 84 percent of the public does not approve of the way Congress is doing its job. Recently, I held over 25 public listening meetings in South Dakota, and the same judgment is being passed on Congress there as well. The more Congress delays dealing with the issues, the less respect it will have among the public. During my listening meetings, South Dakotans gave me a message to take back to Washington: I will be doing all I can to make the 98th Congress an action Congress.

South Dakotans want legislative action from Congress in three areas:

Social security: First on the list of South Dakota concerns was social security. People understand that something needs to be done and they expect Congress to get to work. They want action on the report of the President's Commission. They do not want a deficit in the social security trust fund.

Budget deficits: Indeed, South Dakotans do not like deficit spending in any part of the budget. They are very disturbed by the huge deficit in the President's proposal. Deficits cause the high interest rates that plague our small businesses and family farms. Many believe that the economy will not show real improvement until the budget is brought into balance.

Natural gas prices: South Dakotans are outraged at the huge increases in natural gas prices. Homeowners, small businessmen, and industrial users are up in arms about the 40-percent increase over last year. The big companies, with their "take or pay" contracts, have a monopoly. Even though there is a glut of natural gas, South Dakota gas prices are skyrocketing. Congress must take action, because deregulation is not working in this area.

People are tired of Congress not taking action on these issues. They want clear leadership from Congress, and if Congress is ever going to regain the respect of the public, we must start solving these problems.

REPORTING TIP INCOME

Mr. PRESSLER. Mr. President, on the first day of this session, I introduced the Tax Revision Act of 1983. My legislation would repeal sections of the Tax Equity and Fiscal Responsibility Act passed last year which institute new tip income reporting requirements.

Last week, waitresses from my home State of South Dakota came to Washington to testify before the Internal Revenue Service concerning the new tip income reporting requirements. These requirements will subject waitresses in rural areas to unfair tax withholding. The waitresses of South Dakota have been very active in organizing opposition to the new law. I ask unanimous consent to have printed in the RECORD their statements before the IRS.

There being no objection, the material was ordered to be printed in the RECORD as follows:

STATEMENT OF MARTHA DENNIS

My name is Martha Dennis. I'm from Rapid City, South Dakota. I live approximately 20 miles from Mount Rushmore. This Nation's shrine of Democracy. Every time I see that beautiful monument, I think how grateful I am to live in this country. First and foremost I would like to tell you that I am not opposed to paying my fair share of taxes on the income I receive. I do however, oppose the new Federal tax law that allows the I.R.S. to assume I am guilty of under reporting my tips just because I don't report 8 percent. A waitress performs a positive service to the community. I feel there is no comparison of people in my business to drug-traffikers as has been suggested by one of our senators.

In our State, the law already allows my employer to take up to 40 percent of my wage out of my paycheck, assuming that I make up that amount deducted in tips. If I work a graveyard shift and spent eight hours washing windows and walls, in my particular circumstances, I'm out 60 cents each hour and still pay taxes on that $4.80 that I never made.

Two major problems that I see are: (1) A large percentage of dollar volume is not even tipped. For instance, if a customer comes in 3 or 4 times a day, as many do in the establishment I work for, they're not going to tip each time. In many cases the customer who comes in just for coffee doesn't tip. Also we run a lunch and supper buffet which is self-serve and many times those customers don't tip. Yet the amount of that meal is still added into the gross sales. (2) Waitresses in low tipping areas may be forced to over report her tips in order to meet the 8 percent requirement. Whereas, the waitress who works in a high tipping area may under report her tips and never be questioned because she has met the 8 percent requirement whether she makes 10 or 20 percent.

According to the Bureau of Labor Statistics, as quoted from the October 15 issue of restaraunts and institutions magazine, "only 10 percent of the 1.2 million tipped food and beverage employees in 1979 were paid more than minimum wage."

I am concerned that since wages, sales and tips vary from restaurant to restaurant, shift to shift, and even waitress to waitress, that many, many waitresses will be overburdened by this new law and regulations and may feel she can't afford to work anymore. That could result in a loss of dependable efficient help in some cases. Also I am concerned that there may be unfair allocations on the part of the employer for instance, if a waitress works for an employer for 2 months and then up and quits in the middle of lunch hour she may find herself allocated more than her share simply to ease the allocations to the long time and in good standing waitresses.

Again I would like to stress my major points.

(1) We perform a positive service to our community.

(2) A large percentage of dollar volume is not tipped.

(3) The possibility of some under reporting and over over reporting.

(4) Only 10 percent of the 1.2 million working in this business are paid more than the minimum wage.

(5) The variation of sales and tips.

(6) The possibility of unfair allocations.

In conclusion I would like to say: In all fairness I feel this law should be repealed

because if not, in my opinion, and in agreement with Senator Pressler, waitresses could be the only Americans to pay taxes on money they don't receive. Thank you!

Hello ladies and gentlemen, my name is Sherry Charest and I live in Rapid City, South Dakota. I came here today to express my concerns to you. I would like to start out by saying I think this law and these regulations are unfair and discriminatory. I believe every person is expected to pay his fair share of income tax but I don't think anyone should be expected to pay taxes on money he doesn't receive, which is what this law and these regulations allow.

The first point I'd like to make is that contrary to popular belief, waitresses do not even make minimum wage. Martha has been a waitress for 26 years and since the time she started in 1956, to date, waitresses have been paid lower than minimum wage with the assumption that she will make the difference up in tips. My tips sometimes come up to or exceed minimum wage and sometimes they don't but I'm still taxed on the minimum wage. Now, in addition to that, I will be taxed on 8 percent of my share of the restaurant's gross regardless if I make that amount in tips. Eight percent is too high a figure for me to meet. So, in short, what you're asking me and my employer to do is to report more than I make, just because the law allows you to assume I am making 8 percent.

Two friends and I asked several waitresses to keep accurate records of their individual gross sales and actual tips made. We know these people and are confident that they were honest in their reporting of the information we requested. I thought the easiest way to present this to you, without dragging out hundreds and hundreds of guest receipts, which is what we had to do to get these figures, is to show you a simple graph of the percentages we came up with.

On this graph, I used four waitresses within the same restaurant all working different shifts. I used 10 consecutive working days, beginning the first of this year. They are not the same 10 days because we all have different days off. In the upper right corner is Jeanne. She works the 7 a.m. to 3 p.m. shift which includes breakfast and lunch crowds. Notice 8 out of 10 days her tips were above 8 percent. Eight percent is denoted by the red line on the graph. In the bottom left is Martha, who works 6 a.m. to 1 p.m. This shift also includes breakfast and lunch crowds. As you can see only 2 of 10 days were her tips above 8 percent, as opposed to Jeanne's 8 of 10. Now, when we come down here to the 3 p.m. to 11 p.m. shift, which is what I work, and includes a dinner crowd, you see only 2 days where my tips were above 8 percent and 1 day they were right at 8 percent. Moving up again to Linda who works the graveyard shift, 11 p.m. to 7 a.m., who on some nights gets a late-night bar crowd, only had 1 day where tips were above 8 percent. Incidentally, on that night gross sales were about $44 and she made $4 in tips. That's 10 percent of her gross, but doesn't even cover the $4.80 already taken out of her check for those 8 hours.

Now let's assume that at the end of the year, each waitress has averaged about the same as these 10 days. Since Jeanne will have reported above 8 percent—which is what she actually made—there won't be any allocation to her. However, Martha, Linda, and myself will have reported less than 8 percent—which is what we actually made—and we will be allocated an amount we didn't make to bring us up to the 8 percent requirement. To show you an actual difference, Linda made $52.75 in tips. Eight percent of her gross was $67.16, a difference of $14.35.

Now to you $14.35 may be just a drop in the bucket, but to a woman with several young children she's trying to support, $14.35 may have made a difference to those children on that day. Money she never sees, but could surely use, is being allocated to her just so she can pay taxes on it.

With Martha and I the figures are different but the principal is the same. We are all trying to live on what little money we do make, and I have no doubt that there are countless others across this country with the same problem.

Another problem I see is the possible firing of employees to become exempt from complying with the law. If an establishment has, say, 10 or 12 employees, he might decide to let two or three go in order to keep the remainder from being taxed unfairly. As unemployment stands, we certainly don't need any more unemployed American citizens.

Furthermore, by complying with this law you are putting my employer in the position of policing me. Trust of employees is extremely important, especially in cases where waitresses are cashiers in addition to other duties. Putting an employers hand in an employee's pocket shows a lack of trust which could cause resentment and ill feelings. We have to be a responsible team of people to be successful. Don't put barriers in our way. This law would lead to poor employer/employee relations, and in our business, there's no room for that.

To summarize briefly:

(1) We are already paid low wages;

(2) Eight percent is too high a figure;

(3) Some employees could lose their jobs so the business becomes exempt; and

(4) There may be poor relations between employers and employees.

To conclude my statement, I remind you that President Reagan used the word "standard of fairness" when referring to the reduction of the national deficit. I don't think there is anything that even resembles fairness in this law. I think it passed in haste and without due consideration. I urge you to please allow this law to be repealed or at least keep these thoughts in mind when drafting final regulations. And though it may not affect you, remember the people it does affect and how they will feel when they're told they must pay taxes they've never even seen. Take into consideration the women who are supporting families working as waitresses, think of the students working in restaurants to supply them with living money while they are still in school and don't forget the many people who are working in the food service business because other jobs they may be qualified for are just not available. This law and these regulations, if allowed to remain enacted, can be added to the growing list of unfair and unreasonable taxes on Americans today. Thank you for this opportunity to speak to you. I hope I have enlightened you on only a very few of the problems I see and that time would allow.

THE HIGH COSTS OF A SPACE WEAPONS RACE

Mr. PRESSLER. Mr. President, on February 2, I introduced Senate Resolution 43 which calls on the President to prepare a proposal and to invite the Soviet Union to negotiate a verifiable ban on antisatellite weapons as a first step toward prohibiting all space-based and space-directed weaponry. I am pleased to have as cosponsors of this resolution Senators PERCY, PELL, MATHIAS, PROXMIRE, CRANSTON, and D'AMATO. Senators BOSCHWITZ, MURKOWSKI, and BRADLEY have now joined in cosponsorship of this resolution.

In introducing this resolution, I explained the importance of a peaceful space environment for both military activities and science and commerce. Let me note that we, far more than the Soviets, would be compromised by a space weapons race because we must, out of necessity, rely upon space-based systems for conducting many of these functions. The Soviets do have alternatives to space-based systems—alternatives that we do not possess. This is both a product of our open society and our particular geographic situation.

Today, I would like to address another aspect of this issue, and that is the very high cost of a space weapons race and its likely implications for the American taxpayer, who is already heavily burdened by the high cost of keeping America safe. Adding a space dimension to United States and Soviet weaponry is likely to add significantly to this burden. Moreover, we already face major deficiencies in the current constellation of air, land, and sea forces. Aircraft reportedly lack spare parts; we have insufficient ammunition for sustaining any potential lengthy conventional war in Europe; we do not have enough chemical warfare clothing for troops; the list is very long in this area. Given a new burden in the area of space weaponry, we cannot hope to make good on these deficiencies. Indeed, we are likely to exacerbate the problems and we will likely be spreading ourselves even more thinly.

It is for this reason that I support immediate resumption of ASAT talks. If we cannot ban space weaponry at this early stage in the competition, then I believe that it will be increasingly difficult, if not impossible, to avoid ever higher expenditures on space weaponry. We will be like the habitual gambler who has to continually double his bet to stay in the game. Once we enter this game, which is already very expensive even though it is still on the ground, it will be ever more difficult to find a way out.

First, let us consider the U.S. ASAT weapon which is soon to be tested and deployed. The current price tag for that system is $3.6 billion. This is already a sevenfold increase over the advertising cost when it was initiated several years ago. With this money, we

could do better things in defense and in the area of serving American taxpayers. But now I learn from a GAO report published on January 27, 1983 that:

When the Air Force selected the miniature vehicle technology as the primary solution to the antisatellite mission, it was envisioned as a relatively cheap, quick way to get an antisatellite system that would meet the mission requirements. This is no longer the case. It will be a more complex and expensive task than originally envisioned, potentially costing in the tens of billions of dollars.

This comes from the unclassified digest of this study entitled: "U.S. Antisatellite Program Needs a Fresh Look." I suggest that Senators read this study for a full picture of the high costs that are currently entailed and additional costs that likely will be entailed in this relatively modest effort—modest as far as space weapons go.

That program has not received the close congressional scrutiny it deserves. We have here a system that, in dollar value alone, approaches the MX missile's advertised price tag. I believe that before we move toward testing and deployment of this ASAT system, which will join the F-15 aircraft to a rocket and a satellite interceptor, we must give it the same close examination that has attended the MX system. If we are to have any examination of the strategic implications of this ASAT, as well as its budgetary consequences, the Senate must act quickly, for once the system is tested—and that will occur soon—our ability to influence this program will be very limited.

Beyond ASAT's, there are many additional concepts floating around the defense community calling for lasers and particle beam weapons that could be based on Earth and aimed at satellites in orbit or, alternatively, based on space and targeted at other space systems. The cost of such systems is difficult to predict, for the simple reason that they require several as yet unattained major scientific and technological breakthroughs. However, we can safely say that the cost will greatly exceed the "tens of billions of dollars" that the GAO estimates for the current U.S. ASAT effort which is based upon off-the-shelf technology.

Beyond antisatellite platforms, there are concepts that call for space-based military fortresses which would attack several space systems at once or would provide for an anti-ballistic missile defense in the skies. The most prominent of these concepts to date is the High Frontier concept developed by Gen. Daniel Graham (Ret.) and others. High Frontier would be based, we are told, on current technology that would use conventional weapons to attack ballistic missiles in their boost phase. Let me note that this concept is prohibited by the 1972 ABM Treaty to which we and the Soviets are bound. At a minimum, High Frontier would require a renegotiation of that accord and at a maximum we might have to give up what many regard as the most useful arms control accord to date to deploy the High Frontier.

But there is another important question that is raised by High Frontier. Can we afford it? In testimony to the Arms Control Subcommittee that I chair in the Foreign Relations Committee, Under Secretary of Defense Richard DeLauer stated that in terms of the concept, its proponents have "grossly underestimated" both "the time it would take" to deploy this system and "the amount of money that it would take." While the proponents claim that it would cost only $40 billion—and that is an astronomical amount of taxpayer money—other estimates, including one offered recently by the Armed Forces Journal puts the price tag at between $200 and $300 billion. That amount rivals the annual U.S. defense budgets for the mid-1980's. Once we begin to talk about other more exotic concepts, that price tag will continue to increase.

I would like to provide a few of the space weapons concepts that are currently under consideration and the costs that are asssociated with each one. What is presented here are Air Force estimates of system costs, other estimates made by me, and by other organizations, some of which represent a more realistic cost estimate for these systems.

Mr. President, I ask unanimous consent to have the table printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. PRESSLER. Mr. President, the question that I ask is: Should we believe that it is in our security and budgetary interests to accept such a costly new arms race? Once it begins, it may be impossible to avoid these even more sophisticated and ever more costly weapons in space. Or should we examine the situation closely to consider the possibility that arms control may provide an alternative to such a space weapons race? I believe that we have no alternative to first giving arms control a try. Mr. President, I ask that Senate Resolution 43 be printed in the RECORD.

Mr. President, I ask unanimous consent that Senate Resolution 43 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 2.]

EXHIBIT 1

[Dollars in billions]

Weapon system	Air Force estimates	Pressler estimates	Others' estimates
F-15 based ASAT and related concepts.	[1] $500 (1973)	$16–20	"Tens of billions" (GAO)
Ground-based Spartan Interceptor (conventionally armed).	1.5 (1978) 3.6 (1982) 1.2 (1982)	[2] 5–7	
Airborne laser	2.6 (1982)	[2] 6–10	
Space-based fixed orbiting laser.	53.5 (1982)	[2] 100–120	
Space-based maneuverable laser.	13.7 (1981)	[2] 50–70	
High Frontier space-based ABM.		200–300	$40 billion (High Frontier) $200 to 300 billion (Armed Forces Journal) Costs "grossly underestimated" by High Frontier (DOD)

[1] In millions.
[2] For limited capability.

EXHIBIT 2

S. RES. 43

Whereas the United States depends upon satellites for preserving the peace through command and control of United States forces worldwide and through early warning of strategic attack, among other functions;

Whereas satellites are vital for verification of arms control agreements;

Whereas the safety of such important missions including those performed by the Space Shuttle would be compromised by the threat posed by killer satellites;

Whereas a space arms race would undermine strategic stability;

Whereas a military space race would add to the uncertainties faced by military planners and thereby complicate the task of designing an effective military force structure;

Whereas an arms race in space would be a drain on the American taxpayer and would undermine our ability to correct current deficiencies in our military posture;

Whereas the United States and other nations rely increasingly on space-based systems for weather forecasting, communications, natural resource exploration and other important commercial activities;

Whereas the maximum utilization of space technology for commerce and science is assured only under peaceful conditions;

Whereas the unregulated deployment of hazardous space systems, even if intended for nonweapons purposes, poses a serious danger to human life; and

Whereas the present pace of military space developments will soon reduce the prospects of avoiding the weaponization of outer space; Now, therefore, be it

Resolved, That it is the sense of the Senate that:

(a) The President should immediately prepare a proposal and invite the Soviet Union to negotiate a verifiable ban on the development, testing, production and deployment of antisatellite weapons as a first step towards prohibiting all space-based and space-directed weaponry;

(b) That these negotiations should also seek to restrict to the extent consistent with United States national interest the deployment of hazardous objects and materials, such as nuclear materials in outer space; and

(c) That in pursuing agreement with the Union of Soviet Socialist Republics on antisatellite weapons, the President should agree to no provision that would in any manner restrict the development and operation of the Space Shuttle or impede legitimate activities permitted under the SALT I ABM Treaty.

SPEECH BY GEN. JOHN A. WICKHAM, JR.

Mr. THURMOND. Mr. President, I rise to call to the attention of the Senate a speech delivered by Gen. John A. Wickham, Jr., the Vice Chief of Staff of the United States Army.

General Wickham's speech is a cogent analysis of our Nation's security commitments and the resources necessary to make them viable.

Futhermore, the Vice Chief of Staff gives his personal assessment of the quality of the young men and women serving in today's Army, and he finds them to be equal to or better than any soldiers in recent years.

Mr. President, I ask unanimous consent that General Wickham's speech be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY GEN. JOHN A. WICKHAM, JR.

Thank you for the opportunity to share a few thoughts during this infantry ball. I feel humble among so many distinguished infantrymen, including General Stillwell and Ambassador Lew, who served the Armed Forces of the Republic of Korea for over 22 years as a general officer.

It is a particular privilege to share this podium with such a distinguished patriot as Bill Mauldin. No one has depicted the rigors and reputation of the American infantryman as well as our guest of honor this evening.

As a war correspondent whose front line experiences stretched from the battlefields of World War II to the rugged hilltops of Korea and the steaming forests of Vietnam, Bill Mauldin developed a close affinity and affection for the indomitable American infantryman. The compassion and humor with which he portrayed the hopes and joys, the trials and suffering, the life and sacrifice of the American soldier continue to serve as moving tributes to their valor.

The infantry deserves tribute because it is the arm which in the end wins the batttles. General Maxwell Taylor spoke of the infantry this way. "As I describe the Army mission, I describe the infantry because the infantry will always be the core of the fighting capability of the Army. Victory is measured by the taking of terrain. There will always have to be an infantryman in the final act of battle—the man who closes with the enemy on the ground."

While we recognize the significant role of the infantryman, it is clear that the infantryman goes to war as part of a combined arms team and as part of a joint team. If we go to war tomorrow it will be as joint forces and combined forces. We see evidence of this reality through our commitments such as in NATO. In the combined forces command in the Republic of Korea, and with *the recent development of the* Rapid Deployment Joint Task Force.

The extended battlefield concept, which is known as air-land battle, further recognizes the joint committee to the conduct of operations overseas. The U.S. Army's training and doctrine command and the U.S. Air Force's Tactical Air Command continue working closely together to develop and disseminate joint doctrine and procedures.

Alliances also are essential to our war fighting capabilities. The day has gone when we could go it alone. Since 1949, the NATO alliance has deterred war in the North Atlantic region. Despite periodic criticism of the NATO alliance, it remains of bedrock importance to maintaining world peace. We and our allies must continue to strengthen the alliance.

Our alliance with the Republic of Korea also has contributed to maintaining peace since 1953. Our commitment to the ROK-U.S. Combined Forces Command is just as firm as our commitment to NATO. We must continue to strengthen that alliance if we are to assure peace in Northeast Asia.

These alliances and others illustrate that we have global interests as well as commitments. Wherever there is conflict, the blessings of life, liberty, and the pursuit of happiness are threatened. Thus, we have a fundamental interest in assuring world peace through deterrence of military hostilities and through development of friendly nations which are politically, economically, and militarily capable of surviving.

We all know how dependent our prosperity is on world trade. But we are also highly dependent on strategic materials. This growing dependence increases our vulnerability to interdiction. Over 25 percent of our daily oil consumption, or 3.9 million barrels, must be imported. The United States relies on foreign sources for more than 90 percent of its cobalt, chromium, manganese, platinum, bauxite, and titanium needs. All of these minerals are essential for industrial and defense related applications. Their denial would threaten our economic well-being and our national security. Our European and Asian allies are even more vulnerable to resource distribution than the United States. Japan for example, imports more than 70 percent of its oil.

All of us recognize that our security is inextricably linked with the security of NATO. But how many recognize the shift in our economic and security interests toward the Far East. For example, our trade with the Far East now exceeds our trade with all of Western Europe. Recently our Ambassador to Japan, Mike Mansfield, made the following comments. "Out here in the Far East is where I think the future lies. East Asia provides the highest return on United States investments. I am sure the 21st century will be the century of the Pacific. We are out here to stay. It's in our interest from a business point of view and from a defense point of view."

Thus in view of our worldwide interests and alliance commitments. If we are to assure peace, we must be ready for war. That, of course, continues to be the mission of our Armed Forces. It has been the mission of our Armed Forces ever since they were formed. George Washington wrote Congress in 1793. "There is a rank due the United States among nations which will be withheld if not absolutely lost by the reputation of weakness. If we desire to secure peace it must be known that we are at all times ready for war."

We are rebuilding our military strength in order to assure peace. Our strategic and conventional forces are being strengthened and we must assure that they are developed in a balanced way if we are to deter across the spectrum of conflict. If we heed the lessons of history, they will tell us that there is no cheap or painless way to assure deterrence. We have grown up knowing that the price of liberty is eternal vigilance.

Now some folks would argue that traditional deterrence is outmoded. They believe that this is so because strategic arsenals are now capable of destroying adversaries many times over, and because conventional as well as subconventional conflicts continue to occur irrespective of U.S. military strength. Individuals who argue this way believe that efforts to rebuild or to extend U.S. military strength serve little purpose other than to foster further arms competition and perhaps to raise the risk of war. The nuclear freeze movements share this point of view.

Whether one agrees or disagrees with this point of view, history shows that strategic capabilities have deterred nuclear war. Moreover, these capabilities and the threat of their use probably have contributed to restraining the geographic extent as well as level of violence in conventional conflicts. Our strong conventional capabilities in such potential confrontation areas as Europe and Korea also have kept the peace.

While there has been a growth in strategic capabilities, our objective has been to achieve agreement on arms reduction. This objective has been our constant goal and the continuing recommendation of the U.S. Joint Chiefs of Staff. However, it is clear that the Soviet Union negotiates seriously only when their interests are challenged by military strength. It does not take a Kremlinologist to realize that the Soviets disdain weakness and irresolution, but respect might and will.

We need to remind ourselves from time to time about the nature of the Soviet threat. The British International Institute for Strategic Studies, recently reported. "The Soviet arms buildup in almost every area seems to outpace the intensity and scope of Western military programs. As Western military options become more constrained, Soviet military options increase. The Soviet arms procurement process has remained unaffected by the general improvement in political relations between East and West and it was not marked by the starts and stops so characteristic of Western procurement policies. The reason for the Soviet emphasis on military power is that the Soviet Union has no other means to spread its influence in the world, economically uncompetitive, culturally repressive, and ideologically increasingly barren, the Soviet Union's primary claim to global power and influence is in military might." We see evidence of this in the Soviet invasion of Afghanistan. The threat against Poland which crushed the Solidarity movement, and the buildup of Cuba as a military surrogate to foment violence in Latin America.

Despite the realities of the Soviet threat, democratic countries customarily deplore expenditures on armaments because they conflict with the requirements of social services. There is also a tendency to forget that the most important social service the Government can provide for its people is to keep them alive and free.

Recently I received a letter from a retired command sergeant major which I would like to share with you. "I enlisted in the Army in July of 1939 before Pearl Harbor. Our infantry company strength was 65 officers and men and half were on special duty to such places as riding stables, sports, officer and

NCO clubs and what nots. You can imagine what training we received in soldiering. We were garrison soldiers and certainly ill trained to defend our country should the need arise. Our equipment was not very modern and often inadequate. I'm one of those few who can remember using wooden mortar and anti-tank weapons against trucks with "tank" written on the side. We were good men and dedicated to our country much the same as our young soldier of today. Looking back now over the many years since my first enlistment and trying to analyze why our Army was in such a condition, I can only conclude that the American people of that time had a low regard for men who were in the regular Army and consequently our Congress echoed their feeling by inadequately equipping them. The status of our Army during the period following WW II and prior to the Korean conflict was deterioration in a like manner. Will the people of America support a modern Army capable of defending our country or will we slide backward once again and become garrison soldiers? It is this that worries me so much about the Army, not the men in it."

I believe the American people recognize the threat and need to rebuild our military strength. They realize that only in this way can we assure deterrence and also motivate the Soviets to negotiate seriously toward strategic arms reductions.

The efforts to rebuild our military strength involve several dimensions including acquisition of more modern equipment. Improvements in operating readiness, and improvements in our sustaining capabilities. One important aspect which is less glamorous that modern equipment such as the M-1 tank and the Bradley fighting vehicle, is the effort to improve the procurement process. Our goal is to make the process more efficient so that we can accelerate the acquisition of equipment, put it in the field sooner with all of its support, and do it for less cost. Innovative methods include multiyear procurement, assuring program stability, and full funding programs. This latter approach basically seeks to identify all the costs of a program, and to provide full funding to include hedges against R&D as well as production risks. Full funding should avoid the necessity for cutting other programs in order to pay for unanticipated cost overruns.

Another effort involves management efficiences which are saving resources and improving the way we do business. We estimate that these management efficiencies should lead to savings or cost avoidance of over $8 billion during the next several years. Some of the more significant cost savings efficiencies include the elimination of marginal systems, base realignments and base support reduction.

While providing for the most effective use of the resources entrusted to our care, we also need to assure development of the best quality soldier. This involves continued efforts to improve living and working conditions. But most important have been efforts to improve the quality of training, not only of the soldier but also of the noncommissioned officer and officer.

Through the skill qualification test, we have higher standards in training today than we ever had before. With the introduction of the battalion training management system and its emphasis on training the trainer, the NCO, the quality of training at the unit level has improved significantly. With its advanced technology and equipment, the National Training Center at Fort Irwin provides combat battalions, both active and reserve, with a battlefield environment closely paralleling what might be found in wartime situations. CAS3 (the combined arms and services staff school) fills the formal training void between the advanced course and CGSC and trains all officers to function as members of a staff with the army in the field.

We have a quality army and it is getting better. This past year 87 percent of our recruits were high school diploma graduates, and unprecedented achievement. We have an obligation to develop among these quality young soldiers a commitment to excellence, professionally and personally. For it is only a deep commitment to excellence that we can achieve what Oliver Cromwell meant when he said, "Give me soldiers who know what they are fighting for and who love what they know."

General Omar Bradley had a similar regard for the importance of excellence and dedication. "In today's army it is not enough that a soldier be sturdily equipped and skillfully trained to make him a good soldier. To show the strong heart that comes from deep-rooted convictions, the soldier must know and understand the greatness of our democracy and grasp the important role he or she fills as part of its Armed Forces."

The quality of our young soldiers today is excellent. In my opinion they are as good, if not better, than at any time in recent years. These young soldiers are motivated and patriotic. They understand their role in deterring war. They are not confused by esoteric debates about deterrence. They see all too well that strength along the East German border or the demilitarized zone in Korea keeps the enemy from attacking. Because they may have to fight, they also cannot ignore the growth in military capabilities facing them.

Recently I received a letter from a young corporal. Let me share part of it with you. "I have a feeling of pride when I hear that 'Star Spangled Banner' being played, and I've never lost a drop of blood toward its preservation, but I've got enough true feeling to know what I was born under and what I owe to those who cannot fight any more. They fought for me, and my father, and sister, and mother, and everybody else: They fought for the preservation of this country, for what they believed in for others. The least I can do is have enough honest guts to do the same. Knowing that we have over 200 million Americans who support us financially, morally, and spiritually is another reason that I am proud of the flag and all it symbolizes. May God Almighty help our leaders to make the right decisions."

You see, this young soldier not only is patriotic and committed, but has faith in the good Lord and the American people. And faith is important for all of us, including our leaders, just as it was for Abraham Lincoln when he said, "I would be the most foolish person on this footstool earth if I believed for one moment that I could perform the duties assigned to me without the help of one who is wiser than all."

Yes, our Army and Armed Forces are filled with quality young men and women. And these forces are growing stronger in order to assure peace. Let there be no mistake about that.

The American people share freedoms bought with great sacrifice by our forebears. Our people, young and old alike, realize that if we are to give these blessings intact to our children, we have no alternative but to be strong and to shoulder the sacrifices that go with that noble commitment.

ORGANIZATION OF THE COMMITTEE ON THE JUDICIARY FOR THE 98TH CONGRESS

Mr. THURMOND. Mr. President, I am pleased to report to the Senate that the Committee on the Judiciary has completed the process of organizing and is now fully prepared to move forward with the orderly handling of those matters within our jurisdiction.

For the use of persons interested in our organizational structure, I ask unanimous consent that a copy of the same be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATION OF THE COMMITTEE ON THE JUDICIARY, 98TH CONGRESS

Full Committee: 10 Republicans and 8 Democrats. Mr. Thurmond, Mr. Mathias, Mr. Laxalt, Mr. Hatch, Mr. Dole, Mr. Simpson, Mr. East, Mr. Grassley, Mr. Denton, Mr. Specter, Mr. Biden, Mr. Kennedy, Mr. Byrd, Mr. Metzenbaum, Mr. DeConcini, Mr. Leahy, Mr. Baucus, and Mr. Heflin.

All other jurisdictional areas not hereinbelow mentioned are specifically retained at full Committee level, including, but not limited to: nominations; holidays, commemorations, federal charters, and celebrations; antitrust and monopolies; Department of Justice oversight, authorization and budget; revision and codification of the statutes of the United States; oversight of the Antitrust Division of the Department of Justice.

The Committee will be organized into nine (9) subcommittees, as follows:

1. Subcommittee on Patents, Copyrights and Trademarks: 4 Republicans—3 Democrats. Mr. Mathias, Chairman. Mr. Laxalt, Mr. Hatch, Mr. Dole, Mr. Metzenbaum, Mr. Leahy, and Mr. DeConcini.

Jurisdiction: Patent, copyright and trademark law; Patent and Trademark Office; Copyright Royalty Tribunal; trademark counterfeiting; trade secrets (joint referral with Subcommittee on the Constitution in connection with Freedom of Information Act); matters of international law within Committee jurisdiction including international treaties jointly referred to Foreign Relations and Judiciary; privacy matters (exclusive of the Privacy Act and of civil liberties).

2. Subcommittee on Criminal Law: 4 Republicans—2 Democrats. Mr. Laxalt, Chairman. Mr. Thurmond, Mr. Specter, Mr. Dole, Mr. Biden, and Mr. Baucus.

Jurisdiction: Criminal Laws; criminal judicial proceedings; Rules of Criminal Procedure; national penitentiaries; Bureau of Prisons; oversight of Criminal Division of the Department of Justice; U.S. Parole Commission.

3. Subcommittee on the Constitution: 3 Republicans—2 Democrats. Mr. Hatch, Chairman. Mr. Thurmond, Mr. Grassley, Mr. DeConcini, and Mr. Leahy.

Jurisdiction: Constitutional amendments; constitutional convention procedures; civil rights laws; civil liberties; Freedom of Information (with joint referral to Subcommittee on Patents, Copyrights and Trademarks on issue of trade secrets); Privacy Act; State and territorial boundary lines; interstate

compacts; apportionment of representatives; U.S. Commission on Civil Rights; oversight of Civil Rights Division of the Department of Justice.

4. Subcommittee on Courts: 4 Republicans—3 Democrats. Mr. Dole, Chairman. Mr. Thurmond, Mr. Simpson, Mr. East, Mr. Heflin, Mr. Baucus, and Mr. DeConcini.

Jurisdiction: Federal courts; Administrative Office of the United States Courts, civil judicial proceedings; local courts in the territories and possessions; court reform and alignment; judicial disability and tenure; Federal Rules of Civil Procedure; jurisprudence; oversight of Civil Division of the Department of Justice; bankruptcy.

5. Subcommittee on Immigration and Refugee Policy: 3 Republicans—2 Democrats. Mr. Simpson, Chairman. Mr. Grassley, Mr. Mathias, Mr. Kennedy, and Mr. Heflin.

Jurisdiction: Immigration and naturalization; refugees and refugee policy; oversight of Immigration and Naturalization Service of the Department of Justice; U.S. Board of Immigration Appeals.

6. Subcommittee on Separation of Powers: 3 Republicans—2 Democrats. Mr. East, Chairman. Mr. Denton, Mr. Simpson, Mr. Baucus, and Mr. Metzenbaum.

Jurisdiction: Separation of powers between the branches of the National government; division of powers between the National and State governments; government information (except Freedom of Information and Privacy Acts).

7. Subcommittee on Administrative Practice and Procedure: 3 Republicans—2 Democrats. Mr. Grassley, Chairman. Mr. Laxalt, Mr. Specter, Mr. Heflin, and Mr. Baucus.

Jurisdiction: Administrative Procedures Act; regulatory procedures; oversight of Lands and Natural Resources Division of the Department of Justice; legislative veto; consumer interest in Federal agency and Executive Branch actions; appeal of Federal agency determination or procedures; claims against the United States.

8. Subcommittee on Security and Terrorism: 3 Republicans—2 Democrats. Mr. Denton, Chairman. Mr. Hatch, Mr. East, Mr. Leahy, and Mr. Metzenbaum.

Jurisdiction: Terrorism; mutiny; espionage; counterfeiting; oversight of Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice; oversight of legal attaches (Legats).

9. Subcommittee on Juvenile Justice: 3 Republicans—2 Democrats. Mr. Specter, Chairman. Mr. Denton, Mr. Mathias, Mr. Metzenbaum, and Mr. Kennedy.

Jurisdiction: Juvenile Justice; Youthful Offenders Act; oversight of Office of Justice, Assistance, Research, and Statistics of the Department of Justice.

AMBASSADOR BURNS ADDRESSED THE INTERNATIONAL ECONOMY

Mr. PERCY. Mr. President, one of the most highly regarded public officials in American government is Dr. Arthur Burns, former Chairman of the Federal Reserve Board.

I have had the honor of knowing Dr. Burns for well over a decade. During his years at the Federal Reserve, he was a constant source of education and inspiration to me and many other Senators. We were sorry to see him leave the helm of our central bank when his term as Chairman ended.

Fortunately, President Reagan recognized the tremendous skills of Dr. Burns and appointed him our Ambassador to the Federal Republic of Germany, one of our most important European allies.

Dr. Burns, I am pleased to report, is doing a spectacular job in Bonn as our emissary. He is calling on his vast experience in banking and economics to explain to European governments the importance and strengths of our economic recovery program. He is at the same time an important listening post who all of our allies respect and are willing to confide in. In my mind he is one of our finest diplomats.

Dr. Burns spoke recently in Bonn on the international economy. On December 9 he addressed the Deutsche Atlantische Gesellschaft on the topic of "The Economic Health of the Western Alliance." I know my colleagues will be interested in his remarks and I will ask unanimous consent that they be printed in the RECORD at the close of my statement.

Ambassador Burns does not paint an entirely rosy picture of our alliance. This has been a troubling year from an economic standpoint—from high interest rates to trade sanctions. Arthur Burns reminded his audience that:

To make progress on economic issues in the years immediately ahead, it is particularly important that every country avoid "beggar-thy-neighbor" policies. We cannot afford to think in terms of winners and loser when it comes to solving our common problems. It is essential, therefore, that member countries of the Alliance mobilize the vast economic and political statesmanship that is at their disposal.

President Reagan's 1983 economic report takes this tack and I know Ambassador Burns is pleased to see that the administration is committed to improving the world economy in this way. He is doing important work in Bonn for his country and I know all of us in the Senate wish him well in his mission abroad.

I ask unanimous consent that the remarks of Dr. Burns be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE ECONOMIC HEALTH OF THE WESTERN ALLIANCE

(By Arthur F. Burns)

I wish to thank the Deutsche Atlantische Gesellschaft for the opportunity to address your members and friends this evening. Since its establishment a quarter of a century ago, your society has faithfully supported the fundamental objectives of the North Atlantic Alliance. You have never wavered in your devotion to peace or in your efforts to espouse the principles of individual freedom and democracy that constitute the moral foundation of NATO. In so doing, you have earned the gratitude of enlightened citizens of both your country and mine.

My purpose this evening, beyond expressing appreciation of your contribution to preserving international peace and freedom, is to discuss some of the economic issues that have recently been troubling the Western Alliance.

Economic factors inevitably have a significant impact on political attitudes that prevail in our respective countries, and they in turn can be decisive for the military effectiveness of the Alliance. In view of the immense role of the United States in world affairs, I shall concentrate on the economic relations between the United States and its European Allies. That these relations have been rather strained of late is a matter of common knowledge. That is reason enough for trying to see the American-European relationship in a sound perspective. Beyond that, it is vital to our Alliance to consider how well its economic underpinnings are being maintained and protected.

Since the end of 1979, both the United States and Western Europe have been experiencing considerable economic sluggishness or actual recession. That Western economies are vastly stronger than the economies of the Soviet bloc is a matter of considerable importance, but this can hardly justify complacency on our part. What needs to concern us is the state of our own economic health—how best to preserve and improve it. My first task this evening, therefore, is to examine briefly the sources of recent difficulties in the West.

The oil price shocks of 1973 and 1978 have certainly contributed to our economic problems. So too have other developments in the international marketplace, particularly the increasing challenge of Japan to some of our key industries as well as the new competition for a variety of Western manufactures from the more advanced of the developing nations. These external influences, however, have been less important for Western economies than difficulties of our own making.

During the early decades of the post-war period, the fiscal and monetary policies of Western democracies were highly successful in maintaining reasonably full employment and in improving social conditions. These very successes tempted governments during the 1970's to respond to the never-ending public pressures for governmental benefits by risking large budget deficits and easy money in the hope of expanding social welfare programs still further as well as attending to new environmental concerns. But by attempting to extract more and more goods and services from our economies without adding correspondingly to our willingness to work and save, we in the West inevitably released the destructive forces of inflation.

Under these conditions, it should not be surprising that tensions over economic issues have at times seriously tested the harmony that has generally characterized the political relations between the United States and its European Allies. When our individual economies are booming, there is little pressure on governments from their business or agricultural communities to protest or counteract activities being pursued in other countries. Such pressures tend to mount, however, in times of economic adversity. Difficulties that would be passed over under prosperous conditions then take on some importance—occasionally even a large importance. Gentle voices of spokesmen of economic interests are then apt to become loud and strident, and even the customary composure of academicians and high government officials tends to suffer. Human

nature being what it is, that has been the usual experience of mankind and we have not escaped it this time.

There is, first of all, the issue of American interest rates. There can be no dispute over the fact that these rates have been extraordinarily high in recent years. Nor can it be denied that they served to attract funds to the United States from other parts of the world, that this movement of funds tended to raise interest rates in some European countries, and that business investment suffered to some degree as a consequence. If European complaints had stopped at this point, no one could reasonably quarrel; but many Europeans, in cluding prominent government officials, at times went further and either stated or implied that American interest rates were responsible for the economic troubles in their countries. That line of thinking overlooked the fact that high American interest rates could not be responsible simultaneously for the still higher interest rates in France and the drastically lower interest rates in Japan. Needless to say, factors indigenous to individual countries—among them, the propensity of the public to save and the state of governmental budgets—always exercise some influence on interest rates.

Much of European criticism of American interest rates also stemmed from a misunderstanding of American policy objectives. Seeking to end the havoc wrought by inflation, our authorities proceeded on a principle that has been tested across the centuries—namely, that stoppage of inflation requires curbing the growth of money supplies. It is, of course, true that the high interest rates were in large part a result of our restrictive monetary policy. That does not mean, however, that we sought high interest rates.

On the contrary, the immediate effects of the restrictive monetary policy on interest rates and economic activity were by no means welcome, but this policy did achieve its fundamental purpose of curbing inflation in the United States. Since 1979, when the consumer price level rose more than 13 percent, the rate of inflation has moved steadily lower. By coming down to less than 5 percent this year, the inflation rate in the United States is now one of the lowest in the world.

The success of monetary policy in subduing inflation eventually made it possible for American interest rates to move to lower levels—partly through the inner workings of the marketplace and partly through adjustments of policy. The slowing of inflation encouraged the authorities to reduce monetary restraints, and the deepening gf recession impelled them to do so. Economic conditions if the United States were, of course, primarily responsibde for the consequent declife of interest rates, but our monetary authorities were also mindful of the benefits that the lower rates could bring to Europe. Since last year, when the rate that commercial banks charge their prime borrowers reached 21½ percent, the prime rate has fallen to 11½ percent. Open-market short-term rates have been cut in half. Long-term rates on corporate bonds and home mortgages declined less, but they too have fallen materially. The greater part of these interest rate adjustments has occurred since June, and Europeans rates followed American rates downward—although not to the same degree. As these financial developments unfolded, Europeans joined Americans in wishing that interest rates would move even lower, but what had previously been a significant source of friction within the Alliance virtually ceased being troublesome.

Another recent irritant to some members of the Alliance was the stand taken by the American government on intervention in foreign exchange markets. The effectiveness of such maneuvers in stablizing foreign currencies had long been a subject of serious debate among financial experts, including central bankers. Nevertheless, governments of leading countries kept intervening with some frequency during the 1970's, in the hope of smoothing out some of the short-run fluctuations in the exchange market. Being critical of these policies, the Reagan Administration announced soon after it came into power that, in its judgment, foreign currencies are best left to the free market and that it would therefore refrain from intervening except under highly exceptional circumstances. Not a few financiers and government officials welcomed this decision, and even some who questioned it were more concerned with the political consequences of non-intervention than with its intrinsic economic merits. There were, nevertheless, some determined European critics of the new American policy, and they made their influence felt—most notably at the Summit meeting held this June at Versialles.

While Americans held to their basic position at that meeting, they did propose that a committee of international experts study the results of past experience with intervention. By agreeing to such a study, all participants tacitly admitted the possibility that some of their views on intervention might need to be revised. Since then, the United States has gone further in the direction favored by its critics by actually intervening several times—albeit on a modest scale—in the market. There is reason for hoping that the foreign exchange study now under way may further contribute to narrowing the differences between the United States and some of its Allies. And if good will should be aided by good fortune, so that both interest rates and inflation kept coming down in our respective countries, the fluctuations of exchange rates would of themselves narrow and thus reduce both the impulse to intervene and the inclination to fret over the issue.

A far more serious conflict between the United States and its Allies was stirred by the decision of several European countries to support the construction of a Siberian natural gas pipeline. This conflict reached a climax when the American government, feeling morally outraged over the Soviet Union's role in suppressing the newly won freedoms of the Polish people, proceeded to forbid shipments of American firms of materials and equipment needed to build the pipeline. This prohibition was later extended to European subsidiaries and licensees of American firms. These actions led to acrimonious charges and debates, and some political observers on both sides of the Atlantic felt that American reaction to the crisis in Poland may have given rise to the crisis of the Alliance.

That danger, fortunately, was surmounted. Not only was damage to the Alliance kept down, but the pipeline controversy actually helped to steer Western thinking about foreign policy onto a sounder track.

In the course of pondering the sanctions imposed against the Soviet Union, the American government undertook a review of Western economic relations with the Soviet Union in the hope of developing a policy that, unlike the pipeline sanctions, could prove of lasting benefit to the Alliance. It soon became clear that this would require more resolute dealing with elements of incoherence in Western foreign policy. The reasoning that led to this conclusion was straightforward. On the one hand, NATO countries were devoting, year after year, vast resources to our common defense against the Soviet threat. Simultaneously, however, partly through private banks and partly through government agencies, we in the West kept lending during the past decade vast sums of money to the Soviet Union and its satellites. At times, this was even being done at subsidized interest rates. In view of the high priority that the Soviet Union assigns to its military establishment, the financial resources that the West so liberally put at the disposal of the Soviets thus indirectly helped to strengthen their already formidable military establishment. To make matters worse, the Soviet Union continued to take advantage of the weaknesses in our controls on the export of militarily related products and technology.

These considerations were persistently pressed by the American government on its Allies during the past year. For a time, they were resisted by European governments, partly because of displeasure over the pipeline sanctions, partly also because of concern that the American initiative could lead to an East-West trade war. But as the American government made clear that its basic aim was simply to steer Western policy onto a path that was more consistent with Allied security interests, controversy and recrimination gradually yielded to quiet voices of reason.

On November 13, President Reagan was able to announce that agreement had been reached on the need to consider Allied security issues when making trade arrangements with the Soviet Union. More specifically, the United States and its partners agreed, first, that new contracts for Soviet natural gas would not be undertaken during the course of an urgent study of alternative sources of energy; second, that existing controls on the transfer of strategic items to the Soviets will be strengthened; third, that procedures for monitoring financial relations with the Soviets will be promptly established; and fourth, that the Allies will work to harmonize their export credit policies. In the eyes of the American Government, these measures will promote Allied interests more effectively than the pipeline sanctions. The President therefore concluded his statement by announcing their removal. Long and difficult negotiations on ways of carrying out the agreed measures are undoubtedly still ahead of us, but the pipeline crisis as such has fortunately come to an end.

In other areas of economic policy—particularly defense burden-sharing and trade issues—the United States continues to have major differences with its European partners. Difficulties of this type have troubled the Alliance almost from its beginning, and in one form or another they are likely to remain troublesome in the years ahead. Even here, however, we have generally managed to work out our problems, and we have had some limited successes during the past year that are noteworthy.

The distribution of defense burdens among Allies inevitably raises difficult questions of equity. Many Americans, especially members of Congress, have long felt that the United States is bearing an excessive part of the heavy costs of the Alliance. In

view of the financial stringency that has developed in my country, such criticisms of Europe have recently intensified. Our NATO partners usually respond by reminding us that their spending on defense rose steadily during the 1970's while real American spending kept falling off. That is entirely true, but it does not tell the whole story. Official statistics indicate that defense spending reached 7.9 per cent of the gross domestic product in the United States during 1970. The highest corresponding figure for each of our major Allies fell short of 5 per cent in that year. While the defense outlays of the United States decreased during the 1970's, this gap has never been closed. Confronted with these facts, European governments are inclined to observe that monetary figures fail to capture all costs involved in the defense area, particularly the conspiration of soldiers that exists in most of their countries. Such remonstrations, however, are not always accepted by Americans, as the lively discussions that have been resounding in our Congressional halls indicate.

Whatever the merits of ongoing debates among members of the Alliance, the Reagan Administration recognizes that some of the military proposals now before Congress would seriously weaken the Alliance. Not only that, they would also encourage the Russians to remain unyielding in the vital arms control negotiations now under way in Geneva. Those dangers have not escaped the attention of European leaders. In fact, many Europeans have long shared the widespread American belief that Europe is not doing enough for its own or for the common defense. Financial stringency is nowadays no less a problem in Europe than in the United States. In spite of that, the German government has recently taken steps that should help Americans to see the problem of defense burden-sharing in a better perspective. Several months ago the Federal Republic signed a treaty with the United States under which it agreed to commit 90,000 reservists in support of American combat forces in the event of war. More recently, Minister Manfred Woerner announced that the new German budget provides a significant additional contribution for constructing vital NATO military facilities in Europe. These measures had long been urged by Americans on the German government. The fact that they have been adopted at a difficult time should certainly help to quiet American concerns.

Differences between the United States and its Allies over international trade issues also have a long and checkered history. From the end of World War II through the 1970's the broad trend of Western policy has been towards increasing liberalization of international trade and investment, and there can be little doubt that this trend contributed enormously to the prosperity of the West and other parts of the world. While the United States led the world toward an open trading system and unrestricted foreign investment, this policy—except for agriculture—was generally supported in Europe, particularly in the Federal Republic of Germany. Unfortunately, but not surprisingly, the deep recession of recent times has by now stirred up strong protectionist sentiment in many European countries and also in the United States.

The Reagan Administration has stoutly resisted Congressional moves toward protectionism—thus far with considerable although incomplete success. During the recent ministerial meeting of the parties to the General Agreement on Tariffs and Trade, the United States fought especially hard for an unequivocal commitment by the world's trade ministers to phase out existing measures restricting international trade and to refrain from taking new restrictive measures. The debates over this principle and on specific trade issues were protracted and at times bitter, but at the end American initiatives brought only modest results. Assuming professorial garb, Mr. Brock, the American trade representative, judged the result as deserving hardly more than a grade of "C"—an assessment that few informed observers have questioned.

From an American viewpoint, the most disappointing aspect of this meeting was the failure to convince the European Community to modify some aspects of its agricultural policy. For many years the Community has maintained farm prices above the world level. Surpluses therefore developed, and in order to move them into world markets the Community subsidized their export. As long as this policy was confined to protecting farm sales within the Community, the United States accepted it—although not without protest. But once the subsidization led to large exports to third-country markets, a more serious problem arose for American farmers and agricultural exporters of other countries. With farm incomes in the United States currently at their lowest level since the 1930's, American protests against the Community's agricultural policy have become increasingly insistent. The Community however has refused to budge, maintaining among other things that the issue of its subsidies had already been settled in earlier negotiations. This and other arguments of the Community have not softened American attitudes; and unless this agricultural controversy is soon settled, there is a serious possibility that the Congress will pass retaliatory legislation next year. This would be so damaging for both the United States and Europe that I continue to believe that some mutual accommodation will be worked out.

Such a result, indeed, was achieved in connection with another trade dispute that for a time resisted every attempt at resolution. For many years the world steel industry has suffered from excess capacity and, as so often happens under such conditions, various countries—including some in Europe—made export subsidies available to their steel producers. As a consequence, large quantities of steel produced with the benefit of government subsidies have penetrated the American market in recent years. American steel manufacturers, who do not receive subsidies, sought to limit this vexing competition. They took advantage of a law that enables an industry to veto certain governmental efforts to work out trade arrangements with other countries. Despite this formidable obstacle, the American government finally reached an agreement with the European Commission that imposes moderate quotas on exports of various steel products to the United States.

To me, as to other confirmed free traders, this agreement has brought little joy. However, the practical choice that both Americans and Europeans faced in this instance was not between protectionism and free trade, but rather between degrees and kinds of protectionism. If the negotiations on steel quotas had failed, existing American law would have required prompt imposition of punitive duties on steel imports. Worse still, it seemed likely that in that event the Congress would legislate still more drastic protectionist measures. The negotiated settlement clearly violated the salutary principle of free trade, but it also forestalled more serious consequences. To this extent, it is not only a tolerable arrangement, but one that has served to reduce political tensions between the United States and its Allies.

The conclusion that I feel can justly be drawn from my review of the recent steel and other economic disputes within the Alliance is reassuring. To be sure, there have been excesses of political rhetoric on both sides of the Atlantic and, occasionally, misguided actions as well. Nevertheless, the United States and its European Allies have succeeded in working out—or at least in muting—most of their troublesome differences over economic issues. Our ability to accomplish this mutual accommodation under difficult conditions demonstrates that the moral, political, and security interests that unite us are strong enough to overcome even divisive economic issues. That at any rate has proved to be the case thus far, and from that we can surely draw encouragement for the future.

We must temper, however, any feeling of optimism that international economic conditions will improve so much in the near future that they will be unlikely to cause or intensify political strains within the Alliance. It is by now widely recognized that the weakness of the international economy during the past three years is the aftermath of the inflationary pressures released during the 1970's. It is not so clearly understood, however, that our recent economic difficulties reflect more than the normal vicissitudes of the business cycle. They reflect also a certain loss of business dynamism—that is, a gradual weakening of the underlying forces of economic growth in the Western world.

Liberal fiscal and monetary policies had served us well over a long generation in fostering full employment and improving the social environment. They might have continued to work beneficially if they had not been carried to excess. But, unfortunately, traditional rules of financial prudence were thrown to the winds. As a result, our Western economies have become so highly sensitive to the dangers of inflation that liberal financial policies can no longer be counted on to perform their earlier constructive function.

Of late, government and business thinking in the Western world has focused on creating an environment that is more conducive to business innovation and private capital investment than it has been in recent years. Responsible leaders in our respective countries frequently emphasize not only the need to practice moderation in the monetary area, but also the need to bring about some reduction from the high levels that both government spending and taxes have reached relative to the size of our respective national incomes. Even France, which moved for a while in another direction, has recently adopted a rather restrictive monetary policy, besides announcing the intention to restrain further expansion of budgetary deficits. With earlier economic policies now in general disrepute in the West, and the newer policies not yet fully tested, deep concern about the economic outlook has spread during the past year or two in the United States as well as throughout Western Europe.

Such pessimism can be overdone. In the United States at least, the aggregate output of the economy has remained virtually unchanged during the past six months or so,

and there are now numerous indications that the groundwork for recovery has been laid. As noted earlier, both inflation and interest rates have come down sharply. Stock and bond prices have risen dramatically, thereby adding hundreds of billions of dollars to the net worth of individuals and business entities. Of late, consumer spending for goods and services has increased modestly. Residential construction has been moving upward again this year; home sales have recently revived; and the financial condition of mortgage-lending institutions has improved. The upward climb of wages has slowed materially; industrial productivity has recently perked up; and corporate profits have begun to increase. These improvements have been offset thus far by sharp deterioration of merchandise exports and business investment in new plant and equipment. Nevertheless, it seems likely that a gradual recovery of aggregate production and employment will get under way in the United States within the next few months.

With the possible exception of Great Britain, the immediate outlook for Europe is less favorable, in large part because of the greater rigidity of its labor markets. But it is reasonable to expect that any improvement in the American economy will be felt before too many months pass also in Western Europe.

Unemployment, nevertheless, will remain high in the West for an uncomfortable period, since the pace of recovery is likely to be slow in the present instance. There are compelling reasons for this gradualness. First, there are as yet hardly any signs that contracts for business construction or orders for business equipment have begun to increase either in the United States or in Western Europe. Second, most of the larger banks throughout the West must now realize that their lending policies, both at home and abroad, were excessively liberal during the 1970's. They will consequently be more cautious lenders—perhaps excessively cautious lenders—in the years immediately ahead. Third, many of the less developed countries—not only Mexico, Brazil and Argentina, which lately have figured so heavily in the press—are at present unable to make timely payments of the interest or principal that is due on their overextended indebtedness. These financial difficulties constitute a grave, but I believe still manageable, danger to the international banking system. Under the best of circumstances, however, great austerity will need to be practiced in many of the less developed countries, and their reduced imports will inevitably restrict the pace of Western economic recovery over the next two or three years, if not longer.

If my assessment of the economic outlook is anywhere near the mark, political tensions on account of economic difficulties may well continue to trouble the Alliance. To make progress on economic issues in the years immediately ahead, it is particularly important that every country avoid "beggar-thy-neighbor" policies. We cannot afford to think in terms of winners and losers when it comes to solving our common problems. It is essential, therefore, that member countries of the Alliance mobilize the vast economic and political statesmanship that is at their disposal. Cooperation among economic ministries, finance ministries, central banks, private commercial banks, and international financial agencies, which has not always been close, must become very much closer. The heads of western governments, who thus far have been reasonably successful in controlling the disease of protectionism, must work still more earnestly towards this vital objective. Meetings among members of the foreign policy and defense establishments of the Alliance must occur still more frequently, and become more thorough as well as more timely, so that misunderstandings among their governments are kept to a minimum.

These, ladies and gentlemen, are the paths to confidence in the security and prosperity of the industrial democracies that are joined in the brotherhood of the Atlantic Alliance.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 273. An act to amend section 8(a)(1) of the Small Business Act.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1043. An act to amend section 8(e) of the Small Business Act.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred to the Committee on Small Business:

H.R. 1043. An act to amend section 8(e) of the Small Business Act.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 47. A bill to improve the international ocean commerce transportation system of the United States.

By Mr. GORTON, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 504. An original bill to improve the international ocean commerce transportation system of the United States; by unanimous consent, referred to the Committee on the Judiciary with instructions that if not reported by 6 p.m. on February 22, 1983, the bill be discharged and placed on the calendar (Rept. No. 97-3).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 504. An original bill to improve the international ocean commerce transportation system of the United States; from the Committee on Commerce, Science, and Transportation; to the Committee on the Judiciary, by unanimous consent with instructions that if not reported by 6 p.m., February 22, 1983, the committee be discharged and the bill placed on the calendar.

By Mr. MATTINGLY:

S. 505. A bill to designate the Federal building to be constructed in Savannah, Ga., as the "Juliette Gordon Low Federal Building"; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 506. A bill to the relief of Peter Arthur Westmore, Patricia Ann Westmore, Jillian Claire Westmore, and Robert Peter Westmore; to the Committee on the Judiciary.

By Mr. LAXALT (for himself and Mr. HECHT):

S. 507. A bill to authorize the conveyance of certain lands to the county of Mineral, Nev.; to the Committee on Armed Services.

By Mr. LAXALT (for himself, Mr. HECHT, Mr. ANDREWS, Mr. PRESSLER, and Mr. BURDICK):

S. 508. A bill to exempt entities receiving financial assistance from the Rural Electrification Administration from fees under the Federal Land Policy and Management Act of 1976; to the Committee on Energy and Natural Resources.

By Mr. PROXMIRE (for himself and Mr. KASTEN):

S. 509. A bill to amend the Agricultural Act of 1949 to establish a voluntary program to reduce both the level of milk production in the United States and the quantity of milk products purchased under the price support program for milk; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EXON:

S. 510. A bill to amend the Export-Import Bank Act of 1945 to establish a program for the financing of agricultural exports; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mr. CHAFEE, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. PELL, Mr. TSONGAS, Mr. INOUYE, and Mr. PERCY):

S. 511. A bill to amend chapter 44 of title 18 of the United States Code to control handgun crime; to the Committee on the Judiciary.

By Mr. NICKLES (for himself and Mr. BOREN):

S. 512. A bill to repeal the Powerplant and Industrial Fuel Use Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 513. A bill for the relief of Marush and her four children: Paul John Williams, Mark Anthony Williams, Karen Louisa Williams, and Anna Marie Williams; to the Committee on the Judiciary.

S. 514. A bill for the relief of Seela Jeremiah Piula; to the Committee on the Judiciary.

S. 515. A bill for the relief of Raul M. Melgar, Maria Cristina Rey de Melgar, Steven Marcelo Melgar, and Serrana Ivon Melgar; to the Committee on the Judiciary.

S. 516. A bill for the relief of Barbara Crisp, Sean Anthony Crisp, and Andrea Leech; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. ARMSTRONG):

S. 517. A bill for the relief of Doan Van Toai; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. HEINZ, Mr. SPECTER, Mr. GRASSLEY, Mr. PELL, Mr. TSONGAS, Mr. BRADLEY, and Mr. DODD):

S. 518. A bill to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control; to the Committee on Environment and Public Works.

By Mr. BENTSEN (for himself and Mr. WALLOP):

S. 519. A bill to amend the Internal Revenue Code of 1954 to permit foreign pension plans to invest in the United States on a nontaxable basis for residential housing financing and investment purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 520. A bill to promote the public welfare by protecting dependent children and others from institutional abuse; to the Committee on the Judiciary.

S. 521. A bill to promote the public welfare by protecting institutionalized children from abuse; to the Committee on the Judiciary.

S. 522. A bill to promote the public welfare by removing juveniles from adult jails; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. 523. A bill to require the Administrator of Veterans' Affairs to establish an experimental program to determine the feasibility of furnishing diagnostic health-care services to certain veterans in areas of the United States that are geographically remote from health-care facilities of the Veterans' Administration; to the Committee on Veterans Affairs.

By Mr. PERCY (for himself and Mr. DIXON):

S. 524. A bill to permit Federal participation in the construction of certain new toll roads, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself, Mr. DURENBERGER, Mr. DOMENICI, Mr. BRADLEY, Mr. DANFORTH, and Mr. DOLE):

S. 525. A bill to require that installment payments of revenue sharing allocations be paid at the beginning of each quarter; to the Committee on Finance.

By Mr. PRESSLER:

S. 526. A bill to provide relief from honey imports; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. WALLOP, Mr. BENTSEN, Mr. BOREN, Mr. SYMMS, Mr. KASTEN, and Mr. ROTH):

S. 527. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. PACKWOOD, Mr. MOYNIHAN, Mr. ROTH, and Mr. D'AMATO):

S. 528. A bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition; to the Committee on Finance.

By Mr. SIMPSON:

S. 529. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. STAFFORD, Mr. CRANSTON, Mr. RANDOLPH, Mr. INOUYE, Mr. BRADLEY, Mr. BURDICK, Mr. RIEGLE, Mr. MELCHER, Mr. HUDDLESTON, Mr. SARBANES, Mr. DODD, Mr. METZENBAUM, Mr. PRYOR, Mr. TSONGAS, Mr. LEVIN, Mr. MATSUNAGA, Mr. SASSER, Mr. MOYNIHAN, and Mr. BUMPERS):

S. 530. A bill to provide for a program of financial assistance to States in order to strengthen instruction in mathematics, science, computer education, foreign languages, and vocational education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER (for himself, Mr. LEVIN, and Mr. SASSER):

S. 531. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. BRADLEY, Mr. ANDREWS, Mr. GORTON, and Mr. RANDOLPH):

S. 532. A bill to provide public works and infrastructure investment financing; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 533. A bill to provide governmental units with the option of issuing taxable bonds to fund public investments; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. ANDREWS, Mr. PRESSLER, Mr. SASSER, and Mr. BOREN):

S. 534. A bill to establish in the Department of State the position of Under Secretary of State for Agricultural Affairs; to the Committee on Foreign Relations.

By Mr. FORD (for himself and Mr. BYRD):

S. 535. A bill authorizing a joint venture financed in part by the Department of Energy; to the Committee on Energy and Natural Resources.

By Mr. LAXALT (for himself and Mr. HECHT):

S. 536. A bill to relieve the Washoe County Water Conservation District, Nev., of certain Federal repayment obligations; to the Committee on Energy and Natural Resources.

By Mr. NUNN:

S. 537. A bill to authorize the establishment of competitive health insurance programs for Federal employee organizations; to the Committee on Governmental Affairs.

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. SASSER, Mr. DECONCINI, Mr. RANDOLPH, Mr. D'AMATO, Mr. DURENBERGER, Mr. DOMENICI, Mr. BURDICK, Mr. HOLLINGS, Mr. PERCY, and Mr. BYRD):

S.J. Res. 36. Joint resolution designating April 29, 1983 as "National Nursing Home Residents Day"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. DECONCINI, Mr. FORD, Mr. SYMMS, Mr. MATHIAS, Mr. MATSUNAGA, Mr. DOMENICI, Mr. GRASSLEY, Mr. SASSER, Mr. HEINZ, Mr. INOUYE, Mr. DURENBERGER, Mr. BOREN, Mr. WARNER, Mr. JEPSEN, Mr. HEFLIN, Mr. THURMOND, Mr. METZENBAUM, Mr. MELCHER, Mr. STEVENS, Mr. PACKWOOD, and Mr. LEVIN):

S.J. Res. 37. Joint resolution providing that the week containing March 8 of 1983, 1984, and 1985 shall be designated as "Women's History Week"; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. PELL, Mr. STENNIS, Mr. D'AMATO, Mr. ZORINSKY, Mr. HATFIELD, Mr. COCHRAN, Mr. DODD, Mr. BENTSEN, Mr. MATHIAS, Mr. PERCY, Mr. LONG, Mr. CHILES, Mr. GARN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. BRADLEY, Mr. RANDOLPH, Mr. TSONGAS, Mr. JOHNSTON, Mr. BAUCUS, and Mr. HOLLINGS):

S.J. Res. 38. Joint resolution to declare March 18, 1983 as "National Energy Education Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 67. A resolution to direct the Senate Legal Counsel to represent the Senate parties in *Ardie McBrearty* v. *United States of America et. al.*, Civil Action No. 83-5021; considered and agreed to.

By Mr. LEAHY:

S. Res. 68. A resolution to impose a $25,000 cap on the outside earned income of Senators and the officers and certain employees of the Senate; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATTINGLY:

S. 505. A bill to designate the Federal building to be constructed in Savannah, Ga., as the "Juliette Gordon Low Federal Building"; to the Committee on Environment and Public Works.

(The remarks of Mr. MATTINGLY on this legislation appears earlier in today's RECORD.)

By Mr. LAXALT (for himself, Mr. HECHT, Mr. ANDREWS, Mr. PRESSLER, and Mr. BURDICK):

S. 508. A bill to exempt entities receiving financial assistance from the Rural Electrification Administration from fees under the Federal Land Policy and Management Act of 1976; to the Committee on Energy and Natural Resources.

EXEMPTION OF CERTAIN UTILITIES FROM RIGHT-OF-WAY FEES

● Mr. LAXALT. Mr. President, I introduce for appropriate reference a bill to provide an exemption from the fee requirements for rights of way over the public lands for rural electric coopera-

tives and rural telephone cooperatives. Joining me in introducing this bill are Senators HECHT, ANDREWS, PRESSLER, and BURDICK.

Title V of the Federal Land Policy and Management Act requires payment of a fee for a right of way over the public lands. Such fees are to be at fair market value. However, the Secretary is also explicitly given discretion to waive the requirement where the public good is served.

The requirement for fair market value for use of the public lands is a sound basic public policy position. However, as with any such policy there are circumstances warranting a different approach. Rural electric and telephone cooperatives provide a most important service in the sparsely populated and remote corners of the Nation. Typically in the West, these cooperatives must cross the public lands to provide this service. Also typical is the fact that the cooperatives have long powerline requirements and small market areas. These lines are a major overhead cost to the cooperatives. Adding the right of way fees imposes new paperwork burdens on the cooperatives and adds to the costs for the customer who already pays, on average, 12 percent more than investor owned utilities.

The rationale of the Department of the Interior for imposing the fee rather than granting the exemption appears to be that since the cooperative, like other entities, raises revenues through service charges and is not tax or donation supported, it should be required to pay the right of way charge. I fear however, that it is not good public policy to place the rural electric and power user under a further rate disadvantage compared to the investor owned utility counterpart. The rural customer already helps pay for the management of the Federal lands through the taxes he or she pays but will be required to pay again through higher rates. I believe the policy of the Department should be reviewed and this important policy question studied as provided by this bill.●

By Mr. PROXMIRE (for himself and Mr. KASTEN):

S. 509. A bill to amend the Agricultural Act of 1949 to establish a voluntary program to reduce both the level of milk production in the United States and the quantity of milk products purchased under the price support program for milk; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY SURPLUS REDUCTION ACT OF 1983

Mr. PROXMIRE. Mr. President, I am today introducing the Dairy Surplus Reduction Act of 1983 which I send to the desk for appropriate referral.

I am delighted that my colleague from Wisconsin, Senator KASTEN, is joining me as a cosponsor of this measure.

I want to point out, too, that this bill has been developed by a coalition of outstanding dairy leaders from Wisconsin. They deserve the credit for the approach contained in this bill and for joining together in a constructive effort to solve our dairy surplus problem.

Congressmen OBEY, GUNDERSON, and others are also introducing this same bill in the House of Representatives today.

Although this measure has its origins and its original congressional cosponsorship in Wisconsin, it is legislation that can and should be supported by Members of Congress from throughout the country. I hope that my explanation of this bill and what it can accomplish will persuade my Senate colleagues to become cosponsors of the Dairy Surplus Reduction Act of 1983.

This legislation establishes a voluntary incentive program (VIP) aimed at achieving several major purposes. First, it will restore—in a timely fashion—the necessary balance between milk supply and demand. Second, the VIP will reduce Commodity Credit Corporation (CCC) purchases of dairy products and thereby cut Federal expenditures for the dairy price support program.

Cut, reduce, and diminish. I think coming from people from Wisconsin that may be news. It should be. We want to cut the cost of this program. It will be at a lesser cost than the present program; a lesser cost than any other alternative program that I have seen proposed. It will reduce the cost to the taxpayers and it will reduce the surplus.

Third, this program will maintain dairy farmer income at adequate levels while also giving individual producers the opportunity to combine increased profits with reduced production. And fourth, these results are to be realized on a voluntary basis: reduced production levels are not made mandatory and entry by new producers is not restricted.

There is no compulsion; nobody is prevented from producing more if they want to do so. We do not limit the right of people in other States or any State to produce as much as they wish. This is entirely voluntary. Incidentally, it will be paid for by the dairy farmers themselves. It does take Federal legislation and I earnestly hope that other Members of the Senate will give this bill that Senator Kasten and I are introducing their careful consideration.

KEY PROVISIONS

Under this legislation, some provisions of existing law remain intact. First, the support price for milk and milk products is kept at $13.10 per hundredweight through September 30, 1985. And second, the authority of the Secretary of Agriculture to deduct 50 cents per hundredweight from the support price if he estimates that annual CCC purchases will exceed 5 billion pounds milk equivalent is retained.

Beyond the retention of these two key provisions, however, current law is changed by the VIP in a number of major ways. Here are the main components of this new legislation.

First, the authority of the Secretary of Agriculture to deduct an additional 50 cents per hundredweight from the support price beginning April 1, 1983, is repealed.

Second, the VIP provides incentive payments of $10 per hundredweight to dairy farmers who voluntarily reduce their production below their base period production. The base period is calendar year 1982. The Agricultural Stabilization and Conservation Service (ASCS), which will administer the VIP, may adjust the base period in hardship cases.

Third, whenever the Secretary of Agriculture implements a 50 cents per hundredweight deduction from the support price of milk, the Secretary must also offer any dairy producer the opportunity to contract with the ASCS to reduce his anticipated milk marketings from the level he marketed in calendar year 1982. Those dairy farmers choosing to participate in the VIP are required to contract to reduce marketings for 1 year and may be given an opportunity to contract for a second 1-year period. The contracts will coincide with the Federal fiscal year and the milk marketing year, both of which, of course, are on an October 1 to September 30 cycle. If this legislation becomes law prior to September 1, 1983, a special base period of less than 1 year will be established for the remainder of the current fiscal year. In that case, marketings during the corresponding months of 1982 will be used to establish the total amount of milk from which a producer will make a percentage reduction.

INCENTIVE PAYMENTS

Fourth, the ASCS is required to pay the contracting producer one-half of the incentive payment within 30 days of the signing of the contract. The other half will be paid at the end of the contract period upon proof of compliance with the terms of the contract. Failure to comply obligates the producer to repay to the ASCS the advance payment plus interest at the rate of 12 percent per year.

Fifth, producers who choose to take part in the VIP are required to contract to reduce their milk marketings by between 5 and 30 percent of their 1982 level. Contracting producers are in compliance if their actual reduction is within 3 percentage points of their contracted reduction, except that no

payment shall be made for a reduction of less than 5 percent or more than 30 percent of their base. In more detail, here is how the program works.

A producer who reduces his marketings within 3 percent of his agreed percentage reduction will be paid $10 per hundredweight of reduced marketings.

A producer who reduces his marketings in excess of 3 percent of his agreed percentage reduction will be paid $10 per hundredweight of reduced marketings equal to the agreed percentage plus 3 percent.

A producer who reduces his marketings by less than 3 percent of his agreed percentage reduction will receive no payment and must return his advance payment plus interest at the annual rate of 12 percent.

Again, no payment will be made for a marketing reduction of less than 5 percent or more than 30 percent of a producer's base.

PAYMENT EXAMPLES

For example, let us assume that a producer has a contract calling for a 15-percent reduction in marketings. If his actual reduction is less than 12 percent of 1982 marketings, he receives no incentive payment and must return the advance payment plus interest. If he reduces marketings by between 12 and 18 percent, he is paid for his actual reduction. If his actual reduction exceeds 18 percent, he is paid for 18 percent.

Sixth, contracts made by a producer who transfers, by sale or otherwise, as a unit, all his interests in all milk production facilities and all cattle used by him to produce milk for commercial marketing, may be assigned by that producer to the transferee of the facilities and cattle if the producer and the transferee agree in writing that the transferee shall succeed to all rights and liabilities of the producer under the contract and a copy of that written agreement is submitted to the Secretary of Agriculture before the transfer occurs.

Seventh, a producer violating the terms of his contract other than not meeting the specified percentage reduction by 3 percent shall be liable for a civil penalty of not more than $10,000, to be assessed by the Secretary of Agriculture after a hearing on the record.

An example of this kind of contract violation would be a producer with vacant space in his production facility because of his contract under the VIP who then leases that space to another dairy producer. Under the terms of the contract entered into by producers, a producer agrees not to lease or sell his unused dairy cows to another for the production of milk and not to permit other producers to use vacant portions of his production facility resulting from his compliance with his contract.

REDUCTION ADJUSTMENT

Eighth, if the Secretary of Agriculture determines that the total marketing reduction contracted for under the VIP would exceed the amount required to bring supply and demand in line, then the Secretary may adjust each individual contract on a pro rata basis to prevent such an excess reduction.

Ninth, the program authority established by this legislation expires on September 30, 1985.

Mr. President, why do I advocate this particular program? And why should it be acceptable to—and, indeed, I hope, wholeheartedly supported by—the administration, the Congress, and the taxpayers? There are many reasons.

First, the VIP involves a minimal degree of Federal Government regulation and administrative cost. It is, as I have stated, to be administered by an existing governmental agency, the Agricultural Stabilization and Conservation Service.

Second, the VIP is a program that is simple to understand and to administer.

Third, this program is, once again, voluntary.

Fourth, the VIP does a better job—in terms of total cost to the taxpayer and dairy surplus reduction—than the current program, a straight $13.10 per hundredweight program, or a program calling for 60 percent of parity. I have a table that outlines the figures supporting this statement, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE PROGRAM PURCHASES AND COST

[All purchases in billions of pounds; all costs in millions of dollars]

Milk marketing year	Straight $13.10	60 percent [1] parity	Current program	DSRA
1982–83 [2]:				
Purchases	13.60	13.24	14.20	8.95
Cost	$2,312	$1,989	$1,497	$1,217
1983–84:				
Purchases	14.77	10.71	11.31	3.89
Cost	$2,511	$1,715	$689	$695
1984–85:				
Purchases	13.50	9.90	[3] 8.85	2.65
Cost	$2,295	$1,650	$396	$485

[1] $11.37/cwt on Oct. 1, 1982; $12.17/cwt on Oct. 1, 1983; $12.77 on Oct. 1, 1984.
[2] Assuming any program changes are implemented Apr. 1, 1983.
[3] So long as purchases exceed 7.5 billion pounds annually, the Secretary is entitled to the full $1 deduction, thereby minimizing costs. Of course, so long as we are purchasing more than 7.5 billion pounds annually, the long-term problems of the dairy price support program have not been solved.

Source: Dr. Robert A. Cropp, UW-Extension Economist.

Mr. PROXMIRE. The figures in this table assume a 5-percent reduction in total dairy marketings resulting from the implementation of the Dairy Surplus Reduction Act.

CONSERVATIVE ESTIMATE

Mr. President, this is a very conservative estimate. Bill Knox, who is the editor of Hoard's Dairyman magazine, has run a computerized random sample of his readers to determine participation in the VIP. Preliminary results of his findings have been made available. They show that, with 415 responses, 62 percent of those responding indicate they would participate in the VIP. These participating producers would reduce 9.07 percent of the total marketings represented by all those responding to the questionnaire. Even if the 38 percent who do not participate in the VIP should increase their marketings by an estimated 2.6 to 3 percent next year, the total reduction would still be approximately 8 percent.

Fifth, currently, it costs the Federal Government $17 per hundredweight to support milk at the level of $13.10 per hundredweight. The difference between these two figures is the cost of manufacturing, interest, inspection, transportation, and storage, none of which benefits the dairy farmer. It is less costly for the Government to pay dairy farmers $10 per hundredweight for not producing milk than it is to pay the $17 per hundredweight that is required to fund a $13.10 per hundredweight price support level under the present program. This $7 differential represents a significant savings to the Federal Government in price support costs. Both the Federal Government and the producer benefit from this approach. To top it off, Mr. President, part, if not all—it depends on the exact level of producer participation—of the $10 per hundredweight incentive payment to complying producers will be paid for through the 50 cents per hundredweight assessment to be levied against both complying and noncomplying producers.

MILK SUPPLY

Sixth, the VIP serves the best interests of consumers and taxpayers—as well as dairy farmers—by helping to insure an adequate supply of quality milk at reasonable prices in the future.

Seventh, the VIP is not inflationary.

And eighth, this program contains safeguards against overparticipation on a national basis.

Mr. President, any reasonable and responsible dairy program must be fair to dairy farmers as well as acceptable to the administration, the Congress, and the taxpayers. I have already cited some reasons why the VIP, in my view, should be acceptable to dairy farmers. Let me add to that list of reasons.

First, the VIP is, again, voluntary. A dairy farmer can elect not to participate and thereby receive $13.10 per hundredweight minus the 50 cents per hundredweight assessment.

Second, the dairy farmer—if he chooses to participate—can determine the exact extent of his participation within the 5 to 30 percent range. He is free to determine how to reduce his

production through culling, feeding milk to calves, and other means. And, as a participant in the VIP, he signs up for only 1 year at a time.

Third, the VIP rewards cuts in production. The dairy farmer's return on his reduced marketings is the $10 per hundredweight incentive payment plus the variable costs saved as a result of not producing milk. These variable costs amount to $6 to $9 per hundredweight. The VIP, therefore, provides a total return of $16 to $19 per hundredweight on reduced marketings below the 1982 base period. By participating in the VIP, the dairy farmer maintains his cash flow and covers the returns and fixed costs associated with reduced production.

PRODUCER IMPACT

I have a second table, Mr. President, and it shows the impact of the VIP on an individual producer whose marketings are 90 percent, 100 percent, and 110 percent of his 1982 base. The table assumes that this producer had a 1982 base of 625,000 pounds. This table reveals that, under the VIP, the average return per hundredweight to this producer if he markets 90 percent of his 1982 base would be $14.56 (or 77 percent of parity). Compare this to his return of $12.60 per hundredweight (or 67 percent of parity) if he marketed 100 percent of his 1982 base and $11.48 per hundredweight (or 61 percent of parity) if he marketed 110 percent of that 1982 base.

Mr. President, I ask unanimous consent that this table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VOLUNTARY INCENTIVE PROGRAM—INDIVIDUAL PRODUCER IMPACT

	Percent of 1982 basic produced [1]		
	90	100	110
Cwt. of milk sold	5,625	6,250	6,875
Times support price	$13.10	$13.10	$13.10
Cross milk income	$73,688	$81,875	$90,063
— 50¢/cwt. deduction	($2,813)	($3,125)	($3,438)
+ $10/cwt. payment	6,250	0	0
Adjusted gross milk income	$77,125	$78,750	$86,625
± Feed and other variable costs [2]	4,625	0	(4,625)
— Unused fixed costs [3]	(2,325)	0	0
+ add. fixed costs [4]	0	0	(3,063)
+ add. cull cow income	$2,500	0	0
Final adjusted gross milk income	$81,925	$78,750	$78,937
Average return per cwt.	14.56	12.60	11.48
Percent of parity	77	67	61

[1] 50 cow herd times 12,500 pounds per cow —625,000 pound 1982 base.
[2] Feed and other variable costs at $7.40 per hundredweight.
[3] $3.72 per hundredweight for buildings and equipment not fully utilized.
[4] $4.90 of additional fixed costs per hundredweight including additional depreciation on cows.

FUTURE PROGRAM

Fourth, the VIP helps insure the retention of the dairy price support program in the future.

Fifth, the VIP provides a means for producers to again be part of a balanced supply demand situation and a reasonable price situation on a timely basis.

Sixth, the VIP helps to preserve the family dairy farm. It also assists young farmers to remain in dairy farming.

And finally, the half-payment to be received by contracting producers within 30 days of signup for the VIP will assist in maintaining their cash flow.

Mr. President, I urge my colleagues to join in cosponsoring this important bill, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dairy Surplus Reduction Act of 1983".

SEC. 2. (a) Section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking out "1984" and inserting in lieu thereof "1985",

(B) by striking out subparagraph (B), and

(C) by redesignating subparagraph (C) as subparagraph (B),

(2) by striking out paragraph (3),

(3) in paragraph (4) by striking out "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)", and

(4) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively.

(b) Section 201(e) of the Agricultural Act of 1949 (7 U.S.C. 1446(e)) is amended to read as follows:

"(e)(1) If for all or part of a fiscal year the Secretary provides for the deduction authorized in subsection (d)(2), then upon the request of any producer the Secretary shall enter into a contract for the purpose of reducing the quantity of milk marketed commercially by such producer during the related period (as described in paragraph (9)) specified in such contract.

"(2) Each such contract shall require that—

"(A) the reduction in the quantity of milk marketed commercially by such producer shall be an amount equal to a specified percentage, but not less than 5 percent and not more than 30 percent, of the quantity of milk marketed commercially by such producer during the months of 1982 corresponding to the period specified in such contract, including any increase under paragraph (5) in such quantity;

"(B) any production capacity of any facility used by such producer for the production of milk shall not be used by such producer, or made available by such producer for use by any other for the production of milk if such production capacity becomes available for such use because such producer reduces milk production in order to comply with such contract;

"(C) cattle which would or could have been used by such producer for the production of milk if such producer had not entered into and complied with such contract shall not be sold, leased, or otherwise transferred to another for the production of milk unless—

"(i) such transfer is to another with respect to whom there is in effect a contract entered into under this subsection; or

"(ii) such cattle are registered stock and are sold primarily for breeding purposes; and

"(D) such producer shall repay the Secretary, with simple interest payable at the rate of 12 percent per annum commencing on the date payment is first received under paragraph (3), the entire payment received under this subsection if such producer fails to comply with such contract.

"(3)(A) Except as provided in subparagraph (B), the Secretary shall pay to a producer who complies with a contract entered into under this subsection by such producer an amount equal to the product of $10 per hundredweight and the difference, measured in hundredweights, between—

"(i) the quantity of milk marketed commercially by such producer during the months of 1982 corresponding to the period specified in such contract, including any increase under paragraph (5) in such quantity; and

"(ii) the quantity of milk marketed commercially by such producer during the period specified in such contract.

"(B) No payment shall be made under subparagraph (A) to a producer with respect to—

"(i) any reduction in the quantity of milk marketed commercially by such producer which exceeds the sum of—

"(I) 3 percent of the quantity of milk marketed commercially by such producer during the months of 1982 corresponding to the period specified in such contract, including any increase under paragraph (5) in such quantity; and

"(II) the reduction in the quantity of milk marketed commercially, required under the provision of such contract described in paragraph (2)(A), as determined after any adjustment made by the Secretary under paragraph (4);

"(ii) any reduction in the quantity of milk marketed commercially by such producer if such reduction is less than the difference between—

"(I) the reduction in the quantity of milk marketed commercially, required under the provision of such contract described in paragraph (2)(A), as determined after any adjustment made by the Secretary under paragraph (4); and

"(II) 3 percent of the quantity of milk marketed commercially by such producer during the months of 1982 corresponding to the period specified in such contract, including any increase under paragraph (5) in such quantity;

"(iii) any reduction in the quantity of milk marketed commercially by such producer if such reduction is equal to an amount less than 5 percent of the aggregate quantity of milk marketed commercially by such producer during the months of 1982 corresponding to the period specified in such contract, including any increase under paragraph (5) in such quantity; and

"(iv) any reduction in the quantity of milk marketed commercially by a producer who violates any requirement specified in subparagraph (B) or (C) of paragraph (2).

"(C)(i) Not later than 30 days after a producer enters into a contract under this subsection, the Secretary shall pay to such producer one-half of the estimated amount payable under such contract.

"(ii) The remainder of any amount payable under such contract shall be paid by the Secretary not later than 30 days after

the Secretary determines that such producer has complied with such contract.

"(4)(A) The Secretary may modify all contracts entered into under this subsection by reducing on a pro rata basis the percentage reductions specified by producers as required in paragraph (2) to prevent an excessive decrease in the level of milk production in the United States during the period specified in such contracts if the Secretary determines and announces, not later than the beginning of such period, that the estimated decrease in the level of such milk production during such period will prevent the purchase of milk and the products of milk in accordance with subsection (d)(1).

"(B) The general extent of any modification to be made under subparagraph (A) shall be announced by the Secretary not later than 15 days after the beginning of such period.

"(5) For purposes of this subsection, the Secretary may increase the quantity of milk referred to as being marketed commercially by a producer in 1982 if the Secretary determines that the quantity of milk actually so marketed was abnormally low and resulted from a natural or manmade disaster beyond the control of such producer.

"(6) A contract which is entered into under this subsection by a producer who transfers, by sale or otherwise, as a unit all such producer's interests in all milk production facilities and all cattle used by such producer to produce milk for commercial marketing may be assigned by such producer to the transferree of such facilities and cattle if—

"(A) such producer and such transferee agree in writing that such transferee shall succeed to all rights and liabilities of such producer under such contract; and

"(B) a copy of such writing is submitted to the Secretary before such transfer occurs.

"(7) A contract entered into under this subsection by a producer who by reason of death cannot perform or assign such contract may be performed or assigned in accordance with this subsection by the estate of such producer.

"(8)(A) Any producer who enters into a contract, or to whom a contract is assigned, under this subsection and who fails to comply with any requirement specified in subparagraph (B) or (C) of paragraph (2) shall be liable for a civil penalty of not more than $10,000 to be assessed by the Secretary after a hearing on the record.

"(B) Any person against whom a civil penalty is assessed, under subparagraph (a) may obtain review of such penalty in an appropriate district court of the United States by filing a civil action in such court not later than 30 days after such penalty is imposed. As part of his answer, the Secretary shall file in such court a certified copy of the record upon which the findings and decision complained of are based. The findings of the Secretary may be set aside only if found to be unsupported by substantial evidence.

"(C) The district courts of the United States shall have jurisdiction to review and enforce any civil penalty imposed under subparagraph (A).

"(9) The period specified in accordance with paragraph (1) in a contract entered into under this subsection shall be—

"(A) the period beginning on the first day of the first month beginning after the date of the enactment of this Act and ending on September 30, 1983;

"(B) the period beginning October 1, 1983, and ending September 30, 1984; or

"(C) the period beginning October 1, 1984, and ending October 1, 1985.".

SEC. 3. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) The amendments made by section 2(a) shall take effect on April 1, 1983, or the date of the enactment of this Act, whichever is earlier.

● Mr. KASTEN. Mr. President, I thank the distinguished senior Senator from Wisconsin and rise in support of the Dairy Surplus Reduction Act of 1983.

This bill will provide dairy farmers with an equitable return on production, cut the cost of the dairy price support program, and insure consumers of an adequate supply of dairy products. It will provide a simple, yet effective way to deal with the dairy price support problem, and I am happy to add my name as a cosponsor of this legislation.

We are all aware that the dairy bill passed last session has proven ineffective in combating problems plaguing the dairy industry. That law was intended to reduce production, cut costs to the Federal Government, and diminish surplus stocks held by Commodity Credit Corporation throughout the country. So far, that has not been the case. USDA figures show that overall production and CCC surplus stock removals are running well ahead of last year's record-setting pace. Projections indicate greater cost to the Government than ever before.

Steps need to be taken to control production and rising Government costs. The Dairy Surplus Reduction Act is a comprehensive approach to the dairy problem. It calls for:

Keeping the support price for milk at $13.10 per hundredweight for 3.67 percent butterfat milk through September 30, 1983;

Establishing a voluntary program for dairy producers under which they will be paid $10 per hundredweight for reductions made in their production;

Requiring participants in the program to reduce their production 5 percent to 30 percent from a base period;

Allowing the Secretary of Agriculture to implement the incentive program whenever he estimates annual CCC purchases will exceed 5 billion pounds of milk equivalent by making a $0.50 per hundredweight deduction in the support price of milk;

Funding incentive payments for producers from a single $0.50 per hundredweight deduction;

Repealing the authority for a second $0.50 per hundredweight deduction under current law.

The program is based on voluntary participation, similar to the payment-in-kind (PIK) program. Should a producer determine the program will not fit his operation and continues to produce at his current levels, he would receive the present support price minus the initial $0.50 deduction.

As my colleagues study this bill and visit with their constituents involved in the dairy industry, they will find the Dairy Surplus Reduction Act to be a workable solution in answer to the problems facing the dairy industry. I urge them to join me in supporting this important legislation.●

By Mr. EXON:

S. 510. A bill to amend the Export-Import Bank Act of 1945 to establish a program for the financing of agricultural exports; to the Committee on Banking, Housing, and Urban Affairs.

FINANCING OF AGRICULTURAL EXPORTS

Mr. EXON. Mr. President, I rise to introduce a bill to require the Export-Import Bank to extend loans and issue guarantees to support this country's vitally important, but seriously threatened agricultural exports. I request it be printed in the RECORD.

These exports, which now account for one-third of U.S. farm production, are not only an essential source of income to the beleagured and depression-struck farm sector. They are also a critical source of receipts in our national balance of trade, helping significantly to offset the overall trade deficit. In brief, agricultural exports offset the cost of about 40 percent of this Nation's imported oil.

Despite the high productivity and efficiency of U.S. agricultural producers, they are not farifg well in foreign markets. Worldwide recession, high interest rates, low world commodity prices, international financial strain—and the unfair and predatory subsidy and trade practices of our competitors—are threatening this much-needed source of U.S. income. Agricultural exports are doing worse than other sectors. Between 1981 and 1982 agricultural exports fell from $43.8 billion to only $37 billion, a decline of more than 15 percent. This compares unfavorably with a decline of less than 10 percent in total U.S. exports. Moreover, as the overall U.S. balance of trade deficit increased by $4.5 billion to its record high of $31.8 billion between 1981 and 1982, the agricultural trade surplus decreased by $5.2 billion.

With this picture, it is evident that improved credit facilities are absolutely essential to preserve our foreign markets for agricultural products and to maintain the economic activity necessary to generate agricultural exports in this country. This legislation seeks to provide a remedy to assuring that the agricultural exporters of this country have access to official export credit facilities commensurate with their importance in our foreign trade.

Specifically, this bill would amend the Export-Import Bank Act of 1945 to require the Bank to develop an active program to finance agricultural

exports. The goal is that loans and guarantees on agricultural exports would achieve a ratio in the Bank's portfolio equal to their proportion of the value of total U.S. exports. The Bank would be required to allocate new lending authority or guarantee ceilings in such a ratio upon receipt.

In financing agricultural exports, the Bank would be authorized to enter into participatory financing or other cooperative arrangements with the Commodity Credit Corporation to assure the most efficient allocation of official U.S. export credit resources. Finally, the Bank would be required to submit annual reports to the Congress concerning its agricultural export financing activities and of the adequacy of credit for this purpose.

My purpose in sponsoring this legislation is to insure that a vital export sector receives the U.S. Government's full consideration in official export credit programs. Experience shows that exports fare poorly in our agriculture programs where they must compete with all other items in the agriculture budget. The Commodity Credit Corporation does a praiseworthy job in helping to finance agricultural exports, but its resources for this purpose are clearly insufficient. The President's budget for fiscal year 1984, for example, requests only $3 billion in export credit guarantee authority for the CCC.

This is 38 percent lower than the preceding year's $4.8 billion. Despite the provisions of the Agriculture and Food Act of 1981—Public Law 97-98—the executive branch made no request to fund the medium-term export credit revolving fund. Congress itself had to initiate funding for this $500 million facility, as well as funding for the blended credit program—both of which are becoming increasingly important in U.S. sales of agricultural commodities abroad.

Similarly, the Eximbank has authority to finance agricultural exports. However, with the exception of a new program dealing with agricultural cooperatives, it does not do so as the result of a policy change adopted in 1976.

The resulting inadequacy of agricultural export credit facilities—or even coordinated consideration of the export credit needs of this sector—is no longer tolerable. The future of U.S. foreign agricultural markets is absolutely dependent on the credit we extend to our customers, and the security of the U.S. farmer and exporter is similarly dependent on guarantees.

I urge my colleagues to join with me in supporting this bill, and request, Mr. President, that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following:

"(d)(1) The Bank shall establish a program to increase the Bank's role in the financing of agricultural exports from the United States. In establishing such program, the Bank shall seek to achieve a level of participation in agricultural export financing so that the ratio which the amount of credit which the Bank extends and in which it participates to finance the export of agricultural commodities bears to the ratio of the total amount of credit which the Bank extends or in which it participates is not less than the ratio that the dollar value of exports of agricultural commodities bears to the dollar value of all commodities.

"(2) In carrying out this subsection, the Bank shall consult with the Commodity Credit Corporation in order to identify the appropriate commodities for inclusion in the program and to develop, where appropriate, loans and other forms of export financing in which the Bank can participate with the Commodity Credit Corporation.

"(3) The Bank shall make available for the financing of agricultural exports not less than that part of any increase in its lending and guarantee authority for any fiscal year beginning after September 30, 1983, which bears the same ratio to the total amount of such increase as the dollar value of agricultural exports bore to the total dollar value of all exports during the preceding fiscal year.

"(4) The Bank shall include in its annual report pursuant to section 9 of this Act a full report on the program established under this subsection, including a description of the progress made during the year in achieving the goal set forth in paragraph (1) and of the sufficiency of credit to meet agricultural exports needs.".

By Mr. KENNEDY (for himself, Mr. CHAFEE, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. PELL, Mr. TSONGAS, and Mr. INOUYE):

S. 511. A bill to amend chapter 44 of title 18 of the United States Code to control handgun crime; to the Committee on the Judiciary.

HANDGUN CRIME CONTROL ACT OF 1983

● Mr. KENNEDY. Mr. President, on behalf of Senators CHAFEE, MATSUNAGA, MOYNIHAN, PELL, TSONGAS, INOUYE, PERCY, and myself, I send to the desk the Handgun Crime Control Act of 1983. A companion bill is being introduced today in the House of Representatives by PETER W. RODINO, JR., the distinguished chairman of the House Committee on the Judiciary.

First, Mr. President, I would like to note that once again President Reagan, at his press conference last night, voiced his opposition to such legislation as we are introducing today. It is sad that, on an issue where a President could make so much difference, President Reagan still fails to see how a Federal law can help.

Far from bolstering the President's position, the Hinckley case proves the opposite. It demonstrates how easily the District of Columbia's strict handgun law can be evaded by those who cross State lines. The Saturday night special that Hinckley fired at President Reagan in Washington was assembled in Miami out of parts imported from West Germany, and Hinckley himself purchased the gun for $39 from a pawnshop in Dallas. A Federal law could stop that, but a D.C. law cannot.

The bill we are introducing might have prevented that tragedy in any of four ways:

It would block sales of handguns to persons with a history of mental illness;

It would prohibit the sale of Saturday night specials, the cheap, short-barreled handguns that are easily concealed by criminals;

It would close the loophole for imported parts; and

It would prohibit handgun sales by pawnbrokers.

So the record clearly contradicts the conclusions drawn by President Reagan.

Mr. President, this legislation is similar in every respect to the bill we introduced last year, as well as to bills we have repeatedly introduced over the past decade.

The main difference, Mr. President, is that since we first introduced such handgun control legislation a decade ago, the number of handguns in circulation in the United States has nearly doubled—from 31 million in the early 1970's to 60 million today. Instead of 15 handguns for every 100 Americans, there are now more than 25.

Worse still, the toll of handgun deaths and the criminal use of handguns have also escalated. Each year, handguns are used in more than 10,000 murders in the United States and another half million crimes of violence. Each year, on the average, 1 out of every 100 handguns in this country's private arsenal is used to commit a crime.

A new handgun is sold every 13 seconds somewhere in America. In a single year, 2.5 million more handguns are added to the national stockpile. By the year 2000 there will be 100 million handguns in circulation in America—one handgun for every third person in the Nation.

Because we have failed to act on reasonable and limited handgun control measures, the casualty list of handgun victims climbs higher every day. Every 50 minutes another American will be murdered by a handgun. By this time tomorrow, 30 more Americans will die in handgun murders. More than 50 percent of all murders in the United States are committed with handguns.

International comparisons are a national disgrace for the United States. In 1979, there were 49 handgun deaths in Japan; 8 in Great Britain; 34 in

Switzerland; 52 in Canada; 58 in Israel; 21 in Sweden; 42 in West Germany—and 10,000 in America. Why? The simple answer is that other nations have realistic and effective controls on the proliferation of handguns in their societies, while the United States does not.

Reasonable steps are readily available to limit the deadly role of handguns in our society. We can end the arms race in our streets and neighborhoods. We can ban the "snubbies" and the Saturday night specials. We can stop the lethal flood of handgun parts imported from overseas. We can reduce the chance that a handgun will fall into the wrong hands by requiring a waiting period and a local police check. And we can stiffen the penalties for those convicted of handgun crimes.

We can do all of this, Mr. President, without jeopardizing the right of American citizens to protect their homes and families, without interfering with the rights of those who use handguns for sporting purposes, and without affecting rifles and shotguns in any way.

Our bill carries forward the important purpose of the Gun Control Act of 1968. It is worth recalling here the eloquent preamble to the law, enacted 15 years ago:

> The Congress hereby declares that the purpose of this title is to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence, and it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

There is nothing in the bill we are introducing today that departs in any way from this longstanding congressional declaration of purpose. The legislation we are proposing has nothing to do with rifles. It is a limited and measured effort to make it harder for criminals to obtain handguns.

It is particularly designed to help local law enforcement authorities to deal with the preferred instrument of criminals—the snubbie handguns, which have a barrel length short enough to be easily concealed.

Each year, there is mounting evidence of the high correlation between violent handgun crime and the easy availability and proliferation of cheap, concealable handguns—weapons that have only one purpose, which is to kill or maim another human being.

A prime example of this evidence is the extensive study by the Cox News Service last year. After months of research, sifting through hundreds of thousands of statistics, the reporters came to the conclusion that we must control the production, sale and possession of small handguns if we are serious about controlling handgun violence in America.

The Cox reporters found that two out of every three handguns used in murders, rapes, robberies, and muggings have a barrel length of 3 inches or less. As the study concluded, these snubnosed handguns are "the overwhelming weapons of choice among street criminals and assassins."

According to this study, the handgun most often used in crime is a .22 caliber revolver with a 2-inch barrel. It is assembled by a German-owned plant in Florida from parts imported into the United States under the loophole that has done so much to make a travesty of the current law. This weapon is used in 1 out of every 12 handgun crimes. The fastest selling model of this revolver retails for $39.95. It is the model bought in Dallas and used in Washington, D.C. 2 years ago by John Hinckley in his attempt on the life of President Ronald Reagan.

By the grace of God, the President survived that attack. But nothing has been done about the easy access of criminals and murderers and assassins to these easily concealed tools of sudden death.

This lack of action has not been for any lack of study or information. Over the past decade every Government study on crime control—including Attorney General William French Smith's Task Force on Violent Crime—has strongly recommended that Federal laws on handguns must be strengthened.

Last year the Judiciary Committee published an extensive study by the Congressional Research Service on the "Federal Regulation of Firearms." The alarming statistics on handgun crime reviewed in that report by the Library of Congress provide further proof of the need for more effective controls on handguns. As the study demonstrates, there are ways of dealing with the escalation of handgun violence in our country. While we cannot stop all the violence, we can make our cities safer for human survival and curb the easy accessibility that criminals now have to concealable handguns.

There is no question, Mr. President, the American people broadly support reasonable handgun controls. Public opinion surveys over the past 20 years indicate that a substantial majority of the public—between 70 and 80 percent—supports some form of handgun control. Even after the recent California initiative, surveys indicate that voters disagreed only with the method of handgun control being proposed, not with the goals.

I believe the time is long past for us to fashion a reasonable compromise to control the sale and transfer of handguns—yet protect the interests of the sportsmen and women of our country and the interests of the law-abiding citizen who seeks to own a handgun for the protection of his home and family.

I believe the bill that Congressman RODINO and I are introducing today accomplishes this objective. It is a moderate bill. It is a sensible bill. Its goals are objectives I believe all Americans should be able to support.

All Americans, including sportsmen and hunters, should be able to support a ban on Saturday night specials and snubbies. Those guns are not accurate beyond a range of 10 or 15 feet. They have no sporting purpose.

All Americans, including all liberals, should be able to support a mandatory minimum prison sentence for any felon who commits a crime with a handgun.

And all Americans, including the National Rifle Association, should be able to support a waiting period for the purchase of handguns to prevent them from falling into the hands of criminals and psychopaths.

There may be other solutions. I am willing to compromise on the provisions of this particular legislation. But I do not comprehend why anyone should oppose the central idea.

No hunters would lose the right to own rifles or sporting pistols. No law-abiding citizens would lose the right to own a handgun to protect their home or family. But very few if any families now rely on Saturday night specials for their safety. Yet very many criminals rely on those guns as a source of instant and inexpensive firepower. Street toughs who cannot afford a $200 handgun can spend $30 or $40 for a weapon that can terrorize a neighborhood or take a life.

The question is not whether we will disarm honest citizens, as some gun lobbyists have charged. The question is whether we will make it harder for those who break the law to arm themselves.

Mr. President, gun control is not an easy issue. But for me it is a fundamental issue. My family has been touched by violence; too many others have felt the same terrible force. Too many children have been raised without a father or a mother. Too many widows have lived out their lives alone. Too many people have died.

On gun control, I will not give up or give in.

We must no longer accept cities and communities bristling with Saturday night specials, apartments triple-locked against intruders, an America where people are imprisoned in their

own homes and the elderly live in fearful isolation.

We ask all citizens to tell their Senators and Representatives, whatever party they are in, whether they are conservatives or liberals, to stand against the danger of handguns in the wrong hands.

Here in Washington, we remember the shots that have echoed across the city.

We all know the toll that has been taken across the Nation. We all know the leaders of our public life and of the human spirit who have been lost or wounded year after year:

My brother, John Kennedy, and my brother, Robert Kennedy;

Medgar Evers, who died so that others could live free;

Martin Luther King, the apostle of nonviolence who became the victim of violence;

George Wallace, who remains paralyzed;

And George Moscone, the mayor of San Francisco who was killed in his office.

In 1980, we lost Al Lowenstein and Michael Halberstam, and we almost lost Vernon Jordan.

We lost John Lennon, that gentle soul who challenged us in song to "give peace a chance."

We had two attacks on President Ford and then the attack on President Reagan.

It is unacceptable that all these good men have been shot down. They all sought, each in their own way, to make ours a better world. And too often, too soon, their own world came to an end.

It is unacceptable that a man who has been arrested before, who has been apprehended carrying loaded guns through an airport security check, who has psychiatric problems as well as a criminal record—it is unacceptable that such a man should be able to go to a pawnshop and buy a cheap handgun imported because of a loophole in the law, and then use that gun to attempt murder against the President of the United States.

It is unacceptable that there are States in the American Union today where the accused attacker of President Reagan can still buy another Saturday night special.

Above all else, it is unacceptable for us to be silent or to do nothing.

At long last, let us pursue peace in our own country. Let us recall the words of Robert Kennedy spoken the day after Martin Luther King's assassination:

The victims of the violence are black and white, rich and poor, young and old, famous and unknown. They are, most important of all, human beings whom other human beings loved and needed. No one, no matter where he lives or what he does, can be certain who next will suffer from some senseless act of bloodshed. And yet it goes on, and on, and on, in this country of ours. Why?

Fifteen years later, that same tragic question must be raised again. Now it is for all of us to answer it. We must resolve that the next generation of Americans will not have to witness the carnage next time and ask—"When will it ever stop?"

Mr. President, I ask that a brief summary of the principal provisions of the bill, and the text of the bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Handgun Crime Control Act of 1983".

TITLE I—AMENDMENTS TO CHAPTER 44 OF TITLE 18, UNITED STATES CODE

DEFINITIONS

SEC. 101. (a) Section 921(a) of title 18 of the United States Code, is amended by striking out paragraphs (11) through (12) and inserting in lieu thereof the following:

"(11) The term 'dealer' means any person who is (A) engaged in business as an ammunition retailer, (B) engaged in business as a gunsmith, (C) engaged in business as a firearms dealer, or (D) a pawnbroker whose business includes the taking or receiving by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter. The term 'firearms dealer' means any person who is engaged in the business of selling firearms or ammunition at wholesale or retail.

"(12) The term 'pawnbroker' means any person whose business or occupation includes the taking or receiving by way of pledge or pawn, of personal property as security for the payment or repayment of money.".

(b) Section 921(a) of such title is amended by adding at the end the following new paragraphs:

"(21) The term 'ammunition retailer' means any person who is not otherwise a dealer and who is engaged in the business of selling ammunition at retail, other than ammunition for destructive devices.

"(22) The term 'gunsmith' means any person who is not otherwise a dealer and who is engaged in the business of repairing firearms and the term 'repairing' includes making or fitting special barrels, stocks, or trigger mechanisms to firearms.

"(23) The term 'handgun' means a firearm which has a short stock and which is designed to be held and fired by the use of a single hand. The term also includes any combination of parts from which a handgun can be assembled.

"(24) The term 'handgun model' means a handgun of a particular design, specification, and designation.".

UNLAWFUL ACTS

SEC. 102. (a) Section 922(a)(1) of title 18 of the United States Code, is amended by inserting "repairing," after "manufacturing,".

(b) Section 922(a)(2)(A) of such title is amended—

(1) by inserting after "replacement firearm" the following: ", other than a handgun model which has not been approved by the Attorney General under section 930 of this title,";

(2) by inserting after "customizing" the following: "; except that an individual may not mail a handgun model which has not been approved by the Attorney General under section 930 of this title, except for the purpose of modification pursuant to subsection (d)(3) of this section, but this subparagraph does not preclude the return, within thirty days of the effective date, to the person from whom it was received, of a handgun of a model not approved by the Attorney General under section 930 which was transferred to the licensed importer, licensed manufacturer, licensed dealer, or licensed collector before the effective date of the amendments made by the Handgun Crime Control Act of 1983".

(c)(1) Section 922(a)(5) of such title is amended by striking out "resides in any State other than that in which the transferor resides (or other than that" and inserting in lieu thereof "does not reside in the State in which the transferor resides (or does not reside in the State".

(2) Section 922(a)(5) of such title is further amended—

(A) by striking out "and" at the end of clause (A);

(B) in clause (B), by inserting "other than a handgun" after "firearm"; and

(C) by inserting before the period the following: ", and (C) the loan or rental of a handgun, other than a handgun model which has not been approved by the Attorney General under section 930 of this title, to any person for temporary use for lawful sporting purposes within the premises or in the presence of the transferor".

(e) Section 922(b)(2) of such title is amended by inserting after "other disposition" the following: ", or the place of residence of the purchaser,".

(f) Section 922(b)(3) of such title is amended—

(A) by redesignating clause (C) as clause (D);

(B) in clause (B), by inserting "other than a handgun" after "firearm"; and

(C) by inserting after "lawful sporting purposes," in clause (B) the following: "(C) shall not apply to the loan or rental of a handgun, other than a handgun model which has not been approved by the Attorney General under section 930 of this title, to any person for temporary use for lawful sporting purposes within the premises or in the presence of the transferor".

(g) Section 922(c) of such title is amended—

(1) by inserting after "may sell a firearm" the following: ", other than a handgun,"; and

(2) by striking out ", in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle," in subsection (c)(1).

(h) Section 922 of such title is amended by striking out subsections (d) and (h).

(i) Section 922 of such title is amended by inserting after subsection (c) the following:

"(d)(1) It shall be unlawful for any licensed manufacturer, licensed importer, licensed dealer, or licensed collector to manufacture, assemble, sell, deliver, or transfer any handgun, other than a curio or relic, in the United States unless the handgun model has been approved by the Attorney General under section 930 of this title.

"(2) It shall be unlawful for any person other than a licensed manufacturer, licensed importer, licensed dealer, or licensed

collector to sell or transfer any handgun, other than a curio or relic, in the United States unless that person knows or has reasonable cause to believe that the handgun model has been approved by the Attorney General under section 930 of this title.

"(3)(A) Paragraphs (1) and (2) of this subsection do not preclude an individual from mailing a handgun model which has not been approved by the Attorney General under section 930 of this title and which such individual owns in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, or licensed dealer for the sole purpose of modifying the handgun to comply with the standards of a handgun model approved under section 930 of this title, if such individual informs the local law enforcement authorities that such individual intends to do so.

"(B) Paragraphs (1) and (2) of this subsection do not apply to the manufacture, sale, delivery, or other transfer of a handgun to the Attorney General for testing and analysis by the Attorney General or a research organization designated by the Attorney General.

"(4) It shall be unlawful for any person to modify a handgun of a handgun model previously approved by the Attorney General under section 930 of this title if as a result of the modification the handgun no longer meets the standards of a handgun model approved under section 930 of this title.".

(j) Section 922(g)(3) of such title is amended—

(1) by striking out "drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act)" and inserting in lieu thereof "substance"; and

(2) by striking out "(as defined in section 4731(a) of the Internal Revenue Code of 1954); or" and inserting in lieu thereof "as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);".

(k) Subsection (g) of section 922 of such title is amended by striking out "or" at the end of paragraph (3) and all that follows through the end of such subsection and inserting in lieu thereof the following:

"(4) who has been adjudicated as mentally incompetent or has been committed to a mental institution; or

"(5) who, being an alien, is illegally or unlawfully in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who having been a citizen of the United States has renounced his citizenship;

to possess, ship, transport, or receive any firearm or ammunition. It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is a person described in clause (1), (2), (3), (4), (5), (6), or (7) of this subsection.".

(l) Section 922 of such title is further amended by inserting after subsection (g) the following:

"(h) It shall be unlawful for any person—

"(1) who, while being employed by an employer who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition under paragraph (1), (2), (3), (4), (5), (6), or (7) of subsection (g), and

"(2) who, knowing or having reason to believe such an employer is a person described in paragraph (1), (2), (3), (4), (5), (6), or (7) of subsection (g),

to possess, transport or receive any firearm or ammunition in the course of such employment unless the Attorney General waives the prohibition under this subsection with respect to such a person in accordance with such rules as the Attorney General prescribes."

(m) Section 922(l) of such title is amended—

(1) by inserting "or 930(a)" after "925(d)"; and

(2) by inserting "(includifg any handgun)" after "firearm" each place it appears.

(n) Section 922 of such title is further amended by adding at the end the following new subsections:

"(n) It shall be unlawful for any person to ship or transport any firearm or ammunition in interstate or foreign commerce if such shipment or transportation is in violatign gf a State law in a place to which or through which the firearm was shipped or transported or of an ordinance applicable at the place of sale, delivery, or other disposition.

"(o)(1) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or transfer three or more handguns to the same persons, other than another licensed importer, licensed manufacturer, licensed dealer, or licensed collector, during a period of one year, unless the transferee has obtained prior approval of the purchase from the Attorney General, under rules prescribed by the Attorney General.

"(2) It shall be unlawful for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to purchase or receive three or more handguns during a period of one year, unless such person has obtained prior approval of the purchase from the Attorney General under rules prescribed by the Attorney General.

"(p) It shall be unlawful for any person who has knowledge of the loss, theft, or disappearance of a handgun in such person's possession or control to fail to report the loss, theft or disappearance to the chief law enforcement officer of the place where the handgun was kept, within twenty-four hours after discovering the loss, theft, or disappearance, and to the Attorney General within five days after discovering the loss, theft, or disappearance. Each such report shall contain (1) the serial number, (2) the model, (3) the caliber, (4) the manufacturer of the handgun, (5) the date and place of theft, loss or disappearance, and (6) a complete statement of facts and circumstances surrounding the theft, loss or disappearance.".

TRANSFER OF HANDGUNS

SEC. 103. (a) Chapter 44 of title 18 of the United States Code, is amended by inserting after section 928 the following new section:

"§ 929. Transfer of handguns

"(a) In any case not otherwise prohibited by this chapter, an individual in lawful possession of a permit issued under a State law approved by the Attorney General under subsection (c) of this section may purchase or receive a handgun in any State only if the requirements of subsection (b) of this section are satisfied.

"(b) The requirements referred to in subsection (a) of this section are that—

"(1) such purchase or receipt would not be in violation of any State or local law applicable at the place of transfer; and

"(2)(A) in the case of a transfer by a transferor who is licensed under section 923 of this title, the transferee appears in person at the business premises of a licensed dealer in handguns, and—

"(i) the transferee has shown the licensed dealer such permit and the licensed dealer has verified the current validity of that permit and has stamped on such permit the date of transfer or purchase; or

"(ii) the transferee provides identification sufficient to establish, under rules prescribed by the Attorney General, reasonable grounds to believe that the individual described on the permit is the transferee, and the dealer reasonably believes that the individual described on the permit is the transferee; and

"(B) in the case of a transfer by a transferor other than a person licensed under section 923 of this title, to a transferee other than a person so licensed, the transferee has supplied the transferor with a certificate that—

"(i) establishes the current validity of the permit; and

"(ii) was obtained from a local law enforcement agency or licensed dealer in handguns in a form and in a manner prescribed by the Attorney General;

and upon completion of the transfer, the transferor has reported the transfer on a form to be provided by the Attorney General to a licensed dealer who shall maintain a record of that transfer.

"(c) The Attorney General shall review State laws providing for permits to carry handguns and laws providing for permits to purchase handguns. The Attorney General shall certify any such law as approved under this subsection if the law contains provisions to assure that—

"(1) a permit is issued only after (A) positive determination of the identity of the applicant; (B) an examination of pertinent local, State, and Federal records; (C) a determination that the applicant has not been convicted of, and is not currently charged with an offense punishable by imprisonment for one year or more; and (D) the application and examination reveal no other grounds for disqualification to possess a handgun under Federal or State law;

"(2) the permit provides, on its face, a photograph or other reliable means of determining that an individual possessing the permit is the individual to whom such permit was issued;

"(3) each permit issued to an individual is canceled upon the holder's becoming ineligible to have such permit, and the State issues at least monthly, to the Attorney General and to all licensed dealers within the State, a list of canceled permit numbers;

"(4) the permit is not issued to any individual who is prohibited from purchasing a handgun under the local law applicable at such individual's place of residence;

"(5) the permit is effectively nonalterable or the State law punishes the alteration thereof;

"(6) the State maintains a record of the names of individuals who have been issued a permit;

"(7) in the case of a permit to carry handguns—

"(A) a permit is only issued to an individual who is not prohibited from carrying a handgun under the local law applicable at such individual's place of residence and who has a legitimate need to carry a handgun outside such individual's residence or place of business, including an individual who is—

"(i) law enforcement personnel;

"(ii) a licensed security guard;

"(iii) an individual who meets standards of demonstrated need for the use of handguns for protection of such individual's person or property;

"(iv) individuals who meet standards of demonstrated need for the use of handguns for legitimate sporting purposes; and

"(v) individuals who, for a limited period of time, must transport a handgun in such individual's possession through or within the State;

"(B) the State periodically reviews the need of an individual for a permit so that any permit may be canceled when the need no longer exists; and

"(C) the State provides a mandatory penalty of imprisonment for a term of at least six months for all individuals who are found guilty of carrying a handgun outside of their residence or place of business without a permit to carry a handgun; and

"(8) in the case of a permit to purchase a handgun—

"(A) allows the permittee to carry the handgun outside of permittee's residence or place of business for not more than twenty-four hours from the date such permittee actually receives the handgun from the transferor, and only if the handgun is carried in nonfunctional form; and

"(B) expires within two years, with renewal predicated on a redetermination of the permittee's eligibility.

"(d) The Attorney General shall publish monthly a composite list of canceled permit numbers, by State, for all States submitting lists under paragraph (3) of this subsection.

"(e) A licensed dealer in handguns shall not sell, deliver, or otherwise transfer a firearm to an individual who is not licensed under section 923 of this title and does not have a permit under a law approved by the Attorney General under subsection (c) of this section unless—

"(1) the transferee appears in person at the business premises of a licensed dealer in handguns;

"(2) the transferee submits to the dealer a sworn statement on a form prescribed by the Attorney General which states—

"(A) the transferee's name and residence;

"(B) that the transferee's receipt, purchase, or possession of the handgun will not be in violation of Federal law, or of a State or local law applicable to the transferee's place of residence and that the transferee does not intend to resell or retransfer the handgun to a person who is barred from purchasing, owning, or possessing such handgun by Federal, State, or local law applicable to the place of the residence of the retransferee;

"(C) the title, name, and address of the chief law enforcement officer of the place of the transferee's residence;

"(3) in the event that a State or local law applicable at the place of the residence of the transferee requires that an individual must have a permit to own, carry, purchase, or possess the handgun, a true copy of such permit is attached to the sworn statement, and any other information required to be supplied to purchase, acquire, possess, own, or carry a handgun under such State or local law is also attached to the sworn statement;

"(4) the transferee provides identification sufficient to establish, under rules prescribed by the Attorney General, reasonable grounds to believe that the individual named on the sworn statement is the transferee, and that the residence of the transferee is at the address stated in such sworn statement;

"(5) the dealer has, before delivery of the handgun, forwarded immediately by registered or certified mail (return receipt requested), to the chief law enforcement officer of the place of residence of the transferee and to the Federal Bureau of Investigation a copy of the sworn statement (with the attached copy of any State permit), in a form prescribed by the Attorney General, for the purpose of—

"(A) notifying such officer of the proposed transaction, and permitting such officer to check the identity and record of the transferee, and to determine and report to the dealer whether ownership or possession of the handgun by the transferee would be in violation of Federal law or of State or local law of the residence of the transferee; and

"(B) permitting an identity and record check by the Federal Bureau of Investigation which shall, within fifteen days of receipt of the sworn statement from the dealer, transmit to the dealer a report whether the transferee is prohibited by law from receiving a handgun;

"(6) the dealer—

"(A) has received the report of the Federal Bureau of Investigation;

"(B) has received the report of the chief law enforcement officer of the place of residence of the transferee; and

"(C) has not received information from the Federal Bureau of Investigation or the chief law enforcement officer that the transferee is prohibited from shipping, possessing, transporting, or receiving a handgun under subsection (g) of section 922, or that the transferee is less than twenty-one years of age, or that the receipt, purchase, or possession of the handgun by the transferee would be a violation of State or local law applicable at the place of residence; and

"(7) twenty-one days have elapsed after the licensee submitted the sworn statement of the transferee.

A copy of the sworn statement, a copy of any State license or permit to purchase or carry, and a copy of any notification to the Federal Bureau of Investigation and the appropriate chief law enforcement officer, together with the report received from the Federal Bureau of Investigation and the law enforcement officer under this subsection, shall be retained by the licensee as part of the records required to be kept under section 923(g) of this title.

"(f) In the case of a transfer of a handgun by a transferor, who is not a licensed dealer in handguns, to a transferee who is not a person licensed under section 923 of this title and does not have a permit under a law approved by the Attorney General under subsection (c) of this section, the transferor shall not transfer the handgun unless the transferor has received from the transferee or from a licensed dealer in handguns a written certification on a form provided by the Attorney General, that a licensed dealer in handguns has followed the procedure required under subsection (e) for transfers to which that subsection applies, as if the transfer under this subsection were a transfer by such dealer under that subsection. Upon completion of the transfer, the transferor shall notify the dealer, on a form provided as part of the certificate, that the transfer has taken place.

"(g) This section does not apply to loans or rentals of handguns at legitimate shooting ranges for use on the premises for periods of less than twelve hours and under conditions prescribed by rule under this chapter.

"(h) A licensed dealer in handguns who handles a transfer of a handgun under subsection (b)(2)(B) or subsection (e) of this section shall be entitled to charge the transferee a fee determined by the Attorney General of not more than $10 per transaction.

"(i) Nothing in this section shall be construed to permit an individual to carry a handgun in any State if such a carrying is illegal in that State.".

(b) The table of sections for chapter 44 of such title is amended by inserting at the end the following new item:

"929. Transfer of handguns.".

LICENSING

SEC. 104. (a) Section 923(a)(1) of title 18 of the United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(2) by adding after subparagraph (A) the following:

"(B) of handguns, a fee of $5,000 per year;"; and

(3) by inserting in subparagraph (C), as so redesignated by this subsection, "or handguns" after "destructive devices".

(b) Section 923(a)(2) of such title is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following:

"(B) of handguns, a fee of $5,000 per year; or"; and

(4) by inserting "or handguns" after "destructive devices" the first place it appears in subparagraph (C), as so redesignated by this subsection.

(c) Section 923(a)(3) of such title is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (E) and (F), respectively;

(2) by inserting after subparagraph (A) the following:

"(B) in handguns, a fee of $500 per year;

"(C) in ammunition for handguns that is not also used in rifles, a fee of $100 per year;";

"(D) who is a gunsmith, a fee of $100 per year;"; and

(3) by inserting "or handguns" after "destructive devices" each place it appears in subparagraphs (E) and (F), as so redesignated by this subsection.

(d) Section 923(a) of such title is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the license fees paid pursuant to this section shall be used by the Attorney General for the administration and enforcement of the provisions of this chapter.".

(e) Section 923(c) of such title is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following:

"(2) A pawnbroker may not be licensed as a dealer in handguns or handgun ammunition, and a handgun dealer or dealer in handgun ammunition may not conduct such dealer's business from the premises of a pawnbroker.".

(f)(1) The matter preceding subparagraph (A) in paragraph (1) of section 923(d) of such title is amended to read as follows:

"(1) Any application submitted under subsection (a) or (b) of this section shall be ap-

proved if the Attorney General finds that—".

(2) Section 923(d)(1)(B) of such title is amended to read as follows:

"(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association)—

"(i) is not prohibited from possessing, transporting, shipping, or receiving firearms or ammunition under section 922 (g) or (h) of this chapter;

"(ii) is not prohibited by the law of the State or by the relevant ordinance of his place of business from conducting the business of transporting, shipping, receiving, selling, transferring, owning, or possessing the firearms or ammunition to which the license would apply; and

"(iii) certifies the applicant will not employ individuals in the licensed business who are prohibited from possessing, transporting, shipping or receiving firearms or ammunition under section 922(g).".

(3) Section 923(d)(1)(E)(i) of such title is amended by inserting before the comma the following: "and such premises are appropriate nonmobile premises protected by such adequate security devices as the Attorney General shall by rule prescribe".

(g) Section 923(d)(2) of such title is amended by deleting "forty-five" and inserting in lieu thereof "ninety".

(h) Section 923(e) of such title is amended by inserting "suspend or" before "revoke".

(i) Section 923(f) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "suspended or" before "revoked" each place it appears; and

(B) by inserting "suspension or" before "revocation";

(2) in paragraph (2)—

(A) by inserting "suspends or" before "revokes a license";

(B) by striking out "denial or revocation" and inserting in lieu thereof "denial, suspension, or revocation" in lieu thereof; and

(C) in the second sentence, by inserting "suspension or" before "revocation" each place it appears; and

(3) in paragraph (3)—

(A) in the first sentence, by striking out "his decision to deny an application or revoke a license" and inserting in lieu thereof "the action reviewed";

(B) in the second sentence by striking out "denial or revocation" and inserting "action" in lieu thereof; and

(C) in the last sentence by inserting "suspend or" before "revoke".

(j) Section 923(g) of such title is amended to read as follows:

"(g)(1) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Attorney General may by rule prescribe.

"(2) Each licensed importer and licensed manufacturer shall for each handgun imported, received, or manufactured by such importer or manufacturer, maintain accurate records kept according to the serial number of each such handgun for ten years from the date of each disposition, of (A) the disposition of each such handgun whether through sale, transfer, destruction, loss, theft, or other means, (B) the date of such disposition, and (C) in addition for each sale or transfer of each such handgun including subsequent transfers reported by a licensed dealer under subsection (b) of section 929, of the model, the name and address of the transferor, and the name and address or license number of the transferee.

"(3) Each licensed dealer in handguns shall, for each handgun received or transferred by or through him under section 929, maintain accurate records kept according to the serial number of each such handgun, of (A) the disposition of each such handgun, whether through sale, transfer, trade-in, destruction, loss, theft, or other means, (B) the date of such disposition, and (C) in addition for each sale or transfer of such handgun, of the model, the name and address of the transferor, and the name and address and license or permit number, if any, of the transferee and the date of expiration of such license or permit. Each such dealer shall transfer such records monthly to the importer or manufacturer whose serial number appears on the handgun.

"(4) Each licensed importer and licensed manufacturer shall, pursuant to such regulations as the Attorney General shall prescribe, conduct periodic audits of the records received from licensed dealers under paragraph (3) of this subsection to ensure the accuracy of such records.

"(5) In the event that a licensed importer, manufacturer, dealer, or collector loses his license, sells or transfers his business to another person or corporation, dies, or in any other way ceases doing business as a licensed importer, manufacturer, dealer, or collector, he shall transfer, or cause to be transferred, to the subsequent purchaser or transferee of the business, or in the event that there is no subsequent purchaser or transferee of the business, to the Attorney General, the records maintained under this section. All reports under subsection (b) from dealers with respect to transfers of handguns with serial numbers associated with an importer or manufacturer who has ceased doing business, shall be sent to the subsequent purchaser or transferee of the business, or in the event that there is no subsequent purchaser or transferee of the business, to the Attorney General.

"(6)(A) All licensed importers, licensed manufacturers, licensed dealers, and licensed collectors shall make such records available for inspection at all reasonable times, and shall submit to the Attorney General such regular reports and information with respect to such records as he shall by regulations prescribe, including quarterly reports, kept according to handgun size and model, summarizing the disposition of all handguns transferred by or through that licensed importer, licensed manufacturer, licensed dealer, or licensed collector. No such regular reports shall contain the name or address of any noncommercial licensee.

"(B) The Attorney General may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining (i) any records or documents required to be kept by such importer, manufacturer, dealer, or collector under the provisions of this chapter or rules issued under this chapter, and (ii) any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises. Upon the request of a State or any political subdivision thereof, the Attorney General may make available to such State or any political subdivision thereof, any information which the Attorney General may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.".

(k) Section 923(i) of such title is amended by inserting at the end thereof the following: "The Attorney General shall approve for each licensed importer and manufacturer a serial number code unique to that importer or manufacturer.".

EASILY CONCEALABLE HANDGUNS ILLEGAL

SEC. 105. (a) Chapter 44 of title 18 is amended by inserting after section 929 as added by this Act the following new section:

"§ 930. Easily concealable handguns

"(a)(1) The Attorney General shall approve for manufacture, assembly, importation, sale, or transfer any handgun model if the Attorney General has caused to be evaluated and tested representative samples of such handgun model, and has found that such handgun model has a barrell length of greater than three inches and is generally recognized as particularly suitable for or readily adaptable to sporting purposes.

"(2) The Attorney General may approve under paragraph (1) of this subsection any handgun model particularly appropriate for use for law enforcement purposes by law enforcement authorities, even if such handgun model does not have a barrell length of greater than three inches or is not generally recognized as particularly suitable for or readily adaptable to sporting purposes. The Attorney General may by rule approve the manufacture and sale of limited quantities of such handgun model only to law enforcement authorities that have a demonstrated need to use such handguns for law enforcement purposes. Handguns of such handgun model shall not be sold or resold to any other individuals.

"(b) The Attorney General shall cause to be evaluated and tested representative samples of all handgun models in manufacture after the effective date of this subsection within one hundred and twenty days after such effective date or the date of first manufacture, whichever is later.

"(c)(1) The Attorney General shall give written notification of the results of evaluation and testing under this section to the licensed manufacturer, licensed importer, licensed dealer, or licensed collector who submitted a sample of a handgun model for such evaluation and testing. If any handgun model fails to meet the standards for approval, the notification of the Attorney General shall state specifically the reasons for such finding.

"(2) Any licensed manufacturer, licensed importer, licensed dealer, or licensed collector who submitted to the Attorney General for testing a handgun model that is subsequently not approved under this section shall have ten days from receipt of notification of noncompliance within which to submit in writing specific objections to such finding and a request for retesting such model, together with a justification therefor. Upon receipt of such a request the Attorney General shall, if the Attorney General determines that sufficient justification for retesting exists, promptly arrange for retesting and notify the aggrieved party of the results. If the Attorney General determines that retesting is not warranted, the Attorney General shall promptly notify the aggrieved party of the Attorney General's

determination. If upon retesting the finding of the Attorney General remains adverse, or if the Attorney General finds that retesting is not warranted, the aggrieved party may within sixty days after the date of the notice from the Attorney General of such finding file a petition in the United States district court in the district in which the aggrieved party resides or has his principal place of business in order to obtain judicial review of such finding. Such review shall be in accordance with the provisions of section 706 of title 5, United States Code.

"(d) The Attorney General shall publish in the Federal Register at least semiannually a list of handgun models which have been tested and the results of the tests. Any handgun model—

"(1) not in manufacture on or after October 22, 1968; and

"(2) which has not been tested or for which the test results have not been published;

shall be deemed to be approved under this section until notice of the disapproval of the handgun model has been published in the Federal Register.".

(b) The table of sections for chapter 44 of such title, as amended by section 103 of this Act is further amended by adding at the end the following new item:

"930. Easily concealable handguns.".

PENALTIES

SEC. 106. (a) The first sentence of section 924(a) of title 18, United States Code, is amended by inserting after "violates any provision of this chapter" the following: ", other than subsection (h) or (p) of section 922 or, in the case of the transfer of a handgun between persons not licensed under section 923 of this title, section 929,".

(b) Section 924(a) of such title is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Whoever violates section 922(h) of this chapter shall be fined not more than $1,000, or imprisoned not more than one year, or both.

"(B) Whoever, being an individual who is not licensed under section 923 of this title violates section 922(p) of this chapter, shall—

"(i) for the first offense, be fined not more than $100, and

"(ii) for the second and subsequent offenses be fined not more than $1,000 or imprisoned not more than six months, or both.

"(C) If there is a transfer of a handgun between persons not licensed under section 923 of this title in violation of section 929 of this title, the transferor and transferee shall each be liable to a civil penalty of $100.".

(c) Section 924(c) of such title is amended to read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(2) carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment of not less than two years nor more than ten years in the case of the first offense, and to a term of imprisonment of not less than five nor more than twenty-five years for a second or subsequent offense. Notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony nor shall the defendant be eligible for parole for a term specified by the court for at least two years for a first offense and at least five years for a subsequent offense, unless the court finds that, at the time of the offense—

"(A) the defendant was less than eighteen years old;

"(B) the mental capacity of the defendant was significantly impaired, although the impairment was not such as to constitute a defense to prosecution;

"(C) the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; or

"(D) the defendant was an accomplice, the conduct constituting the offense was principally the conduct of another person, and the participation of the defendant was relatively minor.".

(d) Section 924 of such title is amended by adding at the end the following new subsection:

"(e) Whoever negligently sells, transfers, or delivers a handgun in violation of this chapter shall be civilly liable for the death or injury suffered by an individual as a result of the use of the handgun by the transferee in the commission of an offense that causes death or personal injury to that individual.".

EXCEPTIONS; RELIEF FROM DISABILITIES

SEC. 107. (a)(1) Section 925(a)(2) of title 18 of the United States Code, is amended by inserting after "firearms" a comma and the following: "other than a handgun model which has not been approved by the Attorney General pursuant to section 930 of this title,".

(2) Section 925(a)(2) of such title is further amended by inserting after "may receive a firearm" the following: ", other than a handgun of a model which has not been approved by the Attorney General under section 930 of this chapter".

(b)(1) Section 925(c) of such title is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2) Any individual who, having been adjudicated as mentally incompetent, or who, having been committed to a mental institution, subsequently has been adjudicated by a court or other lawful authority to have been restored to mental competency, if such court or other lawful authority specifically finds that the individual is no longer suffering from a mental disorder and that the possession of a firearm by the individual would not pose a danger to the individual or to the safety of another individual, shall be relieved from the disabilities imposed by this chapter with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred because of such adjudication or commitment.".

(2) Section 925(c)(1) of such title, as redesignated by this section, is amended by inserting after "National Firearms Act" the following: "or of a State or local law which relates to the importation, manufacture, sale, or transfer, of a firearm".

(3) Section 925(d)(3) of such title is amended by inserting after "1954" the following: "and has a barrell length of greater than three inches".

RULES AND REGULATIONS

SEC. 108. (a) Section 926 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) rules precluding multiple sales or transfers of handguns under section 922(o) to persons who do not demonstrate to the satisfaction of the Attorney General that such purchase or transfer is for lawful purposes, as defined in the rules.".

(b) Such section 926 is further amended by inserting "(a)" before "The" the first place it appears and by adding at the end thereof the following new subsection:

"(b) Any officer or employee of the Department of Justice who is designated by the Attorney General to carry out the provisions of this chapter is authorized to administer such oaths or affirmations as may be necessary for the enforcement of this chapter and any other provision of law or regulation administered by the Bureau.".

TITLE II—GUN CONTROL FUNCTIONS TRANSFERRED TO ATTORNEY GENERAL

TRANSFER OF FUNCTIONS

SEC. 201. (a) There are transferred to the Attorney General, and the Attorney General shall perform, all functions of the Secretary of the Treasury under chapter 44 of title 18, United States Code.

(b) Within one hundred and eighty days after the effective date of this section, the President may transfer to the Department any function of any other agency or office, or part of any agency or office, in the executive branch of the United States Government if the President determines that such function relates primarily to functions transferred to the Department by this section.

(c)(1) Chapter 44 of such title 18 is amended by striking out "the Secretary" each place it appears in such subchapter and inserting in lieu thereof "the Attorney General".

(2) Section 103 of the Gun Control Act of 1968 is amended by striking out "the Secretary of the Treasury" and inserting in lieu thereof "the Attorney General".

ESTABLISHMENT OF THE FIREARMS SAFETY AND ABUSE CONTROL ADMINISTRATION

SEC. 202. (a) There is established within the Department of Justice the Firearms Safety and Abuse Control Administration. The Administration shall be headed by an Administrator appointed by the President, by and with the advice and consent of the Senate. The Administrator shall be under the supervision and direction of the Attorney General.

(b) The functions of the Attorney General under chapter 44 of title 18, United States Code, and under this Act shall be administered through the Administration.

ANNUAL REPORT

SEC. 203. (a) The Attorney General shall prepare and transmit to the Congress as part of the annual report of the Department of Justice a report on the activities of the Administration.

(b) Each such report shall include a description of the effective use of the resources of the Federal, State, and local law enforcement agencies in controlling illicit handgun traffic, the extent of intergovern-

mental cooperation in controlling such traffic, a detailed summary of the activities of the Administration, an assessment and evaluation of specific programs of Federal, State, and local law enforcement agencies to reduce illicit handgun traffic, a description of the nature, extent, and effect of Federal, State, and local law enforcement agency intelligence operations relating to illicit handgun traffic, and such recommendations, including recommendations for additional legislation, as the Attorney General deems appropriate.

TRANSFER OF OFFICES AND PERSONNEL

SEC. 204. (a) All personnel, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 101, are transferred to the Attorney General.

(b)(1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

SAVINGS PROVISIONS

SEC. 205. (a) All orders, determinations, rules, regulations, contracts, certificates, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this title, by (A) any agency or office, or part thereof, any functions of which are transferred by this title, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this title takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Attorney General, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this title shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this title; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they are pending at the time of such transfer. In either case orders shall be in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Attorney General, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this title shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this title, shall abate by reason of the enactment of this title. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this title, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this title. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this title takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this title any functions of such agency, office, or part thereof, or officer is transferred to the Attorney General, then such suit shall be continued by the Attorney General (except in the case of a suit not involving functions transferred to the Attorney General, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this title).

(d) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Department or officer in which such function is vested pursuant to this title.

(e) Orders and actions of the Attorney General in the exercise of functions transferred under this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this title shall apply to the exercise of such function by the Attorney General.

(f) In the exercise of the functions transferred under this title, the Attorney General shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

DEFINITIONS

SEC. 206. As used in this title—

(1) "Department" means the Department of Justice; and

(2) "function" includes power and duty.

COMPENSATION OF ADMINISTRATOR

SEC. 207. Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(70) Administrator, Firearms Safety and Abuse Control Administration, Department of Justice.".

TITLE III—MISCELLANEOUS PROVISIONS

NONMAILABLE FIREARMS

SEC. 301. Section 1715 of title 18, United States Code, is amended—

(1) by inserting after "Such articles" in the second sentence the following: ", other than handguns whose transfer is restricted under section 922(d),"; and

(2) by inserting after the second sentence the following new sentence: "The Postal Service shall make rules, subject to approval of the Attorney General, consistent with section 922(d) of this title, concerning conveyance in the mails of handguns subject to that section for the United States or any department or agency thereof, or to any State, department, agency, or political subdivision thereof.".

STUDY OF EFFECTIVENESS OF CRIME CONTROL LAWS

SEC. 302. The Advisory Commission on Intergovernmental Relations established by the Act entitled "An Act to establish an Advisory Commission on Intergovernmental Relations", approved September 24, 1959, in consultation with the United States Conference of Mayors and the National League of Cities, and representatives of Federal, State, and local law enforcement agencies shall investigate, analyze, and report within six months of the enactment of the Act upon (1) intergovernmental problems involved in controlling illicit handgun traffic, and (2) the effectiveness of chapter 44 of title 18, United States Code, and particularly the requirements for licensing of manufacturers, importers, and dealers.

REPEALER

SEC. 303. Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. Appendix 1202-1203) is hereby repealed.

SAVINGS PROVISION

SEC. 304. A valid license issued pursuant to section 923 of title 18 of the United States Code, as such section existed in the day before the general effective date of the amendments made by this Act, shall be valid until it expires according to its terms unless it is sooner suspended, revoked, or terminated pursuant to applicable provisions of law.

EARLY TESTING

SEC. 305. The Attorney General shall cause to be evaluated and tested representative samples of all handgun models, manufactured on or after October 22, 1968, and before the date of the enactment of this Act, in the same manner as provided in section 930 of title 18 as amended by this Act for handgun models in manufacture after the effective date of the amendments made by this Act, and shall publish a list of the models tested under this section and the results of the test in the manner described in section 930(d) of title 18 as amended by this Act for lists to which such section applies not later than sixty days after the date of the enactment of this Act.

EFFECTIVE DATE OF AMENDMENTS MADE BY THIS ACT

SEC. 306. The amendments (including any repeals) made by this Act shall become effective one hundred and twenty days after the date of the enactment of this Act.

[Summary]

PRINCIPAL PROVISIONS OF THE KENNEDY-RODINO HANDGUN CRIME CONTROL ACT OF 1983

1. Ban the manufacture, sale, assembly, or importation of Saturday Night Specials (definition based on barrel length of three inches).

2. Establish a twenty-one day waiting period for the sale or transfer of any other handgun. Current law prohibits sales to felons, persons with a history of mental illness, drug addicts, or persons under 21, but

there is no effective method to implement these prohibitions. Under the bill, a dealer would use the waiting period to check with law enforcement authorities and verify the purchaser's eligibility. The waiting period will be waived if the purchaser has complied with a similar state law requiring a license or permit to purchase a handgun.

3. Prohibit pawnshops from selling handguns.

4. Impose a mandatory minimum jail sentence for using or carrying a handgun during commission of a felony under federal law.

Additional sentence of two to ten years for first offense.

Additional sentence of five to twenty-five years for subsequent offenses.

5. Require manufacturers to keep records on all handgun transfers, so that law enforcement officers may trace handguns used in crimes.

6. Require the theft or loss of a handgun to be reported to authorities; impose a fine for failure to report the theft or loss of any handgun later used in a felony.

7. Prohibit dealers from selling more than two handguns to one person in a year without the approval of the Attorney General.

8. Encourage states to pass handgun "license to purchase" or "license to carry" laws.

9. Increase the license fee for handgun dealers from $10 to $500; increase the fee for manufacturers and importers from $50 to $5000.

10. Require private parties who transfer handguns to effect such transfer through a licensed dealer.

11. Provide civil liability to handgun victims for any person who "negligently sells" a handgun in violation of the act if the gun is later used in a crime against the victim.

12. Transfer law enforcement functions from the Treasury Department to the Justice Department.●

By Mr. NICKLES (for himself and Mr. BOREN):

S. 512. A bill to repeal the Powerplant and Industrial Fuel Use Act of 1978; to the Committee on Energy and Natural Resources.

REPEAL OF POWERPLANT AND INDUSTRIAL FUEL USE ACT

Mr. NICKLES. Mr. President (along with my colleague Senator BOREN) I am pleased to introduce today a bill to repeal the Powerplant and Industrial Fuel Use Act of 1978. Residential and industrial consumers of natural gas are concerned with distortions in the marketplace that have caused increased prices for natural gas. I share their grave concerns. Governmental interference and regulation in this instance has caused not only higher prices, but also serious misallocations.

Repeal of the Fuel Use Act is one piece in the solution puzzle to our natural gas dilemma. To understand the problems created by the act and why repeal is essential, one must look briefly at the false premise that gave rise to its enactment.

In the mid 1970's this country experienced a shortage in supplies of natural gas. The result was curtailments of supplies, closed schools, and closed factories. Predictions were made of permanent and severe shortages in future supplies. Testimony indicated that few additional reserves would be discovered or verified.

At the same time we were becoming increasingly aware of our dependence on imports of crude oil and the danger of such dependence. OPEC's role was on the rise and the aftermath of their embargo was still being felt.

All of this led to the belief that Congress needed to restrict the use of these two fuels. In that climate the Fuel Use Act was passed. The act prohibits the use of either petroleum or natural gas as the primary fuel source in new electric utility powerplants and in new major industrial installations built after May 1979.

Furthermore, the Fuel Use Act originally demanded that existing electric utility and industrial installations stop using petroleum or natural gas as their primary fuel source by 1990. Now we took a step in the right direction in the summer of 1981, when Congress removed the mandate on existing electric utility installations to be off those fuels by 1990. But we did not go far enough. The prohibition on new plants remains as does the mandate on existing industrial plants. The act remains a costly and unnecessary law.

Consumers are harmed by this law. Consumers will bear the cost of an industrial plant's conversion to other fuels. Some facilities will not deem it feasible to convert to another fuel resulting in a shutdown and subsequent loss of jobs.

We are all concerned with the everrising price of natural gas. This act has contributed to the increased costs consumers have faced. As industrial natural gas uses are forced to reduce or eliminate their use of natural gas, the volume of gas transported through a pipeline naturally declines. This results in a pipeline's expenses and operating costs to be spread over a smaller base. Thus the consumer's per unit transportation costs are increased.

The act is unnecessary because the dire predictions, upon which the law was passed, have been proven inaccurate. There is no justification for the Federal Government interfering in the free market allocation of our natural resources. As has happened here, misallocations and increased costs are the end results.

I am hopeful that the Senate Energy and Natural Resources Committee will look closely at this issue and that the full Senate will act favorably to repeal the Fuel Use Act.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. HEINZ, Mr. SPECTER, Mr. GRASSLEY, Mr. PELL, Mr. TSONGAS, Mr. BRADLEY, and Mr. DODD):

S. 518. A bill to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control; to the Committee on Environment and Public Works.

ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1983

● Mr. CHAFEE. Mr. President, today I am introducing the Environmental Programs Assistance Act which will make permanent the current senior environmental employment pilot project (SEE). The Environmental Protection Agency will be authorized to employ and direct the efforts of older Americans to provide monitoring, and regulatory and technical assistance in several environmental programs. The act will be managed by the EPA with guidance from the Department of Labor at an authorized level not to exceed $250,000, a small amount to pay for the objectives of this fine program.

In the pilot project begun in 1976, SEE demonstrated the effectiveness of older Americans employed in jobs relating to the protection of environmental resources. For example, in Arkansas, eight senior citizens conducted an EPA-mandated survey of open dumps within the State; in New Jersey, 21 older Americans were hired to gather followup information for an earlier survey of hazardous waste products generated by State industries; and in California, a project studied the extent to which migrant workers were exposed to dangerous pesticides while on the job. It is a rare occasion when the public derives such benefit from an investment as small as the amount expended for the Senior Environmental Employment pilot program.

Retired, unemployed older workers have a wealth of talent and experience that should and must be used. At a time when Federal assistance for environmental programs is being reduced, additional resources are needed to help implement State and Federal programs.

The Environmental Programs Assistance Act will assist in accomplishing such projects as:

Air monitoring and emission testing; pesticides inventory and control; water quality and supply sampling and monitoring; technical libraries and public information projects; carcinogenic surveys and followup; hazardous materials routing surveys; health and screening in rural areas and among migrant workers; and noise abatement and control.

The bill requires that SEE participants not replace existing activities within a State. The participants must augment or improve existing programs. SEE will not displace EPA employees. This criterion in the pilot program has brought about ingenious uses of the Senior Environmental Employment program. This trend will cer-

tainly continue should this worthy program be given permanent status.

An example of the original use of SEE is an EPA program which was spurred on by medical findings concerning the hazards of exposure to asbestos. In 1980, the EPA launched a program to help educators check school buildings for asbestos-containing materials.

The national manager of the asbestos control program, John Wilson of EPA, commended the program participants: "The great success of this program springs from each enrollee's unique combination of long work experience and enthusiasm to do what he can do to help people in need. We have thrown these people into some difficult situations, and in all cases, they have been able to provide."

The SEE project is already a proven success based upon the pilot program. The legislation I am introducing today will give the SEE program a 3-year authorization at a level not to exceed $250,000 each year—a necessary step to insure permanence to a program that will provide many benefits. This legislation offers us the chance to more fully utilize the experience and energy of our senior citizens, and at the same time to enhance environmental programs.

Mr. President, last year, this bill was adopted as an amendment to H.R. 6323, the Environmental Research, Development and Demonstration Act. Unfortunately, H.R. 6323 was vetoed by President Reagan but not because of the Senior Environmental Employment program. Rather, the President had only praise for the objectives of this worthy program.

I encourage my colleagues to join with me in voting for this.●

● Mr. GRASSLEY. Mr. President, I enthusiastically join Senator CHAFEE in reintroducing the bill which will establish a senior environmental employment program to be administered by the Environmental Protection Agency.

With an authorization not to exceed $250,000, legislation will use the abilities, skills, and experience of older Americans to aid State and local pollution programs.

This is the sort of challenging program that is so important to this country's seniors. It is not preoccupied with elderly problems, sickness, or weakness. It will allow older Americans to assist in reaching such environmental goals as health screening in rural areas and among migrant workers; noise abatement and control; air monitoring and emission testing; water quality, and supply sampling and monitoring. This sort of life-enhancing service pays large dividends through longer, fuller lives for our older population, and healthier environment for all Americans. I urge my colleagues to join me in supporting the senior environmental employment program.●

By Mr. BENTSEN (for himself and Mr. WALLOP):

S. 519. A bill to amend the Internal Revenue Code of 1954 to permit foreign pension plans to invest in the United States on a nontaxable basis for residential housing financing and investment purposes; to the Committee on Finance.

INVESTMENTS IN THE UNITED STATES BY FOREIGN PENSION PLANS

● Mr. BENTSEN. Mr. President, I am introducing legislation today which would amend the Internal Revenue Code to attract new sources of capital for the U.S. housing market. This proposal would allow foreign pension plans to provide funds for residential U.S. real estate without the imposition of U.S. taxes on the income and gains earned by the plans.

The purpose of this proposal is to further assist us in meeting our housing capital needs. Many of the housing and capital formation incentives that are currently being discussed must fit within budgetary restraints, and they may not really add to the overall supply of capital for housing but merely shift capital from one sector to another. This proposal has the advantage of providing new housing capital for this country with little, if any, revenue loss. It identifies and combines two important sources of capital—foreign investment and retirement savings. It would put the United States in a position to derive benefits from the savings of others by having that savings invested here. In this connection, it is estimated that the total funds of pension plans maintained by companies in three countries alone—the United Kingdom, the Netherlands, and Japan—exceeds $200 billion.

My proposal will provide a favorable tax climate for attracting a significant share of new money for the U.S. housing market and it will do so in a way that is consistent with sound tax policy. Specifically, the proposal would eliminate the U.S. tax burden on all types of residential real estate investment by these plans—initial or secondary mortgage financing, holdings of mortgage-backed securities issued by Fannie Mae or Ginnie Mae, and direct investment in new or existing apartment complexes and single or multifamily construction. Since pension plans traditionally invest on a long-term basis, it seems to me that the investments that would be made as a result of this proposal usually would be stable and long-term investments.

Mr. President, this proposal—which represents a new and promising approach to help provide more affordable housing to Americans—is supported by the Democratic caucus and also has bipartisan interest and support. Significantly, the enactment of the proposal would involve little or no revenue loss. In this regard, it is estimated that, for every $1 billion in new housing investment that is made under the proposal, the cost would be less than $10 million. Surely, this is an insignificant cost for attracting a new source of capital for U.S. housing financing and expansion purposes.

The proposal would exempt eligible foreign pension plans from tax on their income and gains from qualified residential housing investments in the United States. Qualified investments would include all types of residential debt financing customarily made by banks, et cetera, and equity interests in existing or new residential properties. The bill limits the exemption to foreign pension plans that are comparable in structure to U.S. pension plans which, under present law, generally could make such investments on a tax-free basis. Thus, the foreign plans would have to qualify for favorable treatment under the tax laws of the country in which they are organized. They would have to be funded with assets that are segregated from the assets of the employer, and they would have to be maintained primarily to provide retirement benefits for nonresident employees. The bill also includes a technical amendment that is necessary if U.S. life insurance companies are to be able to make qualified housing investments for foreign pension plans on a competitive, tax exempt basis with banks, et cetera.

In summary, Mr. President, this is a very sensible and attractive proposal to tapping a new source of capital for the U.S. housing market.

Mr. President, I ask unanimous consent to print the bill in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Residential Real Estate income of certain foreign pension plans.

(a) IN GENERAL.—Subpart C of part II of subchapter N of chapter 3 of the Internal Revenue Code of 1954 (relating to withholding of tax on nonresident aliens and foreign corporations) is amended by inserting after section 897 the following new section:

"Sec. 898. Residential Real Estate Income of Certain Foreign Pension Plans.

"(a) IN GENERAL.—For purposes of this title (and notwithstanding any other provision of such title), gross income does not include income, gains or other amounts derived by an eligible foreign pension plan form qualified investments in residential real property.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE FOREIGN PENSION PLAN.—The term 'eligible foreign pension plan' means a trust, corporation, or fund which is formed pursuant to, or as part of, a foreign pension

plan which satisfies the following requirements—

"(A) the plan is maintained primarily to provide retirement or similar benefits to employees who are primarily nonresident alien individuals;

"(B) the assets of the plan are segregated from the assets of the employer or employers maintaining the plan pursuant to the laws of the foreign country in which such plan is maintained; and

"(C) under the laws of the foreign country in which the plan is maintained, the plan is exempt from income tax.

If all of the assets of a trust, corporation, or fund are held for the benefit of one or more foreign pension plans described in this paragraph, such trust, corporation, or fund shall itself be considered to satisfy the requirements of this paragraph.

"(2) QUALIFIED INVESTMENTS IN RESIDENTIAL REAL PROPERTY.—The term 'qualified investments in residential real property' means—

"(A) investments in qualified residential financial (within the meaning of section 128(d)(3), except for subparagraph (H) thereof, as in effect on January 1, 1982) within the United States, and

"(B) fee ownership or coownership of land or improvements thereon (including ownership or coownership of assets through a partnership) and leaseholds of land or improvements thereon, if such land or improvements are designed for use as, or substantially consists of, dwelling units (within the meaning of section 167(k)(3)) within the United States.

For purpose of this paragraph, stock, or a contract with reserves based on a segregated asset account (described in section 801(g)(1)(B)), shall be considered to be 'qualified investment in residential real property' if substantially all of the assets of the issuer of the stock, or of the account on which the contract is based, are invested in property described in subparagraphs (A) and (B).".

(b) CONFORMING AMENDMENT.—Section 805(d) (relating to pension plan reserves of life insurance companies) is amended by adding the following new paragraph:

"(7) issued to an eligible foreign pension plan (within the meaning of section 898(b)(1)) if substantially all of the assets of the account on which such contract is based consist of qualified investments in residential real property described in section 898 (b)(2).".

(c) The amendments made by this section shall take effect on date of enactment.●

By Mr. SPECTER:

S. 520. A bill to promote the public welfare by protecting dependent children and others from institutional abuse; to the Committee on the Judiciary.

DEPENDENT CHILDREN'S PROTECTION ACT OF 1983

Mr. SPECTER. Mr. President, I am today introducing the Dependent Children's Protection Act of 1983.

In 1974, Congress overwhelmingly passed the Juvenile Justice and Delinquency Prevention Act. With its passage the systematic removal of noncriminal juveniles from secure detention facilities began in earnest across the country. In 1975 there were almost 200,000 noncriminal children held in secure confinement throughout the United States. Thanks to the great success of the Juvenile Justice and Delinquency Prevention Act, the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice reports that the number of noncriminal juveniles held in secure detention was reduced in the 1975–81 period by 82.4 percent in participating jurisdictions. This year we hope to top 90-percent improvement.

I believe that it is time for Congress to act decisively to remove the last of these unfortunate children from juvenile and adult jails. Currently participation in the Juvenile Justice Act is purely voluntary and discretionary on the part of the States. The bill which I am introducing today would require that all noncriminal juveniles be removed from secure detention throughout the United States.

During the past several months the Subcommittee on Juvenile Justice has held extensive hearings and conducted a thorough investigation into the operation of the State run juvenile institutions in one of the nonparticipating States, Oklahoma. This inquiry, conducted with the full support of our distinguished colleagues from that State, uncovered disturbing administrative practices and abuses. One of the things that shocked us the most was the realization that many of the children incarcerated were being held only because they were abandoned, neglected or abused—both physically and sexually—by their families. Of the 617 juveniles in the secure custody of that State's department of human services on December 31, 1979, 300 were locked up for no criminal offense whatsoever. Adding together the State's juvenile training schools and the detention centers, the subcommittee discovered that in that State, 53 percent of all institutionalized juveniles were nondelinquents. Perhaps most shocking of all was the fact that these young, impressionable children were often being held in the same institutions as adjudicated delinquents and many were jailed or locked up with adults for periods of time. While these juveniles could have been placed in foster homes or group homes, as is the practice in Pennsylvania and most other participating States; this State's taxpayers in 1979 were shelling out almost $25,000 per child for this inappropriate and unconscionable care.

This bill I introduce today will end this practice throughout the United States. With almost 30,000 young people now detained annually, I am confident that when my colleagues review the effects of such inappropriate placement, they will join in this effort. What is needed is a commitment to meet this mandate. Therefore I urge the Senate to consider carefully and to support the Dependent Children's Protection Act.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Dependent Children's Protection Act of 1983.

SEC. 2. (a) The Congress hereby finds that—

(1) deprived, neglected, and abused juveniles and juveniles who present noncriminal behavior problems are frequently assigned to the care and custody of the States;

(2) the placement of these juveniles in secure detention, treatment or correctional facilities constitutes punishment because such placement;

(A) imposes unnecessary burden on the liberty of the juveniles;

(B) unnecessarily endangers the personal safety of the juveniles;

(C) abridges the juveniles' right to care and treatment;

(D) interferes with the right to family integrity of the juveniles and further exacerbates the alienation of the juveniles from family, peers and community;

(E) increases the probability that these juveniles will later engage in delinquent or criminal behavior; and

(F) stigmatizes the juveniles by associating them with criminal behavior.

(b) The Congress declares that the constitutional rights of juveniles guaranteed by the fourteenth amendment to the Constitution of the United States shall be enforced by prohibiting the punitive detention of juveniles who have not been adjudicated to have committed any offense that would be criminal if committed by an adult.

SEC. 3. Add to chapter 21 of title 42 the following section:

"SEC. 1. No state shall assign a juvenile nonoffender committed to its care or custody to any secure detention, treatment or correctional facility.

"SEC. 2. For purposes of this Act:

"(a) the term 'juvenile nonoffender' means any person under age 18, who has not been adjudicated to have committed an offense that would be criminal if committed by an adult, unless that person is lawfully in detention pending trial on charges relating to an offense that would be criminal if committed by an adult.

"(b) the term 'secure detention, treatment or correctional facility' means any public or private residential facility which—

"(1) includes construction fixtures designed to restrict physically the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(2) is used for placement, prior to or after adjudication and disposition of any juveniles who has been charged with delinquency or for holding a person charged with or convicted of a criminal offense; or

"(3) is used to provide medical, educational, special educational, social, psychological and vocational services, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public. *Provided, however,* nothing contained in this act shall be interpreted to prohibit any state from committing any juve-

nile to a mental health facility in accordance with applicable law and procedures.

"(c) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands.

"SEC. 3. Any person aggrieved by a violation of this act may bring a civil action for damages and equitable relief.".

By Mr. SPECTER:

S. 521. A bill to promote the public welfare by protecting institutionalized children from abuse; to the Committee on the Judiciary.

JUVENILE DETENTION EMPLOYEES CLEARANCE ACT OF 1983

Mr. SPECTER. Mr. President, during the course of a recent Subcommittee on Juvenile Justice investigation of allegations of misconduct and abuse of juveniles in State-run institutions, we were shocked to discover that a number of employees at State-run training schools in Oklahoma had extensive criminal records. Indeed, in the course of our inquiry, the criminal records of several individuals under investigation for charges of abusing young people, came to light and they were terminated or transferred by the State authorities.

The bill I introduce today is designed to offer Federal assistance to the States to facilitate their conducting thorough record checks before hiring individuals to work with young people in official custody. That such checks were not being made is unacceptable. Secure detention of juveniles can have a seriously debilitating effect. In order for it to be a rehabilitative and not a hardening experience, we must insure that these young people in trouble are not subjected to physical attacks or sexual assaults by their custodians, and are not preyed upon by common criminals hired for official responsibilities.

The Commission on Accreditation for Corrections of the American Correctional Association has long suggested among their standards for juvenile detention facilities and services a standard requiring a criminal record check on new employees to ascertain whether they have committed criminal acts which have a specific relationship to job performance. Indeed, they consider this standard essential. They note:

> While policy should not automatically preclude the employment of whole classes of persons, such as ex-offenders, the facility or parent agency administration should be aware of any criminal conviction(s) which would preclude working with juveniles in a detention setting.

More recently, President Reagan's Task Force on Victims of Crime, in their report released in December 1982, recognized that while most of those who work with young people desire to help and educate them, there are those who seek to victimize children. Indeed, the task force recommended that:

> School authorities should check the arrest and conviction records for sexual assault, child molestation, or pornography offenses of anyone applying for work in a school, including anyone doing contract work involving regular proximity to students, and make submission to such a check a precondition for employment.

This legislation is designed to strengthen State authorities' incentive to utilize the recently renewed availability of the FBI's identification services. Last year, the FBI suspended its criminal justice identifications services to State and local employment and licensing authorities in order to reduce the tremendous backlog and resulting delays that had developed. I am glad to be able to report that beginning again on October 1, 1982, the FBI has been providing identification services. At the same time, a new user-fee system has been instituted to defray the costs of services. At approximately $12, the cost of processing a fingerprint card should not pose a problem to such State agencies. In my view, the criminal record checks of individuals hired to work with detained juveniles are the type of law enforcement related checks that should receive priority treatment. The long term solution to the work processing problems and delays within the FBI lie in prompt automation of these services. In this way the 10-to-16 day processing time and user fees can both be reduced.

Besides encouraging the utilization of the Federal Government's criminal justice information services, such as the computerized criminal history system and fingerprint service of the FBI, this bill makes reference to State exchanges of information, such as those now being facilitated by the interstate identification index (III) on a pilot basis among 20 States. Consistent with the recommendations of the Attorney General's Task Force on Violent Crime, the Federal Government is providing an index of States having criminal histories of certain individuals so that interested States can then communicate directly regarding the contents of those criminal histories.

I look forward to working with the FBI as they evaluate their pilot project and the alternative proposals for the exchange of criminal history information. Whichever method of information exchange is demonstrated most effective, we must insure the availability of accurate criminal history information for confidential use in the evaluating of individuals seeking jobs working with the Nation's troubled youth.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Juvenile Detention Employees Clearance Act of 1983.

SEC. 2. (a) The Congress hereby finds that—

(1) government agencies operating juvenile detention, correction, care and treatment facilities may employ a former criminal offender because they are not aware of criminal backgrounds and convictions in other jurisdictions;

(2) employing former criminal offenders convicted of violent, assaultive conduct or sexual-related offenses to work in juvenile facilities exposes juveniles committed to official custody to abuse and mistreatment;

(3) before hiring former criminal offenders or assigning them inappropriate employment opportunities working with juveniles committed to official custody, government agencies should conduct criminal record checks to ascertain whether they committed criminal acts that bear on specific work responsibilities.

SEC. 3. Add to Chapter 21 of title 42 the following new section:

"SEC. 1. (a) No person shall be employed at a facility maintained for the detention, correction, care or treatment of juveniles unless a nationwide criminal record check has been conducted to ascertain whether the individual has engaged in criminal acts that have a specific relationship to job performance and whether he poses a significant danger of abuse or mistreatment of the juveniles.

"(b) The Attorney General shall assist state governments in their efforts to conduct criminal record checks on persons seeking employment at facilities maintained for the detention, correction, care or treatment of juveniles by furnishing criminal identification and criminal history information on a confidential basis and facilitating the exchange of such information through a national index of state records, such as the Interstate Identification Index.".

By Mr. SPECTER:

S. 522. A bill to promote the public welfare by removing juveniles from adult courts; to the Committee on the Judiciary.

JUVENILE INCARCERATION PROTECTION ACT OF 1983

Mr. SPECTER. Mr. President, today I am introducing the Juvenile Incarceration Protection Act of 1983.

During the past year the Nation has been shocked and alarmed by the continued use of adult jails to house juveniles and by the abuses that all too often occur in these jails and lockups.

The American people and the Congress have reason for concern. Almost 500,000 juveniles are held in secure detention each year in 8,833 different adult jails and lockups. Only 14 percent of these juveniles were held for serious criminal offenses.

The problem has been with us for hundreds of years. In the past we were ignorant of the consequences of jailing juveniles with adults. We did not realize that this particular solution to attempting to control children and their delinquent behavior was, in fact, exac-

erbating the situation. As long ago as 1899 with the founding of the first juvenile court in Chicago, knowledgeable citizens, youth workers, correctional officials, and political leaders have called for the complete removal of juveniles from adult jails. In 1961 the National Council on Crime and Delinquency declared:

> The answer to the problem is to be found neither in writing off the sophisticated youth by jailing him, nor in building separate and better designed juvenile quarters in jails and police lock-ups. The treatment of youthful offenders must be divorced from the jail and other expensive "money saving" methods of handling adults.

Since then dozens of national organizations have taken similar positions including the American Bar Association, the American Correctional Association, the National Urban League, the American Public Health Association, the National Youth Work Alliance, the National Association of Counties, the National League of Cities, and perhaps most significantly, the National Sheriff's Association. These organizations and dozens more have joined together to form the National Coalition for Jail Reform. Such a wide-ranging coalition was in large part responsible for convincing Congress to move, in the 1980 amendments to the Juvenile Justice and Delinquency Prevention Act, beyond the sight-and-sound separation requirements in the 1974 act to the more exacting standard requiring actual removal of most juveniles from adult jails.

Since the passage of the 1980 amendments to the act with their requirements that juveniles be removed from adult jails and lockups by 1985, there have been a number of developments which lead me to introduce today the Juvenile Incarceration Protection Act. Enactment of this measure will ensure, in the words of the National Coalition for Jail Reform, that "no juvenile should be held in adult jail."

During the past several months the Senate Subcommittee on Juvenile Justice has conducted an extensive investigation into the operation of State-run juvenile institutions in one of the six States not participating in the Juvenile Justice and Delinquency Prevention Act. One of the clearest patterns of abuse to emerge from interviewing juveniles incarcerated in these institutions, typically at first for no crime at all, was that they had been in adult jails. Almost all of the juvenile witnesses interviewed at length by the subcommittee's staff had been in at least one adult jail. Three of the four juvenile witnesses who came to Washington to appear before the subcommittee had been held in adult jails. One young man even complained of being sprayed with mace by a jailer while locked in his cell.

The pattern of abuse which the subcommittee found in Oklahoma's juvenile institutions is not unique to Oklahoma and I am most pleased to report indications that the State has moved to correct the abuses, most notably by appointing our distinguished former colleague Senator Henry Bellmon to head the troubled Oklahoma Department of Human Resources.

We all recognize that the abuse of children at home is an alarming and growing problem. It is often difficult for Government to strike a balance that protects both the family's privacy and the rights of defenseless children, but there is no excuse for any unit of Government to ignore the rights of children under its care and custody.

In Oklahoma, and I suspect the same is true in other States, the initial error was placing juveniles—no matter what the reason—in an adult jail. Once behind bars or in handcuffs and leg irons the stage was set for the ever-increasing denial of the rights of these children and their abuse and degradation. Our recent investigation reinforced my thinking that in order to fight crime we must choke off the supply of young people being fed needlessly into the Nation's training schools. The way-station to training schools—where one young man told the subcommittee that he learned more about criminal activity than anything else—is the adult jail.

Mr. President, allow me to share with the Senate some of the things that have been reported in the Nation's press and broadcast on television and radio about juveniles in adult jails during the past 2 years:

On May 31, 1982, while most Americans were observing Memorial Day, Christopher Peterman, age 17, was being tortured and murdered. This was not happening in the Soviet Union or Argentina, but in Boise, Idaho. Mr. Peterman's offense was that he owed $73 in traffic fines. For 4½ hours he was beaten and toilet paper was stuffed between his toes and lit on fire. He was beaten in his cell which he shared with five other youths. He was beaten in the exercise yard in view of many adult prisoners. All five of his cellmates have been charged with murder. During these hours of sadistic torture the staff of the undermanned jail apparently only strolled through every few hours. Later it was learned that another youth, Richard Yellen, was beaten by three of the same youths in the same cell 2 weeks earlier. After being treated in a Boise hospital Mr. Yellen was returned to the same cell.

The problem here is not just that we have a poorly run jail but the very fact that there were any juveniles in there at all. A properly run and staffed juvenile detention facility would have spared the Boise community seven casualties—one dead, one badly beaten, and five charged with murder.

Another tragedy unfolded in an adult jail in Ironton, Ohio, during a February 1981 weekend. Two 15-year-old girls ran away from home, taking a family car. Picked up by the police 600 miles from home they returned voluntarily. Over the objections of their parents they were placed in an adult jail for the weekend. This was in keeping with Juvenile Judge Lloyd W. Burwell's conviction that he could make "kids be good" with time in the county jail. During the weekend two girls were sexually assaulted by a jailer and male prisoners. When the incident came to light one girl's father sued. Lawrence County and the judge settled, and agreed to pay $37,000 in damages before trial. In another case involving the same judge a 16-year-old boy committed suicide while held in the Lawrence County adult jail.

The judge discounted both the sexual assaults and the suicide as out of the ordinary. For the suicide at least, it is all too ordinary for juveniles in adult jails. The suicide rate of juveniles in adult jails is, according to a recent study commissioned by the Justice Department's Office of Juvenile Justice and Delinquency Prevention, 4.6 times higher than in the general youth population. The key variables are neither arrest nor incarceration. The suicide rate of youth in juvenile detention centers is considerably lower than in the general population and only one-tenth the suicide rate of juveniles in adult jails. The continuing tragedy of juvenile suicides in adult jails must be eliminated and the Juvenile Incarceration Protection Act seeks to do just that.

Last May, on the same day the Subcommittee on Juvenile Justice was holding hearings on conditions in a nonparticipating State's juvenile detention facilities, ABC broadcast an excellent film on the plight of juveniles held in adult jails. Entitled "In the Custody of Strangers" it starred Martin Sheen and his teenage son. It was a valuable public service provided by ABC and the film's producer Moonlight Productions. The film, with its positive reception by critics and the public, is one of the reasons why I believe that the time has come for the Nation to end forever the use of adult jails for the detention of juveniles.

In August of 1982 the U.S. District Court for the District of Oregon held that constitutional rights of juveniles were violated by confinement in adult jails. In particular, the court found that juvenile pretrial detainees were being confined in a manner that resulted in punishment stemming from failure to provide "any form of work, exercise, education, recreation, or recreational materials;" "minimal privacy when showering, using toilets, or

maintaining feminine hygiene;" "staff supervision to protect children from harming themselves" or others; failure "to allow contact between children and their families;" and by placing "intoxicated or drugged children in isolated cells without supervision or medical attention," among other practices. As the judge observed:

A child who has run away from home or is out of parental control is clearly a child in distress, a child in conflict with his family and his society. But nobody contends he is a criminal. . . . No child who is a status offender may be lodged constitutionally in an adult jail.

Clearly the Congress has authority constitutionally to enact a statute to protect children's rights to due process and equal protection by eliminating the practice of holding juveniles in adult jails and lockups. The Juvenile Incarceration Protection Act of 1983 is such a bill.

Much is already being done. In 1980 Congress wisely mandated a study on the cost of removing juveniles from adult jails. The study was done by the Community Research Center of the University of Illinois, which is directed by the very capable Mr. Jim Brown. The $100,000 three-volume Jail Removal Cost Study demonstrated that the appropriate use of nonsecure programs along with juvenile detention centers will add only modestly to the cost of caring for juveniles in trouble. The report notes that with strong State and local government support along with an informed and alert public, the total removal of juveniles from adult jails can be accomplished.

I am proud to report to my Senate colleagues that the study cites Pennsylvania's Act 41 and its successfully implemented mandate to remove all juveniles from adult jails as a model for the Nation. During a 5-year program, made possible in part by funds provided by the Juvenile Justice and Delinquency Prevention Act, Pennsylvania removed all juveniles from adult jails and the use of secure detention fell by 35 percent. Perhaps not coincidentally, serious juvenile crime in Pennsylvania dropped by 4 percent during 1981.

The study noted that jurisdictions that have successfully removed juveniles from adult jails receive funds from the Juvenile Justice and Delinquency Prevention Act. Their "removal efforts are characterized by a willingness to explore nonsecure community residential and community supervision programs and services. These alternatives can be less costly than secure, facility based programs in terms of both capital and operation expenditures." The Community Research Center went on to say that, "When States and localities examine juvenile justice systems, the process seems to result in a reduced reliance on secure placement options, and consequently, a potentially reduced removal cost."

Estimates of the cost of the total removal of juveniles from adult jails are difficult to make. CRC's best estimate is $118.8 million to complete the removals envisioned in the 1980 amendments to the Juvenile Justice and Delinquency Prevention Act. It is to this purpose that the juvenile justice formula block grants to the participating States must be turned as we continue to achieve compliance with the act's deinstitutionalization mandate. I estimate that the costs to the States of moving from the initial requirements of the act to meeting the more stringent requirements of the Juvenile Incarceration Protection Act to be an additional $25 million nationwide. Spread over a 5-year period, this amounts to only an additional $5 million a year to eliminate this backward and counter-productive crime-breeding practice. Simply raising the Juvenile Justice and Delinquency Prevention Act's appropriation from its barely adequate $70 million to its modest, authorized appropriation level of $77.5 million for fiscal year 1984 will make it possible to take a significant step toward removing juveniles in the United States from adult jails by 1985.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Juvenile Incarceration Protection Act of 1983.

SEC. 2. (a) The Congress hereby finds that—

(1) juveniles account for nearly 20 percent of the arrests for crimes in the United States today;

(2) an estimated 479,000 juveniles are held in pretrial detention in adult jails and lockups each year;

(3) the holding of juveniles in adult jails encourages delinquency and criminal behavior; and

(4) delinquency results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources.

(b) The Congress further finds that the holding of juveniles in adult jails and lockups constitutes punishment, violates the juveniles' due process right to fundamental fairness and unnecessarily endangers the personal safety of juveniles. Congress declares that the constitutional rights of juveniles guaranteed by the fifth and fourteenth amendments to the Constitution of the United States shall be enforced by prohibiting the detention of juveniles in jails and lockups also used for adults.

SEC. 3. Add to Chapter 21 of title 42 the following new sections:

"SEC. 1. After December 8, 1985, no person under age 18 shall be detained or confined in any jail or lockup for adults, except that the Attorney General shall promulgate regulations that—

(A) recognize the special needs of areas characterized by very low population density with respect to the detention of juveniles; and

(B) shall permit in extraordinary cases the temporary detention in adult facilities of juveniles accused of serious crimes against persons where no existing acceptable alternative exists and where the juveniles so detained shall have no regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

"SEC. 2. Any person aggrieved by a violation of this act may bring a civil action for damages and equitable relief.".

By Mr. MITCHELL:

S. 523. A bill to require the Administrator of Veterans' Affairs to establish an experimental program to determine the feasibility of furnishing diagnostic health-care services to certain veterans in areas of the United States that are geographically remote from health-care facilities of the Veterans' Administration; to the Committee on Veterans' Affairs.

VETERANS' DIAGNOSTIC SERVICES EXPERIMENT ACT OF 1983

● Mr. MITCHELL. Mr. President, today I am introducing legislation to help meet the health-care needs of veterans living in rural areas of the country in what I believe to be a novel and cost-effective manner. This legislation is similar to a bill I introduced in the 97th Congress.

Maine has a veteran population of 155,000. Of these veterans, approximately 13,000 live in Maine's northernmost county, Aroostook County. All Maine veterans are served by one VA hospital located in Togus, just outside of Augusta in the central/southern part of the State. This hospital and those who staff it do an excellent job of providing Maine's veterans with necessary health care. Because Maine is a large, rural State with a scattered population, however, many thousands of veterans simply cannot, or do not, travel to Togus for necessary treatment.

Many of the veterans living in Aroostook County reside more than 250 miles from Togus. As a result, they must travel more than 500 miles roundtrip in order to receive care. Besides being extemely time-consuming and expensive the journey is made longer and more arduous due to Maine's severe winters.

For a number of years Maine's veterans have tried to obtain some type of health-care facility in Aroostook County. In 1981, the Maine State Legislature passed a resolution urging Congress to establish a satellite outpatient clinic in northern Maine. On a number of occasions I, too, have tried to persuade the VA to establish such a clinic.

According to the VA, however, outpatient satellite clinics must be located at least 40 miles from an existing VA

health-care facility and in a "standard metropolitan area" with a population of at least 150,000. Based on this latter criterion, none of Maine's northernmost cities qualifies for an outpatient clinic.

Given the inconvenience and expense associated with traveling to Togus for health care, I am convinced that many eligible veterans simply do not seek treatment until an emergency arises. Even then, it is often impossible to transport these veterans to Togus and treatment must be provided at a local hospital at considerable expense to the VA and to the taxpayer in general.

According to the VA at Togus, in calendar year 1981 there were 20 inpatient visits to Togus per 1,000 veterans living in Aroostook County. Statewide, this figure was almost twice as high, or 35 visits per 1,000 veterans. These statistics simply reinforce what commonsense dictates: That many eligible veterans living in Aroostook County find it difficult, if not impossible, to travel to Togus for necessary health care.

Another problem which arises, and for which no statistics exist, is that many veterans who make the 250-mile trip do so unnecessarily. In many instances, these veterans are hospitalized overnight at Togus simply because they have traveled 5 or 6 hours to receive care. This results in substantial costs to the VA and represents an inefficient and wasteful use of scarce resources.

The legislation I am introducing today would help address these problems by establishing a diagnostic health-care clinic in Aroostook County on an experimental basis. The purpose of this clinic would be to determine if an eligible veteran needed to travel to Togus for either inpatient or outpatient care. As such, it would encourage veterans who currently do not seek treatment to come forward for a diagnostic exam when a health-care problem arises, rather than waiting until it is too late.

The diagnostic clinic would be administered by the VA in consultation with an advisory committee comprised of representatives from the VA, the hospital where the clinic is to be established and a local veterans' organization. Although this committee would advise the Administrator on the operation of the clinic the final authority to establish the guidelines governing the operation of the clinic, would be left up to the Administrator.

It is envisioned, however, that the clinic would operate in the following manner: The clinic would presumably be open only certain days of the week. A veteran with a medical problem could set up an appointment at the clinic for a diagnostic exam. If the veteran were eligible, the exam would be given to determine if he or she needed to go to Togus for treatment. No decision would be made to send a veteran to Togus for treatment without consulting the VA.

If it were determined that the veteran was not eligible for either inpatient or outpatient health care at Togus, the veteran would be advised of this and some other arrangement to provide treatment would be made.

By providing a diagnostic exam for eligible veterans, this bill would say to the veterans of northern Maine: If you have a health-care problem and are eligible for treatment come forward and let us take a look at it. I believe this proposal makes a great deal of sense and could, in the long run, save the VA and the taxpayers a substantial amount of money by diagnosing health-care problems before they become acute.

This program would be established as a pilot project for 3 years and, I believe, would serve as a useful experiment to assist the VA in determining the feasibility of establishing similar diagnostic clinics in other rural States.

In conclusion, Mr. President I would like to emphasize my commitment to providing our Nation's veterans, regardless of where in the country they live, with adequate medical care. I believe the establishment of a diagnostic health care clinic in Maine on an experimental basis would go far toward meeting that commitment.●

By Mr. PERCY (for himself and Mr. DIXON):

S. 524. A bill to permit Federal participation in the construction of certain new toll roads; to the Committee on Environment and Public Works.

FEDERAL PARTICIPATION IN THE CONSTRUCTION OF CERTAIN NEW TOLL ROADS

Mr. PERCY. Mr. President, I am today introducing legislation, cosponsored by my distinguished colleague from Illinois, Mr. DIXON, to permit Federal participation in the construction of toll roads in Illinois.

Under existing law, Federal highway funds may be used to construct toll tunnels and toll bridges, but not toll highways. This legislation expands current law to allow new toll roads in Illinois to be eligible for Federal assistance. Under the bill, no tolls may be charged for the use of the toll roads after their construction costs have been repaid. Thus, the toll highways would eventually be free highways.

The Du Page County Board, the Du Page County Mayors and Managers Conference, and other local officials have long urged the construction of a north/south expressway in the county. A proposed 18-mile, $190 million project—FAP 431—to extend Illinois Route 53 from Army Trail Road to the Stevenson Expressway would provide the critical north/south artery.

Existing Federal funds, however, are insufficient to complete construction of this expressway. Further, according to the Illinois State Toll Highway Authority, it would not be feasible to construct this expressway solely from the sale of revenue bonds that would be repaid with toll revenues. Analysis by the county has shown that additional public funds would be necessary, and for this reason the county has requested assistance to eliminate legal barriers which prevent the use of Federal funds to construct the proposed toll road.

Illinois officials are also contemplating the use of toll revenues to construct the proposed Elgin-O'Hare Expressway—FAP 426. This approximately 22-mile project would cost an estimated $200 million to $220 million, providing an important western access to Chicago's O'Hare Airport.

The Illinois General Assembly has approved resolutions calling for the State to study the feasibility of constructing each of the proposed expressways as toll roads. It should be noted that this legislation would permit any new toll highway in Illinois to receive Federal highway funds, not just the two projects that I have mentioned. Additionally, nothing in the bill would require the State to charge tolls or to construct toll roads; the legislation simply makes this option available.

Mr. President, as Du Page County Board Chairman Jack Knuepfer has pointed out, the concept of using toll revenues to construct a highway is entirely consistent with the administration's policy of requiring users to make an investment in public facilities. Indeed, the administration's proposed highway user's fee legislation of the last Congress included a provision allowing for Federal participation in the construction of toll highways. The legislation as enacted, however, lacked such a provision.

Allowing Federal assistance to construct Illinois toll roads would serve as a useful case study to assess the existing Federal policy prohibiting toll highways from receiving Federal highway funding. Since the administration has pressed for legislation that would apply this principle to all 50 States, it would be beneficial to study the results of a change in this policy in a single State, before applying it to all the States.

Du Page County officials wish to eliminate legal barriers that prevent the use of Federal funds on the proposed tollway, and have implied that local motorists would be willing to pay tolls. We should respond to local officials familiar with the needs of their area. Mr. President, I ask unanimous consent that a letter from the Du Page County Board Chairman and a resolution of the Du Page Mayors and Managers Conference be printed in the RECORD following my remarks. I

am pleased to note that with the assistance of Elmhurst Mayor Abner Ganet, the transportation committee of the U.S. Conference of Mayors has adopted a similar resolution supporting this effort.

I had raised this issue during consideration of the Surface Transportation Assistance Act of 1982, and at that time the chairman of the Subcommittee on Transportation, Mr. SYMMS, generously agreed to schedule field hearings on this legislation. I look forward to working with Senator SYMMS and other members of the Committee on Environment and Public Works on this important initiative.

Mr. President, I ask unanimous consent that the legislation which I am introducing today be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 129 of title 23, United States Code, is amended to read as follows:

"(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any new toll road or any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such road, bridge, tunnel, or approach thereto must be publicly owned and operated. Federal funds may participate in the approaches to a new toll road or toll bridge or toll tunnel whether such road, bridge, or tunnel is to be or has been constructed, or acquired, by the State or other public authority. For purposes of this section the term 'new toll road' shall mean initial construction of a highway on a new location in Illinois at any time before it is open to traffic and shall not include any improvements to existing highways or to such toll road after it is open to traffic. The State transportation agency or agencies must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

"(1) all tolls received from the operation of such road, bridge, or tunnel shall, less the actual cost of such operation and maintenance, be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such road, bridge, or tunnel, except that part which was contributed by the United States.

"(2) no tolls shall be charged for the use of such road, bridge, or tunnel after the State or other public authority shall have been so repaid; and

"(3) after the date of that repayment, such road, bridge, or tunnel shall be maintained or operated as a free highway, bridge, or tunnel; except in the case of a bridge which connects the United States with a foreign country: *Provided,* That such tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management: *And provided further,* That the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.".

(b) Section 301 of title 23, United States Code, is amended to read as follows:

"SEC. 301. FREEDOM FROM TOLLS.—Except as provided in section 129 of this title, all highways constructed under the provisions of this title shall be free from tolls of all kinds.".

(c) The amendments made by this Act shall be effective on the date of enactment of this Act.

RESOLUTION 1982-83-10

Whereas the DuPage Mayors and Managers Conference is a corporate entity chartered within the State of Illinois and the County of DuPage, representing thirty-four municipalities with a combined population of over 530,000 citizens; and

Whereas the DuPage Mayors and Managers Conference is organized among other reasons to discuss and direct the concerns of municipal officials toward mutual problems and to seek resolution of such problems; and

Whereas the DuPage Mayors and Managers Conference has supported the construction of FAP426 and FAP431 as toll roads (Resolution 1982-83-03 attached herein); and

Whereas it has become apparent that it will be necessary to have Federal participation in the funding of these routes to insure their construction; and

Whereas Federal participation in the funding of toll roads is currently not allowed; now, therefore, be it

Resolved, That the DuPage Mayors and Managers Conference does urge the United States Congress to authorize the co-mingling of Federal funds as necessary to allow the construction of FAP426 and FAP431 to take place; be it further *Resolved,* That a copy of this resolution be transmitted to the DuPage County Federal Legislative Delegation, President Reagan, the Illinois Department of Transportation, the Chicago Area Transportation Study Executive Committee, the Illinois Transportation Study Commission, Illinois Toll Highway Authority, and Illinois Municipal League.

DU PAGE COUNTY,
Wheaton, Ill., June 24, 1982.

Hon. CHARLES H. PERCY,
New Senate Office Building, Washington, D.C.

DEAR SENATOR PERCY: As your are aware, the Du Page County Board, the Du Page Mayors and Managers Conference, Inc. and many communities in the Illinois 53 corridor, have long supported the extension of FAP 431, a critical north-south freeway in Du Page County, from Army Trail Road to I-55. With the dedesignation of the Crosstown Expressway in the Chicago Region, interstate transfer money was programmed for a partial freeway extension to Butterfield Road. Although we have received more Crosstown money than we thought might be released by the Federal government, it is still not sufficient to complete the partial extension, and the design study for the freeway extension has been stopped by the Illinois Department of Transportation.

In response to this action, the County Board, Du Page Mayors and Managers Conference, Inc. and individual municipalities recommended a study of the feasibility of constructing FAP 431 as a toll facility. We are pleased that the Illinois Legislature has passed a joint resolution authorizing a cost-revenue study, and have requested prompt action by IDOT to initiate this analysis.

In a report prepared by our Development Department, a "sketch" analysis of tollroad feasibility was made, with the conclusion that at present toll levels it would probably not be feasible to construct and maintain the FAP 431 extension without additional public funding. At the time our report was researched, we did find reference to an agreement between the Federal government and the State of Louisiana for the use of Federal funds on a toll facility in that state.

The concept of having user fees (tolls) maintain and partially construct such a facility appears to be very consistent with the present Administration's desire for "users" to play an important role in funding public investments. At the local level, the utilization of Federal (i.e., Crosstown) funding would allow potential for the full extension of FAP 431 to I-55, as opposed to the Butterfield Road terminus now proposed, thereby avoiding the congestion problems experienced at the present terminus of the freeway at Army Trail Road (an arterial road).

I would therefore like to enlist your support to help eliminate any legal or regulatory barriers at the Federal level which might prevent use of Federal funds on our proposed tollway extension.

Sincerely,

JACK T. KNUEPFER,
County Board Chairman.

● Mr. DIXON. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Illinois, Senator PERCY, in offering this legislation.

Existing law permits Federal highway funds to be used only for the construction of toll bridges and tunnels. However, legislation proposed by the administration in the last Congress would have permitted Federal highway funds to be used in the construction of toll facilities. Further, 1973 highway legislation did permit certain toll roads in Louisiana to receive Federal funds.

Senator PERCY and I offered an amendment during consideration of the Surface Transportation Assistance Act last year that would have permitted supplementary Federal financing of toll facilities in Illinois as a demonstration program. Unfortunately, there was not time in the short lame-duck session before Christmas for full consideration of the amendment. I am pleased that the distinguished chairman of the Environment and Public Works Transportation Subcommittee has agreed to hold a hearing on this legislation in Illinois during this Congress. I appreciate his efforts and his commitment.

Illinois will receive substantial additional revenues from last year's major expansion of Federal assistance for highways. But even with the new funds, there will not be enough money to complete construction of two major express routes in northeastern Illinois, the North/South Expressway in central Du Page County and the Elgin-O'Hare Expressway.

Construction of these routes is essential to the transportation system in this part of Illinois. However, they would not generate sufficient toll revenues, with tolls at reasonable rates, to permit complete toll financing. Supplementary Federal highway financing is essential.

The bill we are introducing is identical to last year's amendment. Under its provisions, once construction costs were recovered, the routes involved would have to become freeways. The bill does not require the construction of any toll routes; it merely makes that option available to the State.

The bill is supported by the Illinois Department of Transportation, the Du Page County Board, the Du Page mayors and managers conference, and by residents of the areas involved. I urge its quick enactment.●

By Mr. HEINZ (for himself, Mr. DURENBERGER, Mr. DOMENICI, Mr. BRADLEY, Mr. DANFORTH, and Mr. DOLE):

S. 525. A bill to require that installment payments of revenue sharing allocations be paid at the beginning of each quarter; to the Committee on Finance.

INSTALLMENT PAYMENTS OF GENERAL REVENUE SHARING FUNDS

● Mr. HEINZ. Mr. President, today I am introducing legislation on behalf of Senators DURENBERGER, DOMENICI, BRADLEY, DANFORTH, and DOLE to accelerate general revenue sharing payments to local governments. This measure would provide an additional $1.15 billion to local governments in April 1983. It would bring total payments for the quarter to $2.3 billion at a time when local governments face the increasing fiscal stresses created by the nationwide recession.

The two principal objectives of this legislation are:

First, to help local governments meet greater demands for social services during this recession while lowered revenues create greater pressure to lay off workers; and

Second, to demonstrate congressional commitment to general revenue sharing and to taking quick action to alleviate economic distress in our Nation's communities.

Currently, the general revenue sharing program provides support for an enormous range of activities, including capital expenditures for transit, economic development, community centers, and police facilities. Operating programs benefiting from Federal revenue sharing funds include downtown revitalization projects, Meals on Wheels, supplemental income for indigents, and community health care for the elderly and the disabled.

Since the general revenue sharing program was created in 1972, Federal payments to local governments have been made 5 days after the end of each quarter. Part of the original justification for this lag in payments was that State and local governments were enjoying relatively good fiscal conditions. Clearly, this rationale no longer applies. Eliminating the lag by making quarterly payments at the beginning of each quarter starting in April 1983 does not effect fiscal year 1983 budget authority but would increase outlays by $1.15 billion. Doubling the payments for the next quarter would be a simple and efficient method of helping local governments serve those made truly needy by the recession—those who want to work but cannot find jobs, those without shelter and food.

Of course, even $1 billion cannot accomplish that much when spread over 39,000 jurisdictions. In order to channel this one-time boost in revenue sharing payments to the areas of the country with the greatest economic problems, we will consider provisions that would weigh the payments on the basis of State unemployment data. I have asked the Office of Revenue Sharing and the General Accounting Office to study several possibilities.

This legislation should be a component of the legislative package designed to boost employment and the economy. The fact is that the Johnstowns (Pa.) and the Eugenes (Oreg.) of America need this support to provide needed services and, where possible, to avoid layoffs, to rehire employees, or even to begin labor-intensive public works projects.

Local governments have become the basic safety net for victims of the recession in this country, while the weak economy continues to plague local and State government. In its February 1983 report, The Data Resources U.S. Review states that the operating budget for the total sector of local and State government was in deficit for the fifth straight quarter. The most notable result is a decline in services attributable to a 4.8-percent decline in State and local government employment, the largest of three successive quarterly declines.

In the cities, according to a recent report by the U.S. Conference of Mayors, local officials characterize the combined effects of the economic downturn, high unemployment, and Federal program cuts in the following terms:

First, the emergence of a new poor—people who are losing their jobs, exhausting their savings and their unemployment benefits, and going into default on their homes;

Second, the exacerbation of problems of the "working poor"—the people who are losing their jobs and their benefits and being forced back on welfare; and

Third, the breakup of families due to financial problems and the lack of support services needed to keep them together.

City human services officials estimate, on the average, that they are meeting only 43 percent of the emergency demand for services. We are talking about the demand for basic human necessities—shelter, fool, fuel assistance, medical care, clothing, detoxification, and crime victims assistance.

Unfortunately, in the current economic climate cities cannot turn to the States for help. A January 1983 survey by the National Conference of State Legislators finds that for the end of fiscal year 1983:

That 19 States project deficits; 12 States anticipate a year-end balance of 1 percent or less of annual spending; only 6 States expect a balance of more than 5 percent, the traditionally accepted minimum; 35 States have already reduced their spending below the levels in the original fiscal year 1983 budgets; total State employment has been decreasing since mid-1981; 28 States experienced a decrease in their work force in the past year; all but 3 States are experiencing revenue shortfalls and slowdowns beyond their original expectations; and all regions of the country have been affected.

General revenue sharing is one of the most effective programs in the Federal repertoire for distributing fiscal assistance quickly. It must not be oversold as a quick-fix for the unemployment and all other recessionary problems. The attractiveness of this proposal rests in its simplicity and the efficiency of the Treasury's Office of Revenue Sharing. While I might want local governments to spend the funds to avoid layoffs and to start labor intensive projects, I would not attempt to write such expectations into the legislation. We cannot tell local governments what to do with the funds.

I have long believed that the Federal general revenue-sharing program could serve as a stabilizing force in times of economic distress for our local and State governments. Judging from the extent of support for simple reauthorization of the program, it is clear that most of my colleagues want Congress to act quickly to reauthorize the local revenue sharing program at the bare minimum. There are those among us who feel strongly that the reauthorization should include a renewal of the dormant State revenue sharing program.

As chairman of the Economic Growth, Employment and Revenue Subcommittee of the Senate Finance Committee, I want to assure my colleagues that I will work closely with my friend, Senator DOLE, the distinguished chairman of the Finance Committee, to expedite the program's reauthorization. I welcome the comments and ideas of my colleague from Minnesota, Senator DURENBERGER, who has been an articulate spokesman for

the program as a crucial component of his highly ambitious federalism initiative.

I see the acceleration of payments to local governments as an important first step in congressional action on general revenue sharing in 1983. I welcome the support of the National League of Cities, the U.S. Conference of Mayors, AFSCME, and other local government and labor interests.

Congress should pass this legislation quickly. It will grant local governments much needed funds to enable them to respond to the need for emergency services, and in many jurisdictions it will save many local government jobs. It will demonstrate to our friends in local government congressional commitment to maintain and strengthen the general revenue sharing program in 1983. I urge my colleagues to support this bill on its merits and as a component of broader Federal efforts to combat unemployment and economic distress in communities across America.

Mr. President, I ask unanimous consent that letters from the National League of Cities and the U.S. Conference of Mayors be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES,
Washington, D.C., February 16, 1983.

Hon. JOHN HEINZ,
Chairman, Subcommittee on Economic Growth, Employment and Revenue Sharing, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing on behalf of the National League of Cities to express our general support for your legislation to eliminate the lagging payment in the General Revenue Sharing program.

Our organization, which represents about 15,000 direct and indirect members, views prompt payment of the revenue sharing funds as vital to enable cities to stabilize their budgets at a time when we are beset by high unemployment. The recession has drastically reduced revenues at the local level while imposing a demand for dramatic increases in human services for those adversely affected.

In 1973, when the payment lag was instituted, states and local governments enjoyed the most substantial budget surpluses in recent memory. In fact, by 1978 states and local governments had an operating account surplus of more than $10 billion. By last year, however, the recession produced a deficit at these levels of approximately $5 billion. Moreover, while local debt financing has previously been used for infrastructure financing, the last two years have instead seen debt financing as a means to meet service demands. State and local capital investment has continued to decline, aggravating operating and maintenance costs and further depleting our urban infrastructure. Local governments, forced to increase rather than reduce human services, have only been able to turn to increased local taxes and fees to stabilize their budget—a counterproductive measure in the heart of a recession.

Consequently, we believe your bill would provide an effective means to enable cities to stabilize their budgets while responding to the demands placed upon them. We believe that to be a necessary step and fully support your efforts.

Sincerely,

ALAN BEALS,
Executive Director.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., February 16, 1983.

Hon. JOHN HEINZ,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR HEINZ: The U.S. Conference of Mayors strongly supports legislation to accelerate general revenue sharing payments beginning in FY83. we feel that additional funds channeled through the revenue sharing program at this time would accomplish several objectives simultaneously. It would inject money into the economy quickly, alleviate fiscal stresses on local governments, create jobs at the local level, and provide funds to meet emergency needs of the poor for food, shelter, and social services.

We understand that an acceleration of payments would not result in any net increase in federal spending over the long term, but only a one-time increase in FY83.

We are pleased that you are submitting this legislation, and pledge to work with you to secure its enactment.

Sincerely,

JOHN J. GUNTHER,
Executive Director.●

Mr. DURENBERGER. Mr. President, I am delighted to join the distinguished chairman of the Subcommittee on Revenue Sharing in cosponsoring legislation to require acceleration of the payment of general revenue-sharing entitlements to local governments. This is a timely proposal and I urge the Senate to take quick action to pass the bill. It not only provides urgently needed assistance to victims of the recession, but does so in a manner consistent with the President's own jobs bill. It does not create new spending. This legislation merely speeds up spending already required by law. As such, it will have no effect on the budget deficits in fiscal year 1984 and beyond.

Recessions produce a variety of hardships and no single Federal response is adequate. People lose their jobs and demands for State and local services increase to meet the needs of the unemployed. At just the time such service demands increase, State and local revenues fall off as overall wages and salaries decline. This requires any Federal response to be multifaceted if it has the hope of alleviating undue hardship.

First and foremost, the Federal Government has a responsibility to put in place policies that will lead to a sustained economic recovery. No possible spending program devised in Washington can hope to approach the ability of a strong economic recovery to solve the problems of the unemployed and to relieve distressed State and local governments. I am happy to say we are now seeing the beginnings of such a recovery.

In the meantime, however, the needs of the unemployed must be met, and some way must be found to relieve the pressure on recession-ravaged State and local revenues. There is, in other words, a definite Federal responsibility to provide emergency assistance when recessions become so severe as to inflict unreasonable hardship on individuals, regardless of sincere efforts by State and local governments and the private sector to mitigate those effects. We are in such a situation now. This point was made articulately last November in a letter to Members of the House of Representatives from the executive director of the U.S. Conference of Mayors. Speaking for over 450 mayors in that letter, the executive director said:

> The needs of the unemployed for food, shelter, medical care, clothing and heat—the essentials of life—are outstripping the combined public and private resources of cities across the country.

He requested that Congress provide emergency assistance to the cities of America to see them through the coming months in which local resources would prove inadequate to the task.

During the lameduck session at the end of the 97th Congress, several of my colleagues joined with me in suggesting to the President a significant step, which he could take immediately, to make $1.14 billion available to local governments for purposes of meeting emergency needs. Without waiting for congressional action, the President could accelerate general revenue-sharing payments by 90 days. The law provides that the quarterly payment be made at any time during the quarter up to 5 days after the quarter's close. Since the program's inception in 1972, the Treasury Department has exercised this flexibility to make the quarterly payment on the fifth day after the close of the quarter in which the payment is due. Therefore, it was possible under existing law for the President to move the second quarter payment for 1983 up to the beginning of January to coincide with the scheduled payment for the first quarter. Moving subsequent payments to the beginning of each quarter would then assure no disruption in the general revenue-sharing program, while providing a one-time supplement of $1.14 billion that could be used by local governments for emergency relief.

Unfortunately, this idea for providing emergency relief became entangled with the debate over passing a jobs bill during the closing days of the 97th Congress. As a result, no action was taken.

Today, the distinguished Senator from Pennsylvania proposes a bill to force the acceleration of third quarter

revenue-sharing payments from July 5 to April 5 to coincide with scheduled payments for the second quarter. Under this bill, all subsequent revenue sharing payments would be moved up to the beginning of the quarter. I commend the Senator for taking this action. I trust that taking the step to introduce the proposal formally as a bill will have the effect of separating the discussion of a jobs bill from the more immediate need for emergency assistance at issue here.

While I am most pleased with the opportunity to bring the matter before the Congress, I take this opportunity to renew my suggestion to the President that he take action immediately without waiting for Congress to act. Even if Congress moves expeditiously in this matter, costly time will be wasted and undue hardship will result. By taking action now, the President can prevent this delay. The President, should he announce such a decision, could call upon local officials across the Nation to hold public hearings to determine how best to spend this infusion of Federal funds. He might also urge local officials of overlapping jurisdictions to work together—perhaps by consolidating this accelerated payment into a single targeted sum—to insure the most efficient use of these moneys to provide emergency assistance.

Whether the President moves ahead on his own or Congress acts to force the acceleration, this approach to providing relief to victims of the recession should be taken. The "delivery mechanism" for emergency assistance is already in place and has proved itself repeatedly. It is called local government. It works.

Mr. President, I ask that a copy of the November 26, 1982 letter from the executive director of the U.S. Conference of Mayors, the December 17, 1982 letter to the President from Senators DOLE, DOMENICI, GRASSLEY, DANFORTH, and myself, and a table showing the distributional effects of this bill all be included in the RECORD at this point.

Thank you.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., November 26, 1982.

DEAR REPRESENTATIVE: Considerable public attention has been focused recently on the problems of unemployed people in this nation. The Conference of Mayors supports and will continue to work with you on legislation to address these problems, such as a job creation measure that would fund repairs for streets, bridges, and water and sewer systems. But there is an immediate human need in cities which must be met. Congress must enact an emergency measure to provide emergency services to unemployed and homeless people this winter.

The needs of the unemployed for food, shelter, medical care, clothing and heat—the essentials of life—are outstripping the combined public and private resources of cities across the country. Extraordinary efforts are being made by government, religious and voluntary agencies, but a serious shortfall in service remains. According to a survey by city human service officials affiliated with the U.S. Conference of Mayors, less than half of the emergency service requests in cities are being met by our agencies.

Earlier this week leaders of our Health, Education, Employment and Human Services Committee met in Washington to discuss this pressing matter. They called for an emergency appropriation during the lame duck session of $500 million for use this winter in cities. Funds would be available to meet emergency needs such as food, shelter, heat, medical care, or clothing. A possible vehicle is the Low Income Energy Assistance Program; its purposes are similar and it has an interstate allocation formula and distribution mechanism already in place. The funds appropriated could be earmarked for more general emergency services through an amendment to the continuing resolution or some other measure.

On behalf of the mayors of this nation I urge you to pass a $500 million emergency measure during the lame duck session. Action cannot be delayed on what is literally a life and death issue for many thousands of unemployed homeless Americans.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

WASHINGTON, D.C.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As the Congress concludes the lame duck session, the human need created by unemployment remains a pressing problem. It is apparent that extraordinary measures will be necessary this winter to care for the millions of jobless Americans.

Several proposals to provide public works employment and emergency relief have been considered by the Congress. Whatever the legislative outcome on these various jobs measures, there is a significant step that we would respectfully bring to your attention. It is possible under the provisions of the general revenue sharing program for you to make $1.15 billion immediately available to local government for the purposes of meeting employment and other needs.

When the general revenue sharing program was created in 1972, payments were authorized at any time during each quarter up to 5 days after the quarter closed. Since the first payment in 1972, each Administration has chosen to make the general revenue sharing payment 5 days after the quarter closed. On January 5, 1983 the payment for the first quarter of Fiscal Year 1983 is scheduled to be made. Under provisions of the authorization, the payment for the second quarter of Fiscal Year 1983 could be made at the same time. Moving subsequent payments to the beginning of each quarter would assure no disruption in the general revenue sharing program, while providing a one-time supplement of $1.15 billion that could be used by local governments for emergency relief this winter.

Mr. President, we believe that there are several advantages which recommend this alternative for your serious consideration. Funds would be immediately available to local governments. General revenue sharing is a no strings program that allows local government to apply the dollars to their most pressing problems. And no Congressional authorization is necessary for you to implement this supplemental payment. As employees, as primary agent for public investment, and as the first line of help in difficult times we are certain that local government can make effective use of these funds now.

As we work in these closing days of the 97th Congress to shape the most appropriate and effective response to the urgent needs of unemployed Americans, we respectfully request you consider early implementation of this suggestion.

Respectfully,

BOB DOLE.
CHUCK GRASSLEY.
JACK DANFORTH.
DAVID DURENBERGER.
PETE DOMENICI.

GENERAL REVENUE SHARING QUARTERLY PAYMENTS, FISCAL YEAR 1983

State	Local governments		Total [1]	Quarterly payment
	Counties	Municipalities		
Alabama	67	429	496	$18,473,808
Alaska	8	142	218	5,194,482
Arizona	14	75	111	16,213,708
Arkansas	75	473	548	12,046,010
California	57	425	542	129,971,928
Colorado	62	266	331	12,999,363
Connecticut		34	187	13,584,219
Delaware	3	56	59	3,435,362
District of Columbia			1	4,664,328
Florida	66	394	462	42,216,694
Georgia	158	537	695	28,552,298
Hawaii	3	1	4	5,567,329
Idaho	44	199	248	4,543,771
Illinois	102	1,281	2,817	55,061,396
Indiana	91	565	1,664	20,582,892
Iowa	99	955	1,055	13,640,023
Kansas	105	625	2,155	9,101,258
Kentucky	119	421	540	18,442,753
Louisiana	125	301	427	24,130,165
Maine	16	22	517	7,022,672
Maryland	23	151	174	21,614,180
Massachusetts	12	39	363	34,639,242
Michigan	83	531	1,865	44,865,026
Minnesota	87	855	2,749	21,342,388
Mississippi	82	291	374	15,618,075
Missouri	114	924	1,364	20,167,030
Montana	54	126	187	4,280,758
Nebraska	93	535	1,105	7,419,566
Nevada	16	17	52	3,352,738
New Hampshire	10	13	246	3,586,905
New Jersey	21	333	590	36,749,014
New Mexico	33	98	157	7,786,722
New York	57	616	1,612	118,687,956
North Carolina	100	481	582	30,374,109
North Dakota	53	364	1,789	3,107,772
Ohio	88	938	2,346	44,505,825
Oklahoma	77	575	678	13,920,256
Oregon	36	241	282	13,029,811
Pennsylvania	66	1,017	2,634	55,419,344
Rhode Island		8	39	4,848,532
South Carolina	46	266	312	17,283,868
South Dakota	66	312	1,397	3,662,639
Tennessee	94	334	428	21,123,965
Texas	254	1,100	1,356	59,496,435
Utah	29	224	258	8,610,807
Vermont	14	59	310	3,173,648
Virginia	95	229	326	23,768,414
Washington	39	265	328	17,173,811
West Virginia	55	231	286	10,616,611
Wisconsin	72	579	1,931	23,496,708
Wyoming	23	90	115	2,540,988
U.S. total	3,106	19,043	39,312	1,141,710,091

[1] Includes townships, Indian tribes and Alaskan Native villages.

By Mr. PRESSLER:

S. 526. A bill to provide relief from honey imports; to the Committee on Finance.

HONEY IMPORTS

Mr. PRESSLER. Mr. President, I am very concerned about the survival of the American honey producer. Honey imports have dramatically increased, driving up the cost of the honey loan program and causing the administra-

tion to propose making the honey program discretionary. The recent announcement by the administration to propose a revision in the honey price support program will threaten the honeybee industry in America. Today I am introducing legislation which would address the real problem in the honey program, rather than threaten the economic survival of beekeepers. The legislation would also reduce the cost of the honey program. My legislation would increase the tariff on honey imports from 1 to 10 cents per pound.

In recent years, honey imports have increased dramatically, displacing domestic production and forcing producers to put their honey under loan, rather than selling the product. Up until 1972, honey imports were fairly stable, at approximately 5 percent or less of total U.S. honey production. Since 1972, honey imports have steadily increased to the point that in 1982, we imported 92 million pounds of honey, which is approximately 41 percent of our total production. However, the exact percentage is unknown because USDA no longer reports U.S. honey production. These imports displace domestic production and have forced U.S. producers to place 87 million pounds of 1982 honey under CCC loan, rather than selling their products. It is estimated that 60 million pounds of honey will not be sold and the CCC will take possession of it on July 1, 1983.

Unlike most commodities, record harvests have not created the surpluses or increased costs. In fact, honey production has actually declined from the 1950's and 1960's. Honey production in 1981 was the second lowest level since 1955, with 1977 being the lowest. Since the early 1970's, domestic honey production has declined or remained steady because of the reduced yields. It is not known why the yields have been reduced. It is clear, though, that when beekeepers are suffering from reduced yields, it is not the time to cut their price support program.

The honeybee is an essential element in American agriculture and the economy. Honeybees pollinate many agricultural crops. Approximately 90 crops grown in the United States are dependent on bees to some extent for pollination. The estimated value of the crops pollinated by bees varies widely. If you consider only the fruit, vegetables, and seeds resulting from bee pollination in the United States, the estimated value would be $10 to $15 billion. However, the importance of bees goes far beyond the crops directly benefiting from bee pollination. In fact, it has been estimated that almost one-third of our total diet comes directly or indirectly from insect-pollinated plants. With food costs in the United States at over $100 billion annually, it is clear that bees are vital to the American public. Without the honeybee to pollinate crops, the diet of American consumers would be limited to nuts, cereal grains, and meat. The cost of meat products would also increase without the honeybee.

The honey industry is also an important sector of our national economy. There are approximately 300,000 beekeepers throughout the United States. The beekeepers own 4.3 million colonies of honeybees, which produce about $100 million worth of honey annually. These figures do not include the thousands of people involved in the processing and distributing of honey to American consumers.

Honey imports have also had a dramatic impact on the cost of the honey price support program. The estimated total cost of the honey program for 1982 is $70 million. This includes $25 million for acquisition, with the rest being for processing, transportation, storage and other costs. The surplus honey acquired in recent years has been distributed in the school lunch program and to food banks. It is not known how much honey these programs can effectively utilize.

My legislation would increase the tariff for honey from 1 to 10 cents. This would bring our tariff in line with that of other nations. The 1-cent tariff on honey was imposed in 1948 and has never been increased. Similar action was recommended to control honey imports by the International Trade Commission in 1976. Unfortunately, no action was taken. Now we must take action to protect an essential industry in the United States.

Mr. President, I urge colleagues to join me in support of this legislation and my efforts to preserve the honeybee in America.

Mr. President, I ask unanimous consent that certain data and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 155.70 of part 10 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "1¢" and inserting in lieu thereof "10¢"; and

(2) by striking out "3¢" and inserting in lieu thereof "20¢".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

CROPS THAT REQUIRE OR BENEFIT FROM POLLINATION BY HONEY BEES

MAJOR CROPS

Alfalfa; Almond; Apple; Avocado; Cherry; Citrus: Orange, Tangelo, Tangerine; Cotton; Nectarine; Peach; Pear; Plum; Prune; and Sunflower.

MINOR CROPS

Acerola (Barbados cherry); Apricot; Asparagus; Blackberry; Blueberry; Broadbeans; Broccoli; Brussels sprouts; Buckwheat; Cabbage; Caraway; Carrot; Cauliflower; Celery; and Chestnut.

Chicory; Chinese gooseberry (Kiwi); Clover: Alsike, Arrowleaf, Ball, Berseem, Crimson, Persian, Red, Rose, Strawberry, White, White Ladino, White sweet, and Yellow sweet; Coconut; Coffee; Collards; and Coriander.

Crabapple; Cranberry; Crownvetch; Cucumber; Currant; Dewberry; Dill; Drug plants; Eggplant; Endive; Feijoa; Fennel; Fig; and Flax.

Garlic; Gooseberry; Grape (muscadine); Guar; Guava; Huckleberry; Jujube; Kale; Kidneyvetch; Kohlrabi; Kudzu; Lavender; Leek; Lespedeza; and Lima bean.

Litchi; Loquat; Lupines; Macadamia nut; Mango; Muskmelon: Casaba, Cantaloupe, Crenshaw, Honeyball, Honeydew, Honeyrock, Pershaw, Persian, Santa Claus.

Mustard; Okra; Onion; Papaya; Parsley; Parsnip; Passion fruit; Pawpaw; Pepper; Persimmon (native); Pomegranate; and Pumpkin.

Radish; Rape; Raspberry; Rutabaga; Safflower; Sainfoin; Soybean; Squash; Strawberry; Tendergreens; Trefoil; Tung; Turnip; Vanilla; Vetch; and Watermelon.

TABLE 1.—TARIFF RATES ON HONEY IMPORTS

Country	Tariff Rate
Argentina	28% ad valorem.
Australia	2% ad valorem.
Bahamas	32.5% ad valorem.
Brazil	Imports prohibited.
Bulgaria	100% ad valorem.
Canada	1½ cents per pound.
China	80% ad valorem.
European Community (10 members).	27% ad valorem; 22% ad valorem for selected developing countries.
Hong Kong	None.
Hungary	30% ad valorem.
Iraq	Government imports all honey; if there is any import duty it would be waived.
Japan	30% ad valorem.
Kuwait	3% ad valorem.
Malaysia	About 11.3 cents per pound plus 5% surcharge on cost plus freight value.
Mexico	50% ad valorem plus a 2% surcharge used for export promotion and a 1½ surcharge used for port improvement.
Romania	50% ad valorem.
Saudi Arabia	3% ad valorem.
Singapore	11.9 cents per pound.
Turkey	50% ad valorem.
United States	1 cent per pound for most favored nations; 3 cents per pound for others.
Venezuela	60% ad valorem but imported only by the government so duty is probably waived; plus customs duty of 3.5% if shipped by barge and 5.5% if by air.

Note: An "ad valorem" duty is assessed as a percentage of the value of the imported item.

By Mr. GRASSLEY (for himself, Mr. WALLOP, Mr. BENTSEN, Mr. BOREN, Mr. SYMMS, Mr. KASTEN, Mr. DURENBERGER, and Mr. ROTH):

S. 527. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of agricultural commodities received under a payment in kind program; to the Committee on Agriculture, Nutrition, and Forestry.

PAYMENT-IN-KIND TAX CLARIFICATION ACT OF 1983

● Mr. GRASSLEY. Mr. President, I rise to introduce a bill with Senator WALLOP to correct the adverse tax con-

sequences to farmers who participate in the Department of Agriculture's payment-in-kind program. The payment-in-kind program (PIK) is an innovative agricultural program which gives farmers commodities for removing acreage from production. This program accomplishes two goals, it reduces the supply of certain surplus commodities by encouraging farmers not to grow this season: It also draws down Government reserves acquired under agricultural programs. The PIK program is threatened with failure because farmers are fearful of the adverse income and estate tax consequences of participating in the program.

When a farmer has the right to receive a commodity under the PIK program, if current law is unchanged that taxpayer must take the fair market value of the corn into income under the doctrine of constructive receipt. Consequently, a farmer may have the right to receive a commodity as early as October of 1983, if he stored his 1982 crop until 1983 or relinquished it at the expiration of his Commodity Credit Corporation loan term. The possibility of recognizing the income from 2 crop years has dissuaded many farmers from entering the program. Our bill gives the farmer a zero basis in the commodity received, and permits him to recognize that income when the commodity or livestock fed with PIK commodities is sold or exchanged. The Grassley-Wallop proposal treats these commodities as grown in most instances, permitting a farmer to recognize income when they are sold, but giving him a zero basis in the crop.

Some agricultural taxation experts have cautioned farmers that participation in the PIK program will jeopardize their eligibility for reduced payment of estate taxes and the election to defer payment of estate tax. Farmers and small businessmen who are actively involved in the family enterprise for 5 of 8 years before death and on the date of death are eligible for reduced estate tax if their heirs continue the family enterprise for 10 years beginning 2 years after the death of the family business owner. To be eligible, both generations must use the property in a qualified use. There is some question as to whether or not farmland placed in the PIK program is used in the active trade or business of farming for these purposes. Our bill clarifies this issue by permitting a farmer to retain his eligibility for this provision, called special use valuation, if he materially participates in the farm operation for 2 of 8 years before death if a portion of his land was in a PIK program. The land not placed in a PIK program must be farmed 5 of 8 years before death and on the date of death to be eligible for special use valuation. The Grassley-Wallop bill also permits heirs to retain special use valuation if they participate in the PIK program. If an heir places land in the PIK program, that heir is not disqualified from the special use requirement of keeping the land in a qualified use if he farms the land 7 of 10 years following the grace period after the decedent's death, and the land is in a PIK program for all 3 years it is not farmed by the heir. These provisions are designed to allow a farmer to participate in the PIK program and still be considered a farmer for purposes of estate tax. Since the payment-in-kind program is a Federal program designed to have farmers remove their land from production, I believe farmers should not be adversely affected under our estate tax law by following Federal agricultural policy.

Another provision of this legislation clarifies the ownership of a PIK commodity marketed by a cooperative to permit the cooperative to retain its tax preferred status.

The effective date of this legislation is December 31, 1982, to permit all PIK enrollees to have consistent tax treatment. It sunsets when the program is anticipated to expire on April 1, 1986.

The deadline for enrollment in the PIK program is March 11, 1983. Many farmers are hesitant to sign up for this important program without some clarification of the tax consequences. Senator DOLE has assured me that he intends to move quickly on this important issue. Senator WALLOP has invited my subcommittee to join him in hearings on this issue on the afternoon of February 28, 1983. Members of the Committee on Ways and Means are also working on this issue and are drafting corrective legislation. It is my hope that a compromise solution can be devised before the March 11 deadline to clarify consequences of participating in the PIK program.

As my colleagues are well aware, our Nation's farm economy is faltering under the heavy weight of a significant imbalance between supply and demand of grains, oilseeds, and cotton. During the last 2 years, production of these commodities have reached record levels, far surpassing demand which has been weakened by world recession, a strong U.S. dollar, high interest rates, the lingering effects of the Soviet grain embargo, unfair trade practices by some of our competitors, as well as a number of other factors.

With hopes for significant market recovery, the Reagan administration came forth with the innovative payment-in-kind program. This plan, aimed at reducing production and surplus stocks, thus stabilizing and improving farm prices, while at the same time reducing the growing Government costs for farm programs, provided some real hope to our financially strapped for price recovery.

The USDA predicts the PIK program can reduce by 23 million acres the land devoted to the five eligible crops. Production and ending stocks of wheat and feed grains are expected to fall by 1 billion bushels. Some economists estimate that corn stocks alone could be reduced by about one-half billion bushels to bring ending stocks to around 2.8 billion bushels. These same economists predict that strong participation in the PIK program could raise corn prices by 20 cents per bushel above the otherwise expected $2.25 to $2.30 per bushel. Prices could go up to $2.90 by 1984.

But the success of this new program will depend upon the level of farmer participation. One of the factors working against the program is that the Midwest water tables are in better shape than they have been in for years. Poor PIK participation will spell almost certain record production levels again this year.

Most of the farmers I have talked to are very excited about the PIK program. Although they recognize it is not an overnight cure, nor that it satisfies all farmers, they expected to participate and expected most of their neighbors to do likewise.

This positive outlook quickly faded once the tax complications of the PIK program became apparent. Now, the program and its likelihood of success is in serious jeopardy because farmers cannot afford the tremendous tax consequences.

Congress cannot let this program fail. We must move quickly on legislation that will resolve these tax problems. I urge my colleagues to join me in sponsoring this legislation and to work expeditiously for its enactment.●

● Mr. WALLOP. Mr. President, it is with pleasure that I join with my colleague on the Senate Finance Committee, Senator GRASSLEY, in introducing the Payment-in-Kind Tax Clarification Act of 1983. It is the purpose of this legislation to address the tax problems that have been highlighted as a result of the administration's PIK program. The objectives of that program are not only laudable, but necessary if we are to provide constructive relief for the ailing farm economy. However, if the PIK program is to have a chance, several important tax issues must be resolved before March 11 of this year, the last day farmers can sign up to participate in the PIK program.

In an effort to improve the total farm economy, the administration has offered the payment-in-kind program as a viable means of reducing grain stocks while at the same time reducing production—the end result being the improvement of farm prices. The program has other benefits as well. While lessening the pressure on available storage space for farm products, the

producer is offered the same return on investment as if he had grown the PIK crop himself, avoiding the variable costs of planting the PIK acreage and significantly lowering production risks. The bottom line is that the program is good for the Government and it is a good deal for the farmer.

The PIK program has, however, raised some significant tax problems which must be addressed if we hope to get the kind of participation from the ag community that is necessary to make the program a success. These problems include income taxes, estate taxes, and the farm cooperative taxation. The problems are not insurmountable, and indeed I believe it is safe to say that the administration and the Congress will cooperate to the fullest extent to see that the problems are resolved in a satisfactory and timely manner.

Two principal tax questions have been asked concerning the PIK program; both are of great concern to the agricultural community, and both are addressed in this legislation. When should the farmer recognize income from the PIK crop? Current law may well require a different tax treatment than if the farmer has produced the crop. For tax purposes, income from the crop that is grown is recognized when the crop is sold. That may be in the year the crop is grown or it may be years later. However, for the PIK crop, the IRS may well be in the position of telling the farmer that he must recognize the income from the PIK crop when he receives the crop and not in the year he sells it. The farmer may be paying taxes on the PIK crop even though he has not sold it. That is not fair to the producer, and I will guarantee you that many producers who would participate in the program will not because of that fact. This legislation will assure the producer that taxation on the PIK crop will occur just as if he had grown it—when he sells the crop and has the money in hand to pay the taxes.

As significant is the estate tax question. In 1981 I was proud to play a vital role in the passage of legislation which brought long overdue relief to farmers and ranchers who wanted the opportunity to pass their acreage on to their family to perpetuate the traditional of the family farm. One of the changes made last year was a liberalization of the current use valuation (2032A) to encourage the continuation of the family farm and the family owned small business. One of the qualifications which must be met before property is eligible for current use valuation is that the property is eligible for current use valuation is that the property must be used as a farm for 5 of the last 8 years prior to the decedent's death and on the date of the death. It has been suggested that if a producer who was participating in the PIK program and thereby had 10 to 30 percent additional land not in production died during that time, that the PIK land would not qualify for the current use valuation. That result is best characterized as ridiculous. If the Government is encouraging producers to take acreage out of production, land which would otherwise be in production, we should surely not put ourselves in the position of telling that producer that because he participated as we asked him to do, he will be denied estate tax benefits which are designed to encourage the perpetuation of the family farm and family owned small business in America. I cannot believe that the prospect is an intended result. This legislation simply states that all PIK lands shall be deemed to have been in use. As the duration of the PIK program will stretch no more than 2 to 3 years, this provision should easily resolve the hesitation producers may have in participating in the program because of possible estate tax ramifications.

This legislation also deals with certain technical aspects of the tax treatment of farmer cooperatives. It is the intent of these provisions to assure that participation in the PIK program will not produce adverse consequences with respect to the preservation of the cooperatives current tax status.

In conclusion, Mr. President, I would like to emphasize the importance of this legislation. It is in reality the key to active participation in a program that will benefit not only the farmers of this Nation, but also the Federal Government. It is estimated that by the end of October the United States will hold nearly 150 million tons of grain stocks—that is roughly 60 percent of the total world stocks and much more than we export on an annual basis. We are producing more, but world demand is less. The dollar is stronger, but grain prices are weak. In my home State of Wyoming, annual farm income has dropped dramatically. In 1979, Wyoming had net farm income of nearly $107 million. In 1979 that total had shrunk to mere $1.1 million—$118 for each of the State's farms and ranches operating in 1981. The importance of legislation, which seeks to provide constructive relief to a slumping economic situation, cannot be underestimated.

Hearings on this PIK legislation will be held in the Energy and Agricultural Taxation Subcommittee, which I chair, in conjunction with Senator GRASSLEY's subcommittee in the afternoon of February 28. It is my sincere hope that all interested parties will submit their comments so that all concerns can be addressed and resolved.

Mr. President, I ask unanimous consent that the text of the bill follow in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Payment In Kind Tax Clarification Act of 1983".

SEC. 2. TREATMENT OF INCOME FROM COMMODITIES RECEIVED UNDER PIK PROGRAMS.

Section 451 of the Internal Revenue Code of 1954 (relating to general rule for taxable year of inclusion) is amended by adding at the end thereof the following new subsection:

"(f) Special Rules for Agricultural Commodities Received Under a Certified Payment In Kind Program.—

"(1) In general.—In the case of a taxpayer who receives, or is entitled to receive, any commodity under a certified payment in kind program—

"(A) no income shall be treated as realized by reason of such receipt or entitlement, but

"(B) there shall be included in gross income the amount of any gain from the sale or exchange of such commodity.

"(2) SPECIAL RULES FOR DETERMINING AMOUNT AND CHARACTER OF GAIN, ETC.—In the case of any commodity which a taxpayer receives, or is entitled to receive, under a certified payment in kind program—

"(A) The cost basis of such commodity for purposes of section 1012 shall be zero.

"(B) For purposes of determining the character of gain (if any) from the sale or exchange of—

"(i) such commodity, or

"(ii) any property the basis of which is determined by reference to the basis of such commodity,

such commodity shall be treated as produced by the taxpayer.

"(C) For purposes of this title and the Social Security Act—

"(i) any income from the sale or exchange of such commodity shall be treated as income from the trade or business of farming, and

"(ii) the taxpayer shall be treated as being engaged in the trade or business of farming with respect to any property diverted from use in the trade or business of farming under such certified payment in kind program.

"(3) Special rules for certified payment in kind programs involving repayment of commodity credit loans.—

"(A) APPLICATION OF PARAGRAPH.—The rules of subparagraph (B) shall apply in any case in which any certified payment in kind program involves—

"(i) the repayment by the taxpayer of a loan from the Commodity Credit Corporation,

"(ii) the purchase by the Commodity Credit Corporation of the commodity securing the loan described in subparagraph (A), and

"(iii) the receipt (or entitlement to receipt) of such commodity by the taxpayer after such purchase as a payment in kind under such certified program.

"(B) Rules of application.—The rules of this subparagraph are as follows:

"(i) This subsection shall apply only to the transaction described in subparagraph (A) (iii) (and without regard to the transac-

tions described in clause (i) or (ii) of subparagraph (A)).

"(ii) In the case of the transactions described in clause (i) or (ii) of subparagraph (A), such transactions shall—

"(I) in the case of a taxpayer who made an election under section 77 with respect to the loan, be treated as transactions closing the sale of the commodity to which section 77 applied, and

"(II) in the case of any other taxpayer, be treated as a sale of such commodity.

"(4) Amounts received by the taxpayer as reimbursement for storage.—A taxpayer reporting on the cash receipts and disbursement method of accounting shall not be treated as being entitled to receive any amount as reimbursement for storage of commodities received by the taxpayer under a certified payment in kind program until such amount is actually received by the taxpayer.

"(5) Certified payment in kind program.—The term 'certified payment in kind program' means any program—

"(A) under which the Secretary of Agriculture or his delegate makes payments in kind of any agricultural commodity to any producer of agricultural comodities who—

"(i) diverts farm acreage from the production of an agricultural commodity, and

"(ii) devotes such acreage to conservation uses, and

"(B) which the Secretary of Agriculture certifies to the Secretary of the Treasury as being described in subparagraph (A).".

SEC. 3. ESTATE TAX PROVISIONS.

(a) SPECIAL USE PROVISIONS.—

(1) QUALIFIED REAL PROPERTY.—Subsection (b) of section 2032A of the Internal Revenue Code of 1954 (defining qualified real property) is amended by adding at the end thereof the following new paragraph:

"(6) TREATMENT OF PROPERTY DIVERTED FROM FARM USE UNDER A CERTIFIED PAYMENT IN KIND PROGRAM.—For purposes of determining whether the requirements of paragraph (1) are met with respect to any real property, such property shall be treated as used for a qualified use during the period—

"(A) beginning on the first day on which such property is diverted by the decedent or members of the decedent's family from use for a farming purpose under a certified payment in kind program (within the meaning of section 451(f)(5)), and

"(B) ending on the earlier of—

"(i) the date which is 3 years after the date described in subparagraph (A), or

"(ii) the first date on which such property ceases to be so diverted by the decedent or members of the decedent's family under such program.".

(2) CESSATION OF USE.—Subsection (c) of section 2032A of such Code (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end thereof the following new paragraph:

"(8) Special rules for cessation of use under a certified payment in kind program.—A qualified heir shall not be treated for purposes of this subsection as ceasing to use real property for a qualified use during the period—

"(A) beginning on the first day on which such property is diverted by the qualified heir from use for a farming purpose under a certified payment in kind program (within the meaning of section 451(f)(5)), and

"(B) ending on the earlier of—

"(i) the date which is 3 years after the date described in subparagraph (A), or

"(ii) the first date on which such property ceases to be so diverted by the qualified heir under such program.".

(b) Extension of Time for Payment of Estate Tax.—Subsection (g) of section 6166 of the Internal Revenue Code of 1954 (relating to acceleration of payment) is amended by adding at the end thereof the following new paragraph:

"(4) Special rule for property diverted from use under a payment in kind program.—For purposes of paragraph (1), property which is used in the trade or business of farming shall not be treated as withdrawn from such trade or business if such property is diverted from use for farming purposes solely by reason of participation in a certified payment in kind program (within the meaning of section 451(f)(5)).".

SEC. 4. COOPERATIVES.

(a) Cooperatives Exempt From Tax.—Subsection (b) of section 521 of the Internal Revenue Code of 1954 (relating to applicable rules for tax-exempt farmers' cooperatives) is amended by adding at the end thereof the following new paragraph:

"(6) Special rule for payment in kind commodities.—If any cooperative markets any commodity received by, or on behalf of, a member under a certified payment in kind program (within the meaning of section 451(f)(5)), the cooperative shall be treated as marketing the product of such member.".

(b) Cooperatives and Patrons.—Section 1388 (relating to definitions and special rules) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) Special Rule for Payment in Kind Commodities.—For purposes of this chapter, if any cooperative markets any commodity received by, or on behalf of, a patron under a certified payment in kind program (within the meaning of section 451(f)(5)), the cooperative shall be treated as marketing the product of such patron.".

SEC. 5. EFFECTIVE DATE.

(a) In general.—Except as provided in this section, the amendments made by this Act shall apply to commodities received under a certified payment in kind program (within the meaning of section 451(f)(5) of the Internal Revenue Code of 1954) after December 31, 1982, and before April 1, 1986.

(b) Estate Tax Provisions.—The amendments made by section 3 shall apply to real property diverted from agricultural use under a certified payment in kind program (as so defined) by reason of commodities received under such program after December 31, 1982, and before April 1, 1986.●

● Mr. BOREN. Mr. President. I am pleased to add my name as a cosponsor to the Payment in Kind Clarification Act of 1983 introduced today by Senators GRASSLEY and WALLOP. I join them because I feel that the economic condition of American agriculture has reached a serious level, and I am worried that farmers will be discouraged from signing up for the payment-in-kind program unless we move rapidly to correct its current tax problems. There are currently three tax related problems associated with the PIK program.

The first problem deals with the time when a farmer must recognize income from a PIK crop. For tax purposes, farmers are allowed to defer payment of income taxes on grain they produce until they actually sell it. However, farmers may be forced to pay income taxes on PIK crops in the year they are received and not in the year they are actually sold. This legislation will assure that a farmer participating in the PIK program will have to pay income taxes on his PIK crop only after he has sold it.

An additional problem involves estate taxation of farm property. Farmers are currently given special property valuations for property currently in use. Under the current PIK program there exists the possibility of the PIK land set aside would not qualify for the current use valuation. In effect we are encouraging farmers to put land out of production on one hand and are denying them the estate tax benefits that are designed to encourage the perpetuation of the family farm with the other. This legislation will designate all PIK lands to have been in use for estate tax purposes.

Finally, there are problems in the present PIK program with respect to the tax treatment of farmer cooperatives. This legislation contains provisions to assure participation in the PIK program will not produce adverse consequences with respect to the preservation of the cooperative's current tax status.

Passage of this measure will go a long way toward alleviating the fears of those farmers who are rightfully concerned about the tax problems with the PIK program.●

By Mr. DOLE (for himself, Mr. PACKWOOD, Mr. MOYNIHAN, Mr. ROTH, and Mr. D'AMATO):

S. 528. A bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition; to the Committee on Finance.

EDUCATIONAL OPPORTUNITY AND EQUITY ACT OF 1983

● Mr. DOLE. Mr. President, I have been a long-time supporter of providing Federal income tax relief for lower and middle income families who carry the additional burden of supporting the public schools while sending their children to private schools. Because of this double burden, an alternative to public education simply is not available to lower income families today and is not available to middle income families without substantial sacrifice. Inflation in recent years has made matters worse. Yet, alternatives to public education contribute to the pluralism that helped make our society strong. Alternatives to public education can also help stimulate improvements in our public schools through the competition those alternatives present. A strong system of private schools available to all income classes should contribute to a better educa-

tion for all of our children and an educated skilled populace is an essential ingredient in maintaining this Nation's technological and industrial prominence.

President Reagan made a campaign promise to provide relief to these families who carry a double burden by providing a tax credit for a portion of the tuition they pay for their childrens' education. During the last Congress, I was pleased to introduce the administration's tuition tax credit bill. Hearings on the bill were held before the Senate Finance Committee on July 16, 1982, and in September, the committee ordered favorably reported a bill providing for tuition tax credits.

Unfortunately, we were unable to bring the bill to the Senate floor in the 97th Congress. It is my sincere hope that Finance Committee hearings and markup on tuition tax credits will be scheduled quickly so that a tuition tax credit bill can be reported to the Senate early in this Congress. In order to expedite consideration of this important legislation, I am today introducing a tuition tax credit bill transmitted yesterday by the President to the Congress.

The President's new bill is substantially the same as the bill reported last September by the Senate Finance Committee, with some minor modifications and technical corrections.

PHASED IN NONREFUNDABLE CREDIT

This bill would phase in, over 3 years, a nonrefundable tax credit for one-half of tuition payments for the primary or secondary education of a taxpayer's dependents, up to a maximum per student of $100 in 1983, $200 in 1984, and $300 thereafter. The credit would be phased out for families with incomes of more than $40,000 and those with incomes of more than $60,000 per year would be ineligible. The well to do will not benefit from this bill.

Some supporters of tuition tax credits feel that private school tuition assistance should be available to individuals with no tax liability, on the same basis as higher income individuals with tax liability. They feel, accordingly, that any tuition tax credit legislation should include provisions making the tax credits refundable, in order that the benefits provided by the bill be available to lower income individuals. Last year, the members of the Finance Committee expressed their strong support for the concept of a refundable tuition tax credit. I fully expect that the issue of refundability will be considered again this year when the Finance Committee reviews this proposed legislation.

NO CREDITS FOR DISCRIMINATORY SCHOOLS

Although I support tuition tax credits in principle, I would not support any bill without adequate safeguards insuring that tax credits would not be allowed for payments to private schools with racially discriminatory policies or practices. Last year the Finance Committee carefully reviewed the antidiscrimination provisions of the administration's tuition tax credit bill. Extensive discussions were held with administration officials, and experts and interested laymen in the fields of education, civil rights and law. The final product of the Finance Committee's deliberations is a set of antidiscrimination rules that are airtight.

An eligible school will be required to include a statement regarding its maintenance of a nondiscriminatory policy in any published bylaws, admission materials and advertising. In addition, an eligible school must file annually with the Treasury Department a statement that it has not followed a racially discriminatory policy. Generally, a copy of this statement will have to be furnished to each individual who pays tuition to the school and must be attached to any return on which credits are claimed. In addition, the bill will disallow credits for payments to any school found to be following a racially discriminatory policy in an action brought by the Attorney General under the bill's declaratory judgment provisions.

Finally, although the bill has a general effective date of August 1, 1983, no credits will be allowed until a final decision of the Supreme Court of the United States or an act of Congress prohibits the granting of tax exemption under the Internal Revenue Code to private educational institutions that maintain a racially discriminatory policy or practice as to students. Since eligible schools must be tax exempt educational institutions under the Internal Revenue Code, this effective date provision provides an additional safeguard to insure that credits will not provide even indirect assistance to racially discriminatory private schools. Following the Finance Committee's careful review of the antidiscriminatory issue, I am convinced that the enactment of this bill will not in any way frustrate our fundamental national policy against racial discrimination in education.

CONSTITUTIONALITY

Some opponents of tuition tax credits claim that because of the religious affiliation of many private schools, tax relief for tuition payments violates the establishment clause of the first amendment. I do not agree, but it does not necessarily matter what I or any other Senator thinks about the constitutionality of this measure so long as we are not convinced that the provision does not clearly violate the first amendment—and the court decisions in this area are anything but unanimous and clear. It is up to the Supreme Court to decide the constitutionality of this bill, not us.

FISCAL RESTRAINT

Other opponents of tuition tax credits point to burgeoning deficits, and the painful process that Congress faces over the next few years in learning what fiscal restraint means. However, the Finance Committee's modifications to the original bill as introduced have effected substantial economies that significantly reduce the cost of tuition tax credits. By reducing the amount of allowable credits, delaying the bill's effective date, and lowering the phase-out and ineligibility criteria, this bill eliminates all revenue losses in fiscal year 1983, and reduces the total revenue loss over the 3-year period ending in fiscal year 1985 by $450 million. When the bill is fully effective in fiscal year 1986, the bill will cost less than $800 million each year. Of course, these costs are not insignificant. But in light of the long-term economic benefits to be obtained from encouraging investment in human capital, and promoting greater diversity and competition in education, these costs are a sound and prudent investment in our Nation's future.

Mr. President, I ask unanimous consent to include in the RECORD a copy of the bill, and a technical explanation of the bill's provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Educational Opportunity and Equity Act of 1983".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—the Congress finds that it is the policy of the United States to foster educational opportunity, diversity, and choice for all Americans. Therefore, this Act recognizes that—

(1) pluralism is one of the great strengths of American society, diversity in education is an important contributor to that pluralism, and nonpublic schools play an indispensable role in making that diversity possible;

(2) the existence and availability of alternatives to public education tend to strengthen public education through competition and to improve the educational opportunities of all Americans;

(3) Americans should have equal opportunities to choose between the education offered by public schools and available in private educational systems and should not be compelled because of economic circumstances to accept education provided by government-created and government-operated school systems, and to force such a selection is an unfair and unjust discrimination against persons of lesser means;

(4) increasing numbers of American families are unable to afford nonpublic school tuition in addition to the State and local taxes that go to support public schools, and tax relief for nonpublic school tuition expenses is necessary if American families are to continue to have a meaningful choice between public and private education at the elementary and secondary levels;

(5) tax relief in the form of tuition tax credits is the fairest way to extend a choice in education to a wide range of individuals, tax relief in the form of tuition tax credits creates the least possible danger of interference in the lives of individuals and families consistent with achieving these ends, and tax relief in the form of tuition tax credits achieves these ends with a minimum of complexity so that those for whom the tax relief is intended will be able to understand and take advantage of it;

(6) the tax revenue loss occasioned by a tuition tax credit for a child would be small compared to the cost to the State and local taxpayers of educating the child at a public school;

(7) equality of educational opportunity is the policy of the United States, and the tax relief afforded by this legislation should not be used to promote racial discrimination.

The Congress finds that this Act will expand opportunities for personal liberty, diversity, and pluralism that constitute important strengths of education in America.

(b) PURPOSE.—The primary purpose of this Act is to enhance equality of educational opportunity, diversity, and choice for Americans.

SEC. 2. CREDIT FOR TUITION EXPENSES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 44G the following new section:

"SEC. 44H. CREDIT FOR TUITION EXPENSES.

"(a) GENERAL RULE.—At the election of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified tuition expenses paid by such individual during the taxable year for any qualified dependent.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT PER QUALIFIED DEPENDENT.—

"(A) IN GENERAL.—The amount of the credit allowable to the taxpayer under subsection (a) with respect to any qualified dependent for any taxable year shall not exceed the applicable amount.

"(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means the excess, if any, of—

"(i) $300, over

"(ii) 1.5 percent (3 percent in the case of a married individual who does not file a joint return) of the amount, if any, by which the adjusted gross income of the taxpayer for the taxable year exceeds $40,000 ($20,000 in the case of such married individual).

"(C) TRANSITIONAL RULE.—For taxable years beginning after December 31, 1982, and before January 1, 1985, subparagraph (B) shall be applied—

"(i) in taxable years beginning in 1983, by substituting—

"(I) '$100' for '$300',

"(II) '0.5 percent' for '1.5 percent', and

"(III) '1 percent' for '3 percent', and

"(ii) in taxable years beginning in 1984, by substituting—

"(I) '$200' for '$300',

"(II) '1 percent' for '1.5 percent', and

"(III) '2 percent' for '3 percent'.

"(2) CREDIT NOT TO EXCEED TAX LIABILITY.—The credit allowed by subsection (a) shall not exceed the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than credits allowable by sections 31, 39, and 43.

"(c) CREDIT DENIED FOR AMOUNTS PAID TO RACIALLY DISCRIMINATORY INSTITUTIONS.—

"(1) DECLARATORY JUDGMENT ENTERED.—

"(A) IN GENERAL.—No credit shall be allowed under this section for any amount paid to an educational institution during any taxable year if—

"(i) within the calendar year ending with or within such taxable year or in any preceding calendar year—

"(I) a judgment has been entered by a district court of the United States under section 7408 (regardless of whether such judgment is appealed) declaring that such educational institution follows a racially discriminatory policy, or

"(II) an order by any United States Court of Appeals has been made which, by its terms, requires the district court to enter such a judgment, and

"(ii) no order described in section 7408(f)(2) with respect to such educational institution has been entered which is in effect for the calendar year ending with or within such taxable year.

"(B) REVERSALS OF DECLARATORY JUDGMENTS OR ORDERS.—

"(i) IN GENERAL.—A judgment or order described in subparagraph (A)(i) entered in an action brought with respect to an educational institution shall not be taken into account under subparagraph (A) for any taxable year if, after all appeals in such action have been concluded or the time for filing such appeals has expired, the declaration contained in such judgment, or required to be entered under the terms of such order, that such institution has followed a racially discriminatory policy is negated (other than by reason of an order described in section 7408(f)(2)).

"(ii) WAIVER OF LIMITATIONS.—Notwithstanding section 6511(a) or any other period of limitation or lapse of time, a claim for credit or refund of overpayment of the tax imposed by this chapter which arises by reason of this subparagraph may be filed by any person at any time within the 1-year period beginning on the earlier of—

"(I) the date on which all appeals with respect to the judgment or order described in subparagraph (A)(i) have been concluded, or

"(II) the date on which the time for such appeals has expired.

Sections 6511(b) and 6514 shall not apply to any claim for credit or refund filed under this subparagraph within such 1-year period.

"(C) STAY OF DECLARATORY JUDGMENT.—

"(i) IN GENERAL.—Any judgment or order described in subparagraph (A)(i) shall not be taken into account under subparagraph (A) for any taxable year if such judgment or order is stayed as of the close of such taxable year.

"(ii) REMOVAL OF STAY.—If a stay entered against a judgment or order described in subparagraph (A)(i) is vacated—

"(I) this subparagraph shall not apply with respect to such judgment or order for any taxable year preceding the taxable year in which such stay is vacated, and

"(II) notwithstanding any other provision of this title or of any other law, the statutory period for the assessment of a deficiency attributable to the disallowance of any credit under this section by reason of this clause shall not expire before the date which is 3 years after the close of the calendar year in which such stay is removed.

"(D) WAIVER OF LIMITATIONS IF INSTITUTION CEASES TO DISCRIMINATE.—Notwithstanding section 6511(a) or any other period of limitation or lapse of time, a claim for credit or refund of overpayment of the tax imposed by this chapter which arises by reason of a reversal of any order denying a motion under section 7408(f)(1)(A) may be filed by any person at any time within the 1-year period beginning on the date on which such reversal is made. Sections 6511(B) and 6514 shall not apply to any claim for credit or refund filed under this subparagraph within such 1-year period.

"(2) REQUIRED STATEMENTS.—

"(A) STATEMENTS FURNISHED BY INSTITUTIONS TO THE SECRETARY.—No credit shall be allowed under subsection (a) for amounts paid to any educational institution during the taxable year if such educational institution has not filed with the Secretary (in such manner and form as the Secretary shall by regulation prescribe) within 30 days after the close of the calendar year ending with or within such taxable year a verified statement which—

"(i) declares that such institution has not followed a racially discriminatory policy during such calendar year;

"(ii) indicates whether—

"(I) a declaratory judgment or order described in paragraph (1)(A)(i) has been entered against such institution in an action brought under section 7408;

"(II) a stay against such judgment or order is in effect; and

"(III) an order described in section 7408(f)(2) is in effect; and

"(iii) attests that such institution has complied with the requirements of subsection (d)(3)(D) during such calendar year.

"(B) STATEMENTS FURNISHED TO TAXPAYERS.—Except as otherwise provided by regulations, within 30 days after the close of the calendar year to which the statement described in subparagraph (A) relates, the educational institution shall furnish a copy of such statement to all persons who paid tuition expenses to the institution in the calendar year to which such statement relates.

"(C) STATEMENTS FURNISHED BY TAXPAYERS TO THE SECRETARY.—No credit shall be allowed to a taxpayer under subsection (a) for amounts paid to an educational institution during the taxable year if the taxpayer does not attach to the return on which the taxpayer claims the credit the statement described in subparagraph (a) which is furnished by such institution for the calendar year ending with or within such taxable year of the taxpayer.

"(3) ENFORCEMENT RESPONSIBILITY.—The Attorney General shall have exclusive authority under this subsection to investigate and to determine whether an educational institution is following a racially discriminatory policy.

"(4) RACIALLY DISCRIMINATORY POLICY.—For purposes of this subsection—

"(A) IN GENERAL.—An educational institution follows a racially discriminatory policy if such institution refuses, on the basis of race, to—

"(i) admit applicants as students;

"(ii) admit students to the rights, privileges, programs, and activities generally made available to students by the educational institution; or

"(iii) allow students to participate in its scholarship, loan, athletic, or other programs.

"(B) QUOTAS, ETC.—The term 'racially discriminatory policy' shall not include failure of any educational institution to pursue or achieve any racial quota, proportion, or representation in the student body.

"(C) RACE.—The term 'race' shall include color or national origin.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED TUITION EXPENSES.—The term 'qualified tuition expenses' means the excess of—

"(A) the amount of tuition expenses paid by the taxpayer during the taxable year to any eligible educational institution for any qualified dependent of such taxpayer, over

"(B) any scholarship or financial assistance paid during such taxable year to such qualified dependent or to the taxpayer with respect to such qualified dependent or to the taxpayer with respect to such qualified dependent.

"(2) QUALIFIED DEPENDENT.—The term 'qualified dependent' means any individual—

"(A) who is a dependent of the taxpayer (other than an individual described in paragraph (4), (5), (7), or (8) of section 152(a)),

"(B) who has not attained 20 years of age at the close of the taxable year, and

"(C) with respect to whom a deduction under section 151 is allowable to the taxpayer for the taxable year.

"(3) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means an educational institution—

"(A) Which provides a full-time program of elementary or secondary education;

"(B) which is a privately operated, not-for-profit, day or residential school;

"(C) which is exempt from taxation under section 501(a) as an organization described in section 501(c)(3), including church-operated schools to which subsections (a) and (b) of section 508 do not apply; and

"(D) which includes in any published by-laws, advertisements, admission application forms and other such published materials, a statement (in such form and manner as the Secretary may by regulations prescribe) that it does not discriminate against student applicants or students on the basis or race.

"(4) TUITION EXPENSES.—

"(A) IN GENERAL.—The term 'tuition expenses' means tuition and fees paid for the full-time enrollment or attendance of a student at an educational institution, including required fees for courses.

"(B) CERTAIN EXPENSES EXCLUDED.—The term 'tuition expenses' does not include any amount paid for—

"(i) books, supplies, and equipment for courses of instruction;

"(ii) meals, lodging, transportation, or personal living expenses;

"(iii) education below the first-grade level; or

"(iv) education above the twelfth-grade level.

"(5) SCHOLARSHIP OR FINANCIAL ASSISTANCE.—The term 'scholarship or financial assistance' means—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which is not includible in gross income under section 117;

"(B) an educational assistance allowance under chapter 32, 34, or 35 of title 38, United States Code; or

"(C) other financial assistance which—

"(i) is for educational expenses, or attributable to attendance at an educational institution, and

"(ii) is exempt from income taxation by any law of the United States (other than a gift, bequest, devise, or inheritance within the meaning of section 102(a)).

"(e) ELECTION.—The election provided under subsection (a) shall be made at such time and in such manner as the Secretary shall by regulations prescribe.".

(b) DISCLOSURE OF INFORMATION TO ATTORNEY GENERAL.—Subsection (h) of section 6103 of such Code (relating to disclosure to certain Federal officers and employees for tax administration purposes) is amended by adding at the end thereof the following new paragraph:

"(6) CERTAIN INVESTIGATIONS AND PROCEEDINGS REGARDING RACIALLY DISCRIMINATORY POLICIES.—Upon the request of the Attorney General or the Secretary's own motion, the Secretary shall disclose any return or return information which is relevant to—

"(A) any investigation conducted by the Attorney General under section 44H(c) with regard to whether an educational institution is following a racially discriminatory policy (within the meaning of section 44H(c)(4)), or

"(B) any proceeding which may be brought under section 7408,

to any officer or employee of the Department of Justice who is directly and personally involved in such investigation or in preparation for such a proceeding.".

(c) CONFORMING AMENDMENT.—

"(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44G the following:

"Sec. 44H. Tuition expenses.".

"(2) Section 6504 of such Code (relating to cross references with respect to periods of limitation) is amended by adding at the end thereof the following new paragraph:

"(12) For disallowance of tuition tax credits because of a declaratory judgment that a school follows a racially discriminatory policy, see section 44H(c).".

SECTION 4. DECLARATORY JUDGMENT PROCEEDING.

(a) IN GENERAL.—Subchapter A of chapter 76 of the Internal Revenue Code of 1954 (relating to judicial proceedings) is amended by redesignating section 7408 as section 7409 and by inserting after section 7407 the following new section:

"SEC. 7408. DECLARATORY JUDGMENT RELATING TO RACIALLY DISCRIMINATORY POLICIES OF SCHOOLS.

"(a) IN GENERAL.—Upon filing of an appropriate pleading by the Attorney General under subsection (b), the district court of the United States for the district in which an educational institution is located may make a declaration with respect to whether such institution follows a racially discriminatory policy. Any such declaration shall have the force and effect of a final judgment of the district court and shall be reviewable as such.

"(b) FILING OF PLEADING.—

"(1) IN GENERAL.—The Attorney General is authorized and directed to seek a declaratory judgment under subsection (a) against any educational institution upon—

"(A) receipt by the Attorney General within the previous 1-year period of any allegation of discrimination against such institution, and

"(B) a finding by the Attorney General of good cause.

"(2) ALLEGATION OF DISCRIMINATION.—For purposes of this section, the term 'allegation of discrimination' means an allegation made in writing by any person which alleges with specificity that—

"(A) a named educational institution has committed a racially discriminatory act against a named student applicant or student within one year preceding the date on which such allegation is made to the Attorney General, or

"(B) the educational institution made a communication, within one year preceding such date, expressing that the institution follows a racially discriminatory policy.

"(3) NOTICE OF ALLEGATIONS OF DISCRIMINATION.—Upon receipt of any allegation of discrimination made against an educational institution, the Attorney General shall promptly give written notice of such allegation to such institution.

"(4) OPPORTUNITY TO COMMENT.—Before any action may be filed against an educational institution by the Attorney General under subsection (a), the Attorney General shall give the institution a fair opportunity to comment on all allegations made against it and to show that the alleged racially discriminatory policy does not exist or has been abandoned.

"(5) AVAILABILITY OF CERTAIN INFORMATION TO COMPLAINANT.—

"(A) IN GENERAL.—If an allegation of discrimination against an educational institution is made to the Attorney General and the Attorney General—

"(i) declines to bring an action under subsection (a) against such institution, or

"(ii) enters into a settlement agreement with such institution under subsection (d) before such an action is brought, the Attorney General shall make available to the person who made such allegation the information upon which the Attorney General based the decision not to bring such an action or to enter into such settlement agreement. The Attorney General shall promptly give written notice to such person that such information is available for his inspection.

"(B) PRIVACY LAWS.—Nothing in this paragraph shall be construed to authorize or require the Attorney General to disclose any information if such disclosure would violate any applicable State or Federal law relating to privacy.

"(c) REQUIREMENTS FOR A FINDING OF FOLLOWING A RACIALLY DISCRIMINATORY POLICY.—A district court may declare that an educational institution follows a racially discriminatory policy in an action brought under subsection (a) only if the Attorney General establishes in such action that—

"(1) the institution has, pursuant to such policy, committed a racially discriminatory act against a student applicant or student within the two years preceding commencement of such action;

"(2) the institution has, within the two years preceding commencement of such action, made a communication expressing that it follows a racially discriminatory policy against student applicants or students; or

"(3) the institution has engaged in a pattern of conduct intended to implement a racially discriminatory policy, and that some act in furtherance of this pattern of conduct was committed within two years preceding commencement of such action.

"(d) SETTLEMENTS.—

"(1) IN GENERAL.—Prior to, and in lieu of, filing an action under subsection (a), the Attorney General may, at his discretion, enter into a settlement agreement with the educational institution against which an allegation of discrimination has been made if the Attorney General finds that the institution has been acting in good faith and has abandoned its racially discriminatory policy.

"(2) VIOLATION OF SETTLEMENT AGREEMENT.—If the Attorney General has entered into a settlement agreement with an educa-

tional institution under paragraph (1) and the Attorney General finds that such institution is in violation of such agreement, the Attorney General may—

"(A) notwithstanding subsection (b)(1)(A), bring an action under subsection (a) without having received any allegation of discrimination against such institution, or

"(B) bring an action to enforce the terms of such agreement.

"(3) COPY OF SETTLEMENT AGREEMENT TO COMPLAINANT.—The Attorney General shall give a copy of any settlement agreement which is entered into with any educational institution under paragraph (1) to any person from whom the Attorney General has received an allegation of discrimination against such institution.

"(e) RETENTION OF JURISDICTION.—Any district court which makes a declaration under subsection (a) that an educational institution follows a racially discriminatory policy shall retain jurisdiction of such case.

"(f) DISCONTINUANCE OF RACIALLY DISCRIMINATORY POLICY.—

"(1) MOTION.—

"(A) IN GENERAL.—At any time after the date which is 1 year after the date on which a judgment is entered in an action brought under subsection (a) declaring that an educational institution follows a racially discriminatory policy, such institution may file with the district court a motion to modify such judgment to include a declaration that such institution no longer follows a racially discriminatory policy.

"(B) AFFIDAVITS.—Any motion filed under subparagraph (A) shall contain affidavits—

"(i) describing with specificity the ways in which the educational institution has abandoned its previous racially discriminatory policy;

"(ii) describing with specificity the ways in which such institution has taken reasonable steps to communicate its policy of nondiscrimination to students, to faculty, to school administrators, and to the public in the area it serves;

"(iii) averring that such institution has not, during the preceding year—

"(I) committed a racially discriminatory act against a student applicant or student pursuant to a racially discriminatory policy,

"(II) made a communication expressing that it follows a racially discriminatory policy against student applicants or students; or

"(III) engaged in a pattern of conduct intended to implement a racially discriminatory policy, and committed some act in furtherance of this pattern of conduct; and

"(iv) averring that such institution has complied with the requirements of section 44H(d)(3)(D).

"(2) ORDER.—If a motion is made under paragraph (1), the district court shall issue an order modifying the judgment entered in the action to include a declaration that the educational institution no longer follows a racially discriminatory policy unless the Attorney General establishes that—

"(A) any affidavit provided by the institution under paragraph (1)(B) is false;

"(B) the institution has, during the preceding year, committed any act, made any communication, or engaged in any pattern of conduct described in paragraph (1)(B)(iii); or

"(C) the institution has not, in fact, complied with the requirements of clauses (ii) and (iv) of paragraph (1)(B).

"(3) APPEAL OF ORDERS.—Any order of the district court granting or denying a motion made under paragraph (1) shall be reviewable.

"(g) ATTORNEY'S FEES.—If an educational institution prevails in an action under this section, the court may award the institution costs and reasonable attorneys' fees in such action.

"(h) DEFINITIONS.—For purposes of this section—

"(1) RACIALLY DISCRIMINATORY POLICY.—The term 'racially discriminatory policy' has the meaning given to such term by section 44H(c)(4).

"(2) RACIALLY DISCRIMINATORY ACT.—

"(A) IN GENERAL.—An educational institution commits a racially discriminatory act if such institution refuses, on the basis of race, to—

"(i) admit any applicant as a student;

"(ii) admit any student to the rights, privileges, programs, and activities generally made available to students by the educational institution; or

"(iii) allow any student to participate in its scholarship, loan, athletic, or other programs.

"(B) QUOTAS, ETC.—The term 'racially discriminatory act' shall not include the failure of such institution to pursue or achieve any racial quota, proportion, or representation in the student body.

"(C) RACE.—The term 'race' shall include color or national origin.

"(i) REPORT.—Within 90 days of the close of each calendar year, the Attorney General shall submit a report to the Congress concerning the disposition during such calendar year of—

"(1) any allegations of discrimination received by the Attorney General, and

"(2) any actions brought under this section.".

(b) Conforming Amendments.—

(1) The table of sections for subchapter A of chapter 76 of such Code (relating to civil actions by the United States) is amended by striking out the item relating to section 7408 and inserting in lieu thereof:

"Sec. 7408. Declaratory judgment relating to racially discriminatory policies of schools.
"Sec. 7409. Cross references.".

(2) Section 2201 of title 28, United States Code (relating to creation of declaratory judgment remedy) is amended by striking out "section 7428" and inserting in lieu thereof "section 7408 or 7428".

SECTION 5. TAX CREDITS ARE NOT FEDERAL FINANCIAL ASSISTANCE.

Tax credits claimed under section 44H of the Internal Revenue Code of 1954 shall not constitute Federal financial assistance to educational institutions or to the recipients of such credits.

SECTION 6. EFFECTIVE DATE: SPECIAL RULE.

(a) CERTIFICATION REQUIRED.—The amendments made by this Act shall not take effect until the Attorney General certifies to the Secretary of the Treasury that, pursuant to—

(1) an Act of Congress which has been enacted, or

(2) a final decision of the United States Supreme Court, the Internal Revenue Code of 1954 prohibits the granting of tax exemption under section 501(a) by reason of section 501(c)(3) to private educational institutions maintaining a racially discriminatory policy or practice as to students.

(b) APPLICATION WHEN CERTIFICATION IS MADE.—

(1) IN GENERAL.—If the certification described in subsection (a) is made to the Secretary of the Treasury—

(A) except as provided in paragraph (2), the amendments made by section 3 shall apply with respect to expenditures made after the date on which such certification is made to the Secretary of the Treasury in taxable years beginning after December 31, 1982, and ending after such date, and

(B) the amendments made by section 4 shall take effect on the date on which such certification is made to the Secretary of the Treasury.

(2) NO APPLICATION BEFORE JULY 31, 1983.—In no event shall the amendments made by section 3 apply with respect to expenditures made before August 1, 1983.

(c) ESTIMATED INCOME TAX AND WAGE WITHHOLDING.—

(1) ESTIMATED INCOME TAX.—Any credit allowable to any taxpayer under section 44H of the Internal Revenue Code of 1954 shall not be taken into account under section 6015(d) in determining the estimated tax of such taxpayer for any taxable year beginning before January 1, 1984.

(2) WAGE WITHHOLDING.—Any credit allowable under section 44H of such Code shall not be taken into account in determining the number of withholding exemptions to which any taxpayer is entitled under section 3402 of such Code with respect to remuneration paid before January 1, 1984.

TECHNICAL EXPLANATION OF THE EDUCATIONAL OPPORTUNITY AND EQUITY ACT OF 1983

I. SUMMARY

The bill provides a nonrefundable credit for 50 percent of tuition expenses paid to private elementary and secondary schools for certain qualified dependents of the taxpayer. The maximum credit is $100 in 1983, $200 in 1984, and $300 in 1985 and subsequent years. The maximum credit amount is phased down for taxpayers with adjusted gross incomes of greater than $40,000 and no credit is allowed for taxpayers with adjusted gross income of $50,000 or more.

For tuition expenses to be creditable, a school cannot follow a racially discriminatory policy. An eligible school will be required to include a statement of its nondiscriminatory policy in any published by-laws, admissions materials, and advertising, and to file annually with the Treasury Department a statement that it has not followed a racially discriminatory policy. Generally, a copy of this statement also will have to be furnished to each individual who pays tuition to the school and must be attached to any return on which credits are claimed. In addition, the bill disallows credits for payments to any school found to be following a racially discriminatory policy in an action brought by the Attorney General under the bill's declaratory judgment provisions.

The bill generally applies to tuition paid or incurred after July 31, 1983, for taxable years beginning after December 31, 1982; however, no credits will be allowed until either a final decision by the Supreme Court of the United States or an Act of Congress prohibits the granting of a tax exemption under section 501(a) of the Internal Revenue Code by reason of section 501(c)(3) to private educational institutions that maintain a racially discriminatory policy or practice as to students. Credits will be effective on a prospective basis after such final decision or Act of Congress.

II. DESCRIPTION OF PROVISIONS

Congressional findings

The bill contains a policy statement that sets forth several propositions that are based upon a Congressional finding that it is the policy of the United States to foster

educational opportunity, diversity, and choice for all Americans. This policy statement concludes that the primary purpose of the bill is to enhance equality of educational opportunity, diversity, and choice for all Americans and that the bill will expand opportunities for personal liberty, diversity, and pluralism that constitute important strengths of education in America.

Credit for tuition expenses

Under the bill, an individual is allowed to claim a nonrefundable tax credit for 50 percent of the tuition expenses paid during the taxable year to one or more eligible private educational institutions for certain dependents who are under age 20 at the close of the taxable year in which the expenses are paid and with respect to whom the individual is permitted to claim dependency exemptions. Provide that over half of his or her support is received from the taxpayer, the payment of tuition expenses for (1) a son or duaghter or a descendant of either, (2) a stepson or stepdaughter, (3) a brother, sister, stepbrother, or stepsister, (4) a son or daughter of a brother or sister, or (5) an individual (other than the taxpayer's spouse) who has as his or her principal place of abode the home of the taxpayer and who is a member of the taxpayer's household, will qualify for the credit. Except for the taxpayer's children, these individuals must have less than $1,000 of gross income for the calendar year in order to be claimed as dependents.

Eligible educational institutions and qualified tuition expenses

The credit will be available only with respect to tuition paid to certain educational institutions. An educational institution must meet a number of requirements in order for tuition paid to it to be a creditable expense.

The institution must provide a full-time program of elementary or secondary education. While ordinarily, a vocational high school that offers a regular academic secondary school curriculum in addition to vocational courses will qualify, a school that offers only vocational courses, such as stenographic courses, will not.

The institution must be a privately operated, not-for-profit, day or residential school. The school also must be exempt from taxation under Code section 501(a) as an organization described in section 501(c)(3). These are organizations that are organized and operated exclusively for religious, charitable, educational, or other enumerated purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual and which met certain other specified requirements. Under the bill, church schools that currently are exempt from the requirement that they notify the Internal Revenue Service of their applications for recognization of tax-exempt status will continue to be exempt.

While the bill does not require a private school to have by-laws, advertisements, admission application forms, or other such publications, if an institution does have any such publications they must include a statement that the institution does not discriminate against applicants or students on the basis of race. The form or manner for making this statement is to be prescribed by Treasury Regulations. Forms, brochures, and other publications printed before the effective date of this bill but distributed or used after that date must be amended or "stickered" with an appropriate statement of non-discrimination.

Tuition expenses eligible for the credit are tuition and fees paid for the full-time enrollment or attendance of a student at an educational institution, including fees for courses. However, amounts paid for (1) books, supplies, and equipment for courses of instruction; (2) meals, lodging, transportation, or personal living expenses; (3) education below the first-grade level, such as attendance at a kindergarten, nursery school, or similar institution; and (4) education beyond the twelfth-grade level are not eligible for the credit.

Limitations on credit amount

The credit will be subject both to a maximum dollar amount and a phase-out based upon the amount of a taxpayer's adjusted gross income. Both the maximum dollar amount of the credit and the maximum phase-out rate will be phased in over a three-year period.

The maximum credit allowable to a taxpayer with respect to tutition expenses paid on behalf of each dependent will be:

(1) $100 in the case of tuition expenses paid or incurred after July 31, 1983, in taxable years beginning in 1983;

(2) $200 in the case of tuition expenses paid or incurred after December 31, 1983, in taxable years beginning in 1984; and

(3) $300 in the case of tuition expenses paid or incurred after December 31, 1984, in taxable years beginning in 1985 or later.

However, any tuition tax credits available to any taxpayer may not be taken into account in determining the estimated tax of such taxpayer for any taxable year beginning before January 1, 1984 or in determining the number of withholding exemptions to which any taxpayer is entitled with respect to remuneration paid before January 1, 1984.

The maximum credit amount will be reduced by a specified percentage of the amount by which a taxpayer's adjusted gross income for the taxable year exceeds $40,000 ($20,000 in the case of a married individual filing a separate return). The phase-out rate will be 1.0 percent for taxable years beginning in 1983; 2.0 percent for taxable years beginning in 1984, and 3.0 percent for taxable years beginning in 1985 and thereafter. These percentage phase-out rates are doubled for married individuals filing separate returns. Thus, a taxpayer with adjusted gross income of $50,000 or more ($25,000 in the case of a married individual filing a separte return) will receive no tax credit.

Special rules

Under the bill, otherwise eligible tuition expenses will be reduced by certain amounts paid to the taxpayer or his dependents. These amounts are: (1) amounts received from tax-free scholarships or fellowship grants; (2) certain Veterans benefits; and (3) other tax-exempt educational financial assistance (except for excluded gfts, bequests, devises, or inheritances). If the scholarship is paid directly to the school and the school sends a bill for tuition to the taxpayer that is net of the scholarship, the taxpayer is not deemed to have been paid the scholarship; the scholarship is excluded for the computation of tuition expense.

Anti-discrimination provisions

No tax credit will be permitted for tuition payments to schools that follow racially discriminatory policies.

Under the bill, an educational institution follows a racially discriminatory policy if it refuses, on account of race (1) to admit applicants as students; (2) to admit students to the rights, privileges, programs, and activities generally made available to students by the educational institution; or (3) to allow students to participate in its scholarship, loan, athletic, or other programs. In administering its scholarship, loan, athlethic or other programs, a school may not classify students on the basis of race. A racially discriminatory policy does not include failure to pursue or achieve any racial quota, proportion, or representation in the student body. The term "race" includes color or national origin.

A school will be required to file annually with the Treasury Department a statement declaring that it has not followed a racially discriminatory policy and also indicating whether a judgment declaring that the school has followed a racially discriminatory policy is in effect. The statement also must indicate whether the school has complied with the requirement that it include a statement of nondiscriminatory policy in its published by-laws, application forms, advertising, etc. Except as otherwise provided in Treasury Regulations, the nondiscrimination statement must be furnished to each person who pays tuition to the school, and a taxpayer claiming the credit must attach a copy to his return. It is anticipated, for example, that regulations may provide that such statement need not be provided to parents who certify to the school that they will not claim a credit for tuition paid to such school.

Declaratory judgment proceedings

The bill provides that, upon the filing of an appropriate pleading by the Attorney General, the district court of the United States for the district in which a school is located will have jurisdiction to make a declaration with respect to whether such school follows a racially discriminatory policy. This declaration will have the force and effect of a final judgment of the district court and will be reviewable as such.

Under the bill, the Attorney General is authorized and directed to seek a declaratory judgment against a school after receiving a written allegation of discrimination filed by a complainant against the school and finding good cause. This written allegation must allege with specificity that the school has committed a racially discriminatory act against a student applicant or student within one year preceding the date on which the allegation is made, or that the school has made a communication within one year preceding the date on which the allegation is made, expressing that the school follows a racially discriminatory policy.

The Attorney General is required, upon receipt of a written allegation, promptly to notify the school, in writing, of the existence of the allegation. Before commencing a declaratory judgment action, the Attorney General also is required to give the school a fair opportunity to comment on the allegations made against it by the complainant and to show that the racially discriminatory policy alleged in the written allegation either does not exist or has been abandoned.

If the Attorney General decides not to seek a declaratory judgment against the school, he must make available to the complainant the information on which the Attorney General based his decision, including any relevant information submitted by the school. He is not required or authorized, however, to make available any information the disclosure of which violates any Federal or State law protecting personal privacy or confidentiality. The Attorney General must

also notify the complainant of the availability of this information.

The bill provides that a district court may declare that a school follows a racially discriminatory policy, in a declaratory judgment action, only if the Attorney General establishes that:

(1) The school has, pursuant to such policy, committed a racially discriminatory act against a student applicant or student within the two years preceding commencement of the action;

(2) The school has, within two years preceding commencement of the action, made a communciation expressing that it follows a racially discriminatory policy against student applicants or students; or

(3) The school has engaged in a pattern of conduct intended to implement a racially discriminatory policy, and that some act in furtherance of this pattern of conduct was committed within two years preceding commencement of the action.

Any district court that makes a declaration that a school follows a racially discriminatory policy will retain jurisdiction of the case.

Instead of filing a declaratory judgment action, the Attorney General may, at his discretion, enter into a settlement agreement with a school against which an allegation of discrimination has been made. However, before doing so, the Attorney General must find that the school has been acting in good faith and has abandoned its racially discriminatory policy. A copy of any settlement agreement must be furnished to the complainant whose allegations resulted in the Attorney General's investigation. If the school violates the settlement agreement, then no subsequent allegation need be filed before the Attorney General can initiate a declaratory judgment proceeding, or bring an action to enforce the terms of the settlement. It is anticipated that settlement agreements may provide that a violation of the terms of the settlement will constitute an act in furtherance of a pattern of conduct intended to implement a racially discriminatory policy. Thus, violation of the terms of a settlement could lead promptly to a declaratory judgment disallowing credits.

In describing the requirements for making an allegation of discrimination, the requirements for prevailing in a declaratory judgment action against a school, and other requirements, the bill's references to a communication made by a school are intended to include communications of employees, officers, or agents of the school that express that the school follows a racially discriminatory policy. In describing the requirements for prevailing in a declaratory judgment action against a school, the bill's reference to an action pursuant to a racially discriminatory policy is not intended to create any inference that a single act of discrimination, without more, could not constitute evidence of a racially discriminatory policy.

Attorneys fees

The bill authorizes the district court to award costs and reasonable attorneys fees to a school prevailing in a declaratory judgment proceeding brought by the Attorney General. The courts, of course, should not award attorneys fees where circumstances would make an award unjust. However, the courts should take into account the financial burden that may be imposed on a private school in defending against a declaratory judgment action under this bill.

Discontinuance of racially discriminatory policy

The bill provides that a school against which a declaratory judgment has been rendered may, at any time after one year from the date of the judgment, file with the district court a motion to modify the judgment to include a declaration that the school no longer follows a racially discriminatory policy. This motion must contain affidavits that:

(1) Describe with specificity the ways in which the school has abandoned its previous racially discriminatory policy;

(2) Describe with specificity the ways in which the school has taken reasonable steps to communicate its policy of non-discrimination to students, to faculty and school administrators, and to the public in the area that it serves;

(3) Avers that the school has not, during the preceding year, (a) committed a racially discriminatory act against an applicant or student pursuant to a racially discriminatory policy, (b) made a communication expressing that it follows a racially discriminatory policy against applicants or students, or (c) engaged in a pattern of conduct intended to implement a racially discriminatory policy and committed some act in furtherance of such policy; and

(4) Avers that the school has complied with the requirement that it indicate its nondiscriminatory policy in its published bylaws, advertisements, admission applications, etc. during the preceding year.

The motion by the school will be granted unless the Attorney General establishes that:

(1) An affidavit submitted by the school in support of the motion is false;

(2) The school has, within the preceding year, (a) committed a racially discriminatory act against an applicant or student pursuant to a racially discriminatory policy, (b) made a communication expressing that it follows a racially discriminatory policy against applicants or students, or (c) engaged in a pattern of conduct intended to implement a racially discriminatory policy and committed some act in furtherance of such policy.

(3) The school has not, in fact, complied with the nondiscrimination publication or communication requirements.

The requirement that a school take reasonable steps to communicate its nondiscriminatory policy should be satisfied if the school takes vigorous steps to make known its nondiscriminatory policy, which steps are reasonable in light of the school's financial resources.

Period of disallowance of tax credits

No credits will be allowed for amounts paid to a school during the period in which a declaratory judgment against the school is in effect. Generally, a declaratory judgment is in effect beginning with the calendar year in which it is entered by the district court, whether or not it is appealed. The period of disallowance ends only if a motion to reinstate credits is granted by the district court. In that event, credits are again allowed beginning with the year the motion is granted by the district court, whether or not that motion is appealed.

If a subsequent judgment (or appellate order requiring entry of judgment) is entered against the school, the reinstatement order will cease to be in effect. Similarly, if an order reinstating credits is reversed or vacated, that reinstatement order will cease to be in effect, and entry of the order reversing or vacating the reinstatement order will be treated as if it were a subsequent declaratory judgment against the school. In either event, credits will again be disallowed indefinitely, beginning with the year in which the subsequent judgment (or appellate order requiring entry of judgment) or order reversing or vacating a reinstatement order is entered. If an appellate order reversing a reinstatement order is subsequently reversed, and the reinstatement order is upheld, then credits will be allowable from the year the valid reinstatement order was originally entered. In that event, the statute of limitations for filing a refund claim will be extended. If a district court judgment in favor of a school is reversed on appeal, the period of disallowance begins with the earlier of the calendar year in which a subsequent district court judgment against the school is entered on remand, or the calendar year in which the court of appeals entered an order that would require the district court to enter such a judgment. This rule is intended to prevent a delay in the beginning of the period of disallowance if a stay of such an appellate order is entered pending further proceedings. If all judgments against a school entered in an action are subsequently reversed or vacated, all credits disallowed on the basis of any district court judgments in the action will be allowable. However, credits for that period will not be allowed until the action is finally concluded. Accordingly, the period for filing a refund claim will be extended.

If a declaratory judgment against a school (or an appellate order requiring such a judgment) is entered but stayed, credits will be disallowed until the stay is vacated, but the period of disallowance will begin with the year in which the judgment or order is entered. Accordingly, the statute of limitations for determining deficiencies will also be extended in that event. Stays should be entered only in extraordinary circumstances where the school demonstrates the traditional requirements for obtaining a stay pending appeal. See Virginia Petroleum Jobbers Association v. Federal Power Commission, 104 App. D.C. 106, 259 F. 2d 921 (1958). This strict standard is appropriate, inasmuch as the effect of a stay in this context is tantamount to the effect of an order restraining the assessment or collection of taxes. See Section 7421, Internal Revenue Code of 1954, Enochs v. Williams Packing & Navigation Co., 370 U.S. 1 (1962).

Enforcement responsibility

The bill vests the Attorney General with exclusive authority to investigate and, prior to bringing an action, to determine whether an educational institution is following a racially discriminatory policy under the provisions of this bill. However, the Secretary of the Treasury is directed to provide the Attorney General with any information relevant to his investigations and actions which the Attorney General requests or the Secretary wishes to provide.

Reports by Attorney General

The bill requires the Attorney General to report annually to the Congress on his anti-discrimination enforcement activities. These reports should include a description of all activities undertaken pursuant to petitions filed with the Attorney General.

Credit not to be considered as Federal assistance

The bill provides that tuition tax credits will not constitute Federal financial assistance to educational institutions or the recipients thereof.

Effective date

The bill is generally effective for tuition payments made after July 31, 1983. However, no credits will be available until either a final decision of the Supreme Court of the United States or an Act of Congress prohibits the granting of a tax exemption under Code section 501(a) by reason of section 501(c)(3) to private educational institutions maintaining a racially discriminatory policy or practice as to students.●

● Mr. MOYNIHAN. Mr. President, the tuition tax credit legislation I am offering today with Senator DOLE and Senator PACKWOOD is a "matter of justice" for the over 5 million students currently enrolled in the Nation's elementary and secondary nonpublic schools.

I have been a strong proponent of tuition tax credit legislation, having introduced such measures in the 95th, 96th, and 97th Congresses. The first bill I introduce—with Senator PACKWOOD—upon coming to the Senate proposed the creation of a tuition tax credit plan not unlike the measure the Finance Committee recommended to the full Senate for enactment last year. In 1978, Senator PACKWOOD and I chaired 3 full days of hearings on an elementary, secondary, and postsecondary tuition tax credit measure we had introduced. Tuition tax credit legislation passed the House of Representatives that year and our proposal nearly passed the Senate as well. Senator PACKWOOD and I reintroduced our bill in the 96th Congress but no action was taken on it during that session.

In the opening weeks of the 97th Congress, I introduced an "educational reform package," which was designed to assist both the public schools and the parents of those who choose to send their children to nonpublic schools. I proposed three bills. The first, S. 543, proposed substantial increases over the next decade in general school aid; my second proposal, S. 544, would have reimbursed State and local education agencies for the cost of complying with Federal education mandates, the most notable of these perhaps being the Education for All Handicapped Children Act. My third proposal, S. 550, which I introduced with my colleague Senator PACKWOOD, called for a tuition tax credit program at the elementary, secondary, and postsecondary levels. In June of 1981, Senator PACKWOOD and I chaired 2 days of hearings on S. 550, receiving testimony from a wide array of interested witnesses. And, of course, additional hearings were held by the Finance Committee on S. 2673, President Reagan's tuition tax credit proposal. I regret that the two other education measures I introduced did not receive the same amount of attention and support as the tuition tax credit plan.

This has not been a business for the short winded. In 1961, I wrote an article for the Reporter, entitled "How Catholics Feel About Federal School Aid." In it, I addressed the upcoming debate over the question of whether Federal aid ought to be provided to education. I emphasized that if such aid were to be forthcoming, the question of providing such aid to the Catholic schools—at the time they enrolled over 85 percent of the students attending nonpublic schools at the elementary and secondary levels—would need to be resolved if Federal aid to education was to become a reality. As it happened, I was to become further involved with this matter while a member of the administration of President Kennedy. President Kennedy had proposed, in 1961, the creation of a $2.3 billion program of grants to States for classroom construction and for increasing teachers' salaries. The President's advisers, however, opposed making such aid available to church-related schools. Having failed to include provisions for the participation of the church-related schools, the churches opposed the measure and this led in part to it not being approved by Congress. Similar efforts the following 2 years were unsuccessful as well. In 1964, after extensive negotiations, in which I was the mediating party, the issue of Federal aid to education including church-related schools was resolved as between the Johnson administration and the advocates of aid to all schools. It fell to me that summer to draft the Democratic Party platform embodying that agreement. It read:

New methods of financial aid must be explored, including the channeling of federally collected revenues to all levels of education, and to the extent permitted by the Constitution, to all schools.

President Johnson signed the Elementary and Secondary Education Act of 1965 on April 11 of that year. Included among its many provisions was a promise that nonpublic schools would receive their fair share of Federal assistance provided to education. Title 1 of that act provides:

That to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment educational radio and television, and mobile educational services and equipment) in which such children can participate;

In the main this was intended to mean that title 1 services would be provided to needy school children, regardless of where they attended school. Instructional equipment and other aid authorized by the act was to be treated in a similar fashion. But the promise of 1965 has not been kept. In the 17 years since Congress passed and President Johnson signed that landmark measure into law, participation by the nonpublic sector has never equaled the commitment made. Successive Congresses and administrations have been either unable or unwilling to take whatever steps are needed to see that nonpublic schools receive their fair share. Given this history of failed promises, and given what I view as the desirability of encouraging the diversity and pluralism which the nonpublic sector brings to education in this Nation, I believe it entirely appropriate for Congress to enact a system of tuition tax credits designed to assist those parents who choose to send their children to nongovernmental schools.

Such assistance has been promised repeatedly in recent years by both the Democratic and Republican Parties and their Presidential candidates. In 1972, the Democratic Party platform said:

The next Democratic Administration should channel financial aid by a constitutional formula to children in nonpublic schools.

The late Hubert H. Humphrey, while campaigning for his party's nomination for the Presidency in 1972 expressed his support:

I favor the creation of a system where parents would be able to receive a tax credit when their children attend approved private schools.

George S. McGovern in 1972 announced his:

• • • Support of the tax credit approach to aid the parents and children attending parochial and other bona fide nonpublic schools.

More recently, in 1976, the Democratic Party platform in a plank I drafted stated:

The Party renews its commitment to the support of a constitutionally acceptable method of providing tax aid for the education of all pupils in nonsegregated schools in order to insure parental freedom in choosing the best education of their children.

Again, in 1980, both parties committed themselves to aiding the nonpublic schools. The Democratic platform plank, which again I drafted, said:

Private schools, particularly parochial schools, are also an important part of our diverse educational system. The Party accepts its commitment to the support of a constitutionally acceptable method of providing tax aid for the education of all pupils in schools which do not racially discriminate and excluding so-called segregation academies.

The Republican Platform said:

• • • We reaffirm our support for a system of educational assistance based on tax credits that will in part compensate parents for their financial sacrifices in paying tuition at the elementary, secondary, and postsecondary level.

When President Reagan sent his proposal for tuition tax credits last year, I commended him for being the first American President to propose such legislation. This was indeed a momentous occasion. While other candidates had pledged so to do, President

Reagan was the only one in a position to carry out his campaign promise. Thus, on July 16, with only a few months remaining in the 97th Congress, and with little assurance that a consensus could be reached, the Finance Committee began hearings on S. 2673, the administration's tuition tax credit plan, introduced by my colleague, Senator DOLE, the distinguished chairman of the committee.

With respect to the specific provisions of the bill, as I indicated on the first day of our hearings on this measure, there were two matters that had to be addressed before I would lend my support. First, no student attending a school which practices illegal discrimination would benefit from the availability of tuition tax credits. In my view, the administration bill as introduced was inadequate on that point. The committee, by adopting additional safeguards greatly improved the bill and strengthened the chances of the bill's enactment. As amended in committee, the bill directed the Attorney General upon a finding of good cause to seek declaratory judgments against schools which discriminate. Such an action could be brought in response to a complaint of discrimination filed by individuals or upon evidence presented showing that a school was following a racially discriminatory policy. If the Attorney General brought such an action and prevailed, the parents of any student attending the school would be ineligible for tuition tax credits. In addition, the tuition tax credit program would not go into effect until it was firmly established that section 501(c)(3) of the Internal Revenue Code required a school to maintain a racially nondiscriminatory policy. This issue would be decided by either the Supreme Court in connection with cases currently before it or, failing that, action by Congress.

Second, I maintained that the tuition tax credit must be refundable so as to benefit low-income families who choose to send their children to nonpublic schools. I am pleased that members of the committee shared this view and intended to address this matter in the form of a committee amendment when the bill reached the floor of the Senate.

The committee took a number of other actions that, in my view, improved the bill. In recognition of the budget constraints we faced, the effective date of the credit was delayed to July 1983, and the amount of the credit was reduced from a maximum of $500 to $300. Furthermore, the amount of the credit was tied to family income. Families with incomes above $40,000 would have their credit reduced; those making $50,000 and above would receive no credit. By providing for a phaseout at higher incomes, the committee embraced a principle already well established in other Federal student financial aid programs.

On September 23, the committee voted to report out the bill as an amendment in the form of a substitute for H.R. 1635. At the time, I had hoped that our colleagues in the Senate would have the chance to review both the bill and the testimony compiled from hearings during the previous 5 years. I was confident that having done so, they would agree with the judgment of the committee. But, alas, our efforts were to no avail, and the 97th Congress came to adjournment without the full Senate having considered the tuition tax credit measure.

I reiterate this history to make the point that assistance to education, including aid to the nonpublic sector, is a well established idea. It has been endorsed repeatedly by many both in and outside of Government. Still, as I have remarked at the hearings Senator PACKWOOD and I have held on this subject over the past 6 years, many remain of the view that providing any assistance to nonpublic schools is a concept somehow foreign to the American experience. I believe that our hearings have had substantial educational value in this regard. They have, in my view, dispelled the myth that State aid to private schools is somehow a new concept or that the Founding Fathers believed that the first amendment barred any assistance to church-related schools. There is a history here and if our hearings have accomplished anything they have served to establish the important historical and contemporary role that nonpublic schools have played in our society.

The legislation we offer today is intended to insure that students in nonpublic schools receive a fair share of assistance from the Federal Government. The public schools do and must come first; the vast bulk of current Federal education expenditures goes to the public schools and their students. This is as it should be. But that does not mean we should forget the nonpublic schools and their students. Rather, we should strive to confer justice on nonpublic education, to treat private school students the same as public school students, and finally to fulfill the promise we made in 1964. I continue to regard tuition tax credits as a reasonable and desirable means of achieving these objectives, and urge my colleagues to give our proposal the consideration it merits.●

● Mr. ROTH. Mr. President, today I am joining the distinguished chairman of the Committee on Finance in cosponsoring legislation to provide tax credits for parents who send their children to nonpublic schools.

I have been a champion of the concept of tuition tax credits since 1976 when I introduced the first tuition tax credit legislation in the Congress.

My original proposal would have provided a credit for tuition paid to colleges and universities. The legislation I am introducing today is clearly a step in the right direction and in that sense carries out the intent of my original legislation.

I believe a tuition tax credit will restore freedom of choice to the millions of American families who are struggling to pay both nonpublic school tuition and higher taxes for public schools. The tax burden on the average family has increased substantially during the past 14 years and middle-income families have less disposable income to spend on a college or private elementary and secondary education for their children. Indeed, middle-income Americans are being squeezed out of college.

There are millions of families today who are neither affluent enough to afford the high cost of college nor considered poor enough to qualify for the many different Government assistance programs their taxes make possible.

We are rapidly approaching a situation in this country where only the very affluent and the very poor will be able to attain a higher education. The group in the middle—the very taxed—will be unable to afford it. In my judgment, something is drastically wrong when today's diploma costs more than yesterday's house.

A tuition tax credit is the simplest and most equitable way to provide middle-income families relief from mounting educational costs. This credit will allow people to keep more of their own hard-earned money rather than have it taxed away by Uncle Sam. The tuition tax credit offers the beauty of no administrative overhead, no forms to fill out, and no need to beg, plead, or ask for a Government handout.

However, although I strongly endorse this legislation, I am disappointed that the bill does not provide for a college tuition tax credit. I realize the bill limits tuition tax relief to secondary schools due to budgetary considerations. Nevertheless, I am hopeful that college tuition expenses will ultimately be entitled to the credit.

It is in the area of college tuition expenses that we have seen the most dramatic escalation in costs in recent years.

The cost of sending one's children to college today has reached a point where it is unthinkable for many middle-income families. This is particularly true in the case of nonpublic universities. Although, quite frankly, many public colleges are also pricing themselves out of the middle-class market.

Therefore, I would hope that something can be done to provide relief from higher and higher college tuition costs. In my judgment, the tuition tax

credit is the most efficient and direct approach to providing this much needed relief.

We must preserve the freedom of choice in educational opportunities for the vast majority of the American people. It is, I believe, an American birthright.

The credit approach is not the total solution to the problem of rising educational costs. But it will allow middle America to hold the line, at least in part, in the battle against inflation in our schools and universities. We owe our Nation's children nothing less.●

By Mr. SIMPSON:

S. 529. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

IMMIGRATION REFORM AND CONTROL ACT OF 1983

Mr. SIMPSON. Mr. President, it was 11 months ago that I stood before this distinguished body and debated that our present immigration law and enforcement procedures no longer serve the national interest—no longer promote the well-being of the majority of the American people. Eleven months ago I reported that we were no longer able to fulfill that first duty of a sovereign nation—control of our borders. I regret to inform you that today—in spite of my and many of my colleagues' best efforts—that situation is still assuredly true. Not only the American people and the American Government know it, but people all over the world know that the United States cannot control its own borders.

It is my judgment that uncontrolled immigration is one of the greatest threats to the future of this country. Uncontrolled immigration portends much injury to our country—to American values, traditions, institutions, and to our way of life. In contrast, controlled immigration has been one of the finest traditions of our remarkable heritage. We have no desire to terminate that.

Mr. President, last year I advised the distinguished Members of this body that a preoccupation with "numbers" would hide the fact that real human beings were involved in this issue. Unfortunately, I had to speak of numbers then, and, unfortunately, I must speak of them again today.

At the present time, net immigration—legal plus illegal—probably exceeds 750,000 per year.

Although refugee admissions have been substantially reduced since 1980 when legal permanent admissions alone numbered over 800,000, the United States still accepts more immigrants and refugees for permanent resettlement than the rest of the world combined. Our asylum application backlog continues to grow and our ability to deal with it remains impaired. Last year I reported to you that asylum applications exceeded 105,000. Today that backlog is over 140,000.

In addition, hundreds of thousands of illegal immigrants now cross our borders every year. Some estimate the net annual inflow at 500,000. The number of illegal aliens already in the country is unknown, but the Select Commission on Immigration and Refugee Policy used the figure of 3.5 to 6 million as the number for 1978. There are surely more now.

Total immigration—legal plus illegal—now appears to account for 30 to 50 percent of our annual population growth of about 2 million. Thus, a net annual immigration of 750,000 would lead to a U.S population in 100 years of over 300 million. One-third of this 300 million would consist of immigrants arriving after 1980 and their descendants. The problems which may be caused by excessive population growth are well known and I shall not discuss them here.

Not only do we observe this high total of legal and illegal immigrants, but only a small fraction of them are individually admitted for qualities which are likely to benefit the Nation as a whole, and this is limited only to an analysis of job market impact. Less than 5 percent even of new legal immigrants are certified by the Labor Department as not causing unemployment or adversely affecting the wages and working conditions of U.S. workers.

As a result of this and of the fact that the present labor certification process is probably of limited effectiveness, I believe that there are indeed adverse job impacts, especially on low-skilled Americans.

Although population and job market impacts are of great significance, I think most would agree with me that the national interest of the American people also includes certain even more important and fundamental aspects—such as preservation of freedom, personal safety, and political stability, as well as the political institutions which are their foundation.

Let me say here that I wish to reemphasize my deep personal belief that no individual applying to this country lawfully in search of freedom and opportunity and desiring to integrate fully into American society should be discriminated against because of race, color, or religion—which we have certainly sometimes done in our past. I say this to you because I realize that what I am about to say is directed to a most sensitive and complex issue and there is every risk of misunderstanding.

If immigration is continued at a high level, but a substantial portion of these new persons and their descendants do not integrate fully into society, they may well create in America some of the same social, political, and economic problems which exist in the countries from which they have chosen to depart. Furthermore, if language and cultural separatism rise above a certain level, the unity and political stability of the Nation will—in time—be seriously eroded. Pluralism within a united American nation has been our greatest strength. That unity comes from a common language and a core public culture of certain shared values, beliefs, customs, which make us distinctly "Americans."

Mr. President, three successive administrations have attempted to reform our Nation's immigration laws. PETER RODINO, chairman of the House Committee on the Judiciary foresaw the problem more than 10 years ago when he guided immigration control legislation through both the 92d Congress and the 93d Congress only to see both initiatives die here in the Senate. Had that legislation been enacted into law, we would not be facing some of the serious problems confronting us today. The Select Commission on Immigration and Refugee Policy spent 2½ years studying the problem, and this bill follows many of its recommendations. The Senate and House Subcommittees on Immigration held extensive hearings on every aspect of the issue and solicited the opinions of a diverse group of concerned individuals. On August 17, 1982, during the 97th session of Congress, the Senate passed the bill 80 to 19, displaying a wide spectrum of support from many different constituencies. Both I and my fine colleague from the House, RON MAZZOLI, plan additional hearings within the next few weeks. Because of the exhaustive work we have done on this subject, because of the concerted efforts we have made to transcend ideology and be fair to all parties concerned, and because of the broad support we have received, I am reintroducing the same bill today that the Senate passed last August. I sincerely believe that this is the framework of the type of reform of U.S. immigration law and enforcement procedures which the American people desire and deserve—and upon which America's future depends.

Let me review with you again the major provisions of the bill. I ask unanimous consent that a more detailed summary of the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. Most importantly, the bill will contain provisions intended to reduce the problem of illegal immigration.

Intense illegal immigration pressure on the United States will decline only if: First, the availability of U.S. employment is eliminated, or second, the

disparity in wages and working conditions is reduced—either through improvement in the Third World or deterioration in the United States.

We should do all in our power to assist development in the Third World. But we must remember that the achievement of substantially higher living standards is a long-term prospect at the very best. Since deterioration in the United States is certainly not an attractive resolution, only one approach remains: Prohibiting the knowing employment of illegal aliens.

In order to protect both employers and members of minority groups legally in this country, particularly Hispanic Americans, we will require a secure system to enable employers to verify that job applicants are authorized to work in the United States.

It is claimed by some that a new verification system would pose a threat to privacy and civil liberties.

I have given much sincere thought as to how, say, changing the form of the social security card which is one of the available alternatives, could pose risks to our liberty.

I have asked that question of many—from the ACLU to the Chairman of the Civil Rights Commission, but no one has yet given a satisfactory answer. Others—never known for their neglect of civil and human liberties—agree with me, including Father Ted Hesburgh, former Chairman of the Select Commission on Immigration and Refugee Policy and of the U.S. Commission on Civil Rights; Senator STROM THURMOND, chairman of the Senate Judiciary Committee; Senator TED KENNEDY, ranking member of this Senate Subcommittee on Immigration; and the editorial writers of the New York Times, the Washington Post, Los Angeles Times Mirror, Boston Globe, Chicago Herald Tribune, and other major newspapers around the country.

Accordingly the bill provides for penalties against employers who knowingly employ illegal aliens and also penalties against persons who knowingly recruit or refer for employment such illegal aliens.

The bill provides that if employers and those who recruit or refer for employment can show that they have in good faith followed the procedures outlined in the bill with respect to a particular job applicant, they will not be subject to any penalty. These procedures would include examining certain documents as well as signing under penalty of perjury a statement that such examination was made and the documents were not known to be invalid.

On the same form the job applicant would attest to his work eligibility, also under penalty of perjury.

Tough criminal penalties for the production, sale, or use of fraudulent documents are provided. We will bring that virulent "cottage industry" under control.

The bill requires the executive branch within 3 years to design and implement a new and secure system to verify work authorization. I wish to emphasize that this system will not be available for any purpose other than verification or eligibility to work. If, for example, the system were to utilize a card, it would not be required to be carried on the person, it would not be required to be kept in one's home, and it would not be an "internal passport" or national worker ID card. It would have to be presented only to verify eligibility to work in the United States

This core bill also contains significant improvements in our exclusion and asylum adjudication procedures.

It provides a summary exclusion proceeding without an appeal for those who enter the country without documents and who are not claiming asylum. For asylum cases, the bill provides for a hearing before a specially trained administrative law judge and one administrative appeal to an independent—outside of the INS—Immigration Board. The bill also streamlines the adjudication procedure for both deportation and exclusion.

The bill further provides that it is a criminal offense knowingly to transport an alien to the United States other than in accordance with prior authority.

We fully recognize the possibility that a substantial adverse economic impact might occur on certain employers who have quite lawfully become dependent on illegal foreign workers. We have attempted to deal with this problem in several ways.

First, the employer sanctions program would not apply to illegal aliens hired before the bill is enacted.

Second, the legalization program, which I will discuss momentarily, will legalize many currently illegal workers.

Third, the existing labor certification which must be obtained for certain job-related immigrant visa categories, will be modified to allow a more efficient and accurate determination of when a foreign worker is needed.

Finally, the bill streamlines the H-2 program in order that employers who demonstrate a genuine need for a foreign worker for temporary services or labor will receive an approval within a reasonable period of time.

In addition to reducing illegal immigration, the bill is intended to bring legal immigration under control as well.

Although immediate relatives of U.S. citizens would continue to be exempt from numerical limitations, the number available for other family reunification categories would be determined by subtracting the number of such immediate relatives admitted in the prior year from the figure 325,000. A similar approach is provided for immigrants admitted under the economically related categories, using a base figure of 100,000. The effect of these changes is that for the next decade at least, the total of all new immigrants excluding refugees will not exceed 425,000, which is approximately the current level.

The bill makes changes in the current system of allocating immigrant visas:

The family preference categories will not include what is now referred to as the fifth preference, that is the brothers and sisters of adult U.S. citizens—although those who have already received fifth preference status and are in the pipeline will be protected: The second preference will be narrowed somewhat to cover spouses and minor children of permanent residents.

The independent categories will include as one additional category investors creating jobs in high unemployment areas.

The bill also will provide certain visas for immigration for certain children and widowed spouses of employees of international organizations such as the U.N. and the World Bank, if they have resided in the United States for a certain number of years.

Finally, the bill allows the Attorney General and the Secretary of State to extablish a pilot visa waiver program to waive the requirement of a visitor's visa for the nationals of eight countries under certain conditions.

In addition to these measures to reform the law with respect to legal and illegal immigration, the bill contains two other provisions which must be mentioned.

First, the bill states the sense of Congress that the INS shall impose user fees on aliens who utilize INS entry and other facilities in an amount sufficient to assist in defraying actual costs. Second, the bill, in accordance with the wishes of a substantial majority of the Senate states that it is the sense of Congress that English is the sole official language of the United States.

Last, but not least—certainly not least in the controversy department—we come to the subject of legalization or amnesty.

We seek three major goals through legalization.

The first is to avoid wasteful use of INS limited enforcement resources.

The second goal is to allow dependent employers to continue lawfully hiring from the pool of labor.

The third is to eliminate the illegal and fearful subclass now present in our society.

The proposed legalization program is as follows:

First, illegal aliens who have continuously resided in the United States

since January 1, 1977, will qualify for permanent resident status.

Second, those who have continuously resided in the United States since January 1, 1980, or who are in the Cuban/Haitian entrant status, will qualify for a temporary residence status, which may be adjusted to permanent status after 2 years. Aliens in the temporary status will not be eligible for most forms of public assistance with certain exceptions for aged, blind, disabled, and those requiring emergency medical care.

Certain aliens will not be eligible for either category of legalization, including persons convicted of certain crimes, those who have persecuted others; those who would endanger the welfare, safety, or security of the United States; Communists, Anarchists, and those seeking to overthrow the Government.

I would leave you with a final thought:

As has been frequently pointed out, the press of immigration is only just beginning. The low economic and high population growth rates of the Third World—neither of which is under the control of the United States—present a dismal prospect, as does the fact that many developing countries of the world are only a long walk or short boat trip away.

As mortals, we live in a world of limits—and tragically, that must include limits to our charity. Each man and woman here faces daily in his or her own life the moral dilemma posed by other human beings in need. Each must decide where to draw the line in helping others. It is tough—but we have all done that or we would not be here today.

If we in Government or politics are not able to bridle our compassion for the less fortunate people of other lands sufficiently to protect the national interest, then not only will we have failed in our primary official duty, including our duty to the least advantaged in our own Nation, but there is a substantial risk that in the long run the American people will be unable or unwilling to respond at all. I refer to this potential unwillingness to respond as compassion fatigue. The signs are all around us that this is already developing.

This legislation will serve as a symbol of fair reform and one without the repugnant aspects of racism which has most unfortunately characterized most other reform attempts of our past. Once again, I commend the measure to my colleagues.

Some argue that the legislation fails to deal with economic development in the sending countries. We are certainly aware that the migration of undocumented workers can be reduced over the long term by increased development in the sending countries, but I must emphasize that that is only indeed a long-term solution, at best. Responsible studies have shown that in the short term, economic development in the sending countries may even increase illegal migration. Further, there is a jurisdictional problem with foreign aid considerations. Nevertheless, we encourage other committees with appropriate jurisdiction to consider the immigration implications in their deliberations and we stand ready to work constructively with all other chairman and committees in addressing this problem through appropriate development in the sending countries. However, this approach will not assist in the short term, and the provisions of this bill are carefully drawn to address the current situation in the most direct and effective manner.

Mr. President, as to our agenda, we plan to deal with this issue early on in this session of Congress. Hearings on the bill will begin next week. We are ready to make appropriate adjustments to the legislation in the subcommittee and committee when necessary. It is our sincere wish that this legislation may be brought before the Senate for debate and vote within the next 2 months and then sent on to the House where the process of full and lively discussion and education is continuing. We are looking forward to working with Congressmen PETER RODINO and HAMILTON FISH, the distinguished chairman and ranking member of the House Judiciary Committee, and with my fine friend RON MAZZOLI and DAN LUNGREN, the chairman and ranking member of the House Subcommittee on Immigration, Refugees and International Law. All of these very able and knowledgeable persons have been very positive about the need for appropriate immigration reform and all are prepared to receive and process the legislation that hopefully will be passed by the Senate.

And here let me again thank STROM THURMOND, Judiciary Committee chairman, who has been so very supportive of me on this issue and has always been available to me for counsel and guidance. A fine chairman and gentleman. I also want to thank Senator CHUCK GRASSLEY who has been following this issue so very closely and who has spent many hours at the hearings and during the debate in the last Congress. He has earned my great admiration.

I am looking forward to working with Senator MATHIAS and Senator HEFLIN on the subcommittee. The assistance of these exceedingly bright, articulate and able new members of the subcommittee will be most appreciated.

And I particularly appreciate the most cooperative nature and assistance of Senator TED KENNEDY, the ranking member of the subcommittee. TED has brought a depth of true understanding and experience to our work from his nearly 20 years of serious and thoughtful involvement in this issue. I thank him for his continuing interest and do look forward to working with him on this legislation in this session.

EXHIBIT 1

IMMIGRATION REFORM AND CONTROL ACT OF 1983

The Bill contains provisions to increase control over illegal immigration

A. *Employer Penalties.*—Penalties against persons who: knowingly hire, or, for consideration, recruit or refer for employment in the U.S., an alien who is not authorized for such employment; knowingly continue to employ unauthorized aliens (except those hired before the date of enactment); while employing four or more persons, knowingly hire any person (whether a citizen or alien) without complying with the minimal verification procedures.

It is an affirmative defense against a charge of unlawful hiring, recruitment, or referral if the verification procedures have been followed in good faith.

Transitional (first 3 years) verification procedure: person employing four or more persons who hires a new employee must attest, under penalty of perjury, that he has examined documents which establish both (a) eligibility to work, and (b) identity (showing that the individual presenting proof of eligibility to work is not presenting documents relating to another individual). A U.S. passport would establish both. Otherwise one document of each type would be presented: (a) Social Security card or birth certificate, and (b) INS-issued card, drivers license, other State-issued card, or other document approved by the Attorney General.

President is directed to develop and implement a secure system to verify work eligibility within 3 years. Such system would not be available for any other law enforcement purpose and, if it were to involve the use of a card, such cards would not be required for any purpose except verification of work eligibility. If transitional procedure proved effective, new system would not be required, except that if any system required examination of documents by employers, such documents would have to be tamper- and counterfeit-resistant.

Penalty for failure to follow verification procedure: $500 civil fine per individual (whether citizen or alien).

Penalties for substantive violation: first 6 months (education period): no penalty; second 6 months: warning for the first offense; 1st offense (after warning during second 6 months): $1,000 civil fine; 2nd offense: $2,000 civil fine; pattern or practice of hiring or continuing to hire: a criminal misdemeanor penalty of up to $1,000 fine, 6 months imprisonment, or both, or Attorney General may seek injunction.

Felony penalty (up to $5,000 fine or 5 years imprisonment or both) for activities involving the use, manufacture, or sale of counterfeit or altered identification documents, or those relating to another individual.

B. *Increased Border and Other Enforcement: User Fees.*—Creates new criminal offense for bringing an alien to the U.S. knowing, or in reckless disregard of the fact, that the alien had not received prior official authorization to enter.

States the sense of Congress that resources for border patrol and other enforcement activities should be increased.

Requires the Attroney General to impose fees for the use by aliens of border and other INS facilities and services in an amount commensurate with cost.

Adjudication Procedures and Asylum.—Summary exclusion of alien entering without documents unless he asserts some reasonable basis for entering the U.S. or claims asylum, in which case he shall have a hearing before a specially trained asylum adjudication officer and by the newly established U.S. Immigration Board (see below).

Exclusion (other than summary exclusion) and deportation cases, and cases involving an asylum claim by a legal nonimmigrant, to be adjudicated by a specially trained immigration judge with an appeal to the 9 member Immigration Board.

Board would be appointed to 6 year term by the Attorney General, and would operate in panels of 3.

Immigration judge decisions would be reversible by the Board if not supported by substantial evidence.

No judicial review in exclusion cases (except to the extent of the constitutional right of habeas corpus).

No judicial review with respect to issue of asylum (except habeas corpus).

Review of Board decisions by Attorney General, by certification; judicial review if Board decision is modified by Attorney General.

Judicial review of deportation cases is available in Circuit Court of Appeals.

Deportability to be established by the Attorney General by a preponderance of the evidence.

D. *Adjustment of Status.*—Adjustment of status procedure would not be available to aliens who have violated the terms of their nonimmigrant visa.

II. The bill reforms legal immigration in order to better serve the national interest

A. *Immigrants.*—Annual ceiling: "immediate relatives" of U.S. citizens and "special immigrants" remain numerically unlimited in accordance with our historical commitment; the ceiling on numerically limited family reunification immigrants is 350,000 minus the number of "immediate relatives" in prior year. For various categories and allocations, see chart on page 6; the ceiling on numerically limited independent immigrants is 75,000, minus the number of "special immigrants" in prior year. For the various categories and allocations, see chart on page 6; unused independent immigrant visas will be available for family reunification, and vice versa.

The present total of aliens issued immigrant visas or adusting their status to lawful permanent resident (excluding refugees) is approximately 425,000. Therefore, no reduction of the current level of legal immigration will occur.

Except for our contiguous neighbors, Mexico and Canada, the "per-country ceiling" for a country will remain 20,000, minus the number of "immediate relatives" and "special immigrants" admitted from such country in the prior year in excess of 20,000. For Mexico and Canada, each country will have a quota of 40,000, reduced by such excess over 20,000, and either country will be entitled to the unused visas of the other country from the prior year.

New family reunfication preference categories, along with their share of the total ceiling for such categories, are as follows:

(a)(1) unmarried adult sons and daughters of U.S. citizens (present first preference) 15% plus unused in (a)(2)–(a)(4);

(a)(2) spouses and minor children of lawful permanent residents (present second preference, minus adult sons and daughters) 65% plus unused in (a)(1);

(a)(3) married adult sons and daughters of U.S. citizens (present fourth preference) 10% plus unused in (a)(1) and (a)(2);

(a)(4) brothers and sisters of adult U.S. citizens whose visa petition has already been approved (the present fifth preference backlog as of May 27, 1982) 10% plus unused in (a)(1)–(a)(3).

New independent preference categories, along with their share of the total ceiling for such categories, are as follows:

(b)(1) aliens of exceptional ability and professionals with doctoral degrees (similar to present third preference) will be allowed up to the ceiling.

(b)(2) skilled workers needed in the U.S. (part of present sixth preference), numbers unused in (b)(1);

(b)(3) investors of $250,000 in a new enterprise creating at least four jobs, numbers unused in (b)(1) and (b)(2) (no more than 10% or 7,500);

(b)(4) nonpreference aliens (present unskilled workers and nonpreference aliens), numbers unused in (b)(1)–(b)(3).

Labor certification may be granted on the basis of nationwide job market data, instead of only on a case by case basis. Certification must include a finding that sufficient U.S. workers could not be trained within a reasonable time.

Relief provisions are provided for certain employees of international organizations and the children and widowed spouses of such employees.

B. *Nonimmigrants.*—Special procedure established for H-2 seasonal workers in agriculture: the employer need not apply more than 80 days in advance of need; the Secretary of Labor must provide a decision on the certification no later than 20 days in advance of need (otherwise the application for certification is deemed approved); if the Secretary of Labor determines that a certain number of U.S. workers will be able, willing, qualified, and available at the time needed, but at the determined time those workers are not qualified and available, an expedited procedure to determine continued need would be available.

Attorney General to approve all regulations in consultation with the Secretary of Labor and Secretary of Agriculture.

Authorizes the Secretary of Labor to monitor and enforce terms and conditions of the H-2 program as it applies to nonimmigrant workers and U.S. workers employed by the same employers. Provides $10,000,000 for such enforcement activities and to recruit U.S. workers.

After the INS has implemented an automated data processing system to properly track the entry and exit of nonimmigrants, but no later than October 1, 1983, the State Department may establish a pilot visa waiver program for 8 countries which provide a similar benefit to the U.S. if the visa refusal and visa abuse rates for the nationals of such countries are minimal, and if the visitor has a nonrefundable roundtrip ticket.

Adjustment of status or immigrant visa will not be available to a nonimmigrant student until he has returned and resided in his home country for two years, unless such a student is an "immediate relative" of a U.S. citizen, in accordance with the purpose of these educational programs for foreign students. A.G. will have the authority to waive the two-year foreign residence requirement in the case of students who have earned U.S. degrees in certain high-technology fields, who are seeking to adjust to immigrant in the first independent preference category, and who have been offered a job (a) on the faculty of a U.S. college or university, up to 1500 a year, or (b) with a U.S. employer in a research or technical position, up to 4500 a year.

III. Legalization

Immediate permanent resident status (not citizenship) for aliens who have continuously resided in the U.S. since January 1, 1977.

Temporary legal status for (a) aliens who have continously resided in the U.S. since January 1, 1980, and (b) "Cuban/Haitian entrants" who were previously given special legal status up to December 31, 1980.

Persons receiving temporary status will be able to adjust to permanent resident status three years from date of enactment, if they satisfy a requirement of minimum English language competence or are enrolled in a program to acquire such competence.

Federally funded public assistance will not be available either to those in the 3 year temporary status or, for 3 years, to those receiving permanent legal status ("Cuban/Haitian entrants" will continue to qualify for existing special benefits).

Persons will not be eligible for legalization who: have been convicted of a felony or 3 misdemeanors committed in the U.S.; have assisted in political persecution; have been convicted of a crime involving moral turpitude, or 2 or more offenses for which sentences aggregating 5 or more years were imposed; the government has reason to believe seek to enter for activities inimical to the welfare, safety or security of the U.S.; are, or have been anarchists, Communists, or who advocate the overthrow of the government; are Nazis; would engage in subversive activities; have been convicted of a drug violation, other than simple possession of 30 grams or less or marijuana; were nonimmigrant exchange aliens subject to a two year foreign residency requirement.

IV. Monitoring

President is required to report to Senate and House Judiciary Committees on: (1) employer sanctions provisions, including an analysis of the progress toward a secure verification system, impact on illegal immigration and on U.S. employment, on discrimination, and on the record keeping burden of employers; (2) legal immigration; (3) legalization; (4) H-2 program; and (5) visa waiver program. The General Accounting Office is required to report to Congress on whether the employer sanctions provisions have caused discrimination or an unnecessary burden on employers.

V. Sense of the Congress

States the sense of Congress that English is the sole official language of the United States.

By Mr. PELL (for himself, Mr. STAFFORD, Mr. CRANSTON, Mr. RANDOLPH, Mr. INOUYE, Mr. BRADLEY, Mr. BURDICK, Mr. RIEGLE, Mr. MELCHER, Mr. HUDDLESTON, Mr. SARBANES, Mr. DODD, Mr. METZENBAUM, Mr. PRYOR, Mr. TSONGAS, Mr. LEVIN, Mr. MATSUNAGA, Mr.

SASSER, Mr. MOYNIHAN, and Mr. BUMPERS):

S. 530. A bill to provide for a program of financial assistance to States in order to strengthen instruction in mathematics, science, computer education, foreign languages, and vocational education, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION FOR ECONOMIC SECURITY ACT

Mr. PELL. Mr. President, on behalf of myself and my distinguished colleagues the Senator from Vermont (Mr. STAFFORD), the Senator from California (Mr. CRANSTON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from Michigan (Mr. RIEGLE), the Senator from Montana (Mr. MELCHER), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maryland (Mr. SARBANES), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. METZENBAUM), the Senator from Arkansas (Mr. PRYOR), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Tennessee (Mr. SASSER), the Senator from New York (Mr. MOYNIHAN), and the Senator from Arkansas (Mr. BUMPERS), I am today introducing the Education for Economic Security Act. This legislation, which I initially introduced in the 97th Congress, provides Federal assistance to upgrade instruction in mathematics, science, computer technology and foreign languages in our Nation's elementary, secondary, and postsecondary institutions. In addition, it offers much-needed assistance for employment-based vocational training at both the secondary and postsecondary levels to meet the immediate and future need for highly skilled workers throughout America.

There is a general and widespread recognition not only within the Halls of Congress but throughout our country that the United States is facing a crisis of the first order in the field of high technology—a crisis not unlike the sputnik crisis of the late fifties. It is a crisis involving acute teacher shortages, inadequacy of instruction, insufficient materials and equipment, too little vocational training in new and emerging technologies, and a paucity of public funding.

This situation is particularly severe in light of the demands that will be placed upon our economy within the present decade. By 1990 we could well be confronted with a skilled labor shortage in excess of 2½ million workers. That figure is particularly staggering when one realizes that it represents a 150-percent increase in the number of highly skilled people already in the work force today. In the area of computer services jobs alone, the U.S. Bureau of Labor Statistics estimates the number of new jobs could increase by as much as 112 percent by the end of this decade.

The problem of meeting the needs of an increasingly high technology society, however, go far beyond the present decade. We must be very concerned, therefore, with the kind of mathematics, science, computer technology, and foreign language instruction that takes place in our Nation's elementary and secondary schools. In this regard, we must face the plain, hard truth that the present situation most certainly does not bode well for the future.

Only one-third of our Nation's high schools require more than 1 year of mathematics or science. At least one-half of all high school students in the United States have taken no more than 1 year of biology, no other science, and no mathematics beyond algebra. In the last decade, the shortage of scientific equipment in the public schools has cut, by more than half, the exposure to any form of laboratory experience of those students who do take science courses.

The status of foreign language instruction in America's schools is equally alarming. We can hardly expect to compete in an international market when less than one-half of our high school graduates complete even 1 year of a foreign language. It is particularly disconcerting to realize that more students and adults are now learning English in China than there are English-speaking people in the United States.

While we are confronted with critical problems in regard to students and courses in math and science, we face an equally severe problem with respect to the availability of qualified teachers. Of 45 States surveyed by the National Science Foundation in 1981, 43 reported a shortage of math teachers and 42 a shortage of physics teachers. From 1971 to 1980, the total number of student teachers in science decreased threefold, and in math fourfold. The survey also revealed that 50 percent of the newly employed secondary math and science teachers were not certified to teach those subjects. Further, the National Science Board Commission on Precollege Education, Science and Technology noted last year that few certified teachers of high school math and science had formal educational preparation to provide students with an understanding of modern technology. The situation in this area is so serious that U.S. News & World Report has said that alleviating the math teacher shortage, alone, is one of the most immediate and pressing tasks facing colleges and school systems throughout the United States.

Mr. President, the Education for Economic Security Act is a direct response to the problems I have cited. Designed to attack the high technology training and education deficiencies of our Nation on several fronts at the same time, it is, I believe, the most comprehensive piece of legislation in this area to be put before the Congress.

First, it provides local school districts with funds to upgrade instruction in mathematics, science, computer technology and foreign languages. This will help our elementary and secondary schools to design up-to-date programs to provide education in these areas to a much larger segment of our school population. It will also help alleviate three extremely serious problems identified by a 1982 National Science Foundation report: Inadequate facilities, not enough funds to buy equipment and supplies, and a scarcity of materials for individualizing instruction. Most of all, it will allow local school districts wide latitude in designing and implementing programs to meet their own specific and, perhaps, unique needs. The only overall requirement is that local programs be comprehensive, that they involve as large a number of grade levels and students as possible.

Second, at both the secondary and postsecondary levels the Education for Economic Security Act provides funding for employment-based vocational training programs in new and emerging technologies. The fact that programs will be employment-based insures that training will be for jobs and employment opportunities that will exist in the community. The fact that funds can be used for both instructional materials and equipment insures that the courses offered will use the latest teaching techniques and most advanced machinery available. I cannot emphasize too strongly how important it is that we intensify our vocational training efforts in high technology. For only in this way can we meet the need for training 2½ million highly skilled workers by the end of the decade and also prepare our Nation for ensuing decades as well.

Third, in addition to intensified foreign language instruction in our Nation's colleges and universities, this legislation provides critical financial assistance to institutions of higher learning to implement very important programs for teacher training, retraining and inservice upgrading of skills in math, science and computer technology. In addition, I believe we should look seriously at the provisions of the National Science and Mathematics Teachers Development Act. That legislation, which was introduced by the Senator from Connecticut (Mr. DODD) and of which I am proud to be an original cosponsor, would provide

summer workshops and weekend yearly programs as part of a continuing education effort to improve the knowledge and communication skills of secondary school science and mathematics teachers.

Mr. President, if we are to grow and prosper in the decades ahead, then it is critical that we come to grips with the high technology needs that confront our Nation. To my mind, that is a responsibility that must be borne most heavily by our educational system.

In this regard, I think it is important that we look at and learn from the example set by Japan. Japan, today, graduates more engineers than the United States, even though its population is only half of ours. The typical Japanese factory worker has had about 30 percent more classroom hours of instruction than the average U.S. worker. In 1980, the University of Tokyo added more computer capacity than that which exists in the 10 largest universities in this country.

One of the critical factors responsible not only for those achievements but for the overall high productivity of the Japanese people is the high priority and emphasis which the Japanese society places upon its educational system. I believe we can all learn a very important lesson from that fact.

Mr. President, I was in the Soviet Union when sputnik was successfully launched in 1957 and I witnessed the invigorating effect it had upon Soviet citizens. I returned to the United States and witnessed the truly remarkable response of our Nation to the Soviet accomplishment. Almost immediately we realized our inadequacies and set a course to correct them. The major component of our corrective efforts was the National Defense Education Act, and the realization that we had to reemphasize the importance which education plays in our national life.

A crisis of similar magnitude is upon us today. In some ways this crisis may be of even greater proportions than the one which we mastered almost two and a half decades ago. Today's crisis involves not only the strength of our defense from external threats, but the strength of our Nation both internally and externally. It is a crisis which, in my opinion, requires a recommitment to the vital role which education must play in contributing to the defense of our Nation, in promoting a healthy national economy from within, and in honing our competitive edge in the world community. It is time that we began a new era—an era of education for economic security.

● Mr. STAFFORD. Mr. President, I am pleased again to be joining with my distinguished colleagues, Senators PELL and CRANSTON, in introducing the Education for Economic Security Act. This legislation, which was originally introduced as S. 2953 in the last Congress, would provide a measured response to a serious national problem—the decline in teaching and learning in the areas of science, mathematics, and foreign language study.

Legislation to deal with the critical shortage of teachers qualified to instruct students in mathematics, science, and foreign languages is urgently needed if the United States is to compete adequately with other nations in the increasingly competitive international economic arena. The litany of our deficiencies in these areas is appalling:

Nationwide, 22 percent of the teaching posts in mathematics are unfilled;

In 1981, half the newly hired instructors in mathematics and science in secondary schools were not qualified to teach these subjects;

Virtually five times as many science and math teachers left the teaching profession for nonteaching jobs than left due to retirement;

Fewer than one-half of the high school graduates have taken even 1 year of a foreign language as part of their curriculums, and understanding of foreign cultures among students and members of the business community is quite limited.

Certainly education is principally a State and local responsibility, and our State and local school boards must respond to these glaring deficiencies. Yet there is also the national problem of our ability to cope with rapidly changing technology and to improve our international economic competitiveness, which demands a response at the Federal level. The Education for Economic Security Act would provide a legislative response, complementing the programmatic efforts of our States and municipalities by:

Aiding State and local education agencies in upgrading instruction in these critical areas;

Assisting institutions of higher education to improve teacher training in mathematics, science, and computer instruction;

Promoting the retraining of teachers in other disciplines of critical areas;

Providing, through States education agencies, school districts, colleges, and universities, inservice opportunities for existing teachers to improve their teaching skills in math and science.

Mr. President, I recognize that a number of bills have been introduced in this Congress in both Houses, on both sides of the aisle, to address what we believe to be a most serious and urgent problem. My Education Subcommittee will be holding hearing on the Education for Economic Security Act, and on the issues of mathematics, science, and foreign language instruction generally, on March 8 and 9. We hope through these hearings, to determine the magnitude of the problem, and to develop an appropriate Federal legislative response. We believe that the Education for Economic Security Act is a good start in forging this response.●

● Mr. DODD. Mr. President, I am pleased to cosponsor the Education for Economic Security Act introduced by Senator PELL.

This legislation provides financial assistance to State and local education agencies to increase student knowledge and skills in science, mathematics, computer education, foreign languages, and to foster better employment-based vocational education.

States would receive Federal funds based on State's number of children aged from 5 to 17 years as a ratio to the number of these children in all States. The Federal share would be 50 percent and the non-Federal share would be 50 percent including cash and inkind.

The purpose of this legislation is to provide students with the comprehensive knowledge and skills required by the current and future jobs created by the current high technology revolution.

A survey of the current state of American education makes clear the need for this approach. Approximately two-thirds of our Nation's 16,000 school districts require only one course in science and mathematics; typically, students take their last science and mathematics courses during their sophomore year; much of the present curriculum provides only rudimentary high technology skills; most school labs are stocked with obsolete equipment and instrumentation; and, to further compound matters, one-half of the Nation's newly hired secondary school science and mathematics teachers are not qualified to teach these subjects.

The results of these shortcomings are not surprising. Achievement scores in science and mathematics knowledge and skills have been steadily declining. The American Academy of Sciences, at a recent convocation, labeled the lack of science and mathematical skills as scandalous.

According to the National Science Foundation report, "Science and Engineering Education for the 1980's and Beyond," American students are not receiving sufficient science or mathematics training to meet the future technological needs of our society. By contrast, Japan, the Soviet Union, and West Germany are continuing to place far greater emphasis on these areas.

These countries have, not surprisingly, witnessed significant results from the increased emphasis on science and mathematics education. For example, while the United States is graduating 27 percent more college students than the Soviet Union, only 18 percent of the U.S. students receive degrees in science and engineering fields, com-

pared to 53 percent in the Soviet Union. Japan, with a population about half the size of the United States, graduated approximately 24,000 more engineers last year than did the United States.

All of this is happening at a time when the need for science and mathematics knowledge and skills are becoming increasingly important throughout the world.

Medicine, basic and applied research, space and ocean exploration, education, home entertainment, and information processing are but a few areas that have been altered radically by the growing use of specialized technology. America's economic future will depend upon the ability of workers, and society in general, to adequately master the requirements of this new high technology revolution.

The Education for Economic Security Act is a comprehensive bill targeted at providing specific needs of the current high technology era. Funds would be in the form of grants to local education agencies, to be used for instructional materials and comprehensive education programs in science, mathematics, computer learning, and foreign languages instruction at the elementary and secondary school level.

In addition, funds provided to State education agencies would be used by that agency to fund exemplary programs in these areas, as well as for dissemination of information to local agencies on such programs and instructional materials.

Funds are also provided for vocational education at the secondary and postsecondary education for employment-based programs. Community and junior colleges, vocational education facilities, and schools will initiate education and training programs complimentary to local industries.

I am especially pleased that the bill also incorporates the provisions of S. 401, which I introduced for the purpose of upgrading the skills of American teachers of mathematics, science, and computer technology. Those provisions establish a pilot program of Federal assistance to institutions of higher education which develop and offer programs to improve these skills through inservice training, summer and evening courses, and the like.

That approach is designed to help redress one of the most serious problems retarding educational progress in our elementary and secondary schools: a growing shortage of qualified personnel in these fields.

According to a 1982 report of the National Science Teachers Association, one-half of the Nation's newly hired science and mathematics teachers are unqualified to teach. It also asserts that fewer students are entering the science and mathematics teaching fields. Obviously qualified teachers are an essential component to providing basic knowledge and skills mandated by the present high technology society.

Mr. President, I believe it is urgent that we take action in this Congress to address the problems of American education. Of all our natural resources, the one that has counted most throughout our history has been the intelligence and ingenuity of the American people. That promises to be even truer in the years ahead. No priority should be higher than assuring that our educational system provides the facilities, curricula, and training worthy of their abilities. In my judgment, this legislation is a practical and balanced attempt to meet that vital goal. I hope that the Senate will give it prompt and positive attention.●

● Mr. SASSER. Mr. President, I rise as an original cosponsor of the Education for Economic Security Act, S. 530.

There is not one among us who is not aware of or deeply concerned about the problem of decline in the quantity and quality of mathematics and science education over the past two decades. This problem is one of grave national concern as it is directly related to our continued economic development and the maintenance of our national security.

Let me briefly enumerate some of the dimensions of our math and science education problems. In terms of students, of the nearly 3 million graduates each year only about a third have completed 3 years of mathematics and a fifth have completed 3 years of science. In Tennessee, of the approximately 259,000 high school students only 120,000, less than 50 percent, are enrolled in science courses; moreover, less than 50 percent of the students take more than the one unit of credit required for graduation. As for teachers, in every region of the country there is a shortage of certified secondary school mathematics teachers and more areas also report a shortfall of science teachers. Over the last decade, there has been a 77-percent decline in the number of mathematics teachers being trained and a 65-percent decline in the number of science teachers. In addition, our schools are losing five times as many science and mathematics teachers to private industry as to retirement. I know in Tennessee that out of the 137 teachers certified in math and 226 certified in science in 1981 and 1982, only 29 math teachers and 30 science teachers are still working in the public schools.

What are the other nations doing? In Japan, the primary grade curriculum is heavily weighted toward science activities. Seventh through ninth graders must spend 25 percent of their class time in science and math courses, and college-bound students take math every year in high school. Over a 10-year period, the Soviet curriculum for all students covers the equivalent of at least 13 years of American schooling in arithmetic, algebra, and calculus. France introduced computer training into their secondary schools in all disciplines 10 years ago while Great Britain has begun a 3-year national microcomputer education program to promote computer-assisted instruction and the study of information technology.

We must make a renewed investment in math and science education. It is generally recognized that the Nation's economic growth is tied to increasing productivity through the development and implementation of new technologies. Therefore, providing funds to the State and local governments to upgrade education in mathematics, science, computer learning and instruction, foreign languages, and vocational education is a necessary ingredient in continued economic growth.

A prime example of the benefits of increased educational investment comes from our high technology competitor, Japan. Educator Thomas P. Rohlen finds that the great accomplishment of Japanese education is not the creation of a brilliant elite but rather producing a high average level of capability in its graduates—"shaping a whole population, workers, as well as managers, to a standard inconceivable in the United States." A recent study by the New York Stock Exchange finds that the single most important factor in Japan's high productivity is the high quality of Japanese elementary and secondary education.

I strongly believe that our investment in education, as provided by the Education for Economic Security Act, is one of the most sound expenditures we can make. As the New York Stock Exchange report further noted about the need for sustained educational investment:

> We must understand that schooling is a long-term investment in human capital and that productivity suffers when that investment is neglected. The disturbing fact is that, even if we were to reverse that neglect tomorrow, we may spend years before we overcome its legacy.

Years ago the British economist Alfred Marshall stated that "the most valuable of all capital is that invested in human beings." On that note, I urge my fellow Senators to join me in supporting S. 530.●

● Mr. CRANSTON. Mr. President, I am pleased to join as cosponsor of the Education for Economic Security Act. The bill provides a program of financial assistance to States for the purpose of strengthening instruction in mathematics, science, computer education and learning, foreign language instruction, vocational education, and other areas pertinent to public education in an age of new and emerging technologies.

The Education for Economic Security Act—first introduced late last year—is, in my view, must legislation for the 98th Congress. In the past few months we have seen national attention focused on the need for a national agenda in mathematics, science, and technology education. The report of the National Science Board Commission on Precollege Education in Mathematics, Science, and Technology—which documents our alarming education shortages in math and science—is especially compelling evidence that we must act at once to halt the decline of our scientific educational system.

Right now, we have a curriculum so weak in science and technology that U.S. schools rank closer to those in the developing nations of the world than to schools in the industrial democracies which we consider our peers. Two-thirds of U.S. school districts allow graduation from high school with no more than one course in science or mathematics. About half of all high school graduates have had no mathematics or science beyond the 10th grade. Less than a third of our high schools teach calculus. Only about 1 in 10 high school graduates has studied physics.

Critical, sophisticated new growth industries—computers, robotics, and biotechnology—to name a few—demand workers skilled in technology and a populace conversant with the rudiments of science. Yet, we are graduating a generation of illiterates in science and technology. The implications for national productivity are staggering. Every evidence we have is that high-technology industries—the using of advanced math, science, and the techniques of physics created since World War II to produce a product—will maintain rapid job growth. In my own State of California alone, the California Department of Economic and Business Development has estimated the growth of high-technology jobs at 327,000 from 1980 to 1990, a growth of 51.4 percent over the decade.

Overseas, our competition inches ahead of us. Japan—with a population about half the size of ours—graduated about 24,000 more engineers last year than did the United States. Overall achievement scores in Japan in science and math are the highest in the non-Communist world, especially with respect to problem solving skills. The U.S.S.R. in 1974 had nearly twice the number of engineers as did the United States. The number of engineering graduates in the U.S.S.R. has risen to 300,000 in recent years, compared with 63,000 in the United States.

A strong high school background in math and science is especially critical to prepare professional workers in high-technology industries. But even workers not directly employed in high-technology industries also need a level of technological literacy, for a large number of jobs will be affected by expanding technologies. Pacific Gas & Electric Co. has estimated that 80 percent of its new employees need to be computer literate.

One of the key areas that needs to be addressed is qualified instructional personnel. What we know about the current availability of teachers of math and science is, at best, discouraging: There is a critical shortage of qualified teachers; 50 percent of high school science and mathematics teachers employed, nationwide, by high schools this year are unqualified and teach only by emergency certificate. The number of secondary school mathematics teachers being trained has declined by 77 percent over the past 10 years. Science teacher training has dropped 65 percent. The results have serious implications for America's ability to compete in a technological world.

In California, 170 long-term emergency credentials were issued in math for 1981–82 because of the shortage of math teachers. A teacher does not necessarily need college credits or experience in the subject area in which an emergency credential is issued.

The shortage is getting worse, if the Los Angeles Unified School District, the hardest hit with the shortage in the State is any indication. In 1981–82, 333 long- and limited-term emergency credentials were issued compared with a total of 169 credentials of both types issued in 1980–81.

Recent national studies show math and physics to be the areas of greatest shortfall in teacher supply, with shortages that have grown progressively worse since 1976.

Another recent national survey shows over 50 percent of newly employed science teachers as being employed on an emergency basis. The figure is a whopping 84 percent for the Pacific States.

A 1981 survey showed that of a sample of almost 60,000 teachers who teach science 50 percent of the time or more, 18 percent were nonscience majors; 26 percent of these 18 percent were math majors, 24 percent were physical education majors, 11 percent were social studies majors, and 7 percent were home economics majors.

The shortage of math and science teachers may become worse due to few students entering math and science teacher careers. A recent survey by the University of California-Berkeley's Department of Education showed only 92 students currently enrolled in math and science teaching majors in all the public universities in the State with the exception of San Jose State—a number that is expected not nearly to fill the gaps left by teachers retiring and leaving their jobs for industry, where salaries, status, and other benefits are larger than in the teaching profession. A national survey shows five times as many teachers leaving their jobs for industry as for retirement.

National surveys show declining numbers of science and math teachers being produced in teacher training programs.

A related issue is the shortage of graduate engineering students choosing to remain in the academic world to teach. Graduate enrollments nationally have dropped significantly because of the high salaries paid by industry to undergraduates right out of school. The gap between a student graduating with an electrical engineering degree, in his first job, and the professor who teaches him is about $6,000—in favor of the student. In California, there are now openings for engineering faculty at all of California's public colleges and universities. In the fall of 1980, 10 percent of the 16,200 engineering faculty positions in 244 engineering schools in the United States were vacant.

We have no national policy to address the problem. In fact, we have abandoned Federal leadership in practically every relevant area, from basic research to teaching resources. Facing these issues is not just a matter of national pride, it is a matter of national survival. We need programs, training, and equipment. Education funding crises face very State of the Union. Of 137 California school districts surveyed, 19 percent said they had reduced their science programs and over 12 percent had reduced their math program as a result of State budget cuts. Innovative programs—such as computer learning—are likely to be among the losers in the scramble for program funds.

I want to emphasize, Mr. President, that we wish to further the education of Americans as wise and compassionate participants of our democracy. Although the emphasis of this legislation is on needed educational changes in an age of emerging technologies, we do not choose science and technology over the arts and humanities. We need not make those kinds of choices. We remain committed to the totality of an educational process that has as its goal a citizenry fully functional in the arts as well as the sciences.

The Education for Economic Security Act is a comprehensive attempt to assist schools in meeting the specific needs of a technological age. It provides, on a matching funds basis, grants to the States to upgrade instruction in mathematics, science, computer learning and instruction, foreign languages, and vocational education. I ask unanimous consent that an analysis of the bill be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD as follows:

THE EDUCATION FOR ECONOMIC SECURITY ACT

GENERAL PROVISIONS

The Act would provide funding to make grants to upgrade instruction in mathematics, science, computer learning and instruction, foreign language, and vocational education.

Rate of payment to states would be based on a formula expressing the ratio that the number of children aged 5 to 17, inclusive, in the state bears to the number of those children in all the states. There would also be a small state minimum of one-half of 1 percent.

The Federal share would be 50 percent, and the non-Federal share would be 50 percent including cash and in-kind.

ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION PROGRAMS

Sixty-five percent of the State's share of the funds provided under this Act shall go to the State education agency for programs in mathematics, science, computer learning and instruction, new and emerging technology training, and foreign language education.

Local programs in mathematics, science, computer learning and instruction

Forty percent of the funds provided to the State education agency would go in the form of grants to local education agencies. These grants would be for the purpose of instructional materials and comprehensive education programs in mathematics, science, and computer learning and instruction.

The size of a grant to a local education agency would be based on a combination of the following:

(1) the size of the local education agency as determined by the number of children aged 5 to 17, inclusive, in the schools of such agency;

(2) the size of the proposed programs in terms of the number of students and grade levels served.

Renewal of grants would be based upon the size of the local education agency and upon an assessment of whether or not the local education agency had implemented a comprehensive program of mathematics, science, and computer learning and instruction involving several grade levels and a substantial number of students. Implementation of a part of a comprehensive, multi-year program would be considered as meeting these requirements.

Local programs in foreign language instruction

Fifteen percent of the funds provided to the State education agency would go to local education agencies for programs in foreign language instruction. Initial grants and grant renewal would be based upon the same criteria as used for local programs in mathematics, science, and computer learning and instruction.

State programs

Ten percent of the funds provided to the State education agency would be used by that agency to fund exemplary programs in mathematics, science, foreign language education, and computer learning and instruction; for instructional materials; for technical assistance in these areas to local education agencies; and for dissemination of information to local education agency on exemplary programs and instructional materials.

Vocational education programs

Thirty-five percent of the funds provided to the State education agency would be used by the State agency for vocational education for employment-based programs, together with instructional materials and equipment, in new and emerging technologies, including computer learning and instruction. These funds would go to vocational education facilities, comprehensive high schools, and area vocational schools in accordance with procedures established by the State agency for vocational education. Ten percent of the thirty-five percent would be reserved for use in correctional institutions in providing employment-based programs and instructional materials in new and emerging technologies, including computer learning and instruction.

HIGHER EDUCATION PROGRAMS

Thirty-five percent of the State's share of the funds provided under this Act would go to the State agency for higher education for programs of teacher training and retraining, foreign language instruction, and new and emerging technology training.

Teacher training and retraining programs

Fifty percent of the funds provided to the State agency for higher education would be used to make grants to institutions of higher education for programs involving:

(1) teacher training in mathematics, science, and computer learning and instruction;

(2) retraining of teachers from other disciplines to teach mathematics, science, and computer technology:

(3) inservice training for teachers of mathematics, science, and computer technology to upgrade and improve their skills.

These programs would be available only to individuals who would be teaching at the elementary and secondary level.

Employment-based programs

Thirty-five percent of the funds provided to the State agency for higher education would be used to make grants to institutions of higher education, including community and junior colleges, for employment-based programs, together with instructional materials and equipment, in new and emerging technologies, including computer learning and instruction and basic engineering.

Foreign language instruction

Fifteen percent of the funds provided to the State agency for higher education would be used to make grants to institutions.●

● Mr. RANDOLPH. Mr. President, I am gratified to be an active sponsor of the bill being introduced today, the "Education for Economic Security Act."

There has been overwhelming public debate recently on the critical need that exists for science and mathematics education improvement in our public schools. As a result there are several bills that have been, or will soon be, introduced in the Senate and the House of Representatives, addressing this need. Some of these are broad in scope and most comprehensive, requiring funding levels of a billion dollars or more. Other measures are realistically modest in scope and funding requirements.

The criticisms we have all heard about our serious lack of math and science skills are perhaps earned—and are meant to be constructive. We take those criticisms to be constructive.

What we must guard against is trying to do too much too soon in an area where few of us pretend to be wise and all-knowing. We need to take action, and we are doing so by presenting legislation that, in my mind, is the very strong and firm foundation on which the Congress can build in the future to expand and improve our efforts to correct the problem. We can silence the prophets of doom and gloom who cry out to us that a technological revolution is going on and we are not doing anything about it.

The facts are more or less irrefutable. We know that the number of qualified teachers of math and science has declined alarmingly. We know of the teachers in our Nation's schools teaching those subjects in the 1981–82 school year, some one-half of them were technically unqualified and were teaching with emergency certificates.

We know that for the period 1970–81, a survey of 600 colleges and universities with teacher-training programs showed a decline of 77 percent in the number of secondary school math teachers being trained.

In 1980, of the 3 million high school graduates, only one-third of them completed 3 years of math, and only 54 percent of high schools taught trigonometry, and only 31 percent taught calculus.

While these declines were taking place in the teaching field, remedial math courses taught in public, 4-year colleges increased by more than 70 percent over the past 5 years.

We know that every survey taken by anyone of any kind has shown that test scores in math and sciences by our school children have steadily declined.

You would think, after this mournful recitation of mournful facts, that I would be standing here demanding billions of dollars worth of science and math, foreign languages and computer technology training programs. I tell you that I would like to have that amount to launch our effort to help our children catch up with the rest of the world in the high technology race.

I am confident that the Education for Economic Security Act which we are introducing is a modest, but most definitely realistic and well-structured model, for improving math and science courses in our public school system as well as at our higher education institutions.

I take this opportunity to heap praise on our able colleague, Senator CLAIBORNE PELL, the ranking minority member of the Senate Subcommittee on Education, for his leadership in developing this legislation. I believe this measure will serve as a viable model for broader and more comprehensive programs of similar nature and need. I

predict it become the centerpiece for high technology training for students and teachers for generations.

The Education for Economic Security Act does not pretend to do all things for all people. It does not pretend to address the math and science needs of the rest of this decade and the next.

What it does represent is a sensible and orderly beginning toward preparing our young people for the world they inevitably will inherit and be responsible for in the near future. It represents the step forward required to restore this country's economic health and its national security goals.

Do not be deceived into thinking that this legislation is so modest in its approach that it is simplistic and will fall short of our goals. We have identified the principal concern being expressed by the general public—declining achievement and participation at a time of increasing national needs. We recognize the duty we have to prepare the young for living in a society that is supported, enriched—and sometimes endangered—by science and technology—and their need to understand it.

The Education for Economic Security Act provides activities that will strengthen instruction in math, science, computer technology and foreign language skills, and upgrade and intensify employment-based vocational training in the new and emerging technologies of the secondary and postsecondary levels. The bill provides crucial funding for teacher training and retention in the fields of math and science so our children can begin to learn and go on learning.

I have mentioned the growing public debate on the need for upgraded math and science courses in our schools, but until there is a truly tangible national consensus reached that our future prosperity and international position of the United States does depend on broader public attainment in the sciences—a consensus reached by the taxpaying public—we will never have the support we need for a really comprehensive, billion dollar math and science bill.

We wait for that national consensus to be reached. Let us move forward in this well-structured approach, to fill the gap between the public understanding of science and technology and the requirements of citizenship in a participatory democracy, with a price tag that we can afford.

Our failure to act in a modest way would shortchange education, our national defense, industry, agriculture and the professions. Turning our backs and doing nothing would allow our competitors and adversaries abroad to be handed an advantage by default.

This is a sound beginning. We do not seek the most comprehensive commitment to science and math educational opportunities that we might envision if our national economy was stronger at this time. We are not in retreat nor are we abandoning our duty to help upgrade the quality of American science and math education.

I believe that education is our surest path to achieving economic strength, military security, and the commitment of citizens to the ideal of an informed and participating citizenry.

The Education for Economic Security Act is our first step toward instilling in our formal and informal education systems. We must commit ourselves to achieve the greater goal of meeting our need to educate a generation of Americans with the understanding and skills to act fully in the technological world in which they will live.

Mr. President, I remind my colleagues, while in no way meaning to diminish the importance of enacting the Education for Economic Security Act into law and then obtaining the funds that are crucial to its implementation, that we remain ever mindful of the need not to abandon our commitment to the funding needs of the basic education programs already in law. No matter how much we do to encourage and provide incentives to students, highly talented and motivated toward obtaining proficiency in math and the physical sciences, we must acknowledge the importance of educating those who are interested in other career choices as important to our economic recovery and national security.

We will soon debate the fiscal year 1984 budget resolution and subsequent spending bills for the education function.

It is my concern that funding for this new science and math program will be included in the budget resolution. It will be "new money," shall not take the funds for this purpose from another education program to achieve "savings."

Mr. President, the question before us is not whether we can afford it. The question is: Can we afford not to fund our education programs?●

By Mr. DURENBERGER (for himself, Mr. SASSER, and Mr. LEVIN):

S. 531. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Governmental Affairs.

UNIFORM RELOCATION ACT AMENDMENTS OF 1983

● Mr. DURENBERGER. Mr. President, it is a privilege and a pleasure to introduce on behalf of the administration the Uniform Relocation Act Amendments of 1983.

The legislation, with a few notable exceptions, is identical to the bills—S. 2363—which passed by the unanimous consent of the Senate late in the 97th Congress. The changes which the administration has incorporated into this year's bill clearly demonstrate that OMB is serious about achieving the passage of these important reforms early in the 98th Congress. Key compromises have been made, for example, on the overall levels of relocation benefits. I am certain that this interest in reasonable compromise will not be lost on our colleagues in the House Committee on Public Works and Transportation.

PROBLEMS

The Uniform Relocation Assistance and Real Property Acquisition Policies Act, which this legislation would amend, is a 1970 law which creates certain rights and entitlements for property owners and tenants who are displaced by the acquisition of their homes or businesses for federally funded programs or projects. The act establishes basic acquisition procedures, as well as minimum levels of compensation, such as moving expenses, reimbursement for the additional cost of relocating to comparable replacement housing, and advisory services during the relocation process.

Yet despite its laudable objective of injecting fairness, equity, and compassion into Federal property acquisition procedure, the act has become badly dated. Inflation since 1970 has substantially eroded benefits levels. Court decisions and the 1974 enactment of the Housing and Community Development Act have all but eliminated the act's coverage of most housing programs. Federal agency rules and procedures, originally intended to be uniform, have diverged considerably, creating a regulatory nightmare for those charged with administering relocation assistance at the local level. Meanwhile, limitations in the original scope of the act, and oversights in its drafting, have resulted in windfalls for some displaced persons, even while others may receive inadequate assistance or, in some cases, nothing at all.

Significantly, it is not just the Federal Government which bears the burdens caused by the inequities and other problems of the 1970 act. Historically, over 90 percent of all actions required under the act are carried out by State and local agencies as a condition of Federal housing and transportation grants-in-aid. It is no coincidence, therefore, that State and local administrators—who implement the act on a daily basis—have led the way in proposing the many long-overdue reforms incorporated in this legislation.

CORE OF CONSENSUS

The Uniform Relocation Act Amendments of 1983 were developed jointly by the Subcommittee on Intergovernmental Relations and OMB's Intergovernmental Affairs Division in full and open consultation with key Federal

agencies, State and local governments, professional organizations whose members implement the Uniform Act, and organizations representing the interests of displaced tenants. The result is a bill which comprehensively addresses a core of issues around which there is broad consensus.

The amendments promote flexibility and local discretion, broaden the act's coverage, raise benefit levels across the board, and provide for a variety of management reforms designed to achieve modest programmatic and administrative savings. Preliminary estimates indicate that this agenda can be achieved at little or no additional increase in Federal expenditure.

Supporters of last year's bill (S. 2363) included such organizations as the National Governors' Association, the U.S. Conference of Mayors, the American Association of State Highway and Transportation Officials, and the National Association of Housing and Redevelopment Officials. However, despite such general approval, some reservations existed with respect to tenant and homeowner benefit ceilings, the manner of computing tenant benefits, the extent to which utilities may be compensated for the cost of moving their transmission lines, and the nature of the grant of discretion intended under a provision to allow States to develop their own implementing regulations.

In response, OMB has, at my urging, incorporated a variety of changes to S. 2363 which effectively resolve these issues. Thus, to the extent that any controversy might have impeded the passage of S. 2363 in the 97th Congress, the same cannot be said of this year's legislation.

NEED FOR ACTION

Mr. President, these amendments could not come along at a more opportune time. Throughout the 1970's the number of federally funded relocations declined markedly due primarily to the substantial completion of the Interstate Highway System, and a turning away from large-scale slum clearance programs under urban renewal. More recently, however, congressional interest in programs to rebuild the Nation's infrastructure presages a significant reversal of such trends. Last year's infusions to the highway and airport and airway trust funds will considerably increase the numbers of relocations under these programs; meanwhile, additional public works funding may be forthcoming under legislation enacted in the 98th Congress.

Like an old automobile that has served its owners well, the Uniform Act of 1970 is in need of a tuneup and a few major repairs. Nobody has suggested that the act should be traded in for a new and different model, or junked entirely. Accordingly, the amendments may be likened to a general overhaul. Like any prudent driver, the Congress should not forget such needed repairs in the race to rebuild our roads, bridges, and other capital facilities. The people and State and local governments, whose interests and well-being are at stake in this matter, must not be made casualties of the "accidents" which, most surely, will otherwise occur.

Mr. President, I request that the statement by the distinguished Senator from Tennessee, a copy of the amendments, a section-by-section analysis, and a letter transmitting the bill to Congress be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Act Amendments of 1983."

TITLE I—GENERAL PROVISIONS

DEFINITIONS

SEC. 101. (a) Section 101(1) (42 U.S.C. 4601(1)) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter the "Uniform Act") is amended by striking out "(except the National Capital Housing Authority)" and "(except the District of Columbia Redevelopment Land Agency)."

(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any entity which has eminent domain authority under State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting, "or mortgage interest subsidy to a person" after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"The term 'displaced person' means—

"(A) any person who moves from real property, moves personal property from real property, or moves a business or farm operation, as a direct result of the written notice or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and of section 205, any person who moves from real property or moves personal property from real property—

"(i) as a direct result of the written notice or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a residential tenant and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any other provisions of this Act which the head of the displacing agency may prescribe, any other person who is a residential tenant and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;" or

"(D) any person who is eligible for relocation assistance under paragraphs (A), (B), or (C) of this subsection, unless

"(i) such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act; or

"(ii) such person is a utility whose transmission lines are located on public property without compensable interest therein."

(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new subsections:

"(10) The term 'suitable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally similar; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency, State or State agency utilizing Federal financial assistance or, for the purposes of paragraphs (B) and (C) of section 101(6), any person furnished Federal financial assistance which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Federal department, agency, or other entity designated by the President to coordinate implementation of the Uniform Act under section 213 of this Act.

"(13) The term 'appraisal' means a written statement independently prepared by a qualified contract or staff appraiser setting forth an opinion of value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

TITLE II—UNIFORM RELOCATION ASSISTANCE

SEC. 201. Section 201 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621), and its catchline are amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) displacement occurs in a variety of social, economic, geographic, and legal circumstances;

"(3) relocation assistance policies must provide for sufficient flexibility to assure fair, uniform and equitable treatment of all affected persons;

"(4) the displacement of businesses often results in their closure; and

"(5) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance, in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"(c) It is the intent of Congress that—

"(1) the primary purpose of this title is to minimize the hardship of displacement on persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance;

"(2) Federal agencies shall carry out this law in a manner which minimizes waste, fraud, and mismanagement;

"(3) the administration of this Act shall, to the maximum extent feasible, minimize unnecessary administrative and program costs borne by States and State agencies through the promulgation of economical regulatory requirements and the delegation of substantial administrative discretion to the States;

"(4) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(5) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals."

MOVING AND RELATED EXPENSES

SEC. 202. (a) Section 202(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and "; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced nonprofit organization or business at its new site, but not to exceed $10,000".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency."

(c) Section 202(c) of such Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business is renting displacement property to others shall not qualify for this payment."

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. Section 203(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in paragraph (1) and inserting in lieu thereof "displacing";

(2) by striking "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a suitable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such suitable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a suitable replacement dwelling within one year of such date. Nothing in this section shall authorize an agency to restrict a person from relocating to the suitable replacement dwelling of his or her choice by paying a lower level of compensation than is necessary to accomplish such purpose unless the payment required will exceed the total payment amount established under subsection (a) of this section."

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204 (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling unit not eligible to receive a payment under section 203 which was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to the initiation of negotiations for acquisition of such dwelling, or, where displacement is not caused by acquisition, any other event which the head of the the lead agency may prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed three years, a suitable replacement dwelling. For the purpose of this subsection the amount referred to shall equal the lesser of (i) $4,500 or (ii) 36 times the amount obtained by subtracting the monthly housing costs for the displacement dwelling from the monthly housing costs for a suitable replacement dwelling. At the discretion of the head of the displacing agency, a payment under this subsection may be made in monthly installments.

"(b) Any displaced person eligible for payments under subsection (a) of this section may elect to receive in lieu thereof either Federal low income housing assistance or similar State or local governmental assistance if such assistance is available at the time of displacement and such person is otherwise eligible for such assistance. The failure of any such person to make such an election shall be considered when evaluating the eligibility of such person for any Federal or federally assisted low income housing assistance program during the three years following the date on which such person received the payment authorized under subsection (a) of this section.

"(c) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a downpayment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. A displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling may, at the discretion of the head of the displacing agency, be eligible for the maximum payment allowed under this subsection, provided that such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for 180 days immediately prior to the initiation of such negotiations."

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

SEC. 205. Section 205 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4625) and its catchline are amended to read as follows:

"RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

"SEC. 205. (a) The head of any displacing agency shall assure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(b) The Secretary of Housing and Urban Development shall assign a high priority for assistance under the programs referred to in sections 204(b) and 206(b) of this Act to persons eligible under such sections. To the extent practicable, the Secretary shall require that federally assisted State and local governmental low income housing assistance programs assign priority for assistance to such persons. To the extent practicable, the Administrator of the Small Business Ad-

ministration and the heads of other Federal agencies administering programs which may be of assistance to displaced persons shall make available technical assistance under subsection (c)(5) of this section and expedite the applications for such assistance by such persons.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information about sales prices and rental charges on suitable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a suitable replacement dwelling;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning other Federal programs which may be of assistance to displaced persons, and technical assistance to such persons in applying for assistance under such programs;

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation; and

"(7) assure that a 180-day homeowner-occupant is given a reasonable opportunity to remain in such occupancy status.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may by agreement designate one such agency as the cognizant Federal agency whose procedures shall be utilized to implement the activities. If such agreement cannot be reached, then the head of the lead agency shall designate one such agency as the cognizant agency. Such related activites constitute a single program or project for purposes of this Act."

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because suitable replacement dwellings are not available, and the head of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the lead agency shall require that this section may be used to exceed the payment ceilings established in sections 203 and 204 only on a case-by-case basis, for good cause.

"(b) Whenever housing replacement as a last resort will result in the provision of housing for persons who are otherwise eligible for low income housing assistance, the requirement that the displacing agency provide suitable replacement housing may be met through such assistance as the provision of a certificate of family participation under the existing section 8 housing program pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437f)."

CERTIFICATION

SEC. 207. (a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4630) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 210. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any grant to or contract or agreement with a displacing agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project on or after the effective date of this title, unless he receives satisfactory assurances from such agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 of this title shall be provided to such displaced person.

"(3) within a reasonable period of time prior to a displacement, suitable replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this Title and Title I of this Act, with the exception of sections 208 and 211 of this Title, by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this Title and Title I; Provided: that the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this Title and Title I, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories.

"(2) The head of the lead agency in coordination with other federal agencies shall from time-to-time monitor State agency implementation of such certification, and the State agency shall make available any information required for such purpose. The head of the lead agency may withdraw his acceptance of the certification for good cause; Provided: that the State government is given due notice prior to taking any such action and is given a reasonable opportunity to demonstrate why such action should not be taken.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under the Act.

"(d) The head of a Federal agency may withhold his approval of any grant, contract, or cooperative agreement with any displacing agency found to have intentionally circumvented a State law adopted under subsection (b) of this section."

FEDERAL SHARE OF COSTS

SEC. 208. (a) Section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to Titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program costs."

(b) Section 210(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended by striking out and all that follows "required by" and inserting in lieu thereof "State law which is determined by the head of the lead agency to have substantially the same purpose and effect of such payment under this section."

REGULATION

SEC. 209. Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) and its catchline is amended to read as follows:

"REGULATION

"SEC. 213. (a) The President shall designate a lead agency.

"(b) The head of the lead agency shall—

"(1) develop, publish, and promulgate, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in full coordination with State and local governments, such rules as may be necessary to carry out this Act;

"(2) assure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency, or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform other duties as may be provided by law as relate to the purposes of this Act."

TRANSFER OF SURPLUS PROPERTY

SEC. 210. Section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4638) is amended by inserting "net" after "all."

REPEALS

SEC. 211. Sections 214, 215, 217, and 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4634, 4635, 4637, and 4639) are hereby repealed.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. (a) Section 301(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof:, "except that the head of the lead agency may prescribe a procedure which foregoes the appraisal."

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651(9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the acquiring agency shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the acquiring agency has determined has little or no value or utility to the owner."

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following section—

"(10) A person whose real property is being acquired in connection with a project under this Title may, after the person has been fully informed of his right to receive just compensation of such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to an acquiring agency, as said person shall determine."

CERTIFICATION

SEC. 302. Section 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4655) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 305. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of this title, unless he receives satisfactory assurances that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies under section 301 of this title and the provisions of section 302 of this title; and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this Title by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this Title; *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this Title.

"(2) The head of the lead agency in coordination with other federal agencies shall from time-to-time monitor State agency implementation of such certification and the State agency shall make available any information required for such purpose. The head of the lead agency shall by regulation develop criteria for withdrawal of acceptance of a certification.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under this Act."

TITLE IV—EFFECTIVE DATE

SEC. 401. (a) Section 209 of the Uniform Act takes effect on the date of its enactment. (b) The remainder of this Act takes effect either twenty-four months from the date of its enactment or when a State agency makes such provisions applicable under state laws, whichever is earlier.

THE UNIFORM RELOCATION ACT AMENDMENTS OF 1983 SECTION-BY-SECTION ANALYSIS

DEFINITIONS

Section 101(a). Section 101(1). This section eliminates reference in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter the Uniform Act) to the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency. If the proposed amendments are enacted, these entities are included in the new definition of "State agency", as having power of eminent domain.

Section 101(b). Section 101(3). This section expands the definition of a "State agency" to include a private corporation that has the power to take private property for public use (eminent domain).

Section 101(d). Section 101(6). The definition of "displaced person" for the purposes of triggering certain benefits—moving costs (section 202 (a) and (b)) and advisory services (section 205)—is expanded to include persons directly displaced through Federal or federally assisted substantial rehabilitation or demolition activities. Residential tenants displaced by non-acquisiton activities are not presently covered under the Act, but many are covered by separate relocation regulations. The expanded definition of "displaced person" consolidates under the Uniform Act different Housing and Urban Development regulations requiring relocation assistance for residential tenants directly displaced by Federal or federally assisted non-acquisition activities. It also ensures that residential tenants displaced by such programs do not have uneven rights and entitlements solely due to the type of displacing activity. In addition, a provision is included for the head of the lead agency to establish criteria for determining eligibility of unlawful occupants in the displacement dwelling, and for those persons who may occupy solely for the purposes of obtaining assistance. This section also circumscribes eligibility for utility companies whose transmission lines are moved as a result of any Federal or federally assisted project, to receive moving payments under Section 202 in connection with such lines. The rationale for this is that public utility transmission lines occupy public rights-of-way under various terms and conditions established by State and local agencies. These terms and conditions may be established by franchise agreement, State law, court decisions, or administrative practices (e.g., Comptroller General and agency rulings). In general, public utilities are allowed to use public rights-of-way, without charge or at a nominal fee to cover administrative costs, with the explicit provision that the utilities may be required to remove, relocate or adjust their transmission lines at the request of the public agency having jurisdiction. The intent of this provision is not to deprive utilities of their rights under contract or State and local law, but to ensure that this Act does not unintentionally interfere in such matters, as happened recently in the case entitled "C&P Telephone Company vs. Norfolk Redevelopment and Housing Authority and Housing and Urban Development" (No. 81-1602, 3/25/82). This provision would allow certain prior agreements to prevail.

Also, the term "displaced person" does not include any person who moves or moves property or operations from real property under the ownership or control of a Federal, State or local agency pursuant to the terms of a lease, license, land use permit, or other arrangements for the use of such property, unless such person was an owner-occupant or tenant of the real property immediately prior to acquisition by a displacing agency.

Section 101(e). Section 101 is expanded by adding three new definitions:

Section 101 (10) "Suitable Replacement Dwelling". This term is to be used in place of "Comparable Replacement Dwelling" wherever it occurs in the Uniform Act.

This change is designed to be somewhat more flexible, without compromising a person's right to be made whole.

In this version "affordable" has been deleted from the term "suitable replacement dwelling" and within the persons' "financial means" inserted. This is intended to clarify the term "affordable" without changing its intent or meaning. The clause "functionally similar" is designed to make the suitability standard closer to the comparability standard under current law.

Section 101(11) "Displacing Agency". This term is established to consolidate under a single term all the sources of displacement, including Federal agencies, States, and persons furnished Federal financial assistance, for the purpose of making the law easier to read, understand, and implement.

Section 101(12). "Lead Agency". This term defines the department, agency, or other body that shall be designated by the President pursuant to section 213 to implement and coordinate uniform government-wide regulations under this Uniform Act.

POLICY

Section 201. Section 201. This section, which presently stipulates that the Uniform Act is to provide for the fair and equitable treatment of persons displaced by Federal or federally assisted programs designed for the benefit of the public, is significantly expanded under a new Statement of Findings and Policy.

Section 201(a). The findings subsection establishes that federally caused displacement occurs under rehabilitation and demolition activities, as well as acquisition activities; that flexibility in administration of the Uniform Act to meet the unique circumstances of displaced persons is fair and equitable; and that minimizing the adverse impact displacements have on businesses is vital to the economic well-being of communities.

Section 201(b). The Policy subsection states that the administration of the Uniform Act shall minimize unnecessary administrative and program costs borne by State and local governments through economical regulations and the delegation of substantial discretion under the Uniform Act to the States; that Federal agencies shall implement steps to minimize waste, fraud, and mismanagement; that uniformity should be

subordinate to the need for flexibility in administering the Uniform Act; that persons in essentially similar circumstances are to be accorded equal treatment; and that there is a distinction between the Uniform Act's goals of minimizing the hardship of displacement on individuals and improving the housing conditions of the poor, indicating that the latter be integrated with existing housing programs as much as possible. A major purpose of these revisions is to ensure that uniformity exists among Federal regulations, but at the local level unique circumstances should be taken into consideration. However, where the circumstances of two or more persons are in most respects essentially similar—a relatively narrow concept—then the accordance of uniform rights and entitlements under the Uniform Act is intended.

MOVING AND RELATED EXPENSES

Section 202. Section 202(a). The section is rewritten to make it easier to understand. Also, a subsection is added (Section 202(a)(4)) to the effect that reasonable expenses, of up to $10,000, necessary to reestablish a non-profit organization or business at a new site are compensable under the Uniform Act. The additional amount, though not large, should help non-profit organizations or businesses adjust to displacement. This is to correct the problem in the present law that non-profit organizations and businesses receive substantially fewer rights and entitlements under the Uniform Act than do individuals. Under current practice some of the cost of public policy is passed on to the business sector, notwithstanding the fact that individuals own businesses and may suffer severe economic harm as a result of displacement. Finally, the intent is to make this benefit available to those businesses being reestablished, not those going out of business.

Section 202(b). This section is amended to eliminate the ceiling and floor on the amount paid in lieu of itemized expenses for moving and other expenses associated with relocating, and delegates the setting of such payments to the head of the lead agency. Removing the ceiling allows the payment to be adjusted upward for inflation. This corrects the incentive for persons to itemize actual expenses and thereby increase the attendant paperwork burden, when the in-lieu payment is so low as to be uneconomical. Removal of the floor will help to avoid windfalls presently resulting when persons are displaced from missions or "flop houses."

Section 202(c). This section is amended to raise the current $10,000 ceiling on the amount a displaced business or farm operation may receive in lieu of itemized expenses for moving and other expenses associated with relocating to $20,000; to delete the requirement that this amount be determined based on the annual income of such concern in favor of criteria to be developed by the head of the lead agency; and to require that persons whose sole business was the renting of the displacement property to others shall not qualify for this payment. The increased ceiling is to adjust the ceiling for inflation, since it is currently so low as to make it economic for businesses to itemize actual expenses and increase the paperwork burdens of implementing agencies accordingly. The new payment criteria are established to provide displacing agencies with greater flexibility. The current criteria have proven very difficult to administer. Finally, the restricted definition of a business is to prevent windfalls and abuses presently benefiting owners of rental property who have little or nothing to move.

REPLACEMENT HOUSING FOR HOMEOWNER

Section 203. Section 203(a). This section is amended to raise the maximum payment from $15,000 to $22,500. The existing $15,000 payment is no longer adequate. Because of the increase in cost of housing over the past decade a majority of Federal agencies frequently must use the last resort housing provision. Justification to use the last resort provision is time consuming and a costly administrative burden. In order to avoid this burden, along with its attendant costs, and to compensate for inflation over the last ten years when the ceiling was first established, the ceiling is now being increased to $22,500. This section also eliminates the requirement that persons be relocated to comparable replacement dwellings in favor of a requirement to relocate such persons to suitable replacement dwellings (section 203(a)(1)(A)); to change the method by which persons are compensated for higher mortgage payments for their replacement dwellings to reflect current market conditions through the use of the "buy-down" method (Section 203 (a)(1)(B)); to allow the head of the displacing agency to extend, for good cause, the one-year period in which a person must relocate to a replacement dwelling in order to receive a payment under this section, except that payments are to be computed based on the one-year rule; and to allow him to waive the requirement that persons relocate to decent, safe, and sanitary housing for good cause due to the unique circumstances of the displaced person. The corrected computation formula is to eliminate a number of unintended windfalls occurring under the present law. The one year rule is to clarify a displacing agency's obligation under the Uniform Act where displacement is substantially later than the final payment date—a continuing source of controversy. This is because when agencies lease back property to the displacee for a period of years, inflated land and relocation costs may be significantly higher at the actual time of acquisition. However, an agency waiver of the one-year rule is included as a fairness provision.

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

Section 204. Section 204(a). This section is amended to replace the requirement that relocation be to a comparable replacement dwelling and to increase the $4,000 ceiling to $4,500. The existing $4,000 payment, like the payment under section 203(a), is not adequate in light of the existing housing market and for the same reasoning as stated under section 205(a) this ceiling is increased to $4,500 and the time period placed at three years. In addition, the suitability standard is substituted to avoid windfalls under the comparability standard. The revised payment formula is to reflect the intent that rental subsidies should be based on the person's willingness and ability to pay housing costs as determined by the amount of their income devoted to housing.

Section 204(b). This section is amended explicitly to allow persons eligible to receive a payment under this section, who are otherwise eligible for low income housing assistance programs that are either federally administered or assisted, to elect instead to receive such housing assistance, provided that it is available, but where such person opts for the cash payment, this is to be taken into account by Federal or federally assisted agencies when determining such person's eligibility for public housing assistance during the two years following the date on which such person received the cash payment. This is to eliminate windfalls that benefit persons who receive double housing subsidies.

Section 204(c). This section is amended to eliminate the requirement that persons who elect to apply the amount allowed under this section toward a downpayment on, and expenses pursuant to, the purchase of a replacement dwelling match any amount over $2,000; to provide that payments under this subsection not be more than they would be under subsection (a); to provide that such person is not to receive other governmental assistance toward such purchase other than federally insured or guaranteed loans or any amount in excess of what he would have received under 203(a); and to provide that homeowners who do not meet the 180-day residency requirements, but meet the 90-day residency requirements for tenants, remain eligible for the full $4,500 payment under this section, as is currently the case. The elimination of the matching requirement is to eliminate the burdensome paperwork that occurs under the current procedure. The limit of payments to the amount the person would otherwise have been eligible for under subsection (a) is to eliminate the use of higher payments as an inducement to homeownership.

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

Section 205. Section 205(a). This section is amended to require the Secretary of Housing and Urban Development to assign a high priority for assistance to persons who choose under section 204(b) to receive public housing assistance instead of a cash payment; to assure that other Federal agencies, whose programs are of assistance to displaced persons to take practicable measures to provide technical assistance in preparing applications for such programs; and to expedite the consideration of such applications. This is to ensure better coordination of governmental programs, and to target such resources more effectively toward minimizing the hardships that result from Federal programs.

Section 205(b). This section is amended to eliminate the requirement to provide information on the availability of comparable replacement dwellings in favor of suitable replacement dwellings; to include farm operations among the businesses for which information on alternative locations must be provided; and to eliminate the requirement that a person not be made to move unless given a reasonable choice of opportunities to move to a comparable dwelling in favor of a suitable replacement dwelling. The substitution of suitability for comparability is based on the same rationale as established in Section 101 (10). The inclusion of farm operations under this provision is for equity purposes.

Section 205(c). This section is added to require that when two or more Federal agencies are providing assistance to a geographically or functionally related activity, the agencies will agree on a cognizant agency whose procedures will apply to such activities. This is to eliminate red tape and paperwork burdens where regulations may be the same, but procedures differ. It will also serve to equalize payments. However, the intent is also that such cognizant agencies be established on a project-by-project basis, not in perpetuity.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

Section 206. Section 206(a). This section is amended to establish that the unavailability of suitable as opposed to comparable replacement sale or rental dwellings will determine whether last resort housing must be provided; subject to lead agency certification, States may establish statewide standards for the use of this section, provided that these standards require that persons in essentially similar circumstances are accorded equal treatment. Where there is no State law, the lead agency shall promulgate a regulation to the effect that this section may not be used to exceed the payment ceilings under sections 203 and 204, except on a case-by-case basis, for good cause. The substitution of suitability for comparability is based on the same reasons established under Section 101(10). The transfer of regulatory responsibilities to the States is to provide greater flexibility than is now the case.

Section 206(b). This subsection is added to establish that a displacing agency's obligation to provide replacement housing under this section shall be met, whenever practicable, with existing public housing programs. This is to emphasize the need for greater coordination of government programs.

AGENCY CERTIFICATION OF STATE PROGRAMS

Section 207. Section 210. This section is amended to authorize the head of the lead agency to certify a State agency if the State enacts a State law similar in purpose and effect as the Federal statute. This is intended to delegate authority to those States which desire to take on the statewide adminstrative responsibility of monitoring displacing agency implementation of the Federal statute.

FEDERAL SHARE OF COST

Section 208. Section 211(a). This section is amended to delete outdated language establishing coverage under the Uniform Act for projects undertaken before July 1971. "State agency" is expanded to include "displacing agency" for the purpose of clarity.

Section 211(b). This Section is amended to expand the payments a displacing agency is eligible to receive when such payment serves essentially the same purpose as those provided for in the Uniform Act. This is to give States greater flexibility in designing relocation assistance programs than is now the case.

REGULATION AND ADJUDICATION

Section 209. Section 213. This section is amended to require the President to establish a lead agency function in a department, agency or other body. The lead agency shall issue uniform, government-wide regulations for use by all Federal agencies in administering the Uniform Act; coordinates, with the assistance of other agencies, relocation activities under subchapter II of the Uniform Act with Federal and federally assisted public housing programs; and performs other duties that pertain to the purposes of the Uniform Act. The uniform regulatory requirement is to eliminate burdensome paperwork imposed on State and local governments caused by multiple Federal agency regulations.

TRANSFER OF SURPLUS PROPERTY

Section 210. Section 218. This section is amended to establish that the amount to be paid to the General Services Administration by a State after it disposes of surplus property transferred to the State by the Federal government pursuant to a Federal or federally assisted project will reflect only the net amounts received for such property, rather than all amounts as is currently the case. This compensates the States for the cost of marketing such property.

REPEALS

Section 211. Sections 214, 215, 217, and 219 are repealed.

(a) Section 214. This section, which pertains to the requirement to submit a report on displacement, and which lapsed in 1975, is repealed.

(b) Section 215. This section, pertaining to the authority of the head of any Federal agency to make loans for planning for relocation assistance activities by non-profit organizations, etc., is repealed because this provision has never been implemented, and Section 206 is the authority to ensure housing is provided.

(c) Section 217. This section is repealed. It pertains to the Uniform Act's applicability to the Department of Housing and Urban Development programs, which are now being phased out.

(d) Section 219. This section, which pertains to the Uniform Act's applicability to a now defunct program in New York City, is repealed.

REAL PROPERTY ACQUISITION

Section 301(2). Section 301(2). This section is amended to allow the head of the lead agency to forego an appraisal. The foregoing of an appraisal is to provide greater flexibility for Federal, State, and local governments, under criteria developed by the lead agency, to cut red-tape and achieve greater economy in the overhead cost involved with establishing just compensation.

Section 301(b). Section 301(9). This section is amended to define an uneconomic remnant of property as one with little or no utility to the owner which is left after the partial acquisition of his property for a Federal or federally assisted project and to direct the head of an agency administering a federally funded program to offer to acquire such an uneconomic remnant so that the owner or occupant would be eligible for the full benefits under the Uniform Act. This provision eliminates both ambiguities in the present Uniform Act and the resulting inequities that result, particularly where the character of a farm is changed by a partial acquisition.

Section 301(c). A new paragraph is added to Section 301: Section 301(10). Donations are authorized under this provision.

Section 302. This section is amended to include authority to a State to be exempt from the provisions of Title III if it enacts a statute that is certified by the Federal government to be similar in purpose and effect to the Federal Uniform Act. This provision is parallel to Title II, section 207.

EFFECTIVE DATE

Section 401. Section 401. This section is added to establish that, with the exception of the lead agency provisions, the effective date of the Uniform Act is 24 months after the date of enactment or earlier under certain circumstances. The 24 month lead time on the other provisions of the Uniform Act is to allow sufficient time for the Federal agencies and the States to develop conforming laws and regulations.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 4, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting herewith a legislative proposal entitled the "Uniform Relocation Act Amendments of 1983." Similar legislation was proposed by the Administration during the Ninety-seventh Congress (S. 2363) and passed the Senate unanimously.

The proposed legislation would amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. That Act, which is generally applicable to agencies of the Federal government, established a uniform policy of fair and equitable treatment for persons displaced by Federal programs or federally-assisted programs. In particular, the Act made available a number of benefits for persons displaced by the Federal government, including, for example, moving expenses incurred in relocating to a new home, and certain advisory assistance. The Act also establishes uniform policies to govern acquisition of real property by Federal agencies.

It has come to our attention that since the enactment of the 1970 Act a number of problems have arisen in its application. These problems, many of which were cited in a 1978 report of the General Accounting Office, "Changes Needed in the Uniform Act to Achieve More Uniform Treatment of Persons Displaced by Federal Programs," generally concern eligibility requirements for assistance under the Act, benefits available to persons displaced by Federal activity, and administrative procedures followed under the Act.

The amendments we are proposing would, we believe, ensure more equitable treatment for persons displaced by Federal action and would do so in a manner that is efficient and cost effective. Our amendments would help ensure that those who do need help under the Act get it and that the help they get—financial or otherwise—is useful and appropriate to their circumstances. Our proposed amendments would also, we believe, go a long way toward assuring a consistent and evenhanded application of the Act by all Federal agencies. Overall, the amendments would result in greater efficiency and equity and reduced administrative costs.

Sincerely,

DAVID A. STOCKMAN,
Director.●

● Mr. SASSER. Mr. President, I rise to cosponsor S. 531, Senator DURENBERGER's legislation to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The objectives of S. 531 are similar to legislation I sponsored in 1979 to amend the Uniform Relocation Act.

I commend Senator DURENBERGER for the work that he has done in shaping S. 531. These amendments represent useful and long overdue reforms in the 1970 law. Because of giant loopholes in the present Uniform Relocation Act, too many displaced people are just not eligible for benefits. Or, when benefits are paid, agency interpretation of the law varies so much that too often inequities result.

I am cosponsoring this measure because I believe that it goes a long way toward making the scope of coverage and agency administration of the act far more evenhanded. I do have several remaining areas of concern, particularly relating to the coverage of business and residential displacement caused by rehabilitation and renewal projects. However, I believe that these concerns can be resolved during deliberations on the bill by the Subcommittee on Intergovernmental Relations.

Several useful changes from the legislation shaped by the Senate during the last session of Congress have been made in S. 531. For example, utilities required to move their transmission lines from public property in which they have no compensable interest are no longer covered. However, relocation benefits could still be paid where there is franchise agreement or if utility-owned property is taken. This alleviates the problem highlighted in the C&P Telephone against the Norfolk Redevelopment Agency case where the fourth circuit court ruled that utilities do have a right to benefits under current law, even when they have been waived as they were in C&P's franchise agreement with the city of Norfolk. These amendments also establish a more realistic ceiling on the amount that can be paid to displaced homeowners for replacement housing. Benefits for displaced tenants are also increased and State certification requirements are changed to make them easier to administer.

In my view, additional study should be given in the subcommittee of amendments removing the requirement for biennial reporting to Congress. Thought should also be given to ways to ease the relocation burden on low income renters displaced by Federal projects.

The need is great for the reforms to the Uniform Relocation Act. S. 531 makes many of these reforms. There are still too many people being displaced by federally assisted projects who receive no relocation benefits. The courts, the General Accounting Office, and the Federal agencies themselves have all pointed out inequities in the Uniform Relocation Act that can only be resolved by congressional action. I urge quick constructive action on S. 531.●

By Mr. DOMENICI (for himself, Mr. BRADLEY, Mr. ANDREWS, Mr. GORTON, and Mr. RANDOLPH):

S. 532. A bill to provide public works and infrastructure investment financing; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 533. A bill to provide governmental units with the option of issuing taxable bonds to fund public investments; to the Committee on Finance.

PUBLIC INVESTMENT INCENTIVES ACT OF 1983 AND PUBLIC INVESTMENT TAXABLE BOND OPTION ACT

Mr. DOMENICI. Mr. President, I am pleased to introduce today two related bills to help provide needed investments in our Nation's infrastructure. The purpose of this legislation is not immediate job creation but, rather, to help sustain long-term economic growth which is critically dependent upon new investments in our physical plant.

Mr. President, the first bill is the Public Investment Incentives Act of 1983. The distinguished Senator from New Jersey (Mr. BRADLEY), the distinguished Senator from North Dakota (Mr. ANDREWS), the distinguished junior Senator from Washington (Mr. GORTON), and the distinguished senior Senator from West Virginia (Mr. RANDOLPH) join me in cosponsoring this measure. I believe that this legislation is needed and is justified within our current efforts to reduce out-year budget deficits.

First, I will briefly outline the need to bring this legislation before the Senate at this time. The power, importance, and prestige of our National Government must not be allowed to obscure the fact that every citizen of the United States is at the same time a citizen of some State and an inhabitant of a subdivision of a State such as a county, and some smaller governmental unit such as a town, township, village, borough, or city. Notwithstanding the vast powers gathered into the Federal Government, the strength and viability of our States and municipalities is critical to the strength of our Union.

These non-Federal governmental units provide many vital public services to the citizens of our great land. Most of these services such as water supply, sewage disposal, roads, bridges, transit system, hospitals, and schools require vast sums of investment capital—capital that State and local governments cannot easily obtain during these depressed economic times. This fiscal year alone State governments are projected to show an unprecedented $2 billion deficit in their operations. Just this week California has announced that it might have to issue IOU's to pay businesses and income tax refunds, because of a projected $1.5 billion deficit in that State alone.

I do not speak of these because I have vested responsibility or blame. I merely state them as realities that exist within this great Union of ours.

Faced with these financial difficulties, other State, county, and municipal governments have dropped the services which lack visibility or a persistent constituency. As a consequence, they have consistently underfunded capital needs in their budgets.

As we have struggled to reduce our Federal deficits, we have also reduced the share of our Federal expenditures for nondefense capital investments. In 1960, about 5.7 percent of all Federal outlays were directed toward nondefense physical capital investments. This percentage declined to 4.9 in 1970 and in the current fiscal year will decline even further to about 3.6.

As the Federal contribution for capital investment has declined, the condition of our infrastructure has deteriorated. Our estimated infrastructure needs throughout the remainder of this decade far exceed available public resources.

I do not think because it is such an enormous problem that it ought to be ignored. In fact, I do not think we can ignore it any longer, but we can and should find ways of solving the problem that gets the most for our money.

We are, it seems at least to this Senator, left with this policy choice: We could, on one hand, increase categorical Federal capital grant and loan programs. This would have only a limited impact on our vast infrastructure needs and could in fact generate excess demand for infrastructure-based services. Or we could, on the other hand, begin to make some fundamental changes in how our Federal system provides capital public investments. And I do not mean exclusive but some basic fundamental change. I believe this second approach is best.

We also must recognize that the Federal Government's attempts to set priorities among our competing infrastructure needs may in fact result in resources going to needs that are lower in priority than some of those left inadequately funded and thus left behind.

The first bill that I introduced that has the cosponsors that I have just indicated, including my good friend, Senator BRADLEY from New Jersey, makes the needed fundamental changes. It recognizes that the National Government will not support new and expensive Federal categorical programs in the future because it might not even have the resources to do it. It recognizes that the Federal Government is not in a position to continue to set detailed priorities rationally for infrastructure development in a reasonable way, especially in a nation as large and diverse as this one. It recognizes that those benefiting, in particular those that benefit the most from a public service, should pay a fair share of its cost through user fees. Incidentally, that is not new. This legislation may indeed encourage it over the long run, but user fees, for instance in the field of sewage disposal, are very commonplace today. It also recognizes that the vast majority of public capital investment projects serve State and local needs—not nationwide needs. And finally it recognizes that private investment capital must continue to play

the predominant role in meeting public needs.

The legislation addresses these issues. Simply stated, the bill would authorize the allocation of funds to States that establish a bank—or a comparable financial mechanism—that would then use the funds as equity capital to make loans to governmental units for public investment projects. These projects must be the physical structures and facilities developed or acquired by public agencies to provide water, waste disposal, resource recovery, transportation, and similar services to facilitate the achievement of social, environmental, and economic objections, and they must be capable of producing user income to service the debt or loan issued to finance the project.

This concept has been pioneered by Gov. Thomas Kean in New Jersey. His staff and ours have been working closely together to formulate this proposal.

And I assume from the communications and the discussions that I have had that the distinguished Senator from New Jersey, Senator BRADLEY, has been in contact with his Governor's experts and has received their advice and their thoughts, and the distinguished Senator from New Jersey also has been in touch with us on a regular basis as this legislation was formulated.

So again the concept, not the entire national project here, but the concept, comes from the State of New Jersey.

The banks in each State would have maximum flexibility in determining the type of loan. They could offer low-interest loans, zero-interest loans, State loan guarantees, and blended interest rate loans to give only a few examples. Loan repayments to the bank would maintain equity capital and provide the source of funds for subsequent loans, thereby providing a long-run and permanent commitment of moneys for State infrastructure needs.

The bill authorizes, and I stress the word "authorizes," $5 billion in Federal grants to be allocated to States in fiscal year 1984, $3 billion in 1985, and $2 billion in 1986, to be used as a revolving loan fund for capital investment projects. In addition to the Federal funding authorized by this bill, the States would be encouraged to funnel State money through the infrastructure banks or financial institutions that the bill would encourage and indeed authorize. They could also raise private capital by issuing debt instruments and by taking other approaches to the extent permitted by State law.

Obviously, what we intend is not to overly structure this but rather to make it as flexible as good financial practices within our sovereign States will permit.

Mr. President, I should also note that this legislation amends the Clean Water Act to permit States to take all or a portion of their waste treatment construction grant moneys and to use those moneys as loans for waste water construction projects. In no way does this reduce Federal funding for these projects or jeopardize the Clean Water Act's goals of supplying clean, safe, and healthy water to the citizens of this Nation.

I state that because the basic format from whence this legislation comes, the State of New Jersey, centered its ideas around the moneys that they would be getting under the Clean Water Act for the construction of sewer and related projects. They found that they would get far more if we would just put the money into an equity revolving fund, as this bill would permit. They would match it with whatever their local share would be and then they would be able to use their user fees as part of the revolving fund.

So, in a sense, their approach becomes the trial run for our proposal—it obviously will work even if nothing else occurs—this makes that permissive.

I am sure that there will be many questions about modifying the Clean Water Act in that regard. I repeat, there is no intention here that there be less money, there is no intention that the goals be changed, nor is there any mandate. It merely would make it permissive, that if this becomes law and this kind of bank is set up in a State, one of the things we are agreeing to up front is that a State could elect to have that sewer money go into that fund.

The importance of this legislation lies in its incentives for private sector capital to flow into public capital projects. It provides loans to governmental units—not grants—to help insure that benefit-cost evaluations are conducted. Instead of our own format it is obvious that we lend them the money for a revolving fund; we are going to trust them to make the right cost/benefit assessment. It requires repayment of the loan—which will require an evaluation of the project's potential, would at least be in terms of user fees and probably many other considerations.

These user fees should increase the credit-worthiness of the project and thereby give the private sector more incentives to invest in it. This will reduce the governmental unit's overall costs of borrowing. With this approach the funds actually going to public capital projects are estimated to be 1.4 to 1.5 times the initial Federal contribution. That is significant. The overall long-term benefit to the Federal budget then is to reduce pressure for more categorical grants and to encourage governmental units to fund projects that are economically sound, and that can be handled in the manner suggested with fees, private sector investment to the units of Government up through their bank, and the revolving fund that we establish here.

The legislation would also establish a National Infrastructure Council consisting of nine members who would be charged with the responsibility of monitoring the act and coordinating the activities of the act with other federally funded capital investment projects. The council would study and report to the Congress on other possible Federal grant and loan programs that could be directly administered through the banks.

In summary, Mr. President, I believe the legislation I send to the desk is critical to the long-term economic growth of our States, counties, cities, and towns. It is an investment in our country's future.

This investment will be highly leveraged. It will not be as restrictive as categorical grants. While it authorizes $10 billion in new moneys over the next 3 years, these moneys would remain available until 1991. The spend-out from these authorizations will be gradual as States develop their banks, in some instances modify their State laws, and determine the capital investment projects qualifying for loans.

So it is not intended that it be a burden during these early years of recovery because we will be going through whatever changes have to occur to maximize the utility of this arrangement.

I recognize that there are a number of proposals to raise additional revenues, should they be needed for this type of legislation. While this legislation has the potential for funding itself by helping to sustain long-term economic growth, I nonetheless would be willing to consider some new revenue raising measures. In this regard I would clearly favor increased tariffs on imported oil.

Mr. President, today I also introduce the Public Investment Taxable Bond Option Act of 1983 as a companion measure along with my Public Investment Incentives Act of 1983. These bills will work together in a fiscally responsible way to create the public investment needed for economic growth and jobs. This bill will provide additional financing for public investment projects by giving State and local governments the option of issuing taxable bonds. Currently, taxpayers in low brackets and tax-exempt organizations avoid the purchase of tax-exempt municipal bonds because the tax savings is worth little or nothing to them. The higher interest rates to be found on taxable bonds are more attractive to them. Consequently, less funding is

available for public investment projects.

Investors in these taxable bonds would receive a direct payment from the Treasury Department equal to the interest-rate spread between tax-exempt bonds and Treasury bonds of comparable maturities. The Treasury payment would accompany each interest payment from the issuing government. The bill specifically provides that these payments shall be made as long as the bond funds a qualified public investment project and as long as the issuing government makes its interest payment. In no event will the Federal Government be liable for payment of principal.

Safeguards are included to insure that the Treasury interest payments would not go to bonds already guaranteed or subsidized by the Federal Government in some other way. Industrial revenue bonds would not qualify either, nor would bonds purchased by a related government entity through a private offering.

Mr. President, I now send to the desk the two bills I have discussed, the Public Investment Incentive Act of 1983, S. 532, and the Public Investment Taxable Bond Option Act of 1983, S. 533. I ask unanimous consent that the texts of these bills and short summaries be printed in the RECORD at this time.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "Public Investment Incentive Act of 1983".

FINDINGS

SEC. 102. The Congress finds that—

(1) the need to maintain, repair, and build certain public works' capital investments are required for economic growth of the Nation, and the major purpose of public capital investment should be for sustained long-term economic growth and therefore for the general public welfare;

(2) there is diversity in public capital investment needs and therefore no single solution should be sought to meet those needs, but rather public policy should permit flexible and diverse responses;

(3) the majority of public capital investment projects are State and local in focus, and that therefore, the major focus of Federal public policy should be to provide an incentive for effective State and local capital investment decisions with minimal Federal investment; and

(4) private investment capital should play the predominant role in meeting public capital needs and the Federal role should be to facilitate the flow of private investment capital through existing municipal markets to meet the long-term public investment needs.

DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) the term "Council" means the National Infrastructure Council established by section 302;

(2) the term "State Infrastructure Bank" means an institution which is established to finance public investment projects in accordance with title II;

(3) the term "general obligation bond" means a bond secured by the pledge of the issuer's full faith, credit, and taxing power;

(4) the term "public investment projects" means the physical structures and facilities developed or acquired by public agencies to provide water, waste disposal, resource recovery, transportation, and similar services to facilitate the achievement of common social, environmental, and economic objectives, and are capable of producing user income to service debt or loans issued to finance the project;

(5) a "revenue bond" is a security issued and payable solely from net or gross nontax or tax revenues derived from tolls, charges, or rents paid by users of the facility constructed with the proceeds of the bond issue;

(6) the term "Secretary" means the Secretary of the Treasury; and

(7) the term "State" means any State of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, and the Virgin Islands.

TITLE II—CAPITALIZATION OF STATE INFRASTRUCTURE BANKS

SHORT TITLE

SEC. 201. This title may be cited as the "Federal-State Infrastructure Partnership Program Act".

CONGRESSIONAL FINDINGS

SEC. 202. (a) The Congress finds and declares that to promote the public welfare it is appropriate to foster and promote the provision of adequate capital for the financing of public capital investments, to assist States and other governmental units in fulfilling their needs for improvements, and to encourage continued investor interest in the purchase of bonds or notes of those States and governmental units as sound and preferred securities for investment.

(b) The Congress finds that it is in the public interest to encourage State and other governmental units to address their public infrastructure capital needs independent of Federal involvement, but that Federal policies should assist them therein by helping make funds available at reduced interest costs for the orderly financing of public infrastructure capital investments.

(c) It is, therefore, the purpose of this title to encourage the establishment of State Infrastructure Banks or comparable financing mechanisms which will, through a broad variety of financing techniques, assist the public infrastructure capital needs of the State and its local municipalities

CAPITALIZING BANKS

SEC. 203. (a)(1) If, upon the petition by a State and upon review by the Council, as authorized and established under title III, the Council finds no later than 60 days following the date of a State's petition that a State has established a public body corporate to be known as a State Infrastructure Bank, constituted as an instrumentality of the State or a comparable financing mechanism within the existing State structure, with powers including those specified in subsection (c) of this section, the Secretary is authorized to allocate to the State which has entered into an agreement with the Secretary under section 204 an apportionment of its share of $5,000,000,000 authorized to be appropriated for fiscal year 1984; an apportionment of its share of $3,000,000,000 authorized to be appropriated for fiscal year 1985; an apportionment of its share of $2,000,000,000 authorized to be appropriated for fiscal year 1986.

(2) Any sums appropriated pursuant to this section shall be available through September 30, 1991, for apportionment pursuant to subsection (b) and for payments of Federal capital contributions therefrom to States. Such apportionments shall be used only for the establishment, expansion, and maintenance of a State capital public investment loan fund.

(b) As specified under section 304(c) of this Act, the Council shall determine the apportionment of funds to Banks or comparable financing mechanisms establishing procedures for apportionment that are consistently applied and reflect the distribution of public investment project needs.

(c) Except as otherwise limited by State law or by this Act, Banks or comparable financing mechanisms may—

(1) make and contract to make loans including no-interest loans to governmental units and acquire and contract to acquire notes and bonds issued or to be issued by governmental units to evidence those loans, all upon such terms and conditions not inconsistent with the principles of this title;

(2) buy and refinance the debt obligations of municipalities within the State at or below market rates;

(3) guarantee, or purchase insurance for, local obligations where such action would improve credit market access or reduce interest rates of weaker credits;

(4) issue blended-rate loans to municipalities to reduce debt service or loan interest costs; and

(5) provide governmental units such financial and credit advice as they may request.

AGREEMENTS WITH STATES

SEC. 204. (a) To receive funds under this title, a State shall enter into an agreement with the Secretary which shall include but not be limited to the specifications set forth in subsection (b) of this section.

(b) An agreement under this section shall—

(1) provide for the establishment of a public capital investment revolving fund;

(2) provide assurances that the funds will be used in an expeditious and timely manner to realize the purposes of this Act;

(3) provide that such loans will be made at or below market rates, and may include no-interest loans, at terms not to exceed twenty years;

(4) provide that annual principal payments shall be made commencing 1 year after completion of any project and that all loans shall be fully amortized not later than 20 years after project completion;

(5) provide that any interest accruing to the fund shall be credited to the fund; and

(6) provide assurances that the fund will be established, maintained, and credited with repayments, and that the fund balance shall be available in perpetuity for the funding of new projects.

(c) Amounts contributed under section 203 (a) shall—

(1) be available to make loans to governmental units based on specified interest rates and requirements of repayment;

(2) be available to blend with other State or local funds to reduce market interest rates for capital infrastructure investments; and

(3) not be available for the Bank's administrative expenses, including litigation or other expenses in connnection with the revolving fund's operation.

(d) Funds provided the State under this title will be audited by the State annually and a report will be provided to the Secretary.

CLEAN WATER ACT AMENDMENTS

SEC. 206. (a) Section 205 of the Clean Water Act is amended by adding at the end thereof the following:

"(l) (1) Notwithstanding any other provison of this title, any sums allotted to States for fiscal years 1984, 1985, and 1986, may be used under section 304 of the Public Investment Incentive Act of 1983 for loans to municipalities to construct cost effective wastewater treatment works to meet the enforceable requirements of this Act. The States will be solely responsible for setting loan priorities and the loans shall be limited to categories of treatment works projects eligible for funding under section 201 (g) (1) of this Act and shall not cover costs beyond those allowable under grants for treatment works funded under section 201 (g) (1) of this Act.

"(2) If a State uses all of its annual allotment for loans, there shall be no funds set aside or reserved under this section. If a State chooses to maintain a grant program under this title with some portion of the funds allotted under this section, the set asides or reserves required under this section shall be reduced by the same percentage as the total allotment is reduced for the loan program.

"(3) Sums allotted to States and used in a loan program shall be transferred to the States in one payment at the time of allotment and these funds shall not be subject to reallotment.

"(4) Any State making loans from funds allotted under this section shall annually prepare and submit to the Environmental Protection Agency a summary of its loan activities with title II funds. This summary shall include descriptions of the projects funded, the amount of each loan, interest and repayment schedules on each loan (if any), and loan status at the time this annual summary is prepared.".

CLARIFICATIONS

SEC. 207. (a) Nothing in this Act shall alter the requirements of the National Environmental Policy Act (42 U.S.C. 4343), the Fish and Wildlife Coordination Act (16 U.S.C. 661), the Endangered Species Act (16 U.S.C. 1530 et seq.), or title III of the Clean Water Act (33 U.S.C. 1311-1328).

(b) Municipal projects receiving loans as a result of this Act shall incorporate the best available technique for the conservation of water.

TITLE III—NATIONAL INFRASTRUCTURE COUNCIL

SHORT TITLE

SEC. 301. This title may be cited as the "National Infrastructure Council Act".

STATEMENT OF PURPOSE OF COUNCIL

SEC. 302. (a) There is established a National Infrastructure Council which shall be an instrumentality of the United States.

(b) The Council shall be governed by a Board of Directors, which may issue such rules and regulations as may be necessary for the effective business operation of the Council.

(c) The function of the Council shall be to assure that the provisions of this Act are being effectively and efficiently administered, and such regulations or policies issued as a result of this Act are consistent with, or coordinated to, other applicable Federal statutes, policies, and regulations.

(d) The Council shall insure that States establishing State Infrastructure Banks for the purpose of title II of this Act shall follow acceptable accounting procedures for the purposes of conducting required Federal audits and reviews.

(e) The Council is authorized to provide such technical assistance, informational, and educational activities as it deems necessary to provide State and local municipalities with access to Federal, State, local, and private resources to meet public capital investment needs.

BOARD OF DIRECTORS

SEC. 303. (a) The Board of Directors of the Council shall consist of—

(1) the Secretary of the Treasury;

(2) the Administrator of the Environmental Protection Agency;

(3) the Secretary of Transportation;

(4) the Chairman of the National Governors Association;

(5) the President of the National conference of State Legislatures;

(6) the President of the National League of Cities;

(7) the President of the United States Conference of Mayors; and

(8) two members representing the private contracting and construction industry to be appointed by the President; these two members will not be authorized to vote on the final allocation formula as specified in section 304(b).

(b) The Secretary of the Treasury shall serve as the Chairman of the Board of Directors.

(c) The term of office of each member of the Council shall coincide with his tenure in the elected or appointed position that qualified him for membership on the Council.

(d) The Board of Directors of the Council is authorized to create a staff with an Executive Director and to request appropriations for the administration of the Council and its activities.

SPECIFIC RESPONSIBILITIES OF THE COUNCIL

SEC. 304. (a) The Council shall develop and issue guidelines, planning material, and other forms of technical assistance to issuing agents, governing financial management and capital budgeting practices.

(b) The Council shall be responsible for determining the apportionment of funds to States authorized by title II of this Act; subject to the review by The Council shall submit to the Congress the proposed allocation formula for title II funds, and this formula shall become operative unless disapproved by both Houses of the Congress 45 days after its submission to them.

(c) The Council shall review existing Federal-State public investment grant and loan programs and make such recommendations to the Congress as it deems appropriate to authorize such grant and loan programs to be administered and managed through the State Infrastructure Banks as established by title II.

ANNUAL REPORT

SEC. 305. (a) The Council shall develop and transmit to the Congress an annual report of its activities and containing an assessment of the status of municipal finance conditions utilizing existing secondary data to display—

(1) a summary of municipal bond sales (classified by general obligation and revenue bonds and short and long term) and other municipal financing activities for State and local transportation, environmental, water supply, water quality, water resources, and other areas;

(2) a summary of the amount and types of direct Federal assistance to States and localities for transportation, environmental, water supply, water quality, water resources, resource recovery, and other areas; and

(3) an assessment of the achievements and deficiencies in total public investments.

(b) The annual report submitted under subsection (a) shall also include, to the extent possible through existing data sources, a presentation of capital investments and spending by Federal, State, and local governments for the prior year of the annual report. The capital investments presentation shall indentify by State, expenditures classified by type of public infrastructure investments.

(c) There are authorized to be appropriated to the Council $2,000,000 annually to carry out the purposes of this title.

IMPLEMENTATION SCHEDULE

SEC. 306. The provisions of this Act shall be implemented no later than 90 days following the date of enactment.

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MUNICIPAL TAXABLE BONDS

SEC. 101. SHORT TITLE.

This title may be cited as the "Public Investment Taxable Bond Option Act of 1983".

SEC. 102. AMENDMENT OF SECTION 103.

(a) IN GENERAL.—Section 103 of the Internal Revenue Code of 1954 (relating to tax-exempt interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) ELECTION TO ISSUE TAXABLE BONDS.—

"(1) SUBSECTION (A) NOT TO APPLY.—Except as provided in paragraph (2), the issuer of obligations described in subsection (a) may elect to issue obligations to which subsection (a) does not apply if substantially all of the proceeds of such obligations are to be used to finance public investment projects under the Public Investment Incentive Act of 1983.

"(2) ELECTION NOT AVAILABLE FOR INDUSTRIAL DEVELOPMENT BONDS, ETC.—No election may be made under this subsection—

"(A) for any industrial development bond,

"(B) for any obligation not described in subsection (a),

"(C) for any obligation the interest on which is includible in gross income without regard to this section, and

"(D) for any obligation with respect to which the United States (or any agency or instrumentality thereof)—

"(i) guarantees part or all of the principal or interest under any law of the United States,

"(ii) is obligated under any law of the United States (other than section 403 of the Municipal Taxable Bond Alternative Act of 1983) to pay part or all of the interest,

"(iii) has a commitment to acquire the obligation in connection with a Federal assistance program, or

"(iv) as to principal or interest, provides financial assistance similar to assistance described in clause (i), (ii), or (iii).

"(3) SPECIAL RULE FOR OBLIGATIONS NOT ISSUED PURSUANT TO PUBLIC UNDERWRITING WHICH ARE HELD BY RELATED ENTITIES.—An election under this paragraph shall not apply to any obligation not issued pursuant to a public underwriting for any period during which such obligation is held by a related entity.

"(4) SPECIAL RULES FOR APPLYINIG PARAGRAPH (3).—For purposes of paragraph (3)—

"(A) PUBLIC UNDERWRITING.—The term 'public underwriting' means a procedure for selling the obligations in which—

"(i) competitive bids for the right to sell the obligations to the general public are solicited from independent parties, and

"(ii) 25 percent or more of the obligations sold are acquired by persons who are not related entities.

"(B) RELATED ENTITY.—The term 'related entity' means—

"(i) in the case of obligations issued by a State, such State and any political subdivision of such State,

"(ii) in the case of obligations issued by a political subdivision of a State, such State and any political subdivision thereof, and

"(iii) in the case of obligations issued by an instrumentality of two or more States, each such State and each political subdivision thereof.

For purposes of this subsection, any agency or instrumentality of a State or political subdivision shall be treated as such State or political subdivision, and any trust or plan for the benefit of the employees of a State or political subdivision shall be treated as an instrumentality of such State or political subdivision, as the case may be.

"(5) ELECTION.—The election described in paragraph (1) shall be made (at such time and in such manner as the Secretary by regulation prescribes separately with respect to each issue of obligations to which it is to apply. An election with respect to any issue once made shall be irrevocable.

"(6) CROSS REFERENCE.—

"For provisions relating to the payment by the United States of a portion of the interest cost of an obligation which is part of an issue for which the election described in this subsection has been made, see section 403 of the Municipal Taxable Bond Alternative Act of 1983.".

(b) DETERMINATION OF YIELD FOR PURPOSES OF PROVISION RELATING TO ARBITRAGE BONDS.—Subsection (c) of section 103 of such code is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(7) YIELD DETERMINED WITHOUT REGARD TO UNITED STATES PAYMENTS.—For purposes of determining under this subsection whether or not an obligation is an arbitrage bond, the yield on such obligation shall be reduced by that portion of such yield which is to be borne by the United States under section 403 of the Municipal Taxable Bond Alternative Act of 1983.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6049(b)(2) of such Code is amended to read as follows:

"(A) interest on obligations to which section 103(a) (relating to interest on certain governmental obligations) applies or which is exempt from tax (without regard to the identity of the holder) under any other provision of this title,".

(2) Paragraph (4) of section 6362(b) of such Code is amended—

(A) by striking out "described in section 103(a)" in subparagraph (A) and inserting in lieu thereof "to which section 103 applies"; and

(B) by striking out "described in such section" in subparagraph (B) and inserting in lieu thereof "to which such section applies".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1983.

SEC. 103. UNITED STATES TO PAY PERCENTAGE OF INTEREST YIELD ON TAXABLE ISSUES.

(a) PAYMENT OF PERCENTAGE INTEREST YIELD.—

(1) IN GENERAL.—The Secretary of the Treasury or his delegate shall without any condition or requirement (other than that provided by paragraph (5)) pay the applicable percentage of the interest yield on each obligation to which an election under section 103(m) of the Internal Revenue Code of 1954 applies. Payment of such interest shall be made not later than the time the issuer makes its corresponding interest payment with respect to the obligation.

(2) APPLICABLE PERCENTAGE.—For purposes of this section, the term "applicable percentage" means, with respect to any obligation, 100 percent reduced by the percentage determined by dividing—

(A) the interest yield for tax-exempt Moody's rated AAA bond issuances of like maturity (determined by reference to the most recent monthly statistics available on the date of issuance of the obligation), by

(B) the interest yield for the most recent treasury bond of like maturity.

(3) INTEREST YIELD.—For purposes of this section, the interest yield on any obligation is the yield over the term of such obligation, determined immediately after such obligation is issued and by taking into account any discount or premium.

(4) LIKE MATURITY.—For the purpose of this section, like maturity is the maturity of six months, one year, five years, ten years, fifteen years, and twenty years which is nearest to but not smaller than the maturity of the obligation.

(5) ISSUER TO BE PAYING AGENT FOR UNITED STATES.—The issuer of any obligation to which an election under section 103(m) of the Internal Revenue Code of 1954 applies shall be the paying agent for the United States for the payments with respect to such obligation provided by this section. The Secretary of the Treasury or his delegate shall pay to the issuer the amount required to be paid pursuant to paragraph (1).

(6) LIMITATION ON LIABILITY OF THE UNITED STATES.—Nothing in this section shall be deemed to be an assumption by the United States of any liability for the payment of any portion of the principal on any obligation, for the payment of any portion of the interest on any obligation payable by the issuer thereof, or for the payment of any interest at a time when the issuer has not made the corresponding payment.

(b) NO AUTHORITY TO REVIEW PURPOSES OF OBLIGATIONS.—Nothing in this section shall be construed to authorize the Secretary of the Treasury or his delegate to review or approve the purposes of the issuance of any obligation to which an election under section 103(m) of the Internal Revenue Code of 1954 applies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the fiscal year beginning October 1, 1983, and for each fiscal year thereafter, such sums as may be necessary to pay the entitlements provided by subsection (a).

SUMMARY LEGISLATION—PUBLIC INVESTMENT INCENTIVES ACT OF 1983

TITLE I. GENERAL PROVISIONS, SHORT TITLE

This title outlines the need to maintain, repair, and build certain public works capital investment projects as essential for the long-term economic growth of the country. Those projects qualifying for loan assistance under this Act would include physical structures and facilities developed or acquired by public agencies to provide water, waste disposal, resource recovery, transportation, and similar services. Private investment capital would be encouraged to play a major role in addressing public capital needs and the federal role is emphasized to help facilitate the flow of private investment capital through existing municipal markets to meet long-term public investment needs.

TITLE II. STATE INFRASTRUCTURE BANK

Federal grants totaling $10.0 billion over a three year period would be made available to State Infrastructure Banks or comparable financing mechanisms within a State, to carry out capital public investment loan programs. A special revolving fund would be established in the State Infrastructure Bank, from which loans would be made to governmental units to fund public capital investment projects.

A state's allotment of waste treatment grants under Title II of the Clean Water Act could be transferred in part or total to the State Infrastructure Bank for the purpose of making loans to municipalities for waste water capital investment projects.

TITLE III. NATIONAL INFRASTRUCTURE COUNCIL

An independent Council consisting of nine members would be established to monitor the provisions of the Act, coordinate the activities of the Act with other similar federally funded capital investment projects, and establish allocation formulae for funds authorized under Title II. The Council would be charged with developing an annual report for the Congress, summarizing public capital investment expenditures by federal, state, and local governments for the prior year. The Council would recommend to the Congress federal grant and loan programs that could be directly administered through banks authorized under Title II.

Mr. BRADLEY. Mr. President, I am pleased to introduce today, along with Senator DOMENICI, the Public Investment Incentives Act of 1983. This bill, when enacted, will be a major step in the national effort to repair and maintain public facilities that provide the very bedrock of commerce and personal living standards in this country.

Now we have all heard the descriptions of the problem. Who has not heard that the repair of aging sewers in the older cities of our Nation will require billions of dollars over the next two decades? Similarly, is anyone unaware that the roads, water supply systems, and solid waste disposal plants needed to keep our Nation mobile, clean, and competitive will make major demands on the Nation's resources for the rest of the century?

Of course we have heard descriptions of the problem. But who has offered solutions? How will we fund these essential improvements and repairs? One option often heard is to

provide more Federal funding. But is this any longer a realistic answer? Can a Federal Government with $200 billion deficits out as far as the computer can project really be relied upon to provide the funds?

I am pleased to say that New Jersey has taken the lead in providing innovative thinking about this problem. And New Jersey has come up with a straightforward, financially sound method of providing a reliable stream of funds for these public projects. My State has called it the New Jersey Infrastructure Bank. The legislation Senator DOMENICI and I are introducing today will encourage infrastructure banks in every State of the Union.

The Public Investment Incentive Act of 1983 is no complex. Title I sets forth findings and definitions. Title II provides the authorization for funding the initial capitalization for all State Infrastructure Banks. Title III establishes a National Infrastructure Council to apportion the authorized funds to States and oversee the operation of the act.

Let me describe briefly how the infrastructure bank idea will be put into practice. A State wishing to take advantage of this act will enact State enabling legislation establishing its State infrastucture bank as a nonprofit entity within the State government solely for the purpose of infrastructure funding. The State then enters into an agreement with the Secretary of the Treasury under terms specified in title II. The State bank is then eligible for its share of the funds authorized in this bill. These funds are $5 billion in fiscal year 1984, $3 billion in fiscal year 1984, and $2 billion in fiscal year 1986.

The State allocation of these funds will be specified by the public members of the National Infrastructure Council subject to review by the Congress. The public members of the Council are the Treasury Secretary, the EPA Administrator, the Transportation Secretary, the National Governors Association chairman, the National Conference of State Legislatures president, the National League of Cities president, and the U.S. Conference of Mayors president. Once the funds are allocated, the Federal role—except for general oversight by the Council—is ended. The State takes over here.

In addition to its share of the $10 billion authorized here, the State infrastructure bank can add in all or a portion of the EPA waste-water construction grants authorized by the Clean Water Act, any State bonds already authorized, any new revenue-backed bonds of its own, any State appropriations, and any private financing that might be available.

The State infrastructure bank then sets up revolving funds—one for waste water treatment, one for transportation, one for water supply, and one for solid waste disposal facilities. The EPA construction grant funds, for example, would be deposited only in the wastewater treatment revolving fund for use only for EPA mandated treatment plants.

The State infrastructure bank then makes no- or low-interest loans to local governments to enable them to construct, repair, and maintain public works facilities. These loans—principal and any interest—would be repaid by the local governments back to the State infrastructure bank through user fees, taxes, or effluent charges, as negotiated between the local government and the bank.

As the loans to local governments are paid back to the bank, the funds are available to be reloaned to pay for additional projects and to maintain others.

As you can see, Mr. President, the concept here is simple, yet sophisticated. The advantages to the States—and therefore to the Nation—are clear.

First, local governments will have a stable and reliable source of funding for essential public works repair and construction. The situation now is filled with uncertainty: How much money will Congress appropriate? How can local governments plan large improvement projects without some assurance that the funds will be there when they are needed? These problems are overcome by the establishment of State infrastructure banks.

Second, the State infrastructure bank system provides for continuing financial support rather than one-time expenditures. Take the EPA construction grants for example. As it now stands, a city that receives an EPA grant uses the funds to construct its sewer system. That money is then gone. Nothing remains to maintain the system or add to it at a later date. With the State infrastructure bank system the EPA money could be loaned to the city; as the loan is repaid, the State infrastructure bank is recapitalized and able to reloan the funds to that city or other cities and towns in the State.

Third, the State infrastructure bank concept enables a State to leverage an initial, limited capital pool into a larger resource base capable of funding a larger number of public works projects with the same number of Federal dollars.

Mr. President, the reason New Jersey came up with this plan is not difficult to understand: necessity is the mother of innovation. In my State we will need:

About $2.4 billion for the waste water treatment plants necessary to meet Federal standards;

About $1.3 billion over the next two decades for water supply projects, essentially drinking water projects;

About $1.6 billion over the next two decades for 18 solid waste disposal facilities around the State; and

About $5 billion over the next 7 to 10 years for transportation projects, of which only $2 billion can be expected from the highway trust fund and $1.5 billion from UMTA.

Clearly, we cannot rely on the Federal Treasury to finance all of these projects. And just as clearly these projects must be funded if our State is to continue to be an attractive, competitive place to live and work.

To make this point more vividly, let me describe the waste water treatment situation in New Jersey. We have 237 projects on our priority list that are necessary to meet Federal clean water standards. With the current, lowered Federal appropriations, we will be able to complete only 13 of these projects, and even these 13 will require substantial assistance from the State. Even if all the currently authorized money is eventually appropriated, the number of projects that can be completed rises only to 24. Over 200 projects in New Jersey alone stand little chance of being completed.

On the other hand, with the establishment of the New Jersey Infrastructure Bank, all 237 projects could be funded in about 10 years and a continuing source of funding would be provided for sewer construction and maintenance.

It is true that the 13 projects at the top of the priority list that are now in line for EPA grants could receive loans from the State infrastructure bank rather than grants from EPA. However, even these cities would experience increases in their user fees of less than 30 percent with the bank loan. And local debt financing for the remainder of the 237 projects would be prohibitively expensive. Further, we have provided that the State may continue to receive any portion of its EPA construction funding in the form of Federal grants instead of using it in the infrastructure bank.

Mr. President, I believe that State infrastructure banks have the potential to make a real difference—to provide a stable, reliable, source of funds to meet our Nation's infrastructure needs of today and tomorrow. This legislation offers realistic assistance toward bringing about the infrastructure bank solution. One way for the States to meet this need is to ask the Federal Government for all the money required to do the job. Another way is to follow New Jersey's lead and, with the encouragement and support of the Federal Government, take matters into their own hands and build a better America.

I urge my colleagues to examine this bill carefully and give it your support.

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. ANDREWS, Mr. PRESSLER, Mr. SASSER, and Mr. BOREN):

S. 534. A bill to establish in the Department of State the position of Under Secretary of State for Agricultural Affairs; to the Committee on Foreign Relations.

UNDER SECRETARY OF STATE FOR AGRICULTURAL AFFAIRS

Mr. PRYOR. Mr. President, today, along with Senators BUMPERS, ANDREWS, PRESSLER, SASSER, and BOREN, I am reintroducing legislation which would create within the Department of State the position of Under Secretary for Agricultural Affairs. We propose this new senior position because it has become clear that agriculture policy is being made today by those officials who make foreign policy, and in many cases decisions are being made with little consideration of the American farmer.

Because the State Department has assumed a major role in agriculture matters, we need to make certain that the State Department has a high-level expert on hand who understands the effects on agriculture of U.S. foreign policy. The foreign service must be made more aware of the domestic consequences of its actions.

The most obvious example of a foreign policy decision backfiring on our own people is the recent grain embargo directed against the Soviet Union. While there were good political reasons for the embargo, I don't believe our policymakers anticipated the economic results: Before the embargo the United States had a 72-percent share of world grain exports, and now our share is only 58 percent.

In the past decade there have been four embargoes of agricultural goods, leaving our foreign customers understandably skeptical of our willingness to fulfill our contracts. For a variety of reasons our market share in wheat, rice, poultry, cotton, and soybean meal sales has dropped alarmingly, and we must make it convincingly clear to our customers around the world that there will be no more agricultural embargoes save in the event of a compelling national security emergency since any uncertainly about the reliability of U.S. food supplies will cause our trading partners to make arrangements with other suppliers. An agriculture specialist understands this as the average diplomat may not, and a highly placed State Department official attuned to the special considerations of American agricultural policy might have advised against the embargo or at least helped fashion a more effective one.

Agricultural exports account for $95 billion of our domestic economic activity and provide 1.2 million jobs. Each extra $1 billion in exports creates as many as 35,000 new jobs. Today, moreover, depressed farm prices and high production are creating an enorous hardship for our farmers, and increased agricultural trade would provide an welcome outlet for farm products and create jobs in food processing industries. The European Community is already seeking to expand its exports to the Third World, and an active role by State Department officials here and abroad will be necessary if we are to maintain our preeminence as a supplier of the world's food.

The State Department recognizes its role in the promotion of agricultural exports as former Secretary of State Haig stressed in a cable to all U.S. Ambassadors:

> • • • The effort to promote agricultural exports is one of major importance for the United States. I consider it a major objective of our overseas missions. I know that I can count on you to take a strong personal interest in the achievement of this objective in your country. • • •

Many of the farmers I have spoken with believe that State needs to be much more aggressive.

The rigid protectionist policies of Japan and the European Community directed at agricultural trade have a spillover effect which is increasing tensions and damaging our overall relations with the countries involved. Secretary Shultz has already spent a great deal of time in Europe trying to improve relations with those nations, and an Under Secretary of Agriculture could play an important role in these efforts.

U.S. Foreign Service personnel are in an ideal position to monitor the slightest changes in trade policy around the world, and under the guidance of an Under Secretary for Agricultural Affairs their efforts could help to head off the creation of the sort of trade barriers which the Special Trade Representative is now trying to eliminate.

There are many issues which fall under the day-to-day purview of the State Department that require the input of an official who is aware of the domestic importance of U.S. agriculture.

An extremely sensitive issue has been the matter of Commodity Credit Corporation guarantees of loans to Poland and Romania for the purchase of U.S. farm goods. The foreign policy ramifications of this controversy are varied and difficult to predict, but before this issue is resolved, the American farmer must be considered and consulted.

The Caribbean Basin Initiative is directed not only at the Caribbean region but also at our own producers of certain agricultural products.

As the administrator of the food-for-peace program, promoter of agricultural exchange programs and monitor of economic trends abroad, the State Department is closely involved with the activities of U.S. farmers and is in a position to affect the farmer in numerous bilateral and multilateral negotiations.

More often than not, agriculture and foreign policy objectives coincide, and our farmers will enthusiastically support U.S. foreign policy if only they feel that their own interests are being represented. Today, however, the American farmer has little or no access to the makers of our foreign policy. We need to provide a permanent, specialized conduit for the concerns of the farmer. I believe that the creation of an Under Secretary of State for Agricultural Affairs will fill that need.

By Mr. FORD (for himself and Mr. BYRD):

S. 535. A bill authorizing a joint venture financed in part by the Department of Energy; to the Committee on Energy and Natural Resources.

JOINT VENTURE BY THE TENNESSEE VALLEY AUTHORITY

Mr. FORD. Mr. President, the Tennessee Valley Authority has just announced a joint venture with the Commonwealth of Kentucky and Duke Power Co.; to design and construct a large-scale atmospheric fluidized bed combustion (AFBC) demonstration project. This is a landmark in energy technology, for it offers the electric utility industry an unprecedented opportunity to use the Nation's abundant coal resources in a way that is both economically and environmentally sound.

It is estimated that the 160-megawatt plant, to be built as part of TVA's Shawnee powerplant near Paducah, Ky., will cost $200 million. Although independent financing is being secured, today I am introducing, along with my colleagues Senators BAKER, BYRD, HUDDLESTON, RANDOLPH, and SASSER, legislation authorizing $50 million to help this joint venture along by insuring that the facility will be built and its construction completed on time.

The atmospheric fluidized bed combustion process works by mixing ground limestone with coal in a fluidized bed boiler as the combustion process begins. Sulfur is then chemically captured by the limestone during combustion and remains in a dry, inert ash that can be readily used in landfills. Not only is the sulfur content of the coal effectively reduced, but the low combustion temperatures of the AFBC process produce and subsequently release less nitrogen oxides into the atmosphere than do conventional, coal-fired plants. One of the most appealing aspects of this impressive technology is that it can either be retrofitted onto existing plants or incorporated into new designs.

We know that the process works. TVA has already constructed a $68

million 2-megawatt AFBC pilot plant in Paducah with the help of Federal funding, I might add, that has operated in excess of 1,000 hours since last May. Tests will be run through 1986, but preliminary results indicate that 90 percent of the sulfur content of 4-5-percent sulfur coal can be removed by AFBC.

We cannot afford any delays in the Shawnee demonstration project. It is not only important to the country's energy security, it also will help put Americans back to work. Consider the impact on one State alone. Unemployment in the western Kentucky coal fields where high sulfur is mined is approaching 30 percent, a sad fact that is not solely a function of a depressed national economy. Stringent clean air laws have made this coal unattractive to industry because it cannot be easily burned in compliance with environmental regulations. Lest I be misunderstood, let me stress that I have no objection to the statutes that are now on the books. In fact, I would not have them changed in any way. But, I would like to see new life breathed back into the coal industry and I think AFBC is one avenue that we must pursue. While it can, of course, be used for all types of coal, AFBC is particularly significant for the future of high sulfur coal east of the Mississippi River such as is found in Kentucky, Indiana, and Illinois.

A vital reason to promote the timely completion of the TVA AFBC project is that the Department of Energy has once again slashed the fossil fuels research and development budget. Last year, the administration requested $109 million; Congress appropriated $311 million, nearly tripling the request. This year, the request is back down to $138 million, which does not portend well for any hope this Nation holds of attaining a greater degree of energy self-sufficiency.

If this country is to every reach that goal, we will have to make use of all the domestic resources at our disposal. That includes coal. That includes synthetic fuels. That includes solar. That includes all those promising and potentially beneficial technologies which are now on the verge of being discarded as this country abandons its commitment to energy research and development.

We must not allow that to happen.

We must give the most promising technologies the chance to prove their worth.

The TVA's atmospheric fluidized bed combustion demonstration project represents just such an opportunity. It is a chance to show that this important technology is a cost-competitive and environmentally effective way to use American coal. Its successful commercial application will not only insure a cleaner environment and put Americans back to work, but it will also mark a major step forward in this country's drive to achieve a greater degree of energy self-sufficiency.

Mr. President, we have heard a lot from TV commercials lately about "Reach Out and Touch Someone." Here is an American energy product that we can reach out and touch. I hope that the Energy Committee will expect the consideration of this legislation and this Congress can show its renewed commitment to the coal industry and to energy self-sufficiency.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

Mr. BYRD. Mr. President, I am pleased to be a cosponsor of the legislation that he is introducing. I thank him for allowing me that privilege.

By Mr. NUNN:

S. 537. A bill to authorize the establishment of competitive health insurance programs for Federal employee organizations; to the Committee on Governmental Affairs.

HEALTH INSURANCE PROGRAMS FOR FEDERAL EMPLOYEES

● Mr. NUNN. Mr. President, under present law, any Federal employee organization wishing to offer its own health plan as an option to its members had to submit its application for such a health plan in 1979. This arbitrary cutoff date prevents employee organizations from now providing cost-effective alternatives to existing health plans already approved under the Federal employees health benefit program.

Legislation I am introducing today would remove that arbitrary barrier by deleting the cutoff date contained in current law. Furthermore, this measure would allow members of the employee group to transfer their enrollment to the new plan within a specified period of time. Such a limited transfer opportunity would be available only to members of the specified employee group and would not cause a disruption in health plans for other Federal employees and annuitants.

One group in particular, the Federal Managers' Association, has been seeking an opportunity to offer a competitive health plan to its members. The Federal Managers' Association is one of the oldest and largest management organizations in the Federal Government. Currently, there are approximately 15,000 members nationwide who represent all the major departments and agencies of the Federal Government.

The lifting of the 1979 closing date only allows the FMA or other employee groups to submit their plans to the Office of Personnel Management. OPM still has complete authority to negotiate with the employee group so that any approved plan would meet OPM minimum requirements relating to benefit levels and premium rates.

This legislation again gives employee groups the right to offer their own plan to give their members a competitive choice in the costly area of health care benefits. At a time when Federal employees and annuitants are particularly hard hit by decisions affecting their livelihood, the Federal Government should not limit their access to a variety of health plans which offer different benefit levels and premium costs.

I urge the Senate to move expeditiously toward genuine reforms in the Federal employee health benefits program. In the interim, I hope we can take this small step to allow employee groups themselves to offer their members the most cost-effective health plans possible.●

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. SASSER, Mr. DECONCINI, Mr. RANDOLPH, Mr. D'AMATO, Mr. DURENBERGER, Mr. DOMENICI, Mr. BURDICK, Mr. HOLLINGS, Mr. PERCY, Mr. GLENN, Mr. LUGAR, Mr. COHEN, and Mr. BYRD):

S.J. Res. 36. Joint resolution designating April 29, 1983, as "National Nursing Home Residents Day"; to the Committee on the Judiciary.

NATIONAL NURSING HOME RESIDENTS DAY

Mr. PRYOR. Mr. President, today, as in previous years, I am introducing a joint resolution which proclaims and authorizes the President to designate Friday, April 29, 1983, as "National Nursing Home Residents Day." I do so on behalf of myself and Senators BUMPERS, SASSER, DECONCINI, RANDOLPH, D'AMATO, DURENBURGER, DOMENICI, BURDICK, HOLLINGS, PERCY, GLENN, LUGAR, COHEN, and BYRD.

There are more than 1.3 million citizens who reside in nursing homes throughout these United States, citizens who have helped to build this Nation and make it strong. In 1981, $24 billion in Federal funds were spent on nursing home care, which is in addition to State medicaid contributions. These figures alone are impressive. But even more astounding are the prospects for the future: medical technological advances have been such that in the last 10 years alone the over-75 age group has grown by more than 37 percent. This is the precise age group that is in greatest need of the types of health care services which nursing homes provide.

By the year 2030 the over-65 segment will reach 55 million, almost one-quarter of the Nation's population. These figures have staggering implications for our Nation's health care systems in general, and for the nursing home industry in particular.

Mr. President, our Nation's nursing home residents represent an invalu-

able source of wisdom and experience. It is only appropriate that the Congress take action to foster community involvement and responsibility for the welfare of this special segment of our population.

On April 28, 1982, hundreds of nursing homes throughout the United States celebrated Nursing Home Residents Day by opening their doors to relatives and friends of relatives, as well as the community at large, to honor these residents. It was heartwarming to hear from individuals from all over the Nation who so appreciate having this special day dedicated to them.

Therefore, Mr. President, I am proud to introduce this joint resolution in the Senate. I hope my colleagues will join in sponsoring and work toward enactment of this joint resolution to establish April 29, 1983, as "National Nursing Home Residents Day." It is my understanding that the distinguished chairman of the House Rules Committee, Congressman CLAUDE PEPPER, will introduce an identical resolution in the House of Representatives.

Mr. President, I ask unanimous consent that this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 36

Whereas over one million older Americans reside in nursing homes and one in five older Americans likely will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the growth, development, and progress of this Nation and, as elders offer a wealth of knowledge and experience;

Whereas Congress recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of and involvement in the lives of nursing home residents;

Whereas the Congress recognizes the importance of safeguarding the rights of nursing home residents; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens: Now, therefore, be it

Resolved by the Senate and the House of Representives of the United States of America in Congress assembled, That April 29, 1983, is designated as "National Nursing Home Residents Day", a time of renewed recognition, concern and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

By Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. DECONCINI, Mr. FORD, Mr. SYMMS, Mr. MATHIAS, Mr. MATSUNAGA, Mr. DOMENICI, Mr. GRASSLEY, Mr. SASSER, Mr. HEINZ, Mr. INOUYE, Mr. DURENBERGER, Mr. BOREN, Mr. WARNER, Mr. JEPSEN, Mr. HEFLIN, Mr. THURMOND, Mr. METZENBAUM, Mr. MELCHER, Mr. STEVENS, Mr. PACKWOOD, and Mr. LEVIN):

S.J. Res. 37. Joint resolution that the week containing March 8 of 1983, 1984, and 1985 shall be designated as "Women's History Week"; to the Committee on the Judiciary.

WOMEN'S HISTORY WEEK

Mr. HATCH. Mr. President, American women have and will continue to play a vital role in our society. However, because their role is so fundamental, it is often overlooked or taken for granted. For this reason, I am pleased to sponsor, once again, the resolution designating the week containing March 8 as "Women's History Week," and I am hopeful the Senate will consider this legislation expeditiously. This week, which is to be set aside to help us remember the contributions of women, has been met with much enthusiasm, as the wide participation in the past observances has shown. Plans by many community organizations to help us rediscover and learn more about the women in our Nation's history are already well underway.

Because of the great response to this event in 1982, and to help community groups establish Women's History Week as an awareness program of ongoing significance, the resolution I am introducing today sets aside the week of March 8 for the next 3 years, 1983, 1984, and 1985, as Women's History Week. It is important that we take the time to celebrate and give recognition to the accomplishments of our foremothers as well as our forefathers.

I am particularly interested in the contributions that women have made in my own home State of Utah. Unlike most of the pioneer-settled States, Utah is unique in that nearly half of the pioneers who arrived in 1847 were women. In many cases, those women provided most of the support for their families, including food, clothing, building shelters, and protecting their families from the dangers of the West. Another important aspect of Utah's history is its leadership in political rights. Prior to statehood, women in the Utah Territory were the first in the United States, or its territories, to vote in a general election. Utah women were also among the first to serve as jurors, mayors, and State legislators. In 1896, for example, Martha Hughes Cannon became the first woman in America to be elected to a State senate seat. Senator Cannon, a physician, sponsored the bill that created the State board of health, which operates today as the Utah State Health Department.

Utah also encouraged a large number of women in professional fields, many of whom had national reputations. In the last half of the 19th century, Utah probably had the largest number of women doctors and midwives in the United States, and could boast of Emma Lucy Gates, a world famous soprano, and Emmeline B. Wells, who was editor of the Exponent, one of the first women's magazines.

In every State, the legacy of these women and of women pioneers in all fields of human endeavor deserves to be recognized and celebrated and I urge my colleagues to continue their support for this worthwhile resolution.

By Mr. HEINZ (for himself, Mr. PELL, Mr. STENNIS, Mr. D'AMATO, Mr. ZORINSKY, Mr. HATFIELD, Mr. COCHRAN, Mr. DODD, Mr. BENTSEN, Mr. MATHIAS, Mr. PERCY, Mr. LONG, Mr. CHILES, Mr. GARN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. BRADLEY, Mr. RANDOLPH, Mr. TSONGAS, Mr. JOHNSTON, Mr. BAUCUS, and Mr. HOLLINGS):

S.J. Res. 38. Joint resolution to declare March 18, 1983, as "National Energy Education Day"; to the Committee on the Judiciary.

NATIONAL ENERGY EDUCATION DAY

● Mr. HEINZ. Mr. President, as Senate chairman of the national energy education day project, I am today introducing a joint resolution calling on the President of the United States to designate March 18, 1983, as "National Energy Education Day."

At a time when our country's future depends on secure and competitively priced energy resources, NEED serves to develop and enhance energy education programs at all grade levels of public and private schools. Mr. President, in order to insure that this country meets its future energy demands, we must encourage our greatest resource—the minds and talents of this country's youth—to understand and help find the answers to the energy questions our world faces. NEED programs have proven to be an effective vehicle in integrating energy education into the Nation's schools.

Mr. President, it is a privilege to serve as cochairman of the 1983 national energy education day project. The theme for NEED this year is "Energy Economics—the Global, National, and Local Connections." Students, teachers, and other members of their communities explore such topics as:

The energy needs of the Third World;

The effects of importing foreign oil on the U.S. balance of trade;

The relationship between energy and employment; and

What consumers are doing to control energy costs in their homes and means of transportation.

There are currently 6 million students in 10,000 schools NEED programs throughout the country learning the answers to these and other important questions.

Mr. President, we are happily watching the countries of OPEC lose their power to manipulate world oil prices to higher and higher levels. The people of this country saw what increased oil prices were doing to this country's economy and to their own pocketbooks and they did something about it—they began to conserve energy. Through a concerted national effort, demand for OPEC oil declined significantly and the oil cartel is no longer able to sustain its artificially high price of oil.

However, Mr. President, it is imperative that we plan now for that day when oil is once again scarce. This means insuring adequate domestic energy resources to serve our needs. We must do all we can to develop a wide range of alternate sources of energy—from synthetic fuels, solar, and wind power, to geothermal and nuclear fusion energy. This effort will require updating our educational system at all grade levels to prepare this Nation's youth for the new demands and challenges ahead.

National Energy Education Day (NEED) will bring together students, teachers, school officials, and community members to focus attention on the need for a greater understanding of energy issues. NEED will also provide the necessary support for encouraging talented youth to choose fields of energy as viable career options.

Mr. President, with this in mind, I ask that it be resolved by the President of the United States as well as this distinguished body that March 18, 1983, hereby is designated "National Energy Education Day."●

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. DOLE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1954 to decrease the holding period for long-term capital gain treatment from 1 year to 6 months.

S. 16

At the request of Mr. DOLE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 16, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts.

S. 19

At the request of Mr. DOLE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 41

At the request of Mr. DURENBERGER, the names of the Senator from Wisconsin (Mr. KASTEN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 41, a bill to extend the revenue sharing program for local governments through fiscal year 1986.

S. 47

At the request of Mr. PACKWOOD, the names of the Senator from Wisconsin (Mr. KASTEN) and the Senator from Virginia (Mr. TRIBLE) were added as cosponsors of S. 47, a bill to improve the international ocean commerce transportation system of the United States.

S. 105

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 105, a bill to define the affirmative defense of insanity and to provide a procedure for the commitment of offenders suffering from a mental disease or defect, and for other purposes.

S. 106

At the request of Mr. LEVIN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 106, a bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to extend the Federal Supplemental Compensation Act of 1982 beyond March 31, 1983.

S. 107

At the request of Mr. THURMOND, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 107, a bill to establish the Veterans' Administration as an executive department.

S. 117

At the request of Mr. CHILES, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 117, a bill to improve the effectiveness and efficiency of Federal law enforcement efforts.

S. 120

At the request of Mr. DOLE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 212

At the request of Mr. PRESSLER, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 212, supra.

S. 215

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 215, a bill to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on postconviction release, and for other purposes.

S. 217

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 217, a bill reform procedures for collateral review of criminal judgments, and for other purposes.

S. 222

At the request of Mr. KASTEN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 222, a bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends.

S. 331

At the request of Mr. BYRD, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 331, a bill to create a National Investment Corporation.

S. 417

At the request of Mr. PROXMIRE, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Alabama (Mr. DENTON) were added as cosponsors of S. 417, a bill to amend the Social Security Act to establish depository accounts in the Treasury for those portions of the Federal old-age and survivors insurance trust fund, the Federal disability insurance trust fund, the Federal hospital insurance trust fund, and the Federal supplementary medical insurance trust fund not required to meet current withdrawals, and for other purposes.

S. 446

At the request of Mr. JEPSEN, the names of the Senator from South Dakota (Mr. PRESSLER), the Senator from Indiana (Mr. QUAYLE), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 446, a bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program.

S. 466

At the request of Mr. RIEGLE, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 466, a bill to authorize assistance to avoid mortgage defaults caused by adverse economic conditions, and for other purposes.

S. 497

At the request of Mr. HUMPHREY, the names of the Senator from Missouri (Mr. DANFORTH), the Senator from Utah (Mr. HATCH), the Senator from Florida (Mrs. HAWKINS), the Senator from North Carolina (Mr. EAST), the Senator from North Dakota (Mr. ANDREWS), the Senator from Indiana (Mr. QUAYLE), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 497, a bill to amend title 39 of the United States Code to provide that drug abuse oriented advertisements and shipments of drugs in response to drug abuse oriented advertisements shall be nonmailable matter.

S. 498

At the request of Mr. D'AMATO, the names of the Senator from Hawaii (Mr. MATSUNAGA), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 498, a bill to amend the Agricultural Act of 1949 to modify the dairy price support program.

S. 503

At the request of Mr. HUMPHREY, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 503, a bill to make it unlawful to manufacture, distribute, or possess with intent to distribute, a drug which is an imitation of a controlled substance or a drug which purports to act like a controlled substance.

SENATE JOINT RESOLUTION 9

At the request of Mr. HELMS, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Joint Resolution 9, a joint resolution to amend the Constitution of the United States to protect the right to life.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Congressional Resolution 9, a concurrent resolution calling upon the Government of the United Kingdom to outlaw the Ulster Defense Association, its membership, activities, and any like terrorist organization.

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. DODD, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Congressional Resolution 10, a concurrent resolution calling upon the Government of the United Kingdom to ban the use of plastic and rubber bullets against civilians.

SENATE RESOLUTION 2

At the request of Mr. CRANSTON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Resolution 2, a resolution informing the House of Representatives that a quorum of the Senate is assembled.

SENATE RESOLUTION 40

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of Senate Resolution 40, a resolution to express the sense of the Senate urging Presidential action in calling for an immediate domestic economic and trade summit to address the U.S. long-term trade policy by a bipartisan group of individuals from the Government, business, labor, agriculture, and the academic community.

SENATE RESOLUTION 68—IMPOSING LIMITATIONS ON OUTSIDE EARNED INCOME OF SENATORS AND CERTAIN SENATE OFFICERS AND EMPLOYEES

Mr. LEAHY submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 68

Resolved, That the Standing Rules of the Senate are amended by adding after rule XXXV the following:

"Rule XXXVI

"OUTSIDE EARNED INCOME

"1. During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year, the aggregate amount of the outside earned income of such individual for such period shall not exceed $25,000.

"2. (a) A Senator shall not receive honoraria in excess of $2,000 for each apearance, speech, or article.

"(b) An officer or employee of the Senate covered by paragraph 1 shall not receive honoraria in excess of—

"(1) $300 for each appearance, speech, or article, and

"(2) $1,500 in the aggregate in any one calendar year.

"(c) Notwithstanding the limitations under paragraph 1 or 2(b)(2), any Senator, officer, or employee may accept honoraria in excess of the amount allowed in paragraph 1 or 2(b)(2) but not in excess of $25,000, if he donates such honoraria to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 and if no tax benefits accrue to such Senator, officer, or employee for such donation.

"3. (a) For purposes of this rule, the term 'outside earned income' shall, subject to the provisions of subparagraph (b), mean any income earned by an individual (other than the salary received as a Senator or officer or employee of the Senate) which is compensation received as a result of personal services actually rendered.

"(b) For purposes of subparagraph (a), the term 'outside earned income' does not include—

"(1) advances on books from an established trade publisher under usual contract terms;

"(2) royalties from books;

"(3) proceeds from the sale of creative or artistic works;

"(4) any 'buyout' arrangement from professional partnerships or businesses which is reasonably related to the fair market value of the partnership or business interest in the enterprise at the time of the sale of such interest, payable within a reasonable period of time, and not related to future services or profitability of the enterprise;"

AMENDMENTS SUBMITTED FOR PRINTING

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

AMENDMENT NO. 4

(Ordered to be printed and referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted an amendment intended to be proposed by him to the resolution (S. Res. 66) providing for regulations to implement television and radio coverage of the Senate.

NOTICE OF INTENTION TO AMEND THE RULES

Mr. RANDOLPH. Mr. President, I submit the following notice in writing:

In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XII of the Standing Rules of the Senate for the purpose of proposing to the resolution (S. Res. 66), providing for regulations to implement television and radio coverage of the Senate, the following amendment; viz: At the end of the resolution add the following:

SEC. 4. Rule XII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"(5) When yeas and nays are ordered on the floor, each Senator shall vote from the assigned desk of the Senator.".

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold hearings on the President's fiscal year 1984 budget submission on February 18, 1983, at 10 a.m. and 2 p.m. in room 608 of the Senate Dirksen Office Building.

Witnesses for the 10 a.m. hearing will be the Honorable Thomas H. Kean, Governor, State of New Jersey; Dr. John Petersen, Director, Government Finance Research Center; Dr. Roy Bahl, director of metropolitan studies, Maxwell School, University of Syracuse; and Mr. Arch W. Roberts, chairman, Public Securities Association.

Witnesses for the 2 p.m. hearing will be Dr. Gordon Moore, chairman and chief executive officer, Intel Corp.; Dr.

George Keyworth, Science Adviser to the President, Office of Science and Technology Policy; and Dr. James Rutherford, chief education officer, American Association for the Advancement of Science.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on the President's fiscal year 1984 budget submission on February 17, 1983, at 10 a.m. in room 608 of the Senate Dirksen Office Building.

The Honorable Martin Feldstein, Chairman, Council of Economic Advisers will be the witness.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, February 17, 1983, in order to receive testimony concerning S. 47, the Shipping Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, February 17, at 2 p.m., to hold a hearing to consider S. 499, a bill to permit tax exempt financing in connection with SBA's 503 program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 9, 1983, at 10 a.m., to hold an executive session for the purpose of taking testimony in connection with (HEREIU) Hotel Employees and Restaurant Employees International Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LITHUANIAN INDEPENDENCE DAY

● Mr. DIXON. Mr. President, February 16, 1983, marked the 65th anniversary of the establishment of the Independent Republic of Lithuania. Since 1251, the date of Lithuania's establishment as a nation, Lithuanians have continually fought to secure their political freedom.

On June 15, 1940, the Soviets entered the small independent nation of Lithuania with more than 300,000 troops. This intervention was in direct violation of the 1920 peace treaty between the two countries in which the Soviets forever renounced the sovereign rights of Russia over the independent people of Lithuania.

In August 1940, the pro-Soviet Government, which was installed during the invasion, requested that the nation be incorporated into the Union of Soviet Socialist Republics. Today, the United States recognizes the struggle of the people of Lithuania to break the chains of Soviet domination, and denounces the illegal incorporation of the free and independent Republic of Lithuania into the Soviet Union.

It is only fitting to commemorate the 65th anniversary of the founding of the Republic of Lithuania. The founding of this new state brought to the people of Lithuania the fundamental freedoms of religion, speech, and assembly.

On this date we pay tribute not only to those who fought 65 years ago to secure freedom, but also to those who today continue to maintain their cultural heritage despite the deprivation of their most basic human rights. The free spirit and determination of the people of Lithuania symbolize the continuing will of peoples to fight for their inalienable rights. We, as Americans, must join together in proclaming our support for the struggling people of Lithuania as they move to shake the Soviet blanket of suppression in the Baltics.●

COMMEMORATING LITHUANIAN INDEPENDENCE DAY

● Mrs. HAWKINS. Mr. President, I rise today to commemorate a day of both sadness and hope to people of Lithuanian descent throughout the world. Yesterday marked the date some 65 years ago when the brave people of Lithuania broke loose from the chains of Russian oppression and established a free and independent Lithuanian republic. It is a day of sadness because in remembering and honoring the memory of this great moment in the life of a great people we are reminded that the flower of Lithuanian freedom was brutally crushed by Soviet troops in 1940, and in August of that year Lithuania was forcibly incorporated into the Soviet Union. This was the culmination of an immoral conspiracy between two of the world's worst tyrants, Adolf Hitler and Joseph Stalin, to divide, suppress, and occupy Poland and the Baltic States of Lithuania, Latvia, and Estonia. Lithuania's guarantee of freedom of speech, assembly and religion included in the Constitution of 1922 were replaced by the oppression of the Soviet police state. I am pleased and proud that American leaders have steadfastly refused to recognize and thus to legitimize the Soviet Union's rape of Lithuania.

This day is, however, also a day of hope; hope that the Lithuanian people will again succeed in breaking free of Russian imperialism as they did over six decades ago. Soviet attempts at Russification, ethnic dilution, political, and religious persecution have not succeeded in stamping out the love for freedom held in the hearts of the Lithuanian people. A shining example of this has been the success of the Lithuanian Catholic Dissident Movement, widely acknowledged to be one of the most effective and most feared by Soviet authorities.

An important part of the movement is "The Chronicles of the Catholic Church in Lithuania," a Lithuanian Samizdat publication. The Chronicles covers much more than Soviet persecution of the Lithuanian Catholic Church. It also highlights other human rights violations and attacks on fundamental freedoms of people living in Soviet Russia. But in addition to preserving the spirit of freedom in Lithuania, these Lithuanian dissidents seek to promote a continued sense of Lithuanian national identity and traditions. The longing for freedom continues to burn in the hearts and minds of Lithuanians, and so long as it does, the hope for freedom cannot die.

This however, it not a day of importance to Lithuanians alone, nor alone to Americans of Lithuanian descent. It is a day of importance to all people who love freedom. Since 1979 the world has been in shock over the Soviet invasion and occupation of Afghanistan, and rightly so. But Afghanistan is only a reminder of what the people of Lithuania, Latvia, and Estonia learned over 40 years ago—Soviet tyranny is dedicated to strangling freedom wherever opportunities permit. I hope that we will take this opportunity, on the 65th anniversary of Lithuanian independence, to renew our commitment to preserve freedom around the world and to show our solidarity with the Lithuanian people in their struggle against Soviet imperialism.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DODD. Mr. President, it has been 65 years since the establishment of an independent Lithuanian state in 1918, and it has been 34 years since the illegal, forcible incorporation of the Baltic States into the Soviet empire.

The United States has never recognized the Soviet annexation of Lithuania, Estonia, and Latvia, and it is not alone in taking this stand. Just a

month ago, the European Parliament, by the overwhelming margin of 98 to 6, adopted a resolution reaffirming the determination of the European community to uphold the concept of these nations as independent entities under temporary illegal occupation. We are united with our European colleagues in this determination.

The peoples of the Baltic States ought to know of, and be reassured by our dedication to their freedom and independence. The Soviet Union, in addition to maintaining a system of political oppression, also seeks to suppress the traditional cultures in the Baltic States. Priests and others who try to nurture Lithuanian religious and cultural traditions are particularly harshly treated.

Nonetheless, the courage of occasional student demonstrators clearly shows the strength of resistance even in those who grew up under the Soviet regime. Lithuanian human rights activists, like their counterparts throughout the Soviet empire, inspire us with their self-sacrifice and courage. The will to be free remains vibrant.

Mr. President, I regard our recently adopted resolution on Lithuanian Independence Day as a reaffirmation of the commitment of the American people to a free and independent Lithuania.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, yesterday marked the 65th anniversary of Lithuanian Independence Day. On February 16, 1918, the people of Lithuania acted in the name of territorial and political freedom when they declared their independence. The event, so significant in the history of the tiny Baltic State, represented an important landmark in the history of the free world.

But Lithuanians drank from the cup of freedom for only 22 years. In 1940, the Soviets pummeled the fledgling sovereign state, pounded down its political institutions and deported 35,000 political leaders, and pulled the tethered state into the Union of Soviet Socialist Republics.

The Soviets not only quashed Lithuanian political advances, but they also laid siege to linguistic and cultural traditions—elements vital to Lithuanian national identity. In the course of two decades, the Soviets have contrived to systematically annihilate Lithuania's language, art, and religion that had been nurtured over centuries. These violations of fundamental human freedoms and of political and civil liberties constitute grave abrogations of the commitments made by the Soviet Union in the universal declaration of human rights and the Helsinki accords.

The Lithuanian people have been forced to witness their territorial integrity violated, their political freedom erradicated, and their cultural and linguistic traditions stifled. All that remains to them is an intangible that can be neither destroyed nor repressed—they have their hope—the hope that a free and independent state of Lithuania will one day be restored.

Mr. President, today we let Lithuanians know that we continue to share that hope—that we continue to look forward to the day when they might again drink from the cup of freedom.●

CLERGYMEN ON NUCLEAR FREEZE

● Mr. GOLDWATER. Mr. President, in the January 1983 issue of Officer Review, the monthly magazine of the Military Order of the World Wars, an article appeared by the Rev. Karl Justus, which is deserving of our attention.

Reverend Justus, a Methodist clergyman who served in World War II and is the former Chaplain General of the Military Order of World Wars, takes on the nuclear freeze issue in excellent fashion. In fact, he points out that all of us favor disarmament and a lasting peace. How we achieve that goal is arguable. Reverend Justus insists that many religious figures who have supported a nuclear freeze are, however well meaning, seriously deluded in their effort to achieve a lasting peace.

Mr. President, I commend this article entitled "They Know Not What They Do" to my colleagues and ask that it be printed in the RECORD in its entirety following my remarks.

The article follows:

"THEY KNOW NOT WHAT THEY DO"

(By Karl B. Justus, Past Chaplain General)

Thirty years ago I stood in hushed, awed silence at the foot of a small rise of ground in the ancient City of Jerusalem. On that little hill called Calvary, Jesus Christ was crucified twenty centuries ago. It was a spiritual experience I'll never forget, and if I never get there again I have the knowledge that, at least once, I was privileged to make my pilgrimage to Calvary.

For the dissidents of that day, for His loudly-proclaimed enemies, which included the self-righteous, religious hierarchy of the period, who chided Him mockingly, "Save yourself and come down from the cross,"—and even for some of his fear-filled Disciples who had fled—it seemed that evil had, at last, won the day. Had the tragic, painful event on Calvary been the irreversible end, then evil would have truly been the victor, but Calvary was but the beginning of events which changed the history of the world for all time to come. Evil's day of victory was short-lived, for the Resurrection turned the tragedy of Calvary into unforgetable and everlasting triumph.

Even in the agony and pain of His dying hour, Jesus, just before he finally succumbed, lifted His voice and said, "Father, forgive them for they know not what they do."

Without doing violence to those words or in any sense being sacrilegious—far from it—it would seem that there are today many, many professed followers of the Man of Galilee, ardent and vocal in their profession and preachments; proclaimed leaders, Disciples, as it were, for whom the phrase ought well be repeated, "Forgive them for they know not what they do."

The evidence seems indisputable that the persistent, persuasive, emotionally-charged preachments and statements by the perennial pacifists of the National and World Councils of Churches, the Friends Service Committee, the Bishops and clergy leaders of several mainline denominations in America, and other parts of the world, have served to increase the pressure and help to mount a massive campaign for a nuclear freeze. With rhetoric that is vastly more rampant than it is rational they have provocatively produced a sense of fear in multitudes of normally rational people who now believe what they are being told and would, seemingly, settle for peace at any price. Consequently the sheep follow the errant shepherds down a path that could lead to ultimate catastrophe as they thunder their pronouncements against "nuclear war,"—"just war"—or any kind of war, in the name of the Prince of Peace whose birth we joyously celebrated last month. Adding to this rising crescendo of fear and fury are the always-ready protesting dissidents and activists of the Marxist/Leninist philosophy, and the elite liberal leftists, who lend voice, time, talent, money and political chicanery to achieve the goal that the religionists and the atheists seem to mutually seek.

There is not, and cannot be, any argument that "war is hell"—any war, be it nuclear, conventional or otherwise. No sane person wants or advocates war, but the question persists—How far will we, how far can we, how far must we go to prevent war? And at what price? Does there not come a time and place, a situation at which we arrive, when we must say, "Here we stand, we can go no further, God being our helper!" There must be, for when our freedom, our values, our heritage and all that we have cherished is threatened by despotic domination and slavery—it is time and morally right to fight and defend our principles—principles we hold as individuals and that are at the very heart of this nation's Declaration of Independence, its Constitution and the Bill of Rights.

There are those who, carrying pacifism all the way, remind us that Jesus said, "Whosoever shall smite you on the right cheek, turn to him the other also." I am not fully positive just what Jesus meant in entirety. Personally, I consider the statement as an admonition that I should not vengefully turn on my attacker. Furthermore, if I have the Christian grace to let an attacker punch me in the face without striking a retaliatory blow, that is my business and, perhaps, the other person's good fortune. However (no matter how simplistic it sounds), if a thug walks up and punches my wife in the face, or a gang of vandals attacks a neighbor, what should I do? Shall I just say, "Never mind, just turn your other cheek. It will soon be over." Would that be the right and moral thing to do? I would consider it my right and duty to defend my wife and my neighbor.

In ordaining and establishing the Constitution of the United States, it is stated clearly in the Preamble that one of the pur-

poses for which we were joining together was to "provide for the common defense." That is as clear as can be that our Government has a sacred obligation to be adequately prepared, at all times, to defend this nation and its citizens against any and every foe whether they be from without—or even within—our borders. That is a justifiable, moral obligation of the Government, and every citizen privileged to be an American, should be willing and proud to help the Government fulfill the obligation of "common defense" whenever and wherever the need arises. In other words, for the "common defense" of our loved ones, our neighbors; for the values we embrace, for the justice we strive for, for the worth and dignity of the human individual in which we believe, there comes a time when it is just, right and moral to fight—if fight we must. May God grant it won't happen, but we will shirk a moral duty if, for whatever reason or rationale, we allow America to be unprepared—making no effort to close "the window of vulnerability" about which President Reagan has warned.

Recently I heard His Excellency, Bishop John J. O'Connor, Vicar General of The Military Ordinariate, a former Chief of Navy Chaplains and a good friend of mine, deliver an excellent address on "Traditional Western Criteria for Justice in War." Though I took extensive notes, it would be literary pilfering for me to report all of the major points he gave to challenge his listeners. At one juncture he spoke about the importance of intentions. (We so often hear someone say, "My intentions were good.") However, as Bishop O'Connor said—"it is of no avail if one's intentions are inadequate no matter how good they are."

He then turned to the familiar New Testament story of the Good Samaritan and posed a problem. He said, "We all know what the good Samaritan did when he came down the road and found the man who had been beaten, robbed and left by the roadside, but what would, or what should, the Good Samaritan have done if he had come along just as the beating and robbery was happening?" That was a question he left for each to ponder and answer.

Now, back to my original theme—"They know not what they do." What have I been endeavoring to say?

I contend that many religious leaders, specifically clergy—as well as the laity misled by those leaders in their unquestioned longing for peace and a sense of security—are tragically deluded if they think that a nuclear freeze is the answer to the passionately-desired disarmament and lasting peace. I purposely used the word deluded because if such an action came to pass under the existing circumstances America would be locked in to the number two position militarily behind the Soviet Union which, undeniably, by every knowledgeable and authoritative source I am aware of, puts the Soviet massive military juggernaut ahead of America in the overall position. Even if that were not the situation, our well-intentioned compatriots are deluded if they believe that the Soviets would honorably abide by such a freeze even if they agreed to one and signed on the dotted line. Having broken nearly every treaty and agreement they have signed with the Western Alliance—especially since World War II—why would any well-intentioned, longing-for-peace American, think the Soviets would keep a freeze agreement even if parity in nuclear weaponry existed—which it does not? The record disputes such a supposition.

If the nuclear freeze resolution is finally adopted—(a resolution that I doubt the late President Kennedy would have approved of)—it may well be a countdown to catastrophe. Our religious leaders, aided and abetted by the ever-present radical activists like Jane Fonda and Tom Hayden, along with far too many of our elected solons, are heading us toward eventual surrender through fear-inspired blackmail (if not nuclear war) to the atheistic system of Communism, spearheaded by the Soviet Union, which has consistently declared its intention to dominate the world and destroy the American Capitalistic system that has blessed our free society. Without such delusion, goaded by the obsessive longing for lasting peace, I cannot believe that right-thinking Americans, would ever lend themselves to such a self-defeating movement. Despite such reality and/or probability, millions of good, well-intentioned Americans have succumbed to the Pied Piper's tune.

In a October 9, 1982, letter from John M. Fisher, President of the American Security Council, he wrote: "The nuclear freeze resolution has gained enormous momentum. It has been passed by 444 New England town meetings, 191 city councils and ten state legislatures. It even came within two votes of passing the House of Representatives," and he points out that "this momentum would not have been possible without the intensive coverage of the freeze by the TV networks." I still believe that, as I wrote in OFFICER REVIEW nearly a year ago, in many things and in many ways, the Media is a menace. Unfortunately, their emblazoned, biased reporting of some things and events, and their failure to report (purposely?) the other side of a given situation, sways many Americans who, unthinkingly, accept the media message as the gospel.

It must be recognized and comprehended that, like it or not, we live in the nuclear age. Advancing, inventive genius brought it to pass. No wishful thinking, not even the fervent prayers of the truly righteous, can change that. The awesome specter that man created thrusts upon him the obligation to responsibly manage what his inventive genius brought to pass. Therein rests the problem, for in the minds of tyranically-driven despots there resides no sense of obligation to the welfare and survival of humankind. Those who hopefully believe to the contrary, be they led by well-intentioned religionists—of whatever persuasion—or by vociferous leftists bent on destroying the American system, are deluded.

As a Christian, specifically an ordained Methodist clergyman for nearly a half-century; who served in World War II in some of the hellish, blood-soaked battles of the Pacific, I part company with my Church in the matters I have discussed. As I write I have before me a news clipping from United Press International. It reports that the Council of Bishops of the United Methodist Church meeting at Lake Junaluska, released a statement (a "pastoral letter") "urging a freeze on nuclear weapons and calling Methodists to work for peace." Directed to the 10 million Methodists of the denomination, it said "all other issues pale before the threat of a nuclear war," adding, "Because the threat of nuclear destruction looms ever larger and is qualitatively different from any other challenge confronting the human family, the Council of Bishops of the United Methodist Church endorses the Joint Resolution on Nuclear Freeze and Arms Reduction. . . ."

I do not doubt the desired goal or good intentions of the intelligent, dedicated Council of Bishops of my own Church, but I believe they are misled and naive to think that in their call for a nuclear freeze—in which they include the Soviet Union (in their thinking)—that the Soviets would observe such a freeze. And, remember, a freeze under existing conditions, to which the Soviets might readily agree, the American "window of vulnerability" would remain wide open.

Recently there went through my mind the phrase of an old tune, "What a difference a day makes, twenty four little hours. . . ." I translated that into twenty years. It was twenty years last October that America and President Kennedy faced the Cuban missile crisis. At the time America had undisputed nuclear superiority. Confronting the dangerous situation created by the Soviets, President Kennedy, with courage and undoubted determination, demanded the withdrawal of the Soviet nuclear missiles implanted 100 miles from our shores. Recognizing their inferior position, the Kremlin connivers backed down and pulled out their missiles, but they said—"Never again"—and from that time on, and continuing through this day, disregarding the welfare of their own people, they have built and expanded their nuclear and conventional capability to the number one position, unprecedented in the history of military capacity.

All the while that happened, America with a euphoria and worthy desire for peace, continued to unilaterally disarm, hoped the Soviets would do likewise and entered into détente which has been an utter farce, helping the Soviets to proceed along their declared goals while doing nothing for this nation except to surrender its unquestioned position of superiority. While America, in its passionate and rightful desire for peace, helped to rebuild the nations it had helped to defeat in World War II (and what other nation ever did that in history), the Soviets built the world's greatest military machine and by sheer force has spread its enforced dominion over many once proud nations.

America's now-lost nuclear superiority was, without question, a deterrent that worked for peace and, in my mind, that is the sole purpose of bringing our nuclear and conventional arsenals to, at least, a status of parity today. Unlike the Soviet Union, America has never sought, by any means, to expand its territory or subjugate any nation by force of arms.

The adherents of the peace movement in this country, calling for a nuclear freeze—and even unilateral disarmament if that is what it takes to achieve their objective—who loudly proclaim the President is leading us to war and nuclear destruction—have nothing to say by way of denouncing what the Soviets have done in Afghanistan or are behind in Poland.

All Americans, all humankind, fervently favors disarmament and lasting peace but, under the existing circumstances, neither can or will occur soon or without great travail. That does not mean we lessen our efforts toward that desired and necessary goal, but it, also, means that it will only be achieved by "Peace through Strength" and therein we must not fail by default or shirking our obligations.

It has been made abundantly clear through many sources that the Soviet Union, through its infamous KGB, which has some 5,000 agents in America (excluding it agents in other allied nations) is going all out to foment the nuclear freeze movement in this nation and in Western Europe. Its

massive program of disinformation, believed by the gullible and welcomed by the leftist dissidents, has given dynamic drive to the peace-above-all-at-any cost adherents. I read a recent report that the Campaign for Nuclear Disarmament, "funded by the communist-supported World Peace Council, which has disrupted all of Europe during the past few months, is planning to transfer its base of operations to the United States." The plan is to support the "nuclear freeze" bill and to enlist like-minded students on college campuses in the cause. Are we to witness, again, the violence experienced in the late sixties and early seventies when the Vietnam war, aided by media reporting, divided our nation? God forbid.

I am aware that sheer fear, because of persistant pronouncements of religious leaders/councils and the always present radicals about impending nuclear war, has shocked many into a state of irrationality, but this must not prevail.

I respect the right of every person to think for himself/herself and to act as conscience guides, but I believe many do not think for themselves and are swayed by (1) the thinking of those they consider to be their leaders (religious or otherwise), or by the (2) oft-slanted media.

As for myself, though a clergyman, I offer no apology for my views and convictions which are life-long. If I am wrong, God will be my judge and I will answer to Him—only.

Meantime, as the crisis mounts and this dangerous decade unfolds—in all of its potential ramifications for doom and disaster—I think it is time to stand up and be counted, to fear not, neither be dismayed and, certainly, "now is the time for all good men/women to come to the aid of their country."

Shalom! May peace with justice yet come to pass in the lifetimes of some of us (all of us) who want peace and fought for it when the chips were down.

And for those who mislead us, purposely or unknowingly, "forgive them for they know not what they do."●

RELEASE OF KOREAN OPPOSITION LEADER KIM DAE JUNG

● Mr. KENNEDY. Mr. President, on February 15, I had the privilege of introducing the Korean patriot Kim Dae Jung to my colleagues, their advisers, and representatives of the human rights movement, and the Korean-American community who gathered in this Capitol to celebrate Mr. Kim's long-awaited release from confinement on political charges, to welcome him and his family to this country, and to reaffirm our commitment to the cause of human rights and democracy in South Korea and around the world.

These Chambers often ring with words of respect for human rights. But it is rare that we have the opportunity to meet and to honor someone whose life has been dedicated so unselfishly to that cause. Kim Dae Jung has won world renown as an apostle of liberty and human rights. His life of sacrifice, and his willingness to face without fear even the ultimate sacrifice, are the stuff of legend. The example of his life is an inspiration to millions of his fellow countrymen in Korea who seek their birthright of liberty, and to millions in other lands who search for refuge from the repression of their governments.

In 1971, Mr. Kim received 46 percent of the vote in Korea's last direct presidential elections. After the returns were in, the existing Government wiped out the previous Constitution and established an authoritarian political structure. Mr. Kim courageously raised his voice against those actions and, as a result, has spent the past decade on the edge of death. While visiting Japan in 1973, he was kidnaped by the Korean CIA. Since then, he has been subjected to continuous imprisonment or house arrest. In 1980, he was sentenced to execution. His only crime through it all was that he never stopped speaking, never stopped writing, never stopped seeking the release of political prisoners, never stopped demanding the restoration of democracy in Korea.

All of us understand—and Kim Dae Jung understands better than any of us—the threat to the security of South Korea from the brutally repressive regime in North Korea. But reaction and repression in South Korea are neither an acceptable nor an effective answer to the danger from the north. As Kim Dae Jung himself once said: "Without the restoration of democracy, there can be no security."

In his inaugural address, President Kennedy stated:

In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. * * * The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

Kim Dae Jung is a witness to the energy, the faith, and the devotion of which my brother spoke. The glow from his life has truly lit the world. I ask that the inspiring statement which Kim Dae Jung delivered in this building earlier this week be printed in full in the RECORD.

The statement follows:

ADDRESS BY MR. KIM DAE JUNG AT THE RECEPTION HOSTED BY SENATOR KENNEDY, CAPITOL BUILDING, WASHINGTON, D.C., FEB. 15, 1983

Senator Kennedy and other distinguished friends: Once again, I cannot help but realize how impossible it is to fathom God's will and man's fate. Only two months ago, I was a political prisoner in Korea. But today I stand here, greeting you.

I am deeply indebted to all those who helped me win my release and come to the United States. I am especially grateful to all of you in this room today.

In particular, I would like to thank Senator Kennedy for providing this opportunity today. I met Senator Kennedy in February, 1971, when I came to the United States as the presidential candidate of the opposition party. Since than, Senator Kennedy has given me his precious friendship and support.

During the last ten years, Senator Kennedy has worked hard to save my life and win my freedom, and actively promoted human rights and democratic restoration in Korea. On behalf of my family and the democratic forces in Korea, I extend my most profound gratitude to Senator Kennedy.

My distinguished friends, I would like to take this occasion briefly to share my thoughts with you on matters of mutual concern. I would like to discuss with you the current state of affairs in Korean-American affairs, what the Korean people hope to accomplish and want from you.

Although Korean-American relations are intimate at the government-to-government level, they are, from the standpoint of the Korean people, in an extremely tense state at the present time.

America has made Korea its friendliest ally in the world with numerous contributions: to its liberation from Japanese colonialism; the defeat of the Communist invasion in 1950, and to the process of economic reconstruction.

Since the May 17, 1980 military coup d'etat, however, the trust that the Korean people have had in America has been badly shaken, Strong doubts and reactions have set in over whether America is truly our friend or the supporter of a military dictator.

In May, 1980, a group of soldiers staged a military coup d'etat. They violated the national democratic aspirations and slaughtered several hundred democratic citizens.

In spite of strong public reactions in the United States against all this, some American leaders chose to look the other way. They even supported and encouraged the military rule.

As a result, a series of unfortunate incidents has taken place since last year. The American Cultural Center in Pusan was set on fire; the American flag was burnt, and student demonstrations have become critical of the United States. Even though their methods are highly questionable, these incidents reveal graphically the Korean people's dissatisfaction over United States government attitude toward Korea.

Today, the Korean people fervently desire democracy. A recent survey showed that 80 percent of the Korean people chose democracy as the most urgent national goal even ahead of economic growth.

Of course, our people value political stability. It is possible only when, as in America, politics is conducted on the basis of opinions freely expressed by the public. In the United States, stability requires democratic political development. I cannot understand how it can be different in Korea.

Our people also value national security. Genuine security depends on the protection and promotion of certain values. They are political liberty, and social and economic justice. It is only too natural that, without these values to protect, we cannot expect the Korean people to fight for national security against the north Koreans who share the same blood.

The United States has every reason to be concerned about the stability and security of Korea. It has 40,000 of its troops stationed in Korea. In addition, it has a large economic stake there.

Supporting the dictatorship will only undermine these interests. American national interests require that the United States government stand on the side of the Korean people and support their dream of restoring human rights and democracy.

My distinguished friends!

We do not want American intervention in our internal politics. We are not asking you

to do our job for us, the job of restoring democracy. We can restore democracy ourselves with our own commitment, our own efforts, and our own sacrifices.

The history of the persistent democratic struggle testifies to our determination and ability. As further evidence, I can point to the high level of political, economic, and cultural sophistication of the Korean people.

We want only two things from the United States government. First, we would like strong moral support for our democratic aspirations. Second, we would like the United States government not to rationalize and encourage dictatorship under the pretext of stability and security.

I can assure you that, if the United States government can be consistently firm on these two matters, we can soon attain our hope for democratic restoration.

I want to make clear that I am neither hateful nor vengeful of the Korean government. Even though it has persecuted me, my religion and political ethics do not allow me to be overcome by such emotions. Should the Korean government show sincere interest in democratic restoration, I am ready to have a dialogue with it and cooperate with it.

In the two months I have been here, I have not had, even for one day, peace of mind. My spirit has been with my persecuted people and also with those of my democratic compatriots who are still in prison.

I do not feel comfortable to have the honor of being toasted by Senator Kennedy and you. My only wish is that United States Korea policy be supportive of democratic aspirations. This is what the Korean people and the American public want. On behalf of my all democratic compatriots in Korea, I seek your support for such a change in United States Korea policy. I thank you.●

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

● Mr. PACKWOOD. Mr. President, pursuant to the requirements of Senate Rule 26(2), I ask to have printed in the CONGRESSIONAL RECORD the Rules of the Committee on Commerce, Science, and Transportation.

The Rules of the Committee on Commerce, Science, and Transportation follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION [1]

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Nine members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Six members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.●

[1] Adopted by the Committee on Commerce, Science, and Transportation at its organizational session on Jan. 27, 1983. Printed in the CONGRESSIONAL RECORD on Feb. 17, 1983, pursuant to Senate Rule XXVI.

A TRIBUTE TO POLICE CHIEF WILLIAM P. TOCCO, JR.

● Mr. PELL. Mr. President, I would like to take this opportunity to commend one of Rhode Island's leading law enforcement officials. Police Chief William P. Tocco, Jr., of Johnston, R.I., is now entering his fourth decade as a law enforcement professional and few individuals have made as outstanding a contribution to law enforcement in Rhode Island as Chief Tocco.

A graduate of the FBI National Academy, Chief Tocco began his career 31 years ago as a member of the Rhode Island State Police. He served in each of the State police barracks and rose to the rank of lieutenant during his 20 years of service with the State. For many years Chief Tocco directed the organized crime and intelligence division of the State police and he was a key law enforcement leader in many major prosecutions of organized crime figures.

William Tocco was initially loaned by the State police to the town of Johnston to serve as chief of police in 1971. A year later he resigned his State position to become the full time chief of Johnston's Police Force, which now numbers 50 men and women. During his years as chief, he has become a statewide leader in the movement for stricter gun control laws. He has served as a member of the State commission on the safe use and control of firearms and is a steadfast advocate of tough handgun control laws. Chief Tocco has also been prominently identified with improved education and training for young police officers and has served as chairman of the Police Commission on Standards and Training of the Rhode Island Municipal Police Academy. Chief Tocco is truly a complete law enforcement professional. In addition to his tremendous contributions to professionalizing the police force in Johnston, he has given unselfishly of his time and personal talents to many law enforcement and community activities, with the Easter Seals, the statewide criminal justice planning commission, and the juvenile justice advisory com-

mittee being just a few of the numerous areas where Chief Tocco has found the time to contribute his leadership. He has had a full and rewarding family life as well; he and his wife Maria are the parents of four sons, one of whom is a police officer in Johnston.

As Chief Tocco enters his fourth decade of police work, I would like to commend him for his distinguished service to his town and State and wish him continued achievement and a long tenure as Johnston chief of police.●

BOB KNIGHT

● Mr. LUGAR. Mr. President, Dave Kindred of the Washington Post has stated it well: "What the Olympics needs is not fewer Bob Knights but more." Bob Knight is a great coach and teacher. He is also a loyal friend. I would like to share Dave Kindred's column of February 17, 1983, in the Washington Post with my colleagues. I ask that the column be printed in the RECORD.

The column follows:

LET'S GO WITH OUR BEST: KNIGHT

(By Dave Kindred)

This Bob Knight-hates-Puerto Rico stuff has taken on a life of its own, with only the most deceiving relationship to truth. Because of it, some people say Knight shouldn't be the U.S. Olympic basketball coach in 1984. It is time someone rose up on his hind legs and shouted, "The guy was railroaded. Get off his case."

Cover your ears, dear readers, because there will be more shouting here today, some from your mild-mannered typist and some from Knight, who yesterday said, "I'm tired of this. If we lose tonight because I've spent so much time on this Puerto Rico thing this week, I'm going to be sicker than I've been in a long time."

Knight's Indiana University team would play Iowa shortly after he talked by phone about the latest storm thundering around his ears. (Indiana did lose, 58-57). Or maybe the lightning is dancing on the back pockets of his jeans, for it was a report of his moon-over-San Juan joke that breathed life into what seemed a dead issue.

Three years ago at the Pan American Games, Knight was arrested and convicted in absentia of a misdemeanor—assaulting a police officer. Should he return to Puerto Rico, he faces a $500 fine and six months in jail. As any red-blooded American would do, Knight crossed Puerto Rico off his list of vacation sites.

And why not? Every member of the U.S. basketball delegation testified that Knight only pushed away a cop who had put his finger in the coach's eye. All agreed the cop provoked the incident.

None denies Knight's anger. Knight had lifted his voice to reason with the finger-pointing policeman, who in turn lifted his handcuffs.

This was early in the Games, shortly after some Puerto Ricans cut down eight U.S. flags and burned two by way of saying have a happy day. This was in a place where anti-U.S. sentiment ran so hot that Knight remembers, "At the Cuba-U.S. women's basketball game, everybody cheered for Cuba."

Two days later in a Cuba-U.S. men's game, a Cuban sucker-punched Kyle Macy, the Kentucky all-American. Macy's jaw was broken.

Back home in Indiana, Knight asked Gov. Otis Bowen if he should write a letter of apology to Puerto Rico Gov. Carlos Romero Barcelo. "Gov. Bowen said no," Knight said, "But I wrote it, anyway."

Knight's letter said his problem was with one man, not the warm and dignified people of Puerto Rico. "I offer my most sincere apologies through you to them if anything I have done or said has been interpreted as being offensive to the people of Puerto Rico," the letter said. Knight said Gov. Romero Barcelo never answered the letter.

"I'm done, as of now, talking about Puerto Rico," the coach said. "I did nothing wrong. I apologized if anybody thought I did. I don't think I need to say another thing. It's ridiculous. I've never directed any remarks at any group, religious or ethnic. This un-American crap—I'm as American as anybody can be."

Back in 1979, masters of ceremonies started giving Knight one-way plane tickets to San Juan.

At a hospital benefit dinner last fall, Knight said no thanks to the joke/ticket. He also said he dropped his drawers and mooned Puerto Rico as his plane left. "That's the last thing I wanted those people to see of me," Knight said, and everyone laughed, as people have laughed for three years now.

"People have done that to me 500 times," Knight said. "Major league baseball players, Puerto Ricans, have kidded me about it. Chi Chi Rodriguez needled me in front of 200 people, and I thought it was funnier than hell and so did he, and we hugged and that was it. The governor of Indiana, President Ford and U.S. senators have needled me. It was always done in fun, and I've given as well as I took. Don Rickles gets paid big money for saying the same things."

Difference is, Rickles won't represent the U.S. in the Olympics, a politically sensitive arena where diplomacy and tact, not the kindest of insults, should cover every situation.

Knight's mooning joke is "incredibly tasteless," to quote an editorial in The Washington Post that called for Knight's replacement as the Olympic coach. Soon, Puerto Rico politicians raised a clamor for Knight's dismissal, as did the Hispanic caucus in the U.S. Congress. These critics see Knight as a crude, racist bully who misrepresents the Olympic ideal of sportsmanship, brotherhood and fair play.

Bullfeathers, loudly.

Knight is a great coach whose honesty does honor to his university. We can pick nits with lapses in judgment (whereas editorialists and columnists are without flaw). But for every little debit, there are a dozen large credits.

What the Olympics needs is not fewer Bob Knights, but more. Our last two Olympic coaches back Knight.

"Bob is a man of integrity and great intelligence," Dean Smith said, "I'm not at all worried. He will represent the U.S. very well."

Dave Gavitt said, "I'm very comfortable with Bob. The events of Puerto Rico will have nothing to do with these Olympics. He will be coaching the U.S. in Los Angeles."

One thing more. The San Juan Star's editorial pages of Jan. 27 carried a lawyer's article entitled "The issue of corruption." Juan M. Garcia Passalacqua said corruption in Puerto Rican government is "without precedent."

The lawyer detailed corruption charges touching the government's banking, housing, public works, drugs, electricity and financial departments. "The Police Department is under investigation by a federal grand jury for corruption and Mafia connections in high places," he wrote.

Bob Knight said, "It sounds like they have a few things more pertinent to do than mess around with a basketball coach."

He said it loudly.●

DISHONEST REPORTING ABOUT THE MAVERICK MISSILE

● Mr. GOLDWATER. Mr. President, this past Sunday, February 13, I watched, as I frequently do, the CBS "60 Minutes" program. I have been upset in the past at some gross inaccuracies in television reporting, but the segment of this most recent "60 Minutes" concerning the Maverick missile topped the list of distortions.

As a result, I have written to Mr. William S. Paley, the chairman of the board of the Columbia Broadcasting System, to express my views. As anyone who viewed the program is aware, only one side of the issue was presented. The only thing close to a presentation of the favorable side of the issue was a statement that the Pentagon had made "unacceptable demands" if they were to be interviewed. Pentagon officials had asked for the opportunity to present an unedited response to the charges against the Maverick missile. Mr. President, I do not consider a request for an unedited reply, in the light of the serious charges made, to be unacceptable. On the contrary, the American people deserve both sides and, all too frequently, they do not hear or view the whole story on network television.

Mr. President, I ask that my letter to Mr. William S. Paley of CBS be printed in the RECORD in its entirety following my remarks. I strongly urge my colleagues to read this letter and to join me in an effort to get the truth to the American public.

The letter follows:

U.S. SENATE,
Washington, D.C., February 15, 1983.

Mr. WILLIAM S. PALEY,
Chairman of the Board, Columbia Broadcasting System, New York, N.Y.

DEAR BILL: Having viewed your "60 Minutes" program on the IR Maverick missile, I am writing to express my disappointment in your treatment of the issue.

To begin with, the producers apparently relied almost exclusively on outdated information to discredit the performance of the missile. An interview with a retired Air National Guard pilot, whose experience was limited to the TV Maverick, is of questionable relevance. And the interview with Russ Murray consisted of nothing more than a dusting off of early development test results obtained almost five years ago. It is *old* information and no matter how dressed up, it does not make a new story.

In fact, the results of the tests conducted in 1978 and 1979 led to significant changes in the software of the missile—changes which, in subsequent tests, have proven successful and will be incorporated in production missiles. That is, in fact, the very purpose of development testing: find the bugs and correct them *before* entering production. But, I worry over the integrity of the development process when early test results are repeatedly resurrected and paraded in the national media, as if new, to discredit a weapon system.

Next, the "60 Minutes" program clearly implied that the GAU-8 30mm cannon on the A-10 aircraft should be favored over the Maverick. If you really are persuaded that the GAU-8 is a more effective and survivable antitank weapon than the Maverick there are a few considerations you may have overlooked. One of these is the lethal range of the Soviet ZSU-23, SA-6, SA-7, SA-9, SA-11, SA-13, and SA-14 air defense systems. If you measure the distance from the A-10's in your films to the tanks they are firing at, you would note that those aircraft are squarely within the lethal envelope of the Soviet weapons. No aircraft will long survive in that environment.

There are two fundamental principles in combat: destroy the enemy and survive. The IR Maverick is designed to accomplish both. The IR Maverick has demonstrated better than 80 percent probability of being able to lock on, track and destroy targets even at ranges well outside the envelope of the most common battlefield air defense systems (ZSU-23 and SA-7). The IR Maverick will do all this in the dead of night. Did it occur to anyone to wonder what the GAU-8 will do for you at night?

The program stated that the Pentagon was denied an opportunity to respond because they made demands that were "unacceptable". What on earth is so unreasonable about a request to make an unedited response? I would suggest that Pentagon officials have seen enough of "60 Minutes" to know that no effort will be spared in your editing room to make those who do not agree with your premise appear foolish, inconsistent, and misinformed. It is your deck of cards. You do all the shuffling, you deal and you make up the rules—I wouldn't want to play in that game either.

The simple truth is that the Maverick has survived because it is working and we need it. Ask the pilots who may one day stake their lives on it—I have and the answer is always the same: they want Maverick.

CBS programmers succeeded in putting together what most viewers will believe is a convicing case against the IR Maverick. In truth, you have shamefully deceived the American public. You have presented only the argument of an uninformed and biased minority while rejecting the overwhelming support of a very knowledgeable majority.

The information necessary to balance your program was available. And let's not be coy. Just because someone does not wish to subject himself to public humiliation through selective editing does not mean he is any less honest or knowledgeable than those who so eagerly seek the spotlight. Isn't it time we question whether the predatory journalistic practices of "60 Minutes" have become so well known that you may never again be able to present fairly both sides of any controversy?

As a frequent viewer of "60 Minutes" I am growing increasingly dissatisfied and impatient with this sort of dishonest reporting. The American public is entitled to hear the truth—and that means both sides of the issue. Perhaps it will require an act of Congress to ensure that they do.

Sincerely,

BARRY GOLDWATER.●

THE KEY TO SUCCESS AT THE INF NEGOTIATIONS

● Mr. PELL. Mr. President, on January 27, negotiations between the United States and the Soviet Union on intermediate-range nuclear forces (INF) resumed in Geneva. In view of the Reagan administration's apparent quest for military superiority and the confrontational approach that it has generally taken toward the Soviet Union, these negotiations have become a major test of its commitment to arms control.

In a recent editorial, the Providence Sunday Journal convincingly argued that the key to success at the INF negotiations lies with the United States. Flexibility on the part of U.S. negotiators, which requires an abandonment of the zero option, could result in an agreement. On the other hand, rigidity could doom the negotiations to failure and create another escalatory spiral in the European arms race.

The most urgent task before us is the prevention of nuclear war. To this end, it is essential that the United States and the Soviet Union negotiate arms-control agreements. I urge the administration to heed the call for greater flexibility in order that an agreement on intermediate-range nuclear missiles in Europe can be achieved.

Mr. President, I highly recommend the thoughtful editorial in the Providence Sunday Journal to my colleagues and ask that the full text be printed in the RECORD at this point.

The article referred to follows:

[From the Providence Sunday Journal, Jan. 23, 1983]

A NEW FLEXIBILITY IS REQUIRED FOR ARMS CONTROL PROGRESS

A new flexibility on both sides is going to be needed if the United States and the Soviet Union are to make any real progress on arms control.

Both governments have rejected a compromise on European missiles that was discussed informally by their chief negotiators at Geneva last summer. When their delegations meet again Thursday, they will be almost back to where they were when President Reagan launched his "zero option" proposal. This called for removal of 300 Soviet SS-20 missiles aimed at Western Europe and cancellation of 572 U.S. weapons scheduled to be deployed in some of the NATO countries beginning next December—zero missiles for both.

Each SS-20 missile is armed with three nuclear warheads, for a total of 900, while the NATO missiles—108 Pershing IIs and 464 cruise missiles—would have one warhead each. With these intermediate-range weapons, the adversary powers would be able to devastate virtually all military bases and major cities in Europe.

The NATO plan grew out of a belief that Russia had a marked advantage. It was half of a two-track program that included negotiating to reduce intermediate-range missiles in Europe. But arms reductions have to be achieved through careful negotiations, not through announcements tailored for their propaganda effect.

The not-so-subtle campaign waged by Soviet Foreign Minister Andrei Gromyko in West Germany last week raised fears that the West European allies may be slipping in their commitment to the new missile program. The way to overcome such slippage, however, lies not in a counter-propaganda program, but in evidence of a willingness to negotiate real reductions in the destructive weapons.

So far, however, the Reagan administration has given the impression that it was not really interested in compromise. This perception alarmed Europeans—and Americans, too. If the U.S. delegation can show a more flexible approach as the talks resume in Geneva, it may be able to halt the backsliding in Europe. If the administration remains content to mark time, however, waiting until after the German election on March 6, the risk is that support for the NATO missiles will fade.

Europeans find it frightening to watch the superpowers building huge amounts of overkill into their theater nuclear arsenals. Even a fraction of these missiles and warheads could reduce Europe to a radioactive wasteland. This is why the proposal discussed last July by the leaders of the two delegations, Paul Nitze and Yuli Kvitzinsky, seemed to make sense.

It wasn't as if the Soviets had not suggested reductions. The Soviet party chairman, Yuri Andropov, had indicated that Russia might cut back the SS-20 missiles to 162, the number of French and British missiles targeted on Russia. Although this was unacceptable in the West (because the French and British regard their missiles as strategic), it did open the door to bargaining.

Last week Moscow was sending mixed signals. The Russians were reported to have said that they would halt separate negotiations on strategic missiles—the ICBMs—if NATO went through with its program of Pershing 2 and cruise missiles. If true, the whole structure of arms control talks is much more precarious than it has seemed up to this point. Yet Mr. Gromyko's parting words to West Germany suggested a more conciliatory attitude. Some allied leaders, at least, are thinking in terms of what Margaret Thatcher, Britain's prime minister, called "balance numbers."

Given the dynamics of the European situation, NATO must have a deterrent strong enough to discourage any Russian attack. NATO has no thought of attacking the Warsaw Pact, despite bellicose talk in Washington last year. In any event, the superpowers, for mutual security, need to reduce the chances of nuclear war, planned or accidental.

If all the maneuvering on missiles is aimed at the West German election, it is still likely that both major West German parties are going to support the missile program until there is a breakthrough on reducing the numbers. Even though the Social Democrats, now out of power, are trying to embrace the anti-nuclear Greens, their leaders cannot accept vulnerability to Russian expansion any more than can the Christian Democrats. The harder the Russians lean on them, the more suspicious they are likely to become.

But the key lies with the U.S. arms control negotiators. If they insist on an all-or-

nothing position, they are likely to get nothing. Then the arms race will go up another spiral, and it will be more difficult to halt in the future.●

THE FEDERAL GOVERNMENT AND THE JOBLESS

● Mr. GOLDWATER. Mr. President, having had the dubious experience of living through the Great Depression that started in 1928 and did not end until we entered World War II, I long ago formed some firm ideas about the Federal Government's trying to aid unemployment.

The President is now supporting a bill, started by the Democrats in the House, that totals something around $4½ billion to $5 billion. Let me just tell my colleagues that if any of them thinks for one moment that this is going to alleviate any degree of unemployment problems, they just do not understand the situation.

I will predict that, before we get through with it, the $5 billon bill will be over $50 billion and might even go to $100 billion. But even that vast amount is not going to put the people back to work. The fact is that they have been put out of work because of the shortsightedness of management and the unions. This, however, is a subject which I will take up at a later time. As we sit here today, we have only ourselves to blame, and when I say ourselves, I mean management and the leadership of the unions, for the dilemma we find ourselves in now.

Our problems are not the fault of President Reagan and they are not the fault of President Carter. In fact, all of this began right after World War II. At that time, we were unable to see, or we refused to see, that the Japanese, the French, the Germans and almost every other country in the world were copying our genius and putting that genius to work in the form of computers and robots to build what we still insisted on building by hand. We are paying the piper, and the piper's tune will continue to be harsh as long as we continue to believe we can compete without automated processes.

Let me close this short statement by saying that I recognize what this attempt on the part of the Democrats and the President, and some members of my party, really amounts to. It is a political effort to say, well, we did our best. Unfortunately, in this case, our best is not going to solve the problem.●

LITHUANIAN INDEPENDENCE DAY

(By the request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

● Mr. GLENN. Mr. President, it is with a mixture of admiration and sadness that I join in the commemoration of the 65th anniversary of the establishment of the Independent Democratic Republic of Lithuania. The sadness arises, obviously, from the continued illegal Soviet occupation of Lithuania and subjugation of the national and cultural identity of the Lithuanian people. Any manifestation of Lithuanian nationalism is still harshly repressed. Those who call for self-determination are still subject to harsh reprisals. Most loathsome is the Soviet policy of "Russification" of the Baltic States whereby the indigenous language, social and cultural traditions are destroyed as the Soviets attempt to remake these nations in their own sterile image. The Soviet role in Lithuania, and throughout the Baltic States, makes a mockery of their international pledges to respect fundamental human rights. According to the Department of State's Country Report on Human Rights, the human rights situation in Lithuania has deteriorated further in the last 2 years as Soviet fears of independent political activity in Poland have increased. Yet, Mr. President, one has to look with admiration on the spirit and courage of the Lithuanian people who keep alive their sense of national identity despite this most ruthless campaign to destroy it. Despite years of occupation, their yearning for the right to shape their own destiny as a people and a nation lives on. We must give our support to that spirit by continuing to refuse to recognize the illegal incorporation of Lithuania into the U.S.S.R., by speaking out in international forums against this most blatant violation of universally recognized human rights, and by publicly honoring the anniversary of their short-lived independence. We must also give great credit to Americans of Lithuanian descent for their demonstrated commitment to the restoration of freedom in their homeland.●

COMMITTEE RULES OF COMMITTEE ON LABOR AND HUMAN RESOURCES

● Mr. HATCH. Mr. President, the Committee on Labor and Human Resources, at its organizational meeting on February 16, 1983, adopted the committee rules for the 98th Congress.

I ask that the committee's rules be printed in the RECORD.

The rules follow:

SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

RULES OF PROCEDURE (AS AMENDED FEBRUARY 16, 1983)

Rule 1.—Subject to the provisions of Rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the Committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD 430, Dirksen Senate Office Building. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The Chairman of the Committee or of a subcommittee, or if the Chairman is not present, the ranking Majority member present, shall reside at all meetings.

Rule 3.—Meetings of the Committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of Rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the Committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the Committee which is composed of less than a majority of the members of the Committee shall include at least one member of the Majority and one member of the Minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the Minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a Minority member, the measure or matter shall lay over for a day. If the presence of a member of the Minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the Committee or a subcommittee unless a majority of the Committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the Chairman of the Committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the Committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the Committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The Committee may poll any matters of Committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each Committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of Rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the Committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any Committee member. The Clerk of the Committee, or the Clerk's designee, shall have the responsibility to make appropriate arrangements to implement this Rule.

Rule 8.—The Committee and each subcommittee shall undertake, consistent with the provisions of Rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The Committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the Chairman and the ranking Minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee or a subcommittee. The Committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration

Rule 10.—Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the Chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or caused to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the Committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of Rule 26.5 of the Standing Rules of the Senate, no person other than members of the Committee, members of the staff of the Committee, and designated assistants to members of the Committee shall be permitted to attend such closed session, except by special dispensation of the Committee or subcommittee or the Chairman thereof.

Rule 14.—The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or a subcommittee for final consideration, the Clerk shall place before each member of the Committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

Rule 16.—An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to the filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

Rule 17.—The Committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the Committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the Committee or subcommittee shall constitute a quorum: provided, with the concurrence of the Chairman and ranking minority member of the Committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The Committee may, by a majority vote, delegate the authority to issue subpoenas to the Chairman of the Committee or a subcommittee, or to any member designated by such Chairman. Prior to the issuance of each subpoena, the ranking minority member of the Committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the Chairman of the Committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the Committee requesting same, or to any assistant to a member of the Committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the Rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the Chairman of the Committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (Part I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the Committee determines that some or all of the information is not relevant to nature of the position. Information relating to other background and financial interests (Part II) shall not be required of any nominee when the Committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time: provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or a meeting specifically called for that purpose.

Rule 20.—In addition to the foregoing, the proceedings of the Committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.●

THE BAD NEWS MEDIA

● Mr. GOLDWATER. Mr. President, I have become increasingly disturbed by the apparent refusal of the media, and this includes all of them—print, television, and radio—to say anything good about the United States. Last night, just for the heck of it, I timed a national television news program of one of our major networks; 83 percent of the material shown included matters of bad events in the world and, particularly the United States.

Do those reporters mean to tell me that, in the course of a 24-hour day, they cannot find any good things about the United States? Good things such as the fact that there are more people working than any time in our history or that the economic indicators are beginning to turn up, and I know that must disturb almost every one of them. I wonder if they cannot find a little good in the fact that we are not at war and the chances of us going to war are not all that great.

This situation is getting so bad that I think it calls for the courage of at least some of the media to start talking about some of the good things in the United States and some of the good things around the world. Frankly, I do not think these people in the business of telling us the news are happy unless they can report something of a disaster.

They ought to try reporting some good things, at least for a while. I think they might be surprised at how many people will return to watching or reading what they are reporting.

I intend to keep this matter alive, because I dislike watching or listening to distortions.●

S. 493—THE EMERGENCY JOBS, TRAINING AND FAMILY ASSISTANCE ACT

● Mr. KENNEDY. Mr. President, I ask that the text of S. 493, the "Emergency Jobs, Training and Family Assistance Act," which I introduced yesterday, be printed in full in the RECORD.

The text of the bill follows:

S. 493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Jobs, Training and Family Assistance Act."

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide jobs for the unemployed in special labor intensive programs including the Community Development Block Grant program, the youth employment and education program, the senior citizens employment program, the low-income weatherization program, and various other similar programs, to provide training and retraining opportunities, including Pell Grants for dislocated workers and to provide emergency shelter, food, counseling, health services, child care, and other assistance for long-term unemployed, their families, and other needy individuals.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "long-term unemployed individuals" means individuals who are unemployed for at least 15 weeks.

(2) The term "Secretary" means the Secretary of Labor.

(3) The term "State" means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(4) The term "unemployed individuals" means individuals who are without jobs and who want and are available for work. The determination of whether individuals are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

TITLE I—JOBS FOR THE UNEMPLOYED

PROGRAM AUTHORIZED

SEC. 101. (a) The Secretary shall, from funds authorized pursuant to subsection (b) in accordance with the provisions of this title. transfer funds to or reserve funds for employment programs specified in sections 102 through 108.

(b)(1) There is authorized to be appropriated for the period from the date of enactment of this Act through September 30, 1984, $5,700,000,000.

(2) Funds appropriated pursuant to paragraph (1) of this subsection shall be available for obligation and expenditure for one year from the date on which funds are appropriated under this title.

(3) Notwithstanding any other provision of law, amounts authorized under paragraph (1) and transferred to or reserved for programs under sections 102 through 108 shall be in addition to any amounts authorized prior to the date of enactment of this Act.

COMMUNITY EMPLOYMENT

SEC. 102. (a)(1) The Secretary is authorized, in accordance with the provisions of this section, to transfer, from the amount appropritated pursuant to section 101(b)(1), not to exceed $3,500,000,000 for the period for which the authorization under such section is made to hire long-term unemployed individuals through the Community Development block Grant program, authorized by title I of the Housing and Community Development Act of 1974.

(2) The Secretary of Housing and Urban Development, from transfers made by the Secretary pursuant to paragraph (1) of this subsection, shall make grants to States and units of general local government in accordance with the allocation contained in subsection (b) for activities described in section 105 of the Housing and Community Development Act of 1974 which the Secretary of Housing and Urban Development determines are labor intensive activities. Such activities shall be carried out in a manner consistent with the primary objective of such title I.

(b)(1) Each State may receive an amount equal to the sum of—

(A) 75 percent of such funds multiplied by a fraction the numerator of which is the number of unemployed workers in that State during December 1982 (as determined by the Bureau of Labor Statistics for purposes of computing the total nonseasonally adjusted rate of unemployment for that month), and the denominator of which is the number of unemployed workers in all States during December 1982 (as so determined); and

(B) 25 percent of such funds multiplied by a fraction the numerator of which is the percentage point increase, if any, in unemployment in that State (determined by subtracting the average total nonseasonally adjusted unemployment rate in that State for calendar years 1978, 1979, and 1980 from the total nonseasonally adjusted unemployment rate in that State for October 1982), and the denominator of which is the sum of the increases in unemployment for all States (as so determined).

(2) The funds allocated to a State under paragraph (1) shall be allocated directly to entitlement areas so that each such area may, subject to subsection (d), receive an amount which bears the same ratio to the total amount allocated to that State under this section as the ratio which the amount allocated for that area under section 106 of the Housing and Community Development Act of 1974 for fiscal year 1982 bore to the total amount allocated in and to that State under section 106 during such year. In the event that an entitlement area does not apply or does not qualify for a grant, the amount of that area's grant shall be added to the amount available for allocation for other entitlement areas in the same State.

(3) The amount remaining from a State's allocation after the application of paragraph (2) shall, subject to subsection (d), be available for allocation for use in that State. Any funds for which the State does not apply or qualify shall be reallocated under paragraph (2).

(c) The Secretary of Housing and Urban Development shall prescribe regulations which are consistent with the cooperative agreement entered into between the Secretary and the Secretary of Housing and Urban Development in accordance with the provision of section 110.

(d) to receive assistance under this section, a State or unit of local government must submit an application not later than 30 days after the date the Secretary of Housing and Urban Development prescribes regulations and announces the availability of funds under this section. The Secretary shall approve an application unless he finds that it fails to meet any requirement of this section or that the recipient will not be able to commence the proposed activities within 90 days after an appropriation Act appropriating funds pursuant to section 101(b) is enacted. An application or supplemental statement shall be deemed to be approved unless specifically disapproved by the Secretary within 15 days after receipt. Upon approval or expiration of the 15-day period referred to in the preceding sentence, funds shall be made available promptly. Within 15 days following any disapproval, the State or unit of local government may reapply. A reapplication shall be deemed to be approved unless specifically disapproved within 10 days after it is filed. Any funds which become available as a result of a disapproval or failure to apply or reapply shall be reallocated as provided in subsection (b) not later than 10 days after the disapproval or filing deadline.

(e) Funds appropriated pursuant to section 101(b)(1) and transferred under this title may be expended only to cover the cost of activities described in section 105 of the Housing and Community Development Act of 1974 which are carried out during the period beginning on the date of enactment of this Act and ending September 30, 1984. The Secretary of Housing and Urban Development shall require a financial settlement of each grant under this section as soon as is practicable after the close of such one-year period. All funds appropriated under section 101(b)(1) and transferred under this title but not expended prior to September 30, 1985, shall be covered into the Treasury.

(f)(1) The Secretary shall exercise, with respect to grants under this section, the authority conferred by section 104(d) of the Housing and Community Development Act of 1974 with respect to grants under section 106 of such Act, including the authority to recapture or deduct funds from future grants under section 106.

(2) Not later than 30 days after the date of financial settlement under subsection (e), each recipient of funds under this section shall provide the Secretary with such information as he shall require in order to assess compliance with the provisions of this section. Not later than July 1, 1984, the Secretary shall transmit a report to the Congress describing the program under this section, including a description of the number, type, and location of jobs created, and the characteristics of workers employed.

YOUTH EMPLOYMENT AND EDUCATION PROGRAM

SEC. 103. (a) The Secretary is authorized, from the amount appropriated pursuant to section 101(b)(1), to reserve not to exceed $1,000,000,000 for the period specified in such section for youth employment and education programs authorized under part C of title II of the Job Training Partnership Act.

(b) Title II of the Job Training Partnership Act is amended by adding at the end thereof the following new part:

"PART C—YOUTH EMPLOYMENT AND EDUCATION PROGRAM

"STATEMENT OF PURPOSE

"SEC. 271. It is the purpose of this part to provide a broad range of coordinated employment and educational programs for eligible youth in order to provide immediate employment and improve their future employability.

"RESERVATION OF FUNDS; ALLOTMENT AND ALLOCATION

"SEC. 272. From funds reserved pursuant to section 103(a) of the Employment Act of 1983, the Secretary shall allot to each State an amount which bears the same ratio to the amount reserved as the amount received by the State in accordance with section 201(b) for fiscal year 1983 bore to the amount allotted under section 201(b) for that year, except that the Secretary shall allot to Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the entities eligible under section 401 the same percentage of the funds so reserved as were allocated to the areas and entities under section 251(a).

"WITHIN STATE ALLOCATION

"SEC. 273. (a) The Governor shall allocate the allotment of the State determined under section 272 for the period for which such funds were transferred among service delivery areas within the State in accordance with subsection (b).

"(b) The Secretary shall allocate to service delivery areas within the State amounts based upon the number of individuals, aged 15 to 19—

"(1) who—

"(A) are from families below the poverty level as determined under section 111(C)(2)(A) of the Elementary and Secondary Education Act of 1965,

"(B) are from families above the poverty level as determined under section 111(C)(2)(B) of the Elementary and Secondary Education Act of 1965, and

"(C) are living in institutions for neglected or delinquent children; and

"(2)(A) who reside in each service delivery area, or

"(B) who, in the case of clause (1)(C), who live in an institution which is located in the service delivery area,

compared to the number of such children in all service delivery areas within the State.

"ELIGIBLE YOUTHS DEFINED

"SEC. 274. Individuals eligible under this part shall be economically disadvantaged youths who—

"(1) have attained 15 years of age but not 20 years of age; and

"(2) enter into an agreement to resume or maintain attendance in secondary school for the purpose of acquiring a high school diploma or in a program which leads to a certificate of high school equivalency, or to participate in other educational activities designed to improve the employability of such a youth.

"USES OF FUNDS

"SEC. 275. Funds available under this part may be used for any of the following activities:

"(1) Part-time employment or training or combination thereof during the school year, not to exceed an average of 20 hours per week for each youth employed, and not to last less than 6 months nor more than 9, on projects operated by community-based organizations of demonstrated effectiveness which have a knowledge of the needs of disadvantaged youth; local educational agencies; institutions of higher education; nonprofit private organizations or institutions engaged in public service; nonprofit voluntary youth organizations; nonprofit private associations, such as labor organizations, educational associations, business, cultural, or other private associations; units of general local government; or special purpose political subdivisions either having the power to levy taxes and spend funds or serving such special purpose in 2 or more units of general local government.

"(2) Tryout employment at private for-profit worksites, or at public and private nonprofit worksites when private for-profit worksites are not available, and compensation in lieu of wages for tryout employment shall be paid by the grant recipient.

"(3) Part-time employment on an individual basis in any of the institutions and under the same conditions provided for in clause (1).

"(4) Part-time employment on either a project or individual basis in any of the institutions and under the same conditions as provided in clause (1) which includes, as part of the employment, on-the-job or apprenticeship training.

"(5) Full-time employment during the summer months, not to exceed 40 hours per week for each youth employed, and not to last less than 8 weeks in any of the institutions described in clause (1).

"APPLICATIONS

"SEC. 276. (a) Each private industry council desiring to participate in the youth employment program authorized by this part shall submit an application to the Governor at such time, in such manner, and containing or accompanied by such information as the Governor may reasonable require. Each application shall include—

"(1) a description of the procedure to be utilized by the private industry council to publicize, consider, approve, audit, and monitor youth incentive projects or jobs funded by the private industry council under this part, including copies of proposed application materials, as well as examples of audit and client characteristics reports;

"(2) a statement of the estimated number of economically disadvantaged youth to be served by the private industry council;

"(3) assurances—

"(A) that only disadvantaged youth will be served;

"(B) that priority will be given to economically disadvantaged youth who reside in designated poverty areas; and

"(C) that school dropouts will be served on an equitable basis, taking into account their proportion of economically disadvantaged youths fifteen years of age or over in the area to be served by the council;

"(4) assurances that eligible youth will not be permitted to continue to participate in the program unless the youth makes satisfactory academic progress pursuant to criteria established jointly by the private industry council and the relevant participating educational agency or institution prescribing the course of study or other educational activity;

"(5) assurances that whenever employment involves additional on-the-job, institutional, or apprenticeship training provided by the employer, and if such training is not paid for in full or in part by the private industry council under any other program authorized under this Act, wages may be paid in accordance with the provisions of subsection (b) of section 14 of the Fair Labor Standards Act of 1938, and with the balance being applied to the cost of training;

"(6) assurances that arrangements will be made with employers that such youth meet the minimum work and attendance requirements of such employment;

"(7) assurances that special efforts will be made to recruit youth from families receiving public assistances, including parents of dependent children who meet the age requirement of this part; and

"(8) such other assurances as the Secretary determines to be necessary to verify compliance with the applicable provisions of this Act.

"(b) The Governor shall expeditiously approve any application which meets the requirements of subsection (a) of this section.

"APPLICABLE PROVISIONS

"SEC. 277. (a) Subject to the provisions of this part, private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning administration of funds available under this part as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part a of title II.

"(b) Each private industry council receiving assistance under this part shall coordinate the activities of the employment program authorized by this part with local educational agencies and institutions of higher education in the community served by the private industry council in order to assure maximum availability of educational opportunities in the program for which assistance is sought by this part.".

SENIOR CITIZENS EMPLOYMENT

SEC. 104. The Secretary is authorized to reserve from the amount appropriated pursuant to section 101(b), not to exceed $200,000,000 for the period specified in section 101(b) for title V of the Older Americans Act of 1955, relating to community service employment for older Americans.

WEATHERIZATION EMPLOYMENT

SEC. 105. (a) The Secretary is authorized to transfer from the amount appropriated pursuant to section 101(b) not to exceed $500,000,000 for the period specified in section 101(b) to the Secretary of Health and Human Services for weatherization projects under section 2605A of the Low Income Home Energy Assistance Act of 1981.

(b) The Low Income Home Energy Assistance Act of 1981 is amended by inserting after section 2605 the following new section:

"EMERGENCY LOW INCOME WEATHERIZATION EMPLOYMENT PROGRAM

"SEC. 2605A. (a) from the amount transferred under section 105(a) of the Employment Act of 1983 the Secretary shall make allotments to States in accordance with section 2604, for employment activities authorized by this section conducted in accordance with the cooperative agreement entered into under section 110 of that Act.

"(b) Grants to States under this section may be used by the State for low-cost residential weatherization or other energy-related home repair for low-income households designed to provide employment to the unemployed in areas of the State in which such weatherization and home repair are carried out.

"(c) To the extent not inconsistent with this section and consistent with the objective of furnishing emergency employment to carry out the weatherization activities authorized by this section, the other provisions of this title shall apply to the activities authorized by this section.".

DAY CARE PROGRAM EMPLOYMENT

SEC. 106. (a) The Secretary is authorized from funds appropriated pursuant to section 101(b)(1) to transfer not to exceed $200,000,000 for the period specified in sec-

tion 101(b) to the Secretary of Health and Human Services for grants to States under title XX of the Social Security Act, relating to social services block grants for the increased provision of child day care services. Funds transferred under this section shall be subject to the cooperative agreement required by section 110.

(b) The transfer authorized by subsection (a) of this section shall be made in addition to the amounts specified in section 2003(c) of the Social Security Act.

SOLAR BANK EMPLOYMENT

SEC. 107. The Secretary is authorized, from funds appropriated pursuant to section 101(b)(1), to transfer not to exceed $200,000,000 for the period specified in section 101(b) to the Solar Energy and Energy Conservation Bank established under section 505 of the Solar Energy and Energy Conservation Act of 1980 for activities conducted by the Solar Energy and Energy Conservation Bank designed to increase employment opportunities. Funds transferred under this section shall be subject to the cooperative agreement required by section 110.

RURAL DEVELOPMENT EMPLOYMENT

SEC. 108. The Secretary is authorized, from funds authorized pursuant to section 101(b) to transfer for the period specified in section 101(b) to the Secretary of Health and Human Services not to exceed $100,000,000 for development loans to community economic development programs conducted under part 3 of the Community Economic Development Act of 1981. The Secretary of Health and Human Services shall carry out activities authorized under such part 3 designed to increase employment and consistent with the provisions of this title. Funds transferred under this section shall be subject to the cooperative agreement required by section 110.

TRANSFER AUTHORITY OF THE SECRETARY

SEC. 109. (a) The Secretary is authorized to transfer funds appropriated pursuant to section 101(b) to the head of each Federal agency specified in sections 102, 105, 106, 107, and 108 not later than 60 days after the date of enactment of the appropriation Act providing funds for the program authorized by this title.

(b) No such transfer shall be made until the head of each such Federal agency and the Secretary have entered into the cooperative agreements specified in section 110.

COOPERATIVE AGREEMENTS

SEC. 110. The Secretary shall enter into cooperative agreements with the Secretary of Housing and Urban Development in the case of transfers made under section 102, the Secretary of Health and Human Services in the case of transfers made under sections 105, 106, and 108, and the Board of Directors of the Solar Energy and Energy conservation Bank in the case of transfers made under section 107. In order to carry out the provisions of this title, each such cooperative agreement shall contain provisions designed to—

(1) require recipients to demonstrate, through assurances, or otherwise that—

(A) not less than 80 percent of the funds provided under this section which are expended for wages and benefits will be used for wages and benefits for workers who were unemployed at least fifteen of the twenty-six weeks immediately preceding the date of enactment of this section, who are no longer eligible for unemployment insurance benefits, and who were unemployed immediately prior to their participation in the program under this section;

(B) all workers employed under the program assisted by this section have been referred by the appropriate office of the United States Employment Service as being currently unemployed;

(C) no worker will be eligible to be employed under this section if such worker has, within six months prior to the determination, voluntarily terminated, without good cause, his or her last previous full-time employment at a wage rate equal to or exceeding the Federal minimum wage as prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938;

(D) workers employed under the program under this section shall be paid not less than the highest of (i) the minimum wage under the Fair Labor Standards Act of 1938, (ii) the minimum wage under the applicable State or local minimum wage law, or (iii) the prevailing rates of pay for workers in similar positions with the same employer;

(E) the share of wages and benefits paid to any participant out of Federal funds provided under this section will not be greater than the hourly equivalent of $10,000 per year;

(F) not less than 75 percent of the recipient's funds provided under this section shall be used only to provide employee wages and benefits; and

(G) no currently employed worker shall be displaced by any worker employed with funds under this section, including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits;

(2) prohibit the employment of workers in the program under this section on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(3) require that funds provided under this section only be used for activities which are in addition to those which would otherwise be available in the area in the absence of such funds;

(4) provide that only eligible individuals residing in the area of an eligible recipient may be served by employment activities funded under this section; and

(5) provide that assistance may not be used in a manner which impairs existing contracts for services or collective bargaining agreements.

ADMINISTRATIVE PROVISIONS

SEC. 111. (a) The Secretary is authorized to make whatever arrangements are necessary in addition to the agreements entered into pursuant to section 110 to transfer funds to the head of each agency administering a program with which he has a cooperative agreement under section 110 in accordance with the provisions of this title.

(b)(1) Subject to the cooperative agreement entered into under section 110 and paragraph (2) of this subsection, the head of each Federal agency entering into the cooperative agreement under section 110 to which the Secretary has made a transfer under this title shall administer the program in accordance with the law authorizing the program to which the transfer is made.

(2) Notwithstanding any other provision of law and to the extent necessary in the administration of this title, the head of each Federal agency entering into a cooperative agreement under section 110 shall waive any administrative provision with respect to reservations, priorities, or planning application requirements (other than audit requirements) for the funds transferred under this title.

(c)(1) Subject to paragraph (2) of this subsection, the Secretary shall with respect to reservations of funds under sections 103 and 104 administer the programs to which such reservations apply in accordance with the law authorizing each such program.

(2) Notwithstanding any other provision of law and to the extent necessary in the administration of this title, the Secretary shall waive any administrative provision with respect to reservations, priorities, or planning application requirements (other than audit requirements) for the funds reserved under this title.

TITLE II—TRAINING FOR NEW INDUSTRIES

ADDITIONAL AUTHORIZATION FOR DISLOCATED WORKERS

SEC. 201. There are authorized to be appropriated in addition to the amounts appropriated for fiscal years 1983 and 1984 prior to the date of enactment of this Act an additional $400,000,000 to carry out the provisions of title III of the Job Training Partnership Act relating to employment and training assistance for dislocated workers.

SEC. 202. (a) Section 411 (a)(2)(A) of the Higher Education Act of 1965 is amended by inserting after division (ii) the following new division:

"(i) In any case in which a student is a dislocated worker determined in accordance with regulations prescribed by the Secretary of labor, the Secretary shall in the proposed family contribution schedule, disregard—

"(I) all equity in a single principal place of residence from the computation of assets, notwithstanding any other provision of law; and

"(II) the amount of unemployment benefits paid to such student from the computation of effective income of the student.".

(b)(1) The total amount of appropriations prescribed under section 516(d)(1)(A) of the Omnibus Reconciliation Act of 1981 for subpart A of title IV of the Higher Education Act of 1965, relating to Pell Grants, is increased by $300,000,000 for the period beginning on the date of enactment of this Act through September 30, 1984.

(2) The sums appropriated pursuant to paragraph (1) of this subsection shall be available for entitlements only to individuals who are dislocated workers who otherwise are eligible for payments under such subpart 1.

ADDITIONAL AUTHORIZATION FOR THE JOB CORPS

SEC. 203. There are authorized to be appropriated in addition to the amounts appropriated for fiscal year 1983 and 1984 prior to the date of enactment of this Act an additional $300,000,000 to carry out the provisions of part B of title IV of the Job Training Partnership Act, relating to the Job Corps, for the period beginning on the date of enactment of this Act through September 30, 1984.

TITLE III—EMERGENCY SERVICES ASSISTANCE

EMERGENCY FOOD, SHELTER AND HEALTH CARE ACT

SEC. 301. This title may be cited as the "Emergency Food, Shelter and Health Care Act of 1983".

DEFINITIONS

SEC. 302. As used in this Act—

(1) The term "areas of substantial unemployment" means any area designated under section 4 (3) of the Job Training Partnership Act.

(2) The term "excess number" means the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the service delivery area within the State, as the case may be, or the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment within the State.

(3) The term "Governor" means the chief executive of a State.

(4) The term "Secretary" means the Secretary of Health and Human Services.

(5) The term "service delivery area" means a service delivery area designated under section 101 of the Job Training Partnership Act.

(6) The term "State" means each of the several States and the District of Columbia.

(7) The term "unit of general local government" means city, municipality, county, town, township, parish, village, or any other general purpose political subdivision—

(A) which has the power to levy taxes and spend funds as well as general corporate and policy powers; and

(B) which has a population of at least 50,000 individuals.

EMERGENCY FOOD, SHELTER AND HEALTH CARE PROGRAM AUTHORIZED

SEC. 303. (a) The Secretary is authorized in accordance with the provisions of this Act to make grants to States for emergency food, shelter and health care assistance.

(b)(1) There are authorized to be appropriated $600,000,000 for the period from the date of enactment of this Act through September 30, 1984, to carry out the provisions of this title.

(2) Funds appropriated pursuant to paragraph (1) of this subsection shall remain available for the succeeding fiscal year.

ALLOTMENTS TO STATES

SEC. 304. (a)(1) From the amount appropriated to carry out this title for the period specified in section 302(b) the Secretary shall allot to each State—

(A) an amount which bears the same ratio to 50 percent of the amount appropriated as the number of unemployed individuals in the State bears to the total number of unemployed individuals in all States; plus

(B) an amount which bears the same ratio to 50 percent of the amount appropriated as the excess number of unemployed individuals in the State bears to the total excess number of unemployed individuals in all States.

(2) The Secretary shall make the allotments under this section no later than 10 days after the date of enactment of this Act.

(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this Act which the Secretary determines will not be required for that fiscal year to carry out this title shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that States needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

WITHIN STATE ALLOCATION

SEC. 305. (a) The Governor shall allocate the allotment of the State among units of general local government within the State in accordance with subsection (b).

(b)(1) The Governor shall allocate 70 percent of the allotment of the State in accordance with subsection (c).

(2)(A) The Governor shall allocate not less than 15 percent nor more than 20 percent of the State's allotment for payments, in accordance with this paragraph, to public agencies and private nonprofit organizations to provide health care services to long-term unemployed individuals and to needy individuals who lack health insurance or other third party insurance coverage to help pay for the cost of health care services.

(B) Two-thirds of the amount allocated under this paragraph shall be available for payments to public and private nonprofit hospitals for hospital care for long-term unemployed individuals and needy individuals. One-third of the amount allocated under this paragraph shall be available for payments to community health centers described in section 330 of the Public Health Service Act for services to such individuals.

(3) The Governor shall reserve the remainder of the State's allotment for discretionary payments to public agencies and private nonprofit organizations for the purposes described in section 306 of this Act.

(c)(1) Of the amount allocated under this subsection—

(A) 50 percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each service delivery area compared to the total excess number of unemployed individuals in all service delivery areas in the State; and

(B) 50 percent shall be allocated on the basis of the relative number of long-term unemployed individuals who reside in each service delivery area compared to the total number of long-term unemployed individuals in all service delivery areas in the State.

(2) The Governor shall further allocate among each unit of general local government within each service delivery area from the amount allotted under this subsection based upon the factors set forth in clauses (1) and (2) of subsection (b). Whenever data is not available for each such unit of general local government the Governor shall make allotments based upon the best information available to him.

USES OF FUNDS

SEC. 306. Grants under this Act may be used for emergency shelter (including emergency payments for rent and utilities), food, child care, and health care services designed to assist long-term unemployed individuals and other needy individuals, together with crisis counseling and support services for such individuals relating to alcoholism, drug abuse, suicide, child abuse, and domestic violence.

STATE APPLICATIONS

SEC. 307. (a) Each State which desires to receive grants under this Act shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary reasonably requires. Each such application shall—

(1) describe the emergency services for which assistance is sought under the application, including the use of the funds reserved by the Governor under section 305(b)(3);

(2) provide that (A) payments will be made to units of general local government within the State from the allocation of such units determined pursuant to section 305 and (B) that the Governor will administer the program authorized by this part in areas within the State not covered by payments described in clause (A).

(3) describe the arrangements that the Governor will make with respect to allocations for health care services made under section 305(b)(2);

(4) provide assurances that not to exceed 10 percent of States allotment be used for administrative expenses;

(5) provide assurances that Federal funds made available under this Act for the period for which assistance is sought will be so used as to supplement, and to the extent practical to increase the level of funds that would, in the absence of such funds, be made available for the purposes described in section 305;

(6) provide assurances that applications from units of general local governments for payments made under this title will not be disapproved without notice and opportunity for a hearing; and

(7) provide such fiscal control and accounting procedures as may be necessary—

(A) to assure proper accounting of Federal funds paid to the applicant under this Act, and

(B) to ensure the verification of the services provided under this application. The Secretary shall expeditiously approve of any application that meets the requirements of this section.

(b) The Secretary shall approve any application which meets the requirements of subsection (a) expeditiously, but in no event more than 20 days after the receipt of such application.

PAYMENTS

SEC. 308. (a) From the amounts appropriated under section 301(b), the Secretary shall pay, in accordance with the provisions of this title, the amount of the allotment of each State having an application approved under section 306(b).

(b) Payments under this Act shall be made as soon after the approval of the application as is practicable.

ADMINISTRATION

SEC. 309. (a) In order to carry out the provisions of this title, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code;

(3) prescribe such regulations as the Secretary deems necessary which regulations shall be first issued not later than 20 days after the date of enactment of this Act;

(4) receive money and other property donated and bequeathed, or devised, without condition or restriction other than it be used for the purposes of this act; and to use, sell, and otherwise dispose of such property for the purpose of carrying out the functions of the Secretary under this title;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(6) enter into contracts, grants, other arrangements, or modifications that are necessary to carry out the provisions of this title.

(b) The Secretary shall submit to the President and to the Congress an annual report of the program authorized by this title.

WITHOLDING

SEC. 310. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any applicant, finds that there has been a failure to comply substantially with the provisions set forth in the application approved under section 306, the Secretary shall notify the applicant that further payments will not be made under this Act unitl he is satisfied that there is no longer any failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this title.

AUDIT

SEC. 311. The Comptroller General of the United States, and any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any applicant and any contractee receiving assistance under this Act that are pertinent to the sums received and disbursed under this title.●

SENATOR BYRD'S 53D STATEMENT ON THE U.S. SENATE

Mr. BYRD. Mr. President, today I am going to talk about the Senate and the compromise of 1850. This is the 53d in my series of statements on the Senate, which date back to March 21 of 1980.

I thank the distinguished majority leader for arranging for me to have this time.

For the record, I should state that I will be glad to interrupt the reading of the speech at any time a Senator wishes to have the floor, in which case I ask unanimous consent that the record show no interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES SENATE

THE SENATE AND THE COMPROMISE OF 1850

Mr. BYRD. Mr. President, one of the most famous artistic representations of the United States Senate is Robert Whitechurch's engraving of Henry Clay addressing the Senate during the debate over the Compromise of 1850. I am sure that most of my colleagues are familiar with this print. It has appeared in countless schoolbooks and schoolrooms where American history is being taught. A copy hangs in the old Senate chamber just down the hall from us, and another hangs in one of my offices. The engraving portrays Senator Clay in mid-speech. The galleries are filled with anxious on-lookers. On the floor we can see Thomas Hart Benton, Daniel Webster, William Seward, Stephen Douglas, and John C. Calhoun, as well as the presiding officer, Vice President Millard Fillmore. These were the chief protagonists of one of the most significant legislative debates in the Senate's history, a debate which is the subject of my remarks today, in my continuing series of addresses on the historical development of the United States Senate.

In my last address I discussed the Mexican War, which was terminated in 1848 with the treaty of Guadalupe Hidalgo. The war and the peace treaty vastly expanded the size of the United States, adding new territories from Texas to California. But neither the war nor the treaty settled the question of how these territories would be organized. "Free Soil" supporters in the Northern states opposed the spread of slavery into any of the new territories; while supporters of slavery in the Southern states objected to any interference with the spread of their economic and social system. The administration of President James K. Polk advocated extending the Missouri Compromise line, the thirty-second parallel, across to the Pacific, but the revival of this thirty-year-old compromise failed to appease either side in the increasingly bitter slavery dispute.

As the presidential election of 1848 approached, President Polk declined to run for reelection. His health was not good, and indeed he died just months after leaving the White House. A major battle developed for the Democratic nomination, the outcome of which helped shape the Democratic response to the territorial issue. Secretary of State (and former senator) James Buchanan supported the administration's proposal to extend the Missouri Compromise line. Former President Martin Van Buren maneuvered for the nomination by appealing to the Free Soilers. Senator Lewis Cass of Michigan advocated a policy of "popular sovereignty," that is, of allowing the residents of the new territories to decide for themselves whether to admit or prohibit slavery. In May 1848 the Democratic convention nominated Senator Cass, and thus, in the words of the distinguished historian David Potter, "made the equivocal policy of popular sovereignty a party doctrine." [1]

Angered over the rejection of Van Buren, a group of Democrats who were centered in New York bolted from the Democratic party. Called "Barnburners" by their opponents, these Free Soil Democrats joined with anti-slavery Whigs and the remnants of the Liberty party to nominate Van Buren as an independent candidate. Seeking to build a new regional political coalition between the North and the West, they based their party platform on complete support for the Wilmot Proviso, which would ban slavery from any of the territories. There was a good deal of historical irony in the Barnburner movement of 1848, since their candidate, Martin Van Buren, had been instrumental in building the original North-South coalition of the Democratic party, a coalition that depended upon Northern Democrats accepting without question the "peculiar institution" of the South. Van Buren's conversion to the Free Soil movement left many Northern idealists unconvinced. They considered him an opportunist and could not support his candidacy, despite their agreement with his platform. Nevertheless, Van Buren's independent campaign split the Democratic ranks, assured Senator Cass' defeat, and brought about the election of the Whig candidate, General Zachary Taylor.[2]

As Glyndon Van Deusen, historian of the Whig party and its leaders, has noted: "The Whigs in 1848 had no platform and, apparently, no principles, for as a party they failed to take a stand on the old Whig principles of bank, tariff, and distribution. They had only a candidate who would appeal to the North as a hero and to the South as a slaveholder." [3] Southerners indeed looked with approval upon the new Whig president, who was a Louisiana slaveholder and father of Jefferson Davis's first wife. But defenders of slavery would soon discover that Zachary Taylor was a nationalist rather than a sectionalist. As president he would place the Union above the interests of his own region.

General Taylor was a newcomer to politics. He had never before voted, and he had only identified himself with the Whig party at the time of his nomination as their candidate. Taylor thus had no claims to the loyalties of the Whigs as did their long-time leaders Henry Clay and Daniel Webster. Nor did Taylor have any effective spokesmen in either the House or the Senate. Instead, to the horror of Southerners—Whigs and Democrats alike—Taylor began to take counsel from such anti-slavery Whigs as Senator William Seward of New York.

When the president's first annual message was read to the Thirty-First Congress, on December 24, 1849, it contained his proposals to settle the territorial issues by having California and New Mexico (an area that at that time also included the present-day state of Arizona) apply immediately for statehood. They would thereby avoid going through a territorial stage and would escape any renewal of the Wilmot Proviso controversy. The absence of slaveholders in those areas (for Mexico had prohibited slavery in its territories) meant that both states would undoubtedly enter the Union as free states by their own choice. By leaving the decision to the settlers

Footnotes at end of article.

themselves, rather than to the government in Washington, President Taylor predicted that "all causes of uneasiness may be avoided, and confidence and kind feeling preserved."[4]

Rather than settle the territorial issue, however, Taylor's proposals only fanned the fires further. The inhabitants of California, many of whom were "49ers" who had flocked west in search of gold, had already approved a state constitution that prohibited slavery. Thus its admission as a state would break the equal division between free and slave states in the Senate. The Southern press expressed its outrage as did Southern political leaders. On January 3, 1850, Senator David Atchison presented the Senate with resolutions passed by the Missouri legislature. Among other items these resolutions stated:

That the Territories, acquired by the blood and treasure of the whole nation ought to be governed for the common benefits of the citizens of all the States; and any organization of the Territorial Governments excluding the citizens of any part of the Union from removing to such Territories with their property would be an exercise of power by Congress inconsistent with the spirit upon which our federal compact was based, insulting to the sovereignty and dignity of the States thus affected, calculated to alienate one portion of the Union from another, and tending ultimately to disunion . . . That in the event of the passage of any act conflicting with the principles herein expressed, Missouri will be found in hearty cooperation with the slaveholding States in such measures as may be deemed necessary for our mutual protection against the encroachment of northern fanaticism.

Immediately after these resolutions were read, Missouri's other senator, Thomas Hart Benton, rose to his feet to object that they did not truly represent the sentiments of his constituents. "They are a law-abiding and a Union-loving people," said Benton, and they had no intention of resisting or intimidating the Congress' legislative actions.[5]

That passions were equally strong on both sides of the slavery issue was apparent from the Vermont resolutions, presented by Senator William Upham, which insisted that "slavery is a crime against humanity, and a sore evil in the body-politic," and which Congress should ban from the Western territories and also the District of Columbia. Southern senators objected to the printing of the Vermont resolutions. Said Florida's Senator David Yulee:

Now sir, slavery is an institution which the people I represent choose to maintain . . . I consider that by receiving the communication of a State containing offensive language to other members of the Union, we give our sanction and approbation to it, so far as acquiescence will have this effect, and that we thus encourage a course of crimination and recrimination, producing a continual irritation between the States, which must be eventually fatal to the Union.[6]

On January 16, 1850, Senator Henry S. Foote of Missouri introduced an omnibus bill to organize the Western territories, including California, New Mexico, and "Deseret"—a vast area extending from present-day Arizona and Nevada to Utah, which was claimed by Mormon settlers. Senator Foote's bill also proposed cutting Texas into two states, thus increasing Southern representation in the Senate and mitigating the admission of California as a free state. On the same day, Senator Andrew Butler of South Carolina reported from the Judiciary Committee a bill to toughen regulations governing the capture and return of fugitive slaves, an issue over which Southern slaveholders had become increasingly dissatisfied. These territorial proposals, together with Northern demands for an end to slavery in the District of Columbia, and Southern demands for a new fugitive slave law, provided the major issues for debate in what we call the "Compromise of 1850."[7]

The United States Senate served as the major arena for that compromise. Indeed, the House of Representatives was so bitterly divided that for a long time it could not organize itself and elect its speaker and other officers. The House first met on December 3, 1849, but it was not until December 22, after some sixty votes, that it elected Georgia Democrat Howell Cobb as its Speaker.[8] During these weeks the Senate bided its time, since Vice President Fillmore ruled that the Senate could conduct no proceedings connected with legislative business until both Houses had been organized. It was obvious that if any solution to the problems of the nation were to be found, it would be up to the Senate to find them. Hope rested largely on one man: Senator Henry Clay of Kentucky. "Harry of the West," who had dominated legislative proceedings for so many years, returned to the Senate once again, following his "retirement" in 1842. Although defeated for president in 1844, and passed over for the nomination in 1848, Clay was still very much a leader of the Whig party. The first order of business in the Senate in the first session of the Thirty-First Congress was the presentation of Senator Clay's credentials. Daniel Webster and John C. Calhoun personally welcomed Clay back to the Senate. This was, in fact, the last Congress in which all three of these giants would serve together.

Surveying the turmoil in the House, the bullheadedness of the Taylor administration, the array of proposals in the Senate, and the growing divisions between North and South, Henry Clay was determined to shape a compromise, as he had done thirty years earlier with the Missouri Compromise. On a stormy winter's night on January 21, 1850, Clay arrived unexpectedly at the home of Daniel Webster. That night, Clay outlined his plans and won Webster's pledge of support. Then he sought out several Southern senators. "Eight days later," wrote his biographer, "Clay, weak in body but strong in spirit, rose in the Senate chamber and began his last great struggle to save the Union that he loved."[9]

Clearly and eloquently, Clay presented eight resolutions to deal with the territorial and slavery issues. California was to enter the Union as a free state; the issue of slavery in New Mexico was to be left to its inhabitants; the boundaries and debts of the state of Texas were to be settled; slavery would be retained in the District of Columbia, but the slave trade there would be prohibited; a more effective fugitive slave law would be enacted; and the federal government would agree not to interfere with slavery where it already existed. This compromise, Clay believed, required no sacrifices on either side. "The plan is founded upon mutual forebearance," he said, "originating in a spirit of conciliation and concession; not of principles, but of matters of feelings."

Concluding his remarks, Clay recounted the story of a visitor to his lodgings that morning. A week earlier, the Senate had taken up Clay's resolutions to purchase both the manuscript copy of George Washington's Farewell Address, and the first president's estate at Mount Vernon. The same gentleman who had first presented Clay with the memorial for the government to purchase Mount Vernon now returned and said: "Mr. Clay, I heard you make a remark the other day which induces me to suppose that a precious relic in my possession would be acceptable to you." As Clay explained:

He then drew out of his pocket and presented to me the object which I now hold in my hand. And what, Mr. President, do you suppose it is? It is a fragment of the coffin of Washington—a fragment of that coffin in which now repose in silence, in sleep, and speechless, all the earthly remains of the venerated Father of his Country. Was it portentious that it should have been thus presented to me? Was it a sad pressage of what might happen to that fabric which Washington's virtue, patriotism, and valor established? No, sir, no. It was a warning voice, coming from the grave to the Congress now in session to beware, to pause, to reflect before they lend themselves to any purposes which shall destroy that Union which was cemented by his exertions and example.

Thus Clay finished his remarks, waving in the air the piece of George Washington's coffin.[10]

On February 5, Clay further elaborated on his compromise plan, in a long speech to the Senate. The aging senator had to be helped up the stairs to the Senate chamber, but he delivered that day a long and passionate address. Baker Jamison, who was a Senate page in 1850, described Clay's

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speech that day as "the most impressive scene in our political life." From early in the morning crowds poured into the Capitol Rotunda and corridors outside the Senate chamber. As soon as the doors to the galleries were opened, people packed into every available space. A gallant senator moved that the ladies crowded in the corridors be permitted admittance to the floor, and according to the young page: "the fair ones extricated themselves from the crush as best they could and swarmed in like a hive of bees, taking every available spot, even crowding between the desks of the senators." At a side door to the chamber, Jamison was besieged by a gentleman from Boston who offered ten dollars to be let in to hear Senator Clay. The page obliged, but assures us in his memoirs that he declined the money. Thus when Henry Clay rose to speak, he was surrounded not only by those senators portrayed in Whitechurch's engraving, but by elegant ladies standing between the senators' desks, members of the House of Representatives, cabinet secretaries, and diplomats in full regalia. It must have been quite a scene.[11]

"Mr. President, it is passion, passion—party, party—and intemperance; that is all I dread," said Clay. "All is now uproar, confusion, menace to the existence of the Union . . . I implore Senators—I entreat them, by all that they expect hereafter, and by all that is dear to them here below, to repress the ardor of these passions, to look at their country in this crisis—to listen to the voice of reason . . . in determining what is best to be done for our country in the actual posture in which we find it." Thus Clay's speech went on for two days. "Mr. President," he concluded, I have said what I solemnly believe—that the dissolution of the Union and war are identical and inseparable . . . Such a war, too, as that would be, following the dissolution of the Union! Sir, we may search the pages of history, and none so furious, so bloody, so implacable, so exterminating . . . was ever conducted."[12] Henry Clay spoke those words eleven years before the outbreak of the Civil War. Sadly, his prediction was completely accurate.

When the Senate began to debate Clay's resolutions John C. Calhoun led the opposition. Senator Calhoun had not been present in the Senate chamber to hear Henry Clay speak. Instead, Calhoun was dangerously ill in his boardinghouse room across from the Capitol. He had suffered a severe attack of pneumonia that winter, which weakened his already precarious health. But having read Clay's speeches in the newspapers, Calhoun was determined to respond. Advance word of his address went out, and on March 4 the galleries again were packed with spectators, the Senate floor again filled with ladies, diplomats, and members of the House. A few minutes after twelve, Calhoun entered the chamber. As Charles Wiltse, one of Calhoun's biographers, described him: "He was emaciated and feeble, his sallow cheeks sunken, his long hair now almost white, his step short. Only the brilliant, flashing eyes and the grim, straight lips remained of the old Calhoun . . . The ghostlike figure sank into his seat." He had hoped to be able to deliver his own remarks, but acting on the advice of his friends he had instead put his remarks in writing to be read by the vigorous young senator from Virginia, James M. Mason.

The theme of Calhoun's remarks were, as he said, "the greatest and gravest question that can ever come under your consideration—How can the Union be preserved?" Clay's compromise would not work, according to Calhoun. The Union could only be saved by adopting measures to assure the Southern states "that they can remain in the Union consistently with their honor and safety." Calhoun described the disadvantages that he saw to the South—the limitation of its economic expansion, the tariff that favored industrial goods over agricultural goods, the Northern attack on the institution of slavery. The North had to do justice to the South, Calhoun insisted, "by conceding to the South an equal right to acquire territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease agitating the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government." This was a challenge to the Senate, to the North, and to the Union.[13]

As Senator Mason read Calhoun's words, according to the New York *Herald,* Calhoun sat motionless in his chair, Webster was leaning forward intently, Clay resting his hand upon his forehead, Benton sitting rigidly, Cass lolling gloomily.[14] The younger members looked to Webster to reply to Calhoun, but the "God-like Daniel" was not yet ready to make his own statement. It was three days later that Daniel Webster rose to deliver his "7th of March speech," perhaps the single most famous address ever given in the United States Senate.

Generations of school children have memorized—at least in the days when school children were called upon to memorize anything—portions of Daniel Webster's speech of March 7, 1850, particularly its opening lines:

> Mr. President, I wish to speak today, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States;
>
> a body not yet moved from its propriety, not lost to a just sense of its own dignity, and its own high responsibilities, and a body to which the country looks with confidence, for wise, moderate, patriotic, and healing counsels . . . I speak today for the preservation of the Union. 'Hear me for my cause.'"[15]

These eloquent words were spoken to a chamber so crowded with people, we are told that Congessman Dixon Lewis, wedged behind the glass partition in the rear of the presiding officer's chair, took out his knife to scrape the paint from the glass—so that he could watch the noble Webster deliver his remarks. The Senate's principal clerk, Lewis Machen, wrote to his son this description of the scene:

> The Senate chamber and galleries were literally jammed. Chairs from committee rooms were placed throughout the Senate chamber wherever one could be stowed. These and many of the seats of senators were occupied by ladies; and there scarsely has ever been a higher tribute paid to intellect than the earnest and fixed attention of the audience for three hours and a half. The effect of the speech has been conciliatory; and it is hoped that this will be the precursor of an earnest attempt to bring pending differences to a practical and favorable issue."[16]

Daniel Webster argued that the issues of slavery in the territories had been already settled by history, law, and geography. The South had long ago recognized Congress' right to determine the status of slavery when it agreed to the Northwest Ordinance of 1787 and the Missouri Compromise of 1820. In addition to the weight of history and federal law, the physical geography of California and New Mexico would prevent the institution of slavery, which was employed primarily in cotton and tobacco production, from ever spreading into Western mountainous and desert regions. Further debate on slavery in the territories, therefore, would be fruitless. However, if Southerners were to concede the territorial issues, Webster went on, then Northerners must recognize other Southern grievances. Webster denounced the Northern abolitionist societies, whose agitations, he said, had "produced nothing good or valuable." He pledged not to introduce any further anti-slavery petitions into the Senate, and went on to call upon Northerners to recognize their constitutional obligation to facilitate the return of fugitive slaves to their owners.

Webster concluded his remarks by denouncing the idea being promoted by some Southern "fire-breathers" that the Union could be peacefully disbanded. "Secession! Peaceable secession!" said Webster. "Sir your eyes and mine are never destined to see that miracle. The dismemberment of

this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! . . . There can be no such thing as peaceable secession . . . I see that it must produce war." Webster's stand for the compromise brought him commendations from Northern and Southern moderates, but also violent abuse from Northern abolitionists and reformers, who denounced him for selling his soul to the defense of slavery. The poet John Greenleaf Whittier published his denunciatory poem "Ichabod," comparing Webster to a fallen angel. In Webster's home state, anti-slavery advocates formed vigilance committees to protect runaway slaves from federal fugitive hunters. It was clear that Webster had misjudged the political sentiment in Massachusetts and had undermined much of his own political support.[17]

With the three Senate giants having spoken, a relative newcomer to the Senate added his own observations, in opposition to Clay's compromise. On March 11, New York Senator William H. Seward called the compromise "radically wrong and essentially vicious. I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED," shouted Seward. The Senator from New York admitted that the United States Constitution recognized slavery and protected it where it existed. "But," he said, "there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part—no inconsiderable part—of the common heritage of mankind, bestowed upon them by the Creator of the universe."[18]

Seward's "Higher Law" speech drew instant fire from the South. For if the North was no longer going to abide by the essential compromise of the Constitution, both the moderates and firebreathers asked, then could the Union survive? Seward was considered a dangerous radical at the time—although in his later political career he came to be seen as a moderate. For all his rhetorical flashes, Senator Seward was personally well-liked among his colleagues. The reporter Ben: Perley Poore tells us that while Mississippi Senator Henry Foote made political capital by attacking Seward in public, in private he was quite friendly and at ease with the New York Senator.[19]

Thus the lines were drawn with Southern hard-liners like Calhoun and Jefferson Davis, and Northern radicals like Seward lined up against the moderate compromise. At the end of March, however, the anti-compromise forces lost their most eminent leader when John C. Calhoun died in his Washington boardinghouse room. He had made one of his last appearances in the Senate for Webster's 7th of March speech. At first, Webster did not see the frail South Carolinian, wrapped in his cloak, in the crowded chamber that day, and referred to his absence in his speech, "He is here," shouted another senator to alert Webster. Toward the end of Webster's remarks, Calhoun had engaged him in a brief colloquy, during which Webster had said of the South Carolina Senator: "But, sir, the honorable member / Calhoun/ did avow this object himself, openly, boldly and manfully; he did not disguise his conduct or his motives."

Mr. CALHOUN. "Never, never."

Mr. WEBSTER. "What he means he is very apt to say."

Mr. CALHOUN. "Always, always."

Mr. WEBSTER. "And I honor him for it." [20]

Calhoun returned to the Senate just once more, on March 13. At that time Senator Foote was defending his proposal for a special committee of thirteen to study and report back to the Senate on the compromise. During the debate, Senator Cass of Michigan had attributed to Calhoun a policy of disunion. Calhoun rose to claim he had been misunderstood; that his intention was to save the Union, not to destroy it. Calhoun insisted that he sought a cure to the disease that afflicted the Union, while Cass and other supporters of the compromise were proposing only palliatives. Calhoun also denounced Northern anti-slavery advocates, most prominent among them Senator Seward of New York. "I will not be on good terms with those who wish to cut my throat," he said. "I recognize them as Senators—say good morning, and shake their hands with them—but that is the extent of my intercourse with those who I think are endangering the Union." These characteristically unbending words were the last that John C. Calhoun spoke on the Senate floor. Back at his room Calhoun's health deteriorated rapidly. Surrounded by his supporters, who attended to his needs, the South Carolina senator told them: "If I could have but 1 hour to speak in the Senate, I could do more good than on any previous occasion of my life." But such was not to be the case. Calhoun died on March 31.[21]

"No more shall we witness from yonder seat the flashes of that keen and penetrating eye of his, darting through this chamber," said Senator Henry Clay. "No more shall we behold the torrent of clear, concise, compact logic, poured out from his lips, which, if it did not always carry conviction to our judgment, commanded our great admiration."

Mr. President, it is quite poignant to read the tributes of Henry Clay, Daniel Webster, and other senators to their fallen colleague, a man whom they recongized as a giant in his time. However, it must also be said that Calhoun's death facilitated the passage of the Compromise of 1850, removing as it did the most eloquent and forceful opponent of the measure.[22] Funeral services for Calhoun were held in the Senate chamber on April 2, with Vice President Fillmore presiding, and the Speaker of the House and the President of the United States, Zachary Taylor, leading the distinguished gathering of mourners. Senators Clay, Webster, Cass, Willie Mangum, William King, and John Berrien served as pallbearers, and the Senate chaplain delivered the sermon. Afterwards the entire Senate accompanied the body to Congressional Cemetery, at the Anacostia River end of Pennsylvania Avenue here in Washington, for its temporary interment.[23]

Afterwards, the Senate resumed its deliberations of the compromise, specifically of Senator Foote's resolution to create a special committee of thirteen. Among the chief opponents of this resolution was Thomas Hart Benton of Missouri, the "Magnificent Missourian" to whom I have so often referred in the past. Benton announced that he supported the admission of California as a state, but that he opposed it mixed in with the other provisions of the compromise. The South's fears against congressional interference with slavery were unjustified, said Benton. He pointed out that slaves as property were estimated to be worth a billion dollars, but that the Congress had never acted to tax this property. Why then expect Congress "to commit flagrant violations of the Constitution, to harass or destroy slave property?" [24]

As Benton's biographer, Professor E. B. Smith, has written, "throughout the debates Foote did everything possible to provoke Benton into a physical attack or duel." Senator Foote was a tiny man with a large voice and sharp tongue, who excelled in debate, but often demonstrated disregard for senatorial courtesy. The verbal sparring between Benton and Foote became so intense that Vice President Fillmore took the occasion to reverse a thirty-year-old precedent. Fillmore noted that since the days when John C. Calhoun was vice president, the presiding officer had not attempted to call an unruly senator to order, assuming that some complaint must first come from another senator. But the vice president now insisted that he should intervene to preserve decorum in the Senate, and the members of the Senate agreed wholeheartedly.[25]

On April 17, Benton was discussing his amendment to prevent creation of the special committee to discuss abolition. By proclaiming that it lacked the power to touch slavery, said Benton, Congress would prove that the country was "alarmed without reason, and against reason" over the whole slavery

issue. Foote then accused Benton of having indirectly attacked the late Senator Calhoun. This taunt proved too much for the hulky, bear-like Senator Benton who began to move ominously towards the diminutive senator from Mississippi. Let me here read the description of the event as recorded by the reporter of debates:

Here, Mr. Foote, who occupies a seat on the outer circle, in front of the Vice President's chair, retreated backwards down the aisle, towards the chair of the vice President, with a pistol in his hand. Mr. Benton, a moment before, having suddenly risen from his seat and advanced by the aisle, outside the bar, towards him, following him into the aisle down which the senator from Mississippi had retreated. In a moment almost every senator was on his feet, and calls to 'order,' demands for the Sergeant-at-Arms; requests that senators would take their seats, from the Chair and from individual senators, were repeatedly made. Mr. Benton was followed and arrested by Mr. Dodge, of Wisconsin, and, in the confusion and excitement which prevailed, he was heard to exclaim, from time to time: 'I have no pistols! Let him fire! Stand out of the way! I have no pistols! I disdain to carry arms! Stand out of the way, and let the assassin fire!' While making these exclamations, Mr. Benton was brought back to his seat; but, breaking away from Mr. Dodge, of Wisconsin, who sought forcibly to detain him, he advanced again towards Mr. Foote, who stood near the Vice President's chair, on the right-hand side, surrounded by a number of senators, and others not members of the Senate. Mr. Dickinson took the pistol from the hand of Mr. Foote, and locked it up in his desk, and Mr. Foote, on the advice of Mr. Butler, returned to his seat.[26]

Mr. President, it is sad testimony indeed to the violence and turbulence of that era, to the divisions in the nation, and to the dangers to the Union, that one member of the Senate felt compelled to draw a pistol against another senator on the Senate floor. A committee of inquiry investigated the matter, chided Senator Foote for indulging in personalities in debate, but did not recommend any punishment for him. As Professor Smith has noted: "Though Foote went unpunished, the adverse publicity, and perhaps the proof that Benton could be pushed too far, put a damper on his tongue, and formal exchanges between the two became relatively civil. Benton's only revenge, if such it could be called, was literary. When Foote later announced that he would write a little book in which Benton would play a major role, Benton sent word that he would write a very big book in which Foote would have no part whatever. Each kept his word." [27]

On April 18, the day after the Benton-Foote conflict, the Senate passed Foote's resolution by a vote of 30 to 22, and set up the Select Committee of Thirteen. Seven Whigs and six Democrats were appointed, but the real work of the committee—the preparation of its report, appears to have been entirely the product of its chairman, Henry Clay. On May 8, when the committee's report was presented to the Senate, it was substantially the same omnibus proposal that Clay had first introduced in January. Again, Henry Clay rose to defend his Compromise, again the opposition responded. Some urged the Kentuckian to break his omnibus bill into separate sections to at least enact some parts, but Clay persisted. The debate moved from April through May and June. Washington's weather turned hot and some senators asked for a week's adjournment so that the heavy carpets and draperies could be removed from the chamber to cool things off. But Clay remained stubbornly opposed, and pushed the Senate into debate daily, even moving the meeting time forward to eleven each morning rather than the customary noon hour. Not until the end of June were the carpets and draperies replaced with summer matting.[28]

Outside of Washington, there were ominous rumblings. On June 3, delegates from nine Southern states met in Nashville, where they discussed means of uniting the South. Disunion was in the air. The Southern "fire-eaters" believed that slavery would never be safe so long as the South remained in the Union, and urged secession. Clay's resolution took some of the steam out of the Nashville Convention, for it seemed clear that the Senate was leaning towards a compromise that would protect slavery where it existed. The Nashville Convention passed a number of resolutions, endorsed the Missouri Compromise, and then disbanded. It was, however, a clear forerunner of the secession movement that would take place ten years later.[29]

Attacks on Clay's compromise continued in the Senate. During the month of June, historian Holman Hamilton noted, sixteen senators made twenty-eight attempts to amend sections of the omnibus bill. Six of these amendments were successful. These amendments suggested that Clay was steadily losing his support, and his omnibus bill was becoming desperately stalemated. One reason for the failure to reach accommodation was the increasing hostility of the Taylor administration to the compromise. The president made it clear that he intended to promote statehood for New Mexico no matter what Clay and other Whigs were doing in Congress. But once again death changed the course of history and claimed another opponent to the compromise. On July 4, 1850, President Taylor became ill after attending ceremonies at the Washington Monument construction site. Five days later he died. Vice President Millard Fillmore became president. Fillmore, a Northern Whig, was popular in Congress, and appeared to be in sympathy with the omnibus bill.[30]

On July 22, Henry Clay, who spoke some seventy times for his compromise, delivered his last major address on the subject. The nation and its purpose were greater than any individual man, said Clay. "What if, in the march of this nation to greatness and power, we should be buried beneath the wheels that propel it onward? What are we—what is any man worth who is not ready and willing to sacrifice himself for the benefit of his country when it is necessary?" A week later the omnibus bill came up for a vote in the Senate. At the last minute, however, supporters of the compromise made several hasty revisions to try to win additional Southern votes. The move was a mistake, for it frightened Northern moderates who saw too many concessions being made. On July 31, Senator James Pearce of Maryland, who was managing the bill on the floor, moved to strike out the whole section relating to New Mexico. Pearce wanted to remove an amendment that had affected the boundary claims between Texas and New Mexico, but having won this deletion, he found himself out-voted when he introduced amendments to reinstate the Texas boundary and New Mexico territorial government provisions. Then opponents of the compromise rallied their forces to defeat the key section for admission of California. Clay's whole scheme had depended upon voting on the bill as a package, so that neither the North nor the South would fear that the other might gain a last-minute advantage. Pearce's ill-timed move had upset Clay's precaution and derailed his compromise. Thus after six months of feverish work, Henry Clay stood defeated. Dejected and worn-out, Clay left for a vacation, absenting himself from the Senate for the rest of the summer.[31]

"The omnibus is overturned," said Thomas Hart Benton, "and all the passengers spilled out." Calhoun was dead, Clay was off sulking, and Webster had resigned from the Senate to become Secretary of State in President Fillmore's cabinet. The time had come for a new generation of senators to take the leadership. The most prominent among them was Stephen Douglas of Illinois. As chairman of the Committee on Territories, Douglas had been actively involved in the debate over the compromise, but had remained independent of Clay's plan, even refusing a seat on the Committee of Thirteen. Douglas never had much hope for the passage of the omnibus bill. As he wrote to a friend: "By combining the measures into one bill the Committee united the opponents of each measure instead of securing the friends of each. I have thought from

the beginning that they made a mistake in this respect." [32]

Douglas took a different approach from Clay. Instead of introducing the compromise as a whole, he would tackle each section separately. First he shepherded the Utah territorial bill to passage, in the "precise words" that he wrote it. The California statehood bill came up and passed on August 13. Douglas also worked with the luckless Senator Pearce to prepare a new bill on the Texas boundary line. As soon as one section passed, Douglas brought up the next. Utah, Texas, California, New Mexico, each territorial issue was finally settled. Just two weeks after Clay's omnibus had overturned, Douglas had hoisted it aright and enacted its various parts. Not for nothing would the short and stocky Senator Douglas win the title of "Little Giant." [33]

Stephen Douglas succeeded where Henry Clay had failed because he was shrewd, skillful, and a Democrat. Clay had proved unable to hold together the Whig ranks behind his compromise and needed Democratic support to enact his program. Douglas was able to appeal to broader support from Democratic senators, but he looked not to fashioning one large majority. Instead he patched together a series of ad hoc majorities to pass each of the compromise's various sections. Professor David Potter well captured the shifting political tides in the Senate at this time: "Douglas was astute enough to recognize that there was no workable majority in favor of compromise. But there were strong sectional blocs in some cases Northern, in other Southern, in favor of each of the measures separately, and there was a bloc in favor of compromise. This compromise bloc, voting first with one sectional bloc and then with the other, could form majorities for each of the measures, and all of them could thus be enacted." [34]

By September 1850 the Senate and House had completed work on the compromise. California was admitted as a free state, "Deseret" and New Mexico would remain territories, the slave trade was abolished in the District of Columbia, while a tough fugitive slave law went into effect. President Millard Fillmore lent his support to the package and signed each of the measures that Congress had sent him. Thus it is that the famous Whitechurch engraving is incorrect, or at least misleading. The Compromise of 1850 was more the result of Stephen Douglas' legislative shrewdness than of Henry Clay's leadership.

The Compromise of 1850 was the last hurrah for the Senate's "Big Three." Within two years Henry Clay and Daniel Webster would follow John C. Calhoun in death. Their beloved Whig party would not survive the decade. Voting in the Senate on the compromise had revealed the sectional divisions of that party. Ninety percent of the Northern Whigs in the Senate had opposed the compromise, while eighty percent of the Southern Whigs supported it. As Professor Van Deusen has noted, "Division over slavery had become so pronounced in the House that anything like Whig party unity ceased to exist." Northern and Southern Whigs began to distrust each other deeply, and some Southern Whig leaders seceded from the party to form the new Constitutional Union party, which became strong in Georgia, Alabama, Mississippi, and Florida. Never again did the Whig party control a majority in either house of Congress. Never again did it elect a president. By 1860 most Southern Whigs had become Democrats, most Northern Whigs had become Republicans, although political divisions are never completely clear-cut.[35]

How, then, do we assess the Compromise of 1850? Knowing, as we do, that the Civil War broke out a decade later, the compromise obviously did not succeed in its most important objective, to hold the nation together. Tensions in the Senate increased rather than abated during the years after the compromise. Symbolically, when Daniel Webster, supporter of the compromise, left the Senate, Charles Sumner, an avid anti-slavery and anti-compromise man, was elected to his seat. During the 1850's sectional differences became polarized in the Senate, with men like Sumner increasingly speaking for the North, and men like Jefferson Davis speaking for the South.

As for the territorial issue, Senator Salmon Chase of Ohio correctly noted: "The question of slavery in the territories has been avoided. It has not been settled." [36] Only the fate of California was sure; it was not at all certain whether the remaining territories would be admitted as slave or free states. Indeed, in just four years the territorial question would explode again with even more devastating force, and the agent of that explosion would be the very man who assured passage of the Compromise of 1850, Stephen Douglas. In addition, the new fugitive slave law would create great moral indignation in the North, as federal agents sought slaves who had escaped to freedom. Two years later, the Washington newspaper *National Era* would begin serializing a novel inspired by the Fugitive Slave Act. That book, *Uncle Tom's Cabin*, became perhaps the most influential novel in American history, helping to galvanize Northern opposition to slavery, and Southern distrust of the North.

Mr. President, looking back through history, we recognize the failures of the Compromise in ways that its authors could never have predicted. Nonetheless, we owe these senators some credit. They were fulfilling their responsibilities as political leaders to seek a reasonable accommodation of all sides and a peaceful settlement of a highly inflamed issue. Perhaps the issues of slavery and anti-slavery were too fundamental and deep-rooted for political solutions, but considering the alternative of civil war, it was certainly worth every effort of the senators in that long and arduous first session of the Thirty-First Congress to try to prevent it. Perhaps the greatest credit we can give them is to note that the Civil War began in 1861 rather than 1851, for if the war had broken out during the 1850's, when such weak reeds as Fillmore, Pierce, and Buchanan occupied the White House, and when public opinion in the North was still divided over the slavery issues, we might today be two nations rather than one. The Compromise of 1850, at least, bought time.

NOTES TO "COMPROMISE OF 1850"

[1] David M. Potter, *The Impending Crisis, 1848-1861* (New York, 1976), 70-72.

[2] Michael F. Holt, "The Democratic Party, 1828-1860," in Arthur M. Schlesinger, Jr., ed, *History of U.S. Political Parties*, Vol. 1 (New York, 1973), 522-24.

[3] Glyndon Van Deusen, "The Whig Party," Ibid., 356.

[4] *Congressional Globe*, 31st Congress, 1st session, 71; Potter, *Impending Crisis*, 81-94.

[5] *Congressional Globe*, 31st Congress, 1st session, 97-98.

[6] Ibid., 120.

[7] Ibid., 166-171.

[8] Holman Hamilton, *Prologue to Conflict: The Crisis and Compromise of 1850* (New York, 1964).

[9] Glyndon Van Deusen, *The Life of Henry Clay* (Boston, 1937), 399.

[10] *Congressional Globe*, 31st Congress, 1st session, 246.

[11] Baker Jamison, *Memories of Great Men and Events—1840-1861, By A Senate Page* (New York, 1917), 57-58.

[12] *Congressional Globe*, 31st Congress, Appendix, 115-127.

[13] Charles M. Wiltse, *John C. Calhoun, Sectionalist, 1840-1850* (New York, 1951 /1968/), 455-469.

[14] New York *Herald*, 6 March 1850, cited in Wiltse, *John C. Calhoun*, 465.

[15] *Congressional Globe*, 31st Congress, 1st session, 476.

[16] Lewis Machen to Arthur Machen, 10 March 1850, Lewis Machen Papers, Library of Congress. These fascinating letters have been recently donated to the Library of Congress by the Machen family of Balitmore.

[17] Irving H. Bartlett, *Daniel Webster*, (New York, 1978), 240-253.

[18] *Congressional Globe*, 31st Congress, 1st session, Appendix, 262, 265.

[19] Ben: Perley Poore, *Perley's Reminiscences* (Philadelphia, 1886), 273.

[20] *Congressional Globe*, 31st Congress, 1st session, Appendix, 271, 273.

[21] *Congressional Globe*, 31st Congress, 1st session, 520; Wiltse, *John C. Calhoun*, 475.

[22] *Congressional Globe*, 31st Congress, 1st session, 624.

[23] Wiltse, *John C. Calhoun*, 475-478.

[24] E. B. Smith, *Magnificent Missourian: The Life of Thomas Hart Benton* (Philadelphia, 1958), 269-270.

[25] *Congressional Globe*, 31st Congress, 1st session, 631-33.

[26] Ibid., 762.

[27] Smith, *Magnificent Missourian*, 272.

[28] Van Deusen, *Henry Clay*, 407.

[29] Potter, *Impending Crisis*, 104-105.

[30] Hamilton, *Prologue to Conflict*, 98-101.

[31] *Congressional Globe*, 31st Congress, 1st session, Appendix, 1405-1414; Potter, *Impending Crisis*, 107-108.

[32] Hamilton, *Prologue to Conflict*, 110; Stephen A. Douglas to Charles H. Lanphier and George

Walker, 3 August 1850, in Robert W. Johannsen, *The Letters of Stephen A. Douglas* (Urbana, 1961), 191.

[33] Robert W. Johannsen, *Stephen A. Douglas* (New York, 1973), 283-303.

[34] Potter, *Impending Crisis*, 109.

[35] Van Deusen, "The Whig Party," 358.

[36] Quoted in Potter, *Impending Crisis*, 116.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. BYRD. I am happy to yield to him.

Mr. SIMPSON. Mr. President, I thank the minority leader. I think we in the Senate owe him a great debt of gratitude for the extraordinary service he performs in these history lessons for us, not only service to the Senate but to the country itself.

Indeed, when the scorecard is completed, it will list him as the true student of the U.S. Senate among all those who have served with distinction in this body. I really believe that, and it is sincerely said.

Mr. BYRD. If the Senator will yield, I thank him. I know he speaks sincerely. I find it hard to believe it myself, but the Senator is most charitable and very gracious in his statement. I thank him.

Mr. SIMPSON. Mr. President, the Senator from West Virginia has been most gracious and fair to this Senator. Only in recent days the two of us have had the most extraordinary and delightful visit together which I shall cherish throughout the remainder of my time here, I assure you.

Mr. BYRD. Mr. President, I yield the floor.

(Mr. TRIBLE assumed the chair during the foregoing statement by Mr. BYRD.)

(The following proceedings occurred on Tuesday, February 22, 1983, and are printed at this point in the RECORD by unanimous consent.)

Mr. BAKER. Mr. President, last Thursday, February 17, the distinguished minority leader, Senator BYRD, presented another of his informative and colorful accounts of an episode in the history of this institution and of our country. The topic was the Senate and the Compromise of 1850.

Those who did not get the opportunity to listen to his remarks live would be well served to read his remarks in the RECORD.

Mr. President, I wish to point out that the Compromise of 1850 is currently the subject of an exhibit on display in the documents of the Senate case in the crypt of the Capitol, presented by the Senate Commission on Arts and Antiquities. The display includes the proposals of Henry Clay, Daniel Webster, and John C. Calhoun, in addition to other original documents.

Senator BYRD and I are privileged to serve on the Commission on Arts and Antiquities, and we are most proud that the Curator's Office, under the guidance of James Ketchum, is able to provide Members, staff, and the general public with such an important exhibit.

I congratulate the Curator's Office on the presentation and I extend my appreciation once again to my friend and colleague, the Senator from West Virginia, the distinguished minority leader, for keeping the past such an important part of the present.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I think what the majority leader has just said adds considerably to my statement from a historical prespective and from the prespective of those who will read these writings in the years to come.

I wonder if the majority leader would have any objection to asking unanimous consent that his remarks today appear in the permanent volume of the record immediately following my statement of last week. He may wish to revise it slightly.

Mr. BAKER. No.

Mr. President, I will be pleased to do that.

I ask unanimous consent that in the Permanent Record of the proceedings of the Senate the remarks I have just made together with corrections I may make in order to conform them to those circumstances may appear as the minority leader has suggested.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

RECESS UNTIL MONDAY, FEBRUARY 21, 1983

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 10 a.m., Monday, February 21, 1983.

Thereupon, at 3:34 p.m., the Senate recessed until Monday, February 21, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 17, 1983:

AMBASSADOR

Darrell M. Trent, of California, for the rank of Ambassador during the tenure of his service as chairman of the U.S. Delegation to the United States-European Civil Aviation Conference Negotiations on Multilateral Pricing.

FEDERAL HOME LOAN BANK BOARD

Edwin J. Gray, of California, to be a member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1983, vice Andrew A. DiPrete, resigned.

Edwin J. Gray, of California, to be a Member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1987 (reappointment).

CONFIRMATION

Executive nomination confirmed by the Senate February 17, 1983:

NATIONAL LABOR RELATIONS BOARD

Donald L. Dotson, of Pennsylvania, to be a Member of the National Labor Relations Board for the term of 5 years expiring December 16, 1987.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

CASTRO AND CENTRAL AMERICA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. FIELDS. Mr. Speaker, Americans in general, and Texans specifically, should take great interest and concern over the anti-American activities of Communist Cuba and Fidel Castro. As we hear increasing discussion of normalization of relations with Castro, we should remind ourselves of his dangerous activities and influence in the Western Hemisphere. Toward that end, I insert in the RECORD the following two articles from the Times.

[From the Washington Times, Feb. 16, 1983]

CASTRO'S NARCOTICS TRADE

(By Bui Anh Tuan)

Four close aides to Fidel Castro, including two influential members of the Central Committee of Cuba's Communist Party, were indicted recently on federal charges of smuggling narcotics into the United States. The report caused indignation, but not surprise, because as Florida Sen. Paula Hawkins, whose people "have been the target of Castro's aggression for many years," put it—this was "but the last of a long list of actions by the communist dictator, which include the illegal shipment of criminals and mental cases to our shores."

As chariman of the Senate Drug Enforcement Caucus, Hawkins has called on President Reagan to conduct a "reassessment of U.S.-Cuban relations." Such reassessment is all the more urgent since propagandists and apologists in the media and on Capitol Hill have begun reactivating the "normalization of relations" ploy.

Is it time to lift the U.S. economic embargo and reestablish full diplomatic relations with Havana? Well, before answering that question, let's consider the case of Chang Chi-fu, the notorious drug trafficker in the Golden Triangle, an area with forests and mountains bordering on Thailand, Burma and China's southern province of Yunnan. The Thai government has posted a $25,000 reward for Chang's capture. The United States has encouraged Southeast Asian countries to step up enforcement activities, eradicate poppy crops, restrict the availability of acetic anhydride, a chemical used to process heroin, and destroy clandestine "heroin refineries."

To a certain extent, Castro is a Latin American Chang Chi-fu. What's more, the drug syndicate of which he is the kingpin is many times more powerful than the gang of armed outlaws, who call themselves Shan United Army, in the Golden Triangle. Thus, it is contrary to American ethics to seek obliteration of a Southeast Asian contrabandist while embracing the No. 1 drug trafficker in the Western Hemisphere.

To be exact, Castro's involvement in the narcotics trade is no accident. Communist leaders throughout the world use all kinds of illegal and inhuman business to finance the destruction of capitalism. Their tactic is very simple: Whenever their con game is exposed, they loudly claim that their conscience is clear, and pin the blame on "U.S. imperialism."

There is irrefutable evidence that Castro's navy was behind the transportation of at least 5 million methaqualone tablets and 1,000 pounds of marijuana to Florida. That has not prevented Cuban officials from retorting that the whole affair was a CIA fabrication.

A North Korean ambassador to Norway and Sweden was expelled in the wake of a huge smuggling racket involving liquor, cigarettes and marijuana. Interpol documents showed that all North Korean diplomatic installations in Northern Europe, especially in Copenhagen, Oslo and Stockholm, served as smuggling centers. But the North Koreans kept saying they were slandered, and the diplomat-contrabandist was promoted to a higher position—that of foreign affairs vice minister.

Six years ago, communist Vietnam made public the initial results of an "investigation into war crimes committed by American imperialists and their puppets." The United States was charged with a dozen crimes, including that of narcotics trafficking. The truth is that during the Vietnam war, most illicit drugs sold and used in the south were supplied by traffickers having ties to the Hanoi intelligence service.

China was a major supplier, too. *Mengku Hsiaohsi*, a pro-Soviet Chinese language newspaper in Mongolia, once accused Peking of operating heroin refineries in southern China, and of planting poppies in state farms in Yunnan, Kwangsi and Kweichow provinces.

Due to the competition between communist traffickers, the flow of illicit drugs has not abated. Their sales in the United States have exceeded $80 billion a year. The Reagan administration has launched a major effort to stop the drug flow. Another spectacular effort is sorely needed to find out how much of this $80 billion is being used to keep Americans in a state of political narcolepsy.

[From the Washington Times, Feb. 16, 1983]

CENTRAL AMERICA—"TOO BIG TO DENY, TOO SMALL TO WIN"

(By Arnold Beichman)

The reason for the imminent Andropov-Castro victory in Central America and defeat of democratic hopes for that embattled area can best be summarized in a sentence a Washington policymaker recently used privately in discussing the crisis in the hemisphere: "Too big to deny, too small to win."

What the sentence means is that while the Reagan administration is sending military equipment to El Salvador, it is unable to send equipment sufficient to ensure the defeat of the Castro-controlled rebels in Central America.

That Fidel Castro is quite aware of the American dilemma can be noted from a broadcast over Colombia's Caracol network on Jan. 16, 1983. The interview with Fidel went like this:

"Q: What should the United States do to demonstrate that it wants peace, the first thing that it should do?"

"A: They (the Americans) have had a great experience in Vietnam on how to retreat. (laughter). I think they must first persuade themselves that they are losing the war; that they are losing their hand. Their interventionist policy is being defeated: I think this is the first thing about which they should persuade themselves."

The defeatist psychology—and that is what it undeniably is despite White House would-be interventionist policy—is now widespread in Washington, due in large part to State Department officials like Asst. Secretary of State Thomas Enders and his Latin American desk.

Whether Enders reflects the policy sentiments of Secretary of State George Shultz is unknown to the writer. However, State Department mainstream opinion is, to put it bluntly, to follow the Fidelista prescription for retreat as desirable prudentialism.

The department's institutional memory has turned Vietnam into the eternal bugaboo, even though Central America is somewhat closer to U.S. security concerns than was Vietnam.

But there is no point in blaming Enders and the Latin American desk for our misfortunes in Central America.

The rot is to be found on Capitol Hill, where the big issue for men like Sen. Christopher Dodd and his allies in the House of Representatives is not the future of democracy in Central America but the wounding of a U.S. serviceman in a helicopter over an El Salvador jungle; not loyalty to those Hondurans and Salvadorans who are committed to fighting a Communist uprising—and anybody who thinks it is anything else but a Communist rebellion also believes in the tooth fairy—but to a policy of neutralism which means another country falling into the hands of Castroism.

The rot on Capitol Hill is abetted by the silence of important spokesmen for a tough-minded foreign policy, one for which there could be popular support if only there were as much political courage among the hardliners as there is among Dodd and his allies as they press for a retreat from Central America.

Anyone who has followed Soviet-Cuban foreign adventurism knows that the consequences of American defeat in Central America and of an Andropov-Castro triumph would not be just local, leading—yes, Virginia, there is a domino theory—to Castroite regimes in Honduras, Costa Rica, Guatemala and so on, but rather that the consequences would be global in nature.

For if the United States couldn't safeguard its own backyard—the Cuban example is bad enough—in Central America, who would believe that it could safeguard anybody else 3,000 or 4,000 miles away? And for how long would Mexico stand up against such a Castroite encirclement? A Rapid De-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ployment Force for the Middle East? How about a Rapid Deployment Force for our own hemisphere?

We simply cannot go on this way, half-in, half-out. Are we to wait until, as in Southeast Asia, we see what a Communist takeover means and only then try to avert the repression and totalitarian rule by—what? Resolutions? Refusal to give foreign aid to the new socialist countries and watch them happily march into the Andropov-Castro camp?

Congressmen and the liberal-left press deride Asst. Sec. of State Elliot Abrams for offering a prayer of hope about human rights in Central America. Do they think that an Andropov-Castro takeover in Central America will bring improved civil rights and liberties for the desperate people of those mini-countries?

I think it is time for President Reagan to begin talking about Central America as an issue that will not go away, an issue which involves the very credibility of American foreign policy and American rearmament.

Does Shultz believe Communist China will put any faith in American assurances when this same America cannot deal with an uprising in Central America, cannot safeguard human beings from Communist totalitarian killers?

Here sits big, fat America, paralyzed before the destruction of human rights in heroic Poland, silent before the everyday violation of Basket Three of the Helsinki agreement—and not daring to speak out or act against the Central American insurgency.

How much longer will this farce go on?●

DIVERSION OF U.S. CARGO THROUGH CANADIAN PORTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. BIAGGI. Mr. Speaker, I am today reintroducing a bill on a subject that was extensively considered in the last Congress, the so-called Canadian diversion problem. That phrase refers to the increasing flow of U.S. cargo through Canadian ports rather than through U.S. ports.

This diversion of cargo from our ports is due in large part to a loophole or gap in our shipping laws. Through that gap flows not only U.S. cargo but U.S. jobs—the jobs of American longshoremen, truckdrivers, seamen, and the many people needed to service and supply a ship in port. Jobs follow cargo, and when U.S. cargo moves through Canadian rather than U.S. ports, U.S. jobs move to Canada. The bill I am introducing will give us a chance to reclaim those jobs.

One of the reasons our cargo moves through Canadian ports is because our own law gives an advantage to ocean carriers that use Canadian rather than U.S. ports. This advantage arises because of the language of the Shipping Act of 1916. That act requires that each common carrier by water in foreign commerce file with the Federal Maritime Commission tariffs showing all its rates and charges for transportation of cargo between U.S. ports and foreign ports. It similarly requires the filing of any changes in rates that would result in an increase in cost to a shipper. The law requires adherence by the carrier to the tariff as filed and prohibits rebates and refunds. Finally, it gives the Federal Maritime Commission authority to disapprove a rate if it finds it to be so unreasonably high or low as to be detrimental to the commerce of the United States.

It has been judicially decided that the act does not cover transportation touching only foreign ports. *(Austasia Intermodal Lines, Ltd. (ACE)* v. *FMC,* 580 F. 2d 642.) The Federal Maritime Commission, therefore, does not have jurisdiction over transportation of cargo by vessel from a Canadian port to a port in Europe. Under present law, a foreign carrier may pick up cargo in the United States, transport it be rail or truck to a Canadian port, and ship it overseas on its vessel without becoming subject to FMC jurisdiction.

Thus, under present law, the foreign carriers that move U.S. cargo through Canadian ports are not subject to the 1916 Shipping Act or to the jurisdiction of the Federal Maritime Commission, since they do not operate from a U.S. port. They do not have to file their tariffs as carriers operating from a U.S. port do. They are not subject to the antirebating and antidiscrimination provisions of our law. Putting it simply, they are not required to play by the same rules as carriers using U.S. ports. The bill I am introducing would correct that.

The legislation would require that ocean carriers moving U.S. cargo on an intermodal basis through Canadian ports be subject to the Shipping Act as if that cargo were being moved through a U.S. port. I would like to make it clear that this bill only applies to an ocean carrier that engages in the ocean transportation of cargo originating in or destined to the United States. The cargo must be carried through a port in a nation contiguous to the United States. The ocean carrier must, within the United States, advertise, solicit, or arrange for the transportation. Finally, the ocean carrier must transport the cargo between a point in the United States and a port in a nation contiguous to the United States. Only when all of these conditions are met does the bill apply.

The effect of the bill is to apply section 18(b) of the 1916 Shipping Act, to carriers who fall within those conditions. That section requires that common carriers by water in foreign commerce file their tariffs with the Federal Maritime Commission. It also requires that they collect for services only in accordance with the published tariffs—and prohibits them from rebating or refunding any portion of the specified rates.

In addition to stating what the bill does, I think it is worth outlining its limits and making clear what it does not do:

As a practical matter, the bill only applies to containerized cargo.

The legislation only applies to cargo moving on an intermodal basis where the ocean carrier also supplies the land transportation between the Canadian port and the U.S. point of origin or destination.

The bill does not apply where a U.S. manufacturer or shipper carries his own cargo to a Canadian port or hires a land carrier to carry it to the Canadian port.

The bill does not put any requirements or restrictions on U.S. shippers. It does not prevent them from shipping their cargoes through Canadian ports. It does not prevent them from using the same carriers they now use.

The bill will not change or restrict the ability of carriers to offer the same level of service at the same price they now offer.

The bill will not force any carrier—either foreign or domestic—to raise its rates. The carriers using Canadian ports can continue charging the same rates they now charge.

This bill is not an anti-Canada bill. It is not aimed at Canada or its citizens. Instead, it is aimed at removing an inequity that we have built into our own laws. The bill provides for equality of treatment.

Nor is the bill a protectionist bill. It does not erect any trade barriers. It imposes no onerous requirements on Canada, Canadian citizens, or ocean carriers using Canadian ports. It only requires those carriers to do what carriers using U.S. ports have to do now. The bill will not restrict the movement of cargo or diminish a shipper's freedom of choice.

Enactment of this legislation will be an important step in aiding American ports, the American merchant marine, and American workers. I hope it will have broad support.●

ADMINISTRATION'S DEFENSE BUDGET PROPOSALS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues the recent discussion of the defense budget by Senator JOHN TOWER, which appeared in the Washington Post on February 6, 1983. I believe Senator TOWER's comments present a useful perspective on the issues involved in the administration's budget proposals for defense.

[From the Washington Post, Feb. 6, 1983]

HOW MUCH FOR ARMS? IN DEFENSE OF THE DEFENSE BUDGET

(By Senator John Tower)

Every taxpayer should be concerned about the failure of Congress during the last three years to establish sensible priorities among competing fiscal demands. Congress in its desire to be all things to all people has been a willing partner of special interest groups that have benefited by a proliferation of governmental programs. There is no question that many of these programs were fostered by well-intentioned members of Congress who sought to help those Americans who were not able to help themselves.

Despite the constant stream of politically motivated rhetoric, there is no effort under way to retreat from the responsibility, indeed the moral obligation, to provide for the truly needy in America. However, our national resources are not unlimited, and we can no longer afford the unbridled expansion of social programs. The measure of a program's worth can no longer be whether it would be "nice to have."

We must now apply a more stringent standard—whether a particular program is essential to preserve the fundamental welfare and security of our society. Consider that from 1960 to 1980 social spending increased in real terms by 300 percent. In contrast, funding for defense during the same period remained constant in real terms. Our failure over the last decade to provide adequately for our national security, at a time when the Soviets were engaged in a relentless military buildup, has forced us into the difficult position in which we now find ourselves.

Unless we address the reality of Soviet military power and all its manifestations, we run the risk that in some future crisis the Soviet capability to escalate a confrontation will outpace our own ability to adequately respond. Just as important, the United States must have the resources to pursue those foreign policy objectives that are essential to the preservation of our national interests throughout the world.

Since 1962, Soviet military capability has grown inexorably. This growth, uninfluenced by fluctuation in U.S. defense spending, has provided the Soviets with both a margin of strategic superiority and a broad range of conventional superiority. Virtually no facet of Soviet military capability has been neglected. Moreover, continuing improvements in the quality of Soviet weaponry, when spread across the massive Soviet inventories, threaten even more rapid and adverse shifts in the military balance.

The Soviet government has achieved its current military standing only by imposing severe privations and hardship on its people. Food supplies are scarce, household conveniences are prohibitively expensive, and luxury goods are available only to a chosen few. There is also recent evidence that the quality of medical care available to the average Soviet citizen is declining.

One might expect the Soviet government to moderate its military expansion, now that it has achieved unprecedented levels of military strength at so great a cost to its population. But this has not been the case. Even today, for every 600 tanks we build, they build 3,000. For every 300 fighter aircraft we produce, they produce 1,300. And for every two or three submarines we launch each year, they launch between nine and 12.

There are other facts about Soviet military power that are equally disturbing, which I have encouraged the administration to declassify and release to the American public. I am convinced that the better Americans understand the nature of the threat our nation faces, the better prepared we will be to deal with it. One thing, however, is clear: the nature of Soviet foreign policy and the scope of Soviet adventurism will not be moderated by restraints in U.S. defense spending. As a former secretary of defense once said, "When we build, they build, and when we stop, they build."

It has been suggested by some that we cannot afford the defense budgets proposed by the Reagan administration or that the proposed size of the defense budget will be detrimental to our economic recovery. That is a very misleading argument. In fact, defense spending has a very positive impact on the economy. It creates jobs and actually returns about 46 percent of our investment to the Treasury as a result of multiple layers of taxation. With interest rates declining and inflation below 6 percent, we must now concentrate our efforts on reducing the high unemployment rate. Reductions in defense spending will only put more people out of work while at the same time weakening our defense posture. I find that an unacceptable proposal.

It should be recognized that during the decade of the 1960's, beginning with the Kennedy administration, the percentage of the gross national product represented by the defense budget averaged almost 9 percent. That was a time when the United States enjoyed undisputed military superiority. Today the military balance favors the Soviets. And yet the proposed defense budget of the Reagan administration, even if approved in its entirety by Congress, will not exceed 7 percent of GNP.

If further reductions must be made in federal spending, then Congress should look first at those areas that have sustained the most growth in recent years. As noted earlier, all of the real budget growth for 20 years has been in social programs, not in defense spending. In fact, over the past 10 years, real defense spending has declined by 9 percent.

Unlike our potential adversaries, we are a nation blessed with the resources to care for the truly needy and at the same time provide for the security of our people. The reallocation of federal budget resources contained in the Reagan program, whereby defense would eventually grow to 37 percent of the budget and 7 percent of GNP, is both affordable and consistent with historical peacetime trends. Moreover, the proposed defense budget is essential to support a military force capable of meeting our foreign policy obligations and requirements, and is necessary if we are to redress the existing military imbalance. If we retreat from the defense program that the country has supported for the last two years, that imbalance will grow, friends and allies of the United States will question and perhaps challenge American leadership, and our economy will be no better off.

Perhaps nowhere is the relationship between the perceived will of the United States to adequately fund its defense requirements and the effectiveness of its national policy clearer than in the area of arms control. While preparing this article, I had discussions with our negotiator at the Intermediate Nuclear Force and the Strategic Arms Reduction Talks in Geneva. In those discussions, one theme was repeated time and again by the men working to reach equitable, verifiable treaties with the Soviets: the realization of sound agreements depends upon the belief by the leaders of the Soviet Union that we have the ability and political will to deploy modern weapons, absent such an accord.

When we do not present the Soviet Union with a credible and unpalatable alternative to negotiated, genuine reduction in tensions and sharp cuts in nuclear forces, we ensure that future arms control agreements will fall short of these objectives.

These are not untested hypotheses. On the contrary, for some 14 years the United States has sought accords with the Soviets aimed at improving strategic stability and substantially diminishing the prospects of war between the superpowers. We have done so while exercising extraordinary and unilateral restraint in developing and deploying strategic weapons systems. For our efforts, we have, by and large, gotten flawed treaties and a strategic and theater nuclear imbalance in which we find ourselves greatly disadvantaged.

Whether one considers the efforts to arrive at agreements aimed at banning antisatellite weapons or chemical warfare, talks on mutual balanced force reductions in Europe, or the more visible negotiations on strategic and theater nuclear armaments, it is obvious that, in the absence of appropriate incentives, the Soviets are utterly disinclined to give up advantages they have acquired through their own formidable defense spending. So long as they have no reason to believe these advantages will be negated by expenditures of the United States or its allies for systems providing comparable capability, the leaders of the Soviet Union have shown themselves to be remarkably resistant to the world's plea for disarmament and to our proposals for ending competition in various fields of modern weapon development.

In contrast, where we have shown our willingness to commit the resources necessary to develop and deploy weapon systems that the Soviet fear, they have been notably more forthcoming. Our, experience with an anti-ballistic missile system is a case in point. In 1972, with Congress having narrowly approved funding to permit deployment of an ABM network, the Soviet agreed to a treaty that sharply restrained the use of such systems.

Unfortunately, recent congressional reductions in defense spending, deemed to affect our national security only marginally, have done much to persuade the Soviet leadership that the United States, as it has so many times before, once again lacks the will and commitment to proceed with essential theater and strategic force modernization. The current Soviet intransigence at the negotiating table is, in my opinion, a direct result of their perception of a lack of American commitment to strategic modernization.

This perception, coupled with the appearance of wavering by our allies in the face of an aggressive "peace compaign" by the Soviet Union, virtually ensures that one of two outcomes will occur: either a U.S-Soviet arms reduction agreement will not be reached or, if one is achieved, it will be on terms favorable to the Soviet Union.

An alternative can and does exist. It is to support the upgrading of our nuclear forces. With such a policy, we will significantly improve the chances for negotiating sound arms control agreements with the U.S.S.R. The net effect of meaningful, verifiable arms reduction agreements—if they can be reached—may ultimately be to permit sig-

nificant and long-term budget savings as we live in a world in which few weapons are required for our legitimate national defense.

I believe that the size and substance of the Reagan defense program merits the serious, critical and continuing review of Congress. I am convinced, however, that the typical rationale for a significant departure from the Reagan defense budget should be viewed with great skepticism. The Soviet military buildup is real; we cannot wish it away. We must not sacrifice the long-term security of our country, nor the prospects for meaningful arms control, for some ephemeral budgetary gesture whose effect on the overall deficit, when all is said and done, will be minimal.●

THE ISLE OF MAN AND THE FLAT-RATE TAX

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. DANNEMEYER. Mr. Speaker, as you are well aware, public confidence in our current tax system has deteriorated markedly. In a Senate Finance Committee hearing in September of last year, the noted public opinion pollster Louis Harris commented on the results of a recent survey saying, "People don't think there is any equity left in the system."

The primary reason for rising public cynicism concerning the present tax structure is, first, the excessive amount of taxes which Americans pay, and, second, the excessive degrees of complexity and inefficiency in the system through which they pay them. Clearly, something needs to be done.

One alternative to such a loss of faith in our present progressive tax is a flat-rate-type tax. Basically, such would feature a single rate at which everyone's income would be taxed, thus eliminating most of the array of deductions and exemptions in today's tax structure. Such a proposal is supported by a more than 2-to-1 margin over the present system by the American people according to the Harris poll.

Yet, many have discounted the flat-rate tax and its numerous advantages on the basis that it is merely an abstract theory with no foundation in practice. But that is not, in fact, the case. On December 14, 1982, I made an analysis of a flat-tax system in Hong Kong which has been in existence since 1966. The testimony of Hong Kong provided one true-to-life example of the flat-rate tax in action.

In 1962, the Isle of Man, located halfway between England and Ireland, decreed a major overhaul of its income tax system and instituted a flat-rate-type tax of 21.25 percent for all but the poorest levels of income. For the past 20 years, the Isle of Man has operated with a flat tax of about 20 percent, and the results have been extremely favorable. Although the isle is small, having a population of 66,000, it possesses a modern economy to which application of the flat tax has some relevance.

On this subject, I insert the full text of an article by Prof. Roy Jastram from the University of California at Berkeley which I believe will be enlightening. The article appeared in the January 28, 1983, issue of the Wall Street Journal.

[From the Wall Street Journal, Jan. 28, 1983]

FLAT-TAX LAB: THE ISLE OF MAN

(By Roy W. Jastram)

Tax reform, which has bedeviled many presidents and Congresses, is again in ferment.

We are agreed that our present system of trying to extract from the citizenry enough dollars to pay the government's bills is too complex, costly and full of inequities. But as usual, few agree on how to make it simpler, cheaper to operate and fairer.

One prominent contender for achieving these desirable ends is the flat-rate on incomes. It must always be remembered that a flat-rate income tax has two distinct parts: (1) the percentage of tax to be applied; and (2) the numbers and kinds of deductions to be allowed. Much needless confusion arises over this subject because of a misapprehension that a flat-rate income tax necessarily precludes certain kinds of deductions.

The best way to get some idea of how a flat tax would work is to take a look at one in operation. And, as luck would have it, we've got one: It's on the Isle of Man in the Irish Sea.

For the past 20 years, the Isle of Man has operated with a flat-rate income tax of about 20 percent on individuals and corporations alike. And in the last 10 years its national income has risen nearly 500 percent.

Yes, the Isle of Man is small. But so is an experimental culture in a biologist's laboratory from which important principles have been drawn and hypotheses confirmed. The island has a population of 66,000 operating a modern economy with a mixture of manufacturing, finance, agriculture, construction and a wide range of services.

MAINTAINS PUBLIC SERVICES

The government of the island funds and maintains its own education, health, national insurance, social security, pensions, police, postal and other public services. The level of social benefits is comparable to that in the United Kingdom.

It should be emphasized that the island is totally independent from the U.K. except for defense, foreign affairs and diplomatic representation, for which it pays to Britain 2.5 percent of its customs and excise receipts. It has its own parliament, the Tynwald, which dates back 1,000 years. It is not represented in the British Parliament.

When we look at the Manx flat-rate income tax we are not looking at an anachronism ("Manx" is the adjectival form of Isle of Man). We are examining the results of a sophisticated overhaul of the island's entire tax sytem spanning the 1970s and culminating in the "Income Tax (Amendment) Act of 1979." This modern system emerges as an innovative attempt to remedy the confusing patchwork muddle to which most national tax systems are prone. Written on a clear slate, it is the most concise and original example of a working flat-rate income tax that can be observed. (In fact the entire Manx tax code deserves study.)

The tax rate in 1982 was 20 percent. Each year the Tynwald sets the rate for the forthcoming tax year. Since 1962, the flat rate has varied between 21.25 percent and the current 20 percent.

What about exemptions? The simplest way to examine how exemptions are applied is by presenting a prototype of a single family and a corporation.

The income tax return of a married couple with one child receiving a single income represented by the earnings of the husband would be worked out like this:

You begin with the individual's total earned income figure. From that subtract personal allowances (which for a married man there are 2,315 British pounds, and for each child, depending on age, from 250 to 350 pounds). Then subtract expense deductions (which include: expenses incurred in earning income; mortgage and loan interest—for any purpose—paid to a Manx recipient; and retirement annuity payments made). Those subtractions leave one's taxable income. And 20 percent of that is the personal income tax on the Isle of Man.

This information could be fitted onto the proverbial postcard, but the Manx Taxing Authority uses a sheet of paper so the taxpayer need not suffer the discomfort of cramped handwriting.

The principles of company (or corporate) taxation are closely consonant with the individual tax and form an integrated system. This can be accomplished in a straightforward manner when a flat rate income tax of equal percentage is applied to both.

A company's taxable income is computed according to the usual rules:

Starting with gross income, one subtracts: (a) direct expenses to acquire income, including reasonable entertainment; and (b) capital allowances. That leaves taxable income. And 20 percent of that is the company's income tax.

It is especially noteworthy that in addition to these customary deductions a company can subtract that part of its income as shall be distributed among its shareholders of members by way of dividends, bonus, interest or share of profit. As these amounts are passed on to the recipients designated, they become subject to the personal income tax of the same 20 percent. In this manner the Manx system avoids the double taxation of corporate income so controversial in our own code.

COMPASSIONATE TREATMENT

There is a distinction between earned and unearned income. Earned income is reduced by one-fourth of the first 6,200 pounds, with the standard 20 percent then applied.

Lest anyone think that the successful operation of a flat-rate income tax forecloses compassionate treatment of the individual, it should be pointed out there is provision in the Isle of Man's system for age relief, small income relief, dependent relative relief and tax relief when age or infirmity of the taxpayer causes a son or daughter to reside with the taxpayer. Particularly contemporary is a "housekeeper allowance" whereby a deduction is given to a widow who employs some other person to have care and charge of her child in the home. On grounds of equality, the "housekeeper allowance" is extended also to a widower similarly situated.

In the Manx system the income tax described is the main form of direct taxation.

There are no death or estate duties; no capital transfer or gift taxes; no wealth tax

nor any other capital levies; no capital gains taxes, with the exception of a narrowly proscribed land speculation tax.

In international financial circles the Isle of Man may be viewed as a "tax haven." The inhabitants consider their tax code as a sensible solution to meeting their needs. It may be a tax haven for some but this need not be a pejorative term. It would be a credit to the strongest economy in the world if it were also known as a haven from unjust, confused and often contradictory taxation.●

THE PRESIDENT'S BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 16, 1983, into the CONGRESSIONAL RECORD:

The President has sent his budget for 1984 to Congress. Its numbers are grim, and the choices it presents are unpleasant. The overall figures show receipts of $659.7 billion, expenditures of $848.5 billion, and a deficit of $188.8 billion.

The most controversial recommendation in the budget is the President's call for a freeze on domestic spending. Such a freeze would amount to an average cut of 4% before inflation for much of the government. It is interesting that the budget nonetheless provides for a spending increase of $43.3 billion or about 5%—the same as the expected rate of inflation—over the current year.

Several features of the budget stand out:

First, to get a sense of priorities in the budget it is important to see which areas of the budget are increased and which are decreased. Spending is up for defense, social security, medicare, White House operations, interest on the debt, and a few other areas such as military aid, highways, nuclear energy, and research. In all other areas, spending comes down. There are cuts in legal services, federal pay and retirement, environmental protection, education, home heating assistance, solar energy, and nutrition for children. There is no new program to create jobs. A reduction in spending for training is recommended.

Second, the record amount requested for defense, $245.3 billion, represents a 14% increase in spending. Hardware, not manpower, is stressed. Spending for research and development in the area of new weapons is increased, but military pay is frozen. In total, about 69% of the $43.3 billion rise in total spending would go to defense. My preference would be to hold defense spending to a 5% increase after inflation. Also, I would put more emphasis on manpower.

Third, the budget, from one perspective, is a system which redistributes income. More than one quarter of the budget is made up of checks sent out to older people. Two thirds of this money is in the form of benefits for social security recipients and civilian and military pensioners. Most of the rest is in the form of benefits for medicare patients.

Fourth, the economic assumptions underlying the budget are realistic. Gone is the rosy glow of overblown assumptions that have distorted earlier budgets. For several years, Presidents have claimed that their policies would produce a rapidly expanding economy, low inflation, full employment, and a balanced budget all at once. To Mr. Reagan's credit, this budget makes no attempt to gloss over the harsh facts with suspicious projections about economic performance. My guess is that the assumptions in the budget may even be a bit on the conservative side, and that the economy will grow faster in 1983 than the modest 3.1% the President projects. I find this budget more pragmatic and less ideological than the previous two the President has issued.

Fifth, the budget begins to change the way people pay their health care bills. Through a combination of tax increases and limits on reimbursements, the proposals shift to patients, doctors, other health care providers and hospitals a portion of the costs now carried by the government, employers, and insurance companies.

Sixth, programs of primary benefit to the disadvantaged are cut more than 14% before inflation. The budget reduces the actual level, not just the growth, of expenditures for education, training, employment, welfare, food stamps, and legal services. I do not approve of this unequal sacrifice required of the politically powerless and the poor.

Seventh, the budget projects deficits of a size unimaginable even a year ago; at roughly $200 billion per year for three years, they are staggering. The deficit may still be as high as $125 billion in 1988, a fact which suggests that balanced budgets are things of the past. Indeed, one not-so-old administration economist recently told me, "I do not expect to see a balanced budget in my lifetime."

Eighth, the farmer may do as poorly as anyone else under the budget. There is a freeze on target price supports, a halving of spending for farm subsidies, cuts in nutrition programs, and reductions in loans for emergencies, farm ownership, and rural communities.

Ninth, the President's proposal for a standby tax increase, to take effect in 1986 if Congress approves all of his plans and the deficit remains above 2.5% of the GNP, is a non-starter. In my judgment, Congress will never pass it. His budget calls for a host of other tax changes.

Tenth, the President's freeze on spending is misnamed. It consists of a delay in pay raises for federal workers, a six-month suspension of cost-of-living adjustments, and a hold on most other spending at levels close to those of 1983. Because the freeze has an unequal impact and is not really a freeze at all—it exempts military spending, for example—Congress will reject it. I find in the concept of a freeze the framework for making substantial progress against the deficit, but the concept will go nowhere if it is applied only to domestic programs. A freeze must be perceived as fair. It must hold spending down across the board.

Eleventh, spending under the budget will be more than 25% of the GNP, the highest percentage since World War II. It was only 23% when Mr. Reagan took office, so despite all the anti-government rhetoric, the government continues to lay claim to an ever larger share of the nation's wealth.

Finally, the budget makes it clear that the President's strategy remains unchanged. He favors higher defense spending, no tax hikes, cuts in domestic spending, and big deficits. By pushing for future tax increases and a bit less defense spending than he had intended, however, he may be telling Congress he wants to compromise.●

BENJAMIN ROSENTHAL

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. KASTENMEIER. Mr. Speaker, I would like to submit the personal thoughts of Judge Abner J. Mikva on the passing of his very dear friend, Ben Rosenthal. Had Ab been a Member of the House, his remarks would have been included in the special order given Tuesday, February 15, 1983. Since he is no longer a Member, he has asked me to submit this tribute to Ben on his behalf.

GENTLE BEN

Writing about Ben Rosenthal in eulogy is almost as hard as complimenting him to his face. He always held himself out to be a tough, feisty, New York Congressman from the New York political world where nice guys finished last. He suffered praise and compliments poorly.

Ben Rosenthal never quite carried off that posture. There was too much passion and compassion in Ben to be able to make people believe that he really was the worldly and cynical Congressman from New York. That he cared about people was obvious for all to see—not just people as in humanity, but people as individuals. He could remember a friend's birthday, albeit by teasing him about getting old. He could reach out to an employee or an individual constituent and bespeak their personal problems as vigorously as he bespoke the Eighth District of the sovereign state of New York.

He could complain with the best of veterans about how poorly Congress performed, and yet take fierce pride in the institution and its traditions. I remember a stormy night many years ago when he and Congressman Jacobs were the prime movers in keeping the House in session though the night on Special Orders. There purpose was to provide a forum for the anti-war views of many Members who were stifled in their efforts to address the issue through regular House channels. The session was stormy because supporters of the war had denigrated the effort beforehand, and sought to torpedo it through quorum calls while it was going on. The effort persisted and succeeded nevertheless. When it was Ben Rosenthal's turn to speak that night, he went to the well of the House and said with enthusiasm and emotion, "I am very proud of this House tonight." His colleagues had every reason to be proud of him that night as on many other occasions.

Like almost all politicians, Ben Rosenthal wanted to be loved. The needles and barbs of those who disagreed penetrated his hide just as deeply as the hide of any freshman Member. The brusque rejoinder or sharp letter that he wrote in response to such criticism was just a facade. He was as sensitive as everybody else. But that sensitivity never stopped him from taking on the next fight no matter how unpopular, no matter how many political problems that the fight would create. It could not have been otherwise. Ben Rosenthal's notion of a Congressman was to lead, to be straight rather than beloved, to solve people's problems rather than avoid controversies. And so, he was almost always at the point position—on the war in Vietnam, on civil liberties, on con-

sumer affairs, on every issue where he saw social justice at stake.

There were many complicated pieces to this man. He could turn a tennis game into a world war with strategies and propaganda to match. He could take on the power structure and lecture them for their arrogance and counsel an ally to be more politic and accommodating. He could be a faithful friend and a gracious colleague without yielding an inch of his commitment to what he thought was right. He lived his whole life with a vigor and a verve that made him known and reknowned throughout the country.

There will never be enough Ben Rosenthals in the public arena and such a death will always be untimely. That we should lose him at so young an age is especially tragic. But he did more in his almost threescore years than most people could even dream about. The tragedy of losing him is overwhelmed by our great fortune in having him as friend and colleague and gentle man that he was.●

PORT DEVELOPMENT AND NAVIGATION IMPROVEMENT ACT OF 1983

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. BIAGGI. Mr. Speaker, I introduce today the Port Development and Navigation Improvement Act of 1983. This bill is substantially identical to H.R. 4627—legislation I introduced in the 97th Congress and the only port development bill reported to the House.

In his state of the Union message, the President gave new impetus to early bipartisan congressional action on this legislation. At the same time, he fundamentally shifted the focus of public and congressional debate on this issue away from narrow fiscal concerns surrounding the Federal role in financing of navigation improvement and maintenance dredging in the limited context of deep-draft coal ports. He clearly linked the need for enactment of comprehensive port development legislation to the stimulus effect it would have upon trade expansion and our international balance of payments, revitalization of our basic industries—such as steel, mining, construction, and shipbuilding—rebuilding of our transportation infrastructure; and, most importantly, job creation.

The legislation I am introducing today responds to these critical national needs. It offers a comprehensive approach to breaking a 7-year stalemate in which not a single new deep-draft navigation project has been authorized. It contains a package of generic reforms including:

First, overhaul of the authorization process for deep-draft navigation improvements whereby the time period required from feasibility study to initiation of construction is reduced from 20 to 2½ years. This is accomplished by eliminating the requirement for redundant studies and reviews before the initiation of project construction. While much of this bureaucratic redtape was justified when the Federal Government provided 100 percent of the financing for navigation improvements, many of these requirements are superfluous in a fiscal environment in which budget deficits will no longer permit the continuation of traditional funding practices.

Second, implementation of a package of procedural reforms to streamline the routine process of maintenance dredging of federally authorized and maintained channels in the 189 deep-draft commercial ports comprising the national port system—as well as associated secondary access channels and berthing areas maintained by non-Federal interests.

Together, these two elements of the legislation have been collectively referred to as the "fast-tracking" provisions. They have been embraced by virtually all interested parties as essential ingredients of comprehensive port development legislation.

Third, imposition of a cost-sharing formula for deep-draft navigation improvement projects in excess of 45 feet in depth. This was determined to be the threshold in channel depth that separated the general needs of maritime commerce from the additional depth requirements of specialized classes of vessels operating in the liquid and dry-bulk trades.

The formula provides for equal sharing of the cost of new projects in excess of that depth between the Federal Government and local ports. The costs of additional maintenance would be shared between the Federal Government and each local port on the basis of a 25 to 75 Federal/local formula. The local cost-sharing obligation may be met either through the levy of local deep-draft user charges or through some other financing mechanism acceptable to the Secretary of the Army.

Under this arrangement, actual project construction could be undertaken either by the Federal Government—subject to a partial payback obligation on the part of the local port—or by the port itself—under Federal supervision with the provision of upfront Federal financing assistance.

Under this legislation, new construction of channels of less than 45 feet in depth would remain an exclusively Federal fiscal responsibility.

Fourth, guidelines have been included applicable to the levying or port-specific deep-draft user charges designed to encourage the implementation of a uniform and nondiscriminatory system of fees in each eligible port. Conditioning the consent of Congress for local port levy or deep-draft user charges on compliance with statutory guidelines is intended to minimize disruption and displacement of maritime commerce, while providing flexibility to local ports in the design of an efficient, equitable, and effective deep-draft user charge mechanism.

Finally, incorporation of a requirement for the preparation of a definitive economic impact analysis to accompany any revised administration proposal submitted to the Congress that calls for the imposition of a universal requirement for local cost sharing of deep-draft navigation improvements and maintenance dredging.

In my judgment, there remain fundamental questions as yet unanswered before a consensus can be reached on broadening the scope of port development legislation beyond that which I am introducing today. Among these questions are:

What cost-recovery formula will govern the allocation of Federal and local expenditures for deep-draft navigation improvements and channel maintenance in the future?

How should such a formula be determined?

On the basis of channel depth in the case of new construction?

On the basis of some fixed percentage of average maintenance costs nationally in the case of maintenance projects?

Should some cap be imposed above some national ceiling with the difference in maintenance costs above that ceiling a local responsibility?

What is the scope or expenditures that should be encompassed in any cost-recovery formula adopted?

What mixture of general revenue and deep-draft user charge fees levied on a national and local basis should be adopted to permit such a fundamental shift in intergovernmental fiscal responsibility with the minimum negative economic impact?

And, last, what economic impacts will the levy of deep-draft user charges have on the volume and distribution of international trade and domestic commerce in the United States?

This legislation offers at least partial answers to these questions and—by linking the issues of fast-tracking, cost-sharing, and deep-draft user charges—offers an approach to resolving these underlying issues in an efficient and equitable manner.

The legislation was originally conceived as a means of expediting the construction of a limited number of deep-draft conventional ports capable of accommodating a new generation of projected deep-draft colliers in the expanding world steam coal trade. That impetus has diminished—at least for the near term—until the national and global economies begin to recover.

However, viewed in the broader context as a stimulus for trade expansion,

infrastructure improvement, industrial revitalization, and employment generation, early consideration of comprehensive port development jobs legislation by the 98th Congress is a logical successor to enactment of the Surface Transportation Act of 1982.

Economic conditions clearly dictate the need for a jobs/infrastructure stimulating legislative package. Twelve million Americans are out of work today—10.8 percent or 1 in 9 persons in the work force. An additional 1.8 million Americans are reportedly too discouraged to continue seeking employment. Four million traditional manufacturing jobs have been lost over the last decade—250,000 of those in New York City alone. The American economy is said to be undergoing structural shifts from manufacture to service-related activities—further reducing the likelihood that many of these jobs in traditional industries will ever reappear.

If this is indeed the case, a national program of port modernization offers a unique opportunity to simultaneously rebuild our transportation infrastructure and revitalize basic industries such as mining, steel production, and construction through stimulating capital investment. This will result in increased productivity and competitiveness of U.S. industry and, at the same time, create new opportunities in trade-related service activities such as banking, insurance, data processing, and shipping.

The port industry is already credited with creating 1 million jobs in the national economy. For every 600 tons of import and export cargo handled, a new job is created. Commercial port operations annually contribute $70 billion to the gross national product; $10 billion in Federal taxes; $5 billion in State and local taxes; and $27 billion in business and personal income to the national economy. The $6 billion in customs receipts alone collected at seaports represents the fourth largest source of revenue to the Federal Treasury.

One in every five jobs in the United States in agriculture, manufacturing, and services is related to import and export trade in one way or another. Three out of every four bushels of wheat produced in this country are for export.

The United States is the largest exporter of grain and coal. Ninety-nine percent of the U.S. international trade by volume passes through the national network of 189 deep-draft commercial ports. The President aptly characterized the strategic relationship between port development and expansion of international trade, promotion of economic recovery, and increased employment opportunities in his state of the Union message. Currently, 10 percent of gross national product is attributable to international trade.

This percentage contribution has doubled over the past 30 years. This is the direct result of the investment of over $5 billion by State and local governments and port authorities in shoreside facilities since World War II and $40 billion in cumulative public and private investments in marine facilities in the United States. An additional $5 billion in non-Federal investments will be needed to meet the demands of expanding international trade before the end of this decade. This is in contrast to the estimated total Federal expenditure of $4.4 billion in improving and maintaining the navigability of deep-draft commericial ports since 1824.

All of these expenditures have been made pursuant to a 200-year-old partnership of constitutional origin between the Federal Government and the States under which the Federal Government has undertaken to maintain and improve the navigability of channels—and the States, acting through local ports, have fostered the development of complementary shoreside facilities to meet the needs of commerce.

Over the last decade that partnership has been strained by the absence of a coherent and stable Federal policy toward port development. There has not been a single new deep-draft navigation project authorized for 7 years. Regulatory delays and bureaucratic redtape have delayed even the routine maintenance of the existing system. This is reflected in delays of up to 2 years in the renewal of periodic maintenance dredging permits for existing authorized channels. When maintenance dredging is performed, the cost is rapidly becoming prohibitive. This is demonstrated by the 400-percent increase in maintenance dredging costs over the last decade—much of which is attributable to regulatory delay.

Mr. Speaker, the President has made port development a priority issue for the 98th Congress. The issue of port development is inseparable from the need to rebuild our transportation infrastructure, revitalize our basic industries, and expand our international trade as the proper path toward economic recovery. I look forward to working with the members of the Committees on Merchant Marine and Fisheries and Public Works and Transportation—as well as the administration—in seeing this important legislation enacted.●

A BUDGET FOR JOBS AND PRODUCTIVITY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I believe our country finds itself at a watershed in its history. In the last few years, living standards have stagnated, as our productivity has fallen to the lowest level of any of the Western industrial powers and Japan. Unless robust productivity growth is restored, the steady rise in living standards we have known through most of our history will be no more. America will likely lose its position as the leading economic power to Japan by the next century. The following excerpt from the 1983 Report of the Council of Economic Advisers—pages 83 and 84—explains the long-term consequences of our productivity crisis:

During the 1970s, productivity growth in the United States decelerated rapidly. Between 1948 and 1967 the growth rate of productivity (as measured by output per hour in the private business economy) was 3.1 percent, compared to 2.3 percent between 1967 and 1973 and only 0.8 percent between 1973 and 1981.

The consequences of reduced productivity growth for our standard of living over the long run are greater than those of any other current economic problem. In 1981 the American economy produced approximately $12,780 worth of output per capita. Had productivity growth continued at the 1948–67 rate during the 14 years subsequent to 1967, output per capita would have reached $16,128 in 1981, 26 percent higher than the actual value. As a standard of comparison, the recent recession reduced per capita output by only 4 percent between the third quarter of 1981 and the fourth quarter of 1982, less than one-fifth the reduction attributable to the productivity shortfall. As time passes, the consequences of reduced productivity growth are compounded. Increasing the productivity growth rate by 2 percentage points annually would more than double our material standard of living by 2020, compared to the level it would reach otherwise.

The productivity slowdown is not reliably attributable to any single cause or combination of causes. Various analaysts have suggested that higher energy prices, regulatory changes, reduced research and development spending, reduced opportunities for technical innovation, the changing composition of the labor force, and changing worker attitudes, as well as reduced capital formation, are responsible for the productivity slowdown. An accurate accounting of the sources of the slowdown is probably impossible in light of the multitude of competing explanations and the statistical difficulties associated with distinguishing between their relative effects precisely.

Many of the possible causes of the productivity slowdown are probably not reversible through public policy. There is relatively little the Federal Government could have done to offset the negative effect of sharp increases in oil prices or, for that matter, to influence changing cultural attitudes

toward work. Changing the rate of capital formation, however, is a principal way in which Federal economic policy can affect productivity growth.

Increasing the rate of capital formation will raise productivity growth in several ways. More rapid capital formation results, on average, in workers having more equipment at their disposal. In addition, increases in investment reduce the average age of the capital stock, permitting physical assets to embody more recent technological innovations. Technological development and the level of capital formation are intertwined, because the development of more efficient and sophisticated capital goods occurs when the demand for new capital goods increases.

The legacy of past policies, which have artificially depressed saving and investment, provides a second reason for increasing the rate of capital formation. As described below, this discrimination against capital formation has taken many forms, including tax policy, monetary policy and recurring Federal budget deficits. Although there exist instances of market failure, a market economy can generally be expected to allocate resources in an efficient way. When public policies systematically discriminate against one type of spending, however, there is a strong persumption that too little of it will take place.

A related and final justification for increased capital formation comes from a comparison of the total pretax return to investment with the return received by private investors. Estimates suggest that the total pretax return to investment in corporate capital, as measured by its pretax marginal product, is about 11 percent. This means that $1.00 invested today yields society $1.11 next year, or alternatively a permanent yield of 11 cents. While the total pretax return fluctuates from year to year with cyclical conditions, studies have tended to find that it has stayed within the range of 8 to 15 percent throughout the postwar period.

In contrast, private investors have earned much smaller rates of return over the last several decades, with many investors earning negative real after-tax returns over much of that period. Even leaving aside the effects of personal taxes, the real return on short-term debt instruments averaged less than 1 percent during the 1950–81 interval. While equity investments have yielded a higher average return, they carry with them a large amount of risk. The average real return on common stock before personal taxes was 6 percent over the 1950–81 period, but investors lost money in real terms in 12 of those years and over periods as long as 17 years.

This large spread between the total and private returns to investment is a consequence of the tax system, which extracts a portion of the total return to investment before it reaches private investors. Captial market returns are reduced because the corporate income tax reduces the return that corporations can pay out to investors. As a consequence of this tax-induced divergence between the private and total return to investment, too little investment takes place. This suggests the desirability of measures both to reduce tax distortions and to increase incentives to save and invest.

President Reagan's fiscal year 1984 budget faces up to this most central of all issues. As outlined in an article in the Los Angeles Times on February 11, by our distinguished colleague from North Carolina: Can we go on consuming more and more of the Nation's wealth and investing less and less in the future, thereby continuing the steady erosion of the productive capacity without which we cannot raise our standard of living, support needed social programs, or defend the country against a ruthless, ambitious adversary?

The gentleman's article in full follows. I call upon my colleagues on the other side of the aisle to face up, as has President Reagan, to this fundamental issue. Give us not a rag bag of cliches and nostrums chosen solely to avoid giving offense to the social interests, but a coherent program to restore our productive capacity, without which all Americans, rich and poor, young and old, will have no future. If you do not have such a program, then the President's ought to be approved forthwith.

DEFENSE IS GETTING ONLY ITS FAIR SHARE OF THE BUDGET

(By James G. Martin)

President Reagan has proposed a pro-jobs budget that asks sacrifice of all Americans. The chorus of protest comes from many special interests that confuse their priorities with the country's needs.

Our central fiscal task is to cut substantially the huge prospective deficits in order to further reduce interest rates, raise investment from what has been the lowest level among Western industrial powers and Japan, and nurture sustained, non-inflationary growth. The President, promises to achieve this largely by curtailing the most rapidly rising part of the budget: middle-class entitlement programs, led by Social Security (in which savings have already been negotiated by the President and the Democratic leadership), Medicare, federal retirement programs and farm-price supports.

These were largely untouched in the first two budgets; the burden of sacrifice was carried by lower-income citizens. This would be rectified in the present budget, which spreads the burden more broadly.

Some historical perspective on entitlements demonstrates the modest nature of the President's proposed changes. The numbers in the table speak more eloquently than the sniping attacks of the critics, who myopically gaze at their own programs, blind to the full picture of the national interest:

	Constant (1983) dollars (billions)		Percent of GNP	
	Entitlements spending	Defense spending	Entitlements	Defense
Fiscal year:				
1970	$136.7	$222.9	6.0	8.2
1975	235.1	167.3	9.0	5.8
1980	298.9	174.0	9.5	5.2
1984 [1]	345.0	235.7	10.4	7.0
1988 [1]	381.2	302.2	9.9	7.8

[1] This assumes adoption of the President's budget. Entitlements include social security, medicare, medicaid, military, civil service, railroad worker and other retirement and disability benefits, guaranteed student loans, food stamps, supplemental security income, aid to families with dependent children, earned-income tax credit, veterans' income security, education, training and rehabilitation benefits and subsidized housing. Excluded are unemployment benefits, estimated at $28,400,000,000 in 1984 and $24,300,000,000 in 1988 (in 1983 dollars).

From 1970 to 1980, entitlements spending grew by 119 percent (in constant dollars) and by three-fifths as a portion of the gross national product. It would still rise under Reagan's program—from 9.5 percent of the GNP in 1980 to 9.9 percent in 1988.

The main focus of critics is defense. Again, history places the issue in a clearer light. Even with the President's buildup, defense spending from 1970 to 1980 would rise only 1.7 percent a year. Assuming adoption of the President's cuts, this is less than half of the 3.7 percent annual increase in non-defense spending over the same period. The table shows that, as a portion of the gross national product, defense (at 7.8 percent) would remain significantly below the 9.9 percent going to entitlements in 1988. The defense figure—which is comparable to or lower than the levels of the 1950s and '60s—represents a reasonable reordering of priorities in the face of the Soviet Union's unprecedented military buildup.

Like my colleagues, I will give the defense budget careful scrutiny, but I will also note that the President's 1984 proposal is only $6.3 billion, or 2.7 percent above the 1984 level recommended by President Jimmy Carter in January, 1981. Reagan is standing up to the fundamental issue. Can we go on consuming more and more of the nation's wealth and investing less and less in the future, thereby continuing the steady erosion of the productive capacity without which we cannot raise our standard of living, support needed social programs or defend the country against a ruthless ambitious adversary?

The Democrats like to pose as the friends of the jobless, the poor and the elderly. But all that they have to say about restoring our nation's productivity is to raise taxes, cut defense and keep out cheaper foreign products—all counterproductive measures. For the unemployed, they promise a quick-fix job program, to be paid for with the jobs of workers in the private sector, lost through higher interest rates or higher taxes. The best way to ease the plight of the 12 million unemployed is by way of economic recovery and rapid growth, which would be aborted by the Democrats' plan to reinstate their big-spending policies of the past.

Where Reagan asks for sacrifice and takes the long view, the Democrats pander to narrow interests and promise instant solutions. The drumbeat of criticism—and the stale panaceas that they advance—address only the symptoms, not the causes, of our economic decline. They do not offer a solution to the crisis. As Prime Minister Margaret Thatcher recently said of her opposition, they wallow in it.

(James G. Martin (R-N.C.) is a member of the House Ways and Means Committee and the chairman of the House Republican Research Committee.)●

RISING NATURAL GAS PRICES

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1983

● Mr. KOGOVSEK. Mr. Speaker, I share my colleagues' concern for rising natural gas prices in a time of apparent surplus supply. The combination of increased fuel bills, record levels of unemployment and reduced government services and support for those citizens truly in need, creates real dis-

tress for hundreds of thousands of American households.

Consumers in my district share my concern for this issue in overwhelming numbers. How are we to respond? It would be politically easy to embrace the so-called quick fixes which have been introduced in this House and in the other body. I could certainly earn many votes by embracing and supporting a price freeze on gas prices at the wellhead or by supporting legislative restrictions on the operation of gas purchase contracts. But I am not sure that will solve the problem, either now or in the future, when additional supplies of natural gas will be required.

Mr. Speaker, only 5 years ago we were told that this country was running out of gas. We were told that no matter how high the price, our supply potential was limited. That is certainly true in the long term because natural resources are finite, but, even with the flaws in the Natural Gas Policy Act, domestic reserve additions almost matched production in 1981 and 1982. I do know that substantial additions to reserves were a result of incentives within the NGPA to explore for uncontrolled gas; gas found in reservoirs deeper than 15,000 feet, and gas contained in tight-sands reservoirs which also receives an incentive price. But, I have also been told by producers that there has been no exploration for a lot of conventional, shallower gas because the producer cannot achieve an adequate rate of return to cover his risk of finding nothing. Now that does not make sense.

I am not sure that freezing prices at this time is a very wise move. My constituents are both users and producers. I have agriculture, industry, and commercial interests as well as homeowners, all of whom are concerned about what we are doing with natural gas policy. We must have a policy that works now to keep natural gas prices at reasonable levels as well as a policy that will provide adequate supply in the middle of this decade and later. Economic recovery and a strong national industrial base demand that of us. A band-aid approach for now may be the easy way out, but for the long term, it is the wrong approach.

Therefore, Mr. Speaker, I urge my colleagues to reject these quick fix ideas. I urge my colleagues in the appropriate committees on both sides of Congress to get on with the job of developing a sane, long-term solution. I do not know that total decontrol is the answer, but I do know that the Natural Gas Policy Act is a flawed bill. I believe in maximum development of U.S. resources, and I have supported that belief in this House.

I urge my colleagues to work with the consumers, the producers, the transporters, and the distributors to come up with a policy we can debate and vote for, or against, on this floor. I urge them to put aside the sensationalism that has surrounded this issue and get on with the task.●

DEBT CEILING

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. DREIER of California. Mr. Speaker, recently, I introduced House Resolution 53, legislation which will require a two-thirds vote on any legislation that will increase the statutory limit on the public debt. My resolution will make it more difficult to increase the public debt and will eliminate the practice of raising the debt limit by simply voting for a budget resolution.

According to House Rule 49, when the House accepts a conference budget resolution, a different bill automatically setting the debt limit to the amount in the resolution is created and is considered to have passed the House. Unlike the Senate, the House has institutionalized the debt ceiling debate in favor of inflation and increased participation by the Federal Government in credit markets.

For example, in 1979, the inflation rate hit 10 percent while the Federal participation rate in domestic credit markets hit a low of 18.9 percent. In 1982, the inflation rate was 3.9 percent but the participation rate surged to 48.9 percent.

As these statistics illustrate, there hasn't been complete congressional consideration of all the options available to our colleagues. A required two-thirds vote on legislation to increase the statutory limit on the public debt would lessen the bias toward "crowding-out" private investment or the creation of inflation.

Mr. Speaker, to the people we represent, the debt ceiling is an important symbol. Voting to raise the debt ceiling is tantamount to an admission of failure in the fight to reduce spending, to control the deficit, and generally, to create a positive economic atmosphere for the hardworking American taxpayer.●

MEDICARE REFORM ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. WYDEN. Mr. Speaker, I recently introduced H.R. 1227, the Medicare Payment Reform Act of 1983. Since that time, I have discovered that a section of that bill was inadvertently left out of the final printed version. I would like to request that the full text of that section be printed below for the RECORD.

CORRECTING AMENDMENT TO H.R. 1227

Page 2, amend lines 7 through 10 to read as follows:

(2) in subparagraph (A)—

(A) by striking out "(A)" and inserting in lieu thereof "(A)(i)",

(B) by striking out "will apply (i)" and inserting in lieu thereof "(I) will apply",

(C) by striking out "and (ii)" and inserting in lieu thereof", (II) will apply, in the case of systems established after January 1983, to substantially all payors for inpatient hospital services in the State within three years after the date the system first takes effect, and (III) will apply", and

(D) by adding at the end the following new clause:●

MAINTAINING THE ELDERLY AT HOME: AN ALTERNATIVE TO INSTITUTIONALIZATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. BIAGGI. Mr. Speaker, on January 3, 1983, I introduced H.R. 76, a bill which would provide an important impetus to the establishment of alternate living arrangements for elderly citizens who either live alone or are forced into unnecessary institutionalization and for their families who wish to support their dependent relative in the family home.

Presently, approximately 11 percent of the Nation's population is over age 65. The number of elderly living alone has increased substantially. Additionally, the number of elderly living outside the extended family has changed drastically. Twenty years ago, 46 percent of those persons over 65 lived with their children. By 1975, this figure had dropped to 18 percent. The number of institutionalized elderly has also risen, due to a variety of variables. By the year 2030, there will be 55 million persons over the age of 75 in our country, representing 22 percent of the population. It is essential that we now consider alternatives to traditional delivery modes of health care and social services to this population. The continuum of care for this population, which includes such services, should be expanded to include all viable alternatives.

H.R. 76 provides for a $500 tax credit to those families and individuals who maintain an elderly dependent in their homes for over one-half of the taxable year. The availability of a tax credit would ease the major obstacle that many families face in caring for their family members who are 65 or older: The cost of such care. By offering a tax credit to these families, an incentive to maintaining the elderly person in the home is created. The resultant money may be utilized to defray the cost of supporting the elderly family member.

Studies have shown that it is generally families, not the Government, that provide the most care for the elderly. The Health Care Financing Administration has estimated that between 60 and 80 percent of the care received by the impaired elderly is provided by family members or friends who are not compensated. In addition, information from the field clearly points to the family as the preferred provider of services to the elderly. However, public programs currently provide more support for institutional forms of long-term care than for community-based services. This bias toward institutional care under public programs is a major factor limiting the spread of community-based long-term-care efforts. Furthermore, demographic changes regarding the family are likely to have an impact on the continued ability of families to provide care for their elderly dependents. The increasing divorce rate and the decline in the birth rate, as well as the increasing participation of women in the work force may impinge the desires of families to open their homes to elderly family members.

In light of these facts, efforts must be made to support families that wish to maintain their elderly family members at home rather than turning to institutional care provided under public programs. The legislation which I have proposed will provide financial incentives to families, thus encouraging them to cooperate in home support of the elderly.

A supplementary benefit to the tax credit proposal is that it would help to relieve some of the strain placed on family income which often manifests itself in acts of abuse. Two important studies of domestic violence against the elderly were conducted at the Chronic Illness Center of Cleveland and at the Center of Aging at the University of Maryland. Both studies identified material abuse as one of the major forms of domestic violence against the elderly. The Subcommittee on Human Services, which I chair, has held several hearings since 1979 on abuse of the elderly and has verified and highlighted the conclusions of these two studies. The adoption of a tax credit would begin to ease the financial strain that so many families encounter when caring for an elderly member in the home and can promote healthier intergenerational living arrangements.

If no preferred alternative to current services and choices is made available to the growing population of elderly and their families, the elderly will be forced into living arrangements not of their choice, with the possibility of resultant losses of health status and emotional well-being.

Support for the idea of a tax credit for families which care for the dependent elderly in the home is extensive and diverse. Endorsement of such a proposal has been received from the delegates at the 1982 White House Conference on Aging, the 1980 White House Conference on Families, as well as the Urban Elderly Coalition. Further, the 1981 National Council on Aging survey, conducted by Louis Harris & Associates, found overwhelming support for giving a "tax break" to families that provide health care at home to the elderly.

As an original member of the Houe Select Committee on Aging, I am especially familiar with those problems which face the elderly today as well as those facing family members who wish to maintain older relatives in their homes. H.R. 76 will seek to encourage the care of elderly in the home while retaining medicare benefits for eligible seniors. My bill will provide incentives to home care by the family and will, at last, recognize the full potential of support that the family can bring to the elderly and the source of wisdom and strength that the elderly can bring to family members. I urge my colleagues to join me in this timely and important initiative.●

HUMAN RIGHTS COMMISSION REPORT ON BERLIN, EL SALVADOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to call to the attention of my colleagues the following report issued by the Human Rights Commission of El Salvador on the recent takeover of the city of Berlin, El Salvador, by leftist guerrillas.

RIGHTS COMMISSION DECRIES FMLN ACTIONS IN BERLIN

The Human Rights Commission of El Salvador, concerned about the events in the city of Berlin, and at the request of a group of people of Berlin living in San Salvador, traveled on 4 February to that city, where with deep sorrow and humanitarian feelings the commission was able to verify that:

1. The FMLN-FDR [Revolutionary Democratic Front] indiscriminately attacked the civilian population of that city, causing fires; looting government offices, stores and private residences, and causing, with its continuous shelling, the exodus of thousands of people, including children, elderly people and women who tried to find a safe place to protect their lives.

2. At no time could the city of Berlin represent a military or strategic objective since there were only 43 members of the armed forces—policemen and national guardsmen—in the city.

3. Through military and psychological pressures, the civilians were forced to go to the city's park, where they had to participate in rallies that were filmed by foreign newsmen. The films have subsequently been shown in several countries for the sole purpose of confusing international opinion, trying to make international opinion believe that the subversives have the support of the people. This is one more exploitation of the Salvadorans' tragedy and sorrow for political propaganda purposes.

4. They caused the deaths of a least 12 defenseless civilians, including children, women and elderly people, without counting the casualties caused by the armed forces.

In the face of such actions, which are a flagrant violation of human rights and of the international agreements established in the United Nations' Universal Declaration on Human Rights, the Human Rights Commission of El Salvador energetically protests this savage terrorist act and joins the grief of the country's people, especially the heroic residents of the city of Berlin, who despite everything that happened in those distressing moments, courageously repudiated the attack on their city by the terrorist groups of the FMLN-FDR. The commission also demands:

1. An immediate halt to the indiscriminate attacks on defenseless civilians.

2. That in accordance with the most elemental principles of humanity and justice there be respect for the lives and security of noncombatants and for their right to live in peace and freely express their political views and give their moral support to whoever they believe deserves it.

3. That the FMLN-FDR refrain from committing acts of vandalism like those that occurred in the city of Berlin because they are not only violating the rights of those from whom they steal, but also those thousands of poor residents whom they leave without food, medicine and essential water and electric services for long periods.

4. That the FMLN-FDR stop the senseless destruction of job sources, means of communications and the infrastructure in general of the Salvadoran people. The only result of this destruction is to impose on all the Salvadoran people the most cruel and extended suffering to which any country of the American continent has been subjected in this century. San Salvador, 6 February 1983.●

OIL SHALE LEGISLATION

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. MARRIOTT. Mr. Speaker, today I am introducing the same oil shale legislation which passed the House during the last Congress. The importance of this legislation lies in the fact that it will remove the institutional barriers which have hindered commercial development of oil shale on Federal lands to date.

Lands in Colorado, Utah, and Wyoming contain over 1.8 trillion barrels of shale oil, of which 600 billion barrels are recoverable with known technology.

Since the first Federal oil shale tracts were leased in the midseventies none has yet reached commercial production. This deplorable state of affairs is due in part to the fact that when the oil shale provision of the Mineral Leasing Act was written in 1920, no one knew what problems

would attend the actual development of oil shale. Now since prototype leasing has occurred and experimentation has taken place, the shortsightedness of the original oil shale provision of the Mineral Leasing Act is becoming evident.

One of the major impediemnts has been the lack of authority for the Secretary to allow surface use of additional lands not located within the oil shale lease. In some of the richest shale areas, the most efficient mining operations cannot be accomplished if the processing plant and spent shale disposal are located on the lease site.

The bill I am introducing today would authorize the Secretary to issue leases for purposes other than mining necessary in support of oil shale recovery operations, including the disposal of oil shale waste and the materials removed from mined land and the building of plants, reduction works and other facilities connected with oil shale operations. The bill limits this offsite leasing authority to only those leases ancillary to a Federal oil shale lease.

Oil shale leasing in Wyoming and Utah is further hidered by the fact that the deposits in those States are nor rich enough to support a commercial operation within the confines of a 5,120 acre tract. Accordingly, the bill retains 5,120 acres as the maximum size of a Federal oil shale lease, but will permit the Secretary to increase the amount of the acreage that can be included in an oil shale lease when he determines that a larger area is required to permit long-term commercial operations. In making this determination the Secretary must consider the reserve potential of the specific tract to be leased and document his finding that additional acreage must be included in the lease to render it economically viable. Furthermore, he may not issue any lease in excess of 15,360 acres. With this provision it will no longer be necessary for oil shale development to be concentrated in Colorado, where the richest reserves are found, thus limiting the impacts on that State while permitting other States to share in the development of the resource.

Present law limits to one the number of oil shale leases which may be owned by one person, corporation, or association. This bill includes some flexibility in this limitation so that when the resources of any lease are within 15 years of being depleted, the lessee may qualify for an additional lease.

This bill further allows the Secretary to lease oil shale parcels to avoid the bypass of small acreages of Federal oil shale resources which could not otherwise be mined economically without counting such bypass lease against a company's lease ownership limitation.

The bill clarifies the Secretary of the Interior's authority to issue multimineral leases since substantial quantities of saline minerals—dawsonite, nahcolite and halite—are associated with Piceance Creek Basin oil shale resources.

Although the Department of the Interior believes it has the authority to lease the saline minerals along with the oil shale, the General Accounting Office has questioned this authority. In order to test multimineral technology and its environmental acceptability and to conserve the mineral resources, this bill clearly restates this multimineral leasing authority.

The language of this bill provides for consultation by the Secretary with the Governor of the affected State on stipulations in the lease and is meant to focus discussion on the specific concerns of the State vis-a-vis the Federal interest. Last Congress the Interior Committee added this language to express its support for the existing practice of consultation with the State in the belief that such consultation will continue to result in serious consideration of the concerns of the citizens of the affected State.

Finally, the bill provides that an oil shale lessee may request to have included in his lease a provision for advance rental payments to be made in any year and credited against a subsequent year. This provision is intended to assist local communities by providing impact assistance funds specifically earmarked for this purpose.

This oil shale bill is solid and sound because it specifically addresses the legal problems which are currently keeping the oil shale development from achieving its commercial potential. Oil shale has a lot to offer us, for it is potentially the most attractive source of liquid fuels from a synthetic fuel source. It takes less energy to convert oil shale's kerogen to gasoline than it does to convert coal to gasoline and environmentally, it may be more desirable. Now no one is going to claim at this stage that we know all the environmental impacts of oil shale development or, on the other hand, that water availability is not a problem. The technology for commercial development is still untried. But it is in part because we have failed to give American enterprise the backing necessary to their operations that we do not yet have a proven technology or answers to our environmental questions.

We must remove institutional barriers to full scale development while retaining reasonable safeguards and regulations if we want to permit responsible development of oil shale to go forward. It is important that America know what the real potential of its oil shale resources is, and this legislation is designed to lead us toward that understanding. I am convinced this bill offers the soundest solution to responsible development of our oil shale potential and I urge my colleagues to give it serious consideration.●

MORE RUSSIAN STUDIES NEEDED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to call to the attention of my colleagues the following editorial from the November 8, 1982 edition of the New York Times:

[From the New York Times, Nov. 8, 1982]

RUSSIAN LESSONS

In few fields do so many rely so much on the brains of so few as in Soviet studies. You could fit around a card table all the Americans who are bilingual experts on Soviet policy in Africa. Or China. Or anywhere. That point alone makes powerfully plain the wisdom of W. Averell Harriman's gift of $11 million to Columbia University for a new Institute for the Advanced Study of the Soviet Union.

Still, there is this objection. "Why go into a field in which there is not any hope of finding employment?" asks a disillusioned recent graduate in Soviet studies, in a letter to The Washington Post. In fact, there are more jobs than available specialists. By one estimate, 1,600 highly trained Soviet and East European experts are needed in public and private sector jobs, not including high school teachers, while only 1,074 are available.

But there is another explanation for dwindling interest. Too many people believe that the market for Soviet studies is confined to security-related jobs, to the exclusion of work on social and cultural issues. There is more going on in Russia than missile construction—not least an interesting revival in Soviet films, no longer simply sterile variations of boy-meets-tractor.

A glimpse of what we are missing was provided by Marc Greenfield's recent account in The Times Magazine of his two years as an English editor at a Soviet press agency in Moscow. How much he tells of workaday realities in the sentence he heard repeatedly from Soviet workers: "They pretend to pay us and we pretend to work."

With any luck, Gov. Harriman's benefaction could help turn an adverse tide. It may encourage Congress to endow more Russian studies. Americans who complain that the Soviet Union is a closed society need to acknowledge that we have done politically little to open our own minds.●

SAN JOSE MERCURY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. MINETA. Mr. Speaker, on behalf of Congressman DON EDWARDS and myself, I would like to commend and congratulate those who produce the San Jose Mercury.

For years, we have enjoyed and relied upon the Mercury, and we were delighted to hear that this outstanding newspaper has once again won the professional recognition it merits. Last weekend, the California Newspaper Publishers Association gave its highest honors to the San Jose Mercury.

For the third straight year, the Mercury's editorial pages were judged California's best. The Mercury also harvested the first-place prize for its coverage of business, while individual Mercury staff members, Mary Jo Moss, Susan Ager, Steve Johnson, and Pete Carey won recognition for superior photography, writing, and indepth reporting.

All of this validated the Mercury's broadest, finest award. Assessing general excellence, the California Newspaper Publisher's Association named the San Jose Mercury the best metropolitan newspaper in all of California.

These awards confirm our opinions and fulfill our wishes. Mr. EDWARDS of California and I have watched, worked with and admired the Mercury's outstanding staff. We have seen reporters ferret out details, and we have watched editors research and weigh arguments.

Some representatives of totalitarian governments argue that America's free press is worthless, because American newspapers fail to affect policy.

The San Jose Mercury proves these people wrong.

Each morning, Congressman EDWARDS of California and I sift through Mercury articles and editorials, and the Mercury's words about economic policy, health care, crime, defense, education, and industry often shape our thoughts and focus our energies. As a result, our ideas have often come percolating through the pages of the San Jose Mercury. Even when the Mercury condemns rather than initiates our ideas, its words affect us because the Mercury's criticisms are so regularly logical and succinct.

Indeed then, as a valuable entertainer, educator, and critic, the San Jose Mercury truly deserves its laurels.

Mr. Speaker, Congressman EDWARDS of California and I have been lucky to enjoy the service of this fine paper, and we want now to thank those who have given us California's finest.●

A BILL TO ESTABLISH THE "JOHN W. BROWN" AS A MERCHANT MARINE MEMORIAL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. BIAGGI. Mr. Speaker, in the last Congress, I introduced legislation which would establish a national maritime memorial aboard the retired World War II liberty ship, the *John W. Brown*. Today, I am reintroducing that legislation, along with Congressmen ADDABBO, WEISS, OWENS, TOWNS, MOLINARI, and SCHUMER.

The memorial will center around a maritime museum and would serve as a recognition of the valiant men and women who constructed and operated the greatest fleet of merchant vessels in the history of the world. These ships transported arms, supplies, and forces, to battlefields in Europe, Africa, and the Far East.

The risk which existed on these vessels is demonstrated by one grim statistic: During World War II, merchant seamen suffered a greater percentage of fatalities than any branch of the armed services, except for the Marines.

The role of the merchant fleet was so significant that General Eisenhower characterized the merchant marine as the fourth arm of defense.

The *John W. Brown* was one of 2,770 Liberty ships built in series construction from a master plan dating from 1879. She was built in 41 days at the Bethlehem-Fairfield Shipyard in Baltimore. She saw service in the Mediterranean as a troop transport, ferrying troops to the Anzio beachhead and transporting German POW's to North Africa.

After the war, Liberty ships served various functions: Some became naval auxiliary vessels; many were utilized as break-bulk transports by United States and foreign shipping lines; and a number were ultimately used in artificial reef projects.

In 1945, the *John W. Brown* became the Nation's first and—to my knowledge—only maritime high school. From then until last year she was used by the New York City Board of Education to teach young people the necessary skills to prepare for service at sea.

The board of education has now decided to cease utilizing the *John W. Brown* as a training vessel, and she is scheduled to be returned to the Maritime Administration.

Today, I am reintroducing legislation to transfer the vessel from MARAD to a nonprofit organization. The *John W. Brown* preservation project will transform one of the last remnants of that great Liberty fleet into a merchant marine memorial museum. The project will obtain all of its funds from private contributions and will create a permanent living memorial to those valiant seamen who gave their lives so that others might live in freedom.

The establishment of this museum will also be a tribute to the workers who constructed the merchant fleet that helped us win the war. These workers—though they did not serve on the battlefield—worked long and hard to build the fleet. Many developed asbestos-related illnesses.

Our merchant mariners and shipyard workers have long been neglected and ignored; however, this legislation will create a suitable memorial to the valiant men and women who served with distinction, and I ask my colleagues to join me in supporting it.●

LET US REPEAL THE 10-PERCENT WITHHOLDING TAX ON INTEREST

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. ASPIN. Mr. Speaker, the new provisions for withholding on interest and dividends included in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) must be reconsidered and repealed.

I opposed this proposal from the moment it was first announced, and still do. I voted in favor of an amendment to take the 10-percent withholding provision out of the tax bill, but unfortunately, the amendment was defeated. As a result, the 10-percent withholding passed as part of the tax reform measure, and is scheduled to go into effect July 1, 1983.

Fortunately, I am not a lone voice in the wilderness opposing this provision and working for its repeal. I join over 120 of my colleagues in the House in sponsoring legislation to repeal the 10-percent withholding rule. I am advocating the repeal on behalf of the nearly 10,000 constituents who have written to me over the last several months to express their concerns and opposition to the law.

I am well aware of the arguments made in favor of the 10-percent withholding. Further, I am as conscious as any legislator in Congress of the need to reduce our glaring, and growing, Federal deficit. Yet, I am also conscious of the methods we use to raise revenues in our efforts to reduce the deficit. The ways in which we do this say as much about our ability to govern as the amount of deficit reduction we are able to achieve.

I do not believe withholding 10-percent of earnings from such income sources as interest, dividends, or pensions is necessary or fair. This provision was implemented to improve cash flow for the IRS and to guarantee that all interest income is reported—so that the Government does not lose money through taxpayer noncompliance.

However, studies show that an extremely high percentage of taxpayers accurately report interest income. Furthermore, under this provision, although taxpayers will be permitted to credit the amounts withheld on interest and dividends against present law tax liabilities on their tax returns, just

as they do for amounts withheld on wages, they are deprived of that interest income during the year to supplement their other income or invest as they see fit.

Instead, the Government receives the taxpayers' 10-percent sooner, then they would otherwise, and deprives the individual of compounded interest they would receive on the missing 10-percent.

While there are certain exemptions under the law to protect seniors and the low-income, I am bothered by the additional layers of bureaucracy, bookkeeping, and regulation needed to determine who is eligible for these exemptions. Once again, the "little people" lose.

I believe we must repeal this provision of TEFRA—and use commonsense and compassion instead of political expendiency to reduce the Nation's deficit and restore economic health to the country.●

THE UNIQUE ROLE OF COMMUNITY COLLEGES IN SCIENCE AND MATH EDUCATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. WALGREN. Mr. Speaker, as Congress deliberates over legislation to respond to the crisis in science and math education at all levels of education, I am concerned that we have perhaps not marshaled as effectively as we might some of our own special national strengths in responding to the productivity crisis. One of our national strengths in our unique system of more than 1,000 community and technical colleges that have emerged in the last decade.

Community colleges are rooted in the local community and often have strong ties to the local labor market. They are probably the largest source of advanced skill training, outside industry. They serve students of all ages and all income levels and in many ways are a "model of accessibility" in terms of the economics of higher education, the cost of which continues to climb.

It is hardly coincidence that they also have emerged, in numbers of students served, as the largest arm of American higher education. Nor is it coincidence that they are the one arm of higher education that has enjoyed a pattern of steady growth in recent years.

There are now more than 5 million people taking credit courses and associate degrees at these institutions. A largely part-time adult learning population, that might be again that great in number, is using the 2-year colleges to enrich their careers and lives without wanting course credits. Many of these students, we should add, already have a college degree, some even graduate degrees; now they are using their community college to gain or upgrade a job skill.

Of the 5 million who are pursuing credits and degrees, nearly two-thirds, or some 3.2 million, are concentrated in the occupational courses. And data from the National Center for Educational Statistics suggests that at least 1 million more noncredit students are using the community colleges to further their job skills.

There are more than 30,000 different occupational courses, we are told, listed now in the catalogs of the community and technical colleges. If we could examine the roots of a vast number of these offerings, we would discover they are "employer specific" courses—that is, they are designed and scheduled to serve the defined training needs of a particular employer who, in many cases, came to the community college seeking such help.

The pressing needs of the community colleges are concentrated in three areas: technician programs, state-of-the-art equipment, and professional development for faculty who instruct the occupational programs. The community colleges themselves have spoken graphically to these needs in the recent testimony which Nolen M. Ellison, chancellor of Cuyahoga Community College District, of Cleveland, gave on H.R. 30 to the Committee on Education and Labor.

I would like to share with my colleagues Dr. Ellison's testimony on the needs and role of community colleges in improving math and science education and technician training. I hope that Congress can respond positively to these suggestions. I certainly will work toward that end.

TESTIMONY ON H.R. 30, EMERGENCY MATHEMATICS AND SCIENCE EDUCATION ACT

By Nolen M. Ellison, Chancellor, Cuyahoga Community College District, Cleveland, Ohio.

Mr. Chairman, it is gratifying to the education community to see you and this Committee moving with such dispatch on legislation that addresses some of the root causes of our national crisis in productivity. If our Nation is to overcome relative and competitive skill slippages that threaten our global leadership in technology and industrial production, then the kinds of initiatives you are formulating in H.R. 30 must move to the very top of our national agenda.

I hope all of us here do agree that these slippages constitute a national crisis. Our declining skill base clearly is a central factor in the current recession, and if the slippages are not reversed, they could lead to a serious erosion of both our standard of living and the traditional American way of life.

Of course, to rebuild the skill base, we must overcome the crippling shortages of qualified teachers in science and math. These shortages are hurting the community colleges, as well as the elementary and secondary schools. Dale Parnell, President of the American Association of Community and Junior Colleges, has been making a survey to gauge these shortages. The two tables that follow show the severity of the problem.

Adding together on Table No. 1 those that report either "critical shortages" or "shortages," we see that nearly 90 percent of the colleges are hurting for computer instructors. Of 433 responding schools—roughly one-half of the public two-year colleges—some 77 percent also are hurting for electronics instructors.

Shortages run 40 percent or higher in both math and physics—and 30 percent reported shortages in other "high tech" fields. In the breakdown of computer science instructor shortages by region, Table No. 2, all the responding colleges in Region II (New York and New Jersey) show they need help.

TABLE 1.—INSTRUCTOR SHORTAGES IN COMMUNITY COLLEGES

[In percent]

	Total response by subject				
	Critical shortage	Shortage	Adequate	Surplus	Other
Computer sciences	52	37	8	0	No response 3 percent.
Electronic technology	31	36	15	1	No response 13 percent. Not applicable 4 percent.
Mathematics	7	35	47	3	No response 8 percent.
Earth sciences	1	9	63	6	No response 18 percent. Not applicable 3 percent.
Physics	6	34	44	2	No response 14 percent. Not applicable 1 percent.
Chemistry	3	24	60	3	No response 10 percent.
Business	3	27	55	6	No response 9 percent.

NOTE.—Other—34 percent of the respondents indicated shortages in "other" subjects, Nursing, 28 percent; other allied health fields, 20 percent; high-tech fields; and other, 14 percent.

Source: AACJC.

TABLE 2.—COMPUTER SCIENCE

[In percent]

	Response by region				
	Critical shortage	Shortage	Adequate	Surplus	Other
Region I (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont, 5 percent) [1]	45	45	9	0	
Region II (New Jersey, New York, 7 percent) [1]	70	30	9	0	
Region III (District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, 9 percent) [1]	54	41	5	0	
Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, 20 percent) [1]	63	29	7	0	No response 1 percent.
Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, 19 percent) [1]	51	37	9	0	No response 4 percent.
Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, 9 percent) [1]	40	48	10	0	No response 2 percent.
Region VII (Iowa, Kansas, Missouri, Nebraska, 7 percent) [1]	38	47	12	0	No response 3 percent.
Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming, 4 percent) [1]	44	44	6	0	No response 6 percent.
Region IX (Arizona, California, Hawaii, Nevada, 11 percent) [1]	54	33	11	0	No response 2 percent.
Region X (Alaska, Idaho, Oregon, Washington, 6 percent) [1]	33	48	11	0	No response 7 percent.

[1] Number of region responses/total responses.

Source: AACJC.

We have learned from Peter Blake, Director of the International Robotics Institute, that his industry alone expects in the next six or seven years to grow from a $140 million a year business into an industry grossing $2.5 billion annually. He notes that this means a tremendous displacement of workers and heavy retraining for jobs, nearly all of which will require a math base and technical skills but not a bachelor's degree. He also reports critical shortages of instructors in programs feeding those job needs.

What our Nation needs today more than anything else, in our judgment, is a "moon shot" commitment to the development of its human capital.

Looking back on the boost that Congress gave the sciences in the wake of Sputnik, it seems a terrible irony that now, barely a generation later, secondary schools in almost every State are searching in vain for teachers qualified to give their science and math courses. Though that boost undoubtedly has been responsible for keeping the United States in the forefront of technological and scientific discovery, we now need initiatives that will mobilize our larger skill base.

In the community colleges, we look at this crisis with the same sense of urgency and gravity that TRW economist Pat Choate ascribes to it in his penetrating monograph, "Retooling the American Work Force: Toward a National Training Strategy," in which he observes:

"The speed and force of . . . change will be awesome . . . . Consequently, million of jobs and workers will become obsolete . . . . In this decade virtually all of the nation's workers, most of whom are now employed, will need to be retrained or have their skills sharpened."

We hope every Member of Congress will read the Choate monograph.

The Association of Community College Trustees and the American Association of Community and Junior Colleges have in the past 18 months launched several initiatives aimed at bolstering American productivity, and at encouraging more sharply focused national policy. ACCT and AACJC last July closed ranks in the policy arena by forming their Joint Commission on Federal Relations, chaired by Judith Madonia, who also is Chairman of the Board of Lincoln Land Community College in Springfield, Illinois. The foremost need in legislation, in the view of this Commission, for which I am privileged to testify here, lies in focusing federal initiatives to form a cohesive national policy on comprehensive human resource development.

The two Associations also are working together to promote public-private partnerships. In fact, we are doing it on several fronts, as the accompanying brief on "Putting America Back to Work" will show.

We emphasize that these initiatives spring as much from the grassroots as from the Associations. In the last decade, scores of community and technical colleges have been reaching out to local industry to develop and staff what we call "employer specific" courses. Such courses provide training tailored to each company's defined skill needs.

The Business-Industry Community College Coalition, led by ACCT, has been working closely with the White House and the President's Task Force on Private Sector Initiatives to make community colleges still more proactive in responding to the private sector and to the skill needs of industry, labor and government alike. Colleges are encouraged by BICCC to establish local Business-Industry Councils, to ensure themselves of continuing guidance from the private sector.

In sheer numbers of learners served, the community colleges have in the last decade become the largest branch of American higher education. Of the more than five million learners enrolled in the credit and degree programs at two-year colleges, almost two-thirds, or well over three million, are taking technical and occupational courses. Although it is harder to gauge the non-credit population, the number of adults taking community college courses without credit could be equally great.

In some states, like Washington, the community colleges have more students holding bachelor's, master's or even doctor's degrees who are learning a job skill than are enrolled in any graduate school program in the State. An analysis of the community college program data collected by the National Center for Educational Statistics suggests that the total population pursuing vocational courses in the two-year colleges exceeds 4.2 million.

A commitment to human capital and skill development on the scale we are talking about ought to take the form, we believe, of broad national policy by which the currently fragmented federal programs that foster employment and skill development, including the Vocational Education Act, can be more effectively focused on the Nation's critical-skill needs.

Governor Pierre S. DuPont IV of Delaware put the challenge aptly last week at the National Press Club, when he said: ". . . a comprehensive national employment policy must reach the same level of priority in the eyes of government as national defense . . ."

Mr. Chairman, your bill, H.R. 30, points us in the direction of building such a policy—toward building the two-pronged program by which the crisis in productivity can be met. One prong must be the revitalization of math and science instruction in the elementary and secondary schools, as prescribed by your bill. The second prong should be an equally vigorous initiative at the adult level, focused on the demand side of the employment market, by which we can turn out the technicians that industry must have to meet global competition. Our point about demand is this: Up to now, the Federal programs have been largely oriented toward the supply side, toward recycling the needy and the unskilled into training for so-called "entry level" jobs that in many cases prove not to exist. The Choate monograph makes the point graphically in these passages:

". . . the first step is to ensure that almost all the money goes directly into training activities. The second step is to ensure that the training offered relates to the specific needs of specific employers."

He goes on:

"The basic responsibility . . . must reside with employers, who know best their own training needs and most often are best prepared to provide them."

Representative Miller's bill of the last Congress, H.R. 5820, addressed the challenge from the demand side, and the Association of Community College Trustees provided written comments to your California hearings supporting his concept. If industry is given incentives to offer the first piece of the training dollar, then taxpayers will have stronger assurances that displaced workers and the unemployed are being trained for real jobs.

In your December mark-up of H.R. 7130, Mr. Chairman, you voiced alarm that the National Science Foundation was not responsive to initiatives in community colleges and smaller universities, and that it had done little to advance the development of technician training. We echo that concern. NSF can and should do much more to expand the nation's technician skill base. Just as the United States' competitive advantages in industry have dwindled away over time because of neglect of the skill base, any edge we may still enjoy in technological and scientific discovery also will be lost over time, unless we rebuild that skill base.

In revitalizing the science and math programs at every level of education, the community colleges already are a strong partner, and a natural partner. Vast amounts of applied math and applied science are being generously imparted to millions of adult students through the technician courses that range from the health sciences to management systems.

These facts surely contributed to General Motors' decision to disperse its technician training into a community college network that eventually will span more than 60 colleges scattered throughout the country and to the partnerships on training which the United Auto Workers and the major auto makers are building with community colleges. A National Center for this program is now being erected on the Henry Ford Community College campus. These are not isolated initiatives. They are prime examples of the working partnerships that the community and technical colleges are building with the industries they serve. Such initiatives are spurs to math and science education both directly and indirectly.

Community colleges have been moving ahead on their own, as a matter of necessity, to beef up their math and science programs. As they respond to exploding technology and open more and more technician courses, they find it imperative to offer better and better math and science instruction.

Many face a demand for computer training that they cannot always serve. In computer science and in many other new technologies, the community colleges use adjunct instructors from industry to give courses.

Rend Lake College in Ina, Illinois, for example, has registered 30 percent increases in science and math courses in just the last two years. Harry Bruan, President of Rend Lake College, offers these observations:

"These increases have been attributed to several reasons including the requirement for students planning to transfer to four-year institutions being computer literate, the increased general interest in computer science, science and math, and the need for math and computer literacy in vocational-technical programs.

"The college has been requested and has provided computer education for area elementary and secondary teachers. In addition we will soon be involved in training 100 teacher aides for special education. Many of the specialized techniques in this training will involve computer related instruction."

As President Braun illustrates, community colleges are reaching out to their local school districts to provide assistance in improving math and science instruction. Next door to our Nation's capital, Northern Virginia Community College is cooperating with both the local schools and George Mason University to provide advanced courses for the math and science teachers in the school system.

Similarly, at Kern Community College District in Bakersfield, California, a number of the Physical Science faculty spend one afternoon per week at local high schools to counsel students about science programs. And the Kern faculty also help to instruct the advanced math classes in at least two high schools. To give the Committee a sense of lengths to which community colleges are extending themselves to help meet this challenge, I would like to offer for the record a letter from the Chairman of the Physical Science Department at Bakersfield, Dr. Robert Allison, detailing the variety of their initiatives.

North Carolina is at the point where 21 percent of the high school diplomas, or their equivalent, are being awarded through the State's community and technical colleges, which have become by the Governor's decree the "presumptive" delivery system for all the adult employment training.

As we view H.R. 30 itself, Mr. Chairman, your support for fellowships that foster teaching careers in math and science is most commendable.

The more pressing needs of community colleges are concentrated largely in two areas—equipment and professional development. And these are not mutually exclusive needs. The colleges that are heavily programmed toward "high tech" fields almost all have dire needs for state-of-the-art equipment in some or all of their tech and science courses. They also need assistance in professional development which would help them two ways—encourage their instructors in math, science and tech fields to stay with their teaching careers, and at the same time provide honing for their skills on state-of-the-art equipment by working in industry.

Thus, we also applaud your program offering matching grants to help colleges acquire state-of-the-art equipment. We urge that you consider funding this program at $200 million.

It is also our earnest hope, Mr. Chairman, that you and this Committee can work with the Ways and Means Committee to legislate tax benefits to industry that would encourage companies to help education on three fronts:

1. Expanding their gifts of state-of-the-art equipment for use in occupational programs.

2. Allowing professional personnel released time, on a systematic basis, to serve as adjunct faculty in math, science and "high tech" courses.

3. Providing summer or off-term employment for math, science and "high tech" instructors, so that they stay with their teaching careers while they also stay versed in the state-of-the-art through such employment.

If you wish further comment on H.R. 30, we would gladly respond. We thank you again for this opportunity.●

MORE CONCERN NEEDED FOR CHRISTIANS IN PRISON FOR BELIEFS IN U.S.S.R.

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. McDONALD. Mr. Speaker, in our expressed concern over human rights, the U.S. Government has come to issue a report every year on the subject. With some nations, the continuous record of violations is so long and so blatant, no report is needed. This is especially true of the world's worst violator of human rights—the Soviet Union. A major category of people whose elementary rights are routinely violated are those who attempt to practice their religion in the U.S.S.R. A further list of such people serving prison terms in the Gulag is enumerated for the edification of my colleagues:

Polishchuk, Nikolai Petrovich.

Home address: Valentina Kirillovna Polishchuk (wife), ul. Novostroye, 17, g. Novograd-Volinsk, Zhitomirskaya oblast, Soviet Union; b. March 2, 1944; 10 children.

Camp address: IV 301/59 br. 91, pos. Trudovoi, Peschansky raion, Vinnitskaya oblast 288371, Soviet Union. Arrested: September 29, 1981. Sentence: 4 years ordinary + 4 years exile.

Popov, Nikolai Filippovich.

Home address: Nadezhda Sergeyevna Popova (wife), ul. Zarechnaya, 15 kv. 1, g. Ryazan 391010, Ryazanskaya obl. Soviet Union; b. March 27, 1927; 9 children.

Camp address: UP 288/15-83, g. Norilsk, 663301, Krasnoyarsky krai, Soviet Union. Arrested: July 20, 1979. Sentence: (2nd) 3 years strict.

Popov, Oleg Nikolayevich.

Home address: Tatyana Vladimirovna Popova (wife), ul. Biryuzova-8 kv. 140, g. Ryazan 390039, Ryazanskaya oblast, Soviet Union; b. April 2, 1954; 4 children.

Arrested: December 8, 1981. Sentence: 3 years ordinary.

Pozdnyakov, Nikolai Petrovich.

Home address: Aleksandra Nikolayevna Pozdnyakova (wife), ul. Shosseinaya, 8-45, g. Moskva 109548, Soviet Union; b. April 6, 1933.

Camp address: p/ya 94/4 otr. 12, pos. Vydrino, Kabansky raion, Buryatskaya ASSR 671111, Soviet Union. Arrested: August 6, 1981. Sentence: 2.5 years ordinary.

Prokopchuk, Nikolai Anisimovich.

Home address: Galina Grigorievna Prokopchuk (wife), ul. Dekabristov 50 kv. 2, g. Lutsk, Volynskaya oblast 263020, Soviet Union; b. March 23, 1938; 5 children.

Camp address: uchr. MKh 324/78 12-123, s. Raikovtsy, Kmelnitskaya oblast 281428, Soviet Union. Arrested: December 29, 1981. Sentence: 2.5 years ordinary.

Protsenko, Vladimir Antonovich.

Home address: Elvira Fominichna Protsenko (wife), Leningradskaya shosse, 30 "A", pos. Kuzmolova, g. Leningrad 188663, Soviet Union; b. March 16, 1928; 6 children.

Arrested: December 8, 1981. Sentence: 3 years ordinary + confiscation.

Prutyanu, Mikhail Antonovich.

Home address: Ruta Stepanova Prutyanu (wife), II Odessky per., 4 kv. 1, g. Kishinev 277047, Moldavskaya SSR, Soviet Union; b. December 26, 1948; 1 child.

Camp address: p/ya UZh 15/15 "Ts", g. Mogilev, 213105 Belorusskaya SSR, Soviet Union. Arrested: October 31, 1979. Sentence: 5 years ordinary.

Prutyanu, Khariton Antonovich.

Home address: Natalya Prutyanu (wife), ul. Komarova, 48, Kishinev 277020, Moldavskaya SSR, Soviet Union; b. July 17, 1953; 3 children.

Arrested: December 12, 1981. Sentence: 3 years ordinary.

Pugachev, Mikhail Artemovich.

Home address: Margarita Genrikhovna Pugacheva (wife), ul. Ufimskaya 113, g. Davlekanovo, Bashkirskaya ASSR 452120, Soviet Union; b. November 15, 1935; 10 children.

Arrested: December 17, 1981.

Pushkov, Yevgeny Nikiforovich.

Home address: Lubov Pavlovna Pushkova (wife), ul. Krasnaya, 3, g. Khartsyzsk, Donetskaya oblast 343770, Soviet Union; b. March 16, 1941; 7 children.

Camp address: YuYe 312/2-1 "A"-10, g. Dzerzhinsk-2, Donetskaya oblast 343550, Soviet Union. Arrested: May 1, 1981. Sentence: 3 years ordinary.

Razumovsky, Aleksandr Yevgenievich.

Home address: Taisa Aleksandrovna Razumovskaya (mother), ul. Chapayeva 15, Besh-Bola, Bamvininsky s/s, g. Fergana, Soviet Union; b. September 29, 1958.

Arrested: April 17, 1982.

Redin, Anatoly Sergeyevich.

Home address: Aleksandra Egorovna Redina (wife), ul. Chapayeva, 94, pos. Kan-

ishcheva, g. Ryazan 391001, Soviet Union; b. January 19, 1931; 8 children.

Camp address: p/ya AV 261/5-6, g. Susuman, Magdanskaya oblast 681310, Soviet Union. Arrested: April 15, 1981. Sentence: 5 years ordinary + confiscation.

Rubienko, Anatoly Timofeyevich.

Home address: Lubov Yakovlevna Rublenko (wife), ul. Shefskaya, 34, g. Nikolayev 327037, Soviet Union; November 25, 1949; 3 children.

Arrested: February 3, 1982. Sentence: 6 years strict + 3 years exile.

Rumachik, Pyotr Vasilievich.

Home address: Lubov Vasilievna Rumachik (wife), ul. Bolnichnaya, 13 kv. 51, g. Dedovsk, Moskovskaya obl. 143530, Soviet Union; b. June 15, 1931; 6 children.

Camp address: p/ya YaG 14/1-1, g. Nerchinsk 673420, Chitinskaya oblast, Soviet Union. Arrested: August 15, 1980. Sentence: (5th) 5 years strict.

Rymar, Vladimir Ulyanovich.

Home address: Pelageya Vasilievna Rymar (wife), ul. Pushkina, 12, g. Khotin, Chernovitskaya oblast, Soviet Union; b. August 8, 1936.

Camp address: US 319/56 12-120, s. Perekrestovka, g. Romny, Sumskaya oblast, Soviet Union. Arrested: end of 1980. Sentence: 2.5 years ordinary.

Rusnak, Nikolai Petrovich.

Home address: Evdokia Matveyevna Rusnak (wife), s. Komarovo, Kelmenetsky raion, Chernovitskaya oblast 275126, Soviet Union; b. February 3, 1954; 2 children.

Arrested: February 21, 1982. Sentence: 3 years ordinary.

Rytikov, Pavel Timofeyevich.

Home address: Galina Yurievna Rytikova (wife), ul. Podgornaya, 30, g. Krasnodon, Voroshilovgradskaya obl. 349340, Soviet Union; b. July 20, 1930; 10 children.

Camp address: YaTs 34/17-8, g. Surgut-2 p/ya, Tyumenskaya obl., Soviet Union. Arrested: August 23, 1979. Sentence: (2nd) 3 years strict.

Rytikov, Vladimir Pavlevich.

Home address: Galina Yurievna Rytikova (mother), ul. Podgornaya, 30, g. Krasnodon, Voroshilovgradskaya obl. 349340, Soviet Union; b. September 1, 1959.

Camp address: ul. Lytkina 66 Kh/0, g. Tulun, Irkutskaya obl. 665210, Soviet Union. Arrested: August 23, 1979. Sentence: 3 years ordinary.

Ryzhuk, Vasili Fedoseyevich.

Home address: Ludmila Ivanovna Ryzhuk (wife), ul. Krasnoarmeiskaya, 7, pos. Nakhabino, Moskovskaya obl. 143430, Soviet Union; b. May 18, 1930; 6 children.

Camp address: barak 3, kom. 2, Khimzavod SK-1, g. Belorechensk, Krasnodarsky krai 352604, Soviet Union. Arrested: April 6, 1980. Sentence: (4th) 3 years strict.

Saveleva, Valentina Ivanovna.

Home address: Yulia Pavlevna Saveleva (mother), ul. Burovoi, 24, g. Budennovsk, Stavropolsky krai, Soviet Union; b. December 4, 1954.

Arrested: January 26, 1982.

Savin, Aleksandr Anatoliyevich.

Home address: Nina Vasiliyevna Savina (mother), ul. Pashkovskogo, 52, kv. 3, g. Zhadanov, Donetskaya oblast, Soviet Union; b. April 23, 1958.

Camp address: p/ya YuK-25/4 "Ye" g. Orenburg 460053, Soviet Union. Arrested: August 16, 1979. Sentence: 3 years ordinary.

Seifert, Yuri Ottovich.

Home address: Ekaterina Seifert (wife), ul. Ostrovskogo, 28, g. Makinsk, Tselinogradskaya obl. 474010, Soviet Union; b. May 20, 1947; 3 children.

Camp address: UG 157/9 otr. 2 br. 12, g. Gur'ev, Gur'evskaya obl., Kazakhskaya SSR 465050, Soviet Union. Arrested: March 24, 1981. Sentence: 2.5 years ordinary.

Sheshenko, Vasily Makarovich.

Home address: Ekaterina Trofimovna Sheshenko (wife), ul. Borovaya, 46, g. Sumy, Sumskaya obl. 244023, Soviet Union; b. March 7, 1924.

Camp address: UL 314/23 otr. 9, pos. Chernukhino, g. Debaltseva, Voroshilovgradskaya oblast, Soviet Union. Arrested: January 11, 1981. Sentence: 3 years strict.

Shevyakov, Ivan Ivanovich.

Home address: Vera Ivanovna Shevyakova (wife), ul. Kalinina, 37, g. Kizlyar, Dagestanskaya 368800, Soviet Union; b. September 28, 1929; 5 children.

Arrested: March 4, 1982.

Shkarovsky, Anatoly Sergeyevich.

Home address: Vera Pantileyevna Shkarovskaya (mother), Kievskaya shosse, 54 kv. 193, g. Poltava, 314021, Soviet Union; b. October 15, 1955.

Settlement address: "Nariz", pos. Olkhovka, Permskaya oblast 618607, Soviet Union. Arrested: August 24, 1980. Sentence: 3 years ordinary.

Shkarovsky, Pavel Sergeyevich.

Home address: Tatyana Ivanovna Shkarovskaya (wife), per. Deputatsky, 5, g. Poltava, Poltavskaya oblast 314032, Soviet Union; b. September 7, 1953; 2 children.

Camp address: YuYe 312/1 1-17, pos. Mirnoye, Telmanovsky raion, Donetskaya oblast 342228, Soviet Union. Arrested: August 24, 1980. Sentence: 2.5 years ordinary.

Shkivavy, Bogdan Vasilievich.

Home address: Lubov Aleksandrovna Shkivavaya (wife), ul. Grinchenko 171, g. Dnepropetrovsk, 320024, Soviet Union; b. April 5, 1932; 1 child.

Arrested: March 28, 1982.

Shubinin, Aleksandr Nikitovich.

Home address: Praskovya Pavlevna Shubinina (wife), ul. Bumashevskaya, 42 kv. 87, g. Izhevsk, Udmurtskaya ASSR, Soviet Union; b. February 23, 1921.

Camp address: p/ya UKh 16/3 "B", g. Omsk 644042, Soviet Union. Arrested: June 1, 1981.

Sidorova, Andezhda Pantileyevna.

Home address: Yelizaveta Alekseyevna Sidorova (mother), ul Transportnaya, 33 kv. 64, g. Novokuznetsk-35, Kemerovskaya obl. 654035, Soviet Union; b. July 23, 1951.

Camp address: UO 68/3 br. 18, g. Ust Labinsk, Krasnodarsky krai 352310, Soviet Union. Arrested: June 18, 1980.

Sidorova, Vera Pantileyevna.

Home address: Yelizaveta Alekseyeva Sidorova (mother), ul. Transportnaya, 33 kv. 64, g. Novokuznetsk-35, Kemerovskaya obl. 654035, Soviet Union; b. November 12, 1948.

Camp address: UO 68/3 br. 8, g. Ust Labinsk, Krasnodarsky krai 352310, Soviet Union. Arrested: June 18, 1980.

Skornyakov, Yakov Grigoriyevich.

Home address: Nina Stepanovna Skornyakova (wife), 3-i Trudovoi per., 19, g. Dzhambul, Dzhambulskaya oblast 484002, Kazakhskaya SSR, Soviet Union; b. August 8, 1928; 9 children.

Camp address: uchr. ZhD 158/4 "Zh", g. Dzhambul 484049, Soviet Union. Arrested: July 4, 1978. Sentence: (2nd) 5 years strict.

Sysoyev, Konstantin Aleksandrovich.

Home address: Nadezhda Ivanovna Sysoyeva (wife), ul. Kotovskogo, 41, g. Kirovograd 316013, Soviet Union; b. March 5, 1954.

Camp address: YeCh 325/68 1-62, s. Tagancha, Kanevsky raion, Cherkasskaya oblast 258323, Soviet Union. Arrested: July 29, 1981. Sentence: 1 year ordinary.

Tashka, Vasily Nikolayevich.

Home address: Ivan Nikolaevich Tashka (brother), ul. Pochtovaya, 84, g. Kishinev, Moldavskaya SSR 277031, Soviet Union; b. July 20, 1952.

Camp address: p/ya "G", g. Kishiniev 277012, Soviet Union. Arrested: June 21, 1980. Sentence: 3 years ordinary.

Tevs, Maria Petrovna.

Home address: Ekaterina Isakovna Tevs (mother), s. Apollonovka, Isilkulsky raion, Omskaya oblast 646013, Soviet Union; b. May 30, 1953.

Camp address: p/ya YaV 48/5 otr. 5, g. Chelyabinsk 454014, Soviet Union. Arrested: May 14, 1981. Sentence: 4 years ordinary.

Trifon, Konstantin Semyonovich.

Home address: Vera Konstantinovna Trifon (mother), ul. Bolnichnaya 76, pos. Strasheny, Moldavskaya SSR, Soviet Union; b. December 2, 1961.

Camp address: OR 318/76 otr. 9, st. Rafalovka, Rovenskaya oblast 265968, Soviet Union. Sentence: 3 years ordinary.

Tsapko, Vitaly Dmitrievich.

Home address: Olga Stepanovna Tsapko, (wife), ul. Shevchenko 98, kv. 55, g. Nikopol, Dnepropetrovskaya oblast, Soviet Union; b. 1982.

Arrested: May 13, 1982. Sentence: 2.5 years ordinary.

Tsera, Ivan Dmitriyevich.

Home address: Anna Mikhailovna Tsera (wife), ul. Kurskaya, 4 kv. 3, g. Chernovtsy, Chernovitskaya oblast, Soviet Union; b. March 30, 1950; 3 children.

Camp address: pos. Dalny 46, p/o Krutoborka, Ust-Kulomsky raion, Komi ASSR 168233, Soviet Union. Arrested: July 27, 1980. Sentence: 2 years ordinary.

Turkevich, Vasily Tarasovich.

Home address: s. Ostra, p/o Drachentsy, Kitsmansky raion, Chernovitskaya oblast 274000, Soviet Union; b. February 11, 1959.

Arrested: February 21, 1982. Sentence: 3 years ordinary.

Tverdy, Mikhail Sergeyevich.

Home address: Nina Georgievna Tverdy (wife), ul. Osipenko, 5, pos. Bargashy, Kurganskaya oblast 641230, Soviet Union; b. 1939; 6 children.

Camp address: uchr. IZ 43/1 Kh.O., g. Kurgan-8, Kurganskaya oblast 640008, Soviet Union. Arrested: March 22, 1982. Sentence: 1 year ordinary.

Ursul, Pyotr Vasilievich.

Home address: Galina Dmitrievna Ursula (wife), ul. Miliyevskaya, 4 kv. 1, g. Chernovitsy, Chernovitskaya obl. 274004, Soviet Union; b. June 2, 1951; 2 children.

Camp address: OR 318/76-8, s. Rafalovka, Rovenskaya oblast 265968, Soviet Union. Arrested: January 16, 1981. Sentence: 2.5 years ordinary.

Usoltseva, Nina Anotnovna.

Home address: Olga Petrovna Usoltseva (mother), ul. Tankistov, 161, g. Chelyabinsk, Chelyabinskaya obl. 454085, Soviet Union; b. March 14, 1956.

Camp address: p/ya UO 68/3 br. 24, g. Ust Labinsk, Krasnodarsky krai 352310, Soviet Union. Arrested: June 18, 1980. Sentence: 3 years ordinary.

Varaksa, Nikolai Denisovich.

Home address: ul. Arkhangelskaya, 3, g. Rostov-na-Donu, Rostovskaya obl. 344074, Soviet Union; b. December 12, 1955.

Arrested: March 19, 1982. Sentence: 2.5 years ordinary.

Varavin, Vitaly Fedorovich.

Home address: Lubov Vladimirovna Varavina (wife), Pridopozhanya alleya, 1/153 kv. 294, g. Leningrad, Soviet Union; b. march 16, 1959; 3 children.

Arrested: February 19, 1982. Sentence: 4 years intensified.

Vilchinskaya, Galina Vladimirovna.

Home address: Zinaida Yakovlevna Vilchinskaya (mother), ul. Laxo, 20, g. Brest, Byelorussia 224007, Soviet Union; b. August 4, 1958.

Camp address: p/ya 267/10 br. 2 otr. 20, s. Gornoye, Mikhailovsky raion, Primorsky krai 692564, Soviet Union. Arrested: August 23, 1979. Sentence: 3 years ordinary.

Vlasenko, Vladimir Mifodievich.

Home address: Ludmila Pavolovna Vlasenko (wife), ul. Kotsyubinskogo, 42 kv. 2, g. Nikolayev 327037, Soviet Union; b. December 14, 1954; 2 children.

Arrested: February 3, 1982. Sentence: 4 years ordinary + 2 years exile.

Volkov, Nikolai Ilich.

Home address: Valentina Stepanovna Volkova (wife), ul. Menzhinskogo, 41 kv. 1, g. Novorossiisk, Krasnodarsky krai 353906, b. May 15, 1933; 6 children.

Camp address: p/ya YaD 40/5 "B", pos. V. Markha, g. Yakutsk, Yakutskaya 677023, Soviet Union. Arrested: June 18, 1980. Sentence: ——.

Volkov, Sergei Nikolayevich.

Home address: Olga Petrovna Volkova (wife), ul. Menzhinskogo, 41 kv. 1, g. Novorossiisk, Krasnodarsky krai 353906, Soviet Union; b. January 24, 1957; 2 children.

Camp address: UO 68/19 br. 113, pos. Pervomaisky, Kurganinsky raion, Krasnoyarsky krai 352415, Soviet Union. Arrested: June 18, 1980. Sentence: 3 years ordinary.

Votchel, Mikhail Ivanovich.

Home address: Evgenia Genrikhovna Votchel (wife), ul. Chekhova, 14, g. Kizlyar, Dagestanskaya ASSR 368800, Soviet Union; b. December 14, 1935; 7 children.

Arrested: April 6, 1982.

Wall, Johann Abramovich.

Home address: Elena Korneyevna Wall (wife), s. Apollonovka, Isil'kul' sky r-n, Omskaya obl. 646013, Soviet Union; b. March 12, 1923; 9 children.

Camp address: p/ya UB 14/13 otr. 9 br. 90, g. Gorno-Altaisk, Altaisky krai 659700, Soviet Union. Arrested: March 17, 1981. Sentence: (3rd) 6 years strict.

Wiebe, Genrikh Aaronivich.

Home address: Lydia Nikolayevna Wiebe (wife), ul. Sovietskaya, 80, s. Lyuksemburg, Kantsky raion, Kirgizhiya 722157, Soviet Union; b. June 12, 1936.

Camp address: p/ya 36/1 12-124, Moldovanovka, Almedinsky raion, Kirghiziya 722179, Soviet Union. Arrested: June 3, 1980. Sentence: 3 years ordinary.

Yatsyuk, Vasili Ivanovich.

Home address: Galina Milentyevna Yatsyuk (wife), ul. 50-ti letiya SSSR, 105 kv. 2, g. Lutsk, Volynskaya oblast 263002, Soviet Union; b. April 27, 1943; 4 children.

Camp address: YeCh 325/68 8-84, pos. Tagnacha, Kanevsky raion, Cherkasskaya oblast 258323, Soviet Union, Arrested: November 13, 1981. Sentence: 2.5 years ordinary.

Yudintseva, Galina Ivanovna.

Home address: Ivan Yakovlevich Yudintsev (father), ul. Suzdal 'skaya, 64 "a", g. Gorky, Gorkovskaya obl. 603058, Soviet Union; b. October 20, 1938.

Camp address: USh 349/9, g. Kamishlov, Sverdlovskaya obl. 623538, Soviet Union. Arrested: January 19, 1980. Sentence: 3 years ordinary.

Zaitseva, Larisa Abramovna.

Home address: Anastasia Yakovlevna Zaitseva (mother), ul. Abakanskaya, 75, g. Rostov-na-Donu, Rostovskaya oblast 344074, Soviet Union; b. Januasry 22, 1951.

Camp address: p/ya 385/14, st. Potma, Mordovskaya ASSR, Soviet Union. Arrested: September 30, 1981. Sentence: 1.5 years ordinary.

Zhurba, Grigory Mikhailovich.

Home address: Ekaterina Fedorovna Zhurba (wife), ul. Lugovoi, 139, g. Nikopol, Dnepropetroskaya oblast 322908, Soviet Union; b. April 14, 1926.

Camp address: uchr. YaYa 310/77 "D", g. Berdyansk, Zaporozhskaya oblast 332440, Soviet Union.●

EMPLOYMENT AND TRAINING

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Ms. FERRARO. Mr. Speaker, for the third year in a row the President has proposed a budget which makes women bear the brunt of his cuts. In employment opportunity, jobs for the elderly, legal services, and mass transit, women would suffer the most.

These cuts, and their effect, are laid out clearly in the budget analysis of the Women's Research and Education Institute. Here is that analysis:

EMPLOYMENT AND TRAINING

Job Training Partnership Act (JTPA).—Despite extremely high unemployment rates projected to drop only slightly in FY84 (averaging 10.7 in 1983), funding levels for JTPA programs in the Administration's budget are substantially lower than the levels for comparable training and employment programs in 1983. Women had made substantial inroads in government-sponsored employment and training programs under CETA, and their unemployment characteristics make them suitable candidates for many of the programs that may be developed under the JPTA. However, the magnitude of the unemployment problem, coupled with the reductions in funds for the relevant programs, may jeopardize the progress that women had made under CETA programs. (The public service employment programs that many women found attractive were terminated at the end of FY81.)

Senior community service employment program (SCSEP).—In previous years, the Administration has proposed eliminating this program that provides part-time employment to nearly 58,000 economically disadvantaged older persons, two-thirds of whom are women. Few of the SCSEP participants have skills or characteristics that appeal to employers in the private sector. For FY84, the Administration would combine funds for this program with funds for general social services and meals for the elderly, at a reduced level of funding for the combined programs. Growing demands for services, and meals, especially if COLA delays in other programs are approved, could well result in a significant reduction in the number of elderly who are provided with employment opportunities.

Work incentive program (WIN).—WIN, a program designed to assist welfare recipients in securing employment (and getting off welfare) would be abolished by the Administration. Three-fourths of the participants in this program have been women. Although some of the achievements of the program have been overstated, it has not been the failure implied by the Administration; many women have benefited from WIN participation. AFDC recipients could be served instead in programs developed under the Job Training Partnership Act if local service delivery areas do, in fact, regard them as a target group.

LEGAL SERVICES

As it did last year, the Administration seeks entirely to eliminate federal funds for Legal Services.

Women are two-thirds of legal services clients. In FY81 (when Legal Services were funded at over $300 million), the Legal Services Corporation estimated that only about 15 to 20 percent of the legal needs of America's poor were being met. Since then, the number of legal services lawyers has reportedly shrunk by more than 25 percent and about one in five community legal services offices has closed.

The Administration suggests that "the social services block grant includes adequate authority to fund legal services activities that the States wish to provide for their citizens." While the social services block grant does provide the authority, the Administration would reduce FY84 outlays for this block grant in both current dollars (−2.8 percent) and '83 dollars (−7.4 percent). It is hard to see how the states could provide legal services with block grant funds unless they made substantial cuts in other needed services for poor people. (See discussion of the social services block grant elsewhere in this Alert.)

The Administration has also suggested that attorneys in the private sector can increase their pro bono work on behalf of the indigent. While there has been some positive response in the legal community to last year's severe cuts in Legal Services funds, there is no evidence—and it seems unrealistic to expect—that pro bono work can compensate to any significant degree for the elimination of publicly funded legal services.

OPERATING SUBSIDIES FOR MASS TRANSIT

The Administration proposes to eliminate federal subsidies for mass transit operating costs as of 1985.

Women should be greatly concerned about this proposal because they depend more than men do on public transportation. For example, women in general are far more likely than men to use public transit to get to work; women who head families are more than twice as likely as all workers to commute to work by public transit.

A survey by the American Public Transit Association found that all but a handful of the public transit systems responding foresaw serious consequences for fares, or service, or both, if federal subsidies were to be eliminated. Sixty-seven percent reported that they would have to cut services "considerably"; 89 percent reported that they would be forced to raise fares "considerably"—on the average, by about 90 percent over 1981's average fares. Three systems were virtually certain that they would have to go out of business altogether.

The impact of these developments on the pocketbooks and job opportunities of low-income working women would be severe. Poor and near-poor elderly women, who substantially outnumber their male counterparts in cities, could find themselves increasingly isolated and immobilized.

FACTSHEET

FEDERAL ASSISTANCE FOR LOW-INCOME HOUSING IS A WOMEN'S ISSUE

Women head the largest and poorest proportion of all households now living in federally assisted housing.

Women head two-thirds of all households in assisted housing.

Women head nearly four-fifths (79 percent) of the poorest households in assisted housing.

The median income of female-headed families in assisted housing is 56 percent of the median income of other families in assisted housing. Women living alone have the lowest income of all householders in assisted housing.

Women are the majority of elderly householders in assisted housing.

82 percent of elderly householders in public housing live alone.

80 percent of all elderly people living alone are women.

71 percent of the elderly poor are women.

Women are estimated to head three-fourths of all eligible households waiting for public housing vacancies or unable to find suitable units in rent-subsidized housing.

Nationwide as many as 900,000 households may be on waiting lists for vacancies in public housing alone.

Private-sector rental housing for low-income households is in very short supply.

There are more than 9 million renter households with incomes of less than $7,000; 60 percent of these households are headed by women.

Using the traditional standard of 25 percent of income as an appropriate level of rent,[1] these households should pay no more than $146 per month.

There are fewer than 4½ million units renting for less than $150 per month.

In a survey of 100 cities by the U.S. Conference of Mayors, "city after city noted that vacancy rates are below 3 percent, in many cases hovering between 1 and 2 percent." The vacancy rate in Los Angeles was reported by the New York Times to be less than 1 percent, and "even worse in low-income areas."

Households headed by women are at a disadvantage in the competition for affordable rental housing.

The median income of women householders who rent is much lower than that of other renter households.

Women householders typically pay a much higher percentage of their income for rent than other renter households. Elderly women pay the highest percentage of all.

Renter households	Median income	Annualized median rent	Percent of income paid in rent
Married couple families	$14,000	$3,216	21.58
Two or more person households headed by men	11,500	3,444	29.94
Men living alone	10,500	2,484	23.65
Two or more person households headed by women	7,600	2,880	37.89
Women living alone	6,700	2,544	37.97
Women over 65 living alone	5,100	2,004	39.29

Renter families headed by women are more likely to include children; 80 percent include one or more children under 18, compared with 55 percent of married couple renter families; 47 percent include two or more children under 18, compared with 32 percent of married couple renter families.

Thus, female-headed families are more likely to need larger units but much less able to afford them.

Median rent by number of bedrooms in unit	Median monthly rent	Annualized
None	$167	$2,004
1 bedroom	218	2,516
2 bedrooms	257	3,084
3 bedrooms	285	3,420

Moreover, children are prohibited or restricted in many rental buildings. About ¼ of all rental units are in buildings that bar children; another ⅛ are in buildings that place limitations on the number and/or ages of children, or on where families with children can live.

Sources.—U.S. Bureau of the Census reports published in 1980 and 1981; National Low Income Housing Coalition; United States Conference of Mayors; and U.S. Department of Housing and Urban Development. For detailed sources, contact WREI at (202) 546-1090.●

[1] Important: Please note that throughout this fact sheet, "rent" refers to "gross rent" as defined by the Annual Housing Survey; that is, it includes the cost of utilities and fuel.

ACCELERATING FEDERAL RESEARCH IN SPINAL CORD INJURY AND PARALYSIS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. WALGREN. Mr. Speaker, today I am introducing a bill that I hope will encourage the National Institutes of Health to accelerate its research into cures for spinal cord injury and paralysis.

My bill would create an interagency committee on spinal cord injury to plan and coordinate Federal research on spinal regeneration and would earmark $16 million to $20 million for 1983 to 1985 for research.

Last year, an amendment similar to this bill was incorporated into the NIH reauthorization bill, H.R. 6457, which was approved by the House, but not acted on by the Senate.

Over 500,000 Americans are now paralyzed because of spinal cord injuries; 7,000 came home from Vietnam in wheelchairs. We must all be ever mindful that we are all temporarily able bodied—it can happen to anyone, any time, from incidences like an automobile accident or a fall in the home. Many of the injured are young men who get hurt from sports accidents.

Spinal cord injury and paralysis have profound personal and financial consequences for an individual and his or her family. The estimated total cost to individuals and to the Government ranges from $3 to $6 billion a year. Several years ago, the Council of State Administrators of Vocational Rehabilitation testified on the cost:

Medical, rehabilitation and related costs for one severe case can exceed $60,000. Lost earnings during the rehabilitative process varies, but $25,000 is a reasonable amount. The difference in earning rate after the individual returns to employment, compared to the amount he or she earned prior to the accident also varies, but $6,000 per year is not uncommon. In such a hypothetical severe case, the costs, and the loss of income associated with an individual injured at age 25 and who retired at age 65, would be over $300,000.

In 1980, President Carter established an Interagency Task Force on Spinal Cord Injury to coordinate the efforts of Federal agencies and to stimulate the development of new initiatives in this area. Despite compelling need, the Reagan administration has not continued this committee. My bill would insure the continuation of this committee by mandating it by law.

I hope that this bill will help us focus on exactly what Federal and other resources are being devoted to the varied aspects of spinal cord injury—health, education, training, accessibility, housing, rehabilitation.

The text of the bill follows:

H.R. 52

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 431 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following:

"(c)(1) The Secretary shall establish in the National Institute of Neurological and Communicative Disorders and Stroke an Interagency Committee on Spinal Cord Injury to plan, develop, coordinate, and implement comprehensive Federal initiatives in research on spinal cord regeneration.

"(2) The Committee shall consist of individuals from the—

"(A) National Institute of Neurological and Communicative Disorders and Stroke,

"(B) Department of Defense,

"(C) Department of Education,

"(D) Veterans' Administration,

"(E) Office of the Science Advisor to the President, and

"(F) National Science Foundation,

selected by the heads of such entities.

"(3) The Committee shall meet at least four times a year. The Secretary shall designate the Chairman from the representatives of the Committee selected under paragraph (2). The Secretary shall make such designations so that a representative from each agency referred to in paragraph (2) will serve as Chairman of the Committee. The Chairman shall serve for a term of one year.

"(4) Not later than 120 days after the end of each fiscal year the Committee shall report to Congress on its activities in the fiscal year. The report shall include a description of research projects on spinal cord regeneration conducted or supported by Federal agencies in the fiscal year for which the report is made, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project.

"(5) The Committee shall terminate September 30, 1986.

"(6) There is authorized to be appropriated $16,000,000 for fiscal year 1984, $18,000,000 for fiscal year 1985, and $20,000,000 for fiscal year 1986 for basic and clinical research by the National Institute of Neurological and Communicative Disor-

ders and Stroke in the area of spinal cord regeneration.".

TECHNOLOGICAL ADVANCES OFFER HOPE

One relatively new, emerging aspect of rehabilitation for spinal cord injured people is the use of computers and other technology to help injured and paralyzed people be more mobile. A November 7 "60 Minutes" program featured a Wright University project in which a computer supplied electrical signals directing the person's muscles to move.

I am pleased to share with my colleagues an article from the November 21, 1982, Cleveland Plain Dealer that discusses some recent advances in this area, activities that I would hope the Federal Government could in some way encourage and support.

The article follows:

THE HARD JOB OF WALKING

(By Elizabeth Price)

Bassam Khawam, 23, paralyzed from the bottom of his rib cage to his toes, slowly stood up out of his wheelchair. Holding on gently to an aluminum walker, he shifted his weight from one foot to the other, then took a step.

At Cleveland Veterans Hospital's gait lab, Khawam's doctor and the biomedical engineers working with him see Khawam's ability to stand and move forward as another building block in research they have been engaged in for years with Case Western Reserve University's School of Medicine.

The Cleveland team has not sought publicity outside scientific circles about its work with paraplegics. By contrast, Dr. Jerold Petrofsky, a biomedical engineer and physiologist at Wright State University in Dayton, invited the media to a Nov. 11 press conference in his lab to witness the steps of one of his paralyzed patients, Nan Davis, 22, of St. Marys, O.

Both Petrofsky and the Cleveland researchers were using a computer, stimulator and electrodes to send electrical impulses directly to their patients' paralyzed muscles, taking over the normal function of their brains and nervous systems. When the spinal cord is injured, the brain and the part of the body below the injury cannot communicate.

Petrofsky has been criticized by some researchers for downplaying the major obstacles to getting a paraplegic to walk outside a research lab.

"While we have a very strong belief in (the potential of electrical stimulation of paralyzed muscles), we didn't want to get large numbers of people excited about it until it was far enough along that we had patients functioning in the lab," said Dr. E. Byron Marsolais, chief of rehabilitation medical services at Cleveland Veterans Hospital. Marsolais, an orthopedic surgeon and engineer, has worked in this field for 12 years, and still makes no promises.

One obstacle is balance. How will a paralyzed person maintain his balance when the muscles and nerves below his spinal cord injury cannot communicate with his brain? Paraplegics cannot keep from falling when standing or moving; like Khawam, they must hold onto a walker for stability.

Another major unanswered question is: What kind of damage, if any, is being done to the skin, joints and bones when electrical impulses make muscles move?

Marsolais explained that a paralyzed person, walking with shoes on, for example, cannot feel a blister, a sprained ankle or a strained muscle. Bones can be broken and joints damaged from the strong contractions of muscles as the person stands and takes steps.

These problems and others have eluded solution in the last 20 years, even as scientists have made great progress at helping paralyzed people move.

Progress hasn't been fast enough for the Spinal Cord Society in Fergus Falls, Minn., which has funded most of Petrofsky's work in the past year. The group says it seeks cure of spinal cord injuries, not merely care of patients.

Dr. Charles Carson, a scientist who is president of the society, said it has given Petrofsky more than $90,000 in the last six months, and will give him more.

"Petrofsky's contribution is not something brand-new, but he is pushing it to its limits very rapidly," said Carson, who helped start the society in 1978. "We have never funded anyone else because we have never found anyone else willing to push it quite so vigorously."

The society's primary criterion for funding scientific research is how immediately beneficial it will be to people with spinal cord injuries, according to Carson.

The group is not interested in research that promises results "30 years down the road. That's almost as bad as wheelchair basketball. We want to fund those projects with a near-term human application," he said.

Carson said Petrofsky's funding and the national publicity he has gotten have made other scientists jealous and more competitive.

His group, he said, is "like the Communists, I suppose. We've taken a crafty look at these guys, to stimulate competition among them . . . These poor guys. They sit in their labs, and no one is interested in them . . . After a while it gets to be pretty discouraging. We've kind of broken through this with Petrofsky."

Petrofsky was at a scientific meeting in London last week. At his press conference, he gave credit to scientists in Cleveland, Chicago and Yugoslavia for important research. He said he does believe his "closed-loop" technique—in which the computer both gives stimulation to and receives information from the muscles—is a first.

The first reported case of a paraplegic standing dates to 1963, when Dr. Adrian Kantrowitz and his colleagues at Maimonides Hospital in Brooklyn got a paraplegic man to rise from his wheelchair and sit back down, using electrical stimulation of muscles in his buttocks and thighs.

Petrosfsky's work "has been labeled a breakthrough. I don't think it was a breakthrough. I thought it was very nice that they have caught up to where we were 20 years ago," said Kantrowitz, now of Sinai Hospital in Detroit.

"There is a great deal of work that needs to be done before this is practical . . . It is not right to mislead people," he added. "What he did was gross movement (of muscles), and what we did was gross movement. All that proves is that you can make those muscles work."

How can electrical stimulation best be used to make paralyzed muscles work again? Scientists at the Applied Neural Control Laboratory of the department of biomedical engineering at CWRU's medical school have been studying that question for some 20 years.

Much of what they have learned has been applied by others, including Marsolais and Petrofsky. But most scientists agree that researchers in Ljubljana, Yugoslavia, have made the greatest progress toward practical application of the research.

Several scientists have seen videotapes of paraplegics standing and walking in Yugoslavia. Dr. James B. Reswick, a former Cleveland resident, has personally seen their work, as recently as last summer.

"They now have an Austrian patient, about 21 or 22, who is able to walk using canes," said Reswick, now senior scientist at the National Institute of Handicapped Research in the U.S. Department of Education, Washington, D.C.

The man wears a microcomputer strapped to his waist, and wires and electrodes run down his legs, attached to his skin, Reswick said. The patient can control his movements with the microcomputer.

Reswick said he is ambivalent about the publicity given Petrofsky's work. He said he fears false hopes will be raised, but noted that "to get national attention to this area (is helpful toward) getting government support and congressional support."

A key Yugoslav researcher, Prof. Alojz Kralj of Edvard Kardelj University in Ljubljana, spent eight months in Chicago in the past year, teaching researchers at the Illinois Institute of Technology (IIT) how to stimulate paraplegics' muscles.

In March, the first paraplegic stood and took a few steps, according to Dr. Robert Jaeger of the Pritzker Institute of Medical Engineering at IIT. Now, two can stand and take "primitive steps on the parallel bars," he said. Three others can stand.

Jaeger added that in the last three months, an intense psychological program has been begun at IIT to try to get truly informed consent from patients involved in the research.

"How do you invite them to take part in the research so that their hopes aren't built up? . . . These people stop listening when you say this is experimental, and they think they are going to walk out of the lab. It's a big problem," Jaeger said.

One roadblock to practical use of electrical stimulation is lack of reliable equipment, Jaeger pointed out.

"It's very important that a reliable way (be developed) so that it works every time it comes on, and in the same manner each time," he said.

The area of sensory feedback from the stimulated muscles needs much more work, too, he said.

Uninjured persons can feel where their legs and feet are without looking at them: They can tell when they are going up or downhill, for example. A paralyzed person has no sensations to help him walk and maintain balance. A computer can process that information, but work must be done on getting the information to the computer.

"You don't walk with your head bent down looking where your feet are all the time," observed Jaeger. "I think this is not yet on the market, and not likely to be on the market in the next five years, and that's a conservative estimate. I think it's really possible. The fact that so many labs have been able to (get paraplegics to stand and take steps) means that it's possible."

Researchers at Rancho Los Amigos Rehabilitation Engineering Center in Downey, Calif., have been doing work similar to Petrofsky's for a half-dozen years or so, said Dr. Bruce Bowman, director of neuromuscular engineering. He noted that equipment to

stimulate muscles must be as inconspicuous as possible.

"You may find one (paraplegic) in a blue moon who will wear that hardware just to walk," Bowman said. "(But for most) it will end up in the closet."

He credits Petrofsky with developing a stationary bicycle and a tricycle that can be powered by paralyzed muscles and used for exercise.

Marsolais and others envision standing and walking by electrical stimulation of muscles as a supplement to wheelchair transportation. Petrofsky and Carson of the Spinal Cord Society see it as a replacement, and claim paraplegics will one day put aside their wheelchairs.

Carson believes Petrofsky's work will be practical and applicable within five years, and is a step in the direction of a cure. The ultimate goal is to bypass the injury to the spinal cord by using a computer to pick up signals from the brain and carry them to the paralyzed muscles, Carson said.

"He (Petrofsky) said, and I'm sure be means it, that the next step is to use the brain to program that baby (the computer)," said Carson. "Unless someone gets off the dime and does something, we'll be sitting here (in wheelchairs) 500 years from now."●

THE COST OF FINANCING THE ADMINISTRATION'S BUDGET MISTAKES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. ANNUNZIO. Mr. Speaker, there has been a great deal of discussion in recent weeks about the administration's budget proposal for fiscal year 1984. We have heard many people say many things about the proposed spending levels for our national defense and for domestic programs. The one item we have not heard much about is, somewhat surprisingly, the third-largest single outlay in the proposed budget—the sum set aside to finance the national debt.

That one pays dearly for the privilege of borrowing money to live beyond his means is a fact of modern life. Whenever a consumer buys a home or car on credit, he knows that the loan adds to the cost of his purchase. He also knows that each time he borrows, he digs himself deeper into debt. For the consumer, the hole can get just so deep because eventually the well runs dry.

Unfortunately, no one puts these restraints on the U.S. Government. It can borrow as much money as it wants for the well never runs dry. The hole just keeps getting deeper. But like the consumer, the Federal Government pays dearly for the privilege of borrowing to live beyond its means. Indeed, in the last 2 years, the cost of the Government's debt has skyrocketed.

By the end of 1982, the national debt had risen to $1.147 trillion. That was a 14.3-percent increase over the year before and a 25-percent increase over 1980. The national debt has increased by $232.7 billion since this administration took office.

And of course, the cost of maintaining that debt—the interest payment—has also increased dramatically. In 1982, the Federal Government paid $84.7 billion in interest. The interest figure was $52.6 billion in 1980. Thus, 1982's total represents a 61-percent increase in just 2 years. It was also the third-largest single item in the budget. The only things that the U.S. Government spent more money on in 1982 were defense and the social security programs.

The $84.7 billion the Government spent in interest in 1982 is more than it spent in that same year on energy, international affairs, agriculture, community and regional development, transportation, and veterans' benefits, combined. It is also 14.5 percent more than the $74 billion allocated for health care.

As you would expect, the huge deficits this administration has projected for the next 4 years mean that both the size of the national debt, and as a result, the amount of interest we pay, will only get larger.

The President's figures for 1983 are most alarming. The administration estimates that the national debt will be $1,383.7 trillion—a 20.6-percent increase over 1982. The interest payment for that year is estimated at $88.9 billion. Again, that is more than we will be paying for anything except defense and the social security programs.

And for the years that follow, the situation only gets worse. Even using the President's budget figures, the size of the national debt is estimated to be more than $2 trillion in 1986. The administration projects interest payments to go up to $122.7 billion—that means a 45-percent increase over the next 4 years.

Although it may be unfair to lay all the blame for this catastrophic situation at the administration's doorstep, it certainly deserves a great portion of it. One does not have to look hard for evidence to support that statement. Just considering some of the administration's more outrageous deficit-causing programs will do it.

We did not, for example, need tax cuts for the very rich. We did not need tax breaks for corporations. We do not need to eliminate the corporate income tax. We do not need MX missiles nor Dense Pack. We do not need B-1 bombers. We do not need the greatest peacetime military buildup in history.

These unnecessary programs are simply a waste of money. And financing them costs an incredible fortune. As we begin consideration of the President's budget proposal for fiscal year 1984, let us remember how much his past budget mistakes have cost us. And how much they are still costing us.●

DISABILITY INSURANCE AMENDMENTS OF 1983

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. FRANK. Mr. Speaker, today I am reintroducing in slightly revised form the disability amendments of 1983 legislation which will make much needed changes in the review of social security disability insurance cases.

Since Congress mandated in 1980 that all SSDI cases be reviewed every 3 years, then number of such reviews has grown dramatically. In fact, the Reagan administration decided to begin this increased review process in March 1981, well before the January 1982 startup which Congress had recommended in order to allow for planning and staffing requirements. The motivation for this decision was a clear example of budget cutting without sound thought or planning.

The results have been tragically chaotic: Nearly 50 percent of the cases reviewed have resulted in beneficiaries being dropped from the rolls. But approximately two-thirds of those who appeal their termination to an administrative law judge have had those decisions reversed, the highest reversal rate in history. Without doubt, the worst aspect of this process is that those who are reinstated lose their SSDI benefits and accompanying medicare coverage during the appeals process, which often takes up to a full year. For a disabled worker and his or her family entitled to these benefits, the strain of living without them is a cruel tragedy.

Because of the pain and suffering caused by the review process and the public outcry, Congress late last year passed Public Law 97-455. I wish to commend the chairman of the Social Security Subcommittee, J. J. PICKLE, for his concern for our disabled citizens and for his diligence in pressing for passage of this legislation during the difficult closing days of the 97th Congress. While I strongly supported this legislation, it was in some respects only a temporary answer; in other respects I believe the Congress should go further.

First, although Public Law 97-455 provided for the continuation of SSDI and medicare benefits during the appeals process, it did so only temporarily—for those whose termination decision is made before October 1, 1983. The Disability Amendments of 1983 would make this provision permanent. Like Public Law 97-455, my bill would

also provide that payments made during appeal would be subject to repayment if the termination is upheld, subject further to waiver for financial hardship or if the Secretary determines the appeal was made in good faith.

Second, this legislation deals with the fact that the standards for review are confused and often are in conflict among the various levels in the SSA adminstrative process. State agencies which administer the program under contract with SSA, often use standards which conflict with published SSA regulations, social security law, and Federal court decisions. Surely, this situation is indefensible.

Therefore, the bill requires SSA to promulgate, through the notice and comment procedures of the Administrative Procedures Act, uniform standards for disability determinations which would be applicable to all levels of decisionmaking and which would be in accordance with social security law. SSA would also be mandated to promulgate regulations governing the purchase and use of consultative examinations.

Third, although the recently passed law did deal with the question of procedures to be employed in reviewing disability claims, this bill would go somewhat further in defining beneficiaries' rights and would streamline the process in what I believe to be a preferable manner. Under Public Law 97-455, the so-called reconsideration level of appeal is done by the same State agency which made the original decision adverse to the claimant, although it is done by a different unit of the agency. This legislation would place the procedural safeguards before the initial adverse decision is made. The State agency, in making a preliminary decision prior to termination, would be required to notify the individual in clear language of the preliminary decision, the reasons for it and the evidence relief upon, and the rights the individual has to a personal (face to face) interview with the examiner and to present additional medical evidence. If after this review benefits are terminated, the next step, rather than reconsideration, would be an appeal directly to an administrative law judge. At that stage a hearing would take place at which new evidence could be introduced by the individual, a right which I believe to be critical if a fair and complete decision is to be made and one which is also recognized by Public Law 97-455.

Fourth, the bill provides that no disability benefits may be terminated unless SSA makes a showing that there has been a medical improvement in the beneficiary's case such that the individual is no longer disabled under the standards in effect at the time of the initial decision, or that the initial decision was clearly erroneous under those standards. This would not apply to cases terminated because of fraud or due to a finding that the individual has engaged in substantial gainful activity. Establishing this medical improvement standard is extremely important since many people have found themselves dropped from the rolls because standards have changed even though their medical condition has not changed. Such treatment is grossly unfair and must be eliminated. Unfortunately, Congress did not act on this particular matter last year.

Mr. Speaker, the anguish which has been wrought by the continuing disability investigation process must not be allowed to continue. Congress has made a constructive and worthwhile start of rectifying this problem. But we cannot stop there. The issues addressed in the disability amendments of 1983 must be dealt with if we are to complete the job we started in the 97th Congress—to bring equity and fairness to our disabled citizens.●

THE FAMILY FARMER—DOING WELL—AND LOSING MONEY

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. DORGAN. Mr. Speaker, the farmers of this country are in bigger trouble than at anytime since the Great Depression.

But their trouble is very different from that of other parts of the economy.

Nobody is berating our farmers for becoming sluggish and complacent, for falling behind the competition like our automobile and steel industries did. Nobody is bewailing our farmer's lack of productivity and shoving books on Japanese management into their faces.

American family farmers are our all-star economic performers. They are combining the most up-to-date methods with old-fashioned Yankee ingenuity and hard work to become the most efficient agricultural producers in the entire world. They are doing exactly what they are supposed to do.

And they are going broke.

Do we really have a "farm problem," or do our farmers have a "Washington problem?" Do we really have a surplus of crops or a deficit of wisdom about what to do with them?

The administration is about to embark upon the latest of a long and tired history of farm fix-up schemes coming from Washington. This one is called payment-in-kind, or PIK. Under the PIK program, farmers will agree not to grow a certain percentage of their normal crop. In return, they will get certificates for surplus crop in the Government reserve that they can sell or use as though it were their own.

The administration says that this PIK program will both draw down the surpluses and raise market prices. I hope so, for our farmer's sake.

Even if PIK does work—it is at best just a rickety bridge over a bad year. On the other side of this bridge, the old problems are waiting for us. Unless we confront our farmers' basic problems, we are going to be right back where we are now.

It does not take long to understand the farmer's problem. North Dakota wheat farmers who received $3.50 a bushel for wheat that costs them nearly $5.50 a bushel to grow are bound to be in financial trouble. The economists call this the "cost-price squeeze." Whatever you call it, it is a raw deal.

How did it happen?

When people talk about our "farm program," they usually mean the price supports and deficiency payments, the diversions and set-asides and other complicated arrangements about which most Americans know little and care less. But all those arrangements are not our real farm program.

Our real farm program is our policy concerning money and credit—how much there is and how much it will cost. Our real farm czar is not Agriculture Secretary John Block. Our real farm czar is Federal Reserve Board Chariman Paul Volcker. Against Mr. Volcker and his monetary policies, the rest of our official "farm program" is just a spit in the wind.

Over the past few years, Mr. Volcker has done what central bankers have endeavored to do in this country since the early days of the Republic. He has squeezed the supply of money and made credit tight and very, very expensive.

On farmers, the burden of this Federal Reserve Board policy has been crushing. Farm debt has gone up 50 percent over the last 5 years. Farmers are paying over five times the interest they were paying in 1967. Of every dollar a farmer gets for his grain, his creditors get 14 cents off the top. The creditors end up with a bigger share than the farmer himself does.

Meanwhile, farm incomes are lower in real dollars than they have been at any time since the Depression.

That is the real farm policy. And it is just the beginning of the woe the Federal Reserve Board has inflicted upon the American farmer.

When the Federal Reserve Board keeps money tight and interest rates high, the effects ripple far outside our borders.

These policies have, for one thing, been a wet blanket on the economy of the entire world. Developing countries in particular are gasping for their economic breath. Their debts are coming

due, the bankers are calling, and they have virtually no cash with which to buy our grains or any other products.

Bad enough. But read on.

The Federal Reserve Board's high interest rate policies also have made the U.S. dollar more attractive to international bankers and others who speculate in the currencies of different countries. These speculators are willing to pay more in terms of other currencies in order to get some of these dollars.

The news commentators call this a "strong dollar." We hear those words on the evening news, "The dollar was strong in trading today," and we feel a rush of pride. Whatever our other problems, the good old American dollar stands tall and strong in the eyes of the world.

But what does this "strong dollar" really mean?

For one thing, it means that when people in other countries want to buy something made or grown in America, they find themselves suddenly poorer. Their pesos, or yen, or marks, will buy them less in America than they will in other countries.

Progressive Farmer magazine has reported that world wide, our "strong dollar" has been jacking up the price of American farm products by 25 percent. In other words, potential foreign customers get socked with a 25-percent surcharge the moment they walk into the door. Not because our farmers are less efficient, but because the Federal Reserve Board has made our dollar—and hence our farmers' products—more costly.

Farm exports have dropped for the first time in 12 years. Is it any wonder?

"Strong dollar" my foot. This is a "Big Banker's dollar" for the farmers and other producers of this country who are trying to sell to other people in other countries.

The Federal Reserve Board is not the only player in our real farm policy. Our official foreign policy apparatus has also been doing an excellent job of undercutting our farmers.

The Carter administration, for example, decided it would try to embargo grain sales to the Soviets. This embargo had little noticeable effect upon the Soviets. It has a very noticeable effect upon farmers in other countries, who picked up the enormous new markets that our farmers now lost.

It was not just the Soviet market either. Nobody wants to do business with a supplier who does not deliver. Grain buyers throughout the world have become leery of us. When Alexander Haig and others in this administration started braying about new embargoes, they just made a bad export situation worse.

President Reagan is still, to this day, refusing to enter into a long-term grain agreement with the Soviets. Our President seems to think he is hurting the Soviets. The only people he is really hurting are the American farmers, who are losing markets that they need.

Mr. Speaker, I am not suggesting that if we just cleaned out the Federal Reserve Board and had a halfway decent export policy, then everything would be sunshine on the farm. It would not. To be a farmer is to be an expert in difficulty. But these difficulties can be manageable. The money and foreign trade policies of this Federal Government have turned farm difficulties into farm catastrophies.

Other Federal policies have been tending in the same direction.

The Federal income tax laws offer very big loopholes to rich lawyers, doctors, corporations and others who invest in farming as a tax shelter. These tax-loss farmers compete in the land market with real farmers and bid up the prices for land.

We hear a lot of talk in this town about farmers living high off the hog thanks to Federal farm programs.

The farmers in my part of the country would like very much to know where this big hog is because they are not getting very much of it—unless of course, you consider debt defaults, foreclosures, and red ink living high off the hog.

Sure, there are some very big farmers—and corporate farms—in this country that have gotten more from the Federal Government than they deserved. Just as there are medicaid doctors, defense contractors, and baloney-artist consultants who have taken Uncle Sam for a ride. I am for cracking down on all such abuse. Last year I tried, along with other House Members, to limit Federal farm dollars to those family farmers who really needed them.

But the fact remains that over all, the farmers of this country have been getting between 1 and 2 percent of their income from these Federal farm programs that supposedly are making them rich. That is a very small price to pay for the abundance we enjoy and for which our farmers are responsible.

It is very small compensation for the burdens the Federal Government has been heaping upon our farmers and for the obstacles it has been throwing in their paths.

Mr. Speaker, our farmers are not looking for a handout. I do not think there is a group in this country that works harder, that contributes more to our well-being, and that asks as little in return.

All our farmers ask for is a fighting chance. They ask for a dollar that is geared to the needs of real producers, not to the desires of the financiers. They ask for a Government that promotes rather than impedes their farm exports. They ask for other Federal policies that keep the playing field level rather than tilting it against them.

I think we owe them that much. I think we also owe them a price floor that at least insures the family farmer who is a good manager a chance to survive. And I think we must have loan deferrals for our good farmers who will go under without them. The high interest rates and low prices are driving many of our best young farmers off the land. These are tomorrow's producers and we cannot afford to lose them. They need some breathing room.

If this Government can bail out Communist countries like Rumania and Poland when they have debt problems, then it sure as heck can help our family farmers when they have debt problems.

If this Government can come to the rescue of the Bank of America and the Chase Manhattan when their foreign loans go bad, then it can provide a little breathing room to the family farmers of this country, especially when the money and trade policies of this very Government have put the farmers into their bind to begin with.

Over a century ago, President Abraham Lincoln warned us that "the money power of this country will endeavor to prolong its reign until all wealth is aggregated in a few hands and the Republic is destroyed."

That is precisely where the Federal Reserve Board is taking us today. Those with much are getting more and more, while those with less are losing what little they have. It is happening in the farm belt, and it is happening in America at large.

It is not fair and it is not the way this country was supposed to be. The Constitution entrusts the creation of money to the people's representatives in Congress and to them alone. It was wrong to hand this power—the most fundamental tool of economic policy—over to a clique of money center bankers elected by no one and called the Federal Reserve Board.

Mr. Speaker, money and credit should serve production. We will never have prosperity in this country unless we stop using money policy to beat our producers into the ground. Our real farm program is our monetary program. And the only successful farm policy will be a money and credit policy that serves the family farmers and all the real producers of this land and gives them a chance to survive.●

REAGAN BUDGET FREEZES WOMEN AND CHILDREN

HON. PATRICIA SCHROEDER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mrs. SCHROEDER. Mr. Speaker, last week the Women's Research and Education Institute of the Congressional Caucus for Women's Issues issued an alert on President Reagan's 1984 budget. The budget alert outlines how the Reagan budget freeze will affect women. I think it is must reading for every Member of Congress:

BUDGET ALERT

In its FY84 budget, the Administration proposes a federal spending freeze that would hold federal outlays for 1984 at the 1983 level, with a five percent inflation factor built in. This "freeze" applies to aggregate or total spending only and actually translates into a large increase for defense and further cuts in spending for domestic programs.

Women, particularly poor women with children, would bear the brunt of the cuts proposed by the Administration. These are the same people who were disproportionately affected by earlier reductions in spending for AFDC, medicaid, food stamps, child nutrition programs, and the like. The burden of the proposed freeze in cost-of-living adjustments (COLA's) for numerous federal benefits programs would fall heavily on the shoulders of the elderly poor, namely women, who depend on these programs to supplement their meager incomes.

State and local governments cannot be expected to compensate for federal cuts in health, education and social services programs. Hard hit by earlier federal cuts and economic hard times, most are struggling to keep their own budgets in balance. Although 40 states have raised taxes in the past two years, and at least 32 have cut spending, 41 states surveyed last November anticipated deficits in FY83. No less than half of all states were recently reported to have reduced their FY83 budgets at least once since they were originally adopted.

This Alert highlights those proposals which, if implemented, would have a disproportionately adverse impact on women. (Many of these proposals were included in the Administration's earlier budgets but were rejected by Congress.) WREI's full budget analysis will discuss the proposals in more detail.

INCOME SECURITY

Social Security: The Administration assumes that the recommendations of the National Commission on Social Security Reform will be approved, including a six-month COLA delay. Of all the Commission's proposals, this is the one that would have the most negative impact on older women, some 16 million of whom are social security recipients. (WREI has prepared a separate analysis of the impact on women of the Commission's recommendations.)

Supplemental Security Income (SSI): SSI is a cash assistance program for impoverished aged, blind, and disabled individuals and couples. Two-thirds of the approximately 4 million SSI recipients and nearly three-fourths of the aged ones were women in 1982. The Administration's proposed six-month COLA delay would affect a group of people with virtually no additional resources to tap for financial assistance.

Aid to Families with Dependent Children (AFDC): AFDC is a cash assistance program that primarily aids female family heads and their children. An average of almost 3.6 million families received AFDC assistance in 1982 (versus over 3.7 million in 1980). The Administration's proposed changes would (1) require all able-bodied adults to participate in employment activities; (2) terminate the parent's benefit when the youngest child reaches age 16; (3) include all related adults and children in the AFDC assistance unit; and (4) adjust payments for shelter and utility costs in shared housing. The Child Support Enforcement Program would also be strengthened.

As WREI pointed out in its assessment of similar proposals made by the Administration in 1983, the benefits of these proposals are highly suspect. Families would be penalized, for example, when they attempted to stretch scarce resources by living with others or because shared housing was all they could afford. With the present high unemployment rate and reductions in funding levels for training and employment programs, it is not clear just where these millions of unskilled adults could find work, even assuming the availability of adequate day care services, which is a big "if". Workfare, or "make work" employment has not been found to provide much chance for skill development, upward mobility, or economic self-sufficiency. Moreover, if earnings result in too drastic a reduction in AFDC benefits, many heads of households may find that they were better off on welfare alone—hardly an incentive to strengthen interest in employment. (Congress rejected the Administration's FY83 proposal requiring participation in a workfare program in order to remain eligible for AFDC benefits.)

Food Stamps: Proposals for the Food Stamp program include (1) a six-month COLA delay, which follows a 19-month adjustment delay in 1981 and 1982; (2) a workfare requirement for all able-bodied recipients; (3) replacing the current deductions with a standard deduction of $140 per month; and (4) establishing a new earnings deduction of $75 per month for food stamp recipients who work full-time. Food stamps would also be counted as income in determining eligibility for and rents in subsidized housing.

Female-headed families and female householders (primarily elderly) are over one-half of the households receiving food stamps. The median income of food stamp households is only about one-third that of all households in the country; nearly seven out of 10 of these households were living below the poverty level in 1981. The poverty rate was substantially higher for elderly female recipients and for female family headed households. Whether these households could compensate for the benefit cuts that most of the proposals would entail is doubtful.

Child Nutrition: the Administration proposes putting the summer food, child care food, and school breakfast programs into a block grant at a reduced level of funding. These programs, which supplement the often inadequate diets of poor children, would also be subject to a cost of living adjustment delay.

The Administration's proposal comes on top of substantial reduction in funding for nutrition programs in the Omnibus Budget Reconciliation Act of 1981, after which participation in the school lunch and breakfast programs dropped by 3.5 million children. Children in households headed by women are a high percentage of the beneficiaries of the child nutrition programs.

Special Supplemental Food Program for Women, Infants and Children (WIC): WIC, funded entirely by the federal government, provides prescribed food packages as well as nutrition education and access to health care to pregnant women, nursing mothers, infants, and children under 5 who are poor and medically determined to be at nutritional risk. Approximately 2.35 million women and children are currently in the WIC program. An estimated 7 million more are eligible but cannot be served because funds are insufficient. Nevertheless, the Administration proposes to fund WIC in FY84 at the same level as in FY83 ($1,060 million). If inflation is taken into account, "level funding" amounts to a cut of about 5 percent. According to the Food Research and Action Center, this will translate into between 115,000 and 120,000 fewer people served by the program in FY84 than in FY83.

It should be noted that nutritional deficiencies during pregnancy, lactation and early childhood can lead to miscarriages, still births, low birth-weight babies (who are less likely than normal birth-weight babies to survive their first year of life), retarded physical growth, mental retardation, and increased susceptibility to diseases. It has been well-documented that children who receive WIC food supplements, or whose mothers were in the program during pregnancy and/or lactation, survive the first month of life in greater numbers, have higher birth weights, faster growth rates, and less anemia than comparable children not in the program.

Special Milk Program: The Special Milk Program provides subsidized milk to nonprofit schools, camps, and institutions that do not participate in federally-subsidized meal programs.

The Administration proposes a 42 percent cut—to $11,720,000—in this program in FY84 although it seems likely that the demands on the program will grow. Changes in the eligibility rules for federally subsidized meal programs. They are thus now eligible for the special milk program.

Subsidized Housing: Subsidized housing programs assist many people, among them single parents and the elderly, who are unable to afford adequate housing on their own. In 1981, 68 percent of the households residing in publicly owned or subsidized housing were either headed by aged women or women with no husband present. the House Budget Committee points out that since the changes in Administrations, funds for assisted housing have been reduced by two-thirds. Residents in public housing also now pay a higher percentage of their income for rent than was the case in the past.

Aside from 10,000 housing units for the aged, no money would be provided for new housing construction under Section 8 or public housing programs. Additional units would be provided from funding available in previous years. In addition, a recission of $2.3 billion is proposed for fiscal year 1984. A rural housing block grant, administered by the states, would replace the existing rural housing loan program; funding for this grant would constitute about one-fourth the current funding level.

The Administration also proposes using food stamps to determine eligibility for subsidized housing and rents, a move rejected by Congress last year. The effect of this

proposal would be to penalize the poorest of the poor, i.e., persons receiving the most in food stamps would pay the most in rent. (WREI's Fact Sheet on Women and Housing is attached.)

Low-Income Energy Assistance: This program makes grants to states to assist low-income households with their energy costs. For fiscal year 1984, a sharp drop in budget authority and outlays is proposed. In addition, funds would be directed to states with severe climates and a large low-income population.

Just how many of the recipients of this assistance are women is unknown; however, because women predominate in the low-income population, they most likely predominate among the beneficiaries of this program. Consequently, any cuts would have a disproportionate impact on women.

SOCIAL SERVICES BLOCK GRANT

Child day care is one of many services important to women that states may provide with social services block grant funds. Others are homemaker services, child protective services, preparation and delivery of meals (e.g., to the elderly), counseling, family planning, transportation, legal services, and substitute care and/or day care for the adults (i.e., for the elderly and handicapped). The states may also divert up to 10 percent of their social services block grant allocation to various health services and/or low-income energy assistance. They have wide discretion in determining what services to provide and in setting eligibility criteria.

The Administration proposes a two percent (in current dollars) increase in Budget Authority and a seven percent decrease in outlays for the social services block grant in fiscal year 1984. (In terms of 1981 dollars, funds have already been cut by more than 12 percent since fiscal year 1981.)

Even small reductions in the purchasing power of social services block grant funds can be expected to have an adverse impact on women, especially low-income working mothers and the elderly poor and near poor. A cause for additional and major concern would be the impact of Administration proposals to eliminate all categorical funding for legal services, phase out community services funds, and reduce low-income energy assistance in fiscal year 1984. If adopted, these proposals could add enormously to the demands for social services block grant funds and force the states, few if any of which are in the fiscal position to infuse programs for the poor with their own funds, to make cruel choices. No matter how priorities were set for the allocation of social services block grant funds, poor people—the majority of whom are women and children—would surely suffer.●

SOVIET WATCH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. FIELDS. Mr. Speaker, in 1935 the noted historian, Will Durant, wrote: "For barbarism is always around civilization, amid it and beneath it, ready to engulf it * * * Barbarism is like the jungle; it never admits its defeat; it waits patiently for centuries to recover the territory it has lost."

In all the history chronicled in Durant's monumental, 11-volume work, "The Story of Civilization," in no place or time has this statement been more true than in the history of the Soviet Union and its client states.

As E. J. Dillion observed in 1930:

Sovietism is no mere philosophy content to assert itself or even endoctrinate others by convincing, persuading, or cajoling them * * * (it is) first of all a relentless destroyer of the roots of past culture, religious, social, pedagogical, and also of those champions of that culture who remain true to it, refusing to be converted and live.

So it is that the leadership of the Soviet Union, from Lenin to Andropov, have been men of unrestrained brutality who have progressively, patiently, driven back the boundaries of civilization, both Western and Eastern, with a relentless sword of blood and horror, allowing the jungle of barbarism to reclaim the Earth, masked by mendacity, propaganda, and the kindly face of socialism.

The following material is presented as another evidence.

The material follows:

[From the Washington Times, Nov. 30, 1982]

SOVIET CHEMICAL ATTACKS DESCRIBED

(By Peter Almond)

The State Department yesterday unveiled its second report this year on the Soviet-controlled use of chemical weapons in Southeast Asia, detailing for the first time the use of chemical attacks in Afghanistan.

"Our latest evidence indicates that attacks with chemical or toxic weapons were continuing in Afghanistan, Kampuchea and Laos as recently as last month," said Robert Dean, deputy director for the bureau of politico-military affairs at the State Department. Treaties forbid such action.

Centerpiece of the updated report are two Soviet Army gas masks—one complete, the other partial and taken from the body of a Soviet soldier—that U.S. scientists have concluded contain samples of deadly poison. One of the masks, still with traces of the chemical on it, was displayed at a crowded State Department press conference yesterday.

"Our earlier report (March 1982) showed that mycotoxins were being used in Laos and Kampuchea by Vietnamese and Lao forces, acting under direct Soviet supervision," said Dean. "The evidence available to us at that time, however, did not permit us to show conclusively that mycotoxins were also being used by Soviet forces in Afghanistan."

Mycotoxins are poisons produced by cross-breeding fungi.

"We now have such evidence. Analysis of the surface of one of these gas masks has revealed the presence of T-2 mycotoxin. The results have been confirmed by two other laboratories. Similar analysis of material from the other Soviet gas mask, taken from the head of a dead Soviet soldier in Afghanistan, revealed the presence of mycotoxins also.

"We believe, accordingly, that these masks were worn by Soviet soldiers during operations in Afghanistan in which a toxic agent was used."

Dean did not explain how U.S. officials obtained the gas masks but he said he was certain of their authenticity.

The State Department report adds that a physician in a facility treating casualties among the Mujahidin (resistance fighters) reported that he treated 15 Mujahidin for red skin lesions that he said were caused by Soviet chemical attacks in Qandahar province in May and June 1982.

"Three Mujahidin died within 12 hours of one attack in the general area of Maharijat south of Qandahar," said the report. "The Mujahidin claimed that Soviet helicopters fired rockets that emitted black, yellow and white gases on impact. The physician said that the surviving victims failed to respond to conventional medical treatment.

"We have received reports that on Sept. 20, 1982, Soviet soldiers poisoned underground waterways in Lowgar Province south of Kabul where the Mujahidin were hiding. According to a Mujahidin commander in Pakistan, a similar event occurred in the same province in Sept. 13, 1982, resulting in the deaths of 60 adults and 13 children.

"These two independent accounts described a Soviet armored vehicle pumping a yellow gas through a hose into the waterways."

Dean, who claimed the United States does not produce or possess any such chemical weapons, said the use of chemical warfare is standard with Soviet forces, despite the fact that the 1925 Geneva Protocol and the 1972 Biological and Toxic Weapons Convention clearly outlaws even the possession of such weapons.

At yesterday's conference the State Department officials demonstrated the human misery of such chemical attacks by releasing photographs of a 15-year-old H'Mong boy who was victim of a "yellow rain" attack in late March or early April of this year. The H'Mong tribe of Laos fought with U.S. forces against the North Vietnamese during the Vietnam War and still are being attacked daily by communist forces.

"A plane, thought to be a jet, made one pass over the fields where he was working near the village of Ban Pak Oi in the Phu He area of Laos," says a description with the photographs of the pock-marked boy.●

"THE PRESIDENT'S DILEMMA"

HON. HARRY M. REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. REID. Mr. Speaker, to run or not to run? Hardly a day passes that the American public is not confronted with the question of President Reagan's intention in 1984. I would like to take this opportunity to share with my colleagues the following remarks of Mr. Reid Gardner, a good friend of mine from Las Vegas, Nev., with respect to the President's dilemma:

With year eighty four
Approaching the door
Our Reagan will announce any day.
That he'll run is a cinch
Of course, there's a pinch
He will run but we can't tell which way.●

DAIRY SURPLUS REDUCTION ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. GUNDERSON. Mr. Speaker, I am very pleased today to join Congressmen OBEY, SENSENBRENNER, PETRI, ROTH, and KASTENMEIER in introducing the Dairy Surplus Reduction Act, a bipartisan plan to solve the current imbalance in the supply of and demand for dairy products in the United States. Senators PROXMIRE and KASTEN are introducing identical legislation in the other body today as well.

THE SURPLUS PROBLEM

As of the beginning of this month, the Commodity Credit Corporation held 763.2 million pounds of cheese, 414.8 million pounds of butter, and 1.282 billion pounds of nonfat dry milk. Annual storage costs for these surplus commodities are approaching $60 million.

This unprecedented level of excess dairy commodities results from a combination of Government actions and economic conditions including the grain embargo, freezes in the support price, depressed grain prices, lender encouragement to expand production, and the current recession. These conditions have temporarily increased the number of milk producers and the average amount of milk each producer markets.

In fact, in fiscal year 1982 the CCC purchased 13.8 billion pounds—milk equivalent—of surplus dairy commodities at a cost of $2.2 billion. While that cost equals what was spent on the wheat program and is a far cry from the $5.4 billion spent on the feed grains program, virtually everyone agrees that we must decrease the cost of the dairy program to the Government.

And the only way that can be accomplished in the long run is by effectively reducing the surplus that the Government must purchase.

Last year, Congress addressed this problem by authorizing two deductions in the support price for milk—50 cents per hundredweight through April 1, 1983, and $1 per hundredweight thereafter. At that time, there were those of us who warned that this would increase rather than decrease the surplus as producers marketed more milk to recover their diminished profit over a greater amount of production.

Recent USDA projections confirm this prediction. It is expected that total commercial marketings in fiscal year 1983 will increase 2.6 percent nationwide and that the CCC will purchase 14.2 billion pounds this year—a new record.

Clearly, freezes and deductions alone do not work. Rather, we need a creative solution to the problem—one that provides a financial incentive for producers to participate and a financial incentive, from a budgetary standpoint, for the administration and Congress to adopt.

THE BIPARTISAN SOLUTION

The legislation we are introducing today achieves these goals by significantly reducing the surplus dairy commodities the CCC must purchase as well as the 3-year cost of the dairy price support program. At the same time, it affords participating producers a greater annual income than under the current dairy program.

Basic provisions. The Dairy Surplus Reduction Act establishes a voluntary program for dairy producers under which they will be paid $10 per hundredweight for reductions made in the milk they market commerically.

The Secretary of Agriculture must implement the incentive program whenever he estimates annual Commodity Credit Corporation purchases will exceed 5 billion pounds—milk equivalent—and makes a 50 cents per hundredweight deduction in the support price for milk.

The incentive payments will be funded from a single 50 cents per hundredweight deduction. Authority for a second 50 cents per hundredweight deduction under current law is repealed. The support price for milk will remain at $13.10 per hundredweight for 3.67 percent butterfat milk through September 30, 1985.

Terms of the contract. A participating dairy producer will contract with the ASCS to reduce his commercial marketings by between 5 and 30 percent of his calender 1982 marketings. Contracts will be for a 1-year period coinciding with the milk marketing year.

A participating producer agrees not to let others produce milk in the portion of his production facility unused because of the contract. Similarly, he agrees not to transfer dairy cows unused because of the contract to another for the production of milk unless that transfer is to another participating producer or unless the cows are registered and transferred primarily for breeding purposes.

Payments. The ASCS will pay one-half of the total payment due under the contract to a producer within 30 days of the signing of the contract. The remainder is due within 30 days of proof of completion of the contract.

Completion. A producer is expected to complete his contract within 3 percent of the agreed percentage reduction in 1982 commercial marketings. A producer who reduces marketings by less than this target must refund his advance payment plus 12 percent simple interest. A producer who reduces by more than this target will have his payment capped at the agreed percentage reduction plus 3 percent.

As an example, a producer who agrees to reduce 10 percent but actually reduces less than 7 percent of his 1982 marketing level must refund his advance payment. If, instead, that producer would have reduced more than 13 percent of his 1982 marketing level, his incentive payments would be capped at 13 percent.

Assignment. A producer who transfers all of his interest in his production facility and his dairy cows to another may also assign his contract with the ASCS to that transferee if the producer and the transferee agree in writing that the transferee succeeds to all the rights and liabilities of the producer under the contract.

Penalty. A producer who violates a term of his contract with the ASCS other than not meeting the agreed percentage reduction may be subject to a fine of up to $10,000 in addition to the forfeiture of any advance payment plus interest.

Adjustment. If, after adding up the total reduction under all of the individual contracts, the Secretary determines that total commercial marketings will be reduced by more than the amount required to bring it into balance with consumption, he may adjust each individual contract pro rata to prevent such an overreduction from occurring.

COST AND INCOME PROJECTIONS

Assuming program implementation on April 1, 1983, Dr. Robert A. Cropp, agricultural marketing specialist for the University of Wisconsin extension, projects the 3-year cost of the dairy program under the Dairy Surplus Reduction Act to be $2.397 billion—$1.217 billion in fiscal year 1983, $695 million in fiscal year 1984, and $485 million in fiscal year 1985. That compares with a 3-year estimate of $2.582 billion under the current program. That is a savings of $185 million.

More significantly, Dr. Cropp estimates that CCC purchases under the Dairy Surplus Reduction Act to be 8.95 billion pounds in fiscal year 1983, 3.89 billion pounds in fiscal year 1984, and 2.65 billion pounds in fiscal year 1985—a 3-year total of 15.49 billion pounds. That is less than half the expected 34.36 billion pounds of CCC purchases under the current program.

Similarly, a dairy producer will increase his annual income by participating in this voluntary incentive program. Dr. Cropp calculates that a participating producer with a total herd production of 625,000 pounds of milk in fiscal year 1982 will have an annual income before expenses of $81,867 by marketing 91 percent of his 1982 production level. That compares with $78,750 for a producer who markets 100 percent of his 1982 production

under the Dairy Surplus Production Act and $75,625 for a producer marketing 100 percent of his 1982 production under the current program.

Thus, the Dairy Surplus Reduction Act increases participating producer income while saving both present and future taxpayer expenditures on the dairy price support program. As such, it is in the best interest of all concerned for Congress to give this legislation prompt and timely consideration.

I, therefore, urge my colleagues to join those of us introducing this legislation today in seeking a fair and equitable solution to the problems presently facing the dairy industry.●

ACCOUNTANTS AND ENROLLED AGENTS ARE QUALIFIED TO PRACTICE BEFORE THE U.S. TAX COURT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. PANETTA. Mr. Speaker, I am today introducing legislation which would correct a significant but easily remedied problem relating to representation of taxpayers in cases before the U.S. Tax Court. My bill would eliminate needless restrictions against representation of taxpayers by certified public accountants and enrolled tax agents in cases where a relatively small amount of money is at issue.

There are two sections of the Internal Revenue Code relevant to this question—sections 7452, relating to representation of parties before the Tax Court, and 7463, relating to disputes involving $5,000 or less.

The first prevents the denial of admission to practice before the court to any individual on account of his "failure to be a member of any profession or calling." However, it does not prevent the court from establishing rules making it more difficult for members of a particular profession to qualify.

The second, section 7563, establishes a less formal procedure for the handling of cases involving sums of $5,000 or less. In most cases, formal procedures "in accordance with the rules of evidence applicable in trials without a jury in the U.S. District Court of the District of Columbia" are required. But section 7563 gives the court flexibility in small cases to conduct proceedings in a manner that protects the taxpayer's rights but also allows a more rapid, nonappealable settlement of the case. In these cases, the standard rules of evidence are not enforced. Operating under this procedure is the taxpayer's option; it is not mandatory, and he may choose instead the more formal procedure required in other cases.

Under the current rules established by the court, no distinction is made between qualifying for representation in small cases and qualifying for representation in other cases. Attorneys qualify for practice before the Tax Court by filing an application that is accompanied by a certificate from the Clerk of the U.S. Supreme Court or from the high court of any State or territory or the District of Columbia showing that he or she is a member in good standing of the bar of that court. Any individual who is not an attorney and wishes to practice before the Tax Court must file an application, be sponsored by at least three persons already admitted to practice before the court, and, most importantly, pass a written examination given by the court. (The court may, at its discretion, accept a nonattorney for practice with fewer than three recommendations, but the examination is never waived.)

There are many good reasons to maintain this qualifying distinction for major cases before the Tax Court. Those cases are decided under basic rules of evidence with which those who are not attorneys cannot be expected to be sufficiently familiar without some additional training. An examination to determine whether sufficient knowledge has been acquired is reasonable.

However, for cases involving $5,000 or less, the whole point of section 7463 is to provide a less formal setting to insure a fair and rapid resolution. An individual representing a taxpayer in such cases does not need to know a great deal about the rules of evidence since they are not in effect.

Of course, it is important that those representing taxpayers before the Tax Court know tax law. However, there is at least as much reason to assume that an accountant or an individual enrolled to practice before the Internal Revenue Service knows tax law as there is to assume that an attorney who may or may not have kept up with or even have any experience in tax law.

Most taxpayers who obtain outside assistance in the preparation of their returns employ certified public accountants or enrolled agents authorized to practice before the IRS. But if they get involved in a dispute with the IRS, they must hire an attorney if they wish to take their case before the Tax Court or find one of the relatively few accountants or enrolled agents who have qualified to practice before the court. Otherwise, they must take the risk of representing themselves. In small cases it is very costly for the taxpayer to hire an attorney who is completely unfamiliar with the case. The taxpayer must pay for the time it takes the attorney to familiarize himself with the case as well as for the normal time it would take to prepare the case and argue it. He cannot make use of the certified public accountant or enrolled agent who knows how the return was prepared and has the knowledge of the tax rules required in the first place to do his job and to defend the return's preparation before the court.

Enabling the taxpayer to make use of the individual who helped prepare his return would greatly expedite many cases before the Tax Court, and the fact is that time is an increasing problem for the court. The 1981 annual report of the Commissioner of Internal Revenue and the Chief Counsel for the Internal Revenue Service indicates that the number of cases before the Tax Court has been increasing at an extremely rapid pace. Indeed, there was a 42.8-percent increase from 1980 to 1981 alone, as the number of cases shot from 20,660 to 29,512. At the end of fiscal year 1981, more than 46,000 cases were pending before the court, and the backup has since increased. As the Chief Counsel of the IRS states in that report, "we have to develop procedures for more efficient handling of cases."

The fact is that cases abjudicated under section 7463 make up more than one-third of the Tax Court's caseload. Speeding these cases would help to bring about the increased efficiency and effectiveness of court procedures which the Chief Counsel states are seriously needed.

Mr. Speaker, I am introducing this legislation at a fairly late date for its consideration during the 97th Congress. However, I intend to reintroduce it early in the next Congress and hope to gain its rapid approval. This is a bill that would enhance the rights of taxpayers and improve the efficiency of our tax litigation procedures, and I hope it will have the support of my colleagues.

At this point in the record, I would like to insert the text of the bill I am introducing today:

H.R. 1540

A bill to amend the Internal Revenue Code of 1954 to provide that certified public accountants and enrolled agents may represent taxpayers in certain Tax Court cases involving $5,000 or less

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7463 of the Internal Revenue Code of 1954 (relating to disputes involving $5,000 or less) is amended by adding at the end thereof the following new subsection:

"(g) REPRESENTATION OF TAXPAYER.—In any case in which the proceedings are conducted under this section, any person who is—

"(1) a certified public accountant, or

"(2) an enrolled agent authorized to practice before the Internal Revenue Service, shall be allowed to represent the taxpayer."

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.●

REBUILDING AMERICA'S RAILROADS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. CONTE. Mr. Speaker, today I am introducing legislation that will help deal with two of our most pressing national problems, the continuing high rate of unemployment and the shocking decay of our transportation infrastructure.

The Economic Recovery Through Railroad Revitalization and Roadbed Restoration Act of 1983 would authorize $300 million for eligible railroads and governmental entities to hire employees to repair and improve railroad beds and facilities. These funds could only be spent on wages and benefits, with the railroads themselves supplying all materials.

The program I am proposing would meet the following criteria:

First, it will provide jobs quickly;

Second, it will create private sector jobs with some prospect for continued employment by the workers;

Third, it will require minimal administrative costs; and

Fourth, it will provide the American taxpayers with long-lasting economic benefits.

This legislation should create an estimated 15,000 direct jobs, and should create a demand for approximately 200 million dollars' worth of building materials, including concrete and steel. In addition to this much-needed economic stimulus, it is estimated that the Government would immediately save $1 out of every $3 spent on this program because of reduced unemployment compensation, welfare benefits, and tax revenue gains.

Mr. Speaker, a 1978 study by the Federal Railroad Administration found that American railroads had over $16 billion in deferred maintenance. The current recession has exacerbated this problem, as railroads find it harder and harder to keep operating, much less keep maintenance current. The result is the familiar vicious cycle of deteriorating service, loss of revenues, further deferral of maintenance, and even worse service. The program I have proposed can not only put people to work at useful, productive jobs, but can help break this vicious cycle. The resulting improvements in railroad operating efficiency can help reduce shipping costs and fuel consumption.

Mr. Speaker, there has been a continuing debate in this House as to whether any jobs program really serves its intended purpose. The legislation I am introducing today has already been tested and the results provide ample evidence that it will work. In 1976, the New England Regional Commission funded a rail rehabilitation program. Under that program, furloughed maintenance-of-way workers were brought back to work, and additional new workers were trained in a matter of 3 or 4 days, so that the work was begun almost immediately. The railroads supplied the necessary administrative personnel and all materials, thereby insuring that virtually every dollar appropriated was spent directly on the unemployed. Increased maintenance on the railroads increased energy efficiency, improved safety, and strengthened an important part of the transportation system.

This last point is particularly important. This Nation's transportation system is a key element in the establishment and maintenance of a strong economy. Business and industry can plan more efficiently and ship more economically when our transportation system is sound, and that can only mean more jobs for American workers.

The legislation that I am introducing will create jobs while minimizing the cost to the Federal Government. It is based on a program that has proven its effectiveness in a real world setting. Mr. Speaker, I hope that this legislation will be considered at the earliest possible date.●

THE 65TH ANNIVERSARY OF THE KGB

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, on December 20 of last year the Soviet KGB, or Committee on State Security, celebrated its 65th anniversary. Only a month before, the Bolsheviks' heirs had observed the 65th anniversary of the November revolution. Thus, the secret police has existed almost from the day of the founding of the Communist state in Russia. Without the KGB, the regime knows, it could not survive.

Words alone can hardly describe this most sinister and brutal of any organization in the long history of human repression. More than a police force, it is a vast army subjugating a sullen empire.

Following is a brief account of the KGB by Christopher Harmon. I commend to my colleagues his summary of the extensive, lamentable catalog of Communist crimes. This is of vital practical significance, as the new leader of the Bolshevik state has assumed his position after 15 years training as head of the KGB. We must understand fully the background of Yuri Andropov.

THE KGB IN ITS 65TH YEAR

(By Christopher C. Harmon)

(Mr. Harmon is a student at Clarmont Graduate School, specializing in the Soviet Union. His theme: An overview of the history and current activity of the KGB on the 65th anniversary of its founding.)

Because Lenin believed that "The courts must not ban terror, but must formulate the motives underlying it [and] legalize it as a principle," he created the Soviet secret police sixty-five years ago this month, on December 20, 1917. Once called the Cheka, and now known as the KGB, the organization has had many names throughout its history. It has known only one purpose, however; to act as the "Sword and Shield" of the Communist Party of the USSR.

The Cheka, of "All-Russian Extraordinary Commission for Combating Counter-Revolution, Speculation, and Sabotage," began as an investigative agency charged to search-out deviant communists. It was swiftly transformed into a secret police force with innumerable duties and few discernible restraints. Feliks Dzerzhinsky, the agency's first director, laid down his policy: "We stand for organized terror," he declared. Under his direction, the first 200,000 "official" executions occurred; hundreds of thousands of other Russians disappeared into the first Soviet Gulag Archipelagoes, where uprisings cost 300,000 more lives.

Already by March, 1921, Petrograd sailors (the naval forces which had helped instigate the Revolution four years earlier) issued a manifesto declaring communism to have "brought the workers, instead of freedom, an ever-present fear of being dragged into the torture chambers of the Cheka, which exceeds by many times in its horrors the gendarmerie administration of the Czarist regime." And yet the Leninist-Dzerzhinsky regime was to appear almost mild by contrast with that of Stalin and Beria which succeeded it.

Dzerzhinsky Square, two blocks from the Kremlin, is the site of KGB headquarters. The building is not marked; everyone knows what it is. There is a new statute of Dzerzhinsky, raised by Khrushchev, who, if he closed some of Stalin's concentration camps and executed Stalin's chief of secret police, Beria, nonetheless pledged to "strengthen in every way revolutionary vigilance and the organ of state security." He renamed the agency the "Committee for State Security," or KGB, but still called its personnel "our Chekists." He brought the reorganized KGB more within the control of the Party, and gave it more funding as well as new, international dimensions.

The Brezhnev legacy was one of explosive growth. And it was under Brezhnev's eye that Yuri Andropov and his lieutenants made their steady advance into positions of government and party power. [No KGB chief since Stalin's Beria had even been a Politburo member; Andropov became one in 1973. The next year he received the Order of Lenin for his "direct and active part in working out the implementing the home and foreign policies of our party and and the Soviet state." Since 1977, KGB personnel have been winning the highest kinds of government and party positions and honors. The KGB chief of the Azerbaijan sector, Geydar Aliyev, had not even been part of the Politburo; suddenly he is First Deputy Premier, the possible successor to Premier Tikhonov.] The promotion of KGB head Andropov to general secretary of the Communist Party (upon Brezhnev's death) was,

of course, without any precedent in Soviet history.

The new KGB chief is a 64 year-old Ukrainian, Vitaly Fedorchuk. He commands perhaps 90,000 staff officers, some 200,000 to 300,000 specially armed border troops, and tens of thousands of other paid informants and agents. If he has a budget, it is virtually unlimited. And government, party, and army organizations provide logistical and other support free.

The "Chief Directorates" conduct foreign operations, border control, and routine and special operations against the Soviet population, foreigners, and tourists. The KGB works closely with, and oversees, the GRU, or military intelligence service of the Red Army General Staff. KGB officers staff the armed forces at every echelon down to the company level. They wear military uniforms, but report through their own chain of command, and can disobey military orders. KGB subdivisions and special departments protect all Party members and their families, maintain the ruling elite's communications, oversee finance and probe economic crimes, monitor and control domestic sentiment, maintain archives and special technical laboratories, and, in entities like the Serbsky Institute for Forensic Psychiatry in Moscow, pioneer the use of medicine for malevolent political purposes. The "Fifth Chief Directorate," formed in 1970, combats expressions of religious and nationalist feeling, political dissidence, and intellectual and artistic independence. There are special departments in some field offices for "Jewish Affairs."

During the last few years, this national and international apparatus has crushed a nascent Soviet peace movement with arrests and psychiatric treatment, while funneling large sums into the same kind of movements in the West, and spending millions on "peace" front organizations based in Moscow, Sophia, and Prague. It has arrested the last of the founders of "Smot," a free trade union movement in the USSR, while leading and paying for union strikes in Portugal, New Zealand, and Costa Rica. It has brought to heel the last members of the "Helsinki Watch" committee on human rights, even as it built up a new gulag for 100,000 political prisoners, many of them women, for construction of the new pipeline. It regularly dispatches KGB and GRU "scientists" to pose at, and politicize, international scientific conventions; yet at least two legitimate Soviet scientists were kidnapped by the KGB from an Austrian U.N. agency when their loyalties became suspect.

[But the most masterful of the KGB's operations has been its careful construction of the intelligence and "active measures" networks in its satellite countries. In wartime, Stalin's secret police cooperated with the Gestapo to identify and liquidate the most democratic of the resistance leaders in Poland and Czechoslovakia. Since the war, Eastern Europeans have been taken to special Soviet intelligence schools, where each national group is kept separate from the others, and all are studied, tested, and sometimes co-opted by the Soviet "uncles." By dominating each satellite's intelligence apparatus as it dominates their governments, Moscow has added a parallel network to its own, allowing more intense activities within the Bloc and expanded international operations. The East German service, for example, is directed by Misha Wolf, an Andropov protege.] [East Germany maintains between eight and ten thousand agents in Western Germany, helps the KGB handle the Palestinian guerrillas, including Fatah's internal security unit, and polices the police in Ethiopia, Angola and Mozambique.]

[Czech intelligence agents, serving Cuba at Castro's request between 1959 and 1961, helped to prepare Cuba for the eventual and complete surrender of its own DGI service to the KGB's control. Czechoslovakia has been a refuge for Italian terrorists since the 1940s, and Karlovy Vary and other training centers routinely serve the Red Brigades. Secret service operations against Czech emigres on French soil earned a formal protest from Francois Mitterand this January. Even the supposedly "maverick" and "independent" Roumanians were recently discovered to be conducting widespread KGB espionage operations from their embassy in Washington, D.C.]

[The KGB must be taken seriously. Recently England's Royal Academy voted to retain as one of its own Anthony Blunt, a confessed and convicted Soviet spy. Deriding those who sought Blunt's expulsion from the Academy, historian A.J.P. Taylor said: "It was just like McCarthy in America all over again."

He was wrong. The KGB is a potent organization threatening in a deadly way not only people under Soviet rule but Westerners as well. It is not McCarthyism to take action against those who aid it.]

Lenin believed that "the scientific concept of dictatorship means neither more nor less than unlimited power resting directly on force." Until such time as the USSR is ruled by popular consent, it will continue to be ruled by force and by fear. These are the only means of persuasion "our Chekists" have ever known.●

A BILL TO AMEND THE MINERAL LEASING ACT OF 1920

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. KOGOVSEK. Mr. Speaker, I along with several of my colleagues, am introducing legislation today to amend the Mineral Leasing Act of 1920, as that act was amended by the Federal Coal Leasing Amendments Act of 1976.

This legislation would address three provisions of the 1976 amendments which are impediments to, rather than incentives for, production of Federal coal reserves in the West. Those provisions were the product of a Congress concerned about our national fuel supply situation following the OPEC oil embargo in the winter of 1973–74. Although the 1976 amendments were thought at the time to be an appropriate solution to the lagging contribution Federal coal was making to our domestic energy output, certain provisions are now proving to be counterproductive to the orderly development of coal in the public domain. Instead of achieving the intended result of stimulating development, these provisions are frustrating coal development.

Mr. Speaker, in the last 6½ years since the enactment of the 1976 amendments we have had the opportunity to learn a good many things about resource development in the West, particularly about the tremendous contribution western coal can make to our national energy needs. One of the most important lessons we have learned is that natural market forces will account for more coal production than will rigid statutory requirements.

We have also had the opportunity to learn of the deficiencies of the 1976 coal leasing amendments. While the legislation I offer today does not address all of those deficiencies, it does address those which require our immediate attention. Foremost among the problem areas is the provision in section 3 of the FCLAA which prohibits the issuance of any type of mineral lease to an entity who holds and has held for a period of 10 years a Federal coal lease without producing that lease in commercial quantities. This provision has been interpreted to mean that the lessee will be barred from acquiring any additional coal leases, or leases for oil and gas, oil shale, sodium, potassium, phosphate, or for any other type of lease obtainable under the Mineral Leasing Act of 1920, simply for failure to produce one Federal coal lease within 10 years.

The harshness of this penalty cannot be overstated. It is a penalty that applies only to coal. No other leasable mineral under the 1920 act is subject to such a provision. Coal production on a Federal lease bears no relationship to development activities on leases for other minerals, and foreclosing the ability of a coal lessee to acquire leases for other minerals, simply for failure to develop one coal lease, is neither sound public policy nor good resource management.

The section 3 penalty is also unnecessary in light of new authority under the 1976 amendments to terminate coal leases not producing in commercial quantities by a date certain. The public interest is not served by this provision of section 3. It is unnecessary overkill and should be eliminated.

The second provision of FCLAA that is addressed by the bill I introduce today is the requirement in section 5 that all lands within a logical mining unit be contiguous, or touching. A logical mining unit is a mechanism that facilitates unitization of coal properties so they can be developed in an efficient, economical, and orderly manner. This requirement does not recognize, however, that coal deposits may be interrupted by physical separations or geologic conditions, and that surface contiguity may be destroyed by legal separations such as rights-of-way or boundary lines. The deletion of the contiguity requirement from the definition of a logical mining unit that I propose would permit the formation of such units in those situa-

tions where, but for the technical requirements of actual touching, it makes economic and geologic sense to mine various properties as a unit. The desired result of efficient mining will be frustrated by this contiguity provision unless it is deleted.

The third provision of FCLAA addressed by the amendments I offer is the requirement in section 6 that an operation and reclamation plan be submitted within 3 years from the date of lease issuance. This provision is interpreted to mean the submission of a plan which demonstrates that the lessee will comply with requirements of the Mineral Leasing Act. Such a plan cannot be designed with any degree of specificity until the lessee has a customer because the plan will be tailored to suit the customer's needs. The lessee may not have secured a customer for the coal by that time. Moreover, the requirement that the plan be submitted within 3 years is superfluous in light of the exhaustive mining and reclamation permit application which must be submitted under the Surface Mining Act.

By eliminating only the 3-year submittal aspect of the requirement in section 6 of the FCLAA, the lessee could submit his operation and reclamation plan at the same time he submitted his mining and reclamation permit application. At that time, the lessee would know more about his customer's requirements and, hence, more about the type of mining operation he will conduct.

Mr. Speaker, conditions have significantly changed since Congress enacted the Federal Coal Leasing Amendments Act of 1976. The experience we have gained from the last 6½ years indicates that there are flaws in the 1976 act which must be addressed to insure that our Federal coal reserves will be produced efficiently and in an orderly manner. I urge my colleagues to join me in the enactment of the amendments I offer because I believe they will make coal production less complicated and will add some much needed flexibility to the 1976 amendments.●

A BILL TO ASSIST MEALS ON WHEELS OF MONTEREY COUNTY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. PANETTA. Mr. Speaker, I am today introducing legislation designed to assist the Meals on Wheels organization of Monterey County in California. This organization, which has dispensed nutritional services to homebound senior citizens in Monterey County for 10 years, has, because of incorrect tax advice, found itself owing the Internal Revenue Service some $33,000 in back FICA taxes. Because this was completely unintentional, and because Meals on Wheels will probably have to close down if it is forced to make this payment, I am introducing this bill to relieve the organization of its debt to the IRS and to provide it with the FICA tax exemption that is normally available to nonprofit organizations.

Under current law, a nonprofit organization such as Meals on Wheels has the option to declare whether or not its employees will participate in the social security system. If there is an election to participate, the organization is obligated to withhold the employees' share of the FICA tax as well as to pay its own share of the tax.

When the organization was founded in 1972, it apparently filed a waiver of its exemption for participation and paid taxes on some employees through 1975. However, around that time, Meals on Wheels hired a new accountant, who mistakenly informed the organization that it was exempt from social security taxes. At that point, Meals on Wheels stopped reporting and withholding for FICA taxes, and no payment has been made to the IRS for FICA taxes since that time.

The Internal Revenue Service now proposes to assess Meals on Wheels for FICA taxes from 1976 on, an amount which stands at more than $33,000 and which, naturally, continues to rise. As my colleagues are well aware, an obligation of that size is beyond the capacity of the average Meals on Wheels program to pay.

The law permits an organization to apply for a reinstatement of its exemption from FICA taxes with 2 years' advance notice if the waiver has been in effect for 8 years. But even if Meals on Wheels were granted an exemption now, it would still owe the same amount of money in back taxes.

I do not subscribe to the argument that any taxpayer who receives incorrect tax advice from a private source should not be obligated to pay for mistakes based on that bad advice. However, this is a unique case. Meals on Wheels is a charitable organization which provides vital assistance to homebound senior citizens. It could have, had it chosen, avoided obligation for these tax payments, and it will almost certainly have to shut down if it does not receive an exemption. I believe the Congress would be fully justified in relieving Meals on Wheels of Monterey County of any obligation for the past FICA tax payments and providing it with the exemption to which it is entitled as a nonprofit organization.

My bill provides that exemption and relieves the organization of its FICA tax obligation. It is my hope that we can act swiftly on this measure to end any doubt about the status of this important community organization.

Mr. Speaker, at this point in the RECORD I would like to insert the text of my bill:

H.R. 1561

A bill for the relief of Meals on Wheels of the Monterey Peninsula, Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) with respect to service performed in its employ after 1975, Meals on Wheels of the Monterey Peninsula, Inc., shall not be considered to have filed (under section 3121(k)(1) of the Internal Revenue Code of 1954) or to have filed constructively (under section 3121(k)(4) or (5) of such Code) a certificate waiving its exemption from payment of taxes imposed by chapter 21 of such Code.

(b) Meals on Wheels of the Monterey Peninsula, Inc., and any individual in its employ before the date of the enactment of this Act are relieved of all liability to the United States for the payment of unpaid taxes imposed by chapter 21 of the Internal Revenue Code of 1954 (and any interest or penalty assessed or accrued on such taxes) with respect to service performed in the employ of Meals on Wheels of the Monterey Peninsula, Inc., before such date.●

MORRIS UDALL'S VOTES IN THE HOUSE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 N. 3d Street, Suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);

8. An indication whether the motion or amendment was passed or rejected; and

9. The total vote.

37. H.R. 5708. National Housing Act Extension. Motion to suspend the rules and pass the bill to extend through fiscal 1982 the Section 235 program of mortgage assistance for low-income home buyers. Motion agreed to 341-54: Y(1-2-1), March 23.

38. S. 2254. Federal Flexible and Compressed Work Schedules. Motion to suspend the rules and pass the bill to extend for four months flexible work schedules for federal employees. Motion agreed to (thus cleared for the president) 361-33: Y(1-2-1), March 23.

40. H.J. Res. 409. Continuing Appropriations, Fiscal 1982. Passage of the joint resolution to provide funding through Sept. 30, 1982, for government agencies whose regular fiscal 1982 appropriations bills had not been enacted. Passed 299-103: Y(2-1-1), March 24.

42. H. Res. 413. House Chaplain. Adoption of the resolution to state the House's belief that its establishment of a chaplaincy is an appropriate and constitutional exercise of its powers, to express its concern over the March 9 decision of a three-judge panel of the U.S. Appeals Court of the District of Columbia in the case of Jon Garth Murray et al v. Angela Marie Buchanan et al, and to instruct counsel for the House and its chaplain to petition the full appeals court for an en banc hearing in order to seek dismissal of that case. Adopted 388-0: Y(4-0-0), March 30.

43. H.J. Res. 410. Dutch-American Friendship Day. Passage of the joint resolution to designate April 19, 1982, as Dutch-American Friendship Day. Passed 379-1: Y(4-0-0), March 30.

44. H.J. Res. 447. National Day of Reflection. Passage of the joint resolution to authorize and request the president to issue a proclamation designating April 4, 1982, as the National Day of Reflection. Passed 387-3: Y(4-0-0), March 30.

46. H. Res. 378. House Committee Funds. House Administration Committee substitute amendment to authorize expenditures from the House contingent fund for calendar year 1982 of a total of $39,605,273 for investigations and studies to be conducted by the 23 House committees other than the Budget and Appropriations committees and for computer services. Adopted 416-0: Y(4-0-0), March 31.

47. H. Res. 378. House Committee Funds. Motion to recommit the resolution to the House Administration Committee without instructions. Motion rejected 148-270: N(2-2-0), March 31.

48. H. Res. 378. House Committee Funds. Adoption of the resolution to authorize expenditures from the House contingent fund for calendar year 1982 of a total of $39,605,273 for investigations and studies to be conducted by the 23 House committees other than the Budget and Appropriations committees and for computer services. Adopted 282-132: Y(3-1-0), March 31.

49. S. Con Res. 78. Easter Recess. Adoption of the concurrent resolution to provide an adjournment of the Senate from the close of business on April 1 or 2 until noon on April 13, and for an adjournment of the House from the close of business on April 6 until noon on April 20. Adopted 209-173: Y(1-2-1), April 1.

50. H.R. 5789. International Energy Agency Antitrust Exemption Extension. Substitute amendment to limit to 60 days the extension of a provision of the 1975 Energy Policy and Conservation Act (P. 94-163) that provides oil companies with a limited antitrust defense in sharing supply information with the International Energy Agency. Adopted 211-163: Y(1-2-1), April 1.

51. H.R. 5789. International Energy Agency Antitrust Exemption Extension. Passage of the bill to extend for 60 days, until June 1, 1982, the provision to PL 94-163 that gives oil companies a limited antitrust defense so they can share supply information with the International Energy Agency. Passed 374-3: Y(3-0-1), April 1.

52. H.R. 3208. Reclamation Safety of Dams Act. Adoption of the rule (H. Res. 438) providing for House floor consideration of the bill to increase from $100 million to $650 million the authorization for repairs to federally built dams. Adopted 343-5: Y(4-0-0), April 29.

53. H.R. 3208. Reclamation Safety of Dams Act. Amendment to require local beneficiaries of federal irrigation dams to share in the cost of repairs authorized under the bill. Adopted 212-140: N(0-4-0), April 29.

54. H.R. 3208. Reclamation Safety of Dams Act. Passage of the bill to amend the Reclamation Safety of Dams Act of 1978 to increase from $100 million to $650 million the authorization for repairs to federally built dams and to require those who benefit from the dams to share in the repair costs. Passed 335-9: Y(4-0-0), April 29.

55. H.R. 4613. Debt Collection Act of 1982. Motion to suspend the rules and pass the bill to increase the efficiency of government debt collections. Motion agreed to 402-3: Y(4-0-0), May 5.

56. H.R. 5539. Reclamation Law Amendments. Adoption of the rules (H. Res. 449) providing for House floor consideration of the bill to amend the law governing farmers' use of irrigation water from federal reclamation projects. Adopted 393-5: Y(3-0-1), May 5.

58. H.R. 5922. Urgent Supplemental Appropriations, Fiscal 1982. Motion to order the previous question (thus ending debate and the possibility of amendment) on the rule (H. Res. 415) providing for House floor consideration of the bill to provide $4,868,934,000 in net budget authority for fiscal 1982. Motion agreed to 240-158: Y(3-1-0), May 6.

59. H.R. 5922. Urgent Supplemental Appropriations, Fiscal 1982. Adoption of the rule (H. Res. 415) providing for House floor consideration of the bill to provide $4,868,934,000 in net new budget authority for fiscal 1982 and waiving points of order against certain provisions. Adopted 338-54: Y(3-1-0), May 6.

60. H.R. 5539. Reclamation Law Amendments. Amendment to make corporations numbering 18 persons or more who use irrigation water from federal reclamation projects pay "full cost" for all such water, according to a new formula in the bill. (The committee bill had permitted a lower-cost water rate for up to 960 acres of irrigated land owned by such corporations.) Adopted 220-160: N (0-3-1), May 6.

61. H.R. 5539. Reclamation Law Amendments. Passage of the bill to amend the law governing farmers' use of irrigation water from federal reclamation projects. Passed 228-117: Y (3-0-1), May 6.

63. H.R. 6294. Housing Assistance Authorization. Motion to suspend the rules and pass the bill to provide a supplemental authorization to stimulate sales and production of single-family housing. Motion agreed to 349-55: Y (1-2-1), May 11.

64. H.R. 3481. Pretrial Services Act of 1981. Passage of the bill to expand 10 demonstration programs providing federal judges pretrial services for determining a defendant's eligibility for bail. Passed 369-30: Y (2-2-0), May 11.

65. H.R. 861. National Trails System Act. Passage of the bill to amend the National Trails System Act by designating three new national scenic trails and authorizing study of six additional routes. Passed 389-6: Y (4-0-0), May 11.

66. H. Con. Res. 322. United Nations and Israel. Motion to suspend the rules and adopt the concurrent resolution stating the sense of the Congress that if Israel is illegally expelled from, or denied its credentials to, the United Nations General Assembly or any specialized U.N. agency, the United States should suspend its participation in the General Assembly and withhold its assessed contribution to the U.N. or the specialized agency in question. Motion agreed to 401-3: Y (4-0-0), May 12.

67. H.R. 5922. Urgent Supplemental Appropriations, Fiscal 1982. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to provide $4,868,934,000 in net new budget authority for fiscal 1982. Motion agreed to 385-12: Y (4-0-0), May 12.

68. H.R. 5922. Urgent Supplemental Appropriations, Fiscal 1982. Amendment to provide $1 billion to the Department of Housing and Urban Development for mortgage interest subsidy payments to homebuyers with family income not exceeding 130 percent of the median income for their area. Adopted 343-67: Y(1-3-0), May 12.

69. H.R. 5922. Urgent Supplemental Appropriation, Fiscal 1982. Amendment to prohibit any expenditure of funds under the housing section of the bill if such expenditure would violate a 1978 law (P.L. 95-435) requiring that the federal budget be balanced. Rejected 132-276: N(3-1-0), May 12.

70. H.R. 5922. Urgent Supplemental Appropriations, Fiscal 1982. Amendment to continue under the Occupational Safety and Health Administration (OSHA) the authority to enforce safety standards on surface mining of stone, gravel, clay and phosphate, rather than transferring jurisdiction to the Mine Safety and Health Administration as provided in the bill. Rejected 186-220: Y(4-0-0), May 12.

72. H.R. 5890. NASA Authorization. Amendment to reduce the aeronautics portion of the National Aeronautics and Space Administration authorization by $34.4 million. Rejected 169-204: NV(2-0-2), May 13.

73. H.R. 5890. NASA Authorization. Amendment to bar the authorization of funds that would violate the law (P.L 95-435) requiring a balanced budget. Rejected 121-248: N(2-1-1), May 13.

74. H.R. 5890. NASA Authorization. Passage of the bill to authorize $6,647,300,000 in fiscal 1983 for National Aeronautics and Space Administration research and development. Passed 277-84: Y(1-1-2), May 13.

75. H.R. 6068. Intelligence Agencies Authorizations, Fiscal 1983. Passage of the bill to authorize secret amounts in fiscal 1983 for operations of U.S. intelligence agencies. Passed 357-23: Y(4-0-0), May 19.

76. H.R. 5842. National Science Foundation Authorization. Amendment to cut $30 million from the National Science Foundation authorization for fiscal 1983. Adopted 194-191: N(3-1-0), May 19.

77. H.R. 5842. National Science Foundation Authorization. Amendment to bar the authorization of funds that would violate

the law (P.L. 95-435) requiring a balanced budget unless both houses of Congress have considered a constitutional amendment to require a balanced budget. Rejected 158-227: N(2-2-0), May 19.

78. H.R. 5842. National Science Foundation Authorization. Amendment to the Peyser, D-N.Y., substitute to cut $30 million from the National Science Foundation authorization for fiscal 1983. Rejected 189-203: N(3-1-0), May 19.

79. H.R. 5842. National Science Foundation Authorization. Substitute to add $20 million for science and engineering education to the National Science Foundation authorization for fiscal 1983. Rejected 203-188: Y(1-3-0), May 19.

80. H.R. 5842. National Science Foundation Authorization. Passage of the bill to authorize $1,085,000,000 in fiscal 1982 and $1,089,481,000 in fiscal 1983 for the National Science Foundation. Passed 282-111: Y(2-2-0), May 19.

81. H.R. 5726. National Bureau of Standards Authorization. Amendments to the Walker, R-Pa., amendments to reduce the National Bureau of Standards authorization approved by the Science and Technology Committee by $6.228 million. Adopted 195-191: Y(1-3-0), May 19.

83. H.R. 5726. National Bureau of Standards Authorization. Passage of the bill to authorize $117,800,000 for the National Bureau of Standards, $1,900,000 for the National Technical Information Service and $1,898,000 for the Office of Productivity, Technology and Innovation in fiscal 1983. Passed 249-131: Y(2-2-0), May 19.

84. S. 1230. Olympic Coins. Substitute to authorize the minting of three coins commemorating the 1984 Los Angeles Olympic Games to be sold domestically by the Treasury and overseas by a private marketing organization. Adopted 302-84: Y(4-0-0), May 20.

85. H.R. 6267. Net Worth Guarantee Act. Substitute to authorize the Federal Savings and Loan Insurance Corporation to provide capital assistance to qualified lending institutions through the purchase of income capital certificates. Rejected 155-209: N(3-1-0), May 20.●

SETTING THE RECORD STRAIGHT ON "REAGANOMICS"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. MILLER of California. Mr. Speaker, as we establish a budget and fiscal policy for the next year, we will review the successes and failures of the last 2 years of the experiment called Reaganomics.

President Reagan looks around at historic unemployment rates, millions of Americans without adequate food or medical care, crushing long-term interest rates, stagnant factories and falling wages, and sees only hope. His latest vision of economic recovery due to Reaganomics were offered up to the American people during his weekly radio broadcast on February 5.

In his usual fashion, Mr. Reagan alleged that Reaganomics has worked, and that it will continue to work. But an analysis of that optimistic speech by John M. Berry, economics reporter for the Washington Post, removes Mr. Reagan's rose-colored glasses, and challenges the Reagan record.

Mr. Berry found that things are not nearly as positive as Mr. Reagan believes, and that many of the achievements of Reaganomics were vastly overstated. Mr. Reagan likes to argue that he inherited a falling economy and rising deficits; Mr. Berry accurately notes that many economic indicators have worsened under the leadership of President Reagan and his economic advisers.

Let us, if only briefly in this national debate on budget and fiscal policy, put aside glibness and rhetorical rubbage and just look at the facts. Mr. Berry fortunately has provided us with the means of doing just that.

REAGAN'S WORLD v. THE REAL ONE—HE LEFT OUT A FEW FACTS IN HIS DEFENSE OF REAGANOMICS

My fellow Americans, I'd like to talk to you about a word. It's a word we've all been hearing a lot lately. The word is "Reaganomics." Somewhere along the line our economic program got tagged with that label. To tell you the truth, it isn't a name I would have chosen. It sounds like a fad diet or an aerobic exercise. But we seem to be stuck with it. With every anchorman on the evening news, a goodly share of political pundits, and more than a few politicos using it, it has a good chance of becoming standard Americana.

There wouldn't be anything wrong with that, except that it's used as a term for something that's supposed to have failed. (1)

(1) *Has Reaganomics failed? Judgments differ. The administration forecast in February 1981 that Reaganomics would raise the 1982 gross national product to $1,560 billion (in constant 1972 dollars), cut the unemployment rate to 7 percent by the fourth quarter of 1982 and reduce inflation to a 7.2 percent rate during 1982. Economic growth and domestic spending cuts would balance the budget in 1984.*

Last year real GNP, the nation's total output of goods and services, turned out to be about $1,476, or 5.4 percent less than forecast. At the end of 1982 real GNP was running about 2.4 percent lower than when President Reagan took office.

Unemployment in the fourth quarter was 10.7 percent, 3.7 percentage points higher than predicted, and about 3 points higher than in January 1981.

However, after the long recession, inflation has dropped substantially more than predicted. Consumer prices rose only 3.9 percent last year instead of the 7.2 percent forecast.

The promised balanced budget for 1984 now looks likely to be $200 billion in the red—three times bigger than any pre-Reagan deficit.

So if you don't mind, I'm asking for equal time—well, at least, for about the next five minutes.

We are, and have been for some time, in a recession. Unemployment was running at 10.8 percent as the year ended. But we learned yesterday the welcome news that it dropped to 10.4 in January. And if you include our men and women in the military as part of the work force, which makes sense, it's down to 10.2 percent.

Still, only about two-thirds of our industrial capacity is being used. Our government is facing large deficits and interest rates are still too high. And we're told all of this is the result of an economic program put into place by our administration and which, for obvious reason, is called Reaganomics.

I know some will say I'm being defensive, but I'll risk that, because in the weeks ahead decisions are going to be made here in Washington that will have a bearing on whether unemployment continues to go down and the economy continues to turn up. You will help determine some of these decisions because public opinion does influence government. Therefore, you must have a clear fix on the facts, the economic realities.

Thomas Jefferson said, "If the people know the truth, they'll never make a mistake."

So let's start with some dates. Back in 1979 inflation was rising, unemployment was increasing, and by 1980 we were in a recession. (2)

(2) The National Bureau of Economic Research, which dates the peaks and troughs of business cycles in the United States, has determined that the 1980 recession began in January and ended in July of that year. The NBER, at the time headed by Martin Feldstein, now chairman of Reagan's Council of Economic Advisers (CEA), later said the ensuing recovery continued until July 1981, when a separate and distinct recession began.

Unemployment had reached such a point in the last half of 1980 that I referred to it as a depression. (3)

(3) Economist Alan Greenspan, CEA chairman in the Ford administration and an occasional adviser to Reagan, was traveling with Reagan at the time he made his remarks in Columbus, Ohio. Greenspan discussed the difference of magnitude between depression and recessions and said the 1980 episode was clearly one of the latter.

I was criticized for that by technical-minded people who said it was only a recession. But you'll have to forgive me. I was campaigning in Flint, Mich., where the unemployment rate was already 20 percent; in Detroit it was 18 percent, and across the line in Ohio, steel mills were closing. (4)

(4) *In December, 1982, the unemployment rate in the Detroit metropolitan area was still 17.7 percent. In Flint, it was 22 percent.*

In an Indiana city, unemployment was 23 percent. Inflation was in double digits for 1979 and '80 and reached 14 percent during the 1980 campaign. (5)

(5) *Inflation reached a peak in 1979, when consumer prices rose 13.3 percent. In 1980 the figure was 12.4 percent, and in 1981, 8.9 percent. Much of that slowdown was the result of a sharp drop in the rate of increase in volatile food and energy prices.*

Interest rates went to 21.5 percent, and the housing industry was at a standstill. (6)

(6) *In January 1981, the prime lending rate at commercial banks peaked at 21.5 percent. But blue chip corporations were still issuing long-term bonds at rates less than 13 percent, and new home mortgage rates were only slightly higher.*

Housing was not standing still, however. New housing starts the month Reagan took office were running at an annual rate of 1.6 million units, and had been moving up. In December, 1982, housing starts were at a rate of 1.2 million.

Our administration opened up shop on Jan. 20, 1981. The prime interest was still above 20 percent, inflation was 12.4 percent, and unemployment was 7.3 percent. The 1981 budget had already been put in place by the previous administration and began on Oct. 1, 1980. Now, there was nothing we could do about that budget; it wasn't ours, although we did manage to squeeze out a few billion dollars through some management changes.

For the most part, however, we were engaged in a struggle to get our budget proposals for 1982 adopted and the other part of our economic recovery program, tax cuts for all Americans to help stimulate the economy. (7)

(7) *The president's "Program for Economic Recovery" consisted of four parts, not just two. Along with spending and tax cuts, it also called for "prudent relief of federal regulatory burdens" and a steady reduction in the growth of money and credit "from the 1980 levels to one-half those levels by 1986." Most economists now agree that this tight money policy was the single most influential factor affecting economic activity in the last two years.*

All the time, interest rates stayed high, unemployment kept increasing and by July the bottom had fallen out. (8)

(8) *During the first half of 1981, interest rates did stay high but unemployment did not increase. Rather, the unemployment rate stayed between 7.5 percent and 7.2 percent until September, when the slide into recession began in earnest.*

About this same time, our economic program, most of it, was passed, major reductions in the growth of spending and a 25 percent cut in income tax rates to be phased in over a three-year period. But none of this went into effect until Oct. 1, 1981. The first portion of the tax cut was only 5 percent. Another 10 percent would take place in July of 1982. Reaganomics, as they would have it, started only 16 months ago. (9)

(9) *Only the personal income tax cuts began then. The large business tax cuts were retroactive to January 1981, and some regulatory reform had begun. More important, with the administration's backing, the Federal Reserve had throughout the year been slowing growth of the money supply—the major reason why interest rates remained so high and that the economy plunged into a recession.*

Some administration officials say the Fed was responsible for the recession because it did a poor job of managing the money supply. Other economists, including CEA Chairman Feldstein, believe that any serious effort to reduce inflation using monetary policy inevitably would have produced a recession.

There was another 10 percent cut in the income tax scheduled for this coming July.

Now, what has happened in those 16 months of Reaganomics? Well, with the help of the Federal Reserve Board, inflation has dropped to only 3.9 percent for all of 1982, the lowest it's been in 10 years. Interest rates are about half what they were. (10)

(10) *Long-term interest rates are more important economically than short-term rates because they have a much greater impact on investment decisions. While the prime rate is now 11 percent, compared to about 19 percent in October 1981, those blue chip corporate bond rates are still at 12 percent, down only about 3.5 percentage points since that time.*

The effect of that is a 40 percent increase in housing starts, automobile sales are up, as are all retail sales. Factory orders have begun to increase. One timber company I know of, which a year ago today was completely shut down, is now on two shifts a day, five days a week. Real wages are up for the first time in three years. (11)

(11) *Average hourly earnings for production and non-supervisory workers rose 0.8 percent in 1982 after adjustment for the increase in consumer prices. They had fallen 3.1 percent, 4 percent and 1 percent in 1979, 1980 and 1981, respectively. On the other hand, gross weekly earnings—which are also affected by the number of hours worked—fell 1.3 percent last year after adjustment for inflation.*

And the rate of personal savings is up, meaning more capital for investment. (12)

(12) *Personal saving was 6.4 percent of disposable personal income in 1981 and 6.5 percent in 1982. That compares with 5.9 percent in 1979 and 5.8 percent in 1980.*

However, the higher saving rate did not necessarily mean more funds were available for capital investment. Personal saving did grow to $141.1 billion last year, up from $96.7 billion in 1979. But measured comparably, the federal budget deficit grew twenty times faster—from $16.1 billion in 1979 to $147.9 billion in 1982. Thus, in 1979 the private sector could draw on the bulk of personal saving—as well as corporate saving—to finance business investment and housing construction. In 1982, financing the budget deficit absorbed all personal saving and then some.

And, as I've already mentioned, "the lagging indicator," as it's called, unemployment, just took its first drop, 10.8 to 10.4. A survey of business establishments shows somewhere around 300,000 more people working. We have a long way to go; but that's a start at least.

Now, I've seen in the flesh some of these statistics I've quoted. A few days ago, I visited a Chrysler plant in Fenton, Mo., where 1,700 workers are being called back to a newly modernized plant. Another plant will be calling back an additional 1,500 workers by late summer. In nearby Hazelwood, the Ford plant was adding another entire shift and General Motors has announced it plans to call back more than 21,000 of the indefinite layoffs over the next few months. For eight out of the last nine months, the leading economic indicators have been up.

In the weeks ahead there'll be debates as to what course we should follow. The choice that will be offered is to turn away from our economic recovery program and go back to what was being done before.(13)

(13) *Reagan himself has made major modifications in Reaganomics. Pressed by Congress last year, he agreed to and later lobbied hard for a tax bill that took back a portion of the business cuts passed a year earlier. In addition, he has just proposed advancing scheduled Social Security tax increases and a set of "contingency" taxes for 1985 if the deficit remains as large as expected and other conditions are met. By 1988, by administration calculations, the total federal tax burden would be equal to 21.6 percent of GNP, only a shade lower than 21.9 percent level of 1981.*

Reagan's latest spending plans would leave federal outlays at 23.2 percent of GNP in 1988, compared to 22.4 percent in 1980 and 22.9 percent in 1981.

The administration has also modified its goals for controlling growth of the money supply, and now recommends that the Fed pursue a less restrictive policy than it initially sought.

May I point out, all of the good things I've mentioned didn't begin until after our program, Reaganomics, if you will, was put in place. Prior to that everything had been a mess for three years or more. I wonder if they'll still use that name when they've found out it works.

Until next time, thanks for listening and God bless you.●

BRIEFING MATERIALS ON INTEREST AND DIVIDEND WITHHOLDING

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. D'AMOURS. Mr. Speaker, last year, Congress, as part of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), enacted provisions which impose withholding at source of taxes on interest and dividend payments. Efforts are now underway to repeal the withholding provisions prior to their July 1, 1983, effective date. This paper provides background on the withholding issue and details some of the arguments in favor of repealing withholdings:

BACKGROUND

Although the Congress had many times in the past rejected withholding by decisive margins, withholding at source was included in TEFRA on the basis that it would generate substantial amounts of additional revenue (and thereby reduce the deficit), and that it would increase taxpayer compliance. During its consideration of TEFRA, the Senate, by a vote of 50–47, narrowly defeated an amendment which would have deleted withholding from the bill. Because of the unique circumstances surrounding enactment of TEFRA, the House was not given an opportunity to vote on the issue of withholding.

Under the new law, virtually all payors of interest and dividends will be required to deduct and withhold 10 percent when interest or dividends are paid or credited to an individual. However, withholding is not required if the taxpayer has filed an "exemption" certificate and has incurred a tax liability of $600 or less in the preceding year ($1,000 on a joint return), or who is 65 years or older and incurred a tax liability of $1,500 or less ($2,500 on a joint return) in the preceding year. In addition, withholding is not required if an interest payment on an annualized basis is $150 or less.

DISCUSSION

Enactment of withholding of taxes on interest and dividends was a mistake. The objectives of increased taxpayer compliance and additional revenue can be substantially achieved without the imposition of this costly, complicated and confusing scheme.

Withholding is not necessary to increase taxpayer compliance. According to the Treasury, nearly 89 percent of taxpayers pay the rates they owe on savings and investment income. Moreover, a 1981 IRS study showed that taxpayers voluntarily reported 97 percent of interest and dividend income where information returns (Form 1099) were filed with the IRS and the Service matched the information with tax re-

turns. Simply stated, where information returns are filed, compliance approaches 100 percent.

The IRS has reported that it is currently matching 99% of the information returns which are filed with the service on magnetic tape. In fact, IRS Commissioner Egger testified before the House Ways and Means Committee in May, 1982: "If the information is sent (to the IRS) on magnetic media, we are generally able to match 100 percent of this information . . ." In addition, it is currently matching about 85% of the "paper" 1099s filed with the IRS. Moreover, the already "good" record of taxpayer compliance may be substantially improved without imposing the costs and burdens of withholding. For example, federal government securities have, up to now, been exempt from the reporting requirements that have long been applicable to deposits and other investments. Individuals hold $256 billion of such securities and a good portion of tax revenue lost in past years may well be traced to the fact that the government itself did not issue 1099 forms on its own securities. This is now changed. TEFRA contains provisions which broaden the categories of payments subject to reporting (including government securities), as well as stiffen the penalties for noncompliance with the information returns reporting system. These changes can be expected to substantially increase the level of taxpayer compliance. Moreover, if this expanded reporting system was coupled with an aggressive matching by the IRS of Form 1099s and tax returns, overall compliance may well reach almost 100 percent.

Withholding will be costly to savers, investors, institutions, and the nation's economy. Approximatley 75 percent of all individual filers receive refunds. These people, through overwithholding, already pay the taxes due on their savings and investment income. For them, withholding will be a new tax and will be tantamount to giving an additional interest-free loan to the government. Withholding will also discourage savings and investments. By removing savings that would otherwise be on deposit, the yield on investments will be reduced. While the cost to the taxpayer in lost compounding may be small on an individual basis, the cost to the economy as a whole is massive. Dividend and interest payments last year were approximately $525 billion and withholding is estimated to remove $30 billion from the private capital markets—at the very time the economy is trying to pull out of the recession.

Withholding will be very costly to financial institutions and other payors of dividends and interest. Based on a survey of 250 commercial banks, savings and loan associations, and mutual savings banks, the accounting firm Peat, Marwick, Mitchell & Co. estimates that start-up costs will be in the range of $200,000 to $400,000 for each institution. The "float" provided by the regulations is expected to compensate institutions for less than 10 percent of these costs, according to the same survey. The balance of these costs will necessarily be reflected in reduced federal income taxes resulting from their impact on earnings and profits, higher interest rates, and increased service charges.

This cost should be tested against the benefit to be gained from withholding. In his testimony before the House Ways and Means Committee in May, 1982, IRS Commissioner Egger stated that the "tax gap" for interest and dividend payments for 1981 was $8.2 billion, of which $4.1 billion was interest. Extrapolating from the Peat, Marwick, Mitchell & Co. study, this would mean that the costs to the commercial banking industry alone could exceed the total tax gap for interest.

Witholding is complicated and confusing. The law provides for an exemption system whereby certain elderly taxpayers and persons with low tax liability can file an exemption form. However, it will be up to each individual to keep track of the exemption status of each source of dividend and interest income and notify payors of changes in status. Moreover, in order to claim an exemption, a taxpayer will have to declare that he or she meets the age and tax liability requirements. This disclosure of sensitive information about income and age will undoubtedly be an embarrassing invasion of privacy for many. Finally, and because the exemption is keyed to tax liability in the past year, tax will be withheld from people whose incomes decline in the current year such as retirees or people who lose their jobs or become ill and can no longer work.

From the point of view of payors of interest and dividends, the exemption system will create a blizzard of paperwork. It has been estimated that more than 400 million different interest and dividend bearing investments will require either withholding or the processing of exemption certificates. All dividend and interest paying institutions will have to develop expertise in the new law and its regulations. They will have to change data processing systems, reallocate personnel and train them to handle exemption certificates.

Withholding may not deliver the anticipated revenues. As noted, there is great uncertainty about the extent to which the public will claim the exemptions specified. In addition, it should be remembered that taxpayers with sizable unearned income—those who pay quarterly estimated taxes—may adjust their estimates to compensate for amounts being withheld on interest and dividends. Furthermore, start-up and maintenance administration costs by businesses paying interest and dividends are eligible corporate tax expenses—thus diminishing revenues through business credits and deductions. And, not to be overlooked, the welcome decline in market interest rates means, necessarily, less revenue withheld from payors of interest.

CONCLUSION

In sum, withholding of taxes on interest and dividend income is not cost-effective, is unfair and is counterproductive to the goal of encouraging savings and investments. Certainly, no one favors tax evasion. Compliance can and should be improved. Federal deficits should be reduced. However, withholding is not the proper means to reach these goals.

Legislation has been introduced in both the House and Senate to repeal withholding. In the House, over 70 separate bills have been introduced, including H.R. 500, principally sponsored by Representative Norman E. D'Amours (D-N.H.), which has 218 cosponsors. In the Senate, 8 bills have been introduced, including S. 222, sponsored by Senator Robert W. Kasten (R-Wis.), which has 36 cosponsors, and S. 39, sponsored by Senator David Boren (D-Okla.), which is cosponsored by 17 other Senators.

In the private sectors, the withholding repeal effort has the active support of almost every financial trade group, shareholder representatives and associations representing retired groups. Attached is a list of the associations which are supporting the effort to repeal the provisions of TEFRA which impose withholding at source of tax on interest and dividend payments.●

ORGANIZATIONS SUPPORTING THE REPEAL OF WITHHOLDING AT SOURCE OF TAXES ON INTEREST AND DIVIDENDS

American Bankers Association.
Credit Union National Association.
General Federation of Women's Clubs.
Independent Bankers Association of America.
Mortgage Bankers Association of America.
National Association of Federal Credit Unions.
National Association of Mutual Savings Banks.
National Association of Retired Credit Union People.
National Savings and Loan League.
National Taxpayers Union.
Stockholders of America, Inc.
United States League of Savings Institutions.

WAR ON RELIGION IN NAME OF FREEDOM

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. WHITEHURST. Mr. Speaker, on Sunday, February 13, I was privileged to read a splendid column by Rev. Pat Robertson, president of Christian Broadcasting. This appeared in the commentary section of the Norfolk Virginian-Pilot.

This article, entitled "A War on Religion in (the) Name of Freedom," merits the attention of all my colleagues. Dr. Robertson's television ministry reaches millions of Americans and people abroad, and he has presented here a brief but persuasive statement on the dilemma Americans have created for themselves in defining freedom of religion.

Mr. Speaker, any Member who believes in the first amendment, whatever his or her religious persuasion, will find Dr. Robertson's comments thoughtful and convincing.

The article follows:

[From the Norfolk Virginian-Pilot]

A WAR ON RELIGION IN NAME OF FREEDOM

(By Pat Robertson, president, Christian Broadcasting Network)

The founders of this nation, to paraphrase Justice William O. Douglas, were "a religious people whose institutions presupposed the existence of a Supreme Being." From the first settlement in 1607 to the founding of the Republic, until 1962 there existed throughout our national and community life a profound belief in God, in the efficacy of private and public prayer, and in a shared morality based on the teachings of the Old and New Testaments. In his address recently to the National Religious Broadcasters convention, President Reagan recognized this in proclaiming 1983 "the year of the Bible."

Yet in the last two decades, a small minority has forced through the federal courts a tortured view of the First Amendment's es-

tablishment-of-religion clause—a view that bears no resemblance to the convictions of the Founding Fathers, nor to the past 376 years of history and custom. Ever since 1962, successive decisions on that clause have so egregiously departed from clearly defined norms of constitutional interpretation that Sen. Daniel P. Moynihan, N.Y., has termed them "an intellectual scandal." Under the incessant hammering of such organizations as the American Civil Liberties Union, religious freedom is no longer considered a paramount freedom, but has become restricted and proscribed by successive court decisions. We have only to consider a few examples to understand the enormity of the problem:

At public expense, the University of Missouri provides facilities for student groups advocating communism and homosexuality. But the university denies similar accommodations to Christian students. The federal district judge in the case agreed with the university's contention that, under the Constitution, freedom of religion was a restricted right. Fortunately, even the Supreme Court could not accept that reasoning, and ordered the accommodation of the Christian student group.

Yet, within two weeks of that decision, the Supreme Court refused to overturn a state ruling that denied the right of high school students in Guilderland, N.Y., to be accommodated for voluntary religious activities after school—even though all other volunteer student clubs were provided space by the school.

In my own community of Virginia Beach, I was shocked to find that the public community college system proposed religious guidelines that forbade students to speak of their religion on campus, and forced them to submit all religious materials for prior restraint and censorship before they would be allowed to distribute such literature voluntarily on their campus.

Worse than this, a federal court in Florida has ruled that it is unconstitutional for schools to show films depicting religious events in American history. Florida students cannot view a film about the landing at Jamestown because a cross was planted on the shore. The first Thanksgiving is proscribed because the Pilgrims were thanking God. Students won't see George Washington kneeling in prayer at Valley Forge.

Citing federal precedent, the attorney general of Tennessee has ruled that high school football teams may not engage in group prayer prior to their games. And by federal court order, the Lubbock, Texas, school district has forbidden religious clubs from conducting any activity whatsoever on high school campuses. The reasoning is that compulsory education laws force students to come to school, and therefore provide an audience for the clubs that would not otherwise be available.

In short, the schools have gone from a position of neutrality on religion to open hostility.

With these rulings, however, comes confusion. The Supreme Court opens its sessions with the phrase "God save this honorable court." Yet that sentence would be unconstitutional if uttered in a school assembly by the principal. The court has the Ten Commandments engraved in the walls of its chambers, yet it has ruled that the placement of the Ten Commandments on school walls is unconstitutional. The chief justice of the United States holds a Bible during the swearing-in of the president, yet it is unconstitutional for school teachers to read from the Bible in class. The Congress and the president designate a national day of prayer each year, yet the schools cannot give notice of such a joint action of the legislative and executive branches of government.

I believe that the First Amendment was all the guarantee of religious liberty that we needed until an activist Supreme Court tortured its clear-cut meaning. We often hear of the "constitutionally mandated separation of church and state," but that phrase appears nowhere in the Constitution or Bill of Rights. It was written by Thomas Jefferson in 1802, in a letter to the Danbury Baptist Association, which had aroused his ire by criticizing some of his policies. Three years later, Jefferson clarified his position in his second inaugural address: "In matters of religion, I have considered that its free exercise is placed by the Constitution independent of the powers of the general government. I have therefore undertaken on no occasion to prescribe the religious exercises suited to it but have left them, as the Constitution found them, under the direction and discipline of the church or state authorities."

According to the Gallup Poll, 94 percent of the American people believe in God. Without question, those who believe must give the 6 percent who do not believe the freedom to speak, write, broadcast and disagree. But I do not think that the believing majority has an obligation to the disbelieving minority to dismantle our public affirmation of faith in God. Nor do we owe this 6 percent minority an absolute veto over a constitutional amendment—for which President Reagan has recently reaffirmed his support—that would restore our freedom to address Almighty God in our schools and public places.●

THE WORLD DEBT CRISIS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. McDONALD. Mr. Speaker, the economic and banking structure of the United States and the world is moving toward collapse as a result of world debt. An understanding of this issue is, therefore, critical. Hence, I take this opportunity to insert the following article by Dr. Hans Sennholz into the RECORD:

THE WORLD DEBT CRISIS

(By Hans F. Sennholz)

"A small debt creates a debtor, a large debt, an enemy." If this old proverb is applied to the international situation, the United States and other industrial countries have made many new enemies in recent years. The external debt of third-world countries and communist countries to creditors in the United States and Europe has soared from less than $100 billion in 1970 to some $850 billion in 1982. At least 26 countries are in default and many more may fail in the coming years.

The bad debtors now are lashing at their creditors, the chief economic villains: the United States and Western Europe. "Much of Brazil's inflation is caused by chaos in the international economy," says Tancredo Neves of Brazil, "and that chaos is the fault of the rich countries who are our creditors." President López Portillo of Mexico accuses the Mexican banks in cooperation with foreign banks of "heading, advising and supporting" a capital flight from Mexico. "They have looted us. They will not loot us again." His government then seized all private banks, including $12 billion in dollar-denominated accounts owned by Mexican and U.S. citizens, and forcibly converted the dollar deposits into debased and depreciated pesos.

Many economists are fearful that the international debt crisis is more than the bankers can handle. They liken the global debt burden to a pyramid that is weak, getting weaker and heading for collapse. They draw ominous analogies with the financial crisis of the early 1930s that greatly contributed to turning an economic slump into the Great Depression. Other economists, especially in government, reject such pessimism. They argue that the system is strong enough to weather a default of several major debtors, that the creditor banks have adequate reserves to cover any serious default, and that central banks would protect any individual bank from failing and thereby avoid a panic on the international markets. They also point to the International Monetary Fund—the lender of last resort—which can be expected to bail out countries in payment difficulties. They speak of a "safety net" that is protecting the world financial structure from falling apart.

THE SAFETY NET

In fact, the safety net may be very comforting to overextended debtors and their lenders, but its very existence may have invited the overextension in the first place by encouraging bankers to loan more money than their foreign customers were able to repay. No matter how much money the banks would lend to "developing" countries—sometimes recklessly and foolishly—there was always the IMF to pick up the pieces. Surely, IMF and government officials are convinced that the world financial system needs more such safety nets that would prevent it from plunging into a serious crisis. But all such devices constructed by governments merely cushion the fall, they do not prevent it.

The safety-net advocates like to point to the lack of safeguards in 1931 when, in the midst of financial disorder, Austria, then Germany, and finally Great Britain defaulted in their payment obligations. In many respects the situation then was similar to that of today. Under the impact of a great flood of bank credit generated by easy-money policies of the Federal Reserve System in 1924 and thereafter, bank credit was superabundant in New York. High-yield foreign bonds were in great demand, which led many New York banks to extend loans to foreign borrowers, especially German states and municipalities. The funds were often spent on current consumption, called social service, that permitted the people to live better today at the expense of tommorrow.

There was no safety net, no international cooperation or institution that would come to the rescue of a small Austrian bank, the Credit-Anstalt, when foreign funds were suddenly withdrawn. The panic gained strength and spread from Austria to Germany, to London, and finally New York. Surely, prompt banking cooperation might have avoided the debtor collapse, but it could not possibly correct the great harm inflicted by the credit expansion. Billion-dollar loan funds had been squandered, the capital markets had been disarranged,

prices and production disorganized. The seeds had been sown for a world-wide depression.

THE CURRENT SITUATION

What of the situation today? The credit expansion of the 1970s dwarfs that of the 1920s. It had its beginning in the United States and then spread like wildfire to all capital markets in Western Europe and Japan. It flooded the world with easy credit that amounted to hundreds of billions of dollars rather than a few as during the 1920s. It led to the default of dozens of sovereign countries, which wasted the funds on grandiose political schemes designed to glorify government and make socialism work.

But the present situation differs from the 1931 crisis in one important respect. In the 1920s and early 1930s the world money consisted of gold. The world was on a gold standard and all international payments were made in gold. Today, the world is on a U.S. dollar standard and most international payments and debts are settled in dollars. While it may be very difficult to construct a safety net of gold, it is rather simple for the U.S. government in cooperation with other governments to weave safety nets of paper money. Governments cannot manufacture gold; they can print ever larger quantities of paper money. But how safe are such paper nets?

THE INTERNATIONAL MONETARY FUND

Most international bankers and government economists look upon the IMF as the primary net that was woven at Bretton Woods, New Hampshire, in 1944. Its stated objectives are to promote international monetary cooperation and currency stabilization, which means the promotion of international government cooperation in matters of money management. The amount any government can borrow from IMF is in proportion to the amount it has deposited, which in turn is determined by the country's world trade, output, and the like. Debtor governments usually favor a large "quota," which they may establish by contributing primarily their own weak currencies and then draw hard currencies, such as U.S. dollars, German marks and Japanese yen. They are pressing for significant increases of their quotas so that they can borrow more and spend more. Many want their quotas trebled; some industrial countries (e.g., West Germany and Great Britain) merely favor a 50 percent rise. The Reagan Administration is considering a $25 billion emergency fund, administered by the IMF, to help countries with cash crises.

For the most part, newly created central bank funds are used in IMF transactions, which makes the Fund an exchange for self-created and deteriorating currency and an international engine of world-wide inflation and currency depreciation. It is forever pursuing the spurious notion that the policy of inflation can be made to last indefinitely through cooperation of all member governments. It acts like a governmental cooperative with 146 members that tries to coordinate the inflationary policies of its members.

Governments that inflate and depreciate their own currencies at reckless rates and, therefore, face international payment difficulties, such as Mexico in recent months, are rescued immediately with billion dollar loans. At the same time IMF imposes "conditionalities" that are supposed to correct the causes of the payment difficulties. But the conditionalities are usually taken from the armory of government control over the people. They include such devices as restrictions of imports, promotions of exports, tax increases, and so on. Rarely, if ever, does IMF recommend a reduction in the scope and function of government.

THE U.S. DOLLAR STANDARD

The U.S. dollar as the world standard currency occupies the central IMF position to which all other currencies must adjust. But this central dollar position grants an ominous privilege to the U.S. government as the primary supplier of world currency. It permits the U.S. to inflate the dollar with a certain degree of immunity and to suffer painless balance-of-payment deficits because millions of people all over the world are eager to accept and hold U.S. dollars. The rising quantity of U.S. dollars gushing from Washington is met by a rising world demand, which keeps the dollar depreciation at a minimum.

But even this pleasant privilege that permits the American people to enjoy foreign imports without paying for them with American goods, is subject to certain limits. When, despite the privilege, the U.S. government manages to inflate the dollar at rates higher than the going world rate and thereby floods creditor countries with dollars, the dollar exchange rate tends to fall in international money markets, inflicting serious losses on countless dollar holders. Finally, when these dollar losses become unbearable, they may trigger a world-wide flight from the dollar, which would signal the end of the world dollar standard and the beginning of hyper-inflation at home. The dollar panics of 1978 and 1979, when President Carter had to raise $30 billion of hard foreign currency in support of the sinking dollar, revealed the very limit to which the dollar inflation could be carried without upsetting the world monetary order. U.S. monetary policy has been more restrained and conformable to IMF standards ever since.

THE WORLD IS GASPING FOR LIQUIDITY

Third World debt has more than quintupled in a decade, half of which is owed to private banks. Repayments falling due in many cases exceed the debtor's foreign exchange earnings. In 1982 alone some $30 billion in payments falling due had to be rescheduled, which is three times the amount that were not paid on time in 1981. Cash-flow squeezes and debtor defaults may become worse in 1983 and 1984.

The 1970s witnessed the greatest credit boom the world has even seen. There had been some credit expansion before August 15, 1971, when President Nixon unilaterally abolished the last vestiges of the gold standard. Credit expansion accelerated dramatically thereafter when the U.S. government flooded the world with U.S. dollars. Central bank reserves now consisting primarily of paper dollars expanded from $92 billion in 1970 to more than $800 billion in 1981. Commercial bank credit expanded two or three times faster than before. The Eurodollar market, which recycled the flood of petrodollar deposits to debtors all over the globe, grew from some $100 billion in 1970 to nearly $2 trillion today. All these credits fueled an inflation the likes of which the world has never seen before. The abundance of credit and bargain interest rates below inflation rates seduced many governments, companies and individuals to live beyond their means until they could borrow no more.

With the help of foreign loans and domestic credits many governments indulged in popular subsidy and transfer programs, consuming income and wealth at unprecedented rates. The foreign credits raised the levels of living of the debtors, especially government officials and their political beneficiaries, while they lowered those of the people of creditor countries. But the shock of default is signaling the end of the wealth transfer process from creditors to debtors, from capitalistic countries to socialistic and communistic countries. The consumption of capitalist wealth is finally drawing to a close. Consequently the levels of living in debtor countries are tumbling, transfer programs are failing, and the political forces that depend on the economic transfer are falling into disrepute. Politicians are calling it a "liquidity crisis"; in reality, it is a shock which spendthrifts usually suffer when called upon to make payment.

SEEKING SECURITY ABROAD

Many debtor countries received large amounts of foreign credits that could not be invested productively under the given conditions. Where governments control and regulate every phase of economic life there are few opportunities for individual investment. Where governments inflate and depreciate their currencies at horrendous rates, the people seek escape from destruction by hoarding foreign currencies that are likely to depreciate at lesser rates. They are hoarding U.S. dollars or investing them abroad.

Millions of Mexicans, Argentineans, Chileans, Uruguayans, and many others, found U.S. dollars and U.S. investments extremely advantageous. They rushed to their banks loaded with dollar credits and bought U.S. dollars for depreciating pesos. The banks acted as turntables, bringing dollars in and lending them to people who would take them back to the U.S. Many a Florida condo is owned by citizens of bankrupt debtor countries. Their politicians call it a "liquidity crisis"; in reality it is a flight of private capital from governments that would consume and destroy it.

The soaring inflation of the 1970s naturally raised interest rates which together with the rise in total indebtedness raised the interest burden. In the debtor countries a large portion of income now goes to pay interest on foreign debt and to roll over old debt at rising interest rates. Interest payments have doubled in recent years, which without the injection of new loans are squeezing the life out of borrowers. To meet pressing payment obligations many resorted to short-term borrowing, which is squeezing the debtors harder still. Many countries are de facto bankrupt—Mexico, Argentina, Chile, Costa Rica, Bolivia, Poland, Rumania and several African states. Others may fail to make interest payment when it falls due—Peru, Venezuela, Yugoslavia and, most important, Brazil. They all blame the liquidity crisis; they should decry their own policies that would circumvent reason and inexorable economic law.

THE CALL FOR "REACTIVATION"

The international banking system is under great strain. There is little hope that many foreign debtors will ever repay their debt. Creditor wealth has been wasted in public works and social service, lost on countless schemes of government welfare and development, which were to create a better world through political action or outright socialism. The experiment, which is costing the capitalist countries hundreds of billions of dollars, is failing visibly as poverty and

misery are descending on the debtor countries.

But spendthrift politicians rarely learn from their own experience. One political party may replace another, one junta may ovethrow another, but the economic policies may remain unchanged because the notions and doctrines that are breeding the policies are not changing. The bad debtors of the world now are calling for "reactivation" which is more of the same. They want "reinflation" on a global scale, to bail out governments and companies wallowing in bad debt. Even U.S. politicians are talking about "reactivation" through legislation that would lower interest rates, create more credit, or force the Federal Reserve System to stimulate the economy through more dollar injections.

The wide road ahead leads to "activation," which in time will rekindle the economic boom and save many debtors through monetary depreciation. It is protected by many safety nets designed to cushion the fall of the most reckless debtors. But it is also a downhill road on which inflation will accelerate, the U.S. dollar will suffer worse panics and crises than in 1978 and 1979, and the world economy will slowly disintegrate and sink into permanent despair.

The road to peace and prosperity points in the opposite direction. In the words of an 18th century French philosopher, Charles, de Montesquieu, "countries are well cultivated, not as they are fertile, but as they are free." On the road to freedom government powers and functions must be reduced in every sphere of individual life, and politicians be separated from the economic activity of the people. Above all, the political apparatus must be completely segregated from money and finances; the power over money must be taken out of the hands of politicians and returned to the people.

ANY MAJOR NATION MAY LEAD THE RETURN TO FREEDOM

Any one of the principal countries can lead the way. It would immediately restore the individual freedom to choose any currency and medium of exchange, and remit the freedom of contract in all monetary matters. In a country racked by chronic inflation, such as Mexico, Argentina, and other Latin American states, financial stability would soon return through the development of a parallel standard of pesos and world money, that is, U.S. dollars. If two or more currencies are freely usable and exchangeable in all transactions, at free and unhampered rates, the people will prefer the most stable and reliable currency, which in many countries would be the U.S. dollar. Thus, the legal parallel standard would probably become a de facto dollar standard in many parts of the world.

A dollar standard in Mexico, Argentina, Chile, and Bolivia, would bring immense improvements to economic life and well-being. But the dollar standard would merely be an interim step on the road of monetary freedom. In time the dollar standard, which, too, is a political standard managed by spendthrift politicians in Washington, would be found wanting and, therefore, be replaced by the only natural standard, the gold standard. If people were free to choose they would prefer non-political money, honest money, the money of the ages, which is gold.

MONETARY STABILITY

If the U.S. were the leader toward world peace and prosperity, it would point the way toward monetary stability through the gold standard. It would shun the temptations and privileges of a world dollar standard and lead the way by bringing its own house in order. It would restore individual freedom in money and banking by repealing the myriad of laws and regulations that engulf the financial institutions. Instead of purging gold from the financial system it would encourage the use of gold in all exchanges and clear the way for a parallel standard of dollars and gold.

If the U.S. government were a financial leader toward monetary stability and economic prosperity it would set an example to the rest of the world by balancing its budget this year and every year, and abstain from any further currency and credit expansion. And once the dollar ceases to lose any more purchasing power, not even 5 per cent, 3 per cent, or 1 per cent, it would be made redeemable in gold. In short, politicians and government officials would surrender their power over money and banking to the people who would be free to choose.

As a world leader the U.S. government would withstand the temptation to rekindle the world paper boom through more inflation and credit expansion. It would refuse to join the Third-World search for more bank credits, to build more safety nets for reckless debtors and irresponsible lenders, grant more quotas or foreign aid to socialist and communist countries, and cooperate in any international scheme that would deny monetary freedom to individuals. It would withdraw from the International Monetary Fund and the World Bank, and cease to cooperate with any government that seizes, blocks, or confiscates American property.

As true leaders of the free world Americans would have no need to lead—they would be content to set an example and point the way.●

THE CONTINUED NEED FOR AN EQUAL RIGHTS AMENDMENT

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. WIRTH. Mr. Speaker, I wish to reemphasize the continuing need for a Federal equal rights amendment so that equal rights for all Americans can finally become a reality. Measured by any standard, gender lines have not been erased in our society. Although the State, local, and Federal governments may act without the ERA to promote equal rights, the reality is that without the amendment, governments at all these levels have not taken the steps necessary to end the sex bias that continues to intrude upon the lives of women and men in this country.

Within the limits of our Nation's Constitution, the system of laws in the United States is much like a patchwork quilt: The rights of individuals in one State vary in some respects from the rights of individuals in another. However, certain principles of freedom and individual dignity permeate our governmental system and have been enshrined in the Constitution by amendment. Freedom of speech is one such all encompassing human right. Freedom from discrimination on the basis of race, national origin, or religion is another. The language of the equal rights amendment is consistent with this scheme. It simply provides for the implementation of a very basic principle—that governments at all levels treat women and men as individuals having equal rights under the law.

Contrary to what some may believe, passage of the ERA will not lead to unisex bathrooms, force women into combat, or discriminate against homemakers. What it will do is help eliminate limitations on job and salary opportunities available to women throughout the work force. It will equalize rights for males and females entering marriage, particularly with respect to property, to each other, to their children, and to third parties. It will provide an impetus for recognizing the value of homemaker services, and will encourage legislative action to protect women in divorce.

A constitutional amendment will strengthen the position of women seeking income protection by prohibiting sex-based discrimination in insurance, pensions, and retirement security programs that involve governmental action. It will insure equal opportunities to all students in our Nation's public-sponsored schools, and will guarantee that women and men are accorded equal treatment and opportunity in the Armed Forces on the basis of their individual skills and abilities. Passage of the ERA will simply remove numerous existing State laws—many of them historical hangovers—that still typecast men and women, and replace all remaining sex-biased language with the following language and basic premise.

Equality of rights under the law shall not be abridged by the United States or by any state on account of sex.

Colorado is one of the 17 States that adopted its own ERA by amending its constitution in 1972, and subsequently rejected an attempt to repeal the amendment in 1976. The Colorado legislature is also one of the first to have ratified the national ERA. I have consistently voted in accordance with the voice of the people—by supporting the extension of the ratification deadline; by cosigning a letter to State legislature in unratified States; and by cosponsoring both the initial ERA legislation and its subsequent reintroduction.

I appeal to those of you as yet uncommitted to an equal rights amendment to look again at the implications. Statistics indicate an overwhelming majority of Americans in support of economic justice and equality for men and women under the law. The addition of an amendment to the U.S. Constitution would secure and guarantee

fundamental human rights to all Americans and I encourage you to join me in supporting ratification of the ERA in the 98th Congress.●

FDA APPROVAL LABELING ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. WAXMAN. Mr. Speaker, I am introducing today H.R. 1554, the FDA Approval Labeling Act. Currently, section 301(1) of the Federal Food, Drug and Cosmetic Act (FFDCA) prohibits anyone from making representations regarding FDA approval in the labeling or advertising of any drug or device. This statutory ban makes it difficult for pharmacists to determine whether a drug has been approved by FDA. Although it is illegal to market a drug without prior FDA approval, and FDA aggressively enforces the law, some unapproved drugs are available in the marketplace and have been inadvertently dispersed by pharmacists.

Presently, there is no simple way for a pharmacist filling a prescription to check whether a drug has been approved by FDA. While many drugs are labeled with the National Drug Code (NDC) number, that number is chosen by the manufacturer to identify the product and firm. It does not indicate FDA approval. The new drug application (NDA) or an abbreviated new drug application (ANDA) number also does not indicate approval, but rather receipt by FDA of an application for drug approval.

Similar to a FDA proposal, the bill would eliminate the statutory ban in section 301(1) with respect to drugs. The effect of the bill is to permit the inclusion of accurate statements concerning FDA approval in labeling or advertising for drugs. False or misleading statements would continue to be prohibited under section 301(b) of FFDCA.

Thank you, Mr. Speaker.●

NUCLEAR BALANCE IN EUROPE: MYTHS AND FACTS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. MICHEL. Mr. Speaker, the question of nuclear balance in Europe is among the most important of the entire nuclear debate. Recently the United States Strategic Institute (USSI)—a nonprofit, nonpartisan, nongovernmental organization—addressed the question of nuclear balance and came up with some interesting answers. It would appear the Soviet Union, in its unprecedented propaganda campaign to retain many of its SS-20's has been engaged in selective statistics—to put it charitably.

At this point I wish to insert in the RECORD part of chapter I of USSI report 83-1, "The Nuclear Balance in Europe: Status, Trends and Implications." This section summarizes the major myths of the current debate.

MYTHS AND REALITIES

The principal ones are the following:

Myth 1: The Soviets have deployed nuclear weapons in support of the Warsaw Pact basically as a reaction and counter-deterrent to nuclear deployments by NATO. The reality is that Soviet nuclear weapons are deployed in support of an integrated air-ground offensive concept of operations. The ranges, yields and numbers of Soviet weapons, along with their organization, doctrine, training and acquisition, describe a Soviet theater nuclear force capability that is far in excess of anything that could conceivably be characterized as a counter-deterrent to NATO nuclear capabilities.

Myth 2: NATO holds a two-to-one numerical advantage in theater nuclear weapons over the Warsaw Pact—an advantage that allows NATO room for unilateral nuclear concessions or at least a "freeze." Admittedly, the "two-to-one myth," which became deeply entrenched in Alliance perceptions during the 1970s, has given way to some extent under the glare of the realities. Even the Soviets, in their propaganda pronouncements, contend that a "rough parity" exists between the nuclear arsenals of the two alliances. Nevertheless, the legend of comfortable NATO nuclear advantages in Europe, which are now vaguely attributed to a "qualitative" superiority, continues to linger. The reality, in any event, is that substantial quantitative advantages now belong to the Warsaw Pact, and that these are combined with some significant qualitative force advantages as well.

Myth 3: NATO's Long-Range Theater Nuclear Force (LRTNF) Modernization Program—the decision taken in 1979 to deploy 108 Pershing-II and 464 ground-launched cruise missiles (GLCMs)—is unnecessary, provocative and will upset the nuclear "balance" in Europe. The reality is that the Modernization Program represents a vitally necessary, if modest, step toward nuclear stability and augurs the only hope of underwriting a viable NATO conventional defense at affordable costs.

Myth 4: NATO somehow has an unfair advantage in what the Soviets call "Forward Based Systems" (FBS). The Soviets in their definition of FBS include U.S. and U.K. aircraft, U.S. carrier forces, as well as the independent nuclear forces of the United Kingdom and France. The reality is that the Warsaw Pact has a ten-to-one quantitative advantage in "FBS," along with significant qualitative and geographical assets.

Myth 5: NATO has a preponderance of battlefield nuclear weapons—primarily artillery-fired atomic projectiles (AFAP) and short-range rockets—which give the Alliance distinct advantages in the nuclear arena. The reality is that there is approximate parity in such short-range forces; moreover, both geography and likely battle scenarios present NATO with some serious problems with respect to the utility of these weapons.

This monograph will cover three aspects in some detail: first, nuclear capabilities on both sides in *surface-to-surface ballistic missiles;* second, *dual-capable nuclear/conventional aircraft* available to both sides and related to the "FBS" issue; third, *a comparison of all nuclear systems,* crossing the entire spectrum from the so-called tactical support weapons (artillery and short-range rockets) through aircraft, intermediate and long-range rockets and other categories of nuclear systems such as those found in air defense systems, barrier munitions (Atomic Demolition Munitions) and those weapons which have application in anti-submarine warfare. But before undertaking these comparisons, it is useful to look at least briefly at the historical background against which the nuclear postures of the two alliances have evolved.●

NOT A FREE-TRADE WORLD

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. STANGELAND. Mr. Speaker, today I am pleased to insert in the CONGRESSIONAL RECORD a copy of an article I recently received from a good friend and constituent of mine, Mr. Al Bloomquist.

The author of the article is Mr. Burton M. Joseph, chairman of the I. S. Joseph Co., and it is taken from the January 1983 Corporate Report magazine. Mr. Joseph's article represents an interesting and thought-provoking analysis of the challenges we face in bolstering our severely depressed agricultural economy. I particularly appreciated his observation that—

We should recognize that it is not a free-trade world in which we compete.

I strongly encourage my colleagues to examine his remarks on the importance of regaining our international markets.

The article follows:

BURTON M. JOSEPH, CHAIRMAN, I.S. JOSEPH CO.

Hubert Humphrey used to say that if you get right with agriculture in Minnesota, you are right with the whole economy of Minnesota. What he was implying of course, was that since agriculture represents 40 percent of the state gross product, the state thrives when agriculture thrives.

Unfortunately for those of us in Minnesota, and for that matter in the entire Midwest, agriculture has just endured a third consecutive year of recession.

Farm prices measured on a parity basis (income matched against costs) are equivalent to prices during one of the most distressed periods in the history of American agriculture—the mid-1930s. Surely a depression for the farmers.

The agricultural-processing group, such as flour millers, oil-seed crushers, and corn millers, are experiencing the worst of both worlds—low volume and low margins. The agricultural-processing industry is a margin industry that can afford to sacrifice some volume if margins hold up. But competition in the industry is currently severe, as a result of the capacity added during the glory years of the middle and late 1970s; in order to keep factories and facilities busy, processors are undercutting one another. Consequently, margins have deteriorated se-

riously. Unfortunately, lower prices have not resulted in higher volume; the new processing, storage, and logistics capacity was in large measure installed for international trade, and the international side of the business is definitely in trouble. More about that later.

Another wobbly leg of the agricultural platform is the input suppliers: fertilizer manufacturers, herbicide and pesticide suppliers, agricultural-equipment manufacturers, and logistic suppliers such as barge lines, railroads, and stevedoring companies. All are taking a real pounding, because their oversupply of equipment and personnel has resulted in stiff competition among themselves and a virtual collapse in rates and prices.

It is a pretty grim story, and it does not auger well for the state of Minnesota. The most troubling and worrisome part of all of this is that Minnesota agriculture has been recognized for decades as playing a lead role in the world's most efficient, lowest-cost system of food supply. Simply put, American agriculture produced a unit of agriculture—a ton of grain, a bale of cotton, a pound of edible fats, a bag of flour, whatever—at the lowest unit cost of any country in the Western industrialized world. This production has been beautifully served by a logistical apparatus that delivers the goods efficiently, both at home and abroad.

It is unfortunate, but true, that in the past three or four years we have been neglecting our efficient agribusiness structure, spending our depreciation to pay current bills and not to replenish the land or replace the factories. Slowly but surely, American agriculture is going the way of the smokestack industries—steel, rubber, autos—burdened with high costs, eventually uncompetitive.

If we continue to let this happen—if we let our plant deteriorate and decline, and thereby end up with an inefficient and high-cost agricultural system—we will be reduced to colonial-nation status, exporting only raw materials and no furnished goods.

How to halt this erosion? My judgment is that we must force our way back into international markets, which is the edge we need to rebuild volume and margins. We should recognize that it is not a free-trade world in which we compete. Our international rivals, particularly in South America and Western Europe, are subsidizing the export of agricultural goods, both raw materials and processed items, at unbelievable rates. To catch the attention of these rivals, we must undertake, without delay, a policy to meet head-on the immediate threat of losing our traditional customers around the world. We now spend $12 billion per year to retire acreage and to store grain, dairy products, and other agricultural surpluses in order to keep these items off the market. This money would be far better spent in a subsidy program for export, by which we could revitalize our farms and support industries with stepped-up volume at decent margins. Our assignment in 1983 is to work to bring this about.●

PERSONAL EXPLANATION

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. MARRIOTT. Mr. Speaker, I was unable to be present on the floor of the House of Representatives on Tuesday, February 16, 1983, for rollcall Nos. 8 and 9. Had I been present I would have voted "yea" on H.R. 861—Small business pilot procurement programs extension; and "yea" on H.R. 1043—to improve small business access to procurement information and contracting opportunities.●

A SALUTE TO THE CUYAHOGA COUNTY BAR ASSOCIATION'S PUBLIC SERVANTS MERIT AWARDS HONOREES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. STOKES. Mr. Speaker, it is a pleasure for me to join once again this year with the Cuyahoga County Bar Association in saluting five public servants on the occasion of the 37th Annual Public Servants Merit Awards Luncheon in Cleveland. The luncheon will be held in Cleveland on Tuesday, February 22, 1983.

Mr. Speaker, each of the five honorees on this occasion can proudly boast of 30 years of public service. I would like to take this opportunity to commend the Cuyahoga County Bar Association president, Mr. William L. Summers on this occasion and pay special tribute to each honoree.

The first honoree, Mr. Robert L. Curry has been in public service since 1953. The son of the late County Commissioner John F. Curry, he began his service in the Legal Department of the County Welfare Department. After serving as a first lieutenant in the Army Transportation Corporation from 1953–1956, in France, Germany, Italy, and Switzerland, Mr. Curry returned to the Welfare Department until April 1957 when he was appointed a trial referee of probate court where he hears contested matters. Mr. Curry's hobbies include amateur theatrics, opera record collecting, gourmet cooking, and travel. He is currently a member of the board of trustees of Lakewood Theatre—Beck Center.

The second honoree, Mr. Speaker, is Mr. Andrew J. DeSanti. In 1950, while attending Ohio University, Andrew J. DeSanti began his career in juvenile court work at Dayton, Ohio. After receiving a master's degree in social work, in 1955, from Ohio State University, he moved to Cleveland in 1956 and was hired by the Cuyahoga County Juvenile Court to train and supervise probation officers and students. In 1960, Mr. DeSanti was named assistant chief of probation services. He was appointed director of training services in 1966 and in 1970 became chief probation officer. In this latter position, he assumed responsibility for the operation of the record room, psychiatric clinic as well as the probation department. Mr. Speaker, in addition to the 33 years as a certified social worker, DeSanti earned a World War II Victory Medal, a Middle Eastern Campaign Medal, and four Bronze Stars for 29 months of combat duty in the European and African Theaters from June 1943 to November 1945.

Mr. Speaker, Mr. Edward J. Dvorak is the third honoree on this occasion. In 1952, Mr. Dvorak became a case worker for the Catholic Youth Service counseling adolescent boys. Following his graduation from John Carroll University in 1954, he was appointed to the Cleveland Municipal Court as a probation department officer. In 1963, he was advanced to the role of a supervisor in the department where he now trains and supervises probation officers. Mr. Dvorak has done graduate work in psychological testing, guidance, and counseling. He has lectured and written on correctional subjects throughout the State of Ohio. He is also a recognized authority on alcoholic and drug rehabilitation programs.

The bar association's fourth honoree is Francis O. Gallagher. On January 1, 1952, the ex-featherweight Champion of the World, Johnny Kilbane, as Cleveland's Municipal Court clerk, gave Frank Gallagher a job as a deputy in charge of the trustee division. Later, clerk Helen Lyons advanced him to assistant chief of the courts conciliation division. When Municipal Judge John V. Corrigan was elected to the county common pleas court, he took along Gallagher as his bailiff in March 1966. From 1973 to 1976, Mr. Gallagher served as bailiff for Common Pleas Judge James J. McGettrick. On January 1, 1977, a quarter century after his entrance to a public service career, he was appointed a deputy court administrator of the Eighth Appellate District Court of Appeals. On January 1, 1980, he was named chief deputy administrator.

For 22 years, Mr. Speaker, Francis Gallagher has umpired in the Cleveland Lakewood Umpires Association. He is a former member of the Arbitration Commission of the Cleveland Baseball Federation and a former coach of St. Mark's Parish CYO baseball and basketball.

Mr. Speaker, the Cuyahoga County Bar Association's final honoree is Ms. Lillian C. Kreczmer. After 7 years as a Federal employee with the regional office of the Veterans' Administration, Ms. Lillian C. Kreczmer's obligations at home forced her to leave Federal employment. She did, however, return to the Navy Finance Center as a clerk-typist in November 1959, and from 1960 to 1962, she was back at the regional VA office.

In 1962, Ms. Kreczmer was chosen as a secretary in the office of the U.S. district attorney where she served

with distinction until her retirement on December 31, 1982. She has won seven outstanding performance rating certificates from the Federal Government. In 1972, the Cleveland Federal Executive Board awarded her a citation for secretarial excellence, and in 1975, the U.S. Department of Justice honored her with its "Superior Performance Award."

Mr. Speaker, I ask at this time, that my colleagues join me in saluting this exemplary public servant and the Cuyahoga County Bar Association on this special occasion.●

THE EPA EXECUTIVE PRIVILEGE DILEMMA

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. HUBBARD. Mr. Speaker, I believe that all Members of Congress are aware of the controversial events that have occurred recently surrounding the Environmental Protection Agency, its Administrator, congressional actions, and executive privilege principles. James Hamilton, a Washington, D.C., attorney with the law firm of Ginsburg, Feldman, Weil & Bress, has written an excellent article entitled, "A Way Out of Executive-Privilege Dilemma." Jim Hamilton is the author of "The Power to Probe: A Study of Congressional Investigations." He was assistant chief counsel for the Senate Watergate Committee. The following article appeared in the Los Angeles Times on February 3. I know my colleagues will be interested in his comments.

[From the Los Angeles Times, Feb. 3, 1983]

A WAY OUT OF EXECUTIVE-PRIVILEGE DILEMMA

(By James Hamilton)

Surely wise men can devise a better way to determine whether the executive branch must release information to Congress.

In a highly publicized incident, Anne M. Gorsuch, administrator of the U.S. Environmental Protection Agency, has refused on President Reagan's instruction to release 64 documents subpoenaed by a subcommittee of the House Public Works and Transportation Committee. These documents purportedly relate to hazardous-waste sites and come from active EPA law-enforcement files. Gorsuch's action has triggered a brouhaha of constitutional proportions.

The House has responded to Gorsuch's refusal by citing her for contempt of Congress, and has shipped the matter to the Justice Department for criminal prosecution. The executive branch—suing as the "United States"—has retaliated by bringing a lawsuit against the House, Speaker Thomas P. O'Neill Jr. and others. The suit seeks a ruling that the House's action is unconstitutional because it violates executive-privilege principles.

The suit says that Congress, where leaks abound, has no right to law-enforcement documents whose public disclosure would greatly harm the government's ability to enforce federal statutes. The executive branch also fears political pressures from congressmen apprised of law-enforcement strategies.

Moreover, the U.S. attorney for the District of Columbia, Stanley S. Harris, a Reagan appointee, has said that, until the civil suit is resolved, he will not bring the matter before a grand jury, even though the federal contempt-of-Congress statute specifically requires him to do so.

House officials have moved to dismiss the suit on various grounds, including the constitutional immunity that congressmen enjoy against suits attacking their legislative actions.

The House also strenuously objects to the executive branch's suing as the "United States." Congress, the House says, is a co-equal branch of government and has as much claim to that designation as does the executive branch.

One House member has raised the specter of impeachment proceedings against the attorney general and the U.S. attorney. And a congressional lawyer recently said that the House itself might arrest Gorsuch if the Justice Department refuses to prosecute her.

If this cacophony of claims and counterclaims sounds confusing, it is.

Constitutional scholars are scratching their heads as they ponder how the federal courts will resolve the issues presented. A federal judge is now deciding whether to dismiss the suit brought by the executive branch.

There is a better way to resolve such disputes.

At present, there are two, perhaps three, means for the House (or Senate) to force compliance with its subpoenas to executive branch officials and others.

The House can, as it has done here, cite the offender for contempt and send the matter to the Justice Department for prosecution. This method, however, raises delicate constitutional questions as to the ultimate discretion of the U.S. attorney to decline to press criminal charges. And it may result in criminal prosecutions of persons who by no stretch of the imagination should be considered "criminals."

The House also has constitutional authority to arrest persons who defy its subpoenas and to confine the culprits in the Capitol or elsewhere until the requested materials are produced or the House session expires.

However, this procedure has not been used since the mid-1930s, and may be impractical. What if the President arrayed the Marines in front of the EPA to prevent the House sergeant-at-arms from arresting poor Gorsuch?

Perhaps the House also could bring a civil lawsuit against an executive official who refuses to produce records. At present, however, there are substantial problems with this approach. A federal court may not have jurisdiction to hear such a suit, even though a good argument can be made that a recent amendment to federal law gives it that power.

In addition, under current rules, a court battle between the executive and Congress could well be a protracted affair. For starters, the executive branch normally would have 60 days to answer a complaint, and even important constitutional matters generally move at a snail's pace through the federal courts. Even if Congress eventually were successful, it might be denied vital information for many months.

What is needed is a new statute that would provide the federal courts with undisputed jurisdiction to hear a suit brought by Congress to enforce its subpoenas to executive branch officials, require that executive officials promply answer Congress' complaint, and require that the courts, including the Supreme Court, give the case expeditious treatment.

Such a system might not be perfect. But at least this approach, which in essence was recommended by the Senate Watergate Committee, would allow neutral arbiters—the courts—to resolve quickly the thorny constitutional disputes that arise all too frequently between the legislative and executive branches.

And it would provide a mechanism to avoid both criminal prosecutions of executive officials, who may just be following orders, and dubious lawsuits against congressmen that challenge the immunity given them by the Constitution.●

BIG BROTHERS/BIG SISTERS

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. COATS. Mr. Speaker, Congresswoman MARILYN LLOYD BOUQUARD and I introduced legislation designating the week of February 13 as Big Brothers/Big Sisters Appreciation Week. In less than a month, we received the support of 66 of our colleagues. We feel this is a significant indication within the Congress that Big Brothers/Big Sisters should receive national recognition for their many worthwhile services to children.

Big Brothers/Big Sisters of America exists to extend special attention to children who are growing up in one-parent families. There are over 12 million children in the United States who are in this situation. Whether as a result of divorce, death, or desertion, some 40 percent of all children born since 1970 will spend 5 years or more in a single-parent home. Many of them will need more attention than one individual can possibly give. In the absence of an extended family, a big brother or big sister can help to fulfill these needs. For almost 80 years, these one-to-one friendships developed by big brothers to little brothers and big sisters to little sisters have helped many children through the most challenging and crucial times of their lives.

Congresswoman BOUQUARD and I would like to thank the following Members for joining us in support of House Joint Resolution 97: Mr. DAVIS, Mr. LEVIN of Michigan, Mr. JEFFORDS, Mr. FRANK, Mr. YOUNG of Alaska, Mr. MORRISON of Connecticut, Mr. DURBIN, Mr. STUMP, Mr. FROST, Mr. ROBERTS, Mr. WAXMAN, Mr. SCHEUER, Mr. FOGLIETTA, Mr. WHITLEY, Mr. LOWERY of California, Mr. HUCKABY, Mr. FRENZEL, Mr. FAZIO, Mrs. HALL of Indiana, Mr. GREEN, Mr. WHITTAKER, Mr. REID, Mr. LEVINE of California, Mr. GRADISON, Mr. SHARP, Mr. LENT, and Mr. HILER.

Also, Mr. MOAKLEY, Mr. MILLER of Ohio, Mr. SHANNON, Mr. SUNIA, Mr. LAGOMARSINO, Mr. ARCHER, Mr. HORTON, Mr. VANDER JAGT, Mr. HARRISON, Mr. WHEAT, Mr. ROE, Mr. LELAND, Mr. WOLF, Mr. FROST, Mr. KASICH, Mr. BORSKI, Mr. GEKAS, Mr. OWENS, Mr. HOWARD, Ms. MIKULSKI, Mr. SMITH of Florida, Mr. ALBOSTA, Mr. CORRADA, Mr. MOORE, Mr. CAMPBELL, Mr. MCGRATH, Mr. WYLIE, Mrs. BOXER, Mr. ANDREWS of Texas, Mr. LEWIS of California, Mr. HUGHES, Mr. PRICE, Mr. MARTIN of New York, Mr. MRAZEK, Mr. VANDERGRIFF, Mr. SLATTERY, Mr. MCNULTY, Mr. LATTA, and Mr. MINETA.

While the legislation did not become a public law this year, we intend to reintroduce it for 1984, and again seek national recognition of the continual commitment and caring of Big Brothers and Big Sisters for those who need this extra love and friendship. We hope to have the support of the above Members and ask our other colleagues to join us in accomplishing this worthy goal.●

THE PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION ACT OF 1983

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. LUKEN. Mr. Speaker, I have introduced today the Protection of Confidential Business Information Act of 1983. With some modifications, this is a bill I introduced nearly 2 years ago in the 97th Congress. I submit it once again because I am convinced that the danger the bill seeks to avoid, the coerced disclosure of confidential information by American companies overseas, is every bit as real today as it was then. The most immediate threat to which my bill would respond is the Vredeling proposal of the European Communities (EC).

My bill provides the power and authority of U.S. law to resist the extraterritorial reach of EC proposals. It is intended as "blocking legislation" to minimize the unfavorable effects of the Vredeling requirement to disclose all manner of confidential information to workers' representatives in Europe, including information which would affect the price of their stock as well as their competitive positions here in the United States.

Mr. Speaker, the Vredeling proposal has been winding its way through the complicated legislative process in Europe since October 1980. Some of the more radical features of the original drafts have been eliminated. But I am seriously concerned that what remains continues to pose major problems for American companies operating in Europe.

There are still many stages through which the Vredeling proposal must pass before it becomes law. The European Commission must recommend a final test to the Council of Ministers, and the Council must give its approval. Then each of the member states of the EC must adopt implementing legislation of its own.

At any of these stages, changes can be introduced, compromises negotiated, and improvements made. Yet Commissioner Ivor Richard, who has jurisdiction over the proposal at the moment, and whose views are likely to carry great weight, has indicated the direction in which he wants the proposal to develop.

Mr. Speaker, I do not like the direction Mr. Richard has chosen. That is the direction of international collective bargaining, with European unions given the power to obtain confidential information from American companies, and to stymie the decisionmaking process until that information is provided.

Under the Richard version of the proposal, anytime a company intends to make a decision arguably affecting workers in Europe, information must be disclosed to workers' representatives before the decision is made. Then there must be consultations, aimed at reaching agreement. While it is true that the proposal would technically limit the scope of consultations to the effects of the decision on the work force, it is inevitable that, in practice, management would be expected to negotiate over the proposed decision itself.

If the data called for are secret, they must still be disclosed. The Europeans argue that sanctions against unauthorized dissemination can provide any necessary protection. I think that this is a classic instance of shutting the barn door after the horse has escaped: if company secrets are published for all the world to see, no slap on the wrist of a union official can undo the harm that will have been caused.

Mr. Speaker, there is no one in this Chamber who is not concerned about the problems of unemployment, both here and abroad. Our depressed economy is tied with economies of our trading partners. While each country looks for internal means of recovery, we must all be aware that all of our economies will only recover when all work forces are at or near full employment.

In this country, we have moved so that private industry, labor and government are working closer together, for each group realizes that progress can only be made working with the other two. It pains me to look at the Vredeling proposal, and realize that in Europe the exact opposite is true. There can be no relief from unemployment without increased investment and the Vredeling proposal will stifle new investment in Europe. The requirements currently found in the proposal are not simply "the cost of doing business" in Europe, quite the contrary, it would strike at every attempt by a company to realize a competitive advantage in the marketplace.

Frankly, if the European governments want to place their own business operations into a straitjacket that may not seem wise, it is clearly their right. However, American based companies with operations in Europe are threatened by this proposed legislation, could be asked to violate American law, and run the risk of having decisions not reached in Europe disclosed for all the world to see. This is an unacceptable proposal.

Supporters of this proposal claim not to understand why there is so much controvery concerning Vredeling. They point out that many companies engage in involuntary discussions with workers now, and point to the German and Dutch systems as proof that Vredeling is a workable solution. Voluntary discussions are to be encouraged, but forced consultation with "a view to reaching an agreement," an undefined clause in the proposal, and the possibility of judicially mandated disclosure of business secrets goes far beyond any anticipated method of discussion concerning management and workers.

We are all aware of the strained international trade picture that confronts all nations today. While this is not specifically a trade matter—it clearly relates to growth and investment between the United States and its most valued trading partners. No one wants to see new barriers erected that would diminish economic growth, yet that is clearly what Vredeling proposal does. Further, it could lead to extraterritoral intrusions into the decisions of American businesses.

I wish I could tell you that Vredeling is an isolated instance of disagreeable legislation, quite the contrary, there are other more radical proposals that are now being discussed within the European Community. This only points out the need for action on the Protection of Confidential Business Information Act of 1983.

I am pleased to have our colleague from Michigan (Mr. DINGELL) as the original cosponsor of my bill. As chairman of the full Energy and Commerce Committee and the Oversight and Investigations Subcommittee, Mr. DINGELL has championed the need for fairer trade practices and increased investment in foreign trade. I look forward to working with all of my colleagues on this proposal. I would urge at a minumum, swift hearings on the entire issue of European Community law proposals and their impact on U.S. businesses.●

FEDERAL ANTITAMPERING ACT

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. SAWYER. Mr. Speaker, today I am introducing, on behalf of myself and Messrs. HYDE, MOORHEAD, SENSENBRENNER, MCCOLLUM, DEWINE, MAZZOLI, and HARKIN, a bill to protect innocent and unsuspecting consumers from the malicious, cold-blooded acts of individuals who tamper with products prior to consumer purchase. This proposal is the companion bill to S. 216 as introduced by Senator THURMOND and many of his colleagues on January 27, 1983.

The individual or group of individuals who placed cyanide-filled Tylenol capsules on store shelves with total disregard for human life caused several random deaths in the Chicago area. In the wake of this tragedy, manufacturers were forced to recall products at great expense, and copycats have been inspired to continue the tampering trend in a variety of gruesome ways.

A new angle, the "false scare," has developed. For example, in my own State of Michigan, the Hygrade Food Co. initiated a financially burdensome recall of thousands of hot dogs after it was falsely and maliciously claimed that razor blades and tacks had been inserted into the meat.

In the aftermath of the tampering scare, consumers now play Russian roulette with their own safety every time they purchase the very products necessary to their own well-being. This might be expected in a good horror movie, but it cannot be tolerated in American society.

The criminal act of tampering with consumer products dictates the swift and forceful involvement of the Federal Government. The Food and Drug Administration has reacted quickly to protect consumers by setting antitampering packaging standards. The Johnson & Johnson Co., itself a victim of the Tylenol tampering, has done a swift and outstanding job of packaging its Tylenol capsules in containers with three separate antitampering protections. This private sector compliance is only just beginning.

Nationwide investigation and the swift enforcement of strict Federal penalties must also be used to deter the act of tampering. This is the purpose of the Federal Anti-Tampering Act, which creates a new offense in title 18 of the United States Code. Under this proposal, it would be illegal to tamper or attempt to adulterate a broad range of consumer products affecting interstate commerce, with the intent to injure or kill any person or to damage a business reputation.

This proposal also would make it illegal to disseminate false information concerning the tampering of a product with willful and malicious intent. The penalties for these offenses include a maximum prison sentence of 20 years and a fine of $100,000. Where personal injury or death results, a maximum penalty of life imprisonment is provided. This House version is identical to S. 216 in every respect, except that I have increased the fine ceiling from $20,000 to $100,000.

The House Committee on the Judiciary's Subcommittee on Crime will address the consumer product tampering issue in the very early days of March. I urge all members to join me in cosponsoring the Federal Anti-Tampering Act, with the purpose of insuring consumer safety in the purchase of products so much a part of our American way of life.

H.R. 1544

A bill to amend title 18, United States Code, to combat, deter, and punish individuals who adulterate or otherwise tamper with food, drug, cosmetic, and other products with intent to cause personal injury, death, or other harm

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Anti-Tampering Act".

SEC. 2. Title 18, United States Code, is amended by adding the following new chapter:

"CHAPTER 56—ADULTERATION

"§ 1211. Malicious injury by adulterating a product

"(a) Whoever, with intent to injure, kill, or endanger the health or safety of any person, or with intent to cause damage or injury to the business reputation of an individual, partnership, corporation, association, or other business entity (1) does any act which results in a food, drug, device, or cosmetic being adulterated or attempts to do any such act or (2) tampers or attempts to tamper with any hazardous substance or any other article, product, or commodity of any kind or class which is produced or distributed for consumption by individuals or use by individuals for purposes of personal care or in the performance of services rendered within the household, if such act of adulteration or tampering occurs before the food, drug, device, cosmetic, hazardous substance or other article, product, or commodity is introduced or delivered for introduction into interstate commerce, while such item is in interstate commerce, while such item is held for sale (whether or not the first sale) after shipment in interstate commerce, or if such act of adulteration or tampering otherwise affects interstate commerce, shall be punished by imprisonment for not more than twenty years or fined not more than $100,000, or both, or, if personal injury or death results to another, by imprisonment for any term of years or for life.

"(b) Whoever, with willful and malicious intent, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would constitute a violation of subsection (a) shall be punished—

"(i) if personal injury or death results to another, by imprisonment for any terms of years or for life;

"(ii) if such conduct causes any person to be in sustained fear for his or another person's safety, causes any government agency or authority to direct a sale prohibition against, or recall of, any food, drug, device, or cosmetic, or causes any individual, partnership, corporation, or association to implement such prohibition or recall in response to such conduct, or causes other serious disruption to the public, by imprisonment for not more than twenty years or by a fine of not more than $100,000, or both.

"(c) As used in subsection (a), 'food', 'drug', 'device', 'cosmetic', and 'adulterated' shall have the meanings ascribed to those terms in the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301-392); 'hazardous substance' shall have the meaning ascribed to that term in the Federal Hazardous Substances Act (15 U.S.C. 1261(f)).".

SEC. 3. If any provision of this Act is held invalid, all valid provisions that are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision shall remain in effect in all of its valid applications that are severable.

SEC. 4. The analysis of part I of title 18, United States Code, is amended by adding the following:

"56. Adulteration ..... 1211".●

OUR RIGHT TO WORK

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. CORCORAN. Mr. Speaker, as I was reading some of the Illinois newspapers recently, I came across an editorial in the Dwight Star & Herald which interested me. I have long been impressed by the professionalism of the Tock family which owns and runs that particular newspaper. Unfortunately, the last reapportionment took that fine community and its newspaper from my current congressional district.

For the benefit of you, Mr. Speaker, and my colleagues, I am including the editorial which details an issue which affects all of us.

[From the Star & Herald (Dwight, Ill.), Dec. 2, 1982]

OUR RIGHT TO WORK

Let's face it, this country is in a complete economic mess.

Unreasonable union demands, high interest rates, business's reluctance to invest (in an attempt to stay "even" with costs), inflation and government inability to control its spending have resulted in the worst economic situation since the Depression.

Most elements creating the economic mess are controllable. The most difficult to control, however, are demands by labor unions.

The right-to-work law would prohibit union-employer agreements making union membership a requisite for employment. The point of right-to-work, however, is that individuals must be allowed their freedoms

in the workplace just as absolutely as in society.

They must have the right to hold a job without being forced to join a labor union. The argument that closed shops prevent the company from pitting workers against each other holds no water. Friction among workers is even more intense when some workers are forced to "join the club" simply because a majority of the employees choose to do so.

Compulsory unionism does unite all the workers against the employer—creating a situation in which productivity falls and worker and boss behave as adversaries, not partners.

Union monopolies can and do reduce creativity, competition among workers and pride in the work at hand. They make it impossible for the medium and small employer to compete with non-union shops, which are strengthened by salaried non-union employees who like what they do and put out 100 percent.

Constant and unreasonable union demands and unions' intense fear of automation have put many good companies out of business, eliminating thousands of jobs.

All of which are strong arguments for giving all workers a choice of whether or not to join a union. Freedom of choice—it's a concept on which this country was founded.—Lombard Spectator.●

HEALTH RESEARCH EXTENSION ACT OF 1983

HON. HENRY A WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. WAXMAN. Mr. Speaker, on behalf of Mr. PEPPER, Mr. SCHEUER, Mr. WALGREN, Mr. OTTINGER, Mr. WIRTH, and myself, I am pleased to introduce H.R. 1555, the Health Research Extension Act of 1983. The legislation provides for the reauthorization of the National Institute of Health (NIH).

Our Nation's biomedical research effort is second to none in its scope and accomplishments. NIH has done more to expand human knowledge about the cause and prevention of disease than any other research institution in the world.

The discoveries resulting from NIH activities have enabled dramatic improvements in the quality and effectiveness of health care services. The benefits of these activities in reducing human suffering and prolonging life are clear.

With the Congress continued support, America's investment in health research will continue to produce generous dividends. The opportunities for major breakthroughs have never been better.

H.R. 1555 represents a necessary and forceful statement of support for the biomedical research programs of the NIH. It was the result of extensive subcommittee and committee consideration during the 97th Congress—4 days of public hearings and 4 days of markup sessions were devoted to its development.

The Health Research Extension Act of 1983 is, for the most part, a technical revision of title IV of the Public Health Service Act. This revision, the first since 1944, is long overdue and necessary to adequately define the responsibilities of the NIH and to streamline redundant or inconsistent authorities.

In addition, the legislation extends for 3 fiscal years the authorization of appropriations for expiring research authorities. These authorities include: First, the National Cancer Institute; second, the National Heart, Lung and Blood Institute; third, the National Library of Medicine; fourth, the national research service awards; and fifth, various diabetes, arthritis, digestive, and kidney diseases activities.

The authorization levels contained in the bill are not as high as I would like, but do represent annual increases reflecting the Congressional Budget Office's prediction for inflation and an additional 10 percent representing the need for continuing real growth in our health research program.

The legislation also makes a number of important changes to promote the more effective and efficient management of the NIH. These changes include procedures for peer review of intramural research and contracts, as well as establishment of a system for investigating reports of scientific misconduct.

During the 97th Congress the committee discovered that research on the prevention of disease had been seriously underemphasized by NIH. Yet research on prevention holds the greatest promise of one day reducing the incidence of a wide range of illnesses and warrants high priority within this Nation's research agenda. The legislation places increased emphasis upon sponsorship of prevention-related research.

Mr. Speaker, one of the most important provisions of H.R. 1555 is the establishment of a new research institute, the National Institute of Arthritis and Musculoskeletal Diseases. Creation of an arthritis institute has been a special interest of the distinguished chairman of the House Rules Committee, Mr. PEPPER. Over many years of public service Congressman PEPPER has carefully studied the progress of arthritis research in this country and at his urging the Energy and Commerce Committee voted last year to expand the Federal commitment to arthritis research through establishment of a separate national research institute.

Mr. Speaker, support of H.R. 1555 will establish health research as among the highest priorities of the 98th Congress. An effective biomedical research program will lead to a healthier, more productive population.

I urge each Member's support for this important legislation.●

RICK VORHIES: A REAL HERO

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. ROGERS. Mr. Speaker, our world has unfortunately become a less personal place these days. It seems the policies of the good samaritan have fallen on hard times.

That is why it gives me so much pleasure to speak today about a true act of bravery, an act above and beyond the call of citizenship and neighborliness.

Just a few weeks ago, a resident of my district from Pulaski County, Ky., was driving a coal truck along Interstate 75 near the town of Florence, in northern Kentucky. All of a sudden, the truck struck another truck in front of it, and burst into flames. Inside, the driver, Roy Wesley of Science Hill, lay injured. Without quick assistance all hope for Mr. Wesley would have faded.

But another truck driver, traveling on the same stretch of highway, spotted the accident, and pulled over to assist. Rick Vorhies of Cambridge, Ohio, at great peril to his own life, ripped a red-hot muffler off the door of the flaming vehicle, and pulled Wesley out. He then rolled Wesley on the ground to put out the flames that had begun burning his body. Wesley was rushed to a nearby hospital, and I am pleased to inform you that he is recovering from his burns and injuries miraculously. Mr. Vorhies himself was unhurt.

The courage and bravery exhibited by Rick Vorhies ought to be held up as an example for all of us. His heroism in the face of personal risk stands as a monument to the great human spirit which unites us. And the fact that Mr. Vorhies acted, while others along the roadway had merely stood watching, speaks even more highly of his inspirational bravery.

Mr. Speaker, I call upon the House of Representatives to join me in saluting Rick Vorhies, an outstanding American. For, in an imperfect world, there are still heroes for us to look up to—real heroes, who work hard, love their country, and risk their lives for strangers. It is people like this that renew the faith of all of us in the goodness of humanity, and the future of our world.●

FRIEDA WOLFF

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. DELLUMS. Mr. Speaker, on February 27, the Veterans of the Abraham Lincoln Brigade will honor Ms. Frieda Wolff for her decades of tireless work on behalf of humanity. I am honored that this most extraordinary woman lives in the Eighth California District. She is an inspiration to those who hope to live lives committed to peace, humanity, equality, justice, and compassion. She is a modern-day heroine, having done so much for so many, and sometimes at great risk.

I would like to share her story with you, Mr. Speaker, and my colleagues. As we reflect on her work, I hope it inspires us to assume our responsibility to make this world a safer and more equitable place in which to live.

Frieda Wolff's first political activity was working with the Friends of the Abraham Lincoln Brigade to insure that medical supplies and ambulances were sent to the Spanish Loyalists and the American volunteers serving in Spain. She was outraged at the U.S. unwillingness to assist a sister democracy in a fight against fascism.

Subsequently, as a schoolteacher in the Sacramento Valley in California, she worked to improve the educational conditions of the migratory farmworkers and their children. Her work and research helped expose the incredible exploitation of these workers.

When World War II erupted, she went to work as a public relations aide in the 12th Naval District offices. Her work brought her into direct contact with burned and maimed victims of the Pacific naval engagements. She brought this story to the American people.

Frieda was determined to be of more direct assistance. She volunteered for frontline duty with the American Red Cross. She first served in England. But after the invasion on D-day, she went with Allied troops in France, Belgium, and Germany. She worked in field hospitals and evacuation centers, tending the wounded.

She was the last American woman to be evacuated from Bastogne during the Battle of the Bulge. She was moved out by the 8th Army Corps just before the Germans entered the city.

After the war she became a public relations consultant to the American Red Cross. At a time when the Red Cross was experiencing a precipitous drop in popularity, she was called to the "marble palace" to help salvage the situation. She threw herself into the task of turning around the situation.

She toured the country, visiting the wounded in VA hospitals and working with disabled vets. She brought the stories of the mained and wounded into the hearts of the American people. She so inspired people that the Red Cross exceeded its quotas many times over and was able to serve more effectively the men and women who had suffered during the war.

Her close contact with many of the victims of modern warfare made her a lifelong antiwar activist and a passionate advocate for peace.

She left the Red Cross to become northern California director of the Spanish Refugee Appeal and Joint Anti-Fascist Refugee Committee. She set up lectures, meetings, and social gatherings to raise funds to help the Spanish refugees then languishing in camps in southern France. Many of these Spaniards had worked in the French Maquis, the underground resistance movement that played an essential part in liberating France from the Axis occupation. This relief saved many lives and the public pressure improved their living conditions.

In 1947 and 1948 she became involved in electoral politics. As an organizer for the Independent Progressive Party, she directed the San Francisco petition campaign to secure ballot status for the party. Her successful efforts produced the greatest signatures per voter capita in the country. As the director of the San Francisco IPP, she played a key role in organizing and running the first political rally held for any party in the Cow Palace, filling the hall with more than 16,000 persons.

As was to be the case with many progressive Americans, Frieda found that her activities had attracted the attention of the FBI. That, and the fact that she refused to sign the infamous and later discredited loyalty oath required of teachers, barred her from her profession. Forced out of her profession, she opened her own business. Notwithstanding the watchful attention of the FBI, she succeeded in her business venture as handsomely as she had done in everything else.

She has remained an activist throughout her life. A book could be written about her efforts: Her work to expose secret treaties between the United States and the Franco regime; her efforts to free Spanish political prisoners or to provide them and their families with aid and assistance; her work to prevent the United States from more direct intervention in the El Salvador civil war; her efforts to raise medical funds for the victims of the fighting in El Salvador.

More recently Frieda has turned her attention to the problems of our senior citizens. She is an active member of the Women's Caucus of the Congress of California Seniors and a member of the West Contra Costa County Gray Panthers. In recognition of her abilities and integrity she was elected to the State presidency of the Gray Panthers at its last State convention and currently serves in that capacity.

I am pleased to share with my colleagues the tremendous contributions that Frieda has made to improving life on this planet. I was pleased that my Eighth Congressional District advisory committee saw fit to honor Frieda last year for her community service. I am pleased to join with the Veterans of the Abraham Lincoln Brigade, and the hundreds of friends and well-wishers who will be attending their dinner, in paying recognition to this outstanding American.●

NAVY ELECTRONIC WARFARE SQUADRON TO COMMISSION AT NAVAL AIR STATION POINT MUGU

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Ms. FIEDLER. Mr. Speaker, I am pleased to report that the U.S. Navy's newest electronic warfare squadron, VAQ-34 is to be commissioned on March 1 at the Pacific Missile Test Center at Naval Air Station Point Mugu, Calif. with Comdr. John E. Millward taking command. When VAQ-34 begins operations in June, it will have a vital and complex mission. It will use its six ETA-7C and four ERA-3B aircraft to act as "aggressors" in fleet training exercises. The sophisticated electronic warfare equipment on these aircraft will allow them to simulate potential threats to our ships and aircraft, making combat training more realistic and hence more effective.

In modern warfare, the nation that would control the sea must also control the air above it, and to control both, one must control the electronic spectrum upon which our sensors and weapons depend. By contributing to electronic warfare readiness, VAQ-34 will be making a contribution to the national defense that shall certainly outweigh the number of their 10 airplanes. I am pleased to say "welcome aboard" to VAQ-34 and to Commander Millward, and to the officers and enlisted personnel of the squadron.●

SAKHAROV: REVOLUTIONARY LEADER FOR INDIVIDUAL HUMAN RIGHTS IN THE SOVIET UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. LANTOS. Mr. Speaker, a distinguished and highly respected community leader in northern California, Mr. Jerry Fuchs, wrote an exceptionally perceptive article on Soviet human rights activist Dr. Andrei Sakharov. I am delighted to share this article with my colleagues:

[From Hillsborough and Burlingame Boutique and Villager, Feb. 10, 1983]

NOBODY ASKED ME, BUT . . .

(By Jerry Fuchs)

The movie *Gandhi* is one of the most inspiring I have ever seen of a man who is bigger than life itself. This little, half-clothed fragile man changed the course of history by using his intelligence, his compassion and an instrument of psychological warfare called "passive resistance." One man can move a mountain if that man is a Gandhi or Martin Luther King, Jr.

Most people don't realize that an unprecedented movement of resistance is taking place in the Soviet Union today, led by a man of great patience, Andrei Sakharov. The media portray Sakharov as a Jewish dissident. What he is, in fact, is a Russian dissident who is also Jewish. The distinction is important because Sakharov has not tried to emigrate, rather he is a true revolutionary concerned about the cause of human rights in his homeland.

Sakharov was the leader in the Soviet effort to build a hydrogen bomb and established himself at an early age as one of Russia's leading scientists. In 1975 he was awarded the Nobel Peace Prize, a distinction which marked him for ostracism in his homeland. In 1980 he was forcibly moved out of his home in Moscow and placed under house arrest in Gorki.

Through the years he has earned the enmity of Russian leaders by being the foremost critic of their policies. In the late 1950's, deeply disturbed by the dangers of radioactive fallout, Sakharov began to call for a moratorium, at conferences and committees, of atmospheric testing. At first he was a voice in the wilderness but in 1961 he wrote a note to Khrushchev condemning a planned resumption of Soviet atomic testing and passed it to the Russian leader at a dinner party. Soon after a nuclear test ban was agreed to by both the United States and Russia.

In 1961 Sakharov was a three-time recipient of the Soviet Union's highest award, "Hero of Socialist Labor." He was the youngest person ever elected to full membership in the Soviet Academy of Sciences. At that point he enjoyed immense privileges as a result of his standing in the scientific community but he was disturbed by events in his country.

He went on to oppose Khrushchev's educational policies. He objected to the pollution of Lake Baikal, struggled against Soviet biologist Trofim Lysenko and signed a protest against the revival of Stalinism with 24 other Soviet intellectuals. He gave away his personal savings and prize money to the Red Cross and to a hospital for cancer patients.

In 1968 he wrote a famous paper calling for world peace based upon cooperation between the Soviet Union and the United States. Throughout the 70's he spoke out and wrote on the need for democracy in the Soviet Union and publicized the plight of arrested dissidents, persecuted religious leaders and oppressed nationalities. Whenever he could, he attended trials of dissidents and attempted to visit political prisoners in labor camps.

No man in the Soviet Union has been more of an irritant to the policies and leadership of the government than Sakharov. He has been ostracized by his colleagues, vilified in the press and in scientific journals and still persists in his opposition to government policies. The dissident movement, which is so small in the Soviet Union, it is almost invisible, has rallied around this Russian hero for its sanity and its moral strength. And Sakharov has not failed them.

What is amazing is that Sakharov has been successful in getting his message through to the Russian people. In a poll of 853 citizens mostly in and around Moscow, 20 percent of the people found him distinctly negative. The majority of those polled were still undecided on Sakharov, despite the fact that he has been portrayed as a traitor to the Russian people for years.

It is interesting that the dissident movement, begun in the 60's, has not died, that it finds its strength in the intellectual and scientific community. President Reagan looks at the Soviet Union in the most simple terms, but this giant nation is, in fact, complicated, fueled by the same internal pressures that rage in the United States. While we have hawks and doves in this country, so must the Russian government confront internal pressures for more consumer products and less military spending.

While freedom of speech has given great range to Americans who believe in taking a stand and feel that their voices can be heard, that mass movement of expression has not caught on in Russia yet, but with men like Andrei Sakharov leading the way, the infant dissident movement will someday grow into a mass voice of expression.

Like Gandhi, Sakharov pushes his ideas through his writings and through words and deeds. He is no terrorist, but his intellectual capacity is so huge that he can hardly be ignored by either the Soviet government or its people. Gandhi was fortunate to have his people behind him in his quest for freedom. Sakharov, in a nation of almost 300 million people, has a small band of freedom fighters trying to educate an entire nation. In the end, like Gandhi, Sakharov will stand as one of the first revolutionary leaders for individual human rights in the Soviet Union. Gandhi and Sakharov both knew that freedom is a powerful universal quest that cannot be stamped out for long by mortal men.●

NEED FOR STRONG AND EFFECTIVE LEADERS

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. NOWAK. Mr. Speaker, the year 1983 continues to find us engrossed in intense economic problems, causing great distress among American citizens nationwide. There are no quick or simple solutions to these problems because the issues involved are so intertwined and complex. Especially today, in light of the puzzling economic issues, our country requires strong and effective leaders, people with courage who are ready and willing to work together to find the answers.

In that vein, Mr. Speaker, I would like to share with my colleagues an article prepared by Eugene M. Fahey, a member of the Buffalo Common Council in my home city, on the role of leadership in government.

LEADERSHIP SHOULD BE HALLMARK OF COUNCIL

(By Eugene M. Fahey, Councilman-at-Large)

In 1950 Buffalo had attained a pinnacle of wealth and strength, the like of which had seldom been achieved by cities of this or any other nation in the past century. Yet in the space of a generation, we have become a demoralized community in hock up to our ears. Enumeration of the myriad factors that account for this deplorable decline, I leave to the various scientists who are expert at marshalling somber statistics, and inferring from interdisciplinary studies the relationship of cause and effect. One thing, however, is clear to all: We're no longer Fat City. Consequently, we must recognize that now, as never before, this community relies on leadership from every private and public institution within its makeup if we are to bring this corrosive declaration to a screeching halt.

For my part, I wish to address the quality of leadership that the citizens should expect from the Common Council.

Courage and idealism are constituents of leadership. Ten years ago Archbishop Sheen wrote:

"The tragedy in the loss of courage and boldness on the part of leaders is the latent courage in the young and their readiness to follow those who have high ideals. The so-called generation gap does not exist; it is a spirit-gap—the distance between the leaders who are not on fire with ideals and the followers who are enlighted torches waiting for the flame."

Foresight, discipline and diplomacy are characteristics of leadership. Each of these qualities flows from and is dependent upon reason. As great a practitioner of the art of statecraft as Cardinal Richelieu observed that, "authority constrains obedience; reason captivates it."

And if members of the Council wish to exercise leadership, they must remember that they are not merely delegates but trustees. As Edmond Burke reminded the electors of Bristol, a legislator is elected "to offer his unbiased opinion, his mature judgment, and his enlightened conscience."

Finally, no description of political leadership would be complete without a reference to power. In fact, political leadership may be defined as the exercise of power within the dynamics of conflict. To be worthwhile, leadership must aim at the common good. Its results must be measured by actions that respond to the needs of the people. To be truly effective, leadership must engage people throughout the various levels and groups in society. For while laws may be the

bricks in the social structure, custom is the mortar which binds them together.

By my own definitions, I can give our Common Council, myself included, high marks and low marks. One high mark is the foresight demonstrated by the leadership taken by the Council on the issue of utility rates. The Council enacted a bond resolution authorizing a study, required by state law, to examine the feasibility of establishing publicly owned and operated utility companies. We are encouraged in this effort by the example of Massena, New York, which recently formed a municipal electric company. Rates were immediately reduced by a third as a result of that city's action.

Regrettably, leadership is not always forthcoming from the Council. On the issue of reapportionment, we were laggard in the performance of our duties. We should have acted decisively, maturely, in a timely fashion, and without regard to the personal political priorities that stemmed from each of our narrow views of self-interest. The people were misled. The city was divided. The Common Council, deservedly, got a black eye.

While no one expects public institutions to be perfect, we can demand that they be responsible and representative. And if we are to restore hope and confidence to an electorate whose growing cynicism about politics has become manifest, we must demonstrate the quality of leadership.

In choosing a councilman to represent them, the people want a fair man, namely, one who realizes that a taxpayer deserves a reasonably proportionate return on his investment. In footing the bill for city services, a taxpayer should enjoy the services of an administration that has effectively put each taxpayer's money to work for him, not squandered or wasted it, or worse, stolen it.

The people should also expect a councilman to be wise—not filled with book learning, an armchair intellectual, but rather a man who fully appreciates the demands of the office; clearly understands his role as a public servant; and is capable of sustaining sincere, understanding communion with the people, day in and day out.

A councilman must also be committed to excellence in government. Clubhouse politics and the patronage game is to a large extent the reason for bad government. Excellence today signifies professionalism. Government by crony is finished. Tomorrow's councilman must really know what each of the agencies of mumicipal government should be doing, and use his political power and skills to the end that each of them does it.

Finally, a councilman should be alert constantly to the real needs of the people, and seek creative means to enhance the people's welfare. What future provisions are being made for housing and health, work and play, the acquisition of knowledge, and the enjoyment of beauty?

A councilman who thinks that the bankers can take care of business on Main Street, the doctors can take care of the hospital on Grider Street, the legislature in Albany can take care of the University, the coaches can take care of recreation for the kids, welfare can take care of the poor, and the old can take care of themselves, isn't a councilman—he's a figurehead. And a councilman who believes that because teachers staff the schools, and the federal government delivers the mail, and the cops patrol the streets, and the people are at home watching TV, all is well—such a person isn't a councilman; he's a bystander.

After five years on the Common Council, I can say that there are leaders on the Common Council, but there are also figureheads and bystanders. If the people want more leadership from the Council, they must recognize what the members are there for. They must look for signs of each one's capacity for leadership. Then they need to measure performance by judging the quality of leadership. If this is done, they will have a good Common Council, and an enduring proof of the legitimacy, the value, and the promise of representative self-government.●

A DEMOCRAT HOWLER

HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. MICHEL. Mr. Speaker, columnist George Will has contributed to the public dialog by raising questions about recent charges made during the recent Democratic response to the President's state of the Union address. Will strongly suggests that certain Democratic charges made against the Department of Defense were what Winston Churchill used to call "terminological inexactitudes."

At this point, I wish to include in the RECORD, "From the Democrats, A Howler," by George Will, in the Washington Post, February 3, 1983.

[From the Washington Post, Feb. 3, 1983]

FROM THE DEMOCRATS, A HOWLER

(By George F. Will)

Consider, for what it reveals about the Democrats' fitness to govern, their party's telecast "response" (a movie made before the president's message was written) to the State of Union address. Consider especially what the Democrats saw fit to have Rep. Thomas Daschle of South Dakota say about the gravest issue, defense:

"The examples of waste are unbelievable. One, for instance, the Pentagon spent more than $3 million last year for shots and veterinary care for the pet dogs of generals."

Jeepers! That is $2,798.50 for every general's pet. When I called Daschle's office for substantiation, I was referred to remarks printed in the Congressional Record by Rep. Les Aspin (D-Wis.), who has made a career of hectoring the Defense Department. Daschel's statement turns out to have been an inaccurate gloss on what Aspin said, and what Aspin said was wrong.

Aspin said, "The Pentagon is spending more than $3 million a year to subsidize veterinary care for dogs and cats owned by people in the services." Daschle said "generals" just to add an icing of demagoguery to Aspin's cake of demagoguery. Eighty percent of the personnel using veterinary services are of the rank sergeant or below.

Aspin concocted the figure of $3,328,831 as "the taxpayer bill for providing pet care" by erroneously estimating the amount of time military veterinarians spend dealing with privately owned animals; by missing the fact that such care is offered only on a "space available" basis, which means it is undertaken only when other duties are done; by not allowing for the fact that so little time is devoted to such care that eliminating it would not make possible reduction of the number of military veterinarians; by multiplying the number of veterinary services by the difference between what private-sector veterinarians charge and the lower fees charged by military vets.

Actually, the Pentagon makes money on pet care.

The principal duties of Army and Air Force vets (the Navy has none) are food inspection and care for animals (such as horses and guard dogs) used in military functions. Clearly, it is proper for military vets to provide services relating to disease prevention (registration, examination, immunization, quarantine, administering stray-dog pounds, etc.), and emergency humanitarian service to prevent undue suffering, among animals owned by persons living on military installations. Elective surgical procedures such as spaying and neutering are performed only when civilian services are not reasonably available.

Pet owners pay the full cost of supplies and drugs, plus an additional charge to help defray the general overhead of veterinary services. Yes, of course, there is a difference between fees charged by private-sector vets and military vets. This difference that scandalizes Aspin and Daschle is explained by the fact (I'll say this slowly, fellows) that military vets are not allowing full play to the profit motive.

But the veterinary service for private pets is making a profit. In 1981, the Air Force made $647,000 on such services. The money was used to support morale, welfare and recreational services. The American Veterinary Medical Association has concurred in this policy of prophylactic medicine.

Oh, yes—and one more thing. Aspin's remarks filled about a page and a half of the CONGRESSIONAL RECORD, costing taxpayers about $1,000.

This "generals' pets" canard, which figured in some Democrats' campaigns last autumn, suggests the depths of anti-defense bigotry in the Democratic Party, which selected the canard for prime-time television. The virus of McGovernism is still in the party's system. And it was not just regarding defense that the Democrats' movie was, well, relaxed about the facts.

An AFL-CIO operative denounced as administration "proposals" ideas that were never proposed. Someone identified only as a "retired businessman" took a silly statement by a deputy undersecretary of defense concerning civil defense, distorted the statement and falsely attributed it to "the head of Civil Defense." And a congresswoman said:

"We have proposed the Byrd-Wright Interest Rate Bill. It directs the Federal Reserve Board to make sure interest rates are lowered and lowered automatically in relation to inflation, to a level that has been our historic policy for more than 30 years." Actually there was a Byrd bill and there was a Wright bill, and they, like the Synoptic Gospels, contained small differences that some people consider important. Anyway, a bill can "direct" the Fed to fine-tune rates, but it is beyond the Fed's capability to do so.

The message of the Democrats' movie was that the party will not let facts be a killing frost in its garden of fantasies.●

THE STRUGGLE OF DR. MARK NASHPITZ

HON. WYCHE FOWLER, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. FOWLER. Mr. Speaker, I am honored to take part in the congressional vigil for Soviet Jews. I represent not only myself in this expression, but all Americans who feel that a denial of the rights of these Russian citizens is a threat to all humanity.

I would like to take this opportunity to update my colleagues on the plight of Dr. Mark Nashpitz, a Soviet refusenik of 12 years. I have followed the struggle of this man as he continually attempts to emigrate to Israel, and I see him as an example to all of us.

Dr. Nashpitz, who is a dentist, first applied to emigrate in 1970. He was denied permission because his father had defected from the Soviet Union in 1959. After repeated denials of permission to leave, Nashpitz served two terms in exile. Once he had served these terms, he again tried to obtain an exit visa. In 1975, Dr. Nashpitz participated in a peaceful demonstration outside the Lenin library. As a consequence, he was sentenced to 5 years in exile in Siberia and was released in 1979.

After his release, Dr. Nashpitz was given a document permitting him to return to Moscow. He was told that he could again apply for a visa. It appeared that he and his wife would finally be reunited with his mother in Israel.

But, once again Dr. Nashpitz was disappointed. In March 1980, he was called to the Soviet emigration office and told that he could not leave to be reunited with his mother and father. When Dr. Nashpitz denied even knowing the whereabouts of his father, he was told that his father was a traitor and therefore, Dr. Nashpitz could not leave Russia. Again, in 1981, his application was denied. Since 1979, Dr. Nashpitz has been forced to live in a village 100 kilometers outside of Moscow and has not been permitted to practice dentistry. He must support his wife and baby by working for a mortician.

In September 1981, Ita Nashpitz—Dr. Nashpitz' mother—engaged a British attorney who traveled to the Soviet Union in order to help him attain his right to join his mother. The lawyer was told that in the Soviet Union, emigration is not a matter in which a lawyer may intervene.

I have learned that Dr. Nashpitz was involved recently in a car accident. His wife, Ludmilla, was injured and is still suffering from shock. I urge all who are interested in expressing their concern to write to Dr. and Mrs. Nashpitz at: USSR/RSFSR/Vladimirskaya Oblast 601601/Gorod Strunino/ul. Osipenko 17/Nashpitz, Mark and Ludmilla.

Dr. Mark Nashpitz has been harassed, exiled and treated in a most inhumane manner. His application for emigration has been denied for one absurd reason—because his father defected 25 years ago.

As Americans, it is our obligation to insure that the Soviet Union honors its commitment to human rights as laid out in the Helsinki accords and elsewhere. Nineteen Hundred and eighty-two proved to be the year that the fewest Soviet Jews were allowed to leave since 1979 when more than 51,000 Jews left. We who possess freedom must do all that we can to reverse this trend, to allow all who want to leave to do so. When we speak out and take action for victims of repression like Soviet Jews, we are doing so not only for them. They are fighting battles everyday to make the world a more humane, stable, and peaceful place to live. We owe it to them and to ourselves to help them fight those battles—to work toward a victory that would bring freedom to all peoples of the world. John F. Kennedy once said, "In giving rights to others which belong to them, we give rights to ourselves and our country."●

SENATE—*Monday, February 21, 1983*

(Legislative day of Monday, February 14, 1983)

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"O beautiful for pilgrim feet,
Whose stern, impassioned stress
A thoroughfare for freedom beat
Across the wilderness!
America! America!
God mend thine every flaw,
Confirm thy soul in self control,
Thy liberty in law!"

—KATHARINE LEE BATES, 1904.

God of our fathers, as we remember the birthday of the Father of our Country, may we remember the principles for which he stood and the propositions for which he risked his life, his fortune, and his sacred honor. Awaken us to the spiritual and moral roots from which our great and strong Republic sprang. Help us to see that to abandon the root is to forfeit the fruit. May we return to the Judeo-Christian values—the Biblical values—that compelled our forefathers to this land and inspired and motivated them to give us our incredible Nation. Forgive our indifference to those historical realities and help us to take them seriously in this crucial hour. In the name of our Lord and Saviour, we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

Mr. STEVENS. Mr. President, what is the order for proceeding today?

The PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. TRIBLE) will be recognized to read George Washington's Farewell Address; and then, under the previous order, the Senate will stand in recess until 11:30 a.m. tomorrow.

Do the leaders wish to yield back their time?

Mr. BYRD. Mr. President, I yield back my time.

Mr. STEVENS. I yield back my time.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 14, 1983, the Senator from Virginia (Mr. TRIBLE), having been appointed by the Vice President, will now read Washington's Farewell Address.

(Mr. PRESSLER assumed the chair.)

Mr. TRIBLE, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—

that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate

of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the

exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satify us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the

most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and

the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

COMMENDATION OF SENATOR TRIBLE

Mr. MOYNIHAN. Mr. President, I simply take this happy occasion to express my personal pleasure at listening to the address as delivered by the distinguished junior Senator from Virginia. He spoke for his State as well as his Nation. He spoke well and truly. He reminds us of the heritage we bring to this Chamber, and it is an honor that this is the first occasion he should have done that.

I express my appreciation for the graceful and forthright replication of the sentiments of our first President.

Mr. WARNER. Mr. President, I join the Senator from New York in congratulating my colleague from Virginia on the delivery of this historic address with great feeling of sincerity. He reflects pride on the Senate, on our State, and on himself, and on his family, who are present today.

Mr. TRIBLE. Mr. President, I thank my distinguished colleagues for their kind words.

It is a great honor, as a Virginian, to share again the words of our first President. May I pray this day that the spirit of ardent patriotism, joyous adventure, and religious zeal that marked the life of George Washington will live again in this land.

Mr. WARNER. Mr. President, I understand that the Senate will now stand in recess until 11:30 a.m. tomorrow.

RECESS UNTIL 11:30 A.M. TOMORROW

The PRESIDING OFFICER. Unless any other Senator wishes to speak, the Senate will now stand in recess until 11:30 a.m. tomorrow.

Thereupon, at 10:44 a.m., the Senate recessed until tomorrow, Tuesday, February 22, 1983, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, February 22, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We shall pray today in the words of President George Washington's prayer for the country.

Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 55. An act to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes.

The message also announced that the President pro tempore, pursuant to the provisions of sections 1928a-1928d of title 22, United States Code, appointed Mr. MATHIAS as chairman and Mr. PELL as vice chairman, of the Senate delegation to the North Atlantic Assembly.

The message also announced that the President pro tempore, pursuant to the provisions of section 276d-276g of title 22, United States Code, appointed Mr. STEVENS as chairman and Mr. ZORINSKY as vice chairman, of the Senate delegation to the Canada-United States Interparliamentary Group.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 22, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a certified copy of the Canvass of Returns from the Honorable John W. Fainter, Jr., Secretary of State, State of Texas, indicating that the Honorable Phil Gramm is the apparent winner of the Special Election held on February 12, 1983 for the Office of Representative of the United States House of Representatives for the 6th District of Texas.

Further, the Secretary of State has advised by telegram dated February 18, 1983, that the Honorable Phil Gramm is declared the winner and that the original Certificate of Election was mailed to the Clerk on February 18, 1983.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

SWEARING IN OF THE HONORABLE PHIL GRAMM OF TEXAS AS A MEMBER OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the gentleman from Texas, Mr. PHIL GRAMM, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will the gentleman kindly step to the well. The Chair believes that the gentleman from Illinois (Mr. MICHEL) ought to be with the group accompanying the Member-elect.

Mr. GRAMM appeared at the bar of the House and took the oath of office.

The SPEAKER. Congratulations. The gentleman is a Member of the Congress of the United States.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 22, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 6:00 p.m. on Friday, February 18, 1983 and said to contain a message from the President wherein he transmits draft legislation entitled the "Caribbean Basin Economic Recovery Act."

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

TRADE AND TAX PLAN OF CARIBBEAN BASIN INITIATIVE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-21)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, February 22, 1983.)

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON NARCOTICS AND CONTROL

The SPEAKER. Pursuant to the provisions of section 3 of House Resolution 49, 98th Congress, the Chair appoints as members of the Select Committee on Narcotics and Control, the following Members of the House:

Mr. RANGEL of New York, chairman;
Mr. RODINO of New Jersey;
Mr. STARK of California;
Mr. SCHEUER of New York;
Mrs. COLLINS of Illinois;
Mr. AKAKA of Hawaii;
Mr. GUARINI of New Jersey;
Mr. MATSUI of California;
Mr. FASCELL of Florida;
Mr. FAUNTROY of the District of Columbia;
Mr. HUGHES of New Jersey;
Mr. SAM B. HALL, JR. of Texas;
Mr. LEVINE of California;
Mr. ORTIZ of Texas;
Mr. SMITH of Florida;
Mr. TOWNS of New York;
Mr. GILMAN of New York;
Mr. COUGHLIN of Pennsylvania;
Mr. SHAW of Florida;
Mr. OXLEY of Ohio;
Mr. PRITCHARD of Washington;

Mr. PARRIS of Virginia;
Mr. CHAPPIE of California;
Mr. HUNTER of California; and
Mr. LEWIS of Florida.

APPOINTMENT AS MEMBER OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER. Pursuant to the provisions of section 3 of House Resolution 16, 98th Congress, the Chair appoints as a member of the Select Committee on Children, Youth, and Families the gentleman from Texas (Mr. LELAND) to rank after the gentleman from Arkansas (Mr. ANTHONY) to fill the existing vacancy.

APPOINTMENT AS MEMBERS OF U.S. HOLOCAUST MEMORIAL COUNCIL

The SPEAKER. Pursuant to the provisions of section 2 of Public Law 96-388, as amended, the Chair appoints as members of the U.S. Holocaust Memorial Council the following Members on the part of the House:
Mr. YATES of Illinois;
Mr. LEHMAN of Florida;
Mr. SOLARZ of New York;
Mr. GARCIA of New York; and
Mr. GREEN of New York.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER. Pursuant to the provisions of section 5(b), Public Law 93-642, the Chair appoints as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation the following Members on the part of the House:
Mr. SKELTON of Missouri, and
Mr. TAYLOR of Missouri.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 85-874, as amended, the Chair appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House:
Mr. YATES of Illinois;
Mr. WILSON of Texas; and
Mr. MCDADE of Pennsylvania.

APPOINTMENT AS MEMBERS OF TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF THE DISTRICT OF COLUMBIA

The SPEAKER. Pursuant to the provisions of section 1(b)(2), Public Law 94-399, the Chair appoints as members of the Temporary Commission on Financial Oversight of the District of Columbia the following Members on the part of the House:
Mr. DELLUMS of California;
Mr. DIXON of California; and
Mr. MCKINNEY of Connecticut.

APPOINTMENT AS MEMBERS OF THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

The SPEAKER. Pursuant to the provisions of section 4(a), Public Law 94-118, the Chair appoints as members of the Japan-United States Friendship Commission the following Members on the part of the House:
Mr. ZABLOCKI of Wisconsin, and
Mr. CONTE of Massachusetts.

APPOINTMENT AS MEMBERS OF MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 U.S.C. 715a, as amended, the Chair appoints as members of the Migratory Bird Conservation Commission the following Members on the part of the House:
Mr. DINGELL of Michigan, and
Mr. CONTE of Massachusetts.

APPOINTMENT AS MEMBERS OF MOTOR CARRIER RATEMAKING STUDY COMMISSION

The SPEAKER. Pursuant to the provisions of section 14(b) of Public Law 96-296, the Chair appoints as members of the Motor Carrier Ratemaking Study Commission the following Members on the part of the House:
Mr. ROE of New Jersey;
Mr. SEIBERLING of Ohio; and
Mr. SHUSTER of Pennsylvania.

APPOINTMENT AS MEMBER OF NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Mr. SPEAKER. Pursuant to the provisions of 44 U.S.C. 2501, as amended, the Chair appoints as a member of the National Historical Publications and Records Commission the gentleman from California (Mr. BATES).

APPOINTMENT AS MEMBERS OF FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

Mr. SPEAKER. Pursuant to the provisions of section 1, Public Law 372, 94th Congress, as amended, the Chair appoints as members of the Franklin Delano Roosevelt Memorial Commission the following Members on the part of the House:
Mr. HOWARD of New Jersey;
Ms. FERRARO of New York;
Mr. FISH of New York; and
Mr. GREEN of New York.

A PLACE IN THE JOBS BILL FOR THE OLDER WORKER

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, this Nation faces today nearly record unemployment levels. But as we search for the means to put Americans back to work, we must not forget the older worker—many of whom have been forced out of work as the result of foreign competition or failing domestic industries.

The jobless rate for workers over the age of 55 has increased at an alarming 77 percent since April of 1981. For many of these older workers, at least part-time employment is critical if they are to make ends meet. For many, not only are they eager to return to work but they must supplement their social security benefits or pensions if they are to resist the indignities of welfare.

While many of the employment strategies now under consideration go a long way in addressing the overall problem, I am concerned that action by this House may fail to respond to the problems faced by older workers and in so doing create an unfortunate intergenerational competition for limited job opportunities. I would urge my colleagues to consider expansion of the title V community service employment program for older Americans. For 2 years now this program has been terribly underfunded. Today 54,000 older workers make significant contributions to the welfare of their communities and their peers by working part time for modest wages at nutrition sites, senior centers, nursing homes, in the schools assisting our children, and a host of other places where their services are so desperately needed.

With long waiting lists across the Nation, this program could be expanded dramatically overnight. The older American wants to work, needs to work, and there is much work to be done. Now is the time to expand this most successful program, and at the same time allow our older citizens to feel that they are contributing to the recovery of this Nation.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO FILE REPORT ON H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE EDUCATION AND THE NATIONAL ENGINEERING AND SCIENCE PERSONNEL ACT OF 1983

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology may have until midnight tonight to file a report on the bill, H.R. 1310, Emergency Mathematics and Science Educa-

tion and the National Engineering and Science Personnel Act of 1983.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I reserve the right to object to ask the gentleman a couple questions.

I understand that all the gentleman is asking to do is to file at midnight tonight; is that correct?

Mr. FUQUA. That is correct.

Mr. WALKER. Now, it is my understanding that there is an attempt for this bill to be brought to the floor on Thursday. If it were brought to the floor on Thursday, that would have to be beyond the 3-day rule which normally is adopted.

Does the gentleman know that? Is there going to be an attempt to ask for a waiver of the 3-day rule when this bill goes to the Rules Committee tomorrow?

Mr. FUQUA. This is something that the committee will decide, but the gentleman's rights and the rights of the members of the committee will be protected should they invoke the right to file minority views or additional views to the committee report.

Mr. WALKER. Well, as the distinguished chairman knows, we are only taking the bill up in our committee this afternoon. I, for one, have several amendments that I intend to offer and my support of the bill will be somewhat predicated on whether or not those amendments are adopted.

Now, if we put it on such a fast track that we would not even have a chance to file minority views in time for the membership to take them into consideration before we go to the Committee on Rules or if it is coming up on Thursday, that would cause me a problem.

I realize what the gentleman is doing does not waive the 3-day rule here, but I also have a problem with the fact that it does put us on the kind of fast track that if it gets to the Committee on Rules tomorrow where they could waive the 3-day rule.

Mr. FUQUA. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. FUQUA. In the event that there is agreement within the committee, and we hope that there is, then it would permit us to file, because the House is in a pro forma session today and it may not be in session very long, maybe it will adjourn even before the committee meets; so we would hope that we could have the permission. If there are events happening in the committee that would preclude that, then certainly the gentleman's rights would be adequately protected.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, I would like to just address a couple questions to the distinguished chairman.

I have looked for our ranking minority member on the committee. He is not here right now.

Has this been discussed with him or did he approve of this?

Mr. FUQUA. The minority has been notified of my intention to do this. I have not received any information that they have objected to that.

Mr. LOTT. I beg the gentleman's pardon. I could not hear him.

Mr. FUQUA. I say, they have been notified of my attempt. I have received no information that the minority objected to it.

Mr. LOTT. Is there not another committee involved in this issue also?

Mr. FUQUA. There is another committee and they have already reported the bill.

Mr. LOTT. They have already reported the bill?

Mr. FUQUA. Yes, over a week ago.

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding.

Mr. WALKER. Mr. Speaker, further reserving the right to object, may I ask the gentleman whether or not we can at least get an agreement from him that he will not ask the Rules Committee for a waiver of the 3-day rule when he goes before the committee, should that come tomorrow?

Mr. FUQUA. Well, if the gentleman will yield, let me say that the rules of the committee will prevail if they are insisted upon by the membership of the committee and that protects the rights under the 3-day rule.

Mr. WALKER. Well, the gentleman from Pennsylvania, though, is simply seeking, because we are in a posture where the committee has not even marked this bill up and we are already on the floor asking that we give permission to waive the 3-day rule of this House or we are putting it on a track where that could be waived. That is the problem that I am having.

As I say, I understand the gentleman did discuss this with me and there is nothing in his action here that is doing that, and from that standpoint I would be willing to let his action go; but I do have a problem with the fact that we may end up in a posture where the 3-day rule would be waived and where if the bill does come up before us on Thursday that the membership would not have had a chance to assess some of the views that may be expressed as a part of that markup process in the committee today.

□ 1215

Can the gentleman give me some assurance that we are going to be protected from that?

Mr. FUQUA. Let me say to the gentleman that I do not schedule the legislative for the floor. I know that the leadership would like to bring it up this week if possible, because of the backlog of other legislation that we have prior to the conclusion of the budget resolution.

So that is the reason we are trying to expedite the matter. We intend to fully—my intention is to honor the rules of the House and the rules of the committee as they apply.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

EVER-RISING GAS BILLS A SEVERE PROBLEM FOR WEST VIRGINIANS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, when Abbott would divide money with Costello, he would say, "One for you, two for me, two for me, one for you." Then he would hit Costello over the head.

I am awarding Columbia Gas the Abbott and Costello Award for pulling the same routine on their West Virginia customers.

In their February bills, Columbia has included a separate form on which the customer can make a donation to a fund called Help the Needy Keep the Heat On. What is interesting about this fund is that the donations are not subtracted from the customers' bills, nor are they matched by Columbia; rather, they are made solely by the customer and are in addition to the already exorbitant bill.

While I am pleased that Columbia finally has realized that ever-rising gas bills are a severe problem for many West Virginians, I am astounded that their only solution is to ask the customers to make larger payments under the theory that the payments somehow will be easier to make.

I remind Abbott, that is Columbia, that Costello always caught on to the sham, and so too will Columbia's customers.

REAUTHORIZATION OF THE EXPORT ADMINISTRATION ACT

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, the Congress faces a crucial challenge this year in reauthorization of the Export Administration Act. In doing so Congress must balance two essential conflicting goals: The need to preserve

and expand our export markets as a means of economic recovery and the need to protect the national security and insure that our advanced technology does not make its way into the hands of our adversaries. The Subcommittee on International Economic Policy and Trade of the Committee on Foreign Affairs which I chair will begin hearings Thursday and these hearings will be extended through March.

Today I am introducing three bills to serve as a starting point in our consideration of the act. The guiding principle behind this legislation is the need to strike a delicate balance between our national security concerns and our need to remove unnecessary obstacles to increased U.S. exports.

Essentially the bill would expand the act to provide for a new title on export promotion so that that becomes part of our overall economic policy. We will also attempt to limit the use of economic sanction as in the case of the recent pipeline sanctions in the great embargo. I think we have come to the realization that foreign policy economic controls simply do not work.

I will also be offering some other amendments to expedite the licensing procedure so that we remove any further inhibitions to exports.

A DEFENSE PRIORITY

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, Congress last year, failed to agree on a defense appropriations bill. Instead, in an unprecedented move, it approved a second fiscal year 1983 continuing resolution. Consequently, no clear direction emerged on how much the United States should invest for national security.

The Congress and the administration got sidetracked into debating programmatic issues such as: How to deploy MX missiles, and should we? Should the Navy have two new carrier battle groups, or just one?

These are all important questions. But the tough question that must be decided first is: How much of our gross national product can we afford to spend for defense on a long-term, steady basis? That question cannot be addressed singularly by the administration or the Congress. It must be decided by the administration and the Congress working together.

It is unrealistic to expect the administration and the Defense Department to develop an effective and efficient defense strategy without a clear understanding of how much will be available over a given period of time. But yet that is what we have asked them to do with the numerous perturbations in defense funding in the past two decades.

It is vital, in my opinion, that we have a realistic defense strategy. Thus it is imperative that the administration and Congress move quickly to shed some light on this fundamental question. Whether we allocate 4, 5, or 7 percent of the GNP for defense on a steady basis is not as important as deciding to commit ourselves to it.

PERSONAL EXPLANATION

Mr. SAM B. HALL, JR. Mr. Speaker, on Tuesday, February 15, I was unavoidably absent from the floor of the House of Representatives. Had I been present, I would have voted "aye" to suspend the rules and pass H.R. 861, small business pilot procurement program extensions, and "aye" to suspend the rules and pass H.R. 1043, Federal contracts for small businesses, rollcall No. 8 and rollcall No. 9, respectively.

THE REAL QUESTION ABOUT EPA

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, now that the administration has agreed to allow Congress to look at EPA's documents, we are going to get to the basic issue, which is whether the Government is on the side of the industries producing toxic wastes or on the side of the people, when grave issues of public health are at stake.

On Friday the Washington Post contained an article by Carl T. Rowan, from which I would like to read. Mr. Rowan says:

> Americans now know that the environmental crisis is about people who can't drink their town's water; people who bleed, and bleed, and bleed during a simple operation because of dioxin contamination; people who suffer brown lung and black lung diseases and assorted outbreaks of cancer because of pollution at the work place and the homesite. We are in a situation where, if a warped political ideology makes the executive branch persistently irresponsible, Congress must fight relentlessly.

I certainly underscore his comments.

BAD CHEMISTRY

(By Carl T. Rowan)

The controversy over the Environmental Protection Agency involves not just a constitutional debate or personalities but a troubling question that poses a grave medical threat to millions: does the government side with the people or the chemical industry when grave issues of public health are at stake?

Only an environmental demagogue would reject the assertion that the chemical industry produces much of what makes the good life for Americans, or that it is an important element in any healthy U.S. economy. Yet only a fool would deny that many chemical companies have behaved irresponsibly, even criminally, in disposing of toxic wastes.

Americans now sense that the horror stories of toxic pollution are piling up. The grotesque saga of Love Canal in New York is followed by terrible stories of dioxin dumping in Times Beach and Imperial, Mo. Stories abound of this frightful chemical affecting the brains, livers, kidneys, nervous systems, imunity and reproductive systems, the blood of children afflicted at play and adults in their homes.

This country already has some 8,000 toxic waste sites, 180 containing dioxin in Missouri alone. Some experts say it will cost an incredible $250 billion to clean up the sites that already exist. The likelihood is that we shall have a lot of forced evacuations from what will be ghost towns for decades.

Yet the fight between Congress and EPA is over the ways in which Anne Gorsuch, Rita Lavelle and others at EPA have been using what has come to seem a piddling $1.6 billion "Superfund" that Congress created to clean up hazardous waste sites. Congress wants to know whether certain EPA officials held back test results showing the magnitude of dioxin poisoning in Times Beach and Imperial; whether EPA made new-waste-site deals with companies that are big contributors to and favorites of the Reagan administration; whether EPA is following a policy of allowing toxic waste to be dumped among America's "expendables"—its poor, its voiceless, its cloutless; whether favorite chemical companies can call Ed Meese or anyone else in the White House and get the boom lowered on any EPA employee who has the guts to tell Congress the truth about what is going on; whether the EPA brass has been using a shredder to destroy documents that would enable Congress to determine that unethical and illegal behavior has been the norm.

Millions of Americans have for years regarded environmentalists as a bunch of elitists who love deer and rabbits more than people, and whose ideals are out of touch with the real world. But those Americans now know that the environmental crisis is about people who can't drink their town's water; people who bleed, and bleed, and bleed during a simple operation because of dioxin contamination; people who suffer brown lung and black lung diseases and assorted outbreaks of cancer because of pollution at the work place and the homesite. We are in a situation where, if a warped political ideology makes the executive branch peristently irresponsible, Congress must fight relentlessly.

SOCIAL SECURITY AND FEDERAL WORKERS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANNEMEYER. Mr. Speaker, there has been more heat than light in the debate over covering Federal civilian and postal workers under social security. In my view the proposal has merit as a matter of equity, not as a means of helping to bail out social security, nor as a way to reduce so-called windfall benefits. Coverage will not necessarily increase the cost of the civil service retirement system, nor

bankrupt either CSRS or social security, nor hamper recruitment of essential personnel. There are even some benefits in coordinating CSRS with social security for new Federal hires.

The research director of the Employee Benefit Research Institute, Mr. Sylvester J. Schieber, has written an excellent article, Washington Post, February 4, 1983, answering some of the propaganda opposing social security coverage of Federal workers. I hope that my colleagues will take the time to read the article as follows:

THAT PROPAGANDA ABOUT FEDERAL PENSIONS

(By Sylvester J. Schieber)

Several of the organizations that represent federal civilian and postal workers have begun a full-scale attack on the proposal to cover new federal workers under Social Security. In each instance, the presentation distorts the actual facts pertinent to the consideration of this proposal made by the National Commission on Social Security Reform.

The attack is being staged through a series of newspaper and radio advertisements. In addition, a set of statistical analyses that purport to show the cost of the proposal are being distributed around Capitol Hill. Finally, op-ed pieces by union leaders have appeared in the newspapers (for example, Kenneth Blaylock's piece in The Post on Jan. 27). These presentations make three basic points.

First, without new contributions the Civil Service Retirement System (CSRS) would go bankrupt, and taxpayers would have to shoulder the burden. The implication is that employee contributions ensure the solvency of the CSRS—dry up the contributions and benefits cannot be paid.

The fact is that if employee contributions were the only source of income to CSRS the fund would be depleted by 1987 or 1988 at the latest. Even if the system operated in the fashion that many federal workers believe (i.e., employee contributions plus a matching agency contribution plus trust fund interest) the fund would be depleted sometime between 1993 and 1995. The fact of the matter is that the current CSRS is primarily dependent on taxpayer support on whatever basis the cost of the system is considered.

There are those who argue that taxpayer support is now required because of past imprudence: massive liabilities (i.e., benefit promises) were accumulated but never funded. The National Federation of Federal Employees argues that "the unfunded deficit originated because the federal government failed to pay its share into the fund from 1920 to 1956." This perception ignores the recent unprecedented growth of these unfunded obligations.

Of the roughly $500 billion in unfunded benefit promises on the CSRS books at the end of fiscal 1981, nearly one-quarter (23.8 percent) arose during 1980 and 1981. Not only is the current CSRS largely dependent on taxpayer support to meet current benefit payments; it continues to accumulate added liabilities for future generations of taxpayers as well.

The second point opponents of expanded Social Security coverage argue is that covering new federal workers will mean higher future budget costs for federal retirement. The annual budget cost of federal retirement equals the total benefits paid minus employee contributions. The Senate Governmental Affairs Committee recently released an analysis that shows that covering new federal workers under Social Security and providing them with supplemental pension protection could actually reduce the budgetary burden of federal retirement.

The savings of such a program depend on the level of benefits provided by the combined elements of the system and the level of total contributions required of those who would participate in it. It is unlikely that the relative level of retirement benefits going to future federal workers will be any higher than now. Further, it can be easily demonstrated that the future net contributions of federal workers to Social Security would be roughly equivalent to their current contributions to CSRS.

The third point opponents of Social Security coverage of federal workers argue is that such a policy would ultimately raise Social Security costs. There has never been a set of cost estimates by any of the responsible parties that shows the net cost of Social Security rising as a result of covering federal workers. Wishing that the numbers showed such a cost increase, or merely saying it, does not make it so. In actuality, the estimates by the Social Security actuaries have consistently shown significant short-and long-term savings for other payroll taxpayers if federal workers are covered under Social Security.

Federal workers have borne the brunt of some reprehensible political rhetoric in recent years. They now feel they are being singled out to bear an unjust share of a budget-balancing exercise.

One of the reasons they are being singled out on the pension side is that they stand alone in many regards. They do not participate in Social Security, although three-fourths ultimately get benefits. They receive better cost-of-living allowances than most retirees. Finally, they are perceived to retire earlier than most workers. Whether it is right or wrong, there is a broad perception that CSRS provides much more generous protection to federal workers than is available to taxpayers who bear most of the CSRS cost.

This perception has led to proposals in the 1984 budget that would raise the CSRS contribution from 7 percent to 11 percent of salary by 1985, an increase of 57 percent. Workers reaching retirement eligibility at age 55 after 1984 would only get half the benefits now provided by CSRS and would have to work until age 65 to get full benefits. By comparision, the national commission recommendations on raising Social Security taxes would only increase program revenues by about 4 percent between 1983 and 1989. Their recommendations for delaying the 1983 COLA and taxing benefits amounts to about 4 percent of projected cash benefits over the period.

If federal workers were participating in Social Security, they would be subject to the same changes that were being discussed for the rest of society for their basic retirement program costs and benefits. If they had a supplemental retirement program that compared with those provided by other large employers, they could get much greater public sympathy and support, against arbitrary changes in their own retirement programs.

Even with carefully worded statements and supporting analyses, federal workers and retirees have a difficult case to make to the general public. Attempting to confuse the Social Security policy discussion or to destroy the compromise package through partial or misleading analyses of federal pension costs will not help their cause, their credibility, or their standing with the public.

FORT WAYNE—AN ALL-AMERICAN CITY

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, it is with a great deal of pleasure that I rise to inform my colleagues that Fort Wayne, Ind., the major metropolitan area of the Fourth District of Indiana, has been named "An All-American City." It is no small accomplishment for a midwestern manufacturing city to achieve this honor in 1983. In achieving such status it reflects the many positive attributes of our fine city, including those that directly or indirectly affect the quality of our life such as schools, transportation, housing, parks, shopping, entertainment, and the like. But it also reflects a less tangible quality, and that is the people of Fort Wayne, Ind.

Few communities have displayed the kind of courage, initiative, and spirit demonstrated this past year. Who can forget the 30,000 volunteers fighting back floodwaters less than a year ago, or the citywide response to the economic crisis of its major employer leaving town. These and many other events rekindled Fort Wayne's collective sense of community pride and demonstrated an unprecedented spirit of "We will rebuild."

I am proud of Fort Wayne and I am proud and honored to have the privilege of representing the 200,000 people of Fort Wayne, Ind.

DEMOCRACY REIGNS WITH THE RETURN OF REPRESENTATIVE GRAMM

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, it is with great pleasure that I join many of my fellow colleagues in the House in welcoming Congressman PHIL GRAMM back to this body where he belongs.

With his swearing in today, we have seen that this Chamber really is the House of Representatives—that the system can work as our Founding Fathers intended with the people deciding who shall represent them in the Congress.

But as many of us celebrate this happy occasion, we must not forget that Congressman GRAMM was forced to run for reelection as a consequence of several changes imposed on this body by the Democratic Caucus and Democrat leadership.

Many who come to our Nation's Capitol take pride in our democratic government. Unfortunately democracy is sometimes hard to find in the House of Representatives. Several seemingly technical rule changes made earlier this year subordinate the influence of individual Members of either party to the whims of a select few.

Democracy is difficult to find on many of our committees as well. On the major economic committees, the majority party overwhelmingly outnumbers the minority beyond what the representative ratios of the House would dictate.

The people of the Sixth District of Texas have shown that democracy works. Unfortunately, I am saddened to say that it is difficult to determine whether the House Democratic leadership's actions subscribe to the same principles.

SURFACE TRANSPORTATION ASSISTANCE ACT

The SPEAKER pro tempore (Mr. MOAKLEY). Under a previous order of the House, the gentleman from California (Mr. ANDERSON) is recognized for 5 minutes.

Mr. ANDERSON. Mr. Speaker, it is with some regret that I must today introduce a resolution disapproving of the administration's deferreal of budget authority transmitted to Congress on February 1.

Not even 1 month before that date, Mr. Speaker, the President signed into law the Surface Transportation Assistance Act of 1982. Among this new law's features was the establishment of a public transit trust fund, financed by 1 penny of the 5-cent fuel tax increase. I believe it was understood at that time that this increase would be used to help improve our Nation's transportation network.

In fiscal year 1983, the law authorizes $779 million from the new trust fund. But, less than 1 month later—before copies of the new law were even available from the printer—the President's budget transmittal defers $229 million of this authorization, just about 30 percent of the total.

What would make the administration switch gears like that on such an important program, indeed a program that was the key to the bill for many of our colleagues who supported it? Presumably, the deferral decision was made with an eye on the economy. "We must cut spending," was the cry of those in the administration leading the charge for this cut. "Let's reduce the amount of money we're putting out into the Nation's economy."

Well, I agree that we must cut funding where it can be cut, and where doing so will have a positive impact. But, Mr. Speaker, I call our colleagues' attention to the fact that, according to the administration's own data, this deferral will have very little short-term effect on the amount of money floating through the economy. Mr. Speaker, by the administration's own admission, only 5 percent of the funds obligated for a typical transit capital project are paid out the first year, with 20 percent paid out in year 2, 30 percent in year 3, and the remaining 45 percent by year 6.

Mr. Speaker, this 30 percent deferral of capital funds will effect all transit properties, large and small. They will all be hit. And what is being cut is not their Federal operating assistance which I know would make some of our colleagues happy. No, it is capital assistance. Capital assistance, which the administration has always acknowledged is a legitimate role of the Federal Government. It is the capital assistance that our constituents thought they were buying with a part of the fuel tax increase they will soon begin to pay.

My resolution would fully restore fiscal year 1983 budget authority for capital assistance from the transit trust fund to the $779 million level authorized by Congress, and then approved by the President on January 6. It will restore the $229 million the President deferred on February 1.

I have scheduled a hearing of the Surface Transportation Subcommittee on this and other budget matters for tomorrow, and look forward to the assistance of all our colleagues—or certainly those who supported passage of the bill—that the administration would now denigrate, in restoring these funds.

□ 1230

LEGISLATION INTRODUCED TO AID PENTECOSTALS IN MOSCOW EMBASSY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 10 minutes.

● Mr. FRANK. Mr. Speaker, today I am introducing legislation to grant permanent resident status to the six Soviet Pentecostals residing in the U.S. Embassy in Moscow and to waive the requirement that, once entering the United States, they must wait 5 years before becoming eligible for naturalization.

On June 27, 1978, eight members of the Vashchenko and Chymkhalov families traveled to the U.S. Embassy in Moscow to inquire about U.S. immigration procedures. As observant Pentecostalists, they were unable to practice their religion and remain in the Soviet Union at the same time. One of the eight, John Vashchenko, was forcibly prevented from entering the Embassy by the KGB in spite of the fact that they had permission to visit the U.S. Embassy. John Vashchenko was beaten, and returned to his Siberian home. The seven Pentecostals, after consultation with their families, decided to remain in the Embassy out of fear for their lives. All seven remained there until January 1982 when Lidiya Vashchenko had to be hospitalized as a result of a hunger strike to dramatize their request to emigrate. She has now returned to Siberia in accordance with the technical requirements of Soviet law to apply for the appropriate exit visas for herself and the Vashchenko and Chymkhalov families. Unfortunately, the Soviet Union has not lived up to their end of the bargain; she continues to wait for word from Soviet emigration officials.

The need to give the Pentecostals legal status under U.S. law has been apparent since shortly after they arrived in the Embassy. To the Reagan administration's credit, the Pentecostals' circumstances have improved in the Embassy in the last 2 years; yet the remaining six Pentecostals are deserving of the legal status that permanent residence offers them.

So many of my colleagues have expressed an active interest in the plight of the Vashchenko and Chmykhalov families. In fact, the House passed House Concurrent Resolution 100 last year as a means of calling on our Government and the Government of the Soviet Union to find a humanitarian solution to the predicament the six Pentecostals find themselves in, in the basement of our Embassy.

Hearings were held last December before the Subcommittee on Immigration, Refugees, and International Law during which all concerned parties, including the State Department, had the opportunity to testify. This legislation represents a broad consensus that some action is necessary on their behalf and attempts to take into account many of the concerns of the State Department.

Senator CARL LEVIN has worked tirelessly on behalf of the Pentecostals and was instrumental in the passage of S. 312 by the Senate in the last Congress. It is my understanding that he will introduce legislation similar to the bill I am introducing today in the near future.

Mr. Speaker, passage of this legislation will, unfortunately, not insure the emigration of these brave people from the Soviet Union. Only the Soviet authorities can permit them to leave. But this bill will remove what has been a major roadblock up to this point: It will grant legal guarantees from the United States that the Pentecostals residing in the basement of our Embassy will be given the treatment they deserve, and it will send a strong symbol to the Soviets that the U.S. Government takes very seriously the imposition of unreasonable obstinance in the granting of visas for these people. Granting of permanent

resident status will provide the protection the Pentecostals need and let the Soviet Government know of our strong resolve.

A section-by-section analysis and text of the legislation follows:

Section 1. Permanent resident visas shall be issued to Maria and Timofei Chmykhalov, and Lilia, Peter, Liubov, and Augustina Vashchenko upon payment of the required fees. The six Pentecostals would not become eligible for U.S. citizenship until they entered the United States.

Section 2. Having entered the United States, the six Pentecostals would not be required to (1) have resided in United States for five years prior to eligibility for citizenship, or (2) to have met the continuous residence requirements of the Immigration and Nationality Act.●

VOLUNTARY PAYROLL DEDUCTIONS FOR CONTRIBUTIONS TO POLITICAL FUNDS OF NONPARTY AFFILIATED ORGANIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, on December 28, 1982, the Office of Personnel Management published proposed regulations which would prohibit the use of voluntary payroll deductions for contributions to political funds of nonparty affiliated organizations. At least three House committees, Post Office and Civil Service, the Judiciary, and House Administration, have jurisdiction over laws relating to the subject matter of the proposed regulations. After reviewing the proposed regulations, I concluded, as did Chairmen RODINO and HAWKINS, that the regulations were not consistent with applicable laws, and together, we submitted formal comments on the proposed regulations. I am inserting those comments in the RECORD so they will be readily available to our colleagues:

HOUSE OF REPRESENTATIVES, COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C., February 16, 1983.

Mr. JOSEPH A. MORRIS,
General Counsel, Office of Personnel Management, Washington, D.C.

DEAR MR. MORRIS: We are writing to express our concern over the Office of Personnel Management's recent proposal to amend civil service regulations governing employee political activity, to prohibit the use of voluntary payroll deductions for contributions to political funds of nonparty affiliated organizations, (47 FR 57724, December 28, 1982).

In our view the proposed amendments represent a substantial broadening of current legal restrictions on political activity, a broadening that is not consistent with current laws on the subject, and which is beyond the authority of OPM. The effect of the proposed changes would be to restrict the rights of employees to participate in the democratic political process, beyond anything intended by Congress.

There is no question as to the right of government employees to make voluntary contributions to political parties and organizations, including candidate committees. This is provided in current OPM regulations. 5 CFR 733.111(8). Within the guidelines of the Federal Election Campaign Act, such contributions by employees directly to parties and candidates are a matter of public record. Given this fact, from the standpoint of public policy protecting employees from possible coercion or reprisal on political grounds, the source of OPM's concern with knowledge of employee contributions to a nonparty affiliated and issue-based political fund, contributions which cannot be identified with either particular political party or candidate, is not apparent. The political fund contribution actually provides greater insulation from partisan political identification. The proposed regulations therefore run counter to the public policy relied upon by OPM.

Aside from the public policy indicated above, OPM relies upon various Federal statutes, including the Hatch Act, which are asserted to bar operation of a voluntary payroll deduction system. We disagree with that assertion.

With respect to the Hatch Act, that statute clearly prohibits only "partisan" political activities. The term "partisan" has a limited and specific meaning in this context, namely, reference to a major political party. 5 U.S.C. 7236; 5 CFR 733.101(f). The United States Supreme Court has explicitly recognized that the Hatch Act's prohibitions extend only to activities directed to "party action" and "party success". *Public Workers v. Mitchell* 330 U.S. 75, 100 (1947) (plurality opinion). This was also the consistent position of the Civil Service Commission. On the occasion of the last attempt to amend the Hatch Act, the Commission officially informed Congress that the Hatch Act applies to direct participation by employees in the management and campaigns *"of major political parties"*. H. Rept. 94-444, 94th Congress, 1st Sess. 32 (1975).

Activity directed towards a nonparty affiliated political fund is therefore not "partisan" activity proscribed by the Hatch Act.

In addition, the Hatch Act does not in fact prohibit *all* partisan political activity but only "tak[ing] an *active part* in political management or in political campaigns". 5 U.S.C. 7324(a)(2) (emphasis added). The processing of payroll allotment forms submitted by government employees who have decided to make a voluntary contribution hardly involves the processing employees in "active" management or campaigning. In this regard we refer you to the opinion of the Civil Service Commission *In the Matter of William v. Hargadine, Jr.*, Political Activity Reporter 629, 633 (CSC No. F-1359-52) (Nov. 24, 1952). In that case, the Commission concluded that an employee who took and delivered payments for a partisan dinner from employees already determined to attend, did not violate the Hatch Act.

Based upon the above, we believe that OPM's proposed regulatory amendments broaden the scope of Hatch Act prohibition beyond those presently existing. However, Congress has not given to OPM, any more than its predecessor, the authority to expand upon the statutory proscription of the Hatch Act. *Civil Service Commission v. National Assoc. of Letter Carriers*, 413 U.S. 548, 571-2 (1973) ("Congress intended to deprive Civil Service Commission of rulemaking power . . . [to] fashio[n] a more expansive definition of conduct that would violate the [Hatch Act]"). The express terms of the Hatch Act limit prohibited acts to those determined by the Commission prior to July 19, 1940. 5 U.S.C. 7324(a).

In sum, it is our conclusion that the Hatch Act provides neither the authority nor the justification for OPM's proposed amendments.

With respect to the criminal code provisions cited in the proposal, OPM has no authority to interpret title 18. Certainly, it is improper for OPM to incorporate interpretations of criminal laws into regulations implementing the Hatch Act provisions of title 5. In any case, OPM's interpretation of the criminal laws is erroneous.

The acceptance and processing of voluntary allotment forms directing the transmission of a portion of salary to a political fund, does not involve a payroll employee in "receiving" or "making" political contributions within the meaning of the criminal code.

First, the allotment form is not a "contribution" within the terms of the criminal provisions, which adopt the Federal Election Campaign Act definition of "contributions". That definition no longer includes "promises" or "pledges" to contribute, nor does it include "allotments" of money as would the OPM regulations. A payroll allotment form has no intrinsic value. It can hardly be analogized to a negotiable instrument, such as a check.

Second, as to "receipt," a payroll employee processing an allotment form is no more "receiving" a political contribution than is the IRS employee who honors a taxpayer's request to transmit $1 to the presidential campaign fund for eventual transmission to qualifying partisan candidates.

Third, although OPM's proposal loosely refers to the "payment" of contributions as unlawful, in fact the "making" of a contribution is prohibited only to the extent that "receipt" is by an employer or employing authority. The recipient of a voluntary payroll allotment is not the government or any agency official but an outside organization.

OPM's ultimate reliance is on the spectre of coercion of employees by supervisors armed with knowledge concerning their political contributions. As indicated earlier in this letter, we believe that any such concern favors facilitating contributions to political funds, as opposed to candidate committees or political parties. In any case, a payroll allotment procedure simply does not invoke the scenario portrayed by OPM. Supervisors are not involved in the collection of allotment forms or voluntary payments by employees. There are ample ways for OPM to ensure that payroll offices do not compromise such information. Any attempt by supervisors to intrude or gain access to information would violate existing laws for which there are enforcement mechanisms already established.

Finally, we would point out that OPM's apparent position that a voluntary allotment procedure is not an appropriate mechanism for facilitating contributions to political funds of employee representative organizations is directly contrary to congressional views in this area.

In the Federal Election Campaign Act, Congress approved and authorized the use of payroll deduction plans for contributions to employee organization political funds, "notwithstanding any other law". 2 U.S.C. 441b(b)(5). This provision removes "*any* legal impediment" to the use of payroll allotment plans by employee representative organizations. *See* report of House-Senate

Conference Committee, H. Rept. 96-1057, 94th Cong. 2d Sess. 64 (1976) (emphasis added).

In conclusion, our review of OPM's proposed changes to civil service regulations on political activity convinces us that the changes are an unauthorized expansion of current statutory prohibitions, and are not only unjustified by current law, but contrary to congressional enactments.

We strongly urge that OPM withdraw the proposed revisions.

Sincerely,

WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service.
AUGUSTUS F. HAWKINS,
Chairman, Committee on House Administration.
PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary.●

ADMINISTRATION MEDICARE PROSPECTIVE PAYMENT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, today the administration forwarded its medicare prospective payment legislation to the Congress. As this matter may be treated in an expedited manner by the Committee on Ways and Means, I am enclosing, for Members' information, the following material:

THE WHITE HOUSE,
Washington, February 22, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am enclosing for consideration by the Congress proposed legislation "To provide for prospective payment rates under Medicare for inpatient hospital services, and for other purposes."

This legislation is a key element of my proposed health care incentive reform package. Currently, there are few incentives for hospitals to operate efficiently. Medicare expenditures, for example, have increased 19 percent annually during the past three years. The Gross National Product, by contrast, rose 5.6 percent last year. Moreover, the cost for the same service varies significantly from hospital to hospital. An examination of Medicare data shows that payments for treating a heart attack average $1,500 at one hospital and $9,000 at another hospital, with no apparent difference in quality.

The draft bill provides a better alternative: prospectively determined rates. Medicare payments for operating costs would be specifically related to the patient's condition, but would not vary from hospital to hospital (except for differences in area wage rates). Efficient hospitals would earn a surplus; inefficient ones would show deficits. Medicare would be a prudent buyer of services and would ensure for both hospitals and the Federal government predictable payments.

I urge the Congress to give the draft bill its prompt and favorable consideration.

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, February 22, 1983.

Hon. DAN ROSTENKOWSKI,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Attached is a copy of my letter to the Speaker transmitting a draft bill to improve the way Medicare pays hospitals.

This bill is part of a larger health care reform package that I will announce soon. I am sending it to the Congress now, however, because I understand that your Committee wishes to begin its work on the proposal right away.

I would appreciate your personal attention in expediting the enactment of this bill. It is a keystone of our efforts to provide efficient and quality medical care for our aged.

Sincerely,

RONALD REAGAN.

SUMMARY OF PROPOSED MEDICARE PROSPECTIVE PAYMENT RATES ACT

Section 1 would assign the draft bill the short title "Medicare Prospective Payment Rates Act".

Section 2 would require prospective determination of payments under Medicare with respect to operating costs of inpatient hospital services instead of payments on the basis of reasonable cost. Prospectively determined payments would not be required for psychiatric, long-term, or children's hospitals. The Secretary of Health and Human Services could, by regulation, extend the prospective method to other cost elements of inpatient hospital services (such as capital-related costs and teaching costs) and to psychiatric, long-term, and children's hospitals. Deductibles and coinsurance would continue to be required of Medicare beneficiaries as under existing law and would continue to be deducted from the Medicare payments to hospitals, but no additional charges could be imposed on beneficiaries. Medicare payments for services payable under this section on a prospective basis, to or on behalf of health maintenance organizations (HMOs) or competitive medical plans (CMPs) that contract with Medicare on a cost basis, would be paid on that prospective basis. HMOs and CMPs that receive Medicare payments on a risk basis would continue to do so as under existing law, except as otherwise provided by section 4.

Section 3 specifies how Medicare payments for inpatient hospital services would be determined prospectively:

The Secretary would set a payment amount for each Medicare inpatient hospital discharge in fiscal year 1984 equal to the national standard rate for the diagnosis related group (DRG) to which the discharge belonged, adjusted for regional differences in hospital wage levels, and updated to fiscal year 1983 by the estimated rate of change of hospital costs industry-wide, and from fiscal year 1983 to fiscal year 1984 by the estimated increase in the hospital market basket index. The national standard rate for each DRG would be equal to the product of an appropriate cost level per discharge (determined by the Secretary) for all Medicare discharges and an appropriate weighting factor (determined by the Secretary) for that DRG.

The Secretary could revise the DRGs from time to time.

The Secretary would annually adjust the payment amounts determined for fiscal year 1984 to provide compensation that the Secretary in his judgment deemed adequate for efficiently and economically operated hospitals, taking into account such factors as changes in the cost per unit of goods and services, changes in productivity, and technological and scientific advances. He could also, from time to time, adjust the payment amounts to take into account such factors as changes he had made in the DRGs, changes in the portion of costs attributable to wages, changes in the kinds of costs for which prospective payments were to be made (as he may have provided by regulation), or regional differences (or changes in those differences) in the cost per unit of goods and services other than wages. He could also establish payment amounts for new DRGs at levels comparable to amounts established for previous ones involving comparable use of hospital resources.

The Secretary could provide for exceptions and adjustments to meet the special needs of sole community hospitals. The Secretary could also pay additional amounts (as determined by the Secretary) for discharges whose length of stay exceeded by thirty days or more that mean length of stay of the discharges in a particular DRG.

The Secretary would publish a notice in the Federal Register by September 1 of fiscal year 1984 and of each succeeding fiscal year establishing the payment amounts for the coming fiscal year.

Payment amounts, exceptions, adjustments, and rules established under this section and related claims would not be subject to judicial review.

Section 3 would also repeal the cost limits and target amount provisions enacted by the Tax Equity and Fiscal Responsibility Act of 1982, except that the target amount provisions would continue to apply permanently to hospitals not paid on a prospective basis under the draft bill, and that the increase in target amounts permitted for fiscal year 1984 would be only the estimated increase in the hospital market basket index, rather than that increase plus 1 percent.

Section 4 would permit an HMO or a CMP that receives Medicare payments on a risk basis to choose to have the Secretary directly pay hospitals for inpatient hospital services furnished to Medicare enrollees of the HMO or CMP. The payment amounts would be at the appropriate DRG rate (or on the basis of reasonable cost, as applicable), and would be deducted from Medicare payments to the HMO or CMP.

Section 5 specifies that the amendments enacted by the draft bill would not affect the authority of the Secretary to develop, carry out, or continue experiments and demonstration projects.

Section 6 would enact conforming amendments.

Section 7 would make the amendments enacted by the draft bill effective with respect to items and services furnished by a hospital after its last cost reporting period that began before October 1983. The Secretary would appropriately reduce the payment amount for any discharge if the admission occurred before the first cost reporting period that began after September 1983 to take into account amounts payable under Medicare under existing provisions of law for items and services furnished before that period. The Secretary would be required to publish a notice in the Federal Register by September 1, 1983, establishing the payment amounts for fiscal year 1984, and to allow for a period of public comment. The payment amounts would be effective as of October 1 (without the necessity for consid-

eration of comments received), but the Secretary would be required to publish a notice by December 31 affirming or modifying the amounts after considering the comments. Any decreases in payment amounts in that notice would apply only to discharges occurring more than 30 days after its publication.

H.R. —

A bill to provide for prospective payment rates under Medicare for inpatient hospital services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Medicare Prospective Payment Rates Act".

(b) The amendments in this Act apply to the Social Security Act.

MEDICARE PAYMENTS FOR INPATIENT HOSPITAL SERVICES ON THE BASIS OF PROSPECTIVE RATES

SEC. 2. (a) Section 1814(b) is amended—

(1) in the matter preceding paragraph (1), by striking out "and 1886", and

(2) by amending paragraphs (1) and (2) to read as follows:

"(1) with respect to operating costs of inpatient hospital services of other than psychiatric, long-term, or children's hospitals (and such costs of inpatient hospital services of psychiatric, long-term, or children's hospitals and such other costs of inpatient hospital services as the Secretary may prescribe from time to time by regulation), the amount determined prospectively as provided by section 1886, except as provided in paragraph (3) or under an exception granted under section 1886(d);

"(2) with respect to other costs of inpatient hospital services and with respect to other services, except as provided in paragraph (3) or in section 1888,—

"(A) the lesser of (i) the reasonable cost of the services, as determined under section 1861(v) and as further limited by section 1881(b)(2)(B), and (ii) the customary charges with respect to the services, or

"(B) if the services are furnished by a public provider of services free of charge or at nominal charges to the public, the amount determined on the basis of those items (specified in regulations) included in the determination of such reasonable cost as the Secretary finds will provide fair compensation to the provider for the services; or".

"(b) The matter in section 1866 (a)(2)(B)(ii) (42 U.S.C. 1395cc(a)(2)(B)(ii)) preceding subclause (I) is amended by inserting "or with respect to costs subject to section 1814(b)(1)" after "except with respect to emergency services".

(c)(1) Section 1886(d)(2)(A) is amended to read as follows:

"(2) Subparagraph (A)(ii) and subparagraph (B) of subsection (b)(2).".

(2) Subsection (d) of section 1886 is assigned the heading "Elimination of Lesser-of-Cost-or-Charges Provision", is redesignated as subsection (j), and is transferred to the end of section 1814.

PROSPECTIVE DETERMINATION OF MEDICARE PAYMENT RATES FOR INPATIENT HOSPITAL SERVICES

SEC. 3. (a) Section 1886 is amended to read as follows:

"PROSPECTIVE DETERMINATION OF PAYMENT RATES FOR INPATIENT HOSPITAL SERVICES

"SEC. 1886. (a)(1) The Secretary shall determine a payment amount for each inpatient hospital discharge in fiscal year 1984 involving inpatient hospital services for which payment may be made under part A of this title. That amount shall be equal to a national standard rate per discharge for the diagnosis related group to which that discharge belongs (the product of an appropriate standard cost level per discharge determined by the Secretary for all discharges involving inpatient hospital services for which payment may be made under part A of this title and an appropriate weighting factor determined by the Secretary for that diagnosis related group), adjusted for regional differences in hospital wage levels, and updated to fiscal year 1983 by the estimated rate of change of hospital costs industry-wide, and from fiscal year 1983 to fiscal year 1984 by the percentage increase defined in paragraph (2).

"(2) For purposes of paragraph (1), the 'percentage increase' shall be equal to the percentage, estimated by the Secretary, by which the cost of the mix of goods and services (including personnel costs but excluding non-operating costs) comprising routine, ancillary, and special care until inpatient hospital services, based on an index of appropriately weighted indicators of changes in wages and prices which are representative of the mix of such goods and services, for fiscal year 1984 exceeds the cost of the mix of such goods and services for fiscal year 1983.

"(b) The Secretary may from time to time make changes (including the establishment of new groups) in the diagnosis related groups referred to in subsection (a).

"(c)(1) The Secretary shall, for hospital discharges in fiscal year 1985 and in each succeeding fiscal year, adjust (uniformly, or individually for specified diagnosis related groups) the payment amounts determined under subsection (a) so as to provide compensation that the Secretary in his judgment deems adequate for efficiently and economically operated hospitals, taking into account such factors as changes in the cost per unit of goods and services, changes in productivity, and technological and scientific advances.

"(2) The Secretary may, from time to time, adjust the payment amounts determined under subsection (a) to take into account such factors as changes made in the diagnosis related groups, changes in the portion of costs attributable to wages, changes in the kinds of costs subject to the provisions of this section (pursuant to regulations as provided in section 1814(b)(1)), or regional differences (or changes in those differences) in the cost per unit of goods or services other than wages. The Secretary may also, from time to time, establish payment amounts for new diagnosis related groups at levels comparable to amounts established for previous diagnosis related groups involving comparable use of hospital resources.

"(d)(1) The Secretary may provide (on a general, class, or individual basis) for exceptions and adjustments to the payment amounts established under the previous subsections to take into account the special needs of sole community hospitals.

"(2) The Secretary may provide for additional payment amounts (as determined by the Secretary) for any discharge whose length of stay exceeds by thirty or more days the mean length of stay of the discharges in the diagnosis related group to which that discharge belongs.

"(e) The Secretary shall publish in the Federal Register a notice of the payment amounts established under subsection (c)(1) no later than the September 1 preceding the beginning of the fiscal year to which the amounts are to apply.

"(f) Payment amounts, exceptions, adjustments, and rules established under this section shall be final and conclusive, and claims related thereto (including claims related to administrative procedures used or actions authorized but not taken) shall not be subject to review or consideration by any court under any form of judicial process or procedure.".

(b) Title XVIII is amended by adding at the end the following:

"TARGET INPATIENT HOSPITAL AMOUNTS FOR CERTAIN HOSPITALS

"SEC. 1888. (a) Subject to the provisions of section 1813, if the operating costs per discharge of inpatient hospital services for a cost reporting period of a hospital that does not receive payments under section 1814(b)(1)—

"(1) are less than or equal to the target amount (as defined in subsection (c)) for that hospital for that period, the amount of the payment with respect to such operating costs payable under part A on a per discharge basis shall be equal to the amount of such operating costs, plus—

"(A) 50 percent of the amount by which the target amount exceeds the amount of such opeating costs, or

"(B) 5 percent of the target amount, whichever is less, or

"(2) are greater than that target amount, the amount of the payment with respect to such operating costs payable under part A on a per discharge basis shall be equal to (A) the target amount, plus (B) in the case of cost reporting periods beginning before October 1, 1984, 25 percent of the amount by which the amount of such operating costs exceeds the target amount.

"(b)(1) For purposes of subsection (a), the term 'target amount' means, with respect to a hospital for particular 12 month cost reporting period,—

"(A) in the case of the first such reporting period for which this subsection is in effect, the target amount under section 1886(b)(3) (as in effect before enactment of the Medicare Prospective Payment Rates Act) for the preceding 12 month cost reporting period, and

"(B) in the case of a later reporting period, the target amount for the preceding 12 month cost reporting period,

increased by the applicable percentage increase under paragraph (2) for that particular cost reporting period.

"(2) For purposes of paragraph (1), the 'applicable percentage increase' for any 12 month cost reporting period shall be equal (A) the percentage, estimated by the Secretary, by which the cost of the mix of goods and services (including personnel costs but excluding non-operating costs) comprising routine, ancillary, and special care unit inpatient hospital services, based on an index of appropriately weighted indicators of changes in wages and prices which are representative of the mix of such goods and services, for that cost reporting period exceeds the cost of the mix of such goods and services for the preceding 12 month cost reporting period, plus (B) in the case of cost reporting periods beginning after September 30, 1984, 1 percent.".

"(c) The Secretary shall provide for an exemption from, or an exception and adjustment to, the method under this subsection for determining the amount of payment to a

hospital where events beyond the hospital's control or extraordinary circumstances, including changes in the case mix of the hospital, create a distortion in the increase in costs for a cost reporting period (including any distortion in the costs for the base period against which the increase is measured). The Secretary may provide for such other exemptions from, and exceptions and adjustments to, the method as the Secretary deems appropriate, including those which he deems necessary to take into account a decrease in the inpatient hospital services that a hospital provides and that are customarily provided directly by similar hospitals which results in a significant distortion in the operating costs of inpatient hospital services.

"(d) In the case of any hospital having any cost reporting period of other than a 12 month period, the Secretary shall determine the 12 month period which shall be used for purposes of this section.

"(e)(1) The Secretary shall provide for an adjustment under this subsection in the amount of payment otherwise provided a hospital under this section in the case of a hospital which, as of August 15, 1982, was subject to the taxes (hereinafter in this subsection referred to as the 'FICA taxes') imposed by section 3111 of the Internal Revenue Code of 1954 and which is not subject to such taxes for part or all of a cost reporting period.

"(2) In making such an adjustment for a cost reporting period the Secretary shall estimate the amount of the operating costs of inpatient hospital services that would have resulted if the hospital was subject to the FICA taxes during that period. In making that estimate the Secretary shall reduce the amount of the FICA taxes that would have been paid (but not below zero) by the amount of costs which the hospital demonstrates to the satisfaction of the Secretary were incurred in the period for pensions, health, and other fringe benefits for employees (and former employees and family members) comparable to, and instead of, the benefits provided under title II and this title.

"(3) If a hospital's operating costs of inpatient hospital services estimated under paragraph (2) is greater than the hospital's operating costs of inpatient hospital services determined without regard to this subsection for a cost reporting period, then the Secretary shall reduce the amount otherwise paid the hospital (respecting operating costs of inpatient hospital services) under this title for the period by the amount by which the amount that would have been paid the hospital (if the amount of the operating costs of inpatient hospital services estimated under paragraph (2) were treated as the amount of the operating costs of inpatient hospital services) exceeds the amount that would have been paid the hospital if this subsection did not apply; except that, in making such a determination for a cost reporting period beginning on or after October 1, 1984, clause (B) of subsection (a)(2) shall continue to apply.".

PAYMENTS BY SECRETARY TO HOSPITALS ON BEHALF OF HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

SEC. 4. (a) Section 1876(g) is amended by adding at the end the following:

"(4) A risk-sharing contract under this subsection may, at the option of an eligible organization, provide that the Secretary—

"(A) will reimburse hospitals either for the reasonable cost (as determined under section 1861(v)) or for payment amounts determined in accordance with section 1886, as applicable, of inpatient hospital services furnished to individuals enrolled with such organization pursuant to subsection (d), and

"(B) will deduct the amount of such reimbursement from payment which would otherwise be made to such organization.".

EFFECT OF AMENDMENTS ON AUTHORITY FOR EXPERIMENTS AND DEMONSTRATION PROJECTS

SEC. 5. The amendments enacted by this Act shall not affect the authority of the Secretary of Health and Human Services to develop, carry out, or continue experiments and demonstration projects.

CONFORMING AMENDMENTS

SEC. 6. (a) The matter in section 1814(g) preceding paragraph (1) is amended by inserting "(or would be if subsection (b)(1) did not apply)" after "1861(v)(1)(D)".

(b) Section 1814(h)(2) is amended by striking out "the reasonable costs for such services" and inserting "the amount that would be payable for such services under paragraphs (1) and (2) of subsection (b)".

(c) The matter in section 1835(e) preceding paragraph (1) is amended by inserting "(or would be if section 1814(b)(1) did not apply)" after "1861(v)(1)(D)".

(d) The matter in section 1861(v)(1)(G)(i) following subclause (III) is amended by striking out "on the basis of the reasonable cost of inpatient hospital services" and inserting instead "as provided in paragraphs (1) and (2) of section 1814(b)".

(e) Section 1861(v)(2)(A) is amended by striking out "an amount equal to the reasonable cost of" and inserting instead "the amount that would be taken into account with respect to".

(f) Section 1861(v)(2)(B) is amended by striking out "the equivalent of the reasonable cost of".

(g) Section 1861(v)(3) is amended by striking out "the reasonable cost of such bed and board furnished in semi-private accommodations (determined pursuant to pararaph (1))" and inserting instead "the amount otherwise payable under this title for such bed and board furnished in semi-private accommodations".

(h) Section 1861(v)(7)(B) is amended to read as follows:

"(B) For further limitations on reasonable cost for operating costs of inpatient hospital services, see section 1888.".

(i) Section 1861 is amended by inserting after subsection (m) the following:

"(n) The term 'operating costs' with respect to inpatient hospital services means routine operating costs, ancillary service operating costs, and special care unit operating costs.".

(j) Section 1861 is amended by inserting after subsection (aa) the following:

"(bb) The term 'long-term hospital' means hospital whose average inpatient length of stay (as determined by the Secretary) is greater than 25 days, and any other hospital with appropriate characteristics as determined by the Secretary.".

(k) Section 1861 is amended by adding at the end the following:

"(ee) The term 'children's hospital' means a hospital whose inpatients are predominantly individuals under 18 years of age.

"(ff) The term 'sole community hospital' means a hospital that, by reason of factors such as isolated location or absence of other hospitals (as determined by the Secretary), is the sole source of inpatient hospital services reasonably available to individuals in a geographical area who are entitled to benefits under part A.".

(l) The first sentence of section 1881(b)(2)(A) is amended by striking out "section 1861(v)" and inserting instead "paragraphs (1) and (2) of section 1814(b)".

(m) Section 1883(e) is amended—

(1) by striking out "payment" and inserting instead "reasonable costs", and

(2) by striking out "title XVIII reimbursement" and inserting instead "reasonable costs under this title".

(n) Section 1887(a)(1)(B) is amended by striking out "on a reasonable cost basis" and inserting instead "as provided in paragraphs (1) and (2) of section 1814(b)".

EFFECTIVE DATE

SEC. 7. (a)(1) The amendments made by this act apply to items and services furnished by or under arrangements with a hospital after its last cost reporting period that has begun before October 1983.

(2) A change in a hospital's cost reporting period that has been made after November 1982 shall be recognized for purposes of this section only if the Secretary of Health and Human Services finds good cause for that change.

(b) The Secretary shall make an appropriate reduction in the payment amount under section 1814(b)(1) of the Social Security Act (as amended by section 2(a)(2) of this Act) for any discharge, if the admission has occurred before a hospital's first cost reporting period that has begun after September 1983, to take into acount amounts payable under title XVIII of that Act (as in effect before the date of enactment of this Act) for items and services furnished before that period.

(c) The Secretary shall publish in the Federal Register a notice of the payment amounts established under subsection (a) of section 1886 of the Social Security Act (as amended by section 3(a) of this Act) no later than September 1, 1983, and allow for a period fo public comment thereon. The payment amounts shall become effective on the following October 1 without the necessity for consideration of comments received, but the Secretary shall, by notice published in the Federal Register, affirm or modify the amounts by the following December 31 after considering those comments. A modification that reduces a payment amount shall apply only to discharges occurring after 30 days after notice of the modification is published in the Federal Register. Rules to implement that subsection shall, and exceptions, adjustments, or additional payment amounts under section 1886(d) of the Social Security Act may, be established in accordance with the procedure described in the preceding sentences of this paragraph.●

JOINT RESOLUTION DESIGNATING NATIONAL NURSING HOME RESIDENTS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, I am today introducing a joint resolution designating April 29, 1983, as "National Nursing Home Residents Day." The distinguished Senator from Arkansas (DAVID PRYOR) has introduced an identical resolution in the other body.

This is the fourth year I have sponsored this measure, which is designed to focus attention on the accomplish-

ments of nursing home residents around the country and to let them know that we care about them and gratefully acknowledge the work that they have done, and continue to do, to build this country.

For years, residents of nursing homes have lived in relative isolation in our cities and towns. Through major cooperative efforts, we can turn this situation around. National Nursing Home Residents Day celebrations have drawn nursing home residents and their communities closer together through a broad range of activities aimed at recognizing resident concerns, accomplishments, and community involvement.

I want to share with my colleagues some examples of local activities that have stimulated community interaction with nursing homes through special events. In my home State of Florida, Gov. Bob Graham officially proclaimed April 28, 1982, Nursing Home Residents Day. As a result of the work of the Nursing Home Hotline Patrol of Pinellas County, over 150 members of nursing home resident councils, nursing home staff and others were invited to discuss issues of facility regulation and residents' rights. Other States, including Minnesota, West Virginia, New Mexico, and Oklahoma also have endorsed official State proclamations.

Citywide ceremonies and festivities have been held in Philadelphia, Pa., Fort Collins, Colo., St. Louis Park, Tex., and Salisbury, Md. Last year residents of Lakeshore Inn in Waseca, Minn., celebrated Nursing Home Residents Day by broadcasting their home activities on radio.

The Wilder West Resident Council in St. Paul, Minn., sponsored a workshop on self-determination for residents to which residents and staff were invited. In Chicago, the Illinois Citizens for Better Care cosponsored with the Cook County Legal Assistance Foundation another type of workshop to develop more active resident councils.

Other activities included community fairs which opened the doors of nursing homes to citizens who had never visited them. Forums were held to inform the general public of such issues as residents' rights, volunteer opportunities, and changes in Federal nursing home policies.

These communities and many more which I am unable to mention here have made a commitment to older Americans living in nursing homes. They have worked to make long-term care both inside and outside of institutional settings part of a total package of caring for the elderly, a goal that I have sought through my years of public service.

By introducing this resolution, I urge my colleagues to join me in saluting the citizens groups and nursing home providers who help sponsor special celebrations. In particular, I want to recognize two national organizations—the National Coalition of Resident Councils and the National Citizens' Coalition for Nursing Home Reform—for working to help make this event a success throughout the country.

I submit for the RECORD a copy of the resolution and an editorial printed by the St. Petersburg Times on April 28, 1982. I hope that newspapers throughout the country will use this fine example of community spirit and support to generate local activities this year.

NURSING HOME RESIDENTS' DAY

Need a fourth for bridge or a fishing buddy? Or a companion for church services, a band concert, a good film or a stroll on the pier?

A visit to the Dali Museum or a little window shopping along Beach Drive could be more enjoyable with someone to talk to. And, surely, a baseball game is more fun in the company of a real sports fan. Even your famous apple pie will taste better if shared with a friend.

Where can one find an interesting, appreciative companion for such pursuits?

There are some 6,000 elderly persons in Pinellas County nursing homes. Many of them are alone, without relatives or friends in the community. Often, they have had fascinating adventures, built successful careers and made significant contributions to the state and nation. Many of them will simply remind you of departed loved ones.

Although nursing homes try to arrange social activities, many of the elderly patients yearn to keep in touch with the community, to make friends outside the institution, to participate in civic activities and enjoy the companionship of children. Those who are too ill or infirm to leave the nursing home are hungry for someone to visit. Even conversations with a stranger, who may become a friend, are healthy reminders that the world is still out there and just talking with someone may help them hold onto life.

That is the reason for today's celebration of National Nursing Home Residents' Day. Gov. Bob Graham has proclaimed the observance in Florida to recognize the contributions that our elderly citizens have made to society and to assure them that the state and community care for them and want them to receive good care in nursing homes.

The observance also is a reminder to all of us that many elderly citizens in nursing homes can still be valuable participants in community affairs and personal relationships. They have wisdom, warmth and the love and understanding that advanced years bring.

Visits by friends and volunteers can brighten the lives of hundreds of lonely old people who need to feel that they are still a part of our community.

Community participation in nursing homes also will do something else. It will improve the quality of patients' care, making all nursing homes more compassionate and cheerful places—for that time when advancing years will place many of us in the care of strangers.

H.J. RES. 154

Joint resolution designating April 29, 1983, as "National Nursing Home Residents Day"

Whereas over one million older Americans reside in nursing homes and one in five older Americans likely will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the growth, development, and progress of this Nation and, as elders, offer a wealth of knowledge and experience;

Whereas Congress recognized the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of and involvement in the lives of nursing home residents;

Whereas Congress recognizes the importance of safeguarding the rights of nursing home residents; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 29, 1983, is designated as "National Nursing Home Residents Day", a time of renewed recognition, concern and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.●

LEGISLATION INTRODUCED TO ACHIEVE OPEN, FAIR, AND EQUITABLE ACCESS TO FOREIGN MARKETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, today I am introducing, along with Messrs. GIBBONS, SHANNON, DOWNEY, CONABLE, VANDER JAGT, FRENZEL, and SCHULZE, H.R. 1571, a bill designed to insure reciprocal market opportunities in trade, trade in services, and investment. This legislation will strengthen the President's hand in responding to the ever-increasing barriers to U.S. trade abroad. The bill also insures that foreign direct investment is an activity covered by the provisions of the Trade Act of 1974.

At issue, Mr. Speaker, is fair trade. Most countries around the world benefit extensively from our "open door" trade policy. Unfortunately, with the current stagnation of the world economy, many of those same nations have decided to erect subtle and not-so-subtle barriers to U.S. goods and services. In order to maintain the credibility of worldwide free trade, the United States must earnestly pursue the elimination of these barriers.

It should be clear that American labor and industry have reached the end of their tether with the unfair and

inequitable treatment of U.S. products abroad. We must send an unambiguous message to our trading partners that they can no longer reap the fruits of open U.S. markets while denying our industries that same equal and open treatment.

This bill reflects the work of the Ways and Means Trade Subcommittee in the last Congress. While we were not able to complete marking up the legislation, all amendments agreed to by the subcommittee have been incorporated in this legislation. It also contains many of the provisions of the bill introduced in the other body by Senators BENTSEN and DANFORTH, which was cosponsored by 32 of their colleagues from both sides of the aisle. Both the House and Senate versions have strong support of the business community and the administration.

This is not a protectionist bill. Its aim is to expand world trade to the benefit of all. Ultimately, the legislation will increase American exports, increase American jobs, and hasten U.S. economic recovery. It is our goal, through introducing this measure, to maintain our traditionally open markets, while at the same time allowing the President to be more forceful in insuring similar openness abroad.

I urge my colleagues to consider carefully the current trade situation and embrace this comprehensive approach to resolving the intolerable imbalance in market access.●

EXPORT PROMOTION AND CONTROL ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

● Mr. BONKER. Mr. Speaker, the Congress faces a crucial challenge this year in having to extend the Export Administration Act of 1979 which, without congressional action, would expire September 30. The challenge, in short, is to balance two essential requirements. The first requirement is to preserve and expand our exports and our share of world markets in order to help achieve full employment and restore reasonable economic growth. The second is to protect and preserve our national security by doing everything we reasonably can to withhold from our potential adversaries any goods and technology which are likely to increase significantly their military capabilities. Congress rarely faces a more difficult balancing act than this one—keeping ourselves economically strong without, at the same time, contributing to the strength of our military adversaries.

The use of export controls to further U.S. foreign policy goals, which is also authorized by the Export Administration Act, presents even more difficult choices. U.S. foreign policy goals are extremely varied, and the effectiveness of export controls in furthering them is questionable at best, particularly when other nations are unwilling to impose similar controls.

The effects on U.S. trade and the U.S. economy of both national security and foreign policy controls are not confined to the goods and technology directly subject to controls. The effects extend virtually to all U.S. exports. Our competitors, including some of our own allies who join with us on some national security controls, use especially our unilateral controls to portray U.S. firms as "unreliable suppliers." This characterization of U.S. business is grossly exaggerated. Nevertheless, it is having a severe chilling effect upon our share of world trade. Nothing is more urgently needed to promote U.S. exports than to restore worldwide confidence in the reliability of U.S. suppliers, and the key to such a restoration of confidence is a major curtailment of our use of foreign policy export controls. In the wake of the President's well-intentioned but futile use of such controls in an effort to stop the Yamal pipeline between the Soviet Union and Western Europe, surely there could be no better time than now to fundamentally rethink and constrain foreign policy export control authorities and procedures.

House action on this challenging legislation begins in the Subcommittee on International Economic Policy and Trade, which I have the honor to chair in the current Congress, and which has legislative jurisdiction over the Export Administration Act. The subcommittee will begin hearings on the act, and any proposed amendments thereto, on February 24. The subcommittee will conduct an intensive series of hearings throughout March to receive testimony from all points of view. I have, by letter, notified all involved executive departments and agencies that, in order to receive full and carefull consideration by the subcommittee, any executive recommendations with respect to this legislation must be received no later than March 24, the beginning of the Easter district work period.

As a basis for these hearings, Mr. Speaker, I am today introducing three bills relating to export controls and promotion. The subcommittee staff and I have given careful consideration to the provisions of these proposals, but they do not attempt to cover all of the possible improvements that might be made. It is my intention, in fact, after having the benefit of the testimony that will be received during the subcommittee's hearings, including hopefully the administration's recommendations, to review all proposals further and to introduce more comprehensive legislation on or about April 5, when the Congress returns from the Easter recess. That more comprehensive legislation will then become the vehicle for the subcommittee's markup. Since these measures contain authorization of funds, they must be acted upon and reported by the full Committee on Foreign Affairs by May 15 to meet the requirements of the Budget Act, and I intend to make every effort to meet that requirement.

In the meantime, Mr. Speaker, the bills I am introducing today will serve to focus the attention of witnesses and members of the subcommittee on what I consider the more pressing issues that need to be addressed.

The essential balance I mentioned between export and national security requirements has been achieved in the past by allocating responsibility for export controls jointly to the Departments of Commerce and Defense, and requiring, in effect, consensus between the two as a basis for determining what goods and technology should be controlled, and deciding, essentially on a case-by-case basis, when those items should or should not be licensed for export. The Commerce Department gives primary consideration to export needs, and actually issues the licenses. The Department of Defense gives primary consideration to the national security implications of each proposed export of controlled items, exercising veto power over all licenses it chooses to review. This special authority for the Defense Department was authored by my distinguished colleague, the senior Senator from Washington, Senator JACKSON, and should not be disturbed.

The bills I am introducing today make no change in that basic sharing of executive responsibility. Indeed, preserving the involvement of Commerce and Defense equally in the export control process is, in my judgment, essential. To consolidate export control responsibilities in any one agency or department would invite decisions that would sacrifice U.S. economic strength to exaggerated notions of military security, or vice versa.

In my view, our economic strength in the world is no less an element and guarantee of our national security than staying militarily strong. So I will actively oppose any proposals which would sacrifice one for the other.

This is not to say that no improvements can be made in the administration of export controls as they are presently handled by the Commerce and Defense Departments. On the contrary, improvements of that type are needed, and the bills I am proposing suggest several. Let me summarize those provisions.

One bill I am introducing today, Mr. Speaker, would make various changes in both the national security and foreign policy export control procedures now contained in the Export Adminis-

tration Act, and would better define responsibilities for enforcement activities by the Commerce Department and the Customs Service.

With respect to national security controls, the bill would create a new type of export license, called the comprehensive operations license, for the use of U.S. parent companies in their transactions with their affiliates in foreign countries. This specialized type of license would eliminate the need for specific approval of each shipment to a U.S. company's subsidiary abroad. Such a license could facilitate trade by companies with unblemished records of compliance with export controls, and would be essential should new controls be instituted on technical data to Western country destinations, as some have proposed.

The bill would also substantially reduce the burden of export licensing on business and Government by eliminating the requirement for validated licenses for exports to countries which cooperate with the U.S. on multilateral controls, and by eliminating license requirements based solely on the fact that a product contains an imbedded, nonreprogrammable microprocessor.

The burden of licensing and the damage done to U.S. companies' reputation as a reliable supplier while companies endure the wait for an export license would also be lessened by a provision that would lead to elimination of unilateral controls on exports to non-Communist countries. If the United States maintains a control that is not maintained by other suppliers, and if the United States has not denied any exports under that control in a year's time, that good would be decontrolled.

The bill would maintain the President's authority to impose export controls for foreign policy purposes, but would limit that authority in two key ways. First, new controls would not apply to any existing contract. Second, they would not apply extraterritorially, so new controls would have relatively little immediate impact upon U.S. firms.

Should the President wish to expand the controls extraterritorially, or to make them applicable to existing contracts, he would be required under my proposal to obtain specific congressional approval to do so. He would be required to consult with our allies before presenting his proposal to Congress, and the period of congressional consideration would provide more time for consultation with industry and our allies.

In short, I propose to leave authority with the President to impose foreign policy export controls at his discretion, but with much more narrow initial effect than is now permitted by the Export Administration Act, and to require specific congressional approval of any broadly applicable export controls. The President would still have authority to review and extend annually existing foreign policy controls, without seeking authority from the Congress.

With respect to enforcement, the bill would give the Commerce Department, which is already the lead enforcement agency under the act, various new enforcement authorities, such as the power to seize goods without warrant. Heretofore, Commerce enforcement officials have had to obtain action by the Customs in order to seize shipments suspected of export control violations. The bill would limit Customs' future role in enforcement to inspection of outbound cargoes, detention and preliminary investigation of suspected violations, and seizure. Commerce Department enforcement officials would have similar powers and would complement Customs efforts, particularly in the busiest ports, such as New York and San Francisco. Postseizure investigation and decisions to seek civil or criminal penalties for all cases would be handled by the Department of Commerce. A total of $30 million is authorized for enforcement of the act, divided equally between Customs and Commerce. Customs is directed to employ targeted rather than random inspections of outbound cargo.

Exclusive Commerce Department responsibility for postseizure investigation, evaluation, and disposition of cases is essential for several reasons. First, the nature and seriousness of violations often depends upon the precise terms of an export license. As the licensing agency, Commerce is in a better position to assess such considerations. Often, civil penalties can be imposed when a criminal violation does not exist or cannot be proved. As the administrator of civil penalties, Commerce should be in a position to make the decision between pursuing criminal or civil penalties. And finally, cut off of export privileges and exclusion of foreign firms from eligibility to receive U.S. controlled goods and technology are among the most powerful enforcement measures—often more effective than other civil or criminal penalties. Commerce is responsible for implementing such penalties and can best do so if it controls the postseizure disposition of alleged violations.

Finally, Mr. Speaker, the bill would create a new title in the Export Administration Act which would be devoted to export promotion efforts. The Export Administration Act is one of the few existing statutes which defines U.S. export policy, and it is entirely restrictive. I believe it is time that we do more in the area of export promotion, and that export controls be considered in the broader context of our total export efforts. So the new title authorizes slightly over $100 million for existing U.S. export promotion programs and activities for fiscal year 1984. It requires periodic reauthorization of those programs in the future. Hopefully, it will become a foundation for future legislatively mandated improvements in our export promotion programs as part of total U.S. export policy set forth in an expanded Export Administration Act.

The second bill I am introducing today would authorize the Overseas Private Investment Corporation to establish a financially self-sustaining program of insurance to protect U.S. firms against damages and lossed due to the imposition of future U.S. controls on exports to achieve foreign policy goals. The need for this kind of facility will depend upon the extent to which Congress may decide to restrict foreign policy export controls. In the past, however, many U.S. companies have been damaged by such controls, and I think it is none too soon to begin studying the possibility of protective insurance. The Overseas Private Investment Corporation has considerable experience and expertise with respect to political risk insurance, which it currently issues to U.S. companies embarking on foreign investments. If need be, it should be possible to create a similar program for exporters. My bill will serve as a basis for drawing the attention of OPIC officials to this possibility, and getting their views on the record. As I visualize it, such an insurance program would be funded by premiums paid by protected U.S. companies, as is the case with existing OPIC insurance programs. So such a program would involve no cost to the taxpayer.

The third bill I am introducing today would ease export controls as they apply to the People's Republic of China. The administration announced a policy early in 1981 liberalizing trade in high technology goods destined for China. That policy—the so-called China differential—called for licensing of exports to China up to roughly twice the capacity and sophistication of goods that could be licensed for export to the Soviet Union, with some exceptions such as nuclear technology. That differential, however, has never been fully implemented, and as Secretary of State Shultz found out during his recent visit to the People's Republic, continued slow and restrictive export controls on trade with China have emerged as the No. 1 obstacle and deterrent to such trade. American workers and the American economy need trade with China now more than ever. I believe it is time to implement the very reasonable "China differential" which the administration devised but has been unable to implement. My bills mandates its implementation. Hopefully, such a legislative mandate will get the job done, and open up the benefits of increased exports to China

without in any way endangering national security.

Mr. Speaker, witnesses from major industry groups will open the subcommittee's hearings on February 24—the Business Roundtable and the Emergency Committee for American Trade, the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Foreign Trade Council, and a representative of the agricultural sector. On March 1, representatives of the Departments of Commerce, Defense, State, Justice, and the Customs Service will appear, reviewing generally the need for export controls, their implementation of the act, and major problems being encountered from the point of view of administering this program. Thereafter, in subsequent hearings, other witnesses from businesses and industries affected, as well as individuals with policy interests in the legislation, will be heard subject to the constraints of time and the need to consolidate points of view. Anyone wishing to submit a written statement for the hearing record, or to testify before the subcommittee, should contact Ms. Carol Rovner, subcommittee staff associate, at the subcommittee office, (No. 702, House Annex No. 1, Washington, D.C. 20515, 202-226-7820).●

SENSE OF CONGRESS RESOLUTION CONCERNING COMPLIANCE BY SOVIET UNION WITH CERTAIN INTERNATIONAL AGREEMENTS ON HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes.

● Mr. AuCOIN. Mr. Speaker, today, I am introducing a resolution with my distinguished colleague from Connecticut, Mrs. Barbara Kennelly, to promote the cause of Soviet Jews and all others who seek to emigrate from the Soviet Union.

For years, the United States has been on the frontlines in the battle for fundamental human rights. Now is no time to retreat.

The number of Soviet Jews allowed to leave the Soviet Union has plummeted to its lowest level in over a decade. In 1979, 51,000 Soviet Jews left the U.S.S.R. Last year, less than 3,000 were granted exit visas. Unfortunately, the new Soviet regime shows no signs of reversing this disturbing trend. In fact, Soviet authorities appear to be intensifying efforts to close down the doors of emigration and blot out Jewish cultural activities.

The breakup of Jewish cultural and scientific seminars, the confiscation of personal property, anti-Semitic media campaigns and the harassment and arrest of Jewish activists are becoming all too frequent in the lives of thousands of Soviet Jews.

What is even more galling is the Soviet Union's flagrant disregard for the Helsinki Final Act, in which it pledged to uphold certain basic human rights—among them the right of cultural expression and emigration. The State Department has condemned the "Soviet reductions in emigration as clearly contradictory to the principles of freedom of movement and family reunification contained in the Helsinki final acts to which the U.S.S.R. is a signatory."

Members on both sides of the aisle agree on the need to take action. With 60 cosponsors, our resolution states that the Soviet Union should comply with the Helsinki accords by pursuing a more humane emigration policy and urges the President to convey the concerns of Congress to Soviet officials.

The deliberate mistreatment of so many Soviet Jews and citizens cannot be allowed to continue. Our protests represent their best hope for a better life. I urge my colleagues to join me in sending a message to the Soviet Union that the American people have not given up the fight and will continue to raise the issue of freedom and human rights in every appropriate forum.

A text of the resolution follows:

H. Con. Res. 63

Concurrent resolution expressing the sense of the Congress concerning the compliance by the Soviet Union with certain international agreements on human rights

Whereas the Soviet Union is pursuing a policy of virtually closing its borders to Jewish emigration, as evidenced by declining emigration levels which for 1982 were the lowest since 1970, with only 2,688 Soviet Jews allowed to emigrate;

Whereas this policy has left tens of thousands of people seeking to emigrate from the Soviet Union with little hope of being granted permission to emigrate in the foreseeable future;

Whereas there are several hundred long-term "refuseniks", including many children, who applied to emigrate from the Soviet Union between 1970 and 1976 and have been waiting for permission to emigrate since that time;

Whereas those who have been denied emigration rights, especially the long-term "refuseniks", are often subjected to a life as internal refugees in the Soviet Union, resulting in loss of jobs, loss of membership in important social and professional organizations, revocation of academic degrees, surveillance and arbitrary assault, and other forms of harassment and social isolation;

Whereas these individuals also suffer physical, emotional, and psychological problems which result from social isolation;

Whereas these individuals are also denied the right to cultural expression, evidenced by the breaking up of cultural seminars and Hebrew classes and harassment by Soviet officials of those individuals participating in those forms of cultural expression;

Whereas these individuals are subjected to arbitrary arrest, imprisonment, and internal exile, as is the case with the Jewish "Prisoners of Conscience" currently serving sentences in the Soviet Union;

Whereas it is the stated policy of United States law, including section 502B(a)(1) of the Foreign Assistance Act of 1961 and section 402 of the Trade Act of 1974, that human rights considerations are a vital element of United States foreign policy; and

Whereas the Soviet Union, by arbitrarily denying its citizens the right to emigrate and the right to religious and cultural expression, and by harassing members of a specific ethnic group, is violating international agreements, including the Helsinki Final Act, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Labor Organization Convention Concerning Employment Policy, and the UNESCO Convention Against Discrimination in Education: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Soviet Union should comply with the Helsinki Final Act, the Universal Declaration of Human Rights, and other international agreements relating to human rights, by pursuing a more humane emigration policy and ceasing harassment of Jews and others seeking to emigrate;

(2) compliance by the Soviet Union with internationally recognized emigration rights would significantly promote improved relations between the United States and the Soviet Union;

(3) the President or his representatives should convey to Soviet officials the concerns of the Congress expressed in this resolution at every appropriate opportunity, including—

(A) at such time as agreements between the United States and the Soviet Union, relating to trade and commerce, including grain sales, and to science and technology exchange, are negotiated; and

(B) at such appropriate times as the President or his representatives meet with leaders of the Soviet Union concerning other aspects of relations between the two countries; and

(4) the President or his representatives should also convey these concerns of the Congress to the governments of United States allies and urge the cooperation of those governments in efforts to promote emigration from the Soviet Union.

Sec. 2. The Clerk of the House shall transmit a copy of this concurrent resolution to the President with the request that he transmit such copy to the Government of the Soviet Union.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Neal (at the request of Mr. Wright) for an indefinite period on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sam B. Hall, Jr.) to

revise and extend their remarks and include extraneous material:)

Mr. ANDERSON, for 5 minutes, today.
Mr. FRANK, for 10 minutes, today.
Mr. COYNE, for 5 minutes, today.
Mr. FORD of Michigan, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. ROSTENKOWSKI, for 10 minutes, today.
Mr. PEPPER, for 5 minutes, today.
Mr. JONES of Oklahoma, for 5 minutes, today.
Mr. BONKER, for 5 minutes, today.
Mr. AUCOIN, for 5 minutes, today.
Mr. RATCHFORD, for 10 minutes, on February 23, 1983.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. GILMAN.
Mr. LIVINGSTON in two instances.
Mr. PHILIP M. CRANE.
Mr. HYDE.
Mrs. SNOWE.
Mr. CONABLE.
Mr. CHENEY.
Mr. SHUMWAY in two instances.
Mr. LUJAN.
Mr. DANNEMEYER.
Mr. MCGRATH.
Mr. RITTER in two instances.

(The following Members (at the request of Mr. SAM B. HALL, JR.) and to include extraneous matter:)

Mr. ANNUNZIO in six instances.
Mr. FAUNTROY.
Mr. LEVINE of California.
Mr. O'NEILL.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. FORD of Michigan.
Mr. MINETA.
Mr. RICHARDSON.

SENATE BILL REFERRED

A bill of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S. 55. An act to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. ANDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 23, 1983, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

383. A letter from the Assistant Administrator for Pesticides and Toxic Substances, U.S. Environmental Protection Agency, transmitting the annual report on the total number of applications for conditional registration of pesticides produced, pursuant to section 29 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended; to the Committee on Agriculture.

384. A letter from the Acting Director, Defense Security Assistance Agency, transmitting executive branch's allocations of funds for fiscal year 1983 international military education and training (IMETP) and military assistance (MAP) programs approved by the Department of State; to the Committee on Appropriations.

385. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting the quarterly report of the value of property, supplies, and commodities provided by the Berlin Magistrates had under the German offset agreement, pursuant to section 719 of Public Law 97-377; to the Committee on Appropriations.

386. A letter from the Secretary of the Treasury, transmitting draft of proposed legislation to provide for increased participation by the United States in the African Development Fund; to the Committee on Banking, Finance and Urban Affairs.

387. A letter from the chairman, Council of the District of Columbia, transmitting D.C. Act 5-3, Rental Housing Act of 1980/ Small Landlord Exemption Amendments Temporary Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

388. A letter from the Assistant Attorney General Antitrust Division, transmitting the semiannual report covering the 6-month period ending August 31, 1982, on voluntary agreement and plan of action to implement the International Energy Program, pursuant to section 252(i) of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

389. A letter from the president, National Railroad Passenger Corp. (AMTRAK), transmitting the corporation's legislative proposals for fiscal year 1984, pursuant to section 308(b) of Public Law 91-518; to the Committee on Energy and Commerce.

390. A letter from the Secretary of State, transmitting the sixth annual report on Americans incarcerated abroad, pursuant to section 108 of the Foreign Relations Authorization Act of 1978; to the Committee on Foreign Affairs.

391. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's offer to sell certain defense articles and services to Lebanon (transmittal No. 83-17), pursuant to section 36(b) of the Arms Control Act; to the Committee on Foreign Affairs.

392. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

393. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during January 1983 pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

394. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $1,764,307.76 to the Superior Oil Co. for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

395. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the annual report of the refugee resettlement program, pursuant to section 413(a) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

396. A letter from the Administrator of the Environmental Protection Agency, transmitting the Agency's annual 5-year plan for research, development, and demonstration, pursuant to section 5 of Public Law 94-475, together with the comments of the Science Advisory Board, pursuant to section 8(c) of Public Law 95-155; to the Committee on Science and Technology.

397. A letter from the Administrator, National Aeronautic and Space Administration, transmitting notification of waiver of the minimum funding and staffing requirements for technology transfer from NASA laboratories, pursuant to section 11(b) of Public Law 96-480; to the Committee on Science and Technology.

398. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting the October 1982 report on the Department of Defense procurement from small and other business firms, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

399. A letter from the Administrator, Veterans Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to terminate the authority of the Administrator of Veterans' Affairs to make advance payments of educational and subsistence allowances, and for other purposes; to the Committee on Veterans' Affairs.

400. A letter from the Secretary of Agriculture, transmitting the annual report for fiscal year 1982 for the Forest Service, including the annual reports required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

401. A letter from the Secretary of Energy, transmitting the annual report for fiscal year 1982 on the West Valley demonstration project, pursuant to section 4 of Public Law 96-368; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

402. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to improve the nuclear powerplant siting and licensing process, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEDELL:

H.R. 1562. A bill to establish a pilot program to provide guarantees for loans made under State programs to assist individuals who are qualified, but lack financial resources, to acquire family farms, and for other purposes; to the Committee on Agriculture.

By Mr. BEDELL (for himself and Mr. HARKIN):

H.R. 1563. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products containing imported meat be labeled imported, and to require that certain eating establishments serving imported meat inform customers of that fact; to the Committee on Agriculture.

By Mr. BONKER:

H.R. 1564. A bill to amend the Export Administration Act of 1979 to authorize the export to the People's Republic of China of goods and technology with twice the technical level of that allowed for export to other Communist countries; to the Committee on Foreign Affairs.

H.R. 1565. A bill to authorize the Overseas Private Investment Corporation to issue insurance against losses incurred from the imposition of certain export controls; to the Committee on Foreign Affairs.

H.R. 1566. A bill to amend the authorities contained in the Export Administration Act of 1979, and for other purposes; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. BURTON of California:

H.R. 1567. A bill to repeal the provision of the Military Selective Service Act prohibiting the furnishing of Federal financial assistance for postsecondary education to persons who have not complied with the registration requirement under that act; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. CHENEY:

H.R. 1568. A bill to designate certain National Forest System lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. FAUNTROY:

H.R. 1569. A bill to amend the Federal Reserve Act to require the Board of Governors of the Federal Reserve System and the Federal Open Market Committee to implement a monetary policy which will achieve balanced full growth in the economy; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SAM B. HALL, JR.:

H.R. 1570. A bill to amend the Federal Water Pollution Control Act to restrict the jurisdiction of the United States over the discharge of dredged or fill material to those discharges which are into navigable waters, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JONES of Oklahoma (for himself, Mr. GIBBONS, Mr. SHANNON, Mr. DOWNEY of New York, Mr. FRENZEL, Mr. CONABLE, Mr. VANDER JAGT, and Mr. SCHULZE):

H.R. 1571. A bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes; jointly, to the Committees on Ways and Means, Foreign Affairs, and Energy and Commerce.

By Mr. LEVITAS (for himself and Mr. GINGRICH):

H.R. 1572. A bill to repeal section 311 of the Federal Public Transportation Act of 1982; to the Committee on Public Works and Transportation.

By Mr. LUJAN:

H.R. 1573. A bill to amend title 10 of the United States Code to allow members of the Armed Forces of the United States to elect whether they will retire for physical disability or will retire for length of service, if they are eligible for both types of retirement; to the Committee on Armed Services.

H.R. 1574. A bill to establish a National Youth Land Use Commission to develop recommendations for legislation and administration action concerning the use of Federal land for youth camps; to the Committee on Interior and Insular Affairs.

H.R. 1575. A bill to designate the Bisti Badlands Wilderness in the State of New Mexico; to the Committee on Interior and Insular Affairs.

H.R. 1576. A bill to amend title 38 of the United States Code to allow persons receiving retired pay for the length of their service in the Armed Forces of the United States to concurrently receive any pension or compensation under the laws administered by the Veterans' Administration to which they are entitled; to the Committee on Veterans' Affairs.

By Mr. LUJAN (for himself and Mr. SKEEN):

H.R. 1577. A bill to provide that if any land or interest in land is taken from a State by the Federal Government by eminent domain, such State may, instead of accepting monetary compensation therefor, acquire certain Federal lands or interests in land of approximately equal value; to the Committee on Interior and Insular Affairs.

H.R. 1578. A bill to authorize the State of New Mexico to select certain public lands in exchange for land taken by the United States for military and other uses, and for other purposes; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

By Mrs. MARTIN of Illinois:

H.R. 1579. A bill to amend title 28, United States Code, to alter the composition of the northern district of Illinois; to the Committee on the Judiciary.

By Mr. MINETA (for himself, Mr. HOWARD, Mr. SNYDER, Mr. HAMMERSCHMIDT, and Mr. BENNETT):

H.R. 1580. A bill to amend the Federal Aviation Act of 1958 to provide for the revocation of airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PACKARD:

H.R. 1581. A bill to amend the act of July 28, 1954 (68 Stat. 575), to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER (for himself, Mr. UDALL, Mrs. SCHNEIDER, and Mr. MOAKLEY):

H.R. 1582. A bill to provide for the reorganization of the Environmental Protection Agency by the establishment of an independent regulatory commission, and for other purposes; to the Committee on Government Operations.

By Mr. SCHULZE:

H.R. 1583. A bill to extend permanent duty-free treatment to warp knitting machines; to the Committee on Ways and Means.

By Mr. SOLARZ (for himself, Mr. ADDABBO, Mr. BARNES, Mr. BEREUTER, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. CROCKETT, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK, Mr. HERTEL of Michigan, Mr. HUGHES, Mr. KOGOVSEK, Mr. LAFALCE, Mr. LANTOS, Mr. MARKEY, Mr. MARLENEE, Mr. MCHUGH, Mr. MITCHELL, Mr. PRITCHARD, Mr. RODINO, Mr. SCHUMER, Mr. SIMON, Mr. STOKES, and Mr. SUNIA):

H.R. 1584. A bill to establish a National Commission on Down Syndrome; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. ECKART, and Mr. HALL of Ohio):

H.R. 1585. A bill to amend the Internal Revenue Code of 1954 to provide that certain contributions of transportation services will be treated as charitable deductions; to the Committee on Ways and Means.

By Mr. TRAXLER:

H.R. 1586. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to reduce the number of weeks of employment during the base period required to be eligible for extended benefits; to the Committee on Ways and Means.

H.R. 1587. A bill to amend the Internal Revenue Code of 1954 by repealing certain provisions enacted by the Tax Equity and Fiscal Responsibility Act of 1982 relating to the reporting by employers of tips in the case of certain food and beverage establishments; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.J. Res. 152. Joint resolution designating the March 21, 1984, as "Single Parent Day"; to the Committee on Post Office and Civil Service.

By Mr. FOWLER:

H.J. Res 153. Joint resolution to designate the week beginning October 2, 1983, as "National Children's Week"; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.J. Res. 154. Joint resolution designating April 29, 1983, as "National Nursing Home Residents Day"; to the Committee on Post Office and Civil Service.

By Mr. TAUZIN (for himself, Mr. ADDABBO, Mr. AKAKA, Mr. ALEXANDER, Mr. ARCHER, Mr. BATES, Mr. BEDELL, Mr. BEREUTER, Mr. BEVILL, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BREAUX, Mr. BRYANT, Mr. CARNEY, Mr. CHANDLER, Mr. CHAPPELL, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. CORCORAN, Mr. CORRADO, Mr. DANIEL, Mr. DANNEMEYER, Mr. DASCHLE, Mr.

DAUB, Mr. DINGELL, Mr. DIXON, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDGAR, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FIELDS, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. FRANKLIN, Mr. FRENZEL, Mr. GINGRICH, Mr. GEJDENSON, Mr. GILMAN, Mr. GOODLING, Mr. GRADISON, Mr. GREEN, Mr. GUARINI, Mrs. HALL of Indiana, Mr. RALPH M. HALL, Mr. SAM B. HALL, JR., Mr. HAMMERSCHMIDT, Mr. HANCE, Mr. HATCHER, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HIGHTOWER, Mr. HOPKINS, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HYDE, Mr. JEFFORDS, Ms. KAPTUR, Mr. KILDEE, Mr. KOGOVSEK, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LELAND, Mr. LENT, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. LOTT, Mr. MCCURDY, Mr. MCDADE, Mr. MCEWEN, Mr. MCGRATH, Mr. MARRIOTT, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. MOORE, Mr. MURPHY, Mr. NOWAK, Ms. OAKAR, Mr. OWENS, Mr. RAHALL, Mr. RICHARDSON, Mr. ROEMER, Mr. RUSSO, Mr. SCHEUER, Mr. SIMON, Mr. SMITH of Florida, Mr. DENNY SMITH, Mr. SOLOMON, Mr. SYNAR, Mr. TAUKE, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WON PAT, and Mr. WYDEN):

H.J. Res. 155. Joint resolution to provide for the designation of March 18, 1983, as "National Energy Education Day"; to the Committee on Post Office and Civil Service.

By Mr. AUCOIN (for himself, Mrs. KENNELLY, Mr. YATRON, Mr. GILMAN, Mr. BONKER, Mr. PORTER, Mr. LANTOS, Mr. BARNES, Mr. ADDABBO, Mr. CONTE, Mr. MOLINARI, Mr. YATES, Mr. ROE, Mr. SMITH of New Jersey, Mr. RODINO, Mr. MOAKLEY, Mr. BURTON of California, Mr. FORD of Michigan, Mrs. SCHROEDER, Mr. FORSYTHE, Mr. LOWERY of California, Mr. WON PAT, Mr. GEJDENSON, Mr. WYDEN, Mr. BEILENSON, Mr. LOWRY of Washington, Mr. RANGEL, Mr. MARKEY, Mr. FROST, Mr. SOLARZ, Mr. KILDEE, Mr. DIXON, Mr. MATSUI, Mr. GLICKMAN, Mr. SIMON, Mr. MADIGAN, Mr. MINETA, Mr. FAZIO, Mr. FRENZEL, Mr. CORCORAN, Mr. WIRTH, Mr. WAXMAN, Mr. VENTO, Mr. WHITEHURST, Mr. WEISS, Mr. MCCOLLUM, Mr. FAUNTROY, Mr. TAUZIN, Mr. GREEN, Mr. SABO, Mr. ROEMER, Mr. MITCHELL, Mr. GRADISON, Mr. BROWN of Colorado, Mrs. ROUKEMA, Mr. MCKINNEY, Mr. EDGAR, Mr. HOWARD, Mr. RITTER, Mr. FASCELL, Mr. OTTINGER, Mr. COURTER, Mr. JEFFORDS, Mr. OBEY, Mr. SHAW, Mr. SHANNON, and Mr. FORD of Tennessee):

H. Con. Res. 63. Concurrent resolution expressing the sense of the Congress concerning the compliance by the Soviet Union with certain international agreements on human rights; to the Committee on Foreign Affairs.

Mr. BIAGGI (for himself, Mr. NELSON of Florida, and Mr. SUNIA):

H. Con. Res. 64. Consurrent resolution expressing the sense of the Congress that March 17, 1983, be recognized and observed as Irish Peace, Freedom, and Unity Day; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON:

H. Res. 97. Resolution disapproving the proposed deferral of budget authority for the Mass Transportation Capital Fund (deferral numbered D83-59); to the Committee on Public Works and Transportation.

By Mr. BIAGGI:

H. Res. 98. Resolution authorizing the printing as a House document of the committee print entitled "Older Americans Act: A Staff Summary"; to the Committee on House Administration.

By Mr. ST GERMAIN:

H. Res. 99. Resolution to urge the President to designate an aircraft carrier of the U.S. Navy as the U.S.S. *Wasp*; to the Committee on Armed Services.

By Mr. LOTT:

H. Res. 100. Resolution to amend the Rules of the House of Representatives for the purpose of strengthening and making more accountable the committee system and thereby making the legislative process more efficient, manageable, and representative; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

11. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to freight service to the Port of Erie; to the Committee on Energy and Commerce.

12. Also, memorial of the Legislature of the Territory of Guam, relative to the Federal Comptroller for Guam; to the Committee on Interior and Insular Affairs.

13. Also, memorial of the Legislative of the Territory of Guam, relative to the dumping of nuclear waste in ocean waters; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FRANK introduced a bill (H.R. 1588) for the relief of Maria and Timofei Chmykhalov, and Lilia, Peter, Liubov, and Augustina Vashchenko; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 836: Mr. GEPHARDT.

H.R. 904: Mr. FORD of Michigan.

H.R. 905: Mr. HILLIS.

H.R. 1078: Mr. JACOBS.

H.R. 1092: Mr. ADDABBO, Mr. CORRADA, Mr. LAGOMARSINO, Mr. VANDERGRIFF, and Mr. WHITLEY.

H.R. 1148: Mr. FORSYTHE, Mr. COATS, Mr. STUMP, Ms. MIKULSKI, and Mr. HILER.

H.R. 1202: Mr. SUNIA, Mr. HUGHES, and Mr. MCNULTY.

H.R. 1276: Mr. BEDELL, Mr. GOODLING, Ms. MIKULSKI, Mr. JEFFORDS, Mr. GRAY, Mr. DAVIS, Ms. FIEDLER, Mr. YOUNG of Missouri, Mr. WIRTH, Mr. COUGHLIN, Mrs. ROUKEMA, and Mr. DICKS.

H.R. 1303: Mr. DUNCAN and Mr. HAMMERSCHMIDT.

H.R. 1437: Mr. FAZIO and Mr. KOGOVSEK.

H.R. 1544: Mr. GLICKMAN, Mr. MONTGOMERY, and Mr. FISH.

H.J. Res. 1: Mr. RUSSO.

H.J. Res. 2: Mr. PENNY, Mr. AKAKA, and Mr. CARPER.

H.J. Res. 22: Mr. PACKARD, Mr. MCCLOSKEY, Mr. WASHINGTON, Mr. TORRICELLI, Mr. GEJDENSON, Mr. LUJAN, Mr. REID, Mr. HANSEN of Utah, Mr. ZABLOCKI, Mr. D'AMOURS, and Mr. WIRTH.

H.J. Res. 97: Mr. VANDERGRIFF, Mr. SLATTERY, Mr. MCNULTY, and Mr. MINETA.

H.J. Res. 120: Mr. STOKES, Mr. VENTO, Mr. FROST, Mr. EVANS of Illinois, Mrs. COLLINS, Mr. TORRICELLI, Mr. KOSTMAYER, and Mr. SHARP.

H.J. Res. 133: Mr. GINGRICH, Mr. BURTON of Indiana, and Mr. VANDERGRIFF.

H.J. Res. 149: Mr. ADDABBO, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. BROWN of California, Mrs. COLLINS, Mr. CORCORAN, Mr. COURTER, Mr. D'AMOURS, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. ENGLISH, Mr. FLIPPO, Mr. FORD of Michigan, Mr. FRANK, Mr. LAGOMARSINO, Mr. MADIGAN, Mr. ORTIZ, Mr. REGULA, Mr. SILJANDER, Mr. SNYDER, Mr. STANGELAND, Mr. SUNDQUIST, Mr. SUNIA, Mr. SWIFT, Mr. TAUZIN, Mr. TAYLOR, Mr. TOWNS, Mr. VANDERGRIFF, Mr. VANDER JAGT, Mr. WASHINGTON, Mr. WHITTEN, Mr. WILLIAMS of Ohio, Mr. WINN, and Mr. WIRTH.

H. Con. Res. 28: Mr. CARR, Mr. ZABLOCKI, Mr. DYSON, Mr. BOSCO, Mr. SAVAGE, Mr. MRAZEK, Mr. HUBBARD, Mr. MURPHY, Mr. BARNARD, Mr. TORRICELLI, Mr. DURBIN, Mr. ADDABBO, and Mr. HATCHER.

H. Res. 17: Mr. ANDREWS of Texas, Mr. BERMAN, Mr. BROWN of California, Mr. DAUB, Mr. FAZIO, Mrs. HALL of Indiana, Mr. JEFFORDS, Mr. LEVIN of Michigan, Mr. RICHARDSON, Mr. WAXMAN, Mr. FOGLIETTA, Mr. MILLER of California, Mr. ROE, and Mr. OWENS.

H. Res. 46: Mr. BORSKI, Mrs. COLLINS, Mr. COYNE, Mr. EARLY, Mr. FOWLER, Mr. KILDEE, Mr. MARTINEZ, Mr. SCHEUER, Mr. STUDDS, Mr. VENTO, Mr. CARR, and Mr. TORRICELLI.

H. Res. 67: Mr. WON PAT, Mr. WILLIAMS of Montana, Mr. HALL of Ohio, Ms. OAKAR, Mr. HUGHES, Mr. COYNE, Mr. VANDERGRIFF, Mr. FRENZEL, Mr. EDWARDS of California, Mr. MCCOLLUM, Mrs. BOXER, Mr. CORCORAN, Mr. HYDE, Mrs. JOHNSON, Mr. BORSKI, Mrs. KENNELLY, Mr. LELAND, Mr. MCKERNAN, Mr. COURTER, Mr. O'BRIEN, Mr. PORTER, Mr. PRITCHARD, Mr. SUNIA, Mr. WORTLEY, Mr. FISH, Mr. KASICH, Mr. MINETA, Mr. FOGLIETTA, Mr. LAFALCE, Mr. KRAMER, Mr. WINN, Mr. MCGRATH, Mr. GRADISON, and Mr. MITCHELL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

30. By the SPEAKER: Petition of the Board of Selectmen, Orange, Conn., relative to nuclear weapons; to the Committee on Foreign Affairs.

31. By the SPEAKER: Petition of Mrs. Diane Perrot et al., Geneva, Switzerland, relative to arms to Guatemala; to the Committee on Foreign Affairs.

32. By the SPEAKER: Petition of the New York City Council, N.Y., relative to social security benefits; to the Committee on Ways and Means.

SENATE—*Tuesday, February 22, 1983*

(Legislative day of Monday, February 14, 1983)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, The Reverend Richard C. Halverson, D.D., offered the following prayer:

*Give the king thy justice, O God, and thy righteousness to the royal son! May he judge the people with righteousness, and the poor with justice * * *. May he defend the cause of the poor of the people, give deliverance to the needy, and crush the oppressor.*—Psalm 72:1,2,4.

God of righteousness and justice, there are so many hurting people in the world. We pray for those who are unemployed—for the homeless and the hungry—for the persecuted and the oppressed—for women and children, the elderly and all who are pawns between opposing forces and the victims of power struggles. May we be the advocates of the voiceless, the powerless, the weak, the lonely and rejected and forgotten. Breathe compassion for the needy into our hearts. Make us sensitive and responsive to their plight. Forgive our indifference and hardness of heart. Through Jesus Christ the Lord, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

READING PLATO

Mr. BAKER. Mr. President, Jorie Graham is a poet who is currently in Cambridge on a Bunting Fellowship. Her second book of poems, "Erosion," is scheduled for publication this spring, and she is the author of this week's poem "Reading Plato."

I ask unanimous consent that the text of the poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

READING PLATO

This is the story
of a beautiful
lie, what slips
through my fingers,
your fingers. It's winter
it's far
in the lifespan
of man.
Bareheaded, in a soiled
shirt,
speechless, my friend
is making
lures, his hobby. Flies
so small
he works with tweezers and
a magnifying glass.
They must be
so believable
they're true—feelers,
antennae,
quick and frantic
as something
drowning. His heart
beats wildly
in his hands. It is
blinding
and who will forgive him
in his tiny
garden? He makes them
out of hair,
deer hair, because it's hollow
and floats.
Past death, past sight,
this is
his good idea, what drives
the silly days
together. Better than memory. Better
than love.
Then they are done, a hook
under each pair
of wings, and it's Spring,
and the men
wade out into the riverbed
at dawn. Above,
the stars still connect-up
their hungry animals.
Soon they'll be satisfied
and go. Meanwhile
upriver, downriver, imagine, quick
in the air,
in flesh, in a blue
swarm of
flies, our knowledge of
the graceful
deer skips easily across
the surface.
Dismembered, remembered,
it's finally
alive. Imagine
the body
they were all once
a part of,
these men along the lush
green banks
trying to slip in
and pass
for the natural world.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the time for the two leaders under the standing order expires, there be a period for the transaction of routine morning business, to extend not past 12 noon, in which Senators may speak for not more than 2 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that at 12 noon, the Senate stand in recess, without further motion, on the announcement of the Chair, until 2 p.m. today.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I might explain, once again, that the reason for that recess of the Senate over from 12 noon today until 2 p.m. today is to permit Members on both sides of the aisle to attend caucuses which are of an official nature but which are conducted off the floor of the Senate. It is in the nature of things that those party caucuses contribute in a very significant way to the arrangement of the schedule of the Senate and the formulation of debate which occurs here in this Chamber.

Therefore, it seems a good investment in the time of the Senate to stand in recess during that 2-hour period, so that Members can attend those important meetings away from the Chamber.

SENATE SCHEDULE

Mr. BAKER. Mr. President, it is the hope of the leadership that today we will be able to reach the shipping bill, so called, which is Calendar Order No. 13, S. 47.

I am aware that there are two bills and one of them is to be reported from the Judiciary Committee, and I believe there is an order that that bill must be reported by 6 p.m. today. Of course, if the Judiciary Committee is not prepared to do that we will wait until tomorrow, but I wish to get on that as soon as possible.

Mr. THURMOND. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes, of course, I yield to my friend from South Carolina.

Mr. THURMOND. Mr. President, the Judiciary Committee had a meeting this morning, and we adopted a number of amendments to the bill and had it reported, and it will be available at any time the majority leader wishes to proceed.

Mr. BAKER. I thank the Senator.

The President pro tempore in his usual and cooperative way has antici-

pated my question and has answered it in a very favorable way.

I wish to say to my friend, the minority leader, if it is possible then to reach the shipping bill this afternoon in view of the announcement of the Senator from South Carolina I wish to do that. I do not know anything else we can do this afternoon of a substantial nature.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. That will be a matter we will take up in the conference convening at noon, and following that conference I will be in contact with the majority leader to apprise him of what the situation is on this side of the aisle.

Mr. BAKER. I thank the Senator.

Mr. President, then the schedule for this afternoon will remain uncertain until we have reconvened at 2 p.m., but it is the hope of the leadership that we can reach that item today. If we do not reach it today, we will certainly reach it tomorrow absent other complications.

WASHINGTON'S FAREWELL ADDRESS

Mr. BAKER. Mr. President, yesterday we were honored to have our new colleague, the distinguished junior Senator from Virginia, Senator TRIBLE, deliver the traditional Farewell Address of President Washington to the Senate.

I congratulate Senator TRIBLE for that undertaking. He performed this task with style and grace, and all of us in the Senate wish to express our appreciation to him for doing so.

Mr. BAKER. Mr. President, I have no further need for my time under the standing order and I yield any remaining time I may have to the control of the distinguished minority leader.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

DEMOCRATIC RESPONSE OF SENATOR BYRD TO PRESIDENTIAL RADIO ADDRESS, SATURDAY, FEBRUARY 19, 1983

Mr. BYRD. Mr. President, on Saturday afternoon I presented the Democratic response to the Presidential Radio Address. I ask unanimous consent that my speech be printed in full in the RECORD so that it will be available for consideration by Members of the Senate.

There being no objection, the response was ordered to be printed in the RECORD, as follows:

DEMOCRATIC RESPONSE OF U.S. SENATOR ROBERT C. BYRD (D-W. VA.) TO PRESIDENTIAL RADIO ADDRESS, SATURDAY, FEB. 19, 1983.

I am U.S. Senator Robert C. Byrd. Today the President defended his defense budget which calls for more than a 14 percent increase in Pentagon spending next year. He suggested that a small increase would expose our nation to real danger. This is not true.

For example, we do not need two new manned bombers, one of which will be obsolete almost immediately after it is built. We can not have a strong defense unless our economy is strong, and we cannot have a strong economy when wasteful Pentagon spending and tax cuts for the wealthy are causing the federal deficits to sky-rocket.

Today, I want to talk about the economy. I represent West Virginia—the state with the highest unemployment rate in the nation.

My people want to work. They don't want to stand in line for free cheese and butter.

These are men and women who take pride in themselves and in their skills—the coal miner, the steel worker, the glass worker.

The federal government says that nearly 18 percent of West Virginians are unemployed—one out of every six persons. But they are not mere statistics. They are people.

They are not alone in their plight. Since the present Administration took office in January 1981, the unemployment tragedy has increased by nearly 50 per cent.

The Administration says it inherited the problem. Well, let's get the facts straight.

When the last Administration left office, the unemployment rate was 7.4 percent—about eight million jobless Americans. The trend of joblessness—at that time—was headed downward.

Today, not eight million but eleven million Americans are out of work, and the unemployment figure is not 7.4 percent but 10.4 percent.

So, whether you use the old math or the new math, it all adds up to a failed economic experiment.

Recently, we all took heart that the unemployment rate dipped slightly.

But until the Administration gets the unemployment rate back down and below where it was two years ago when the Administration took office, it can only take blame for the misery and not credit for just a little less misery.

The unemployment story has become a vivid scene on the nation's landscape. Families are living in cars. Able men and women are picking up pop bottles by the side of the road to sell for a few pennies.

Once vibrant cities are becoming disaster areas. The busiest centers of activity today are the unemployment offices. This shouldn't be happening in America, and it need not to have happened.

Listen to the voices of the people—the flesh and blood of this nation:

Thurmond Chapman, of McDowell County, West Virginia, where unemployment tops 35 per cent. This jobless worker says . . . "I cry two or three times a week. It is the deepest depression of my life."

Another case . . . Foster Tilley, who worked steadily for three decades before losing his job a year ago. His words . . . "It takes the manhood away from you."

These are people, not mere statistics. They are Americans. They never should have been used as ingredients in an trickle-down economic test tube.

Over the last two weeks, you've heard how the Administration and Congressional Democrats and Republicans are negotiating on a bi-partisan jobs bill.

This is a healthy sign—a good beginning. But the program being discussed is a very modest one.

It has several serious flaws. It does not target the areas of high unemployment—like West Virginia, or Alabama, or Michigan—nor is it aimed at the long-term unemployed—people who have been out of work for months and who are in desperate straits.

Let's not kid ourselves. This proposed jobs bill will not put a significant percentage of our people back to work. More needs to be done, and it needs to be done in the same bipartisan spirit.

As Democratic leader in the Senate, I have appointed Senator Carl Levin of Michigan and other Senators to work with members of the House of Representatives on an emergency jobs program.

We are not talking about make work jobs we are talking about jobs that will enhance America's future.

Today, I call on the President to agree to a comprehensive second phase—or even a third phase—of a jobs creation effort. One that is fair . . . one that targets the areas of highest unemployment . . . and the long-term unemployed.

The President has said he might veto any jobs program that goes beyond the very modest proposal being discussed. I would urge him not to do this.

The question is not whether we can afford to put America back to work, but whether we can afford not to.

Mr. BYRD. Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. All time having been yielded back, there will now be a period for the transaction of routine morning business.

THE NAZI SECRET NO ONE BELIEVED

Mr. PROXMIRE, Mr. President, on Saturday, February 5, 1983, the Washington Post printed an article entitled "The Nazi Secret No One Believed." It tells the remarkable story of a German industrialist who risked his life by revealing Hitler's secret order to exterminate all of European Jewry.

It is also the story of the man he told, Gerhart Riegner, the secretary general of the World Jewish Congress. Mr. Riegner is the only person still alive who knows the industrialist's identity, which he promised in 1942 he would never reveal.

It is a story of both courage and frustration. It details Mr. Riegner's frequent attempts to communicate the frightening news to Government officials and American Jewish leaders. It describes the painful frustration of not being believed. Finally, it conveys the sad realization that when these reports finally were believed and acted upon, for many it was simply too late.

The story of Gerhart Riegner's tireless efforts and of the German indus-

trialist's courage serves as an important reminder that each of us has a responsibility to speak out against bloodshed and oppression wherever it exists.

Mr. President, I believe the U.S. Senate has a responsibility to ratify the Genocide Convention. This story, reports of genocide that were not believed, warnings that went unheeded, serves as a grave reminder that we must never let this happen again.

I urge my colleagues to ratify the Genocide Convention and I ask unanimous consent that the article "The Nazi Secret No One Believed" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NAZI SECRET NO ONE BELIEVED—REMEMBERING THE MAN WHO KNEW

(By Charles Fenyvesi)

In 1942 a German industrialist risked his life by revealing the secret of Hitler's order to exterminate European Jewry.

Only one person is still alive who knows this man's identity. He is Gerhart Riegner, in Washington last week for a meeting of the World Jewish Congress, the most influential international Jewish organization. He is now a portly, pinkcheeked gentleman of 71. Dressed in a three-piece suit, of a heavy woolen cloth of midnight blue, he looks like the mayor of a Swiss town: stolid, somber and exceedingly respectable.

During the war, Riegner was—and is still—the representative in neutral Geneva of the World Jewish Congress. Then he was a brilliant young legal counsel; now his title is secretary general. Then he was a refugee from Germany, one of the few the Swiss agreed to admit. He still travels with the laissez-passer of a stateless refugee; after close to 50 years of residence, he hasn't been able to bring himself to apply for Swiss citizenship and passport.

"It took two days to persuade myself that the industrialist was telling the truth," Riegner now says, "and finally I came to the conclusion that it was possible and probable." Reigner then went to the American and British diplomatic representatives and asked them to transmit the information to their governments and to key Jewish leaders.

That now-famous telegram—sent Aug. 8, 1942—and others that followed were curtly dismissed in the State Department and Whitehall as "the opinion of one Jew in Geneva."

The State Department advised the U.S. legation in Switzerland that Riegner's charges were "unsubstantiated" and waited 20 days to send a copy to Rabbi Stephen Wise, the key American Jewish leader of the time, to whom Riegner had originally addressed his cable. [Undersecretary of State] "Summer Welles told Wise not to publish it," Riegner says. "In wartime it was an order."

For several months, no Allied or neutral official believed the industrialist, who heard about the plan during his many visits to Hitler's headquarters. He had free access to top Nazis because his factories, with their 30,000 skilled workers, were pressed into the service of the German war machine. The industrialist's fervent hope was that once the world learned of the death camps, it would do something to stop them.

"Nobody really believed it," Riegner says. "Not even Jews who knew it. For instance at the height of the extermination policy I counted 4 million Jews as dead. My own office in New York—where I sent all my reports and which was directed by a great Jewish leader—published the figure of only 1.5 million."

The recent controversy over the Holocaust Inquiry Commission led by former Supreme Court Justice Arthur J. Goldberg deals in large part with what American Jewish organizations did or did not do in response to Riegner's cable. Riegner says he welcomes an impartial inquiry by independent scholars. But, he charges, the commission as it is now constituted is "ideologically fueled by people determined to rewrite history." The people Riegner criticizes are associates of Israeli Prime Minister Menachem Begin, "who want to indict the Zionist establishement" of neglecting rescue work.

Riegner tells how another American Jewish leader sent him a list of 30,000 addresses of Jews in Poland and asked the Geneva office to send food packages to those addresses. "That was in 1943 or '44," Riegner says. "What madness! They saw all my reports and knew that none of those addresses were valid. Those people were . . ."

Riegner doesn't complete the sentence. He stares into space, purses his lips and declares slowly, flatly, impassively: "They knew it but they didn't believe it."

Riegner, however, was convinced. At 30, he was an "unexcitable, serious young man," he recalls, "always a well-balanced type," Having studied law in Germany and then in France, he intended to become a professor of jurisprudence. He saw himself as following in the footsteps of his father, once Germany's minister of justice, and a person drawn to the philosophy of law. "I come from a typically German-Jewish bourgeois family very deeply embedded in German culture, a humanistic tradition, interested in philosophy, history, art," Riegner says. "But also roots in Jewishness."

From the time Riegner saw Nazis beating up Jews and other political enemies on the streets and in the universities, he was a stiff pessimist in face of what he calls "the Jewish optimism of the centuries—a kind of wishful thinking, really."

Unlike many other Jews, who dismissed Nazism as an episode and predicted that Hitler would soon run out of steam, Riegner argued that Jews should leave Germany while they still could—he left in May 1933, four months after Hitler became chancellor. He read "Mein Kampf" and listened to Nazi slogans and songs. "From my first encounter with Nazi terror, I took the Nazis seriously," he says. "Hitler made many speeches in which he threatened to destroy the totality of Jews.

"Why people didn't believe is a question I have always struggled with. It was so terrible that the human mind refused to accept it. An encounter with absolute evil is something very few people are prepared to accept. It is a paradox: The most positive experience is that people can't accept evil. That means that man is basically good."

At the time Riegner had no doubt: The industrialist was telling the truth, and and all other evidence supported the report.

Headquartered in Geneva, only a few miles from Germany and France, Riegner collected information, all of which confirmed the industrialist's report. The list of witnesses grew every week. A Jew who survived two massacres (36,000 dead) in the ghetto of Riga and reached Switzerland; a Swiss employe in the consulate in Prague briefed by Czech Jews on deportation; a Polish Jew who was smuggled out of Russia by a disaffected German officer warning him about the extermination camps he had seen; messages, smuggled out by French railway workers, of mass roundups of West European Jews for transportation to concentration camps in the east.

There was even testimony from a Danish Jew close to Field Marshal Hermann Goering—"Goering had such strange associations," Riegner explains, "and we asked ourselves how reliable he was"—who somehow smuggled to Geneva a sheaf of the railroad schedules for Jewish transports. In a supreme example of bureaucratic punctiliousness, the German railways billed the Berlin Jewish community for the cost of the deportations.

Riegner kept filing the reports, kept asking for action, "We never did enough," he says. "Sure, we could have done more. All of us. In 1944 Wise finally got the American government to agree to a free port admitting 1,000 Yugoslav Jews. It was a procedure to postpone immigration problems. It could have been done with thousands of others. Also, we could have put stronger pressures on the neutrals—Sweden, Turkey—to accept more refugees. We could have brought more people to England, to North Africa.

"Hitler could have been stopped several times. but once he started rolling, only thousands, maybe tens of thousands of Jews could have been saved. Not millions."

The industrialist, ostensibly in Geneva on business, met Riegner three times, each time warning of the rising number of Jews being killed. He passed on details such as the kind of chemicals used in the gas chambers.

The industrialist was frustrated that nothing was happening, Riegner says, "In December 1942, finally, there was a condemnation of the massacres of Jews [from] London, Washington and Moscow. The British Parliament rose in two minutes of silence. But they wouldn't act."

Riegner says he does not know why the industrialist wanted to remain unknown. Fear of revenge against his family might have been a reason, Riegner says. He adds that it is possible that the industrialist never told his family about his role. "I wrote to his wife after his death," Riegner says, "and I alluded to his service. I think his wife might have known. Perhaps. But not his children. I don't know. For me, what mattered was that he was a democrat, deeply anti-Nazi—a man of great moral standards who wanted to relieve his conscience."

On one occasion, Riegner concedes he was forced to reveal the industrialist's name. When he made "a desperate attempt" in the fall of 1942 to convince the Americans of the truth of the death camps, Riegner wrote down the industrialist's name, put it in a sealed envelope and handed it over to the head of the American legation in Bern. This was a few days after the industrialist had warned Riegner that he now had definite information on Hitler's direct order to exterminate all Jews. Riegner put all the evidence together in a document of 25 pages, to be transmitted to Washington.

But the envelope has disappeared, Riegner says, and an inkling of a sly grin spreads across his impassive face. The sealed envelope is not in the American archives, Riegner says, the U.S. diplomat is

dead and no researcher has come up with the industrialist's name.

"I gave my word not to give out his name," Riegner now says. "I am bound to my word. He never asked for anything else. Many people have approached me to give out his name, but I did not break my word. I never will."

HOW THE CONGRESS HAS GUTTED THE CORPORATION INCOME TAX

Mr. PROXMIRE. Mr. President, for many years the Congress has been moving to riddle our Federal personal income tax laws with so many exceptions that it has become increasingly complicated and less and less progressive. Big earners, armed with smart accountants and lawyers, can eliminate most, maybe all, of their personal income tax liability.

But the most remarkable gutting of a tax policy in our history has been performed on the corporation income tax. Earlier this year, President Reagan suggested that we might consider the possibility of repealing the corporation income tax. Many howled about such a political gaffe at a time of miserable unemployment and the cut back on basic services for the poor.

But both the President and his critics missed the main point, which a recent objective Library of Congress study made clear as follows: "The present set of tax rules is not much different from having no corporate income tax at all."

In an article last Thursday in the New York Times, Phil Stern brilliantly analyzes how, in 30 years, the Congress has left the corporation income tax all but dead. He points out that since 1953 the corporate share of the Federal tax load has plummeted from 30 percent to less than 10 percent. This year it is about 6 percent. And meanwhile the share borne by social security taxes has risen from 7 to about 33 percent.

Incidentally, Phil Stern also authored "The Great Treasury Raid" and "The Rape of the Taxpayer." No one writes more incisively and entertainingly about how the Congress has ripped justice and fairness out of the tax code than Phil Stern.

I ask unanimous consent that the Stern article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT CORPORATE TAX?

(By Philip M. Stern)

WASHINGTON.—Even as he uttered the words suggesting that he favors abolishing the corporate income tax, President Reagan realized he was inviting being labeled anew as a defender of the rich and powerful. He needn't have risked that, because Congress already has fulfilled much of his wish for him.

For years, the House and Senate have been systematically dismantling the corporate income tax—but in subtle ways the public can't readily see or understand.

On the surface, while tax rates for individuals have been tumbling, the corporate tax rate, 52 percent 30 years ago, still stands at 46 percent. But beneath the surface, dramatic changes have been taking place. Since 1953, the corporate share of the Federal tax load has plummeted from 30 percent to less than 10 percent (this year, it is about 6 percent). Meanwhile, the share borne by Social Security taxes has risen from 7 to about 33 percent.

If the tax rate on corporations has stayed steady, why has their share of the burden dropped so sharply?

It's primarily due to the increasingly generous tax write-offs for corporate plant and equipment. Would you believe, for example, that those handsome buildings sprouting on New York's Madison Avenue will tumble and need to be replaced after just 15 years? If you doubt that, look at the 1981 tax laws: It says that's the "useful life" of those buildings. Likewise, abandon all notions that a steel blast furnace will last more than five years. The tax law says (or, rather, makes believe) it won't.

Those artificially short tax lives permit corporations far larger deductions for wear and tear than are economically justified. This year, that feature of the tax law is expected to save corporations $10.7 billion in taxes.

On top of that, corporations enjoy an investment tax credit, which works this way: When a steel firm buys a $1 million blast furnace, it gets an immediate $100,000 tax abatement. That, combined with the fast tax write-off, produces a truly remarkable result: The corporate income tax, rather than raising money from the firm, can be the vehicle for a tax subsidy to the firm. To top it off, if the firm has borrowed to buy the furnace, it gets still more tax help via the deductions for interest payments.

Of course, the tax laws have always made allowances for depreciation. But in the past they have made at least a bow toward matching the tax life and the true business life of plant and equipment. But today's amalgam of absurdly short tax lives plus the investment tax credit permits corporate executives to figure a rate of return on their new capital purchases as if there were no corporate income tax.

In 1981, when these combined blessings more than erased the taxable profits of many companies, posing the danger that some benefits would go unused, Congress and the Administration rode to the rescue. They permitted such firms to make sham arrangements to "sell" their new equipment to companies that had taxable profits and could use the write-offs, and then "lease" it back. These were purely paper transactions: The equipment never budged; legal title didn't even change hands. Another $3.6 billion yearly blow to the corporate tax. Despite a 1982 tightening of the law, leasing remains a useful tax-saving device.

How many taxpayers are acquainted with another tax fiction called DISC—shorthand for Domestic International Sales Corporation? All that is required to form a DISC is a desk drawer containing a checkbook and a set of corporate ledgers—no buildings, no assets, no personnel.

Using the DISC clause, lawyers for exporting firms draw up documents that channel overseas sales through a wholly-owned DISC-in-a-desk-drawer in such a way that the dummy DISC usually ends up retaining half the export profits, tax-free. The result of this legal shell game is that the parent company can enjoy the tax-free use of millions in profits that would otherwise be taxable.

Although the DISC provision is supposedly designed to increase exports, repeated Treasury Department studies have shown that it has a negligible effect on improving our trade balance. Yet it remains stubbornly in the tax law, in effect adding $1.4 billion to the Federal deficit. Thus, when deficit-trimming measures are considered, DISC plus a long list of other tax preferences are immune—even though this year they add up to the astonishing total of $273 billion.

The balance sheet ends up this way: While corporations will pay about $35 billion in taxes this year, the array of corporate tax preferences will excuse them from paying $64 billion.

To sum up, a recent Library of Congress study concluded that "the present set of tax rules is not much different from the effects of having no corporate tax at all."

SHOULD THE IMF PUSH FOR MORE OR LESS AUSTERITY?

Mr. PROXMIRE. The purpose of IMF loans is to provide credit that is fatal for lesser developed countries to give them time to correct their temporary economic difficulties—particularly their deteriorating international trade balances. Since these countries, like all countries, have in most cases done virtually everything fair and foul they can do to improve their exports, their only genuine recourse is to reduce their imports. So the IMF must condition its credit on the pledge of the borrowing countries to cut imports. Even here the grim facts of life would seem to provide a far more effective discipline than any pledge the IMF might secure.

Mexico, for instance, has already sharply reduced its imports. Last year it slashed its imports from the United States by $6 billion, costing this country an estimated 150,000 jobs. Apparently that reduction in imports from America was not enough. Now the IMF apparently will tell the Mexicans to tighten the screws even further. If they do, we will perhaps lose another 100,000 jobs this year in exports to this one country alone. If this IMF technique is applied in Argentina, Brazil, and other countries, the end result of our $8 billion contribution to the IMF quota might be the loss of half a million American jobs.

When Senators put this question to Chairman Volcker in Banking Committee hearings, his answer was: "It could be a lot worse if the IMF does not provide the credit." Of course, anything is possible. But why would it necessarily be a lot worse if the IMF does not supply the additional credit? Absent any additional IMF credit, Mexico has already improved its payments balance with the United States by converting a balance unfavorable to Mexico and favorable to us to a balance favorable to Mexico and unfavor-

able to us. Should this kind of "austerity" be pushed further? Will it really help Mexico to solve its basic underlying problems?

All we really know for sure about the IMF loan to Mexico is that it will increase the immediate holding of foreign currencies by that country. Mexico will be in a position to make payments to bankers from various countries, and presumably the banks will loan additional funds to Mexico that they would not loan if the IMF did not condition the IMF loan to Mexico on the banks' pledge to loan further funds on about a 2- or 3-to-1 ratio. Whether this additional credit to Mexico is right, whether it will result in a sounder Mexican economy or a sounder world economy is a matter of guessing. Sure, the guessing is educated. I am sure it is honest. It is based on experience. It may very well be the best, most honest, and experienced guessing we can get. But it is guessing.

No one really knows if the price of oil is going down sharply next year or not. If it does fall sharply, no one knows how sharply. No one knows what the price of cocoa or sugar or coffee or wheat will be next year. If we did know we could become rich beyond the dreams of avarice. But because we do not know and cannot predict, we do not know whether additional credit to Mexico and other countries will be repaid or will simply put those countries into a more hopeless position in coming years.

What is worse, no one knows whether an IMF forced program of domestic austerity could bring down the present government and bring a new government to power in Mexico. No one knows if a new government might end democratic rule or bring Communist influence. All these possibilities might be remote.

But the point is that we cannot foresee the future. And by and large we are being pushed along into this uncertain and unknowable future by well-meaning, good-hearted guessers who have more information about the economies of the borrowing countries than we have but still must blindly guess.

In an article in this week's Business Week, Harvard economist Richard Cooper, who has worked on this problem in past administrations, contends that the IMF should ease up on its austerity now and recognize the effect of the worldwide recession on countries like Mexico. But if this is the case, why should the IMF become involved at all? After all, a prime reason for IMF involvement is to provide an effective mechanism for achieving fiscal reform in borrowing nations. If we do not need that reform, why should not the banks make or not make their loans on the same basis they make their loan decisions to everyone else: The soundness of the borrower—including conditions over which the borrower has control and conditions over which he does not? Is it wise for us to fund the IMF so it can cajole bankers into making additional loans they otherwise would not make?

I ask unanimous consent that the Business Week article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Tuesday, Feb. 15, 1983]

IMF AUSTERITY PRESCRIPTIONS COULD BE HAZARDOUS

CUTS IN THIRD WORLD IMPORTS MIGHT SLOW GROWTH IN THE INDUSTRIALIZED NATIONS

When the Interim Committee of the International Monetary Fund met in Washington on Feb. 9–10 its goal was to keep the international financial system from flying apart. The IMF, with the backing of the Reagan Administration, decided to increase substantially its lending ability to the developing nations, many of which are teetering on the edge of bankruptcy. But the IMF continues to insist that it will lend to the Third World only under certain stringent conditions—a plan that many experts say could do more harm than good.

The fund intends to force the debtor countries to live within their means. They must agree to slash public spending, private consumption, and, in some cases, capital investment. The borrowers must also cut imports and expand exports. Under such conditions, contends the IMF, export earnings, combined with IMF and commercial bank loans, should provide the less developed countries (LDCs) with the income to service their debts—which now stand at more than $600 billion. The idea behind the IMF's plan is to make the developing nations curb inflation and achieve sustainable economic growth.

Many observers, however, are warning that the IMF's austerity plan will be self-defeating, leading not to growth and manageable debt but to sharp contractions in both developing countries and industrial nations. They also warn of political upheavals and even greater global financial instability. Third World debt will continue to rise, they say, even with moderate growth in the West and Japan, and a sluggish recovery will push debt up to dangerous levels.

Feeling the pressure. The prospect economists and bankers find most frightening is that austerity could ignite a political explosion. Many countries that have recently agreed to strict IMF conditions are already deep in recession and can ill afford to squeeze their economies further. In Mexico, agricultural development programs established to prevent recurrent land takeovers by peasants have been cut back under the pressure of IMF-imposed budget-cutting. In Chile, the IMF is pressing its demands for a 50% cut in public spending even though that country's unemployment rate has shot up from 4% to 26% in the last two years. In Argentina, the IMF is forcing the government to reduce its deficit spending by almost two-thirds in the face of an unemployment rate that has tripled in the last two years. There have recently been riots in Argentina as well as in Bolivia, which had to slash imports last year. Enrique Sanchez, head of the Latin American Economic Service for Wharton Econometric Forecasting Associates Inc., says those nations have virtually no unemployment insurance or welfare systems to cushion the effects of austerity, and that heightens political unrest.

Facing such severe problems in their domestic economies, even military governments may find it difficult to continue paying foreign banks. Says First Boston International President Pedro-Pablo Kuczynski, former Minister of Energy & Mines in Peru: "The Finance Minister of Country X will be called to Parliament or by the junta and told, 'Listen, why do you continue to pay these banks?'" Kuczynski argues that default would be disastrous. Yet it would be a mistake to think that default would be beyond a government that is growing increasingly panicked as it tries to implement IMF-ordered austerity.

Indeed, some experts speculate that overextended countries might band together in a debt cartel to increase their bargaining power with commercial banks or the IMF itself. The lenders could, of course, impose painful sanctions on borrowers who refuse to pay their debts, denying trade and other credits and imposing measures such as liens of exports, property held abroad, or even on airplanes that land in creditor countries. Yet, as Cheryl Payer, author of recent books on the IMF and the World Bank, puts it: "A debt cartel could still arise out of pure political desperation."

Another pitfall in the IMF scheme is that the required reduction in imports may actually hinder the growth of export earnings. Argentina, for example, should ensure that the necessary amounts of oil and spare parts get to its agricultural sector, which produces most of that country's exports. But its military rulers appear to be unwilling to sacrifice their military objectives for the sake of stimulating domestic economic growth or exports. Argentina recently imported more than $1 billion worth of military equipment. Says University of Massachusetts economist Arthur MacEwan: "You can't pay off your debts or increase your exports with Exocet missiles."

Even if they do limit their imports to those that foster economic expansion, Third World countries still need a solid recovery in the industrial countries to expand exports and spur growth. According to a study by Data Resources Inc., a continued world slump would push the ratio of debt service to exports in 17 key developing countries from an average of 30% last year to 47% in 1986, compared with 25% in that year if the expected recovery materializes. That means that almost half of LDC export earnings would go to service debts, leaving little for investment and other domestic needs. And Morgan Guaranty Trust Co.'s chief international economist, Rimmer de Vries, maintains that if the recovery is weak the debt burden would be so great that it "cannot realistically be financed."

Ironically, there is growing concern that the IMF's austerity measures might ricochet and retard the industrial world's upturn. Economists fear that cuts in developing-world imports will slash exports from the north and shut off one of the industrial countries' main engines of growth. According to a European official, a major flaw in the IMF approach is that it was not designed to take account of feedback effects on the industrial countries. "The IMF was not set up to deal with the world as a system, and it does not treat the effects of its policies globally," he contends.

The drag on growth from LDC austerity has already hit the U.S. Last year, Mexico,

one of the largest U.S. trading partners, under severe financial pressure, cut its imports from the U.S. by nearly $6 billion. That reduction cost nearly 150,000 jobs in the U.S. and helped stifle the recovery that was budding in the third quarter, according to Wharton Econometric Forecasting Associates Inc. Administration economists predict that because of the developing countries' debt problems, this year's U.S. trade deficit will be $10 billion to $20 billion larger. This translates into a loss of about 0.5% in the nation's gross national product.

A passing grade. When borrowing countries are forced to reduce imports, they may also harm the economies—and debt-paying ability—of other developing nations (page 100). Trade among LDCs has been expanding rapidly. Mexico, Venezuela, Argentina, Chile, and Nigeria account for nearly 15% of Brazil's exports and represent its fastest-growing export market. All are in IMF austerity programs or cutting imports on their own. Import limitations in effect will reduce total exports. The inability of Argentina to pay for natural gas imports from Bolivia, for example, makes it that much harder for Bolivia to pay its bankers.

Like many economists, Harvard's Richard N. Cooper gives the IMF a passing grade on balance. He maintains that IMF policies are less stringent than the measures countries would have to adopt if they had to negotiate with commercial banks without the backing—and extra credit—of the IMF. Nevertheless, he contends that the IMF should take into account world economic conditions when it imposes its conditions. "When a country gets in trouble, not because of its own mismanagement, but because of the weak world economy, the IMF should be more generous than it would be if world demand were buoyant," he says. "The fund should act more countercyclically than it is acting now."

HOW NEW TECHNOLOGY SETS BACK NUCLEAR ARMS CONTROL

Mr. PROXMIRE. Mr. President, last week I said on the floor of the Senate that the dramatic change in nuclear weapons technology has made the nuclear arms control problem more difficult than ever. It has also increased the grim likelihood of nuclear war considerably. How has the new nuclear technology made this world more dangerous and thereby increased the imperative necessity that we press hard for a truly effective end to the nuclear arms race? It has done this in at least three ways:

One: The new technology has sharply increased the pinpoint accuracy and the maneuverability of nuclear weapons so that nuclear power can fire them from thousands of miles away, and they can strike to within a very few feet of the precise target. The new technology has also perfected the maneuverability of the weapons so they can hug the ground—avoiding radar—and fly over, around, and in between the most mountainous terrain. On February 15, the New York Times carried an article entitled "New Generation of Warheads Just Around the Bend," which described the maneuvering reentry vehicles, known by the acronym of MARV. Herbert Scoville, president of the Arms Control Association and former Deputy Director of the CIA, was quoted by the Times as saying: "MARV is basically bad from an arms control perspective. It's a step downhill in every respect and would make a bad situation worse." Why is this? Reason: The more accurate and certain the nuclear power's capability to zero in on a precise target, the more tempting for that power to use its capability to knock out an enemy's deterrent, and the more likely a first strike.

Two: With the improvement on both sides in accuracy and maneuverability, each country must rely increasingly on a hair-trigger response to an attack. The time for doublechecking to be certain that an alleged missile attack on the way was the real McCoy drops sharply. With thousands of fallible human beings involved, with computers that can also give false signals or be falsely interpreted, and with the new technology racing ahead the prospect increases that a misinterpretation, a false signal, might force a decision that would have to be made in 10, or 8, or 5 minutes, without an opportunity to secure full knowledge. Such a forced decision is much more likely to be wrong.

Three: With the onrush of new and far more accurate weapons, the temptation increases for hawkish Russian and American administrations to appear to make progress toward arms control and nuclear arms reduction by simply agreeing to reduce or even eliminate large numbers of obsolete weapons. Meanwhile, the new technology permits the arms race to move ahead to a far more dangerous and destructive threshold. Mr. President, this latter development makes it imperative that any nuclear arms limitation agreement worthy of the name include a ban on testing and development, enforced by the most rigorous kind of onsite inspection.

Mr. President, I ask unanimous consent that the article to which I referred in the February 15 New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 15, 1983]

NEW GENERATION OF WARHEADS JUST AROUND THE BEND

MANEUVERABLE PAYLOAD COULD BE MOST ACCURATE OF ALL

(By Philip M. Boffey)

WASHINGTON.—The United States is about to enter a new age of missile technology in which nuclear warheads will be designed to maneuver in flight, either to dodge enemy defenses or to home in on a target with unparalleled accuracy.

The first such maneuvering warheads are expected to be deployed on the Pershing 2 intermediate-range missiles, which are at the center of the current Soviet-American negotiations over medium-range missiles in Europe. The Reagan Administration is offering to forego plans to deploy 572 new Pershing 2 and cruise missiles in Western Europe if the Russians dismantle 540 missiles in Eastern Europe and Asia.

If the new American warheads work as well as the proponents expect, which is not yet certain, they will make the Pershing 2 the most accurate missile of its range ever produced. And other research projects are under way to develop advanced maneuvering warheads for possible use on a range of intercontinental and submarine-launched missiles.

The implications of maneuvering warheads could be profound. Their pinpoint accuracy could make them effective even against superhardened targets, such as Soviet command centers and missile silos. Or small but highly accurate maneuvering warheads could be used to wipe out targets in congested areas, minimizing damage to the surroundings and making a supposedly "limited" nuclear war appear more feasible. Eventually, long-range maneuvering warheads might even be fired against moving targets, such as ships, planes or mobile missiles. And highly evasive warheads could nullify any ballistic missile defense system mounted by the Russians.

The prospects clearly have the Soviet Union worried. Soviet officials are said to have secretly proposed a ban on maneuvering warheads as part of a package of arms control measures. But some American experts, confident that the United States has a long lead in maneuvering warheads, are reluctant to yield the advantage.

The new technologies, which are generally described by the acronym MARV, for Maneuvering Re-entry Vehicle, were considered by arms controllers and military technologists a decade ago as a potentially radical advance that would revolutionize warfare and make arms control much more difficult even than it already was. The chief concern of arms controllers was the potentially high accuracy, which they feared might encourage one superpower to launch a surprise attack on the missiles of the other.

But technical events have, in a sense, overtaken MARV and made it perhaps slightly less fearsome, from the arms-controllers viewpoint, than it originally seemed. Advances in the guidance, control and design of conventional ballistic missiles have already made them so accurate that the additional accuracy expected with MARV's seems now an incremental change, not a revolution. For example, the much-debated highly accurate MX missile will not, as currently planned, carry a maneuvering warhead.

"MARV is basically bad from an arms control perspective," says Herbert Scoville Jr., president of the Arms Control Association and former deputy director of the Central Intelligence Agency, "It's a step downhill in every respect and would make a bad situation worse. But accuracies are already to the point where MARV would be only a little bit worse, a little more dangerous. So it hasn't gotten all that much attention."

"We hoped at one time to ban MARV's," says Richard Garwin, a long-time defense consultant, "but that doesn't seem feasible anymore because they're here. You don't need them for most purposes and they're not revolutionary. I don't see them as a particularly desirable technology or as particularly bad. We should concentrate on more important things, like not buying the dense-

pack MX and other costly systems we don't need."

However, Robert C. Aldridge, a former aerospace engineer who helped design MARV's before turning Pentagon critic, warns that the increased accuracy of MARV's makes their use all the more likely. "MARV's have been played down a lot lately," he said. "But they wouldn't put them on the Pershing 2 if they didn't have a purpose for it."

MARV's represent the third and latest stage in the development of technologies to deliver missile warheads.

In the first stage, the missiles flew a simple trajectory from launching point to target. Rockets would start the missile on the right trajectory before burning out. The remaining capsule, called a re-entry vehicle, would then coast unguided through space and fall back down to re-enter the earth's atmosphere over the target. Eventually, scientists learned to put several warheads on the same missile but they still fell in the same general area.

In the second stage, engineers learned to put 10 or more warheads on the same missile and aim each of them individually at different targets within a long, narrow "footprint" area. This is the so-called MIRV technology, standing for Multiple Independently Targeted Re-entry Vehicle, and it has vastly multiplied the number of targets that can be destroyed by a given number of missile launchers.

However, the MIRV warheads, once released, cannot maneuver; they simply follow a ballistic trajectory toward the target. They can't make last-minute course changes to correct errors in the trajectory, caused by such factors as uneven melting of the warhead's surface as it enters the atmosphere, air turbulence, rain, sleet miscalculation of geophysical effects, or a host of small errors that have accumulated over the long flight.

Thus the United States has been trying, for at least 15 years, to add maneuverability to the warheads themselves.

One line of development has concentrated on evasive maneuvers to confuse the defenses. None of the evasive warheads yet studied, tested or envisioned can spot an enemy defensive missile and dodge around it; they simply follow preprogrammed instructions to change course abruptly, making them difficult to intercept.

A variety of techniques can be used to maneuver the warhead, including internal weight shifting (much as a surfboard can be steered by shifting the surfer's body weight), movable flaps or fins, or small steering rockets. The warheads can be programmed to swerve off course and then back at specified altitudes on the way down, or they can follow continuous swerving paths.

All the swooping and swerving has a price, however. Early MARV's never quite got back on target; they proved less accurate than the conventional warheads they would replace. And although later versions have been more accurate, the guidance and control systems needed for maneuvering drive up their costs and reduce the weight of the warhead that can be used. Advances in other technologies, notably "penetration aids" and decoys designed to fool defenses, have also delayed the need for evasive maneuvering. A decision on producing and deploying evasive MARV's will probably depend on whether the Soviet Union shows firm signs of deploying an extensive antiballistic missile defense system.

A second line of development has sought precision guidance techniques to zero in on the target with great accuracy, either by getting last minute position "fixes" from satellites or the stars or by using radar or other sensors to identify the target or its surrounding terrain.

The first precision-guided MARV to become operational will be the warhead on the Pershing 2, which slows down briefly and uses its own radar to home in on the target with great precision. Its re-entry vehicle carries a reference map of the target area, generated from satellite photos, in its computer brain, and it compares this map with the radar pictures it sees on the way down. The radar looks for prominent terrain features and often the target itself, and the guidance system then operates four fins to aim the warhead right at the target. In theory, according to a report by the Congressional Research Service, Pershing 2 warheads are expected to land within 20 to 40 meters of the target, at least 10 times closer than the most advanced version of the Pershing 1. But the system has not yet shown in tests that it can actually find a target on the ground and hit it.

The two lines of MARV development—evasion and precision guidance—have yet to merge effectively. Some experts believe a single warhead cannot do both jobs. The most effective evasive maneuvers require abrupt changes of direction that strain the internal guidance systems, while precision guidance requires the warhead to slow down to look for the target, then home in on it.

MILITARY PAY

Mr. PROXMIRE. Mr. President, yesterday the Washington Post carried an article by Melvin Laird, who was Secretary of Defense in the Nixon administration; a brilliant Secretary of Defense, some people feel the finest Secretary of Defense we have ever had, a man who was not only for a strong military force but who has indicated the full understanding of how we make that force strong.

He wrote an article in which he called on the Congress to reject the recommendations that we cap pay increases for people in the military. I agree with that wholeheartedly. I think it is a wise position Melvin Laird has taken. I think we should understand the strength of our military depends not on our procurement nearly as much as on our personnel, on their qualities, their motivations, and their leadership. This is what makes a strong military force. This is what Secretary Laird said in his article.

Mr. President, I ask unanimous consent that Secretary Laird's excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 21, 1983]

* * * AND BAD

(By Melvin R. Laird)

Our nation's security depends, above all else, on the skill and professionalism of career men and women in uniform—not first on a panoply of missiles seeking a basing mode, on an armada of new ships tilting from cost overruns or on intricate weapons systems for the ground forces.

The Soviet threat demands a carefully planned modernization of the Army, Navy, Air Force and Marine Corps. Even with the large projected deficits for the next five years, defense spending must sustain an increase of at least 5 percent in real terms.

But what counts most and where defense dollars must be spent first is on measures that will guarantee that our all-volunteer forces are made up of top-caliber men and women who sign up for military service and make it a career.

To achieve that crucial objective, it is essential that we provide pay equity for our people in uniform. The American public understands this realistic fact, and that is why I believe Congress will take command and refuse to wipe out in 1983 a much-needed pay increase for career military people.

The 1984 budget before Congress would deny all men and women serving in the Armed Forces a pay adjustment during the next 20 months. This step, saving several billion dollars in Pentagon spending in fiscal year 1984, is designed to mollify critics of growing U.S. defense expenditures, while leaving the vast weapons-buying parts of the defense budget untouched.

The pay freeze looks bad from almost every angle. For one thing, few people are aware that the Pentagon is already short-changing some troops by withholding promotion pay.

Several weeks ago, I spoke to a highly trained middle-grade Navy enlisted man who was promoted a few months back for outstanding job performance. Under existing policies, he has to wait a year to get the pay that goes with the new grade. How, he wondered—and so do I—could the Navy afford to double its spending for new ships this year when it could not find enough money to pay people what they have earned through promotions.

For career people who are torn between duty to country and family, the pay freeze looks like an invitation to leave. I am concerned that as many as 20,000 well-trained men and women will not reenlist or extend. Any time unemployment reaches 8 percent or above, first-term recruits will be no problem, as is the case today. It is the second- and third-termers, the people with critical skills, who present the problem.

The Pentagon knows this. So to ease the freeze, it has promised to restore next year the promised pay boost it wants to cancel for Oct. 1, 1983. This is a weak and ill-conceived hedge against the Pentagon's fear that a rapidly expanding civilian economy could trigger a mass exodus of disenchanted careerists who work in critical military occupations that are already undermanned.

Piggybacking this year's cancelled pay hike onto the 1984 raise also means that no long-term economies in defense spending will result. It is not the 1984 defense budget that presents a formidable fiscal problem; it is the 1986, 1987, and 1988 budgets. To achieve essential "out year" economies, the Pentagon must either freeze pay for the next three or four years—which would empty the ranks of talented people and cripple our defense efforts—or begin to pare spending on those new hardware programs that would add little to the nation's future security.

Consensus is growing on Capitol Hill that without moderation in long-term growth of the defense budget, there will be little chance of eventually narrowing the federal deficit. Economists and bankers warn that uncontrolled deficits financed by government borrowing could send interest rates

shooting upward again, choking off private borrowing and corporate investment. The recovery would halt, and in this case, I doubt the public would continue to support increases in defense spending.

There is a wiser course that would not jeopardize national security or economic recovery. It involves taking a hard-nosed look at all categories of defense spending to find sensible economies in both hardware programs and people programs.

One example of this sensible approach is outlined in legislation sponsored by Sen. John Tower. He proposes that the scheduled cost-of-living increase for career military people take effect only six months later than scheduled. Increases for recruits would be frozen until 1984. This approach, which is geared to meet essential defense needs, would save several billion dollars and send a strong message to the sergeants and petty officers that the nation values their services.

But a prudent policy on military pay is not a substitute for taking action on other parts of defense spending such as weapons procurement. It must be perceived by Main Street and Wall Street that serious efforts are under way on the expenditure side of the federal budget toward controlling federal deficits in 1984 and beyond.

The Joint Chiefs of Staff understandably have expressed their displeasure with the pay freeze. People are the nation's highest defense priority, not hardware. Our future military security hinges on keeping these priorities straight.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDITORIAL IN GREENWOOD INDEX-JOURNAL

Mr. THURMOND. Mr. President, throughout my many years of service in the U.S. Senate, I have been an ardent supporter of efforts to prevent the global spread of communism. In recent years, I have grown especially concerned over Communist inspired events that have transpired in Latin and Central America.

The present administration has done its best to restore order to this troubled area of our hemisphere, yet it constantly finds itself criticized and shackled on this issue. Recently, the World Council of Churches issued a pronouncement that much of the responsibility for the violence and loss of human life in Central America should be placed on the United States.

I find this type of rhetoric ludicrous, especially since there is hard evidence of subversive Russian and Cuban activity in that area of the world.

Mr. President, I recently came across an excellent editorial in the Greewood Index-Journal, of Greenwood, S.C. that denounces the World Council of Churches' decision to make such a ridiculous statement. In order for the views expressed therein to receive wider recognition, I ask unanimous consent that a copy of this editorial be placed in the RECORD at the end of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHURCHES AND MARXISTS

In keeping with its pro-communist and anti-Free World bias, the World Council of Churches issued a pronouncement the other day blaming the United States for "much of the responsibility" for the violence and loss of human life in Central America.

According to the WCC, the violent revolution sweeping El Salvador and threatening Guatemala would go away if only the United States would stop helping governments in those countries to resist the Marxist-led guerrillas. Philip Potter, WCC general secretary, voices no concern about massive Cuban intervention and Soviet aid in the area, or the presence of military advisers in Nicaragua and elsewhere in Central America from the Palestine Liberation Organization, Bulgaria, and East Germany. No protest does he make against the slaughters of guerrilla terrorists.

And, as expected, the WCC is too busy denouncing the United States to be concerned about the chemical warfare being waged by the Soviet Union and its surrogates in Afghanistan and Southeast Asia.

Given its sympathies, the wonder is that the WCC is not funneling large sums of money to the Central American guerrillas. Perhaps it is. Since 1970, the council has awarded millions of dollars to 130 organizations, many of which are subversive to their host countries. The Salvation Army withdrew from the WCC about two years ago after it learned of council gifts of $85,000 to guerrillas then fighting in Rhodesia and $125,000 to a guerrilla movement still fighting in Namibia.

An incisive report aired recently by CBS' "60 Minutes" disclosed that a percentage of each week's church offerings by Americans ends up in the hands of the National Council of Churches and the World Council. These two organizations use the money to finance extreme leftist and communist causes around the world, including the purchase of weapons. The oppressive communist government of Vietnam, for example, has received $2 million from the WCC to purchase materials for so-called "new economic zones," which observers describe as forced labor camps.

In what columnist George W. Will described as going "from vapidness to viciousness, subsidizing terrorist organizations," the 300-member World Council of Churches based in Geneva has drifted far away from ideals surrounding its chartering 35 years ago. At that time, it was simple and altogether nonpolitical—a "fellowship" of cooperation among the world's Christian organizations.

Mounting awareness of the WCC's Marxist complexion has come from other writers and organizations such as CBS which agree with George Will that the council is no longer "innocent of collaborating with the enemies of the West." Paul Conn, a visiting scholar at Harvard University wrote in The Saturday Evening Post a few months ago that "the rhetoric of the council has become that of the radical left."

As a consequence, the Presbyterian Church of Ireland and a Lutheran Church in West Germany have followed the Salvation Army in withdrawing from the council. What, one wonders, are American churches, which provide the bulk of the World Council's financial support, waiting for?

DR. CLEMMIE EMBLY WEBBER OF ORANGEBURG, S.C., THE 1983 MOTHER OF THE YEAR FOR SOUTH CAROLINA

Mr. THURMOND. Mr. President, the writer of proverbs exalts the role of a successful mother by saying:

She speaks with wisdom, and faithful instruction is on her tongue. She watches over the affairs of her household and does not eat the bread of idleness. Her children arise and call her blessed; her husband also, and he praises her. Give her the reward she has earned * * *

These verses may very well describe this year's winner of the 1983 Mother of the Year for South Carolina, Dr. Clemmie Embly Webber of Orangeburg, S.C. This is a notable accomplishment, and one in which she, her family and friends, and the entire State of South Carolina can be proud.

I am well acquainted with how thrilled Dr. Webber's family must be since my mother, Eleanor Gertrude Strom Thurmond, had the privilege of serving as 1947 Mother of the Year for South Carolina.

Dr. Webber was chosen by the South Carolina Mothers Committee, and will receive an award and pin for this special distinction at the Governor's Mansion in April. Later, she will travel to New York City to compete for the National Mother of the Year title at the American Mother's National Conference.

Upon taking a closer look at Dr. Webber's life, one can understand why she was selected for this prestigious position. Dr. Webber is a remarkable lady, with a long list of achievements, both professional and personal.

Dr. Webber has always excelled in academics, primarily because her parents, both college graduates, placed great importance on higher education. She received her bachelor's degree in chemistry from South Carolina State College and went into the teaching field. Later, she obtained her master's degree in chemistry, and eventually received her doctorate in science education.

One of Dr. Webber's great joys has been her involvement with students, and she has been instrumental in encouraging students to graduate and to work toward advanced degrees.

Dr. Webber is not only a fine educator, but a dedicated wife and devoted mother of three children. She and her husband, Paul, take great pride in the individual educational accomplishments of their children. Paul III is a superior court judge for the District of

Columbia; Carolyn Webber Thompson is an associate professor of pathology at Dawn State Medical University in New York; and Sheryl is special assistant to the commissioner of the District of Columbia Public Service Commission and studies law at Georgetown University.

Mr. President, Dr. Clemmie Embly Webber wears many hats—professor, civic and community activist, writer, and administrator. Yet, at the same time, she has managed to excel as a wife, a mother, and a grandmother. Indeed, as Proverbs says, she has earned the reward as the 1983 Mother of the Year, and I know that my colleagues in the Senate join me in congratulating Dr. Webber for this special accomplishment.

Mr. President, in order to share more about the life of this outstanding lady, I ask unanimous consent that an article from the State newspaper be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ORANGEBURG EDUCATOR NAMED MOTHER OF THE YEAR

[From the State, Feb. 13, 1983]

Dr. Clemmie Embly Webber of Orangeburg has been chosen the 1983 Mother of the Year of South Carolina, according to Pierrine B. Johnson, chairman of the S.C. Mothers Committee.

Dr. Webber will receive an award and a pin during a tea at the Governor's Mansion in April. She will then go to New York to compete there for the National Mother of the Year title at the American Mother National Conference at the Waldorf Astoria.

A retired S.C. College professor, Dr. Webber is the mother of three children, one a superior court judge, one a doctor of pathology and one a public administrator and law student. She also has five grandchildren.

Dr. Webber, born in St. Matthews in 1914, is one of five children. She grew up in Orangeburg on Treadwell Street during the Depression, and her maternal grandmother cared for the family while her parents, Henry W. and Collen Robinson Embly, worked. It was from her grandmother that Dr. Webber said she learned the nurturing skills that she later applied so successfully in raising her three children.

Encouraged by her parents, both college graduates, she excelled in academics. She received a bachelor's degree in chemistry from the S.C. State College and went into teaching. She also met and married her husband, Paul, in 1933. Their first two children, Paul III and Carolyn, came along a few years later. She chose to be a full-time mother and homemaker while the children were young, but she eventually returned to teaching and to working towards a master's degree in chemistry. At the same time, Dr. Webber was actively organizing high school science clubs and encouraging students to graduate and to work towards advanced degree.

The Webbers' third child, Sheryl, was born in 1956, the same year that Carolyn was graduated from high school. A year before that, Dr. Webber has begun studying for her doctorate and Paul III was graduated from college. By 1966, Dr. Webber had completed the requirements for her doctorate in science education and was a professor, wife, mother, grandmother and community activist. She worked with the Girl Scouts, with 4-H Clubs, and with Homemakers Clubs. She became an advisor to premedical students, and she helped to set up the planetarium program at the college. Together, she and Paul were and are active members of the Mount Pisgah Baptist Church.

When Dr. Webber retired from teaching in 1979, she did not retire from those various careers. She has been involved with the S.C. School Boards Association, the Governor's Advisory Committee on Early Childhood Education and Development, the S.C. Hall of Science and Technology, and the Orangeburg County Council on Aging. She is a volunteer tutor and she continues to write and publish on the subject of science education. At age 68, Dr. Webber can still be described as a wife, mother and grandmother as well as a college professor and a civic and community leader.

Her children, meanwhile, have been following her academic paths.

Paul III graduated with honors from law school, passed his bar exams and began practicing law, first in Columbia and then in California, where he was tapped for a position in the U.S. Justice Department. A few years later, at age 43, Paul III was appointed by the President and confirmed by the Senate to a 15-year term as Superior Court Judge for the District of Columbia. Like his mother, Paul III combined a full family with his career. He and his wife have three of Dr. Webber's five grandchildren.

Carolyn Webber Thompson, now an associate professor of pathology at Dawn State Medical University in New York and mother of two, began with a desire to become a creative dancer. She trained for it and loved it, but decided against a professional dancing career. Instead, Carolyn chose medicine.

Dr. Webber describes Sheryl, their youngest daughter, as a people person. She chose public administration for her academic study at Spelman College in Atlanta, from which she was graduated with honors. After winning a fellowship to the University of Pittsburgh, she again distinguished herself with honors when she took a master's degree. She then went to Washington, D.C., to work with the Congressional Black Caucus and the Caucus Foundation for several years. Today, she is special assistant to the commissioner of the District of Columbia Public Service commission and is a part-time law student at Georgetown University.

GOV. RICHARD W. RILEY'S SECOND INAUGURAL ADDRESS AT COLUMBIA, S.C.

Mr. THURMOND. Mr. President, several weeks ago, my distinguished colleague, Senator HOLLINGS, and I had the privilege of attending the second inaugural of South Carolina Governor, Richard W. Riley in Columbia, S.C.

The speech was impressive, for it outlined the goals of my great State and the ambitions of its people. In particular, Mr. Riley spoke of the continuing need for improving educational and employment opportunities and of the technological challenges the next decade holds for all of us.

Senator HOLLINGS and I want to commend this address to the Senate because the goals outlined for our State are ones that all citizens share.

For that reason, I ask unanimous consent that Governor Riley's second inaugural address be included in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF GOVERNOR RICHARD W. RILEY

Senator Gressette, Speaker Schwartz, distinguished platform guests, my friends: On this very special occasion for me, for my wife, Tunky, and for my family, I would like to begin by saying to you, the people of South Carolina, thank you . . . thank you for what you have helped us to accomplish during the last four years . . . and thank you for the opportunity to continue in that service.

Today is one of those few moments when we can pause, take a look at where we've been, where are are, and where we may be headed. It's a time when we can feel the great heritage and tradition of this State as we think and plan for its future.

If I may, however, I'd like to take your attention for a few moments away from this place . . . away from this ceremony . . . away from government itself.

I would like you to think along with me about a young boy by the name of John Christopher Hayes, who was born Monday morning at 8:10 a.m. at McLeod Regional Hospital in Florence. There is nothing out of the ordinary about that; he's a fine healthy baby, and he has proud and happy parents—Johnny P. and Susan Hall Hayes of Cheraw. They have every reason to believe—as we do—that young John Christopher will have a long and productive life.

But maybe there is more to the story than the good wishes we feel on this happy occasion. You see, young John Christopher is going to be a child of the 1990s and a citizen of the twenty-first century. That means he is going to live in a world beyond our imagination. It will be a world where computers will be as common as telephones, where space orbit will be as common as interstate highways, where microchips will be as common as light bulbs.

But for all the technology, and for all the Buck Rogers-type conveniences, it will also be a world of other concerns.

There will be concerns about whether our planet earth will be a safe place to live—will the water we drink, and the air we breathe be clean and pure? There will be concerns about whether our streets will be safe places to live—will we feel personally secure from crime in our day-to-day activities? There will be concerns about whether our international community will be a safe place to live—can you and I avoid the threat of nuclear destruction and achieve world peace?

Above all, however, we wonder about people, and how well they will adapt to the new world ahead of us. We ask ourselves about John Christopher Hayes, born only two days ago, and whether he will be prepared for the world which awaits him. Ultimately, we ask ourselves—as a state, as a government, and as a people—whether we will do all we must to prepare him for that world—to give him a place in the sun.

Of course, these are not easy times to face the future. We live in the midst of a recession, and more than 160,000 South Carolinians are out of work today. People are worried about their property taxes, and businesses are worried about going broke.

People are concerned about their safety, prisons are overcrowded and there seems to be less money to get important things done. People in general—and their government—are finding it tougher and tougher to make ends meet.

While it can still be said that the state of our State is fundamentally sound, South Carolinians today feel economically unsure of their future.

Another South Carolinian, Dr. Benjamin Mayes, spoke in another difficult era about the impact of hard times on people. He advised us that the great tragedy of life was not failing to reach our goals. "The tragedy," this great educator said, "lies in having no goals to reach."

Thus, as we hear the message all around us today—the message of the complexities of high technology and the message of hard times—we must also listen to the past, and we must direct our attention to the future. We must listen to the words of Dr. Mayes, and we must understand the unspoken words of John Christopher Hayes. We must not deprive ourselves of goals; we must not deprive future generations of their dreams.

I make those observations as one who has been blessed to serve as Governor for four years. I speak with the confidence of someone who has seen and learned first hand what the people of this state can do for themselves.

Four years ago, I stood at this podium, and we talked about our duty to seek certain important goals for South Carolina.

We talked about getting more merit— and less politics—into government, particularly when it came to decisions affecting people's pocketbooks. It was something the people wanted done, and it was done.

We talked about human rights and equal opportunity, and letting the Governor's Office itself be the means of opening the doors of government wider than ever to all people. It was something the people wanted done, and it was done.

We talked about keeping South Carolina from becoming a nuclear waste dumping ground for an entire nation, and of developing a national policy for having all states share in the burdens of nuclear waste. The people wanted this done, and it was done.

We talked about putting the public back into the public schools and emphasizing early childhood education. The people wanted it done, and it was done.

We talked about controlling the size and cost of government, even if it meant cutting budgets and fiscally holding the line. It was something the people themselves wanted, and it was done.

Those goals—the goals of 1979—have now become the realities of 1983, and they are therefore no longer simply goals. They have become standards for the State of South Carolina, standards for you and for me, for future governors and future lawmakers—standards for our children and grandchildren. They are standards which must never be revoked, and standards by which we set higher and higher goals for the future.

So where do we go from here? How do we build a future for John Christopher Hayes with the limited economic resources of today. As in the past—as in the last four years—we do not do it with a great wealth of financial resources. We do it with the great wealth of human will and determination. In other words, we do it with the best source of strength South Carolina has—the people themselves. But those people must have hope.

We begin again by setting new goals. This time the goals of today, and the goals for the generation of John Christopher Hayes speak for themselves. We must decide what it will take to put this state back to work, and we must decide what it will take to assure that our people, old and young, are prepared to handle the kind of work that the future will demand. In other words, the goals of today and tomorrow can be reduced to two fundamental objectives; more jobs and better education.

First, let's talk about jobs, and we know they cannot be created overnight. In fact, we've done well for many years in South Carolina in attracting new and expanded industry and bringing new jobs to the state. But we now must broaden our approach. We must establish state policy which will create more jobs for our people—people who will be better trained and better educated.

And while we continue to bring our state into the economic mainstream of our nation—while we continue to upgrade the quality of our training programs—while we continue to raise the level of our productivity and technology—we cannot lose sight of another important factor. I'm talking about people who have worked long and hard in our state, and who may not have a place in tomorrow's new technology. I'm talking about people who not only need the money and income from employment, but who also need the sense of dignity and self-worth which comes from working. I'm talking about people who may need re-training and re-education; but more than anything else, they need a job.

Henry Van Dyke once wrote:

"Heaven is blest with perfect rest,
But the blessing of earth is toil."

I believe that. I believe that work is important to our state and to our communities and to our families and to each of us as individuals. If toil is our blessing, however, then education is the means by which we achieve long-term economic salvation for our state. That's not a new thought. For as long as anyone can remember, this state has always put education at the top of its priority list.

In recent years, we've worked harder and harder. In addition to the allocation of millions of dollars, the professional educators—the teachers, the superintendents, the administrators—have put forth a tremendous collective effort. And particularly during the four years of this administration—volunteers, parents and citizens in general—have pitched in with great effectiveness.

But for all these accomplishments, we must now do even better.

If we're going to build a future for the generation of John Christopher—if we're going to prepare this state for the twenty-first century—then we've got to work for an ever higher standard of education. We've got to guarantee, in a very short time, that he will have a safe and healthy learning environment from his earliest days. In a very few years, he will be entering kindergarten, and the school itself. These are the years, the years immediately ahead, in which his future may well be determined.

We've got to think about more than minimum standards, and minimum competency. We must turn our thinking to maximum standards and maximum competency. We've got to think about standards of quality and excellence which can prepare him for life in a world more complicated and more demanding than we can imagine.

It's not enough to say to John Christopher Hayes that we will provide for him a good education, but only if times are good. It's not enough to tell John Christopher Hayes that we will do the best we can with what we have. We must tell him, and the thousands of youngsters of his generation that they will have an education which qualifies them for the jobs of the future whether we have the best of times, or the worst of times—regardless of the times. This must be our permanent standard.

In the final analysis, we must be able to say to the generation of John Christopher Hayes that jobs and education are more than goals for the people of South Carolina. They are so basic and fundamental that they go beyond a consideration of standards or objectives.

They should be viewed as nothing less than absolute birthrights for every person born into this state—the birthright to work—and the birthright to learn.

It's in our hands—the people of this state. Regardless of economic conditions and limitations, we have the power to make it happen ourselves.

Without hesitation, I say to you today that if you, the people of South Carolina, want more jobs, it will be done. If you, the people of South Carolina want better education, then it will be done.

I ask of you today only one commitment. I ask that you please want it badly enough. Please decide in your own minds that a good job and a good education are important enough to insist upon. If that decision is made—if that commitment is made—then I say to you that it can—and it will—be done. This must be our common goal—our common dream.

Albert Schweitzer in discussing the Ten Commandments once wrote that there should have been an Eleventh Commandment: "Thou shalt not kill my dreams."

I say to you that no shortage of money, no economic recession, no complexity of high technology, no struggle, however great it may appear, none of these challenges shall ever kill the dreams that you and I have for John Christopher Hayes and the people of South Carolina.

Thank you.

MESSAGES RECEIVED FROM THE PRESIDENT DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 17, 1983, the Secretary of the Senate, on February 18, 1983, received a message from the President of the United States, submitting a sundry nomination; which was referred to the Committee on Finance.

(The nomination received on February 18, 1983 is printed at the end of the Senate proceedings.)

CARIBBEAN BASIN ECONOMIC RECOVERY ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 17

Under the authority of the order of the Senate of February 17, 1983, the Secretary of the Senate, on February 18, 1983, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance.

To the Congress of the United States:

Last year I proposed a major new program for economic cooperation for the Caribbean Basin. I am pleased to report that the aid portion of the Caribbean Basin Initiative was acted upon last year, and that the region has already reaped some of the benefits from the $350 million of this emergency assistance. However, while the House of Representatives also approved the trade and tax portions of this integrated program, Congress adjourned before favorable consideration could take place in the Senate. Today I am transmitting to the Congress for swift action the trade and tax plan as approved by a majority of Members during the last session.

The economic, political, and security challenges in the Caribbean Basin are formidable. Our neighbors are struggling to keep up with the rapidly changing global economic system, while striving to develop or nurture representative and responsive institutions. These tasks would be burden enough for any nation, but they are also being forced to defend themselves against attempts by externally-supported minorities to impose an alien, hostile, and unworkable system upon them by force. These challenges must be faced foursquare. The alternative is further expansion of political violence from the extreme left and the extreme right, leading inevitably to further economic decline, and more human suffering and dislocation.

The economic crisis facing most of the Basin countries is acute. Deteriorating trade opportunities, worldwide recession, mounting debt burdens, growing unemployment, and deep-seated structural problems are having a catastrophic impact throughout the region. These developments have forced thousands of people to emigrate and have left even the most established democracies severely shaken. This is a crisis we cannot afford to ignore.

The emergency funding approved last year has helped these fragile economies cope with their mounting balance of payments problems. I must stress, however, that the trade and tax portions I am transmitting today are designed to improve the lives of the peoples of the Caribbean Basin by enabling them to earn their own way to a better future. At the same time, given the interdependence between U.S. and Caribbean Basin economies, this bill will also benefit the U.S. by expanding markets for our exports and hence improving U.S. job opportunities. It should also reduce the pressures of economically-inspired immigration into this country from the region.

Thanks to the cooperative, bipartisan spirit with which this program has been considered, and the changes that were made last year by Congress to ensure beyond any doubt adequate safeguards for domestic interests, I am hopeful that the Caribbean Basin Initiative will be acted upon with maximum speed by the Congress.

RONALD REAGAN.

THE WHITE HOUSE, *February 18, 1983.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-228. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to the United Kingdom; to the Committee on Armed Services.

EC-229. A communication from the Administrator of the Panama Canal Commission transmitting, pursuant to law, a report, including unaudited financial statements, on the operations of the Panama Canal during October 1, 1981 through September 30, 1982; to the Committee on Armed Services.

EC-230. A communication from the Secretary of Defense transmitting, pursuant to law, the annual report to the Congress for fiscal year 1984; to the Committee on Armed Services.

EC-231. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Personnel Problems May Hamper Army's Individual Ready Reserve in Wartime"; to the Committee on Armed Services.

EC-232. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Army Helicopter Improvement Program's Future May Depend on Success in Controlling Cost"; to the Committee on Armed Services.

EC-233. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "U.S. Participation in the NATO Infrastructure Program"; to the Committee on Armed Services.

EC-234. A communication from the Administrator of NASA transmitting, pursuant to law, notification of a planned funding level for FY 1983 Space Flight Operations $112 million above authorization; to the Committee on Commerce, Science, and Transportation.

EC-235. A communication from the Administrator of NASA transmitting, pursuant to law, notice of a planned funding level for FY 1983 Planetary Exploration $2.8 million in excess of authorization; to the Committee on Commerce, Science, and Transportation.

EC-236. A communication from the Administrator of NASA transmitting, pursuant to law, notification of a planned funding level for FY 1983 Expendable Launch Vehicles of $40.2 million in excess of authorization; to the Committee on Commerce, Science, and Transportation.

EC-237. A communication from the Secretary of Transportation transmitting, pursuant to law, the 1981 Maritime Administration annual report; to the Committee on Commerce, Science, and Transportation.

EC-238. A communication from the Secretary of Energy transmitting, pursuant to law, the fiscal year 1982 Annual Report on Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC-239. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks transmitting, pursuant to law, a study report on the Indian Nations Trail, Oklahoma; to the Committee on Energy and Natural Resources.

EC-240. A communication from the Federal Inspector of the Alaska Natural Gas Transportation System transmitting, pursuant to law, a status report on the System for October through December 1982; to the Committee on Energy and Natural Resources.

EC-241. A communication from the Chairman of the Joint Commission on Guayule Research and Commercialization transmitting, pursuant to law, a report on research and development efforts for 1980 and 1981; to the Committee on Environment and Public Works.

EC-242. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous sixty days; to the Committee on Foreign Relations.

EC-243. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations transmitting, pursuant to law, the Commission's 24th Annual Report; to the Committee on Governmental Affairs.

EC-244. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-245. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the statement of the President of January 24, 1983, on "Indian Policy"; to the Select Committee on Indian Affairs.

EC-246. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, a revised version of a previously submitted regulation relating to the administration of the Presidential Primary Matching Payment Account Act; to the Committee on Rules and Administration.

EC-247. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the deferral of certain budget authority contained in the President's fourth special message

from fiscal year 1983; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Energy and Natural Resources.

EC-248. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on property acquisitions of emergency supplies and equipment for the quarter ending December 31, 1982; to the Committee on Armed Services.

EC-249. A communication from the Assistant Attorney General (Civil Rights Division), transmitting, pursuant to law, the report on the administration of the Equal Credit Opportunity Act for calendar year 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-250. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual status report on the Uranium Mill Tailings Remedial Action Program for fiscal year 1982; to the Committee on Energy and Natural Resources.

EC-251. A communication from the Secretary of Agriculture and the Secretary of the Interior, jointly transmitting, pursuant to law, the "Final Report of the Committee on Wild and Free-Roaming Horses and Burros"; to the Committee on Energy and Natural Resources.

EC-252. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a statement in response to the hazardous waste enforcement report released by the Congress; to the Committee on Environment and Public Works.

EC-253. A communication from the Chairman of the High Plains Study Council, transmitting, pursuant to law, the report of the Council entitled "A Summary of the Results of the Ogallala Aquifer Regional Study"; to the Committee on Environment and Public Works.

EC-254. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, copies of Council Resolution 4-677; to the Committee on Finance.

EC-255. A communication from the Acting Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the fiscal year 1984 arms control impact statements; to the Committee on Foreign Relations.

EC-256. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the annual report on the operation of the Special Defense Acquisition Fund; to the Committee on Foreign Relations.

EC-257. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the annual report of the Board for fiscal year 1982; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of the committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 15: Joint resolution designating the month of March 1983 as National Eye Donor Month.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 21: Joint resolution to designate April 1983 as "National Child Abuse Prevention Month."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 27: Joint resolution authorizing and requesting the President to designate the week of March 13-19, 1983, as "National Employ the Older Worker Week."

S.J. Res. 33: Joint resolution designating the week commencing February 20, 1983, as "Clergy Appreciation Week in the United States."

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 504. A bill to improve the international ocean commerce transportation system of the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

John R. McKean, of California, to be a Governor of the U.S. Postal Service for the term expiring December 8, 1991.

By Mr. THURMOND, from the Committee on the Judiciary:

Pamela Ann Rymer, of California, to be U.S. District Judge for the Central District of California;

A. Joe Fish, of Texas, to be U.S. District Judge for the Northern District of Texas;

William Thomas Dillard, III, of Tennessee, to be U.S. Attorney for the Northern District of Florida, for the term of 4 years;

Ronald J. Alles, of Montana, to be U.S. Marshal for the District of Montana for the term of 4 years;

James C. Patterson, of Arkansas, to be U.S. Marshal for the Western District of Arkansas for the term of 4 years;

Carol McGrew Pavilack, of Arizona, to be a Commissioner of the U.S. Parole Commission for a term of 6 years.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

L. Steven Reimers, of North Dakota, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be comfirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate)

By Mr. TOWER, from the Committee on Armed Services:

Vincent Puritano, of Virginia, to be an Assistant Secretary of Defense.

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: in the Air Force Reserve there are 18 appointments to the grade of major general and below, list begins with William L. Copeland, Maj. Gen. Robert L. Berqguist, U.S. Army, to be lieutenant general, in the Army Reserve there are 24 appointments to the grade of major general and below, list begins with Jimmy F. Bates, Adm. Robert L. J. Long, U.S. Navy, age 62, to be placed on the retired list, Maj. Gen. William R. Berkman, U.S. Army Reserve, to be Chief, Army Reserve, U.S. Army, Lt. Gen. Richard E. Carey, U.S. Marine Corps, age 55, to be placed on the retired list, Lt. Gen. Richard C. Henry, U.S. Air Force, age 57, to be placed on the retired list, Gen. Edward C. Meyer, U.S. Army, age 54, to be placed on the retired list, in the Navy there are nine permanent promotions to the grade of commodore, list begins with Louis H. Eske, and in the Navy there are 36 permanent promotions to the grade of commodore, list begins with Edwin K. Anderson. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air Force Reserve there are 126 promotions to the grade of colonel, list begins with Carl P. Arant, Jr., in the Air Force Reserve there are 22 promotions to the grade of lieutenant colonel, list begins with Milton B. Baxter, in the Air Force Reserve there are 12 promotions to the grade of lieutenant colonel, list begins with Richard M. Anders, in the Air Force there are 49 appointments to the grade of lieutenant colonel and below, list begins with James A. Kee, in the Army there are 40 permanent promotions to the grade of colonel, list begins with Richard A. Buckner, in the Navy there are 39 permanent promotions to the grade of captain and below, list begins with Ronald J. Lentz, in the Navy and Naval Reserve there are 16 permanent appointments to the grade of captain and below, list begins with Herb I. Arnold, in the Navy there are 1,402 permanent appointments from the NROTC to the grade of ensign, list begins with Cornelius K. Aaron, in the Air Force there are 18 permanent promotions to the grade of lieutenant colonel and below, list begins with Philip G. Ball, Jr., in the Army Reserve there are 285 promotions to the grade of colonel and below, list begins with Donald J. Evans, in the Army Reserve there are 674 promotions to the grade of colonel and below, list begins with Lois M. Aasland, in the Army Reserve there are 1,219 promotions to the grade of lieutenant colonel, list begins with Robert D. Abell, in the Army Reserve there are 635 promotions to the grade of colonel and below, list begins with Ronald P. Abreu, in the Naval Reserve there are 18 promotions/appointments to the grade of commander and below, list begins with Joseph A. Felchko, and in the Navy there are 48 permanent appointments to the grade of commander and below, list begins with Lisa C. Barfield. Since these names

have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The lists ordered to lie on the Secretary's desk appear in the RECORDS of January 25, 26, 31, and February 14, at the end of Senate proceedings.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. HATCH, Mr. DOMENICI, Mr. GARN, Mr. HELMS, Mr. SIMPSON, Mr. TRIBLE, Mr. ZORINSKY, Mr. GRASSLEY, and Mr. EAST):

S. 538. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 539. A bill to correct the method of calculating dumping margins of imports for related business situations and to prevent the Commerce Department from settling antidumping cases without approval of the American industry concerned; to the Committee on Finance.

By Mr. GOLDWATER (for himself, Mr. CRANSTON, Mr. HATCH, Mr. SYMMS, Mr. DECONCINI, Mr. BIDEN, Mr. BURDICK, Mr. PELL, Mr. SIMPSON, Mr. SARBANES, Mr. NUNN, Mr. RUDMAN, Mr. HUMPHREY, Mr. INOUYE, Mr. KASTEN, Mr. JACKSON, Mr. HATFIELD, Mr. MELCHER, Mr. HOLLINGS, Mr. BENTSEN, and Mr. METZENBAUM):

S. 540. A bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S. 541. A bill to guarantee old-age insurance benefits under title II of the Social Security Act, provide for the establishment of individual retirement security accounts, and remedy certain inequities under such title; to the Committee on Finance.

By Mr. WALLOP:

S. 542. A bill to amend the act of July 15, 1968 (82 Stat. 356) Public Law 90-401 to include units of the National Forest System within the provisions of the act and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 543. A bill to designate certain National Forest System lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOLE (by request):

S. 544. A bill to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region; to the Committee on Finance.

By Mr. HATFIELD:

S. 545. A bill for the relief of Seyed Ebrahim Seyedrezai and spouse; to the Committee on the Judiciary.

S. 546. A bill for the relief of Beatriz Sandoval; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. MITCHELL):

S. 547. A bill to provide for the reorganization of the Environmental Protection Agency by the establishment of an independent regulatory commission, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BENTSEN:

S. 548. A bill entitled the "Small Business Act of 1983"; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. EAST, Mr. HEFLIN, Mr. LAXALT, Mr. LEAHY, Mr. BAUCUS, Mr. GRASSLEY, Mr. DOLE, and Mr. LUGAR):

S. 549. A bill to amend title 11, United States Code, to improve the protections for shopping centers and their tenants under the Bankruptcy Code; to the Committee on the Judiciary.

By Mr. PRYOR (for himself, Mr. SASSER, Mr. BOREN, and Mr. BUMPERS):

S. 550. A bill to establish a Federal Grain Storage Insurance Corporation to protect farmers who store grain in certain warehouses against losses caused by the insolvency of such warehouses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. ARMSTRONG, Mr. MOYNIHAN, and Mr. HEINZ):

S. 551. A bill to amend the Tax Reform Act of 1976 to extend, for an additional 4 years, the exclusion from gross income of the cancellation of certain student loans; to the Committee on Finance.

By Mr. CHILES:

S. 552. A bill to designate the Federal building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building"; to the Committee on Environment and Public Works.

By Mr. HART (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. RANDOLPH, Mr. ANDREWS, Mr. HUDDLESTON, Mr. LEVIN, Mr. RIEGLE, Mr. COCHRAN, Mr. BIDEN, and Mr. HOLLINGS):

S. 553. A bill to authorize a national program of improving the quality of education; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself, Mr. BENTSEN, Mr. RANDOLPH, Mr. MELCHER, Mr. ANDREWS, and Mr. PRYOR):

S. 554. A bill to authorize the Secretary of Education to provide financial assistance to States for the training and retraining of older Americans; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. BIDEN, Mr. HEINZ, Mr. KENNEDY, Mr. INOUYE, Mr. PELL, Mr. BRADLEY, and Mr. METZENBAUM):

S. 555. A bill to stop the proliferation of "cop-killer" bullets; to the Committee on the Judiciary.

By Mr. BOREN:

S.J. Res. 39. Joint resolution proposing an amendment to the Constitution of the United States to establish a 10-year term of office for Federal judges; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM (for himself, Mr. HATFIELD, Mr. BURDICK, Mr. LEAHY, Mr. TSONGAS, Mr. MATSUNAGA, and Mr. PELL):

S. Res. 69. Resolution to urge the President to establish a national commission to study rising health care costs, and to oppose any further cuts in medicare or medicaid which would increase the out-of-pocket costs of medical care for those who can least afford such costs (the elderly, the permanently disabled, and the poor) until such commission has reported its findings to Congress; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. HATCH, Mr. DOMENICI, Mr. GARN, Mr. HELMS, Mr. SIMPSON, Mr. TRIBLE, Mr. ZORINSKY, Mr. GRASSLEY, AND Mr. EAST):

S. 538. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

CONSTITUTIONAL PROCEDURES FOR IMPOSITION OF SENTENCE OF DEATH

Mr. THURMOND. Mr. President, I wish to introduce a long overdue measure to establish constitutional procedures for the imposition of the sentence of death for the most reprehensible Federal crimes. Except for a few substantive changes, and an effort to clarify and simplify the organization of the legislation, this bill is substantively the same as S. 114 reported by the Senate Committee on the Judiciary in the 97th Congress on July 1, 1981 (see S. Rept. No. 97-143). The two important changes would first, authorize the judge when imposing a life term in lieu of the death penalty, to provide that the sentence be served without parole, and second, permit consideration of nonstatutory aggravating factors, as well as nonstatutory mitigating factors, in deciding whether on the record as a whole the death penalty is justified in the case.

Mr. President, I submit that it is time for the U.S. Senate to consider the subject of the death penalty for the limited number of Federal crimes designated in this bill. Since 1972, when the U.S. Supreme Court, in Furman against Georgia, struck down Federal and State death penalty statutes that left to the unguided discretion of the jury or judge the determination of whether the death penalty should be imposed, American citizens have been left without the Federal protection that capital punishment can provide.

Murder in the United States today is hovering at an alltime high, having risen in two decades from approximately 8,700 homicides in 1969 to almost 23,000 in the year 1980. During the same period of time, the rate of homicides per 10,000 population has more than doubled—from 4.7 to approximately 10. Every day we pick up the newspaper and read stories describing violent criminal acts where someone is killed. Many of these killings are chilling in the cruelty and detachment with which the perpetrators torture, maim, and finally, extinguish innocent human life. We must do whatever we can to stop senseless murder. Our citizens deserve protection at every level of government—Federal, State, and local—from this scourage of violent crime.

Mr. President, it is important to note that the Supreme Court decisions on capital punishment have not held the death penalty itself unconstitutional. The Court has held the penalty constitutional when imposed under procedures and criteria which guard against unfettered discretion while retaining the important flexibility to consider aggravating and mitigating factors in each case. Some 38 States have enacted legislation to try to meet the defects found by the Supreme Court.

This bill provides a Federal procedure and criteria to meet the standards approved by the Supreme Court. Under the provisions of the bill, capital offenses are limited to treason, espionage, offenses resulting in the death of another person, and an attempt to assassinate the President that either injures the President or otherwise comes dangerously close to killing the President.

A prosecution for a capital offense would involve a two-stage trial. During the first stage, the jury or judge would consider only the issue of guilt and only evidence related to that issue would be admissible. Upon a finding of guilty of one of the specified capital offenses, if the Government had filed a pretrial notice of intent to seek the death penalty specifying the aggravating factors to be proved, the second stage of the trial would be entered and the jury would determine, pursuant to criteria set forth in the bill, whether or not the death penalty should be imposed.

The criteria, in essence, consists of statutory aggravating and mitigating circumstances for the jury or judge to use for guidance in the decisionmaking process with respect to the death penalty. The bill also contains provision setting forth certain factors—such as race, color, or national origin of the defendant—that should not play a part in determining an appropriate sentence.

In a prosecution for treason or espionage, if the jury unanimously find that at least one of the statutory aggravating factors applicable to these offenses exists, it must then by unanimous vote determine, in light of all the information presented, whether the death penalty is justified.

On the other hand, for homicide and related offenses, the jury must first agree that the culpable involvement of the defendant in the offense was substantial under criteria set forth in the bill, or, in an attempt to kill the President, that the President was actually injured or dangerously close to being killed (see section 3591 (b) and (c)). Once the threshold finding is made, if the jury unanimously agrees that at least one of the other aggravating factors specified in section 3592 (b) and (c) exists, it must then determine, in light of all the information presented, including consideration of nonstatutory mitigating and aggravating factors presented by the parties, whether the death penalty is justified.

If the jury finds in the sentencing hearing that the death penalty is justified, the judge must impose the death penalty. If the jury fails to find the requisite aggravating criteria or, having found the existence of the aggravating criteria, determines that the record as a whole does not justify the death penalty, the judge must impose a sentence, other than death, authorized by law. If a sentence to life imprisonment is authorized and imposed, the court may specify that such term shall be served in full without parole.

The measure also provides for appellate review of a sentence of death with a priority over all other cases. The appellate court must affirm the sentence if it determines that the sentence was not imposed under the influence of passion, prejudice, or any other arbitrary factor and the information supports the special findings required to be made by the trier of fact.

Mr. President, this bill is primarily designed to create a constitutional procedure for the courts to use in determining when the death penalty should be imposed under Federal statutes. It does not directly deal with whether the death penalty for certain crimes is a sound policy. I submit that not only is capital punishment an appropriate penalty under the eighth amendment of the Constitution, it is also an appropriate penalty as a matter of legislative policy.

Mr. President, the primary responsibility of society is the protection of its members so that they may live out their lives in peace and safety. As the committee report, accompanying S. 114 last Congress stated, there are three fundamental, well-recognized bases for imposition of the death penalty for the most heinous crimes: Deterrence, retribution, and incapacitation.

I am confident that the death penalty can be a more effective deterrent than life imprisonment for specific crimes. Life is our most precious possession. As long as a convicted murderer is allowed to live there is the possibility of parole and freedom, or, perhaps, escape. Where it is common knowledge that the penalty for particular conduct will with reasonable certainty be death, commonsense and the testimony of law enforcement officials in frequent contact with criminals attest to the deterrent value of capital punishment. Indeed, the Supreme Court, after noting in Gregg against Georgia the lack of empirical evidence either way and the "safe assumption" that some crimes are undeterrable crimes of passion, stated:

> But for many others, the death penalty undoubtedly is a significant deterrent. There are carefully contemplated murders, such as murder for hire, where the possibility of death may well enter into the cold calculus that precedes the decision to act. And there are some categories of murder, such as murder by a life prisoner, where other sanctions may not be adequate.

Second, the death penalty for heinous crimes is a vehicle for society to express its outrage and sense of revulsion for the wanton behavior of those who undermine the very foundations of a civilized society. How else can government ask its citizens to lay down their weapons and repair to a court of justice to vindicate outrageous wrongs against them? Again, as stated by the Supreme Court in Gregg:

> In part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to reply on legal processes rather than self-help to vindicate their wrongs.

By imposing the supreme penalty, society proclaims the sanctity and value it places in innocent human life and expresses its moral outrage at the vicious taking of such life.

Mr. President, finally, I suggest that considerations grounded on incapacitation support the imposition of capital punishment in certain cases. As the committee report noted, some criminals are incorrigibly antisocial and will remain potentially dangerous to society for the rest of their lives. If there is no punishment beyond life imprisonment, there is often the opportunity and temptation for one sentenced to such a term to kill with impunity a guard or a fellow prisoner, or, upon escape, to murder at will to prevent apprehension. The Supreme Court recognized this interest when it upheld in Jurek against Texas the imposition of the death penalty for certain narrow categories of intentional murder upon agreement by the jury that "there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society." We also should take into account this important factor.

Mr. President, in contemplating the cosponsorship of this measure today I was moved to consider the words of the late Senator John L. McClellan during the debate in 1974 on a measure similar to the current bill. Senator McClellan said:

Mr. President, when all is said and done, when all the talking about deterrence and retribution and incapacitation is finished, what it all boils down to is whether it is ever "just" to impose the death penalty. Can a man ever be found to have acted so viciously, so cruelly, so much like an animal as to justify society in imposing upon him the ultimate punishment? I firmly believe he can.

What other punishment is "just" for a man, found to be sane, who would stab, strangle, and mutilate eight student nurses?

What other punishment is "just" for men who would invade the home of members of a rival religious sect and shoot to death men, women, and children, after forcing a mother to watch as her three young children were drowned before her eyes?

What other punishment is "just" for a band of social misfits who would invade the homes of people they had never even met and stab and hack to death a woman eight and one-half months pregnant and her guests?

What other punishment is "just" for people who would force a 24-year old woman to douse herself with gasoline so that they could turn her into a human torch and watch as she burned to death?

I can continue where Senator McClellan left off as each new day brings another horror story:

What other punishment is "just" for a man with an incredible history of violence, rape, and murder, who caps his vicious career by getting a young woman with her three children to stop in response to his pretense of a disabled car and who rapes and kills her and then drowns her three children in a creek.

What other punishment is "just" for a man who would systematically carve up his tied nude wife and obliterate her features with sulphuric, hydrochloric, and nitric acids until she was beyond recognition or saving?

What other punishment is "just" for men who would tape record the raping, torturing, and sodomizing of a sixteen year-old girl as they twisted her breasts with pliers and smashed elbows and other joints with a hammer "to get her to scream" before they killed her?

Mr. President, people who commit crimes like these have forfeited their own right to life. Every legislator, prosecutor, and court in this land should make the clearest statement that such inhuman conduct must not and will not be tolerated and that the lives of those who choose to perpetrate such violence will be swiftly and certainly taken from them. No lesser penalty will suffice.

Mr. President, I have said enough to make my point. I would only observe further that general and specific objections have been made to provisions of prior versions of this bill in the course of their consideration. I believe the committee report to S. 114 last Congress and supporting testimony in the hearings adequately dealt with those concerns without my repeating prior arguments. Suffice it to say that the Senate has before it again a long overdue measure carefully drafted to meet constitutional muster under all of the Supreme Court decisions. I hope we will act swiftly this time.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objections, the bill was ordered to be printed in the RECORD, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended:

(a) by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State Facilities.

"§ 3591. Sentence of death

"A defendant who has been found guilty of:

"(a) an offense described in section 794 or section 2381 of this title;

"(b) an offense described in section 1751(c) of this title, if the offense constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(c) any other offense for which a sentence of death is provided, if the defendant—

"(1) intentionally killed the victim;

"(2) intentionally inflicted serious bodily injury that resulted in the death of the victim; or

"(3) intentionally participated in an act that he knew, or reasonably should have known, would create a grave risk of death to a person, other than one of the participants in the offense, and the victim died as a direct result of the act;

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) the defendant was less than eighteen years of at the time of the offense;

"(2) the defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution;

"(3) the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; and

"(4) the defendant was an accomplice whose participation in the offense was relatively minor.

The jury, or if there is no jury, the court, may consider whether any other mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(a), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) the defendant has previously been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by statute;

"(2) in the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security; and

"(3) in the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is not jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591(b) or (c), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) the death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 844(i) (destruction of property in interstate commerce by explosives), section 1201 (kidnaping), or section 2381 (treason) of this title, or section 902(i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(i) or (n)) (aircraft piracy);

"(2) the defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

"(3) the defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committeed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person;

"(4) the defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition ot the victim of the offense;

"(5) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

"(6) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

"(7) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value;

"(8) the defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism;

"(9) the defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if he is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institiution—

"(i) while he is engaged in the performance of his official duties;

"(ii) because of the performance of his official duties; or

"(iii) because of his status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, he shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with he court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of Rule 32(e) of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The attorney for the government shall open the argument. The defendant shall be permitted to reply. The attorney for the government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under section 3592. A finding of the existence of such a factor by a jury must be made by unanimous vote.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(a), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591(b) or (c), an aggravating factor required to be considered under section 3592(c) is found to exist;

the jury, or if there is no jury, the court, shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant was not involved in reaching the juror's individual decision.

"§ 3594. Imposition of a sentence of death

"Upon a finding under section 3593(e) that a sentence of death is justified, the court shall sentence the defendant to death. Upon a finding under section 3593(d) that no aggravating factor required to be found exists, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without parole.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of an aggravating factor required to be considered under section 3592;

it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a woman while she is pregnant.

"§ 3597. Use of State facilities

"A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.";

(b) by repealing sections 3566 and 3567;

(c) in the chapter analysis of Part II, by adding the following new item after the item relating to chapter 227:

"228. Death sentence..... 3591"; and

(d) in the section analysis of chapter 227, by amending the items relating to sections 3566 and 3567 to read as follows:

"3566. Repealed.
"3567. Repealed.".

SEC. 2. Section 34 of title 18 of the United States Code is amended by changing the comma after the words "imprisonment for life" to a period and deleting the remainder of the section.

SEC. 3. Section 794(a) of title 18 of the United States Code is amended by changing the period at the end of the section to a comma and by adding immediately thereafter the words "except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy."

SEC. 4. Section 844(d) of title 18 of the United States Code is amended by striking the words "as provided in section 34 of this title".

SEC. 5. Section 844(f) of title 18 of the United States Code is amended by striking the words "as provided in section 34 of this title".

SEC. 6. Section 844(i) of title 18 of the United States Code is amended by striking the words "as provided in section 34 of this title".

SEC. 7. The second paragraph of section 1111(b) of title 18 of the United States Code is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

SEC. 8. Section 1116(a) of title 18 of the United States Code is amended by striking the words "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

SEC. 9. Section 1201 of title 18 of the United States Code is amended by inserting after the words "or for life" in subsection (a) the words "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 10. The last paragraph of section 1716 of title 18 of the United States Code is amended by changing the comma after the words "imprisonment for life" to a period and deleting the remainder of the paragraph.

SEC. 11. Subsection (c) of section 1751 of title 18 of the United States Code is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section all be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if the conduct constitutes an attempt to kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President.".

SEC. 12. The second to the last paragraph of section 1992 of title 18 of the United States Code is amended by changing the comma after the words "imprisonment for life" to a period and deleting the remainder of the section.

SEC. 13. Section 2031 of title 18 of the United States Code is amended by deleting the words "death, or".

SEC. 14. Section 2113(e) of title 18 of the United States Code is amended by striking the words "or punished by death if the verdict of the jury shall so direct" and inserting in lieu thereof the words "or if death results shall be punished by death or life imprisonment".

SEC. 15. Section 903 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1473), is amended by striking subsection (c).

SEC. 16. The provisions of chapter 228 of title 18 of the United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

● Mr. DECONCINI. Mr. President, today I am pleased to join with the distinguished chairman of the Judiciary Committee in reintroducing legislation to establish rational procedures for the imposition of the sentence of death in specified limited circumstances. The legislation was carefully and narrowly drafted to comport with recent U.S. Supreme Court decisions on capital punishment. I am convinced that this legislation will meet the guidelines set forth by the Court and the Constitution.

The issue and arguments surrounding the use of the death penalty are among the most familiar in American debate. Polls consistently show that two-thirds of the American electorate favor the death penalty; nearly two-thirds of the States have death penalty statutes; and in my home State of Arizona over 81 percent of the people have indicated they favor a death penalty for certain offenses. A clear majority of the American people want to see a death penalty statute. The question is will this body of its representatives reflect this view? Will we even get a chance to vote on this issue? The Courts and Congress have struggled with the issue of the death penalty over the past decade and I hope we can resolve the issue shortly.

Congress had given extensive legislative consideration to the death penalty issue in previous Congresses. The Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary held hearings in March and July of 1968 on a bill to abolish the death penalty for Federal offenses. Again in February 1972 and in April, June, and July 1973, the subcommittee held hearings on bills to provide constitutional procedures for the imposition of the death penalty. Through the extensive series of public hearings, the issue of whether we should have a Federal death penalty was examined in every respect. That question was ultimately resolved by the Committee on the Judiciary, and later, by the full Senate in favor of the death penalty. On March 13, 1974, the Senate passed S. 1401 by a vote of 54 to 33. The bill was never acted upon by the House.

In 1979, I introduced S. 114, a bill to establish a rational criteria for imposing the sentence of death, which was nearly identical to the legislation I am introducing today. S. 114 was reported from the Committee on the Judiciary on December 4, 1979, by a vote of 7 to 4, but the bill was never considered by the full Senate. I again introduced S. 114 on January 15, 1981, in the 97th Congress. Hearings were held before the Committee on the Judiciary on April 10, 27, and May 1, 1981, during which many experts on both sides of the issue were heard and arguments for and against capital punishment were again carefully examined. On June 9, 1981, S. 114 was ordered favorably reported to the Senate by a vote of 13 to 5. Again, S. 114 was not acted on by the Senate. Thus within the past 8 years, the Senate has adopted a death penalty provision on the only occasion it had to vote up or down on such a measure, and, twice in the past 4 years the Committee on the Judiciary has favorably reported such a bill.

Ultimately, the conclusion in favor of the retention of capital punishment, like the conclusion in favor of a comprehensive criminal code, has its basis in the belief that the primary responsibility of society is the protection of its members so that they might live out their lives in peace and safety. Where the safety of its citizenry can no longer be guaranteed, society's basic reason for being disappears. In providing its members protection, society must do what is necessary to deter those who would break its laws and punish those who do so in an appropriate manner.

Capital punishment has been discussed and debated exhaustively by

the Senate and I believe that the time has now come to act.●

By Mr. GOLDWATER:

S. 539. A bill to correct the method of calculating dumping margins of imports for related business situations and to prevent the Commerce Department from settling antidumping cases without approval of the American industry concerned; to the Committee on Finance.

ANTIDUMPING AMENDMENTS

Mr. GOLDWATER. Mr. President, I am today introducing legislation to correct two glaring errors in the Commerce Department's interpretation and administration of our Nation's antidumping laws.

First, the bill will prevent continued bureaucratic distortion of the trade laws by what is, in my opinion, the unauthorized "special rule" for reducing dumping margins. Second, the bill will prohibit the executive branch from settling an antidumping case after a final decision has been made in favor of an American industry.

If this new proposal is enacted, it will help provide revenues to the U.S. Treasury in cases where foreign producers clearly violate our unfair trade laws. Moreover, it will save American jobs and help stem the flow of American jobs to foreign plants.

Mr. President, the first part of my bill is aimed at a very real problem in which an American industry can prove serious dumping of a foreign product in the United States and major injury from dumping. Nevertheless, only minimal, if any, dumping duties are assessed.

The bill would correct this outcome by preventing the Commerce Department from making a downward adjustment to foreign market value on account of claimed indirect costs incurred by importers in the home market of their product, when calculating dumping margins.

The present statutory scheme operates in the following manner. Foreign market value of a product is compared with the U.S. price of the same product. There is one foreign market value formula, which, taking account of expense directly related to home market sales, produces the price at which merchandise is sold at arms length between unrelated, independent firms in the home market.

But, with respect to the U.S. price, where the importer is related to the exporter, for example in the case of the U.S. sales subsidiary of a Japanese manufacturer, it is obvious that the transfer price between the two is not at arms length and is unreliable for use in determining the true amount of price discrimination. Thus, the Tariff Act of 1930 requires that the U.S. price of imported merchandise be calculated one way when the exporter and importer are related firms and another way when they are not related.

In an unrelated party importation the U.S. price is based upon the arms length transaction price between exporter and importer. In a related party importation the transaction price is rejected and the U.S. price is based upon the importer's resale price to an unrelated purchaser in the United States. Because this is a resale price, additional adjustments, including the removal of indirectly related expenses incurred in United States, must be made to work back to a constructed arms length price between exporter and importer, known as the exporter's sales price or ESP.

Here is where the problem arises. In calculating dumping margins of imported merchandise for related business situations, the Commerce Department has created out of thin air an arbitrary and absurd method that allows dumping to occur without correction. This bureaucratic fabrication is known as the ESP offset.

By using the ESP offset, the Commerce Department removes from the foreign market value of a product in related party importations only, various expenses in the home market, that is the market in the foreign country where the product is made, that are only indirectly related to these sales. Further, by removing such expenses from the foreign market value in related party importations, the Commerce Department nullifies the effect of removing indirect expenses incurred in the United States when calculating ESP.

Commonsense tells one that indirectly related expenses incurred in reselling the product in the United States must be removed in calculating ESP to work back to a constructed arms length price between the related exporter and importer. The law requires this to be done. Commonsense also tells one, however, that when the same category of expenses is removed in calculating foreign market value, the Commerce Department has, in effect, refused to take such expenses out of the price comparison. Whether Commerce deducts these expenses from both prices or simply refuses to remove them in calculating ESP, the effect on the price comparison is the same.

The result is doubly ironical. First, Commerce calculates two foreign market values for the same product while the statute clearly calls for one foreign market value. Second, related party importations are treated favorably, by comparing ESP to the lower of the two foreign market values. This is particularly nonsensical since Congress clearly set up a statutory framework which viewed transactions between related importers and exporters with distrust.

The past failure of Congress to correct this clear violation of the statute has been construed by the executive branch and by some courts as constituting approval of the practice. The issue is being reargued in court, in a related case, but the only permanent way to resolve the matter is by a new law. My bill would have application only prospectively and would not reverse prior antidumping cases, but it would prevent bureaucratic lawmaking by fiat in the future.

The second part of my bill would make clear that neither antidumping nor countervailing duty cases may be resolved by settlement when a final decision in favor of an American industry has been reached. This change is necessary to clarify the Trade Agreements Act of 1979. In particular, I have in mind the action by the Commerce Department in making a settlement with Japanese television manufacturers providing for lump sum payments generally believed to represent a small fraction of the actual liability for antidumping duties. The settlement was reached secretly without consultation with the American industry concerned. It occurred after a final decision had been published by the Secretary of the Treasury finding foreign violations and injury involving approximately $2 billion worth of television receivers imported into the United States during most of the 1970's.

Subsequently, a Federal appellate court ruled that judicial review of the Commerce Department's decision to settle was not available. The industry's petition for rehearing and its petition for certiorari filed with the U.S. Supreme Court were each denied. A companion case is still pending in court.

Whatever the outcome of the court case, we must prevent this kind of power grab from happening again. Unless we wish to leave dictatorial economic power with the executive branch, Congress must prohibit bilateral settlement of these cases by the Government, done in secrecy and contrary to the interest of American firms.

In conclusion, Mr. President, I would point out that my bill does not strike out new territory for our trade policy. Rather, it is an attempt to correct bureaucratic lawmaking and put the power and responsibility of making laws back in the hands of Congress, where it belongs.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)

subsection (a) of section 773 of the Tariff Act of 1930 (19 U.S.C. 1677b(a)) is amended by adding at the end thereof the following new paragraph:

"(5) TREATMENT OF INDIRECT SELLING EXPENSES.—Notwithstanding paragraph (4), for purposes of determining—

"(A) the foreign market value of merchandise, and

"(B) the amount (if any) by which the foreign market value of merchandise exceeds the price of such or similar merchandise, no allowance shall be made for any indirect selling expenses incurred by the exporter, manufacturer, or producer of such merchandise with respect to the sale of such merchandise by such exporter, manufacturer, or producer in the home market of the country of exportation, manufacture, or production, for export to countries other than the United States where the volume of home market sales is deemed insufficient for purposes of determining foreign market value, or where, absent home market prices in sufficient volume, the constructed value of the merchandise is deemed to be the appropriate basis for determining foreign market value".

(b) Section 617 of such Act (19 U.S.C. 1617) is amended by inserting "(except a claim arising under section 701 or 731)" after "laws".

By Mr. GOLDWATER (for himself, Mr. CRANSTON, Mr. HATCH, Mr. SYMMS, Mr. DECONCINI, Mr. BIDEN, Mr. BURDICK, Mr. PELL, Mr. SIMPSON, Mr. SARBANES, Mr. NUNN, Mr. RUDMAN, Mr. HUMPHREY, Mr. INOUYE, Mr. KASTEN, Mr. JACKSON, Mr. HATFIELD, Mr. MELCHER, Mr. HOLLINGS, Mr. BENTSEN, and Mr. METZENBAUM):

S. 540. A bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ACT OF 1983

Mr. GOLDWATER. Mr. President, it is my privilege to join with several of my colleagues today in reintroducing legislation to create a separate Arthritis Institute within the National Institutes of Health. An earlier version of the bill was introduced last year as S. 1939. It passed the Senate with amendments on December 20, 1982, by a voice vote with no objection. The House failed to act on the bill before adjournment, and it must be reintroduced in the present Congress.

Mr. President, I am joined today by Senator CRANSTON of California, who is co-author, as he was last year. Senator HATCH, chairman of the authorization committee to which the bill will be referred, is another prominent sponsor. I should also mention my friend, STEVE SYMMS of Idaho, who is joining with us again in sponsoring the bill after putting so much of his efforts behind its successful passage in the Senate last year.

The reasons for setting up a separate institute are the same in 1983 as they were in 1982. The facts, stated briefly, are these:

Over 37 million Americans suffer from chronic forms of arthritis—one out of every seven persons. The several disorders, over 100, that constitute the cluster of diseases known as arthritis and musculoskeletal diseases, cost the national economy over $30 billion each year in lost earnings, workers' compensation payments, and medical expenses. Much of the growth in medicare hospitalization costs can be traced to arthritis. The costs of pain, suffering, and immobility to persons afflicted with arthritis are immeasurable.

In short, we are introducing the bill because we care about persons who suffers from arthritis. The bill may, by focusing research in this area, lead to breakthroughs, which may bring about improved methods of treating and possibly preventing or curing many forms of arthritis.

Mr. President, I should note that the bill includes a provision added by the Senate Labor and Human Resources Committee, when it cleared the bill last year. The new language calls for the conduct of a study before any other new institutes are established. In other words, the same practice will be followed as occurred in the case of arthritis. A 1974 law set up a study commission to develop recommendations for attacking the problem of arthritis, and that commission made a solid finding in favor of transferring arthritis to a separate institute.

Mr. President, I urge prompt and favorable action on the bill, and I ask that the text of the bill may appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Arthritis and Musculoskeletal and Skin Diseases Act of 1983".

SEC. 2. (a) Title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART J—NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

"ESTABLISHMENT OF INSTITUTE

"SEC. 481. There is established in the Public Health Service a National Institute of Arthritis and Musculoskeletal and Skin Diseases (hereafter in this part referred to as the 'Institute'). The Institute shall be headed by a Director.

"PURPOSE OF THE INSTITUTE

"SEC. 482. (a) The purpose of the Institute is the conduct and support of research and training, the dissemination of health information, and related programs with respect to arthritis and musculoskeletal and skin diseases, including sports-related disorders.

"(b)(1) Within one hundred and eighty days after the date of enactment of this part, the Director of the Institute, with the advice of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council established pursuant to section 485 (hereafter referred to in this part as the 'Advisory Council'), shall prepare and transmit to the Congress and the Director of the National Institutes of Health a plan for a national arthritis and musculoskeletal diseases program to expand, intensify, and coordinate the activities of the Institute respecting arthritis and musculoskeletal diseases. The plan shall include recommendations for amounts to be expended to carry out the program. The program shall be coordinated with the other national research institutes of the National Institutes of Health to the extent that such institutes have responsibilities respecting arthritis and musculoskeletal diseases, and shall, at least, provide for—

"(A) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through the support of basic research in such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge to the treatment and understanding of arthritis and musculoskeletal diseases;

"(B) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, and prevention of arthritis and musculoskeletal diseases;

"(C) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(D) the establishment of mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(2) The plan transmitted pursuant to paragraph (1) shall include such comments and recommendations as the Director of the Institute determines appropriate.

"(3) The Director of the Institute shall carry out the national arthritis and musculoskeletal diseases program in accordance with the plan prepared under paragraph (1). The Director of the Institute shall periodically review and revise such plan, shall transmit any revisions of such plan to the Congress and the Director of the National Institutes of Health, and shall carry out the national arthritis and musculoskeletal diseases program in accordance with such revisions.

"(c) Within one hundred and eighty days after the date of enactment of this part, and annually thereafter, the Director of the Institute shall, with the advice of the Advisory Council, prepare and transmit to the Congress and the Director of the National Institutes of Health a report which evaluates the skin diseases programs carried out by the national research institutes on the date of enactment of this part and which contains such comments and recommendations concerning such programs as the Director of the Institute determines appropriate, including recommendations for amounts to be expended to carry out such programs.

"(d) The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 472) in the diagnosis, prevention, and treatment of arthritis and musculoskeletal and skin diseases, including support for training in medical schools, graduate clinical training, graduate

training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge relating to such research and training.

"INFORMATION CLEARINGHOUSE AND DATA SYSTEM

"SEC. 483. (a) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal and skin diseases, including where possible, data involving general populations for the purpose of detection of individuals with a risk of developing arthritis and musculoskeletal and skin diseases. There are authorized to be appropriated to carry out this subsection $1,000,000 for the fiscal year ending September 30, 1984, $1,500,000 for the fiscal year ending September 30, 1985, and $1,800,000 for the fiscal year ending September 30, 1986.

"(b) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Information Clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of arthritis and musculoskeletal and skin diseases by health professionals, patients, and the public. There are authorized to be appropriated to carry out this subsection $1,200,000 for the fiscal year ending September 30, 1984, $2,000,000 for the fiscal year ending September 30, 1985, and $2,500,000 for the fiscal year ending September 30, 1986.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 484. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, musculoskeletal diseases, and skin diseases, including sports-related disorders; and

"(2) coordinating those aspects of all Federal health programs and activities relating to arthritis, musculoskeletal diseases, and skin diseases in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities,

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Diseases Interagency Coordinating Committee (hereafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established, the chief medical director of the Veterans' Administration (or the director's designee), a medical officer designated by the Department of Defense, and representatives of all other Federal departments and agencies (as determined by the Secretary) whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases or skin diseases, as the case may be. Each Committee shall be chaired by the Director of the National Institutes of Health (or the Director's designee). Each Committee shall meet the call of the chairman, but not less often than four times a year.

"(c) Not later than 120 days after the end of each fiscal year, each Committee shall prepare and transmit to the Secretary, the Director of the National Institutes of Health, the Director of the Institute, and the Advisory Council a report detailing the activities of the Committee in such fiscal year in carrying out paragraphs (1) and (2) of subsection (a).

"NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY COUNCIL

"SEC. 485. (a) The Secretary shall establish a National Arthritis and Musculoskeletal and Skin Diseases Advisory Council to advise, consult with, and make recommendations to the Secretary with respect to the activities of the Institute relating to arthritis and musculoskeletal and skin diseases.

"(b) The Advisory Council shall consist of the Secretary, who shall be chairman, the chief medical officer of the Veterans' Administration (or such officer's designee) and a medical officer designated by the Secretary of Defense, each of whom shall be ex officio members, and fourteen members appointed by the Secretary without regard to the civil service laws. The fourteen members appointed by the Secretary shall be leaders in the fields of basic sciences, medical sciences, education, or nursing, and individuals from the public who are knowledgeable with respect to arthritis and musculoskeletal and skin diseases. At least one member appointed by the Secretary from the public shall be an individual who suffers from arthritis or musculoskeletal or skin diseases and at least one member appointed by the Secretary from the public shall be an individual who is a parent of an individual who suffers from arthritis or musculoskeletal or skin diseases. Nine of the members appointed by the Secretary shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of arthritis and musculoskeletal and skin diseases.

"(c)(1) Each member of the Advisory Council who is appointed by the Secretary shall be appointed for a term of four years, except that—

"(A) the term of office of the members first appointed shall expire, as determined by the Secretary at the time of appointment, three at the end of one year, three at the end of two years, four at the end of three years, and four at the end of four years; and

"(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

"(2) None of the members appointed to the Advisory Council by the Secretary shall be eligible for reappointment unless a year has elapsed since the end of the prior term of such member on the Council.

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"SEC. 486. (a) The Secretary may make grants to public and private nonprofit entities to establish and support projects for the development and demonstration of methods for screening, detection, and referral for treatment of arthritis and musculoskeletal diseases, and for the dissemination of information on such methods to the health and allied health professions. Activities under such projects shall be coordinated with Federal, State, local, and regional health agencies, centers assisted under section 487, and the data system established under subsection (c).

"(b) Projects supported under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the programs, methods, and means referred to in paragraphs (1), (2), and (3) of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis and musculoskeletal diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 487, and other persons engaged in arthritis and musculoskeletal disease programs.

"(d) There are authorized to be appropriated to carry out this section $5,000,000 for the fiscal year ending September 30, 1984, and for each of the two succeeding fiscal years.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS

"SEC. 487. (a) The Director of the Institute shall, after consultation with the Advisory Council, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from arthritis and musculoskeletal diseases, including research into implantable biomaterials and biomechanical and other orthopedic procedures;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping; and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director of the Institute shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis and musculoskeletal diseases.

"(e) Support of a center under this section may be for a period of not to exceed five years. Such period may be extended by the Director of the Institute for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and such scientific review group has recommended to the Director that support of such center under this section should be extended.

"(f) There are authorized to be appropriated to carry out this section $12,000,000 for the fiscal year ending September 30, 1984, $15,000,000 for the fiscal year ending September 30, 1985, and $18,000,000 for the fiscal year ending September 30, 1986.

"BIENNIAL REPORT

"SEC. 488. (a) The Director of the Institute shall prepare and transmit to the Secretary, for transmission by the Secretary to the President and the Congress, a biennial report containing a description of the Institute's activities under the plan developed under section 482(b), a description of the Institute's activities to carry out the recommendations contained in the two immediately preceding annual reports prepared pursuant to section 482(c), and an evaluation of the activities of the centers supported under section 487.

"(b) The first report under subsection (a) shall be transmitted by the Director to the Secretary not later than the first November 30 which occurs at least eighteen months after the date of the enactment of this section and shall relate to the two-fiscal-year period ending on the preceding September 30.".

(b)(1) Section 431(a) of the Public Health Service Act (42 U.S.C. 289a(a)) is amended by striking out "arthritis, rheumatism, and".

(2)(A) Subsection (a) of section 434 of such Act (42 U.S.C. 298c-1) is amended—

(i) by striking out "Arthritis, Rheumatism, and"; and

(ii) by striking out "Arthritis, Diabetes," each place it appears and inserting in lieu thereof "Diabetes".

(B) Subsection (b) of such section is amended—

(i) by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes"; and

(ii) by striking out "an Associate Director for Arthritis and Musculoskeletal and Skin Diseases,".

(C) Subsection (c) of such section is amended—

(i) by striking out "a subcommittee on arthritis and musculoskeletal and skin diseases," in the first sentence; and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in the last sentence.

(D) Subsection (d) of such section is amended—

(i) by striking out "the Associate Director for Arthritis and Musculoskeletal and Skin Diseases," in the matter preceding paragraph (1); and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in paragraph (1).

(E) Subsection (e) of such section is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(F) The section heading of such section is amended by striking out "ARTHRITIS, DIABETES," and inserting in lieu thereof "DIABETES".

(3)(A) Subsection (a) of section 436 of such Act (42 U.S.C. 289c-3) is amended—

(i) by striking out "arthritis, diabetes mellitus," in paragraph (1) and inserting in lieu thereof "diabetes mellitus";

(ii) by striking out "an Arthritis Interagency Coordinating Committee," in the matter following paragraph (2); and

(iii) by striking out the comma before "and a Digestive Diseases" in the matter following paragraph (2).

(B) Subsection (b) of such section is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(4)(A) Subsection (a) of section 437 of such Act (42 U.S.C. 289c-4) is amended by striking out "the National Arthritis Advisory Board," and by striking out the comma before "and the National Digestive Diseases".

(B) The first sentence of paragraph (2) of subsection (b) of such section is amended by striking out "Arthritis, Diabetes," each place it appears and inserting in lieu thereof "Diabetes".

(C) The last sentence of subsection (d) of such section is amended by striking out "and the National Arthritis Advisory Board".

(D) Subsection (g) of such section is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(E) Paragraph (3) of subsection (h) of such section is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(F) The section heading of such section is amended by striking out "DIABETES, ARTHRITIS," and inserting in lieu thereof "DIABETES".

(5) Sections 438 and 439 of such Act (42 U.S.C. 289c-5, 289c-6) are repealed.

(6) Section 440 of such Act (42 U.S.C. 289c-7) is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(7) The second sentence of section 440A(a) of such Act (42 U.S.C. 289c-8(a)) is amended by striking out "Arthritis, Metabolism," and inserting in lieu thereof "Diabetes".

(8) The part heading for part D of title IV of such Act is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(c)(1) There are transferred to the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) all functions of the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (as in effect on the day before the date of enactment of this Act) relating to arthritis and musculoskeletal and skin diseases.

(2) In order that the National Institute of Arthritis and Musculoskeletal and Skin Diseases established by section 481 of the Public Health Service Act (as added by subsection (a) of this section) may carry out programs and activities relating to arthritis and musculoskeletal and skin diseases at levels which are equivalent to the levels of programs and activities carried out with respect to arthritis and musculoskeletal and skin diseases by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases on the day before the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with the Comptroller General of the United States, shall transfer to the National Institute of Arthritis and Musculoskeletal and Skin Diseases established by section 481 of the Public Health Service Act (as added by subsection (a) of this section) the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available, in connection with the functions transferred by paragraph (1) of this subsection and the programs and activities relating to arthritis and musculoskeletal and skin diseases carried out by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases on the day before the date of enactment of this Act.

(3)(A) Within sixty days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of the Congress and the Comptroller General of the United States a report on the implementation of paragraph (2) of this subsection which specifies all dispositions made to carry out such paragraph, including the dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available, in connection with the functions

transferred by paragraph (1) of this subsection and the programs and activities relating to arthritis and musculoskeletal and skin diseases carried out by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases on the day before the date of enactment of this Act.

(B) Within eighty days after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and transmit to the appropriate committees of the Congress a report stating whether, in the judgment of the Comptroller General, the dispositions made by the Secretary of Health and Human Services in carrying out paragraph (2) of this subsection complied with the provisions of such paragraph and are consistent with the purposes of such paragraph.

(4) The National Arthritis Advisory Board is terminated.

(d)(1)(A) The Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall in accordance with paragraph (2) arrange for the conduct of a study concerning—

(i) the effectiveness of the organization and administrative structures of each of the national research institutes, including the effectiveness of the advisory councils, advisory boards, and interagency committees which carry out functions relating to each such institute;

(ii) the effectiveness of the combinations of disease research programs existing in each of the national research institutes on the date of enactment of this Act; and

(iii) the standards which should be followed in establishing new national research institutes or realigning the combinations of disease research programs existing in each of the national research institutes on the date of enactment of this Act.

(B) Within eighteen months after the date of enactment of this Act, the Secretary shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the study conducted under this paragraph and the results and conclusions of such study.

(2)(A) The Secretary of Health and Human Services shall request the National Academy of Sciences to conduct the study required by paragraph (1)(A) under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by paragraph (1)(B). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(B) If the National Academy of Sciences is unwilling to conduct the study required under paragraph (1)(A) under the type of arrangement described in subparagraph (A) of this paragraph, the Secretary shall enter into a similar arrangement with other appropriate nonprofit private entities.

(3) Prior to the expiration of a period beginning six months after the submission of the report required under paragraph (1)(B), and notwithstanding section 431(b)(2) of the Public Health Service Act, no national research institute shall be established in addition to the institutes established on the date of the enactment of this Act. Until the expiration of such period, disease research programs in existence on the date of the enactment of this Act shall be administered by the entities which administered such programs on such date, and any funds authorized to be appropriated for such programs to a national research institute which has not been established on or before the date of enactment of this Act shall be made available to such entities to carry out such programs.

(e) The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs within the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any such program could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within sixty days after the date of enactment of this Act.

Mr. SYMMS. Mr. President, I am pleased to be an original cosponsor of this legislation introduced by Senator GOLDWATER, to establish a separate institute for arthritis, musculoskeletal, and skin diseases at the National Institutes of Health.

As 1 of the 54 cosponsors of similar legislation which passed the Senate late last year, I was encouraged by the favorable action taken by both Houses on the proposal to establish a separate institute. However, because each House took action in a different manner, there was no chance to reconcile the differences prior to adjournment of the 97th Congress. I urge my colleagues to join Senator GOLDWATER, myself, and other concerned lawmakers in addressing this issue early in this Congress.

The 1974 National Arthritis Act recognized that the focus on arthritis would be sharpened. In 1976 the arthritis plan was submitted to the Congress after the National Commission on Arthritis and Musculoskeletal Diseases conducted nationwide hearings and investigations. This national commission recommended the establishment of a separate institute directed specifically toward the problems of arthritis and allied rheumatic diseases.

Unfortunately, the original intent of Congress and the focus on arthritis has been lost through the shifting of health priorities. Because arthritis, musculoskeletal, and skin diseases are part of the current National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), research in these fields has not received the focus and priority warranted. We need the visibility, the focus, and the strength which a separate institute would provide to arthritis, musculoskeletal, and skin disease research.

Reestablishing a separate institute will not only restore the original intent of Congress, but will insure that adequate attention is focused on a disease that afflicts so large a segment of the population.

Arthritis is the major cause of disability in America, with over 7 million people severely disabled. The economic impact to our Nation is estimated to approach $30 billion a year—represented by medical care and treatment costs, disability payments, half of all workers compensation claims, lost earnings, and diminished tax revenues. This does not include the estimated $1 billion a year spent by the victims seeking relief through purchases of unproven or ineffective remedies, gimmicks, or useless treatment.

The population at risk includes everyone, from infants to juveniles, to young adults, to our most elderly. And, unfortunately, the percent afflicted is growing, at the rate of 1 million each year, from 10 percent in 1969 to 16 percent today—or over 37 million people.

Significant advances are being made in the treatment of arthritis. Surgery, pain-relieving drugs, and physical therapy are helping to restore functioning to the disabled. Research is continuing, with important advances in identifying the causes of some of the more than 100 forms of arthritic conditions. Significant discoveries from grant-supported research are increasing our level of scientific knowledge about arthritis and related diseases. With accelerated effort, perseverance, and determination, I believe the scientific community could make major advances in the prevention, treatment, and cure of this most widespread of chronic diseases afflicting Americans.

I urge my colleagues to support this important legislation.

Mr. CRANSTON. Mr. President, I am pleased to join with the distinguished Senator from Arizona (Mr. GOLDWATER) in introducing S. 540, a bill to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases within the National Institutes of Health. If enacted, this legislation would help to promote our Nation's research efforts for some of the most prevalent and devastating diseases afflicting our society.

We are joined in cosponsoring this measure by many of our colleagues who were supporters of similar legislation, S. 1939, which we had introduced in the last Congress. S. 1939 passed the Senate in amended form on December 20, 1982, as the 97th Congress was drawing to a close. The House on September 30, 1982, has passed in H.R. 6457, the proposed Health Research Extension Act of 1982, provisions similar to those contained in S. 1939. Unfortunately, despite strong bipartisan support in both the House and the Senate for establishment of the new institute, events in those last days of the 97th Congress precluded final action on either of those measures.

On February 10, 1983, Congressman CLAUDE PEPPER introduced H.R. 1403, the companion measure to S. 540. Similar provisions have also been included in H.R. 1555, proposed health research extension legislation. Both those bills are now pending in the

House Committee on Energy and Commerce, specifically its Subcommittee on Health and the Environment, chaired by my good friend from California (Mr. WAXMAN).

Mr. President, before describing the provisions of S. 540, I would like to discuss briefly what we know about arthritis, its nature and incidence, and its costs to the Nation.

WHAT IS ARTHRITIS?

Arthritis is a form of musculoskeletal disease. It attacks the body's movable joints and connective tissues, sometimes resulting in systemic complications with critical damage to major organs. Actually, arthritis is a generic term covering more than 100 forms of disease that afflict 35 million Americans—15 percent of the U.S. population. Approximately one out of every seven citizens has some form of arthritis. Each year, about 1 million more Americans fall victim to this painful and debilitating disorder. Over 20 million Americans suffer from arthritis severe enough that they seek a physician's help. In 1978, 549,000 hospitalizations were due to arthritis-related diseases.

Arthritis is usually thought of as a condition of old age. It affects more than 40 percent of people over age 65. But it afflicts old and young alike. A particularly devastating form of the disease is juvenile arthritis which affects over 250,000 children. The incidence of arthritis among children is now higher than that of polio during the most severe epidemics of the past. As in the case of cancer and heart conditions, when a chronic disease such as arthritis strikes a child, it can often be much more serious than an adult case. Juvenile arthritis can stunt growth, blind, cripple, and deform, and it can kill. Over half of the children afflicted with this disease carry crippling handicaps into their adult years.

An estimated 6.5 million Americans are victims of rheumatoid arthritis, the most devastating and crippling form of arthritis. It is a chronic disease that leads to permanent joint deformities and lifelong disability. Rheumatoid arthritis is especially insidious; it progresses rapidly and can be a systemic disease damaging other organs, such as the lungs, heart, or the eyes. This disease strikes individuals of all ages from the very young to the very old and affects women three times as often as men. Its cause is unknown.

Osteoarthritis is the most common form of arthritis. According to the National Health Examination Survey for 1960 to 1962, over 37.4 percent of the population aged 18 to 79 had some form of osteoarthritis. For those individuals age 75 and over, the incidence of the disease was as high as 86 percent. Due to aging trends in the population, the incidence of osteoarthritis is probably much higher than these figures would indicate.

Although osteoarthritis usually develops more slowly and is milder and less painful than rheumatoid arthritis, it is a progressive condition that can in its later stages produce extreme pain and disability. Over 10 million Americans have osteoarthritis severe enough to cause painful problems seriously affecting their ability to perform their daily activities and their jobs.

Osteoarthritis often develops after traumatic injury to a joint. According to a 1971 survey, there were 17 million significant injuries associated with sports and recreational activities plus 11 million disabling injuries resulting from non-sports-related accidents. Of these roughly 28 million accidents, about 80 percent, or 22 million, involved the musculoskeletal system—more than 2 million involved joint injuries. Despite the long-term consequences and the seriousness of posttraumatic osteoarthritis and the incidence of the disease, little research has been conducted in this special field.

Other arthritis-related diseases are particularly prevalent among women. Osteoporosis, a disease resulting in brittle bones due to a loss of calcium from the bones, is a leading cause of nursing home placements. It occurs in varying degrees in many elderly persons. However, nearly 90 percent of women 75 years of age and older show X-ray evidence of some degree of this disease.

Systemic lupus erthematosus, a potentially fatal connective tissue disease is one of the most frequent, serious disorders in women of childbearing age. An estimated 50,000 new cases of this disease are diagnosed each year, indicating that the disease is far more common than it was formerly thought to be.

THE ECONOMIC COSTS OF ARTHRITIS

Mr. President, the financial costs of arthritis to patients, insurance companies, and taxpayers are staggering. The Arthritis Foundation estimated that in 1978, Americans paid $14.5 billion for costs related to arthritis—over 5 percent of our current national health-care bill. In 1980, approximately $1 billion of what was spent for arthritis was spent on quack remedies. The physical and emotional costs to the victims of the disease and their families are enormous.

In 1971, over 27 million workdays were lost to arthritis-related disabilities. This represented over $5 billion in wages lost to employees.

Individuals with arthritis account for about 19 percent of those receiving social security disability insurance—SSDI—benefits. Although many workers with arthritis remain on the job as long as possible, some 500,000 workers disabled by arthritis and forced by the intense pain and physical limitations that they suffer to leave their jobs are today collecting SSDI benefits. The cost to the Nation for these payments in fiscal year 1983 alone is estimated to have been $2.8 billion. If payments for their dependents are included, this figure is estimated to be as high as $3.3 billion.

THE NEED FOR A STRONGER APPROACH FOR ARTHRITIS RESEARCH

Mr. President, research is the best investment we can make to help arthritis sufferers. As the author of the National Arthritis Act of 1974—Public Law 93-640— and amendments to it in 1976 and 1980, I have long been acutely aware of the needs of and potential for research into arthritis and musculoskeletal and skin diseases. It is clear to me that we need a stronger approach to arthritis research. Although the National Arthritis Act of 1974 has been successful in establishing sound strategies for the utilization of our national resources to wage a stronger attack against arthritis, and progress in biomedical research has substantially increased our knowledge of the disease, implementation of that law has fallen short of what should have been achieved and far short of what could be gained through an accelerated research effort into this important area of study.

The National Arthritis Act of 1974 provided for the design of a master arthritis research plan—the so-called national arthritis plan—to identify the areas of research to be pursued, the resources available for arthritis research, and the additional resources needed for research progress. The act also aurhorized the creation of research and demonstration centers to provide an opportunity for intensive interdisciplinary arthritis research and also training in and demonstration of advanced diagnostic, prevention, treatment, and control methods related to arthritis. Unfortunately, the budget levels recommended under the plan for arthritis-related research within NIH have not been realized.

The national arthritis plan recommended that funds be doubled in 1977 for arthritis-related research and that thereafter funding be increased annually by about 20 percent through 1980. However, those levels of funding for arthritis and musculoskeletal, and skin disease research within the National Institute of Arthritis, Diabetes, and Disgestive, and Kidney Diseases (NIADDK) have never been realized. The result has been that during the period 1977 through 1981 substantially less than half of the arthritis-related research grant applications that were approved for funding have been able to be funded by the NIADDK. Worse yet, under the Reagan administration's proposed fiscal year 1984 budget for NIADDK, less than 20 percent of the approved research projects would be funded.

Part of the reason that arthritis and musculoskeletal, and skin disease research has not received the focus and priority it warrants is that it is lumped within the current institute, NIADDK, with an incongruous mixture of disease categories. Congressional intent to focus research on arthritis-related diseases under the original National Institute of Arthritis and Metabolic Diseases has been diluted over time by the combination of so many disparate research programs under NIADDK. That Institute now includes in its mission—in addition to arthritis and musculoskeletal and skin diseases—diabetes, kidney diseases, digestive diseases, nutrition, endocrinology, urology, and hematology.

Within the current Institute, arthritis lacks the focus, direction, and visibility that are essential to a comprehensive and integrated research program addressing one of our country's major health problems. The existing structure has led to funding disparities within NIADDK. In the last 12 years, funding for arthritis research has grown from 7.8 percent of the total NIADDK budget in 1970 to 16.9 percent in 1982. By comparison, in 1970, diabetes funding amounted to 5.5 percent of that Institute's budget, and by 1982, funding for diabetes research had grown to 35.3 percent of the NIADDK's total budget.

Although arthritis and musculoskeletal and skin diseases afflict more than 15 percent of the total U.S. population, in 1983, just 2 percent of the entire NIH research budget is devoted to arthritis-related research. The Federal Government, through NIH, annually spends only $1.50 per person afflicted with arthritis in this country on arthritis research. Several hundred times that amount each year is spent per patient on cancer research.

The funding recommendations originally proposed under the national arthritis plan reflect the human and economic costs of arthritis and related diseases. To reduce those costs, we need to move far closer to the levels of support and national commitment called for in the plan.

Given the Reagan administration's shrinking budget for our overall Federal research effort, I believe we must develop policies for using limited financial resources more effectively and efficiently so that we can gain the maximum benefits for our efforts. By establishing a separate National Institute of Arthritis and Musculoskeletal and Skin Diseases, we would provide arthritis-related issues with the greater visibility they should have at the national level and hence enable researchers in these areas to compete more successfully for increasingly scarce resources. Most important, the creation of a separate institute for arthritis-related research would attract new, high quality scientists and lead to an accelerated, better coordinated research effort into the causes, prevention, and treatment of arthritis. These have been the results of the establishment of other institutes specializing in a one-family or other logical grouping of disorders such as the National Eye Institute and the National Institute of Aging. Thus, this legislation would facilitate the implementation of high-priority programs as authorized by the National Arthritis Act of 1974 and the national arthritis plan.

ORGANIZATION OF THE NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Mr. President, the statutory authority for the establishment of the new National Institute of Arthritis and Musculoskeletal and Skin Diseases would be patterned after that of other NIH research institutes. Thus, the new Institute would be directed to undertake research and demonstrations related to the causes, prevention, and treatment of arthritis and musculoskeletal and skin diseases; to promote coordination of research programs in the public and private sector; to make grants for research; to establish an information clearinghouse and data system; and to conduct and support research training. This is the same mandate that the current NIADDK has with respect to arthritis and musculoskeletal and skin diseases. In addition, in very fitting recognition of the tremendous number of traumatic musculoskeletal injuries that Americans receive in sports and other recreational activities, the new Institute would include in its focus research on sports-related disorders.

The National Institute of Arthritis and Musculoskeletal and Skin Diseases would receive its funding under the existing authority of section 301 of the Public Health Service Act, as is the case for other NIH Institutes. Because the present organizational division pertaining to arthritis and musculoskeletal and skin diseases within NIADDK is already autonomous in many of its functions, the benefits to be gained from the greater visibility for such research would more than compensate for any increase in administrative costs—which is likely to be very minor. In order to facilitate the administrative separation of the new institute from the present NIADDK, our bill would provide for the orderly and fair transfer to the new institute of all resources that are related to arthritis and musculoskeletal and skin disease research programs and activities currently being carried out by the NIADDK.

The legislation would also extend, for the next 3 fiscal years, the authorizations of appropriations, which would otherwise expire at the end of fiscal year 1983, for the National Arthritis and Musculoskeletal and Skin Diseases Data System, the National Arthritis and Musculoskeletal and Skin Diseases Information Clearinghouse, the Arthritis and Musculoskeletal Diseases Demonstration Projects, and the Multipurpose Arthritis and Musculoskeletal Diseases Centers.

Compared to fiscal year 1983 authorization levels, the total authorizations of appropriations for these programs would not be increased by our bill. In fact, in 1984, the proposed authorization level for the multipurpose arthritis and musculoskeletal diseases centers—$12 million—would represent a 40-percent reduction from the level authorized for fiscal year 1983—$20 million. However, this reduction would not produce a cut in funding levels for these important entities; it simply reflects more realistically the current level of appropriations which is regrettably, only $7.3 million in fiscal year 1983.

STUDY OF CURRENT NIH ORGANIZATION

Mr. President, I would like to note that this legislation includes a provision requiring that a study be conducted of the effectiveness of the existing combinations of disease research programs within the individual Institutes of NIH and of what standards should be applied in the future in establishing additional new Institutes or realigning existing Institutes. This provision was included in S. 1939, as passed by the Senate, and is derived from a provision that was passed by the House last Congress in H.R. 6457.

I do not believe that the current structure of NIH provides adequate assurance of achieving the goal of making research funding allocations based on the level of economic, social, human, and scientific advances that reasonably can be expected to result from such funding. Through a more efficient and effective management structure involving a systematic grouping of related functions, such as this legislation would provide for arthritis, achievement of this important goal would be moved closer to reality.

CONCLUSION

Mr. President, we cannot afford to ignore the need to find ways to improve the quality of life for those unfortunate individuals who suffer from arthritis. An accelerated research effort in arthritis has great potential to bring us much closer to providing these millions of indiviudals with relief from their pain and the potential for full participation in everyday activities.

Thus, I urge my colleagues to support this important legislation, and I urge that the Committee on Labor and Human Resources, to which our bill will be referred, give it prompt and careful consideration. I pledge to my good friends the distinguished chairman (Mr. HATCH) who is a cosponsor of this measure, and the very able ranking Democrat member (Mr. KEN-

NEDY) my full cooperation and assistance in the further development and progress of this legislation.

By Mr. HELMS:

S. 541. A bill to guarantee old-age insurance benefits under title II of the Social Security Act, provide for the establishment of individual retirement security accounts, and remedy certain inequities under such title; to the Committee on Finance.

SOCIAL SECURITY GUARANTEE AND INDIVIDUAL RETIREMENT SECURITY ACT OF 1983

Mr. HELMS. Mr. President, today I am introducing legislation to broaden and strengthen our social security system and to guarantee once and for all the retirement security of elderly Americans.

My bill, the Social Security Guarantee and Individual Retirement Security Act of 1983, would guarantee to every American the social security benefits to which he or she is now entitled without raising taxes. As a matter of fact, it would repeal all future scheduled payroll tax increases. It has both a long-term and a short-term goal for addressing the funding problems facing social security.

In the long run, Mr. President, it would phase in a new kind of private savings account, called an individual retirement security account (IRSA), in which each working American could invest for his or her own retirement. These federally insured accounts would guarantee for all time absolute retirement security for every American. They would also help the Nation's economy by providing a capital pool for investment to create jobs and put people back to work, lower interest rates, boost GNP, and help this Nation toward a much needed economic recovery.

In the short run, it would keep our present social security system solvent while the long-term plan has a chance to take effect.

THE PRESENT PROBLEM

We will be deceiving ourselves if we do not face up to the seriousness of the social security crisis. In my view, it is both a national tragedy and a national disgrace. What is more, too few Americans understand the nature and extent of these problems. Certain politicians and members of the media have made a political football out of social security.

Let us examine for a moment how so many Americans have been misled, even deceived, by political and bureaucratic words and phrases that have created false impressions in their minds. To put it bluntly, the people have been hoaxed by expressions that have crept into the American vocabulary.

First, how many times have we heard references to the social security trust fund? There is no trust fund. It does not exist. It has never existed. Just ask someone to point out the vault where the money is kept. From the first days of social security, the American people have been led to believe that every worker has an accumulated savings account in Washington with his or her name and social security number on it. That is what employer and employee payroll taxes were supposed to be paying for. But such accumulated savings accounts do not exist; they have never existed.

Second, how many times have American workers been told that they "contribute" a specified sum of money to social security, and their employer "contributes" a like amount? But that is not correct either. All of the money—what workers "contribute" and what employers "contribute"—all of it is a part of the total payroll expenses that an employer has allotted for a particular job, including salary and other costs involved in his having hired someone in the first place. So every penny is really the worker's money, the money an employer has to pay in a dozen different ways to employ someone.

So, Mr. President, that "contribution" is not a contribution. It is a tax, and nothing more. Social security, as it now exists, is not really a retirement insurance and savings program. It is a program of taxation that is in fact bankrupt; and the retirement benefits of every American are, and have been, at the mercy of politicians who decide how much money from the Federal treasury retired Americans will receive.

Mr. President, the most informative and concise factsheet and analysis of social security I have seen was compiled and distributed by my good friend, the distinguished Senator from Colorado (Mr. ARMSTRONG). I am going to take the liberty of borrowing some of this information from him, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY HIGHLIGHTS

One trillion dollars will be paid out in Social Security benefits over the next four years.

Thirty-six million Americans receive Social Security benefits.

Most Social Security retirees today receive more in benefits than they paid in taxes—by a ratio of 5 to 1.

Social Security benefits have risen sharply over the past few years. In the beginning, Social Security was designed to be supplemental retirement income. Today, Social Security benefits on average equal 60 percent of the beneficiaries after-tax working income.

In recent years, Social Security benefits have increased faster than wages or prices.

Americans are living longer. Women who become 65 in 1982 live, on average, an additional 19 years; men live an additional 15 years. This is a 20 percent increase in 40 years.

Social Security comprises one-fourth of the total federal budget and 5 percent of the Gross National Product.

The maximum Social Security tax an employee working from 1935 to 1982 could make is $17,000. This will nearly triple to $44,000 by 1990.

Social Security taxes on the average worker have increased 2,000 percent since 1935; the maximum Social Security tax has increased 6,500 percent.

Fifty-one percent of all Americans pay more in Social Security taxes than federal income taxes.

Even with the additional $437 billion in tax increases that will be implemented this decade because of a 1977 law, Social Security will exhaust its reserves and total outgo will exceed income by the mid-1980's.

When Social Security began, only retirement benefits were paid to workers. Today, there are about 21 general types of benefits provided under Social Security.

One indication of the growth in Social Security: When President Franklin Roosevelt proposed his Social Security program in 1935, he contemplated Social Security expenditures would be about $1.3 billion in 1980. Actual 1980 outlays: $149 billion.

SOCIAL SECURITY

In the beginning

Social Security was created in 1935 to partially replace earnings lost through retirement or death. Initially, only commerce and industry workers (about five out of 10 jobs in America) over age 65 were eligible for benefits.

Benefits were supplemental income . . . about 29 percent of pre-retirement income (known as the "replacement rate" . . . the percent of working income replaced by retirement income).

Payroll taxes financed these benefits on a pay-as-you-go basis. Initial taxes were also small . . . $60 per worker maximum (cost split between employer and employee). In 1980 dollars, this tax equalled $360.

Program expansion

Congress and Presidents dramatically expanded the program through 13 expansionary laws and seven automatic benefit increases (although twice Congress slightly reduced benefits). Today, three separate trust funds pay benefits and collect taxes. Two trust funds—Old Age and Survivors (OASI) and Disability (DI)—pay cash benefits directly to recipients. The third—Hospitalization (HI)—pays costs of medical care provided to the elderly and disabled.

Nine out of 10 jobs in America are included in Social Security. The program now pays retirement, early retirement, widow, children, parent, disability and hospitalization benefits to $35.4 million. Basic benefit rules were expanded, and later made inflation-proof through automatic cost-of-living increases. Generally, eligibility has been liberalized. Cash benefits—not counting the value of hospital care—as a percent of pre-retirement income has increased to 49.3 percent.

Consequently, the tax rate, tax base and number of taxpayers have also increased. Today, the combined employee-employer maximum tax is $4,340. One hundred ten million workers pay taxes; 1 million (mostly government employees) do not. while the number of taxpayers has increased, the worker/recipient ratio has not. In 1940, there were 16 workers supporting each recipient. Today, the ratio is only 3 to 1 and declining.

As part of the Federal budget

Total Social Security outlays comprise about one-quarter of the budget. Including all programs, 27.7 percent of the federal budget is devoted to elderly needs. By 1985, pensions, national defense and interest payments will comprise 75 percent of the U.S. budget. Total Social Security and other senior citizen federal outlays amount to $15,000 per elderly couple.

As part of the national economy

Benefits comprise about 5 percent of the real gross national product, and it's rising. If no changes are made, and if government spending were to be maintained at 20 percent of GNP, then by 1985 other government spending must be cut 13.1 percent.

Since Social Security is a major component of the economy, it is particularly sensitive to economic fluctuation. Each 1 percent of inflation increases costs $1.5 billion annually (although the higher costs are offset in part by higher revenues). Each 1 percent of unemployment reduces revenues by $2 billion. Social Security tax increases exacerbate unemployment. For example, the Congressional Budget Office projected that the Social Security tax increases since 1977 reduced employment by 500,000 jobs. Accelerating to 1983 the tax increase scheduled for 1990 is projected to increase unemployment two to four million job years by the end of the decade.

Economic and demographic developments

Since Social Security began, significant changes have reshaped America. Once an economy dominated by manufacturing and agriculture, America is quickly becoming a service based economy. Once men dominated the work force; now half of all jobs are held by women. In 1935, a third of all elderly Americans were impoverished; today less than 15 percent have incomes below the poverty threshold. Forty years ago, less than three marriages in 10 ended in divorce; today five of 10 marriages end in divorce. Family size has declined.

Americans are living longer; on average, men live 15 years past retirement, and women 19 years . . . a lifespan increase of 20 percent over 40 years. Even so, more Americans are opting for early retirement before age 65. Today 90 percent of Americans who retire opt for retirement before age 65.

As part of the lives of recipients

Social Security is a financial lifeline to most recipients. Fifty percent of benefits are paid to elderly single members of households for whom Social Security is their principal income. Median income for all those over 65 is $5,771. Average median income for a retired couple receiving Social Security is $14,300.

Newly eligible retirees—80 percent of whom opt for early retirement—generally are improved financially. Median retirement income is $14,259, of which 42 percent is Social Security. Gross family assets—including personal residences or automobiles—exceed $48,000. Seventy percent of new retirees either outright own their home, or pay less than $200 in monthly mortgage or rent. The average value of a new retiree's home is $54,000.

Most Social Security recipients today will receive far more in benefits than they contributed in taxes . . . by a ratio of 5 to 1. This ratio will decline for future recipients. Social Security benefits are progressive . . . meaning that low-income receive relatively higher benefits than middle- or high-income.

As part of the lives of workers

The maximum Social Security tax a worker and his employer could have paid from 1937 to 1982 is $16,932. this will nearly triple by 1990 when the maximum tax possible rises to $43,000.

For 51 percent of all families—and practically all low-income families—they pay more Social Security taxes than federal income tax. This is also true for employers, particularly the marginally profitable.

Benefits

One trillion dollars will be spent from the Social Security trust funds in the next four years (1983 to 1986), an amount roughly equal to that spent from 1935 to 1981.

4-YR SPENDING AND INCOME BY TRUST FUNDS

[In billions of dollars]

	Outlays	Income
Old age and survivors (OASI)	728	634
Disability (DI)	83	135
Hospitalization (HI)	198	210
Total	1,009	979

Source: Social Security Administration, September 1982.

Monthly Social Security costs exceed $17.9 billion.

Of trust fund outlays: 67 percent go to retirees, their spouses, children or survivors; 9 percent to the disabled, their spouses, children or survivors; 22 percent pay medical costs.

CASH BENEFITS PAID FROM THE OASI AND DI TRUST FUNDS

	Millions	Average annual benefit
Retired workers	20.3	$4,686
Their spouses	3.0	2,350
Their children	.5	1,841
Total	23.8	
Survivors:		
Widowed parents	.5	3,372
Widowed spouses	4.4	4,210
Children	.2	3,278
Disabled, widowed spouses	.1	2,760
Parents	.01	3,732
Total	5.21	
Disabled workers	4.1	4,944
Their spouses	.4	1,452
Their children	1.0	1,428
Total	5.5	
Special age 72	.1	

The maximum possible benefit for a retired couple with children under 18 is $14,748 annually.

These benefits do not include the value of medical benefits provided through Medicare. Since all benefits are tax free, current benefits are about 60 percent of after-tax, pre-retirement income.

Taxes

About $1 trillion in taxes has been raised since 1935. If a worker contributed the maximum taxes from 1937 to 1982, he would have contributed, $17,000 (an amount matched by his employer). By 1990, this will nearly triple to $44,600.

Today, the total Social Security tax is 13.4 percent of up to $32,400 of income. This rate will increase to 15.3 percent, and the base up to $45,600 of income by 1990.

The average tax paid by a worker and his employer annually is about $2,000.

Individual equity and social adequacy

Social Security emphasizes social adequacy, not individual equity. The social adequacy basis is evident through the provision of relatively high minimum benefits, paying proportionately higher benefits to low average wage earners, the imposition of maximum benefits regardless of past earnings, and the payment of derivative benefits at no additional cost to the worker. While there are some elements of individual equity—benefits in relation to earnings—Social Security, over the years, has moved away from individual equity and more toward social adequacy.

As it affects women

Social Security was created when men dominated the work force. Since then, a number of economic and demographic changes involving women affect Social Security and its future. More women work today, are living longer, and the divorce rate is increasing. Since these changes were not contemplated at the time Social Security was created, retirement benefit adequacy for women is a significant concern because a high percentage of the elderly poor are widowed, divorced or were never married. It is also a concern since the current labor force—once male dominated—has a high percent of women workers who pay Social Security taxes, and expect to receive just benefits.

Problems in providing benefits to women exist in part because benefits are linked to an individual's earnings and work history. Working women frequently have interrupted work histories due to child rearing. Women also have had generally lower career earnings than men. As a result, a large proportion of women fail to qualify for Social Security benefits, qualify for benefits on their lower earnings, or they qualify based on their husband's benefits, and then receive half of these benefits. Some of these concerns have been addressed by changes made in the computation of spouse benefits, but questions of equity continue to be raised with regard to women, particularly those who work. The National Commission on Social Security Reform identified 12 options that address the issue of making Social Security equitable for women.

And other Federal pension policies

Since Social Security was created, there have been significant developments in Federal pension policy. Among them:

1. Individual Retirement Accounts: Most workers can contribute up to $2,000 annually tax free into Individual Retirement Accounts, the proceeds of which are invested, and then paid out as retirement income as early as age 59½. Workers with wives who do not work contribute up to $2,275 annually.

2. Keogh retirement plans: The self-employed can set aside $15,000 annually to help replace earnings lost through retirement.

3. Employee Retirement Income Security Act: Regulates company sponsored, tax-deferred pension plans.

Sixty percent of workers between age 25-34 are covered by retirement pensions other than Social Security.

Financial status

Social Security is going broke. High inflation, slow economic growth, rising numbers of beneficiaries, increased benefit levels and an eroding tax base have increased Social Security's costs, and depressed revenues. The retirement and survivors trust fund has run a deficit since the early 1970's. This deficit erased the once large cash reserves . . . to the point where Congress had to enact

legislation permitting the OASI trust fund to borrow from the DI and HI trust fund to make full and timely benefits. By the mid-1980's, however, even these reserves will be exhausted. Technically, Social Security will have no choice but to either reduce all benefits by the amount of income then on hand, or delay checks until enough income is on hand to pay full benefits.

Thus, Congress must achieve two goals in the short-term: Enact legislation that eliminates the future deficits, and achieve adequate reserves so that enough money is on hand to pay two months of benefits.

The National Commission on Social Security Reform unanimously agreed that $150-$200 billion is needed this decade to assure Social Security solvency. In addition, the Commission projects that Social Security needs to either increase revenues or reduce spending $1.6 trillion over the next 75 years to guarantee solvency.

THE COMMISSION PLAN

Mr. HELMS. Mr. President, along with other Americans, I waited—perhaps too patiently—for the 15-member, blue ribbon, bipartisan Social Security Reform Commission to come up with proposals that, we had all hoped, would realistically and honestly address the problems facing the social security system. But after more than a year's work, the Commission submitted proposals to the President that reflect a total absence of creativity and imagination—and, worse still, a total lack of understanding of where they would lead the American economy. The Commission asks Congress to raise taxes and reduce social security benefits. Taxes on working people and their employers would be increased. Taxes on self-employed persons such as farmers, doctors, and lawyers would be increased. For the first time ever, the benefits of social security recipients would be taxed. Nonprofit organization employees would be brought into the system, and employees of State and local governments would be prohibited from withdrawing from the system.

But these painful changes and others recommended by the Commission may still not, by the Commission's own admission, be enough to cover either the short-term funding needs and surely will not cover the long-term social security deficit.

According to the Commission's report, the short-term deficit—that is, the deficit that would accumulate between now and 1989—would come to between $150 billion and $200 billion. Their short-term remedy would take care of $168 billion of that projected shortfall.

Estimates of the long-term deficit—that is, for the next 75 years—vary depending on your source of information. Or perhaps I should say it gets worse each time it is calculated.

The Commission report estimates a long-term deficit of 1.82 percent of payroll—estimated to be roughly $1.6 trillion. The Commission's proposal would reduce this deficit by only two-thirds. The members came to no agreement on whether to recover the remaining one-third by gradually raising the retirement age or by increasing the payroll tax on employers and employees.

Shortly after the report was published social security actuaries revised their estimate of the deficit. They now project it will amount to 2.1 percent of payroll, which is equal to several hundred billion dollars more than previously estimated. The Commission plan, the, falls woefully short of resolving the long-term deficit, even if the retirement age were to be raised or payroll taxes increased.

Clearly, then, Mr. President, however well-intended the report of the Social Security Reform Commission is, it not only fails to address all the problems facing our social security system, but it does not adequately solve even those it does address.

DISTRUST OF SOCIAL SECURITY

Is it any wonder, then, that the American people have lost faith in social security? Some weeks back, I saw the results of two polls that had been taken among younger Americans now in the work force. A 1982 Washington Post-ABC News poll stated 66 percent of those under 45—and 70 percent of those under 30—believe that social security will not be in existence when they retire. A 1981 New York Times-CBS News poll found that 75 percent between ages 25 and 34 doubt they would receive any of the social security benefits they have been promised. The same poll found that 73 percent of all Americans have lost confidence in social security.

The same doubts and fears have been expressed to me in letters and telephone calls from countless Americans—young, middle-aged, and elderly, including some who are already retired. These people are concerned, and rightly so, about their futures, and about the futures of their children and grandchildren.

HELMS PLAN WILL NOT:

In a moment I will describe in greater detail what my proposal would do, but first let me emphasize what it will not do.

It will not—I repeat not—reduce any promised benefits to anyone—not to retired Americans, not to those about to retire, and not to anyone else who has a right to any retirement benefits.

It will not—and again I repeat not—raise social security taxes in the future. In fact, it would repeal the social security tax increases already scheduled to take effect in 1985 and 1990.

It will not raise taxes on self-employed individuals.

It will not bring any employees of nonprofit, tax-exempt organizations into the social security system.

It will not require employees of State and local governments to participate in social security.

It will not tax benefits of social security recipients.

It will not make our senior citizens wait 6 months for the annual cost of living adjustment they depend on so much.

It will not raise the retirement age.

THE IRSA ACCOUNT

My plan would authorize every American worker to establish an "Individual Retirement Security Account" in whatever authorized institution he or she chooses, be it a local bank, credit union, savings and loan association, or whatever. These fiduciaries would be qualified under standards similar to those under Treasury regulations section 1.401-12(n).

This new kind of account would be similar to the IRA accounts most people know about already, but with a big difference. The difference would be that a tax credit, instead of a tax deduction, would be given for deposits in these individual retirement security accounts. A tax credit means a dollar-for-dollar tax writeoff, the kind that means something to the small and medium income taxpayer.

Individuals could contribute to these IRSA's any amounts they choose. For every dollar contributed to an IRSA, the individual would be entitled to claim a 20-cents-on-the-dollar credit against the income tax liability, up to a maximum credit of 20 percent of the amount paid that year by the individual to the social security trust fund. To the extent the individual elects to take advantage of the income tax credit, his future pension claims against the common social security trust fund would be reduced according to an actuarial formula. Maximum utilization of the income tax credit each year for 20 years would reduce the individual's OASI claims to zero. Lesser utilization would reduce the trust fund's liabilities proportionately.

GUARANTEED BENEFITS

My proposal would guarantee all current pension obligations with the full faith and credit of the United States. Many Americans are surprised when they learn that social security benefits are not guaranteed under current law. In fact, in 1960, the U.S. Supreme Court ruled in *Flemming* v. *Nestor* (363 U.S. 603) that the Federal Government can renege on social security benefits at any time. That case is still the law today. If Congress wants to reduce social security benefits, it is free to do so. I want to change that.

Under my plan, every participant, upon retirement, would receive a certificate made out in his or her name. It would be an obligation backed by the "full faith and credit of the United States." This bond would guarantee continued social security benefits.

Never again will a retired American feel that his or her social security benefits would be cut by an act of Congress, the courts, or any other agency of Government. No one could ever be denied the credits he or she has earned or will earn in the future under the Government system.

Everyone's retirement credits must be guaranteed.

MOBILIZE PRIVATE SECTOR VIA IRSA'S

But in the long run, we also need to offer workers something more—a supplement, an alternative to the Government-managed system.

No system of taxes can improve real benefits to Americans because taxes are not productive. They destroy the incentive to create jobs and the incentive to save. What we need is a system of savings and investment. A lot of people originally thought that was what the social security system was supposed to be. But in fact we have a system where the taxes collected this month are paid out in benefits next month, and this system is bankrupt. I want to expand the system to create individual worker's investments in the private sector. I want to encourage savings and investment, create jobs, help lower interest rates, and thereby restore the strength and vitality of America.

Interest, dividends, and capital gains accumulated in the IRSA account would be tax exempt, and annuities and withdrawals from it upon retirement anytime after age 62 would be tax free. Funds held in an IRSA account could be used tax free by a worker before age 62 to acquire life insurance, health insurance, or disability insurance. The individual could participate with his fiduciary in managing the IRSA account as a fully funded individual retirement program.

For the first 10 years after enactment, an individual could set up an individual retirement security account and receive tax credits. Then, starting in 1994, there would begin a phased transfer in which employers and employees would be required to pay part of their social security taxes to the respective worker's individual retirement security account instead of to the Federal Government. As more of the individual's and employer's taxes go to the worker's IRSA, less would be paid to the common OASI trust fund to pay benefits for a declining number of social security beneficiaries.

By the year 2004 the phased transfer would be complete, and all payroll tax payments would be made to employees' IRSA's. Tax credits would be available between 1994 and 2004 for amounts invested in an IRSA above the amount deposited by employees and employers via the FICA deduction. The credit would phase to zero as the OASI component of the FICA deduction phased to zero by the year 2004.

I asked experts to estimate the amount of money that would be saved and invested in the private sector as gradually increasing percentages of the population began to participate in IRSA's. For example, if only 38 percent of our Nation's workers elect to establish IRSA's during the next 10 years, a whopping $271,401 million will have been invested. Think what this new supply of savings could do for our economy.

The following table provides a breakdown of the experts' estimates:

ESTIMATED IRSA PARTICIPATION AND INVESTMENT

[Dollar amounts in billions]

Year	Participation rate in IRSA's	Amount invested
1984	.01	$0.894
1985	.03	3.072
1986	.07	7.802
1987	.10	12.050
1988	.13	16.926
1989	.16	22.432
1990	.19	31.037
1991	.24	42.288
1992	.30	57.000
1993	.38	77.900
Total		271.401

OASI liabilities would shrink as participation in IRSA's increased. By the year 2045, according to my projections, residual OASI liabilities would be reduced to zero.

The following chart shows projected OASI and IRSA participation and fiscal impact through the year 2050:

PROJECTED OASI AND IRSA PARTICIPATION AND FISCAL IMPACT[1]

[Thousands of individuals]

Year	FICA covered workers	OASI annuitants	IRSA annuitants	OASI cost (percent of payroll)
1982	115,308	31,483	0	10.42
1985	123,300	33,106	0	10.32
1990	132,410	63,428	33	9.87
1995	137,644	83,403	53	8.29
2000	142,248	39,814	4,460	7.14
2005	146,798	41,725	16,897	6.46
2010	149,515	45,359	32,218	4.92
2015	150,148	51,048	51,048	2.51
2020	149,873	57,753	57,753	1.22
2025	150,205	64,500	64,542	.79
2030	151,750	45,323	68,234	.46
2035	153,889	16,873	71,277	.03
2040	156,015	997	71,440	0
2045	157,777	0	71,824	0
2050	159,545	0	73,034	0

[1] Alternative II–B assumptions; source of data for covered workers, OASI annuitants, 1982 Trustees Report. IRSA participation rate, 1984–93 assumed 20 percent of covered workers with 50 percent retiring by 1995; increase in IRSA coverage and decrease in OASI coverage computed by applying smoothed exponential decline rate/growth rate curve to population data with parameters as given in Helms proposal (universal IRSA coverage in 1994 with maximum coverage in 2004; no new OASI retirees after 2024).

OASI cost is percent of taxable payroll (Alt. II–B) adjusted for computed decline rate on OASI benefit claims, 1994–2040.

Taxable payroll was not adjusted for economic growth and increase in real wages that would be expected from increased savings rate and capital formation as retirement income source shifts from transfer payment via OASI tax on payrolls to annuity withdrawals by individuals from IRSA accounts. By 1995 this impact on real GNP and real wages would be significant, further reducing the percentage of taxable payroll represented above as OASI cost.

SOLVING TODAY'S DEFICIT

My proposal also addresses the short-term financing crises facing the social security system. Undeniably, a short-term infusion of funds is needed to keep the system afloat, at least until my long-range plan has a chance to take effect. The Commission estimates a deficit of from $150 to $200 billion between now and 1989. They propose to raise $168 billion through a combination of tax increases and benefit cuts. Using the Commission's own numbers and assumptions, I have come up with a package of proposals and reforms that will yield $167 billion in additional revenues between now and 1989. Quite frankly, my proposals should actually yield more than this because of the favorable effect on employment of my proposed tax cut. With lower taxes and greater savings, the economy will grow faster than the Commission assumes, thus boosting the tax base and lowering benefit outflows.

INCLUDE ALL FEDERAL WORKERS

The first thing I propose is to include all Federal workers under social security—not just new ones, as the Commission has proposed, but all of them, beginning with all Members of Congress and their staffs. The social security problem is a national problem, and all of us ought to participate in solving the crisis.

My proposal would not affect the Civil Service Retirement System in any way. Federal employees could continue to participate in civil service retirement much the same way employees in the private sector participate in their employer-sponsored retirement plans.

COLA DELAY

Second, I propose to delay for 3 months—from July to October—the social security cost-of-living adjustment. I do not agree that there should be a 6-month delay, as was proposed by the Commission. That is an unfair burden on our senior citizens. A 3-month delay would be much fairer, and it would help a great deal to solve the short-term deficit.

PRORATION OF COLAS

Third, cost-of-living increases should be prorated to reflect the month of retirement. The present system is unfair to the senior citizen who retires in, say, January—because the person who retires the following December now receives the same cost-of-living adjustment as the senior citizen who retired early in the year.

ADMINISTRATIVE COSTS

Fourth, I propose that the expenses of administering the social security system be counted against general revenues rather than the social security accounts. Payroll tax revenues should only be used to pay benefits, and should not go to pay administrative expenses.

UNCASHED CHECKS

Fifth, I propose we adopt the Commission's recommendations regarding crediting the social security system for all uncashed social security checks. Until I began my detailed study of the

social security system, I was not aware that millions of dollars in social security checks are never cashed each year. I was astonished to learn that the money represented by these uncashed checks does not have to go back to the social security system—but instead may be used for other Government spending. My proposal would require that the money be credited to the social security system.

MILITARY BENEFITS

Sixth, I propose the social security fund also be credited for all military benefits the social security system pays out with no Government contribution.

REVENUE CALCULATIONS

The following chart reflects the short-term revenue increase under my proposal:

Short-term revenue increase under Helms plan (1983-90)

	Billions
1. Bring all Federal employees into the social security system	$61.4
2. Delay payment of COLA from July to October	35.0
3. Prorate COLA to reflect month of retirement	40.0
4. Charge administrative costs to general fund	18.0
5. Credit uncashed social security checks to social security system	.5
6. Credit social security system for military benefits paid without a Government contribution	17.5
	172.4

PAYROLL TAX CUT

The revenue figure shown here, $172.4 billion, does not reflect the projected revenue loss as a result of repealing the 1985 payroll tax increase. Under present law, the combined employer-employee payroll tax rate, which is now 13.4 percent, is scheduled to increase to 14.3 percent by 1986 and 15.3 percent by 1990. The maximum payroll tax would become $6,263.40 in 1986 and $8,690.40 in 1990.

The Congressional Budget Office estimates the 1977 payroll tax increases cost 500,000 Americans their jobs. Higher payroll taxes would only exacerbate the unemployment crisis and contribute to further economic stagnation.

My proposed payroll tax cut is projected to reduce the social security system's revenue by only $5.4 billion by 1990. With this projection, my package of short-term proposals would result in a net increase in social security revenues of $167 billion, almost the same amount as the Commission proposed to bring in by raising taxes and cutting benefits.

I emphasize these projections are based on the same assumptions used by the Commission and their figures. Quite frankly, I believe my proposed tax cut will have a more favorable result than projected, and that between now and 1990, the social security system will be much better off under my short-term plan than under the Commission's proposals.

EQUITY REFORMS

Mr. President, along with proposals for solving the long-term and short-term funding problems facing the social security system, my bill also contains proposals for reforming social security in certain areas. I include these reform proposals because of the pressing need for Congress to address issues relating to women, the disabled, nonresident aliens, and older Americans with productive abilities who wish to continue working past age 65.

EQUITY FOR WOMEN

Mr. President, clearly our present social security system treats women unfairly. The problems have become more acute as more women have entered the work force. When the social security system was created, only 20 percent of women were in the work force. Today that figure is roughly 60 percent.

The National Commission on Social Security Reform addressed a number of issues relating to women. They made several proposals that have merit that I have included in my bill. These proposals are as follows:

First. Present law permits the continuation of benefits for surviving spouses who remarry after age 60. This would be extended to disabled surviving spouses aged 50–59, disabled divorced surviving spouses aged 50–59, and divorced surviving spouses aged 60 or over.

Second. Spouse benefits for divorced spouses would be payable at age 62 or over, subject to the requirement that the divorce has lasted for a significant period, if the former spouse is eligible for retirement benefits, whether or not they have been claimed, or if they have been suspended because of substantial employment.

Third. Deferred surviving-spouse benefits would continue to be indexed as under present law, except that the indexing would be based on the increases in wages after the death of the worker instead of by the increases in the CPI, as under present law.

Fourth. The benefit rate for disabled widows and widowers aged 50–59 at disablement would be the same as that for nondisabled widower and widowers first claiming benefits at age 60 (i.e., 71½ percent of the primary insurance amount), instead of the lower rates under present law (gradually rising from 50 percent at age 50 to 71½ percent for disablement at age 60). Such change would not only be applicable to new cases, but would also be applicable to beneficiaries of this category who are on the rolls on the effective date of the provision.

Unfortunately, the Commission's proposals do not go far enough in insuring equal treatment for women. My bill contains additional protections.

Under present law, the method of calculating social security benefits creates a disincentive for a parent to remain at home with children. Such years are calculated as zero earning years in the determination of the person's social security benefits. Often a parent, usually the mother, needs to spend time at home during a child's early years of development. The Government should not discourage mothers from spending time at home with their children during the children's formative years.

My bill would allow a person to exclude from the calculation of his or her social security benefits each year spent at home with their child as long as the child is younger than 6 years old. Up to 6 years could be excluded, and this exclusion could be taken in addition to every individual's already guaranteed 5 low-year exemption. During the years excluded, the parent could earn up to one-half the average wage of all social security covered workers each year.

I also propose extending additional equity to divorced spouses. Both members of a household should be considered to have made equal contributions to their family and thus retain equal property rights for the income in their family structure. This is not the case under social security today. My legislation would correct this situation by crediting each divorced spouse half the earned family income during the marriage for the purpose of determining social security retirement and disability benefits.

EQUITY FOR DISABLED

Mr. President, another part of my bill addresses serious problems involving the arbitrary cutoff of benefits to disabled citizens. Often disability payments, which provide life-sustaining funds for so many individuals, are terminated by an overzealous Social Security Administration before the beneficiary is actually interviewed. Administrative law judges have reversed roughly 70 percent of disability cutoff cases reviewed. This indicates the seriousness of the problem.

I would be the first to acknowledge that there has been much abuse of social security disability. But the movement to correct this situation must have guidelines and it must be fair. Therefore, I propose that Congress insure due process to every individual receiving disability benefits before any benefits can be cut off. My bill provides this. Each disability beneficiary would be entitled to a hearing before an administrative law judge before benefits could be cut. The Social Security Administration could not bring a case before a judge for determination unless they could show a change of circumstances or conditions affecting the individual, fraud, or mis-

take in the initial determination of disability.

My bill would leave the disability trust account untouched. It will remain in good shape, capable of paying benefits well into the future, if the remaining social security accounts would stop borrowing from it.

LIMIT ALIEN RECEIPTS

Another reform I propose would limit payment of social security benefits to nonresident aliens. The social security system pays out $80 million each month to individuals outside this country. Most of the people, 67 percent to be exact, who receive such funds are aliens. Many of them, who entered the United States as resident aliens during the 1950's when the social security payment premiums and quarter requirements were low, qualified for social security, and then returned to their respective countries to live off social security benefits. In many cases, these benefits provide them with a higher standard of living than they could have in the United States. These individuals often go home and adopt children, parents, and grandparents or marry a much younger person to increase their benefit entitlement and insure the continuation of the U.S. support to their survivors. The payments these aliens receive from the United States almost always exceed their original contributions to the system. Consider this: More than 50 percent of the benefits paid overseas are survivor benefits. In the United States, only 30 percent of the benefits are paid to survivors.

We cannot continue to increase taxes on the American people in order to send social security benefits overseas. My bill strengthens the existing social security provision requiring aliens who leave the United States for a period of 6 months to forfeit social security benefits. The legislation provides that aliens can draw benefits only to the extent they have paid into the system, irrespective of their employers' contribution, plus the Treasury bond rate of interest on that amount. Nonresident aliens who are drawing social security benefits beyond their contribution to the system must be cut off.

EQUITY FOR OLDER WORKERS

And finally, Mr. President, I propose a reform of utmost importance. I propose elimination of the earnings limit on retired persons.

A person's age does not necessarily determine his or her physical or mental condition. Our social security system often forces people into retirement at age 65, no matter what their abilities. A person who chooses to work past age 65 is penalized by loss of retirement benefits—retirement benefits they worked for all their lives. The loss amounts to 50 cents on the dollar, which creates a tremendous disincentive for people 65 and older to continue to work. It means an effective increase in the marginal tax rate for that worker of greater than 50 percent.

No one should be discouraged from continuing to fulfill their life through work. Therefore, I propose we remove this penalty by repealing the earning limit for social security recipients 65 and older. Older Americans ought to be able to work if they want to without financial penalty.

Mr. President, the retirement security of American workers is as important to the future of this country as any issue Congress will deal with this year. This issue deserves the thoughtful consideration of every Member of Congress, and indeed, every American. I urge my colleagues to study my proposal closely, and to support it.

I ask that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act, with the following table of contents, may be cited as the "Social Security Guarantee and Individual Retirement Security Act of 1983".

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Sec. 220. Repeal of earnings limitation for beneficiaries age 65 or older.

TITLE I—INDIVIDUAL RETIREMENT SECURITY ACCOUNTS

ESTABLISHMENT OF INDIVIDUAL RETIREMENT SECURITY ACCOUNTS

SEC. 101. Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ESTABLISHMENT OF INDIVIDUAL RETIREMENT SECURITY ACCOUNTS

"SEC. 234. (a) After December 31, 1993, the Secretary of Health and Human Services and the Secretary of the Treasury shall establish for each individual—

"(1) upon whom section 1401(a) or 3101 of the Internal Revenue Code of 1954 imposes a tax, and

"(2) who does not have an individual retirement security account with a qualified fiduciary pursuant to section 130(d)(1)(A)(i) of the Internal Revenue Code of 1954,

an individual retirement security account, to be maintained in the Treasury as a separate book account.

"(b)(1) The Secretary of the Treasury shall pay into the individual retirement security account established under subsection (a) or under section 130(c)(1)(A)(i) of the Internal Revenue Code of 1954 with respect to such individual an amount equal to the amount of taxes paid with respect to the wages and self-employment income of such individual under sections 1401(d), 3101(e), and 3111(d) of the Internal Revenue Code of 1954.

"(2) The Secretary shall pay such amounts into such account within 30 days of the date on which such taxes are paid.

"(c) An individual may contribute to such account amounts other than the amounts contributed to such account on his behalf by the Secretary of the Treasury under subsection (b).

"(d) The Secretary of the Treasury shall invest amounts deposited in individual retirement security accounts in obligations of the United States, and amounts so invested shall earn interest in accordance with the terms of such obligations.

"(e) Amounts deposited in an individual retirement security account established with respect to an individual under subsection (a) may be withdrawn before such individual attains age 62 only if—

"(1) the amount withdrawn from such account is used for a purpose described in section 130(a)(2)(B) of the Internal Revenue Code of 1954, or

"(2) the amount withdrawn from such account is deposited immediately in an indi-

vidual retirement security account established by such individual with a qualified fiduciary (as defined in section 130(c)(2) of the Internal Revenue Code of 1954).

"(f) The interest of an individual in the balance of an individual retirement security account established with respect to such individual pursuant to subsection (a) shall not be forfeitable.".

TAX CREDIT FOR AMOUNTS CONTRIBUTED TO INDIVIDUAL RETIREMENT SECURITY ACCOUNT

SEC. 102. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting after section 44G the following new section:

"SEC. 44H. CONTRIBUTIONS TO INDIVIDUAL RETIREMENT SECURITY ACCOUNT.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amounts contributed by the taxpayer to an individual retirement security account of the taxpayer during the taxable year (other than amounts paid into such account on behalf of such individual under section 234(b) of the Social Security Act).

"(b) LIMITATION.—The amount of any contributions taken into account under subsection (a) shall not exceed the amount of taxes paid by the taxpayer to the Federal Old Age and Survivors Insurance Trust Fund under section 3101 for the taxable year.

"(c) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—For purposes of this section, "the term 'individual retirement security account' shall have the meaning given to such term by section 130(c)(1).".

(b)(1) Subsection (b) of section 6401 of such Code (relating to excessive credit is treated as overpayments) is amended—

(A) by striking out "and 43 (relating to earned income credit)," and inserting in lieu thereof "43 (relating to earned income credit), and 44H (relating to contributions to individual retirement security account),", and

(B) by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44H".

(2) Paragraph (2) of section 55 (f) of such Code (defining regular tax) is amended by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44H".

(c) In prescribing the forms by which any individual liable for any tax imposed by subtitle A of the Internal Revenue Code of 1954 shall make a return for taxable years beginning after December 31, 1983, the Secretary of the Treasury shall ensure that any such individual who is eligible for a credit under section 44H of such Code may claim the credit allowable under such section on any such form.

(d) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting before the item relating to section 45 the following new item:

"Sec. 44H. Contributions to individual retirement security account.".

(e) The amendments made by this section shall apply to taxable years beginning after December 31, 1983 and before January 1, 2004.

EXCLUSION FROM GROSS INCOME OF INCOME EARNED ON AMOUNTS CONTRIBUTED TO INDIVIDUAL RETIREMENT SECURITY ACCOUNT

SEC. 103. (a) Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 130 as section 131 and by inserting after section 129 the following new section:

"SEC. 130. INCOME FROM INDIVIDUAL RETIREMENT SECURITY ACCOUNT.

"(a) IN GENERAL.—Gross income does not include income which—

"(1) accrues on amounts contributed to an individual retirement security account, and

"(2)(A) remains in such account until the taxpayer attains age 62, or

"(B) is withdrawn from such account before the taxpayer attains age 62 for the purchase of life insurance, health insurance, or disability insurance for the taxpayer.

"(b) ACCOUNT EXEMPT FROM TAX.—Any individual retirement security account is exempt from taxation under this subtitle.

"(c) DEFINITIONS.—For purposes of this section—

"(1) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—The term 'individual retirement security account' means an account—

"(A) which is established by—

"(i) the taxpayer with a qualified fiduciary, or

"(ii) the Secretary of Health and Human Services and the Secretary of the Treasury on behalf of the taxpayer pursuant to section 234 of the Social Security Act;

"(B) which by written agreement or applicable law provides that—

"(i) amounts may be withdrawn therefrom before the taxpayer attains age 62 only for the purposes specified in subsection (a)(2)(B), and

"(ii) the interest of the taxpayer in the balance of his account is not forfeitable; and

"(C) to which—

"(i) the taxpayer makes contributions,

"(ii) contributions are made on behalf of the taxpayer pursuant to section 3101(e), 3111(d), or 1401(d), or

"(iii) contributions are made in the manner described in both clause (i) and clause (ii);

in order to ensure the taxpayer an adequate retirement income upon attaining age 62.

"(2) QUALIFIED FIDUCIARY.—The term 'qualified fiduciary' means a bank or other person who demonstrates to the satisfaction of the Secretary that the manner in which he will administer the account will be consistent with the requirements of this section. An account shall not be disqualified under this paragraph merely because a person other than the fiduciary so administering the account may be granted, in the instrument creating the account, the power to control the investment of the account funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges).".

(b) The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

REDUCTION OF OASI TAX AND ESTABLISHMENT OF MANDATORY IRSA CONTRIBUTIONS20 SEC. 104. (a)(1) Section 3101(a) of the Internal Revenue Code of 1954 (relating to rate of tax on employees), as amended by section 204 of this Act, is amended—

(A) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(B) by adding at the end thereof the following new paragraphs:

"(6) with respect to wages received during the calendar year 1994, the rate shall be 4.975 percent;

"(7) with respect to wages received during the calendar year 1995, the rate shall be 4.2 percent;

"(8) with respect to wages received during the calendar year 1996, the rate shall be 4.145 percent;

"(9) with respect to wages received during the calendar year 1997, the rate shall be 3.73 percent;

"(10) with respect to wages received during the calendar year 1998, the rate shall be 3.315 percent;

"(11) with respect to wages received during the calendar year 1999, the rate shall be 2.9 percent;

"(12) with respect to wages received during the calendar year 2000, the rate shall be 2.485 percent;

"(13) with respect to wages received during the calendar year 2001, the rate shall be 2.07 percent;

"(14) with respect to wages received during the calendar year 2002, the rate shall be 1.655 percent;

"(15) with respect to wages received during the calendar year 2003, the rate shall be 1.24 percent;

"(16) with respect to wages received during calendar years after 2003, the rate shall be .825 percent.".

(2) Section 3111(a) of such Code (relating to rate of tax on employers is amended—

(A) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(B) by adding at the end thereof the following new paragraphs:

"(6) with respect to wages paid during the calendar year 1994, the rate shall be 4.975 percent;

"(7) with respect to wages paid during the calendar year 1995, the rate shall be 4.2 percent;

"(8) with respect to wages paid during the calendar year 1996, the rate shall be 4.145 percent;

"(9) with respect to wages paid during the calendar year 1997, the rate shall be 3.73 percent;

"(10) with respect to wages paid during the calendar year 1998, the rate shall be 3.315 percent;

"(11) with respect to wages paid during the calendar year 1999, the rate shall be 2.9 percent;

"(12) with respect to wages paid during the calendar year 2000, the rate shall be 2.485 percent;

"(13) with respect to wages paid during the calendar year 2001, the rate shall be 2.07 percent;

"(14) with respect to wages paid during the calendar year 2002, the rate shall be 1.655 percent;

"(15) with respect to wages paid during the calendar year 2003, the rate shall be 1.24 percent;

"(16) with respect to wages paid during calendar years after 2003, the rate shall be .825 percent.".

(3) Section 1401(a) of such Code (relating to rate of tax on self-employment income) is amended—

(A) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(B) by adding at the end thereof the following new paragraphs:

"(6) in the case of any taxable year beginning after December 31, 1993 and before January 1, 1995, the tax shall be equal to 7.4625 percent of the amount of the self-employment income for such taxable year;

"(7) in the case of any taxable year beginning after December 31, 1994 and before January 1, 1996, the tax shall be equal to 6.3 percent of the amount of the self-employment income for such taxable year;

"(8) in the case of any taxable year beginning after December 31, 1995 and before January 1, 1997, the tax shall be equal to 6.2175 percent of the amount of the self-employment income for such taxable year;

"(9) in the case of any taxable year beginning after December 31, 1996 and before January 1, 1998, the tax shall be equal to 5.595 percent of the amount of the self-employment income for such taxable year;

"(10) in the case of any taxable year beginning after December 31, 1997 and before January 1, 1999, the tax shall be equal to 4.9725 percent of the amount of the self-employment income for such taxable year;

"(11) in the case of any taxable year beginning after December 31, 1998 and before January 1, 2000, the tax shall be equal to 4.35 percent of the amount of the self-employment income for such taxable year;

"(12) in the case of any taxable year beginning after December 31, 1999 and before January 1, 2001, the tax shall be equal to 3.7275 percent of the amount of the self-employment income for such taxable year;

"(13) in the case of any taxable year beginning after December 31, 2000 and before January 1, 2002, the tax shall be equal to 3.105 percent of the amount of the self-employment income for such taxable year;

"(14) in the case of any taxable year beginning after December 31, 2001 and before January 1, 2003, the tax shall be equal to 2.4825 percent of the amount of the self-employment income for such taxable year;

"(15) in the case of any taxable year beginning after December 31, 2002 and before January 1, 2004, the tax shall be equal to 1.86 percent of the amount of the self-employment income for such taxable year; and

"(16) in the case of any taxable year beginning after December 31, 2003, the tax shall be equal to 1.2375 percent of the amount of the self-employment income for such taxable year.".

(b)(1) Section 201(b)(1) of the Social Security Act is amended by striking out all beginning with "and before January 1, 1985" through "December 31, 1989,".

(2) Section 201(b)(2) of such Act is amended by striking out all beginning with "(L) 1.4250 per centum" through "December 31, 1989,".

(c)(1) Section 3101 of the Internal Revenue Code of 1954 (relating to rate of tax on employees) is amended by adding at the end thereof the following new subsection:

"(e) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—In addition to other taxes, a mandatory contribution shall be made from the income of every individual to the IRSA account of such individual in an amount equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages received during the calendar year 1994, the rate shall be .425 percent;

"(2) with respect to wages received during the calendar year 1995, the rate shall be 1.2 percent;

"(3) with respect to wages received during the calendar year 1996, the rate shall be 1.615 percent;

"(4) with respect to wages received during the calendar year 1997, the rate shall be 2.030 percent;

"(5) with respect to wages received during the calendar year 1998, the rate shall be 2.445 percent;

"(6) with respect to wages received during the calendar year 1999, the rate shall be 2.860 percent;

"(7) with respect to wages received during the calendar year 2000, the rate shall be 3.275 percent;

"(8) with respect to wages received during the calendar year 2001, the rate shall be 3.690 percent;

"(9) with respect to wages received during the calendar year 2002, the rate shall be 4.105 percent;

"(10) with respect to wages received during the calendar year 2003, the rate shall be 4.520 percent;

"(11) with respect to wages received during calendar years after 2003, the rate shall be 4.575 percent.".

(2) Section 3111 of such Code is amended by adding at the end thereof the following new subsection:

"(d) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121 (a) and (f)) paid by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages paid during the calendar year 1994, the rate shall be .425 percent;

"(2) with respect to wages paid during the calendar year 1995, the rate shall be 1.2 percent;

"(3) with respect to wages paid during the calendar year 1996, the rate shall be 1.615 percent;

"(4) with respect to wages paid during the calendar year 1997, the rate shall be 2.030 percent;

"(5) with respect to wages paid during the calendar year 1998, the rate shall be 2.445 percent;

"(6) with respect to wages paid during the calendar year 1999, the rate shall be 2.860 percent;

"(7) with respect to wages paid during the calendar year 2000, the rate shall be 3.275 percent;

"(8) with respect to wages paid during the calendar year 2001, the rate shall be 3.690 percent;

"(9) with respect to wages paid during the calendar year 2002, the rate shall be 4.105 percent;

"(10) with respect to wages paid during the calendar year 2003, the rate shall be 4.520 percent;

"(11) with respect to wages paid during calendar years after 2003, the rate shall be 4.575 percent.".

(3) Section 1401 of such Code is amended by adding at the end thereof the following new subsection:

"(d) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—In addition to other taxes, there shall be made for each taxable year, from the self-employment income of every individual, a mandatory contribution to the IRSA account of such individual as follows:

"(1) in the case of any taxable year beginning after December 31, 1993, and before January 1, 1995, the contribution shall be equal to .6375 percent of the amount of the self-employment income for such taxable year;

"(2) in the case of any taxable year beginning after December 31, 1994, and before January 1, 1996, the contribution shall be equal to 1.8 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1995, and before January 1, 1997, the contribution shall be equal to 2.4225 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1996, and before January 1, 1998, the contribution shall be equal to 3.045 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1997, and before January 1, 1999, the contribution shall be equal to 3.6675 percent of the amount of the self-employment income for such taxable year;

"(6) in the case of any taxable year beginning after December 31, 1998, and before January 1, 2000, the contribution shall be equal to 4.29 percent of the amount of the self-employment income for such taxable year;

"(7) in the case of any taxable year beginning after December 31, 1999, and before January 1, 2001, the contribution shall be equal to 4.9125 percent of the amount of the self-employment income for such taxable year;

"(8) in the case of any taxable year beginning after December 31, 2000, and before January 1, 2002, the contribution shall be equal to 5.535 percent of the amount of the self-employment income for such taxable year;

"(9) in the case of any taxable year beginning after December 31, 2001, and before January 1, 2003, the contribution shall be equal to 6.1575 percent of the amount of the self-employment income for such taxable year;

"(10) in the case of any taxable year beginning after December 31, 2002, and before January 1, 2004, the contribution shall be equal to 6.75 percent of the amount of the self-employment income for such taxable year; and

"(11) in the case of any taxable year beginning after December 31, 2003, the contribution shall be equal to 6.8625 percent of the amount of the self-employment income for such taxable year.".

CHANGE IN PRIMARY INSURANCE AMOUNT TO REFLECT REDUCTION IN OASI TAX

SEC. 105. Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j)(1) For purposes of determining old-age and survivors insurance benefits based upon the wages and self-employment income of an individual with respect to whom contributions are made to an individual security retirement account, such primary insurance amount shall be reduced by an amount that bears the same ratio to such primary insurance amount (as determined without regard to this subsection) as the IRSA offset amount determined with respect to such individual bears to the present value of the OASI annuity amount determined with respect to such individual.

"(2) For purposes of this subsection—

"(A) The term 'individual retirement security account' shall have the meaning given to such term in section 130(c)(1) of the Internal Revenue Code of 1954.

"(B) The term 'IRSA offset amount' means, with respect to an individual de-

scribed in paragraph (1), an amount equal to the sum of—

"(i) amounts—

"(I) contributed by such individual to the individual retirement security account established with respect to such individual, and

"(II) taken into account for purposes of determining a credit allowed to such individual under section 44H of the Internal Revenue Code of 1954,

(compounded, for the period beginning with the date on which the return in which such credit was claimed was required to be filed and ending with the date on which such individual retires, by the social security yield rate determined with respect to such individual); and

"(ii) amounts paid to the individual retirement security account of such individual under sections 1401(d), 1301(e), and 1311(d) of the Internal Revenue Code of 1954 (compounded, for the periods beginning with the date on which such amount was paid into such account and ending with the date on which such individual retires, by the social security yield rate determined with respect to such individual);

"(C)(i) The term 'present value of OASI benefit annuity amount' means an amount that would, if invested at a rate of interest equal to the rate of interest payable on United States Treasury bills at the beginning of the period of entitlement determined with respect to the wages and self-employment income of an individual, produce by the end of such period of entitlement, an amount equal to the amount of benefits which would be payable under section 202 on the basis of such wages and self-employment income (but for the application of paragraph (1)) for such period of entitlement.

"(ii) In determining the amount of benefits which would be payable for the period of entitlement determined with respect to the wages and self-employment income of an individual, the rate of the cost-of-living increase under subsection (i) for the cost-of-living computation quarter immediately preceding the beginning of such period of entitlement shall be assumed to apply to each base quarter in such period of entitlement.

"(D) The term 'period of entitlement' means, with respect to the wages and self-employment income of an individual described in paragraph (1), the period beginning with the date on which such individual retires and ending with the date on which such individual would attain the expectation of life (determined in accordance with the official life table and in accordance with the applicable provisions of this Act as in effect on the first day of such period).

"(E) The term 'social security yield rate' means, with respect to an individual described in paragraph (1), the rate of yield that, if earned on the OASI tax amount determined with respect to such individual, for the period beginning with the date on which such taxes were paid and ending with the date on which such individual retires, would produce an amount equal to the present value of the OASI benefit annuity amount determined with respect to such individual.

"(F) The term 'OASI tax amount' means with respect to an individual described in paragraph (1), the amount of taxes paid to the Federal Old-Age and Survivors Insurance Trust Fund with respect to such individual under sections 3101(a), 3111(a), and 1401(a) of the Internal Revenue Code of 1954 during the 80 highest quarters of coverage for such individual.

"(G) The term 'cost-of-living computation quarter' shall have the meaning given to such term in subsection (i)(1)(B).

"(H) The term 'base quarter' shall have the meaning given to such term in subsection (i)(1)(A).

"(I) The term 'quarter of coverage' shall have the meaning given to such term in section 213(a)(2).

"(J) The term 'official life table' means the life table for total persons in the United States that is prepared decennially by the National Center for Health Statistics for the 3-year period centering around the year of the decennial population census.".

TITLE II—OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

CERTIFICATE OF GUARANTEED TAX-EXEMPT BENEFITS

SEC. 201. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"CERTIFICATE OF GUARANTEED TAX-EXEMPT BENEFITS

"SEC. 235. (a) The Secretary shall issue to each individual who is entitled to an old-age insurance benefit, or who has attained age 62 and is entitled to any other benefit under this title, a certificate of guaranteed tax-exempt benefits. Such certificate shall be issued at the time such individual first becomes entitled to a benefit under this title, or attains age 62, whichever is later.

"(b) The certificate issued pursuant to this section shall pledge the full faith and credit of the United States to guarantee that benefits shall be paid to such individual (and to other individuals on the basis of such individual's wages and self-employment income) under the provisions of this title as in effect on the date of issuance of such certificate (or as such benefits may be increased thereafter by Congress or under any automatic cost-of-living adjustment), and that such benefits shall not be subject to the tax on income under subtitle A of the Internal Revenue Code of 1954.

"(c) The certificate issued under this section shall also contain—

"(1) a statement of the total amount of the taxes paid by such individual and his employers under sections 3101(a), 3111(a), and 1401(a) of the Internal Revenue Code of 1954 with respect to such individual's wages and self-employment income; and

"(2) a statement that the certificate is nonnegotiable and nontransferrable.".

(b) The amendment made by subsection (a) shall apply to all individuals entitled to a monthly benefit under title II of the Social Security Act on or after the date of the enactment of this Act. The Secretary shall issue such certificates to those individuals who have attained age 62 and are entitled to such benefits on the date of the enactment of this Act within six months after such date of enactment, in the same manner as if they had first become entitled to an old-age insurance benefit on such date of enactment.

ANNUAL CONTRIBUTION AND BENEFIT STATEMENT

SEC. 202. (a) Section 205(c) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(9)(A) The Secretary shall issue an annual statement to each individual having a social security account number which shall indicate the amount of the taxes paid by such individual under sections 3101(a) and 1401(a) of the Internal Revenue Code of 1954 with respect to his wages and self-employment income for such year. The statement shall be issued prior to March 31 with respect to the wages and self-employment income for the preceding calendar year.".

"(B) The annual statement issued under subparagraph (A) shall also include a chart developed by the Secretary which shall list the approximate amount of the primary insurance amount of an individual who will attain age 65 during the succeeding 40 year period (broken down into such incremental time periods as the Secretary determines to be appropriate), based on current annual earnings levels (broken down into increments of $5,000) from covered employment, and based upon the projections of future wage and price levels then being used by the Secretary to predict long range actuarial status of the Federal Old-Age and Survivors Insurance Trust Fund. Such chart shall also show the amount of the taxes which are payable at each stated earnings level under section 3101(a) of the Internal Revenue Code of 1954. The chart shall also indicate that the benefit level of a worker aged 65 is equal to the primary insurance amount, and shall indicate the proportion of such primary insurance amount which is payable as an old-age or survivors benefit to other persons, in addition to such worker.

"(C) For the year in which an individual attains age 62, the Secretary shall also issue to each such individual a statement showing the amount of the monthly benefit for which such individual is eligible for the first month after attaining such age.".

(b) The amendment made by subsection (a) shall be effective with respect to calendar year 1983 and each calendar year thereafter.

TAX CREDIT FOR BENEFIT AMOUNTS RETURNED TO OASDI TRUST FUNDS

SEC. 203. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting after section 44H (as added by section 102 of this Act) the following new section:

"SEC. 44I. BENEFIT AMOUNTS RETURNED TO OASDI TRUST FUNDS.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount of social security benefits which are—

"(1) paid to the taxpayer from the Federal Old Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, and

"(2) returned by the taxpayer to such Trust Fund, during such taxable year.

"(b) LIMITATION.—The amount of any credit allowed to a taxpayer under subsection (a) shall not exceed—

"(1) $100, or

"(2) in the case of a married individual filing a joint return, $200, for a taxable year.

"(c) SOCIAL SECURITY BENEFIT.—For purposes of this section, the term 'social security benefit' means any amount paid to the taxpayer by reason of entitlement to a monthly benefit under title II of the Social Security Act.".

(b)(1) Subsection (b) of section 6401 of such Code (relating to excessive credit is treated as overpayments) is amended—

(A) by striking out "and 44H (relating to contributions to individual retirement security account)," and inserting in lieu thereof "44H (relating to contributions to individual retirement security account), and 44I (relat-

ing to benefit amounts returned to OASDI trust funds),", and

(B) by striking out "43 and 44H" and inserting in lieu thereof "43, 44H, and 44I".

(2) Paragraph (2) of section 55(f) of such Code (defining regular tax) is amended by striking out "43 and 44H" and inserting in lieu thereof "43, 44H, and 44I".

(c) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting before the item relating to section 45 the following new item:

"Sec. 44I. Benefit amounts returned to OASDI trust funds.".

(d)(1) Social security benefits returned to the Treasury of the United States pursuant to section 44I of the Internal Revenue Code of 1954 shall be credited to the trust fund from which such benefits were paid.

(2) For purposes of this subsection, the term "social security benefit" shall have the meaning given to such term in section 44I(c) of such Code.

(e) The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

REPEAL OF 1985 AND 1990 TAX INCREASES

SEC. 204. (a) Section 1401(a) of the Internal Revenue Code of 1954 is amended by inserting "and" at the end of paragraph (4) and by striking out paragraphs (5), (6), and (7) and inserting in lieu thereof the following:

"(5) in the case of any taxable year beginning after December 31, 1981 and before January 1, 1994, the tax shall be equal to 8.05 percent of the amount of the self-employment income for such taxable year.".

(b) Section 3101(a) of such Code is amended by inserting "and" at the end of paragraph (4) and by striking out paragraphs (5), (6), and (7) and inserting in lieu thereof the following:

"(5) with respect to wages received during the calendar years 1982 through 1993, the rate shall be 5.40 percent.".

(c) Section 3111(a) of such Code is amended by inserting "and" at the end of paragraph (4) and by striking out paragraphs (5), (6), and (7) and inserting in lieu thereof the following:

"(5) with respect to wages paid during the calendar years 1982 through 1993, the rate shall be 5.40 percent.".

COVERAGE OF ALL FEDERAL EMPLOYEES

SEC. 205. (a) Section 210(a) of the Social Security Act is amended—

(1) by repealing paragraph (5); and

(2) by amending paragraph (6) to read as follows:

"(6) Service performed in the employ of the United States or any instrumentality of the United States if such service is performed—

"(A) in a penal institution of the United States by an inmate thereof;

"(B) by any individual as an employee included under section 5351(2) of title 5, United States Code (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government), other than as a medical or dental intern or a medical or dental resident in training; or

"(C) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;".

(b) Section 210(p) of such Act is amended—

(1) by inserting "performed prior to January 1, 1984" after "any service"; and

(2) by inserting ", as in effect in January 1983," after "provisions".

(c) Section 3121(b) of the Internal Revenue Code of 1954 is amended—

(1) by repealing paragraph (5); and

(2) by amending paragraph (6) to read as follows:

"(6) service performed in the employ of the United States or any instrumentality of the United States if such service is performed—

"(A) in a penal institution of the United States by an inmate thereof;

"(B) by any individual as an employee included under section 5351(2) of title 5, United States Code (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government), other than as a medical or dental intern or a medical or dental resident in training; or

"(C) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;".

(d)(1) Section 3121 of the Internal Revenue Code of 1954 is amended by striking out subsection (u) thereof.

(2) Section 1402(b) of such Code is amended in the second sentence thereof by inserting "and" before "(B)" and by striking out ", and (C)" and all that follows through "3111(b)".

(3) Section 3122 of such Code is amended by striking out "including service which is medicare qualified Federal employment (as defined in section 3121(u)(2)),".

(e) The amendments made by this section shall be effective with respect to remuneration paid after December 31, 1983.

SHIFT OF COST-OF-LIVING ADJUSTMENTS

SEC. 206. (a)(1) Section 215(i)(2)(A)(ii) of the Social Security Act is amended by striking out "June" and inserting in lieu thereof "September".

(2) Section 215(i)(2)(A)(iii) of such Act is amended by striking out "May" and inserting in lieu thereof "August".

(3) Section 215(i)(2)(B) of such Act is amended by striking out "May" each place it appears and inserting in lieu thereof in each instance "August".

(4) Section 203(f)(8)(A) of such Act is amended by striking out "June" and inserting in lieu thereof "September".

(5) Section 230(a) of such Act is amended by striking out "June" and inserting in lieu thereof "September".

(6) Section 215(i)(2) of such Act as in effect in December 1978, and as applied in certain cases under the provisions of such Act as in effect after December 1978, is amended by striking out "June" in subparagraph (A)(ii) and inserting in lieu thereof "September", and by striking out "May" each place it appears in subparagraph (B) and inserting in lieu thereof in each instance "August".

(7) Section 202(m) of such Act (as it applies in certain cases by reason of section 2 of Public Law 97-123) is amended by striking out "May" and inserting in lieu thereof "August".

(8) The amendments made by this subsection shall apply with respect to cost-of-living increases determined under section 215(i) of the Social Security Act for years after 1982.

(b)(1) Section 215(i)(1)(A) of the Social Security Act is amended by striking out "March 31" and inserting in lieu thereof "June 30", and by striking out "1974" and inserting in lieu thereof "1982".

(2) Section 215(i)(1)(A) of such Act as in effect in December 1978, and as applied in certain cases under the provisions of such Act as in effect after December 1978, is amended by striking out "March 31" and inserting in lieu thereof "June 30".

(3) The amendments made by this subsection shall apply with respect to cost-of-living increases determined under section 215(i) of the Social Security Act for years after 1983.

(c) Section 215(i)(4) of such Act is amended by inserting ", and as amended by section 201 (a)(6) and (b)(2) of the Social Security Amendments of 1983," after "as in effect in December 1978".

PRORATION OF COST-OF-LIVING ADJUSTMENT

SEC. 207. (a) Section 215(i)(2)(A)(ii) of the Social Security Act is amended, in the second sentence, by inserting before the semicolon the following: ", and by adjusting such amount as required by paragraph (5) in the case of the initial cost-of-living increase".

(b) Section 215(i) of such Act is amended by adding at the end thereof the following new paragraph:

"(5)(A) The primary insurance amount, maximum benefit amount under section 203(a), and benefit amount under section 227 or 228 of any individual for the initial cost-of-living increase (as defined in subparagraph (B)(i)) shall be determined under paragraph (2)(A)(ii) by substituting for the percentage increase in the Consumer Price Index otherwise applicable under such paragraph, a percentage equal to—

"(i) such otherwise applicable percentage, multiplied by the number of months in the initial cost-of-living computation period (as defined in subparagraph (B)(ii)) which follow the month in which such individual becomes eligible for an old-age or disability insurance benefit, dies, or (in the case of benefits under section 227 or 228) becomes eligible for such benefit, divided by

"(ii) the number of months in such initial cost-of-living computation period.

"(B) For purposes of this paragraph—

"(i) the term 'initial cost-of-living increase' means the first increase under this subsection applicable to the primary insurance amount, maximum benefit amount under section 203(a), or benefit amount under section 227 or 228 of such individual; except that if a new primary insurance amount is determined with respect to an individual previously entitled to a disability insurance benefit (as described in subsection (a)(2)(C)), the first increase under this subsection applicable to such new primary insurance amount and maximum benefit amount shall also be an 'initial cost-of-living increase'; and

"(ii) the term 'initial cost-of-living computation period' means the period ending with the last day of the cost-of-living computation quarter (as determined under paragraph (1)(B)) used for purposes of the initial cost-of-living increase, and beginning with the first day of the quarter following (I) the most recent calendar quarter prior to such cost-of-living computation quarter which was a base quarter under paragraph (1)(A)(ii), or (II) if later, the most recent prior cost-of-living computation quarter.".

(c) The amendments made by this section shall be effective with respect to any "initial cost-of-living increase" (as defined in section 215(i)(5) of the Social Security Act) occurring after the date of the enactment of this Act.

GENERAL REVENUE FUNDING FOR ADMINISTRATIVE COSTS

SEC. 208. (a) Section 201(g) of the Social Security Act is amended—

(1) by striking out paragraph (1);

(2) in paragraph (3), by striking out "or (2)"; and

(3) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2).

(b) The amendments made by this section shall be effective with respect to costs incurred after the date of the enactment of this Act.

CREDITING AMOUNTS OF UNNEGOTIATED CHECKS TO TRUST FUNDS

SEC. 209. (a) The Secretary of the Treasury shall take such actions as may be necessary to ensure that amounts of checks for benefits under title II of the Social Security Act which have not been presented for payment within a reasonable length of time (not to exceed twelve months) after issuance are credited to the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, whichever may be the fund from which the check was issued. Amounts of any such check shall be recharged to the fund from which they were issued if payment is subsequently made on such check.

(b)(1) The Secretary of the Treasury shall transfer from the general fund of the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund and to the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to reimburse such Trust Funds in the total amounts of all currently unnegotiated benefit checks. After the amounts appropriated by this subsection have been transferred to the Trust Funds, the provisions of subsection (a) shall be applicable. There are hereby appropriated into such Trust Funds such sums as may be necessary to reimburse such Trust Funds for the amount of currently unnegotiated benefit checks. The first such transfer shall be made within 30 days after the date of the enactment of this Act with respect to all such unnegotiated checks as of such date of enactment.

(2) As used in paragraph (1), the term "currently unnegotiated benefit checks" means the checks issued under title II of the Social Security Act prior to the date of the enactment of this Act, which remain unnegotiated after the twelfth month following the date on which they were issued.

TRANSFER TO TRUST FUNDS FOR BENEFITS ATTRIBUTABLE TO MILITARY SERVICE BEFORE 1957

SEC. 210. (a) Section 217(g) of the Social Security Act is amended to read as follows:

"APPROPRIATION TO TRUST FUNDS

"(g)(1) Within 30 days after the date of the enactment of the Social Security Amendments of 1983, the Secretary shall determine the amounts which are the amounts estimated to be necessary to be transferred into each of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund on such date of enactment so that each such Trust Fund will be in the same position at the close of September 30, 2015 as each such Trust Fund would otherwise be in at the close of September 30, 2015 if section 210 of this Act as in effect prior to the Social Security Act Amendments of 1950, and this section, had not been enacted (less any amounts previously transferred under the provisions of this subsection as in effect prior to the date of the enactment of the Social Security Amendments of 1983). The rate of interest to be used in initially determining such amount shall be the rate determined under section 201(d) for public debt obligations which were or could have been issued for purchase by such Trust Funds on the date of the enactment of the Social Security Amendments of 1983, and the assumptions with respect to future increases in wage and price levels shall be consistent with such rate of interest. The Secretary of the Treasury shall transfer the amounts determined under this paragraph into such Trust Funds from the general fund in the Treasury within 30 days after the date of the enactment of the Social Security Amendments of 1983. There are hereby appropriated into such Trust Funds sums equal to the amounts to be transferred in accordance with this paragraph into such Trust Funds.

"(2) The Secretary shall revise the amount determined under paragraph (1) within one year after the date of the transfer made under paragraph (1), and every five years thereafter, as warranted by data which may become available to him after the date of the transfer under paragraph (1) based upon actual benefits paid under this title and title XVIII. Any amounts determined to be needed for transfer shall be transferred annually by the Secretary of the Treasury into the appropriate Trust Fund from the general fund in the Treasury, or out of the appropriate Trust Fund into the general fund in the Treasury, as may be appropriate. There are authorized to be appropriated to such Trust Funds sums equal to the amounts to be transferred in accordance with this paragraph into such Trust Funds.".

PAYMENTS TO TRUST FUNDS OF AMOUNTS EQUIVALENT TO TAXES ON SERVICE IN THE UNIFORMED SERVICES PERFORMED AFTER 1956

SEC. 211. (a) Section 229(b) of the Social Security Act is amended to read as follows:

"(b) There are authorized to be appropriated to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund, for each fiscal year, amounts equal to the additional amounts which would be appropriated into each such Trust Fund for such fiscal year under sections 201 and 1817 of this Act if the amounts of the additional wages deemed to have been paid by reason of subsection (a) constituted remuneration for employment (as defined in section 3121(b) of the Internal Revenue Code of 1954) for purposes of the taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954.".

(b) The amendment made by subsection (a) shall be effective with respect to wages deemed to have been paid for calendar years after 1982.

(c)(1) Within 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall determine the amounts equal to the additional amounts which would have been appropriated into the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund under sections 201 and 1817 of the Social Security Act, if the additional wages deemed to have been paid under section 229(a) of the Social Security Act prior to 1983 had constituted remuneration for employment (as defined in section 3121(b) of the Internal Revenue Code of 1954) for purposes of the taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954, and the amount of interest which would have been earned on such amounts if they had been so appropriated.

(2)(A) The Secretary of the Treasury shall, within 30 days after the date of the enactment of this Act, transfer into each such Trust Fund, from the general fund in the Treasury, an amount equal to the amount determined with respect to such Trust Fund under paragraph (1), less any amount appropriated into such Trust Fund under the provisions of section 229(b) of the Social Security Act prior to the date of the determination made under paragraph (1) with respect to wages deemed to have been paid for calendar years prior to 1983. There are hereby appropriated into such Trust Funds sums equal to the amounts to be transferred in accordance with this subparagraph into such Trust Funds.

(B) The Secretary shall revise the amount determined under subparagraph (A) within one year after the date of the transfer made under paragraph (1), as warranted by data which may become available to him after the date of the transfer under subparagraph (A) based upon actual benefits paid under this title and title XVIII. Any amounts determined to be needed for transfer shall be transferred by the Secretary of the Treasury into the appropriate Trust Fund from the general fund in the Treasury, or out of the appropriate Trust Fund into the general fund in the Treasury, as may be appropriate. There are authorized to be appropriated to such Trust Funds sums equal to the amounts to be transferred in accordance with this subparagraph into such Trust Funds.

INCREASE IN DROPOUT YEARS FOR TIME SPENT IN CHILD CARE

SEC. 212. (a) Section 215(b)(2)(A) of the Social Security Act is amended, in the third sentence thereof—

(1) by striking out "clause (ii)" each place it appears and inserting in lieu thereof in each instance "clause (i) or (ii)";

(2) by striking out "the age of 3" each place it appears and inserting in lieu thereof in each instance "the age of 6";

(3) by striking out "a combined total not exceeding 3" and inserting "a combined total not exceeding 11"; and

(4) by striking out "had no earnings as described in section 203(f)(5) in such year" and inserting in lieu thereof "had earnings in such year (as described in section 203(f)(5)) of not more than an amount equal to 50 percent of the average of the total wages (as determined by the Secretary for purposes of paragraph (3)(A)(ii)(I)) for the second calendar year preceding such year".

(b) The amendments made by this section shall apply with respect to monthly benefits payable for months beginning after the date of the enactment of this Act.

BENEFITS FOR SURVIVING DIVORCED SPOUSES AND DISABLED WIDOWS AND WIDOWERS WHO REMARRY

SEC. 213. (a)(1) Section 202 (e)(3) of the Social Security Act is repealed.

(2) Section 202(e)(4) of such Act is amended to read as follows:

"(4) For purposes of paragraph (1), if—

"(A) a widow or a surviving divorced wife marries after attaining age 60, or

"(B) a disabled widow or disabled surviving divorced wife described in paragraph (1)(B)(ii) marries after attaining age 50,

such marriage shall be deemed not to have occurred.".

(b)(1) Section 202(f)(4) of such Act is repealed.

(2) Section 202(f)(5) of such Act is amended to read as follows:

"(5) For purposes of paragraph (1), if—

"(A) a widower marries after attaining age 60, or

"(B) a disabled widower described in paragraph (1)(B)(ii) marries after attaining age 50,

such marriage shall be deemed not to have occurred.".

(c)(1) The amendments made by subsection (a) shall be effective with respect to monthly benefits payable under title II of the Social Security Act for months after December 1983.

(2) In the case of an individual who was not entitled to a monthly benefit under title II of such Act for December 1983, no benefit shall be paid under such title by reason of such amendments unless proper application for such benefit is made.

DETERMINATION OF PRIMARY INSURANCE AMOUNT OF DEFERRED SURVIVOR BENEFITS

SEC. 214. (a) Section 215(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(8)(A) If a person is entitled to benefits under subsection (e) or (f) of section 202 on the basis of the wages and self-employment income of a deceased individual whose primary insurance amount would otherwise be determined under paragraph (1), the primary insurance amount of such deceased individual shall be determined, for purposes of determining the amount of the benefit under such subsection, as if such deceased individual died in the year in which the person entitled to benefits under such subsection first became eligible for such benefits or, if earlier, the year in which such deceased individual would have attained age 60 if he had not died (except that the actual year of death of such deceased individual shall be used for purposes of section 215(b)(2)(B)(ii)(II)).

"(B) Notwithstanding subparagraph (A), if a person—

"(i) is entitled to benefits under subsection (e) or (f) of section 202 on the basis of the wages and self-employment income of a deceased individual, and

"(ii) was entitled to benefits under this title on the basis of the wages and self-employment income of such deceased individual in the month before the month in which such person became eligible for the benefits described in clause (i),

the primary insurance amount of such deceased individual shall be the primary insurance amount determined under the rules which would apply (but for subparagraph (A)) or the primary insurance amount determined under subparagraph (A), whichever is larger.

"(C) For purposes of determining the maximum family benefit amount with respect to a deceased individual for whom a primary insurance amount is determined under this paragraph, the primary insurance amount of such deceased individual shall be the primary insurance amount determined under the rules which would apply (but for this paragraph) or the primary insurance amount determined under this paragraph, whichever is larger.".

(b) The amendments made by subsection (a) shall apply to the benefits of individuals who become eligible for benefits under sections 202 (e) and (f) of the Social Security Act after December 1983.

BENEFITS FOR DIVORCED SPOUSE REGARDLESS OF WHETHER FORMER SPOUSE HAS RETIRED

SEC. 215. (a) Section 202(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(5) For purposes of determining the entitlement of a divorced wife to a benefit under this subsection and the amount of such benefit, in the case of a wife who has been divorced from her former husband for a period of not less than 24 months—

"(A) such former husband shall be deemed to be entitled to an old-age insurance benefit if he would be entitled to such a benefit if he applied therefor; and

"(B) the amount of such benefit for such divorced wife shall be determined without regard to reductions which are or would be made under section 203 on account of work performed by such former husband.".

(b)(1) The amendment made by subsection (a) shall be effective with respect to monthly benefits payable under title II of the Social Security Act for months after December 1983.

(2) In the case of an individual who was not entitled to a monthly benefit under title II of such Act for December 1983, no benefit shall be paid under such title by reason of such amendment unless proper application for such benefit is made.

INCREASE IN BENEFIT AMOUNT FOR DISABLED WIDOWS AND WIDOWERS

SEC. 216. (a)(1) Section 202(q)(1) of the Social Security Act is amended by striking out the semicolon at the end of subparagraph (B)(ii) and all that follows and inserting in lieu thereof a period.

(2) Section 202(q)(6) of such Act is amended to read as follows:

"(6) For purposes of this subsection, the 'reduction period' for an old-age, wife's, husband's, widow's, or widower's insurance benefit is the period beginning—

"(A) in the case of an old-age or husband's insurance benefit, with the first day of the first month for which such individual is entitled to such benefit,

"(B) in the case of a wife's insurance benefit, with the first day of the first month for which a certificate described in paragraph (5)(A)(i) is effective, or

"(C) in the case of a widow's or widower's insurance benefit, with the first day of the first month for which such individual is entitled to such benefit or the first day of the month in which such individual attains age 60, whichever is later,

and ending with the last day of the month before the month in which such individual attains retirement age.".

(3) Section 202(q)(7) of such Act is amended by striking out the matter preceding subparagraph (A) and inserting in lieu thereof the following:

"(7) For purposes of this subsection, the 'adjusted reduction period' for an old-age, wife's, husband's, widow's, or widower's insurance benefit is the reduction period prescribed in paragraph (6) for such benefit, excluding—".

(4) Paragraphs (1)(B)(i), (3)(E)(ii), and (3)(F)(ii) of section 202(q) of such Act are each amended by striking out "(6)(A)" and inserting in lieu thereof in each instance "(6)".

(5) Section 202(q)(3)(G) of such Act is amended by striking out "paragraph (6)(A) (or, if such paragraph does not apply, the period specified in paragraph (6)(B))" and inserting in lieu thereof "paragraph (6)".

(6) Section 202(q)(10) of such Act is amended—

(A) by striking out "or an additional adjusted reduction period";

(B) in subparagraphs (B)(i), (C)(i), and (C)(ii), by striking out ", plus the number of months in the adjusted additional reduction period multiplied by 43/240 of 1 percent"; and

(C) in subparagraph (B)(ii), by striking out ", plus the number of months in the additional reduction period multiplied by 43/240 of 1 percent".

(b)(1) The amendments made by this section shall be effective with respect to monthly benefits under title II of the Social Security Act for months after December 1983.

(2) In the case of an individual who was not entitled to a monthly benefit under title II of such Act for December 1983, no benefit shall be paid under such title by reason of such amendments unless proper application for such benefit is made.

SHARING OF EARNINGS BY MARRIED COUPLES

SEC. 217. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"SHARING OF EARNINGS BY MARRIED COUPLES

"SEC. 236. (a)(1) The combined earnings of an individual and his or her spouse, to the extent that such earnings are attributable to the period of their marriage (as determined under paragraph (2)), shall be divided equally between them and shared in accordance with this section for purposes of determining their eligibility for old-age or disability insurance benefits and the amount of the old-age or disability insurance benefits to which each of them is or may become separately entitled, if they are divorced, and either of them elects, in such manner and form as the Secretary shall prescribe but in any event within 12 months after the divorce becomes final, to have such combined earnings so divided and shared.

"(2) For purposes of this section with respect to any two individuals who are married to each other and are then divorced, the 'period of their marriage' is the period—

"(A) beginning with the first day of the calendar year in which their marriage occurred, and

"(B) ending with the last day of the calendar year in which their divorce becomes final.

"(b)(1) Except to the extent otherwise provided in subsections (c) and (d), whenever two individuals are to have their combined earnings divided and shared in accordance with subsection (a) they shall each be credited for all of the purposes of this title with wages and self-employment income, for each calendar year for which either of them is credited with any wages and self-employment income without regard to this section during the period of their marriage, in an amount equal to 50 percent of the combined total of the wages and self-employment income otherwise credited to both of them for that year.

"(2) Nothing in this section shall have any effect upon the crediting of wages and self-employment income to any individual for any calendar year not included in the period of such individual's marriage; but to the extent that wages and self-employment income are credited pursuant to this section the other provisions of this title specifying the manner in which wages and self-employment income are to be credited shall (to the extent inconsistent with this section) not be applicable.

"(c) This section shall not apply with respect to any surviving divorced spouse for

any month, and any widow's, widower's, or mother's insurance benefit payable to which such spouse is entitled under this title for any month shall be determined as though this section had not been enacted, if the application of this section would result in either divorced spouse becoming ineligible for any benefit under this title by reason of an insufficient number of quarters of coverage.

"(d) Notwithstanding any of the preceding provisions of this section—

"(1) benefits payable under subsection (d) or (h) of section 202 on the basis of the wages and self-employment income of any individual, and benefits payable under subsection (b), (c), (e), (f), or (g) of such section 202 (on the basis of such wages and self-employment income) to any person other than a divorced spouse or surviving divorced spouse who has shared in or been credited with a part of such individual's earnings under subsections (a) and (b) of this section, shall be determined as though this section had not been enacted if (A) the application of this section has changed such individual's primary insurance amount from what it would otherwise have been, and (B) the crediting of wages and self-employment income to such individual and his or her former spouse without regard to this section would increase the amount of such benefits; and

"(2) in the application of section 203(a) (relating to maximum family benefits) with respect to benefits payable on the basis of the wages and self-employment income of any individual, where all or any part of the wages and self-employment income of such individual and his or her former spouse was credited to them in accordance with this section, the primary insurance amount of such individual (and the crediting of his or her wages and self-employment income) shall be determined in accordance with this section but the benefits payable to any other person on the basis of the wages and self-employment income of such individual shall be determined as though this section had not been enacted and as though such person had made application for any benefit or benefits to which he or she would (upon such application) be entitled.".

(b) Section 205(c)(5) of the Social Security Act is amended—

(1) by striking out "or" at the end of subparagraph (I);

(2) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(K) to reflect any changes in the crediting of wages and self-employment income which may be necessitated by section 236.".

(c) Section 215(b) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) The determination of the wages and self-employment income to be credited to an individual under this subsection shall in all cases be made after the application of section 236.".

(d) The amendments made by this section shall apply only with respect to divorces occurring or becoming final after the date of the enactment of this Act, and with respect to the payment of benefits for months after such date of enactment.

RESTRICTIONS ON PAYMENT OF BENEFITS TO NONRESIDENT ALIENS

SEC. 218. (a) Section 202(t)(1) of the Social Security Act is amended to read as follows:

"(1)(A) Notwithstanding any other provision of this title, any monthly benefits otherwise payable under this section or section 223 for any month to any individual who is not a citizen or national of the United States, if such individual—

"(i) has not been lawfully admitted to the United States for permanent residence, or

"(ii) has been outside the United States for a period of more than six consecutive calendar months while entitled to benefits under this title;

and any monthly benefits otherwise payable to any person for any month under this section or section 223 on the basis of the wages and self-employment income of an individual who is himself subject to the preceding provisions of this subparagraph for that month, shall be subject to the limitations set forth in subparagraph (B).

"(B) The total amount of any monthly benefits described in subparagraph (A) payable to an individual described in such subparagraph shall be limited to—

"(i) in the case of an individual entitled to such benefits who is the only individual so entitled to benefits on the basis of the wages and self-employment income upon which such benefits are payable, an amount equal to the sum of—

"(I) the total amount of taxes paid under sections 3101 and 1401 of the Internal Revenue Code of 1954 (or the corresponding provisions of prior law) with respect to such wages and self-employment income; and

"(II) the interest payable on the taxes so paid (computed at the prevailing rate of interest payable on United States Treasury bills for the period after such taxes were paid and before such individual became entitled to such benefits); or

"(ii) in the case of an individual entitled to such benefits who is one of several individuals so entitled to benefits on the basis of the wages and self-employment income upon which such benefits are payable, an amount equal to that portion of such taxes and such interest which is attributable to such individual's entitlement, as determined in regulations by the Secretary.

After monthly benefits totalling such amount have been paid, such individual shall have no further entitlement to benefits based upon the same wages and self-employment income.

"(C) For purposes of subparagraph (B), benefits paid under section 202 or 223 before the date of enactment of this paragraph to an individual to whom subparagraph (A) applies shall be taken into account in determining the total amount of monthly benefits paid to such individual.

"(D) Subparagraph (A)(i) shall not apply with respect to any individual within the United States if the benefit involved is payable to such individual as the wife, husband, child, or survivor of a citizen or national of the United States or of an alien lawfully admitted to the United States for permanent residence.

"(E) Subparagraph (A)(ii) shall not apply with respect to any individual if—

"(i) the benefit involved is payable to such individual as the dependent or survivor of a citizen or national of the United States who resides outside the United States and has attained age 50 (or who died outside the United States after attaining that age), and

"(ii) the spousal, filial, parental, or other relationship upon which the entitlement of such individual to such benefit is based existed at the time such citizen or national attained age 50.

"(F) The application of subparagraph (A) to an individual by reason of clause (ii) thereof shall not preclude such individual from being paid benefits under this title under an entitlement to such benefits established on the basis of wages and self-employment income other than the wages and self-employment income on the basis of which he was entitled to benefits at the time he was outside the United States for more than six consecutive months.

"(G) An individual to whom subparagraph (A) applies by reason of clause (ii) shall not, upon returning to the United States, become entitled to the benefits which would be payable to such individual (but for such subparagraph) on the basis of the wages and self-employment income with respect to which he was entitled to benefits at the time he was outside the United States for more than six consecutive months.

"(H) For purposes of this paragraph, an individual shall be considered to have been outside the United States for any calendar month if the Secretary, on the basis of information furnished to him by the Attorney General or information which otherwise comes to his attention, determines that such individual was outside the United States during all of such calendar month. In applying the preceding sentence, an individual who has been outside the United States for any period of 30 consecutive days shall be treated as remaining outside the United States until he has been in the United States for a period of 30 consecutive days.

"(I) For purposes of this paragraph, the term 'United States' (when used in either a geographical or political sense) means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.".

(b) Paragraphs (2) and (3) of section 202(t) are repealed.

(c) Section 202(t)(4) of such Act is amended—

(1) by striking out subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C); and

(3) by striking out the semicolon at the end of subparagraph (C) (as so redesignated) and all that follows and inserting in lieu thereof a period.

(d) The heading of section 202(t) of such Act is amended by adding at the end thereof the following: "; Restrictions on Payment of Benefits to Nonresident Aliens".

(e) The amendments made by this section shall apply with respect to months after the month in which this Act is enacted.

DUE PROCESS REQUIREMENTS FOR TERMINATION OF DISABILITY BENEFITS

SEC. 219. (a) Section 221(d) of the Social Security Act is amended by inserting "(1)" before "(d)" and by adding at the end thereof the following new paragraph:

"(2)(A) In any case where—

"(i) an individual is a recipient of disability insurance benefits, or of child's, widow's, or widower's insurance benefits based on disability, and

"(ii) a preliminary finding is made that the physical or mental impairment on the basis of which such benefits are payable has ceased, did not exist, or is no longer disabling (as determined in accordance with subparagraph (B)),

such benefits may not be terminated until such preliminary finding has been upheld after a hearing by the Secretary as provided in section 205(b). The Secretary shall provide opportunity for such hearing at a time and place reasonably accessible to the individual. Failure without good cause to appear at such hearing shall constitute a waiver of the right to such a hearing prior to termination.

"(B)(i) Except as provided in clause (ii), no benefits described in subparagraph (A) may be terminated on the grounds that the physical or mental impairment on the basis of which such benefit was payable has ceased, did not exist, or is no longer disabling, unless the Secretary makes a finding that there has been a medical improvement in the case of such individual's impairment such that the individual is no longer under a disability under the standards for disability in effect at the time of such prior decision, or that the prior decision that such individual was under a disability was clearly erroneous under the standards for disability in effect at the time of such prior decision.

"(ii) Clause (i) shall not apply in the case of a termination of benefits based upon a finding made in accordance with section 223(d)(4) that services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, or to a termination based on a finding of fraud.".

(b) Section 223 of such Act is amended by striking out subsection (g).

(c) Section 205(b) of such Act is amended by striking out "(1)" after "(b)" and by striking out paragraph (2).

(d) Section 5 of Public Law 97-455 is repealed.

(e) The amendments made by this section shall apply with respect to determinations (that individuals are not entitled to benefits) made after the date of the enactment of this Act.

REPEAL OF EARNINGS LIMITATION FOR BENEFICIARIES AGE 65 OR OLDER

SEC. 220. (a) Section 203(c)(1) of the Social Security Act is amended by striking out "seventy" and inserting in lieu thereof "65".

(b) The last sentence of section 203(c) of such Act is amended by striking out "nor shall any deduction" and all that follows and inserting in lieu thereof "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefits if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.".

(c) Section 203(d)(1) of such Act is amended by striking out "seventy" and inserting in lieu thereof "65".

(d) Section 203(f)(1) of such Act is amended—

(1) in clause (B), by striking out "seventy" and inserting in lieu thereof "65";

(2) by amending clause (D) to read as follows: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,"; and

(3) by striking out "the applicable exempt amount" each place it appears and inserting in lieu thereof in each instance "the exempt amount".

(e) Section 203(f)(3) of such Act is amended—

(1) by striking out "applicable exempt amount" and inserting in lieu thereof "exempt amount"; and

(2) by striking out "70" and inserting in lieu thereof "65".

(f) Section 203(f)(4)(B) of such Act is amended by striking out "applicable exempt amount" and inserting in lieu thereof "exempt amount".

(g) Section 203(f)(8)(A) of such Act is amended by striking out "exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting in lieu thereof "exempt amount which is to be applicable".

(h) Section 203(f)(8)(B) of such Act is amended—

(1) by striking out "Except as otherwise provided in subparagraph (D), the exempt amount which is applicable to individuals described in such subparagraph and the exempt amount which is applicable to other individuals, for each month of a particular taxable year, shall each be" and inserting in lieu thereof "The exempt amount for each month of a particular taxable year shall be";

(2) in clause (i), by striking out "corresponding"; and

(3) in the matter following clause (ii), by striking out "an exempt amount" and inserting in lieu thereof "the exempt amount".

(i) Section 203(f)(8) of such Act is amended by striking out subparagraph (D) thereof.

(j) Section 203(h)(1)(A) of such Act is amended—

(1) by striking out "applicable exempt amount" and inserting in lieu thereof "exempt amount"; and

(2) by striking out "70" each place it appears and inserting in lieu thereof in each instance "65".

(k) Section 203(j) of such Act is amended—

(1) by striking out "Seventy" in the heading thereof and inserting in lieu thereof "Sixty-five"; and

(2) by striking out "seventy" and inserting in lieu thereof "65".

(l) Section 202(w)(2) of such Act is amended by inserting "prior to January 1, 1984" after "the total number of months".

(m) The amendments made by this section shall be effective with respect to taxable years beginning on or after January 1, 1984.

By Mr. WALLOP:

S. 542. A bill to amend the act of July 15, 1968 (82 Stat. 356) Public Law 90-401, to include units of the national forest system within the provisions of the act, and for other purposes; to the Committee on Energy and Natural Resources.

PURCHASE AND CONVEYANCE OF CERTAIN LAND BY THE U.S. GOVERNMENT

● Mr. WALLOP. Mr. President, I am again introducing legislation that would amend an existing law (Public Law 90-401) to authorize two Federal land managing agencies, the National Park Service and the U.S. Forest Service, to purchase tracts of land in fee and convey these tracts with convenants, a freehold or leasehold subject to terms and conditions on the tracts that assures the property is used consistent with the purposes for which the area in which the tracts are located was established by Congress.

The present law is changed by adding the national forest system to the provisions of Public Law 90-401 and letting the proceeds of any sale go directly to the agency for reuse in land acquisition in the specific area.

S. 271, the amendments to the National Trails System Act, which passed the Senate on February 3, 1983, contained similar additional authority for areas in the National Trails System.

Mr. President, this authority, to acquire and resell or lease or to sell, has not been used extensively as the time period in which a previous owner could exercise a right of first refusal was 2 years and land managers could and would not use the option due to the long time factors involved.

Mr. President, I urge my colleagues to examine these amendments to current authority. This proposal is one of many considered in the last Congress in land protection workshops held by the Subcommittee on Public Lands and Reserved Water. It is another alternative to costly fee acquisition where a lesser interest may be called for.

The proposed authority would not apply to national parks or national monuments, or national forest wilderness areas or monuments in the national forest system.

The bill is not intended to give new authority to sell off Federal lands to reduce the public debt or to decrease the size of the national park system or national forest system, but rather as a dollar stretching tool in land protection in tough budget times.●

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 543. A bill to designate certain national forest system lands in the State of Wyoming for inclusion in the national wilderness preservation system, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes; to the Committee on Energy and National Resources.

WYOMING WILDERNESS ACT OF 1983

Mr. WALLOP. Mr. President, today I am introducing, along with Senator SIMPSON, the Wyoming Wilderness Act of 1983. Our other Wyoming colleague, Representative CHENEY, is likewise introducing companion legislation in the House of Representatives.

In a nutshell, this bill would add seven new areas covering some 650,000 acres to Wyoming's existing 2.2 million acre wilderness system; release 3.4 million acres of RARE II land in our State for normal, multiple use management; free Wyoming's forests from the Forest Service's recently announced RARE III; and legislatively withdraw in perpetuity all wilderness in Wyoming from oil, gas, and mineral leasing and development.

This bill follows on the heels of similar legislation which was introduced in the 97th Congress. As my colleagues

will recall, in February 1982 Senator SIMPSON and I introduced S. 2118. That legislation and its House counterpart, H.R. 5625, were the subject of a total of four congressional hearings and workshops last year. In March of last year the House Subcommittee on Public Lands and National Parks held a field hearing in Cody, Wyo., on this bill and the general subject of mineral leasing and development in wilderness areas. On April 30 I chaired a 9-hour Casper, Wyo., field hearing by the Senate Public Lands and Reserved Water Subcommittee on S. 2118, where we heard from over 80 witnesses. The next day the Wyoming congressional delegation held a day-long workshop in Riverton, Wyo., in order to provide additional opportunity for people to comment on our proposal. Finally, on August 18, I chaired another Public Lands Subcommittee hearing on this measure in Washington, D.C.

In addition, the delegation received thousands of letters, phone calls and other comments on this proposal, and we also reviewed the voluminous public record which the Forest Service had gathered during its RARE II and other wilderness proceedings over the last decade. With all of this information in hand, and working with the Governor of Wyoming, the delegation last fall announced certain changes to our original bill, most notably an increase in the amount of new wilderness which we were proposing from the original level of 480,000 acres to almost 680,000 acres.

On September 15, the Senate Energy and Natural Resources Committee, by a recorded vote of 17 to 0, passed the revised bill and sent it to the Senate floor. On December 16 the Senate passed the legislation by unanimous consent and sent it to the House of Representatives. Unfortunately, and in spite of Congressman CHENEY's best attempts, a combination of events precluded it from further consideration and it died.

The Wyoming congressional delegation is reintroducing this legislation, substantially unchanged, because it is still needed to resolve National Forest land management questions in Wyoming. The 1982 proposal was designed principally to deal with two major land management issues facing the Forest Service: the possibility of oil and gas leasing and development in wilderness; and the unfinished business of RARE II. Since that bill was introduced 1 year ago there have been a number of new developments which continue to underscore the need for statewide legislation.

On the issue of oil and gas leasing, Secretary of the Interior James Watt agreed last year not to lease any Forest Service wilderness areas until the end of the year, in order to give Congress time to deal with this issue. Late last year, in the 1983 Department of the Interior appropriations bill, Congress enacted a provision of law barring DOI from leasing any national forest wilderness through the end of fiscal year 1983, which ends on September 30. Unfortunately that legislation went overboard in also withdrawing millions of acres of nonwilderness, and I ask unanimous consent that a December 16 Denver Post editorial on this subject be reprinted at the end of my remarks. Secretary Watt has since pledged not to lease any national forest wilderness areas between the end of this fiscal year and January 1, 1984, at which time the prohibitions in the Wilderness Act of 1984 go into effect and prohibit any future oil, gas, and mineral leasing in wilderness. These actions represent a victory for those of us who have long sought to block oil and gas leasing in wilderness. It is heartening to know that beautiful areas like Washakie Wilderness in northwest Wyoming will no longer face any danger of oil rigs disturbing its pristine beauty. This bill guarantees that protection in perpetuity by legislatively blocking all oil and gas leasing in forest wilderness in Wyoming, subject to valid existing rights.

Meanwhile, the need to resolve RARE II has taken on a new urgency as the result of a recent nineth circuit court of appeals decision. On October 22, 1982, the nineth circuit upheld an earlier California court finding that the Forest Service's RARE II EIS, released in 1979, was inadequate and violated NEPA. This has blocked planning on all California RARE II lands and raises the possibility of a similar legal challenge in every State where a wilderness bill has not resolved RARE II. This is clearly unacceptable as it places forest planning in jeopardy across the country. As a result, the Forest Service announced on February 1 of this year that it will restudy all RARE II lands for possible wilderness classification as part of its forest planning process now underway on forests across the Nation, including those in Wyoming. This essentially amounts to a RARE III on a forest-by-forest basis, and means that in the next year or two every forest supervisor must go back to the drawing board and restudy, once again, all roadless lands for new wilderness or nonwilderness recommendations, at an estimated cost of between $15 to $30 million. This bill would quickly resolve this specter of yet another wilderness review in Wyoming by enacting so-called "sufficiency language". Such language has been enacted in other State wilderness bills, and says simply that the RARE II EIS is legally sufficient and cannot be challenged in court. This is urgently needed and is a major reason this bill should be enacted. There is one noteworthy change from last year's bill in this year's version. Whereas last year's bill designated the 27,400-acre Laramie Peak area in southeast Wyoming as new wilderness, this bill does not. After the delegation decided last fall to include a Laramie Peak wilderness in our bill, we heard from a number of people in eastern Wyoming who strongly opposed such a designation. In addition to other concerns, they were principally worried about what wilderness designation might mean to the electronic site which sits on top of Laramie Peak and provides a vital link for radio and television transmissions to much of eastern Wyoming as well as parts of Nebraska and Colorado. The site includes radio and TV transmission towers, buildings housing electronic facilities, a helicopter landing pad, and other equipment owned and operated by the Forest Service and private owners under special use permits, and serviced by motorcycle access up the west side of the mountain and a power transmission line down the east side. While our 1982 proposal excluded those facilities from the wilderness area by locating them in a nonwilderness corridor, many people who depend on those radio and TV services were understandably alarmed that the nearby wilderness might prove a major problem at some point in time. After reviewing these comments, the congressional delegation agreed to drop Laramie Peak from further wilderness consideration. Our legislation would, of course, still leave the Forest Service with the management discretion to manage it in a roadless manner or otherwise protect it from adverse development.

The bill includes several other minor changes. We have dropped the section included in last year's bill which set up a process for opening a Wyoming wilderness area to minerals exploration, development, or extraction in the case of a national emergency. This provision was long and hard to understand, and the delegation decided it was unnecessary since such authority already exists. Since the 1983 Department of the Interior Appropriations bill withdrew from mineral leasing a number of RARE II recommended wilderness and further planning areas which this bill releases for nonwilderness management, we have restored the authority to lease them. We have made some other minor language changes for clarification purposes.

Mr. President, this bill was controversial in Wyoming last year, and I expect it will be this year as well. Certain environmentalists tried to block it with charges that the release language would somehow mandate destruction of all nonwilderness, and sought with their alternative W to place fully one-half of all Wyoming forest lands in wilderness status. Others protested that our bill went too far and created too much wilderness. All of this has

convinced the delegation that we will never be able to write a bill which satisfies everyone, and that this legislation strikes a good, reasonable balance between hotly competing interests which benefits the majority of people in our State and Nation. We all remain committed to pressing for enactment of this legislation this year, as early as possible.

Mr. President, I also ask unanimous consent that a summary of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Dec. 16, 1982]

THE SENATE'S RESOURCE LOCKUP

Instead of acting forthrightly, the U.S. Senate banned mineral exploration in wilderness areas with a last-minute rider on an appropriations bill.

The Senate thus joins the House in closing millions of Western acres to oil, gas and other development. Wilderness is off limits—as expected. The closing of such areas was only a year away, anyway. But Congress also closed up "further study" areas; these can't even be studied or inventoried as a guide to their potential economic value.

This certainly wasn't Congress' intent in the Wilderness Act of 1964. The bill specifically allowed exploration and leasing *in wilderness* until Dec. 31, 1983. It didn't even hint at banning non-wilderness exploration.

"We are shut down, period," said a U.S. Interior Department spokesman in Washington after the vote. "We are banned from leasing even in the Forest Service study and RARE II areas." (He referred to Roadless Area Review and Evaluation studies by the Forest Service, whose mineral leasing is handled by Interior).

Colorado isn't seriously affected because this state in 1980 won congressional approval of its wilderness plans. Elsewhere in the West, however, there are serious questions. In trying to blunt Senate action, Idaho's two senators said their state has 8,000 timber and mine workers either jobless or working part time. Most Idahoans favor wilderness preserves, but to lock up study areas without an inventory is reckless in economic terms.

We think immediately of the Overthrust Belt, a heavily folded upthrust area which runs north from Utah and along the Idaho-Wyoming border. Its geology is complex, and only recently has its potential been grasped.

The Anschutz Ranch East Field near Evanston, Wyo., for example, was discovered in the late 1970s. In just 10 square miles—an area far smaller than Denver—drillers have found 1 billion barrels of oil and gas reserves. That's a tenth the size of Alaska's Prudhoe Bay oil deposits. In a half-century, the Denver-Julesburg Basin, which sprawls out for 300 miles in eastern Colorado, has produced only 635 million barrels.

Not far north of Anschutz is a promising oil prospect, the Palisades wilderness study area. It is also in the Overthrust and, although untested, resembles Anschutz.

Dallas L. Peck, director of the U.S. geological Survey, says:

"The (Palisades) structure . . . is similar to that in the productive southern part of the Overthrust Belt and contains many folds and faults suitable for the entrapment of oil and gas . . . We are not aware of any exploratory holes within the area . . . nevertheless, all the foregoing geologic observations make the area highly favorable for oil and gas exploration."

A reasonable citizen might ask Congress why it is locking up so much potential without even looking at it. At a time when we are paying Saudis $34 a barrel for imported oil, one would think our domestic resources could at least be tested.

Not every area can be drilled; scenic priorities may dictate otherwise. But it's possible that even driling can be done without damage in some carefully selected sites. We should at least inventory what we have and not blindly set aside high-potential tracts as a sort of future "mystery resource."

WYOMING WILDERNESS ACT OF 1983

SUMMARY

The Wyoming Wilderness Act of 1983 was introduced in the House by Congressman Dick Cheney and in the Senate by Senators Malcolm Wallop and Alan Simpson. Similar legislation was introduced by the Wyoming delegation last year, and the bill was discussed at a House Interior Committee field hearing in Cody, and at subsequent Senate Energy and Natural Resources Committee hearings in Casper, Riverton, and Washington, D.C.

In December, 1982, the Wyoming bill was unanimously approved by the U.S. Senate, but because of the short amount of time remaining in that year's Congressional session, was not considered by the House.

Following is information about the 1983 version of the Wyoming Wilderness Bill:

PURPOSES AND OBJECTIVES OF THE BILL

The purpose of this legislation is to address two major areas of controversey and concern in Wyoming regarding the management of the state's 9.2 million acres of National Forest System lands:

1. The question of oil and gas development in existing wilderness areas; and

2. Numerous problems created by the Forest Service's several studies of Wyoming forest lands, including RARE I, RARE II, and yet a third study announced in February, 1983, which amounts to a RARE III. This continuous studying has generated uncertainty, confusion, and controversy regarding the management status of many forest areas in Wyoming.

The bill has three major objectives:

1. To prevent oil and gas exploratory drilling, leasing, and development in Wyoming's Congressionally designated wilderness areas.

2. To add to the state's existing wilderness system the Popo Agie and Cloud Peak Primitive Areas, designate the Gros Ventre and Jedediah Smith Wilderness Areas, and make the following additions to existing wilderness areas: the DuNoir addition to the Washakie Wilderness; the Glacier Addition to the Fitzpatrick Wilderness; and the Corridor Addition to the Teton Wilderness. (See the statistical outline later in this summary.)

3. To release for non-wilderness management approximately 3.4 million acres of forest land in Wyoming, much of which has been in uncertain status for many years as a result of the RARE I and RARE II roadless area studies by the Forest Service.

MAJOR PROVISIONS

1. *Energy and Minerals Withdrawal:* The bill provides that, effective upon enactment, Congressionally designated wilderness areas in Wyoming, including those designated by this bill, would be withdrawn from operation of the mining and mineral leasing laws, subject to valid existing rights. Oil and gas exploratory drilling, leasing and development would be prohibited.

2. *Inventory of Wilderness Resources:* The federal government is already required by various statutes, including the National Materials and Minerals Policy, Research and Development Act, and Section 4(d)(2) of the Wilderness Act, to continuously assess the minerals potential of federally-owned lands, including wilderness areas. This assessment work would continue under the Wyoming Wilderness Act, except that exploratory oil and gas drilling would be prohibited.

3. *Designation of New Wilderness Areas:* In keeping with the objective of making specific land management decisions concerning forest lands in Wyoming, the bill would designate the following areas as wilderness, thus adding them to the National Wilderness Preservation System:

A. The Cloud Peak Primitive Area in the Bighorn National Forest. Approximately 157,900 acres of this area would be added to the wilderness system. The remaining lands of the Bighorn National Forest, including 262,000 acres of land which have been improperly tied up in a "further planning" status, will be released for non-wilderness management. The Cloud Peak has been in primitive status for many years, and was studied for possible wilderness designation in 1974, during RARE I, and again during RARE II.

B. The Popo Agie Primitive Area in the Shoshone National Forest. Approximately 101,991 acres of this area, including the Middle Fork RARE II area, would be added to the wilderness system. Like the Cloud Peak, the Popo Agie has been in protected status since the 1930's.

C. The Gros Ventre Area in the Bridger-Teton National Forest. Approximately 228,547 acres of this area would be added to the wilderness system. The addition would be comprised of a portion of the Gros Ventre RARE II study area, plus the adjacent Sportsman's Ridge RARE II study area, and the 1200-acre Red Bluff Ridge/Kinky Creek Area. The southwestern corner of the Gros Ventre Area, which has been leased for potential oil and gas development, would be excluded from wilderness. A minor adjustment in the boundary of the Sportsman's Ridge Area has been made to provide a snowmobile access corridor between the wilderness area and adjacent private lands.

D. The Jedediah Smith Area in the Targhee National Forest. Approximately 116,855 acres of this area would be added to the wilderness system. This area is the west slope of the Teton range, and lies along the border between Wyoming and Idaho, next to Grand Teton National Park.

E. The DuNoir Area of the Shoshone National Forest. Approximately 11,100 acres would be added to the existing Washakie Wilderness Area. The remainder of this 28,800 acre area would be released for non-wilderness management, with restrictions on road use aimed at protecting wildlife.

F. The Corridor Area of the Bridger-Teton National Forest. Approximately 28,156 acres would be added to the existing Teton Wilderness Area. This area separates Grand Teton and Yellowstone National Parks, and is bounded on the east by the Teton Wilderness, and on the west by the John D. Rockefeller Parkway.

G. The Glacier Area of the Shoshone National Forest. Approximately 6,497 acres would be added to the existing Fitzpatrick Wilderness Area. This region, known as the Whiskey Mountain Area, is habitat for one

of the world's biggest Bighorn Sheep herds. It was not designated as wilderness in the delegation's original legislation because the Wyoming Game and Fish Commission and the U.S. Forest Service indicated wilderness designation could hamper management of the herd. More recently, the Game and Fish Commission has decided it prefers wilderness designation of the area. The revised bill would add the area to the Fitzpatrick wilderness, but would permit motorized access only for the purpose of protecting and enhancing the Bighorn Sheep.

Release of Lands for Non-wilderness Uses: Again, in keeping with the objective of making decisions on the management of lands, the bill would, in clear and precise fashion, release all lands not included previously or by this bill in the wilderness system for non-wilderness management. Specifically, the bill would:

A. Prohibit any legal challenge such as occurred in the case of California's RARE II lands, by declaring that the RARE II environmental impact statement for Wyoming is legally sufficient.

B. Require that lands outside Wyoming's wilderness system be managed for uses other than wilderness until and unless directed otherwise by Congress. Non-wilderness lands could not again be studied for possible wilderness designation before December 31, 2000. After that, wilderness potential could again be reviewed in connection with the regular forest land planning process.

C. Require the Forest Service to stop the recently announced "RARE III" roadless area study, and prohibit any future statewide roadless area review and evaluation.

Lands released for uses other than wilderness would be subject to the Forest Service's regular planning process, as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. Such lands could be managed for a wide variety of purposes depending on their unique characteristics, including but not limited to fish and wildlife protection and management, developed and undeveloped recreation, scenic enjoyment, preservation of natural characteristics, range management, timber harvesting, watershed and vegetative manipulation, energy and minerals exploration and development, and other uses.

MISCELLANEOUS PROVISIONS

The bill contains provisions to reconfirm Wyoming's authority to manage water and wildlife within wilderness areas, reiterates the intention of Congress that livestock grazing may be continued in wilderness areas to the same extent as before the areas were designated wilderness, and prohibits administrative "buffer zones" adjacent to wilderness boundaries.

WYOMING WILDERNESS STATISTICS

Total acres in Wyoming: 62,343,040.

Total National Forest acres in Wyoming: 9,253,067 (14.8% of State's acres).

Existing congressionally designated wilderness areas

	Acres
Bridger Wilderness	392,169
Fitzpatrick Wilderness	192,074
North Absaroka Wilderness	350,904
Savage Run Wilderness	15,260
Teton Wilderness	557,312
Washakie Wilderness	686,584
Total (23.7% of Wyoming National Forest lands, 3.6% of State's total acres)	2,194,303

New wilderness areas created by the revised Wyoming Wilderness Act

Cloud Peak Wilderness	157,900
Popo Agie Wilderness	101,991
Gros Ventre Wilderness	228,550
Jedediah Smith Wilderness	116,855
DuNoir addition to the Washakie	11,100
Corridor addition to the Teton	28,156
Glacier addition to the Fitzpatrick	6,497
Total	651,049

Total Wyoming Wilderness following enactment of the revised Wyoming Wilderness Act: 2,845,352 acres (30.7% of forest lands, 4.5% of total State lands).

Lands to be released for non-wilderness uses: 3,433,325.

SUMMARY OF NATIONAL FOREST ACREAGE

2,845,352=Existing and congressionally proposed wilderness.

2,974,390=Lands currently managed for non-wilderness.

3,433,325=RARE II lands added to the non-wilderness category by this bill.

9,253,067=Total National Forest lands in Wyoming.

Mr. SIMPSON. Mr. President, seldom in our history has there been a time when there has been more focus on the subject of the Nation's wilderness. I—and my Wyoming colleagues in the House and Senate—are keenly aware of this focus and are deeply dedicated to the concept of preservation of the wilderness. We, as a nation, must act swiftly to preserve certain unspoiled areas for our future generations to enjoy. We owe them that heritage and privilege.

It is a distinct honor to represent a State which contains many pristine areas which rank extremely high on the list to be included as any type of wilderness area. I fully concur that many of these remarkable areas should now be finally added to the list of protected areas. However, we owe to our future generations much more than simply the preservation of our wilderness. We must assure that these areas are designated in a reasonable, balanced, and well thought out procedure. We here in Congress bear the responsibility of planning for our energy and natural resource needs for those future generations. In wilderness and in energy-rich States—like Wyoming—the responsibility to respond to both of these often conflicting needs and viewpoints becomes extremely acute.

Despite the difficulty of these decisions, the time is now upon us to finally make these decisions. Since the passage of the Wilderness Act of 1964, the bulk of the Nation's forests have been subjected to years of continued and repeated study. We are all too familiar with the history of RARE I and RARE II. Now we are once again faced with another roadless areas review and study which will even further delay the professional management of our forests. The recent decision by the Forest Service not to appeal the court decision of California against Block will result in a delay of forest management plans from anywhere from 6 to 24 months.

Both sides—those proposing more wilderness and those who insist that the many natural resources found in these study areas must be opened up for multiple use, including development—are expressing that there has been enough study. I do most certainly agree. Therefore, the entire Wyoming delegation—Congressman DICK CHENEY, Senator MALCOLM WALLOP, and myself—are pleased to introduce into the 98th Congress the Wyoming Wilderness Act of 1983.

This measure is virtually identical to the bill that was considered by the Senate last session. That bill was a product of negotiations with those strongly interested in preserving Wyoming's forest lands and those who represent the developmental concerns. The final language of that measure was forged out of numerous hearings both within the State of Wyoming and in Washington as well as with the participation of the Governor of Wyoming—Ed Herschler. The product of those hearings has proven to be a document which represents a balanced and evenhanded approach to solving the wilderness/development controversy. Our colleagues in the Senate apparently concur, since this bill passed both the Senate Energy and Public Lands Committee and the full Senate unanimously—and that is assuredly a fine first step.

We have a measure that should do much to alleviate the problems and conflicts surrounding the management of the national forests in the State of Wyoming.

Because of the great national interest and the unique position Wyoming holds as a State filled with the treasures of both great natural beauty, and abundant energy, and timber resources, this legislation should serve as a watershed for many other State wilderness bills that will surely follow. The strong support given this legislation in the last session indicates the acceptance of the various provisions of this measure. This past support has made the delegation very hesitant to alter the language of the bill although some minimum changes have been determined to be necessary.

There has been language added to emphasize that the bill represents a three-pronged approach to solving the environmentalist/development controversy. The first emphasis of this measure is to provide for adding a significant amount—over 651,000 acres—of new and spectacular unspoiled wilderness areas to our current treasury of wilderness. It will include wilderness designation for the Gros Ventre and the corridor addition in the Bridger-Teton National Forest; Cloud Peak in the Big Horn National Forest; Popo

Agie, Du Noir addition, and the Glacier addition in the Shoshone National Forest; the Jedediah Smith area in the Targhee National Forest.

The presently existing congressionally designated wilderness areas in Wyoming include:

Area	Acres
Bridger wilderness	392,169
Fitzpatrick wilderness	192,074
North Absaroka wilderness	350,904
Savage Run wilderness	15,260
Teton wilderness	557,312
Washakie wilderness	686,584
Total	2,194,303

New wilderness areas to be created by this Wyoming Wilderness Act include:

Area	Acres
Cloud Peak wilderness	157,900
Popo Agie wilderness	101,991
Gros Ventre wilderness	228,550
Du Noir addition to the Washakie wilderness	11,100
Jedediah Smith wilderness	116,855
Corridor addition	28,156
Glacier addition	6,497
Total	651,049

As a consequence, we shall have a total Wyoming wilderness acreage—following enactment of the Wyoming Wilderness Act—of 2,845,352 acres.

In view of the possible impact and interference with some communications equipment, the delegation has determined the Laramie Peak area located in southeastern Wyoming will be better and more efficiently served and managed under multiple-use laws and regulations than in a wilderness designation.

Each of the new wilderness areas provided for in this bill is a prime example of land in its pristine and natural condition and we feel it should be left unimpaired for the use and enjoyment of future generations. It is land, as the Wilderness Preservation Act of 1964 defines it, as areas "where earth and its community are untrampled by man and where man himself is a visitor who does not remain"—and where the solitude and grandeur is unconfined.

Mr. President, another critical point is that these newly created wilderness areas will also be protected from oil and gas drilling or development—subject to any valid existing rights. We in the Wyoming delegation have long felt that these beautiful, natural areas should not be considered for energy development. This proposition has gained momentum the last few months in Congress and in the administration—as witnessed by the language included in last year's interior appropriations budget which prohibits the oil and gas leasing of wilderness and wilderness study areas. The administration has also fully supported this essential prohibition and Secretary of the Interior, James Watt, has announced that he will not lease any of these areas during the interim between the end of the present fiscal year—September 30—and the end of the permitted time for such leasing allowed in the Wilderness Act—December 31, 1983. Our bill reflects that general directive.

Our bill also recognizes the need to inventory what resources are available within the wilderness areas. An accurate assessment of these resources is essential to preserving our Nation's best interests.

The second element in our bill addresses the remainder of the RARE II lands. To balance the withdrawal of the proposed wilderness areas, we propose the release of the remaining acreage in the RARE II process. Those acres—over 3 million in number, will be released back to multiple-use management for the benefit of all users as directed by the statutes and regulations of the Department of Agriculture and the Department of the Interior. That is, I believe, one of the most significant parts of our new bill and it needs to be recognized for its real and lasting value in the entire process. I trust people will have that provision firmly and clearly in mind as this bill proceeds through the legislative process. It is an important and integral part of the bill. We feel that by using the balanced approach of the first two elements of this measure that we will begin to make well reasoned and sensible management decisions regarding our forest resources.

The third prong of this measure is no less important. I have indicated to you previously the history of the long and seemingly often repetitive process of the various studies regarding the Nation's forests. At the end of the RARE II study in 1979, many thought that this waiting period was finally at an end. However, the court decision of California against Block, has brought this issue to the front once again. Our bill makes it clear that the RARE II study process in Wyoming shall not be subject to further judicial review as to its sufficiency—thus eliminating the impact of the decision in California against Block. In addition our bill will prevent the study or any restudy, under Federal law, of any forest lands for possible inclusion in the wilderness preservation system until after the year 2000. This should present adequate time for those who are vested with the power—and properly so—to manage our forests under the appropriate guidelines and laws for the purposes of multiple use, which is a concept I completely support.

To insure that the released lands will definitely receive the management for multiple use, our bill directs that such uses will consist of—but are not limited to—fish and wildlife protection and management, developed and undeveloped recreation, scenic enjoyment, preservation of natural characteristics, range management, timber harvesting, watershed and vegetation management, energy and minerals exploration and development, and other uses.

Mr. President, this bill contains language that has proven to be workable and sensible and it is a proposal for all sides of the wilderness issue. I commend this measure to my colleagues in both the House of Representatives, where Congressman DICK CHENEY is introducing it, and in the Senate where we should like to respectfully request early and thoughtful consideration of a measure that has great meaning to the State of Wyoming and to the people of this Nation—both the present and future generations.

By Mr. DOLE (by request):

S. 544. A bill to promote economic revitalization and facilitate the expansion of economic opportunities in the Caribbean Basin region; to the Committee on Finance.

CARIBBEAN BASIN ECONOMIC RECOVERY ACT

● Mr. DOLE. Mr. President, I am pleased today to introduce President Reagan's Caribbean Basin Initiative. This legislation reflects the extensive work of the House of Representatives and the Finance Committee on the President's original proposal in the 97th Congress. Senators BAKER, PERCY, DANFORTH, HEINZ, SYMMS, and WALLOP join me in presenting to this Congress an important program designed to assist our southern neighbors to develop economically and to join in a new, mutually beneficial relationship with the United States.

The bill contains two titles. The first would extend for 12 years duty-free status to articles from eligible beneficiary countries. There are several exceptions for import-sensitive products, and imports will be subject to safeguards to protect domestic industries against injurious import surges. The exceptions are those voted by the House and Finance Committee last year, and include textiles and apparel articles subject to textile agreements; footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not currently eligible for GSP; tuna; and petroleum and petroluem products. Title I also contains the eligibility requirements for the beneficiary countries; generally, the countries must be engage in constructive self-help measures that will enable them to benefit fully from the program.

Title II offers a tax incentive to boost development in the tourist and service industries of the beneficiary nations. Instead of the investment tax credit proposed last year, the bill includes the convention business-expense deduction passed by the House of Representatives. This would allow U.S. taxpayers to deduct necessary and proper business expenses associated with attending conventions in the

beneficiary countries, an allowance already made for attending conventions in Canada, Mexico, and Jamaica. In order for the deduction to be available, however, a beneficiary nation must agree to exchange data with U.S. officials as necessary and appropriate for the enforcement of tax laws, and the beneficiary nation's tax laws must not discriminate against conventions held in the United States. The revenue loss from this provision is expected to be negligible.

Finally, the bill includes some of the measures the President intends to implement to promote the growth of Puerto Rico and the Virgin Islands, and to protect them from significant competitive harm arising from the duty-free trade arrangement. Puerto Rico and the Virgin Islands long have enjoyed preferential market access to the United States that has enabled them to develop economically much faster than their similarly situated Caribbean neighbors. The one-way duty-free trade area may diminish this competitive advantage. The President therefore will undertake a number of compensating and protective measures, not all of which will require legislative action. Included in this bill, however, is authority to remove duty-free treatment of rum from the beneficiary countries when it threatens the revenues Puerto Rico and the Virgin Islands now derive from rebates of Federal excise taxes on rum to them. The bill further provides that excise taxes on rum from other nations will be rebated to Puerto Rico and the Virgin Islands. In addition, the President proposes to increase the maximum foreign content permissible for duty-free entry of products from the insular possessions; to treat producers there as domestic industry for purposes of import relief; and to exempt effluent discharges associated with the manufacture of Virgin Islands rum from provisions of the Federal Water Pollution Control Act.

THE PROFOUND U.S. INTERESTS IN THE CARIBBEAN

Mr. President, this should be the year we demonstrate to our Caribbean friends the leadership that will show them the way out of their economic malaise and strengthen their democratic institutions. The beneficiary nations of the CBI are widely divergent in cultures, histories, languages, economies, and governments. But they share some common characteristics: Most are suffering severe economic hardships; they are increasingly oriented economically, politically, and socially to the United States—and together they form our southern border. Too long has this country failed adequately to comprehend our national interests in this integrated region, and to take full advantage of the mutual opportunities greater cooperation offers. These interests are profoundly important.

In a region suffering a history of conflict, the 15 recently emergent nations of the Caribbean Basin offer in their nascent states a tempting target for Soviet troublemaking. The announcement last year of a Soviet aid package to Granada, and recent reports of Cuban interference in Surinam, provide timely examples of real concerns for our borders, our sea lanes, and the Panama Canal.

The United States has great economic ties to the region. Despite their colonial past, the CBI countries import more from the United States than any other country. Last year this amounted to about $6.3 billion—nearly double what we imported from them, excluding petroleum. U.S. direct investment reached nearly $10 billion in 1981. We import over 90 percent of our industrial requirements of bauxite and alumina from the Caribbean countries, and rely on them to a significant degree for nickel. It seems clear that the region offers a vast new market for American products, if only greater economic and political stability can be brought about there.

Besides the economic and security interests, the United States is bound by an increasing web of social ties with the Caribbean Basin countries. Some estimate that, excluding Mexicans, over 250,000 illegal immigrants now enter the United States yearly from the countries of the Caribbean Sea and Central America. Their desperate desire to seek political or economic emanicipation in this country is perhaps matched only in magnitude by the strain on the services of our national and State governments provide them once they are here. I note that the entire region in fiscal year 1982 the United States targeted about $475 million in developmental aid; the Federal Government and the State of Florida have spent over twice that on Cuban and Haitian refugees since the Mariel Boatlift.

The ability of the United States to exploit these increasingly strong ties to the Caribbean Basin countries rests on their own stability. As the nations of Central America struggle to end armed conflict among themselves and with Communist guerrillas, as the Caribbean nations attempt to restructure their economies away from centuries of dependency on transfers from their former colonial sovereigns, an historic opportunity presents itself to the United States to aid in placing them on a firm, permanent path to growth and stability. The President's Caribbean Basin Initiative embodies a sound plan to that end.

THE CBI: AN OPPORTUNITY FOR BOLD LEADERSHIP

In a Washington Post column last year, international economist, Gustav Ramis of Yale University stated well the need for a "credible, nonpaternalistic framework" for facilitating economic reform and development in developing countries. He said in part:

> Receipt of an annual aid allocation is clearly not a country's birthright to be extended automatically, just because it is poor and we are rich; at times the effective use of aid, in fact, means the courage to be passive and bankerlike vis-a-vis some developing countries for some years on end. But it also means that we must be able to respond when and if such countries do come forward with a package of policy changes that make sense and ask our help in cushioning the inevitable pain of getting from here to there.

By offering market incentives in the form of trade, tax, and other measures, and by esxtending aid to ease the transition to stable, competitive economies, the CBI demonstrates that this country is able to respond positively to vital needs—and opportunities.

Twenty of the CBI countries could fit within the boundaries of the King Ranch in Texas; the CBI, even if successful beyond all expectations, cannot begin to engender economic growth that will seriously threaten any of our domestic interests, and for those few industries that feel threatened, the legislation provides ample safeguards against injury. But by adopting appropriate free-market programs, and with the CBI's incentives, these small beneficiary nations are capable of significant self-improvement. None of the beneficiaries claim the benefits of the CBI as a matter of right; the success of the program is of great mutual interest.

This legislation is being introduced in both Houses with broad support. I intend to seek an early opportunity for Finance Committee action, and I hope the members will join me in bringing the program to successful fruition this year.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Caribbean Basin Economic Recovery Act".

TITLE I—DUTY-FREE TREATMENT

SECTION 101. AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this title.

SECTION 102. BENEFICIARY COUNTRY.

(a)(1) For purposes of this title—

(A) The term "beneficiary country" means any country listed in subsection (b) with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this title. Before the President designates

any country as a beneficiary country for purposes of this title, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(B) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(C) The term "TSUS" means Tariff Schedules of the United States (19 U.S.C. 1202).

(2) If the President has designated any country as a beneficiary country for purposes of this title, he shall not terminate such designation (either by issuing a proclamation for that purpose or by issuing a proclamation which has the effect of terminating such designation) unless, at least sixty days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the considerations entering into such decision.

(b) In designating countries as "beneficiary countries" under this title, the President shall consider only the following countries and territories or successor political entities:

Anguilla	Nicaragua
Antigua and Barbuda	Panama
Bahamas, The	Saint Lucia
Barbados	Saint Vincent and the Grenadines
Belize	Surinam
Costa Rica	Trinidad and Tobago
Cuba	Cayman Islands
Dominica	Montserrat
Dominican Republic	Netherlands Antilles
El Salvador	Saint Christopher-Nevis
Grenada	Turks and Caicos Islands
Guatemala	Virgin Islands, British
Guyana	
Haiti	
Honduras	
Jamaica	

In addition, the President shall not designate any country a beneficiary country under this title—

(1) if such country is a Communist country;

(2) if such country—

(A) has nationalized, expropriated, or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify an existing contract or agreement with a United States citizen or a coporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnerhsip, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of internation law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and promptly furnishes a copy of such determination to the Senate and House of Representatives;

(3) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership or association which is 50 per centum or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(5) if a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent; and

(6) unless such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens.

Paragraphs (1), (2), and (3) shall not prevent the designation of any country as a beneficiary country under this Act if the President determines that such designation will be in the national economic or security interest of the United States and reports such determination to the Congress with his reasons therefor.

(c) In determining whether to designate any country a beneficiary country under this title, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(4) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement on Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979;

(5) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(6) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(7) the degree to which such country is undertaking self-help measures to promote its own economic development;

(8) the degree to which workers in such country are afforded reasonable workplace conditions and enjoy the right to organize and bargain collectively;

(9) the extent to which such country prohibits its nationals from engaging in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent; and

(10) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this title.

(d) General headnote 3(a) of the TSUS (relating to products of the insular possessions) is amended by adding at the end thereof the following paragraph:

"(iv) subject to the provisions in section 103 of the Caribbean Basin Economic Recovery Act, articles which are imported from insular possessions of the United States shall receive duty treatment no less favorable than the treatment afforded such articles when they are imported from a beneficiary country under such Act.".

(e) The President shall, after complying with the requirements of subsection (a)(2), withdraw or suspend the designation of any country as a beneficiary country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary country under subsection (b).

SECTION 103. ELIGIBLE PARTICLES.

(a)(1) Unless otherwise excluded from eligibility by this title, the duty-free treatment provided under this title shall apply to any article which is the growth, product, or manufacture of a beneficiary country if—

(A) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(B) the sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries, plus (ii) the direct costs of processing operations performed in a beneficiary country or countries is not less than 35 percent of the appraised value of such article at the time it is entered.

For purposes of determining the percentage referred to in subparagraph (B), the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (B).

(2) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(3) As used in this subsection, the phrase "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions or expenses.

(b) The duty-free treatment provided under this title shall not apply to—

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated at the time of the effective date of this title as eligible articles for the purpose of the Generalized System of Preferences under title V of the Trade Act of 1974;

(3) tuna, prepared or preserved in any manner, in airtight containers; or

(4) petroleum, or any product derived from petroleum, provided for in part 10 of schedule 4 of the TSUS.

(c)(1) As used in this subsection—

(A) The term "sugar and beef products" means—

(i) sugars, sirups, and molasses provided for in items 155.20 and 155.30 of the TSUS, and

(ii) articles of beef or veal, however provided for in subpart B of part 2 of schedule 1 of the TSUS.

(B) The term "Plan" means a Stable Food Production Plan that consists of measures and proposals designed to ensure that the present level of food production in, and the nutritional level of the population of, a beneficiary country will not be adversely affected by changes in land use and land ownership that will result if increased production of sugar and beef products is undertaken in response to the duty-free treatment extended under this title to such products. A Plan must specify such facts regarding, and such proposed actions by, a beneficiary country as the President deems necessary for purposes of carrying out this subsection, including but not limited to—

(i) the current levels of food production and nutritional health of the population;

(ii) current levels of production and export of sugar and beef products;

(iii) expected increases in production and export of sugar and beef products as a result of the duty-free access to the United States market provided under this title;

(iv) measures to be taken to ensure that the expanded production of those products because of such duty-free access will not occur at the expense of staple food production; and

(v) proposals for a system to monitor the impact of such duty-free access on staple food production and land use and land ownership patterns.

(2) Duty-free treatment extended under this title to sugar and beef products that are the product of a beneficiary country shall be suspended by the President under this subsection if—

(A) the beneficiary country, within the 90-day period beginning on the date of its designation as such a country under section 102, does not submit a Plan to the President for evaluation;

(B) on the basis of his evaluation, the President determines that the Plan of a beneficiary country does not meet the criteria set forth in paragraph (1)(B); or

(C) as a result of the monitoring of the operation of the Plan under paragraph (5), the President determines that a beneficiary country is not making a good faith effort to implement its Plan, or that the measures and proposals in the Plan, although being implemented, are not achieving their purposes.

(4) Before the President suspends duty-free treatment by reason of paragraph (2)(A), (B), or (C) to the sugar and beef products of a beneficiary country, he must offer to enter into consultation with the beneficiary country for purposes of formulating appropriate remedial action which may be taken by that country to avoid such suspension. If the beneficiary country thereafter enters into consultation within a reasonable time and undertakes to formulate remedial action in good faith, the President shall withhold the suspension of duty-free treatment on the condition that the remedial action agreed upon be appropriately implemented by that country.

(5) The President shall monitor on a biennial basis the operation of the Plans implemented by beneficiary countries. and shall submit a written report to Congress by March 15 following the close of each biennium, that—

(A) specifies the extent to which each Plan, and remedial actions, if any, agreed upon under paragraph (4), have been implemented; and

(B) evaluates the results of such implementation.

(6) The President shall terminate any suspension of duty-free treatment imposed under this subsection if he determines that the beneficiary country has taken appropriate action to remedy the factors on which the suspension was based.

(d) For such period as there is in effect a proclamation issued by the President pursuant to the authority vested in him by section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) to protect a price-support program for sugar beets and sugar cane, the importation and duty-free treatment of sugars, sirups, and molasses classified under items 155.20 and 155.30 of the TSUS shall be governed in the following manner:

(1)(A) For all beneficiary countries, except those subject to subparagraph (B) and paragraph (2), duty-free treatment shall be provided in the same manner as it is provided pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), at the time of the effective date of this title; except that the President upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the value limitation provided for in section 504(c)(1) of the Trade Act of 1974 on the duty-free treatment afforded to beneficiary countries under this section if he finds that such adjustment will not interfere with the price support program for sugar beets and sugar cane and is appropriate in light of market conditions.

(B) As an alternative to subparagraph (A), the President may, at the request of a beneficiary country not subject to paragraph (2) and upon the recommendation of the Secretary of Agriculture, elect to permit sugar, sirups, and molasses from that country to enter duty-free during a calendar year subject to quantitative limitations to be established by the President on the quantity of sugar, sirups, and molasses entered from that country.

(2) For the following countries whose exports of sugar, sirups, and molasses in 1981 were not eligible for duty-free treatment because of the operation of section 504(c) of the Trade Act of 1974, the quantity of sugar, sirups, and molasses which may be entered in any calendar year shall be limited to no more than the quantity specified below:

	Metric tons
Dominican Republic	780,000
Guatemala	210,000
Panama	160,000

Such sugar, sirups, and molasses shall be admitted free of duty, except as provided for in paragraph (3).

(3) The President, upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the quantitative limitations imposed under paragraph (1)(B) or (2) if he determines such action will not interfere with the price support program for sugar beets and sugar cane and is appropriate in light of market conditions. The President, upon the recommendation of the Secretary of Agriculture, may suspend the duty-free treatment for all or part of the quantity of sugar, sirups, and molasses permitted to be entered by paragraphs (1)(B) and (2) if such action is necessary to protect the price-support program for sugar beets and sugar cane.

(4) Any quantitative limitation imposed on a beneficiary country under paragraph (1)(B) or (2) shall apply only to the extent that such limitation permits a lesser quantity of sugar, sirups and molasses to be entered from that country than the quantity that would be permitted to be entered under any other provision of law.

(e)(1) The President may by proclamation suspend the duty-free treatment provided by this title with respect to any eligible article and may proclaim a duty rate for such article if such action is proclaimed pursuant to section 203 of the Trade Act of 1974 or section 232 of the Trade Expansion Act of 1962. Any proclamation issued pursuant to section 203 of the Trade Act of 1974 that is in effect when duty-free treatment pursuant to section 101 of this title is proclaimed shall remain in effect until modified or terminated.

(2) In any report by the International Trade Commission to the President under section 201(d)(1) of the Trade Act of 1974 regarding any article for which duty-free treatment has been proclaimed by the President pursuant to this title, the Commission shall state whether and to what extent its findings and recommendations apply to such article when imported from beneficiary countries. With respect to any article which is subject to import relief in effect at the time duty-free treatment is proclaimed pursuant to section 101 of this title, the President may reduce or terminate the application of such import relief to imports from beneficiary countries prior to its other-

wise scheduled date pursuant to the criteria and procedures of subsections (h) and (i) of section 203 of the Trade Act of 1974.

(3) For purposes of subsections (a) and (c) of section 203 of the Trade Act of 1974, the suspension of the duty-free treatment provided by this title shall be treated as an increase in duty.

(4) No proclamation which provides solely for a suspension referred to in paragraph (3) of this subsection with respect to any article shall be made under subsection (a) and (c) of section 203 of the Trade Act of 1974 unless the United States International Trade Commission, in addition to making an affirmative determination with respect to such article under section 201(b) of the Trade Act of 1974, determines in the course of its investigation under section 201(b) that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the duty-free treatment provided by this title.

(f)(1) If a petition is filed with the International Trade Commission pursuant to the provisions of section 201 of the Trade Act of 1974 regarding a perishable product and alleging injury from imports from beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

(2) Within fourteen days after the filing of a petition under paragraph (1) of this subsection—

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, he shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) Within seven days after the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, he shall issue a proclamation withdrawing the duty-free treatment provided by this title or publish a notice of his determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A) upon the proclamation of import relief pursuant to section 202(a)(1) of the Trade Act of 1974,

(B) on the day the President makes a determination pursuant to section 203(b)(2) not to impose import relief,

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term "perishable product" means—

(A) live plants provided for in subpart A of part 6 of schedule 1 of the TSUS;

(B) fresh or chilled vegetables provided for in items 135.10 through 138.42 of the TSUS;

(C) fresh mushrooms provided for in item 144.10 of the TSUS;

(D) fresh fruit provided for in terms 146.10, 146.20, 146.30, 146.50 through 146.62 146.90, 146.91, 147.03 through 147.33, 147.50 through 149.21 and 149.50 of the TSUS; and

(E) fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of the TSUS.

(g) No proclamation issued pursuant to this title shall affect fees imposed pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624).

SEC. 104. MEASURES FOR PUERTO RICO AND UNITED STATES INSULAR POSSESSIONS.

(a) Effective with respect to articles entered on or after the effective date of this Act, general headnote 3(a) of the TSUS is amended—

(1) by amending clause (i)—

(A) by striking out "50 percent" and inserting in lieu thereof "70 percent", and

(B) by inserting after "total value", "(or more than 50 percent of their total value with respect to articles described in section 103(b) of the Caribbean Basin Economic Recovery Act)"; and

(2) by amending clause (ii) by striking out "50 percent" and inserting in lieu thereof "70 percent".

(b) Item 813.31 of the TSUS is amended by striking out "4 liters" and inserting in lieu thereof "5 liters", and by inserting after "United States,", "and not more than 4 liters of which shall have been produced elsewhere than in such insular possessions.".

(c) If the sum of the amounts of taxes covered into the treasuries of Puerto Rico or the United States Virgin Islands pursuant to section 7652(c) of the Internal Revenue Code of 1954 is reduced below the amount that would have been covered over if the imported rum had been produced in Puerto Rico or the United States Virgin Islands, then the President shall consider compensation measures and, in this regard, may withdraw the duty-free treatment on rum provided by this title. The President shall submit a report to the Congress on the measures he takes.

(d) Section 1112 of the Trade Agreements Act of 1979 (19 U.S.C. 2582) is repealed.

(e) No action pursuant to this title may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 319 of the Tariff Act of 1930 (19 U.S.C. 1319) on coffee imported into Puerto Rico.

(f) For purposes of chapter 1 of title II of the Trade Act of 1974, the term "industry" shall include producers located in the United States insular possessions.

(g) Any discharge from a point source in the United States Virgin Islands in existence on the date of the enactment of this subsection which discharge is attributable to the manufacture of rum (as defined in paragraph (3) of section 7652(c) of the Internal Revenue Code of 1954) shall not be subject to the requirements of section 301 (other than toxic pollutant discharges), section 306 or section 403 of the Federal Water Pollution Control Act if—

(1) such discharge occurs at least one thousand five hundred feet into the territorial sea from the line of ordinary low water from that portion of the coast which is in direct contact with the sea, and

(2) the Governor of the United States Virgin Islands determines that such discharge will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity, or teratogenicity), or synergistic propensities.

SECTION 105. ITC REPORTS ON IMPACT OF THIS ACT.

(a) The United States International Trade Commission (hereinafter in this section referred to as the "Commission") shall prepare, and submit to the Congress and to the President, a report regarding the economic impact of this Act on United States industries and consumers during—

(1) the twenty-four month period beginning with the date of enactment of this Act; and

(2) each calendar year occurring thereafter until duty-free treatment under this title is terminated under section 106(b).

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.

(b)(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this Act on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect which this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this Act, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this Act.

(c)(1) Each report required under subsection (a) shall be submitted to the Congress and to the President before the close of the nine-month period beginning on the day after the last day of the period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

SECTION 106. EFFECTIVE DATE OF TITLE AND TERMINATION OF DUTY-FREE TREATMENT.

(a) EFFECTIVE DATE.—This title shall take effect on the date of the enactment of this Act.

(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to beneficiary countries under this title shall remain in effect after September 30, 1995.

TITLE II—TAX PROVISIONS

SECTION 201. PAYMENT OF EXCISE TAXES COLLECTED ON RUM TO PUERTO RICO AND THE UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—Section 7652 of the Internal Revenue Code of 1954 (relating to shipments to the United States) is amended by inserting after subsection (b) the following new subsection:

"(c) SHIPMENTS OF RUM TO THE UNITED STATES.—

"(1) EXCISE TAXES ON RUM COVERED INTO TREASURIES OF PUERTO RICO AND VIRGIN ISLANDS.—All taxes collected under section 5001(a)(1) on rum imported into the United States (less the estimated amount necessary for payment of refunds and drawbacks) shall be covered into the treasuries of Puerto Rico and the Virgin Islands.

"(2) SECRETARY PRESCRIBES FORMULA.—The Secretary shall, from time to time, prescribe by regulation a formula for the division of such tax collections between Puerto Rico and the Virgin Islands and the timing and methods for transferring such tax collections.

"(3) RUM DEFINED.—For purposes of this subsection, the term 'rum' means any article classified under item 169.13 or 169.14 of the Tariff Schedules of the United States (19 U.S.C. 1202).

"(4) COORDINATION WITH SUBSECTIONS (a) AND (b).—Paragraph (1) shall not apply with respect to any rum subject to tax under subsection (a) or (b)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles imported into the United States after June 30, 1983.

SECTION 202. TREATMENT OF CARIBBEAN CONVENTIONS, ETC.

(a) GENERAL RULE.—Subsection (h) of section 274 of the Internal Revenue Code of 1954 (relating to attendance at conventions, etc.) is amended by adding at the end thereof the following new paragraph:

"(5) TREATMENT OF CONVENTIONS IN CERTAIN CARIBBEAN COUNTRIES.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'North American area' includes, with respect to any convention, seminar, or similar meeting, any beneficiary country if (as of the time such meeting begins)—

"(i) there is in effect a bilateral or multilateral agreement between such country and the United States providing for the exchange of information between the United States and such country, and

"(ii) there is not in effect a finding by the Secretary that the tax laws of such country discriminate against conventions held in the United States.

"(B) BENEFICIARY COUNTRY.—For purposes of this paragraph, the term 'beneficiary country' has the meaning given to such term by section 102(a)(1)(A) of the Caribbean Basin Economic Recovery Act; except that such term shall include Bermuda.

"(C) AUTHORITY TO CONCLUDE EXCHANGE OF INFORMATION AGREEMENTS.—The Secretary is authorized to negotiate and conclude an agreement for the exchange of information with any beneficiary country. An exchange of information agreement shall provide for the exchange of such information (not limited to information concerning nationals or residents of the United States or the beneficiary country) as may be necessary or appropriate to carry out and enforce the tax laws of the United States and the beneficiary country (whether criminal or civil proceedings), including information which may otherwise be subject to nondisclosure provisions of the local law of the beneficiary country such as provisions respecting bank secrecy and bearer shares. The exchange of information agreement shall be terminable by either country on reasonable notice and shall provide that information received by either country will be disclosed only to persons or authorities (including courts and administrative bodies) involved in the administration or oversight of, or in the determination of appeals in respect of, taxes of the United States or the beneficiary country and will be used by such persons or authorities only for such purposes.

"(D) COORDINATION WITH SECTION 6103.—Any exchange of information agreement negotiated under subparagraph (C) shall be treated as an income tax convention for purposes of section 6103(k)(4)."

"(E) FINDINGS PUBLISHED IN THE FEDERAL REGISTER.—Any finding by the Secretary under subparagraph (A)(ii) (and any termination thereof) shall be published in the Federal Register."

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to conventions, seminars, or other meetings beginning after June 30, 1983.●

By Mr. MOYNIHAN (for himself and Mr. MITCHELL):

S. 547. A bill to provide for the reorganization of the Environmental Protection Agency by the establishment of an independent regulatory commission, and for other purposes; to the Committee on Governmental Affairs.

ENVIRONMENTAL PROTECTION ACT OF 1983

● Mr. MOYNIHAN. Mr. President, I rise today to introudce a bill to reorganize the Environmental Protection Agency into an independent regulatory commission. My colleague from New York, Mr. SCHEUER, is introducing identical legislation in the House of Representatives.

The idea for such a reorganization was first brought to my attention by Congressman SCHEUER when I testified at House committee oversight hearings on the Environmental Protection Agency (EPA) last July. At the time I felt it to be a powerful idea. Events of the last few months convince me that it is more—it now must be considered an essential reform.

For more than a decade this country enjoyed a bipartisan consensus on environmental protection. It began with the creation of the Council on Environmental Quality under President Nixon in 1970. Since 1970 the Congress passed and Presidents signed into law more than 2 dozen pieces of landmark environmental protection legislation. The EPA is charged with carrying out, in part or in toto, half of these laws.

Yet if this administration has its way, the EPA's operating budget in fiscal year 1984 would be $948 million, a 30-percent decrease from fiscal year 1981. State grants would be reduced to $173 million in fiscal year 1984, a 37-percent cut since 1981. The Agency's research and development funds would be $205 million in fiscal year 1984 as compared to $360 million in 1981.

In addition to pressing for large cuts in the EPA's operating budget, this administration has been all too slow in implementing our newest environmental law, the Superfund. Year after year, the administration has proposed to spend only a fraction of available funds. For example, in its 1984 budget request the EPA has asked Congress for a Superfund appropriation of $310 million, only 40 percent of what is available in the Superfund trust fund.

In New York, we see the effects of the EPA's unwillingness to move ahead and spend the available Superfund money to clear up hazardous waste sites. Of the 11 sites in New York now eligible for Superfund assistance, only 3 have received any money for cleanup.

We are paying the price, day in and day out, for an Agency embroiled in controversy, paralyzed by distrust from without and defiance from within. It is time to begin anew.

The Environmental Protection Agency is not a creation of the Congress but rather was established by Executive order in 1970 as part of President Nixon's Administrative Reorganization Plan No. 3. Compelling arguments can be put forward in support of the Agency's transformation into an independent regulatory commission. An independent commission would take the politics out of environmental regulation and would assure greater continuity and consensus in decisionmaking. The EPA bears critical responsibilities and must carry out duties of a highly technical nature; it may thus be more appropriately an independent commission than virtually any of those already in existence.

Clearly we must find a way to insure that environmental protection decisions are made independent of political influence. The Federal agency charged with the responsibility for protecting the air we breathe and the water we drink should be afforded the same measure of independence as the Nuclear Regulatory Commission or the Federal Trade Commission. Not to do so is to expose the American quality of life to pressures that can only redound to our detriment.

Mr. President, I ask unanimous consent that the full text of the bill and a brief summary be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act and the following table of contents may be cited as the "Environmental Protection Act of 1983".

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DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) the term "Commission" means the Environmental Protection Commission;

(2) the term "Chairman" means the Chairman of the Commission;

(3) the term "Commissioner" means any member of the Commission, including the Chairman; and

(4) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

TITLE I—FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress finds that—

(1) the deterioration of the environment continues to threaten the health and welfare of American citizens and degrades the quality of life;

(2) the existing governmental entities charged with preventing air, water, and land pollution have not adequately protected the resources of our environment;

(3) planning and initiating cost-effective industrial pollution control measures requires a long-range, consistent environmental policy; and

(4) the protection and enhancement of the environment requires that management of existing and future programs be free from partisan political considerations and be conducted on the basis of full, free, and open discussion.

PURPOSES

SEC. 102. The purposes of this Act are—

(1) to protect present and future generations of Americans against adverse effects of environmental changes through the establishment of a multimember independent regulatory commission;

(2) to promote reasoned and thoroughly developed policies for the protection of the environment by requiring those policies to be arrived at through group deliberations by qualified individuals;

(3) to develop public confidence in the Nation's commitment to protection and enhancement of the environment by requiring the representation of a broad range of perspectives and interests in such deliberations; and

(4) to continue to develop the expertise needed to initiate and enforce standards for the protection of the public health and safety.

TITLE II—ESTABLISHMENT OF COMMISSION

ESTABLISHMENT; APPOINTMENT OF COMMISSIONERS

SEC. 201. (a) There is established an independent regulatory commission to be known as the Environmental Protection Commission.

(b)(1) The Commission shall be composed of five members appointed by the President, by and with the advice and consent of the Senate. One of the members shall be designated by the President as Chairman.

(2) The Commission shall be composed of members who, by reason of training, education, or experience, are qualified to carry out the functions of the Commission under this Act. The President shall nominate persons for the Commission to ensure that the Commission membership shall be balanced, with broad representation of various interests, backgrounds, occupations, and experience appropriate to the functions and responsibilities of the Commission.

(3) Not more than three members of the Commission may be members to the same political party.

(4) Members shall not engage in any other business, vocation, or employment while serving on the Commission.

(c)(1) Members shall hold office for a term of seven years and may be removed by the President only for neglect of duty or malfeasance in office. The terms of office of the members first taking office shall expire (as designated by the President at the time of appointment) at the end of three, four, five, six, and seven years, respectively.

(2) Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of his term until a successor has taken office, except that he may not so continue to serve for more than one year.

(d) The Chairman may designate any other Commissioner as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in his absence) shall preside at all sessions of the Commission. A quorum for the transaction of business shall consist of at least three members present. Actions of the Commission shall be decided by majority vote of the members present.

(e) The principal office of the Commission shall be in or near the District of Columbia, where its general sessions shall be held, but the Commission may sit anywhere in the United States.

(f) In carrying out any of its functions, the Commission shall have the powers authorized by the law under which such function is exercised to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States. The Commission may, by one or more of the Commissioners, conduct any hearing or other inquiry necessary or appropriate to its functions.

(g) Except as provided in section 518 of title 28, United States Code, relating to litigation before the Supreme Court, attorneys designated by the Commission may appear for, and represent the Commission in, any civil action brought in connection with any function carried out by the Commission pursuant to this Act or as otherwise authorized by law.

(h)(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Energy and Commerce and the Committee on Science and Technology of the House of Representatives. At the request of a Committee of the Congress, additional information concerning the amount of appropriations originally requested by the Commission shall be submitted to such Committee.

(2) Whenever the Commission transmits any legislative recommendations, or testimony or comments on legislation, to the President or the Office of Management and Budget, it shall concurrently transmit copies thereof to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce and the Committee on Science and Technology of the House of Representatives. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, or testimony or comments on legislation, to any officer of agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Commission voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Commission shall include a description of such actions in its legislative recommendations, or testimony or comments on legislation, which it transmits to the Congress.

(i) For purposes of section 552b of title 5, United States Code, the Commission is an agency. For purposes of chapter 9 of such title, the Commission is an independent regulatory agency.

FUNCTIONS OF THE COMMISSION

SEC. 202. (a) The principal functions of the Commission shall be—

(1) to formulate policy for the direction of Commission operations;

(2) to exercise the rulemaking authority of the Commission;

(3) to conduct proceedings for the adjudication of any issue or the issuance of any order; and

(4) to delegate to the Chairman or another Commissioner, or to any officer or employee of the Commission, the functions of the Commission, and to prescribe the terms of such delegation.

(b)(1) With respect to the following officers or successor officers duly established by statute or by the Commission, the Chairman shall initiate the appointment, subject to the approval of the Commission; and the Chairman or a member of the Commission may initiate an action for removal, subject to the approval of the Commission:

(A) Executive Director for Operations,

(B) General Counsel,

(C) Secretary of the Commission,

(D) Director of the Office of Policy Evaluation, and

(E) Chairman and Members of the Science Advisory Board.

(2) With respect to the following officers or successor officers duly established by statute or by the Commission, the Chairman, after consultation with the Executive Director for Operations, shall initiate the appointment, subject to the approval of the Commission, and the Chairman or a member of the Commission may initiate an action for removal, subject to the approval of the Commission:

(A) Director for Water,

(B) Director for Solid Waste and Emergency Response,

(C) Director for Air, Noise, and Radiation,

(D) Director for Pesticides and Toxic Substances, and

(E) Director for Research and Development.

(c) Each member of the Commission shall appoint, remove, and supervise the personnel employed in his or her immediate office.

FUNCTIONS OF THE CHAIRMAN

SEC. 203. (a) The Chairman of the Commission—

(1) shall be the principal executive officer of the Commission and shall be responsible to the Commission for assuring that the Executive Director for Operations and the staff of the Commission (other than the officers and staff referred to in sections 202(b) and 202(c) are responsive to the requirements of the Commission in performance of its functions;

(2) shall determine the use and expenditure of funds of the Commission, in accordance with the distribution of appropriated funds according to major programs and purposes approved by the Commission;

(3) shall present to the Commission for its consideration the proposals and estimates set forth in paragraph (4)(C) of this subsection; and

(4) shall be responsible for the following functions, which he shall delegate, subject to his direction and supervision, to the Executive Director for Operations unless otherwise provided by this Act:

(A) administrative functions of the Commission;

(B) distribution of business among personnel and among administrative units and offices of the Commission;

(C) preparation of—

(i) proposals for the reorganization of the major offices within the Commission;

(ii) the budget estimate for the Commission; and

(iii) the proposed distribution of appropriated funds according to major programs and purposes;

(D) the appointment and employment of hearing examiners in accordance with title 5, United States Code; and

(E) the procurement of services of experts and consultants in accordance with section 3109 of such title.

(b) The Chairman as principal executive officer and the Executive Director for Operations shall be governed by the general policies of the Commission and by such regulatory decisions, findings, and determinations, including those for reorganization proposals, budget revisions and distribution of appropriated funds as the Commission may by law be authorized to make. The Chairman and Executive Director for Operations, through the Chairman, shall be responsible for insuring that the Commission is fully and currently informed about matters within its jurisdiction.

(c)(1) The Chairman, and the Acting Chairman in his absence, shall be responsible for the performance of all functions of the Commission with respect to any emergency within the jurisdiction of the Commission, including the functions of declaring, responding, issuing orders, determining specific policies, advising civil authorities and the public, and directing and coordinating actions relative to any such emergency. The Chairman, and the Acting Chairman in his absence, may delegate the authority to perform such emergency functions, in whole or in part, to any of the other Commissioners and such authority may be delegated or redelegated to the executive director or other staff of the Commission. Any person exercising authority under this subsection shall conform to the policy guidelines of the Commission. To the maximum extent possible under emergency conditions, each such person shall inform the Commission of the actions taken relative to the emergency and, at the conclusion of the emergency, the Chairman shall render a complete and timely report to the Commission on the actions taken relative to the emergency. Any officer or employee of the Commission may communicate directly to the Commission whenever, in the view of such officer or employee, a critical problem of public health and safety is not being properly addressed.

(2) For the purposes of paragraph (1), functions of the Commission with respect to any emergency within the jurisdiction of the Commission includes all functions under the following provisions of law:

(A) section 303 of the Clean Air Act;

(B) section 504 of the Clean Water Act;

(C) section 7 of the Toxic Substances Control Act;

(D) section 7003 of the Solid Waste Disposal Act;

(E) section 1431 of the Safe Drinking Water Act; and

(F) section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act.

SCIENCE ADVISORY BOARD

SEC. 204. (a) The Science Advisory Board established pursuant to section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 shall provide such scientific advice as the Commission requests. Such Board shall be composed of at least nine members.

(b)(1) Any vacancy in the membership of the Board which occurs after the effective date of this Act shall be filled by the appointment by the Chairman, with the consent of the Commission, of an individual from a list of nominees submitted by the nominating committee established under paragraph (2) of this subsection. Each member of the Board so appointed shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board pursuant to section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978. The Chairman shall select individuals nominated for the Board to ensure that the Board membership is fairly balanced in terms of the points of view represented and the functions to be performed by the Board. If such a vacancy is not filled by the Chairman within ninety days of the occurrence of the vacancy, the nominating committee established under paragraph (2) shall, within sixty days thereafter, meet and appoint (in accordance with the criteria in this paragraph) a member of the Board from the list provided to the Chairman for that vacancy.

(2) For the purpose of nominating individuals to the Board, the National Institute of Environmental Health Sciences shall, in consultation with the Chairman, establish a nominating committee, which shall include representatives of the National Institute of Occupational Safety and Health, the National Institute of Environmental Health Sciences, the National Cancer Institute, and the National Academy of Sciences. The nominating committee shall solicit from the general public, through notice in the Federal Register, candidates for nomination to the Board. The Chairman may require such information from nominees as may be necessary, and shall publish in the Federal Register the name, address, and professional affiliation of each nominee.

(3) The terms of members of the Board appointed pursuant to this section shall be three years, except that shorter terms may be specified by the Chairman to the extent necessary to prevent more than one-third of the members' terms from expiring in a single fiscal year. A member may not be removed from the Board unless the member is unable to discharge his or her duties or has violated subsection (c).

(c) In order to ensure the objectivity of the Board, the Commission shall promulgate, within one hundred and twenty days after the effective date of this Act, regulations regarding conflicts of interest with respect to members of the Board.

TITLE III—TRANSFER OF FUNCTIONS

TRANSFERS FROM THE ENVIRONMENTAL PROTECTION AGENCY TO THE COMMISSION

SEC. 301. There are transferred to the Commission all functions of the Environmental Protection Agency not otherwise transferred by this Act to the Chairman or the administrative units of the Commission.

TRANSFERS FROM THE DEPARTMENT OF THE INTERIOR

SEC. 302. There are transferred to the Commission all functions of the Secretary or the Department of the Interior under the Surface Mining Control and Reclamation Act of 1977 not otherwise transferred by this Act to the Chairman or the administrative units of the Commission.

TRANSFERS FROM THE DEPARTMENT OF AGRICULTURE

SEC. 303. There are transferred to the Commission all functions of the Secretary or the Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act not otherwise transferred by this Act to the Chairman or the administrative units of the Commission.

TITLE IV—ADMINISTRATIVE PROVISIONS

PART A—PERSONNEL PROVISIONS

OFFICERS AND EMPLOYEES

SEC. 401. (a) The Chairman is authorized to appoint and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Commission. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5 of the United States Code.

(b)(1) At the request of the Commission, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in each of the grade levels GS-16, GS-17, and GS-18 of a number of positions in the Commission equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred under this Act and which were assigned and filled on the day before the effective date of this Act.

(2) At the request of the Commission, the Director of the Office of Personnel Management shall, under section 3104 of title 5, United States Code, provide for the establishment of this Act of a number of scientific, professional, and technical positions outside of the General Schedule equal to the number of such positions which were used primarily for the performance of functions and offices transferred under this Act and which were assigned and filled on the day before the effective date of this Act.

(3) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5 of the United States Code, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this Act and, on the day preceding the effective date of this Act, holds a position and has duties comparable to those of the position to which appointed hereunder.

(4) The authority under this subsection with respect to any position shall terminate when the person first appointed to fill such position ceases to hold such position.

(5) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day preceding the effective date of this Act.

(c) The Chairman may appoint, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, up to scientific, technical, or professional employees and may compensate employees so appointed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The rate of basic compensation for such employees shall not be equal to or in excess of the minimum rate of pay currently paid for GS-16 of the General Schedule under section 5332 of such title.

(d) Notwithstanding any other provision of law, the Director of the Office of Personnel Management shall establish positions within the Senior Executive Service for limited-term appointees. The Chairman shall appoint individuals to such positions as provided by section 3394 of title 5, United States Code. Such positions shall expire on the later of three years after the effective date of this Act or three years after the initial appointment to each position. Positions in effect under this subsection shall be taken into account in applying the limitations on positions prescribed under section 3134(e) and section 5108 of such title.

EXPERTS AND CONSULTANTS

SEC. 402. The Commission may, as provided in appropriation Acts, obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and may compensate such experts and consultants at rates not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of such title.

PART B—GENERAL ADMINISTRATIVE PROVISIONS

GENERAL AUTHORITY

SEC. 411. In carrying out any function transferred by this Act, the Commission, or any officer or employee of the Commission, may exercise any authority available by law (including appropriation Acts) with respect to such function to the official or agency from which such function is transferred, and the actions of the Commission in exercising such authority shall have the same force and effect as when exercised by such official or agency.

DELEGATION

SEC. 412. Except as otherwise provided in this Act, the Commission may delegate any function to such officers and employees of the Commission as the Commission may designate, and may authorize such successive redelegations of such functions within the Commission as may be necessary or appropriate. No delegation of functions by the Commission under this section or under any other provision of this Act shall relieve the Commission of responsibility for the administration of such functions.

REORGANIZATION

SEC. 413. (a) The Commission is authorized to allocate or reallocate functions among the officers of the Commission, and to establish, consolidate, alter, or discontinue such organizational entities within the Commission as may be necessary or appropriate, but the authority of the Commission under this subsection does not extend to—

(1) any office, bureau, unit, or other entity transferred to the Commission and established by statute or any function vested by statute in such an entity or officer of such an entity, except as provided in subsection (b);

(2) the abolition of organizational entities established by this Act; or

(3) the alteration of the delegation of functions to any specific organizational entity required by this Act.

(b) The Chairman, subject to the approval of the Commission, may alter, consolidate, or discontinue any organizational entity continued within the Commission or reallocate any function vested by statute in such an entity, upon the expiration of a period of ninety days after the receipt by the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce and the Committee on Science and Technology of the House of Representatives of notice given by the Commission containing a full and complete statement of the action proposed to be taken pursuant to this subsection and the facts and circumstances relied upon in support of such proposed action.

RULES

SEC. 414. (a) The Commission is authorized to prescribe such rules and regulations as the Commission determines necessary or appropriate to administer and manage the functions of the Commission.

(b) Except as provided in subsection (c), the Commission, in promulgating rules and regulations as authorized by statute, shall prescribe such rules and regulations in accordance with chapter 5 of title 5, United States Code.

(c)(1) This subsection applies to the promulgation or revision of any regulation by the Commission. The provisions of sections 553 through 557 and section 706 of title 5 of the United States Code shall not, except as expressly provided in this subsection, apply to action to which this subsection applies. This subsection shall not apply in the case of any rule or circumstance referred to in subparagraphs (A) or (B) of section 553(b) of title 5 of the United States Code.

(2) Not later than the date of proposal of any action to which this subsection applies, the Commission shall establish a rulemaking docket for such action (hereinafter in this subsection referred to as a "rule"). Whenever a rule applies only within a particular State, a second (identical) docket shall be established in the appropriate regional office of the Commission.

(3) In the case of any rule to which this subsection applies, notice of proposed rulemaking shall be published in the Federal Register, as provided under section 553(b) of title 5, United States Code, shall be accompanied by a statement of its basis and purpose, and shall specify the period available for public comment (hereinafter referred to as the "comment period"). The notice of proposed rulemaking shall also state the docket number, the location or locations of the docket, and the times it will be open to public inspection. The statement of basis and purpose shall include a summary of—

(A) the factual data on which the proposed rule is based;

(B) the methodology used in obtaining the data and in analyzing the data; and

(C) the major legal interpretations and policy considerations underlying the proposed rule.

The statement shall also set forth or summarize and provide a reference to any pertinent findings, recommendations, and comments by the Scientific Review Committee established under section 109(d) of the Clean Air Act and the National Academy of Sciences, and, if the proposal differs in any important respect from any of these recommendations, an explanation of the reasons for such differences. All data, information, and documents referred to in this paragraph on which the proposed rule relies shall be included in the docket on the date of publication of the proposed rule.

(4)(A) The rulemaking docket required under paragraph (2) shall be open for inspection by the public at reasonable times specified in the notice of proposed rulemaking. Any person may copy documents contained in the docket. The Commission shall provide copying facilities which may be used at the expense of the person seeking copies, but the Commission may waive or reduce

such expenses in such instances as the public interest requires. Any person may request copies by mail if the person pays the expenses, including personnel costs to do the copying.

(B)(i) Promptly upon receipt by the agency, all written comments and documentary information on the proposed rule received from any person for inclusion in the docket during the comment period shall be placed in the docket. The transcript of public hearings, if any, on the proposed rule shall also be included in the docket promptly upon receipt from the person who transcribed such hearings. All documents which become available after the proposed rule has been published and which the Commission determines are of central relevance to the rulemaking shall be placed in the docket as soon as possible after their availability.

(ii) The drafts of proposed rules submitted by the Commission to the Office of Management and Budget for any interagency review process prior to proposal of any such rule, all documents accompanying such drafts, and all written comments thereon by other agencies and all written responses to such written comments by the Commission shall be placed in the docket no later than the date of proposal of the rule. The drafts of the final rule submitted for such review process prior to promulgation and all such written comments thereon, all documents accompanying such drafts, and written responses thereto shall be placed in the docket no later than the date of promulgation.

(5) In promulgating a rule to which this subsection applies (A) the Commission shall allow any person to submit written comments, data, or documentary information; (B) the Commission shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions; (C) a transcript shall be kept of any oral presentation; and (D) the Commission shall keep the record of such proceeding open for thirty days after completion of the proceeding to provide an opportunity for submission of rebuttal and supplementary information.

(6)(A) The promulgated rule shall be accompanied by (i) a statement of basis and purpose like that referred to in paragraph (3) with respect to a proposed rule and (ii) an explanation of the reasons for any major changes in the promulgated rule from the proposed rule.

(B) The promulgated rule shall also be accompanied by a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations during the comment period.

(C) The promulgated rule may not be based (in part or in whole) on any information or data which has not been placed in the docket as of the date of such promulgation.

(7)(A) The record for judicial review shall consist exclusively of the material referred to in paragraph (3), clause (i) of paragraph (4)(B), and subparagraphs (A) and (B) of paragraph (6).

(B) Only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. If the person raising an objection can demonstrate to the Commission that it was impracticable to raise such objection within such time or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule, the Commission shall convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed. If the Commission refuses to convene such a proceeding, such person may seek review of such refusal in the United States court of appeals for the appropriate circuit. Such reconsideration shall not postpone the effectiveness of the rule. The effectiveness of the rule may be stayed during such reconsideration, however, by the Commission or the court for a period not to exceed three months.

(8) The sole forum for challenging procedural determinations made by the Commission under this subsection shall be in the United States court of appeals for the appropriate circuit at the time of the substantive review of the rule. No interlocutory appeals shall be permitted with respect to such procedural determinations. In reviewing alleged procedural errors, the court may invalidate the rule only if the errors were so serious and related to matters of such central relevance to the rule that there is a substantial likelihood that the rule would have been significantly changed if such errors had not been made.

(9) In the case of review of any action of the Commission to which this subsection applies, the court may reverse any such action found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; or

(D) without observance of procedure required by law, if (i) such failure to observe such procedure is arbitrary or capricious, (ii) the requirement of paragraph (7)(B) has been met, and (iii) the condition of the last sentence of paragraph (8) is met.

(10) Each statutory deadline for promulgation of rules to which this subsection applies which requires promulgation less than six months after date of proposal may be extended to not more than six months after date of proposal by the Commission upon a determination that such extension is necessary to afford the public, and the agency, adequate opportunity to carry out the purposes of this subsection.

(11) The requirements of this subsection shall take effect with respect to any rule the proposal of which occurs after ninety days after the effective date of this Act.

CONTRACTS

SEC. 415. (a) Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the Commission is authorized to make, enter into, and perform such contracts, grants, leases, cooperative agreements, or other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Commission may determine necessary or appropriate to carry out functions of the Commission.

(b) Notwithstanding any other provision of this Act, no authority to enter into contracts or to make payments under this title shall be effective except to such extent or in such amounts as are provided in advance under appropriation Acts. This subsection shall not apply with respect to the authority granted under section 421.

REGIONAL AND FIELD OFFICES

SEC. 416. The Commission is authorized to establish, alter, discontinue, or maintain such regional or other field offices as the Commission may find necessary or appropriate to perform functions of the Commission.

ACQUISITION AND MAINTENANCE OF PROPERTY

SEC. 417. (a) The Commission is authorized—

(1) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

(A) schools and related facilities;

(B) laboratories;

(C) research and testing sites and facilities;

(D) quarters and related accommodations for employees and dependents of employees of the Commission; and

(E) personal property (including patents), or any interest therein,

as may be necessary; and

(2) to provide by contract or otherwise for the establishment of eating facilities and other necessary facilities for the health and welfare of employees of the Commission at its installations, and purchase and maintain equipment therefor.

(b) The authority granted by subsection (a) of this section shall be available only with respect to facilities of a special purpose nature that cannot readily be reassigned from similar Federal activities and are not otherwise available for assignment to the Commission by the Administrator of General Services.

FACILITIES AT REMOTE LOCATIONS

SEC. 418. (a) The Commission is authorized to provide, construct, or maintain for employees and their dependents stationed at remote locations as necessary and when not otherwise available at such remote locations—

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) dining facilities;

(4) audiovisual equipment, accessories, and supplies for recreation and training;

(5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) living and working quarters and facilities; and

(7) transportation for dependents of employees of the Commission to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2), (3), and (4) of subsection (a) shall be at prices reflecting reasonable value as determined by the Commission.

(c) Proceeds from reimbursements under this section may be credited to the appropriation of funds that bear or will bear all or part of the cost of such work or services or used to refund excess sums when necessary.

USE OF FACILITIES

SEC. 419. (a) With their consent, the Commission may, with or without reimbursement, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, of any State or political subdivision thereof, or of any foreign government, in carrying out any function of the Commission.

(b) The Commission is authorized to permit public and private agencies, corporations, associations, organizations, or individuals to use any real property, or any facilities, structures, or other improvements thereon, under the custody and control of the Commission for Commission purposes. The Commission shall permit the use of such property, facilities, structures, or improvements under such terms and rates and for such period as may be in the public interest, except that the periods of such uses may not exceed five years. The Commission may require permittees under this section to recondition and maintain, at their own expense, the real property, facilities, structures, and improvements used by such permittees to a standard satisfactory to the Commission. This subsection shall not apply to excess property as defined in section 3(e) of the Federal Property and Administrative Services Act of 1949.

(c) Proceeds from reimbursements under this section may be credited to the appropriation of funds that bear or will bear all or part of the cost of such equipment or facilities provided or to refund excess sums when necessary.

(d) Any interest in real property acquired pursuant to this Act shall be acquired in the name of the United States Government.

COPYRIGHTS AND PATENTS

SEC. 420. The Commission is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Commission:

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) licenses under copyrights, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

GIFTS AND BEQUESTS

SEC. 421. The Commission is authorized to accept, hold, administer, and utilize gifts, bequests and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Commission.

TECHNICAL ADVICE

SEC. 422. The Commission is authorized, upon request, to provide advice, counsel, and technical assistance to applicants or potential applicants for grants and contracts and other interested persons with respect to any functions of the Commission.

WORKING CAPITAL FUND

SEC. 423. (a) The Commission, with the approval of the Director of the Office of Management and Budget, is authorized to establish for the Commission a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Commission shall find to be desirable in the interests of economy and efficiency, including such services as—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Commission and its components;

(2) central messenger, mail, telephone, and other communications services;

(3) office space, central services for document reproduction, and for graphics and visual aids; and

(4) a central library service.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Commission may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Commission, or from other sources, for supplies and services at rates that will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which the Commission determines, with the approval of the Director of the Office of Management and Budget, will be performed.

FUNDS TRANSFER

SEC. 424. The Commission may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Commission, except that no appropriation for any fiscal year shall be either increased or decreased pursuant to this section by more than 5 per centum and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

SEAL OF COMMISSION

SEC. 425. The Commission shall cause a seal of office to be made for the Commission of such design as the Commission shall approve. Judicial notice shall be taken of such seal.

ANNUAL REPORT

SEC. 426. The Commission shall prepare and submit to the President and the Congress at the beginning of each regular session of Congress a comprehensive report on the administration of the functions of the Commission for the preceding fiscal year. Such report shall include—

(1) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence of health and other effects to the population resulting from environmental causes, with a breakdown, insofar as practicable, among the various sources of such effects;

(2) a list of environmental rules prescribed or in effect during such year;

(3) an evaluation of the degree of observance of environmental rules, including a list of enforcement actions, court decisions, and compromises of alleged violations, by location and company name;

(4) a summary of outstanding problems confronting the administration of the functions of the Commission in order of priority;

(5) an analysis and evaluation of public and private environmental research activities;

(6) a list, with a brief statement of the issues, of completed or pending judicial actions of the Commission;

(7) the extent to which technical information was disseminated to the scientific and commercial communities and environmental information was made available to the public;

(8) the extent of cooperation between Commission officials and representatives of industry and other interested parties in the implementation of the functions of the Commission, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(9) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission;

(10) with respect to voluntary environmental standards for which the Commission has participated in the development through monitoring or offering of assistance and with respect to voluntary environmental standards relating to health risks that are the subject of regulatory action by the Commission, a description of—

(A) the number of such standards adopted;

(B) the nature and number of the industries and practices which are the subject of such standards;

(C) the effectiveness of such standards in reducing potential harm from environmental causes;

(D) the degree to which staff members of the Commission participate in the development of such standards;

(E) the amount of resources of the Commission devoted to encouraging development of such standards; and

(F) such other information as the Commission determines appropriate or necessary to inform the Congress on the current status of the voluntary environmental standard program; and

(11) such recommendations for additional legislation as the Commission deems necessary to carry out the purposes of this Act.

TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL

SEC. 501. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof transferred by this Act, subject to section 202 of the Budget and Accounting Procedures Act of 1950, shall be transferred to the Commission for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) Positions expressly specified by statute or reorganization plan to carry out functions or offices transferred by this Act, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation in such positions at the rate prescribed for offices and positions at level I, II, III, IV, or V of the Executive Schedule (5 U.S.C. 5315-5316) on the effective date of this Act, shall be subject to the provisions of section 503.

EFFECT ON PERSONNEL

SEC. 502. (a) Except as otherwise provided in this Act, the transfer pursuant to this title of full-time personnel (except special

Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer to the Commission.

(b) Any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Commission to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

AGENCY TERMINATIONS

SEC. 503. (a) On the effective date of this Act, the Environmental Protection Agency shall terminate.

(b) Each position which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for level I, II, III, IV, or V of the Executive Schedule (5 U.S.C. 5315-5316), in an office terminated pursuant to this Act shall also terminate.

INCIDENTAL TRANSFERS

SEC. 504. The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized and directed to make such determinations as may be necessary with regard to the functions, offices, or portions thereof transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, or portions thereof, as may be necessary to carry out the provisions of this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

SAVINGS PROVISIONS

SEC. 505. (a) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Commission, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with the law by the President, the Commission or the Chairman, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before any department, agency, commission, or component thereof, functions of which are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Commission or the Chairman, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Commission is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) to the Commission.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the effective date of this Act, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Commission or any other official of the Commission, then such suit shall be continued with the Commission or other appropriate official of the Commission substituted or added as a party.

(f) Orders and actions of the Commission or the Chairman in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Commission or the Chairman.

SEPARABILITY

SEC. 506. If any provision of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

REFERENCE

SEC. 507. With respect to any function transferred by this Act and exercised on or after the effective date of this Act, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Commission, Chairman, other official, or component of the Commission to which this Act transfers such functions.

AMENDMENTS

SEC. 508. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"Chairman, Environmental Protection Commission.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Commissioners, Environmental Protection Commission.".

TRANSITION

SEC. 509. With the consent of the appropriate department or agency head concerned, the Commission is authorized to utilize the services of such officers, employees, and other personnel of the departments and agencies from which functions or offices have been transferred to the Commission, and funds appropriated to such functions or offices for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

TITLE VI—EFFECTIVE DATE AND INTERIM APPOINTMENTS

EFFECTIVE DATE

SEC. 601. (a) The provisions of this Act shall take effect one hundred and eighty days after the Chairman takes office, or on any earlier date on or after October 1, 1983, as the President may prescribe and publish in the Federal Register, except that at any time on or after October 1, 1983—

(1) any of the officers provided for in title II of this Act may be nominated and appointed, as provided in such title; and

(2) the Commission may promulgate regulations pursuant to section 505(b)(2) of this Act.

(b) Funds available to any department or agency (or any official or component thereof), the functions or offices of which are transferred to the Commission by this Act, may, with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this title and other transitional and planning expenses associated with the establishment of the Commission or transfer of functions or offices thereto until such time as funds for such purposes are otherwise available.

INTERIM APPOINTMENTS

SEC. 602. (a) In the event that one or more officers required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act and notwithstanding any other provisions of law, the President may designate an officer in the executive branch to act in such office for one hundred and twenty days or until the office is filled as provided in this Act, whichever occurs first.

(b) Any officer acting in an office in the Commission pursuant to the provisions of subsection (a) shall receive compensation at the rate prescribed for such office under this Act.

SUMMARY OF THE ENVIRONMENTAL PROTECTION ACT OF 1983

I. Purposes: To provide for the reorganization of the Environmental Protection Agency by the establishment of an independent regulatory commission to be known as the Environmental Protection Commission.

II. Structure of Commission:

There will be a five-member Commission appointed by the President, with the advice

and consent of the Senate. One of the members shall be designated by the President as Chairman. Not more than three members shall be of the same political party.

The length of term of each member shall be seven years, except for the members first taking office whose terms will (as designated by the President) end in three, four, five, six and seven years, respectively.

The Commission shall be composed of members who, by reason of training, education, or experience, are qualified to carry out the functions of the Commission. The President shall nominate persons for the Commission to ensure that the Commission membership shall be balanced, with broad representation of various interest, backgrounds, occupations, and experience appropriate to the functions and responsibilities of the Commission.

III. Functions of the Commission: The Commission's principal responsibilities shall be limited to policy formulation, rulemaking, adjudication and issuance of orders. The Commission will not be involved in purely administrative or managerial functions.

IV. Transfer of Functions to the Commission: There are to be transferred to the Commission all functions of the Environmental Protection Agency.

V. Administrative Provisions: The day-to-day management of the agency will be delegated to an executive director of operations. The Chairman of the Commission shall initiate the appointment of the executive director, subject to the approval of the Commission; and the Chairman or any member of the Commission may initiate an action for removal, subject to Commission approval.

VI. Commission Independence:

The Commission shall be required to make concurrent budget submissions to Congress and the executive branch.

The Commission will be allowed to submit to Congress legislative recommendations, testimony or comments without clearance by the Office of Management and Budget.

The Commission will be allowed to control its own litigation and represent itself in court.

VII. Commission Rulemaking: Commission rulemaking is to be a hybrid between informal rulemaking and formalized adversarial procedures. (The bill incorporates the same rulemaking procedures as are found in Section 307 of the Clean Air Act)

VIII. Responsiveness to Congress and the President: The Commission is required to submit a comprehensive annual report to Congress and the President.●

By Mr. BENTSEN:

S. 548. A bill entitled the "Small Business Act of 1983"; to the Committee on Governmental Affairs.

THE SMALL BUSINESS ACT OF 1983

● Mr. BENTSEN. Mr. President, just over 1 year ago, I introduced legislation designed to transfer economic activities, where feasible, to small business from the Federal Government.

Over the past several decades, we have seen a burgeoning growth in activities being performed by Federal agencies. Some of it can only be done by Federal workers. But evidence has increasingly come to light showing that much of this work could be done by the private sector, as well. Indeed, it could be done more efficiently there, saving revenues and reducing the skyrocketing Government deficit. Studies by the Defense Department, the Office of Management and Budget, and the General Accounting Office have found that billions of dollars in Federal funds could be saved if agencies contracted out to small business various categories of work, ranging from printing to custodial work to credit collection.

This evidence has come to light over the past several years. Yet, Congress has paid little or no heed to the implications of it for our hard-pressed small business sector. In fact, the wisdom and need to transfer Government activities to small businesses have never been greater; 1982 was the worst year for small business since the Great Depression era. The job-creating work of that sector ground to a halt under the twin heels of soaring interest costs and sagging demand. Bankruptcies skyrocketed and the most innovative and vigorous sector of our economy struggled to keep afloat.

That struggle continues today. And part of the answer is to rapidly shift those Government activities to the private sector which can more efficiently be done there.

That is the purpose of the Small Business Act I am introducing now. Small business creates as many as 87 out of 100 new jobs. The 12 million small businesses employ 63 percent of our workforce and account for one-half of all our innovations.

They can do many jobs more efficiently than can the Government. As I said in 1981, while introducing similar legislation, the GAO identified over $4 billion in uncollected debts since 1976, owed the Government which were collectable using private credit agency practices.

The GAO identified $11.7 million which annually could be saved at Federal hydroelectric projects by adopting the automation practices of private utilities.

DOD found it could cut its employment rolls by 11,000 and save $90 million annually by transferring 264 activities to private contractors.

The GAO found that up to $300 million could be saved by adopting private-sector day care standards for HEW.

The GAO found that the General Services Administration could cut its custodian costs by one-third or almost $30 million in 1980 alone by contracting for such services through the private sector.

OMB testified before the Joint Economic Committee on October 28, 1981, that:

> The government currently operates thousands of commercial or industrial activities with an annual operating cost in excess of $20 billion and with a similar amount of capital investment. The vast majority of these activities have never been subject to competition.

If these activities were subject to the cost comparison studies required by A-76, we estimate that 154,000 personnel spaces could be converted to contract operations with a five-year cumulative savings between Fiscal Year 1982 and 1987 in excess of $3 billion. These savings will continue to accrue thereafter.

The circular A-76 referred to in that testimony is an OMB directive first issued in 1967 and revised in 1979. It admonishes Federal agencies to utilize private-sector contractors wherever possible—an admonition seemingly honored less than faithfully by the Federal bureaucracy.

EXPLANATION OF LEGISLATION

It is time we brought the promise of Government efficiency and a more robust small business sector to completion. That is the purpose of my Small Business Act of 1983.

It requires the President to establish a consistent data base of all Government activities which could better be performed by small business. He is obligated under my legislation to report such data annually to Congress. And that report must contain an estimate, as well, of potential cost savings to taxpayers should these activities be done by the small business sector.

Finally, my bill requires the President to establish and maintain a schedule for transferring these activities to small business.

There are no more useful and appropriate steps Congress could immediately take to boost the private sector and reduce the cost of government than to enact my legislation. And I encourage my colleagues to join with me in reducing the deficit, trimming Federal spending, and giving a badly needed and overdue stimulus to small business.

Mr. President, I ask unanimous consent that the Small Business Act of 1983 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Act."

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Act."

SEC. 2. FINDINGS AND PURPOSE.

(a) The Congress finds that:

(1) small business is the economic heart of the United States, creating 87 percent of all new jobs, employing 63 percent of all workers, and responsible for a majority of all innovative activity, and almost one-half of the Gross National Product;

(2) small business is bearing the brunt of the recession, which has created extraordinary hardship among small business owners and unemployment among small business workers;

(3) the Federal Government is exacerbating these hardships by performing many ac-

tivities in direct competition with small business;

(4) the General Accounting Office and other Federal entities have documented numerous instances where activities being performed by the Federal Government could more efficiently be performed by the private sector; and

(5) permitting small business to more efficiently perform activities now conducted by the Federal Government will reduce the cost of government, reduce taxes, and improve the economic condition of our crucial small business sector.

(6) the purpose of this Act is to reduce Federal spending by encouraging the transfer of those Federal agency activities to small business which can more efficiently be performed by the private sector.

SEC. 3. ANNUAL EVALUATION AND REPORT.

By January 31 of each year, the President shall submit a report to the Congress. The report shall contain:

(a) a description of activities performed in the previous calendar year by the Federal Government which could be more efficiently performed by small business; and

(b) an estimate of the potential cost savings to the government and taxpayers of conducting such activities under contract with small business.

SEC. 4. TRANSFER OF GOVERNMENT ACTIVITIES TO THE PRIVATE SECTOR.

The President shall include in the report required pursuant to section (3) a schedule for transferring those activities identified in section 3(a) to the private sector, with an emphasis on contracting for the peformance of such activities with small business firms.●

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. EAST, Mr. HEFLIN, Mr. LAXALT, Mr. LEAHY, Mr. BAUCUS, Mr. GRASSLEY, Mr. DOLE, and Mr. LUGAR):

S. 549. A bill to amend title II, United States Code, to improve the protections for shopping centers and their tenants under the Bankruptcy Code; to the Committee on the Judiciary.

SHOPPING CENTER TENANT BANKRUPTCY PROTECTION IMPROVEMENTS ACT OF 1983

● Mr. HATCH. Mr. President, with this speech, I am pleased to announce the introduction of the Shopping Centers Tenants Bankruptcy Improvements Act of 1983, which last year passed the Senate unanimously. This bill will remedy serious problems caused shopping centers and their solvent tenants by the administration of the Bankruptcy Code. These problems were created by changes in the bankruptcy law made by the enactment of the Bankruptcy Code. The Bankruptcy Code, enacted by the Bankruptcy Reform Act of 1978, was the first major revision of the bankruptcy laws of the United States since 1938, and its enactment was the culmination of an effort that extended over a number of years. The code made numerous substantive changes in the law of bankruptcy as well as in the administration of bankruptcy cases.

One of these changes made unenforceable lease clauses permitting a landlord to regain possession of premises leased to a bankrupt tenant. However, Congress recognized the unique interrelationship between shopping center tenants and the great potential for harm to shopping centers and their solvent tenants arising from the ability of a bankrupt tenant to assume or assign a shopping center lease. To protect this important sector of the economy from unnecessary economic harm, Congress enacted in section 365 of the code certain protective provisions for shopping centers and their tenants. Unfortunately, these provisions have not accomplished these purposes. As a result, I am sponsoring this bill to carry out Congress intent as stated in the 1978 act and to strengthen the protections for shopping centers under the Bankruptcy Code.

Mr. President, it is indisputable that shopping centers are an important sector of U.S. retail trade. In 1981, in the United States there were approximately 22,750 shopping centers with an estimated 1,255,000 retail stores. Approximately 42 percent of all U.S. retail trade amounting to $439 billion was conducted in shopping centers. In the coming year, 60 percent of all new retail space and 88 percent of new department store space is likely to be constructed in shopping centers.

The problems for shopping centers and their tenants caused by the present administration of the code are serious and widespread. Conservatively estimated, 15,000 shopping centers have had one or more tenants involved in bankruptcies in 1981. Under this estimate, approximately 65 percent of all shopping centers were involved with the bankruptcies of 17,000 retail stores.

In a shopping center, the public benefits from the convenience and efficiency of one-stop shopping and frequently from the direct competition among the retail merchants who are tenants of the shopping center. The commercial success of the enterprise depends on the ability of all of the tenants to function as one entity. The shopping center is defined by its tenant mix which is carefully designed to serve a trade area and to draw sufficient customers from that trade area to support the rents paid by the tenants.

To make this enterprise work, each tenant must fully operate its store for a minimum number of hours, engage in specified lines of business, advertise in ways that draw customers to the shopping center, and maintain certain standards of appearance and operation. This joint effort is cemented by a series of master agreements, entered into by all the parties involved in a shopping center, that set forth in precise terms the rights and obligations of each party.

As shopping centers have evolved, they have become larger and more sophisticated in design, construction, and concept, involving tens of millions of dollars of investments by developers, tenants, and financial institutions. Once again, the linchpin of this entire operation is the freely accepted and openly negotiated contractual agreements among the parties.

While the operation of the bankruptcy law necessarily alters contractual relationships, these alterations have direct and potentially crippling impacts on other shopping center businesses, and consequently, must be strictly limited and minimized.

As Congress recognized in enacting the 1978 act, shopping center leases are distinct from other leases of real property in that each lease arrangement memorializes not only the bilateral interests of the tenant and the landlord, but the multilateral relationships of every other tenant in the shopping center. The interdependence among the tenants of a shopping center means that the bankruptcy of one tenant will seriously affect the other tenants.

Shopping center leases frequently are made on a long-term basis in consideration of the large investment usually made by tenants in establishing their various enterprises. These long-term lease agreements put the landlord into a position unlike a merchandise creditor or a financial institutional lender. A shopping center landlord, unlike other creditors, cannot make periodic reviews of the financial condition of his customers and unilaterally terminate creditor loans whenever it appears that the customer's credit is impaired. These long-term contracts obligate both parties to honor their agreements to protect the delicate interrelationships which form the foundation for the shopping center's success.

Moreover, shopping center leases frequently contain anchor clauses which commit the tenant to a lease term only so long as another designated tenant remains in the shopping center. These provisions further manifest the symbiotic, interdependent nature of a shopping center.

Mr. Nathan B. Feinstein testifying before the Courts Subcommittee of the Senate Judiciary Committee in hearings held on my bill last year, capsulized this principle beautifully:

Tenants locate in shopping centers based on the complementary ability of the various stores in the shopping center to draw customers. One looks to the advertising and the merchandising techniques of the larger stores (anchor stores) in choosing a shopping center. One considers carefully the cooperative advertising, the center promotions, the parking and other common services. The shopping center and its tenant's association rely on a continuing stream of payments from tenant-shopkeepers to meet

the snow removal, air conditioning, heating, parking lot maintenance, advertising, mortgage, tax and other obligations of the center. When the stream of payments is disrupted for a significant period of time, every shopowner suffers by the lack of maintenance and uncertain financial viability of the center. When an anchor store closes its doors and stops advertisements, the smaller stores suffer the lack of patronage. When Saks Fifth Avenue moves out as anchor store and John's Bargains moves in, the small independent fashion boutiques die. When the future of the center is in doubt, the businessman-tenant does not know how to order for the season.

These multifarious symbiotic relationships in the shopping center are in peril whenever any tenant suffers financial hardship or fails. The continued vitality of those relationships and the businesses in the center depends on the system our bankruptcy policies create to swiftly fill vacancies and fairly acknowledge the interests of remaining solvent tenants.

Prior to the enactment of the 1978 act, the interests of the shopping center and its other tenants were protected against prolonged damage from a single tenant's bankruptcy by the contractual power of the lessor to control the disposition of the lease. As I stated earlier, however, the 1978 act made such lease clauses unenforceable. Nonetheless, Congress recognized the special bankruptcy problems in shopping centers by including in the code special provisions governing unexpired shopping center leases. These provisions specify various assurances which the trustee must make in order to assume or assign an unexpired lease of the debtor.

Unfortunately, experience with these provisions indicates that they have not functioned as originally intended by Congress. Under the Bankruptcy Code, the shopping center and its solvent tenants may suffer serious economic harm or even business failure if a bankrupt tenant closes its store for an extended period of time or assigns its lease to a business which does not conform to the lease's use clause thus disrupting the shopping center's tenant mix. These problems are compounded when the bankrupt tenant is a major store in the shopping center.

This legislation seeks to make effective the protections that Congress intended to provide shopping centers and their tenants in the 1978 act. The leasehold management amendments accomplish this by removing latent defects in certain provisions of the Bankruptcy Code. These perfecting amendments do not change the policy of the code; they implement that policy. By making effective these protections, the bill strikes the proper balance between the interests of the solvent tenants of a shopping center and its insolvent tenants.

At the May 3, 1982, hearing on this bill, testimony was received from the International Council of Shopping Centers—the trade association of the shopping center industry—from individual shopping center developers, and from the president of the merchants association of a shopping center which had experienced tenant bankruptcies. In addition, a statement was submitted for the record by the National Retail Merchants Association, which represents the small business tenants of shopping centers.

Shopping centers and shopping center tenants support this legislation because the administration of bankruptcies under the code has resulted in numerous cases where shopping center tenant space was left closed for an extended period of time, where the trustee did not perform the debtor's obligations under the lease, or where shopping center space was assigned to a business not in conformance with the use clause.

The purpose of the bill is to remedy several substantive and technical problems relating to the operation and assignment of shopping center tenant space which have arisen. This legislation's solutions to them are as follows:

First, time limit to assume or reject lease.

Problem. Under the 1978 act, in a chapter 7 (liquidation) case the trustee is required to decide within 60 days of the order for relief whether to assume or reject an executory contract or unexpired lease. However, no time limit is established for cases outside chapter 7. Consequently, an extended period of time often passes before the trustee makes such a decision in a chapter 11 (reorganization) case. During this dead time, the trustee often does not operate the space, or operates it at a much reduced level, thereby causing substantial economic harm to other tenants in the shopping center.

The testimony of witnesses representing shopping centers and shopping center tenants at the hearing and the statement for the record of the National Retail Merchants Association (NRMA) make clear that this is one of the major problems of shopping centers and their tenants caused by the administration of tenant bankruptcies under the code.

The vacancy of any tenant space for an extended period of time can seriously disrupt an entire shopping center. Customer traffic is reduced not only by the decreased supply of products or services, but also by the less pleasant atmosphere caused by boarding up a portion of the shopping center. Where the vacant space is that of an anchor store, the effect on the shopping center and its other tenants can be devastating.

For example, Mr. John Holmes, president of a shopping center merchant's association in Frederick, Md., testified:

> • • • to explain the damage to the other tenants of the Frederick Shopping Center resulting from the closing of these stores and the inability of the shopping center to release this space to operating businesses for a period of time.

He then recounted that one store in the Frederick center was vacant for over 9 months and another for nearly 5 months. He noted that:

> I have difficulty understanding how other tenants • • • survived. Even the comparably short time [the bankrupt stores were closed] severely damaged the business of many of the merchants of this shopping center, and in many cases the stores have not yet recovered.

He pointed out that some neighboring stores suffered 28 and 26 percent reductions in sales volume during the period the bankrupt's premises were vacant.

The shopping center landlord is injured in these circumstances because in many cases shopping center leases provide for rent as a percentage of revenues. These clauses are beneficial because they provide the landlord a financial incentive to preserve the most productive tenant mix. However, these clauses are often based on the calculation that tenant businesses will be in full operation. When a store is closed, or operated at a reduced capacity, the shopping center landlord's revenues also decline.

Detailed testimony was received from shopping center tenants regarding the serious problems to their businesses caused by the ability of the trustee to close a store in a shopping center for an extended period of time without stating his intention regarding the disposition of the premises, and preventing the landlord from releasing the space to an operating business. Mr. Wallace R. Woodbury of Salt Lake City, Utah, testified that a tenant in his shopping center had filed under chapter 11, 8 months previously, had still not submitted a reorganization plan, was not operating the premises, and was not paying rent. One expert witness stated that it usually takes between 9 months and 1 year to get a determination concerning the assumption or rejection of a lease in a contested chapter 11 case.

During this time, the other tenants of a shopping center may be affected dramatically. The closing of even a single store in a shopping center may substantially reduce the revenues and increase the costs of the other tenants. Their revenues are reduced because the closing of a store in a shopping center, especially a major store, reduces the traffic flow through the shopping center.

The closing of a major tenant can also significantly increase the costs of the other tenants. In many shopping centers, common area charges are assessed each tenant on the basis of the tenant's percentage of total leased

space. The closing of a major tenant substantially reduces the amount of total leased space. This increases the percentage of total leased space of all the remaining tenants and their share of the common area charge.

Mr. Howard C. Oliver of Jim Wilson & Associates in Montgomery, Ala., summarized the problem of delayed assumption as follows:

[The law allows] open ended and often lengthy delays in the decision by the trustee or debtor-in-possession to assume or reject a shopping center lease. This often results in an extended period when a store is vacant, and this hurts the business of the other tenants and forces the shopping center and the other tenants to bear some of the costs of the bankruptcy.

Solution. The provisions of the leasehold management amendments reduce the severity of these problems by imposing a 60-day time limit on the trustee's decision to assume or reject the lease in all cases under the code, unless the court, for cause, allows additional time. This puts the burden of justifying an extension on the party best equipped to gage the length of time necessary to make an assumption decision.

In all but the most complicated reorganization cases 60 days should be a sufficient period to make this determination. Even in large reorganization cases, the debtor presumably knows his own business and understands the value of his assets well enough to make such decisions in 60 days. Also, the debtor is generally well aware in advance that a bankruptcy may be necessary and can plan ahead to decide which leases would be retained. The debtor should consequently be able to make this determination shortly after the petition is filed and certainly within 60 days in all but the most complicated cases. Nonetheless, the court has authority to grant extensions for cause.

Second, failure to perform lease obligations, including the payment of rent and other charges when due.

Problem. During the time the trustee is deciding whether to assume or reject the lease, the trustee frequently does not meet the lease obligations, such as paying rent and other charges. As discussed above, the trustee's failure to pay common area charges often increases the costs of the shopping center's other tenants.

In addition, this situation often results in the landlord's providing current services—the use of his property, and the provision of utilities and security to protect and preserve the leased property—without current compensation, a burden imposed on no other class of creditor. This burden is particularly onerous where the landlord needs the rent payments provided in the lease in order to make tax or mortgage payments on the property.

In reference to this problem, Mr. Wallace Woodbury testified that:

This presents a hardship to a landlord who may not receive a rent for several months and is unable to gain control of his premises. I am not aware of any other class of person who is required to provide a service to the bankrupt estate without current compensation.

Solution. The provisions of the leasehold management amendments solve this problem by requiring the timely performance of the lease obligations, including the payment of rent and other charges. However, the bill permits the court to extend the time for performance of such payments to a date no later than 60 days after the order for relief. Such an extension could be granted where a trustee is unfamiliar with the operation of the debtor's business and there is reason to question his legal duty to pay rent or other charges or perform other obligations under the lease.

Third, compliance with use clauses and other provisions of the lease.

Problem. The code currently requires adequate assurances that the assumption or assignment of an unexpired lease will not breach substantially important provisions of shopping center leases—provisions such as "radius, location, use or exclusivity" clauses—and will not substantially disrupt the tenant mix. Congress thus intended to protect shopping centers and their solvent tenants from the consequences of the violation of use clauses and the disruption of the tenant mix.

Also, it is clear that whatever the intended meaning of the term "substantially," it has been interpreted in a way which has frustrated the congressional intent. While it may seem reasonable to permit the assignment of a women's wear store lease to a men's wear store, such an assignment can be commercially unreasonable because the clientele attracted by such stores would be vastly different. Such an assignment could be extremely damaging to the other men's wear store tenants as well as the other tenants in the shopping center. This was the damage Congress sought to prevent through the enactment of section 365(b)(3) of the code.

In practice, the qualification of the required assurances by the term "substantially" has led trustees or debtors-in-possession in some instances to ignore these lease clauses and, consequently, has permitted the disruption of the delicate interrelationships of the shopping center's tenant mix. In one case, the bankruptcy court permitted a tenant to change the use of its premises, a discotheque, to permit male striptease shows. In another case, a bankrupt men's wear chain store assigned a number of leases to women's wear stores. In another instance, advertisements for bids on shopping center space indicate that the term "substantially" permits gross deviations from the use clause. These advertisements, placed by lease brokers, state that "all retail uses" would be considered even though the leases involved had more limited use clauses.

The assignment of a lease to a business that does not conform to the use clause of that lease, especially in the case of a major store lease, can affect the other tenants much in the same way as the closing of the store. Where the misassignment occurs in the case of the major store in a strip center, the effect can be disastrous, substantially reducing the revenues of all the other tenants. For example, the assignment of the lease of a grocery store, with substantial and steady drawing power, to a toy store, with less ability to attract customers, would reduce the traffic of all of the other shopping center tenants.

In a regional mall with more than one major tenant, the misassignment of that lease will have less effect on the entire mall, but stores adjacent to it may suffer considerable reductions in customers. For example, replacing a small store with substantial customer attraction power—such as a women's wear store—with another business which generates less traffic would have an adverse effect on the adjacent stores.

Adjacent stores also can be severely hurt through violations of the use clause when a complementary use is replaced with a competing use. Mr. Wallace Woodbury, for example, testified regarding space he had leased to a record and tape store situated next to a TV and consumer electronics store. Immediately after exercising a lease renewal option the tenant filed a bankruptcy petition and vacated the premises. Despite the fact that the landlord had a replacement tenant with substantial assets who complied with the use restriction of the lease, the trustee assigned the lease to a financially unsound shell corporation which sold substantially the same type of merchandise as the adjacent TV store. On taking possession the assignee immediately advertised "gone out of business prices." After suffering 6 months of unfair and ruinous competition from the assignee tenant the TV store vacated the premises on the grounds that the landlord's exclusive commitment to it had been violated. Seven months later and after failing to pay substantial rent, the assignee tenant itself went out of business and abandoned the premises. In the words of Mr. Woodbury:

* * * the landlord ended up with vacancies in two stores, the substantial loss of rental income, and considerable building damage and the nonbankrupt tenant lost substantial sums and was forced to abandon the shopping center because of the trustee's utter disregard of the lease provisions which were designed to protect both the landlord and the nonbankrupt adjacent tenant.

Preexisting stores also are disadvantaged if the rental payments of the assignee are lower than those of the preexisting stores. Stores in the same line of business are usually charged equivalent rents based on their business use. Women's wear stores usually pay lower rents than other stores because they tend to draw more customers to the shopping center than do other types of stores. Thus, if the lease of a bankrupt women's wear tenant is assigned to a men's store, the assignee men's wear store may be paying less rent than will the preexisting competing men's wear stores.

Also, the preexisting men's wear stores may be harmed unfairly by the oversaturation of the men's wear market resulting from the assignment to an additional men's wear store. This deprives them of the benefit of their bargains with the developer which were based on an agreement on the number of men's wear stores to be included in the shopping center.

By disregarding a use clause in an assignment situation, the trustee is able to create and then sell an asset—the lease—that did not previously exist. This asset is not created out of thin air; rather, it is unfairly created at the expense of the landlord and the other tenants of the shopping center.

In many cases where the assignment of shopping center leases is a significant asset of the estate of the debtor, the debtor is a large chainstore enterprise. Such enterprises negotiate with shopping center developers over lease provisions vigorously and from a position of strength. Use clauses and other lease provisions favorable to the landlord and other tenants are accepted as part of the lease by these tenants only because of the granting by the landlord of concessions in other terms of the lease. In the words of Nathan B. Feinstein, "[Use clauses] are almost always carefully drawn and extensively negotiated. More important, they are relied upon by other tenants in the shopping center." Careful adherence to the provisions in use clauses is necessary to give all enterprises in a shopping center the benefit of their respective bargains. More important, strict compliance with the use clause is needed to insure the other tenants that the center will be what they expected when they agreed to commit themselves and large amounts of capital to the center for a long period of time.

Solution. By deleting the word "substantially," the Shopping Center Protections Improvement Act, also known as the leasehold management amendments, make clear that important lease provisions such as the use clause are to be honored and that the tenant mix is not be be disrupted. Not all shopping center leases contain restrictive use clauses, but where they are included in a lease they are necessary to define the tenant's business in relation to the other stores in the shopping center. Restrictions on the assignability of shopping center leases are justified by the need to protect the interests of the other tenants in the shopping center.

This provision does not unduly restrict the assignment of shopping center leases. Use clauses cannot be overly restrictive because they must permit enough flexibility to allow for the normal conduct of the original tenant's business. Mr. George Lambros of Missoula, Mont., who devoted his entire testimony to the use limitation problems, explained:

It is important to note that deleting the word "substantially" from these provisions would in no way prevent the assignment by debtors of their leases. Although shopping center lease use provisions are drawn with various degrees of specificity, even the narrowest use description still covers a market segment served by a very large number of existing and potential businesses. Although requiring strict performance of the use clause of the lease will limit the universe of potential assignees of any shopping center lease space, this limitation is absolutely necessary for the health of the shopping center and its other tenants and does not place an unreasonable burden on the debtor.

Use clauses are not intended to prevent the assignment of leases and practice in the shopping center industry shows that they will be interpreted reasonably. Any attempt to preclude assignment by drafting a use clause which would apply only to the original tenant would be de facto prohibitions of assignment, and, therefore, would be unenforceable under section 365(f)(1).

Where the trustee is unable to find an assignee within the use clause who is willing to pay what the trustee considers an acceptable price for the lease, the committee believes that it is appropriate for the lease to revert to the landlord.

Even where the landlord also is unable to find a replacement tenant with the same business use as the debtor, the committee believes that it is preferable to have an alternate use determined by the landlord rather than by the trustee and the bankruptcy court. It is in the interest of the debtor to choose the assignee which will pay the highest amount for the lease and thus maximize the proceeds from the sale of the lease, regardless of the impact of the assignment on the other tenants. On the other hand, it is in the interest of the landlord to select an assignee who will have the most beneficial effect on the business of the entire shopping center even though that assignee may not pay the highest rent. This is the case because shopping center landlords derive much of their income from percentage rents, that is, rents based on a percentage of the sales of the tenants. Thus, they have a strong incentive to select a tenant that will enhance the tenant mix and, thereby, increase the sales of all the tenants of the shopping center.

Fourth, operating and financial performance of assignee.

Problem. If shopping center space is assigned to a business in poor financial condition, the shopping center and its solvent tenants may soon find themselves dealing with another store in bankruptcy, with all of the attendant problems. As discussed above, when the trustee assigns space to a store in unsound financial condition, the harm to the landlord and the other tenants is compounded.

Solution. Under the code, adequate assurances of the source of rent and other consideration due under the lease must be given. The leasehold management amendments make clear that this includes assurances that the assignee has an operating and financial performance similar to that of the debtor when the lease was first executed. This provision was amended by the full Judiciary Committee to insure that it would not be interpreted to mean that the assignee must have exactly the same financial posture as the assignor. Instead, the assignee should have a similar operating and financial performance when all factors, including advertising aggressiveness, profit margins, growth potential, and other financial indicia, are weighed.

Fifth. Payment of security deposit by assignee.

Problem. In some cases, the assignee of a lease is not required to pay the customary security deposit. Security deposits provide an incentive for a shopping center tenant to keep his space in good repair, a requirement which benefits the entire shopping center enterprise.

Solution. The leasehold management amendments provide that an assignee pay the same security deposit as would be required by the landlord, if the landlord was leasing the space.

The leasehold management amendments also make technical and clarifying amendments to the Bankruptcy Code provisions dealing with shopping center leases.

Mr. President, I urge the Senate to approve the leasehold management amendments of this legislation.●

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. SASSER, and Mr. BOREN):

S. 550. A bill to establish a Federal Grain Storage Insurance Corporation to protect farmers who store grain in certain warehouses against losses caused by the insolvency of such warehouses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL GRAIN STORAGE INSURANCE ACT OF 1983

● Mr. PRYOR. Mr. President, I want to take this opportunity to address the Senate on an issue that has, unfortunately become a factor in the lives of American farmers. This subject has captured regional and national headlines and has generated discussion at all levels of Government and within the agricultural community. Farmers, already plagued by high interest rates, high fuel costs, and high seed and fertilizer costs, have now been hit by still another problem—bankruptcies and failures of grain elevators.

More than 110 elevators have failed in the United States in recent years, leaving in the lurch at least 3,200 farmers with over $25 million in grain. While the number of occurrences of grain elevators is relatively small compared to business failures in general, few other types of bankruptcies can have such a devastating effect on farmers who, in effect, are innocent bystanders. We have heard far too many stories of financial failure.

On April 7, 1982, the 20-year old Coast Trading Co. filed to reorganize under chapter 11 of the Federal Bankruptcy Law. Coast had a six-State chain of 22 grain elevators, feed mills, barge facilities, and other related services. The debt includes $14 million to secured creditors and $20 million to an estimated 200 unsecured creditors—mostly farmers and local elevators that sold Coast Trading.

In Stockport, Iowa, an elevator collapsed 2 years ago where too much grain was delivered without receiving a check, too little warehoused grain was secured by a warehouse receipt, and too much grain was delivered to be paid for later. This is really a farmer's unsecured loan to the elevator—and then the sudden, unexpected bankruptcy.

In Montana, North Dakota, Kentucky, Louisiana, Missouri, and Arkansas, similar stories have unfolded.

While it is understood that farmers themselves need to become alert to such danger signals as an elevator that offers a higher price if the farmer agrees to wait a few days, or offers to store grain at a cheaper rate, or even fails to give proper warehouse receipts, the time has come for the Congress to offer the farming community some statutory protection.

More and more State legislatures are recognizing their role and responsibility in developing sound criteria upon which to audit and regulate grain elevators. Additionally, as Paul Hughes, a constituent of mine, said recently in the Delta Farm Press, "As long as you make it possible for someone to succeed, then it also will be possible for them to fail." However, State and Federal Governments must not ignore this critical situation and it is important for the Congress and the State legislatures to take seriously the duties of Government in these situations.

Legislative reforms are under consideration that would change bankruptcy laws, increase oversight of warehouse operations by the Federal Government, and insure farmers against losses.

For farmers and other individuals and businesses caught with assets in a bankrupt elevator, the issue can be extremely frustrating. Those with warehouse receipts or, in some cases, scale tickets marked for storage, will be among a preferred group of creditors and generally have a good chance of recovering a large percentage of the loss. But farmers who have sold grain to a failing elevator under a deferred-payment arrangement fall into a nonpreferred class of general creditors and may recover little of their loss. And, in either case, the claims process can take months or possibly years to complete.

I have supported attempts to amend Federal bankruptcy laws to accomplish the following: First, establish a time limit on the disposition of elevator assets; second, establish a priority disposition system; and third, allow a farmer to impose a statutory lien in a deferred payment arrangement. It has been noted that these changes are far-reaching and could have secondary effects, one of which might be that the statutory lien could jeopardize the financing of elevator operations. Additionally, this proposed change might cause bankers and lenders to face new risks since the lien provisions affect clear title to commodities used as collateral. Also, some commentators have said that these amendments interfere with priorities set by States in bankruptcy proceedings. According to a statement by Brian Crowley, U.S. General Accounting Office,

> The best overall and latest available data on past bankruptcies indicate that about 2 percent of the approximately 10,000 grain warehouses nationwide have gone bankrupt between 1974-1979. To estimate how many warehouses might be in financial trouble, we applied certain financial ratios and self-developed criteria to data reported to USDA by a random sample of 400 grain warehouses under Federal jurisdiction. We found that 19, or 4.75 percent, of the sample warehouses met our criteria for being in financial trouble. Based on these results, we estimate that about 300 warehouses may be financially unsound. At the 95 percent confidence level, this number could range from 173 to 427 warehouses.

Mr. Crowley further added "that the Federal programs, no matter how effective, do not provide protection for all grain depositors." About 36 percent of grain warehouses are subject only to State requirements, which range from nonexistent to very sringent.

Therefore, it is my belief that a program is needed that will apply to situations throughout the country and that will offer protection to farmers. Finally, it will help restore the needed confidence between farmer and elevator.

To accomplish these goals, I am introducing legislation to establish a Federal Grain Storage Insurance Corporation. The program would be financed and governed by farmers through a corporate board and be established within the U.S. Department of Agriculture. This plan will give the farmers of this country the opportunity to voice their approval or disapproval of the insurance concept by voting in a referendum. The referendum will allow them to express support for a program under which a portion of their grain is assessed in return for the protection offered by the Corporation. By this method, just as farmers now support checkoffs for research and promotion, they could support a similar checkoff to insure their season's labor.

While some States, like Oklahoma and South Carolina, have already set up statewide insurance programs and many other States are showing interest, it seems logical that a national program that offers the advantages of a broad financial base and uniformity across State lines would be attractive to producers.

In the same vein, this program should not circumvent efforts that are now occurring to tighten the fiscal management of grain elevators. This program should further this cause. Farmers may even be wary of any warehouse that fails to meet requirements for qualification, just as depositors may be wary of a bank or savings and loan association that does not qualify for FDIC or FSLIC protection.

This bill also changes the criminal penalties for persons selling grain without proper title.

It is also hoped that by giving broad authorities to the Board of the Corporation, the Board can adequately address such legitimate concerns such as these: First, how to deal with variations in business risks; second, how much responsibility the producer should assume; third, how much protection should be offered and whether the assessment should vary between commodities, and fourth, whether a uniform warehouse receipt or scale ticket should be used by participants to increase uniformity.

One change which has been made from the previous legislation is that insurance benefits under this bill be paid based on the average market price for the commodity for the 90 days preceding the date of insolvency. The earlier version of this bill insured the grain based on the market value on the date of insolvency. An average is better so that any fluctuations in the market are evened out.

I urge the consideration and support of my colleagues for this measure. We need to work together to try to alleviate a problem we find in our agricultural communities. I believe this is a step in the right direction.

I ask unanimous consent that the text of the bill, a summary and highlights of the bill, be printed following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Grain Storage Insurance Act of 1983".

DEFINITIONS

SEC. 2. As used in this Act, unless the context clearly requires otherwise—

(1) the term "Board" means the Board of Directors of the Corporation;

(2) the term "certified warehouse" means a warehouse which is certified pursuant to section 10;

(3) the term "Corporation" means the Federal Grain Storage Insurance Corporation established pursuant to section 3;

(4) the term "Department" means the Department of Agriculture;

(5) the term "depositor" means the owner or holder of a scale ticket, a warehouse receipt, or other original source document issued by a certified warehouse for grain, who resides in a State and who is entitled to possession or payment for the grain represented by such ticket, receipt, or other document;

(6) the term "grain" means barley, corn, cotton, dry edible beans, flaxseed, grain sorghum, oats, rice, rye, soybeans, sunflower seeds, wheat, and any other commodity which is commonly classified as a grain and traded at, or stored in, a warehouse;

(7) the term "warehouse" has the same meaning given to such term under section 2 of the United States Warehouse Act (7 U.S.C. 242);

(8) the term "Secretary" means the Secretary of Agriculture; and

(9) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

CREATION OF CORPORATION

SEC. 3. There is hereby established within the Department a corporation to be known as the Federal Grain Storage Insurance Corporation. The office of the Corporation shall be located in the District of Columbia.

MANAGEMENT OF CORPORATION

SEC. 4. (a)(1) The management of the Corporation shall be vested in a Board of Directors, subject to the general supervision of the Secretary.

(2) The Board shall consist of—

(A) the manager of the Corporation;

(B) the Under Secretary or Assistant Secretary of Agriculture responsible for the Federal grain storage insurance program;

(C) the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department;

(D) two persons from private life who are experienced in the grain storage business;

(E) eight persons from private life who are actively engaged in farming;

(F) one person to represent the interests of private lenders who make a substantial portion of their loans for agricultural purposes and to represent the interests of the Farm Credit System, as defined in section 1.2 of the Farm Credit Act of 1971 (12 U.S.C. 2002); and

(G) one person who is experienced as a trustee in warehouse bankruptcies.

(3) Members of the Board described in clauses (D) through (G) of paragraph (2) shall be appointed by, and hold office at the pleasure of, the Secretary. The Secretary shall not be a member of the Board. In order to insure that diverse agricultural interests in the United States are at all times represented on the Board, persons appointed under paragraph (2)(E) shall be appointed from different geographic areas of the United States.

(b)(1) Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(2) Eight members shall constitute a quorum for the transaction of the business of the Board.

(c)(1) Members of the Board who are employed in the Department shall receive no additional compensation for their services as directors, but may be paid necessary traveling and subsistence expenses when engaged in business of the Corporation outside of the District of Columbia.

(2) Members of the Board who are not employed by the Federal Government shall be paid such compensation for their services as Directors as the Secretary shall determine, but such compensation may not exceed—

(A) the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5, United States Code, when actually employed; and

(B) actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistence expenses, as authorized by section 5703 of title 5, United States Code, for persons in government service employed intermittently, when on the business of the Corporation away from their homes or regular places of business.

(d) The manager of the Corporation shall be its chief executive officer and shall have such power and authority as may be conferred upon him by the Board. The manager shall be appointed by, and hold office at the pleasure of, the Secretary.

POWERS

SEC. 5. (a) The Corporation—

(1) shall establish and administer a Federal grain storage insurance program in accordance with this Act;

(2) shall investigate and report to the Secretary on violations of this Act;

(3) shall commend to the Secretary, from time to time, amendments for the improvement of this Act;

(4) may use the resources, personnel, and facilities of the Agricultural Stabilization and Conservation Service of the Department;

(5) may cooperate with State officials charged with the enforcement of State statutes governing warehouses;

(6) shall have succession in its corporate name;

(7) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(8) may purchase or lease and hold such real and personal property as it considers necessary or convenient in the transaction of its business and may dispose of such property held by it upon such terms as it considers appropriate;

(9) may sue and be sued in its corporate name and intervene in any court in any suit, action, or proceeding in which is has an interest, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property;

(10) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and may exercise and enjoy the powers granted to it by law;

(11) may use the United States mails in the same manner as the other executive agencies of the Government;

(12) shall assemble date for the purpose of establishing actuarially sound premiums for insurance on grain stored in certified warehouses;

(13) shall determine the character and necessity for its expenditures under this Act and the manner in which they shall be incurred, allowed, and paid, without regard to any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Government;

(14) may enter into and carry out contracts or agreements necessary in the conduct of its business, as determined by the Board, except that the Corporation may not enter into or carry out contracts or agreements to provide insurance under this Act; and

(15) shall have such powers as may be necessary or appropriate for the exercise of the powers specifically conferred upon the Corporation by this Act and all such incidental powers as are customary in corporations generally.

(b) The district courts of the United States, including the courts of bankruptcy and the district courts of the District of Columbia and of any territory or possession, shall have exclusive original jurisdiction, without regard to the amount in controversy, of all suits brought by or against the Corporation. Any suit against the Corporation shall be brought in the District of Columbia, or in the district wherein the plaintiff resides or is engaged in business.

(c) State and local laws or rules shall not apply to contracts or agreements of the Corporation or the parties thereto to the extent that such contracts or agreements provide that such laws or rules shall not apply, or to the extent that such laws or rules are inconsistent with such contracts or agreements.

PERSONNEL

Sec. 6. (a) Except as provided in subsection (b), the Secretary shall—

(1) appoint, pursuant to the provisions of title 5, United States Code, governing appointments in the competitive service, such officers and employees as may be necessary for the transaction of the business of the Corporation;

(2) fix their compensation in accordance with chapter 51, and subchapter III of chapter 53, of title 5, United States Code;

(3) define their authority and duties; and

(4) delegate to them such of the powers vested in the Corporation as the Secretary determines appropriate.

(b) Personnel paid by the hour, day, or month when actually employed may be appointed and their compensation fixed without regard to the provisions, chapter, and subchapter described in subsection (a).

MONEYS OF THE CORPORATION

SEC. 7. (a) (1) To carry out this Act, the Corporation is authorized to issue to the Secretary of the Treasury notes or other ob-

ligations in an aggregate amount of not to exceed $250,000,000, in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations.

(2) The Secretary of the Treasury shall purchase any notes and other obligations issued under this subsection. To purchase such notes and obligations, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act (31 U.S.C. 752 et seq.). The purposes for which securities may be issued under such Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(b) All money of the Corporation not otherwise used may be—

(1) deposited with the Treasury of the United States or, with the approval of the Secretary of the Treasury, in any Federal reserve or other bank, subject to withdrawal by the Corporation at any time; or

(2) with the approval of the Secretary of the Treasury, invested in obligations of the United States, a State, or a political subdivision of a State or in obligations guaranteed as to principal and interest by the United States.

(c) The Corporation shall at all times maintain complete and accurate books of account and shall file with the Secretary such reports concerning the business of the Corporation as the Secretary may require.

(d) The Corporation, including its franchise, capital, reserves, surplus, income, and property, shall be exempt from all taxation now or hereafter imposed by the United States, a State, or a county, municipality, or local taxing authority.

GRAIN STORAGE INSURANCE FUND

SEC. 8. (a) There shall be established in the Treasury of the United States a Grain Storage Insurance Fund which shall be available, up to an amount determined by the Corporation, without fiscal year limitation—

(1) to pay such insurance claims as may arise under this Act;

(2) to repay any notes or obligations issued under section 7(a); and

(3) to pay such administrative expenses as may arise in carrying out the program established by this Act.

(b) The Grain Storage Insurance Fund shall be credited with such amounts as may be borrowed or collected pursuant to sections 7(a), 9(h), and 11(b).

INSURANCE BENEFITS

SEC. 9. (a) The Corporation shall insure a depositor who has grain stored in a certified warehouse against a loss of such grain sustained by such depositor as a result of such warehouse becoming insolvent, as defined in section 101(26) of title 11, United States Code.

(b)(1) The amount of grain that may be insured under this Act in the case of any depositor is the amount of grain stored by the depositor in certified warehouses and to which the depositor has title or a right to payment.

(2) The amount of grain to which a depositor has title or a right to payment may be proved by a scale ticket, a warehouse receipt, or other original source document issued by the warehouse for the grain.

(c) Grain shall be insured under this Act at the average fair market value of the grain (as determined by the Corporation) for the ninety (90) days preceding the insolvency of the certified warehouse in which the grain was stored.

(d) The Corporation shall determine the date of insolvency of a certified warehouse in which grain was stored.

(e) The amount of insurance payable under this Act in the case of any depositor shall be an amount equal to the product obtained by multiplying the amount of grain which is insured under this act and stored in the certified warehouse which became insolvent by the fair market value of the grain, less—

(1) any amounts for which settlement has been made;

(2) any expenses for the handling, processing, or disposition of grain which were incurred by the certified warehouse in which the grain was stored and which were authorized by the depositor; and

(3) any unpaid liens against the grain.

(f) The Corporation may require a depositor to file such proof for a claim of loss for grain insured under this Act as the Corporation considers appropriate. If the Corporation is not satisfied that a claim is valid, it may refuse to pay the claim until a final determination of the claim is made by a court of competent jurisdiction.

(g) The Corporation shall pay a claim for a grain loss insured under this Act as soon as possible after the date of insolvency of the certified warehouse in which the grain was stored but in no event shall payment be made later than ninety days after such date or the date of any final determination made by a court of competent jurisdiction, whichever is later.

(h) Upon payment to a depositor for a loss of grain insured under this Act, the Corporation shall be subrogated, to the extent of the payment, to all rights of the depositor against the warehouse in which such grain was stored and against any person providing insurance or a bond for the loss of such grain.

(i) Insurance benefits payable under this Act shall not be liable to attachment, levy, garnishment, or any other legal or equitable process, or to deduction on account of the indebtedness of the insured or his estate to the United States, before payment is made to the insured, except claims of the United States or the Corporation arising under this Act.

(j) This Act shall not be construed to bar any right of recovery—

(1) by a depositor against a warehouse for any fraud or criminal or tortious act committed by such warehouse; or

(2) by a State, warehouse, or depositor against a person providing insurance or a bond for grain losses.

CERTIFICATION OF WAREHOUSES

SEC. 10. (a) A warehouse which is licensed under the United States Warehouse Act (7 U.S.C. 241 et seq.) is a certified warehouse under this Act.

(b)(1) The Corporation shall grant certification under this Act to a warehouse, other than a warehouse described in subsection (a), which—

(A) submits to the Corporation an application which contains such information and is in such form as the Corporation prescribes; and

(B) meets the eligibility qualifications established for the licensing of warehouses under—

(i) the United States Warehouse Act (7 U.S.C. 241 et seq.); or

(ii) a State statute which imposes qualifications for the licensing of warehouses which the Corporation determines are at least equal to the qualifications established under such Act.

(2) The Corporation shall terminate the certification of a warehouse, other than a warehouse described in subsection (a), if—

(A) such warehouse requests the termination of such certification; or

(B) the Corporation determines, after notice and opportunity for a hearing, that such warehouse does not meet the eligibility qualifications described in paragraph (1)(B).

(c) The Corporation may cause examinations to be made of a warehouse which applies for certification or is certified under subsection (a) or (b), including the facilities, grain stocks, books, records, papers and accounts of such warehouse.

(d) Grain stored in a warehouse which is certified under subsection (a) or (b) and which ceases to be so certified shall continue to be insured under this Act for a period of sixty days after the date on which the certification ceases.

ASSESSMENT OF DEPOSITORS

SEC. 11. (a) A certified warehouse shall levy upon a depositor, in a manner prescribed by the Corporation, an assessment based on the amount of grain deposited by such depositor in such warehouse at the time such deposit is made.

(b) A certified warehouse shall remit to the Corporation, in a manner prescribed by the Corporation, assessments made by it pursuant to subsection (a).

(c) The Corporation shall establish and may adjust the rate of the assessment for insurance provided under this Act.

REGULATIONS

SEC. 12. The Board shall, after consultation with the Secretary, the Administrator of the Agricultural Stabilization and Conservation Service, and the Chairman of the Commodity Futures Trading Commission, prescribe such regulations as may be necessary to carry out this Act.

CRIMINAL PENALTIES

SEC. 13. (a) Whoever, being an officer, agent or employee of or connected in any capacity with the Corporation, and whoever, being a receiver of the Corporation, or agent or employee of the receiver, embezzles, abstracts, purloins or willfully misapplies any moneys, funds, credits, securities or other things of value belonging to the Corporation, or pledged or otherwise intrusted to its care, shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

(b) Whoever, with intent to defraud, knowingly conceals, removes, disposes of, or converts to his own use or to that of another, any property mortgaged or pledged to, or held by the Corporation or a depositor shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

(c) Whoever, being an officer, agent, or employee of or connected in any capacity with the Corporation, with intent to defraud the Corporation or any other company, body politic or corporate, or any individual, or to deceive any officer, auditor, examiner, or agent of the Corporation or of any department or agency of the United States, makes any false entry in any book, report, or statement of or to the Corporation, or without being duly authorized, draws any order or bill of exchange, makes any acceptance, or issues, puts forth or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree, or, with intent to defraud the United States or any agency thereof, or the Corporation participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of the Corporation, shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

(d) Whoever knowingly makes any false statement or report, or willfully overvalues any property or security, for the purpose of influencing in any way the action of the Corporation shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

(e) Whoever, being an officer, agent, or employee of or connected in any capacity with the Corporation or a certified warehouse speculates in any grain insured under this Act, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such grain shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

EFFECTIVE DATE

SEC. 14. (a)(1) Within sixty days of the date of enactment of this Act, the Secretary shall conduct a referendum of farmers engaged in the production of grain to determine whether such farmers are in favor of or opposed to the Federal grain storage insurance program established under this Act. The Secretary shall determine the qualifications grain producers must meet in order to participate in the referendum.

(2) If such program is approved by 50 or more percent of eligible producers voting in the referendum conducted pursuant to paragraph (1)—

(A) such program shall become effective upon the date of such approval;

(B) the Secretary shall appoint the members of the Board pursuant to section 4(a) within ninety days of the date of such approval;

(C) the Board shall prescribe regulations pursuant to section 12 within one year after the date of such approval; and

(D) the Corporation shall reimburse the Secretary, from the Grain Storage Insurance Fund, established pursuant to section 8, for any expenses incurred by the Secretary in conducting the referendum, except for expenses relating to the salaries of employees of the Department.

(3) If such program is not approved by 50 or more percent of eligible producers voting in the referendum conducted pursuant to paragraph (1), such program shall not become effective.

(b)(1) If such program becomes effective pursuant to subsection (a) and subsequently 25 or more percent of depositors petition the Secretary to terminate such program, the Secretary shall conduct a referendum of depositors to determine whether such depositors favor termination of the program.

(2) If more than 50 percent of depositors voting in the referendum conducted pursuant to paragraph (1) vote to terminate such program, the program shall be terminated sixty days after the date of the referendum.

(3) The Corporation shall reimburse the Secretary from the Grain Storage Insurance Fund, established pursuant to section 8, for any expenses incurred by the Secretary in conducting the referendum, except for expenses relating to the salaries of employees of the Department.

BASIC CONCEPTS OF THE FEDERAL GRAIN STORAGE INSURANCE CORPORATION BILL

I. Creates corporation within U.S.D.A. managed by 15-member board.

A. Board:

(1) Manager.

(2) Undersecretary responsible for corporation.

(3) Undersecretary responsible for farm credit programs.

(4) 2 persons from grain storage industry.

(5) 8 persons actively engaged in farming.

(6) Private lender from agricultural lender or representative from Farm Credit Act participants.

(7) Person experienced as a trustee in handling warehouse bankruptcies.

B. Corporation shall have responsibility to administer and write rules and regulations:

II. Will utilize existing ASCS county offices and personnel.

III. Corporation has borrowing authority from Treasury up to $250,000,000.

IV. Insurance benefits:

A. Corporation will provide coverage to any depositor in a certified warehouse that is involved in a bankruptcy, liquidation or reorganization, or state receivership.

B. Basically settlement will be average market price for 90 days preceding the insolvency minus any liens, conditioning, etc.

C. Pay claim within 90 days of warehouse closing.

V. Certification of warehouses:

A. All warehouses licensed under Federal Warehouse Act shall participate.

B. State warehouses or any warehouses who meet federal warehouse licensing requirements.

C. Those warehouses not federally licensed may ask to terminate certification.

VI. Assessment:

A. Depositor (farmer) shall pay the prescribed assessment to the warehouse at time of deposit.

B. Will be trigger mechanisms to call for additional referrenda to protect farmer from excessive costs.

VII. Criminal penalties:

All penalties have been increased to deal with grain storage.

VIII. Effective date:

A producer referendum shall be conducted by U.S.D.A. of all eligible grain producers. 51 percent needed for approval and implementation of program.

HIGHLIGHTS

1. Allows farmer to have protection against loss of season's labor.

2. Farmer will be paid in short period of time.

3. Grants essentially same protection to farmer as amending bankruptcy code without problems (such as jeopardizing financial lenders and elevators relationship).

4. More and more state legislatures are turning to state funds (South Carolina, Maryland, Oklahoma). Arkansas Legislative Council has directed State to draw up program for '83 season.

5. Allows large financial base that would be impossible with state programs.

6. Allows restoration of confidence in farmer and grain elevator relationship.

7. Allows uniformity of standards on a nationwide basis.

8. Allows protection to farmers in unsecured position.

9. GAO estimates that about 300 warehouses may be considered financially unsound. The problem of bankruptcy is not going away.

10. Allows farmers, by referendum vote, to decide on insurance proposal.

11. Check-off concept is widely accepted by farmers and elevators.

12. Would increase criminal penalties and to have more uniform and thorough audit procedures.●

● Mr. BUMPERS. Mr. President, I am joining with Senator PRYOR as an original cosponsor of the Federal Grain Storage Insurance Act of 1983. This same bill was introduced by us on September 29, 1982, but the Agriculture Committee was unable to act on this measure before the adjournment of the 97th Congress.

Junction, Ill.; Stockport, Iowa; and most recently Ristine, Mo., have assumed their places in the annals of the long list of tragedies that have befallen the American farmer. I am talking about recent sites of elevator bankruptcies—tragedies that not only ruin the farmers immediately involved, but also the entire dependent agricultural community. According to a 1981 study conducted by the Illinois Legislative Council, 110 grain elevators went bankrupt in the United States during the period of 1974 to 1979 alone. The U.S. Department of Agriculture in its 1981 study, "Keeping Harvests Safe From Failing Elevators," estimated that approximately 175 elevators have either been liquidated or reorganized since 1975. The Congressional Research Service puts the number at 180 for the same period.

Each elevator collapse is a disastrous blow to the livelihood of our American farmers, and exacerbates their feelings of helplessness in the face of our legal institutions and the apparent lack of concern of their elected officials.

It is for these reasons that we are introducing the Federal Grain Storage Insurance Corporation Act. This bill is designed to cover most marketing and storage situations in which farmers have been left unprotected when dragged into bankruptcy litigation because of a warehouse failure. We have not reinvented the wheel. Instead, we have borrowed good provisions from previous bills and have incorporated the practical and structural suggestions from such far-ranging groups as the Farm Bureau, the AAM, warehouse associations, and the agricultural law faculty at the University of Arkansas. And, of course, we have re-

ceived extensive comments and suggestions from individual farmers, which we have incorporated.

Times are extremely tough for our farmers today. After experiencing tremendous risks in planting, raising, and harvesting their crops, the last thing our farmers need to worry about is that elevators will go under. Our bill is designed to instill confidence into the farmer-grain warehouse relationship. It will establish a corporation whose management will be left in the hands of a 15-member farmer-controlled board of directors. Besides the eight farmer members, there would be two persons involved in the grain storage business, one member from the Farm Credit System, one trustee experienced in grain warehouse bankruptcies, two undersecretaries of related agencies within the USDA, and a corporation manager. The corporation would utilize the many offices of the ASCS nationwide to handle the day-to-day administrative affairs. Our farmers already are used to dealing with their ASCS office and we are also avoiding the creation of another large Federal bureaucracy with which farmers must deal.

The insurance fund base will be provided by the farmers themselves by a per-bushel or per-bale check off on commodities stored in a program warehouse. A program financed by the warehouses would simply be passed on to the farmer anyway, so we have designed this program to be farmer financed but also farmer controlled. The storage insurance corporation also will have the authority to borrow money from the Treasury, especially for the establishment of a beginning fund base and for emergency situations.

The decision as to which grain warehouses would be covered was a heavily researched one, and I believe this program has the potential to include eventually 100 percent of all grain warehouses. The 10,000 grain warehouses in this country generally have the option of being State-licensed in the 29 States that have State licensing, or of being federally licensed under 7 United States Code section 241 et seq., of the U.S. Warehouse Act. It is the federally licensed warehouses that will be required to enter into the insurance program. This group represents 20 percent of the total, but 43 percent of all commercial grain storage capacity, and would include the major grain companies because of their preference for the uniformity of Federal law.

Those elevators that are currently not federally licensed will be allowed into the program if they can show that they could meet the licensing requirements under the U.S. Warehouse Act. The procedure is relatively simple for these warehouses, and the strength of our insurance program plus market pressures will encourage their participation. Enactment of this program, however, will not preempt State-licensing schemes, or indemnity or insurance funds in States such as Oklahoma, South Carolina, Maryland, or Ohio.

Last, but most important, are the broad benefits to the farmers which this bill will put in place. The farmer would be able to avoid being caught in a bankruptcy tragedy. The farmer in a program warehouse would quickly recover 100 percent of the fair market value of his commodities. This would cover grain in storage as well as grain sold to the warehouse, but for which there has been an incomplete settlement. The corporation would accept warehouse receipts, scale tickets, or other original source documents as evidence of covered grain and would be subrogated to the rights of the farmer in the bankruptcy litigation. In short, this bill is intended to protect our grain, bean, and cotton farmers, as many States have already done, and as we have protected our livestock growers under the Packers and Stockyards Act, 7 United States Code section 181 et seq.

We offer this program to our farmers. If passed by Congress, it would be presented to them to accept or reject in a nationwide farmer referendum. Some of the greatest problems facing our farmers in a warehouse bankruptcy are their unprotected status as creditors for grain sold, the reluctance of some courts to accept warehouse receipts or scale tickets as records of ownership, the tendency of courts to assess expenses such as trustees' fees to bailed property, and the delay in litigation which usually affects commodity prices significantly. We have dealt with these problems in this bill.

The time to act is now. The American farmer is pleading for help. I am convinced that major legislative changes in our farm programs will be necessary if our farm economy is to remain viable. Elevator bankruptcies are just a small part of the problem, but any farmer who has been the victim of one can attest to the anger, frustration, and misery it causes in addition to the financial loss. This bill is fair to all concerned, and will serve the public interest by instilling a measure of confidence and a good deal more stability into the farmer-grain warehouse relationship. I urge the quick passage of this legislation.●

By Mr. ROTH (for himself, Mr. ARMSTRONG, Mr. MOYNIHAN, and Mr. HEINZ):

S. 551. A bill to amend the Tax Reform Act of 1976 to extend for an additional 4 years, the exclusion from gross income of the cancellation of certain student loans; to the Committee on Finance.

FORGIVENESS OF CERTAIN STUDENT LOANS

● Mr. ROTH. Mr. President, today I am introducing a bill which would amend the Tax Reform Act of 1976 to restore for an additional 4 years, the exclusion from gross income, the cancellation or forgiveness of certain student loans.

This measure, which restores a provision of the tax law, has assisted primarily public hospitals in the establishment of programs to train nurses. For example, nursing students are provided with loan forgiveness or scholarship in exchange for which they agree to return to a particular hospital and work for a period of time. By virtue of this provision, the amount of the loan forgiven or scholarship granted is not includable in the student's taxable income. Since this provision was not extended beyond January 1, 1983, during the 97th Congress, there has been an adverse impact on the ability of hospitals to train nurses and help alleviate the nursing shortage which currently exists nationwide.

Mr. President, the importance of nurses and nursing resources to our health care system is central to the provision of quality health care service in our Nation's hospitals. Over many years, the Federal Government has provided millions of dollars to other worthy nurse training programs designed to address the nursing shortage. However, the approach taken by this bill allows a cost effective and cost efficient nurse training mechanism to be available to hospitals experiencing acute nursing shortages.

I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of Section 2117 of the Tax Reform Act of 1976 (relating to cancellation of certain student loans) is amended to read as follows:

"(b) STUDENT LOAN.—For purposes of this section the term "student loan" means any loan to an individual to assist the individual in attending an educational organization described in section 170 (b)(1)(A)(ii) of such Code—

(1) by the United States, or an instrumentality or agency thereof, or a State, territory, or possession of the United States, or any political subdivision thereof, or the District of Columbia, or a public benefit corporation which is exempt from taxation under section 501 (c)(3), which has assumed control over a state, county or municipal hospital, and whose employees have been deemed to be public employees under state law, or

(2) by any such educational organization pursuant to an agreement with the United States, or an instrumentality or agency thereof, or a State, territory, or possession of the United States, or any political subdivision thereof, or the District of Columbia or a public benefit corporation which is

exempt from taxation under section 501 (c)(3), which has assumed control over a state, county or municipal hospital, and whose employees have been deemed to be public employees under state law, under which the funds from which the loan was made were provided to such educational organization."

(b) That subsection (c) of Section 2117 of the Tax Reform Act of 1976 (relating to cancellation of certain student loans) is amended by striking out "January 1, 1983" and inserting in lieu thereof "January 1, 1987."●

● Mr. MOYNIHAN. Mr. President, I rise today with Mr. ROTH, the distinguished Senator from Delaware, in support of this legislation. Under the Tax Reform Act of 1976, certain nursing student loans that were canceled or forgiven were also excluded from gross income. The purpose was clear: To address the critical shortage of nursing personnel. Unfortunately, this provision expired on January 1, 1983. This bill would restore this exclusion.

Few doubt the seriousness of the present nursing shortage. The American Hospital Association reports that there are over 85,000 nursing vacancies in the AHA hospitals alone. A staggering 80 percent of the Nation's hospitals have unfilled nursing positions. Nurses perform a vital role in our health care system, and we should do everything practicable to insure that our health system will be able to meet the rapidly growing demand for nursing services. This legislation will go far to meet this need.

I have an additional interest in one provision of this bill. Currently, the 1976 Tax Reform Act applies only to loans made by the United States, by political subdivisions of the United States, or by educational institutions under agreements with a political subdivision to make such a loan. This definition is clearly inadequate, because there is at least one institution that is not covered by the existing statutory legislation—the New York City Health and Hospitals Corp. (HHC).

The Health and Hospitals Corp., created by the New York State Legislature on July 1, 1970, has responsibility for the operation of the 12 New York municipal hospitals, as well as the 4 municipal nursing homes. It is an agency of the city of New York; it is nonprofit; all of its employees are public employees.

The Health and Hospitals Corp., like so many other hospital systems, has a serious shortage of nurses. The HHC should have 7,400 nurses; at present it can only find 5,500 to employ. This shortage of 1,900 nurses threatens the ability of the HHC to provide the best possible health care.

The HHC has recently started a scholarship program to address this problem. The system will offer loans to qualified college students and then forgive the loans for those who offer their nursing services to the HHC. But the Health and Hospitals Corp.'s ability to attract nurses is now threatened by its exclusion under the existing statutory language. Without an amendment to the 1976 Tax Reform Act, nurses whose loans were forgiven by the HHC would nonetheless have to pay tax on the amount of the forgiven loan. And of all the nurses trained and working for public hospitals, only those working for the public hospitals of the city of New York would have to pay this tax. This would surely defeat the purpose of the program, at least in New York, by removing the financial incentive for nurses to work for the hospitals and nursing homes.

Senator ROTH's bill solves this problem. The measure restores the exclusion and expands the definition of qualified institutions to include "public benefit corporations" such as the Health and Hospitals Corp. It is a worthy measure, and I urge my colleagues to support its speedy enactment.●

By Mr. CHILES:

S. 552. A bill to designate the Federal building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building"; to the Committee on Environment and Public Works.

GEORGE W. WHITEHURST FEDERAL COURT BUILDING

● Mr. CHILES. Mr. President, today I am introducing legislation to designate the Federal building in Fort Myers, Fla., as the George W. Whitehurst Federal Court Building. I am pleased that Congressman CONNIE MACK is today introducing identical legislation in the House of Representatives. It is altogether timely and appropriate that Congress recognize the contributions of Judge Whitehurst to the State of Florida and to the Nation in such a manner.

The career of Judge Whitehurst in both the State and Federal judiciary spans over 50 years. While he is best known as a Federal district court judge where he served for 24 years, he accomplished much during his tenure as a State circuit judge. In 1919, the Florida State Legislature created the 12th Florida Judicial Circuit, composed of Lee and DeSoto Counties. George Whitehurst, who was then serving as an elected county judge of DeSoto County, was appointed by Governor Catts as the circuit judge. Over the next several years, new counties were created, the 12th circuit was expanded to eight counties, and Judge Whitehurst found his job growing by leaps and bounds as a result of the boom that came to south Florida in the early 1920's. When Judge Whitehurst retired in 1947, after some 28 years of service, the circuit included Charlotte, Collier, DeSoto, Glades, Henry, Lee, Manatee, and Sarasota Counties, and Judge Whitehurst had been joined by only one other judge.

I believe it is accurate to say that George contributed to taming one of the roughest, toughest parts of Florida in those early years of riding circuit. It was a big job but not too big a one for Judge Whitehurst. He was, however, a modest man about those early years. One of his favorite stories was about the time he was to hold court in Everglades City, the county seat of the newly created Collier County. The judge had to take a boat to get there from Fort Myers. There was no courthouse and court was held in a hotel and store building, one of the few there. It was a tough, primitive area populated by felons, cutthroats, and fugitives from all over the Eastern United States. Needless to say, it took considerable courage to come into this town and proclaim law and order. The announcement of the judge's presence prompted an anonymous message that he would not leave the island alive if anyone was convicted. Since he and an attorney were the only "enforcers of the court's ruling" present, Judge Whitehurst used to tell how he did the only sensible thing. He convened the court and promptly adjourned until the next term. Judge George Whitehurst returned later with plenty of deputies.

George Whitehurst lived in Fort Myers for 51 years until his death in 1974. He served there as a State circuit judge and as a Federal district judge. His career amounts to a lifetime of service to the people of south Florida and I am pleased to have had the opportunity to know him personally.

It is fitting we honor the memory of George Whitehurst by naming the Federal building in Fort Myers after him. He was a great man whose selfless devotion as a champion of justice is a tribute in itself. He was a fair man, a man that helped lay the groundwork for the Florida judicial system and contributed to the Federal judiciary in the southern district of Florida. I hope my colleagues in the Senate will join me in honoring Judge George Whitehurst by acting favorably on this legislation.●

By Mr. HART (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. RANDOLPH, Mr. ANDREWS, Mr. HUDDLESTON, Mr. LEVIN, Mr. RIEGLE, Mr. COCHRAN, Mr. BIDEN, and Mr. HOLLINGS):

S. 553. A bill to authorize a national program of improving the quality of education; to the Committee on Labor and Human Resources.

AMERICAN DEFENSE EDUCATION ACT

● Mr. HART. Mr. President, today I am introducing with Senators BAUCUS, BURDICK, RANDOLPH, ANDREWS, HUDDLESTON, LEVIN, RIEGLE, COCHRAN,

BIDEN, and HOLLINGS, the American Defense Education Act.

Responsibility for our children's education is a shared responsibility. It rests on families, on communities, and on governments. The American Defense Education Act draws on all three to meet the challenge of educating our children at a time when our Nation's economic, technological, and defense needs are greater than at almost any other period in history.

In 1958, Congress passed the National Defense Education Act in response to the launching of the first manmade satellite. Sputnik was a powerful symbol of a new era of technological advance and fast-paced change. More than that, it was a direct challenge to the United States.

Our Nation understood and responded. With passage of the landmark NDEA, our children began to learn the science, mathematics, and foreign languages they would need. Televisions and film moved into the classrooms to widen our student's horizons. Almost overnight, we brought our education system into the 20th century.

Unfortunately, in 1983 there is escalating awareness we have again ignored our educational needs.

Here are some sobering statistics according to the National Science Foundation.

Between 1960 and 1977, the proportion of public high school students—grades 9 to 12—enrolled in science and mathematics courses declined—from 60 to 48 percent in the cast of science.

There has been a steady decline in the science achievement scores of the U.S. 17-year-olds as measured in three national assessments of science, 1969, 1973, and 1977.

Mathematics scores of 17-year-olds declined significantly in two assessments of mathematics, 1973 and 1978. The decline was especially severe in the areas of problem solving and the applications of mathematics.

And, the mathematical and verbal scholastic aptitude test scores of students have declined steadily over an 18-year period through 1980.

What is more dangerous, is the fact our toughest international competitors are devoting far more attention to educating their children in these vital areas.

One-half of all high school students in the United States take no mathematics or science beyond the 10th grade. In contrast, in Japanese secondary schools nearly all the college-bound students take three natural science courses and four mathematics courses during their 3 year high school career.

And, the Soviet Union has instituted a general curricula at the primary and secondary levels, which in terms of its heavy focus on science and technology, is the most advanced in the world. In addition to 2 years of calculus, all youngsters in the Soviet Union are required to complete 5 years of physics, 4 years of chemistry, 4 years of biology and 5 years of algebra.

On a per capital basis, for each engineering graduate produced per year in the United States, Japan produces 2.6 engineers, and the Soviet Union produces 4.1 engineers.

Not surprisingly, our national inattention to science and mathematics is matched by a dangerous decline in the number of qualified teachers in these areas.

Statistics by the National Science Foundation show that in 1981, 43 States—of 45 responding—reported a shortage of mathematics teachers. In the same year, 50 percent of the teachers newly employed nationwide to teach secondary science and math were actually uncertified to teach those subjects.

From 1971 to 1980, student teachers in science and math decreased in number—threefold in science and fourfold in math—and only half of them have entered the teaching profession. And, 25 percent of those currently teaching have stated they expect to leave the profession in the near future.

Mr. President, these statistics are alarming and could be devastating for our country's future.

The American economy is undergoing a profound transformation—as far reaching and pervasive as the industrial revolution. America is fast becoming a nation of workers with words and information. It is in our country's best interest to invest in the minds of our young people. The opportunities for jobs, for growth, for prosperity in the 1980's and 1990's depend on our human resources even more than our physical resources. Our future security and well-being depend on investing in the education of tomorrow's workers.

The past 20 years have brought unparalleled scientific and technical advances. Our society has been transformed by computers, by communications, by electronics, and it will continue to change in the decades ahead. Unless we begin to prepare our children in mathematics, science, foreign languages, communication skill and technology, they will not be able to compete in the international marketplace. And, our economic future will be jeopardized.

Technological and scientific knowledge is necessary to meet our economic objectives. It is even more imperative to meet our national security objectives.

Today's defense rests on sophisticated equipment. This equipment incorporates the most up-to-date science and technology. And what of the minds to control the equipment, to operate it and maintain it? Many of our troops cannot even read the instruction manuals. So the Defense Department is spending millions to rewrite the manuals, from the 11th grade reading level to the 6th grade level or lower.

Yet, equipment and training manuals become obsolete and are discarded, costing our government millions of dollars. Only investment in the minds of our young people will bring lasting returns in the future.

The situation demands an immediate national response.

Mr. President, the American Defense Education Act fulfills such a need.

The ADEA provides that local education agencies develop and implement programs in elementary and secondary schools to improve instruction and student achievement in mathematics, science, communication skills, foreign languages, and technology, the bill establishes participation requirements and an assessment of instruction and student achievement. To measure the progress of programs developed with ADEA assistance, local school districts are to establish yearly evaluation systems. These systems would be developed with participation from the school board, administrators, teachers, parents, business, and industry.

During each fiscal year, school districts working with the ADEA program will be entitled to a basic payment of 2 percent of the average per-pupil expenditure in the State—but not less than the average per-pupil expenditure for the United States. And, those districts which can show substantial evidence that the programs meet ADEA goals for the year will receive an additional 2-percent payment.

The ADEA also provides for grant programs at institutions of higher education to establish a coordinated effort between local education agencies and higher education to facilitate the improvement of mathematics and science education. Grant proposals will be evaluated by practitioners from the elementary, secondary, and postsecondary education communities. Proposals could include, but not limited to, summer institutes, workshops, and in-service education conducted by higher education institutions to provide practicing teachers up-to-date mathematics and science instruction.

The bill also establishes a program to support research and development in effective education in mathematics, science, foreign languages, and technological training. Such as: research on teaching and learning techniques in these areas.

An additional component of the ADEA calls for the Secretary of Defense to project the personnel training needs of the Armed Forces. Then, in conjunction with the Secretary of

Education and local educators, analyze the best way for education to help meet those needs. It is absolutely essential for our defense professionals to communicate with our educators.

Mr. President, the American Defense Education Act establishes an incentive program which is necessary to give needed Federal impetus to enable our country to meet the demands placed on our educational systems by the technological changes taking place in today's world. It is vital to our national economic well-being and to our national security that the Federal Government provide the incentive to local school districts to develop the program which will train our young people for tomorrow's world.●

By Mr. PELL (for himself, Mr. BENTSEN, Mr. RANDOLPH, Mr. MELCHER, Mr. ANDREWS, and Mr. PRYOR):

S. 554. A bill to authorize the Secretary of Education to provide financial assistance to States for the training and retraining of older Americans; to the Committee on Labor and Human Resources.

OLDER AMERICANS VOCATIONAL EDUCATION ACT

● Mr. PELL. Mr. President, on behalf of myself, Mr. BENTSEN, Mr. RANDOLPH, Mr. MELCHER, Mr. ANDREWS, and Mr. PRYOR I am introducing today the Older Americans Vocational Education Act. Unemployment and the need for vocational training have reached critical proportions for American workers over the age of 45, and the Older Americans Vocational Education Act will focus needed job services directly on older workers.

Unemployment has grown dramatically for persons 45 and older since the beginning of our current recession. Joblessness for these older Americans has increased from 1,247,000 unemployed in July 1981 to 1,965,000 in December 1982, an increase of 57.6 percent. In addition, because older workers are three times as likely to withdraw from the labor force, there is a substantial number of discouraged workers among older Americans. When discouraged and involuntarily part-time workers are counted, the number of jobless workers over the age of 45 years rises to almost 4 million.

Many types of older Americans desire work. Older workers who retire early often need jobs in order to supplement their retirement income. Displaced homemakers are forced into the job market by divorce or the premature death or disability of a spouse. Dislocated workers, those laid off from declining or changing industries, must find new jobs. Some older workers are unwillingly employed part time, and would like full-time jobs.

Older workers face barriers to employment and reemployment, however, that are not faced by younger workers. Obsolete job skills, lack of skills, lack of job search skills, and employer discrimination in hiring older persons, particularly when training is involved, keep older workers out of work.

Older workers are very interested in going to work, however. In Rhode Island, where the title V senior community service employment program provides only 285 jobs, a waiting list of 800 seniors who desire work exists at the Department of Elderly Affairs. Older workers are also very interested in vocational education. According to a 1981 Louis Harris survey for the National Council on the Aging, the number of people over the age of 40 seeking specific job skills has more than doubled in the past 7 years.

The obstacle to training for older workers has been the fact that most vocational education and job training programs are not attuned to the needs of older workers. Programs funded through the Vocational Education Act have focused primarily on younger persons, providing services to older workers chiefly in the area of preretirement counseling. Displaced homemaker programs do not assist persons over the age of 60. The Job Training Partnership Act contains a set-aside for training older individuals, but that set-aside is only 3 percent of the funds allocated to each State, and only those persons who are 55 or older and who receive cash welfare payments, food stamps, or have a family income below the poverty level are eligible to participate. There is no vocational or job training program which is specifically directed to meet the needs of older workers at this time.

That is why I am introducing the Older Americans Vocational Education Act. This act would distribute money through the Secretary of Education directly to the States for job training for older workers. Each State desiring to receive funds would establish an Older Americans Job Training Committee, composed of officers of the State agencies on aging, education, vocational education, job training, and a representative of the private sector. That committee would then use the State's allocation to establish employment-based programs, training programs, and placement services for older workers.

Priority in training is to be given to older Americans who are entering the work force for the first time, such as displaced homemakers; those who are unemployed and need retraining for a new job; and those who need training for new jobs requiring a knowledge of high technology. Training could be provided by public or private providers of placement and training services.

In addition to providing money directly to the States for training, the Older Americans Vocational Education Act will also provide funds for national demonstration projects, and a national clearinghouse on training and retraining for older Americans. The Vocational Education Act of 1963 is also amended to prohibit discrimination on the basis of age.

Funding authorized for the Older Americans Vocational Education Act would be $100 million each year for 3 years. Of these funds, 88 percent would go to the States, up to 10 percent would be devoted to national demonstration projects, 1 percent would be allotted to American protectorates, trust territories, and Indians, and 1 percent would be devoted to the national clearinghouse. Funding would be divided among the States according to the ratio that the number of individuals in each State who are age 45 or older bears to the number of such persons in all States; small States would receive a minimum of one-half of 1 percent of the money allocated to the States.

The amount of funding authorized under this act represents a minimal and necessary investment in the careers of our older workers, and it is an amount which will be more than repaid to our Government. Increased participation in the work force by older workers, for example, would add up to $10 billion in revenues to the social security trust funds by the year 2025.

This legislation can play an important role in restoring economic prosperity. Effective job training for older workers can lead the way to increased employment, productivity, and independence for seniors; increased revenue for the economy and the Treasury; and reduced draining of retirement and unemployment funds. Equally important, however, is the potential impact on the quality of life for middle-aged and older Americans who suddenly find themselves without jobs or job prospects, through no fault of their own.

This job training program can restore hope where hope has been lost. The prospect of jobs for unemployed older and middle-aged Americans can replace despair and dependence with a new sense of independence and purpose. I am therefore very pleased to join with my colleagues in introducing the Older Americans Vocational Education Act.

Mr. President, I ask that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Vocational Education Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) older Americans who retire early often need work in order to supplement thier retirement income;

(2) older Americans who are displaced homemakers require training or retraining to obtain employment;

(3) older Americans who are layed off from their jobs which they have held for many years need retraining in order to reenter the job market; and

(4) older Americans who are unemployed or underemployed need improved skills for jobs available in high technology industries.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Governor" means the chief executive of any State;

(2) the term "older American" means any individual who is at least 45 years of age;

(3) the term "Secretary" means the Secretary of Education;

(4) the term "State" means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

(5) the term "State educational agency" means the State Board of Education or other agency or office primarily responsible for the State supervision of public elementary and secondary schools or, if there is no such office or agency, and office or agency designated by the Governor or by a State law;

(6) the term "State board for vocational education" means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration of vocational education in the State; and

(7) the term "State agency on aging" means the State agency designated under section 305(a)(1)(A) of the Older Americans Act of 1965.

PROGRAM AUTHORIZED

SEC. 4. (a) The Secretary is authorized to make grants to States in accordance with the provisions of this Act, to pay the costs of training, retraining and placement programs for older Americans.

(b) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1984, 1985, and 1986.

ALLOTMENT TO STATES

SEC. 5. (a)(1) From the amount appropriated to carry out this Act for each fiscal year, the Secretary shall—

(A) reserve not to exceed 10 percent for carrying out section 8.

(B) reserve 1 percent for carrying out section 9, and

(C) allot to each State an amount which bears the same ratio to the amount remaining as the number of individuals who are age 45 or older, inclusive, in the State bears to the number of such individuals in all States, except that no State shall receive less than one-half of 1 percent of the amount appropriated under section 4(b) in any fiscal year.

(2) For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

(3) The number of individuals age 45 or older, inclusive in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this Act which the Secretary determines will not be required for that fiscal year to carry out this Act shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

(c) There are authorized to be appropriated for each fiscal year for the purpose of this subsection amounts equal to not more than 1 percent of the amount appropriated for such year under this Act. The Secretary shall allot the amount appropriated pursuant to this subsection among Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this Act. In addition for each fiscal year, the Secretary shall allot from such amount to the Secretary of the Interior the amounts necessary for programs authorized by this Act for vocational education programs for older Indians. The terms upon which payments for such purposes shall be made to the Secretary of the Interior shall be determined by such criteria as the Secretary determines will best carry out the purpose of this Act.

JOB TRAINING COMMITTEE; USES OF FUNDS

SEC. 6. (a)(1) The Secretary shall make grants under this Act to the older Americans job training committee in each State established in accordance with the provisions of this subsection.

(2) Each State desiring to receive assistance under this Act shall establish an older Americans job training committee composed of—

(A) an officer from the State educational agency;

(B) an officer from the State agency on aging;

(C) an officer from the State board for vocational education;

(D) an officer from the State agency responsible for postsecondary vocational education;

(E) an officer from the State agency that receives assistance under section 123 of the Jobs Training Partnership Act, but only if such State agency is not represented under clauses (A) through (D) of this sentence; and

(F) a representative from the private sector appointed by the Governor.

(3) In any case in which the Governor is unable to establish an older Americans job training committee in accordance with paragraph (1) of this subsection, the Governor shall carry out the functions of the committee under this Act.

(b) The amount of each State's allotment under section 4(a) may be used by the older Americans job training committee for—

(1) employment based programs for older Americans within the State in occupations in which there are existing job opportunities, with particular emphasis upon growth industries involving new and emerging technology;

(2) training programs for older Americans, including support services conducted at the local level in community and junior colleges, vocational education facilities and other facilities which are appropriate, accessible, and convenient to the older Americans to be served under the program; and

(3) placement services, including information, counseling and support services to assist older Americans in obtaining employment.

STATE APPLICATIONS

SEC. 7. (a) Each State which desires to receive grants under this Act shall file an application with the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary reasonably requires. Each such application shall—

(1) designate the older Americans job training committee described in section 6(a)(1), or if necessary the Governor as required by section 6(a)(2), as the agency responsible for the administration and supervision of programs described in section 6(b);

(2) describe the programs for which assistance is sought under the application;

(3) provide assurances that in carrying out training programs assisted under this Act priority will be given to older Americans within the State—

(A) who are entering the work force for the first time;

(B) who are unemployed and need retraining for a new job; and

(C) who need training for new jobs requiring a knowledge of high technology;

(4) provide procedures—

(A) under which providers of training and placement services may submit applications to the older Americans job training committee established under section 6(a)(1) or the Governor, as the case may be, for distribution of payments to such providers within the State, and

(B) for approval by the committee or the Governor, as the case may be, including appropriate procedures to assure that the committee or the Governor, as the case may be, will not disapprove an application without notice and opportunity for a hearing;

(5) provide assurances that not to exceed 10 percent of State's allotment will be used for administrative expenses, including expenses of the older Americans job training committee, technical assitance and demonstration projects;

(6) provide assurances that Federal funds made available under this Act for any fiscal year will be so used as to supplement, and to the extent practicable to increase the level of funds that would, in the absence of such funds, be available for the purposes described in section 6(b), and in no case supplant such funds; and

(7) provide such fiscal control and accounting procedures as may be necessary—

(A) to insure proper accounting of Federal funds paid to the applicant under this Act, and

(B) to ensure the verification of the programs assisted under the application.

(C) The Secretary shall expeditiously approve any application that meets the requirements of this section.

NATIONAL DEMONSTRATION PROJECTS

SEC. 8. (a) From the amount reserved under section 5(a)(1)(A), the Secretary is authorized, in accordance with this section, to make grants to and enter into contracts with national organizations of proven ability in providing employment services to older individuals, particularly such organizations as are qualified under section 506(a)(1) of the Older Americans Act of 1965, under which such organizations will develop and carry out demonstration projects designed to focus attention on the special vocational education needs of older individuals and to promote employment opportunities for older individuals.

(b) Financial assistance provided under grants made or contracts entered into under this section may be used for—

(1) furnishing training and retraining to older individuals,

(2) assisting older individuals particularly displaced homemakers, to make midlife career changes,

(3) providing referral services for employment opportunities for older individuals, and

(4) disseminating information designed to encourage the public sector and the private sector to offer more job training opportunities for older Americans.

NATIONAL CLEARINGHOUSE ON OLDER AMERICANS JOB TRAINING

SEC. 9. From the amount reserved under section 5(a)(1)(B) the Secretary shall establish and operate a clearinghouse on training and retraining programs for older Americans. The clearinghouse shall collect and disseminate to the public information pertaining to vocational training, retraining, and placement services available for older Americans, together with ways of coordinating such services and programs available for older Americans with other similar programs provided to older Americans. The Secretary is authorized to enter into contracts with public agencies and private organizations to operate the clearinghouse established or designated under this section.

PAYMENTS

SEC. 10. (a) From the amounts appropriated under section 4(b), the Secretary shall pay, in accordance with the provisions of this Act, the amount required for the programs described in the application approved under section 7(b).

(b) Payments under this Act shall be made as soon after the approval of the application as practicable.

AMENDMENTS TO THE VOCATIONAL EDUCATION ACT OF 1963

SEC. 11. (a) Section 101 of the Vacational Education Act of 1963 (20 U.S.C. 2301) is amended—

(1) in clause (3) after "sex stereotyping" by inserting "and age discrimination and age stereotyping" and by inserting immediately before the comma "and all ages"; and

(2) in clause (4) after "youths" by inserting "and older individuals".

(b) Section 104(b)(1) of the Vocational Education Act of 1963 (20 U.S.C. 2304(b)(1)) is amended—

(1) in subparagraph (D) after "women" by inserting "and older individuals";

(2) in subparagraph (E) after "sex" by inserting "and age";

(3) in subparagraph (F) after "sex" by inserting "and age";

(4) in subparagraph (G) after "of sex" by inserting "and age", and after "and sex" by inserting "and age"; and

(5) in subparagraph (H) before the semicolon by inserting "and older individuals."

(c) Section 105(a) of the Vocational Education Act of 1963 (20 U.S.C. 2305(a)) is amended—

(1) by redesignating paragraphs (18), (19), and (20) (and any references thereto) as paragraphs (19), (20), and (21), respectively; and

(2) by inserting after paragraph (17) the following new paragraph:

"(18) are older individuals with backgrounds and experience in employment and training programs, and who are knowledgeable with respect to the special experiences and problems of age discrimination in job training and employment and of age stereotyping in vocational and of age stereotyping in vocational education, including older individuals who are members of minority groups and who have, in addition to such backgrounds and experience, special knowledge of the problems of discrimination in job training and employment against older individuals who are members of such groups;".

(d) Section 107(b) of the Vocational Education Act of 1963 (20 U.S.C. 2307(b)) is amended—

(1) in paragraph (3)(B)(i) after "disadvantaged individuals" by inserting ", older individuals,"; and

(2) in paragraph (4) by redesignating subparagraph (B) as subparagraph (C) and by inserting immediately after subparagraph (A) the following new subparagraph:

"(B) set forth policies and procedures which the State will follow so as to assure equal access to vocational education programs by older individuals including—

"(i) a detailed description of such policies and procedures,

"(ii) actions to be taken to overcome age discrimination and age sterotyping in all State and local vocational education programs, and

"(iii) incentives, to be provided to eligible recipients so that such recipients will—

"(I) encourage the enrollment of older individuals in nontraditional courses of study, and

"(II) develop model programs to reduce age stereotyping in all occupations; and".●

By Mr. MOYNIHAN (for himself, Mr. BIDEN, Mr. HEINZ, Mr. KENNEDY, Mr. INOUYE, Mr. PELL, Mr. BRADLEY, and Mr. METZENBAUM):

S. 555. A bill to stop the proliferation of "cop killer" bullets; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS PROTECTION ACT OF 1983

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation, on behalf of myself and seven distinguished colleagues, that is designed to address one of the most serious and potentially dangerous problems facing our Nation's 528,000 law enforcement officers—the proliferation of so-called cop-killer bullets. It would do so by limiting the availability and use of armor-piercing handgun ammunition that can penetrate the bullet-resistant vests worn by police.

There is an urgent need for this legislation. The development of bullet-proof vests in the mid-1970's provided law enforcement officers with a significantly greater degree of protection than had previously been the case. Indeed, these vests have so far been credited with saving the lives of some 400 law enforcement officers. FBI statistics indicate that the number of law enforcement officers killed in the line of duty declined 31 percent between 1974 (when such vests were first made available to police departments) and 1981. However, these vests are rendered virtually useless by a new type of bullet that recently has entered the market in large numbers.

These high velocity, small caliber, pointed bullets, made of alloy or steel jacketed lead, have no legitimate commercial use. Those companies presently manufacturing armor-piercing bullets claim they are intended for police use, yet not one police department in the country will employ them—not only because of their awesome penetration capacity, but also because they pose greater ricochet hazards than more conventional ammunition. James P. Damos, former president of the International Association of Chiefs of Police, has said:

> We can find no legitimate use for such (armor-piercing) ammunition, either in or out of law enforcement.

As a result, law enforcement agencies are leading the call for a ban on this type of bullet. These groups include the International Association of Chiefs of Police, the Fraternal Order of Police, the International Brotherhood of Police Officers, and the International Union of Police Officers. In addition, U.S. Associate Attorney General Rudolph W. Gulliani recently urged the adoption of legislation banning these bullets in a letter to Congressman MARIO BIAGGI, sponsor of identifical legislation in the House, saying:

> I continue to believe that any further delay (in adopting such legislation) is a tragic mistake.

The bill we are introducing would require the Department of the Treasury to determine which handgun bullets, when fired from a handgun with a barrel 5 inches or less in length, are capable of penetrating the equivalent of 18 layers of Kevlar, which is the standard composition of most police vests. The Department would then publish its findings in the Federal Register, and 60 days after publication those bullets identified would be banned from further manufacture, import, sale, or use—except when authorized by the Secretary of the Treasury for law enforcement or military purposes.

A licensed importer, manufacturer, or dealer who violated this act would be subject to a fine of not more than $10,000, imprisonment for not more than 10 years, and revocation of their Federal license. In addition, a person using or carrying an illegal bullet during the commission of a Federal felony would be subject to a mandatory sentence of not less than 1 year nor more than 10 years for the first offense, and not less than 2 years nor more than 25 years for the second or any subsequent offense.

During the past year, seven States—Alabama, California, Illinois, Kansas, Minnesota, Oklahoma, and Rhode Island—have enacted their own laws banning such bullets. A number of localities including Alexandria, Va., Brookhaven, N.Y., Broward County, Fla., Dade County, Fla., and Louisville, Ky., have taken similar action.

Although encouraged by these actions, we believe the Federal Government needs to assist State and local jurisdictions with their efforts to counter the widespread distribution and use of these lethal bullets. While the primary responsibility for law enforcement should rest with the States and localities, the Federal Government does have a role to play. The most effective means for keeping the armor-piercing bullets out of the hands of criminals is to establish a uniform national law for the manufacture, importation, sale, and use of the bullets. This is the purpose of our legislation.

Let us also be clear about what our bill is not designed to do. Our legislation in no way attempts to limit the availability of armor-piercing bullets for sporting purposes, even though most States prohibit hunters from using such bullets as they tend to cause prolonged suffering to animals rather than instanteous death. Only bullets capable of penetrating body armor when fired from a handgun are to be banned; rifle ammunition would not be covered.

Moreover, in introducing this legislation, we are not attempting to limit the availablility of conventional ammunition to law-abiding citizens for self-defense and sporting purposes. The legislation has been drafted in such a manner as to apply only to a narrow class of bullets capable of penetrating bullet-resistant armor when fired from a handgun. Based on currently available test data, including a Federal Bureau of Investigation report issued last year, the bill would ban only eight bullets. Other commonly used types of conventional handgun ammunition, such as the .357 magnum, the 9mm, the high velocity .38 special, the high velocity .22 long rifle, and the .44 magnum, are incapable of piercing standard body armor and thus would continue to be available.

Our legislation, then, is at its core a law enforcement officers protection bill. It is well known that law enforcement is a particularly dangerous and far too often unappreciated occupation. We have entrusted law enforcement officers with the tremendous responsibility of protecting us from criminal acts—a responsibility that often places them in life-threatening situations. In return, it is our duty to protect the approximately 250,000 officers who regularly wear bulletproof vests with the maximum possible protection from the dangers to which they are exposed daily. We owe them nothing less.

Mr. President, I urge my colleagues, on behalf of the men and women of the law enforcement community, to join me in supporting this eminently sensible legislation. I ask that my bill and an informative Congressional Research Service brief on the subject of armor-piercing bullets be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Law Enforcement Officers Protection Act of 1983."

SEC. 2. (a) Whoever, being a licensed importer, manufacturer, or dealer under chapter 44 of title 18, United States Code, imports, manufacturers, or sells a restricted handgun bullet, except as specifically authorized by the Secretary of the Treasury for purposes of public safety or national security, shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and the license of such person shall be subject to revocation under such chapter.

(b) Whoever—

(1) uses a restricted handgun bullet to commit any felony for which he may be prosecuted in a court of the United States; or

(2) carries a restricted handgun bullet unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States;

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years. Notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a conviction of such person under this subsection or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony.

SEC. 3. (a) The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this Act, including regulations requiring appropriate persons to provide samples of bullets for testing under this Act.

(b) Any regulation identifying a bullet as a restricted handgun bullet shall take effect sixty days after the date on which such regulation is promulgated in accordance with applicable law.

SEC. 4. As used in this Act, the term—

(1) "body armor" means a commercially available, soft, lightweight material with penetration resistence equal to or greater than that of eighteen layers of Kevlar;

(2) "handgun" means a firearm originally designed to be fired by the use of a single hand; and

(3) "restricted handgun bullet" means a bullet that, as determined by the Secretary of the Treasury, when fired from a handgun with a barrel five inches or less in length, is capable of penetrating body armor.

BULLET THREATS TO PROTECTIVE BODY ARMOR

(By William C. Boesman, Specialist in Science and Technology, Science Policy Research Division, Congressional Research Service, Mar. 25, 1982)

INTRODUCTION AND SUMMARY

Introduction

Since about 1975, law enforcement officers have been using protective body armor of the "soft" or "lightweight" variety to an increasing extent. This type of body armor, unlike the heavy flak jackets worn by the military and by special police units on dangerous tactical assignments, is designed to be lightweight and soft enough to be worn comfortably under law enforcement officers' uniforms or under plain clothes officers' outer garments.

This type of soft or lightweight body armor has been developed to the extent that it quite effectively "defeats" (stops the penetration of) many types of handgun bullets and some rifle bullets. It is the purpose of this report to analyze the characteristics of bullets which are most likely to defeat soft, lightweight body armor. The following section discusses various types of bullets and the purposes for which bullets are designed. The third section discusses recent law enforcement officer fatalities and the related use of soft body armor. The fourth section discusses recent developments in, and characteristics of, soft body armor. The last section presents a brief analysis of bullet characteristics, particularly those that can defeat currently available soft body armor.

Summary

Existing, commercially available soft, lightweight body armor apparently can effectively stop most of the handgun bullets which pose a threat to law enforcement officers today. However, there is a class of handgun and rifle bullets—often called armor- or metal-piercing—that can penetrate such armor. These types of bullets are: generally constructed of steel-jacketed lead or hard metal alloys; often pointed in shape rather than being flat, rounded, or hollow-pointed; and generally high velocity. Smaller hangun and rifle bullets (for example, .22 caliber) with the above characteristics are generally more effective in penetrating soft body armor than larger bullets (for example, .45 caliber) with the same characteristics.

BULLETS

Types

There are many ways to classify the various types of bullets that have been or are in

use.[1] For purposes of this analysis, bullets will be discussed according to the following characteristics:

For use mainly in handguns, rifles, or machine guns, or in more than one type of weapon;

Velocity (low, for example, 730 feet per second, to high, for example, 1,800 feet per second);

Caliber (small, for example, .22 caliber, to large, for example, .45 caliber);

"Hardness" (soft nosed lead bullet, or partically jacketed, to full metal jacketed (with copper or steel) to hard metal alloy bullet); and

Shape (round or hollow point to pointed nose).

Sometimes bullets are classified according to either their "stopping power"—their ability to knock down or disable a human being—or their "armor- or metal-piercing" ability. These two types of characteristics, however, may be somewhat mutually exclusive. For example, one bullet designed for high "stopping power" is the .357 caliber Magnum hollow point bullet. Upon impact, this bullet expands (because of its hollow point) and converts a large percentage of its (high) velocity to kinetic energy within the wounded body—thus knocking down, stopping, or disabling the person. This type of bullet, however, may be effectively stopped by soft body armor without body penetration and hence without wounding, except for "blunt trauma".[1a] On the other hand, an armor-piercing bullet which will penetrate soft body armor may, because it is hard and retains its shape, pass through a body with relatively little damage if it does not hit a bone, other hard substance, or vital organ. Obviously, bullet wounding capabilities are not completely predictable because of the exceedingly complex structure of the human body, and even the relatively less devastating bullets can and often do kill. In fact, more law enforcement officers were killed with .38 caliber weapons in 1976 through 1980[2] than with any other weapon, mainly because these weapons are in more common use than other, more devastating bullets like the various magnum and armor-piercing bullets.

Purposes

It can be seen from the above discussion that many, if not most, bullet characteristics derive from the purpose or purposes which the ammunition designers had in mind. Thus, expanding bullets, particularly hollow point bullets, were designed for the purpose of more effectively transmitting kinetic energy to the wounded body than do ordinary bullets. Protective body armor, including the soft or lightweight variety, has been and is being designed to defeat many types of bullets, including many of the relatively more devastating (high velocity, hollow point) bullets. However, certain types of high velocity bullets made entirely of hard metal alloys, or which are fully covered with steel jackets, can defeat the currently available soft body armor. Thus, certain bullets of the armor- or metal-piercing variety, whether or not designated as such by bullet manufacturers, pose a threat to existing body armor which can effectively defeat most "ordinary" bullet threats.

LAW ENFORCEMENT OFFICER FATALITIES

Current statistics

A number of law enforcement officers are killed and wounded each year by handguns, rifles, shotguns, and other weapons. Recent statistics from the Federal Bureau of Investigation (FBI) indicate that this number, while still large, has decreased rather significantly from 1974 and 1975 to 1978. The following table shows statistics for law enforcement officers killed by firearms and other weapons for this period:

LAW ENFORCEMENT OFFICERS KILLED, BY TYPE OF WEAPON

Weapon used	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	Total
Handgun	97	77	93	95	93	66	59	67	76	69	792
Rifle	16	16	21	12	21	12	13	13	18	13	155
Shotgun	11	18	13	21	13	16	11	11	6	13	133
Total firearms	124	111	127	128	127	94	83	91	100	95	1,080
Knife	2	3	2	1	.....	5	.....	.....	4	3	20
Bomb	.....	1	.....	.....	.....	4	.....	.....	1	.....	6
Personal weapons	2	.....	.....	.....	.....	.....	1	1	.....	.....	4
Other (clubs, etc.)	1	1	5	3	2	8	9	1	1	6	37
Grand total	129	116	134	132	129	111	93	93	106	104	1,147

Source: Federal Bureau of Investigation. Law Enforcement Officers Killed 1980. Washington, D.C. Department of Justice, 1980. p. 11.

There reportedly is a consensus that at least 400 U.S. law enforcement officers have been protected from death or injury through the us eof bulletproof vests from 1975 to the present.[1] Although such a consensus cannot be confirmed with existing data, it is interesting that the approximately 20 percent decrease in firearm-related deaths indicated in the above table since 1974 could be accounted for partially by increased use of soft body armor by law enforcement officers:

The following table shows the size of bullets and types of firearms which caused the deaths of the 95 law enforcement officers in 1980. The handgun bullets shown in that table are all of a class which can be defeated by existing soft body armor unless they are of the hard metal alloy or steel-jacketed, armor-piercing variety. Soft body armor cannot defeat high velocity, metal jacketed rifle bullets either, some of which may be represented in the "rifle" column of the table.

Officer fatalities while wearing armor

In 1980, the first year such data were collected uniformly by the FBI, 14 law enforcement officers in the United States were killed in the line of duty while wearing protective vests.[1] Seven of the officers were shot in the head and five received fatal gunshot wounds to areas of the upper torso not protected by the vests. One officer was struck by a vehicle. The remaining officer was shot in the back with a bullet that penetrated his vest, but this was a .30-06 caliber rifle bullet fired from about 50 yards away. Soft body armor is not designed to prevent the penetration of most rifle bullets, such as .30-06 caliber bullets.[2]

1980 LAW ENFORCEMENT OFFICERS KILLED—TYPE AND SIZE OF FIREARM

Size of weapon	Type of weapon			
	Handgun	Officer's own weapon	Rifle	Shotgun
Total	69	[1] 13	13	13
Handgun size:				
.22 caliber	4	.....	.....	.....
.25 caliber	2	.....	.....	.....
.32 caliber	8	.....	.....	.....
9 millimeter	2	.....	.....	.....
.357 Magnum	16	7	.....	.....
.380 caliber	1	1	.....	.....
.38 caliber	30	4	.....	.....
.44 Magnum	2	.....	.....	.....

1980 LAW ENFORCEMENT OFFICERS KILLED—TYPE AND SIZE OF FIREARM—Continued

Size of weapon	Type of weapon			
	Handgun	Officer's own weapon	Rifle	Shotgun
.45 caliber	1	.....	.....	.....
Caliber not reported	3	.....	.....	.....
Rifle size:				
.22 caliber	.....	.....	4	.....
.223 caliber	.....	.....	3	.....
7 millimeter	.....	.....	1	.....
.30-06 caliber	.....	.....	1	.....
.30-30 caliber	.....	.....	1	.....
.303 caliber	.....	.....	1	.....
.308 caliber	.....	.....	1	.....
.444 Magnum	.....	.....	1	.....
Shotgun size:				
20 gage	.....	.....	.....	3
12 gage	.....	1	.....	10

[1] Included in appropriate category.

Source: Federal Bureau of Investigation. Law Enforcement Officers Killed 1980. Washington, U.S. Department of Justice, 1980, p. 12.

BODY ARMOR

Recent Developments

Since at least the early 1970s, there has been considerable interest among law enforcement support agencies in developing

[1] There may be as many as 10,000 different bullets that have been manufactured since the development of the bullet cartridge around the time of the U.S. Civil War.

[1a] Blunt trauma is injury caused by bullets which do not penetrate armor. It is injury caused by the force of the blow itself, as when a person is hit in the chest by a hard swung baseball bat.

[2] Federal Bureau of Investigation. Law Enforcement Officers Killed 1976. Washington, U.S. Department of Justice, 1976, p. 24. Also for 1977, p. 13; 1978, p. 13; 1979, p. 13; and 1980, p. 12.

[1] These cases are taken from Federal Bureau of Investigation. Law Enforcement Officers Killed 1980. Washington, U.S. Department of Justice, 1980. This report does not include information sufficient to determine whether the "Protective vests" were soft body armor or other types, nor is that information currently available from the FBI.

[2] Id. at p. 28, 30, 32, 33, 34, 36, 37, 38, 40, 42, 43, and 44.

effective soft body armor that would be comfortable and unobtrusive enough to be worn continuously by law enforcement officers while on duty. Organizations like the National Institute of Law Enforcement and Criminal Justice (NILECJ) of the Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice, and the International Association of Chiefs of Police, have sponsored several studies of soft body armor [3] Research programs on soft body armor and weapons threats have been administered and carried out by the Law Enforcement Standards Laboratory of the National Bureau of Standards, Department of Commerce; Edgewood Arsenal, Aberdeen Proving Grounds, Department of the Army; the FBI Quantico Test Base; and several private weapons testing laboratories. About 25 to 30 manufacturers of soft body armor are now producing units commercially for sale to an increasing number of U.S. law enforcement organizations.

Commercially available soft body armor

Most, if not all, soft body armor commercially available today is made of differing numbers of layers of Kevlar, a synthetic (aramid) fiber produced by the Du Pont Company. In addition to the number of layers of Kevlar used, the weaving and other processes used in the production of the final protective vest affects the strength of the product.

In the early 1970s, protective body armor generally was classified as to whether it was made of 7, 12, 16, 24, or other numbers of layers of Kevlar. Currently, manufacturers and police departments often designate certain threats (types of bullets) that the vests are to protect against, regardless of the numbers of layers of Kevlar involved.

In 1982 it is estimated that approximately half (about 250,000) of the Nation's law enforcement officers own or have access to soft body armor.[4]

The state of the art of protective body armor, which today is largely based upon the use of Kevlar, involves a trade off between the thickness of the protective vest versus the types of bullets which the vest can defeat. Certain commercially available bullets, like .357 caliber magnum hard metal alloy bullets, and some foreign-made nine millimeter steel jacketed bullets, can defeat commercially available soft body armor.

Protection available

A side-by-side comparison of the handgun weapons used to fatally injure law enforcement officers in 1980 (shown above and repeated for convenience here) and handgun bullets required to be defeated by soft body armor in the equipment purchase specifications of a number of U.S. cities indicates that currently available soft body armor apparently can protect against the large majority of bullet threats facing law enforcement officers today.

Handgun weapons used to fatally injure law enforcement officers in 1978	Deaths in 1980 from weapons in col. 1	Handgun bullets required to be defeated by representative police department soft body armor specifications [1]
.22 caliber	4	S, M, N (all also include .22 magnum).
.25 caliber	2	
.32 caliber	3	N.
9 millimeter	2	S, M, N.
.357 magnum	16	S, M, N.
.380 caliber	1	N.
.38 caliber	30	S, M, N.
.41 magnum	0	S, M, N (N does not indicate magnum).
.44 magnum	2	S.
.45 caliber	1	S, M, N.
Caliber not reported	3	

[1] From 1979 soft body armor specifications of Milwaukie, Oreg. (M); Nashville, Tenn. (N); and San Diego, Calif. (S).* * *.

While most commonly used bullets apparently can be defeated by existing soft body armor, there is a class of bullets which can defeat it. This subject is discussed in the following paragraphs.

Possible remaining threats

Bullet Characteristics

Although a number of bullets can be defeated by currently available soft body armor, a number of threats remain. Most, if not all, types of metal- or armor-piercing bullets will apparently defeat existing soft body armor, whether these bullets are hard, metal alloy bullets, or lead bullets which are steel jacketed. Other types of non-armor- or metal-piercing bullets which might defeat soft body armor are bullets which are small caliber (for example, .22 caliber) or high velocity (particularly magnum) bullets. Bullets which combine these latter two characteristics (small caliber plus high velocity) are more likely to defeat some types of soft body armor (depending upon its thickness and construction) even if these bullets are not of hard metal alloy or steel jacketed construction. Thus, there currently exist several specific bullets, and a class of bullets having certain characteristics, that can, or could be designed to, defeat currently available soft body armor.

Blunt Trauma

Even if bullets do not penetrate soft body armor, lethal wounds could be caused by "blunt trauma." This type of wounding effect can be described as being similar to being hit on the body by a hard swung baseball bat. Because this phenomenon currently does not appear to be a major wounding cause, it is not discussed further here. However, it is conceivable that, were higher powered bullets used or developed to defeat soft body armor, blunt trauma effects might be a major cause of concern to body armor researchers, developers, and manufacturers, as well as medical practitioners.

BODY-ARMOR DEFEATING BULLETS: THREAT CHARACTERISTICS

This section describes some bullet characteristics that are important to a consideration of what types of bullets can defeat, or can be designed to defeat, existing soft body armor.

Velocity

Handgun bullets typically range in muzzle velocities from about 730 feet per second (fps) (low velocity) to over 1,800 fps (high velocity), depending upon the powder charge of the cartridge and the length of the handgun barrel. Eleven hundred fps (roughly the speed of sound in air) may be a convenient point to differentiate between low and high velocity bullets, although it is unlikely that a consensus could be obtained that significantly different wounding effects occur above and below this velocity for a given type of bullet.

It is clear, however, that high velocity bullets are more likely to defeat soft body armor than low velocity bullets, all other characteristics remaining constant.

Caliber and weight

Caliber measures the diameter of bullets, that is, a .45 caliber bullet has a diameter of .45 inch. Caliber is thus a measure of size. A .45 caliber bullet is considerably larger than a .22 caliber bullet. The most common police bullet, and the most common bullet causing police fatalities, is the .38 caliber, intermediate in size between the .22 caliber and the .45 caliber.

Weights of bullets are measured in grains. The larger the caliber, the more a bullet weighs, given a constant shape.

The smaller caliber bullets, for example, the .22 caliber, are more likely to penetrate the commercially available body armor than larger caliber bullets, other bullet characteristics remaining constant.

Shape and hardness

Bullets are produced in several shapes—including round or ball nosed, flat-nosed, pointed, and hollow pointed. Round, flat-nosed (some of which are called wadcutters or semi-wadcutters), and hollow point bullets are often constructed as lead or semi-jacketed bullets which expand upon contact. The hollow point bullets are generally the most effective of these "expanding" bullets. Pointed bullets generally are constructed of lead with metal jackets, which are usually of copper. If such bullets are jacketed with steel, they generally have armor- or metal-piercing capabilities. Another class of bullets is constructed of hard metal alloys and are also armor- or metal-piercing bullets.

Thus, the harder and more pointed a bullet is, the more likely it is to penetrate commercially available body armor, other bullet characteristics remaining constant.

Summary of bullet threat characteristics

Given the characteristics of the most successful, currently available soft body armor, bullet threat characteristics can be summarized in the following way:

Bullet characteristics	Lowest level of threat	Highest level of threat
Velocity	Low velocity	High velocity.
Caliber, weight	Large caliber, heavy	Small caliber, light.
Shape	Round or flat nose, hollow point.	Pointed.
"Hardness"	Lead, or copper semijacketed lead.	Full steel jacketed lead, or hard metal alloy bullet.

Thus, the bullet type with the highest probability of penetrating soft body armor, and with a proven capability of penetrating many layers of existing soft body armor, is a high velocity, small caliber, pointed, steel jacketed lead or metal alloy bullet. Such bullets may be handgun bullets, rifle bullets, or bullets which can be used in either handguns or rifles.

Possible ramifications of "perfect" body armor

Commercially available soft body armor is not perfect, that is, it can be defeated by certain bullets of the hard metal alloy or steel-jacketed armor- or metal-piercing

[3] For example, Montanarelli, Nicholas, Clarence E. Hawkins, and Lester D. Snubin. Body Armor: Lightweight Body Armor for Law Enforcement Officers. Washington, U.S. Department of Justice, LEAA, NILECJ, May 1976. p. 113; Goldfarb, Michael A. et al. Body Armour: Medical Assessment. Washington, U.S. Department of Justice, LEAA NILECJ, May 1976. p. 30; National Institute of Law Enforcement and Criminal Justice. NILECJ Standard for the Ballistic Resistance of Policy Body Armor, Washington, U.S. Department of Justice, LEAA, NILECJ, December 1978, p. 10; and International Association of Chiefs of Police. Policy Armor Testing and Summary of Performance Testing Data. Gaithersburg, Md., International Association of Chiefs of Police, December 1978, p. 23.

[4] Conversations with a Department of Justice official and a representative of the International Association of Chiefs of Police on Mar. 24, 1982.

types. Assuming that "perfect" body armor could be developed to meet current threat conditions, there is at least one positive and one negative ramification of such a development:

Possible Positive Ramification

Decreased wounding and death of law enforcement officers under current conditions, that is, continued use by criminals of existing types of bullets which, to a considerable extent, can be defeated by existing soft, light-weight body armor.

Possible Negative Ramification

An "arms and ammunition race" by the criminal segment of society for even more powerful bullets and other weapons to defeat existing armor, and increased use by criminals of such armor. This possible negative ramification could be precluded to some extent by controlling, by law and enforcement, the manufacture, distribution, sale, possession, and international trade of all bullets of the armor- or metal-piercing type and, perhaps body armor.●

By Mr. BOREN:

S.J. Res. 39. Joint resolution proposing an amendment to the Constitution of the United States to establish a 10-year term of office for Federal judges; to the Committee on the Judiciary.

TEN-YEAR TERM FOR FEDERAL JUDGES

● Mr. BOREN. Mr. President, I am again introducing a Senate joint resolution that would eliminate life tenure for Federal judges and limit their terms of office. The constitutional amendment proposed by the resolution would apply to judges of both the Supreme Court and inferior courts.

There is no clearer illustration of the old adage that absolute power corrupts absolutely than the use of excessive power by some Federal judges. It is too much to expect a human being to restrain his own power when he has that power for life and is accountable to no one. We must strike a balance between the necessary independence of the judiciary from political pressures and the need to hold judges accountable for the proper performance of their duties. This legislation will strike the proper balance.

Under this resolution, the Constitution would be amended to limit the tenure of Federal judges, who are appointed by the President and confirmed by the Senate, to a 10-year term. A judge could be reappointed for additional 10-year terms by the President, subject to reconfirmation by the Senate.

Currently, the only method for removal established by the Constitution is impeachment. Unless a Federal judge has committed a crime or some clearly impeachable offense, he cannot be removed. No Federal judge has been removed by impeachment for 47 years.

A term of 10 years is long enough to protect the judge against daily political pressures so that justice will be impartial and fair. A good judge could be reappointed. However, this legislation would mean that the people would not be saddled with a bad judge for life. Even persons who are very good judges when appointed may suffer physical or emotional changes over the years which would make them unfit for reappointment. While the majority of Federal judges serve with distinction and a proper respect for the law, there must be a practical check on those who do not. Even while the Constitution was being drafted, leading scholars of the day objected to its life-tenure provisions, and revisions of this section of the Constitution have been considered on several occasions since that time.

Some Federal judges today tend to feel that they constitute a super legislature. They tend to act as if they were annointed instead of appointed. They freely legislate social issues and clearly preempt the Congress and the executive branch. The Federal courts have the legitimate right and the duty to protect the individual citizen against the unconstitutional acts by the other branches of Government. However, the Federal judiciary has become the branch of Government which has assumed authority to revise the Constitution without admitting that it is doing so.

Clearly, the Constitution leaves legislating to the Congress and State legislatures, and establishes definite provisions for amending the Constitution which give the people a say in the amendment process. While the courts should legitimately interpret the Constitution, too often the process turns into a practical amendment of the Constitution by the arbitrary whim of some Federal judge who serves for life.

Mr. President, my bill calls for an amendment to the U.S. Constitution which would require ratification by the legislatures of three-fourths of the States within 7 years after the amendment is approved by Congress. It amends article III of the Constitution to state that the term of office of each Federal judge shall be 10 years and will begin at noon on the day after the President has commissioned the judge. The amendment would take effect immediately upon ratification, but would not be retroactive and would not apply to Federal judges serving prior to its ratification. It would apply only to persons appointed to a Federal judgeship after ratification of the amendment.

Mr. President, I have introduced similar legislation in the past. I know that the fight to change the tenure system may be a long one. This issue has been debated since Thomas Jefferson argued against lifetime appointments for Federal judges. I am firmly convinced that this cause is well worth the effort and commitment which may be necessary to see it through to a satisfactory conclusion.

I urge my colleagues to join me in supporting passage of this joint resolution.●

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. HUDDLESTON, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 14, a bill to provide authority for activities to develop and expand markets for U.S. agricultural commodities, and for other purposes.

S. 17

At the request of Mr. DOLE, the name of the Senator from Oklahoma (Mr. BOREN), the Senator from Ohio (Mr. METZENBAUM), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Colorado (Mr. HART), the Senator from Illinois (Mr. PERCY), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 17, a bill to expand and improve the domestic commodity distribution program.

S. 24

At the request of Mr. HUDDLESTON, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 24, a bill to provide emergency credit assistance to farmers, and for other purposes.

S. 44

At the request of Mr. KASTEN, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 44, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 117

At the request of Mr. CHILES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 117, a bill to improve the effectiveness and efficiency of Federal law enforcement efforts.

S. 212

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

S. 213

At the request of Mr. LUGAR, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. GARN), the Senator from Maine (Mr. COHEN), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Mississippi (Mr. COCHRAN), were added as cosponsors of S. 213, a bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to improve further restrictions on the right of

any alien in a foreign country to receive such benefits.

S. 215

At the request of Mr. THURMOND, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 215, a bill to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on post-conviction release, and for other purposes.

S. 222

At the request of Mr. KASTEN, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 222, a bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends.

S. 276

At the request of Mr. GOLDWATER, the names of the Senator from Iowa (Mr. GRASSLEY), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 276, a bill to amend title II of the Social Security Act to repeal the earnings limitation for all beneficiaries age 65 or older.

S. 307

At the request of Mr. RIEGLE, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a consponsor of S. 307, a bill to provide for continuation of health insurance for workers who lose such insurance by reason of unemployment.

S. 314

At the request of Mr. GOLDWATER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 314, a bill to encourage in-flight emergency care aboard aircraft by requiring the placement of emergency equipment, supplies, and drugs aboard aircraft and by relieving appropriate persons of liability for the provision and use of such emergency equipment, supplies, and drugs.

S. 345

At the request of Mr. HEFLIN, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 345, a bill to establish a national historic park at AfricaTown, U.S.A. (Prichard, and Mobile), Ala.

S. 399

At the request of Mr. JEPSEN, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 399, a bill to establish a Presidential Advisory Panel for Coordination of Government Debt Collection and Delinquency Prevention Activities.

S. 446

At the request of Mr. JEPSEN, the names of the Senator from Utah (Mr. HATCH), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 446, a bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program.

S. 450

At the request of Mr. PRYOR, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Washington (Mr. GORTON), the Senator from Florida (Mr. CHILES), the Senator from New York (Mr. D'AMATO), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 450, a bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes.

S. 518

At the request of Mr. CHAFEE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 518, a bill to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control.

S. 529

At the request of Mr. SIMPSON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 529, a bill to revise and reform the Immigration and Nationality Act, and for other purposes.

SENATE JOINT RESOLUTION 15

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mr. CRANSTON), the Senator from California (Mr. WILSON), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of March 1983 as National Eye Donor Month.

SENATE JOINT RESOLUTION 33

At the request of Mr. RIEGLE, the names of the Senator from Nebraska (Mr. EXON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PELL), the Senator from Tennessee (Mr. SASSER), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of Senate Joint Resolution 33, a joint resolution designating the week commencing February 20, 1983, as "Clergy Appreciation Week in the United States."

SENATE JOINT RESOLUTION 36

At the request of Mr. PRYOR, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 36, a joint resolution designating April 29, 1983, as "National Nursing Home Residents Day."

SENATE JOINT RESOLUTION 37

At the request of Mr. THURMOND, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from Montana (Mr. BAUCUS), the Senator from Nevada (Mr. LAXALT), the Senator from Kansas (Mr. DOLE), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of Senate Joint Resolution 37, a joint resolution providing that the week containing March 8 of 1983, 1984, and 1985 shall be designated as "Women's History Week."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. BOSCHWITZ, the names of the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Washington (Mr. GORTON), the Senator from Massachusetts (Mr. TSONGAS), the Senator from New Jersey (Mr. BRADLEY), the Senator from Tennessee (Mr. SASSER), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Rhode Island (Mr. PELL) the Senator from Arkansas (Mr. BUMPERS), the Senator from Ohio (Mr. METZENBAUM), the Senator from Nebraska (Mr. ZORINSKY), the Senator from New York (Mr. MOYNIHAN), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution expressing the sense of the Congress that the Federal Government should maintain current efforts in Federal nutrition programs to prevent increases in domestic hunger.

SENATE RESOLUTION 69—URGING A NATIONAL COMMISSION TO STUDY THE QUESTION OF RISING HEALTH COSTS

Mr. METZENBAUM (for himself, Mr. HATFIELD, Mr. BURDICK, Mr. LEAHY, Mr. TSONGAS, Mr. MATSUNAGA, and Mr. PELL) submitted the following resolution; which was referred to the Committee on Governmental Affairs.

S. RES. 69

Whereas $287,000,000,000 were spent in the United States for health care in 1981, an amount equal to 9.8 percent of the Gross National Product (an increase from 8.9 percent in 1980);

Whereas health care expenditures increased at a rate of 15.1 percent in 1981, a rate substantially higher than the 8.9 percent rise in the Consumer Price Index, and

hospital charges in 1982 rose 12.6 percent, a rate more than triple the 3.9 percent rise in the Consumer Price Index;

Whereas medicare is the major health insurance program protecting 26,000,000 elderly persons and 3,000,000 permanently disabled workers from the soaring costs of health care;

Whereas medicare presently meets only 45 percent of an elderly person's medical costs;

Whereas out-of-pocket health care costs consume almost 20 percent of an elderly person's income;

Whereas the elderly and disabled have already been required to bear a disproportionate share of the increases in health care costs, such as the 50 percent increase in the medicare inpatient deductible in the last two years;

Whereas the elderly and disabled will be required in July, 1983 to pay an additional 10.6 percent for the medicare part B insurance to cover physician and other health care costs, an increase of 23 percent over the last two years;

Whereas medicare recipients are already required to pay for medical essentials such as prescription drugs, hearing aids, eyeglasses, and most nursing home care costs;

Whereas medicaid is a federally aided, State operated program of medical assistance for 22,000,000 low income persons who are aged, blind, disabled, or members of families with dependent children;

Whereas 37 percent of all medicaid expenditures go to cover nursing home services for the elderly;

Whereas 30 percent of all medicaid expenditures provide coverage for low income persons with permanent disabilities, such as the severely retarded, the blind, and the physically disabled;

Whereas nationwide, 42 percent of all medicaid recipients are children and, according to the 1982 Census report, almost one child in five is now classified as poor, and one third of all children born in America in 1980 will spend a portion of their lives in poverty; and

Whereas Congress has already cut almost $2,000,000,000 in medicaid expenditures in the Omnibus Reconciliation Act of 1981, and cut an additional $1,000,000,000 in the Tax Equity and Fiscal Responsibility Act of 1982: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should establish a bipartisan national commission to study and propose solutions to the problem of soaring health care costs;

(2) the commission should report to the President and to Congress within six months after the date on which it is established unless extended by the President; and

(3) Congress should not enact any cuts in medicare or medicaid which will increase the direct out-of-pocket costs of medical care for the elderly, disabled, and low-income medicare and medicaid recipients, until such time as the findings of the commission have been fully considered by the President and the Congress.

Mr. METZENBAUM. Mr. President, Senators HATFIELD, BURDICK, LEAHY, TSONGAS, MATSUNAGA, and PELL join me today in introducing a resolution that addresses the urgent national problem of runaway health-care costs.

Our resolution calls upon the President to establish a bipartisan national commission on rising health-care costs with a mandate to examine our entire health-care system and to propose solutions that go beyond adjustments in Government-funded programs like medicaid and medicare. The resolution also urges the Congress to oppose any further increases in out-of-pocket health-care costs for elderly, severely disabled, and low-income recipients of medicare and medicaid until such time as the Commission reports its findings and recommendations.

It is a fact, Mr. President, that where serious and long-term illnesses are concerned, the cost of medical treatment has skyrocketed beyond the means of all but the wealthiest Americans. To protect against these enormous costs, we have developed over the years a complex private insurance system. Private insurance, however, has never been available to a significant percentage of our population and gaps in coverage continue to exist for many who are fortunate enough to have at least some medical insurance protection.

In 1965, with the establishment of medicare and medicaid, we made a great leap forward toward the goal of providing equal access to adequate health care. Today, while struggling with the high costs of financing these programs, we should not lose sight of their accomplishments. In the last two decades tremendous strides have been made in improving the health of all Americans, much of which can be directly linked to medicare and medicaid and the access these programs have created for millions who were previously denied decent health care.

Since 1960, for example, the lifespan of an average 65-year-old American has increased by 2 years. In the last decade, infant mortality has declined significantly and medical science in general has made great progress in combating disease. Our commitment to decent health care for all has clearly been worth the investment of dollars and other resources.

At this time, however, our health care programs face the most difficult problems since the inception of the medicare and medicaid programs. Those problems stem directly from a constant escalation of healthcare costs at a time of economic stagnation and staggering budget deficits.

There is a growing recognition, Mr. President, that the solvency of social security's hospital insurance (HI) trust fund (out of which medicare is financed) is rapidly deteriorating, much like the old age and survivors insurance (OASI) trust fund. In fact, if the recommendation of the National Commission on Social Security Reform—to continue interfund borrowing from the HI to the OASI fund—is adopted, medicare could be bankrupt in the very near future. At the same time, burgeoning State deficits are making it increasingly difficult for the States to handle the financial burdens of the medicaid program.

The administration's 1984 budget is a desperate and, I believe, shortsighted response to the problem. The health care proposals contain devastating increases in out-of-pocket costs for elderly, handicapped, and low-income recipients of medicare and medicaid—the neediest Americans who have already been forced to bear a disproportionate share of the burden of increasing costs.

Consider these facts:

The medicare inpatient deductible rose almost 50 percent in the last 2 years, from $204 in 1981 to $260 in 1982 to $304 in 1983. This fee is expected to rise to $350 in 1984. On top of this deductible, the administration is proposing a new copayment charge, which would cost the medicare recipient an additional $420 for room and board during a 15-day hospital stay. This is an increase of 265 percent over 1981.

Medicare part B premiums have increased 23 percent in the same period. Again the administration proposes sharp increases.

Medicare currently meets only 45 percent of the health care costs for elderly Americans.

For the average senior citizen, out-of-pocket health care costs already consume 20 percent of total income.

The administration may have felt compelled to recommend such drastic measures because they were viewing the medicare and medicaid programs in isolation. This narrow approach, which considers medical care only as a Federal budget problem, makes it appear that there is no choice but to cut benefits, recipients or both.

Yet the rapidly escalating costs of these programs simply mirror what is happening in the health care area generally. Approximately 10 percent of real GNP—about $1 out of every $10—is devoted to health care, up from 8.9 percent in 1979. In the past year alone, increases in hospital charges were triple the increase in the Consumer Price Index.

Health care costs have, in fact, been increasing for many years at a rate much greater than inflation. And they will inevitably continue to do so unless and until we develop and implement an effective, coherent cost containment strategy for both the public and private sectors.

It will not be easy to devise an effective cost control program and I am skeptical about our ability to find a comprehensive solution to the health care problem solely through the political process. That is why I believe that Congress should work in conjunction with a commission, representing a variety of interests and areas of expertise, with membership fairly balanced on the political spectrum. As with the

Social Security Reform Commission, a group of this stature could provide to us credible—and actionable—recommendations.

A number of experts in the health care field have worked with Congress in a more limited role, providing advice, testifying at hearings, and so on. One example is Dr. Carl Schramm, director of the Johns Hopkins Center for Hospital Finance and Management and vice chairman of the Maryland Health Services Cost Review Commission. The expertise of persons such as Dr. Schramm could be invaluable in the context of a Presidentially mandated commission.

Finally, I reiterate it makes no sense to adopt a short-sighted, hastily drawn budget program which places the burden of higher costs on those least able to afford them.

The elderly and the disabled do not decide how many days they will remain in the hospital.

They do not decide which diagnostic tests are necessary.

And, normal, competitive free market forces do not operate in the ordinary manner when it comes to the purchase of health care. By increasing direct out-of-pocket costs for the elderly, the disabled, and the poor, we do not make of them more cost-conscious purchasers of health care. Instead, we insure that many of them will not seek health care until an emergency arises, thereby costing the system much more in the long run.

Mr. President, our resolution makes sense from the point of view of fiscal responsibility as well as in terms of the efficient delivery of urgently needed health care. I hope that the Senate will see fit to act upon this resolution as expeditiously as possible.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold hearings next week on the President's fiscal year 1984 budget submission. All hearings will be held in the Dirksen Senate Office Building, room 608.

The hearings are as follows:

Tuesday, February 22, 10 a.m.: The Honorable George Shultz, Secretary of State, Department of State.

Wednesday, February 23, 10 a.m.: The Honorable John R. Block, Secretary of Agriculture, Department of Agriculture.

Wednesday, February 23, 2 p.m.: Leo Polopolus, president, American Agricultural Economics Association, University of Florida; Robert O. Anderson, chairman of the board, Atlantic Richfield Co.; D. Gale Johnson, chairman, Department of Economics, University of Chicago; Mr. Robert Ron, farmer and director, State Department of Agriculture, State of Nebraska; and L. E. Davis, farmer and president, New Mexico Farm and Livestock Bureau.

Thursday, February 24, 10 a.m.: Paul A. Volcker, Chairman, Board of Governors of the Federal Reserve System.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on proposed legislation to create a Department of Trade on Tuesday, March 1, at 1 p.m. in room 3302 of the Dirksen Senate Office Building. For further information, please contact Mike Mitchell at 224-4751.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. PERCY. Mr. President, the Subcommittee on Energy, Nuclear Proliferation, and Government Processes, of the Committee on Governmental Affairs, will hold hearings at 9 a.m. and 1 p.m. on Monday, February 28, 1983, in room 3302 Dirksen. The subcommittee will be receiving testimony on the oversight of Government management of natural gas import issues.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. DURENBERGER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Intergovernmental Relations to discuss Executive Order 12372 and the proposed rules that implement the order. The hearing will be held on Thursday, March 3, beginning at 9:30 in room SD-342 of the Dirksen Senate Office Building.

Executive Order 12372 rescinds Office of Management and Budget circular A-95 as of April 30, 1983. Prior to the issuance of Executive Order 12372, OMB Circular A-95 had been a major vehicle in recent years for intergovernmental consultation. The Executive order seeks to streamline the intergovernmental consultation process and provide States with the greatest degree of freedom in the development of their new systems.

The proposed rules that would implement the order, were printed on January 24, 1983, in the Federal Register. All departments, except the Department of Housing and Urban Development, submitted proposed rules on that date. The proposed rules will also be discussed at the hearing.

Those who wish to testify or to submit written statements for the hearing record should write to the Subcommittee on Intergovernmental Relations, 507 Carroll Arms Building, Washington. D.C. 20510. In accordance with the rules of the committee, witnesses should have 100 copies of their testimony sent to the subcommittee at least 2 days—March 1—before the hearing. The written testimony should include a synopsis or executive summary. Witnesses are requested to limit their oral testimony to 7 minutes, summarizing the parts made in their written statements.

For further information regarding this hearing, please contact Mike Quaranta of the subcommittee staff at 202/224-6833.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy Research and Development to review the President's proposed budget for fiscal year 1984 for the Department of Energy's research and development programs. Hearings have been scheduled as follows: Monday, February 28, at 9:30 a.m.—energy research programs (basic energy sciences, high energy and nuclear physics, magnetic fusion, and health and environmental research); Tuesday, March 15, at 9:30 a.m.—conservation and renewable energy programs; and Monday, March 21, at 10 a.m.—fossil programs. All hearings will be held in room SD-366 of the Dirksen Senate Office Building. Testimony will be received from administration witnesses.

For further information regarding these hearings, you may wish to contact Mr. Paul Gilman of the subcommittee staff at 224-4431.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, February 22, 1983, at 3 p.m. to hold a hearing on the nominations of Barbara Mahone and John Miller for the Federal Labor Relations Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOCIAL SECURITY REFORM

● Mr. WALLOP. Mr. President, last Tuesday the Finance Committee began our hearings on the recommendations of the National Commission on Social Security Reform. The proposals are a remarkable achievement. It appeared that the Commission would not be able to agree to a workable solution to the financial crisis facing social security. At the last moment, the participants were able to forge a package.

The members of the Commission have made it clear that the proposal is not what they would have recommended if they had to devise the best of all

possible worlds. However, it is a program which reflects the give and take of politics, one which has the best chance of passage. No one has come up with a better alternative. It is a program which has widespread support. Anytime you can get both President Reagan and Speaker O'NEILL to agree to something, the likelihood of success is almost assured.

I say almost because the legislative process is quite difficult. There is some disagreement over one aspect of the program, that is, solving one-third of the long-range financing problem. I have joined with some of my colleagues in sponsoring legislation to solve the long-range problem by raising the retirement age from 65 to 66 between the years 2000 and 2012. This is a sensible approach which avoids new taxes. Other provisions will be contested, but I believe the package will prevail.

There are elements in the proposal with which I disagree. I feel we need to take a careful look at the growth in future benefits and the burden of the payroll tax. I have suggestions, but I feel my ideas can be pursued after the Commission package is adopted. I have heard that some Members of the House and the Senate plan to load up the legislation with unrelated amendments. Such irresponsible action could very well sink the compromise, and I will resist any nongermane amendments.

The proposal, as embodied in S. 1, is a reasonable solution, and I am pleased to join as a cosponsor of the bill. At this point, I would like to have printed in the RECORD comments I made before the Finance Committee on this subject.

The comments follow:

FINANCE COMMITTEE STATEMENT BY SENATOR MALCOLM WALLOP ON SOCIAL SECURITY

Mr. Chairman, When President Carter signed the 1977 Social Security Financing Amendments, he declared, "* * * from 1980 to 2030 the Social Security system will be sound." Yet, this summer, the Social Security retirement fund will be depleted to a point where the program will not be able to issue monthly benefit checks. This is not 2031, this is 1983. Obviously, something has gone wrong.

Six years ago, the Congress passed a bill to rescue Social Security. The rescue operation relied on the largest tax increase in our history. It also involved correcting mistakes made in 1972 when automatic indexing of benefits was adopted. In 1977, we chose the easy course. We avoided correcting structural problems. Instead, we placed the burden for social security solvency on the future. We gambled that productivity would flourish, that real output would increase at historic levels. Inflation would run at only 4 percent annually. Real wages would grow by almost 2 percent annually. We would have full employment. As one writer has stated we were relying on utter fantasy. I decided to vote against the bill when I realized that the package merely pushed the problem off until tomorrow. It was a tomorrow that many hoped would never come, yet now it is here.

The problem facing Social Security is well known. By the end of the decade, the Social Security program will have a deficit of $150 to $200 billion. The 1977 bailout has failed simply because the unrealistic economic growth necessary to save the program has not occurred. Productivity actually dropped since 1977, and increased by only about seven-tenths of one percent in 1982. Inflation since 1977 has been explosive. The rate reached double digits by 1980, and has been close to the projected annual rate of 4 percent only in 1982. Full employment has been as elusive as finding the Holy Grail. Proponents of the 1977 legislation gambled that prosperity would finance Social Security solvency. It was a poor bet.

In addition to optimistic prosperity, there was a dependence on long term population growth. There would be an influx of new workers to bear the payroll tax burden in the next century. The baby boom generation will eventually retire. They will place a great demand on Social Security. Since the program is a pay-as-you-go system, many new workers will be necessary to provide the income transers to fund the baby boom's retirement benefits. To date, this second baby boom has not happened. A substantial deficit in Social Security looms over the long run.

Spending on Social Security amounts to one-fourth of the federal budget. Any shortfall in Social Security frustrates our efforts to balance the federal budget. The federal budget should not be balanced by creating huge reserves in Social Security. But, we cannot allow Social Security to run a deficit, small or huge, over the next few years. To do so would lead to the type of economic chaos that led to the creation of the Social Security program back in 1935.

We have heard a lot about structural deficits lately—deficits that will remain once we achieve full employment. Even Lord Keynes would not condone such an achievement. The structural deficits result from three factors—the cost of rearming America, the cost of our national debt (we will expend $75.5 billion in 1973 just on interest), and the cost of entitlement programs. These three factors account for eighty percent of the budget.

Most entitlement spending is for work-related benefits. Social Security, including Medicare and Medicaid, represents 60 percent of all entitlement spending. The program will account for seventy-five percent of entitlement by 1988. The growth in needs-tested entitlements has stopped. But, work-related benefits will increase by seventy-three percent between 1980 and 1985.

As work-related entitlements, our income transfer programs, absorb more and more of our gross national product, we accelerate the paralysis of productive activity. We are hindered in our ability to raise the standard of living for everyone. As government-financed debt expands, we extinguish private savings. Such savings are vital to providing the new tools and new products to reindustrialize our economy.

I do not always agree with Alice Rivlin, but I think she hit the nail on the head when she recently observed, while discussing the budget deficit, that the sooner we address the problem, the more easily we can make the gradual adjustments to correct it.

The longer we postpone action, the more abrupt, and disruptive, will be the adjustments. We can no longer avoid making choices.

The most encouraging sign that we can sensibly control federal spending is the recommendations of the Commission on Social Security Reform. There are few observers of political life who believe that the proposals from any commission would ever become law. Establishing a commission is a wornout device for avoiding decisions. The Commission on Social Security Reform may be the exception. It has worked only because the Commission included our colleagues who take the most active interest in Social Security.

The reform package has been ably described by other members. There are aspects I do not like. Moving up the scheduled payroll tax increases is a burden on economic recovery. Increasing the tax on the self-employed is a blow to small business. But, there are components I strongly endorse. The proposal makes structural adjustments in benefits which will ensure that Social Security in the future will not increase faster than economic growth. I think we can do more in this area, and will propose legislation to more sensibly calculate benefits after we finish with this reform package.

I agree with Congressman Conable that the package is unsatisfactory to everyone, but superior to other alternatives. The proposal does not reduce current benefits, it does not raid general revenues, but it does keep the program solvent.

The package does not solve all the long-range problems. For this reason, I have joined in co-sponsoring S. 76, which provides for a gradual increase in the retirement age in the next century. This route is far preferable to an increase in the payroll tax, one suggested alternative. Today, I want to ask Chairman Dole to add me as a co-sponsor of S. 1. I hope we can move quickly on this legislation.

Proposals by National Commission on Social Security Reform (included in S. 1)—1983-1990 savings

	Billions
I. Payroll tax provisions:	
A. Accelerate the 0.3 percent increase in the payroll tax (for the retirement and disability trust funds) to take effect in 1984 (now scheduled for 1985). The current tax rate on workers and employers is 5.4 percent each. It would be 5.7 percent in 1984.....	
B. Accelerate part of the 1990 payroll tax increase to 1988. The rate in 1990 will be 6.2 percent, up from 5.7 percent. 0.36 percent would be moved up to 1988, making the 1988 rate 6.06 percent.....	$40
C. The self-employed would be required to pay the same payroll tax rate as employers-employees. They currently pay at a 75 percent rate. The self-employed could exclude 50 percent of their contribution from income tax as a business expense.....	$18
Total revenue from payroll tax changes 1983-1990.....	$58
II. Benefit adjustments and structural changes:	
A. Delay the cost-of-living adjustment for 6 months (from July to January). All future COLA's would be paid in January.....	$40

Proposals by National Commission on Social Security Reform (included in S. 1)—1983-1990 savings—Continued

B. Tax one-half of the benefits received by retirees with nonsocial security income of $20,000 (for single) and $25,000 (couple). Collections would be transferred to the trust fund.	$30
C. Cover new Federal employees and all employees of nonprofit organizations. State and local units could not withdraw from the program.	$23
D. Reimburse system for nonpayment of FICA tax by military. Return uncashed checks to trust fund.	$18
E. Reform spouse benefit practices (for divorced spouse or disabled widows, widowers).	$0.3
F. Increase the delayed retirement credit (beyond age 65) from 3 percent to 8 percent.	
G. Provide automatic stabilizer after 1987 for COLA adjustments.	

The package meets three of our four policy goals regarding Social Security.

1. It maintains adequacy of benefits.

2. It continues equity in the tax treatment and benefit structure.

3. It maintains solvency in both the short and long term.

The fourth goal, maintaining public support has not as yet beeen achieved (according to the Washington Post poll in Thursday's paper). A majority do not support the tax provisions, and do not believe that younger workers will receive Social Security.

Emphasis should be placed on the potential burden of higher taxes for workers and employers. Three alternatives need to be considered to relieve the pressure for higher taxes.

1. For COLA's, the lower of wage increases or price increases should be used after 1985, not 1988. A catch-up provision could be included to allow higher COLA's in periods of economic growth.

2. In addition to raising the retirement age to 66, we should consider and automatic adjustment in the age to correspond to increases in our average longevity.

3. Restructuring the mechanism for calculating initial retirement benefits should be considered to take effect after 1995. This would lower the wage replacement rate (the amount of benefits as a percent of former wages) somewhat. However, the expansion of private pensions and IRA's would enable retirees to maintain their living standard. The cost savings from this change could be used to stabilize, or even reduce payroll taxes for workers starting at the turn of the century.●

JOBS PROPOSALS—LET US ALL COUNT WITH THE SAME NUMBERS

● Mr. QUAYLE. Mr. President, Congress is currently flooded with jobs proposals, including one of my own. Each proposal makes its own claims on number of jobs created and costs of the program. Unfortunately, we all count using different numbers and I think it would be helpful if we used the same measuring stick in evaluating all the proposals.

Let me illustrate the problem by using data from the old local public works (LPW) program of the mid-1970's. It has been said that that program created 1 million jobs, that it created 350,000 man-years of employment, and also that it created 96,000 man-years of direct onsite employment. All of these numbers are equally accurate and come from the same source. Whether the program created 1 million jobs or 96,000 is only a question of which definition you use—so it is important to be clear about definitions.

The basic concept in jobs programs is the man-year—person-year—of employment. That is, one person working full time for 1 year. It is sometimes described as a job slot. No more employment is created by employing 12 people for 1 month each, than 1 person for a full year. Both equal 1 man-year of employment but some would describe one as creating 12 jobs and the other as only 1 job. The reason that LPW created so many jobs is because the average duration of onsite employment was only 3.5 weeks. Many different people got jobs—but they got them for a very short time.

In order to avoid confusion, it seems to me that proponents of jobs programs—including me—should be explicit about what they mean by the number of jobs they claim. The best way to avoid confusion is to give, first the number of person-years of employment, and either second, the number of different persons expected to be employed or third the average duration of employment. My own bill, S. 242, the Employment Opportunities Act of 1983 would, under title I, provide 133,000 man-years of employment and employ 250,000 persons for an average duration of 7 months.

A second critical issue in evaluating employment impacts is when the jobs would occur. Employing one person for 2 years creates 2 man-years of employment—but it clearly has less of an anticyclical impact than employing two persons for 1 year. For clarity, employment claims for jobs proposals should break down claims by time periods. Under my bill, S. 242, all employment would be within a 1-year period from the date of the appropriation.

The third critical issue in evaluating employment impacts is what jobs are counted. Some count only directly created jobs; that is, those that are funded from the appropriation and are verifiable through the audit process because they show on the payroll records of the contractor or grant recipient. Others also count indirectly created jobs which are those that are induced by the direct jobs through the purchase of supplies and equipment or through impact on other sectors of the economy.

The difference in these measures can be considerable as illustrated by the local public works (LPW) program. It created 96,000 man-years of direct employment but over 250,000 person-years of indirect employment was estimated. Indirect employment is necessarily an estimate—even after the fact—because there are no records to verify it.

So that all of us promoting jobs bills will count with the same numbers, we should be precise in our claims by distinguishing between direct and indirect employment effects. For S. 242 the estimate given above is for direct employment only—we estimate an equivalent amount of indirect employment.

Attached is a letter I have written to the Director of the Congressional Budget Office requesting that office to analyse the employment impacts of all major jobs proposals using the same concepts and methodology for all bills.

The letter follows:

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN *Resources,*
Washington, D.C., February 22, 1983.

Mrs. ALICE RIVLIN,
Director, Congressional Budget Office, Washington, D.C.

DEAR MRS. RIVLIN: Attached is a statement I have put in the Congressional Record regarding the estimation of employment impacts of jobs proposals. It would be a great service to the Congress if your office would do a comparative analysis of pending jobs proposals—using the same methodology and concepts for all of them—so that we could realistically judge their relative merits and costs. It is essential that this analysis include at least, the proposal agreed to by the President and the Speaker, S. 484 and Title I of S. 242.

It seems to me that a format along the following lines would be most useful.

	Fiscal year—			Et cetera
	1983	1984	1985	
Cost				
Direct employment:				
Man-years				
Jobs				
Average duration				
Indirect employment:				
Man-years				
Jobs				
Average duration				

Sincerely,

DAN QUAYLE,
Chairman, Subcommittee on Employment and Productivity.●

THE PRAYERS AND PRACTICE OF LEADERSHIP IN AMERICA

● Mr. EAST. Mr. President, as Congress debates specific issues which implicate our religious and cultural attitudes, we need to examine the broader issues transcending specific legislative proposals if any solutions to our current problems are to endure.

"Politics," Richard John Neuhaus writes, "is always a function of culture, and at the heart of culture is religion." As the cultural heritage and hegemony of secularism diminishes, Pastor Neuhaus asks, who will be the moral leaders of this postsecular age? Can the American denominations, previoulsy vital, provocative, and experimental rise to the call of leadership? Can the balance between church and state, as the Founding Fathers envisioned and practiced it, be regained?

I commend to the attention of my colleagues Pastor Neuhaus' article, "Moral Leadership in Post-Secular America," which appeared in the Hillsdale College publication "Imprimis".

I ask that the text of this article be printed in the RECORD.

The article follows:

[From the Hillsdale College "Imprimis," July 1982]

MORAL LEADERSHIP IN POST-SECULAR AMERICA

(By Richard John Neuhaus)

When we set out to talk about moral and religious leadership in post-secular America, we are facing certain perennial questions, questions that are not going to go away until, if the Christian gospel turns out to be right, the Kingdom of God comes.

Jesus talked about rendering to Caesar what is Caesar's and to God what is God's. Paul talks in Romans 13 about the powers that be, and more negatively in other places about the principalities and powers that stand against the rulership of God. Likewise with Augustine, Innocent III and all of the controversies between the Popes and Emperors during the Holy Roman Empire, Thomas Aquinas, Luther, Calvin's grandly flawed experiment in Geneva—all the way up to tday's debate about *Roe* v. *Wade* and abortion, about prayer in public schools, about tax exemption and what is meant by religion for purposes of the IRS.

It was thought until very recently, by the cultural leadership of the Western world, that these issues had been resolved in some way—basically by excluding religion or religiously-based morality from the public arena, where the serious business of society was taken care of. The idea of the separation of church and state, which most of us have taken in with our mother's milk, has by remarkable convolutions of logic and law come to mean in the minds of many people the separation of religiously-based values from public policy. But the period is now past when it was assumed that these issues could be resolved simply by removing one side of the debate from the public square. We are entering a new period in which we are asked to read the signs of the times in a different way, recognizing that in some very profound sense we are entering a post-secular world.

This has all kinds of ramifications. It will affect not only American life, but also—if America is, as some people allege, the advance society of world history, if what is happening in the United States today is what is likely to be happening elsewhere tomorrow—then the post-secular character of American society tells us something about the likely prospects of world-historical change.

Thus we find ourselves back in what is for most intellectuals today an unfamilar cluster of questions, but one which within the broader range of our country's history has been most characteristic of American thought: namely, the role of America in the world, the idea that in some sense America represents something new, both promising and ominous, about the future of humankind. That certainly was the basic belief of the constitutional founders and, even more important, of the religious and spiritual and poetic visionaries at the beginning of the American experiment.

This attitude toward America as being experimental, as being provocative, as being a test of human possibility, has almost totally been lost. It has been driven out of public discourse in recent American history, so that now it almost sounds quaint, like a nostalgic throwback to a time long ago, back to a period of innocence before Vietnam and the Second World War and Auschwitz. It seems difficult now to envision a world in which the American proposition would once again be something of promise in a world-historical context; yet I think that that is the kind of world which we may now be entering. A time is coming in which we will have to make some decisions, not simply at a pragmatic or economic level, but much more solemn and daring decisions about what we think history is about.

Politics, I would argue, is always a function of culture, and at the heart of culture is religion. Our culture consists of those symbols, those ideas, those stories which inform the way we try to shape our lives together. It is those values we hold up, those sometimes intuitive, sometimes articulate notions of what is honorable and what is base. It is our notions of excellence. And at the heart of all such cultural assumptions, are ultimately beliefs about what is true. Whether we call them religious or not, whether they have a denominational brand name pegged to them, they are religious in character—in that they engage our intuitions about the absolute, about that which transcends all possible discussions of simple utility or pragmatism. When we ask what it is that really this world of ours is all about, and whether indeed there is finally any kind of meaning, we are dealing with religion.

Today, the role of religion in public has changed very dramatically, because of recent outburst of what is called the religious New Right, the Moral Majority, Christian action groups of all sorts. And in many people's minds—especially people who have been brought up to believe that the separation of church and state means the separation of public business from religiously-based values—this movement is viewed as a kind of invasion of the barbarians, of the people who were once presumably locked into their cages way back in the 1920's during the famous "Monkey Trial," with H. L. Mencken's acid caricaturing of these fundamentalist Neanderthals.

So now the question many people in "respectable" circles are asking is, how do we get these animals back in their cages, these people who are disrupting the way in which we have decided to conduct our business in public? Well, my premise is that they are not animals, they are citizens of this Republic; and for those of us who are Christians, they are recognized as sisters and brothers in Christ. They are new and vital participants in the always raucous process of democratic government. In fact, it may even be that Jerry Falwell and the Moral Majority have kicked a sort of tripwire—rather clumsily, perhaps inadvertently, sometimes perhaps even with an element of malice—a tripwire alerting us to a much more massive change. That massive change is, if I may put this rather ambitious proposition to you, the collapse of the 200-year hegemony of the secular Enlightenment.

THE NAKED PUBLIC SQUARE

The cultural and, therefore, political elites of our society have for the last 200 years assumed that the dogmas of a secular Enlightenment ought to prevail as the formative influence in how we shape our public discourse. Those dogmas were distinctly hostile to particularist religious belief. It was assumed, coming our of the more militant secularism of the late eighteenth century in France, that enlightenment (which is to say, education) is incompatible with religious belief, and hence that as people become more enlightened they will become less religious. Religion will wither away, or will at least be confined to the private sphere of life. This is the basic model which not only militant secularists, but also a good many religionists, have bought into. Our century is plagued by this notion that somehow what one does religiously is a private negotiation between oneself and God, hermetically sealed off from public discourse about questions of right and wrong in the agora, in the public square.

Thus we have ended up, as a consequence of the secular Enlightenment, with the idea of the naked public square—that is, the public space, in terms of the governmental process, legislative, executive, judicial, but also in terms of a mere physical and psychological space that we call public—the idea that all of this space ought to be sterilized of any specific religious influence. At one relatively trivial level, but nonetheless important if one thinks about it, the issue of the naked public square arises every year around Christmas time. As sure as the date itself, there are lawsuits with groups like ACLU and Americans United for Separation of Church and State joining in to make sure that that Christmas tree isn't put in the town square, or that Christmas carols are not sung in the public school. This is merely symbolic of a much more profound assumption: that somehow it is possible to take care of all the public business without any reference to the religiously-based values of the American people.

Now the idea of hermetically sealing religion off from the political process is not without its understandable historical roots. Coming out of the seventeenth-century wars of religion, in which the post-Reformation conflicts between various religious partisan groups almost destroyed the civil fabric of Europe, it is understandable that it was assumed that religion in public is, by definition, divisive and destructive and that it therefore must be kept out of the public square or we will end up in perpetual civil war. Yet is is obvious today that the notion of a secularized, religiously sterilized public space is no longer believable.

Not only in the area of religion and politics, but in so many other areas, the hegemony of the secular Enlightenment no longer seems very plausible. In our law schools today, for example, there is a refreshing upsurge in ethical questions—not simply in terms of how you stay out of trouble with the law, but in a more profound sense of what are the issues of right and wrong which make law legitimate and illegitimate; what finally are the values that give force to law, beyond simply the mechanistic notion of precedent or the relativistic notion of that which serves the several interests in conflict.

The collapse of the secular hegemony is equally evident in the sciences. Especially in physics, but also in biology and a whole host of fields, people are realizing that science is not the solving of problems so much as it is an encounter with mysteries which are to be revered. We are hearing that somehow there is an absolute mystery at the center of it all, which when serious scientists talk about it sounds more and more like theology.

In a whole host of endeavors, then, the cutting edge is moving toward an understanding of a religious character in the nature of the reality of which we are part. Certainly this is true in the realm of public policy and in the political process. We need, in the phrase of sociologist Peter Berger, an understanding that we live "under a sacred canopy." At one time secularism itself, with all of its very noble and frequently compelling visions of human progress, provided a sort of sacred canopy for many of the intellectual and cultural leaders of the Western world. Today it doesn't, as we realize that we can only become more mature persons not by outgrowing mystery but by entering ever deeper into the mystery.

Fifteen years ago, sociologists of religion and of culture would almost all assert that as society became more modern, it would inevitably become more secular. Today many of those same sociologists, scholars like Peter Berger, Clifford Gertz, Daniel Bell and other neo-conservatives, have done a 180-degree turn and are suggesting that as we move further into modernity the role of religion will become not less but more important. As we move deeper into what Max Weber called "the iron cage" of a specialized and rationalized society, the irrepressible question about the meaning of it all, the religious question, will come increasingly to the fore.

There are other reasons as well why the new assertiveness of religion in public portends a different kind of future for American politics and social change. One major reason is, quite simply, that the United States is a democracy, which means that if governance is not always of, by, and for the people, it is at least not in contempt toward the people. And the fact is that in American life, the overwhelming majority of the people understand their values to be inseparably connected with their religious belief. Observers from other societies have often seen it more clearly than have American social critics, but the sociological evidence is there even if one has very little power of perception: for better or for worse, Americans are incorrigibly religious. You can list for yourself all the ways in which our understandings of what is right and wrong, of good and bad, of that which gives reason for hope, are tied to particularist religious beliefs—primarily, of course, Christianity and Judaism.

This is why it is not possible for public policy to go on acting indifferently toward the religiously-based values of the people in whose name the democracy presumably has moral legitimacy. Take for example the most heated issue in American life today, one that unavoidably joins religiously-based values and public policy: the issue of abortion. In the Roe v. Wade decision of 1973, Justice Blackmun, writing for the majority, acknowledged correctly the solemnity and the centrality of the issue joined: who belongs to the human community for which we accept common responsibility? Or in Biblical language, who is my neighbor?

The reason why Roe v. Wade has been repudiated by the American people, and why it will eventually be turned around, is that for the first time in American jurisprudence, it was explicitly stated that it is possible to address these issues of ultimate importance without any reference to the Judeo-Christian tradition that has always been the primary source of public values in America. The strength of the religious New Right, which I find a very troubling phenomenon in many ways, is positive to the extent it has alerted us that the direction pointed by Roe v. Wade is no longer possible, not unless we as a society are willing to enter deeper and deeper into what sociological jargon calls a legitimation crisis—a situation in which governance is divorced from morality, in which law is asserted as law simply because it is the law.

TOWARD A THEONOMOUS SOCIETY

The great task of our time, then, is to develop a new kind of public ethic that is able to engage the ultimate questions, that is able to be responsive in a democratic way to the juices of belief among the people. The only alternative is a legitimation crisis in which, in Hannah Arendt's phrase, we no longer have governance that represents authority, but governance that represents only power and that can only be continued by the use of increasing doses of coercion. That is where we are headed unless we can begin to talk again about ultimate values in public.

I am not referring to the kind of formulas which the religious New Right often seems to suggest, where you go straight from a Bible passage to the enactment of a piece of legislation. That would imply going back to a pre-Enlightenment situation or even to a pre-Reformation situation, back to some kind of unified Christendom, which is just not possible today. This task of constructing a new public ethic, informed by the living beliefs of the American people, will have to be a post-Enlightenment adventure. it will be a quite new chapter, an experience that will have internalized all of the Enlightenment's great contributions with regard to critical reason, all of its criticism of authoritarianism in various forms, so as to suggest a new way of recognizing what is authoritative.

It will mean that we have moved, in Paul Tillich's phrase, from the heteronomous society that existed prior to the modern age—a society in which one is ruled by others in an authoritarian way, you do what you are supposed to do because I say so or the Bible says so or the Church says so or the King says so—through an autonomous society—the great notion of the secular Enlightenment, of every individual being his or her own Pope, own Bible, own King, the kind of society which has brought us to our present impasse culturally and politically and morally—to achieve, at last, a theonomous society, a society that recognizes transcendent values by which it is held accountable.

As late as 1954 the phrase "under God" was put into the Pledge of Allegiance: "one nation under God." Some people find that phrase distressing, because they think it suggests that America is somehow immune from the sins and the ambiguities, the compromises and the crimes of other nations. Well, if that's what Americans means when they say "under God," then it's indeed unfortunate that the phrase is there. But I would urge you to consider that it is a great thing that it is there if we understand "under God" to mean under judgment. To be under God in this sense is to acknowledge that there is an absolute to which we are historically held accountable. Moral leadership in America, from the Mayflower Compact way back in the beginning of the seventeenth century right down to Dr. King's August 28, 1963, "I Have A Dream" speech at the Lincoln Memorial in Washington, has always conveyed that sense of historical destiny. It is that sense of historical destiny, of calling, of vocation, of accountability, of purpose, of intent, of testing, of experiment, which I think is required if we are to reconstruct a public ethic.

Historically in the United States it was the Puritan tradition that gave most vigorous expression to that sense of destiny. If you look at American religion today, there are a number of churches that are the heirs of the Puritan tradition, the churches that ordinarily are called mainline Protestantism. The United Methodist Church, the United Presbyterian Church, the Protestant Episcopal Church in America, the United Church of Christ—these are the churches that accepted, up until the middle of this century, the culture-forming task which Puritanism saw as its vocation for America. But today the Protestant mainline has, I believe, largely abdicated its culture-forming task, thereby raising the issue of which new religiously-based communities of moral leadership will provide the kind of moral vision that is required for the reconstruction of a public ethic.

There are many other candidates; the brand-name Protestant churches in America are not in fact, numerically speaking, the mainline at all. The largest single Christian community in the United States, of course, is Roman Catholic, of whom there are roughly 50 million; they are not part of the so-called mainline. Another 20 million Americans claim they are Lutheran, and the majority of these are in no way part of the mainline either. There are approximately 30 million, some would say as many as 50 million, under the broad banner of Evangelicalism and they are not mainline. And obviously the Jews and the Eastern Orthodox are not mainline Protestant. The so-called mainline majority is, in fact, the minority.

IS AMERICA A FORCE FOR GOOD?

Vilfredo Pareto, an Italian social theorist at the beginning of this century, had a little theory which he called the circulation of elites. He said that in any society you have a certain number of functions that need to be taken care of: military, economic, cultural, religious, artistic, and so forth. Each of these functions, Pareto said, gathers around itself an elite—people who by an old-boy network, by family connection, from one generation to another, lead the definition of the task relative to that function. But eventually, he says, an elite will weary of its function, or lose its confidence, or lose touch, so that it drops away and a new elite then circulates to that function and begins to take over.

Today in the United States the religiously-based moral leadership of the country is witnessing a very vigorous contest in the circulation of elites. The moment obviously calls for a new community of leadership, a community that can give religiously-based moral definition to the American experiment and thus lay the groundwork for the reconstruction of a public ethic. To a lot of people it is very frightening to hear someone talk this way. They say, you're talking about Christian America, aren't you? Yes—yes, I am. The extraordinary thing is that today it is thought un-American to talk about Christian America.

Up until 1931 the U.S. Supreme Court itself could say, without any fear of contradiction, that of course this is a Christian society, and it could tick off the points of reference which make that characterization meaningful. But it is all different now. Really the idea that the belief systems of a people, especially in a democracy, ought not to inform and shape the way in which we construct our life together is a very novel idea indeed—and, I think, a very bankrupt one. We are not talking about imposing a belief system, but rather about resisting the imposition of alien belief systems that impose themselves under the guise of being value-neutral and value-free, when in fact they are laden with all kinds of values which are alien to the beliefs, the dreams, the convictions of the American people.

Throughout American history, certainly as recently as the late nineteenth century and the early part of this century, the great religious leaders of the Social Gospel movement, like Washington Gladden, Rauschenbush, and the rest, and no doubt but what their goal was to Americanize Christianity and to Christianize America. They had no doubt about this being an experiment not only in politics and in economics, but also in culture—the carrying forth of a heritage which was the merger of Greek classicism and Judeo-Christian faith. Whereas today, mainline Protestant religion has largely succumbed to the illusions of the secular society. It is no longer thought to be possible nor even desirable to exert a distinctively Christian influence within the public square. Thus in the World Council of Churches, for example, a slogan that has dominated for the last 15 years has been, "The world sets the agenda for the Church." You look around to see what, by secular definition, is happening in the world and then assume that it is the business of the church to advance that, to get on that bandwagon.

That kind of loss of nerve is at the heart of the collapse of the influence of mainline Protestantism. These are the churches that are in the doldrums, the churches that are not growing, the churches that are in institutional trouble, out of touch with their own constitutional trouble, out of touch with their own constituencies, running all kinds of "church and society" programs, issuing pronouncements on every conceivable public subject, but without any believable connection to the distinctive truth-claims of the Christian faith. It is a vast disillusionment with the American experiment that has led to this loss of nerve, this abject accommodationism, this retreat from being distinctively Christian, even distinctively religious, in public.

I have taken a little survey, unscientific but nonetheless I think reliable. I have asked people in the world of 475 Riverside Drive, the National Council of Churches and so forth, that if you put a certain proposition to the middle- and upper-level leadership of mainline Protestantism in America, what would their response be? The proposition in this: That on balance and considering the alternatives, American power is a force for good in the world. On balance and considering the alternatives, American power is a force for good in the world. A rather carefully nuanced proposition, I would say. The response I have found has been almost unanimous, that if one put that question to the middle- and upper-level leadership of mainline Protestantism in America today, probably less than 15%, at the most 20%, would say yes, that is true. Probably 50% or more would flatly say no, that the contrary is true. And the rest would so equivocate in their answer than in effect they too would be saying no.

TO DREAM ANEW

Now what does this tell us? It doesn't tell us that they are necessarily wrong; I think they're wrong and I suspect most of you think they're wrong, for I believe that America is, on balance and considering the alternatives, a force for good in the world. But it does tell us that whether they're right or wrong, they clearly are not in a position any more to provide cultural definition for the American experiment. Dr. Martin Luther King, with whom I worked for several years back in the '60s as a liaison between his SCLC and various parts of the anti-war movement, was fond of saying that whom you would change, you must first love. In a sense it's very simple; any good parent or teacher or pastor knows that. People are not going to take their sense of direction from their declared enemies. It is not at all obvious that the National Council of Churches loves America. Indeed, it is rather manifest that their posture is basically one of hostility, a posture that clearly excludes them as a candidate for providing cultural leadership.

There are other groups in America who obviously are prepared to do it. For one, the whole religious New Right. I do not think that they are going to win in Pareto's game. I hope that they are not, or that if the forces they represent do come to dominate the public discussion of religiously-based values, certain of their characteristics will have moderated by that time.

There are other contenders, the Roman Catholic Church perhaps first of all. Certainly in many ways this ought to be the Catholic moment in America, the moment in which Catholics with their rich intellectual tradition, with a heritage of conceptualization about the relationship between the city of man and the city of God, are in a position finally to play a culture-forming role that in the past, because of anti-Catholicism on the part of Protestants and because of their own immigrant-based insecurities, they have not been able to play. I do not know whether indeed the Catholic Church will rise to that challenge. It seems to me that the leadership sector within the Roman Catholic Church are today Americanizing themselves in a pattern that is in many ways imitative of the mainline Protestantism that is already struck out. But theoretically, it could be the Catholic moment, for Catholics up to now have been at bat, so to speak, in shaping American culture.

Lutherans have not been at bat. Their experience again is very similar to the Catholic immigrant experience, but without the conceptual riches and without the theological equipment, quite frankly, for dealing with the issues posed by a democratic society. On another front, I would say that the great issues posed by Calvinism, by John Calvin's grandly flawed experiment in Geneva, also hold a great deal of promise in the so-called evangelical churches. I am very impressed that today, if one moves around the United States asking where are the people and where are the communities that are really posing first-principle questions about the meaning of modern society, the relationship of God and the Republic, the nature of social legitimation in the modern world, a surprising number of people who are probing these issues with intelligence and imagination call themselves Calvinists.

The Jewish community in America also plays a vital role in the possible reconstruction of a public ethic. I think it was generally agreed in the leadership circles of American Jewry, somewhere back in the 1930s, that the more secular the society, the safer it would be for Jews and other minorities. Today within the Jewish community, led by organs such as The Public Interest and Commentary, by figures such as Daniel Bell and Irving Kristol, that basic decision is being re-thought. The question is being raised whether the naked public square isn't a very dangerous place after all. For when the public square is really naked, when there are no transcendent sanctions of either a positive or a negative nature, then what finally are your protections against evil, including the evil of anti-Semitism?

This discussion of moral leadership has ranged far afield, all of it in search of rediscovering what John Courtney Murray, a great Roman Catholic theologian and political philosopher, called the American proposition—the audacity, the freshness, the almost unbelievable chutzpah, that is the United States of America. Revivifying what is unique about this kind of polity, this kind of democratic aspiration, revitalizing it and dreaming it anew, it seems to me is the great and invigorating challenge of our generation and of the generations to come. For I do believe that it is not with embarrassment, but with a profound sense of accountability to the transcendent judgment of God, that we can say it remains true today that this America, this proposition, this experiment, is the last best hope of earth.●

ATROCITY AND MASSACRE IN AFGHANISTAN

● Mr. ARMSTRONG. Mr. President, reports of atrocity and massacre have followed the progress of the Red army in Afghanistan just as surely as, 40 years ago, they followed the progress of the Wehrmacht in Poland and the Ukraine.

The Washington Post of Sunday, February 13, carried a report of a Soviet atrocity fully as repulsive as the Nazi massacre at Lidice. Other, less well documented reports from Afghan emigres and other observers indicate that what happened at the tiny Afghan village called, in English, "The Resting Place of the Comb" is a common practice, not a temporary departure from the norm. The mounting evidence of Soviet atrocities in Afghanistan caused an international human rights panel which met in Paris in December to declare the Soviet Union guilty of war crimes.

Senators should study these reports carefully, and ponder their import. We are engaged in negotiations with the Soviets, on arms control and other critical matters. These negotiations are based, in part, on the supposition that Soviet leaders share our desire for peace among and self-determination for all peoples, and that the leaders of the Soviet Union can be counted upon to comply with the international treaties and conventions to which they become a party. We all hope this is true, but we must not ignore evidence which leads to a contrary conclusion.

We must view the Soviet leaders for what they are, and not simply for what we would like them to be.

I ask unanimous consent that the Washington Post article entitled "The Horrors and Rewards of the Soviet Occupation of Afghanistan," and a Wall Street Journal article of Monday, January 24, entitled: "Lifting the Curtain on Afghanistan's Horror" be printed in the RECORD.

The articles follow:

[From the Washington Post, Feb. 13, 1983]

THE HORRORS AND REWARDS OF THE SOVIET OCCUPATION OF AFGHANISTAN

(By Patrick E. Tyler)

In English, the Afghanistan town into which Soviet tanks rumbled at dawn one day last September is called "The Resting Place of the Comb."

I learned this two weeks ago at the end of a long interview with five members of an Afghan resistance group. The comb was incidental to the chief thrust of their tale—which was about a Soviet massacre in their town—but the village mayor told of the legend behind the name as if to emphasize just how much died that day.

The legend was brief: A man in India lost a sacred comb, and it traveled by magic subterranean currents until it surfaced in an underground stream near the little village, 30 miles south of Afghanistan's capital, Kabul.

The importance of the stream in an arid, mountainous land explains the mysticism attached to it. The stream is the village water supply. It runs 40 feet below the surface and is tapped by well shafts at regular intervals along its course. It surfaces at the edge of the village, where it irrigates a vineyard. In the center of the village a stairway has been cut through the stratified clay so people can descend to draw water for cooking and washing.

For more than 100 years, the village elders say, the townspeople honored the legend by keeping sacred fish in the eddies of the ankle-deep flow in the hand-cut tunnel. Now the fish are dead, the village elders say—and so are 105 men and boys who fled to the tunnel and refused to come out when a Soviet garrison commander ordered them to do so on Sept. 13, 1982.

The villagers say the Soviet commander, identified only by his reddish complexion, ordered his troops to pump gasoline into the tunnel through a well shaft. Soviet soldiers, they say, then ignited the gasoline with incendiary bullets as 11 villagers were rounded up and forced to look on.

Hundreds of soldiers from the 7,000-man Russian garrison, stationed little more than a mile away in a fort on the road south from Kabul, stayed in the village most of the day as the explosions shook the ground. They waited to see whether anyone would emerge. Six helicopters and two jet fighters provided air cover against roaming bands of guerrillas in the countryside. At 3 p.m., the diesel engines of the tanks groaned and carried the Soviets back to their fort.

It took seven days, the villagers will tell you, to drag all of the bodies out of the tunnel, using a makeshift hoist. The town mayor, Habib-ur-Rahman Hashemi, carries a carefully folded list of 61 dead that he compiled from family identifications and missing persons reports. Many of the dead were his relatives, and he wrote down his inventory in Persian. The list denotes the name of each victim (verified or presumed), his father's name, tribe or ethnic group, his native village, age, trade and political affiliation.

Ten children were among the dead, according to the list.

What happened at that little village of Padkhwab-e-Shana 30 miles from Kabul?

The Soviet-backed Afghan government says counterrevolutionary elements were crushed there. But a group of scruffy Afghan peasants are traveling through Europe and the United States this winter to tell about a massacre of unarmed men and boys.

Early this month, they were in Washington to be photographed with President Reagan. The month before they were in New York for interviews, "photo opportunities" and live talk-show testimony. In December they were in Paris testifying before a "People's Tribunal," styled after the Bertrand Russell hearings of the late 1960s that took America to task for its involvement in Vietnam.

The Afghans' purpose is twofold: to tell the world about Soviet atrocities against their people and to solicit support from the United States for the Afghan mujaheddin insurgent movement.

It is three years since the Soviets invaded Afghanistan, and the network of resistance fighters who wage a guerrilla campaign against superior Russian air and ground forces fears that the outside world has forgotten them.

American public attention has clearly waned. President Reagan rescinded the Soviet grain embargo ordered in 1980 by President Carter in retaliation for the Russian invasion. The current oil glut has taken the urgency out of concern that the Soviets might be setting up a strategic perch just north of the oil-rich Persian Gulf. The State Department's evidence of Soviet chemical weapons use has had little impact on world opinion, and U.S. policies have failed to blunt the fulfillment of Soviet objectives in Afghanistan.

But on a personal level, the story told by these villagers is compelling and credible.

Gol Mohammad, a 40-year-old "elder" from Pedkhwab-e-Shana, says he lost his brother in the fiery tunnel explosions. Mohammad wept when he told his story before the television cameras in New York at a press conference organized by Freedom House, a nonpartisan human rights organization whose patrons include Zbigniew Brzezinski, national security assistant to President Carter, and former Sen. Clifford Case.

Mohammad says he was at the village store near the stairway to the water course the morning of Sept. 13 when Soviet soldiers came in and took him and the other elders gathered there to the head of the stairway. The helicopters and jets arrived overhead by 7 a.m. Many of the men and boys from the village had fled to the tunnel, Mohammad said, fearing they would be impressed for military service.

Two of the elders were told to go down the steps and tell the people in the tunnel to come out. But Mohammad said the two men who descended returned and tried to bluff the Soviet commander by saying no one was there. Moments later, a man from a neighboring village named Sayyid Hassan ran out of the tunnel and up the stairs. The Russian commander chastised the elders for having said no one was below. Hassan protested, said Mohammad, and returned to the tunnel shouting that there was just one other person there and he would retrieve him.

Hassan disappeared back into the tunnel and didn't return.

The Soviet commander issued orders and two tanker trucks backed up to the well shafts a little ways upstream from the stairway. As one tanker's pumps droned, the air was filled with the smell of gasoline, Mohammad said. A second tanker pumped what Mohammad described as a yellowish white liquid (perhaps kerosene) down a shaft 12 meters upstream from the first. Other soldiers wearing protective suits and masks carried bags of white powder down the stairway and poured it into the stream, Mohammad said. (He had never seen a gas mask, and he described the soldiers as having covered their faces to look like beetles.)

When the smell was as thick as the anxiety of the village onlookers, the soldiers fired their weapons down the stairway, Mohammad said.

Most of the well shafts had been plugged with dirt and rocks, so when the series of underground explosions went off, Mohammad said, the flames and fodder were fired into the sky and the debris rained down on the village.

The tunnel was stoked with the liquids twice more during the day, Mohammad said. The soldiers waited around for a while and then left. When it was safe, the women came out of the houses, he said, and cries went up for children, brothers, uncles and fathers who had been hiding in the tunnel.

"The smell was nauseating," Mohammad said through an interpreter. "We were only able to get four bodies out that afternoon, and one of us fainted from the smell." Nightfall came, but the village of 2,800 households was kept awake by its grief, Mohammad said.

On the morning of the second day, Sayyid Mortaza returned to the village with some of the 2,500 armed guerrillas he says he commands in a harrassment campaign along the asphalt road north to Kabul. Some of his men set up a perimeter around the town to guard against a Soviet return, and others helped the villagers construct a hoist over one of the well shafts to raise the dead from the tunnel.

Mortaza said that the faces of some of the charred bodies had been preserved where they had fallen face down in the stream. The men greased themselves with Vaseline and mutton fat, Mohammad said, because the chemical residue in the water burned their feet. Someone suggested that the villagers throw a burning bicycle tire into the tunnel to counteract the smell and the chemical residue, but the burning tire set off a new series of explosions and delayed the recovery task.

On the second day, 30 bodies were recovered, Mortaza said, and there was so much confusion in identifying the blackened shapes that in some cases different families claimed the same corpse. Mohammad said he identified his 35-year-old brother by the watch he was wearing. Mohammad displayed the watch during the interview.

On the third day, men arrived from neighboring villages and helped complete the hoist. They worked in teams of four men, each team bringing up a quota of 10 bodies before being relieved, Mohammad said.

Sixty-eight bodies were recovered on the third day. They were laid out near the cemetery in neat rows with the others. Four bodies were claimed by neighboring villagers, and taken away for burial. The mullahs said their prayers in shifts. They also had to be relieved, Mohammad said.

Radio broadcasts monitored by the villagers announced on Sept. 17 that "counterrevolutionary elements" had been crushed at the village of Padkhwab-e-Shana. On Dec. 8, when some of the villagers traveled to Pakistan to tell their story at a press conference, Radio Kabul denied that anything had occurred in the village. "The broadcast said that not even a nosebleed had occurred in the village," he added.

During the Paris tribunal hearings, the Afghan embassy denounced the villager's testimony, saying the diameter of the irrigation tunnel was too small for anyone to have taken refuge there. But the trubunal's investigators countered that they had inspected the tunnel in November and found that it averaged more then four feet in height.

The State Department says it has received independent reports of the massacre at Padkhwab-e-Shana, and it supports the story told by the villagers.

Michael L. Barry, 34, certainly believes it. The son of a New York newspaperman, he is a Princeton graduate and now a graduate student in Middle East studies. He speaks the languages of the region fluently and helped organize the tribunal investigation into what happened at Padkhwab-e-Shana. Barry says he has spent the past 3½ years in and out of Afghanistan.

As one of three investigators sent by the Paris tribunal last November, he slipped into the village in the dead of night, saw the charred irrigation tunnel and helped another investigator scrape blackened samples from the walls as Afghan scouts watched for movement from the nearby Soviet fort. Barry says he saw the fresh graves over which the mullahs had prayed in shifts because the smell was so bad. Later he interviewed villagers at way stations and in refugee camps across the border in Pakistan.

In December, Barry accompanied the Afghan peasants to Paris for the tribunal hearings and then to the United States to publicize their story and act as their interpreter.

In all, Barry says he and Riccardo Fraile, a professor of international law at the Sorbonne in Paris, interviewed more than 50 residents of the village in several locations where they had been scattered. Without being asked, Barry offers that it would take a massive propaganda orchestration for such diverse testimony gathered in different locations to be faked.

Next month, some of the villagers will return to Pakistan, others to Afghanistan. Mortaza, the guerrilla commander, said he will return to his men and the gun running that sustains them. Armed with Russian automatic rifles and Chinese anti-tank weapons, Mortaza said small forces like his control 80 percent of the countryside.

"We are afraid of the helicopters, but the tanks are afraid of us," he said.

[From the Wall Street Journal, Jan. 24, 1983]

LIFTING THE CURTAIN ON AFGHANISTAN'S HORROR

(By Rosanne Klass)

Since the Soviet army invaded Afghanistan three years ago, Moscow and the government it installed in Kabul have clamped a news blackout on events in that country. Independent journalists were thrown out a month or two after the invasion; aside from a handpicked few, only those reporters willing to risk their necks to go in with the resistance forces have been able to cover the story at all, and they get only a fleeting, limited view.

The International Red Cross was also thrown out soon after the invasion, and has not been allowed to function there since—nor is any other human rights organization allowed in. The diplomatic community is effectively limited to official circles in Kabul; and Afghan in contact with non-communist foreigners risks prison or worse. The stories coming out through competing resistance factions and refugees in Pakistan can seldom be checked, and reporters are understandably dubious about them.

Thus the world is effectively ignorant about what is happening in Afghanistan—which is, of course, the way the Soviets want it. And for good reason—for in Afghanistan, the Soviets are conducting a massive terror campaign against the civilian population.

The aim is to terrorize and crush the Afghan people into submission, eliminate the nation-wide base of support for the resistance and consolidate the Soviet grip on this highly strategic territory, the key to many of Moscow's future ambitions in South Asia and the Indian Ocean.

NAZI-LIKE ATROCITIES

The Soviet campaign bears comparison with the atrocities of the Nazis, Idi Amin, Cambodia, and—perhaps not accidentally—with those of Genghis Khan, whose slaughter of the Afghan people in the 13th century is well-known to every Russian school child.

Though reports of Soviet atrocities in Afghanistan have leaked out, starting with the Kerala massacre in 1979, it has seldom been possible to verify them, thanks to the new Iron Curtain around Afghanistan. But last month in Paris a stream of witnesses, including some who arrived at the last moment from deep inside Afghanistan, lifted that curtain for a moment to reveal a scene of sheer horror: a people facing execution for the crime of defending their freedom.

The circumstances were particularly embarrassing to the Soviets and their apologists: The revelations and condemnations in Paris came from the left. Three days of hearings culminating in a press conference on Dec. 20 were conducted by the Permanent Tribunal of the Peoples, the successor organization to the old Bertrand Russell war crimes tribunal which put America in the dock for Vietnam, and which has generally been more notable for its attention to the warts of the West than to those of the Soviet bloc and Third World. The panel of judges—French, Swiss, Belgian, Yugoslav, Mexican, Indian—ranged from socialist humanitarians to lifelong fellow-travelers.

This was not the first time that the tribunal had met to consider Afghanistan: In Stockholm in 1980, its judges condemend Moscow for violations of the U.N. charter and the right of self-determination, as well as for aggression. But, although the Stockholm hearings included extensive testimony on torture, mass executions, rape and civilian massacres, the panel there passed no judgment on violations of human rights.

That omission was rectified in Paris, where the second hearing on Afghanistan was devoted entirely to atrocities and human right violations.

For three days, dozens of witnesses—journalists, doctors, experts on weaponry, representatives of humanitarian groups who had visited Afghanistan secretly, Afghan victims and eyewitnesses—piled up horrors in their testimony and evidence on the table—weapons, photographs, films, documents, fragments of chemical-seared rock. There were the outlawed weapons used in violations of treaties the Soviets were signatories to: dumdum bullets, disguised booby-trap mines, chemical weapons, contaminated grain.

The Dutch freelance journalist Bernd de Bruin showed films he had taken of a chemical attack on an Afghan farm village, and of the ebony-black, bloated corpse of a man he had seen alive in that village less than 24 hours earlier; later, in a cafe, de Bruin rolled up his sleeve to display the red patches that have marked his skin since he was caught on the edge of a gas attack 18 months earlier.

Ricardo Fraile, a French expert on arms control, carefully outlined his assessment of chemical weapons used on sites he had just visited during a secret trip into Afghanistan, showing slides and samples of scorched rock from a village in the Logar Valley near Kabul where, on Sept. 13, 1982, more than 100 villagers—a dozen of them children under 10—were sealed up and deliberately burned to death in an underground irrigation tunnel in which they had taken shelter when Soviet forces rolled into the village.

French doctors detailed the pinpoint bombing of their hospitals in Afghanistan, some of them marked with red crosses on the roofs. One Afghan witness after another described the saturation bombings of civilian targets, the systematic destruction of crops and granaries, the massacre of entire villages—all intended to terrorize the population into withdrawing support from the resistance or abandoning their homes and fleeing to Pakistan. The boobytrap mines disguised as toys and household objects (outlawed by a 1981 treaty the Soviets signed even as they were using them) were explained: They are too small to kill, instead they maim, thus burdening the ablebodied with the wounded.

As the evidence piled up, a Norwegian observer remarked quietly, "Perhaps the time has come to reconvene the Nuremberg trials."

A few of the judges looked uncomfortable and, in their questions, sought extenuating circumstances; they found none. One snoozed. One looked irritable and bored. The others dug for details.

Then, late on the third day, witnesses from Afghanistan arrived, rushing from the airport to the Sorbonne halls, and straight to the podium. The American scholar Mike Barry had gone into Afghanistan to verify atrocity stories, had located them, and brought them to Paris; they had been delayed in Pakistan, and a special Saturday night session had been called to hear their testimony.

Three of them were men from the village in Logar. They were the village's mayor, a mullah and a village elder. They described, to the audience of several hundred, how the Soviet troops methodically prepared the explosive chemical inferno in an irrigation tunnel in their village last fall, and then applauded its success before climbing into their vehicles and departing. They read the list of the dead, many of them their relatives, and told of bringing the bodies out and trying to identify them.

TORTURE, MAIMING, RAPE

Another was a medical student, a tiny young woman of 22, who had to sit during her testimony; she told of her arrest and torture in Afghanistan, of the maimings and electric shocks and sexual attacks in the

cells of the prime ministry, the secret police and Pul-i-Charkhi prison, and she shook sometimes, or stopped and seemed to lose her train of thought.

Then there was the witness from a northern province, telling of two boys, ages eight and 10, who refused to reveal to Soviet troops the hiding place of their resistance-commander father, and were doused with gasoline and set on fire.

An audience that had thought itself numb with ghastly testimony sat riveted till nearly 1 a.m. Then the judges retired, to spend a day considering the evidence.

The detailed 33-page verdict was announced at a press conference covered by both print and broadcast media in Europe. The Tribunal of the Peoples, in its Second Session on Afghanistan, condemned the Soviet Union for violations of the established rules of war, of the fundamental rights of the Afghan people and of basic, elementary human values.

The six Afghans who testified at the end of the tribunal plan to fly into New York this week for a brief stay in the U.S. They are coming from London, where they met last Thursday with Britain's prime minister, Margaret Thatcher.●

CAPITALIZING ON NEW MANUFACTURING TECHNOLOGIES

● Mr. GORTON. Mr. President, the United States is the most scientifically and technologically advanced nation in the world. Our economic strength and national security and the employment of a large segment of our work force are dependent on our abilities to capitalize upon our scientific and technological achievements by converting many of them into innovative reliable products superior to those produced by any other country.

However, we are seeing disturbing signs that our competitive edge in producing goods for domestic and international consumption is threatened. Foreign industries have significantly penetrated many domestic markets and the U.S. shares of many foreign markets are declining. Consequently, large segments of our workforce are now unemployed or potentially underemployed.

I believe that our competitiveness in many sectors is impaired because of the widespread use of outdated manufacturing technologies. Japan and Germany, which are rapidly adopting versatile, highly productive, modern manufacturing technologies can produce many products that are better, cheaper, and more reliable than our own.

I intend to introduce a bill soon to provide for research and training leading to a greatly enhanced capability to manufacture goods reliably, quickly, and at low costs. This capability would help us regain our competitive edge and assure continued economic growth and employment.

The cover article of the current issue of Fortune magazine is devoted to the new wave of manufacturing technologies and the need for the United States to develop and employ modern manufacturing technologies of the type which my bill will address.

Mr. President, I request that the article entitled "The Race to the Automatic Factory" from the February 21, 1983, edition of Fortune be printed in its entirety following my remarks.

The article follows:

[From Fortune, February 21, 1983]

THE RACE TO THE AUTOMATIC FACTORY—MANUFACTURING

(By Gene Bylinsky)

The armaments for the next industrial revolution are at hand. During the past few years, machine tool makers—many in the U.S., even more in Japan—have begun to supply so-called flexible manufacturing systems that herald something very close to the workerless factory. The repercussions of the new technology go well beyond the predictable improvements it brings to productivity.

Flexible manufacturing systems—FMS is the bristly acronym most commonly used—complete a process of factory automation that began back in the 1950s. First came numerically controlled machine tools that performed their operations automatically according to coded instructions on paper or Mylar tape. Then came computer-aided design and computer-aided manufacturing, or CAD/CAM, which replaced the drafting board with the CRT screen and the numerical control tape with the computer (see "The Next Industrial Revolution," Fortune, October 5, 1981).

The new systems integrate all these elements. They consist of computer-controlled machining centers that sculpt complicated metal parts at high speed and with great reliability, robots that handle the parts, and remotely guided carts that deliver materials. The components are linked by electronic controls that dictate what will happen at each stage of the manufacturing sequence, even automatically replacing worn-out or broken drill bits and other implements.

Measured against some of the machinery they replace, flexible manufacturing systems seem expensive. A full-scale system, encompassing computer controls, five or more machining centers, and the accompanying transfer robots, can cost $25 million. Even a rudimentary system built around a single machine tool—say, a computer-controlled turning center—might cost about $325,000, while a conventional numerically controlled turning tool would cost only about $175,000.

But the direct comparison is a poor guide to the economies flexible automation offers, even taking into account the phenomenal productivity gains and asset utilization rates that come with virtually unmanned round-the-clock operation. Because an FMS can be instantly reprogrammed to make new parts or products, a single system can replace several different conventional machining lines, yielding huge savings in capital investment and plant size.

Flexible automation's greatest potential for radical change lies in its capacity to manufacture goods cheaply in small volumes. Since the era of Henry Ford, the unchallenged low-cost production system has been Detroit-style "hard" automation that stamps out look-alike parts in huge volume. There is little flexibility in hard automation's transfer lines, which get their name from the transfer of the product being worked on via a conveyor from one metal-working machine to another. But such mass production is shrinking in importance compared with "batch production" in lots of anywhere from several thousand to one.

Seventy-five percent of all machined parts today are produced in batches of 50 or fewer. Many assembled products too, ranging from airplanes and tractors to office desks and large computers, are made in batches. Even such stalwarts of inflexible mass production as the automakers are developing systems to produce more low-volume models for small market segments.

In the past, batch manufacturing required machines dedicated to a single task. These machines had to be either rebuilt or replaced at the time of product change. Flexible manufacturing brings a degree of diversity to manufacturing never before available. Different products can be made on the same line at will. General Electric, for instance, uses flexible automation to make 2,000 different versions of its basic electric meter at its Somersworth, New Hampshire, plant with total output of more than one million meters a year.

The strategic implications for the manufacturer are truly staggering. Under hard automation the greatest economies were realized only at the most massive scales. But flexible automation makes similar economies available at a wide range of scales. A flexible automation system can turn out a small batch or even a single copy of a product as efficiently as a production line designed to turn out a million identical items. Enthusiasts of flexible automation refer to this capability as "economy of scope."

Economy of scope shatters the tenets of conventional manufacturing. There is no long trip down the learning curve on the factory floor, thanks to the unprecedented precision the system brings to each step of the manufacturing process, from machining to inspection. (There will, of course, be a learning curve in product design, but much of the learning will take place more quickly and cheaply on a computer.) The manufacturer will be able to meet a far greater array of market needs, including quick-changing ones—even the needs of markets the company is not in now. He can keep up with changing fashions in the marketplace—or set them himself by updating his product or launching a new one. He has many more options for building a new plant: FMS frees manufacturers from the tyranny of large-scale investments in hard automation, allowing construction of smaller plants closer to markets.

Flexible manufacturing is the ultimate entrepreneurial system: it will allow fast-thinking manufacturers to move swiftly into brand-new fields and to leave them just as swiftly if need be—at the expenses of less agile older producers. As the new tools come increasingly into use, "some companies will find themselves blind-sided by competitors they never imagined existed," says Joseph D. Romano, a vice president at A.T. Kearney Inc., management consultants.

Flexible manufacturing systems were developed in the U.S. more than ten years ago by Cincinnati Milacron, Kearney & Trecker, and White Consolidated. The U.S. remains a world leader in the technology: the major machine tool builders are being joined by new suppliers with great financial resources and technical abilities, such as GE, Westinghouse, and Bendix. The most unusual new venture is GM's linkup with Fanuc Ltd., Japan'a leading robot maker, to form a new company, GMF Robotics. The joint venture will bring together GM's considerable capa-

bilities in design and software and Fanuc's expertise in building and applying robot systems. GMF plans to start building products next year.

However, most of the action in flexible automation is now in Japan, and both American and European manufactures will soon start feeling the pressure. Like many other manufacturing technologies conceived in the U.S.—among them numerically controlled machine tolls and industrial robots—the FMS was greeted with a yawn by U.S. manufacturers. The Japanese have become the implementers par excellence of this new type of factory automation not because they are great technical innovators, which they admits they are not, but because they have moved fast in putting the new systems into their factories. Once again, the path to success in a new manufacturing method leads through those Japanese factories set up as spotless little towns with flower beds and tree-lined streets.

A visitor to Japan these days finds the new manufacturing systems turning out parts for machine tools in Nagoya, electric motors near Mount Fuji, diesel cylinder blocks in Niigata, and many other products elsewhere. In most cases these plants run on three shifts. During the day skeleton crews work with the machines. At night the robots and the machines work alone.

In Fanuc Ltd.'s cavernous, bumblebee-yellow buildings in a pine forest near Mount Fuji, automatic machining centers and robots typically toil unattended through the night, with only subdued blue warning lights flashing as unmanned delivery carts move like ghostly messengers through the eerie semidarkness. This plant, one of two in the Fuji complex, makes parts for robots and machine tools (which are assembled manually, however). The machining operation, occuping 54,000 square feet, is supervised at night by a single controller, who watches the machines on closed-circuit TV. If something goes wrong, he can shut down that particular part of the operation and reroute the work around it.

Some Americans think that Fanuc's Fuji complex is just a showcase. Some showcase. The total cost of the plant was about $32 million, including the cost of 30 machining cells, which consist of computer-controlled machine tools loaded and unloaded by robots, along with materials-handling robots, monitors, and a programmable controller to orchestrate the operation. Fanuc estimates that it probably would have needed ten times the capital investment for the same output with conventional manufacturing. It also would have needed ten times its labor force of about 100. In this plant one employee supervises ten machining cells; the others act as maintenance men and perform assembly. All in all, the plant is about five times as productive as its conventional counterpart would be.

Across the street, 60 machining cells and 101 robots toil in a big two-story facility automatically machining parts and assembling them into 10,000 electric motors a month. There is nothing else like it in the world. Men perform maintenance functions here in the daytime. The robots work through the night, in silence marred only by hydraulic sighs and the sibilance of those automatic carts. The first floor of the plant contains the machining cells and 52 robots. Machining is carried out on about 900 types and sizes of motor parts, in lots ranging from 20 to 1,000 units. Machined parts are temporarily stored in an automatic warehouse; they are automatically retrieved when they are scheduled for assembly on the second floor.

Yamazaki Machinery Works Ltd. operates a flexible automation plant near Nagoya that makes parts of computerized numerically controlled lathes and machining centers; the latter combine several metalworking machines and incorporate automatic tool changers. In the daytime 12 workers man the $20-million plant. At night only a lone watchman with a flashlight is on duty while the machines keep on working.

A conventional machining system with similar production volume, according to Yamazaki, would require 215 workers and nearly four times as many machines, and would take three months to turn out the parts the new plant makes in three days. The company estimates that over five years of operation its plant will produce after-tax profits of $12 million, compared with $800,000 for a conventional plant that size. Yamazaki is now transferring this technology to its machine-tool-making plant in Florence, Kentucky—bad news for Yamazaki's American competitors.

But the most astonishing Japanese automated factory will be started up next month by Yamazaki about 20 miles from its headquarters near Nagoya. This will be what Tsunehiko "Tony" Yamazaki, the personable senior executive managing director, describes as his company's 21st-century factory. The new plant's 65 computer-controlled machine tools and 34 robots will be linked via a fiber-optic cable with the computerized design center back in headquarters. From there the flexible factory can be directed to manufacture the required types of parts—as well as to make the tools and fixtures to produce the parts—by entering into the computer's memory names of various machine tool models scheduled to be produced and pressing a few buttons to get production going. The Yamazaki plant will be the world's first automated factory to be run by telephone from corporate headquarters.

The plant will have workmen, to be sure: 215 men helping produce what would take 2,500 in a conventional factory. At maximum capacity the plant will be able to turn out about $230 million of machine tools a year. But production is so organized that sales can be reduced to $80 million a year, if need be, without laying off workers. The Yamazaki plant illustrates yet another aspect of economy of scope: with flexible automation, a manufacturer can economically shrink production capacity to match lower market demand.

Though Japanese machine tool makers are the most ambitious installers of flexible automation, they are by no means alone. FMS is spreading throughout Japanese manufacturing, with Panasonic, Mitsubishi, and other consumer and industrial goods producers installing the new systems.

So far, nothing even remotely comparable is happening in manufacturing in the U.S. or anywhere else in the world. Disturbingly, all of U.S. industry can boast only about 30 flexible manufacturing systems in place; in Japan one large industrial company, Toyoda Machine Tool Co., has more than 30. Fets David Nitzan, director of industrial robotics at the research and consulting firm SRI International, "We are facing another sputnik—a Japanese sputnik."

The growing Japanese lead underscores frequently heard charges that U.S. managers are too remote from technical disciplines to appreciate the potential of such new technologies, and too engrossed with short-run financial results to invest in them. More often than not, machine tool makers report, executives of U.S. manufacturing companies look at something like a flexible machining system only in relation to the narrowly defined functions of the conventional tools it might replace—not for its potential to provide a different, and far more efficient, organization of the manufacturing process. "Cost accounting is a very poor language to communicate new ideas in," observes Paul R. Haas, vice president of Kearney & Trecker's special-products division.

One consequence of this myopia is apparent in the aging of the U.S. machine tool stock. "Many American factories are barrier reefs—one old, tired technology piled on top of another," says James A. Baker, the executive vice president in charge of GE's drive to develop automated systems. "Even when they build new factories, Americans tend to use the same old machines, shipping them from the old plant to the new plant."

Uncle Sam is the Methuselah of machine tools: more than 34% of U.S. tools are 20 or more years old, the highest proportion in any major industrialized nation. Even England is better off; only 24% of its machine tools are similarly ancient. In Japan, only 18% of machine tools are 20 or more years old; 61% are less than ten years old, against 31% in the U.S. In fact, fewer than 4% of machine tools installed in the U.S. are numerically controlled—though the concept has been commercially available for a quarter of a century.

The art of managing the factory is no less antiquated. Fixated by the short run, managers have pursued all sorts of piecemeal efforts to hold down costs without stopping to map out systematic ways of organizing the factory floor for more efficiency. too often production procedures in U.S. factories appear to be little more than accretions of ad hoc solutions to problems ranging from space shortages to union-dictated work rules. Managers focus obsessively on chipping away at direct labor costs rather than exploring better ways to organize the work force—or investigating the extent to which new technologies are making direct labor costs less important.

Japanese corporate leaders, by contrast, tend to be sympathetic with technical disciplines—a far greater proportion of them are engineers—and they have more freedom to incur short-run costs in pursuit of long-run strategic objectives. Perhaps most important of all, a technology like flexible automation is a logical extension of a manufacturing philosophy that views the production of goods as a seamless activity that starts with product design and ends with support in the field—a philosophy, as the Japanese put it, of "making the goods flow like water."

"Japanese management takes a holistic view of manufacturing," says James F. Lardner, a Deere & Co. vice president who supervised a major restructuring of the farm equipment company's manufacturing operation. "They apply logic and common sense to their problems rather than laboratory investigations and discounted cash-flow calculations."

Even before they began to adopt flexible automation, Japanese plants typically employed far fewer people for a given output than American and European plants. The Japanese were able to do that by reorganizing production—including the placement of machine tools on factory floors. In the U.S. and Europe machine tools are usually grouped by type, and parts are directed to them as required. The Japanese instead

place different types of machines together so that each given part can be processed in one place. Much quicker than anyone else, too, the Japanese have taken to such important concepts as "group technology"—the grouping of similar parts into families for easier manufacture and better inventory control. Like so many other Japanese manufacturing methods, group technology isn't new; the idea evolved in the 1920s in Germany.

A central element of the Japanese manufacturing philosophy is the famous just-in-time concept, the system in which materials and components are delivered as required on the shop floor, not accumulated and stored for future use. (See "Can Detroit Catch Up?" FORTUNE, February 8, 1982.) Since one-third of factory space is usually employed for storage, the savings are substantial. But there is much more. By reducing inventories to the lowest level at which operations can be sustained, the Japanese force their manufacturing organizations to deal with problems previously hidden. For example, the Japanese already practiced preventive maintenance on their machine tools to a degree unknown in the U.S. Just-in-time has forced them to do even better because the flow-through of products requires every single machine to function perfectly all the time.

Yet the Japanese do nothing that Westerners can't—if they only decide to do it. Marvelously efficient factories using the latest automated equipment exist in the U.S. and Europe, towering like islands of excellence in a sea of stagnation and yielding remarkable benefits to their owners. Take Deere & Co.'s giant new tractor assembly plant in Waterloo, Iowa, which need not take a back seat to any plant in any industry anywhere. In the past few years, Deere has restructured the Waterloo complex from a gigantic, somewhat chaotic job shop into a world-class producer. Deere has poured $500 million into the complex, $150 million of it into the 2.1-million-square-foot assembly plant. Chassis and engines received from sister plants are joined with tractor cabs and bodies made at Waterloo into gleaming mechanical behemoths. Almost all the materials handling at Waterloo is under computer control. Each part or subassembly—engine, transmission, wheels, and so on—is automatically assigned to a specific customized tractor ordered by a dealer; it is retrieved from storage and delivered automatically to the assembly line just when it is needed. Putting just-in-time to work, Deere has cut inventory in some areas by as much as 50%, saving millions of dollars.

Flexible automation allows Deere to build a tractor at least twice as fast as before. And it has given the company a new agility: Deere can now successfully compete not only against other big manufacturers but also against "short-liners" that make only one farm implement in higher volumes. What's more, the company right now is bidding on a defense contract worth hundreds of millions of dollars. If it wins the contract, it will start making bulldozers, graders, and other heavy construction equipment on its new flexible automation lines—putting new pressure on such established manufacturers as Caterpillar and Case.

But if manufacturers think that they have to pour hundreds of millions of dollars into flexible automation to reap its rewards, they are mistaken. They can begin by acquiring smaller machining centers to modernize portions of their operations. Clifford R. Meyer, president and chief operating officer of Cincinnati Milacron, recalls his delight at recently visiting one of his client companies, which occupies a garage at the end of an alley in a Los Angeles suburb. Inside, a father-son entrepreneurial team mans $450,000 worth of the latest computerized machine tools—successfully competing as a parts supplier to aerospace companies against much larger firms with older production equipment.

Furthermore, not all plants that install flexible automation have to be started from scratch. GE, Ford, and GM are among the manufacturers that have successfully revitalized old plants by installing new machinery. Like many other American companies, GE had for years lagged in automating its own factories. Some old GE plants, James Baker notes, "make Santa's workshop look like the factory of the future." Today, however, GE can boast new table successes in converting some of its old plants into what it calls "factories with a future"—a marketing slogan the company uses to impress upon potential customers that they need not build entirely new factories of the future. Its meter plant in New Hampshire, modernized at a cost of $25 million, is the epitome of an antiquated multistory mill building. Another ancient GE plant, the Erie, Pennsylvania, locomotive facility, is being transformed with a $300-million investment into an ultramodern automated factory—inside if not on the outside. Building a batch of locomotive frames formerly took about 70 skilled machine operators 16 days; the newly automated factory will turn out these frames in a day—untouched by human hands. The displaced workers are being retrained for other, more sophisticated jobs. As a general matter, in fact, flexible automation threatens employment less than might be supposed. The U.S. faces a shortage of skilled machinists for the rest of the decade, and automation of assembly, where semiskilled jobs predominate, will proceed much more slowly than automation of machining.

GM is also advancing. Last October it installed its first flexible automation system, an Italian-built Comau system with three machining centers, at the Chevrolet Gear and Axle Division in Detroit. Almost immediately GM discovered just how valuable the new manufacturing flexibility can be. When an outside supplier failed to deliver a front-axle component up to quality standards, GM brought the job in-house. It designed and built the tooling for the component on the FMS in ten weeks—a job that normally would have taken up to a year.

As yet, such examples are rare exceptions. The majority of U.S. manufacturers either do not yet grasp the significance of the new technologies or do not want to invest while money is still expensive and future markets uncertain. Moreover, there are still no turnkey flexible manufacturing systems available. Installation of big systems requires skilled people not all companies may have on hand.

But as GE's Baker argues: "We're running out of time and excuses." The price of delay may be disaster, as the experience of some American machine tool manufacturers shows. During the 1970's the Japanese became the world's first mass producers of computerized machine tools. While the majority of U.S. machine tool makers—small companies, in the main—plodded along using old technologies and methods, the Japanese redesigned their tools for easier manufacturing with flexible automation and equipped these tools with advanced yet simple electronic controls that the humblest job shop could understand. Then, in the late 1970s, the Japanese caught the U.S. toolmakers napping in the midst of a capacity crunch, with delivery times stretched up to two years.

The Japanese, to be sure, played an additional trump. Their machine tool industry had been mobilized by Japan's Ministry of International Trade and Industry (MITI) into a cartel and bolstered with millions of dollars in government funds, as shown in documents obtained in Japan by lawyers for Houdaille Industries, the U.S. machine tool maker that has asked President Reagan to deny investment tax credits for some Japanese tools sold in the U.S. (see The Washington Connection, Fortune, February 7).

This double-barreled assault left U.S. makers of numerically controlled machining centers and lathes in shambles. By the end of last year the agile Japanese had captured more than 50% of the U.S. market for those machines. The U.S. machine tool industry has lost its erstwhile position as the world's leading producer to competitors not only in Japan but also in Europe and even Taiwan. (See graph on page 60.)

The National Academy of Engineering, usually not given to alarmist statements, in a report soon to be issued calls the Japanese and other foreign inroads "a very threatening development that could seriously endanger the future economic security of the American industry." The reason for concern is simple: the machine tool industry is central to the growth of all manufacturing.

There will be more Japanese surprises in the years to come. This October, for instance, the Japanese government's mechanical engineering laboratory near Tokyo will unveil a small prototype factory of the future where novel, laser-equipped machine tools will take production automation a big step beyond where it is now. The new machines will perform metalworking processes now done separately—such as turning, drilling, and milling—all at once, cutting batch production time of metal parts in half and reducing the number of production processes by 60%. Lab director Minori Kanai, with 400 researchers on the $60-million project, says he doesn't know of any similar research into factory automation on this scale anywhere else in the world, and he predicts that the brand-new tools will be on the Japanese market in three to five years.

Awareness is spreading among U.S. manufacturers that time is running short to reorganize production processes and begin investment programs for new technology. Surveys show growing interest in new machine tool purchases. Machine tool builders, still shocked by recession, are cautious. But the new high-technology entrants are optimistic, indeed. They expect sales of accessories alone—robots, computer controls, and materials-handling systems—to soar to $30 billion worldwide by 1990, compared with last year's total of only $4 billion. That would be great news for almost everyone—toolmakers, their stockholders, manufacturers, and the U.S. economy as a whole.

WHERE ROBOTS CAN'T YET COMPETE

The plant looks like the industrial exhibit at the Smithsonian Institution come to life, so old is much of its machinery. But in a world being engulfed by computerized automation, Briggs & Stratton Corp.'s maverick Wauwatosa, Wisconsin, factory towers as a stronghold of human skill, agility—and high productivity.

Briggs & Stratton is the world's leading and lowest-cost producer of small engines. The company has been consistently profitable; in its last fiscal year it totted up a net of $39.4 million on sales of $636 million. On last year's FORTUNE 500, it ranked 442nd in sales but 167th in total return to investors.

The company's secret technology is the most flexible of all manufacturing systems: the human being. "We find that people are best at doing the work that needs dexterity and a lot of repetition," says Laverne J. Socks, Briggs & Stratton's executive vice president for manufacturing. "We will consider automation wherever possible, practical, economical. But if you are talking about one of those unmanned factories, you'll never see our operation all automated like that."

Part of the reason is that the firm's principal products, small air-cooled engines used mainly in lawn mowers and garden tractors, do not readily lend themselves to automation—at least in assembly. While it is true that Fanuc Ltd. in Japan assembles electric motors with robots, internal combustion engines are more complicated. Even the small one- and two-cylinder Briggs & Stratton engines have as many as 500 parts.

But Briggs & Stratton has also achieved robotlike productivity by astute management of its factory. It minimizes the number of managers, and those managers, as Socks puts it, "communicate with the workers constantly—on the floor." Quality control is bolstered through employee participation. Housekeeping awards are issued to keep the plant clean.

The mainstay of this policy is a piecework incentive system, and visitors invariably marvel at the intensity of the work force. Workers don't linger over coffee breaks (there's only one a day, of six minutes' duration). Says one impressed visitor: "They even run to and from the bathrooms." Sixty percent are on either group or individual incentive pay; some workers earn as much as $30,000 a year. The union, local 232 of the Allied Industrial Workers, has no problem with piecework. "The people have a preference for the incentive plans," says a union official.

It remains to be seen, though, how long the people at Briggs & Stratton can hold out against the new machines. There's nothing in theory to stop others—the Japanese, for instance—from redesigning engines for easier automatic assembly.●

YEAR OF THE BIBLE

● Mr. ARMSTRONG. On February 3, 1983 President Reagan, at the National Prayer Breakfast, signed a proclamation declaring 1983 as the Year of the Bible. The President also agreed to serve as the honorary chairman of the Year of the Bible executive committee.

This Presidential proclamation followed the unanimous congressional resolution requesting the President to declare 1983 as the Year of the Bible. These two developments underscore that we are at a unique point in our spiritual development as a nation.

This Nation was settled by immigrants seeking religious freedom. Our Declaration of Independence as well as the Constitution of the United States embraced concepts of civil government that were inspired by the Holy Scriptures. As a nation we have been led by great leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—who personally knew and paid tribute to the surpassing influence that the Bible is, in the words of President Jackson, "the rock on which our Republic rests."

Now we are beginning our third century as a nation dedicated to the proposition that all men are created equal and that they are endowed by their Creator with certain inalienable rights. The challenges we face in this third century of government are as great as those faced and met in our first century. Those challenges of the late 1700's—economic recovery, international tension, trade expansion, preservation of religious freedom and all the rest—were met in whole or in part by the Providence of God, and our faith and trust in Him.

1983 can be a year of spiritual renewal as a nation, and is a principal reason why Congress and the President have declared 1983 as the Year of the Bible.

This theme was underscored by three speeches at the just concluded meeting of the National Association of Religious Broadcasters. In these speeches, a Catholic, Protestant, and Jewish leader spoke about this Nation's great need to study and voluntarily apply the teachings of the Holy Scriptures.

I encourage my colleagues to spend a few minutes and read the three speeches following my remarks. One is by Dr. Bill Bright, chairman of the Year of the Bible, and the president of the Campus Crusade for Christ; the second is by Rev. John Burke, O.P., executive director of the Word of God Institute; the third is by Rabbi Joshua Haberman, senior rabbi of the Washington Hebrew Congregation. Their remarks are truly inspiring. Please take a few minutes to read their remarks.

The remarks follow:

PREPARED TEXT OF ADDRESS BY DR. BILL BRIGHT TO OPENING WORSHIP SERVICE OF 1983 NATIONAL RELIGIOUS BROADCASTERS CONVENTION

Greetings—In the love and joy of our risen savior!

I am honored to have been asked to address this opening service of the 1983 National Religious Broadcasters Convention. In part, I am delighted because here in this audience and in this organization are a great many people who have been dear friends of Vonette's and mine across the years. Being among friends is one of life's greatest blessings.

But I am also well aware of the fact that the men and women who make up the National Religious Broadcasters are—together—quite possibly the most strategically important group in the nation in terms of what path America will take in the area of faith and values. It is a great privilege to be able to speak to you this morning about an historic opportunity that broadcasters will have this year to influence the nation for good.

NRB President Brandt Gustavson and Executive Director Ben Armstrong, in their words of welcome to us, listed three considerations that have influenced the schedule of this year's convention—whose theme, of course, is "Christian Media: Facing the Future With the Bible."

Those three considerations that shaped this year's convention schedule are:

(1) The fact that this year marks the NRB's 40th anniversary;

(2) The designation of 1983 as a national "Year of the Bible" by action of Congress and the President;

(3) The role of the new technology in charting the future course of Christian media.

I have been asked to speak to you on the second of these points: the designation of 1983 as "The Year of the Bible" in the United States.

Some of you may be only slightly familiar with the fact that Congress last year approved a joint resolution calling on the President to declare 1983 a national "Year of the Bible." That resolution was not long, but it was eloquent, and I would like for you to hear what it said:

Read the resolution.

Senator Bill Armstrong of Colorado was the primary sponsor of the resolution in the Senate, Congressman Carlos Moorhead was the primary sponsor in the House of Representatives. Their co-sponsors included colleagues of both parties. The resolution went to the President for signature this fall, and President Reagan signed it into law October 4.

Why would those who represent our nation at the highest level of leadership take this action? What is it about the Bible and its role in our national life that would move them to honor it in this way and encourage Americans to make time to read and study it, and apply its teachings in their lives?

There were 30 sponsors in the Senate, 218 in the House of Representatives, and, of course, only they themselves would be able to say with authority why they felt that this resolution was important enough for them to give it their names and influence. The same is true of President Reagan. I certainly could not speak for them.

But I suspect that each of those who had something to do with seeing this joint resolution pass and ultimately be signed into law did so because he or she shared the view of President Andrew Jackson that the Bible was "the rock on which our Republic rests."

Nothing could be a more accurate analysis of the nature of the American nation than President Jackson's statement. Let's look for a few minutes at this Book of Books—what its character is, and what role it has played in our history.

Let me first speak of it as a Christian to fellow Christians. To those who follow the Lord Jesus Christ, of course, the Bible holds a place that no other book holds, for to us it is the divinely inspired, Holy Word of God.

Over the centuries for some 3,000 years, hundreds of millions have believed, as do hundreds of millions throughout the world today, that the Bible is a supernatural, holy revelation from Almighty God.

We believe:

It proclaims God's love for man.

It expresses God's hatred for sin.

It describes God's plan for men and nations.

It promises forgiveness to all who confess their sin.

It claims pardon, peace, purpose, and power for all who live before him in faith and obedience.

It promises and assures eternal life to all who in faith follow Jesus Christ as Savior and Lord.

This holy, inspired, supernaturally revealed Word of God, the Bible, is peerless, incomparable, and filled with power—

The truth of its content,

The beauty of its language,

The life-giving message that has come through its inspired authors,

Are still changing the lives of tens of millions around the world who believe its promises and obey its commands.

Apart from the Bible, we would have no knowledge of the triune God—Father, Son, and Holy Spirit—

We would not know that God is holy, loving, sovereign, omnipotent, and ever present with us—

We would have no certainty of the deity of our Lord Jesus Christ, His virgin birth, His sinless life, His miracles, His incomparable teachings, His vicarious and atoning death for our sins, His bodily Resurrection, His ascension to the right hand of the Father, the place of power.

And we would have no assurance of His personal return in power and glory.

Apart from the Bible we would have no knowledge of the person and ministry of the Holy Spirit, who empowers us to live holy lives and to be fruitful witnesses for the glory of God.

Apart from the Bible, man would not know of the existence of heaven and hell, and the consequences of his depravity and sin—of the gracious gift of God's only Son, the Lord Jesus Christ, Who died to forgive our sins and liberate us from the darkness and gloom of Satan's kingdom into Christ's kingdom of light—

Apart from the Bible, we would not know how to pray, repent, and experience the love and forgiveness of God and the reality of eternal life.

A great many of America's most outstanding leaders through the years have paid tribute to the importance of the Holy Scriptures. It is worth recalling what some of them have said.

One of those who spoke of its vital importance was President George Washington, who made it a practice to read the Bible regularly. Abraham Lincoln called the Bible "the best gift God has ever given to man."

Noah Webster, one of the most influential figures in the early decades of the last century, said that: "The moral principles and precepts contained in the Scriptures ought to form the basis of all our civil constitutions and laws. All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery and war, proceed from their despising or neglecting the precepts contained in the bible."

It is interesting in this regard to see how the Continental Congress handled an unusual and unforeseen problem that was brought to them in July 1777. The war had cut off trade with England, of course, which was the main source of Bibles for the colonies.

Concerned about how the freeze in trade would affect the supply of Bibles, three Philadelphia clergymen petitioned Congress in the summer of 1777 to ask that Congress make it possible for an edition of the Bible to be printed in America and sold nearly as inexpensively as the imported Bibles.

The petition was referred to a committee which included John Adams, later our second President. When the committee reported to the full Congress two months later, they said that "the use of the Bible is so universal and its importance so great" that the petition should be carefully considered.

In fact, the committee recommended that Congress order the importation of 20,000 Bibles from Holland, Scotland, or elsewhere to meet the anticipated need, and Congress adopted their recommendation.

Five years later, in 1782, Robert Aitken printed the first English language Bible to be published in America. Printing English Bibles was illegal in America before the Revolution, and Aitken's publication of the Scriptures was both approved and recommended by Congress.

Five years later, the war had been won, the colonies were free of outside control, and they were struggling to agree on the terms of a Constitution by which they could govern themselves. Delegates had been elected to a Constitutional Convention, but it quickly became apparent that there were great differences in outlook and interests among the various colonies, and the convention was at the point of breaking down entirely when Benjamin Franklin rose to his feet.

Less than four months ago, the late Leon Jaworski quoted Franklin's words in an address that Mr. Jaworski made to a Prayer Breakfast in Houston. His comment at that time was that he was "at a loss to know why this eloquent and moving appeal has not been given greater prominence in history."

I share his feeling, and I think it is worthwhile to listen some 200 years later to what Franklin said:

"In this situation of this Assembly," he addressed the delegates to the Constitutional Convention, "groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened . . . That we have not hitherto once thought of humbly applying to the Father of lights, to illuminate our understanding?

"In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the Divine protection. Our prayers . . . were heard, and they were graciously answered. All of us who are engaged in the struggle must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity."

Franklin continued: "And have we now forgotten that powerful Friend? Or do we imagine that we no longer need His assistance? I have lived . . . a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men.

"And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without His aid? We have been assured . . . in the Sacred Writings that 'except the Lord build the house, they labor in vain that build it.' "

Franklin then moved that the Convention make a practice of beginning its deliberations with prayer.

His appeal proved to be a turning point for the convention. The convention did begin to open with prayer, and the impact of what this senior statesman of the Revolutionary era had said went far to make it possible for the convention to complete its work and give us the Constitution we so cherish.

A few decades later, the highly educated and perceptive Alexis De Tocqueville was sent to the United States by the French government to study our prisons and penitentiaries. But he became intrigued by our country and its form of government, and so he spent much time studying and analyzing life in America. His findings were published in his classic study, "Democracy in America."

As Mr. Jaworski noted in his remarks to the Houston prayer breakfast in November, scholars have commented that the result of De Tocqueville's visit to America and the writings that followed it brought forth not only "the greatest book ever written on America, but probably the greatest on any national polity and culture."

De Tocqueville's findings are fascinating, and his conclusion about the secret of America's greatness, as he saw it, is something that every generation of Americans needs to read and memorize.

He wrote that he had searched for the greatness and the genius of the nation in our harbors and rivers, our fertile fields and boundless forests, but it was not there.

He next looked for it in our rich mines and vast world commerce, but still he could not find it. Then he looked for this secret of America's greatness and uniqueness in our public school system and our institutions of higher learning, then in our Congress and in the Constitution. Still, he could not find that special spark he was searching for.

He did not find it, he wrote, until he turned to the nation's churches and found their pulpits, as he said, "aflame with righteousness." He concluded: "America is great because America is good, and if America ever ceases to be good, America will cease to be great."

The kind of "goodness" that De Tocqueville would have had in mind is the kind that is found in such places as the Ten Commandments, and the Golden Rule.

Today, as our nation is faced with such gargantuan problems, we seldom seem to turn to these sources for guidance. And yet their words ring true and sure, as they have for hundreds of years:

"Thou shalt have no other Gods before me.

"Thou shalt not make unto thee any graven image.

"Thou shalt not take the name of the Lord thy God in vain.

"Remember the sabbath day, to keep it holy.

"Honor thy father and thy mother.

"Thou shalt not kill.

"Thou shalt not commit adultery.

"Thou shalt not steal.

"Thou shalt not bear false witness against thy neighbor.

"Thou shalt not covet.

And then, from the New Testament, the words of Jesus: "All things whatever ye would that men should do to you, do ye even so to them; for this is the law and the prophets."

A survey by George Gallup a few years ago, commissioned by Christianity Today magazine, found that 45% of the general public could name only four of the Ten Commandments, or fewer. Among those surveyed who said they were Protestants or Catholics, the figures were within a very few percentage points of the same disturbing figure.

Not long ago the Wall Street Journal ran an editorial pointing to the millions of people in the United States who identified themselves as born-again Christians and

contrasting that figure with the monumental moral and spiritual problems that were confronting the nation. If there are so many believers, the Journal asked, where is their influence?

Perhaps a big part of the answer to that question lies in the Gallup Poll's findings about the surprisingly low level of Biblical knowledge—even of the Ten Commandments.

It is not that the Bible is no longer being bought. On the contrary, the Bible has been the world's best seller for many, many years, with hundreds of millions of Bibles and Scripture portions distributed in hundreds of languages. The entire Bible has been translated into almost 300 languages, and portions of Scripture are available in more than 1,700 languages!

The problem seems to be that it is simply not being read and studied, as it once was, and that its teachings are not being applied in the lives of those who honor it with their words.

The same Gallup Poll found that 52% of the general public read the Bible less than once a month—or never. Even among those who identified themselves as either Protestant or Catholic Christians, the percentages of those who read the Bible this rarely were above 40%.

As far as the application of the Scriptures' teachings are concerned, President Reagan had a pertinent comment in a speech several months ago at Kansas State University. The President pointed to "thousands and thousands" of laws passed since our nation's founding, then declared: "If we'd simply adhere to the Ten Commandments that Moses brought down from the mountain, and the admonition of the Man from Galilee to do unto others as you would have them do unto you, we might solve an awful lot of problems with a lot less government."

As the language of the joint resolution made clear, it is the purpose of the national "Year of the Bible" observance to encourage every American to study the Scriptures and apply its teaching in their own lives. What each person will do with that encouragement is totally up to him, but I am optimistic that a great many Americans will take a fresh look—or a first look—at the Bible.

It is interesting that millions of people who have never even considered reading the Scriptures—and who do not consider them to be sacred writing—have nonetheless benefited from them greatly—although they probably have no idea that this is so.

For that matter, even those who do consider the Scriptures to be God's Holy Word probably do not realize just how much the Bible has done to enrich their lives—apart from the spiritual richness that comes from the reading and study of God's Word.

For example, take the area of education and literacy.

The desire to enable men and women to be able to read God's Word has probably been the greatest stimulus to education and the spread of literacy in history.

Sharing the truth of the Scriptures has been the motivation down through the centuries for the establishment of countless schools and institutions of higher learning. For centuries, the Scriptures were held to be by far the most important "textbook" that a student could use. For many thousands of people in past centuries, I'm sure, the Bible was their only textbook. And they had the best!

Enabling others to learn to read God's Word for themselves has also prompted the work of thousands of Bible translators, of course. These are unsung heroes not only of the faith but of education and literacy, who have given years and sometimes their very lives to develop written languages for those who had no written language.

The process is this: a translator goes to live with a tribe or people who have no written language, and he stays until he is able to develop an alphabet and written language for them. Then he translates the Scriptures or a part of the Scriptures into that language. And finally, of course, he must teach the people to read that language.

This is often a process of many years, and it sometimes takes more than one or two translators to complete the work.

Today alone, more than 4,000 Wycliffe Bible Translators worldwide are laboring to do that work in more than 700 languages.

I mentioned earlier that at least some part of the Scriptures—at least one book—has been translated into some 1,740 languages, and the full Bible is available now in at least 277 languages.

Imagine if you will how many people have found a written language of their own, and the ability to read and write it through the efforts that have produced these Bible translations over the years.

Or take the area of health.

One of the most significant factors in the development of better health care worldwide has also been the influence of the Bible, through its emphasis on love and compassion toward those who are suffering.

It would be impossible to know how many thousands of hospitals and clinics, and even smaller works, had been founded in every corner of the world because hearts had been touched by God's Word. But that number must be very great indeed.

Apart from the thousands of men and women through the centuries who have entered conventional medical work of some kind because their lives have been touched by the love of God as found in the Scriptures, there is a long honor roll of those who have given years of their lives in the field of missionary medicine.

To mention only two. . .

The name of Dr. Albert Schweitzer is known around the world. This brilliant Swiss musician, in his day the foremost organ interpreter of Bach anywhere, left a fine career opportunity to study medicine and spend his best years helping relieve the suffering of those afflicted with leprosy in West Africa. He did so in Christ's name.

Closer to home, many in this room probably knew personally Dr. Nelson Bell, father of Ruth Graham and a beloved missionary doctor in China for a number of years before World War II.

These are but two examples among so many that could be named.

Or take the field of social justice.

Spiritual vitality and a high view of the importance of the Scriptures have time and again been accompanied by a vital concern not only for others' spiritual state but the other conditions of their lives as well.

In both England and the United States, for instance, much of the leadership in the drive to end the slave trade and abolish slavery itself came from those with deeply held faith in God and a conviction that slavery was inconsistent with His Word.

In similar causes over the years, including the efforts to secure justice in both the political and economic areas of life, much of the leadership has again come from those who followed God and the Scriptures.

Here in our own country, the evidence is all around us. If you doubt it, check the yellow pages of a telephone book in any U.S. city—Washington is a wonderful example, and the melting pot of New York is even better—and look for the names of schools, hospitals, and organizations whose work is in the fields of compassion and social justice.

You will find that many bear the mark of the Scriptures in their very names. If you had time enough to investigate further, I have no doubt that you would also find that even in institutions and agencies with nothing in their titles to link them with God's word, many on their staffs are serving in those fields out of convictions very much related to their understanding of the Bible's teachings.

But it is probably easiest of all to forget the most important way—apart from the Bible's ability to lead man to God—that the Scriptures have blessed mankind and our nation in particular.

How often do we remember that the concept of human dignity itself, on which the principle of freedom depends, is rooted in the Word of God?

Just as the impetus toward education, better health care, and social justice was to such a large extent rooted in the Bible's emphasis on love of neighbor and compassion for those who need help, so the belief that man should be free did not just spring up from nowhere.

The belief that man should be free comes from the underlying belief that man is a creature with inherent dignity who has "inalienable rights" and who is worthy of respect and consideration.

That belief is not a universal conviction. Far from it. Look around the world. Nazism didn't believe it. Nor does communism. Nor does any totalitarian ruler or political system.

The belief that man has intrinsic worth comes from the conviction that:

"Man and all the world are the creations of an All Mighty God;

"Man actually shares the very nature of God in a unique and mysterious way;

"And, importantly, that all people—and all human political systems—are accountable to that God Who is the Father of each person, whatever his race, or nationality, or condition in life.

"Moreover, the Bible tells us that, if God is partial to anyone, it is those among His children who are least able to fend for themselves: the poor, the sick, the widowed and orphans, the unjustly treated."

Do you recognize these ideas?

All of us should certainly recognize them, for they are basic to the Judeo-Christian values, based on the Bible, which were unquestioned by most of those who founded our nation.

They have been respected, even if disregarded in many situations, down through our history. They echo in the writings of the founding Fathers and in the Declaration of Independence. They are part of the most basic assumptions undergirding the Constitution and its Bill of Rights, even though the Bible is not referred to directly in those documents.

The great New England leader of the Revolution, Sam Adams, wrote in 1772 that ". . . The right to freedom being the gift of God Almighty . . . 'The Rights of the Colonists as Christians' . . . may be best understood by reading and carefully studying the institutes of the great Law Giver . . . which

are to be found clearly written and promulgated in the New Testament."

And Thomas Jefferson, who was a Deist rather than an orthodox Christian in his own religious belief, wrote these telling words: "Can the liberties of a nation be though secure," he wrote, "when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but by his wrath? "Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever."

History confirms that whenever men and women—and nations themselves—discover the power of God's Word and apply its truths to their hearts, spiritual revitalization follows. The history of the ancient nation of Israel, told in the Old Testament, is full of examples of this, and the Book of Acts records the effect of God's Word on those of other national backgrounds.

Yet we in this country, so blessed by God and His Word in so many ways, have fallen away from the reading, study, and application of the Scriptures. Our situation is not unlike that described in the proclamation issued by President Abraham Lincoln in 1863. It was during the Civil War, and the Senate had passed a resolution asking the President to declare a national day of "humiliation, prayer, and fasting." The President concurred with their request, and issued a formal proclamation.

In that proclamation he wrote that: "We have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us!"

What an indictment!

In approving this national observance for a "Year of the Bible," I believe that Congress and the President are indicating that they feel that we as a nation are in great need of spiritual revitalization.

Time and again since our nation was founded, our national leaders have acted in such moments in similar ways—never to compel but to encourage Americans to take stock of themselves and the nation in a fresh way, and look again to God and His Word for direction. The "Year of the Bible"—serious in its goal but totally voluntary in what it calls for—stands in that same tradition.

Their concern is well placed. The study of civilizations throughout History shows that most last about 250 years. They usually follow a cycle that begins with a Pioneer phase. Then there is a phase of Conquest. Then an era of Commerce, then a time of Affluence, then attention to matters of the Intellect, then Intellectual Decadence, then Decline, marked by disrespect for the rule of law and by corruption.

The last stage is Destruction.

Where are we, do you think, in this cycle? The answer is not hard to discover. We are at or near a critical make-or-break point, even though it is seldom discussed openly. How will we go in this great nation—this experiment in self-government that began with such high and God-based hopes hundreds of years ago?

The hope that we can recover our spiritual moorings in time to avert the decline and destruction that seems to beckon to us is the primary reason why I have agreed to serve as chairman of a broad national effort known as "The National Committee for the Year of the Bible."

The Committee is nonprofit, and nongovernmental, and includes dozens of top religious leaders from the Protestant, Catholic, and Jewish communities. Dr. Tom Zimmerman has agreed to serve as vice chairman representing the Protestant community. Cardinal Krol, of Philadelphia, has agreed to serve as vice chairman representing the Roman Catholic community. And Dr. Gerson Cohen, chancellor of The Jewish Theological Seminary of America, has agreed to serve as vice chairman representing the Jewish community.

Senator Armstrong and Congressman Moorhead have consented to serve as honorary co-chairmen of the effort.

The "Year of the Bible" has the potential, under the gracious hand of God, of making the greatest impact for the glory of God in the history of our nation. But I feel that the success of the Year probably depends more on the members of the National Religious Broadcasters than on any other single segment of our society.

Those who gather here this week as delegates to this convention, and those whom they represent in communities across America, can probably do more to inform the 230 million Americans of the importance of reading the Bible than any other single group. In particular, the Christian broadcasters have an ability to reach a segment of the nation which will be active in reaching the society at large with the message of the Bible's importance to all of our lives.

Soon each of you along with thousands of pastors, churches, religious organizations, and secular and religious news media organizations should be receiving additional information concerning the "Year of the Bible." May I encourage you to use your influence every day throughout the remainder of this year to promote the "Year of the Bible" and encourage others to do so.

Finally, a personal note. I thank God that, in His providence, He has brought along this historic year in 1983. I look ahead into the year with excitement, and exhilaration, and thanksgiving.

I ask your prayers, that this may be a year like no other in our history, and that we as a nation and as individuals may return to God's Word in a fresh way, and drink again of the clear and vitalizing water that has nourished both our nation and all mankind for so long, so well.

Thank you.

WORD OF GOD INSTITUTE

OPENING STATEMENT: PANEL DISCUSSION, JANUARY 31, 1983

(By John Burke, O.P.)

The very first lines of the Book of Proverbs sum up the value of the Bible today. They tell us the contributions the Bible has made to our American heritage that we recognize in a National Year of the Bible. It says:

For learning what wisdom and discipline are,
For understanding words of deep meaning,
For acquiring an enlightened attitude of mind—virtue, justice and fair dealing;
For teaching sound judgment to the ignorant,
And knowledge and sense to the young;
Let the wise listen and he will learn yet more,
And the person of discernment will acquire the art of guidance.

There are two ways of looking at the Bible: (1) As an historical collection of books of human wisdom; (2) as a chronical, guide and source of faith which leads to intimate union with God through love

If we look at the Bible in the first mode, we see there a record of human encounters with the mystery of life and death (as brilliantly captured, for example, in the Book of Job). These encounters testify to the unity of human experience over the ages. Looking at the Bible in this way, the careful reader cannot help but be moved to a deep appreciation of the brotherhood of man under the fatherhood of God. For we see described in the Bible the universal longings of men and women for answers to those questions which all religions explore. The *Declaration on the Relation of the Church to Non-Christian Religions* of Vatican II lists a few of those eternal and universal questions:

What is the human being? What is the meaning and purpose of life? What is upright behaviour, and what is sinful? Where does suffering originate, and what end does it serve? How can genuine happiness be found? What happens at death? What is judgement? What reward follows death? And finally, what is the ultimate mystery, beyond human exploration, which embraces our entire existence—from which we take our origin and toward which we tend? (NA #1)

This religious dimension of human life is a powerful influence in shaping the destinies of both individuals and whole peoples. To deny that religious sense is to invite personal tragedy and social disaster. Ultimately, we humans are one in our goals, personal aspirations and individual experiences. Although religious conflicts do scar human progress, the mystery of God remains as the foundation of all our human interrelationships.

In many ways the Bible is a record of violence. Warfare, persecutions and the shedding of blood are chronicled with alarming frequency and harrowing vividness. Nevertheless, the ultimate teaching of the Bible is not war but peace.

The Bible speaks to our nation today as it has in the past because the Biblical writers were persons of sensitivity and vision. The prophets and evangelists perceived with stunning clarity that, in spite of our deep human divisions, under God, we can be reconciled to one another through love, justice and the common and endless search for peace.

At a deeper level, when I read the Bible as a person of faith, I am even more convinced of the Bible's relevance. When the Bible is consistently read and properly understood, it can deliver those who live by its wisdom from the multiple tyrannies of personal anxiety, social injustice, economic oppression, religious bigotry and international war.

The Bible deals with the kind of truth that is of intense personal value with immense social ramifications. As a result, the Bible can only be accurately comprehended in an atmosphere of true friendship, personal integrity and sincere inquiry. When we approach the Bible in this way, even though people are radically divided over many significant issues, we find in its pages that

wisdom which has led in the past and will continue to lead in the future to a fulness of personal and national life.

My hope is that as a result of the Year of the Bible my fellow Americans of whatever religious background will have a greater sensitivity to and enthusiasm for the personal and national quest for peace with justice and dignity.

Conscious of God's active concern for all of us, I am confident we will be able to arrive at fair, lasting and practical solutions to our perplexing human problems.

I pray we will come nearer to resolving our continuing disagreements about our national destiny.

ADDRESS TO BIBLE WORKSHOP AT NRB

(By Rabbi Joshua O. Haberman, Sr. Rabbi of Washington Hebrew congregations and Presid. Washington Board of Rabbis)

Shalom, brothers and sisters in the sacred bond of the Bible: This is January 31, 1983. It also happens to be the first day in power of Adolph Hitler 50 years ago. And this could be mere happenstance, this could be mere coincidence, or if we want to, we can say in our gathering today that this is not coincidence. This is a statement on our part. We are here because we want to stand up for the only reliable alternative there is to totalitarianism, to tyranny, to destruction of human dignity, and ultimately, to the destruction of life. The Nazi madness seized the German people, as you know, 50 years ago. And the most uncompromising German resistance group to Hitler were those Christians who paid with their lives for their conviction; they were those Christians who remained totally committed to the Bible. They recognized Hitler's demonology of hate and power as spelled out in his manifesto, "Mein Kampf", Satan's Bible, as a relapse into idolatry. They saw it first, and they saw it clearly. What was wrong with "Mein Kampf" was not just its political or economic program, but the very spirit of it. It was a denial of everything the Bible stood for. It was the textbook of idolatry. It absolutized man, it denied all limits to human power. And they were quick to see in Hitler's totalitarian racism a rejection of the Bible's two cardinal beliefs: First the supremacy of God's Law, which sets limits to all who are in power—kings, rulers, dictators, even presidents in the United States. And secondly, belief in the equality of human beings as God's creatures—not equality in talents, not equality in status, necessarily, because we know we are different in ever so many ways—but equality in the sanctity of our life. If more Germans had been committed to the Bible as were those true Christians in Germany who martyred themselves for it, Hitler could never have held absolute power. The holocaust would not have happened. And World War II, with the tragic loss of 50 million lives, could have been prevented.

Friends I urge you, let us stand for a moment in silent tribute to both Jews and Christians who gave their lives, who shed their blood for the Bibical spirit in dire times. Let us stand up for one moment in silent tribute. May God grant that some of their spirit may be infused in us and give us that same strength of faith and courage. Thank you.

In recognition of this truth of which I have spoken, the political journalist, Quentin Reynolds, said, "If I were a dictator, the first thing I'd burn would be the Bible. I'd burn it because I'd realize that the whole concept of democracy came first from the Bible." The pilgrim fathers in the early 17th century who celebrated the first Thanksgiving in 1621, renounced the authority of English law and wrote their own new code which reads, "It was the great privilege of Israel of old that God gave them right judgments and true laws. We can safely say that we have had an eye principally on the aforesaid platform in the framing of this small body of law." That was the first code of law framed in America. A century and a half later in preparation of the Revolution, our founding fathers took from the Bible Leviticus 25:10, the sentence which rang out from the Liberty Bell in Philadelphia, "Proclaim liberty unto the land and all the inhabitants thereof". And when Lincoln, at Gettysburg at a crucial time in the destiny of our Nation, immortalized his definition of democracy, few then realized as few even now realize, that some 600 years earlier in 1382, John Wycliffe, in his introdution to his translation of the Bible, had first spoken these words in conjunction with the Bible, "This Bible", he said, "is for the government of the people, by the people and for the people."

The Bible is the original textbook of the greatest and most successful liberation movement in all of history. It began with the demand of Moses before Pharaoh, "Let my people go so that they may serve Me", and it led to political democracy. As Heinrich Heine, the poet said, "Ever since the Exodus, freedom has spoken with a Hebrew accent."

What makes the Bible so indispensable to our democracy? The Bible gives the only reason why a strong man or tyrant, who is sufficiently clever or cunning to seize power, must not be allowed to rule at will. The Bible denies in clear and explicit words the right of kings and rulers to be a law unto themselves. It says in Deuteronomy, Chapter 17: 18–19 "and it shall be when he sitteh upon the throne of his kingdom that he shall write for himself a copy of this law in a book and it shall be with him, and he shall read therein all the days of his life that he may learn to fear God, to keep all the words of this law and these statutes to do them that his heart not be lifted up above his brethren." I would like to see that included in the Oath of Office, ladies and gentlemen. In the Biblical perspective in which supreme authority and sovereignty belong to God, no ruler must ever forget the words of David in the first book of Chronicles which, in our synagogues, we sing every time we carry the Torah Scroll around in procession before reading the Scripture lesson of the day: "Thine, O Lord is the greatness and the power and the glory and the victory and the majesty for all that is in the heaven and in the earth is Thine. Thine is the kingdom, O Lord, and Thou are exalted as head above all." (I Chr. 29:11f)

If you visit the synagogue, and notice the Torah Scroll covered with a crown, don't think of it as allegiance to the monarchy. That crown stands for the sovereignty and supremacy of Divine Law above all. Now friends, what it says is that there is a law to which even kings must be subservient. That's what keeps us free men and free women in the free world today. Jews and Christians under the covenant must reject the summation of Hellenic philosophy that man is the measure of all things. Sounds good, flattering, but it's extremely dangerous. Our Biblical standard of right and wrong cannot be man's, but must be God's will. And we find it in the Bible whose word is "a lamp unto our feet and a light unto our path", as Dr. Zimmerman has said.

In 1925 H. L. Mencken, with a bit of a sneer and condenscension, coined a term, "Bible-Belt", referring to the rural South and Midwest as the regions where the Bible has the strongest influence on public morality. In my opinion, The "Bible-Belt", is America's safety belt. And though I, as a Jew, may not understand and interpret every word of the Bible as do these gentlemen on this dais and you in the audience, I'd like to see the "Bible-Belt" extended to the North, to the East, and to the West. Because as a Jew I feel spiritually at home in the midst of a people who know and love the Bible.

What do I hope for the Year of the Bible? I'm not satisfied with a Year, I would like for my people a lifetime with the Bible. But I'm going to have to confess to you that I'd be very happy if a great many of them at least gave it a Year. I believe we should help our fellow citizens to see the Bible as the psalmist saw it, as all of us must see it, "a lamp unto my feet and a light unto my path". (Ps119:105)

Ladies and gentlemen, we live in a age of fear and trembling. It is an age of great disenchantment, of deep distrust, of horrible visions of destruction. The cry of violence is again heard on our streets. Our homes are falling apart. Many of our youth with their passion for independence, have sunk into license, frustration and loneliness. The light of science and technology that once seemed to promise a new Paradise on earth, has turned into the blinding flash of the nuclear blast that threatens us with total annihilation. Never before in modern times has there been so great a readiness to believe that we are in need of higher wisdom, that we must relearn the lessons of human experience, and look to the past with thoughtful reflection, that we must question the infallibility of human moral reasoning, and curb the dark and demonic drives and instincts of our animal nature. All of our needs and all of our anxieties of today point to the Bible as God's saving answer, "a light unto our path".

And I therefore hope that we shall, in this Year of the Bible, show the nation what Daniel Webster saw in it when he said at the Bunker Hill Monument, "The Bible is a book of faith and a book of doctrine, a book of morals and a book of religion, and a special revelation from God. But it is also a book which teaches man his own individual responsibility, his own dignity and his equality with his fellow man."

I therefore pray that Jew and Christians may turn to it in the spirit of the poet (John Burton) who said, "Holy Bible, book divine, Precious treasure, thou are mine, Mine to teach me whence I came, Mine to teach me what I am."●

THE VOCABULARY OF ARMS CONTROL

● Mr. PRESSLER. Mr. President, over the past 2 years we in the United States have witnessed a growing public awareness of the dangers posed by nuclear weapons. Whereas in previous years, the public seemed willing to view nuclear weapons as a given element of life in 20th century America. Today, the American people are no longer willing to accept more weapons as given. Indeed, there is a growing demand that we move downward toward nuclear disarmament.

I welcome this changed mood that I find across this Nation. For too long we have been complacement toward a defense policy that rests on nuclear arms for security. Let me say, that while nuclear weapons have for 36 years helped maintain stability and they have helped to keep our Nation free, a policy that uses nuclear arms as the linchpin for security is misguided in the longer term. Man is not infallible nor are the machines that he makes free of defect. Civilization, as we know it, today rests precariously upon an assumption of human and mechanical perfection. This in essence is the foundation of a security policy built upon nuclear weapons; an assumption that man will not miscalculate and that his machine will operate as designed. Unfortunately, to assume so much is to risk too much. We have witnessed more than a few mechanical failures in our strategic systems. Luckily, we have thus far retrieved events well before they have crossed into the abyss.

It is for these reasons that I welcome the public's concern and the growing public pressure for rapid movement in the direction of significant and verifiable arms reductions. Only by moving toward fewer nuclear weapons now can we hope to rid ourselves and other nations of the risk of nuclear war and all the diabolical consequences that such a conflict entails.

On numerous occasions, I have spoken to these very same points. My reason for speaking now is to draw attention to the linguistic tangle in which this vitally important debate is taking place. I believe it would be useful to identify some the key terms used in arms control discussions and to provide clear definitions of their meaning. The list that follows is, I hope, a start to the process of clarification.

WORDS IN THE ARMS CONTROL DEBATE

Anti-Satellite Weapon—a weapon designed to disrupt, interfere with, destroy or damage a satellite. This weapon could be another satellite called a killer satellite; an interceptor that is launched from a missile or an aircraft; or an energy beam weapon which could attack a space system from space or from the ground. Some might include jamming equipment, or equipment used to issue false commands to satellites as anti-satellite weapons.

Arms Control—measures undertaken by sovereign states to restrict among themselves the development and/or deployment of offensive or defensive weapons and related systems, and otherwise limit the size and capactiies of armed forces in a manner intended to reduce the threat and consequences of their use, increase stability, and lessen the burden of military expenditures.

Arms Controller—someone involved in the process of analysis, negotiations and/or decision-making on arms control. It is also used to refer to individuals outside the government with an interest in arms control issues or it can refer to individuals inside and outside government with a commitment to and a belief in the value of arms control negotiations and agreements.

Arms Control Community—the group of agencies, specialists, and groups inside and outside government involved in arms control policy and research.

Arms Limitation—a form of arms control which imposes test or deployment moratoria, numerical ceilings, or performance restrictions upon specified weapons systems.

Arms Reduction—a form of arms limitation which imposes numerical ceilings on deployed weapon systems and/or their replacements at a level below initial strengths.

Ballistic Missile Defense (BMD)—measures for defending against an attack by ballistic missiles; for example, a system composed of antiballistic missiles, radars and control equipment, designed to intercept and destroy attacking ballistic missiles before they reach their targets.

Bargaining Chip—in arms control negotiations, any military force, weapon system, or other military asset (existing or projected) which one party expresses a willingness to downgrade or discard in return for concessions by a second party; used pejoratively in reference to a system being developed or deployed specifically to achieve leverage in arms control negotiations, but whose stated military need is questioned.

Central Systems—weapons of the United States and the USSR which are considered by each to be vital to its strategic nuclear force posture. The term has its origins in SALT, and simply refers to those systems to be included in a SALT, agreement, i.e., ICBMs, SLBMs, and long-range bombers.

Civil Defense—passive defense measures taken to minimize the effects of nuclear attack on the civilian population and production bases, such as evacuation and sheltering; includes emergency measures to restore vital services after attack.

Command and Control—the direction and coordination of assigned forces through an arrangement of personnel, communications facilities, and procedures employed by a commander in the accomplishment of his mission.

Compliance—the accomplishment of or refrainment from specified actions by parties to an arms control agreement, in observance of its terms, and therefore subject to verification; the pattern of behavior sought by an arms control agreement.

Counterforce—the employment of strategic air or missile forces to attack and destroy specified military capabilities of an enemy force; targets include bombers and their bases, ballistic missile submarines, ICBMs, command and control centers and nuclear stockpiles.

Counterforce Capability—characteristic of a nuclear weapon or force which combines sufficient accuracy and yield to effectively disable military targets, particularly strategic forces; not necessarily inclusive of hard target kill potential.

Cruise Missile—an air-breathing aerodynamic armed guided missile whose path from launch to impact remains within the earth's atmosphere.

Deployment—the positioning of an armed delivery system, individually or as a class, in a manner suitable for operational use, as opposed to the development or testing of that system.

Disarmament—the elimination of military forces either by unilateral action, or as set by international agreement.

Dual-Capable—available for use in delivering either conventional or nuclear weapons. Usually refers to tactical missile, aircraft, and artillery systems.

Encryption—the act of coding messages to and/or from military forces and weapons testing instruments. Excessive encryption of information from Soviet missile tests can undermine the ability to verify arms control agreements. Such information provides data on the number of warheads on a missile that are vital for verification.

First Use—the initial employment of specific military measures, such as nuclear weapons, during the conduct of a war.

Forward-Based Systems (FBS)—those U.S. tactical aircraft stationed in overseas countries or on aircraft carriers, principally in support of NATO ground forces, but whose dual-capable nature and potential strike range into the USSR's territory allows the possibility for strategic use.

Fratricide—the uncontrolled destruction or neutralization of nuclear warheads entering a target area where recent explosions from leading warheads in the same attack have occurred. The phenomenon of fratricide imposes uncertain limits on the possibilities for large-scale nuclear attack on a small area, such as a counterforce target.

Freeze—halting a single element or all aspects of weapons programs. The nuclear weapons freeze proposal that has been the subject of attention during the past year calls for a verifiable halt to the development, testing, production and deployment of all nuclear weapons.

Heavy ICBM—class of U.S. and Soviet ICBMs of the greatest size and throw-weight; specifically, the U.S. Titan II and the Soviet SS-7, 8, 9, and 18.

By the terms of the Interim Agreement, an ICBM was to be classified "heavy" on the basis of "a volume significantly greater" than the largest light ICBM operational in 1972 (the Soviet SS-11). The ambiguousness of this criterion has resulted in conflicting views on the proper classification of the newer SS-19. SALT II treaty should be consulted for definition.

Intermediate-Range Nuclear Forces (INF)—refers to nuclear weapons systems with a transcontinental range. At the current time, INF systems include the Soviet Union's SS-20 and older SS-4 and -5 missiles and the American Pershing -2 and the 1,500 mile range Ground Launched Cruise Missile that are the subject of the U.S.-Soviet INF talks in Geneva. This name was adopted in the course of 1981 when these and other European-based nuclear weapons were at the center of a political firestorm. During 1980, theater-based nuclear weapons were referred to as Theater Nuclear Weapons (TNF). But after Europeans became fearful that TNF weapons would somehow be used in a strategy for waging a limited nuclear war in Europe, the term INF was adopted as symbolizing the continuity between theater-based weapons and the U.S.-based strategic forces. Still earlier, during the 1950s and into the late 1970s, theater-based weapons were referred to as Tactical Nuclear Weapons (TNW) which suggested that their primary use was as battlefield weapons. With the start of NATO deliberations on a response to the Soviet deployment of the highly accurate SS-20 MIRVed missile, the term Long-Range Theater Nuclear Forces came into use among specialists. LRTNF symbolized the fact that NATO's counter-weapons to the SS-20 would be the first weapons to be deployed in Europe with the capability of striking Soviet territory. LRTNF was quite a mouth-

full, when it entered common usage was reduced to TNF.

Launch-Under-Attack—the triggering of retaliatory strikes upon confirmation that enemy missiles are in flight toward friendly targets, but before all attacking warheads have had the chance to strike their targets. This doctrine stresses reduction in the risk of miscalculated spasm response or unnecessary total response.

Limited War—a war in which military assets are brought to bear incrementally and in response to a continuous receipt and evaluation of information concerning changes in the situation. The ability to conduct a limited war is predicated on surviving capabilities for exercising the necessary controls.

Multiple Independently-Targetable Reentry Vehicle (MIRV)—a reentry vehicle, carried by a missile in combinations of two or more (generally 3-10), which can be targeted independently of each other RV and which can be dispensed from a bus on a separate trajectory to its own target.

In SALT, a ballistic missile tested with a payload in such a configuration or an air-launched cruise missile (ALCM) carrier is considered to be "MIRVed" and is referred to as a "MIRV launcher."

Mutual Assured Destruction (MAD)—condition of relatively stable deterrence said to be achieved by the two nuclear "superpowers" ability to inflict an unacceptable degree of damage upon the other, even after absorbing a surprise first strike. MAD, first adopted as a U.S. strategic doctrine in the early 1960s, stresses the deterrent value of countervalue targeting.

National Technical Means of Verification—techniques for monitoring compliance with the provisions of an arms control agreement, employed under the control of a nation party to the agreement, as opposed to multi-national control.

On-Site Inspection—a procedure for monitoring compliance with agreements involving human inspectors and instrumentation. Such instrumentation can be as simple as a pair of binoculars or as complex as a large network of seismic measurement devices.

Preemptive Strike—a nuclear attack launched in anticipation of an opponent's decision to resort to nuclear war.

Retaliation—a strategic response to a nuclear attack (primarily, first strike), intended to inflict such damage on the aggressor that his interests in and capabilities for continued hostilities are severely reduced. A second strike.

Short-Range Ballistic Missile (SRBM)—land-based, rocket-propelled vehicle capable of delivering a warhead through space to a target at ranges up to about 600 nautical miles. The U.S. Pershing, Lance and the Soviet SCud are tactical missile systems classified as SRBMs.

Strategic Arms Limitation Talks (SALT)—a series of negotiations between the United States and the USSR which bagan in November 1969 and ended in 1979 which sought to limit and eventually reduce both offensive and defensive strategic weapons.

Strategic Arms Reduction Talks (START)—the on-going U.S.-Soviet talks in Geneva which aim to significantly reduce strategic weapons under appropriate means of verification. These talks began in June, 1982.

Strategic Forces—nuclear weapons and delivery systems designed for nuclear attack against strategic targets or for active defense against such an attack: bombers, missile systems and strategic interceptors.

Commonly refers to offensive weapons in the United States and the USSR that can deliver a nuclear strike on each other or China.

Triad—the tripartite U.S. strategic deterrent force, which consists of land-based ICBMs, submarine-launched ballistic missiles, and strategic bombers. The capabilities and characteristics of each system complement the others, and disproportionate reliance on any one system is avoided, so that the ends of deterrence and stability are served, and the risks of technological surprise are reduced.

Verifiability—the quality of an arms control agreement or a specific provision which permits compliance or non-compliance with its terms to be determined reliably. The enforceability of an arms control agreement is limited by its verifiability.

Verification—measures taken by each party to an arms control agreement in order to confirm the other's compliance with its terms, or to detect non-compliance. Possible methods of verification range from on-site inspection (not employed) to mechanical surveillance techniques, such as used in national technical means.

Yield—the destructive energy released by the explosion of a nuclear weapon. Yield is measured by the number of tons (kilotons, megatons) of TNT required to produce equivalent energy. Also known as "nuclear yield."●

RECESS UNTIL 2 P.M. TODAY

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will stand in recess until 2 p.m. today.

Thereupon, the Senate, at 11:59 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, the Members of the Senate have been in caucus off the floor of the Senate, separately, on both sides of the aisle. It is not unusual for those caucuses to take a little longer than 2 hours.

As I have said from time to time, they are a good investment in the time of the Senate, because they expedite our work.

While the situation clarifies as to whether we can get to the shipping bill this afternoon, it will be useful, I think, to provide an additional time for the transaction of routine morning business. I ask unanimous consent that the time for the transaction of routine morning business be extended until not past 3 p.m. today, in which Senators may speak for not more then 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, previously, we had ordered additional time for the transaction of routine morning business, but it appears that there is no need for additional time. So I ask the Chair to inquire if there is further morning business.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SHIPPING ACT OF 1983

Mr. BAKER. Mr. President, I ask unanimous consent, in keeping with the announcements that have been made from time to time about the scheduling of action of the Senate, that the Senate now proceed to the consideration of Calendar Order No. 13, S. 47.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. METZENBAUM. I assume that is S. 47.

Mr. BAKER. Yes.

Mr. METZENBAUM. Is that also the companion bill?

Mr. BAKER. Mr. President, the companion bill is not on the calendar today, and at some point we will have to deal with that, but the motion here was for the matter that was on the calendar.

Mr. President, in light of the fact that an objection was made to proceeding to the consideration of the matter, and I may say for the record that the Senator from Ohio kindly advised me that such an objection would be lodged, I now move that the Senate proceed to the consideration of Calendar Order No. 13, S. 47.

Mr. METZENBAUM. Mr. President, the Senator from Ohio understands that this is a debatable motion; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. Mr. President, I wish to address myself to this matter and indicate why I do not believe we should proceed at this time.

Mr. BAKER. Mr. President, will the Senator, without losing his right to the floor and without it counting as a second speech, yield to me at this point?

Mr. METZENBAUM. Under those circumstances I certainly do.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, before we proceed, and I understand that there may be considerable amount of debate on this subject, I ask unanimous consent that when the Senate completes its business today it stand in either recess or adjournment, depending on the motion made at the conclusion of today, until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Senator for yielding.

Mr. METZENBAUM. Mr. President, I think we should——

Mr. BAKER. I am sorry. I shall interrupt one more time.

Mr. METZENBAUM. Mr. President, I yield without losing my right to the floor and without it affecting the two-speech rule.

Mr. BAKER. The Senator will yield under the same conditions.

Mr. President, let me say it is my intention to adjourn tonight.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m. tomorrow and I further ask unanimous consent that no resolution come over under the rule.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. METZENBAUM. Mr. President, I did not hear the remainder of that.

Mr. BAKER. I further ask unanimous consent that nothing come over under the rule, no resolution come over under the rule after adjournment.

Mr. METZENBAUM. Mr. President, reserving the right to object, I at this time suggest the absence of a quorum.

Mr. BYRD. The Senator does not have the floor.

The PRESIDING OFFICER. The majority leader has the floor at this point.

Mr. BAKER. Mr. President, I yield to the minority leader if he wishes me to do so.

Mr. BYRD. I am not trying to block the Senator.

Mr. METZENBAUM. I was merely going to ask for a quorum to inquire of the impact of that.

Mr. BYRD. I am not taking either side on this controversy at this point.

Mr. METZENBAUM. I understand that.

Mr. BYRD. I want to protect my colleague in any way I can.

I have nothing else to say.

Mr. BAKER. Mr. President, I may say to my friend from Ohio that it really does not make any difference. As a practical matter, if we adjourn, the sequence tomorrow is set out in the rules; that is, the Journal will be read, absent consent to approve the Journal without reading, resolutions over under the rule will be presented as the end of time for the transaction of morning business, and they will be presented in the order that they are on the calendar.

If there will be an objection to proceeding, a motion will be made at that time to proceed to some other matter which will put that resolution on the calendar.

So, as a practical matter under the rules, I think it does not make much difference, but if the Senator is concerned about that, I will withdraw that unanimous-consent request at this time with the exception of the request that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m. tomorrow.

Mr. METZENBAUM. Under those circumstances, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHIPPING ACT OF 1983

Mr. METZENBAUM. Mr. President, I think it is appropriate to discuss why the Senator from Ohio objects to proceeding to the consideration of this measure at this time.

This body has been here since sometime in January. There have been 14 bills and resolutions that have been passed by the Senate, none of which could be considered major legislation—with the possible exception of one. Now we find ourselves on a bill that would provide an exemption from the antitrust laws of this country.

One is forced to question, what is there about this piece of legislation that would cause the Senate to give this matter such high priority and what is there about this bill that would cause it to be handled in a most peculiar and most unusual manner?

The issue of antitrust has normally been a matter that comes before the Judiciary Committee. But in this instance, and appropriately so, according to the Parliamentarian, it was referred to the Commerce Committee.

The chairman of the Judiciary Committee and the ranking minority member of the Judiciary Committee indicated by a letter that they felt that the Judiciary Committee should have an opportunity to examine the merits of this bill. So they sent a letter asking for it to be referred for a period of 15 days, not for joint referral generally, but for a matter of 15 days to the Judiciary Committee so that the Judiciary Committee might conduct hearings.

Lo and behold, there was such excitement, enthusiasm, drive, and effort on the part of some special interest group that they said, "Oh, no, we cannot take this measure to the Judiciary Committee for more than 6 days"; 6 whole days including the weekend, and as a realistic matter if one member of the Judiciary Committee today had objected, the matter would have had to lay over for an additional week and the matter never could have even come to a vote in the Judiciary Committee. But, fortunately, that did not occur.

But then there also was another procedure that was involved, different than the usual procedures around here. The Commerce Committee said, "We are hellbent for election, we have to get this bill through, so we will bring out S. 47, and we will also bring out another measure, the same nature, the same language, but it will not have a number on it. So just in case we need to use the procedures for parliamentary purposes, we will have a means of getting the measure to the floor."

The Senator from Ohio understands that by adjourning tonight and then bringing it up tomorrow, they can move to bring up the other measure and make the effort to do so during morning business on a nondebatable motion. All parliamentary tricks, and for what? Because the Senate needs this bill? Because America needs this bill?

This bill is being sought by a cartel, a group of shipowners who want to form a cartel and be exempted from the antitrust laws. Americans? Oh, no. This is the bill that would protect the shipowners, 80 to 85 percent of whom are non-American shipowners—foreign shipowners. Think of it. Seventy-two percent of the total cargo is to be traveling in foreign bottoms protected by an exemption from the antitrust laws for a group of shipowners, the overwhelming majority of whom are not American companies. Seventy-two percent of the cargo and 80 to 85 percent of the ownership are in foreign hands. That is the bill we have to jam through.

We have not done very much in the Senate this year. Take a look at it.

With no disrespect to any of these measures, let us see what we have passed:

Senate Joint Resolution 16, Lithuanian Independence Day; House Concurrent Resolution 1, a joint session for the state of the Union message; House Concurrent Resolution 57, adjournment from February 17 to February 22; S. 55, deregulation of the broadcast services. Frankly when I learned about that one, I was somewhat astounded because I never knew that bill had passed, and I am not exactly certain how it did go through the Senate by unanimous consent. That

bill certainly has substance to it, but it was never debated on the floor of the Senate.

S. 61, the Nancy Hanks Memorial Center. I do not have disrespect for any of these measures, and I do not question their merit, but I want to point out that we are giving priority consideration to the one measure that would exempt the shipping industry from the antitrust laws at a cost to the American people of over $3 billion a year.

S. 271, the National Trails Systems Act; S. 272, the small business access to Federal procurement information, which sounds like a good bill but certainly not one of the major matters before the Congress; S. 273, the Minority Small Business Pilot Procurement Act, again, the same; S. 312, Bear Bryant National Forest Memorial designation, and nobody can quarrel with that. But is this the kind of legislation we should be dealing with when the problems in America are such as they are?

Senate Concurrent Resolution 1, adjournment from January 6 to January 25; Senate Concurrent Resolution 8, House adjournment; Senate Resolution 1, notifying the President of a quorum; Senate Resolution 2, notifying the House of Representatives of a quorum; and Senate Resolution 19, expression of sympathy on Congressman Rosenthal's death. These are entirely appropriate, but, again, not the substantive legislation which will deal with the 12 million unemployed in this country, not the substantive legislation that will do something about balancing the budget. As a matter of fact, this bill will help to unbalance the budget.

The real question then comes: Why are we pushing so hard for this bill? Will it create jobs? No. As a matter of fact, it will eliminate jobs because the shipping companies will be able to join together, one with the other, to form a cartel to agree where certain ships will travel and where they will not and to agree with respect to pricing. The whole measure really has about it nothing that is in the public's interest; it is only in the special interests of the few shipping companies.

Then the next argument that might be advanced is: Well, will this bill not help an ailing shipping industry? But the facts are that the General Accounting Office conducted a study on that subject and they indicated unequivocally that the shipping industry is not in need of further financial assistance. It is no great secret that we do already provide a subsidy and it is no great secret that the shipping companies of this country are operating at a profit.

Holiday Inns is in the shipping business. They have a subsidiary called Delta Lines. They had $413 billion of operating revenue in 1981 and $46 billion of operating income.

That great tobacco company, R. J. Reynolds, has a subsidiary called Sea-Land. That company had a $1.623 billion operating revenue and an operating income of $103 million. In all fairness, that company does not receive any maritime subsidy.

The LTV Corp. has a subsidiary called Lykes Steamship Co., with $457 million operating revenue and $27 million in operating income; Natomas has a subsidiary, American President Lines, $632 million in operating revenue, $38 million operating income.

The information with respect to U.S. Lines is not available only because we cannot get it from them, but to the best of our knowledge, we believe they are also operating at a profit.

As a matter of fact, at this moment, I will say that I have read a statement that somebody said that a couple of ship lines are losing money, but I have been unable to find which ship lines are losing money. To the best of my knowledge, I do not know of any and I may stand corrected on the floor if there are such.

Having said that, Mr. President, I would like to discuss this matter at some length, but I see my good friend from Louisiana on the floor. He had advised me at an earlier point that he was looking forward to addressing himself to this issue and, to the best of my knowledge, not on the same side I am on.

Under those circumstances, Mr. President, I ask unanimous consent that, without losing my right to the floor and on the condition my resumption not be counted as a second speech, I be permitted to yield the floor at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I believe S. 47 will bring greater efficiency and stability to our international liner trades, and insure fair prices for the service. Just as importantly, it will achieve these objectives without jeopardizing or in any way injuring the shipping public, our ports, and others who have interests which should be protected. I should add this is not only my opinion and the opinion of those Senators who are urging passage of S. 47, it is the overwhelming judgment of the groups I have mentioned. And they are the ones whose economic interests are involved.

I think we should keep in mind what is at stake. As the largest trading nation in the world, it is absolutely essential that we have the ability to insure that our foreign commerce remains strong and stable under all kinds of world conditions—peace, foreign crisis, and national emergencies. This ability requires a strong U.S. merchant marine. Otherwise the day could come when our foreign commerce will be at the mercy of those who may not agree with our international policies, and our cargo will be left on the docks.

The U.S. merchant marine is our fourth arm of defense. We know how vital it is and how vital it was in World War II, Korea, and Vietnam. The Soviets also know how important a strong merchant fleet is. Every commercial vessel they build is designed to serve their transportation needs in time of war as well as in time of peace.

S. 47 is, of course, our most recent attempt to achieve the objectives I have mentioned. Similar legislation which has been considered by the Congress over the past few years would have also accomplished what is needed. As we debate S. 47 during the next few days the Senate will therefore have ample opportunity to consider whether any changes or fine tuning might be necessary.

Mr. President, I wish to commend the junior Senator from Washington, who is the author of S. 47, and who has done so much over the past 2 years to achieve a broad bipartisan consensus on this legislation. I also wish to commend the senior Senator from Alaska, the chairman of our Merchant Marine Subcommittee. His leadership and diligence have insured that the Senate will have full and ample opportunity to debate this most important national issue.

Also, Mr. President, I wish to commend the Senator from Hawaii (Mr. INOUYE) for his leadership in helping to bring this matter before the Senate. He is the ranking member on the minority side of the Merchant Marine Subcommittee.

Suddenly, within the last 6 months or so, the maritime reform legislation before Congress has received highly critical, and to many of us it seems hysterical, comment from some of the national news media. During the next few days I believe we will be able to show rather convincingly that this criticism is without substance.

As a former chairman of the Merchant Marine Subcommittee, I would, however, now like to answer the allegation that this legislation is suddenly being thrust on the Senate without sufficient time for study and deliberation; and that somehow it is an issue of first impression.

In the Congress, investigations and hearings on maritime reform regulation began 6 years ago. During that time we have enacted the State Controlled Carrier Act; legislation strengthening our laws against illegal rebating; major amendments to the Intercoastal Shipping Act; and the Maritime Labor Agreements Act of 1980. In

the 96th Congress, the Senate also unanimously passed S. 2585, which was one of the predecessors of S. 47, the legislation we are now considering. And, of course, last year the House twice passed similar legislation (H.R. 4374); and the Senate Commerce Committee unanimously reported S. 1593.

So the issues have been thoroughly examined and debated for many years; and every interest has had several opportunities to be heard and reheard in both the Senate and the House.

There is therefore nothing hurried, secret, or sinister about the legislative process leading up to the Senate's consideration of S. 47. In fact, when one considers the state of our merchant marine, if anything, we have delayed too long.

As we begin debate, I would also like to comment on one other aspect of this subject that has been raised.

It has been said that every industry in our economy recognizes the need for full application of the antitrust laws to assure our national economic policy of competition; but at the same time, each industry claims that it is unique, and an exception should therefore be made in its case. And so it is, the critics say, with international liner shipping.

There is some merit to this argument. But that should not blind us to the fact that some industries are unique, and in such cases full application of the antitrust laws will be counterproductive to the very national economic policy those laws are supposed to promote.

The fact is international liner shipping is different than other modes of transportation such as trucking, the railroads, and the airlines. And the differences require that a certain degree of otherwise impermissible concerted economic activity be allowed in international shipping to insure the kind of competition in price and services that is achieved through full application of the antitrust laws to other modes of transportation.

The Alexander committee recognized this almost 70 years ago (1914); the Shipping Act of 1916 recognized it; and S. 47 recognizes it. So has legislation passed through the intervening years.

Mr. President, I wish to emphasize all the above recognize that international liner shipping should not have complete immunity from our antitrust laws; and S. 47 does not give it. S. 47 only extends antitrust immunity to specified activities, and then only under carefully prescribed conditions which insure fairness and protection to interests which could be injured by abuse of the limited immunity which the legislation confers. I believe this will become evident as we debate S. 47.

Briefly, however, I would like to outline some of the reasons why international liner shipping is different than other modes of transportation, and why therefore open competition as envisioned by full application of the antitrust laws will not work.

Open competition cannot be assured for any length of time.

As the Alexander committee concluded almost 70 years ago, there is no happy medium between war and peace in ocean commerce when several lines engage in the same trade. Without conference agreements, one of two things would happen. The lines would either engage in rate wars which would mean the elimination of the weak and survival of the strong; or, to avoid a costly struggle, the foreign-flag carriers would attempt to consolidate through common ownership. Either result would create a monopoly which would be far more anticompetitive than any concerted activity that would arise from the open conference system. Thus even theoretical benefits associated with open competition would be temporary. Afterwards the U.S. liner fleet, U.S. exporters and importers, the public, and our national security would pay the price.

Conferences and other agreements for economic cooperation are not confined to the lines engaging in the foreign trade of the United States. They are universally used in the foreign trades of other countries as well as in our own. The merchants of other countries now enjoy the advantages of cooperative arrangements.

Making open and cutthroat competition possible among the lines serving the United States would place American exporters at a disadvantage in many markets as compared with their foreign counterparts.

In the event of the "price-cutting" envisioned by "open competition", it would not be the efficient low-cost carriers who would survive. There are many State-controlled carriers in international shipping, and other merchant fleets are so heavily subsidized by their governments or so closely integrated with their governments' national objectives that their operations primarily serve their respective nation's economic, political, and military policies. Where this is the case, the carriers can afford to operate without regard to traditional profit-and-loss consideration.

In either event, their governments will intercede in the marketplace if they believe that their best interests are most served by the marketplace solution.

Unlike domestic surface transportation, demand for international liner transportation is inelastic. Thus the lower prices which competition theoretically brings will not generate more cargo in a trade.

In international ocean liner shipping, the route to reduced unit costs and cargo rates is the attainment of higher load factors. The ocean liner industry is characterized by a very high proportion (75 percent) of fixed costs. This is the reverse of most industries where only 25 percent of costs are fixed.

With this kind of cost structure, far greater benefits can be obtained from high vessel utilization than from increased competition generated by adding to the number of liner services operating in a trade. The latter increases the vessel tonnage operated without increasing the aggregate of cargo tonnage available to be handled, thus increasing the cost of doing business.

If it is to operate efficiently, the liner industry is far more dependent on the coordination of service than other forms of transport (efficiency equals ship capacity in reasonable relationship to the volume of cargo offered).

Cargo cannot move in or out of a trade in short-run response.

Ocean liner service differs from domestic common carriers since the unit in which service is produced (the ship) is much larger in relation to available traffic volume than the units with which domestic carriers produce their service.

Not only is vessel capacity large in relation to total trade-route volume, it is especially so in relation to individual shipments. A containership may draw its individual cargo from several hundred shippers.

There are enormous capital and other constant costs in the liner industry. Today, a new containership costs over $100 million. Not only are the vast majority of costs fixed, but a vessel voyage takes significantly longer than air transport movements. Thus, once the commitment to make a sailing is made, the asset is tied up for a longer period of time, and the need to keep utilization as high as possible increases.

Mr. President, I have tried to set out in general terms why after many years of study and investigation, many of us in Congress and the shipping community are convinced legislation along the lines of S. 47 is absolutely necessary. Our reasons are fully set forth in the many printed volumes of testimony that has been given before several committees of Congress, and the many reports which have been made based on those hearing records.

The legislative process has been completely open, and, deliberate.

The national interest in a strong merchant marine requires that we finally act on this problem.

Mr. President, it may very well be that this measure should be amended, perhaps amendments should be offered and they should be considered on their merits. I do very much hope that the leadership will persevere in

seeing that this measure is finally acted upon by the Senate.

I completely respect the rights of the Senator from Ohio to make his fight as the Good Lord gives him the light to see it, just as those of us who favor the legislation will seek to pass it to be best of our ability.

May I say to the Senator that this is just one of those things that permits a difference of opinion. As they say in Kentucky, that is what makes horseraces.

I thank the Senator.

Mr. GORTON. Mr. President.

The PRESIDING OFFICER. The Senator from Ohio retains the floor.

Mr. GORTON. Will the Senator from Ohio yield?

Mr. METZENBAUM. Without losing my right to the floor and on condition that, on resumption, it not be counted as a second speech, and I ask unanimous consent to that end, I am prepared to yield to the Senator from Washington.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Louisiana not only for his kind personal comments but for his eloquent statement of the reasons for passage of S. 47. His support after literally decades of studies of the problems of the American merchant marine and the American foreign commerce add to my own confidence that we are on the right track in proposing this bill. It is important to note, however, that we are not now technically debating S. 47. Merely the motion to take up S. 47 is being debated on the floor of the Senate.

My good friend, the Senator from Ohio (Mr. METZENBAUM), finds it something of a paradox and is critical of the fact that the bill is being brought up on the 23d day of February, a month-and-a-half into the 98th Congress though, for the life of me, I cannot determine whether he is objecting because it is too important a bill to be taken up at this early stage or too unimportant a bill to be taken up at this point in the Congress.

First, he has listed a number of bills which he considers to be unimportant, and he feels that we should be dealing with the major concerns of the people of the United States. Then, when we bring to the floor a bill that is of major concern to the people of the United States, he objects because of what he refers to as relatively strange procedure.

The Senator from Ohio knows as well as anyone on the floor that the only reason there is anything even slightly out of the ordinary in connection with the commencement of the debate is due to the fact that he prohibited consideration of a practically identical bill from roughly July of 1982 until the adjournment of Congress just before Christmas. He did this even though a bill somewhat more wide open than this one passed the Senate of the United States unanimously in 1979, presumably with his approval, and the bill has twice passed the House of Representatives by votes of more than 10 to 1 on this subject.

I submit to the Senator from Ohio that, in fact, this is important legislation; that debating it is exactly what the Congress of the United States, most particularly the Senate of the United States, should be doing; that the reason we are debating it now is that this is a matter which has been so thoroughly considered over the course of the last several years that it is appropriate to state it on the floor at this point.

I am informed—of course, I was not here at the beginning of the consideration—that from 1977 to date, there have been 59 days of hearings on the reforms contained in this Shipping Act. It has been as thoroughly studied as any subject of this importance which is likely to come before the Congress this year.

The Senator from Ohio says that this is nothing but a relief bill for foreign or foreign-owned carriers. I submit that the Senator from Ohio can hardly believe that statement himself, that he has a better opinion of the distinguished senior Senator from Louisiana and of the Senator from Washington than to believe that they would be debating in favor of anything that they did not believe to be in the public interest, whatever our differences may be in that respect.

He goes on to wave what one might call the bloody flag of exemptions from the antitrust laws of the United States. It is in this respect that I must say that the Senator from Ohio, at this point, exalts form over substance. The antitrust laws of the United States are not ends in themselves; they are means to ends. The Senator knows that I have joined him and have been opposed to the Senator from Louisiana in respect to whether or not antitrust laws might be extended to some kind of mergers with which we have been faced during the course of the last couple of years. The Senator from Ohio knows that I joined him and the distinguished Senator from New Hampshire in a successful attempt to defeat an effort to gut certain antitrust laws as they relate to professions of the United States.

The Senator from Ohio, I believe, will soon be a cosponsor with me of a bill that is before the Judiciary Committee to overrule a decision of the Supreme Court in the Illinois-Brick case, a Supreme Court decision which severely restricts the effect of the antitrust laws on the Congress of the United States.

In each of these cases, my joining with the Senator from Ohio was on the ground that the public interest would be served by the enforcement or the extension of the antitrust laws into these areas, that competition would be enhanced, that the consumer would benefit by the enforcement or the extension of antitrust laws even into areas to which they had not previously been applied. Very bluntly, this is simply not the case in connection with international shipping by the merchant marine of the United States and carriers of other countries.

The Senator from Ohio states, without any supporting documentation, that this will cost the people of the United States $3 billion. Whether that is a year, a decade, or a scores of years, I do not know, because we have been unable to discover any evidence to back up this assertion other than one witness who came before our committee and who, himself, had no evidence with which to back up that specific assertion.

I can assure the Senator from Ohio that if I felt the people of the United States were going to spend $3 billion or any other sum in addition to what they would otherwise pay for the carriage of goods by sea, I would oppose the bill. In fact, the passage of this bill will help both the merchant marine of the United States and the shippers who are its consumers. This is an area of business in which, as in many others, there are suppliers of goods and services and there are consumers of goods and services. The consumers of the services of the carriers who are interested in this bill are the shippers of the United States: those people who have exports—industrial, agricultural, or the like—which they are shipping to other countries; those people who are importers from other countries. Perhaps the most significant single fact about this bill is that in the form in which it was passed out by the Committee on Commerce, with the help of the senior Senator from Louisiana and the senior Senator from Hawaii, who is the ranking minority member of the Merchant Marine Subcommittee, the shippers, by and large—by an overwhelming—believe they will benefited by the bill. If they felt they were going to pay large additional amounts of money for the carriage of their goods, obviously, they would have been opposed to the bill.

This is no new idea, incidentally, the limited antitrust idea carried in S. 47. The shipping bill which S. 47 would amend called for immunity from antitrust laws for those agreements which were filed with and approved by the Federal Maritime Commission.

The rationale of the act of 1916 is every bit as applicable in 1983 as it was

in 1916. In fact it was not, I believe, until many years after the passage of that act, no earlier than the 1930's and perhaps after World War II, that the courts began to carve out exceptions to this antitrust immunity and faced especially American-flag carriers with the paradox under which they could enter in good faith into an agreement, filed it with the Federal Maritime Commission, have it approved by the Federal Maritime Commission, and then get sued for violating the antitrust laws, which, I may say, is no way to run a shipping line and no way to run the Government of the United States.

That clarity, the ability to deal with some kind of assuredness in connection with specific agreements and to know that when they have been approved by the Government of the United States they are likely to stand up, is vitally important to everyone involved in the carriage of goods by sea, whether the carriers or their customers, the consumers or the shippers of the United States, or our trading partners in other nations.

It is largely to return to the wise policies of the Shipping Act of 1916 that this bill was drafted, so it clearly recognizes the changes which have taken place since that time.

The net effect, of course, of the confusion in the law and the partial loss of antitrust immunity has been disproportionately visited upon American flag carriers. To this point we have not been able to find any cases in which foreign flag carriers dealing with the United States have been the subject of these various antitrust suits, although there may be one or two examples.

In any event, overwhelmingly, the defendants in these lawsuits are the American flag carriers. Why? Because, of course, not one of our trading partners attempts to enforce antitrust laws like those of the United States against its own carriers. Our trading partners so greatly resent this act, that we have tried to enforce these laws on their flagships, that many of them have passed what are known as blocking statutes prohibiting——

Mr. METZENBAUM. Will the Senator yield?

Mr. GORTON. The Senator would prefer to finish his remarks and then will be happy to answer questions from the Senator.

Mr. METZENBAUM. Very good.

Mr. GORTON. Our foreign trading partners have passed blocking statutes which prohibit cooperation on the part of their flagships with lawsuits by the U.S. Department of Justice or otherwise which involve their conference activities.

Thus, the reason the American flagships are so strongly in favor of this bill is that it will put them back into the mainstream of the laws regulating commerce between nations throughout the entire world.

One can say that while that will be fine, while it is a very, very good goal to see to it that more than 72 percent of our goods are carried by American-flag ships and that one of the reasons for the passage of this bill is that it will help American-flag ships to carry a greater share of commerce than they do at the present time, that alone probably would not justify the passage of a bill such as this if in fact tariffs or the cost of the shipment of goods by sea would go up very greatly. But this is not something with which we have to deal in theory, I say to the Senator from Ohio. Since we are the only nation in the world which attempts to enforce antitrust laws against international shipment of goods by sea, I would suppose that the best thing to do to determine whether or not more money was going to be spent would be to look at shipments between third nations that, obviously, are not subject to any American antitrust laws.

Does the Senator from Ohio assert that to ship goods from Montreal, say, to Rotterdam is infinitely more expensive in the order of its appropriate share of this $3 billion than the shipment of goods from New York to Rotterdam?

I suspect that if the Senator from Ohio looked that up, he might well find that it costs less to do so, although no antitrust laws inhibit the activities of conferences in the Montreal-to-Europe trade.

From the beginning of the age of the steamship, the carriers which engaged in international trade have joined what are called conferences, collections of members of the trade who ply between particular ports and have engaged in a great many activities which are prohibited in domestic commerce, though, incidentially, not in trucking, over many, many years by specific exemptions which it had to the Antitrust Acts.

There is a great debate in the world as to what kind of conferences one should have in order to see to it that there is a great deal of competition in all trades in which the United States is a party.

This bill requires all conferences engaged in the American trade to be open conferences; that is to say, subject to being joined by any carrier who wishes to participate in a particular trade.

In addition to that, it provides for independent action; that is to say, under certain circumstances one can retain membership in a conference and nevertheless give lower or different rates than the rest of the conference wishes to charge.

In addition, the fact, of course, is that there is provision for the allowance of completely independent non-conference members to compete in a particular trade.

There is, in fact, competition. I suspect that as a result of the passage of this bill there will be more competition and better competition than there is at the present time. There is no evidence whatsoever to show that the passage of this bill will result in higher charges for the carriage of goods by sea. In fact, parties on both sides of the economic arrangement which are involved in such carriage agree that that will be the case.

It is relatively rare, I may say to the Senator from Ohio, that you have, when you are dealing with regulatory legislation of this sort, both parts of the equation favoring the passage of the bill. Certainly when you dealt with airline deregulation, while the people who were going to fly on airliners liked the increased competition, most of the airlines did not like that bill. The same thing was true with trucking deregulation. The same thing has been true in a number of other areas.

Due to the skills of people like the Senator from Hawaii, the Senator from Louisiana, the distinguished Senator from Alaska, and others, we have crafted a bill which is supported not only by the vast majority of the carriers but by the vast majority of their consumers as well.

The Senator from Louisiana has pointed out that there are a number of amendments pending to this bill. I believe that those amendments should be dealt with in due course. I think some of the amendments proposed by the Judiciary Committee improve the bill. I think others hurt it very, very significantly. We want to see to it that both halves of this equation, both the suppliers of the services and the consumers of those services, are benefited.

We have a bill which will provide precisely that benefit. At this point we simply ask for the right to debate the entire matter on the floor of the Senate and to let the will of the majority of Senate be carried.

Mr. METZENBAUM. Will the Senator from Washington yield for a question?

Mr. GORTON. The Senator will.

Mr. METZENBAUM. Is the Senator aware of the fact that the House Republican Research Committee has stated in their report:

> The administration's recently announced maritime shipping proposals appear to depart dramatically from recent pro-competition approaches that have been pursued in other transportation areas. The new plan allows increased cartelization of the U.S. shipping industry by permitting operators flying the U.S. flag, as well as foreign flags, to act collectively, free from anti-trust scrutiny. Indirect subsidies are affectively increased under the policy. Ship operators would continue to receive direct subsidies. However, a second, non-budgeted advantage for U.S. carriers would come from permit-

ting groups of them to set higher than competitive rates for their service.

Is the Senator aware that they further went on to say:

As President Reagan acknowledges, our strong merchant marine is a vital "economic instrument for the support of U.S. interests abroad." However, increased cartelization in order to strengthen the U.S. shipping industry can have serious economic consequences. Exporters, importers and consumers are likely to bear the brunt of less competitive policies through higher transportation and product costs. The international shipping industry is now increasingly competitive. More not less of a free market approach should be considered to ensure a viable U.S. merchant marine and to offer the public high quality liner service at the lowest possible price.

Is the Senator from Washington aware of that position taken by the House Republican Research Committee?

(Mr. PRESSLER assumed the chair.)

Mr. GORTON. The Senator from Washington is also aware of the fact that he attempted, last September, to get more competition into the field of shipbuilding, and he was also stopped by a filibuster by the Senator from Ohio from adding that degree of competition into the field in which we are dealing right now.

That is a correct quotation as the Senator has read it from the study, which is now approximately 1½ years old, by the House Republican Conference or Policy Committee.

Mr. METZENBAUM. July 1982.

Mr. GORTON. It is also a statement which is as erroneous in its conclusions as the position taken by the Senator from Ohio.

It is also a study which did not appeal either to the Republican Members of the House of Representatives or to the Democratic Members of the House of Representatives when they spent a sufficient amount of time to study the subject. It is not a position which has appealed to the administration, which, whatever the Senator from Ohio may believe its virtues in a number of other areas, is extremely strongly procompetitive.

I ask—rhetorically, at least—why these arguments did not appeal to people who believe in competition, who believe in free markets, who believe in the smallest amount of subsidies possible to any kind of business, as I do. I answer that question by saying that that study, along with a study by a couple of professors, was simply in error.

I suspect that if I had been presented with that study in July of 1980, when I was a candidate for the U.S. Senate and when I had no knowledge of this field whatsoever, the rhetoric in that language would have appealed to me. It certainly appealed to me when I began my tour of duty as the chairman of the Subcommittee on Merchant Marine.

I wish the Senator from Ohio had been able to spend more time on this, because I suspect that he, by reason of his own philosophy, would have been persuanded to buy the case as presented not only by the labor unions concerned, not only by the carriers concerned, not only by the ports concerned, not only by the shippers concerned, but also by an entire industry, that, in fact, the research committee's conclusions are wrong; that we have what everyone admits to be a rather archaic and sick element in our economy; and we have labored with a great deal of diligence and over an extended period of time to find a way to make it better for everyone involved in it.

Under the particular circumstances of the case, we have done it. That we have not removed every single vestige of opposition, whether knowing or unknowing, by every individual or organization with an interest in it, should hardly be surprising. It should be surprising, however, that we have such a widespread agreement between the people who supply these services and those who use the services.

I will simply say that the study which the administration has put in this is deeper and more profound than those of any of its proponents, and the studies which the House Committee on Merchant Marine and the Senate Subcommittee on Merchant Marine have put into this are more deep, more profound, and more likely to be true than that which the Senator from Ohio has quoted.

Mr. METZENBAUM. Is the Senator from Washington aware that the National Farmers Union is concerned that farmers will have more difficulty exporting their products by reasons of increased shipping costs; that the American Association of Retired Persons is concerned about this legislation because they are concerned that senior citizens will be made to bear a greater burden of cost?

Is the Senator aware that the recycling industry testified before our committee that this legislation could effectively decimate the industry because they might not be able to obtain recycled products and ship them overseas?

Is the Senator from Washington aware that the group that represents the beverage importers—representing the beer importers, the wine importers, and the spirit importers, and I guess that must include liquor and vodka and gin and rum—has testified against it because they are concerned that it will increase the cost to their customers?

Is the Senator aware that Dow Chemical Co. has indicated their concern about this negative impact upon their business; that International Harvester Co., which is presently fighting for its economic life, had indicated its concern because of the added costs of shipping?

The Olin Chemical Co. has indicated their concern, and the American Association of Exporters and Importers has indicated its concern.

Is the Senator from Washington aware that the only ones I can find who are truly for this legislation are the carriers and those shippers who feel that, in their own cartel, somehow they will be able to adjust their prices together—in essence, in my mind, evading any antitrust provisions with respect to their overall operations?

Is the Senator aware that the Bureau of Competition of the Federal Trade Commission, speaking on behalf of all the members of the Federal Trade Commission—which, incidentally, means three Republicans and two Democrats—had indicated their strong opposition because of the increased cost it will mean to the American consumer and the negative impact upon our economy?

Is the Senator aware of all those facts? Knowing full well that the Senator from Washington has been a supporter of antitrust legislation, is he aware of all this opposition, as well as the editorial opposition of the Washington Post, the New York Times, and the Wall Street Journal? In view of that, can he actually say that this legislation is in the best interests of this country?

Mr. GORTON. Two years ago, when the Subcommittee on Merchant Marine first held hearings on this bill, after I was picked as chairman of that subcommittee, while we heard from as broad a group of people and interests as we possibly could, including American-flag carriers and foreign-flag carriers, organizations of freight forwarders, organizations of importers and exporters and the like, we were unable to find anyone who was opposed to the general thrust of this legislation, though all the shippers wanted to see to it that their interests were appropriately and properly respected.

In fact, by the time S. 1593 was reported by the Commerce Committee in the 97th Congress, we had put together just such a coalition, which included the great bulk of all the shippers.

By the time the bill which came back from the House—the so-called compromise bill—was before the Senate, the House Judiciary Committee had removed from this bill far too many of what I considered to be the protections for shippers. I suspect that that, together with one other factor about which I will speak in a moment, has something to do with the fact that certain groups or elements within the shipping community had serious reservations about or became opposed to the bill itself.

The protections for shippers, and especially for small shippers, are much stronger in the bill before the Senate now. I hope that when a similar bill comes before the House, they will be retained and not removed by the House Judiciary Committee on the basis of the same mechanistic approach which is utilized by the Senator from Ohio.

In any event, the primary reason—as a matter of fact, almost the sole reason—for the editorials to which the Senator refers and for many of the resolutions by groups which spent little, if any, time studying the impact of the bill arises out of one study by one organization in Washington, D.C., which made the assertion that the cost of shipping goods by sea would increase by 15 percent or 20 percent or a certain number of dollars.

The one good result of that rather broad campaign was that we asked that individual and another who had views similar to his to testify before the Merchant Marine Subcommittee 2 or 3 weeks ago, when we had our 98th Congress hearings on this subject, and we asked him whether or not he had studied, for example, comparable shipping rates from Canada to Europe or from Europe to various other places roughly the same distance from Europe as the United States is, and the like, to determine whether the absence of antitrust laws made any difference in the carriage of goods by sea.

His answer was no, he had not made any such studies. We asked him what the basis for this kind of assertion was. Well, it turned out there was no basis for this assertion except an assertion based on the theory that it was somehow going to hurt shippers and you have to have some kind of percentage by which it is going to hurt them so here it is, 20 percent.

We did discover, although he did not admit specifically to this, that the apparent source related to the Canada-Europe trade. There was a change, briefly, in which an independent carrier joined the Conference, and the Conference promptly raised its prices or its tariffs by roughly 20 percent. That could conceivably have been the cause for this estimate, which has been in newspapers and in much publicity, and in the Senator's own materials on the subject.

What he neglected to say or neglected to find out was that that increase in tariff lasted less than a month, because the market simply could not support it. Another group went out and went into competition, and the prices or the charges collapsed right back to what they were before this particular Conference action was taken, exactly the kind of competition which this bill will enhance rather than to inhibit.

Suffice it to say, however, that these various groups which have opposed the bill should know more about it and should spend more time on it than is usually the case, in an association which has only a relatively incidental interest in the bill. Among the agricultural community, the American Farm Bureau, which is the largest such organization in the United States, favors the bill. The National Industrial Transportation League, after the amendments which were adopted by the Commerce Committee just 2 weeks ago, has come out as a very, very strong supporter of the bill, and its members are responsible for the routing of approximately 80 percent of the commercial trade of the United States.

Very bluntly, there are a couple of very, very large shippers like Dow which have reservations about it. I suspect their reservations are due to the fact that we have provisions in this bill for shippers' councils which are reserved for relatively small shippers, and those small shippers may very well do considerably better, relatively speaking, compared to a couple of the larger concerns than they do under the present law.

The Senator is absolutely right. A very large shipper like that is going to be able to survive no matter what kind of enterprise we engage in. It can own its own ships if it deems fit to do so. It is the smaller shipper, it is the kind of people who belong to the National Industrial Transportation League, who are most seriously affected by this bill and who now most strongly support it.

Mr. METZENBAUM. Would the Senator not consider the recycling industry, the American Association of Exporters & Importers, and the beverage industry in the small shipping category?

Mr. GORTON. Yes, along with the United Fresh Fruit & Vegetable Association which supports the bill, and the shippers of apples, for example, in my own State, which supports the bill. Regrettably I think that many of these associations were greatly influenced by these unsupported statements of how much more their shipments would cost if this bill passed. They did not study the source of that material. They saw the material and they naturally and almost automatically came out against the bill. They are simply in error.

Mr. METZENBAUM. I think that the point of the Senator from Washington is that some of the bigger ones who are in the position to protect themselves in the shippers cartel may be in one posture.

Mr. President, I think what we are dealing with here is a bill that really favors foreign carriers, which carry 72 percent of the U.S. trade cargo and comprise 80 to 85 percent of the members in the confernce.

The fact is that this legislation does have a price tag on it of $3 billion extra and the Reagan administration says it is concerned about holding down consumer costs.

There is not anyone under the Sun who can claim that this bill is going to hold down costs. Think how illogical that would be. It will hold down costs but somehow help the carriers. The carriers will get help because they will be able to raise their prices or to limit services.

If they do that that means that the American consumer is going to wind up bearing the burden. It is the reason that the National Institute of Economics and Law, with a very distinguished board of economists, including James Tobin, the Nobel Prize winner, and Alfred Kahn, former spokesperson for consumer issues and other issues in the Carter administration, as well as about 8 or 10 other economists, has concluded that this bill is not in the national interest.

As a matter of fact, I think we should talk about the bill generally and about the fact that it will cost the American people billions of dollars in excess shipping costs and the fact that the bill flies in the face of the recent trends endorsed by this administration in all other areas of our economy toward deregulation and increased reliance on the free enterprise system. The free enterprise system wants no Government interference, but the free enterprise system wants the right to form a cartel and band together and drive out the little guy, drive out the tramp steamers. Oh, I know my friends on the other side of the aisle will say well with the new amendments they will be able to provide some protection through the Federal Maritime Commission.

Do not kid yourselves. The Federal Maritime Commission is not going to be protecting the American consumer and it is not going to be protecting the little shipowner. The Federal Maritime Commission is probably not going to do very much in a hurry because it drags its feet in whatever it does. So there will be no protection for the little shipowner. There will be no protection for all of the American people.

S. 47 is special interest legislation of the worst kind. It helps out one industry at the expense of the entire consumer public.

Now my good friend from Washington was saying he is not sure whether or not I was indicating that we finally got to an important bill or whether I was indicating that I did not think it was important.

My point is that we have spent several weeks dealing with a number of measures that are of special concern to particular segments of the economy, particular special measures having to do with procedural matters but nothing really having to do with the issues facing this country of ours, nothing really having to do as yet with

the budget. I recognize in all fairness that that would be premature, but it would not be premature to be taking a look at some appropriations bills. It would not be premature to be getting to a jobs bill. It would not be premature to get to the social security legislation. It would not be premature to take a look and see what we are going to do about the taxing policies of this country that favor the rich and hurt the poor. It would not be premature to take a look at our foreign imports and debate that issue here on the floor of the Senate.

But, oh, no, what are we doing? We are spending our time pushing, trying to ram through a bill that only a small group of shipowners in this country truly favor.

It helps out one industry, but it hurts the entire consumer public.

Let me explain just a few of the consequences of passage of S. 47. This bill creates a total antitrust exemption for virtually all of the activities of ocean-carrying vessels. These carriers have been organized for years into price-fixing cartels politely known as "conferences." While it is true Congress created a limited exemption for some anticompetitive acts schemed up by these cartels, the carriers have been required to have their price-fixing and other anticonsumer agreements reviewed by the Federal Maritime Commission before the antitrust community would attach.

In other words, there is now a review of the antitrust aspects. Yes, you must go before the Federal Maritime Commission and prove that the measure before the FMC is in the public interest, that the agreement is in the public interest. And the courts have indicated that "in the public interest" encompasses the question of competition and the antitrust aspects, as well.

This bill, however, takes away almost all of the FMC's power to prevent anticompetitive cartel arrangements from taking effect. In other words, it is a carte blanche. Under this bill, the cartel would have free rein, total exemption, no antitrust liability. How can an administration ostensibly dedicated to the free enterprise system, have the audacity to bring this bill before the Congress of the United States? This is not free enterprise. This is fixed enterprise—fixed enterprise against the American consumer.

Conference members would have free rein to practice cartel economics. Reaganomics supports the cartel. Beautiful. What a great banner to fly under. The President does not know if he is going to run for reelection. I say to him if he is going to run for reelection, great, let us talk about his support for the cartel and price fixing. That is an issue that has to do with how much inflation we have in this country.

It is enough that we provided subsidy to the shipping industry—and I respect that decision and support it—but why should we also be providing subsidy and then an intitrust exemption for the shipping industry as well?

Mr. President, I expect to discuss this matter at some length before it is brought to a conclusion. I note that there are no Members of the opposite party on the floor at the present time and since I would want to give them the benefit of the gems of wisdom that I have to share with them, I suggest the absence of a quorum.

Mr. President, before doing that, without losing my right to the floor, I ask unanimous consent that upon resumption that the continuation of my remarks not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Ohio yield the floor?

Mr. METZENBAUM. Not for that purpose.

Mr. LONG. Then I would be compelled to object.

Mr. President, if the Senator would yield to me, I personally would not be disposed to object to the Senator's request. I do feel a duty to protect those who are managing the bill on the other side.

Mr. METZENBAUM. I understand the Senator's point.

Mr. LONG. May I suggest to the Senator if he will suggest the absence of a quorum and, after the managers of the bill have had the opportunity to alert themselves of his request, if there is no objection from the other side, I will not object.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I be permitted to yield the floor to the Senator from Louisiana without losing my right to the floor on the condition that my resumption not be counted as a second speech whether or not there is a quorum call in the interim.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio has the floor.

Mr. METZENBAUM. Mr. President, I ask the acting majority leader, does he seek to speak at this time?

Mr. STEVENS. No; it is my understanding that the Senator objected that there was no Member from this side present. We are trying to work out some problems that developed on this bill and that is why I was absent from the floor. But, I am happy to be here and would be pleased to answer any questions.

I would ask the Chair to put the question. I am ready to vote on the motion to proceed.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, if S. 47 is passed, we could expect to see immediate increases in the price of shipping services which, of course, would be passed down to the consumer of almost all goods arriving from other lands. One estimate, based on the difference between independent liner charges and conference charges, suggests that this price increase could cost American consumers $3 billion a year.

The Senator from Washington was asked what period that would cover. We are talking about $3 billion every year. I think it is reasonable to expect that, with inflation, that figure would increase.

We could also expect to see conference carriers dividing up markets, driving independent carriers out of business, leaving medium- and small-port cities without a major source of revenue, and generally working unrestrainedly to make monopoly profitable.

Let me address myself for a moment to what I have just said and its impact upon some of the States whose Members sit in this body.

If you leave medium- and small-port cities without a major source of revenue, you are going to take some of the smaller port cities of this country and literally decimate them. Today they get service, but if the cartel can agree that service will be made only to the major ports of the country, and that there will be no service to the smaller ports, then those ports will be literally driven out of business.

The argument can then be made that: No, Senator. It is like the airline industry. If United Airlines, American Airlines, Eastern Airlines, and the rest of the majors, do not want to provide service for a community, some smaller carrier will come along and provide that service.

Well, in the case of the airline carriers they are indeed doing that and those who live in the smaller communities are paying the price both as far as the rate is concerned, because they have gone up to unbelievable levels, and, in addition to that, the quality of service. I, myself, am forced to fly, if I wanted to fly at all, on planes that did not even have the normal hygienic

services that an airplane normally has. It had no restrooms. I have been forced to climb over barriers in a plane in order to get into my seat. I have had to fly on planes that looked like contraptions of some kind that I had never before seen in my entire adult life.

Maybe that would be the case with respect to the smaller ports and the medium ports. But in no way will that be the situation because in this situation it is different. Here you have the right given to those who are part of the cartel to pool their revenues. Even with the amendments that have been offered in the Judiciary Committee and which are not yet a part of this bill, you still would permit pooling of revenues. If you can have pooling of revenues, that, in essence, means that they can say to company A or B: go in and low ball, cut the price, drive them out of business, and there is not anything you can do under the law.

It so happens if you can prove it, if you get all the facts and the evidentiary material, and one has the time and resources to stay at it, maybe 6 months, 1 year, 2 years, or 6 years later they might be able to figure out a way for a case.

Mr. President, this legislation should not be enacted. This legislation is bad for the country. I hope that the country may be aware of what we are doing. But I am frank to admit there are 230 million Americans in this country and I would venture to guess that there are not 3,000 of them who know this bill is here and what its impact would be on them as individuals.

It is for that reason, Mr. President, that I hope that in a number of days of debate on this issue maybe in some way we can alert the American people to the impact this bill will have upon their daily lives. They know what has happened to their gas bills, they know what has happened to their electric bills, they know what has happened to their telephone bills, but they do not know, as of this moment, what will happen when you permit the carriers' cartels to be formed and drive up prices.

Mr. President, I want to discuss the subject further during the day, tomorrow, whenever. Under those circumstances, Mr. President, I ask unanimous consent that I may be permitted to suggested the absence of a quorum without losing my right to the floor and on the condition that my resumption at the conclusion of the quorum call not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, I did not quite understand the Senator's reference to discussions tomorrow. Is the Senator saying he wants a quorum call right now?

Mr. METZENBAUM. What I am saying is I want a quorum call right now and that when somebody wishes to call the quorum call off I will have no objection to their doing so. It was my understanding that the request of mine would not be objected to and that I would not lose my right to the floor nor would it be considered as a second speech.

Mr. STEVENS. Mr. President, I have no objection if the Senator wants to ask unanimous consent that when he is recognized again it not be considered a second speech today. I would like to make some very brief comments right now and then he can make his request.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I be permitted to yield the floor to the Senator from Alaska without losing my right to the floor and without it being counted as a second speech when I resume my remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Ohio retains the floor but yields to the Senator from Alaska.

Mr. STEVENS. Mr. President, I want to be very brief. I do hope that those who are listening to this debate and who will later read it realize that there is substantial support for this legislation. This legislation passed not once but twice in the other body last year. As a matter of fact, it is a bill that has had numerous hearings, over the past 5 years. The record is very replete with requests from all concerned for the passage of this legislation.

I personally conducted hearings in which the small shippers of the country came and testified. Contrary to the representation made that the opposition came from a theoretical source, not from a practical source, people involved in shipping, the bill has the support of the American Farm Bureau, the National Paper Institute, the National Industrial Transportation League, the AFL-CIO maritime committee, the American Association of Port Authorities, the Motor Vehicle Manufacturers Association, the Joint Maritime Congress, the United Fresh Fruit & Vegetable Association, the Council of American Flagship Operators, the North Atlantic Port Authorities, the National Association of Stevedores, and others.

The representation that this bill somehow or other is contrary to the best interests of the public is, in my opinion, erroneous. I would urge Members to study the letter that has been sent on a bipartisan basis by members of the Commerce Committee to Members of the Senate. This is a bipartisan bill. There has never been any attempt to make it a partisan consideration. I find it strange that the Senator from Ohio refers to problems that are occurring in other parts of industry, the industrial sector, that is, of our economy, and the problems that have been occurring with regard to consumers concerning increased prices.

Perhaps the Senator would like to explain—we could get a little partisan here—what happened during the 4 years of the Carter administration and how we happened to have the kind of inflationary spiral that we had and where he was at that time and what he would like to do to correct the problems that we face right now other than find some way to absorb the effects of the Carter years on our economy.

I certainly think this is one way that we can restore our American maritime industry, by the passage of this bill. I hope we can continue the bipartisan approach to this bill, one that is analytical about the bill itself, without getting into partisan charges that fly back and forth across the aisle concerning other issues.

We shall have an opportunity to debate those issues, including the pricing of gas, the pricing of petroleum, the pricing of timber products. There is a whole series of bills on which the Senator may want to debate and I shall be most happy to debate him here on the floor on every one of those items.

This bill, as I said, is a bill that passed the other body by an overwhelming majority on a rollcall vote, and by unanimous consent another time. Yet, we are hearing now that this bill, which was objected to during the the last part of the 97th Congress, is being delayed at this time by only one Senator. I have tried to clear it. I think we have to find a way to get this bill to a vote and I am hopeful we can do that.

Mr. President, the difficulty I have with the Senator's request—again, I understand he is going to make a request. I told my good friend from Louisiana that we are certainly not going to object if the Senator wishes to have some kind of unanimous-consent request that tomorrow his speech on this subject not be considered a second speech because, by the simple fact of adjourning tonight, there will not be this subject of a debatable motion to proceed before the Senate tomorrow. There will be a nondebatable motion to proceed and therefore no necessity for a unanimous-consent request to take up the bill. However, if the Senator wishes to make it in order to protect himself against something that I might not understand about the rules, I certainly would have no objection on behalf of the Members on this side if he wishes to make a unanimous-consent request that his statement tomorrow not be considered a second speech on this motion.

As I understand it, this motion dissipates, if the Senate adjourns, which is the present intention of the leadership.

Mr. METZENBAUM. Will the acting majority leader yield for a question?

Mr. STEVENS. I am happy to yield.

Mr. METZENBAUM. Could the acting majority leader indicate how long he expects the Senate to be in session this afternoon?

Mr. STEVENS. I hope we shall be able to be in session for about another hour. Following that, we shall stand in adjournment until tomorrow morning, at 11, I understand is the majority leader's suggestion. We have the intention to remain in session this afternoon to see if it is possible to get this motion voted on this afternoon.

Mr. METZENBAUM. I respect the responsibilities of the majority leader, but I wonder whether or not there are others who wish to be heard this afternoon. That is the purpose for which I rose to suggest the absence of a quorum, so they may come to the floor. The Senator from Ohio is prepared to debate further on the subject but recognizes the debate will continue over until tomorrow. If there were others who were prepared to speak, I would have made my unanimous-consent request for a quorum call.

Mr. STEVENS. I might say to the Senator that, so far as I know, there is no one else who wishes to be heard on the motion to proceed. We shall be happy to make any arrangements the Senator wishes. I see no reason why we should not be able to proceed to the first substantive piece of legislation on which there is any disagreement during this Congress. We hope we shall be able to get it before the Senate so we can debate it in earnest and examine some of these questions that have come about from the Judiciary Committee. There is a lot of work to be done on the bill on the floor. The majority leadership would like to have the motion voted on this afternoon. I would be prepared to renew the majority leader's unanimous-consent request that we take up the bill and have it be the matter before the Senate tomorrow.

Mr. METZENBAUM. As my good friend from Alaska might have anticipated, I am not prepared to accommodate him in that respect. I do want to be accommodating.

Mr. STEVENS. I understand the Senator's comment, but as I say, to my knowledge, there is no one else who wishes to address the motion to proceed, other than the Senator from Ohio.

Mr. METZENBAUM. If the majority leader has concluded his remarks, I then ask unanimous consent that I be permitted to suggest the absence of a quorum on the condition that my resumption not be considered as a second speech and without losing my right to the floor.

Mr. STEVENS. If that quorum call can be automatically removed at 10 minutes to 4, I have no objection.

The PRESIDING OFFICER. That cannot be done even by unanimous consent.

Mr. METZENBAUM. What cannot be done?

The PRESIDING OFFICER. To have a quorum call terminated at a time certain. It cannot be done.

Is there objection to the request of the Senator from Ohio? Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, does the acting majority leader seek the floor or does he have another purpose?

Mr. STEVENS. The purpose of the majority is to get a vote on the motion, Mr. President.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I think we ought to talk about who the beneficiaries of this bill will be. The proponents of this measure argue that the American merchant marine fleet is in dire financial straits. The fact is that this monopoly power, according to them, is necessary to keep our domestic industry in business.

Now, Mr. President, this argument is simply contrary to the facts. Last summer the General Accounting Office issued a report that refutes any claim that the American merchant marine is in any financial trouble at all. In a nutshell, the GAO found that the figures used by some to show that the industry is on the edge of collapse ignore certain realities about the industry. Primarily, the GAO explained how the recent advent of containerization, that is, the use of huge railroad-car-sized units rather than hand-packed cargo, has dramatically decreased the number of vessels without affecting the amount of cargo actually carried. Although certain statistics appear at first glance to support the idea that the American-flag fleet is in trouble, a closer look shows that this is simply not the case.

Decline in the number of vessels shows only the success of the efficient containerization technology. The fact that the dollar and tonnage volumes of cargo carried by U.S.-flag vessels have remained constant in recent years demonstrates the continuing wealth of the U.S.-flag fleet.

But what if the GAO is wrong? Let us assume that the industry is in trouble, which it is not. Should we then support this bill in order to help the industry out?

I still say, unequivocally, no. I say this not because I am against helping American industries that are having problems. I say this because the bill would not help the relative position of the American fleet one iota.

As I mentioned earlier, the bill protects activities of carrier conferences, but, Mr. President, these conferences consist mostly of foreign vessels. In fact, 72 percent of the cargo carried in the U.S. trades was delivered by carriers supplying foreign flags. Thus, by promoting conferences rather than the U.S. fleet directly, this measure would perpetuate the dominance of foreign firms in the ocean carrying business.

It is almost incredible that the U.S. Senate is here debating a measure that will in the main help foreign carriers. Foreign carriers carry 72 percent of the total cargo. They make up 80 to 85 percent of those shipowners participating in the cartel. American consumers would thus pay nearly $3 out of every additional $4 to foreign companies, and this in the name of protecting and promoting American industry.

Let us take a look at what the Wall Street Journal of July 15, 1982, had to say about this measure. The editorial is entitled, "Torpedo the Maritime Bills."

Legislation steaming through Congress would grant antitrust immunity to ocean freight lines participating in "conferences" that divide up cargo and trade routes, and pool revenues. There are three simple reasons why the bills, sponsored by Senator SLADE GORTON and Representative MARIO BIAGGI, should be torpedoed.

The first is that cartels are bad. Our laws don't allow microchipmakers or lumber distributors or pizza parlor operators to fix prices or divvy up markets. We don't give antitrust immunity to oil tankers, tramp steamers, and grain boats, which account for most of the shipping tonnage in and out of U.S. ports. There is absolutely no reason to make an exception of cargo liners. Liner conferences, if they work, only raise freight prices.

The second is that the legislation is a diversion from the real problems affecting most U.S.-flag operators: Uncompetitive capital and operating costs, which result from the perverse incentives of a long history of Government subsidies and regulations. U.S.-flag ships must hire American crews, and be subject to the featherbedding rules of U.S. maritime unions, leading to labor costs that are twice international levels.

What is more, the Government has historically given operating subsidies to U.S.-flag operators who purchased ships from American yards, where construction costs are typically two to three times higher than abroad. It is no accident that the U.S. coastal trade, which has been reserved by law to U.S.-flag ships, has lost traffic to trucks and railroads.

The third is that antitrust immunity probably won't make much of a difference in today's shipping market. The world shipping industry has been clobbered by overcapacity during the last 7 or 8 years, thanks to the spendthrift subsidizing of ship building and export-finance by Governments from Sweden to South Korea.

As a result, conferences in the Pacific, North Atlantic, and Europe-Far East routes have been powerless to keep their prices above market level for long—lest they be undercut by scrappy independent fleets out of Hong Kong and Singapore; by companies such as the U.S. based Sea-Land Service, which has alternately participated in and broken away from the Pacific Conference; and by bulk carriers, which have topped off their cargo with a little business that normally goes to freighters. Ironically, one of the biggest trust-busters has been the Soviet merchant marine, whose history of price shading has provided Moscow with one of its few sources of foreign exchange.

If Congress really wants to help the shipping industry, it will phase out the subsidies and regulations that have discouraged many U.S.-flag fleets from reducing their costs to international levels.

Mr. President, parliamentary inquiry. Is it not the fact that this bill has not laid over for a day and therefore is subject to a point of order?

The PRESIDING OFFICER. The motion to proceed is subject to a point of order.

Mr. METZENBAUM. Mr. President, I make the point of order.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

Mr. METZENBAUM. Mr. President, is it not the fact that I had the floor and that it is the Chair's obligation to rule prior to the quorum and that the Senator from Alaska was not recognized for that purpose?

The PRESIDING OFFICER. The Senator has made the point of order. The Parliamentarian is checking it.

The Senator lost the floor by making a point of order.

Mr. METZENBAUM. Pardon?

The PRESIDING OFFICER. The Senator has lost the floor by making the point of order.

Mr. METZENBAUM. That is not the question. The question I am asking is whether or not the Chair is obligated to rule with respect to my point of order before recognizing any other Senator.

Mr. STEVENS. Mr. President, a quorum call is in order at this point. I do not think it is debatable. I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum call is in order. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER (Mr. MATTINGLY). Objection is heard.

Mr. BAKER. Mr. President, I hope the Senator will not object. What I plan to do is to say that the point of order is well taken, and it is my intention at that point to move, in accordance with the order previously entered, that the Senate adjourn.

Mr. METZENBAUM. I have no objection.

Mr. BAKER. Mr. President, may I be recognized?

The PRESIDING OFFICER. Without objection, the order for the quorum call is rescinded.

Mr. BAKER. Mr. President, I understand that the point of order made by the Senator from Ohio is that the bill has not lain over for 1 day, under the rules.

The PRESIDING OFFICER. That is correct.

Mr. BAKER. The point of order, of course, is well taken. The Senator will recall that in the unanimous-consent request granted previously, I asked the Senate to provide that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The bill will qualify tomorrow. I say for the benefit of all Senators that it will be my intention, after the usual formalities attendant to the convening of the Senate after adjournment, to ask once more that the Senate proceed to the consideration of this matter.

The point of order would be well taken were it insisted on at this time. I have no quarrel with the Senator from Ohio on that point.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I now move, in accordance with the order previously entered, that the Senate stand in adjournment until 11 a.m., tomorrow.

The PRESIDING OFFICER. The point of order is well taken.

The motion was agreed to; and at 4:04 p.m., the Senate adjourned until tomorrow, Wednesday, February 23, 1983, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 18, 1983, under authority of the order of the Senate of February 17, 1983:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Margaret M. Heckler, of Massachusetts, to be Secretary of Health and Human Services.

John A. Svahn, of Maryland, to be Under Secretary of Health and Human Services, vice David B. Swoap, resigned.

Executive nominations received by the Senate February 22, 1983:

DEPARTMENT OF STATE

Wesley William Egan, Jr., of North Carolina, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

John Melvin Yates, of Washington, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Carolos Salman, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985 (reappointment).

DEPARTMENT OF JUSTICE

Steven Roger Schlesinger, of Maryland, to be Director of the Bureau of Justice Statistics, vice Harry Alan Scarr.

SENIOR FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as Career Members of the Senior Foreign Service of the classes stated, and also for any other appointments indicated:

For reappointment in the Foreign Service as a Career Member of the Senior Foreign Service, class of Minister-Counselor, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Eugene S. Staples, of the District of Columbia.

For appointment as Career Members of the Senior Foreign Services of the United States of America, class of Minister-Counselor:

DEPARTMENT OF STATE

William Richard Smyser, of New Hampshire.

Melissa Wells, of New York.

For appointment as Career Member of the Senior Foreign Service of the United States of America, class of Minister-Counselor, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

John Allen Schadler, M.D., of New Mexico.

For reappointment in the Foreign Service as Career Members of the Senior Foreign Service, class of Counselor, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Lawrence John Ervin, of Maryland.

Van Dyne McCutcheon, of Missouri.

For appointment as Career Members of the Senior Foreign Service, class of Counselor:

DEPARTMENT OF STATE

James Estes Baker, of New York.

Thomas S. Brooks, of Wyoming.

For appointment as Career Members of the Senior Foreign Service, class of Counselor, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Millard W. Kenney, of Kentucky.

Marvin F. Smith, of Virginia.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of class 1, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

James L. Blow, of Florida.

Norman D. Glick, of New York.

For appointment as a Foreign Service Officer of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Walter James Thomas, of Massachusetts.

For reappointment in the Foreign Service as a Foreign Service Officer of class 4, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Gilbert J. Sperling, of Pennsylvania.

For appointment as Foreign Service Officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Grant Douglas Aldonas, of Minnesota.
Youngeun Hyun Anderson, of North Carolina.
Gregory L. Berry, of Oregon.
William Rivington Brownfield, of Texas.
Robert F. Cekuta, of New York.
Frank John Coulter, Jr., of Maryland.
Peter Richard de Castro, of California.
Eric Steven Edelman, of New Jersey.
Michael Patrick Glover, of Texas.
Michael Arnold Goldschmidt, of Illinois.
Nick Hahn, of California.
Carolyn Ruth Johnson, of Texas.
Laurence Michael Kerr, of Ohio.
Mark J. Lijek, of California.
John W. Lowe, Jr., of the District of Columbia.
Mary Jean Theresa Lowe, of the District of Columbia.
William E. Lucas, of Maryland.
Joseph Robert Manzanares, of Colorado.
Christopher Emmet McCarthy, of New Hampshire.
Brian Harold McIntosh, of California.
Judith E. Meyer, of Connecticut.
Norman Dennis Milford, Jr., of Florida.
John Mohanco, of Pennsylvania.
Amy Y. Monk, of California.
Patrick S. Moon, of Oklahoma.
Raymond James Pepper, of Hawaii.
Jo Carole Potter, of West Virginia.
Richard I. Queen, of Virginia.
Joseph Lee Sala, of Pennsylvania.
Gregory W. Sandford, of California.
Albert E. Schrock, of Illinois.
Leslie Sternberg, of Maryland.
Moosa A. Valli, of California.
Karen Jo Van Pelt, of Virginia.
Aubrey V. Verdun, of Michigan.
Hugh Floyd Williams, of Pennsylvania.

DEPARTMENT OF AGRICULTURE

Debra D. Henke, of Kansas.

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EXTENSIONS OF REMARKS

JAMES A. CARR, JR., GREAT AMERICAN

HON. THOMAS P. O'NEILL, JR.
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. O'NEILL. Mr. Speaker, I rise to take note of the passing of a good friend and loyal American, James A. Carr, Jr. Jim developed an impressive record of service to his country as a naval lieutenant in World War II, as a member of the U.S. Parole Board and a U.S. probation officer in the U.S. District Court in Massachusetts. A graduate of Boston Latin School and Harvard College he served his State as chief probation officer for Norfolk and Plymouth Counties.

Jim was known as "Junior" to his friends. His nickname reflected the warmth people felt toward him. His influence and stature was great. It reflected his long experience in his field and his reputation for wise counsel.

When Jim Carr spoke, judges, prosecutors, and even Presidents listened. He was an acute observer of his fellow man. He had a low tolerance for sham or pretense. When confronted by it he responded with a quick Irish wit.

Jim was a devoted husband and father. His lovely wife and daughters were the center of his life. I know that they will miss him terribly. But his parting is compensated in part in the minds, in the hearts, and in the memories of those of us who knew him.

My good friend Paul Kirk delivered a moving eulogy at Jim's funeral which I am inserting into the RECORD. More than anything else it explains why Jim Carr was such a respected man and great American.

EULOGY OF JAMES A. CARR, JR., BY PAUL G. KIRK, JR.

Good morning. The Mass of the Resurrection which we are attending this morning is being offered for someone whose circle of friends is far to wide to presume that all of us here know one another. It is for that reason that it might seem presumptuous of me if I did not introduce myself.

My name is Paul Kirk, Jr.

Just as to you, Jim Carr was my friend.

He was, of course, my father's friend.

The gentleman who did the reading at this Mass is Kenny O'Donnell, Jr. Jim Carr was Kenny's friend. He was, to be sure, Kenny's father's friend as well.

Jim Carr was, I know, a friend to all of you. His family has asked me to convey a message of thanks to each of you for participating in this Mass by your presence and with your prayers. They wish also to thank you for that precious gift of friendship which each of you returned to Jim and which meant so much to him throughout his full life.

It can almost go without saying that as we go about our daily activities we meet many different and diverse types of individuals. We meet people combining various traits, characteristics and qualities. And if you really put your mind to it, you could probably assemble them—or group them according to what you perceive to be their similarities.

Did you ever try to find a group or category for a Jim Carr?

Think about it . . . I tried it.

I tell you—it can't be done; its impossible.

In my book, this guy was "one-of-a-kind."

He had so many sides, it is hard to know where to begin. Perhaps it is safest to begin with that which has already been written. So, please come and sit at this desk with me and help me write.

The story which appeared in the Boston Globe and which reported to the Massachusetts community the passing of Jim Carr spoke so well of his career, his accomplishments, his public life. Boston Latin School, Harvard College, his service to the United States District Court, his service to our country and our Flag as a Navy lieutenant in World War II, his service to the Superior Court of this Commonwealth as Chief Probation Officer of Norfolk and Plymouth Counties, his selection and appointment by President Kennedy to the United States Parole Board. At each plateau there was a new test, a new challenge to which Jim responded successfully by fully applying his many God-given talents and skills. His performance and success at each plateau was recognized and then rewarded as he was called up higher to the applause of those he left behind. He had gained their total respect for what he had accomplished . . . and for having left a better situation than had existed before he arrived. At the end of each successful chapter of his career there was, for Jim, a new beginning. With each battle won, there commenced a new era . . . and so it continued throughout his life. The cliché which is often used to describe one's career in this way is the so-called "ladder of success."

As Mike Barnicle has so poignantly noted, there are other things that must be written about Jim Carr as he ascended that ladder. But first, for those good friends of his who knew him best as "Junior" and who may be wondering why I refer to him simply as "Jim", let me explain. In my parents' household, respected figures were always to be treated with repect and, as youngsters, we would never think of referring to Jim as anything but—"Mr. Carr." When I reached college age and was old enough to have a cold beer with Papa and Jim, he nearly pleaded with me:—"Will you please stop calling me "Mr. Carr?" Well, that was not such an easy adjustment for me to make. After all, even after a youngster grows up, he continues to look up to that respected figure who has had an influence and affect upon his life. I explained as best I could that it was for that reason that I hoped he would understand if I might never be able to bring myself to refer to him as "Junior." But . . . since I was now fully grown and in college, I realized, as he did, that our relationship would be different in the future. So I agreed to compromise . . . if he would. I would promise to call him "Jim" if he would promise to stop referring to me as "Little Paul." And from that day forward, he was "Jim" to me and I was "Paul ol' boy" to him. I felt pretty good about it because I had jumped from being "Little Paul" to being an "old boy" all in one afternoon.

But I want to return to the "ladder of success" which Jim ascended. There are certainly those here today, distinguished jurists of both the Federal and State courts as well as other members of the bar, who are more qualified than I to speak of the respect in which Jim Carr was held in and throughout his profession. However, perhaps I can best convey the perception I have held as an attorney as to the degree of that respect by reminding you of the ad which says "When E. F. Hutton talks, people listen." I believe most judges who knew Jim would agree with me that if E. F. Hutton had been a judge, that ad would have to be re-written. It would have to be revised to say, "When James A. Carr, Jr. talks, E. F. Hutton listens!"

I trust my point is clear. When Jim was called to chambers or to the side-bar of the bench, a trial judge, before imposing sentence, would look to him not just for the recitation of an individual's criminal record, if any. The judges sought his wise counsel, his guidance, his personal recommendation as to what to do with the fate and life of that human being who awaited, expected and deserved—true justice. They wanted to know—what did Jim Carr think?

Jim was a humble and a modest man, so he never took himself too seriously; but he took his responsibilities very seriously. He was keenly and constantly aware of the awesome responsibility of the Courts of this land. He understood the faults, the frailties and the weaknesses of human beings, but he understood their strengths and potential as well. He brought common sense, solid judgment, sound reasoning and a deep sense of humaneness as well as justice to his work. He respected the court as an institution, and thus, he had no tolerance for "sloppy justice." He brought a standard of excellence to that institution, and he expected no less from judges, from prosecutors, from lawyers for the defense, and from his fellow probation officers.

Jim Carr loved politics, and he loved government. He know that our system of public service and our institutions functioned as they should only when those responsible for them did what they were in public service to do—to serve the people. He believed that deeply, and he practiced it faithfully. Jim Carr was a "public servant" in the noblest and truest meaning which can be given to those words.

But wait; there is more; if we are to be accurate scriveners of the record, let us start a new page and write with candor and with clarity. Jim Carr was the provocateur par excellence. He was a prankster without peer. He was the Captain-of-a-conversation-

al-submarine, . . . and you never knew where—or when—he might strike.

Bill Gildea and I were reminiscing—and we agreed that if you could compare stirring up harmless trouble with starting fires—Jim Carr would make "Marvin the Torch" look like a kid rubbing 2 sticks together . . . in the rain!

As a matter of fact, I would be interested to know how many of you can think back on a time when you might have been in Jim Carr's company—when, with a twinkle in his eye, he told you a little story, dropped a brief comment or reported some "inside news". And then—maybe a day or so later—you would think about what he had said and you would say to yourself . . . "was he putting me on?" And you would never know; and pity the one of you who was so curious that you'd call him up to ask him if he had been serious!

Now, let us see what we have left out. What else should be written? Oh, yes; but again we will need a new page. And we can entitle this page: "The Essence of Jim Carr".

I hope my reflections, though rather personal, will find some commonness with those which you may feel about him in your own minds and hearts.

When I think of Jim Carr—husband, father, grandfather, and friend to so many—I think of caring, of giving, of thoughtfulness, of kindness, and to be perfectly candid . . . most of all, . . . I think of love. I cannot help but think of the words from a song recently written and composed by John Denver. He sings it with the popular tenor, Placido Domingo. In this song entitled "Perhaps Love", Denver speculates about what love is . . . and that it may mean different things to different people. In one verse he writes:

"Oh Love to some is like a cloud, to some as strong as steel.
For some a way of living, for some a way to feel.
And some say love is holding on and some say letting go.
And some say love is everything. Some say they don't know."

It cannot be said of Jim Carr that he did not know what love is. It must be said of Jim Carr that love for him . . . was everything. Love for him was a way of living, and he shared it generously with all whom he met along the way.

You did not have to be a Justice of the Supreme Judicial Court or a Special Assistant to the President of the United States, or the Speaker of the House of Representatives, though they could all be counted among his good friends. Jim was never too busy to help the little guy who happened to be down on his luck. No problem or station in life was too small or lowly for Jim's personal concern, attention . . . and compassion. He was—almost priestly in his willingness to listen and then to do all he could to smooth the path for that one person who was only looking for an even break or to help one more individual build a more useful life.

When we were kids and the men would gather for an afternoon of fun and, as Jim would love to say, to . . . "tell a few lies," . . . he himself would inevitably be at the center of it. But, unfailingly-thoughtful and ever-mindful of those others who brought love to a home, he would always find the time to "slip away" to the kitchen just to spend a few minutes with Mother and to sit and chat with us. And his interest in young people was thoroughly genuine. Indeed, it was legendary. Encouragement,—support,—sound advice,—you could count on it.

The fact that Kenny O'Donnell and I have been honored to participate in this special way at Jim's Mass this morning is another way of the Carr Family reminding us and reminding you that there was no such thing as a "generation gap" in the life of Jim Carr.

He was a practical guy. He could spot the fakers and the phonies, and he would call them as he saw them. But he was always positive in his purpose, and no mean or malicious thought ever crossed his mind.

He admired individuals who had strength of character; and he had that himself. He respected fierce loyalties; and he was a fiercely loyal friend. He loved a good story, and he could tell one. He loved to laugh; and he loved to make us laugh. He loved good fellowship; and he provided it.

I can assure you that if one of the old guard would call my father to see if he could break away to join them for an afternoon or evening, his predictable response would be this question: "Will Junior be there?" The answer to that question was important . . . because if it was affirmative—a good time would then be guaranteed.

During my father's retirement years, he kept a little calendar diary. Some months after his death, I summoned up what was necessary to look through it. The entries were so succinct and devoid of detail that, to many, they would have little meaning. But to Papa and to the members of our family, in briefest form they captured the daily highlights of his retirement years. And there . . . with steady frequency throughout the calendar, there appear such terse notes as: "J.A.C., Jr. visits—great time" . . . or . . . "J.A.C., Jr. drops by—burgers and beer—lots of laughs." Jim Carr brought so much cheer to our lives and to the lives of others whom we loved!

I visited with Jim at the hospital just a week ago yesterday. He knew of his condition, and he knew that I knew as well. If there is one thing of which I had long been certain,—you could not fake it with Jim Carr. So, unlike our Irish forebears, we spoke of the unspeakable . . . and I told him that I could think of quite a few fellows . . . whom we both knew and loved . . . who were also aware of his condition and had been patiently waiting and who now must be saying:

"Put a few more beers on ice; I hear 'Junior' will be with us shortly."

We had as good a laugh as his condition would allow. And then he paused . . . and—just as if he had slipped away to the kitchen—ever-thoughtful, ever-mindful of others,—he said to me: "Paul ol' boy, please give my love to your wonderful Mother." . . . Jim Carr was a class act!

In the quiet of his home, Jim was a reader. He had a special fondness for Shakespeare's works. The powerful symbolism contained in that beautiful line from Romeo and Juliet was his very favorite, . . .

"When he shall die, take him and cut him out in little stars, and he will make the face of Heaven so fine, that all the world will be in love with night and pay no worship to the garish sun."

How apt that prayer is today.

An athlete himself, Jim loved sports; he loved good music; he loved nature; he loved his walks around Jamaica Pond and at the Cape. He loved people. Simply put, . . . Jim Carr loved life.

Thus, it might not seem so unreasonable for us to ask what appears to be the obvious question: If he loved life so much, why did he die? Why was life taken from him?

Jim was a deeply religious man, and he would not have tolerated these questions. He was also an exacting man. I submit he would suggest to us that we were asking the wrong questions.

The question is not—why did he die—but why did he live?

The question is not—why was life taken from him—but why was life given to him?

The question is not—how long did he live—but how did he live?

Jim knew full well that these were the essential questions which were his to answer. And we who are here this morning are specially blessed because we have been witnesses to the eloquent answers he gave to those questions. Jim's answers, were evident in his caring, in his giving, in his thoughtfulness, in his kindness and in the love he gave to others every day of his life.

He knew the ultimate purpose of life, and he made the most of it. He knew that the so-called "ladder of success" was only relevant if it led to a plateau where the ultimate judgment of his accomplishments at this level was rendered . . . "successful." He knew, too, that his success would be measured not much differently than it had been measured here. Had he left behind a better situation than existed before he arrived? If so, he would have succeeded, and there would be a new beginning for him. Indeed, with his death there would be a re-birth, . . . a commencement of a new and glorious, eternal life. That was Jim Carr's faith . . . and he lived by it. That is our faith as well. Jim Carr lived his life in preparation for this very day, and we do his life and his memory a disservice if we do anything less than rejoice for him this morning.

Some day a reader may say we have written too much and too long already.

But as we rejoice, and before we close, let us—you and I—take our book and our pen and "slip away" for a moment—mindful, as Jim always was, of those others who brought such love to his home.

For me and for you, I would like to inscribe a few notes to the women in Jim Carr's life, ... to his best friend, his high school sweetheart and devoted wife Dorothy (known fondly to him as "Mac"), to his brave and loving daughters, Maureen, Debbie, and Joanne, and to the lovely young lady who brought such pleasure to her grandfather during their brief time together, Maureen's daughter Deidre.

Just as you have to be proud today of the eternal success which Jim has attained, you, his family, should be proud of yourselves. Proud that you are the beneficiaries of his heritage. Proud of the good name which he has left you. But most importantly—proud of the love which each of you gave to Jim throughout his life. No friend, no colleague, . . . no one who knew Jim Carr could ever or will ever think of him without first thinking of him as a loving husband and father or without appreciating his love for each of you as well as the depth of the love which each of you gave to him in return.

Collectively, you supplied a reservoir of love for him. It was the constant and ever present source from which he drew the greatest strength and satisfactions of his life.

We, his friends and your's, want you to know that we know, as God most certainly does, that you helped Jim earn his ultimate and eternal reward. You can and must view that contribution as the greatest act of love

you could perform for one you have held so dear.

So, while our hearts ache with your's today, we want you, as we know Jim does, to hold your heads high and be proud that you . . . and only you . . . could have given him that most precious gift.

And we wish that we could promise you that the ache of emptiness and loneliness will not sometimes seem too much to endure. That is not within our power; but we ask you to remember this. It is often said . . . in this life . . . that we "cannot have it both ways." Well, here is an instance where you cannot have it just one way. The pain which you feel at thinking of his absence is but a reflection of the love you had for him during his life. And no one of you would trade a moment of that love just to ease the heartache you feel at his loss. We hope this thought will sustain you at those times when you miss him most.

We take our comfort in knowing that you will derive your greatest strength from your own deep faith, and we hope you can take comfort from the certain knowledge that all of us who are here and those friends who could not be here will be praying for that continuing strength and for the Heavenly peace of your beloved husband, father, and grandfather.

There is also a certain solace to which John Denver refers in his song. I mention it now because this may be the hour when you wonder most what you will have to sustain you later on. This is a promise we can make and know it will be kept.

He writes:

"And in those times of trouble, when you are most alone
The memory of love will bring you home.
And even if you lose yourself and don't know what to do.
The memory of love will see you throught."

As we lay down our pen and remember the love which Jim Carr brought to his family and to us and as we say our temporary farewell to this gentle and good man, I say again let us rejoice for him.

He was not afraid of death because he knew . . . better than most . . . his reason for having lived. Indeed, he left this field of battle knowing he had fought the good fight and had convincingly won the victory he had sought . . . the same victory for which we all must strive.

I believe it is not too much to say that for each of us our own battle will be that much easier because we knew Jim Carr and were given the opportunity to emulate the example he set during his life.

Jim and my father were modest men. Far too modest to have applied John Bunyan's words in "Pilgrim's Progress" to themselves; though each would surely have applied them to the other. For me, when I think of my own father and of his exemplary life, I think of those words, and for that same reason, now and evermore, when I think of Jim Carr, I shall think of them as well:

"My Sword I give to him that shall succeed me in my Pilgrimage, and my Courage and Skill, to him that can get it. My Marks and Scars I carry with me, to be a witness for me, that I have fought His Battles who now will be my Rewarder. When the Day that he must go hence was come, many accompanied him to the River side, into which, as he went, he said, "Death, where is thy Sting?" And as he went down deeper, he said, "Grave, where is thy Victory?"

So . . . he passed over, ... and the Trumpets sounded for him on the other side."●

TRIBUTE TO 40TH ANNIVERSARY OF JOINT INDUSTRY BOARD OF ELECTRICAL INDUSTRY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. BIAGGI. Mr. Speaker, I invite my colleagues to join me in paying tribute to the electrical construction industry of New York City and its skilled craftsmen, who keep the wires humming and working.

We are inclined to take some of our modern wonders for granted. But, there are technical marvels that operate daily in our official routine that would not be at our disposal without people who make possible the delivery of electric power.

For example: These venerable Chambers have made concessions to modern technology by installing tally boards on which our votes are automatically counted at the push of a button.

Similar pressures activate photocopy machines in our offices to churn out newsletters, committee reports, and other communications and dozens of routine chores and conveniences in our daily lives are made available through marvelous devices.

None of these would work, of course, without the miracle of electricity—that natural wonder that Thomas A. Edison converted into an industrial giant—and that benefit, in turn, would not accrue to us were it not for the people who string the wires, make the connections and install the fixtures.

Now, their contribution to society is being recognized by the observance of "Electric Week" from January 31 through February 4 in New York City, whose 19th District I am proud to represent.

The celebration is actually twofold, as it also marks the 40th anniversary of the marriage between the Joint Conference Committee of the Electrical Industry, representing the New York City electrical contractors, and local union No. 3, affiliated with the International Brotherhood of Electrical Workers, to form the Joint Industry Board of the Electrical Industry.

This combined organization—which was, in 1943, a unique wedding of management and labor—is chaired by Joseph D'Angelo and is comprised of 15 contractors and 15 union representatives. The public member of the board is Hon. Robert F. Wagner, former mayor of New York.

When one stops to consider the importance of electrical transmission to our business and social existences, a salute to the many electrical workers who furnish these services is fully deserved. If we were to go behind the scenes, the floor socket, or the switch on the wall is like the tip of the iceberg. Frequently, the visible fixture may be only a minute fraction of the entire system.

Backstage, out of sight, there is a maze of wires, conduits, circuit connectors, and boosters that provide the power train for all of our electrical appliances, office machinery, and other devices. You never see it—but it is there, and without it, nothing functions.

Anyone who has traveled abroad can appreciate the smooth-functioning, virtually fault-free behavior of American electrical installations. That is what skilled craftsmanship produces. Such high-quality deliverance also spells safety—and we are all aware how much our safety depends on rigid adherence to the electrical codes and regulations.

No less important in the scheme of electrical operations is cost efficiency—a yardstick that is no stranger to this House, where the sensitive issue of construction expense is often considered. Despite spiraling construction costs across the country, the New York electrical industry has managed to keep wage and price advances at a reasonable level.

This can be credited to the Joint Industry Board and local No. 3's progressive attitude toward acceptance of technological improvements that raise efficiency, as well as an equally positive policy on increased productivity. As a result, during the last 10 years for which the Bureau of Labor Statistics has maintained comparative figures, 1970–80, wage rates for electricians in New York City went up only 106.9 percent, while material and equipment costs shot up 136.5 percent. In the same span, the Consumer Price Index rose by 100.1 percent.

Measured another way, 100 years ago—it took 103 workers more than 13 years to build the Brooklyn Bridge—whereas the Throgg's Neck Bridge required only 13 months when it was built in the 1950's.

Many distinguished projects are credited to the Joint Industry Board. Among them, La Guardia Airport, the 1939 and 1964 World's Fairs, Rockefeller and Lincoln Centers, the World Trade Center, the Empire State Building—and, more recently, the AT&T and IBM Towers in New York, Roosevelt Island, and every major piece of construction in New York City since World War II.

The industry and its thousands of electricians have benefited from a vast array of benefit plans and educational programs that have made the Joint Industry Board and local No. 3 role models for other organizations. Visi-

tors have come from all over the world to observe their operations as a guide to setting up similar structures.

The remarkable strides in adapting technical changes achieved by the leaders and members of the New York electrical industry, the exceptional harmony that has marked relations between employers and employees as a result of the pioneering merger of local No. 3 and contractors in forming the Joint Industry Board and the contributions these parties have made toward the city's progress certainly merit our commendation.

I ask the House to join me in congratulating the Joint Industry Board of the Electrical Industry on its 40th year of joint effort.●

LITHUANIAN INDEPENDENCE DAY

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. STRATTON. Mr. Speaker, I am pleased that my good friend from Illinois (Mr. ANNUNZIO) has arranged for a special order to commemorate the 65th anniversary of Lithuanian independence. This occasion gives us in the Congress the opportunity to show, once again, our support for the struggle of the people of Lithuania, and the other Baltic States, for freedom, self-determination and release from Soviet rule. I just wonder how many more years it will be before we may celebrate the regained independence of the Lithuanian people?

The urgency of their cause becomes sharper every year, as the Soviet Union continues to build up their war-fighting machine, in order to strengthen their hold on the captive nations, and to try to discourage, or even threaten other free nations from challenging their empire. I have long been an advocate for a strong defense for the United States to meet the Soviet threat, and hope that this too, will serve to undermine their hold on other smaller nations it seeks to dominate.

The worldwide recession we are now in also serves to exacerbate the plight of the people in Lithuania. The economies of many countries in the Soviet bloc are floundering, and there are reports that some of the governments may ever default on international loans. This is simply more evidence that the Soviet system does not work.

Today we commemorate the anniversary of Lithuania's independence proclamation from the German Government, of February 16, 1918. Lithuanian independence was born in the thurmoil of the Russian Revolution and World War I.

During World War I, German armies invaded Lithuania and took it from the Russians. The German Government submitted to Lithuanian pressure, however, and authorized the formation of an independent state based on democratic principles on February 16, 1918.

The Red army invaded Lithuania again in 1919, but following this settlement of World War I on the eastern front Lithuania retained her independence until the German attack on the Soviet Union in June 1940.

Despite this Soviet oppression, however, the Lithuanian people have maintained a strong sense of culture and tradition, and have vigorously resisted attempts at Russification or the replacement of the Lithuanian language and culture with Russian practices.

I salute the Lithuanian people, and their families and friends in the Lithuanian-American community in their support for the struggle for integrity and independence from foreign domination. I reaffirm my support for their fight, and once again renew my conviction that Lithuania will soon be free again.●

SECRETARY WATT'S ANNUAL REPORT

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. LUJAN. Mr. Speaker, I would like to call to the attention of my colleagues Secretary of the Interior James G. Watt's second annual report, "1982, A Year of Progress: Preparing for the 21st Century," released by the Department of the Interior.

I wish to commend the Secretary for the progress he has made during the past 2 years in redefining the goals of the Department of Interior and restoring a more realistic balance to Federal resource management. Clearly, because of the Secretary's steadfast leadership and dedication to purpose the natural resources under the stewardship of the Department of Interior like the national parks, the national wildlife refuges, the coastal barriers, the wetlands, the national forests, and other public lands, are better managed today than they were 2 years ago.

The Secretary's accomplishments are highlighted when he says in a letter to the President,

Our emphasis on managing wisely what we already have has enhanced the quality of our public lands and unlocked for orderly development many of the mineral resources crucial to our Nation's economic and military security. We can both protect our environment and develop the energy resources needed for a strong America.

I wish to include in the RECORD a copy of a letter Secretary Watt sent to President Reagan citing the many examples of progress in restoring balance to Federal resource management included in the Department's 1982 annual report.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

DEAR MR. PRESIDENT: This year, 1982, has been "A Year of Progress: Preparing for the Twenty-First Century."

The progress that has been realized in the Department of the Interior has been most satisfying. With the support of Congress and the Governors, we have implemented the significant changes needed to bring about common sense and balanced management of our natural resources to benefit all Americans now and in the future.

In 1981, we introduced change to the Department of the Interior. As you know, it was important to bring about significant change in the way our natural resources were being managed so that we could overcome the problems we inherited in January of that year. When you took office, we found there was too much air and water pollution, the national parks had been allowed to deteriorate, our wildlife refuges and ranges had been neglected, and our multiple-use lands had not been managed properly off the tax-payers and consumers of this generation and those yet to come. The change was brought about administratively and through new priorities in the budget process.

In 1981, we developed and announced policy changes. In 1982, we implemented those changes. The results have been most rewarding. I can tell you, without fear of contradiction from those who have studied the matter, that the federal estate and other natural resources—the national parks, the national refuges, the coastal barriers, the wetlands, the national forests and public lands—are better managed today than they were two years ago.

Because you and I are dedicated to the concepts of stewardship, we have committed ourselves to restoring the National Park System. If we do not protect the natural resource base within our Park System, there will be little for the public to enjoy. Consequently, our 5-year, one-billion-dollar program has been enunciated and is being carried out with the support of the park professionals as well as the support of Congress.

The national refuges, too, had been neglected because of an unwillingness to invest properly in the land and waters of those refuges and ranges providing habitat to our wildlife and fish. Those errors of the past are being corrected—restoration is underway.

We have adopted and aggressively pursued a program that will bring protection to our coastal barriers, and we have solicited the assistance of the private sector in dedicating wetlands for migratory bird habitats.

New programs for managing our public lands have been implemented. These initiatives allow us to enhance the values of national resources as well as to serve the interests of the taxpayers and consumers who can benefit from the recreation, agriculture, energy, mineral and related uses derived from the land.

An aggressive program is underway to provide Western States with the water resources that will be needed for the years ahead, thus reversing the Democrats' policies of the recent past. We have announced

ten new water resource development projects and have continued a rapid pace of construction activities on projects already underway.

The theme of 1981 was change; the theme of 1982 has been progress. As you review the pages that follow, you will see that quantum steps have been taken to restore balance in the management of our natural resources. We have provided the stewardship that is needed to protect and conserve America's natural resource heritage. At the same time, we have laid the groundwork for building the infrastructure and the strength that will enhance America's national security, our quality of life and environment and create jobs in the private sector.

Mr. President, we can have both a clean environment and the development of our energy resources needed for a sound economy. It is not an "either-or" proposition.

As you read "A Year of Progress: Preparing for the Twenty-First Century," you will be able to share with me the pride and satisfaction that I have in our accomplishments.

Sincerely,

JIM WATT,
Secretary.●

WYOMING WILDERNESS ACT OF 1983

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. CHENEY. Mr. Speaker, I am today introducing in the House the Wyoming Wilderness Act of 1983—an updated version of legislation which was introduced during the 97th Congress. An identical bill is being introduced today in the Senate by my Wyoming colleagues, Senators MALCOLM WALLOP and ALAN SIMPSON.

The three of us have worked closely and harmoniously together for several years now on the wilderness issue, and the legislation we are introducing today in the House and the Senate is the product of that working relationship. It represents our best collective judgment as to how a majority of people in Wyoming would like to handle a variety of land allocation and management issues in our State's national forests.

The bill we introduced last year was unanimoulsy approved by the Senate Energy and Natural Resources Committee and by the full Senate. However, due in part to time constraints, there was not an opportunity to consider the bill in the House. As with last year's bill, this new legislation has three major objectives:

First, it provides that, effective upon enactment, all congressionally designated wilderness areas in Wyoming, including those designated by our bill, would be withdrawn from operation of the mining and mineral leasing laws, subject to valid existing rights. Oil and gas exploratory drilling, leasing and development would be prohibited in Wyoming's wilderness areas. We recognize that in section 308 of the fiscal year 1983 Interior Department appropriations bill, Congress imposed a similar prohibition on leasing in wilderness areas throughout the Nation, including Wyoming. However, since section 308 is applicable only until September 30 of this year, and since it effectively is a prohibition only on the expenditure of money for leasing activities and does not directly prohibit leasing and development, we felt it was important to again include in our bill a ban on leasing and development in congressionally designated wilderness areas in Wyoming.

Second, our bill would officially designate 651,049 acres of Wyoming forest lands as additions to the National Wilderness Preservation System. The bill calls for designation of four large new wilderness areas—the Gros Ventre, the Cloud Peak, the Popo Agie, and the Jedediah Smith. And it would add three areas to already designated wildernesses. Specificially, a portion of the DuNoir Area would be added to the existing Washakie Wilderness; the Corridor Area would be added to the Teton Wilderness; and the Glacier Primitive Area, also known as Whiskey Mountain, would become a part of the Fitzpatrick Wilderness Area. Together, these seven areas will make a magnificent addition to Wyoming's existing 2.1 million-acre wilderness system.

The third major objective of our bill, Mr. Speaker, is to release those lands which the bill does not designate as wilderness so that they can be managed for nonwilderness purposes and objectives. And on this point, I want to take a moment to discuss why we have chosen the particular release provision that is contained in our bill, and what it does and does not do.

During the previous Congress, there were several versions of release language kicking around—provisions intended to govern the management of lands not designated by Congress for inclusion in the wilderness system. There was soft release language, under which nonwilderness areas could again be studied for wilderness potential starting as early as 1993, and could continue to be managed as de facto wilderness, even though they had not been officially designated by Congress. And there was hard or permanent release language, which said nonwilderness lands could never be studied for wilderness potential unless Congress so directed.

The Wyoming delegation studied all of the various release alternatives, and decided that none was exactly appropriate in the case of Wyoming lands. Consequently, we drafted our own release provision which some have described as a compromise between the Colorado language and the more strict provisions.

Under our release provision, there would be a specified period of time, from the date of enactment until December 31, 2000, when lands not included in the wilderness system would be available for nonwilderness management. After December 31, 2000, they could again be studied for wilderness potential as a part of the regular forest planning process. Also, under our provision, they could not be managed as de facto wilderness without benefit of congressional designation. They could, however, remain undeveloped if nondevelopment were determined by Forest Service officials to be the best management regime, based on the unique characteristics of each area. In other words, nonwilderness lands would be managed according to the regular laws and regulations which apply to nonwilderness lands, and the entire array of management options would remain available to the Forest Service, except that lands could not be managed as de facto wilderness.

RARE III

Another major objective of the Wyoming legislation has been to stop the seemingly endless studies of lands for wilderness potential. There was RARE I, and then RARE II, and just recently, the Forest Service announced yet another forest systemwide study which is tantamount to RARE III.

There come a time, Mr. Speaker, when it is appropriate to stop studying and make some decisions. That is what our bills seeks to do. We have studied all of the material gathered from RARE I and RARE II, as well as information gleaned through various other studies of individual areas. We have talked with our constituents, held hearings, written thousands of letters, received thousands of letters, and discussed this issue from every conceivable angle. We have put together a bill which we, the entire congressional delegation from Wyoming, believe is a sound and reasonable bill, and we will now seek its enactment so that, at last, we can make some decisions and stop studying.

It is my very firm belief that the Wyoming Wilderness Act strikes a fair balance between the amount of land which would be set aside for special protection under the Wilderness Act, and the amount released for nonwilderness management and use. I believe an overwhelming majority of Wyoming citizens supports the basic objectives of our bill, and I look forward to working with my colleagues to secure its enactment into law.

At this point, I would like to include a summary of the 1983 Wyoming wilderness bill:

WYOMING WILDERNESS ACT OF 1983

SUMMARY

The Wyoming Wilderness Act of 1983 was introduced in the House by Congressman Dick Cheney and in the Senate by Senators Malcolm Wallop and Alan Simpson. Similar legislation was introduced by the Wyoming

delegation last year, and the bill was discussed at a House Interior Committee field hearing in Cody, and at subsequent Senate Energy and Natural Resources Committee hearings in Casper, Riverton, and Washington, D.C.

In December 1982, the Wyoming bill was unanimously approved by the U.S. Senate, but because of the short amount of time remaining in that year's Congressional session, was not considered by the House.

Following is information about the 1983 version of the Wyoming Wilderness Bill:

Purposes and objectives of the bill

The purpose of this legislation is to address two major areas of controversy and concern in Wyoming regarding the management of the state's 9.2 million acres of National Forest System lands:

1. the question of oil and gas development in existing wilderness areas; and

2. numerous problems created by the Forest Service's several studies of Wyoming forest lands, including RARE I, RARE II, and yet a third study announced in February 1983, which amounts to a RARE III. This continuous studying has generated uncertainty, confusion, and controversy regarding the management status of many forest areas in Wyoming.

The bill has three major objectives:

1. To prevent oil and gas exploratory drilling, leasing, and development in Wyoming's Congressionally-designated wilderness areas.

2. To add to the state's existing wilderness system the Popo Agie and Cloud Peak Primitive Areas, dsignate the Gros Ventre and Jedediah Smith Wilderness Areas, and make the following additions to existing wilderness areas: the DuNoir addition to the Washakie Wilderness; the Glacier Addition to the Fitzpatrick Wilderness; and the Corridor Addition to the Teton Wilderness. (See the statistical outline later in this summary.)

3. To release for non-wilderness management approximately 3.4 million acres of forest land in Wyoming, much of which has been in uncertain status for many years as a result of the RARE I and RARE II roadless area studies by the Forest Service.

Major provisions

1. Energy and Minerals Withdrawal: The bill provides that, effective upon enactment, Congressionally-designated wilderness areas in Wyoming, including those designated by this bill, would be withdrawn from operation of the mining and mineral leasing laws, subject to valid existing rights. Oil and gas exploratory drilling, leasing and development would be prohibited.

2. Inventory of Wilderness Resources: The federal government is already required by various statutes, including the National Materials and Minerals Policy, Research and Development Act, and Section 4(d) (2) of the Wilderness Act, to continuously assess the minerals potential of federally-owned lands, including wilderness areas. This assessment work would continue under the Wyoming Wilderness Act, except that exploratory oil and gas drilling would be prohibited.

3. Designation of New Wilderness Areas: In keeping with the objective of making specific land management decisions concerning forest lands in Wyoming, the bill would designate the following areas as wilderness, thus adding them to the National Wilderness Preservation System:

A. The Cloud Peak Primitive Area in the Bighorn National Forest. Approximately 157,900 acres of this area would be added to the wilderness system. The remaining lands of the Bighorn National Forest, including 262,000 acres of land which have been improperly tied up in a "further planning" status, will be released for non-wilderness management. The Cloud Peak has been in primitive status for many years, and was studied for possible wilderness designation in 1974, during RARE I, and again during RARE II.

B. The Popo Agie Primitive Area in the Shoshone National Forest. Approximately 101,991 acres of this area, including the Middle Fork RARE II area, would be added to the wilderness system. Like the Cloud Peak, the Popo Agie has been in protected status since the 1930's.

C. The Gros Ventre Area in the Bridger-Teton National Forest. Approximately 228,547 acres of this area would be added to the wilderness system. The addition would be comprised of a portion of the Gros Ventre RARE II study area, plus the adjacent Sportsman's Ridge RARE II study area, and the 1200-acre Red Bluff Ridge/Kinky Creek Area. The southwestern corner of the Gros Ventre area, which has been leased for potential oil and gas development, would be excluded from wilderness. A minor adjustment in the boundary of the Sportsman's Ridge area has been made to provide a snowmobile access corridor between the wilderness area and adjacent private lands.

D. The Jedediah Smith Area in the Targhee National Forest. Approximately 116,855 acres of this area would be added to the wilderness system. This area is the west slope of the Teton range, and lies along the border between Wyoming and Idaho, next to Grand Teton National Park.

E. The DuNoir Area of the Shoshone National Forest. Approximately 11,100 acres would be added to the existing Washakie Wilderness Area. The remainder of this 28,800 acre area would be released for non-wilderness management, with restrictions on road use aimed at protecting wildlife.

F. The Corridor Area of the Bridger-Teton National Forest. Approximately 28,156 acres would be added to the existing Teton Wilderness Area. This area separates Grand Teton and Yellowstone National Parks, and is bounded on the east by the Teton Wilderness, and on the west by the John D. Rockefeller Parkway.

G. The Glacier Area of the Shoshone National Forest. Approximately 6,497 acres would be added to the existing Fitzpatrick Wilderness Area. This region, known as the Whiskey Mountain Area, is habitat for one of the world's biggest Bighorn Sheep herds. It was not designated as wilderness in the delegation's original legislation because the Wyoming Game and Fish Commission and the U.S. Forest Service indicated wilderness designation could hamper management of the herd. More recently, the Game and Fish Commission has decided it prefers wilderness designation of the area. The revised bill would add the area to the Fitzpatrick wilderness, but would permit motorized access only for the purpose of protecting and enhancing the Bighorn Sheep.

Release of Lands for Non-wilderness Uses: Again, in keeping with the objective of making decisions on the management of lands, the bill would, in clear and precise fashion, release all lands not included previously or by this bill in the wilderness system for non-wilderness management. Specifically, the bill would:

A. Prohibit any legal challenge such as occurred in the case of California's RARE II lands, by declaring that the RARE II environmental impact statement for Wyoming is legally sufficient.

B. Require that lands outside Wyoming's wilderness system be managed for uses other than wilderness until and unless directed otherwise by Congress. Non-wilderness lands could not again be studied for possible wilderness designation before December 31, 2000. After that, wilderness potential could again be reviewed in connection with the regular forest land planning process.

C. Require the Forest Service to stop the recently announced "RARE III" roadless area study, and prohibit any future statewide roadless area review and evaluation.

Lands released for uses other than wilderness would be subject to the Forest Service's regular planning process, as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. Such lands could be managed for a wide variety of purposes depending on their unique characteristics, including but not limited to fish and wildlife protection and management, developed and undeveloped recreation, scenic enjoyment, preservation of natural characteristics, range management, timber harvesting, watershed and vegetative manipulation, energy and minerals exploration and development, and other uses.

Miscellaneous provisions

The bill contains provisions to reconfirm Wyoming's authority to manage water and wildlife within wilderness areas, reiterates the intention of Congress that livestock grazing may be continued in wilderness areas to the same extent as before the areas were designated wilderness, and prohibits administrative "buffer zones" adjacent to wilderness boundaries.

WYOMING WILDERNESS STATISTICS

Total acres in Wyoming: 62,343,040.

Total National Forest acres in Wyoming: 9,253,067 (14.8 percent of State's acres).

Existing congressionally designated wilderness areas.

	Acres
Bridger Wilderness	392,169
Fitzpatrick Wilderness	192,074
North Absaroka Wilderness	350,904
Savage Run Wilderness	15,260
Teton Wilderness	557,312
Washakie Wilderness	686,584
Total	[1] 2,194,303

[1] 23.7 percent of Wyoming national forest lands, 3.6 percent of State's total acres.

New wilderness areas created by the Revised Wyoming Wilderness Act

	Acres
Cloud Peak Wilderness	157,900
Popo Agie Wilderness	101,991
Gros Ventre Wilderness	228,550
Jedediah Smith Wilderness	116,855
DuNoir Addition to the Washakie	11,100
Corridor Addition to the Teton	28,156
Glacier addition to the Fitzpatrick	6,497
Total	651,049

Note.—Total Wyoming wilderness following enactment of the Revised Wyoming Wilderness Act: 2,845,352 acres (30.7 percent of forest lands, 4.5 percent of total State lands).

Lands to be released for nonwilderness uses: 3,433,325.

Summary of national forest acreage

	Acres
Existing and congressionally proposed wilderness	2,845,352
Lands currently managed for nonwilderness	2,974,390
RARE II lands added to the nonwilderness category by this bill.	3,433,325
Total national forest lands in Wyoming	9,253,067●

COMMEMORATING LITHUANIAN INDEPENDENCE DAY

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. DAUB. Mr. Speaker, I am pleased to have this opportunity to rise once again in commemoration of Lithuanian Independence Day. This year marks the 65th anniversary of restoration of the independent state of Lithuania.

I am disheartended to recognize, however, that a free Lithuania existed only until 1940, when that country was illegally annexed by the Soviet Union.

I carry with me today a message from my Lithuanian American constituents in Omaha, Nebr. On their behalf, I have been asked to remind all Americans that the forcible occupation of the Baltic States by the Soviet Union was a violation of international law, which has never been recognized by the United States. The United States instead recognizes, to this day, the Council of Lithuania as the sole representative of the Lithuanian people.

I therefore call upon all Americans to use this occasion to recognize the right of the Lithuanian people to self-determination, and to encourage the people currently living in Lithuania to keep the flame of freedom forever burning in their hearts.

After 200 years of freedom, we as Americans, tend to grow complacent toward our freedoms. Let us put today to best use by thinking of those less fortunate—to remind ourselves that freedom is a struggle, particularly for the people of Lithuania.●

WHY TAX INDEXING IS A VITAL REFORM

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. CONABLE. Mr. Speaker, Robert Samuelson is always a good economic analyst, but he is especially to be commended for the following article, which appeared in this morning's Washington Post. He is dead right about the significance of income tax indexing, and I hope all my colleagues will take what he says to heart:

WHY TAX INDEXING IS A VITAL REFORM

(By Robert J. Samuelson)

Here's today's quiz.

Question: Would the federal budget have been balanced in 1986—assuming a sustained recovery—if Congress hadn't passed the Reagan Administration's 1981 tax cut?

Answer: Probably not.

Question: How much would taxes have to increase to balance the budget?

Answer: Without dramatic budget cuts, about 25 percent over the 1970s level.

Reflect on this for a moment and you will begin to appreciate the explosiveness of budgetary politics. You also may begin to understand why tax indexing is such a vital reform and why—less than two years after adopting it—many members of Congress want to repeal it.

Indexing is a form of discipline. It simply keeps the tax burden from rising automatically with inflation. Politics is, or ought to be, about choice. As the quiz indicates, all today's choices are unsavory. Current taxes don't cover current spending commitments. The collision threatens spending cuts, tax increases and massive deficits.

All that can be said for indexing is that it promotes honesty. It does not create deficits. It does not lower taxes. It simply forces Congress and the White House to choose openly. Do they want to cut spending, raise taxes or tolerate deficits? It is this discipline that Congress deplores.

The misunderstandings about tax indexing begin with its comparison with wage indexing, which automatically increases workers' pay with the rate of inflation. In fact, it is just the opposite. Inflation automatically increases people's tax burdens by pushing them into higher tax brackets, even though their "real" income—income adjusted for inflation—hasn't risen proportionately.

The 1981 law crudely halts this. First, it cut tax rates about 23 percent over three years beginning in late 1981. Then, beginning in 1985, the tax system is to be formally "indexed." Tax brackets and personal exemptions are to be increased automatically to compensate for inflation. Taxpayers won't mechanically be thrown into higher brackets.

What these changes exposed was the giant gap between the prevailing tax burden and the path of future spending. In this sense, indexing helped create the political problem of high deficits, because the previous law allowed projections with the automatic, built-in tax increases.

Just how big is the gap? The following table provides a crude measure. The first two columns give tax revenues as forecast by the Reagan administration is dollars and as a share of estimated gross national product.

	Reagan taxes		Pre-1981 taxes	
	Billions	Percent of GNP	Billions	Percent of GNP
1983	$597.5	18.7	$661.0	20.7
1984	659.7	18.9	736.7	21.1
1985	724.3	19.0	825.1	21.7
1986	841.9	20.3	926.9	22.4

To understand these numbers, keep a few others in mind.

First. During the 1970s, the tax burden averaged 18.9 percent of GNP. Thus, even the Reagan administration's taxes (bolstered by last year's tax increase) rise above that level. Under the pre-1981 tax law, the tax burden in 1986—at about 22 percent of GNP—would be nearly one-fifth higher than in the 1970s. By contrast, the tax burden rose only about 7 percent between the 1950s (when it was 17.8 percent of GNP) and the 1970s.

Second: There would still be a sizable deficit. Pragmatic projections of 1986 spending put the total at about $1 trillion. The White House and Congress may disagree on the mix between defense and social programs, but the differences probably offset each other and leave the total unaffected. The administration's projection for 1986—assuming no further nondefense cuts—is about $1.065 trillion.

Third: To balance a $1 trillion budget in 1986 would require further tax revenues about those produced by pre-1981 tax law. These would equal about 2 percent of GNP. Because large unemployment is forecast for 1986—about 8 percent—economists disagree about whether the budget ought to be precisely balanced. But if it were, the tax burden would be about 25 percent higher than the 1970's level.

These figures only emphasize the awesome pressures for spending cuts and tax increases. If President Reagan is disliked on Capitol Hill, the cause is not so much personality (as it was for President Carter) as the suicidal nature of today's political choices. Reagan is blamed, even though no president could have avoided them.

What makes the repeal of indexing so attractive is that it obscures and confuses one of the choices: raising taxes. Increases would again occur automatically and invisibly. Congress assumes that it cannot be accused of doing what it cannot be seen to be doing. This seems dishonest because it is.

Taxes aren't painless. Not only do they sap private purchasing power, but they also threaten to impede economic growth. Rising levels of federal spending and taxing underline the need to justify all spending and to adopt the least burdensome form of taxes. Indexing has helped create the conditions for increased scrutiny of all spending—defense as well as social—and for last year's selective tax increases.

The absence of indexing in the 1970s allowed Congress to engage in successive tax "cuts" that simply held the average level of personal taxation steady. But each tax bill offered an opportunity for Congress to redistribute the tax burden by creating special provisions favoring groups according to their political significance.

These changes increased the complexity, the economic inefficiency and the sense of unfairness now endemic to the tax system. Many of the liberals and conservatives who complain so loudly about these defects and clamor for simpler taxes also favor the repeal of indexing. In fact, the retention of indexing presents an opportunity to compel simpler, more efficient taxes by reducing the host of special provisions.

The enthusiasm for ending indexing belies the demands for simplicity and efficiency. It is a measure of congressional inconsistency and short-sightedness—or hypocrisy.●

LITHUANIAN INDEPENDENCE DAY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. HYDE. Mr. Speaker, on this, the 65th anniversary of the Declaration of Lithuanian Independence, we are honoring not only a piece of paper, but also a people. A nation of people who are to be commended for their strength, perseverence, and determination not to give up in the face of enormous odds.

While news from the Baltic States has been sparse, their descendants in this free nation, and across the globe, have not forgotten their people or their heritage. They continue to strive for their freedom from the tyranny of communism and the right to return to their homeland, if only for a visit and a homecoming for their children and children's children.

I applaud this dedication. I believe these traits contribute to America's greatness. Americans treasure their freedom. The sweet taste of our liberty makes it easy to sympathize with those who have lost their right to raise their children with religious and educational freedom.

The United States, to its credit, has never recognized Lithuania's incorporation into the Soviet Union. We maintain diplomatic relations with the representatives of the former independent government, based in our free Capital of Washington, D.C.

It is comforting to know that we stand by these people and refuse to accept this violation of their sovereignty. I like to believe that our refusal is based partly on the belief that Lithuania will one day again be a free nation, open for all the world to see and enjoy the rich heritage and culture of these people.

As the New York Times stated on February 16, 14 years ago:

> In the Baltic countries the path to a better future is still dark, but it is not lost and will not be. The day of the overlords will not last forever. The time will come when the three lost little nations will be able to come out and join us.

We must continue to fight for that day of Baltic freedom. I hope and pray that day is in the not too distant future.●

LITHUANIAN INDEPENDENCE DAY

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, it is with both pleasure and sadness that I recognize February 16, 1983, as the 65th anniversary of the reestablishment of an independent Lithuania. The pleasure, of course, derives from the freedom that Lithuanians obtained on February 16, 1918, after years of domination by czarist Russia. The sadness, unfortunately, is because the Soviet Union snuffed out that independence in 1940 by incorporating Lithuania against the wishes of its people into the new Communist colonial empire.

Many words will be spoken on this anniversary about the brave and valiant efforts of Lithuanians to preserve their cultural and ethnic heritage. This, of course, is altogether fitting and proper. But as Abraham Lincoln noted at Gettysburg, we should be even more dedicated to the common goal that underlies this occasion: The achievement of freedom by all the world's peoples.

With Soviet tanks crushing the people of Afghanistan, with Soviet proxies stifling the aspirations of Poland, and with Soviet arms being sent to overthrow the struggling democracy in El Salvador, let us hope that our grandchildren will not have to commemorate those countries the way we have to commemorate Lithuania today. So let us honor the valor of Lithuania and by so doing acquire a new commitment to freedom for all those who still seek it in today's world.●

HEROISM OF GENERAL THADDEUS KOSCIUSZKO

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. ANNUNZIO. Mr. Speaker, February 12 was the 237th anniversary of the birth of Thaddeus Kosciuszko, the great Revolutionary War hero who fought for freedom on both sides of the Atlantic.

Thaddeusz Andrzej Bonawentura Kosciuszko was one of the most outstanding of the Polish patriots who contributed to the American struggle for independence, for he gave the revolutionary cause a much-needed scientific knowledge of military engineering and an unwavering enthusiasm for the ideals of freedom.

Under the terms of the First Partition in 1772, Poland was divided up among its greedy neighbor-states, with the connivance and cooperation of certain Polish nobles, and at the expense of most of the Polish people. The same spirit prevailed in England, where the government was bent upon a policy of bleeding dry its American colonies in the interest of British nobility, and at the expense of the American people.

Against the tyranny of the Polish partition, a large number of Polish aristocrats and gentry openly resisted, and for doing so were driven from their homeland. Siding with the patriots, Kosciuszko became an exile in search of justice far from home.

Abandoning his commission in the royal Polish forces, he left his homeland temporarily to serve under Washington in the American response to British oppression. As a military engineer of some consequence, he was welcomed with open arms by the Continental Army. He was first employed in designing the defense on the Delaware River, the success of which gained for him a colonel's commission and appointment to the staff of General Gates at Ticonderoga. He was the major adviser in the fortification of Mount Defiance at Ticonderoga, and the failure to follow his advice in defense of the post was responsible for its capture by the British.

The American defeat of Burgoyne at Saratoga, which was largely responsible for the entrance of France into the war on the American side, was in part the result of Kosciuszko's counsel, and the construction of American fortifications at West Point was in accordance with his design. Transferred to North Carolina, Kosciuszko served as chief of engineers and transportation officer under General Greene, who praised him for his part in the rout of British forces in the area.

The fortification of the Heights of West Point was Kosciuszko's most important undertaking in America. To maintain West Point meant to command the Hudson, and in the words of General Washington:

> The Hudson River was indispensably essential to preserve the communication between the Eastern, Middle, and Southern States.

In the midst of difficulties similar to those of Valley Forge, Kosciuszko labored for over 2 years, and within that time made West Point impregnable. General Armstrong wrote:

> Kosciuszko's merit lies in this, that he gave the fortifications such strength they frightened the enemy from all temptation of even trying to take the Highlands.

Hailed as a hero by Americans in general, and honored on every side for his contributions to American independence, Kosciuszko returned to Poland in 1784, and was soon involved in the courageous struggle for Polish independence. He was among the bravest and the ablest of his kind, earning the respect and admiration of Americans as well as his countrymen.

Kosciuszko spent 6 years in the American Army. His long, faithful, and meritorious service was recognized in 1783 when the Congress made him a brigadier general.

It is an honor for me to join with the American Polonia in this commemoration and I extend my greetings to the Polish-American residents of

the 11th Congressional District of Illinois, which I am privileged to represent, and of the city of Chicago and the Nation as they pay tribute to General Kosciuszko and his dedication to the cause of liberty.●

LITHUANIAN INDEPENDENCE DAY

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. SILJANDER. Mr. Speaker, it is with the utmost commendation that I stand to commemorate the 65th anniversary of the independence of Lithuania: a country whose rich history is tainted by over 150 perlious years of Russian-Soviet domination and repression. A country which fought unyieldingly to salvage the one increment of human existence that even the ominous impact of Soviet hegemony can never abate: the will be be free.

The Lithuanian people successfully emerged an independent nation in 1918 after more than a century of Russian domination. The Soviet Union continued this expansionist rampage in 1940 when the Baltic States were taken over. The futile attempts by the Russian antagonists to quell the Lithuanian culture and heritage in the century of subjugation are now being repeated. Just as the Lithuanian people resisted capitulation to the Soviet vacuum prior to 1918, today the Lithuanian people continue to be obstinate in the preservation of their national heritage—and the fight for complete automony.

Today I not only stand to honor a great Lithuanian people and country, but also to pay homage to the many Lithuanian Americans who have augmented this country with their outstanding cultural contributions and example of unprecedented pride. I pay special recognition and tribute to Dr. John Valentiejos and family of the Fourth District of Michigan, who with all their Lithuanian brethern have so inspired the worldwide efforts to maintain progressive and earnest activism in the universal battle for freedom.●

LITHUANIAN INDEPENDENCE DAY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. COYNE. Mr. Speaker, February 16 marks the 65th Anniversary of Lithuanian Independence Day. On this day I join with Members of the House in commemorating this anniversary and proudly saluting the heroic Lithuanian people for striving to attain what is an inalienable right of all peoples—national autonomy.

Unfortunately, for the last 43 years we have been commemorating the anniversary of an independence lost. In 1970 Lithuania was invaded by the Soviet Union, despite a 1920 peace treaty between the two nations which unconditionally recognized Lithuania's independence. Lithuania's independence lasted but 22 years, and was preceded by more than a century of Russian and German domination.

Soviet expansion neither began nor ended with Lithuania. In 1917, Georgians, Armenians, and Ukrainians were the first non-Russians to have the Soviet system forced upon them against their free will. In 1940, as a direct result of the Nazi-Soviet pact, the Soviet Union extended its iron curtain to the Baltic States—Lithuania, Latvia, and Estonia. Following World War II it was the nations of Eastern Europe which fell to Soviet tyranny. Presently, the people of Afghanistan are in a similar situation.

However, more than just national sovereignty principles have been violated by the Soviets. Today, Lithuanians are prisoners of the Soviet warden in their own country.

Publication in Lithuanian is forbidden. Prohibitions on religious rites, ceremonies, and instructions are strictly enforced. Persecution of religious leaders is officially sanctioned. Travel to and from Lithuania is severely restricted. Those who try to retain their national or religious identity, or even utilize their most fundamental of human rights, which the Soviets are supposedly responsible for guaranteeing insofar as they are signatory to several international human rights agreements, are subject to other aspects of the Soviets' ruthless Russification practices: imprisonment, torture, and exile to name but a few.

Though there is little to celebrate about Lithuania's present situation, the courage and perseverance of Lithuanias, coupled with the spirit and dedication of Americans of Lithuanian descent, augurs well for the future. For it is in the future where the hopes of oppressed people lie.●

THE GALLAHER ELEMENTARY SCHOOL FIRE PATROL IN HUNTINGTON, W. VA.

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. RAHALL. Mr. Speaker, I would like to take this opportunity to commend before this House of Representatives the fire patrol of the Gallaher Elementary School in Huntington, W. Va., for their outstanding service to the community in general and the students of Gallaher Elementary School in particular. These students have been alerting their fellow students to the dangers of fire and have aided school officials in setting up fire escape routes. The fire patrol has also been instrumental in the installation of smoke detectors in the hallways and cloakrooms of the school.

We need more young people to get involved in community service as these outstanding young men and women in Huntington have. They set a prime example to the rest of their peers as to how to best serve the community. Therefore, I feel it appropriate that this Congress be made aware of the outstanding contributions to their community being made by the members of the fire patrol at Gallaher Elementary School in Huntington.●

FISCAL YEAR 1984 BUDGET IMPACT ON WOMEN

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mrs. SNOWE. Mr. Speaker, the President's fiscal year 1984 budget assumes a disproportionate share of its reductions in programs of greatest benefit to women and children. The Women's Research and Education Institute has issued a budget alert highlighting those proposals which would have a disproportionately adverse impact on women. I want to enter into the RECORD those sections which examine the budget's impact on women in the area of health, family planning, and education.

The material follows:

WOMEN'S RESEARCH AND EDUCATION INSTITUTE, BUDGET ALERT FOR FISCAL YEAR 1984

HEALTH

Budget outlays for medicare and medicaid, which finance health services for the aged, disabled, and poor, will increase in 1984 to meet current law requirements. However, this increase does not represent an improvement or expansion in services; in fact, a number of reductions are proposed.

Medicare: To reduce the rate of growth in medicare expenditures, several restrictions would be placed on provider reimbursements. In addition, beneficiaries themselves would see increases in their out-of-pocket expenditures as a result of several changes. Two, in particular, will have a significant impact on consumer costs for health care.

First, the Administration proposes "catastrophic hospital cost protection," which means that medicare would pay all hospital costs after the 60th day of hospitalization. (Medicare beneficiaries currently pay 25 percent of the deductible for the 61st day to the 90th day of care.)

The fear of depleting resources because of a prolonged hospital stay is a common concern of the elderly, and catastrophic insurance of the type proposed by the Administration will undoubtedly provide peace of

mind to many. However, at the same time the Administration would impose a deductible for the 2nd through the 60th day; currently, no deductible applies.

The effect of this proposal is that most aged people who require hospitalization will end up paying more in hospital bills than they do now. Elderly patients are typically hospitalized for a longer period of time than younger patients; however, the average aged person still spends far fewer than 60 days in the hospital. (The average hospital stay for an aged patient is 10–11 days. Only about three percent of all hospitalized medicare patients—or less than one percent of the elderly—have a two-month hospital stay.)

In 1982, an estimated 25.7 million aged Americans participated in medicare's hospital insurance program. Some six out of 10 of the medicare beneficiaries are women: 18.5 percent of them had incomes below the poverty level in 1981. (The poverty rate was even higher for elderly widowed, divorced, or single women.) The facility with which they could assume a share of their hospital costs for the 2nd to the 60th day—especially when that deductible may be as much as $28 per day is questionable.

The Administration also proposes to increase the premium for Part B (Supplementary Medical Insurance which helps pay for physician bills) from 20 to 25 percent of program costs in 1984. This premium would increase by 2.5 percent annually until premiums cover 35 percent of program costs in 1988. An average of about 25 million elderly, 60 percent of them women, clearly the vast majority of elderly medicare beneficiaries, were enrolled in the SMI program in 1982. Increasing the premium for supplementary protection could result in an economic hardship for many of the nation's aged poor, most of whom are women, and might even cause some of them to drop their coverage.

Under Part B, beneficiaries also pay a deductible of $75 per year, which the Administration would tie to the medicare economic index. In the best of worlds, a beneficiary's income would rise along with such deductibles, and the per beneficiary burden would remain stable. (Constant purchasing power, however, is guaranteed only when all sources of income are automatically indexed according to the consumer price index, and private pensions seldom are. The impact of this proposal would be even greater in 1984 than it would have been in previous years if proposed cost delays in other federal benefit programs are approved.)

Medicaid: Medicaid is designed to assist states in providing medical care to their low-income population. Approximately two-thirds of the recipients of medical assistance under this program are adults or children in AFDC families. Most of the others are aged, blind, or permanently and totally disabled. Not surprisingly, female-headed families and female householders (two-thirds of whom had incomes below the poverty level in 1981) predominated among the medicaid households.

The Administration anticipates that proposed reductions in the AFDC rolls will result in medicaid savings. To reduce further the rate of increase in medicaid expenditures, states would be required to impose copayments for all services except nursing home care. Copayments of $1.00 and $1.50 for physician visits and $1.00 and $2.00 for each day of hospitalization would be required.

The purposes of these copayments is to discourage unnecessary utilization of health services, which may well be the case. However, given the extremely low income of the typical medicaid recipient, even this seemingly modest copayment could discourage or delay some necessary physician visits or hospital stays, necessitating more costly health care in the future. The ultimate costs of this proposal could end up surpassing any short-run "savings."

Education and Training of Health Care Providers: The Administration contends that the supply of health care professionals is now adequate. Consequently, direct federal support for training persons in the health professions is no longer seen as essential. The Administration therefore requests only $138 million for clinical training in 1984, down from a budget authority of $233 million in 1983.

With exception of physicians, health care professionals are largely women. (For example, nine-tenths of all nurses and two-thirds of all therapists are female.) So cuts here can be expected to have a large and adverse affect on women. Even among physicians, women's share of the MD's has increased markedly in recent years (from 11 to 25 percent of all medical school graduates over the past 30 years), an improvement that might be jeopardized by the proposed health training cuts. Reductions in funds for other programs of financial aid for students could make it even more difficult for women to afford hospital training in the health care fields. (Moreover, it is not clear just what an "adequate supply" means. The National Academy of Sciences, for example, has found the nation's supply of nurses to be adequate, in part because fewer people can now afford medical care! Moreoever, while the aggregate supply of nurses or physicians may appear sufficient, many areas of the country remain medically underserved.)

FAMILY PLANNING

The Administration once again proposes that family planning under Title X of the Public Health Services Act be eliminated as a categorical program and instead be included among the services permitted under a proposed Primary Care health block grant to the states. This block grant would also absorb several other now-categorical programs (e.g., migrant health and black lung clinics). FY84 funding for the block grant would be the same as the total FY83 funding for the several programs to be subsumed in it. (Taking inflation into account, "level funding" would work out to a five percent decrease, based on the Congressional Budget Office's latest projections for the CPI in '84.)

Title X funds account for the major share of federal support for family planning services, for which the overwhelming majority of clients is female. Priority is given to low-income clients. Clearly the future of family planning is a "women's issue" of major importance. Subsuming family planning in a block grant would leave to the various states decisions as to the level and quality of family planning services, and indeed, as to whether publicly-funded family planning services would be provided at all.

EDUCATION

The Administration seeks substantial cuts in federal support for public education not only in fiscal year 1984 but in the current fiscal year. (Education cuts account for more than 80 percent of the nearly $1.5 billion in rescissions sought by the Administration in fiscal year 1983.)

Women's Educational Equity Act Grant Program: Priorities for grants under this program include promoting compliance with Title IX. The Administration proposes to rescind all fiscal year 1983 appropriations ($5.78 million) for WEEA grants and to provide no funding for this program in fiscal year 1984.

Title IV (of the Civil Rights Act) Training and Technical Assistance: The purpose of this program is to help state and local education agencies comply with federal non-discrimination laws pertaining to race, sex and national origin. The Administration proposes to rescind all fiscal year 1983 appropriations ($24 million) and to provide no funding in fiscal year 1984.

Vocational Education: The Administration proposes to create a vocational and adult education block grant to the states, the funding for which would be cut by some 40 percent from comparable fiscal year 1983 funding. A block grant for vocational and adult education, combined with a proposed 99 percent cut in funds for "improvement and supportive services" and "programs of national significance," both of which have explicit sex equity components, raises the distinct possibility that the Administration intends sex equity to become a voluntary or discretionary activity, rather than a requirement as at present. Faced with a 40 percent cut in federal funds, states might well decide to give little if any priority to overcoming sex bias and sex-stereotyping in vocational education programs.

Self-Help Grants for College Students: The Administration proposes that recipients of "Pell" grants be required to contribute 40 percent, or $800 (whichever is more) to the cost of their education as a condition of receiving the grants. College work study funds would be somewhat increased to enlarge educational institutions' ability to provide work for these students.

Women have been the majority of Pell grant recipients. Women grantees would probably be more likely than men to find the high-cost, high-prestige institutions completely out of reach financially, since jobs available to women are typically not as lucrative as those available to men (assuming economic recovery).

One might also speculate about the effect of the work requirement on job opportunities for young people who are not college students, since "self help" grantees could be expected to swell the number of young men and women looking for work. Unemployment rates for those 18–22 are very high—19.6 percent for males and 16.6 percent for females in 1982.

THE WOMEN'S RESEARCH AND EDUCATION INSTITUTE OF THE CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES

ADDENDUM TO EDUCATION SECTION IN WREI'S FISCAL YEAR 1984 BUDGET ALERT

The Administration proposes that graduate and professional students pay a 10 percent origination fee (up from the current 5 percent) for Guaranteed Student Loans. The rationale is that "these students can be expected to earn a substantially higher income than the general population and, therefore, can afford to pay more toward the interest costs of their subsidized loans." (Excerpt from the Administration's fiscal year 1984 budget document, page 5–91.)

The Administration also proposes to eliminate supplemental educational opportunity grants (SEOG's) and new Federal capital contributions to the national direct student loan program. In 1981, women were 57.3 percent of SEOG grantees and 52.2 percent of NDSL borrowers.

The following table shows the relationship of income to years of higher education for men and women 25 and over who are year-round full-time workers. Higher education clearly makes a greater difference to women's income than to men's; HOWEVER, the median income for women with one or more years of graduate education was still lower than the median income for men with only four years of high school.

RELATIONSHIP OF INCOME TO YEARS OF HIGHER EDUCATION AMONG YEAR-ROUND FULL-TIME WORKERS 25 YEARS OF AGE OR MORE, 1981

	Men	Women
Median income, 4 yrs. high school	$20,598	$12,332
Percent of male income		60
Median income, 4 yrs. college	$26,394	$16,332
Percent of male income		61
Increase in income: Difference between college and high school (percent)	28	32
Median income, 1 or more yrs. graduate education	$30,434	$20,148
Percent of male income		66
Increase in income: Difference between graduate education and college (percent)	15	23

Source: U.S. Bureau of the Census, Current Population Reports, Series P-60, No. 134, "Money Income and Poverty Status of Families and Persons in the United States: 1981."

Compensatory Education: Although federally-funded compensatory education programs for disadvantaged children have proved a resounding success, the Administration proposes an FY 83 rescission of $135 million (including all funds targeted for migrant education) in compensatory education. In FY 84, migrant education would not be funded as a categorical program and the total for compensatory education would be slightly reduced.

Since nearly three out of every five poor children are from female-headed families, a large percentage of children in compensatory education programs are certain to be from such families.●

BALTIC STATES CONTINUE STRUGGLE FOR FREEDOM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. BIAGGI. Mr. Speaker, this month, Lithuanians and Estonians throughout the world have been observing the anniversaries of their respective declarations of independence. Despite years of Soviet oppression in the Baltic States, which also include Latvia, these peoples' desire to be free and sovereign nations is as strong as ever; their courage and dedication to liberty and the dignity of man have remained unyielding under the oppression of criminal Soviet occupation.

In 1940, the Soviet Union, by means of its infamous Ribbentrop-Molotov Pact with Nazi Germany, violated its own recognition of the Baltic nations' independence by invading and annexing them. These free states were robbed of their freedom and self-determination by a murderous Stalin and an ever-expansionistic Soviet Union, which up until the present day, threatens the peace and integrity of the free world.

Throughout these 43 years of suffering and depravation, the Baltic peoples' defiance of Soviet subjugative and manipulative tactics are an inspiration to us all. These brave people are living proof that the will and courage of those who wish freedom for themselves and their posterity will endure over the evil and conniving methods of those who wish to control them through the deprivation of the most basic universally accepted human rights.

We in the United States have the moral obligation of reaffirming our perpetual commitment to human rights throughout the world. Our support of the most basic religious, civil, and political rights, along with our belief in the right of self-determination of people everywhere, is a fundamental objective and historical obligation of our Nation to the rest of the world. Therefore, it is of essential importance that we remember and support the heroic suffering and selfless sacrifice of the Baltic nations' valiant struggle against Soviet imperialism.

The Soviet Empire's annexation of the sovereign Baltic States has never been recognized by our Nation. As a free people, we feel that we can only and have only accepted the credentials of the diplomatic corps established by the independent Baltic States, and will continue to do so until their true respective flags fly once again freely over Tallin, Riga, and Vilnius.

As the beacon of light in the abyss of darkness, our great free Nation has, is, and must always be the example and leader of mankind's seemingly never-ending struggle to annihilate despotism and preserve the most sacred of human rights, freedom; both individual and national. We must continue on the path of victory toward the liberation of a people who valiantly deserve it, the Baltics.●

ACTION IN AFGHANISTAN

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. RITTER. Mr. Speaker, I would like to submit for the RECORD an article from the February 17, 1983, Washington Times newspaper entitled "In Afghanistan, We Need Action" for the benefit of my colleagues. As the battle between the Soviets and the Afghan people continues on a daily basis, hopefully this article will add an increased measure of understanding and appreciation of the problem in Afghanistan.

IN AFGHANISTAN, WE NEED ACTION

(By Z. Michael Szaz)

Ever since Dec. 26, 1980, when the Red Army invaded Afghanistan, killing its independent communist president Amin and installing its puppet regime under Babrak Karmal, the West has been faced with a problem: How to expolit the invasion of a country contiguous with the U.S.S.R.?

The Carter administration, to its credit, called for an Olympic boycott and a grain embargo and marshaled sufficient votes in the United Nations to denounce the invasion overwhelmingly in a body usually unfavorable to U.S. suggestions. Carter even confided that he finally had seen the light about the perfidy of the Soviet Union.

The Reagan administration continued the course, except for the grain embargo. It wanted to exploit Soviet embarrassment over not being able to suppress the national revolt of the various tribes despite the presence of 105,000 Soviet troops for more than two years. Soviet atrocities, including the use of poison gas, well-poisoning and burning more than 100 people alive in underground tunnels, have been exposed and sympathy was gained in Islamic countries which usually distrust us because of our support of Israel.

Yet, few arms are being sent to the freedom fighters of Afghanistan. Most of their armaments come from deserting Afghan soldiers or are captured Soviet weapons.

It is unpleasant to state, but we seem more interested in the Afghan freedom fighters as a means of propaganda against the Soviets than in supporting them as our bravest allies in the fight against communism and the U.S.S.R.

Afghanistan, however, provides the Achilles heel of Soviet communism.

The West often forgets that the Soviet Union is the last multinational empire, one where only 50 percent of the inhabitants are Russians and not more that 70 percent are Slavs of any kind. About 55 million of the 245 million Soviet citizens are of Turkic and Altaic stock in Central Asia and have Islamic roots. While Soviet policy of settling Ukrainians, Belorussians and Russians among them have created substantial Slavic enclaves, Central Asia still forms the most vulnerable part of the Soviet Union, since neither ethnicity, religion or history bind these people to the U.S.S.R., while all of them have strong ties with Iran, Pakistan, Afghanistan and China.

Yet we refuse to utilize our unique chance to help the Afghan freedom fighters substantially.

Little wonder that our international position is deteriorating. Pakistan, the linchpin to any aid to the Afghans, now is vacillating over whether to accept a face-saving compromise, leaving Karmal in power while arranging a phased withdrawal of Soviet troops. The only good thing is that the Soviets see no reason to accept such a compromise.

In addition, Pakistan is facing a fight in U.S. Congress for administration requests for new foreign military sales authority for Pakistan. In the meantime, we extend humanitarian assistance through the U.N. to the 3 million Afghan refugees in order to soothe our consciences.

While Alexander Haig, Jr. in his days as secretary of state had an avid interest in Afghanistan both because of the strategic dangers inherent in an unimpaired Soviet control of the country to Pakistan and the Persian Gulf region, and the strategic opportunities for destabilizing the Soviet position in Central Asia by the freedom fighters, under George Shultz the fighting is put on the back burners except for the "yellow rain" exposés. Arms control issues which go hand in hand with a restoration of detente

assume high priority, in part because of pressures from some of our European allies. What is needed, however, is an activist policy, even if it were to interfere with our detente image. Observers often call Afghanistan flippantly the Vietnam of the U.S.S.R. and expect similar results. Yet the Viet Cong had the support of the regular NVA army plus several billions of dollars worth of equipment from the Soviet Union and China. The Afghan freedom fighters have only minimal covert and proxy aid. Thus unless the situation changes rapidly, they will not prevail.

Therefore our new policy must include at least:

1. Rejection of the Karmal regime, including the withdrawal of all American diplomatic personnel from Kabul and a statement that we would recognize a national government of Afghan freedom fighter groups as the legal government of Afghanistan.

2. Active encouragement of Egypt and other Arab countries as conduits for the delivery to the freedom fighters of light and medium armament especially suited to their need of fighting Soviet troops and helicopter gunships.

3. Once the national resistance forms a government, recognition of the same and providing it with the necessary military help directly.

If these three steps were implemented, we would see a renewed ascendancy of the brave freedom fighters and force the Soviet Union to think seriously about a withdrawal.●

SHCHARANSKY ENDS HUNGER STRIKE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. GILMAN. Mr. Speaker, we learned through the newspapers that Anatoly Shcharansky, in a letter to his mother, Ida Milgrom, confirmed that he had ended his hunger strike after 4 long months. During that time, he was subjected to force feedings by the Soviet authorities, but denied hospital care.

The Soviet Union, in retrospect, deserves only the merest glimmer of recognition for having reported the truth about the prisoner of conscience. However, it should not be forgotten that the crux of this issue concerns the exchange of mail that the Soviet Government so carefully controls and so often prohibits. Prison regulations allow two visits a year, and very few letters. Arbitrarily, letters and visits are often canceled. Because of this untenable situation in which he was refused mail and visitations, Anatoly declared himself on a hunger strike at the end of September.

Through various reports we have now learned that Anatoly resumed eating on January 14 of this year. It is not enough that this courageous and noble young man is forced to endure deprivation and hardship, punishment and discrimination. He was force fed, denied visits by his family and prohibited from sending and reading his mail. Such treatment is repugnant and condemned. The Soviet Union is guilty of not only imprisoning an innocent man, but forcing him to face 8 more years of incarceration and deprivation.

It is important that we recognize this event as a milestone. The Soviet Union has allowed Anatoly his mail, and his hunger strike ended. A classic case of man's fight for human rights. Anatoly is to be held in the highest regard for maintaining his principles, even at the expense of his health. I am certain, Mr. Speaker, that both his mother, and his dear wife, Avital, breathe easier knowing that his health is slowly being restored. Yet we must continue our pleas for Anatoly's early release, so that he can eventually be reunited with his loved ones. And we must constantly remind the Soviets of their lack of respect for basic human rights.●

THE SOLUTION TO WORLD DEBT IS WORLD GROWTH

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. LIVINGSTON. Mr. Speaker, while I have not reached a final decision on the merits of an increase in the resources of the International Monetary Fund, I want to draw attention to two excellent articles by our colleagues, the gentleman from New York (Mr. KEMP) and the gentleman from California (Mr. LEWIS). They have made a significant contribution to the debate on this subject, and their comments from the Wall Street Journal follow:

[From the Wall Street Journal, Feb. 10, 1983]

THE SOLUTION TO WORLD DEBT IS WORLD GROWTH

(By Jack Kemp)

Unless we pursue reforms of the international monetary system far beyond those now contemplated, the latest attempts to heal the world's financial wounds will amount to nothing but an extremely expensive Band-Aid.

With the Interim Committee of the international monetary Fund meeting in Washington this week, we can expect proposals for a major increase in IMF quotas and in the special currency pool known as the General Arrangements to Borrow. We can also expect an echo of the recommendation by the finance ministers of the major industrialized nations for strong economic growth.

While there are good arguments for making some additional resources available to the IMF—though not necessarily in the form of quota increases—such proposals are premature. They shouldn't precede agreement on the causes of the problems now facing the international monetary system, or recognition of the damage IMF policies and programs are inflicting on recipient and donor nations.

A HODGEPODGE OF CURRENCIES

Monetary problems aren't limited to a handful of developing and Eastern bloc countries. They extend throughout the monetary system and are endemic to it. When gold convertibility of the U.S. dollar—the linchpin of the Bretton Woods system which the IMF was created to maintain—was ended, money's role as a predictable store of value suffered a crippling blow. That in turn destroyed longstanding trade and contract arrangements that depended on the stability of currency exchange rates.

Under the current regime, money is a hodgepodge of paper currencies crawling, sinking or floating against other currencies, baskets of currencies, or constantly fluctuating, abstract trade-weighted averages. Even nominally fixed currencies are pummeled by the actions of central bankers; they control the reserve currencies with no standard by which to measure actions or anticipate them until the relationshp of monetary and real values forces a revaluation.

Without monetary standards, credit markets become agents of damage control rather than allocators of resources. Protectionist pleas are in large part reactions to these constantly shifting currency values.

A precipitous move to expand the IMF's resources without addressing the system's underlying weaknesses will simply worsen the hemorrhage as current borrowing is diverted to interest payments on old debt. Potentially productive resources will be transferred by political fiat to those bankrupted by the lack of monetary standards. Rather than providing assistance for developing nations we'll just be postponing inevitable policy adjustments.

As a member of the foreign operations subcommittee, I have been concerned that the IMF is focusing too narrowly on balancing current international trade accounts rather than on the fundamentals of economic growth. It ought to be remembered that all developing nations must import to build and develop their economies. Incentives must be provided so that capital is attracted to finance necessary current expenditures. And these depend on maintaining a stable and predictable unit of account.

The IMF's current advice to Mexico, for instance, is: Raise taxes and reduce the real incomes of the people. Taxes on investment have been raised just as major capital inflows are required. How can living standards be reduced in a nation with per capita GNP of just over $2,000? The Wharton econometric model of Mexico has been used to project that over the period of the IMF program, 500,000 more people will become unemployed. How will this help Mexico to live within its means? From an economic standpoint, one can only wonder at the logic that prescribes reduced output as a way of repaying debt.

One principle of the current negotiations is that the industrialized nations must come to the assistance of our economically poorer neighbors. While I agree with the premise, the real and ignored question is, "To what purpose?" Assistance, which has come to mean the transfer of jobs and resources, is to flow to the poor, who are advised to become poorer, from the rich who are advised to grow. Isn't our goal economic prosperity for all nations?

However absurd much IMF advice may be, it's compounded by ignoring the need for productive resources in economic growth and the tremendous cost of allowing political decisions to replace the market. The in-

dustrial nations are to lead the recovery using raw materials from developing nations. Meanwhile poorer nations are supposed to reduce incentives to production and investment that would make these raw materials available at prices that would encourage expanded output. The two policies aren't compatible.

Discussions of IMF quota increases and replenishments for multilateral developments banks (MDBs) have so far focused on the "need" for capital and foreign exchange in developing nations. Virtually no consideration has been given to the impact which transfers of the size under discussion will have on the industrialized economies.

In general, these wealth transfers flow from more capitalist oriented to less capitalist oriented economies. The essence of the transfers is that the most efficient creators of resources, the capitalist nations, are providing a subsidy to less efficient creators of resources. The rationale is that the poorer nations will then close the economic gap more quickly and become major contributors to the world economy.

However dubious government attempts to speed development through political subsidies may be, in the absence of major reforms in the international monetary system and in the terms of IMF and MDB lending, the result definitely will be a reduction in the rate of economic growth—and fewer jobs—on a global scale.

Time magazine reported recently that nine major U.S. banks had each lent between 39% and 79% of their individual total stockholders' equity to single nations. Total loans to developing and Eastern bloc nations far exceed this equity. U.S. banking regulators appear to have been asleep at the switch. And they may still be asleep.

As reserves flooded the system in the mid-1970s, major banks moved quickly to take advantage of the bonanza. Loans poured out to poorer oil poducers with the promise of ever-rising oil prices as collateral; loans poured out to oil-poor developing nations with virtually no collateral. These loans were generally for ambitious government investment programs and direct consumption subsidies. When the new schemes fell short of the political promises, more loans were made to maintain investment and consumption levels.

Now the oil glut and world-wide recession have brought down the house of cards. With falling oil revenues and depressed demand for raw materials, neither oil producers nor consumers can meet repayment schedules.

What are our local bankers to do?

The Federal Reserve Board encourages providing more credit in consort with IMF lending with assurances to the banks that new loans will be ignored for regulatory purposes. This lending is to take place without systemic changes.

As smaller banks are clubbed to follow the Fed's policy, the major banks have set up a formal cartel for risk assessment. Their dependence on IMF and World Bank lending as a guide to risk has proven a liability as recipients have become poor risks.

A GLOOMY VIEW

The implications of these lessons go deep. In 1981 I tried to obtain from the Treasury and the Agency for International Development an analysis of the internal economic policies of nations receiving U.S. foreign aid. They couldn't provide it. An appeal to the World Bank was fruitless. After 18 months of insistence, the first reports are trickling in. This is a strong indication there is no accurate economic picture of many developing nations.

These arguments, which constitute a gloomy view of the international financial situation, should not be taken as total opposition to a new IMF agreement. Such an agreement, however, must be accompanied by four major changes:

1. An international conference, similar to Bretton Woods, must be called to reform the international monetary system to bring about greater stability of exchange rates and a more liberal trade climate.

2. IMF policy restrictions must be reordered from austerity to growth and maintained within strict guidelines. Conditionality should include lower tax rates on labor and capital in recognition that austerity isn't the answer to the problems of developing nations; it is the problem.

3. Prior to initialing any agreement, the Treasury should analyze the effects of increased resource transfers for both U.S. and global economic growth.

4. U.S. banking regulations should be examined to ensure that proper banking procedures aren't being overruled owing to political pressures.

We shouldn't be tempted by those who ask us to put off the hard decisions until after new resources follow those already committed. Rather we must insist that a program such as the one outlined here be the first move toward restoring international economic growth.

[From the Wall Street Journal, Feb. 9, 1983]

The Real Costs of World Debt

(By Jerry Lewis)

Every day, the rolling snowball of international debt keeps gathering speed. Officials charged with maintaining global financial order assure us the situation is "difficult but manageable." Perhaps there really is no other way out but to comply with the requests by national treasuries and central banks for more cash and more faith to avoid an imminent crash of the banking system. But as long as the public is being asked to pay and pray, it may make sense to find out what we are paying and praying for.

A good start may be to ask the administration to display more candor by telling the people what sacrifice is required of them to shore up the world's shaky financial system. A case in point is Treasury Secretary Regan's rationalization of a $1.3 billion short-term loan to Brazil last year, to wit, we had the money on hand and it was a nice thing to do. It could indeed come as a pleasant surprise to most people that the deficit-ridden Treasury has cash to spare for short-term loans (at interest close to the T-bill rate) to, say, American timber mills or steel-plant operators who suffer from similar problems and would appreciate a Treasury as solicitous of them as it is of their Brazilian counterparts.

Whatever the legal and accounting aspects of the Treasury's Exchange Stabilization Fund, which provided money for the loan to Brazil, Treasury had to raise $1.3 billion more in the money market than it would have otherwise. Secretary Regan should have been told that money on hand was an accounting illusion; but the transfer (though presumably only temporary) of real resources from the U.S. abroad wasn't illusory at all.

Yet this misunderstanding or misexplanation of the true economic cost of U.S. financial assistance to foreign governments pales in comparison with the deluge of misleading statements the public has gotten with respect to the coming request for congressional authorization of an increase in International Monetary Fund (IMF) quotas.

A SWAP OF ASSETS

Without pointing an accusatory finger at past and present financial officials, one cannot help wondering why they're bent on fooling us. If this isn't their purpose, what's to be made of statements saying that the proposed U.S. quota subscription doesn't affect the budget, or that it isn't an outlay but only a swap of assets on the Treasury balance sheet, or that the U.S. bears its proportionate share of the burden of IMF financing and may itself draw upon IMF resources as it did in the past, or that the U.S. subscription will help generate jobs in export oriented industries. If an increase in the IMF quotas is virtually costless and so incredibly beneficial to the U.S., one remains puzzled why the Treasury doesn't support a doubling or even tripling of IMF quotas.

The truth is that—leaving aside the budgetary and accounting treatment of financial operations associated with a U.S. subscription—Congress will be asked this year to make available to the IMF some $6.5 billion. This is the additional amount of money the Treasury would have to borrow from the public. From an economic point of view, the U.S. subscription is equivalent to an increase in government expenditures by a like amount.

In addition, the U.S. agreed to expand the General Arrangement to Borrow (GAB) and turn it into a sort of emergency lending facility. GAB is supposed to increase from about $7 billion to almost $20 billion, with the U.S. share increasing from approximately $2 billion at present to perhaps $4.5 billion by the end of this year. Apparently enough countries are in sufficiently dire financial straits to anticipate the IMF need to draw on GAB resources, with the U.S. providing its share of funds which ultimately would also have to be borrowed by the Treasury in U.S. money markets.

So let's not kid ourselves. Instead of trying to sell the public on alleged benefits, we should recognize that U.S. contributions to the IMF entail a real economic cost to the nation. The contributions constitute preemption of real credit which otherwise could be used to finance public spending, corporate investment or private consumption.

The argument that contributing to the IMF (or, in general, that transferring financial resources to debtor countries) is such a splendid deal for us because of increased demand for our exports is also disingenuous. It would be a good deal if a dollar lent or given to these countries, directly or indirectly, could be shown to generate more output than a dollar lent to domestic borrowers or given to needy citizens. In fact, only a fraction of the dollars transferred abroad can be expected to be spent on U.S. goods and services so it's highly implausible that such foreign aid benefits U.S. citizens more than direct domestic aid would.

But being forthright with the Congress and the people regarding the economic cost of reducing a score of debtor nations from collapse is only one of the nesessary elements in the campaign to convince the public that the sacrifice is justified. All the contrived arguments that commercial banks aren't being bailed out are simply untrue. It's precisely because a default by a major borrower (let alone a few of them) would

make some of the nation's leading banks insolvent that the government feels obliged to commit public funds in the first place.

A strong case can be made that whatever the banks' past sins of neglect, greed or recklessness, an overriding public interest requires that they be prevented from going broke. But why does this mean that the banks' managers should be able to impose the burden of resolution of the debt problem on the public?

Congress cannot allow the perpetuation of a situation in which gains from international banking activity are privatized but the attendant risks are socialized. Informed taxpayers won't tolerate it, and they're right.

But this is just what's been happening. Large banks have been collecting enormous up-front fees for arranging reschedulings, stretch-outs and rollovers of existing debts, at the same time raising their spreads above the London inter-bank offered rate (profit margins) on new loans to hapless borrowers. In tacit collusion with government agencies, large banks have also put considerable pressure on hundreds of smaller regional banks to stay in the international lending business.

On the other hand, one informal Treasury-Federal Reserve proposal, essentially requiring banks to write off, over four years, 50 percent of the book value of their loans to the de facto bankrupt countries (such as Poland, Sudan or Zaire) was scuttled by the banking regulatory authorities.

THE MORAL IS SIMPLE

There is no denying that over the years U.S. authorities have subtly (and at times not so subtly) encourged commercial banks to continue lending to some countries. But ultimately the responsibility for sound lending practices rests with the banks.

We ought to keep in mind that when the rate of growth of export earnings of debtor countries falls short of the rate of growth of the interest cost of debt, exponential growth of indebtedness becomes inevitable. This has been the case in recent years and will be again this year. So far at least, we've been exacerbating the problem we are purportedly trying to cure. We keep throwing good money after bad.

We ought to realize that we're dealing with a global rather than a single-country problem. If it were just Argentina whose solvency had to be secured, one might choose a policy to reduce its import consumption relative to its output. But once we find in the same soup Brazil, Mexico, Chile, Bolivia and other countries for which Argentina is an important export market, imposing austerity on Argentina becomes self-defeating. If all countries with precarious external payments positions are simultaneously asked to curtail imports, who is going to buy their exports?

It should be obvious that without an early resumption of robust economic growth on a global scale, there's absolutely no chance for the debtor countries to be able to continue servicing their debts. They can tighten their belts until there is no waist left to squeeze and still not be able to generate sufficient export earnings.

Their debt burden relative to income will keep rising until, quite rationally, they will decide to give up and wipe the slate clean. The contraction of domestic credit we're desperately trying to avert would simply occur later. And we'll be billions of dollars poorer.

The moral is simple. If the U.S. government, perhaps in concert with its allies, can reinvigorate the world economy reasonably soon, it may be worthwhile to candidly talk about the administration's requests for IMF contributions and about alternative ways to deal with the problem of international debt. But if our financial leaders have no effective and sustainable policies to help pull the world economy out of its present swamp, Congress should not acquiesce in imposing unnecessary economic sacrifices on the people.

Until then, we in Congress need to pursue policy changes to assure that neither government agencies, multilateral financial institutions nor private banks will continue to make the sort of decisions that got the world into this mess.●

REAGAN RENEGES ON ISRAEL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. LEVINE of California. Mr. Speaker, yesterday's Los Angeles Herald Examiner contained a useful column by William Safire which I would like to direct to the attention of my colleagues.

If Mr. Safire's assertions are accurate, they raise disturbing questions about our Mideast policy. I hope that the administration will promptly clarify the issues he has raised in this column.

[From the Los Angeles Herald Examiner, Feb. 21, 1983]

REAGAN RENEGE: WHAT HE TOLD ISRAEL THEN, WHAT HE'S DOING NOW

(By William Safire)

Jack Wells, my late mentor in Republican politics, used to come to campaign headquarters on the day after election sporting a large button on his lapel that read: "Great job, kid—now get lost."

As candidates for president prepare their foreign policy positions, those words burn in my mind.

In 1980, I slipped into a meeting between Ronald Reagan and a group of American supporters of Israel. Candidate Reagan excoriated President Carter for permitting our ambassador to vote in the United Nations to condemn Israel's settlements in the West Bank: "The West Bank," he declared firmly, "should be a decision worked out by Jordan and Israel."

Asked about the status of Jerusalem, he replied that the city should be undivided, and pressed further, added unequivocally "the sovereignty is Israel's." After the meeting, I asked him to repeat it slowly so I could check my notes. He looked toward Ed Meese, who nodded his OK at reaffirmation. "An undivided city of Jerusalem," said Reagan, "means sovereignty for Israel over that city."

When that appeared in my column the next day, I received a phone call from Reagan, campaigning in the Midwest. "That's exactly what I said and what I mean." His foreign policy adviser, Richard Allen, confirmed the clear pro-Israel stands in the Washington Post. A year later, Meese recalled that commitment on Jerusalem and said to me, "Maybe when they write a history of that city, that day will rate an asterisk."

What happened? Meese was moved out of foreign policy and Allen was ousted. Reagan Mideast policy is decided by George Shultz and Caspar Weinberger, who do not want to remember what the candidate said before he came under their influence.

As a result, the "Reagan Middle East Peace Plan," forgets all about letting the West Bank "be a decision worked out by Jordan and Israel"—as called for in the Camp David accords—and awards sovereignty to the Arabs. One might think, since evenhandedness was the new watchword and the United States was making unilateral decisions on sovereignty, the State Department would at least confirm the Reagan commitment to an undivided Israeli Jerusalem. No, that was left as a matter to be negotiated.

In sum, what Reagan pledged was "to be negotiated" was awarded to the Arabs; what he pledged would be Israel's became a matter "to be negotiated." As president, he broke the word, he gave as candidate—and nobody now close to him even remembers. (Great job, kid—now get lost.)

Administration handling of an understandably resentful Israel is now a nice-cop-tough-cop proposition. The nice cop is Shultz, who awarded the West Bank to King Hussein only to have him introduce new preconditions into meeting with Israel; Shultz is now busily establishing a cordial relationship with Israel's post-Sharon defense minister, Moshe Arens.

The tough cop is Weinberger, the first secretary of defense permitted to conduct his own Mideast policy. As reported here six weeks ago, Weinberger refuses to OK an agreement initialed by his own professionals to learn from Israeli military successes in Lebanon. By balking at the same deal offered Israel in 1974 to protect intelligence from going from NATO to France to the Iraqis, our defense secretary denies invaluable combat information to U.S. field commanders.

Worse, Reagan—who used to say of Israel "we need an ally in that area"—permits Weinberger to play Russian roulette with human lives in Lebanon. Adjacent military forces must be in direct communication to avoid incidents. Israel has such communications with other foreign troops in the area, but the Weinberger foreign policy says "no fraternization" with our ally.

PLO terrorists, wearing American or Israeli uniforms, could provoke an outbreak of shooting that would poison the relations between the United States and Israel. Direct local radio communication is essential to prevent casualties. If Weinberger's malicious blackout leads to the death of an American Marine or Israeli soldier the PLO will rejoice in its greatest victory and the resignation of another defense minister who did not protect his charges will be demanded.

This nice-cop-tough-cop routine fools nobody. The policy is Reagan's, strongly at variance with the policy he promised to the American electorate. The Reagan flipflop was not caused by changes in Menachem Begin or any sudden Arab willingness to negotiate; it was caused by the triumph of appointees who hold contrary views to those expressed by the man who asked for our votes.

Should candidates be held to account for doing in office what they denounce on the campaign trail? Jack Wells wore that button in irony to remind politicians that loyal supporters are not without their claims.●

BRING FEDERAL SPENDING UNDER CONTROL

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. SHUMWAY. Mr. Speaker, the efforts of President Reagan and many Members of Congress to cut the bloated Federal budget are commendable. As Government consumes an ever increasing share of our Nation's economic resources, we Americans suffer not only the harsh consequences of inflation, high interest rates, and high unemployment in varying combination, but we risk losing something even more precious than economic well-being—our very freedom.

Unfortunately, Federal spending continues to grow unabated. Although critics of fiscal restraint and prudent economic policy—in the media, in academia, and even here in Congress—would have us believe that domestic spending is being cruelly and unfairly slashed while defense is given a free ride, these naysayers are just plain wrong. Certainly, some domestic programs may have borne more than their fair share of spending cuts up to now. Surely additional savings can be found in the defense budget. But the fact of the matter is, Mr. Speaker, that Federal spending of all types continues to inexorably rise beyond our ability to tax our citizens, or to borrow from our future in order to finance it. As the fiscal year 1984 budget process begins, it is essential that we in Congress start making the tough choices necessary to bring Federal spending under control.

I commend to the attention of my colleagues the following editorial, which recently appeared in the Wall Street Journal.

RISE OF FEDERAL SPENDING UNDER REAGAN

(By Edwin G. Mills)

Since President Reagan's inauguration two years ago, one article after another has appeared in the press about federal budget cutting and about switches in spending from civilian to defense programs. Many readers must have the impression that federal government spending has decreased and that large sums have been shifted out of civilian programs. The facts are quite to the contrary.

Federal government spending is enormously complex. It starts with the submission of the president's budget each January and proceeds by congressional hearings, committee proposals, spending resolutions, authorizations, appropriations, continuing resolutions, supplementary budgets and finally by agency spending. All of this is accomplished by much publicity, most of which bears little relation to actual expenditures. Publicity surrounding President Reagan's budgets has emphasized budget cuts, but spending that has emerged from Congress's budgetary process has increased rapidly.

The table below shows categories of federal spending as percentages of gross national products (total output or income of the economy) from 1976 through the fourth quarter of 1982. The year 1976 was the last one of the Ford administration, 1977–1980 were the Carter years, and the last five entries represent the Reagan period.

Total federal spending fell steadily relative to GNP during the Carter years until the 1980 recession. During the Reagan years federal spending has risen rapidly, and is now a larger share of GNP than it has ever been in peacetime.

FEDERAL SPENDING CATEGORIES AS PERCENTAGES OF GNP

Year	Total spending	Total less defense and interest	Transfers to persons
1976	22.4	15.8	9.2
1977	22.0	15.6	8.8
1978	21.3	15.0	8.4
1979	21.1	14.7	8.5
1980	22.9	15.9	9.4
1981	23.4	15.7	9.6
1982 I	24.3	16.1	9.9
1982 II	24.2	15.7	10.1
1982 III	24.9	16.1	10.4
1982 IV	26.3	17.4	10.9

Note: National Income Accounts basis; data seasonally adjusted.

Sources: Survey of Current Business, Economic Report of the President, 1983.

Defense spending has grown more rapidly than GNP during the Reagan period, but it has not been the most rapidly growing part of federal expenditures. That prize goes to interest payments on the debt, which have risen partly because of borrowing to finance large deficits, but mainly because market interest rates have been so high until recent months. The second column shows federal spending other than defense and interest expenditures, given as a percentage of GNP. These figures reflect federal spending on civilian programs. Once again, the GNP share fell steadily during the Carter years until the 1980 recession. In three of the four quarters of 1982, federal civilian spending has been above 16 percent of GNP—probably larger shares than ever before.

The last column presents the biggest shock to most people. It shows federal transfer programs to persons (Social Security, welfare, Medicare, unemployment compensation, etc.) as a percent of GNP. Most, but by no means all, of these transfers go to people who are needy (or would be without the transfers). The trend was mildly down overall during the Carter years but rose in 1980 and has been up steadily during the Reagan years. The 10.9 percent of GNP employed for federal personal transfer programs in the fourth quarter of 1982 is larger than in any previous year in U.S. history.

Many conclusions can be drawn from these figures. The proximate cause of recent increases in federal civilian spending, especially transfers, is the recession. Unemployment compensation and some other transfer payments rise automatically as the numbers of eligible people increase in recessions. That happened in 1980 and in earlier recessions. It is the "safety net" at work. Yet it is remarkable, and contrary to impressions gained from the press, that the federal government has responded to the current recession by increasing to record levels the share of the country's total income that it employs for transfers to the needy. This has occurred in an administration that professes opposition to many of the programs. The more things change. • • •●

FUTURE FARMERS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. NATCHER. Mr. Speaker, this is National Future Farmers of America Week. Future Farmers of America is a national organization for students preparing for careers in agriculture. Its primary aim is to develop agricultural leadership, citizenship, and cooperation.

There are now over 475,000 FFA members in 8,350 chapters. To be a member of FFA students must be enrolled in the vocational/agricultural/agribusiness program in high school or area vocational school. Students may retain their membership following graduation until age 21.

Individual members are challenged by FFA incentive awards recognizing leadership development and achievement in career-related activities. Degrees of membership are awarded on the basis of individual achievement in FFA. The member begins as a greenhand and progresses to chapter farmer degree in the local chapter. The State farmer is presented by the States FFA association, and the American farmer degree is presented by the National FFA organization.

FFA members elect their own officers and plan and carry out activities with a minimum of supervision from their vocational agriculture instructor who serves as chapter advisor. FFA judging contests, public speaking contests, and incentive award programs challenge students to excel.

The FFA Alumni Association was founded in 1971 to give the more than three million former members an opportunity to continue support of the FFA organization. FFA alumni organizations are making contributions both in time and money to assist in the continued growth and development of an active FFA program.

This week we salute the young men and women of the Future Farmers of America as they continue the tradition of this organization—"Educating through Experience." I want to wish them continued success in meeting the challenges of the future.●

INTRODUCTION OF A BALANCED FULL GROWTH MONETARY POLICY ACT

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. FAUNTROY. Mr. Speaker, I have, today, introduced the Balanced Full Growth Monetary Policy Act of

1983 which directs the Board of Governors and the Federal Open Market Committee of the Federal Reserve System to transmit to Congress on a semiannual basis their objectives for growth or diminution of the gross national product, real growth in the economy, and inflation.

This legislation would also direct the Federal Reserve to outline their plans with respect to the various monetary and credit aggregates and interest rates that are necessary to obtain these reported objectives. Additionally, it would provide that whenever the Board of Governors and the Federal Open Market Committee determine that changing economic conditions require a revision or deviation from the reported objectives and plans, the Federal Reserve shall report such change to the House and Senate Banking Committees within 45 days of such revision.

The present law only requires the Federal Reserve to set and report on growth targets for various monetary and credit aggregates as part of the general Federal effort to achieve full employment and balanced growth. It does not direct the Federal Reserve to tell Congress what its objectives are for economic growth and inflation in a year—although it does provide predictions—nor is the Fed required to provide information on the level of interest rates necessary to achieve those economic objectives. Additionally, the present law does not require the Federal Reserve to report on any changes in monetary policy regardless of changes in the economic conditions except in its semiannual monetary policy reports to Congress.

The monetary and credit aggregates now reported to Congress were intended to be the means for achieving the ultimate objectives of long-term sustained economic growth, full employment, and low inflation. However, they have in recent years become to a large degree ends in themselves. Too often, achievement of an arbitrary target for money and credit growth has been given more emphasis than achievement of desirable economic growth. Even when the Federal Reserve has suspended its targets for money or credit growth because they have clearly become incompatible with economic growth objectives, it has done so in any ad hoc and tentative fashion.

This legislation would clearly affirm that the Federal Reserve's goal in the conduct of monetary policy should be the achievement of approved objectives for economic growth and inflation, and that growth in monetary and credit aggregates are the means to those objectives. It affirms that the targets for monetary and credit aggregates are not objectives in themselves, but plans for achieving the objectives for economic growth and inflation, and as such should be adjusted as circumstances warrant in order to achieve these objectives. It further affirms that the Federal Reserve should include in its plans for achieving these objectives appropriate interest rate levels. This legislation, in other words, would end reliance on strict monetarism as a tool for economic policy.

As chairman of the Subcommittee on Domestic Monetary Policy, I have over the past 24 months held 6 days of hearings that directly and indirectly sought to examine and establish the validity and usefulness of the various kinds of targets used by the Federal Reserve in setting monetary policy. These hearings have convinced me that we must change the target objectives used by the Federal Reserve. They have also convinced me that the best target which the Congress should use in assessing whether or not the Fed has conducted monetary policy properly would be the growth or diminution of the gross national product. Indeed, many economists, including Gardner Ackley, former Chairman of the Council of Economic Advisers under President Johnson, and James Tobin, 1979 Nobel Laureate in Economics, have specifically recommended that the Fed target GNP growth. Other alternatives which could be used represent differing components of the economy; as such they are not necessarily desirable proxies in the place of the economic picture provided by the gross national product. Other targets, such as the monetary aggregates presently used, are increasingly unreliable because of changes wrought in the atmosphere of high interest rates and financial institution deregulation.

Finally, I would simply say that targeting the gross national product will clarify for the American public what precisely the Federal Reserve is seeking to accomplish. While monetary and credit aggregates are still beneficial as intermediary tools for policy implementation, ending their status as primary targets or objectives will also end much of the week-to-week speculation about what the Federal Reserve policy will be. Directing that the Federal Reserve report any changes it might make in these objectives will also end the guessing by financial markets which has been so unsettling for borrowers, savers, and debt managers in the public and private sectors.

I expect to hold hearings on this bill shortly. Those who are interested in achieving a better understanding of the policies which are raised by this bill are invited to discuss the matter with me or to contact the Subcommittee on Domestic Monetary Policy. I will also be seeking additional sponsors for this bill. Those who would like to cosponsor should contact the subcommittee at 226-7315.

Those who are interested in the specific hearings which the subcommittee held are referred to the following hearing dates and titles:

July 28, 1981: Hearings to Analyze Federal Reserve Policies as They Affect Rates and Credit Markets.

Witnesses who testified included Dr. Alan Blinder, Professor of Economics at Princeton University; Dr. Benjamin Friedman, Professor of Economics at Harvard University; Leif Olsen, Chairman of the Economic Policy Committee of Citibank; and Francis Schott, Chief Economist of Equitable Life Assurance Society.

March 3 and 4, 1982: Hearings on the impact of Money Substitutes on Monetary Control as It Affects Interest Rates and Economic Activity.

Witnesses at these hearings included the Hon. Lyle Gramley, Board of Governors of the Federal Reserve System, the Hon. Beryl Sprinkel, Undersecretary for Monetary Affairs, the Department of the Treasury; H. Erich Heinemann, Vice-President, Morgan Stanley and Co., Inc.; and Donald Hester, Professor of Economics at the University of Wisconsin at Madison.

July 14, 1982: Hearings on Alternative Targets for Monetary Policy.

Witnesses at this hearing included Dr. George McKinney of the University of Virginia; Dr. Benjamin Friedman of Harvard University; and Dr. John Paulus of Goldman, Sachs and Company.

December 1 and 9, 1982: Alternative Anti-Inflation Policies for Reducing Inflation without Increasing Unemployment.

The witnesses who were heard at these two days of hearings included: Dr. Robert Gordon, Professor of Economics at Northwestern University; Dr. R. Robert Russell, Professor of Economics at New York University; Dr. Leon Taub, Economist for Chase Econometrics, Inc.; Albert Somers, Senior Vice President and Chief Economist for the Conference Board; Dr. Rudy Oswald, Chief Economist for the AFL-CIO; Dr. Jerry Jasinowski, Senior Vice-Presient and Chief Economist of the National Association of Manufacturers; Mr. Stephen Brobeck, Consumer Federation of America; Mr. Alan Reynolds, Vice-President and Chief Economists of Polyconomics; and Dr. Michael Sumichrast, Staff Vice-President and Chief Economist of the National Association of Homebuilders.

I have also appended a copy of the bill, a section-by-section, and a text of the existing statute showing the changes which would be made by the Balanced Full Growth Monetary Policy Act to the Federal Reserve Act.

H.R. 1569

A bill to amend the Federal Reserve Act to require the Board of Governors of the Federal Reserve System and the Federal Open Market Committee to implement a monetary policy which will achieve balanced full growth in the economy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Balanced Full Growth Monetary Policy Act of 1983".

BALANCED FULL GROWTH MONETARY POLICY

SEC. 2. Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended—

(1) in the first sentence, by striking out "long run";

(2) in the second sentence—
(A) by striking out "and plans";
(B) by striking out "monetary and credit aggregates" and inserting in lieu thereof "gross national product, real growth, and inflation";
(C) by inserting "interest and exchange rates," after "international trade and payments,";
(D) by inserting after "and prices;" the following: "(3) the plans of the Board of Governors and the Federal Open Market Committee with respect to appropriate monetary and credit aggregates and interest rates in order to obtain the reported objectives for growth or diminution of the gross national product, real growth, and inflation;"; and
(E) by striking out "(3)" and inserting in lieu thereof "(4)";
(3) in the third sentence—
(A) by strking out "and plans"; and
(B) by striking out "monetary and credit aggregates" and inserting in lieu thereof "gross national product, real growth, and inflation, and its plans for the growth or diminution of monetary and credit aggregates and for interest rates in order to achieve such objectives";
"(4) in the sixth sentence—
(A) by striking out "and plans with respect to the ranges of growth or diminution of the monetary and credit aggregates" and inserting in lieu thereof "with respect to the gross national product, real growth, and inflation and its plans with respect to the growth or diminution of the monetary and credit aggregates and levels of interest rates"; and
(B) by striking out "and plans" before the period at the end thereof; and
(5) by adding at the end thereof the following: "Any such revision to, or deviation from, such objectives shall be reported to the aforesaid Committees of the Congress within 45 days after such revision or deviation takes effect.".

SECTION-BY-SECTION ANALYSIS

A bill to amend the Federal Reserve Act to require the Board of Governors of the Federal Reserve System and the Federal Open Market Committee to implement a monetary policy which will achieve balanced full growth in the economy.

SECTION 1

Provides a short title so that the Act may be cited as the "Balanced Full Growth Monetary Policy Act of 1983".

SECTION 2

Amends Section 2A of the Federal Reserve Act (12 USC 225a) by—
(1) striking out in the first sentence the words "long run" so as to direct the Board of Governors and the FOMC to maintain all growth, not merely long run growth, of the monetary and credit aggregates commensurate with the economy's long run potential. The change is primarily stylistic.
(2) in the second sentence—
(A) striking out "and plans" which is primarily a stylistic change that better clarifies the differences between the objectives and the means (plans) used to achieve them;
(B) striking out "monetary and credit aggregates" and inserting in lieu thereof "gross national product, real growth, and inflation" in order to establish that the objectives which the Federal Reserve should target would be "gross national product, real growth, and inflation" instead of "monetary and credit aggregates" which are subsequently treated in following sections of the bill as instruments for achieving the objectives;
(C) adds the words "interest and exchange rates" to those entities of "employment, unemployment, production, investment, real income, productivity, international trade and payments" whose past performance the Federal Reserve is supposed to take account in setting the objectives for gross national product, real growth, and inflation;
(D) adds the phrase "(3) the plans of the Board of Governors and the Federal Open Market Committee with respect to appropriate monetary and credit aggregates and interest rates in order to obtain the reported objectives for growth or diminution of the gross national product, real growth, and inflation" to direct the Federal Reserve to show how it plans to use monetary and credit aggregates and interest rates to achieve the objectives it has set for the gross national product, real growth, and inflation;
(E) renumbers the existing phrase presently numbered "(3)" to the new number "(4)";
(3) in the third sentence—
(A) striking out the words "and plans" in conjunction with the strike and insert provisions of the following
(B) strike out "monetary and credit aggregates" and insert in lieu thereof "gross national product, real growth, and inflation, and its plans for the growth or diminution of monetary and credit aggregates and for interest rates in order to achieve such objectives" thereby establishing the statutory basis which directs the Federal Reserve to state as a part of its July 20 Report on the conduct of Monetary Policy, first, its objectives for the growth or diminution of the gross national product, real growth, and inflation and then, secondly, its plans for the growth or diminution of monetary and credit aggregates and interest rates which are necessary in order to achieve such objectives;
(4) in the sixth sentence
(A) striking out the words "and plans with respect to the ranges of growth or diminution of the monetary and credit aggregates" and inserting in lieu thereof the words "with respect to the gross national product, real growth, and inflation and its plans with respect to the growth or diminution of the monetary and credit aggregates and levels of interest rates" in order to provide conformity with changes made elsewhere;
(B) striking out the words "and plans" to provide that changes in objectives for the gross national product, real growth, and inflation are reflected in subsequent reports to the Congress on the conduct of monetary policy.
(5) adds the following new requirement that "Any such revision to, or deviation from, such objectives shall be reported to the aforesaid Committees of the Congress within 45 days after such revision or deviation takes effect." so that any change in objectives for the gross national product, real growth, and inflation are reported to the House and Senate Banking Committees with no greater delay than that which is presently in effect for the reporting of the "Record of Policy Actions of the Federal Open Market Committee".

SECTION 2A—MONETARY AND CREDIT AGGREGATES

1. General Policy: Congressional Review

The Board of Governors of the Federal Reserve System and the Federal Open Market Committee shall maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates. In furtherance of the purposes of the Full Employment and Balanced Growth Act of 1978, the Board of Governors of the Federal Reserve System shall transmit to the Congress, not later than February 20 and July 20 of each year, independent written reports setting forth (1) a review and analysis of recent developments affecting economic trends in the Nation; (2) the objectives and plans of the Board of Governors and the Federal Open Market Committee with respect to the ranges of growth or diminution of the [monetary and credit aggregate] *gross national product, real growth, and inflation* for the calendar year during which the report is transmitted, taking account of past and prospective developments in employment, unemployment, production, investment, real income, productivity, international trade and payments, *interest and exchange rates,* and prices; and *(3) the plans of the Board of Governors and the Federal Open Market Committee with respect to appropriate monetary and credit aggregates and interest rates in order to obtain the reported objectives for growth or diminution of the gross national product, real growth, and inflation;* and [3] *(4)* the relationship of the aforesaid objectives and plans to the short-term goals set forth in the most recent Economic Report of the President pursuant to section 3(a)(2)(A) of the Employment Act of 1946 and to any short-term goals approved by the Congress. In addition, as a part of its report on July 20 of each year, the Board of Governors shall include a statement of its objectives [and plans] with respect to the ranges of growth or diminution of the [monetary and credit aggregates] *gross national product, real growth, and inflation, and its plans for the growth or diminution of monetary and credit aggregates and for interest rates in order to achieve such objectives* for the calendar year following the year in which the report is submitted. The reports required under the two preceding sentences shall be transmitted to the Congress and shall be referred in the Senate to the Committee on Banking, Housing, and Urban Affairs, and in the House of Representatives to the Committee on Banking, Finance and Urban Affairs. The Board shall consult with each such Committee on the reports and, thereafter, each such Committee shall submit to its respective body a report containing its views and recommendations with respect to the Federal Reserve's intended policies. Nothing in this Act shall be interpreted to require that the objectives [and plans with respect to the ranges of growth or diminution of the monetary and credit aggregates] *with respect to the gross national product, real growth, and inflation and its plans with respect to the growth or diminution of the monetary and credit aggregates and levels of interest rates* disclosed in the reports submitted under this section be achieved if the Board of Governors and the Federal Open Market Committee determine that they cannot or should not be achieved because of changing conditions: Provided, That in the subsequent consultations with, and reports to, the aforesaid Committees of the Congress pursuant to this section, the Board of Governors shall include an explanation of the reasons for any revisions to or deviations from such objectives [and plans]. *Any such revision to, or deviation from,*

such objectives shall be reported to the aforesaid Committees of the Congress within 45 days after such revision or deviation takes effect.

(Incorporating amendments that would be made by the Balanced Full Growth Monetary Policy Act of 1983. Additions are shown by italic; deletions are shown by black brackets.)

Cite: 12 U.S.C. 225a. As added by act of November 16, 1977 (91 Stat. 1387) and amended by act of October 27, 1978 (92 Stat. 1897).●

ENGINEER'S WEEK

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. RITTER. Mr. Speaker, across the country, both at the national and local levels, the engineering and scientific community is commemorating "Engineer's Week." In the Lehigh Valley of Pennsylvania a celebration is taking place to emphasize the significant role that the engineering profession has played in the development of this great Nation. Lehigh Valley engineers from companies such as Bethlehem Steel, Mack Trucks, Air Products & Chemicals, Western Electric, and other highly productive organizations have led the way in bringing to the public's attention an appreciation of this profession and the contributions that can be made to America's future. I am deeply proud of the active and valuable participation exhibited by the engineering community in the Lehigh Valley.

Engineers form the basic structure of industrial activity. They participate as the innovators, planners, and implementors of today's technology. Even more, they are playing a greater role in the business and economic decisions of industry. As Congress addresses issues that demand a greater technical knowledge, the role of engineers in public affairs and the legislative process will increase.

Currently, not only are engineers defining the technical problems of these legislative issues, but they are relating these actions to economic implications such as employment. The people of the Lehigh Valley owe a great debt to our local engineers who have worked to broaden the scope of debate on national issues.

Engineers can have a greater role in evaluating technical legislative issues in the future. This could range from the impact of environmental regulations on the community to the improvement of science and mathematics curriculum in our schools. We must include these people in our Government decisionmaking, otherwise, we do a disservice to ourselves and our Nation. We must encourage participation by the technical community during the formulation of legislation, not after the fact. The engineers of the Lehigh Valley have consistently provided me with the technical expertise which I have found to be an invaluable tool when considering technical issues in Congress.

Again, thank you, engineers of the Lehigh Valley. Your dedication should serve as a mode for the Nation of the positive results that can be achieved when engineers offer their skills and knowledge in the legislative process. I am especially proud that Lehigh Valley engineers are providing this leadership.●

A FRESH LOOK AT TRADE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. MURTHA. Mr. Speaker, I want to recommend the following column by Richard P. Simmons, president and chief executive officer of Allegheny Ludlum Steel, on the question of trade policy. I think the perspective Mr. Simmons brings to this issue is most important and refreshing:

[From the Post-Gazette, Feb. 5, 1983]

WHEN "FREE TRADE" HARMS THE NATION

(By Richard P. Simmons)

No one knowledgeable in the trade area, whichever his philosophical position, can state that the United States has an unblemished history with regard to free trade. While the United State led the world after the Second World War in pursuing policies that promoted free trade, we have made frequent excursions into areas of protectionism from time to time and in various sectors of our economy.

For the most part, however, U.S. dominance in most manufacturing areas through the first half of the 1960s made free trade a policy that caused little economic or political strain to our society.

Since that time, however, much has changed. The rest of the world can now produce most of the same products we produce. In addition, an increasing number of the world's nations have moved from free-market economies to government-managed economies.

For these two reasons, free trade as traditionally practiced by the United States (with exceptions) is no longer painless. Indeed, when combined with the worst economic conditions in 40 years, these two changes have caused and are causing economic, social and political tensions that may have permanent effects on the attitudes of many of us.

We must stop talking only about free trade or protectionism as the only two options open to us as viable U.S. policies in the trade area. Furthermore, we must stop preaching to the world that it must adopt our policies of free trade. Let's admit that we are not without sin in the trade area and attempt to fashion a policy that maintains free trade as its cornerstone but which accepts that there will be times and situations when it is neither politically nor economically possible for us to continue such policies.

I have described myself as a free-trade protectionist, committed to free trade but committed equally to protection from illegal subsidized trade which results not only in the loss of jobs but the destruction of entire industries at great pain and cost to this nation, Where such situations occur, let's enforce the laws which exist and which are consistent with trade laws throughout the world.

Thus, the first cornerstone of any realistic trade policy must be an inviolate commitment by the United States that subsidized trade and dumping which results in injury to U.S. workers and U.S. companies will not be tolerated. Those laws which exist should be strengthened by Congress to make violations sufficiently painful that the laws themselves become a deterrent.

The second cornerstone of an effective trade policy should be the threat of reciprocity against those nations which disadvantage U.S. companies in world trade—anywhere.

If the Japanese have such complicated procedures that U.S. goods are excluded from Japanese markets for all practical purposes, similar procedures on Japanese goods should be instituted after suitable consultations.

A third cornerstone of any effective trade policy must be a cohesive policy in which all aspects, and there are many are coordinated by a single U.S. agency. Today almost every agency of government has some responsibility in the trade area. As a result, the United States never speaks with one voice on trade matters.

A fourth cornerstone in any trade policy is the need to be able to sift through the hundreds of trade cases presented to U.S. agencies each year by U.S. companies and select those which have national significance. For those so designated, the government should play more than its usually passive and neutral role, quickly and decisively making a determination. While aluminum baseball bats excluded from Japan and imported balloons from Mexico may be important to the aggrieved, it's hard to find issues of national strategic importance in their resolution.

Finally, to those who believe unalterably in free trade when based on comparative advantage, as I do, I suggest that the current economic plight of this nation be considered.

We are faced with economic conditions not seen since the Great Depression. Equally important, structural changes are occurring which are causing wrenching changes to millions of Americans and countless communities.

As for some businesses described as "smokestack industries"—steels, autos and other heavy manufacturing industries—many experts say these industries will never recover. It is no longer acceptable to say, as liberal economists have said for so many years, that those displaced will move to other jobs. There are no other jobs for hundreds of thousands, even millions of such permanently displaced workers. Under such conditions, protection for limited periods of time to cushion the blow, to buy time for retraining, to permit companies to diversify, to permit communities to attract new industries is not an inappropriate policy.

When our economy was growing as it was five years ago, I would not have suggested this as a part of trade policy. In today's world, a world without hope for many companies, countless communities and hundreds of thousands of workers, it may well be a policy of compassion that overrides any

other consideration—even the consideration of free trade.●

THE DEBT CRISIS: CAUSE AND SOLUTIONS

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. LIVINGSTON. Mr. Speaker, in the interest of a full and open debate over the proposed increase in the resources of the International Monetary Fund, I would direct my colleagues to two recent Wall Street Journal articles by Prof. Robert Mundell and former Assistant Treasury Secretary Paul Craig Roberts. Their thoughts on the international financial system complement those of the gentleman from New York (Mr. KEMP) and the gentleman from California (Mr. LEWIS), to whom I referred yesterday.

The articles follow:

THE DEBT CRISIS: CAUSES AND SOLUTIONS

(By Robert Mundell)

The world debt crisis of 1983 did not appear as a bolt from heaven. It took a long time for the debts of the less developed countries (LDCs) to rise to half a trillion dollars. Such a buildup of debt would be inconceivable under fixed exchange rates.

In the 1960s, it was widely believed that the movement to a system of flexible exchange rates would eliminate balance of payments problems, the need for foreign exchange reserves and intervention in foreign exchange markets, not to speak of artificial ways of creating new liquidity. All these notions about the way a world of floating national currencies would behave should have been dispelled since generalized floating began in 1973. More international liquidity was created in one month in 1982 than had previously been accumulated by all the nations of the world from the beginning of time until 1971 when the gold exchange standard was suspended.

Under the system of generalized floating exchange rates, there was no mechanism for international control over the quantity of international reserves. Countries could get the reserves they wanted simply by buying them. Monetary policy in every country became "accommodating." The balance-of-payments discipline collapsed. Money creation was constrained only by (1) the fear of depreciation; and/or (2) the fear of inflation. But when all currencies floated against gold, as they did after the Smithsonian agreement, the anchor of stability provided by gold disappeared.

SHOULD KEEP IN STEP

The barrier against inflation that had been provided by the monetary discipline of keeping exchange rate parities wouldn't work if countries kept in step with one another with their inflationary policies. The new system was still centered around the dollar, but the dollar no longer had the discipline of gold convertibility that had always in theory and in practice provided the check on inflationary policies of the reserve center. World policy henceforth would be inflationary or not, depending on whether or not Federal Reserve policy enabled it to be.

The oil price increases of the 1970s would not have been possible without the accompanying rise in the price of gold (hence gold reserves) and foreign exchange holdings. After the price of oil was raised industrial countries and the LDCs faced the prospect of deficits which would have meant either deflation or depreciation of their currencies against the dollar, had the U.S. not provided the reserves upon which the Eurodollar market could expand to finance the oil deficits in the great lending spree of 1973–81. When the nongovernment credit of the borrowing countries became exhausted, the governments of the borrowing countries took over, saturating the Eurodollar loan market with dollar-denominated government paper, backed often only by the signature of unconstitutional or undemocratic regimes.

Thus, the floating rate system did not provide discipline or monetary restraint; on the contrary, it provided inflation, unrepayable debt and de facto bankruptcy of many countries. Balance-of-payments discipline under a fixed exchange rate system was replaced eventually by the barrier of fiscal discipline, reached after a once-for-all explosion of lending exhausted government credit. Yet fiscal equilibrium of the LDCs cannot be achieved with the current debt financing commitments of most of the debtor countries. Pumping more money into the hands of the LDCs can ameliorate the current debt service problems, but only at the expense of making the long-run problems of debt repayment even less manageable. Solutions lie elsewhere.

Perhaps the most significant objection to a floating rate system is that it provides no basis for predicting the future value of money—and hence the basis for incorporating the right "inflation premium" into interest rates. Today, in 1983, the U.S. does not have a gold standard, or a Keynesian commodity standard, or a Friedman paper standard. It has a Volcker standard. But who can predict the future value of the pound, the dollar or the yen on the basis of a Thatcher standard, a Volcker standard or a Nakasone standard?

Money is more than an economic artifact; it is an idea, a central feature of civilization, the health of which depends, in a liberal society, on the predictability of its value, its stability, not only today but in the distant future. Money is, as Keynes said, a link between the past, present and future, in order that long-term commitments and contracts can be made and kept at interest rates that express the real scarcity of capital and the urgency of time, with as little change of forecasting error as humanly possible.

The extension of the use and benefits of national money of the international sphere is akin to the extension of the gains from free trade and self-realization to the global domain. If it is not possible politically—yet—for a single world money to exist, the closest metaphor to it, through which its beneficial properties can be simulated, is a system of currencies that are convertible into one another at a fixed or predictable rate of exchange.

In a world of n currencies, there are n-1 exchange rates. If other countries submit to the discipline of convertibility of their currencies into dollars or SDRs, as they must to achieve a fixed exchange rate and the benefits of a common global money, then the country that is relieved of the requirement to intervene in foreign exchange markets (the U.S.) should accept some constraint on its monetary sovereignty, in the form of a commitment to buy and sell gold within specified margins of a central party.

Most of the other countries in the Bretton Woods arrangements kept their currencies stable, directly or through another currency, in terms of the dollar, while the U.S. kept its currency stable in terms of gold. Stability in terms of gold was historically the means for achieving a stable price level, the anchor of paper money to the world of commodities. The Bretton Woods system broke down, however, after the credit inflations of three wars had boosted dollar prices and left gold, at $35 an ounce, hopelessly undervalued.

While in practice the commodity standard could be a basket of commodities—as proposed by Irving Fisher in 1912 and by John Maynard Keynes in 1930—the only practical solution today would be to use the precious metals and, in particular, gold. Gold is the only commodity now held by governments capable of performing a serious monetary role, and while one might not want to rule out alternatives to gold for the future, it would not be feasible at the present time to construct a commodity standard around any commodity except gold.

The price of gold should be set somewhere between $300 and $600. Some fluctuation in the price would be desirable, in order to exploit the not inconsiderable amount of information contained in even small variations between outer limits around the central parity, by which signals about the appropriate direction of monetary policy can be sent between the authorities and the markets. The secretary of the Treasury could commence open market operations in gold without any prior fixed commitments about the ultimate resting price for stabilization; it is in this field that the U.S. could restore the monetary leadership it vacated back in August 1971. There is no economic need to perpetuate the malaise that spread across the world economy when the U.S. gave up its economic leadership.

If an agreement to stabilize gold prices could be made, the enormous destabilizing swings in the dollar value of international reserves would come to an end and a globally stabilizing monetary policy would emerge from the unstable experiences of the 1971–83 period. An international agreement on gold policy would be desirable because the U.S. now holds only 25% of the world's monetary gold.

It may be possible to integrate some of the features of this new gold exchange standard with the activities of a World Central Bank using the SDR as an instrument for centralization of exchange rates. The World Central Bank could take the lead in accepting gold from national central banks that wanted more SDRs or in selling gold to those central banks desiring to reduce their holdings of the world reserve currency. The existence of such an institution would go far toward alleviating the current difficulties of debt rescheduling—or worse—and also mitigate the gigantic swings up and down of the dollar exchange rates when diversification, or its opposite, takes place. It would also prevent the destabilizing fluctuations of international reserves caused by fluctuating gold prices.

BEST OF PAST AND PRESENT

The difficulties of establishing such a bank are easily exaggerated; they are not more insurmountable than the difficulties of setting up the Bank of England or the Federal Reserve System. The path has already been broken by the comparatively

successful establishment of the IMF and the International Bank for Reconstruction and Development at Bretton Woods. After 40 years, these institutions are thriving, the more so as the debt crisis deepens.

It is necessary, of course, to bear in mind that it does little good to wish for a system that cannot be implemented. The authorities do not have complete discretion in determining the outcome of an international monetary system that contains its own internal laws of evolution. The fact is that the world in the future will probably contain features of several monetary options.

We now have features of a world central bank and still have vestiges of a gold standard, which detractors might call an atavism, or barbarous relic. It is, nevertheless, here that I believe that most progress can actively be made, taking the best from the past and linking it with the best in the present. Stabilization of the price of gold would be a gigantic step toward stabilizing the value of international reserves, and the creation of a suitable world central bank would be, over the future, an indispensable instrument for the resolution of the world debt crisis.

(Mr. Mundell is professor of economics at Columbia University. This article is adapted from a paper prepared for the Cato Institute.)

THE HIGH COST OF FUNDING A GROWING IMF

(By Paul Craig Roberts)

The inability of debtor countries such as Mexico, Brazil, Argentina, Poland and Romania to repay principal and interest to Western banks may threaten the world with economic contraction, but it is causing the International Monetary Fund to grow by leaps and bounds. The prospect of default has generated new pressures to increase the IMF's funding and to enlarge its scope by giving it attributes of a world central bank charged with maintaining the stability of the international financial system.

The new growth in the IMF's size and role comes on top of the rapid growth of recent years.

Normally, an IMF loan is supposed to be a bridge loan to provide balance-of-payments financing for countries whose imports temporarily exceed their exports. More recently, however, the IMF has taken an expanded view of balance-of-payments problems and has made investment loans to countries for "structural adjustment." These loans are supposed to allow countries to increase their exports by investing in ports and industrial projects and to reduce imports by investing in domestic energy projects. Money, of course, is fungible, and a $5.5 billion "structural adjustment" loan to India in 1981 was followed by large Indian arms purchases from France.

The IMF's ability to add "structural adjustment" loans to its product line reflects the rapid growth of its funding and statutory lending obligations. In 1978 IMF quotas increased 50% from 40 billion to 60 billion special drawing rights (SDRs; the current exchange rate is $1.10 to one SDR). The same year the maximum credit lines of member countries almost doubled, increasing from 2.5 to 4.5 times their quotas.

The result was a jump in IMF statutory lending obligations from 100 billion to 270 billion SDRs. This in turn led to a demand for additional IMF funding to meet the needs implied by the larger lending obligation. If a 50% quota increase takes place in 1984 as planned, the statutory lending obligations of the IMF will expand to 405 billion SDRs or about $450 billion.

Prior to the sudden emergence of the default crisis, the U.S. Treasury was resisting the Third World's pressures for a large increase in IMF quotas, which implies that, the crisis aside, there are good reasons to resist further rapid growth of the IMF. Currently the U.S. quota is about $13.5 billion, and negotiations are proceeding for an additional $6.8 billion plus a $3 billion contribution to an enlarged emergency fund (General Agreement to Borrow), constituting a $10 billion transfer from the U.S. government to the IMF. In exchange the U.S. receives dormant reserve assets denominated in SDRs which it cannot withdraw in larger amounts to pay its own bills.

The resource transfer is equivalent to a larger federal deficit, because the U.S. has to finance it by borrowing in the credit market. The total impact on the credit market is greater than $10 billion, because the IMF bailout packages require additional lending by U.S. banks, thus reducing their ability to purchase U.S. debt.

In testimony before the Joint Economic Committee on Jan. 27, Fed Chairman Paul Volcker warned that there is not enough credit to go around and unless federal deficits are cut, higher U.S. interest rates will work against economic recovery. Clearly, in Mr. Volcker's mind the cost to the U.S. of a larger IMF quota is either higher interest rates and a weaker recovery or higher taxes or reduced defense and social spending.

These cost are being discounted by the same U.S. policy makers who are responding to the federal deficit by forcing President Reagan to abandon his supply-side tax policy and to cut his defense program. Mr. Volcker himself forgot all about the costs yesterday when he testified in support of an expanded IMF before the House Banking Committee, stressing instead that when IMF loans are repaid it "helps to ease pressures in U.S. credit markets."

There are additional costs of permanently transferring multibillions of dollars in resources from the U.S. (and our allies) to a supranational organization from which they can be disbursed independently of our national security and foreign policy interests. The ultimate result is to divorce foreign aid from the policy interest of the NATO alliance.

The seriousness of the international liquidity crisis does not mean that an IMF quota increase is the only or the best approach to managing the problem. A self-liquidating revolving fund could be set up under IMF auspices or independently by the Western alliance to tide over the debtor countries. Since most of the IMF's resources are provided by the U.S. and its allies, there are no financial reasons to prevent the Western alliance from extracting political and strategic benefits from the aid it provides. When the crisis is over, the participating countries could withdraw, their funds for their own use. It is not obvious why the U.S. should use its scarce resources to increase the power of the IMF.

To the extent that a departure from sound banking principles has played a role, throwing good money after bad will not resolve the crisis. Part of the response must be to strengthen out banks against default. George Champion, former chairman of Chase Manhattan bank recently recommended on this page that U.S. banks cease carrying their nonperforming loans at face value and increase their reserves for bad debts.

This solution would be painful for banks' earnings reports, but it would protect them from being brought down by default, while leaving it open for the U.S. (and its allies) to help foreign governments out of their financial plight on a quid pro quo basis.

(Mr. Roberts, former assistant Treasury secretary for economic policy, holds the William E. Simon chair in political economy at the Center for Strategic and International Studies, Georgetown University.)●

SEX DISCRIMINATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. HYDE. Mr. Speaker, I would like to insert, as a part of the RECORD, a column by Judy Mann which appeared in the Metro section of the Washington Post last Friday, February 18, 1983. She describes a 50-year-old divorced mother of three named Nathalie Norris, who, in 1975, decided to participate in a deferred annuity program at her place of work, which provided her a tax break at the time of contribution and which promised her an income after retirement. In quick fashion, she learned that, despite the fact that her contributions were equivalent to those of men, the benefit to which she would be entitled at age 65 would be some $34 less than a man would receive. Her courageous challenge of this policy has been affirmed by the ninth circuit and is presently scheduled for argument before the Supreme Court on March 28. I wish her good luck, and I support her enthusiastically.

One of the reasons which we are often given for the need to adopt an equal rights amendment is that men and women are inappropriately classified differently for purposes of insurance. The insurance industry justifies the differentiation because of actuarial tables which tend to show that women generally outlive men. I am suspect that those same actuarial tables would also establish that white people outlive black people. But our society frowns, as well it should, on different rates for different races. Why should it accept different rates for different sexes?

Ms. Mann's column takes note of House hearings scheduled this week on a bill, which I understand to be H.R. 100, sponsored by my colleague from Michigan, Mr. DINGELL, as well as the case presently before the Court. These facts are further proof that the inequalities which justifiably infuriate women can be directly and effectively erased by way of Federal legislation which can have an immediate impact after being signed by the President. An equal rights amendment, while sounding simple and to the point, does not give us a sense of the practical effects which we as a society can expect from its ratification. And, in my judg-

ment, the Constitution should never be amended unless we know the effect the change will have.

During the coming months, the Judiciary Committee of the House will be grappling with House Joint Resolution 1, the reintroduction of the equal rights amendment. During that time, I hope to learn what problems exist in the States and determine why they are not better dealt with under current law or through Federal legislation.

I applaud the efforts of Mrs. Norris, and I hope that she will be successful before the Supreme Court. It is just as wrong to cheat a woman out of a pension for which she contributes equally as it would be to reward a white person who outlives a black.

[From the Washington Post, Feb. 18, 1983]

FAIR BENEFITS

(By Judy Mann)

In 1975, Nathalie Norris of Scottsdale, Ariz., was 50 years old, divorced, the mother of three, and employgd in the state's Work Incentive program. When her employer offered a new pension benefit that would provide a tax break while she worked and income when she retired, she jumped at the opportunity to sign up.

She decided that a deferred annuity option, in which she placed part of her monthly salary in a fund from which she would receive a monthly payment after her retirement, was the best choice for her. Pamphlets describing the benefit told how much a man who put in $100 a month of his salary, for a specific amount of time, would get in monthly checks, and similar tables showed how much a woman would get. Norris realized something was wrong. "I found out that if I put in the same amount as a man and selected the annuity option, I would collect less than a man."

The plan was a way to save money. "You don't pay taxes on [the money] until you take it out. I got into it, but I also knew I didn't like what I was offered." She filed a complaint with the Equal Employment Opportunity Commission and in 1978 received a letter saying she had a right to sue. Unable to afford a lawyer, she went to the Arizona Center for Law in the Public Interest, which sued the state, claiming the benefit program violated Title 7 of the Civil Rights Act.

The federal District Court in Arizona and the Ninth Circuit Court of Appeals agreed, and the portion of the plan that discriminated was struck down. The state of Arizona, which contends that is is not to blame because it is merely contracting with an insurance company for the plan and that all the life insurance companies use sex-based actuarial tables, appealed the case to the U.S. Supreme Court, which has agreed to hear it March 28. The decision could have a profound impact on the insurance industry as well as on numerous pending suits involving sex-based rate tables.

The insurance industry argues that it is proper to give smaller monthly benefits to women than to men since women live longer than men. It is an argument similar to that used in setting auto insurance rates, for example, where the industry sets higher premium rates for male drivers under the age of 25 since they have substantially higher accident rates than young women.

At hearings before the Senate Commerce Committee last July, industry representatives argued that sex-based actuarial tables are the fairest way of determining risk classification and that to abolish them would cost consumers hundreds of millions of dollars.

Eight actuaries have filed a friend-of-the-court brief in the Norris case, however, saying that the industry "would not be revolutionized" if sex-based tables were abolished. They said the uncertainty the industry faces in its financial structure has more to do with investment returns than with mortality of annuitants.

Following the defeat of the Equal Rights Amendment, which the National Organization for Women blamed partly on the insurance industry, a number of civil liberties and womens' groups began lobbying for federal legislation to abolish sex-based rate tables. They are getting results; a House hearing is scheduled next week and another Senate hearing is expected this spring.

Judy Schub, legislative director for the National Federation of Business and Professional Women's Clubs, which has filed a friend-of-the-court brief in the Norris case, says: "There is a very basic principle here. The civil rights philosophy in this country says you don't treat an individual differently because of their membership in a certain protected class. What we're saying is you cannot take an individual woman and say because some women live longer, you can classify all women as living longer."

The median income for males 65 years old and over in 1981 was $8,173, according to the Census Bureau, while for females it was $4,757. Nearly 19 percent of women over 65—or nearly 2.8 million women—are living below the poverty level.

Amy Gittler, Norris' lawyer, says Norris' benefit would be $320.11 a month at age 65, $33.95 less than a man retiring under the exact same set of circumstances. It may not seem like enough money to make a Supreme Court case out of, but to Nathalie Norris' everlasting credit, she didn't ignore it. She understood that for some retired women, $33.95 can mean the difference between eating decently at the end of the month and not.●

POSSIBLE HATCH ACT VIOLATIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, I would like to share with my colleagues three articles from the Washington Inquirer written by Richard Zietlow which raise the possibility of Hatch Act and election law violations by the American Federation of Government Employees.

I am asking K. William O'Connor, Special Counsel of the Merit System Protection Board, for his comments on the allegations in the Washington Inquirer and whether he intends to investigate the AFGE officials who are also Government employees and are allegedly involved.

I am also inserting an article from the Washington Inquirer concerning possible AFGE election irregularities in the New York-New Jersey area.

I am asking the Secretary of Labor to review this controversial election and to inform me of his findings.

The articles follow in chronological order:

[From the Washington Inquirer, Jan. 7, 1983]

GOVERNMENT EMPLOYEES UNION SKATES ON THIN ICE

(By Richard Zietlow)

Kenneth Blaylock, the left-leaning head of the American Federation of Government Employees (AFGE), the 220,000-member union of Federal and District of Columbia workers, is struggling to put down a rebellion within its staff and to hold back a flood of leaks concerning possible violations of law by the union and its members.

The union appears to have been skating on thin ice in its efforts to get governmental units to approve an automatic check-off system that would result in the withholding by the employer of voluntary employee contributions to the union's political action funds. Such arrangements would greatly enhance the political action funds at Blaylock's disposal and would increase his political clout.

This has disturbed members of the union who are troubled by the union's ties to the Institute for Policy Studies, "the think tank of the left," and about the legality of soliciting government employees covered by the Hatch Act to make contributions to political funds.

On December 29, 1982, the Office of Personnel Management confirmed that check-offs for political purposes by federal agencies and the D.C. government are illegal under the Hatch Act and are also in violation of criminal law.

AFGE had made arrangements for such a check-off with the D.C. government, headed by Mayor Marion Barry. An AFGE attorney, Donald M. Haines, complained in a memo dated July 14 about publicity given to the solicitation of political check-offs by the union. Haines said that such information should not have been given to The Washington Post or to the union's own publication, Political Action, both of which published stories about this. The Haines memo, which has been leaked to the press, warned that publicity should be avoided lest the Justice Department be alerted to what was going on. Haines said that local officers should be advised that their solicitation of political contributions could make them liable to loss of their government jobs, to a $5,000 fine and three years imprisonment for each solicitation.

Mr. Haines was summarily fired on September 3 on the grounds that he had failed "to safeguard confidential sensitive legal advice." He was ordered to clean out his desk immediately and was escorted from his office. This action outraged the union's national staff. They felt that it violated the union's labor-management contract, and they threatened to strike.

Blaylock then retreated, rescinding Haines' dismissal and placing him on administrative leave until November 8, when Haines was notified that he would be suspended without pay for two weeks, beginning December 13. He was told that his reports had been inaccurate and misleading.

At this point, Haines asked for arbitration of his case. He indicated that he would ask the arbitrator to take testimony from

AFGE's Washington lobbyist, Bernard Demczuk and other AFGE members who had attended a controversial AFGE meeting held May 18, 1982. According to the AFGE newspaper, The Government Standard, union members endorsed D.C. Mayor Marion Barry for reelection at the May 18th meeting. The June issue of this paper said: "The endorsement of Barry at the May 18 meeting culminated a D.C. political action program launched in January that involved all AFGE locals in District 14."

This admission in the union newspaper presented problems, because all local members and officers in District 14 are government employees covered by the Hatch Act, which bars them from engaging in partisan political activity.

One of the memos that has been leaked from AFGE headquarters was written by lobbyist Bernard Demczuk to outline a plan of action which he said "will protect 65 of our best political activists" from prosecution under the Hatch Act. The memo suggests ways of bogging down the investigation of possible Hatch Act violations being carried out by Mr. William O'Connor, the special counsel of the merit systems Protection Board. The Demczuk memo said: "If the Special Counsel asks for names—we refuse to release those names. If the Special Counsel subpoenas the names, then we file a temporary restraining order against the Special Counsel's subpoena."

However, AFGE General Counsel James R. Rosa has taken the course of simply denying that any endorsement was made of Marion Barry at the May 18th meeting despite what was reported in *The Government Standard*. In a letter to Special Counsel O'Connor, Mr. Rosa asserted that the endorsement of Barry occurred a week later and it was made by the union's national staff, not by its membership. The national staff members are arguably not government employees covered by the Hatch Act.

Rosa's claim appears to conflict with the account in the June issue of *The Government Standard*, which quoted Ken Blaylock as telling the employee-members at the May 18 meeting, after lengthy and stormy debate, "If you make this endorsement, we must back it up." The article added, "Blaylock then commended the activists on 'taking this historic first step. We intend to spread this endorsement process through the entire nation.'"

The Haines arbitration hearing could result in public exposure of the conflict between *The Government Standard's* account of the May 18 meeting and the version of the endorsement submitted by General Counsel Rosa. However, a source within the union has informed *The Inquirer* that Blaylock is planning a reduction in force affecting 15 employees early in 1983. It is believed that this may be a way of getting rid of Donald Haines and avoiding the arbitration hearing which might result in the public washing of the union's dirty linen.

[From the Washington Inquirer, Jan. 28, 1983]

LETTER SUPPORTS CHARGES OF AFGE HATCH ACT VIOLATIONS

(By Richard Zietlow)

A copy of an April 28 letter just obtained by The Inquirer supports charges officials of the American Federation of Government Employees illegally endorsed Mayor Marion Barry at a May 18 meeting. Proof of involvement could result in the loss of government and D.C. employee jobs for these officials under the Hatch Act.

The letter by AFGE lobbyist Bernard Demczuk asked all Presidents of locals in District 14 to come to a May 18 meeting "to make an endorsement of a candidate." This is illegal under the Hatch Act which bars all local members and officers as government employees from engaging in partisan political activity.

The Inquirer also received a document purported to be a list of 82 Presidents of locals and political activists invited to the May 18 meeting.

The Inquirer has turned both the April 28 letter and the list over to Special Counsel K. William O'Connor of the Merit System Protection Board to aid him in his investigation of possible violations of the Hatch Act within the union.

Another document, a September 21 Demczuk interdepartmental memo, outlines a plan of action which Demczuk says "will protect 65 of our best political activists" from prosecution under the Hatch act.

The memo suggests ways of bogging down the investigation of possible Hatch Act violations being carried out by O'Connor.

"If the Special Counsel asks for names—we refuse to release those names. If the Special Counsel subpoenas the names, then we file a temporary restraining order against the Special Counsels subpoena," Demczuk said.

On October 29, 1982, AFGE General Counsel James R. Rosa wrote a letter to the Special Counsel denying the endorsement of Mayor Barry was made at the May 18 meeting.

Rosa asserted to O'Connor that the Barry endorsement occurred a week later and was made by the union's staff, not by its members. The national staff members are arguably not government employees covered by the Hatch Act.

Rosa's statement to Special Counsel O'Connor was contradicted by an earlier June account in the union paper, The Government Standard, which says, "The endorsement of Barry at the May 18 meeting culminated a D.C. political action program that involved all AFGE locals in District 14."

The same issue quotes National President Ken Blaylock telling the employee-members at the May 18 meeting, after lengthy and stormy debate, "If you make this endorsement, we must back it up."

The article added, "Blaylock then commended the activists on 'taking this historic first step. We intend to spread this endorsement process through the entire union.'"

AFGE endorsement of Mayor Barry was in return for an automatic check-off system that would result in the withholding by the employer of voluntary contributions to the union's political action funds, D.C. Council member John Ray (D-At Large) has suggested.

[From the Washington Inquirer, Feb. 4, 1983]

SPECIAL COUNSEL DRAGS FEET ON HATCH ACT VIOLATIONS

(By Richard Zietlow)

On Friday, January 28, the official investigator-prosecutor for the federal government, Special Counsel K. William O'Connor of the Merit Systems Protection Board, said he does not intend to ask D.C. and Federal Government employees who are officials of the American Federation of Government Employees Union whether they broke the law by speaking in favor of D.C. mayoral candidates at a May 18 meeting.

O'Connor said this despite his receipt of a June issue of the union's own newspaper The Government Standard reporting such activities, by AFGE members at the meeting.

In declining to tackle the politically powerful AFGE union which hounded his predecessor, O'Connor said, "Just because an AFGE publication says that something has occurred doesn't prove that it is so."

All officials of locals are government employees and are barred under the Hatch Act from such actions under penalty of dismissal from their government jobs.

O'Connor is sworn to investigate and to prosecute all Hatch Act violations in the federal and D.C. governments. The Inquirer recently gave O'Connor a copy of a letter-memo in which union lobbyist and Political Affairs official Bernard Demczuk invited "all local presidents in District 14" to the May 18 meeting "to make an endorsement of a candidate." This is illegal under the Hatch Act.

The discovery by the Inquirer of the union invitation by Demczuk, contradicted AFGE General Counsel James R. Rosa's letter to O'Connor on October 29 denying any endorsement by the government-employee membership at the meeting on May 18. In his explanation to O'Connor, Rosa said the endorsement came from the national staff one week later. The national staff is arguably not government employees and thus not covered under the Hatch Act.

"If Demczuk is a private employee of the AFGE union, then he can write memos till the cows come home," said O'Connor. "Just because he invites them to violate the Hatch Act doesn't mean that they are violating that Act."

Demczuk in another leaked union memo recommended the union refuse to release to the Special Counsel the names of the people at the May 18 meeting, "in order to protect 65 of our best political activists." The Inquirer asked O'Connor if he intended to subpoena those names if denied them.

O'Connor replied that he wasn't going to ask for the names in the first place.

O'Connor referred to his November 4 reply to Counsel Rosa defining the law on government-employee endorsements of a candidate.

However, a check of this letter reveals O'Connor telling Rosa "should an employee become involved in the endorsement beyond attending the meeting and voting on the questions presented, such as, for example, by speaking on behalf of or in favor of a candidate for endorsement . . . such activity would be a violation of the law."

Yet, the June issue of the union's Government Standard said in reporting the May 18 meeting, "After lengthy, often stormy debate, officers or activists . . . voted . . . to endorse . . . Mayor Barry . . ."

AFGE endorsement of Mayor Marion Barry was in return for an automatic check-off system that would result in the withholding by the employer of voluntary contributions to the union's political action funds, Council member John Ray (D-At Large) has suggested.

On December 29, the Office of Personnel Management confirmed that check-offs for political purposes by federal agencies and the D.C. government are illegal under the Hatch Act and are also in violation of criminal law.

[From the Washington Inquirer, Feb. 11, 1983]

AFGE ELECTION CHALLENGED

(By Richard Zietlow)

The American Federation of Government Employees, already worried by charges of Hatch Act violations, has a scandal on its hands relating to the election of its National Vice President Edward Karalis. Karalis lost the election for the post of head of the New York-New Jersey region to Rita Mason on May 8, 1982, but he won a narrow victory when the union president, Kenneth Blaylock, ordered the election to be re-run on December 4.

Rita Mason has challenged the second election in court, charging that the re-run was stacked against her. She alleges that Kenneth Blaylock overruled the recommendations of two union election committees in ordering the election to be run again. She claims that Blaylock made that decision after he had received a $1,000 contribution from her opponent, Edward Karalis, for his own successful election campaign last August. Blaylock ignored the recommendations of the National Executive Council Election Committee and the original caucus credentials committee in ordering the election to be run a second time.

Mason says that the second election was stacked against her, saying that she was denied the margin of victory when Local 1119 was not permitted to vote. She says that Federal District Court Judge Anne Thompson had secured promises from the union lawyers that Local 1119 would be allowed to vote, but those promises were not honored. On the other hand, Local 1843, which went for Karalis, was permitted to vote even though it should have been disqualified because it was $25,000 behind in its payments to the national headquarters.

Mason is challenging the second election in court, and a decision is expected on February 22. The Inquirer was unsuccessful in its efforts to get comments from AFGE officials on Mason's charges.●

CALIFORNIA'S OFFSHORE FLIP-FLOP

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. DANNEMEYER. Mr. Speaker, the recent decision by the California State Lands Commission to lease 40,000 acres of prime offshore oil territory within 3 miles of the State's coastline has added fuel to the debate over Federal offshore leasing policy. As you, and many of the other Members of this body will recall, considerable objection has been raised in the past, not only to offshore lease sale No. 53 off the coast of northern California, but to Federal offshore leasing in general and to the 5-year leasing plan proposed last year by the Secretary of the Interior in particular.

Ironically, California, under the administration of former Gov. Jerry Brown, has been in the forefront of those raising objections to Federal offshore leasing even though the State has been rather extensively engaged in leasing State waters for many years. The rationale for this seemingly contradictory posture has been that the State was being selective, limiting offshore drilling in State waters to areas of high potential, while the Federal Government was allegedly going to permit practically indiscriminate leasing. Of course, this argument conveniently overlooks the fact that State waters are far closer to the beaches than Federal waters and it ignores the extensive procedures carried out by the Department of the Interior prior to the granting of any lease, but a budget crisis was required to demonstrate its superficiality. With the State of California facing a $1 billion budget shortfall and with but 3 days to go in Governor Brown's term of office, the State lands commission suddenly saw the light. Offshore drilling it seems, was not so bad at all, especially if it could mean up to $600 million in the bank and reelection considerations were no longer a factor.

While I am delighted that the Brown administration finally did see the light, I would hope that the former Governor would not only issue an apology to the Secretary of the Interior but would take the lead in fighting for a comprehensive rather than a very restrictive offshore leasing program. After all, the Federal Government is facing a far worse budget deficit than is the State of California and it needs offshore leasing money desperately. And maybe even more importantly, greater development of our offshore oil and gas resources would further reduce our dependence on foreign oil and would lessen the possibility that some day we might have to fight to maintain access to foreign energy resources.

Not long ago, on the last day of last year in fact, the Arizona Republic wrote an editorial commenting on offshore oil leasing developments off the California coast. For the information of my colleagues who might have some doubts about what Secretary of the Interior James Watt is doing in the area of offshore leasing, I insert it into the RECORD at this time. It is not too late to learn from California's experience.

[From the Arizona Republic, Dec. 31, 1982]

CALIFORNIA FLIP-FLOP

Remember when California prevented Interior Secretary James Watt from opening 600 miles of its coastline to federal oil and gas leasing because of spill risks?

Well, would it be surprising to know that California suddenly has overcome its nervousness about spill risks, and plans to lease some of the same area to drilling for its own profits?

The California congressional delegation stormed at Watt for months and finally won a ban on offshore drilling after accusing him of risking the scenic beauty of some of the loveliest beaches in the country.

Watt maintained that other parts of the U.S. coastline were being drilled without incident, and argued once again for independence from foreign oil.

So much for arguments of reason.

The California State Lands Commission has now decided to lease 40,000 acres within its three-mile territorial limit for oil and gas drilling with dreams of huge profits.

Wells would be drilled north of Santa Barbara between Point Conception and Point Arguello, one of the most beautiful areas of the California coastline.

In response to a question, a commission member told The Republic that state income was a factor in the decision.

The virtue of offshore drilling became clearer when California projected a $1.2-billion state budget deficit for the current fiscal year.

With bonus bids, the state could earn up to $600 million—half the budget deficit—from offshore oil and gas leases.

The federal treasury could have earned $1 billion income if Watt's proposal had been approved and not fought by Californians.

Californians are trying to make their leasing program sound less risky than what Watt had in mind.

California's Lands Commission claims state environmental impact rules for drilling are stricter than those of the federal government.

That may be, but the area opened to bids extends from three miles out to the very beaches local congressmen insisted must be protected.

Watt would have leased areas from three miles out to as far as 75 miles from shore.

There's no question—California is running some of the risk it refused to grant Watt.

But California has no time for arguing principle when $600 million is at stake.●

NATIONAL CHILDREN'S WEEK RESOLUTION

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. FOWLER. Mr. Speaker, the needs of our Nation's 65 million children warrant the attention of the Congress and of our communities, and today I am introducing a resolution to designate a National Children's Week to provide this opportunity to focus on their special needs.

Last year in Atlanta, Ga., a dedicated group of my constituents conducted a highly successful children's week, which brought together volunteer agencies, State and local officials, educators, and other concerned individuals to review the needs of our children and the services being provided to them in our area. Mrs. Mary Beth Busbee, the wife of Gov. George Busbee, and Mrs. Jean Young, the wife of Atlanta Mayor Andrew Young, cochaired a major public event which included a mall show and exhibition at the largest shopping center in our area.

A foundation, which chooses to remain anonymous, has awarded a grant to provide for the publication of a guidebook on how other communi-

ties can conduct their own children's week along the lines of the one in Atlanta last year. With this grant, and congressional designation of the week of October 2, 1983, as National Children's Week, we can stimulate a nationwide examination of the needs of American children and the ways in which we can insure that our future generations are provided for in a thoughtful and comprehensive way.

I believe this can be an extremely worthwhile effort, and I hope all my colleagues will join me in support of National Children's Week.●

INAUGURAL ADDRESS OF GOV. TONEY ANAYA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. RICHARDSON. Mr. Speaker, I would like to share with my colleagues the inaugural address given last month by the new Governor of the great State of New Mexico, the Honorable Toney Anaya.

In his statement, Governor Anaya pledges to unify the people of New Mexico in the effort to protect and wisely utilize our precious natural and human resources.

I have every confidence in the Governor's ability to fulfill this pledge, and I commend his incisive words for review by the distinguished Members of the House.

INAUGURAL ADDRESS GOV. TONEY ANAYA, JANUARY 1, 1983

Mr. Chief Justice, Governor and Mrs. King, Lieutenant Governor and Mrs. Mondragon, Lieutenant Governor Runnels, members of the judiciary, members of the legislature, members of the executive branch, distinguished guests, my wife Elaine and my children and other members of my family, and my fellow New Mexicans—as Governor of this great State, welcome, and thank you.

I expecially wish to thank the many of you here today who unselfishly and untiringly gave of your time and your efforts, and, more particularly, I wish to thank those who, in many cases made financial sacrifices which you could not afford. Through these efforts and these sacrifices, you have insured that I would be before you today, as your next Governor, to take the reins of State government to achieve our goal—our goal of turning a dream into a reality through a commitment to unite all the people of our State by emphasizing our common traits and our common purposes, instead of our differences.

There are those very few who participated in the election process for personal gain and they will be disappointed and will soon become vocal critics. But, when I think of the thousands of you who labored long and hard, without thought of personal gain, but rather driven by a fierce commitment to decency, fairness, justice and equal opportunity for all—when I think of you, I know that God has blessed me, and it lifts my spirits—it motivates me to continue with the battle—it drives me with your same fierce commitment to fulfilling New Mexicans' deep desires for hope, for justice. You, the unselfish, have not only made it all worthwhile, but you have made me a very humble man—humbled by the experience of having such loyal and dedicated friends, and, today, by being your Governor. While most of you may not formally be a part of our administration, I commit to you that those who are appointed to policymaking positions will be instilled with the same goals and ideals that you carry. If they were involved in the campaign, they already understand and share your dreams. If they were not, they shall very quickly understand, appreciate and support your goals. You and I worked too long, we sacrificed too much, to now watch our dreams slip away, now that they are in our grasp.

Today, I want to speak of "a new beginning."

Slightly more than 1 year ago I stood at the front steps of this building and made the formal announcement of my candidacy for office. I pledged to endeavor to cast away the clouds so that the sun would shine equally upon us all—the Anglo, the Hispanic, the Native American, and the Black; the women; the poor, the middle class and the rich; the handicapped and the abled-bodied; upon private enterprise and the consumer; and upon our working men and women.

As I assume the office of Governor of our State, I rededicate myself to open, honest government, and I pledge to conduct the office of Governor and the entire executive branch by that standard.

I pledge today a renewal of faith in our institutions of government and a renewed sense of purpose as a society. And I pledge a rededication to the ideals and values of this great State and Nation.

I pledge a reaffirmation that our political system can and does work, and renewed confidence that the people can indeed govern themselves wisely and with sound judgment.

Today, I gratefully accept the challenges and responsibilities of service as your Governor—and I pledge to you that I do so with the solemn commitment to reaffirm my own dedication to the principles that have guided my public career over the past years.

I do not accept the responsibilities of this office lightly. We enter 1983 with staggering problems facing us—and the enormity of those problems demands that those of us elected to office place our partisan and petty differences aside. If we do not, we will fail the tests ahead. Today, we must, and I do, initiate "a new beginning".

It is because of the many values, characteristics, background and resources which we do share, which we commonly experience, that we stand unique among the States—unique in that we truly can have a united New Mexico, a New Mexico which must remain united if we are to succeed in this decade and beyond.

We are gifted in natural resources and by the very fact that our heritages, our cultures, our fundamental roots are uniquely diversified. This each of us can observe merely by looking at those who are present, sharing this moment with us. Through this diversity, and perhaps because of it, each of us can become united in our dreams, in our goals, in our endeavors to make this State one in which all can live peacefully, fruitfully, and with a promise of continued, enhanced quality for our future generations. With this, we can offer a showcase for the world. A showcase which would display the fact that a cultural diversity can indeed form the basis of mutual understanding, a productive partnership, a unified effort. It is upon this commonality that we can raise the standards of our economically deprived, our jobless, our seniors, and our youth. This united effort will not be for the mere sake or personal success, but to enable each one of us to share in the wealth of our precious resources.

Yet, in governing, as in other professions and walks of life, acknowledging a problem or the root of a concern is essential to success, we must recognize that for too long in this State we have consciously—or, more often than not, subconsciously—emphasized, to our collective disadvantage, our differences in culture, heritage and regional characteristics. One need only look at election results, at legislative reapportionment battles, at the results or motivations of some governmental and economic decisions to see the proof.

Differences of opinion, of philosophy, of approach, are healthy—if those differences are mutually understood and respected. But, these differences are destructive when expressed in actions that are discriminatory, prejudicial, greedy, or petty.

New Mexico can be a showpiece. We are among the richest States in the country—rich in natural and human resources—rich in culture. Yet, we have historically been among the poorest when we speak in economic terms, when we speak of opportunities for our citizens. This must change. This will change. By uniting in purpose we can change and chart our own destiny—a destiny of opportunity and fulfillment.

In doing so, educational opportunity, economic growth and social justice shall be the keystone. The enhancement of our educational opportunities cannot be limited to the traditional avenues. Rather, they must include new vistas of high technology, agriculture, engineering, research, economics, trade and production. Our economic growth will utilize our resources to the ultimate—our human resources, our natural resources, our historical resources, our scenic resources. Without sacrificing our appreciation for and the quality of these resources, they can be the pool from which the ripples of progress can touch each of our lives to accommodate our dreams, thereby relieving us of our nightmares.

We must remain constantly mindful that our aid and our land are not as forgiving or forgetful as we tend to be. As we reach to our resources for our own benefit, it must be with care, it must be with respect, with a cautious regard for the delicate balance and fragile nature of our resources. Our soil and water, our atmosphere and our forests, our sources of energy and our minerals must not be the subject of abuse, neglect and waste. Rather, they must be our trust, our inherent and God-given capital, treated with reason.

The electorate, in endorsing my pledge to offer our citizenry and open and honest government, with integrity as its backbone, has said: "We will not be subject to guile; instead, we shall only be governed through a shared, commonly understood reason." To achieve this, we must renew our commitment to social justice. True social justice is not, and should not be interpreted as, a weakness in our social or moral fiber. Rather, as a goal, it should be a reminder that we are created equal in the eyes of God and that the most fortunate should not take advantage of the least fortunate * * * that the strongest bond we have as human beings is the ability to be compassionate,

fair, honest—that our strongest quality is our ability to reason and to be humane. If we lose our moral fiber, we lose our soul. Social justice must and will be our beacon.

As I have moments ago pledged to honor and protect our Constitution, I now add to that pledge. I pledge to be an activist whose every purpose and commitment shall be to honor and protect what you fought for in this recent campaign—hope and opportunity through a "united New Mexico". Hope and opportunity through "a new beginning". This administration will truly be one where each person will have a voice, where government will listen, where every consideration will be given to the plight of its constituency, where the needs of all our diverse regions will be considered, and, the rewards which government can effect shall be its goal. With foresight, compassion, direction, and a clarity of purpose, we shall overcome our burdens to discover and live the invaluable promise which this day offers and in which it invites us to partake.

With the continued guidance of the grace of God, New Mexico shall truly enter, intact and rejuvenated, into its proud, deserved destiny. I invite you to join hands—you in the legislature—you in the judiciary—you in the executive branch—join hands that we might unite all New Mexicans, be they black, Native American, Hispanic, Anglo, be they from the North, the South, the East, the West, be they conservative or liberal, be they men or women—let us unite as one voice and show respect for our respective differences. We are a good State. We have the potential to be a great State. With God's grace and all of our efforts, we will achieve greatness. Today, let us launch "a new beginning".

Thank you and God bless you.●

THE ONGOING TRAGEDY OF MISSING PEOPLE IN CYPRUS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues the lead article which was contained in the January 22 edition of the Cyprus Bulletin entitled "European Parliament on Missing Persons."

The article discusses a resolution adopted by the European Parliament calling on new initiatives to help locate an estimated 2,000 persons still missing from the Turkish invasion of Cyprus almost 9 years ago. These missing persons, primarily Greek Cypriots, have been a major concern for some time, yet the Turkish Government has failed to aggressively assist in providing substantive information about their status to their relatives.

I am hopeful that the pressure which might be mounted as a result of this resolution might motivate the Government of Turkey to provide a full accounting of all missing persons. Further, this administration must not commit itself to any new requests for increases in U.S. aid, especially military aid, unless and until Turkey takes steps not only to provide needed information on missing persons but also removes its invasion forces which still occupy some 40 percent of Cyprus. We have a moral obligation to act especially when the invasion was accomplished in part through the illegal use of U.S. arms.

At this point in the RECORD I would like to insert the aforementioned article.

[From the Cyprus Bulletin, Jan. 22, 1983]

RESOLUTION—EUROPEAN PARLIAMENT ON MISSING PERSONS

The European Parliament, on January 11, 1983 adopted with an overwhelming majority a resolution on the problem of missing persons in Cyprus by which it urges the Committee on Missing Persons, established pursuant to U.N. resolutions, to meet and proceed with all investigations required.

In the summer of 1974 a great number of Greek Cypriots was captured by the invading Turkish troops. Of these 1,619 persons, who according to indisputable evidence were still alive after their arrest, have not been released and their whereabouts are unknown.

The Turkish side refuses to provide information on the fate of the missing persons and has so far blocked all attempts made to end the agony of the families of the missing.

The resolution adopted by the European Parliament urges the International Committee of the Red Cross to provide all assistance necessary for the speedy and effective completion of these investigations, so that the families of the missing persons may be convinced of their results.

It recognises that the enjoyment of full human rights and fundamental freedoms as well as economic and social progress throughout the Island will not be possible until the withdrawal of all foreign armed forces from the Republic of Cyprus.

It also states that further delay in solving the problem of missing persons impedes an early and peaceful solution of the problem of Cyprus as a whole.

Finally it instructs the President to transmit the resolution to the Council of Ministers, to the Foreign Ministers in Political Cooperation, to the U.N. Secretary-General and to his Special Representative in Cyprus, to the governments of Cyprus and of Turkey, requesting the Foreign Ministers in Political Cooperation to report to the Parliament on progress made towards resolving this problem by June 1983.

The resolution was adopted by 192 of the Europarliamentarians present, 5 voted against while 21 abstained.

The motion for the resolution was submitted by the Political Affairs Committee following a report by the British Europarliamentarian Lady Elles. Lady Elles is Vice President of the European Parliament and Rapporteur on the question of missing persons.

Meanwhile, the Republic's Foreign Minister, Mr N. Rolandis, sent a letter thanking Lady Elles for her interest in and action for the Cyprus missing persons, which contributed to the adoption by the European Parliament of the relevant resolution. Appreciation for the adoption of the resolution by the European Parliament was also expressed by House President Mr George Ladas in a message to Lady Elles.

It is recalled that on December 9, 1982 the Third Committee of the U.N. General Assembly approved a resolution on missing persons in Cyprus which also calls for a speedy solution of this humanitarian problem.●

A TIME FOR COURAGE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, that the United States is facing economic turmoil is denied by no one. Indeed, far too many citizens are engaged in finite analysis of the past, and far too many in positions of leadership are addressing the short-term, "quick-fix" or "political" approaches and solutions to cure our ills. What is needed is statesmanship. Guidance for a statesmanship-like stance is provided in a brief but pithy pamphlet written by Dr. RON PAUL, U.S. Representative from Jackson, Tex. I commend Congressman's PAUL's writings, reprinted here below, to my colleagues' attention:

A TIME FOR COURAGE

(By Congressman RON PAUL)

"One man with courage makes a majority."—Andrew Jackson

STATESMEN OR POLITICIANS?

We are witnessing the evolution of an increasingly dangerous situation in our nation. The politicians who occupy positions of leadership in the United States Congress, are increasingly casting aside their consitutional duties and responsibilities in the face of ever worsening political and economic difficulties. Rather than cast politically-difficult votes to reduce federal spending, to balance the budget, to dismantle wasteful bureaucratic regulatory and welfare agencies, or to establish truly Pro-American foreign and national defense policies, too many members of Congress choose simply to ignore these problems or hypocritically shift the blame for them to someone else.

This is the seemingly insurmountable task before us today; to persuade members of Congress, in both parties, to vote for what is right, rather than what is politically expedient; to hold fast to constitutional principles, rather than forsake these principles in the face of political opposition.

In the name of political compromise, the Constitution has been repeatedly ingnored and increasingly rendered meaningless by the politicians. This continued defiance and low regard for law and the Constitution has been the primary contributor to the precarious economic and political conditions that threaten our nation today.

Upholding the Constitution is not always easy. It often takes a great deal of courage to say "No!" to special interest groups, to say "No!" to the majority of your colleagues in Congress, or to say "No!", even to the President of the United States. It is easy for politicians to talk about free enterprise, reducing federal spending, balancing the budget, cutting foreign aid giveaways, etc., but it is another thing altogether for them to consistently vote for these principles.

If we are to provide for the restoration of constitutional, limited government in our nation, then we must replace the politicians

with *statesmen*—individuals who have the courage not only to talk about these principles, but to relentlessly promote and defend them. Accomplishing this goal will not be easy, but it can be done.

Andrew Jackson, one of our greatest Presidents, said, "One man with courage makes a majority." Courageous men have always determined the course of history; one need think only of the Founders of this nation, who pledged to each other their lives, their fortunes, and their sacred honor in their struggle for freedom. Majorities do not make history; courageous minorities do.

Now, more than ever, it is time that we have a renewal of such courage in our nation. It is time that we stand up for what is right, though it may be easier to remain seated. It is time that we speak the truth, though there may be many who do not want to hear it. In the decade of the 1980's America will be faced with its greatest crisis, a crisis with political, social, economic, and international aspects. How we prepare for or react to that crisis will determine the shape of the world for decades to come.

In the pages that follow, I have outlined a program for the 80's. It is, I am convinced, a program that will preserve our freedom well into the 21st century, but it cannot be implemented by politics as usual, by the tug-of-war between special interests and lobbies fighting for political turf and power in Congress. It will demand a renewed commitment to freedom, and the courage to act on that commitment. Now, more than ever before in our history, it is a time for courage.

REBUILDING AMERICA

In 1980 the American people voted for a fundamental change in the direction their government was heading. This change in direction has yet to be realized. They voted for lower taxes, but taxes have gone up each year. In 1981 the federal government took $599 billion in taxes. This year it will take $626 billion. By 1985 the government expects to collect over $800 billion, a tax increase of over one-third in four years.

The American people voted for balanced budgets, but the federal deficits have been breaking records for the past two years. In 1981 the federal budget deficit was $57 billion, in 1982 it will be about $100 billion, and it is estimated to be $130 billion in 1983. Never before have we seen such large deficits.

The American people voted for less federal spending, but federal spending has increased 20 percent in the past two years. In 1980, the federal government spent $577 billion; in 1981, $657 billion; in 1982, $725 billion; and the projections call for federal expenditures of $870 billion in 1985.

We can no longer afford to play games with regard to federal spending. Spending is absolutely out of control, and little or nothing is being done to reduce it. Despite all the rhetoric we have heard coming from Congress and the media about massive budget cuts that have been enacted since 1980, the plain fact is that there have been no real reductions in spending. Congress has made no effort to end its big spending habit, and the Administration has by and large failed to demand the real cuts in spending from Congress that are needed.

Polls have shown over and over again that the American people believe the way to balance the budget is to *cut federal spending, not raise taxes.* Yet the politicians are so concerned about offending certain vocal groups of voters that time and time again they refuse to vote to cut spending when it comes down to specifics.

What will it require for Congress to correct these problems? Only one thing: courage. There is nothing in shorter supply in Washington today, and nothing so badly needed, as courage.

Our present economic problems stem from four causes: (1) a paper currency redeemable in nothing; (2) high taxes; (3) goverment regulation of virtually everything; and (4) recordbreaking budget deficits. Unless these causes are eliminated, our problems will only continue and worsen.

It is one of the great political superstitions of the 20th century that the government can take a piece of paper, slap some ink on it, and circulate it as money with no detrimental side-effects.

We are now feeling the effects of this experiment with paper money that began in the late 1960's and early 1970's. The coming years will force us to be courageous and replace our paper currency with real money—gold or silver—or suffer the consequences of our superstitious allegiance to paper: runaway inflation and interest rates.

Political control of the money system can endure for only a short time. Just as one can jump into the air and stay airborne for a brief moment, so can economies leave a real money system and remain stable for a short while. Soon however, the laws of economics, like the law of gravity, take over, and economic systems come crashing down. The first major reform for the 80's must be the creation of a dollar as good as gold.

The second major reform for the 80's must be the reduction of both tax rates and revenues to just levels. Tax rates as high as 50 percent are not only economically disruptive, they are confiscatory and immoral.

The adoption of a flat rate tax system, such as I have proposed in legislation now in Congress, would go far toward reducing tax rates and establishing a more reasonable and equitable tax system than our present "progressive" income tax. As provided in my bill, I believe the highest rate should be no greater than 10 percent. If the Church asks only that much, by what right can the State demand more? The reduction of both tax rates and revenues, coupled with the restoration of a gold dollar, will in turn lead to the greatest increase in economic activity in human history. With low taxes and a gold standard in the late 19th century, this nation experienced the largest real growth rate for the longest sustained period in our history. That record, I am convinced, can be surpassed, but only if we have the courage to make the necessary decisions.

The third major reform for the 80's must be the elimination of government regulations. In the past fifteen years, federal regulations and regulatory agencies have been created by Congress without a rational plan or purpose. We now have federal regulations for virtually all activities and all products. The former Chairman of the Council of Economic Advisors has estimated that these regulations cost the American consumers over $100 billion per year. But that figure is only part of the story, for no one knows how many businesses have failed because of government regulations, how many products were never marketed, or how many services were never performed. Government regulations are like a reverse neutron bomb: They leave the people living, but destroy the economy.

The fourth major reform for the 1980's is a balanced budget. The federal budget will not be balanced by simply ratifying a Constitutional amendment, however important that may be. It will only be balanced by Members of Congress who have the courage to cut federal spending. Unless spending is cut, we will continue to suffer from high interest rates and a sluggish economy, as the government borrows the money that should be used for productive enterprises. Despite all the cries of anguish and pain about budget cutting, the fact is that federal spending is growing about 10 percent annually, much faster than our population or our real economic growth.

Not only do we as a nation have economic problems, we have serious moral problems as well.

The American people, for instance, voted for the right to life in 1980. Not only have abortions not been ended, but they have actually increased. Since November 1980, over three million abortions have been performed in America, a land once dedicated to the protection of the rights of life and liberty. Since 1973 the federal government has failed to protect, and has forbidden the states to protect, the lives of innocent children. In the past ten years, twice as many babies have died in Liberal America as Jews in Nazi Germany.

It is imperative that a Human Life Amendment to the Constitution be ratified as soon as possible, and that the governments of this nation—federal, state, and local—once again be permitted to perform their most basic function, the protection of life.

These reforms for the 80's will restore to America the greatness that once was hers. Linked with major changes in our foreign affairs, they hold the promise of ushering in an American Century, a century of freedom, peace, and prosperity.

A PRO-AMERICAN FOREIGN POLICY

The ultimate purpose of our foreign policy must be to protect the liberty and security of the American people. For decades our foreign policy has had different purposes: to make the world safe for democracy, to end all war, to export American wealth. Because ours is a wealthy country, we have been able to afford our past foreign policies, but their cost has been great, both in money and freedom.

A recent study prepared by the Library of Congress demonstrates that our foreign aid program from 1946 to 1981, a period of thirty-five years, has cost over two and one quarter trillion dollars—$2,250,000,000,000. In the first two years of the present Administration the budget of foreign aid has increased 30 percent.

Perhaps the continuation of such massive expenditures would be plausible were our foreign aid programs succeeding. But there are no successes. Adding insult to injury, the recipients of our massive foreign handouts are rarely grateful for what we give them. Large anti-American demonstrations, complete with flag burnings, are generally the thanks we get for sending our hard-earned tax dollars overseas. We have subsidized nations like Iran and Libya with billions of dollars for many years. In return Iran held 52 Americans hostage for over a year, and Libya, under the direction of Muammar Qaddafi, attacked our planes over the high seas. Japan and Germany have received tens of billions of dollars in aid. We receive, in turn, government-subsidized products whose importation may contribute to unemployment in this country.

Worse than continuing to subsidize wealthy nations like Japan and Germany is

our policy of subsidizing Communist governments, who are our avowed enemies.

When the Soviets invaded Afghanistan in 1979, they drove in on a major highway constructed by the U.S. Army Corps of Engineers with U.S. tax money. They drove trucks built in the Kama River truck plant constructed by U.S. firms with aid from the Export-Import Bank. The Kama River plant is the largest heavy truck plant in the world.

The Soviet Union also has the largest iron and steel plant in the world: It was built by a large American corporation.

If this were not enough, the Soviets also acquired the miniature ball bearings they needed for their MIRV nuclear missile warheads and the computers they use in their "Pentagon" from the United States.

Many of these projects and others have been subsidized directly through the U.S. Government's Export-Import Bank or through bank credit that the American taxpayer ultimately guarantees. Just this past year, the Export-Import Bank loaned $180 million to two Communist countries for nuclear and conventional power generators. Through government guaranteed loans, we have unwisely participated in the bailout of the Communist controlled government of Poland.

If the Communist governments are so bad—and I believe they are—that we must build up our military to defend against them, why are we also subsidizing them? Competent scholars tell us that the Soviet Union's military-industrial complex is supported by and has been largely built by aid from the West. In addition to the Soviet Union, an estimated $100 billion has been lent by the West to Eastern Bloc countries, indirectly benefiting Russia.

If we are truly interested in aiding the oppressed people of the world who are enslaved by Communist governments, we should move immediately to cut off the massive financial aid which helps keep these governments in power. For the sake of both citizens of these countries, and the American taxpayers, Congress should end these harmful foreign giveaways.

A PRO-AMERICAN DEFENSE

Despite the fact that the United States has spent $1.1 trillion on defense in the past ten years, our defenses are in disarray.

For example, Retired General John Singlaub has reported that "because the United States has virtually no anti-aircraft or missile defense . . . the Soviet Union could bomb us with cargo planes."

For too long the policy-makers in Washington have tried to buy friends rather than building weapons that could defend America. But friends can't be bought. At best they can be rented for awhile, usually until someone offers them a better deal.

The purpose of defense, as with foreign policy, should be to assure the freedom and well being of the American people. But in the last few decades we have had policies that clearly impaired our ability to defend ourselves.

Sadly, our policy of having virtually no anti-aircraft or missile defense has been a deliberate one. It has been the official policy of our government for the last two decades, and it is known by the acronym MAD (Mutual Assured Destruction). It is an apt name, for it is a mad policy. The American people and the Russian people have been held hostage by their governments in this global game of nuclear chicken. This policy was officially ratified in 1972 by the signing of the SALT I Treaty prohibiting us from building any antiballistic missile systems. Such a system would have enabled us to defend our cities against a missile attack, yet we agreed not to build it. Although the SALT I Treaty expired in 1977, we have continued to abide by its terms, a position we should immediately end. I believe an antiballistic missile system should have been built in the 1960's, and I believe that one should be built today.

One of the major reasons America's defense system is so weak is that we have been spending about half of the money supposed to go to our defense on the defense of other nations.

The estimated cost of defending foreign nations is now about $100 billion per year. The American people have been paying tens of billions each year for the past thirty years to defend nations that are quite capable financially of defending themselves. West Germany and Japan now have standards of living that equal or exceed that of the U.S., yet we still subsidize the defense of those countries. Japan, for example, spends only about 1 percent of its entire Gross National Product on defense. As we spend taxpayers' money to build up bases for Japan, we tragically dismantle bases in our own country.

Spending money defending foreign nations that should be paying to defend themselves is not in the best interest of America. It places a tremendous economic burden on America and it actually encourages these nations not to provide for their own defense.

We must re-direct our military expenditures to benefit the United States. By reducing the large amounts we give to other nations we can in turn use that money to strengthen our own defense.

We should be willing to question any treaty that thwarts the defense of the U.S. The SALT treaties have had disastrous consequences for our defense, and we should be wary of signing any such treaties in the future.

We must turn our attention and efforts to building a modern defense, consisting of such things as: highly accurate radar; advanced air and missile systems; defensive laser and satellite technology; cruise missiles; anti-ballistic missile capabilities; well-trained and adequately paid personnel, and all of the other components necessary for a truly strong defense.

For this to come about, the American people need to make their desire for a Pro-American defense heard in Washington. For far too long, Congress has been accepting the wrong ideas about defense. Unless those ideas change, simply spending more money will not resolve all our problems.

We must strive to spend our defense dollars as efficiently as possible. A balanced budget and a strong defense are not opposed to each other. In fact, to have a strong defense, it is necessary that we be economically strong.

We can surely afford a sound defense, but we can no longer afford to subsidize the world.

In reordering our foreign and defense policies, we should return to certain fundamental principles that this nation followed for well over a hundred years, but which were abandoned in this century. These principles, when we practiced them, kept us out of foreign wars, and protected the lives and fortunes of our people. In his Farewell Speech to the Nation, President Washington warned against "entangling alliances" with foreign nations, His advice is worth repeating:

"The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible . . . Why quit our own to stand upon foreign ground? Why by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition rivalship, interest, humor, or caprice . . .?"

Following the principle of not entangling alliances means simply: Putting America first. It is time for us to redesign our foreign and defense policies to fit this principle so that we might assure that the liberty and the security of the American people are preserved.

A TIME FOR COURAGE

The history of human freedom has been the history of the limitation of government power. Governments have historically been the greatest threat to human freedom, from the ancient Roman Empire to the 20th Century Communist Empires.

In the 1980's we are threatened by a loss of human freedom unparalleled in history. The noble experiment that our forefathers began on this continent 350 years ago and perfected in the Constitutional Convention 200 years ago is in danger of failing unless we, like them, have the courage to act.

When the Colonists challenged George III, they did so in the name of the rights of Englishmen, rights granted them by their Creator. Two hundred years later, many of their children have forgotten, or never learned, what rights are and what sort of society they require.

The growth of governmental power is the greatest tragedy of the 20th century, for such excessive power necessarily destroys human rights. We can have a strong government or a strong people, but not both. We can have a generous people or a welfare state, but not both. Government does not produce, it appropriates. Government does not enrich, it impoverishes. Government is not charity, it is force, and all force must be limited in both its extent and its execution.

A free and prosperous society—the type of society that we have enjoyed for two hundred years—is slipping away from us. It is being lost by the politicians' concern for the next election rather than the next generation. It is being lost through the political struggle in Washington for the greatest special privileges granted by the government. It is being lost by the lack of courage on the part of those who know that what is happening is wrong, but who do not act to change things. Of all the guilty parties, those who know but do not act are the most guilty.

The 1980's will be an exciting time to be alive. The world that exists is 1990 will be much different from our present world. Whether it will be worse or better, slave or free, is up to us—you and me. Now is the time for courage. If we let this moment pass and do nothing to preserve our freedom, we shall deserve the condemnation of all future generations.●

REALITY AND EL SALVADOR

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. SHUMWAY. Mr. Speaker, U.S. policy with regard to El Salvador and Central America generally has been, to say the least, extremely controversial over the past several years. The administration's recent certification that the Salvadoran Government is making discernible progress, however limited, in the human rights area has served to intensify the debate.

There can be little doubt that the situation in El Salvador is both complex and tragic, and that the foreign policy choices facing the United States are limited. There are no easy answers.

I am disturbed, however, with the apparent willingness of many Americans to ascribe to the leftist rebel movement in El Salvador the attributes of the liberal democracy to which we are accustomed in this country. Although I am in no sense prepared to defend the brutal and shortsighted rightist elements, it is important to remember that the administration's policy is to encourage the development of a legitimate democracy. Support for the left in El Salvador can no more result in achievement of this objective than can support for the right.

In this regard, I commend the following editorial which recently appeared in the Washington Post.

REALITY AND EL SALVADOR

(By Mark Falcoff)

Whatever one may think of the curious atmosphere—half street carnival, half-inquisition—that now surrounds the El Salvador certification process, no doubt the exercise itself serves one constructive purpose: it compels us to reexamine semiannually what we are doing, or trying to do, in that country, and to ask ourselves whether there might not be another better way.

One such effort was a column by Stephen S. Rosenfeld ["Slugging It Out in El Salvador," op-ed, Jan. 28]. In it, he proposed a "diplomatic initiative" under which "there would be a cease-fire and the two sides would be left to work out their own political future." The Salvadoran government "would lose the support [for its electoral plan] it now gets from the United States . . . in return, it would gain a cease-fire." The opposition, he added, "would lose the edge that accrues to it by its military pressure, but would get an earned or ageed place in the political sun."

In that presumably happy eventuality, "the two sides would be left to work out their own political future," which—he candidly adds—"would no doubt be ragged and irregular." But, he concluded, it is incumbent upon the Reagan administration to exhaust the "diplomatic means" available to ensure that in El Salvador, "one way or another, the popular will is finally honored."

Diplomatic solutions come in all sizes and shapes. If what Rosenfeld is proposing is something other than a disguised withdrawal—and I think it is—then it must satisfy two fundamental questions: 1) what is our middle- and long-term purpose? And 2) what are the possibilities of achieving it by the means proposed?

If what we wish to do is to honor the "popular will," we might begin by noting that in El Salvador, at any rate, that has already been provisionally accomplished—through free elections. It is a remarkable tribute to the force of cultural stereotypes (as well as some pretty unscrupulous propaganda) that many Americans simply find it impossible to credit any electoral result in Latin America that does not result in a resounding triumph for the "revolutionaries."

True, in El Salvador the left chose not to participate, but even by the most generous estimates this would have removed only 15 percent of the national community from the deliberations. Doubtless the results themselves do not point in a single, unambiguous direction for public policy in that country—but why should they? The real issue is why so small a proportion of abstaining voters should be regarded as virtually an entire disenfranchised nation, much like the blacks in South Africa.

Second, the violent left in El Salvador is by its own admission fighting not for a "place in the political sun"—so many jobs in the ministry of education, so many changes in the land-reform bill—but for a whole new political order informed by Marxist values. If we are speaking of a political settlement in the extreme short run, no doubt the rebels will be happy enough to sit down and discuss a formula for power-sharing with the parties of the Salvadoran center and right.

But after a century pockmarked by the failure of "coalition governments"—whether in St. Petersburg, Prague or elsewhere—we have no right to pretend ignorance of what this will mean in practice. Granted, some of our European allies and the Mexicans profess to find this eventuality quite acceptable, but there is no particular reason why Americans, particularly those of a liberal temperament, should make the cynicism of other nations their own.

Third and finally, while there is no doubt that the United States could shut off military aid and thus observe a cease-fire, as some suggest, who would compel the other side to keep its part of the bargain? To pin that hope, as Rosenfeld does, on our "Latin American diplomatic friends" glosses over the inconvenient fact that these same allies looked the other way when their painfully fashioned accord in Nicaragua—which included nonalignment and free elections—was precipitately overturned by the Sandinistas.

Nor is it reasonable to expect much in this regard from the government of Nicaragua. Those who imagine that this is the fault of the Reagan administration need to be brought up sharply by the facts: the Sandinistas had already fixed their present international role when President Carter finally felt compelled to shut off aid. There may yet be some value—obscure and not yet established—to one more approach to Managua. (For all we know, it may already have been made.) But by now it should be clear that pragmatism and good sense are not the overarching values of the government there.

Insofar as Central America as a whole is concerned, it is one thing to object to a policy because it is unpleasant and difficult, another because it is wrong. Throughout the debate over El Salvador, this distinction seems to have been lost. Is the present course really so bad that it justifies leaping into a void of good intentions and diplomatic spit-and-baling-wire?

We are speaking here not to those critics who believe that Marxist governments are not merely the wave of the future in Central America, but much preferable to any other. With such people there can be no argument; they are simply wrong. But the rest of us deserve better—by the dictates of realism and of our own values. And so do the people of El Salvador.●

HELPING FOOD REACH THE NEEDY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. STARK. Mr. Speaker, I am today introducing legislation for Mr. ECKART of Ohio, Mr. HALL of Ohio, and myself which provides a special deduction to companies that donate transportation services to assist in the distribution of food and medical supplies to the sick and the needy.

Mr. Speaker, one need only watch the nightly news to realize that many people in the country are desperate straits, facing shortages of food, clothing, and other basic necessities. While the needs have grown, the Federal Government has cut back on food stamps and other vital programs for the poor. In many cases, the private sector has valiantly stepped in, attempting to fill the large gap left by a government fleeing its responsibilities.

I know first-hand, from a field visit last summer sponsored by a District of Columbia group, that just by climbing in grocery store dumpsters, one can assemble a quality, nutritious feast for distribution to the needy. But this is only a small, local example. Over the past several years, we have seen dramatic increases in private food donation programs. Much of the increase comes from big food companies willing to make large donations. Entire railroad cars of donated food are waiting to go to the hungry, lacking only the transportation.

One of the most serious problems with the Government's cheese giveaway program is distribution. Community food banks, churches, and other volunteer organizations do not have the money to transport food from distribution centers to the actual giveaway points. The Federal Government did essentially nothing to help get the cheese to the people. This will continue to be a problem as the Commodity Credit Corporation tries to relieve it's incredible surplus of 424.5 million pounds of butter, 882.8 million pounds of cheese, and 1.3 billion pounds of dried milk, by giving the food away. Also, production is growing faster than the rate that the CCC can currently give the food away.

My bill is an attempt to address these problems. Currently, companies that donate food are eligible for a special deduction equal to their cost plus half of their markup not to exceed twice their cost. This provision has increased donations of food but does not address the transportation issues.

The legislation I am proposing would allow those that donate transportation services a deduction equal to the cost of providing the transportation services plus one-half of the fee normally charged for providing such services. No special deduction would be allowed if the property is transported less than 100 miles.

I am introducing this legislation not because I am sure that it is the most effective solution to the problem, but because I hope that it will elicit from the transportation industry comments and ideas on what the best possible incentive would be. I hope that this bill will help generate some public debate on this important issue and assist in finding the most workable legislative solution. As chairman of the Select Revenue Measures Subcommittee, it is my hope that we will be able to consider this bill this summer.

(The text of the bill is printed below.)

H.R. 1585

A bill to amend the Internal Revenue Code of 1954 to provide that certain contributions of transportation services will be treated as charitable deductions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 170 of the Internal Revenue Code of 1954 (relating to charitable contributions) be amended designating paragraph (k) as paragraph (l) and adding a new paragraph (k) as follows:

(k) CERTAIN CONTRIBUTIONS OF TRANSPORTATION SERVICES.

(1) GENERAL RULE.—Notwithstanding any other provision of this section, a deduction shall be allowed for a contribution of qualified transportation services.

(2) QUALIFIED TRANSPORTATION SERVICES.—Qualified transportation services shall mean a charitable contribution of transportation services incurred in connection with the contribution of inventory and other property under section 170(e)(3), but only if:

(A) the transportation services are provided by a conveyance primarily used for purposes other than the gratuitous transfer of passengers; and

(B) the average distance which the property is transported is no less than 100 miles.

(3) AMOUNT OF DEDUCTIONS.—The deduction shall be equal to the sum of the cost of the qualified transportation services and one-half of the fee to be charged for providing such services but not to exceed twice the cost of the qualified transportation services.

(A) The cost of qualified transportation services shall include:

(i) Expenditures,

(ii) Administrative costs attributable to the contribution of qualified transportation services, and

(iii) Accelerated costs as determined under section 168 attributable to the contribution of qualified transportation services.

(B) The fee to be charged shall be the fee which would be agreed to in an arm's length transaction to transport similar property a similar distance.

(b) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.●

THE AVIATION DRUG-TRAFFICKING CONTROL ACT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1983

● Mr. MINETA. Mr. Speaker, today I have introduced H.R. 1580, the Aviation Drug-Trafficking Control Act, a bill to combat the use of aircraft in illegal drug trafficking.

Illegal drugs are one of the most serious problems now facing the Nation. Although aircraft play an important role in illegal drug trafficking, the aviation laws do little to discourage these illegal operations. In many cases an airman or aircraft owner who participates in illegal drug trafficking is subject to relatively minimal sanctions against his aviation licenses, such as a $1,000 civil penalty, or suspension of his or her license for a year. My bill increases these aviation penalties so that they will be commensurate with the offenses committed. I should add that my bill affects only aviation penalties—drug law offenders using aircraft would continue to be subject to the general penalties imposed against violators of the drug laws.

The bill increases the penalties against holders of airmen certificates who operate aircraft in connection with illegal drug transactions. Current law includes no specific provisions dealing with this problem. FAA's policy has been to revoke the certificate of an airman who is convicted of a drug violation involving use of an aircraft. The airman may apply for a new certificate after 1 year.

My bill substantially increases the penalties for airmen who participate in drug trafficking. The bill provides that an airman's certificate must be revoked if the airman is convicted of a drug violation—other than simple possession[1]—by a State or Federal court and the FAA Administrator determines that the airman knowingly operated aircraft (or otherwise served as an airman) in connection with the violation.

Similarly, an airman's certificate must be revoked if the Administrator finds that an airman knowingly operated aircraft in connection with an act prohibited by State or Federal drug law, whether or not there was a conviction.

[1] In all sections of the bill the penalties do not apply to violations involving simple possession only.

The bill protects the airman's procedural rights. Before revocation, the airman must receive an opportunity to answer the charges against him and be heard as to why his certificate should not be revoked. Standard judicial review procedures are also available.

The bill provides that an airman whose certificate is revoked may not receive a new certificate for 5 years. However, the Administrator may reduce this to not less than 1 year if the Administrator finds that a 5-year revocation would be excessive considering the nature of the offense and the burden which revocation places on the airman, or if the Administrator finds that revocation for a full 5 years would not be in the public interest.

If an airman's certificate is revoked for drug trafficking, it is important to deter the airman from continuing to operate without a certificate. Under current law the sanctions are not sufficient. An airman who flies without a license is subject only to a $1,000 civil penalty. This is not a significant deterrent for someone willing to run the risk of violating the drug laws. My bill creates additional sanctions in the Federal Aviation Act by establishing penalties of a fine of up to $25,000 and imprisonment of up to 5 years for persons who knowingly and willfully operate without an airman's certificate in connection with violations of State and Federal drug laws.

The bill also creates penalties for aircraft owners who knowingly permit their aircraft to be used for illegal drug operations. Under current law, there are no specific provisions permitting revocation of a certificate of aircraft registration when the owner knowingly permits the aircraft to be used for an illegal drug transaction. My bill provides mandatory revocation of a certificate of registration if the owner knowingly permits the aircraft to be used for illegal drug transactions. When revocation has been ordered the owner is prohibited from registering any aircraft for 5 years. As in the case of an airman's certificates, the administration is given discretion to reduce this to 1 year under certain conditions, and the aircraft owner is entitled to procedural due process before the revocation takes place.

A final area covered by the bill is the sale or use of fraudulent certificates or fraudulent registration markings on aircraft in connection with illegal drug trafficking. Under current law, use of fraudulent certificates and use of fraudulent registration numbers are punishable by a fine of up to $1,000 and imprisonment of up to 3 years. My bill establishes added offenses of selling fraudulent certificates or possessing such certificates with the intent to use them. The bill further provides that when a fraudulent certificate or registration violation takes place in

connection with an illegal drug transaction the penalty shall be a fine of up to $25,000 and imprisonment of up to 5 years.

Mr. Speaker, the primary countermeasures against drug trafficking are and should remain in drug law and in the law enforcement agencies which have the responsibility for enforcing that law. The FAA cannot and should not become a primary drug enforcement agency: it has other missions which it and only it can perform and it should not stray from them. But where functions within its normal enforcement purview and within its statutory authority, such as the issuance of airman and aircraft certificates, can be tighted up as a further contribution to our overall efforts to limit drug trafficking, then I think we have an obligation to take those steps. And that is exactly what this bill does.

A section-by-section analysis of the bill follows.

SECTION-BY-SECTION SUMMARY

Section 1. Establishes short title of the Act as the "Aviation Drug-Trafficking Control Act".

Section 2. Requries revocation of an airman's certificate if the holder is convicted for violation of any state or federal law relating to controlled substances (other than a law prohibiting simple possession) and the FAA Administrator determines that the certificate holder knowingly served as an airman in connection with the violation.

Requires revocation of an airman's certificate if the Administrator determines that the holder knowingly served as an airman in connection with transportation by aircraft of a controlled substance if such transportation is prohibited by state or federal law or is in connection with any act prohibited by state or federal law relating to controlled substances (other than a law prohibiting simple possession of a controlled substance).

Before an airman's certificate is revoked under the foregoing provision, the holder must be given notice and an opportunity to answer the charges and be heard as to why the certificate should not be revoked.

A person whose certificate is revoked may obtain judicial review under Section 1006 of the Federal Aviation Act.

Section 3. A person whose certificate is revoked under Section 2 may not obtain a new certificate for five years. The Administrator may reduce the five-year period to not less than one year, if the Administrator determines that a five-year revocation would be excessive considering the nature of the offense and the burden which revocation places on the person, or if the Administrator determines that revocation for the full five years would not be in the public interest.

Section 4. Under current law FAA has authority to revoke a certificate of aircraft registration if the Administrator finds a "cause which renders the aircraft ineligible for registration". Section 4 provides that a certificate of registration must be revoked if the Administrator determines that the owner has knowingly permitted the aircraft to be used to transport a controlled substance, and such transportatioin violates or federal law or is in connection with any act prohibited by state or federal law relating to controlled substances (other than simple possession). If the aircraft owner is not an individual, the test of knowledge is that a majority of the individuals who control the owner or are involved in forming the major policy of the owner must have the required knowledge. If a certificate of registration is revoked under this provision, the holder of the certificate may not apply for any other certificate of registration for five years. The five years may be reduced to not less than one year under standards similar to those described in Section 3, above. The procedures required for revocation are the same as the procedures described in Section 2, above.

Section 5. Under current aviation law a person who operates an aircraft without an airman's certificate is subject only to a civil penalty of $1,000, even if the aircraft is being used to transport controlled substances illegally (such a person of course also subject to the normal drug law penalties). Section 5 provides that a person who knowingly acts as an airman without a certificate in connection with a violation of state or federal controlled substance laws (other than simple possession) shall be subject to a fine of up to $25,000 and imprisonment of up to five years.

Section 6. Under current law a person using fraudulent versions of certificates authorized by the Federal Aviation Act or displaying false aircraft registration markings is subject to a fine of up to $1,000 and imprisonment of up to three years. Section 6 adds to the offenses subject to these criminal penalties the offense of selling fraudulent certificates or possessing these certificates with the intent to use them. The Section further provides that if the prohibited acts occur with intent to commit any act prohibited by state or federal law relating to controlled substances (other than simple possession) the offender shall be subject to a fine of up to $25,000 and imprisonment of up to five years. The same penalty is provided for a person who sells a fraudulent certificate with the knowledge that the purchaser intends to use the certificate in connection with any act prohibited by any state or federal law relating to controlled substances (other than a law relating to simple possession).●

LITHUANIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1983

● Mr. GILMAN. Mr. Speaker, it is a rare piece of legislation that is adopted so quickly, with barely a month passing and receiving the endorsement of everyone here in the House of Representatives. But House Joint Resolution 60, designating February 16, 1983, as "Lithuanian Independence Day," achieved just that, and I am more than pleased that it passed so readily. This is a day for commemoration and reflection, as well as a day that calls for our renewal of determination that the Lithuanian people may soon regain the independence and freedom that was once theirs.

For more than a century, the Lithuanian people suffered under foreign domination, trying vainly to win their independence. But on February 16, 1918, Lithuania was able to do just that. This independence was soon followed by German occupation during World War One, but thereafter and for the next 20 years, until 1938, the Lithuanian people were free. That small nation then came under Soviet domination during the course of World War Two, and in 1940, Lithuania was declared a constituent republic of the U.S.S.R. Thereafter, during World War Two, Germany occupied this land once more, for another 4 years, until the end of the war. Since that date, Lithuania has remained under the thumb of the Soviet Union.

The Lithuanian language, customs, newspapers, and journals no longer flourish as they once did. It has become increasingly difficult for the Lithuanians to survive as a people, because the Soviet authorities repress ethnic identification. But we here in the West have the opportunity to celebrate and commemorate this day, to keep alive their dream of a free Lithuania. This we do to remind the Soviet Union that the will of its people cannot be broken, their spirit cannot be altered. Only when this reality becomes so glaring that it can no longer be ignored by the Soviet authorities will we see any change in their policies. It is up to us, and the rest of the freedom loving peoples of this world, to continue to remind the oppressors of the rights and aspirations of the oppressed.●